



Complete Works of
Edmund Burke

DELPHI  CLASSICS

Series Seven

The Complete Works of
EDMUND BURKE

(1729-1797)



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A handwritten signature in black ink, appearing to read 'Edmund Burke', with a stylized flourish at the end.

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Version 1

The Complete Works of

EDMUND BURKE



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Complete Works of Edmund Burke

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Contact: sales@delphiclassics.com

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The Books



Dublin, Ireland — Burke's birthplace



'Dublin' by S. Brocas — a view of eighteenth century Dublin



The River Blackwater at Fermoy, Ireland — as a child Burke spent time away from the unhealthy air of Dublin with his mother's family in the Blackwater Valley in County Cork.

A VINDICATION OF NATURAL SOCIETY



A VIEW OF THE MISERIES AND EVILS ARISING TO MANKIND

First published in 1756, *A Vindication of Natural Society* is a satire of Lord Bolingbroke's deism. Burke confronted Bolingbroke not in the sphere of religion but civil society and government, arguing that his arguments against revealed religion could apply to all institutions. Burke's book was so similar in style to Bolingbroke's work, that Burke's ironic intention was missed by some readers, leading Burke in his preface to the second edition to state clearly that *A Vindication of Natural Society* was a satire. Nonetheless, this work was considered by William Godwin to be the first literary expression of philosophical anarchism.

The preface describes the essay as a riposte to the philosophy of Henry St John, 1st Viscount Bolingbroke, whose *Collected Works and Letters* had been published by David Mallet in five volumes in 1754. In this apologetic preface, he wrote that the book was inspired by "seeing every Mode of Religion attacked in a lively Manner, and the Foundation of every Virtue, and of all Government, sapped with great Art and much Ingenuity" in Lord Bolingbroke's collected Works. Burke contrasts Natural Society with Political Society beginning with a distrust of the Mind, which "every Day invents some new artificial Rule to guide that Nature which if left to itself were the best and surest Guide." He proposes to set out to identify those "unalterable Relations which Providence has ordained that every thing should bear to every other. These Relations, which are Truth itself, the Foundation of Virtue, and consequently, the only Measures of Happiness."

In the spirit of the Age of Enlightenment, the author expresses every confidence in the cumulative Progress of the human condition: "The Fabrick of Superstition has in this our Age and Nation received much ruder Shocks than it had ever felt before; and through the Chinks and Breaches of our Prison, we see such Glimmerings of Light, and feel such refreshing Airs of Liberty, as daily raise our Ardor for more. The Miseries derived to Mankind from Superstition, under the Name of Religion, and of ecclesiastical Tyranny under the Name of Church Government, have been clearly and usefully exposed." In his swift survey of history, Burke finds nothing but "Tumults, Rebellions, Massacres, Assassinations, Proscriptions, and a Series of Horror" and remarks that "All Empires have been cemented in Blood" as the casualties mount in the millions, with cruelties perfected by technology.

Contrasted with natural Liberty and natural Religion, Burke sets three general forms of government, which he describes with the same detail as employed in

Juvenal's *Satires*: Despotism, the simplest and most universal, where "unbounded Power proceeds Step by Step, until it has eradicated every laudable Principle"; Aristocracy, which is scarcely better, as "a Genoese, or a Venetian Republick, is a concealed Despotism"; and giddy Democracy, where the common people are "intoxicated with the Flatteries of their Orators":

A
VINDICATION
OF
NATURAL SOCIETY
OR,

A View of the MISERIES and EVILS arising
to Mankind from every Species of
ARTIFICIAL SOCIETY.

In a LETTER to Lord ****

By a late NOBLE WRITER.

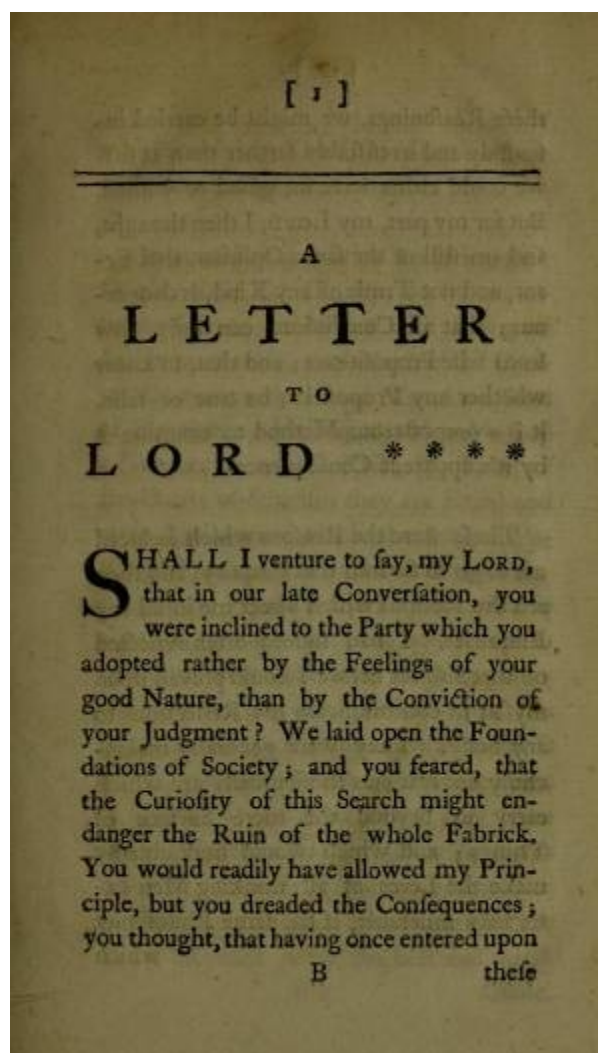


L O N D O N :

Printed for M. COOPER in *Pater-noster-Row*, 1756.

[Price One Shilling and Six-pence.]

The first edition's title page



The opening of 'Vindication of Natural Society' in the first edition

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ADVERTISEMENT TO THE SECOND OCTAVO EDITION.

PREFACE.

A LETTER TO LORD * * * *.



'Edmund Burke' by John Chapman, published 13 December 1798



Henry St John, 1st Viscount Bolingbroke by Alexis Simon Belle, c. 1712. Bolingbroke (1678-1751) was an English politician, government official and political philosopher. He was a leader of the Tories, and supported the Church of England politically despite his antireligious views and opposition to theology.

ADVERTISEMENT TO THE SECOND OCTAVO EDITION.

A new edition of the works of Mr. Burke having been called for by the public, the opportunity has been taken to make some slight changes, it is hoped for the better.

A different distribution of the contents, while it has made the volumes, with the exception of the first and sixth, more nearly equal in their respective bulk, has, at the same time, been fortunately found to produce a more methodical arrangement of the whole. The first and second volumes, as before, severally contain those literary and philosophical works by which Mr. Burke was known previous to the commencement of his public life as a statesman, and the political pieces which were written by him between the time of his first becoming connected with the Marquis of Rockingham and his being chosen member for Bristol. In the third are comprehended all his speeches and pamphlets from his first arrival at Bristol, as a candidate, in the year 1774, to his farewell address from the hustings of that city, in the year 1780. What he himself published relative to the affairs of India occupies the fourth volume. The remaining four comprise his works since the French Revolution, with the exception of the Letter to Lord Kenmare on the Penal Laws against Irish Catholics, which was probably inserted where it stands from its relation to the subject of the Letter addressed by him, at a later period, to Sir Hercules Langrishe. With the same exception, too, strict regard has been paid to chronological order, which, in the last edition, was in some instances broken, to insert pieces that were not discovered till it was too late to introduce them in their proper places.

In the Appendix to the Speech on the Nabob of Arcot's Debts the references were found to be confused, and, in many places, erroneous. This probably had arisen from the circumstance that a larger and differently constructed appendix seems to have been originally designed by Mr. Burke, which, however, he afterwards abridged and altered, while the speech and the notes upon it remained as they were. The text and the documents that support it have throughout been accommodated to each other.

The orthography has been in many cases altered, and an attempt made to reduce it to some certain standard. The rule laid down for the discharge of this task was, that, whenever Mr. Burke could be perceived to have been uniform in his mode of spelling, that was considered as decisive; but where he varied, (and as he was in the habit of writing by dictation, and leaving to others the superintendence of the press, he was peculiarly liable to variations of this sort) the best received authorities were directed to be followed. The reader, it is trusted, will find this object, too much disregarded in modern books, has here been kept in view throughout. The quotations which are interspersed through the works of Mr Burke, and which were

frequently made by him from memory, have been generally compared with the original authors. Several mistakes in printing, of one word for another, by which the sense was either perverted or obscured, are now rectified. Two or three small insertions have also been made from a quarto copy corrected by Mr. Burke himself. From the same source something more has been drawn in the shape of notes, to which are subscribed his initials. Of this number is the explanation of that celebrated phrase, “the swinish multitude”: an explanation which was uniformly given by him to his friends, in conversation on the subject. But another note will probably interest the reader still more, as being strongly expressive of that parental affection which formed so amiable a feature in the character of Mr. Burke. It is in page 203 of Vol. V., where he points out a considerable passage as having been supplied by his “lost son”. Several other parts, possibly amounting altogether to a page or thereabout, were indicated in the same manner; but, as they in general consist of single sentences, and as the meaning of the mark by which they were distinguished was not actually expressed, it has not been thought necessary to notice them particularly.

A

VINDICATION OF NATURAL SOCIETY:

OR,

A VIEW OF THE MISERIES AND EVILS ARISING TO MANKIND
FROM EVERY SPECIES OF ARTIFICIAL SOCIETY.

IN A LETTER TO LORD * * * *,

BY A LATE NOBLE WRITER.

1756.

PREFACE.

Before the philosophical works of Lord Bolingbroke had appeared, great things were expected from the leisure of a man, who, from the splendid scene of action in which his talents had enabled him to make so conspicuous a figure, had retired to employ those talents in the investigation of truth. Philosophy began to congratulate herself upon such a proselyte from the world of business, and hoped to have extended her power under the auspices of such a leader. In the midst of these pleasing expectations, the works themselves at last appeared in *full body*, and with great pomp. Those who searched in them for new discoveries in the mysteries of nature; those who expected something which might explain or direct the operations of the mind; those who hoped to see morality illustrated and enforced; those who looked for new helps to society and government; those who desired to see the characters and passions of mankind delineated; in short, all who consider such things as philosophy, and require some of them at least in every philosophical work, all these were certainly disappointed; they found the landmarks of science precisely in their former places: and they thought they received but a poor recompense for this disappointment, in seeing every mode of religion attacked in a lively manner, and the foundation of every virtue, and of all government, sapped with great art and much ingenuity. What advantage do we derive from such writings? What delight can a man find in employing a capacity which might be usefully exerted for the noblest purposes, in a sort of sullen labor, in which, if the author could succeed, he is obliged to own, that nothing could be more fatal to mankind than his success?

I cannot conceive how this sort of writers propose to compass the designs they pretend to have in view, by the instruments which they employ. Do they pretend to exalt the mind of man, by proving him no better than a beast? Do they think to enforce the practice of virtue, by denying that vice and virtue are distinguished by good or ill fortune here, or by happiness or misery hereafter? Do they imagine they shall increase our piety, and our reliance on God, by exploding his providence, and insisting that he is neither just nor good? Such are the doctrines which, sometimes concealed, sometimes openly and fully avowed, are found to prevail throughout the writings of Lord Bolingbroke; and such are the reasonings which this noble writer and several others have been pleased to dignify with the name of philosophy. If these are delivered in a specious manner, and in a style above the common, they cannot want a number of admirers of as much docility as can be wished for in disciples. To these the editor of the following little piece has addressed it: there is no reason to conceal the design of it any longer.

The design was to show that, without the exertion of any considerable forces, the same engines which were employed for the destruction of religion, might be employed with equal success for the subversion of government; and that specious

arguments might be used against those things which they, who doubt of everything else, will never permit to be questioned. It is an observation which I think Isocrates makes in one of his orations against the sophists, that it is far more easy to maintain a wrong cause, and to support paradoxical opinions to the satisfaction of a common auditory, than to establish a doubtful truth by solid and conclusive arguments. When men find that something can be said in favor of what, on the very proposal, they have thought utterly indefensible, they grow doubtful of their own reason; they are thrown into a sort of pleasing surprise; they run along with the speaker, charmed and captivated to find such a plentiful harvest of reasoning, where all seemed barren and unpromising. This is the fairy land of philosophy. And it very frequently happens, that those pleasing impressions on the imagination subsist and produce their effect, even after the understanding has been satisfied of their unsubstantial nature. There is a sort of gloss upon ingenious falsehoods that dazzles the imagination, but which neither belongs to, nor becomes the sober aspect of truth. I have met with a quotation in Lord Coke's Reports that pleased me very much, though I do not know from whence he has taken it: "*Interdum fucata falsitas* (says he), *in multis est probabilior, at sæpe rationibus vincit nudam veritatem.*" In such cases the writer has a certain fire and alacrity inspired into him by a consciousness, that, let it fare how it will with the subject, his ingenuity will be sure of applause; and this alacrity becomes much greater if he acts upon the offensive, by the impetuosity that always accompanies an attack, and the unfortunate propensity which mankind have to the finding and exaggerating faults. The editor is satisfied that a mind which has no restraint from a sense of its own weakness, of its subordinate rank in the creation, and of the extreme danger of letting the imagination loose upon some subjects, may very plausibly attack everything the most excellent and venerable; that it would not be difficult to criticise the creation itself; and that if we were to examine the divine fabrics by our ideas of reason and fitness, and to use the same method of attack by which some men have assaulted revealed religion, we might with as good color, and with the same success, make the wisdom and power of God in his creation appear to many no better than foolishness. There is an air of plausibility which accompanies vulgar reasonings and notions, taken from the beaten circle of ordinary experience, that is admirably suited to the narrow capacities of some, and to the laziness of others. But this advantage is in a great measure lost, when a painful, comprehensive survey of a very complicated matter, and which requires a great variety of considerations, is to be made; when we must seek in a profound subject, not only for arguments, but for new materials of argument, their measures and their method of arrangement; when we must go out of the sphere of our ordinary ideas, and when we can never walk surely, but by being sensible of our blindness. And this we must do, or we do nothing, whenever we examine the result of a reason which is not our own. Even in matters which are, as it were, just within our reach, what would become of the

world, if the practice of all moral duties, and the foundations of society, rested upon having their reasons made clear and demonstrative to every individual?

The editor knows that the subject of this letter is not so fully handled as obviously it might; it was not his design to say all that could possibly be said. It had been inexcusable to fill a large volume with the abuse of reason; nor would such an abuse have been tolerable, even for a few pages, if some under-plot, of more consequence than the apparent design, had not been carried on.

Some persons have thought that the advantages of the state of nature ought to have been more fully displayed. This had undoubtedly been a very ample subject for declamation; but they do not consider the character of the piece. The writers against religion, whilst they oppose every system, are wisely careful never to set up any of their own. If some inaccuracies in calculation, in reasoning, or in method, be found, perhaps these will not be looked upon as faults by the admirers of Lord Bolingbroke; who will, the editor is afraid, observe much more of his lordship's character in such particulars of the following letter, than they are likely to find of that rapid torrent of an impetuous and overbearing eloquence, and the variety of rich imagery for which that writer is justly admired.

A LETTER TO LORD * * * *.

Shall I venture to say, my lord, that in our late conversation, you were inclined to the party which you adopted rather by the feelings of your good nature, than by the conviction of your judgment? We laid open the foundations of society; and you feared that the curiosity of this search might endanger the ruin of the whole fabric. You would readily have allowed my principle, but you dreaded the consequences; you thought, that having once entered upon these reasonings, we might be carried insensibly and irresistibly farther than at first we could either have imagined or wished. But for my part, my lord, I then thought, and am still of the same opinion, that error, and not truth of any kind, is dangerous; that ill conclusions can only flow from false propositions; and that, to know whether any proposition be true or false, it is a preposterous method to examine it by its apparent consequences.

These were the reasons which induced me to go so far into that inquiry; and they are the reasons which direct me in all my inquiries. I had indeed often reflected on that subject before I could prevail on myself to communicate my reflections to anybody. They were generally melancholy enough; as those usually are which carry us beyond the mere surface of things; and which would undoubtedly make the lives of all thinking men extremely miserable, if the same philosophy which caused the grief, did not at the same time administer the comfort.

On considering political societies, their origin, their constitution, and their effects, I have sometimes been in a good deal more than doubt, whether the Creator did ever really intend man for a state of happiness. He has mixed in his cup a number of natural evils, (in spite of the boasts of stoicism they are evils,) and every endeavor which the art and policy of mankind has used from the beginning of the world to this day, in order to alleviate or cure them, has only served to introduce new mischiefs, or to aggravate and inflame the old. Besides this, the mind of man itself is too active and restless a principle ever to settle on the true point of quiet. It discovers every day some craving want in a body, which really wants but little. It every day invents some new artificial rule to guide that nature which, if left to itself, were the best and surest guide. It finds out imaginary beings prescribing imaginary laws; and then, it raises imaginary terrors to support a belief in the beings, and an obedience to the laws. — Many things have been said, and very well undoubtedly, on the subjection in which we should preserve our bodies to the government of our understanding; but enough has not been said upon the restraint which our bodily necessities ought to lay on the extravagant sublimities and eccentric roving of our minds. The body, or as some love to call it, our inferior nature, is wiser in its own plain way, and attends its own business more directly than the mind with all its boasted subtlety.

In the state of nature, without question, mankind was subjected to many and great inconveniences. Want of union, want of mutual assistance, want of a common arbitrator to resort to in their differences. These were evils which they could not but have felt pretty severely on many occasions. The original children of the earth lived with their brethren of the other kinds in much equality. Their diet must have been confined almost wholly to the vegetable kind; and the same tree, which in its flourishing state produced them berries, in its decay gave them an habitation. The mutual desires of the sexes uniting their bodies and affections, and the children which are the results of these intercourses, introduced first the notion of society, and taught its conveniences. This society, founded in natural appetites and instincts, and not in any positive institution, I shall call *natural society*. Thus far nature went and succeeded: but man would go farther. The great error of our nature is, not to know where to stop, not to be satisfied with any reasonable acquirement; not to compound with our condition; but to lose all we have gained by an insatiable pursuit after more. Man found a considerable advantage by this union of many persons to form one family; he therefore judged that he would find his account proportionably in an union of many families into one body politic. And as nature has formed no bond of union to hold them together, he supplied this defect by *laws*.

This is *political society*. And hence the sources of what are usually called states, civil societies, or governments; into some form of which, more extended or restrained, all mankind have gradually fallen. And since it has so happened, and that we owe an implicit reverence to all the institutions of our ancestors, we shall consider these institutions with all that modesty with which we ought to conduct ourselves in examining a received opinion; but with all that freedom and candor which we owe to truth wherever we find it, or however it may contradict our own notions, or oppose our own interests. There is a most absurd and audacious method of reasoning avowed by some bigots and enthusiasts, and through fear assented to by some wiser and better men; it is this: they argue against a fair discussion of popular prejudices, because, say they, though they would be found without any reasonable support, yet the discovery might be productive of the most dangerous consequences. Absurd and blasphemous notion! as if all happiness was not connected with the practice of virtue, which necessarily depends upon the knowledge of truth; that is, upon the knowledge of those unalterable relations which Providence has ordained that every thing should bear to every other. These relations, which are truth itself, the foundation of virtue, and consequently the only measures of happiness, should be likewise the only measures by which we should direct our reasoning. To these we should conform in good earnest; and not think to force nature, and the whole order of her system, by a compliance with our pride and folly, to conform to our artificial regulations. It is by a conformity to this method we owe the discovery of the few truths we know, and the little liberty and rational

happiness we enjoy. We have something fairer play than a reasoner could have expected formerly; and we derive advantages from it which are very visible.

The fabric of superstition has in this our age and nation received much ruder shocks than it had ever felt before; and through the chinks and breaches of our prison, we see such glimmerings of light, and feel such refreshing airs of liberty, as daily raise our ardor for more. The miseries derived to mankind from superstition under the name of religion, and of ecclesiastical tyranny under the name of church government, have been clearly and usefully exposed. We begin to think and to act from reason and from nature alone. This is true of several, but by far the majority is still in the same old state of blindness and slavery; and much is it to be feared that we shall perpetually relapse, whilst the real productive cause of all this superstitious folly, enthusiastical nonsense, and holy tyranny, holds a reverend place in the estimation even of those who are otherwise enlightened.

Civil government borrows a strength from ecclesiastical; and artificial laws receive a sanction from artificial revelations. The ideas of religion and government are closely connected; and whilst we receive government as a thing necessary, or even useful to our well-being, we shall in spite of us draw in, as a necessary, though undesirable consequence, an artificial religion of some kind or other. To this the vulgar will always be voluntary slaves; and even those of a rank of understanding superior, will now and then involuntarily feel its influence. It is therefore of the deepest concernment to us to be set right in this point; and to be well satisfied whether civil government be such a protector from natural evils, and such a nurse and increaser of blessings, as those of warm imaginations promise. In such a discussion, far am I from proposing in the least to reflect on our most wise form of government; no more than I would, in the freer parts of my philosophical writings, mean to object to the piety, truth, and perfection of our most excellent Church. Both, I am sensible, have their foundations on a rock. No discovery of truth can prejudice them. On the contrary, the more closely the origin of religion and government is examined, the more clearly their excellences must appear. They come purified from the fire. My business is not with them. Having entered a protest against all objections from these quarters, I may the more freely inquire, from history and experience, how far policy has contributed in all times to alleviate those evils which Providence, that perhaps has designed us for a state of imperfection, has imposed; how far our physical skill has cured our constitutional disorders; and whether it may not have introduced new ones, curable perhaps by no skill.

In looking over any state to form a judgment on it, it presents itself in two lights; the external, and the internal. The first, that relation which it bears in point of friendship or enmity to other states. The second, that relation which its component parts, the governing and the governed, bear to each other. The first part of the external view of all states, their relation as friends, makes so trifling a figure in history, that I am very sorry to say, it affords me but little matter on which to

expatiate. The good offices done by one nation to its neighbor; the support given in public distress; the relief afforded in general calamity; the protection granted in emergent danger; the mutual return of kindness and civility, would afford a very ample and very pleasing subject for history. But, alas! all the history of all times, concerning all nations, does not afford matter enough to fill ten pages, though it should be spun out by the wire-drawing amplification of a Guicciardini himself. The glaring side is that of enmity. War is the matter which fills all history, and consequently the only or almost the only view in which we can see the external of political society is in a hostile shape; and the only actions to which we have always seen, and still see all of them intent, are such as tend to the destruction of one another. "War," says Machiavel, "ought to be the only study of a prince"; and by a prince, he means every sort of state, however constituted. "He ought," says this great political doctor, "to consider peace only as a breathing-time, which gives him leisure to contrive, and furnishes ability to execute military plans." A meditation on the conduct of political societies made old Hobbes imagine, that war was the state of nature; and truly, if a man judged of the individuals of our race by their conduct when united and packed into nations and kingdoms, he might imagine that every sort of virtue was unnatural and foreign to the mind of man.

The first accounts we have of mankind are but so many accounts of their butcheries. All empires have been cemented in blood; and, in those early periods, when the race of mankind began first to form themselves into parties and combinations, the first effect of the combination, and indeed the end for which it seems purposely formed, and best calculated, was their mutual destruction. All ancient history is dark and uncertain. One thing, however, is clear, — there were conquerors, and conquests in those days; and, consequently, all that devastation by which they are formed, and all that oppression by which they are maintained. We know little of Sesostris, but that he led out of Egypt an army of above 700,000 men; that he overran the Mediterranean coast as far as Colchis; that in some places he met but little resistance, and of course shed not a great deal of blood; but that he found in others a people who knew the value of their liberties, and sold them dear. Whoever considers the army this conqueror headed, the space he traversed, and the opposition he frequently met, with the natural accidents of sickness, and the dearth and badness of provision to which he must have been subject in the variety of climates and countries his march lay through, if he knows anything, he must know that even the conqueror's army must have suffered greatly; and that of this immense number but a very small part could have returned to enjoy the plunder accumulated by the loss of so many of their companions, and the devastation of so considerable a part of the world. Considering, I say, the vast army headed by this conqueror, whose unwieldy weight was almost alone sufficient to wear down its strength, it will be far from excess to suppose that one half was lost in the expedition. If this was the state of the victorious, and from the circumstances it must have been this at the

least; the vanquished must have had a much heavier loss, as the greatest slaughter is always in the flight, and great carnage did in those times and countries ever attend the first rage of conquest. It will, therefore, be very reasonable to allow on their account as much as, added to the losses of the conqueror, may amount to a million of deaths, and then we shall see this conqueror, the oldest we have on the records of history, (though, as we have observed before, the chronology of these remote times is extremely uncertain), opening the scene by a destruction of at least one million of his species, unprovoked but by his ambition, without any motives but pride, cruelty, and madness, and without any benefit to himself (for Justin expressly tells us he did not maintain his conquests), but solely to make so many people, in so distant countries, feel experimentally how severe a scourge Providence intends for the human race, when he gives one man the power over many, and arms his naturally impotent and feeble rage with the hands of millions, who know no common principle of action, but a blind obedience to the passions of their ruler.

The next personage who figures in the tragedies of this ancient theatre is Semiramis; for we have no particulars of Ninus, but that he made immense and rapid conquests, which doubtless were not compassed without the usual carnage. We see an army of about three millions employed by this martial queen in a war against the Indians. We see the Indians arming a yet greater; and we behold a war continued with much fury, and with various success. This ends in the retreat of the queen, with scarce a third of the troops employed in the expedition; an expedition which, at this rate, must have cost two millions of souls on her part; and it is not unreasonable to judge that the country which was the seat of war must have been an equal sufferer. But I am content to detract from this, and to suppose that the Indians lost only half so much, and then the account stands thus: in this war alone (for Semiramis had other wars) in this single reign, and in this one spot of the globe, did three millions of souls expire, with all the horrid and shocking circumstances which attend all wars, and in a quarrel, in which none of the sufferers could have the least rational concern.

The Babylonian, Assyrian, Median, and Persian monarchies must have poured out seas of blood in their formation, and in their destruction. The armies and fleets of Xerxes, their numbers, the glorious stand made against them, and the unfortunate event of all his mighty preparations, are known to everybody. In this expedition, draining half Asia of its inhabitants, he led an army of about two millions to be slaughtered, and wasted by a thousand fatal accidents, in the same place where his predecessors had before by a similar madness consumed the flower of so many kingdoms, and wasted the force of so extensive an empire. It is a cheap calculation to say, that the Persian empire, in its wars against the Greeks and Scythians, threw away at least four millions of its subjects; to say nothing of its other wars, and the losses sustained in them. These were their losses abroad; but the war was brought home to them, first by Agesilaus, and afterwards by Alexander. I have not, in this

retreat, the books necessary to make very exact calculations; nor is it necessary to give more than hints to one of your lordship's erudition. You will recollect his uninterrupted series of success. You will run over his battles. You will call to mind the carnage which was made. You will give a glance at the whole, and you will agree with me, that to form this hero no less than twelve hundred thousand lives must have been sacrificed; but no sooner had he fallen himself a sacrifice to his vices, than a thousand breaches were made for ruin to enter, and give the last hand to this scene of misery and destruction. His kingdom was rent and divided; which served to employ the more distinct parts to tear each other to pieces, and bury the whole in blood and slaughter. The kings of Syria and of Egypt, the kings of Pergamus and Macedon, without intermission worried each other for above two hundred years; until at last a strong power, arising in the west, rushed in upon them and silenced their tumults, by involving all the contending parties in the same destruction. It is little to say, that the contentions between the successors of Alexander depopulated that part of the world of at least two millions.

The struggle between the Macedonians and Greeks, and, before that, the disputes of the Greek commonwealths among themselves, for an unprofitable superiority, form one of the bloodiest scenes in history. One is astonished how such a small spot could furnish men sufficient to sacrifice to the pitiful ambition of possessing five or six thousand more acres, or two or three more villages; yet to see the acrimony and bitterness with which this was disputed between the Athenians and Lacedemonians; what armies cut off; what fleets sunk and burnt; what a number of cities sacked, and their inhabitants slaughtered and captived; one would be induced to believe the decision of the fate of mankind, at least, depended upon it! But those disputes ended as all such ever have done, and ever will do; in a real weakness of all parties; a momentary shadow, and dream of power in some one; and the subjection of all to the yoke of a stranger, who knows how to profit of their divisions. This, at least, was the case of the Greeks; and surely, from the earliest accounts of them, to their absorption into the Roman empire, we cannot judge that their intestine divisions, and their foreign wars, consumed less than three millions of their inhabitants.

What an Aceldama, what a field of blood Sicily has been in ancient times, whilst the mode of its government was controverted between the republican and tyrannical parties, and the possession struggled for by the natives, the Greeks, the Carthaginians, and the Romans, your lordship will easily recollect. You will remember the total destruction of such bodies as an army of 300,000 men. You will find every page of its history dyed in blood, and blotted and confounded by tumults, rebellions, massacres, assassinations, proscriptions, and a series of horror beyond the histories perhaps of any other nation in the world; though the histories of all nations are made up of similar matter. I once more excuse myself in point of exactness for want of books. But I shall estimate the slaughters in this island but at two millions; which your lordship will find much short of the reality.

Let us pass by the wars, and the consequences of them, which wasted Grecia-Magna, before the Roman power prevailed in that part of Italy. They are perhaps exaggerated; therefore I shall only rate them at one million. Let us hasten to open that great scene which establishes the Roman empire, and forms the grand catastrophe of the ancient drama. This empire, whilst in its infancy, began by an effusion of human blood scarcely credible. The neighboring little states teemed for new destruction: the Sabines, the Samnites, the Æqui, the Volsci, the Hetrurians, were broken by a series of slaughters which had no interruption, for some hundreds of years; slaughters which upon all sides consumed more than two millions of the wretched people. The Gauls, rushing into Italy about this time, added the total destruction of their own armies to those of the ancient inhabitants. In short, it were hardly possible to conceive a more horrid and bloody picture, if that the Punic wars that ensued soon after did not present one that far exceeds it. Here we find that climax of devastation, and ruin, which seemed to shake the whole earth. The extent of this war, which vexed so many nations, and both elements, and the havoc of the human species caused in both, really astonishes beyond expression, when it is nakedly considered, and those matters which are apt to divert our attention from it, the characters, actions, and designs of the persons concerned, are not taken into the account. These wars, I mean those called the Punic wars, could not have stood the human race in less than three millions of the species. And yet this forms but a part only, and a very small part, of the havoc caused by the Roman ambition. The war with Mithridates was very little less bloody; that prince cut off at one stroke 150,000 Romans by a massacre. In that war Sylla destroyed 300,000 men at Cheronea. He defeated Mithridates' army under Dorilaus, and slew 300,000. This great and unfortunate prince lost another 300,000 before Cyzicum. In the course of the war he had innumerable other losses; and having many intervals of success, he revenged them severely. He was at last totally overthrown; and he crushed to pieces the king of Armenia, his ally, by the greatness of his ruin. All who had connections with him shared the same fate. The merciless genius of Sylla had its full scope; and the streets of Athens were not the only ones which ran with blood. At this period, the sword, glutted with foreign slaughter, turned its edge upon the bowels of the Roman republic itself; and presented a scene of cruelties and treasons enough almost to obliterate the memory of all the external devastations. I intended, my lord, to have proceeded in a sort of method in estimating the numbers of mankind cut off in these wars which we have on record. But I am obliged to alter my design. Such a tragical uniformity of havoc and murder would disgust your lordship as much as it would me; and I confess I already feel my eyes ache by keeping them so long intent on so bloody a prospect. I shall observe little on the Servile, the Social, the Gallic, and Spanish wars; nor upon those with Jugurtha, nor Antiochus, nor many others equally important, and carried on with equal fury. The butcheries of Julius Cæsar alone are calculated by somebody else; the numbers he has been the means of

destroying have been reckoned at 1,200,000. But to give your lordship an idea that may serve as a standard, by which to measure, in some degree, the others; you will turn your eyes on Judea; a very inconsiderable spot of the earth in itself, though ennobled by the singular events which had their rise in that country.

This spot happened, it matters not here by what means, to become at several times extremely populous, and to supply men for slaughters scarcely credible, if other well-known and well-attested ones had not given them a color. The first settling of the Jews here was attended by an almost entire extirpation of all the former inhabitants. Their own civil wars, and those with their petty neighbors, consumed vast multitudes almost every year for several centuries; and the irruptions of the kings of Babylon and Assyria made immense ravages. Yet we have their history but partially, in an indistinct, confused manner; so that I shall only throw the strong point of light upon that part which coincides with Roman history, and of that part only on the point of time when they received the great and final stroke which made them, no more a nation; a stroke which is allowed to have cut off little less than two millions of that people. I say nothing of the loppings made from that stock whilst it stood; nor from the suckers that grew out of the old root ever since. But if, in this inconsiderable part of the globe, such a carnage has been made in two or three short reigns, and that this great carnage, great as it is, makes but a minute part of what the histories of that people inform us they suffered; what shall we judge of countries more extended, and which have waged wars by far more considerable?

Instances of this sort compose the uniform of history. But there have been periods when no less than universal destruction to the race of mankind seems to have been threatened. Such was that when the Goths, the Vandals, and the Huns, poured into Gaul, Italy, Spain, Greece, and Africa, carrying destruction before them as they advanced, and leaving horrid deserts every way behind them. *Vastum ubique silentium, secreti colles; fumantia procul tecta; nemo exploratoribus obviis*, is what Tacitus calls *facies victoriae*. It is always so; but was here emphatically so. From the north proceeded the swarms of Goths, Vandals, Huns, Ostrogoths, who ran towards the south, into Africa itself, which suffered as all to the north had done. About this time, another torrent of barbarians, animated by the same fury, and encouraged by the same success, poured out of the south, and ravaged all to the northeast and west, to the remotest parts of Persia on one hand, and to the banks of the Loire or farther on the other; destroying all the proud and curious monuments of human art, that not even the memory might seem to survive of the former inhabitants. What has been done since, and what will continue to be done while the same inducements to war continue, I shall not dwell upon. I shall only in one word mention the horrid effects of bigotry and avarice, in the conquest of Spanish America; a conquest, on a low estimation, effected by the murder of ten millions of the species. I shall draw to a conclusion of this part, by making a general calculation of the whole. I think I have actually mentioned above thirty-six millions. I have not particularized any more. I

don't pretend to exactness; therefore, for the sake of a general view, I shall lay together all those actually slain in battles, or who have perished in a no less miserable manner by the other destructive consequences of war from the beginning of the world to this day, in the four parts of it, at a thousand times as much; no exaggerated calculation, allowing for time and extent. We have not perhaps spoke of the five-hundredth part; I am sure I have not of what is actually ascertained in history; but how much of these butcheries are only expressed in generals, what part of time history has never reached, and what vast spaces of the habitable globe it has not embraced, I need not mention to your lordship. I need not enlarge on those torrents of silent and inglorious blood which have glutted the thirsty sands of Afric, or discolored the polar snow, or fed the savage forests of America for so many ages of continual war. Shall I, to justify my calculations from the charge of extravagance, add to the account those skirmishes which happen in all wars, without being singly of sufficient dignity in mischief, to merit a place in history, but which by their frequency compensate for this comparative innocence? shall I inflame the account by those general massacres which have devoured whole cities and nations; those wasting pestilences, those consuming famines, and all those furies that follow in the train of war? I have no need to exaggerate; and I have purposely avoided a parade of eloquence on this occasion. I should despise it upon any occasion; else in mentioning these slaughters, it is obvious how much the whole might be heightened, by an affecting description of the horrors that attend the wasting of kingdoms, and sacking of cities. But I do not write to the vulgar, nor to that which only governs the vulgar, their passions. I go upon a naked and moderate calculation, just enough, without a pedantical exactness, to give your lordship some feeling of the effects of political society. I charge the whole of these effects on political society. I avow the charge, and I shall presently make it good to your lordship's satisfaction. The numbers I particularized are about thirty-six millions. Besides those killed in battles I have said something, not half what the matter would have justified, but something I have said concerning the consequences of war even more dreadful than that monstrous carnage itself which shocks our humanity, and almost staggers our belief. So that, allowing me in my exuberance one way for my deficiencies in the other, you will find me not unreasonable. I think the numbers of men now upon earth are computed at five hundred millions at the most. Here the slaughter of mankind, on what you will call a small calculation, amounts to upwards of seventy times the number of souls this day on the globe: a point which may furnish matter of reflection to one less inclined to draw consequences than your lordship.

I now come to show that political society is justly chargeable with much the greatest part of this destruction of the species. To give the fairest play to every side of the question, I will own that there is a haughtiness and fierceness in human nature, which will cause innumerable broils, place men in what situation you please; but owning this, I still insist in charging it to political regulations, that these broils

are so frequent, so cruel, and attended with consequences so deplorable. In a state of nature, it had been impossible to find a number of men, sufficient for such slaughters, agreed in the same bloody purpose; or allowing that they might have come to such an agreement (an impossible supposition), yet the means that simple nature has supplied them with, are by no means adequate to such an end; many scratches, many bruises undoubtedly would be received upon all hands; but only a few, a very few deaths. Society and politics, which have given us these destructive views, have given us also the means of satisfying them. From the earliest dawns of policy to this day, the invention of men has been sharpening and improving the mystery of murder, from the first rude essays of clubs and stones, to the present perfection of gunnery, cannoneering, bombarding, mining, and all those species of artificial, learned, and refined cruelty, in which we are now so expert, and which make a principal part of what politicians have taught us to believe is our principal glory.

How far mere nature would have carried us, we may judge by the example of those animals who still follow her laws, and even of those to whom she has given dispositions more fierce, and arms more terrible than ever she intended we should use. It is an incontestable truth that there is more havoc made in one year by men of men, than has been made by all the lions, tigers, panthers, ounces, leopards, hyenas, rhinoceroses, elephants, bears and wolves, upon their several species, since the beginning of the world; though these agree ill enough with each other, and have a much greater proportion of rage and fury in their composition than we have. But with respect to you, ye legislators, ye civilizers of mankind! ye Orpheuses, Moseses, Minoses, Solons, Theseuses, Lycurguses, Numas! with respect to you be it spoken, your regulations have done more mischief in cold blood, than all the rage of the fiercest animals in their greatest terrors, or furies, has ever done, or ever could do!

These evils are not accidental. Whoever will take the pains to consider the nature of society will find that they result directly from its constitution. For as *subordination*, or, in other words, the reciprocation of tyranny and slavery, is requisite to support these societies; the interest, the ambition, the malice, or the revenge, nay, even the whim and caprice of one ruling man among them, is enough to arm all the rest, without any private views of their own, to the worst and blackest purposes: and what is at once lamentable, and ridiculous, these wretches engage under those banners with a fury greater than if they were animated by revenge for their own proper wrongs.

It is no less worth observing, that this artificial division of mankind into separate societies is a perpetual source in itself of hatred and dissension among them. The names which distinguish them are enough to blow up hatred and rage. Examine history; consult present experience; and you will find that far the greater part of the quarrels between several nations had scarce any other occasion than that these nations were different combinations of people, and called by different names: to an

Englishman, the name of a Frenchman, a Spaniard, an Italian, much more a Turk, or a Tartar, raises of course ideas of hatred and contempt. If you would inspire this compatriot of ours with pity or regard for one of these, would you not hide that distinction? You would not pray him to compassionate the poor Frenchman, or the unhappy German. Far from it; you would speak of him as a *foreigner*; an accident to which all are liable. You would represent him as a *man*; one partaking with us of the same common nature, and subject to the same law. There is something so averse from our nature in these artificial political distinctions, that we need no other trumpet to kindle us to war and destruction. But there is something so benign and healing in the general voice of humanity that, maugre all our regulations to prevent it, the simple name of man applied properly, never fails to work a salutary effect.

This natural unpremeditated effect of policy on the unpossessed passions of mankind appears on other occasions. The very name of a politician, a statesman, is sure to cause terror and hatred; it has always connected with it the ideas of treachery, cruelty, fraud, and tyranny; and those writers who have faithfully unveiled the mysteries of state-freemasonry, have ever been held in general detestation, for even knowing so perfectly a theory so detestable. The case of Machiavel seems at first sight something hard in that respect. He is obliged to bear the iniquities of those whose maxims and rules of government he published. His speculation is more abhorred than their practice.

But if there were no other arguments against artificial society than this I am going to mention, methinks it ought to fall by this one only. All writers on the science of policy are agreed, and they agree with experience, that, all governments must frequently infringe the rules of justice to support themselves; that truth must give way to dissimulation; honesty to convenience; and humanity itself to the reigning interest. The whole of this mystery of iniquity is called the reason of state. It is a reason which I own I cannot penetrate. What sort of a protection is this of the general right, that is maintained by infringing the rights of particulars? What sort of justice is this, which is enforced by breaches of its own laws? These paradoxes I leave to be solved by the able heads of legislators and politicians. For my part, I say what a plain man would say on such an occasion. I can never believe that any institution, agreeable to nature, and proper for mankind, could find it necessary, or even expedient, in any case whatsoever, to do what the best and worthiest instincts of mankind warn us to avoid. But no wonder, that what is set up in opposition to the state of nature should preserve itself by trampling upon the law of nature.

To prove that these sorts of policed societies are a violation offered to nature, and a constraint upon the human mind, it needs only to look upon the sanguinary measures, and instruments of violence, which are everywhere used to support them. Let us take a review of the dungeons, whips, chains, racks, gibbets, with which every society is abundantly stored; by which hundreds of victims are annually offered up to support a dozen or two in pride and madness, and millions in an abject

servitude and dependence. There was a time when I looked with a reverential awe on these mysteries of policy; but age, experience, and philosophy, have rent the veil; and I view this *sanctum sanctorum*, at least, without any enthusiastic admiration. I acknowledge, indeed, the necessity of such a proceeding in such institutions; but I must have a very mean opinion of institutions where such proceedings are necessary.

It is a misfortune that in no part of the globe natural liberty and natural religion are to be found pure, and free from the mixture of political adulterations. Yet we have implanted in us by Providence, ideas, axioms, rules, of what is pious, just, fair, honest, which no political craft, nor learned sophistry can entirely expel from our breasts. By these we judge, and we cannot otherwise judge, of the several artificial modes of religion and society, and determine of them as they approach to or recede from this standard.

The simplest form of government is *despotism*, where all the inferior orbs of power are moved merely by the will of the Supreme, and all that are subjected to them directed in the same manner, merely by the occasional will of the magistrate. This form, as it is the most simple, so it is infinitely the most general. Scarcely any part of the world is exempted from its power. And in those few places where men enjoy what they call liberty, it is continually in a tottering situation, and makes greater and greater strides to that gulf of despotism which at last swallows up every species of government. The manner of ruling being directed merely by the will of the weakest, and generally the worst man in the society, becomes the most foolish and capricious thing, at the same time that it is the most terrible and destructive that well can be conceived. In a despotism, the principal person finds that, let the want, misery, and indigence of his subjects be what they will, he can yet possess abundantly of everything to gratify his most insatiable wishes. He does more. He finds that these gratifications increase in proportion to the wretchedness and slavery of his subjects. Thus encouraged both by passion and interest to trample on the public welfare, and by his station placed above both shame and fear, he proceeds to the most horrid and shocking outrages upon mankind. Their persons become victims of his suspicions. The slightest displeasure is death; and a disagreeable aspect is often as great a crime as high treason. In the court of Nero, a person of learning, of unquestioned merit, and of unsuspected loyalty, was put to death for no other reason, than that he had a pedantic countenance which displeased the emperor. This very monster of mankind appeared in the beginning of his reign to be a person of virtue. Many of the greatest tyrants on the records of history have begun their reigns in the fairest manner. But the truth is, this unnatural power corrupts both the heart and the understanding. And to prevent the least hope of amendment, a king is ever surrounded by a crowd of infamous flatterers, who find their account in keeping him from the least light of reason, till all ideas of rectitude and justice are utterly erased from his mind. When Alexander had in his fury

inhumanly butchered one of his best friends and bravest captains; on the return of reason he began to conceive an horror suitable to the guilt of such a murder. In this juncture his council came to his assistance. But what did his council? They found him out a philosopher who gave him comfort. And in what manner did this philosopher comfort him for the loss of such a man, and heal his conscience, flagrant with the smart of such a crime? You have the matter at length in Plutarch. He told him, *“that let a sovereign do what he wilt, all his actions are just and lawful, because they are his.”* The palaces of all princes abound with such courtly philosophers. The consequence was such as might be expected. He grew every day a monster more abandoned to unnatural lust, to debauchery, to drunkenness, and to murder. And yet this was originally a great man, of uncommon capacity, and a strong propensity to virtue. But unbounded power proceeds step by step, until it has eradicated every laudable principle. It has been remarked, that there is no prince so bad, whose favorites and ministers are not worse. There is hardly any prince without a favorite, by whom he is governed in as arbitrary a manner as he governs the wretches subjected to him. Here the tyranny is doubled. There are two courts, and two interests; both very different from the interests of the people. The favorite knows that the regard of a tyrant is as unconstant and capricious as that of a woman; and concluding his time to be short, he makes haste to fill up the measure of his iniquity, in rapine, in luxury, and in revenge. Every avenue to the throne is shut up. He oppresses and ruins the people, whilst he persuades the prince that those murmurs raised by his own oppression are the effects of disaffection to the prince’s government. Then is the natural violence of despotism inflamed and aggravated by hatred and revenge. To deserve well of the state is a crime against the prince. To be popular, and to be a traitor, are considered as synonymous terms. Even virtue is dangerous, as an aspiring quality, that claims an esteem by itself, and independent of the countenance of the court. What has been said of the chief, is true of the inferior officers of this species of government; each in his province exercising the same tyranny, and grinding the people by an oppression, the more severely felt, as it is near them, and exercised by base and subordinate persons. For the gross of the people, they are considered as a mere herd of cattle; and really in a little time become no better; all principle of honest pride, all sense of the dignity of their nature, is lost in their slavery. The day, says Homer, which makes a man a slave, takes away half his worth; and, in fact, he loses every impulse to action, but that low and base one of fear. In this kind of government human nature is not only abused and insulted, but it is actually degraded and sunk into a species of brutality. The consideration of this made Mr. Locke say, with great justice, that a government of this kind was worse than anarchy: indeed it is so abhorred and detested by all who live under forms that have a milder appearance, that there is scarcely a rational man in Europe that would not prefer death to Asiatic despotism. Here then we have the acknowledgment of a great philosopher, that an irregular state of nature is

preferable to such a government; we have the consent of all sensible and generous men, who carry it yet further, and avow that death itself is preferable; and yet this species of government, so justly condemned, and so generally detested, is what infinitely the greater part of mankind groan under, and have groaned under from the beginning. So that, by sure and uncontested principles, the greatest part of the governments on earth must be concluded tyrannies, impostures, violations of the natural rights of mankind, and worse than the most disorderly anarchies. How much other forms exceed this we shall consider immediately.

In all parts of the world, mankind, however debased, retains still the sense of *feeling*; the weight of tyranny at last becomes insupportable; but the remedy is not so easy: in general, the only remedy by which they attempt to cure the tyranny is to change the tyrant. This is, and always was, the case for the greater part. In some countries, however, were found men of more penetration, who discovered “*that to live by one man’s will was the cause of all men’s misery.*” They therefore changed their former method, and assembling the men in their several societies the most respectable for their understanding and fortunes, they confided to them the charge of the public welfare. This originally formed what is called an *aristocracy*. They hoped it would be impossible that such a number could ever join in any design against the general good; and they promised themselves a great deal of security and happiness from the united counsels of so many able and experienced persons. But it is now found by abundant experience, that an *aristocracy*, and a *despotism*, differ but in name; and that a people who are in general excluded from any share of the legislative, are, to all intents and purposes, as much slaves, when twenty, independent of them, govern, as when but one domineers. The tyranny is even more felt, as every individual of the nobles has the haughtiness of a sultan; the people are more miserable, as they seem on the verge of liberty, from which they are forever debarred; this fallacious idea of liberty, whilst it presents a vain shadow of happiness to the subject, binds faster the chains of his subjection. What is left undone by the natural avarice and pride of those who are raised above the others, is completed by their suspicions, and their dread of losing an authority, which has no support in the common utility of the nation. A Genoese or a Venetian republic is a concealed *despotism*; where you find the same pride of the rulers, the same base subjection of the people, the same bloody maxims of a suspicious policy. In one respect the *aristocracy* is worse than the *despotism*. A body politic, whilst it retains its authority, never changes its maxims; a *despotism*, which is this day horrible to a supreme degree, by the caprice natural to the heart of man, may, by the same caprice otherwise exerted, be as lovely the next; in a succession, it is possible to meet with some good princes. If there have been Tiberiuses, Caligulas, Neros, there have been likewise the serener days of Vespasians, Tituses, Trajans, and Antonines; but a body politic is not influenced by caprice or whim, it proceeds in a regular manner, its succession is insensible; and every man as he enters it, either has, or

soon attains, the spirit of the whole body. Never was it known that an *aristocracy*, which was haughty and tyrannical in one century, became easy and mild in the next. In effect, the yoke of this species of government is so galling, that whenever the people have got the least power, they have shaken it off with the utmost indignation, and established a popular form. And when they have not had strength enough to support themselves, they have thrown themselves into the arms of *despotism*, as the more eligible of the two evils. This latter was the case of Denmark, who sought a refuge from the oppression of its nobility, in the strong hold of arbitrary power. Poland has at present the name of republic, and it is one of the *aristocratic* form; but it is well known that the little finger of this government is heavier than the loins of arbitrary power in most nations. The people are not only politically, but personally slaves, and treated with the utmost indignity. The republic of Venice is somewhat more moderate; yet even here, so heavy is the *aristocratic* yoke, that the nobles have been obliged to enervate the spirit of their subjects by every sort of debauchery; they have denied them the liberty of reason, and they have made them amends by what a base soul will think a more valuable liberty, by not only allowing, but encouraging them to corrupt themselves in the most scandalous manner. They consider their subjects as the farmer does the hog he keeps to feast upon. He holds him fast in his sty, but allows him to wallow as much as he pleases in his beloved filth and gluttony. So scandalously debauched a people as that of Venice is to be met with nowhere else. High, low, men, women, clergy, and laity, are all alike. The ruling nobility are no less afraid of one another than they are of the people; and, for that reason, politically enervate their own body by the same effeminate luxury by which they corrupt their subjects. They are impoverished by every means which can be invented; and they are kept in a perpetual terror by the horrors of a state inquisition. Here you see a people deprived of all rational freedom, and tyrannized over by about two thousand men; and yet this body of two thousand are so far from enjoying any liberty by the subjection of the rest, that they are in an infinitely severer state of slavery; they make themselves the most degenerate and unhappy of mankind, for no other purpose than that they may the more effectually contribute to the misery of a whole nation. In short, the regular and methodical proceedings of an *aristocracy* are more intolerable than the very excesses of a *despotism*, and, in general, much further from any remedy.

Thus, my lord, we have pursued *aristocracy* through its whole progress; we have seen the seeds, the growth, and the fruit. It could boast none of the advantages of a *despotism*, miserable as those advantages were, and it was overloaded with an exuberance of mischiefs, unknown even to *despotism* itself. In effect, it is no more than a disorderly tyranny. This form, therefore, could be little approved, even in speculation, by those who were capable of thinking, and could be less borne in practice by any who were capable of feeling. However, the fruitful policy of man was not yet exhausted. He had yet another farthing candle to supply the deficiencies

of the sun. This was the third form, known by political writers under the name of *democracy*. Here the people transacted all public business, or the greater part of it, in their own persons; their laws were made by themselves, and, upon any failure of duty, their officers were accountable to themselves, and to them only. In all appearance, they had secured by this method the advantages of order and good government, without paying their liberty for the purchase. Now, my lord, we are come to the masterpiece of Grecian refinement, and Roman solidity, — a popular government. The earliest and most celebrated republic of this model was that of Athens. It was constructed by no less an artist than the celebrated poet and philosopher, Solon. But no sooner was this political vessel launched from the stocks, than it overset, even in the lifetime of the builder. A tyranny immediately supervened; not by a foreign conquest, not by accident, but by the very nature and constitution of a *democracy*. An artful man became popular, the people had power in their hands, and they devolved a considerable share of their power upon their favorite; and the only use he made of this power was, to plunge those who gave it into slavery. Accident restored their liberty, and the same good fortune produced men of uncommon abilities and uncommon virtues amongst them. But these abilities were suffered to be of little service either to their possessors or to the state. Some of these men, for whose sakes alone we read their history, they banished; others they imprisoned, and all they treated with various circumstances of the most shameful ingratitude. Republics have many things in the spirit of absolute monarchy, but none more than this. A shining merit is ever hated or suspected in a popular assembly, as well as in a court; and all services done the state are looked upon as dangerous to the rulers, whether sultans or senators. The *ostracism* at Athens was built upon this principle. The giddy people whom we have now under consideration, being elated with some flashes of success, which they owed to nothing less than any merit of their own, began to tyrannize over their equals, who had associated with them for their common defence. With their prudence they renounced all appearance of justice. They entered into wars rashly and wantonly. If they were unsuccessful, instead of growing wiser by their misfortune, they threw the whole blame of their own misconduct on the ministers who had advised, and the generals who had conducted, those wars; until by degrees they had cut off all who could serve them in their councils or their battles. If at any time these wars had a happier issue, it was no less difficult to deal with them on account of their pride and insolence. Furious in their adversity, tyrannical in their successes, a commander had more trouble to concert his defence before the people, than to plan the operations of the campaign. It was not uncommon for a general, under the horrid *despotism* of the Roman emperors, to be ill received in proportion to the greatness of his services. Agricola is a strong instance of this. No man had done greater things, nor with more honest ambition. Yet, on his return to court, he was obliged to enter Rome with all the secrecy of a criminal. He went to the palace, not like a victorious

commander who had merited and might demand the greatest rewards, but like an offender who had come to supplicate a pardon for his crimes. His reception was answerable; "*Exceptusque brevi osculo et nullo sermone, turbæ servientium immixtus est.*" Yet in that worst season of this worst of monarchical tyrannies, modesty, discretion, and a coolness of temper, formed some kind of security, even for the highest merit. But at Athens, the nicest and best studied behavior was not a sufficient guard for a man of great capacity. Some of their bravest commanders were obliged to fly their country, some to enter into the service of its enemies, rather than abide a popular determination on their conduct, lest, as one of them said, their giddiness might make the people condemn where they meant to acquit; to throw in a black bean even when they intended a white one.

The Athenians made a very rapid progress to the most enormous excesses. The people, under no restraint, soon grew dissolute, luxurious, and idle. They renounced all labor, and began to subsist themselves from the public revenues. They lost all concern for their common honor or safety, and could bear no advice that tended to reform them. At this time truth became offensive to those lords the people, and most highly dangerous to the speaker. The orators no longer ascended the *rostrum*, but to corrupt them further with the most fulsome adulation. These orators were all bribed by foreign princes on the one side or the other. And besides its own parties, in this city there were parties, and avowed ones too, for the Persians, Spartans, and Macedonians, supported each of them by one or more demagogues pensioned and bribed to this iniquitous service. The people, forgetful of all virtue and public spirit, and intoxicated with the flatteries of their orators (these courtiers of republics, and endowed with the distinguishing characteristics of all other courtiers), this people, I say, at last arrived at that pitch of madness, that they coolly and deliberately, by an express law, made it capital for any man to propose an application of the immense sums squandered in public shows, even to the most necessary purposes of the state. When you see the people of this republic banishing and murdering their best and ablest citizens, dissipating the public treasure with the most senseless extravagance, and spending their whole time, as spectators or actors, in playing, fiddling, dancing, and singing, does it not, my lord, strike your imagination with the image of a sort of complex Nero? And does it not strike you with the greater horror, when you observe, not one man only, but a whole city, grown drunk with pride and power, running with a rage of folly into the same mean and senseless debauchery and extravagance? But if this people resembled Nero in their extravagance, much more did they resemble and even exceed him in cruelty and injustice. In the time of Pericles, one of the most celebrated times in the history of that commonwealth, a king of Egypt sent them a donation of corn. This they were mean enough to accept. And had the Egyptian prince intended the ruin of this city of wicked Bedlamites, he could not have taken a more effectual method to do it than by such an ensnaring largess. The distribution of this bounty caused a quarrel; the majority set on foot an

inquiry into the title of the citizens; and upon a vain pretence of illegitimacy, newly and occasionally set up, they deprived of their share of the royal donation no less than five thousand of their own body. They went further; they disfranchised them; and, having once begun with an act of injustice, they could set no bounds to it. Not content with cutting them off from the rights of citizens, they plundered these unfortunate wretches of all their substance; and, to crown this masterpiece of violence and tyranny, they actually sold every man of the five thousand as slaves in the public market. Observe, my lord, that the five thousand we here speak of were cut off from a body of no more than nineteen thousand; for the entire number of citizens was no greater at that time. Could the tyrant who wished the Roman people but one neck; could the tyrant Caligula himself have done, nay, he could scarcely wish for, a greater mischief than to have cut off, at one stroke, a fourth of his people? Or has the cruelty of that series of sanguine tyrants, the Cæsars, ever presented such a piece of flagrant and extensive wickedness? The whole history of this celebrated republic is but one tissue of rashness, folly, ingratitude, injustice, tumult, violence, and tyranny, and, indeed, of every species of wickedness that can well be imagined. This was a city of wise men, in which a minister could not exercise his functions; a warlike people, amongst whom a general did not dare either to gain or lose a battle; a learned nation, in which a philosopher could not venture on a free inquiry. This was the city which banished Themistocles, starved Aristides, forced into exile Miltiades, drove out Anaxagoras, and poisoned Socrates. This was a city which changed the form of its government with the moon; eternal conspiracies, revolutions daily, nothing fixed and established. A republic, as an ancient philosopher has observed, is no one species of government, but a magazine of every species; here you find every sort of it, and that in the worst form. As there is a perpetual change, one rising and the other falling, you have all the violence and wicked policy by which a beginning power must always acquire its strength, and all the weakness by which falling states are brought to a complete destruction.

Rome has a more venerable aspect than Athens; and she conducted her affairs, so far as related to the ruin and oppression of the greatest part of the world, with greater wisdom and more uniformity. But the domestic economy of these two states was nearly or altogether the same. An internal dissension constantly tore to pieces the bowels of the Roman commonwealth. You find the same confusion, the same factions, which subsisted at Athens, the same tumults, the same revolutions, and, in fine, the same slavery; if, perhaps, their former condition did not deserve that name altogether as well. All other republics were of the same character. Florence was a transcript of Athens. And the modern republics, as they approach more or less to the democratic form, partake more or less of the nature of those which I have described.

We are now at the close of our review of the three simple forms of artificial society; and we have shown them, however they may differ in name, or in some

slight circumstances, to be all alike in effect: in effect, to be all tyrannies. But suppose we were inclined to make the most ample concessions; let us concede Athens, Rome, Carthage, and two or three more of the ancient, and as many of the modern, commonwealths, to have been, or to be, free and happy, and to owe their freedom and happiness to their political constitution. Yet, allowing all this, what defence does this make for artificial society in general, that these inconsiderable spots of the globe have for some short space of time stood as exceptions to a charge so general? But when we call these governments free, or concede that their citizens were happier than those which lived under different forms, it is merely *ex abundanti*. For we should be greatly mistaken, if we really thought that the majority of the people which filled these cities enjoyed even that nominal political freedom of which I have spoken so much already. In reality, they had no part of it. In Athens there were usually from ten to thirty thousand freemen; this was the utmost. But the slaves usually amounted to four hundred thousand, and sometimes to a great many more. The freemen of Sparta and Rome were not more numerous in proportion to those whom they held in a slavery even more terrible than the Athenian. Therefore state the matter fairly: the free states never formed, though they were taken altogether, the thousandth part of the habitable globe; the freemen in these states were never the twentieth part of the people, and the time they subsisted is scarce anything in that immense ocean of duration in which time and slavery are so nearly commensurate. Therefore call these free states, or popular governments, or what you please; when we consider the majority of their inhabitants, and regard the natural rights of mankind, they must appear, in reality and truth, no better than pitiful and oppressive oligarchies.

After so fair an examen, wherein nothing has been exaggerated; no fact produced which cannot be proved, and none which has been produced in any wise forced or strained, while thousands have, for brevity, been omitted; after so candid a discussion in all respects; what slave so passive, what bigot so blind, what enthusiast so headlong, what politician so hardened, as to stand up in defence of a system calculated for a curse to mankind? a curse under which they smart and groan to this hour, without thoroughly knowing the nature of the disease, and wanting understanding or courage to supply the remedy.

I need not excuse myself to your lordship, nor, I think, to any honest man, for the zeal I have shown in this cause; for it is an honest zeal, and in a good cause. I have defended natural religion against a confederacy of atheists and divines. I now plead for natural society against politicians, and for natural reason against all three. When the world is in a fitter temper than it is at present to hear truth, or when I shall be more indifferent about its temper, my thoughts may become more public. In the mean time, let them repose in my own bosom, and in the bosoms of such men as are fit to be initiated in the sober mysteries of truth and reason. My antagonists have already done as much as I could desire. Parties in religion and politics make

sufficient discoveries concerning each other, to give a sober man a proper caution against them all. The monarchic, and aristocratical, and popular partisans, have been jointly laying their axes to the root of all government, and have, in their turns, proved each other absurd and inconvenient. In vain you tell me that artificial government is good, but that I fall out only with the abuse. The thing! the thing itself is the abuse! Observe, my lord, I pray you, that grand error upon which all artificial legislative power is founded. It was observed, that men had ungovernable passions, which made it necessary to guard against the violence they might offer to each other. They appointed governors over them for this reason. But a worse and more perplexing difficulty arises, how to be defended against the governors? *Quis custodiet ipsos custodes?* In vain they change from a single person to a few. These few have the passions of the one; and they unite to strengthen themselves, and to secure the gratification of their lawless passions at the expense of the general good. In vain do we fly to the many. The case is worse; their passions are less under the government of reason, they are augmented by the contagion, and defended against all attacks by their multitude.

I have purposely avoided the mention of the mixed form of government, for reasons that will be very obvious to your lordship. But my caution can avail me but little. You will not fail to urge it against me in favor of political society. You will not fail to show how the errors of the several simple modes are corrected by a mixture of all of them, and a proper balance of the several powers in such a state. I confess, my lord, that this has been long a darling mistake of my own; and that of all the sacrifices I have made to truth, this has been by far the greatest. When I confess that I think this notion a mistake, I know to whom I am speaking, for I am satisfied that reasons are like liquors, and there are some of such a nature as none but strong heads can bear. There are few with whom I can communicate so freely as with Pope. But Pope cannot bear every truth. He has a timidity which hinders the full exertion of his faculties, almost as effectually as bigotry cramps those of the general herd of mankind. But whoever is a genuine follower of truth keeps his eye steady upon his guide, indifferent whither he is led, provided that she is the leader. And, my lord, if it be properly considered, it were infinitely better to remain possessed by the whole legion of vulgar mistakes, than to reject some, and at the same time to retain a fondness for others altogether as absurd and irrational. The first has at least a consistency, that makes a man, however erroneously, uniform at least; but the latter way of proceeding is such an inconsistent chimera and jumble of philosophy and vulgar prejudice, that hardly anything more ridiculous can be conceived. Let us therefore freely, and without fear or prejudice, examine this last contrivance of policy. And, without considering how near the quick our instruments may come, let us search it to the bottom.

First, then, all men are agreed that this junction of regal, aristocratic, and popular power, must form a very complex, nice, and intricate machine, which being

composed of such a variety of parts, with such opposite tendencies and movements, it must be liable on every accident to be disordered. To speak without metaphor, such a government must be liable to frequent cabals, tumults, and revolutions, from its very constitution. These are undoubtedly as ill effects as can happen in a society; for in such a case, the closeness acquired by community, instead of serving for mutual defence, serves only to increase the danger. Such a system is like a city, where trades that require constant fires are much exercised, where the houses are built of combustible materials, and where they stand extremely close.

In the second place, the several constituent parts having their distinct rights, and these many of them so necessary to be determined with exactness, are yet so indeterminate in their nature, that it becomes a new and constant source of debate and confusion. Hence it is, that whilst the business of government should be carrying on, the question is, Who has a right to exercise this or that function of it, or what men have power to keep their offices in any function? Whilst this contest continues, and whilst the balance in any sort continues, it has never any remission; all manner of abuses and villanies in officers remain unpunished; the greatest frauds and robberies in the public revenues are committed in defiance of justice; and abuses grow, by time and impunity, into customs; until they prescribe against the laws, and grow too inveterate often to admit a cure, unless such as may be as bad as the disease.

Thirdly, the several parts of this species of government, though united, preserve the spirit which each form has separately. Kings are ambitious; the nobility haughty; and the populace tumultuous and ungovernable. Each party, however in appearance peaceable, carries on a design upon the others; and it is owing to this, that in all questions, whether concerning foreign or domestic affairs, the whole generally turns more upon some party-matter than upon the nature of the thing itself; whether such a step will diminish or augment the power of the crown, or how far the privileges of the subject are likely to be extended or restricted by it. And these questions are constantly resolved, without any consideration of the merits of the cause, merely as the parties who uphold these jarring interests may chance to prevail; and as they prevail, the balance is overset, now upon one side, now upon the other. The government is, one day, arbitrary power in a single person; another, a juggling confederacy of a few to cheat the prince and enslave the people; and the third, a frantic and unmanageable democracy. The great instrument of all these changes, and what infuses a peculiar venom into all of them, is party. It is of no consequence what the principles of any party, or what their pretensions are; the spirit which actuates all parties is the same; the spirit of ambition, of self-interest, of oppression and treachery. This spirit entirely reverses all the principles which a benevolent nature has erected within us; all honesty, all equal justice, and even the ties of natural society, the natural affections. In a word, my lord, we have all *seen*, and, if any outward considerations were worthy the lasting concern of a wise man, we have

some of us *felt*, such oppression from party government as no other tyranny can parallel. We behold daily the most important rights, rights upon which all the others depend, we behold these rights determined in the last resort, without the least attention even to the appearance or color of justice; we behold this without emotion, because we have grown up in the constant view of such practices; and we are not surprised to hear a man requested to be a knave and a traitor, with as much indifference as if the most ordinary favor were asked; and we hear this request refused, not because it is a most unjust and unreasonable desire, but because this worthy has already engaged his injustice to another. These and many more points I am far from spreading to their full extent. You are sensible that I do not put forth half my strength; and you cannot be at a loss for the reason. A man is allowed sufficient freedom of thought, provided he knows how to choose his subject properly. You may criticise freely upon the Chinese constitution, and observe with as much severity as you please upon the absurd tricks, or destructive bigotry of the bonzees. But the scene is changed as you come homeward, and atheism or treason may be the names given in Britain, to what would be reason and truth if asserted of China. I submit to the condition, and though I have a notorious advantage before me, I waive the pursuit. For else, my lord, it is very obvious what a picture might be drawn of the excesses of party even in our own nation. I could show, that the same faction has, in one reign, promoted popular seditions, and, in the next, been a patron of tyranny: I could show that they have all of them betrayed the public safety at all times, and have very frequently with equal perfidy made a market of their own cause and their own associates. I could show how vehemently they have contended for names, and how silently they have passed over things of the last importance. And I could demonstrate that they have had the opportunity of doing all this mischief, nay, that they themselves had their origin and growth from that complex form of government, which we are wisely taught to look upon as so great a blessing. Revolve, my lord, our history from the Conquest. We scarcely ever had a prince, who, by fraud or violence, had not made some infringement on the constitution. We scarcely ever had a Parliament which knew, when it attempted to set limits to the royal authority, how to set limits to its own. Evils we have had continually calling for reformation, and reformations more grievous than any evils. Our boasted liberty sometimes trodden down, sometimes giddily set up, and ever precariously fluctuating and unsettled; it has only been kept alive by the blasts of continual feuds, wars, and conspiracies. In no country in Europe has the scaffold so often blushed with the blood of its nobility. Confiscations, banishments, attainders, executions, make a large part of the history of such of our families as are not utterly extinguished by them. Formerly, indeed, things had a more ferocious appearance than they have at this day. In these early and unrefined ages, the jarring part of a certain chaotic constitution supported their several pretensions by the sword. Experience and policy have since taught other methods.

At nunc res agitur tenui pulmone rubetæ.

But how far corruption, venality, the contempt of honor, the oblivion of all duty to our country, and the most abandoned public prostitution, are preferable to the more glaring and violent effects of faction, I will not presume to determine. Sure I am that they are very great evils.

I have done with the forms of government. During the course of my inquiry you may have observed a very material difference between my manner of reasoning and that which is in use amongst the abettors of artificial society. They form their plans upon what seems most eligible to their imaginations, for the ordering of mankind. I discover the mistakes in those plans, from the real known consequences which have resulted from them. They have enlisted reason to fight against itself, and employ its whole force to prove that it is an insufficient guide to them in the conduct of their lives. But unhappily for us, in proportion as we have deviated from the plain rule of our nature, and turned our reason against itself, in that proportion have we increased the follies and miseries of mankind. The more deeply we penetrate into the labyrinth of art, the further we find ourselves from those ends for which we entered it. This has happened in almost every species of artificial society, and in all times. We found, or we thought we found, an inconvenience in having every man the judge of his own cause. Therefore judges were set up, at first, with discretionary powers. But it was soon found a miserable slavery to have our lives and properties precarious, and hanging upon the arbitrary determination of any one man, or set of men. We fled to laws as a remedy for this evil. By these we persuaded ourselves we might know with some certainty upon what ground we stood. But lo! differences arose upon the sense and interpretation of those laws. Thus we were brought back to our old incertitude. New laws were made to expound the old; and new difficulties arose upon the new laws; as words multiplied, opportunities of cavilling upon them multiplied also. Then recourse was had to notes, comments, glosses, reports, *responsa prudentum*, learned readings: eagle stood against eagle: authority was set up against authority. Some were allured by the modern, others revered the ancient. The new were more enlightened, the old were more venerable. Some adopted the comment, others stuck to the text. The confusion increased, the mist thickened, until it could be discovered no longer what was allowed or forbidden, what things were in property, and what common. In this uncertainty, (uncertain even to the professors, an Egyptian darkness to the rest of mankind), the contending parties felt themselves more effectually ruined by the delay, than they could have been by the injustice of any decision. Our inheritances are become a prize for disputation; and disputes and litigations are become an inheritance.

The professors of artificial law have always walked hand in hand with the professors of artificial theology. As their end, in confounding the reason of man, and abridging his natural freedom, is exactly the same, they have adjusted the means to that end in a way entirely similar. The divine thunders out his *anathemas*

with more noise and terror against the breach of one of his positive institutions, or the neglect of some of his trivial forms, than against the neglect or breach of those duties and commandments of natural religion, which by these forms and institutions he pretends to enforce. The lawyer has his forms, and his positive institutions too, and he adheres to them with a veneration altogether as religious. The worst cause cannot be so prejudicial to the litigant, as his advocate's or attorney's ignorance or neglect of these forms. A lawsuit is like an ill-managed dispute, in which the first object is soon out of sight, and the parties end upon a matter wholly foreign to that on which they began. In a lawsuit the question is, who has a right to a certain house or farm? And this question is daily determined, not upon the evidence of the right, but upon the observance or neglect of some forms of words in use with the gentlemen of the robe, about which there is even amongst themselves such a disagreement, that the most experienced veterans in the profession can never be positively assured that they are not mistaken.

Let us expostulate with these learned sages, these priests of the sacred temple of justice. Are we judges of our own property? By no means. You then, who are initiated into the mysteries of the blindfold goddess, inform me whether I have a right to eat the bread I have earned by the hazard of my life or the sweat of my brow? The grave doctor answers me in the affirmative; the reverend serjeant replies in the negative; the learned barrister reasons upon one side and upon the other, and concludes nothing. What shall I do? An antagonist starts up and presses me hard. I enter the field, and retain these three persons to defend my cause. My cause, which two farmers from the plough could have decided in half an hour, takes the court twenty years. I am however at the end of my labor, and have in reward for all my toil and vexation a judgment in my favor. But hold — a sagacious commander, in the adversary's army, has found a flaw in the proceeding. My triumph is turned into mourning. I have used *or*, instead of *and*, or some mistake, small in appearance, but dreadful in its consequences; and have the whole of my success quashed in a writ of error. I remove my suit; I shift from court to court; I fly from equity to law, and from law to equity; equal uncertainty attends me everywhere; and a mistake in which I had no share, decides at once upon my liberty and property, sending me from the court to a prison, and adjudging my family to beggary and famine. I am innocent, gentlemen, of the darkness and uncertainty of your science. I never darkened it with absurd and contradictory notions, nor confounded it with chicane and sophistry. You have excluded me from any share in the conduct of my own cause; the science was too deep for me; I acknowledged it; but it was too deep even for yourselves: you have made the way so intricate, that you are yourselves lost in it; you err, and you punish me for your errors.

The delay of the law is, your lordship will tell me, a trite topic, and which of its abuses have not been too severely felt not to be complained of? A man's property is to serve for the purposes of his support; and therefore, to delay a determination

concerning that, is the worst injustice, because it cuts off the very end and purpose for which I applied to the judicature for relief. Quite contrary in the case of a man's life; there the determination can hardly be too much protracted. Mistakes in this case are as often fallen into as many other; and if the judgment is sudden, the mistakes are the most irretrievable of all others. Of this the gentlemen of the robe are themselves sensible, and they have brought it into a maxim. *De morte hominis nulla est cunctatio longa*. But what could have induced them to reverse the rules, and to contradict that reason which dictated them, I am utterly unable to guess. A point concerning property, which ought, for the reasons I have just mentioned, to be most speedily decided, frequently exercises the wit of successions of lawyers, for many generations. *Multa virûm volvens durando sæcula vincit*. But the question concerning a man's life, that great question in which no delay ought to be counted tedious, is commonly determined in twenty-four hours at the utmost. It is not to be wondered at, that injustice and absurdity should be inseparable companions.

Ask of politicians the end for which laws were originally designed; and they will answer, that the laws were designed as a protection for the poor and weak, against the oppression of the rich and powerful. But surely no pretence can be so ridiculous; a man might as well tell me he has taken off my load, because he has changed the burden. If the poor man is not able to support his suit, according to the vexatious and expensive manner established in civilized countries, has not the rich as great an advantage over him as the strong has over the weak in a state of nature? But we will not place the state of nature, which is the reign of God, in competition with political society, which is the absurd usurpation of man. In a state of nature, it is true that a man of superior force may beat or rob me; but then it is true, that I am at full liberty to defend myself, or make reprisal by surprise or by cunning, or by any other way in which I may be superior to him. But in political society, a rich man may rob me in another way. I cannot defend myself; for money is the only weapon with which we are allowed to fight. And if I attempt to avenge myself the whole force of that society is ready to complete my ruin.

A good parson once said, that where mystery begins, religion ends. Cannot I say, as truly at least, of human laws, that where mystery begins, justice ends? It is hard to say, whether the doctors of law or divinity have made the greater advances in the lucrative business of mystery. The lawyers, as well as the theologians, have erected another reason besides natural reason; and the result has been, another justice besides natural justice. They have so bewildered the world and themselves in unmeaning forms and ceremonies, and so perplexed the plainest matters with metaphysical jargon, that it carries the highest danger to a man out of that profession, to make the least step without their advice and assistance. Thus, by confining to themselves the knowledge of the foundation of all men's lives and properties, they have reduced all mankind into the most abject and servile dependence. We are tenants at the will of these gentlemen for everything; and a

metaphysical quibble is to decide whether the greatest villain breathing shall meet his deserts, or escape with impunity, or whether the best man in the society shall not be reduced to the lowest and most despicable condition it affords. In a word, my lord, the injustice, delay, puerility, false refinement, and affected mystery of the law are such, that many who live under it come to admire and envy the expedition, simplicity, and equality of arbitrary judgments. I need insist the less on this article to your lordship, as you have frequently lamented the miseries derived to us from artificial law, and your candor is the more to be admired and applauded in this, as your lordship's noble house has derived its wealth and its honors from that profession.

Before we finish our examination of artificial society, I shall lead your lordship into a closer consideration of the relations which it gives birth to, and the benefits, if such they are, which result from these relations. The most obvious division of society is into rich and poor; and it is no less obvious, that the number of the former bear a great disproportion to those of the latter. The whole business of the poor is to administer to the idleness, folly, and luxury of the rich; and that of the rich, in return, is to find the best methods of confirming the slavery and increasing the burdens of the poor. In a state of nature, it is an invariable law, that a man's acquisitions are in proportion to his labors. In a state of artificial society, it is a law as constant and as invariable, that those who labor most enjoy the fewest things; and that those who labor not at all have the greatest number of enjoyments. A constitution of things this, strange and ridiculous beyond expression! We scarce believe a thing when we are told it, which we actually see before our eyes every day without being in the least surprised. I suppose that there are in Great Britain upwards of a hundred thousand people employed in lead, tin, iron, copper, and coal mines; these unhappy wretches scarce ever see the light of the sun; they are buried in the bowels of the earth; there they work at a severe and dismal task, without the least prospect of being delivered from it; they subsist upon the coarsest and worst sort of fare; they have their health miserably impaired, and their lives cut short, by being perpetually confined in the close vapor of these malignant minerals. A hundred thousand more at least are tortured without remission by the suffocating smoke, intense fires, and constant drudgery necessary in refining and managing the products of those mines. If any man informed us that two hundred thousand innocent persons were condemned to so intolerable slavery, how should we pity the unhappy sufferers, and how great would be our just indignation against those who inflicted so cruel and ignominious a punishment! This is an instance — I could not wish a stronger — of the numberless things which we pass by in their common dress, yet which shock us when they are nakedly represented. But this number, considerable as it is, and the slavery, with all its baseness and horror, which we have at home, is nothing to what the rest of the world affords of the same nature. Millions daily bathed in the poisonous damps and destructive effluvia of lead, silver,

copper, and arsenic. To say nothing of those other employments, those stations of wretchedness and contempt, in which civil society has placed the numerous *enfants perdus* of her army. Would any rational man submit to one of the most tolerable of these drudgeries, for all the artificial enjoyments which policy has made to result from them? By no means. And yet need I suggest to your lordship, that those who find the means, and those who arrive at the end, are not at all the same persons? On considering the strange and unaccountable fancies and contrivances of artificial reason, I have somewhere called this earth the Bedlam of our system. Looking now upon the effects of some of those fancies, may we not with equal reason call it likewise the Newgate and the Bridewell of the universe? Indeed the blindness of one part of mankind co-operating with the frenzy and villany of the other, has been the real builder of this respectable fabric of political society: and as the blindness of mankind has caused their slavery, in return their state of slavery is made a pretence for continuing them in a state of blindness; for the politician will tell you gravely, that their life of servitude disqualifies the greater part of the race of man for a search of truth, and supplies them with no other than mean and insufficient ideas. This is but too true; and this is one of the reasons for which I blame such institutions.

In a misery of this sort, admitting some few lenitives, and those too but a few, nine parts in ten of the whole race of mankind drudge through life. It may be urged perhaps, in palliation of this, that at least the rich few find a considerable and real benefit from the wretchedness of the many. But is this so in fact? Let us examine the point with a little more attention. For this purpose the rich in all societies may be thrown into two classes. The first is of those who are powerful as well as rich, and conduct the operations of the vast political machine. The other is of those who employ their riches wholly in the acquisition of pleasure. As to the first sort, their continual care and anxiety, their toilsome days, and sleepless nights, are next to proverbial. These circumstances are sufficient almost to level their condition to that of the unhappy majority; but there are other circumstances which place them, in a far lower condition. Not only their understandings labor continually, which is the severest labor, but their hearts are torn by the worst, most troublesome, and insatiable of all passions, by avarice, by ambition, by fear and jealousy. No part of the mind has rest. Power gradually extirpates from the mind every humane and gentle virtue. Pity, benevolence, friendship, are things almost unknown in high stations. *Veræ amicitiae rarissime inveniuntur in iis qui in honoribus reque publica versantur*, says Cicero. And indeed courts are the schools where cruelty, pride, dissimulation, and treachery are studied and taught in the most vicious perfection. This is a point so clear and acknowledged, that if it did not make a necessary part of my subject, I should pass it by entirely. And this has hindered me from drawing at full length, and in the most striking colors, this shocking picture of the degeneracy and wretchedness of human nature, in that part which is vulgarly

thought its happiest and most amiable state. You know from what originals I could copy such pictures. Happy are they who know enough of them to know the little value of the possessors of such things, and of all that they possess; and happy they who have been snatched from that post of danger which they occupy, with the remains of their virtue; loss of honors, wealth, titles, and even the loss of one's country, is nothing in balance with so great an advantage.

Let us now view the other species of the rich, those who devote their time and fortunes to idleness and pleasure. How much happier are they? The pleasures which are agreeable to nature are within the reach of all, and therefore can form no distinction in favor of the rich. The pleasures which art forces up are seldom sincere, and never satisfying. What is worse, this constant application to pleasure takes away from the enjoyment, or rather turns it into the nature of a very burdensome and laborious business. It has consequences much more fatal. It produces a weak valetudinary state of body, attended by all those horrid disorders, and yet more horrid methods of cure, which are the result of luxury on the one hand, and the weak and ridiculous efforts of human art on the other. The pleasures of such men are scarcely felt as pleasures; at the same time that they bring on pains and diseases, which are felt but too severely. The mind has its share of the misfortune; it grows lazy and enervate, unwilling and unable to search for truth, and utterly incapable of knowing, much less of relishing, real happiness. The poor by their excessive labor, and the rich by their enormous luxury, are set upon a level, and rendered equally ignorant of any knowledge which might conduce to their happiness. A dismal view of the interior of all civil society! The lower part broken and ground down by the most cruel oppression; and the rich by their artificial method of life bringing worse evils on themselves than their tyranny could possibly inflict on those below them. Very different is the prospect of the natural state. Here there are no wants which nature gives, and in this state men can be sensible of no other wants, which are not to be supplied by a very moderate degree of labor; therefore there is no slavery. Neither is there any luxury, because no single man can supply the materials of it. Life is simple, and therefore it is happy.

I am conscious, my lord, that your politician will urge in his defence, that this unequal state is highly useful. That without dooming some part of mankind to extraordinary toil, the arts which cultivate life could not be exercised. But I demand of this politician, how such arts came to be necessary? He answers, that civil society could not well exist without them. So that these arts are necessary to civil society, and civil society necessary again to these arts. Thus are we running in a circle, without modesty, and without end, and making one error and extravagance an excuse for the other. My sentiments about these arts and their cause, I have often discoursed with my friends at large. Pope has expressed them in good verse, where he talks with so much force of reason and elegance of language, in praise of the state of nature:

“Then was not pride, nor arts that pride to aid,
Man walked with beast, joint tenant of the shade.”

On the whole, my lord, if political society, in whatever form, has still made the many the property of the few; if it has introduced labors unnecessary, vices and diseases unknown, and pleasures incompatible with nature; if in all countries it abridges the lives of millions, and renders those of millions more utterly abject and miserable, shall we still worship so destructive an idol, and daily sacrifice to it our health, our liberty, and our peace? Or shall we pass by this monstrous heap of absurd notions, and abominable practices, thinking we have sufficiently discharged our duty in exposing the trifling, cheats, and ridiculous juggles of a few mad, designing, or ambitious priests? Alas! my lord, we labor under a mortal consumption, whilst we are so anxious about the cure of a sore finger. For has not this leviathan of civil power overflowed the earth with a deluge of blood, as if he were made to disport and play therein? We have shown that political society, on a moderate calculation, has been the means of murdering several times the number of inhabitants now upon the earth, during its short existence, not upwards of four thousand years in any accounts to be depended on. But we have said nothing of the other, and perhaps as bad, consequence of these wars, which have spilled such seas of blood, and reduced so many millions to a merciless slavery. But these are only the ceremonies performed in the porch of the political temple. Much more horrid ones are seen as you enter it. The several species of government vie with each other in the absurdity of their constitutions, and the oppression which they make their subjects endure. Take them under what form you please, they are in effect but a despotism, and they fall, both in effect and appearance too, after a very short period, into that cruel and detestable species of tyranny: which I rather call it, because we have been educated under another form, than that this is of worse consequences to mankind. For the free governments, for the point of their space, and the moment of their duration, have felt more confusion, and committed more flagrant acts of tyranny, than the most perfect despotic governments which we have ever known. Turn your eye next to the labyrinth of the law, and the iniquity conceived in its intricate recesses. Consider the ravages committed in the bowels of all commonwealths by ambition, by avarice, envy, fraud, open injustice, and pretended friendship; vices which could draw little support from a state of nature, but which blossom and flourish in the rankness of political society. Revolve our whole discourse; add to it all those reflections which your own good understanding shall suggest, and make a strenuous effort beyond the reach of vulgar philosophy, to confess that the cause of artificial society is more defenceless even than that of artificial religion; that it is as derogatory from the honor of the Creator, as subversive of human reason, and productive of infinitely more mischief to the human race.

If pretended revelations have caused wars where they were opposed, and slavery where they were received, the pretended wise inventions of politicians have done the same. But the slavery has been much heavier, the wars far more bloody, and both more universal by many degrees. Show me any mischief produced by the madness or wickedness of theologians, and I will show you a hundred resulting from the ambition and villany of conquerors and statesmen. Show me an absurdity in religion, and I will undertake to show you a hundred for one in political laws and institutions. If you say that natural religion is a sufficient guide without the foreign aid of revelation, on what principle should political laws become necessary? Is not the same reason available in theology and in politics? If the laws of nature are the laws of God, is it consistent with the Divine wisdom to prescribe rules to us, and leave the enforcement of them to the folly of human institutions? Will you follow truth but to a certain point?

We are indebted for all our miseries to our distrust of that guide which Providence thought sufficient for our condition, our own natural reason, which rejecting both in human and divine things, we have given our necks to the yoke of political and theological slavery. We have renounced the prerogative of man, and it is no wonder that we should be treated like beasts. But our misery is much greater than theirs, as the crime we commit in rejecting the lawful dominion of our reason is greater than any which they can commit. If, after all, you should confess all these things, yet plead the necessity of political institutions, weak and wicked as they are, I can argue with equal, perhaps superior, force, concerning the necessity of artificial religion; and every step you advance in your argument, you add a strength to mine. So that if we are resolved to submit our reason, and our liberty to civil usurpation, we have nothing to do but to conform as quietly as we can to the vulgar notions which are connected with this, and take up the theology of the vulgar as well as their politics. But if we think this necessity rather imaginary than real, we should renounce their dreams of society, together with their visions of religion, and vindicate ourselves into perfect liberty.

You are, my lord, but just entering into the world; I am going out of it. I have played long enough to be heartily tired of the drama. Whether I have acted my part in it well or ill, posterity will judge with more candor than I, or than the present age, with our present passions, can possibly pretend to. For my part, I quit it without a sigh, and submit to the sovereign order without murmuring. The nearer we approach to the goal of life, the better we begin to understand the true value of our existence, and the real weight of our opinions. We set out much in love with both; but we leave much behind us as we advance. We first throw away the tales along with the rattles of our nurses: those of the priest keep their hold a little longer; those of our governors the longest of all. But the passions which prop these opinions are withdrawn one after another; and the cool light of reason, at the setting of our life, shows us what a false splendor played upon these objects during our more sanguine

seasons. Happy, my lord, if instructed by my experience, and even by my errors, you come early to make such an estimate of things, as may give freedom and ease to your life. I am happy that such an estimate promises me comfort at my death.

A PHILOSOPHICAL ENQUIRY INTO THE ORIGIN OF OUR IDEAS OF THE SUBLIME AND BEAUTIFUL



This 1757 treatise on aesthetics was the first complete philosophical exposition for separating the beautiful and the sublime into their own respective rational categories. In the work, Burke defines the Beautiful as what is well-formed and aesthetically pleasing, whereas the Sublime is what has the power to compel and destroy us. The preference for the Sublime over the Beautiful was to mark a transition from the Neoclassical to the Romantic era.

Burke develops the concept that the origins of our ideas of the beautiful and the sublime can be understood by means of their causal structures. According to Aristotelian physics and metaphysics, causation can be divided into formal, material, efficient and final causes. The formal cause of beauty is the passion of love; the material cause concerns aspects of certain objects such as smallness, smoothness, delicacy, etc.; the efficient cause is the calming of our nerves; the final cause is God's providence. What is most original to Burke's view of beauty is that it cannot be understood by the traditional bases of beauty: proportion, fitness, or perfection. The sublime also has a causal structure that is unlike that of beauty. Its formal cause is therefore the passion of fear (especially the fear of death); the material cause is equally aspects of certain objects such as vastness, infinity, magnificence, etc.; its efficient cause is the tension of our nerves; the final cause is God having created and battled Satan.

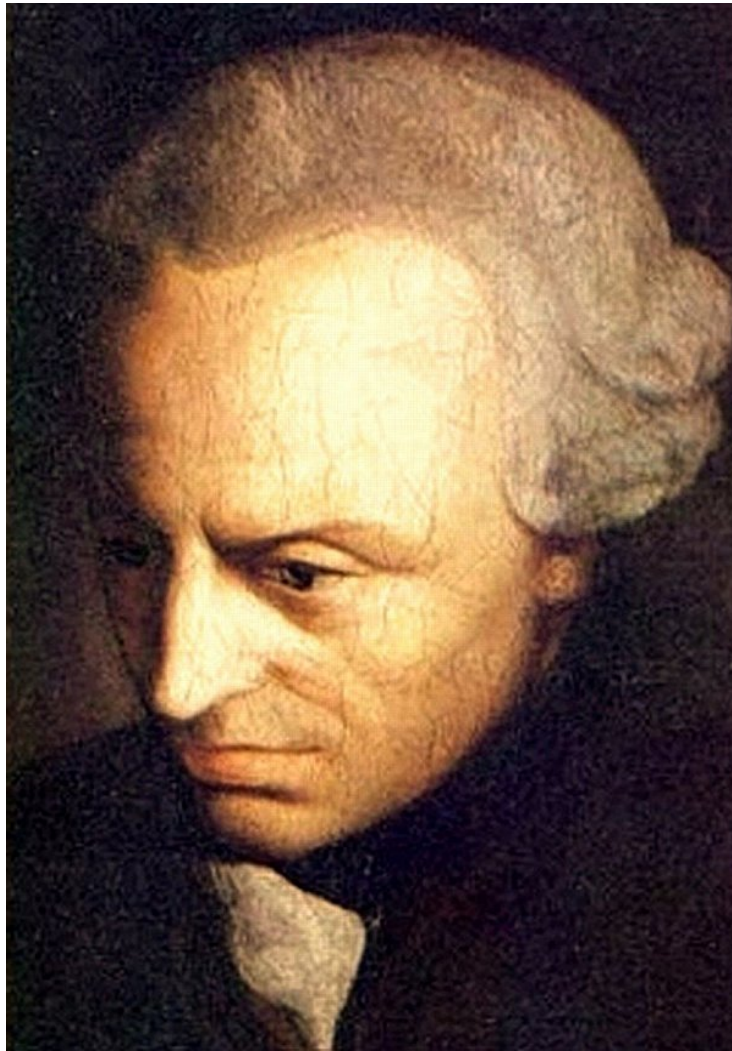
A
Philosophical Enquiry
INTO THE
ORIGIN of our IDEAS
OF THE
S U B L I M E
AND
B E A U T I F U L .



L O N D O N :

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Immanuel Kant, the great Prussian philosopher was influenced by Burke's essay on the Sublime and Beautiful

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A
PHILOSOPHICAL INQUIRY
INTO THE ORIGIN OF OUR IDEAS OF
THE SUBLIME AND BEAUTIFUL
WITH
AN INTRODUCTORY DISCOURSE
CONCERNING
TASTE,
AND SEVERAL OTHER ADDITIONS

PREFACE.

I have endeavored to make this edition something more full and satisfactory than the first. I have sought with the utmost care, and read with equal attention, everything which has appeared in public against my opinions; I have taken advantage of the candid liberty of my friends; and if by these means I have been better enabled to discover the imperfections of the work, the indulgence it has received, imperfect as it was, furnished me with a new motive to spare no reasonable pains for its improvement. Though I have not found sufficient reason, or what appeared to me sufficient, for making any material change in my theory, I have found it necessary in many places to explain, illustrate, and enforce it. I have prefixed an introductory discourse concerning Taste; it is a matter curious in itself; and it leads naturally enough to the principal inquiry. This, with the other explanations, has made the work considerably larger; and by increasing its bulk has, I am afraid, added to its faults; so that notwithstanding all my attention, it may stand in need of a yet greater share of indulgence than it required at its first appearance.

They who are accustomed to studies of this nature will expect, and they will allow too for many faults. They know that many of the objects of our inquiry are in themselves obscure and intricate; and that many others have been rendered so by affected refinements, or false learning; they know that there are many impediments in the subject, in the prejudices of others, and even in our own, that render it a matter of no small difficulty to show in a clear light the genuine face of nature. They know that whilst the mind is intent on the general scheme of things, some particular parts must be neglected; that we must often submit the style to the matter, and frequently give up the praise of elegance, satisfied with being clear.

The characters of nature are legible, it is true; but they are not plain enough to enable those who run, to read them. We must make use of a cautious, I had almost said, a timorous method of proceeding. We must not attempt to fly, when we can scarcely pretend to creep. In considering any complex matter, we ought to examine every distinct ingredient in the composition, one by one; and reduce everything to the utmost simplicity; since the condition of our nature binds us to a strict law and very narrow limits. We ought afterwards to re-examine the principles by the effect of the composition, as well as the composition by that of the principles. We ought to compare our subject with things of a similar nature, and even with things of a contrary nature; for discoveries may be, and often are made by the contrast, which would escape us on the single view. The greater number of the comparisons we make, the more general and the more certain our knowledge is likely to prove, as built upon a more extensive and perfect induction.

If an inquiry thus carefully conducted should fail at last of discovering the truth, it may answer an end perhaps as useful, in discovering to us the weakness of our

own understanding. If it does not make us knowing, it may make us modest. If it does not preserve us from error, it may at least from the spirit of error; and may make us cautious of pronouncing with positiveness or with haste, when so much labor may end in so much uncertainty.

I could wish that, in examining this theory, the same method were pursued which I endeavored to observe in forming it. The objections, in my opinion, ought to be proposed, either to the several principles as they are distinctly considered, or to the justness of the conclusion which is drawn from them. But it is common to pass over both the premises and conclusion in silence, and to produce, as an objection, some poetical passage which does not seem easily accounted for upon the principles I endeavor to establish. This manner of proceeding I should think very improper. The task would be infinite, if we could establish no principle until we had previously unravelled the complex texture of every image or description to be found in poets and orators. And though we should never be able to reconcile the effect of such images to our principles, this can never overturn the theory itself, whilst it is founded on certain and indisputable facts. A theory founded on experiment, and not assumed, is always good for so much as it explains. Our inability to push it indefinitely is no argument at all against it. This inability may be owing to our ignorance of some necessary *mediums*; to a want of proper application; to many other causes besides a defect in the principles we employ. In reality, the subject requires a much closer attention than we dare claim from our manner of treating it.

If it should not appear on the face of the work, I must caution the reader against imagining that I intended a full dissertation on the Sublime and Beautiful. My inquiry went no farther than to the origin of these ideas. If the qualities which I have ranged under the head of the Sublime be all found consistent with each other, and all different from those which I place under the head of Beauty; and if those which compose the class of the Beautiful have the same consistency with themselves, and the same opposition to those which are classed under the denomination of Sublime, I am in little pain whether anybody chooses to follow the name I give them or not, provided he allows that what I dispose under different heads are in reality different things in nature. The use I make of the words may be blamed, as too confined or too extended; my meaning cannot well be misunderstood.

To conclude: whatever progress may be made towards the discovery of truth in this matter, I do not repent the pains I have taken in it. The use of such inquiries may be very considerable. Whatever turns the soul inward on itself, tends to concentrate its forces, and to fit it for greater and stronger flights of science. By looking into physical causes our minds are opened and enlarged; and in this pursuit, whether we take or whether we lose our game, the chase is certainly of service. Cicero, true as he was to the academic philosophy, and consequently led to reject the certainty of physical, as of every other kind of knowledge, yet freely confesses

its great importance to the human understanding: “*Est animorum ingeniorumque nostrorum naturale quoddam quasi pabulum consideratio contemplatioque naturæ.*” If we can direct the lights we derive from such exalted speculations upon the humbler field of the imagination, whilst we investigate the springs, and trace the courses of our passions, we may not only communicate to the taste a sort of philosophical solidity, but we may reflect back on the severer sciences some of the graces and elegances of taste, without which the greatest proficiency in those sciences will always have the appearance of something illiberal.

INTRODUCTION. ON TASTE.

On a superficial view we may seem to differ very widely from each other in our reasonings, and no less in our pleasures: but, notwithstanding this difference, which I think to be rather apparent than real, it is probable that the standard both of reason and taste is the same in all human creatures. For if there were not some principles of judgment as well as of sentiment common to all mankind, no hold could possibly be taken either on their reason or their passions, sufficient to maintain the ordinary correspondence of life. It appears, indeed, to be generally acknowledged, that with regard to truth and falsehood there is something fixed. We find people in their disputes continually appealing to certain tests and standards, which are allowed on all sides, and are supposed to be established in our common nature. But there is not the same obvious concurrence in any uniform or settled principles which relate to taste. It is even commonly supposed that this delicate and aerial faculty, which seems too volatile to endure even the chains of a definition, cannot be properly tried by any test, nor regulated by any standard. There is so continual a call for the exercise of the reasoning faculty; and it is so much strengthened by perpetual contention, that certain maxims of right reason seem to be tacitly settled amongst the most ignorant. The learned have improved on this rude science, and reduced those maxims into a system. If taste has not been so happily cultivated, it was not that the subject was barren, but that the laborers were few or negligent; for, to say the truth, there are not the same interesting motives to impel us to fix the one, which urge us to ascertain the other. And, after all, if men differ in their opinion concerning such matters, their difference is not attended with the same important consequences; else I make no doubt but that the logic of taste, if I may be allowed the expression, might very possibly be as well digested, and we might come to discuss matters of this nature with as much certainty, as those which seem more immediately within the province of mere reason. And, indeed, it is very necessary, at the entrance into such an inquiry as our present, to make this point as clear as possible; for if taste has no fixed principles, if the imagination is not affected according to some invariable and certain laws, our labor is likely to be employed to very little purpose; as it must be judged an useless, if not an absurd undertaking, to lay down rules for caprice, and to set up for a legislator of whims and fancies.

The term taste, like all other figurative terms, is not extremely accurate; the thing which we understand by it is far from a simple and determinate idea in the minds of most men, and it is therefore liable to uncertainty and confusion. I have no great opinion of a definition, the celebrated remedy for the cure of this disorder. For, when we define, we seem in danger of circumscribing nature within the bounds of our own notions, which we often take up by hazard or embrace on trust, or form out

of a limited and partial consideration of the object before us; instead of extending our ideas to take in all that nature comprehends, according to her manner of combining. We are limited in our inquiry by the strict laws to which we have submitted at our setting out.

Circa vilem patulumque morabimur orbem,
Unde pudor proferre pedem vetat aut operis lex.

A definition may be very exact, and yet go but a very little way towards informing us of the nature of the thing defined; but let the virtue of a definition be what it will, in the order of things, it seems rather to follow than to precede our inquiry, of which it ought to be considered as the result. It must be acknowledged that the methods of disquisition and teaching may be sometimes different, and on very good reason undoubtedly; but, for my part, I am convinced that the method of teaching which approaches most nearly to the method of investigation is incomparably the best; since, not content with serving up a few barren and lifeless truths, it leads to the stock on which they grew; it tends to set the reader himself in the track of invention, and to direct him into those paths in which the author has made his own discoveries, if he should be so happy as to have made any that are valuable.

But to cut off all pretence for cavilling, I mean by the word taste, no more than that faculty or those faculties of the mind, which are affected with, or which form a judgment of, the works of imagination and the elegant arts. This is, I think, the most general idea of that word, and what is the least connected with any particular theory. And my point in this inquiry is, to find whether there are any principles, on which the imagination is affected, so common to all, so grounded and certain, as to supply the means of reasoning satisfactorily about them. And such principles of taste I fancy there are; however paradoxical it may seem to those, who on a superficial view imagine that there is so great a diversity of tastes, both in kind and degree, that nothing can be more indeterminate.

All the natural powers in man, which I know, that are conversant about external objects, are the senses; the imagination; and the judgment. And first with regard to the senses. We do and we must suppose, that as the conformation of their organs are nearly or altogether the same in all men, so the manner of perceiving external objects is in all men the same, or with little difference. We are satisfied that what appears to be light to one eye, appears light to another; that what seems sweet to one palate, is sweet to another; that what is dark and bitter to this man, is likewise dark and bitter to that; and we conclude in the same manner of great and little, hard and soft, hot and cold, rough and smooth; and indeed of all the natural qualities and affections of bodies. If we suffer ourselves to imagine, that their senses present to different men different images of things, this sceptical proceeding will make every sort of reasoning on every subject vain and frivolous, even that sceptical reasoning itself which had persuaded us to entertain a doubt concerning the agreement of our perceptions. But as there will be little doubt that bodies present similar images to

the whole species, it must necessarily be allowed, that the pleasures and the pains which every object excites in one man, it must raise in all mankind, whilst it operates naturally, simply, and by its proper powers only: for if we deny this, we must imagine that the same cause, operating in the same manner, and on subjects of the same kind, will produce different effects; which would be highly absurd. Let us first consider this point in the sense of taste, and the rather as the faculty in question has taken its name from that sense. All men are agreed to call vinegar sour, honey sweet, and aloes bitter; and as they are all agreed in finding those qualities in those objects, they do not in the least differ concerning their effects with regard to pleasure and pain. They all concur in calling sweetness pleasant, and sourness and bitterness unpleasant. Here there is no diversity in their sentiments; and that there is not, appears fully from the consent of all men in the metaphors which are taken, from the souse of taste. A sour temper, bitter expressions, bitter curses, a bitter fate, are terms well and strongly understood by all. And we are altogether as well understood when we say, a sweet disposition, a sweet person, a sweet condition and the like. It is confessed, that custom and some other causes have made many deviations from the natural pleasures or pains which belong to these several tastes; but then the power of distinguishing between the natural and the acquired relish remains to the very last. A man frequently comes to prefer the taste of tobacco to that of sugar, and the flavor of vinegar to that of milk; but this makes no confusion in tastes, whilst he is sensible that the tobacco and vinegar are not sweet, and whilst he knows that habit alone has reconciled his palate to these alien pleasures. Even with such a person we may speak, and with sufficient precision, concerning tastes. But should any man be found who declares, that to him tobacco has a taste like sugar, and that he cannot distinguish between milk and vinegar; or that tobacco and vinegar are sweet, milk bitter, and sugar sour; we immediately conclude that the organs of this man are out of order, and that his palate is utterly vitiated. We are as far from conferring with such a person upon tastes, as from reasoning concerning the relations of quantity with one who should deny that all the parts together were equal to the whole. We do not call a man of this kind wrong in his notions, but absolutely mad. Exceptions of this sort, in either way, do not at all impeach our general rule, nor make us conclude that men have various principles concerning the relations of quantity or the taste of things. So that when it is said, taste cannot be disputed, it can only mean, that no one can strictly answer what pleasure or pain some particular man may find from the taste of some particular thing. This indeed cannot be disputed; but we may dispute, and with sufficient clearness too, concerning the things which are naturally pleasing or disagreeable to the sense. But when we talk of any peculiar or acquired relish, then we must know the habits, the prejudices, or the distempers of this particular man, and we must draw our conclusion from those.

This agreement of mankind is not confined to the taste solely. The principle of pleasure derived from sight is the same in all. Light is more pleasing than darkness. Summer, when the earth is clad in green, when the heavens are serene and bright, is more agreeable than winter, when everything makes a different appearance. I never remember that anything beautiful, whether a man, a beast, a bird, or a plant, was ever shown, though it were to a hundred people, that they did not all immediately agree that it was beautiful, though some might have thought that it fell short of their expectation, or that other things were still finer. I believe no man thinks a goose to be more beautiful than a swan, or imagines that what they call a Friesland hen excels a peacock. It must be observed too, that the pleasures of the sight are not near so complicated, and confused, and altered by unnatural habits and associations, as the pleasures of the taste are; because the pleasures of the sight more commonly acquiesce in themselves; and are not so often altered by considerations which are independent of the sight itself. But things do not spontaneously present themselves to the palate as they do to the sight; they are generally applied to it, either as food or as medicine; and from the qualities which they possess for nutritive or medicinal purposes they often form the palate by degrees, and by force of these associations. Thus opium is pleasing to Turks, on account of the agreeable delirium it produces. Tobacco is the delight of Dutchmen, as it diffuses a torpor and pleasing stupefaction. Fermented spirits please our common people, because they banish care, and all consideration of future or present evils. All of these would lie absolutely neglected if their properties had originally gone no further than the taste; but all these, together with tea and coffee, and some other things, have passed from the apothecary's shop to our tables, and were taken for health long before they were thought of for pleasure. The effect of the drug has made us use it frequently; and frequent use, combined with the agreeable effect, has made the taste itself at last agreeable. But this does not in the least perplex our reasoning; because we distinguish to the last the acquired from the natural relish. In describing the taste of an unknown fruit, you would scarcely say that it had a sweet and pleasant flavor like tobacco, opium, or garlic, although you spoke to those who were in the constant use of those drugs, and had great pleasure in them. There is in all men a sufficient remembrance of the original natural causes of pleasure, to enable them to bring all things offered to their senses to that standard, and to regulate their feelings and opinions by it. Suppose one who had so vitiated his palate as to take more pleasure in the taste of opium than in that of butter or honey, to be presented with a bolus of squills; there is hardly any doubt but that he would prefer the butter or honey to this nauseous morsel, or to any other bitter drug to which he had not been accustomed; which proves that his palate was naturally like that of other men in all things, that it is still like the palate of other men in many things, and only vitiated in some particular points. For in judging of any new thing, even of a taste similar to that which he has been formed by habit to like, he finds his palate affected in the natural

manner, and on the common principles. Thus the pleasure of all the senses, of the sight, and even of the taste, that most ambiguous of the senses, is the same in all, high and low, learned and unlearned.

Besides the ideas, with their annexed pains and pleasures, which are presented by the sense; the mind of man possesses a sort of creative power of its own; either in representing at pleasure the images of things in the order and manner in which they were received by the senses, or in combining those images in a new manner, and according to a different order. This power is called imagination; and to this belongs whatever is called wit, fancy, invention, and the like. But it must be observed, that this power of the imagination is incapable of producing anything absolutely new; it can only vary the disposition of those ideas which it has received from the senses. Now the imagination is the most extensive province of pleasure and pain, as it is the region of our fears and our hopes, and of all our passions that are connected with them; and whatever is calculated to affect the imagination with these commanding ideas, by force of any original natural impression, must have the same power pretty equally over all men. For since the imagination is only the representation of the senses, it can only be pleased or displeased with the images, from the same principle on which the sense is pleased or displeased with the realities; and consequently there must be just as close an agreement in the imaginations as in the senses of men. A little attention will convince us that this must of necessity be the case.

But in the imagination, besides the pain or pleasure arising from the properties of the natural object, a pleasure is perceived from the resemblance which the imitation has to the original: the imagination, I conceive, can have no pleasure but what results from one or other of these causes. And these causes operate pretty uniformly upon all men, because they operate by principles in nature, and which are not derived from any particular habits or advantages. Mr. Locke very justly and finely observes of wit, that it is chiefly conversant in tracing resemblances; he remarks, at the same time, that the business of judgment is rather in finding differences. It may perhaps appear, on this supposition, that there is no material distinction between the wit and the judgment, as they both seem to result from different operations of the same faculty of *comparing*. But in reality, whether they are or are not dependent on the same power of the mind, they differ so very materially in many respects, that a perfect union of wit and judgment is one of the rarest things in the world. When two distinct objects are unlike to each other, it is only what we expect; things are in their common way; and therefore they make no impression on the imagination: but when two distinct objects have a resemblance, we are struck, we attend to them, and we are pleased. The mind of man has naturally a far greater alacrity and satisfaction in tracing resemblances than in searching for differences; because by making resemblances we produce *new images*; we unite, we create, we enlarge our stock; but in making distinctions we offer no food at all to the imagination; the task itself

is more severe and irksome, and what pleasure we derive from it is something of a negative and indirect nature. A piece of news is told me in the morning; this, merely as a piece of news, as a fact added to my stock, gives me some pleasure. In the evening I find there was nothing in it. What do I gain by this, but the dissatisfaction to find that I had been imposed upon? Hence it is that men are much more naturally inclined to belief than to incredulity. And it is upon this principle, that the most ignorant and barbarous nations have frequently excelled in similitudes, comparisons, metaphors, and allegories, who have been weak and backward in distinguishing and sorting their ideas. And it is for a reason of this kind, that Homer and the oriental writers, though very fond of similitudes, and though they often strike out such as are truly admirable, seldom take care to have them exact; that is, they are taken with the general resemblance, they paint it strongly, and they take no notice of the difference which may be found between the things compared.

Now as the pleasure of resemblance is that which principally flatters the imagination, all men are nearly equal in this point, as far as their knowledge of the things represented or compared extends. The principle of this knowledge is very much accidental, as it depends upon experience and observation, and not on the strength or weakness of any natural faculty; and it is from this difference in knowledge, that what we commonly, though with no great exactness, call a difference in taste proceeds. A man to whom sculpture is new, sees a barber's block, or some ordinary piece of statuary; he is immediately struck and pleased, because he sees something like a human figure; and, entirely taken up with this likeness, he does not at all attend to its defects. No person, I believe, at the first time of seeing a piece of imitation ever did. Some time after, we suppose that this novice lights upon a more artificial work of the same nature; he now begins to look with contempt on what he admired at first; not that he admired it even then for its unlikeness to a man, but for that general though inaccurate resemblance which it bore to the human figure. What he admired at different times in these so different figures, is strictly the same; and though his knowledge is improved, his taste is not altered. Hitherto his mistake was from a want of knowledge in art, and this arose from his inexperience; but he may be still deficient from a want of knowledge in nature. For it is possible that the man in question may stop here, and that the masterpiece of a great hand may please him no more than the middling performance of a vulgar artist; and this not for want of better or higher relish, but because all men do not observe with sufficient accuracy on the human figure to enable them to judge properly of an imitation of it. And that the critical taste does not depend upon a superior principle in men, but upon superior knowledge, may appear from several instances. The story of the ancient painter and the shoemaker is very well known. The shoemaker set the painter right with regard to some mistakes he had made in the shoe of one of his figures, which the painter, who had not made such accurate observations on shoes, and was content with a general resemblance,

had never observed. But this was no impeachment to the taste of the painter; it only showed some want of knowledge in the art of making shoes. Let us imagine, that an anatomist had come into the painter's working-room. His piece is in general well done, the figure in question in a good attitude, and the parts well adjusted to their various movements; yet the anatomist, critical in his art, may observe the swell of some muscle not quite just in the peculiar action of the figure. Here the anatomist observes what the painter had not observed; and he passes by what the shoemaker had remarked. But a want of the last critical knowledge in anatomy no more reflected on the natural good taste of the painter, or of any common observer of his piece, than the want of an exact knowledge in the formation of a shoe. A fine piece of a decollated head of St. John the Baptist was shown to a Turkish emperor: he praised many things, but he observed one defect: he observed that the skin did not shrink from the wounded part of the neck. The sultan on this occasion, though his observation was very just, discovered no more natural taste than the painter who executed this piece, or than a thousand European connoisseurs, who probably never would have made the same observation. His Turkish majesty had indeed been well acquainted with that terrible spectacle, which the others could only have represented in their imagination. On the subject of their dislike there is a difference between all these people, arising from the different kinds and degrees of their knowledge; but there is something in common to the painter, the shoemaker, the anatomist, and the Turkish emperor, the pleasure arising from a natural object, so far as each perceives it justly imitated; the satisfaction in seeing an agreeable figure; the sympathy proceeding from a striking and affecting incident. So far as taste is natural, it is nearly common to all.

In poetry, and other pieces of imagination, the same parity may be observed. It is true, that one man is charmed with Don Bellianis, and reads Virgil coldly; whilst another is transported with the *Æneid*, and leaves Don Bellianis to children. These two men seem to have a taste very different from each other; but in fact they differ very little. In both these pieces, which inspire such opposite sentiments, a tale exciting admiration is told; both are full of action, both are passionate; in both are voyages, battles, triumphs, and continual changes of fortune. The admirer of Don Bellianis perhaps does not understand the refined language of the *Æneid*, who, if it was degraded into the style of the "Pilgrim's Progress," might feel it in all its energy, on the same principle which made him an admirer of Don Bellianis.

In his favorite author he is not shocked with the continual breaches of probability, the confusion of times, the offences against manners, the trampling upon geography; for he knows nothing of geography and chronology, and he has never examined the grounds of probability. He perhaps reads of a shipwreck on the coast of Bohemia: wholly taken up with so interesting an event, and only solicitous for the fate of his hero, he is not in the least troubled at this extravagant blunder. For why should he be shocked at a shipwreck on the coast of Bohemia, who does

not know but that Bohemia may be an island in the Atlantic ocean? and after all, what reflection is this on the natural good taste of the person here supposed?

So far then as taste belongs to the imagination, its principle is the same in all men; there is no difference in the manner of their being affected, nor in the causes of the affection; but in the *degree* there is a difference, which arises from two causes principally; either from a greater degree of natural sensibility, or from a closer and longer attention to the object. To illustrate this by the procedure of the senses, in which the same difference is found, let us suppose a very smooth marble table to be set before two men; they both perceive it to be smooth, and they are both pleased with it because of this quality. So far they agree. But suppose another, and after that another table, the latter still smoother than the former, to be set before them. It is now very probable that these men, who are so agreed upon what is smooth, and in the pleasure from thence, will disagree when they come to settle which table has the advantage in point of polish. Here is indeed the great difference between tastes, when men come to compare the excess or diminution of things which are judged by degree and not by measure. Nor is it easy, when such a difference arises, to settle the point, if the excess or diminution be not glaring. If we differ in opinion about two quantities, we can have recourse to a common measure, which may decide the question with the utmost exactness; and this, I take it, is what gives mathematical knowledge a greater certainty than any other. But in things whose excess is not judged by greater or smaller, as smoothness and roughness, hardness and softness, darkness and light, the shades of colors, all these are very easily distinguished when the difference is any way considerable, but not when it is minute, for want of some common measures, which perhaps may never come to be discovered. In these nice cases, supposing the acuteness of the sense equal, the greater attention and habit in such things will have the advantage. In the question about the tables, the marble-polisher will unquestionably determine the most accurately. But notwithstanding this want of a common measure for settling many disputes relative to the senses, and their representative the imagination, we find that the principles are the same in all, and that there is no disagreement until we come to examine into the pre-eminence or difference of things, which brings us within the province of the judgment.

So long as we are conversant with the sensible qualities of things, hardly any more than the imagination seems concerned; little more also than the imagination seems concerned when the passions are represented, because by the force of natural sympathy they are felt in all men without any recourse to reasoning, and their justness recognized in every breast. Love, grief, fear, anger, joy, all these passions have, in their turns, affected every mind; and they do not affect it in an arbitrary or casual manner, but upon certain, natural, and uniform principles. But as many of the works of imagination are not confined to the representation of sensible objects, nor to efforts upon the passions, but extend themselves to the manners, the

characters, the actions, and designs of men, their relations, their virtues and vices, they come within the province of the judgment, which is improved by attention, and by the habit of reasoning. All these make a very considerable part of what are considered as the objects of taste; and Horace sends us to the schools of philosophy and the world for our instruction in them. Whatever certainty is to be acquired in morality and the science of life; just the same degree of certainty have we in what relates to them in works of imitation. Indeed it is for the most part in our skill in manners, and in the observances of time and place, and of decency in general, which is only to be learned in those schools to which Horace recommends us, that what is called taste, by way of distinction, consists: and which is in reality no other than a more refined judgment. On the whole, it appears to me, that what is called taste, in its most general acceptation, is not a simple idea, but is partly made up of a perception of the primary pleasures of sense, of the secondary pleasures of the imagination, and of the conclusions of the reasoning faculty, concerning the various relations of these, and concerning the human passions, manners, and actions. All this is requisite to form taste, and the groundwork of all these is the same in the human mind; for as the senses are the great originals of all our ideas, and consequently of all our pleasures, if they are not uncertain and arbitrary, the whole groundwork of taste is common to all, and therefore there is a sufficient foundation for a conclusive reasoning on these matters.

Whilst we consider taste merely according to its nature and species, we shall find its principles entirely uniform; but the degree in which these principles prevail, in the several individuals of mankind, is altogether as different as the principles themselves are similar. For sensibility and judgment, which are the qualities that compose what we commonly call a *taste*, vary exceedingly in various people. From a defect in the former of these qualities arises a want of taste; a weakness in the latter constitutes a wrong or a bad one. There are some men formed with feelings so blunt, with tempers so cold and phlegmatic, that they can hardly be said to be awake during the whole course of their lives. Upon such persons the most striking objects make but a faint and obscure impression. There are others so continually in the agitation of gross and merely sensual pleasures, or so occupied in the low drudgery of avarice, or so heated in the chase of honors and distinction, that their minds, which had been used continually to the storms of these violent and tempestuous passions, can hardly be put in motion by the delicate and refined play of the imagination. These men, though from a different cause, become as stupid and insensible as the former; but whenever either of these happen to be struck with any natural elegance or greatness, or with these qualities in any work of art, they are moved upon the same principle.

The cause of a wrong taste is a defect of judgment. And this may arise from a natural weakness of understanding (in whatever the strength of that faculty may consist), or, which is much more commonly the case, it may arise from a want of a

proper and well-directed exercise, which alone can make it strong and ready. Besides, that ignorance, inattention, prejudice, rashness, levity, obstinacy, in short, all those passions, and all those vices, which pervert the judgment in other matters, prejudice it no less in this its more refined and elegant province. These causes produce different opinions upon everything which is an object of the understanding, without inducing us to suppose that there are no settled principles of reason. And indeed, on the whole, one may observe, that there is rather less difference upon matters of taste among mankind, than upon most of those which depend upon the naked reason; and that men are far better agreed on the excellence of a description in Virgil, than on the truth or falsehood of a theory of Aristotle.

A rectitude of judgment in the arts, which may be called a good taste, does in a great measure depend upon sensibility; because if the mind has no bent to the pleasures of the imagination, it will never apply itself sufficiently to works of that species to acquire a competent knowledge in them. But though a degree of sensibility is requisite to form a good judgment, yet a good judgment does not necessarily arise from a quick sensibility of pleasure; it frequently happens that a very poor judge, merely by force of a greater complexional sensibility, is more affected by a very poor piece, than the best judge by the most perfect; for as everything now, extraordinary, grand, or passionate, is well calculated to affect such a person, and that the faults do not affect him, his pleasure is more pure and unmixed; and as it is merely a pleasure of the imagination, it is much higher than any which is derived from a rectitude of the judgment; the judgment is for the greater part employed in throwing stumbling-blocks in the way of the imagination, in dissipating the scenes of its enchantment, and in tying us down to the disagreeable yoke of our reason: for almost the only pleasure that men have in judging better than others, consists in a sort of conscious pride and superiority, which arises from thinking rightly; but then this is an indirect pleasure, a pleasure which does not immediately result from the object which is under contemplation. In the morning of our days, when the senses are unworn and tender, when the whole man is awake in every part, and the gloss of novelty fresh upon all the objects that surround us, how lively at that time are our sensations, but how false and inaccurate the judgments we form of things! I despair of ever receiving the same degree of pleasure from the most excellent performances of genius, which I felt at that age from pieces which my present judgment regards as trifling and contemptible. Every trivial cause of pleasure is apt to affect the man of too sanguine a complexion: his appetite is too keen to suffer his taste to be delicate; and he is in all respects what Ovid says of himself in love,

Molle meum levibus cor est violabile telis,

Et semper causa est, cur ego semper amem.

One of this character can never be a refined judge; never what the comic poet calls *elegans formarum spectator*. The excellence and force of a composition must

always he imperfectly estimated from its effect on the minds of any, except we know the temper and character of those minds. The most powerful effects of poetry and music have been displayed, and perhaps are still displayed, where these arts are but in a very low and imperfect state. The rude hearer is affected by the principles which operate in these arts even in their rudest condition; and he is not skilful enough to perceive the defects. But as the arts advance towards their perfection, the science of criticism advances with equal pace, and the pleasure of judges is frequently interrupted by the faults which we discovered in the most finished compositions.

Before I leave this subject, I cannot help taking notice of an opinion which many persons entertain, as if the taste were a separate faculty of the mind, and distinct from the judgment and imagination; a species of instinct, by which we are struck naturally, and at the first glance, without any previous reasoning, with the excellences or the defects of a composition. So far as the imagination, and the passions are concerned, I believe it true, that the reason is little consulted; but where disposition, where decorum, where congruity are concerned, in short, wherever the best taste differs from the worst, I am convinced that the understanding operates, and nothing else; and its operation is in reality far from being always sudden, or, when it is sudden, it is often far from being right. Men of the best taste by consideration come frequently to change these early and precipitate judgments, which the mind, from its aversion to neutrality and doubt, loves to form on the spot. It is known that the taste (whatever it is) is improved exactly as we improve our judgment, by extending our knowledge, by a steady attention to our object, and by frequent exercise. They who have not taken these methods, if their taste decides quickly, it is always uncertainly; and their quickness is owing to their presumption and rashness, and not to any sudden irradiation, that in a moment dispels all darkness from their minds. But they who have cultivated that species of knowledge which makes the object of taste, by degrees and habitually attain not only a soundness but a readiness of judgment, as men do by the same methods on all other occasions. At first they are obliged to spell, but at last they read with ease and with celerity; but this celerity of its operation is no proof that the taste is a distinct faculty. Nobody, I believe, has attended the course of a discussion which turned upon matters within the sphere of mere naked reason, but must have observed the extreme readiness with which the whole process of the argument is carried on, the grounds discovered, the objections raised and answered, and the conclusions drawn from premises, with a quickness altogether as great as the taste can be supposed to work with; and yet where nothing but plain reason either is or can be suspected to operate. To multiply principles for every different appearance is useless, and unphilosophical too in a high degree.

This matter might be pursued much farther; but it is not the extent of the subject which must prescribe our bounds, for what subject does not branch out to infinity?

It is the nature of our particular scheme, and the single point of view in which we consider it, which ought to put a stop to our researches.

PART I.

SECTION I.

NOVELTY.

The first and the simplest emotion which we discover in the human mind is curiosity. By curiosity I mean whatever desire we have for, or whatever pleasure we take in, novelty. We see children perpetually running from place to place, to hunt out something new: they catch with great eagerness, and with very little choice, at whatever comes before them; their attention is engaged by everything, because everything has, in that stage of life, the charm of novelty to recommend it. But as those things, which engage us merely by their novelty, cannot attach us for any length of time, curiosity is the most superficial of all the affections; it changes its object perpetually; it has an appetite which is very sharp, but very easily satisfied; and it has always an appearance of giddiness, restlessness, and anxiety. Curiosity, from its nature, is a very active principle; it quickly runs over the greatest part of its objects, and soon exhausts the variety which is commonly to be met with in nature; the same things make frequent returns, and they return with less and less of any agreeable effect. In short, the occurrences of life, by the time we come to know it a little, would be incapable of affecting the mind with any other sensations than those of loathing and weariness, if many things were not adapted to affect the mind by means of other powers besides novelty in them, and of other passions besides curiosity in ourselves. These powers and passions shall be considered in their place. But, whatever these powers are, or upon what principle soever they affect the mind, it is absolutely necessary that they should not be exerted in those things which a daily and vulgar use have brought into a stale unaffecting familiarity. Some degree of novelty must be one of the materials in every instrument which works upon the mind; and curiosity blends itself more or less with all our passions.

SECTION II.

PAIN AND PLEASURE.

It seems, then, necessary towards moving the passions of people advanced in life to any considerable degree, that the objects designed for that purpose, besides their being in some measure new, should be capable of exciting pain or pleasure from other causes. Pain and pleasure are simple ideas, incapable of definition. People are not liable to be mistaken in their feelings, but they are very frequently wrong in the names they give them, and in their reasonings about them. Many are of opinion, that pain arises necessarily from the removal of some pleasure; as they think pleasure does from the ceasing or diminution of some pain. For my part, I am rather inclined to imagine, that pain and pleasure, in their most simple and natural manner of affecting, are each of a positive nature, and by no means necessarily dependent on each other for their existence. The human mind is often, and I think it is for the most part, in a state neither of pain nor pleasure, which I call a state of indifference. When I am carried from this state into a state of actual pleasure, it does not appear necessary that I should pass through the medium of any sort of pain. If in such a state of indifference, or ease, or tranquillity, or call it what you please, you were to be suddenly entertained with a concert of music; or suppose some object of a fine shape, and bright, lively colors, to be presented before you; or imagine your smell is gratified with the fragrance of a rose; or if, without any previous thirst, you were to drink of some pleasant kind of wine, or to taste of some sweetmeat without being hungry; in all the several senses, of hearing, smelling, and tasting, you undoubtedly find a pleasure; yet, if I inquire into the state of your mind previous to these gratifications, you will hardly tell me that they found you in any kind of pain; or, having satisfied these several senses with their several pleasures, will you say that any pain has succeeded, though the pleasure is absolutely over? Suppose, on the other hand, a man in the same state of indifference to receive a violent blow, or to drink of some bitter potion, or to have his ears wounded with some harsh and grating sound; here is no removal of pleasure; and yet here is felt, his every sense which is affected, a pain very distinguishable. It may be said, perhaps, that the pain in these cases had its rise from the removal of the pleasure which the man enjoyed before, though that pleasure was of so low a degree as to be perceived only by the removal. But this seems to me a subtilty that is not discoverable in nature. For if, previous to the pain, I do not feel any actual pleasure, I have no reason to judge that any such thing exists; since pleasure is only pleasure as it is felt. The same may be said of pain, and with equal reason. I can never persuade myself that pleasure and pain are mere relations, which can only exist as they are contrasted; but I think I can discern clearly that there are positive pains and

pleasures, which do not at all depend upon each other. Nothing is more certain to my own feelings than this. There is nothing which I can distinguish in my mind with more clearness than the three states, of indifference, of pleasure, and of pain. Every one of these I can perceive without any sort of idea of its relation to anything else. Caius is afflicted with a fit of the colic; this man is actually in pain; stretch Caius upon the rack, he will feel a much greater pain: but does this pain of the rack arise from the removal of any pleasure? or is the fit of the colic a pleasure or a pain just as we are pleased to consider it?

SECTION III.

THE DIFFERENCE BETWEEN THE REMOVAL OF PAIN AND POSITIVE PLEASURE.

We shall carry this proposition yet a step further. We shall venture to propose, that pain and pleasure are not only not necessarily dependent for their existence on their mutual diminution or removal, but that, in reality, the diminution or ceasing of pleasure does not operate like positive pain; and that the removal or diminution of pain, in its effect, has very little resemblance to positive pleasure. The former of these propositions will, I believe, be much more readily allowed than the latter; because it is very evident that pleasure, when it has run its career, sets us down very nearly where it found us. Pleasure of every kind quickly satisfies; and, when it is over, we relapse into indifference, or, rather, we fall into a soft tranquillity which is tinged with the agreeable color of the former sensation. I own it is not at first view so apparent that the removal of a great pain does not resemble positive pleasure: but let us recollect in what state we have found our minds upon escaping some imminent danger, or on being released from the severity of some cruel pain. We have on such occasions found, if I am not much mistaken, the temper of our minds in a tenor very remote from that which attends the presence of positive pleasure; we have found them in a state of much sobriety, impressed with a sense of awe, in a sort of tranquillity shadowed with horror. The fashion of the countenance and the gesture of the body on such occasions is so correspondent to this state of mind, that any person, a stranger to the cause of the appearance, would rather judge us under some consternation, than in the enjoyment of anything like positive pleasure.

Ὡς δ' ὅταν ἄνδρ' ἄτη πυκινὴ λάβῃ, ὅσ' ἐνὶ πάτρῃ,
Φῶτα κατακτείνας, ἄλλων ἐξίκετο δῆμον,
Ἄνδρὸς ἐς ἀφνειοῦ, θάμβος δ' ἑκέι εἰσορόωντας.
Iliad, Ω. 480.

“As when a wretch, who, conscious of his crime,
Pursued for murder from his native clime,
Just gains some frontier, breathless, pale, amazed;
All gaze, all wonder!”

This striking appearance of the man whom Homer supposes to have just escaped an imminent danger, the sort of mixed passion of terror and surprise, with which he affects the spectators, paints very strongly the manner in which we find ourselves affected upon occasions any way similar. For when we have suffered from any violent emotion, the mind naturally continues in something like the same condition, after the cause which first produced it has ceased to operate. The tossing of the sea remains after the storm; and when this remain of horror has entirely subsided, all

the passion which the accident raised subsides along with it; and the mind returns to its usual state of indifference. In short, pleasure (I mean anything either in the inward sensation, or in the outward appearance, like pleasure from a positive cause) has never, I imagine, its origin from the removal of pain or danger.

SECTION IV.

OF DELIGHT AND PLEASURE, AS OPPOSED TO EACH OTHER.

But shall we therefore say, that the removal of pain or its diminution is always simply painful? or affirm that the cessation or the lessening of pleasure is always attended itself with a pleasure? By no means. What I advance is no more than this; first, that there are pleasures and pains of a positive and independent nature; and, secondly, that the feeling which results from the ceasing or diminution of pain does not bear a sufficient resemblance to positive pleasure, to have it considered as of the same nature, or to entitle it to be known by the same name; and thirdly, that upon the same principle the removal or qualification of pleasure has no resemblance to positive pain. It is certain that the former feeling (the removal or moderation of pain) has something in it far from distressing, or disagreeable in its nature. This feeling, in many cases so agreeable, but in all so different from positive pleasure, has no name which I know; but that hinders not its being a very real one, and very different from all others. It is most certain, that every species of satisfaction or pleasure, how different soever in its manner of affecting, is of a positive nature in the mind of him who feels it. The affection is undoubtedly positive; but the cause may be, as in this case it certainly is, a sort of *privation*. And it is very reasonable that we should distinguish by some term two things so distinct in nature, as a pleasure that is such simply, and without any relation, from that pleasure which cannot exist without a relation, and that, too, a relation to pain. Very extraordinary it would be, if these affections, so distinguishable in their causes, so different in their effects, should be confounded with each other, because vulgar use has ranged them under the same general title. Whenever I have occasion to speak of this species of relative pleasure, I call it *delight*; and I shall take the best care I can to use that word in no other sense. I am satisfied the word is not commonly used in this appropriated signification; but I thought it better to take up a word already known, and to limit its signification, than to introduce a new one, which would not perhaps incorporate so well with the language. I should never have presumed the least alteration in our words, if the nature of the language, framed for the purposes of business rather than those of philosophy, and the nature of my subject, that leads me out of the common track of discourse, did not in a manner necessitate me to it. I shall make use of this liberty with all possible caution. As I make use of the word *delight* to express the sensation which accompanies the removal of pain or danger, so, when I speak of positive pleasure, I shall for the most part call it simply *pleasure*.

SECTION V.

JOY AND GRIEF.

It must be observed, that the cessation of pleasure affects the mind three ways. If it simply ceases after having continued a proper time, the effect is *indifference*; if it be abruptly broken off, there ensues an uneasy sense called *disappointment*; if the object be so totally lost that there is no chance of enjoying it again, a passion arises in the mind which is called *grief*. Now there is none of these, not even grief, which is the most violent, that I think has any resemblance to positive pain. The person who grieves suffers his passion to grow upon him; he indulges it, he loves it: but this never happens in the case of actual pain, which no man ever willingly endured for any considerable time. That grief should be willingly endured, though far from a simply pleasing sensation, is not so difficult to be understood. It is the nature of grief to keep its object perpetually in its eye, to present it in its most pleasurable views, to repeat all the circumstances that attend it, even to the last minuteness; to go back to every particular enjoyment, to dwell upon each, and to find a thousand new perfections in all, that were not sufficiently understood before; in grief, the *pleasure* is still uppermost; and the affliction we suffer has no resemblance to absolute pain, which is always odious, and which we endeavor to shake off as soon as possible. The *Odyssey* of Homer, which abounds with so many natural and affecting images, has none more striking than those which Menelaus raises of the calamitous fate of his friends, and his own manner of feeling it. He owns, indeed, that he often gives himself some intermission from such melancholy reflections; but he observes, too, that, melancholy as they are, they give him pleasure.

Ἄλλ' ἔμπησθ' πάντας μὲν ὀδυρόμενοισι καὶ ἀχεύων,
Πολλάκις ἐν μεγάροισι καθήμενος ἡμετέροισιν,
Ἄλλοτε μὲν τε γόῳ φρένα τέρπομαι, ἄλλοτε δ' αὖτε
Πάύομαι; αἰψηρόν δ' ἐκόρος κρυεροῖο γόοιο.

Hom. Od. Δ. 100.

“Still in short intervals of *pleasing woe*,
Regardful of the friendly dues I owe,
I to the glorious dead, forever dear,
Indulge the tribute of a *grateful* tear.”

On the other hand, when we recover our health, when we escape an imminent danger, is it with joy that we are affected? The sense on these occasions is far from that smooth and voluptuous satisfaction which the assured prospect of pleasure bestows. The delight which arises from the modifications of pain confesses the stock from whence it sprung, in its solid, strong, and severe nature.

SECTION VI.

OF THE PASSIONS WHICH BELONG TO SELF-PRESERVATION.

Most of the ideas which are capable of making a powerful impression on the mind, whether simply of pain or pleasure, or of the modifications of those, may be reduced very nearly to these two heads, *self-preservation*, and *society*; to the ends of one or the other of which all our passions are calculated to answer. The passions which concern self-preservation, turn mostly on *pain* or *danger*. The ideas of *pain*, *sickness*, and *death*, fill the mind with strong emotions of horror; but *life* and *health*, though they put us in a capacity of being affected with pleasure, make no such impression by the simple enjoyment. The passions therefore which are conversant about the preservation of the individual turn chiefly on *pain* and *danger*, and they are the most powerful of all the passions.

SECTION VII.

OF THE SUBLIME.

Whatever is fitted in any sort to excite the ideas of pain and danger, that is to say, whatever is in any sort terrible, or is conversant about terrible objects, or operates in a manner analogous to terror, is a source of the *sublime*; that is, it is productive of the strongest emotion which the mind is capable of feeling. I say the strongest emotion, because I am satisfied the ideas of pain are much more powerful than those which enter on the part of pleasure. Without all doubt, the torments which we may be made to suffer are much greater in their effect on the body and mind, than any pleasures which the most learned voluptuary could suggest, or than the liveliest imagination, and the most sound and exquisitely sensible body, could enjoy. Nay, I am in great doubt whether any man could be found, who would earn a life of the most perfect satisfaction at the price of ending it in the torments, which justice inflicted in a few hours on the late unfortunate regicide in France. But as pain is stronger in its operation than pleasure, so death is in general a much more affecting idea than pain; because there are very few pains, however exquisite, which are not preferred to death: nay, what generally makes pain itself, if I may say so, more painful, is, that it is considered as an emissary of this king of terrors. When danger or pain press too nearly, they are incapable of giving any delight, and are simply terrible; but at certain distances, and with certain modifications, they may be, and they are, delightful, as we every day experience. The cause of this I shall endeavor to investigate hereafter.

SECTION VIII.

OF THE PASSIONS WHICH BELONG TO SOCIETY.

The other head under which I class our passions, is that of *society*, which may be divided into two sorts. 1. The society of the *sexes*, which answers the purpose of propagation; and next, that more *general society*, which we have with men and with other animals, and which we may in some sort be said to have even with the inanimate world. The passions belonging to the preservation of the individual turn wholly on pain and danger: those which belong to *generation* have their origin in gratifications and *pleasures*; the pleasure most directly belonging to this purpose is of a lively character, rapturous and violent, and confessedly the highest pleasure of sense; yet the absence of this so great an enjoyment scarce amounts to an uneasiness; and, except at particular times, I do not think it affects at all. When men describe in what manner they are affected by pain and danger, they do not dwell on the pleasure of health and the comfort of security, and then lament the *loss* of these satisfactions: the whole turns upon the actual pains and horrors which they endure. But if you listen to the complaints of a forsaken lover, you observe that he insists largely on the pleasures which he enjoyed, or hoped to enjoy, and on the perfection of the object of his desires; it is the *loss* which is always uppermost in his mind. The violent effects produced by love, which has sometimes been even wrought up to madness, is no objection to the rule which we seek to establish. When men have suffered their imaginations to be long affected with any idea, it so wholly engrosses them as to shut out by degrees almost every other, and to break down every partition of the mind which would confine it. Any idea is sufficient for the purpose, as is evident from the infinite variety of causes, which give rise to madness: but this at most can only prove, that the passion of love is capable of producing very extraordinary effects, not that its extraordinary emotions have any connection with positive pain.

SECTION IX.

THE FINAL CAUSE OF THE DIFFERENCE BETWEEN THE PASSIONS BELONGING TO SELF-PRESERVATION AND THOSE WHICH REGARD THE SOCIETY OF THE SEXES.

The final cause of the difference in character between the passions which regard self-preservation, and those which are directed to the multiplication of the species, will illustrate the foregoing remarks yet further; and it is, I imagine, worthy of observation even upon its own account. As the performance of our duties of every kind depends upon life, and the performing them with vigor and efficacy depends upon health, we are very strongly affected with whatever threatens the destruction of either: but as we were not made to acquiesce in life and health, the simple enjoyment of them is not attended with any real pleasure, lest, satisfied with that, we should give ourselves over to indolence and inaction. On the other hand, the generation of mankind is a great purpose, and it is requisite that men should be animated to the pursuit of it by some great incentive. It is therefore attended with a very high pleasure; but as it is by no means designed to be our constant business, it is not fit that the absence of this pleasure should be attended with any considerable pain. The difference between men and brutes, in this point, seems to be remarkable. Men are at all times pretty equally disposed to the pleasures of love, because they are to be guided by reason in the time and manner of indulging them. Had any great pain arisen from the want of this satisfaction, reason, I am afraid, would find great difficulties in the performance of its office. But brutes that obey laws, in the execution of which their own reason has but little share, have their stated seasons; at such times it is not improbable that the sensation from the want is very troublesome, because the end must be then answered, or be missed in many, perhaps forever; as the inclination returns only with its season.

SECTION X.

OF BEAUTY.

The passion which belongs to generation, merely as such, is lust only. This is evident in brutes, whose passions are more unmixed, and which pursue their purposes more directly than ours. The only distinction they observe with regard to their mates, is that of sex. It is true, that they stick severally to their own species in preference to all others. But this preference, I imagine, does not arise from any sense of beauty which they find in their species, as Mr. Addison supposes, but from a law of some other kind, to which they are subject; and this we may fairly conclude, from their apparent want of choice amongst those objects to which the barriers of their species have confined them. But man, who is a creature adapted to a greater variety and intricacy of relation, connects with the general passion the idea of some *social* qualities, which direct and heighten the appetite which he has in common with all other animals; and as he is not designed like them to live at large, it is fit that he should have some thing to create a preference, and fix his choice; and this in general should be some sensible quality; as no other can so quickly, so powerfully, or so surely produce its effect. The object therefore of this mixed passion, which we call love, is the *beauty* of the *sex*. Men are carried to the sex in general, as it is the sex, and by the common law of nature; but they are attached to particulars by personal *beauty*. I call beauty a social quality; for where women and men, and not only they, but when other animals give us a sense of joy and pleasure in beholding them (and there are many that do so), they inspire us with sentiments of tenderness and affection towards their persons; we like to have them near us, and we enter willingly into a kind of relation with them, unless we should have strong reasons to the contrary. But to what end, in many cases, this was designed, I am unable to discover; for I see no greater reason for a connection between man and several animals who are attired in so engaging a manner, than between him and some others who entirely want this attraction, or possess it in a far weaker degree. But it is probable that Providence did not make even this distinction, but with a view to some great end; though we cannot perceive distinctly what it is, as his wisdom is not our wisdom, nor our ways his ways.

SECTION XI.

SOCIETY AND SOLITUDE.

The second branch of the social passions is that which administers to *society in general*. With regard to this, I observe, that society, merely as society, without any particular heightenings, gives us no positive pleasure in the enjoyment; but absolute and entire *solitude*, that is, the total and perpetual exclusion from all society, is as great a positive pain as can almost be conceived. Therefore in the balance between the pleasure of general *society*, and the pain of absolute solitude, *pain* is the predominant idea. But the pleasure of any particular social enjoyment outweighs very considerably the uneasiness caused by the want of that particular enjoyment; so that the strongest sensations relative to the habitudes of *particular society* are sensations of pleasure. Good company, lively conversations, and the endearments of friendship, fill the mind with great pleasure; a temporary solitude, on the other hand, is itself agreeable. This may perhaps prove that we are creatures designed for contemplation as well as action; since solitude as well as society has its pleasures; as from the former observation we may discern, that an entire life of solitude contradicts the purposes of our being, since death itself is scarcely an idea of more terror.

SECTION XII.

SYMPATHY, IMITATION, AND AMBITION.

Under this denomination of society, the passions are of a complicated kind, and branch out into a variety of forms, agreeably to that variety of ends they are to serve in the great chain of society. The three principal links in this chain are *sympathy*, *imitation*, and *ambition*.

SECTION XIII.

SYMPATHY.

It is by the first of these passions that we enter into the concerns of others; that we are moved as they are moved, and are never suffered to be indifferent spectators of almost anything which men can do or suffer. For sympathy must be considered as a sort of substitution, by which we are put into the place of another man, and affected in many respects as he is affected: so that this passion may either partake of the nature of those which regard self-preservation, and turning upon pain may be a source of the sublime; or it may turn upon ideas of pleasure; and then whatever has been said of the social affections, whether they regard society in general, or only some particular modes of it, may be applicable here. It is by this principle chiefly that poetry, painting, and other affecting arts, transfuse their passions from one breast to another, and are often capable of grafting a delight on wretchedness, misery, and death itself. It is a common observation, that objects which in the reality would shock, are in tragical, and such like representations, the source of a very high species of pleasure. This, taken as a fact, has been the cause of much reasoning. The satisfaction has been commonly attributed, first, to the comfort we receive in considering that so melancholy a story is no more than a fiction; and, next, to the contemplation of our own freedom from the evils which we see represented. I am afraid it is a practice much too common in inquiries of this nature, to attribute the cause of feelings which merely arise from the mechanical structure of our bodies, or from the natural frame and constitution of our minds, to certain conclusions of the reasoning faculty on the objects presented to us; for I should imagine, that the influence of reason in producing our passions is nothing near so extensive as it is commonly believed.

SECTION XIV.

THE EFFECTS OF SYMPATHY IN THE DISTRESSES OF OTHERS.

To examine this point concerning the effect of tragedy in a proper manner, we must previously consider how we are affected by the feelings of our fellow creatures in circumstances of real distress. I am convinced we have a degree of delight, and that no small one, in the real misfortunes and pains of others; for let the affection be what it will in appearance, if it does not make us shun such objects, if on the contrary it induces us to approach them, if it makes us dwell upon them, in this case I conceive we must have a delight or pleasure of some species or other in contemplating objects of this kind. Do we not read the authentic histories of scenes of this nature with as much pleasure as romances or poems, where the incidents are fictitious? The prosperity of no empire, nor the grandeur of no king, can so agreeably affect in the reading, as the ruin of the state of Macedon, and the distress of its unhappy prince. Such a catastrophe touches us in history as much as the destruction of Troy does in fable. Our delight, in cases of this kind, is very greatly heightened, if the sufferer be some excellent person who sinks under an unworthy fortune. Scipio and Cato are both virtuous characters; but we are more deeply affected by the violent death of the one, and the ruin of the great cause he adhered to, than with the deserved triumphs and uninterrupted prosperity of the other: for terror is a passion which always produces delight when it does not press too closely; and pity is a passion accompanied with pleasure, because it arises from love and social affection. Whenever we are formed by nature to any active purpose, the passion which animates us to it is attended with delight, or a pleasure of some kind, let the subject-matter be what it will; and as our Creator has designed that we should be united by the bond of sympathy, he has strengthened that bond by a proportionable delight; and there most where our sympathy is most wanted, — in the distresses of others. If this passion was simply painful, we would shun with the greatest care all persons and places that could excite such a passion; as some, who are so far gone in indolence as not to endure any strong impression, actually do. But the case is widely different with the greater part of mankind; there is no spectacle we so eagerly pursue, as that of some uncommon and grievous calamity; so that whether the misfortune is before our eyes, or whether they are turned back to it in history, it always touches with delight. This is not an unmixed delight, but blended with no small uneasiness. The delight we have in such things hinders us from shunning scenes of misery; and the pain we feel prompts us to relieve ourselves in relieving those who suffer; and all this antecedent to any reasoning, by an instinct that works us to its own purposes without our concurrence.

SECTION XV.

OF THE EFFECTS OF TRAGEDY.

It is thus in real calamities. In imitated distresses the only difference is the pleasure resulting from the effects of imitation; for it is never so perfect, but we can perceive it is imitation, and on that principle are somewhat pleased with it. And indeed in some cases we derive as much or more pleasure from that source than from the thing itself. But then I imagine we shall be much mistaken if we attribute any considerable part of our satisfaction in tragedy to the consideration that tragedy is a deceit, and its representations no realities. The nearer it approaches the reality, and the further it removes us from all idea of fiction, the more perfect is its power. But be its power of what kind it will, it never approaches to what it represents. Choose a day on which to represent the most sublime and affecting tragedy we have; appoint the most favorite actors; spare no cost upon the scenes and decorations; unite the greatest efforts of poetry, painting, and music; and when you have collected your audience, just at the moment when their minds are erect with expectation, let it be reported that a state criminal of high rank is on the point of being executed in the adjoining square; in a moment the emptiness of the theatre would demonstrate the comparative weakness of the imitative arts, and proclaim the triumph of the real sympathy. I believe that this notion of our having a simple pain in the reality, yet a delight in the representation, arises from hence, that we do not sufficiently distinguish what we would by no means choose to do, from what we should be eager enough to see if it was once done. We delight in seeing things, which so far from doing, our heartiest wishes would be to see redressed. This noble capital, the pride of England and of Europe, I believe no man is so strangely wicked as to desire to see destroyed by a conflagration or an earthquake, though he should be removed himself to the greatest distance from the danger. But suppose such a fatal accident to have happened, what numbers from all parts would crowd to behold the ruins, and amongst them many who would have been content never to have seen London in its glory! Nor is it, either in real or fictitious distresses, our immunity from them which produces our delight; in my own mind I can discover nothing like it. I apprehend that this mistake is owing to a sort of sophism, by which we are frequently imposed upon; it arises from our not distinguishing between what is indeed a necessary condition to our doing or suffering anything in general, and what is the *cause* of some particular act. If a man kills me with a sword, it is a necessary condition to this that we should have been both of us alive before the fact; and yet it would be absurd to say that our being both living creatures was the cause of his crime and of my death. So it is certain that it is absolutely necessary my life should be out of any imminent hazard, before I can take a delight in the sufferings

of others, real or imaginary, or indeed in anything else from any cause whatsoever. But then it is a sophism to argue from thence that this immunity is the cause of my delight either on these or on any occasions. No one can distinguish such a cause of satisfaction in his own mind, I believe; nay, when we do not suffer any very acute pain, nor are exposed to any imminent danger of our lives, we can feel for others, whilst we suffer ourselves; and often then most when we are softened by affliction; we see with pity even distresses which we would accept in the place of our own.

SECTION XVI.

IMITATION.

The second passion belonging to society is imitation, or, if you will, a desire of imitating, and consequently a pleasure in it. This passion arises from much the same cause with sympathy. For as sympathy makes us take a concern in whatever men feel, so this affection prompts us to copy whatever they do; and consequently we have a pleasure in imitating, and in whatever belongs to imitation merely as it is such, without any intervention of the reasoning faculty, but solely from our natural constitution, which Providence has framed in such a manner as to find either pleasure or delight, according to the nature of the object, in whatever regards the purposes of our being. It is by imitation far more than by precept, that we learn everything; and what we learn thus, we acquire not only more effectually, but more pleasantly. This forms our manners, our opinions, our lives. It is one of the strongest links of society; it is a species of mutual compliance, which all men yield to each other, without constraint to themselves, and which is extremely flattering to all. Herein it is that painting and many other agreeable arts have laid one of the principal foundations of their power. And since, by its influence on our manners and our passions, it is of such great consequence, I shall here venture to lay down a rule, which may inform us with a good degree of certainty when we are to attribute the power of the arts to imitation, or to our pleasure in the skill of the imitator merely, and when to sympathy, or some other cause in conjunction, with it. When the object represented in poetry or painting is such as we could have no desire of seeing in the reality, then I may be sure that its power in poetry or painting is owing to the power of imitation, and to no cause operating in the thing itself. So it is with most of the pieces which the painters call still-life. In these a cottage, a dung-hill, the meanest and most ordinary utensils of the kitchen, are capable of giving us pleasure. But when the object of the painting or poem is such as we should run to see if real, let it affect us with what odd sort of sense it will, we may rely upon it that the power of the poem or picture is more owing to the nature of the thing itself than to the mere effect of imitation, or to a consideration of the skill of the imitator, however excellent. Aristotle has spoken so much and so solidly upon the force of imitation in his Poetics, that it makes any further discourse upon this subject the less necessary.

SECTION XVII.

AMBITION.

Although imitation is one of the great instruments used by Providence in bringing our nature towards its perfection, yet if men gave themselves up to imitation entirely, and each followed the other, and so on in an eternal circle, it is easy to see that there never could be any improvement amongst them. Men must remain as brutes do, the same at the end that they are at this day, and that they were in the beginning of the world. To prevent this, God has planted in man a sense of ambition, and a satisfaction arising from the contemplation of his excelling his fellows in something deemed valuable amongst them. It is this passion that drives men to all the ways we see in use of signalizing themselves, and that tends to make whatever excites in a man the idea of this distinction so very pleasant. It has been so strong as to make very miserable men take comfort, that they were supreme in misery; and certain it is that, where we cannot distinguish ourselves by something excellent, we begin to take a complacency in some singular infirmities, follies, or defects of one kind or other. It is on this principle that flattery is so prevalent; for flattery is no more than what raises in a man's mind an idea of a preference which he has not. Now, whatever, either on good or upon bad grounds, tends to raise a man in his own opinion, produces a sort of swelling and triumph, that is extremely grateful to the human mind; and this swelling is never more perceived, nor operates with more force, than when without danger we are conversant with terrible objects; the mind always claiming to itself some part of the dignity and importance of the things which it contemplates. Hence proceeds what Longinus has observed of that glorying and sense of inward greatness, that always fills the reader of such passages in poets and orators as are sublime: it is what every man must have felt in himself upon such occasions.

SECTION XVIII.

THE RECAPITULATION.

To draw the whole of what has been said into a few distinct points: — The passions which belong to self-preservation turn on pain and danger; they are simply painful when their causes immediately affect us; they are delightful when we have an idea of pain and danger, without being actually in such circumstances; this delight I have not called pleasure, because it turns on pain, and because it is different enough from any idea of positive pleasure. Whatever excites this delight, I call *sublime*. The passions belonging to self-preservation are the strongest of all the passions.

The second head to which the passions are referred with relation to their final cause, is society. There are two sorts of societies. The first is, the society of sex. The passion belonging to this is called love, and it contains a mixture of lust; its object is the beauty of women. The other is the great society with man and all other animals. The passion subservient to this is called likewise love, but it has no mixture of lust, and its object is beauty; which is a name I shall apply to all such qualities in things as induce in us a sense of affection and tenderness, or some other passion the most nearly resembling these. The passion of love has its rise in positive pleasure; it is, like all things which grow out of pleasure, capable of being mixed with a mode of uneasiness, that is, when an idea of its object is excited in the mind with an idea at the same time of having irretrievably lost it. This mixed sense of pleasure I have not called *pain*, because it turns upon actual pleasure, and because it is, both in its cause and in most of its effects, of a nature altogether different.

Next to the general passion we have for society, to a choice in which we are directed by the pleasure we have in the object, the particular passion under this head called sympathy has the greatest extent. The nature of this passion is, to put us in the place of another in whatever circumstance he is in, and to affect us in a like manner; so that this passion may, as the occasion requires, turn either on pain or pleasure; but with the modifications mentioned in some cases in Sect. 11. As to imitation and preference, nothing more need be said.

SECTION XIX.

THE CONCLUSION.

I believed that an attempt to range and methodize some of our most leading passions would be a good preparative to such an inquiry as we are going to make in the ensuing discourse. The passions I have mentioned are almost the only ones which it can be necessary to consider in our present design; though the variety of the passions is great, and worthy, in every branch of that variety, of an attentive investigation. The more accurately we search into the human mind, the stronger traces we everywhere find of His wisdom who made it. If a discourse on the use of the parts of the body may be considered as a hymn to the Creator; the use of the passions, which are the organs of the mind, cannot be barren of praise to him, nor unproductive to ourselves of that noble and uncommon union of science and admiration, which a contemplation of the works of infinite wisdom alone can afford to a rational mind; whilst, referring to him whatever we find of right or good or fair in ourselves, discovering his strength and wisdom even in our own weakness and imperfection, honoring them where we discover them clearly, and adoring their profundity where we are lost in our search, we may be inquisitive without impertinence, and elevated without pride; we may be admitted, if I may dare to say so, into the counsels of the Almighty by a consideration of his works. The elevation of the mind ought to be the principal end of all our studies; which, if they do not in some measure effect, they are of very little service to us. But, besides this great purpose, a consideration of the rationale of our passions seems to me very necessary for all who would affect them upon solid and sure principles. It is not enough to know them in general; to affect them after a delicate manner, or to judge properly of any work designed to affect them, we should know the exact boundaries of their several jurisdictions; we should pursue them through all their variety of operations, and pierce into the inmost, and what might appear inaccessible parts of our nature,

Quod latet arcanâ non enarrabile fibrâ.

Without all this it is possible for a man, after a confused manner sometimes to satisfy his own mind of the truth of his work; but he can never have a certain determinate rule to go by, nor can he ever make his propositions sufficiently clear to others. Poets, and orators, and painters, and those who cultivate other branches of the liberal arts, have, without this critical knowledge, succeeded well in their several provinces, and will succeed: as among artificers there are many machines made and even invented without any exact knowledge of the principles they are governed by. It is, I own, not uncommon to be wrong in theory, and right in practice: and we are happy that it is so. Men often act right from their feelings, who afterwards reason

but ill on them from principle; but as it is impossible to avoid an attempt at such reasoning, and equally impossible to prevent its having some influence on our practice, surely it is worth taking some pains to have it just, and founded on the basis of sure experience. We might expect that the artists themselves would have been our surest guides; but the artists have been too much occupied in the practice: the philosophers have done little; and what they have done, was mostly with a view to their own schemes and systems; and as for those called critics, they have generally sought the rule of the arts in the wrong place; they sought it among poems, pictures, engravings, statues, and buildings. But art can never give the rules that make an art. This is, I believe, the reason why artists in general, and poets, principally, have been confined in so narrow a circle: they have been rather imitators of one another than of nature; and this with so faithful an uniformity, and to so remote an antiquity, that it is hard to say who gave the first model. Critics follow them, and therefore can do little as guides. I can judge but poorly of anything, whilst I measure it by no other standard than itself. The true standard of the arts is in every man's power; and an easy observation of the most common, sometimes of the meanest things in nature, will give the truest lights, where the greatest sagacity and industry, that slights such observation, must leave us in the dark, or, what is worse, amuse and mislead us by false lights. In an inquiry it is almost everything to be once in a right road. I am satisfied I have done but little by these observations considered in themselves; and I never should have taken the pains to digest them, much less should I have ever ventured to publish them, if I was not convinced that nothing tends more to the corruption of science than to suffer it to stagnate. These waters must be troubled, before they can exert their virtues. A man who works beyond the surface of things, though he may be wrong himself, yet he clears the way for others, and may chance to make even his errors subservient to the cause of truth. In the following parts I shall inquire what things they are that cause in us the affections of the sublime and beautiful, as in this I have considered the affections themselves. I only desire one favor, — that no part of this discourse may be judged of by itself, and independently of the rest; for I am sensible I have not disposed my materials to abide the test of a captious controversy, but of a sober and even forgiving examination; that they are not armed at all points for battle, but dressed to visit those who are willing to give a peaceful entrance to truth.

PART II.

SECTION I.

OF THE PASSION CAUSED BY THE SUBLIME.

The passion caused by the great and sublime in *nature*, when those causes operate most powerfully, is astonishment: and astonishment is that state of the soul in which all its motions are suspended, with some degree of horror. In this case the mind is so entirely filled with its object, that it cannot entertain any other, nor by consequence reason on that object which employs it. Hence arises the great power of the sublime, that, far from being produced by them, it anticipates our reasonings, and hurries us on by an irresistible force. Astonishment, as I have said, is the effect of the sublime in its highest degree; the inferior effects are admiration, reverence, and respect.

SECTION II.

TERROR.

No passion so effectually robs the mind of all its powers of acting and reasoning as *fear*. For fear being an apprehension of pain or death, it operates in a manner that resembles actual pain. Whatever therefore is terrible, with regard to sight, is sublime too, whether this cause of terror be endued with greatness of dimensions or not; for it is impossible to look on anything as trifling, or contemptible, that may be dangerous. There are many animals, who, though far from being large, are yet capable of raising ideas of the sublime, because they are considered as objects of terror. As serpents and poisonous animals of almost all kinds. And to things of great dimensions, if we annex an adventitious idea of terror, they become without comparison greater. A level plain of a vast extent on land, is certainly no mean idea; the prospect of such a plain may be as extensive as a prospect of the ocean; but can it ever fill the mind with anything so great as the ocean itself? This is owing to several causes; but it is owing to none more than this, that the ocean is an object of no small terror. Indeed terror is in all cases whatsoever, either more openly or latently, the ruling principle of the sublime. Several languages bear a strong testimony to the affinity of these ideas. They frequently use the same word to signify indifferently the modes of astonishment or admiration and those of terror. Θάμβος is in Greek either fear or wonder; δεινός is terrible or respectable; αἰδέο to reverence or to fear. *Vereor* in Latin is what αἰδέο is in Greek. The Romans used the verb *stupeo*, a term which strongly marks the state of an astonished mind, to express the effect either of simple fear, or of astonishment; the word *attonitus* (thunderstruck) is equally expressive of the alliance of these ideas; and do not the French *étonnement*, and the English *astonishment* and *amazement*, point out as clearly the kindred emotions which attend fear and wonder? They who have a more general knowledge of languages, could produce, I make no doubt, many other and equally striking examples.

SECTION III.

OBSCURITY.

To make anything very terrible, obscurity seems in general to be necessary. When we know the full extent of any danger, when we can accustom our eyes to it, a great deal of the apprehension vanishes. Every one will be sensible of this, who considers how greatly night adds to our dread, in all cases of danger, and how much the notions of ghosts and goblins, of which none can form clear ideas, affect minds which give credit to the popular tales concerning such sorts of beings. Those despotic governments which are founded on the passions of men, and principally upon the passion of fear, keep their chief as much as may be from the public eye. The policy has been the same in many cases of religion. Almost all the heathen temples were dark. Even in the barbarous temples of the Americans at this day, they keep their idol in a dark part of the hut, which is consecrated to his worship. For this purpose too the Druids performed all their ceremonies in the bosom of the darkest woods, and in the shade of the oldest and most spreading oaks. No person seems better to have understood the secret of heightening, or of setting terrible things, if I may use the expression, in their strongest light, by the force of a judicious obscurity than Milton. His description of death in the second book is admirably studied; it is astonishing with what a gloomy pomp, with what a significant and expressive uncertainty of strokes and coloring, he has finished the portrait of the king of terrors:

“The other shape,
If shape it might be called that shape had none
Distinguishable, in member, joint, or limb;
Or substance might be called that shadow seemed;
For each seemed either; black he stood as night;
Fierce as ten furies; terrible as hell;
And shook a deadly dart. What seemed his head
The likeness of a kingly crown had on.”

In this description all is dark, uncertain, confused, terrible, and sublime to the last degree.

SECTION IV.

OF THE DIFFERENCE BETWEEN CLEARNESS AND OBSCURITY WITH REGARD TO THE PASSIONS.

It is one thing to make an idea clear, and another to make it *affecting* to the imagination. If I make a drawing of a palace, or a temple, or a landscape, I present a very clear idea of those objects; but then (allowing for the effect of imitation which is something) my picture can at most affect only as the palace, temple, or landscape, would have affected in the reality. On the other hand, the most lively and spirited verbal description I can give raises a very obscure and imperfect *idea* of such objects; but then it is in my power to raise a stronger *emotion* by the description than I could do by the best painting. This experience constantly evinces. The proper manner of conveying the *affections* of the mind from one to another is by words; there is a great insufficiency in all other methods of communication; and so far is a clearness of imagery from being absolutely necessary to an influence upon the passions, that they may be considerably operated upon, without presenting any image at all, by certain sounds adapted to that purpose; of which we have a sufficient proof in the acknowledged and powerful effects of instrumental music. In reality, a great clearness helps but little towards affecting the passions, as it is in some sort an enemy to all enthusiasms whatsoever.

SECTION [IV].

THE SAME SUBJECT CONTINUED.

There are two verses in Horace's Art of Poetry that seem to contradict this opinion; for which reason I shall take a little more pains in clearing it up. The verses are,

Segnius irritant animos demissa per aures,
Quam quæ sunt oculis subjecta fidelibus.

On this the Abbé du Bos founds a criticism, wherein he gives painting the preference to poetry in the article of moving the passions; principally on account of the greater *clearness* of the ideas it represents. I believe this excellent judge was led into this mistake (if it be a mistake) by his system; to which he found it more conformable than I imagine it will be found to experience. I know several who admire and love painting, and yet who regard the objects of their admiration in that art with coolness enough in comparison of that warmth with which they are animated by affecting pieces of poetry or rhetoric. Among the common sort of people, I never could perceive that painting had much influence on their passions. It is true that the best sorts of painting, as well as the best sorts of poetry, are not much understood in that sphere. But it is most certain that their passions are very strongly roused by a fanatic preacher, or by the ballads of Chevy Chase, or the Children in the Wood, and by other little popular poems and tales that are current in that rank of life. I do not know of any paintings, bad or good, that produce the same effect. So that poetry, with all its obscurity, has a more general, as well as a more powerful dominion over the passions, than the other art. And I think there are reasons in nature, why the obscure idea, when properly conveyed, should be more affecting than the clear. It is our ignorance of things that causes all our admiration, and chiefly excites our passions. Knowledge and acquaintance make the most striking causes affect but little. It is thus with the vulgar; and all men are as the vulgar in what they do not understand. The ideas of eternity, and infinity, are among the most affecting we have: and yet perhaps there is nothing of which we really understand so little, as of infinity and eternity. We do not anywhere meet a more sublime description than this justly-celebrated one of Milton, wherein he gives the portrait of Satan with a dignity so suitable to the subject:

“He above the rest
In shape and gesture proudly eminent
Stood like a tower; his form had yet not lost
All her original brightness, nor appeared
Less than archangel ruined, and th’ excess
Of glory obscured: as when the sun new risen

Looks through the horizontal misty air
Shorn of his beams; or from behind the moon
In dim eclipse disastrous twilight sheds
On half the nations; and with fear of change
Perplexes monarchs.”

Here is a very noble picture; and in what does this poetical picture consist? In images of a tower, an archangel, the sun rising through mists, or in an eclipse, the ruin of monarchs and the revolutions of kingdoms. The mind is hurried out of itself, by a crowd of great and confused images; which affect because they are crowded and confused. For separate them, and you lose much of the greatness; and join them, and you infallibly lose the clearness. The images raised by poetry are always of this obscure kind; though in general the effects of poetry are by no means to be attributed to the images it raises; which point we shall examine more at large hereafter. But painting, when we have allowed for the pleasure of imitation, can only affect simply by the images it presents; and even in painting, a judicious obscurity in some things contributes to the effect of the picture; because the images in painting are exactly similar to those in nature; and in nature, dark, confused, uncertain images have a greater power on the fancy to form the grander passions, than those have which are more clear and determinate. But where and when this observation may be applied to practice, and how far it shall be extended, will be better deduced from the nature of the subject, and from the occasion, than from any rules that can be given.

I am sensible that this idea has met with opposition, and is likely still to be rejected by several. But let it be considered that hardly anything can strike the mind with its greatness, which does not make some sort of approach towards infinity; which nothing can do whilst we are able to perceive its bounds; but to see an object distinctly, and to perceive its bounds, is one and the same thing. A clear idea is therefore another name for a little idea. There is a passage in the book of Job amazingly sublime, and this sublimity is principally due to the terrible uncertainty of the thing described: *In thoughts from the visions of the night, when deep sleep falleth upon men, fear came upon me and trembling, which made all my bones to shake. Then a spirit passed before my face. The hair of my flesh stood up. It stood still, but I could not discern the form thereof; an image was before mine eyes; there was silence; and I heard a voice, — Shall mortal man be more just than God?* We are first prepared with the utmost solemnity for the vision; we are first terrified, before we are let even into the obscure cause of our emotion: but when this grand cause of terror makes its appearance, what is it? Is it not wrapt up in the shades of its own incomprehensible darkness, more awful, more striking, more terrible, than the liveliest description, than the clearest painting, could possibly represent it? When painters have attempted to give us clear representations of these very fanciful and terrible ideas, they have, I think, almost always failed; insomuch that I have

been at a loss, in all the pictures I have seen of hell, to determine whether the painter did not intend something ludicrous. Several painters have handled a subject of this kind, with a view of assembling as many horrid phantoms as their imagination could suggest; but all the designs I have chanced to meet of the temptations of St. Anthony were rather a sort of odd, wild grotesques, than any thing capable of producing a serious passion. In all these subjects poetry is very happy. Its apparitions, its chimeras, its harpies, its allegorical figures, are grand and affecting; and though Virgil's Fame and Homer's Discord are obscure, they are magnificent figures. These figures in painting would be clear enough, but I fear they might become ridiculous.

SECTION V.

POWER.

Besides those things which *directly* suggest the idea of danger, and those which produce a similar effect from a mechanical cause, I know of nothing sublime, which is not some modification of power. And this branch rises, as naturally as the other two branches, from terror, the common stock of everything that is sublime. The idea of power, at first view, seems of the class of those indifferent ones, which may equally belong to pain or to pleasure. But in reality, the affection arising from the idea of vast power is extremely remote from that neutral character. For first, we must remember that the idea of pain, in its highest degree, is much stronger than the highest degree of pleasure; and that it preserves the same superiority through all the subordinate gradations. From hence it is, that where the chances for equal degrees of suffering or enjoyment are in any sort equal, the idea of the suffering must always be prevalent. And indeed the ideas of pain, and, above all, of death, are so very affecting, that whilst we remain in the presence of whatever is supposed to have the power of inflicting either, it is impossible to be perfectly free from terror. Again, we know by experience, that, for the enjoyment of pleasure, no great efforts of power are at all necessary; nay, we know that such efforts would go a great way towards destroying our satisfaction: for pleasure must be stolen, and not forced upon us; pleasure follows the will; and therefore we are generally affected with it by many things of a force greatly inferior to our own. But pain is always inflicted by a power in some way superior, because we never submit to pain willingly. So that strength, violence, pain, and terror, are ideas that rush in upon the mind together. Look at a man, or any other animal of prodigious strength, and what is your idea before reflection? Is it that this strength will be subservient to you, to your ease, to your pleasure, to your interest in any sense? No; the emotion you feel is, lest this enormous strength should be employed to the purposes of rapine and destruction. That power derives all its sublimity from the terror with which it is generally accompanied, will appear evidently from its effect in the very few cases, in which it may be possible to strip a considerable degree of strength of its ability to hurt. When you do this, you spoil it of everything sublime, and it immediately becomes contemptible. An ox is a creature of vast strength; but he is an innocent creature, extremely serviceable, and not at all dangerous; for which reason the idea of an ox is by no means grand. A bull is strong too; but his strength is of another kind; often very destructive, seldom (at least amongst us) of any use in our business; the idea of a bull is therefore great, and it has frequently a place in sublime descriptions, and elevating comparisons. Let us look at another strong animal, in the two distinct lights in which we may consider him. The horse in the light of an useful beast, fit

for the plough, the road, the draft; in every social useful light, the horse has nothing sublime; but is it thus that we are affected with him, *whose neck is clothed with thunder, the glory of whose nostrils is terrible, who swalloweth the ground with fierceness and rage, neither believeth that it is the sound of the trumpet?* In this description, the useful character of the horse entirely disappears, and the terrible and sublime blaze out together. We have continually about us animals of a strength that is considerable, but not pernicious. Amongst these we never look for the sublime; it comes upon us in the gloomy forest, and in the howling wilderness, in the form of the lion, the tiger, the panther, or rhinoceros. Whenever strength is only useful, and employed for our benefit or our pleasure, then it is never sublime; for nothing can act agreeably to us, that does not act in conformity to our will; but to act agreeably to our will, it must be subject to us, and therefore can never be the cause of a grand and commanding conception. The description of the wild ass, in Job, is worked up into no small sublimity, merely by insisting on his freedom, and his setting mankind at defiance; otherwise the description of such an animal could have had nothing noble in it. *Who hath loosed (says he) the bands of the wild ass? whose house I have made the wilderness and the barren land his dwellings. He scorneth the multitude of the city, neither regardeth he the voice of the driver. The range of the mountains is his pasture.* The magnificent description of the unicorn and of leviathan, in the same book, is full of the same heightening circumstances: *Will the unicorn be willing to serve thee? canst thou bind the unicorn with his band in the furrow? wilt thou trust him because his strength is great? — Canst thou draw out leviathan with an hook? will he make a covenant with thee? wilt thou take him for a servant forever? shall not one be cast down even at the sight of him?* In short, wheresoever we find strength, and in what light soever we look upon power, we shall all along observe the sublime the concomitant of terror, and contempt the attendant on a strength that is subservient and innoxious. The race of dogs, in many of their kinds, have generally a competent degree of strength and swiftness; and they exert these and other valuable qualities which they possess, greatly to our convenience and pleasure. Dogs are indeed the most social, affectionate, and amiable animals of the whole brute creation; but love approaches much nearer to contempt than is commonly imagined; and accordingly, though we caress dogs, we borrow from them an appellation of the most despicable kind, when we employ terms of reproach; and this appellation is the common mark of the last vileness and contempt in every language. Wolves have not more strength than several species of dogs; but, on account of their unmanageable fierceness, the idea of a wolf is not despicable; it is not excluded from grand descriptions and similitudes. Thus we are affected by strength, which is *natural* power. The power which arises from institution in kings and commanders, has the same connection with terror. Sovereigns are frequently addressed with the title of *dread majesty*. And it may be observed, that young persons, little acquainted with the world, and who have not

been used to approach men in power, are commonly struck with an awe which takes away the free use of their faculties. *When I prepared my seat in the street, (says Job,) the young men saw me, and hid themselves.* Indeed so natural is this timidity with regard to power, and so strongly does it inhere in our constitution, that very few are able to conquer it, but by mixing much in the business of the great world, or by using no small violence to their natural dispositions. I know some people are of opinion, that no awe, no degree of terror, accompanies the idea of power; and have hazarded to affirm, that we can contemplate the idea of God himself without any such emotion. I purposely avoided, when I first considered this subject, to introduce the idea of that great and tremendous Being, as an example in an argument so light as this; though it frequently occurred to me, not as an objection to, but as a strong confirmation of, my notions in this matter. I hope, in what I am going to say, I shall avoid presumption, where it is almost impossible for any mortal to speak with strict propriety. I say then, that whilst we consider the Godhead merely as he is an object of the understanding, which forms a complex idea of power, wisdom, justice, goodness, all stretched to a degree far exceeding the bounds of our comprehension, whilst we consider the divinity in this refined and abstracted light, the imagination and passions are little or nothing affected. But because we are bound, by the condition of our nature, to ascend to these pure and intellectual ideas, through the medium of sensible images, and to judge of these divine qualities by their evident acts and exertions, it becomes extremely hard to disentangle our idea of the cause from the effect by which we are led to know it. Thus, when we contemplate the Deity, his attributes and their operation, coming united on the mind, form a sort of sensible image, and as such are capable of affecting the imagination. Now, though in a just idea of the Deity, perhaps none of his attributes are predominant, yet, to our imagination, his power is by far the most striking. Some reflection, some comparing, is necessary to satisfy us of his wisdom, his justice, and his goodness. To be struck with his power, it is only necessary that we should open our eyes. But whilst we contemplate so vast an object, under the arm, as it were, of almighty power, and invested upon every side with omnipresence, we shrink into the minuteness of our own nature, and are, in a manner, annihilated before him. And though a consideration of his other attributes may relieve, in some measure, our apprehensions; yet no conviction of the justice with which it is exercised, nor the mercy with which it is tempered, can wholly remove the terror that naturally arises from a force which nothing can withstand. If we rejoice, we rejoice with trembling; and even whilst we are receiving benefits, we cannot but shudder at a power which can confer benefits of such mighty importance. When the prophet David contemplated the wonders of wisdom and power which are displayed in the economy of man, he seems to be struck with a sort of divine horror, and cries out, *fearfully and wonderfully am I made!* An heathen poet has a sentiment of a similar

nature; Horace looks upon it as the last effort of philosophical fortitude, to behold without terror and amazement, this immense and glorious fabric of the universe:

Hunc solem, et stellas, et decedentia certis
Tempora momentis, sunt qui formidine nulla
Imbuti spectent.

Lucretius is a poet not to be suspected of giving way to superstitious terrors; yet, when he supposes the whole mechanism of nature laid open by the master of his philosophy, his transport on this magnificent view, which he has represented in the colors of such bold and lively poetry, is overcast with a shade of secret dread and horror:

His ibi me rebus quædam divina voluptas
Percipit, atque horror; quod sic natura, tua vi
Tam manifesta patens, ex omni parte resecta est.

But the Scripture alone can supply ideas answerable to the majesty of this subject. In the Scripture, wherever God is represented as appearing or speaking, everything terrible in nature is called up to heighten the awe and solemnity of the Divine presence. The Psalms, and the prophetic books, are crowded with instances of this kind. *The earth shook, (says the Psalmist,) the heavens also dropped at the presence of the Lord.* And what is remarkable, the painting preserves the same character, not only when he is supposed descending to take vengeance upon the wicked, but even when he exerts the like plenitude of power in acts of beneficence to mankind. *Tremble, thou earth! at the presence of the Lord; at the presence of the God of Jacob; which turned the rock into standing water, the flint into a fountain of waters!* It were endless to enumerate all the passages, both in the sacred and profane writers, which establish the general sentiment of mankind, concerning the inseparable union of a sacred and reverential awe, with our ideas of the divinity. Hence the common maxim, *Primus in orbe deos fecit timor.* This maxim may be, as I believe it is, false with regard to the origin of religion. The maker of the maxim saw how inseparable these ideas were, without considering that the notion of some great power must be always precedent to our dread of it. But this dread must necessarily follow the idea of such a power, when it is once excited in the mind. It is on this principle that true religion has, and must have, so large a mixture of salutary fear; and that false religions have generally nothing else but fear to support them. Before the Christian religion had, as it were, humanized the idea of the Divinity, and brought it somewhat nearer to us, there was very little said of the love of God. The followers of Plato have something of it, and only something; the other writers of pagan antiquity, whether poets or philosophers, nothing at all. And they who consider with what infinite attention, by what a disregard of every perishable object, through what long habits of piety and contemplation it is that any man is able to attain an entire love and devotion to the Deity, will easily perceive that it is not the first, the most natural, and the most striking effect which proceeds

from that idea. Thus we have traced power through its several gradations unto the highest of all, where our imagination is finally lost; and we find terror, quite throughout the progress, its inseparable companion, and growing along with it, as far as we can possibly trace them. Now, as power is undoubtedly a capital source of the sublime, this will point out evidently from whence its energy is derived, and to what class of ideas we ought to unite it.

SECTION VI.

PRIVATION.

ALL *general* privations are great, because they are all terrible; *vacuity*, *darkness*, *solitude*, and *silence*. With what a fire of imagination, yet with what severity of judgment, has Virgil amassed all these circumstances, where he knows that all the images of a tremendous dignity ought to be united at the mouth of hell! Where, before he unlocks the secrets of the great deep, he seems to be seized with a religious horror, and to retire astonished at the boldness of his own design:

Dii, quibus imperium est animarum, umbræque *silent*es!

Et Chaos, et Phlegethon! loca *nocte silentia* late!

Sit mihi fas audita loqui! sit numine vestro

Pandere res alta terra et *caligine* mersas!

Ibant *obscuri*, *sola* sub *nocte*, per *umbram*,

Perque domos Ditis *vacuas*, et *inania* regus.

“Ye subterraneous gods! whose awful sway

The gliding ghosts, and *silent* shades obey:

O Chaos hoar! and Phlegethon profound!

Whose solemn empire stretches wide around;

Give me, ye great, tremendous powers, to tell

Of scenes and wonders in the depth of hell;

Give me your mighty secrets to display

From those *black* realms of darkness to the day.”

PITT.

“*Obscure* they went through dreary *shades* that led

Along the *waste* dominions of the *dead*.”

DRYDEN.

SECTION VII.

VASTNESS.

Greatness of dimension is a powerful cause of the sublime. This is too evident, and the observation too common, to need any illustration; it is not so common to consider in what ways greatness of dimension, vastness of extent or quantity, has the most striking effect. For, certainly, there are ways and modes wherein the same quantity of extension shall produce greater effects than it is found to do in others. Extension is either in length, height, or depth. Of these the length strikes least; a hundred yards of even ground will never work such an effect as a tower a hundred yards high, or a rock or mountain of that altitude. I am apt to imagine, likewise, that height is less grand than depth; and that we are more struck at looking down from a precipice, than looking up at an object of equal height; but of that I am not very positive. A perpendicular has more force in forming the sublime, than an inclined plane, and the effects of a rugged and broken surface seem stronger than where it is smooth and polished. It would carry us out of our way to enter in this place into the cause of these appearances, but certain it is they afford a large and fruitful field of speculation. However, it may not be amiss to add to these remarks upon magnitude, that as the great extreme of dimension is sublime, so the last extreme of littleness is in some measure sublime likewise; when we attend to the infinite divisibility of matter, when we pursue animal life into these excessively small, and yet organized beings, that escape the nicest inquisition of the sense; when we push our discoveries yet downward, and consider those creatures so many degrees yet smaller, and the still diminishing scale of existence, in tracing which the imagination is lost as well as the sense; we become amazed and confounded at the wonders of minuteness; nor can we distinguish in its effect this extreme of littleness from the vast itself. For division must be infinite as well as addition; because the idea of a perfect unity can no more be arrived at, than that of a complete whole, to which nothing may be added.

SECTION VIII.

INFINITY.

Another source of the sublime is *infinity*; if it does not rather belong to the last. Infinity has a tendency to fill the mind with that sort of delightful horror, which is the most genuine effect, and truest test of the sublime. There are scarce any things which can become the objects of our senses, that are really and in their own nature infinite. But the eye not being able to perceive the bounds of many things, they seem to be infinite, and they produce the same effects as if they were really so. We are deceived in the like manner, if the parts of some large object are so continued to any indefinite number, that the imagination meets no check which may hinder its extending them at pleasure.

Whenever we repeat any idea frequently, the mind, by a sort of mechanism, repeats it long after the first cause has ceased to operate. After whirling about, when we sit down, the objects about us still seem to whirl. After a long succession of noises, as the fall of waters, or the beating of forge-hammers, the hammers beat and the waters roar in the imagination long after the first sounds have ceased to affect it; and they die away at last by gradations which are scarcely perceptible. If you hold up a straight pole, with your eye to one end, it will seem extended to a length almost incredible. Place a number of uniform and equi-distant marks on this pole, they will cause the same deception, and seem multiplied without end. The senses, strongly affected in some one manner, cannot quickly change their tenor, or adapt themselves to other things; but they continue in their old channel until the strength of the first mover decays. This is the reason of an appearance very frequent in madmen; that they remain whole days and nights, sometimes whole years, in the constant repetition of some remark, some complaint, or song; which having struck powerfully on their disordered imagination, in the beginning of their frenzy, every repetition reinforces it with new strength, and the hurry of their spirits, unrestrained by the curb of reason, continues it to the end of their lives.

SECTION IX.

SUCCESSION AND UNIFORMITY.

Succession and *uniformity* of parts are what constitute the artificial infinite. 1. *Succession*; which is requisite that the parts may be continued so long and in such a direction, as by their frequent impulses on the sense to impress the imagination with an idea of their progress beyond their actual limits. 2. *Uniformity*; because, if the figures of the parts should be changed, the imagination at every change finds a check; you are presented at every alteration with the termination of one idea, and the beginning of another; by which means it becomes impossible to continue that uninterrupted progression, which alone can stamp on bounded objects the character of infinity. It is in this kind of artificial infinity, I believe, we ought to look for the cause why a rotund has such a noble effect. For in a rotund, whether it be a building or a plantation, you can nowhere fix a boundary; turn which way you will, the same object still seems to continue, and the imagination has no rest. But the parts must be uniform, as well as circularly disposed, to give this figure its full force; because any difference, whether it be in the disposition, or in the figure, or even in the color of the parts, is highly prejudicial to the idea of infinity, which every change must check and interrupt, at every alteration commencing a new series. On the same principles of succession and uniformity, the grand appearance of the ancient heathen temples, which were generally oblong forms, with a range of uniform pillars on every side, will be easily accounted for. From the same cause also may be derived the grand effect of the aisles in many of our own old cathedrals. The form of a cross used in some churches seems to me not so eligible as the parallelogram of the ancients; at least, I imagine it is not so proper for the outside. For, supposing the arms of the cross every way equal, if you stand in a direction parallel to any of the side walls, or colonnades, instead of a deception that makes the building more extended than it is, you are cut off from a considerable part (two thirds) of its *actual* length; and, to prevent all possibility of progression, the arms of the cross taking a new direction, make a right angle with the beam, and thereby wholly turn the imagination from the repetition of the former idea. Or suppose the spectator placed where he may take a direct view of such a building, what will be the consequence? the necessary consequence will be, that a good part of the basis of each angle formed by the intersection of the arms of the cross, must be inevitably lost; the whole must of course assume a broken, unconnected figure; the lights must be unequal, here strong, and there weak; without that noble gradation which the perspective always effects on parts disposed uninterruptedly in a right line. Some or all of these objections will lie against every figure of a cross, in whatever view you take it. I exemplified them in the Greek cross, in which these faults appear the most

strongly; but they appear in some degree in all sorts of crosses. Indeed, there is nothing more prejudicial to the grandeur of buildings than to abound in angles; a fault obvious in many; and owing to an inordinate thirst for variety, which, whenever it prevails, is sure to leave very little true taste.

SECTION X.

MAGNITUDE IN BUILDING.

To the sublime in building, greatness of dimension seems requisite; for on a few parts, and those small, the imagination cannot rise to any idea of infinity. No greatness in the manner can effectually compensate for the want of proper dimensions. There is no danger of drawing men into extravagant designs by this rule; it carries its own caution along with it. Because too great a length in buildings destroys the purpose of greatness, which it was intended to promote; the perspective will lessen it in height as it gains in length; and will bring it at last to a point; turning the whole figure into a sort of triangle, the poorest in its effect of almost any figure that can be presented to the eye. I have ever observed, that colonnades and avenues of trees of a moderate length were, without comparison, far grander than when they were suffered to run to immense distances. A true artist should put a generous deceit on the spectators, and effect the noblest designs by easy methods. Designs that are vast only by their dimensions are always the sign of a common and low imagination. No work of art can be great, but as it deceives; to be otherwise is the prerogative of nature only. A good eye will fix the medium betwixt an excessive length or height (for the same objection lies against both), and a short or broken quantity: and perhaps it might be ascertained to a tolerable degree of exactness, if it was my purpose to descend far into the particulars of any art.

SECTION XI.

INFINITY IN PLEASING OBJECTS.

Infinity, though of another kind, causes much of our pleasure in agreeable, as well as of our delight in sublime images. The spring is the pleasantest of the seasons; and the young of most animals, though far from being completely fashioned, afford a more agreeable sensation than the full-grown; because the imagination is entertained with the promise of something more, and does not acquiesce in the present object of the sense. In unfinished sketches of drawing, I have often seen something which pleased me beyond the best finishing; and this I believe proceeds from the cause I have just now assigned.

SECTION XII.

DIFFICULTY.

Another source of greatness is *difficulty*. When any work seems to have required immense force and labor to effect it, the idea is grand. Stonehenge, neither for disposition nor ornament, has anything admirable; but those huge rude masses of stone, set on end, and piled each on other, turn the mind on the immense force necessary for such a work. Nay, the rudeness of the work increases this cause of grandeur, as it excludes the idea of art and contrivance; for dexterity produces another sort of effect, which is different enough from this.

SECTION XIII.

MAGNIFICENCE.

Magnificence is likewise a source of the sublime. A great profusion of things, which are splendid or valuable in themselves, is *magnificent*. The starry heaven, though it occurs so very frequently to our view never fails to excite an idea of grandeur. This cannot be owing to the stars themselves, separately considered. The number is certainly the cause. The apparent disorder augments the grandeur, for the appearance of care is highly contrary to our ideas of magnificence. Besides, the stars lie in such apparent confusion, as makes it impossible on ordinary occasions to reckon them. This gives them the advantage of a sort of infinity. In works of art, this kind of grandeur which consists in multitude, is to be very cautiously admitted; because a profusion of excellent things is not to be attained, or with too much difficulty; and because in many cases this splendid confusion would destroy all use, which should be attended to in most of the works of art with the greatest care; besides, it is to be considered, that unless you can produce an appearance of infinity by your disorder, you will have disorder only without magnificence. There are, however, a sort of fireworks, and some other things, that in this way succeed well, and are truly grand. There are also many descriptions in the poets and orators, which owe their sublimity to a richness and profusion of images, in which the mind is so dazzled as to make it impossible to attend to that exact coherence and agreement of the allusions, which we should require on every other occasion. I do not now remember a more striking example of this, than the description which is given of the king's army in the play of Henry IV.: —

“All furnished, all in arms,
All plumed like ostriches that with the wind
Baited like eagles having lately bathed:
As full of spirit us the month of May,
And gorgeous as the sun in midsummer,
Wanton as youthful goats, wild as young bulls.
I saw young Harry with his beaver on
Rise from the ground like feathered Mercury;
And vaulted with such ease into his seat,
As if an angel dropped down from the clouds
To turn and wind a fiery Pegasus.”

In that excellent book, so remarkable for the vivacity of its descriptions, as well as the solidity and penetration of its sentences, the Wisdom of the Son of Sirach, there is a noble panegyric on the high-priest Simon the son of Onias; and it is a very fine example of the point before us: —

How was he honored in the midst of the people, in his coming out of the sanctuary! He was as the morning star in the midst of a cloud, and as the moon at the full; as the sun shining upon the temple of the Most High, and as the rainbow giving light in the bright clouds: and as the flower of roses in the spring of the year, as lilies by the rivers of waters, and as the frankincense-tree in summer; as fire and incense in the censer, and as a vessel of gold set with precious stones; as a fair olive-tree budding forth fruit, and as a cypress which groweth up to the clouds. When he put on the robe of honor, and was clothed with the perfection of glory, when he went up to the holy altar, he made the garment of holiness honorable. He himself stood by the hearth of the altar, compassed with his brethren round about; as a young cedar in Libanus, and as palm-trees compassed they him about. So were all the sons of Aaron in their glory, and the oblations of the Lord in their hands, &c.

SECTION XIV.

LIGHT.

Having considered extension, so far as it is capable of raising ideas of greatness; *color* comes next under consideration. All colors depend on *light*. Light therefore ought previously to be examined; and with it its opposite, darkness. With regard to light, to make it a cause capable of producing the sublime, it must be attended with some circumstances, besides its bare faculty of showing other objects. Mere light is too common a thing to make a strong impression on the mind, and without a strong impression nothing can be sublime. But such a light as that of the sun, immediately exerted on the eye, as it overpowers the sense, is a very great idea. Light of an inferior strength to this, if it moves with great celerity, has the same power; for lightning is certainly productive of grandeur, which it owes chiefly to the extreme velocity of its motion. A quick transition from light to darkness, or from darkness to light, has yet a greater effect. But darkness is more productive of sublime ideas than light. Our great poet was convinced of this; and indeed so full was he of this idea, so entirely possessed with the power of a well-managed darkness, that in describing the appearance of the Deity, amidst that profusion of magnificent images, which the grandeur of his subject provokes him to pour out upon every side, he is far from forgetting the obscurity which surrounds the most incomprehensible of all beings, but

“With majesty of *darkness* round
Circles his throne.”

And what is no less remarkable, our author had the secret of preserving this idea, even when he seemed to depart the farthest from it, when he describes the light and glory which flows from the Divine presence; a light which by its very excess is converted into a species of darkness: —

“*Dark* with excessive *light* thy skirts appear.”

Here is an idea not only poetical in a high degree, but strictly and philosophically just. Extreme light, by overcoming the organs of sight, obliterates all objects, so as in its effect exactly to resemble darkness. After looking for some time at the sun, two black spots, the impression which it leaves, seem to dance before our eyes. Thus are two ideas as opposite as can be imagined reconciled in the extremes of both; and both, in spite of their opposite nature, brought to concur in producing the sublime. And this is not the only instance wherein the opposite extremes operate equally in favor of the sublime, which in all things abhors mediocrity.

SECTION XV.

LIGHT IN BUILDING.

As the management of light is a matter of importance in architecture, it is worth inquiring, how far this remark is applicable to building. I think, then, that all edifices calculated to produce an idea of the sublime, ought rather to be dark and gloomy, and this for two reasons; the first is, that darkness itself on other occasions is known by experience to have a greater effect on the passions than light. The second is, that to make an object very striking, we should make it as different as possible from the objects with which we have been immediately conversant; when therefore you enter a building, you cannot pass into a greater light than you had in the open air; to go into one some few degrees less luminous, can make only a trifling change; but to make the transition thoroughly striking, you ought to pass from the greatest light, to as much darkness as is consistent with the uses of architecture. At night the contrary rule will hold, but for the very same reason; and the more highly a room is then illuminated, the grander will the passion be.

SECTION XVI.

COLOR CONSIDERED AS PRODUCTIVE OF THE SUBLIME.

Among colors, such as are soft or cheerful (except perhaps a strong red, which is cheerful) are unfit to produce grand images. An immense mountain covered with a shining green turf, is nothing, in this respect, to one dark and gloomy; the cloudy sky is more grand than the blue; and night more sublime and solemn than day. Therefore in historical painting, a gay or gaudy drapery can never have a happy effect: and in buildings, when the highest degree of the sublime is intended, the materials and ornaments ought neither to be white, nor green, nor yellow, nor blue, nor of a pale red, nor violet, nor spotted, but of sad and fuscous colors, as black, or brown, or deep purple, and the like. Much of gilding, mosaics, painting, or statues, contribute but little to the sublime. This rule need not be put in practice, except where an uniform degree of the most striking sublimity is to be produced, and that in every particular; for it ought to be observed, that this melancholy kind of greatness, though it be certainly the highest, ought not to be studied in all sorts of edifices, where yet grandeur must be studied; in such cases the sublimity must be drawn from the other sources; with a strict caution however against anything light and riant; as nothing so effectually deadens the whole taste of the sublime.

SECTION XVII.

SOUND AND LOUDNESS.

The eye is not the only organ of sensation by which a sublime passion may be produced. Sounds have a great power in these as in most other passions. I do not mean words, because words do not affect simply by their sounds, but by means altogether different. Excessive loudness alone is sufficient to overpower the soul, to suspend its action, and to fill it with terror. The noise of vast cataracts, raging storms, thunder, or artillery, awakes a great and awful sensation in the mind, though we can observe no nicety or artifice in those sorts of music. The shouting of multitudes has a similar effect; and by the sole strength of the sound, so amazes and confounds the imagination, that, in this staggering and hurry of the mind, the best established tempers can scarcely forbear being borne down, and joining in the common cry, and common resolution of the crowd.

SECTION XVIII.

SUDDENNESS.

A sudden beginning, or sudden cessation of sound of any considerable force, has the same power. The attention is roused by this; and the faculties driven forward, as it were, on their guard. Whatever, either in sights or sounds, makes the transition from one extreme to the other easy, causes no terror, and consequently can be no cause of greatness. In everything sudden and unexpected, we are apt to start; that is, we have a perception of danger, and our nature rouses us to guard against it. It may be observed that a single sound of some strength, though but of short duration, if repeated after intervals, has a grand effect. Few things are more awful than the striking of a great clock, when the silence of the night prevents the attention from being too much dissipated. The same may be said of a single stroke on a drum, repeated with pauses; and of the successive firing of cannon at a distance. All the effects mentioned in this section have causes very nearly alike.

SECTION XIX.

INTERMITTING.

A low, tremulous, intermitting sound, though it seems, in some respects, opposite to that just mentioned, is productive of the sublime. It is worth while to examine this a little. The fact itself must be determined by every man's own experience and reflection. I have already observed, that night increases our terror, more perhaps than anything else; it is our nature, when we do not know what may happen to us, to fear the worst that can happen; and hence it is that uncertainty is so terrible, that we often seek to be rid of it, at the hazard of a certain mischief. Now some low, confused, uncertain sounds, leave us in the same fearful anxiety concerning their causes, that no light, or an uncertain light, does concerning the objects that surround us.

Quale per incertam lunam sub luce maligna
Est iter in sylvis.

“A faint shadow of uncertain light,
Like as a lamp, whose life doth fade away;
Or as the moon clothed with cloudy night
Doth show to him who walks in fear and great affright.”

SPENSER.

But light now appearing, and now leaving us, and so off and on, is even more terrible than total darkness; and a sort of uncertain sounds are, when the necessary dispositions concur, more alarming than a total silence.

SECTION XX.

THE CRIES OF ANIMALS.

Such sounds as imitate the natural inarticulate voices of men, or any animals in pain or danger, are capable of conveying great ideas; unless it be the well-known voice of some creature, on which we are used to look with contempt. The angry tones of wild beasts are equally capable of causing a great and awful sensation.

Hinc exaudiri gemitus, iræque leonum
Vincia recusantum, et sera sub nocte rudentum;
Setigerique sues, atque in præsepibus ursi
Sævire; et formæ magnorum ululare luporam.

It might seem that those modulations of sound carry some connection with the nature of the things they represent, and are not merely arbitrary; because the natural cries of all animals, even of those animals with whom we have not been acquainted, never fail to make themselves sufficiently understood; this cannot be said of language. The modifications of sound, which may be productive of the sublime, are almost infinite. Those I have mentioned are only a few instances to show on what principles they are all built.

SECTION XXI.

SMELL AND TASTE. — BITTERS AND STENCHES.

Smells and *tastes* have some share too in ideas of greatness; but it is a small one, weak in its nature, and confined in its operations. I shall only observe that no smells or tastes can produce a grand sensation, except excessive bitters, and intolerable stench. It is true that these affections of the smell and taste, when they are in their full force, and lean directly upon the sensory, are simply painful, and accompanied with no sort of delight; but when they are moderated, as in a description or narrative, they become sources of the sublime, as genuine as any other, and upon the very same principle of a moderated pain. “A cup of bitterness”; “to drain the bitter cup of fortune”; “the bitter apples of Sodom”; these are all ideas suitable to a sublime description. Nor is this passage of Virgil without sublimity, where the stench of the vapor in Albunea conspires so happily with the sacred horror and gloominess of that prophetic forest:

At rex sollicitus monstris oracula Fauni
Fatidici genitoris adit, lucosque sub alta
Consulit Albunea, nemorum quæ maxima sacro
Fonte sonat; *sævamque exhalat opaca Mephitim.*

In the sixth book, and in a very sublime description, the poisonous exhalation of Acheron is not forgotten, nor does it at all disagree with the other images amongst which it is introduced:

Spelunca alta fuit, vastoque immanis hiatu
Scrupea, tuta lacu nigro, nemorumque tenebris;
Quam super haud ullæ poterant impune volantes
Tendere iter pennis: *talis sese halitus atris*
Faucibus effundens supera ad convexa ferebat.

I have added these examples, because some friends, for whose judgment I have great deference, were of opinion that if the sentiment stood nakedly by itself, it would be subject, at first view, to burlesque and ridicule; but this I imagine would principally arise from considering the bitterness and stench in company with mean and contemptible ideas, with which it must be owned they are often united; such an union degrades the sublime in all other instances as well as in those. But it is one of the tests by which the sublimity of an image is to be tried, not whether it becomes mean when associated with mean ideas; but whether, when united with images of an allowed grandeur, the whole composition is supported with dignity. Things which are terrible are always great; but when things possess disagreeable qualities, or such as have indeed some degree of danger, but of a danger easily overcome, they are merely *odious*; as toads and spiders.

SECTION XXII.

FEELING. — PAIN.

Of *feeling* little more can be said than that the idea of bodily pain, in all the modes and degrees of labor, pain, anguish, torment, is productive of the sublime; and nothing else in this sense can produce it. I need not give here any fresh instances, as those given in the former sections abundantly illustrate a remark that, in reality, wants only an attention to nature, to be made by everybody.

Having thus run through the causes of the sublime with reference to all the senses, my first observation (Sect. 7) will be found very nearly true; that the sublime is an idea belonging to self-preservation; that it is, therefore, one of the most affecting we have; that its strongest emotion is an emotion of distress; and that no pleasure from a positive cause belongs to it. Numberless examples, besides those mentioned, might be brought in support of these truths, and many perhaps useful consequences drawn from them —

Sed fugit interea, fugit irrevocabile tempus,
Singula dum capti circumvectamur amore.

PART III.

SECTION I.

OF BEAUTY.

It is my design to consider beauty as distinguished from the sublime; and, in the course of the inquiry, to examine how far it is consistent with it. But previous to this, we must take a short review of the opinions already entertained of this quality; which I think are hardly to be reduced to any fixed principles; because men are used to talk of beauty in a figurative manner, that is to say, in a manner extremely uncertain, and indeterminate. By beauty, I mean that quality, or those qualities in bodies, by which they cause love, or some passion similar to it. I confine this definition to the merely sensible qualities of things, for the sake of preserving the utmost simplicity in a subject, which must always distract us whenever we take in those various causes of sympathy which attach us to any persons or things from secondary considerations, and not from the direct force which they have merely on being viewed. I likewise distinguish love, (by which I mean that satisfaction which arises to the mind upon contemplating anything beautiful, of whatsoever nature it may be,) from desire or lust; which is an energy of the mind, that hurries us on to the possession of certain objects, that do not affect us as they are beautiful, but by means altogether different. We shall have a strong desire for a woman of no remarkable beauty; whilst the greatest beauty in men, or in other animals, though it causes love, yet excites nothing at all of desire. Which shows that beauty, and the passion caused by beauty, which I call love, is different from desire, though desire may sometimes operate along with it; but it is to this latter that we must attribute those violent and tempestuous passions, and the consequent emotions of the body which attend what is called love in some of its ordinary acceptations, and not to the effects of beauty merely as it is such.

SECTION II.

PROPORTION NOT THE CAUSE OF BEAUTY IN VEGETABLES.

Beauty hath usually been said to consist in certain proportions of parts. On considering the matter, I have great reason to doubt, whether beauty be at all an idea belonging to proportion. Proportion relates almost wholly to convenience, as every idea of order seems to do; and it must therefore be considered as a creature of the understanding, rather than a primary cause acting on the senses and imagination. It is not by the force of long attention and inquiry that we find any object to be beautiful; beauty demands no assistance from our reasoning; even the will is unconcerned; the appearance of beauty as effectually causes some degree of love in us, as the application of ice or fire produces the ideas of heat or cold. To gain something like a satisfactory conclusion in this point, it were well to examine what proportion is; since several who make use of that word do not always seem to understand very clearly the force of the term, nor to have very distinct ideas concerning the thing itself. Proportion is the measure of relative quantity. Since all quantity is divisible, it is evident that every distinct part into which any quantity is divided must bear some relation to the other parts, or to the whole. These relations give an origin to the idea of proportion. They are discovered by mensuration, and they are the objects of mathematical inquiry. But whether any part of any determinate quantity be a fourth, or a fifth, or a sixth, or a moiety of the whole; or whether it be of equal length with any other part, or double its length, or but one half, is a matter merely indifferent to the mind; it stands neuter in the question: and it is from this absolute indifference and tranquillity of the mind, that mathematical speculations derive some of their most considerable advantages; because there is nothing to interest the imagination; because the judgment sits free and unbiassed to examine the point. All proportions, every arrangement of quantity, is alike to the understanding, because the same truths result to it from all; from greater, from lesser, from equality and inequality. But surely beauty is no idea belonging to mensuration; nor has it anything to do with calculation and geometry. If it had, we might then point out some certain measures which we could demonstrate to be beautiful, either as simply considered, or as related to others; and we could call in those natural objects, for whose beauty we have no voucher but the sense, to this happy standard, and confirm the voice of our passions by the determination of our reason. But since we have not this help, let us see whether proportion can in any sense be considered as the cause of beauty, as hath been so generally, and, by some, so confidently affirmed. If proportion be one of the constituents of beauty, it must derive that power either from some natural properties inherent in certain measures, which operate mechanically; from the operation of custom; or from the fitness

which some measures have to answer some particular ends of conveniency. Our business therefore is to inquire, whether the parts of those objects, which are found beautiful in the vegetable or animal kingdoms, are constantly so formed according to such certain measures, as may serve to satisfy us that their beauty results from those measures, on the principle of a natural mechanical cause; or from custom; or, in fine, from their fitness for any determinate purposes. I intend to examine this point under each of these heads in their order. But before I proceed further, I hope it will not be thought amiss, if I lay down the rules which governed me in this inquiry, and which have misled me in it, if I have gone astray. 1. If two bodies produce the same or a similar effect on the mind, and on examination they are found to agree in some of their properties, and to differ in others; the common effect is to be attributed to the properties in which they agree, and not to those in which they differ. 2. Not to account for the effect of a natural object from the effect of an artificial object. 3. Not to account for the effect of any natural object from a conclusion of our reason concerning its uses, if a natural cause may be assigned. 4. Not to admit any determinate quantity, or any relation of quantity, as the cause of a certain effect, if the effect is produced by different or opposite measures and relations; or if these measures and relations may exist, and yet the effect may not be produced. These are the rules which I have chiefly followed, whilst I examined into the power of proportion considered as a natural cause; and these, if he thinks them just, I request the reader to carry with him throughout the following discussion; whilst we inquire, in the first place, in what things we find this quality of beauty; next, to see whether in these we can find any assignable proportions in such a manner as ought to convince us that our idea of beauty results from them. We shall consider this pleasing power as it appears in vegetables, in the inferior animals, and in man. Turning our eyes to the vegetable creation, we find nothing there so beautiful as flowers; but flowers are almost of every sort of shape, and of every sort of disposition; they are turned and fashioned into an infinite variety of forms; and from these forms botanists have given them their names, which are almost as various. What proportion do we discover between the stalks and the leaves of flowers, or between the leaves and the pistils? How does the slender stalk of the rose agree with the bulky head under which it bends? but the rose is a beautiful flower; and can we undertake to say that it does not owe a great deal of its beauty even to that disproportion; the rose is a large flower, yet it grows upon a small shrub; the flower of the apple is very small, and grows upon a large tree; yet the rose and the apple blossom are both beautiful, and the plants that bear them are most engagingly attired, notwithstanding this disproportion. What by general consent is allowed to be a more beautiful object than an orange-tree, nourishing at once with its leaves, its blossoms, and its fruit? but it is in vain that we search here for any proportion between the height, the breadth, or anything else concerning the dimensions of the whole, or concerning the relation of the particular parts to each other. I grant that

we may observe in many flowers something of a regular figure, and of a methodical disposition of the leaves. The rose has such a figure and such a disposition of its petals; but in an oblique view, when this figure is in a good measure lost, and the order of the leaves confounded, it yet retains its beauty; the rose is even more beautiful before it is full blown; in the bud; before this exact figure is formed; and this is not the only instance wherein method and exactness, the soul of proportion, are found rather prejudicial than serviceable to the cause of beauty.

SECTION III.

PROPORTION NOT THE CAUSE OF BEAUTY IN ANIMALS.

That proportion has but a small share in the formation of beauty is full as evident among animals. Here the greatest variety of shapes and dispositions of parts are well fitted to excite this idea. The swan, confessedly a beautiful bird, has a neck longer than the rest of his body, and but a very short tail: is this a beautiful proportion? We must allow that it is. But then what shall we say to the peacock, who has comparatively but a short neck, with a tail longer than the neck and the rest of the body taken together? How many birds are there that vary infinitely from each of these standards, and from every other which you can fix; with proportions different, and often directly opposite to each other! and yet many of these birds are extremely beautiful; when upon considering them we find nothing in any one part that might determine us, *à priori*, to say what the others ought to be, nor indeed to guess anything about them, but what experience might show to be full of disappointment and mistake. And with regard to the colors either of birds or flowers, for there is something similar in the coloring of both, whether they are considered in their extension or gradation, there is nothing of proportion to be observed. Some are of but one single color; others have all the colors of the rainbow; some are of the primary colors, others are of the mixed; in short, an attentive observer may soon conclude that there is as little of proportion in the coloring as in the shapes of these objects. Turn next to beasts; examine the head of a beautiful horse; find what proportion that bears to his body, and to his limbs, and what relation these have to each other; and when you have settled these proportions as a standard of beauty, then take a dog or cat, or any other animal, and examine how far the same proportions between their heads and their necks, between those and the body, and so on, are found to hold; I think we may safely say, that they differ in every species, yet that there are individuals, found in a great many species so differing, that have a very striking beauty. Now, if it be allowed that very different, and even contrary forms and dispositions are consistent with beauty, it amounts I believe to a concession, that no certain measures, operating from a natural principle, are necessary to produce it; at least so far as the brute species is concerned.

SECTION IV.

PROPORTION NOT THE CAUSE OF BEAUTY IN THE HUMAN SPECIES.

There are some parts of the human body that are observed to hold certain proportions to each other; but before it can be proved that the efficient cause of beauty lies in these, it must be shown that, wherever these are found exact, the person to whom they belong is beautiful: I mean in the effect produced on the view, either of any member distinctly considered, or of the whole body together. It must be likewise shown, that these parts stand in such a relation to each other, that the comparison between them may be easily made, and that the affection of the mind may naturally result from it. For my part, I have at several times very carefully examined many of those proportions, and found them hold very nearly, or altogether alike in many subjects, which were not only very different from one another, but where one has been very beautiful, and the other very remote from beauty. With regard to the parts which are found so proportioned, they are often so remote from each other, in situation, nature, and office, that I cannot see how they admit of any comparison, nor consequently how any effect owing to proportion can result from them. The neck, say they, in beautiful bodies, should measure with the calf of the leg; it should likewise be twice the circumference of the wrist. And an infinity of observations of this kind are to be found in the writings and conversations of many. But what relation has the calf of the leg to the neck; or either of these parts to the wrist? These proportions are certainly to be found in handsome bodies. They are as certainly in ugly ones; as any who will take the pains to try may find. Nay, I do not know but they may be least perfect in some of the most beautiful. You may assign any proportions you please to every part of the human body; and I undertake that a painter shall religiously observe them all, and notwithstanding produce, if he pleases, a very ugly figure. The same painter shall considerably deviate from these proportions, and produce a very beautiful one. And, indeed, it may be observed in the masterpieces of the ancient and modern statuary, that several of them differ very widely from the proportions of others, in parts very conspicuous and of great consideration; and that they differ no less from the proportions we find in living men, of forms extremely striking and agreeable. And after all, how are the partisans of proportional beauty agreed amongst themselves about the proportions of the human body? Some hold it to be seven heads; some make it eight; whilst others extend it even to ten: a vast difference in such a small number of divisions! Others take other methods of estimating the proportions, and all with equal success. But are these proportions exactly the same in all handsome men? or are they at all the proportions found in beautiful women? Nobody will say

that they are; yet both sexes are undoubtedly capable of beauty, and the female of the greatest; which advantage I believe will hardly be attributed to the superior exactness of proportion in the fair sex. Let us rest a moment on this point; and consider how much difference there is between the measures that prevail in many similar parts of the body, in the two sexes of this single species only. If you assign any determinate proportions to the limbs of a man, and if you limit human beauty to these proportions, when you find a woman who differs in the make and measures of almost every part, you must conclude her not to be beautiful, in spite of the suggestions of your imagination; or, in obedience to your imagination, you must renounce your rules; you must lay by the scale and compass, and look out for some other cause of beauty. For if beauty be attached to certain measures which operate from a *principle in nature*, why should similar parts with different measures of proportion be found to have beauty, and this too in the very same species? But to open our view a little, it is worth observing, that almost all animals have parts of very much the same nature, and destined nearly to the same purposes; a head, neck, body, feet, eyes, ears, nose, and mouth; yet Providence, to provide in the best manner for their several wants, and to display the riches of his wisdom and goodness in his creation, has worked out of these few and similar organs, and members, a diversity hardly short of infinite in their disposition, measures and relation. But, as we have before observed, amidst this infinite diversity, one particular is common to many species: several of the individuals which compose them are capable of affecting us with a sense of loveliness: and whilst they agree in producing this effect, they differ extremely in the relative measures of those parts which have produced it. These considerations were sufficient to induce me to reject the notion of any particular proportions that operated by nature to produce a pleasing effect; but those who will agree with me with regard to a particular proportion, are strongly prepossessed in favor of one more indefinite. They imagine, that although beauty in general is annexed to no certain measures common to the several kinds of pleasing plants and animals; yet that there is a certain proportion in each species absolutely essential to the beauty of that particular kind. If we consider the animal world in general, we find beauty confined to no certain measures; but as some peculiar measure and relation of parts is what distinguishes each peculiar class of animals, it must of necessity be, that the beautiful in each kind will be found in the measures and proportions of that kind; for otherwise it would deviate from its proper species, and become in some sort monstrous: however, no species is so strictly confined to any certain proportions, that there is not a considerable variation amongst the individuals; and as it has been shown of the human, so it may be shown of the brute kinds, that beauty is found indifferently in all the proportions which each kind can admit, without quitting its common form; and it is this idea of a common form that makes the proportion of parts at all regarded, and not the operation of any natural cause: indeed a little consideration will make it appear, that

it is not measure, but manner, that creates all the beauty which belongs to shape. What light do we borrow from these boasted proportions, when we study ornamental design? It seems amazing to me, that artists, if they were as well convinced as they pretend to be, that proportion is a principal cause of beauty, have not by them at all times accurate measurements of all sorts of beautiful animals to help them to proper proportions, when they would contrive anything elegant; especially as they frequently assert that it is from an observation of the beautiful in nature they direct their practice. I know that it has been said long since, and echoed backward and forward from one writer to another a thousand times, that the proportions of building have been taken from those of the human body. To make this forced analogy complete, they represent a man with his arms raised and extended at full length, and then describe a sort of square, as it is formed by passing lines along the extremities of this strange figure. But it appears very clearly to me that the human figure never supplied the architect with any of his ideas. For, in the first place, men are very rarely seen in this strained posture; it is not natural to them; neither is it at all becoming. Secondly, the view of the human figure so disposed, does not naturally suggest the idea of a square, but rather of a cross; as that large space between the arms and the ground must be filled with something before it can make anybody think of a square. Thirdly, several buildings are by no means of the form of that particular square, which are notwithstanding planned by the best architects, and produce an effect altogether as good, and perhaps a better. And certainly nothing could be more unaccountably whimsical, than for an architect to model his performance by the human figure, since no two things can have less resemblance or analogy, than a man, and a house or temple: do we need to observe that their purposes are entirely different? What I am apt to suspect is this: that these analogies were devised to give a credit to the works of art, by showing a conformity between them and the noblest works in nature; not that the latter served at all to supply hints for the perfection of the former. And I am the more fully convinced, that the patrons of proportion have transferred their artificial ideas to nature, and not borrowed from thence the proportions they use in works of art; because in any discussion of this subject they always quit as soon as possible the open field of natural beauties, the animal and vegetable kingdoms, and fortify themselves within the artificial lines and angles of architecture. For there is in mankind an unfortunate propensity to make themselves, their views, and their works, the measure of excellence in everything whatsoever. Therefore having observed that their dwellings were most commodious and firm when they were thrown into regular figures, with parts answerable to each other; they transferred these ideas to their gardens; they turned their trees into pillars, pyramids, and obelisks; they formed their hedges into so many green walls, and fashioned their walks into squares, triangles, and other mathematical figures, with exactness and symmetry; and they thought, if they were not imitating, they were at least improving nature, and teaching her to know her

business. But nature has at last escaped from their discipline and their fetters; and our gardens, if nothing else, declare, we begin to feel that mathematical ideas are not the true measures of beauty. And surely they are full as little so in the animal as the vegetable world. For is it not extraordinary, that in these fine descriptive pieces, these innumerable odes and elegies which are in the mouths of all the world, and many of which have been the entertainment of ages, that in these pieces which describe love with such a passionate energy, and represent its object in such an infinite variety of lights, not one word is said of proportion, if it be, what some insist it is, the principal component of beauty; whilst, at the same time, several other qualities are very frequently and warmly mentioned? But if proportion has not this power, it may appear odd how men came originally to be so prepossessed in its favor. It arose, I imagine, from the fondness I have just mentioned, which men bear so remarkably to their own works and notions; it arose from false reasonings on the effects of the customary figure of animals; it arose from the Platonic theory of fitness and aptitude. For which reason, in the next section, I shall consider the effects of custom in the figure of animals; and afterwards the idea of fitness: since if proportion does not operate by a natural power attending some measures, it must be either by custom, or the idea of utility; there is no other way.

SECTION V.

PROPORTION FURTHER CONSIDERED.

If I am not mistaken, a great deal of the prejudice in favor of proportion has arisen, not so much from the observation of any certain measures found in beautiful bodies, as from a wrong idea of the relation which deformity bears to beauty, to which it has been considered as the opposite; on this principle it was concluded that where the causes of deformity were removed, beauty must naturally and necessarily be introduced. This I believe is a mistake. For *deformity* is opposed not to beauty, but to the *complete common form*. If one of the legs of a man be found shorter than the other, the man is deformed; because there is something wanting to complete the whole idea we form of a man; and this has the same effect in natural faults, as maiming and mutilation produce from accidents. So if the back be humped, the man is deformed; because his back has an unusual figure, and what carries with it the idea of some disease or misfortune; So if a man's neck be considerably longer or shorter than usual, we say he is deformed in that part, because men are not commonly made in that manner. But surely every hour's experience may convince us that a man may have his legs of an equal length, and resembling each other in all respects, and his neck of a just size, and his back quite straight, without having at the same time the least perceivable beauty. Indeed beauty is so far from belonging to the idea of custom, that in reality what affects us in that manner is extremely rare and uncommon. The beautiful strikes us as much by its novelty as the deformed itself. It is thus in those species of animals with which we are acquainted; and if one of a new species were represented, we should by no means wait until custom had settled an idea of proportion, before we decided concerning its beauty or ugliness: which shows that the general idea of beauty can be no more owing to customary than to natural proportion. Deformity arises from the want of the common proportions; but the necessary result of their existence in any object is not beauty. If we suppose proportion in natural things to be relative to custom and use, the nature of use and custom will show that beauty, which is a *positive* and powerful quality, cannot result from it. We are so wonderfully formed, that, whilst we are creatures vehemently desirous of novelty, we are as strongly attached to habit and custom. But it is the nature of things which hold us by custom, to affect us very little whilst we are in possession of them, but strongly when they are absent. I remember to have frequented a certain place, every day for a long time together; and I may truly say that, so far from finding pleasure in it, I was affected with a sort of weariness and disgust; I came, I went, I returned, without pleasure; yet if by any means I passed by the usual time of my going thither, I was remarkably uneasy, and was not quiet till I had got into my old track. They who use snuff, take it almost without

being sensible that they take it, and the acute sense of smell is deadened, so as to feel hardly anything from so sharp a stimulus; yet deprive the snuff-taker of his box, and he is the most uneasy mortal in the world. Indeed so far are use and habit from being causes of pleasure merely as such, that the effect of constant use is to make all things of whatever kind entirely unaffecting. For as use at last takes off the painful effect of many things, it reduces the pleasurable effect in others in the same manner, and brings both to a sort of mediocrity and indifference. Very justly is use called a second nature; and our natural and common state is one of absolute indifference, equally prepared for pain or pleasure. But when we are thrown out of this state, or deprived of anything requisite to maintain us in it; when this chance does not happen by pleasure from some mechanical cause, we are always hurt. It is so with the second nature, custom, in all things which relate to it. Thus the want of the usual proportions in men and other animals is sure to disgust, though their presence is by no means any cause of real pleasure. It is true that the proportions laid down as causes of beauty in the human body, are frequently found in beautiful ones, because they are generally found in all mankind; but if it can be shown too that they are found without beauty, and that beauty frequently exists without them, and that this beauty, where it exists, always can be assigned to other less equivocal causes, it will naturally lead us to conclude that proportion and beauty are not ideas of the same nature. The true opposite to beauty is not disproportion or deformity, but *ugliness*: and as it proceeds from causes opposite to those of positive beauty, we cannot consider it until we come to treat of that. Between beauty and ugliness there is a sort of mediocrity, in which the assigned proportions are most commonly found; but this has no effect upon the passions.

SECTION VI.

FITNESS NOT THE CAUSE OF BEAUTY.

It is said that the idea of utility, or of a part's being well adapted to answer its end, is the cause of beauty, or indeed beauty itself. If it were not for this opinion, it had been impossible for the doctrine of proportion to have held its ground very long; the world would be soon weary of hearing of measures which related to nothing, either of a natural principle, or of a fitness to answer some end; the idea which mankind most commonly conceive of proportion, is the suitableness of means to certain ends, and, where this is not the question, very seldom trouble themselves about the effect of different measures of things. Therefore it was necessary for this theory to insist that not only artificial, but natural objects took their beauty from the fitness of the parts for their several purposes. But in framing this theory, I am apprehensive that experience was not sufficiently consulted. For, on that principle, the wedge-like snout of a swine, with its tough cartilage at the end, the little sunk eyes, and the whole make of the head, so well adapted to its offices of digging and rooting, would be extremely beautiful. The great bag hanging to the bill of a pelican, a thing highly useful to this animal, would be likewise as beautiful in our eyes. The hedge-hog, so well secured against all assaults by his prickly hide, and the porcupine with his missile quills, would be then considered as creatures of no small elegance. There are few animals whose parts are better contrived than those of a monkey: he has the hands of a man, joined to the springy limbs of a beast; he is admirably calculated for running, leaping, grappling, and climbing; and yet there are few animals which seem to have less beauty in the eyes of all mankind. I need say little on the trunk of the elephant, of such various usefulness, and which is so far from contributing to his beauty. How well fitted is the wolf for running and leaping! how admirably is the lion armed for battle! but will any one therefore call the elephant, the wolf, and the lion, beautiful animals? I believe nobody will think the form of a man's leg so well adapted to running, as those of a horse, a dog, a deer, and several other creatures; at least they have not that appearance: yet, I believe, a well-fashioned human leg will be allowed to far exceed all these in beauty. If the fitness of parts was what constituted the loveliness of their form, the actual employment of them would undoubtedly much augment it; but this, though it is sometimes so upon another principle, is far from being always the case. A bird on the wing is not so beautiful as when it is perched; nay, there are several of the domestic fowls which are seldom seen to fly, and which are nothing the less beautiful on that account; yet birds are so extremely different in their form from the beast and human kinds, that you cannot, on the principle of fitness, allow them anything agreeable, but in consideration of their parts being designed for quite

other purposes. I never in my life chanced to see a peacock fly; and yet before, very long before I considered any aptitude in his form for the aërial life, I was struck with the extreme beauty which raises that bird above many of the best flying fowls in the world; though, for anything I saw, his way of living was much like that of the swine, which fed in the farm-yard along with him. The same may be said of cocks, hens, and the like; they are of the flying kind in figure; in their manner of moving not very different from men and beasts. To leave these foreign examples; if beauty in our own species was annexed to use, men would be much more lovely than women; and strength and agility would be considered as the only beauties. But to call strength by the name of beauty, to have but one denomination for the qualities of a Venus and Hercules, so totally different in almost all respects, is surely a strange confusion of ideas, or abuse of words. The cause of this confusion, I imagine, proceeds from our frequently perceiving the parts of the human and other animal bodies to be at once very beautiful, and very well adapted to their purposes; and we are deceived by a sophism, which makes us take that for a cause which is only a concomitant: this is the sophism of the fly; who imagined he raised a great dust, because he stood upon the chariot that really raised it. The stomach, the lungs, the liver, as well as other parts, are incomparably well adapted to their purposes; yet they are far from having any beauty. Again, many things are very beautiful, in which it is impossible to discern any idea of use. And I appeal to the first and most natural feelings of mankind, whether on beholding a beautiful eye, or a well-fashioned mouth, or a well-turned leg, any ideas of their being well fitted for seeing, eating, or running, ever present themselves. What idea of use is it that flowers excite, the most beautiful part of the vegetable world? It is true that the infinitely wise and good Creator has, of his bounty, frequently joined beauty to those things which he has made useful to us; but this does not prove that an idea of use and beauty are the same thing, or that they are any way dependent on each other.

SECTION VII.

THE REAL EFFECTS OF FITNESS.

When I excluded proportion and fitness from any share in beauty, I did not by any means intend to say that they were of no value, or that they ought to be disregarded in works of art. Works of art are the proper sphere of their power; and here it is that they have their full effect. Whenever the wisdom of our Creator intended that we should be affected with anything, he did not confide the execution of his design to the languid and precarious operation of our reason; but he endued it with powers and properties that prevent the understanding, and even the will; which, seizing upon the senses and imagination, captivate the soul, before the understanding is ready either to join with them, or to oppose them. It is by a long deduction, and much study, that we discover the adorable wisdom of God in his works: when we discover it the effect is very different, not only in the manner of acquiring it, but in its own nature, from that which strikes us without any preparation from the sublime or the beautiful. How different is the satisfaction of an anatomist, who discovers the use of the muscles and of the skin, the excellent contrivance of the one for the various movements of the body, and the wonderful texture of the other, at once a general covering, and at once a general outlet as well as inlet; how different is this from the affection which possesses an ordinary man at the sight of a delicate, smooth skin, and all the other parts of beauty, which require no investigation to be perceived! In the former case, whilst we look up to the Maker with admiration and praise, the object which causes it may be odious and distasteful; the latter very often so touches us by its power on the imagination, that we examine but little into the artifice of its contrivance; and we have need of a strong effort of our reason to disentangle our minds from the allurements of the object, to a consideration of that wisdom which invented so powerful a machine. The effect of proportion and fitness, at least so far as they proceed from a mere consideration of the work itself, produce approbation, the acquiescence of the understanding, but not love, nor any passion of that species. When we examine the structure of a watch, when we come to know thoroughly the use of every part of it, satisfied as we are with the fitness of the whole, we are far enough from perceiving anything like beauty in the watch-work itself; but let us look on the case, the labor of some curious artist in engraving, with little or no idea of use, we shall have a much livelier idea of beauty than we ever could have had from the watch itself, though the masterpiece of Graham. In beauty, as I said, the effect is previous to any knowledge of the use; but to judge of proportion, we must know the end for which any work is designed. According to the end, the proportion varies. Thus there is one proportion of a tower, another of a house; one proportion of a gallery, another of a

hall, another of a chamber. To judge of the proportions of these, you must be first acquainted with the purposes for which they were designed. Good sense and experience acting together, find out what is fit to be done in every work of art. We are rational creatures, and in all our works we ought to regard their end and purpose; the gratification of any passion, how innocent soever, ought only to be of secondary consideration. Herein is placed the real power of fitness and proportion; they operate on the understanding considering them, which *approves* the work and acquiesces in it. The passions, and the imagination which principally raises them, have here very little to do. When a room appears in its original nakedness, bare walls and a plain ceiling: let its proportion be ever so excellent, it pleases very little; a cold approbation is the utmost we can reach; a much worse proportioned room with elegant mouldings and fine festoons, glasses, and other merely ornamental furniture, will make the imagination revolt against the reason; it will please much more than the naked proportion of the first room, which the understanding has so much approved, as admirably fitted for its purposes. What I have here said and before concerning proportion, is by no means to persuade people absurdly to neglect the idea of use in the works of art. It is only to show that these excellent things, beauty and proportion, are not the same; not that they should either of them be disregarded.

SECTION VIII.

THE RECAPITULATION.

On the whole; if such parts in human bodies as are found proportioned, were likewise constantly found beautiful, as they certainly are not; or if they were so situated, as that a pleasure might flow from the comparison, which they seldom are; or if any assignable proportions were found, either in plants or animals, which were always attended with beauty, which never was the case; or if, where parts were well adapted to their purposes, they were constantly beautiful, and when no use appeared, there was no beauty, which is contrary to all experience; we might conclude that beauty consisted in proportion or utility. But since, in all respects, the case is quite otherwise; we may be satisfied that beauty does not depend on these, let it owe its origin to what else it will.

SECTION IX.

PERFECTION NOT THE CAUSE OF BEAUTY.

There is another notion current, pretty closely allied to the former; that *perfection* is the constituent cause of beauty. This opinion has been made to extend much further than to sensible objects. But in these, so far is perfection, considered as such, from being the cause of beauty; that this quality, where it is highest, in the female sex, almost always carries with it an idea of weakness and imperfection. Women are very sensible of this; for which reason they learn to lisp, to totter in their walk, to counterfeit weakness, and even sickness. In all this they are guided by nature. Beauty in distress is much the most affecting beauty. Blushing has little less power; and modesty in general, which is a tacit allowance of imperfection, is itself considered as an amiable quality, and certainly heightens every other that is so. I know it is in every body's mouth, that we ought to love perfection. This is to me a sufficient proof, that it is not the proper object of love. Who ever said we *ought* to love a fine woman, or even any of these beautiful animals which please us? Here to be affected, there is no need of the concurrence of our will.

SECTION X.

HOW FAR THE IDEA OF BEAUTY MAY BE APPLIED TO THE QUALITIES OF THE MIND.

Nor is this remark in general less applicable to the qualities of the mind. Those virtues which cause admiration, and are of the sublimer kind, produce terror rather than love; such as fortitude, justice, wisdom, and the like. Never was any man amiable by force of these qualities. Those which engage our hearts, which impress us with a sense of loveliness, are the softer virtues; easiness of temper, compassion, kindness, and liberality; though certainly those latter are of less immediate and momentous concern to society, and of less dignity. But it is for that reason that they are so amiable. The great virtues turn principally on dangers, punishments, and troubles, and are exercised, rather in preventing the worst mischiefs, than in dispensing favors; and are therefore not lovely, though highly venerable. The subordinate turn on reliefs, gratifications, and indulgences; and are therefore more lovely, though inferior in dignity. Those persons who creep into the hearts of most people, who are chosen as the companions of their softer hours, and their reliefs from care and anxiety, are never persons of shining qualities or strong virtues. It is rather the soft green of the soul on which we rest our eyes, that are fatigued with beholding more glaring objects. It is worth observing how we feel ourselves affected in reading the characters of Cæsar and Cato, as they are so finely drawn and contrasted in Sallust. In one the *ignoscendo largiundo*; in the other, *nil largiundo*. In one, the *miseris perfugium*; in the other, *malis perniciem*. In the latter we have much to admire, much to reverence, and perhaps something to fear; we respect him, but we respect him at a distance. The former makes us familiar with him; we love him, and he leads us whither he pleases. To draw things closer to our first and most natural feelings, I will add a remark made upon reading this section by an ingenious friend. The authority of a father, so useful to our well-being, and so justly venerable upon all accounts, hinders us from having that entire love for him that we have for our mothers, where the parental authority is almost melted down into the mother's fondness and indulgence. But we generally have a great love for our grandfathers, in whom this authority is removed a degree from us, and where the weakness of age mellows it into something of a feminine partiality.

SECTION XI.

HOW FAR THE IDEA OF BEAUTY MAY BE APPLIED TO VIRTUE.

From what has been said in the foregoing section, we may easily see how far the application of beauty to virtue may be made with propriety. The general application of this quality to virtue has a strong tendency to confound our ideas of things, and it has given rise to an infinite deal of whimsical theory; as the affixing the name of beauty to proportion, congruity, and perfection, as well as to qualities of things yet more remote from our natural ideas of it, and from one another, has tended to confound our ideas of beauty, and left us no standard or rule to judge by, that was not even more uncertain and fallacious than our own fancies. This loose and inaccurate manner of speaking has therefore misled us both in the theory of taste and of morals; and induced us to remove the science of our duties from their proper basis (our reason, our relations, and our necessities), to rest it upon, foundations altogether visionary and unsubstantial.

SECTION XII.

THE REAL CAUSE OF BEAUTY.

Having endeavored to show what beauty is not, it remains that we should examine, at least with equal attention, in what it really consists. Beauty is a thing much too affecting not to depend upon some positive qualities. And since it is no creature of our reason, since it strikes us without any reference to use, and even where no use at all can be discerned, since the order and method of nature is generally very different from our measures and proportions, we must conclude that beauty is, for the greater part, some quality in bodies acting mechanically upon the human mind by the intervention of the senses. We ought, therefore, to consider attentively in what manner those sensible qualities are disposed, in such things as by experience we find beautiful, or which excite in us the passion of love, or some correspondent affection.

SECTION XIII.

BEAUTIFUL OBJECTS SMALL.

The most obvious point that presents itself to us in examining any object is its extent or quantity. And what degree of extent prevails in bodies that are held beautiful, may be gathered from the usual manner of expression concerning it. I am told that, in most languages, the objects of love are spoken of under diminutive epithets. It is so in all the languages of which I have any knowledge. In Greek the *iov* and other diminutive terms are almost always the terms of affection and tenderness. These diminutives were commonly added by the Greeks to the names of persons with whom they conversed on terms of friendship and familiarity. Though the Romans were a people of less quick and delicate feelings, yet they naturally slid into the lessening termination upon the same occasions. Anciently, in the English language, the diminishing *ling* was added to the names of persons and things that were the objects of love. Some we retain still, as *darling* (or little dear), and a few others. But to this day, in ordinary conversation, it is usual to add the endearing name of *little* to everything we love; the French and Italians make use of these affectionate diminutives even more than we. In the animal creation, out of our own species, it is the small we are inclined to be fond of; little birds, and some of the smaller kinds of beasts. A great beautiful thing is a manner of expression scarcely ever used; but that of a great ugly thing is very common. There is a wide difference between admiration and love. The sublime, which is the cause of the former, always dwells on great objects, and terrible; the latter on small ones, and pleasing; we submit to what we admire, but we love what submits to us; in one case we are forced, in the other we are flattered, into compliance. In short, the ideas of the sublime and the beautiful stand on foundations so different, that it is hard, I had almost said impossible, to think of reconciling them in the same subject, without considerably lessening the effect of the one or the other upon the passions. So that, attending to their quantity, beautiful objects are comparatively small.

SECTION XIV.

SMOOTHNESS.

The next property constantly observable in such objects is *smoothness*; a quality so essential to beauty, that I do not now recollect anything beautiful that is not smooth. In trees and flowers, smooth leaves are beautiful; smooth slopes of earth in gardens; smooth streams in the landscape; smooth coats of birds and beasts in animal beauties; in fine women, smooth skins; and in several sorts of ornamental furniture, smooth and polished surfaces. A very considerable part of the effect of beauty is owing to this quality; indeed the most considerable. For, take any beautiful object, and give it a broken, and rugged surface; and, however well formed it may be in other respects, it pleases no longer. Whereas, let it want ever so many of the other constituents, if it wants not this, it becomes more pleasing than almost all the others without it. This seems to me so evident, that I am a good deal surprised that none who have handled the subject have made any mention of the quality of smoothness in the enumeration of those that go to the forming of beauty. For, indeed, any ruggedness, any sudden, projection, any sharp angle, is in the highest degree contrary to that idea.

SECTION XV.

GRADUAL VARIATION.

But as perfectly beautiful bodies are not composed of angular parts, so their parts never continue long in the same right line. They vary their direction every moment, and they change under the eye by a deviation continually carrying on, but for whose beginning or end you will find it difficult to ascertain a point. The view of a beautiful bird will illustrate this observation. Here we see the head increasing insensibly to the middle, from whence it lessens gradually until it mixes with the neck; the neck loses itself in a larger swell, which continues to the middle of the body, when the whole decreases again to the tail; the tail takes a new direction, but it soon varies its new course, it blends again with the other parts, and the line is perpetually changing, above, below, upon every side. In this description I have before me the idea of a dove; it agrees very well with most of the conditions of beauty. It is smooth and downy; its parts are (to use that expression) melted into one another; you are presented with no sudden protuberance through the whole, and yet the whole is continually changing. Observe that part of a beautiful woman where she is perhaps the most beautiful, about the neck and breasts; the smoothness, the softness, the easy and insensible swell; the variety of the surface, which is never for the smallest space the same; the deceitful maze through which the unsteady eye slides giddily, without knowing where to fix, or whither it is carried. Is not this a demonstration of that change of surface, continual, and yet hardly perceptible at any point, which forms one of the great constituents of beauty? It gives me no small pleasure to find that I can strengthen my theory in this point by the opinion of the very ingenious Mr. Hogarth, whose idea of the line of beauty I take in general to be extremely just. But the idea of variation, without attending so accurately to the *manner* of the variation, has led him to consider angular figures as beautiful; these figures, it is true, vary greatly, yet they vary in a sudden and broken manner, and I do not find any natural object which is angular, and at the same time beautiful. Indeed, few natural objects are entirely angular. But I think those which approach the most nearly to it are the ugliest. I must add, too, that so far as I could observe of nature, though the varied line is that alone in which complete beauty is found, yet there is no particular line which is always found in the most completely beautiful, and which is therefore beautiful in preference to all other lines. At least I never could observe it.

SECTION XVI.

DELICACY.

An air of robustness and strength is very prejudicial to beauty. An appearance of *delicacy*, and even of fragility, is almost essential to it. Whoever examines the vegetable or animal creation will find this observation to be founded in nature. It is not the oak, the ash, or the elm, or any of the robust trees of the forest which we consider as beautiful; they are awful and majestic, they inspire a sort of reverence. It is the delicate myrtle, it is the orange, it is the almond, it is the jasmine, it is the vine which we look on as vegetable beauties. It is the flowery species, so remarkable for its weakness and momentary duration, that gives us the liveliest idea of beauty and elegance. Among animals, the greyhound is more beautiful than the mastiff, and the delicacy of a jennet, a barb, or an Arabian horse, is much more amiable than the strength and stability of some horses of war or carriage. I need here say little of the fair sex, where I believe the point will be easily allowed me. The beauty of women is considerably owing to their weakness or delicacy, and is even enhanced by their timidity, a quality of mind analogous to it. I would not here be understood to say, that weakness betraying very bad health has any share in beauty; but the ill effect of this is not because it is weakness, but because the ill state of health, which produces such weakness, alters the other conditions of beauty; the parts in such a case collapse, the bright color, the *lumen purpureum juventæ* is gone, and the fine variation is lost in wrinkles, sudden breaks, and right lines.

SECTION XVII.

BEAUTY IN COLOR.

As to the colors usually found in beautiful bodies, it may be somewhat difficult to ascertain them, because, in the several parts of nature, there is an infinite variety. However, even in this variety, we may mark out something on which to settle. First, the colors of beautiful bodies must not be dusky or muddy, but clean and fair. Secondly, they must not be of the strongest kind. Those which seem most appropriated to beauty, are the milder of every sort; light greens; soft blues; weak whites; pink reds; and violets. Thirdly, if the colors be strong and vivid, they are always diversified, and the object is never of one strong color; there are almost always such a number of them (as in variegated flowers) that the strength and glare of each is considerably abated. In a fine complexion there is not only some variety in the coloring, but the colors: neither the red nor the white are strong and glaring. Besides, they are mixed in such a manner, and with such gradations, that it is impossible to fix the bounds. On the same principle it is that the dubious color in the necks and tails of peacocks, and about the heads of drakes, is so very agreeable. In reality, the beauty both of shape and coloring are as nearly related as we can well suppose it possible for things of such different natures to be.

SECTION XVIII.

RECAPITULATION.

On the whole, the qualities of beauty, as they are merely sensible qualities, are the following: First, to be comparatively small. Secondly, to be smooth. Thirdly, to have a variety in the direction of the parts; but, fourthly, to have those parts not angular, but melted, as it were, into each other. Fifthly, to be of a delicate frame, without any remarkable appearance of strength. Sixthly, to have its colors clear and bright, but not very strong and glaring. Seventhly, or if it should have any glaring color, to have it diversified with others. These are, I believe, the properties on which beauty depends; properties that operate by nature, and are less liable to be altered by caprice, or confounded by a diversity of tastes, than any other.

SECTION XIX.

THE PHYSIOGNOMY.

The *physiognomy* has a considerable share in beauty, especially in that of our own species. The manners give a certain determination to the countenance; which, being observed to correspond pretty regularly with them, is capable of joining the effect of certain agreeable qualities of the mind to those of the body. So that to form a finished human beauty, and to give it its full influence, the face must be expressive of such gentle and amiable qualities, as correspond with the softness, smoothness, and delicacy of the outward form.

SECTION XX.

THE EYE.

I have hitherto purposely omitted to speak of the *eye*, which has so great a share in the beauty of the animal creation, as it did not fall so easily under the foregoing heads, though in fact it is reducible to the same principles. I think, then, that the beauty of the eye consists, first, in its *clearness*; what *colored* eye shall please most, depends a good deal on particular fancies; but none are pleased with an eye whose water (to use that term) is dull and muddy. We are pleased with the eye in this view, on the principle upon which we like diamonds, clear water, glass, and such like transparent substances. Secondly, the motion of the eye contributes to its beauty, by continually shifting its direction; but a slow and languid motion is more beautiful than a brisk one; the latter is enlivening; the former lovely. Thirdly, with regard to the union of the eye with the neighboring parts, it is to hold the same rule that is given of other beautiful ones; it is not to make a strong deviation from the line of the neighboring parts; nor to verge into any exact geometrical figure. Besides all this, the eye affects, as it is expressive of some qualities of the mind, and its principal power generally arises from this; so that what we have just said of the physiognomy is applicable here.

SECTION XXI.

UGLINESS.

It may perhaps appear like a sort of repetition of what we have before said, to insist here upon the nature of *ugliness*; as I imagine it to be in all respects the opposite to those qualities which we have laid down for the constituents of beauty. But though ugliness be the opposite to beauty, it is not the opposite to proportion and fitness. For it is possible that a thing may be very ugly with any proportions, and with a perfect fitness to any uses. Ugliness I imagine likewise to be consistent enough with an idea of the sublime. But I would by no means insinuate that ugliness of itself is a sublime idea, unless united with such qualities as excite a strong terror.

SECTION XXII.

GRACE.

Gracefulness is an idea not very different from beauty; it consists in much the same things. Gracefulness is an idea belonging to *posture* and *motion*. In both these, to be graceful, it is requisite that there be no appearance of difficulty; there is required a small inflection of the body; and a composure of the parts in such a manner, as not to incumber each other, not to appear divided by sharp and sudden angles. In this case, this roundness, this delicacy of attitude and motion, it is that all the magic of grace consists, and what is called its *je ne sçai quoi*; as will be obvious to any observer, who considers attentively the Venus de Medicis, the Antinous or any statue generally allowed to be graceful in a high degree.

SECTION XXIII.

ELEGANCE AND SPECIOUSNESS.

When any body is composed of parts smooth and polished, without pressing upon each other, without showing any ruggedness or confusion, and at the same time affecting some *regular shape*, I call it *elegant*. It is closely allied to the beautiful, differing from it only in this *regularity*; which, however, as it makes a very material difference in the affection produced, may very well constitute another species. Under this head I rank those delicate and regular works of art, that imitate no determinate object in nature, as elegant buildings, and pieces of furniture. When any object partakes of the above-mentioned qualities, or of those of beautiful bodies, and is withal of great dimensions, it is full as remote from the idea of mere beauty; I call *fine* or *specious*.

SECTION XXIV.

THE BEAUTIFUL IN FEELING.

The foregoing description of beauty, so far as it is taken in by the eye, may be greatly illustrated by describing the nature of objects, which produce a similar effect through the touch. This I call the beautiful in *feeling*. It corresponds wonderfully with what causes the same species of pleasure to the sight. There is a chain in all our sensations; they are all but different sorts of feelings calculated to be affected by various sorts of objects, but all to be affected after the same manner. All bodies that are pleasant to the touch, are so by the slowness of the resistance they make. Resistance is either to motion along the surface, or to the pressure of the parts on one another: if the former be slight, we call the body smooth; if the latter, soft. The chief pleasure we receive by feeling, is in the one or the other of these qualities; and if there be a combination of both, our pleasure is greatly increased. This is so plain, that it is rather more fit to illustrate other things, than to be illustrated itself by an example. The next source of pleasure in this sense, as in every other, is the continually presenting somewhat new; and we find that bodies which continually vary their surface, are much the most pleasant or beautiful to the feeling, as any one that pleases may experience. The third property in such objects is, that though the surface continually varies its direction, it never varies it suddenly. The application of anything sudden, even though the impression itself have little or nothing of violence, is disagreeable. The quick application of a finger a little warmer or colder than usual, without notice, makes us start; a slight tap on the shoulder, not expected, has the same effect. Hence it is that angular bodies, bodies that suddenly vary the direction of the outline, afford so little pleasure to the feeling. Every such change is a sort of climbing or falling in miniature; so that squares, triangles, and other angular figures are neither beautiful to the sight nor feeling. Whoever compares his state of mind, on feeling soft, smooth, variated, unangular bodies, with that in which he finds himself, on the view of a beautiful object, will perceive a very striking analogy in the effects of both; and which may go a good way towards discovering their common cause. Feeling and sight, in this respect, differ in but a few points. The touch takes in the pleasure of softness, which is not primarily an object of sight; the sight, on the other hand, comprehends color, which can hardly be made perceptible to the touch: the touch, again, has the advantage in a new idea of pleasure resulting from a moderate degree of warmth; but the eye triumphs in the infinite extent and multiplicity of its objects. But there is such a similitude in the pleasures of these senses, that I am apt to fancy, if it were possible that one might discern color by feeling (as it is said some blind men have done) that the same colors, and the same disposition of coloring, which are found beautiful to the sight,

would be found likewise most grateful to the touch. But, setting aside conjectures, let us pass to the other sense; of hearing.

SECTION XXV.

THE BEAUTIFUL IN SOUNDS.

In this sense we find an equal aptitude to be affected in a soft and delicate manner; and how far sweet or beautiful sounds agree with our descriptions of beauty in other senses, the experience of every one must decide. Milton has described this species of music in one of his juvenile poems. I need not say that Milton was perfectly well versed in that art; and that no man had a finer ear, with a happier manner of expressing the affections of one sense by metaphors taken from another. The description is as follows: —

“And ever against eating cares,
Lap me in *soft* Lydian airs;
In notes with many a *winding* bout
Of *linked sweetness long drawn* out;
With wanton heed, and giddy cunning,
The *melting* voice through *mazes* running;
Untwisting all the chains that tie
The hidden soul of harmony.”

Let us parallel this with the softness, the winding surface, the unbroken continuance, the easy gradation of the beautiful in other things; and all the diversities of the several senses, with all their several affections, will rather help to throw lights from one another to finish one clear, consistent idea of the whole, than to obscure it by their intricacy and variety.

To the above-mentioned description I shall add one or two remarks. The first is; that the beautiful in music will not hear that loudness and strength of sounds, which may be used to raise other passions; nor notes which are shrill, or harsh, or deep; it agrees best with such as are clear, even, smooth, and weak. The second is; that great variety, and quick transitions from one measure or tone to another, are contrary to the genius of the beautiful in music. Such transitions often excite mirth, or other sudden or tumultuous passions; but not that sinking, that melting, that languor, which is the characteristical effect of the beautiful as it regards every sense. The passion excited by beauty is in fact nearer to a species of melancholy, than to jollity and mirth. I do not here mean to confine music to any one species of notes, or tones, neither is it an art in which I can say I have any great skill. My sole design in this remark is to settle a consistent idea of beauty. The infinite variety of the affections of the soul will suggest to a good head, and skilful ear, a variety of such sounds as are fitted to raise them. It can be no prejudice to this, to clear and distinguish some few particulars that belong to the same class, and are consistent with each other, from the immense crowd of different and sometimes contradictory

ideas, that rank vulgarly under the standard of beauty. And of these it is my intention to mark such only of the leading points as show the conformity of the sense of hearing with all the other senses, in the article of their pleasures.

SECTION XXVI.

TASTE AND SMELL.

This general agreement of the senses is yet more evident on minutely considering those of taste and smell. We metaphorically apply the idea of sweetness to sights and sounds; but as the qualities of bodies by which they are fitted to excite either pleasure or pain in these senses are not so obvious as they are in the others, we shall refer an explanation of their analogy, which is a very close one, to that part wherein we come to consider the common efficient cause of beauty, as it regards all the senses. I do not think anything better fitted to establish a clear and settled idea of visual beauty than this way of examining the similar pleasures of other senses; for one part is sometimes clear in one of the senses that is more obscure in another; and where there is a clear concurrence of all, we may with more certainty speak of any one of them. By this means, they bear witness to each other; nature is, as it were, scrutinized; and we report nothing of her but what we receive from her own information.

SECTION XXVII.

THE SUBLIME AND BEAUTIFUL COMPARED.

On closing this general view of beauty, it naturally occurs that we should compare it with the sublime; and in this comparison there appears a remarkable contrast. For sublime objects are vast in their dimensions, beautiful ones comparatively small; beauty should be smooth and polished; the great, rugged and negligent: beauty should shun the right line, yet deviate from it insensibly; the great in many cases loves the right line; and when it deviates, it often makes a strong deviation: beauty should not be obscure; the great ought to be dark and gloomy: beauty should be light and delicate; the great ought to be solid, and even massive. They are indeed ideas of a very different nature, one being founded on pain, the other on pleasure; and, however they may vary afterwards from the direct nature of their causes, yet these causes keep up an eternal distinction between them, a distinction never to be forgotten by any whose business it is to affect the passions. In the infinite variety of natural combinations, we must expect to find the qualities of things the most remote imaginable from each other united in the same object. We must expect also to find combinations of the same kind in the works of art. But when we consider the power of an object upon our passions, we must know that when anything is intended to affect the mind by the force of some predominant property, the affection produced is like to be the more uniform and perfect, if all the other properties or qualities of the object be of the same nature, and tending to the same design as the principal.

“If black and white blend, soften, and unite

A thousand ways, are there no black and white?”

If the qualities of the sublime and beautiful are sometimes found united, does this prove that they are the same; does it prove that they are any way allied; does it prove even that they are not opposite and contradictory? Black and white may soften, may blend; but they are not therefore the same. Nor, when they are so softened and blended with each other, or with different colors, is the power of black as black, or of white as white, so strong as when each stands uniform and distinguished.

PART IV.

SECTION I.

OF THE EFFICIENT CAUSE OF THE SUBLIME AND BEAUTIFUL.

When I say, I intend to inquire into the efficient cause of sublimity and beauty, I would not be understood to say, that I can come to the ultimate cause. I do not pretend that I shall ever be able to explain why certain affections of the body produce such a distinct emotion of mind, and no other; or why the body is at all affected by the mind, or the mind by the body. A little thought will show this to be impossible. But I conceive, if we can discover what affections of the mind produce certain emotions of the body; and what distinct feelings and qualities of body shall produce certain determinate passions in the mind, and no others, I fancy a great deal will be done; something not unuseful towards a distinct knowledge of our passions, so far at least as we have them at present under our consideration. This is all, I believe, we can do. If we could advance a step farther, difficulties would still remain, as we should be still equally distant from the first cause. When Newton first discovered the property of attraction, and settled its laws, he found it served very well to explain several of the most remarkable phenomena in nature; but yet, with reference to the general system of things, he could consider attraction but as an effect, whose cause at that time he did not attempt to trace. But when he afterwards began to account for it by a subtle elastic ether, this great man (if in so great a man it be not impious to discover anything like a blemish) seemed to have quitted his usual cautious manner of philosophizing; since, perhaps, allowing all that has been advanced on this subject to be sufficiently proved, I think it leaves us with as many difficulties as it found us. That great chain of causes, which, linking one to another, even to the throne of God himself, can never be unravelled by any industry of ours. When we go but one step beyond the immediate sensible qualities of things, we go out of our depth. All we do after is but a faint struggle, that shows we are in an element which does not belong to us. So that when I speak of cause, and efficient cause, I only mean certain affections of the mind, that cause certain changes in the body; or certain powers and properties in bodies, that work a change in the mind. As, if I were to explain the motion of a body falling to the ground, I would say it was caused by gravity; and I would endeavor to show after what manner this power operated, without attempting to show why it operated in this manner: or, if I were to explain the effects of bodies striking one another by the common laws of percussion, I should not endeavor to explain how motion itself is communicated.

SECTION II.

ASSOCIATION.

It is no small bar in the way of our inquiry into the cause of our passions, that the occasions of many of them are given, and that their governing motions are communicated at a time when we have not capacity to reflect on them; at a time of which all sort of memory is worn out of our minds. For besides such things as affect us in various manners, according to their natural powers, there are associations made at that early season, which we find it very hard afterwards to distinguish from natural effects. Not to mention the unaccountable antipathies which we find in many persons, we all find it impossible to remember when a steep became more terrible than a plain; or fire or water more terrible than a clod of earth; though all these are very probably either conclusions from experience, or arising from the premonitions of others; and some of them impressed, in all likelihood, pretty late. But as it must be allowed that many things affect us after a certain manner, not by any natural powers they have for that purpose, but by association; so it would be absurd, on the other hand, to say that all things affect us by association only; since some things must have been originally and naturally agreeable or disagreeable, from which the others derive their associated powers; and it would be, I fancy, to little purpose to look for the cause of our passions in association, until we fail of it in the natural properties of things.

SECTION III.

CAUSE OF PAIN AND FEAR.

I have before observed, that whatever is qualified to cause terror is a foundation capable of the sublime; to which I add, that not only these, but many things from which we cannot probably apprehend any danger, have a similar effect, because they operate in a similar manner. I observed, too, that whatever produces pleasure, positive and original pleasure, is fit to have beauty engrafted on it. Therefore, to clear up the nature of these qualities, it may be necessary to explain the nature of pain and pleasure on which they depend. A man who suffers under violent bodily pain, (I suppose the most violent, because the effect may be the more obvious,) I say a man in great pain has his teeth set, his eyebrows are violently contracted, his forehead is wrinkled, his eyes are dragged inwards, and rolled with great vehemence, his hair stands on end, the voice is forced out in short shrieks and groans, and the whole fabric totters. Fear or terror, which is an apprehension of pain or death, exhibits exactly the same effects, approaching in violence to those just mentioned, in proportion to the nearness of the cause, and the weakness of the subject. This is not only so in the human species: but I have more than once observed in dogs, under an apprehension of punishment, that they have writhed their bodies, and yelped, and howled, as if they had actually felt the blows. From hence I conclude, that pain and fear act upon the same parts of the body, and in the same manner, though somewhat differing in degree: that pain and fear consist in an unnatural tension of the nerves; that this is sometimes accompanied with an unnatural strength, which sometimes suddenly changes into an extraordinary weakness; that these effects often come on alternately, and are sometimes mixed with each other. This is the nature of all convulsive agitations, especially in weaker subjects, which are the most liable to the severest impressions of pain and fear. The only difference between pain and terror is, that things which cause pain operate on the mind by the intervention of the body; whereas things that cause terror generally affect the bodily organs by the operation of the mind suggesting the danger; but both agreeing, either primarily or secondarily, in producing a tension, contraction, or violent emotion of the nerves, they agree likewise in everything else. For it appears very clearly to me from this, as well as from many other examples, that when the body is disposed, by any means whatsoever, to such emotions as it would acquire by the means of a certain passion; it will of itself excite something very like that passion in the mind.

SECTION IV.

CONTINUED.

To this purpose Mr. Spon, in his “*Récherches d’Antiquité*,” gives us a curious story of the celebrated physiognomist Campanella. This man, it seems, had not only made very accurate observations on human faces, but was very expert in mimicking such as were any way remarkable. When he had a mind to penetrate into the inclinations of those he had to deal with, he composed his face, his gesture, and his whole body, as nearly as he could into the exact similitude of the person he intended to examine; and then carefully observed what turn of mind he seemed to acquire by this change. So that, says my author, he was able to enter into the dispositions and thoughts of people as effectually as if he had been changed into the very men. I have often observed, that on mimicking the looks and gestures of angry, or placid, or frightened, or daring men, I have involuntarily found my mind turned to that passion, whose appearance I endeavored to imitate; nay, I am convinced it is hard to avoid it, though one strove to separate the passion from its correspondent gestures. Our minds and bodies are so closely and intimately connected, that one is incapable of pain or pleasure without the other. Campanella, of whom we have been speaking, could so abstract his attention from any sufferings of his body, that he was able to endure the rack itself without much pain; and in lesser pains everybody must have observed that, when we can employ our attention on anything else, the pain has been for a time suspended: on the other hand, if by any means the body is indisposed to perform such gestures, or to be stimulated into such emotions as any passion usually produces in it, that passion itself never can arise, though its cause should be never so strongly in action; though it should be merely mental, and immediately affecting none of the senses. As an opiate, or spirituous liquors, shall suspend the operation of grief, or fear, or anger, in spite of all our efforts to the contrary; and this by inducing in the body a disposition contrary to that which it receives from these passions.

SECTION V.

HOW THE SUBLIME IS PRODUCED.

Having considered terror as producing an unnatural tension and certain violent emotions of the nerves; it easily follows, from what we have just said, that whatever is fitted to produce such a tension must be productive of a passion similar to terror, and consequently must be a source of the sublime, though it should have no idea of danger connected with it. So that little remains towards showing the cause of the sublime, but to show that the instances we have given of it in the second part relate to such things, as are fitted by nature to produce this sort of tension, either by the primary operation of the mind or the body. With regard to such things as affect by the associated idea of danger, there can be no doubt but that they produce terror, and act by some modification of that passion; and that terror, when sufficiently violent, raises the emotions of the body just mentioned, can as little be doubted. But if the sublime is built on terror or some passion like it, which has pain for its object, it is previously proper to inquire how any species of delight can be derived from a cause so apparently contrary to it. I say *delight*, because, as I have often remarked, it is very evidently different in its cause, and in its own nature, from actual and positive pleasure.

SECTION VI.

HOW PAIN CAN BE A CAUSE OF DELIGHT.

Providence has so ordered it, that a state of rest and inaction, however it may flatter our indolence, should be productive of many inconveniences; that it should generate such disorders, as may force us to have recourse to some labor, as a thing absolutely requisite to make us pass our lives with tolerable satisfaction; for the nature of rest is to suffer all the parts of our bodies to fall into a relaxation, that not only disables the members from performing their functions, but takes away the vigorous tone of fibre which is requisite for carrying on the natural and necessary secretions. At the same time, that in this languid in active state, the nerves are more liable to the most horrid convulsions, than when they are sufficiently braced and strengthened. Melancholy, dejection, despair, and often self-murder, is the consequence of the gloomy view we take of things in this relaxed state of body. The best remedy for all these evils is exercise or *labor*; and labor is a surmounting of *difficulties*, an exertion of the contracting power of the muscles; and as such resembles pain, which consists in tension or contraction, in everything but degree. Labor is not only requisite to preserve the coarser organs, in a state fit for their functions; but it is equally necessary to these finer and more delicate organs, on which, and by which, the imagination and perhaps the other mental powers act. Since it is probable, that not only the inferior parts of the soul, as the passions are called, but the understanding itself makes use of some fine corporeal instruments in its operation; though what they are, and where they are, may be somewhat hard to settle: but that it does make use of such, appears from hence; that a long exercise of the mental powers induces a remarkable lassitude of the whole body; and on the other hand, that great bodily labor, or pain, weakens and sometimes actually destroys the mental faculties. Now, as a due exercise is essential to the coarse muscular parts of the constitution, and that without this rousing they would become languid and diseased, the very same rule holds with regard to those finer parts we have mentioned; to have them in proper order, they must be shaken and worked to a proper degree.

SECTION VII.

EXERCISE NECESSARY FOR THE FINER ORGANS.

As common labor, which is a mode of pain, is the exercise of the grosser, a mode of terror is the exercise of the finer parts of the system; and if a certain mode of pain be of such a nature as to act upon the eye or the ear, as they are the most delicate organs, the affection approaches more nearly to that which has a mental cause. In all these cases, if the pain and terror are so modified as not to be actually noxious; if the pain is not carried to violence, and the terror is not conversant about the present destruction of the person, as these emotions clear the parts, whether fine or gross, of a dangerous and troublesome incumbrance, they are capable of producing delight; not pleasure, but a sort of delightful horror, a sort of tranquillity tinged with terror; which, as it belongs to self-preservation, is one of the strongest of all the passions. Its object is the sublime. Its highest degree I call *astonishment*; the subordinate degrees are awe, reverence, and respect, which, by the very etymology of the words, show from what source they are derived, and how they stand distinguished from positive pleasure.

SECTION VIII.

WHY THINGS NOT DANGEROUS SOMETIMES PRODUCE A PASSION LIKE TERROR.

A mode of terror or pain is always the cause of the sublime. For terror or associated danger, the foregoing explication is, I believe, sufficient. It will require something more trouble to show, that such examples as I have given of the sublime in the second part are capable of producing a mode of pain, and of being thus allied to terror, and to be accounted for on the same principles. And first of such objects as are great in their dimensions. I speak of visual objects.

SECTION IX.

WHY VISUAL OBJECTS OF GREAT DIMENSIONS ARE SUBLIME.

Vision is performed by having a picture, formed by the rays of light which are reflected from the object, painted in one piece, instantaneously, on the retina, or last nervous part of the eye. Or, according to others, there is but one point of any object painted on the eye in such a manner as to be perceived at once, but by moving the eye, we gather up, with great celerity, the several parts of the object, so as to form one uniform piece. If the former opinion be allowed, it will be considered, that though all the light reflected from a large body should strike the eye in one instant; yet we must suppose that the body itself is formed of a vast number of distinct points, every one of which, or the ray from every one, makes an impression on the retina. So that, though the image of one point should cause but a small tension of this membrane, another, and another, and another stroke, must in their progress cause a very great one, until it arrives at last to the highest degree; and the whole capacity of the eye, vibrating in all its parts, must approach near to the nature of what causes pain, and consequently must produce an idea of the sublime. Again, if we take it, that one point only of an object is distinguishable at once; the matter will amount nearly to the same thing, or rather it will make the origin of the sublime from greatness of dimension yet clearer. For if but one point is observed at once, the eye must traverse the vast space of such bodies with great quickness, and consequently the fine nerves and muscles destined to the motion of that part must be very much strained; and their great sensibility must make them highly affected by this straining. Besides, it signifies just nothing to the effect produced, whether a body has its parts connected and makes its impression at once; or, making but one impression of a point at a time, it causes a succession of the same or others so quickly as to make them seem united; as is evident from the common effect of whirling about a lighted torch or piece of wood: which, if done with celerity, seems a circle of fire.

SECTION X.

UNITY WHY REQUISITE TO VASTNESS.

It may be objected to this theory, that the eye generally receives an equal number of rays at all times, and that therefore a great object cannot affect it by the number of rays, more than that variety of objects which the eye must always discern whilst it remains open. But to this I answer, that admitting an equal number of rays, or an equal quantity of luminous particles to strike the eye at all times, yet if these rays frequently vary their nature, now to blue, now to red, and so on, or their manner of termination, as to a number of petty squares, triangles, or the like, at every change, whether of color or shape, the organ has a sort of relaxation or rest; but this relaxation and labor so often interrupted, is by no means productive of ease; neither has it the effect of vigorous and uniform labor. Whoever has remarked the different effects of some strong exercise, and some little piddling action, will understand why a teasing, fretful employment, which at once wearies and weakens the body, should have nothing great; these sorts of impulses, which are rather teasing than painful, by continually and suddenly altering their tenor and direction, prevent that full tension, that species of uniform labor, which is allied to strong pain, and causes the sublime. The sum total of things of various kinds, though it should equal the number of the uniform parts composing some *one* entire object, is not equal in its effect upon the organs of our bodies. Besides the one already assigned, there is another very strong reason for the difference. The mind in reality hardly ever can attend diligently to more than one thing at a time; if this thing be little, the effect is little, and a number of other little objects cannot engage the attention; the mind is bounded by the bounds of the object; and what is not attended to, and what does not exist, are much the same in the effect; but the eye or the mind, (for in this case there is no difference,) in great, uniform objects, does not readily arrive at their bounds; it has no rest, whilst it contemplates them; the image is much the same everywhere. So that everything great by its quantity must necessarily be one, simple and entire.

SECTION XI.

THE ARTIFICIAL INFINITE.

We have observed that a species of greatness arises from the artificial infinite; and that this infinite consists in an uniform succession of great parts: we observed too, that the same uniform succession had a like power in sounds. But because the effects of many things are clearer in one of the senses than in another, and that all the senses bear analogy to and illustrate one another, I shall begin with this power in sounds, as the cause of the sublimity from succession is rather more obvious in the sense of hearing. And I shall here, once for all, observe, that an investigation of the natural and mechanical causes of our passions, besides the curiosity of the subject, gives, if they are discovered, a double strength and lustre to any rules we deliver on such matters. When the ear receives any simple sound, it is struck by a single pulse of the air which makes the ear-drum and the other membranous parts vibrate according to the nature and species of the stroke. If the stroke be strong, the organ of hearing suffers a considerable degree of tension. If the stroke be repeated pretty soon after, the repetition causes an expectation of another stroke. And it must be observed, that expectation itself causes a tension. This is apparent in many animals, who, when they prepare for hearing any sound, rouse themselves, and prick up their ears; so that here the effect of the sounds is considerably augmented by a new auxiliary, the expectation. But though after a number of strokes, we expect still more, not being able to ascertain the exact time of their arrival, when they arrive, they produce a sort of surprise, which increases this tension yet further. For I have observed, that when at any time I have waited very earnestly for some sound, that returned at intervals, (as the successive firing of cannon,) though I fully expected the return of the sound, when it came it always made me start a little; the ear-drum suffered a convulsion, and the whole body consented with it. The tension of the part thus increasing at every blow, by the united forces of the stroke itself, the expectation and the surprise, it is worked up to such a pitch as to be capable of the sublime; it is brought just to the verge of pain. Even when the cause has ceased, the organs of hearing being often successively struck in a similar manner, continue to vibrate in that manner for some time longer; this is an additional help to the greatness of the effect.

SECTION XII.

THE VIBRATIONS MUST BE SIMILAR.

But if the vibration be not similar at every impression, it can never be carried beyond the number of actual impressions; for, move any body as a pendulum, in one way, and it will continue to oscillate in an arch of the same circle, until the known causes make it rest; but if, after first putting it in motion in one direction, you push it into another, it can never reassume the first direction; because it can never move itself, and consequently it can have but the effect of that last motion; whereas, if in the same direction you act upon it several times, it will describe a greater arch, and move a longer time.

SECTION XIII.

THE EFFECTS OF SUCCESSION IN VISUAL OBJECTS EXPLAINED.

If we can comprehend clearly how things operate upon one of our senses, there can be very little difficulty in conceiving in what manner they affect the rest. To say a great deal therefore upon the corresponding affections of every sense, would tend rather to fatigue us by an useless repetition, than to throw any new light upon the subject by that ample and diffuse manner of treating it; but as in this discourse we chiefly attach ourselves to the sublime, as it affects the eye, we shall consider particularly why a successive disposition of uniform parts in the same right line should be sublime, and upon what principle this disposition is enabled to make a comparatively small quantity of matter produce a grander effect, than a much larger quantity disposed in another manner. To avoid the perplexity of general notions; let us set before our eyes, a colonnade of uniform pillars planted in a right line; let us take our stand in such a manner, that the eye may shoot along this colonnade, for it has its best effect in this view. In our present situation it is plain, that the rays from the first round pillar will cause in the eye a vibration of that species; an image of the pillar itself. The pillar immediately succeeding increases it; that which follows renews and enforces the impression; each in its order as it succeeds, repeats impulse after impulse, and stroke after stroke, until the eye, long exercised in one particular way, cannot lose that object immediately, and, being violently roused by this continued agitation, it presents the mind with a grand or sublime conception. But instead of viewing a rank of uniform pillars, let us suppose that they succeed each other, a round and a square one alternately. In this case the vibration caused by the first round pillar perishes as soon as it is formed; and one of quite another sort (the square) directly occupies its place; which however it resigns as quickly to the round one; and thus the eye proceeds, alternately, taking up one image, and laying down another, as long as the building continues. From whence it is obvious that, at the last pillar, the impression is as far from continuing as it was at the very first; because, in fact, the sensory can receive no distinct impression but from the last; and it can never of itself resume a dissimilar impression: besides every variation of the object is a rest and relaxation to the organs of sight; and these reliefs prevent that powerful emotion so necessary to produce the sublime. To produce therefore a perfect grandeur in such things as we have been mentioning, there should be a perfect simplicity, an absolute uniformity in disposition, shape, and coloring. Upon this principle of succession and uniformity it may be asked, why a long bare wall should not be a more sublime object than a colonnade; since the succession is no way interrupted; since the eye meets no check; since nothing more uniform can be conceived? A long bare wall is certainly not so grand an object as a colonnade of

the same length and height. It is not altogether difficult to account for this difference. When we look at a naked wall, from the evenness of the object, the eye runs along its whole space, and arrives quickly at its termination; the eye meets nothing which may interrupt its progress; but then it meets nothing which may detain it a proper time to produce a very great and lasting effect. The view of a bare wall, if it be of a great height and length, is undoubtedly grand; but this is only *one* idea, and not a *repetition* of *similar* ideas: it is therefore great, not so much upon the principle of *infinity*, as upon that of *vastness*. But we are not so powerfully affected with any one impulse, unless it be one of a prodigious force indeed, as we are with a succession of similar impulses; because the nerves of the sensory do not (if I may use the expression) acquire a habit of repeating the same feeling in such a manner as to continue it longer than its cause is in action; besides, all the effects which I have attributed to expectation and surprise in Sect. 11, can have no place in a bare wall.

SECTION XIV.

LOCKE'S OPINION CONCERNING DARKNESS CONSIDERED.

It is Mr. Locke's opinion, that darkness is not naturally an idea of terror; and that, though an excessive light is painful to the sense, the greatest excess of darkness is no ways troublesome. He observes indeed in another place, that a nurse or an old woman having once associated the ideas of ghosts and goblins with that of darkness, night, ever after, becomes painful and horrible to the imagination. The authority of this great man is doubtless as great as that of any man can be, and it seems to stand in the way of our general principle. We have considered darkness as a cause of the sublime; and we have all along considered the sublime as depending on some modification of pain or terror: so that if darkness be no way painful or terrible to any, who have not had their minds early tainted with superstitions, it can be no source of the sublime to them. But, with all deference to such an authority, it seems to me, that an association of a more general nature, an association which takes in all mankind, may make darkness terrible; for in utter darkness it is impossible to know in what degree of safety we stand; we are ignorant of the objects that surround us; we may every moment strike against some dangerous obstruction; we may fall down a precipice the first step we take; and if an enemy approach, we know not in what quarter to defend ourselves; in such a case strength is no sure protection; wisdom can only act by guess; the boldest are staggered, and he who would pray for nothing else towards his defence is forced to pray for light.

Ζεῦ πάτερ, ἀλλὰ σὺ ῥῦσαι ὑπ' ἡέρος υἱας Ἀχαιῶν;

Ποίησον δ' αἴθρην, δὸς δ' ὀφθαλμοῖσιν ἰδέσθαι;

Ἐν δὲ φάει καὶ ὄλεσσον....

As to the association of ghosts and goblins; surely it is more natural to think that darkness, being originally an idea of terror, was chosen as a fit scene for such terrible representations, than that such representations have made darkness terrible. The mind of man very easily slides into an error of the former sort; but it is very hard to imagine, that the effect of an idea so universally terrible in all times, and in all countries, as darkness, could possibly have been owing to a set of idle stories, or to any cause of a nature so trivial, and of an operation so precarious.

SECTION XV.

DARKNESS TERRIBLE IN ITS OWN NATURE.

Perhaps it may appear on inquiry, that blackness and darkness are in some degree painful by their natural operation, independent of any associations whatsoever. I must observe, that the ideas of darkness and blackness are much the same; and they differ only in this, that blackness is a more confined idea. Mr. Cheselden has given us a very curious story of a boy who had been born blind, and continued so until he was thirteen or fourteen years old; he was then couched for a cataract, by which operation he received his sight. Among many remarkable particulars that attended his first perceptions and judgments on visual objects, Cheselden tells us, that the first time the boy saw a black object, it gave him great uneasiness; and that some time after, upon accidentally seeing a negro woman, he was struck with great horror at the sight. The horror, in this case, can scarcely be supposed to arise from any association. The boy appears by the account to have been particularly observing and sensible for one of his age; and therefore it is probable, if the great uneasiness he felt at the first sight of black had arisen from its connection with any other disagreeable ideas, he would have observed and mentioned it. For an idea, disagreeable only by association, has the cause of its ill effect on the passions evident enough at the first impression; in ordinary cases, it is indeed frequently lost; but this is because the original association was made very early, and the consequent impression repeated often. In our instance, there was no time for such a habit; and there is no reason to think that the ill effects of black on his imagination were more owing to its connection with any disagreeable ideas, than that the good effects of more cheerful colors were derived from their connection with pleasing ones. They had both probably their effects from their natural operation.

SECTION XVI.

WHY DARKNESS IS TERRIBLE.

It may be worth while to examine how darkness can operate in such a manner as to cause pain. It is observable, that still as we recede from the light, nature has so contrived it, that the pupil is enlarged by the retiring of the iris, in proportion to our recess. Now, instead of declining from it but a little, suppose that we withdraw entirely from the light; it is reasonable to think that the contraction of the radial fibres of the iris is proportionally greater; and that this part may by great darkness come to be so contracted, as to strain the nerves that compose it beyond their natural tone; and by this means to produce a painful sensation. Such a tension it seems there certainly is, whilst we are involved in darkness; for in such a state, whilst the eye remains open, there is a continual nisus to receive light; this is manifest from the flashes and luminous appearances which often seem in these circumstances to play before it; and which can be nothing but the effect of spasms, produced by its own efforts in pursuit of its object: several other strong impulses will produce the idea of light in the eye, besides the substance of light itself, as we experience on many occasions. Some, who allow darkness to be a cause of the sublime, would infer, from the dilatation of the pupil, that a relaxation may be productive of the sublime as well as a convulsion: but they do not, I believe, consider, that although the circular ring of the iris be in some sense a sphincter, which may possibly be dilated by a simple relaxation, yet in one respect it differs from most of the other sphincters of the body, that it is furnished with antagonist muscles, which are the radial fibres of the iris: no sooner does the circular muscle begin to relax, than these fibres, wanting their counterpoise, are forcibly drawn back, and open the pupil to a considerable wideness. But though we were not apprised of this, I believe any one will find, if he opens his eyes and makes an effort to see in a dark place, that a very perceivable pain ensues. And I have heard some ladies remark, that after having worked a long time upon a ground of black, their eyes were so pained and weakened, they could hardly see. It may perhaps be objected to this theory of the mechanical effect of darkness, that the ill effects of darkness or blackness seem rather mental than corporeal: and I own it is true that they do so; and so do all those that depend on the affections of the finer parts of our system. The ill effects of bad weather appear often no otherwise than in a melancholy and dejection of spirits; though without doubt, in this case, the bodily organs suffer first, and the mind through these organs.

SECTION XVII.

THE EFFECTS OF BLACKNESS.

Blackness is but a *partial darkness*; and therefore it derives some of its powers from being mixed and surrounded with colored bodies. In its own nature, it cannot be considered as a color. Black bodies, reflecting none, or but a few rays, with regard to sight, are but as so many vacant spaces, dispersed among the objects we view. When the eye lights on one of these vacuities, after having been kept in some degree of tension by the play of the adjacent colors upon it, it suddenly falls into a relaxation; out of which it as suddenly recovers by a convulsive spring. To illustrate this: let us consider that when we intend to sit on a chair, and find it much lower than was expected, the shock is very violent; much more violent than could be thought from so slight a fall as the difference between one chair and another can possibly make. If, after descending a flight of stairs, we attempt inadvertently to take another step in the manner of the former ones, the shock is extremely rude and disagreeable: and by no art can we cause such a shock by the same means when we expect and prepare for it. When I say that this is owing to having the change made contrary to expectation; I do not mean solely, when the *mind* expects. I mean likewise, that when any organ of sense is for some time affected in some one manner, if it be suddenly affected otherwise, there ensues a convulsive motion; such a convulsion as is caused when anything happens against the expectance of the mind. And though it may appear strange that such a change as produces a relaxation should immediately produce a sudden convulsion; it is yet most certainly so, and so in all the senses. Every one knows that sleep is a relaxation; and that silence, where nothing keeps the organs of hearing in action, is in general fittest to bring on this relaxation; yet when a sort of murmuring sounds dispose a man to sleep, let these sounds cease suddenly, and the person immediately awakes; that is, the parts are braced up suddenly, and he awakes. This I have often experienced myself, and I have heard the same from observing persons. In like manner, if a person in broad daylight were falling asleep, to introduce a sudden darkness would prevent his sleep for that time, though silence and darkness in themselves, and not suddenly introduced, are very favorable to it. This I knew only by conjecture on the analogy of the senses when I first digested these observations; but I have since experienced it. And I have often experienced, and so have a thousand others, that on the first inclining towards sleep, we have been suddenly awakened with a most violent start; and that this start was generally preceded by a sort of dream of our falling down a precipice: whence does this strange motion arise, but from the too sudden relaxation of the body, which by some mechanism in nature restores itself by as quick and vigorous an exertion of the contracting power of the muscles? The dream itself is

caused by this relaxation; and it is of too uniform a nature to be attributed to any other cause. The parts relax too suddenly, which is in the nature of falling; and this accident of the body induces this image in the mind. When we are in a confirmed state of health and vigor, as all changes are then less sudden, and less on the extreme, we can seldom complain of this disagreeable sensation.

SECTION XVIII.

THE EFFECTS OF BLACKNESS MODERATED.

Though the effects of black be painful originally, we must not think they always continue so. Custom reconciles us to everything. After we have been used to the sight of black objects, the terror abates, and the smoothness and glossiness, or some agreeable accident of bodies so colored, softens in some measure the horror and sternness of their original nature; yet the nature of the original impression still continues. Black will always have something melancholy in it, because the sensory will always find the change to it from other colors too violent; or if it occupy the whole compass of the sight, it will then be darkness; and what was said of darkness will be applicable here. I do not purpose to go into all that might be said to illustrate this theory of the effects of light and darkness; neither will I examine all the different effects produced by the various modifications and mixtures of these two causes. If the foregoing observations have any foundation in nature, I conceive them very sufficient to account for all the phenomena that can arise from all the combinations of black with other colors. To enter into every particular, or to answer every objection, would be an endless labor. We have only followed the most leading roads; and we shall observe the same conduct in our inquiry into the cause of beauty.

SECTION XIX.

THE PHYSICAL CAUSE OF LOVE.

When we have before us such objects as excite love and complacency, the body is affected, so far as I could observe, much in the following manner: the head reclines something on one side; the eyelids are more closed than usual, and the eyes roll gently with an inclination to the object; the mouth is a little opened, and the breath drawn slowly, with now and then a low sigh; the whole body is composed, and the hands fall idly to the sides. All this is accompanied with an inward sense of melting and languor. These appearances are always proportioned to the degree of beauty in the object, and of sensibility in the observer. And this gradation from the highest pitch of beauty and sensibility, even to the lowest of mediocrity and indifference, and their correspondent effects, ought to be kept in view, else this description will seem exaggerated, which it certainly is not. But from this description it is almost impossible not to conclude that beauty acts by relaxing the solids of the whole system. There are all the appearances of such a relaxation; and a relaxation somewhat below the natural tone seems to me to be the cause of all positive pleasure. Who is a stranger to that manner of expression so common in all times and in all countries, of being softened, relaxed, enervated, dissolved, melted away by pleasure? The universal voice of mankind, faithful to their feelings, concurs in affirming this uniform and general effect: and although some odd and particular instance may perhaps be found, wherein there appears a considerable degree of positive pleasure, without all the characters of relaxation, we must not therefore reject the conclusion we had drawn from a concurrence of many experiments; but we must still retain it, subjoining the exceptions which may occur according to the judicious rule laid down by Sir Isaac Newton in the third book of his Optics. Our position will, I conceive, appear confirmed beyond any reasonable doubt, if we can show that such things as we have already observed to be the genuine constituents of beauty have each of them, separately taken, a natural tendency to relax the fibres. And if it must be allowed us, that the appearance of the human body, when all these constituents are united together before the sensory, further favors this opinion, we may venture, I believe, to conclude that the passion called love is produced by this relaxation. By the same method of reasoning which we have used in the inquiry into the causes of the sublime, we may likewise conclude, that as a beautiful object presented to the sense, by causing a relaxation of the body, produces the passion of love in the mind; so if by any means the passion should first have its origin in the mind, a relaxation of the outward organs will as certainly ensue in a degree proportioned to the cause.

SECTION XX.

WHY SMOOTHNESS IS BEAUTIFUL.

It is to explain the true cause of visual beauty that I call in the assistance of the other senses. If it appears that *smoothness* is a principal cause of pleasure to the touch, taste, smell, and hearing, it will be easily admitted a constituent of visual beauty; especially as we have before shown, that this quality is found almost without exception in all bodies that are by general consent held beautiful. There can be no doubt that bodies which are rough and angular, rouse and vellicate the organs of feeling, causing a sense of pain, which consists in the violent tension or contraction of the muscular fibres. On the contrary, the application of smooth bodies relaxes; gentle stroking with a smooth hand allays violent pains and cramps, and relaxes the suffering parts from their unnatural tension; and it has therefore very often no mean effect in removing swellings and obstructions. The sense of feeling is highly gratified with smooth bodies. A bed smoothly laid, and soft, that is, where the resistance is every way inconsiderable, is a great luxury, disposing to an universal relaxation, and inducing beyond anything else that species of it called sleep.

SECTION XXI.

SWEETNESS, ITS NATURE.

Nor is it only in the touch that smooth bodies cause positive pleasure by relaxation. In the smell and taste, we find all things agreeable to them, and which are commonly called sweet, to be of a smooth nature, and that they all evidently tend to relax their respective sensories. Let us first consider the taste. Since it is most easy to inquire into the property of liquids, and since all things seem to want a fluid vehicle to make them tasted at all, I intend rather to consider the liquid than the solid parts of our food. The vehicles of all tastes are *water* and *oil*. And what determines the taste is some salt, which affects variously according to its nature, or its manner of being combined with other things. Water and oil, simply considered, are capable of giving some pleasure to the taste. Water, when simple, is insipid, inodorous, colorless, and smooth; it is found, when *not cold*, to be a great resolver of spasms, and lubricator of the fibres; this power it probably owes to its smoothness. For as fluidity depends, according to the most general opinion, on the roundness, smoothness, and weak cohesion of the component parts of any body, and as water acts merely as a simple fluid, it follows that the cause of its fluidity is likewise the cause of its relaxing quality, namely, the smoothness and slippery texture of its parts. The other fluid vehicle of tastes is *oil*. This too, when simple, is insipid, inodorous, colorless, and smooth to the touch and taste. It is smoother than water, and in many cases yet more relaxing. Oil is in some degree pleasant to the eye, the touch, and the taste, insipid as it is. Water is not so grateful; which I do not know on what principle to account for, other than that water is not so soft and smooth. Suppose that to this oil or water were added a certain quantity of a specific salt, which had a power of putting the nervous papillæ of the tongue into a gentle vibratory motion; as suppose sugar dissolved in it. The smoothness of the oil and the vibratory power of the salt cause the sense we call sweetness. In all sweet bodies, sugar, or a substance very little different from sugar, is constantly found. Every species of salt, examined by the microscope, has its own distinct, regular, invariable form. That of nitre is a pointed oblong; that of sea-salt an exact cube; that of sugar a perfect globe. If you have tried how smooth globular bodies, as the marbles with which boys amuse themselves, have affected the touch when they are rolled backward and forward and over one another, you will easily conceive how sweetness, which consists in a salt of such nature, affects the taste; for a single globe (though somewhat pleasant to the feeling), yet by the regularity of its form, and the somewhat too sudden deviation of its parts from a right line, is nothing near so pleasant to the touch as several globes, where the hand gently rises to one and falls to another; and this pleasure is greatly increased if the globes are in motion, and

sliding over one another; for this soft variety prevents that weariness, which the uniform disposition of the several globes would otherwise produce. Thus in sweet liquors, the parts of the fluid vehicle, though most probably round, are yet so minute, as to conceal the figure of their component parts from the nicest inquisition of the microscope; and consequently, being so excessively minute, they have a sort of flat simplicity to the taste, resembling the effects of plain smooth bodies to the touch; for if a body be composed of round parts excessively small, and packed pretty closely together, the surface will be both to the sight and touch as if it were nearly plain and smooth. It is clear from their unveiling their figure to the microscope, that the particles of sugar are considerably larger than those of water or oil, and consequently that their effects from their roundness will be more distinct and palpable to the nervous papillæ of that nice organ the tongue; they will induce that sense called sweetness, which in a weak manner we discover in oil, and in a yet weaker in water; for, insipid as they are, water and oil are in some degree sweet; and it may be observed, that insipid things of all kinds approach more nearly to the nature of sweetness than to that of any other taste.

SECTION XXII.

SWEETNESS RELAXING.

In the other senses we have remarked, that smooth things are relaxing. Now it ought to appear that sweet things, which are the smooth of taste, are relaxing too. It is remarkable, that in some languages soft and sweet have but one name. *Doux* in French signifies soft as well as sweet. The Latin *dulcis*, and the Italian *dolce*, have in many cases the same double signification. That sweet things are generally relaxing, is evident; because all such, especially those which are most oily, taken frequently, or in a large quantity, very much enfeeble the tone of the stomach. Sweet smells, which bear a great affinity to sweet tastes, relax very remarkably. The smell of flowers disposes people to drowsiness; and this relaxing effect is further apparent from the prejudice which people of weak nerves receive from their use. It were worth while to examine, whether tastes of this kind, sweet ones, tastes that are caused by smooth oils and a relaxing salt, are not the originally pleasant tastes. For many, which use has rendered such, were not at all agreeable at first. The way to examine this is, to try what nature has originally provided for us, which she has undoubtedly made originally pleasant; and to analyze this provision. *Milk* is the first support of our childhood. The component parts of this are water, oil, and a sort of a very sweet salt, called the sugar of milk. All these when blended have a great *smoothness* to the taste, and a relaxing quality to the skin. The next thing children covet is *fruit*, and of fruits those principally which are sweet; and every one knows that the sweetness of fruit is caused by a subtle oil, and such a salt as that mentioned in the last section. Afterwards custom, habit, the desire of novelty, and a thousand other causes, confound, adulterate, and change our palates, so that we can no longer reason with any satisfaction about them. Before we quit this article, we must observe, that as smooth things are, as such, agreeable to the taste, and are found of a relaxing quality; so on the other hand, things which are found by experience to be of a strengthening quality, and fit to brace the fibres, are almost universally rough and pungent to the taste, and in many cases rough even to the touch. We often apply the quality of sweetness, metaphorically, to visual objects. For the better carrying on this remarkable analogy of the senses, we may here call sweetness the beautiful of the taste.

SECTION XXIII.

VARIATION, WHY BEAUTIFUL.

Another principal property of beautiful objects is, that the line of their parts is continually varying its direction; but it varies it by a very insensible deviation; it never varies it so quickly as to surprise, or by the sharpness of its angle to cause any twitching or convulsion of the optic nerve. Nothing long continued in the same manner, nothing very suddenly varied, can be beautiful; because both are opposite to that agreeable relaxation which is the characteristic effect of beauty. It is thus in all the senses. A motion in a right line is that manner of moving, next to a very gentle descent, in which we meet the least resistance; yet it is not that manner of moving, which next to a descent, wearies us the least. Rest certainly tends to relax: yet there is a species of motion which relaxes more than rest; a gentle oscillatory motion, a rising and falling. Rocking sets children to sleep better than absolute rest; there is indeed scarcely anything at that age, which gives more pleasure than to be gently lifted up and down; the manner of playing which their nurses use with children, and the weighing and swinging used afterwards by themselves as a favorite amusement, evince this very sufficiently. Most people must have observed the sort of sense they have had on being swiftly drawn in an easy coach on a smooth turf, with gradual ascents and declivities. This will give a better idea of the beautiful, and point out its probable cause better, than almost anything else. On the contrary, when one is hurried over a rough, rocky, broken road, the pain felt by these sudden inequalities shows why similar sights, feelings, and sounds, are so contrary to beauty: and with regard to the feeling, it is exactly the same in its effect, or very nearly the same, whether, for instance, I move my hand along the surface of a body of a certain shape, or whether such a body is moved along my hand. But to bring this analogy of the senses home to the eye; if a body presented to that sense has such a waving surface, that the rays of light reflected from it are in a continual insensible deviation from the strongest to the weakest (which is always the case in a surface gradually unequal), it must be exactly similar in its effects on the eye and touch; upon the one of which it operates directly, on the other indirectly. And this body will be beautiful if the lines which compose its surface are not continued, even so varied, in a manner that may weary or dissipate the attention. The variation itself must be continually varied.

SECTION XXIV.

CONCERNING SMALLNESS.

To avoid a sameness which may arise from the too frequent repetition of the same reasonings, and of illustrations of the same nature, I will not enter very minutely into every particular that regards beauty, as it is founded on the disposition of its quantity, or its quantity itself. In speaking of the magnitude of bodies there is great uncertainty, because the ideas of great and small are terms almost entirely relative to the species of the objects, which are infinite. It is true, that having once fixed the species of any object, and the dimensions common in the individuals of that species, we may observe some that exceed, and some that fall short of, the ordinary standard: those which greatly exceed are, by that excess, provided the species itself be not very small, rather great and terrible than beautiful; but as in the animal world, and in a good measure in the vegetable world likewise, the qualities that constitute beauty may possibly be united to things of greater dimensions; when they are so united, they constitute a species something different both from the sublime and beautiful, which I have before called *fine*; but this kind, I imagine, has not such a power on the passions, either as vast bodies have which are endued with the correspondent qualities of the sublime; or as the qualities of beauty have when united in a small object. The affection produced by large bodies adorned with the spoils of beauty, is a tension continually relieved; which approaches to the nature of mediocrity. But if I were to say how I find myself affected upon such occasions, I should say that the sublime suffers less by being united to some of the qualities of beauty, than beauty does by being joined to greatness of quantity, or any other properties of the sublime. There is something so overruling in whatever inspires us with awe, in all things which belong ever so remotely to terror, that nothing else can stand in their presence. There lie the qualities of beauty either dead or unoperative; or at most exerted to mollify the rigor and sternness of the terror, which is the natural concomitant of greatness. Besides the extraordinary great in every species, the opposite to this, the dwarfish and diminutive, ought to be considered. Littleness, merely as such, has nothing contrary to the idea of beauty. The humming-bird, both in shape and coloring, yields to none of the winged species, of which it is the least; and perhaps his beauty is enhanced by his smallness. But there are animals, which, when they are extremely small, are rarely (if ever) beautiful. There is a dwarfish size of men and women, which is almost constantly so gross and massive in comparison of their height, that they present us with a very disagreeable image. But should a man be found not above two or three feet high, supposing such a person to have all the parts of his body of a delicacy suitable to such a size, and otherwise endued with the common qualities of other beautiful bodies, I am pretty well convinced that

a person of such a stature might be considered as beautiful; might be the object of love; might give us very pleasing ideas on viewing him. The only thing which could possibly interpose to check our pleasure is, that such creatures, however formed, are unusual, and are often therefore considered as something monstrous. The large and gigantic, though very compatible with the sublime, is contrary to the beautiful. It is impossible to suppose a giant the object of love. When we let our imagination loose in romance, the ideas we naturally annex to that size are those of tyranny, cruelty, injustice, and everything horrid and abominable. We paint the giant ravaging the country, plundering the innocent traveller, and afterwards gorged with his half-living flesh: such are Polyphemus, Cacus, and others, who make so great a figure in romances and heroic poems. The event we attend to with the greatest satisfaction is their defeat and death. I do not remember, in all that multitude of deaths with which the Iliad is filled, that the fall of any man, remarkable for his great stature and strength, touches us with pity; nor does it appear that the author, so well read in human nature, ever intended it should. It is Simoisius, in the soft bloom of youth, torn from his parents, who tremble for a courage so ill suited to his strength; it is another hurried by war from the new embraces of his bride, young and fair, and a novice to the field, who melts us by his untimely fate. Achilles, in spite of the many qualities of beauty which Homer has bestowed on his outward form, and the many great virtues with which he has adorned his mind, can never make us love him. It may be observed, that Homer has given the Trojans, whose fate he has designed to excite our compassion, infinitely more of the amiable, social virtues than he has distributed among his Greeks. With regard to the Trojans, the passion he chooses to raise is pity; pity is a passion founded on love; and these *lesser*, and if I may say domestic virtues, are certainly the most amiable. But he has made the Greeks far their superiors in the politic and military virtues. The councils of Priam are weak; the arms of Hector comparatively feeble; his courage far below that of Achilles. Yet we love Priam more than Agamemnon, and Hector more than his conqueror Achilles. Admiration is the passion which Homer would excite in favor of the Greeks, and he has done it by bestowing on them the virtues which have but little to do with love. This short digression is perhaps not wholly beside our purpose, where our business is to show that objects of great dimensions are incompatible with beauty, the more incompatible as they are greater; whereas the small, if ever they fail of beauty, this failure is not to be attributed to their size.

SECTION XXV.

OF COLOR.

With regard to color, the disquisition is almost infinite; but I conceive the principles laid down in the beginning of this part are sufficient to account for the effects of them all, as well as for the agreeable effects of transparent bodies, whether fluid or solid. Suppose I look at a bottle of muddy liquor, of a blue or red color; the blue or red rays cannot pass clearly to the eye, but are suddenly and unequally stopped by the intervention of little opaque bodies, which without preparation change the idea, and change it too into one disagreeable in its own nature, conformably to the principles laid down in Sect. 24. But when the ray passes without such opposition through the glass or liquor, when the glass or liquor is quite transparent, the light is sometimes softened in the passage, which makes it more agreeable even as light; and the liquor reflecting all the rays of its proper color *evenly*, it has such an effect on the eye, as smooth opaque bodies have on the eye and touch. So that the pleasure here is compounded of the softness of the transmitted, and the evenness of the reflected light. This pleasure may be heightened by the common principles in other things, if the shape of the glass which holds the transparent liquor be so judiciously varied, as to present the color gradually and interchangeably, weakened and strengthened with all the variety which judgment in affairs of this nature shall suggest. On a review of all that has been said of the effects, as well as the causes of both, it will appear that the sublime and beautiful are built on principles very different, and that their affections are as different: the great has terror for its basis, which, when it is modified, causes that emotion in the mind, which I have called astonishment; the beautiful is founded on mere positive pleasure, and excites in the soul that feeling which is called love. Their causes have made the subject of this fourth part.

PART V.

SECTION I.

OF WORDS.

Natural objects affect us by the laws of that connection which Providence has established between certain motions and configurations of bodies, and certain consequent feelings in our mind. Painting affects in the same manner, but with the superadded pleasure of imitation. Architecture affects by the laws of nature and the law of reason; from which latter result the rules of proportion, which make a work to be praised or censured, in the whole or in some part, when the end for which it was designed is or is not properly answered. But as to words; they seem to me to affect us in a manner very different from that in which we are affected by natural objects, or by painting or architecture; yet words have as considerable a share in exciting ideas of beauty and of the sublime as many of those, and sometimes a much greater than any of them; therefore an inquiry into the manner by which they excite such emotions is far from being unnecessary in a discourse of this kind.

SECTION II.

THE COMMON EFFECTS OF POETRY, NOT BY RAISING IDEAS OF THINGS.

The common notion of the power of poetry and eloquence, as well as that of words in ordinary conversation, is, that they affect the mind by raising in it ideas of those things for which custom has appointed them to stand. To examine the truth of this notion, it may be requisite to observe that words may be divided into three sorts. The first are such as represent many simple ideas *united by nature* to form some one determinate composition, as man, horse, tree, castle, &c. These I call *aggregate words*. The second are they that stand for one simple idea of such compositions, and no more; as red, blue, round, square, and the like. These I call *simple abstract words*. The third are those which are formed by an union, an *arbitrary* union of both the others, and of the various relations between them in greater or lesser degrees of complexity; as virtue, honor, persuasion, magistrate, and the like. These I call *compound abstract words*. Words, I am sensible, are capable of being classed into more curious distinctions; but these seem to be natural, and enough for our purpose; and they are disposed in that order in which they are commonly taught, and in which the mind gets the ideas they are substituted for. I shall begin with the third sort of words; compound abstracts, such as virtue, honor, persuasion, docility. Of these I am convinced, that whatever power they may have on the passions, they do not derive it from any representation raised in the mind of the things for which they stand. As compositions, they are not real essences, and hardly cause, I think, any real ideas. Nobody, I believe, immediately on hearing the sounds, virtue, liberty, or honor, conceives any precise notions of the particular modes of action and thinking, together with the mixed and simple ideas, and the several relations of them for which these words are substituted; neither has he any general idea compounded of them; for if he had, then some of those particular ones, though indistinct perhaps, and confused, might come soon to be perceived. But this, I take it, is hardly ever the case. For, put yourself upon analyzing one of these words, and you must reduce it from one set of general words to another, and then into the simple abstracts and aggregates, in a much longer series than may be at first imagined, before any real idea emerges to light, before you come to discover anything like the first principles of such compositions; and when you have made such a discovery of the original ideas, the effect of the composition is utterly lost. A train of thinking of this sort is much too long to be pursued in the ordinary ways of conversation; nor is it at all necessary that it should. Such words are in reality but mere sounds; but they are sounds which being used on particular occasions, wherein we receive some good, or suffer some evil; or see others affected with good or evil;

or which we hear applied to other interesting things or events; and being applied in such a variety of cases, that we know readily by habit to what things they belong, they produce in the mind, whenever they are afterwards mentioned, effects similar to those of their occasions. The sounds being often used without reference to any particular occasion, and carrying still their first impressions, they at last utterly lose their connection with the particular occasions that gave rise to them; yet the sound, without any annexed notion, continues to operate as before.

SECTION III.

GENERAL WORDS BEFORE IDEAS.

Mr. Locke has somewhere observed, with his usual sagacity, that most general words, those belonging to virtue and vice, good and evil especially, are taught before the particular modes of action to which they belong are presented to the mind; and with them, the love of the one, and the abhorrence of the other; for the minds of children are so ductile, that a nurse, or any person about a child, by seeming pleased or displeased with anything, or even any word, may give the disposition of the child a similar turn. When, afterwards, the several occurrences in life come to be applied to these words, and that which is pleasant often appears under the name of evil; and what is disagreeable to nature is called good and virtuous; a strange confusion of ideas and affections arises in the minds of many; and an appearance of no small contradiction between their notions and their actions. There are many who love virtue and who detest vice, and this not from hypocrisy or affectation, who notwithstanding very frequently act ill and wickedly in particulars without the least remorse; because these particular occasions never came into view, when the passions on the side of virtue were so warmly affected by certain words heated originally by the breath of others; and for this reason, it is hard to repeat certain sets of words, though owned by themselves unoperative, without being in some degree affected; especially if a warm and affecting tone of voice accompanies them, as suppose,

Wise, valiant, generous, good, and great.

These words, by having no application, ought to be unoperative; but when words commonly sacred to great occasions are used, we are affected by them even without the occasions. When words which have been generally so applied are put together without any rational view, or in such a manner that they do not rightly agree with each other, the style is called bombast. And it requires in several cases much good sense and experience to be guarded against the force of such language; for when propriety is neglected, a greater number of these affecting words may be taken into the service, and a greater variety may be indulged in combining them.

SECTION IV.

THE EFFECT OF WORDS.

If words have all their possible extent of power, three effects arise in the mind of the hearer. The first is, the *sound*; the second, the *picture*, or representation of the thing signified by the sound; the third is, the *affection* of the soul produced by one or by both of the foregoing. *Compounded abstract* words, of which we have been speaking, (honor, justice, liberty, and the like,) produce the first and the last of these effects, but not the second. *Simple abstracts* are used to signify some one simple idea without much adverting to others which may chance to attend it, as blue, green, hot, cold, and the like; these are capable of affecting all three of the purposes of words; as the *aggregate* words, man, castle, horse, &c. are in a yet higher degree. But I am of opinion, that the most general effect, even of these words, does not arise from their forming pictures of the several things they would represent in the imagination; because, on a very diligent examination of my own mind, and getting others to consider theirs, I do not find that once in twenty times any such picture is formed, and when it is, there is most commonly a particular effort of the imagination for that purpose. But the aggregate words operate, as I said of the compound-abstracts, not by presenting any image to the mind, but by having from use the same effect on being mentioned, that their original has when it is seen. Suppose we were to read a passage to this effect: "The river Danube rises in a moist and mountainous soil in the heart of Germany, where, winding to and fro, it waters several principalities, until, turning into Austria, and laving the walls of Vienna, it passes into Hungary; there with a vast flood, augmented by the Save and the Drave, it quits Christendom, and rolling through the barbarous countries which border on Tartary, it enters by many mouths in the Black Sea." In this description many things are mentioned, as mountains, rivers, cities, the sea, &c. But let anybody examine himself, and see whether he has had impressed on his imagination any pictures of a river, mountain, watery soil, Germany, &c. Indeed it is impossible, in the rapidity and quick succession of words in conversation, to have ideas both of the sound of the word, and of the thing represented; besides, some words, expressing real essences, are so mixed with others of a general and nominal import, that it is impracticable to jump from sense to thought, from particulars to generals, from things to words, in such a manner as to answer the purposes of life; nor is it necessary that we should.

SECTION V.

EXAMPLES THAT WORDS MAY AFFECT WITHOUT RAISING IMAGES.

I find it very hard to persuade several that their passions are affected by words from whence they have no ideas; and yet harder to convince them that in the ordinary course of conversation we are sufficiently understood without raising any images of the things concerning which we speak. It seems to be an odd subject of dispute with any man, whether he has ideas in his mind or not. Of this, at first view, every man, in his own forum, ought to judge without appeal. But, strange as it may appear, we are often at a loss to know what ideas we have of things, or whether we have any ideas at all upon some subjects. It even requires a good deal of attention to be thoroughly satisfied on this head. Since I wrote these papers, I found two very striking instances of the possibility there is, that a man may hear words without having any idea of the things which they represent, and yet afterwards be capable of returning them to others, combined in a new way, and with great propriety, energy, and instruction. The first instance is that of Mr. Blacklock, a poet blind from his birth. Few men blessed with the most perfect sight can describe visual objects with more spirit and justness than this blind man; which cannot possibly be attributed to his having a clearer conception of the things he describes than is common to other persons. Mr. Spence, in an elegant preface which he has written to the works of this poet, reasons very ingeniously, and, I imagine, for the most part, very rightly, upon the cause of this extraordinary phenomenon; but I cannot altogether agree with him, that some improprieties in language and thought, which occur in these poems, have arisen from the blind poet's imperfect conception of visual objects, since such improprieties, and much greater, may be found in writers even of a higher class than Mr. Blacklock, and who, notwithstanding, possessed the faculty of seeing in its full perfection. Here is a poet doubtless as much affected by his own descriptions as any that reads them can be; and yet he is affected with this strong enthusiasm by things of which he neither has, nor can possibly have, any idea further than that of a bare sound: and why may not those who read his works be affected in the same manner that he was; with as little of any real ideas of the things described? The second instance is of Mr. Saunderson, professor of mathematics in the University of Cambridge. This learned man had acquired great knowledge in natural philosophy, in astronomy, and whatever sciences depend upon mathematical skill. What was the most extraordinary and the most to my purpose, he gave excellent lectures upon light and colors; and this man taught others the theory of those ideas which they had, and which he himself undoubtedly had not. But it is probable that the words red, blue, green, answered to him as well as the ideas of the colors themselves; for

the ideas of greater or lesser degrees of refrangibility being applied to these words, and the blind man being instructed in what other respects they were found to agree or to disagree, it was as easy for him to reason upon the words as if he had been fully master of the ideas. Indeed it must be owned he could make no new discoveries in the way of experiment. He did nothing but what we do every day in common discourse. When I wrote this last sentence, and used the words *every day* and *common discourse*, I had no images in my mind of any succession of time; nor of men in conference with each other; nor do I imagine that the reader will have any such ideas on reading it. Neither when I spoke of red, or blue, and green, as well as refrangibility, had I these several colors, or the rays of light passing into a different medium, and there diverted from their course, painted before me in the way of images. I know very well that the mind possesses a faculty of raising such images at pleasure; but then an act of the will is necessary to this; and in ordinary conversation or reading it is very rarely that any image at all is excited in the mind. If I say, "I shall go to Italy next summer," I am well understood. Yet I believe nobody has by this painted in his imagination the exact figure of the speaker passing by land or by water, or both; sometimes on horseback, sometimes in a carriage: with all the particulars of the journey. Still less has he any idea of Italy, the country to which I proposed to go; or of the greenness of the fields, the ripening of the fruits, and the warmth of the air, with the change to this from a different season, which are the ideas for which the word *summer* is substituted; but least of all has he any image from the word *next*; for this word stands for the idea of many summers, with the exclusion of all but one: and surely the man who says *next summer* has no images of such a succession, and such an exclusion. In short, it is not only of those ideas which are commonly called abstract, and of which no image at all can be formed, but even of particular, real beings, that we converse without having any idea of them excited in the imagination; as will certainly appear on a diligent examination of our own minds. Indeed, so little does poetry depend for its effect on the power of raising sensible images, that I am convinced it would lose a very considerable part of its energy, if this were the necessary result of all description. Because that union of affecting words, which is the most powerful of all poetical instruments, would frequently lose its force along with its propriety and consistency, if the sensible images were always excited. There is not, perhaps, in the whole *Æneid* a more grand and labored passage than the description of Vulcan's cavern in Etna, and the works that are there carried on. Virgil dwells particularly on the formation of the thunder which he describes unfinished under the hammers of the Cyclops. But what are the principles of this extraordinary composition?

Tres imbris torti radios, tres nubis aquosæ
Addiderant; rutili tres ignis, et alitis austri:
Fulgores nunc terrificos, sonitumque, metumque
Miscebant operi, flammisque sequacibus iras.

This seems to me admirably sublime: yet if we attend coolly to the kind of sensible images which a combination of ideas of this sort must form, the chimeras of madmen cannot appear more wild and absurd than such a picture. *“Three rays of twisted showers, three of watery clouds, three of fire, and three of the winged south wind; then mixed they in the work terrific lightnings, and sound, and fear, and anger, with pursuing flames.”* This strange composition is formed into a gross body; it is hammered by the Cyclops, it is in part polished, and partly continues rough. The truth is, if poetry gives us a noble assemblage of words corresponding to many noble ideas, which are connected by circumstances of time or place, or related to each other as cause and effect, or associated in any natural way, they may be moulded together in any form, and perfectly answer their end. The picturesque connection is not demanded; because no real picture is formed; nor is the effect of the description at all the less upon this account. What is said of Helen by Priam and the old men of his council, is generally thought to give us the highest possible idea of that fatal beauty.

Οὐ νέμεσις, Τρῶας καὶ ἑὺκνήμιδας Ἀχ-αιοὺς
 Τοιᾷδ' ἀμφὶ γυναικὶ πολὺν χρόνον ἄλγεα πάσχ-ειν.
 Αἰνῶς ἀθανάτησι θεῆς εἰς ὧπα ἔοικεν.

“They cried, No wonder such celestial charms
 For nine long years have set the world in arms;
 What winning graces! what majestic mien!
 She moves a goddess, and she looks a queen.”

POPE.

Here is not one word said of the particulars of her beauty; nothing which can in the least help us to any precise idea of her person; but yet we are much more touched by this manner of mentioning her, than by those long and labored descriptions of Helen, whether handed down by tradition, or formed by fancy, which are to be met with in some authors. I am sure it affects me much more than the minute description which Spenser has given of Belphebe; though I own that there are parts, in that description, as there are in all the descriptions of that excellent writer, extremely fine and poetical. The terrible picture which Lucretius has drawn of religion in order to display the magnanimity of his philosophical hero in opposing her, is thought to be designed with great boldness and spirit: —

Humana ante oculos foedè cum vita jaceret,
 In terris, oppressa gravi sub religione,
 Quæ caput e coeli regionibus ostendebat
 Horribili super aspectu mortalibus instans;
 Primus Graius homo mortales tollere contra
 Est oculos ausus.

What idea do you derive from so excellent a picture? none at all, most certainly: neither has the poet said a single word which might in the least serve to mark a

single limb or feature of the phantom, which he intended to represent in all the horrors imagination can conceive. In reality, poetry and rhetoric do not succeed in exact description so well as painting does; their business is, to affect rather by sympathy than imitation; to display rather the effect of things on the mind of the speaker, or of others, than to present a clear idea of the things themselves. This is their most extensive province, and that in which they succeed the best.

SECTION VI.

POETRY NOT STRICTLY AN IMITATIVE ART.

Hence we may observe that poetry, taken in its most general sense, cannot with strict propriety be called an art of imitation. It is indeed an imitation so far as it describes the manners and passions of men which their words can express; where *animi motus effert interprete lingua*. There it is strictly imitation; and all merely *dramatic* poetry is of this sort. But *descriptive* poetry operates chiefly by *substitution*; by the means of sounds, which by custom have the effect of realities. Nothing is an imitation further than as it resembles some other thing; and words undoubtedly have no sort of resemblance to the ideas for which they stand.

SECTION VII.

HOW WORDS INFLUENCE THE PASSIONS.

Now, as words affect, not by any original power, but by representation, it might be supposed, that their influence over the passions should be but light; yet it is quite otherwise; for we find by experience, that eloquence and poetry are as capable, nay indeed much more capable, of making deep and lively impressions than any other arts, and even than nature itself in very many cases. And this arises chiefly from these three causes. First, that we take an extraordinary part in the passions of others, and that we are easily affected and brought into sympathy by any tokens which are shown of them; and there are no tokens which can express all the circumstances of most passions so fully as words; so that if a person speaks upon any subject, he can not only convey the subject to you, but likewise the manner in which he is himself affected by it. Certain it is, that the influence of most things on our passions is not so much from the things themselves, as from our opinions concerning them; and these again depend very much on the opinions of other men, conveyable for the most part by words only. Secondly, there are many things of a very affecting nature, which can seldom occur in the reality, but the words that represent them often do; and thus they have an opportunity of making a deep impression and taking root in the mind, whilst the idea of the reality was transient; and to some perhaps never really occurred in any shape, to whom it is notwithstanding very affecting, as war, death, famine, &c. Besides many ideas have never been at all presented to the senses of any men but by words, as God, angels, devils, heaven, and hell, all of which have however a great influence over the passions. Thirdly, by words we have it in our power to make such *combinations* as we cannot possibly do otherwise. By this power of combining we are able, by the addition of well-chosen circumstances, to give a new life and force to the simple object. In painting we may represent any fine figure we please; but we never can give it those enlivening touches which it may receive from words. To represent an angel in a picture, you can only draw a beautiful young man winged: but what painting can furnish out anything so grand as the addition of one word, “the angel of the *Lord*”? It is true, I have here no clear idea; but these words affect the mind more than the sensible image did; which is all I contend for. A picture of Priam dragged to the altar’s foot, and there murdered, if it were well executed, would undoubtedly be very moving; but there are very aggravating circumstances, which it could never represent:

Sanguine foedantem quos ipse sacraverat ignes.

As a further instance, let us consider those lines of Milton, where he describes the travels of the fallen angels through their dismal habitation:

“O’er many a dark and dreary vale
They passed, and many a region dolorous;
O’er many a frozen, many a fiery Alp;
Rocks, caves, lakes, fens, bogs, dens, and shades of death,
A universe of death.”

Here is displayed the force of union in

“Rocks, caves, lakes, dens, bogs, fens, and shades”

which yet would lose the greatest part of their effect, if they were not the

“Rocks, caves, lakes, dens, bogs, fens, and shades — of *Death*.”

This idea or this affection caused by a word, which nothing but a word could annex to the others, raises a very great degree of the sublime, and this sublime is raised yet higher by what follows, a “*universe of death*.” Here are again two ideas not presentable but by language, and an union of them great and amazing beyond conception; if they may properly be called ideas which present no distinct image to the mind; but still it will be difficult to conceive how words can move the passions which belong to real objects, without representing these objects clearly. This is difficult to us, because we do not sufficiently distinguish, in our observations upon language, between a clear expression and a strong expression. These are frequently confounded with each other, though they are in reality extremely different. The former regards the understanding, the latter belongs to the passions. The one describes a thing as it is, the latter describes it as it is felt. Now, as there is a moving tone of voice, an impassioned countenance, an agitated gesture, which affect independently of the things about which they are exerted, so there are words, and certain dispositions of words, which being peculiarly devoted to passionate subjects, and always used by those who are under the influence of any passion, touch and move us more than those which far more clearly and distinctly express the subject-matter. We yield to sympathy what we refuse to description. The truth is, all verbal description, merely as naked description, though never so exact, conveys so poor and insufficient an idea of the thing described, that it could scarcely have the smallest effect, if the speaker did not call in to his aid those modes of speech that mark a strong and lively feeling in himself. Then, by the contagion of our passions, we catch a fire already kindled in another, which probably might never have been struck out by the object described. Words, by strongly conveying the passions by those means which we have already mentioned, fully compensate for their weakness in other respects. It may be observed, that very polished languages, and such as are praised for their superior clearness and perspicuity, are generally deficient in strength. The French language has that perfection and that defect. Whereas the Oriental tongues, and in general the languages of most unpolished people, have a great force and energy of expression, and this is but natural. Uncultivated people are but ordinary observers of things, and not critical in distinguishing them; but, for that reason they admire more, and are more affected with what they see, and

therefore express themselves in a warmer and more passionate manner. If the affection be well conveyed, it will work its effect without any clear idea, often without any idea at all of the thing which has originally given rise to it.

It might be expected, from the fertility of the subject, that I should consider poetry, as it regards the sublime and beautiful, more at large; but it must be observed, that in this light it has been often and well handled already. It was not my design to enter into the criticism of the sublime and beautiful in any art, but to attempt to lay down such principles as may tend to ascertain, to distinguish, and to form a sort of standard for them; which purposes I thought might be best effected by an inquiry into the properties of such things in nature, as raise love and astonishment in us; and by showing in what manner they operated to produce these passions. Words were only so far to be considered as to show upon what principle they were capable of being the representatives of these natural things, and by what powers they were able to affect us often as strongly as the things they represent, and sometimes much more strongly.

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PART I.

*The discovery of America, and the
reduction of Mexico and Peru.*



CHAP. I.

*The state of Europe before the discovery of
America. The project of Columbus. His
application to several courts. His successful
application to that of Spain. His voyage,
The discovery of the Bahamas, and Greater
Antilles.*

HERE was an extraordinary
coincidence of events at the
time that the discovery of A-
merica made one of the prin-
cipal; the invention of print-
ing, the making of gunpow-
der, the improvement of navigation, the re-
vival of ancient learning, and the reformation;
all of these conspired to change the face of
Europe entirely. At this time the principal
monarchies began to knit, and to acquire
the strength, and take the form, they have

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How the book opens in the original publication

VOLUME I.

THE PREFACE.

THE affairs of America have lately engaged a great deal of the public attention. Before the present war there were but a very few who made the history of that quarter of the world any part of their study; though the matter is certainly very curious in itself, and extremely interesting to us as a trading people.

The history of a country which, though vast in extent, is the property of only four nations; and which, though peopled probably for a series of ages, is only known to the rest of the world for about two centuries, does not naturally, afford matter for many volumes. Yet it is certain, that to acquire a proper knowledge of the history of the events in America, an idea of it's present state, and a competent judgment of it's trade, a great deal of reading has been found requisite. And I may add, that the reading on many parts of this subject is dry and disgusting; that authors have treated on it, some without a sufficient knowledge of the subject, and others in such a manner as no knowledge of the subject in the author could induce any body to become readers. That some are loaded with a lumber of matter that can interest very few, and that others obscure the truth in many particulars, to gratify the low prejudices of parties, and I may say of nations. Whatever is written by the English settled in our colonies, is to be read with great caution; because very few of them write without a bias to the interest of the particular province to which they belong, or perhaps to a particular faction in that province. It is only by comparing the printed accounts with one another, and those with the best private informations, and correcting all by authentic matter of record, that one can discover the truth; and this hath been a matter of some difficulty.

With regard to the foreign settlements, recourse was had to the best printed accounts of travellers and others; and in some points to private information from intelligent traders. The materials for the foreign settlements are far from being as perfect, or as much to be depended upon as we could wish; it was very seldom that I could venture to transcribe any thing directly from them without some addition or some corrective.

In the historical part of this work, I fixed my eye principally on some capital matters, which might the most fully engage and best reward the attention of the reader; and in treating of those I dwelt only upon such events as seemed to me to afford some political instruction, or to open the characters of the principal actors in those great scenes. The affairs which seemed most worthy of an account of any length, are those splendid and remarkable events of the discovery of America, and the conquest of the only two civilized kingdoms it contained.

In treating of other parts, I have given so much of the history of each country as may serve to shew, when and upon what principles it was planted, to enable the reader the better to judge of it's present condition. These accounts are very short;

and considering of what sort of matter their histories are composed, I believe I shall deserve as much for what I have omitted, as for what I have inserted. If I could not write well upon any subject, I have endeavoured always to write concisely.

My principal view in treating of the several settlements, was to draw every thing towards their trade, which is the point that concerns us the most materially; for which reason I have but little considered their civil, and yet less their natural history, further than as they tended to throw some light upon the commerce of these countries; except where the matters were very curious, and served to diversify the work.

It is not to be expected that a performance of this kind can be written equally throughout. In some places the subject refuses all ornament, and the matter, dry in itself, is by no art to be made otherwise: in some a contagion communicated from the dulness of materials, which yet were necessary to the work, may probably appear; in many, and perhaps the most blameable parts, the author alone must be answerable; however there are some errors of the press, especially towards the beginning, which are owing to the author's absence from it.

Having spoken perhaps a little too hardly of my materials, I must except the assistance I have had from the judicious collection called Harris's voyages. There are not many finer pieces than the history of Brazil in that collection; the light in which the author sets the events in that history is fine and instructive; an uncommon spirit prevails through it; and his remarks are every where striking and deep. The little sketch I have given in the part of Portuguese America, if it has any merit, it is entirely due to that original. However the accounts given of many things in that part of his work which relates to the English and French settlements may be defective, and suited rather to the ancient than to the present state of affairs in that part of the world: his remarks have rarely this fault; and where I differ from him in any respect, it is with deference to the judgment of a writer to whom this nation is much obliged, for endeavouring every where with so much good sense and eloquence to rouse that spirit of generous enterprize, that can alone make any nation powerful or glorious.

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**PART I. The discovery of America, and the reduction of Mexico
and Peru.**

CHAP. I.

THERE was an extraordinary coincidence of events at the time that the discovery of America made one of the principal; the invention of printing, the making of gun-powder, the improvement of navigation, the revival of ancient learning, and the reformation; all of these conspired to change the face of Europe entirely. At this time the principal monarchies began to knit, and to acquire the strength, and take the form they have at this day. Before this period the manners of Europe were wholly barbarous; even in Italy, where the natural mildness of the climate, and the dawning of literature had a little softened the minds of the people, and introduced something approaching towards politeness, the history preceding this aera, and indeed for some time after it, is nothing but one series of treasons, usurpations, murders, and massacres: nothing of a manly courage, nothing of a solid and rational policy. Scarce any state had then very extensive views, or looked much further than to the present advantage. They did not well comprehend the complicated system of interests that Europe formed even long before this. Lewis the eleventh, who was looked upon as one of the wisest princes in his time, and one who sacrificed every thing to his ambition, sacrificed one of the fairest objects of that ambition to a pique, which since his time could have little influence on the counsels of any prince. His son, Charles the eighth, as he won Italy without either courage or conduct, so he lost it by a chain of false measures, such as we may venture to say has no parallel in later times. A wild romantic courage in the Northern and Western parts of Europe, and a wicked policy in the Italian states, was the character of that age. If we look into the manners of the courts, there appear but very faint marks of cultivation and politeness. The interview between our Edward the fourth and his brother of France, wherein they were both caged up like wild beasts, shews dispositions very remote from a true sense of honour, from the dignity of their station, or any just ideas of politeness and humanity. All the anecdotes which remain of these and other courts, are in the same spirit.

If the courts had made such poor advances in policy and in politeness, which might seem the natural growth of courts at any time, both the courts and the people were yet less advanced in useful knowledge. The little learning which then subsisted, was only the dotage of the scholastick philosophy of words; together with the infancy of politer learning, which only concerned words too, tho' in another way. The elegance and purity of the Latin tongue was then the highest, and almost the only point of a scholar's ambition. Mathematical learning was little valued or cultivated. The true system of the heavens was not dreamed of. There was no knowledge at all of the real form of the earth; and in general the ideas of mankind were not extended beyond their sensible horizon.

In this state of affairs Christopher Columbus, a native of Genoa, undertook to extend the boundaries which ignorance had given to the world. This man's design arose from the just idea he had formed of the figure of the earth; though the maps, more erroneous than his conjectures, made him mistake the object. His design was to find a passage to China and India by the Western ocean. It is not improbable, that besides the glory attending such a discovery, and the private advantages of fortune he might propose to derive from it, Columbus had a further incentive from national jealousy and resentment. Venice and Genoa were then almost the only trading powers in Europe; and they had no other support of their power but their commerce. This bred a rivalry, a jealousy, and frequent wars between them; but in traffick Venice was much superior; she had drawn to herself almost the whole commerce of India, always one of the most valuable in the world, and then carried on only by the way of Egypt and the Red Sea. An emulation of this kind might probably have put Columbus on finding another and more direct passage to the East-Indies, and by that means transferring this profitable trade to his own country. But neither that which he sought, nor that which he found, was destined for his country. However, he performed the duty of a good citizen, and made his first proposal at home; at home it was rejected. Discharged of this obligation, he applied to the court of France, and meeting no better success there, he offered next his services to our Henry the seventh. This prince was rather a prudent steward and manager of a kingdom than a great king, and one of those defensive geniuses who are the last in the world to relish a great but problematical design. It is therefore no wonder that his brother, whom Columbus had employed to solicit in England, after several years spent here, had little success in his negotiation. But in Portugal, where he applied himself after his failure here, his offers were not only rejected, but he was insulted and ridiculed; he found, however, in these insults, and this ridicule, a new incitement to pursue his scheme, urged forward by the stings of anger and resentment.

Last of all he exercised his interest and his patience for eight years together at the court of Ferdinand and Isabella. There is a sort of enthusiasm in all projectors, absolutely necessary for their affairs, which makes them proof against the most fatiguing delays, the most mortifying disappointments, the most shocking insults; and what is severer than all, the presumptuous judgments of the ignorant upon their designs. Columbus had a sufficient share of this quality. He had every day, during this long space, to combat with every objection that want of knowledge, or that a false knowledge could propose. Some held that the known world, which they thought was all that could be known, floated like a vast scum upon the ocean; that the ocean itself was infinite. Others, who entertained more just notions, and believed that the whole of the earth and waters composed one vast globe, drew a consequence from it as absurd as the former opinion. For they argued, that if Columbus should sail beyond a certain point, the convexity of this globe would

prevent his return. As is usual in such cafes, every one abounded with objections. His whole time was spent in fruitless endeavours to enlighten ignorance, to remove prejudice, and to vanquish that obstinate incredulity, which is of all others the greatest enemy to improvement, rejecting every thing as false and absurd, which is ever so little out of the track of common experience; and it is of the more dangerous consequence, as it carries a delusive air of coolness, of temper and wisdom. With all this he had yet greater difficulties from the interests of mankind, than from their malignity and ignorance. The expence of the undertaking, inconsiderable as this expence was, was at the bottom the chief support of the other objections, and had more weight than all the rest together. However, with an assiduity and firmness of mind, never enough to be admired and applauded, he at length overcame all difficulties; and, to his inexpressible joy, with a fleets of three ships, and the title and command of an admiral, set sail on the third of August, 1492, on a voyage the most daring and grand in the design, and in the event of which the world was the most concerned of any that ever yet was undertaken.

It must not be omitted here, in honour to the sex, and in justice to Isabella, that this scheme was first countenanced, and the equipment made by the queen only; the king had no share in it; she even raised the money necessary for the design upon her own jewels.

I do not propose to relate all the particulars of Columbus's voyage in a track now so well known, and so much frequented; but then there was no chart to direct him, no lights from former navigators, no experience of the winds and currents peculiar to those seas. He had no guide but his own genius, nor any thing to comfort and appease his companions, discouraged and mutinous with the length and hopelessness of the voyage, but some indications which he drew from the casual appearances of land birds, and floating sea-weeds, most of them little to be depended upon, but which this wise commander, well acquainted with the human heart, always knew how to turn to the best advantage. It was in this expedition that the variation of the compass was first observed; an appearance which has ever since puzzled all philosophers, and which at this time made a great impression upon Columbus's pilots; when in an unknown and boundless ocean, far from the road of all former navigation, nature itself seemed altered, and the only guide they had left, appeared to be upon the point of forsaking them. But Columbus, with a wonderful quickness and sagacity, pretended to discover a physical cause for this appearance, which, though it did not satisfy himself, was plausible enough to remove something of the terror of his mariners. Expedients of this kind were daily wanting, and the fertile genius of this discoverer invented them daily. At last by use they began to lose their effect; the crew insisted on his returning, and grew loud and insolent in their demand. They even talked of throwing him overboard. Even his own invention, and almost his hopes were near exhausted, when the only thing which could appease them happened, the clear discovery of land, after a voyage of thirty-

three days, the longest ever any man was known to be from sight of shore before that time.

They landed on one of the islands now called Lucayos, or Bahamas, which is remarkable for nothing but this event, and here it was, that the two worlds, if I may use the expression, were first introduced to one another; a meeting of an extraordinary nature, and which produced great changes in both. The first thing Columbus did, after thanking God for the success of his important voyage, was to take possession of the island in the name of their Catholick majesties, by setting up a cross upon the shore; great multitudes of the inhabitants looking on, ignorant and unconcerned at a ceremony which was to deprive them of natural liberty. The stay of the Spaniards in this island was but short; they found from the extreme poverty of the people, that this was by no means the Indies, which they sought for.

Columbus at his departure very prudently took with him some of the natives, that they might learn the Spanish tongue, and be his guides and interpreters in this new scene of affairs; nor were they unwilling to accompany him. He touched on several of the islands in the same cluster, enquiring every where for gold, which was the only object of commerce he thought worth his care, because the only thing that could give the court of Spain an high opinion of his discoveries. All directed him to a great island called Bohio, of which they spoke extraordinary things, and principally that it abounded in gold. They told him it lay to the Southward: to the Southward he steered his course, and found the island, which he called Hispaniola, no ways inferior to the reports; commodious harbours, an agreeable climate, a good soil, and, what was of most consequence, a country that promised from some samples a great abundance of gold; inhabited by an humane and hospitable people, in a state of simplicity fit to be worked upon. These circumstances determined Columbus to make this island the center of his designs, to plant a colony there, and to establish things in some permanent order before he proceeded to further discoveries. But to carry his designs of a settlement here, and his schemes of future discoveries into execution, it was necessary that he should return to Spain and equip himself with a proper force. He had now collected a sufficient quantity of gold to give credit to his voyage at court, and such a number of curiosities of all kinds as might strike the imaginations, and engage the attention of the people. Before he parted, he took care to secure the friendship of the principal king of the island by caresses and presents, and under pretence of leaving him a force sufficient to assist him against his enemies, he laid the ground-work of a colony. He built a fort, and put a small garrison of Spaniards into it, with such directions for their conduct as might ensure their safety and the good offices of the inhabitants, if the men had not been of that kind, who are incapable of acting prudently either from their own or other people's wisdom. He did every thing to gain the esteem of the natives, by the justice, and even generosity of his dealings, and the politeness and humanity with which he behaved upon every occasion. He shewed them too, that though it was not

in his will, it was not the less in his power to do them mischief, if they acted so as to force him upon harsher measures. The surprizing effects of his cannon, and the sharpness of the Spanish swords, of which he made an innocent ostentation, convinced them of this.

When the Spaniards first arrived in that country, they were taken for men come from heaven; and it was no wonder, considering the extreme novelty of their appearance, and the prodigious superiority they had in every respect over a people in all the nakedness of mere nature. Whatever therefore the Indians got from them, they valued in an high degree, not only as curious and useful, but even as things sacred; and the persons of the Spaniards were respected in the same light. Columbus, who knew the value of opinion, did all he could to keep them in their error; and indeed no action of his, either of weakness or cruelty, could furnish matter to undeceive them. For which reason, on his departure, he left the people with the best inclinations imaginable to nurse his infant colony. And when he desired some of the inhabitants to carry into Spain, he was more at a loss whom he should accept, than how he should prevail upon them to go.

CHAP. II.

ON his return homewards, still attentive to his design, he aimed at such discoveries as could be prosecuted without deviating considerably from his course. He touched upon several islands to the Southward, and discovered the Caribbees, of the barbarity of whose inhabitants he had heard terrible accounts in Hispaniola. He had before landed upon Cuba in his passage from the Bahamas. So that in this his first voyage, he gained a general knowledge of all the islands, which lie in such an astonishing number in that great sea which divides North and South America. But hitherto he neither knew nor suspected any continent between him and China.

He returned to Europe after an absence of above six months, and was driven by a great storm into the harbour of Lisbon. This he did not look upon as a misfortune; since here, he had the satisfaction of convincing the Portuguese demonstratively of what an error they were guilty in rejecting his proposals. It was now his turn to triumph. Those who want sagacity to discern the advantages of an offer, when it is made to themselves, and treat it with the greatest scorn, are always most stung with envy when they actually see these advantages in the hands of another. The Portuguese had some time before this begun to make a figure: their ships had coasted Africa for a greater length than any had done before them, which opened to them a profitable trade to Guinea. This gave them a reputation. They considered discovery as their proper province; and they were enraged to see that the Castilians were now let into the same path, in consequence of an offer which they had rejected. Some proposed to murder the admiral; but all were agreed to treat him in the most unworthy manner. However, their design of insulting him gave Columbus an opportunity at once of gratifying his resentment, maintaining his own dignity, and asserting the honour of the flag of Castile. He sent to the king at his first entering the harbour, to desire a liberty to come up to Lisbon and refresh, as he had his master's orders not to avoid his ports; adding, that he was not from Guinea, but the Indies. An officer of the king of Portugal came aboard him with an armed force, and ordered him to come ashore, and give an account of himself to the king's officers. Columbus told him he had the honour of serving the king of Castile, and would own himself accountable to no other. The Portuguese then desired him to send the master of his ship; this he likewise refused, saying, that the admirals of Castile always chose rather to die than deliver up themselves, or even the meanest of their men; and if violence was intended, he was prepared to meet force with force. A spirited behaviour, in almost any circumstance of strength, is the most politick as well as the most honourable course; we preserve a respect at least by it, and with that we generally preserve every thing; but when we lose respect, every thing is lost. We invite rather than suffer insults, and the first is the only one we can resist with prudence. Columbus found this; the officer did not pursue his demands;

the admiral had all the refreshments he wanted; and was even received at court with particular marks of distinction.

From Lisbon he proceeded to Seville; the court was then at Barcelona. But before he went to give an account of his voyage, he took all the care he could to provide for another. He wrote an abstract of his proceedings, and sent with it a memorial of all such things as were necessary for the establishment of a colony, and for further discoveries; soon after he began his journey to Barcelona, every where followed by the admiration and applauses of the people, who crowded to see him from all parts. He entered the city in a sort of triumph; there never was a more innocent triumph, nor one that formed a more new and pleasing spectacle. He had not destroyed, but discovered nations. The Americans he had brought with him appeared in all the uncouth finery of their own country, wonder'd at by every body, and themselves admiring every thing they saw. The several animals, many highly beautiful, and all strangers to this part of the world, were so disposed as to be seen without difficulty; the other curiosities of the new world were displayed in the most advantageous manner; the utensils, the arms, and the ornaments of a people so remote from us in situation and manners; some valuable for the materials; even the rudeness of the workmanship in many made them the more curious, when it was considered by whom, and with what instruments they were wrought. The gold was not forgot. The admiral himself closed the procession. He was received by the king and queen with all imaginable marks of esteem and regard, and they ordered a magnificent throne to be erected in publick to do him the greater honour. A chair was prepared for him, in which he sat, and gave in presence of the whole court a full and circumstantial account of all his discoveries, with that composedness and gravity, which is so extremely agreeable to the Spanish humour, and with the modesty of a man who knows he has done things which do not need to be proclaimed by himself. The successful merit of Columbus was now understood by every body, and when the king and queen led the way, all the grandees and nobility of the court vied with each other in their civilities and caresses.

These honours did not satisfy Columbus. He prepared with all expedition for a second voyage. The difficulties attending the first were all vanished. The importance of the object appeared every day more clearly, and the court was willing to second the vivacity of his desires to the full. But before his departure there was one thing which they judged wanting to give them a clear and unquestionable right to the countries, which should be discovered. This was a grant of them from the pope. The Portuguese some time before had a grant of such lands as they should discover within certain latitudes; and this grant made a similar one to the Spaniards more necessary. The pope accordingly gave a very ample bull in their favour, very liberally conceding countries, of which he was so far from having any possession, that he had no knowledge of them. The limits of this grant was a line drawn from pole to pole, an hundred leagues to the Westward of the Azores; on the other side

no bounds at all were set. This was afterwards a subject of much controversy between the crowns of Spain and Portugal, the latter having got a grant of all that should be discovered to the East, as the former had of all to the Westward; those who drew the bulls not having known enough of the figure of the earth to see, that these grants must necessarily clash with one another: and the powers which desired them, were perhaps not sorry to find their pretensions such as they might extend or contract at pleasure.

Whatever the validity of this ample grant might be, Columbus was made governor with the highest authority over all that it contained. But he had somewhat with him more material for his possession than any charters; this was a fleet of seventeen sail of ships, with all manner of necessaries for settlement or conquest, and fifteen hundred men on board, some of them of the best families in Spain. With this fleet he set sail on his second voyage the 25th of September, 1493. He gave each of the captains instructions for their course sealed, with orders not to open them, unless in distress, and separated from the fleet, that he might create such an absolute dependence of all upon himself as should preserve an uniformity in their designs. On the second of November they made land, which is the island now called Dominica. But his design was first to settle his colony before he attempted any new discovery, therefore he made no stay here, nor at several other islands at which he touched before he could make Hispaniola.

On his arrival he found the fort he had built utterly demolished, and all his men killed. They had first fallen out amongst themselves, upon the usual subjects of strife, women and gold; and afterwards preserving as little harmony with the natives, and observing no decency in their behaviour, or justice in their dealings, they quickly lost their esteem, and were every man murdered, after having been dispersed into different parts of the island. The prince, whom they were left to defend, was himself wounded in their defence, and bore this mark of his affection and good faith, when Columbus returned to the island. The admiral very wisely forbore to make any nice enquiry into the affair, or to commence hostilities in revenge for the loss of his soldiers; but he took the most effectual measures to prevent such an evil for the future; he chose a more commodious station for his colony, on the North-East part of the island, which had a good port, great conveniency of water, and a good soil, and lay near that part where he was informed the richest mines of the country were found: in gratitude to his royal patroness he called it Isabella. He engaged in the settlement with great warmth, and never allowed himself a moment's repose from superintending the fortifications, the private houses, and the works of agriculture; in all which the fatigue was infinite; for he had not only the natural difficulties attending all such undertakings, but he had the insuperable laziness of the Spaniards to contend with. So that spent with the fatigues of so long a voyage, and the greater fatigues he had endured since he came on shore, he fell into a dangerous illness. Of this accident numberless of his men

took the advantage to begin a rebellion, to undo all he had done, and to throw every thing into the most terrible confusion. These people on their leaving Spain, had fancied to themselves that gold was to be found every where in this country, and that there required nothing further to make ample estates, than to be transported into it; but finding their mistake, and that instead of receiving these golden showers without any pains, they fared ill, laboured hard, and that their prospects of it in future, if any at all, were emote and uncertain, their discontent was general; and the mutinous disposition increased so fast, and was carried to such extremities, that if the admiral had not recovered at a very critical time, and on his recovery had not acted in the most resolute and effectual manner, all his hopes of a settlement in Hispaniola had been at an end. He was satisfied with imprisoning some of the chiefs. This was neither a time or place for very extensive or rigorous justice. He quelled this sedition, but he saw at the same time that his work was not yet done; he saw another danger, against which he was to provide with equal diligence. He had good reasons to apprehend, that the Americans were not well affected to their new guests, and might probably meditate to cut them off, whilst they saw them divided amongst themselves. To prevent this, as well as to banish idleness from amongst his men, and to revive military discipline, he marched into the heart of the country, through the most frequented parts of it, in order of battle, colours flying, and trumpets sounding, with the flower of his troops, to the mountains of Cibao; where lay the richest mines then discovered in the island. Here he built a fort to secure this advantageous post, and overawe the country; and then he returned in the same pomp and order, to the inexpressible terror of the inhabitants, who had now no prospect of withstanding a force, which to them seemed more than human.

In this expedition Columbus made great ostentation of his cavalry. This was the first time the Indians of America had ever seen horses. Their dread of these animals and their riders were extreme; they thought both formed but one animal, and the impetuosity of their charge appeared irresistible to these naked and ill-armed people. Wherever they appeared, those Indians, who intended any hostility, immediately fled; nor did they think the intervention of the deepest and most rapid rivers any security; they believed that the horses could fly, and that nothing was impossible to creatures so extraordinary. But Columbus did not rely upon those prejudices, though he made all imaginable use of them, knowing that those things which appear most terrible at first, become every day less affecting by use, and that they even grow contemptible, when their real power is once well known, for which reason he neglected none of his former methods of cultivating the affections of the natives; he still shewed them all manner of respect, and when he had taken two persons of their nation, who had committed some acts of hostility, and was at the point of putting them to death, he pardoned and set them free at the intercession of a prince of the country, with whom he was in alliance. On the other hand, he saw how necessary it was to preserve a strict discipline amongst the Spaniards, to keep

them from that idleness to which they had such a propensity, and which naturally retarded the growth of the colony, at the same time that it nourished discontent and sedition. He employed them in cutting roads through the country, a work which the natives never attempted themselves, nor now endeavoured to oppose, though it be one of the best instruments of enslaving any barbarous people. This wise governor observed besides, that the Spaniards conformed with great difficulty to the Indian manner of living, to which, however, they were necessitated, but from which, for want of use, they suffered great hardships. To remedy this evil, he daily sent out small parties upon expeditions into the country; from which he derived two material advantages. First, he enured, by degrees, all his people to the manner of living in the country; and secondly, he taught them to know it perfectly, lest a war should find them unprovided in the only point in which the Indians were their superiors, and a point which in a woody and mountainous country is certainly of the greatest importance. All this he did without any material hazard to the sum of his affairs. At home he endeavoured to withdraw the Spaniards from their romantick hopes of miraculous treasures, and to fix them to a rational and industrious course of life. He represented to them, that there was no real wealth but what arose from labour; and that a garden, a corn ground, and a mill, were riches more to their present purpose, than all the gold they were in expectation of meeting in the Indies. In short, he laboured for the establishment of this colony with as much assiduity, as though his views had extended no further; at the same time that he meditated the greatest discoveries, and considered those things which had astonished the world, only as the earnest of his future performances.

I have before mentioned his having put in at Cuba. He had reason to believe this a place no way contemptible in point of wealth; and with regard to its extent, he was not certain whether it was an island, or a part of some great continent. But now that he had got his colony to take firm root in the Indies, he prepared with all expedition to ascertain this, and to push his discoveries to the utmost, in which he had succeeded hitherto so happily.

CHAP. III.

THIS voyage was more remarkable for the hardships which the admiral and his men suffered, than for any considerable discovery it produced. As he endeavoured to coast along the Southern shore of Cuba, he was entangled in a labyrinth of an innumerable multitude of islands, amongst which he reckoned 160 in one day. They were most of them pleasant and well inhabited, affording our navigator an agreeable meditation on this fertility of nature, where the world looked for nothing but a barren ocean. These islands, perhaps the most numerous in the world, Columbus, who had a grateful mind, in which the memory of his benefactress was always uppermost, called *Jardin de la Reyna*, or the queen's garden, in honour of queen Isabella. But their number and fertility made little amends for the obstruction they gave Columbus in the course of his navigation: the coast absolutely unknown, among so many rocks, sands, and shelves, the sudden and violent storms, the tornadoes, and the terrible thunder and lightning so constant between the tropicks, obliged him to keep a continual watch, and held his mind upon a constant stretch; the voyage was extended to an unprofitable length by these difficulties, and being driven out to sea, the worst disaster of all befel them. Their provisions fell short. In this extremity they were obliged to come to a very narrow and bad allowance, in the distribution of which the admiral fared nothing better than the rest. In this extremity of fatigue of body and of mind, in famine and in danger, his usual firmness began nearly to forsake him; but it could go no further than to oblige him to remark in his journal, that no interest of his own should ever oblige him to engage again in such an enterprise. They were at last relieved by the appearance of Jamaica, where they were hospitably received, and supplied with Cassava bread and water. From thence they proceeded, mortified and disappointed, to Hispaniola, not being able to come to any certainty concerning Cuba, other than that they understood from some of the inhabitants that it was an island. This disappointment, and the infinite fatigue and difficulty of the voyage, threw Columbus into a lethargy, which was near being fatal to him, and of which he was scarcely recovered when they arrived at the harbour of Isabella.

Here they found all things in confusion, and the colony in the utmost danger of being a second time utterly destroyed, as if its prosperity or destruction depended upon the presence or absence of Columbus. For no sooner was he sailed, than the Spaniards, who were very difficultly retained in their duty by all his steadiness and wisdom, broke through all regulations, laughed at government and discipline, and spread themselves over the island, committing a thousand disorders, and living at free quarter upon the inhabitants, whose hatred to them was worked up to such a point, that they wanted only the word from their princes to fall on and massacre the whole colony; a thing by no means impracticable, in it's present disorder. Four of the

principal sovereigns of the island took advantage of this disposition, and united to drive out those imperious intruders. None adhered to them but one called Gunacagarry, the same prince whom Columbus from the first had taken so much pleasure to oblige. In his dominions some of the Spaniards found protection. The other princes had already commenced hostilities, and one of them killed sixteen of the Spaniards, who were taking no uniform measures to oppose them, nor in their present anarchy could it be well expected.

In this condition was the island on the arrival of Columbus, whose first business was to collect the scattered fragments of the colony, and to form them into a body; this he was the better able to accomplish, because the present danger added a weight to his authority; but it was necessary that he should lose no time. He was resolved to act with what force he had, rather than wait until the union of the islanders might be better cemented against him, and they might find some lesser matters in their favour to raise their courage, and abate their terror of the Spanish arms. He therefore marched against the king, who had killed the 16 Spaniards, as having a greater appearance of justice, and because he happened to be worse prepared to receive him than the others. He was easily subdued, and several of his subjects sent prisoners into Spain. The second whom he designed to attack being better prepared against force, he was resolved to circumvent him by fraud, and got him into his power by a stratagem, which did no honour to his sincerity, and rather shewed great weakness in this unfortunate barbarian, than any extraordinary contrivance in those who deceived him.

The other princes were not terrified at these examples. Their hatred to the Spaniards increased, and perceiving that all depended upon a sudden and vigorous exertion of their strength; they brought an immense army, it is said of one hundred thousand men, into the field, which was arrayed in the largest plain in that country. Columbus, though he had but a small force, did not scruple to go out to meet them. His army consisted but of two hundred foot, twenty horse and twenty wolf dogs. The latter part of this army has a ludicrous appearance; but it was a very serious matter amongst a people no better provided with arms offensive or defensive than the Indians. Neither was it rash in Columbus to venture an engagement with forces so vastly superior in numbers; for when such numbers are no better skilled or armed than these were, their multitude is in fact no just cause of dread but to themselves. The event was answerable; the victory was decisive for the Spaniards, in which their horses and dogs had a considerable share; the loss on the side of the Indians was very great; and from that day forward they despaired, and relinquished all thoughts of dislodging the Spaniards by force. Columbus had but little difficulty in reducing the whole island, which now became a province of Spain, had a tribute imposed, and forts built in several parts to enforce the levying of it, and to take away from this unhappy people all prospect of liberty.

In this affecting situation they often asked the Spaniards, when they intended to return to their own country. Small as the number of these strangers was, the inhabitants were extremely burthened to subsist them. One Spaniard consumed more than ten Indians; a circumstance which shews how little this people had advanced in the art of cultivating the earth, or how lazy they were in doing it, since their indigence reduced them to such an extreme frugality, that they found the Spaniards, who are the most abstemious people upon earth, excessively voracious in the comparison. Their observation of this, joined to their despair, put the Indians upon a project of starving out their invaders. In pursuance of this scheme, they entirely abandoned the little agriculture which they practised, and unanimously retired into the most barren and impracticable parts of the island. This ill-advised stratagem completed their ruin. A number of people crowded into the worst parts of the country, subsisting only upon its spontaneous productions, were soon reduced to the most terrible famine. Its sure attendant epidemical sickness pursued at its heels; and this miserable people, half famished and lessened a third of their numbers, were obliged to relinquish their scheme, to come down into the open country, and to submit once more to bread and fetters.

This conquest, and the subsequent ones made by the several European nations, with as little colour of right as consciousness of doing any thing wrong, gives one just reason to reflect on the notions entertained by mankind in all times concerning the right of dominion. At this period few doubted of the power of the pope to convey a full right to any country he was pleased to chalk out; amongst the faithful, because they were subject to the church; and amongst infidels, because it was meritorious to make them subject to it. This notion began to lose ground at the reformation, but another arose of as bad a tendency; the idea of the dominion of grace, which prevailed with several, and the effects of which we have felt amongst ourselves. The Mahometan great merit is to spread the empire and the faith; and none among them doubt the legality of subduing any nation for these good purposes. The Greeks held, that the barbarians were naturally designed to be their slaves, and this was so general a notion, that Aristotle himself, with all his penetration, gave into it very seriously. In truth, it has its principle in human nature, for the generality of mankind very readily slide from what they conceive a fitness for government, to a right of governing; and they do not so readily agree, that those who are superior in endowments should only be equal in condition. These things partly palliate the guilt and horror of a conquest, undertaken with so little colour, over a people whose chief offence was their credulity, and their confidence in men who did not deserve it. But the circumstances Columbus was in, the measures he was obliged to preserve with his court, and his humane and gentle treatment of this people, by which he mitigated the rigor of this conquest, take off much of the blame from him, as the necessity of taking up arms at all never arose from his conduct, or from his orders. On the contrary, his whole behaviour both to the

Spaniards and Indians, the care he took to establish the one without injury to the other, and the constant bent of his policy to work every thing by gentle methods, may well be an example to all persons in the same situation.

Since I have digressed so far, it will be the more excusable to mention a circumstance recorded in the history of this settlement. America was then, at least these parts of it, without almost any of those animals by which we profit so greatly. It had neither horses nor oxen, nor sheep, nor swine. Columbus brought eight sows into America, and a small number of horned cattle. This was the stock which supplied, about two hundred years ago, a country now the most abounding in these animals of any part of the known world; in which too it has been a business for this century past, to hunt oxen merely for their hides, An example which shews how small a number might originally have served to produce all the animals upon earth, who commonly procreate very fast to a certain point, and there seem very much at a stand.

CHAP. IV.

WHILST Columbus was reducing this wealthy island to the obedience of the crown of Castile, and laying the foundations of the Spanish grandeur in America, his enemies were endeavouring with pains as indefatigable to ruin him in Spain. Some of the persons principally concerned in the late disorders, fled to Spain before his return; and there to justify their own conduct, and gratify their malice, accused him of neglecting the colony, and of having deceived their majesties and the adventurers with false hopes of gold, from a country which produced very little either of that or any thing else that was valuable. These complaints were not without effect, and an officer, fitter by his character for a spy and informer than a redresser of grievances, was sent to inspect into his conduct; in which manner of proceeding there was certainly a policy as erroneous, as it was unjust and ingrateful. At that distance from the fountain of authority, with an enemy at the door, and a mutinous household, a commander ought always to be trusted or removed. This man behaved in a brutish and insolent manner, like all such persons, who unconscious of any merit of their own, are puffed up with any little portion of delegated power. Columbus found that he staid here to no purpose under such disgraceful terms; and that his presence at court was absolutely necessary to his support. He determined to return once more to Spain, convinced that a long absence is mortal to one's interest at court, and that importunity and attendance often plead better than the most solid services. However, before he departed, he exerted the little remains of authority he had left, to settle every thing in such a manner, as to prevent those disorders which hitherto he had always found the certain consequence of his absence. He built forts in all the material parts of the island, to retain the inhabitants in their subjection. He established the civil government upon a better footing, and redoubled his diligence for the discovery of mines, which were to be the great agents in his affairs; nor did he altogether fail of success.

It was the fate of this great man to have his virtue continually exercised with troubles and distresses. He continued his course to Spain in the latitude of 22, not having at that time discovered the advantageous method of running into the Northern latitudes to meet the South-west winds: they therefore made very little way; a scarcity ensued, in which they were reduced to six ounces of provision a day for each person. On these occasions the admiral fared no better than the common sailor; yet in this distress his hunger did not get the better of the tenderness and humanity which distinguished his character. He refused to listen to the pressing instances of his crew, who were very earnest in this distress to have the Indian prisoners thrown overboard to lessen the consumption of provisions. In this voyage his skill was as remarkable as his magnanimity. He had nine experienced pilots in his fleet; yet not one of them could tell where they were, after having been a full

month from the sight of the last land. This length of time persuaded them they must be very near Europe, and they were therefore for crowding sail to make land as soon as possible. But Columbus, upon sure observations, maintained they were but a little to the Westward of the Azores, and therefore ordered his sails to be slackened for fear of land. His prediction was fulfilled, and the Azores relieved them next morning. This, added to a series of predictions and noble discoveries, made his skill seem something prophetic, and to exalt his character in this respect above all the seamen before his time; and considering his opportunities of improvement, and what he did himself to improve his art, he will perhaps appear inferior to none who have been since.

All the accusations and prejudices against the admiral vanished almost as soon as he appeared. He brought such testimonies of his fidelity and good behaviour, as silenced all calumnies which arose on that head; and the large specimens of gold and pearl he produced, refuted all that was said on the poverty of the Indies. The court was fully convinced of the importance of the new colony, the merit of its governor, and the necessity of a speedy supply. But the admiral's enemies were not idle, though they were silenced; they continued to throw all manner of obstructions in his way, which was not difficult in a country, where every thing is executed with much phlegm and languor, and where those forms and mechanical methods of business, necessary perhaps in the common course of affairs, but ruinous in great designs, are more exactly observed, even than any where else. It was therefore with great difficulty that he was able to procure any relief to be sent to Hispaniola, but with much greater, and after a thousand delays and disappointments, that he was himself enabled to set out on a discovery of more importance than any of the former.

He designed to stand to the Southward from the Canaries, until he should come under the equinoctial line, and then to proceed directly Westward, until Hispaniola should bear to the North-west from him, to try what opening that might afford to India, or what new islands or continent might reward his trouble. He therefore stood away to the Cape de Verd island, and then South-west. In this navigation a thick fog, which intercepted the light of the sun and stars, enveloped them for several days; and when this cleared off, the heats were grown so excessive, that the men could not venture between decks; the sun being at this time nearly vertical, the heavy rains which fall at this season between the tropicks, without abating the heat, added much to their distress. At last a smart gale sprang up, and they went before it seventeen days to the Westward. The admiral, who could have no second to supply his place, scarce allowed himself a moment's sleep; but in this, as in all his voyages, had the whole burthen of every thing upon himself; this threw him now into a fit of the gout; but neither the fatigue nor the disorder could remove him from the deck, or make him abate of his usual vigilance. His provisions, however, being damaged by the heat, the wine casks, many of them burst, and the wine being soured in those

that held, obliged him to alter the course he intended to keep Southward, and to decline some points to the North-west, happening to fall in with some of the Caribbees, where he intended to refit and take in provisions, to enable him to continue his discoveries. But he had not sailed long, when from the round-top a seaman saw land, which was an island on the coast of Guiana, now called Trinidad. Having passed this island and two others, which lie in the mouth of the great river Oronoquo, he was surprized and endangered by a phaenomenon he had never seen before. The river Oronoquo, at all times very great, at this time augmented tenfold by the rains we have just mentioned rushing into the ocean with an immense and rapid flood, meets the tides which rise here to a great height, and come in with much strength; and both being pent up between the islands, and reverberated from one to another, caused a conflict extremely terrifying to those who have not been accustomed to it, and ignorant of the cause, as Columbus was at this time. But sailing further he found plainly that he was in fresh water, and judging rightly that it was probable no island could supply so vast a river, he began to suspect he had discovered the continent; but when he left the river, and found that the land continued on to the Westward for a great way, he was convinced of it. Satisfied, in some measure, with this discovery, he yielded to the uneasiness and distresses of his crew, and bore away for Hispaniola, favoured by a fair wind and those currents which set strongly to the Westward all along the Northern coast of South America.

In the course of this discovery the admiral landed in several places, and traded with the inhabitants, amongst whom he found gold and pearl in tolerable plenty. Contrary to the custom of many navigators, who behave wherever they go as if they never intended to come there again, he every where used the natives with great civility, and gave them what they judged the full value of their commodities; little bells, bits of glass and of tin, with some trifling apparel, being exchanged for gold-dust and pearls, and much to the satisfaction of both parties, who thought they had each over-reached the other, and indeed with equal reason.

CHAP. V.

HE arrived at Hispaniola the 19th of August, 1498, quite worn down with sickness and continual watching, the necessity of which was rather increased than diminished as he came nearer home, amongst such a multitude of islands and shoals as filled those seas, at this time little known; besides this a current, which setting strongly Westward towards the continent, threatened every moment, without the greatest attention, to carry him out of his course. So wasted was he with the fatigue, that his brother, whom he had left in his place, scarce knew him at his return. But he found that he was likely to have as little repose upon land as at sea.

The admiral's authority had suffered some diminution, from the ill-judged step of sending a check upon his motions before he left Hispaniola; and the encouragement this gave to all sorts of murmurings and complaints against government, laid the seeds of a rebellion, which sprung up in the colony soon after he left it. But this rebellion was more dangerously formed than either of the former. For in the first place, the rebels had regularly appointed themselves a chief, called Francis Roldan; a man whom the admiral had left in a considerable post. This gave it an uniformity and credit. And secondly, they gained the Indians to their party, by pretending to be their patrons, and assertors of their liberty. Then to establish themselves the more securely, they made a secession from the uncorrupted part of the colony, and settled in another part of the island, which formed an asylum for all idle and seditious persons, by whom they were reinforced daily.

In this threatening state of things, the admiral, having found his forces in no condition to act offensively against the rebels, did what he could to break their force, and dissolve that union which made them formidable. He began by publishing a free pardon for all that chose to conceal their crimes by a timely submission. Observing besides, that many were very desirous of returning to Spain, he gave them to understand they might go with the ships which brought the last succours. He did not intend to perform this latter part immediately, but he knew that his offers would stagger some; and that in affairs of this nature, it is every thing to gain time. He wrote to court a full account of his late discoveries, and sent samples of the wealth they yielded; and took the same opportunity of describing the distracted state of the colony, desiring that 50 or 60 men might be sent by every ship, which he would replace by as many of the rebels, lest the Spanish power should be weakened in those parts, by diminishing their men, or kept in as dangerous a state, by harbouring such as were ill disposed to the publick good. He added very judiciously to this request that some religious men and able lawyers might be sent him, as the most effectual methods of introducing, and preserving obedience and order. He then entered into negotiations with the chiefs of the rebels; he granted them all they demanded, and even invidiously placed their principal commander, Roldan, in such

an office as flattered his pride, though without augmenting his power. Thus things were brought into something of regularity, and without any struggling or violence, and Roldan himself, though in his former office of chief judge of the island, contributed most of all towards bringing those who stood out to obedience. There arose a difference between them; and on their first motion, Roldan, by virtue of his authority, condemned and executed several. By this the rest were awed, all connexion broke off, irretrievably, between the head and body of the rebels, and all done without having any part of the offence, that might be given by this severity, charged to the admiral.

He now began just to breathe in a little tranquility, acquired by the severest labours, whilst a new storm was gathering against him from the court of Spain. His old implacable enemies uniting with some of the rebels, who had lately transported themselves into Spain, renewed the clamour against him. They heaped upon him all manner of calumnies; they accused him of a design of setting up for himself; and as they charged him in Hispaniola with cruelty and tyranny to the Indians, here they reversed the charge, and accused him of a popularity amongst that people, dangerous to his and to their allegiance. They added to these, what could not fail to work on national prejudices, that he was a stranger, and had not a proper respect for the Spanish nobility. They complained that great debts were due to them; that all ways of recovering them were shut up. In short, the king and queen never went abroad without being pursued and persecuted, by the clamours of these pretended suitors of justice. Wearied out with such complaints, they sent a judge, with power to enquire into the admiral's conduct, and authorized, if he should find the accusations proved, to send him into Spain, and remain himself governor in his room. They made it the judge's interest to condemn him.

This judge, who was extremely poor, and had no other call but his indigence to undertake the office, no sooner landed in Hispaniola, than he took up his lodging in the admiral's house, for he was then absent. He next proceeded to seize upon all his effects; and at last summoned him and his brothers to appear. In the mean time, he encouraged all manner of accusations, without regarding the character of the accusers, or the probability or consistency of their accusations. In consequence of those, he apprehended the admiral and his brothers, and with the last marks of insult and indignity, loaded them with irons, and embarked them to be transported prisoners into Spain.

The captain of the vessel, touched with respect for the years and great merit of Columbus, offered to take off the irons, but he did not permit it.

"Since the king has commanded, that I should obey his governor, he shall find me as obedient to this, as I have been to all his other orders. Nothing but his commands shall release me. If twelve years hardship and fatigue; if continual dangers and frequent famine; if the ocean, first opened, and five times passed and repassed, to add a new world abounding with wealth to the Spanish monarchy; and if an infirm

and premature old age, brought on by those services, deserve these chains as a reward; it is very fit I should wear them to Spain, and keep them by me as memorials to the end of my life.”

Great minds, though more apt to forgive injuries, perhaps, than common souls, do not easily lose the memory of the wrongs that are done them. Columbus afterwards carried these irons with him wherever he went; they hung constantly in his chamber, and he ordered them to be buried with him.

The new governor that succeeded him, made a more effectual provision for the reward of his services; for besides confiscating the greatest part of the admiral's effects, which he converted to his own use, to flatter the people, he permitted an unbounded liberty▪ by which he ruined the royal revenue, and was near ruining the colony too, past all repa+ration, if the court had not recalled him in time, and sent a person to succeed him greater judgment and firmness, though of lit+tle more real virtue.

CHAP. VI.

ABOUT this time the spirit of discovery began to spread it self largely, and private adventurers, both in Spain and Portugal, stimulated by the gold which from time to time was remitted to Europe by Columbus, made equipments at their own expences. In one of these the famous Americus Vesputius commanded; he had got into his hands the charts of Columbus, in his last voyage, and he sailed the same course. But as he was a man of address and great confidence, and was besides an able seaman, and good geographer, he found a way of arrogating to himself the first discovery of the continent of America, and called it by his own name; which it has ever since retained, though nobody has any doubt concerning the real discoverer. For this I believe no other reason can be given, than that America is perhaps a better sounding word than Columbia, and is more easily pronounced with the others, in enumerating the several divisions of the earth: a trifling matter, and influenced by trifling causes. But the glory of Columbus stands upon foundations of another sort.

Pinzon, one who attended the admiral in his first voyage, equipped a squadron at his own expence; and was the first who crossed the line at the side of America, and entered the great river Maranon, or the river of Amazons.

The Portuguese, notwithstanding the pope's exclusive grant, turned their thoughts to America, and discovered the Brazils, which make the most valuable part of their present possessions, when they have lost what was considered as their original right, and which never was so advantageous to them.

What animated these adventurers, at the same time that it fixes a stain upon all their characters and designs, is that insatiable thirst of gold, which ever appeared uppermost in all their actions. This disposition had been a thousand times extremely prejudicial to their affairs: it was particularly the cause of all the confusion and rebellions in Hispaniola: yet it is certain, that if it were not for this incentive, which kindled the spirit of discovery and colonization first in Spain and Portugal, and afterwards in all parts of Europe, America had never been in the state it now is; nor would those nations ever have had the beneficial colonies, which are now established in every part of that country. It was necessary there should be something of an immediate and uncommon gain, fitted to strike the imaginations of men forcibly, to tempt them to such hazardous designs. A remote prospect of commerce, and the improvement of manufactures, by extending of colonies, would never have answered the purpose; those advantages come to be known only by reason and deduction, and are not consequently of so striking a nature. But to go out with a few baubles, and to return with a cargo of gold, is an object readily comprehended by any body, and was consequently pursued with vigour by all. The speculative knowledge of trade, made no part of the study of the elevated or thinking part of

mankind, at that time. Now it may be justly reckoned amongst the liberal sciences; and it makes one of the most considerable branches of political knowledge. Commerce was then in the hands of a few, great in it's profits, but confined in it's nature. What we call the ballance of trade, was far from being well understood; all the laws relative to commerce were every where but so many clogs upon it. The imposts and duties charged on goods, were laid on without distinction or judgment. Even amongst ourselves, the most trading and reasoning people in Europe, right notions of these matters began late, and advanced slowly. Our colonies were settled without any view to those great advantages which we draw from them. Virginia was constructed out of the wrecks of an armament destined on a golden adventure, which first tempted us to America. And those who settled New England and Maryland, meant them only as asylums from religious persecutions. So that if America had not promised such an inundation of treasure, it could only have supplied a languid commerce, which would have habituated the natives by degrees to our European manners, and supplied them with equal arms. Then it would have been next to impossible to have made those extensive settlements in that new world. So certain it is, that we often reap differently from what we have sown; and that there must be some strong active principle to give life and energy to all designs, or they will languish, let them be ever so wisely concerted.

CHAP. VII.

NO sooner was Columbus arrived in Spain, in this disgraceful manner, than the court disavowed, and highly blamed the behaviour of their governor. And now, according to the giddy custom of men, who act without plan or principle, they acquainted him of all the charges against him, with as little enquiry into their validity, as they before used when upon the same charges they unjustly condemned him. Restitution and reward were promised him, and he wanted very few incentives to engage once more in discoveries His ambition was to arrive at the East-Indies and so to surround the globe. This had really an influence upon his own mind, and he knew nothing could so much influence those of the king and queen. On this prospect he was again fitted out with a fleet, promising to reduce both East and West-Indies, under the dominion of their Catholic majesties.

He embarked upon his fourth voyage in May 1502. His design was to stand directly for the coast of South-America, and keep along the Northern shore until he came to the place where he heard an obscure account of some narrow streight, (whether a streight or isthmus was not so clear from the accounts he had); and by this, if a streight, he hoped to pass into the great South-Sea. After so very long a voyage as his had been to America, and the discovery of a continent which was not that of India, nor that of China; he saw clearly that the maps were no longer in the least to be relied on; he therefore depended solely upon his own ideas. He reviewed the bearings of all the countries which his former experience, or his late discoveries had opened to him; he considered the figure of the earth in general; he reasoned upon the ballance and distribution of the land and water; and comparing all these he concluded, that beyond the continent he had discovered was another ocean, probably as great or greater than that he had formerly passed; if this were so, then it was probable too that these oceans had some communication. He judged it to be near those places since called Veragua and Nombre de Dios; but not thinking his ships so fit for that voyage, he proposed to put into Hispaniola to change there, and make some new dispositions. Before he came into the harbour, he judged it necessary to give the new governor Obando notice of his arrival, and the reasons which determined him to put in here. Columbus, whilst he navigated and resided in the West-Indies, was extremely diligent in his observations upon the nature of the air, the seasons, the meteors, rains and winds; and how each of these seemed to affect the others; nor was he less sagacious in drawing prognostics from the remarkable appearances in all of these; and now he judged from observations that a great hurricane was approaching, and this was an additional motive to him to desire to come into harbour. He heard too, that a considerable fleet was on the point of setting sail for Europe, therefore he desired that the departure of this fleet might be deferred for some days. But it was his destiny that ingratitude should pursue him

every where, and persecute him in every shape. For the governor, without any cause, not only refused to hearken to his advice about the sailing of the ships, but absolutely denied him permission to enter into harbour, to save his life in that island which he himself had discovered and subdued. He had nothing to do but to draw up as close to the shore as he could. The storm came on the next night, but providence favouring his innocence, and assisting his capacity, brought him safe through it, though as terrible a storm as had ever happened in those seas. The fleet of twenty sail, which against his advice had put to sea, suffered the punishment due to their temerity. Only four escaped the storm, sixteen perished. Amongst those which were lost, was the ship which carried back that governor to Spain, who had sent Columbus thither in so oppressive and scandalous a manner; amongst the four that were saved, was one that had on board some treasure, all that could be rescued from the pillage of the admiral's fortune. So that whilst he was mortified at this shameful instance of human ingratitude, Heaven seemed to declare in his favour, and to condemn and punish it. His character was highly raised by the prediction of the storm, and by his behaviour in it; for to his, and his brother's good conduct, the safety of his little fleet was justly attributed. His brother was a navigator and philosopher, second only to the admiral, very useful to his affairs, and a comfort and assistance in all his misfortunes, by his capacity and the goodness of his heart.

After he had weathered the storm he left this island, in which he had so surprizing an instance of ingratitude, in pursuit of more matters to employ it. In this voyage he discovered all the coast of Terra Firma to the isthmus of Darien, where he hoped to have found a passage to the South-Sea. In this he was disappointed, but he was not disappointed in the other part of his project; for every where as he advanced, he became more sensible of the value of his discoveries on the continent. He found a people more civilized and more abounding in gold than the islanders he had met with had been. He entered a harbour, which from it's excellence he called Porto Bello, well known since as one of the greatest openings by which the Spanish commerce is carried on between the two worlds. Here the admiral designed to establish a colony, under the command of his brother, proposing to return to Europe himself to obtain the requisites for a compleat settlement. But the avarice and insolence of his men raised the country upon him, and obliged him to relinquish his design, without having an opportunity of doing any thing more than shewing his judgment in the choice of the situation, and his own and brother's bravery in extricating their men from the calamities in which their folly had involved them.

Driven from hence, and finding his vessels in so bad a condition, that it was by no means advisable to proceed upon further discoveries, he quitted the continent, after having discovered the Eastern side of the isthmus of Darien, and the whole more as far as Gracios o Dios in the gulph of Honduras. He then stood over to Hispaniola. His voyage was made under a thousand difficulties of the severest kind; their vessels

so leaky, that the crew had not a moment's respite from the pump, and scarce any provision remaining to refresh them after their labours. To compleat the sum of their calamities a violent storm arose, in which the ships fell foul of one another. But though he providentially weathered this storm, it was now scarcely possible to keep his ship above water, and he was glad to make Jamaica, where he was a second time relieved from the greatest dangers and distresses.

But a distress of almost as bad a nature exercised his invention here. His ships were absolutely unfit for service beyond all possibility of being repaired; no means of getting new; the inhabitants suspicious, and the ill behaviour of his men gave daily occasion to increase those suspicions. In this distress, he prevailed upon some of the hardiest and most faithful of them to pass over in a canoo to Hispaniola, to represent his calamitous situation to the governor, and to beg vessels to carry them off.

Eight months did the admiral remain in this island, without the least intelligence from his messengers, or assistance from the governor. The natives grew exasperated at the delay of the Spaniards, and the weight of subsisting them, which was a heavy burthen on the poverty of the Indians. Provisions therefore came in very sparingly. Things even threatened to grow much worse; for the seamen, who are at best unruly, but think that all discipline ceases the moment they set foot on land, mutinied in great numbers. By this mutiny the admiral's authority and strength was considerably weakened, whilst the natives were exasperated by the disorders of the mutineers; but he found means to recover his authority, at least among the Indians. Knowing there would shortly be a visible eclipse of the moon, he summoned the principal persons in the island; and by one who understood their language told them, that the God whom he served, and who created and preserves all things in heaven and earth, provoked at their refusing to support his servants, intended a speedy and severe judgment upon them, of which they should shortly see manifest tokens in the heavens, for that the moon would, on the night he marked, appear of a bloody hue, an emblem of the destruction that was preparing for them. His prediction, which was ridiculed for the time, when it came to be accomplished struck the barbarians with great terror. They brought him plenty of provisions; they fell at his feet, and besought him in the most supplicating stile to deprecate the evils which threatened them. He took their provisions, comforted them, and charged them to atone for their past sin by their future generosity.

He had a temporary relief by this stratagem, but he saw no prospect of getting out of the island, and pursuing those great purposes to which he had devoted his life. The mutiny of his men was in danger of growing general, when every thing seemed to be settled by the sight of a ship in the harbour, sent by Obando, the governor of Hispaniola. But as if it was calculated, not only to abandon, but to insult this great man in his misfortunes, the captain of the vessel was a mortal enemy to the admiral, and one of the persons principally concerned in those rebellions, which

had formerly given him so much trouble. But his design was only to be a witness of the distress of his affairs; for he came ashore, forbidding his crew all manner of communication with the admiral or his men; and after delivering to Columbus an empty letter of compliment, embarked without even flattering him with the least hope of relief.

Thus abandoned, his firmness and presence of mind alone did not forsake him. The arrival of this ship for a moment reconciled his men to obedience; but when they saw it depart, they were almost unanimously on the point of shaking off all authority, and abandoning themselves to the most desperate courses. But the admiral, without betraying the least sign of disappointment or grief, told them in a cheerful manner, that he had a promise of an immediate supply; and that the reason of his not going off in this ship was, that she was too small to carry off all the Spaniards who were with him; and that he was resolved not to depart until every man of them might enjoy the same conveniency. The easy and composed air of the admiral himself, and the care he manifested for his people, superior to his own preservation, reconciled their minds, and made them attend their fate with patience. But he knew his delay might be very tedious in this island, and that as long as there remained a receptacle to which every ill humour amongst his men might gather, his affairs would grow worse every day; now that he found those that adhered to him firmly attached to his cause, he came to a resolution of taking vigorous measures with the rest. He sent his brother, a sensible and resolute man, with a proper force, and well armed, to treat with them; and in case of obstinacy to compel them to obedience. They met, and the captain of the mutineers, grown insolent with a long course of licentiousness and rapine, not only rejected the proposal, but offered violence to the admiral's brother, who using this as a signal to his men, who were prepared, they fell upon the rebels with such resolution, that ten lay dead in a moment with their chief; disordered by the unexpected attack, the rest fled, and soon after were obliged to submit.

Thus the admiral pacified every thing with equal spirit and address, sometimes giving way to the storm, and temporizing when he doubted his strength; but when he was assured of it, always employing it with resolution and effect, turning every incident, even the most unfavourable, to his advantage; and watching every change of nature, and every motion of the human mind, to employ them in his purposes. It is the principal thing which forms the character of a great man, to be rich in expedients; the use Columbus made of the eclipse was truly ingenious. It may be said, that such a thing cannot be imitated amongst a civilized people. I grant it. But the way to imitate great men is not to tread in their steps, but to walk in their manner. There is no people who have not some points of ignorance, weakness, or prejudice, which a penetrating mind may not discover, and use as the most powerful instruments in the execution of his designs. Such a knowledge as this, is the only thing which gives one man a real superiority over another; and he who understands

the passions of men, and can entirely command his own, has the principal means of subduing them in his own hands.

The admiral might have spent his whole life in this miserable exile, if a private man, moved with esteem for his merit, and compassion to his misfortunes, had not fitted out a ship for his relief. This brought him to Hispaniola. The governor, who refused to contribute any thing to his coming, when he came received him with that overacted complaisance and shew of friendship, which so often succeeds the greatest insolence in base minds, and which they practise with so little shame and remorse to the persons they have before loaded with the greatest injuries. The admiral bore this like every thing else; and convinced that a dispute with a governor in his own jurisdiction would bring him little advantage and honour, he hastened every thing for his departure to Spain, where he arrived after a voyage in which he was tossed by most terrible storms, and sailed seven hundred leagues after he had lost his main-mast.

He was now grown old, and severely afflicted with the gout. The queen his patroness was dead; and the king, of a close and dissembling disposition, and a narrow mind, was the only person he had to sooth his misfortunes, or pay the reward which was due to his labours. But he received neither comfort nor reward; the performance of his contract was deferred upon frivolous pretences; and he employed the close of his life, as he had done the active part of it, in a court sollicitation; the most grievous of all employments to any man, the most hopeless to an old man. Vanquished at last by years, fatigues, and disappointments, he died with those sentiments of piety, which supported him through the misfortunes of his life, and added a finishing, which nothing else could give to his greatness of mind, and all his other virtues.

CHAP. VIII.

Henceforward, in treating of the progress of the Spanish discoveries and arms, instead of designs laid in science, and pursued with a benevolent heart and gentle measures; we are but too often to shew an enthusiastic avarice, urging men forward to every act of cruelty and horror. The character of this first discoverer was extremely different from that of all with whom he dealt, and from that of most of those who pursued his discoveries and conquests; some with a vigour and conduct equal, but all with virtues very much inferior. In his character hardly is any one of the components of a truly great man wanting. For to the ideas of the most penetrating philosopher, and a scheme built upon them worthy of a great king, he joined a constancy and patience, which alone could carry it into execution, with the fortune of a private man. Continual storms at sea, continual rebellions of a turbulent people on shore, vexations, disappointments, and cabals at court, were his lot all his life; and these were the only reward of services, which no favours could have rewarded sufficiently. His magnanimity was proof against all of these, and his genius surmounted all the difficulties they threw in his way, except that of his payment, the point in which such men ever meet with the worst success, and urge with the least ability. That surprising art, possessed by so few, of making every accident an instrument in his designs; his nice adjustment of his behaviour to his circumstances, temporizing, or acting vigorously as the occasion required, and never letting the occasion itself pass by him; the happy talent of concealing and governing his own passions, and managing those of others; all these conspire to give us the highest idea of his capacity. And as for his virtues, his disinterested behaviour, his unmoveable fidelity to the ungrateful crown he served, the just policy of his dealing with the Indians, his caution to give them any offence, and his tender behaviour to them when conquered, which merited him the glorious title of their father, together with his zeal to have them instructed in the truths of religion, raise him to the elevated rank of those few men whom we ought to consider as examples to mankind, and ornaments to human nature.

I hope it will be forgiven me, if I add a remark upon the conduct of the court of Spain with regard to this great man. Though, as we saw all along, this conduct was equally unjust and impolitick, sorry I am, that no lesson of instruction can be drawn from the event, which was in all respects as fortunate, as the measures pursued were ungrateful and imprudent. But there was a coincidence of events at that time, which does not always happen so opportunely to justify an ungrateful and narrow policy. It is certain that some men are so possessed with their designs, that when once engaged, nothing can discourage them in the pursuit. But great and frequent discouragements are examples to others, which will at least certainly have an effect, and will terrify men from forming such designs at all. Then the spirit of invention

and enterprize dies away; then things begin to stagnate and to corrupt; for it is a rule as invariable in politicks as it is in nature, that a want of proper motion does not breed rest and stability, but motion of another kind, a motion unseen and intestine, which does not preserve but destroy. The best form and settlement of a state, and every regulation within it, obeys the same universal law; and the only way to prevent all things from going to decay, is by continually aiming to better them in some respect or other; (since if they are not better, they will surely be worse,) and to afford an attentive ear to every project for this purpose. I am sensible that it must frequently happen, that many of these projects will be chimerical in themselves, and offered by a people of an appearance and manner not very prejudicing in their favour. But then I am satisfied too, that these men must in the nature of things have something odd and singular in their character, who expose themselves, and desert the common and certain roads of gain, in pursuit of advantages not certain to the publick, and extremely doubtful to themselves.

It is equally true, that if such people are encouraged, a number of visionary schemes will be offered. But it is the character of pride and laziness to reject all offers, because some are idle, as it is of weakness and credulity to listen to all without distinction. But surely, if judgment is to have any share in our conduct, it is the province of judgment to sift, to examine, to distinguish the useful from the foolish, the feasible from the impracticable, and even in the midst of the visions of a fruitful and disordered brain, to pick out matter which a wise man will know how to qualify and turn to use, though the inventor did not. Cromwell, partly from his circumstances, but more from his genius and disposition, received daily a number of proposals of this kind, which always approached him in a fanatical dress, and were mixed frequently with matters the most remote from probability and good sense; and we know that he made a signal use of many things of this kind.

Colbert spent much of his time in hearing every scheme for the extending of commerce, the improvement of manufactures, and the advancement of arts; spared no pains or expence to put them in execution, and bountifully rewarded and encouraged the authors of them. By these means France advanced during the reign of Lewis the fourteenth, and under this minister more than it had done in many reigns before; and by these means, in the midst of wars, which brought that kingdom and all Europe to the brink of destruction; amidst many defaults in the royal character, and many errors in his government, a seed of industry and enterprize was sown, which on the first respite of the publick calamities, and even whilst they oppressed that nation, rose to produce that flourishing internal and external commerce and power, that distinguishes France, and forms it's strength at this day, tho' a less active reign, and ministers of a different character have succeeded. On the contrary, it was always the character of the court of Spain to proceed very slowly, if at all, in any improvement; and to receive schemes for that purpose with coldness and disdain. The effects upon the power of that monarchy

were answerable with regard to America, the conquest as well as the discovery was owing wholly to private men; the court contributed nothing but pretensions and patents.

CHAP. IX.

AN ancient painter drew a satirical picture of Cimon the Athenian. He represented this commander asleep, and Fortune drawing a net over cities to put them into his possession. There never were princes to whom this representation could be applied with more justice, than to king Ferdinand and his successor the emperor Charles. Without forming any plan in the cabinet, without issuing a penny out of their treasury, without sending a regiment from their troops, private adventurers amongst their subjects put them into possession of a greater, and a more wealthy territory, than ever the most celebrated conquerors had acquired by their valour, or their wisdom. Nor was this conquest more extraordinary for the trivial means by which it was accomplished, than for the shortness of the time in which it was effected; for from the departure of Columbus, which was in the year 1492, to the entire reduction of Chili, which was in 1541, seven great kingdoms, inhabited by a vast number of warlike and wealthy nations, were made to bow under the Spanish yoke. For after the discoveries of Columbus had enlarged the sphere of industry to active minds, such a spirit of enterprize went abroad that not only those persons whose indigence might have driven them from their native country, but persons of the first rank went over to settle in America. Gold was the spur to all those adventurers of whatever rank; and this with a romantic spirit of chivalry, made the greatest hazards appear but common matters in their eyes. And indeed in a country wholly uncivilized, under the burning zone, and in many places extremely unhealthy, the temperance of the Spaniards, their hardiness under fatigue, and the patience and perseverance which make the most shining part of their character, enabled them to engage in enterprizes, and to surmount difficulties, to which any other people had certainly been unequal.

Vasco Nunez de Balboa was a man of a graceful presence, a liberal education, an hardy constitution, and had that kind of popular bravery, which recommends a man who engages in desperate expeditions, where he must have more authority from his person than his place. This man first surrounded Cuba, conquered, and left it. He did not there find the treasures which he expected. He therefore relinquished the gleanings of this field to those who had a more moderate ambition, and a more saving industry. He sought new ground, he followed the tracks of Columbus to Darien, gained the friendship of some of the Caziques, and conquered others. He was the first who discovered the South-Sea; and being as ready to discern the advantages of a country as to discover the country itself, he established a colony upon that coast, and built the city of Panama. But according to the fate of all the first adventurers in this new world, indeed according to the fate of most who engage in new undertakings, he never lived to reap the fruit of his labours. He found himself suspended by one who had only discernment enough of his merit to raise

his jealousy and envy, and who could make no other use of the discoveries of this great man, than to increase his own private fortune. This man was a politician and a courtier, and having in several instances basely injured Balboa, he was too wise to stop there, but under a pretended form of justice cut off his head, and confiscated his estate.

Some time after the settlement of Cuba, Don James Velasquez obtained the government; a man of good sense in common affairs, but so much mistaken, as to imagine he could act a great part by deputy; and that too in circumstances, wherein a man who had but little capacity could do him but little service, and he that could do much would certainly do it for himself. The continent of America was now very well known, and the fame of the greatness and wealth of the Mexican empire spread every where. This inspired Velasquez with a scheme of reducing some part of this opulent country under his obedience. He pitched upon Hernando Cortes to command in this expedition, in which he certainly made a very right judgment. There was no man amongst the Spaniards, who to an adventurous disposition then common to them all, knew so well to join a cool and steady conduct, to gain love whilst he preserved respect; not to shift his schemes according to occasions, but persisting uniformly in a well-judged design, to make every inferior action and event subservient to it; to urge still forward; to extricate himself out of difficulties into which he was brought by bold actions, not by mean subterfuges, but by actions yet bolder. This was the character of the man already in high reputation, whom Velasquez chose to conquer for him.

The embarkment was made at St. Jago de Cuba, and Cortes was to take in some reinforcements at the Havanna. But he was hardly departed for this purpose, when Velasquez grew jealous of him; and without considering that Cortes was of that heroic disposition, in which a blind obedience is rarely a principal ingredient, he took the ill-judged step of removing him from the command of an army, which in some sort might be considered as his own, since he had much influence on the soldiers, and that a considerable part of the expence of the armament had been supplied by himself. When this order, which was to deprive him of his command, arrived to Cortes, he was not long before he came to a resolution. He explained the whole matter to his soldiers; he shewed them how uncertain the intentions of Velasquez were, and how much all their hopes were like to be frustrated by the inconstancy of his disposition. The event was prepared. The soldiers declared to a man, that they were subjects only to the king of Spain, and knew no commander but Cortes. The army and the general, thus bound to one another by their mutual disobedience, sailed for Mexico.

The empire of Mexico was at that time governed by a prince called Montezuma, the eleventh who reigned from the first monarch who had conquered the country. The empire was elective, and the merit of Montezuma had procured him the election. A prince of capacity and courage, but artful, hypocritical, and cruel. This

empire, founded on conquest, was increased by his victories. By himself, or by his generals, he had absolutely subdued several kingdoms and provinces; several were made tributary, and others, which were not absolutely subdued, were influenced by his power to an entire obedience to his will. His armies were the best in that part of the world, and prodigiously numerous. In this situation, and so headed was the empire of the Mexicans, when Cortes came to prove it's strength, with an army of no more than five hundred foot, and not quite sixty horse. He did not come a stranger into the country, to encounter a force which he dared to engage only because he was ignorant of it. He had long made every possible enquiry from the Spaniards and Indians into every circumstance of its internal weakness or power; it's allies, it's enemies, and the interests which determined them to be allies or enemies. Weighing all these, and knowing, that along with great hopes, great dangers likewise lay before him, he made his retreat yet more dangerous by his disobedience to the governor of Cuba; and when he landed on the continent, he made it impossible, for he burned his ships. But though he had made a retreat impossible, he had something else to encourage him to go forward, than the impossibility of retiring. He had great hopes that many of these states, who were kept in a forced subjection, or a slavish dread of Montezuma, would gladly turn this new and alarming appearance from themselves against him, and under the banner of these formidable strangers, arm themselves to shake off the ancient tyranny, which always appears the worst, without foreseeing consequences, to which more civilized nations have frequently been as blind as they. It happened according to his expectations.

The Zempoallans, a nation tributary to Montezuma, as soon as they had sufficient proofs of the power of the Spaniards, at the expence of several of their neighbours, who attempted to oppose their progress, threw off the Mexican yoke, gladly put themselves under the protection of Cortes, and earned it by the large reinforcements which they added to his army. Montezuma was soon made acquainted with these measures. For according to the custom of that well-regulated kingdom, he had posts so stationed, that in a little time he had notice of whatever happened in the remote parts of his empire. The dispatches which were sent him, were painted cloaths, exactly representing every circumstance of the business of which he was to be informed; the figures were interspersed with characters to explain what must necessarily be wanting in the picture. So far, but no farther, had this people advanced in the art of writing. As well informed as the emperor was of every particular of this invasion, and of the defection of his tributaries, he acted not at all conformably to the greatness of his former exploits. He took the worst method which a great prince ever did upon such an occasion, which was, to temporize. He let the Spaniards see, by some trifling arts which he used to oppose them, that he did not look upon them as his friends, and at the same time neglected to act against them as so formidable an enemy required; by which means they made daily advances in the country. His enemies were encouraged, his tributaries made

insolent, and his subjects and allies utterly dispirited; whilst the Spaniards, in a variety of engagements, which they had with the petty princes of the country, raised their reputation by a train of victories, and began to be considered as invincible. Cortes, like the great commander he was, took advantage of this irresolute disposition in Montezuma, and used every possible means to cherish it. He always sent back what prisoners of Montezuma's subjects his new allies had taken, with presents, and every profession of esteem and regard to their master, and with the strongest assurances of a desire of preserving peace; requesting to see Montezuma, and to confer with him upon some matters he said he had in charge to declare to him from his master the emperor of the Romans.

There was at that time a celebrated republic on the coast of Mexico, towards the gulph, called Tlascala. This people were said to be so powerful, as to be able to arm four hundred thousand men. Powerful as they were, tho' not subdued, they were yet awed by the greatness of the Mexicans. This awe, or perhaps a better policy, induced them to give a check to the Spaniards. But in the manner of Montezuma's proceedings they would not oppose them publicly, and therefore could not oppose them effectually. Some nations, on whom they had prevailed to fall upon the Spaniards, were over and over again defeated, together with those troops the Tlascalans had sent clandestinely to their assistance. At last, by degrees, declaring themselves more openly, as the danger pressed them, they drew a large army into the field, which was routed by the troops of Cortes; few indeed in number, but infinitely superior in arms, and now grown familiar with victory. The consequence of this battle was the alliance of the Tlascalans with their conqueror, which they entered into with the less difficulty, as they were to serve against the Mexicans, and might now hope to serve with success. Cortes, however, did not chuse to trust this untried and forced alliance too far, nor at the same time to deprive himself entirely of the succour it produced. He therefore took a middle course, and accepting three thousand of their men, he held on his rout to Mexico.

CHAP. X.

BEFORE Cortes began his expedition to Mexico, he had built a strong fortress at the principal port on the coast, to open a passage for succours, when his success should make interest enough to procure them. This he called La Vera Cruz, and it has since become a city, remarkable for the great traffick since carried on between these opulent countries and Old Spain. During the Tlascalan war, in which the Spaniards suffered something, and had every thing to apprehend, Montezuma took no steps, but lay by watching the event, in hopes that the Tlascalans might defeat the troops of Cortes at their own expence; or if the Spaniards proved victorious, he might then have the merit of not having used hostilities against them. He lost both parties by this double conduct; such an insidious neutrality betrays nothing but the weak policy of him who uses it. However, as a fair correspondence still subsisted between them, he used every means he could to dissuade Cortes from his proposed journey to Mexico. At last he took a step, worse judged than all the bad ones he had hitherto taken. He sent to the Spaniards a very large and magnificent present, of every thing his dominions afforded valuable, but principally a vast quantity of gold and precious stones; offering at the same time yet more, and persuading them to return to their own country. If any person in the army was unwilling before this to proceed, he now changed his mind. All were convinced that they ought to advance with speed to possess the fountain of that wealth, of which this rich donation was but an inconsiderable rivulet.

Montezuma, baffled in all his schemes to keep the Spaniards at a distance, having used himself to shifting measures, until they were in a degree grown habitual, found Cortes at the gates of Mexico before he was resolved how he should receive him. He was now almost too late for force. He therefore dissembled his concern with the best grace he could, and received him with all the honours a monarch can bestow, when he would display his own magnificence, and shew his sense of extraordinary merit. Cortes was lodged in a palace spacious and grand, after the manner of the country. All his Spaniards were lodged with him, but he took care to place a train of artillery at his gate.

Thus ported without a blow in the heart of this great city, the capital of the new world, he was for a while at a loss what measures to pursue, for securing himself in a conquest of this importance. Having received more than he could reasonably have asked, there was no cause of complaint, and consequently no advantage to be colourably taken. He had only to wait for some of those critical incidents, upon whose use all great matters depend, and without which the greatest genius must be at a stand. It was not long before one of these occurred.

Two Tlascalans arrived in disguise at Mexico, who brought him an account that a general of Montezuma had attacked some of his confederate Indians; that the

garrison of Vera Cruz had gone out to their defence; and that though the Mexicans were repulsed with loss, the Spaniards were greatly endangered, many wounded, and one killed, whose head, by the order of Montezuma, was carried through all the cities and villages of their country, to destroy the reverence in which they held the Spaniards, and undeceive them in a notion they had conceived, that these strangers were immortal. This intelligence alarmed Cortes. He knew that opinion was one of the strongest supporters of his little force; that things of this kind never stop at their beginnings; that Montezuma, while he caressed him in his city, was disjoining his allies, and distressing his garrison abroad; and that no time was to be lost in dilatory counsels; and that he must keep alive the memory of his former exploits. He therefore took a resolution worthy of a brave man, in a difficulty made for his capacity. He armed himself in the best manner, and with five of the most faithful and best resolved of his officers, went directly to the palace of Montezuma. Thirty of his men attended at some distance. Guards of Spaniards were placed at the principal avenues to the palace.

It was usual for Montezuma's guards to withdraw, out of respect, when he had any conference with Cortes. On this occasion, as soon as he was admitted to audience, he charged the emperor with the outrages committed by his orders, in terms of great resentment. The emperor disowns it. But Cortes, after having paid him the compliment of not supposing him capable of so mean a dissimulation, assured him, that he was himself entirely satisfied of his innocence, but that others had fears which were not so easily removed; but to satisfy the Spaniards, he must give some solid proof of his confidence in them; which he could effectually do no otherwise than by his removing without delay to their quarters. A request of this nature startled Montezuma, who never was used to any voice but that of the humblest submission. However, he saw plainly that Cortes did not make so extraordinary a request, but with a resolution of making it be complied with. He saw the necessity, and he yielded to it.

Thus was the capital of a vast and powerful empire, inhabited by an innumerable multitude of warlike people, entered without resistance by an handful of men, who came to overturn it's liberty. And thus was one of the greatest princes on earth, renowned for his wisdom and valour, seized in his palace, in the midst of this city, at noon-day, and carried prisoner without noise or violence, by six persons, to be disposed of at their pleasure.

The people, confounded and enraged to find one whom they always used to reverence as a god, treated in this unworthy manner, surrounded the quarters of the Spaniards to punish this sacrilege, and rescue their captive prince. But Cortes, who well understood the consequence of the steps he had taken, was not alarmed. He knew that he had now in his hands an engine, which was capable of doing any thing. Montezuma went out to appease the people, assured them that he was there of

choice, and (which was true) that the Spaniards were wanting in no instance of respect due to his character and dignity.

This appeased and dispersed the people. But Montezuma, whose unfortunate circumstances obliged him to act as an instrument to his own captivity, could enjoy no rest, though allowed the attendance of the principal officers of his court, and indulged by the Spaniards in every thing but his liberty. Long revolving, he at last contrived a scheme, which he judged, without his appearing to concur with them, might alarm his subjects with a sense of their danger, or oblige the Spaniards to depart by the reasonableness of his proposals. He had always liberty of going abroad with a guard of Spaniards, under pretence of doing him honour. He now desired to hold a council of the states of his empire, that in concurrence they might satisfy Cortes and his associates in the amplest manner. This council was convened, in which Montezuma, in a premeditated speech, set forth the origin of his nation; the prophecies extant among them, that a people of the same race should arrive, to whom this empire should be subject; that the people were now arrived who were the object of those prophecies, and sprung from this origin, to whom the gods had destined universal empire, and who, by their great accomplishments and surprising bravery, merited their high destination: then he solemnly declared himself tributary to the emperor of the Romans; he exhorted them on their part to a due obedience; and ended by telling them, that as he had himself prepared a present from his treasures worthy of this great emperor, he expected that every one of them, in proportion to his ability, would testify his loyalty to this new master, and his regard to the merit of his general, and those brave men that attended him, that they might be enabled to depart speedily to their own country, with that opinion of their brethren the Mexicans, which their affection to them, and their obedience to their common master, deserved.

At first an entire silence succeeded this harangue; the whole assembly confounded and struck dumb with grief, indignation, and surprize. Then followed a mixed cry, as each person was affected by some particular part of the general calamity. The lustre of their empire tarnished, their religion to be profaned, their freedom surrendered, their emperor degraded, what was worse, degraded by himself; could they believe their ears? Was it Montezuma who had spoken in such a manner? The design of Montezuma was until this moment a secret to Cortes; he was surprised, and something chagrined at an artifice, the invention of which he now penetrated very clearly. But his surprise did not confound or perplex him in the part he saw it was proper for him to act. Without any embarrassment, he seconded the harangue of Montezuma by a speech, which was well interpreted, wherein he strongly urged the propriety, and insinuated the necessity of an entire obedience to their prince, and an imitation of his conduct. Disordered as the assembly was, yet still held by a sacred reverence to their emperor, influenced by the hope of the sudden departure of the Spaniards, and reserving themselves for a better occasion,

they followed Montezuma's example, and paid homage to Cortes, in that dumb and sullen submission with which fierce spirits yield to necessity. He received it, and thanked them, as a man thanks his debtor for a ready payment.

Cortes saw that this empty homage secured him nothing; but he knew that the gold, which was to accompany it, would be of real service in cancelling the ill impressions made by his disobedience in Spain. In Mexico he might look upon himself as secure; he had the person of the emperor in his hands; he had his forces in the capital; and he had lately struck a terror into all, by seizing the general, who had committed hostilities against the Spaniards. He got the emperor to disavow his conduct, and condemn him as a traitor. By their joint authority, this unhappy man, guilty of nothing but obedience to his lawful master, and zeal for his country, was burned alive in the public square of Mexico. But neither this horrid example, nor the imprisonment of their emperor, nor the late acknowledgment of the emperor Charles, was sufficient to make the Mexicans insensible to the disgrace they suffered, nor of the danger which hung over them. They began to consult how they might deliver themselves. Some proposed to cut off the communication with the continent, and hold the Spaniards besieged in their quarters; for the city of Mexico is an island in a great lake, and communicates with the continent by four great causeways, extremely curious for contrivance and solidity. Whilst they were ripening their schemes, a report came to Cortes, that some words had dropt from a Mexican concerning the practicability of destroying one of these causeways. From this word, (for he heard no more) this watchful and sagacious commander judged of the whole contrivance? Without however taking notice of it publicly, he immediately orders two brigantines to be built to secure his retreat, if a retreat should prove the wisest measure. In the mean time he kept a strict discipline in his army; and to preserve reverence from the Indians, he prohibited their approaching his quarters when his men were asleep, and severely punished those of his soldiers who slept out of the times and places appointed for that purpose. All this while no preparations for his departure.

CHAP. XI.

MONTEZUMA, sick with impatience of his confinement, and seeing that he daily lost his authority amongst the people by the pusillanimous appearance of his conduct, as soon as he perceived that any spirited action on his side would be seconded with equal spirit by his subjects, he roused his dormant magnanimity, and in spite of the condition he was in, he sent for Cortes, and addressed him in this manner:

“Cortes, the desires of my subjects, my own dignity, and the commands of my gods, require that you should depart my empire. You are sensible how much I have valued your friendship, and how effectually I have shewn that I valued it. But after so many professions of good-will upon your side, and so many proofs of it upon mine, after every pretence of business is over, wherefore do you delay your return? I have yielded homage to your master, I am ready to obey him, I have sent him presents, (or shall I call it a tribute) worthy of myself and of him; your whole army is loaded, even to an inconvenience, with their darling gold. Would they have more? Shall more be delivered them? But then, when they shall have spoken their largest wishes, and satisfied their most eager desires, I insist upon it that they depart immediately, or they may find, in spite of the condition I am in, of which condition, for your sake, and for my own, I shall speak but little, that Montezuma has yet courage enough to vindicate his own honour, and friends in Mexico who will not fail to revenge the wrongs he shall suffer.”

Cortes perceived something of an unusual resolution and sternness in the emperor's countenance whilst he spoke. He therefore sent orders, before the interpreter began to explain his speech, that the Spaniards should stand to their arms, and wait his commands. His answer was resolute, but not such as to drive the emperor to despair. He lamented the jealousy which their common enemies had occasioned; that for his part he was secured from all fear by his own courage, and the bravery of his troops; but since he was so unfortunate as to find he could not longer enjoy the honour of a conversation he had such reason to esteem, consistently with the emperor's repose, he would depart as soon as ships could be built, for on landing he had been obliged to burn his own. This answer soothed Montezuma; he resumed his good humour, he promised to load his army with gold at his departure, and gave immediate orders that every thing should be prepared for fitting out the ships in the speediest and amplest manner. But Cortes gave orders, which were full as well obeyed, to the person he appointed for the equipment, to delay it upon every possible pretence. He expected daily the return of the messengers he had sent into Spain, to solicit his pardon and succours, with the continuance of the command.

Whilst he was entertained with these expectations, and with finding out pretences to defer his departure, an express arrived from Sandoval, his governor at La Vera Cruz, informing him of the arrival of eighteen ships, in which was an army of eight hundred foot, and two hundred horse, under the command of one Narvaez, who was sent by his old enemy Velasquez, the governor of Cuba, to supersede him in the command, to treat him as a rebel, and send him in chains to Cuba. The governor seized the messengers, who were sent by Narvaez, to require him to surrender, and sent them prisoners with this account to Cortes. There never was a time wherein the firmness and capacity of this commander were put so strongly to the proof. On one hand, here was an army in weapons and courage equal to his own, in numbers vastly superior, and above all, strengthened with the name of the royal authority. The Mexicans, ill-affected before, would rejoice in this opportunity to fall upon him. On the other hand, must he resign the conquests he had made with such infinite toils and hazards, into the hands of his mortal enemy, and in return to bear the name, and receive the punishment of a traitor? There was little room to hope for an accommodation. The thoughts of a surrender were intolerable. One way only remained, to conquer Narvaez. His own courage and conduct; his soldiers, habituated to victory, and endeared to him by common dangers and triumphs; his reputation, and the signal providence which always attended him, would combat upon his side. Above all, no time was to be lost in fruitless counsels. He sent an express to Sandoval, his governor in La Vera Cruz, to evacuate that place, and join him in his rout with what men he had. He assembled his forces, and found them to a man attached to his interests, and ready to hazard every thing in support of them. He left eighty men in Mexico, picked from his troops, recommending them to Montezuma, and him to them. With this small garrison he dared to entrust Mexico and all his vast hopes there; but the imprisoned emperor was himself a garrison, from the reverence his subjects bore him. Before he set out, he released the prisoners which Sandoval had sent him, using the severity of his officer to display his own clemency. He caressed them extremely, loaded them with presents for themselves, and the principal officers of Narvaez's army, and did every thing to create himself a party there by his generosity. He sent at the same time very advantageous terms of accommodation to the general himself, but took care to follow and second his ambassadors with all the power he could raise. This, with Sandoval's reinforcement, did not amount to three hundred men; but with these, and some confederate Indians, he marched with all imaginable diligence to Narvaez's quarters.

Narvaez, elated with the superiority of his army, would hearken to no terms, though he was much pressed to it by his principal officers, who discovered plainly that this quarrel could only end in the ruin of their party, or that of the Spanish interest in Mexico. Mean time Cortes, little incumbered with baggage, and less with a dilatory genius, advanced by forced marches. He was but a small distance from

the enemy's quarters, when the rains came on, and as usual in that country, fell very heavily. Cortes knowing that the ill dispositions of the sky were circumstances favourable to a surprize, inviting to desperate enterprizes, and that they are always least prejudicial to those in motion, having perfect intelligence of the disposition of Narvaez's army, and having disposed his troops in such a manner as not to fall upon one another, and to act in concert, he ordered them, when they should enter the town where the enemy was posted, to keep in close to the houses, that they might not suffer by the artillery, which was so placed as to play upon the middle of the street. Having made this disposition, he marched to attack the camp, on one of those gloomy and tempestuous nights. Though he directed every thing with the utmost secrecy, Narvaez had intelligence of his approach, but he laughed at it; and not understanding the nature of a prudent rashness, could not believe that Cortes would make such an attempt in such a season, went to sleep, without taking sufficient care that it should not be disturbed. Security in the general is easily followed by that of every one else. Cortes assaulted the town in three bodies, and whilst every one in the adverse party ran in confusion to his arms, and opposed without command or uniformity, as each man was attacked, the whole army was routed. The quarters of Narvaez were attacked by Cortes's division, and the men routed there as elsewhere. Narvaez himself, shamefully taken in bed, fell into his hands.

"Value yourself, said he, my lord Cortes, on your fortune in making me your prisoner!"

But Cortes, with a smile of indignation, answered,

"That he thought this by far the least action he had performed, since he came into the new world."

When the morning came on, the dispersed army of Narvaez began to form into bodies, and to discover the inconsiderable force which the night before had defeated them. Their first motion, distracted with shame and anger, was to fall upon the conquerors, and recover the honour they had lost. But when they found that their general was a prisoner, their artillery seized, and the advantageous post they had occupied in the enemy's possession, and numbers amongst themselves well-affected to Cortes, they listened at last to his proposals, recommended as they were by the polite and insinuating behaviour of which he was master, and that open and unbounded generosity he shewed to every one. They all enlisted under his banner, and agreed to share his fortune. Thus did this accident, which seemed to threaten inevitable destruction to the affairs of Cortes, prove the most effectual method of restoring them to an excellent condition, wholly by means of the wisdom of his measures, and of that vigour and activity with which he pursued them. His army now consisted of above a thousand men after replacing his garrison at La Vera Cruz, in which fortress he left Narvaez a prisoner.

This victory, and the reinforcement it procured, came at a most critical time; for hardly had he begun to adjust matters for his return to Mexico, when an express arrived that his affairs there were in a most dangerous condition. Alvarado, whom he had left to command at his departure, though a brave and able man, had too great a contempt for the Indians, and too little discernment for the nice circumstances he was in, to manage with that just mixture of firmness and yielding, by which Cortes had hitherto so ballanced the hopes and fears of the Mexicans, that he never gave them an entire opportunity of knowing their own strength. This man, either discovering, or pretending at least to discover, that some of the chief men in the city, who were met in the great temple, were assembled to consult how to expel the Spaniards, suddenly surrounded the place, and murdered all the persons of rank who were met in the temple. This cruel and precipitate action at once raiſed the whole people. Enraged at what they had already suffered, and what they saw plainly they were yet to expect from the tyranny of these intruders, their own ignominious patience, the fear of the Spanish arms, their inbred respect for Montezuma, were all lost in their fury. Should they stay, until on various pretences they were all butchered? Montezuma, either forgetful of his office and dignity, or unable to exert it, could protect them no longer. Gods and men allowed them to defend themselves, and arms were in their hands. The flame, so furious in the capital, spread itself with equal swiftness and rage over all the country, and all were vowed and hearty for the destruction of the Spaniards. In this extremity Alvarado shewed as much bravery as he had done imprudence in bringing it on. He redoubled his watch on the emperor; he obliged him to exert the remains of his authority in his favour, and fortifying his quarters in the best manner the time would admit, he stood out the storm, and repulsed the Mexicans in several attacks; but their fury, far from relenting at the frequent and bloody repulses they met, redoubled by their losses. They exercised the besieged day and night, with the most vigorous assaults at the beginning to cut off their retreat, and burned the brigantines which Cortes had built.

Cortes, who was obliged to make so rapid a march from Mexico, to defend himself against Narvaez, was compelled by an equal necessity to march from Zempoallo to Mexico, to relieve his forces, and preserve his most essential interests there. The Mexicans, like all people who have not reduced the art of war to some rule, suffered their eagerness in pursuing one advantage, to let other material ones lie neglected. For whilst they pushed on the siege of the Spanish quarters with great vigour and diligence, they took no effectual care of the avenues to the city, or to cut off all succours from the besieged. Cortes entered the city without resistance. He soon routed those who invested the post of the Spaniards, and brought them a relief, of which they stood in the greatest need. This arrival of so formidable a body of troops, held the Mexicans some time in suspence; but in spite of the fatal error of admitting them into their city, which had now inexcusably been a second time committed, and in spite of the success every where attending the Spanish arms, they

came to a resolution of continuing hostilities. But things wore another face since the arrival of Cortes. No longer satisfied with defending his quarters, he sallied out and defeated them several times with great slaughter. However, as he found that he suffered more by the least losses than the Mexicans by the greatest, he kept close for some time, suffering the enemy to approach, in hopes of making one last effort, to appease them by the authority of Montezuma. This unhappy prince, reduced to the sad necessity of becoming the instrument of his own disgrace, and of the slavery of his people, appeared on the battlements, and addressed his subjects with every argument he could use to prevail with them to disperse. But this expedient was not attended with the usual success. The Mexicans, by an habit of living without rule, had many of them lost much of that respect, which, even to adoration, every one of them used to pay their prince; they answered him with reproaches, and a stone from an uncertain hand struck Montezuma with great violence in the temple. The Spaniards carried him to his apartment. Here he refused to suffer any dressings to be applied to his wound, but wrapping his head in his garment, gave himself up a prey to shame and grief, and in a few days died, less of his wound, which was but inconsiderable, than of sorrow and indignation, on feeling that he had so far lost the esteem and love of his subjects. There are other accounts of the death of Montezuma, but this appears the most probable

Thus died this great prince, more remarkable for the great virtues by which he ascended the throne, and those qualities by which he held it in so much lustre for many years, than for his steadiness and wisdom in defending it when attacked by a formidable enemy. It has happened thus to many great men. When Lucullus and Pompey attacked Tigranes, king of Armenia, we do not see any thing in him of the conqueror of so many kings. Even his conqueror Pompey was not himself, after having enjoyed in glory for a long time a power acquired by the greatest exploits. *Se esse magnum oblitus est.* It is natural, whilst we are raising ourselves, and contending against difficulties, to have our minds, as it were, strung, and our faculties intent and constantly awake. The necessity of our affairs obliges us to a continual exercise of whatever talents we possess; and we have hope to animate and urge us onward. But when we are come to the summit of our desires, the mind suffers itself to relax. It is grievous to contend a-new for things, of which we have long looked upon ourselves as secure. When we have no longer any thing to hope, we have then every thing to fear. Thus enervated by this prosperity, and discomposed with this fear, we become stiff and irresolute to action; we are willing to use any temporizing measures, rather than hazard on any adventure so much power and reputation. If Montezuma had made an early use of his strength, he had strength enough, after many losses, to have kept Cortes far enough from his capital; but having once entered upon shifting and dilatory courses, this brave and active enemy gave his affairs a mortal blow, by seizing upon his capital, and by this means some time after by seizing upon his person too. The rest was all a consequence

which no prudence could prevent, of a plan of conduct imprudent and ill laid originally.

CHAP. XII.

AS soon as the Mexicans were apprized of the death of their emperor, they set about the election of a successor. They immediately cast their eyes upon Guatimozin, nephew and son-in-law of Montezuma, a man fit to command at such a time; of a person graceful, a body strong and robust, and of a soul full of the most undaunted courage. Though no more than twenty-four years old, the reputation of his early exploits procured him the authority of age, and a penetrating genius served him for experience. He was no sooner called to this unsteady throne, than he took measures to prevent the Mexicans from their disorderly and casual attacks, and to make them act with design and uniformity. He examined thoroughly into the cause of their former miscarriages; and considering every thing, he found that the Indians in their present condition, could never hope for any success in open fight; he resolved therefore to spare his men as much as possible, until his own invention and time might teach them better methods of fighting. On these ideas he caused all assaults to cease; then he cut off the causeways which joined the city to the continent, and at the same time strongly barricaded the streets, resolving to starve an enemy which seemed unconquerable by any other means; a measure, which though it has with us no extraordinary appearance, shewed no small sagacity in Guatimozin, because it was what had never been before practised amongst the military stratagems of this people, and invention is the characteristic of genius.

From henceforward the whole method of the war was changed, the Spaniards grew every day more and more streightened for provisions, and whenever they sallied out, though they slew great numbers of their opponents, the many canals of the city, and barricado behind barricado, after some successful progress, obliged them, vanquished by mere weariness, to return without effect to their quarters. The Spaniards, invincible by the Indian arms, were not proof against famine. Cortes saw that nothing was left for his security, but as speedy a retreat as possible; and though this must necessarily lose them the most considerable part of the treasure they had amassed, it was what least afflicted him. He encouraged his troops, by cheerfully relinquishing his own part, not to attempt burthening themselves with a treasure which they might consider as lying at an advantageous interest, until they should, as they certainly would, be enabled to return with a sufficient force to reclaim it. The resolution of retreating being now taken, and all things disposed for it, a question arose, whether it were better made by day or in the night. On this the council of war was divided; and their reasons seeming pretty equal, a person amongst them, a sort of astrologer, who passed for a prophet, and as such was much respected by the greater part of the army, promised them certain success if they retreated by night. Certain it is, that when measures are dubious, superstitious determinations have great use; for as reason cannot easily determine the right way, that method which

superstition fixes upon, is by the weight it has from thence, pursued with the greater cheerfulness and effect.

The general was guided by the prophet, and he disposed every thing for his retreat with great judgment. He caused the usual fires to be lighted in every part of his quarters. Some of his boldest and most active men led the van. The prisoners, artillery, and heavy baggage were in the center. He himself, with one hundred of his choicest troops, formed the rear. With wonderful order and silence, and without any interruption, did the Spaniards march until they came to the first breach in the causeway. Here a portable wooden-bridge which Cortes had prepared, was laid over; but when the artillery and horses had passed, it was wedged so closely into the stones that bordered the causeway, that it could not be removed, and there was yet another breach. But they were soon called from attending to this by a more pressing danger; for as nothing could elude the vigilance of the new emperor, he found out their intention of retreating, and disposed all along the sides of the causeway an infinite multitude of canoes, with orders to preserve the greatest silence, and not to attempt any thing until a signal was given. The darkness of the night favoured the scheme. And now perceiving that the Spaniards were under some embarrassment, they took this advantage, and all at once, with great order, poured in their arrows; raising at the same time a most tremendous shout, swelled with the barbarous sound of all their martial instruments of music. The Spaniards were not wanting to themselves, but behaved with signal bravery. It were needless, and almost impossible to relate all the destruction of that horrid night. The Indians at first attacked in good order, but the first ranks being repulsed, and the distant canoes pressing on to action, the whole attack was thrown into confusion, the Indians drowned or slaughtered one another: however, they still pressed on with untameable fury. Thousands, impatient of the delay their remote situation caused them, leapt from their canoes, and climbing up the causeway in front where it was interrupted, broke in upon the Spaniards in this quarter, with a torrent hardly resistible. In vain this naked multitude was hacked to pieces by the Spanish swords, in vain were they tumbled upon one another by hundreds into the lake; new warriors succeeded those that were killed, and the Spaniards, actually wearied out, were in danger of being wholly cut off; when making one vigorous effort in the front, they happily cleared that post, and by a beam which they casually met, they passed over one by one, or, as some say, filling the intervals with the dead bodies of their enemies, they gained the main land. Cortes came over with the first, for in the confusion of the night, their former order was in a good measure lost, and took care as fast as his men got over to form them, to secure the passage for the rest. Then returning to those who were behind, by his presence and example, he animated them to renew the fight, and drawing up a part of his men on both sides of the causeway, he ordered the rest to file off from the center. In this manner the first light saw the Spaniards clear out

of the city. Cortes halted at a small distance, that those whom the confusion and the night had dispersed, might have an opportunity of rejoining the rest of the army.

Happily they were not pursued, for as soon as the dawning light unveiled the field of battle to the Mexicans, the possession of which they bought by such a profusion of their own blood, they perceived among the slain two sons of Montezuma, who were with the prisoners, and pierced through by the arrows of the Mexicans in the promiscuous and undistinguished carnage of the preceding night. For some time they were confounded and struck dumb with horror at this sight; their sentiments of loyalty returned; their monarch, almost their god▪ lately profaned by their own violence! now their hands imbrued in the blood of his children! A general deadness and consternation ensued. They must not add to their impiety by neglecting the obsequies due to the de+ceased. In the mean time the Spaniard• pursued their retreat without molestation; bu• this breathing lasted but a short time: all th• allies of the Mexicans already in arms, an• divided into several flying parties, hung over the army of Cortes, and harrassed it without intermission; they attacked him in front, in rear, in flank, by open force, by ambuscade, by surprize. Provision grew extremely scarce on his march; and now it was that Cortes shewed a firmness under his losses, a vigilance against incessant attacks, so various in time and manner, and a courage which enabled him to repulse them, which have been exceeded by nothing in history.

The principal army of the Mexicans, whilst he contended with such difficulties from the flying parties, took another rout, and pouring in three columns into a plain, where their number should be of most avail, they covered the whole of an extended valley, which lay directly in his road to Tlascala, and this was called the valley of Otumba. They concealed their purposes with all imaginable care. To blind the Spaniards, they ordered several villages to give them a friendly reception. But Cortes did not suffer this to relax his vigilance, not allowing himself to be deceived by any appearances of friendship shewn by men, whose interest it was not to be his friends, Convinced as he was, that a surprize of all things was indeed very destructive to the affairs of a general, but that it was mortal to his reputation. He drew indications of their sentiments towards him, from the manners, the gestures, and the countenances of those he treated with in his march; and perceiving that many shewed unusual signs of content and exultation, he judged not without reason that it could not be favourable to him. He therefore disposed every thing in such a manner as that his troops were neither disordered, nor his courage abated, when from an eminence they discovered the extended plains of Otumba, darkened as far as the eye could reach with the myriads of their enemies. The Spaniards, animated by their superiority in arms, and their former victories, and the Tlascalans, by the presence of such allies, and their hatred of the Mexican name, behaved with great bravery and success; neither were the Mexicans inferior in animosity and courage. But it was Cortes himself who determined the fortune of the day. Nothing he ever

heard was either forgot, or suffered to be an useless burthen upon his memory. He remembered to have heard from the Mexicans, that the fortune of the field with them ever followed that of the royal standard. This was a net of gold, elevated on a gilded staff, and splendid with plumes of a thousand colours. Great exigencies alone brought it into the field, and it was entrusted to none but the care of the general, who sat on a chair sumptuously adorned, and supported on men's shoulders in the center of the armies to view the whole battle, to be a witness of the behaviour of all his troops, and to give orders as the occasion required. Cortes pretending to make his principal effort in a quarter remote from the standard, employed all his foot in that service; but heading the horse himself, with some of his bravest officers, informing them of his design, and animating them with the hopes of a speedy decision, he flung himself with fury against the part that seemed least distant from the center. After dispersing and overturning whole battalions, they penetrated to the chosen body of nobles, who guarded the general and standard. Here the resistance was greater, but it was soon overcome, and Cortes's own lance met the general, who was overthrown, and the standard taken. All the other standards were struck directly, and the Mexicans fled every way which their fear and confusion hurried them. They lost twenty thousand men in this battle, and a spoil infinite. This victory gave Cortes an undisturbed passage to Tlascala, and a welcome reception amongst his allies there.

CHAP. XIII.

LET us now turn our eyes to Mexico. No sooner were the Spaniards departed, than Guatimozin ordered the city to be fortified in such a manner as to secure himself against their entrance a third time. He found that a thousand Tlascalans were killed in this retreat, upwards of two hundred Spaniards, (the greatest loss they had yet in America,) and a great number of horses. He cut off the heads of the Spaniards, and of their horses, no less dreaded, and sent them to all the neighbouring nations, as an infallible token of his victory; as a sure proof that he was resolved to keep no measures with the enemy, and to stir them up to their utter destruction; and he succeeded so well, that numberless petty nations, well inclined to the Spaniards, fell off, and many that were wavering were confirmed in the Mexican interest. By this means several adventurers, that from the fame of Cortes had landed to join him, were cut to pieces before they gained his army. But the negotiation to which Guatimozin bent all his force, was that with Tlascala, because this was Cortes's chief strength. He sent large presents, and ambassadors of ability, and excellent instructions, to detach them from the Spanish interest▪ who acted so well, that they caused a grea• division in their favour in the councils of that republic. But Cortes making his military exploits subservient to his negotiations, and his skill in negotiation assistant to his exploits, baffled them at length with great address, but not without great difficulty, and the Tlascalans were confirmed in his friendship.

Whilst a general has an obedient and well united army, he has an engine in proper order to work in his designs, and he can then execute them with ease; but the greatest trial of his capacity is to defend himself against a foreign enemy, and wrestle with a domestic sedition at the same time. The soldiers of Narvaez, since Cortes's return from Mexico, where they were obliged to leave so considerable a part of their booty, now hopeless of the expedition, began to mutiny, and demanded to be sent home directly to Cuba; nor were his other troops free from some part of the infection. Whatever could be done by preserving them in action, without too great a fatigue; whatever a seasonable yielding, without forfeiting authority, in short, whatever an able commander could do in such circumstances, was done by Cortes, without any other effect than that of palliating the disease; the indisposition still continued.

Whilst he struggled with these difficulties, which nearly overpowered him, his old enemy, James Velasquez, looking on the success of Narvaez's expedition as a thing certain, sent a ship to get intelligence of his proceedings, and about thirty men to reinforce him. The person who commanded at the port for Cortes, no sooner saw the ship in the offing, than he went on board her, and upon the captain's enquiry after Narvaez, he assured him he was well, and as successful as he could wish. Not

doubting this, the captain and his men landed, and were immediately made prisoners. Finding how affairs were really circumstanced, they admired the conqueror, commended the stratagem, and chearfully joined the army.

Much about the same time the governor of Jamaica, and he too a determined enemy of Cortes, sent three ships with a small body of troops, in hopes of tearing from him some part of his conquests. These ships were dispersed in a storm, and were involved in many difficulties; but what is singular, they all, though separated, came to one and the same resolution, which was to revolt from the commander, and join Cortes the moment they came on shore: so that the enemies of Cortes now no less than three times relieved him, by the very methods which they took to distress his affairs. These advantages, though improved to the utmost by Cortes, were certainly not at all the result of his contrivance. There is a species of a splendid good fortune necessary to form an hero, to give a lustre to his wisdom and courage, and to create that confidence and superiority in him that nothing else can give, but which always makes a principal part of an heroic character. Without this, it is impossible for any man, however qualified, to emerge. Cortes was not only fortunate, by being freed from the most terrible embarrassment by the arrival of these succours, which were never intended as such; but much about the same time ships arrived from Spain, bringing, on the account of some private persons, a reinforcement of men and military stores; and from the court an authentic approbation of his conduct, and a confirmation of his command.

Fortified with these, he yielded to the mutinous importunities of such of his soldiers as were earnest to depart; and though he diminished his numbers considerably by this step, he judged it better to have a well-disciplined army than a great one, and knew that little could be expected from men who were dragged unwillingly to action; at the same time that their cowardice or sedition would infect the rest. After the departure of the mutineers, he found he had still above nine hundred Spanish foot, and eighty-six horse, and eighteen pieces of cannon. With these, and with the assistance of a vast body of Tlascalans, and allies of various nations, whom admiration and fear of Cortes, or hatred to the Mexicans, had brought under his banner, he once more prepared to attack Mexico, which was the grand object of his undertakings. The city was so advantageously situated, and he knew at this time so well fortified, that nothing could be done without a force on the lake. To cut off their supplies, he ordered the materials of twelve brigantines to be got ready, in such a manner as only to need being put together when they should arrive at Mexico. These were carried upon the shoulders of his Indian allies. His rout to Mexico cannot be so much considered in the light of a march, as a continued train of ambuscades and battles, ' some of which were fought with the most numerous armies, and with circumstances not suited to the brevity of my purpose to relate. In all these he was successful, though his enemies may be said,

with little exaggeration, to have disputed with him every foot of ground between Tlascala and Mexico.

At last that city shewed itself, rising from the midst of a noble lake, surrounded with a number of most populous cities, as her attendants upon every side, and all subject to her power. The Spaniards now looking on this as their goal, revived their courage, and forgot the difficulties of their march; and the Tlascalans, in a perfect fury of military delight, wanted the steady hand of Cortes to restrain a courage, which he commended and kept alive by his example and words, whilst he moderated it's ardor. Before he began the attack of Mexico, he spent some time in reducing all the neighbouring cities from which it might derive any succour. He cut off the aqueducts which supplied Mexico with water, that of the lake being brackish, and he got ready his brigantines with all imaginable diligence to cut off all relief from the lake.

Whilst his attention was wholly employed in the prosecution of the war, an old Spaniard, who had long served, discovered to him a conspiracy of the most dangerous nature. Antonio de Vilesana, a private soldier, but a man bold and desperate in any bad purpose, and subtle in contriving it, had formed a conspiracy with several others to kill Cortes, and the principal persons upon whom he relied, and then to return to Vera Cruz, from whence they might easily pass to Cuba, and secure their pardon by the merit they should make of this action with James Velasquez. They were urged to this resolution by the fatigue of those innumerable dangers and difficulties, they had passed, and by the despair of overcoming those which yet lay before them; without considering that by this wicked action, they should rather produce new difficulties than overcome the old. Others of more consequence were drawn in, and the conspiracy had been so far formed, that the time and manner of killing him was settled, and the person fixed, upon whom they intended to devolve the command. When Cortes was apprised of this conspiracy, without any hurry that might give notice that he had discovered it, yet, without losing a moment to take advantage of the discovery, with four or five of his principal captains, he went directly to the quarters of Vilesana, who, astonished at seeing him, made half his confession by the fear he discovered. Cortes had him thrown immediately into irons, and then ordering every body to retire, he examined himself into all the particulars of the affair, and the names of the persons concerned. Vilesana made a full confession, and ended it by producing a paper in vindication of their proceeding, which had been signed with the names of all the conspirators. Cortes was not a little surprised to see amongst them, the names of persons upon whom he had great reliance. However, he dissembled his concern, and ordered Vilesana to be immediately executed. He was shewn to all the army hanging at his tent door. Cortes informed none of the friends he most trusted with the paper he had received; but summoning the army, he gave them an account of the horrid conspiracy that had been formed against his life; that he had punished the

person principally concerned, but that it was with satisfaction he was left ignorant of his accomplices, by the care the criminal took in destroying a paper, which he believed might have made great discoveries. For his part, as he had punished, and was resolved severely to punish any flagitious attempt against his life or authority, so he was determined to order both in such a manner as to give just cause of complaint to no man; and if by any accident he had done so, he was ready to give him all reasonable satisfaction. Proceeding thus, Cortes had the advantage of knowing who they were that wished him ill; at the same time that they remained unapprised of the discovery he had made, and endeavoured to prevent it by a more diligent performance of their duty: he now appointed a guard upon his person.

Hardly had Cortes suppressed this conspiracy, and made the proper use of a baffled attempt against his authority, which was to strengthen and increase it, than a difficulty of something of a similar nature engaged him, and from which he extricated himself with the same courage and prudence. The general of the Tlascalans envying his glory, and perhaps fearful of the consequence of the entire destruction of the Mexicans, though enemies to his own country, persuaded a considerable body of the people to quit the Spanish camp. Cortes immediately ordered him to be pursued. This general had formerly been an enemy to Cortes, and opposed him in the councils of his nation; but when he saw the general current in his favour, he made a timely change, and came entirely into his interests. He had now relapsed, and was therefore not to be trusted any more. Cortes gave orders to those who pursued him to put him to death. The Tlascalans who revolted were easily prevailed upon to return; and so dexterously did Cortes represent this affair, that neither the Tlascalans in his army, nor the republic, nor even the father himself of the general, condemned him for what he had done.

CHAP. XIV.

THESE internal disorders being composed, he turned his fortitude and wisdom against his open enemies. Three principal causeways led to the city, which three towns or suburbs defended upon the side of the continent. Within were trenches and barricadoes one behind another the whole length of the way. Cortes ordered three attacks upon these towns, and the causeways which they defended. The brigantines acted upon the water. Through the whole length of this siege, the bravery of the Mexicans, in defence of every thing which was dear to them, was not more remarkable than the ingenuity by which they baffled the attacks of the Spaniards, and attacked them in their turn. On land, on water, by open force, by stratagem, by every method, they plied each other incessantly day and night. But the Spaniards, invincible under the command of Cortes, had the advantage so far, that with infinite slaughter they gained these posts which secured the causeways upon the side of the country, at the same time that they cleared the lake so, that a canoe of the enemy did not dare to appear upon it.

Cortes gained these advantages, but he saw how dearly he had bought them; he reflected how it would tarnish his glory to destroy so beautiful a city, and drench it in the blood of its unfortunate inhabitants; and considering what supernatural exertions of strength had been frequently shewn by a despairing people, in the last convulsive struggle for their religion, life, and property, he made use of the advantages he had gained to recommend the terms of accommodation, which he resolved to send unto the besieged. He required no more than the acknowledgment of the emperor of the Romans, and the confirmation of his right of succeeding ceded to him by Montezuma, and long acknowledged by the most authentic prophecies of the nation, and such a security as might settle the performance of this.

Guatimozin, who had done all that bravery and military skill could perform to save his country, finding the means most suited to his years and inclinations unsuccessful, though full of that noble pride which becomes and supports the royal character, was now as willing to save it by the milder and surer way of accommodation. But the priests, who had much influence in the council, either fearful of losing their power, or through an honest, tho' blind zeal, denounced vengeance from their gods upon all who could think of submission, and promised a certain success to those who stood up in defence of their religion. They had great weight, and the whole council, contrary to the opinion of the emperor, became unanimous in refusing all terms. Guatimozin, who yielded to the general sentiment with regret, and saw the unhappy consequence but too clearly, resolved to fall with the same spirit that he had lived.

“Then, said he, since you are determined to hazard every thing, prepare to act in a manner worthy of that resolution. Me, you shall never find wanting to you, or to myself. These are the last good terms you are to expect. Whatever henceforward you demand through necessity, will be answered with pride and cruelty. Therefore, henceforward, let no man presume to speak of peace, be our exigencies what they will; the first that dares to do it shall certainly die; even the priests themselves; they are most concerned to support the oracles of their gods.”

When he had said this, with a stern and determined countenance, he went out of the assembly, and ordered the whole city under arms. Cortes, on the other side, as soon as he found that his proposals were rejected, laid aside all thoughts but those of violence, and commanded a general assault to be made at the three causeways all at once, and to carry fire and sword into the heart of the city. He commanded himself in the principal attack. The causeway was broke down before him, and the breach formed a ditch of sixty feet wide. On the other side appeared a fortification of earth and planks. He ordered the brigantines to the side of the causeway, to favour the attack, and directing his cannon against the fortification, made so furious a fire that it was soon demolished; and the defenders galled by the incessant shot, which made a most terrible havock, could maintain the post no longer. Cortes, under the fire of his cannon, and with the help of his brigantines, passed over the ditch, and lost no time to possess himself of the other side, leaving one of his captains with a detachment to fill it up, and secure a retreat, in case it should be found necessary. Then he advanced to attack the remaining barricadoes of the Mexicans, who made a brave defence. The battle raged furiously, and as the Spaniards gained ground, their dangers and losses grew every moment greater. They had now advanced amongst the buildings, from whence they were oppressed with a mixt storm of darts, arrows, stones, and boiling water. Before them stood a chosen body of the Mexican soldiers, who made a resolute stand. During this conflict, the captain who had been posted to fill up the ditch, thinking it an inglorious employment to be employed as a pioneer, whilst his companions were in such an hot action, advanced with all his men, and deserted the necessary work he was employed in.

No sooner had Guatimozin, whose eyes were every where, perceived this motion, than he took advantage of it. He ordered those who were in the front of the Spaniards to slacken their efforts; for as night came on fast, he thought it better to allow the enemy to gain some ground, that he might fall on them with more advantage in their retreat. Cortes as quickly perceived this slackness, and the cause which produced it. He found that the breach of the causeway was abandoned, that night approached, and that there was little hope of a lodgment in the city at that time. He therefore began to retreat in the best order he could▪ setting fire to the houses, that he might not be incommoded by them in his next attack. But scarcely was the retreat begun, when their ears were alarmed by the dreary sound of the

sacred trumpet, so called because it was permitted to the priests alone to sound it; and that only when they animated the people on the part of their gods. The sound was doleful, continued, and strong, inspiring a contempt of death, and a dark religious fury. Immediately ensued a horrid cry, which resounded from all parts, and this was followed by an attack of more than common rage upon the rear of the Spaniards, which was broke entirely, after a gallant and bloody stand. All order was now lost. The general's commands were drowned in the cry and tumult of the fight; the Tlascalans who were in the front threw themselves precipitately into the trench; some made a fruitless opposition, others attempted to gain the brigantines, whilst the Mexicans on shore, in canoes, wading, or swimming, upon every side assaulted and slaughtered them with the most horrid cries, and rage almost inconceivable. With difficulty Cortes and some of his troops escaped on board the brigantines, wounded and deserted. A thousand Tlascalans lay dead upon the causeway, many Spaniards, and scarce any escaped without a wound. What was the saddest circumstance of all, forty were taken prisoners, of whose destiny there was no doubt. The other attacks had no better success, though in them the loss was not so considerable. The officer, whose imprudence had occasioned this misfortune, came to Cortes, with tears acknowledging his crime, and desiring to wash it out with his blood; but Cortes, though rigid in his discipline, saw that this was no time to dispirit the army with examples of severity.

Night came on, but it brought no rest to the afflicted Spaniards, since it's darkness could not conceal from them the triumph of the Mexicans, and the fate of their friends. They saw the whole city shining with lights, and heard it resounding with the dissonance of barbarous music, and all the marks of an horrid joy. So great were the fires and illuminations, that they could see distinctly the men in motion, and all things preparing for the death of the prisoners, attended with the mortifying circumstance, that they were to be sacrificed to their false gods. Cortes, in the midst of all these calamitous circumstances, which lay heavy about his heart, assumed an air of tranquillity, endeavouring to comfort his soldiers with the hope of a timely revenge, and taking all necessary care that they should not be attacked unawares. This care was necessary; for before morning appeared, the Mexicans, elated with their late victory, and under the auspices of those gods, whom they believed they had rendered propitious by the human blood which washed their altars, and animated by the sound of the consecrated trumpet, sallied out to attack the Spaniards in their quarters. The attack was violent, but repelled at length with an incredible slaughter of the Mexicans.

Guatimozin was not disheartened. He prepared for new assaults, and had his ruined works repaired to endure those assaults, which should be made against himself. Not relying solely on force, he spread a report amongst all the neighbouring nations that Cortes was killed; to them he sent the heads of the Spaniards who had been sacrificed, informing them, that the god of war, appeased by a sacrifice so

agreeable to him, had audibly declared in favour of the Mexicans, threatened vengeance on those who resisted them, and declared that in eight days time the Spaniards should be all destroyed. The credit of this oracle amongst all the Indians, and the determinate time ascertained for its completion, gave it the air of truth; for falsehood delights in general terms and equivocations, whereas the precise manner of speaking truth, is one of the marks by which we guess at it. In fact, this stratagem had its effect, many tribes of Indians, who were upon the point of joining Cortes, embraced the Mexican interest; the more prudent suspended their resolution; but Guatimozin did not want emissaries even in the Spanish camp, who terrified the Indian allies with this prophecy. Even the Tlascalans were upon the point of deserting them, when Cortes counteracted this stratagem in the wisest manner possible. He resolved to suspend all manner of operations against the city for these eight days, to demonstrate the falsity of this oracle, and to hinder it from being ever again used as an instrument to work upon the credulity of his confederates. He prevailed upon the Tlascalans to wait the determination. In the mean time he strongly fortified his camp.

Guatimozin was sensible that the effect of his policy must be weakened every day, and with that idea employed every hour of the day or night to assault Cortes's camp, but always with ill success. This great commander was always on his guard; and his troops advantageously posted, bid defiance to every thing of an Indian attack. At last the eight day expired, and with them the terror of the confederate Indians. The stratagem now operated as powerfully against those who contrived it insomuch that Cortes in a little time found himself at the head of two hundred thousand men. This was the last hope of the Mexicans. All that followed was only the departing agony of that state. The city was assaulted with redoubled vigour, and now reduced by slaughters, fatigue and famine; the Mexicans saw the superior star of Cortes gain the ascendant. The town was penetrated upon all sides, yet the besieged defended every street; and their incessant showers of darts and stones from the tops of the houses, made the progress of the besiegers slow and bloody. In this extremity, Guatimozin did every thing that could justify the hopes of the Mexicans, when they called him to the throne, every thing that was worthy of one resolved to die a king. But when he found that all hopes of dislodging the enemy was utterly at an end, his troops half famished, exhausted in numbers and in strength, and no part tenable, he determined to leave the city to obtain the best terms it could from the conquerors, and to seek himself a more prosperous opportunity at a distance. For this purpose he renewed the treaty with the Spaniards, and took the opportunity of this cessation of arms to put himself and his family, with some of the bravest and most faithful of his nobility, on board some periaguas, attempting to escape to the continent; but Cortes apprehending this very thing, stationed his fleet in such a manner, that he was intercepted, and soon out of a condition of making any defence. He went on board the Spanish commander, with

an air of dignity and composure, betraying neither fear nor surprise, and desired no favour, but that the honour of his wife and her attendants might be spared. The Spanish captain attended but little to him, endeavouring to prevent the escape of the nobility; but Guatimozin desired him not to be anxious about them.

“Not one of these men will fly, says he, do not fear it, they are come to die at the feet of their sovereign.”

The captain, admiring the constancy of the man, and the fidelity of his subjects, conducted him to Cortes. The ruins of the city of Mexico were now delivered up to the Spaniards. With it fell that empire, and the liberty of all the Indian nations, which filled that vast country now called New Spain, who either slid gradually from alliances to subjection, or defending themselves without success, were made, and treated as slaves.

The curiosity of the reader will doubtless be interested to know the fates of the captains of the conquering and conquered parties in this war. For some time the treatment of Guatimozin was such as fitted an unfortunate brave man, in the hands of those who could estimate virtue by other standards than it's fortune; and such was his treatment, whilst the authority of Guatimozin was sufficient to protect him. But the internal avarice of his troops, which at once excited and disgraced their courage, not satisfied with the plunder of this opulent city, believed that there were some latent treasures within the knowledge of the emperor, which far exceeded all the rest that they had yet possessed. They often solicited the captive emperor with promises and threats to make a discovery, to no purpose; at last a number of villains, Juan de Alderete at their head, a name deserving to be remembered to it's everlasting infamy, seized upon him, and proceeding to the most abominable cruelty, laid him upon burning coals, to extort a discovery of his wealth. But their wickedness could neither extort a discovery of his wealth, nor the satisfaction even of a declaration that he had none to discover. His countenance did not betray the least yielding or weakness under the torture; some of his principal counsellors suffered along with him, and almost with equal constancy. One of those unhappy men, overcome by the force of torments, almost superior to human strength, turned his eyes, fainting with anguish, upon his prince, and uttered a doleful cry; but Guatimozin answered him only by saying,

“Do you think I lie upon roses?”

The sufferer, struck dumb with these words, and stifling every murmur that might dishearten the others, or disturb Guatimozin, expired in an act of obedience to his prince. This wickedness was committed without the knowledge of Cortes. He was no sooner apprised of what was doing, than he rushed in upon the villains, and rescued their prey, mangled as it was, from their farther fury. However, this was but a short respite. This prince, conscious of his own dignity, and sensible of the base usage he received, either endeavoured to stir up commotions, or was suspected of

such a design, and Cortes being obliged to submit the humanity of his nature to the cruel necessity of politics, ordered him to be executed.

As for Cortes himself, neither his great success, nor the vast treasures which he sent into Spain, could secure him from his enemies; by whose unwearied zeal for his ruin, he saw himself superseded in the government of a country, conquered by himself with so much toil and danger, and which in any other hands had never been effected. He died in Spain, having received a title and some other rewards from Charles the Vth, for whom he had acquired an empire; but by his own desire he was carried to Mexico, and buried there. It was the policy of Spain at that time to give great encouragement, and extensive grants, to all adventurers; but when any great discovery was made, or conquest achieved, they always sent another to reap the benefit of the first adventurer's labours. This was a policy undoubtedly good with regard to one object, the security of the conquered country; but like all unjust policy, it had altogether as ill an effect another way; the new governors, hungry and rapacious, and scarce considering the Indians as human creatures, murdered vast numbers of them; and exhausting them by an intolerable slavery, in hopes of a sudden gain, they depopulated the country in such a manner, as to abate very much the advantages which Spain might have derived from so extensive a conquest. Cortes himself was not free from the imputation of cruelty; the bishop of Chiapa, a good man, who was sent purposely to make an enquiry into complaints of this kind, gives a very unfavourable representation of his conduct. He accuses him of having destroyed four millions of people in New Spain. It is certain, whether by his connivance or not, but partly by the necessity of war, and partly by the avarice and insolence of the conquerors, vast numbers of the Indians perished; but on the other hand, it appears that the bishop of Chiapa was an enemy to Cortes, which, tho' a good man otherwise, must detract from his credit not a little, especially as other historians differ from him in this point. Besides, I am well satisfied, that great allowance must be made for exaggerations in the number of inhabitants these countries are said to have contained. More populous, I believe, they were than the entirely uncivilized parts of North or South America; but it can hardly be thought they were so full of people as they are represented to have been, if we can trust to any of the rules by which we usually judge in this matter, nor consequently could they have suffered such losses in so short a time, without being utterly depopulated, which certainly they were not.

Since I am on the subject of these cruelties, and since they are things so frequently mentioned, I cannot help observing, that the accounts are by no means founded upon any tolerable methods of calculation, but thrown down at random in a declamatory way, with a design yet further to blacken the Spanish adventurer; men certainly wicked enough, tho' represented without any heightening colours. The truth is, that great numbers, perhaps almost as great as are charged, have really perished; but then it was in a series of years, by being reduced to slavery in the

mines, and other laborious occupations, to which the Americans are of all people, by their constitutions, the most unequal, and by being disheartened by a state of unpolitical and desperate slavery, the greatest enemy in the world to increase.

There is a notion likewise pretty common, that these cruelties were committed partly, if not wholly, upon a religious account, and at the instigation of the priests; but in reality it was quite otherwise. This unfortunate people found their only refuge in the humanity which yet remained in the clergy, and the influence they had on the Spaniards, though the clergy, who went on these adventures, were generally not the most zealous for religion, and were, as the Spanish clergy commonly are, ignorant enough, and so little principled in the spirit of the religion they professed, or indeed in the nature of the human mind, that they could boast as a very glorious thing, that one of them had baptized several thousands of Indians in one day, without the help of any miracle for their conversion, and with a degree of good life, which, to say the best, was nothing more than common. But of any murders committed by them, or at their instigation, I find little or no proof at all.

CHAP. XV.

BESIDES Mexico, there was but one country in America which in any sort deserved the name of a civilized kingdom, and that was Peru. During the latter part of the Mexican war, the Spaniards became acquainted with the fame and wealth of this country. After Pedraria was appointed governor over the conquests of Balboa, his lieutenants reduced all that large tract which is now called Terrafirma, committing barbarities worthy the man under whose authority they acted. Amongst all the adventurers who acted under his commission, none have made themselves so famous as those of whom we are going to speak.

As if it were destined that every thing in this new world should be carried on in a new and extraordinary manner, three citizens of Panama, private men, and advanced in years, undertook the conquest of Peru, a country known to them only by report, but by the same report said to be rich, extensive, populous, and powerful. The names of these adventurers were, Francis Pizarro, Almagro, and Ferdinand Lucques, a priest, and a man of considerable fortune. They entered into this engagement in the most solemn manner. Lucques said mass, an oath of mutual fidelity was plighted, the sacrament was divided into three parts, Lucques took one, and delivered the other two to his confederates. The first expedition, in consequence of this confederacy, was made under extraordinary difficulties, and with very little success. Pizarro, who commanded, spent two years in the short navigation between Panama and the Northern extremity of Peru, a voyage now made frequently in two weeks, since the winds and currents are known. He landed, and found that the wealth of the country was as great as he imagined; and that the resistance he was like to meet in endeavouring to possess himself of it, would be full as considerable. This he put to the proof very early, by taking the rash step of attacking the inhabitants at his first landing; and thus letting them see all at once the worst of his intentions. The difficulties he met with, and the resistance his ill conduct occasioned in the country, obliged him to return without effecting any thing considerable. But neither he, nor his associates, after such a length of time, or such greatness of expence, were deterred from the prosecution of their scheme. It was agreed that Pizarro should go into Spain to obtain an exemption from the government of Pedraria, and to get for themselves the grant of whatever they should conquer. Pizarro (who, though not the monied man, was the soul of the enterprize) was to be chief governor, with the property of two hundred leagues along the sea-coast. Almagro they agreed should be adelantado, or king's lieutenant; and Lucques, who was a priest, was to be first bishop and protector of the Indians. The other profits of the enterprize were to be equally divided. But as this was an enterprize of ambitious avarice, there was little faith observed. Pizarro solicited only his own suit in Spain, and obtained for himself alone the property of the land, the government, the

lieutenancy, every thing which he was capable as a layman of taking; Almagro was forgot, and Lucquez was left his eventual bishoprick.

On his return, this too early discovery of breach of faith was like to ruin all; but Pizarro, who knew how to retreat as well as to advance, yielded up to Almagro every thing he could reasonably desire, and nothing now obstructed the embarkation, which, after all, did not exceed one hundred and eighty men.

Before we proceed, it may not be unnecessary to say something of the persons who had the conduct of this great undertaking. Francis Pizarro was the bastard son of a gentleman of good family. His education was as irregular as his birth, he could not even read; but then he had a great deal of that capacity and fitness for the world, which is obtained by much struggling in it, and by being early made dependant on a man's own industry. Hardened to life, dexterous in affairs, never setting his heart upon a part of his designs whilst the total was at stake, of a penetrating sagacity into the nature of man, artful, bold, dissembling, and cruel. Almagro had likewise enough of that desperate bravery and toughness of body and mind, so necessary in a design of this sort. In their birth there was no considerable difference. Pizarro was a bastard, Almagro a foundling. Pizarro owed nothing to education; Almagro depended wholly upon his natural parts. But Almagro, bred from his infancy in the camp, had all the soldierly qualities, patient, laborious, and temperate; far from the craft and dissimulation of Pizarro, he was all openness and generosity, knew not what avarice was, and his cruelty, the common distemper of all the adventurers in this part of the world, was much mitigated by the intercourse he had with an Indian woman, who, by degrees, softened the rigour of a veteran seasoned to blood, into some compassion to her unhappy countrymen.

The empire of Peru was governed by a race of kings, which they called yncas. The twelfth in succession was then upon the throne. The first of this race, who was named Mango Capac, was a prince of great genius, with that mixture of enthusiasm, which fits a man to make great changes, and to be the legislator of a forming nation. He observed that the people of Peru were naturally superstitious, and had principally a veneration for the sun. He therefore pretended that he was descended from that luminary, whose authority he was designed to bear, and whose worship he was by that authority to enforce. By this persuasion, easily received by a credulous people, he brought a large territory under his jurisdiction, a larger was subdued by his arms; but he made use both of the deceit and the force for the most laudable purposes. He united and civilized the dispersed and barbarous people; he bent them to laws and arts; he softened them by the institutions of a benevolent religion; in short, there was no part of America in which agriculture and the arts were so much and so well cultivated, nor where the people were of a milder nature, and more ingenuous manners. The yncas descended, as they imagined, from so sacred an original, were themselves respected as divinities. In none, even of the Asiatic countries, was there so entire an obedience to the royal authority. But here it

was rather filial than slavish. As to the character of the Peruvians themselves, they seem to have had a strong resemblance to the antient Egyptians; like them, under a sky constantly serene, they were a people industrious and ingenious; cultivating the arts, but without bringing them to perfection; inclined to superstition, and of a soft unwarlike temper.

The ynca Guaiana Capac having conquered the province of Quito, which now makes a part of Spanish Peru, to secure himself in the possession, married the daughter of the natural prince of the country. By her he had a son called Atahualpa, or Atabalipa. By a former marriage he had a son named Huescar, heir of his other dominions. On his death Huescar, his eldest son, claims his whole dominions, both hereditary and acquired. Atabalipa, the youngest, without pretending to the rest, would keep Quito as his right by the double title of son to the conqueror, and to her whose inheritance that kingdom was, forfeited besides by the will the dying ynca had made in his favour. This dispute kindled a civil war, which, after various turns of fortune, ended at last in favour of Atabalipa, and he not only routed his brother's armies, and over-run his dominions, but actually held him a prisoner in the castle of Cusco. Such was the face of affairs when the Spaniards arrived in Peru, whose remarkable appearance and surprizing feats of arms were every where spread about the country, and caused a general alarm. As usual in frightful rumours, new superstitions begin, or old ones are revived to increase the confusion. There subsisted a tradition amongst the Peruvians, that one of their antient princes had a dream, which he ordered carefully to be recorded. He imagined that he saw a man cloathed all over, even to his feet, with a long beard, and leading in his hand an animal, such as he had never seen before; and that at the same time he was clearly informed of the will of the gods, that such a man should rule that country. A Spaniard, whom Pizarro had sent upon an embassy to Atabalipa, as soon as he was discovered leading his horse upon some occasion that made him dismount, agreed so well with this dream, that it is incredible how soon it spread into the remotest parts of the country, and with how great a terror it struck the whole nation.

Atabalipa, newly seated upon a precarious throne, was not the least alarmed at this event, for a new erected power has every thing to fear from whatever sets the people's minds, still unsettled, upon new motions. He resolved, if possible, that his enemies should take no advantage of the arrival of those strangers, by engaging them by all means to his own interest. He therefore received the ambassadors which Pizarro had sent with the greatest marks of honour, though their discourse, consisting itself of very impertinent matter, was very ill interpreted to him, as was his to them. He even went out to meet Pizarro with a vast number of attendants, to whom he gave the strictest charge upon no account to offer the least injury to the strangers, as they were those of whom his predecessor had foretold, and of the same divine original, children of the sun. But Pizarro, who advanced with other notions to the interview, soon convinced him that a contrary caution was more

necessary. They met near a celebrated temple, the Spaniards drawn up in order of battle, and a party in ambuscade. This circumstance leaves us in no doubt as to the design of Pizarro. The first person who addressed himself to the ynca, was father Vincent, a friar, who was not ashamed to make his character the instrument of so base a crime. He advanced with a cross in his hand, and began a most unseasonable discourse upon the birth and miracles of Christ, exhorting him to become a christian, on the pain of eternal punishment. Then he spoke with equal eloquence of the emperor of the Romans, pressing him with the same good argument to become a subject to that emperor, threatening him in case of obstinacy, that God would harden his heart as he did Pharaoh's, and then punish him with the plagues of Egypt, with other miserable stuff, worse interpreted. The ynca, tho' utterly astonished at matter so unaccountable, behaved with decency and gravity, telling him, that he believed that he and his companions were children of the sun, recommended himself and his subjects to their protection, and made no doubt but they would behave to them in a manner worthy the offspring of so beneficent a deity.

Whilst these discourses continued, the Spanish soldiers, whose least business to Peru was to listen to sermons, observing a considerable quantity of gold in the neighbouring temple, had their zeal immediately stirred up, and a party of them began to pillage it. The priests made some opposition. A disturbance ensued, and a great noise, which so alarmed our adventuring apostle, that he let fall his cross and breviary in his fright, and turned his back upon his intended proselyte. The Spaniards who were not concerned in the pillage, seeing him fly, either that they judged the heathens had offered their priest some violence, or that Pizarro made use of this signal to them to fall on, immediately drew their swords, attacked the guards and attendants of the ynca, defenceless through a religious obedience to their sovereign's command, and with every circumstance of the most deliberate and shocking barbarity, slaughtered five thousand, which was near the whole number of the Indians, who fell without any anxiety for their own lives, pressing forward with all the zeal and officiousness of a most heroic loyalty, to the chair of their prince, to expire at his feet; and as fast as one set of his supporters were slain, the others succeeded with eagerness to supply their places, and share their fate. The ynca at last was dragged down, and made a prisoner, by an act of the most unparalleled treachery, executed with a cruelty that has hardly an example, and can admit of no excuse. The plunder of his camp, rich beyond the idea of any European of that time, was their reward.

The unfortunate prince was not wanting to himself in his captivity. Seeing that his liberty had fallen a sacrifice to their avarice, he hoped to relieve himself by working upon the same disposition. He began to treat of his ransom, and promised such sums as astonished the Spaniards into an agreement, nor was the performance unequal. On this occasion not only the antient ornaments and valuable furniture,

amassed by a long line of magnificent kings, were brought out; but the hallowed treasures of the most venerated temples were given without scruple, to save him who was the support of the kingdom and the religion. Whilst these were preparing, three Spaniards, who were sent to Cusco to superintend in the work, had means of conferring with Huescar, who quickly finding their foible, and the use his brother had made of it, made bitter complaints of the injuries he had suffered, begging the Spaniards, as the patrons of the oppressed, to embrace his cause, promising threefold the treasure for their assistance, which Atabalipa was to pay for his ransom. He received a very favourable answer. Mean time the Spaniards treated the ynca with all manner of civility, admitted his attendants to him, but no talk of his liberty. As soon as he had been apprised of Huescar's negotiation with the Spaniards, and Almagro's arrival with an additional force, he began to be under great apprehensions. To ease himself upon one side, he sent immediate orders to have Huescar put to death.

The arrival of Almagro, on the other hand, caused some embarrassment in Pizarro's affairs. This commander finding that Pizarro had seized the ynca with immense treasures, and having already experienced his ill faith, consulted with his principal officers about leaving his part to himself, and seeking their fortune elsewhere. Whilst this was in agitation, his secretary, who was averse to him, gave Pizarro notice of the design. In an instant Pizarro saw how disadvantageous such a step must prove to him, with so small a force, all resources at a distance, and the country exasperated by the detestable action he had lately committed. He saw that all depended upon removing every suspicion of him from the breast of Almagro. For this purpose, and as something of an ill mind appeared in his most masterly actions, he began by sacrificing the secretary. He informed Almagro of his treachery. Next, though gold was the great object of his undertakings; yet he knew how to relinquish some part to secure the rest. He agreed to divide the spoil equally between Almagro and himself, and to make no distinction between the soldiers of either in the distribution. This made an entire and hearty reconciliation, which was no sooner concluded than the ynca's ransom came in. But this vast treasure, the capital object of all their labours and villainies, no sooner came into their possession, but in its consequences it was very near being the utter ruin of their affairs. It is said, and not improbably, that the whole exceeded the sum of one million five hundred thousand pounds sterling, a sum vast at the present time; then it was a prodigy. On the dividend, after deducting a fifth for the emperor, and the shares of the chief commanders and officers, each private soldier had above two thousand pounds English money. They had now made a fortune even beyond their imaginations; but the soldiery was ruined, the greatest part of the army insisted upon being discharged, that they might enjoy their fortunes in quiet. This proposal ill suited with the ambitious views of the commanders. Almagro was for proceeding

in the usual way, to enforce obedience by the severity of military discipline; but Pizarro opposed him.

“Let them go, says he, they cannot do us better service; here we shall have them mutinous and cowardly soldiers, at home they will act for us as recruiting officers with great success; for when it shall be seen that common soldiers of so little merit as they, have made such large fortunes, we shall not long want better men to supply their places.”

The desire of the soldiers was complied with, and as many as chose to go, who were no inconsiderable number, departed. In due time the sagacious prophecy of Pizarro was accomplished, and their army never wanted reinforcements.

CHAP. XVI.

IN the mean time the unfortunate Atabalipa, the greatness of whose ransom only convinced the Spaniards of the necessity of never releasing him, endeavoured to take advantage of his captivity, to know the genius and manners of this people. Amongst all their accomplishments, there was nothing he so much admired as the art of reading and writing. This appeared almost incomprehensible to him, though he saw clearly the use of it. He was at a loss to know whether he should consider it as a natural endowment, or as an acquisition of art. To discover this, he one day desired a soldier to write the name of God upon his nail: he carried this about the army, desiring several to explain it, which they all did, to his wonder and satisfaction. At last he shewed it to Pizarro, but Pizarro blushed, and could make nothing of it. The ynca then perceived it was no natural gift, but owing to education; the want of which he thus discovered in Pizarro, and slighted him for it. This mortified the general, and his disgust, joined to his natural cruelty, and a policy he thought he saw in the proceeding, made him hasten the fate he had some time before determined for his unhappy prisoner. That nothing might be wanting to the boldness and atrociousness of their barbarity, they proceeded against him by way of trial, and by the forms of law.

A charge was exhibited, digested under several heads. 1st, For being an idolater. 2dly, For having many concubines. 3dly, For wasting the treasures of the kingdom, and raising taxes since the coming in of the Spaniards. And lastly, For the murder of his brother Huescar. An attorney general was appointed to manage the accusation, and an advocate appointed from amongst themselves assigned for his defence. In vain did the more numerous and better part of the army protest against this proceeding, and lodge an appeal to Spain; in vain did they alledge their want of power to judge a foreign prince for any crimes, and the absurdity of the crimes with which this prince was charged. Before such judges, and with such an advocate to defend him, the ynca was condemned to be buried alive. To compleat this violation and mockery of all laws, human and divine, the same father Vincent, who had so signalized himself upon a former occasion, was sent to comfort and instruct him in his last moments. The chief argument which he used to convert him to christianity was, that on his embracing the faith, instead of being burned, his sentence should be mitigated to strangling. This prince submitted to baptism, and was immediately strangled in prison. Pizarro gave the final stroke to his hardened and shameless villainy, by giving him a magnificent funeral, and going into mourning.

The death of the ynca was no sooner spread abroad, than the principal nobility at Cusco set up the brother of Huescar; Pizarro set up a son of Atabalipa; and two generals of the Peruvians set up for themselves. Thus was this wretched country torn to pieces at once by foreigners, and by a domestic war amongst themselves. Yet

such is the preference of any sort of spirit roused within a nation, to a lethargic inactivity, that the Peruvians gained some considerable advantages over the Spaniards, even in this distracted condition, and took several prisoners, amongst whom was the attorney general, whom they put to the death he deserved without any great formality. The rest of the prisoners, as soon as they were informed of their having protested against the emperor's death, they generously relieved. These advantages gained by the Peruvians, made the Spaniards listen to a treaty; for Pizarro was equally ready at all times to make a peace, or to break it, as his affairs required. He made use of this interval to settle the Spaniards in the country. It was now that he laid the foundations of the famous city of Lima. But as soon as he judged himself in a condition to prosecute it, he renewed the war with the Indians, and after many difficulties, made himself master of Cusco, then the capital of the empire.

But whilst he was thus by force and fraud establishing himself every where, the whole fabric of his designs was shaken by a fresh dispute between him and his colleague Almagro. These commanders had little mutual affection, and less confidence in each other's honour and integrity; for similarity of manners is no ground of friendship, but where the manners are good in themselves. Their common necessities, it is true, obliged them for a time to keep a fair appearance; but each satisfied of the other's ill intentions, watched an opportunity of being before-hand in some sinister advantage. New grants and supplies had lately arrived from Spain. Pizarro obtained two hundred leagues along the sea-coast, to the Southward of his former government. Almagro had a grant of two hundred more to the Southward of Pizarro's. Judging, or pretending he judged, that the wealthy and important city of Cusco was not included within Pizarro's grant, he immediately ceased to act in subordination to him, and claimed this city as his property. Pizarro's brother, who commanded for him there, absolutely refused to deliver up the place. Almagro insisted on it with equal obstinacy, and they were on the point of deciding the dispute by the sword, when Pizarro, the moment he had notice of the quarrel, came from Lima, where he was at that time indisposed, notwithstanding his infirmity, with incredible expedition to Cusco. He told his colleague, that he was not unable nor afraid to support the justice of his claim by arms; but he chose rather to convince him by reason; that the ties which subsisted between them and their common necessities, would always touch him with concern to be compelled to violent courses; which, however they might end in favour of one of them rather than the other, would certainly be much more in favour of the common enemy. He demonstrated to him, that Cusco was indubitably within his (Pizarro's) government, and ended in assuring him, that as he would defend his own right with all his force, so he was equally willing to employ all that force, with all his treasure, and all his council, and whatever assistance he could give, to put Almagro into possession of

whatever was really his right; that this lay yet more to the Southward than Cusco, and was a country no way inferior in it's riches, and the easiness of the conquest.

This timely appearance of Pizarro, his dexterous management, and judicious mixture of firmness and flexibility, made such an impression upon Almagro, that he was once more reconciled; and adding as many of Pizarro's troops to his own as he judged necessary, he penetrated with great danger and difficulty into Chili, losing many of his men whilst he passed over mountains of an immense height, and always covered with snow. He succeeded notwithstanding in a good measure in his designs, for he reduced a valuable and considerable part of that country.

There was undoubtedly in the four hundred leagues which Pizarro had solicited for himself, enough of land to satisfy any reasonable ambition, and something to spare, to secure the quiet possession of the rest; but his eagerness after a large territory, made him blind to the folly of dividing his troops, and sending Almagro upon a wild distant expedition; and yet he considered this as a master-piece of policy. A little time, however, convinced him to the contrary. No sooner did the ynca perceive this division of the Spanish troops, than he desired leave from Pizarro's brother, who managed affairs for him at Cusco, to assist at a solemn festival of this nation, which was to be held at some distance. This feast was in reality a sort of an assembly of the states of the kingdom. The ynca having obtained permission to assist at it, made use of this opportunity to represent to his subjects in the most pathetic manner, the misery to which the nation was reduced; the settlement of the Spaniards, the cities they had built, the garrison they kept at Cusco, and the guard they had on his own person. That for their sakes he was now resolved to hazard that person, and every thing that was dear to him; that now was the time to make an effort with success, when their enemies, divided amongst themselves, had separated in search of other kingdoms, to satisfy an ambition that nothing could satiate. The whole assembly united in these sentiments; they roused the country every where, and the Spaniards who remained in Peru were not able to prevent the ynca from laying siege to Cusco, with an army of two hundred thousand men. The garrison under Ferdinand Pizarro, though consisting of no more than seventy men, yet with their artillery, the sallies made with their horse, and assisted by the ignorance of the Peruvians in carrying on a siege, their defence was as successful as it was brave.

News was brought to Almagro of the dangers to which Cusco was exposed, and the universal insurrection of the Peruvians. Relinquishing his new conquests, he hasted back to preserve his old with great expedition; though on his return he suffered as much from drought and heat, as in his progress he had endured from cold. At his approach the Indians raised the siege, and he was joyfully received into Cusco by Ferdinand Pizarro, and the garrison, almost exhausted by the length of the defence.

After all these long and laborious marches▪ Almagro was extremely fatigued, and though• it hard, that now in the wane of his life he should be driven with infinite toil upon new conquests, while Pizarro sate down at eas• to enjoy alone the fruits of their common labours. He resolved to renew his claim t• Cusco; he had now a sort of right to it by having raised the siege, and he had a strength sufficient to support that right. Ferdinand and Gonzalo, the two brothers of Pizarro making some opposition, were thrown int• prison, and their little army either joined him or shared the same fate.

Pizarro, unacquainted with the arrival of Almagro, or the step he had taken, had got together an army for the relief of Cusco, who were near the town before they found they had an enemy of any other sort than the Indians to contend with. Almagro, after having tried in vain to seduce their fidelity, engaged and routed them. On this advantage, his friends represented to him that now was the happy hour of his fortune, and that he ought to employ it to establish himself beyond all possibility of being moved. That he ought to put the Pizarros, his prisoners, to death, and march directly to Lima, to seize upon his rival, who never could be heartily reconciled to him, and whilst he remained in possession of the sea-coast, could never want means of making his enmity terrible. Almagro had humanity enough to reject the first part of this counsel, and weakness enough not to hearken to the last. If he marched into another's government, he trembled at the name of a rebel; and for fear of the name exposed himself to suffer the punishment of the thing; not considering, that having once embrued his hands in civil blood, he ought never to stop till his end was gained; that conquest alone could decide the question of their right; and that he who had the greater force, would have the best means of protection, if he was in the wrong. Whilst he deliberated what course to take, Gonzalo Pizarro made his escape with an hundred of those who were affected to his cause.

It was the interest of Pizarro, who found himself in no condition to carry on the war, yet possessed all the means of being reinforced, to keep matters from coming to an extremity, as it was Almagro's to bring them to a speedy issue; and in this knowledge of the management of time, when to lie by to gain it, and when to use the present moment, the great skill in business, so little understood, depends almost entirely. Pizarro had recourse to the old way of treaty; he promised largely, he offered a sea-port, and agreed to submit the decision of all their disputes to the royal audience; but as a preliminary, he insisted on the release of his brother Ferdinand. Experienced as Almagro was in Pizarro's faith, he gave up the only pledge that could secure it. The moment Gonzalo was released, he was put at the head of the reinforcements Pizarro had long expected, and now received; and as he was a man of capacity, he prepared to act with vigour. The treaty was forgot.

The country which held for Almagro was separated from that which Pizarro possessed, by vast mountains passable only in some steep and dangerous defiles.

Almagro's counsellors advised him by all means to post his troops in such a manner as to oppose his enemies in those passes; but so infatuated was he with a false security, that he refused to send any troops to occupy those important posts, which were seized by the enemy without the least opposition. He had, however, one resource left, and that a good one. The town of Cusco was well fortified, had a good garrison, and the enemy was ill provided for carrying on the siege. But as he had prejudiced his affairs before by dilatory measures, he now compleatly ruined them by precipitation and temerity. He turned his back upon the advantages of his situation, and resolved, contrary to the opinion of all his officers, to hazard his fortune in the field; confident of his own superiority, and full of contempt of the enemy, whom he believed to be raw troops; but he found too late, that they were veterans of great bravery, and exact discipline. The engagement was warm; in which Almagro and his troops behaved in such a manner as not to disgrace their former exploits; but after a gallant struggle, they were in the end entirely defeated. Almagro himself was taken prisoner, and fell, at the age of seventy-three years, a victim to a rashness scarce excuseable in a young soldier; but to the last degree blameable in an experienced commander, who being supposed to have long established his reputation for courage beyond all doubt, ought to model his conduct only by his own experience, and the circumstances of the affair in which he is engaged.

Pizarro having got the rival, who had caused him so many apprehensions, into his hands, resolved to shew him no mercy. In spite of Almagro's age, which, as it might remove his fears, ought to have given room for pity; in spite of their common warfare, their dangers and triumphs; in spite of every sentiment of gratitude for what this unfortunate man had contributed to his greatness, and in spite of his late mercy to his brother; all which were pathetically and strongly urged by Almagro, to suffer an old man, and a prisoner too, after so many fruitless toils, to die quietly in his bed, Pizarro was deaf to every thing but a barbarous policy, which made him submit every virtue to the securing the meanest part of his designs. Almagro was formally tried, sentenced, and then strangled in prison. His body was afterwards beheaded publicly on a scaffold, and for a long time denied burial. A negro slave interred it by stealth. Amidst the pity which this barbarous execution caused, people could not forbear recollecting the unhappy fate of Atahualpa, and the share which Almagro had in it.

CHAP. XVI.

WHILST this civil war raged, the ynca took a very extraordinary resolution. He disbanded his troops, and retired to the mountains;

“Because, says he, whilst we are in arms, their fear of us will be a means of uniting the Spaniards, but if we disperse, they will certainly destroy each other.”

A resolution this, which at first view, has something masterly, but it is only when viewed in one light. When their natural prince is fled, the people who must be governed, may give the reins of government into the hands of the enemy. An army once dispersed is got together again with great difficulty; and on the other hand, a civil war is by no means a certain destruction to those who are engaged in it: and indeed by the reason of the thing, and by the event, it was an ill-judged step, the scheme of a barbarous prince, who was far from being a consummate politician.

It was very ruinous to the Peruvians, that happening to be divided amongst themselves when the Spaniards came in, they suffered them to interfere in their parties; but it was of yet worse consequence, that when the Spaniards were afterwards divided, they interfered themselves in the Spanish parties. Almagro and Pizarro had armies of Indians, by which those people were habituated to obey them, and to be interested in their success; this, joined to the want of any regular plan of defence on the part of their king and commanders, subdued that empire to Pizarro with small trouble, if we consider the greatness of the object. But having atchieved so great a conquest, it only made Pizarro acquainted with other great tracts which were rich, and might be added to them. He followed the tracks of Almagro into Chili, and reduced a considerable part of the country. Orellana, one of his commanders, passed the Andes, and sailed down to the mouth of the river of Amazons; an immense navigation, which discovered a rich and delightful country, but as it is mostly flat, and therefore not abounding in minerals, the Spaniards then, and ever since, neglected it.

The death of Almagro, and the influence it had upon the conduct of Pizarro, is a striking example how necessary it is for a great man to have an awe upon him from some opposition, that may keep his prudence alive, and teach him to have a watch upon his passions. Not content with a territory upwards of eight hundred leagues long, and of a prodigious breadth, riches such as none of the kings of his country had ever possessed, a jurisdiction little less than royal, and an absolute security by the extinction of the only person who had any pretensions against him, either through a jealousy which often haunts the happiest fortune, or through a pride which cannot bear even the appearance of any who had once withstood his power, he took a resolution entirely to cut off all that had ever adhered to his rival; he did not know when the issue of blood ought to be stopped; nor that examples of severity on a few create terror and submission, but that threats of general

destruction produce nothing but despair and desperate resolutions. He was not satisfied with putting many to death, but issued a proclamation, inhibiting under the same penalty, that any person should harbour, or even relieve an Almagrian with the necessaries of life. This party was yet numerous, though dispersed and lurking about the country. The heads of them finding that Pizarro was implacable, entered into a conspiracy to murder him. They did not want adherents in the city, so that they found means of concealing themselves until their plot should be ripe for execution; but by some means Pizarro discovered their designs, and suffered them to know he had discovered them. Alarmed at this information, they saw nothing could happen but death at any side. Twelve of the chiefs marched into the streets at noonday, with their swords drawn, crying out,

“Long live the king! but let the traitor die;”

and crossing the great square of Lima, made directly to Pizarro’s palace; the rest followed in different parties. The people being all the while suspended, and in that inactive amazement which the execution of a bold and sudden enterprise generally inspires, made no opposition. The conspirators secured the avenues; and Pizarro, not alarmed until he was surrounded by his enemies, fell under their swords, after having sold his life dearly.

Thus died Pizarro, by an event extremely memorable. A great conqueror, in the city he had himself built, in his own palace, his guards murdered at noon day by hands of a small number of fugitives. The Peruvians had the satisfaction to see the second of their conquerors cut off by the same sword that had afflicted themselves.

CHAP. XVII.

WHEN Pizarro had fallen in consequence of those cruel and ill-judged steps which he took for his security, the Almagrians, elate with their success, and growing into a formidable body, seized upon the city, and proclaimed the natural son of old Almagro governor; a youth not twenty years of age, but of a courage and capacity not absolutely unequal to a charge of such importance, undertaken in circumstances so critical. But though the Almagrians succeeded beyond their hopes, by the consternation caused by the suddenness of the attempt, and the general dislike to the cruel procedure of Pizarro; the major part of the Spaniards were far from acquiescing in this irregular nomination of a governor. A considerable number, and those of the best men, declared, that without interesting themselves in the quarrel of either party, they would wait for the emperor's determination, which they expected hourly, and to which alone they were resolved to conform themselves.

In this state of things the new governor Vaca di Castro arrived. This man was of a good family, and by profession a lawyer; but through a more rigid adherence to the strictest ideas of right and justice than is suitable to the coarseness of practice, he did not make that figure in his profession to which his great capacity entitled him. But what kept him backward at the bar, recommended him first to the knowledge, and afterwards to the esteem of his master the emperor Charles the Vth, who was a man of too much discernment not to be struck with a character so singular as was that of one who was a lawyer, without exercising the trade of law, and lived at court without being a courtier. Therefore, without any sollicitation of his own, without any recommendation from a minister or favourite, this man's plain unostentatious virtue placed him in an employment of so great a trust. When he arrived in the Indies he still preserved his character. He acted like one who came neither to make friends or a fortune, but solely to do his duty; and he shewed favour or disapprobation to all in proportion as they performed their's. Indian or Spaniard was entirely alike to the equality of his justice. He flattered nobody, he threatened nobody, and whilst he lived with all the modesty of a private man, he supported all the dignity of a governor.

He was hardly landed, when young Almagro sent him an embassy, explaining the reasons of his conduct, and proposing terms; but Castro answered him, that he was come under the emperor's authority, solely to do him and every body justice; of which, if a good subject, he could have no room to complain; if a bad one, he must prepare to feel it: he knew no other terms. This was new language to governors in this part of the world, who almost forgot they had a superior. Almagro therefore was resolved to abide the fortune of war, rather than submit without such terms as might ensure him the government of his father's province at least. On the other hand, Castro would hear of no terms between a king and his subjects, and therefore

set himself at the head of his troops, which were composed of those who had refused to obey Almagro, and gave him battle. The victory was on his side, but not without a bloody dispute.

Several of Almagro's officers, in hopes of procuring favour for themselves, betrayed his cause in the battle; but Castro was far from thinking their treachery to their leader, could be reckoned a service to the crown, and therefore spared none of them in the numerous executions he found it necessary to make on this occasion. None of the sufferers was more pitied than Almagro, who behaved with the utmost gallantry in the engagement, as he had done with much humanity and honour upon most occasions. He was taken and beheaded.

The severity of this procedure, whilst it terrified every body, drew no odium upon the governor, who acted clearly without prejudice, or self-interest. They looked on these executions like judgments from heaven which afflict us bitterly, but leave no room for murmur or complaint against the hand that inflicts them. To the followers of Pizarro, who valued themselves on their late service, and murmured that they were not rewarded better than he thought they deserved, he shewed little favour. He told them he could well distinguish between what was done out of a spirit of party, and what proceeded from a principle of loyalty to their sovereign; that they might look upon themselves as very happy that he suffered their last action to obliterate the memory of all their others. In short, he proceeded with such constancy, that the Spaniards were reduced to an entire subjection, and the Indians treated by them as fellow subjects and fellow creatures. The clergy he made to attend diligently to the duty of their function, and to the conversion of the Indians, rather than to the acquisition of their gold. He modelled the administration of justice in the exactest manner. He founded several towns, and established schools and colleges in them, and placed the royal revenues on such a footing, that the conquest of Peru became immediately a great public advantage, which formerly was little more than an object of private plunder. But whilst he remained himself poor among some of the richest confiscations that ever were made, and whilst he enriched the royal treasury with most prodigious remittances, the great men at court received no presents. This induced them to get a number of judges appointed, whose authority over-ruled that of Castro. The end was answered. Disputes arose; the colony was unsettled; appeals and complaints innumerable came home, and presents from all sides. But what answered the present end of the courtiers, was near stopping up the spring of bribery for the future. In the confusion that arose from such clashing jurisdictions, and the schemes of men intent upon their own interests, it was not hard for Gonzalo, the brother of the famous Pizarro, to avail himself of the general discontent, and to set himself at the head of a party.

It was now no longer a dispute between governors about the bounds of their jurisdiction; Gonzalo Pizarro only paid a nominal submission to the emperor. He strengthened daily, and even went so far as to behead a viceroy who was sent to

curb him. There was a fleet at this time in the South-Seas, and he had address enough to gain the admiral to his interests; by which means he was able to over-awe the coast of Mexico, and prevent any force coming against him from that part. He even entertained hopes of gaining the Spaniards there to join in his revolt. The court, justly alarmed at this progress, having felt the ill effect of sending men who were recommended to their posts by importunity and cabal, as they had experienced the beneficial consequences of employing persons whose character only pleaded for them, they sent a licentiate in divinity, called Peter de la Gasca, a man differing only from Castro, that he was of a milder and more insinuating behaviour, but with the same love of justice, the same greatness of soul, and the same disinterested spirit. This mildness of character suited the circumstances of the times, as well as the rigid justice of Castro did those in which he was appointed; for as the revolt was now almost general, he could find no friends but such as he should make; for though he was invested with the amplest authority from Spain, he neither carried men to enforce it, nor money; and the whole success of the expedition rested solely in his own capacity.

When he arrived in Mexico, he declared that his was a peaceable profession; that he came not to exercise severities, but to heal by gentle measures the effects of those which were formerly exercised. He even wrote a very obliging letter to Pizarro, persuading him to submit, and offering him a free pardon for himself and his associates. In the mean time he was not wanting in more vigorous measures; but by his engaging address, and the reputation of his probity, raised large sums of money, and some hundreds of men. Pizarro, puffed up by his success, received the ambassador with great haughtiness, and sent his answer, which was likewise that of his associates, by the admiral; which was in effect, that neither would he yield up his government, nor would they submit to have any other governor. The admiral had instructions to try what bribery would do, and if that failed, to fire the city of Panama, and bring off the new viceroy prisoner. However, during their conferences, the affair took absolutely another turn, and the admiral, instead of conveying Gasca a prisoner to Peru, transported him thither with all his forces, returning to his allegiance himself, and persuading all his adherents to be hearty in the royal cause. The viceroy did not at all alter the professions and behaviour he had used in Mexico, but every where proclaiming peace and pardon, at the head of a powerful force, he drew the cities of Lima and Cusco from the party of Pizarro; who finding himself obliged to evacuate the most considerable places of strength, with very unequal forces hazarded a battle, in which he was made prisoner. He was soon after condemned and executed, with those who had been the chief instruments of his rebellion.

Such an ill star governed all those who had a share in the reduction of Peru: Almagro beheaded, his son sharing the same fate; Pizarro murdered in his own palace; his brother Ferdinand kept a prisoner twenty-three years; and his other

brother Gonzalo, as we have just seen, suffering death as a traitor. The new governor having by necessary severities quieted his province, took effectual care to heal it's disorders by the arts of peace, and to compleat what Castro had been obliged to leave unfinished. He settled the civil government, the army, and the mines, upon such a basis as made the province worth the plunder of future viceroys. He carried over two millions to the royal treasury, paid all his debts, and sate down as poor in Spain as he had left it.

The reduction of the great empires of Peru and Mexico, makes almost the only thing very much worth insisting upon in the American history. A few skirmishes with a savage people, and some voyages and discoveries exactly resembling each other, changing only the names and situations, is the matter, which, in my opinion, unprofitably fills so many volumes, and contains very little of either curiosity or instruction. However, when I come to treat of the several European settlements particularly, I shall not omit to mention any thing in their history that contains either the one or the other.

End of the FIRST PART.

PART II. The Manners of the Americans.

CHAP. I.

THE Aborigines of America, throughout the whole extent of the two vast continents which they inhabit, and amongst the infinite number of nations and tribes into which they are divided, differ very little from each other in their manners and customs, and they all form a very striking picture of the most distant antiquity. Whoever considers the Americans of this day, not only studies the manners of a remote present nation, but he studies, in some measure, the antiquities of all nations; from which no mean lights may be thrown upon many parts of the ancient authors, both sacred and profane. The learned Lafitau has laboured this point with great success, in a work which deserves to be read amongst us much more than I find it is.

The people of America are tall, and strait in their limbs beyond the proportion of most nations: their bodies are strong; but of a species of strength rather fitted to endure much hardship, than to continue long at any servile work, by which they are quickly consumed; it is the strength of a beast of prey, rather than that of a beast of burthen. Their bodies and heads are flattish, the effect of art; their features are regular, but their countenances fierce; their hair long, black, lank, and as strong as that of a horse. No beards. The colour of their skin a reddish brown, admired amongst them, and improved by the constant use of bear's fat and paint.

When the Europeans first came into America, they found the people quite naked, except those parts which it is common for the most uncultivated people to conceal. Since that time they have generally a coarse blanket to cover them, which they buy from us. The whole fashion of their lives is of a piece; hardy, poor, and squalid; and their education from their infancy is solely directed to fit their bodies for this mode of life, and to form their minds to inflict and to endure the greatest evils. Their only occupations are hunting and war. Agriculture is left to the women. Merchandize they condemn. When their hunting season is past, which they go through with much patience, and in which they exert great ingenuity, and their provisions once laid up, they pass the rest of their time in an entire indolence. They sleep half the day in their huts, they loiter and jest among their friends, and they observe no bounds or decency in their eating and drinking. Before we discovered them they wanted spirituous liquors; but now, the acquirement of these is what gives a spur to their industry, and enjoyment to their repose. This is the principal end they pursue in their treaties with us; and from this they suffer inexpressible calamities; for, having once begun to drink, they can preserve no measure, but continue a succession of drunkenness as long as their means of procuring liquor lasts. In this condition they lie exposed on the earth to all the inclemency of the seasons, which wastes them by a train of the most fatal disorders. They perish in rivers and marshes; they tumble into the fire; they quarrel, and very frequently murder each other; and in short,

excess in drinking, which with us is rather immoral than very destructive, amongst this uncivilized people, who have not art enough to guard against the consequence of their vices, is a public calamity. The few amongst them who live free from this evil, enjoy the reward of their temperance in a robust and healthy old age. The disorders which a complicated luxury has introduced, and supports in Europe, are strangers here.

The character of the Indians is striking. They are grave even to sadness in their deportment upon any serious occasion; observant of those in company; respectful to the old; of a temper cool and deliberate; by which they are never in haste to speak before they have thought well upon the matter, and are sure the person who spoke before them has finished all he had to say. They have heretofore the greatest contempt for the vivacity of the Europeans, who interrupt each other, and frequently speak all together. Nothing is more edifying than their behaviour in their public councils and assemblies. Every man there is heard in his turn, according as his years, his wisdom, or his services to his country have ranked him. Not a word, not a whisper, not a murmur is heard from the rest whilst he speaks. No indecent condemnation, no ill-timed applause. The younger sort attend for their instruction. Here they learn the history of their nation; here they are inflamed with the songs of those who celebrate the warlike actions of their ancestors; and here they are taught what are the interests of their country, and how to pursue them.

There is no people amongst whom the laws of hospitality are more sacred, or executed with more generosity and good-will. Their houses, their provision, even their young women are not enough to oblige a guest. To those of their own nation they are likewise very humane and beneficent. Has any one of them succeeded ill in his hunting? has his harvest failed? or is his house burned? He has no other effect of his misfortune, than that it gives him an opportunity to experience the benevolence and regard of his fellow citizens, who for that purpose have all things almost in common. But to the enemies of his country, or to those who have privately offended, the American is implacable. He conceals his sentiments, he appears reconciled, until by some treachery or surprize he has an opportunity of executing an horrible revenge. No length of time is sufficient to allay his resentment; no distance of place great enough to protect the object; he crosses the steepest mountains, he pierces the most impracticable forests, and traverses the most hideous bogs and desarts for several hundreds of miles, bearing the inclemency of the seasons, the fatigue of the expedition, the extremes of hunger and thirst with patience and chearfulness, in hopes of surprizing his enemy, on whom he exercises the most shocking barbarities, even to the eating of his flesh. To such extremes do the Indians push their friendship or their enmity; and such indeed in general is the character of all strong and uncultivated minds.

Notwithstanding this ferocity, no people have their anger, or at least the shew of their anger, more under their command. From their infancy they are formed with

care to endure scoffs, taunts, blows, and every sort of insult patiently, or at least with a composed countenance. This is one of the principal objects of their education. They esteem nothing so unworthy a man of sense and constancy, as a peevish temper, and a proneness to a sudden and rash anger. And this so far has an effect, that quarrels happen as rarely amongst them when they are not intoxicated with liquor, as does the chief cause of all quarrels, hot and abusive language. But human nature is such, that as virtues may with proper management be engrafted upon almost all sort of vicious passions, so vices naturally grow out of the best dispositions, and are the consequence of those regulations that produce and strengthen them. This is the reason that when the passions of the Americans are roused, being shut up, as it were, and converging into a narrow point, they become more furious; they are dark, sullen, treacherous and unappeasable.

A people who live by hunting, who inhabit mean cottages, and are given to change the place of their habitation, are seldom very religious. The Americans have scarce any temples. We hear indeed of some, and those extremely magnificent, amongst the ancient Mexicans and Peruvians; but the Mexicans and Peruvians were comparatively civilized nations. Those we know at present in any part of America are no way comparable to them. Some appear to have very little idea of God. Others entertain better notions; they hold the existence of a Supreme Being, eternal and incorruptible, who has power over all. Satisfied with owning this, which is traditionary amongst them, they give him no sort of worship. There are indeed nations in America, who seem to pay some religious homage to the sun and moon; and as most of them have a notion of some invisible beings, who continually intermeddle in their affairs, they discourse much of demons, nymphs, fairies, or beings equivalent. They have ceremonies too, that seem to shew they had once a more regular form of religious worship; for they make a sort of oblation of their first fruits; observe certain ceremonies at the full moon, and have in their festivals many things that very probably came from a religious origin, though they perform them as things handed down to them from their ancestors, without knowing or enquiring about the reason. Tho' without religion, they abound in superstitions; as it is common for those to do, whose subsistence depends like theirs, upon fortune. Great observers of omens and dreams, and pry into futurity with great eagerness, they abound in diviners, augurs, and magicians, whom they rely much upon in all affairs that concern them, whether of health, war, or hunting. Their physic, which may rather be called magic, is entirely in the hands of the priests. The sick are naturally prone to superstition, and human help in such cases is generally found so weak, that it is no wonder that in all countries and ages, people have amused themselves in that dismal circumstance of human nature, with the hope of supernatural assistance.

Their physicians generally treat them, in whatever disorder, in the same way. That is, they first enclose them in a narrow cabin, in the midst of which is a stone

red hot, on which they throw water until the patient is well soaked with the warm vapour, and his own sweat; then they hurry him from this bagnio, and plunge him suddenly into the next river. This is repeated as often as they judge necessary, and by this method, extraordinary cures are sometimes performed. But it frequently happens too, that this rude method kills the patient in the very operation, especially in the new disorders brought to them from Europe; and it is partly owing to this manner of proceeding, that the small pox has proved so much more fatal to them than to us. It must not be denied that they have the use of some specifics of wonderful efficacy; the power of which they however attribute to the magical ceremonies with which they are constantly administered.

CHAP. II.

LIBERTY in it's fullest extent is the darling passion of the Americans. To this they sacrifice every thing. This is what makes a life of uncertainty and want, supportable to them; and their education is directed in such a manner as to cherish this disposition to the utmost. They are indulged in all manner of liberty; they are never upon any account chastised with blows; they are rarely even chided. Reason, they say, will guide their children when they come to the use of it; and before that time their faults cannot be very great. But blows might abate the free and martial spirit which makes the glory of their people, and might render the sense of honour duller, by the habit of a slavish motive to action. When they are grown up, they experience nothing like command, dependence, or subordination; even strong persuasion is industriously forbore by those who have influence amongst them, as what may look too like command, and appear a sort of violence offered to their will.

On the same principle, they know no punishment but death. They lay no fines, because they have no way of exacting them from free men; and the death, which they sometimes inflict, is rather a consequence of a sort of war declared against a public enemy, than an act of judicial power executed on a citizen or subject. This free disposition is general, and though some tribes are found in America, with an head whom we call a king, his power is rather persuasive than coercive, and he is revered as a father, more than feared as a monarch. He has no guards, no prisons, no officers of justice. The other forms, which may be considered as a sort of aristocracies, have no more power. This latter is the more common in North America. In some tribes there are a kind of nobility, who, when they come to years of discretion, are entitled to a place and vote in the councils of their nation; the rest are excluded. But amongst the Five nations, or Iroquois, the most celebrated commonwealth of North America, and in some other nations, there is no other qualification absolutely necessary for their head men, but age, with experience and ability in their affairs. However, there is generally in every tribe some particular stocks, which they respect, and who are considered in some sort as their chiefs, unless they shew themselves unworthy of that rank; as among the tribes themselves there are some, who, on account of their number or bravery, have a pre-eminence over the rest; which, as it is not exacted with pride and insolence, nor maintained by tyranny on one hand, so it is never disputed on the other when it is due.

Their great council is composed of these heads of tribes and families, with such whose capacity has elevated them to the same degree of consideration. They meet in a house, which they have in each of their towns for the purpose, upon every solemn occasion, to receive ambassadors, to deliver them an answer, to sing their traditionary war songs, or to commemorate their dead. These councils are public.

Here they propose all such matters as concern the state, which have already been digested in the secret councils, at which none but the head men assist. Here it is that their orators are employed, and display those talents which distinguish them for eloquence and knowledge of public business; in both of which some of them are admirable. None else speak in their public councils; these are their ambassadors, and these are the commissioners who are appointed to treat of peace or alliance with other nations. The chief skill of these orators consists in giving an artful turn to affairs, and in expressing their thoughts in a bold figurative manner, much stronger than we could bear in this part of the world, and with gestures equally violent, but often extremely natural and expressive.

When any business of consequence is transacted, they appoint a feast upon the occasion, of which almost the whole nation partakes. There are lesser feasts upon matters of less general concern, to which none are invited but they who are engaged in that particular business. At these feasts it is against all rule to leave any thing; so that if they cannot consume all, what remains is thrown into the fire, for they look upon fire as a thing sacred, and in all probability these feasts were anciently sacrifices. Before the entertainment is ready, the principal person begins a song, the subject of which is the fabulous or real history of their nation, the remarkable events which have happened, and whatever matters may make for their honour or instruction. The others sing in their turn. They have dances too, with which they accompany their songs, chiefly of a martial kind; and no solemnity or public business is carried on without such songs and dances. Every thing is transacted amongst them with much ceremony; which in a barbarous people is necessary; for nothing else could hinder all their affairs from going to confusion; besides that the ceremonies contribute to fix all transactions the better in their memory.

To help their memory, they have bits of small shells or beads of different colours, which have all a different meaning, according to their colour or arrangement. At the end of every matter they discourse upon, when they treat with a foreign state, they deliver one of these belts. If they should omit this ceremony, what they say passes for nothing. These belts are carefully treasured up in each town, and they serve for the public records of the nation; and to these they occasionally have recourse, when any contests happen between them and their neighbours. Of late, as the matter of which these belts is made is grown scarce, they often give some skins in the place of the wampum, for so they call these beads in their language, and receive in return presents of a more valuable nature; for neither will they consider what our commissioners say to be of any weight, unless some present accompanies each proposal.

The same council of their elders, which regulates whatever regards the external policy of the state, has the charge likewise of it's internal peace and order. Their suits are few and quickly decided, having neither property nor art enough to render them perplexed or tedious. Criminal matters come before the same jurisdiction,

when they are so flagrant as to become a national concern. In ordinary cases, the crime is either revenged or compromised by the parties concerned. If a murder is committed, the family which has lost a relation, prepares to retaliate on that of the offender. They often kill the murderer, and when this happens, the kindred of the last person slain look upon themselves to be as much injured, and think themselves as much justified in taking vengeance, as if the violence had not begun amongst themselves. But in general things are determined in a more amicable manner. The offender absents himself; his friends send a compliment of condolence to those of the party murdered; presents are offered, which are rarely refused; the head of the family appears, who in a formal speech delivers the presents, which consist often of above sixty articles, every one of which is given to cancel some part of the offence, and to assuage the grief of the suffering party. With the first he says,

“By this I remove the hatchet from the wound, and make it fall out of the hands of him who is prepared to revenge the injury;”

with the second,

“I dry up the blood of that wound;”

and so on, in apt figures, taking away one by one all the ill consequences of the murder. As usual, the whole ends in mutual feasting, songs, and dances. If the murder is committed by one of the same family, or cabin, that cabin has the full right of judgment, without appeal, within itself, either to punish the guilty with death, or to pardon him, or to force him to give some recompence to the wife or children of the slain. All this while the supreme authority of the nation looks on unconcerned, and never rouses its strength, nor exerts the fulness of a power more revered than felt, but upon some signal occasion. Then the power seems equal to the occasion. Every one hastens to execute the orders of their senate; nor ever was any instance of disloyalty or rebellion known amongst this people. Governed as they are by manners, not by laws, example, education, and the constant practice of their ceremonies, gives them the most tender affection for their country, and inspires them with most religious regard for their constitution, and the customs of their ancestors. The want of laws, and of an uniform strong coercive power, is not perceived in a narrow society, where every man has his eye upon his neighbour, and where the whole bent of every thing they do is to strengthen those natural ties by which society is principally cemented. Family love, rare amongst us, is a national virtue amongst them, of which all partake. Friendships there are amongst them, fit to vie with those of fabulous antiquity; and where such friendships are seen to grow, the families concerned congratulate themselves as upon an acquisition, that promises to them a mutual strength, and to their nation the greatest honour and advantage.

CHAP. III.

THE loss of any one of their people, whether by a natural death, or by war, is lamented by the whole town he belongs to. In such circumstances no business is taken in hand, however important, nor any rejoicing permitted, however interesting the occasion, until all the pious ceremonies due to the dead are performed. These are always performed with the greatest solemnity. The dead body is washed, anointed, and painted, so as in some measure to abate the horrors of death. Then the women lament the loss with the most bitter cries, and the most hideous howlings, intermixed with songs, which celebrate the great actions of the deceased, and those of his ancestors. The men mourn in a less extravagant manner. The whole village attends the body to the grave, which is interred, habited in their most sumptuous ornaments. With the body of the deceased are placed his bow and arrows, with what he valued most in his life, and provisions for the long journey he is to take; for they hold the immortality of the soul universally, but their idea is gross. Feasting attends this, as it does every solemnity. After the funeral, they who are nearly allied to the deceased, conceal themselves in their huts for a considerable time to indulge their grief. The compliments of condolance are never omitted, nor are presents wanting upon this occasion. After some time they revisit the grave; they renew their sorrow; they new cloath the remains of the body, and act over again the solemnities of the first funeral.

Of all their instances of regard to their deceased friends, none is so striking as what they call the feast of the dead, or the feast of souls. The day for this ceremony is appointed in the council of their chiefs, who give orders for every thing, which may enable them to celebrate it with pomp and magnificence. The riches of the nation is exhausted on this occasion, and all their ingenuity displayed. The neighbouring people are invited to partake of the feast, and to be witnesses of the solemnity. At this time, all who have died since the last solemn feast of that kind, are taken out of their graves. Those who have been interred at the greatest distance from the villages are diligently sought for, and brought to this great rendezvous of carcasses. It is not difficult to conceive the horror of this general disinterment. I cannot paint it in a more lively manner than it is done by Lafitau.

“Without question, says he, the opening of these tombs display one of the most striking scenes that can be conceived; this humbling pourtrait of human misery, in so many images of death, wherein she seems to take a pleasure to paint herself in a thousand various shapes of horror, in the several carcasses, according to the degree in which corruption has prevailed over them, or the manner in which it has attacked them. Some appear dry and withered; others have a sort of parchment upon their bones; some look as if they were baked and smoaked, without any appearance of rottenness; some are just turning towards the point of putrefaction; whilst others are

all swarming with worms, and drowned in corruption. I know not which ought to strike us most, the horror of so shocking a sight, or the tender piety and affection of these poor people towards their departed friends; for nothing deserves our admiration more, than that eager diligence and attention with which they discharge this melancholy duty of their tenderness; gathering up carefully even the smallest bones; handling the carcasses, disgusting as they are, with every thing loathsome; cleansing them from the worms, and carrying them upon their shoulders through tiresome journeys of several days, without being discouraged by their insupportable stench, and without suffering any other emotions to arise, than those of regret, for having lost persons who were so dear to them in their lives, and so lamented in their death."

This strange festival is the most magnificent and solemn which they have; not only on account of the great concourse of natives and strangers, and of the pompous reinterment they give to their dead, whom they dress in the finest skins they can get, after having exposed them some time in this pomp; but for the games of all kinds which they celebrate upon the occasion, in the spirit of those which the ancient Greeks and Romans celebrated upon similar occasions.

In this manner do they endeavour to sooth the calamities of life, by the honours they pay their dead; honours, which are the more chearfully paid, because in his turn each man expects to receive them himself. Tho' amongst these savage nations this custom is impressed with strong marks of the ferocity of their nature, an honour for the dead, a tender feeling of their absence, and a revival of their memory, are some of the most excellent instruments for smoothing our rugged nature into humanity. In civilized nations such ceremonies are less practised, because other instruments for the same purposes are less wanted; but it is certain a regard for the dead is ancient and universal.

Tho' the women in America have generally the laborious part of the oeconomy upon themselves, yet they are far from being the slaves they appear, and are not at all subject to the great subordination in which they are placed in countries where they seem to be more respected. On the contrary, all the honours of the nation are on the side of the women. They even hold their councils, and have their share in all deliberations which concern the state; nor are they found inferior to the part they act. Polygamy is practised by some nations, but it is not general. In most they content themselves with one wife, but a divorce is admitted, and for the same causes that it was allowed amongst the Jews, Greeks, and Romans. No nation of the Americans is without a regular marriage, in which there are many ceremonies; the principal of which is, the bride's presenting the bridegroom with a plate of their corn.

Incontinent before wedlock, after marriage the chastity of their women is remarkable. The punishment of the adulteress, as well as that of the adulterer, is in the hands of the husband himself; and it is often severe, as inflicted by one who is at

once the party and the judge. Their marriages are not fruitful, seldom producing above two or three children, but they are brought forth with less pain than our women suffer upon such occasions, and with little consequent weakness. Probably, that severe life which both sexes lead, is not favourable to procreation. And the habit unmarried women have of procuring abortions, in which they rarely fail, makes them the more unfit for bearing children afterwards. This is one of the reasons of the depopulation of America; for whatever losses they suffer, either by epidemical diseases or by war, are repaired slowly.

CHAP. IV.

ALMOST the sole occupation of the American is war, or such an exercises as qualies him for it. His whole glory consists in this; and no man is at all considered until he has increased the strength of his country with a captive, or adorned his house with the scalp of one of it's enemies. When the ancients resolve upon war, they do not always declare what nation it is they are determined to attack; that the enemy, upon whom they really intend to fall, may be off his guard. Nay, they even sometimes let years pass over without committing any act of hostility, that the vigilance of all may be unbent by the long continuance of the watch, and the uncertainty of the danger. In the mean time they are not idle at home. The principal captain summons the youth of the town to which he belongs; the war kettle is set on the fire; the war songs and dances commence; the hatchet is sent to all the villages of the same nation, and to all its allies; the fire catches, the war songs are heard in all parts, and the most hideous howlings continue without intermission day and night over that whole tract of country. The women add their cries to those of the men, lamenting those whom they have either lost in war, or by a natural death, and demanding their places to be supplied from their enemies, stimulating the young men by a sense of shame, which women know to excite in the strongest manner, and can take the best advantage of when excited.

When by these, and every other means, the fury of the nation is raised to the greatest height, and all long to embrew their hands in blood, the war captain prepares the feast, which consists of dogs flesh. All that partake of this feast receive little billets, which are so many engagements which they take to be faithful to each other, and obedient to their commander. None are forced to the w••..., but when they have accepted this billet, they are looked upon as listed, and it is then death to recede. All the warriors in this assembly have their faces blackened with charcoal, intermixed with dashes and streaks of vermillion, which give them a most horrid appearance. Their hair is dressed up in an odd manner, with feathers of various kinds. In this assembly, which is preparatory to their military expedition, the chief begins the war song; which having continued for some time, he raises his voice to the highest pitch, and turning off suddenly to a sort of prayer, he addresses himself to the god of war, whom they call Areskoui.

"I invoke thee, says he, to be favourable to my enterprise! I invoke thy care upon me and my family! I invoke ye likewise, all ye spirits and demons good and evil! All ye that are in the skies, or on the earth, or under the earth, to pour destruction upon our enemies, and to return me and my companions safely to our country."

All the warriors join him in this prayer with shouts and acclamations. The captain renews his song, strikes his club against the stakes of his cottage, and begins

the war dance, accompanied with the shouts of all his companions, which continue as long as he dances.

The day appointed for their departure being arrived, they take leave of their friends; they change their cloaths, or whatever moveables they have, in token of mutual friendship; their wives and female relations go out before them, and attend at some distance from the town. The warriors march out all drest in their finest apparel, and most showy ornaments, regularly one after another, for they never march in rank. The chief walks slowly on before them, singing the death song, whilst the rest observe the most profound silence. When they come up to their women, they deliver up to them all their finery, put on their worst cloaths, and then proceed as their commander thinks fit.

Their motives for engaging in a war are rarely those views which excite us to it. They have no other end but the glory of the victory, or the benefit of the slaves which it enables them to add to their nation, or sacrifice to their brutal fury; and it is rare that they take any pains to give their wars even a colour of justice. It is no way uncommon among them for the young men to make feasts of dogs flesh, and war dances, in small parties, in the midst of the most profound peace. They fall sometimes on one nation, sometimes on another, and surprize some of their hunters, whom they scalp or bring home as prisoners. Their senators wink at this, or rather encourage it, as it tends to keep up the martial spirit of their people, inures them to watchfulness and hardship, and gives them an early taste for blood.

The qualities in an Indian war are vigilance and attention, to give and to avoid a surprize; and patience and strength, to endure the intolerable fatigues and hardships which always attend it. The nations of America are at an immense distance from each other with a vast desert frontier, and hid in the bosom of hideous, and almost boundless forests. These must be traversed before they meet an enemy, who is often at such a distance as might be supposed to prevent either quarrel or danger. But notwithstanding the secrecy of the destination of the party that first moves, the enemy has frequently notice of it, is prepared for the attack, and ready to take advantage in the same manner of the least want of vigilance in the aggressors. Their whole art of war consists in this: they never fight in the open field, but upon some very extraordinary occasions; not from cowardice, for they are brave; but they despise this method, as unworthy an able warrior, and as an affair in which fortune governs more than prudence. The principal things which help them to find out their enemies are the smoke of their fires, which they smell at a distance almost incredible; and their tracks, in the discovery and distinguishing of which they are possessed of a sagacity equally astonishing; for they will tell in the footsteps, which to us would seem most confused, the number of men that have passed, and the length of time since they have passed; they even go so far as to distinguish the several nations by the different marks of their feet, and to perceive footsteps, where

we could distinguish nothing less. A mind diligently intent upon one thing, and exercised by long experience, will go lengths at first view scarcely credible.

But as they who are attacked have the same knowledge, and know how to draw the same advantages from it, their great address is to baffle each other in these points. On the expedition they light no fire to warm themselves, or prepare their victuals, but subsist merely on the miserable pittance of some of their meal mixed with water; they lie close to the ground all day, and march only in the night. As they march in their usual order in files, he that closes the rear diligently covers his own tracks, and those of all who preceded him, with leaves. If any stream occurs in their rout, they march in it for a considerable way to foil their pursuers. When they halt to rest and refresh themselves, scouts are sent out on every side to reconnoitre the country, and beat up every place where they suspect an enemy may lie perdue. In this manner they often enter a village, whilst the strength of the nation is employed in hunting, and massacre all the helpless old men, women, and children, or make prisoners as many as they judge they can manage, or have strength enough to be useful to their nation.

They often cut off small parties of men in their huntings; but when they discover an army of their enemies, their way is to throw themselves flat on their faces amongst the withered leaves, the colour of which their bodies are painted to resemble exactly. They generally let a part pass unmolested, and then rising a little, they take aim, for they are excellent marksmen, and setting up a most tremendous shout, which they call the war cry, they pour a storm of musquet bullets upon the enemy; for they have long since laid aside the use of arrows; the party attacked returns the same cry. Every man in haste covers himself with a tree, and returns the fire of the adverse party; as soon they raise themselves from the ground to give the second fire.

After fighting some time in this manner, the party which thinks it has the advantage rushes out of its cover; with small axes in their hands, which they dart with great address and dexterity; they redouble their cries, intimidating their enemies with menaces, and encouraging each other with a boastful display of their own brave actions. Thus being come hand to hand, the contest is soon decided; and the conquerors satiate their savage fury with the most shocking insults and barbarities to the dead, biting their flesh, tearing the scalp from their heads, and wallowing in their blood like wild beasts.

The fate of their prisoners is the most severe of all. During the greatest part of their journey homewards they suffer no injury. But when they arrive at the territories of the conquering state, or at those of their allies, the people from every village meet them, and think they shew their attachment to their friends by their barbarous treatment of the unhappy prisoners; so that when they come to their station, they are wounded and bruised in a terrible manner. The conquerors enter the town in triumph. The war captain waits upon the head men, and in a low voice

gives them a circumstantial account of every particular of the expedition, of the damage the enemy has suffered, and his own losses in it. This done, the public orator relates the whole to the people, Before they yield to the joy which the victory occasions, they lament the friends which they have lost in the pursuit of it. The parties most nearly concerned are afflicted apparently with a deep and real sorrow. But by one of those strange turns of the human mind, fashioned to any thing by custom, as if they were disciplined in their grief, upon the signal for rejoicing, in a moment all tears are wiped from their eyes, and they rush into an extravagance and phrenzy of joy for their victory.

In the mean time the fate of the prisoners remains undecided, until the old men meet, and determine concerning the distribution. It is usual to offer a slave to each house that has lost a friend; giving the preference according to the greatness of the loss. The person who has taken the captive attends him to the door of the cottage to which he is delivered, and with him gives a belt of wampum, to shew that he has fulfilled the purpose of the expedition in supplying the loss of a citizen. They view the present which is made them for some time, and according as they think him or her, for it is the same, proper or improper for the business of the family, or as they take a capricious liking or displeasure to the countenance of the victim, or in proportion to their natural barbarity, or their resentment for their losses, they destine concerning him, to receive him into the family, or sentence him to death. If the latter, they throw away the belt with indignation. Then it is no longer in the power of any one to save him. The nation is assembled as upon some great solemnity. A scaffold is raised, and the prisoner tied to the stake. Instantly he opens his death song, and prepares for the ensuing scene of cruelty with the most undaunted courage. On the other side, they prepare to put it to the utmost proof, with every torment, which the mind of man ingenious in mischief can invent. They begin at the extremities of his body, and gradually approach the trunk. One plucks out his nails by the roots, one by one; another takes a finger into his mouth, and tears off the flesh with his teeth; a third thrusts the finger, mangled as it is, into the bole of a pipe made red hot, which he smoaks like tobacco. Then they pound his toes and fingers to pieces between two stones; they cut circles about his joints, and gashes in the fleshy parts of his limbs, which they fear immediately with red-hot irons, cutting and searing alternately; they pull off this flesh, thus mangled and roasted, bit by bit, devouring it with greediness, and smearing their faces with the blood, in an enthusiasm of horror and fury. When they have thus torn off the flesh, they twist the bare nerves and tenders about an iron, tearing and snapping them; whilst others are employed in pulling and extending the limbs themselves, in every way that can increase the torment. This continues often five or six hours together. Then they frequently unbind him to give a breathing to their fury, to think what new torments they shall inflict, and to refresh the strength of the sufferer, who wearied out with such a variety of unheard-of torments, often falls immediately into so

profound a sleep, that they are obliged to apply the fire to awaken him, and renew his sufferings.

He is again fastened to the stake, and again they renew their cruelty; they stick him all all over with small matches of a wood that easily takes fire, but burns slowly; they continually run sharp reeds into every part of his body; they drag out his teeth with pincers, and thrust out his eyes; and lastly, after having burned his flesh from the bones with slow fires; after having so mangled the body that it is all but one wound; after having mutilated his face in such a manner as to carry nothing of human in it; after having peeled the skin from the head, and poured a heap of red-hot coals, or boiling water on the naked skull; they once more unbind the wretch, who blind and staggering with pain and weakness, assaulted and pelted upon every side with clubs and stones, now up, now down, falling into their fires at every step, runs hither and thither, until some of the chiefs, whether out of compassion, or weary of cruelty, puts an end to his life with a club or a dagger. The body is then put into the kettle, and this barbarous employment is succeeded by a feast as barbarous.

The women, forgetting the human as well as the female nature, and transformed into something worse than furies, act their parts, and even outdo the men in this scene of horror. The principal persons of the country sit round the stake smoaking and looking on without the least emotion. What is most extraordinary, the sufferer himself, in the little intervals of his torments, smoaks too, appears unconcerned, and converses with his torturers about indifferent matters. Indeed, during the whole time of his execution, there seems a contest between him and them which shall exceed, they in inflicting the most horrid pains, or he in enduring them with a firmness and constancy almost above human. Not a groan, not a sigh, not a distortion of countenance escapes him; he possesses his mind entirely in the midst of his torments; he recounts his own exploits, he informs them what cruelties he has inflicted upon their countrymen, and threatens them with the revenge that will attend his death; and though his reproaches exasperate them to a perfect madness of rage and fury, he continues his reproaches even of their ignorance in the art of tormenting, pointing out himself more exquisite methods, and more sensible parts of the body to be afflicted. The women have this part of courage as well as the men; and it is as rare for any Indian to behave otherwise, as it would be for an European to suffer as an Indian.

I do not dwell upon these circumstances of cruelty, which so degrade human nature, out of choice; but as all who mention the customs of this people have insisted upon their behaviour in this respect very particularly, and as it seems necessary to give a true idea of their character, I did not chuse to omit it. It serves to shew too, in the strongest light, to what an inconceivable degree of barbarity the passions of men let loose will carry them. It will point out to us the advantages of a religion that teaches a compassion to our enemies, which is neither known nor

practised in other religions; and it will make us more sensible than some appear to be, of the value of commerce, the arts of a civilized life, and the lights of literature; which, if they have abated the force of some of the natural virtues by the luxury which attends them, have taken out likewise the sting of our natural vices, and softened the ferocity of the human race without enervating their courage.

On the other hand, the constancy of the sufferers in this terrible scene shews the wonderful power of an early institution, and a ferocious thirst of glory, which makes men imitate and exceed what philosophy, or even religion can effect.

The prisoners who have the happiness to please those to whom they are offered, have a fortune altogether opposite to that of those who are condemned. They are adopted into the family, they are accepted in the place of the father, son, or husband that is lost; and they have no other mark of their captivity, but that they are not suffered to return to their own nation. To attempt this would be certain death. The principal purpose of the war is to recruit in this manner; for which reason a general who loses many of his men, though he should conquer, is little better than disgraced at home; because the end of the war was not answered. They are therefore extremely careful of their men, and never chuse to attack but with a very undoubted superiority, either in number or situation.

The scalps which they value so much are the trophies of their bravery; with these they adorn their houses, which are esteemed in proportion as this sort of spoils is more numerous. They have solemn days appointed, upon which the young men gain a new name or title of honour from their headmen; and these titles are given according to the qualities of the person, and his performances; of which these scalps are the evidence. This is all the reward they receive for the dangers of the war, and the fatigues of many campaigns, severe almost beyond credit. They think it abundantly sufficient to have a name given by their governors; men of merit themselves, and judges of it; a name respected by their countrymen, and terrible to their enemies. There are many other things fit to engage the curiosity, and even afford matter of instructive reflection, in the manners of this barbarous people; but these seem to be the most striking, and fittest to be insisted on in a work which is to give a general idea of America. The present settlements, their commerce and productions, ought to be allowed their proper room. In which I propose to treat, first of the Spanish colonies, as the first discovered and largest object, and that in which the rest of Europe, though excluded, is the most concerned. The Portuguese as nearest in place and rank, shall be second. The French shall next be considered. The English shall be reserved to the last, as the most important to ourselves.

PART III. Spanish America.

CHAP. I.

HAVING described with as much conciseness as the subject would bear, the manners of the original inhabitants of America, as we had before that related the most remarkable adventures of it's discoverers and conquerors; it will be necessary to view more minutely, what and how advantageous a country these conquests and discoveries have added to the world; and what are the views, interests, and characters of those, who at present possess the greatest part of that extensive region.

America extends from the North Pole to the fifty-seventh degree of South latitude; it is upwards of eight thousand miles in length; it sees both hemispheres; it has two summers and a double winter; it enjoys all the variety of climates which the earth affords; it is washed by the two greatest oceans. To the Eastward it has the Atlantic ocean, which divides it from Europe and Africa. To the West it has another ocean, the great South-Sea, by which it is disjoined from Asia. By these seas it may, and does carry on a direct commerce with the other three parts of world. It is composed of two vast continents, one on the North, the other upon the South, which are joined by the great kingdom of Mexico, which forms a sort of isthmus fifteen hundred miles long, and in one part, at Darien, so extremely narrow, as to make the communication between the two oceans by no means difficult. In the great gulph, which is formed between this isthmus and the Northern and Southern continents, lie an infinite multitude of islands, many of them large, and most of them fertile, and capable of being cultivated to very great advantage.

America in general is not a mountainous country, yet it has the greatest mountains in the world. The Andes, or Cordilleras, run from North to South along the coast of the Pacific ocean. Though for the most part within the torrid zone, they are perpetually covered with snow, and in their bowels contain inexhaustible treasures. In the province of St. Martha in South America are likewise very great mountains, which communicate with the former. In North America we know of none considerable, but that long ridge which lies to the back of our settlements, which we call the Apalachian, or Allegeney mountains; if that may be at all considered as a mountain, which upon one side indeed has a very great declivity, but upon the other is nearly on a level with the rest of the country for the greater part.

Without comparison, America is that part of the world which is the best watered; and that not only for the support of life, but for the convenience of trade, and the intercourse of each part with the others. In North America the great river Mississippi rising from unknown sources, runs an immense course from North to South, and receives the vast tribute of the Ohio, the Ouabache, and other immense rivers, not to be postponed to the Rhine or the Danube, navigable almost to their very sources, and laying open the inmost recesses of this continent. Near the heads

of these are five great lakes, or rather seas of fresh water communicating with each other, and all communicating with the ocean by the river St. Laurence, which passes through them. These afford such an inlet for commerce as must produce the greatest advantages, whenever the country adjacent shall come to be fully inhabited, and by an industrious and civilized people. The Eastern side of North America, which is our portion, besides the noble rivers Hudson, Delaware, Susquehanna, Patowmack, supplies several others of great depth, length, and commodious navigation. Many parts of our settlements are so intersected with navigable rivers and creeks, that the planters may be said, without exaggeration, to have each a harbour at his own door.

South America is, if possible, in this respect, even more fortunate. It supplies much the two largest rivers in the world, the river of Amazons, and the Rio de la Plata. The first rising in Peru, not far from the South-Sea, passes from West to East, almost quite thro' the continent of South America, navigable for some sort or other of vessels all the way, and receiving into it's bosom a prodigious number of rivers, all navigable in the same manner, and so great, that Monsieur Condamine found it often almost impossible to determine which was the main channel. The Rio de la Plata rising in the heart of the country, shapes it's course to the South-East, and pours such an immense flood into the sea, that it makes it taste fresh a great many leagues from the shore; to say nothing of the Oronoquo, which might rank the foremost amongst any but the American rivers. The soil and products in such a variety of climates, cannot satisfactorily be treated of in a general description; we shall in their places consider them particularly.

All America is in the hands of four nations. The Spaniards, who, as they first discovered it, have the largest and richest share. All that part of North America, which composes the isthmus of Mexico, and what lies beyond that towards the river Mississippi on the East, the Pacific ocean to the West and North-West, and they possess all South America, excepting Brasil, which lies between the mouth of the river of Amazons and that of Plata along the Atlantic ocean; this belongs to Portugal. That part of North America which the Spaniards have not, is divided between the English and French. The English have all the countries which incircle Hudson's Bay, and thence in a line all along the Eastern shore to the thirtieth degree of North latitude. France claims the country which lies between this and the Spanish settlements to the West, and secures an intercourse with them by the mouths of the Mississippi, the Mobile, and of the river St. Laurence, which are the only avenues of navigation to this very extensive country. The multitude of islands which lie between the two continents, are divided amongst the Spaniards, French, and English. The Dutch possess three or four small islands, which, in any other hands, would be of no consequence. The Danes have one or two, but they hardly deserve to be named amongst the proprietors of America.

CHAP. II.

THE order which I intend to observe in treating of the Spanish colonies is, after having set forth their situation, their climate, and the nature of their soil, to describe those commodities in which they trade; to give a clear and concise account of their method of manufacturing them; and then to lay open the manner of their dealing in them as well as that by which they carry on their foreign commerce. Last of all I shall say something of the genius and temper of the inhabitants; of such customs of theirs as are remarkable, and of their civil policy, and of their military, so far as they are come to my knowledge, or as they are worthy the attention of the reader. The exact division of the provinces, the courses of the rivers, the distances of places, the exact dimensions of harbours and their soundings; all these, as they are infinitely better known from maps and charts, so it would be impertinent and tedious to fill up this short work with them, which proposes to give, even short as it is, a description of every thing that may tend to a just notion of America; and therefore cannot sacrifice matters of more moment to the description of things, of which a far better idea may be acquired by other means to those whom they concern; and to those whom they do not interest, who are by far the majority, must be tedious and uninstrusive.

The first country which the Spaniards settled upon the continent of America was Mexico; and it still continues their principal settlement, whether we consider it's number of inhabitants, it's natural wealth, or it's extended traffick. As it lies for the most part within the torrid zone, it is excessively hot; and on the Eastern coast, where the land is low, marshy, and constantly flooded in the rainy seasons, it is likewise extremely unwholsome; neither is that coast pleasant in any respect; incumber'd for the most part with almost impenetrable woods of mangrove trees, of a bare and disagreeable aspect, and which extend into the water for a considerable way. The inland country assumes a more agreeable aspect, and the air is of a better temperament; here the tropical fruits grow in great abundance; the land is of a good variety, and would not refuse any sort of grain, if the number or industry of the inhabitants were any way proportioned to the goodness of the soil. But on the Western side the land is not so low as on the Eastern, much better in quality, and full of plantations.

It is probable the Spaniards chuse to leave the Eastern coast in it's present state of rudeness and desolation, judging that a rugged and unwholsome frontier is a better defence against an European enemy, than fortifications and armies, to be maintained at a vast expence; or than the strength of the inhabitants, made by the climate effeminate and pusillanimous, and kept so by policy: and indeed it would be next to impossible to make any considerable establishment on that coast, that could effectually answer the purposes of any power in Europe, without struggling with the

greatest difficulties; and as for a sudden invasion, the nature of the country itself is a good fortification. In general, few countries under the same aspect of the heavens, enjoy more of the benefits of nature, and the necessities of life; but, like all the tropical countries, it rather is more abundant in fruits than in grain. Pine apples, pomegranates, oranges, lemons, citrons, figs, and cocoa nuts, are here in the greatest plenty and perfection. Vines and apples require temperate climates.

The number of their horned cattle is in a manner infinite; some private persons are said to have possessed forty thousand head; many are wild, and a very considerable trade is driven in their hides and tallow, but the extreme heat prevents their turning the flesh to any account in commerce. Swine are equally numerous, and their lard is much in request all over this country, where it is used instead of butter. Sheep are numerous in Mexico, but I do not find that wool is an article of any great consideration in their trade; nor is it probable that it is of a good kind, as it is scarce ever found useful between the tropicks, where it is hairy and short, except only in Peru; and that is the produce of sheep of a species very different from that in the rest of America; as Peru is itself remarkably different in climate from all other countries under the torrid zone. But cotton is here very good, and in great plenty. It is manufactured largely, for as it is a light wear, suitable to the climate, and all other cloathing being extravagantly dear, it is the general wear of the inhabitants; the woollens and linens of Europe being rather luxuries, and worn only by persons of some condition. Some provinces produce silk, but not in that abundance or perfection to make a remarkable part of their export; not but that the country is very fit for that, and many other things valuable, which are but little cultivated; for the gold and silver, which makes the glory of this country, and in the abundant treasures of which it exceeds all the world, engages almost the whole attention of the inhabitants, as it is almost the only thing for which the Spaniards value their colonies, and what alone receives the encouragement of the court; therefore I shall insist most largely upon these articles. After that I shall speak of those commodities, which are produced here of most importance in foreign commerce, and rest upon them in proportion to their importance. These are cochineal, indigo, and cacao, of which chocolate is made. As for sugar and tobacco, and indigo, though no part of the world produces better than Mexico; and as for logwood, though it be in a manner peculiar to this country, yet as the first is largely raised and manufactured elsewhere, and as our own commerce in the two last is what chiefly interests an English reader, I shall reserve them to be treated of in the division I allot to the English colonies.

CHAP. III.

IT is not known with certainty, whether all, or some provinces only of New Spain, produce mines of gold and silver. It is, however, allowed that the chief mines of gold are in Veragua and New Granada, confining upon Darien and Terra Firma. Those of silver, which are much more rich as well as numerous, are found in several parts, but in none so much as in the province of Mexico. But all the mines, whether of gold or silver, are always found in the mountainous and barren parts; nature often making amends one way for her failures in another.

Gold is found either in the sand of rivers, native, and in small grains, or it is dug out of the earth in the same condition in small bits, almost wholly metallic, and of a tolerable purity; or it is found like the ore of other metals in an aggregate opaque mass, in a mixture of earth, stone sulphur, and other metals. In this state it is of all colours, red, white, blackish, and making little or no ostentation of the riches it contains. Sometimes it forms part of the ornament of some beautiful stones, which are of various lively colours, intersected with filaments of this metal, quite native. Lapis lazuli is one of these, which has always some small portions of gold; but this golden streaking is often extremely fallacious, and has betrayed many into ruinous expences, for in several stones these fine veins have been nothing more than marcasite, but such marcasites or fire-stones are found in mines, which contain real gold. But gold, howsoever found, whether native, or in what is called the ore, is seldom or never without a mixture of other metals, generally silver or copper.

The gold mines, though they contain the richest of all metals, it is remarkable most frequently disappoint the hopes, and ruin the fortunes of those who engage in them; tho' neither the labouring of the mine, nor the purifying the metal, is attended with such an expence as what those are obliged to, who work mines of the inferior metals. For the vein is, of all others, the most unequal; sometimes very large, full, and rich; then it often decays by a quick gradation, and is sometimes suddenly lost. But the ends of the veins are, on the other hand, often extremely rich; they are called the purse of the vein; and when the miner is so happy as to light on one of these purses, his fortune is made immediately.

When the ore is dug out, the most usual method is to break it to pieces in a mill, exactly resembling those large ones we use for grinding apples, wherein a mill-stone set on end is made to turn in a circular channel of stone. When the ore is thus broke, and the gold somewhat separated from the impure mass, they add to the whole a quantity of quicksilver. Quicksilver has, of all other bodies, the greatest attraction with gold, which therefore immediately breaks the links which held it to the former earth, and clings close to this congenial substance. Then a rapid stream of water is let into the channel, which scouring away (through a hole made for the purpose) the lighter earth, by the briskness of it's current, leaves the gold and

mercury precipitated by it's weight at the bottom. This amalgama, or paste, is put into a linen cloth, and squeezed so as to make the quicksilver separate and run out. To compleat this separation, it is necessary to fuse the metal, and then all the mercury flies off in fumes.

But in many parts of Spanish America, another way of getting and purifying gold is practised. When by sure tokens they know that gold lies in the bed of a rivulet, they turn the current into the inward angles, which time and the stream have formed; whilst this runs, they dig and turn up the earth to make it the more easily dissolved and carried off. When the surface is thus compleatly washed away, and they are come to a sort of stiff earth, which is the receptacle of gold, they return the stream into it's former channel, and dig up the earth as they find it, which they carry to a little bason somewhat in the form of a smith's bellows. Into this they turn a small but lively stream to carry off the foreign matter, whilst they facilitate the operation by stirring the mass with an iron hook, which dissolves the earth, and gathers up the stones, which are carefully thrown out that they may not interrupt the passages that carry off the earth. By this means the gold loosened from the gross matter, which adhered to it, falls to the bottom, but mixed so intimately with a black heavy sand, that none of the gold can be perceived, unless it happens to be a pretty large grain. To separate it from this sand, it is put into a sort of wooden platter, with a little hollow of about the depth of half an inch at bottom. This platter they fill with water, and turning the mass about briskly with their hands for some time, the sand passes over the edges, and leaves the gold in small grains, pure, and of it's genuine colour, in the hollow at the bottom. Thus is gold refined without fire or mercury, merely by washing. The places where this is performed are called therefore Lavaderos by the Spaniards. There are many more methods of extracting and purifying this precious metal, but these are the most common ways used by Spaniards in their Indies.

Silver is the metal next in rank, but first in consequence in the Spanish traffick, as their mines yield a much greater quantity of the latter than of the former. It is found in the earth under different forms, as indeed the ore of all metals is. Such is the diversity of ores in this respect, that nothing but a long experience in this particular branch can exactly ascertain the species of the metal, which almost any ore contains at first view. I have seen specimens wherein the silver, almost pure, twined itself about a white stone, penetrating into the interstices in the same manner that the roots of trees enter into the rocks, and twist themselves about them. Some are of an ash-coloured appearance, others spotted of a red and blue, some of changeable colours, and many almost black, affecting somewhat of a pointed regular form like crystals. I cannot find that it is ever found in grains or sand, native, as gold is.

The manner of refining silver does not differ essentially from the process which is employed for gold. They are both purified upon the same principle; by clearing away as much of the earth as can be, with water; by uniting, or amalgamating it

with mercury; and afterwards by clearing off the mercury itself, by straining and evaporation. But the management of silver in this respect is much more difficult than that of gold; because this metal is much more intimately united with the foreign matters with which it is found in the mine; and it's attraction with mercury is much weaker; therefore there is great care taken in the amalgamation, and it is a long time before they are perfectly mixed. A quantity of sea-salt is likewise added. No silver is had by mere washing.

The chymists have talked very freely of the production of these and other metals in the earth; of the salt, sulphur, and mercury that compose them, and the manner in which these substances are united and changed so as to form metals and minerals of every species. Some have recourse to the sun as the great agent in this process, especially in gold and silver, as the most worthy such an operator. Others call in the aid of subterraneous fires and central heat, but in reality they have advanced very little that is satisfactory upon this subject. They have never by any method of joining the matters, which they have assigned as the constituent parts of metals, in any proportions whatsoever, nor by any degrees of their great agent fire, been able to make metal of that which was not metal before. Neither have they found what they allot as the component parts of all metals in such a manner in all, as to enable them to fix any common principle for their generation. Some they cannot analyse by any art, as gold; they indeed define it a composition of a very subtile mercury, and a sulphur as subtile.

But how this comes to be known, when no process hitherto discovered, has been able to extract either of these from gold, they who have advanced such things ought to tell. It is reasonable to believe, that there is some plastic principle in nature, perhaps something analagous to the seminal principle in plants and animals, whatever that is, which does not, as we know, resemble any known body, nor is composed of any combination of known bodies; but powerful of itself to combine and vary such a part of the common stock of matter as it is fitted to operate upon, which it draws to itself, and causes to form an animal, or a plant, or a mineral, or metal, of this or that nature, according to the original nature of the seed. Suppose a plant subjected to all the torture of the chymical question: you find it contains various matters; an earth, water, oil, salt, spirit, and in the three last perhaps something specific, and differing from other plants. But neither the same quantities of similar matter, nor these very matters themselves, can ever come to form a plant like the original, or any thing like a plant at all, because the seminal virtue is wanting, nor is it perhaps discoverable. And as for the other matters, they are the inert parts of the plant; without power themselves, they are the materials with which, and on which the seminal virtue acts, to organize the mass, to spread the branches, to shoot out the gems, to mature the fruit, and in short to perform all the functions of a complete plant. The same may be said of animals. And why not of minerals, though of a less nice organization? Why should they not have the seminal

principle too, which operating by it's own power, and in a way of it's own, upon the elements of air, earth, water, oil, and salt, is capable of producing iron, copper, gold, silver, and other metals. The want of this will always hinder us from being able to produce any metal from other than metalline ingredients, though we should take such things as resemble the ingredients they yield upon an analysis, and in the same quantities in which we find them. This I do not say as favouring the notion that stones and metals vegetate exactly like plants. That these are often found where they had formerly been exhausted, and that they are known to extend their dimensions, is pretty certain; but that they assimilate the heterogeneous matter which increases their bulk, in a manner analagous to plants, I cannot venture to propose. It must be allowed that silver has been found, and I have so seen it, extending itself among the interstices of stones, not unlike ivy and other parasite plants; yet as a metal no way differing from it, or at all inferior, is extracted from ores, which have an appearance altogether different, and which too is the usual way, it is probable the manner in which they grow is not the same.

What I had to say of gold and silver, as both are had, and the latter in vast quantities, in Mexico, I thought it proper, for the sake of avoiding repetitions, to bring them under that head, though all the rest of the Spanish territories produce largely of both.

Of the plenty of gold and silver, which the mines of Mexico afford, great things have been said, and with justice; as this, with the other Spanish colonies in America, in a manner furnish the whole world with silver; and bear a great proportion in gold to the whole of what the world produces. A late very judicious collector of voyages says, that the revenues of Mexico can hardly fall short of twenty-four millions of our money. He founds this upon a return made by the bishops of their tenths, which, without doubt, were not over-rated; and that these amounted to one million and a half sterling; that these are about a fourth of the revenues of the clergy; and that the estates of the clergy are about the fourth part of the whole revenues of the kingdom, which at this rate amount to twenty-four millions English. He takes another method of computing the wealth of this province, which is, by the fifth paid to the king of the gold and silver dug out of their mines. This he observes in the year 1730 amounted to one million of marks in silver, each mark equivalent to eight ounces; so that if we compute this silver at five shillings per ounce, then the inhabitants receive from their mines ten millions in money. For my part, I neither distrust the candor or good sense of this writer; but I can hardly avoid thinking he must be misinformed in the accounts upon which he has built his calculation. If New Spain draws from her silver and gold mines ten millions annually; Peru, even since the decline of the mines of Potosi, has scarce ever been thought less rich in silver than Mexico, and must therefore be rated at the same proportion, and allowed to yield ten millions more annually. New Mexico abounds likewise in very rich silver mines; but that we may not exceed, we will

allow for this province but two millions, which, allowing for the large produce of New Spain, is certainly not above the proportion. Chili has, indeed, no considerable mines of silver, but then those of gold are by far the richest in the world; and taking the comparative wealth of this province with the others, it cannot be less than two millions, if we add to it what is produced in Terra Firma; so that the gold and silver raised in the Spanish colonies cannot be estimated at less than twenty-four millions yearly. Uztariz, in his celebrated discourse on the Spanish commerce, an author who was undoubtedly well informed, and in an argument where it answered his purpose to make the most of this importation, does not allow that more than fifteen millions of dollars are brought into Spain annually in gold and silver. This is considerably less than four millions sterling; but because we ought to allow for concealments, which to be sure are considerable, we will state it at four millions. The Acapulco trade, we will admit, carries off one million more, though this is rather over. There is another vent too, the contraband trade with the English, French, and Dutch, which draws away largely; but I suppose two millions will be thought largely allowed. Now the whole of this does not exceed seven millions annually carried out of the country; and there remains a clear sum of seventeen millions, after all deductions. If this be the case, must not the wealth of Spanish America in a little time accumulate to a degree far exceeding the bounds of all probability? Since 1730, when this observation was made, twenty-six years are now passed, and we have no reason to believe the mines are at all exhausted in that time; and if in any year since 1724, when Uztariz wrote, more plate has passed into Europe than was brought at that time, it is reasonable to believe it is because the mines have produced more largely. Now if we multiply the annual sum remaining, coined and uncoined in Spanish America, which is seventeen millions, by twenty-six, the number of years since the calculation was made, it will produce four hundred and forty-two millions, accumulated in twenty-six years. But looking a little backward at this rate of annual saving, see what the produce must have been since the beginning of the last century, when the mines yielded as plentifully as they do now, in general, and some much more plentifully. It must be from the year 1600 to this day, not less than two thousand six hundred and fifty-two millions English money, amassed and hoarded up within the Spanish colonies; besides the savings of the foregoing century, which must be far from inconsiderable. Make almost any abatements in this; allow that the churches are enriched to a degree of profuseness, as they are; allow that the private houses have the meanest utensils of gold and silver, as it is said in some places they have; allow for the wear, which even in these metals is not little; allow all this; and yet after all, it must very far exceed belief, that any riches like these, or bearing any proportion to these, are to be found in Spanish America, where the majority of the people are slaves, or Indians in a state next to slavery, and even where the Spaniards have comparatively but few rich amongst them, most who make their fortunes hastening to Europe to enjoy them. After all,

we have, I fear, no certain way of estimating the immense treasures, of which this country is an inexhaustible fountain; great they are undoubtedly, though by no means so great as is represented.

CHAP. IV.

COCHINEAL, the next commodity for value which they export, is used in dying all the several kinds of the finest scarlet, crimson, and purple. After much dispute about the nature of this curious drug, it seems at last agreed, that it is of the animal kind; an insect of the species of the gall insects. This animal is found adhering to various plants, but there is only one which communicates to it the qualities which make it valuable in medicine and manufactures. This plant is called opuntia by the botanists. It consists wholly of thick succulent oval leaves, joined end to end, and spreading out on the sides in various ramifications. The flower is large, and the fruit in shape resembling a fig; this is full of a crimson juice, and to this juice it is that the cochineal insect owes it's colour.

When the rainy seasons come on, they who cultivate this plant, cut off those heads which abound most with such insects, as are not yet at their full growth; and preserve them very carefully from the weather and all other injuries. These branches, though separated from their parent stocks, preserve their freshness and juices a long time; and this enables the insect not only to live out the rains, but to grow to its full size, and be in readiness to bring forth it's young, as soon as the inclemency of the season is over. When this time comes on, they are brought out, and placed upon the proper plants, disposed in little nests of some mossy substance. As soon as they feel the enlivening influence of the fresh air, they bring forth in three or four days from their exposure at farthest. The young scarce bigger than a mite, runs about with a wonderful celerity, and the whole plantation is immediately peopled; yet what is somewhat singular, this animal, so lively in it's infancy, quickly loses all it's activity, and attaching itself to some of the least exposed, and most succulent part of the leaf, it clings there for life, without ever moving, not wounding the leaf for it's sustenance, but sucking with a proboscis, with which it is furnished for this purpose.

What is not less remarkable than the way of life of this animal, is the nature of the male, which has no appearance of belonging to the same species; far from being fixed to a spot, he has wings, and is, like the butterfly, continually in motion; they are smaller than the cochineal, and constantly seen amongst them, and walking over them without being suspected by those who take care of the insect, of being a creature of the same kind, though they believe that the cochineals are impregnated by them. But it is the female cochineal only which is gathered for use.

They make four gatherings a year, which are so many generations of this animal. When they are sufficiently careful, they brush off the insects one by one with a sort of hair pencils, and take them as they fall; but they often brush the whole plant in a careless manner, so that fragments of it are mixed with the cochineals, and themselves mixed, the old and young together, which carelessness abates much of

the value; but what chiefly makes the goodness of this commodity, is the manner of killing and drying the cochineals, which is performed three ways; the first is by dipping the basket in which it is gathered into boiling water, and afterwards drying them in the sun, this the Spaniards call *renegrida*. The second method is by drying them in ovens made for the purpose; this, from it's grey colour, veined with purple, is called *jaspeade*. The third manner is, when the Indians dry them on their cakes of maize, which are baked upon flat stones; this last is the worst kind, as it is generally overbaked, and something burned. They call it *negra*.

This drug has a very uncommon good quality, and the more extraordinary as it belongs to the animal kingdom, and to the most perishable of that kind, that it never decays. Without any other care than having been put by in a box, some have been known to keep sixty, some even upwards of a hundred years, and as fit for the purposes of medicine, or manufacture, as it ever was. It is used in medicine as a cordial and sudorific, in which intentions few things answer better. And indeed as it answers such good purposes in medicine, is so essential in trade, and produced only in this country, it may be considered in all markets as equivalent to gold or silver, by the certainty and quickness of the sale. It is computed they annually export no less than nine hundred thousand pound weight of this commodity.

The cacao, or cacao of which chocolate is made, is a considerable article in the natural history and commerce of New Spain. It grows upon a tree of a middling size; the wood is spungy and porous, the bark smooth, and of a cinamon colour: the flower grows in bunches between the stalk and the wood, of the form of roses, but small, and without any scent. The fruit is a sort of pod, which contains the cacao, much about the size and shape of a cucumber. Within there is a pulp of a most refreshing acid taste, which fills up the interstices between the nuts before they are ripe; but when they fully ripen, these nuts are packed up wonderfully close, and in a most regular and elegant order; they have a pretty tough shell, and within is the oily rich substance, of which chocolate is made. This fruit grows differently from our European fruits, which always hang upon the small branches; but this grows along the body of the great ones, principally at the joints. None are found upon the small, which, though it is a manner of vegetation unknown here, prevails in several other plants within the tropicks. This cacao is a very tender tree, equally impatient of the wind, heat or cold, and will flourish only in the shade; for which reason in the cacao walks, they always plant a palm-tree for every one of cacao. I need say little of the use of this fruit; it is general amongst ourselves, and it's virtues well known; but however great the external call for it may be, the internal consumption is much greater; so that in Mexico and Terra Firma, in some provinces of which latter it is found in the greatest perfection, their foreign and domestic commerce in this article is immense, and the profits so great, that a small garden of the cacaos is said to produce twenty thousand crowns a year. Tho' I believe this to be exaggerated, it shews, however, in what a light of profit this comodity is considered. At home it

makes the principal part of their diet, and is found wholesome, nutritious, and suitable to the climate. This fruit is often confounded with the cocoa nut, which is a species wholly different.

CHAP. V.

THE trade of Mexico may be considered as consisting of three great branches, by which it communicates with the whole world; the trade with Europe by La Vera Cruz; the trade with the East-Indies by Acapulco; and the commerce of the South-Sea by the same port. The places in New Spain, which can interest a stranger, are therefore three only, La Vera Cruz, Acapulco, and Mexico.

Mexico, the capital of the kingdom, the residence of the viceroy, the seat of the first audience or chamber of justice, and an archbishopric, is certainly one of the richest and most splendid cities, not only in America, but in the whole world. Though no sea-port town, nor communicating with the sea by any navigable river, it has a prodigious commerce, and is itself the center of all that is carried on between America and Europe on one hand, and between America and the East-Indies on the other; for here the principal merchants reside, the greatest part of the business is negotiated, and the goods that pass from Acapulco to La Vera Cruz, or from La Vera Cruz to Acapulco, for the use of the Philippines, and in a great measure for the use of Peru and Lima, all pass through this city, and employ an incredible number of horses and mules in the carriage. Hither all the gold and silver comes to be coined, here the king's fifth is deposited, and here is wrought all that immense quantity of utensils and ornaments in plate, which is every year sent into Europe. Every thing here has the greatest air of magnificence and wealth; the shops glitter upon all sides with the exposure of gold, silver, and jewels, and surprize yet more by the work of the imagination upon the treasures which fill great chests piled up to the ceilings, whilst they wait the time of being sent to Old Spain. It is said that the negro wenches, who run by the coaches of the ladies there, wear bracelets of gold, pearl necklaces, and jewels in their ears, whilst the black foot-boys are all over covered with lace and embroidery. It cannot exactly be ascertained what number of people are in this city. It is certainly very considerable, by many not made less than seventy or eighty thousand. This city itself is well and regularly built, though the houses are not lofty; the monasteries are numerous, and richly endowed, and the churches extravagantly rich in their ornaments, though comparatively poor in the taste of their architecture.

The port nearest to this city is Acapulco, upon the South-Sea, upwards of two hundred miles distant from the capital. Acapulco itself has one of the deepest, securest, and most commodious harbours in the South-Sea, and indeed almost the only one which is good upon the Western coast of New Spain. The entrance of the harbour is defended by a castle of tolerable strength; the town itself is but ill built, and makes every way a miserable figure, except at the time of the fairs, when it intirely changes it's appearance, and becomes one of the most considerable marts in the world. About the month of December, the great galleon, which makes the whole

communication that is between America and the Philippines, after a voyage of five months, and sailing three thousand leagues without seeing any other land than the little Ladrones, arrives here loaded with all the rich commodities of the East; cloves, pepper, cinnamon, nutmegs, mace, china, japan wares, callicoes plain and painted, chints, muslins of every sort, silks, precious stones, rich drugs, and gold dust. At the same time the annual ship from Lima comes in, and is not computed to bring less than two millions of pieces of eight in silver, besides quicksilver, cacao, drugs, and other valuable commodities, to be laid out in the purchase of the commodities of the East-Indies. Several other ships from different parts of Chili and Peru meet upon the same occasion; and besides the traffic for the Philippine commodities, this causes a very large dealing for every thing those countries have to exchange with one another, as well as for the purchase of all sorts of European goods. The fair lasts sometimes for thirty days. As soon as the goods are disposed of, the galleon prepares to set out on her voyage to the Philippines with her returns, chiefly in silver, but with some European goods too, and some other commodities of America. I speak here, as though there were but one vessel on the trade with the Philippines; and in fact there is only nominally one trading vessel, the galleon itself, of about twelve hundred tons; but another attends her commonly as a sort of convoy, which generally carries such a quantity of goods as pretty much disables her from performing that office. The galleon has often above a thousand people on board, either interested in the cargo, or merely passengers; and there is no trade in which so large profits are made; the captain of the vessel, the pilots, their mates, and even the common sailors, making in one voyage, what in their several ranks may be considered as easy fortunes. It is said by the writer of lord Anson's voyage, that the jesuits have the profits of this ship to support their missions; and if so, their gains must be extremely great, and must add much to the consequence of a society which has as great a reputation for it's riches as it's wisdom.

This commerce to so vast a value, though carried on directly between the king of Spain's own dominions, enriches them in proportion but very little; the far greater part of every thing that comes from the Philippines, being the produce, or the fabric of other countries; the Spaniards add none of the artificial value of labour to any thing. The Chinese are largely interested in this cargo, and it is to them they are indebted for the manufacturing such of their plate, as is wrought into any better fashion than rude ingots, or inelegant coins. When this fair is over, the town is comparatively deserted; however, it remains for the whole year the most considerable port in Mexico for the trade with Peru and Chili, which is not very great. The East-India goods brought here are carried on mules to Mexico, from whence what exceeds their own consumption is sent by land carriage to La Vera Cruz, to pass over to Terra Firma, to the islands, and some even to Old Spain, though in no great quantity.

From the port of La Vera Cruz it is that the great wealth of Mexico is poured out upon all the old world; and it is from this port alone, that they receive the numberless luxuries and necessities that the old world yields them in return. To this port the annual fleet from Cadiz, called the flota, arrives about the latter end of November, after a passage of nine weeks. This fleet, which sails only from Cadiz, consists of about three men of war as a convoy, and fourteen or fifteen large merchant ships, from four hundred to one thousand tuns burthen. They are loaded almost with every sort of goods which Europe produces for export; all sorts of woollens, linens, silks, velvets, laces, glass, paper, cutlery, all sorts of wrought iron, watches, clocks, quicksilver, horse furniture, shoes, stockings, books, pictures, military stores, wines and fruits, so that all the trading parts of Europe are highly interested in the cargo of this fleet. Spain itself sends out little more than the wine and fruit. This, with the freight and commissions to the merchant, and the duty to the king, is almost all the advantage which that kingdom derives from her commerce with the Indies. It is strictly prohibited to load any commodities on board this fleet without entering the goods, the value, and the owner's name, in the India house at Seville; and when they return, they must bring a certificate from the proper officer there, that the goods were duly landed, and in the proper port. They are not permitted to break bulk upon any account until they arrive at La Vera Cruz, nor are they suffered to take in any other than Spanish passengers, nor them without a licence first obtained at the India house.

Jealousy is the glaring character of the court of Spain, in whatever regards their American empire; and they often sacrifice the prosperity to an excessive regard to the security of their possessions. They attend in this trade principally to two objects; the exclusion of all strangers from any share in it, and the keeping up the market for such goods as they send; and they think both these ends best answered by sending out only one annual fleet, and that from one only port in Spain, and to one port only in Mexico. These views, which would be impolitic in any power in Europe besides, are judicious enough in Spain; because the goods they send belonging mostly to strangers, and the profits upon the sale in the Indies being the only thing that really accrues to themselves, it is certainly right to consult primarily how they shall get the greatest returns upon the smallest quantity of goods. It would be quite otherwise, if all, or most of what they send abroad, were their own produce or manufacture. They are undoubtedly right too in keeping the trade very carefully to themselves, though perhaps the means taken to attain this end, will not be thought so rational. By suffering all the trade to be carried on only between two ports, they discourage in the old world all their towns from that emulation, which would not only enable them to traffic in foreign commodities, but in time to set up fabrics of their own; whereas now, with regard to the export of their commodities, they stand upon the level of strangers; they cannot carry their produce directly to the best market; and it is very certain, that even trifling discouragements operate very powerfully where the

commercial spirit is weak, and the trade in it's infancy. Again; in the new world, this confinement of the trade encourages interlopers, and an illicit commerce, too gainful for any regulations to prevent, and which may afford such bribes as will disarm the most rigid justice, and lull the most attentive vigilance. So that in reality it may greatly be doubted, whether the precautions, so systematically pursued, and improved from time to time with so much care and foresight, are at bottom of most advantage or prejudice to that nation. It was probably some consideration of this kind, that first gave rise to the custom of register ships: it was found that this confined commerce supplied it's extensive object very imperfectly; and that those who were at watch to pour in counterband goods, would take advantage of this want of a regular supply from Spain. When therefore a company of merchants of Cadiz or Seville, judge that goods must be wanting at any certain port in the West-Indies, the course is, to petition the council of the Indies for licence to send a ship of three hundred tuns, or under, to that port. They pay for this licence forty or fifty thousand dollars, besides presents to the officers, in proportion to the connivance necessary to their design; for though the licence runs to three hundred tuns at the utmost, the vessel fitted out is seldom really less than six hundred. This ship and cargo is registered at the pretended burthen. It is required too, that a certificate be brought from the king's officer at the port to which the register ship is bound, that she does not exceed the size at which she is registered; all this passes of course; these are what they call register ships, and by these the trade of Spanish America has been carried on principally for some years past, some think as much to the prejudice of their trade, as contrary to all their former maxims in carrying it on. But to return to the flota.

When all the goods are landed, and disposed of at La Vera Cruz, the fleet takes in the plate, precious stones, cochineal, indigo, cacao, tobacco, sugar, and hides, which are their returns for Old Spain. Sometimes in May, but more frequently in August, they are ready to depart. From La Vera Cruz they sail to the Havanna in the isle of Cuba, which is the place of rendezvous where they meet the galleons; another fleet which carries on all the trade of Terra Firma by Carthagená, and of Peru by Panama and Portobello, in the same manner that the flota serves for that of New Spain. When they arrive at this port, and join the galleons and the register ships that collect at the same port from all quarters, some of the cleanest and best sailing of their vessels are dispatched to Spain, with advice of the contents of these several fleets, as well as with treasure and goods of their own, that the court may judge what indulto or duty is proper to be laid on them, and what convoy is necessary for their safety. These fleets generally make some stay at the Havanna before all the ships that compose them are collected and ready to sail. As soon as this happens they quit the Havanna, and beat through the gulph of Florida, and passing between the Bahama islands, they hold their course to the North-East, until they come to the height of St. Augustin, and then steer away to Old Spain. When

the flota has left La Vera Cruz, it has no longer the appearance of a place of consequence; it is a town in a very unhealthy situation, inhabited scarcely by any but Indians, Meztezes, or negroes. All the merchants of any consequence reside at some distance, at a place called Los Angelos. This town may contain about three thousand inhabitants.

CHAP. VI.

THE inhabitants of New Spain are composed of people of three different races; whites, Indians, and negroes, or the several mixtures of those. The whites are either born in Old Spain, or they are Creoles; those who are native Spaniards are mostly in offices, or in trade, and have the same character and manners with the Spaniards of Europe; the same gravity of behaviour, the same natural sagacity and good sense, the same indolence, and a yet greater share of pride and stateliness; for here they look upon the being natives of Old Spain as a very honourable distinction, and are in return looked upon by the Creoles with no small share of hatred and envy. The latter have little of that firmness and patience which makes one of the finest parts of the character of the native Spaniard. They have little courage, and are universally weak and effeminate. Living as they do in a constant enervating heat, surfeited with wealth, and giving up their whole time to loitering and inactive pleasures, they have nothing bold or manly to fit them for making a figure in active life; and few or none have any taste for the satisfactions of a learned retirement. Luxurious without variety or elegance, and expensive with great parade, and little conveniency, their general character is no more than a grave and specious insignificance.

They are temperate at their tables and in their cups, but from idleness and constitution, their whole business is amour and intrigue; these they carry on in the old Spanish taste, by doing and saying extravagant things, by bad music, worse poetry, and excessive expences. Their ladies are little celebrated for their chastity or domestic virtues; but they are still a good deal restrained by the old-fashioned etiquette, and they exert a genius which is not contemptible, in combating the restraints which that lays them under.

The clergy are extremely numerous, and their wealth and influence cannot be doubted among so rich and superstitious a people. It is said, that they actually possess a fourth of the revenues of that whole kingdom; which, after all abatements, certainly amounts to several millions. And as to their numbers, it is not extravagant to say, that priests, monks, and nuns of all orders, are upwards of one fifth of all the white people, both here and in the other parts of Spanish America. But the clergy here being too ignorant in general to be able instructors by their preaching, and too loose and debauched in their own manners to instruct by their example, the people are little the better for their numbers, wealth or influence. Many of them are no other than adventurers from Old Spain, who without regard to their character or their vows, study nothing but how to raise a sudden fortune, by abusing the ignorance and extreme credulity of the people. A great deal of attention is paid to certain mechanical methods of devotion. Moral duties are little talked of. An extreme veneration for saints, lucrative to the orders they have founded, or are supposed to patronize, is strongly inculcated, and makes the general subject of their

sermons, designed rather to raise a stupid admiration of their miracles, than an imitation of the sanctity of their lives. However, having said this, it must be considered as all general observations, with the reasonable allowances; for many of the dignified clergy, and others among them, understand, and practise the duties of their station, and some whole orders, as that of the jesuits, are here as they are elsewhere, distinguishable for their learning, and the decency of their behaviour. And certainly, with all their faults, in one respect their zeal is highly commendable; that they are the cause of several charitable foundations; and that they bring the Indians and blacks into some knowledge of religion, and in some measure mitigate their slavery. This too has a good political effect, for those slaves are more faithful than ours, and though indulged with greater liberty, are far less dangerous. I do not remember that any insurrection has been ever attempted by them, and the Indians are reduced to more of a civilized life, than they are in the colonies of any other European nation.

This race of people are now, whatever they were formerly, humble, dejected, timorous, and docile; they are generally treated with great indignity, as the state of all people subjected to another people, is infinitely worse than what they suffer from the pressure of the worst form, or the worst administration of any government of their own.

The blacks here, as they are imported from Africa, have the same character as the blacks of our colonies; stubborn, hardy, of an ordinary understanding, and fitted for the gross slavery they endure.

Such are the characters of the people, not only of New Spain, but of all Spanish America. When any thing materially different occurs, I shall not fail to mention it.

The civil government is administered by tribunals, which here are called audiences, consisting of a certain number of judges, divided into different chambers, more resembling the parliaments in France than our courts. At the head of the chief of these chambers the viceroy himself presides when he sees fit. His employment is one of the greatest trust and power the king of Spain has in his gift; and is perhaps the richest government entrusted to any subject in the world. All employments here are held only by native Spaniards, and by them but for a certain limited time; most not above three years. Jealousy, in this respect, as in all others relative to the Indies, is the spirit that influences all their regulations; and it has this very bad effect; that every officer, from the highest to the lowest, has the avidity which a new and lucrative post inspires; ravenous because his time is short, he oppresses the people, and defrauds the crown; another succeeds him with the same dispositions; and no man is careful to establish any thing useful in his office, knowing that his successor will be sure to trample upon every regulation which is not subservient to his own interests; so that this enslaved people has not the power of putting in use the fox's policy, of letting the first swarm of bloodsuckers stay on,

but is obliged to submit to be drained by a constant succession of hungry and impatient harpies.

There are some troops kept in New Spain, and a good revenue appropriated for their maintenance, and for the support of the fortifications there; but the soldiers are few; ill cloathed, ill paid, and worse disciplined; the military here keep pace with the civil and ecclesiastical administration, and every thing is a jobb.

CHAP. VII. NEW MEXICO.

NEW Mexico lies to the North and North-East of New Spain. It's bounds to the North are not ascertained. Taking in California, it has the great South-Sea to the West, and to the East it is bounded by the French pretensions on the Mississippi. This country lies, for the most part, within the temperate zone, and has a most agreeable climate, and a soil in many places productive of every thing for profit or delight. It has rich mines of silver, and some of gold, which are worked more and more every day; and it produces precious stones of several kinds; but it has no direct intercourse with any part of Europe. The country is but little known at all to Europeans; and the Spanish settlements there are comparatively weak; however, they are every day increasing, in proportion as they discover mines; which are here not inferior to any that have been discovered in the other parts of America. The inhabitants are mostly Indians, but in many places lately reduced by the Spanish missionaries, to christianity, to a civilized life, to follow trades, and to raise corn and wine, which they now export pretty largely to Old Mexico. This useful change was principally effected at the expence of a Spanish nobleman, the marquis Velasco, whom the reverend author of lord Anson's voyage calls, for that reason, a munificent bigot.

The famous peninsula of California is a part, and far from an inconsiderable part of this country. It is a place finely situated for trade, and has a pearl fishery of great value. It was first discovered by the great conqueror of Mexico Hernando Cortes. Our famous admiral and navigator Sir Francis Drake landed there, and took possession of it in 1578; and he not only took possession, but obtained the best right in the world to the possession; the principal king having formally invested him with his principality. However, I do not find that we have thought of asserting that right since his time; but it may probably employ, in some future time, the pens of those lawyers who dispute with words, what can only be decided by the sword, and will afford large matter upon the right of discovery, occupancy and settlement.

CHAP. VIII. PERU.

THE conquest of Peru, atchieved in so extraordinary a manner, brought into the power of Spain a country not less wealthy, and nearly as extensive as Mexico; but far beyond it for the conveniency of habitation and the agreeableness of the climate. Like Mexico it is within the torrid zone; yet having on one side the South-Sea, and on the other the great ridge of the Andes through it's whole length, the joint effects of the ocean and the mountains temper the equinoctial heat in a manner equally agreeable and surprising. With a sky for the most part cloudy, which shields them from the rays of the vertical sun, it never rains in this country. But every night a soft benign dew broods upon the earth, and refreshes the grass and plants so as to produce in some parts the greatest fertility; what the dew wants in perfecting this, is wrought by the vast number of streams, to which the frequent rains and the daily melting of the snow on those astonishing mountains give rise; for those mountains, tho' within the tropics, have their tops continually covered with snow, which is an appearance unparalleled in the same climate. Along the sea coast Peru is generally a dry barren sand, except by the banks of the rivers and streams we have mentioned, where it is extremely fertile, as are all the valleys in the hilly country.

The cause of the want of rain in all the flat country of Peru, is difficult to be assigned; though the agents in it are not improbably the constant South-West wind, that prevails there for the greatest part of the year; and the immense height of the mountains, cold with a constant snow. The plain country between, refreshed as it is on the one hand by the cool winds that blow from the frigid regions of the South, and heated as uniformly by the direct rays of the equinoctial sun, preserves such an equal temper, that the vapour once elevated can hardly ever descend in rain: But in the mountainous part of the country, by the alternate contraction and dilatation of the air from the daily heats, and the succeeding colds, which the snows communicate in the absence of the sun, as well as from the unequal temper of the air which prevails in all hilly places, the rain falls very plentifully; the climate in the mountainous countries is extremely changeable, and the changes sudden.

All along the coast of Peru, a current sets strongly to the North; further out to sea it passes with equal rapidity to the South. This current probably moves eddywise; for having run as far as it's moving cause impels it, it naturally passes back again where it has least resistance. The ignorance of this double current made the navigation in the South seas originally very uncertain and fatiguing; but now the course is, for those who pass from Chili to Peru, to keep in to the shore in their passage to Callao, and on their return to stand out a great many leagues to sea and take the Southern current homewards. The same method, but reversed, is observed in the voyages between Panama, and all the other Northern countries, and the ports of Peru.

The commodities of Peru, for export, may be reduced to these articles. First, silver and gold; secondly, wine, oil and brandy; thirdly, Vigonia wool; fourthly, jesuit's bark; fifthly, Guinea or Jamaica pepper. Of the first of these articles we have already treated in our description of Mexico. The mines of gold in Peru, are almost all in the Northern part, not very remote from Lima; those of silver almost wholly in the Southern. The voyagers who treat of this country, are generally pretty diffuse in their accounts of the principal places, where mines are found; but it does not therefore give us encouragement to insist much on these particulars; because they contain very little instruction in themselves; and if they were things in their own nature instructive, it would be little to the purpose to dwell upon what is continually changing. New mines are daily opened, and the old exhausted or deserted. The towns shift with the mines. A rich mine is always founder of a town in proportion to its produce; the town which it subsists, when the mine is exhausted, disappears. Indeed the great mines of Potosi in the province of Los Charcas, are the inheritance of ages; and after having enriched the world for centuries, still continue the inexhaustible sources of new treasure. They are not however quite so valuable now as formerly; not so much from any failure of the vein, as from the immense depth to which they have pursued it, which by the greater labour necessary lessens, the profit on what it yields, in proportion as they descend; besides new mines are daily opened, which are worked at a less expence: so that the accounts we have had of the great number which inhabited the city of Potosi, when Mr. Frezier was in that country, must have since suffered some abatement. It had then upwards of seventy thousand souls, Spaniards and Indians; of which the latter were six to one.

The Spaniards oblige this unfortunate people to send annually a certain number from the villages of the adjacent country, who are compelled to work for a limited time; afterwards they may return. But having lost the sweetness of their former connections, they that survive this slavery commonly settle in the city of Potosi. It is incredible how these mines (the most terrible scourge with which God could afflict the inhabitants,) have contributed to depopulate this country. Worse they are than sword or pestilence; equally fatal to their lives; and where those escape, they are embittered by the circumstance of an ignominious slavery, without any prospect of end or mitigation. The effects of this servitude would be yet more fatal, if it were not for the use of an herb which the inhabitants call Coca, to which they ascribe the most extraordinary virtues, and which they constantly use. It's qualities seem to be of the opiate kind, and to have some resemblance to those of tobacco; for it produces a kind of stupid composure. It is an antidote against poisons and poisonous effluvia, and makes those who use it, subsist a long time without food. Though necessary to those only who work in the mines, it is used for pleasure by all the Indians, who chew it constantly, tho' it makes those who use it stink in a most offensive manner. This herb is gathered by the Indians with many superstitious ceremonies, to which they attribute it's virtues; for which reason it is in many parts

of Peru, with equal superstition, strictly forbidden; the Spaniards, as well as the Indians, giving the credit of it's effects to magic, and allowing to these more than they deserve; for they think the Indians superiority in strength owing principally to them. However, notwithstanding the severity of the inquisition which is established in all the Spanish dominions with great terror, necessity makes them wink at the practice, where the mines are worked.

They make use of another preservative, an infusion of the herb of Paraguay; something of the nature of tea. The consumption of this in Peru by all ranks of people is prodigious. Above 18,000 hundred weight is annually brought into Chili and Peru, and is worth, when the duty is paid, not less than 80,000 pounds sterling. The finest of this species of tea comes from the country of the jesuits.

CHAP IX,

THE Southern part of Peru which lies without the tropic of Capricorn, produces wine in great plenty, but not in a perfection proportionable. The Spaniards dislike and leave it to the Indians and negroes, chusing rather, what may seem odd, to regale in the brandy of the same wine, which is likewise made and exported in large quantities, not only to all parts of Peru, but to Panama, and the ports of New Spain. The greatest quantity is made near a place otherwise of no consequence, called Moquaga; here it is said they make annually of wine and brandy one hundred thousand jars, which Mr. Frezier reckons at three million two hundred thousand Paris pints. A vast quantity in a small territory. The value of this produce is four hundred thousand pieces of eight. Other places trade in wine, such as Pisco, but of a goodness not superior. Oil is likewise had in Peru, but both the wine and oil are mostly the produce of those places that lie beyond the Southern tropic.

Wool makes one of the most valuable commodities of the growth of this country. And it is not more remarkable for it's fine long staple, than for the singularity of the animal which carries it. It is sheered from a sort of sheep, which they call lamas and vicunnas; the lamas have small heads, resembling in some measure both an horse and sheep; the upper lip is cleft like that of the hare, through which, when they are enraged, they spit even to ten paces distance, a sort of envenomed juice, which, when it falls on the skin, causes a red spot and great itching. The neck is long like that of a camel; the body resembles that of a sheep, but the legs are much longer in proportion. This animal has a disagreeable smell, but it's flesh is good; and it is extremely useful, not only for the wool, which is very long and fine, but as it is a beast of burthen, strong, patient, and kept at a very easy expence. It seldom carries above one hundred and fifty pound weight, but then it carries that weight a vast way without tiring, eats very little, and never drinks. As soon as night comes the lama lies down, and no blows can get him to move one foot after the time he destines for his rest and food.

The vicunna is an animal resembling the lama, pretty much as the dromedary does the camel. He is smaller and swifter, with a far finer wool, but otherwise exactly like the lama in all respects. The wool of these creatures is almost as fine as silk. Probably the famous sheep of Cachemir, of whose wool they make the little white cloths so much valued in India, is of this species. I cannot ascertain what quantity of this wool is exported manufactured or raw out of Peru, either to New or Old Spain; but I have reason to believe it is not at all insensible.

The fourth great article of their commerce is jesuit's bark, so well known in medicine as a specific in intermitting disorders, and the many other great purposes, which experience daily finds it to answer. The tree which produces this valuable bark, grows principally in the mountainous parts of Peru, and that most and best in

the province of Quito. •ondamine informs us, that it grows on the hither side of the Andes, no way inferior to the Peruvian in quantity and goodness; the best is produced on the high and rocky grounds; and it is not singular in this, for it seems in a good measure to be the case of all plants, whose juices are much more strong and effective when elaborated in such situations. The tree which bears it is about the size of a cherry-tree; it's leaves are round and indented; it bears a long reddish flower, from whence arises a sort of husk, which envelopes a flat and white kernel, not unlike an almond. This bark was first introduced in France by the cardinal Lago, a jesuit, about the year 1650. Hence it had it's name of jesuit's bark. It is said to have been discovered by the accident of an Indian's drinking in a fever of the water of a lake into which some of these trees had fallen, and by which he was cured. This medicine, as usual, was held in defiance for a good while by the faculty; but after an obstinate defence, they have thought proper at last to surrender. Notwithstanding all the mischiefs at first foreseen in it's use, every body knows that it is at this day innocently and efficaciously prescribed in a great variety of cases; for which reason it makes a considerable and valuable part of the cargo of the galleons.

Guinea pepper, Agi, or as it is called by us, Cayenne pepper is a very great article in the trade of Peru, as it is used all over Spanish America in almost every thing they eat. This is produced in the greatest quantity in the vale of Arica, a district in the Southern parts of Peru, from whence they export to the annual value of six hundred thousand crowns. The district which produces this pepper in such abundance, is but small, and naturally barren; it's fertility in pepper, as well as in grain and fruits, is owing to the advantage of a species of very extraordinary manure, brought from an island called Iquiqua. This is a sort of yellowish earth, of a fetid smell. It is generally thought to be dung of birds, because of the similitude of the scent, that feathers have been found very deep in it, and that vast numbers of sea fowls appear upon that and all the adjacent coasts. But on the other hand, whether we look upon this substance as the dung of these sea fowls, or a particular species of earth, it is almost equally difficult to conceive how the small island of Iquiqua, not above two miles in circumference, could supply such immense quantities; and yet after supplying upwards of twelve ship loads annually for a century together for the distant parts, and a vastly larger quantity for the use of the neighbourhood, it cannot be observed that it is in the least diminished, or that the height of the island is at all lessened. But these are matters, which to handle properly, requires a more exact knowledge of all the circumstances relating to them, than can be gathered from travellers.

Quicksilver is a remarkable article in their trade, because the purification of their gold and silver depends upon it. I do not find that any other part of the Spanish America produces it; so that Mexico and Terra Firma are supplied from Old Spain with all they want of that mineral, which is brought them on the king's account only; except that some arrives from Peru in a counterband manner. In Peru

likewise it is monopolized by the crown. The principal mine of this extraordinary substance is at a place called Guancavelica, where it is found in a whitish mass, resembling brick ill burned; this they pound, and put into a furnace vaulted at the top; it is laid upon an iron grate covered with earth. Thro' this the fire passes, and volatilizing the mineral, it is raised in a smoak, which finding no passage but through a little hole contrived for that purpose, it rushes through it into a succession of little round vessels, united to each other by the necks; here the smoak circulates, and it condenses by means of a little water at the bottom of each vessel, into which the quicksilver falls in a pure heavy liquid. The men who work in the mines of this mineral, are yet mroe subject to diseases than those who toil in the others, and they make use of the same preservatives of Paraguay, tea and coca.

CHAP. X.

THE manners of the Spaniards and Creolians of Peru resemble, with little difference, those of the Spaniards and Creolians of Mexico, other than that the natives of Peru seem to be of a more liberal turn, and of greater ingenuity, but they are equally destitute of all cultivation. The slavery of the Indians is here yet more severe. The magistrate and the priest devour their whole substance; and every Spaniard insults them with impunity. The traveller takes as much of their provision as he pleases, and decides for himself what he shall pay, or whether he shall pay any thing at all. Complaints are answered with new indignities, and with blows, which it is a crime to return. This cruel irregular bondage contributes to dispeople this country even more than the methodical tyranny of the government. To avoid the plunder he is hourly subject to, the master of the family often raises no more grain than what just suffices for the sustenance of his family; this he buries, and he keeps the secret of his hoard to himself, only drawing out daily just so much as serves for the use of the day. If he chances to die suddenly, the family starves; if a bad season comes, the calculated produce falls short, and they are all reduced to beggary. Yet worse, they are even the slaves of slaves; for the Spaniards encourage their negroes to treat them with the greatest insolence; and they politically keep up a rancour, now grown inveterate between these two races of people. They are forbidden, under the severest penalties, to marry, or to have an unlawful intercourse together. Division is the great instrument in which the Spaniards trust for the preservation of their colonies. The native Spaniard has alone all the lucrative offices, civil, ecclesiastical, and military. He despises the Creolian. The Creolian hates and envies him. Both condemn and maltreat the Indians, who, on their side, are not insensible of the indignities they suffer. The blacks are encouraged to trample on the Indians, and to consider their interests as altogether opposite; whilst the Indians in their nominal freedom look with an envious disdain upon the slavery of the negroes, which makes them their masters.

What is extraordinary, the Spaniards, not content with reducing this unhappy nation under so cruel a yoke, as if they thought it nothing, unless they were thoroughly sensible of it's weight, suffer the Indians to celebrate an annual festival, in which plays are represented, commemorating the overthrow of their own state. These are acted with all the horrid and aggravating circumstances which attended this event; and the people are at this time so enraged, that the Spaniards find it dangerous to go abroad. In the city of Lima, there is annually celebrated a festival of this kind, with a grand procession, wherein they carry in a sort of triumph the remaining descendant of the yncas of Peru, and his wife; who at that time receive all imaginable honours in the most melancholy pomp, from a race bowed down with the sense of the common bondage of prince and people. This throws the most

affecting gloom over the festival that renews the image of their former freedom. To this remaining ynca the viceroy of Peru does homage when he enters upon his government. The ynca sits upon a lofty stage, and the viceroy makes his obeisance upon an horse, who is taught to kneel upon the occasion. This manner of proceeding may be thought of the most refined strain of insolent tyranny, and to be as unpolitic as it is insulting; but it is not impossible that those vents, which they suffer the indignation of the people to take, may carry off a spirit, that might otherwise break out in a much more fatal manner. However it is, whether by the division they keep up, or by these vents, or by the management of the clergy, or by whatever means, the Spaniards preserve their conquests with very little force; the Indians are even armed, and make a considerable part of their militia; it is true, they are interdicted the use of weapons without licence; but licence is procured without much difficulty. They have likewise a large number of free blacks, and they too are formed into companies in their militia. Certain it is, that both in the Spanish and Portuguese colonies, they find slavery compatible enough with great licence in some respects, and both with the security of the masters. Things deserving our consideration; as we do not seem to excell in the conciliating arts of government in our colonies, nor to think that any thing is to be effected by other instruments than those of terror and rude force.

CHAP. XI.

THERE are three cities in Peru famous for their opulence and trade; Lima, Cusco, and Quito. Lima lies in the Northern part of Peru, about two leagues from the sea, upon a river called Rimac, small and unnavigable. This is the capital of Peru, and of all South America; a beautiful city, with the streets laid out with the greatest regularity, cutting each other at equal distances and right angles; the houses, on account of the equality of the climate, are only covered with mats, as they are built low to avoid the consequences of earthquakes, frequent and dreadful in this country. They are painted all over both inside and outside, with flowers and landscips, and other ornamental fancies, not altogether unskilfully executed. To add to the elegance and convenience of this city, most houses have a little garden, which is watered by cuts drawn from the river; so that each man commands a little running stream for his own use; in a hot and dry country as this is, no small matter of convenience and delight. They have a walk by the river side two hundred fathom long, consisting of five rows of fine orange trees. Here the company resorts at five in the evening drawn in their calashes; of which, such is the opulence of this city, they had no less than four thousand in the year 1715. It has fifty-four churches, taking in the cathedral, the parochial, and conventual; twenty monasteries of men, one of which contains seven hundred, and another five hundred friars and servants; twelve nunneries, one of which has not less than three hundred nuns; and twelve hospitals, besides foundations for the portioning of poor girls. With these the whole number of the inhabitants is said not to exceed thirty thousand.

They tell a very remarkable fact, that may help us to some idea of the vast wealth of this City. When their viceroy the duke de la Palata made his publick entry in 1682, they caused two of the principal streets to be paved with ingots of silver, that had paid the fifth to the king, of between twelve and fifteen inches long, four or five in breadth, and two or three in thickness; the whole of which could not amount to less than sixteen or seventeen millions sterling. The trade of the French to Peru, during the general war in Europe which was caused by the disputes about the Spanish succession, made this city decay not a little by diffusing the commerce, of which before it was the center, amongst the other towns which lie along the coast; but as that privilege has been since taken away, Lima began to revive again, and continued in great splendor until the year 1747, when a most tremendous earthquake, which entirely devoured Callao the port belonging to it, laid three fourths of this city level with the ground. The destruction of Callao was the most perfect and terrible that can be conceived; no more than one of all the inhabitants escaping, and he by a providence the most singular and extraordinary imaginable. This man was on the fort that overlooked the harbour, going to strike the flag, when he perceived the sea to retire to a considerable distance; and then swelling mountain

high it returned with great violence. The inhabitants ran from their houses in the utmost terror and confusion; he heard a cry of miserere rise from all parts of the city; and immediately all was silent; the sea had entirely overwhelmed this city, and buried it for ever in it's bosom; but the same wave which destroyed the city, drove a little boat by the place where the man stood, into which he threw himself and was saved. What is remarkable too in this affair, Mr. Frezier, who was in Peru in the year 1714, and from whom I have part of my materials, on considering the situation of this town and the nature of the country, ventured to prophesy for it the destruction, which we have seen accomplished in our days. Whilst this town subsisted, it contained about 3000 inhabitants of all kinds, had five convents, and possessed the finest port in all Peru. Here were the rich warehouses furnished with all the goods of Europe, which being landed by the galleons at Portobello were brought over land to Panama, and thence transported hither by the armadilla, or fleet, with a convoy of three men of war reserved for this purpose. To this port arrived the annual ship from Acapulco loaden with all the products of the East; from Chili it received vast quantities of corn, dried beef and pork, leather, tallow, plank, and several sorts of woollen goods, particularly carpets like those of Turkey. From the ports of Peru were brought sugars, wine and brandy, naval stores, cacao and tobacco. From Mexico it had pitch and tar, woods for dying, and that balsam, which we improperly call of Peru, since it comes from Guatimala. As the port of Callao is so excellent, and as it is that by which the trade of Lima wholly, and that of all Peru in a great measure, must be carried on, we cannot doubt but that a new city is already built there; and that Lima is restored to it's former lustre; especially as this latter is the seat of so great a government. For to the viceroy of Peru, both Chili and Terra Firma are subject. His settled salary is 40,000 pieces of eight yearly; his perquisites are great; as often as he goes to Callao, he is intitled to 3000 pieces of eight for that little airing; he has 10,000 for every progress into more distant parts; he has the sole disposal of above a hundred great magistracies; and, in short, the granting of all triennial employments both civil and military throughout the extent of his ample jurisdiction. It cannot therefore be doubted that his perquisites, even his lawful ones, (for there are many others,) at least double the value of his salary. And certainly, whatever the king of Spain may lose by the bad oeconomy in his affairs, no prince in the world has such means of rewarding the services of his subjects, without any immediate burthen upon his own revenues.

Cusco, the capital of the ancient empire, is still a very considerable city; it is at a good distance from the sea, and situated in the mountainous part of the country; it has not less than forty thousand inhabitants, three parts Indians, who are very industrious and ingenious. Though little instructed in the art, many shew the rudiments of a taste for painting; and there are an incredible quantity of pictures painted here, which are dispersed all over Peru and Chili. They have here likewise,

manufactures of bays and cotton, and they work largely in leather in most of the ways in which it is used.

Quito is likewise an inland town; it is situated in the most northern part of Peru; it is a considerable place, and drives a great trade with the Indians; but I can get but little account of the inhabitants, or the manufactures which employ them.

It is not easy to calculate the number of inhabitants in Peru, because we have none of those data which are necessary to ground such a calculation. There are a good many large and populous towns dispersed through that country; but in many places it is little better than a desert; partly for want of water, but much more generally through the pride of one part of the people, the miserable subjection of the other, and the sloth of all. The mines undoubtedly contribute largely to depopulate the country, by turning the inhabitants from agriculture and manufactures, employments that prolong life and provide for it, to the working of metals extremely pernicious to health, and which makes them depend upon others for their necessary sustenance. The nations which are poor in respect of gold, and industrious from that poverty, have not the least reason to envy the wealth of the Peruvians; who, amidst all that extravagant glare that dazzles the eye, live penuriously and sordidly; and are often in extreme want in a country, which in many places is one of the most fertile in the world. In fact, the countries which employ their men in arts and in agriculture, and receive their return in gold and silver from the countries which abound in those metals, may be considered as the real proprietors of the mines; the immediate possessors, only as their stewards to manage, or as their slaves to work them; whilst they are employed themselves only at an easy labour, friendly to life, and necessary to their well-being.

CHAP. XII. CHILI.

IMmediately to the Southward of Peru lies Chili, extending itself in a long narrow slip, along the coast of the South-Sea, in the South temperate zone. The air here is remarkably clear and serene. Scarce any changes happen for three parts of the year. Very little rain falls during that period. But the benign dews every night, and the many rivulets which the neighbourhood of the Andes supplies them, fertilize the plain country, and make it produce as much corn, wine, oil, and fruits, as the number of the inhabitants, which is very small, or their industry, which is but moderate, will suffer them to cultivate. If it were under a more favourable government, and better peopled, there is hardly any part of the world which could enter into competition with this. For at the same time that it enjoys a very healthful air, and is warmed by an heat no way oppressive, it bears many of the tropical fruits that would thrive no where else out of the torrid zone. It is luxuriant on the surface with every thing for profit and delight; and beneath it is rich to profusion with veins of gold, silver, copper, lead, quicksilver, and iron. Those of gold are the most wrought; and indeed there is scarce a rivulet in the country in which gold is not found in smaller or greater plenty; but want of people, which is here more felt than in the other Spanish settlements, hinders them from working all their mines; and what is worse, from improving the surface of their country to any thing like the degree of perfection to which it might be brought. For in this whole extent of country, upwards of twelve hundred miles in length, and from three hundred to five hundred miles in breadth, it is not reckoned they have much above twenty thousand whites fit to bear arms, and about three times that number of Indians, blacks, and mulattoes. Yet with so few hands, and those not the most industrious, they export annually from the ports of Chili, to Callao, and other ports of Peru, corn enough to support sixty thousand men; great quantities of wine; hemp, (which is raised in no other part on the South-Seas,) hides, tallow, and salted provisions; to say nothing of the gold, and other minerals which form their principal wealth. This country is in general, not so fit for pasturage, tho' it has a sufficient number of useful cattle of all sorts. Those whose flesh they salt, and in whose hides they trade to Peru, come from the other side of the Andes, from the province of Tucuman in Paraguay. Chili has but a very few beasts of prey, and those timorous; and although toads, snakes, and scorpions, are here as numerous as in other hot countries, they are found entirely harmless.

There are in Chili four towns of some note, either on the sea or near it; St. Jago which is the capital, La Concepcion, Coquimbo or La Serena, and Baldivia. The three first of these towns are laid out in a manner exactly resembling each other, the streets, like those of Lima, cutting one another so as to form squares like those of a draft board. They have all gardens between the houses, and running waters drawn

from the neighbouring rivers to fertilize them; but the houses are so low and meanly built, (mud walls, and thatch in some,) that they rather resemble agreeable country villages than cities of business or grandeur. However, some of the houses are well furnished, and it is said, that in St. Jago there are many, which have the meanest utensils of the kitchen, of gold and silver. As for Baldivia, it is not more remarkable for being the strongest fortress in the South-Seas, than for the manner in which it is peopled; for hither the criminals from Peru and the other parts of Chili are transported, either for a time, or for life, and obliged to labour upon the fortifications and other public works. What is singular, these criminals are at once the prisoners and the jailors; for the garrison of the place, the whole corps, soldiers and officers, is formed of no other. The town contains about two thousand souls, and all of them banished people, or the descendants of such.

The trade of Chili is entirely confined to what they carry on with Peru, one or two ports of New Spain, and with Panama. None of their ships ever penetrate the straits of Magellan, or pass Cape Horn. They send their commodities to these ports in Mexico and Peru, and receive their European goods from Panama.

CHAP. XIII.

AS in Chili they are weak in men, and have a large body of independent Indians, ill-affected to them on their borders, and know that the Dutch once attempted an establishment here, and that other people have nourished projects of the same nature, they are extremely cautious and watchful on the coast, and the country is immediately in arms upon every alarm; which is given when any ship appears off the coast that is not of Spanish built. Yet, notwithstanding all their caution, their security is rather owing to the system of Europe, of which it is a part to keep the Spanish possessions in the hands of the present proprietors, and to the difficult and dangerous passage of the straits of Magellan or Cape Horn, for any European armament of force, than either to their own strength or vigilance.

The Indian inhabitants of Chili are a brave and warlike people, who defended their liberties vigorously, made several successful insurrections, killed Peter Baldivia the conqueror of the country, and maintained a war against the whole Spanish power in that part of the world for several years; which was only terminated on the part of several of the nations near the mountains, by an honourable peace, which is preserved to this day. None can be more jealously watchful than this people of their freedom. They traffic indeed with the Spaniards, but with so much caution, and under limitations so strict, that they can take very little advantage of this communication. As for those who were obliged to submit, it is to a yoke nothing near so heavy as that which oppresses the people who inhabit the other Spanish provinces; partly from the better terms which were procured; and partly from the fear of a nation, whom they have experienced to be brave, and know to be surrounded with many, who are of the same blood, and have defended their freedom with better success. A good example, even in the unfortunate, how much a brave defence of liberty may contribute to procure, if nothing else, yet a more tolerable servitude. The Indians of this country have more resemblance to those of North America, though more humane and civilized in their manners, than to the Peruvians and Mexicans. Here they have less superstition naturally; and far from having that excessive veneration, which those nations had for their kings, they have no kings at all, and very little form of government; each family being sovereign within itself, and independent. The business which concerns them all, is transacted in the assemblies of all; and the plurality of voices decides. They are much given to liquor; and they practise polygamy, which in America is not common. However, the Spanish missionaries have now made a considerable progress amongst these free nations; they have a college for the education of the Indian youth; and their influence is a great means of preserving peace between the Spanish settlements and the free Indians on their borders, which, without their assistance, would be difficult.

For though they listen to the Spanish priests, they preserve a very just terror of falling under their government, and no small hatred to the people.

CHAP. XIV. PARAGUAY.

THE country of Paraguay, or La Plata, shuts up the Eastern side of a considerable part of Chili and Peru; whence extending over a tract of country, above a thousand miles broad, it bounds Brazil upon the West, and upon the South butts upon the Atlantic ocean; being fifteen hundred miles at least in length, from the mouth of the great river Plata to it's Northern boundary the country of the Amazons. This vast territory is far from being wholly subdued or planted by the Spaniards. There are many parts in a great degree unknown to them, or to any other people of Europe. In such a vast country, and lying in climates so different, for it lies on the Northern frontier under the equinoctial line, and on the South advances to the thirty-seventh degree of latitude, far into the South temperate zone, we must expect to meet great diversity of soil and product. However, in general this great country is fertile; the pastures particularly are so rich, that they are covered with innumerable herds of black cattle, horses and mules; in which hardly any body thinks it worth his while to claim a property. Any person takes and breaks them according to his occasions.

This country, besides an infinite number of smaller rivers, is watered by three principal ones, which unite near the sea, to form the famous Rio de la Plata. The first is Paraguay, from whence the country is denominated; this forms the main channel. It has it's origin from a great lake in the center of South America, called the lake of Xarayes, and runs in a course nearly North and South. Parana, which rises amongst the mountains on the frontiers of Brazil, runs a sloping course to the South-West, until it joins the Paraguay at a great distance from the ocean about the twenty-seventh degree of South latitude. Uruguay rises likewise upon the same side, and runs almost an equal course before it meets those united rivers at no great distance from the ocean, with which it mixes, along with them.

The principal province which concerns us in this vast tract, is that which is called Rio de la Plata, towards the mouth of the above-mentioned rivers. This province, with all the adjacent parts, is one continued level, interrupted by not the least hill for several hundreds of miles every way; extremely fertile in most things; but contrary to the general nature of America, destitute of woods; this want they endeavour to supply by plantations of every kind of fruit trees; all which thrive here to admiration. The air is remarkably sweet and serene, and the waters of the great river are equally pure and wholesome; they annually overflow their banks; and on their recess, leave them enriched with a slime, which produces the greatest plenty of whatever is committed to it.

The principal town is Buenos Ayres, on the South side of the river; it was so called upon account of the excellence of the air. This town is the only place of traffic to the Southward of Brazil; yet it's trade, considering the rich and extensive

country to which it is the avenue, is very inconsiderable. No regular fleet comes here, as to the other parts of Spanish America; two, or at most three register ships, make the whole of their regular intercourse with Europe. Their returns are very valuable, consisting chiefly of gold, silver, sugar and hides. I cannot learn that they have opened any considerable mines in this province; but it is probable there are rich ones in the provinces, which lie to the Eastward of the Andes; besides it is certain that a good deal of gold is returned from Chili, for the mules, cattle and tea which are sent thither; and that silver from the province of Los Charcas in Peru is sent upon the same account, for the most part by land carriage. There is besides a tolerable water carriage; for a large river, called Pilcomayo, rises not far from the mines of Potosi, which winding amongst the openings of the Cordillera, discharges itself at last into the Paraguay; and this river is navigable to the very source, allowing for the interruption of some falls, which is the case of the river of Plate itself. By this way it is, I judge, that a great quantity of silver comes to Buenos Ayres. Indeed it is in great plenty in that province; and those who now and then carry on a counterband trade to this country, find it far more advantageous than any other whatsoever.

CHAP. XV.

THE trade of Paraguay, and the manners of the people, are so much the same with those of the rest of the Spanish colonies in South America, that nothing further can be said on those articles; but it would be inexcusable to quit the country without saying something of that extraordinary species of commonwealth which the jesuits have erected in the interior parts.

About the middle of the last century those fathers represented to the court of Madrid, that their want of success in their missions was owing to the scandal which the immorality of the Spaniards never failed to give, and to the hatred which their insolent behaviour caused in the Indians wherever they came. They insinuated, that if it were not for that impediment, the empire of the gospel might, by their labours, have been extended into the most unknown parts of America; and that all those countries might be subdued to his catholic majesty's obedience without expence and without force. This remonstrance was listened to with attention; the sphere of their labours was marked out; an uncontrouled liberty was given to the jesuits within these limits; and the governors of the adjacent provinces had orders not to interfere, nor to suffer any Spaniard to enter into this pale without licence from the fathers. They on their part agreed, to pay a certain capitation tax in proportion to their flock; and to send a certain number to the king's works whenever they should be demanded, and the missions should become populous enough to supply them.

On these terms the jesuits entered upon the scene of action, and opened their spiritual campaign. They began by gathering together about fifty wandering families, whom they persuaded to settle; and they united them into a little township. This was the slight foundation upon which they have built a superstruture, which has amazed the world, and added so much power, at the same time that it has brought so much envy and jealousy on their society. For when they had made this beginning, they laboured with such indefatigable pains, and with such masterly policy, that, by degrees, they mollified the minds of the most savage nations; fixed the most rambling; and subdued the most averse to government. They prevailed upon thousands of various dispersed tribes of people to embrace their religion, and to submit to their government; and when they had submitted, the jesuits left nothing undone, that could conduce to their remaining in this subjection, or that could tend to increase their number to the degree requisite for a well ordered and potent society; and their labours were attended with success.

It is said, that from such inconsiderable beginnings, several years ago, their subjects amounted to three hundred thousand families. They lived in towns; they were regularly clad; they laboured in agriculture; they exercised manufactures. Some even aspired to the elegant arts. They were instructed in the military with the most exact discipline; and could raise sixty thousand men well armed. To effect

these purposes, from time to time they brought over from Europe several handicraft men, musicians, and painters. These, I am told, were principally from Germany and Italy.

We are far from being able to trace with the exactness they deserve, all the steps which were taken in the accomplishment of so extraordinary a conquest over the bodies and minds of so many people, without arms or violence; and differently from the methods of all other conquests; not by cutting off a large part of the inhabitants to secure the rest, but by multiplying their people, whilst they extended their territory. Their own accounts are not very ample; and they are partial to themselves without doubt. What others have written is with a glaring prejudice against them. The particulars which seem best agreed upon by both sides, are the only ones to be mentioned.

It is agreed then, that in each mission or district (the country is divided into forty-seven districts) a jesuit presides in chief. He is lodged in a large and commodious house called the presbitery. Adjoining to this house are the church, and the public magazines. No person under the jurisdiction of the fathers has any thing that can justly be called his own property. Each man's labour is allotted him in proportion to his strength, or to his skill in the profession which he exercises. The product is brought faithfully into the public magazines; from whence he is again supplied with all things which the managers judge to be expedient for the sustenance of himself or his family. All necessaries are distributed regularly twice a week; and the magazines always contain such a stock of provisions and goods of every kind, as to answer not only the ordinary exigencies, but to provide against a time of scarcity, or for those whom accidents, age, or infirmities, have disqualified for labour.

They provide early for the marriage of their young people, as well to prevent disorders, as to multiply their subjects. Here, as interest can be no motive to the union, there are few difficulties attending it. The young man applies to the governing jesuit, informs him of his desire of marriage, and names the party: she is consulted, and if there is no objection upon her part, they are immediately married. They are supplied with all necessaries for their establishment from the public stores, and they have at the same time their task allotted them, by which they are to make amends for what they have received, and to provide for others in their turn.

Under the jesuit are magistrates, or caziques, of the Indian nation, who regulate all these matters, decide such differences as are too minute for the attention of the father, and give him regularly an exact account of the state of his district, and the merit and demerit of the people which it contains. They are rewarded or punished according to this report. The punishment is by blows, from which it is said not even the principal magistrates are exempted. These are however received by all, not only with patience, but acknowledgment. The rewards are seldom more than

benedictions, and some slight marks of the jesuits favour, which make those men entirely happy.

Nothing can equal the obedience of the people of these missions, except their contentment under it. Far from murmuring, that they have only the necessaries of life, by a labour which might in some degree procure them the conveniencies of it, they think themselves a distinguished and favoured people in wanting them; and they believe their obedience a duty, that not only secures their order and repose in this world, but the very best means of insuring their happiness in the next. This is carefully inculcated; and indeed besides their attention to the government, the jesuits are indefatigable in their instructions in the doctrines of religion, the regularity of life, and the contempt of this world. And by what I can find, the Indians under their jurisdiction are an innocent people, civilized without being corrupted.

The jesuits who govern them, are said to be extremely strict in preserving their privilege in keeping all strangers from amongst them. If any such should by accident, or in his journey, arrive in the country of the missions, he is immediately carried to the presbytery, where he is treated for a day, or two at most, with great hospitality, but regarded with no less circumspection. The curiosities of the place are shewed him in company with the jesuit, and he can have no private conversation with any of the natives. In a reasonable time he is civilly dismissed, with a guard to conduct him to the next district, without expence, where he is treated in the same manner, until he is out of the country of the missions. Cautions altogether as strict, and in the same spirit, are observed, when the natives are obliged to go out of their own territory to serve in the king's works, or when any part of their troops are called out for his service. They shun all manner of conversation with strangers, upon whom they look with a sort of horror; and so return, uninformed and untainted, into their own country as they left it.

I am sensible, that many have represented the conduct of the jesuits in this mission in a very bad light; but their reflections appear to me not at all supported by the facts upon which they build them. To judge perfectly of the service they have done their people, we must not consider them in a parallel with the flourishing nations of Europe, but as compared with their neighbours, the savages of South America, or with the state of those Indians who groan under the Spanish yoke. Considering it in this, which is the true light, it will appear, that human society is infinitely obliged to them for adding to it three hundred thousand families in a well regulated community, in the room of a few vagabond untaught savages. And indeed, it can scarce be conceived, that any government has not some extraordinary perfection, which has a principle of increase within it, which draws others to unite themselves to the old stock, and shoots out itself a luxuriance of new branches. Neither can we, by any means, blame a system which produces such salutary effects; and which has found that difficult, but happy way, that grand desideratum in

politicks, of uniting a perfect subjection to an entire content and satisfaction of the people. Matters, which, it were to be wished, were studied with more attention by us, who content ourselves with railing at the diligence of an adversary, which we should rather praise and imitate; and who in our affairs think of using hardly any other instruments than force or money.

This commonwealth has lately become a subject of much conversation, upon account of the cession which has lately been made of part of that territory to the crown of Portugal. It is well known, that the inhabitants of seven of the missions refused to comply with this division, or to suffer themselves to be transferred from one hand to another, like cattle, without their own consent. How the jesuits have acquitted themselves at the courts of Madrid and Lisbon upon this article, I do not know. We are informed by the authority of the gazette, that the Indians actually took up arms; but notwithstanding the exactness of their discipline, they were easily, and with a considerable slaughter, defeated by the European troops, who were sent to quell them. It seems to have been ill-judged in this people, who had never seen any real service, nor were headed by officers who had seen any, without which the best discipline is but a sort of play, to have hazarded a battle with troops from Europe. They ought rather to have first habituated themselves to action by attacking small parties, by cutting off convoys, by little surprizes, until by use and success in smaller matters, they were intitled to hazard the sum of their affairs in the open field. However, it is not improbable, that this opposition will rouse the indolence of the Spaniards, and make them take the government of the country out of the hands it is in at present. If they do, it is not difficult to foresee, that the same depopulation, the same distress, and the same discontent, which distinguishes the Indians in the rest of the Spanish provinces, will be soon equally visible in this. It will not be difficult for them to effect the reduction of this country; for the jesuits have too large and valuable an interest in Old Spain, as well as in the new world, to dispute it with the court, whenever they shall demand in good earnest to have this country surrendered; if it be true, that the jesuits have really such influence on the inhabitants as is attributed to them.

It was not originally such bad policy, as it may seem, to have entrusted the jesuits with so great a power; since a little time will shew, that they have given them a territory unknown, unpeopled, and uncultivated, which they have the certain means of repossessing when they please, subdued, peopled, and cultivated. As to it's wealth, it is hard to say any thing certain; the jesuits deny it. And truly if they acted with a perfect policy, they would never have suffered any mines of gold or silver to be opened in that country. Of this matter I have no information upon which I can depend.

CHAP. XVI.

THE Spaniards have not made any settlements in the other divisions of South America, which they claim to the Southward of Buenos Ayres, nor to the Northward, except in Terra Firma, of which we shall say something. The country of the Amazons, tho' prodigiously large, wonderfully fertile, and watered by so noble a river, is entirely neglected. The country of Patagonia is likewise of a vast stretch to the Southward of Buenos Ayres, all in the temperate zone, and extended all along the Atlantic ocean; a plain country without trees; but this is the case of the delightful and fertile country of Buenos Ayres. It is said likewise to be barren and desart; but what is certain, it is unsettled by any European nation, and little known, though it lies open for any power that can avail itself of a favourable opportunity to establish a colony there.

The last province, according to the order I have observed, tho' not of the least consequence in the Spanish American dominions, is Terra Firma; a vast country, above 2000 miles in length, and 500 broad. Bordering on Mexico, Peru, and Amazonia, it stretches all along the North sea, from the Pacific ocean to the mouth of the river of Amazons upon the Atlantic. It is divided into twelve large provinces. They all contain a vast deal of high and mountainous country, particularly the province of St. Martha, where there are said to be hills surpassing Teneriffe itself in height; these hills communicate with the Andes. The valleys are deep and narrow, and for a great part of the year flooded; but they are extremely fertile; produce corn enough; all kinds of the tropical fruits; rich drugs; cacao, vanilla, indigo, piemento, guaiacum, sarsaparilla, and balsam of Peru. No country abounds more in rich and luxuriant pasturage, or has a greater stock of excellent black cattle. Their rivers have rich golden sands; their coasts have good pearl fisheries; their mines yield great quantities of gold; and rubies and emeralds are found in plenty. Yet with all this fertility, Terra Firma is, for the greater part, the most unpleasant and most unhealthful country of the torrid zone.

This province has a very considerable share of the trade of Europe; not only on account of it's own produce and demand; but because all the intercourse of Peru and Chili with Old Spain, is carried on through this country. It's capital city Panama is the great barcadier of the South-Sea. Hither is brought all the treasure which the rich mines of Peru and Chili pay to the king, or produce upon a private account.

The city of Panama is situated upon one of the best harbours in all respects, of the South-Seas. Ships of burthen lie safe at some distance from the town; but smaller vessels come up to the walls. This town, one of the largest in America, is said to contain five thousand houses, elegantly built of brick and stone, disposed in a semicircular form, and enlivened with the spires and domes of many splendid churches and rich monasteries. It is covered on the land side with fine orchards and

gardens, and at a greater distance with an agreeable country, diversified with hills, valleys, and woods. The town stands upon a dry and healthful ground, and has a great and profitable trade with Peru, Chili, and the Western coast of Mexico upon one side, and with the Terra Firma, and with Europe on the other, which is carried on over the isthmus of Darien, and by the river Chagra.

The second town of consideration in Terra Firma, is Carthagena, which stands upon a peninsula, that encloses one of the safest and best defended harbours in all the Spanish America. The town itself is well fortified, and built after the elegant fashion of most of the Spanish American towns, with a square in the middle, and streets running every way regularly from it, and others cutting these at right angles. This town has many rich churches and convents; that of the jesuits is particularly magnificent. Here it is that the galleons on their voyage from Spain put in first, and dispose of a considerable part of their cargo; which from hence is distributed to St. Martha, the Caraccas, Venezuela, and most of the other provinces and towns in the Terra Firma.

The fleet which is called the galleons, consists of about eight men of war, of about fifty guns each, designed principally to supply Peru with military stores; but in reality, laden not only with these, but with every other kind of merchandize on a private account; so as to be in bad condition for defending themselves, or protecting others. Under the convoy of these sail about twelve merchant ships, not inferior in burthen. This fleet of the galleons is regulated in much the same manner with the flotas, and it is destined for the exclusive commerce of Terra Firma and the South-Sea, as the flota is for that of Mexico.

No sooner is this fleet arrived in the haven of Carthagena, than expresses are immediately dispatched to Portobello, and to all the adjacent towns; but principally to Panama; that they may get ready all the treasure which is deposited there, to meet the galleons at Portobello; at which town, (remarkable for the goodness of it's harbour, which brings such a surprising concourse here at the time of the fair, and the unwholsomeness of the air, which makes it a desart at all other times) all the persons concerned in the various branches of this extensive traffic assemble; and there is certainly no part of the world where business of such great importance is negotiated in so short a time. For in about a fortnight the fair is over; during which the display of the gold, silver, and precious stones, on the one hand, and of all the curiosity and variety of the ingenious fabrics of Europe on the other, is astonishing. Heaps of wedges and ingots of silver are tumbled about on the wharfs like common things. At this time an hundred crowns are given for a poor lodging, a thousand for a shop, and provision of every kind is proportionably dear; which may help us to some idea of the profits made in this trade. The treasure is brought hither from Panama, by a very dangerous road upon mules. The other goods, sugar, tobacco, and drugs, are transported on the river Chagra.

When the galleons have taken in their returns, they steer together to the Havanna, which is the place of rendezvous of all the ships concerned in the Spanish American trade.

The Havanna is the capital city of the island of Cuba. It is situated upon an excellent harbour upon the Western extremity of the island. This city is large, containing not less than two thousand houses, with a number of churches and convents; but then it is the only place of consequence upon the noble island of Cuba, which lies in the latitude 20, and extends from East to West near seven hundred miles in length, though in breadth it is disproportioned, being but from one hundred and twenty to seventy miles. However, it yields to no part of the West-Indies in the fertility of it's soil, or in excellence of every thing which is produced in that climate. But the Spaniards, by a series of the most inhuman and impolitic barbarities, having exterminated the original inhabitants; and not finding the quantities of gold in the islands which the continent afforded, they have left this as well as Hispaniola; of which the French now possess the greater part, and Porto Rico, a large, excellent, and fertile island, comparatively so many desarts. The commerce between these islands, and the Spanish continent, is carried on by the Barlevento fleet, consisting of six ships of good burthen and force, who annually make the tour of all these islands, and the coast of Terra Firma, not only to carry on the commerce between those places, but to clear the sea of pirates and illicit traders. Now and then a register ship from Old Spain is bound to one or other of these islands. Hitherto the Spaniards seemed rather to keep them, to prevent any other nation from growing too powerful in those seas, than for any profit they expected to derive from them. And it is certain, that if other nations should come entirely to possess the whole of the islands, the trade of the American continent, and perhaps the continent itself, would be entirely at their mercy. However, of late, the Spaniards have taken some steps towards the better settlement of Porto Rico. They are beginning to open the American trade to some other towns in Spain besides Cadiz. They have made a difference in point of duty between their own manufactures and those of foreigners. They are, in short, opening their eyes to the true interest of their country, and moving their hands, though slowly, to promote it.

Unto this time, the tide of wealth, that constantly flowed from America into Spain, ran through that kingdom like a hasty torrent, which, far from enriching the country, hurried away with it all the wealth which it found in it's passage. No country in Europe receives such vast treasures as Spain. In no country in Europe is seen so little money. The truth is, from the time that the Indies fell into the hands of Spain, the affairs of that monarchy have been constantly going backward. In America their settlements were carried on conformably to that genius, and to those maxims, which prevailed in their government in Europe. No means of retaining their conquests but by extirpating the people; no schemes for the advancement of trade; no attempts at the reformation of abuses, which became venerable in

proportion to the mischiefs they had suffered by them. In government, tyranny; in religion, bigotry; in trade, monopoly.

When the Spaniards found, to their ambition which was boundless, that they had joined a treasure which was inexhaustible, they imagined there was nothing too vast for them to compass. They embraced a thousand projects at once; many of them noble ones in theory, but to be executed with different instruments in different parts of the world, and all at a vast expence of blood and treasure. The wars, which were the result of these schemes, and the Indies, which were to support them, were a continual drain, which carried off their people, and destroyed all industry in those who remained. The treasure which flowed in every year from the new world, found them in debt to every part of the old; for to the rest of their revenues they had forgot to add that, which is a great revenue itself, and the great support of all the others, oeconomy. On the contrary, an ill order in their finances at home, and a devouring usury abroad, swallowed up all their treasure, whilst they multiplied the occasions for it. With the best scheming heads in Europe, they were every where outwitted; with the bravest and best disciplined troops, they were almost always defeated; with the greatest treasures, they were in want; and their armies were ill provided, and ill paid. Their friends exhausted them by trade; their enemies by plunder. They saw new states arise out of the fragments of their dominions; and new maritime powers start up from the wrecks of their navy. In short, they provoked, troubled, and enriched all Europe; and at last desisted through mere want of strength. They were inactive, but not quiet; and they were enervated as much by their laziness during this repose, as they had been weakened before by their ill-judged activity.

All this happened in a country, which abounded with men of capacity as much as any state in Europe, and often with men of great capacity at it's head. But their talents took a wrong turn; their politics were always more abroad than at home; more employed in weakening their neighbours, than in strengthening themselves. They were wise in the concerns of foreign courts; they were satisfied with being formal in their own domestic business. They relied too much upon their riches; and the whole state, being moulded into a system of corruption from the top to the bottom, things grew at last so bad, that the evils themselves became a sort of remedies; and they felt so severely the consequences of their former conduct, that they have for some years past turned their thoughts into a very good channel; and they may in time, and with perseverance, rise again, whilst others shall fall, by adopting the abuses which brought them to ruin.

At present the politics of Spain, with regard to America, seem to be; to preserve South America, and particularly the navigation of the South-Seas, as much as possible to themselves; to destroy effectually the counterband trade, and to encourage the export of their own manufactures. Of us they have long shewn a remarkable jealousy; a much greater than of the French, whom they see quietly

settling in the neighbourhood of New Mexico; and who are growing certainly in the West-Indies in a far greater degree than we are. I shall not pretend to account for this distinction.

PART IV. The Portuguese Settlements.

CHAP. I.

IT is very rare that any material discovery, whether in the arts, in philosophy, or in navigation, has been owing to efforts made directly for that particular purpose, and determined by the force of reasonings a priori. The first hints are owing to accident; and discoveries in one kind present themselves voluntarily to us, whilst we are in search of what flies from us in some other. The discovery of America by Columbus was owing originally to a just reasoning on the figure of the earth; though the particular land he discovered was far enough from that which he sought. Here was a mixture of wise design and fortunate accident; but the Portuguese discovery of Brazil may be considered as merely accidental. For sailing with a considerable armament to India, by the way of the Cape of Good Hope, but standing out to sea to avoid the calms upon the coast of Africa, the Portuguese fleet fell in upon the continent of South America. Upon their return they made so favourable a report of the land they had discovered, that the court resolved to send a colony thither. And accordingly made their first establishment; but in a very bad method, in which it were to be wished they had never been imitated. This was by banishing thither a number of criminals of all kinds. This blended an evil disposition with the first principles of the colony, and made the settlement infinitely difficult by the disorders inseparable from such people, and the offence which they gave the original inhabitants. This settlement met some interruption too from the court of Spain, who considered the country as within their dominions. However, matters were accommodated by a treaty, in which it was agreed, that the Portuguese should possess all that tract of land that lies between the river Maranon, or of the Amazons, and the river Plate.

When their right was thus confirmed, the Portuguese pursued the settlement with great vigour. Large grants were made to those who were inclined to become adventurers; and almost all the nobility of Portugal poured interests in a country which promised such great advantages. The natives were in most parts subdued, and the improvement of the colony advanced apace. The crown in a little time became attentive to so valuable an acquisition; the government was new modelled, many of the exorbitant grants recalled, and all things settled upon so advantageous a footing, that the whole sea coast, upwards of two thousand miles, was in some measure settled, to the honour of the industry and courage of the first planters, and infinitely to the benefit of the mother country. The Portuguese conquests on the coast of Africa forwarded this establishment, by the number of negroes it afforded them for their works; and this was the first introduction of negroes into America, of which at present they form a large part of the inhabitants.

In the very meridian of their prosperity, when the Portuguese were in possession of so extensive an empire, and so flourishing a trade in Africa, in Arabia, in India,

in the isles of Asia, and in one of the most valuable parts of America, they were struck down by one of those incidents, that at one blow, in a critical time, decides the fate of kingdoms. Don Sebastian, one of their greatest princes, in an expedition he had undertaken against the Moors, lost his life; and by that accident the Portuguese lost their liberty, being absorbed into the Spanish dominions.

Soon after this misfortune, the same yoke that galled the Portuguese, grew so intolerable to the inhabitants of the Netherlands, that they threw it off with great fury and indignation. Not satisfied with erecting themselves into an independent state, and supporting their independency by a successful defensive war, flushed with the juvenile ardor of a growing commonwealth, they pursued the Spaniards into the remotest recesses of their extensive territories, and grew rich, powerful, and terrible, by the spoils of their former masters. Principally, they fell upon the possessions of the Portuguese; they took almost all their fortresses in the East-Indies, not sufficiently defended by the inert policy of the court of Spain; and then turned their arms upon Brazil, unprotected from Europe, and betrayed by the cowardice of the governor of the then principal city. And they would have overrun the whole, if Don Michael de Texeira, the archbishop, descended from one of the noblest families in Portugal, and of a spirit superior to his birth, had not believed, that in such an emergency, the danger of his country superseded the common obligations of his profession. He took arms, and at the head of his monks, and a few scattered forces, put a stop to the torrent of the Dutch conquest. He made a gallant stand until succours arrived; and then resigned the commission with which the public necessity and his own virtue had armed him, into the hands of a person appointed by authority. By this stand he saved seven of the captainships, or provinces, out of fourteen, into which Brazil is divided; the rest fell into the hands of the Dutch, who conquered and kept them with a bravery and conduct, which would de+serve more applause; if it had been governed by humanity.

The famous captain, prince Maurice of Nassau, was the person to whom the Dutch owed this conquest, the establishment of their colony there, and that advantageous peace which secured them in it. But as it is the genius of all mercantile people to desire a sudden profit in all their designs; and as this colony was not under the immediate inspection of the States, but subject to the company called the West-India company, from principles narrowed up by avarice and mean notions, they grudged that the present profits of the colony should be sacrificed to it's future security. They found, that the prince kept up more troops, and erected more fortresses, than they thought necessary to their safety; and that he lived in a grander manner than they thought became one in their service. They imagined that a little official oeconomy was the principal quality necessary to form a great conqueror and politician; and therefore they were highly displeased with their governor prince Maurice, whom they treated in such a manner as obliged him to resign.

Now their own schemes took place. A reduction of the troops; the expence of fortifications saved; the charge of a court retrenched; the debts of the company strictly exacted; their gains increased cent per cent, and every thing flourishing according to their best ideas of a flourishing state. But then, all this fine system in a short time ended in the total loss of all their capital, and the entire ruin of the West-India company. The hearts of subjects were lost by their penurious way of dealing, and the severity of their proceedings. The enemy in their neighbourhood was encouraged by the defenceless state of their frontiers, and both operated in such a manner, that Brazil was reconquered by the Portuguese; though after a struggle, in which the States exerted themselves vigorously; but with that aggravated expence, and that ill success, which always attends a late wisdom, and the patching up a blundering system of conduct. A standing lesson to those people who have the folly to imagine they consult the happiness of a nation, when by a pretended tenderness for some of it's advantages, they neglect the only things that can support it, the cultivating the good opinion of the people, and the keeping up a proper force.

CHAP. II.

THE name of Brazil was given to this country, because it was observed to abound with a wood of that name. It extends all along a tract of fine sea coast upon the Atlantic ocean upwards of two thousand miles, between the river of Amazons on the North, and that of Plate on the South. To the Northward the climate is uncertain, hot, boisterous, and unwholsome. The country, both there, and even in more temperate parts, is annually overflowed. But to the Southward, beyond the tropic of Capricorn, and indeed a good way within it, there is no part of the world that enjoys a more serene and wholsome air; refreshed with the soft breezes of the ocean on one hand, and the cool breath of the mountains on the other. Hither several aged people from Portugal retire for their health, and protract their lives to a long and easy age.

In general, the soil is extremely fruitful, and was found very sufficient for the comfortable subsistence of the inhabitants, until the mines of gold and diamonds were discovered. These, with the sugar plantations, occupy so many hands, that agriculture lies neglected; and in consequence Brazil depends upon Europe for it's daily bread.

The chief commodities which this country yields for a foreign market are, sugar, tobacco, hides, indigo, ipecacuanha, balsam of Copaibo, and brazil wood. The last article, as it in a more particular manner belongs to this country, to which it gives it's name, and which produces it in the greatest perfection, it is not amiss to allow a very little room to the description of it. This tree generally flourishes in rocky and barren grounds, in which it grows to a great height, and considerable thickness. But a man who judges of the quantity of the timber, by the thickness of the tree, will be much deceived; for upon stripping off the bark, which makes a very large part of the plant, he will find from a tree as thick as his body, a log no more in compass than his leg. This tree is generally crooked, and knotty like the hawthorn, with long branches, and a smooth green leaf, hard, dry, and brittle. Thrice a year bunches of small flowers shoot out at the extremities of the branches, and between the leaves. These flowers are of a bright red, and of a strong aromatic and refreshing smell. The wood of this tree is of a red colour, hard and dry. It is used chiefly in dying red, but not a red of the best kind; and it has some place in medicine as a stomachic and restringent.

CHAP III,

THE trade of Brazil is very great, and it increases every year. Nor is this a wonder; since they have opportunities of supplying themselves with slaves for their several works, at a much easier and cheaper rate than any other European power, which has settlements in America. For they are the only European nation which has taken the pains to establish colonies in Africa. Those of the Portuguese are very considerable, both for their extent and the numbers of their inhabitants; and of course they have advantages in that trade which no other nation can have. For besides their large establishment on the Western shore of Africa, they claim the whole coast of Zanguebar on the Eastern side, which in part they possess; besides several other large territories, both on the coast and in the country; where several numerous nations acknowledge themselves their dependants or subjects. This is not only of great advantage to them, as it increases their shipping and seamen, and strengthens their commercial reputation, but as it leaves them a large field for their slave trade; without which, they could hardly ever supply, upon any tolerable terms, their settlements in Brazil, which carry off such numbers by the severity of the works, and the unwholsomeness of some part of the climate; nor could they otherwise extend their plantations, and open so many new mines as they do, to a degree which is astonishing.

I own I have often been surprized, that our African traders should chuse so contracted an object for their slave trade, which extends to little more than some part of the Gold coast, to Sierra Leone, and Gambia, and some other inconsiderable ports; by which they have depreciated their own commodities, and raised the price of slaves within these few years above thirty per cent. Nor is it to be wondered; as in the tract, in which they trade, they have many rivals; the people are grown too expert by the constant habit of European commerce; and the slaves in that part are in a good measure exhausted; whereas, if some of our vessels passed the Cape of Good Hope, and tried what might be done in Madagascar, or on those coasts which indeed the Portuguese claim, but do not, nor cannot hold, there is no doubt but that they would find the greater expence and length of time in passing the Cape, or the charge of licences which might be procured from the East-India company, amply compensated. Our African trade might then be considerably enlarged, our own manufactures extended, and our colonies supplied at an easier rate than they are at present, or are likely to be for the future, whilst we confine ourselves to two or three places, which we exhaust, and where we shall find the market dearer every day. The Portuguese from these settlements, and this extensive range, draw every year into Brazil between forty and fifty thousand slaves. On this trade all their other depends, and therefore they take great care to have it well supplied, for which purpose the situation of Brazil, nearer the coast of Africa than any other part of America, is

very convenient; and it co-operates with the great advantages they derive from having colonies in both places.

Hence it is principally, that Brazil is the richest, most flourishing, and most growing establishment in all America. Their export of sugar within forty years is grown much greater than it was, though anciently it made almost the whole of their exportable produce, and they were without rivals in the trade. It is finer in kind than what any of ours, the French, or Spanish sugar plantations send us. Their tobacco too is remarkably good, though not raised in so large a quantity as in our colonies. The Northern and Southern part of Brazil abounds in horned cattle; these are hunted for their hides, of which no less than twenty thousand are sent annually into Europe.

The Portuguese were a considerable time possessed of their American empire, before they discovered the treasures of gold and diamonds, which have since made it so considerable. After the expulsion of the Dutch, the colony remained without much attention from the court of Portugal; until in 1685, a minister of great sagacity advised the then monarch to turn his thoughts to so valuable and considerable a part of his territories. He represented to him, that the climate in the bay of All Saints, where the capital stood, was of such a nature as to deaden the activity and industry of the people; but that the Northern and Southern extremities of Brazil in a more temperate climate, invited them to the cultivation of the country. The advice was taken. But because it was found that the insolence and tyranny of the native Portuguese always excited the hatred of the native Brazilians, and consequently obstructed the settlements, they were resolved to people the countries, which were now the object of their care, with those who are called Mestizes; that is, a race sprung from a mixture of Europeans and Indians, who they judged would behave better; and who, on account of their connection in blood, would be more acceptable to the Brazilians on the borders, who were not yet reduced. To compleat this design, they vested the government in the hands of priests, who acted each as governor in his own parish or district. And they had the prudence to chuse with great care such men as were proper for the work. The consequence of these wise regulations was soon apparent; for without noise or force, in fifteen years they not only settled the sea coast, but drawing in vast numbers of the natives, they spread themselves above an hundred miles more to the Westward than the Portuguese settlements had ever before extended. They opened several mines, which improved the revenues; the planters were easy, and several of the priests made no inconsiderable fortunes.

The fame of these new mines drew together a number of desperadoes and adventurers of all nations and colours, who not agreeing with the moderate and simple manners of the inhabitants of the new settlements, nor readily submitting to any order or restraint elsewhere, retired into a mountainous part of the country, but fertile enough, and rich in gold; where, by the accession of others in their own

circumstances, they soon became a formidable and independent body, and for a long time defended the privileges they had assumed with great courage and policy. They were called Paulists, from the town and district called St. Paul, which was their head quarters. But as this odd commonwealth grew up in so uncountable a manner, so it perished in a manner altogether unknown in this part of the world. It is now heard of no longer. The king of Portugal is in full possession of the whole country; and the mines are worked by his subjects and their slaves, paying him a fifth. These mines have poured almost as much gold into Europe as the Spanish America had of silver.

Not many years after the discovery of the gold mines, Brazil, which for a century had been given up as a place incapable of yielding the metals for which America was chiefly valued, was now found to produce diamonds too; but at first of so unpromising a nature, that the working of the mines was forbidden by the court of Portugal, lest without making any compensation by their number, they might depreciate the trade which was carried on in these stones from Goa. But in spite of this prohibition, a number were from time to time smuggled from Brazil; and some too of such great weight, and high lustre, and transparency, that they yielded very little to the finest brought from India. The court now perceived the importance of the trade, and accordingly resolved to permit it, but under such restrictions as might be sufficiently beneficial to the crown and subject; and at the same time preserve the jewels in that scarcity which makes the principal part of their value. In 1740 the diamond mines were farmed at one hundred and thirty-eight thousand crusadoes, or about twenty-six thousand pounds sterling annually, with a prohibition against employing more than six hundred slave at a time in the works. It is probable that this regulation is not very strictly complied with, the quantity of diamonds is much increased, and their value of course sunk since that time. It is true, that diamonds of the very first rank are nearly as dear as ever. None of the diamonds of Brazil have so high a lustre as the first rate of Golconda; and they have generally something of a dusky yellowish cast; but they have been found of a prodigious size. Some years ago we had an account in the news papers of one sent to the king of Portugal, of a size and weight almost beyond the bounds of credibility; for it was said to weigh sixteen hundred carats, or six thousand seven hundred and twenty grains; and consequently must be worth several millions.

CHAP. IV.

THE trade of Portugal is carried on upon the same exclusive plan, on which the several nations of Europe trade with their colonies of America; and it more particularly resembles the Spanish method, by sending out not single ships, as the conveniency of the several places, and the ideas of the European merchants may direct; but by annual fleets which sail at stated times from Portugal, and compose three flotas bound to as many ports in Brazil; to Fernambucca, in the Northern part; Rio Janeiro, at the Southern extremity; and the bay of All Saints in the middle. In this last is the capital, which is called St. Salvador, where all the fleets rendezvous on their return to Portugal. This city commands a noble, spacious, and commodious harbour. It is built upon an high and steep rock, having the sea upon one side, and a lake forming a crescent, investing it almost wholly, so as nearly to join the sea on the other. This situation makes it in a manner impregnable by nature; but they have besides added to it very strong fortifications. All these make it the strongest place in America. It is divided into an upper and lower town. The lower consists only of a street or two, immediately upon the harbour, for the convenience of lading and unlading goods, which are drawn up to the higher town by machines. The streets in the upper town are laid out as regularly as the ground will admit, and are handsomely built. They had forty years ago in this city above two thousand houses, and inhabitants proportionable; a sumptuous cathedral; several magnificent churches; and many convents, well built and endowed. The Portuguese fleet sets out from Lisbon in it's voyage hither in the month of February.

I can get no accounts, precise enough to be depended upon, of the towns of Fernambucca, or Parayba, and the capital of the Rio de Janeiro, to enable me to be particular about them. Let it suffice that the fleet for the former of these sets out in March; and for the latter in the month of January; but they all rendezvous in the bay of All Saints, to the number of an hundred sail of large ships, about the month of May or June, and carry to Europe a cargo little inferior in value to the treasures of the flota and galleons. The gold alone amounts to near four millions sterling. This is not all extracted from the mines of Brazil; but as they carry on a large direct trade with Africa, they bring, especially from their settlement at Mozambique, on the Eastern side of that continent besides their slaves, vast quantities of gold, ebony and ivory, which goes into the amount of the cargo of the Brazil fleets for Europe. Those parts of Brazil which yield gold, are the middle and Northern parts on the Rio Janeiro and Bay of All Saints. They coin a great deal of the gold in America; that which is coined at Rio Janeiro bears an R, that which is struck at the Bay is marked with a B.

To judge the better of the riches of this Brazil fleet, the diamonds it contains must not be forgot. For if the mines rented to the crown in the year 1740, at twenty-

six thousand pounds a year, it will be a very small allowance to say, that at least five times more is made out of them; and that there is returned to Europe in diamonds to at least the value of one hundred and thirty thousand pounds. This, with the sugar, which is principally the cargo of the Fernambucca fleet, the tobacco, the hides, the valuable drugs for medicine and manufactures, may give some idea of the importance of this trade, not only to Portugal, but to all the trading powers of Europe. The returns are not the fiftieth part of the produce of Portugal. They consist of the woollen goods of all kinds of England, France, and Holland, the linens and laces of Holland, France, and Germany; the silks of France and Italy; lead, tin, iron, copper, and all sorts of utensils wrought in these metals from England; as well as salt-fish, beef, flour, and cheese. Oil they have from Spain. Wine, with some fruits, is nearly all with which they are supplied from Portugal.

Though the profits in this trade are great, very few Portuguese merchants trade upon their own stocks; they are generally credited by the foreign merchants, whose commodities they vend, especially the English. In short, though in Portugal, as in Spain, all trade with their plantations is strictly interdicted to strangers; yet, like all regulations that contradict the very nature of the object they regard, they are here as little attended to as in Spain. The Portuguese is only the trustee and factor; but his fidelity is equal to that of the Spanish merchant; and that has scarce ever been shaken by any public or private cause whatsoever. A thing surprising in the Portuguese; and a striking instance amongst a people so far from remarkable for their integrity, of what a custom originally built upon a few examples, and a consequent reputation built upon that, will be able to effect in succession of men of very different natural characters and morals. And so different is the spirit of commercial honesty from that of justice, as it is an independent virtue, and influences the heart.

The English at present are the most interested, both in the trade of Portugal for home consumption, and of what they want for the use of the Brazils. And they deserve to be most favoured, as well from the services they have always done that crown, and from the stipulations of treaties, as from the consideration that no other people consumes so much of the products of Portugal. However, partly from our own supineness, partly from the policy and activity of France, and partly from the fault of the Portuguese themselves, the French have become very dangerous rivals to us in this, as in most other branches of our trade. It is true, that though the French have advanced so prodigiously, and that there is a spirit of industry and commerce raised in most countries in Europe, our exports of manufactures, or natural products, have by no means lessened within these last forty years; which can only be explained by the extending our own, and the Spanish and Portuguese colonies, which increases the general demand. But though it be true, that we have rather advanced than declined in our commerce upon the whole, yet we ought to take great care not to be deceived by this appearance. For if we have not likewise

advanced in as great a proportion to what we were before that period, and to our means since then, as our neighbours have done in proportion to theirs, as I apprehend we have not, then, I say, we have comparatively declined; and shall never be able to preserve that great superiority in commerce, and that distinguished rank of the first commercial and maritime power in Europe, time must be essential to preserve us in any degree, either of commerce or power. For if any other power of a more extensive and populous territory than ours, should come to rival us in trade and wealth, he must come of necessity to give law to us in whatever relates either to trade or policy. Notwithstanding that, the want of capacity in the ministers of such a power, or the indolence of the sovereign, may protract the evil for a time, it will certainly be felt in the end, and will shew us demonstratively, though too late, that we must have a great superiority in trade, not only to ourselves formerly, but to our neighbours at present, to have any at all which is likely to continue with us for a long time.

CHAP. V.

THE pourtrait which the most judicious travellers give us of the manners and customs of the Portuguese in America, is very far from being favourable to that people. They are represented as a people at once sunk into the most effeminate luxury, and practising the most desperate crimes. Of a dissembling hypocritical temper; of little honesty in dealing, or sincerity in conversation; lazy, proud, and cruel. They are poor and penurious in their diet, not more through necessity than inclination. For, like the inhabitants of most Southern climates, they are much more fond of shew, state, and attendance, than of the joys of free society, and the satisfactions of a good table, Yet their feasts, seldom made, are sumptuous to extravagance.

The luxury, indolence, pride, and cruelty of the masters, has, amongst other causes, been very justly attributed to their being bred up amongst slaves, having every business entirely done by such; and to their being permitted to keep a prodigious number of negroes, not for their field work, nor for domestic employments, but merely to wait upon them, and to form their train. These become more corrupted than their masters, who make them the instruments of their crimes; and giving them an unbounded and scandalous licence, employ them whenever they want to terrify or revenge, as bullies and assassins. And indeed nothing can be conceived more fit to create the worst disorders, than the unnatural junction of slavery to idleness, and a licentious way of living. They are all suffered to go armed, and there are vast numbers who have merited or bought their freedom; and this is suffered in a country where the negroes are ten to one.

But this picture, perhaps too highly coloured for those whom it is intended to represent, is by no means applicable to all the Portuguese of Brazil. Those by the Rio Janeiro, and in the Northern captainships, are not near so effeminate and corrupted as those of the Bay of All Saints, which being in a climate favourable to indolence and debauchery, the capital city, and one of the oldest settlements, is in all respects worse than any of the others.

The government of Brazil is in the viceroy, who resides at St. Salvador. He has two councils, one for criminal, the other for civil affairs; in both which he presides. But, to the infinite prejudice of the settlement, all the delay, chicanery, and multiplied expences incident to the worst part of the law, and practised by the most corrupted lawyers, flourish here; at the same time that justice is so lax, that the greatest crimes often pass with impunity. Formerly the judges could not legally punish any Portuguese with death. And it is not difficult to imagine, how much such a licence in such a country, must have contributed to a corruption, that it may be the business of successions of good magistrates, and ages of good discipline, to restore to soundness. Upon the river of Amazons, the people, who are mostly

Indians, and reduced by the priests sent thither, are still under the government of these pastors. The several divisions of this country are called missions.

As the Portuguese have been once dispossessed of this country by the Dutch, and once endangered by the French, their misfortunes and dangers have made them wise enough to take very effectual measures for their future security. St. Salvador is a very strong fortification; they have others that are not contemptible; besides a good number of European regular troops, of which there are two regiments in St. Salvador. The militia too is regimented, amongst whom they reckon some bodies of Indians, and free negroes; and indeed at present Brazil seems to be in as little danger as the settlements of any power of America, not only from their own internal strength, their remoteness, and the intolerable heat and unhealthiness of a great part of the climate, but from the interest that most of the states in Europe who are concerned in that trade, have to keep it in the hands of the Portuguese.

VOLUME II.

PART V. The French Settlements.

CHAP. I.

THE French were amongst the last nations who made settlements in the West-Indies; but they made ample amends by the vigour with which they pursued them, and by that chain of judicious and admirable measures which they used in drawing from them every advantage, which the nature of the climate would yield; and in contending against the difficulties which it threw in their way. The civil wars, which divided and harrassed that kingdom, from the death of Henry the second, with very little interruption, until the majority of Lewis the fourteenth, withdrew the attention of both prince and people from their commercial interests to those of parties in religion and government. The politicks of the house of Valois, though France perhaps was never governed by princes of so ingenious and refined a turn, were wholly of the Machiavillian kind. They tended to distract, to unsettle, to try dangerous schemes, and to raise storms only to display a skill in pilotage. The parties then in France solely contended, what power could be given to or taken from the king, without considering what could make their country a great kingdom. Therefore, which way soever the ballance inclined, whether to the king or to the nobles; to the catholicks, or to the protestants, it was pretty indifferent to the real happiness of that nation. The parties only gamed out of a common stock. Neither could be enriched. But their dissensions made all of them poor and weak. The time of cardinal Richlieu must be considered as the true aera of French policy. This great man pacifying all at home, exalting the royal authority upon the ruins of the power of the nobility, and modelling that great system of general policy in external affairs, which has raised France to such a pitch of greatness; amongst so many, and such extensive cares, did not forget those of commerce, and what serves most effectually to support commerce, colonies, and establishments abroad. But the circumstances of the time, and his genius that embraced so many objects, did not leave him leisure to perfect what he began. It was reserved for that great, wise, and honest minister Colbert, one of the ablest that ever served any prince, to bring that plan to perfection, to carry it in a great measure into execution, and to leave things in such order, that it was not difficult, when favourable circumstances offered, to make France one of the first trading powers in Europe, and her colonies the most powerful, their nature considered, of any in America.

So early as the reign of Francis I. the French attempted an establishment in North-America; but it was not until the year 1625, that they made their first settlement in the West-Indies. This was upon St. Christopher, one of the Caribee islands. A remarkable circumstance attended it; the English took possession of the island the same day. But this settlement had no long life on either side. The Spaniards had reason to dread the establishment of such powers in their neighbourhood; and they envied the French and English those advantages it was

foreseen they would draw from countries from which they had themselves no benefit, and which they claimed only to keep them deserts.

They assaulted these new colonies, and drove them out of the island. The English colony soon returned, and possessed themselves of the largest and best part, before the French could collect themselves; who, finding the English already settled in the best part, left a small colony on the other part. But their chief, and the most adventurous of their inhabitants, went in search of other seats, when, after various fortune, and after combating the difficulties which a new country and their own imprudence had caused them, they made a considerable settlement in the islands of Martinico and Guardaloupe.

Cardinal Richlieu saw very early into the advantages which might arise from these settlements, if prudently managed; and he thought the most prudent management both for securing and extending them, consisted in but one article; which was, to put the government into proper hands. With that view he made choice of Monsieur de Poincy, a knight of Malta; who was sent thither with the title of governor and lieutenant-general of the isles of America, and a very ample commission. No person could be better fitted to rectify the disorders that naturally must arise in every new settlement, and to put things in a right channel for the time to come. Of a good family; of an unblemished reputation for probity; of great reading; of much and various knowledge of life; and of a genius as variously exercised. He was a master in mechanical learning; in which he excelled not more to his own honour, than to the benefit of the colonies which had the happiness to be committed to his care. He it was that first taught them the method of cultivating the sugar cane, and preparing the sugar. He improved the methods which were used in the Brazils for this purpose, both with regard to the mills and the furnaces; and having given a direction to their industry, he gave it all the encouragement he could, by supporting those who raised their own substance, by the means which advanced the colony; whilst he kept a watchful eye, and a severe hand upon all, who were for making hasty fortunes, without adding to the publick stock. He made admirable regulations for the speedy and impartial administration of justice; and knowing that all order must depend for it's blessing above, and it's effect here upon an attention to religion, he ordered a proper number of churches to be built in all the islands under his care, and settled priests in them, with a competent, but not a superfluous provision; but he did not think monasteries and monks so compatible with a new colony.

Under the inspection of this governor, Martinico, Guardaloupe, part of St. Christopher's, St. Bartholomew, and St. Martin, were settled, and began to flourish, and that with very little help from home. A plain proof that almost every thing depends in affairs of this nature, on chusing proper men to command, and giving them a proper authority.

These islands, however, were unhappily under the superintendence of an exclusive company, which, in spite of all that could otherwise be done, especially after the death of Richlieu, so neglected, or mismanaged their affairs, that they were obliged to sell a part of the settlements; and they left the rest hardly worth purchasing. But the government at length bought up the islands which they had alienated, and rescued the others out of their hands. The trade under proper regulations was laid open, yet protected under the wings of their great India company. These regulations took place about 1680, and the benefits of this arrangement were great, and soon apparent. Exclusive companies may probably be useful to nourish an infant trade. They may be useful too for a very distant one, where the market is to be nicely managed, and where it is under the dominion of foreign and barbarous princes. But where the trade is between different parts of the dominions of the same prince, under the protection of his laws, carried on by his own subjects, and with goods wrought in his own country, such companies must be equally absurd in their nature, and ruinous in their consequences to the trade.

CHAP. II.

AFTER the Spaniards had ruined the first colony at St. Christopher's, they brought upon themselves by this act, a very heavy revenge for the injustice of it. Their example at the same time made it apparent, how much better it is to let a bold and adventurous people settle in some place where they can do but little mischief, and to suffer their spirit to evaporate in peaceful occupations, rather than to keep it up by difficulties, unable to quell it, but which may force it to take another and more dangerous turn.

Several of the French inhabitants, who were expelled from St. Christopher's, being reduced to great indigence, began to think of desperate courses. They betook themselves to piracy; and uniting with some vagrant English, Dutch, and other outcasts of all nations, but resolute fellows, and not destitute of men of capacity amongst them, they began a piratical war upon the Spaniards. At first they satisfied themselves with taking their ships and destroying their trade; which they did effectually; but soon encouraged and strengthened by this success, they landed upon the continent of New-Spain and Terra Firma, burning and plundering the open country. Their boldness and number increasing with their success, they assaulted and took some of their strongest fortresses and most opulent towns. They took Portobello, Campeachy, Maracaibo, Gibraltar, and the fortress of Chagra; they even took the city of Panama by storm, and burned it, after defeating an army which came to beat them off. In all which places, and in the others which they had taken, they gained an incredible booty, and committed the most unheard of cruelties. Another party of these pirates passed the streights of Magellan, and entering into the South-Sea, turned the whole coast of Peru, Chili, and the East of Mexico, into one scene of desolation; every where attended with success, because every where acting with a bravery and conduct, that in any other cause had merited the highest honours.

It is not a little surprising, at first view, that all the great things which were done in this new world, were either done by actual pirates, as these men were, or by private adventurers, but one degree better authorized, and nothing better supported; whose own courage and skill were to be at once their commission, their magazines, and their treasury; being obliged to find the resources of the war, in the war itself. When the most numerous and the best provided armaments have shamefully failed, and failed in those very places, where the adventurers had shewn them such a glorious example of success. But the cause is not so hard to be assigned. None but men of great enterprise and bravery, conceive those expeditions of themselves. Unsupported, but at the same time unchecked by the higher powers, they were under the necessity of turning to every side, and of exerting every faculty. But then they had nothing to hinder this exertion. Their first attempts were generally low, and

therefore they were prosperous. They did not lead great armies to be subsisted with great difficulty, and to be discouraged and wasted by the hardships of the climate; but they habituated themselves to hardships by degrees: they were encouraged by smaller successes; and having nothing to expect from their power and numbers, they made amends by their vigilance, their activity, and their courage. These are causes adequate to the effect; indeed adequate to any effect, Whereas in the regular way, a general of the first note and reputation has rarely been sent into America; the service seemed beneath him; and they that were tolerably expert at second and third parts, (worse than the absolutely inexperienced for the very first, where the scene is new,) were sent by court favour and intrigue. What armaments from England, Holland, and France, have been sent in different times to America, whose remains returned without honour or advantage, is too clear, and perhaps too invidious a topic to be greatly insisted upon.

The pirates, whom we called buccaneers improperly, the French denominated flibustiers, from the Dutch flyboats, in which they made their first expeditions. The buccaneers are no more than persons who hunt wild cattle in America for their hides and tallow. Some of these joined the flibustiers in their first expeditions; and from them we named the whole body, buccaneers. These people brought their prizes and plunder frequently into Jamaica, by which they enriched that island extremely. Others, finding that the Spaniards were very weak in Hispaniola, and that they had in a manner deserted a considerable part of the island, made it a place of rendezvous. They who hunted cattle saw the hideous desarts left by the Spanish tyranny, a proper place for exercising their profession. To these two sorts of people were soon added a third; who were some of the French in the lesser Antilles, who finding how much might be made by supplying a sort of people who expended largely, and were not very exact in their bargains, and perceiving that no part of America afforded a better soil, passed over to this island, and exercised here their business of planters and merchants. These three sorts of people, mutually in want of each other, lived in very good harmony. The Spaniards dislodged them several times; but they still returned, and with new strength; so that it was with difficulty, and after a long dispute, that the Spaniards were able to retain one part of the island.

The court of France saw the progress of these people silently. Whenever complaints were made, they disavowed their proceedings; resolved not to break measures with Spain for the sake of an object, which they were not sure they could hold, and the advantages of which were yet doubtful; but when they found the French in Hispaniola numerous, strong, and wealthy, they owned them as subjects, sent them a governor and regular forces to keep them so, and to defend them in what they had done: the old method of piracy was still connived at, whilst the trade of skins increased, and the plantations extended. At last the French obtained a legal right by the cession, which the Spaniards made them of the North-West part of the

island by the treaty of Ryswick, in 1697; the best and most fertile part of the best and most fertile island in the West-Indies, and perhaps in the world; that which was the first settled, and the whole of which is upwards of four hundred miles long, and one hundred and forty broad. This is the principal settlement of the French in the West-Indies, and indeed in all America. The country is mixed; pretty mountainous in some parts, but many of these mountains are fertile, and covered with beautiful woods. Others, which are barren and rocky, anciently had mines of gold; they are not worked now, though it is judged they not only contain those of gold, but mines of silver, copper, and iron. But the French think, and I believe, with reason, that their labour is better bestowed on the culture of the plains for these rich commodities, which vend so well in Europe, than in the pursuit of mines, really more precarious in their profits, and which yield a wealth after all, of a less useful kind.

This country has likewise prodigiously fine plains, of a vast extent, and extreme fertility; either covered with noble and beautiful forests of timber and fruit-trees, excellent in their kinds, or pastured by vast numbers of horned cattle, sheep, and hogs. The air in Hispaniola is of the most healthy in the West-Indies. The country is admirably watered with rivulets as well as navigable rivers. It is no wonder therefore, that this active and industrious nation, in possession of so excellent and extensive a country, has reaped from it prodigious advantages. They were the better enabled to do this, from the great encouragement their settlements met with in France; and from the wise regulations which were made concerning them. These we shall consider in their place. But it is certain they reckoned in the year 1726, that on this island they had no less than one hundred thousand negroes, and thirty thousand whites; that they made sixty thousand hogsheads of sugar of five hundred weight each; that the indigo was half as much in value as the sugar; that they exported large quantities of cotton, and that they had sent besides to France cacao and ginger in tolerable plenty. Since that time they raise coffee here to a very great amount. Now supposing since that time they have not improved, and that they raise no more of these several commodities than they did in 1726, which is far from the truth, and suppose that the sugar sells but at twenty shillings the hundred, yet at that rate the sixty thousand hogsheads must yield three hundred thousand pounds sterling. The indigo is somewhat fallen in its price since this calculation was made; but as it certainly has increased largely in its quantity, it is not too much to value it at the old rate, at one hundred thousand pound. If to these we add the produce of the cotton, cacao, ginger, and hides, it will not be too much to allow one hundred thousand more. This is supposing things no better than they were in the year 1726, and at this rate her share of the island is worth to France five hundred and fifty thousand pounds sterling a year. But if we consider that they are greatly increased since that time, that the sugars are in a higher demand; that without lessening any of the old articles, that of coffee is in a manner introduced there since that period, and now

makes a great return; it will not be excessive to rate the value of this colony at seven hundred and fifty thousand pounds sterling a year. It is true, that this part of the French trade suffered greatly in the last war, and that the progress of the colony must be somewhat retarded by it. Yet, allowing all this, Hispaniola has certainly increased at least in the measure I allow it.

Nations like France and England, full of people of spirit, and of industry, easily recover all the losses of war. The trade of France was in a deplorable condition at the treaty of Utrecht. She had not then five hundred vessels of all sorts in the world. At the beginning of the last war, but thirty years after, they had eighteen hundred. Their losses in that war were very great and yet their losses in this shew, that in a very little time they have more than repaired them. Wherever the vital principle subsists in full vigour, wounds are soon healed. Disorders themselves are a species of remedies; and every new loss not only shews how it may be repaired, but by the vigour it inspires, makes new advantages known. Such losses renew the spirit of industry and enterprise; they reduce things to their first principles; they keep alive motion, and make the appetites of traders sharp and keen. This is the reason that amidst their continual wars, and the losses all the nations of Europe suffer from each other, they are almost all thriving. And if I may indulge a conjecture, it may be one amongst several of the causes that have reduced the trade of Holland, that since the treaty of Utrecht, now above forty years, they have had no war. They may, during the quarrels of other powers, appear to have derived great advantages from their neutrality. But are they not with all this declining fast? And is not this country, which grew to be a nation, and to be a powerful trading and rich nation, in the midst of the most bloody and expensive wars, now losing it's trade, it's riches, and it's power, and almost ceasing to be a nation, in the midst of a profound peace of upwards of forty years. We must not place our dependance for keeping ourselves on a par of power with France, upon the prejudice which we can do it's trade in time of war, but upon the vigour, oeconomy, and wisdom of the of measures which we take to secure and advance our own, both in war and in peace.

The largest town in the French part of Hispaniola is Cape Francoise, which is situated on the Northern part of the island upon a very fine harbour. It is well built, and contains about eight thousand inhabitants, blacks and whites. But though this be largest town, Leogane on the Western side, a good port too, and a place of considerable trade, is the seat of government, which here resides in the hands of a governor and the intendant, who are mutually a check upon each other. There are besides two other towns, considerable for their trade. Petit Guaves on the West end of the island, and port Louïs on the South-West part.

CHAP. III.

Martinico is the next island in importance, which the French possess in America. It is one of the Caribbees or Windward islands, and the principal of them; about sixty miles in length, and at a medium about half as much in breadth. It is forty leagues to the North-West of Barbadoes. It has pretty high hills, especially in the inland part. From those hills are poured out upon every side a number of agreeable and useful rivulets, which adorn and fructify this island in a high degree. The bays and harbours are numerous, safe and commodious; and so well fortified, that we have always failed in our attempts upon this place. The soil is fruitful enough, abounding in the same things which our islands in that part of the world produce, and upon which I shall the less insist on that account. Sugar is here, as it is in all the islands, the principal commodity, and great quantities are here made. Their export cannot be less than sixty or seventy thousand hogsheads, of five or six hundred weight annually, and this certainly is no extravagant estimation. Indigo, cotton, piemento or allspice, ginger, and aloes, are raised here; and coffee in great abundance; but to what value I cannot exactly say. Martinico is the residence of the governor of the French islands in these seas.

Guardaloupe is the largest of all the Caribbees, and in that division called the Leeward islands. It is almost cut in two by a deep gulph that closes the sides of a narrow isthmus, which connects the two peninsulas that compose this island. It is upwards of sixty miles long, and about the same breadth. It's soil is not inferior to that of Martinico; it is equally cultivated; and it is fortified with equal strength; it's produce is the same with that of Martinico; its export of sugar is as great, besides indigo, cotton, and those other commodities, which are produced in all the islands of that part of America called the West-Indies.

The rest of the French islands in those seas are Desiada, St. Bartholomew, and Marigalante; all of them inconsiderable in comparison of those which we have mentioned. They do not all together produce above seven or eight thousand hogsheads of sugar. As for the island of St. Vincent, it is in the possession of the native Americans, and of runaway negroes from the rest of the Caribbees. The French maintain them in this possession. Santa Lucia, or as it is often called, Sant Alouzie, of which the French are themselves in possession, and have settled, contrary to the faith of treaties, it is impossible to say any thing of it's produce; it has been so newly planted, that it cannot as yet yield a great deal, and it is, even in our present circumstances, much our fault if it ever yields a great deal to France. These islands, besides their staple commodities, send home rocou, and brazil wood, in considerable quantities for the use of dyers, cassia for the druggists, and rosewood for joiners. The French have a settlement upon an island on the coast of Terra Firma in the province of Guiana, which they call Caen; and they claim

besides a considerable part of the adjacent continent, but they have not much extended their settlements that way. The island is excessively unhealthy, though not so bad as formerly. The French here raise the same commodities which they have from the Caribbee islands, and in no inconsiderable quantity.

In estimating the produce of these islands, it is not in my power to be very exact. I have made the best enquiries I could, and principally took care not to exaggerate. I have, indeed, make the produce of the Caribbee islands very much greater than the ingenious collector of Harris's voyages; but then I am the less fearful of differing from him, as he seems a little to differ from himself, and not to have considered this point with his usual attention; for of Martinico he says,

"That as it is larger, so it has many more inhabitants than Barbadoes, and produces more sugars, &c."

And speaking of Guardaloupe a little lower, he observes,

"That it produces more sugars than any of the British islands, except Jamaica;"

and yet afterwards coming to sum up the products of all these islands, he allows but fifteen thousand hogsheads of sugar, of about six hundred weight each, for the whole; when he makes the single island of Barbadoes to yield double the quantity of sugars which Martinico, Guardaloupe, and all the French Caribbees put together produce. For he rates it in the year 1730, at twenty-two thousand hogsheads, and upwards of thirteen hundred weight. He must therefore certainly have made some mistake, excusable enough in so vast a work, which is executed in general in a very masterly manner.

On the whole, from the best informations I can get, if the French do not greatly exceed, they certainly do not fall short of our islands in the quantity or goodness of their sugars; and it is as certain, that they are less on the decline in that trade than we are; that they cultivate great quantities of indigo; a trade which our colonies in the West Indies have entirely lost; that within these few years they have sent to France abundance of coffee, which our islands have not sufficient encouragement to raise; and that upon the whole, we have the greatest reason to be jealous of France in that part of the world. What advantages they derive from the noble island of Hispaniola we have seen. What must they do, if they come to possess the whole of that island, which in the cutting and shuffling of a treaty of peace is no way impossible? We shall then change the indolent Spaniard for the neighbourhood of the lively, vigilant, and enterprising French. And what a rivalry in peace, and what a danger in war that neighbourhood is even now, and much more will probably be, is but too apparent. Jamaica is near it; and for so valuable a possession in so dangerous a situation, perhaps not so well defended. If besides this, the French should retain the islands of St. Vincent, St. Lucia, and Tobago, though they should only turn them into plantations for fire wood, lumber, and provisions, as in such a case it would seem most adviseable to do with some of them at least, what an advantage to their colonies! what an annoyance to ours! which they in a manner

surround, and can in a sort hold besieged by the private armaments they may from thence fit out.

These last mentioned islands were left neutral at the last peace; or in other words, they were left at the extinction of the old, in just the order proper for kindling a new flame (though such a design, I am convinced, was far from the intentions of one of the parties) and in all respects as if things were expressly ordered for that very purpose. Indeed nothing can be attended with worse consequences than these political after-reckonings, which the party who has the advantage at making the peace, never finds it his account to settle or adjust; but there they lie, full of matter of litigation; full of idle occasions for formal business; full of strife, and of ill blood; and when a proper time occurs of bloody and expensive wars. It were better, at any rate, all at once to know what we are to depend upon; the best or the worst we have to expect. If on the conclusion of a peace, things should take for us such an unfortunate turn, we have still great resources in the territories we possess. Jamaica is nothing like fully cultivated. The Bahamas, our undisputed right, where it is highly probable sugars might be cultivated to advantage, remain at present utterly neglected, as if unworthy of all notice, though they are many in number, large in extent, fruitful in their soil, situated in a very happy climate, and are in a manner the keys of the West-India navigation. But we shall pass by all reflections on this subject for the present, to look at the possessions and claims of France upon the continent, which, if they were as well cultivated as they are fruitful and extensive, or as convenient objects of the French industry as their islands, they would, I make no doubt, be at least as advantageous to the trade, and add as much to the wealth and power of that flourishing kingdom.

CHAP. IV.

THE French possessions and claims in North-America consist of an immense inland country, communicating with the sea by the mouths of two great rivers; both of difficult and dangerous navigation at the entrance; and one of which is quite frozen for almost half the year, and covered with thick exhalations and fogs for the greater part of the rest. They divide this vast country, which has our colonies on the East and North-East; the Spanish on the South-West and South-East; and to the Westward that unknown tract of land which stretches to the South-Sea; into two great provinces; the Northern of which they call Canada, and the Southern Louisiana. But how far the bounds of these countries, extended to dimensions almost as great as all Europe, by the ambition of France, ought to be contracted by the rights of other powers, I shall not undertake to determine; as after all, such questions must be decided in a manner altogether different from any thing that can be said here.

Canada, which borders upon our provinces of Nova-Scotia, New-England, and New-York, is of a climate not altogether different from theirs; but as it is much further from the sea, and more Northerly than a great part of those provinces, it has a much severer winter; though the air is generally clear. The soil is various; mostly barren; but the French have settlements where the land is equal in goodness to that in any of our colonies, and wants nothing but a better convenience of market to make it equally advantageous to the proprietors. It yields Indian corn very well in most parts, and very fine wheat in some. All sorts of garden stuff which grows in Europe flourishes here. But they raise no staple commodity to answer their demands upon Old France; their trade with the Indians produces all their returns for that market. They are the furs of the beaver principally, and those of foxes and racoons, with deer-skins, and all the branches of the Peltry. These, with what corn and lumber they send to the West-Indies, to a people not very luxurious, nor extremely numerous, furnish though very little money, yet wherewithal in a plentiful country, to render life easy and agreeable.

The nature of the climate severely cold for the most part, and the people manufacturing nothing, shews what the country wants from Europe; wine, brandy, cloths, chiefly coarse, linen, and wrought iron. The Indian trade requires brandy, tobacco, a sort of duffil blankets, guns, powder and ball, kettles, hatchets, and tomahawks, with several toys and trinkets. The Indians supply the Peltry, and the French have traders, whom they call *coureurs de bois*, who, in the manner of the original inhabitants, traversing the vast lakes and rivers that divide this country, in canoes of bark, with incredible industry and patience, carry their goods into the remotest parts of America, and amongst nations entirely unknown to us. This again brings the market home to them, as the Indians are hereby habituated to trade with

them. For this purpose, people from all parts, even from the distance of a thousand miles, come to the French fair of Mont-Real, which is held in June. On this occasion many solemnities are observed; guards are placed, and the governor assists to preserve order in such a concourse of such a variety of savage nations. The trade is now in that channel, for though many, if not most of these nations, actually pass by our settlement of Albany in New-York, where they may have the goods they want cheaper considerably than at Mont-Real, they travel on above two hundred miles further, to buy the same commodities at the second hand, and enhanced by the expence of so long a land carriage, at the French fair. For the French find it cheaper to buy our goods from the New-York merchants than to have them from their own, after so bad and so tedious a passage as it is from the mouth of the river St. Laurence to Mont-Real. So much do the French exceed us in industry, oeconomy, and the arts of conciliating the affections of mankind; things that even ballance all the disadvantages they naturally labour under in this country. Our fort of Oswego was well planned for securing the Indian trade, and actually brought us a great part of it. But it is now no longer an interruption to the French commerce.

Having mentioned Mont-Real, I have only to observe, that this town is situated in an island in the river of St. Laurence, in the country of the Iroquois. The river is only navigable hither by canoes, or small craft, having several falls between this town and Quebec. Yet this Indian fair, and the trade of the same kind, which they drive more or less for the whole year, make it no inconsiderable place. It contains about three thousand inhabitants.

Quebec, the capital, lies many leagues nearer the sea; from which, however, it is one hundred and fifty leagues distant. The river, which from the sea hither is ten or twelve miles broad, narrows all of a sudden to about a mile wide. The town is divided into an upper and a lower. In both the fortifications are strong, and the houses well built. They have a grand cathedral and episcopal palace, a handsome college of jesuits; three monasteries of men, and as many of women; and the town is covered by a regular and beautiful citadel, in which the governor resides. This city, though the capital of Canada, is however not very large. It contains about seven or eight thousand inhabitants at the utmost. Ships of any burthen load and unload here, and a good many are built.

From Quebec to Mont-Real, which is about one hundred and fifty miles distance, the country on both sides the river is very well settled, and has an agreeable effect upon the eye. The farms lie pretty close all the way; several gentlemen's houses, neatly built, shew themselves at intervals; and there is all the appearance of a flourishing colony; but there are no towns or villages. It is pretty much like the well-settled parts of our colonies of Virginia and Maryland, where the planters are wholly within themselves.

With all the attention of the court of France to the trade and peopling of this, as well as their other colonies on the continent, they have not been yet able thoroughly

to overcome the consequences of those difficulties which the climate, whilst the place was unsettled, threw in their way; their losses in the wars with that brave and fierce nation the Iroquois, who more than once reduced their colony to the last extremity, and the bad navigation of the river St. Laurence, which is an evil incurable, have kept back the colony. Therefore, though it is the oldest of all the French establishments, and prior to our settlement of New-England, the inhabitants are not above one hundred thousand souls. Some indeed of late reckon them but at forty thousand. An error this very prejudicial to our affairs, whilst we overvalued our own strength, and underrated the force of the enemy, and acted in a good measure in conformity to such ideas; but even this number, as I estimate it, which I believe is not far from the reality, might be no just cause of dread to our colonies, if they managed the strength they have, and which is certainly much superior, with skill and effect. The French from theirs, though inferior, have seven or eight thousand militia hardy and well disciplined, always in readiness to cooperate with their regular troops; and there is nothing which may hinder or retard their operations from within themselves. It is therefore not more the French intrigues and their intermarriages with the Indians, which fix that people in the French interest, than the succours which they are always sure to have from such a force, ever in readiness to protect them whilst they remain their friends, or to punish them whenever they dare to appear as enemies. With us the case is quite otherwise. This savage people commence hostilities against us without any previous notice, and often without any provocation, they commit the most horrid ravages for a long time with impunity. But when at last their barbarities have roused the sleeping strength of our people, at the same time too that they have considerably lessened it, they are not ashamed to beg a peace; they know we always grant it readily; they promise it shall endure as long as the sun and moon; and then all is quiet, till the French intrigues, co-operating with our indolence, give them once more an opportunity of ravaging our colonies, and of once more renewing a peace to be broken like all the former.

The great river St. Laurence is that only upon which the French have settlements of any note; but if we look forward into futurity, it is nothing improbable that this vast country, whoever then shall be the possessors of it, will be enabled of itself to carry on a vast trade upon these great seas of fresh water which it environs. Here are five lakes, the smallest of which is a piece of sweet water greater than any in the other parts of the world; this is the lake Ontario, which is not less than two hundred leagues in circumference; Erie longer, but not so broad, is about the same extent. That of the Hurons spreads greatly in width, and is in circumference not less than three hundred; as is that of Michigan, though like lake Erie, it is rather long and comparatively narrow. But the lake Superior, which contains several large islands, is five hundred leagues in the circuit. All of these are navigable by any vessels, and they all communicate with one another, except that the passage between Erie and

Ontario is interrupted by the stupendous cataract of Niagara, where the water tumbles down a precipice of twenty-six fathom high, and makes in this fall a thundering noise, which is heard all round the country at the distance of several miles. The river St. Laurence is the outlet of these lakes; by this they discharge themselves into the ocean. The French have built forts at the several straits, by which these lakes communicate with each other, as well as where the last of them communicates with the river St. Laurence. By these they effectually secure to themselves the trade of the lakes, and an influence upon all the nations of Americans which confine upon them.

They have but one settlement more in the Northern part of their territories in America, which deserves consideration; but that settlement, though a small one, is perhaps of more consequence than all the rest. It is the island of Cape Breton. This island properly belongs to the division of Acadia or Nova-Scotia, and it is the only part of it which has not been ceded by treaty to Great-Britain. It is about one hundred and forty miles in length, full of mountains and lakes, and intersected by a vast number of creeks and bays, almost meeting each other upon every side; which seems in general both for the coast and inland, very much to resemble the coast and inland parts of most Northern countries. Scotland is so; so is Iceland; and Denmark and Sweden have such shores, such mountains, and such lakes. However, the soil is in many places sufficiently fruitful; and in every part abounds with timber fit for all uses. In the earth are coal-pits; and on the shores one of the most valuable fisheries in the world. The only town in this island is Louisbourg. It stands upon one of the finest harbours in all America. This harbour is four leagues in circumference, landlocked every way but at the mouth, which is narrow; and within there is fine anchorage every where in seven fathom water. The town itself is of a tolerable size, and well built and fortified. The harbour is defended by batteries of cannon and forts, which secure it at this day, perhaps too effectually. This harbour is open the whole year. The French ships that carry goods to Quebec can very seldom get their full loading there, therefore on their return they put into Louisbourg, and there take in a quantity of fish, coal, and some lumber, and then sail away to the French islands in the West-Indies, where they vend these, and soon complete their cargo with sugars. It is needless to observe that this island was taken by us in the late war, but restored by the treaty of Aix la Chapelle, in which we certainly were not in such a condition as to intitle us to prescribe the terms.

CHAP. V.

THE French have called the South part of the vast tract which they claim in America, Louisiana. It was heretofore a part of Florida. It is bounded by the gulph of Mexico upon the South. But what bounds it is to have to the East and to the West, it is to be wished the next treaty of peace may settle definitively. This is in all respects a much finer country than Canada; in a delicious climate, capable of bearing almost any thing from the temper of the sky, and the goodness of the soil, and from the multitude of long, deep, and beautiful rivers, with which it is every where enriched and adorned; these are most of them navigable for hundreds of miles into the country. They are principally the Mississippi, whose head is unknown, but it almost goes quite through North America, and at certain seasons overflows it's banks for a vast way on both sides. The Ohio, a river almost equal to the Danube, which falls into the Mississippi; the Ouabache, scarce inferior to the Ohio; the great rivers, Alibama, Mobile, and several others. The face of the country is almost wholly plain, covered with stately woods, or spread into very fine meadows. In short, Louisiana, particularly the Northern part, (for the mouth of the Mississippi is barren) without any of these heightenings which it received, when it was made the instrument to captivate so many to their ruin, is in all respects a most desirable place, though there be no sufficient reasons to believe that it contains any rich metals, which gave it the greatest influence in that remarkable delusion in 1720.

I know not how it has happened, but it has been the fate of this country to create romantic ideas at all times. Very surprising stories were told of it when first the Spaniards discovered the West-India islands. Amongst others, a notion was generally current, that there was a fountain here which perpetually renewed the youth of those who drank it. This was so uniformly and confidently affirmed, that Juan Pontio de Leon, a considerable man amongst the Spanish adventurers, gave credit to it, and made a particular expedition for the discovery of that fairy land, and that fountain of youth. He was the first of the Europeans who landed in Florida. But what success soever he met in his search for that celebrated spring, it is certain he died not long after, having searched every part of the country, and drank of almost every water it contained. Nor do I find that so invaluable a spring is yet discovered there; if it were, it would undoubtedly be the best commodity the country could yield, both for domestic consumption, and for the foreign markets, and would be a far better basis for stocks and funds than the richest mines of gold or silver. Yet, without this, an idea, altogether as romantic, of a trade hither operated so strongly upon a very wise nation, as to serve for the instrument of one of those dangerous master-strokes in politics, by which nations are sometimes saved, individuals undone, and an entire change and reversement brought about, not only in the common ways of thinking of mankind, but of all that seemed most fixed

and permanent in a state. The famous Mississippi scheme in France was of this nature, and built upon such a romantic foundation. It is well known to all the world, both on it's own account, and upon account of a similar madness that prevailed here, without perhaps being attended with such advantageous consequences.

The French settled in Louisiana raise some indigo, a good deal of cotton, some corn and rice, with lumber for their islands; but the colony is not very vigorous, on account of the shoals and sands with which the mouth of the river Mississippi is in a manner choaked up, and which deny access to vessels of any considerable burthen. This keeps the inhabitants low; but the cause which keeps them from growing rich contributes too to their security; for it is not easy to act with any great force upon that side. But the French have not relied upon this advantage; but according to their usual cautious and wise custom, have erected several forts in the most material places, and fortified New Orleans their capital, and indeed only city in Louisiana, in a regular manner. This city is not remarkably fair, large, or rich. The whole colony is said not to contain above ten thousand souls, whites and negroes. Yet with all it's disadvantages, this colony is not declining; and if ever they should make the mouth of the Mississippi more tractable; and what is impossible to ambition and industry? if they should come to fully possess and settle the Ohio, which at one season overflows, and makes such flood as to level all the falls almost from it's very source to the mouth of the Mississippi, and gives a passage all that way to very considerable vessels, (though they have not quite the same easy return); and if by this and other means they should contrive a communication between Canada and the settlement at Louisiana, whilst they entirely confine us between our mountains and the sea, Louisiana in a few years will wear quite another face. It will supply their West-Indies with boards, staves, horses, mules, and provisions. It will send tobacco into France; and increasing the conveniencies of it's mother country, and sister colonies, it will increase it's own traffic, it's inhabitants, and it's power. We have seen how the French West-Indies in less than forty years, from a condition which could excite no other sentiments than those of compassion, are risen to such a pitch as to be an object of great and just terror to her neighbours; and we now feel too, that the French settlements in North America, even such as they are, are not an undermatch for the whole force of our's, in the manner at least in which that force is exerted.

CHAP VI.

THAT we may not sit down in a senseless admiration of this progress of the French colonies, as if it were the work of fortune, it will not be amiss to open something of the wise plan of conduct which France has pursued with regard to this interesting object. Sensible that as the mother country is to receive ultimately all the benefits of their labours and acquisitions, so all the prosperity of their plantations must be derived from the attention with which they are regarded at home. For which reason the plantations are particularly under the care and inspection of the council of commerce; a board very judiciously constituted to answer the purposes for which it is designed. For to give it a proper respect and authority, it is composed of twelve of the most considerable officers of the crown; and then to enable it to judge perfectly of the matters which come before it, these twelve are assisted by the deputies of all the considerable trading towns and cities in France, who are chosen out of the richest and most intelligent of their traders, and paid an handsome salary for their attendance at Paris, from the funds of their respective cities. This council sits once a week. The deputies propose plans for redressing every grievance in trade; for raising the branches that are fallen; for extending new ones; for supporting the old; and in fine for every thing that may improve the working, or promote the vent of their manufactures, according to their own lights, or to the instructions of their constituents. They have a watchful eye upon every article of commerce; and they not only propose helps and improvements to it themselves, but they hear the proposals of others, which are not disdainfully rejected, nor rashly received. They do not render the access to them difficult, by swelling themselves into a stiff and unwieldy state. They do not discourage those who apply, by admitting the vexatious practice of fees, perquisites, and exactions, in their inferior officers. They do not suffer form and methods to load and encumber that business, they were solely intended to advance. They summon and examine those who are supposed the most competent judges of the matter before them, and of every part of it, even the lowest artizans: but though they examine those men, they are instructed by their experience, not determined by their opinion. When they are satisfied of the usefulness of any regulation, they propose it to the royal council, where their report is always received with particular attention. An edict to enforce it issues accordingly; and it is executed with a punctuality which distinguishes their government, and which alone can make the wisest regulations any thing better than serious mockeries. To the care of this excellent body the plantations are particularly entrusted.

The government of the several divisions of their colonies is in a governor, an intendant, and a royal council. The governor is invested with a great deal of power; which however, on the side of the crown, is checked by the intendant, who has the

care of the king's rights, and whatever relates to the revenue; and on the side of the people, it is checked by the royal council, whose office it is, to see that the people are not oppressed by the one, nor defrauded by the other; and they are all checked by the constant and jealous eye which the government at home keeps over them. For the officers at all the ports of France are charged under the several penalties, to interrogate all captains of ships coming from the colonies concerning the reception they met at the ports they were bound to; how justice was administered to them? what charges they were made liable to, and of what kinds? The passengers, and even the sailors are examined upon these heads, and a verbal process of the whole is formed and transmitted with all speed to the admiralty. Complaints are encouraged; but a difference is made between hearing an accusation and condemning upon it.

That the colonies may have as little load as possible, and that the governor may have less temptation to stir up troublesome intrigues, or favour factions in his government, his salary is paid by the crown. His perquisites are none; and he is strictly forbidden to carry on any trade, or to have any plantations in the islands, or on the continent, or any interest whatsoever in goods or lands within his government, except the house he lives in, and a garden for his convenience and recreation. All the other officers are paid by the crown, and out of the revenues of Old France; the fortification are built and repaired, and the soldiers are paid out of the same funds.

In general the colonies pay no taxes; but when upon an extraordinary emergency taxes have been raised, they were very moderate. And, that even the taxes might operate for the advancement of the colony, they who began new plantations, were exempted from them. The duties upon the export of their produce at the islands, or at it's import into France, is next to nothing; in both places hardly making two per cent. What commodities go to them, pay no duties at all.

Besides these advantages, a considerable benefit accrues to such of the colonies as are poor, as Canada, by the money which comes from France to support the establishment. This brings into Canada about 120,000 crowns a year, which finds them circulating cash; preserves them from the dangerous expedient of a paper currency; enables them to keep up their intercourse with some credit, with their mother country; and at the same time is in fact no loss at all to it, since the money returns home almost as soon as it can possibly be transported back again.

In all their islands, judges of the admiralty are appointed to decide in a summary manner all disputes between merchants, and whatsoever else has any relation to trade. These judges are strictly examined before they are appointed, particularly as to their skill in the marine laws, which have been improved and digested in France with so much care and good sense, that all law suits are quickly over; though in other respects the practice of law admits of as much chicanery, and has as many, if not more delays, than with us.

After having taken such precautions to secure the good government of the colony within itself, and to make it's communication with the mother country easy and beneficial to both sides, all would be to very little purpose, if they had not provided with equal care to have the country replenished with people. To answer this end, they oblige every ship which departs from France for America, to carry a certain number of indented servants. All vessels of sixty tuns or under are to carry three; from sixty to a hundred, four; and from a hundred upwards, six servants; sound strong bodies, between the ages of eighteen and forty. Before their departure, the servants are examined by the officers of the admiralty, to see whether they are the persons required by law; an examination to the same purpose is made by the commissary on their landing in America. They are to serve three years. The avarice of the planters makes them always prefer negroe slaves, because they are more obedient than the Europeans, may be more worked, are subsisted with less difficulty, and are besides the entire property of their master. This disposition, in time, would render the safety of the colony extremely precarious, whilst it made the colony itself of less value to the mother country. Therefore the planters are by law obliged to keep a certain number of white servants in proportion to their blacks; and the execution of this law is enforced by the commissary, who adjusts the price, and forces the planters to take the number of servants required by the ordinance, who would otherwise be a burthen upon the hands of the masters of ships who brought them over.

They consider the planter, as a Frenchman venturing his life, enduring a species of banishment, and undergoing great hardships for the benefit of his country. For which reasons, he has great indulgence shewn him. Whenever by hurricanes, earthquakes, or bad seasons, the planters suffer, a stop is put to the rigour of exacting creditors; the few taxes which are levied, are remitted; and even money is advanced to repair their losses and set them forward. To those who are poor, but shew a disposition to industry, necessities and small sums are lent, to make a beginning; and this money is taken in gradually, and by very small payments. On the other hand, as it can be of no advantage to the planter to run fraudulently into debt, but that it is of the greatest prejudice to the French merchant, all debts, though contracted by the planters in France, are levied with great ease. The process, properly authenticated, is transmitted to America, and admitted as proved there, and levied on the planter's estate, of whatsoever kind it may be. However, care is taken, that whilst compulsory methods are used to make the planter do justice, the state shall not lose the industry of an useful member of the community; the debt is always levied according to the substance of the debtor, and by installments; so that (what ought indeed to be the case in every well-regulated government) one of the parties is not sacrificed to the other. Both subsist; the creditor is satisfied; the debtor is not ruined; and the credit of the colonies is kept in health and vigour at home, by the sure methods which are in use for recovering all demands in the plantations.

As to the negroes, they are not left as they are with us, wholly, body and soul to the discretion of the planter. Their masters are obliged to have them instructed in the principles of religion. There are methods taken at once to protect the slaves from the cruelty of their owners, and to preserve the colony from the ill effects, that might arise from treating them with a lenity not consistent with their condition. In short, the Code Noir, and other ordinances relative to these poor creatures, shew a very just and sensible mixture of humanity and steadiness. There is however one error, their planters commit in common with ours; which is, that they overwork these unhappy men in a manner not suitable to the nature of the climate, or to their constitutions.

I have dwelt the longer upon the French policy as it regards their colonies, because it is just to give due honour to all those, who advance the intercourse of mankind, the peopling of the earth, and the advantage of their country by wise and effectual regulations. But I principally insist upon it, that it may, if possible, serve for an example to ourselves; that it may excite an emulation in us; that it may help to rouse us out of that languor into which we seem to be fallen. The war we now carry on, principally regards our colonies, and is a sufficient proof that we are come at last to know their value. But if we are not to hope for better success than has hitherto attended a very just cause, the next peace will probably contract the field we hoped to lay open to our industry in America. But then, we ought therefore to cultivate what still remains of it, with tenfold industry; we ought to guard with the most unremitting vigilance that enclosed spring, that sealed fountain, the waters of which we reserve to ourselves, and direct into such channels, and make to pursue such windings and turnings as best serve our purposes. We have, I believe, pretty well discovered most of our errors, and the advantage our enemy and rival has taken, not only of our supineness, but of a contrary genius in his own councils. We ought to rouse ourselves from the former, and prepare to imitate the latter. Our business is to fight against Alexander, not to rail at him. And truly, I do not know any thing, that for this long time past has contributed more to degrade our character for humanity in the eyes of foreigners, or to instil into ourselves a low and illiberal way of thinking, than that vein of licentious scurrility and abuse, by which, in all sorts of writings, we are apt to vilify and traduce the French nation. There is nothing, which hinders people from acting properly, more than indulging themselves in a vain and effeminate licence of tongue. A man who loves his country, and can at once oppose, and esteem an enemy, would view our present circumstances in a light, I conceive, somewhat like the following. We have been engaged for above a century with France in a noble contention for the superiority in arms, in politics, in learning, and in commerce; and there never was a time, perhaps, when this struggle was more critical. If we succeed in the war; even our success, unless managed with prudence, will be like some former successes, of little benefit to us; if we should fail, which God forbid, even then, prudence may make

our misfortunes of more use to us, than an ill-managed success; if they teach us to avoid our former errors; if they make us less careless; if they make us cultivate the advantages we have with care and judgment. This, and not our opinion of the enemy, must decide the long contest between us.

CHAP. VII. The Dutch Settlements.

AFTER the Portuguese had dispossessed the Dutch of Brazil in the manner we have seen; and after the treaty of Nimeguen had entirely removed them out of North America, they were obliged to console themselves with their rich possessions in the East-Indies, and to sit down content in the West with Surinam; a country on the North-East part of South-America, and of no great value whilst we had it, and which we ceded to them in exchange for New-York; and with two or three small and barren islands in the North-sea not far from the Spanish main. The former of these, they are far from neglecting; they raise some sugar in Surinam; a great deal of cotton; coffee of an excellent kind, and some valuable dying drugs. They trade with our North American colonies, who bring hither horses, live cattle and provisions, and take home a large quantity of molasses; but their negroes are only the refuse of those they have for the Spanish market; and the Indians in their neighbourhood are their mortal enemies. On the same continent they have three other settlements at no considerable distance from each other. Boron, Berbice, and Approwack; none very great, but producing the same commodities with Surinam.

The islands which they possess, are four, Curassou, St. Eustatia, Aruba and Bonaire; none of them large or fertile, but turned to the best advantage possible by that spirit of industry for which the Dutch are so justly famous. Curacao, or Curassou, as it is generally called, is about thirty miles long and ten in breadth. Though it is naturally barren it produces a considerable quantity both of sugar and tobacco, and here are besides very great salt-works, which furnish a good deal to the English islands, and for which there is a considerable demand from our colonies on the continent; but the trade for which this island is chiefly valuable, is that which in time of war is carried on between them, the English, and the French; and the counterband which is carried on between them and the Spaniards at all times.

The Dutch vessels from Europe touch at this island for intelligence or proper pilots, and then proceed to the Spanish coast upon a trade which they force with a strong hand. It is very difficult for the Spanish guarda costas to take these vessels; for they are not only stout ships with a number of guns; but by a very wise policy manned with a large crew of chosen seamen, who are all deeply interested in the safety of the vessel and the success of the voyage. They have each a share in the cargo of a value proportioned to the owner's station, supplied by the merchants upon credit, and at prime cost. This animates them with an uncommon courage; they fight bravely, because every man fights in defence of his own property. But there is besides this, a constant intercourse between the Spanish continent and this island.

The island of Curassou has it's numerous warehouses always full of the commodities of Europe, and the East-Indies. Here are all sorts of woollen and linen

cloths, laces, silks, ribbands, utensils of iron, naval and military stores, brandy, the spices of the Moluccas, and the callicoes of India, white and painted. Hither the West-India, which is likewise their African company, bring three or four cargoes of slaves annually. To this mart, the Spaniards come themselves in small vessels, and carry off not only the best of their negroes, and at the best price, but very great quantities of all the sorts of goods I have mentioned; with this advantage to the seller, that the refuse of warehouses and mercers shops, things grown utterly unfashionable and unsaleable in Europe, go off extremely well, where every thing is sufficiently recommended by being European. They leave here their gold and silver in bars or coined, cacao, vanilla, cochineal, jesuit's bark, hides, and other valuable commodities. The ships that trade directly from Holland to the Spanish continent, as they touch here on their outward passage to gain intelligence or assistance, on their return put in here likewise to compleat what is wanting of their cargo, with the sugar, the tobacco, the ginger, and other produce of the island itself. The trade of this island, even in times of peace, is reputed to be worth to the Dutch no less than 500,000 l. sterl. annually, but in time of war the profit is far greater, for then it is in a manner the common emporium of the West-Indies; it affords a retreat to the ships of all nations, and at the same time refuses to none of them arms and ammunition to annoy one another. The intercourse with Spain being interrupted, the Spanish colonies have scarce any other market, from whence they can be well supplied either with slaves or goods; the French come hither to buy the beef, pork, corn, flour and lumber, which the English bring from the continent of North America, or which is transported from Ireland; so that whether in peace, or in war, the trade of this island flourishes extremely. Nor is this owing to any natural advantage whatsoever. It seems as if it were fated, that the ingenuity and patience of the Hollanders should every where, both in Europe and America, be employed in fighting against an unfriendly nature: for the island is not only barren, and dependent upon the rains for it's water, but the harbour is naturally one of the worst in America; but the Dutch have entirely remedied that defect; they have upon this harbour one of the largest, and by far the most elegant and cleanly towns in the American islands. The public buildings are numerous and handsome; the private houses commodious; and the magazines large, convenient, and well filled. All kind of labour is here performed by engines; some of them so dextrously contrived, that ships are at once lifted into the dock, where they are compleatly careened; and then furnished with naval stores, provisions, cannon, and every thing requisite either for trade or war.

Eustatia is but one mountain of about twenty miles in compass; it is amongst the Leeward islands; but though so small and inconveniently laid out by nature, the industry of the Dutch have made it turn out to very good account, and it is fully peopled; the sides of the mountain are divided and laid out in very pretty settlements; and though they have neither springs nor rivers, they are so careful that

they never want proper supplies of water from their ponds and cisterns. They raise here sugar and tobacco; and this island, as well as Curassou, is engaged in the Spanish counterband trade, for which, however, it is not so well situated; and it draws the same advantages from it's constant neutrality.

As for Aruba and Bonaire; they lie near Curassou, and have no trade of consequence; they are chiefly employed in raising fresh provisions for the principal island, and for the refreshment of such ships as use these seas.

The trade of all the Dutch American settlements was originally carried on by the West-India company only. At present such ships as go upon that trade pay two and a half per cent. For their licences; the company however reserves to itself, the whole of what is carried on between Africa and the American islands.

The Danes had likewise a West-India company, though it's object was far from extensive. It was little more than the island of St. Thomas, an inconsiderable member of the Caribbees; lately they have added to their possessions the island of Santa Cruz in the same cluster. These islands, so long as they remained in the hands of the company, were ill managed, and nothing like the proper advantage was made of them; but the present king of Denmark, inferior to none who ever sat upon that or any other throne, in love to his subjects, and a judicious zeal for promoting their welfare, has bought up that company's stock, and laid the trade open. Since then, the old settlement at St. Thomas is very much improved; it produces upwards of three thousand hogsheads of sugar at a thousand weight each, and others of the West-Indian commodities in tolerable plenty; and as for Santa Cruz, from a perfect desert a few years since, it is beginning to settle fast; several persons from the English islands, and amongst them some of great wealth, have gone to settle there, and have received very great encouragement to do so. The air of the place is extremely unhealthful, but this ill disposition will probably continue no longer than the woods with which the island at present is almost wholly covered. These two nations, the Dutch and Danes, hardly deserve to be mentioned amongst the proprietors of America; their possessions there are comparatively nothing. But as they appear extremely worthy of the attention of these powers, and as the share of the Dutch is worth to them at least six hundred thousand pounds sterling a year, what must we think of our possessions? What attention do they not deserve from us? and what may not be made of them by that attention?

There seems to be a remarkable providence in the casting the parts, if I may use that expression, of the several European nations who act upon the stage of America. The Spaniards, proud, lazy and magnificent, has an ample walk in which to expatiate; a soft climate to indulge his love of ease; and a profusion of gold and silver to procure him all these luxuries his pride demands, but which his laziness would refuse him.

The Portuguese, naturally indigent at home, and enterprising rather than industrious abroad, has gold and diamonds as the Spaniard has, wants them as he

does, but possesses them in a more useful, though a less ostentatious manner.

The English, of a reasoning disposition, thoughtful and cool, and men of business rather than of great industry, impatient of much fruitless labour, abhorrent of constraint, and lovers of a country life, have a lot which indeed produces neither gold nor silver; but they have a large tract of a fine continent; a noble field for the exercise of agriculture, and sufficient to furnish their trade, without laying them under great difficulties. Intolerant as they are of the most useful restraints, their commerce flourishes from the freedom every man has of pursuing it according to his own ideas, and directing his life after his own fashion.

The French, active, lively, enterprizing, pliable and politic, and though changing their pursuits, always pursuing the present object with eagerness, are notwithstanding tractable and obedient to rules and laws which bridle these dispositions, and wind and turn them to proper courses. This people have a country, where more is to be effected by managing the people than by cultivating the ground; where a pedling commerce, that requires constant motion, flourishes more than agriculture or a regular traffic; where they have difficulties which keep them alert by struggling with them, and where their obedience to a wise government serves them for personal wisdom. In the islands the whole is the work of their policy, and a right turn their government has taken.

The Dutch have got a rock or two on which to display the miracles of frugality and diligence, (which are their virtues,) and on which they have exerted these virtues, and shewn those miracles.

PART VI. The English Settlements.

CHAP. I.

THE English colonies are the fairest objects of our attention in America, not only as they comprehend a vast and delightful variety of climates, situations, natural products and effects of art; but as they contain, though the dominions of one potentate, and their inhabitants formed out of the people of one nation, an almost equal variety of manners, religions and ways of living. They have a most flourishing trade with their mother country, and they communicate widely with many foreign nations; for besides the constant and useful intercourse they hold with Africa, their ships are seen in the ports of Spain, Portugal, Italy, and even in the Levant; nor are they excluded the American settlements of France, Spain, Portugal and Holland. This, with their constant correspondence with each other, and with their mother country, hurries about a lively circulation of trade, of which Great Britain is the heart and spring, from whence it takes its rise, and to which it all returns in the end.

In some of the European settlements we have seen the effects of a vast ambition supported by surprizing feats of a romantic courage mixed with an insatiable thirst of gold. In others, the regular product of a systematic policy tempering and guiding an active industry; but in our own colonies we are to display the effects of liberty; the work of a people guided by their own genius, and following the directions of their own natural temper in a proper path.

I intend to consider the English colonies under two principal divisions; the first I allot to those islands which lie under the torrid zone between the tropic of Cancer and the Equinoctial line, in that part generally called the West-Indies. The second is to comprehend our possessions in the temperate zone on the continent of North America. The West-Indi• islands shall be considered, as they are amongs• the greater Antilles; the Windward, or th• Leeward islands. Amongst the first we possess the large and noble island of Jamaica; amongst the second we have Barbadoes; and in the third division St. Christopher's, Antigua, Nevis, Montserrat, and Barbuda. As all these islands lie between the tropics, whatever is to be said of the air, winds, meteors, and natural produce, shall fall under one head, as they are the same or nearly the same in all of them; their produce for the market is nearly the same too; and therefore whatever is to be said of the manufacturing of those, shall come together, after we have given a concise description of the state of each island separately.

Jamaica lies between the 75th and 79th degree of West longitude from London, and is between seventeen and nineteen degrees distant from the Equinoctial. It is in length, from East to West, a hundred and forty English miles; and in breadth about sixty; and of an oval form. This country is in a manner intersected with a ridge of lofty mountains, rugged and rocky, that are called the blue mountains. On each side of the blue mountains are chains of lesser mountains gradually lower. The greater

mountains are little better than so many rocks; where there is any earth, it is only a stubborn clay fit for no sort of husbandry. The mountains are very steep, and the rocks tumbled upon one another in a manner altogether stupendous, the effect of the frequent earthquakes which have shaken this island in all times. Yet barren as these mountains are, they are all covered to the very top with a great variety of beautiful trees, flourishing in a perpetual spring; their roots penetrate the crannies of the rocks, and search out the moisture which is lodged there by the rains that fall so frequently on these mountains, and the mists that almost perpetually brood upon them. These rocks too are the parents of a vast number of fine rivulets, which tumble down their sides in cataracts, that form amongst the rudeness of the rocks and precipices, and the shining verdure of the trees, the most wildly pleasing imagery imaginable. The face of this country is a good deal different from what is generally observed in other places. For as on one hand the mountains are very steep; so the plains between them are perfectly smooth and level. In these plains, the soil augmented by the wash of the mountains for so many ages, is prodigiously fertile. None of our islands produce so fine sugars. They formerly had here cacao in great perfection, which delights in a rich ground. Their pastures after the rains, are of a most beautiful verdure, and extraordinary fatness. They are called Savannas. On the whole, if this island were not troubled with great thunders and lightnings, hurricanes, and earthquakes; and if the air was not at once violently hot, damp, and extremely unwholsome in most parts, the fertility and beauty of this country would make it as desirable a situation for pleasure, as it is for the profits, which in spite of these disadvantages draw hither such a number of people.

The river waters are many of them unwholsome, and taste of copper; but some springs there are of a better kind. In the plains are found several salt fountains, and in the mountains, not far from Spanish-town, is a hot bath, of extraordinary medicinal virtues. It relieves in the dry belly-ach, one of the most terrible endemial distempers of Jamaica, and in various other complaints.

This island came into our possession during the usurpation of Cromwell, and by means of an armament which had another destination. Cromwell, notwithstanding the great abilities which enabled him to overturn the constitution, and to trample upon the liberties of his country, was not sufficiently acquainted with foreign politics. This ignorance made him connect himself closely with France, then rising into a dangerous grandeur, and to fight with great animosity, the shadow which remained of the Spanish power. On such ideas he fitted out a formidable fleet, with a view to reduce the island of Hispaniola; and though he failed in this design, Jamaica made amends not only for this failure, but almost for the ill policy which first drew him into hostilities with the Spaniards; by which, however, he added this excellent country to the British dominions.

There was nothing of the genius of Cromwell to be seen in the planning of this expedition. From the first to the last all was wrong; all was a chain of little

interested mismanagement, and had no air of the result of absolute power lodged in great hands. The fleet was ill victualled; the troops ill provided with necessaries to support and encourage men badly chosen, and worse armed. They embarked in great discontent. The generals were but little better satisfied, and had little more hopes than the soldiers. But the generals, (for there were two in the command, Pen and Venables, one for the marine, the other for the land service,) were men of no extraordinary talents. And if they had been men of the best capacity, little was to be expected from two commanders not subordinate, and so differing in their ideas, and so envious of each other as land and sea-officers generally are. But to make this arrangement perfect in all respects, and to improve the advantages arising from a divided command, they added a number of commissioners as a check upon both. This tripartite generalship, in the truest Dutch taste, produced the effects that might be expected from it. The soldiers differed with the generals, the generals disagreed with one another, and all quarrelled with the commissioners. The place of their landing in Hispaniola was ill chosen, and the manner of it wretchedly contrived. The army had forty miles to march before it could act; and the soldiers, without order, without heart, fainting and dying by the excessive heat of the climate and the want of necessary provisions, and disheartened yet more by the cowardice and discontent of their officers, yielded an easy victory to an handful of Spaniards. They retired ignominiously and with great loss.

But the principal commanders, a little reconciled by their misfortunes, and fearing to return to England without effect, very wisely turned their thoughts another way. They resolved to attempt Jamaica, before the inhabitants of that island could receive encouragement by the news of their defeat in Hispaniola. They knew that this island was in no good posture of defence; and they set themselves vigorously to avoid the mistakes, which proved so fatal in the former expedition. They severely punished the officers who had shewn an ill example by their cowardice; and they ordered with respect to the soldiers, that if any attempted to run away, the man nearest to him should shoot him.

Fortified with these regulations they landed in Jamaica, and laid siege to St. Jago de la Vega now called Spanish-town, the capital of the island. The people, who were in no condition to oppose an army of ten thousand men, and a strong naval force, would have surrendered immediately, if they had not been encouraged by the strange delays of our generals and their commissioners. However at last the town with the whole island surrendered, but not until the inhabitants had secreted their most valuable effects in the mountains.

CHAP. II.

AFTER the restoration, the Spaniards ceded the island to our court. Cromwell had settled there some of the troops employed in it's reduction; some royalists uneasy at home sought an asylum in this island; not a few planters from Barbadoes were invited to Jamaica by the extraordinary fertility of the soil, and the other various advantages which it offered. These latter taught the former settlers the manner of raising the sugar cane, and making sugar. For at first they had wholly applied themselves to the raising of cacao, as the Spaniards had done before them. It was happy for them that they fell into this new practice; for the cacao groves planted by the Spaniards began to fail, and the new plantations did not answer, as the negroes foretold they would not, because of the want of certain religious ceremonies always used by the Spaniards in planting them, at which none of the slaves were suffered to be present, and to the use of which they attributed the prosperity of these plantations. Probably there were methods taken at that time, that were covered by the veil of these religious ceremonies, which are necessary to the well-being of that plant. However that be, the cacao has never since equalled the reputation of the Spanish, but gave way to the more profitable cultivation of indigo and sugar.

But what gave the greatest life to this new settlement, and raised it at once to a surprising pitch of opulence, which it hardly equals even in our days, was the resort thither of those pirates called the Buccaneers. That people who fought with the most desperate bravery, and spent their plunder with the most stupid extravagance, were very welcome guests in Jamaica. They often brought two, three, and four hundred thousand pieces of eight at a time, which were immediately squandered away in all the ways of excessive gaming, wine and women. Vast fortunes were made, and the returns of treasure to England were prodigiously great. In the island they had by this means raised such funds, that when the source of this wealth was stopped up by the suppression of the pirates, they were enabled to turn their industry into better channels. They increased so fast, that it was computed that in the beginning of this century, they had sixty thousand whites and a hundred and twenty thousand negroes in this island. This calculation is certainly too large. However, the Jamaicans were undoubtedly very numerous until reduced by earthquakes, (one of which intirely ruined Port-Royal, and killed a vast number of persons in all parts of the country) and by very terrible epidemical diseases, which treading on the heels of the former calamities swept away vast multitudes. Losses which have not been since sufficiently repaired. Now the white inhabitants scarcely exceed twenty thousand souls, and the blacks are about ninety thousand; both much fewer than was computed formerly, and with a disproportion much greater on the side of the whites. It appears at present, that Jamaica is rather upon the decline; a

point this that deserves the most attentive consideration. A country which contains at least four millions of acres, has a fertile soil, an extensive sea coast, and many very fine harbours, for an island so circumstanced, and at a time when the value of all it's products at market is considerably risen, for such a country to fall short of it's former numbers, and not to have above three or four hundred thousand acres employed in any sort of culture, shews clearly that something must be very wrong in the management of its affairs; and what shews it even yet more clearly, land is so extravagantly dear in many of the other islands, as to sell sometimes for one hundred pounds an acre and upwards; a price that undoubtedly never would be paid, if convenient land was to be had, and proper encouragement given in Jamaica. Whether this be owing to public or private faults, I know not; but certain it is, that wherever they are, they deserve a speedy and effectual remedy from those, in whose power it is to apply it.

CHAP. III.

THE natural products of Jamaica, besides sugar, cacao, and ginger, are principally piemento, or, as it is called, allspice, or Jamaica pepper. The tree which bears the piemento rises to the height of above thirty feet. It is straight, of a moderate thickness, and covered with a grey bark extremely smooth and shining. It shoots out a vast number of branches upon all sides, that bear a plentiful foliage of very large and beautiful leaves of a shining green, in all things resembling the leaf of the bay tree. At the very end of the twigs are formed bunches of flowers; each stalk bearing a flower which bends back, and within which bend are to be discerned some stamina of a pale green colour; to these succeeds a bunch of small crowned berries, larger when ripe than juniper berries; at that season they change from their former green, and become black, smooth, and shining; they are taken unripe from the tree, and dried in the sun; in this case they assume a brown colour, and have a mixed flavour of many kinds of spice, whence it is called allspice. But it is milder than the other spices, and is judged to be inferior to none of them for the service which it does to cold, watery, and languid stomachs. The tree grows mostly upon the mountains.

Besides this, they have the wild cinamon tree, whose bark is so serviceable in medicine; the manchineel, a most beautiful tree to the eye, with the fairest apple in the world, and when cut down affording a very fine ornamental wood for the joiners, but the apple, and the juice in every part of the tree, contain one of the worst poisons in nature. Here is the mahogany too, in such general use with us; the cabbage tree, a tall plant, famous for a substance looking and tasting like cabbage, which grows on the very top, and which produces but one a year, and for the extreme hardness of it's wood, which when dry is incorruptible, and hardly yields to any tool; the palma, from which is drawn a great deal of oil, much esteemed by the negroes both in food and medicine; the white wood, which never breeds the worm in ships; the soap tree, whose berries answer all the purposes of washing; the mangrove and olive bark, useful to tanners; the fustic and redwood to the dyers, and lately the logwood; and their forests supply the apothecary with guaicum, salsaparilla, china, cassia, and tamarinds; they have aloes too; and do not want the cochineal plant, though they know nothing of the art of managing it; nor perhaps is the climate suitable. The indigo plant was formerly much cultivated, and the cotton tree is still so, and they send home more of it's wool than all the rest of our islands together.

The whole product therefore of the island may be reduced to these heads. First, sugars, of which they exported in 1753 twenty thousand three hundred and fifteen hogsheads, some vastly great even to a tun weight, which cannot be worth less in England than 424,725 pounds sterling. Most of this goes to London and Bristol, and

some part of it to North America, in return for the beef, pork, cheese, corn, pease, staves, plank, pitch and tar, which they have from thence. 2. Rum, of which they export about 4000 puncheons. The rum of this island esteemed the best, and is the most generally used in England. 3. Molasses, in which they make a great part of their returns for New England, where there are vast distilleries. All these are the produce of their grand staple the sugar cane. 4. Cotton, of which they send out 2000 bags. The indigo, formerly much cultivated, is now inconsiderable, but some cacao and coffee are exported, which latter is in no great esteem; though it is said to be little inferior to that of Mocha, provided it be kept for two or three years. With these they send home a considerable quantity of piemento, ginger, drugs for dyers, and apothecaries, sweetmeats, and mahogany and manchineel plank. But some of the most considerable articles of their trade are with the Spanish continent of New Spain and Terra Firma; for in the former they cut great quantities of logwood, and both in the former and latter they drive a vast and profitable trade in negroes, and all kinds of the same European goods which are carried thither from Old Spain by the flota.

Both the logwood trade and this counterband have been the subjects of much contention and the cause of a war between our's and the Spanish nation. The former we avow, and we claim it as our right; though in the last treaty of peace, that point was far from being well settled. The latter we permit; because we think, and very justly, that if the Spaniards find themselves aggrieved by any counterband trade, it lies upon them, and not upon us, to put a stop to it.

Formerly we cut logwood in the bay of Campeachy on the northern side of the peninsula of Jucatan. But the Spaniards have driven our people entirely from thence, and built forts and made settlements to prevent them from returning. Expelled from thence, the logwood cutters settled upon the gulph of Honduras on the southern side of the same peninsula, where they are in some sort established, and have a sort to protect them. They are an odd kind of people, composed mostly of vagabonds and fugitives from all parts of North America, and their way of life is suitable. They live pretty much in a lawless manner, though they elect one amongst them whom they call their king; and to him they pay as much obedience as they think fit. The country they are in is low, and extremely marshy; the air is prodigiously molested with muskettoes; and the water dangerous with alligators; yet a life of licentiousness, a plenty of brandy, large gains, and a want of thought, have perfectly reconciled them to the hardships of their employment, and the unwholsomeness of the climate. They go always well armed, and are about one thousand five hundred men.

In the dry season, when they cut the logwood, they advance a considerable way into the country, following the logwood, which runs amongst the other trees of the forest, like the vein of a mineral in the earth. When the rains have overflowed the whole country, they have marks by which they know where the logwood is

deposited. This is an heavy wood, and sinks in the water. However, it is easily buoyed up, and one diver can lift very large beams. These they carry by the favour of the land-floods into the river, to a place which is called the Barcaderas or Port, where they meet the ships that come upon this trade.

In the year 1716, when the debate concerning this matter was revived; the lords of trade reported, that before the year 1676 we had a number of people settled and carrying on this trade on the peninsula of Jucatan; that we always considered this as our right, and were supported in it by our kings; and that this right was confirmed, if it had wanted any confirmation, by a clause of *uti possidetis*, in the treaty of peace which was concluded with Spain and the court of London in 1676, and that we certainly were in full possession of those settlements and that trade, long before the time of that treaty; and further, that the Spaniards themselves have incidentally drawn a great advantage from it; since the pirates, who were formerly the most resolved and effectual enemies they ever had, were the more easily restrained from their enterprises, by having their minds diverted to this employment. Upon the whole, they concluded it an affair very well worth the attention of the government, as in some years it employed near six thousand tuns of shipping; found employment for a number of seamen proportionable; consumed a good deal of our manufactures, and was of considerable use in fabricating many others; and that the whole value of the returns were not less than sixty thousand pounds sterling a year. Notwithstanding this, our claim seems dropped, nor is it very clear how far it can be maintained, to carry on a trade by violence in a country, in which we can hardly claim, according to the common ideas of right in America, any property. However this may be, the trade, though with many difficulties and discouragements, still continues, and will probably continue whilst the Spaniards are so weak upon that side of Mexico, and while the coast continues so disagreeable, that none but desperate persons will venture to reside there. The logwood trade is generally carried on by New England vessels, who take the goods they want in Jamaica.

But there is a trade yet more profitable carried on between this island and the Spanish continent, especially in time of war. This too has been the cause of much bickering between us and the court of Spain, and it will yet be more difficult for them to put a stop to this trade than to the former, whilst the Spaniards are so eager for it, whilst it is so profitable to the British merchant, and whilst the Spanish officers from the highest to the lowest shew so great a respect to presents properly made. The trade is carried on in this manner. The ship from Jamaica having taken in negroes, and a proper sortment of goods there, proceeds in time of peace to a harbour called the Grout within Monkey-key, about four miles from Portobello. A person who understands Spanish, is directly sent ashore to give the merchants of the town notice of the arrival of the vessel; the same news is carried likewise with great speed to Panama; from whence the merchants set out disguised like peasants with their silver in jars covered with meal, to deceive the officers of the revenue. Here

the ship remains trading frequently for five or six weeks together. The Spaniards usually come on board, leave their money, and take their negroes, and their goods packed up in parcels fit for one man to carry, after having been handsomely entertained on board, and receiving provisions sufficient for their journey homeward. If the whole cargo is not disposed of here, they bear off eastward to the Brew, a harbour about five miles distant from Carthagena, where they soon find a vent for the rest. There is no trade more profitable than this; for your payments are made in ready money; and the goods sell higher than they would at any other market. It is not on this coast only, but every where upon the Spanish main, that this trade is carried on; nor is it by the English only, but the French from Hispaniola, the Dutch from Curassou, and even the Danes have some share in it. When the Spanish guarda costas seize upon one of these vessels, they make no scruple of confiscating the cargo, and of treating the crew in a manner little better than pirates.

This commerce in time of peace, and this with the prizes that are made in time of war, pour into Jamaica an astonishing quantity of treasure; great fortunes are made in a manner instantly, whilst the people appear to live in such a state of luxury as in all other places leads to beggary. Their equipages, their cloaths, their furniture, their tables, all bear the tokens of the greatest wealth and profusion imaginable; this obliges all the treasure they receive, to make but a very short stay, as all this treasure added to all the products of the island itself, is hardly more than sufficient to answer the calls of their necessity and luxury on Europe and North America, and their demand for slaves, of which this island is under the necessity of an annual recruit for it's own use and that of the Spanish trade, of upwards of six thousand head, and which stand them one with another in thirty pounds apiece, and often more.

CHAP. IV.

THE whole island is divided into nineteen districts or parishes, which send each of them two members to the assembly, and allow a competent maintenance to a minister. Port-Royal was anciently the capital of the island; it stood upon the very point of a long narrow neck of land, which towards the sea formed part of the border of a very noble harbour of it's own name. In this harbour above a thousand sail of the largest ships could anchor with the greatest convenience and safety; and the water was so deep at the key of Port-Royal, that vessels of the greatest burthen could lay their broadsides to the wharfs, and load and unload at little expence or trouble. This conveniency weighed so much with the inhabitants, that they chose in this spot to build their capital, though the place was an hot dry sand, which produced not one of the necessaries of life, no not even fresh water. However, this advantageous situation, and the resort of the pirates, soon made it a very considerable place. It contained two thousand houses, very handsomely built, and which rented as high as those in London. It had a resort like a constant fair, by the great concourse of people of business, and grew to all this in about thirty years time; for before that there was scarcely an house upon the place. In short, there were very few parts of the world, which for the size could be compared to this town for trade, wealth, and an entire corruption of manners.

It continued thus until the 9th of June 1692, when an earthquake, which shook the whole island to it's foundations, overwhelmed this city, and buried nine tenths of it eight fathom under water. This earthquake not only demolished this city, but made a terrible devastation all over the island, and was followed by a contagious distemper, which was near giving the last hand to it's ruin. Ever since, it is remarked, that the air is far more unwholsome than formerly. This earthquake, one of the most dreadful that I think ever was known, is described in such lively colours in the Philosophical transactions, and by persons who saw and had a large part in the terrors and losses of this calamity, that I shall say nothing of it, but refer thither; as I am certain no man from his fancy, could assemble a greater number of images of horror, than the nature of things, taught the persons who saw them, to bring together, and which are there related very naturally and pathetically.

They rebuilt this city after the earthquake, but it was again destroyed. A terrible fire laid it in ashes about ten years after. Notwithstanding this, the extraordinary convenience of the harbour tempted them to rebuild it again. But in the year 1722 a hurricane, one of the most terrible on record, reduced it a third time to a heap of rubbish. Warned by these extraordinary calamities, that seemed to mark out this place as a devoted spot, an act of assembly removed the custom-house and publick offices from thence, and forbid that any market should be held there for the future. The principal inhabitants came to reside at the opposite side of the bay, at a place

which is called Kingston. This town is commodiously situated for fresh water, and all manner of accommodations. The streets are of a commodious wideness, regularly drawn, and cutting each other at equal distances and right angles. It consists of upwards of one thousand houses, many of them handsomely built, though low, with porticoes, and every conveniency for a comfortable habitation in that climate. The harbour was formerly in no good posture of defence, but by the care of the late governor Mr. Knowles, it is now strongly fortified.

The river Cobre, a considerable, but not navigable stream, falls into the sea not far from Kingston. Upon the banks of this river stands St. Jago de la Vega, or Spanish-town; the seat of government, and the place where the courts of justice are held, and consequently the capital of Jamaica, though inferior in size and resort to Kingston. However, this, tho' a town of less business, has more gaiety. Here reside many persons of large fortunes, and who make a figure proportionable; the number of coaches kept here is very great; here is a regular assembly; and the residence of the governor and the principal officers of the government, who have all very profitable places, conspire with the genius of the inhabitants, ostentatious and expensive, to make it a very splendid and agreeable place. Mr. Knowles, the late governor, made an attempt to remove the seat of government from hence to Kingston, for reasons which, it must be owned, have a very plausible appearance; for it would certainly facilitate the carrying on of business, to have the courts of justice and the seat of government as near as possible to the center of commercial affairs. But whether the consideration of a more healthful situation; the division of the advantages of great towns with the several parts of the country, and the mischiefs that might arise from shaking the settled order of things, and prejudicing the property of a great many private people, can weigh against the advantages proposed by this removal, I will not undertake to determine. One thing appears I think very plainly in the contest which this regulation produced; that the opposition was at least as much to the governor as to the measure; and that great natural warmth of temper upon all sides, enflamed and envenomed by a spirit of party which reigns in all our plantations, kindled a flame about this, which, if it had not happened, must have risen to the same height upon some other occasion, since there was a plenty of combustible materials ready upon all sides.

The government of this island is, next to that of Ireland, the best in the king's gift. The standing salary is two thousand five hundred pounds a year. The assembly vote the governor as much more; and this, with the other great profits of his office, make it in the whole little inferior to ten thousand pounds a year. But of the government I shall say little, until I speak of the government of the rest of the plantations, to which this is in all respects alike.

CHAP. V.

THE next island, in point of importance, which we possess in the West-Indies, but the oldest in point of settlement, is Barbadoes. This is one, and by no means the most contemptible one amongst the Windward division of the Caribbee islands. It is not distinctly known when this island was first discovered or settled; but it was probably some time about the year 1625.

When the English first landed here, they found the place the most savage and destitute that can be well imagined. It had not the least appearance of ever having been peopled even by savages. There was no kind of beast of pasture or of prey, no fruit, nor herb, nor root fit for supporting the life of man. Yet as the climate was good, and the soil appeared fertile, some gentlemen of small fortunes in England resolved to become adventurers thither. But the first planters had not only the utter desolateness of the place, and the extreme want of provisions to struggle with, but the trees were so large, of a wood so hard and stubborn, and full of such great branches, that they proceeded in the clearing of the ground with a difficulty that must have worn down any ordinary patience. And even when they had tolerably cleared some little spot, the first produce it yielded for their subsistence was so small and ordinary, at the same time that their supplies from England were so slow and precarious, that nothing but the noblest courage, and a firmness which cannot receive too many praises, could have carried them through the discouragements which they met in the noblest work in the world, the cultivating and peopling a deserted part of the globe. But by degrees things were mollified; some of the trees yielded fustic for the dyers, cotton and indigo agreed well with the soil; tobacco then becoming fashionable in England answered tolerably; and the country began gradually to lay aside all it's savage disposition, and to submit to culture.

These good appearances in America, and the storm which some time after began to gather in England, encouraged many to go over; but still the colony received no sort of encouragement from the government, which at that time understood the advantages of colonies but little; and which was besides much worse occupied in sowing those seeds of bitterness, which came afterwards so terribly to their own lips. The court took no other notice of this island than to grant it to a very unworthy and unfaithful favourite, the earl of Carlisle; which, as may be judged, proved of no advantage to the settlement.

However, as this colony had the hardiest breeding, and the most laborious infancy of any of our settlements, so it was far stronger in it's stamina, and grew with greater speed; and that to an height, which if it were not proved beyond any reasonable doubt, could scarcely be believed. For in this small island, which is but twenty-five miles in length, and in breadth but fourteen, in little more than twenty years after it's first settlement, that is, in 1650, it contained upwards of fifty

thousand whites of all sexes and ages, and a much greater number of blacks and Indian slaves. The former of which slaves they bought; the latter they acquired by means not at all to their honour; for they seized upon those unhappy men without any pretence, in the neighbouring islands, and carried them into slavery. A practice which has rendered the Caribbee Indians irreconcilable to us ever since.

This small island, peopled by upwards of one hundred thousand souls, was not yet above half of it cultivated, nor was the industry of the inhabitants at a stand. A little before the period I have mentioned, they learned the method of making sugar; and this enlarging the sphere of their trade, they grew prodigiously rich and numerous.

About this time the government in England, which was then in the hands of Cromwell, confined the trade of Barbadoes to the mother country, that before was managed altogether by the Dutch; at the same time that by the rigour which was exercised towards the royal party, a great many gentlemen of very good families settled in this island, which was far from being peopled like some other colonies, by fugitives and men desperate at home. After the restoration it continued still to advance by very hasty strides. At that time king Charles created thirteen baronets from the gentlemen of this island, some of whom were worth ten thousand pounds a year, and none so little as one thousand.

In 1676, which was the meridian of this settlement, their whites were computed to be still much about fifty thousand, but their negroe slaves were increased so as to be upwards of one hundred thousand of all kinds. They employed four hundred sail of ships, one with another of an hundred and fifty tuns, in their trade, and their annual exported produce in sugar, indigo, ginger, cotton, &c. amounted to upwards of three hundred and fifty thousand pounds, and their circulating cash at home was two hundred thousand pounds. It is probable that Holland itself, or perhaps even the best inhabited parts of China were never peopled to the same proportion, nor have they land of the same dimensions, which produces any thing like the same profits, excepting the land upon which great cities are built. But since that time the island has been much upon the decline. The growth of the French sugar islands, and the settlement of Antigua, St. Christopher's, Nevis, and Montserrat, as well as the greater establishment in Jamaica, have drawn away from time to time a vast number of their people. A terrible contagion, said to be brought over by the troops from England, but more probably derived from the coast of Africa, attacked the island in the year 1692; it raged like a pestilence; twenty have died in a day in their principal town; and all parts of the island suffered in proportion. This sickness continued, with some abatements, for several years, and left an ill disposition in the climate ever afterwards. War raged at the same time with this distemper; and the Barbadians who raised a good number of men, lost many of them in fruitless expeditions against the French islands. The land too began not to yield quite so kindly as it formerly had done, and in some places they were obliged to manure it.

All these causes contributed to reduce the numbers and opulence of this celebrated island. But it is only in comparison of itself, that it may be considered in any other than the most flourishing condition even at this day; for at this day it contains twenty-five thousand whites, very near eighty thousand negroes, and it ships above twenty-five thousand hogsheads of sugar, to the value of three hundred thousand pounds, besides rum, molasses, cotton, ginger, and aloes; an immense peopling and produce for a country not containing more than one hundred acres thousand of land; so that by the rise of sugars, the returns of this island are little less than they were in it's most flourishing times.

This island can raise near five thousand men of it's own militia, and it has generally a regiment of regular troops, though not very compleat. It is fortified by nature all along the windward shore by the rocks and shoals, so as to be near two thirds utterly inaccessible. On the leeward side it has good harbours; but the whole coast is protected by a good line of several miles in length, and several forts to defend it at the most material places.

They support their own establishment, which is very considerable, with great credit. The governor's place is worth at least five thousand pounds a year, and the rest of their officers have very valuable places. They provide very handsomely for their clergy, who are of the church of England, which is the religion established here, as it is in the other islands. But here are very few dissenters. There is in general an appearance of something more of order and decency, and of a settled people, than in any other colony in the West-Indies. They have here a college, founded and well endowed by the virtue and liberality of that great man colonel Christopher Codrington, who was a native of this island, and who for a great number of amiable and useful qualities both in public and private life, for his courage, and his zeal for the good of his country, his humanity, his knowledge and love of literature, was far the richest production and most shining ornament this island ever had.

This college does not so fully answer the intentions of the excellent founder, as it might do. If the fund was applied to the education of a number of catechists for the instruction of the negroes, some of them of their own colour, it would be a vast public advantage, besides the charity, or perhaps the indispensable duty of some such work.

This college is in Bridge-town, the capital of the island, which before the late fire contained about twelve hundred houses, very handsomely built, and inhabited by a numerous and wealthy people. The country of Barbadoes has a most beautiful appearance, swelling here and there into gentle hills; shinning by the cultivation of every part, by the verdure of the sugar canes, the bloom and fragrance of the number of orange, lemon, lime, and citron trees, the guavas, papas, aloes, and a vast multitude of other elegant and useful plants, which rise intermix'd with the houses of the planters which are sown thickly on every part of the island. Even the negroe

huts, though mean, contribute to the beauty of the country, for they shade them with plantain trees, which give their villages the appearance of so many beautiful groves. In short, there is no place in the West-Indies comparable to Barbadoes, in point of numbers of people, cultivation of the soil, and those elegancies and conveniencies which result from both.

CHAP. VI.

THE island of St. Christopher's is the chief of those which we possess amongst the Leeward islands. It was first settled by the French and English in the year 1626, but after various fortunes it was entirely ceded to us by the treaty of Utrecht. This island is about seventy-five miles in compass. The circuit of Antegua is but little inferior. Nevis and Montserrat are the smallest of the four, not exceeding for either of them, about eighteen or twenty miles in circumference. The soil in all these islands is pretty much alike; light and sandy, but notwithstanding fertile in an high degree. Antegua has no rivulets of fresh water, and but very few springs; this made it be deemed uninhabitable for a long time; but now they save the rains in ponds and cisterns with great care, and they are rarely in great distress for water. The island of St. Christopher's makes the best and most sugars of any; but neither that, nor any of the Leeward islands, yields any other commodity of consequence but what is derived from the cane, except Montserrat, which exports some indigo, but of a very inferior kind. It is judged that the island of St. Christopher's contains about nine thousand whites, and twenty-five thousand negroes; that Antegua has about seven thousand of the former colour, and twenty thousand blacks; and that Nevis and Montserrat may have each about five thousand Europeans, who are the masters of ten or twelve thousand African slaves. So that the whole of the Leeward islands may be reckoned without exaggeration to maintain about twenty-six thousand English, of whom every single man gives bread to several in England, which is effected by the labour of near seventy thousand negroes. Their sugar is proportionable, certainly not less than twenty-five thousand hogsheads annually. Of the island of Barbuda, I say little, because it has no direct trade with England. It is employed in husbandry, and raising fresh provisions for the use of the neighbouring colonies. It is the property of the Codrington family.

These islands are under the management of one governor, who has the title of captain general and governor in chief of all the Caribbee islands from Guardaloupe to Porto Rico. His post is worth about three thousand five hundred pounds a year. Under him each island has it's particular deputy governor at a salary of two hundred pounds a year, and it's separate, independent legislative of a council, and an assembly of the representatives.

CHAP. VII.

THE climate in all our West-India islands is nearly the same, allowing for those accidental differences, which the several situations, and qualities of the lands themselves produce. As they lie within the tropic, and that the sun goes quite over their heads, and passes beyond them to the North, and never retires further from any of them than about 30 degrees to the South, they are continually subjected to the extreme of an heat, which would be intolerable, if the trade wind rising gradually as the sun gathers strength, did not blow in upon them from the sea, and refresh the air in such a manner as to enable them to attend their concerns even under the meridian sun. On the other hand, as the night advances, a breeze begins to be perceived, which blows smartly from the land, as if it were from it's center, towards the sea, to all points of the compass at once.

By the same remarkable providence in the disposing of things it is, that when the sun has made a great progress towards the tropic of Cancer, and becomes in a manner vertical, he draws after him such a vast body of clouds, as shield them from his direct beams, and dissolving into rain cool the air, and refresh the country, thirsty with the long drought, which commonly reigns from the beginning of January to the latter end of May.

The rains in the West-Indies are by no means the things they are with us. Our heaviest rains are but dews comparatively. They are rather floods of water poured from the clouds, with a prodigious impetuosity; the rivers rise in a moment; new rivers and lakes are formed, and in a short time all the low country is under water. Hence it is, that the rivers which have their sources within the tropics, swell and overflow their banks at a certain season; and so mistaken were the ancients in their idea of the torrid zone, which they imagined to be dried and scorched up with a continual and fervent heat, and for that reason uninhabitable, when in reality some of the largest rivers in the world have their course within it's limits, and the moisture is one of the greatest inconveniences of the climate in several places.

The rains make the only distinction of seasons in the West-Indies; the trees are green the whole year round; they have no cold, no frosts, no snows, and but rarely some hail; the storms of which are however very violent when they happen, and the hailstones very great and heavy. Whether it be owing to this moisture alone, which alone does not seem to be a sufficient cause, or to a greater quantity of a sulphurous acid, which predominates in the air in this country, metals of all kinds that are subject to the action of such causes, rust and canker in a very short time; and this cause, perhaps, as much as the heat itself, contributes to make the climate of the West-Indies unfriendly and unpleasant to an European constitution.

It is in the rainy season (principally in the month of August, more rarely in July and September,) that they are assaulted by hurricanes; the most terrible calamity to

which they are subject from the climate; this destroys at a stroke the labours of many years, and prostrates the most exalted hopes of the planter, and often just at the moment when he thinks himself out of the reach of fortune. It is a sudden and violent storm of wind, rain, thunder and lightning, attended with a furious swelling of the seas, and sometimes with an earthquake; in short, with every circumstance which the elements can assemble, that is terrible and destructive. First, they see, as the prelude to the ensuing havock, whole fields of sugar canes whirled into the air, and scattered over the face of the country. The strongest trees of the forest are torn up by the roots, and driven about like stubble; their windmills are swept away in a moment; their works, the fixtures, the ponderous copper boilers, and stills of several hundred weight, are wrenched from the ground, and battered to pieces: their houses are no protection, the roofs are torn off at one blast; whilst the rain, which in an hour rises five feet, rushes in upon them with an irresistible violence.

There are signs, which the Indians of these islands taught our planters, by which they can prognosticate the approach of an hurricane. The hurricane comes on either in the quarters, or at the full change of the moon. If it comes at the full moon, when you are at the change observe these signs. That day you will see the sky very turbulent; you will observe the sun more red than at other times; you will perceive a dead calm, and the hills clear of all those clouds and mists which usually hover about them. In the clefts of the earth, and in the wells, you hear a hollow rumbling sound like the rushing of a great wind. At night the stars seem much larger than usual, and surrounded with a sort of burs; the North-West sky has a black and menacing look; the sea emits a strong smell, and rises into vast waves, often without any wind; the wind itself now forsakes it's usual steady Easterly stream, and shifts about to the West; from whence it sometimes blows with intermissions violently and irregularly for about two hours at a time. You have the same signs at the full of the moon; the moon herself is surrounded with a great bur, and sometimes the sun has the same appearance. These prognostics were taught by the Indians; and in general one may observe, that ignorant country people and barbarous nations, are better observers of times and seasons, and draw better rules from them, than more civilized and reasoning people, for they rely more upon experience than theories, they are more careful of traditionary observations, and living more in the open air at all times, and not so occupied but they have leisure to observe every change, though minute, in that element, they come to have great treasures of useful matter, though, as it might be expected, mixed with many superstitious and idle notions as to the causes. These make their observations to be rejected as chimerical in the gross by many literati, who are not near so nice and circumspect as they ought to be in distinguishing what this sort of people may be very competent judges of, and what not.

The grand staple commodity of the West-Indies is sugar; this commodity was not at all known to the Greeks and Romans, though it was made in China in very early

times, from whence we had the first knowledge of it; but the Portuguese were the first who cultivated it in America, and brought it into request as one of the materials of a very universal luxury in Europe. It is not settled whether the cane from which this substance is extracted, be a native of America or brought thither by the Portuguese from India, and the coast of Africa; but however the matter may be, in the beginning they made the most as they still do the best sugars, which come to market in this part of the world. The sugar cane grows to the height of between six and eight feet, full of joints, about four or five inches asunder; the colour of the body of the cane is yellowish, and the top, where it shoots into leaves of a vivid green; the coat is pretty hard, and within contains a spongy substance full of a juice, the most lively, elegant, and least cloying sweet in nature; and which sucked raw, has proved extremely nutritive and wholesome.

They are cultivated in this manner. In the month of August, that is, in the rainy part of the year, after the ground is cleared and well hoed, they lay a piece of six or seven joints of the cane, flat in a channel made for it, above half a foot deep; this they cover with the earth, and so plant the whole field in lines regularly disposed and at proper distances. In a short time a young cane shoots out from every joint of the stock which was interred, and grows in ten or twelve days to be a pretty tall and vigorous plant; but it is not until after sixteen months, or thereabouts, that the canes are fit to answer the purposes of the planter, though they may remain a few months after without any considerable prejudice to him. The longer they remain in the ground after they are come to maturity, the less juice they afford; but this is somewhat compensated by the superior richness of the juice. That no time may be lost, they generally divide their cane grounds into three parts. One is of standing canes, and to be cut that season; the second is of new planted canes; and the third is fallow, ready to receive a fresh supply. In some places they make second and third cuttings from the same root. The tops of the canes, and the leaves, which grow upon the joints, make very good provender for their cattle, and the refuse of the cane after grinding, serves for fire; so that no part of this excellent plant is without it's use.

The canes are cut with a billet, and carried in bundles to the mill, which is now generally a windmill; it turns three great cylinders or rollers plated with iron, set perpendicularly and cogged so as to be all moved by the middle roller. Between these, the canes are bruised to pieces, and the juice runs through an hole into a vat which is placed under the rollers to receive it; from hence it is carried through a pipe into a great reservoir, in which however, for fear of turning sour, it is not suffered to rest long, but is conveyed out of that by other pipes into the boiling house, where it is received by a large cauldron: here it remains, until the scum, which constantly arises during the boiling, is all taken off; from this, it is passed successively into five or six more boilers, gradually diminishing in their size, and treated in the same manner. In the last of these it becomes of a very thick clammy

consistence; but mere boiling is incapable of carrying it farther: to advance the operation, they pour in a small quantity of lime-water; the immediate effect of this alien mixture, is to raise up the liquor in a very vehement fermentation; but to prevent it from running over, a bit of butter no larger than a nut is thrown in, upon which the fury of the fermentation immediately subsides; a vessel of two or three hundred gallons requires no greater force to quiet it. It is now taken out and placed in a cooler, where it dries, granulates, and becomes fit to be put into the pots, which is the last part of the operation.

The pots are conical, or of a sugar-loaf fashion; open at the point, which must be considered as their bottom; here a strainer is put across. In these pots the sugar purges itself of it's remaining impurity; the molasses or treacly part disentangles itself from the rest, precipitates and runs out of the aperture at the bottom; it is now in the condition called muscavado sugar, of a yellowish brown colour, and thus it is generally put into the hogshead and shipped off.

But when they have a mind to refine it yet further, and leave no remains at all of the molasses, they cover the pots I have just mentioned with a sort of white clay, like that used for tobacco pipes, diluted with water; this penetrates the sugar, unites with the molasses, and with them runs off; leaving the sugar of a whitish colour, but whitest at top. This is called clayed sugar; the operation is sometimes repeated once or twice more, and the sugar every time diminishing in quantity gains considerably in value; but still is called clayed sugar. Further than this they do not go in the plantations, because an heavy duty of sixteen shillings per hundred weight is laid upon all sugars refined there; it is therefore not to my purpose to carry the account any further.

Of the molasses rum is made, in a manne• that needs no description, since it differs in nothing from the manner of distilling any other spirit. From the scummings of the sugar, a meaner spirit is procured. Rum finds its market in North America, (where it is consumed by the English inhabitants, or employed in the Indian trade, or distributed from thence to the fishery of Newfoundland, and the African commerce;) besides what comes to England and Ireland. However, a very great quantity of molasses is taken off raw and carried to New England to be distilled there.

They compute that when things are well managed, the rum and molasses pay the charges of the plantation, and that the sugars are clear gain. However, by the particulars we have seen, and by others which we may easily imagine, the expences of a plantation in the West-Indies are very great, and the profits at the first view precarious; for the chargeable articles of the windmills, the boiling, cooling and distilling houses, and the buying and subsisting a suitable number of slaves and cattle, will not suffer any man to begin a sugar plantation of any consequence, not to mention the purchase of the land, which is very high, under a capital of at least five thousand pounds. Neither is the life of a planter, a life of idleness and luxury; at all

times he must keep a watchful eye upon his overseers, and even oversee himself occasionally. But at the boiling season, if he is properly attentive to his affairs, no way of life can be more laborious, and more dangerous to the health; from a constant attendance day and night in the extreme united heats of the climate and so many fierce furnaces; add to this the losses by hurricanes, earthquakes, and bad seasons; and then consider, when the sugars are in the cask, that he quits the hazard of a planter, to engage in the hazards of a merchant, and ships his produce at his own risk. The sum of all might make one believe, that it could never answer to engage in this business; but notwithstanding all this, there are no parts of the world, in which great estates are made in so short a time as in the West-Indies. The produce of a few good seasons will provide against the ill effects of the worst; as the planter is sure of a speedy and profitable market for his produce, which has a readier sale than perhaps any other commodity in the world.

Large plantations are generally under the care of a manager or chief overseer, who has commonly a salary of a hundred and fifty pounds a year, with overseers under him in proportion to the greatness of the plantation, one to about thirty negroes, and at the rate of about forty pounds. Such plantations too have a surgeon at a fixed salary, employed to take care of the negroes which belong to it. But the course, which is the least troublesome to the owner of the estate, is to let the land with all the works, and the stock of cattle and slaves, to a tenant, who gives security for the payment of the rent, and the keeping up repairs and the stock. The estate is generally estimated to such a tenant at half the neat produce of the best years. Such tenants, if industrious and frugal men, soon make good estates for themselves.

The negroes in the plantations are subsisted at a very easy rate. This is generally by allotting to each family of them a small portion of land, and allowing them two days in the week, Saturday and Sunday, to cultivate it; some are subsisted in this manner, but others find their negroes themselves with a certain portion of Guinea or Indian corn, and to some a salt herring, or a small quantity of bacon or salt pork a day. All the rest of the charge consists in a cap, a shirt, a pair of breeches, stockings and shoes; the whole not exceeding forty shillings a year.

To particularise the commodities proper for the West-India market, would be to enumerate all the necessaries, conveniencies, and luxuries of life; for they have nothing of their own but the commodities I have already mentioned. Traders there make a very large profit upon all they sell; and all kind of handicraftsmen, especially carpenters, bricklayers and brasiers, get very great encouragement.

CHAP. VIII.

THE disposition to industry has a variety of characters, and is by no means constantly of the same colour. Some acquiesce in a moderate labour through the whole of their lives, attended with no risk either to their persons or their gains; such sort of people, who form the best citizens in general, are fit to stay at home. Others full as remote from an indolent disposition, are of quite a different character. These are fiery, restless tempers, willing to undertake the severest labour, provided it promises but a short continuance, who love risk and hazard, whose schemes are always vast, and who put no medium between being great and being undone. Characters of this sort, especially when they happen in low and middling life, are often dangerous members in a regular and settled community. But the West-Indies opens a fair and ample field to encourage persons of such a disposition; and it may be reckoned one very great benefit of our possessions in that part of the world, that besides the vast quantities of our fabrics which they consume, our seamen that they employ, and our revenues that they support, that they are a vent to carry off such spirits, whom they keep occupied greatly to the public benefit. Our dominions are to circumstanced, and afford such a variety, that all dispositions to business, of what kind soever, may have exercise without pressing upon one another. It is besides a great happiness, that unfortunate men, whom unavoidable accident, the frowns of the world, or the cruelty of creditors, would have rendered miserable to themselves, and useless to the public, may find a sort of asylum, where at last they often succeed so well, as to have reason to bless those accidents, which drove them from their country poor, deserted and despised, to return them to it in opulence and credit. Of such a change every one can produce many instances of his own knowledge; as whoever looks about him cannot fail to see a great number of persons, who having taken wrong steps in the beginning of their lives, have established such a character of weakness and imprudence, as prevents them ever after from being trusted or employed, wherever they are at all known, although their characters should be altogether chang'd, and the passions quite subsided which gave occasion to their errors. Such persons become, first, indigent, then desperate, and at last, abandoned; but when they have an opportunity of going where this prejudice does not operate against them, they set up as new men. With the advantage of an experience acquired by their mistakes they are free from the ill reputation which attended them; and they prove of vast service to their country, to which they could be of no advantage whilst they remained in it. There are persons too, far more blameable than either of the former sorts, who having erred without proper caution in points of morality, are deservedly regarded with distrust and abhorrence, though they may be at bottom far from being utterly abandoned; and are still, excepting their character, the stuff proper for making very good men of the world.

These are the several sorts of people, who with very few exceptions, have settled the West-Indies, and North America in a good measure. And thus have we drawn from the rashness of hot and visionary men; the imprudence of youth; the corruption of bad morals; and even from the wretchedness and misery of persons destitute and undone, the great source of our wealth, our strength and our power. And though this was neither the effect of our wisdom, nor the consequence of our foresight; yet having happened, it may tend to give us more wisdom and a better foresight; for it will undoubtedly be a standing monitor to us, how much we ought to cherish the colonies we have already established, by every encouragement in our power, and by every reasonable indulgence; and it will be an additional spur to make us active in the acquisition of new ones. Since experience has taught us, that as there is no soil or climate which will not shew itself grateful to culture, so that there is no disposition, no character in mankind, which may not be turned with dextrous management to the public advantage. These rulers, who make complaints of the temper of their people in almost any respect, ought rather to lament their own want of genius, which blinds them to the use of an instrument purposely put into their hands by providence, for effecting perhaps the greatest things. There are humours in the body, which contained may be noxious to it, yet which sent abroad are the proper materials for generating new bodies. Providence, and a great minister who should imitate providence, often gain their ends by means, that seem most contrary to them; for earthquakes, and hurricanes, and floods, are as necessary to the well-being of things, as calms and sun-shine; life and beauty are drawn from death and corruption; and the most efficacious medicines are often found united with the most deadly poisons. This, as it is well known, is the order of nature, and perhaps it might not unwisely be considered, as an example for government.

CHAP. IX.

THOUGH we have drawn such great advantages from our possessions in the West-Indies, and are, even in our present way of acting, likely to continue to draw still more; and though we have not wholly neglected the culture of that useful province; yet some will think, that there are some things yet left undone, some things in which our neighbours have set us a laudable example, and some others, which the inconveniencies we have felt from the want of them demonstrate to be necessary to ourselves. But it is not my purpose to handle this subject in its full extent, since it is the wisdom and power of the legislature, and not the unauthorized speculations of a private man, which can effect any thing useful in this way. A West-Indian who is naturally warm in his temper, and not too servilely obedient to the rules of the bienseance, might find some faults in our proceedings here, and would perhaps reason in a manner not unlike the following.

“One would think from some instances, that at the distance we are placed from the seat of authority, we were too remote to enjoy it’s protection, but not to feel it’s weight. Innumerable are the grievances which have oppressed us from our infancy, and which contribute to bring on us a premature old age. Not one of the least evils under which our plantations in the West-Indies groan, is the support of an expensive civil establishment, suited rather to an established and independent country in the plenitude of wealth and power, then to newly settled colonies, to which nobody thinks himself to belong as to his country, and which struggle with a total want of almost all the necessaries and conveniencies of life. The building and maintaining the public works and fortifications, is a weight to which we are totally unequal, and the laying of which upon our shoulders is directly contrary to the very purpose for which you cultivate the colonies; for though the produce of these colonies is in general to be considered as a luxury, yet is it of the greatest value to you; first, as it supplies you with things, which if not from us, you must certainly take from foreign nations. Even in this view the colonies are extremely useful. But there is another, and a much more advantageous light in which you may view them; you may consider them as they supply you with a commodity which you export to other countries, and which helps to bring the ballance of trade in your favour.

The whole secret of managing a foreign market, is contained in two words, to have the commodity of a good kind, and to sell it cheap; and the whole domestic policy of trade consists in contriving to answer these two ends, and principally the latter. Now, by what magic can we effect to sell as cheap as the French at any foreign market, when our planters pay four and a half per cent, duty upon all the sugars, which they ship off in America, and this after having had the same commodity in effect heavily taxed before by the poll on the negroes which work it, and by other impositions, which the planters endure according to the exigencies of

the government? when the French planter pays a very insignificant poll-tax at worst, and not one per cent. duty upon all the sugars he exports; when he buys his negroes at an easier rate than we can do; when he is more favoured upon every occasion, and is besides of a temper more industrious and frugal, than is found in our people. Besides this, upon sudden emergencies we run very much in debt; the island of Barbadoes at one stroke expended thirty thousand pounds upon a fortification, to say nothing of what this and what other islands have done in the same way and upon similar occasions? We are in reality only your factors; you in England ought to consider yourselves as the merchants, who should be at the whole expence, and should willingly abide by whatsoever loss accrues; since the profits are all your own, and since in the end by the course of trade, the loss too, let you take what shifting measures you please to avoid it, and to cheat yourselves with appearances. It is reasonable that you should lay what duty you please upon what is consumed amongst yourselves, because you govern that market as you please; but what you charge, or suffer to be charged on the islands, is only the price of your own goods enhanced so much at the foreign market; there you have no exclusive privilege, and there you are sure to suffer. If that duty which is laid in England upon the produce of our islands, or even half of it were expended, as in reason it ought, for the support of our establishment, we might well be freed from the heavy burthens which we bear, and consequently might be somewhat upon a par with our neighbours. In our present condition, we not only pay very ample salaries to our governors, but they are besides suffered to make the most they can by management of our weakness, to cheat us into voluntary gratuities, which we have given often without a due consideration of our circumstances. This custom prompts our governors to use a thousand arts equally unbecoming their character, and prejudicial to the provinces they govern. It is this which induces them to foment those divisions which tear us to pieces, and which prevent us from attending seriously and entirely to what will best advance the prosperity of our settlements.

It were a tedious and disagreeable task, to run through all the mischiefs of which that one error of sending a governor to make the most he can of us is the fruitful source. The governor, I allow, ought to have every where a certain, reasonable, and even a genteel salary; but then, when he has this, he ought not to be in a condition to hope for any thing further, and ought to consider nothing but how he may best perform the duty of his office.

But I hear it objected, that we are already extremely chargeable to England, who sends her troops to protect us, and her fleets to cover our trade, at a very great expence, for which we ought to be contented, and even thankful; and that it is unreasonable to expect she should bear every part of our burthen, loaded as she is with the weight of a vast national debt, and a most expensive establishment of her own. But to this my answer is short, plain, and practical. The French do all this. They send armies and fleets to protect their colonies as well as you; but they support

the establishment in their own plantations notwithstanding; and they are far from supposing this an insupportable burthen. They know that a little judicious expence is often the best oeconomy in the world, and that in this case, it is only sparing their own subjects in the West-Indies, and levying the money laid out for their use upon the foreign consumer. What they do, I see no impossibility of our doing. They learned many of their maxims of trade, as well as many of the fabrics which supply it, from us; I wish we would learn from them in our turn. We have, indeed, some years ago eased the trade, by permitting ships from the islands to carry our produce out directly to foreign markets; but still it is so clogged, that we do not feel all the benefit which we might expect from a more general and better regulated liberty. Not to carry our enquiries further, see what you have gained by prohibiting us to land our sugars directly in Ireland, before they are first entered in an English port. What was the consequence? why your sugars grew dear by this loading and unloading, and passing backward and forward. The Portuguese offered sugars of at least equal goodness, and at a much more moderate price. The merchants in Ireland would not refuse so good an offer out of a compliment to you, who in this instance paid them no compliment at all; and you cannot, for very good reasons, dispute with the Portuguese about it. If this has happened at home, the consequence must be infinitely worse abroad. But it is said that our failures abroad are only owing to this; that we have not ground enough conveniently situated to produce more sugar than satisfies the home demand. But this is far enough from the case. There is in several of the islands, but there is in Jamaica in particular, a great quantity of good land, and well enough situated too, if means were taken to bring it into culture, and a choice of markets to animate the planter in the cultivation; who certainly deserves every sort of encouragement, as he asks for nothing but to be put into such a condition, as may enable him to be of more service to his mother country.”

CHAP. X.

IN the foregoing manner the West-Indian would state some part of what he conceives to be his grievances, and those I believe he would be earnest enough to have remedied. But there are other regulations, which a person not concerned in their affairs might think very proper too, but which the West-Indian would enter into with a much greater degree of phlegm.

There are now allowed to be in our West-Indies at least two hundred and thirty thousand negroe slaves; and it is allowed too, that upon the highest calculation the whites there, in all, do not amount to ninety thousand souls. This disproportion shews so clearly at the first glance how much the colonies are endangered, both from within and without; how much exposed to the assaults of a foreign enemy, and to the insurrection of their own slaves, (which latter circumstance in all our islands keeps the people in perpetual apprehensions) that it may be a just cause of surprise, that no measures whatsoever are taken to correct this dangerous irregularity.

This disproportion between the freemen and negroes grows more visible every day. That enterprising spirit which the novelty of the object, and various concurrent causes had produced in the last century, has decayed very much. We have as many men indigent and unemployed at home as we had then; but they have not the same spirit and activity they had at that time. The disposition of the people in the West-Indies concurs with that of our people at home, to increase and to perpetuate the evil of which I complain; for they chuse to do every thing by negroes, which can possibly be done by them; and though they have laws and ordinances to oblige them to keep a certain number of white servants in some proportion to their blacks, in most places these laws are but a dead letter. They find it more easy to pay the penalty when seldom it is exacted, than to comply with the law. Their avarice in the particulars makes them blind to the hazards to which they expose the sum total of their affairs. This disposition in the planters is now almost grown inveterate, and to such a degree, that the remedy will probably never be administred by themselves; and if this disposition continues, in a little time, (which is indeed nearly the case already,) all the English in our colonies there will consist of little more than a few planters and merchants; and the rest will be a despicable, though a dangerous, because a numerous and disaffected herd of African slaves.

Indubitably the security, as well as the solid wealth of every nation, consists principally in the number of low and middling men of a free condition, and that beautiful gradation from the highest to the lowest, where the transitions all the way are almost imperceptible. To produce this ought to be the aim and mark of every well regulated commonwealth, and none has ever flourished upon other principles. But when we consider the colony out of that independent light, and as it is related to Great Britain, it is clear that this neglect is of great detriment to the mother country;

because it is certain, that the consumption of our commodities there would be in a great measure in proportion to the number of white men; and there is nobody at all acquainted with the plantations, who will not readily allow, that when I say one white man takes off as much of our manufactures as three negroes, that I estimate his value to us at a very low rate.

But the necessity of having there a proper number of whites is not only strongly enforced by the consideration of the great gain which would from thence accrue to us, but from the vast savings which such an arrangement would produce. The militia of the West-Indies is exceedingly well trained, so as to be in discipline not very much inferior, but in courage and spirit beyond most regular troops; and they really want nothing but sufficient numbers to be able fully to defend themselves, and occasionally to annoy the enemy; for both which purposes they are infinitely more fit by being habituated to the climate, than raw troops, which in this part of the world can never meet the enemy in the field with much more than half their complement. A less number of troops would do there in all times, if this point was well studied; and I may venture to say, that the transporting and comfortably providing for a proper number of men effectually to secure our colonies, and even to make any attempt upon them desperate, would not have cost the government one third part of the money, which for these twenty years past has been expended in the transporting and maintaining of troops there, who die and waste away without any benefit to themselves or their country; whereas these settlers, who would so effectually intimidate a foreign enemy, and take away all hope of liberty from the negroes, would all the while be enriching their mother country, and paying a large interest for the sums she expended in their establishment.

I am conscious that many objections will be made against the very proposal, and that many more would be started against any effectual scheme for increasing the number of white servants in the West-Indies. They are represented, as of very little use, disorderly, idle, drunken, and fitter to pervert the negroes, than to be any assistance to them in their business. This I believe to be in general true; but this is no sort of objection to having them; though it is an excellent argument for putting them, their masters, and the whole colony under a better regulation. If we labour under great inconveniencies from the want of a police at home, this want is infinitely more visible in the West-Indies, where for the most part they all live without the least sense of religion, in a state of vice and debauchery, which is really deplorable to consider them as men and christians, and of a very bad aspect in a political light. If therefore it should be thought convenient by the wisdom of our government, at any time to enter into a scheme for peopling these countries fully and properly, it will be equally convenient at the same time to take such strict measures as may preserve them from vice and idleness; a thing far enough from impracticable. Whenever such regulations shall take place, they will in a good measure answer another end too, the preserving the health and lives of the people; a

point which in all places every wise government will have very much at heart; but which is above all necessary in a colony, where the people are an inestimable treasure, and where the climate itself is sufficiently fatal.

These observations principally regard Jamaica, the largest and best of our islands, where there are prodigious tracts of uncultivated land. As the rivers there are not navigable, and as sugar is a bulky commodity, which cannot afford to pay for a very long land carriage, the coasts, or only the land very near the coasts, can be turned to that commodity. But if poor people were sufficiently encouraged to settle in the inland parts, necessity would oblige them to raise cotton, cacao, coffee, ginger, aloes, allspice, the dying woods, and other things which require no vast labour, are not so burthensome in carriage, and which have all a sufficient demand at home to encourage people who do not look to great and sudden fortunes. And as we bring all these, especially the cotton, which is of great use in our manufactures, from abroad, we might encourage the raising more of it by some moderate premium. The same necessity too would oblige them to try experiments on cochineal, and various other things which we don't now think of, and which the climate would not refuse. By degrees, and with good management, they would improve in the culture of many of these articles in which they are now defective; the careful would grow tolerably rich; and considerable works of many valuable commodities, as cocoa, cochineal, and even indigo, may be attempted with small capitals. Excepting the labour, I don't know that any of these require above two or three hundred pounds to begin with. So that whilst the great stocks, and the lands convenient to navigation are employed in sugars, the small capitals and the inland might be employed in the less expensive, though not less useful articles I have mentioned; every part would flourish, and agriculture would have it's share with the other improvements; so that the great number might be subsisted at less expence than the few are now maintained. All this, I am confident, could be effected for twenty thousand pounds, or less, properly laid out; and the island by this means be rendered in a few years three times more beneficial to us than it is at present. By the neglect of some encouragement of this kind, the great stocks, and the running into a staple which required them, have by degrees devoured the island. It is the nature of vast stocks to create a sort of monopoly; and it is the nature of monopoly to aim at great profits from a comparatively little produce; but diffuse business, and by bringing it within the compass of several, you will make them sit down each with a small profit, for all cannot hope a fortune, but the joint produce of all will be very considerable. Indigo was once very greatly produced in Jamaica, and it enriched the island to so great a degree, that in the parish of Vere, where this drug was cultivated, they are said to have had no less than three hundred gentlemen's coaches; a number I do not imagine even the whole island exceeds at this day; and there is great reason to believe, that there were many more persons of property in Jamaica formerly than

are there now, though perhaps they had not those vast fortunes, which dazzle us in such a manner at present.

CHAP. XI.

SINCE I have indulged myself so long in a speculation, which appears to me very material to the welfare of these colonies, I shall venture to say something farther concerning another part of the inhabitants, tho' it may perhaps meet no warm reception from those who are the most nearly concerned.

The negroes in our colonies endure a slavery more compleat, and attended with far worse circumstances, than what any people in their condition suffer in any other part of the world, or have suffered in any other period of time. Proofs of this are not wanting. The prodigious waste which we experience in this unhappy part of our species, is a full and melancholy evidence of this truth. The island of Barbadoes, (the negroes upon which do not amount to eighty thousand) notwithstanding all the means which they use to increase them by propagation, notwithstanding that the climate is in every respect, except that of being more wholesome, exactly resembling the climate from whence they come; notwithstanding all this, Barbadoes lies under a necessity of an annual recruit of five thousand slaves to keep up the stock at the number I have mentioned. This prodigious failure, which is at least in the same proportion in all our islands, shews demonstratively that some uncommon and insupportable hardship lies upon the negroes, which wears them down in such a surprising manner; and this, I imagine, is principally the excessive labour which they undergo. For previously, I suppose, that none of the inhabitants of the countries between the tropics are capable, even in their own climates, of near so much labour without great prejudice to them, as our people are in ours. But in our plantations the blacks work severely for five days, without any relaxation or intermission, for the benefit of the master, and the other two days they are obliged to labour for their own subsistence during the rest of the week; and this, I imagine, with the other circumstances of great severity which depress their spirits, naturally cuts off great numbers, as well as disqualifies those who remain from supplying this waste by natural propagation.

The planter will say, that if he is to allow his negroes more recreation, and to indulge them in more hours of absence from their work, he can never reimburse himself for the charge he has been at in the purchase of the slave, nor make the profits which induced him to go to that expence. But this, though it appears plausible enough at first, because the slaves are very dear, and because they do not yield above ten or twelve pounds a head annually clear profit by their labour, is notwithstanding very fallacious. For let it be considered, that out of their stock of eighty thousand in Barbadoes, there die every year five thousand negroes more than are born in that island: in effect this people is under a necessity of being entirely renewed every sixteen years; and what must we think of the management of a people, who far from increasing greatly, as those who have no loss by wars ought to

do, must in so short a space of time as sixteen years, without foreign recruits, be entirely consumed to a man? Let us suppose that these slaves stand the Barbadians in no more than twenty pounds a head out of the ship; whereas, in reality, they cost a great deal more; this makes one hundred thousand pounds every year, and in sixteen years one million six hundred thousand pounds. A sum really astonishing, and amounting to a fourth of the value of every thing they export.

Now suppose, that by allowing a more moderate labour, and some other indulgences, a great number of these deaths might be prevented, (and many I think it is probable would so be prevented,) and that they could keep up within a thousand of their stock, (and why they could not entirely keep it up by such means, I cannot possibly guess) they would save in this way eighty thousand pounds every year. But from thence we must deduct the time in which these slaves have been unemployed. I suppose that all reasonable indulgences might be given of every sort for the difference of forty thousand pounds, which is the labour of four thousand slaves. This will be far from a small allowance, especially as in this way less time will be lost by sickness, and the surgeon will have less employment. Then, after all deductions, by behaving like good men, good masters, and good christians, the inhabitants of this one island would save forty thousand pounds a year; which if instead of being saved, it were lost by such a proceeding, it ought to be considered as a necessary loss, and borne accordingly.

This matter, though not I think before shewn in this same light, seems in itself extremely clear; but if it were yet clearer, there are several gentlemen of the West-Indies who could not comprehend it; though a waggoner in England will comprehend very clearly, that if he works his horse but moderately, and feeds him well, he will draw more profit from him in the end, than if he never gave him an hour's respite in the day from his work, and at night turned him upon the common for his subsistence. I am far from contending in favour of an effeminate indulgence to these people. I know that they are stubborn and intractable for the most part, and that they must be ruled with a rod of iron. I would have them ruled, but not crushed with it. I would have a humanity exercised which is consistent with steadiness. And I think it clear from the whole course of history, that those nations which have behaved with the greatest humanity to their slaves, were always best served, and ran the least hazard from their rebellions. And I am the more convinced of the necessity of these indulgences, as slaves certainly cannot go through so much work as freemen. The mind goes a great way in every thing; and when a man knows that this labour is for himself; and that the more he labours, the more he is to acquire, this consciousness carries him through, and supports him beneath fatigues, under which he otherwise would have sunk.

The prejudice this saving would be to the African trade, is I know an objection which to some would appear very plausible. But surely, one cannot hear without horror of a trade which must depend for it's support upon the annual murder of

several thousands of innocent men; and indeed nothing could excuse the slave trade at all, but the necessity we are under of peopling our colonies, and the consideration that the slaves we buy were in the same condition in Africa, either hereditary, or taken in war. But in fact, if the waste of these men should become less, the price would fall; then if a due order were taken the same demand might be kept, by the extending our colonies, which is now produced by the havock made of the people. This is the case on the continent, where though the slaves increase, there is an annual call for seven thousand at least.

The principal time I would have reserved for the indulgence I propose to be granted to the slaves, is Sunday, or the Lord's day; a day which is profaned in a manner altogether scandalous in our colonies. On this day, I would have them regularly attend at church; I would have them, particularly the children, carefully (full as carefully as any others) instructed in the principles of religion and virtue, and especially in the humility, submission and honesty which become their condition. The rest of the day might be devoted to innocent recreation; to these days of relaxation, and with the same exercises, should be added some days in the grand festivals of Christmass, Easter and Whitsuntide, and perhaps, four or five days in the year besides. Such methods would by degrees habituate their masters, not to think them a sort of beasts, and without souls, as some of them do at present, who treat them accordingly; and the slaves would of course grow more honest, tractable, and less of eye-servants; unless the sanctions of religion, the precepts of morality, and all the habits of an early institution, be of no advantage to mankind. Indeed I have before me an author, if he may be so called, who treats the notion of bringing the negroes to christianity with contempt, and talks of it at the best, as a thing of indifference. But besides that he appears to me a writer of every little judgment, I cannot conceive with what face any body, who pretends to inform the public, can set up as an advocate for irreligion, barbarism, and gross ignorance.

CHAP. XII.

IT is said, that the law of England is favourable to liberty; and so far this observation is just, that when we had men in a servile condition amongst us, the law took advantage even of neglects of the master to enfranchise the villain; and seemed for that purpose even to subtilize a little; because our ancestors judged, that freemen were the real support of the kingdom. What if in our colonies we should go so far, as to find out some medium between liberty and absolute slavery, in which we might place all mulattoes after a certain limited servitude to the owner of the mother; and such blacks, who being born in the islands, their masters for their good services should think proper in some degree to enfranchise? These might have land allotted them, or where that could not be spared, some sort of fixed employment, from either of which they should be obliged to pay a certain moderate rent to the public. Whatever they should acquire above this, to be the reward of their industry. The necessity of paying the rent would keep them from idleness; and when men are once set to work through necessity, they will not stop there; but they will gradually strive for conveniencies, and some even for superfluities. All this will add to the demand for our goods, and the colony will be strengthened by the addition of so many men, who will have an interest of their own to fight for.

There is, amongst others, a very bad custom in our colonies of multiplying their household slaves far beyond reason and necessity. It is not uncommon for families of no very great fortunes, to have twenty-five or thirty in the capacity of menial servants only. These are so many hands taken from planting, to be of no manner of use to the public; but they are infinitely the most dangerous of the slaves; for being at all times about our people, they come to abate of that great reverence, which the field negroes have for the whites, without losing any thing of the resentment of their condition, which is common to both. And besides, in any insurrection they have it more in their power to strike a sudden and fatal blow. Surely a sumptuary law might be contrived to restrain the number of these menial slaves, as there might and ought to be one strictly enjoining all who keep five servants, to have one white man and one white woman amongst them, without any power of being indulged in a contrary practice; as it ought to be a rule never to be broken through, to have not only the overseers, but even all the drivers, white men.

The alarms we are under at the news of any petty armament in the West-Indies, is a demonstrative proof of the weakness of our condition there; which is, however, so far from rousing us to seek any proper remedy, that there are not wanting of the people of that country, many who would use a thousand pretences to prevent our taking the only possible means of securing their own possessions from danger; as the majority of men will always be found ready to prefer some present gain to their future and more permanent interests. But the apparent and dangerous progress of

the French ought, methinks, to rouse us from our long inaction, and to animate us to enterprise some regulations, in a strain of policy far superior to any thing I have ventured to hint, for the interest of the commerce, and the honour of the counsels of the British nation.

PART VII. British North America.

CHAP. I.

IT is somewhat difficult to ascertain the bounds of the English property in North America, to the northern and Western sides; for to the Northward, it should seem, that we might extend our claims quite to the pole itself, nor does any nation seem inclined to dispute the property of this Northernmost country with us. France has by the treaty of Utrecht, ceded to us Hudson's bay, the streights of Hudson, and all the country bordering upon that bay and those streights. If we should chuse to take our stand upon the Northern extremity of New Britain, or Terra de Labrador, and look to the South, we have a territory extending in that aspect from the 60th to the 31st degree of North latitude, and consequently more than seventeen hundred miles long in a direct line. This country is, all the way, washed by the Atlantic ocean on the East; to the South it has the small remains of the Spanish Florida; but to the Westward, our bounds are disputed by our enemies, and do not seem well agreed upon amongst ourselves. They who govern themselves by the charters to our colonies, run their jurisdiction quite across the continent to the South-Sea; others contract our rights to the hither banks of the Mississippi, and take four of the great lakes into our dominions. But upon what grounds they have fixed upon that river as a barrier, other than that rivers or mountains seem to be a species of natural boundaries, I cannot determine. Others (upon the same grounds, I suppose,) have contracted us within limits yet narrower; they make the Apalachian mountains, the lake Ontario, and the river St. Laurence, the most Westerly frontier of our rights in America. The French agreeing, in some respects, with these latter, (or the latter rather agreeing with the French, whose maps they have for a long time servilely and shamefully copied,) have made the mountains hem us in from their Southern commencement, to about the 44th degree of North latitude, or thereabouts, where this long chain terminates; then they draw a line slanting to the North-East, by which they cut off a great part of the provinces of New-York, New England, and Nova Scotia, and leave our bounds at such a distance from the river St. Laurence, as they judge convenient.

This distribution, and the military dispositions which the French have made to support it, form the principal cause of the quarrel which now subsists between the two kingdoms; and it is the issue of this quarrel, which must instruct future geographers in adjusting the boundaries of the two nations. For the present, I shall only mention what we have settled, without offering any opinion of my own concerning our bounds. Our rights in Nova Scotia have been already ascertained and established in a clear and cogent manner; but with regard to our claims in the Ohio and Mississippi, the rashness of some writers in a matter which is a public concern, seems to me very blameable. Some of them timidly or ignorantly drawing our territories into a very inconvenient narrowness; whilst others have madly

claimed all North America from sea to sea; some would give us very narrow bounds, whilst others will hear of no bounds at all.

Posterity will perhaps think it unaccountable, that in a matter of such importance we could have been so thoughtless as to leave on our back such a nation as France, without determining, in any manner, even sufficiently clear to settle our own demands, what part of the country was our own right, or what we determined to leave to the discretion of our neighbours; or that wholly intent upon settling the sea coast, we have never cast an eye into the country, to discover the necessity of making a barrier against them, with a proper force; which formerly did not need to have been a very great one, nor to be maintained at any great expence. That cheap and timely caution would have saved us thousands of lives and millions of money; but the hour is now passed.

In the ensuing discourse, I think it better neither to consider our settlements directly in the order of the time of their establishment, nor of their advantage to the mother country, but as they lie near one another, North and South from New England to Carolina; reserving for the end the new settlements on the Northern and Southern extremities, those of Nova Scotia and Georgia, and the unsettled countries about Hudson's bay.

CHAP. II.

WE derive our rights in America from the discovery of Sebastian Cabot, who first made the Northern continent in 1497. The fact is sufficiently certain to establish a right to our settlements in North America: but the particulars are not known distinctly enough to encourage me to enter into a detail of his voyage. The country was in general called Newfoundland, a name which is now appropriated solely to an island upon its coast. It was a long time before we made any attempt to settle this country; though in this point we were no more backward than our neighbours, who probably did not abstain so long out of respect to our prior discovery. Sir Walter Raleigh shewed the way, by planting a colony in the Southern part, which he called Virginia. However, the spirit of colonization was not yet fully raised. Men lived at ease in their own country, and the new settlement of Virginia, though dressed up in all the showy colours which eloquence could bestow upon it, gave adventurers but little encouragement. The affairs of North America were in the hands of an exclusive company, and they prospered accordingly.

Things remained in this condition until the latter end of the reign of James the first. From the commencement of the reformation in England, two parties of protestants subsisted amongst us; the first had chosen gradually and almost imperceptibly to recede from the church of Rome; softening the lines, rather than erasing the figure, they made but very little alteration in the appearances of things. And the people seeing the exterior so little altered, hardly perceived the great changes they had made in the doctrines of their religion. The other party of a warmer temper, had more zeal and less policy. Several of them had fled from the persecution in queen Mary's days; and they returned in those of queen Elizabeth with minds sufficiently heated by resentment of their sufferings, and by the perpetual disputations which had exercised them all the while they were abroad. Abroad they learned an aversion to the episcopal order, and to religious ceremonies of every sort; they were impregnated with an high spirit of liberty, and had a strong tendency to the republican form of government. Queen Elizabeth had enough of the blood of Harry the eighth, to make her impatient of an opposition to her will, especially in matters of religion, in which she had an high opinion of her own knowledge. She advised with this party but very little in the alterations which she thought proper to make; and disliking the notions, which they seemed to entertain in politics, she kept them down during the whole course of her reign with an uniform and inflexible severity.

However, the party was far enough from being destroyed. The merit of their sufferings, the affected plainness of their dress, the gravity of their deportment, the use of scripture phrases upon the most ordinary occasions, and even their names, which had something striking and venerable, as being borrowed from the old

testament, or having a sort of affected relation to religious matters, gained them a general esteem amongst sober people of ordinary understandings. This party was very numerous; and their zeal made them yet more considerable than their numbers. They were commonly called puritans.

When king James came to the throne, he had a very fair opportunity of pacifying matters; or at worst he might have left them in the condition he found them; but it happened quite otherwise. The unkingly disputation at Hampton-court did more to encourage the puritans to persevere in their opinions, by the notice which was taken of them, than all king James's logic, as a scholar, backed with all his power as a king, could do to suppress that party. They were persecuted, but not destroyed; they were exasperated, and yet left powerful: and a severity was exercised towards them, which at once exposed the weakness and the ill intentions of the government.

In this state things continued until the accession of Charles, when they were far from mending. This prince, endowed with many great virtues, had very few amiable qualities. As grave as the puritans themselves, he could never engage the licentious part of the world in his favour; and that gravity being turned against the puritans, made him but the more odious to them. He gave himself up entirely to the church and churchmen; and he finished his ill conduct in this respect, by conferring the first ecclesiastical dignity of the kingdom, and a great sway in temporal affairs, upon doctor Laud. Hardly fit to direct a college, he was called to govern a kingdom. He was one of those indiscreet men of good intentions, who are the people in the world that make the worst figure in politics. This man thought he did good service to religion by a scrupulous enquiry into the manner in which the ministers every where conformed to the regulations of the former reigns. He deprived great numbers for nonconformity. Not satisfied with this, in which perhaps he was justifiable enough, if he had managed prudently, he made new regulations, and introduced on a people already abhorrent of the most necessary ceremonies, ceremonies of a new kind, of a most useless nature, and such as were even ridiculous, if the serious consequences which attended them may not intitle them to be considered as matters of importance.

Several great men, disgusted at the proceedings of the court, and entertaining very reasonable apprehensions for the public liberty, to make themselves popular, attached themselves to the popular notions of religion, and affected to maintain them with great zeal. Others became puritans through principle. And now their affairs put on a respectable appearance; in proportion as they became of consequence their sufferings seemed to be more and more grievous; the severities of Laud had raised not terror as formerly, but a sort of indignant hatred; and they became every day further and further from listening to the least terms of agreement with surplices, organs, common-prayer, or table at the West end of the church. As they who are serious about trifles, are serious indeed, their lives began to grow miserable to several on account of these ceremonies; and rather than be obliged to

submit to them, there was no part of the world to which they would not have fled with cheerfulness.

Early in the reign of king James a number of persons of this persuasion had sought refuge in Holland; in which, though a country of the greatest religious freedom in the world, they did not find themselves better satisfied than they had been in England. There they were tolerated indeed, but watched; their zeal began to have dangerous languors for want of opposition; and being without power or consequence, they grew tired of the indolent security of their sanctuary; they chose to remove to a place where they should see no superior; and therefore they sent an agent to England, who agreed with the council of Plymouth for a tract of land in America, within their jurisdiction, to settle in, after they had obtained from the king a privilege to do so. The Plymouth council was a company, who by their charter had not only all the coast of North America from Nova Scotia to the Southern parts of Carolina, (the whole country being then distinguished by the names of South and North Virginia) as a scene for their exclusive trade; but they had the entire property of the soil besides.

This colony established itself at a place which they called New Plymouth. They were but few in number; they landed in a bad season; and they were not at all supported but from their private funds. The winter was premature, and terribly cold. The country was all covered with wood, and afforded very little for the refreshment, of persons sickly with such a voyage, or for sustenance of an infant people. Near half of them perished by the scurvy, by want, and the severity of the climate; but they who survived, not dispirited with their losses, nor with the hardships they were still to endure, supported by the vigour which was then the character of Englishmen, and by the satisfaction of finding themselves out of the reach of the spiritual arm, they reduced this savage country to yield them a tolerable livelihood, and by degrees a comfortable subsistence.

This little establishment was made in the year 1621. Several of their brethren in England labouring under the same difficulties, took the same methods of escaping from them. The colony of puritans insensibly increased; but as yet they had not extended themselves much beyond New Plymouth. It was in the year 1629, that the colony began to flourish in such a manner, that they soon became a considerable people. By the close of the ensuing year they had built four towns, Salem, Dorchester, Charles-town, and Boston which has since become the capital of New-England. That enthusiasm which was reversing every thing at home, and which is so dangerous in every settled community, proved of admirable service here. It became a principle of life and vigour, that enabled them to conquer all the difficulties of a savage country. Their exact and sober manners proved a substitute for a proper subordination, and regular form of government, which they had for some time wanted, and the want of which in such a country had otherwise been felt very severely.

And now, not only they who found themselves uneasy at home upon a religious account, but several on account of the then profitable trade of furs and skins, and for the sake of the fishery, were invited to settle in New England. But this colony received it's principal assistance from the discontent of several great men of the puritan party, who were it's protectors, and who entertained a design of settling amongst them in New England, if they should fail in the measures they were pursuing for establishing the liberty, and reforming the religion of their mother country. They solicited grants in New England, and were at a great expence in settling them. Amongst these patentees, we see the lords Brooke, Say and Seale, the Pelhams, the Hampdens, and the Pymys; the names which afterwards appeared with so much eclat upon a greater stage. It was said that sir Matthew Boynton, sir William Constable, sir Arthur Haslerig, and Oliver Cromwell were actually upon the point of embarking for New England; when archbishop Laud, unwilling that so many objects of his hatred should be removed out of the reach of his power, applied for, and obtained an order from the court to put a stop to these transportations; and thus he kept forcibly from venting itself that virulent humour which he lived to see the destruction of himself, his order, his religion, his master, and the constitution of his country. However, he was not able to prevail so far as to hinder New England from receiving vast reinforcements, as well of the clergy who were deprived of their livings, or not admitted to them for nonconformity, as of such of the laity who adhered to their opinions.

CHAP. III.

THE part of New England called Massachuset's Bay, had now settlements very thick all along the sea shore. Some slips from these were planted in the province of Main and New Hampshire, being torn from the original stock by the religious violence, which was the chief characteristic of the first settlers in New England. The patentees we last mentioned, principally settled upon the river Connecticut, and established a separate and independent government there: some persons having before that fixed themselves upon the borders of this river, who fled from the tyranny arising from the religious differences which were moulded into the first principles of the Plymouth and Massachuset's colonies.

For a considerable time the people of New England had hardly any that deserved the name of a regular form of government. The court took very little care of them. By their charter they were empowered to establish such an order, and to make such laws as they pleased, provided they were not contrary to the laws of England. A point not easily settled, neither was there any means appointed for settling it. As they who composed the new colonies were generally persons of a contracted way of thinking, and most violent enthusiasts, they imitated the Jewish polity in almost all respects; and adopted the books of Moses as the law of the land. The first laws which they made were grounded upon them, and were therefore very ill suited to the customs, genius, or circumstances of that country, and of those times; for which reason they have since fallen into difuse.

As to religion, it was, as I have said, the puritan. In England this could hardly be considered as a formed sect at the time of their emigration, since several who had received episcopal ordination were reckoned to belong to it. But as soon as they found themselves at liberty in America, they fell into a way very little different from the independent mode. Every parish was sovereign within itself. Synods indeed were occasionally called, but they served only to prepare and digest matters, which were to receive their sanction from the approbation of the several churches. The synods could exercise no branch of ecclesiastical jurisdiction, either as to doctrine or to discipline. They had no power of excommunication. They could only refuse to hold communion with those whose principles and practices they disliked. The magistrates assisted in those synods, not only to hear, but to deliberate and determine. From such a form as this, great religious freedom might, one would have imagined, be well expected. But the truth is, they had no idea at all of such a freedom. The very doctrine of any sort of toleration was so odious to the greater part, that one of the first persecutions set up here was against a small party which arose amongst themselves, who were hardy enough to maintain, that the civil magistrate had no lawful power to use compulsory measures in affairs of religion. After harrassing these people by all the vexatious ways imaginable, they obliged

them to fly out of their jurisdiction. These emigrants settled themselves to the Southward, near Cape Cod, where they formed a new government upon their own principles, and built a town, which they called Providence. This has since made the fourth and smallest, but not the worst inhabited of the New England governments, called Rhode Island, from an island of that name which forms a part of it. As a persecution gave rise to the first settlement of New England, so a subsequent persecution in this colony gave rise to new colonies, and this facilitated the spreading of the people over the country.

If men, merely for the moderation of their sentiments, were exposed to such severe treatment, it was not to be expected that others should escape unpunished. The very first colony had hardly set it's foot on shore in America, when finding that some amongst them were false brethren, and ventured to make use of the common prayer, they found means of making the country so uneasy to them, that they were glad to fly back to England.

As soon as they began to think of making laws, I find no less than five about matters of religion; all contrived, and not only contrived, but executed in some respects with so much rigour, that the persecution which drove the puritans out of England, might be considered as great lenity and indulgence in the comparison. For in the first of these laws, they deprive every one who does not communicate with their established church, of the right to his freedom, or a vote in the election of any of their magistrates. In the second, they sentence to banishment any who should oppose the fourth commandment, or deny the validity of infant baptism, or the authority of magistrates. In the third, they condemn quakers to banishment, and make it capital for them to return. And not stopping at the offenders, they lay heavy fines upon all who should bring them into the province, or even harbour them for an hour. In the fourth they provide banishment, and death in case of return, for jesuits and Popish priests of every denomination. In the fifth they decree death to any who shall worship images. After they had provided such a complete code of persecution, they were not long without opportunities of reading bloody lectures upon it. The quakers, warmed with that spirit which animates the beginning of most sects, had spread their doctrines all over the British dominions in Europe, and began at last to spread them with equal zeal in America. The clergy and the magistrates in New-England took the alarm; they seized upon some of those people, they set them in the stocks and in the pillory without effect; they scourged, they imprisoned, they banished them; they treated all those who seemed to commiserate their sufferings with great rigour; but their persecution had no other effect than to inflame their own cruelty and the zeal of the sufferers. The constancy of the quakers under their sufferings begot a pity and esteem for their persons, and an approbation of their doctrines; their proselytes increased; the quakers returned as fast as they were banished; and the fury of the ruling party was raised to such a height, that they proceeded to the most sanguinary extremities. Upon the law they had made, they

seized at different times upon five of those who had returned from banishment, condemned and hanged them. It is unknown how far their madness had extended, if an order from the king and council in England about the year 1661 had not interposed to restrain them.

It is a task not very agreeable to insist upon such matters; but in reality, things of this nature form the greatest part of the history of New England, for along time. They persecuted the anabaptists, who were no inconsiderable body amongst them, with almost an equal severity. In short, this people, who in England could not bear being chastised with rods, had no sooner got free from their fetters than they scourged their fellow refugees with scorpions; though the absurdity, as well as the injustice of such a proceeding in them, might stare them in the face!

One may observe, that men of all persuasions confine the word persecution, and all the ill ideas of injustice and violence which belong to it, solely to those severities which are exercised upon themselves, or upon the party they are inclined to favour. Whatever is inflicted upon others, is a just punishment upon obstinate impiety, and not a restraint upon conscientious differences. The persecution we have ourselves suffered, is a good ground for retaliation against an old enemy; and if one of our friends and fellow sufferers should prove so wicked as to quit our cause, and weaken it by his dissention, he deserves to be punished yet more than the old enemy himself. Besides this, the zealous never fail to draw political inferences from religious tenets, by which they interest the magistrate in the dispute; and then to the heat of a religious fervour is added the fury of a party zeal. All intercourse is cut off between the parties. They lose all knowledge of each other, tho' countrymen and neighbours, and are therefore easily imposed upon with the most absurd stories concerning each others opinions and practices. They judge of the hatred of the adverse side by their own. Then fear is added to their hatred; and preventive injuries arise from their fear. The remembrance of the past, the dread of the future the present ill, will join together to urge them forward to the most violent courses.

Such is the manner of proceeding of religious parties towards each other; and in this respect the New England people are not worse than the rest of mankind, nor was their severity any just matter of reflection upon that mode of religion which they profess. No religion whatsoever, true or false, can excuse it's own members, or accuse those of any other upon the score of persecution. The principles which give rise to it are common to all mankind, and they influence them as they are men, and not as they belong to this or that persuasion. In all persuasions the bigots are persecutors; the men of a cool and reasonable piety are favourers of toleration; because the former sort of men not taking the pains to be acquainted with the grounds of their adversaries tenets, conceive them to be so absurd and monstrous, that no man of sense can give into them in good earnest. For which reason they are convinced that some oblique bad motive induces them to pretend to the belief of such doctrines, and to the maintaining of them with obstinacy. This is a very

general principle in all religious differences, and it is the corner stone of all persecution.

Besides the disputes with those of another denomination, the independents were for a long time harrassed with one in the bowels of their own churches. The stale dispute about grace and works produced dissensions, riots, and almost a civil war in the colony. The famous sir Henry Vane the younger, an enthusiastic, giddy, turbulent man, of a no very good disposition, came hither with some of the adventurers; and rather than remain idle, plaid at small games in New England, where the people had chosen him governor. It is not hard to conceive, how such a man, at the head of such a people, and engaged in such controversy, could throw every thing into confusion. In the very height of this hopeful dispute they had a war upon their hands with some of the Indian nations. Their country was terribly harrassed, and numbers were every day murdered by the incursions of the enemy. All this time they had an army in readiness for action, which they would not suffer to march even to defend their own lives and possessions, because

“many of the officers and soldiers were under a covenant of works.”

CHAP. IV.

WHEN the New England puritans began to breathe a little from these dissensions, and had their hands tied up from persecuting the quakers and anabaptists, they fell not long after into another madness of a yet more extraordinary and dangerous kind, which, like some epidemical disease, ran through the whole country, and which is perhaps one of the most extraordinary delusions recorded in history. This tragedy began in the year 1692.

There is a town in New England, which they fanatically called Salem. One Paris was the minister there. He had two daughters troubled with convulsions; which being attended with some of those extraordinary appearances, not unfrequent in such disorders, he imagined they were bewitched. As soon as he concluded upon witchcraft as the cause of the distemper, the next enquiry was how to find out the person who had bewitched them. He cast his eyes upon an Indian servant woman of his own, whom he frequently beat, and used her with such severity, that she at last confessed herself the witch, and was committed to gaol, where she lay for a long time.

The imaginations of the people were not yet sufficiently heated to make a very formal business of this; therefore they were content to discharge her from prison after a long confinement, and to sell her as a slave for her fees.

However, as this example set the discourse about witchcraft afloat, some people, troubled with a similar complaint, began to fancy themselves bewitched too. Persons in an ill state of health are naturally fond of finding out causes for their distempers; especially such as are extraordinary, and call the eyes of the public upon them. There was perhaps something of malice in the affair besides. For one of the first objects whom they fixed upon was Mr. Burroughs, a gentleman who had formerly been minister of Salem; but upon some of the religious disputes which divided the country, he differed with his flock, and left them. This man was tried with two others for witchcraft by a special commission of oyer and terminer, directed to some of the gentlemen of the best fortunes, and reputed to be of the best understandings in the country. Before these judges, a piece of evidence was delivered, the most weak and childish, the most repugnant to itself, and to common sense, that perhaps ever was known upon any serious occasion. Yet by those judges, upon that evidence, and the verdict founded upon it, this minister, a man of a most unexceptionable character, and two others, men irreproachable in their lives, were sentenced to die, and accordingly hanged. Then these victims of the popular madness were stript naked, and their bodies thrown into a pit, half covered with earth, and left to the discretion of birds and wild beasts. Upon the same evidence in a little time after sixteen more suffered death, the greatest part of them dying in the most exemplary sentiments of piety, and with the strongest professions of their

innocence. One man refusing to plead, suffered in the cruel manner the law directs on that occasion, by a slow pressure to death.

The imaginations of the people, powerfully affected by these shocking examples, turned upon nothing but the most gloomy and horrid ideas. The most ordinary and innocent actions were metamorphosed into magical ceremonies, and the fury of the people augmented in proportion as this gloom of imagination increased. The flame spread with rage and rapidity into every part of country. Neither the tenderness of youth, nor the infirmity of age, nor the honour of the sex, nor the sacredness of the ministry, nor the respectable condition of fortune or character, was the least protection. Children of eleven years old were taken up for sorceries. The women were stripped in the most shameful manner to search them for magical teats. The scorbutic stains common on the skins of old persons, were called the devil's pinches. This was indisputable evidence against them. As such they admitted every idle flying report, and even stories of ghosts, which they honoured with a name, not found in our law books. They called them Spectral Evidence.

What these extraordinary testimonies wanted was compleated by the torture; by which a number of these unhappy victims were driven to confess whatever their tormentors thought proper to dilate to them. Some women owned they had been lain with by the devil, and other things equally ridiculous and abominable.

It is not difficult to imagine the deplorable state of this province, when all mens lives depended upon the caprice and folly of diseased and distracted minds; when revenge and malice had a full opportunity of wreaking themselves in the most dreadful and bloody manner, by an instrument that was always in readiness, and to which the public phrenzy gave a certain and dangerous effect. What was a yet worse circumstance, the wretches who suffered the torture, being not more pressed to own themselves guilty than to discover their associates and accomplices, unable to give any real account, named people at random, who were immediately taken up, and treated in the same cruel manner upon this extorted evidence. An universal terror and consternation seized upon all. Some prevented accusation, and charged themselves with witchcraft, and so escaped death. Others fled the province; and many more were preparing to fly. The prisons were crouded; people were executed daily; yet the rage of the accusers was as fresh as ever, and the number of the witches and the bewitched increased every hour. A magistrate who had committed forty persons for this crime, fatigued with so disagreeable an employment, and ashamed of the share he had in it, refused to grant any more warrants. He was himself immediately accused of sorcery; and thought himself happy in leaving his family and fortune, and escaping with life out of the province. A jury struck with the affecting manner, and the solemn assurances of innocence of a woman brought before them, ventured to acquit her, but the judges sent them in again; and in an imperious manner forced them to find the woman guilty, and she was hanged immediately.

The magistrates and ministers, whose prudence ought to have been employed in healing this distemper, and assuaging it's fury, threw in new combustible matter. They encouraged the accusers; they assisted at the examinations, and they extorted the confessions of witches. None signalized their zeal more upon this occasion than Sir William Phips the governor, a New England man, of the lowest birth, and yet meaner education; who having raised a sudden fortune by a lucky accident, was knighted, and afterwards made governor of this province. Doctor Increase Mather, and Doctor Cotton Mather, the pillars of the New England church, were equally sanguine. Several of the most popular ministers after twenty executions had been made, addressed Sir William Phips with thanks for what he had done and with exhortations to proceed in so laudable a work.

The accusers encouraged in this manner did not know where to stop, nor how to proceed. They were at a loss for objects. They began at last to accuse the judges themselves. What was worse, the nearest relations of Mr. Increase Mather were involved, and witchcraft began even to approach the governor's own family. It was now high time to give things another turn. The accusers were discouraged by authority. One hundred and fifty who lay in prison, were discharged. Two hundred more were under accusation; they were passed over; and those who had received sentence of death, were reprieved, and in due time pardoned. A few cool moments shewed them the gross and stupid error that had carried them away, and which was utterly invisible to them all the while they were engaged in this strange prosecution. They grew heartily ashamed of what they had done. But what was infinitely mortifying, the quakers took occasion to attribute all this mischief to a judgment on them for their persecution. A general fast was appointed; praying God to pardon all the errors of his servants and people in a late tragedy, raised amongst them by Satan and his instruments.

This was the last paroxysm of the puritanic enthusiasm in New England. This violent fit carried off so much of that humour, that the people there are now grown somewhat like the rest of mankind in their manners, and have much abated of their persecuting spirit.

It is not an incurious speculation to consider these remarkable sallies of the human mind, out of it's ordinary course. Whole nations are often carried away by what would never influence one man of sense. The cause is originally weak, and to be suppressed without great difficulty; but then it's weakness prevents any suspicion of the mischief, until it is too late to think of suppressing it at all. In such cases the more weak, improbable, and inconsistent any story is, the more powerful and general is it's effect, being helped on by design in some, by folly in others, and kept up by contagion in all. The more extraordinary the design, the more dreadful the crime, the less we examine into the proofs. The charge and the evidence of some things is the same. However, in some time the minds of people cool, and they are astonished how they ever came to be so affected.

CHAP. V.

THE events in the history of New England, their disputes with their governors, the variations in their charters, and their wars with the Indians, afford very little useful or agreeable matter. In their wars there was very little conduct shewn; and though they prevailed in the end, in a manner to the extirpation of that race of people, yet the Indians had always great advantages in the beginning; and the measures of the English to oppose them, were generally injudiciously taken. Their manner too of treating them in the beginning was so indiscreet (for it was in general no worse) as to provoke them as much to those wars, as the French influence has done since that time.

The country which we call New England, is in length something less than three hundred miles; at the broadest part it is about two hundred, if we carry it on to those tracts which are possessed by the French; but if we regard the part we have settled, in general, it does not extend any where very much above sixty miles from the sea coast.

This country lies between the 41st and 45th degrees of North latitude. Though it is situated almost ten degrees nearer the sun than we are in England, yet the winter begins earlier, lasts longer, and is incomparably more severe than it is with us. The summer again is extremely hot, and more fervently so than in places which lie under the same parallels in Europe. However, both the heat and the cold are now far more moderate, and the constitution of the air in all respects far better than our people found it at their first settlement. The clearing away the woods, and the opening the ground every where, has, by giving a free passage to the air, carried off those noxious vapours which were so prejudicial to the health of the first inhabitants. The temper of the sky is generally both in summer and in winter very steady and serene. Two months frequently pass without the appearance of a cloud. Their rains are heavy and soon over.

The soil of New England is various, but best as you approach the Southward. It affords excellent meadows in the low grounds, and very good pasture almost every where. They commonly allot at the rate of two acres to the maintenance of a cow. The meadows which they reckon the best, yield about a ton of hay by the acre. Some produce two tons, but the hay is rank and sour. This country is not very favourable to any of the European kinds of grain. The wheat is subject to be blasted; the barley is an hungry grain, and the oats are lean and chaffy. But the Indian corn, which makes the general food of the lowest sort of people, flourishes here. This, as it is a species of grain not so universally known in England, and as it is that of all others which yields the greatest increase, I shall give a short description of it.

This plant, which the native Americans call weachin, is known in some of the Southern parts of America by the name of maize. The ear is about a span in length, consisting of eight rows of the corn, or more, according to the goodness of the ground, with about thirty grains in each row. On the top of the grain hangs a sort of flower, not unlike a tassel of silk, of various colours, white, blue, greenish, black, speckled, striped, which gives this corn as it grows a very beautiful appearance. The grain is of all the colours which prevail in the flower, but most frequently yellow and white. The stalks grow six or eight feet high, and are of a considerable thickness. They are less high in New England, and other Northern countries, than in Virginia, and those which lie more to the Southward. They are jointed like a cane, and at each of these joints shoot out a number of leaves like flags, that make very good fodder for the cattle. The stalk is full of a juice, of which a syrup as sweet as sugar has been frequently made.

This grain is generally sowed in little squares, and requires a very attentive cultivation. The ground in which it flourishes most is light and sandy, with a small intermixture of loam. About a peck of seed is sufficient for an acre, which at a medium produces about twenty-five bushels. The New England people not only make bread of this grain, but they malt and brew it into a beer, which is not contemptible. However, the greater part of their beer is made of molasses, hopped; with the addition sometimes of the tops of the spruce fir infused.

They raise in New England, besides this and other species of grain, a large quantity of flax, and have made essays upon hemp, that have been far from unsuccessful. An acre of their Cow-pen land produces about a ton of this commodity; but the land is pretty soon exhausted. This plant probably requires a climate more uniformly warm than New England; for though the greater part of our hemp is brought to us from Northern ports, yet it is in the more Southerly provinces of Russia, that the best which comes to our market is produced.

Their horned cattle are very numerous in New England, and some of them very large. Oxen have been killed there of eighteen hundred weight. Hogs likewise are numerous, and particularly excellent; and some so large as to weigh twenty-five score. They have besides, a breed of small horses, which are extremely hardy. They pace naturally, though in no very graceful or easy manner, but with such swiftness, and for so long a continuance, as must appear almost incredible to those who have not experienced it. They have a great number of sheep too, and of a good kind. The wool is of a staple sufficiently long, but it is not near so fine as that of England. However, they manufacture a great deal of it very successfully. I have seen cloths made there, which were of as close and firm a contexture, tho' not so fine, as our best drabs; they were thick, and, as far as I could judge, superior for the ordinary wear of country people, to any thing we make in England.

CHAP. VI.

THERE are in this country many gentlemen of considerable landed estates, which they let to farmers, or manage by their stewards or overseers; but the greater part of the people is composed of a substantial yeomanry who cultivate their own freeholds, without a dependence upon any but providence and their own industry. These freeholds generally pass to their children in the way of gavelkind; which keeps them from being almost ever able to emerge out of their original happy mediocrity. This manner of inheriting has here an additional good effect. It makes the people the more ready to go backward into the uncultivated parts of the country, where land is to be had at an easy rate and in larger portions. The people by their being generally freeholders, and by their form of government, have a very free, bold, and republican spirit. In no part of the world are the ordinary sort so independent, or possess so many of the conveniencies of life; they are used from their infancy to the exercise of arms; and they have a militia, which for a militia is by no means contemptible; and certainly if these men were somewhat more regularly trained, and in better subordination, it would be impossible to find in any country, or in any time ancient or modern, an army better constituted than that which New England can furnish. This too is much the best peopled of any of our colonies upon the continent. It is judged that the four provinces which it comprises, contain about three hundred and fifty thousand souls, including a very small number of blacks and Indians; the rest are whites. Douglass, who seems to be well informed in this point, proportions them as follows,

Massachusets bay,
200,000

Connecticut,
100,000

Rhode Island,
30,000

New Hampshire,
24,000

354,000

These four governments are confederated for their common defence. We have shewn how these several governments have arisen. The most considerable of them

for riches and number of people, though not for extent of territory, is Massachusetts bay. This province like the others had originally a power of choosing every one of their own magistrates; the governor, the council, the assembly, — all; and of making such laws as they thought proper, without sending them home for the approbation of the crown. But being accused of having abused this freedom, in the latter end of the reign of Charles the second, they were deprived of it by a judgment in a quo warranto in the king's bench in England. They remained from that time to the revolution without any charter. Some time after the revolution they received a new one, which though very favourable, was much inferior to the extensive privileges of the former charter, which indeed were too extensive for a colony, and what left little more than a nominal dependence on the mother country, and the crown itself. But now, the governor, lieutenant governor, and the chief places of the law and in the revenue, are in the disposal of the crown; so is the militia; and tho' the council is chosen by the representatives of the people, yet the governor has a negative which gives him an influence, sufficient to preserve the prerogative entire. Appeals for sums above three hundred pounds are admitted to the king and council, and all laws passed here must be remitted to England; where if they do not receive a negative from the crown in three years, they are to be considered as valid, and are to have the effect of laws; which they are to have likewise until the time that the king's resolution is known. But one point has been long and resolutely disputed in this colony; the grant of a certain salary to their governor. Many attempts have been made to induce them to this measure; but to no effect. They think a dependence on the people for his salary the most effectual method of restraining the governor from any unpopular acts. To the Massachusetts government is united the ancient colony of Plymouth, and the territory which is called Main.

The colony of Connecticut, which lies upon a river of the same name to the South of this province, has preserved it's ancient privileges, which are now as considerable as those of Massachusetts were formerly. At the time that the charter of the former was attacked, that of this government was threatened with the same fate. But they agreed to submit to the king's pleasure; therefore, no judgment was given against them; and being found in this condition at the revolution, it was judged that they were in full possession of their old charter, and have so continued ever since.

The third and smallest of the provinces which compose New England, is Rhode Island. This consists of a small island of that name, and the old plantation of Providence. These united plantations had a charter the same with that of Connecticut, and they have preserved it by the same method. In this province is an unlimited freedom of religion, agreeable to the first principles of it's foundation; and though very small, it is from thence extremely well peopled.

New Hampshire, the fourth province, is much the largest of them all; but not inhabited in proportion. This is more Northerly for the greater part than any of the

rest. It is a royal government; that is, the crown has the nomination of all the officers of justice and of the militia, and the appointment of the council.

CHAP. VII.

THERE is not one of our settlements which can be compared in the abundance of people, the number of considerable and trading towns, and the manufactures that are carried on in them, to New England. The most populous and flourishing parts of the mother country hardly make a better appearance. Our provinces to the Southward on this continent are recommendable for the generous warmth of the climate, and a luxuriance of soil which naturally throws up a vast variety of beautiful and rich vegetable productions; but New England is the first in America, for cultivation, for the number of people, and for the order which results from both.

Though there are in all the provinces of New England large towns which drive a considerable trade, the only one which can deserve to be much insisted upon in a design like ours, is Boston; the capital of Massachusetts's bay, the first city of New England, and of all North America. This city is situated on a peninsula, at the bottom of a fine capacious and safe harbour, which is defended from the outrages of the sea, by a number of islands, and rocks which appear above water. It is entered but by one safe passage; and that is narrow, and covered by the cannon of a regular and very strong fortress. The harbour is more than sufficient for the great number of vessels, which carry on the extensive trade of Boston. At the bottom of the bay is a noble pier, near two thousand feet in length, along which on the North side extends a row of warehouses. The head of this pier joins the principal street of the town, which is, like most of the others, spacious and well built. The town lies at the bottom of the harbour, and forms a very agreeable view. It has a town house, where the courts meet, and the exchange is kept, large, and of a very tolerable taste of architecture. Round the exchange, are a great number of well furnished booksellers shops, which find employment for five printing presses. There are ten churches within this town; and it contains at least twenty thousand inhabitants.

That we may be enabled to form some judgment of the wealth of this city, we must observe that from Christmas 1747, to Christmas 1748, five hundred vessels cleared out, from this port only, for a foreign trade; and four hundred and thirty were entered inwards; to say nothing of coasting and fishing vessels, both of which are extremely numerous, and said to be equal in number to the others. Indeed the trade of New England is great, as it supplies a large quantity of goods from within itself; but it is yet greater, as the people of this country are in a manner the carriers for all the colonies of North America and the West-Indies, and even for some parts of Europe. They may be considered in this respect as the Dutch of America.

The commodities which the country yields are principally masts and yards, for which they contract largely with the royal navy; pitch, tar and turpentine; staves, lumber, boards, all sorts of provisions, beef, pork, butter and cheese, in large quantities; horses and live cattle; Indian corn and pease; cyder, apples, hemp and

flax. Their peltry trade is not very considerable. They have a very noble cod fishery upon their coast, which employs a vast number of their people; they are enabled by this to export annually above thirty-two thousand quintals of choice cod fish, to Spain, Italy, and the Mediterranean, and about nineteen thousand quintals of the refuse sort to the West-Indies, as food for the negroes. The quantity of spirits, which they distil in Boston from the molasses they bring in from all parts of the West-Indies, is as surprising as the cheap rate at which they vend it, which is under two shillings a gallon. With this they supply almost all the consumption of our colonies in North America, the Indian trade there, the vast demands of their own and the Newfoundland fishery, and in great measure those of the African trade; but they are more famous for the quantity and cheapness, than for the excellency of their rum.

They are almost the only one of our colonies which have much of the woollen and linen manufactures. Of the former they have nearly as much as suffices for their own cloathings. It is a close and strong, but a coarse stubborn sort of cloth. A number of presbyterians from the North of Ireland, driven thence, as it is said, by the severity of their landlords, from an affinity in religious sentiments chose New England as their place of refuge. Those people brought with them their skill in the linen manufactures, and meeting very large encouragement, they exercised it to the great advantage of this colony. At present they make large quantities, and of a very good kind; their principal settlement is in a town, which in compliment to them is called Londonderry. Hats are made in New England which in a clandestine way find a good vent in all the other colonies. The setting up these manufactures has been in a great measure a matter necessary to them; for as they have not been properly encouraged in some staple commodity, by which they might communicate with their mother country, while they were cut off from all other resources, they must either have abandoned the country, or have found means of employing their own skill and industry to draw out of it the necessaries of life. The same necessity, together with their convenience for building and manning ships, has made them the carriers for the other colonies.

The business of ship-building is one of the most considerable which Boston or the other sea-port towns in New England carry on. Ships are sometimes built here upon commission; but frequently, the merchants of New England have them constructed upon their own account; and loading them with the produce of the colony, naval stores, fish, and fish-oil principally, they send them out upon a trading voyage to Spain, Portugal, or the Mediterranean, where having disposed of their cargo, they make what advantage they can by freight, until such time as they can sell the vessel herself to advantage; which they seldom fail to do in a reasonable time. They receive the value of the vessel, as well as of the freight of the goods, which from time to time they carried, and of the cargo with which they sailed originally, in bills of exchange upon London; for as the people of New England have no

commodity to return for the value of above a hundred thousand pounds, which they take in various sorts of goods from England, but some naval stores, and those in no great quantities, they are obliged to keep the ballance somewhat even by this circuitous commerce, which though not carried on with Great Britain, nor with British vessels, yet centers into its profits, where all the money which the colonies can make in any manner, must center at last.

I know that complaints have been made of this trade, principally because the people of New England, not satisfied with carrying out their own produce, become carriers for the other colonies, particularly for Virginia and Maryland, from whom they take tobacco, which, in contempt of the act of navigation, they carry directly to the foreign market. Where, not having the duty and accumulated charges to which the British merchant is liable to pay, they in a manner wholly out him of the trade. Again, our sugar colonies complain as loudly, that the vast trade which New England drives in lumber, live stock and provisions with the French and Dutch sugar islands, particularly with the former, enables these islands, together with the internal advantages they possess, greatly to undersell the English plantations. That the returns which the people of New England make from these islands being in sugar, or the productions of sugar, syrups and molasses, the rum which is thence distilled prevents the sale of our West-India rum. That this trade proves doubly disadvantageous to our sugar islands; first, as it enables the French to sell their sugars cheaper than they could otherwise afford to do; and then, as it finds them a market for their molasses, and other refuse of sugars, for which otherwise they could find no market at all; because rum interferes with brandy, a considerable manufacture of Old France.

These considerations were the ground of a complaint made by the islands to the legislature in England some years ago. They desired that the exportation of lumber, &c. to the French colonies, and the importation of sugars and molasses from thence, might be entirely prohibited. This was undoubtedly a very nice point to settle. On one hand, the growth of the French West-Indies was manifest and alarming, and it was not to be thought that the French would ever wink at this trade, if it had not been of the greatest advantage to them. On the other hand, the Northern colonies declared, that if they were deprived of so great a branch of their trade, it must necessitate them to the establishment of manufactures. For if they were cut off from their foreign trade, they never could purchase in England the many things for the use or the ornament of life, which they have from thence. Besides this, the French deprived of the provision and lumber of New England, must of necessity take every measure to be supplied from their own colonies, which would answer their purposes better, if they could accomplish it, at the same time that it would deprive the New England people of a large and profitable branch of their trade.

These points, and many more, were fully discussed upon both sides. The legislature took a middle course. They did not entirely prohibit the carrying of lumber to the French islands, but they laid a considerable duty upon whatever rum, sugars, or molasses they should import from thence, to enhance by this means the price of lumber, and other necessities to the French, and by laying them under difficulties, to set the English sugar plantations in some measure upon an equal footing with theirs.

This was undoubtedly a very prudent regulation. For though it was urged, that the Mississippi navigation was so bad, that there was no prospect that the French could ever be supplied with lumber and provisions from thence; and that there were no snows in Louisiana, the melting of which might facilitate the transportation of lumber into that river, yet it was by no means safe to trust to that, so as utterly to destroy a trade of our own, which employed so much shipping, and so many sailors. Because we have a thousand instances, wherein the driving people to the last streights, and putting them under the tuition of such a master as absolute necessity, has taught them inventions, and excited them to an industry, which have compassed things as much regretted at last, as they were unforeseen at first.

Though no great snows fall in the Southern parts of Louisiana, yet to the Northward a great deal falls, and not only the Mississippi, but the number of other great rivers which it receives overflow annually, and they can be in no want of timber convenient enough to navigation. And though the passage to the French islands be for such a great way to the windward, as to bring them these commodities in a more tedious manner, and at a dearer rate, is it not much better that they should have them cheap from us than dear from themselves? Nor perhaps would even this difficulty, which is indeed much less than it is represented, bring down the French to the par of our sugar colonies, loaded as they are with taxes, groaning under the pressure of many grievances, and deformed by an infinite multitude of abuses and enormities; nor can they with reason or justice hope for a cure of the evils which they suffer, partly from errors of their own, and partly from mistakes in England, at the expence of the trade of their sister colonies on the continent of America, who are entirely guiltless of their sufferings; nor is it by restraints on their trade, but by an effectual and judicious encouragement of their own, that they can hope to remedy these evils, and rival the French establishments.

The French, in permitting us to supply them, it is true, give us a proof that they have advantages from this trade; but this is no proof at all that we derive none from it; for on that supposition no trade could be mutually beneficial. Nor is it at all certain, as it has been suggested, that if we left their refuse of sugars upon their hands, that they could turn them to no profit. If the council of commerce could be made to see distinctly that this trade could not prejudice the sale of their brandy, and would only make the trade of rum change hands, as the case probably would be; and if they could shew, as they might, what a loss it must be to them entirely to

throw away a considerable part of the produce of their lands, and which was formerly so valuable to them, there is no doubt but the court would give sufficient encouragement to their own plantations to distil rum, and to vend it in such a manner as might the least prejudice the brandies of France; and then, instead of sending us molasses, as they could distil the spirit far cheaper than our islands, they would send us the spirit itself; and we may know by experience, especially in that part of the world, how insufficient all regulations are to prevent a counterband, which would be so gainful to particulars.

After all, are we certain, that the French would trust for the supply of their islands to Louisiana, or to the precarious supplies from Canada? would they not redouble their application, now made necessary, to Cape Breton? what experiments would they not make in Cayenne for the timber trade? they would certainly try every method, and probably would succeed in some of their trials. Restraints upon trade are nice things; and ought to be well considered. Great care ought to be taken in all such, how we sacrifice the interests of one part of our territories to those of another; and it would be a mistake of the most fatal consequence, if we came to think that the shipping, seamen, commodities, or wealth of the British colonies were not effectually the shipping, seamen, and wealth of Great Britain herself. Sentiments of another kind have frequently done us mischief.

The general plan of our management with regard to the trade of our colonies, methinks, ought to be, to encourage in every one of them some separate and distinct articles, such as not interfering, might enable them to trade with each other, and all to trade to advantage with their mother country. And then, where we have rivals in any branch of the trade carried on by our colonies, to enable them to send their goods to the foreign market directly; using at the same time the wise precaution which the French put in practice, to make the ships so employed take the English ports in their way home; for our great danger is, that they should in that case make their returns in foreign manufactures, against which we cannot guard too carefully. This, and that they should not go largely into manufactures interfering with ours, ought to be the only points at which our restrictions should aim. These purposes ought not to be compassed by absolute prohibitions and penalties, which would be unpolitical and unjust, but by the way of diversion, by encouraging them to fall into such things as find a demand with ourselves at home. By this means Great Britain and all it's dependencies will have a common interest, they will mutually play into each other's hands, and the trade so dispersed, will be of infinitely more advantage to us, than if all it's several articles were produced and manufactured within ourselves.

I venture on these hints concerning restraints on trade, because in fact that of New England rather wants to be supported than to be checked by such restraints. It's trade in many of it's branches is clearly on the decline; and this circumstance ought to interest us deeply; for very valuable is this colony, if it never sent us any

thing, nor took any thing from us, as it is the grand barrier of all the rest; and as it is the principal magazine which supplies our West-Indies, from whence we draw such vast advantages. That this valuable colony is far from advancing, will appear clearly from the state of one of the principal branches of it's trade, that of ship-building, for four years. In the year 1738 they built at Boston forty-one topsail vessels, burthen in all 6324 tons; in 1743 only thirty; in 46 but twenty; in 49 they were reduced to fifteen, making in the whole but 2450 tons of shipping; in such a time an astonishing declension! How it has been since I have not sufficient information; but allowing that the decline has ceased here, yet this is surely sufficient to set us upon the nicest enquiry into the cause of that decay, and the most effectual measures to retrieve the affairs of so valuable a province; particularly, if by any ill-judged or ill-intended schemes, or by any misgovernment this mischief has happened them.

CHAP. VIII. New York, New Jersey, and Pensylvania.

IT is not certainly known at what time the Swedes and Dutch made their first establishment in North America; but it was certainly posterior to our settlement of Virginia, and prior to that of New England. The Swedes, who were no considerable naval power, had hardly fixt the rudiments of a colony there than they deserted it. The inhabitants, without protection or assistance, were glad to enter into a coalition with the Dutch that had settled there upon a better plan, and to submit to the government of the States. The wh••• tract possessed or claimed by the two nations, whose two colonies were now grown into one, extended from the 38th to the 41st degree of latitude, all along the sea coast. They called it Nova Belgia, or New Netherlands. It continued in their hands until the reign of Charles the second. The Dutch war then breaking out, in the year 1664 Sir Robert Car with three thousand men was sent to reduce it, which he did with so little resistance, as not to gain him any great honour by the conquest. A little after, the Dutch by way of reprisal fell upon our colony of Surinam in South America, and conquered it after much the same opposition that we met in the New Netherlands. By the treaty of peace which was signed at Breda, in 1667, it was agreed that things should remain in the state they were at that time; Surinam to the Dutch, the New Netherlands to the English. At that time, this was looked upon by many as a bad exchange; but it now appears, that we have made an excellent bargain; for to say nothing of the great disadvantage of having our colonies, as it were, cut-in two by the intervention of a foreign territory; this is now one of the best peopled and richest parts of our plantations, extremely useful to the others, and making very valuable returns to the mother coun•••..., whereas Surinam is comparatively a place of very small consequence, very unhealthy, and by no art to be made otherwise.

The New Netherlands were not long in our possession, before they were divided into distinct provinces, and laid aside their former appellation. The North-East part which joined New England, was called New York, in compliment to the duke of York, who had at first the grant of the whole territory. This province runs up to the Northward on both sides of the river Hudson, for about two hundred miles into the country of the Five nations or Iroquois; but it is not in any part above forty or fifty miles wide. It comprehends within it's limits Long Island, which lies to the South of Connecticut, and is an island inferior to no part of America in excellent ground for the pasturage of horses, oxen, and sheep, or the plentiful produce of every sort of grain.

The part of Nova Belgia, which lay along the ocean, between that and the river Delawar, from the Southern part of New York quite down to Maryland, was granted to Sir George Carteret and others, and called New Jersey from him, because he had, as the family still has, estates in the island of that name. This

province is bounded upon the West by the river Delawar, which divides it from Pennsylvania. It is in length about one hundred and fifty miles, or thereabouts, and about fifty in breadth.

Pensylvania, which lies between New York, New Jersey, and Maryland, and only communicates with the sea by the mouth of the river Delawar, is in length about two hundred and fifty miles; and in breadth two hundred. This territory was granted to the famous Mr. William Pen, the son of Sir William Pen the admiral, in the year 1680.

The climate and soil in the three provinces of New York, New Jersey, and Pennsylvania, admits of no very remarkable difference. In all these, and indeed in all our North American colonies, the land near the sea is in general low, flat, and marshy; at a considerable distance from the sea it swells into little hills, and then into great even ridges of mountains, which hold their course for the most part, North-East, and South-West. The soil throughout these three provinces is in general extremely fruitful; abounding not only in it's native grain the Indian corn, but in all such as have been naturalized there from Europe. Wheat in such abundance, and of so excellent a quality, that few parts of the world, for the tract which is cultivated, exceed it in the one or the other of these particulars, nor in barley, oats, rye, buck-wheat, and every sort of grain which we have here. They have a great number of horned cattle, horses, sheep, and hogs. All our European poultry abound there; game of all kinds is wonderfully plenty; deer of several species; hares of a kind peculiar to America, but inferior in relish to ours; wild turkies of a vast size, and equal goodness; a beautiful species of pheasants only found in this country. Every species of herbs or roots which we force in our gardens, grow here with great ease; and every species of fruit; but some, as those of peaches and melons, in far greater perfection.

Their forests abound in excellent timber, the oak, the ash, the beech, the chesnut, the cedar, the walnut, the cypress, the hic kory, the sassafras, and the pine. In all parts of our plantations, comprehending New York to the Northward, quite to the Southern extremity, the woods are full of wild vines of three or four species, all different from those we have in Europe. But whether from some fault in their nature, or in the climate, or the soil where they grow, or, what is much more probable, from a fault in the planters, they have yet produced no wine that deserves to be mentioned. It may be remarked in general of the timber of these provinces, that it is not so good for shipping as that of New England and Nova Scotia. The further Southward you go, the timber becomes less compact, and rives easily; which property, as it makes it more useful for staves, renders it less serviceable for ships.

They raise in all these provinces, but much the most largely in Pensylvania, great quantities of flax; and hemp is a promising article. Nor are they deficient in minerals. In New York a good deal of iron is found. In New Jersey a very rich copper mine has been opened. There is no manner of doubt but in time, when the

people come to multiply sufficiently, and experience and want have made them ingenious in opening resources for trade, these colonies will become as remarkable for useful metals as they now are for grain. These three provinces, as are all those we have in North America, are extremely well watered. They have however observed in New England, that as they clear the country, a vast number of little brooks are quite lost, and the mills upon them by this loss rendered useless. They even observe, that this cutting down the woods has affected the river Connecticut itself, the largest in New England, and that it has grown distinguishably shallower. I do not know whether the same remark has been made in Pennsylvania and New York. But whatever they have lost in water, which, where there is such a plenty, is no great loss, has been amply compensated by the great salubrity of the air, which has arisen from the cultivation of the country. At present those I describe are for the greater part as healthy as can be wished.

As the climate and soil of the provinces of New York, New Jersey, and Pennsylvania, are with a very little difference the same, so there is no difference in the commodities in which they trade, which are wheat, flour, barley, oats, Indian corn, peas, beef, pork, cheese, butter, cyder, beer, flax, hemp and flax-seed, linseed oil, furs and deer-skins, staves, lumber, and iron. Their markets are the same with those which the people of New England use; and these colonies have a share in the logwood trade, and that which is carried on with the Spanish and French plantations.

CHAP. IX.

THE province of New York has two cities; the first is called by the name of the province itself. It was denominated New Amsterdam when the Dutch possessed it, but it has changed it's name along with it's masters. This city is most commodiously situated for trade, upon an excellent harbour, in an island called Manahatton, about fourteen miles long, and four or five broad. This island lies just in the mouth of the river Hudson, which discharges itself here after a long course. This is one of the noblest rivers in America. It is navigable upwards of two hundred miles. The tide flows one hundred and fifty.

The city of New York contains near twelve hundred houses, and between seven and eight thousand inhabitants, the descendants of Dutch and English. It is well and commodiously built, and has a very good aspect from the sea; but is by no means properly fortified. There is no house in New York worth less than one hundred pounds sterling, so that there is in no part the least appearance of poverty or meanness. There is one large church built for the church of England worship; and three others, a Dutch, a French, and a Lutheran. The town has a very flourishing trade, and in which great profits are made. The merchants are wealthy, and the people in general most comfortably provided for, and with a moderate labour. From the year 1749 to 1750 two hundred and thirty-two vessels have been entered in this port, and two hundred and eighty-six cleared outwards. In these vessels were shipped six thousand seven hundred and thirty one tons of provisions, chiefly flour, and a vast quantity of grain; of which I have no particular account. The inhabitants of this colony are about eighty thousand. They are an hospitable people, and fond of strangers. There is here a general toleration of all religious persuasions.

Upon the same river Hudson, about one hundred and fifty miles from New York is Albany; a town of not so much note for it's number of houses or inhabitants, as for the great trade which is carried on with the Indians, and indeed by connivance with the French for the use of the same people. This trade takes off a great quantity of coarse woollen goods, such as strouds and duffils; and with these, guns, hatchets, knives, hoes, kettles, powder and shot; besides shirts and cloaths ready made, and several other articles. Here it is that the treaties and other transactions between us and the Iroquois Indians are negotiated.

This nation, or combination of Five nations, united by an ancient and inviolable league amongst themselves, were the oldest, the most steddy, and most effectual ally we have found amongst the Indians. This people, by their unanimity, firmness, military skill, and policy, have raised themselves to be the greatest and most formidable power in all America; they have reduced a vast number of nations, and brought under their power a territory twice as large as the kingdom of France; but they have not increased their subjects in proportion. As their manner of warring is

implacable and barbarous, they reign the lords of a prodigious desert, inhabited only by a few scattered insignificant tribes, whom they have permitted to live out of a contempt of their power, and who are all in the lowest state of subjection. And yet this once mighty and victorious nation, though it has always used the policy of incorporating with itself a great many of the prisoners they make in war, is in a very declining condition. About sixty years ago it was computed, that they had ten thousand fighting men; at this day they cannot raise upwards of fifteen hundred. So much have wars, epidemical diseases, and the unnatural union of the vices of civilized nations with the manners of savages, reduced this numerous people. But they are not only much lessened at this day in their numbers, but in their disposition to employ what numbers they have left in our service. Amongst other neglects, which I have no pleasure in mentioning, and no hopes of seeing amended, this of inattention, or worse treatment of the Indians, is one, and a capital one. The Iroquois have lately had a sixth nation added to their confederacy, that of the Tuscaroras, who fled from our province of Carolina, being chased from thence in a war with the English. These they have received into the league, and the whole confederacy seems more inclined to the French interest than ours.

CHAP. X.

NEW Jersey, by the perpetual disputes which subsisted between the people and the proprietaries, whilst it continued a proprietary government, was kept for a long time in a very feeble state; but within a few years it has begun to reap some of the advantages which it might have had earlier from the proper management of so fine a province and so advantageous a situation. They raise very great quantities of grain at present, and are increased to near sixty thousand souls; but they have yet no town of any consequence. Perth Amboy, which is their capital, has not upwards of two hundred houses; and though this town has a very fine harbour, capable of receiving and securing ships of great burthen, yet as the people of New Jersey have been used to send their produce to the markets of New York and Philadelphia, to which they are contiguous, they find it hard, as it always is in such cases, to draw the trade out of the old channel; for there the correspondences are fixed, the method of dealing established, credits given, and a ready market for needy dealers, who in all countries are sufficiently numerous; so that the trade of this town, which is the only town of any trade worth notice in New Jersey, is still inconsiderable; in the year 1751, only forty-one vessels have entered inwards, and only thirty-eight cleared out, in which were exported six thousand four hundred and twenty-four barrels of flour; one hundred and sixty-eight thousand weight of bread; three hundred and fourteen barrels of beef and pork; seventeen thousand nine hundred and forty-one bushels of grain, fourteen thousand weight of hemp, with some butter, hams, beer, flax-seed, bar-iron, and lumber.

CHAP. XI.

I Find it of late a notion pretty current, that proprietary governments are a sort of check to the growth of the colonies which they superintend. It is certain, that abuses have been, and still do subsist in that species of government; and abuses of as bad a kind may, I believe, be found by persons of no great penetration in all our governments; but if there were any truth in this observation, the province of Pennsylvania would prove an illustrious exception to it.

William Pen in his capacity of a divine, and of a moral writer, is certainly not of the first rank; and his works are of no great estimation, except amongst his own people; but in his capacity of a legislator, and the founder of so flourishing a commonwealth, he deserves great honour amongst all mankind; a commonwealth, which in the space of about seventy years, from a beginning of a few hundreds of refugees and indigent men, has grown to be a numerous and flourishing people; a people who from a perfect wilderness have brought their territory to a state of great cultivation, and filled it with wealthy and populous towns; and who in the midst of a fierce and lawless race of men, have preserved themselves with unarmed hands and passive principles, by the rules of moderation and justice, better than any other people has done by policy and arms. For Mr. Pen, when for his father's services, and by his own interest at court, he obtained the inheritance of this country and its government, saw that he could make the grant of value to him only by making the country as agreeable to all people, as ease and good government could make it. To this purpose he began by purchasing the soil, at a very low rate indeed, from the original possessors, to whom it was of little use. By this cheap act of justice at the beginning, he made all his dealings for the future the more easy, by prepossessing the Indians with a favourable opinion of him and his designs. The other part of his plan, which was to people this country, after he had secured the possession of it, he saw much facilitated by the uneasiness of his brethren the quakers in England, who refusing to pay tythes and other church dues, suffered a great deal from the spiritual courts. Their high opinion of and regard for the man who was an honour to their new church, made them the more ready to follow him over the vast ocean into an untried climate and country. Neither was he himself wanting in any thing which could encourage them. For he expended large sums in transporting and finding them in all necessities and not aiming at a hidden profit, he disposed of his land at a very light purchase. But what crowned all, was that noble charter of privileges, by which he made them as free as any people in the world; and which has since drawn such vast numbers of so many different persuasions, and such various countries, to put themselves under the protection of his laws. He made the most perfect freedom, both religious and civil, the basis of this establishment; and this has done more towards the settling of the province, and towards the settling of it in a strong and

permanent manner, than the wisest regulations could have done upon any other plan. All persons who profess to believe one God, are freely tolerated; those who believe in Jesus Christ, of whatever denomination, are not excluded from employments and posts.

This great man lived to see an extensive country called after his own name; he lived to see it peopled by his own wisdom, the people free and flourishing, and the most flourishing people in it of his own persuasion; he lived to lay the foundations of a splendid and wealthy city; he lived to see it promise every thing from the situation which he himself had chosen, and the encouragement which he himself had given it; he lived to see all this, but he died in the Fleet prison.

It is but just, that in such a subject we should allot a little room, to do honour to those great men, whose virtue and generosity have contributed to the peopling of the earth, and to the freedom and happiness of mankind; who have preferred the interest of a remote posterity, and times unknown, to their own fortunes, and to the quiet and security of their own lives. Now Great Britain, and all America, reap great benefits from his labours and his losses; and his posterity have a vast estate out of the quit-rents of that province, whose establishment was the ruin of their predecessor's moderate fortune.

CHAP. XII.

PENNSYLVANIA is inhabited by upwards of two hundred and fifty thousand people, half of whom are Germans, Swedes or Dutch. Here you see the quakers, churchmen, calvinists, lutherans, catholics, methodists, menists, moravians, independents, the anabaptists, and the dumplers, a sort of German sect that live in something like a religious society, wear long beards, and a habit resembling that of friars; in short, the diversity of people, religions, nations, and languages here, is prodigious, and the harmony in which they live together, no less edifying. For though every man who wishes well to religion, is sorry to see the diversity which prevails, and would by all humane and honest methods endeavour to prevent it; yet when once the evil has happened, when there is no longer an union of sentiments, it is glorious to preserve at least an union of affections; it is a beautiful prospect, to see men take and give an equal liberty; to see them live, if not as belonging to the same church, yet to the same christian religion; and if not to the same religion, yet to the same great fraternity of mankind. I do not observe, that the quakers who had, and who still have in a great measure, the power in their hands, have made use of it in any sort to persecute; except in the single case of George Keith, whom they first imprisoned, and then banished out of the province. This Keith was originally a minister of the church of England, then a quaker, and afterwards returned to his former ministry. But whilst he remained with the friends, he was a most troublesome and litigious man; was for pushing the particularities of quakerism to yet more extravagant lengths, and for making new refinements, even where the most enthusiastic thought they had gone far enough; which raised such a storm, as shook the church, he then adhered to, to the very foundations.

This little sally into intolerance, as it is a single instance, and with great provocation, ought by no means to be imputed to the principles of the quakers, considering the ample and humane latitude they have allowed in all other respects. It was certainly a very right policy to encourage the importation of foreigners into Pennsylvania, as well as into our other colonies. By this we are great gainers without any diminution of the inhabitants of Great Britain. But it has been frequently observed, and as it should seem, very justly complained of, that they are left still foreigners, and likely to continue so for many generations; as they have schools taught, books printed, and even the common news paper in their own language; by which means, and that they possess large tracts of the country, without any intermixture of English, there is no appearance of their blending and becoming one people with us. This certainly is a great irregularity, and the greater, as these foreigners by their industry, frugality, and a hard way of living, in which they greatly exceed our people, have in a manner thrust them out in several places; so as to threaten the colony with the danger of being wholly foreign in language,

manners, and perhaps even inclinations. In the year 1750, were imported into Pennsylvania and it's dependencies four thousand three hundred and seventeen Germans, whereas of British and Irish, but one thousand arrived; a considerable number, if it was not so vastly overballanced by that of the foreigners.

I do by no means think that this sort of transplantations ought to be discouraged; I only observe along with others, that the manner of their settlement ought to be regulated, and means sought to have them naturalized in reality.

The present troubles have very unhappily reversed the system so long pursued, and with such great success in this part of the world. The Pennsylvanians have suffered severely by the incursions of the savage Americans as well as their neighbours; but the quakers could not be prevailed upon, by what did not directly affect those of their own communion, (for they were out of the way of mischief in the more settled parts,) to relinquish their pacific principles; for which reason a considerable opposition, in which, however, we must do the quakers the justice to observe they were not unanimous, was made both within their assembly, as well as without doors, against granting any money to carry on the war; and the same, or a more vigorous opposition, was made against passing a militia bill. A bill of this kind has at length passed, but scarcely such as the circumstances of the country, and the exigencies of the times required. It may perhaps appear an error, to have placed so great a part of the government in the hands of men, who hold principles directly opposite to it's end and design. As a peaceable, industrious, honest people, the quakers cannot be too much cherished; but surely they cannot themselves complain, that when by their opinions they make themselves sheep, they should not be entrusted with the office, since they have not the nature of dogs.

CHAP. XIII.

THERE are so many good towns in the province of Pensylvania, even exceeding the capitals of some other provinces, that nothing could excuse our passing them by, had not Philadelphia drawn our attention wholly to itself. This city stands upon a tongue of land, immediately at the confluence of two fine rivers, the Delawar and the Schulkil. It is disposed in the form of an oblong, designed to extend two miles, from river to river; this longest stretch is laid out upon the original plan, to compose eight parallel streets, all of two miles in length; these were to have been intersected by sixteen others, each in length a mile, broad, spacious, and even; with proper spaces left for the public buildings, churches, and market-places. In the center is a square of ten acres, round which most of the public buildings are disposed. The two principal streets of the city are each one hundred feet wide, and most of the houses have a small garden and orchard; from the rivers are cut several canals, equally agreeable and beneficial. The kays are spacious and fine; the principal kay is two hundred feet wide, and to this a vessel of five hundred tons may lay her broadside; the warehouses are large, numerous and commodious, and the docks for ship-building every way well adapted to their purposes. A great number of vessels have been built here; twenty have been upon the stocks at a time. This city contains, exclusive of warehouses and outhouses, about two thousand houses; most of them of brick, and well built; it is said there are several of them worth four or five thousand pounds. The inhabitants are now about thirteen thousand.

There are in this city a great number of very wealthy merchants, which is no way surprising, when one considers the great trade which it carries on with the English, French, Spanish and Dutch colonies in America; with the Azores, the Canaries, and the Madeira islands; with Great Britain and Ireland; with Spain, Portugal and Holland, and the great profits which are made in many branches of this commerce. Besides the quantity of all kinds of the produce of this province which is brought down the rivers Delawar and Schulkil (the former of which is navigable for vessels of one sort or other more than two hundred miles above Philadelphia, and the other for very near an hundred) the Dutch employ between eight and nine thousand waggons, drawn each by four horses, in bringing the product of their farms to this market. In the year 1749, three hundred and three vessels entered inwards at this port, and two hundred and ninety-one cleared outwards. There are at the other ports of this province custom-house officers, but the foreign trade in these places is not worth notice.

The city of Philadelphia, though, as it may be judged, far from compleating the original plan; yet so far as it is built, it is carried on conformably to it, and increases in the number and beauty of it's buildings every day. And as for the province, of which this city is the capital, there is no part of British America in a more growing

condition. In some years more people have transported themselves into Pensylvania, than into all the other settlements together. In 1729, six thousand two hundred and eight persons came to settle here as passengers or servants, four fifths of whom at least were from Ireland. In short, this province has increased so greatly from the time of it's first establishment, that lands were given by Mr. Pen at first at the rate of twenty pounds for a thousand acres, reserving only a shilling, every hundred acres for quit-rent, and this in some of the best situated parts of the province; but now at a great distance from navigation, land is granted at twelve pounds the hundred acres, and a quit-rent of four shillings reserved; and the land which is near Philadelphia, rents for twenty shillings the acre. In many places, and at the distance of several miles from that city, land sells for twenty years purchase.

The Pensylvanians are an industrious and hardy people; they are most of them substantial, though but a few of the landed people can be considered as rich; but they are all well lodged, well fed, and, for their condition, well clad too; and this at the more easy rate, as the inferior people manufacture most of all their own wear both linens and woollens. There are but few blacks, not in all the fortieth part of the people of the province.

CHAP. XIV. VIRGINIA.

THE whole country which the English now possess in North America, was at first called Virginia; but by parcelling of several portions of it into distinct grants and governments, the country which still bears the name, is now reduced to that tract which has the river Potowmack upon the North; the bay of Chesapeak upon the East; and Carolina upon the South. To the Westward the grants extend it to the South-Sea; but their planting goes no farther than the great Allegany mountains, which boundaries leave this province in length two hundred and forty miles, and in breadth about two hundred, lying between the fifty-fifth and fortieth degrees of North latitude.

The whole face of this country is so extremely low towards the sea, that when you are come even within fifteen fathom soundings you can hardly distinguish land from the mast head. However, all this coast of America has one useful particularity, that you know your distance exactly by the soundings, which uniformly and gradually diminish as you approach the land. The trees appear as if they rose out of the water, and afford the stranger a very uncommon, and not a disagreeable view. In sailing to Virginia or Maryland, you pass a streight between two points of land, called the Capes of Virginia, which opens a passage into the bay of Chesapeak, one of the largest and safest bays perhaps in the world; for it enters the country near three hundred miles from the South to the North, having the Eastern side of Maryland, and a small portion of Virginia on the same peninsula, to cover it from the Atlantic ocean. This bay is about eighteen miles broad for a considerable way, and seven where it is narrowest, the waters in most places being nine fathom deep. Through it's whole extent it receives both on the Eastern and Western side a vast number of fine navigable rivers. Not to mention those of Maryland, from the side of Virginia it receives James River, York River, the Rappahannock, and the Potowmack.

All these great rivers, in the order they are here set down from South to North, discharge themselves with several smaller ones into the bay of Chesapeak; and they are all not only navigable themselves for very large vessels a prodigious way into the country, but have so many creeks, and receive such a number of smaller navigable rivers, as renders the communication of all parts of this country infinitely more easy than that of any country, without exception, in the world. The Potowmack is navigable for near two hundred miles, being nine miles broad at it's mouth, and for a vast way not less than seven. The other three are navigable upwards of eighty, and in the windings of their several courses approach one another so nearly, that the distance between one and the other is in some parts not more than ten, sometimes not above five miles; whereas in others there is fifty miles space between each of these rivers. The planters load and unload vessels of great burthen each at his own

door; which, as their commodities are bulky, and of small value in proportion to their bulk, is a very fortunate circumstance, else they could never afford to send their tobacco to market low as they sell it, and charged as it is in England, with a duty of six times it's original value.

The climate and soil of Virginia was undoubtedly much heightened in the first descriptions for political reasons; but after making all the necessary abatements which experience since taught us, we still find it a most excellent country. The heats in summer are excessively great, but not without the allay of refreshing sea breezes. The weather is changeable, and the changes sudden and violent. Their winter frosts come on without the least warning. After a warm day, towards the setting in of winter, so intense a cold often succeeds as to freeze over the broadest and deepest of their great rivers in one night, but these frosts, as well as their rains, are rather violent than of long continuance. They have frequent and violent thunder and lightning, but it does rarely any mischief. In general the sky is clear, and the air thin, pure, and penetrating.

The soil in the low grounds of Virginia is a dark fat mould, which for many years without any manure, yields plentifully whatever is committed to it. The soil as you leave the rivers becomes light and sandy, is sooner exhausted than the low country, but is yet of a warm and generous nature, which helped by a kindly sun, yields tobacco and corn extremely well. There is no better wheat than what is produced in this province and Maryland; but the culture of tobacco employs all their attention, and almost all their hands; so that they scarcely cultivate wheat enough for their own use.

It may be judged from the climate and the soil I have described, in what excellence and plenty every sort of fruit is found in Virginia. Their forests are full of timber trees of all kinds; and their plains are covered for almost the whole year with a prodigious number of flowers, and flowering shrubs, of colours so rich, and of a scent so fragrant, that they occasioned the name of Florida to be originally given to this country. This country produces several medicinal herbs and roots, particularly the snake root; and of late the celebrated ginseng of the Chinese has been discovered there.

Horned cattle and hogs have multiplied almost beyond belief; though at the first settlement the country was utterly destitute of these animals. The meat of the former is as much below the flesh of our oxen, as that of the latter exceeds that of our hogs. The animals natural to the country are deer, of which there are great numbers; a sort of panther or tyger; bears, wolves, foxes, racoons, squirrels, wild cats, and one very uncommon animal called the opossum. This creature is about the size of a cat, and besides the belly which it has in common with all others, has a false one beneath it, with a pretty large aperture at the end towards the hinder legs. Within this bag, or belly, on the usual parts of the common belly, are a number of teats; upon these, when the female of this creature conceives, the young are formed,

and there they hang like fruit upon the stalk, until they grow in bulk and weight to their appointed size; then they drop off, and are received in the false belly, from which they go out at pleasure, and in which they take refuge when any danger threatens them.

They have all our sorts of tame and wild fowl in equal perfection, and some which we have not; and a vast number of birds of various kinds, valuable for their beauty or their note. The white owl of Virginia is far larger than the species which we have, and is all over of a bright silver coloured plumage, except one black spot upon his breast; they have the nightingale called from the country, a most beautiful one, whose feathers are crimson and blue; the mocking bird, thought to excel all others in his own note, and he imitates the notes of all others; the rock bird, very sociable, and his society very agreeable by the sweetness of his music; the humming bird, the smallest of all the winged creation, and the most beautiful, all arrayed in scarlet, green and gold. This bird is said to live by licking off the dew that adheres to the flowers; he is too delicate to be brought alive into England. The sea-coasts and rivers of Virginia abound not only in several of the species of fish known in Europe, but in most of those kinds which are peculiar to America. The reptiles are many; it were tedious to enumerate all the kinds of serpents bred here; the rattle snake is the principal, and too well known in general to need any description.

CHAP. XV.

THE great commodiousness of navigation, and the scarcity of handicraftsmen, have rendered all the attempts of the government to establish towns in Virginia ineffectual. James's-town, which was anciently the capital, is dwindled into an insignificant village; and Williamsburg, though the capital at present, the seat of the governor, the place of holding the assembly and courts of justice, and a college for the study of arts and sciences, is yet but a small town. However, in this town are the best public buildings in British America. The college one hundred and thirty-five feet long in front, resembling Chelsea hospital; the capital directly facing it at the other end of the design of a noble street, not unlike the college in the fashion and the size of the building, where the assembly and courts of justice are held, and the public offices kept; and the church, in the form of a cross, large and well ornamented.

The great staple commodity of this country, as well as Maryland, is tobacco. This plant is aboriginal in America, and of very ancient use, though neither so generally cultivated, nor so well manufactured as it has been since the coming of the Europeans. When at it's just height, it is as tall as an ordinary sized man; the stalk is straight, hairy, and clammy; the leaves alternate, of a faded yellowish green, and towards the lower part of the plant of a great size. The seeds of tobacco are first sown in beds, from whence they are transplanted the first rainy weather, into a ground disposed into little hillocks like an hop garden. In a month's time from their transplantation they become a foot high; they then top them, and prune off the lower leaves, and with great attention clean them from weeds and worms twice a week; in about six weeks after, they attain to their full growth, and they begin then to turn brownish. By these marks they judge the tobacco to be ripe. They cut down the plants as fast as they ripen, heap them up, and let them lie a night to sweat; the next day they carry them to the tobacco house, which is built to admit as much air as is consistent with keeping out rain, where they are hung separately to dry for four or five weeks, then they take them down in moist weather, for else they will crumble to dust. After this they are laid upon sticks, and covered up close to sweat for a week or two longer; the servants strip and sort them, the top being the best, the bottom the worst tobacco; then they make them up in hogsheads, or form them into rolls. Wet seasons must be carefully laid hold on for all this work, else the tobacco will not be sufficiently pliable.

In trade they distinguish two sorts of tobacco, the first is called Aranokoe, from Maryland and the Northern parts of Virginia; this is strong and hot in the mouth, but it sells very well in the markets of Holland, Germany, and the North. The other sort is called sweet scented, the best of which is from James's and York rivers in the Southern parts of Virginia. There is no commodity to which the revenue is so much

obliged as to this. It produces a vast sum, and yet appears to lay but a very inconsiderable burthen upon the people in England; all the weight in reality falls upon the planter, who is kept down by the lowness of the original price; and as we have two provinces which deal in the same commodity, if the people of Virginia were to take measures to straiten the market, and raise the price, those of Maryland would certainly take the advantage of it; the people of Virginia would take the same advantage of those of Maryland in a like case. They have no prospect of ever bettering their condition; and they are the less able to endure it as they live in general luxuriously, and to the full extent of their fortunes. Therefore any failure in the sale of their goods, brings them heavily in debt to the merchants in London, who get mortgages on their estates, which are consumed to the bone, with the canker of an eight per cent usury. But however the planters may complain of the tobacco trade, the revenue flourishes by it, for it draws near three hundred thousand a year from this one article only; and the exported tobacco, the far greater part of the profits of which come to the English merchant, brings almost as great a sum annually into the kingdom. To say nothing of the great advantage we derive from being supplied from our own colonies with that for which the rest of Europe pays ready money, besides the employment of two hundred large vessels, and a proportionable number of seamen, which are occupied in this trade. From us the Virginians take every article for convenience or ornament which they use; their own manufacture does not deserve to be mentioned. The two colonies export about eighty thousand hogsheads of tobacco of eight hundred weight. They likewise trade largely with the West-Indies in lumber, pitch, tar, corn, and provisions. They send home flax, hemp, iron, staves, and walnut and cedar plank.

The number of white people in Virginia, is between sixty and seventy thousand; and they are growing every day more numerous, by the migration of the Irish, who not succeeding so well in Pensylvania, as the more frugal and industrious Germans, sell their lands in that province to the latter, and take up new ground in the remote counties in Virginia, Maryland, and North Carolina. These are chiefly presbyterians from the Northern part of Ireland, who in America are generally called Scotch Irish. In Virginia there are likewise settled a considerable number of French refugees; but much the larger part of the inhabitants are the negro slaves, who cannot be much fewer than a hundred thousand souls; they annually import into the two tobacco colonies between three and four thousand of these slaves. The negroes here do not stand in need of such vast recruits as the West-India stock; they rather increase than diminish; a blessing derived from a more moderate labour, better food and a more healthy climate. The inhabitants of Virginia are a chearful, hospitable, and many of them a genteel though somewhat vain and ostentatious people; they are for the greater part of the established church of England; nor until lately did they tolerate any other. Now they have some few meeting-houses of presbyterians and quakers.

CHAP. XVI.

THIS of Virginia is the most ancient of our colonies. Tho' strictly speaking the first attempts to settle a colony were not made in Virginia, but in that part of North Carolina which immediately borders upon it. Sir Walter Raleigh, the most extraordinary genius of his own or perhaps any other time, a penetrating statesman, an accomplished courtier, a deep scholar, a fine writer, a great soldier, and one of the ablest seamen in the world; this vast genius, that pierced so far and ran through so many things, was of a fiery excentric kind, which led him into daring expeditions, and uncommon projects, which not being understood by a timid prince, and envied and hated by the rivals he had in so many ways of life, ruined him at last. In person he ran infinite risques in Guiana in search of gold mines; and when this country was first discovered, he looked through the work of an age, at one glance, and saw how advantageous it might be made to the trade of England. He was the first man in England who had a right conception of the advantages of settlements abroad; he was then the only person who had a thorough insight into trade, and who saw clearly the proper methods of promoting it. He applied to court, and got together a company, which was composed of several persons of distinction, and several eminent merchants, who agreed to open a trade and settle a colony in that part of the world, which in honour of queen Elizabeth he called Virginia.

Raleigh had too much business upon his hands at court, and found too few to second him in his designs, to enable him to support the establishment with the spirit in which he began it. If ever any design had an ominous beginning, and seemed to forbid any attempts for carrying it on, it was that of the first settlement of Virginia. Near half of the first colony was destroyed by the savages, and the rest consumed and worn down by fatigue and famine, deserted the country, and returned home in despair. The second colony was cut off, to a man, in a manner unknown; but they were supposed to be destroyed by the Indians. The third had the same dismal fate; and the fourth quarrelling amongst themselves, neglecting their agriculture to hunt for gold, and provoking the Indians by their insolent and unguarded behaviour, lost several of their people, and were returning, the poor remains of them, in a famishing and desperate condition to England, when just in the mouth of Chesapeak bay they met the lord Delawar with a squadron, loaded with provision, and every thing for their relief and defence, who persuaded them to return.

This nobleman travelled with as much zeal and assiduity to cherish and support the froward infancy of this unpromising colony, as some have used in it's better times for purposes of another kind. Regardless of his life, and inattentive to his fortune, he entered upon this long and dangerous voyage, and accepted this barren province, which had nothing of a government but it's anxieties and it's cares, merely for the service of his country; and he had no other reward than that retired and

inward satisfaction, which a good mind feels in indulging it's own propensity to virtue, and the prospect of those just honours which the latest posterity will take a pleasure in bestowing upon those, who prefer the interest of posterity to their own. After he had prevailed upon the people to return, he comforted them under their misfortunes, he pointed out their causes, and uniting the tenderness of a father with the steady severity of a magistrate, he healed their divisions, and reconciled them to authority and government, by making them feel by his conduct what a blessing it could be made.

When he had settled the colony within itself, his next care was to put them upon a proper footing with regard to the Indians, whom he found very haughty and assuming on account of the late miserable state of the English; but by some well-timed and vigorous steps he humbled them, shewed he had power to chastise them, and courage to exert that power; and after having awed them into very peaceable dispositions, and settled his colony in a very growing condition, he retired home for the benefit of his health, which by his constant attention to business, and the air of an uncultivated country, had been impaired; but he left his son, with the spirit of his father, his deputy; and Sir Thomas Gates, Sir George Summers, the honourable George Piercy, Sir Ferdinand Wenman, and Mr. Newport, for his council. These, with other persons of rank and fortune, attended him on this expedition, which gave a credit to the colony. Though there are in England many young gentlemen of fortunes, disproportioned to their rank, I fear we should not see the names of so many of them engaged in an expedition, which had no better appearance than this had at that time.

Lord Delawar did not forget the colony on his return to England; but considering himself as nearer the fountain head, thought it his duty to turn the spring of the royal favour more copiously upon the province which he superintended. For eight years together he was indefatigable in doing every thing that could tend to the peopling, the support, and the good government of this settlement, and he died in the pursuit of the same object in his voyage to Virginia, with a large supply of people, cloathing and goods.

It is one of the most necessary, and I am sure it is one of the most pleasing parts of this design, to do justice to the names of those men who by their greatness of mind, their wisdom and their goodness, have brought into the pale of civility and religion, these rude and uncultivated parts of the globe; who could discern the rudiments of a future people, wanting only time to be unfolded, in the seed; who could perceive amidst the losses and disappointments and expences of a beginning colony, the great advantages to be derived to their country from such undertakings; and who could pursue them in spite of the malignity and narrow wisdom of the world. The ancient world had it's Osyris and Erichthonius, who taught them the use of grain; their Bacchus, who instructed them in the culture of the vine; and their Orpheus and Linus, who first built towns and formed civil societies. The people of

America will not fail, when time has made things venerable, and when an intermixture of fable has moulded useful truths into popular opinions, to mention with equal gratitude, and perhaps similar heightening circumstances, her Columbus, her Castro, her Gasca, her De Poincy, her Delawar, her Baltimore, and her Pen.

CHAP. XVII.

THE colony of Virginia was so fast rooted by the care of lord Delawar, that it was enabled to stand two terrible storms; two massacres made by the Indians, in which the whole colony was nearly cut off; and to subdue that people, so as to put it utterly out of their power for many years past to give them the least disturbance.

In the fatal troubles which brought Charles the first to the block, and overturned the constitution of England, many of the cavaliers fled for refuge to this colony, which by the general disposition of the inhabitants, and the virtue of Sir William Berkley, held out for the crown, until the parliament, rather by stratagem than force, reduced them. And what is remarkable, if it may be depended upon with any certainty, they deposed Cromwell's governor, set up Sir William Berkley again, and declared for king Charles the second, a good while even before the news of Oliver's death could arrive in America.

After the restoration, there is nothing very interesting in their history; except that soon after, a sort of rebellion which arose in the province from mismanagements in the government, from the decay of their trade, and from exorbitant grants inconsiderately made, which included the settled property of many people; this raised a general discontent amongst the planters, which was fomented and brought to blaze out into an actual war, by a young gentleman whose name was Bacon. He was an agreeable man, of a graceful presence, and winning carriage. He had been bred to the law, had a lively and fluent expression, fit to set off a popular cause, and to influence men who were ready to hear whatever could be said to colour in a proper manner what was already strongly drawn by their own feelings. This man by a specious, or perhaps a real tho' ill-judged regard for the public good, finding the governor slow in his preparations against the Indians, who were ravaging the frontiers of the province, took up arms without any commission, to act against the enemy. When he had sufficient force for this purpose, he found himself in a condition not only to act against the enemy, but to give law to the governor, and to force him to give a sanction by his authority, to those proceedings which were meant to destroy it.

Bacon armed with the commission of a general, and followed by the whole force of the colony, prepared to march against the Indians; when Sir William Berkley, the governor, freed from the immediate terror of his forces, recalled him, proclaimed him a traitor, and issued a reward for apprehending him as such. This brought matters to extremities; the people were universally inflamed; Bacon adhered to what he had done, the people adhered to Bacon; and the governor, who seemed no ways inclined to temporize or yield to the storm, fled over the river Potowmack, and proclaimed all Bacon's adherents traitors. He put himself at the head of a small body of troops which he had raised in Maryland, and of such of the Virginians as

were faithful to him, and wrote to England for supplies. On the other hand, Bacon marched to the capital, called an assembly, and for six months together disposed all things according to his own pleasure. Every thing was now hastening to a civil war, when all was quieted in as sudden a manner as it had begun, by the natural death of Bacon, in the very height of the confusion. The people unable to act without a head, proposed terms of accommodation; the terms were listened to, and peace was restored and kept without any disturbance, not so much by the removal of the grievances complained of, as by the arrival of a regiment from England, which remained a long time in the country. It must be remarked in honour of the moderation of the government, that no person suffered in his life, or his estate, for this rebellion, which was the more extraordinary, as many people at that time were very earnest in soliciting grants of land in Virginia.

The events in all countries which are not the residence of the supreme power, and have no concern in the great business of transacting war and peace, have generally but little to engage the attention of the reader. I have therefore intirely omitted the tedious detail of the governors and their several transactions, with which my materials so plentifully supply me; and for the same reason I shall be very concise in my account of Maryland, which agreeing altogether with Virginia in it's climate, soil, products, trade, and genius of the inhabitants, and having few or no remarkable events to recommend it, will save much trouble in that article.

CHAP. XVIII. MARYLAND.

IT was in the reign of Charles the first, that the Lord Baltimore applied for a patent for a part of Virginia, and obtained in 1632, a grant of a tract of land upon Chesapeak bay, of about an hundred and forty miles long, and an hundred and thirty broad, having Pennsylvania, then in the hands of the Dutch, upon the North, the Atlantic ocean upon the East, and the river Potowmack upon the South; in honour of the queen he called this province Maryland.

Lord Baltimore was a Roman catholic, and was induced to attempt this settlement in America, in hopes of enjoying liberty of conscience for himself, and for such of his friends to whom the severity of the laws might loosen their ties to their country, and make them prefer an easy banishment with freedom, to the conveniencies of England, embittered as they were by the sharpness of the laws, and the popular odium which hung over them. The court at that time was certainly very little inclined to treat the Roman catholics in a harsh manner, neither had they in reality the least appearance of reason to do so; but the laws themselves were of a rigorous constitution; and however the court might be inclined to relax them, they could not in policy do it, but with great reserve. The puritan party perpetually accused the court, and indeed the episcopal church, of a desire of returning to popery; and this accusation was so popular, that it was not in the power of the court to shew the papists that indulgence which they desired. The laws were still executed with very little mitigation; and they were in themselves of a much keener temper, than those which had driven the puritans about the same time to seek a refuge in the same part of the world. These reasons made lord Baltimore desirous to have, and the court willing to give him, a place of retreat in America.

The settlement of the colony cost the lord Baltimore a large sum. It was made under his auspices by his brother, and about two hundred persons, Roman catholics, and most of them of good families. This settlement at the beginning did not meet with the same difficulties, which embarrassed and retarded most of the others we had made. The people were generally of the better sort, a proper subordination was observed amongst them, and the Indians gave and took so little offence, that they ceded one half of their principal town, and some time after the whole of it, to these strangers. The Indian women taught ours how to make bread of their corn; their men went out to hunt and fish with the English; they assisted them in the chase, and sold them the game they took themselves for a trifling consideration; so that the new settlers had a sort of town ready built, ground ready cleared for their subsistence, and no enemy to harrass them.

They lived thus, without much trouble or fear, until some ill-disposed persons in Virginia insinuated to the Indians, that the Baltimore colony had designs upon them; that they were Spaniards and not Englishmen, and such other stories as they judged

proper to sow the seeds of suspicion and enmity in the minds of these people. Upon the first appearance, that the malice of the Virginians had taken effect, the new planters were not wanting to themselves. They built a good fort with all expedition, and took every other necessary measure for their defence; but they continued still to treat the Indians with so much kindness, that partly by that, and partly by the awe of their arms, the ill designs of their enemies were defeated.

As the colony met with so few obstructions, and as the Roman catholics in England were yet more severely treated in proportion as the court party declined, numbers constantly arrived to replenish the settlement; which the lord proprietor omitted no care, and withheld no expence to support and encourage; until the usurpation overturned the government at home, and deprived him of his rights abroad. Maryland remained under the governors appointed by the parliament and by Cromwell until the restoration, when lord Baltimore was reinstated in his former possessions, which he cultivated with his former wisdom, care and moderation. No people could live in greater ease and security; and his lordship, willing that as many as possible should enjoy the benefits of his mild and equitable administration, gave his consent to an act of assembly, which he had before promoted in his province, for allowing a free and unlimited toleration for all who professed the christian religion of whatever denomination. This liberty, which was never in the least instance violated, encouraged a great number, not only of the church of England, but of presbyterians, quakers, and all kinds of dissenters, to settle in Maryland, which before that was almost wholly in the hands of Roman catholics.

This lord, though guilty of no misadministration in his government, though a zealous Roman catholic, and firmly attached to the cause of king James the second, could not prevent his charter from being questioned in that arbitrary reign, and a suit from being commenced to deprive him of the property and jurisdiction of a province granted by the royal favour, and peopled at such a vast expence of his own. But it was the error of that weak and unfortunate reign, neither to know it's friends, nor it's enemies; but by a blind precipitate conduct to hurry on every thing of whatever consequence with almost equal heat, and to imagine that the sound of the royal authority was sufficient to justify every sort of conduct to every sort of people. But these injuries could not shake the honour and constancy of lord Baltimore, nor tempt him to desert the cause of his master. Upon the revolution he had no reason to expect any favour; yet he met with more than king James had intended him; he was deprived indeed of all his jurisdiction, but he was left the profits of his province, which were by no means inconsiderable; and when his descendants had conformed to the church of England, they were restored to all their rights as fully as the legislature has thought fit that any proprietor should enjoy them.

When upon the revolution power changed hands in that province, the new men made but an indifferent requital for the liberties and indulgences they had enjoyed under the old administration. They not only deprived the Roman catholics of all

share in the government, but of all the rights of freemen; they have even adopted the whole body of the penal laws of England against them; they are at this day meditating new laws in the same spirit, and they would undoubtedly go to the greatest lengths in this respect, if the moderation and good sense of the government in England did not set some bounds to their bigotry; thinking very prudently that it were highly unjust, and equally impolitic, to allow an asylum abroad to any religious persuasions which they judged it improper to tolerate at home, and then to deprive them of it's protection, recollecting at the same time in the various changes which our religion and government has undergone, which have in their turns rendered every sort of party and religion obnoxious to the reigning powers, that this American asylum which has been admitted in the hottest times of persecution at home, has proved of infinite service, not only to the present peace of England, but to the prosperity of it's commerce, and the establishment of it's power. There are a sort of men, who will not see so plain a truth; and they are the persons who would appear to contend most warmly for liberty; but it is only a party liberty for which they contend; a liberty, which they would stretch out one way only to narrow it in another; they are not ashamed of using the very same pretences for persecuting others, that their enemies use for persecuting them.

This colony, as for a long time it had with Pensylvania the honour of being unstained with any religious persecution, so neither they nor the Pensylvanians have ever until very lately been harrassed by the calamity of any war, offensive or defensive, with their Indian neighbours, with whom they always lived in the most exemplary harmony. Indeed, in a war which the Indians made upon the colony of Virginia, by mistake they made an incursion into the bounds of Maryland; but they were soon sensible of their mistake, and attoned for it. This present war indeed has changed every thing, and the Indians have been taught to laugh at all their ancient alliances.

Maryland, like Virginia, has no considerable town, and for the same reason; the number of navigable creeks and rivers. Annapolis is the seat of government. It is a small but beautifully situated town upon the river Patuxent.

Here is the seat of the governor, and the principal custom-house collection. The people of Maryland have the same established religion with those of Virginia, that of the church of England but here the clergy are provided for in a much more liberal manner, and they are the most decent, and the best of the clergy in North America. They export from Maryland the same things in all respects that they do from Virginia. Their tobacco is about forty thousand hogsheads. The white inhabitants are about forty thousand; the negroes upwards of sixty thousand.

CHAP. XIX. CAROLINA.

IT must not be forgot, that we formerly called all the coast of North America by the name of Virginia. The province properly so called, with Maryland and the Carolinas, was known by the name of South Virginia. By the Spaniards it was considered as part of Florida, which country they made to extend from New Mexico to the Atlantic ocean. By them it was first discovered; but they treated the natives with an inhumanity, which filled them with so violent an hatred to the Spanish name, as rendered their settlement there very difficult; nor did they push it vigorously, as the country shewed no marks of producing gold or silver, the only things for which the Spaniards then valued any country. Florida therefore remained under an entire neglect in Europe, until the reign of Charles the ninth, king of France.

The celebrated leader of the protestants in that kingdom, the admiral Chastillon, who was not only a great commander but an able statesman, was a man of too comprehensive views not to see the advantages of a settlement in America; he procured two vessels to be fitted out for discoveries upon that coast. He had it probably in his thoughts to retire thither with those of his persuasion, if the success which hitherto suited so ill with his great courage and conduct, should at last entirely destroy his cause in France. These ships in two months arrived upon the coast of America, near the river now called Albemarle in the province of North Carolina. The French gave the Indians to understand in the best manner they were able, that they were enemies to the Spaniards, which secured them a friendly reception, and the good offices of the inhabitants. They were, however, in no condition to make any settlement.

On their return to France, the admiral, at this time by the abominable policy of the court apparently in great favour, was so well satisfied with the account they had given of the country, that in 1564 he fitted out five or six ships with as many hundred men aboard, to begin a colony there. This was accordingly done at the place of their landing in the first expedition. They built a fort here, which they called Fort Charles, as they called the whole country Carolana in honour of their king then reigning. The Spaniards, who had intelligence of their proceedings, dispatched a considerable force to attack this colony, who not satisfied with reducing it, put all the people to the sword after quarter given; and committing great outrages upon the natives, they paved the way for the vengeance which soon after fell upon them for such an unnecessary and unprovoked act of cruelty. For though the admiral and his party were by this time destroyed in the infamous massacre of St. Bartholomew, and though the design of a colony died with him, one M. de Gorgues, a private gentleman, fitted out some ships, which sailed to that coast purely to revenge the murder of his countrymen, and his friends. The Indians

greedily embraced the opportunity of becoming associates in the punishment of the common enemy. They joined in the siege of two or three forts the Spaniards had built there; they took them, and in all of them put the garrison to the sword without mercy.

Satisfied with this action the adventurers returned, and happily for us, the French court did not understand, blinded as they were by their bigotry, the advantages which might have been derived from giving America to the protestants, as we afterwards did to the dissenters, as a place of refuge; if they had taken this step, most certainly we should have either had no settlements in America at all, or they must have been small in extent, and precarious in their tenure, to what they are at this day.

CHAP. XX.

AFTER the French expedition, the country of Carolina remained without any attention from Spaniards, French or English, until, as we observed in the article of Virginia, Sir Walter Raleigh projected an establishment there. It was not in the part now called Virginia, but in North Carolina, that our first unhappy settlements were made and destroyed. Afterwards the adventurers entered the bay of Chesapeake, and fixed a permanent colony to the Northward; so that although Carolina was the first part of the Atlantic coast of America, which had an European colony, yet by an odd caprice it was for a long time deserted by both England and France, who settled with infinitely more difficulty in climates much less advantageous or agreeable.

It was not until the year 1663, in the reign of Charles the second, that we had any notion of formally settling that country. In that year the earl of Clarendon lord chancellor, the duke of Albemarle, the lord Craven, lord Berkley, lord Ashley, afterwards earl of Shaftesbury, Sir George Carteret, Sir William Berkley, and Sir George Colleton, obtained a charter for the property and jurisdiction of that country, from the 31st degree of North latitude to the 36th; and being invested with full power to settle and govern the country, they had the model of a constitution framed, and a body of fundamental laws compiled by the famous philosopher Mr. Locke. On this plan the lords proprietors themselves stood in the place of the king, gave their assent or dissent as they thought proper to all laws, appointed all officers, and bestowed all titles of dignity. In his turn one of these lords acted for the rest. In the province they appointed two other branches, in a good measure analogous to the legislature in England. They made three ranks, or rather classes of nobility. The lowest was composed of those to whom they had made grants of twelve thousand acres of land, whom they called barons; the next order had twenty-four thousand acres, or two baronies, with the title of cassiques; these were to answer our earls; the third had two cassiqueships, or forty-eight thousand acres, and were called landgraves, a title in that province analogous to duke. This body formed the upper house; their lands were not alienable by parcels. The lower house was formed, as it is in the other colonies, of representatives from the several towns or counties. But the whole was not called, as in the rest of the plantations, an assembly, but a parliament.

They began their first settlement at a point of land towards the Southward of their district, between two navigable rivers, though of no long course, called Ashley and Cowper rivers, and there laid the foundation of a city, called Charles town, which was designed to be, what it now is, the capital of the province. They expended about twelve thousand pounds in the first settlement. But it was not chiefly to the funds of the lords proprietors, that this province owed its establishment. They observed what advantages the other colonies derived from opening an harbour for refugees; and not

only from this consideration, but from the humane disposition of that excellent man who formed the model of their government, they gave an unlimited toleration to people of all religious persuasions. This induced a great number of dissenters, over whom the then government held a more severe hand than was consistent with justice or policy, to transport themselves with their fortunes and families into Carolina. They became soon at least as numerous as the churchmen; and though they displayed none of that frantic bigotry which disgraced the New England refugees, they could not preserve themselves from the jealousy and hatred of those of the church of England, who having a majority in one of the assemblies, attempted to exclude all dissenters from a right of sitting there. This produced dissensions, tumults, and riots every day, which tore the colony to pieces, and hindered it for many years from making that progress which might be expected from its great natural advantages. The people fell into disputes of no less violent a nature with the lords proprietors, and provoking the Indians by a series of unjust and violent actions, they gave occasion to two wars, in which however they were victorious, and subdued almost all the Indian nations within their own bounds at this side of the Apalachian mountains.

Their intestine distractions, and their foreign wars, kept the colony so low, that an act of parliament, if possible to prevent the last ruinous consequences of these divisions, put the province under the immediate care and inspection of the crown. The lords proprietors making a virtue of necessity, accepted a recompence of about twenty-four thousand pounds, both for the property and jurisdiction; except the earl Granville, who kept his eighth part of the property, which comprehends very near half of North Carolina, on that part which immediately borders upon the province of Virginia. Their constitution in those points wherein it differed from that of the other colonies, was altered; and the country, for the more commodious administration of affairs, was divided into two distinct independent governments, called North Carolina and South Carolina. This was in the year 1728. In a little time a firm peace was established with all the neighbouring Indian nations, the Cherokees, the Creeks, and the Cataubas; the province began to breathe from its internal quarrels, and its trade has advanced every year since that time with an astonishing rapidity.

CHAP. XXI.

THESE two provinces lying between the 31st and 46th degrees of latitude, are upwards of four hundred miles in length, and in breadth to the Indian nations, near three hundred. The climate and soil in these countries, do not considerably differ from those of Virginia; but where they differ, it is much to the advantage of Carolina, which is one of the finest climates in the world. The heat in summer is very little greater than in Virginia, but the winters are milder and shorter, and the year in all respects does not come to the same violent extremities. However the weather, though in general serene as the air is healthy, yet like all American weather, it makes such quick changes, and those so sharp, as to oblige the inhabitants to rather more caution in their dress and diet, than we are obliged to use in Europe. Thunder and lightning is here frequent; and it is the only one of our colonies upon the continent which is subject to hurricanes; but they are very rare, and not near so violent as those of the West-Indies. Part of the month of March, and all April, May, and the greatest part of June, are here inexpressibly temperate and agreeable, but in July, August, and for almost the whole of September, the heat is very intense; and though the winters are sharp, especially when the North-West wind prevails, yet they are seldom severe enough to freeze any considerable water; affecting only the mornings and evenings, the frosts have never sufficient strength to resist the noon-day sun; so that many tender plants which do not stand the winter of Virginia, flourish in Carolina; for they have oranges in great plenty near Charleston, and excellent in their kinds, both sweet and sour. Olives are rather neglected by the planter, than denied by the climate. The vegetation of every kind of plant is here almost incredibly quick; for there is something so kindly in the air and soil, that where the latter has the most barren and unpromising appearance, if neglected for a while, of itself it shoots out an immense quantity of those various plants and beautiful flowering shrubs and flowers, for which this country is so famous, and of which Mr. Catesby in his Natural History of Carolina has made such fine drawings.

The whole country is in a manner one forest, where our planters have not cleared it. The trees are almost the same in every respect with those produced in Virginia; and by the different species of these, the quality of the soil is easily known; for those grounds which bear the oak, the walnut, and the hickory, are extremely fertile; they are of a dark sand, intermixed with loam, and as all their land abounds with nitre, it is a long time before it is exhausted; for here they never use any manure. The pine barren is the worst of all; this is an almost perfectly white sand, yet it bears the pine tree and some other useful plants naturally, and yields good profit in pitch, tar, and turpentine from thence; and when it is cleared, for two or three years together it produces very tolerable crops of Indian corn and pease; and when it lies low and is flooded, it even answers well for rice. But what is the best of all for this

province, this worst species of it's land is favourable to a species of the most valuable of all it's products, to a species of indigo. There is another kind of ground, which lies low and wet upon the banks of some of their rivers; this is called swamp, which in some places is in a manner useless; in others it is far the richest of all their grounds; it is a black fat earth, and bears their great staple rice, which must have in general a rich moist soil, in the greatest plenty and perfection. The country near the sea, and at the mouths of the navigable rivers, is much the worst; for most of the land there is of the species of the pale, light, sandy-coloured ground; and what is otherwise in those parts, is little better than an unhealthy and unprofitable salt marsh; but the country, as you advance in it, improves continually; and at an hundred miles distance from Charles-town, where it begins to grow hilly, the soil is of a prodigious fertility, fitted for every purpose of human life. The air is pure and wholesome, and the summer heats much more temperate than in the flat country; for Carolina is all an even plain for eighty miles from the sea; no hill, no rock, scarce even a pebble to be met with: so that even the best parts of the maritime country, from this sameness, must want something of the fine effect which it's various and beautiful products would have by a more variegated and advantageous disposition; but nothing can be imagined more pleasant to the eye than the back country, and it's fruitfulness is almost incredible. Wheat grows extremely well there, and yields a prodigious increase. In the other parts of Carolina they raise but little, where it is apt to mildew and spend itself in straw; and these evils the planters take very little care to redress, as they turn their whole attention to the culture of rice, which is more profitable, and in which they are unrivalled; being supplied with what wheat they want in exchange for this grain, from New York and Pensylvania.

The land in Carolina is very easily cleared every where, as there is little or no underwood. Their forests consist mostly of great trees at a considerable distance asunder; so that they can clear in Carolina more land in a week, than in the forests of Europe they can do in a month. Their method is to cut them at about a foot from the ground, and then saw the trees into boards, or convert them into staves, heading, or other species of lumber, according to the nature of the wood, or the demands at the market. If they are too far from navigation, they heap them together, and leave them to rot. The roots soon decay; and before that they find no inconvenience from them, where land is so plenty.

The aboriginal animals of this country are in general the same with those of Virginia, but there is yet a greater number and variety of beautiful fowls. All the animals of Europe are here in plenty; black cattle are multiplied prodigiously. About fifty years ago, it was a thing extraordinary to have above three or four cows, now some have a thousand; some in North Carolina a great many more; but to have two or three hundred is very common. These ramble all day at pleasure in the forests; but their calves being separated, and kept in fenced pastures, the cows return every evening to them; they are then milked, detained all night, milked in the

morning, and then let loose again. The hogs range in the same manner, and return like the cows, by having shelter and some victuals provided for them at the plantation; these are vastly numerous, and many quite wild; many horned cattle and horses too run wild in their woods; though at the first settlement there was not one of these animals in the country. They drive a great many cattle from North Carolina every year into Virginia, to be slaughtered there; and they kill and salt some beef, and a good deal of pork, for the West-Indies, within themselves; but the beef is neither so good, nor does it keep near so long as what is sent to the same market from Ireland. They export a considerable number of live cattle to Pennsylvania and the West-Indies. Sheep are not so plenty as the black cattle or hogs, neither is their flesh so good; their wool is very ordinary.

CHAP. XXII.

THE trade of Carolina, besides the lumber, provisions, and the like, which it yields in common with the rest of America, has three great staple commodities, indigo, rice, and the produce of the pine, turpentine, tar, and pitch. The two former commodities South Carolina has intirely to itself; and taking in North Carolina, this part of America yields more pitch and tar than all the rest of our colonies.

Rice anciently formed by itself the staple of this province; this wholesome grain makes a great part of the food of all ranks of people in the Southern parts of the world; in the Northern it is not so much in request. Whilst the rigour of the act of navigation obliged them to send all their rice directly to England, to be re-shipped for the markets of Spain and Portugal; the charges incident to this regulation lay so heavy upon the trade, that the cultivation of rice, especially in time of war, when these charges were greatly aggravated by the rise of the freight and insurance, hardly answered the charges of the planter; but now the legislature has relaxed the law in this respect, and permits the Carolinians to send their rice directly to any place to the Southward of Cape Finisterre. This prudent indulgence has again revived the rice trade; and though they have gone largely, and with great spirit into the profitable article of indigo, it has not diverted their attention from the cultivation of rice; they raise now above double the quantity of what they raised some years ago; and this branch alone of their commerce is, at the lowest estimation, worth one hundred and fifty thousand pounds sterling annually.

Indigo is a dye made from a plant of the same name, which probably was so called from India, where it was first cultivated, and from whence we had for a considerable time the whole of what we consumed in Europe. This plant is very like the fern when grown, and when young hardly distinguishable from lucern-grass; its leaves in general are pennated, and terminated by a single lobe; the flowers consist of five leaves, and are of the papilionaceous kind, the uppermost petal being larger and rounder than the rest, and lightly furrowed on the side; the lower ones are short and end in a point; in the middle of the flower is situated the stile, which afterwards becomes a pod, containing the seeds.

They cultivate three sorts of indigo in Carolina, which demand the same variety of soils. First, the French or Hispaniola indigo, which striking a long tap root, will only flourish in a deep rich soil; and therefore though an excellent sort, it is not so much cultivated in the maritime parts of Carolina, which are generally sandy; but no part of the world is more fit to produce it in perfection than the same country, an hundred miles backwards; it is neglected too on another account, for it hardly bears a winter so sharp as that of Carolina.

The second sort, which is the false guatemala, or true bahama, bears the winter better, is a more tall and vigorous plant, is raised in greater quantities from the same

compass of ground; is content with the worst soils in the country, and is therefore more cultivated than the first sort, though inferior in the quality of it's dye.

The third sort is the wild indigo, which is indigenous here; this, as it is a native of the country, answers the purposes of the planter the best of all, with regard to the hardiness of the plant, the easiness of the culture, and the quantity of the produce; of the quality there is some dispute, not yet settled amongst the planters themselves; nor can they as yet distinctly tell when they are to attribute the faults of their indigo to the nature of the plant, to the seasons, which have much influence upon it, or to some defect in the manufacture.

The time of planting the indigo, is generally after the first rains succeeding, the vernal equinox; the seed is sowed in small straight trenches, about eighteen or twenty inches asunder; when it is at it's height, it is generally eighteen inches tall. It is fit for cutting, if all things answer, well, in the beginning of July. Towards the end of August a second cutting is obtained; and if they have a mild autumn, there is a third cutting at Michaelmas; the indigo land must be weeded every day, and the plants cleansed from worms, and the plantation attended with the greatest care and diligence; about twenty-five negroes may manage a plantation of fifty acres, and compleat the manufacture of the drug, besides providing their own necessary subsistence, and that of the planter's family. Each acre yields, if the land be very good, sixty or seventy pounds weight of indigo; at a medium the produce is fifty pounds. When the plant is beginning to blossom it is fit for cutting; and when cut, great care ought to be taken to bring it to the steeper, without pressing or shaking it, as a great part of the beauty of the indigo depends upon the fine farina which adheres to the leaves of this plant.

The apparatus for making indigo is pretty considerable, though not very expensive; for besides a pump, the whole consists only of vats and tubs of cypress wood, common and cheap in this country. The indigo when cut is first laid in a vat about twelve or fourteen feet long, and four deep, to the height of about fourteen inches, to macerate and digest. Then this vessel, which is called the steeper, is filled with water; the whole having lain from about twelve to sixteen hours, according to the weather, begins to ferment, swell, rise, and grow sensibly warm; at this time spars of wood are run across to prevent it's rising too much, and a pin is then set to mark the highest point of it's ascent; when it falls below this mark, they judge that the fermentation has attained it's due pitch, and begins to abate; this directs the manager to open a cock, and let off the water into another vat, which is called the beater; the gross matter that remains in the first vat, is carried off to manure the ground, for which purpose it is excellent, and new cuttings are put in as long as the harvest of this weed continues.

When the water, strongly impregnated with the particles of the indigo, has run into the second vat or beater, they attend with a sort of bottomless buckets, with long handles, to work and agitate it; which they do incessantly until it heats, froths,

ferments, and rises above the rim of the vessel which contains it; to allay this violent fermentation, oil is thrown in as the froth rises, which instantly sinks it. When this beating has continued for twenty, thirty, or thirty-five minutes, according to the state of the weather, (for in cool weather it requires the longest continued beating) a small muddy grain begins to be formed, the salts and other particles of the plant united and dissolved before with the water, are now reunited, and begin to granulate.

To discover these particles the better, and to find when the liquor is sufficiently beaten, they take up some of it from time to time on a plate or in a glass; when it appears in an hopeful condition, they let loose some lime water from an adjacent vessel, gently stirring the whole, which wonderfully facilitates the operation; the indigo granulates more fully, the liquor assumes a purplish colour, and the whole is troubled and muddy; it is now suffered to settle; then the clearer part is let to run off into another succession of vessels, from whence the water is conveyed away as fast as it clears at the top, until nothing remains but a thick mud, which is put into bags of coarse linen. These are hung up and left for some time, until the moisture is entirely drained off. To finish the drying this mud is turned out of the bags, and worked upon boards of some porous timber with a wooden spatula; it is frequently exposed to the morning and evening sun, but for a short time only; and then it is put into boxes or frames, which is called the curing, exposed again to the sun in the same cautious manner, until with great labour and attention the operation is finished, and that valuable drug called indigo, fitted for the market. The greatest skill and care is required in every part of the process, or there may be great danger of ruining the whole; the water must not be suffered to remain too short or too long a time, either in the steeper or beater, the beating itself must be nicely managed, so as not to exceed or fall short; and in the curing, the exact medium between too much or too little drying is not easily attained. Nothing but experience can make the overseer skilful in these matters.

There are two methods of trying the goodness of indigo; by fire and by water; if it swims it is good, if it sinks it is naught, the heavier the worse; so if it wholly dissolves in water it is good. Another way of proving is, by the fire ordeal; if it intirely burns away it is good, the adulterations remain untouched.

There is perhaps no branch of manufacture, in which so large profits may be made upon so moderate a fund, as that of indigo; and there is no country in which this manufacture can be carried on to such advantage as in Carolina, where the climate is healthy, provision plentiful and cheap, and every thing necessary for that business had with the greatest ease. To do justice to the Carolinians, they have not neglected these advantages; and if they continue to improve them with the same spirit in which they have begun, and attend diligently to the quality of their goods, they must naturally and necessarily come to supply the whole consumption of the

world with this commodity; and consequently make their country the richest, as it is the pleasantest and most fertile part of the British dominions.

In all parts of Carolina, but especially in North Carolina, they make great quantities of turpentine, tar and pitch. They are all the produce of the pine. The turpentine is drawn simply from incisions made in the tree; they are made from as great an height as a man can reach with an hatchet; these incisions meet at the bottom of the tree in a point, where they pour their contents into a vessel placed to receive them. There is nothing further in this process. But tar requires a more considerable apparatus and greater trouble. They prepare a circular floor of clay, declining a little towards the center; from this is laid a pipe of wood, the upper part of which is even with the floor, and reaches ten feet without the circumference; under the end the earth is dug away, and barrels placed to receive the tar as it runs. Upon the floor is built up a large pile of pine wood split in pieces, and surrounded with a wall of earth, leaving only a small aperture at the top where the fire is first kindled. When the fire begins to burn, they cover this opening likewise to confine the fire from flaming out, and to leave only sufficient heat to force the tar downwards to the floor. They temper the heat as they please, by running a stick into the wall of clay, and giving it air. Pitch is made by boiling tar in large iron kettles set in furnaces, or burning it in round clay holes made in the earth. The greatest quantity of pitch and tar is made in North Carolina.

CHAP. XXIII.

THERE are in the two provinces which compose Carolina, ten navigable rivers of a very long course, and innumerable smaller ones, which fall into them, all abounding in fish. About fifty or sixty miles from the sea, there are falls in most of the great rivers, which as you approach their sources, become more frequent. This is the case of almost all the American rivers; at these falls, those who navigate these rivers land their goods, carry them beyond the cataract on horses or waggons, and then reship them below or above it.

The mouths of the rivers in North Carolina form but ordinary harbours, and do not admit, except one at Cape Fear, vessels of above seventy or eighty tons; so that larger ships are obliged to lie off in a sound called Ocacock, which is formed between some islands and the continent. This lays a weight upon their trade by the expence of lighterage. North Carolina, partly upon that occasion, but principally that the first settlements were made as near as possible to the capital, which lies considerably to the Southward, was greatly neglected. For a long time it was but ill inhabited, and by an indigent and disorderly people, who had little property, and hardly any law or government to protect them in what they had. As commodious land grew scarce in the other colonies, people in low circumstances observing that a great deal of excellent and convenient land was yet to be patented in North Carolina, were induced by that circumstance to plant to themselves there. Others who saw how they prospered, followed their example. The government became more attentive to the place as it became more valuable; by degrees something of a better order was introduced. The effect of which is, that though by no means as wealthy as South Carolina, North Carolina has many more white people; things begin to wear a face of settlement; and the difficulties they have lain under are not so many nor so great as to make us neglect all future efforts, or hinder us from forming very reasonable expectations of seeing the trade of this country, with proper management, become a flourishing and fruitful branch of the British American commerce. That even now it is far from contemptible, may appear by a list of their exported commodities, which I shall subjoin.

Edenton was formerly the capital of North Carolina, if a trifling village can deserve that denomination; but the present governor Mr. Dobbs has projected one further South upon the river Neus; which, though it has the advantage of being something more central, is by no means equally well situated for trade, which ought always to be of the first consideration in whatever regards any of the colonies. However, none of their towns are worth mentioning; the conveniency of inland navigation in all our Southern colonies, and the want of handicraftsmen, is a great and almost insuperable obstacle to their ever having any considerable.

CHAP. XXIV.

THE only town in either of the Carolinas which can draw our attention is Charles-town; and this is one of the first in North America for size, beauty, and traffic. It's situation I have already mentioned, so admirably chosen at the confluence of two navigable rivers. It's harbour is good in every respect, but that of a bar, which hinders vessels of more than two hundred tons burthen from entering. The town is regularly and pretty strongly fortified, both by nature and art; the streets are well cut; the houses are large and well built, and rent extremely high. The church is spacious, and executed in a very handsome taste, exceeding every thing of that kind which we have in America. Here besides the several denominations of dissenters have their meeting houses. It contains about eight hundred houses, and is the seat of the governor, and the place of meeting of the assembly. Several handsome equipages are kept here. The planters and merchants are rich, and well bred; the people are shewy and expensive in their dress and way of living; so that every thing conspires to make this by much the liveliest and politest place, as it is one of the richest too in all America.

The best harbour in this province is far to the Southward, on the borders of Georgia, called Port Royal. This might give a capacious and safe reception to the largest fleets of the greatest bulk and burthen; yet the town, which is called Beaufort, built upon an island of the same name with the harbour, is not as yet considerable, but it bids fair in time for becoming the first trading town in this part of America.

The import trade of South Carolina from Great-Britain and the West-Indies, is the same in all respects with that of the rest of the colonies, and it is very large. Their trade with the Indians is likewise in a very flourishing condition. As for it's export, both the nature of that, and it's prodigious increase, may be discerned from the following comparative tables, which let us see how much this colony has really advanced in a few years; as an attentive consideration of it's natural advantages must shew us how much it must advance, if properly managed, as there is scarce any improvement of which this excellent country is not capable.

Exported from Charles-town.

- In the year 1731.
 - Rice, 41,957 barrels
 - Indigo, 00,000 pounds
 - Deer skins, 300 hds.
 - Pitch, 10,750 barrels
 - Tar, 2063 ditto
 - Turpent. 759 ditto

- In the year 1754.
 - Beef, pork, &c. not particularized.
 - Rice, 104,682 barrels
 - Indigo, 216,924 pds.
 - Deer skins, 460 hogsheads.
- ◦ ▪ 114 bund.
- 508 loose
- Pitch, 5,869 barrels
- Tar, 2,943 ditto
- Turpentine, 759 ditto
- Beef, 416 ditto
- Pork, 1560 ditto.
- Ind. corn, 16428 bush.
- Peas, 9,162 ditto
- Taned lea. 4,196 hides
- Hides in the hair 1,200
- Shing. 1,114,000
- Staves, 206,000
- Lumb. 395,000 feet

Besides a great deal of live cattle, horses, cedar, cypress, and walnut plank; bees wax, myrtle, and some raw silk and cotton.

North Carolina, which is reputed one of the least flourishing of our settlements, and which certainly lay under great difficulties, yet is within a few years greatly improved. The consequence of this inferior province may appear by the following view of it's trade, which I can take upon me to say is not very far from being exact; it is at least sufficiently so to enable us to form a proper idea of this province, and it's commerce.

Exported from all the ports of North-Carolina in 1753.

- Tar, 61,528 barrels.
- Pitch, 12,055 ditto.
- Turpetine, 10,429 ditto.
- Staves, 762,330 no.
- Shingles, 2,500,000 no.
- Lumber, 2,000,647 feet.
- Corn, 61,580 bushels.
- Peas, about 10,000 ditto.
- Pork & beef, 3,300 barrels.
- Tobacco, abt. 100 hogsheads.

- Tanned lea. about 1000 hundred weight.
- Deerskins in all ways, about 30,000.

Besides a very considerable quantity of wheat, rice, bread, potatoes, bees wax, tallow, candles, bacon, hog's lard, some cotton, and a vast deal of squared timber of walnut and cedar, and hoops and heading of all sorts. Of late they raise indigo, but in what quantity I cannot determine, for it is all exported from South Carolina. They raise likewise much more tobacco than I have mentioned, but this, as it is produced on the frontiers of Virginia, so it is exported from thence. They export too no inconsiderable quantity of beaver, racoon, otter, fox, minx, and wild cats skins, and in every ship a good deal of live cattle, besides what they vend in Virginia. Both in North and South Carolina they have made frequent, but I think not vigorous nor sufficiently continued efforts in the cultivation of cotton and silk. What they have sent home of these commodities is of so excellent a kind, as to give us great encouragement to proceed in a business which we have not taken to heart with all that warmth that it's importance in trade, and the fitness of the climate for these most valuable articles certainly deserves. It was a long time before this province went into the profitable trade of indigo, notwithstanding a premium subsisted a good many years for all that should be raised in our plantations; the thing was at first despaired of, and it was never judged that Carolina could produce this drug; but no sooner had a few shewn a spirited and successful example, than all went into it so heartily, that though it is but about six years since they began, I am informed that five hundred thousand weight was made last year; and as they go on, in a very little time they will supply the market with a commodity, which before we purchased every ounce from the French and Spaniards. Silk requires still more trouble, and a closer attention; as yet it proceeds with languor, nor will a premium alone ever suffice to set on foot in a vigorous manner a manufacture, which will find great difficulties in any country, which does not abound in hands that can work for very trifling wages. The want of this advantage in Carolina, though no part of the world is fitter for this business, and no business could be so advantageous to England, will for a very long time be an impediment to the manufacture of raw silk, unless some proper, well studied, and vigorously executed scheme be set on foot for that purpose; and surely it is a matter worthy of a very serious consideration. America is our great resource; this will remain to us when other branches of our trade are decayed, or exist no more; and therefore we ought to grudge no expence that may enable them to answer this end so effectually, as one day to supply the many losses we have already had, and the many more we have but too much reason to apprehend in our commerce. These expences are not like the expences of war, heavy in their nature, and precarious in their effects; but when judiciously ordered, the certain and infallible means of rich and successive harvests of gain to the latest

posterity, at the momentary charge of a comparatively small quantity of seed, and of a moderate husbandry to the present generation.

CHAP. XXV. GEORGIA.

IN the year 1732, the government observing that a great tract of land in Carolina upon the borders of the Spanish Florida lay waste and unsettled, resolved to erect it into a separate province, and to send a colony thither. This they were the rather induced to do, because it lay on the frontier of all our provinces naked and defenceless; whereas if it could be properly settled, it would be a strong barrier to them all upon that side, or at least would be sufficient to protect Carolina from the incursions which the Indians, instigated by the French or Spaniards, might make upon that province. They had it likewise in their view to raise wine, oyl, and silk, and to turn the industry of this new people from the timber and provision trade, which the other colonies had gone into too largely, into channels more advantageous to the public. Laudable designs in every respect; though perhaps the means which were taken to put them in execution, were not altogether answerable.

That whole country which lies between the rivers Savannah and Alatamaha North and South, and from the Atlantic ocean on the East, to the great South-Sea upon the West, was vested in trustees; at the end of that period the property in chief was to revert to the crown. This country extends about sixty miles from North and South near the sea, but widens in the more remote parts to above one hundred and fifty. From the sea to the Apalachian mountains it is not much short of three hundred.

In pursuance of the original design, the trustees resolved to encourage poor people to settle in the province, which had been committed to their care; and to this purpose found them in necessaries to transport them into a country, of which they had previously published a most exaggerated and flattering description. In reality the country differs little from South Carolina, but that the summers are yet hotter, and the soil in the general of a poorer kind. The colony was sent over under the care of Mr. Oglethorpe, who very generously bestowed his own time and pains, without any reward, for the advancement of the settlement.

The trustees had very well observed, that many of our colonies, especially that of South Carolina, had been very much endangered both internally and externally, by suffering the negroes to grow so much more numerous than the whites. An error of this kind, they judged, in a colony which was not only to defend itself, but to be in some sort a protection to the others, would have been inexcusable; they for that reason forbid the importation of negroes into Georgia. In the next place, they observed that great mischiefs happened in the other settlements from making vast grants of land, which the grantees jobbed out again to the discouragement of the settlers; or what was worse, suffered to lie idle and uncultivated. To avoid this mischief, and to prevent the people from becoming wealthy and luxurious, which they thought inconsistent with the military plan upon which this colony was founded, they allowed in the common course to each family but twenty-five acres;

and none could, according to the original scheme, by any means come to possess more than five hundred. Neither did they give an inheritance in fee simple, or to the heirs general of the settlers, but granted them their lands inheritable only by their male issue. They likewise forbid the importation of rum into the province, to prevent the great disorders which they observed to arise in the other parts of North America, from the abuse of spirituous liquors.

These regulations, though well intended, and meant to bring about very excellent purposes, yet it might at first, as it did afterwards appear, that they were made without sufficiently consulting the nature of the country, or the disposition of the people which they regarded. For in the first place, as the climate is excessively hot, and field work very laborious in a new colony, as the ground must be cleared, tilled and sowed, all with great and incessant toil, for their bare subsistence, the load was too heavy for the white men, especially men who had not been seasoned to the country. The consequence of which was, that the greatest part of their time, all the heat of the day, was spent in idleness, which brought certain want along with it. It is true that all our colonies on the continent, even Virginia and Carolina, were originally settled without the help of negroes. The white men were obliged to the labour, and they underwent it, because they then saw no other way; but it is the nature of man, not to submit to extraordinary hardships, in one spot, when they see their neighbours on another, without any difference in the circumstances of things, in a much more easy condition. Besides, there were no methods taken to animate them under the hardships they endured. All things contributed to dispirit them.

A levelling scheme in a new colony is a thing extremely unadvisable. Men are seldom induced to leave their country, but upon some extraordinary prospects; there ought always to be something of a vastness in the view that is presented to them, to strike powerfully upon their imagination; and this will operate, because men will never reason well enough to see, that the majority of mankind are not endued with dispositions proper to make a fortune any where, let the proposed advantages be what they will. The majority of mankind must always be indigent; but in a new settlement they must be all so, unless some persons there are on such a comfortable and substantial footing, as to give direction and vigour to the industry of the rest; for in every well contrived building there must be strong beams and joists, as well as smaller bricks, tiles and laths. Persons of substance found themselves discouraged from attempting a settlement, by the narrow bounds which no industry could enable them to pass; and the design of confirming the inheritance to the male line was an additional discouragement. The settlers found themselves not upon a par with the other colonies. There was an obvious inconvenience in leaving no provision at all for females, as in a new colony the land must be, for some time at least, the only wealth of the family. The quantity of twenty-five acres was undoubtedly too small a portion, as it was given without any consideration of the quality of the land, and was therefore in many places of very little value. Add to this, that it was clogged after a

short free tenure, with a much greater quit-rent than is paid in our best and longest settled colonies. Indeed through the whole manner of granting land, there appeared, I know not what low attention to the trifling profits that might be derived to the trustees or the crown by rents and escheats, which clogged the liberal scheme that was first laid down, and was in itself extremely injudicious. When you have a flourishing colony, with extensive settlements, from the smallest quit-rents the crown receives a large revenue; but in an ill-settled province, the greatest rents make but a poor return, and yet are sufficient to burthen and impoverish the people.

The tail male grants were so grievous, that the trustees themselves corrected that error in a short time. The prohibition of rum, though specious in appearance, had a very bad effect. The waters in this unsettled country running through such an extent of forest, were not wholesome drinking, and wanted the corrective of a little spirit, as the settlers themselves wanted something to support their strength in the extraordinary and unusual heat of the climate, and the dampness of it in several places disposing them to agues and fevers. But what was worse, this prohibition in a manner deprived them of the only vent they had for the only commodities they could send to market, lumber and corn, which could sell no where but in the sugar islands, and with this restriction of negroes and rum, they could take very little from them in return.

CHAP. XXVI.

ALL these, and several other inconveniencies in the plan of the settlement, raised a general discontent in the inhabitants; they quarrelled with one another, and with their magistrates; they complained; they remonstrated; and finding no satisfaction, many of them fled out of Georgia, and dispersed themselves where they deemed the encouragement better, to all the other colonies. So that of above two thousand people, who had transported themselves from Europe, in a little time not above six or seven hundred were to be found in Georgia; so far were they from increasing. The mischief grew worse and worse every day, until the government revoked the grant to the trustees, took the province into their own hands, and annulled all the particular regulations that were made. It was then left exactly on the same footing with Carolina.

Though this step has probably saved the colony from entire ruin, yet it was not perhaps so well done to neglect entirely the first views upon which it was settled. These were undoubtedly judicious; and if the methods taken to compass them were not so well directed, it was no argument against the designs themselves, but a reason for some change in the instruments designed to put them in execution. Certainly nothing wants a regulation more, than the dangerous inequality in the number of negroes and whites in such of our provinces where the former are used. South Carolina, in spite of it's great wealth, is really in a more defenceless condition, than a knot of poor townships on the frontiers of New England. In Georgia, the first error of absolutely prohibiting the use of negroes, might be turned to very good account; for they would have received the permission to employ them under what qualifications soever, not as a restriction, but as a favour and indulgence; and by executing whatever regulations we should make in this point with strictness, by degrees we might see a province fit to answer all the ends of defence and traffic too; whereas we have let them use such a latitude in that affair, which we were so earnest to prevent, that Georgia instead of being any defence to Carolina, does actually stand in need of a considerable force to defend itself.

As for the scheme of vines and silk, we were extremely eager in this respect in the beginning; and very supine ever since. At that time such a design was clearly impracticable; because a few people seated in a wild country must first provide every thing for the support of life, by raising of corn and breeding of cattle, before they can think of manufactures of any kind; and they must grow numerous enough to spare a number of hands from that most necessary employment, before they can lend such things in any degree of cheapness or plenty to a good market. But now there is little said of either of these articles, though the province is longer settled, and grown more populous. But the misfortune is, that though no people upon earth originally conceive things better than the English do, they want the unremitting

perseverance which is necessary to bring designs of consequence to perfection. We are apt suddenly to change our measures upon any failure; without sufficiently considering whether the failure has been owing to a fault in the scheme itself; this does not arise from any defect peculiar to our people, for it is the fault of mankind in general, if left to themselves. What is done by us is generally done by the spirit of the people; as far as that can go we advance, but no farther. We want political regulations, and a steady plan in government, to remedy the defects that must be in all things, which depend merely on the character and disposition of the people.

At present Georgia is beginning to emerge, though slowly, out of the difficulties that attended it's first establishment. It is still but indifferently peopled, though it is now twenty-four years since it's first settlement. Not one of our colonies was of so slow a growth, though none had so much of the attention of the government, or of the people in general, or raised so great expectations in the beginning. They export some corn and lumber to the West-Indies; they raise some rice, and of late are going with success into indigo. It is not not to be doubted but in time, when their internal divisions are a little better composed, the remaining errors in the government corrected, and the people begin to multiply, that they will become a useful province.

Georgia has two towns already known in trade; Savannah the capital, which stands very well for business about ten miles from the sea, upon a noble river of the same name, which is navigable two hundred miles further for large boats, to the second town, called Augusta; this stands upon a spot of ground of the greatest fertility, and is so commodiously situated for the Indian trade, that from the first establishment of the colony it has been in a very flourishing condition, and maintained very early six hundred whites in that trade alone. The Indian nations on their borders are the upper and lower Creeks, the Chickesaws, and the Cherokees; who are some of the most numerous and powerful tribes in America. The trade of skins with this people is the largest we have, it takes in that of Georgia, the two Carolinas and Virginia. We deal with them somewhat in furs likewise, but they are of an inferior sort. All species of animals, that bear the fur, by a wise providence have it more thick, and of a softer and finer kind as you go to the northward; the greater the cold, the better they are clad.

CHAP. XXVII. NOVA SCOTIA.

THE last province we have settled, or rather began to settle, upon the continent of North America, is Nova Scotia. This vast province, called by the French Acadie, has New England and the Atlantic ocean to the South and South-West, and the river and gulph of St. Laurence to the North and North-East. It lies between the 44th and 50th degrees of North latitude, and though in a very favourable part of the temperate zone, has a winter of an almost insupportable length and coldness, continuing at least seven months in the year; to this immediately succeeds, without the intervention of any thing that may be called spring, a summer of an heat as violent as the cold, though of no long continuance; and they are wrapt in the gloom of a perpetual fog, even long after the summer season has commenced. In most parts, the soil is thin and barren, the corn it produces of a shrivelled kind like rye, and the grass intermixed with a cold spongy moss. However it is not uniformly bad; there are tracts in Nova Scotia, which do not yield to the best land in New England.

Unpromising as this country is, yet neglecting all those delightful tracts to the Southward, it was here that some of the first European settlements were made. The French seated themselves here before they made any establishment in Canada; but whatever unaccountable ignorance influenced their choice, the industry and vigour of that time deserves our applause; for though they had infinitely more difficulties to struggle with than we have at this day, and not the hundredth part of the succours from Europe, yet they subsisted in a tolerable manner, and increased largely; when the colony which in our days we have fixed there, if the support of the royal hand was withdrawn but for a moment, after all the immense sums which have been expended in it's establishment, would undoubtedly sink into nothing. It is with difficulty it subsists, even encouraged and supported as it is. Yet the design of establishing a colony here, with whatever difficulties it might have been attended, was a very prudent measure, for the French would undoubtedly have profited of our neglects, and have by some means got this country into their hands, to the great annoyance of all our colonies, and to the great benefit both of their fishery and their sugar islands.

This country has frequently changed hands from one private proprietor to the other, and from the French to the English nation, backward and forward; until the treaty of Utrecht established our right in it finally; as the treaty of Aix la Chapelle confirmed it. But both were deficient in not ascertaining distinctly what bounds this province ought to have. This was left to be adjusted by commissaries. Whilst they were debating, the French built forts, and secured such a part of the province as they were resolved to hold. I have not throughout this work chosen to enter into territorial disputes, because they convey very little private instruction, and do nothing at all towards the establishment of the public rights; yet it is difficult to

avoid remarking, that the line which the French have drawn in Nova Scotia, is not only not drawn by any treaty, but that it is very apparently calculated to secure them these parts of the province which they value most, and at the same time to pay an apparent respect to the treaty of Utrecht by leaving us some part of Acadia.

The chief town we had formerly in this province, was called Annapolis Royal; but though the capital, it was a small place, wretchedly fortified, and yet worse built and inhabited. Here were stationed the remains of a regiment, which continued there very little recruited since the reign of queen Anne; but though this place never flourished, it stood upon the very best harbour, as it is said, in North America; but it was not here, but on the South-East side of the peninsula, that the settlement which was resolved and executed with so much spirit at the end of the last war, was planned. This too stands upon a fine harbour, very commodiously situated, and rather better than Annapolis for the fishery. The town is called Halifax from the present earl, to whose wisdom and care we owe this settlement. In 1743, three thousand families, at an immense charge to the government, were transported into this country at once, and (I think) three regiments stationed there to protect them from the Indians, who have always shewed themselves our most implacable enemies. The town is large, and for so new a settlement well built. It has a good intrenchment of timber, strengthened with forts of the same materials, so as to be in little danger at least from an Indian enemy.

Though this town of Halifax has, all things considered, a very flourishing appearance, the adjacent country is not improved in proportion; the ground is very hard to be cleared; when cleared does not produce a great deal, and labour is extravagantly dear. But this colony has suffered more from the incursions of the Indians than from any thing else. Their incursions have been so frequent, and attended with such cruelties, that the people can hardly extend themselves beyond the cannon of the fort, nor attend their works of agriculture even there without the greatest danger. The consequence of this is, that they do not raise the fifth part of what is sufficient to maintain them. Most of their provision of every sort comes from New England, and they must have starved if it were not for the fishery, which it must be owned is not contemptible, and for some little naval stores, and the pay of the garrison, the spending of which here is the principal use of the troops; against the Indian enemy they are of very little effect; though there are three regiments, and all the fighting men the Indians can raise in that province are not five hundred. The soldiers, inactive by their confinement in their barracks, diseased for the most part with the scurvy, and debilitated by the use of spirituous liquors, are quite an undermatch for the activity, vigilance, patience, and address of the American. A company of wood rangers kept constantly to scour the country near our settlements, and a small body of Indians who might be brought at an easy rate from the friendly tribes who inhabit our other settlements, and encouraged by a reward for what scalps they should bring home, sent to infest the enemy amongst

their own habitations, would have protected our colony, and long ago exterminated the Indians, or reduced them to an useful subjection, since unfortunately we have not the secret of gaining their affections. The easy plan I have mentioned would not have had half the expence attending it, that the maintenance of a numerous and almost useless garrison has had. A little experience will shew to the most ordinary understandings, what hardly any sagacity could have without it unveiled to the most penetrating statesman. It was a want of this experience that caused another mistake of almost as bad a nature. Until the beginning of this war a number of the ancient French colony, some say ten or twelve thousand souls, remained in the country, and were called and treated in a manner as a neutral people, though they ought to have been the king's subjects; but they yielded very little obedience to the crown of England, as in truth they had from us very little protection, and they were even accused of encouraging the Indian incursions, and supplying them with arms and ammunition to annoy our people. Had we erected in their country a little fort, and in it kept a small garrison, to be maintained by that people themselves, appointed magistrates, and made them know the benefit and excellency of the British laws, and at the same time impressed them with a dread of the British power, we might have saved many useful people to this colony, and prevented the necessity (if it was a necessity) of using measures, which, if they are not impolitic, are certainly such as an humane and generous mind is never constrained to but with regret.

Besides Annapolis and Halifax, we have another settlement a little to the South-West of the latter, called Lunenburg. This is a branch of Germans from Halifax, who being discontented at the infertility of the soil there, desired to go where there was better land to be had, undertaking their own defence; accordingly they settled where they desired, to the number of seven or eight hundred, and succeed tolerable well. Upon a tumult which arose amongst them, the governor sent a party of soldiers to protect them from their own discords, and from the enemy. This province is yet but in it's beginning, and therefore, except in prospect, can afford us no great subject matter of speculation.

CHAP. XXVIII. Newfoundland, the Bermudas, and the Bahamas.

TO the East of this province lies the great isle of Newfoundland, above three hundred miles long, and two hundred broad, extending quite up to New Britain, and forming the Eastern boundary of the gulph of St. Laurence. This island, after various disputes about the property, was entirely ceded to England by the treaty of Utrecht. From the soil of this island we were far from reaping any sudden or great advantage; for the cold is long continued and intense; and the summer heat, though violent, warms it not enough to produce any thing valuable; for the soil, at least in those parts of the island with which we are acquainted, (for we are far from knowing the whole) is rocky and barren. However, it hath many large and safe harbours; and several good rivers water it. This island, whenever the continent shall come to fail of timber convenient to navigation, (which perhaps is no very remote prospect) will afford a copious supply for masts, yards, and all sorts of lumber for the West-India trade. But what at present it is chiefly valuable for, is the great fishery of cod, which is carried on upon those shoals which are called the banks of Newfoundland. In that the French and Spaniards, especially the former, have a large share. Our share of this fishery is computed to increase the national stock by three hundred thousand a year, in gold and silver, remitted us for the cod we sell in the North, in Spain, Portugal, Italy and the Levant. The plenty of cod, both on the great bank and the lesser ones which lie to the East and South East of this island, is inconceivable; and not only cod, but several other species of fish are there in abundance; all these species are nearly in an equal plenty all along the shores of New England, Nova Scotia, and the isle of Cape Breton; and consequently excellent fisheries are carried on upon all their coasts. Where our American colonies are so ill peopled, or so barren as not to produce any thing from their soil, their coasts make us ample amends; and pour in upon us a wealth of another kind, and no way inferior to the former, from their fisheries.

We have in North America, besides this, two clusters of islands; the Bermudas or Summer islands, at a vast distance from the continent in lat. 31. and the Bahama islands. The former were very early settled, and were much celebrated in the time of the civil wars, when several of the cavalier party being obliged to retire into America, some of them, in particular Mr. Waller, the poet, spent some time in this island. Waller was extremely enamoured with the serenity of the air, and the beauty and richness of the vegetable productions of these islands; he celebrated them in a poem, which is fine but unequal, which he wrote upon this subject.

The Bermudas are but small; not containing in all upwards of twenty thousand acres. They are very difficult of access, being, as Waller expresses it, walled with rocks. What has been said of the clearness and serenity of the air, and of the healthiness of the climate, was not exaggerated; but the soil could never boast of an

extraordinary fertility. Their best production was cedar, which was superior to any thing of the kind in America. It is still so, though diminished considerably in quantity, which has, as it is imagined, changed the air much for the worse; for now it is much more inconstant than formerly; and several tender vegetables, which flourished here at the first settlement, being deprived of their shelter, and exposed to the bleak Northerly winds, are seen no more.

The chief, and indeed only business of these islanders is the building and navigating light sloops, and brigantines built with their cedar, which they employ chiefly in the trade between North America and the West-Indies; These vessels are as remarkable for their swiftness, as the wood of which they are built is for it's hard and durable quality. They export nothing from themselves but some white stone to the West Indies, and some of their garden productions. To England they send nothing. Formerly they made a good deal of money of a sort of hats for womens wear of the leaves of their palmetto's, which whilst the fashion lasted were elegant; but the trade and the fashion are gone together.

Their whites are computed to be about five thousand, the blacks which they breed are the best in America, and as useful as the whites in their navigation. The people of the Bermudas are poor, but healthy, contented, and remarkably cheerful. It is extremely surprising that they do not set themselves heartily to the cultivation of vines in this island, to which their rocky soil seems admirably adapted; and their situation and the manner of trade they are already engaged in, would facilitate the distribution of their wine to every part of North America and the West-Indies.

The Bahamas are situated to the South of Carolina, from lat. 22 to 27, and they extend along the coast of Florida quite down to the isle of Cuba; and are said to be five hundred in number; some of them only mere rocks; but a great many others large, fertile, and in nothing differing from the soil of Carolina. All are however absolutely uninhabited, except Providence, which is neither the largest nor the most fertile.

This island was formerly a receptacle for those pirates, who for a long time infested the American navigation. This obliged the government to erect a fort there, to station an independent company in the island, and to send thither a governor. This island has at present not much trade, some oranges it sends to North America excepted. However, in time of war it makes considerably by the prizes condemned here, and in time of peace by the wrecks, which are frequent in this labyrinth of innumerable rocks and shelves. This is all the benefit we derive from so many large and fertile islands, situated in such a climate as will produce any thing, and which as it is never reached by any frosts, would yield in all probability even sugars, of as good a sort, and in as great abundance, as any islands in the West-Indies. Nothing more fully shews the present want of that spirit of adventure and enterprize, which was so common in the two last centuries, and which is of such infinite honour and advantage to any time or nation, than that these islands so situated can lie

unoccupied, whilst we complain of the want of land proper for sugar, and whilst an hundred pounds an acre is paid for such in the Caribbees.

CHAP. XXIX. HUDSON'S BAY.

THE countries about Hudson's and Baffin's Bay make the last object of our speculation in America. The knowledge of these seas was owing to a project for the discovery of a North-West passage to China. So early as the year 1576 this noble design was conceived; since then it has been frequently dropped; it has often been revived; it is not yet compleated; but was never despaired of by those whose knowledge and spirit make them competent judges and lovers of such undertakings. Frobisher only discovered the main of New Britain, or Terra de Labrador, and those streights to which he has given his name. In 1585 John David sailed from Dartmouth, and viewed that and the more Northerly coasts; but he seems never to have entered the bay. Hudson made three voyages on the same adventure, the first in 1607, the second in 1608, and his third and last in 1610. This bold and judicious navigator entered the streights that led into this new Mediterranean, coasted a great part of it, and penetrated to eighty degrees twenty-three minutes into the heart of the frozen zone. His ardor for the discovery, not abated by the difficulties he struggled with in this empire of winter, and world of frost and snow, he staid here until the ensuing spring, and prepared in the beginning of 1611 to pursue his discoveries; but his crew, who suffered equal hardships, without the same spirit to support them, mutinied, seized upon him and seven of those who were most faithful to him, and committed them to the fury of the seas in an open boat. Hudson and his companions were either swallowed up by the waves, or gaining the unhospitable coast which they water were destroyed by the savages; but his fate so calamitous cannot so much discourage a generous mind from such undertakings, as the immortality of his name, which he has secured by having given it to so great a sea, will be a spur to others to expect an equal honour, and perhaps with better success.

From the first voyage of Frobisher an hundred and eight years ago, to that of captain Ellis, notwithstanding so many disappointments, the rational hopes of this grand discovery have grown greater by every attempt, and seem to spring even out of our very failures. The greater swell of the tides in the inner part of the bay than near the streights, an appearance so unknown in any other inland seas, and the increase of this swell with Westerly winds, seems without any other arguments to evince the certain existence of such a passage as we have so long sought without success. But though we have hitherto failed in the original purpose for which we navigated this bay, yet such great designs even in their failures bestow a sufficient reward for whatever has been expended upon them. In 1670 the charter was granted to a company for the exclusive trade to this bay, and they have acted under it ever since with great benefit to the private men who compose the company, though comparatively with little advantage to Great Britain. It is true that their trade in beavers and other species of furs is not inconsiderable, and it is a trade in itself of

the best kind; its object enters largely into our manufactures, and carries nothing but our manufactures from us to procure it, and thus it has the qualities of the most advantageous kinds of traffic. The company has besides pretty large returns in deer skins. It is said that the dividends of this company are prodigious; far exceeding what is gained in any of the other great trading bodies; yet their capital is small, they seem little inclined to enlarge their bottom, and appear strongly possessed with that spirit of jealousy that prevails in some degree in all knots and societies of men endowed with peculiar privileges. The officers of the company have behaved to those who wintered within their jurisdiction in search of the North-West passage (one of the purposes for which the company itself was originally instituted) in such a manner as to give us the truest idea of this spirit. If I had been singular in this opinion, I should have expressed my sentiments with much greater diffidence; but this abuse has been often and loudly complained of. It would appear astonishing that this trade has not hitherto been laid open, if in the perplexing multiplicity of affairs that engages our ministry, something must not necessarily pass unredressed.

The vast countries which surround this bay all abound with animals, whose fur is excellent, and some of kinds which are not yet brought into commerce; and the company is very far from any attempt to stretch this trade to its full extent. If the trade were laid open, it seems of necessity that three capital advantages would ensue: first, that the trade going into a number of rival hands, with a more moderate profit to individuals, it would consume a much greater quantity of our manufactures, employ more of our shipping and seamen, and of course bring home more furs, and by lowering the price of that commodity at home, increase the demand of those manufactures into which they enter at the foreign markets; it might bring home other species of furs than those we deal in at present, and thus open new channels of trade, which in commerce is a matter of great consideration. Secondly, this more general intercourse would make the country better known; it would habituate great numbers of our people to it; it would discover the most tolerable parts for a settlement; and thus, instead of a miserable fort or two, time might shew an English colony at Hudson's Bay, which would open the fur trade yet more fully, and increase the vent of our manufactures yet further. Thirdly, this more general trade on the bay would naturally, without any new expence or trouble whatsoever, in a very short space of time discover to us the so much desired North-West passage, or shew us clearly and definitively that we ought to expect no such thing. These advantages, and even yet more considerable ones, would be derived from laying open this trade under such proper regulations, which the nature of the object would point out of itself.

No colony has been hitherto attempted at Hudson's Bay. The company has two inconsiderable forts there. The country is every where barren; to the Northward of the bay even the hardy pine tree is seen no longer, and the cold womb of the earth is incapable of any better production than some miserable shrubs. The winter reigns

with an inconceivable rigour for near nine months of the year; the other three are violently hot, except when the North-West wind renews the memory of the winter. Every kind of European seed, which we have committed to the earth in this inhospitable climate, has hitherto perished; but in all probability we have not tried the seed of corn from the Northern parts of Sweden and Norway; in such cases the place from whence the seed comes is of great moment. All this severity and long continuance of winter, and the barrenness of the earth, which arises from thence, is experienced, in the latitude of 51; in the temperate latitude of Cambridge. However, it is far from increasing uniformly as you go Northward. Captain James wintered in Charlton island, in latitude 51; he judged that the climate here was to be deemed utterly uninhabitable on account of the surprising hardships which he suffered; yet the company has a fort several degrees more to the Northward, where their servants make a shift to subsist tolerably. It is called Fort Nelson, and is in the latitude

All the animals of these countries are cloathed with a close, soft, warm fur. In summer there is here, as in other places, a variety in the colours of the several animals; when that is over they all assume the livery of winter, and every sort of beasts, and most of their fowls, are of the colour of the snow, every thing animate and inanimate is white. This is a surprising phenomenon. But what is yet more surprising, and what is indeed one of these striking things that draw the most inattentive to an admiration of the wisdom and goodness of Providence, is that the dogs and cats from England, that have been carried into Hudson's bay, on the approach of winter have intirely changed their appearance, and acquired a much longer, softer, and thicker coat of hair than they had originally. As for the men of the country, Providence there, as as every where else, has given them no provision but their own art and ingenuity, and they shew a great deal in their manner of kindling fire, in cloathing themselves, and in preserving their eyes from the ill effects, of that glaring white that every where surrounds them for the greatest part of the year; in other respects they are very savage. In their shapes and faces, they do not resemble the Americans who live to the Southward; they are much more like the Laplanders and Samoeids of Europe, from whom they are probably descended. The other Americans seem to be of a Tartar original.

I have now finished upon my plan the survey of the English colonies in America. I flatter myself that so full an idea has not been given of them before in so narrow a compass. By this the reader will himself be enabled to judge, for it is not my design to preoccupy his judgment in these particulars, how our colonies have grown, what their vegetative principle has been, in what vigour it subsists, or what signs of corruption appear in any of them; how far we have pursued the advantages which our situation, and the nature of the country have given us; or where we have pursued them, whether we have gone to the ultimate point. He will see how far the colonies have served the trade of the mother country, and how much the mother

country has done or neglected to do towards their happiness and prosperity. Certainly our colonies deserve, and would fully reward an attention of a very different kind from any that was ever yet paid to them. Even as they are circumstanced, I do not in the least hesitate to say that we derive more advantage, and of a better kind, from our colonies, than the Spaniards and Portuguese have from theirs, abounding as they are with gold and silver and precious stones; whereas in ours there is no appearance at all of such dazzling and delusive wealth. But then I conceive it might be made very clear, that had they yielded us these splendid metals in lieu of what they now produce, the effect would be far less to our advantage. Our present intercourse with them is an emulation in industry; they have nothing that does not arise from theirs, and what we receive enters into our manufactures, excites our industry, and increases our commerce; whereas gold is the measure or account, but not the means of trade. And it is found in nations as it is in the fortunes of private men, that what does not arise from labour, but is acquired by other means, is never lasting. Such acquisitions extinguish industry, which is alone the parent of any solid riches.

The barbarism of our ancestors could not comprehend how a nation could grow more populous by sending out a part of it's people. We have lived to see this paradox made out by experience, but we have not sufficiently profited of this experience; since we begin, some of us at least, to think that there is a danger of dispeopling ourselves by encouraging new colonies, or increasing the old. If our colonies find, as hitherto they have constantly done, employment for a great number of hands, there is no danger but that hands will be found for the employment. That a rich, trading and manufacturing nation should be long in want of people is a most absurd supposition; for besides that the people within themselves multiply the most where the means of subsistence are most certain, it is as natural for people to flock into a busy and wealthy country, that by any accident may be thin of people, as it is for the dense air to rush into those parts where it is rarified. He must be a great stranger to this country, who does not observe in it a vast number of people, whose removal from hence, if they could be of any use elsewhere, would prove of very little detriment to the public.

I have already observed, that the trade of our colonies deserves a more particular attention than any other, not only on account of the advantages I have just mentioned, but because our attention is sure of being sufficiently rewarded. The object is in our own power; it is of a good kind; and of such extent and variety, as to employ nobly the most inventive genius in those matters. Foreign politics have something more splendid and entertaining than domestic prudence; but this latter is ever attended, though with less glaring, yet with infinitely more solid, secure, and lasting advantages. The great point of our regard in America, ought therefore to be the effectual peopling, employment, and strength of our possessions there; in a subordinate degree the management of our interests with regard to the French and

Spaniards. The latter we have reason to respect, to indulge, and even perhaps to endure; and more, it is probable, may be had from them in that way, than by the violent methods which some have so warmly recommended, and still urge, tho' we have had some experience to convince us of their insufficiency. But the nature of the French, their situation, their designs, every thing has shewn that we ought to use every method to repress them, to prevent them from extending their territories, their trade, or their influence, and above all to connive at not the least encroachment; but this in such a manner as not to strain our own strength, or turn our eyes from serving ourselves by attempts to distress them. But as we are now in the midst of a war, until that is decided, it will be impossible to say any thing satisfactory on our connections with French America, until we see what the next treaty of peace will do in the distribution of the territory of the two nations there.

CHAP. XXX. The Government of the English Colonies, and the Paper Currency.

THE settlement of our colonies was never pursued upon any regular plan; but they were formed, grew, and flourished, as accidents, the nature of the climate, or the dispositions of private men happened to operate. We ought not therefore to be surprised to find in the several constitutions and governments of our colonies, so little of any thing like uniformity. It has been said that there is scarce any form of government known; that does not prevail in some of our plantations; the variety is certainly great and vicious; but the latitude of the observation must be somewhat restrained; for some forms they are certainly strangers to. To pass over several, nothing like a pure hereditary aristocracy, has ever appeared in any of them.

The first colony which we settled, was that of Virginia. It was governed for some time by a president and a council, appointed by the crown; but when the people were increased to a considerable body, it was not thought reasonable to leave them longer under a mode of government so averse from that which they had enjoyed at home. They were therefore empowered to elect representatives for the several counties into which this province is divided, with privileges resembling those of the representatives of the commons in England. The persons so elected form what is called the lower house of assembly. This was added to the council which still subsisted, and the members of which were, and to this day are nominated by the crown, as at the first, and they are not only nominated by the crown, but hold their seats during the king's pleasure, as signified by his governor. They are stiled honourable, and are chosen from the persons of the best fortunes and most considerable influence in the country. They form another branch of the legislature, and are sometimes called the upper house of assembly. They answer in some measure to the house of peers in our constitution. As the lower house of assembly is the guardian of the peoples privileges; the council is appointed chiefly to preserve the prerogative of the crown, and to secure the dependence of the colony; it is the more effectually to answer these ends, that the members of the council are only appointed during pleasure.

When any bill has passed the two houses, it comes before the governor, who represents the king, and gives his assent or negative, as he thinks proper. It now acquires the force of a law, but it must be afterwards transmitted to the king and council in England, where it may still receive a negative that takes away all it's effect. The upper house of assembly not only forms a part of the legislature of the colony, but it acts as a privy council to the governor, without whose concurrence, he can do nothing of moment; it sometimes acts as a court of chancery. This is the common form of government, and the best too that is in use in the plantations. This

is the manner of government in all the islands of the West-Indies; in Nova Scotia; in one province of New England, and with some restrictions in another; in New York, New Jersey, Virginia, the two Carolinas, and Georgia. This form is commonly called a royal government.

The second form in use in our settlements in America, is called a proprietary government. At our first planting that part of the world, it was not difficult for a person who had interest at court, to obtain large tracts of land, not inferior in extent to many kingdoms; and to be invested with a power very little less than regal over them; to govern by what laws, and to form what sort of constitution he pleased. A dependence upon the crown of England was shewn only by the payment of an Indian arrow, a few skins, or some other trifling acknowledgment of the same nature. We had formerly many more governments of that sort, than we have at present; in the West-Indies, the island of Barbadoes was granted to the earl of Carlisle; and we have seen a like grant made of the island of St. Lucia to the duke of Montague in this age, which after an infinite charge to that benevolent nobleman came to nothing, by a sort of tacit allowance of the French claim to it. This was in 1722, when our connection with France hindered us from exerting our rights with the necessary vigour. Carolina was formerly a government of this kind, but it was lodged in eight proprietaries. How they parted with their rights we have seen already. New Jersey was likewise a proprietary government; but this too failed like the others. The only governments in this form which remain at present, but considerably abridged of their privileges, are Pensylvania and Maryland. In the latter the constitution exactly resembles that of the royal governments; a governor, council, and assembly of the representatives of the people; but the governor is appointed by the proprietary, and approved by the crown. The customs are reserved to the crown likewise; and the officers belonging to them are independent of the government of the province. In Pensylvania the proprietary is under the same restrictions that limit the proprietary of Maryland, on the side of the crown; on the side of the people he is yet more restrained; for their legislature has but two parts, the assembly of the people, and the governor; so that the governor wanting the great influence which the council gives in other places, whenever his sentiments differ from those of the assembly he is engaged in a very unequal contest.

The third form is called a charter government; this originally prevailed in all the provinces of New England; and still remains in two of them, Connecticut and Rhode Island. By the charters to these colonies, the exorbitant power which was given in the proprietary governments to single men, was here vested, and I apprehend much more dangerously, in the whole body of the people. It is to all purposes a mere democracy. They elect every one of their own officers, from the highest to the lowest; they displace them at pleasure; and the laws which they enact, are valid without the royal approbation. This state of unbounded freedom, I believe, contributed in some degree to make those settlements flourish, but it certainly

contributed as much to render their value to their mother country far more precarious, than a better digested plan would have done that might have taken in the interests both of Great Britain and of the new settlement. The truth is, nothing of an enlarged and legislative spirit appears in the planning of our colonies; the charter governments were evidently copied from some of our corporations at home, which if they are good institutions themselves, yet are by no means fit to be imitated by a new people going into a remote country, far from the eye and hand of the supreme power. What may be an useful institution for an inferior member of some great body, and closely united to it, may be not at all proper for a new settlement, which is to form a sort of dependent commonwealth in a remote part of the world. Here the ends to be answered, are to make the new establishment as useful as possible to the trade of the mother country; to secure it's dependence; to provide for the ease, safety, and happiness of the settlers; to protect them from their enemies, and to make an easy and effectual provision to preserve them from the tyranny and avarice of their governors, or the ill consequences of their own licentiousness; that they should not, by growing into an unbounded liberty, forget that they were subjects, or lying under a base servitude have no reason to think themselves British subjects. This is all that colonies, according to the present and best ideas of them, can or ought to be. The charter governments had nothing of this in view, and consequently provided for it but very indifferently.

The province of Massachusetts bay, which is partly a government of this popular kind, but tempered with something more of the royal authority, seems to be on still a worse footing, through the one error of having no established provision for the governor; this one mischief is productive of a thousand others, because the governor in a manner is obliged to keep intrigues and devices on foot, to reconcile the various parts which he must act, and is necessitated to govern by faction and cabal. Hence it is that the charges of this one government are greater than those not only of the other provinces of New England taken together, but of those of Pensylvania and New York added to them; they are deeply in debt, they are every day plunging deeper, their taxes increase, and their trade declines.

It has been an old complaint, that it is not easy to bring American governors to justice for mismanagements in their province, or to make them refund to the injured people the wealth raised by their extortions. Against such governors at present there are three kinds of remedy; the privy council, the king's bench, and the parliament. The council on just cause of complaint may remove the governor; the power of the council seems to extend no further. The king's bench may punish the governors for their offences committed in America, as if done in England. The power of parliament is unlimited in the ways of enquiry into the crime, or of punishing it. The first of these remedies can never be sufficient to terrify a governor grown rich by iniquity, and willing to retire quietly, though dishonourably, to enjoy the fruits of it. The king's bench, or any other merely law court, seems equally

insufficient for this purpose, because offences in government, though very grievous, can hardly ever be so accurately defined as to be a proper object of any court of justice, bound up by forms and the rigid letter of the law. The parliament is equal to every thing, but whether party, and other bars to a quick and effectual proceeding, may not here leave the provinces as much unredressed as in the other courts, I shall not take upon me to determine.

The law in all our provinces, besides those acts which from time to time they have made for themselves, is the common law of England, the old statute law, and a great part of the new, which in looking over their laws I find many of our settlements have adopted, with very little choice or discretion. And indeed the laws of England, if in the long period of their duration they have had many improvements, so they have grown more tedious, perplexed, and intricate, by the heaping up many abuses in one age, and the attempts to remove them in another. These infant settlements surely demanded a more simple, clear, and determinate legislation, though it were of somewhat an homelier kind; laws suited to the time, to their country, and the nature of their new way of life. Many things still subsist in the law of England, which are built upon causes and reasons that have long ago ceased; many things are in those laws suitable to England only. But the whole weight of this ill agreeing mass, which neither we nor our fathers were hardly able to bear, is laid upon the shoulders of these colonies, by which a spirit of contention is raised, and arms offensive and defensive supplied to keep up and exercise this spirit, by the intricacy and unsuitableness of the laws to their object. And thus in many of our settlements the lawyers have gathered to themselves the greatest part of the wealth of the country; men of less use in such establishments than in more settled countries, where the number of people naturally sets many apart from the occupations of husbandry, arts, or commerce. Certainly our American brethren might well have carried with them the privileges which make the glory and happiness of Englishmen, without taking them encumbered with all that load of matter, perhaps so useless at home, certainly so extremely prejudicial in the colonies.

Laws themselves are hardly more the cement of societies than money; and societies flourish or decay according to the condition of either of these. It may be easily judged, that as the ballance of trade with Great Britain is very much against the colonies, that therefore whatever gold or silver they may receive from the other branches of their commerce, makes but a short stay in America. This consideration at first view would lead one to conclude, that in a little time money for their ordinary circulation would be wanting; and this is apparently confirmed by experience. Very little money is seen amongst them, notwithstanding the vast increase of their trade. This deficiency is supplied, or more properly speaking, it is caused by the use of money of credit, which they commonly call paper currency. This money is not created for the conveniency of traffic, but by the exigencies of the

government, and often by the frauds and artifices of private men for their particular profit. Before this invention money was indeed scarce enough in America, but they raised it's value, and it served their purpose tolerably. I shall forbear entering into the causes that increased the charges of government so greatly in all our American provinces. But the execution of projects too vast for their strength, made large sums necessary. The feeble state of a colony which had hardly taken root in the country, could not bear them; and to raise sudden and heavy taxes, would destroy the province without answering their purpose. Credit then came in aid of money, and the government issued bills to the amount of what they wanted, to pass current in all payments; and they commonly laid a tax, or found some persons willing to engage their lands as security for the gradual sinking this debt, and calling in these bills. But before the time arrived at which these taxes were to answer their end, new exigencies made new emissions of paper currency necessary; and thus things went from debt to debt, until it became very visible that no taxes which could be imposed could discharge them; and that the landed securities given were often fraudulent, and almost always insufficient. Then the paper currency became no longer to be weighed against the credit of the government, which depended upon it's visible revenue. It was compared to the trade, to which it was found so disproportionate, that the bills fell ten, twenty, fifty, and eighty per cent in some places. It was to no purpose that the government used every method to keep up their credit, and even to compel the receiving these bills at the value for which they were emitted, and to give no preference over them to gold and silver; they were more and more depreciated every day; whilst the government every day emitted more paper, and grew less solicitous about their old bills, being entirely exhausted to find means of giving credit to the new.

It is easy to perceive how much the intercourse of business must suffer by this uncertainty in the value of money, when a man receives that in payment this day for ten shillings, which to-morrow he will not find received from him for five, or perhaps for three. Real money can hardly ever multiply too much in any country, because it will always as it increases be the certain sign of the increase of trade, of which it is the measure, and consequently of the soundness and vigour of the whole body. But this paper money may, and does increase, without any increase of trade, nay often when it greatly declines; for it is not the measure of the trade of the nation, but of the necessity of it's government; and it is absurd, and must be ruinous, that the same cause which naturally exhausts the wealth of a nation, should likewise be the only productive cause of money.

The currency of our plantations must not be set upon a level with the funds in England. For besides that the currency carries no interest to make some amends for the badness of the security; the security itself is so rotten, that no art can give it any lasting credit; as there are parts of New England wherein, if the whole stock and the

people along with it were sold, they would not bring money enough to take in all the bills which have been emitted.

I hope it is not too late to contrive some remedy for this evil, as those at the head of affairs here are undoubtedly very solicitous about so material a grievance. I should imagine that one current coin for the whole continent might be struck here, or there, with such an alloy as might at once leave it of some real value, and yet so debased as to prevent it's currency elsewhere, and so to keep it within themselves. This expedient has been practised, and with success, in several parts of Europe; but particularly in Holland, a country which undoubtedly is perfectly acquainted with it's commercial interest.

AN ESSAY TOWARDS AN ABRIDGEMENT OF THE ENGLISH HISTORY



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CHAPTER I.

CAUSES OF THE CONNECTION BETWEEN THE ROMANS AND BRITONS. — CAESAR'S TWO INVASIONS OF BRITAIN.

In order to obtain a clear notion of the state of Europe before the universal prevalence of the Roman power, the whole region is to be divided into two principal parts, which we shall call Northern and Southern Europe. The northern part is everywhere separated from the southern by immense and continued chains of mountains. From Greece it is divided by Mount Hæmus; from Spain by the Pyrenees; from Italy by the Alps. This division is not made by an arbitrary or casual distribution of countries. The limits are marked out by Nature, and in these early ages were yet further distinguished by a considerable difference in the manners and usages of the nations they divided.

If we turn our eyes to the northward of these boundaries, a vast mass of solid continent lies before us, stretched out from the remotest shore of Tartary quite to the Atlantic Ocean. A line drawn through this extent, from east to west, would pass over the greatest body of unbroken land that is anywhere known upon the globe. This tract, in a course of some degrees to the northward, is not interrupted by any sea; neither are the mountains so disposed as to form any considerable obstacle to hostile incursions. Originally it was all inhabited but by one sort of people, known by one common denomination of Scythians. As the several tribes of this comprehensive name lay in many parts greatly exposed, and as by their situation and customs they were much inclined to attack, and by both ill qualified for defence, throughout the whole of that immense region there was for many ages a perpetual flux and reflux of barbarous nations. None of their commonwealths continued long enough established on any particular spot to settle and to subside into a regular order, one tribe continually overpowering or thrusting out another. But as these were only the mixtures of Scythians with Scythians, the triumphs of barbarians over barbarians, there were revolutions in empire, but none in manners. The Northern Europe, until some parts of it were subdued by the progress of the Roman arms, remained almost equally covered with all the ruggedness of primitive barbarism.

The southern part was differently circumstanced. Divided, as we have said, from the northern by great mountains, it is further divided within itself by considerable seas. Spain, Greece, and Italy are peninsulas. By these advantages of situation the inhabitants were preserved from those great and sudden revolutions to which the Northern world had been always liable; and being confined within a space comparatively narrow, they were restrained from wandering into a pastoral and unsettled life. It was upon one side only that they could be invaded by land.

Whoever made an attempt on any other part must necessarily have arrived in ships of some magnitude, and must therefore have in a degree been cultivated, if not by the liberal, at least by the mechanic arts. In fact, the principal colonies-which we find these countries to have received were sent from Phœnicia, or the Lesser Asia, or Egypt, the great fountains of the ancient civility and learning. And they became more or less, earlier or later, polished, as they were situated nearer to or further from these celebrated sources. Though I am satisfied, from a comparison of the Celtic tongues with the Greek and Roman, that the original inhabitants of Italy and Greece were of the same race with the people of Northern Europe, yet it is certain they profited so much by their guarded situation, by the mildness of their climate favorable to humanity, and by the foreign infusions, that they came greatly to excel the Northern nations in every respect, and particularly in the art and discipline of war. For, not being so strong in their bodies, partly from the temperature of their climate, partly from a degree of softness induced by a more cultivated life, they applied themselves to remove the few inconveniences of a settled society by the advantages which it affords in art, disposition, and obedience; and as they consisted of many small states, their people were well exercised in arms, and sharpened against each other by continual war.

Such was the situation of Greece and Italy from a very remote period. The Gauls and other Northern nations, envious of their wealth, and despising the effeminacy of their manners, often invaded them with, numerous, though ill-formed armies. But their greatest and most frequent attempts were against Italy, their connection with which country alone we shall here consider. In the course of these wars, the superiority of the Roman discipline over the Gallic ferocity was at length demonstrated. The Gauls, notwithstanding the numbers with which their irruptions were made, and the impetuous courage by which that nation was distinguished, had no permanent success. They were altogether unskilful either in improving their victories or repairing their defeats. But the Romans, being governed by a most wise order of men, perfected by a traditionary experience in the policy of conquest, drew some advantage from every turn of fortune, and, victorious or vanquished, persisted in one uniform and comprehensive plan of breaking to pieces everything which endangered their safety or obstructed their greatness. For, after having more than once expelled the Northern invaders out of Italy, they pursued them over the Alps; and carrying the war into the country of their enemy, under several able generals, and at last under Caius Cæsar, they reduced all the Gauls from the Mediterranean Sea to the Rhine and the Ocean. During the progress of this decisive war, some of the maritime nations of Gaul had recourse for assistance to the neighboring island of Britain. From thence they received considerable succors; by which means this island first came to be known with any exactness by the Romans, and first drew upon it the attention of that victorious people.

Though Cæsar had reduced Gaul, he perceived clearly that a great deal was still wanting to make his conquest secure and lasting. That extensive country, inhabited by a multitude of populous and fierce nations, had been rather overrun than conquered. The Gauls were not yet broken to the yoke, which they bore with murmuring and discontent. The ruins of their own strength were still considerable; and they had hopes that the Germans, famous for their invincible courage and their ardent love of liberty, would be at hand powerfully to second any endeavors for the recovery of their freedom; they trusted that the Britons, of their own blood, allied in manners and religion, and whose help they had lately experienced, would not then be wanting to the same cause. Cæsar was not ignorant of these dispositions. He therefore judged, that, if he could confine the attention of the Germans and Britons to their own defence, so that the Gauls, on which side soever they turned, should meet nothing but the Roman arms, they must soon be deprived of all hope, and compelled to seek their safety in an entire submission.

These were the public reasons which made the invasion of Britain and Germany an undertaking, at that particular time, not unworthy a wise and able general. But these enterprises, though reasonable in themselves, were only subservient to purposes of more importance, and which he had more at heart. Whatever measures he thought proper to pursue on the side of Germany, or on that of Britain, it was towards Rome that he always looked, and to the furtherance of his interest there that all his motions were really directed. That republic had receded from many of those maxims by which her freedom had been hitherto preserved under the weight of so vast an empire. Rome now contained many citizens of immense wealth, eloquence, and ability. Particular men were more considered than the republic; and the fortune and genius of the Roman people, which formerly had been thought equal to everything, came now to be less relied upon than the abilities of a few popular men. The war with the Gauls, as the old and most dangerous enemy of Rome, was of the last importance; and Cæsar had the address to obtain the conduct of it for a term of years, contrary to one of the most established principles of their government. But this war was finished before that term was expired, and before the designs which he entertained against the liberty of his country were fully ripened. It was therefore necessary to find some pretext for keeping his army on foot; it was necessary to employ them in some enterprise that might at once raise his character, keep his interest alive at Rome, endear him to his troops, and by that means weaken the ties which held them to their country.

From this motive, colored by reasons plausible and fit to be avowed, he resolved in one and the same year, and even when that was almost expired, upon two expeditions, the objects of which lay at a great distance from each other, and were as yet untouched by the Roman arms. And first he resolved to pass the Rhine, and penetrate into Germany.

Cæsar spent but twenty-eight days in his German expedition. In ten he built his admirable bridge across the Rhine; in eighteen he performed all he proposed by entering that country. When the Germans saw the barrier of their river so easily overcome, and Nature herself, as it were, submitted to the yoke, they were struck with astonishment, and never after ventured to oppose the Romans in the field. The most obnoxious of the German countries were ravaged, the strong awed, the weak taken into protection. Thus an alliance being formed, always the first step of the Roman policy, and not only a pretence, but a means, being thereby acquired of entering the country upon any future occasion, he marched back through Gaul to execute a design of much the same nature and extent in Britain.

The inhabitants of that island, who were divided into a great number of petty nations, under a very coarse and disorderly frame of government, did not find it easy to plan any effectual measures for their defence. B.C. 55. In order, however, to gain time in this exigency, they sent ambassadors to Cæsar with terms of submission. Cæsar could not colorably reject their offers. But as their submission rather clashed than coincided with his real designs, he still persisted in his resolution of passing over into Britain; and accordingly embarked with the infantry of two legions at the port of Itium. His landing was obstinately disputed by the natives, and brought on a very hot and doubtful engagement. But the superior dispositions of so accomplished a commander, the resources of the Roman discipline, and the effect of the military engines on the unpractised minds of a barbarous people prevailed at length over the best resistance which could be made by rude numbers and mere bravery. The place where the Romans first entered this island was somewhere near Deal, and the time fifty-five years before the birth of Christ.

The Britons, who defended their country with so much resolution in the engagement, immediately after it lost all their spirit. They had laid no regular plan, for their defence. Upon their first failure they seemed to have no resources left. On the slightest loss they betook themselves to treaty and submission; upon the least appearance in their favor they were as ready to resume their arms, without any regard to their former engagements: a conduct which demonstrates that our British ancestors had no regular polity with a standing coercive power. The ambassadors which they sent to Cæsar laid all the blame of a war carried on by great armies upon the rashness of their young men, and they declared that the ruling people had no share in these hostilities. This is exactly the excuse which the savages of America, who have no regular government, make at this day upon the like occasions; but it would be a strange apology from one of the modern states of Europe that had employed armies against another. Cæsar reprimanded them for the inconstancy of their behavior, and ordered them to bring hostages to secure their fidelity, together with provisions for his army. But whilst the Britons were engaged in the treaty, and on that account had free access to the Roman camp, they easily

observed that the army of the invaders was neither numerous nor well provided; and having about the same time received intelligence that the Roman fleet had suffered in a storm, they again changed their measures, and came to a resolution of renewing the war. Some prosperous actions against the Roman foraging parties inspired them with great confidence. They were betrayed by their success into a general action in the open field. Here the disciplined troops obtained an easy and complete victory; and the Britons were taught the error of their conduct at the expense of a terrible slaughter.

Twice defeated, they had recourse once more to submission. Cæsar, who found the winter approaching, provisions scarce, and his fleet not fit to contend with that rough and tempestuous sea in a winter voyage, hearkened to their proposals, exacting double the number of the former hostages. He then set sail with his whole army.

In this first expedition into Britain, Cæsar did not make, nor indeed could he expect, any considerable advantage. He acquired a knowledge of the sea-coast, and of the country contiguous to it; and he became acquainted with the force, the manner of fighting, and the military character of the people. To compass these purposes he did not think a part of the summer ill-bestowed. But early in the next he prepared to make a more effective use of the experience he had gained. He embarked again at the same port, but with a more numerous army. The Britons, on their part, had prepared more regularly for their defence in this than the former year. Several of those states which were nearest and most exposed to the danger had, during Cæsar's absence, combined for their common safety, and chosen Cassibelan, a chief of power and reputation, for the leader of their union. They seemed resolved to dispute the landing of the Romans with their former intrepidity. But when they beheld the sea covered, as far as the eye could reach, with the multitude of the enemy's ships, (for they were eight hundred sail,) they despaired of defending the coast, they retired into the woods' and fastnesses, and Cæsar landed his army without opposition.

The Britons now saw the necessity of altering their former method of war. They no longer, therefore, opposed the Romans in the open field; they formed frequent ambuscades; they divided themselves into light flying parties, and continually harassed the enemy on his march. This plan, though in their circumstances the most judicious, was attended with no great success. Cæsar forced some of their strongest intrenchments, and then carried the war directly into the territories of Cassibelan.

The only fordable passage which he could find over the Thames was defended by a row of palisadoes which lined the opposite bank; another row of sharpened stakes stood under water along the middle of the stream. Some remains of these works long subsisted, and were to be discerned in the river down almost to the present times. The Britons had made the best of the situation; but the Romans plunged into the water, tore away the stakes and palisadoes, and obtained a complete victory.

The capital, or rather chief fastness, of Cassibelan was then taken, with a number of cattle, the wealth of this barbarous city. After these misfortunes the Britons were no longer in a condition to act with effect. Their ill-success in the field soon dissolved the ill-cemented union of their councils. They split into factions, and some of them chose the common enemy for their protector, insomuch that, after some feeble and desultory efforts, most of the tribes to the southward of the Thames submitted themselves to the conqueror. Cassibelan, worsted in so many encounters, and deserted by his allies, was driven at length to sue for peace. A tribute was imposed; and as the summer began to wear away, Cæsar, having finished the war to his satisfaction, embarked for Gaul.

The whole of Cæsar's conduct in these two campaigns sufficiently demonstrates that he had no intention of making an absolute conquest of any part of Britain. Is it to be believed, that, if he had formed such a design, he would have left Britain without an army, without a legion, without a single cohort, to secure his conquest, and that he should sit down contented with an empty glory and the tribute of an indigent people, without any proper means of securing a continuance of that small acquisition? This is not credible. But his conduct here, as well as in Germany, discovers his purpose in both expeditions: for by them he confirmed the Roman dominion in Gaul, he gained time to mature his designs, and he afforded his party in Rome an opportunity of promoting his interest and exaggerating his exploits, which they did in such a manner as to draw from the Senate a decree for a very remarkable acknowledgment of his services in a supplication or thanksgiving of twenty days. This attempt, not being pursued, stands single, and has little or no connection with the subsequent events.

Therefore I shall in this place, where the narrative will be the least broken, insert from the best authorities which are left, and the best conjectures which in so obscure a matter I am able to form, some account of the first peopling of this island, the manners of its inhabitants, their art of war, their religious and civil discipline. These are matters not only worthy of attention as containing a very remarkable piece of antiquity, but as not wholly unnecessary towards comprehending the great change made in all these points, when the Roman conquest came afterwards to be completed.

CHAPTER II.

SOME ACCOUNT OF THE ANCIENT INHABITANTS OF BRITAIN.

That Britain was first peopled from Gaul we are assured by the best proofs, — proximity of situation, and resemblance in language and manners. Of the time in which this event happened we must be contented to remain in ignorance, for we have no monuments. But we may conclude that it was a very ancient settlement, since the Carthaginians found this island inhabited when they traded hither for tin, — as the Phoenicians, whose tracks they followed in this commerce, are said to have done long before them. It is true, that, when we consider the short interval between the universal deluge and that period, and compare it with the first settlement of men at such a distance from this corner of the world, it may seem not easy to reconcile such a claim to antiquity with the only authentic account we have of the origin and progress of mankind, — especially as in those early ages the whole face of Nature was extremely rude and uncultivated, when the links of commerce, even in the countries first settled, were few and weak, navigation imperfect, geography unknown, and the hardships of travelling excessive. But the spirit of migration, of which we have now only some faint ideas, was then strong and universal, and it fully compensated all these disadvantages. Many writers, indeed, imagine that these migrations, so common in the primitive times, were caused by the prodigious increase of people beyond what their several territories could maintain. But this opinion, far from being supported, is rather contradicted by the general appearance of things in that early time, when in every country vast tracts of land were suffered to lie almost useless in morasses and forests. Nor is it, indeed, more countenanced by the ancient modes of life, no way favorable to population. I apprehend that these first settled countries, so far from being overstocked with inhabitants, were rather thinly peopled, and that the same causes which occasioned that thinness occasioned also those frequent migrations which make so large a part of the first history of almost all nations. For in these ages men subsisted chiefly by pasturage or hunting. These are occupations which spread the people without multiplying them in proportion; they teach them an extensive knowledge of the country; they carry them frequently and far from their homes, and weaken those ties which might attach them to any particular habitation.

It was in a great degree from this manner of life that mankind became scattered in the earliest times over the whole globe. But their peaceful occupations did not contribute so much to that end as their wars, which were not the less frequent and violent because the people were few, and the interests for which they contended of but small importance. Ancient history has furnished us with many instances of whole nations, expelled by invasion, falling in upon others, which they have entirely

overwhelmed, — more irresistible in their defeat and ruin than in their fullest prosperity. The rights of war were then exercised with great inhumanity. A cruel death, or a servitude scarcely less cruel, was the certain fate of all conquered people; the terror of which hurried men from habitations to which they were but little attached, to seek security and repose under any climate that, however in other respects undesirable, might afford them refuge from the fury of their enemies. Thus the bleak and barren regions of the North, not being peopled by choice, were peopled as early, in all probability, as many of the milder and more inviting climates of the Southern world; and thus, by a wonderful disposition of the Divine Providence, a life of hunting, which does not contribute to increase, and war, which is the great instrument in the destruction of men, were the two principal causes of their being spread so early and so universally over the whole earth. From what is very commonly known of the state of North America, it need not be said how often and to what distance several of the nations on that continent are used to migrate, who, though thinly scattered, occupy an immense extent of country. Nor are the causes of it less obvious, — their hunting life, and their inhuman wars.

Such migrations, sometimes by choice, more frequently from necessity, were common in the ancient world. Frequent necessities introduced a fashion which subsisted after the original causes. For how could it happen, but from some universally established public prejudice, which always overrules and stifles the private sense of men, that a whole nation should deliberately think it a wise measure to quit their country in a body, that they might obtain in a foreign land a settlement which must wholly depend upon the chance of war? Yet this resolution was taken and actually pursued by the entire nation of the Helvetii, as it is minutely related by Cæsar. The method of reasoning which led them to it must appear to us at this day utterly inconceivable. They were far from being compelled to this extraordinary migration by any want of subsistence at home; for it appears that they raised, without difficulty, as much corn in one year as supported them for two; they could not complain of the barrenness of such a soil.

This spirit of migration, which grew out of the ancient manners and necessities, and sometimes operated like a blind instinct, such as actuates birds of passage, is very sufficient to account for the early habitation of the remotest parts of the earth, and in some sort also justifies that claim which has been so fondly made by almost all nations to great antiquity.

Gaul, from whence Britain was originally peopled, consisted of three nations: the Belgæ, towards the north; the Celtæ, in the middle countries; and the Aquitani, to the south. Britain appears to have received its people only from the two former. From the Celtæ were derived the most ancient tribes of the Britons, of which the most considerable were called Brigantes. The Belgæ, who did not even settle in Gaul until after Britain had been peopled by colonies from the former, forcibly drove the Brigantes into the inland countries, and possessed the greatest part of the

coast, especially to the south and west. These latter, as they entered the island in a more improved age, brought with them the knowledge and practice of agriculture, which, however, only prevailed in their own countries. The Brigantes still continued their ancient way of life by pasturage and hunting. In this respect alone they differed: so that what we shall say, in treating of their manners, is equally applicable to both. And though the Britons were further divided into an innumerable multitude of lesser tribes and nations, yet all being the branches of these two stocks, it is not to our purpose to consider them more minutely.

Britain was in the time of Julius Cæsar what it is at this day, in climate and natural advantages, temperate and reasonably fertile. But destitute of all those improvements which in a succession of ages it has received from ingenuity, from commerce, from riches and luxury, it then wore a very rough and savage appearance. The country, forest or marsh; the habitations, cottages; the cities, hiding-places in woods; the people naked, or only covered with skins; their sole employment, pasturage and hunting. They painted their bodies for ornament or terror, by a custom general amongst all savage nations, who, being passionately fond of show and finery, and having no object but their naked bodies on which to exercise this disposition, have in all times painted or cut their skins, according to their ideas of ornament. They shaved the beard on the chin; that on the upper lip was suffered to remain, and grow to an extraordinary length, to favor the martial appearance, in which they placed their glory. They were in their natural temper not unlike the Gauls, impatient, fiery, inconstant, ostentatious, boastful, fond of novelty, — and like all barbarians, fierce, treacherous, and cruel. Their arms were short javelins, small shields of a slight texture, and great cutting swords with a blunt point, after the Gaulish fashion.

Their chiefs went to battle in chariots, not unartfully contrived nor unskilfully managed. I cannot help thinking it something extraordinary, and not easily to be accounted for, that the Britons should have been so expert in the fabric of those chariots, when they seem utterly ignorant in all other mechanic arts: but thus it is delivered to us. They had also horse, though of no great reputation, in their armies. Their foot was without heavy armor; it was no firm body, nor instructed to preserve their ranks, to make their evolutions, or to obey their commanders; but in tolerating hardships, in dexterity of forming ambuscades, (the art military of savages,) they are said to have excelled. A natural ferocity and an impetuous onset stood them in the place of discipline.

It is very difficult, at this distance of time, and with so little information, to discern clearly what sort of civil government prevailed among the ancient Britons. In all very uncultivated countries, as society is not close nor intricate, nor property very valuable, liberty subsists with few restraints. The natural equality of mankind appears and is asserted, and therefore there are but obscure lines of any form of government. In every society of this sort the natural connections are the same as in

others, though the political ties are weak. Among such barbarians, therefore, though there is little authority in the magistrate, there is often great power lodged, or rather left, in the father: for, as among the Gauls, so among the Britons, he had the power of life and death in his own family, over his children and his servants.

But among freemen and heads of families, causes of all sorts seem to have been decided by the Druids: they summoned and dissolved all the public assemblies; they alone had the power of capital punishments, and indeed seem to have had the sole execution and interpretation of whatever laws subsisted among this people. In this respect the Celtic nations did not greatly differ from others, except that we view them in an earlier stage of society. Justice was in all countries originally administered by the priesthood: nor, indeed, could laws in their first feeble state have either authority or sanction, so as to compel men to relinquish their natural independence, had they not appeared to come down to them enforced by beings of more than human power. The first openings of civility have been everywhere made by religion. Amongst the Romans, the custody and interpretation of the laws continued solely in the college of the pontiffs for above a century.

The time in which the Druid priesthood was instituted is unknown. It probably rose, like other institutions of that kind, from low and obscure beginnings, and acquired from time, and the labors of able men, a form by which it extended itself so far, and attained at length so mighty an influence over the minds of a fierce and otherwise ungovernable people. Of the place where it arose there is somewhat less doubt: Cæsar mentions it as the common opinion that this institution began in Britain, that there it always remained in the highest perfection, and that from thence it diffused itself into Gaul. I own I find it not easy to assign any tolerable cause why an order of so much authority and a discipline so exact should have passed from the more barbarous people to the more civilized, from the younger to the older, from the colony to the mother country: but it is not wonderful that the early extinction of this order, and that general contempt in which the Romans held all the barbarous nations, should have left these matters obscure and full of difficulty.

The Druids were kept entirely distinct from the body of the people; and they were exempted from all the inferior and burdensome offices of society, that they might be at leisure to attend the important duties of their own charge. They were chosen out of the best families, and from the young men of the most promising talents: a regulation which placed and preserved them in a respectable light with the world. None were admitted into this order but after a long and laborious novitiate, which made the character venerable in their own eyes by the time and difficulty of attaining it. They were much devoted to solitude, and thereby acquired that abstracted and thoughtful air which is so imposing upon the vulgar; and when they appeared in public, it was seldom, and only on some great occasion, — in the sacrifices of the gods, or on the seat of judgment. They prescribed medicine; they formed the youth; they paid the last honors to the dead; they foretold events; they

exercised themselves in magic. They were at once the priests, lawgivers, and physicians of their nation, and consequently concentrated in themselves all that respect that men have diffusively for those who heal their diseases, protect their property, or reconcile them to the Divinity. What contributed not a little to the stability and power of this order was the extent of its foundation, and the regularity and proportion of its structure. It took in both sexes; and the female Druids were in no less esteem for their knowledge and sanctity than the males. It was divided into several subordinate ranks and classes; and they all depended upon a chief or Arch-Druid, who was elected to his place with great authority and preeminence for life. They were further armed with a power of interdicting from their sacrifices, or excommunicating, any obnoxious persons. This interdiction, so similar to that used by the ancient Athenians, and to that since practised among Christians, was followed by an exclusion from all the benefits of civil community; and it was accordingly the most dreaded of all punishments. This ample authority was in general usefully exerted; by the interposition of the Druids differences were composed, and wars ended; and the minds of the fierce Northern people, being reconciled to each other under the influence of religion, united with signal effect against their common enemies.

There was a class of the Druids whom they called Bards, who delivered in songs (their only history) the exploits of their heroes, and who composed those verses which contained the secrets of Druidical discipline, their principles of natural and moral philosophy, their astronomy, and the mystical rites of their religion. These verses in all probability bore a near resemblance to the Golden Verses of Pythagoras, — to those of Phocylides, Orpheus, and other remnants of the most ancient Greek poets. The Druids, even in Gaul, where they were not altogether ignorant of the use of letters, in order to preserve their knowledge in greater respect, committed none of their precepts to writing. The proficiency of their pupils was estimated principally by the number of technical verses which they retained in their memory: a circumstance that shows this discipline rather calculated to preserve with accuracy a few plain maxims of traditionary science than to improve and extend it. And this is not the sole circumstance which leads us to believe that among them learning had advanced no further than its infancy.

The scholars of the Druids, like those of Pythagoras, were carefully enjoined a long and religious silence: for, if barbarians come to acquire any knowledge, it is rather by instruction than, examination; they must therefore be silent. Pythagoras, in the rude times of Greece, required silence in his disciples; but Socrates, in the meridian of the Athenian refinement, spoke less than his scholars: everything was disputed in the Academy.

The Druids are said to be very expert in astronomy, in geography, and in all parts of mathematical knowledge; and authors speak in a very exaggerated strain of their excellence in these, and in many other sciences. Some elemental knowledge I

suppose they had; but I can scarcely be persuaded that their learning was either deep or extensive. In all countries where Druidism was professed, the youth, were generally instructed by that order; and yet was there little either in the manners of the people, in their way of life, or their works of art, that demonstrates profound science or particularly mathematical skill. Britain, where their discipline was in its highest perfection, and which was therefore resorted to by the people of Gaul as an oracle in Druidical questions, was more barbarous in all other respects than Gaul itself, or than any other country then known in Europe. Those piles of rude magnificence, Stonehenge and Abury, are in vain produced in proof of their mathematical abilities. These vast structures have nothing which can be admired, but the greatness of the work; and they are not the only instances of the great things which the mere labor of many hands united, and persevering in their purpose, may accomplish with very little help from mechanics. This may be evinced by the immense buildings and the low state of the sciences among the original Peruvians.

The Druids were eminent above all the philosophic lawgivers of antiquity for their care in impressing the doctrine of the soul's immortality on the minds of their people, as an operative and leading principle. This doctrine was inculcated on the scheme of Transmigration, which some imagine them to have derived from Pythagoras. But it is by no means necessary to resort to any particular teacher for an opinion which owes its birth to the weak struggles of unenlightened reason, and to mistakes natural to the human mind. The idea of the soul's immortality is indeed ancient, universal, and in a manner inherent in our nature; but it is not easy for a rude people to conceive any other mode of existence than one similar to what they had experienced in life, nor any other world as the scene of such an existence but this we inhabit, beyond the bounds of which the mind extends itself with great difficulty. Admiration, indeed, was able to exalt to heaven a few selected heroes: it did not seem absurd that those who in their mortal state had distinguished themselves as superior and overruling spirits should after death ascend to that sphere which influences and governs everything below, or that the proper abode of beings at once so illustrious and permanent should be in that part of Nature in which they had always observed the greatest splendor and the least mutation. But on ordinary occasions it was natural some should imagine that the dead retired into a remote country, separated from the living by seas or mountains. It was natural that some should follow their imagination with a simplicity still purer, and pursue the souls of men no further than the sepulchres in which their bodies had been deposited; whilst others of deeper penetration, observing that bodies worn out by age or destroyed by accident still afforded the materials for generating new ones, concluded likewise that a soul being dislodged did not wholly perish, but was destined, by a similar revolution in Nature, to act again, and to animate some other body. This last principle gave rise to the doctrine of Transmigration: but we must not presume of course, that, where it prevailed, it necessarily excluded the other

opinions; for it is not remote from the usual procedure of the human mind, blending in obscure matters imagination and reasoning together, to unite ideas the most inconsistent. When Homer represents the ghosts of his heroes appearing at the sacrifices of Ulysses, he supposes them endued with life, sensation, and a capacity of moving; but he has joined to these powers of living existence uncomeliness, want of strength, want of distinction, the characteristics of a dead carcass. This is what the mind is apt to do: it is very apt to confound the ideas of the surviving soul and the dead body. The vulgar have always and still do confound these very irreconcilable ideas. They lay the scene of apparitions in churchyards; they habit the ghost in a shroud; and it appears in all the ghastly paleness of a corpse. A contradiction of this kind has given rise to a doubt whether the Druids did in reality hold the doctrine of Transmigration. There is positive testimony that they did hold it; there is also testimony as positive that they buried or burned with the dead utensils, arms, slaves, and whatever might be judged useful to them, as if they were to be removed into a separate state. They might have held both these opinions; and we ought not to be surprised to find error inconsistent.

The objects of the Druid worship were many. In this respect they did not differ from other heathens: but it must be owned that in general their ideas of divine matters were more exalted than those of the Greeks and Romans, and that they did not fall into an idolatry so coarse and vulgar. That their gods should be represented under a human form they thought derogatory to beings uncreated and imperishable. To confine what can endure no limits within walls and roofs they judged absurd and impious. In these particulars there was something refined and suitable enough to a just idea of the Divinity. But the rest was not equal. Some notions they had, like the greatest part of mankind, of a Being eternal and infinite; but they also, like the greatest part of mankind, paid their worship to inferior objects, from the nature of ignorance and superstition always tending downwards.

The first and chief objects of their worship were the elements, — and of the elements, fire, as the most pure, active, penetrating, and what gives life and energy to all the rest. Among fires, the preference was given to the sun, as the most glorious visible being, and the fountain of all life. Next they venerated the moon and the planets. After fire, water was held in reverence. This, when pure, and ritually prepared, was supposed to wash away all sins, and to qualify the priest to approach the altar of the gods with more acceptable prayers: washing with water being a type natural enough of inward cleansing and purity of mind. They also worshipped fountains and lakes and rivers.

Oaks were regarded by this sect with a particular veneration, as, by their greatness, their shade, their stability, and duration, not ill representing the perfections of the Deity. From the great reverence in which they held this tree, it is thought their name of Druids is derived: the word *Deru*, in the Celtic language, signifying an oak. But their reverence was not wholly confined to this tree. All

forests were held sacred; and many particular plants were respected, as endued with a particular holiness. No plant was more revered than the mistletoe, especially if it grew on the oak, — not only because it is rarely found upon that tree, but because the oak was among the Druids peculiarly sacred. Towards the end of the year they searched for this plant, and when it was found great rejoicing ensued; it was approached with, reverence; it was cut with a golden hook; it was not suffered to fall to the ground, but received with great care and solemnity upon a white garment.

In ancient times, and in all countries, the profession of physic was annexed to the priesthood. Men imagined that all their diseases were inflicted by the immediate displeasure of the Deity, and therefore concluded that the remedy would most probably proceed from those who were particularly employed in his service. Whatever, for the same reason, was found of efficacy to avert or cure distempers was considered as partaking somewhat of the Divinity. Medicine was always joined with magic: no remedy was administered without mysterious ceremony and incantation. The use of plants and herbs, both in medicinal and magical practices, was early and general. The mistletoe, pointed out by its very peculiar appearance and manner of growth, must have struck powerfully on the imaginations of a superstitious people. Its virtues may have been soon discovered. It has been fully proved, against the opinion of Celsus, that internal remedies were of very early use. Yet if it had not, the practice of the present savage nations supports the probability of that opinion. By some modern authors the mistletoe is said to be of signal service in the cure of certain convulsive distempers, which, by their suddenness, their violence, and their unaccountable symptoms, have been ever considered as supernatural. The epilepsy was by the Romans for that reason called *morbis sacer*; and all other nations have regarded it in the same light. The Druids also looked upon vervain, and some other plants, as holy, and probably for a similar reason.

The other objects of the Druid worship were chiefly serpents, in the animal world, and rude heaps of stone, or great pillars without polish or sculpture, in the inanimate. The serpent, by his dangerous qualities, is not ill adapted to inspire terror, — by his annual renewals, to raise admiration, — by his make, easily susceptible of many figures, to serve for a variety of symbols, — and by all, to be an object of religious observance: accordingly, no object of idolatry has been more universal. And this is so natural, that serpent-veneration seems to be rising again, even in the bosom of Mahometanism.

The great stones, it has been supposed, were originally monuments of illustrious men, or the memorials of considerable actions, — or they were landmarks for deciding the bounds of fixed property. In time the memory of the persons or facts which these stones were erected to perpetuate wore away; but the reverence which custom, and probably certain periodical ceremonies, had preserved for those places was not so soon obliterated. The monuments themselves then came to be venerated, — and not the less because the reason for venerating them was no longer known.

The landmark was in those times held sacred on account of its great uses, and easily passed into an object of worship. Hence the god Terminus amongst the Romans. This religious observance towards rude stones is one of the most ancient and universal of all customs. Traces of it are to be found in almost all, and especially in these Northern nations; and to this day, in Lapland, where heathenism is not yet entirely extirpated, their chief divinity, which they call *Storjunkare*, is nothing more than a rude stone.

Some writers among the moderns, because the Druids ordinarily made no use of images in their worship, have given into an opinion that their religion was founded on the unity of the Godhead. But this is no just consequence. The spirituality of the idea, admitting their idea to have been spiritual, does not infer the unity of the object. All the ancient authors who speak of this order agree, that, besides those great and more distinguishing objects of their worship already mentioned they had gods answerable to those adored by the Romans. And we know that the Northern nations, who overran the Roman Empire, had in fact a great plurality of gods, whose attributes, though not their names, bore a close analogy to the idols of the Southern world.

The Druids performed the highest act of religion by sacrifice, agreeably to the custom of all other nations. They not only offered up beasts, but even human victims: a barbarity almost universal in the heathen world, but exercised more uniformly, and with circumstances of peculiar cruelty, amongst those nations where the religion of the Druids prevailed. They held that the life of a man was the only atonement for the life of a man. They frequently inclosed a number of wretches, some captives, some criminals, and, when these were wanting, even innocent victims, in a gigantic statue of wicker-work, to which they set fire, and invoked their deities amidst the horrid cries and shrieks of the sufferers, and the shouts of those who assisted at this tremendous rite.

There were none among the ancients more eminent for all the arts of divination than the Druids. Many of the superstitious practices in use to this day among the country people for discovering their future fortune seem to be remains of Druidism. Futurity is the great concern of mankind. Whilst the wise and learned look back upon experience and history, and reason from things past about events to come, it is natural for the rude and ignorant, who have the same desires without the same reasonable means of satisfaction, to inquire into the secrets of futurity, and to govern their conduct by omens, dreams, and prodigies. The Druids, as well as the Etruscan and Roman priesthood, attended with diligence the flight of birds, the pecking of chickens, and the entrails of their animal sacrifices. It was obvious that no contemptible prognostics of the weather were to be taken from certain motions and appearances in birds and beasts. A people who lived mostly in the open air must have been well skilled in these observations. And as changes in the weather influenced much the fortune of their huntings or their harvests, which were all their

fortunes, it was easy to apply the same prognostics to every event by a transition very natural and common; and thus probably arose the science of auspices, which formerly guided the deliberations of councils and the motions of armies, though now they only serve, and scarcely serve, to amuse the vulgar.

The Druid temple is represented to have been nothing more than a consecrated wood. The ancients speak of no other. But monuments remain which show that the Druids were not in this respect wholly confined to groves. They had also a species of building which in all probability was destined to religious use. This sort of structure was, indeed, without walls or roof. It was a colonnade, generally circular, of huge, rude stones, sometimes single, sometimes double, sometimes with, often without, an architrave. These open temples were not in all respects peculiar to the Northern nations. Those of the Greeks, which were dedicated to the celestial gods, ought in strictness to have had no roof, and were thence called *hypæthra*.

Many of these monuments remain in the British islands, curious for their antiquity, or astonishing for the greatness of the work: enormous masses of rock, so poised as to be set in motion with the slightest touch, yet not to be pushed from their place by a very great power; vast altars, peculiar and mystical in their structure, thrones, basins, heaps or cairns; and a variety of other works, displaying a wild industry, and a strange mixture of ingenuity and rudeness. But they are all worthy of attention, — not only as such monuments often clear up the darkness and supply the defects of history, but as they lay open a noble field of speculation for those who study the changes which have happened in the manners, opinions, and sciences of men, and who think them as worthy of regard as the fortune of wars and the revolutions of kingdoms.

The short account which I have here given does not contain the whole of what is handed down to us by ancient writers, or discovered by modern research, concerning this remarkable order. But I have selected those which appear to me the most striking features, and such as throw the strongest light on the genius and true character of the Druidical institution. In some respects it was undoubtedly very singular; it stood out more from the body of the people than the priesthood of other nations; and their knowledge and policy appeared the more striking by being contrasted with the great simplicity and rudeness of the people over whom they presided. But, notwithstanding some peculiar appearances and practices, it is impossible not to perceive a great conformity between this and the ancient orders which have been established for the purposes of religion in almost all countries. For, to say nothing of the resemblance which many have traced between this and the Jewish priesthood, the Persian Magi, and the Indian Brahmans, it did not so greatly differ from the Roman priesthood, either in the original objects or in the general mode of worship, or in the constitution of their hierarchy. In the original institution neither of these nations had the use of images; the rules of the Salian as well as Druid discipline were delivered in verse; both orders were under an elective

head; and both were for a long time the lawyers of their country. So that, when the order of Druids was suppressed by the Emperors, it was rather from a dread of an influence incompatible with the Roman government than from any dislike of their religious opinions.

CHAPTER III.

THE REDUCTION OF BRITAIN BY THE ROMANS.

The death of Cæsar, and the civil wars which ensued, afforded foreign nations some respite from the Roman ambition. Augustus, having restored peace to mankind, seems to have made it a settled maxim of his reign not to extend the Empire. He found himself at the head of a new monarchy; and he was more solicitous to confirm it by the institutions of sound policy than to extend the bounds of its dominion. In consequence of this plan Britain was neglected.

Tiberius came a regular successor to an established government. But his politics were dictated rather by his character than his situation. He was a lawful prince, and he acted on the maxims of an usurper. Having made it a rule never to remove far from the capital, and jealous of every reputation which seemed too great for the measure of a subject, he neither undertook any enterprise of moment in his own person nor cared to commit the conduct of it to another. There was little in a British triumph that could affect a temper like that of Tiberius.

His successor, Caligula, was not influenced by this, nor indeed by any regular system; for, having undertaken an expedition to Britain without any determinate view, he abandoned it on the point of execution without reason. And adding ridicule to his disgrace, his soldiers returned to Rome loaded with shells. These spoils he displayed as the ornaments of a triumph which he celebrated over the Ocean, — if in all these particulars we may trust to the historians of that time, who relate things almost incredible of the folly of their masters and the patience of the Roman people.

But the Roman people, however degenerate, still retained much of their martial spirit; and as the Emperors held their power almost entirely by the affection of the soldiery, they found themselves often obliged to such enterprises as might prove them no improper heads of a military constitution. An expedition to Britain was well adapted to answer all the purposes of this ostentatious policy. The country was remote and little known, so that every exploit there, as if achieved in another world, appeared at Rome with double pomp and lustre; whilst the sea, which divided Britain from the continent, prevented a failure in that island from being followed by any consequences alarming to the body of the Empire. A pretext was not wanting to this war. The maritime Britons, while the terror of the Roman arms remained fresh, upon their minds, continued regularly to pay the tribute imposed by Cæsar. But the generation which experienced that war having passed away, that which succeeded felt the burden, but knew from rumor only the superiority which had imposed it; and being very ignorant, as of all things else, so of the true extent of the Roman

power, they were not afraid to provoke it by discontinuing the payment of the tribute.

A.D. 43 This gave occasion to the Emperor Claudius, ninety-seven years after the first expedition of Cæsar, to invade Britain in person, and with a great army. But he, having rather surveyed than conducted the war, left in a short time the management of it to his legate, Plautius, who subdued without much difficulty those countries which lay to the southward of the Thames, the best cultivated and most accessible parts of the island. But the inhabitants of the rough inland countries, the people called Cattivellauni, made a more strenuous opposition. They were under the command of Caractacus, a chief of great and just renown amongst all the British nations. This leader wisely adjusted his conduct of the war to the circumstances of his savage subjects and his rude country. Plautius obtained no decisive advantages over him. He opposed Ostorius Scapula, who succeeded that general, with the same bravery, but with unequal success; for he was, after various turns of fortune, obliged to abandon his dominions, which Ostorius at length subdued and disarmed.

This bulwark of the British freedom being overturned, Ostorius was not afraid to enlarge his plan. Not content with disarming the enemies of Rome, he proceeded to the same extremities with those nations who had been always quiet, and who, under the name of an alliance, lay ripening for subjection. This fierce people, who looked upon their arms as their only valuable possessions, refused to submit to terms as severe as the most absolute conquest could impose. They unanimously entered into a league against the Romans. But their confederacy was either not sufficiently strong or fortunate to resist so able a commander, and only afforded him an opportunity, from a more comprehensive victory, to extend the Roman province a considerable way to the northern and western parts of the island. The frontiers of this acquisition, which extended along the rivers Severn and Nen, he secured by a chain of forts and stations; the inland parts he quieted by the settlement of colonies of his veteran troops at Maldon and Verulam: and such was the beginning of those establishments which afterwards became so numerous in Britain. This commander was the first who traced in this island a plan of settlement and civil policy to concur with his military operations. For, after he had settled these colonies, considering with what difficulty any and especially an uncivilized people are broke into submission to a foreign government, he imposed it on some of the most powerful of the British nations in a more indirect manner. He placed them under kings of their own race; and whilst he paid this compliment to their pride, he secured their obedience by the interested fidelity of a prince who knew, that, as he owed the beginning, so he depended for the duration of his authority wholly upon their favor. Such was the dignity and extent of the Roman policy, that they could number even royalty itself amongst their instruments of servitude.

Ostorius did not confine himself within the boundaries of these rivers. He observed that the Silures, inhabitants of South Wales, one of the most martial tribes

in Britain, were yet unhurt and almost untouched by the war. He could expect to make no progress to the northward, whilst an enemy of such importance hung upon his rear, — especially as they were now commanded by Caractacus, who preserved the spirit of a prince, though he had lost his dominions, and fled from nation to nation, wherever he could find a banner erected against the Romans. His character obtained him reception and command.

Though the Silures, thus headed, did everything that became their martial reputation, both in the choice and defence of their posts, the Romans, by their discipline and the weight and excellence of their arms, prevailed over the naked bravery of this gallant people, and defeated them in a great battle. A.D. 51 Caractacus was soon after betrayed into their hands, and conveyed to Rome. The merit of the prisoner was the sole ornament of a triumph celebrated over an indigent people headed by a gallant chief. The Romans crowded eagerly to behold the man who, with inferior forces, and in an obscure corner of the world, had so many years stood up against the weight of their empire.

As the arts of adulation improved in proportion as the real grandeur of Rome declined, this advantage was compared to the greatest conquests in the most flourishing times of the Republic: and so far as regarded the personal merit of Caractacus, it could not be too highly rated. Being brought before the emperor, he behaved with such manly fortitude, and spoke of his former actions and his present condition with so much plain sense and unaffected dignity, that he moved the compassion of the emperor, who remitted much of that severity which the Romans formerly exercised upon their captives. Rome was now a monarchy, and that fierce republican spirit was abated which had neither feeling nor respect for the character of unfortunate sovereigns.

The Silures were not reduced by the loss of Caractacus, and the great defeat they had suffered. They resisted every measure of force or artifice that could be employed against them, with the most generous obstinacy: a resolution in which they were confirmed by some imprudent words of the legate, threatening to extirpate, or, what appeared to them scarcely less dreadful, to transplant their nation. Their natural bravery thus hardened into despair, and inhabiting a country very difficult of access, they presented an impenetrable barrier to the progress of that commander; insomuch that, wasted with continual cares, and with the mortification to find the end of his affairs so little answerable to the splendor of their beginning, Ostorius died of grief, and left all things in confusion.

The legates who succeeded to his charge did little more for about sixty years than secure the frontiers of the Roman province. But in the beginning of Nero's reign the command in Britain was devolved on Suetonius Paulinus, a soldier of merit and experience, who, when he came to view the theatre of his future operations, and had well considered the nature of the country, discerned evidently that the war must of necessity be protracted to a great length, if he should be obliged to penetrate into

every fastness to which the enemy retired, and to combat their flying parties one by one. He therefore resolved to make such a blow at the head as must of course disable all the inferior members.

The island then called Mona, now Anglesey, at that time was the principal residence of the Druids. Here their councils were held, and their commands from hence were dispersed among all the British nations. Paulinus proposed, in reducing this their favorite and sacred seat, to destroy, or at least greatly to weaken, the body of the Druids, and thereby to extinguish the great actuating principle of all the Celtic people, and that which was alone capable of communicating order and energy to their operations.

Whilst the Roman troops were passing that strait which divides this island from the continent of Britain, they halted on a sudden, — not checked by the resistance of the enemy, but suspended by a spectacle of an unusual and altogether surprising nature. On every side of the British army were seen bands of Druids in their most sacred habits surrounding the troops, lifting their hands to heaven, devoting to death their enemies, and animating their disciples to religious frenzy by the uncouth ceremonies of a savage ritual, and the horrid mysteries of a superstition familiar with blood. The female Druids also moved about in a troubled order, their hair dishevelled, their garments torn, torches in their hands, and, with an horror increased by the perverted softness of their sex, howled out the same curses and incantations with greater clamor. Astonished at this sight, the Romans for some time neither advanced nor returned the darts of the enemy. But at length, rousing from their trance, and animating each other with the shame of yielding to the impotence of female and fanatical fury, they found the resistance by no means proportioned to the horror and solemnity of the preparations. These overstrained efforts had, as frequently happens, exhausted the spirits of the men, and stifled that ardor they were intended to kindle. The Britons were defeated; and Paulinus, pretending to detest the barbarity of their superstition, in reality from the cruelty of his own nature, and that he might cut off the occasion of future disturbances, exercised the most unjustifiable severities on this unfortunate people. He burned the Druids in their own fires; and that no retreat might be afforded to that order, their consecrated woods were everywhere destroyed. Whilst he was occupied in this service, a general rebellion broke out, which his severity to the Druids served rather to inflame than allay.

From the manners of the republic a custom had been ingrafted into the monarchy of Rome altogether unsuitable to that mode of government. In the time of the Commonwealth, those who lived in a dependent and cliental relation on the great men used frequently to show marks of their acknowledgment by considerable bequests at their death. But when all the scattered powers of that state became united in the emperor, these legacies followed the general current, and flowed in upon the common patron. In the will of every considerable person he inherited with

the children and relations, and such devises formed no inconsiderable part of his revenue: a monstrous practice, which let an absolute sovereign into all the private concerns of his subjects, and which, by giving the prince a prospect of one day sharing in all the great estates, whenever he was urged by avarice or necessity, naturally pointed out a resource by an anticipation always in his power. This practice extended into the provinces. A king of the Iceni had devised a considerable part of his substance to the emperor. But the Roman procurator, not satisfied with entering into his master's portion, seized upon the rest, — and pursuing his injustice to the most horrible outrages, publicly scourged Boadicea, queen to the deceased prince, and violated his daughters. These cruelties, aggravated by the shame and scorn that attended them, — the general severity of the government, — the taxes, (new to a barbarous people,) laid on without discretion, extorted without mercy, and, even when respited, made utterly ruinous by exorbitant usury, — the farther mischiefs they had to dread, when more completely reduced, — all these, with, the absence of the legate and the army on a remote expedition, provoked all the tribes of the Britons, provincials, allies, enemies, to a general insurrection. The command of this confederacy was conferred on Boadicea, as the first in rank, and resentment of injuries. They began by cutting off a Roman legion; then they fell upon the colonies of Camelodunum and Verulam, and with a barbarous fury butchered the Romans and their adherents to the number of seventy thousand.

An end had been now put to the Roman power in this island, if Paulinus, with unexampled vigor and prudence, had not conducted his army through the midst of the enemy's country from Anglesey to London. There uniting the soldiers that remained dispersed in different garrisons, he formed an army of ten thousand men, and marched to attack the enemy in the height of their success and security. The army of the Britons is said to have amounted to two hundred and thirty thousand; but it was ill composed, and without choice or order, — women, boys, old men, priests, — full of presumption, tumult, and confusion. Boadicea was at their head, — a woman of masculine spirit, but precipitant, and without any military knowledge.

The event was such as might have been expected. Paulinus, having chosen a situation favorable to the smallness of his numbers, and encouraged his troops not to dread a multitude whose weight was dangerous only to themselves, piercing into the midst of that disorderly crowd, after a blind and furious resistance, obtained a complete victory. Eighty thousand Britons fell in this battle.

A.D. 61 Paulinus improved the terror this slaughter had produced by the unparalleled severities which he exercised. This method would probably have succeeded to subdue, but at the same time to depopulate the nation, if such loud complaints had not been made at Rome of the legate's cruelty as procured his recall.

Three successive legates carried on the affairs of Britain during the latter part of Nero's reign, and during the troubles occasioned by the disputed succession. But they were all of an inactive character. The victory obtained by Paulinus had disabled the Britons from any new attempt. Content, therefore, with recovering the Roman province, these generals compounded, as it were, with the enemy for the rest of the island. They caressed the troops; they indulged them in their licentiousness; and not being of a character to repress the seditions that continually arose, they submitted to preserve their ease and some shadow of authority by sacrificing the most material parts of it. And thus they continued, soldiers and commanders, by a sort of compact, in a common neglect of all duty on the frontiers of the Empire, in the face of a bold and incensed enemy.

A.D. 69

A.D. 71 But when Vespasian arrived to the head of affairs, he caused the vigor of his government to be felt in Britain, as he had done in all the other parts of the Empire. He was not afraid to receive great services. His legates, Cerealis and Frontinus, reduced the Silures and Brigantes, — one the most warlike, the other the most numerous people in the island. But its final reduction and perfect settlement were reserved for Julius Agricola, a man by whom, it was a happiness for the Britons to be conquered. He was endued with all those bold and popular virtues which would have given him the first place in the times of the free Republic; and he joined to them all that reserve and moderation which enabled him to fill great offices with safety, and made him a good subject under a jealous despotism.

A.D. 84. Though the summer was almost spent when he arrived in Britain, knowing how much the vigor and success of the first stroke influences all subsequent measures, he entered immediately into action. After reducing some tribes, Mona became the principal object of his attention. The cruel ravages of Paulinus had not entirely effaced the idea of sanctity which the Britons by a long course of hereditary reverence had annexed to that island: it became once more a place of consideration by the return of the Druids. Here Agricola observed a conduct very different from that of his predecessor, Paulinus: the island, when he had reduced it, was treated with great lenity. Agricola was a man of humanity and virtue: he pitied the condition and respected the prejudices of the conquered. This behavior facilitated the progress of his arms, insomuch that in less than two campaigns all the British nations comprehended in what we now call England yielded themselves to the Roman government, as soon as they found that peace was no longer to be considered as a dubious blessing. Agricola carefully secured the obedience of the conquered people by building forts and stations in the most important and commanding places. Having taken these precautions for securing his rear, he advanced northwards, and, penetrating into Caledonia as far as the river

Tay, he there built a *prætentura*, or line of forts, between the two friths, which are in that place no more than twenty miles asunder. The enemy, says Tacitus, was removed as it were into another island. And this line Agricola seems to have destined as the boundary of the Empire. For though in the following year he carried his arms further, and, as it is thought, to the foot of the Grampian Mountains, and there defeated a confederate army of the Caledonians, headed by Galgacus, one of their most famous chiefs, yet he built no fort to the northward of this line: a measure which he never omitted, when he intended to preserve his conquests. The expedition of that summer was probably designed only to disable the Caledonians from attempting anything against this barrier. But he left them their mountains, their arms, and their liberty: a policy, perhaps, not altogether worthy of so able a commander. He might the more easily have completed the conquest of the whole island by means of the fleet which he equipped to coöperate with his land forces in that expedition. This fleet sailed quite round Britain, which had not been before, by any certain proof, known to be an island: a circumnavigation, in that immature state of naval skill, of little less fame than a voyage round the globe in the present age.

In the interval between his campaigns Agricola was employed in the great labors of peace. He knew that the general must be perfected by the legislator, and that the conquest is neither permanent nor honorable which is only an introduction to tyranny. His first care was the regulation of his household, which under former legates had been always full of faction and intrigue, lay heavy on the province, and was as difficult to govern. He never suffered his private partialities to intrude into the conduct of public business, nor in appointing to employments did he permit solicitation to supply the place of merit, wisely sensible that a proper choice of officers is almost the whole of government. He eased the tribute of the province, not so much by reducing it in quantity as by cutting off all those vexatious practices which attended the levying of it, far more grievous than the imposition itself. Every step in securing the subjection of the conquered country was attended with the utmost care in providing for its peace and internal order. Agricola reconciled the Britons to the Roman government by reconciling them to the Roman manners. He moulded that fierce nation by degrees to soft and social customs, leading them imperceptibly into a fondness for baths, for gardens, for grand houses, and all the commodious elegancies of a cultivated life. He diffused a grace and dignity over this new luxury by the introduction of literature. He invited instructors in all the arts and sciences from Rome; and he sent the principal youth of Britain to that city to be educated at his own expense. In short, he subdued the Britons by civilizing them, and made them exchange a savage liberty for a polite and easy subjection. His conduct is the most perfect model for those employed in the unhappy, but sometimes necessary task, of subduing a rude and free people.

Thus was Britain, after a struggle of fifty-four years, entirely bent under the yoke, and moulded into the Roman Empire. How so stubborn an opposition, could have

been so long maintained against the greatest power on earth by a people ill armed, worse united, without revenues, without discipline, has justly been deemed an object of wonder. Authors are generally contented with attributing it to the extraordinary bravery of the ancient Britons. But certainly the Britons fought with armies as brave as the world ever saw, with superior discipline, and more plentiful resources.

To account for this opposition, we must have recourse to the general character of the Roman politics at this time. War, during this period, was carried on upon principles very different from, those that actuated the Republic. Then one uniform spirit animated one body through whole ages. With whatever state they were engaged, the war was so prosecuted as if the republic could not subsist, unless that particular enemy were totally destroyed. But when the Roman dominion had arrived to as great an extent as could well be managed, and that the ruling power had more to fear from disaffection to the government than from enmity to the Empire, with regard to foreign affairs common rules and a moderate policy took place. War became no more than a sort of exercise for the Roman forces. Even whilst they were declaring war they looked towards an accommodation, and were satisfied with reasonable terms when they concluded it. Their politics were more like those of the present powers of Europe, where kingdoms seek rather to spread their influence than to extend their dominion, to awe and weaken rather than to destroy. Under unactive and jealous princes the Roman legates seldom dared to push the advantages they had gained far enough to produce a dangerous reputation. They wisely stopped, when they came to the verge of popularity. And these emperors fearing as much from the generals as their generals from them, such frequent changes were made in the command that the war was never systematically carried on. Besides, the change of emperors (and their reigns were not long) almost always brought on a change of measures; and the councils even of the same reign were continually fluctuating, as opposite court factions happened to prevail. Add to this, that during the commotions which followed the death of Nero the contest for the purple turned the eyes of the world from every other object. All persons of consequence interested themselves in the success of some of the contending parties; and the legates in Britain, suspended in expectation of the issue of such mighty quarrels, remained unactive till it could be determined for what master they were to conquer.

On the side of the Roman government these seem to have been some of the causes which so long protracted the fate of Britain. Others arose from the nature of the country itself, and from the manners of its inhabitants. The country was then extremely woody and full of morasses. There were originally no roads. The motion of armies was therefore difficult, and communication in many cases impracticable. There were no cities, no towns, no places of cantonment for soldiers; so that the Roman forces were obliged to come into the field late and to leave it early in the

season. They had no means to awe the enemy, and to prevent their machinations during the winter. Every campaign they had nearly the same work to begin. When a civilized nation suffers some great defeat, and loses some place critically situated, such is the mutual dependence of the several parts by commerce, and by the orders of a well-regulated community, that the whole is easily secured. A long-continued state of war is unnatural to such a nation. They abound with artisans, with traders, and a number of settled and unwarlike people, who are less disturbed in their ordinary course by submitting to almost any power than in a long opposition; and as this character diffuses itself through the whole nation, they find it impossible to carry on a war, when they are deprived of the usual resources. But in a country like ancient Britain there are as many soldiers as inhabitants. They unite and disperse with ease. They require no pay nor formal subsistence; and the hardships of an irregular war are not very remote from their ordinary course of life. Victories are easily obtained over such a rude people, but they are rarely decisive; and the final conquest becomes a work of time and patience. All that can be done is to facilitate communication by roads, and to secure the principal avenues and the most remarkable posts on the navigable rivers by forts and stations. To conquer the people, you must subdue the nature of the country. The Romans at length effected this; but until this was done, they never were able to make a perfect conquest.

I shall now add something concerning the government the Romans settled here, and of those methods which they used to preserve the conquered people under an entire subjection. Those nations who had either passively permitted or had been instrumental in the conquest of their fellow-Britons were dignified with the title of allies, and thereby preserved their possessions, laws, and magistrates: they were subject to no kind of charge or tribute. But as their league was not equal, and that they were under the protection, of a superior power, they were entirely divested of the right of war and peace; and in many cases an appeal lay to Rome in consequence of their subordinate and dependent situation. This was the lightest species of subjection; and it was generally no more than a step preparatory to a stricter government.

The condition of those towns and communities called *municipia*, by their being more closely united to the greater state, seemed to partake a degree less of independence. They were adopted citizens of Rome; but whatever was detracted from their ancient liberty was compensated by a more or less complete possession of the privileges which constituted a Roman city, according to the merits which had procured their adoption. These cities were models of Rome in little; their courts and magistrates were the same; and though they were at liberty to retain their old laws, and to make new at their pleasure, they commonly conformed to those of Rome. The *municipia* were not subject to tribute.

When a whole people had resisted the Roman power with great obstinacy, had displayed a readiness to revolt upon every occasion, and had frequently broken their

faith, they were reduced into what the Romans called the form of a province: that is, they lost their laws, their liberties, their magistrates; they forfeited the greatest part of their lands; and they paid a heavy tribute for what they were permitted to retain.

In these provinces the supreme government was in the prætor sent by the senate, who commanded the army, and in his own person exercised the judicial power. Where the sphere of his government was large, he deputed his legates to that employment, who judged according to the standing laws of the republic, aided by those occasional declarations of law called the prætorial edicts. The care of the revenue was in the quæstor. He was appointed to that office in Rome; but when he acted in a judicial capacity, it was always by commission from the prætor of the province. Between these magistrates and all others who had any share in the provincial government the Roman manners had established a kind of sacred relation, as inviolable as that of blood. All the officers were taught to look up to the prætor as their father, and to regard each other as brethren: a firm and useful bond of concord in a virtuous administration; a dangerous and oppressive combination in a bad one. But, like all the Roman institutions, it operated strongly towards its principal purpose, the security of dominion, which is by nothing so much exposed as the factions and competitions of the officers, when the governing party itself gives the first example of disobedience.

On the overthrow of the Commonwealth, a remarkable revolution ensued in the power and the subordination of these magistrates. For, as the prince came alone to possess all that was by a proper title either imperial or prætorial authority, the ancient prætors dwindled into his legates, by which the splendor and importance of that dignity were much diminished. The business of the quæstor at this time seems to have been transferred to the emperor's procurator. The whole of the public revenue became part of the fisc, and was considered as the private estate of the prince. But the old office under this new appellation rose in proportion as the prætorship had declined. For the procurator seems to have drawn to himself the cognizance of all civil, while capital cases alone were reserved for the judgment of the legate. And though his power was at first restrained within narrow bounds, and all his judgments were subject to a review and reversal by the prætor and the senate, he gradually grew into independence of both, and was at length by Claudius invested with a jurisdiction absolutely uncontrollable. Two causes, I imagine, joined to produce this change: first, the sword was in the hands of the legate; the policy of the emperors, in order to balance this dangerous authority, thought too much weight could not be thrown into the scale of the procurator: secondly, as the government was now entirely despotical, a connection between the inferior officers of the empire and the senate was found to shock the reason of that absolute mode of government, which extends the sovereign power in all its fulness to every officer in his own district, and renders him accountable to his master alone for the abuse of it.

The veteran soldiers were always thought entitled to a settlement in the country which had been subdued by their valor. The whole legion, with the tribunes, the centurions, and all the subordinate officers, were seated on an allotted portion of the conquered lands, which were distributed among them according to their rank. These colonies were disposed throughout the conquered country, so as to sustain each other, to surround the possessions that were left to the conquered, to mix with the *municipia* or free towns, and to overawe the allies. Rome extended herself by her colonies into every part of her empire, and was everywhere present. I speak here only of the military colonies, because no other, I imagine, were ever settled in Britain.

There were few countries of any considerable extent in which all these different modes of government and different shades and gradations of servitude did not exist together. There were allies, *municipia*, provinces, and colonies in this island, as elsewhere; and those dissimilar parts, far from being discordant, united to make a firm and compact body, the motion of any member of which could only serve to confirm and establish the whole; and when time was given to this structure to coalesce and settle, it was found impossible to break any part of it from the Empire.

By degrees the several parts blended and softened into one another. And as the remembrance of enmity, on the one hand, wore away by time, so, on the other, the privileges of the Roman citizens at length became less valuable. When, nothing throughout so vast an extent of the globe was of consideration but a single man, there was no reason to make any distinction amongst his subjects. Claudius first gave the full rights of the city to all the Gauls. Under Antoninus Rome opened her gates still wider. All the subjects of the Empire were made partakers of the same common rights. The provincials flocked in; even slaves were no sooner enfranchised than they were advanced to the highest posts; and the plan of comprehension, which had overturned the republic, strengthened the monarchy.

Before the partitions were thus broken down, in order to support the Empire, and to prevent commotions, they had a custom of sending spies into all the provinces, where, if they discovered any provincial laying himself out for popularity, they were sure of finding means, for they scrupled none, to repress him. It was not only the prætor, with his train of lictors and apparitors, the rods and the axes, and all the insolent parade of a conqueror's jurisdiction; every private Roman seemed a kind of magistrate: they took cognizance of all their words and actions, and hourly reminded them of that jealous and stern authority, so vigilant to discover and so severe to punish the slightest deviations from obedience.

As they had framed the action *de pecuniis repetundis* against the avarice and rapacity of the provincial governors, they made at length a law which, one may say, was against their virtues. For they prohibited them from receiving addresses of thanks on their administration, or any other public mark of acknowledgment, lest they should come to think that their merit or demerit consisted in the good or ill

opinion of the people over whom they ruled. They dreaded either a relaxation of government, or a dangerous influence in the legate, from the exertion of an humanity too popular.

These are some of the civil and political methods by which the Romans held their dominion over conquered nations; but even in peace they kept up a great military establishment. They looked upon the interior country to be sufficiently secured by the colonies; their forces were therefore generally quartered on the frontiers. There they had their *stativa*, or stations, which were strong intrenched camps, many of them fitted even for a winter residence. The communication between these camps, the colonies, and the municipal towns was formed by great roads, which they called military ways. The two principal of these ran in almost straight lines, the whole length of England, from north to south. Two others intersected them from east to west. The remains show them to have been in their perfection noble works, in all respects worthy the Roman military prudence and the majesty of the Empire. The Anglo-Saxons called them streets. Of all the Roman works, they respected and kept up these alone. They regarded them, with a sort of sacred reverence, granting them a peculiar protection and great immunities. Those who travelled on them were privileged from arrests in all civil suits.

As the general character of the Roman government was hard and austere, it was particularly so in what regarded the revenue. This revenue was either fixed or occasional. The fixed consisted, first, of an annual tax on persons and lands, but in what proportion to the fortunes of the one or the value of the other I have not been able to ascertain. Next was the imposition called *decuma*, which consisted of a tenth, and often a greater portion of the corn of the province, which was generally delivered in kind. Of all other products a fifth was paid. After this tenth had been exacted on the corn, they were obliged to sell another tenth, or a more considerable part, to the prætor, at a price estimated by himself. Even what remained was still subject to be bought up in the some manner, and at the pleasure of the same magistrate, who, independent of these taxes and purchases, received for the use of his household a large portion of the corn of the province. The most valuable of the pasture grounds were also reserved to the public, and a considerable revenue was thence derived, which they called *scriptura*. The state made a monopoly of almost the whole produce of the land, which paid several taxes, and was further enhanced by passing through several hands before it came to popular consumption.

The third great branch of the Roman revenue was the *portorium*, which did not differ from those impositions which we now call customs and duties of export and import.

This was the ordinary revenue; besides which there were occasional impositions for shipping, for military stores and provisions, and for defraying the expense of the prætor and his legates on the various circuits they made for the administration of the province. This last charge became frequently a means of great oppression, and

several ways were from time to time attempted, but with little effect, to confine it within reasonable bounds. Amongst the extraordinary impositions must be reckoned the obligation they laid on the provincials to labor at the public works, after the manner of what the French call the *corvée*, and we term statute-labor.

As the provinces, burdened by the ordinary charges, were often in no condition of levying these occasional taxes, they were obliged to borrow at interest. Interest was then to communities at the same exorbitant rate as to individuals. No province was free from a most onerous public debt; and that debt was far from operating like the same engagement contracted in modern states, by which, as the creditor is thrown into the power of the debtor, they often add considerably to their strength, and to the number and attachment of their dependants. The prince in this latter case borrows from a subject or from a stranger. The one becomes more the subject, and the other less a stranger. But in the Roman provinces the subject borrowed from his master, and he thereby doubled his slavery. The overgrown favorites and wealthy nobility of Rome advanced money to the provincials; and they were in a condition both to prescribe the terms of the loan and to enforce the payment. The provinces groaned at once under all the severity of public imposition and the rapaciousness of private usury. They were overrun by publicans, farmers of the taxes, agents, confiscators, usurers, bankers, those numerous and insatiable bodies which always flourish in a burdened and complicated revenue. In a word, the taxes in the Roman Empire were so heavy, and in many respects so injudiciously laid on, that they have been not improperly considered as one cause of its decay and ruin. The Roman government, to the very last, carried something of the spirit of conquest in it; and this system of taxes seems rather calculated for the utter impoverishment of nations, in whom a long subjection had not worn away the remembrance of enmity, than for the support of a just commonwealth.

CHAPTER IV.

THE FALL OF THE ROMAN POWER IN BRITAIN.

A.D. 117. After the period which we have just closed, no mention is made of the affairs of Britain until the reign of Adrian. At that time was wrought the first remarkable change in the exterior policy of Rome. Although some of the emperors contented themselves with those limits which they found at their accession, none before this prince had actually contracted the bounds of the Empire: for, being more perfectly acquainted with all the countries that composed it than any of his predecessors, what was strong and what weak, and having formed to himself a plan wholly defensive, he purposely abandoned several large tracts of territory, that he might render what remained more solid and compact.

A.D. 121.

A.D. 140. This plan particularly affected Britain. All the conquests of Agricola to the northward of the Tyne were relinquished, and a strong rampart was built from the mouth of that river, on the east, to Solway Frith, on the Irish Sea, a length of about eighty miles. But in the reign of his successor, Antoninus Pius, other reasonings prevailed, and other measures were pursued. The legate who then commanded in Britain, concluding that the Caledonians would construe the defensive policy of Adrian into fear, that they would naturally grow more numerous in a larger territory, and more haughty when they saw it abandoned to them, the frontier was again advanced to Agricola's second line, which extended between the Friths of Forth and Clyde, and the stations which had been established by that general were connected with a continued wall.

A.D. 207

A.D. 208

A.D. 209. From this time those walls become the principal object in the British history. The Caledonians, or (as they are called) the Picts, made very frequent and sometimes successful attempts upon this barrier, taking advantage more particularly of every change in government, whilst the soldiery throughout the Empire were more intent upon the choice of a master than the motions of an enemy. In this dubious state of unquiet peace and unprosecuted war the province continued until Severus came to the purple, who, finding that Britain had grown into one of the most considerable provinces of the Empire, and was at the same time in a dangerous situation, resolved to visit that island in person, and to provide for its security. He led a vast army into the wilds of Caledonia, and was the first of the Romans who penetrated to the most northern boundary of this island. The natives,

defeated in some engagements, and wholly unable to resist so great and determined a power, were obliged to submit to such a peace as the emperor thought proper to impose. Contenting himself with a submission, always cheaply won from a barbarous people, and never long regarded, Severus made no sort of military establishment in that country. On the contrary, he abandoned the advanced work which had been raised in the reign of Antoninus, and, limiting himself by the plan of Adrian, he either built a new wall near the former, or he added to the work of that emperor such considerable improvements and repairs that it has since been called the Wall of Severus.

Severus with great labor and charge terrified the Caledonians; but he did not subdue them. He neglected those easy and assured means of subjection which the nature of that part of Britain affords to a power master of the sea, by the bays, friths, and lakes with which it is everywhere pierced, and in some places almost cut through. A few garrisons at the necks of land, and a fleet to connect them and to awe the coast, must at any time have been sufficient irrecoverably to subdue that part of Britain. This was a neglect in Agricola occasioned probably by a limited command; and it was not rectified by boundless authority in Severus. The Caledonians again resumed their arms, and renewed their ravages on the Roman frontier. Severus died before he could take any new measures; and from his death there is an almost total silence concerning the affairs of Britain until the division of the Empire.

Had the unwieldy mass of that overgrown dominion been effectively divided, and divided into large portions, each forming a state, separate and absolutely independent, the scheme had been far more perfect. Though the Empire had perished, these states might have subsisted; and they might have made a far better opposition to the inroads of the barbarians even than the whole united; since each nation would have its own strength solely employed in resisting its own particular enemies. For, notwithstanding the resources which might have been expected from the entireness of so great a body, it is clear from history that the Romans were never able to employ with effect and at the same time above two armies, and that on the whole they were very unequal to the defence of a frontier of many thousand miles in circuit.

But the scheme which was pursued, the scheme of joint emperors, holding by a common title, each governing his proper territory, but not wholly without authority in the other portions, this formed a species of government of which it is hard to conceive any just idea. It was a government in continual fluctuation from one to many, and from many again to a single hand. Each state did not subsist long enough independent to fall into those orders and connected classes of men that are necessary to a regular commonwealth; nor had they time to grow into those virtuous partialities from which nations derive the first principle of their stability.

The events which follow sufficiently illustrate these reflections, and will show the reason of introducing them in this place, with regard to the Empire in general, and to Britain more particularly.

In the division which Diocletian first made of the Roman territory, the western provinces, in which Britain was included, fell to Maximian. It was during his reign that Britain, by an extraordinary revolution, was for some time entirely separated from the body of the Empire. Carausius, a man of obscure birth, and a barbarian, (for now not only the army, but the senate, was filled with foreigners,) had obtained the government of Boulogne. He was also intrusted with the command of a fleet stationed in that part to oppose the Saxon pirates, who then began cruelly to infest the northwest parts of Gaul and the opposite shore of Britain. But Carausius made use of the power with which he had been intrusted, not so much to suppress the pirates as to aggrandize himself. He even permitted their depredations, that he might intercept them on their return, and enrich himself with the retaken plunder. By such methods he acquired immense wealth, which he distributed with so politic a bounty among the seamen of his fleet and the legions in Britain that by degrees he disposed both the one and the other to a revolt in his favor.

A.D. 286

A.D. 290

A.D. 293 As there were then no settled principles either of succession or election in the Empire, and all depended on the uncertain faith of the army, Carausius made his attempt, perhaps, with the less guilt, and found the less difficulty in prevailing upon the provincial Britons to submit to a sovereignty which seemed to reflect a sort of dignity on themselves. In this island he established the seat of his new dominion; but he kept up and augmented his fleet, by which he preserved his communication with his old government, and commanded the intermediate seas. He entered into a close alliance with the Saxons and Frisians, by which he at once preserved his own island from their depredations and rendered his maritime power irresistible. He humbled the Picts by several defeats; he repaired the frontier wall, and supplied it with good garrisons. He made several roads equal to the works of the greatest emperors. He cut canals, with vast labor and expense, through all the low eastern parts of Britain, at the same time draining those fenny countries, and promoting communication and commerce. On these canals he built several cities. Whilst he thus labored to promote the internal strength and happiness of his kingdom, he contended with so much success against his former masters that they were at length obliged not only to relinquish their right to his acquisition, but to admit him to a participation of the imperial titles. He reigned after this for seven years prosperously and with great glory, because he wisely set bounds to his ambition, and contented himself with the possession of a great country, detached from the rest of the world, and therefore easily defended. Had he lived long enough, and pursued

this plan with consistency, Britain, in all probability, might then have become, and might have afterwards been, an independent and powerful kingdom, instructed in the Roman arts, and freed from their dominion. But the same distemper of the state which had raised Carausius to power did not suffer him long to enjoy it. The Roman soldiery at that time was wholly destitute of military principle. That religious regard to their oath, the great bond of ancient discipline, had been long worn out; and the want of it was not supplied by that punctilio of honor and loyalty which is the support of modern armies. Carausius was assassinated, and succeeded in his kingdom by Allectus, the captain of his guards. But the murderer, who did not possess abilities to support the power he had acquired by his crimes, was in a short time defeated, and in his turn put to death, by Constantius Chlorus. In about three years from the death of Carausius, Britain, after a short experiment of independency, was again united to the body of the Empire.

A.D. 304 Constantius, after he came to the purple, chose this island for his residence. Many authors affirm that his wife Helena was a Briton. It is more certain that his son Constantine the Great was born here, and enabled to succeed his father principally by the helps which he derived from Britain.

A.D. 306. Under the reign of this great prince there was an almost total revolution in the internal policy of the Empire. This was the third remarkable change in the Roman government since the dissolution of the Commonwealth. The first was that by which Antoninus had taken away the distinctions of the *municipium*, province, and colony, communicating to every part of the Empire those privileges which had formerly distinguished a citizen of Rome. Thus the whole government was cast into a more uniform and simple frame, and every mark of conquest was finally effaced. The second alteration was the division of the Empire by Diocletian. The third was the change made in the great offices of the state, and the revolution in religion, under Constantine.

The *præfecti prætorio*, who, like the commanders of the janizaries of the Porte, by their ambition and turbulence had kept the government in continual ferment, were reduced by the happiest art imaginable. Their number, only two originally, was increased to four, by which their power was balanced and broken. Their authority was not lessened, but its nature was totally changed: for it became from that time a dignity and office merely civil. The whole Empire was divided into four departments under these four officers. The subordinate districts were governed by their *vicarii*; and Britain, accordingly, was under a vicar, subject to the *præfectus prætorio* of Gaul. The military was divided nearly in the same manner; and it was placed under officers also of a new creation, the *magistri militiæ*. Immediately under these were the *duces*, and under those the *comites*, dukes and counts, titles unknown in the time of the Republic or in the higher Empire; but afterwards they extended beyond the Roman territory, and having been conferred by the Northern nations

upon their leaders, they subsist to this day, and contribute to the dignity of the modern courts of Europe.

But Constantine made a much greater change with regard to religion by the establishment of Christianity. At what time the Gospel was first preached in this island I believe it impossible to ascertain, as it came in gradually, and without, or rather contrary to, public authority. It was most probably first introduced among the legionary soldiers; for we find St. Alban, the first British martyr, to have been of that body. As it was introduced privately, so its growth was for a long time insensible; but it shot up at length with great vigor, and spread itself widely, at first under the favor of Constantius and the protection of Helena, and at length under the establishment of Constantine. From this time it is to be considered as the ruling religion; though heathenism subsisted long after, and at last expired imperceptibly, and with as little noise as Christianity had been at first introduced.

A.D. 368. In this state, with regard to the civil, military, and religious establishment, Britain, remained without any change, and at intervals in a tolerable state of repose, until the reign of Valentinian. Then it was attacked all at once with incredible fury and success, and as it were in concert, by a number of barbarous nations. The principal of these were the Scots, a people of ancient settlement in Ireland, and who had thence been transplanted into the northern part of Britain, which afterwards derived its name from that colony. The Scots of both nations united with the Picts to fall upon the Roman province. To these were added the piratical Saxons, who issued from the mouths of the Rhine. For some years they met but slight resistance, and made a most miserable havoc, until the famous Count Theodosius was sent to the relief of Britain, — who, by an admirable conduct in war, and as vigorous application to the cure of domestic disorders, for a time freed the country from its enemies and oppressors, and having driven the Picts and Scots into the barren extremity of the island, he shut and barred them in with a new wall, advanced as far as the remotest of the former, and, what had hitherto been imprudently neglected, he erected the intermediate space into a Roman province, and a regular government, under the name of Valentia. But this was only a momentary relief. The Empire was perishing by the vices of its constitution.

A.D. 388. Each province was then possessed by the inconsiderate ambition of appointing a head to the whole; although, when the end was obtained, the victorious province always returned to its ancient insignificance, and was lost in the common slavery. A great army of Britons followed the fortune of Maximus, whom they had raised to the imperial titles, into Gaul. They were there defeated; and from their defeat, as it is said, arose a new people. They are supposed to have settled in Armorica, which was then, like many other parts of the sickly Empire, become a mere desert; and that country, from this accident, has been since called Bretagne.

The Roman province thus weakened afforded opportunity and encouragement to the barbarians again to invade and ravage it. Stilicho, indeed during the minority of

Honorius, obtained some advantages over them, which procured a short intermission of their hostilities. But as the Empire on the continent was now attacked on all sides, and staggered under the innumerable shocks which, it received, that minister ventured to recall the Roman forces from Britain, in order to sustain those parts which he judged of more importance and in greater danger.

A.D. 411. On the intelligence of this desertion, their barbarous enemies break in upon the Britons, and are no longer resisted. Their ancient protection withdrawn, the people became stupefied with terror and despair. They petition the emperor for succor in the most moving terms. The emperor, protesting his weakness, commits them to their own defence, absolves them from, their allegiance, and confers on them a freedom which they have no longer the sense to value nor the virtue to defend. The princes whom after this desertion they raised and deposed with a stupid inconstancy were styled Emperors. So hard it is to change ideas to which men have been long accustomed, especially in government, that the Britons had no notion of a sovereign who was not to be emperor, nor of an emperor who was not to be master of the Western world. This single idea ruined Britain. Constantine, a native of this island, one of those shadows of imperial majesty, no sooner found himself established at home than, fatally for himself and his country, he turned his eyes towards the continent. Thither he carried the flower of the British youth, — all who were any ways eminent for birth, for courage, for their skill in the military or mechanic arts; but his success was not equal to his hopes or his forces. The remains of his routed army joined their countrymen in Armorica, and a baffled attempt upon the Empire a second time recruited Gaul and exhausted Britain.

The Scots and Picts, attentive to every advantage, rushed with redoubled violence into this vacuity. The Britons, who could find no protection but in slavery, again implore the assistance of their former masters. At that time Aëtius commanded the imperial forces in Gaul, and with the virtue and military skill of the ancient Romans supported the Empire, tottering with age and weakness. Though he was then hard pressed by the vast armies of Attila, which like a deluge had overspread Gaul, he afforded them a small and temporary succor. This detachment of Romans repelled the Scots; they repaired the walls; and animating the Britons by their example and instructions to maintain their freedom, they departed. But the Scots easily perceived and took advantage of their departure. Whilst they ravaged the country, the Britons renewed their supplications to Aëtius. They once more obtained a reinforcement, which again reestablished their affairs. They were, however, given to understand that this was to be their last relief. The Roman auxiliaries were recalled, and the Britons abandoned to their own fortune forever.

A.D. 432. When the Romans deserted this island, they left a country, with regard to the arts of war or government, in a manner barbarous, but destitute of that spirit or those advantages with which sometimes a state of barbarism is attended. They carried out of each province its proper and natural strength, and supplied it by that

of some other, which had no connection with the country. The troops raised in Britain often served in Egypt; and those which were employed for the protection of this island were sometimes from Batavia or Germany, sometimes from provinces far to the east. Whenever the strangers were withdrawn, as they were very easily, the province was left in the hands of men wholly unpractised in war. After a peaceable possession of more than three hundred years, the Britons derived but very few benefits from their subjection to the conquerors and civilizers of mankind. Neither does it appear that the Roman people were at any time extremely numerous in this island, or had spread themselves, their manners, or their language as extensively in Britain as they had done in the other parts of their Empire. The Welsh and the Anglo-Saxon languages retain much less of Latin than the French, the Spanish, or the Italian. The Romans subdued Britain at a later period, at a time when Italy herself was not sufficiently populous to supply so remote a province: she was rather supplied from her provinces. The military colonies, though in some respects they were admirably fitted for their purposes, had, however, one essential defect: the lands granted to the soldiers did not pass to their posterity; so that the Roman people must have multiplied poorly in this island, when their increase principally depended on a succession of superannuated soldiers. From this defect the colonies were continually falling to decay. They had also in many respects degenerated from their primitive institution. We must add, that in the decline of the Empire a great part of the troops in Britain were barbarians, Batavians or Germans. Thus, at the close of this period, this unhappy country, desolated of its inhabitants, abandoned by its masters, stripped of its artisans, and deprived of all its spirit, was in a condition the most wretched and forlorn.

BOOK II

CHAPTER I.

THE ENTRY AND SETTLEMENT OF THE SAXONS, AND THEIR CONVERSION TO CHRISTIANITY.

A.D. 447. After having been so long subject to a foreign dominion, there was among the Britons no royal family, no respected order in the state, none of those titles to government, confirmed by opinion and long use, more efficacious than the wisest schemes for the settlement of the nation. Mere personal merit was then the only pretence to power. But this circumstance only added to the misfortunes of a people who had no orderly method of election, and little experience of merit in any of the candidates. During this anarchy, whilst they suffered the most dreadful calamities from the fury of barbarous nations which invaded them, they fell into that disregard of religion, and those loose, disorderly manners, which are sometimes the consequence of desperate and hardened wretchedness, as well as the common distempers of ease and prosperity.

At length, after frequent elections and deposings, rather wearied out by their own inconstancy than, fixed by the merit of their choice, they suffered Vortigern to reign over them. This leader had made some figure in the conduct of their wars and factious. But he was no sooner settled on the throne than he showed himself rather like a prince born of an exhausted stock of royalty in the decline of empire than one of those bold and active spirits whose manly talents obtain them the first place in their country, and stamp upon it that character of vigor essential to the prosperity of a new commonwealth. However, the mere settlement, in spite of the ill administration of government, procured the Britons some internal repose, and some temporary advantages over their enemies, the Picts. But having been long habituated to defeats, neither relying on their king nor on themselves, and fatigued with the obstinate attacks of an enemy whom they sometimes checked, but could never remove, in one of their national assemblies it was resolved to call in the mercenary aid of the Saxons, a powerful nation of Germany, which had been long by their piratical incursions terrible not only to them, but to all the adjacent countries. This resolution has been generally condemned. It has been said, that they seem to have through mere cowardice distrusted a strength not yet worn down, and a fortune sufficiently prosperous. But as it was taken by general counsel and consent, we must believe that the necessity of such a step was felt, though the event was dubious. The event, indeed, might be dubious: in a state radically weak, every measure vigorous enough for its protection must endanger its existence.

There is an unquestioned tradition among the Northern nations of Europe, importing that all that part of the world had suffered a great and general revolution by a migration from Asiatic Tartary of a people whom they call Asers. These

everywhere expelled or subdued the ancient inhabitants of the Celtic and Cimbric original. The leader of this Asiatic army was called Odin or Wodin: first their general, afterwards their tutelar deity. The time of this great change is lost in the imperfection of traditionary history, and the attempts to supply it by fable. It is, however, certain, that the Saxon nation believed themselves the descendants of those conquerors: and they had as good a title to that descent as any other of the Northern tribes; for they used the same language which then was and is still spoken, with small variation of the dialects, in all the countries which extend from the polar circle to the Danube. This people most probably derived their name, as well as their origin, from, the Sacæ, a nation of the Asiatic Scythia. At the time of which we write they had seated themselves in the Cimbric Chersonesus, or Jutland, in the countries of Holstein and Sleswick, and thence extended along the Elbe and Weser to the coast of the German Ocean, as far as the mouths of the Rhine. In that tract they lived in a sort of loose military commonwealth of the ordinary German model, under several leaders, the most eminent of whom was Hengist, descended from Odin, the great conductor of the Asiatic colonies. It was to this chief that the Britons applied themselves. They invited him by a promise of ample pay for his troops, a large share of their common plunder, and the Isle of Thanet for a settlement.

The army which came over under Hengist did not exceed fifteen hundred men. The opinion which the Britons had entertained of the Saxon prowess was well founded; for they had the principal share in a decisive victory which was obtained over the Picts soon after their arrival, a victory which forever freed the Britons from all terror of the Picts and Scots, but in the same moment exposed them to an enemy no less dangerous.

Hengist and his Saxons, who had obtained by the free vote of the Britons that introduction into this island they had so long in vain attempted by arms, saw that by being necessary they were superior to their allies. They discovered the character of the king; they were eye-witnesses of the internal weakness and distraction of the kingdom. This state of Britain was represented with so much effect to the Saxons in Germany, that another and much greater embarkation followed the first; new bodies daily crowded in. As soon as the Saxons began to be sensible of their strength, they found it their interest to be discontented; they complained of breaches of a contract, which they construed according to their own designs; and then fell rudely upon their unprepared and feeble allies, who, as they had not been able to resist the Picts and Scots, were still less in a condition to oppose that force by which they had been protected against those enemies, when turned unexpectedly upon themselves. Hengist, with very little opposition, subdued the province of Kent, and there laid the foundation of the first Saxon kingdom. Every battle the Britons fought only prepared them for a new defeat, by weakening their strength and displaying the inferiority of their courage. Vortigern, instead of a steady and regular resistance,

opposed a mixture of timid war and unable negotiation. In one of their meetings, wherein the business, according to the German mode, was carried on amidst feasting and riot, Vortigern was struck with the beauty of a Saxon virgin, a kinswoman of Hengist, and entirely under his influence. Having married her, he delivered himself over to her counsels.

A.D. 452 His people, harassed by their enemies, betrayed by their prince, and indignant at the feeble tyranny that oppressed them, deposed him, and set his son Vortimer in his place. But the change of the king proved no remedy for the exhausted state of the nation and the constitutional infirmity of the government. For even if the Britons could have supported themselves against the superior abilities and efforts of Hengist, it might have added to their honor, but would have contributed little to their safety. The news of his success had roused all Saxony. Five great bodies of that adventurous people, under different and independent commanders, very nearly at the same time broke in upon as many different parts of the island. They came no longer as pirates, but as invaders. Whilst the Britons contended with one body of their fierce enemies, another gained ground, and filled with slaughter and desolation the whole country from sea to sea. A devouring war, a dreadful famine, a plague, the most wasteful of any recorded in our history, united to consummate the ruin of Britain. The ecclesiastical writers of that age, confounded at the view of those complicated calamities, saw nothing but the arm of God stretched out for the punishment of a sinful and disobedient nation. And truly, when we set before us in one point of view the condition of almost all the parts which had lately composed the Western Empire, — of Britain, of Gaul, of Italy, of Spain, of Africa, — at once overwhelmed by a resistless inundation of most cruel barbarians, whose inhuman method of war made but a small part of the miseries with which these nations were afflicted, we are almost driven out of the circle of political inquiry: we are in a manner compelled to acknowledge the hand of God in those immense revolutions by which at certain periods He so signally asserts His supreme dominion, and brings about that great system of change which is perhaps as necessary to the moral as it is found to be in the natural world.

But whatever was the condition of the other parts of Europe, it is generally agreed that the state of Britain was the worst of all. Some writers have asserted, that, except those who took refuge in the mountains of Wales and in Cornwall, or fled into Armorica, the British race was in a manner destroyed. What is extraordinary, we find England in a very tolerable state of population in less than two centuries after the first invasion of the Saxons; and it is hard to imagine either the transplantation or the increase of that single people to have been in so short a time sufficient for the settlement of so great an extent of country. Others speak of the Britons, not as extirpated, but as reduced to a state of slavery; and here these writers fix the origin of personal and predial servitude in England.

I shall lay fairly before the reader all I have been able to discover concerning the existence or condition of this unhappy people. That they were much more broken and reduced than any other nation which had fallen under the German power I think may be inferred from two considerations. First, that in all other parts of Europe the ancient language subsisted after the conquest, and at length incorporated with that of the conquerors; whereas in England the Saxon language received little or no tincture from the Welsh; and it seems, even among the lowest people, to have continued a dialect of pure Teutonic to the time in which it was itself blended with the Norman. Secondly, that on the continent the Christian religion, after the Northern irruptions, not only remained, but flourished. It was very early and universally adopted by the ruling people. In England it was so entirely extinguished, that, when Augustin undertook his mission, it does not appear that among all the Saxons there was a single person professing Christianity.

A.D. 500 The sudden extinction of the ancient religion, and language appears sufficient to show that Britain must have suffered more than any of the neighboring nations on the continent. But it must not be concealed that there are likewise proofs that the British race, though much diminished, was not wholly extirpated, and that those who remained were not, merely as Britons, reduced to servitude. For they are mentioned as existing in some of the earlier Saxon laws. In these laws they are allowed a compensation on the footing of the meaner kind of English; and they are even permitted, as well as the English, to emerge out of that low rank into a more liberal condition. This is degradation, but not slavery. The affairs of that whole period are, however, covered with an obscurity not to be dissipated. The Britons had little leisure or ability to write a just account of a war by which they were ruined; and the Anglo-Saxons who succeeded them, attentive only to arms, were, until their conversion, ignorant of the use of letters.

It is on this darkened theatre that some old writers have introduced those characters and actions which have afforded such ample matter to poets and so much perplexity to historians. This is the fabulous and heroic age of our nation. After the natural and just representations of the Roman scene, the stage is again crowded with enchanter, giants, and all the extravagant images of the wildest and most remote antiquity. No personage makes so conspicuous a figure in these stories as King Arthur: a prince whether of British or Roman origin, whether born on this island or in America, is uncertain; but it appears that he opposed the Saxons with remarkable virtue and no small degree of success, which has rendered him and his exploits so large an argument of romance that both are almost disclaimed by history. Light scarce begins to dawn until the introduction of Christianity, which, bringing with it the use of letters and the arts of civil life, affords at once a juster account of things and facts that are more worthy of relation: nor is there, indeed, any revolution so remarkable in the English story.

The bishops of Rome had for some time meditated the conversion of the Anglo-Saxons. Pope Gregory, who is surnamed the Great, affected that pious design with an uncommon zeal; and he at length found a circumstance highly favorable to it in the marriage of a daughter of Charibert, a king of the Franks, to the reigning monarch of Kent. This opportunity induced Pope Gregory to commission Augustin, a monk of Rheims, and a man of distinguished piety, to undertake this arduous enterprise.

A.D. 600 It was in the year of Christ 600, and 150 years after the coming of the first Saxon colonies into England, that Ethelbert, king of Kent, received intelligence of the arrival in his dominions of a number of men in a foreign garb, practising several strange and unusual ceremonies, who desired to be conducted to the king's presence, declaring that they had things to communicate to him and to his people of the utmost importance to their eternal welfare. This was Augustin, with forty of the associates of his mission, who now landed in the Isle of Thanet, the same place by which the Saxons had before entered, when they extirpated Christianity.

The king heard them in the open air, in order to defeat, upon a principle of Druidical superstition, the effects of their enchantments. Augustin spoke by a Frankish interpreter. The Franks and Saxons were of the same origin, and used at that time the same language. He was favorably received; and a place in the city of Canterbury, the capital of Kent, was allotted for the residence of him and his companions. They entered Canterbury in procession, preceded by two persons who bore a silver cross and the figure of Christ painted on a board, singing, as they went, litanies to avert the wrath of God from that city and people.

The king was among their first converts. Tho principal of his nobility, as usual, followed that example, moved, as it is related, by many signal miracles, but undoubtedly by the extraordinary zeal of the missionaries, and the pious austerity of their lives. The new religion, by the protection of so respected a prince, who held under his dominion or influence all the countries to the southward of the Humber, spread itself with great rapidity. Paganism, after a faint resistance, everywhere gave way. And, indeed, the chief difficulties which Christianity had to encounter did not arise so much from the struggles of opposite religious prejudices as from the gross and licentious manners of a barbarous people. One of the Saxon princes expelled the Christians from his territory because the priest refused to give him some of that white bread which he saw distributed to his congregation.

It is probable that the order of Druids either did not at all subsist amongst the Anglo-Saxons, or that at this time it had declined not a little from its ancient authority and reputation; else it is not easy to conceive how they admitted so readily a new system, which at one stroke cut off from their character its whole importance. We even find some chiefs of the Pagan priesthood amongst the foremost in submitting to the new doctrine. On the first preaching of the Gospel in Northumberland, the heathen pontiff of that territory immediately mounted a horse,

which to those of his order was unlawful, and, breaking into the sacred inclosure, hewed to pieces the idol he had so long served.

If the order of the Druids did not subsist amongst the Saxons, yet the chief objects of their religion appear to have been derived from that fountain. They, indeed, worshipped several idols under various forms of men and beasts; and those gods to whom they dedicated the days of the week bore in their attributes, and in the particular days that were consecrated to them, though not in their names, a near resemblance to the divinities of ancient Rome. But still the great and capital objects of their worship were taken from Druidism, — trees, stones, the elements, and the heavenly bodies. These were their principal devotions, laid the strongest hold upon their minds, and resisted the progress of the Christian religion with the greatest obstinacy: for we find these superstitions forbidden amongst the latest Saxon laws. A worship which stands in need of the memorial of images or books to support it may perish when these are destroyed; but when a superstition is established upon those great objects of Nature which continually solicit the senses, it is extremely difficult to turn the mind from things that in themselves are striking, and that are always present. Amongst the objects of this class must be reckoned the goddess Eostre, who, from the etymology of the name, as well as from the season sacred to her, was probably that beautiful planet which the Greeks and Romans worshipped under the names of Lucifer and Venus. It is from this goddess that in England the paschal festival has been called Easter. To these they joined the reverence of various subordinate genii, or demons, fairies, and goblins, — fantastical ideas, which, in a state of uninstructed Nature, grow spontaneously out of the wild fancies or fears of men. Thus, they worshipped a sort of goddess, whom they called Mara, formed from those frightful appearances that oppress men in their sleep; and the name is still retained among us.

As to the manners of the Anglo-Saxons, they were such as might be expected in a rude people, — fierce, and of a gross simplicity. Their clothes were short. As all barbarians are much taken with exterior form, and the advantages and distinctions which are conferred by Nature, the Saxons set an high value on comeliness of person, and studied much to improve it. It is remarkable that a law of King Ina orders the care and education of foundlings to be regulated by their beauty. They cherished their hair to a great length, and were extremely proud and jealous of this natural ornament. Some of their great men were distinguished by an appellation taken from the length of their hair. To pull the hair was punishable; and forcibly to cut or injure it was considered in the same criminal light with cutting off the nose or thrusting out the eyes. In the same design of barbarous ornament, their faces were generally painted and scarred. They were so fond of chains and bracelets that they have given a surname to some of their kings from their generosity in bestowing such marks of favor.

Few things discover the state of the arts amongst people more certainly than the presents that are made to them by foreigners. The Pope, on his first mission into Northumberland, sent to the queen of that country some stuffs with ornaments of gold, an ivory comb inlaid with the same metal, and a silver mirror. A queen's want of such female ornaments and utensils shows that the arts were at this time little cultivated amongst the Saxons. These are the sort of presents commonly sent to a barbarous people.

Thus ignorant in sciences and arts, and unpractised in trade or manufacture, military exercises, war, and the preparation for war, was their employment, hunting their pleasure. They dwelt in cottages of wicker-work plastered with clay and thatched with rushes, where they sat with their families, their officers and domestics, round a fire made in the middle of the house. In this manner their greatest princes lived amidst the ruins of Roman magnificence. But the introduction of Christianity, which, under whatever form, always confers such inestimable benefits on mankind, soon made a sensible change in these rude and fierce manners.

It is by no means impossible, that, for an end so worthy, Providence on some occasions might directly have interposed. The books which contain the history of this time and change are little else than a narrative of miracles, — frequently, however, with such apparent marks of weakness or design that they afford little encouragement to insist on them. They were then received with a blind credulity: they have been since rejected with as undistinguishing a disregard. But as it is not in my design nor inclination, nor indeed in my power, either to establish or refute these stories, it is sufficient to observe, that the reality or opinion of such miracles was the principal cause of the early acceptance and rapid progress of Christianity in this island. Other causes undoubtedly concurred; and it will be more to our purpose to consider some of the human and politic ways by which religion was advanced in this nation, and those more particularly by which the monastic institution, then interwoven with Christianity, and making an equal progress with it, attained to so high a pitch, of property and power, so as, in a time extremely short, to form a kind of order, and that not the least considerable, in the state.

CHAPTER II.

ESTABLISHMENT OF CHRISTIANITY — OF MONASTIC INSTITUTIONS — AND OF THEIR EFFECTS.

The marriage of Ethelbert to a Christian princess was, we have seen, a means of introducing Christianity into his dominions. The same influence contributed to extend it in the other kingdoms of the Heptarchy, the sovereigns of which were generally converted by their wives. Among the ancient nations of Germany, the female sex was possessed not only of its natural and common ascendant, but it was believed peculiarly sacred, and favored with more frequent revelations of the Divine will; women were therefore heard with an uncommon attention in all deliberations, and particularly in those that regarded religion. The Pagan superstition of the North furnished, in this instance, a principle which contributed to its own destruction.

In the change of religion, care was taken to render the transition from falsehood to truth as little violent as possible. Though the first proselytes were kings, it does not appear that there was any persecution. It was a precept of Pope Gregory, under whose auspices this mission was conducted, that the heathen temples should not be destroyed, especially where they were well built, — but that, first removing the idols, they should be consecrated anew by holier rites and to better purposes, in order that the prejudices of the people might not be too rudely shocked by a declared profanation of what they had so long held sacred, and that, everywhere beholding the same places to which they had formerly resorted for religious comfort, they might be gradually reconciled to the new doctrines and ceremonies which, were there introduced; and as the sacrifices used in the Pagan worship were always attended with feasting, and consequently were highly grateful to the multitude, the Pope ordered that oxen, should as usual be slaughtered near the church, and the people indulged in their ancient festivity. Whatever popular customs of heathenism were found to be absolutely not incompatible with Christianity were retained; and some of them were continued to a very late period. Deer were at a certain season brought into St. Paul's church in London, and laid on the altar; and this custom subsisted until the Reformation. The names of some of the Church festivals were, with a similar design, taken from those of the heathen which had been celebrated at the same time of the year. Nothing could have been more prudent than these regulations: they were, indeed, formed from a perfect understanding of human nature.

Whilst the inferior people were thus insensibly led into a better order, the example and countenance of the great completed the work. For the Saxon kings and ruling men embraced religion with so signal, and in their rank so unusual a zeal, that in many instances they even sacrificed to its advancement the prime objects of their

ambition. Wulfhere, king of the West Saxons, bestowed the Isle of Wight on the king of Sussex, to persuade him to embrace Christianity. This zeal operated in the same manner in favor of their instructors. The greatest kings and conquerors frequently resigned their crowns and shut themselves up in monasteries. When kings became monks, a high lustre was reflected upon the monastic state, and great credit accrued to the power of their doctrine, which was able to produce such extraordinary effects upon persons over whom religion has commonly the slightest influence.

The zeal of the missionaries was also much assisted by their superiority in the arts of civil life. At their first preaching in Sussex, that country was reduced to the greatest distress from a drought, which had continued for three years. The barbarous inhabitants, destitute of any means to alleviate the famine, in an epidemic transport of despair frequently united forty and fifty in a body, and, joining their hands, precipitated themselves from the cliffs, and were either drowned or dashed to pieces on the rocks. Though a maritime people, they knew not how to fish; and this ignorance probably arose from a remnant of Druidical superstition, which had forbidden the use of that sort of diet. In this calamity, Bishop Wilfrid, their first preacher, collecting nets, at the head of his attendants, plunged into the sea; and having opened this great resource of food, he reconciled the desperate people to life, and their minds to the spiritual care of those who had shown themselves so attentive to their temporal preservation.

The same regard to the welfare of the people appeared in all their actions. The Christian kings sometimes made donations to the Church of lands conquered from their heathen enemies. The clergy immediately baptized and manumitted their new vassals. Thus they endeared to all sorts of men doctrines and teachers which could mitigate the rigorous law of conquest; and they rejoiced to see religion and liberty advancing with, an equal progress. Nor were the monks in this time in anything more worthy of praise than in their zeal for personal freedom. In the canon wherein they provided against the alienation of their lands, among other charitable exceptions to this restraint they particularize the purchase of liberty. In their transactions with the great the same point was always strenuously labored. When they imposed penance, they were remarkably indulgent to persons of that rank; but they always made them purchase the remission of corporal austerity by acts of beneficence. They urged their powerful penitents to the enfranchisement of their own slaves, and to the redemption of those which belonged to others; they directed them to the repair of highways, and to the construction of churches, bridges, and other works of general utility. They extracted the fruits of virtue even from crimes; and whenever a great man expiated his private offences, he provided in the same act for the public happiness. The monasteries were then the only bodies corporate in the kingdom; and if any persons were desirous to perpetuate their charity by a fund for the relief of the sick or indigent, there was no other way than to confide this

trust to some monastery. The monks were the sole channel through which the bounty of the rich could pass in any continued stream to the poor; and the people turned their eyes towards them in all their distresses. We must observe, that the monks of that time, especially those from Ireland, who had a considerable share in the conversion of all the northern parts, did not show that rapacious desire of riches which long disgraced and finally ruined their successors. Not only did they not seek, but seemed even to shun such donations. This prevented that alarm which might have arisen from an early and declared avarice. At this time the most fervent and holy anchorites retired to places the furthest that could be found from human concourse and help, to the most desolate and barren situations, which even from their horror seemed particularly adapted to men who had renounced the world. Many persons followed them in order to partake of their instructions and prayers, or to form themselves upon their example. An opinion of their miracles after their death drew still greater numbers. Establishments were gradually made. The monastic life was frugal, and the government moderate. These causes drew a constant concourse. Sanctified deserts assumed a new face; the marshes were drained, and the lands cultivated. And as this revolution seemed rather the effect of the holiness of the place than of any natural causes, it increased their credit; and every improvement drew with it a new donation. In this manner the great abbeys of Croyland and Glastonbury, and many others, from the most obscure beginnings, were advanced to a degree of wealth and splendor little less than royal.

In these rude ages government was not yet fixed upon solid principles, and everything was full of tumult and distraction. As the monasteries were better secured from violence by their character than any other places by laws, several great men, and even sovereign princes, were obliged to take refuge in convents; who, when, by a more happy revolution in their fortunes, they were reinstated in their former dignities, thought they could never make a sufficient return for the safety they had enjoyed under the sacred hospitality of these roofs. Not content to enrich them with ample possessions, that others also might partake of the protection they had experienced, they formally erected into an asylum those monasteries, and their adjacent territory. So that all thronged to that refuge who were rendered unquiet by their crimes, their misfortunes, or the severity of their lords; and content to live under a government to which their minds were subject, they raised the importance of their masters by their numbers, their labor, and, above all, by an inviolable attachment.

The monastery was always the place of sepulture for the greatest lords and kings. This added to the other causes of reverence a sort of sanctity, which, in universal opinion, always attends the repositories of the dead: and they acquired also thereby a more particular protection against the great and powerful; for who would violate the tomb of his ancestors or his own? It was not an unnatural weakness to think that some advantage might be derived from lying in holy places and amongst holy

persons: and this superstition was fomented with the greatest industry and art. The monks of Glastonbury spread a notion that it was almost impossible any person should be damned whose body lay in their cemetery. This must be considered as coming in aid of the amplest of their resources, prayer for the dead.

But there was no part of their policy, of whatever nature, that procured to them a greater or juster credit than their cultivation of learning and useful arts: for, if the monks contributed to the fall of science in the Roman Empire, it is certain that the introduction of learning and civility into this Northern world is entirely owing to their labors. It is true that they cultivated letters only in a secondary way, and as subsidiary to religion. But the scheme of Christianity is such that it almost necessitates an attention to many kinds of learning. For the Scripture is by no means an irrelative system of moral and divine truths; but it stands connected with so many histories, and with the laws, opinions, and manners of so many various sorts of people, and in such different times, that it is altogether impossible to arrive to any tolerable knowledge of it without having recourse to much exterior inquiry: for which reason the progress of this religion has always been marked by that of letters. There were two other circumstances at this time that contributed no less to the revival of learning. The sacred writings had not been translated into any vernacular language, and even the ordinary service of the Church was still continued in the Latin tongue; all, therefore, who formed themselves for the ministry, and hoped to make any figure in it, were in a manner driven to the study of the writers of polite antiquity, in order to qualify themselves for their most ordinary functions. By this means a practice liable in itself to great objections had a considerable share in preserving the wrecks of literature, and was one means of conveying down to our times those inestimable monuments which otherwise, in the tumult of barbarous confusion on one hand, and untaught piety on the other, must inevitably have perished. The second circumstance, the pilgrimages of that age, if considered in itself, was as liable to objection as the former; but it proved of equal advantage to the cause of literature. A principal object of these pious journeys was Rome, which contained all the little that was left in the Western world of ancient learning and taste. The other great object of those pilgrimages was Jerusalem: this led them into the Grecian Empire, which still subsisted in the East with great majesty and power. Here the Greeks had not only not discontinued the ancient studies, but they added to the stock of arts many inventions of curiosity and convenience that were unknown to antiquity. When, afterwards, the Saracens prevailed in that part of the world, the pilgrims had also by the same means an opportunity of profiting from the improvements of that laborious people; and however little the majority of these pious travellers might have had such objects in their view, something useful must unavoidably have stuck to them; a few certainly saw with more discernment, and rendered their travels serviceable to their country by importing other things besides miracles and legends. Thus a communication was

opened between this remote island and countries of which it otherwise could then scarcely have heard mention made; and pilgrimages thus preserved that intercourse amongst mankind which is now formed by politics, commerce, and learned curiosity.

It is not wholly unworthy of observation, that Providence, which strongly appears to have intended the continual intermixture of mankind, never leaves the human mind destitute of a principle to effect it. This purpose is sometimes carried on by a sort of migratory instinct, sometimes by the spirit of conquest; at one time avarice drives men from their homes, at another they are actuated by a thirst of knowledge; where none of these causes can operate, the sanctity of particular places attracts men from the most distant quarters. It was this motive which sent thousands in those ages to Jerusalem and Rome, and now, in a full tide, impels half the world annually to Mecca.

By those voyages the seeds of various kinds of knowledge and improvement were at different times imported into England. They were cultivated in the leisure and retirement of monasteries; otherwise they could not have been cultivated at all: for it was altogether necessary to draw certain men from the general rude and fierce society, and wholly to set a bar between them and the barbarous life of the rest of the world, in order to fit them for study and the cultivation of arts and science. Accordingly, we find everywhere in the first institutions for the propagation of knowledge amongst any people, that those who followed it were set apart and secluded from the mass of the community.

A.D. 682The great ecclesiastical chair of this kingdom, for near a century, was filled by foreigners. They were nominated by the Popes, who were in that age just or politic enough to appoint persons of a merit in some degree adequate to that important charge. Through this series of foreign and learned prelates, continual accessions were made to the originally slender stock of English literature. The greatest and most valuable of these accessions was made in the time and by the care of Theodorus, the seventh Archbishop of Canterbury. He was a Greek by birth, a man of a high ambitious spirit, and of a mind more liberal and talents better cultivated than generally fell to the lot of the Western prelates. He first introduced the study of his native language into this island. He brought with him a number of valuable books in many faculties, and amongst them a magnificent copy of the works of Homer, the most ancient and best of poets, and the best chosen to inspire a people just initiated into letters with an ardent love and with a true taste for the sciences. Under his influence a school was formed at Canterbury; and thus the other great fountain of knowledge, the Greek tongue, was opened in England in the year of our Lord 669.

The southern parts of England received their improvements directly through the channel of Rome. The kingdom of Northumberland, as soon as it was converted, began to contend with the southern provinces in an emulation of piety and learning.

The ecclesiastics then [there?] also kept up and profited by their intercourse with Rome; but they found their principal resources of knowledge from another and a more extraordinary quarter. The island of Hii, or Columbkil, is a small and barren rock in the Western Ocean. But in those days it was high in reputation as the site of a monastery which had acquired great renown for the rigor of its studies and the severity of its ascetic discipline. Its authority was extended over all the northern parts of Britain and Ireland; and the monks of Hii even exercised episcopal jurisdiction over all those regions. They had a considerable share both in the religious and literate institution of the Northumbrians. Another island, of still less importance, in the mouth of the Tees [Tweed?], and called Lindisfarne, was about this time sanctified by the austerities of an hermit called Cuthbert. It soon became also a very celebrated monastery. It was, from a dread of the ravages of pirates, removed first to the adjacent part of the continent, and on the same account finally to Durham. The heads of this monastery omitted nothing which could contribute to the glory of their founder and to the dignity of their house, which became, in a very short time, by their assiduous endeavors, the most considerable school perhaps in Europe.

The great and justest boast of this monastery is the Venerable Beda, who was educated and spent his whole life there. An account of his writings is an account of the English learning in that age, taken in its most advantageous view. Many of his works remain, and he wrote both in prose and verse, and upon all sorts of subjects. His theology forms the most considerable part of his writings. He wrote comments upon almost the whole Scripture, and several homilies on the principal festivals of the Church. Both the comments and sermons are generally allegorical in the construction of the text, and simply moral in the application. In these discourses several things seem strained and fanciful; but herein he followed entirely the manner of the earlier fathers, from whom the greatest part of his divinity is not so much imitated as extracted. The systematic and logical method, which seems to have been first introduced into theology by John of Damascus, and which afterwards was known by the name of School Divinity, was not then in use, at least in the Western Church, though soon after it made an amazing progress. In this scheme the allegorical gave way to the literal explication, the imagination had less scope, and the affections were less touched. But it prevailed by an appearance more solid and philosophical, by an order more scientific, and by a readiness of application either for the solution or the exciting of doubts and difficulties.

They also cultivated in this monastery the study of natural philosophy and astronomy. There remain of Beda one entire book and some scattered essays on these subjects. This book, *De Rerum Natura*, is concise and methodical, and contains no very contemptible abstract of the physics which were taught in the decline of the Roman Empire. It was somewhat unfortunate that the infancy of English learning was supported by the dotage of the Roman, and that even the

spring-head from whence they drew their instructions was itself corrupted. However, the works of the great masters of the ancient science still remained; but in natural philosophy the worst was the most fashionable. The Epicurean physics, the most approaching to rational, had long lost all credit by being made the support of an impious theology and a loose morality. The fine visions of Plato fell into some discredit by the abuse which heretics had made of them; and the writings of Aristotle seem to have been then the only ones much regarded, even in natural philosophy, in which branch of science alone they are unworthy of him. Beda entirely follows his system. The appearances of Nature are explained by matter and form, and by the four vulgar elements, acted upon by the four supposed qualities of hot, dry, moist, and cold. His astronomy is on the common system of the ancients, sufficient for the few purposes to which they applied it, but otherwise imperfect and grossly erroneous. He makes the moon larger than the earth; though a reflection on the nature of eclipses, which he understood, might have satisfied him of the contrary. But he had so much to copy that he had little time to examine. These speculations, however erroneous, were still useful; for, though men err in assigning the causes of natural operations, the works of Nature are by this means brought under their consideration, which cannot be done without enlarging the mind. The science may be false or frivolous; the improvement will be real. It may here be remarked, that soon afterwards the monks began to apply themselves to astronomy and chronology, from the disputes, which were carried on with so much heat and so little effect, concerning the proper time of celebrating Easter; and the English owed the cultivation of these noble sciences to one of the most trivial controversies of ecclesiastic discipline.

Beda did not confine his attention to those superior sciences. He treated of music, and of rhetoric, of grammar, and the art of versification, and of arithmetic, both by letters and on the fingers; and his work on this last subject is the only one in which that piece of antique curiosity has been preserved to us. All these are short pieces; some of them are in the catechetical method, and seem designed for the immediate use of the pupils in his monastery, in order to furnish them with some leading ideas in the rudiments of these arts, then newly introduced into his country. He likewise made, and probably for the same purpose, a very ample and valuable collection of short philosophical, political, and moral maxims, from Aristotle, Plato, Seneca, and other sages of heathen antiquity. He made a separate book of shining commonplaces and remarkable passages extracted from the works of Cicero, of whom he was a great admirer, though he seems to have been not an happy or diligent imitator in his style. From a view of these pieces we may form an idea of what stock in the science the English at that time possessed, and what advances they had made. That work of Beda which is the best known and most esteemed is the Ecclesiastical History of the English nation. Disgraced by a want of choice and frequently by a confused ill disposition of his matter, and blemished with a degree

of credulity next to infantine, it is still a valuable, and for the time a surprising performance. The book opens with a description of this island which would not have disgraced a classical author; and he has prefixed to it a chronological abridgment of sacred and profane history connected, from the beginning of the world, which, though not critically adapted to his main design, is of far more intrinsic value, and indeed displays a vast fund of historical erudition. On the whole, though this father of the English learning seems to have been but a genius of the middle class, neither elevated nor subtile, and one who wrote in a low style, simple, but not elegant, yet, when we reflect upon the time in which he lived, the place in which he spent his whole life, within the walls of a monastery, in so remote and wild a country, it is impossible to refuse him the praise of an incredible industry and a generous thirst of knowledge.

That a nation who not fifty years before had but just begun to emerge from a barbarism so perfect that they were unfurnished even with an alphabet should in so short a time have established so flourishing a seminary of learning, and have produced so eminent a teacher, is a circumstance which I imagine no other nation besides England can boast.

Hitherto we have spoken only of their Latin and Greek literature. They cultivated also their native language, which, according to the opinions of the most adequate judges, was deficient neither in energy nor beauty, and was possessed of such an happy flexibility as to be capable of expressing with grace and effect every new technical idea introduced either by theology or science. They were fond of poetry; they sung at all their feasts; and it was counted extremely disgraceful not to be able to take a part in these performances, even when they challenged each other to a sudden exertion of the poetic spirit. Cædmon, afterwards one of the most eminent of their poets, was disgraced in this manner into an exertion of a latent genius. He was desired in his turn to sing, but, being ignorant and full of natural sensibility, retired in confusion from the company, and by instant and strenuous application soon became a distinguished proficient in the art.

CHAPTER III.

SERIES OF ANGLO-SAXON KINGS FROM ETHELBERT TO ALFRED: WITH THE INVASION OF THE DANES.

A.D. 799 The Christian religion, having once taken root in Kent, spread itself with great rapidity throughout all the other Saxon kingdoms in England. The manners of the Saxons underwent a notable alteration by this change in their religion: their ferocity was much abated; they became more mild and sociable; and their laws began to partake of the softness of their manners, everywhere recommending mercy and a tenderness for Christian blood. There never was any people who embraced religion with a more fervent zeal than the Anglo-Saxons, nor with more simplicity of spirit. Their history for a long time shows us a remarkable conflict between their dispositions and their principles. This conflict produced no medium, because they were absolutely contrary, and both operated with almost equal violence. Great crimes and extravagant penances, rapine and an entire resignation of worldly goods, rapes and vows of perpetual chastity, succeeded each other in the same persons. There was nothing which the violence of their passions could not induce them to commit; nothing to which they did not submit to atone for their offences, when reflection gave an opportunity to repent. But by degrees the sanctions of religion began to preponderate; and as the monks at this time attracted all the religious veneration, religion everywhere began to relish of the cloister: an inactive spirit, and a spirit of scruples prevailed; they dreaded to put the greatest criminal to death; they scrupled to engage in any worldly functions. A king of the Saxons dreaded that God would call him to an account for the time which he spent in his temporal affairs and had stolen from prayer. It was frequent for kings to go on pilgrimages to Rome or to Jerusalem, on foot, and under circumstances of great hardship. Several kings resigned their crowns to devote themselves to religious contemplation in monasteries, — more at that time and in this nation than in all other nations and in all times. This, as it introduced great mildness into the tempers of the people, made them less warlike, and consequently prepared the way to their forming one body under Egbert, and for the other changes which followed.

The kingdom of Wessex, by the wisdom and courage of King Ina, the greatest legislator and politician of those times, had swallowed up Cornwall, for a while a refuge for some of the old Britons, together with the little kingdom of the South Saxons. By this augmentation it stretched from the Land's End to the borders of Kent, the Thames flowing on the north, the ocean washing it on the south. By their situation the people of Wessex naturally came to engross the little trade which then fed the revenues of England; and their minds were somewhat opened by a foreign communication, by which they became more civilized and better acquainted with

the arts of war and of government. Such was the condition of the kingdom of Wessex, when Egbert was called to the throne of his ancestors. The civil commotions which for some time prevailed had driven this prince early in life into an useful banishment. He was honorably received at the court of Charlemagne, where he had an opportunity of studying government in the best school, and of forming himself after the most perfect model. Whilst Charlemagne was reducing the continent of Europe into one empire, Egbert reduced England into one kingdom. The state of his own dominions, perfectly united under him, with the other advantages which we have just mentioned, and the state of the neighboring Saxon governments, made this reduction less difficult. Besides Wessex, there were but two kingdoms of consideration in England, — Mercia and Northumberland. They were powerful enough in the advantages of Nature, but reduced to great weakness by their divisions. As there is nothing of more moment to any country than to settle the succession of its government on clear and invariable principles, the Saxon monarchies, which were supported by no such principles, were continually tottering. The right of government sometimes was considered as in the eldest son, sometimes in all; sometimes the will of the deceased prince disposed of the crown, sometimes a popular election bestowed it. The consequence of this was the frequent division and frequent reunion of the same territory, which were productive of infinite mischief; many various principles of succession gave titles to some, pretensions to more; and plots, cabals, and crimes could not be wanting to all the pretenders. Thus was Mercia torn to pieces; and the kingdom of Northumberland, assaulted on one side by the Scots, and ravaged on the other by the Danish incursions, could not recover from a long anarchy into which its intestine divisions had plunged it. Egbert knew how to make advantage of these divisions: fomenting them by his policy at first, and quelling them afterwards by his sword, he reduced these two kingdoms under his government. The same power which conquered Mercia and Northumberland made the reduction of Kent and Essex easy, — the people on all hands the more readily submitting, because there was no change made in their laws, manners, or the form of their government.

Egbert A.D. 827.

A.D. 832 Egbert, when he had brought all England under his dominion, made the Welsh tributary, and carried his arms with success into Scotland, assumed the title of Monarch of all Britain. The southern part of the island was now for the first time authentically known by the name of England, and by every appearance promised to have arrived at the fortunate moment for forming a permanent and splendid monarchy. But Egbert had not reigned seven years in peace, when the Danes, who had before showed themselves in some scattered parties, and made some inconsiderable descents, entered the kingdom in a formidable body. This people came from the same place whence the English themselves were derived, and they

differed from them in little else than that they still retained their original barbarity and heathenism. These, assisted by the Norwegians, and other people of Scandinavia, were the last torrent of the Northern ravagers which overflowed Europe. What is remarkable, they attacked England and France when these two kingdoms were in the height of their grandeur, — France under Charlemagne, England united by Egbert. The good fortune of Egbert met its first check from these people, who defeated his forces with great slaughter near Charmouth in Dorsetshire. It generally happens that a new nation, with a new method of making war, succeeds against a people only exercised in arms by their own civil dissensions. Besides, England, newly united, was not without those jealousies and that disaffection which give such great advantage to an invader. But the vigilance and courage of Egbert repaired this defeat; he repulsed the Danes; and died soon after at Winchester, full of years and glory.

Ethelwolf A.D. 838He left a great, but an endangered succession, to his son Ethelwolf, who was a mild and virtuous prince, full of a timid piety, which utterly disqualifies for government; and he began to govern at a time when the greatest capacity was wanted. The Danes pour in upon every side; the king rouses from his lethargy; battles are fought with various success, which it were useless and tedious to recount. The event seems to have been, that in some corners of the kingdom the Danes gained a few inconsiderable settlements; the rest of the kingdom, after being terribly ravaged, was left a little time to recover, in order to be plundered anew. But the weak prince took no advantage of this time to concert a regular plan of defence, or to rouse a proper spirit in his people. Yielding himself wholly to speculative devotion, he entirely neglected his affairs, and, to complete the ruin of his kingdom, abandoned it, in such critical circumstances, to make a pilgrimage to Rome. At Rome he behaved in the manner that suited his little genius, in making charitable foundations, and in extending the Rome-scot or Peter-pence, which the folly of some princes of the Heptarchy had granted for their particular dominions, over the whole Kingdom. His shameful desertion of his country raised so general a discontent, that in his absence his own son, with the principal of his nobility and bishops, conspired against him. At his return, he found, however, that several still adhered to him; but here, too, incapable of acting with rigor, he agreed to an accommodation, which placed the crown on the head of his rebellious son, and only left to himself a sphere of government as narrow as his genius, — the district of Kent, whither he retired to enjoy an inglorious privacy with a wife whom he had married in France.

Ethelred, A.D. 866On his death, his son Ethelred still held the crown, which he had preoccupied by his rebellion, and which he polluted with a new stain. He married his father's widow. The confused history of these times furnishes no clear account either of the successions of the kings or of their actions. During the reign

of this prince and his successors Ethelbert and Ethelred, the people in several parts of England seem to have withdrawn from the kingdom of Wessex, and to have revived their former independency. This, added to the weakness of the government, made way for new swarms of Danes, who burst in upon this ill-governed and divided people, ravaging the whole country in a terrible manner, but principally directing their fury against every monument of civility or piety. They had now formed a regular establishment in Northumberland, and gained a very considerable footing in Mercia and East Anglia; they hovered over every part of the kingdom with their fleets; and being established in many places in the heart of the country, nothing seemed able to resist them.

CHAPTER IV.

REIGN OF KING ALFRED.

A.D. 871

A.D. 875 It was in the midst of these distractions that Alfred succeeded to a sceptre which, was threatened every moment to be wrenched from his hands. He was then only twenty-two years of age, but exercised from his infancy in troubles and in wars that formed and displayed his virtue. Some of its best provinces were torn from his kingdom, which was shrunk to the ancient bounds of Wessex; and what remained was weakened by dissension, by a long war, by a raging pestilence, and surrounded by enemies whose numbers seemed inexhaustible, and whose fury was equally increased by victories or defeats. All these difficulties served only to increase the vigor of his mind. He took the field without delay; but he was defeated with considerable loss. This ominous defeat displayed more fully the greatness of his courage and capacity, which found in desperate hopes and a ruined kingdom such powerful resources. In a short time after he was in a condition to be respected: but he was not led away by the ambition of a young warrior. He neglected no measures to procure peace for his country, which wanted a respite from the calamities which had long oppressed it. A peace was concluded for Wessex. Then the Danes turned their faces once more towards Mercia and East Anglia. They had before stripped the inhabitants of all their movable substance, and now they proceeded without resistance to seize upon their lands. Their success encouraged new swarms of Danes to crowd over, who, finding all the northern parts of England possessed by their friends, rushed into Wessex. They were adventurers under different and independent leaders; and a peace little regarded by the particular party that made it had no influence at all upon the others. Alfred opposed this shock with so much firmness that the barbarians had recourse to a stratagem: they pretended to treat; but taking advantage of the truce, they routed a body of the West Saxon cavalry that were off their guard, mounted their horses, and, crossing the country with amazing celerity, surprised the city of Exeter. This was an acquisition of infinite advantage to their affairs, as it secured them a port in the midst of Wessex.

Alfred, mortified at this series of misfortunes, perceived clearly that nothing could dislodge the Danes, or redress their continual incursions, but a powerful fleet which might intercept them at sea. The want of this, principally, gave rise to the success of that people. They used suddenly to land and ravage a part of the country; when a force opposed them, they retired to their ships, and passed to some other part, which in a like manner they ravaged, and then retired as before, until the country, entirely harassed, pillaged, and wasted by these incursions, was no longer

able to resist them. Then they ventured safely to enter a desolated and disheartened country, and to establish themselves in it. These considerations made Alfred resolve upon equipping a fleet. In this enterprise nothing but difficulties presented themselves: his revenue was scanty, and his subjects altogether unskilled in maritime affairs, either as to the construction or the navigation of ships. He did not therefore despair. With great promises attending a little money, he engaged in his service a number of Frisian seamen, neighbors to the Danes, and pirates, as they were. He brought, by the same means, shipwrights from the continent. He was himself present to everything; and having performed the part of a king in drawing together supplies of every kind, he descended with no less dignity into the artist, — improving on the construction, inventing new machines, and supplying by the greatness of his genius the defects and imperfections of the arts in that rude period. By his indefatigable application the first English navy was in a very short time in readiness to put to sea. At that time the Danish fleet of one hundred and twenty-five ships stood with full sail for Exeter; they met; but, with an omen prosperous to the new naval power, the Danish fleet was entirely vanquished and dispersed. This success drew on the surrendry of Exeter, and a peace, which Alfred much wanted to put the affairs of his kingdom in order.

This peace, however, did not last long. As the Danes were continually pouring into some part of England, they found most parts already in Danish hands; so that all these parties naturally directed their course to the only English kingdom. All the Danes conspired to put them in possession of it, and bursting unexpectedly with the united force of their whole body upon Wessex, Alfred was entirely overwhelmed, and obliged to drive before the storm of his fortune. He fled in disguise into a fastness in the Isle of Athelney, where he remained four months in the lowest state of indigence, supported by an heroic humility, and that spirit of piety which neither adverse fortune nor prosperity could overcome. It is much to be lamented that a character so formed to interest all men, involved in reverses of fortune that make the most agreeable and useful part of history, should be only celebrated by pens so little suitable to the dignity of the subject. These revolutions are so little prepared, that we neither can perceive distinctly the causes which sunk him nor those which again raised him to power. A few naked facts are all our stock. From these we see Alfred, assisted by the casual success of one of his nobles, issuing from his retreat; he heads a powerful army once more, defeats the Danes, drives them out of Wessex, follows his blow, expels them from Mercia, subdues them in Northumberland, and makes them tributary in Bast Anglia; and thus established by a number of victories in a full peace, he is presented to us in that character which makes him venerable to posterity. It is a refreshment, in the midst of such a gloomy waste of barbarism and desolation, to fall upon so fair and cultivated a spot.

A.D. 880.

A.D. 896. When Alfred had once more reunited the kingdoms of his ancestors, he found the whole face of things in the most desperate condition: there was no observance of law and order; religion had no force; there was no honest industry; the most squalid poverty and the grossest ignorance had overspread the whole kingdom. Alfred at once enterprised the cure of all these evils. To remedy the disorders in the government, he revived, improved, and digested all the Saxon institutions, insomuch that he is generally honored as the founder of our laws and Constitution.

The shire he divided into hundreds, the hundreds into tithings; every freeman was obliged to be entered into some tithing, the members of which were mutually bound for each other, for the preservation of the peace, and the avoiding theft and rapine. For securing the liberty of the subject, he introduced the method of giving bail, the most certain fence against the abuses of power. It has been observed that the reigns of weak princes are times favorable to liberty; but the wisest and bravest of all the English princes is the father of their freedom. This great man was even jealous of the privileges of his subjects; and as his whole life was spent in protecting them, his last will breathes the same spirit, declaring that he had left his people as free as their own thoughts. He not only collected with great care a complete body of laws, but he wrote comments on them for the instruction of his judges, who were in general, by the misfortune of the time, ignorant. And if he took care to correct their ignorance, he was rigorous towards their corruption. He inquired strictly into their conduct, he heard appeals in person; he held his Wittenagemotes, or Parliaments, frequently; and kept every part of his government in health and vigor.

Nor was he less solicitous for the defence than he had shown himself for the regulation of his kingdom. He nourished with particular care the new naval strength which he had established; he built forts and castles in the most important posts; he settled beacons to spread an alarm on the arrival of an enemy; and ordered his militia in such a manner that there was always a great power in readiness to march, well appointed and well disciplined. But that a suitable revenue might not be wanting for the support of his fleets and fortifications, he gave great encouragement to trade, which, by the piracies on the coasts, and the rapine and injustice exercised by the people within, had long become a stranger to this island.

In the midst of these various and important cares, he gave a peculiar attention to learning, which by the rage of the late wars had been entirely extinguished in his kingdom. "Very few there were" (says this monarch) "on this side the Humber that understood their ordinary prayers, or that were able to translate any Latin book into English, — so few, that I do not remember even one qualified to the southward of the Thames when I began my reign." To cure this deplorable ignorance, he was indefatigable in his endeavors to bring into England men of learning in all branches

from every part of Europe, and unbounded in his liberality to them. He enacted by a law that every person possessed of two hides of land should send their children to school until sixteen. Wisely considering where to put a stop to his love even of the liberal arts, which are only suited to a liberal condition, he enterprised yet a greater design than that of forming the growing generation, — to instruct even the grown: enjoining all his earldormen and sheriffs immediately to apply themselves to learning, or to quit their offices. To facilitate these great purposes, he made a regular foundation of an university, which with great reason is believed to have been at Oxford. Whatever trouble he took to extend the benefits of learning amongst his subjects, he showed the example himself, and applied to the cultivation of his mind with unparalleled diligence and success. He could neither read nor write at twelve years old; but he improved his time in such a manner that he became one of the most knowing men of his age, in geometry, in philosophy, in architecture, and in music. He applied himself to the improvement of his native language; he translated several valuable works from Latin; and wrote a vast number of poems in the Saxon tongue with a wonderful facility and happiness. He not only excelled in the theory of the arts and sciences, but possessed a great mechanical genius for the executive part; he improved the manner of ship-building, introduced a more beautiful and commodious architecture, and even taught his countrymen the art of making bricks, — most of the buildings having been of wood before his time. In a word, he comprehended in the greatness of his mind the whole of government and all its parts at once, and, what is most difficult to human frailty, was at the same time sublime and minute.

Religion, which in Alfred's father was so prejudicial to affairs, without being in him at all inferior in its zeal and fervor, was of a more enlarged and noble kind; far from being a prejudice to his government, it seems to have been the principle that supported him in so many fatigues, and fed like an abundant source his civil and military virtues. To his religious exercises and studies he devoted a full third part of his time. It is pleasant to trace a genius even in its smallest exertions, — in measuring and allotting his time for the variety of business he was engaged in. According to his severe and methodical custom, he had a sort of wax candles made of different colors in different proportions, according to the time he allotted to each particular affair; as he carried these about with him wherever he went, to make them burn evenly he invented horn lanterns. One cannot help being amazed that a prince, who lived in such turbulent times, who commanded personally in fifty-four pitched battles, who had so disordered a province to regulate, who was not only a legislator, but a judge, and who was continually superintending his armies, his navies, the traffic of his kingdom, his revenues, and the conduct of all his officers, could have bestowed so much of his time on religious exercises and speculative knowledge; but the exertion of all his faculties and virtues seemed to have given a mutual strength to all of them. Thus all historians speak of this prince, whose whole

history was one panegyric; and whatever dark spots of human frailty may have adhered to such a character, they are entirely hid in the splendor of his many shining qualities and grand virtues, that throw a glory over the obscure period in which he lived, and which is for no other reason worthy of our knowledge.

A.D. 897. The latter part of his reign was molested with new and formidable attempts from the Danes: but they no longer found the country in its former condition; their fleets were attacked; and those that landed found a strong and regular opposition. There were now fortresses which restrained their ravages, and armies well appointed to oppose them in the field; they were defeated in a pitched battle; and after several desperate marches from one part of the country to the other, everywhere harassed and hunted, they were glad to return with half their number, and to leave Alfred in quiet to accomplish the great things he had projected. This prince reigned twenty-seven, years, and died at last of a disorder in his bowels, which had afflicted him, without interrupting his designs or souring his temper, during the greatest part of his life.

CHAPTER V.

SUCCESSION OF KINGS FROM ALFRED TO HAROLD.

Edward, A.D. 900.

Athelstan A.D. 925.

Edmund, A.D. 942.

Edred, A.D. 947.

Edwin, A.D. 957. His son Edward succeeded. Though of less learning than his father, he equalled him in his political virtues. He made war with success on the Welsh, the Scots, and the Danes, and left his kingdom strongly fortified, and exercised, not weakened, with the enterprises of a vigorous reign. Because his son Edmund was under age, the crown was set on the head of his illegitimate offspring, Athelstan. His, like the reigns of all the princes of this time, was molested by the continual incursions of the Danes; and nothing but a succession of men of spirit, capacity, and love of their country, which providentially happened at this time, could ward off the ruin of the kingdom. Such Athelstan was; and such was his brother Edmund, who reigned five years with great reputation, but was at length, by an obscure ruffian, assassinated in his own palace. Edred, his brother, succeeded to the late monarchy: though he had left two sons, Edwin and Edgar, both were passed by on account of their minority. But on this prince's death, which happened after a troublesome reign of ten years, valiantly supported against continual inroads of the Danes; the crown devolved on Edwin; of whom little can be said, because his reign was short, and he was so embroiled with his clergy that we can take his character only from the monks, who in such a case are suspicious authority.

Edgar, A.D. 959.

Edgar, the second son of King Edmund, came young to the throne; but he had the happiness to have his youth formed and his kingdom ruled by men of experience, virtue, and authority. The celebrated Dunstan was his first minister, and had a mighty influence over all his actions. This prelate had been educated abroad, and had seen the world to advantage. As he had great power at court by the superior wisdom of his counsels, so by the sanctity of his life he had great credit with the people, which gave a firmness to the government of his master, whose private character was in many respects extremely exceptionable. It was in his reign, and chiefly by the means of his minister, Dunstan, that the monks, who had long prevailed in the opinion of the generality of the people, gave a total overthrow to their rivals, the secular clergy. The secular clergy were at this time for the most part married, and were therefore too near the common modes of mankind to draw a great deal of their respect; their character was supported by a very small portion of

learning, and their lives were not such as people wish to see in the clergy. But the monks were unmarried, austere in their lives, regular in their duties, possessed of the learning of the times, well united under a proper subordination, full of art, and implacable towards their enemies. These circumstances, concurring with the dispositions of the king and the designs of Dunstan, prevailed so far that it was agreed in a council convened for that purpose to expel the secular clergy from their livings, and to supply their places with monks, throughout the kingdom. Although the partisans of the secular priests were not a few, nor of the lowest class, yet they were unable to withstand the current of the popular desire, strengthened by the authority of a potent and respected monarch. However, there was a seed of discontent sown on this occasion, which grew up afterwards to the mutual destruction of all the parties. During the whole reign of Edgar, as he had secured the most popular part of the clergy, and with them the people, in his interests, there was no internal disturbance; there was no foreign war, because this prince was always ready for war. But he principally owed his security to the care he took of his naval power, which was much greater and better regulated than that of any English monarch before him. He had three fleets always equipped, one of which annually sailed round the island. Thus the Danes, the Scots, the Irish, and the Welsh were kept in awe. He assumed the title of King of all Albion. His court was magnificent, and much frequented by strangers. His revenues were in excellent order, and no prince of his time supported the royal character with more dignity.

Edward, A.D. 975.

Ethelred, A.D. 979. Edgar had two wives, Elfleda and Elfrida. By the first he had a son called Edward; the second bore him one called Ethelred. On Edgar's death, Edward, in the usual order of succession, was called to the throne; but Elfrida caballed in favor of her son, and finding it impossible to set him up in the life of his brother, she murdered him with her own hands in her castle of Corfe, whither he had retired to refresh himself, wearied with hunting. Ethelred, who by the crimes of his mother ascended a throne sprinkled with his brother's blood, had a part to act which exceeded the capacity that could be expected in one of his youth and inexperience. The partisans of the secular clergy, who were kept down by the vigor of Edgar's government, thought this a fit time to renew their pretensions. The monks defended themselves in their possession; there was no moderation on either side, and the whole nation joined in these parties. The murder of Edward threw an odious stain on the king, though he was wholly innocent of that crime. There was a general discontent, and every corner was full of murmurs and cabals. In this state of the kingdom, it was equally dangerous to exert the fulness of the sovereign authority or to suffer it to relax. The temper of the king was most inclined to the latter method, which is of all things the worst. A weak government, too easy, suffers evils to grow which often make the most rigorous and illegal proceedings necessary.

Through an extreme lenity it is on some occasions tyrannical. This was the condition of Ethelred's nobility, who, by being permitted everything, were never contented.

Thus all the principal men held a sort of factious and independent authority; they despised the king, they oppressed the people, and they hated one another. The Danes, in every part of England but Wessex as numerous as the English themselves, and in many parts more numerous, were ready to take advantage of these disorders, and waited with impatience some new attempt from abroad, that they might rise in favor of the invaders. They were not long without such an occasion; the Danes pour in almost upon every part at once, and distract the defence which the weak prince was preparing to make.

In those days of wretchedness and ignorance, when all the maritime parts of Europe were attacked by these formidable enemies at once, they never thought of entering into any alliance against them; they equally neglected the other obvious method to prevent their incursions, which was, to carry the war into the invaders' country.

A.D. 987.

A.D. 991. What aggravated these calamities, the nobility, mostly disaffected to the king, and entertaining very little regard to their country, made, some of them, a weak and cowardly opposition to the enemy; some actually betrayed their trust; some even were found who undertook the trade of piracy themselves. It was in this condition, that Edric, Duke of Mercia, a man of some ability, but light, inconstant, and utterly devoid of all principle, proposed to buy a peace from the Danes. The general weakness and consternation disposed the king and people to take this pernicious advice. At first 10,000*l.* was given to the Danes, who retired with this money and the rest of their plunder. The English were now, for the first time, taxed to supply this payment. The imposition was called Danegelt, not more burdensome in the thing than scandalous in the name. The scheme of purchasing peace not only gave rise to many internal hardships, but, whilst it weakened the kingdom, it inspired such a desire of invading it to the enemy, that Sweyn, King of Denmark, came in person soon after with a prodigious fleet and army. The English, having once found the method of diverting the storm by an inglorious bargain, could not bear to think of any other way of resistance. A greater sum, 48,000*l.*, was now paid, which the Danes accepted with pleasure, as they could by this means exhaust their enemies and enrich themselves with little danger or trouble. With very short intermissions they still returned, continually increasing in their demands. In a few years they extorted upwards of 160,000*l.* from the English, besides an annual tribute of 48,000*l.* The country was wholly exhausted both of money and spirit. The Danes in England, under the protection of the foreign Danes, committed a thousand

insolencies; and so infatuated with stupidity and baseness were the English at this time, that they employed hardly any other soldiers for their defence.

A.D. 1002

A.D. 1003 In this state of shame and misery, their sufferings suggested to them a design rather desperate than brave. They resolved on a massacre of the Danes. Some authors say, that in one night the whole race was cut off. Many, probably all the military men, were so destroyed. But this massacre, injudicious as it was cruel, was certainly not universal; nor did it serve any other or better end than to exasperate those of the same nation abroad, who the next year landed in England with a powerful army to revenge it, and committed outrages even beyond the usual tenor of the Danish cruelty. There was in England no money left to purchase a peace, nor courage to wage a successful war; and the King of Denmark, Sweyn, a prince of capacity, at the head of a large body of brave and enterprising men, soon mastered the whole kingdom, except London. Ethelred, abandoned by fortune and his subjects, was forced to fly into Normandy.

Edmund Ironside, A.D. 1016. As there was no good order in the English affairs, though continually alarmed, they were always surprised; they were only roused to arms by the cruelty of the enemy, and they were only formed into a body by being driven from their homes: so that they never made a resistance until they seemed to be entirely conquered. This may serve to account for the frequent sudden reductions of the island, and the frequent renewals of their fortune when it seemed the most desperate. Sweyn, in the midst of his victories, dies, and, though succeeded by his son Canute, who inherited his father's resolution, their affairs were thrown into some disorder by this accident. The English were encouraged by it. Ethelred was recalled, and the Danes retired out of the kingdom; but it was only to return the next year with a greater and better appointed force. Nothing seemed able to oppose them. The king dies. A great part of the land was surrendered, without resistance, to Canute. Edmund, the eldest son of Ethelred, supported, however, the declining hopes of the English for some time; in three months he fought three victorious battles; he attempted a fourth, but lost it by the base desertion of Edric, the principal author of all these troubles. It is common with the conquered side to attribute all their misfortunes to the treachery of their own party. They choose to be thought subdued by the treachery of their friends rather than the superior bravery of their enemies. All the old historians talk in this strain; and it must be acknowledged that all adherents to a declining party have many temptations to infidelity.

Edmund, defeated, but not discouraged, retreated to the Severn, where he recruited his forces. Canute followed at his heels. And now the two armies were drawn up which were to decide the fate of England, when it was proposed to determine the war by a single combat between the two kings. Neither was

unwilling; the Isle of Alney in the Severn was chosen for the lists. Edmund had the advantage by the greatness of his strength, Canute by his address; for when Edmund had so far prevailed as to disarm him, he proposed a parley, in which he persuaded Edmund to a peace, and to a division of the kingdom. Their armies accepted the agreement, and both kings departed in a seeming friendship. But Edmund died soon after, with a probable suspicion of being murdered by the instruments of his associate in the empire.

The Danish race.

Canute.

Harold I., A.D. 1035.

Hardicanute, A.D. 1035

The Saxon line restored. Canute, on this event, assembled the states of the kingdom, by whom he was acknowledged King of all England. He was a prince truly great; for, having acquired the kingdom by his valor, he maintained and improved it by his justice and clemency. Choosing rather to rule by the inclination of his subjects than the right of conquest, he dismissed his Danish army, and committed his safety to the laws. He reestablished the order and tranquillity which so long a series of bloody wars had banished. He revived the ancient statutes of the Saxon princes, and governed through his whole reign with such steadiness and moderation that the English were much happier under this foreign prince than they had been under their natural kings. Canute, though the beginning of his life was stained with those marks of violence and injustice which attend conquest, was remarkable in his latter end for his piety. According to the mode of that time, he made a pilgrimage to Rome, with a view to expiate the crimes which paved his way to the throne; but he made a good use of this peregrination, and returned full of the observations he had made in the country through which he passed, which he turned to the benefit of his extensive dominions. They comprehended England, Denmark, Norway, and many of the countries which lie upon the Baltic. Those he left, established in peace and security, to his children. The fate of his Northern possessions is not of this place. England fell to his son Harold, though not without much competition in favor of the sons of Edmund Ironside, while some contended for the right of the sons of Ethelred, Alfred and Edward. Harold inherited none of the virtues of Canute; he banished his mother Emma, murdered his half-brother Alfred, and died without issue after a short reign, full of violence, weakness, and cruelty. His brother Hardicanute, who succeeded him, resembled him in his character; he committed new cruelties and injustices in revenging those which his brother had committed, and he died after a yet shorter reign. The Danish power, established with so much blood, expired of itself; and Edward, the only surviving son of Ethelred, then an exile in Normandy, was called to the throne by the unanimous voice of the kingdom.

Edward the Confessor, A.D. 1041.

A.D. 1053

A.D. 1066. This prince was educated in a monastery, where he learned piety, continence, and humility, but nothing of the art of government. He was innocent and artless, but his views were narrow, and his genius contemptible. The character of such a prince is not, therefore, what influences the government, any further than as it puts it in the hands of others. When he came to the throne, Godwin, Earl of Kent, was the most popular man in England; he possessed a very great estate, an enterprising disposition, and an eloquence beyond the age he lived in; he was arrogant, imperious, assuming, and of a conscience which never put itself in the way of his interest. He had a considerable share in restoring Edward to the throne of his ancestors; and by this merit, joined to his popularity, he for some time directed everything according to his pleasure. He intended to fortify his interest by giving in marriage to the king his daughter, a lady of great beauty, great virtue, and an education beyond her sex. Godwin had, however, powerful rivals in the king's favor. This monarch, who possessed many of the private virtues, had a grateful remembrance of his favorable reception in Normandy; he caressed the people of that country, and promoted several to the first places, ecclesiastical and civil, in his kingdom. This begot an uneasiness in all the English; but Earl Godwin was particularly offended. The Normans, on the other hand, accused Godwin of a design on the crown, the justice of which imputation the whole tenor of his conduct evinced sufficiently. But as his cabals began to break into action before they were in perfect ripeness for it, the Norman party prevailed, and Godwin was banished. This man was not only very popular at home by his generosity and address, but he found means to engage even, foreigners in his interests. Baldwin, Earl of Flanders, gave him a very kind reception. By his assistance Godwin fitted out a fleet, hired a competent force, sailed to England, and having near Sandwich deceived the king's navy, he presented himself at London before he was expected. The king made ready as great a force as the time would admit to oppose him. The galleys of Edward and Godwin met on the Thames; but such was the general favor to Godwin, such the popularity of his cause, that the king's men threw down their arms, and refused to fight against their countrymen in favor of strangers. Edward was obliged to treat with his own subjects, and in consequence of this treaty to dismiss the Normans, whom he believed to be the best attached to his interests. Godwin used the power to which he was restored to gratify his personal revenge, showing no mercy to his enemies. Some of his sons behaved in the most tyrannical manner. The great lords of the kingdom envied and hated a greatness which annihilated the royal authority, eclipsed them, and oppressed the people; but Godwin's death soon after quieted for a while their murmurs. The king, who had the least share in the transactions of his own reign, and who was of a temper not to perceive his own insignificance, begun in his old age to think of a successor. He had no children: for some weak reasons of

religion or personal dislike, he had never cohabited with his wife. He sent for his nephew Edward, the son of Edmund Ironside, out of Hungary, where he had taken refuge; but he died soon after he came to England, leaving a son called Edgar Atheling. The king himself irresolute in so momentous an affair, died without making any settlement. His reign was properly that of his great men, or rather of their factions. All of it that was his own was good. He was careful of the privileges of his subjects, and took care to have a body of the Saxon laws, very favorable to them, digested and enforced. He remitted the heavy imposition called Danegelt, amounting to 40,000*l.* a year, which had been constantly collected after the occasion had ceased; he even repaid to his subjects what he found in the treasury at his accession. In short, there is little in his life that can call his title to sanctity in question, though he can never be reckoned among the great kings.

CHAPTER VI.

HAROLD II. — INVASION OF THE NORMANS. — ACCOUNT OF THAT PEOPLE, AND OF THE STATE OF ENGLAND AT THE TIME OF THE INVASION.

Harold II., A.D. 1066. Though Edgar Atheling had the best title to the succession, yet Harold, the son of Earl Godwin, on account of the credit of his father, and his own great qualities, which supported and extended the interest of his family, was by the general voice set upon the throne. The right of Edgar, young, and discovering no great capacity, gave him little disturbance in comparison of the violence of his own brother Tosti, whom for his infamous oppression he had found himself obliged to banish. This man, who was a tyrant at home and a traitor abroad, insulted the maritime parts with a piratical fleet, whilst he incited all the neighboring princes to fall upon his country. Harold Harfager, King of Norway, after the conquest of the Orkneys, with a powerful navy hung over the coasts of England. But nothing troubled Harold so much as the pretensions and the formidable preparation of William, Duke of Normandy, one of the most able, ambitious, and enterprising men of that age. We have mentioned the partiality of King Edward to the Normans, and the hatred he bore to Godwin, and his family. The Duke of Normandy, to whom Edward had personal obligations, had taken a tour into England, and neglected no means to improve these dispositions to his own advantage. It is said that he then received the fullest assurances of being appointed to the succession, and that Harold himself had been sent soon after into Normandy to settle whatever related to it. This is an obscure transaction, and would, if it could be cleared up, convey but little instruction. So that whether we believe or not that William had engaged Harold by a solemn oath to secure him the kingdom, we know that he afterwards set up a will of King Edward in his favor, which, however, he never produced, and probably never had to produce. In these delicate circumstances Harold was not wanting to himself. By the most equitable laws and the most popular behavior he sought to secure the affections of his subjects; and he succeeded so well, that, when he marched against the King of Norway, who had invaded his kingdom and taken York, without difficulty he raised a numerous army of gallant men, zealous for his cause and their country. He obtained a signal and decisive victory over the Norwegians. The King Harfager, and the traitor Tosti, who had joined him, were slain in the battle, and the Norwegians were forced to evacuate the country. Harold had, however, but little time to enjoy the fruits of his victory.

Scarce had the Norwegians departed, when William, Duke of Normandy, landed in the southern part of the kingdom with an army of sixty thousand chosen men,

and struck a general terror through all the nation, which was well acquainted with the character of the commander and the courage and discipline of his troops.

The Normans were the posterity of those Danes who had so long and so cruelly harassed the British islands and the shore of the adjoining continent. In, the days of King Alfred, a body of these adventurers, under their leader, Rollo, made an attempt upon England; but so well did they find every spot defended by the vigilance and bravery of that great monarch that they were compelled to retire. Beaten from these shores, the stream of their impetuosity bore towards the northern parts of France, which had been reduced to the most deplorable condition by their former ravages. Charles the Simple then sat on the throne of that kingdom; unable to resist this torrent of barbarians, he was obliged to yield to it; he agreed to give up to Rollo the large and fertile province of Neustria, to hold of him as his feudatory. This province, from the new inhabitants, was called Normandy. Five princes succeeded Rollo, who maintained with great bravery and cultivated with equal wisdom his conquests. The ancient ferocity of this people was a little softened by their settlement; but the bravery which, had made the Danes so formidable was not extinguished in the Normans, nor the spirit of enterprise. Not long before this period, a private gentleman of Normandy, by his personal bravery, had acquired the kingdom of Naples. Several others followed his fortunes, who added Sicily to it. From one end of Europe to the other the Norman name was known, respected, and feared. Robert, the sixth Duke of Normandy, to expiate some crime which lay heavy upon his conscience, resolved, according to the ideas of that time, upon a pilgrimage to Jerusalem. It was in vain that his nobility, whom he had assembled to notify this resolution to them, represented to him the miserable state to which his country would be reduced, abandoned by its prince, and uncertain of a legal successor. The Duke was not to be moved from his resolution, which appeared but the more meritorious from the difficulties which attended it. He presented to the states William, then an infant, born of an obscure woman, whom, notwithstanding, he doubted not to be his son; him he appointed to succeed; him he recommended to their virtue and loyalty; and then, solemnly resigning the government in his favor, he departed on the pilgrimage, from whence he never returned. The states, hesitating some time between, the mischiefs that attend the allowing an illegitimate succession, and those which might arise from admitting foreign pretensions, thought the former the least prejudicial, and accordingly swore allegiance to William. But this oath was not sufficient to establish a right so doubtful. The Dukes of Burgundy and Brittany, as well as several Norman noblemen, had specious titles. The endeavors of all these disquieted the reign of the young prince with perpetual troubles. In these troubles he was formed early in life to vigilance, activity, secrecy, and a conquest over all those passions, whether bad or good, which obstruct the way to greatness. He had to contend with all the neighboring princes, with the seditions of a turbulent and unfaithful nobility, and the treacherous protection of his feudal

lord, the King of France. All of these in their turns, sometimes all of these together, distressed him. But with the most unparalleled good fortune and conduct he overcame all opposition, and triumphed over every enemy, raising his power and reputation above that of all his ancestors, as much as he was exalted by his bravery above the princes of his own time.

Such was the prince who, on a pretended claim from the will of King Edward, supported by the common and popular pretence of punishing offenders and redressing grievances, landed at Pevensey in Sussex, to contest the crown with Harold. Harold had no sooner advice of his landing than he advanced to meet him with all possible diligence; but there did not appear in his army, upon this occasion, the same unanimity and satisfaction which animated it on its march against the Norwegians. An ill-timed economy in Harold, which made him refuse to his soldiers the plunder of the Norwegian camp, had created a general discontent. Several deserted; and the soldiers who remained followed heavily a leader under whom there was no hope of plunder, the greatest incitement of the soldiery. Notwithstanding this ill disposition, Harold still urged forward, and by forced marches advanced within seven miles of the enemy. The Norman, on his landing, is said to have sent away his ships, that his army might have no way of safety but in conquest; yet had he fortified his camp, and taken every prudent precaution, that so considerable an enterprise should not be reduced to a single effort of despair. When the armies, charged with the decision of so mighty a contest, had approached each other, Harold paused awhile. A great deal depended on his conduct at this critical time. The most experienced in the council of war, who knew the condition of their troops, were of opinion that the engagement ought to be deferred, — that the country ought to be wasted, — that, as the winter approached, the Normans would in all probability be obliged to retire of themselves, — that, if this should not happen, the Norman army was without resources, whilst the English would be every day considerably augmented, and might attack their enemy at a time and manner which might make their success certain. To all these reasons nothing was opposed but a false point of honor and a mistaken courage in Harold, who urged his fate, and resolved on an engagement. The Norman, as soon as he perceived that the English, were determined on a battle, left his camp to post himself in an advantageous situation, in which his whole army remained the night which preceded the action.

This night was spent in a manner which prognosticated the event of the following day. On the part of the Normans it was spent in prayer, and in a cool and steady preparation for the engagement; on the side of the English, in riot and a vain confidence that neglected all the necessary preparations. The two armies met in the morning; from seven to five the battle was fought with equal vigor, until at last the Norman army pretending to break in confusion, a stratagem to which they had been regularly formed, the English, elated with success, suffered that firm order in which their security consisted to dissipate, which when William observed, he gave the

signal to his men to regain their former disposition, and fall upon the English, broken and dispersed. Harold in this emergency did everything which became him, everything possible to collect his troops and to renew the engagement; but whilst he flew from place to place, and in all places restored the battle, an arrow pierced his brain, and he died a king, in a manner worthy of a warrior. The English immediately fled; the rout was total, and the slaughter prodigious.

The consternation which this defeat and the death of Harold produced over the kingdom was more fatal than the defeat itself. If William had marched directly to London, all contest had probably been at an end; but he judged it more prudent to secure the sea-coast, to make way for reinforcements, distrusting his fortune in his success more than he had done in his first attempts. He marched to Dover, where the effect of his victory was such that the strong castle there surrendered without resistance. Had this fortress made any tolerable defence, the English would have had leisure to rouse from their consternation, and plan some rational method for continuing the war; but now the conqueror was on full march to London, whilst the English were debating concerning the measures they should take, and doubtful in what manner they should fill the vacant throne. However, in this emergency it was necessary to take some resolution. The party of Edgar Atheling prevailed, and he was owned king by the city of London, which even at this time was exceedingly powerful, and by the greatest part of the nobility then present. But his reign was of a short duration. William advanced by hasty marches, and, as he approached, the perplexity of the English redoubled: they had done nothing for the defence of the city; they had no reliance on their new king; they suspected one another; there was no authority, no order, no counsel; a confused and ill-sorted assembly of unwarlike people, of priests, burghers, and nobles confounded with them in the general panic, struck down by the consternation of the late defeat, and trembling under the bolts of the Papal excommunication, were unable to plan any method of defence: insomuch that, when he had passed the Thames and drew near to London, the clergy, the citizens, and the greater part of the nobles, who had so lately set the crown on the head of Edgar, went out to meet him; they submitted to him, and having brought him in triumph to Westminster, he was there solemnly crowned King of England. The whole nation followed the example of London; and one battle gave England to the Normans, which had cost the Romans, the Saxons, and Danes so much time and blood to acquire.

At first view it is very difficult to conceive how this could have happened to a powerful nation, in which it does not appear that the conqueror had one partisan. It stands a single event in history, unless, perhaps, we may compare it with the reduction of Ireland, some time after, by Henry the Second. An attentive consideration of the state of the kingdom at that critical time may, perhaps, in some measure, lay open to us the cause of this extraordinary revolution. The nobility of England, in which its strength consisted, was much decayed. Wars and

confiscations, but above all the custom of gavelkind, had reduced that body very low. At the same time some few families had been, raised to a degree of power unknown in the ancient Saxon times, and dangerous in all. Large possessions, and a larger authority, were annexed to the offices of the Saxon magistrates, whom they called Aldermen. This authority, in their long and bloody wars with the Danes, it was found necessary to increase, and often to increase beyond the ancient limits. Aldermen were created for life; they were then frequently made hereditary; some were vested with a power over others; and at this period we begin to hear of dukes who governed over several shires, and had many aldermen subject to them. These officers found means to turn the royal bounty into an instrument of becoming independent of its authority. Too great to obey, and too little to protect, they were a dead weight upon the country. They began to cast an eye on the crown, and distracted the nation by cabals to compass their designs. At the same time they nourished the most terrible feuds amongst themselves. The feeble government of Edward established these abuses. He could find no method of humbling one subject grown too great, but by aggrandizing in the same excessive degree some others. Thus, he endeavored to balance the power of Earl Godwin by exalting Leofric, Duke of Mercia, and Siward, Duke of Northumberland, to an extravagant greatness. The consequence was this: he did not humble Godwin, but raised him potent rivals. When, therefore, this prince died, the lawful successor to the crown, who had nothing but right in his favor, was totally eclipsed by the splendor of the great men who had adorned themselves with the spoils of royalty. The throne was now the prize of faction; and Harold, the son of Godwin, having the strongest faction, carried it. By this success the opposite parties were inflamed with a new occasion of rancor and animosity, and an incurable discontent was raised in the minds of Edwin and Morcar, the sons of Duke Leofric, who inherited their father's power and popularity: but this animosity operated nothing in favor of the legitimate heir, though it weakened the hands of the governing prince.

The death of Harold was far from putting an end to these evils; it rather unfolded more at large the fatal consequences of the ill measures which had been pursued. Edwin and Morcar set on foot once more their practices to obtain the crown; and when they found themselves baffled, they retired in discontent from the councils of the nation, withdrawing thereby a very large part of its strength and authority. The council of the nation, which was formed of the clashing factions of a few great men, (for the rest were nothing,) divided, disheartened, weakened, without head, without direction, dismayed by a terrible defeat, submitted, because they saw no other course, to a conqueror whose valor they had experienced, and who had hitherto behaved with great appearances of equity and moderation. As for the grandees, they were contented rather to submit to this foreign prince than to those whom they regarded as their equals and enemies.

With these causes other strong ones concurred. For near two centuries the continual and bloody wars with the Danes had exhausted the nation; the peace, which for a long time they were obliged to buy dearly, exhausted it yet more; and it had not sufficient leisure nor sufficient means of acquiring wealth to yield at this time any extraordinary resources. The new people, which after so long a struggle had mixed with the English, had not yet so thoroughly incorporated with the ancient inhabitants that a perfect union might be expected between them, or that any strong, uniform, national effort might have resulted from it. Besides, the people of England were the most backward in Europe in all improvements, whether in military or in civil life. Their towns were meanly built, and more meanly fortified; there was scarcely anything that deserved the name of a strong place in the kingdom; there was no fortress which, by retarding the progress of a conqueror, might give the people an opportunity of recalling their spirits and collecting their strength. To these we may add, that the Pope's approbation of William's pretensions gave them great weight, especially amongst the clergy, and that this disposed and reconciled to submission a people whom the circumstances we have mentioned had before driven to it.

CHAPTER VII.

OF THE LAWS AND INSTITUTIONS OF THE SAXONS.

Before we begin to consider the laws and constitutions of the Saxons, let us take a view of the state of the country from whence they are derived, as it is portrayed in ancient writers. This view will be the best comment on their institutions. Let us represent to ourselves a people without learning, without arts, without industry, solely pleased and occupied with war, neglecting agriculture, abhorring cities, and seeking their livelihood only from pasturage and hunting through a boundless range of morasses and forests. Such a people must necessarily be united to each other by very feeble bonds; their ideas of government will necessarily be imperfect, their freedom and their love of freedom great. From these dispositions it must happen, of course, that the intention of investing one person or a few with the whole powers of government, and the notion of deputed authority or representation, are ideas that never could have entered their imaginations. When, therefore, amongst such a people any resolution of consequence was to be taken, there was no way of effecting it but by bringing together the whole body of the nation, that every individual might consent to the law, and each reciprocally bind the other to the observation of it. This polity, if so it may be called, subsists still in all its simplicity in Poland.

But as in such a society as we have mentioned the people cannot be classed according to any political regulations, great talents have a more ample sphere in which to exert themselves than in a close and better formed society. These talents must therefore have attracted a great share of the public veneration, and drawn a numerous train after the person distinguished by them, of those who sought his protection, or feared his power, or admired his qualifications, or wished to form themselves after his example, or, in fine, of whoever desired to partake of his importance by being mentioned along with him. These the ancient Gauls, who nearly resembled the Germans in their customs, called *Ambacti*; the Romans called them *Comites*. Over these their chief had a considerable power, and the more considerable because it depended upon influence rather than institution: influence among so free a people being the principal source of power. But this authority, great as it was, never could by its very nature be stretched to despotism; because any despotic act would have shocked the only principle by which that authority was supported, the general good opinion. On the other hand, it could not have been bounded by any positive laws, because laws can hardly subsist amongst a people who have not the use of letters. It was a species of arbitrary power, softened by the popularity from whence it arose. It came from popular opinion, and by popular opinion it was corrected.

If people so barbarous as the Germans have no laws, they have yet customs that serve in their room; and these customs operate amongst them better than laws, because they become a sort of Nature both to the governors and the governed. This circumstance in some measure removed all fear of the abuse of authority, and induced the Germans to permit their chiefs to decide upon matters of lesser moment, their private differences, — for so Tacitus explains the *minores res*. These chiefs were a sort of judges, but not legislators; nor do they appear to have had a share in the superior branches of the executive part of government, — the business of peace and war, and everything of a public nature, being determined, as we have before remarked, by the whole body of the people, according to a maxim general among the Germans, that what concerned all ought to be handled by all. Thus were delineated the faint and incorrect outlines of our Constitution, which has since been so nobly fashioned and so highly finished. This fine system, says Montesquieu, was invented in the woods; but whilst it remained in the woods, and for a long time after, it was far from being a fine one, — no more, indeed, than a very imperfect attempt at government, a system for a rude and barbarous people, calculated to maintain them in their barbarity.

The ancient state of the Germans was military: so that the orders into which they were distributed, their subordination, their courts, and every part of their government, must be deduced from an attention to a military principle.

The ancient German people, as all the other Northern tribes, consisted of freemen and slaves: the freemen professed arms, the slaves cultivated the ground. But men were not allowed to profess arms at their own will, nor until they were admitted to that dignity by an established order, which at a certain age separated the boys from men. For when a young man approached to virility, he was not yet admitted as a member of the state, which was quite military, until he had been invested with a spear in the public assembly of his tribe; and then he was adjudged proper to carry arms, and also to assist in the public deliberations, which were always held armed. This spear he generally received from the hand of some old and respected chief, under whom he commonly entered himself, and was admitted among his followers. No man could stand out as an independent individual, but must have enlisted in one of these military fraternities; and as soon as he had so enlisted, immediately he became bound to his leader in the strictest dependence, which was confirmed by an oath, and to his brethren in a common vow for their mutual support in all dangers, and for the advancement and the honor of their common chief. This chief was styled Senior, Lord, and the like terms, which marked out a superiority in age and merit; the followers were called Ambacti, Comites, Leudes, Vassals, and other terms, marking submission and dependence. This was the very first origin of civil, or rather, military government, amongst the ancient people of Europe; and it arose from the connection that necessarily was created between the person who gave the arms, or knighted the young man, and

him that received them; which implied that they were to be occupied in his service who originally gave them. These principles it is necessary strictly to attend to, because they will serve much to explain the whole course both of government and real property, wherever the German nations obtained a settlement: the whole of their government depending for the most part upon two principles in our nature, — ambition, that makes one man desirous, at any hazard or expense, of taking the lead amongst others, — and admiration, which makes others equally desirous of following him, from the mere pleasure of admiration, and a sort of secondary ambition, one of the most universal passions among men. These two principles, strong, both of them, in our nature, create a voluntary inequality and dependence. But amongst equals in condition there could be no such bond, and this was supplied by confederacy; and as the first of these principles created the senior and the knight, the second produced the *conjurati fratres*, which, sometimes as a more extensive, sometimes as a stricter bond, are perpetually mentioned in the old laws and histories.

The relation between the lord and the vassal produced another effect, — that the leader was obliged to find sustenance for his followers, and to maintain them at his table, or give them some equivalent in order to their maintenance. It is plain from these principles, that this service on one hand, and this obligation to support on the other, could not have originally been hereditary, but must have been entirely in the free choice of the parties.

But it is impossible that such a polity could long have subsisted by election alone. For, in the first place, that natural love which every man has to his own kindred would make the chief willing to perpetuate the power and dignity he acquired in his own blood, — and for that purpose, even during his own life, would raise his son, if grown up, or his collaterals, to such a rank as they should find it only necessary to continue their possession upon his death. On the other hand, if a follower was cut off in war, or fell by natural course, leaving his offspring destitute, the lord could not so far forget the services of his vassal as not to continue his allowance to his children; and these again growing up, from reason and gratitude, could only take their knighthood at his hands from whom they had received their education; and thus, as it could seldom happen but that the bond, either on the side of the lord or dependant, was perpetuated, some families must have been distinguished by a long continuance of this relation, and have been therefore looked upon in an honorable light, from that only circumstance from whence honor was derived in the Northern world. Thus nobility was seen in Germany; and in the earliest Anglo-Saxon times some families were distinguished by the title of Ethelings, or of noble descent. But this nobility of birth was rather a qualification for the dignities of the state than an actual designation to them. The Saxon ranks are chiefly designed to ascertain the quantity of the composition for personal injuries against them.

But though this hereditary relation was created very early, it must not be mistaken for such a regular inheritance as we see at this day: it was an inheritance only according to the principles from whence it was derived; by them it was modified. It was originally a military connection; and if a father loft his son under a military age, so as that he could neither lead nor judge his people, nor qualify the young men who came up under him to take arms, — in order to continue the cliental bond, and not to break up an old and strong confederacy, and thereby disperse the tribe, who should be pitched upon to head the whole, but the worthiest of blood of the deceased leader, he that ranked next to him in his life? And this is Tanistry, which is a succession made up of inheritance and election, a succession in which blood is inviolably regarded, so far as it was consistent with military purposes. It was thus that our kings succeeded to the throne throughout the whole time of the Anglo-Saxon empire. The first kings of the Franks succeeded in the same manner, and without all doubt the succession of all the inferior chieftains was regulated by a similar law. Very frequent examples occur in the Saxon times, where the son of the deceased king, if under age, was entirely passed over, and his uncle, or some remoter relation, raised to the crown; but there is not a single instance where the election has carried it out of the blood. So that, in truth, the controversy, which has been managed with such heat, whether in the Saxon times the crown was hereditary or elective, must be determined in some degree favorably for the litigants on either side; for it was certainly both hereditary and elective within the bounds, which we have mentioned. This order prevailed in Ireland, where the Northern customs were retained some hundreds of years after the rest of Europe had in a great measure receded from them. Tanistry continued in force there until the beginning of the last century. And we have greatly to regret the narrow notions of our lawyers, who abolished the authority of the Brehon law, and at the same time kept no monuments of it, — which if they had done, there is no doubt but many things of great value towards determining many questions relative to the laws, antiquities, and manners of this and other countries had been preserved. But it is clear, though it has not been, I think, observed, that the ascending collateral branch was much regarded amongst the ancient Germans, and even preferred to that of the immediate possessor, as being, in case of an accident arriving to the chief, the presumptive heir, and him on whom the hope of the family was fixed: and this is upon the principles of Tanistry. And the rule seems to have taken such deep root as to have much influenced a considerable article of our feudal law: for, what is very singular, and, I take it, otherwise unaccountable, a collateral warranty bound, even without any descending assets, where the lineal did not, unless something descended; and this subsisted invariably in the law until this century.

Thus we have seen the foundation of the Northern government and the orders of their people, which consisted of dependence and confederacy: that the principal end of both was military; that protection and maintenance were due on the part of the

chief, obedience on that of the follower; that the followers should be bound to each other as well as to the chief; that this headship was not at first hereditary, but that it continued in the blood by an order of its own, called Tanistry.

All these unconnected and independent parts were only linked together by a common council: and here religion interposed. Their priests, the Druids, having a connection throughout each state, united it. They called the assembly of the people: and here their general resolutions were taken; and the whole might rather be called a general confederacy than a government. In no other bonds, I conceive, were they united before they quitted Germany. In this ancient state we know them from Tacitus. Then follows an immense gap, in which undoubtedly some changes were made by time; and we hear little more of them until we find them Christians, and makers of written laws. In this interval of time the origin of kings may be traced out. When the Saxons left their own country in search of new habitations, it must be supposed that they followed their leaders, whom they so much venerated at home; but as the wars which made way for their establishment continued for a long time, military obedience made them familiar with a stricter authority. A subordination, too, became necessary among the leaders of each band of adventurers: and being habituated to yield an obedience to a single person in the field, the lustre of his command and the utility of the institution easily prevailed upon them to suffer him to form the band of their union in time of peace, under the name of King. But the leader neither knew the extent of the power he received, nor the people of that which they bestowed. Equally unresolved were they about the method of perpetuating it, — sometimes filling the vacant throne by election, without regard to, but more frequently regarding, the blood of the deceased prince; but it was late before they fell into any regular plan of succession, if ever the Anglo-Saxons attained it. Thus their polity was formed slowly; the prospect clears up by little and little; and this species of an irregular republic we see turned into a monarchy as irregular. It is no wonder that the advocates for the several parties among us find something to favor their several notions in the Saxon government, which was never supported by any fixed or uniform principle. To comprehend the other parts of the government of our ancestors, we must take notice of the orders into which they were classed. As well as we can judge in so obscure a matter, they were divided into nobles or gentlemen, freeholders, freemen that were not freeholders, and slaves. Of these last we have little to say, as they were nothing in the state. The nobles were called Thanes, or servants. It must be remembered that the German chiefs were raised to that honorable rank by those qualifications which drew after them a numerous train of followers and dependants. If it was honorable to be followed by a numerous train, so it was honorable in a secondary degree to be a follower of a man of consideration; and this honor was the greater in proportion to the quality of the chief, and to the nearness of the attendance on his person. When a monarchy was formed, the splendor of the crown naturally drowned all the inferior honors; and the

attendants on the person of the king were considered as the first in rank, and derived their dignity from their service. Yet as the Saxon government had still a large mixture of the popular, it was likewise requisite, in order to raise a man to the first rank of thanes, that he should have a suitable attendance and sway amongst the people. To support him in both of these, it was necessary that he should have a competent estate. Therefore in this service of the king, this attendance on himself, and this estate to support both, the dignity of a thane consisted. I understand here a thane of the first order.

Hallmote, or Court-Baron. Every thane, in the distribution of his lands, had two objects in view: the support of his family, and the maintenance of his dignity. He therefore retained in his own hands a parcel of land near his house, which in the Saxon times was called inland, and afterwards his demesne, which served to keep up his hospitality: and this land was cultivated either by slaves, or by the poorer sort of people, who held lands of him by the performance of this service. The other portion of his estate he either gave for life or lives to his followers, men of a liberal condition, who served the greater thane, as he himself served the king. They were called Under Thanes, or, according to the language of that time, Theoden. They served their lord in all public business; they followed him in war; and they sought justice in his court in all their private differences. These may be considered as freeholders of the better sort, or indeed a sort of lesser gentry therefore, as they were not the absolute dependants, but in some measure the peers of their lord, when they sued in his court, they claimed the privilege of all the German freemen, the right of judging one another: the lord's steward was only the register. This domestic court, which continued in full vigor for many ages, the Saxons called Hall mote, from the place in which it was held; the Normans, who adopted it, named it a Court-Baron. This court had another department, in which the power of the lord was more absolute. From the most ancient times the German nobility considered themselves as the natural judges of those who were employed in the cultivation of their lands, looking on husbandmen with contempt, and only as a parcel of the soil which they tilled: to these the Saxons commonly allotted some part of their outlands to hold as tenants at will, and to perform very low services for them. The differences of these inferior tenants were decided in the lord's court, in which his steward sat as judge; and this manner of tenure probably gave an origin to copyholders. Their estates were at will, but their persons were free: nor can we suppose that villains, if we consider villains as synonymous to slaves, could ever by any natural course have risen to copyholders; because the servile condition of the villain's person would always have prevented that stable tenure in the lands which the copyholders came to in very early times. The merely servile part of the nation seems never to have been known by the name of Villains or Ceorles, but by those of Bordars, Esnes, and Theowes.

Tithing Court. As there were large tracts throughout the country not subject to the jurisdiction of any thane, the inhabitants of which were probably some remains of the ancient Britons not reduced to absolute slavery, and such Saxons as had not attached themselves to the fortunes of any leading man, it was proper to find some method of uniting and governing these detached parts of the nation, which had not been brought into order by any private dependence. To answer this end, the whole kingdom was divided into Shires, these into Hundreds, and the Hundreds into Tithings. This division was not made, as it is generally imagined, by King Alfred, though he might have introduced better regulations concerning it; it prevailed on the continent, wherever the Northern nations had obtained a settlement; and it is a species of order extremely obvious to all who use the decimal notation: when for the purposes of government they divide a county, tens and hundreds are the first modes of division which occur. The Tithing, which was the smallest of these divisions, consisted of ten heads of families, free, and of some consideration. These held a court every fortnight, which they called the Folkmote, or Leet, and there became reciprocally bound to each other and to the public for their own peaceable behavior and that of their families and dependants. Every man in the kingdom, except those who belonged to the seigneurial courts we have mentioned, was obliged to enter himself into some tithing: to this he was inseparably attached; nor could he by any means quit it without license from the head of the tithing; because, if he was guilty of any misdemeanor, his district was obliged to produce him or pay his fine. In this manner was the whole nation, as it were, held under sureties: a species of regulation undoubtedly very wise with regard to the preservation of peace and order, but equally prejudicial to all improvement in the minds or the fortunes of the people, who, fixed invariably to the spot, were depressed with all the ideas of their original littleness, and by all that envy which is sure to arise in those who see their equals attempting to mount over them. This rigid order deadened by degrees the spirit of the English, and narrowed their conceptions. Everything was new to them, and therefore everything was terrible; all activity, boldness, enterprise, and invention died away. There may be a danger in straining too strongly the bonds of government. As a life of absolute license tends to turn men into savages, the other extreme of constraint operates much in the same manner: it reduces them to the same ignorance, but leaves them nothing of the savage spirit. These regulations helped to keep the people of England the most backward in Europe; for though the division into shires and hundreds and tithings was common to them with the neighboring nations, yet the *frankpledge* seems to be a peculiarity in the English Constitution; and for good reasons they have fallen into disuse, though still some traces of them are to be found in our laws.

Hundred Court. Ten of these tithings made an Hundred. Here in ordinary course they held a monthly court for the centenary, when all the suitors of the subordinate

tithings attended. Here were determined causes concerning breaches of the peace, small debts, and such matters as rather required a speedy than a refined justice.

County Court.

Ealdorman and Bishop. There was in the Saxon Constitution a great simplicity. The higher order of courts were but the transcript of the lower, somewhat more extended in their objects and in their power; and their power over the inferior courts proceeded only from their being a collection of them all. The County or Shire Court was the great resort for justice (for the four great courts of record did not then exist). It served to unite all the inferior districts with one another, and those with the private jurisdiction of the thanes. This court had no fixed place. The alderman of the shire appointed it. Hither came to account for their own conduct, and that of those beneath them, the bailiffs of hundreds and tithings and boroughs, with their people, — the thanes of either rank, with their dependants, — a vast concourse of the clergy of all orders: in a word, of all who sought or distributed justice. In this mixed assembly the obligations contracted in the inferior courts were renewed, a general oath of allegiance to the king was taken, and all debates between the several inferior coördinate jurisdictions, as well as the causes of too much weight for them, finally determined. In this court presided (for in strict signification he does not seem to have been a judge) an officer of great consideration in those times, called the Ealdorman of the Shire. With him sat the bishop, to decide in whatever related to the Church, and to mitigate the rigor of the law by the interposition of equity, according to the species of mild justice that suited the ecclesiastical character. It appears by the ancient Saxon laws, that the bishop was the chief acting person in this court. The reverence in which the clergy were then held, the superior learning of the bishop, his succeeding to the power and jurisdiction of the Druid, all contributed to raise him far above the ealdorman, and to render it in reality his court. And this was probably the reason of the extreme lenity of the Saxon laws. The canons forbade the bishops to meddle in cases of blood. Amongst the ancient Gauls and Germans the Druid could alone condemn to death; so that on the introduction of Christianity there was none who could, in ordinary course, sentence a man to capital punishment: necessity alone forced it in a few cases.

Concerning the right of appointing the Alderman of the Shire there is some uncertainty. That he was anciently elected by his county is indisputable; that an alderman of the shire was appointed by the crown seems equally clear from the writings of King Alfred. A conjecture of Spelman throws some light upon this affair. He conceives that there were two aldermen with concurrent jurisdiction, one of whom was elected by the people, the other appointed by the king. This is very probable, and very correspondent to the nature of the Saxon Constitution, which

was a species of democracy poised and held together by a degree of monarchical power. If the king had no officer to represent him in the county court, wherein all the ordinary business of the nation was then transacted, the state would have hardly differed from a pure democracy. Besides, as the king had in every county large landed possessions, either in his demesne, or to reward and pay his officers, he would have been in a much worse condition than any of his subjects, if he had been destitute of a magistrate to take care of his rights and to do justice to his numerous vassals. It appears, as well as we can judge in so obscure a matter, that the popular alderman was elected for a year only, and that the royal alderman held his place at the king's pleasure. This latter office, however, in process of time, was granted for life; and it grew afterwards to be hereditary in many shires.

The Sheriff.

Sheriff's Tourn. We cannot pretend to say when the Sheriff came to be substituted in the place of the Ealdorman: some authors think King Alfred the contriver of this regulation. It might have arisen from the nature of the thing itself. As several persons of consequence enough to obtain by their interest or power the place of alderman were not sufficiently qualified to perform the duty of the office, they contented themselves with the honorary part, and left the judicial province to their substitute. The business of the robe to a rude martial people was contemptible and disgusting. The thanes, in their private jurisdictions, had delegated their power of judging to their reeves, or stewards; and the earl, or alderman, who was in the shire what the thane was in his manor, for the same reasons officiated by his deputy, the shire-reeve. This is the origin of the Sheriff's Tourn, which decided in all affairs, civil and criminal, of whatever importance, and from which there lay no appeal but to the Witenagemote. Now there scarce remains the shadow of a body formerly so great: the judge being reduced almost wholly to a ministerial officer; and to the court there being left nothing more than the cognizance of pleas under forty shillings, unless by a particular writ or special commission. But by what steps such a revolution came on it will be our business hereafter to inquire.

Witenagemote. The Witenagemote or Saxon Parliament, the supreme court, had authority over all the rest, not upon any principle of subordination, but because it was formed of all the rest. In this assembly, which was held annually, and sometimes twice a year, sat the earls and bishops and greater thanes, with the other officers of the crown. So far as we can judge by the style of the Saxon laws, none but the thanes, or nobility, were considered as necessary constituent parts of this assembly, at least whilst it acted deliberatively. It is true that great numbers of all ranks of people attended its session, and gave by their attendance, and their approbation of what was done, a sanction to the laws; but when they consented to anything, it was rather in the way of acclamation than by the exercise of a deliberate

voice, or a regular assent or negative. This may be explained by considering the analogy of the inferior assemblies. All persons, of whatever rank, attended at the county courts; but they did not go there as judges, they went to sue for justice, — to be informed of their duty, and to be bound to the performance of it. Thus all sorts of people attended at the Witenagemotes, not to make laws, but to attend at the promulgation of the laws; as among so free a people every institution must have wanted much of its necessary authority, if not confirmed by the general approbation. Lambard is of opinion that in these early times the commons sat, as they do at this day, by representation from shires and boroughs; and he supports his opinion by very plausible reasons. A notion of this kind, so contrary to the simplicity of the Saxon ideas of government, and to the genius of that people, who held the arts and commerce in so much contempt, must be founded on such appearances as no other explanation can account for.

To the reign of Henry the Second, the citizens and burgesses were little removed from absolute slaves. They might be taxed individually at what sum the king thought fit to demand; or they might be discharged by offering the king a sum, from which, if he accepted it, the citizens were not at liberty to recede; and in either case the demand was exacted with severity, and even cruelty. A great difference is made between taxing them and those who cultivate lands: because, says my author, their property is easily concealed; they live penuriously, are intent by all methods to increase their substance, and their immense wealth is not easily exhausted. Such was their barbarous notion of trade and its importance. The same author, speaking of the severe taxation, and violent method of extorting it, observes that it is a very proper method, — and that it is very just that a degenerate officer, or other freeman, rejecting his condition for sordid gain, should be punished beyond the common law of freemen.

I take it that those who held by ancient demesne did not prescribe simply not to contribute to the expenses of the knight of the shire; but they prescribed, as they did in all cases, upon a general principle, to pay no tax, nor to attend any duty of whatever species, because they were the king's villains. The argument is drawn from the poverty of the boroughs, which ever since the Conquest have been of no consideration, and yet send members to Parliament; which they could not do, but by some privileges inherent in them, on account of a practice of the same kind in the Saxon times, when they were of more repute. It is certain that many places now called boroughs were formerly towns or villages in ancient demesne of the king, and had, as such, writs directed to them to appear in Parliament, that they might make a free gift or benevolence, as the boroughs did; and from thence arose the custom of summoning them. This appears by sufficient records. And it appears by records also, that it was much at the discretion of the sheriff what boroughs he should return; a general writ was directed to him to return for all the boroughs in a shire; sometimes boroughs which had formerly sent members to Parliament were quite

passed over, and others, never considered as such before, were returned. What is called the prescription on this occasion was rather a sort of rule to direct the sheriff in the execution of his general power than a right inherent in any boroughs. But this was long after the time of which we speak. In whatever manner we consider it, we must own that this subject during the Saxon times is extremely dark. One thing, however, is, I think, clear from the whole tenor of their government, and even from the tenor of the Norman Constitution long after: that their Witenagemotes or Parliaments were unformed, and that the rights by which the members held their seats were far from being exactly ascertained. The *Judicia Civitatis Londoniæ* afford a tolerable insight into the Saxon method of making and executing laws. First, the king called together his bishops, and such other persons *as he thought proper*. This council, or Witenagemote, having made such laws as seemed convenient, they then swore to the observance of them. The king sent a notification of these proceedings to each Burgmote, where the people of that court also swore to the observance of them, and confederated, by means of mutual strength and common charge, to prosecute delinquents against them. Nor did there at that time seem to be any other method of enforcing new laws or old. For as the very form of their government subsisted by a confederacy continually renewed, so, when a law was made, it was necessary for its execution to have again recourse to confederacy, which was the great, and I should almost say the only, principle of the Anglo-Saxon government.

What rights the king had in this assembly is a matter of equal uncertainty. The laws generally run in his name, with the assent of his wise men, &c. But considering the low estimation of royalty in those days, this may rather be considered as the voice of the executive magistrate, of the person who compiled the law and propounded it to the Witenagemote for their consent, than of a legislator dictating from his own proper authority. For then, it seems, the law was digested by the king or his council for the assent of the general assembly. That order is now reversed. All these things are, I think, sufficient to show of what a visionary nature those systems are which would settle the ancient Constitution in the most remote times exactly in the same form in which we enjoy it at this day, — not considering that such mighty changes in manners, during so many ages, always must produce a considerable change in laws, and in the forms as well as the powers of all governments.

We shall next consider the nature of the laws passed in these assemblies, and the judicious manner of proceeding in these several courts which we have described.

Saxon laws.

The Anglo-Saxons trusted more to the strictness of their police, and to the simple manners of their people, for the preservation of peace and order, than to accuracy or exquisite digestion of their laws, or to the severity of the punishments which they inflicted. The laws which remain to us of that people seem almost to regard two points only: the suppressing of riots and affrays, — and the regulation of the several

ranks of men, in order to adjust the fines for delinquencies according to the dignity of the person offended, or to the quantity of the offence. In all other respects their laws seem very imperfect. They often speak in the style of counsel as well as that of command. In the collection of laws attributed to Alfred we have the Decalogue transcribed, with no small part of the Levitical law; in the same code are inserted many of the Saxon institutions, though these two laws were in all respects as opposite as could possibly be imagined. These indisputable monuments of our ancient rudeness are a very sufficient confutation of the panegyrical declamations in which some persons would persuade us that the crude institutions of an unlettered people had attained an height which the united efforts of necessity, learning, inquiry, and experience can hardly reach to in many ages. We must add, that, although as one people under one head there was some resemblance in the laws and customs of our Saxon ancestors throughout the kingdom, yet there was a considerable difference, in many material points, between the customs of the several shires: nay, that in different manors subsisted a variety of laws not reconcilable with each other, some of which custom, that caused them, has abrogated; others have been overruled by laws or public judgment to the contrary; not a few subsist to this time.

Purgation by oath.

By ordeal. The Saxon laws, imperfect and various as they were, served in some tolerable degree a people who had by their Constitution an eye on each other's concerns, and decided almost all matters of any doubt amongst them by methods which, however inadequate, were extremely simple. They judged every controversy either by the conscience of the parties, or by the country's opinion of it, or what they judged an appeal to Providence. They were unwilling to submit to the trouble of weighing contradictory testimonies; and they were destitute of those critical rules by which evidence is sifted, the true distinguished from the false, the certain from the uncertain. Originally, therefore, the defendant in the suit was put to his oath, and if on oath he denied the debt or the crime with which he was charged, he was of course acquitted. But when the first fervors of religion began to decay, and fraud and the temptations to fraud to increase, they trusted no longer to the conscience of the party. They cited him to an higher tribunal, — the immediate judgment of God. Their trials were so many conjurations, and the magical ceremonies of barbarity and heathenism entered into law and religion. This supernatural method of process they called God's Dome; it is generally known by the name of *Ordeal*, which in the Saxon language signifies the Great Trial. This trial was made either by fire or water: that by fire was principally reserved for persons of rank; that by water decided the fate of the vulgar; sometimes it was at the choice of the party. A piece of iron, kept with a religious veneration in some monastery, which claimed this privilege as an honor, was brought forth into the church upon the day of trial; and it was there

again consecrated to this awful purpose by a form of service still extant. A solemn mass was performed; and then the party accused appeared, surrounded by the clergy, by his judges, and a vast concourse of people, suspended and anxious for the event; all that assisted purified themselves by a fast of three days; and the accused, who had undergone the same fast, and received the sacrament, took the consecrated iron, of about a pound weight, heated red, in his naked hand, and in that manner carried it nine feet. This done, the hand was wrapped up and sealed in the presence of the whole assembly. Three nights being passed, the seals were opened before all the people: if the hand was found without any sore inflicted by the fire, the party was cleared with universal acclamation; if on the contrary a raw sore appeared, the party, condemned by the judgment of Heaven, had no further plea or appeal. Sometimes the accused walked over nine hot irons: sometimes boiling water was used; into this the man dipped his hand to the arm. The judgment by water was accompanied by the solemnity of the same ceremonies. The culprit was thrown into a pool of water, in which if he did not sink, he was adjudged guilty, as though the element (they said) to which they had committed the trial of his innocency had rejected him.

Both these species of ordeal, though they equally appealed to God, yet went on different principles. In the fire ordeal a miracle must be wrought to acquit the party; in the water a miracle was necessary to convict him. Is there any reason for this extraordinary distinction? or must we resolve it solely into the irregular caprices of the human mind? The greatest genius which has enlightened this age seems in this affair to have been carried by the sharpness of his wit into a subtilty hardly to be justified by the way of thinking of that unpolished period. Speaking of the reasons for introducing this method of trial, "*Qui ne voit,*" says he, "*que, chez un peuple exercé à manier des armes, la peau rude et calleuse ne devoit pas recevoir assez l'impression du fer chaud, ... pour qu'il y parût trois jours après? Et s'il y paroissoit, c'étoit une marque que celui qui faisoit l'épreuve étoit un efféminé.*" And this mark of effeminacy, he observes, in those warlike times, supposed that the man has resisted the principles of his education, that he is insensible to honor, and regardless of the opinion of his country. But supposing the effect of hot iron to be so slight even on the most callous hands, of which, however, there is reason to doubt, yet we can hardly admit this reasoning, when we consider that women were subjected to this fire ordeal, and that no other women than those of condition could be subjected to it. Montesquieu answers the objection, which he foresaw would be made, by remarking, that women might have avoided this proof, if they could find a champion to combat in their favor; and he thinks a just presumption might be formed against a woman of rank who was so destitute of friends as to find no protector. It must be owned that the barbarous people all over Europe were much guided by presumptions in all their judicial proceedings; but how shall we reconcile

all this with the custom of the Anglo-Saxons, among whom the ordeal was in constant use, and even for women, without the alternative of the combat, to which it appears this people were entire strangers? What presumption can arise from the event of the water ordeal, in which no callosity of hands, no bravery, no skill in arms, could be in any degree serviceable? The causes of both may with more success be sought amongst the superstitious ideas of the ancient Northern world. Amongst the Germans the administration of the law was in the hands of the priests or Druids. And as the Druid worship paid the highest respect to the elements of fire and water, it was very natural that they who abounded with so many conjurations for the discovery of doubtful facts or future events should make use of these elements in their divination. It may appear the greater wonder, how the people came to continue so long, and with, such obstinacy, after the introduction of Christianity, and in spite of the frequent injunctions of the Pope, whose authority was then much venerated, in the use of a species of proof the insufficiency of which a thousand examples might have detected. But this is perhaps not so unaccountable. Persons were not put to this trial, unless there was pretty strong evidence against them, something sufficient to form what is equivalent to a *corpus delicti*; they must have been actually found guilty by the *duodecemvirale judicium*, before they could be subjected in any sort to the ordeal. It was in effect showing the accused an indulgence to give him this chance, even such a chance as it was, of an acquittal; and it was certainly much milder than the torture, which is used, with full as little certainty of producing its end, among the most civilized nations. And the ordeal without question frequently operated by the mere terror. Many persons, from a dread of the event, chose to discover rather than to endure the trial. Of those that did endure it, many must certainly have been guilty. The innocence of some who suffered could never be known with certainty. Others by accident might have escaped; and this apparently miraculous escape had great weight in confirming the authority of this trial. How long did we continue in punishing innocent people for witchcraft, though experience might, to thinking persons, have frequently discovered the injustice of that proceeding! whilst to the generality a thousand equivocal appearances, confessions from fear or weakness, in fine, the torrent of popular prejudice rolled down through so many ages, conspired to support the delusion.

Compurgation. To avoid as much as possible this severe mode of trial, and at the same time to leave no inlet for perjury, another method of clearing was devised. The party accused of any crime, or charged in a civil complaint, appeared in court with some of his neighbors, who were called his Compurgators; and when on oath he denied the charge, they swore that they believed his oath to be true. These compurgators were at first to be three; afterwards five were required; in process of time twelve became necessary. As a man might be charged by the opinion of the country, so he might also be discharged by it: twelve men were necessary to find

him guilty, twelve might have acquitted him. If opinion supports all government, it not only supported in the general sense, but it directed every minute part in the Saxon polity. A man who did not seem to have the good opinion of those among whom he lived was judged to be guilty, or at least capable of being guilty, of every crime. It was upon this principle that a man who could not find the security of some tithing or friborg for his behavior, he that was upon account of this universal desertion called Friendless Man, was by our ancestors condemned to death, — a punishment which the lenity of the English laws in that time scarcely inflicted for any crime, however clearly proved: a circumstance which strongly marks the genius of the Saxon government.

Trial by the Country. On the same principle from which the trial by the oath of compurgators was derived, was derived also the Trial by the Country, which was the method of taking the sense of the neighborhood on any dubious fact. If the matter was of great importance, it was put in the full Shiremote; and if the general voice acquitted or condemned, decided for one party or the other, this was final in the cause. But then it was necessary that all should agree: for it does not appear that our ancestors, in those days, conceived how any assembly could be supposed to give an assent to a point concerning which several who composed that assembly thought differently. They had no idea that a body composed of several could act by the opinion of a small majority. But experience having shown that this method of trial was tumultuary and uncertain, they corrected it by the idea of compurgation. The party concerned was no longer put to his oath, — he simply pleaded; the compurgators swore as before in ancient times; therefore the jury were strictly from the neighborhood, and were supposed to have a personal knowledge of the man and the fact. They were rather a sort of evidence than judges: and from hence is derived that singularity in our laws, that most of our judgments are given upon verdict, and not upon evidence, contrary to the laws of most other countries. Neither are our juries bound, except by one particular statute, and in particular cases, to observe any positive testimony, but are at liberty to judge upon presumptions. These are the first rude chalkings-out of our jurisprudence. The Saxons were extremely imperfect in their ideas of law, — the civil institutions of the Romans, who were the legislators of mankind, having never reached them. The order of our courts, the discipline of our jury, by which it is become so elaborate a contrivance, and the introduction of a sort of scientific reason in the law, have been the work of ages.

As the Saxon laws did not suffer any transaction, whether of the sale of land or goods, to pass but in the shire and before witnesses, so all controversies of them were concluded by what they called the *scyre witness*. This was tried by the oaths of the parties, by *vivâ voce* testimony, and the producing of charters and records. Then the people, laity and clergy, whether by plurality of votes or by what other means is not very certain, affirmed the testimony in favor of one of the claimants. Then the

proceeding was signed, first by those who held the court, and then by the persons who affirmed the judgment, who also swore to it in the same manner.

Punishments. The Saxons were extremely moderate in their punishments. Murder and treason were compounded, and a fine set for every offence. Forfeiture for felony was incurred only by those that fled. The punishment with death was very rare, — with torture unknown. In all ancient nations, the punishment of crimes was in the family injured by them, particularly in case of murder. This brought deadly feuds amongst the people, which, in the German nations particularly, subsisted through several generations. But as a fruitless revenge could answer little purpose to the parties injured and was ruinous to the public peace, by the interposal of good offices they were prevailed upon to accept some composition in lieu of the blood of the aggressor, and peace was restored. The Saxon government did little more than act the part of arbitrator between the contending parties, exacted the payment of this composition, and reduced it to a certainty. However, the king, as the sovereign of all, and the sheriff, as the judicial officer, had their share in those fines. This unwillingness to shed blood, which the Saxon customs gave rise to, the Christian religion confirmed. Yet was it not altogether so imperfect as to have no punishment adequate to those great delinquencies which tend entirely to overturn a state, public robbery, murder of the lord.

Origin of succession.

Annual property. As amongst the Anglo-Saxons government depended in some measure upon land-property, it will not be amiss to say something upon their manner of holding and inheriting their lands. It must not be forgot that the Germans were of Scythian original, and had preserved that way of life and those peculiar manners which distinguished the parent nation. As the Scythians lived principally by pasturage and hunting, from the nature of that way of employment they were continually changing their habitations. But even in this case some small degree of agriculture was carried on, and therefore some sort of division of property became necessary. This division was made among each tribe by its proper chief. But their shares were allotted to the several individuals only for a year, lest they should come to attach themselves to any certain habitation: a settlement being wholly contrary to the genius of the Scythian, manners.

Campestres melius Scythæ,
Quorum plaustra vagas rite trahunt domos,
Vivunt, et rigidi Getæ,
Immetata quibus jugera liberas
Fruges et Cererem ferunt,
Nec cultura placet longior annuâ.

Estates for life.

Inheritance.

Book-land.

Folk-land.

Saxon fiefs. This custom of an annual property probably continued amongst the Germans as long as they remained in their own country; but when their conquests carried them into other parts, another object besides the possession of the land arose, which obliged them to make a change in this particular. In the distribution of the conquered lands, the ancient possessors of them became an object of consideration, and the management of these became one of the principal branches of their polity. It was expedient towards holding them in perfect subjection, that they should be habituated to obey one person, and that a kind of cliental relation should be created between them; therefore the land, with the slaves, and the people in a state next to slavery, annexed to it, was bestowed for life in the general distribution. When life-estates were once granted, it seemed a natural consequence that inheritances should immediately supervene. When a durable connection is created between a certain man and a certain portion of land by a possession for his whole life, and when his children have grown up and have been supported on that land, it seems so great an hardship to separate them, and to deprive thereby the family of all means of subsisting, that nothing could be more generally desired nor more reasonably allowed than an inheritance; and this reasonableness was strongly enforced by the great change wrought in their affairs when life-estates were granted. Whilst according to the ancient custom lands were only given for a year, there was a rotation so quick that every family came in its turn to be easily provided for, and had not long to wait; but the children of a tenant for life, when they lost the benefit of their father's possession, saw themselves as it were immured upon every side by the life-estates, and perceived no reasonable hope of a provision from any new arrangement. These inheritances began very early in England. By a law of King Alfred it appears that they were then of a very ancient establishment: and as such inheritances were intended for great stability, they fortified them by charters; and therefore they were called Book-land. This was done with regard to the possession of the better sort: the meaner, who were called *ceorles*, if they did not live in a dependence on some thane, held their small portions of land as an inheritance likewise, — not by charter, but by a sort of prescription. This was called Folk-land. These estates of inheritance, both the greater and the meaner, were not fiefs; they were to all purposes allodial, and had hardly a single property of a feud; they descended equally to all the children, males and females, according to the custom of gavelkind, a custom absolutely contrary to the genius of the feudal tenure; and whenever estates were granted in the later Saxon times by the bounty of the crown with an intent that they should be inheritable, so far were they from being granted with the complicated load of all the feudal services annexed, that in all the charters

of that kind which subsist they are bestowed with a full power of alienation, *et liberi ab omni seculari gravamine*. This was the general condition of those inheritances which were derived from the right of original conquest, as well to all the soldiers as to the leader; and these estates, as it is said, were not even forfeitable, no, not for felony, as if that were in some sort the necessary consequence of an inheritable estate. So far were they from resembling a fief. But there were other possessions which bore a nearer resemblance to fiefs, at least in their first feeble and infantile state of the tenure, than, those inheritances which were held by an absolute right in the proprietor. The great officers who attended the court, commanded armies, or distributed justice must necessarily be paid and supported; but in what manner could they be paid? In money they could not, because there was very little money then in Europe, and scarce any part of that little came into the prince's coffers. The only method of paying them was by allotting lands for their subsistence whilst they remained in his service. For this reason, in the original distribution, vast tracts of land were left in the hands of the king. If any served the king in a military command, his land may be said to have been in some sort held by knight-service. If the tenant was in an office about the king's person, this gave rise to serjeantry; the persons who cultivated his lands may be considered as holding by socage. But the long train of services that made afterwards the learning of the tenures were then not thought of, because these feuds, if we may so call them, had not then come to be inheritances, — which circumstance of inheritance gave rise to the whole feudal system. With the Anglo-Saxons the feuds continued to the last but a sort of pay or salary of office. The *trinoda necessitas*, so much spoken of, which was to attend the king in his expeditions, and to contribute to the building of bridges and repair of highways, never bound the lands by way of tenure, but as a political regulation, which equally affected every class and condition of men and every species of possession.

Gavelkind. The manner of succeeding to lands in England at this period was, as we have observed, by Gavelkind, — an equal distribution amongst the children, males and females. The ancient Northern nations had but an imperfect notion of political power. That the possessor of the land should be the governor of it was a simple idea; and their schemes extended but little further. It was not so in the Greek and Italian commonwealths. In those the property of the land was in all respects similar to that of goods, and had nothing of jurisdiction annexed to it; the government there was a merely political institution. Amongst such a people the custom of distribution could be of no ill consequence, because it only affected property. But gavelkind amongst the Saxons was very prejudicial; for, as government was annexed to a certain possession in land, this possession, which was continually changing, kept the government in a very fluctuating state: so that their

civil polity had in it an essential evil, which contributed to the sickly condition in which the Anglo-Saxon state always remained, as well as to its final dissolution.

BOOK III.

CHAPTER I.

VIEW OF THE STATE OF EUROPE AT THE TIME OF THE NORMAN INVASION.

Before the period of which we are going to treat, England was little known or considered in Europe. Their situation, their domestic calamities, and their ignorance circumscribed the views and politics of the English within the bounds of their own island. But the Norman conqueror threw down all these barriers. The English laws, manners, and maxims were suddenly changed; the scene was enlarged; and the communication with the rest of Europe, being thus opened, has been preserved ever since in a continued series of wars and negotiations. That we may, therefore, enter more fully into the matters which lie before us, it is necessary that we understand the state of the neighboring continent at the time when this island first came to be interested in its affairs.

The Northern nations who had overran the Roman Empire were at first rather actuated by avarice than ambition, and were more intent upon plunder than conquest; they were carried beyond their original purposes, when they began, to form regular governments, for which they had been prepared by no just ideas of legislation. For a long time, therefore, there was little of order in their affairs or foresight in their designs. The Goths, the Burgundians, the Franks, the Vandals, the Suevi, after they had prevailed over the Roman Empire, by turns prevailed over each other in continual wars, which were carried on upon no principles of a determinate policy, entered into upon motives of brutality and caprice, and ended as fortune and rude violence chanced to prevail. Tumult, anarchy, confusion, overspread the face of Europe; and an obscurity rests upon the transactions of that time which suffers us to discover nothing but its extreme barbarity.

Before this cloud could be dispersed, the Saracens, another body of barbarians from the South, animated by a fury not unlike that which gave strength to the Northern irruptions, but heightened by enthusiasm, and regulated by subordination and an uniform policy, began to carry their arms, their manners, and religion, into every part of the universe. Spain was entirely overwhelmed by the torrent of their armies, Italy and the islands were harassed by their fleets, and all Europe alarmed by their vigorous and frequent enterprises. Italy, who had so long sat the mistress of the world, was by turns the slave of all nations. The possession of that fine country was hotly disputed between the Greek Emperor and the Lombards, and it suffered infinitely by that contention. Germany, the parent of so many nations, was exhausted by the swarms she had sent abroad.

However, in the midst of this chaos there were principles at work which reduced things to a certain form, and gradually unfolded a system in which the chief movers

and main springs were the Papal and the Imperial powers, — the aggrandizement or diminution of which have been the drift of almost all the politics, intrigues, and wars which have employed and distracted Europe to this day.

From Rome the whole Western world had received its Christianity; she was the asylum of what learning had escaped the general desolation; and even in her ruins she preserved something of the majesty of her ancient greatness. On these accounts she had a respect and a weight which increased every day amongst a simple religious people, who looked but a little way into the consequences of their actions. The rudeness of the world was very favorable for the establishment of an empire of opinion. The moderation with which the Popes at first exerted this empire made its growth unfelt until it could no longer be opposed; and the policy of later Popes, building on the piety of the first, continually increased it: and they made use of every instrument but that of force. They employed equally the virtues and the crimes of the great; they favored the lust of kings for absolute authority, and the desire of subjects for liberty; they provoked war, and mediated peace; and took advantage of every turn in the minds of men, whether of a public or private nature, to extend their influence, and push their power from ecclesiastical to civil, from subjection to independency, from independency to empire.

France had many advantages over the other parts of Europe. The Saracens had no permanent success in that country. The same hand which expelled those invaders deposed the last of a race of heavy and degenerate princes, more like Eastern monarchs than German leaders, and who had neither the force to repel the enemies of their kingdom nor to assert their own sovereignty. This usurpation placed on the throne princes of another character, princes who were obliged to supply their want of title by the vigor of their administration. The French monarch had need of some great and respected authority to throw a veil over his usurpation, and to sanctify his newly acquired power by those names and appearances which are necessary to make it respectable to the people. On the other hand, the Pope, who hated the Grecian Empire, and equally feared the success of the Lombards, saw with joy this new star arise in the North, and gave it the sanction of his authority. Presently after he called it to his assistance. Pepin passed the Alps, relieved the Pope, and invested him with the dominion of a large country in the best part of Italy.

Charlemagne pursued the course which was marked out for him, and put an end to the Lombard kingdom, weakened by the policy of his father and the enmity of the Popes, who never willingly saw a strong power in Italy. Then he received from the hand of the Pope the Imperial crown, sanctified by the authority of the Holy See, and with it the title of Emperor of the Romans, a name venerable from the fame of the old Empire, and which was supposed to carry great and unknown prerogatives; and thus the Empire rose again out of its ruins in the West, and, what is remarkable, by means of one of those nations which had helped to destroy it. If we take in the conquests of Charlemagne, it was also very near as extensive as

formerly; though its constitution was altogether different, as being entirely on the Northern model of government. From Charlemagne the Pope received in return an enlargement and a confirmation of his new territory. Thus the Papal and Imperial powers mutually gave birth, to each other. They continued for some ages, and in some measure still continue, closely connected, with a variety of pretensions upon each other, and on the rest of Europe.

Though, the Imperial power had its origin in France, it was soon divided into two branches, the Gallic and the German. The latter alone supported the title of Empire; but the power being weakened by this division, the Papal pretensions had the greater weight. The Pope, because he first revived the Imperial dignity, claimed a right of disposing of it, or at least of giving validity to the election of the Emperor. The Emperor, on the other hand, remembering the rights of those sovereigns whose title he bore, and how lately the power which insulted him with such demands had arisen from the bounty of his predecessors, claimed the same privileges in the election of a Pope. The claims of both were somewhat plausible; and they were supported, the one by force of arms, and the other by ecclesiastical influence, powers which in those days were very nearly balanced. Italy was the theatre upon which this prize was disputed. In every city the parties in favor of each of the opponents were not far from an equality in their numbers and strength. Whilst these parties disagreed in the choice of a master, by contending for a choice in their subjection they grew imperceptibly into freedom, and passed through the medium of faction and anarchy into regular commonwealths. Thus arose the republics of Venice, of Genoa, of Florence, Sienna, and Pisa, and several others. These cities, established in this freedom, turned the frugal and ingenious spirit contracted in such communities to navigation and traffic; and pursuing them with skill and vigor, whilst commerce was neglected and despised by the rustic gentry of the martial governments, they grew to a considerable degree of wealth, power, and civility.

The Danes, who in this latter time preserved the spirit and the numbers of the ancient Gothic people, had seated themselves in England, in the Low Countries, and in Normandy. They passed from thence to the southern part of Europe, and in this romantic age gave rise in Sicily and Naples to a new kingdom and a new line of princes.

All the kingdoms on the continent of Europe were governed nearly in the same form; from whence arose a great similitude in the manners of their inhabitants. The feudal discipline extended itself everywhere, and influenced the conduct of the courts and the manners of the people with its own irregular martial spirit. Subjects, under the complicated laws of a various and rigorous servitude, exercised all the prerogatives of sovereign power. They distributed justice, they made war and peace at pleasure. The sovereign, with great pretensions, had but little power; he was only a greater lord among great lords, who profited of the differences of his peers; therefore no steady plan could be well pursued, either in war or peace. This day a

prince seemed irresistible at the head of his numerous vassals, because their duty obliged them to war, and they performed this duty with pleasure. The next day saw this formidable power vanish like a dream, because this fierce undisciplined people had no patience, and the time of the feudal service was contained within very narrow limits. It was therefore easy to find a number of persons at all times ready to follow any standard, but it was hard to complete a considerable design which required a regular and continued movement. This enterprising disposition in the gentry was very general, because they had little occupation or pleasure but in war, and the greatest rewards did then attend personal valor and prowess. All that professed arms became in some sort on an equality. A knight was the peer of a king, and men had been used to see the bravery of private persons opening a road to that dignity. The temerity of adventurers was much justified by the ill order of every state, which left it a prey to almost any who should attack it with sufficient vigor. Thus, little checked by any superior power, full of fire, impetuosity, and ignorance, they longed to signalize themselves, wherever an honorable danger called them; and wherever that invited, they did not weigh very deliberately the probability of success.

The knowledge of this general disposition in the minds of men will naturally remove a great deal of our wonder at seeing an attempt founded on such slender appearances of right, and supported by a power so little proportioned to the undertaking as that of William, so warmly embraced and so generally followed, not only by his own subjects, but by all the neighboring potentates. The Counts of Anjou, Bretagne, Ponthieu, Boulogne, and Poictou, sovereign princes, — adventurers from every quarter of France, the Netherlands, and the remotest parts of Germany, laying aside their jealousies and enmities to one another, as well as to William, ran with an inconceivable ardor into this enterprise, captivated with the splendor of the object, which obliterated all thoughts of the uncertainty of the event. William kept up this fervor by promises of large territories to all his allies and associates in the country to be reduced by their united efforts. But after all it became equally necessary to reconcile to his enterprise the three great powers of whom we have just spoken, whose disposition must have had the most influence on his affairs.

His feudal lord, the King of France, was bound by his most obvious interests to oppose the further aggrandizement of one already too potent for a vassal. But the King of France was then a minor; and Baldwin, Earl of Flanders, whose daughter William had married, was regent of the kingdom. This circumstance rendered the remonstrance of the French Council against his design of no effect: indeed, the opposition of the Council itself was faint; the idea of having a king under vassalage to their crown might have dazzled the more superficial courtiers; whilst those who thought more deeply were unwilling to discourage an enterprise which they believed would probably end in the ruin of the undertaker. The Emperor was in his minority,

as well as the King of France; but by what arts the Duke prevailed upon the Imperial Council to declare in his favor, whether or no by an idea of creating a balance to the power of France, if we can imagine that any such idea then subsisted, is altogether uncertain; but it is certain that he obtained leave for the vassals of the Empire to engage in his service, and that he made use of this permission. The Popes consent was obtained with still less difficulty. William had shown himself in many instances a friend to the Church and a favorer of the clergy. On this occasion he promised to improve those happy beginnings in proportion to the means he should acquire by the favor of the Holy See. It is said that he even proposed to hold his new kingdom as a fief from Rome. The Pope, therefore, entered heartily into his interests; he excommunicated all those that should oppose his enterprise, and sent him, as a means of insuring success, a consecrated banner.

CHAPTER II.

REIGN OF WILLIAM THE CONQUEROR.

A.D. 1065. After the Battle of Hastings, the taking of Dover, the surrender of London, and the submission of the principal nobility, William had nothing left but to order in the best manner the kingdom he had so happily acquired. Soon after his coronation, fearing the sudden and ungoverned motions of so great a city, new to subjection, he left London until a strong citadel could be raised to overawe the people. This was built where the Tower of London now stands. Not content with this, he built three other strong castles in situations as advantageously chosen, at Norwich, at Winchester, and at Hereford, securing not only the heart of affairs, but binding down the extreme parts of the kingdom. And as he observed from his own experience the want of fortresses in England, he resolved fully to supply that defect, and guard the kingdom both against internal and foreign enemies. But he fortified his throne yet more strongly by the policy of good government. To London he confirmed by charter the liberties it had enjoyed under the Saxon kings, and endeavored to fix the affections of the English in general by governing them with equity according to their ancient laws, and by treating them on all occasions with the most engaging deportment. He set up no pretences which arose from absolute conquest. He confirmed their estates to all those who had not appeared in arms against him, and seemed not to aim at subjecting the English to the Normans, but to unite the two nations under the wings of a common parental care. If the Normans received estates and held lucrative offices and were raised by wealthy matches in England, some of the English were enriched with lands and dignities and taken into considerable families in Normandy. But the king's principal regards were showed to those by whose bravery he had attained his greatness. To some he bestowed the forfeited estates, which were many and great, of Harold's adherents; others he satisfied from the treasures his rival had amassed; and the rest, quartered upon wealthy monasteries, relied patiently on the promises of one whose performances had hitherto gone hand in hand with his power. There was another circumstance which conduced much to the maintaining, as well as to the making, his conquest. The posterity of the Danes, who had finally reduced England under Canute the Great, were still very numerous in that kingdom, and in general not well liked by nor well affected to the old Anglo-Saxon inhabitants. William wisely took advantage of this enmity between the two sorts of inhabitants, and the alliance of blood which was between them and his subjects. In the body of laws which he published he insists strongly on this kindred, and declares that the Normans and Danes ought to be as sworn brothers against all men: a policy which probably united these people to

him, or at least so confirmed the ancient jealousy which subsisted between them and the original English as to hinder any cordial union against his interests.

When the king had thus settled his acquisitions by all the methods of force and policy, he thought it expedient to visit his patrimonial territory, which, with regard to its internal state, and the jealousies which his additional greatness revived in many of the bordering princes, was critically situated. He appointed to the regency in his absence his brother Odo, an ecclesiastic, whom he had made Bishop of Bayeux, in France, and Earl of Kent, with great power and preeminence, in England, — a man bold, fierce, ambitious, full of craft, imperious, and without faith, but well versed in all affairs, vigilant, and courageous. To him he joined William Fitz-Osbern, his justiciary, a person of consummate prudence and great integrity. But not depending on this disposition, to secure his conquest, as well as to display its importance abroad, under a pretence of honor, he carried with him all the chiefs of the English nobility, the popular Earls Edwin and Morcar, and, what was of most importance, Edgar Atheling, the last branch of the royal stock of the Anglo-Saxon kings, and infinitely dear to all the people.

A.D. 1607. The king managed his affairs abroad with great address, and covered, all his negotiations for the security of his Norman dominions under the magnificence of continual feasting and unremitted diversion, which, without an appearance of design, displayed his wealth and power, and by that means facilitated his measures. But whilst he was thus employed, his absence from England gave an opportunity to several humors to break out, which the late change had bred, but which the amazement likewise produced by that violent change, and the presence of their conqueror, wise, vigilant, and severe, had hitherto repressed. The ancient line of their kings displaced, the only thread on which it hung carried out of the kingdom and ready to be cut off by the jealousy of a merciless usurper, their liberties none by being precarious, and the daily insolencies and rapine of the Normans intolerable, — these discontents were increased by the tyranny and rapaciousness of the regent, and they were fomented from abroad by Eustace, Count of Boulogne. But the people, though ready to rise in all parts, were destitute of leaders, and the insurrections actually made were not carried on in concert, nor directed to any determinate object; so that the king, returning speedily, and exerting himself everywhere with great vigor, in a short time dissipated these ill-formed projects. However, so general a dislike to William's government had appeared on this occasion, that he became in his turn disgusted with his subjects, and began to change his maxims of rule to a rigor which was more conformable to his advanced age and the sternness of his natural temper. He resolved, since he could not gain the affections of his subjects, to find such matter for their hatred as might weaken them, and fortify his own authority against the enterprises which that hatred might occasion. He revived the tribute of Danegelt, so odious from its original cause and that of its revival, which he caused to be strictly levied throughout the kingdom. He

erected castles at Nottingham, at Warwick, and at York, and filled them with Norman garrisons. He entered into a stricter inquisition for the discovery of the estates forfeited on his coming in; paying no regard to the privileges of the ecclesiastics, he seized upon the treasures which, as in an inviolable asylum, the unfortunate adherents to Harold had deposited in monasteries. At the same time he entered into a resolution of deposing all the English, bishops, on none of whom he could rely, and filling their places with Normans. But he mitigated the rigor of these proceedings by the wise choice he made in filling the places of those whom he had deposed, and gave by that means these violent changes the air rather of reformation than oppression. He began with Stigand, Archbishop of Canterbury. A synod was called, in which, for the first time in England, the Pope's legate *a latere* is said to have presided. In this council, Stigand, for simony and for other crimes, of which it is easy to convict those who are out of favor, was solemnly degraded from his dignity. The king filled his place with Lanfranc, an Italian. By his whole conduct he appeared resolved to reduce his subjects of all orders to the most perfect obedience.

A.D. 1068. The people, loaded with new taxes, the nobility, degraded and threatened, the clergy, deprived of their immunities and influence, joined in one voice of discontent, and stimulated each other to the most desperate resolutions. The king was not unapprised of these motions, nor negligent of them. It is thought he meditated to free himself from much of his uneasiness by seizing those men on whom the nation in its distresses used to cast its eyes for relief. But whilst he digested these measures, Edgar Atheling, Edwin and Morcar, Waltheof, the son of Siward, and several others, eluded his vigilance, and escaped into Scot land, where they were received with open arms by King Malcolm. The Scottish monarch on this occasion married the sister of Edgar; and this match engaged him more closely to the accomplishment of what his gratitude to the Saxon kings and the rules of good policy had before inclined him. He entered at last into the cause of his brother-in-law and the distressed English. He persuaded the King of Denmark to enter into the same measures, who agreed to invade England with a fleet of a thousand ships. Drone, an Irish king, declared in their favor, and supplied the sons of Earl Godwin with vessels and men, with which they held the English coast in continual alarms.

A.D. 1069. Whilst the forces of this powerful confederacy were collecting on all sides, and prepared to enter England, equal dangers threatened from within the kingdom. Edric the Forester, a very brave and popular Saxon, took up arms in the counties of Hereford and Salop, the country of the ancient Silures, and inhabited by the same warlike and untamable race of men. The Welsh strengthened him with their forces, and Cheshire joined in the revolt. Hereward le Wake, one of the most brave and indefatigable soldiers of his time, rushed with a numerous band of fugitives and outlaws from the fens of Lincoln and the Isle of Ely, from whence, protected by the situation of the place, he had for some time carried on an irregular war against the Normans. The sons of Godwin landed with a strong body in the

West; the fire of rebellion ran through the kingdom; Cornwall, Devon, Dorset, at once threw off the yoke. Daily skirmishes were fought in every part of the kingdom, with various success and with great bloodshed. The Normans retreated to their castles, which the English had rarely skill or patience to master; out of these they sallied from time to time, and asserted their dominion. The conquered English for a moment resumed their spirit; the forests and morasses, with which this island then, abounded, served them for fortifications, and their hatred to the Normans stood in the place of discipline; each man, exasperated by his own wrongs, avenged them in his own manner. Everything was full of blood and violence: murders, burnings, rapine, and confusion overspread the whole kingdom. During these distractions, several of the Normans quitted the country, and gave up their possessions, which they thought not worth holding in continual horror and danger.

A.D. 1070. In the midst of this scene of disorder, the king alone was present to himself and to his affairs. He first collected all the forces on whom he could depend within the kingdom, and called powerful succors from Normandy. Then he sent a strong body to repress the commotions in the West; but he reserved the greatest force and his own presence against the greatest danger, which menaced from the North. The Scots had penetrated as far as Durham; they had taken the castle, and put the garrison to the sword. A like fate attended York from the Danes, who had entered the Humber with a formidable fleet. They put this city into the hands of the English malcontents, and thereby influenced all the northern counties in their favor. William, when he first perceived the gathering of the storm, endeavored, and with some success, to break the force of the principal blow by a correspondence at the court of Denmark; and now he entirely blunted the weapon by corrupting, with a considerable sum, the Danish general. It was agreed, to gratify that piratical nation, that they should plunder some part of the coast, and depart without further disturbance. By this negotiation the king was enabled to march with an undissipated force against the Scots and the principal body of the English. Everything yielded. The Scots retired into their own country. Some of the most obnoxious of the English fled along with them. One desperate party, under the brave Waltheof, threw themselves into York, and ventured alone to resist his victorious army. William pressed the siege with vigor, and, notwithstanding the prudent dispositions of Waltheof, and the prodigies of valor he displayed in its defence, standing alone in the breach, and maintaining his ground gallantly and successfully, the place was at last reduced by famine. The king left his enemies no time to recover this disaster; he followed his blow, and drove all who adhered to Edgar Atheling out of all the countries northward of the Humber. This tract he resolved entirely to depopulate, influenced by revenge, and by distrust of the inhabitants, and partly with a view of opposing an hideous desert of sixty miles in extent as an impregnable barrier against all attempts of the Scots in favor of his disaffected subjects. The execution of this barbarous project was attended with all the havoc and desolation that it

seemed to threaten. One hundred thousand are said to have perished by cold, penury, and disease. The ground lay untilled throughout that whole space for upwards of nine years. Many of the inhabitants both of this and all other parts of England fled into Scotland; but they were so received by King Malcolm as to forget that they had lost their country. This wise monarch gladly seized so fair an opportunity, by the exertion of a benevolent policy, to people his dominions, and to improve his native subjects. He received the English nobility according to their rank, he promoted them to offices according to their merit, and enriched them by considerable estates from his own demesne. From these noble refugees several considerable families in Scotland are descended.

William, on the other hand, amidst all the excesses which the insolence of victory and the cruel precautions of usurped authority could make him commit, gave many striking examples of moderation and greatness of mind. He pardoned Waltheof, whose bravery he did not the less admire because it was exerted against himself. He restored him to his ancient honors and estates; and thinking his family strengthened by the acquisition of a gallant man, he bestowed upon him his niece Judith in marriage. On Edric the Forester, who lay under his sword, in the same generous manner he not only bestowed his life, but honored it with an addition of dignity.

The king, having thus, by the most politic and the most courageous measures, by art, by force, by severity, and by clemency, dispelled those clouds which had gathered from every quarter to overwhelm him, returned triumphant to Winchester, where, as if he had newly acquired the kingdom, he was crowned with great solemnity. After this he proceeded to execute the plan he had long proposed of modelling the state according to his own pleasure, and of fixing his authority upon an immovable foundation.

There were few of the English who in the late disturbances had not either been active against the Normans or shown great disinclination to them. Upon some right, or some pretence, the greatest part of their lands were adjudged to be forfeited. William gave these lands to Normans, to be held by the tenure of knight-service, according to the law which modified that service in all parts of Europe. These people he chose because he judged they must be faithful to the interest on which they depended; and this tenure he chose because it raised an army without expense, called it forth at the least warning, and seemed to secure the fidelity of the vassal by the multiplied ties of those services which were inseparably annexed to it. In the establishment of these tenures, William only copied the practice which was now become very general. One fault, however, he seems to have committed in this distribution: the immediate vassals of the crown were too few; the tenants *in capite* at the end of this reign did not exceed seven hundred; the eyes of the subject met too many great objects in the state besides the state itself; and the dependence of the inferior people was weakened by the interposal of another authority between them and the crown, and this without being at all serviceable to liberty. The ill

consequence of this was not so obvious whilst the dread of the English made a good correspondence between the sovereign and the great vassals absolutely necessary; but it afterwards appeared, and in a light very offensive to the power of our kings.

As there is nothing of more consequence in a state than the ecclesiastical establishment, there was nothing to which this vigilant prince gave more of his attention. If he owed his own power to the influence of the clergy, it convinced him how necessary it was to prevent that engine from being employed in its turn against himself. He observed, that, besides the influence they derived from their character, they had a vast portion of that power which always attends property. Of about sixty thousand knights' fees, which England was then judged to contain, twenty-eight thousand were in the hands of the clergy; and these they held discharged of all taxes, and free from every burden of civil or military service: a constitution undoubtedly no less prejudicial to the authority of the state than detrimental to the strength of the nation, deprived of so much revenue, so many soldiers, and of numberless exertions of art and industry, which were stifled by holding a third of the soil in dead hands out of all possibility of circulation. William in a good measure remedied these evils, but with the great offence of all the ecclesiastic orders. At the same time that he subjected the Church lands to military service, he obliged each monastery and bishopric to the support of soldiers, in proportion to the number of knights' fees that they possessed. No less jealous was he of the Papal pretensions, which, having favored so long as they served him as the instruments of his ambition, he afterwards kept within very narrow bounds. He suffered no communication with Rome but by his knowledge and approbation. He had a bold and ambitious Pope to deal with, who yet never proceeded to extremities with nor gained one advantage over William during his whole reign, — although he had by an express law reserved to himself a sort of right in approving the Pope chosen, by forbidding his subjects to yield obedience to any whose right the king had not acknowledged.

To form a just idea of the power and greatness of this king, it will be convenient to take a view of his revenue. And I the rather choose to dwell a little upon this article, as nothing extends to so many objects as the public finances, and consequently nothing puts in a clearer or more decisive light the manners of the people, and the form, as well as the powers, of government at any period.

The first part of this consisted of the demesne. The lands of the crown were, even before the Conquest, very extensive. The forfeitures consequent to that great change had considerably increased them. It appears from the record of Domesday, that the king retained in his own hands no fewer than fourteen hundred manors. This alone was a royal revenue. However, great as it really was, it has been exaggerated beyond all reason. Ordericus Vitalis, a writer almost contemporary, asserts that this branch alone produced a thousand pounds a day, — which, valuing the pound, as it was then estimated, at a real pound of silver, and then allowing for the difference in

value since that time, will make near twelve millions of our money. This account, coming from such an authority, has been copied without examination by all the succeeding historians. If we were to admit the truth of it, we must entirely change our ideas concerning the quantity of money which then circulated in Europe. And it is a matter altogether monstrous and incredible in an age when there was little traffic in this nation, and the traffic of all nations circulated but little real coin, when the tenants paid the greatest part of their rents in kind, and when it may be greatly doubted whether there was so much current money in the nation as is said to have come into the king's coffers from this one branch, of his revenue only. For it amounts to a twelfth part of all the circulating species which a trade infinitely more extensive has derived from sources infinitely more exuberant, to this wealthy nation, in this improved age. Neither must we think that the whole revenue of this prince ever rose to such a sum. The great fountain which fed his treasury must have been Danegelt, which, upon any reasonable calculation, could not possibly exceed 120,000*l.* of our money, if it ever reached that sum. William was observed to be a great hoarder, and very avaricious; his army was maintained without any expense to him, his demesne supported his household; neither his necessary nor his voluntary expenses were considerable. Yet the effects of many years' scraping and hoarding left at his death but 60,000*l.*, — not the sixth part of one year's income, according to this account, of one branch of his revenue; and this was then esteemed a vast treasure. Edgar Atheling, on being reconciled to the king, was allowed a mark a day for his expenses, and he was thought to be allowed sufficiently, though he received it in some sort as an equivalent for his right to the crown. I venture on this digression, because writers in an ignorant age, making guesses at random, impose on more enlightened times, and affect by their mistakes many of our reasonings on affairs of consequence; and it is the error of all ignorant people to rate unknown times, distances, and sums very far beyond their real extent. There is even something childish and whimsical in computing this revenue, as the original author has done, at so much a day. For my part, I do not imagine it so difficult to come at a pretty accurate decision of the truth or falsehood of this story.

The above-mentioned manors are charged with rents from five to an hundred pounds each. The greatest number of those I have seen in print are under fifty; so that we may safely take that number as a just medium; and then the whole amount of the demesne rents will be 70,000*l.*, or 210,000*l.* of our money. This, though almost a fourth less than the sum stated by Vitalis, still seems a great deal too high, if we should suppose the whole sum, as that author does, to be paid in money, and that money to be reckoned by real pounds of silver. But we must observe, that, when sums of money are set down in old laws and records, the interpretation of those words, pounds and shillings, is for the most part oxen, sheep, corn, and provision. When real coin money was to be paid, it was called white money, or *argentum album*, and was only in a certain stipulated proportion to what was

rendered in kind, and that proportion generally very low. This method of paying rent, though it entirely overturns the prodigious idea of that monarch's pecuniary wealth, was far from being less conducive to his greatness. It enabled him to feed a multitude of people, — one of the surest and largest sources of influence, and which always outbuys money in the traffic of affections. This revenue, which was the chief support of the dignity of our Saxon kings, was considerably increased by the revival of Danegelt, of the imposition of which we have already spoken, and which is supposed to have produced an annual income of 40,000*l.* of money, as then valued.

The next branch of the king's revenue were the feudal duties, by him first introduced into England, — namely, ward, marriage, relief, and aids. By the first, the heir of every tenant who held immediately from the crown, during his minority, was in ward for his body and his land to the king; so that he had the formation of his mind at that early and ductile age to mould to his own purposes, and the entire profits of his estate either to augment his demesne or to gratify his dependants: and as we have already seen how many and how vast estates, or rather, princely possessions, were then held immediately of the crown, we may comprehend how important an article this must have been.

Though the heir had attained his age before the death of his ancestor, yet the king intruded between him and his inheritance, and obliged him to redeem, or, as the term then was, to relieve it. The quantity of this relief was generally pretty much at the king's discretion, and often amounted to a very great sum.

But the king's demands on his rents in chief were not yet satisfied. He had a right and interest in the marriage of heirs, both males and females, virgins and widows, — and either bestowed them at pleasure on his favorites, or sold them to the best bidder. The king received for the sale of one heiress the sum of 20,000*l.*, or 60,000*l.* of our present money, — and this at a period when the chief estates were much reduced. And from hence was derived a great source of revenue, if this right were sold, — of influence and attachment, if bestowed.

Under the same head of feudal duties were the casual aids to knight his eldest son and marry his eldest daughter. These duties could be paid but once, and, though not considerable, eased him in these articles of expenses.

After the feudal duties, rather in the order than in point of value, was the profit which arose from the sale of justice. No man could then sue in the king's court by a common or public right, or without paying largely for it, — sometimes the third, and sometimes even half, the value of the estate or debt sued for. These presents were called oblations; and the records preceding Magna Charta, and for some time after, are full of them. And, as the king thought fit, this must have added greatly to his power or wealth, or indeed to both.

The fines and amercements were another branch, and this, at a time when disorders abounded, and almost every disorder was punished by a fine, was a much

greater article than at first could readily be imagined, — especially when we consider that there were no limitations in this point but the king's mercy, particularly in all offences relating to the forest, which were of various kinds, and very strictly inquired into. The sale of offices was not less considerable. It appears that all offices at that time were, or might be, legally and publicly sold, — that the king had many and very rich employments in his gift, and, though it may appear strange, not inferior to, if they did not exceed, in number and consequence, those of our present establishment. At one time the great seal was sold for three thousand marks. The office of sheriff was then very lucrative: this charge was almost always sold. Sometimes a county paid a sum to the king, that he might appoint a sheriff whom they liked; sometimes they paid as largely to prevent him from appointing a person disagreeable to them; and thus the king had often from the same office a double profit in refusing one candidate and approving the other. If some offices were advantageous, others were burdensome; and the king had the right, or was at least in the unquestioned practice, of forcing his subjects to accept these employments, or to pay for there immunity; by which means he could either punish his enemies or augment his wealth, as his avarice or his resentments prevailed.

The greatest part of the cities and trading towns were under his particular jurisdiction, and indeed in a state not far removed from slavery. On these he laid a sort of imposition, at such a time and in such a proportion as he thought fit. This was called a *tallage*. If the towns did not forthwith pay the sum at which they were rated, it was not unusual, for their punishment, to double the exaction, and to proceed in levying it by nearly the same methods and in the same manner now used to raise a contribution in an enemy's country.

But the Jews were a fund almost inexhaustible. They were slaves to the king in the strictest sense; insomuch that, besides the various tallages and fines extorted from them, none succeeded to the inheritance of his father without the king's license and an heavy composition. He sometimes even made over a wealthy Jew as a provision to some of his favorites for life. They were almost the only persons who exercised usury, and thus drew to themselves the odium and wealth of the whole kingdom; but they were only a canal, through which it passed to the royal treasury. And nothing could be more pleasing and popular than such exactions: the people rejoiced, when they saw the Jews plundered, — not considering that they were a sort of agents for the crown, who, in proportion to the heavy taxes they paid, were obliged to advance the terms and enforce with greater severity the execution of their usurious contracts. Through them almost the whole body of the nobility were in 'debt to the king; and when he thought proper to confiscate the effects of the Jews, the securities passed into his hands; and by this means he must have possessed one of the strongest and most terrible instruments of authority that could possibly be devised, and the best calculated to keep the people in an abject and slavish dependence.

The last general head of his revenue were the customs, prisages, and other impositions upon trade. Though the revenue arising from traffic in this rude period was much limited by the then smallness of its object, this was compensated by the weight and variety of the exactions levied by an occasional exertion of arbitrary power, or the more uniform system of hereditary tyranny. Trade was restrained, or the privilege granted, on the payment of tolls, passages, paages, pontages, and innumerable other vexatious imposts, of which, only the barbarous and almost unintelligible names subsist at this day.

These were the most constant and regular branches of the revenue. But there were other ways innumerable by which money, or an equivalent in cattle, poultry, horses, hawks, and dogs, accrued to the exchequer. The king's interposition in marriages, even where there was no pretence from tenure, was frequently bought, as well as in other negotiations of less moment, for composing of quarrels, and the like; and, indeed, some appear on the records, of so strange and even ludicrous a nature, that it would not be excusable to mention them, if they did not help to show from how many minute sources this revenue was fed, and how the king's power descended to the most inconsiderable actions of private life. It is not easy to penetrate into the true meaning of all these particulars, but they equally suffice to show the character of government in those times. A prince furnished with so many means of distressing enemies and gratifying friends, and possessed of so ample a revenue entirely independent of the affections of his subjects, must have been very absolute in substance and effect, whatever might have been the external forms of government.

For the regulation of all these revenues, and for determining all questions which concerned them, a court was appointed, upon the model of a court of the same nature, said to be of ancient use in Normandy, and called the Exchequer.

There was nothing in the government of William conceived in a greater manner, or more to be commended, than the general survey he took of his conquest. An inquisition was made throughout the kingdom concerning the quantity of land which was contained in each county, — the name of the deprived and the present proprietor, — the stock of slaves, and cattle of every kind, which it contained. All these were registered in a book, each article beginning with the king's property, and proceeding downward, according to the rank of the proprietors, in an excellent order, by which might be known at one glance the true state of the royal revenues, the wealth, consequence, and natural connections of every person in the kingdom, — in order to ascertain the taxes that might be imposed, and, to serve purposes in the state as well as in civil causes, to be general and uncontrollable evidence of property. This book is called Domesday or the Judgment Book, and still remains a grand monument of the wisdom of the Conqueror, — a work in all respects useful and worthy of a better age.

The Conqueror knew very well how much discontent must have arisen from the great revolutions which his conquest produced in all men's property, and in the general tenor of the government. He, therefore, as much as possible to guard against every sudden attempt, forbade any light or fire to continue in any house after a certain bell, called curfew, had sounded. This bell rung at about eight in the evening. There was policy in this; and it served to prevent the numberless disorders which arose from the late civil commotions.

For the same purpose of strengthening his authority, he introduced the Norman law, not only in its substance, but in all its forms, and ordered that all proceedings should be had according to that law in the French language. The change wrought by the former part of this regulation could not have been very grievous; and it was partly the necessary consequence of the establishment of the new tenures, and which wanted a new law to regulate them: in other respects the Norman institutions were not very different from the English. But to force, against nature, a new language upon a conquered people, to make them, strangers in those courts of justice in which they were still to retain a considerable share, to be reminded, every time they had recourse to government for protection, of the slavery in which it held them, — this is one of those acts of superfluous tyranny from which very few conquering nations or parties have forborne, though no way necessary, but often prejudicial to their safety.

A.D. 1071. These severities, and affronts more galling than severities, drove the English to another desperate attempt, which was the last convulsive effort of their expiring freedom. Several nobles, prelates, and others, whose estates had been confiscated, or who were in daily apprehension of their confiscation, fled into the fens of Lincoln and Ely, where Hereward still maintained his ground. This unadvised step completed the ruin of the little English interest that remained. William hastened to fill up the sees of the bishops and the estates of the nobles with his Norman favorites. He pressed the fugitives with equal vivacity; and at once to cut off all the advantage they derived from their situation, he penetrated into the Isle of Ely by a wooden bridge two miles in length; and by the greatness of the design, and rapidity of the execution, as much as by the vigor of his charge, compelled them to surrender at discretion. Hereward alone escaped, who disdained to surrender, and had cut his way through his enemies, carrying his virtue and his sword, as his passports, wheresoever fortune should conduct him. He escaped happily into Scotland, where, as usual, the king was making some slow movements for the relief of the English. William lost no time to oppose him, and had passed with infinite difficulty through a desert of his own making to the frontiers of Scotland. Here he found the enemy strongly intrenched. The causes of the war being in a good measure spent by William's late successes, and neither of the princes choosing to risk a battle in a country where the consequences of a defeat must be so dreadful, they agreed to an accommodation, which included a pardon for

Edgar Atheling on a renunciation of his title to the crown. William on this occasion showed, as he did on all occasions, an honorable and disinterested sense of merit, by receiving Hereward to his friendship, and distinguishing him by particular favors and bounties. Malcolm, by his whole conduct, never seemed intent upon coming to extremities with William: he was satisfied with keeping this great warrior in some awe, without bringing things to a decision, that might involve his kingdom in the same calamitous fate that had oppressed England; whilst his wisdom enabled him to reap advantages from the fortunes of the conquered, in drawing so many useful people into his dominions, and from the policy of the Conqueror, in imitating those feudal regulations which he saw his neighbor force upon the English, and which appeared so well calculated for the defence of the kingdom. He compassed this the more easily, because the feudal policy, being the discipline of all the considerable states in Europe, appeared the masterpiece of government.

A.D. 1073. If men who have engaged in vast designs could ever promise themselves repose, William, after so many victories, and so many political regulations to secure the fruit of them, might now flatter himself with some hope of quiet. But disturbances were preparing for his old age from a new quarter, from whence they were less expected and less tolerable, — from the Normans, his companions in victory, and from his family, which he found not less difficulty in governing than his kingdom. Nothing but his absence from England was wanting to make the flame blaze out. The numberless petty pretensions which the petty lords his neighbors on the continent had on each other and on William, together with their restless disposition and the intrigues of the French court, kept alive a constant dissension, which made the king's presence on the continent frequently necessary. The Duke of Anjou had at this time actually invaded his dominions. He was obliged to pass over into Normandy with an army of fifty thousand men. William, who had conquered England by the assistance of the princes on the continent, now turned against them the arms of the English, who served him with bravery and fidelity; and by their means he soon silenced all opposition, and concluded the terms of an advantageous peace. In the mean time his Norman subjects in England, inconstant, warlike, independent, fierce by nature, fiercer by their conquest, could scarcely brook that subordination in which their safety consisted. Upon some frivolous pretences, chiefly personal disgusts, a most dangerous conspiracy was formed: the principal men among the Normans were engaged in it; and foreign correspondence was not wanting. Though this conspiracy was chiefly formed and carried on by the Normans, they knew so well the use which William on this occasion would not fail to make of his English subjects, that they endeavored, as far as was consistent with secrecy, to engage several of that nation, and above all, the Earl Waltheof, as the first in rank and reputation among his countrymen. Waltheof, thinking it base to engage in any cause but that of his country against his benefactor, unveils the whole design to Lanfranc, who immediately took measures for securing the chief

conspirators. He dispatched messengers to inform the king of his danger, who returned without delay at the head of his forces, and by his presence, and his usual bold activity, dispersed at once the vapors of this conspiracy. The heads were punished. The rest, left under the shade of a dubious mercy, were awed into obedience. His glory was, however, sullied by his putting to death Waltheof, who had discovered the conspiracy; but he thought the desire the rebels had shown of engaging him in their designs demonstrated sufficiently that Waltheof still retained a dangerous power. For as the years, so the suspicions, of this politic prince increased, — at whose time of life generosity begins to appear no more than a splendid weakness.

A.D. 1079 These troubles were hardly appeased, when others began to break forth in his own family, which neither his glory, nor the terror which held a great nation in chains, could preserve in obedience to him. To remove in some measure the jealousy of the court of France with regard to his invasion of England, he had promised upon his acquisition of that kingdom to invest his eldest son, Robert, with the Duchy of Normandy. But as his new acquisition did not seem so secure as it was great and magnificent, he was far from any thoughts of resigning his hereditary dominions, which he justly considered as a great instrument in maintaining his conquests, and a necessary retreat, if he should be deprived of them by the fortune of war. So long as the state of his affairs in England appeared unsettled, Robert acquiesced in the reasonableness of this conduct; but when he saw his father established on his throne, and found himself growing old in an inglorious subjection, he began first to murmur at the injustice of the king, soon after to cabal with the Norman barons and at the court of France, and at last openly rose in rebellion, and compelled the vassals of the Duchy to do him homage. The king was not inclined to give up to force what he had refused to reason. Unbroken with age, unwearied with so many expeditions, he passed again into Normandy, and pressed his son with the vigor of a young warrior.

This war, which was carried on without anything decisive for some time, ended by a very extraordinary and affecting incident. In one of those skirmishes which were frequent according to the irregular mode of warfare in those days, William and his son Robert, alike in a forward and adventurous courage, plunged into the thickest of the fight, and unknowingly encountered each other. But Robert, superior by fortune, or by the vigor of his youth, wounded and unhorsed the old monarch, and was just on the point of pursuing his unhappy advantage to the fatal extremity, when the well-known voice of his father at once struck his ears and suspended his arm. Blushing for his victory, and overwhelmed with the united emotions of grief, shame, and returning piety, he fell on his knees, poured out a flood of tears, and, embracing his father, besought him for pardon. The tide of nature returning strongly on both, the father in his turn embraced his son, and bathed him with his tears; whilst the combatants on either side, astonished at so unusual a spectacle,

suspended the fight, applauded this striking act of filial piety and paternal tenderness, and pressed that it might become the prelude to a lasting peace. Peace was made, but entirely to the advantage of the father, who carried his son into England, to secure Normandy from the dangers to which his ambition and popularity might expose that dukedom.

That William might have peace upon no part, the Welsh and Scots took advantage of these troubles in his family to break into England: but their expeditions were rather incursions than invasions: they wasted the country, and then retired to secure their plunder. But William, always troubled, always in action, and always victorious, pursued them and compelled them to a peace, which was not concluded but by compelling the King of Scotland and all the princes of Wales to do him homage. How far this homage extended with regard to Scotland I find it difficult to determine.

Robert, who had no pleasure but in action, as soon as this war was concluded, finding that he could not regain his father's confidence, and that he had no credit at the court of England, retired to that of France. Edgar Atheling saw likewise that the innocence of his conduct could not make amends for the guilt of an undoubted title to the crown, and that the Conqueror, soured by continual opposition, and suspicious through age and the experience of mankind, regarded him with an evil eye. He therefore desired leave to accompany Robert out of the kingdom, and then to make a voyage to the Holy Land. This leave was readily granted. Edgar, having displayed great valor in useless acts of chivalry abroad, after the Conqueror's death returned to England, where he long lived in great tranquillity, happy in himself, beloved by all the people, and unfeared by those who held his sceptre, from his mild and inactive virtue.

A.D. 1084.

A.D. 1087. William had been so much a stranger to repose that it became no longer an object desirable to him. He revived his claim, to the Vexin Français, and some other territories on the confines of Normandy. This quarrel, which began, between him and the King of France on political motives, was increased into rancor and bitterness, first, by a boyish contest at chess between their children, which was resented, more than became wise men, by the fathers; it was further exasperated by taunts and mockeries yet less becoming their age and dignity, but which infused a mortal venom into the war. William entered first into the French territories, wantonly wasting the country, and setting fire to the towns and villages. He entered Mantes, and as usual set it on fire; but whilst he urged his horse over the smoking ruins, and pressed forward to further havoc, the beast, impatient of the hot embers which burned his hoofs, plunged and threw his rider violently on the saddle-bow. The rim of his belly was wounded; and this wound, as William was corpulent and in the decline of life, proved fatal. A rupture ensued, and he died at Rouen, after

showing a desire of making amends for his cruelty by restitutions to the towns he had destroyed, by alms and endowments, the usual fruits of a late penitence, and the acknowledgments which expiring ambition pays to virtue.

There is nothing more memorable in history than the actions, fortunes, and character of this great man, — whether we consider the grandeur of the plans he formed, the courage and wisdom with which they were executed, or the splendor of that success which, adorning his youth, continued without the smallest reverse to support his age, even to the last moments of his life. He lived above seventy years, and reigned within ten years as long as he lived, sixty over his dukedom, above twenty over England, — both of which he acquired or kept by his own magnanimity, with hardly any other title than he derived from his arms: so that he might be reputed, in all respects, as happy as the highest ambition, the most fully gratified, can make a man. The silent inward satisfactions of domestic happiness he neither had nor sought. He had a body suited to the character of his mind, erect, firm, large, and active, whilst to be active was a praise, — a countenance stern, and which became command. Magnificent in his living, reserved in his conversation, grave in his common deportment, but relaxing with a wise facetiousness, he knew how to relieve his mind and preserve his dignity: for he never forfeited by a personal acquaintance that esteem he had acquired by his great actions. Unlearned in books, he formed his understanding by the rigid discipline of a large and complicated experience. He knew men much, and therefore generally trusted them but little; but when he knew any man to be good, he reposed in him an entire confidence, which prevented his prudence from degenerating into a vice. He had vices in his composition, and great ones; but they were the vices of a great mind: ambition, the malady of every extensive genius, — and avarice, the madness of the wise: one chiefly actuated his youth, — the other governed his age. The vices of young and light minds, the joys of wine and the pleasures of love, never reached his aspiring nature. The general run of men he looked on with contempt, and treated with cruelty when they opposed him. Nor was the rigor of his mind to be softened but with the appearance of extraordinary fortitude in his enemies, which, by a sympathy congenial to his own virtues, always excited his admiration and insured his mercy. So that there were often seen in this one man, at the same time, the extremes of a savage cruelty, and a generosity that does honor to human nature. Religion, too, seemed to have a great influence on his mind, from policy, or from better motives; but his religion was displayed in the regularity with which he performed its duties, not in the submission he showed to its ministers, which was never more than what good government required. Yet his choice of a counsellor and favorite was, not according to the mode of the time, out of that order, and a choice that does honor to his memory. This was Lanfranc, a man of great learning for the times, and extraordinary piety. He owed his elevation to William; but though always

inviolably faithful, he never was the tool or flatterer of the power which raised him; and the greater freedom he showed, the higher he rose in the confidence of his master. By mixing with the concerns of state he did not lose his religion and conscience, or make them the covers or instruments of ambition; but tempering the fierce policy of a new power by the mild lights of religion, he became a blessing to the country in which he was promoted. The English owed to the virtue of this stranger, and the influence he had on the king, the little remains of liberty they continued to enjoy, and at last such a degree of his confidence as in some sort counterbalanced the severities of the former part of his reign.

CHAPTER III.

REIGN OF WILLIAM THE SECOND, SURNAMED RUFUS.

A.D. 1087. William had by his queen Matilda three sons, who survived him, — Robert, William, and Henry. Robert, though in an advanced age at his father's death, was even then more remarkable for those virtues which make us entertain hopes of a young man than for that steady prudence which is necessary when the short career we are to run will not allow us to make many mistakes. He had, indeed, a temper suitable to the genius of the time he lived in, and which therefore enabled him to make a considerable figure in the transactions which distinguished that period. He was of a sincere, open, candid nature; passionately fond of glory; ambitious, without having any determinate object in view; vehement in his pursuits, but inconstant; much in war, which he understood and loved. But guiding himself, both in war and peace, solely by the impulses of an unbounded and irregular spirit, he filled the world with an equal admiration and pity of his splendid qualities and great misfortunes. William was of a character very different. His views were short, his designs few, his genius narrow, and his manners brutal; full of craft, rapacious, without faith, without religion; but circumspect, steady, and courageous for his ends, not for glory. These qualities secured to him that fortune which the virtues of Robert deserved. Of Henry we shall speak hereafter.

A.D. 1088. We have seen the quarrels, together with the causes of them, which embroiled the Conqueror with his eldest son, Robert. Although the wound was skinned over by several temporary and palliative accommodations, it still left a soreness in the father's mind, which influenced him by his last will to cut off Robert from the inheritance of his English dominions. Those he declared he derived from his sword, and therefore he would dispose of them, to that son whose dutiful behavior had made him the most worthy. To William, therefore, he left his crown; to Henry he devised his treasures: Robert possessed nothing but the Duchy, which was his birthright. William had some advantages to enforce the execution of a bequest which was not included even in any of the modes of succession which then were admitted. He was at the time of his father's death in England, and had an opportunity of seizing the vacant government, a thing of great moment in all disputed rights. He had also, by his presence, an opportunity of engaging some of the most considerable leading men in his interests. But his greatest strength was derived from the adherence to his cause of Lanfranc, a prelate of the greatest authority amongst the English as well as the Normans, both from the place he had held in the Conqueror's esteem, whose memory all men respected, and from his own great and excellent qualities. By the advice of this prelate the new monarch professed to be entirely governed. And as an earnest of his future reign, he

renounced all the rigid maxims of conquest, and swore to protect the Church and the people, and to govern by St. Edward's Laws, — a promise extremely grateful and popular to all parties: for the Normans, finding the English passionately desirous of these laws, and only knowing that they were in general favorable to liberty and conducive to peace and order, became equally clamorous for their reëstablishment. By these measures, and the weakness of those which were adopted by Robert, William established himself on his throne, and suppressed a dangerous conspiracy formed by some Norman noblemen in the interests of his brother, although it was fomented by all the art and intrigue which his uncle Odo could put in practice, the most bold and politic man of that age.

A.D. 1089. The security he began to enjoy from this success, and the strength which government receives by merely continuing, gave room to his natural dispositions to break out in several acts of tyranny and injustice. The forest laws were executed with rigor, the old impositions revived, and new laid on. Lanfranc made representations to the king on this conduct, but they produced no other effect than the abatement of his credit, which from that moment to his death, which happened soon after, was very little in the government. The revenue of the vacant see was seized into the king's hands. When the Church lands were made subject to military service, they seemed to partake all the qualities of the military tenure, and to be subject to the same burdens; and as on the death of a military vassal his land was in wardship of the lord until the heir had attained his age, so there arose a pretence, on the vacancy of a bishopric, to suppose the land in ward with the king until the seat should be filled. This principle, once established, opened a large field for various lucrative abuses; nor could it be supposed, whilst the vacancy turned to such good account, that a necessitous or avaricious king would show any extraordinary haste to put the bishoprics and abbacies out of his power. In effect, William always kept them a long time vacant, and in the vacancy granted away much of their possessions, particularly several manors belonging to the see of Canterbury; and when he filled this see, it was only to prostitute that dignity by disposing of it to the highest bidder.

A.D. 1093. To support him in these courses he chose for his minister Ralph Flambard, a fit instrument in his designs, and possessed of such art and eloquence as to color them in a specious manner. This man inflamed all the king's passions, and encouraged him in his unjust enterprises. It is hard to say which was most unpopular, the king or his minister. But Flambard, having escaped a conspiracy against his life, and having punished the conspirators severely, struck such a general terror into the nation, that none dared to oppose him. Robert's title alone stood in the king's way, and he knew that this must be a perpetual source of disturbance to him. He resolved, therefore, to put him in peril for his own dominions. He collected a large army, and entering into Normandy, he began a war, at first with great success, on account of a difference between the Duke and his brother Henry. But

their common dread of William reconciled them; and this reconciliation put them in a condition of procuring an equal peace, the chief conditions of which were, that Robert should be put in possession of certain seigniories in England, and that each, in case of survival, should succeed to the other's dominions. William concluded this peace the more readily, because Malcolm, King of Scotland, who hung over him, was ready upon every advantage to invade his territories, and had now actually entered England with a powerful army. Robert, who courted action, without regarding what interest might have dictated, immediately on concluding the treaty entered into his brother's service in this war against the Scots; which, on the king's return, being in appearance laid asleep by an accommodation, broke out with redoubled fury the following year. The King of Scotland, provoked to this rupture by the haughtiness of William, was circumvented by the artifice and fraud of one of his ministers: under an appearance of negotiation, he was attacked and killed, together with his only son. This was a grievous wound to Scotland, in the loss of one of the wisest and bravest of her kings, and in the domestic distractions which afterwards tore that kingdom to pieces.

A.D. 1094.

A.D. 1096. No sooner was this war ended, than William, freed from an enemy which had given himself and his father so many alarms, renewed his ill treatment of his brother, and refused to abide by the terms of the late treaty. Robert, incensed at these repeated perfidies, returned to Normandy with thoughts full of revenge and war. But he found that the artifices and bribes of the King of England had corrupted the greatest part of his barons, and filled the country with faction and disloyalty. His own facility of temper had relaxed all the bands of government, and contributed greatly to these disorders. In this distress he was obliged to have recourse to the King of France for succor. Philip, who was then on the throne, entered into his quarrel. Nor was William, on his side, backward; though prodigal to the highest degree, the resources of his tyranny and extortion were inexhaustible. He was enabled to enter Normandy once more with a considerable army. But the opposition, too, was considerable; and the war had probably been spun out to a great length, and had drawn on very bloody consequences, if one of the most extraordinary events which are contained in the history of mankind had not suspended their arms, and drawn, all inferior views, sentiments, and designs into the vortex of one grand project. This was the Crusade, which, with astonishing success, now began to be preached through all Europe. This design was then, and it continued long after, the principle which influenced the transactions of that period both at home and abroad; it will, therefore, not be foreign to our subject to trace it to its source.

As the power of the Papacy spread, the see of Rome began to be more and more an object of ambition; the most refined intrigues were put in practice to attain it; and all the princes of Europe interested themselves in the contest. The election of Pope was not regulated by those prudent dispositions which have since taken place; there were frequent pretences to controvert the validity of the election, and of course several persons at the same time laid claim to that dignity. Popes and Antipopes arose. Europe was rent asunder by these disputes, whilst some princes maintained the rights of one party, and some defended the pretensions of the other: sometimes the prince acknowledged one Pope, whilst his subjects adhered to his rival. The scandals occasioned by these schisms were infinite; and they threatened a deadly wound to that authority whose greatness had occasioned them. Princes were taught to know their own power. That Pope who this day was a suppliant to a monarch to be recognized by him could with an ill grace pretend to govern him with an high hand the next. The lustre of the Holy See began to be tarnished, when Urban the Second, after a long contest of this nature, was universally acknowledged. That Pope, sensible by his own experience of the ill consequence of such disputes, sought to turn the minds of the people into another channel, and by exerting it vigorously to give a new strength to the Papal power. In an age so ignorant, it was very natural that men should think a great deal in religion depended upon the very scene where the work of our Redemption was accomplished. Pilgrimages to Jerusalem were therefore judged highly meritorious, and became very frequent. But the country which was the object of them, as well as several of those through which the journey lay, were in the hands of Mahometans, who, against all the rules of humanity and good policy, treated the Christian pilgrims with great indignity. These, on their return, filled the minds of their neighbors with hatred and resentment against those infidels. Pope Urban laid hold on this disposition, and encouraged Peter the Hermit, a man visionary, zealous, enthusiastic, and possessed of a warm irregular eloquence adapted to the pitch of his hearers, to preach an expedition for the delivery of the Holy Land.

Great designs may be started and the spirit of them inspired by enthusiasts, but cool heads are required to bring them into form. The Pope, not relying solely on Peter, called a council at Clermont, where an infinite number of people of all sorts were assembled. Here he dispensed with a full hand benedictions and indulgences to all persons who should engage in the expedition; and preaching with great vehemence in a large plain, towards the end of his discourse, somebody, by design or by accident, cried out, "It is the will of God!" This voice was repeated by the next, and in a moment it circulated through this innumerable people, which rang with the acclamation of "It is the will of God! It is the will of God!" The neighboring villages caught up those oracular words, and it is incredible with what celerity they spread everywhere around into places the most distant. This circumstance, then considered as miraculous, contributed greatly to the success of

the Hermit's mission. No less did the disposition of the nobility throughout Europe, wholly actuated with devotion and chivalry, contribute to forward an enterprise so suited to the gratification of both these passions. Everything was now in motion; both sexes, and every station and age and condition of life, engaged with transport in this holy warfare. There was even a danger that Europe would be entirely exhausted by the torrents that were rushing out to deluge Asia. These vast bodies, collected without choice, were conducted without skill or order; and they succeeded accordingly. Women and children composed no small part of those armies, which were headed by priests; and it is hard to say which is most lamentable, the destruction of such multitudes of men, or the frenzy which drew it upon them. But this design, after innumerable calamities, began at last to be conducted in a manner worthy of so grand and bold a project. Raimond, Count of Toulouse, Godfrey of Bouillon, and several other princes, who were great captains as well as devotees, engaged in the expedition, and with suitable effects. But none burned more to signalize his zeal and courage on this occasion than Robert, Duke of Normandy, who was fired with the thoughts of an enterprise which seemed to be made for his genius. He immediately suspended his interesting quarrel with his brother, and, instead of contesting with him the crown to which he had such fair pretensions, or the duchy of which he was in possession, he proposed to mortgage to him the latter during five years for a sum of thirteen thousand marks of gold. William, who had neither sense of religion nor thirst of glory, intrenched in his secure and narrow policy, laughed at a design that had deceived all the great minds in Europe. He extorted, as usual, this sum from his subjects, and immediately took possession of Normandy; whilst Robert, at the head of a gallant army, leaving his hereditary dominions, is gone to cut out unknown kingdoms in Asia.

Some conspiracies disturbed the course of the reign, or rather tyranny, of this prince: as plots usually do, they ended in the ruin of those who contrived them, but proved no check to the ill government of William. Some disturbances, too, he had from the incursions of the Welsh, from revolts in Normandy, and from a war, that began and ended without anything memorable either in the cause or consequence, with France.

He had a dispute at home which at another time had raised great disturbances; but nothing was now considered but the expedition to the Holy Land. After the death of Lanfranc, William omitted for a long time to fill up that see, and had even alienated a considerable portion of the revenue. A fit of sickness, however, softened his mind; and the clergy, taking advantage of those happy moments, among other parts of misgovernment which they advised him to correct, particularly urged him to fill the vacant sees. He filled that of Canterbury with Anselm, Bishop of Bec, a man of great piety and learning, but inflexible and rigid in whatever related to the rights, real or supposed, of the Church. This prelate refused to accept the see of Canterbury, foreseeing the troubles that must arise from his own dispositions and

those of the king; nor was he prevailed upon to accept it, but on a promise of indemnification for what the temporalities of the see had suffered. But William's sickness and pious resolutions ending together, little care was taken about the execution of this agreement. Thus began a quarrel between this rapacious king and inflexible archbishop. Soon after, Anselm declared in favor of Pope Urban, before the king had recognized him, and thus subjected himself to the law which William the Conqueror had made against accepting a Pope without his consent. The quarrel was inflamed to the highest pitch; and Anselm desiring to depart the kingdom, the king consented.

A.D. 1100. The eyes of all men being now turned towards the great transactions in the East, William, Duke of Guienne, fired by the success and glory that attended the holy adventurers, resolved to take the cross; but his revenues were not sufficient to support the figure his rank required in this expedition. He applied to the King of England, who, being master of the purses of his subjects, never wanted money; and he was politician enough to avail himself of the prodigal, inconsiderate zeal of the times to lay out this money to great advantage. He acted the part of usurer to the Croises; and as he had taken Normandy in mortgage from his brother Robert, having advanced the Duke of Guienne a sum on the same conditions, he was ready to confirm his bargain by taking possession, when he was killed in hunting by an accidental stroke of an arrow which pierced his heart. This accident happened in the New Forest, which his father with such infinite oppression of the people had made, and in which they both delighted extremely. In the same forest the Conqueror's eldest son, a youth of great hopes, had several years before met his death from the horns of a stag; and these so memorable fates to the same family and in the same place easily inclined men to think this a judgment from Heaven: the people consoling themselves under their sufferings with these equivocal marks of the vengeance of Providence upon their oppressors.

We have painted this prince in the colors in which he is drawn by all the writers who lived the nearest to his time. Although the monkish historians, affected with the partiality of their character, and with the sense of recent injuries, expressed themselves with passion concerning him, we have no other guides to follow. Nothing, indeed, in his life appears to vindicate his character; and it makes strongly for his disadvantage, that, without any great end of government, he contradicted the prejudices of the age in which he lived, the general and common foundation of honor, and thereby made himself obnoxious to that body of men who had the sole custody of fame, and could alone transmit his name with glory or disgrace to posterity.

CHAPTER IV.

REIGN OF HENRY I.

A.D. 1100. Henry, the youngest son of the Conqueror, was hunting at the same time and in the same forest in which his brother met his fate. He was not long before he came to a resolution of seizing on the vacant crown. The order of succession had already been broken; the absence of Duke Robert, and the concurrence of many circumstances altogether resembling those which had been so favorable to the late monarch, incited him to a similar attempt. To lose no time at a juncture when the use of a moment is often decisive, he went directly to Winchester, where the regalia and the treasures of the crown were deposited. But the governor, a man of resolution, and firmly attached to Robert, positively refused to deliver them. Henry, conscious that great enterprises are not to be conducted in a middle course, prepared to reduce him by force of arms. During this contest, the news of the king's death, and the attempts of Henry, drew great numbers of the nobility to Winchester, and with them a vast concourse of the inferior people. To the nobility he set forth his title to the crown in the most plausible manner it could bear: he alleged that he was born after his father had acquired his kingdom, and that he was therefore natural heir of the crown; but that his brother was, at best, only born to the inheritance of a dukedom. The nobility heard the claim of this prince; but they were more generally inclined to Robert, whose birthright, less questionable in itself, had been also confirmed by a solemn treaty. But whilst they retired to consult, Henry, well apprised of their dispositions, and who therefore was little inclined to wait the result of their debates, threw himself entirely upon the populace. To them he said little concerning his title, as he knew such an audience is little moved with a discussion of rights, but much with the spirit and manner in which they are claimed; for which reason he began by drawing his sword, and swearing, with a bold and determined air, to persist in his pretensions to his last breath. Then turning to the crowd, and remitting of his severity, he began to soothe them with the promises of a milder government than they had experienced either beneath his brother or his father; the Church should enjoy her immunities, the people their liberties, the nobles their pleasures; the forest laws should cease; the distinction of Englishman and Norman be heard no more. Next he expatiated on the grievances of the former reigns, and promised to redress them all. Lastly, he spoke of his brother Robert, whose dissoluteness, whose inactivity, whose unsteady temper, nay, whose very virtues, threatened nothing but ruin to any country which he should govern. The people received this popular harangue, delivered by a prince whose person was full of grace and majesty, with shouts of joy and rapture. Immediately they rush to the house where the council is held, which they surround,

and with clamor and menaces demand Henry for their king. The nobility were terrified by the sedition; and remembering how little present Robert had been on a former occasion to his own interests, or to those who defended him, they joined their voice to that of the people, and Henry was proclaimed without opposition. The treasure which he seized he divided amongst those that seemed wavering in his cause; and that he might secure his new and disputed right by every method, he proceeded without delay to London to be crowned, and to sanctify by the solemnity of the unction the choice of the people. As the churchmen in those days were the arbiters of everything, and as no churchman possessed more credit than Anselm, Archbishop of Canterbury, who had been persecuted and banished by his brother, he recalled that prelate, and by every mark of confidence confirmed him in his interests. Two other steps he took, equally prudent and politic: he confirmed and enlarged the privileges of the city of London, and gave to the whole kingdom a charter of liberties, which was the first of the kind, and laid the foundation of those successive charters which at last completed the freedom of the subject. In fine, he cemented the whole fabric of his power by marrying Maud, daughter of Malcolm, King of Scotland, by the sister of Edgar Atheling, — thus to insure the affection, of the English, and, as he flattered himself, to have a sure succession to his children.

A.D. 1101. The Crusade being successfully finished by the taking of Jerusalem, Robert returned into Europe. He had acquired great reputation in that war, in which he had no interest; his real and valuable rights he prosecuted with languor. Yet such was the respect paid to his title, and such the attraction of his personal accomplishments, that, when he had at last taken possession of his Norman territories, and entered England with an army to assert his birthright, he found most of the Norman barons, and many of the English, in readiness to join him. But the diligence of Anselm, who employed all his credit to keep the people firm to the oath they had taken, prevented him from profiting of the general inclination in his favor. His friends began to fall off by degrees, so that he was induced, as well by the situation of his affairs as the flexibility of his temper, to submit to a treaty on the plan of that he had formerly entered into with his brother Rufus.

A.D. 1103.

A.D. 1106. This treaty being made, Robert returned to his dukedom, and gave himself over to his natural indolence and dissipation. Uncured by his misfortunes of a loose generosity that flowed indiscriminately on all, he mortgaged every branch of his revenue, and almost his whole domain. His barons, despising his indigence, and secure in the benignity of his temper, began to assume the unhappy privilege of sovereigns. They made war on each other at pleasure, and, pursuing their hostilities with the most scandalous license, they reduced that fine country to a deplorable condition. In vain did the people, ruined by the tyranny and divisions of the great, apply to Robert for protection: neither from his circumstances nor his character was

he able to afford them any effectual relief; whilst Henry, who by his bribes and artifices kept alive the disorder of which he complained and profited, formed a party in Normandy to call him over, and to put the dukedom under his protection. Accordingly, he prepared a considerable force for the expedition, and taxed his own subjects, arbitrarily, and without mercy, for the relief he pretended to afford those of his brother. His preparations roused Robert from his indolence, and united likewise the greater part of his barons to his cause, unwilling to change a master whose only fault was his indulgence of them for the severe vigilance of Henry. The King of France espoused the same side; and even in England some emotions were excited in favor of the Duke by indignation for the wrongs he had suffered and those he was going to suffer. Henry was alarmed, but did not renounce his design. He was to the last degree jealous of his prerogative; but knowing what immense resources kings may have in popularity, he called on this occasion a great council of his barons and prelates, and there, by his arts and his eloquence, in both which he was powerful, he persuaded the assembly to a hearty declaration in his favor, and to a large supply. Thus secured at home, he lost no time to pass over to the continent, and to bring the Norman army to a speedy engagement. They fought under the walls of Tinchebrai, where the bravery and military genius of Robert, never more conspicuous than on that day, were borne down by the superior fortune and numbers of his ambitious brother. He was made prisoner; and notwithstanding all the tender pleas of their common blood, in spite of his virtues, and even of his misfortunes, which pleaded so strongly for mercy, the rigid conqueror held him in various prisons until his death, which did not happen until after a rigorous confinement of eighteen, some say twenty-seven, years. This was the end of a prince born with a thousand excellent qualities, which served no other purpose than to confirm, from the example of his misfortunes, that a facility of disposition and a weak beneficence are the greatest vices that can enter into the composition of a monarch, equally ruinous to himself and to his subjects.

A.D. 1107.

A.D. 1108. The success of this battle put Henry in possession of Normandy, which he held ever after with very little disturbance. He fortified his new acquisition by demolishing the castles of those turbulent barons who had wasted and afterwards enslaved their country by their dissensions. Order and justice took place, until everything was reduced to obedience; then a severe and regular oppression succeeded the former disorderly tyranny. In England things took the same course. The king no longer doubted his fortune, and therefore no longer respected his promises or his charter. The forests, the savage passion of the Norman princes, for which both the prince and people paid so dearly, were maintained, increased, and guarded with laws more rigorous than before. Taxes were largely and arbitrarily

assessed. But all this tyranny did not weaken, though it vexed the nation, because the great men were kept in proper subjection, and justice was steadily administered.

The politics of this remarkable reign consisted of three branches: to redress the gross abuses which prevailed in the civil government and the revenue, to humble the great barons, and keep the aspiring spirit of the clergy within proper bounds. The introduction of a new law with a new people at the Conquest had unsettled everything: for whilst some adhered to the Conqueror's regulations, and others contended for those of St. Edward, neither of them were well executed or properly obeyed. The king, therefore, with the assistance of his justiciaries, compiled a new body of laws, in order to find a temper between both. The coin had been miserably debased, but it was restored by the king's vigilance, and preserved by punishments, cruel, but terrifying in their example. There was a savageness in all the judicial proceedings of those days, that gave even justice itself the complexion of tyranny: for whilst a number of men were seen in all parts of the kingdom, some castrated, some without hands, others with their feet cut off, and in various ways cruelly mangled, the view of a perpetual punishment blotted out the memory of the transient crime, and government was the more odious, which, out of a cruel and mistaken mercy, to avoid punishing with death, devised torments far more terrible than death itself.

But nothing called for redress more than the disorders in the king's own household. It was considered as an incident annexed to their tenure, that the socage vassals of the crown, and so of all the subordinate barons, should receive their lord and all his followers, and supply them in their progresses and journeys, which custom continued for some ages after in Ireland, under the name of *coshering*. But this indefinite and ill-contrived charge on the tenant was easily perverted to an instrument of much oppression by the disorders of a rude and licentious court; insomuch that the tenants, in fear for their substance, for the honor of their women, and often for their lives, deserted their habitations and fled into the woods on the king's approach. No circumstance could be more dishonorable to a prince; but happily, like many other great abuses, it gave rise to a great reform, which went much further than its immediate purposes. This disorder, which the punishment of offenders could only palliate, was entirely taken away by commuting personal service for a rent in money; which regulation, passing from the king to all the inferior lords, in a short time wrought a great change in the state of the nation. To humble the great men, more arbitrary methods were used. The adherence to the title of Robert was a cause, or a pretence, of depriving many of their vast possessions, which were split or parcelled out amongst the king's creatures, with great injustice to particulars, but in the consequences with general and lasting benefit. The king held his courts, according to the custom, at Christmas and Easter, but he seldom kept both festivals in the same place. He made continual progresses

into all parts of his kingdom, and brought the royal authority and person home to the doors of his haughty barons, which kept them in strict obedience during his long and severe reign.

His contests with the Church, concerning the right of investiture, were more obstinate and more dangerous. As this is an affair that troubled all Europe as well as England, and holds deservedly a principal place in the story of those times, it will not be impertinent to trace it up to its original. In the early times of Christianity, when religion was only drawn from its obscurity to be persecuted, when a bishop was only a candidate for martyrdom, neither the preferment, nor the right of bestowing it, were sought with great ambition. Bishops were then elected, and often against their desire, by their clergy and the people: the subordinate ecclesiastical districts were provided for in the same manner. After the Roman Empire became Christian, this usage, so generally established, still maintained its ground. However, in the principal cities, the Emperor frequently exercised the privilege of giving a sanction to the choice, and sometimes of appointing the bishop; though, for the most part, the popular election still prevailed. But when, the Barbarians, after destroying the Empire, had at length submitted their necks to the Gospel, their kings and great men, full of zeal and gratitude to their instructors, endowed the Church with large territories and great privileges. In this case it was but natural that they should be the patrons of those dignities and nominate to that power which arose from their own free bounty. Hence the bishoprics in the greatest part of Europe became in effect, whatever some few might have been in appearance, merely donative. And as the bishoprics formed so many seigniories, when the feudal establishment was completed, they partook of the feudal nature, so far as they were subjects capable of it; homage and fealty were required on the part of the spiritual vassal; the king, on his part, gave the bishop the investiture, or livery and seizin of his temporalities, by the delivery of a ring and staff. This was the original manner of granting feudal property, and something like it is still practised in our base-courts. Pope Adrian confirmed this privilege to Charlemagne by an express grant. The clergy of that time, ignorant, but inquisitive, were very ready at finding types and mysteries in every ceremony: they construed the staff into an emblem of the pastoral care, and the ring into a type of the bishop's allegorical marriage to his church, and therefore supposed them designed as emblems of a jurisdiction merely spiritual. The Papal pretensions increased with the general ignorance and superstition; and the better to support these pretensions, it was necessary at once to exalt the clergy extremely, and, by breaking off all ties between them and their natural sovereigns, to attach them wholly to the Roman see. In pursuance of this project, the Pope first strictly forbade the clergy to receive investitures from laymen, or to do them homage. A council held at Rome entirely condemned this practice; and the condemnation was the less unpopular, because the investiture gave rise to frequent and flagrant abuses, especially in England, where the sees were on this

pretence with much scandal long held in the king's hands, and afterwards as scandalously and publicly sold to the highest bidder. So it had been in the last reign, and so it continued in this.

Henry, though vigorously attacked, with great resolution maintained the rights of his crown with regard to investitures, whilst he saw the Emperor, who claimed a right of investing the Pope himself, subdued by the thunder of the Vatican. His chief opposition was within his own kingdom. Anselm, Archbishop of Canterbury, a man of unblamable life, and of learning for his time, but blindly attached to the rights of the Church, real or supposed, refused to consecrate those who received investitures from the king. The parties appealed to Rome. Rome, unwilling either to recede from her pretensions or to provoke a powerful monarch, gives a dubious answer. Meanwhile the contest grows hotter. Anselm is obliged to quit the kingdom, but is still inflexible. At last, the king, who, from the delicate situation of his affairs in the beginning of his reign, had been obliged to temporize for a long time, by his usual prudent mixture of management with force obliged the Pope to a temperament which seemed extremely judicious. The king received homage and fealty from his vassal; the investiture, as it was generally understood to relate to spiritual jurisdiction, was given up, and on this equal bottom peace was established. The secret of the Pope's moderation was this: he was at that juncture close pressed by the Emperor, and it might be highly dangerous to contend with two such enemies at once; and he was much more ready to yield to Henry, who had no reciprocal demands on him, than to the Emperor, who had many and just ones, and to whom he could not yield any one point without giving up an infinite number of others very material and interesting.

A.D. 1120.

A.D. 1127. As the king extricated himself happily from so great an affair, so all the other difficulties of his reign only exercised, without endangering him. The efforts of France in favor of the son of Robert were late, desultory, and therefore unsuccessful. That youth, endued with equal virtue and more prudence than his father, after exerting many useless acts of unfortunate bravery, fell in battle, and freed Henry from all disturbance on the side of France. The incursions of the Welsh in this reign only gave him an opportunity of confining that people within narrower bounds. At home he was well obeyed by his subjects; abroad he dignified his family by splendid alliances. His daughter Matilda he married to the Emperor. But his private fortunes did not flow with so even a course as his public affairs. His only son, William, with a natural daughter, and many of the flower of the young nobility, perished at sea between Normandy and England. From that fatal accident the king was never seen to smile. He sought in vain from a second marriage to provide a male successor; but when he saw all prospect of this at an end, he called a great council of his barons and prelates. His daughter Matilda, after the decease of the

Emperor, he had given in marriage to Geoffrey Plantagenet, Count of Anjou. As she was his only remaining issue, he caused her to be acknowledged as his successor by the great council; he enforced this acknowledgment by solemn oaths of fealty, — a sanction which he weakened rather than confirmed by frequent repetition: vainly imagining that on his death any ties would bind to the respect of a succession so little respected by himself, and by the violation of which he had procured his crown. Having taken these measures in favor of his daughter, he died in Normandy, but in a good old age, and in the thirty-sixth year of a prosperous reign.

CHAPTER V.

REIGN OF STEPHEN.

A.D. 1135. Although the authority of the crown had been exercised with very little restraint during the three preceding reigns, the succession to it, or even the principles of the succession, were but ill ascertained: so that a doubt might justly have arisen, whether the crown was not in a great measure elective. This uncertainty exposed the nation, at the death of every king, to all the calamities of a civil war; but it was a circumstance favorable to the designs of Stephen, Earl of Boulogne, who was son of Stephen, Earl of Blois, by a daughter of the Conqueror. The late king had raised him to great employments, and enriched him by the grant of several lordships. His brother had been made Bishop of Winchester; and by adding to it the place of his chief justiciary, the king gave him an opportunity of becoming one of the richest subjects in Europe, and of extending an unlimited influence over the clergy and the people. Henry trusted, by the promotion of two persons so near him in blood, and so bound by benefits, that he had formed an impenetrable fence about the succession; but he only inspired into Stephen the design of seizing on the crown by bringing him so near it. The opportunity was favorable. The king died abroad; Matilda was absent with her husband; and the Bishop of Winchester, by his universal credit, disposed the churchmen to elect his brother, with the concurrence of the greatest part of the nobility, who forgot their oaths, and vainly hoped that a bad title would necessarily produce a good government. Stephen, in the flower of youth, bold, active, and courageous, full of generosity and a noble affability, that seemed to reproach the state and avarice of the preceding kings, was not wanting to his fortune. He seized immediately the immense treasures of Henry, and by distributing them with a judicious profusion removed all doubts concerning his title to them. He did not spare even the royal demesne, but secured himself a vast number of adherents by involving their guilt and interest in his own. He raised a considerable army of Flemings, in order to strengthen himself against another turn of the same instability which had raised him to the throne; and, in imitation of the measures of the late king, he concluded all by giving a charter of liberties as ample as the people at that time aspired to. This charter contained a renunciation of the forests made by his predecessor, a grant to the ecclesiastics of a jurisdiction over their own vassals, and to the people in general an immunity from unjust tallages and exactions. It is remarkable, that the oath of allegiance taken by the nobility on this occasion was conditional: it was to be observed so long as the king observed the terms of his charter, — a condition which added no real security to the rights of the subject, but which proved a fruitful source of dissension, tumult, and civil violence.

The measures which the king hitherto pursued were dictated by sound policy; but he took another step to secure his throne, which in fact took away all its security, and at the same time brought the country to extreme misery, and to the brink of utter ruin.

At the Conquest there were very few fortifications in the kingdom. William found it necessary for his security to erect several. During the struggles of the English, the Norman nobility were permitted (as in reason it could not be refused) to fortify their own houses. It was, however, still understood that no new fortress could be erected without the king's special license. These private castles began very early to embarrass the government. The royal castles were scarcely less troublesome: for, as everything was then in tenure, the governor held his place by the tenure of castle-guard; and thus, instead of a simple officer, subject to his pleasure, the king had to deal with a feudal tenant, secure against him by law, if he performed his services, and by force, if he was unwilling to perform them. Every resolution of government required a sort of civil war to put it in execution. The two last kings had taken, and demolished several of these castles; but when they found the reduction, of any of them difficult, their custom frequently was, to erect another close by it, tower against tower, ditch against ditch: these were called *Malvoisins*, from their purpose and situation. Thus, instead of removing, they in fact doubled the mischief. Stephen, perceiving the passion of the barons for these castles, among other popular acts in the beginning of his reign, gave a general license for erecting them. Then was seen to arise in every corner of the kingdom, in every petty seignior, an inconceivable multitude of strongholds, the seats of violence, and the receptacles of murderers, felons, debasers of the coin, and all manner of desperate and abandoned villains. Eleven hundred and fifteen of these castles were built in this single reign. The barons, having thus shut out the law, made continual inroads upon each other, and spread war, rapine, burning, and desolation throughout the whole kingdom. They infested the highroads, and put a stop to all trade by plundering the merchants and travellers. Those who dwelt in the open country they forced into their castles, and after pillaging them of all their visible substance, these tyrants held them in dungeons, and tortured them with a thousand cruel inventions to extort a discovery of their hidden wealth. The lamentable representation given by history of those barbarous times justifies the pictures in the old romances of the castles of giants and magicians. A great part of Europe was in the same deplorable condition. It was then that some gallant spirits, struck with a generous indignation at the tyranny of these miscreants, blessed solemnly by the bishop, and followed by the praises and vows of the people, sallied forth to vindicate the chastity of women and to redress the wrongs of travellers and peaceable men. The adventurous humor inspired by the Crusade heightened and extended this spirit; and thus the idea of knight-errantry was formed.

A.D. 1138.

A.D. 1139.

A.D. 1141. Stephen felt personally these inconveniences; but because the evil was too stubborn to be redressed at once, he resolved to proceed gradually, and to begin with the castles of the bishops, — as they evidently held them, not only against the interests of the crown, but against the canons of the Church. From the nobles he expected no opposition to this design: they beheld with envy the pride of these ecclesiastical fortresses, whose battlements seemed to insult the poverty of the lay barons. This disposition, and a want of unanimity among the clergy themselves, enabled Stephen to succeed in his attempt against the Bishop of Salisbury, one of the first whom he attacked, and whose castles, from their strength and situation, were of the greatest importance. But the affairs of this prince were so circumstanced that he could pursue no council that was not dangerous. His breach with the clergy let in the party of his rival, Matilda. This party was supported by Robert, Earl of Gloucester, natural son to the late king, — a man powerful by his vast possessions, but more formidable through his popularity, and the courage and abilities by which he had acquired it. Several other circumstances weakened the cause of Stephen. The charter, and the other favorable acts, the scaffolding of his ambition, when he saw the structure raised, he threw down and contemned. In order to maintain his troops, as well as to attach men to his cause, where no principle bound them, vast and continual largesses became necessary: all his legal revenue had been dissipated; and he was therefore obliged to have recourse to such methods of raising money as were evidently illegal. These causes every day gave some accession of strength to the party against him; the friends of Matilda were encouraged to appear in arms; a civil war ensued, long and bloody, prosecuted as chance or a blind rage directed, by mutual acts of cruelty and treachery, by frequent surprisals and assaults of castles, and by a number of battles and skirmishes fought to no determinate end, and in which nothing of the military art appeared, but the destruction which it caused. Various, on this occasion, were the reverses of fortune, while Stephen, though embarrassed by the weakness of his title, by the scantiness of his finances, and all the disorders which arose from both, supported his tottering throne with wonderful activity and courage; but being at length defeated and made prisoner under the walls of Lincoln, the clergy openly declare for Matilda. The city of London, though unwillingly, follows the example of the clergy. The defection from Stephen was growing universal.

A.D. 1153. But Matilda, puffed up with a greatness which as yet had no solid foundation and stood merely in personal favor, shook it in the minds of all men by assuming, together with the insolence of conquest, the haughty rigor of an established dominion. Her title appeared but too good in the resemblance she bore to the pride of the former kings. This made the first ill success in her affairs fatal.

Her great support, the Earl of Gloucester, was in his turn made prisoner. In exchange for his liberty that of Stephen was procured, who renewed the war with his usual vigor. As he apprehended an attempt from Scotland in favor of Matilda, descended from the blood royal of that nation, to balance this weight, he persuaded the King of France to declare in his favor, alarmed as he was by the progress of Henry, the son of Matilda, and Geoffrey, Count of Anjou. This prince, no more than sixteen years of age, after receiving knighthood from David, King of Scotland, began to display a courage and capacity destined to the greatest things. Of a complexion which strongly inclined to pleasure, he listened to nothing but ambition; at an age which is usually given up to passion, he submitted delicacy to politics, and even in his marriage only remembered the interests of a sovereign, — for, without examining too scrupulously into her character, he married Eleanor, the heiress of Guienne, though divorced from her husband for her supposed gallantries in the Holy Land. He made use of the accession of power which he acquired by this match to assert his birthright to Normandy. This he did with great success, because he was favored by the general inclination of the people for the blood of their ancient lords. Flushed with this prosperous beginning, he aspired to greater things; he obliged the King of France to submit to a truce; and then he turned his arms to support the rights of his family in England, from whence Matilda retired, unequal to the troublesome part she had long acted. Worn out with age, and the clashing of furious factions, she shut herself up in a monastery, and left to her son the succession of a civil war. Stephen was now pressed with renewed vigor. Henry had rather the advantage in the field; Stephen had the possession, of the government. Their fortunes appearing nearly balanced, and the fuel of dissension being consumed by a continual and bloody war of thirteen years, an accommodation was proposed and accepted. Henry found it dangerous to refuse his consent, as the bishops and barons, even of his own party, dreaded the consequences, if a prince, in the prime of an ambitious youth, should establish an hereditary title by the force of foreign arms. This treaty, signed at Wallingford, left the possession of the crown for his life to Stephen, but secured the succession to Henry, whom that prince adopted. The castles erected in this reign were to be demolished; the exorbitant grants of the royal demesne to be resumed. To the son of Stephen all his private possessions were secured.

Thus ended this tedious and ruinous civil war. Stephen survived it near two years; and now, finding himself more secure as the lawful tenant than he had been as the usurping proprietor of the crown, he no longer governed on the maxims of necessity. He made no new attempts in favor of his family, but spent the remainder of his reign in correcting the disorders which arose from his steps in its commencement, and in healing the wounds of so long and cruel a war. Thus he left the kingdom in peace to his successor, but his character, as it is usual where party is concerned, greatly disputed. Wherever his natural dispositions had room to exert

themselves, they appeared virtuous and princely; but the lust to reign, which often attends great virtues, was fatal to his, frequently hid them, and always rendered them suspected.

CHAPTER VI.

REIGN OF HENRY II.

A.D. 1154.

A.D. 1158. The death of Stephen left an undisputed succession for the first time since the death of Edward the Confessor. Henry, descended equally from the Norman Conqueror and the old English kings, adopted by Stephen, acknowledged by the barons, united in himself every kind of title. It was grown into a custom for the king to grant a charter of liberties on his accession to the crown. Henry also granted a charter of that kind, confirming that of his grandfather; but as his situation was very different from that of his predecessors, his charter was different, — reserved, short, dry, conceived in general terms, — a gift, not a bargain. And, indeed, there seems to have been at that juncture but little occasion to limit a power which seemed not more than sufficient to correct all the evils of an unlimited liberty. Henry spent the beginning of his reign in repairing the ruins of the royal authority, and in restoring to the kingdom peace and order, along with its ancient limits; and he may well be considered as the restorer of the English monarchy. Stephen had sacrificed the demesne of the crown, and many of its rights, to his subjects; and the necessity of the times obliged both that prince and the Empress Matilda to purchase, in their turns, the precarious friendship of the King of Scotland by a cession of almost all the country north of the Humber. But Henry obliged the King of Scotland to restore his acquisitions, and to renew his homage. He took the same methods with his barons. Not sparing the grants of his mother, he resumed what had been so lavishly squandered by both of the contending parties, who, to establish their claims, had given away almost everything that made them valuable. There never was a prince in Europe who better understood the advantages to be derived from its peculiar constitution, in which greater acquisitions of dominion are made by judicious marriages than by success in war: for, having added to his patrimonial territories of Anjou and Normandy the Duchy of Guienne by his own marriage, the male issue of the Dukes of Brittany failing, he took the opportunity of marrying his third son, Geoffrey, then an infant, to the heiress of that important province, an infant also; and thus uniting by so strong a link his northern to his southern dominions, he possessed in his own name, or in those of his wife and son, all that fine and extensive country that is washed by the Atlantic Ocean, from Picardy quite to the foot of the Pyrenees.

Henry, possessed of such extensive territories, and aiming at further acquisitions, saw with indignation that the sovereign authority in all of them, especially in England, had been greatly diminished. By his resumptions he had, indeed, lessened

the greatness of several of the nobility. He had by force of arms reduced those who forcibly held the crown lands, and deprived them of their own estates for their rebellion. He demolished many castles, those perpetual resources of rebellion and disorder. But the great aim of his policy was to break the power of the clergy, which each of his predecessors, since Edward, had alternately strove to raise and to depress, — at first in order to gain that potent body to their interests, and then to preserve them in subjection to the authority which they had conferred. The clergy had elected Stephen; they had deposed Stephen, and elected Matilda; and in the instruments which they used on these occasions they affirmed in themselves a general right of electing the kings of England. Their share both in the elevation and depression of that prince showed that they possessed a power inconsistent with the safety and dignity of the state. The immunities which they enjoyed seemed no less prejudicial to the civil economy, — and the rather, as, in the confusion of Stephen's reign, many, to protect themselves from the prevailing violence of the time, or to sanctify their own disorders, had taken refuge in the clerical character. The Church was never so full of scandalous persons, who, being accountable only in the ecclesiastical courts, where no crime is punished with death, were guilty of every crime. A priest had about this time committed a murder attended with very aggravating circumstances. The king, willing at once to restore order and to depress the clergy, laid hold of this favorable opportunity to convoke the cause to his own court, when the atrociousness of the crime made all men look with an evil eye upon the claim of any privilege which might prevent the severest justice. The nation in general seemed but little inclined to controvert so useful a regulation with so potent a prince.

A.D. 1162. Amidst this general acquiescence one man was found bold enough to oppose him, who for eight years together embroiled all his affairs, poisoned his satisfactions, endangered his dominions, and at length in his death triumphed over all the power and policy of this wise and potent monarch. This was Thomas à-Becket, a man memorable for the great glory and the bitter reproaches he has met with from posterity. This person was the son of a respectable citizen of London. He was bred to the study of the civil and canon law, the education, then, used to qualify a man for public affairs, in which he soon made a distinguished figure. By the royal favor and his own abilities, he rose, in a rapid succession through several considerable employments, from an office under the sheriff of London, to be High Chancellor of the kingdom. In this high post he showed a spirit as elevated; but it was rather a military spirit than that of the gownman, — magnificent to excess in his living and appearance, and distinguishing himself in the tournaments and other martial sports of that age with much ostentation of courage and expense. The king, who favored him greatly, and expected a suitable return, on the vacancy, destined Becket, yet a layman, to the see of Canterbury, and hoped to find in him a warm promoter of the reformation he intended. Hardly a priest, he was made the first

prelate in the kingdom. But no sooner was he invested with the clerical character than the whole tenor of his conduct was seen to change all at once: of his pompous retinue a few plain servants only remained; a monastic temperance regulated his table; and his life, in all respects formed to the most rigid austerity, seemed to prepare him for that superiority he was resolved to assume, and the conflicts he foresaw he must undergo in this attempt.

It will not be displeasing to pause a moment at this remarkable period, in order to view in what consisted that greatness of the clergy, which enabled them to bear so very considerable a sway in all public affairs, — what foundations supported the weight of so vast a power, — whence it had its origin, — what was the nature, and what the ground, of the immunities they claimed, — that we may the more fully enter into this important controversy, and may not judge, as some have inconsiderately done, of the affairs of those times by ideas taken from the present manners and opinions.

It is sufficiently known, that the first Christians, avoiding the Pagan tribunals, tried most even of their civil causes before the bishop, who, though he had no direct coercive power, yet, wielding the sword of excommunication, had wherewithal to enforce the execution of his judgments. Thus the bishop had a considerable sway in temporal affairs, even before he was owned by the temporal power. But the Emperors no sooner became Christian than, the idea of profaneness being removed from the secular tribunals, the causes of the Christian laity naturally passed to that resort where those of the generality had been before. But the reverence for the bishop still remained, and the remembrance of his former jurisdiction. It was not thought decent, that he, who had been a judge in his own court, should become a suitor in the court of another. The body of the clergy likewise, who were supposed to have no secular concerns for which they could litigate, and removed by their character from all suspicion of violence, were left to be tried by their own ecclesiastical superiors. This was, with a little variation, sometimes in extending, sometimes in restraining the bishops' jurisdiction, the condition of things whilst the Roman Empire subsisted. But though their immunities were great and their possessions ample, yet, living under an absolute form of government, they were powerful only by influence. No jurisdictions were annexed to their lands; they had no place in the senate; they were no order in the state.

From the settlement of the Northern nations the clergy must be considered in another light. The Barbarians gave them large landed possessions; and by giving them land, they gave them jurisdiction, which, according to their notions, was inseparable from it. They made them an order in the state; and as all the orders had their privileges, the clergy had theirs, and were no less steady to preserve and ambitious to extend them. Our ancestors, having united the Church dignities to the secular dignities of baronies, had so blended the ecclesiastical with the temporal power in the same persons that it became almost impossible to separate them. The

ecclesiastical was, however, prevalent in this composition, drew to it the other, supported it, and was supported by it. But it was not the devotion only, but the necessity of the tunes, that raised the clergy to the excess of this greatness. The little learning which then subsisted remained wholly in their hands. Few among the laity could even read; consequently the clergy alone were proper for public affairs. They were the statesmen, they were the lawyers; from them were often taken the bailiffs of the seigneurial courts, sometimes the sheriffs of counties, and almost constantly the justiciaries of the kingdom. The Norman kings, always jealous of their order, were always forced to employ them. In abbeys the law was studied; abbeys were the palladiums of the public liberty by the custody of the royal charters and most of the records. Thus, necessary to the great by their knowledge, venerable to the poor by their hospitality, dreadful to all by the power of excommunication, the character of the clergy was exalted above everything in the state; and it could no more be otherwise in those days than it is possible it should be so in ours.

William the Conqueror made it one principal point of his politics to reduce the clergy; but all the steps he took in it were not equally well calculated to answer this intention. When he subjected the Church lands to military service, the clergy complained bitterly, as it lessened their revenue: but I imagine it did not lessen their power in proportion; for by this regulation they came, like other great lords, to have their military vassals, who owed them homage and fealty: and this rather increased their consideration amongst so martial a people. The kings who succeeded him, though they also aimed at reducing the ecclesiastical power, never pursued their scheme on a great or legislative principle. They seemed rather desirous of enriching themselves by the abuses in the Church than earnest to correct them. One day they plundered and the next day they founded monasteries, as their rapaciousness or their scruples chanced to predominate; so that every attempt of that kind, having rather the air of tyranny than reformation, could never be heartily approved or seconded by the body of the people.

The bishops must always be considered in the double capacity of clerks and barons. Their courts, therefore, had a double jurisdiction: over the clergy and laity of their diocese for the cognizance of crimes against ecclesiastical law, and over the vassals of their barony as lords paramount. But these two departments, so different in their nature, they frequently confounded, by making use of the spiritual weapon of excommunication to enforce the judgments of both; and this sentence, cutting off the party from the common society of mankind, lay equally heavy on all ranks: for, as it deprived the lower sort of the fellowship of their equals and the protection of their lord, so it deprived the lord of the services of his vassals, whether he or they lay under the sentence. This was one of the grievances which the king proposed to redress.

As some sanction of religion is mixed with almost every concern of civil life, and as the ecclesiastical court took cognizance of all religious matters, it drew to itself

not only all questions relative to tithes and advowsons, but whatever related to marriages, wills, the estate of intestates, the breaches of oaths and contracts, — in a word, everything which did not touch life or feudal property.

The ignorance of the bailiffs in lay courts, who were only possessed of some feudal maxims and the traditions of an uncertain custom, made this recourse to the spiritual courts the more necessary, where they could judge with a little more exactness by the lights of the canon and civil laws.

This jurisdiction extended itself by connivance, by necessity, by custom, by abuse, over lay persons and affairs. But the immunity of the clergy from lay cognizances was claimed, not only as a privilege essential to the dignity of their order, supported by the canons, and countenanced by the Roman law, but as a right confirmed by all the ancient laws of England.

Christianity, coming into England out of the bosom of the Roman Empire, brought along with it all those ideas of immunity. The first trace we can find of this exemption from lay jurisdiction in England is in the laws of Ethelred; it is more fully established in those of Canute; but in the code of Henry I. it is twice distinctly affirmed. This immunity from the secular jurisdiction, whilst it seemed to encourage acts of violence in the clergy towards others, encouraged also the violence of others against them. The murder of a clerk could not be punished at this time by death; it was against a spiritual person, an offence wholly spiritual, of which the secular courts took no sort of cognizance. In the Saxon times two circumstances made such an exemption less a cause of jealousy: the sheriff sat with the bishop, and the spiritual jurisdiction was, if not under the control, at least under the inspection of the lay officer; and then, as neither laity nor clergy were capitally punished for any offence, this privilege did not create so invidious and glaring a distinction between them. Such was the power of the clergy, and such the immunities, which the king proposed to diminish.

A.D. 1164. Becket, who had punished the ecclesiastic for his crime by ecclesiastical law, refused to deliver him over to the secular judges for farther punishment, on the principle of law, that no man ought to be twice questioned for the same offence. The king, provoked at this opposition, summoned a council of the barons and bishops at Clarendon; and here, amongst others of less moment, the following were unanimously declared to be the ancient prerogatives of the crown. And it is something remarkable, and certainly makes much for the honor of their moderation, that the bishops and abbots who must have composed so large and weighty a part of the great council seem not only to have made no opposition to regulations which so remarkably contracted their jurisdiction, but even seem to have forwarded them.

1st. A clerk accused of any crime shall appear in the king's court, that it may be judged whether he belongs to ecclesiastical or secular cognizance. If to the former,

a deputy shall go into the bishop's court to observe the trial; if the clerk be convicted, he shall be delivered over to the king's justiciary to be punished.

2nd. All causes concerning presentation, all causes concerning Frankalmoign, all actions concerning breach of faith, shall be tried in the king's court.

3rd. The king's tenant *in capite* shall not be excommunicated without the king's license.

4th. No clerk shall go out of the kingdom without giving security that he will do nothing to the prejudice of the king or nation. And all appeals shall be tried at home.

These are the most material of the Constitutions or Assizes of Clarendon, famous for having been the first legal check given to the power of the clergy in England. To give these constitutions the greater weight, it was thought proper that they should be confirmed by a bull from the Pope. By this step the king seemed to doubt the entireness of his own authority in his dominions; and by calling in foreign aid when it served his purpose, he gave it a force and a sort of legal sanction when it came to be employed against himself. But as no negotiation had prepared the Pope in favor of laws designed in reality to abridge his own power, it was no wonder that he rejected them with indignation. Becket, who had not been prevailed on to accept them but with infinite reluctance, was no sooner apprised of the Pope's disapprobation than he openly declared his own; he did penance in the humblest manner for his former acquiescence, and resolved to make amends for it by opposing the new constitutions with the utmost zeal. In this disposition the king saw that the Archbishop might be more easily ruined than humbled, and his ruin was resolved. Immediately a number of suits, on various pretences, were commenced against him, in every one of which he was sure to be foiled; but these making no deadly blow at his fortunes, he was called to account for thirty thousand pounds which he was accused of having embezzled during his chancellorship. It was in vain that he pleaded a full acquittance from the king's son, and Richard de Lucy, the guardian and justiciary of the kingdom, on his resignation of the seals; he saw it was already determined against him. Far from yielding under these repeated blows, he raised still higher the ecclesiastical pretensions, now become necessary to his own protection. He refused to answer to the charge, and appealed to the Pope, to whom alone he seemed to acknowledge any real subjection. A great ferment ensued on this appeal. The courtiers advised that he should be thrown into prison, and that his temporalities should be seized. The bishops, willing to reduce Becket without reducing their own order, proposed to accuse him before the Pope, and to pursue him to degradation. Some of his friends pressed him to give up his cause; others urged him to resign his dignity. The king's servants threw out menaces against his life. Amidst this general confusion of passions and councils, whilst every one according to his interests expected the event with much anxiety, Becket, in the

disguise of a monk, escaped out of the nation, and threw himself into the arms of the King of France.

Henry was greatly alarmed at this secession, which put the Archbishop out of his power, but left him in full possession of all his ecclesiastical weapons. An embassy was immediately dispatched to Rome, in order to accuse Becket; but as Becket pleaded the Pope's own cause before the Pope himself, he obtained an easy victory over the king's ambassadors. Henry, on the other hand, took every measure to maintain his authority: he did everything worthy of an able politician, and of a king tenacious of his just authority. He likewise took measures not only to humble Becket, but also to lower that chair whose exaltation had an ill influence on the throne: for he encouraged the Bishop of London to revive a claim to the primacy; and thus, by making the rights of the see at least dubious, he hoped to render future prelates more cautious in the exercise of them. He inhibited, under the penalty of high treason, all ecclesiastics from going out of his dominions without license, or any emissary of the Pope's or Archbishop's from entering them with letters of excommunication or interdict. And that he might not supply arms against himself, the Peter-pence were collected with the former care, but detained in the royal treasury, that matter might be left to Rome both for hope and fear. In the personal treatment of Becket all the proceedings were full of anger, and by an unnecessary and unjust severity greatly discredited both the cause and character of the king; for he stripped of their goods and banished all the Archbishop's kindred, all who were in any sort connected with him, without the least regard to sex, age, or condition. In the mean time, Becket, stung with these affronts, impatient of his banishment, and burning with all the fury and the same zeal which had occasioned it, continually threatened the king with the last exertions of ecclesiastical power; and all things were thereby, and by the absence and enmity of the head of the English Church, kept in great confusion.

During this unhappy contention several treaties were set on foot; but the disposition of all the parties who interested themselves in this quarrel very much protracted a determination in favor of either side. With regard to Rome, the then Pope was Alexander the Third, one of the wisest prelates who had ever governed that see, and the most zealous for extending its authority. However, though incessantly solicited by Becket to excommunicate the king and to lay the kingdom under an interdict, he was unwilling to keep pace with the violence of that enraged bishop. Becket's view was single; but the Pope had many things to consider: an Antipope then subsisted, who was strongly supported by the Emperor; and Henry had actually entered into a negotiation with this Emperor and this pretended Pope. On the other hand, the king knew that the lower sort of people in England were generally affected to the Archbishop, and much under the influence of the clergy. He was therefore fearful to drive the Pope to extremities by wholly renouncing his authority. These dispositions in the two principal powers made way for several

conferences leading to peace. But for a long time all their endeavors seemed rather to inflame than to allay the quarrel. Whilst the king, steady in asserting his rights, remembered with bitterness the Archbishop's opposition, and whilst the Archbishop maintained the claims of the Church with an haughtiness natural to him, and which was only augmented by his sufferings, the King of France appeared sometimes to forward, sometimes to perplex the negotiation: and this duplicity seemed to be dictated by the situation of his affairs. He was desirous of nourishing a quarrel which put so redoubted a vassal on the defensive; but he was also justly fearful of driving so powerful a prince to forget that he was a vassal. All parties, however, wearied at length with a contest by which all were distracted, and which in its issue promised nothing favorable to any of them, yielded at length to an accommodation, founded rather on an oblivion and silence of past disputes than on the settlement of terms for preserving future tranquillity. Becket returned in a sort of triumph to his see. Many of the dignified clergy, and not a few of the barons, lay under excommunication for the share they had in his persecution; but, neither broken by adversity nor softened by good fortune, he relented nothing of his severity, but referred them all for their absolution to the Pope. Their resentments were revived with additional bitterness; new affronts were offered to the Archbishop, which brought on new excommunications and interdicts. The contention thickened on all sides, and things seemed running precipitately to the former dangerous extremities, when the account of these contests was brought, with much aggravation against Becket, to the ears of the king, then in Normandy, who, foreseeing a new series of troubles, broke out in a violent passion of grief and anger,—“I have no friends, or I had not so long been insulted by this haughty priest!” Four knights who attended near his person, thinking that the complaints of a king are orders for revenge, and hoping a reward equal to the importance and even guilt of the service, silently departed; and passing with great diligence into England, in a short time they arrived at Canterbury. They entered the cathedral; they fell on the Archbishop, just on the point of celebrating divine service, and with repeated blows of their clubs they beat him to the ground, they broke his skull in pieces, and covered the altar with his blood and brains.

A.D. 1171. The horror of this barbarous action, increased by the sacredness of the person who suffered and of the place where it was committed, diffused itself on all sides with incredible rapidity. The clergy, in whose cause he fell, equalled him to the most holy martyrs; compassion for his fate made all men forget his faults; and the report of frequent miracles at his tomb sanctified his cause and character, and threw a general odium on the king. What became of the murderers is uncertain: they were neither protected by the king nor punished by the laws, for the reason we have not long since mentioned. The king with infinite difficulty extricated himself from the consequences of this murder, which threatened, under the Papal banners, to arm all Europe against him; nor was he absolved, but by renouncing the most

material parts of the Constitutions of Clarendon, by purging himself upon oath of the murder of Becket, by doing a very humiliating penance at his tomb to expiate the rash words which had given occasion to his death, and by engaging to furnish a large sum of money for the relief of the Holy Land, and taking the cross himself as soon as his affairs should admit it. The king probably thought his freedom from the haughtiness of Becket cheaply purchased by these condescensions: and without question, though Becket might have been justifiable, perhaps even laudable, for his steady maintenance of the privileges which his Church and his order had acquired by the care of his predecessors, and of which he by his place was the depository, yet the principles upon which he supported these privileges, subversive of all good government, his extravagant ideas of Church power, the schemes he meditated, even to his death, to extend it yet further, his violent and unreserved attachment to the Papacy, and that inflexible spirit which all his virtues rendered but the more dangerous, made his death as advantageous, at that time, as the means by which it was effected were sacrilegious and detestable.

Between the death of Becket and the king's absolution he resolved on the execution of a design by which he reduced under his dominion a country not more separated from the rest of Europe by its situation than by the laws, customs, and way of life of the inhabitants: for the people of Ireland, with no difference but that of religion, still retained the native manners of the original Celts. The king had meditated this design from the very beginning of his reign, and had obtained a bull from the then Pope, Adrian the fourth, an Englishman, to authorize the attempt. He well knew, from the internal weakness and advantageous situation of this noble island, the easiness and importance of such a conquest. But at this particular time he was strongly urged to his engaging personally in the enterprise by two other powerful motives. For, first, the murder of Becket had bred very ill humors in his subjects, the chiefs of whom, always impatient of a long peace, were glad of any pretence for rebellion; it was therefore expedient, and serviceable to the crown, to find an employment abroad for this spirit, which could not exert itself without being destructive at home. And next, as he had obtained the grant of Ireland from the Pope, upon condition of subjecting it to Peter-pence, he knew that the speedy performance of this condition would greatly facilitate his recovering the good graces of the court of Rome. Before we give a short narrative of the reduction of Ireland, I propose to lay open to the reader the state of that kingdom, that we may see what grounds Henry had to hope for success in this expedition.

Ireland is about half as large as England. In the temperature of the climate there is little difference, other than that more rain falls; as the country is more mountainous, and exposed full to the westerly wind, which, blowing from the Atlantic Ocean, prevails during the greater part of the year. This moisture, as it has enriched the country with large and frequent rivers, and spread out a number of fair and magnificent lakes beyond the proportion of other places, has on the other hand

incumbered the island with an uncommon multitude of bogs and morasses; so that in general it is less praised for corn than pasturage, in which no soil is more rich and luxuriant. Whilst it possesses these internal means of wealth, it opens on all sides a great number of ports, spacious and secure, and by their advantageous situation inviting to universal commerce. But on these ports, better known than those of Britain in the time of the Romans, at this time there were few towns, scarce any fortifications, and no trade that deserves to be mentioned.

The people of Ireland lay claim to a very extravagant antiquity, through a vanity common to all nations. The accounts which are given by their ancient chronicles of their first settlements are generally tales confuted by their own absurdity. The settlement of the greatest consequence, the best authenticated, and from which the Irish deduce the pedigree of the best families, is derived from Spain: it was called Clan Milea, or the descendants of Milesius, and Kin Scuit, or the race of Scyths, afterwards known by the name of Scots. The Irish historians suppose this race descended from a person called Gathel, a Scythian by birth, an Egyptian by education, the contemporary and friend of the prophet Moses. But these histories, seeming clear-sighted in the obscure affairs of so blind an antiquity, instead of passing for treasures of ancient facts, are regarded by the judicious as modern fictions. In cases of this sort rational conjectures are more to be relied on than improbable relations. It is most probable that Ireland was first peopled from Britain. The coasts of these countries are in some places in sight of each other. The language, the manners, and religion of the most ancient inhabitants of both are nearly the same. The Milesian colony, whenever it arrived in Ireland, could have made no great change in the manners or language; as the ancient Spaniards were a branch of the Celtæ, as well as the old inhabitants of Ireland. The Irish language is not different from that of all other nations, as Temple and Rapin, from ignorance of it, have asserted; on the contrary, many of its words bear a remarkable resemblance not only to those of the Welsh and Armoric, but also to the Greek and Latin. Neither is the figure of the letters very different from the vulgar character, though their order is not the same with that of other nations, nor the names, which are taken from the Irish proper names of several species of trees: a circumstance which, notwithstanding their similitude to the Roman letters, argues a different original and great antiquity. The Druid discipline anciently flourished in that island. In the fourth century it fell down before the preaching of St. Patrick. Then the Christian religion was embraced and cultivated with an uncommon zeal, which displayed itself in the number and consequence of the persons who in all parts embraced the contemplative life. This mode of life, and the situation of Ireland, removed from the horror of those devastations which shook the rest of Europe, made it a refuge for learning, almost extinguished everywhere else. Science flourished in Ireland during the seventh and eighth centuries. The same cause which destroyed it in other countries also destroyed it there. The Danes, then pagans, made themselves masters

of the island, after a long and wasteful war, in which they destroyed the sciences along with the monasteries in which they were cultivated. By as destructive a war they were at length expelled; but neither their ancient science nor repose returned to the Irish, who, falling into domestic distractions as soon as they were freed from their foreign enemies, sunk quickly into a state of ignorance, poverty, and barbarism, which must have been very great, since it exceeded that of the rest of Europe. The disorders in the Church were equal to those in the civil economy, and furnished to the Pope a plausible pretext for giving Henry a commission to conquer the kingdom, in order to reform it.

The Irish were divided into a number of tribes or clans, each clan forming within itself a separate government. It was ordered by a chief, who was not raised to that dignity either by election or by the ordinary course of descent, but as the eldest and worthiest of the blood of the deceased lord. This order of succession, called Tanistry, was said to have been invented in the Danish troubles, lest the tribe, during a minority, should have been endangered for want of a sufficient leader. It was probably much more ancient: but it was, however, attended with very great and pernicious inconveniencies, as it was obviously an affair of difficulty to determine who should be called the worthiest of the blood; and a door being always left open for ambition, this order introduced a greater mischief than it was intended to remedy. Almost every tribe, besides its contention with the neighboring tribes, nourished faction and discontent within itself. The chiefs we speak of were in general called Tierna, or Lords, and those of more consideration Riagh, or Kings. Over these were placed five kings more eminent than the rest, answerable to the five provinces into which the island was anciently divided. These again were subordinate to one head, who was called Monarch of all Ireland, raised to that power by election, or, more properly speaking, by violence.

Whilst the dignities of the state were disposed of by a sort of election, the office of judges, who were called Brehons, the trades of mechanics, and even those arts which we are apt to consider as depending principally on natural genius, such as poetry and music, were confined in succession to certain races: the Irish imagining that greater advantages were to be derived from an early institution, and the affection of parents desirous of perpetuating the secrets of their art in their families, than from the casual efforts of particular fancy and application. This is much in the strain of the Eastern policy; but these and many other of the Irish institutions, well enough calculated to preserve good arts and useful discipline, when these arts came to degenerate, were equally well calculated to prevent all improvement and to perpetuate corruption, by infusing an invincible tenaciousness of ancient customs.

The people of Ireland were much more addicted to pasturage than agriculture, not more from the quality of their soil than from a remnant of the Scythian manners. They had but few towns, and those not fortified, each clan living dispersed over its own territory. The few walled towns they had lay on the sea-coast; they

were built by the Danes, and held after they had lost their conquests in the inland parts: here was carried on the little foreign trade which the island then possessed.

The Irish militia was of two kinds: one called *kerns*, which were foot, slightly armed with a long knife or dagger, and almost naked; the other, *galloglasses*, who were horse, poorly mounted, and generally armed only with a battle-axe. Neither horse nor foot made much use of the spear, the sword, or the bow. With indifferent arms, they had still worse discipline. In these circumstances, their natural bravery, which, though considerable, was not superior to that of their invaders, stood them in little stead.

A.D. 1167. Such was the situation of things in Ireland, when Dermot, King of Leinster, having violently carried away the wife of one of the neighboring petty sovereigns, Roderic, King of Connaught and Monarch of Ireland, joined with the injured husband to punish so flagrant an outrage, and with their united forces spoiled Dermot of his territories, and obliged him to abandon the kingdom. The fugitive prince, not unapprised of Henry's designs upon his country, threw himself at his feet, implored his protection, and promised to hold of him, as his feudatory, the sovereignty he should recover by his assistance. Henry was at this time at Guienne. Nothing could be more agreeable to him than such an incident; but as his French dominions actually lay under an interdict, on account of his quarrel with Becket, and all his affairs, both at home and abroad, were in a troubled and dubious situation, it was not prudent to remove his person, nor venture any considerable body of his forces on a distant enterprise. Yet not willing to lose so favorable an opportunity, he warmly recommended the cause of Dermot to his regency in England, permitting and encouraging all persons to arm in his favor: a permission, in this age of enterprise, greedily accepted by many; but the person who brought the most assistance to it, and indeed gave a form and spirit to the whole design, was Richard, Earl of Strigul, commonly known by the name of Strongbow. Dermot, to confirm in his interest this potent and warlike peer, promised him his daughter in marriage, with the reversion of his crown.

A.D. 1169.

A.D. 1171. The beginnings of so great an enterprise were formed with a very slender force. Not four hundred men landed near Wexford: they took the town by storm. When reinforced, they did not exceed twelve hundred; but, being joined with three thousand men by Dermot, with an incredible rapidity of success they reduced Waterford, Dublin, Limerick, the only considerable cities in Ireland. By the novelty of their arms they had obtained some striking advantages in their first engagements; and by these advantages they attained a superiority of opinion over the Irish, which every success increased. Before the effect of this first impression had time to wear off, Henry, having settled his affairs abroad, entered the harbor of Cork with a fleet of four hundred sail, at once to secure the conquest, and the allegiance of the

conquerors. The fame of so great a force arriving under a prince dreaded by all Europe very soon disposed all the petty princes, with their King Roderic, to submit and do homage to Henry. They had not been able to resist the arms of his vassals, and they hoped better treatment from submitting to the ambition of a great king, who left them everything but the honor of their independency, than from the avarice of adventurers, from which nothing was secure. The bishops and the body of the clergy greatly contributed to this submission, from respect to the Pope, and the horror of their late defeats, which they began to regard as judgments. A national council was held at Cashel for bringing the Church of Ireland to a perfect conformity in rites and discipline to that of England. It is not to be thought that in this council the temporal interests of England were entirely forgotten. Many of the English were established in their particular conquests under the tenure of knights' service, now first introduced into Ireland: a tenure which, if it has not proved the best calculated to secure the obedience of the vassal to the sovereign, has never failed in any instance of preserving a vanquished people in obedience to the conquerors. The English lords built strong castles on their demesnes; they put themselves at the head of the tribes whose chiefs they had slain; they assumed the Irish garb and manners; and thus, partly by force, partly by policy, the first English families took a firm root in Ireland. It was, indeed, long before they were able entirely to subdue the island to the laws of England; but the continual efforts of the Irish for more than four hundred years proved insufficient to dislodge them.

Whilst Henry was extending his conquests to the western limits of the known world, the whole fabric of his power was privately sapped and undermined, and ready to overwhelm him with the ruins, in the very moment when he seemed to be arrived at the highest and most permanent point of grandeur and glory. His excessive power, his continual accessions to it, and an ambition which by words and actions declared that the whole world was not sufficient for a great man, struck a just terror into all the potentates near him: he was, indeed, arrived at that pitch of greatness, that the means of his ruin could only be found in his own family. A numerous offspring, which is generally considered as the best defence of the throne, and the support as well as ornament of declining royalty, proved on this occasion the principal part of the danger. Henry had in his lawful bed, besides daughters, four sons, Henry, Richard, Geoffrey, and John, all growing up with great hopes from their early courage and love of glory. No father was ever more delighted with these hopes, nor more tender and indulgent to his children. A custom had long prevailed in France for the reigning king to crown his eldest son in his lifetime. By this policy, in turbulent times, and whilst the principles of succession were unsettled, he secured the crown to his posterity. Henry gladly imitated a policy enforced no less by paternal affection than its utility to public peace. He had, during his troubles with Becket, crowned his son Henry, then no more than sixteen years

old. But the young king, even on the day of his coronation, discovered an haughtiness which threatened not to content itself with the share of authority to which the inexperience of his youth and the nature of a provisional crown confined him. The name of a king continually reminded him that he only possessed the name. The King of France, whose daughter he had espoused, fomented a discontent which grew with his years. Geoffrey, who had married the heiress of Bretagne, on the death of her father claimed to no purpose the entire sovereignty of his wife's inheritance, which Henry, under a pretence of guardianship to a son of full age, still retained in his hands. Richard had not the same plausible pretences, but he had yet greater ambition. He contended for the Duchy of Guienne before his mother's death, which, alone could give him the color of a title to it. The queen, his mother, hurried on by her own unquiet spirit, or, as some think, stimulated by jealousy, encouraged their rebellion against her husband. The King of France, who moved all the other engines, engaged the King of Scotland, the Earl of Flanders, then a powerful prince, the Earl of Blois, and the Earl of Boulogne in the conspiracy. The barons in Bretagne, in Guienne, and even in England, were ready to take up arms in the same cause; whether it was that they perceived the uniform plan the king had pursued in order to their reduction, or were solely instigated by the natural fierceness and levity of their minds, fond of every dangerous novelty. The historians of that time seldom afford us a tolerable insight into the causes of the transactions they relate; but whatever were the causes of so extraordinary a conspiracy, it was not discovered until the moment it was ready for execution. The first token of it appeared in the young king's demand to have either England or Normandy given up to him. The refusal of this demand served as a signal to all parties to put themselves in motion. The younger Henry fled into France; Louis entered Normandy with a vast army; the barons of Bretagne under Geoffrey, and those of Guienne under Richard, rose in arms; the King of Scotland pierced into England; and the Earl of Leicester, at the head of fourteen thousand Flemings, landed in Suffolk.

A.D. 1173

A.D. 1174It was on this trying occasion that Henry displayed a greatness independent of all fortune. For, beset by all the neighboring powers, opposed by his own children, betrayed by his wife, abandoned by one part of his subjects, uncertain of the rest, every part of his state rotten and suspicious, his magnanimity grew beneath the danger; and when all the ordinary resources failed, he found superior resources in his own courage, wisdom, and activity. There were at that time dispersed over Europe bodies of mercenary troops, called Brabançons, composed of fugitives from different nations, men who were detached from any country, and who, by making war a perpetual trade, and passing from service to service, had acquired an experience and military knowledge uncommon in those days. Henry took twenty thousand of these mercenaries into his service, and, as he paid them

punctually, and kept them always in action, they served him with fidelity. The Papal authority, so often subservient, so often prejudicial to his designs, he called to his assistance in a cause which did not misbecome it, — the cause of a father attacked by his children. This took off the ill impression left by Becket's death, and kept the bishops firm in their allegiance. Having taken his measures with judgment, he pursued the war in Normandy with vigor. In this war his mercenaries had a great and visible advantage over the feudal armies of France: the latter, not so useful while they remained in the field, entered it late in the summer, and commonly left it in forty days. The King of France was forced to raise the siege of Verneuil, to evacuate Normandy, and agree to a truce. Then, at the head of his victorious Brabançons, Henry marched into Brittany with an incredible expedition. The rebellious army, astonished as much by the celerity of his march as the fury of his attack, was totally routed. The principal towns and castles were reduced soon after. The custody of the conquered country being lodged in faithful hands, he flew to the relief of England. There his natural son Geoffrey, Bishop elect of Ely, faithful during the rebellion of all his legitimate offspring, steadily maintained his cause, though with forces much inferior to his zeal. The king, before he entered into action, thought it expedient to perform his expiation at the tomb of Becket. Hardly had he finished this ceremony, when the news arrived that the Scotch army was totally defeated, and their king made prisoner. This victory was universally attributed to the prayers of Becket; and whilst it established the credit of the new saint, it established Henry in the minds of his people: they no longer looked upon their king as an object of the Divine vengeance, but as a penitent reconciled to Heaven, and under the special protection of the martyr he had made. The Flemish army, after several severe checks, capitulated to evacuate the kingdom. The rebellious barons submitted soon after. All was quiet in England; but the King of France renewed hostilities in Normandy, and laid siege to Rouen. Henry recruited his army with a body of auxiliary Welsh, arrived at Rouen with his usual expedition, raised the siege, and drove the King of France quite out of Normandy. It was then that he agreed to an accommodation, and in the terms of peace, which he dictated in the midst of victory to his sons, his subjects, and his enemies, there was seen on one hand the tenderness of a father, and on the other the moderation of a wise man, not insensible of the mutability of fortune.

A.D. 1176The war which threatened his ruin being so happily ended, the greatness of the danger served only to enhance his glory; whilst he saw the King of France humbled, the Flemings defeated, the King of Scotland a prisoner, and his sons and subjects reduced to the bounds of their duty. He employed this interval of peace to secure its continuance, and to prevent a return of the like evils; for which reason he made many reforms in the laws and polity of his dominions. He instituted itinerant justices, to weaken the power of the great barons, and even of the sheriffs,

who were hardly more obedient, — an institution which, with great public advantages, has remained to our times. In the spirit of the same policy he armed the whole body of the people: the English commonalty had been in a manner disarmed ever since the Conquest. In this regulation we may probably trace the origin of the militia, which, being under the orders of the crown rather in a political than a feudal respect, were judged more to be relied on than the soldiers of tenure, to whose pride and power they might prove a sort of counterpoise. Amidst these changes the affairs of the clergy remained untouched. The king had experienced how dangerous it was to attempt removing foundations so deeply laid both in strength and opinion. He therefore wisely aimed at acquiring the favor of that body, and turning to his own advantage a power he should in vain attempt to overthrow, but which he might set up against another power, which it was equally his interest to reduce.

Though these measures were taken with the greatest judgment, and seemed to promise a peaceful evening to his reign, the seeds of rebellion remained still at home, and the dispositions that nourished them were rather increased abroad. The parental authority, respectable at all times, ought to have the greatest force in times when the manners are rude and the laws imperfect. At that time Europe had not emerged out of barbarism, yet this great natural bond of society was extremely weak. The number of foreign obligations and duties almost dissolved the family obligations. From the moment a young man was knighted, so far as related to his father, he became absolute master of his own conduct; but he contracted at the same time a sort of filial relation with the person who had knighted him. These various principles of duty distracted one another. The custom which then prevailed, of bestowing lands and jurisdictions, under the name of Appanages, to the sons of kings and the greater nobility, gave them a power which was frequently employed against the giver; and the military and licentious manners of the age almost destroyed every trace of every kind of regular authority. In the East, where the rivalry of brothers is so dangerous, such is the force of paternal power amongst a rude people, we scarce ever hear of a son in arms against his father. In Europe, for several ages, it was very common. It was Henry's great misfortune to suffer in a particular manner from this disorder.

A.D. 1180.

A.D. 1183.

A.D. 1188.

A.D. 1189. Philip succeeded Louis, King of France. He followed closely the plan of his predecessor, to reduce the great vassals, and the King of England, who was the greatest of them; but he followed it with far more skill and vigor, though he made use of the same instruments in the work. He revived the spirit of rebellion in the princes, Henry's sons. These young princes were never in harmony with each other but in a confederacy against their father, and the father had no recourse but in the

melancholy safety derived from the disunion of his children. This he thought it expedient to increase; but such policy, when discovered, has always a dangerous effect. The sons, having just quarrelled enough to give room for an explanation of each other's designs, and to display those of their father, enter into a new conspiracy. In the midst of these motions the young king dies, and showed at his death such signs of a sincere repentance as served to revive the old king's tenderness, and to take away all comfort for his loss. The death of his third son, Geoffrey, followed close upon the heels of this funeral. He died at Paris, whither he had gone to concert measures against his father. Richard and John remained. Richard, fiery, restless, ambitious, openly took up arms, and pursued the war with implacable rancor, and such success as drove the king, in the decline of his life, to a dishonorable treaty; nor was he then content, but excited new troubles. John was his youngest and favorite child; in him he reposed all his hopes, and consoled himself for the undutifulness of his other sons; but after concluding the treaty with the King of France and Richard, he found too soon that John had been as deep as any in the conspiracy. This was his last wound: afflicted by his children in their deaths and harassed in their lives, mortified as a father and a king, worn down with cares and sorrows more than with years, he died, cursing his fortune, his children, and the hour of his birth. When he perceived that death approached him, by his own desire he was carried into a church and laid at the altar's foot. Hardly had he expired, when he was stripped, then forsaken by his attendants, and left a long time a naked and unheeded body in an empty church: affording a just consolation for the obscurity of a mean fortune, and an instructive lesson how little an outward greatness and enjoyments foreign to the mind contribute towards a solid felicity, in the example of one who was the greatest of kings and the unhappiest of mankind.

CHAPTER VII.

REIGN OF RICHARD I.

Richard I. A.D. 1189 Whilst Henry lived, the King of France had always an effectual means of breaking his power by the divisions in his family. But now Richard succeeded to all the power of his father, with an equal ambition to extend it, with a temper infinitely more fiery and impetuous, and free from every impediment of internal dissension. These circumstances filled the mind of Philip with great and just uneasiness. There was no security but in finding exercise for the enterprising genius of the young king at a distance from home. The new Crusade afforded an advantageous opportunity. A little before his father's death, Richard had taken the cross in conjunction with the King of France. So precipitate were the fears of that monarch, that Richard was hardly crowned when ambassadors were dispatched to England to remind him of his obligation, and to pique his pride by acquainting him that their master was even then in readiness to fulfil his part of their common vow. An enterprise of this sort was extremely agreeable to the genius of Richard, where religion sanctified the thirst of military glory, and where the glory itself seemed but the more desirable by being unconnected with interest. He immediately accepted the proposal, and resolved to insure the success as well as the lustre of his expedition by the magnificence of his preparations. Not content with the immense treasures amassed by his father, he drew in vast sums by the sale of almost all the demesnes of the crown, and of every office under it, not excepting those of the highest trust. The clergy, whose wealth and policy enabled them to take advantage of the necessity and weakness of the Croises, were generally the purchasers of both. To secure his dominions in his absence, he made an alliance with the princes of Wales, and with the King of Scotland. To the latter he released, for a sum of money, the homage which had been extorted by his father.

His brother John gave him most uneasiness; but finding it unworthy, or impracticable, to use the severer methods of jealous policy, he resolved to secure his fidelity by loading him with benefits. He bestowed on him six earldoms, and gave him in marriage the Lady Avisa, sole heiress of the great house of Gloucester; but as he gave him no share in the regency, he increased his power, and left him discontented in a kingdom committed to the care of new men, who had merited their places by their money.

It will be proper to take a view of the condition of the Holy Land at the time when this third Crusade was set on foot to repair the faults committed in the two former. The conquests of the Croises, extending over Palestine and a part of Syria, had been erected into a sovereignty under the name of the Kingdom of Jerusalem. This kingdom, ill-ordered within, surrounded on all sides by powerful enemies,

subsisted by a strength not its own for near ninety years. But dissensions arising about the succession to the crown, between Guy of Lusignan and Raymond, Earl of Tripoli, Guy, either because he thought the assistance of the European princes too distant, or that he feared their decision, called in the aid of Saladin, Sultan of Egypt. This able prince immediately entered Palestine. As the whole strength of the Christians in Palestine depended upon foreign succor, he first made himself master of the maritime towns, and then Jerusalem fell an easy prey to his arms; whilst the competitors contended with the utmost violence for a kingdom which no longer existed for either of them. All Europe was alarmed at this revolution. The banished Patriarch of Jerusalem filled every place with the distresses of the Eastern Christians. The Pope ordered a solemn fast to be forever kept for this loss, and then, exerting all his influence, excited a new Crusade, in which vast numbers engaged, with an ardor unabated by their former misfortunes; but wanting a proper subordination rather than a sufficient force, they made but a slow progress, when Richard and Philip, at the head of more than one hundred thousand chosen men, the one from Marseilles, the other from Genoa, set sail to their assistance.

A.D. 1191 In his voyage to the Holy Land accident presented Richard, with an unexpected conquest. A vessel of his fleet was driven by a storm to take shelter in the Isle of Cyprus. That island was governed by a prince named Isaac, of the imperial family of the Comneni, who not only refused all relief to the sufferers, but plundered them of the little remains of their substance. Richard, resenting this inhospitable treatment, aggravated by the insolence of the tyrant, turned his force upon Cyprus, vanquished Isaac in the field, took the capital city, and was solemnly crowned king of that island. But deeming it as glorious to give as to acquire a crown, he soon after resigned it to Lusignan, to satisfy him for his claim on Jerusalem; in whose descendants it continued for several generations, until, passing by marriage into the family of Cornaro, a Venetian nobleman, it was acquired to that state, the only state in Europe which had any real benefit by all the blood and treasure lavished in the Holy War.

Richard arrived in Palestine some time after the King of France. His arrival gave new vigor to the operations of the Croises. He reduced Acre to surrender at discretion, which had been in vain besieged for two years, and in the siege of which an infinite number of Christians had perished; and so much did he distinguish himself on this and on all occasions, that the whole expedition seemed to rest on his single valor. The King of France, seeing him fully engaged, had all that he desired. The climate was disagreeable to his constitution, and the war, in which he acted but a second part, to his pride. He therefore hastened home to execute his projects against Richard, amusing him with oaths made to be violated, — leaving, indeed, a part of his forces under the Duke of Burgundy, but with private orders to give him underhand all possible obstruction. Notwithstanding the desertion of his ally, Richard continued the war with uncommon alacrity. With very unequal numbers he

engaged and defeated the whole army of Saladin, and slew forty thousand of his best troops. He obliged him to evacuate all the towns on the sea-coast, and spread the renown and terror of his arms over all Asia. A thousand great exploits did not, however, enable him to extend his conquests to the inland country. Jealousy, envy, cabals, and a total want of discipline reigned in the army of the Crosses. The climate, and their intemperance more than the climate, wasted them with a swift decay. The vow which brought them to the Holy Land was generally for a limited time, at the conclusion of which they were always impatient to depart. Their armies broke up at the most critical conjunctures, — as it was not the necessity of the service, but the extent of their vows, which held them together. As soon, therefore, as they had habituated themselves to the country, and attained some experience, they were gone; and new men supplied their places, to acquire experience by the same misfortunes, and to lose the benefit of it by the same inconstancy. Thus the war could never be carried on with steadiness and uniformity. On the other side, Saladin continually repaired his losses; his resources were at hand; and this great captain very judiciously kept possession of that mountainous country which, formed by a perpetual ridge of Libanus, in a manner walls in the sea-coast of Palestine. There he hung, like a continual tempest, ready to burst over the Christian army. On his rear was the strong city of Jerusalem, which secured a communication with the countries of Chaldea and Mesopotamia, from whence he was well supplied with everything. If the Christians attempted to improve their successes by penetrating to Jerusalem, they had a city powerfully garrisoned in their front, a country wasted and destitute of forage to act in, and Saladin with a vast army on their rear advantageously posted to cut off their convoys and reinforcements.

A.D. 1192. Richard was laboring to get over these disadvantages, when he was informed by repeated expresses of the disorder of his affairs in Europe, — disorders which arose from the ill dispositions he had made at his departure. The heads of his regency had abused their power; they quarrelled with each other, and the nobility with them. A sort of a civil war had arisen, in which they were deposed. Prince John was the main spring of these dissensions; he engaged in a close communication of councils with the King of France, who had seized upon several places in Normandy. It was with regret that Richard found himself obliged to leave a theatre on which he had planned such an illustrious scene of action. A constant emulation in courtesy and politeness, as well as in military exploits, had been kept up between him and Saladin. He now concluded a truce with that generous enemy, and on his departure sent a messenger to assure him that on its expiration he would not fail to be again in Palestine. Saladin replied, that, if he must lose his kingdom, he would choose to lose it to the King England. Thus Richard returned, leaving Jerusalem in the hands of the Saracens; and this end had an enterprise in which two of the most powerful monarchs in Europe were personally engaged, an army of upwards of one hundred thousand men employed, and to furnish which the whole

Christian world had been vexed and exhausted. It is a melancholy reflection, that the spirit of great designs can seldom be inspired, but where the reason of mankind is so uncultivated that they can be turned to little advantage.

A.D. 1193 With this war ended the fortune of Richard, who found the Saracens less dangerous than his Christian allies. It is not well known what motive induced him to land at Aquileia, at the bottom of the Gulf of Venice, in order to take his route by Germany; but he pursued his journey through, the territories of the Duke of Austria, whom he had personally affronted at the siege of Acre. And now, neither keeping himself out of the power of that prince, nor rousing his generosity by seeming to confide in it, he attempted to get through his dominions in disguise. Sovereigns do not easily assume the private character; their pride seldom suffers their disguise to be complete: besides, Richard had made himself but too well known. The Duke, transported with the opportunity of base revenge, discovered him, seized him, and threw him into prison; from whence he was only released to be thrown into another. The Emperor claimed him, and, without regarding in this unfortunate captive the common dignity of sovereigns, or his great actions in the common cause of Europe, treated him with yet greater cruelty. To give a color of justice to his violence, he proposed to accuse Richard at the Diet of the Empire upon certain articles relative to his conduct in the Holy Land.

The news of the king's captivity caused the greatest consternation in all his good subjects; but it revived the hopes and machinations of Prince John, who bound himself by closer ties than ever to the King of France, seized upon some strongholds in England, and, industriously spreading a report of his brother's death, publicly laid claim to the crown as lawful successor. All his endeavors, however, served only to excite the indignation of the people, and to attach them the more firmly to their unfortunate prince. Eleanor, the queen dowager, as good a mother as she had been a bad wife, acted with the utmost vigor and prudence to retain them in their duty, and omitted no means to procure the liberty of her son. The nation seconded her with a zeal, in their circumstances, uncommon. No tyrant ever imposed so severe a tax upon his people as the affection of the people of England, already exhausted, levied upon themselves. The most favored religious orders were charged on this occasion. The Church plate was sold. The ornaments of the most holy relics were not spared. And, indeed, nothing serves more to demonstrate the poverty of the kingdom, reduced by internal dissensions and remote wars, at that time, than the extreme difficulty of collecting the king's ransom, which amounted to no more than one hundred thousand marks of silver, Cologne weight. For raising this sum, the first taxation, the most heavy and general that was ever known in England, proved altogether insufficient. Another taxation was set on foot. It was levied with the same rigor as the former, and still fell short. Ambassadors were sent into Germany with all that could be raised, and with hostages for the payment of whatever remained. The king met these ambassadors as he was carried in chains to

plead his cause before the Diet of the Empire. The ambassadors burst into tears at this affecting sight, and wept aloud; but Richard, though touched no less with the affectionate loyalty of his subjects than with his own fallen condition, preserved his dignity entire in his misfortunes, and with a cheerful air inquired of the state of his dominions, the behavior of the King of Scotland, and the fidelity of his brother, the Count John. At the Diet, no longer protected by the character of a sovereign, he was supported by his personal abilities. He had a ready wit and great natural eloquence; and his high reputation and the weight of his cause pleading for him more strongly, the Diet at last interested itself in his favor, and prevailed on the Emperor to accept an excessive ransom for dismissing a prisoner whom he detained without the least color of justice. Philip moved heaven and earth to prevent his enlargement: he negotiated, he promised, he flattered, he threatened, he outbid his extravagant ransom. The Emperor, in his own nature more inclined to the bribe, which tempted him to be base, hesitated a long time between these offers. But as the payment of the ransom was more certain than Philip's promises, and as the instances of the Diet, and the menaces of the Pope, who protected Richard, as a prince serving under the Cross, were of more immediate consequence than his threats, Richard was at length released; and though it is said the Emperor endeavored to seize him again, to extort an other ransom, he escaped safely into England.

A.D. 1194 Richard, on his coming to England, found all things in the utmost confusion; but before he attempted to apply a remedy to so obstinate a disease, in order to wipe off any degrading ideas which might have arisen from his imprisonment, he caused himself to be new crowned. Then holding his Court of Great Council at Southampton, he made some useful regulations in the distribution of justice. He called some great offenders to a strict account. Count John deserved no favor, and he lay entirely at the king's mercy, who, by an unparalleled generosity, pardoned him his multiplied offences, only depriving him of the power of which he had made so bad a use. Generosity did not oblige him to forget the hostilities of the King of France. But to prosecute the war money was wanting, which new taxes and new devices supplied with difficulty and with dishonor. All the mean oppressions of a necessitous government were exercised on this occasion. All the grants which were made on the king's departure to the Holy Land were revoked, on the weak pretence that the purchasers had sufficient recompense whilst they held them. Necessity seemed to justify this, as well as many other measures that were equally violent. The whole revenue of the crown had been dissipated; means to support its dignity must be found; and these means were the least unpopular, as most men saw with pleasure the wants of government fall upon those who had started into a sudden greatness by taking advantage of those wants.

Richard renewed the war with Philip, which continued, though frequently interrupted by truces, for about five years. In this war Richard signalized himself by that irresistible courage which on all occasions gave him a superiority over the King

of France. But his revenues were exhausted; a great scarcity reigned both in France and England; and the irregular manner of carrying on war in those days prevented a clear decision in favor of either party. Richard had still an eye on the Holy Land, which he considered as the only province worthy of his arms; and this continually diverted his thoughts from the steady prosecution of the war in France. The Crusade, like a superior orb, moved along with all the particular systems of politics of that time, and suspended, accelerated, or put back all operations on motives foreign to the things themselves. In this war it must be remarked, that Richard made a considerable use of the mercenaries who had been so serviceable to Henry the Second; and the King of France, perceiving how much his father, Louis, had suffered by a want of that advantage, kept on foot a standing army in constant pay, which none of his predecessors had done before him, and which afterwards for a long time very unaccountably fell into disuse in both kingdoms.

A.D. 1199. Whilst this war was carried on, by intervals and starts, it came to the ears of Richard that a nobleman of Limoges had found on his lands a considerable hidden treasure. The king, necessitous and rapacious to the last degree, and stimulated by the exaggeration and marvellous circumstances which always attend the report of such discoveries, immediately sent to demand the treasure, under pretence of the rights of seignior. The Limosin, either because he had really discovered nothing or that he was unwilling to part with so valuable an acquisition, refused to comply with the king's demand, and fortified his castle. Enraged at the disappointment, Richard relinquished the important affairs in which he was engaged, and laid siege to this castle with all the eagerness of a man who has his heart set upon a trifle. In this siege he received a wound from an arrow, and it proved mortal; but in the last, as in all the other acts of his life, something truly noble shone out amidst the rash and irregular motions of his mind. The castle was taken before he died. The man from whom Richard had received the wound was brought before him. Being asked why he levelled his arrow at the king, he answered, with an undaunted countenance, "that the king with his own hand had slain his two brothers; that he thanked God who gave him an opportunity to revenge their deaths even with the certainty of his own." Richard, more touched with the magnanimity of the man than offended at the injury he had received or the boldness of the answer, ordered that his life should be spared. He appointed his brother John to the succession; and with these acts ended a life and reign distinguished by a great variety of fortunes in different parts of the world, and crowned with great military glory, but without any accession of power to himself, or prosperity to his people, whom he entirely neglected, and reduced, by his imprudence and misfortunes, to no small indigence and distress.

In many respects, a striking parallel presents itself between this ancient King of England and Charles the Twelfth, of Sweden. They were both inordinately desirous of war, and rather generals than kings. Both were rather fond of glory than

ambitious of empire. Both of them made and deposed sovereigns. They both carried on their wars at a distance from home. They were both made prisoners by a friend and ally. They were both reduced by an adversary inferior in war, but above them in the arts of rule. After spending their lives in remote adventures, each perished at last near home in enterprises not suited to the splendor of their former exploits. Both died childless. And both, by the neglect of their affairs and the severity of their government, gave their subjects provocation and encouragement to revive their freedom. In all these respects the two characters were alike; but Richard fell as much short of the Swedish hero in temperance, chastity, and equality of mind as he exceeded him in wit and eloquence. Some of his sayings are the most spirited that we find in that time; and some of his verses remain, which is a barbarous age might have passed for poetry.

CHAPTER VIII.

REIGN OF JOHN.

A.D. 1199 We are now arrived at one of the most memorable periods in the English story, whether we consider the astonishing revolutions which were then wrought, the calamities in which both the prince and people were involved, or the happy consequences which, arising from the midst of those calamities, have constituted the glory and prosperity of England for so many years. We shall see a throne founded in arms, and augmented by the successive policy of five able princes, at once shaken to its foundations: first made tributary by the arts of a foreign power; then limited, and almost overturned, by the violence of its subjects. We shall see a king, to reduce his people to obedience, draw into his territories a tumultuary foreign army, and destroy his country instead of establishing his government. We shall behold the people, grown desperate, call in another foreign army, with a foreign prince at its head, and throw away that liberty which they had sacrificed everything to preserve. We shall see the arms of this prince successful against an established king in the vigor of his years, ebbing in the full tide of their prosperity, and yielding to an infant: after this, peace and order and liberty restored, the foreign force and foreign title purged off, and all things settled as happily as beyond all hope.

Richard dying without lawful issue, the succession to his dominions again became dubious. They consisted of various territories, governed by various rules of descent, and all of them uncertain. There were two competitors: the first was Prince John, youngest son of Henry the Second; the other was Arthur, son of Constance of Bretagne, by Geoffrey, the third son of that monarch. If the right of consanguinity were only considered, the title of John to the whole succession had been indubitable. If the right of representation had then prevailed, which now universally prevails, Arthur, as standing in the place of his father, Geoffrey, had a solid claim. About Brittany there was no dispute. Anjou, Poitou, Touraine, and Guienne declared in favor of Arthur, on the principle of representation. Normandy was entirely for John. In England the point of law had never been entirely settled, but it seemed rather inclined to the side of consanguinity. Therefore in England, where this point was dubious at best, the claim of Arthur, an infant and a stranger, had little force against the pretensions of John, declared heir by the will of the late king, supported by his armies, possessed of his treasures, and at the head of a powerful party. He secured in his interests Hubert, Archbishop of Canterbury, and Glanville, the chief justiciary, and by them the body of the ecclesiastics and the law. It is remarkable, also, that he paid court to the cities and boroughs, which is the first instance of that policy: but several of these communities now happily began to

emerge from their slavery, and, taking advantage of the necessities and confusion of the late reign, increased in wealth and consequence, and had then first attained a free and regular form of administration. The towns new to power declared heartily in favor of a prince who was willing to allow that their declaration could confer a right. The nobility, who saw themselves beset by the Church, the law, and the burghers, had taken no measures, nor even a resolution, and therefore had nothing left but to concur in acknowledging the title of John, whom they knew and hated. But though they were not able to exclude him from the succession, they had strength enough to oblige him to a solemn promise of restoring those liberties and franchises which they had always claimed without having ever enjoyed or even perfectly understood. The clergy also took advantage of the badness of his title to establish one altogether as ill founded. Hubert, Archbishop of Canterbury, in the speech which he delivered at the king's coronation, publicly affirmed that the crown of England was of right elective. He drew his examples in support of this doctrine, not from the histories of the ancient Saxon kings, although a species of election within a certain family had then frequently prevailed, but from the history of the first kings of the Jews: without doubt in order to revive those pretensions which the clergy first set up in the election of Stephen, and which they had since been obliged to conceal, but had not entirely forgotten.

John accepted a sovereignty weakened in the very act by which he acquired it; but he submitted to the times. He came to the throne at the age of thirty-two. He had entered early into business, and had been often involved in difficult and arduous enterprises, in which he experienced a variety of men and fortunes. His father, whilst he was very young, had sent him into Ireland, which kingdom was destined for his portion, in order to habituate that people to their future sovereign, and to give the young prince an opportunity of conciliating the favor of his new subjects. But he gave on this occasion no good omens of capacity for government. Full of the insolent levity of a young man of high rank without education, and surrounded with others equally unpractised, he insulted the Irish chiefs, and, ridiculing their uncouth garb and manners, he raised such a disaffection to the English government, and so much opposition to it, as all the wisdom of his father's best officers and counsellors was hardly able to overcome. In the decline of his father's life he joined in the rebellion of his brothers, with so much more guilt as with more ingratitude and hypocrisy. During the reign of Richard he was the perpetual author of seditions and tumults; and yet was pardoned, and even favored by that prince to his death, when he very unaccountably appointed him heir to all his dominions.

It was of the utmost moment to John, who had no solid title, to conciliate the favor of all the world. Yet one of his first steps, whilst his power still remained dubious and unsettled, was, on pretence of consanguinity, to divorce his wife Avisa, with whom he had lived many years, and to marry Isabella of Angoulême, a woman of extraordinary beauty, but who had been betrothed to Hugh, Count of Marche:

thus disgusting at once the powerful friends of his divorced wife, and those of the Earl of Marche, whom he had so sensibly wronged.

A.D. 1200. The King of France, Philip Augustus, saw with pleasure these proceedings of John, as he had before rejoiced at the dispute about the succession. He had been always employed, and sometimes with success, to reduce the English power through the reigns of one very able and one very warlike prince. He had greater advantages in this conjuncture, and a prince of quite another character now to contend with. He was therefore not long without choosing his part; and whilst he secretly encouraged the Count of Marche, already stimulated by his private wrongs, he openly supported the claim of Arthur to the Duchies of Anjou and Touraine. It was the character of this prince readily to lay aside and as readily to reassume his enterprises, as his affairs demanded. He saw that he had declared himself too rashly, and that he was in danger of being assaulted upon every side. He saw it was necessary to break an alliance, which the nice circumstances and timid character of John would enable him to do. In fact, John was at this time united in a close alliance with the Emperor and the Earl of Flanders; and these princes were engaged in a war with France. He had then a most favorable opportunity to establish all his claims, and at the same time to put the King of France out of a condition to question them ever after. But he suffered himself to be overreached by the artifices of Philip: he consented to a treaty of peace, by which he received an empty acknowledgment of his right to the disputed territories, and in return for which acknowledgment he renounced his alliance with the Emperor. By this act he at once strengthened his enemy, gave up his ally, and lowered his character with his subjects and with all the world.

A.D. 1201.

A.D. 1202. This treaty was hardly signed, when the ill consequences of his conduct became evident. The Earl of Marche and Arthur immediately renewed their claims and hostilities under the protection of the King of France, who made a strong diversion by invading Normandy. At the commencement of these motions, John, by virtue of a prerogative hitherto undisputed, summoned his English barons to attend him into France; but instead of a compliance with his orders, he was surprised with a solemn demand of their ancient liberties. It is astonishing that the barons should at that time have ventured on a resolution of such dangerous importance, as they had provided no sort of means to support them. But the history of those times furnishes many instances of the like want of design in the most momentous affairs, and shows that it is in vain to look for political causes for the actions of men, who were most commonly directed by a brute caprice, and were for the greater part destitute of any fixed principles of obedience or resistance. The king, sensible of the weakness of his barons, fell upon some of their castles with such timely vigor, and treated those whom he had reduced with so much severity, that the rest immediately and abjectly

submitted. He levied a severe tax upon their fiefs; and thinking himself more strengthened by this treasure than the forced service of his barons, he excused the personal attendance of most of them, and, passing into Normandy, he raised an army there. He found that his enemies had united their forces, and invested the castle of Mirebeau, a place of importance, in which his mother, from whom he derived his right to Guienne, was besieged. He flew to the relief of this place with the spirit of a greater character, and the success was answerable. The Breton and Poitevin army was defeated, his mother was freed, and the young Duke of Brittany and his sister were made prisoners. The latter he sent into England, to be confined in the castle of Bristol; the former he carried with him to Rouen. The good fortune of John now seemed to be at its highest point; but it was exalted on a precipice; and this great victory proved the occasion of all the evils which afflicted his life.

A.D. 1203. John was not of a character to resist the temptation of having the life of his rival in his hands. All historians are as fully agreed that he murdered his nephew as they differ in the means by which he accomplished that crime. But the report was soon spread abroad, variously heightened in the circumstances by the obscurity of the fact, which left all men at liberty to imagine and invent, and excited all those sentiments of pity and indignation which a very young prince of great hopes, cruelly murdered by his uncle, naturally inspire. Philip had never missed an occasion of endeavoring to ruin the King of England: and having now acquired an opportunity of accomplishing that by justice which he had in vain sought by ambition, he filled every place with complaints of the cruelty of John, whom, as a vassal to the crown of France, the king accused of the murder of another vassal, and summoned him to Paris to be tried by his peers. It was by no means consistent either with the dignity or safety of John to appear to this summons. He had the argument of kings to justify what he had done. But as in all great crimes there is something of a latent weakness, and in a vicious caution something material is ever neglected, John, satisfied with removing his rival, took no thought about his enemy; but whilst he saw himself sentenced for non-appearance in the Court of Peers, whilst he saw the King of France entering Normandy with a vast army in consequence of this sentence, and place after place, castle after castle, falling before him, he passed his time at Rouen in the profoundest tranquillity, indulging himself in indolent amusements, and satisfied with vain threatenings and boasts, which only added greater shame to his inactivity. The English barons who had attended him in this expedition, disaffected from the beginning, and now wearied with being so long witnesses to the ignominy of their sovereign, retired to their own country, and there spread the report of his unaccountable sloth and cowardice. John quickly followed them; and returning into his kingdom, polluted with the charge of so heavy a crime, and disgraced by so many follies, instead of aiming by popular acts to reestablish his character, he exacted a seventh of their movables from the barons, on pretence

that they had deserted his service. He laid the same imposition on the clergy, without giving himself the trouble of seeking for a pretext. He made no proper use of these great supplies, but saw the great city of Rouen, always faithful to its sovereigns, and now exerting the most strenuous efforts in his favor, obliged at length to surrender, without the least attempt to relieve it. Thus the whole Duchy of Normandy, originally acquired by the valor of his ancestors, and the source from which the greatness of his family had been derived, after being supported against all shocks for three hundred years, was torn forever from the stock of Rollo, and reunited to the crown of France. Immediately all the rest of the provinces which he held on the continent, except a part of Guienne, despairing of his protection, and abhorring his government, threw themselves into the hands of Philip.

Meanwhile the king by his personal vices completed the odium which he had acquired by the impotent violence of his government. Uxorious and yet dissolute in his manners, he made no scruple frequently to violate the wives and daughters of his nobility, that rock on which tyranny has so often split. Other acts of irregular power, in their greatest excesses, still retain the characters of sovereign authority; but here the vices of the prince intrude into the families of the subject, and, whilst they aggravate the oppression, lower the character of the oppressor.

In the disposition which all these causes had concurred universally to diffuse, the slightest motion in his kingdom threatened the most dangerous consequences. Those things which in quiet times would have only raised a slight controversy, now, when the minds of men were exasperated and inflamed, were capable of affording matter to the greatest revolutions. The affairs of the Church, the winds which mostly governed the fluctuating people, were to be regarded with the utmost attention. Above all, the person who filled the see of Canterbury, which stood on a level with the throne itself, was a matter of the last importance. Just at this critical time died Hubert, archbishop of that see, a man who had a large share in procuring the crown for John, and in weakening its authority by his acts at the ceremony of the coronation, as well as by his subsequent conduct. Immediately on the death of this prelate, a cabal of obscure monks, of the Abbey of St. Augustin, assemble by night, and first binding themselves by a solemn oath not to divulge their proceedings, until they should be confirmed by the Pope, they elect one Reginald, their sub-prior, Archbishop of Canterbury. The person elected immediately crossed the seas; but his vanity soon discovered the secret of his greatness. The king received the news of this transaction with surprise and indignation. Provoked at such a contempt of his authority, he fell severely on the monastery, no less surprised than himself at the clandestine proceeding of some of its members. But the sounder part pacified him in some measure by their submission. They elected a person recommended by the king, and sent fourteen of the most respectable of their body to Rome, to pray that the former proceedings should be annulled, and the later and more regular confirmed. To this matter of contention another was added. A dispute

had long subsisted between the suffragan bishops of the province of Canterbury and the monks of the Abbey of St. Austin, each claiming a right to elect the metropolitan. This dispute was now revived, and pursued with much vigor. The pretensions of the three contending parties were laid before the Pope, to whom such disputes were highly pleasing, as he knew that all claimants willingly conspire to flatter and aggrandize that authority from which they expect a confirmation of their own. The first election, he nulled, because its irregularity was glaring. The right of the bishops was entirely rejected: the Pope looked with an evil eye upon those whose authority he was every day usurping. The second election was set aside, as made at the king's instance: this was enough to make it very irregular. The canon law had now grown up to its full strength. The enlargement of the prerogative of the Pope was the great object of this jurisprudence, — a prerogative which, founded on fictitious monuments, that are forged in an ignorant age, easily admitted by a credulous people, and afterwards confirmed and enlarged by these admissions, not satisfied with the supremacy, encroached on every minute part of Church government, and had almost annihilated the episcopal jurisdiction throughout Europe. Some canons had given the metropolitan a power of nominating a bishop, when the circumstances of the election were palpably irregular; and as it does not appear that there was any other judge of the irregularity than the metropolitan himself, the election below in effect became nugatory. The Pope, taking the irregularity in this case for granted, in virtue of this canon, and by his plenitude of power, ordered the deputies of Canterbury to proceed to a new election. At the same time he recommended to their choice Stephen Langton, their countryman, — a person already distinguished for his learning, of irreproachable morals, and free from every canonical impediment. This authoritative request the monks had not the courage to oppose in the Pope's presence and in his own city. They murmured, and submitted.

A.D. 1208. In England this proceeding was not so easily ratified. John drove the monks of Canterbury from their monastery, and, having seized upon their revenues, threatened the effects of the same indignation against all those who seemed inclined to acquiesce in the proceedings of Rome. But Rome had not made so bold a step with intention to recede. On the king's positive refusal to admit Langton, and the expulsion of the monks of Canterbury, England was laid under an interdict. Then divine service at once ceased throughout the kingdom; the churches were shut; the sacraments were suspended; the dead were buried without honor, in highways and ditches, and the living deprived of all spiritual comfort. On the other hand, the king let loose his indignation against the ecclesiastics, — seizing their goods, throwing many into prison, and permitting or encouraging all sorts of violence against them. The kingdom was thrown into the most terrible confusion; whilst the people, uncertain of the object or measure of their allegiance, and distracted with opposite principles of duty, saw themselves deprived of their religious rites by the ministers

of religion, and their king, furious with wrongs not caused by them, falling indiscriminately on the innocent and the guilty: for John, instead of soothing his people in this their common calamity, sought to terrify them into obedience. In a progress which he made into the North, he threw down the inclosures of his forests, to let loose the wild beasts upon their lands; and as he saw the Papal proceedings increase with his opposition, he thought it necessary to strengthen himself by new devices. He extorted hostages and a new oath of fidelity from his barons. He raised a great army, to divert the thoughts of his subjects from brooding too much on their distracted condition. This army he transported into Ireland; and as it happened to his father in a similar dispute with the Pope, whilst he was dubious of his hereditary kingdom, he subdued Ireland. At this time he is said to have established the English laws in that kingdom, and to have appointed itinerant justices.

At length the sentence of excommunication was fulminated against the king. In the same year the same sentence was pronounced upon the Emperor Otho; and this daring Pope was not afraid at once to drive to extremities the two greatest princes in Europe. And truly, nothing is more remarkable than the uniform steadiness of the court of Rome in the pursuits of her ambitious projects. For, knowing that pretensions which stand merely in opinion cannot bear to be questioned in any part, though she had hitherto seen the interdict produce but little effect, and perceived that the excommunication itself could draw scarce one poor bigot from the king's service, yet she receded not the least point from the utmost of her demand. She broke off an accommodation just on the point of being concluded, because the king refused to repair the losses which the clergy had suffered, though he agreed to everything else, and even submitted to receive the archbishop, who, being obtruded on him, had in reality been set over him. But the Pope, bold as politic, determined to render him perfectly submissive, and to this purpose brought out the last arms of the ecclesiastic stores, which were reserved for the most extreme occasions. Having first released the English subjects from their oath of allegiance, by an unheard-of presumption, he formally deposed John from his throne and dignity; he invited the King of France to take possession of the forfeited crown; he called forth all persons from all parts of Europe to assist in this expedition, by the pardons and privileges of those who fought for the Holy Land.

A.D. 1218. This proceeding did not astonish the world. The King of France, having driven John from all he held on the continent, gladly saw religion itself invite him to farther conquests. He summoned all his vassals, under the penalty of felony, and the opprobrious name of *culvertage*, (a name of all things dreaded by both nations,) to attend in this expedition; and such force had this threat, and the hope of plunder in England, that a very great army was in a short time assembled. A fleet also rendezvoused in the mouth of the Seine, by the writers of these times said to consist of seventeen hundred sail. On this occasion John roused all his powers. He called upon all his people who by the duty of their tenure or allegiance were obliged

to defend their lord and king, and in his writs stimulated them by the same threats of *culvertag* which had been employed against him. They operated powerfully in his favor. His fleet in number exceeded the vast navy of France; his army was in everything but heartiness to the cause equal, and, extending along the coast of Kent, expected the descent of the French forces.

Whilst these two mighty armies overspread the opposite coasts, and the sea was covered with their fleets, and the decision of so vast an event was hourly expected, various thoughts arose in the minds of those who moved the springs of these affairs. John, at the head of one of the finest armies in the world, trembled inwardly, when he reflected how little he possessed or merited their confidence. Wounded by the consciousness of his crimes, excommunicated by the Pope, hated by his subjects, in danger of being at once abandoned by heaven and earth, he was filled with the most fearful anxiety. The legates of the Pope had hitherto seen everything succeed to their wish. But having made use of an instrument too great for them to wield, they apprehended, that, when it had overthrown their adversary, it might recoil upon the court of Rome itself; that to add England to the rest of Philip's great possessions was not the way to make him humble; and that in ruining John to aggrandize that monarch, they should set up a powerful enemy in the place of a submissive vassal.

They had done enough to give them a superiority in any negotiation, and they privately sent an embassy to the King of England. Finding him very tractable, they hasted to complete the treaty. The Pope's legate, Pandulph, was intrusted with this affair. He knew the nature of men to be such that they seldom engage willingly, if the whole of an hardship be shown them at first, but that, having advanced a certain length, their former concessions are an argument with them to advance further, and to give all because they have already given a great deal. Therefore he began with exacting an oath from the king, by which, without showing the extent of his design, he engaged him to everything he could ask. John swore to submit to the legate in all things relating to his excommunication. And first he was obliged to accept Langton as archbishop; then to restore the monks of Canterbury, and other deprived ecclesiastics, and to make them a full indemnification for all their losses. And now, by these concessions, all things seemed to be perfectly settled. The cause of the quarrel was entirely removed. But when the king expected for so perfect a submission a full absolution, the legate began a labored harangue on his rebellion, his tyranny, and the innumerable sins he had committed, and in conclusion declared that there was no way left to appease God and the Church but to resign his crown to the Holy See, from whose hands he should receive it purified from all pollutions, and hold it for the future by homage and an annual tribute.

John was struck motionless at a demand so extravagant and unexpected. He knew not on which side to turn. If he cast his eyes toward the coast of France, he there saw his enemy Philip, who considered him as a criminal as well as an enemy, and who aimed not only at his crown, but his life, at the head of an innumerable

multitude of fierce people, ready to rush in upon him. If he looked at his own army, he saw nothing there but coldness, disaffection, uncertainty, distrust, and a strength in which he knew not whether he ought most to confide or fear. On the other hand, the Papal thunders, from the wounds of which he was still sore, were levelled full at his head. He could not look steadily at these complicated difficulties: and truly it is hard to say what choice he had, if any choice were left to kings in what concerns the independence of their crown. Surrounded, therefore, with these difficulties, and that all his late humiliations might not be rendered as ineffectual as they were ignominious, he took the last step, and in the presence of a numerous assembly of his peers and prelates, who turned their eyes from this mortifying sight, formally resigned his crown to the Pope's legate, to whom at the same time he did homage and paid the first fruits of his tribute. Nothing could be added to the humiliation of the king upon this occasion, but the insolence of the legate, who spurned the treasure with his foot, and let the crown remain a long time on the ground, before he restored it to the degraded owner.

In this proceeding the motives of the king may be easily discovered; but how the barons of the kingdom, who were deeply concerned, suffered without any protestation the independency of the crown to be thus forfeited is mentioned by no historian of that time. In civil tumults it is astonishing how little regard is paid by all parties to the honor or safety of their country. The king's friends were probably induced to acquiesce by the same motives that had influenced the king. His enemies, who were the most numerous, perhaps saw his abasement with pleasure, as they knew this action might be one day employed against him with effect. To the bigots it was enough that it aggrandized the Pope. It is perhaps worthy of observation that the conduct of Pandulph towards King John bore a very great affinity to that of the Roman consuls to the people of Carthage in the last Punic War, — drawing them from concession to concession, and carefully concealing their design, until they made it impossible for the Carthaginians to resist. Such a strong resemblance did the same ambition produce in such distant times; and it is far from the sole instance in which we may trace a similarity between the spirit and conduct of the former and latter Rome in their common design on the liberties of mankind.

The legates, having thus triumphed over the king, passed back into France, but without relaxing the interdict or excommunication, which they still left hanging over him, lest he should be tempted to throw off the chains of his new subjection. Arriving in France, they delivered their orders to Philip with as much haughtiness as they had done to John. They told him that the end of the war was answered in the humiliation of the King of England, who had been rendered a dutiful son of the Church, — and that, if the King of France should, after this notice, proceed to further hostilities, he had to apprehend the same sentence which had humbled his adversary. Philip, who had not raised so great an army with a view of reforming the

manners of King John, would have slighted these threats, had he not found that they were seconded by the ill dispositions of a part of his own army. The Earl of Flanders, always disaffected to his cause, was glad of this opportunity to oppose him, and, only following him through fear, withdrew his forces, and now openly opposed him. Philip turned his arms against his revolted vassal. The cause of John was revived by this dissension, and his courage seemed rekindled. Making one effort of a vigorous mind, he brought his fleet to an action with the French navy, which he entirely destroyed on the coast of Flanders, and thus freed himself from the terror of an invasion. But when he intended to embark and improve his success, the barons refused to follow him. They alleged that he was still excommunicated, and that they would not follow a lord under the censures of the Church. This demonstrated to the king the necessity of a speedy absolution; and he received it this year from the hands of Cardinal Langton.

That archbishop no sooner came into the kingdom than he discovered designs very different from those which the Pope had raised him to promote. He formed schemes of a very deep and extensive nature, and became the first mover in all the affairs which distinguish the remainder of this reign. In the oath which he administered to John on his absolution, he did not confine himself solely to the ecclesiastical grievances, but made him swear to amend his civil government, to raise no tax without the consent of the Great Council, and to punish no man but by the judgment of his court. In these terms we may see the Great Charter traced in miniature. A new scene of contention was opened; new pretensions were started; a new scheme was displayed. One dispute was hardly closed, when he was involved in another; and this unfortunate king soon discovered that to renounce his dignity was not the way to secure his repose. For, being cleared of the excommunication, he resolved to pursue the war in France, in which he was not without a prospect of success; but the barons refused upon new pretences, and not a man would serve. The king, incensed to find himself equally opposed in his lawful and unlawful commands, prepared to avenge himself in his accustomed manner, and to reduce the barons to obedience by carrying war into their estates. But he found by this experiment that his power was at an end. The Archbishop followed him, confronted him with the liberties of his people, reminded him of his late oath, and threatened to excommunicate every person who should obey him in his illegal proceedings. The king, first provoked, afterwards terrified at this resolution, forbore to prosecute the recusants.

The English barons had privileges, which they knew to have been violated; they had always kept up the memory of the ancient Saxon liberty; and if they were the conquerors of Britain, they did not think that their own servitude was the just fruit of their victory. They had, however, but an indistinct view of the object at which they aimed; they rather felt their wrongs than understood the cause of them; and having no head nor council, they were more in a condition of distressing their king

and disgracing their country by their disobedience than of applying any effectual remedy to their grievances. Langton saw these dispositions, and these wants. He had conceived a settled plan for reducing the king, and all his actions tended to carry it into execution. This prelate, under pretence of holding an ecclesiastical synod, drew together privately some of the principal barons to the Church of St. Paul in London. There, having expatiated on the miseries which the kingdom suffered, and having explained at the same time the liberties to which it was entitled, he produced the famous charter of Henry the First, long concealed, and of which, with infinite difficulty, he had procured an authentic copy. This he held up to the barons as the standard about which they were to unite. These were the liberties which their ancestors had received by the free concession of a former king, and these the rights which their virtue was to force from the present, if (which God forbid!) they should find it necessary to have recourse to such extremities. The barons, transported to find an authentic instrument to justify their discontent and to explain and sanction their pretensions, covered the Archbishop with praises, readily confederated to support their demands, and, binding themselves by every obligation of human and religious faith, to vigor, unanimity, and secrecy, they depart to confederate others in their design.

This plot was in the hands of too many to be perfectly concealed; and John saw, without knowing how to ward it off, a more dangerous blow levelled at his authority than any of the former. He had no resources within his kingdom, where all ranks and orders were united against him by one common hatred. Foreign alliance he had none, among temporal powers. He endeavored, therefore, if possible, to draw some benefit from the misfortune of his new circumstances: he threw himself upon the protection of the Papal power, which he had so long and with such reason opposed. The Pope readily received him into his protection, but took this occasion to make him purchase it by another and more formal resignation of his crown. His present necessities and his habits of humiliation made this second degradation easy to the king. But Langton, who no longer acted in subservience to the Pope, from whom he had now nothing further to expect, and who had put himself at the head of the patrons of civil liberty, loudly exclaimed at this indignity, protested against the resignation, and laid his protestation on the altar.

A.D. 1214. This was more disagreeable to the barons than the first resignation, as they were sensible that he now degraded himself only to humble his subjects. They were, however, once more patient witnesses to that ignominious act, — and were so much overawed by the Pope, or had brought their design to so little maturity, that the king, in spite of it, still found means and authority to raise an army, with which he made a final effort to recover some part of his dominions in France. The juncture was altogether favorable to his design. Philip had all his attention abundantly employed in another quarter, against the terrible attacks of the Emperor Otho in a confederacy with the Earl of Flanders. John, strengthened by this

diversion, carried on the war in Poitou for some time with good appearances. The Battle of Bouvines, which was fought this year, put an end to all these hopes. In this battle, the Imperial army, consisting of one hundred and fifty thousand men, were defeated by a third of their number of French forces. The Emperor himself, with difficulty escaping from the field, survived but a short time a battle which entirely broke his strength. So signal a success established the grandeur of France upon immovable foundations. Philip rose continually in reputation and power, whilst John continually declined in both; and as the King of France was now ready to employ against him all his forces, so lately victorious, he sued, by the mediation of the Pope's legate, for a truce, which was granted to him for five years. Such truces stood in the place of regular treaties of peace, which were not often made at that time.

A.D. 1215. The barons of England had made use of the king's absence to bring their confederacy to form; and now, seeing him return with so little credit, his allies discomfited, and no hope of a party among his subjects, they appeared in a body before him at London. All in complete armor, and in the guise of defiance, they presented a petition, very humble in the language, but excessive in the substance, in which they declared their liberties, and prayed that they might be formally allowed and established by the royal authority. The king resolved not to submit to their demands; but being at present in no condition to resist, he required time to consider of so important an affair. The time which was granted to the king to deliberate he employed in finding means to avoid a compliance. He took the cross, by which he hoped to render his person sacred; he obliged the people to renew their oath of fealty; and, lastly, he had recourse to the Pope, fortified by all the devices which could be used to supply the place of a real strength, he ventured, when the barons renewed their demands, to give them a positive refusal; he swore by the feet of God (his usual oath) that he would never grant them such liberties as must make a slave of himself.

The barons, on this answer, immediately fly to arms: they rise in every part; they form an army, and appoint a leader; and as they knew that no design can involve all sorts of people or inspire them with extraordinary resolution, unless it be animated with religion, they call their leader the Marshal of the Army of God and Holy Church. The king was wholly unprovided against so general a defection. The city of London, the possession of which has generally proved a decisive advantage in the English civil wars, was betrayed to the barons. He might rather be said, to be imprisoned than defended in the Tower of London, to which close siege was laid; whilst the marshal of the barons' army, exercising the prerogatives of royalty, issued writs to summon all the lords to join the army of liberty, threatening equally all those who should adhere to the king and those who betrayed an indifference to the cause by their neutrality. John, deserted by all, had no resource but in temporizing and submission. Without questioning in any part the terms of a treaty which he

intended to observe in none, he agreed to everything the barons thought fit to ask, hoping that the exorbitancy of their demands would justify in the eyes of the world the breach of his promises. The instruments by which the barons secured their liberties were drawn up in form of charters, and in the manner by which grants had been usually made to monasteries, with a preamble signifying that it was done for the benefit of the king's soul and those of his ancestors. For the place of solemnizing this remarkable act they chose a large field, overlooked by Windsor, called Running-mede, which, in our present tongue, signifies the Meadow of Council, — a place long consecrated by public opinion, as that wherein the quarrels and wars which arose in the English nation, when divided into kingdoms or factions, had been terminated from the remotest times. Here it was that King John, on the 15th day of June, in the year of our Lord 1215, signed those two memorable instruments which first disarmed the crown of its unlimited prerogatives, and laid the foundation of English liberty. One was called the Great Charter; the other, the Charter of the Forest. If we look back to the state of the nation at that time, we shall the better comprehend the spirit and necessity of these grants.

Besides the ecclesiastical jurisprudence, at that time, two systems of laws, very different from each other in their object, their reason, and their authority, regulated the interior of the kingdom: the Forest Law, and the Common Law. After the Northern nations had settled here, and in other parts of Europe, hunting, which had formerly been the chief means of their subsistence, still continued their favorite diversion. Great tracts of each country, wasted by the wars in which it was conquered, were set apart for this kind of sport, and guarded in a state of desolation by strict laws and severe penalties. When, such waste lands were in the hands of subjects, they were called Chases; when in the power of the sovereign, they were denominated Forests. These forests lay properly within the jurisdiction of no hundred, county, or bishopric; and therefore, being out both of the Common and the Spiritual Law, they were governed by a law of their own, which was such as the king by his private will thought proper to impose. There were reckoned in England no less than sixty-eight royal forests, some of them of vast extent. In these great tracts were many scattered inhabitants; and several persons had property of woodland, and other soil, inclosed within their bounds. Here the king had separate courts and particular justiciaries; a complete jurisprudence, with all its ceremonies and terms of art, was formed; and it appears that these laws were better digested and more carefully enforced than those which belonged to civil government. They had, indeed, all the qualities of the worst of laws. Their professed object was to keep a great part of the nation desolate. They hindered communication and destroyed industry. They had a trivial object, and most severe sanctions; for, as they belonged immediately to the king's personal pleasures, by the lax interpretation of treason in those days, all considerable offences against the Forest Law, such as killing the beasts of game, were considered as high treason, and punished, as high

treason then was, by truncation of limbs and loss of eyes and testicles. Hence arose a thousand abuses, vexatious suits, and pretences for imposition upon all those who lived in or near these places. The deer were suffered to run loose upon their lands; and many oppressions were used with relation to the claim of commonage which the people had in most of the forests. The Norman kings were not the first makers of the Forest Law; it subsisted under the Saxon and Danish kings. Canute the Great composed a body of those laws, which still remains. But under the Norman kings they were enforced with greater rigor, as the whole tenor of the Norman government was more rigorous. Besides, new forests were frequently made, by which private property was outraged in a grievous manner. Nothing, perhaps, shows more clearly how little men are able to depart from the common course of affairs than that the Norman kings, princes of great capacity, and extremely desirous of absolute power, did not think of peopling these forests, places under their own uncontrolled dominion, and which might have served as so many garrisons dispersed throughout the country. The Charter of the Forests had for its object the disafforesting several of those tracts, the prevention of future afforestings, the mitigation and ascertainment of the punishments for breaches of the Forest Law.

The Common Law, as it then prevailed in England, was in a great measure composed of some remnants of the old Saxon customs, joined to the feudal institutions brought in at the Norman Conquest. And it is here to be observed, that the constitutions of Magna Charta are by no means a renewal of the Laws of St. Edward, or the ancient Saxon laws, as our historians and law-writers generally, though very groundlessly, assert. They bear no resemblance in any particular to the Laws of St. Edward, or to any other collection of these ancient institutions. Indeed, how should they? The object of Magna Charta is the correction of the feudal policy, which was first introduced, at least in any regular form, at the Conquest, and did not subsist before it. It may be further observed, that in the preamble to the Great Charter it is stipulated that the barons shall *hold* the liberties there granted *to them and their heirs, from the king and his heirs*; which shows that the doctrine of an unalienable tenure was always uppermost in their minds. Their idea even of liberty was not (if I may use the expression) perfectly free; and they did not claim to possess their privileges upon any natural principle or independent bottom, but just as they held their lands from the king. This is worthy of observation.

By the Feudal Law, all landed property is, by a feigned conclusion, supposed to be derived, and therefore to be mediately or immediately held, from the crown. If some estates were so derived, others were certainly procured by the same original title of conquest by which the crown itself was acquired, and the derivation from the king could in reason only be considered as a fiction of law. But its consequent rights being once supposed, many real charges and burdens grew from a fiction made only for the preservation of subordination; and in consequence of this, a great power was exercised over the persons and estates of the tenants. The fines on the succession to

an estate, called in the feudal language *reliefs*, were not fixed to any certainty, and were therefore frequently made so excessive that they might rather be considered as redemptions or new purchases than acknowledgments of superiority and tenure. With respect to that most important article of marriage, there was, in the very nature of the feudal holding, a great restraint laid upon it. It was of importance to the lord that the person who received the feud should be submissive to him; he had, therefore, a right to interfere in the marriage of the heiress who inherited the feud. This right was carried further than the necessity required: the male heir himself was obliged to marry according to the choice of his lord; and even widows, who had made one sacrifice to the feudal tyranny, were neither suffered to continue in the widowed state nor to choose for themselves the partners of their second bed. In fact, marriage was publicly set up to sale. The ancient records of the Exchequer afford many instances where some women purchased by heavy fines the privilege of a single life, some the free choice of an husband, others the liberty of rejecting some person particularly disagreeable. And what may appear extraordinary, there are not wanting examples where a woman has fined in a considerable sum, that she might not be compelled to marry a certain man; the suitor, on the other hand, has outbid her, and solely by offering more for the marriage than the heiress could to prevent it, he carried his point directly and avowedly against her inclinations. Now, as the king claimed no right over his immediate tenants that they did not exercise in the same or in a more oppressive manner over their vassals, it is hard to conceive a more general and cruel grievance than this shameful market, which so universally outraged the most sacred relations among mankind. But the tyranny over women was not over with the marriage. As the king seized into his hands the estate of every deceased tenant in order to secure his relief, the widow was driven often by an heavy composition to purchase the admission to her dower, into which it should seem she could not enter without the king's consent.

All these were marks of a real and grievous servitude. The Great Charter was made, not to destroy the root, but to cut short the overgrown branches of the feudal service: first, in moderating and in reducing to a certainty the reliefs which the king's tenants paid on succeeding to their estate according to their rank; and, secondly, in taking off some of the burdens which had been laid on marriage, whether compulsory or restrictive, and thereby preventing that shameful market which had been made in the persons of heirs, and the most sacred things amongst mankind.

There were other provisions made in the Great Charter that went deeper than the feudal tenure, and affected the whole body of the civil government. A great part of the king's revenue then consisted in the fines and amercements which were imposed in his courts. A fine was paid there for liberty to commence or to conclude a suit. The punishment of offences by fine was discretionary; and this discretionary power had been very much abused. But by Magna Charta, things were so ordered, that a

delinquent might be punished, but not ruined, by a fine or amercement; because the degree of his offence, and the rank he held, were to be taken into consideration. His freehold, his merchandise, and those instruments by which he obtained his livelihood were made sacred from such impositions.

A more grand reform was made with regard to the administration of justice. The kings in those days seldom resided long in one place, and their courts followed their persons. This erratic justice must have been productive of infinite inconvenience to the litigants. It was now provided that civil suits, called *Common Pleas*, should be fixed to some certain place. Thus one branch of jurisdiction was separated from the king's court, and detached from his person. They had not yet come to that maturity of jurisprudence as to think this might be made to extend to criminal law also, and that the latter was an object of still greater importance. But even the former may be considered as a great revolution. A tribunal, a creature of mere law, independent of personal power, was established; and this separation of a king's authority from his person was a matter of vast consequence towards introducing ideas of freedom, and confirming the sacredness and majesty of laws.

But the grand article, and that which cemented all the parts of the fabric of liberty, was this, — that “no freeman shall be taken, or imprisoned, or disseized, or outlawed, or banished, or in any wise destroyed, but by judgment of his peers.”

There is another article of nearly as much consequence as the former, considering the state of the nation at that time, by which it is provided that the barons shall grant to their tenants the same liberties which they had stipulated for themselves. This prevented the kingdom from degenerating into the worst imaginable government, a feudal aristocracy. The English barons were not in the condition of those great princes who had made the French monarchy so low in the preceding century, or like those who reduced the Imperial power to a name. They had been brought to moderate bounds, by the policy of the first and second Henrys, and were not in a condition to set up for petty sovereigns by an usurpation equally detrimental to the crown and the people. They were able to act only in confederacy; and this common cause made it necessary to consult the common good, and to study popularity by the equity of their proceedings. This was a very happy circumstance to the growing liberty.

These concessions were so just and reasonable, that, if we except the force, no prince could think himself wronged in making them. But to secure the observance of these articles, regulations were made, which, whilst they were regarded, scarcely left a shadow of regal power. And the barons could think of no measures for securing their freedom, but such as were inconsistent with monarchy. A council of twenty-five barons was to be chosen by their own body, without any concurrence of the king, in order to hear and determine upon all complaints concerning the breach of the charter; and as these charters extended to almost every part of government, a tribunal of his enemies was set up who might pass judgment on all his actions. And

that force might not be wanting to execute the judgments of this new tribunal, the king agreed to issue his own writs to all persons, to oblige them to take an oath of obedience to the twenty-five barons, who were empowered to distress him by seizure of his lands and castles, and by every possible method, until the grievance complained of was redressed according to their pleasure: his own person and his family were alone exempted from violence.

By these last concessions, it must be confessed, he was effectually dethroned, and with all the circumstances of indignity which could be imagined. He had refused to govern as a lawful prince, and he saw himself deprived of even his legal authority. He became of no sort of consequence in his kingdom; he was held in universal contempt and derision; he fell into a profound melancholy. It was in vain that he had recourse to the Pope, whose power he had found sufficient to reduce, but not to support him. The censures of the Holy See, which had been fulminated at his desire, were little regarded by the barons, or even by the clergy, supported in this resistance by the firmness of their archbishop, who acted with great vigor in the cause of the barons, and even delivered into their hands the fortress of Rochester, one of the most important places in the kingdom. After much meditation the king at last resolved upon a measure of the most extreme kind, extorted by shame, revenge, and despair, but, considering the disposition of the time, much the most effectual that could be chosen. He dispatched emissaries into France, into the Low Countries and Germany, to raise men for his service. He had recourse to the same measures to bring his kingdom to obedience which his predecessor, William, had used to conquer it. He promised to the adventurers in his quarrel the lands of the rebellious barons, and it is said even empowered his agents to make charters of the estates of several particulars. The utmost success attended these negotiations in an age when Europe abounded with a warlike and poor nobility, with younger brothers, for whom there was no provision in regular armies, who seldom entered into the Church, and never applied themselves to commerce, and when every considerable family was surrounded by an innumerable multitude of retainers and dependants, idle, and greedy of war and pillage. The Crusade had universally diffused a spirit of adventure; and if any adventure had the Pope's approbation, it was sure to have a number of followers.

John waited the effect of his measures. He kept up no longer the solemn mockery of a court, in which a degraded king must always have been the lowest object. He retired to the Isle of Wight: his only companions were sailors and fishermen, among whom he became extremely popular. Never was he more to be dreaded than in this sullen retreat, whilst the barons amused themselves by idle jests and vain conjectures on his conduct. Such was the strange want of foresight in that barbarous age, and such the total neglect of design in their affairs, that the barons, when, they had got the charter, which was weakened even by the force by which it was obtained and the great power which it granted, set no watch upon the king, seemed

to have no intelligence of the great and open machinations which were carrying on against them, and had made no sort of dispositions for their defence. They spent their time in tournaments and bear-baitings, and other diversions suited to the fierce rusticity of their manners. At length the storm broke forth, and found them utterly unprovided. The Papal excommunication, the indignation of their prince, and a vast army of lawless and bold adventurers were poured down at once upon their heads. Such numbers were engaged in this enterprise that forty thousand are said to have perished at sea. Yet a number still remained sufficient to compose two great armies, one of which, with the enraged king at its head, ravaged without mercy the North of England, whilst the other turned all the West to a like scene of blood and desolation. The memory of Stephen's wars was renewed, with every image of horror, misery, and crime. The barons, dispersed and trembling in their castles, waited who should fall the next victim. They had no army able to keep the field. The Archbishop, on whom they had great reliance, was suspended from his functions. There was no hope even from submission: the king could not fulfil his engagements to his foreign troops at a cheaper rate than the utter ruin of his barons.

A.D. 1216 In these circumstances of despair they resolved to have recourse to Philip, the ancient enemy of their country. Throwing off all allegiance to John, they agreed to accept Louis, the son of that monarch, as their king. Philip had once more an opportunity of bringing the crown of England into his family, and he readily embraced it. He immediately sent his son into England with seven hundred ships, and slighted the menaces and excommunications of the Pope, to attain the same object for which he had formerly armed to support and execute them. The affairs of the barons assumed quite a new face by this reinforcement, and their rise was as sudden and striking as their fall. The foreign army of King John, without discipline, pay, or order, ruined and wasted in the midst of its successes, was little able to oppose the natural force of the country, called forth and recruited by so considerable a succor. Besides, the French troops who served under John, and made a great part of his army, immediately went over to the enemy, unwilling to serve against their sovereign in a cause which now began to look desperate. The son of the King of France was acknowledged in London, and received the homage of all ranks of men. John, thus deserted, had no other ally than the Pope, who indeed served him to the utmost of his power, but with arms to which the circumstances of the time alone can give any force. He excommunicated Louis and his adherents; he laid England under an interdict; he threatened the King of France himself with the same sentence: but Philip continued firm, and the interdict had little effect in England. Cardinal Langton, by his remarkable address, by his interest in the Sacred College, and his prudent submissions, had been restored to the exercise of his office; but, steady to the cause he had first espoused, he made use of the recovery of his authority to carry on his old designs against the king and the Pope. He celebrated divine service in spite of the interdict, and by his influence and example

taught others to despise it. The king, thus deserted, and now only solicitous for his personal safety, rambled, or rather fled, from place to place, at the head of a small party. He was in great danger in passing a marsh in Norfolk, in which he lost the greatest part of his baggage, and his most valuable effects. With difficulty he escaped to the monastery of Swineshead, where, violently agitated by grief and disappointments, his late fatigue and the use of an improper diet threw him into a fever, of which he died in a few days at Newark, not without suspicion of poison, after a reign, or rather a struggle to reign, for eighteen years, the most turbulent and calamitous both to king and people of any that are recorded in the English history.

It may not be improper to pause here for a few moments, and to consider a little more minutely the causes which had produced the grand revolution in favor of liberty by which this reign was distinguished, and to draw all the circumstances which led to this remarkable event into a single point of view. Since the death of Edward the Confessor only two princes succeeded to the crown upon undisputed titles. William the Conqueror established his by force of arms. His successors were obliged to court the people by yielding many of the possessions and many of the prerogatives of the crown; but they supported a dubious title by a vigorous administration, and recovered by their policy, in the course of their reign, what the necessity of their affairs obliged them to relinquish for the establishment of their power. Thus was the nation kept continually fluctuating between freedom and servitude. But the principles of freedom were predominant, though the thing itself was not yet fully formed. The continual struggle of the clergy for the ecclesiastical liberties laid open at the same time the natural claims of the people; and the clergy were obliged to show some respect for those claims, in order to add strength to their own party. The concessions which Henry the Second made to the ecclesiastics on the death of Becket, which were afterwards confirmed by Richard the First, gave a grievous blow to the authority of the crown; as thereby an order of so much power and influence triumphed over it in many essential points. The latter of these princes brought it very low by the whole tenor of his conduct. Always abroad, the royal authority was felt in its full vigor, without being supported by the dignity or softened by the graciousness of the royal presence. Always in war, he considered his dominions only as a resource for his armies. The demesnes of the crown were squandered. Every office in the state was made vile by being sold. Excessive grants, followed by violent and arbitrary resumptions, tore to pieces the whole contexture of the government. The civil tumults which arose in that king's absence showed that the king's lieutenants at least might be disobeyed with impunity. Then came John to the crown. The arbitrary taxes which he imposed very early in his reign, which, offended even more by the improper use made of them than their irregularity, irritated the people extremely, and joined with all the preceding causes to make his government contemptible. Henry the Second, during his contests with the Church, had the address to preserve the barons in his interests. Afterwards, when the barons

had joined in the rebellion of his children, this wise prince found means to secure the bishops and ecclesiastics. But John drew upon himself at once the hatred of all orders of his subjects. His struggle with the Pope weakened him; his submission to the Pope weakened him yet more. The loss of his foreign territories, besides what he lost along with them in reputation, made him entirely dependent upon England: whereas his predecessors made one part of their territories subservient to the preservation of their authority in another, where it was endangered. Add to all these causes the personal character of the king, in which there was nothing uniform or sincere, and which introduced the like unsteadiness into all his government. He was indolent, yet restless, in his disposition; fond of working by violent methods, without any vigor; boastful, but continually betraying his fears; showing on all occasions such a desire of peace as hindered him from ever enjoying it. Having no spirit of order, he never looked forward, — content by any temporary expedient to extricate himself from a present difficulty. Rash, arrogant, perfidious, irreligious, unquiet, he made a tolerable head of a party, but a bad king, and had talents fit to disturb another's government, not to support his own.

A most striking contrast presents itself between the conduct and fortune of John and his adversary Philip. Philip came to the crown when many of the provinces of France, by being in the hands of too powerful vassals, were in a manner dismembered from the kingdom; the royal authority was very low in what remained. He reunited to the crown a country as valuable as what belonged to it before; he reduced his subjects of all orders to a stricter obedience than they had given to his predecessors; he withstood the Papal usurpation, and yet used it as an instrument in his designs: whilst John, who inherited a great territory and an entire prerogative, by his vices and weakness gave up his independency to the Pope, his prerogative to his subjects, and a large part of his dominions to the King of France.

CHAPTER IX.

FRAGMENT. — AN ESSAY TOWARDS AN HISTORY OF THE LAWS OF ENGLAND.

There is scarce any object of curiosity more rational than the origin, the progress, and the various revolutions of human laws. Political and military relations are for the greater part accounts of the ambition and violence of mankind: this is an history of their justice. And surely there cannot be a more pleasing speculation than to trace the advances of men in an attempt to imitate the Supreme Ruler in one of the most glorious of His attributes, and to attend them in the exercise of a prerogative which it is wonderful to find intrusted to the management of so weak a being. In such an inquiry we shall, indeed, frequently see great instances of this frailty; but at the same time we shall behold such noble efforts of wisdom and equity as seem fully to justify the reasonableness of that extraordinary disposition by which men, in one form or other, have been always put under the dominion of creatures like themselves. For what can be more instructive than to search out the first obscure and scanty fountains of that jurisprudence which now waters and enriches whole nations with so abundant and copious a flood, — to observe the first principles of RIGHT springing up, involved in superstition and polluted with violence, until by length of time and favorable circumstances it has worked itself into clearness: the laws sometimes lost and trodden down in the confusion of wars and tumults, and sometimes overruled by the hand of power; then, victorious over tyranny, growing stronger, clearer, and more decisive by the violence they had suffered; enriched even by those foreign conquests which threatened their entire destruction; softened and mellowed by peace and religion; improved and exalted by commerce, by social intercourse, and that great opener of the mind, ingenuous science?

These certainly were great encouragements to the study of historical jurisprudence, particularly of our own. Nor was there a want of materials or help for such an undertaking. Yet we have had few attempts in that province. Lord Chief Justice Hale's History of the Common Law is, I think, the only one, good or bad, which we have. But with all the deference justly due to so great a name, we may venture to assert that this performance, though not without merit, is wholly unworthy of the high reputation of its author. The sources of our English law are not well, nor indeed fairly, laid open; the ancient judicial proceedings are touched in a very slight and transient manner; and the great changes and remarkable revolutions in the law, together with their causes, down to his time, are scarcely mentioned.

Of this defect I think there were two principal causes. The first, a persuasion, hardly to be eradicated from the minds of our lawyers, that the English law has

continued very much in the same state from an antiquity to which they will allow hardly any sort of bounds. The second is, that it was formed and grew up among ourselves; that it is in every respect peculiar to this island; and that, if the Roman or any foreign laws attempted to intrude into its composition, it has always had vigor enough to shake them off, and return to the purity of its primitive constitution.

These opinions are flattering to national vanity and professional narrowness; and though they involved those that supported them in the most glaring contradictions, and some absurdities even too ridiculous to mention, we have always been, and in a great measure still are, extremely tenacious of them. If these principles are admitted, the history of the law must in a great measure be deemed, superfluous. For to what purpose is a history of a law of which it is impossible to trace the beginning, and which during its continuance has admitted no essential changes? Or why should we search foreign laws or histories for explanation or ornament of that which is wholly our own, and by which we are effectually distinguished from all other countries? Thus the law has been confined, and drawn up into a narrow and inglorious study, and that which should be the leading science in every well-ordered commonwealth remained in all the barbarism of the rudest times, whilst every other advanced by rapid steps to the highest improvement both in solidity and elegance; insomuch that the study of our jurisprudence presented to liberal and well-educated minds, even in the best authors, hardly anything but barbarous terms, ill explained, a coarse, but not a plain expression, an indigested method, and a species of reasoning the very refuse of the schools, which deduced the spirit of the law, not from original justice or legal conformity, but from causes foreign to it and altogether whimsical. Young men were sent away with an incurable, and, if we regard the manner of handling rather than the substance, a very well-founded disgust. The famous antiquary, Spelman, though no man was better formed for the most laborious pursuits, in the beginning deserted the study of the law in despair, though he returned to it again when a more confirmed age and a strong desire of knowledge enabled him to wrestle with every difficulty.

The opinions which have drawn the law into such narrowness, as they are weakly founded, so they are very easily refuted. With regard to that species of eternity which they attribute to the English law, to say nothing of the manifest contradictions in which those involve themselves who praise it for the frequent improvements it has received, and at the same time value it for having remained without any change in all the revolutions of government, it is obvious, on the very first view of the Saxon laws, that we have entirely altered the whole frame of our jurisprudence since the Conquest. Hardly can we find in these old collections a single title which is law at this day; and one may venture to assert, without much hazard, that, if there were at present a nation governed by the Saxon laws, we should find it difficult to point out another so entirely different from everything we now see established in England.

This is a truth which requires less sagacity than candor to discover. The spirit of party, which has misled us in so many other particulars, has tended greatly to perplex us in this matter. For as the advocates for prerogative would, by a very absurd consequence drawn from the Norman Conquest, have made all our national rights and liberties to have arisen from the grants, and therefore to be revocable at the will of the sovereign, so, on the other hand, those who maintained the cause of liberty did not support it upon more solid principles. They would hear of no beginning to any of our privileges, orders, or laws, and, in order to gain them a reverence, would prove that they were as old as the nation; and to support that opinion, they put to the torture all the ancient monuments. Others, pushing things further, have offered a still greater violence to them. N. Bacon, in order to establish his republican, system, has so distorted all the evidence he has produced, concealed so many things of consequence, and thrown such false colors upon the whole argument, that I know no book so likely to mislead the reader in our antiquities, if yet it retains any authority. In reality, that ancient Constitution and those Saxon laws make little or nothing for any of our modern parties, and, when fairly laid open, will be found to compose such a system as none, I believe, would think it either practicable or desirable to establish. I am sensible that nothing has been, a larger theme of panegyric with, all our writers on politics and history than the Anglo-Saxon government; and it is impossible not to conceive an high, opinion of its laws, if we rather consider what is said of them than what they visibly are. These monuments of our pristine rudeness still subsist; and they stand out of themselves indisputable evidence to confute the popular declamations of those writers who would persuade us that the crude institutions of an unlettered people had reached a perfection which the united efforts of inquiry, experience, learning, and necessity have not been able to attain in many ages.

But the truth is, the present system of our laws, like our language and our learning, is a very mixed and heterogeneous mass: in some respects our own; in more borrowed from the policy of foreign, nations, and compounded, altered, and variously modified, according to the various necessities which the manners, the religion, and the commerce of the people have at different times imposed. It is our business, in some measure, to follow and point out these changes and improvements: a task we undertake, not from any ability for the greatness of such a work, but purely to give some short and plain account of these matters to the very ignorant.

The Law of the Romans seems utterly to have expired in this island together with their empire, and that, too, before the Saxon establishment. The Anglo-Saxons came into England as conquerors. They brought their own customs with them, and doubtless did not take laws from, but imposed theirs upon, the people they had vanquished. These customs of the conquering nation were without question the same, for the greater part, they had observed before their migration from Germany.

The best image we have of them is to be found in Tacitus. But there is reason to believe that some changes were made suitable to the circumstances of their new settlement, and to the change their constitution must have undergone by adopting a kingly government, not indeed with unlimited sway, but certainly with greater powers than their leaders possessed whilst they continued in Germany. However, we know very little of what was done in these respects until their conversion to Christianity, a revolution which made still more essential changes in their manners and government. For immediately after the conversion of Ethelbert, King of Kent, the missionaries, who had introduced the use of letters, and came from Rome full of the ideas of the Roman civil establishment, must have observed the gross defect arising from a want of written and permanent laws. The king, from their report of the Roman method, and in imitation of it, first digested the most material customs of this kingdom into writing, without having adopted anything from the Roman law, and only adding some regulations for the support and encouragement of the new religion. These laws still exist, and strongly mark the extreme simplicity of manners and poverty of conception of the legislators. They are written in the English of that time; and, indeed, all the laws of the Anglo-Saxons continued in that language down to the Norman Conquest. This was different from the method of the other Northern nations, who made use only of the Latin language in all their codes. And I take the difference to have arisen from this. At the time when the Visigoths, the Lombards, the Franks, and the other Northern nations on the continent compiled their laws, the provincial Romans were very numerous amongst them, or, indeed, composed the body of the people. The Latin language was yet far from extinguished; so that, as the greatest part of those who could write were Romans, they found it difficult to adapt their characters to these rough Northern tongues, and therefore chose to write in Latin, which, though not the language of the legislator, could not be very incommodious, as they could never fail of interpreters; and for this reason, not only their laws, but all their ordinary transactions, were written in that language. But in England, the Roman name and language having entirely vanished in the seventh century, the missionary monks were obliged to contend with the difficulty, and to adapt foreign characters to the English language; else none but a very few could possibly have drawn any advantage from the things they meant to record. And to this it was owing that many, even the ecclesiastical constitutions, and not a few of the ordinary evidences of the land, were written in the language of the country.

This example of written laws being given by Ethelbert, it was followed by his successors, Edric and Lothaire. The next legislator amongst the English, was Ina, King of the West Saxons, a prince famous in his time for his wisdom and his piety. His laws, as well as those of the above-mentioned princes, still subsist. But we must always remember that very few of these laws contained any new regulation, but were rather designed to affirm their ancient customs, and to preserve and fix them;

and accordingly they are all extremely rude and imperfect. We read of a collection of laws by Offa, King of the Mercians; but they have been long since lost.

The Anglo-Saxon laws, by universal consent of all writers, owe more to the care and sagacity of Alfred than of any of the ancient kings. In the midst of a cruel war, of which he did not see the beginning nor live to see the end, he did more for the establishment of order and justice than any other prince has been known to do in the profoundest peace. Many of the institutions attributed to him undoubtedly were not of his establishment: this shall be shown, when we come to treat more minutely of the institutions. But it is clear that he raised, as it were, from the ashes, and put new life and vigor into the whole body of the law, almost lost and forgotten in the ravages of the Danish war; so that, having revived, and in all likelihood improved, several ancient national regulations, he has passed for their author, with a reputation perhaps more just than if he had invented them. In the prologue which he wrote to his own code, he informs us that he collected there whatever appeared to him most valuable in the laws of Ina and Offa and others of his progenitors, omitting what he thought wrong in itself or not adapted to the time; and he seems to have done this with no small judgment.

The princes who succeeded him, having by his labors enjoyed more repose, turned their minds to the improvement of the law; and there are few of them who have not left us some collection more or less complete.

When the Danes had established their empire, they showed themselves no less solicitous than the English to collect and enforce the laws: seeming desirous to repair all the injuries they had formerly committed against them. The code of Canute the Great is one of the most moderate, equitable, and full, of any of the old collections. There was no material change, if any at all, made in their general system by the Danish conquest. They were of the original country of the Saxons, and could not have differed from them in the groundwork of their policy. It appears by the league between Alfred and Guthrum, that the Danes took their laws from the English, and accepted them as a favor. They were more newly come out of the Northern barbarism, and wanted the regulations necessary to a civil society. But under Canute the English law received considerable improvement. Many of the old English customs, which, as that monarch justly observes, were truly odious, were abrogated; and, indeed, that code is the last we have that belongs to the period before the Conquest. That monument called the Laws of Edward the Confessor is certainly of a much later date; and what is extraordinary, though the historians after the Conquest continually speak of the Laws of King Edward, it does not appear that he ever made a collection, or that any such laws existed at that time. It appears by the preface to the Laws of St. Edward, that these written constitutions were continually falling into disuse. Although these laws had undoubtedly their authority, it was, notwithstanding, by traditionary customs that the people were for the most part governed, which, as they varied somewhat in different provinces, were

distinguished accordingly by the names of the West Saxon, the Mercian, and the Danish Law; but this produced no very remarkable inconvenience, as those customs seemed to differ from each other, and from the written laws, rather in the quantity and nature of their pecuniary mulcts than in anything essential.

If we take a review of these ancient constitutions, we shall observe that their sanctions are mostly confined to the following objects.

1st. The preservation of the peace. This is one of the largest titles; and it shows the ancient Saxons to have been a people extremely prone to quarrelling and violence. In some cases the law ventures only to put this disposition under regulations: prescribing that no man shall fight with another until he has first called him to justice in a legal way; and then lays down the terms under which he may proceed to hostilities. The other less premeditated quarrels, in meetings for drinking or business, were considered as more or less heinous, according to the rank of the person in whose house the dispute happened, or, to speak the language of that time, whose peace they had violated.

2d. In proportioning the pecuniary mulcts imposed by them for all, even the highest crimes, according to the dignity of the person injured, and to the quantity of the offence. For this purpose they classed the people with great regularity and exactness, both in the ecclesiastic and the secular lines, adjusting with great care the ecclesiastical to the secular dignities; and they not only estimated each man's life according to his quality, but they set a value upon every limb and member, down even to teeth, hair, and nails; and these are the particulars in which their laws are most accurate and best defined.

3d. In settling the rules and ceremonies of their oaths, their purgations, and the whole order and process of their superstitious justice: for by these methods they seem to have decided all controversies.

4th. In regulating the several fraternities of Frank-pledges, by which all the people were naturally bound to their good behavior to one another and to their superiors; in all which they were excessively strict, in order to supply by the severity of this police the extreme laxity and imperfection of their laws, and the weak and precarious authority of their kings and magistrates.

These, with some regulations for payment of tithes and Church dues, and for the discovery and pursuit of stealers of cattle, comprise almost all the titles deserving notice in the Saxon laws. In those laws there are frequently to be observed particular institutions, well and prudently framed; but there is no appearance of a regular, consistent, and stable jurisprudence. However, it is pleasing to observe something of equity and distinction gradually insinuating itself into these unformed materials, and some transient flashes of light striking across the gloom which prepared for the full day that shone out afterwards. The clergy, who kept up a constant communication with Rome, and were in effect the Saxon legislators, could not avoid gathering some informations from a law which never was perfectly

extinguished in that part of the world. Accordingly we find one of its principles had strayed hither so early as the time of Edric and Lothaire. There are two maxims of civil law in their proper terms in the code of Canute the Great, who made and authorized that collection after his pilgrimage to Rome; and at this time, it is remarkable, we find the institutions of other nations imitated. In the same collection there is an express reference to the laws of the Werini. From hence it is plain that the resemblance between the polity of the several Northern nations did not only arise from their common original, but also from their adopting, in some cases, the constitutions of those amongst them who were most remarkable for their wisdom.

In this state the law continued until the Norman Conquest. But we see that even before that period the English law began to be improved by taking in foreign learning; we see the canons of several councils mixed indiscriminately with the civil constitutions; and, indeed, the greatest part of the reasoning and equity to be found in them seems to be derived from that source.

Hitherto we have observed the progress of the Saxon laws, which, conformably to their manners, were rude and simple, — agreeably to their confined situation, very narrow, — and though in some degree, yet not very considerably, improved by foreign communication. However, we can plainly discern its three capital sources. First, the ancient traditionary customs of the North, which, coming upon this and the other civilized parts of Europe with the impetuosity of a conquest, bore down all the ancient establishments, and, by being suited to the genius of the people, formed, as it were, the great body and main stream of the Saxon laws. The second source was the canons of the Church. As yet, indeed, they were not reduced into system and a regular form of jurisprudence; but they were the law of the clergy, and consequently influenced considerably a people over whom that order had an almost unbounded authority. They corrected, mitigated, and enriched those rough Northern institutions; and the clergy having once, bent the stubborn necks of that people to the yoke of religion, they were the more easily susceptible of other changes introduced under the same sanction. These formed the third source, — namely, some parts of the Roman civil law, and the customs of other German nations. But this source appears to have been much the smallest of the three, and was yet inconsiderable.

The Norman Conquest is the great era of our laws. At this time the English jurisprudence, which, had hitherto continued a poor stream, fed from some few, and those scanty sources, was all at once, as from a mighty flood, replenished with a vast body of foreign learning, by which, indeed, it might be said rather to have been increased than much improved: for this foreign law, being imposed, not adopted, for a long time bore strong appearances of that violence by which it had been first introduced. All our monuments bear a strong evidence to this change. New courts of justice, new names and powers of officers, in a word, a new tenure of land as

well as new possessors of it, took place. Even the language of public proceedings was in a great measure changed.

A SHORT ACCOUNT OF A LATE SHORT ADMINISTRATION



1766.

The late administration came into employment, under the mediation of the Duke of Cumberland, on the tenth day of July, 1765; and was removed, upon a plan settled by the Earl of Chatham, on the thirtieth day of July, 1766, having lasted just one year and twenty days.

In that space of time

The distractions of the British empire were composed, by *the repeal of the American stamp act*;

But the constitutional superiority of Great Britain was preserved by *the act for securing the dependence of the colonies*.

Private houses were relieved from the jurisdiction of the excise, by *the repeal of the cider tax*.

The personal liberty of the subject was confirmed, by *the resolution against general warrants*.

The lawful secrets of business and friendship were rendered inviolable, by *the resolution for condemning the seizure of papers*.

The trade of America was set free from injudicious and ruinous impositions, — its revenue was improved, and settled upon a rational foundation, — its commerce extended with foreign countries; while all the advantages were secured to Great Britain, by *the act for repealing certain duties, and encouraging, regulating, and securing the trade of this kingdom, and the British dominions in America*.

Materials were provided and insured to our manufactures, — the sale of these manufactures was increased, — the African trade preserved and extended, — the principles of the act of navigation pursued, and the plan improved, — and the trade for bullion rendered free, secure, and permanent, by *the act for opening certain ports in Dominica and Jamaica*.

That administration was the first which proposed and encouraged public meetings and free consultations of merchants from all parts of the kingdom; by which means the truest lights have been received; great benefits have been already derived to manufactures and commerce; and the most extensive prospects are opened for further improvement.

Under them, the interests of our northern and southern colonies, before that time jarring and dissonant, were understood, compared, adjusted, and perfectly reconciled. The passions and animosities of the colonies, by judicious and lenient

measures, were allayed and composed, and the foundation laid for a lasting agreement amongst them.

Whilst that administration provided for the liberty and commerce of their country, as the true basis of its power, they consulted its interests, they asserted its honor abroad, with temper and with firmness; by making an advantageous treaty of commerce with Russia; by obtaining a liquidation of the Canada bills, to the satisfaction of the proprietors; by reviving and raising from its ashes the negotiation for the Manilla ransom, which had been extinguished and abandoned by their predecessors.

They treated their sovereign with decency; with reverence. They discountenanced, and, it is hoped, forever abolished, the dangerous and unconstitutional practice of removing military officers for their votes in Parliament. They firmly adhered to those friends of liberty, who had run all hazards in its cause; and provided for them in preference to every other claim.

With the Earl of Bute they had no personal connection; no correspondence of councils. They neither courted him nor persecuted him. They practised no corruption; nor were they even suspected of it. They sold no offices. They obtained no reversions or pensions, either coming in or going out, for them selves, their families, or their dependents.

In the prosecution of their measures they were traversed by an opposition of a new and singular character; an opposition of placemen and pensioners. They were supported by the confidence of the nation. And having held their offices under many difficulties and discouragements, they left them at the express command, as they had accepted them at the earnest request, of their royal master.

These are plain facts; of a clear and public nature; neither extended by elaborate reasoning, nor heightened by the coloring of eloquence. They are the services of a single year.

The removal of that administration from power is not to them premature; since they were in office long enough to accomplish many plans of public utility; and, by their perseverance and resolution, rendered the way smooth and easy to their successors; having left their king and their country in a much better condition than they found them. By the temper they manifest, they seem to have now no other wish than that their successors may do the public as real and as faithful service as they have done.

OBSERVATIONS ON A LATE STATE OF THE NATION



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OBSERVATIONS ON A LATE PUBLICATION, INTITULED “THE PRESENT STATE OF THE NATION.”

“O Tite, si quid ego adjuvero curamve levasso,
Quæ nunc te coquit, et versat sub pectore fixa,
Ecquid erit pretii?”
ENN. ap. CIC.

1769.

Party divisions, whether on the whole operating for good or evil, are things inseparable from free government. This is a truth which, I believe, admits little dispute, having been established by the uniform experience of all ages. The part a good citizen ought to take in these divisions has been a matter of much deeper controversy. But God forbid that any controversy relating to our essential morals should admit of no decision. It appears to me, that this question, like most of the others which regard our duties in life, is to be determined by our station in it. Private men may be wholly neutral, and entirely innocent: but they who are legally invested with public trust, or stand on the high ground of rank and dignity, which is trust implied, can hardly in any case remain indifferent, without the certainty of sinking into insignificance; and thereby in effect deserting that post in which, with the fullest authority, and for the wisest purposes, the laws and institutions of their country have fixed them. However, if it be the office of those who are thus circumstanced, to take a decided part, it is no less their duty that it should be a sober one. It ought to be circumscribed by the same laws of decorum, and balanced by the same temper, which bound and regulate all the virtues. In a word, we ought to act in party with all the moderation which does not absolutely enervate that vigor, and quench that fervency of spirit, without which the best wishes for the public good must evaporate in empty speculation.

It is probably from some such motives that the friends of a very respectable party in this kingdom have been hitherto silent. For these two years past, from one and the same quarter of politics, a continual fire has been kept upon them; sometimes from the unwieldy column of quartos and octavos; sometimes from the light squadrons of occasional pamphlets and flying sheets. Every month has brought on its periodical calumny. The abuse has taken every shape which the ability of the writers could give it; plain invective, clumsy raillery, misrepresented anecdote. No method of vilifying the measures, the abilities, the intentions, or the persons which compose that body, has been omitted.

On their part nothing was opposed but patience and character. It was a matter of the most serious and indignant affliction to persons who thought themselves in

conscience bound to oppose a ministry dangerous from its very constitution, as well as its measures, to find themselves, whenever they faced their adversaries, continually attacked on the rear by a set of men who pretended to be actuated by motives similar to theirs. They saw that the plan long pursued, with but too fatal a success, was to break the strength of this kingdom, by frittering down the bodies which compose it, by fomenting bitter and sanguinary animosities, and by dissolving every tie of social affection and public trust. These virtuous men, such I am warranted by public opinion to call them, were resolved rather to endure everything, than co-operate in that design. A diversity of opinion upon almost every principle of politics had indeed drawn a strong line of separation between them and some others. However, they were desirous not to extend the misfortune by unnecessary bitterness; they wished to prevent a difference of opinion on the commonwealth from festering into rancorous and incurable hostility. Accordingly they endeavored that all past controversies should be forgotten; and that enough for the day should be the evil thereof. There is however a limit at which forbearance ceases to be a virtue. Men may tolerate injuries whilst they are only personal to themselves. But it is not the first of virtues to bear with moderation the indignities that are offered to our country. A piece has at length appeared, from the quarter of all the former attacks, which upon every public consideration demands an answer. Whilst persons more equal to this business may be engaged in affairs of greater moment, I hope I shall be excused, if, in a few hours of a time not very important, and from such materials as I have by me (more than enough however for this purpose), I undertake to set the facts and arguments of this wonderful performance in a proper light. I will endeavor to state what this piece is; the purpose for which I take it to have been written; and the effects (supposing it should have any effect at all) it must necessarily produce.

This piece is called "The Present State of the Nation." It may be considered as a sort of digest of the avowed maxims of a certain political school, the effects of whose doctrines and practices this country will feel long and severely. It is made up of a farrago of almost every topic which has been agitated on national affairs in parliamentary debate, or private conversation, for these last seven years. The oldest controversies are hauled out of the dust with which time and neglect had covered them. Arguments ten times repeated, a thousand times answered before, are here repeated again. Public accounts formerly printed and reprinted revolve once more, and find their old station in this sober meridian. All the commonplace lamentations upon the decay of trade, the increase of taxes, and the high price of labor and provisions, are here retailed again and again in the same tone with which they have drawled through columns of Gazetteers and Advertisers for a century together. Paradoxes which affront common sense, and uninteresting barren truths which generate no conclusion, are thrown in to augment unwieldy bulk, without adding anything to weight. Because two accusations are better than one, contradictions are

set staring one another in the face, without even an attempt to reconcile them. And, to give the whole a sort of portentous air of labor and information, the table of the House of Commons is swept into this grand reservoir of politics.

As to the composition, it bears a striking and whimsical resemblance to a funeral sermon, not only in the pathetic prayer with which it concludes, but in the style and tenor of the whole performance. It is piteously doleful, nodding every now and then towards dulness; well stored with pious frauds, and, like most discourses of the sort, much better calculated for the private advantage of the preacher than the edification of the hearers.

The author has indeed so involved his subject, that it is frequently far from being easy to comprehend his meaning. It is happy for the public that it is never difficult to fathom his design. The apparent intention of this author is to draw the most aggravated, hideous and deformed picture of the state of this country, which his querulous eloquence, aided by the arbitrary dominion he assumes over fact, is capable of exhibiting. Had he attributed our misfortunes to their true cause, the injudicious tampering of bold, improvident, and visionary ministers at one period, or to their supine negligence and traitorous dissensions at another, the complaint had been just, and might have been useful. But far the greater and much the worst part of the state which he exhibits is owing, according to his representation, not to accidental and extrinsic mischiefs attendant on the nation, but to its radical weakness and constitutional distempers. All this however is not without purpose. The author is in hopes, that, when we are fallen into a fanatical terror for the national salvation, we shall then be ready to throw ourselves, — in a sort of precipitate trust, some strange disposition of the mind jumbled up of presumption and despair, — into the hands of the most pretending and forward undertaker. One such undertaker at least he has in readiness for our service. But let me assure this generous person, that however he may succeed in exciting our fears for the public danger, he will find it hard indeed to engage us to place any confidence in the system he proposes for our security.

His undertaking is great. The purpose of this pamphlet, at which it aims directly or obliquely in every page, is to persuade the public of three or four of the most difficult points in the world, — that all the advantages of the late war were on the part of the Bourbon alliance; that the peace of Paris perfectly consulted the dignity and interest of this country; and that the American Stamp Act was a masterpiece of policy and finance; that the only good minister this nation has enjoyed since his Majesty's accession, is the Earl of Bute; and the only good managers of revenue we have seen are Lord Despensers and Mr. George Grenville; and, under the description of men of virtue and ability, he holds them out to us as the only persons fit to put our affairs in order. Let not the reader mistake me: he does not actually name these persons; but having highly applauded their conduct in all its parts, and heavily

censured every other set of men in the kingdom, he then recommends us to his men of virtue and ability.

Such is the author's scheme. Whether it will answer his purpose I know not. But surely that purpose ought to be a wonderfully good one, to warrant the methods he has taken to compass it. If the facts and reasonings in this piece are admitted, it is all over with us. The continuance of our tranquillity depends upon the compassion of our rivals. Unable to secure to ourselves the advantages of peace, we are at the same time utterly unfit for war. It is impossible, if this state of things be credited abroad, that we can have any alliance; all nations will fly from so dangerous a connection, lest, instead of being partakers of our strength, they should only become sharers in our ruin. If it is believed at home, all that firmness of mind, and dignified national courage, which used to be the great support of this isle against the powers of the world, must melt away, and fail within us.

In such a state of things can it be amiss if I aim at holding out some comfort to the nation; another sort of comfort, indeed, than that which this writer provides for it; a comfort not from its physician, but from its constitution: if I attempt to show that all the arguments upon which he founds the decay of that constitution, and the necessity of that physician, are vain and frivolous? I will follow the author closely in his own long career, through the war, the peace, the finances, our trade, and our foreign politics: not for the sake of the particular measures which he discusses; that can be of no use; they are all decided; their good is all enjoyed, or their evil incurred: but for the sake of the principles of war, peace, trade, and finances. These principles are of infinite moment. They must come again and again under consideration; and it imports the public, of all things, that those of its ministers be enlarged, and just, and well confirmed, upon all these subjects. What notions this author entertains we shall see presently; notions in my opinion very irrational, and extremely dangerous; and which, if they should crawl from pamphlets into counsels, and be realized from private speculation into national measures, cannot fail of hastening and completing our ruin.

This author, after having paid his compliment to the showy appearances of the late war in our favor, is in the utmost haste to tell you that these appearances were *fallacious*, that they were no more than an *imposition*. — I fear I must trouble the reader with a pretty long quotation, in order to set before him the more clearly this author's peculiar way of conceiving and reasoning:

“Happily (the K.) was then advised by ministers, who did not suffer themselves to be dazzled by the glare of brilliant appearances; but, knowing them to be *fallacious*, they wisely resolved to profit of their splendor before our enemies should also *discover the imposition*. — The increase in the exports was found to have been occasioned chiefly by the demands of *our own fleets and armies*, and, instead of bringing wealth to the nation, was to be paid for by oppressive taxes upon the people of England. While the British seamen were consuming on board our men of

war and privateers, foreign ships and foreign seamen were employed in the transportation of our merchandise; and the carrying trade, so great a source of wealth and marine, *was entirely engrossed by the neutral nations*. The number of British ships annually arriving in our ports was reduced 1756 sail, containing 92,559 tons, on a medium of the six years' war, compared with the six years of peace preceding it. — The conquest of the Havannah had, indeed, stopped the remittance of specie from Mexico to Spain; but it had not enabled England to seize it: on the contrary, our merchants suffered by the detention of the galleons, as their *correspondents in Spain were disabled from paying them for their goods sent to America*. The loss of the trade to Old Spain was a further bar to an influx of specie; and the attempt upon Portugal had not only deprived us of an import of bullion from thence, but the payment of our troops employed in its defence was a fresh drain opened for the diminution of our circulating specie. — The high premiums given for new loans had sunk the price of the old stock near a third of its original value; so that the purchasers had an obligation from the state to repay them with an addition of 33 per cent to their capital. Every new loan required new taxes to be imposed; new taxes must add to the price of our manufactures, *and lessen their consumption among foreigners*. The decay of our trade must necessarily *occasion a decrease of the public revenue*; and a deficiency of our funds must either be made up by fresh taxes, which would only add to the calamity, or our national credit must be destroyed, by showing the public creditors the inability of the nation to repay them their principal money. — Bounties had already been given for recruits which exceeded the year's wages of the ploughman and reaper; and as these were exhausted, and *husbandry stood still for want of hands*, the manufacturers were next to be tempted to quit the anvil and the loom by higher offers. — *France, bankrupt France, had no such calamities impending over her; her distresses were great, but they were immediate and temporary; her want of credit preserved her from a great increase of debt, and the loss of her ultramarine dominions lessened her expenses. Her colonies had, indeed, put themselves into the hands of the English; but the property of her subjects had been preserved by capitulations, and a way opened for making her those remittances which the war had before suspended, with as much security as in time of peace*. — Her armies in Germany had been hitherto prevented from seizing upon Hanover; but they continued to encamp on the same ground on which the first battle was fought; and, as it must ever happen from the policy of that government, *the last troops she sent into the field were always found to be the best, and her frequent losses only served to fill her regiments with better soldiers. The conquest of Hanover became therefore every campaign more probable*. — It is to be noted, that the French troops received subsistence only, for the last three years of the war; and that, although large arrears were due to them at its conclusion, the charge was the less during its continuance.”

If any one be willing to see to how much greater lengths the author carries these ideas, he will recur to the book. This is sufficient for a specimen of his manner of thinking. I believe one reflection uniformly obtrudes itself upon every reader of these paragraphs. For what purpose, in any cause, shall we hereafter contend with France? Can we ever flatter ourselves that we shall wage a more successful war? If, on our part, in a war the most prosperous we ever carried on, by sea and by land, and in every part of the globe, attended with the unparalleled circumstance of an immense increase of trade and augmentation of revenue; if a continued series of disappointments, disgraces, and defeats, followed by public bankruptcy, on the part of France; if all these still leave her a gainer on the whole balance, will it not be downright frenzy in us ever to look her in the face again, or to contend with her any, even the most essential points, since victory and defeat, though by different ways, equally conduct us to our ruin? Subjection to France without a struggle will indeed be less for our honor, but on every principle of our author it must be more for our advantage. According to his representation of things, the question is only concerning the most easy fall. France had not discovered, our statesman tells us, at the end of that war, the triumphs of defeat, and the resources which are derived from bankruptcy. For my poor part, I do not wonder at their blindness. But the English ministers saw further. Our author has at length let foreigners also into the secret, and made them altogether as wise as ourselves. It is their own fault if (*vulgato imperii arcano*) they are imposed upon any longer. They now are apprised of the sentiments which the great candidate for the government of this great empire entertains; and they will act accordingly. They are taught our weakness and their own advantages.

He tells the world, that if France carries on the war against us in Germany, every loss she sustains contributes to the achievement of her conquest. If her armies are three years unpaid, she is the less exhausted by expense. If her credit is destroyed, she is the less oppressed with debt. If her troops are cut to pieces, they will by her policy (and a wonderful policy it is) be improved, and will be supplied with much better men. If the war is carried on in the colonies, he tells them that the loss of her ultramarine dominions lessens her expenses, and insures her remittances: —

Per damna, per cædes, ab ipso

Ducit opes animumque ferro.

If so, what is it we can do to hurt her? — it will be all an *imposition*, all *fallacious*. Why, the result must be, —

Occidit, occidit

Spes omnis, et fortuna nostri

Nominis.

The only way which the author's principles leave for our escape, is to reverse our condition into that of France, and to take her losing cards into our hands. But though his principles drive him to it, his politics will not suffer him to walk on this

ground. Talking at our ease and of other countries, we may bear to be diverted with such speculations; but in England we shall never be taught to look upon the annihilation of our trade, the ruin of our credit, the defeat of our armies, and the loss of our ultramarine dominions (whatever the author may think of them), to be the high road to prosperity and greatness.

The reader does not, I hope, imagine that I mean seriously to set about the refutation of these uningenious paradoxes and reveries without imagination. I state them only that we may discern a little in the questions of war and peace, the most weighty of all questions, what is the wisdom of those men who are held out to us as the only hope of an expiring nation. The present ministry is indeed of a strange character: at once indolent and distracted. But if a ministerial system should be formed, actuated by such maxims as are avowed in this piece, the vices of the present ministry would become their virtues; their indolence would be the greatest of all public benefits, and a distraction that entirely defeated every one of their schemes would be our only security from destruction.

To have stated these reasonings is enough, I presume, to do their business. But they are accompanied with facts and records, which may seem of a little more weight. I trust, however, that the facts of this author will be as far from bearing the touchstone, as his arguments. On a little inquiry, they will be found as great an imposition as the successes they are meant to depreciate; for they are all either false or fallaciously applied; or not in the least to the purpose for which they are produced.

First the author, in order to support his favorite paradox, that our possession of the French colonies was of no detriment to France, has thought proper to inform us, that "they put themselves into the hands of the English." He uses the same assertion, in nearly the same words, in another place; "her colonies had put themselves into our hands." Now, in justice, not only to fact and common sense, but to the incomparable valor and perseverance of our military and naval forces thus unhandsomely traduced, I must tell this author, that the French colonies did not "put themselves into the hands of the English." They were compelled to submit; they were subdued by dint of English valor. Will the five years' war carried on in Canada, in which fell one of the principal hopes of this nation, and all the battles lost and gained during that anxious period, convince this author of his mistake? Let him inquire of Sir Jeffery Amherst, under whose conduct that war was carried on; of Sir Charles Saunders, whose steadiness and presence of mind saved our fleet, and were so eminently serviceable in the whole course of the siege of Quebec; of General Monckton, who was shot through the body there, whether France "put her colonies into the hands of the English."

Though he has made no exception, yet I would be liberal to him; perhaps he means to confine himself to her colonies in the West Indies. But surely it will fare as ill with him there as in North America, whilst we remember that in our first attempt

at Martinico we were actually defeated; that it was three months before we reduced Guadaloupe; and that the conquest of the Havannah was achieved by the highest conduct, aided by circumstances of the greatest good fortune. He knows the expense both of men and treasure at which we bought that place. However, if it had so pleased the peacemakers, it was no dear purchase; for it was decisive of the fortune of the war and the terms of the treaty: the Duke of Nivernois thought so; France, England, Europe, considered it in that light; all the world, except the then friends of the then ministry, who wept for our victories, and were in haste to get rid of the burden of our conquests. This author knows that France did not put those colonies into the hands of England; but he well knows who did put the most valuable of them into the hands of France.

In the next place, our author is pleased to consider the conquest of those colonies in no other light than as a convenience for the remittances to France, which he asserts that the war had before suspended, but for which a way was opened (by our conquest) as secure as in time of peace. I charitably hope he knows nothing of the subject. I referred him lately to our commanders, for the resistance of the French colonies; I now wish he would apply to our custom-house entries, and our merchants, for the advantages which we derived from them.

In 1761, there was no entry of goods from any of the conquered places but Guadaloupe; in that year it stood thus: —

Imports from Guadaloupe,
value, £482,179

———— —

In 1762, when we had not yet delivered up our conquests, the account was,
Guadaloupe
£513,244

Martinico
288,425

———— —

Total imports in 1762,
value, £801,669

———— —

In 1763, after we had delivered up the sovereignty of these islands, but kept open a communication with them, the imports were,

Guadaloupe
£412,303

Martinico
344,161

Havannah
249,386

Total imports in 1763,
value, £1,005,850

Besides, I find, in the account of bullion imported and brought to the Bank, that, during that period in which the intercourse with the Havannah was open, we received at that one shop, in treasure, from that one place, 559,810*l.*; in the year 1763, 389,450*l.*; so that the import from these places in that year amounted to 1,395,300*l.*

On this state the reader will observe, that I take the imports from, and not the exports to, these conquests, as the measure of the advantages which we derived from them. I do so for reasons which will be somewhat worthy the attention of such readers as are fond of this species of inquiry. I say therefore I choose the import article, as the best, and indeed the only standard we can have, of the value of the West India trade. Our export entry does not comprehend the greatest trade we carry on with any of the West India islands, the sale of negroes: nor does it give any idea of two other advantages we draw from them; the remittances for money spent here, and the payment of part of the balance of the North American trade. It is therefore quite ridiculous, to strike a balance merely on the face of an excess of imports and exports, in that commerce; though, in most foreign branches, it is, on the whole, the best method. If we should take that standard, it would appear, that the balance with our own islands is, annually, several hundred thousand pounds against this country. Such is its aspect on the custom-house entries; but we know the direct contrary to be the fact. We know that the West-Indians are always indebted to our merchants,

and that the value of every shilling of West India produce is English property. So that our import from them, and not our export, ought always to be considered as their true value; and this corrective ought to be applied to all general balances of our trade, which are formed on the ordinary principles.

If possible, this was more emphatically true of the French West India islands, whilst they continued in our hands. That none or only a very contemptible part, of the value of this produce could be remitted to France, the author will see, perhaps with unwillingness, but with the clearest conviction, if he considers, that in the year 1763, *after we had ceased to export* to the isles of Guadaloupe and Martinico, and to the Havannah, and after the colonies were free to send all their produce to Old France and Spain, if they had any remittance to make; he will see, that we imported from those places, in that year, to the amount of 1,395,300*l*. So far was the whole annual produce of these islands from being adequate to the payments of their annual call upon us, that this mighty additional importation was necessary, though not quite sufficient, to discharge the debts contracted in the few years we held them. The property, therefore, of their whole produce was ours; not only during the war, but even for more than a year after the peace. The author, I hope, will not again venture upon so rash and discouraging a proposition concerning the nature and effect of those conquests, as to call them a convenience to the remittances of France; he sees, by this account, that what he asserts is not only without foundation, but even impossible to be true.

As to our trade at that time, he labors with all his might to represent it as absolutely ruined, or on the very edge of ruin. Indeed, as usual with him, he is often as equivocal in his expression as he is clear in his design. Sometimes he more than insinuates a decay of our commerce in that war; sometimes he admits an increase of exports; but it is in order to depreciate the advantages we might appear to derive from that increase, whenever it should come to be proved against him. He tells you, “that it was chiefly occasioned by the demands of our own fleets and armies, and, instead of bringing wealth to the nation, was to be paid for by oppressive taxes upon the people of England.” Never was anything more destitute of foundation. It might be proved, with the greatest ease, from the nature and quality of the goods exported, as well as from the situation of the places to which our merchandise was sent, and which the war could no wise affect, that the supply of our fleets and armies could not have been the cause of this wonderful increase of trade: its cause was evident to the whole world; the ruin of the trade of France, and our possession of her colonies. What wonderful effects this cause produced the reader will see below; and he will form on that account some judgment of the author’s candor or information.

Admit however that a great part of our export, though nothing is more remote from fact, was owing to the supply of our fleets and armies; was it not something? — was it not peculiarly fortunate for a nation, that she was able from her own

bosom to contribute largely to the supply of her armies militating in so many distant countries? The author allows that France did not enjoy the same advantages. But it is remarkable, throughout his whole book, that those circumstances which have ever been considered as great benefits, and decisive proofs of national superiority, are, when in our hands, taken either in diminution of some other apparent advantage, or even sometimes as positive misfortunes. The optics of that politician must be of a strange conformation, who beholds everything in this distorted shape.

So far as to our trade. With regard to our navigation, he is still more uneasy at our situation, and still more fallacious in his state of it. In his text, he affirms it “to have been *entirely* engrossed by the neutral nations.” This he asserts roundly and boldly, and without the least concern; although it cost no more than a single glance of the eye upon his own margin to see the full refutation of this assertion. His own account proves against him, that, in the year 1761, the British shipping amounted to 527,557 tons, — the foreign to no more than 180,102. The medium of his six years British, 2,449,555 tons, — foreign only 906,690. This state (his own) demonstrates that the neutral nations did not *entirely engross our navigation*.

I am willing from a strain of candor to admit that this author speaks at random; that he is only slovenly and inaccurate, and not fallacious. In matters of account, however, this want of care is not excusable; and the difference between neutral nations entirely engrossing our navigation, and being only subsidiary to a vastly augmented trade, makes a most material difference to his argument. From that principle of fairness, though the author speaks otherwise, I am willing to suppose he means no more than that our navigation had so declined as to alarm us with the probable loss of this valuable object. I shall however show, that his whole proposition, whatever modifications he may please to give it, is without foundation; that our navigation had not decreased; that, on the contrary, it had greatly increased in the war; that it had increased by the war; and that it was probable the same cause would continue to augment it to a still greater height; to what an height it is hard to say, had our success continued.

But first I must observe, I am much less solicitous whether his fact be true or no, than whether his principle is well established. Cases are dead things, principles are living and productive. I affirm then, that, if in time of war our trade had the good fortune to increase, and at the same time a large, nay the largest, proportion of carriage had been engrossed by neutral nations, it ought not in itself to have been considered as a circumstance of distress. War is a time of inconvenience to trade; in general it must be straitened, and must find its way as it can. It is often happy for nations that they are able to call in neutral navigation. They all aim at it. France endeavored at it, but could not compass it. Will this author say, that, in a war with Spain, such an assistance would not be of absolute necessity? that it would not be the most gross of all follies to refuse it?

In the next place, his method of stating a medium of six years of war, and six years of peace, to decide this question, is altogether unfair. To say, in derogation of the advantages of a war, that navigation is not equal to what it was in time of peace, is what hitherto has never been heard of. No war ever bore that test but the war which he so bitterly laments. One may lay it down as a maxim, that an average estimate of an object in a steady course of rising or of falling, must in its nature be an unfair one; more particularly if the cause of the rise or fall be visible, and its continuance in any degree probable. Average estimates are never just but when the object fluctuates, and no reason can be assigned why it should not continue still to fluctuate. The author chooses to allow nothing at all for this: he has taken an average of six years of the war. He knew, for everybody knows, that the first three years were on the whole rather unsuccessful; and that, in consequence of this ill success, trade sunk, and navigation declined with it; but *that grand delusion* of the three last years turned the scale in our favor. At the beginning of that war (as in the commencement of every war), traders were struck with a sort of panic. Many went out of the freighting business. But by degrees, as the war continued, the terror wore off; the danger came to be better appreciated, and better provided against; our trade was carried on in large fleets, under regular convoys, and with great safety. The freighting business revived. The ships were fewer, but much larger; and though the number decreased, the tonnage was vastly augmented: insomuch that in 1761 the *British* shipping had risen by the author's own account to 527,557 tons. — In the last year he has given us of the peace, it amounted to no more than 494,772; that is, in the last year of the war it was 32,785 tons more than in the correspondent year of his peace average. No year of the peace exceeded it except one, and that but little.

The fair account of the matter is this. Our trade had, as we have just seen, increased to so astonishing a degree in 1761, as to employ British and foreign ships to the amount of 707,659 tons, which is 149,500 more than we employed in the last year of the peace. — Thus our trade increased more than a fifth; our British navigation had increased likewise with this astonishing increase of trade, but was not able to keep pace with it; and we added about 120,000 tons of foreign shipping to the 60,000, which had been employed in the last year of the peace. Whatever happened to our shipping in the former years of the war, this would be no true state of the case at the time of the treaty. If we had lost something in the beginning, we had then recovered, and more than recovered, all our losses. Such is the ground of the doleful complaints of the author, that *the carrying trade was wholly engrossed by the neutral nations*.

I have done fairly, and even very moderately, in taking this year, and not his average, as the standard of what might be expected in future, had the war continued. The author will be compelled to allow it, unless he undertakes to show; first, that the possession of Canada, Martinico, Guadaloupe, Grenada, the Havannah, the Philippines, the whole African trade, the whole East India trade, and

the whole Newfoundland fishery, had no certain inevitable tendency to increase the British shipping; unless, in the second place, he can prove that those trades were, or might be, by law or indulgence, carried on in foreign vessels; and unless, thirdly, he can demonstrate that the premium of insurance on British ships was rising as the war continued. He can prove not one of these points. I will show him a fact more that is mortal to his assertions. It is the state of our shipping in 1762. The author had his reasons for stopping short at the preceding year. It would have appeared, had he proceeded farther, that our tonnage was in a course of uniform augmentation, owing to the freight derived from our foreign conquests, and to the perfect security of our navigation from our clear and decided superiority at sea. This, I say, would have appeared from the state of the two years: —

1761. British
527,557 tons.

1762. Ditto
559,537 tons.

1761. Foreign
180,102 tons.

1762. Ditto
129,502 tons.

The two last years of the peace were in no degree equal to these. Much of the navigation of 1763 was also owing to the war; this is manifest from the large part of it employed in the carriage from the ceded islands, with which the communication still continued open. No such circumstances of glory and advantage ever attended upon a war. Too happy will be our lot, if we should again be forced into a war, to behold anything that shall resemble them; and if we were not then the better for them, it is net in the ordinary course of God's providence to mend our condition.

In vain does the author declaim on the high premiums given for the loans during the war. His long note swelled with calculations on that subject (even supposing the most inaccurate of all calculations to be just) would be entirely thrown away, did it not serve to raise a wonderful opinion of his financial skill in those who are not less surprised than edified, when, with a solemn face and mysterious air, they are told that two and two make four. For what else do we learn from this note? That the more expense is incurred by a nation, the more money will be required to defray it; that in proportion to the continuance of that expense, will be the continuance of borrowing; that the increase of borrowing and the increase of debt will go hand in hand; and lastly, that the more money you want, the harder it will be to get it; and that the scarcity of the commodity will enhance the price. Who ever doubted the

truth, or the insignificance, of these propositions? what do they prove? that war is expensive, and peace desirable. They contain nothing more than a commonplace against war; the easiest of all topics. To bring them home to his purpose, he ought to have shown that our enemies had money upon better terms; which he has not shown, neither can he. I shall speak more fully to this point in another place. He ought to have shown that the money they raised, upon whatever terms, had procured them a more lucrative return. He knows that our expenditure purchased commerce and conquest: theirs acquired nothing but defeat and bankruptcy.

Thus the author has laid down his ideas on the subject of war. Next follow those he entertains on that of peace. The treaty of Paris upon the whole has his approbation. Indeed, if his account of the war be just, he might have spared himself all further trouble. The rest is drawn on as an inevitable conclusion. If the House of Bourbon had the advantage, she must give the law; and the peace, though it were much worse than it is, had still been a good one. But as the world is yet *deluded* on the state of that war, other arguments are necessary; and the author has in my opinion very ill supplied them. He tells of many things we have got, and of which he has made out a kind of bill. This matter may be brought within a very narrow compass, if we come to consider the requisites of a good peace under some plain distinct heads. I apprehend they may be reduced to these: 1. Stability; 2. Indemnification; 3. Alliance.

As to the first, the author more than obscurely hints in several places, that he thinks the peace not likely to last. However, he does furnish a security; a security, in any light, I fear, but insufficient; on his hypothesis, surely a very odd one. "By stipulating for the entire possession of the Continent (says he) the restored French islands are become in some measure dependent on the British empire; and the good faith of France in observing the treaty guaranteed by the value at which she estimates their possession." This author soon grows weary of his principles. They seldom last him for two pages together. When the advantages of the war were to be depreciated, then the loss of the ultramarine colonies lightened the expenses of France, facilitated her remittances, and therefore *her colonists put them into our hands*. According to this author's system, the actual possession of those colonies ought to give us little or no advantage in the negotiation for peace; and yet the chance of possessing them on a future occasion gives a perfect security for the preservation of that peace. The conquest of the Havannah, if it did not serve Spain, rather distressed England, says our author. But the molestation which her galleons may suffer from our station in Pensacola gives us advantages, for which we were not allowed to credit the nation for the Havannah itself; a place surely full as well situated for every external purpose as Pensacola, and of more internal benefit than ten thousand Pensacolas.

The author sets very little by conquests; I suppose it is because he makes them so very lightly. On this subject he speaks with the greatest certainty imaginable. We

have, according to him, nothing to do, but to go and take possession, whenever we think proper, of the French and Spanish settlements. It were better that he had examined a little what advantage the peace gave us towards the invasion of these colonies, which we did not possess before the peace. It would not have been amiss if he had consulted the public experience, and our commanders, concerning the absolute certainty of those conquests on which he is pleased to found our security. And if, after all, he should have discovered them to be so very sure, and so very easy, he might at least, to preserve consistency, have looked a few pages back, and (no unpleasing thing to him) listened to himself, where he says, "that the most successful enterprise could not compensate to the nation for the waste of its people, by carrying on war in unhealthy climates." A position which he repeats again, . So that, according to himself, his security is not worth the suit; according to fact, he has only a chance, God knows what a chance, of getting at it; and therefore, according to reason, the giving up the most valuable of all possessions, in hopes to conquer them back, under any advantage of situation, is the most ridiculous security that ever was imagined for the peace of a nation. It is true his friends did not give up Canada; they could not give up everything; let us make the most of it. We have Canada, we know its value. We have not the French any longer to fight in North America; and from this circumstance we derive considerable advantages. But here let me rest a little. The author touches upon a string which sounds under his fingers but a tremulous and melancholy note. North America was once indeed a great strength to this nation, in opportunity of ports, in ships, in provisions, in men. We found her a sound, an active, a vigorous member of the empire. I hope, by wise management, she will again become so. But one of our capital present misfortunes is her discontent and disobedience. To which of the author's favorites this discontent is owing, we all know but too sufficiently. It would be a dismal event, if this foundation of his security, and indeed of all our public strength, should, in reality, become our weakness; and if all the powers of this empire, which ought to fall with a compacted weight upon the head of our enemies, should be dissipated and distracted by a jealous vigilance, or by hostile attempts upon one another. Ten Canadas cannot restore that security for the peace, and for everything valuable to this country, which we have lost along with the affection and the obedience of our colonies. He is the wise minister, he is the true friend to Britain, who shall be able to restore it.

To return to the security for the peace. The author tells us, that the original great purposes of the war were more than accomplished by the treaty. Surely he has experience and reading enough to know, that, in the course of a war, events may happen, that render its original very far from being its principal purpose. This original may dwindle by circumstances, so as to become not a purpose of the second or even the third magnitude. I trust this is so obvious that it will not be necessary to put cases for its illustration. In that war, as soon as Spain entered into

the quarrel, the security of North America was no longer the sole nor the foremost object. The *Family Compact* had been I know not how long before in agitation. But then it was that we saw produced into daylight and action the most odious and most formidable of all the conspiracies against the liberties of Europe that ever has been framed. The war with Spain was the first fruits of that league; and a security against that league ought to have been the fundamental point of a pacification with the powers who compose it. We had materials in our hands to have constructed that security in such a manner as never to be shaken. But how did the virtuous and able men of our author labor for this great end? They took no one step towards it. On the contrary they countenanced, and, indeed, as far as it depended on them, recognized it in all its parts; for our plenipotentiary treated with those who acted for the two crowns, as if they had been different ministers of the same monarch. The Spanish minister received his instructions, not from Madrid, but from Versailles.

This was not hid from our ministers at home; and the discovery ought to have alarmed them, if the good of their country had been the object of their anxiety. They could not but have seen that the whole Spanish monarchy was melted down into the cabinet of Versailles. But they thought this circumstance an advantage; as it enabled them to go through with their work the more expeditiously. Expedition was everything to them; because France might happen during a protracted negotiation to discover the great imposition of our victories.

In the same spirit they negotiated the terms of the peace. If it were thought advisable not to take any positive security from Spain, the most obvious principles of policy dictated that the burden of the cessions ought to fall upon France; and that everything which was of grace and favor should be given to Spain. Spain could not, on her part, have executed a capital article in the family compact, which obliged her to compensate the losses of France. At least she could not do it in America; for she was expressly precluded by the treaty of Utrecht from ceding any territory or giving any advantage in trade to that power. What did our ministers? They took from Spain the territory of Florida, an object of no value except to show our dispositions to be quite equal at least towards both powers; and they enabled France to compensate Spain by the gift of Louisiana: loading us with all the harshness, leaving the act of kindness with France, and opening thereby a door to the fulfilling of this the most consolidating article of the family compact. Accordingly that dangerous league, thus abetted and authorized by the English ministry without an attempt to invalidate it in any way, or in any of its parts, exists to this hour; and has grown stronger and stronger every hour of its existence.

As to the second component of a good peace, *compensation*, I have but little trouble; the author has said nothing upon that head. He has nothing to say. After a war of such expense, this ought to have been a capital consideration. But on what he has been so prudently silent, I think it is right to speak plainly. All our new acquisitions together, at this time, scarce afford matter of revenue, either at home or

abroad, sufficient to defray the expense of their establishments; not one shilling towards the reduction of our debt. Guadaloupe or Martinico alone would have given us material aid; much in the way of duties, much in the way of trade and navigation. A good ministry would have considered how a renewal of the *Assiento* might have been obtained. We had as much right to ask it at the treaty of Paris as at the treaty of Utrecht. We had incomparably more in our hands to purchase it. Floods of treasure would have poured into this kingdom from such a source; and, under proper management, no small part of it would have taken a public direction, and have fructified an exhausted exchequer.

If this gentleman's hero of finance, instead of flying from a treaty, which, though he now defends, he could not approve, and would not oppose; if he, instead of shifting into an office, which removed him from the manufacture of the treaty, had, by his credit with the then great director, acquired for us these, or any of these, objects, the possession of Guadaloupe or Martinico, or the renewal of the *Assiento*, he might have held his head high in his country; because he would have performed real service; ten thousand times more real service, than all the economy of which this writer is perpetually talking, or all the little tricks of finance which the expertest juggler of the treasury can practise, could amount to in a thousand years. But the occasion is lost; the time is gone, perhaps forever.

As to the third requisite, *alliance*, there too the author is silent. What strength of that kind did they acquire? They got no one new ally; they stript the enemy of not a single old one. They disgusted (how justly, or unjustly, matters not) every ally we had; and from that time to this we stand friendless in Europe. But of this naked condition of their country I know some people are not ashamed. They have their system of politics; our ancestors grew great by another. In this manner these virtuous men concluded the peace; and their practice is only consonant to their theory.

Many things more might be observed on this curious head of our author's speculations. But, taking leave of what the writer says in his serious part, if he be serious in any part, I shall only just point out a piece of his pleasantry. No man, I believe, ever denied that the time for making peace is that in which the best terms maybe obtained. But what that time is, together with the use that has been made of it, we are to judge by seeing whether terms adequate to our advantages, and to our necessities, have been actually obtained. Here is the pinch of the question, to which the author ought to have set his shoulders in earnest. Instead of doing this, he slips out of the harness by a jest; and sneeringly tells us, that, to determine this point, we must know the secrets of the French and Spanish cabinets, and that Parliament was pleased to approve the treaty of peace without calling for the correspondence concerning it. How just this sarcasm on that Parliament may be, I say not; but how becoming in the author, I leave it to his friends to determine.

Having thus gone through the questions of war and peace, the author proceeds to state our debt, and the interest which it carried, at the time of the treaty, with the unfairness and inaccuracy, however, which distinguish all his assertions, and all his calculations. To detect every fallacy, and rectify every mistake, would be endless. It will be enough to point out a few of them, in order to show how unsafe it is to place anything like an implicit trust in such a writer.

The interest of debt contracted during the war is stated by the author at 2,614,892*l*. The particulars appear in p and 15. Among them is stated the unfunded debt, 9,975,017*l*., supposed to carry interest on a medium at 3 per cent, which amounts to 299,250*l*. We are referred to the “Considerations on the Trade and Finances of the Kingdom,” , for the particulars of that unfunded debt. Turn to the work, and to the place referred to by the author himself, if you have a mind to see a clear detection of a capital fallacy of this article in his account. You will there see that this unfunded debt consists of the nine following articles: the remaining subsidy to the Duke of Brunswick; the remaining *dédommagement* to the Landgrave of Hesse; the German demands; the army and ordnance extraordinaries; the deficiencies of grants and funds; Mr. Touchet’s claim; the debts due to Nova Scotia and Barbadoes; exchequer bills; and navy debt. The extreme fallacy of this state cannot escape any reader who will be at the pains to compare the interest money, with which he affirms us to have been loaded, in his “State of the Nation,” with the items of the principal debt to which he refers in his “Considerations.” The reader must observe, that of this long list of nine articles, only two, the exchequer bills, and part of the navy debt, carried any interest at all. The first amounted to 1,800,000*l*.; and this undoubtedly carried interest. The whole navy debt indeed amounted to 4,576,915*l*.; but of this only a *part* carried interest. The author of the “Considerations,” &c. labors to prove this very point in ; and Mr. G. has always defended himself upon the same ground, for the insufficient provision he made for the discharge of that debt. The reader may see their own authority for it.

Mr. G. did in fact provide no more than 2,150,000*l*. for the discharge of these bills in two years. It is much to be wished that these gentlemen would lay their heads together, that they would consider well this matter, and agree upon something. For when the scanty provision made for the unfunded debt is to be vindicated, then we are told it is a very *small part* of that debt which carries interest. But when the public is to be represented in a miserable condition, and the consequences of the late war to be laid before us in dreadful colors, then we are to be told that the unfunded debt is within a trifle of ten millions, and so large a portion of it carries interest that we must not compute less than 3 per cent upon the *whole*.

In the year 1764, Parliament voted 650,000*l*. towards the discharge of the navy debt. This sum could not be applied solely to the discharge of bills carrying interest; because part of the debt due on seamen’s wages must have been paid, and some

bills carried no interest at all. Notwithstanding this, we find by an account in the journals of the House of Commons, in the following session, that the navy debt carrying interest was, on the 31st of December, 1764, no more than 1,687,442*l*. I am sure therefore that I admit too much when I admit the navy debt carrying interest, after the creation of the navy annuities in the year 1763, to have been 2,200,000*l*. Add the exchequer bills; and the whole unfunded debt carrying interest will be four millions instead of ten; and the annual interest paid for it at 4 per cent will be 160,000*l*. instead of 299,250*l*. An error of no small magnitude, and which could not have been owing to inadvertency.

The misrepresentation of the increase of the peace establishment is still more extraordinary than that of the interest of the unfunded debt. The increase is great, undoubtedly. However, the author finds no fault with it, and urges it only as a matter of argument to support the strange chimerical proposals he is to make us in the close of his work for the increase of revenue. The greater he made that establishment, the stronger he expected to stand in argument: but, whatever he expected or proposed, he should have stated the matter fairly. He tells us that this establishment is nearly 1,500,000*l*. more than it was in 1752, 1753, and other years of peace. This he has done in his usual manner, by assertion, without troubling himself either with proof or probability. For he has not given us any state of the peace establishment in the years 1753 and 1754, the time which he means to compare with the present. As I am obliged to force him to that precision, from which he always flies as from his most dangerous enemy, I have been at the trouble to search the journals in the period between the two last wars: and I find that the peace establishment, consisting of the navy, the ordnance, and the several incidental expenses, amounted to 2,346,594*l*. Now is this writer wild enough to imagine, that the peace establishment of 1764 and the subsequent years, made up from the same articles, is 3,800,000*l*. and upwards? His assertion however goes to this. But I must take the liberty of correcting him in this gross mistake, and from an authority he cannot refuse, from his favorite work, and standing authority, the “*Considerations*.” We find there, , the peace establishment of 1764 and 1765 stated at 3,609,700*l*. This is near two hundred thousand pounds less than that given in “*The State of the Nation*.” But even from this, in order to render the articles which compose the peace establishment in the two periods correspondent (for otherwise they cannot be compared), we must deduct first, his articles of the deficiency of land and malt, which amount to 300,000*l*. They certainly are no part of the establishment; nor are they included in that sum, which I have stated above for the establishment in the time of the former peace. If they were proper to be stated at all, they ought to be stated in both accounts. We must also deduct the deficiencies of funds, 202,400*l*. These deficiencies are the difference between the interest charged on the public for moneys borrowed, and the produce of the taxes laid for the discharge of that interest. Annual provision is indeed to be made for them by Parliament: but in the

inquiry before us, which is only what charge is brought on the public by interest paid or to be paid for money borrowed, the utmost that the author should do, is to bring into the account the full interest for all that money. This he has done in ; and he repeats it in , the very page I am now examining, 2,614,892*l*. To comprehend afterwards in the peace establishment the deficiency of the fund created for payment of that interest, would be laying twice to the account of the war part of the same sum. Suppose ten millions borrowed at 4 per cent, and the fund for payment of the interest to produce no more than 200,000*l*. The whole annual charge on the public is 400,000*l*. It can be no more. But to charge the interest in one part of the account, and then the deficiency in the other, would be charging 600,000*l*. The deficiency of funds must therefore be also deducted from the peace establishment in the “Considerations”; and then the peace establishment in that author will be reduced to the same articles with those included in the sum I have already mentioned for the peace establishment before the last war, in the year 1753, and 1754.

Peace establishment in the “Considerations”

£3,609,700

Deduct deficiency of land and malt

£300,000

Ditto of funds

202,400

502,400

3,107,300

Peace establishment before the late war, in which no deficiencies of land and malt, or funds are included

2,346,594

Difference

£760,706

Being about half the sum which our author has been pleased to suppose it.

Let us put the whole together. The author states, —

Difference of peace establishment before and since the war

£1,500,000

Interest of Debt contracted by the war

2,614,892

4,114,892

The *real* difference in the peace establishment is

£760,706

The actual interest of the funded debt, including that charged on the sinking fund

£2,315,642

The actual interest of unfunded debt at most

160,000

Total interest of debt contracted by the war
2,475,642

Increase of peace establishment, and interest of new debt
3,236,348

Error of the author
£878,544

It is true, the extraordinaries of the army have been found considerably greater than the author of the “Considerations” was pleased to foretell they would be. The author of “The Present State” avails himself of that increase, and, finding it suit his purpose, sets the whole down in the peace establishment of the present times. If this is allowed him, his error perhaps may be reduced to 700,000*l*. But I doubt the author of the “Considerations” will not thank him for admitting 200,000*l*. and upwards, as the peace establishment for extraordinaries, when that author has so much labored to confine them within 35,000*l*.

These are some of the capital fallacies of the author. To break the thread of my discourse as little as possible, I have thrown into the margin many instances, though God knows far from the whole of his inaccuracies, inconsistencies, and want of common care. I think myself obliged to take some notice of them, in order to take off from any authority this writer may have; and to put an end to the deference which careless men are apt to pay to one who boldly arrays his accounts, and marshals his figures, in perfect confidence that their correctness will never be examined.

However, for argument, I am content to take his state of it. The debt was and is enormous. The war was expensive. The best economy had not perhaps been used. But I must observe, that war and economy are things not easily reconciled; and that the attempt of leaning towards parsimony in such a state may be the worst management, and in the end the worst economy in the world, hazarding the total loss of all the charge incurred, and of everything along with it.

But *cui bono* all this detail of our debt? Has the author given a single light towards any material reduction of it? Not a glimmering. We shall see in its place what sort of thing he proposes. But before he commences his operations, in order to scare the public imagination, he raises by art magic a thick mist before our eyes, through which glare the most ghastly and horrible phantoms:

Hunc igitur terrorem animi tenebrasque necesse est.

Non radii solis, neque lucida tela diei

Discutiant, sed naturæ species ratioque.

Let us therefore calmly, if we can for the fright into which he has put us, appreciate those dreadful and deformed gorgons and hydras, which inhabit the joyless regions of an imagination fruitful in nothing but the production of monsters.

His whole representation, is founded on the supposed operation of our debt, upon our manufactures, and our trade. To this cause he attributes a certain supposed dearness of the necessaries of life, which must compel our manufacturers to emigrate to cheaper countries, particularly to France, and with them the manufacture. Thence consumption declining, and with it revenue. He will not permit the real balance of our trade to be estimated so high as 2,500,000*l.*; and the interest of the debt to foreigners carries off 1,500,000*l.* of that balance. France is not in the same condition. Then follow his wailings and lamentings, which he renews over and over, according to his custom — a declining trade, and decreasing specie — on the point of becoming tributary to France — of losing Ireland — of having the colonies torn away from us.

The first thing upon which I shall observe is, what he takes for granted as the clearest of all propositions, the emigration of our manufacturers to France. I undertake to say that this assertion is totally groundless, and I challenge the author to bring any sort of proof of it. If living is cheaper in France, that is, to be had for less specie, wages are proportionably lower. No manufacturer, let the living be what it will, was ever known to fly for refuge to low wages. Money is the first thing which attracts him. Accordingly our wages attract artificers from all parts of the world. From two shillings to one shilling, is a fall in all men's imaginations, which no calculation upon a difference in the price of the necessaries of life can compensate. But it will be hard to prove that a French artificer is better fed, clothed, lodged, and warmed, than one in England; for that is the sense, and the only sense, of living cheaper. If, in truth and fact, our artificer fares as well in all these respects as one in the same state in France, — how stands the matter in point of opinion and prejudice, the springs by which people in that class of life are chiefly actuated? The idea of our common people concerning French living is dreadful; altogether as dreadful as our author's can possibly be of the state of his own country; a way of thinking that will hardly ever prevail on them to desert to France.

But, leaving the author's speculations, the fact is, that they have not deserted; and of course the manufacture cannot be departed, or departing, with them. I am not

indeed able to get at all the details of our manufactures; though, I think, I have taken full as much pains for that purpose as our author. Some I have by me; and they do not hitherto, thank God, support the author's complaint, unless a vast increase of the quantity of goods manufactured be a proof of losing the manufacture. On a view of the registers in the West Riding of Yorkshire, for three years before the war, and for the three last, it appears, that the quantities of cloths entered were as follows:

Pieces broad.

Pieces narrow.

1752

60,724

72,442

1753

55,358

71,618

1754

56,070

72,394

— —
— —

172,152

216,454

Pieces broad.

Pieces narrow.

1765
54,660
77,419

1766
72,575
78,893

1767
102,428
78,819

— —
— —

3 years, ending
1767
229,663
235,131

3 years, ending
1754
172,152
216,464

— —
— —

Increase
57,511
18,677

In this manner this capital branch of manufacture has increased, under the increase of taxes; and this not from a declining, but from a greatly flourishing period of commerce. I may say the same on the best authority of the fabric of thin goods at Halifax; of the bays at Rochdale; and of that infinite variety of admirable manufactures that grow and extend every year among the spirited, inventive, and enterprising traders of Manchester.

A trade sometimes seems to perish when it only assumes a different form. Thus the coarsest woollens were formerly exported in great quantities to Russia. The Russians now supply themselves with these goods. But the export thither of finer cloths has increased in proportion as the other has declined. Possibly some parts of the kingdom may have felt something like a languor in business. Objects like trade and manufacture, which the very attempt to confine would certainly destroy, frequently change their place; and thereby, far from being lost, are often highly improved. Thus some manufactures have decayed in the west and south, which have made new and more vigorous shoots when transplanted into the north. And here it is impossible to pass by, though the author has said nothing upon it, the vast addition to the mass of British trade, which has been made by the improvement of Scotland. What does he think of the commerce of the city of Glasgow, and of the manufactures of Paisley and all the adjacent country? Has this anything like the deadly aspect and *facies Hippocratica* which the false diagnostic of our state physician has given to our trade in general? Has he not heard of the iron-works of such magnitude even in their cradle which are set up on the Carron, and which at the same time have drawn nothing from Sheffield, Birmingham, or Wolverhampton?

This might perhaps be enough to show the entire falsity of the complaint concerning the decline of our manufactures. But every step we advance, this matter clears up more; and the false terrors of the author are dissipated, and fade away as the light appears. “The trade and manufactures of this country (says he) going to ruin, and a diminution of our *revenue from consumption* must attend the loss of so many seamen and artificers.” Nothing more true than the general observation: nothing more false than its application to our circumstances. Let the revenue on consumption speak for itself: —

Average of net excise, since the new duties, three years ending 1767
£4,590,734

Ditto before the new duties, three years ending 1759
3,261,694

— —

Average increase
£1,329,040

Here is no diminution. Here is, on the contrary, an immense increase. This is owing, I shall be told, to the new duties, which may increase the total bulk, but at the same time may make some diminution of the produce of the old. Were this the fact, it would be far from supporting the author's complaint. It might have proved that the burden lay rather too heavy; but it would never prove that the *revenue from, consumption* was impaired, which it was his business to do. But what is the real fact? Let us take, as the best instance for the purpose, the produce of the old hereditary and temporary excise granted in the reign of Charles the Second, whose object is that of most of the new impositions, from two averages, each of eight years.

Average, first period, eight years, ending 1754
£525,317

Ditto, second period, eight years, ending 1767
538,542

Increase
£613,225

I have taken these averages as including in each a war and a peace period; the first before the imposition of the new duties, the other since those impositions; and such is the state of the oldest branch of the revenue from consumption. Besides the acquisition of so much new, this article, to speak of no other, has rather increased under the pressure of all those additional taxes to which the author is pleased to attribute its destruction. But as the author has made his grand effort against those moderate, judicious, and necessary levies, which support all the dignity, the credit, and the power of his country, the reader will excuse a little further detail on this subject; that we may see how little oppressive those taxes are on the shoulders of the public, with which he labors so earnestly to load its imagination. For this purpose we take the state of that specific article upon which the two capital burdens of the war leaned the most immediately, by the additional duties on malt, and upon beer.

Barrels.

Average of strong beer, brewed in eight years before the additional malt and beer duties

3,895,059

Average of strong beer, eight years since the duties

4,060,726

Increase in the last period

165,667

Here is the effect of two such daring taxes as *3d.* by the bushel additional on malt, and *3s.* by the barrel additional on beer. Two impositions laid without remission one upon the neck of the other; and laid upon an object which before had been immensely loaded. They did not in the least impair the consumption: it has grown under them. It appears that, upon the whole, the people did not feel so much inconvenience from the new duties as to oblige them to take refuge in the private brewery. Quite the contrary happened in both these respects in the reign of King William; and it happened from much slighter impositions. No people can long consume a commodity for which they are not well able to pay. An enlightened reader laughs at the inconsistent chimera of our author, of a people universally luxurious, and at the same time oppressed with taxes and declining in trade. For my part, I cannot look on these duties as the author does. He sees nothing but the burden. I can perceive the burden as well as he; but I cannot avoid contemplating also the strength that supports it. From thence I draw the most comfortable assurances of the future vigor, and the ample resources, of this great, misrepresented country; and can never prevail on myself to make complaints which have no cause, in order to raise hopes which have no foundation.

When a representation is built on truth and nature, one member supports the other, and mutual lights are given and received from every part. Thus, as our manufacturers have not deserted, nor the manufacture left us, nor the consumption declined, nor the revenue sunk; so neither has trade, which is at once the result, measure, and cause of the whole, in the least decayed, as our author has thought proper sometimes to affirm, constantly to suppose, as if it were the most indisputable of all propositions. The reader will see below the comparative state of our trade in three of the best years before our increase of debt and taxes, and with it the three last years since the author's date of our ruin.

In the last three years the whole of our exports was between 44 and 45 millions. In the three years preceding the war, it was no more than from 35 to 36 millions.

The average balance of the former period was 3,706,000*l.*; of the latter, something above four millions. It is true, that whilst the impressions of the author's destructive war continued, our trade was greater than it is at present. One of the necessary consequences of the peace was, that France must gradually recover a part of those markets of which she had been originally in possession. However, after all these deductions, still the gross trade in the worst year of the present is better than in the best year of any former period of peace. A very great part of our taxes, if not the greatest, has been imposed since the beginning of the century. On the author's principles, this continual increase of taxes must have ruined our trade, or at least entirely checked its growth. But I have a manuscript of Davenant, which contains an abstract of our trade for the years 1703 and 1704; by which it appears that the whole export from England did not then exceed 6,552,019*l.* It is now considerably more than double that amount. Yet England was then a rich and flourishing nation.

The author endeavors to derogate from the balance in our favor as it stands on the entries, and reduces it from four millions, as it there appears, to no more than 2,500,000*l.* His observation on the looseness and inaccuracy of the export entries is just; and that the error is always an error of excess, I readily admit. But because, as usual, he has wholly omitted some very material facts, his conclusion is as erroneous as the entries he complains of.

On this point of the custom-house entries I shall make a few observations. 1st. The inaccuracy of these entries can extend only to FREE GOODS, that is, to such British products and manufactures, as are exported without drawback and without bounty; which do not in general amount to more than two thirds at the very utmost of the whole export even of *our home products*. The valuable articles of corn, malt, leather, hops, beer, and many others, do not come under this objection of inaccuracy. The article of CERTIFICATE GOODS re-exported, a vast branch of our commerce, admits of no error, (except some smaller frauds which cannot be estimated,) as they have all a drawback of duty, and the exporter must therefore correctly specify their quantity and kind. The author therefore is not warranted from the known error in some of the entries, to make a general defalcation from the whole balance in our favor. This error cannot affect more than half, if so much, of the export article. 2dly. In the account made up at the Inspector-General's office, they estimate only the original cost of British products as they are here purchased; and on foreign goods, only the prices in the country from whence they are sent. This was the method established by Mr. Davenant; and as far as it goes, it certainly is a good one. But the profits of the merchant at home, and of our factories abroad, are not taken into the account; which profit on such an immense quantity of goods exported and re-exported cannot fail of being very great: five per cent, upon the whole, I should think, a very moderate allowance. 3dly. It does not comprehend the advantage arising from the employment of 600,000 tons of shipping, which must be paid by the foreign consumer, and which, in many bulky articles of commerce, is

equal to the value of the commodity. This can scarcely be rated at less than a million annually. 4thly. The whole import from Ireland and America, and from the West Indies, is set against us in the ordinary way of striking a balance of imports and exports; whereas the import and export are both our own. This is just as ridiculous, as to put against the general balance of the nation, how much more goods Cheshire receives from London than London from Cheshire. The whole revolves and circulates through this kingdom, and is, so far as regards our profit, in the nature of home trade, as much as if the several countries of America and Ireland were all pieced to Cornwall. The course of exchange with all these places is fully sufficient to demonstrate that this kingdom has the whole advantage of their commerce. When the final profit upon a whole system of trade rests and centres in a certain place, a balance struck in that place merely on the mutual sale of commodities is quite fallacious. 5thly. The custom-house entries furnish a most defective, and, indeed, ridiculous idea of the most valuable branch of trade we have in the world, — that with Newfoundland. Observe what you export thither; a little spirits, provision, fishing-lines, and fishing-hooks. Is this *export* the true idea of the Newfoundland trade in the light of a beneficial branch of commerce? Nothing less. Examine our imports from thence; it seems upon this vulgar idea of exports and imports, to turn the balance against you. But your exports to Newfoundland are your own goods. Your import is your own food; as much your own, as that you raise with your ploughs out of your own soil; and not your loss, but your gain; your riches, not your poverty. But so fallacious is this way of judging, that neither the export nor import, nor both together, supply any idea approaching to adequate of that branch of business. The vessels in that trade go straight from Newfoundland to the foreign market; and the sale there, not the import here, is the measure of its value. That trade, which is one of your greatest and best, is hardly so much as seen in the custom-house entries; and it is not of less annual value to this nation than 400,000*l*. 6thly. The quality of your imports must be considered as well as the quantity. To state the whole of the foreign import *as loss*, is exceedingly absurd. All the iron, hemp, flax, cotton, Spanish wool, raw silk, woollen and linen-yarn, which we import, are by no means to be considered as the matter of a merely luxurious consumption; which is the idea too generally and loosely annexed to our import article. These above mentioned are materials of industry, not of luxury, which are wrought up here, in many instances, to ten times, and more, of their original value. Even where they are not subservient to our exports, they still add to our internal wealth, which consists in the stock of useful commodities, as much as in gold and silver. In looking over the specific articles of our export and import, I have often been astonished to see for how small a part of the supply of our consumption, either luxurious or convenient, we are indebted to nations properly foreign to us.

These considerations are entirely passed over by the author; they have been but too much neglected by most who have speculated on this subject. But they ought

never to be omitted by those who mean to come to anything like the true state of the British trade. They compensate, and they more than compensate, everything which the author can cut off with any appearance of reason for the over-entry of British goods; and they restore to us that balance of four millions, which the author has thought proper on such a very poor and limited comprehension of the object to reduce to 2,500,000*l*.

In general this author is so circumstanced, that to support his theory he is obliged to assume his facts: and then, if you allow his facts, they will not support his conclusions. What if all he says of the state of this balance were true? did not the same objections always lie to custom-house entries? do they defalcate more from the entries of 1766 than from those of 1754? If they prove us ruined, we were always ruined. Some ravens have always indeed croaked out this kind of song. They have a malignant delight in presaging mischief, when they are not employed in doing it: they are miserable and disappointed at every instance of the public prosperity. They overlook us like the malevolent being of the poet: —

Tritonida conspicit arcem

Ingeniis, opibusque, et festa pace virentem;

Vixque tenet lacrymas quia nil lacrymabile cernit.

It is in this spirit that some have looked upon those accidents that cast an occasional damp upon trade. Their imaginations entail these accidents upon us in perpetuity. We have had some bad harvests. This must very disadvantageously affect the balance of trade, and the navigation of a people, so large a part of whose commerce is in grain. But, in knowing the cause, we are morally certain, that, according to the course of events, it cannot long subsist. In the three last years, we have exported scarcely any grain; in good years, that export hath been worth twelve hundred thousand pounds and more; in the two last years, far from exporting, we have been obliged to import to the amount perhaps of our former exportation. So that in this article the balance must be 2,000,000*l*. against us; that is, one million in the ceasing of gain, the other in the increase of expenditure. But none of the author's promises or projects could have prevented this misfortune; and, thank God, we do not want him or them to relieve us from it; although, if his friends should now come into power, I doubt not but they will be ready to take credit for any increase of trade or excise, that may arise from the happy circumstance of a good harvest.

This connects with his loud laments and melancholy prognostications concerning the high price of the necessaries of life and the products of labor. With all his others, I deny this fact; and I again call upon him to prove it. Take average and not accident, the grand and first necessary of life is cheap in this country; and that too as weighed, not against labor, which is its true counterpoise, but against money. Does he call the price of wheat at this day, between 32 and 40 shillings per quarter in London dear? He must know that fuel (an object of the highest order in the

necessaries of life, and of the first necessity in almost every kind of manufacture) is in many of our provinces cheaper than in any part of the globe. Meat is on the whole not excessively dear, whatever its price may be at particular times and from particular accidents. If it has had anything like an uniform rise, this enhancement may easily be proved not to be owing to the increase of taxes, but to uniform increase of consumption and of money. Diminish the latter, and meat in your markets will be sufficiently cheap in account, but much dearer in effect: because fewer will be in a condition to buy. Thus your apparent plenty will be real indigence. At present, even under temporary disadvantages, the use of flesh is greater here than anywhere else; it is continued without any interruption of Lents or meagre days; it is sustained and growing even with the increase of our taxes. But some have the art of converting even the signs of national prosperity into symptoms of decay and ruin. And our author, who so loudly disclaims popularity, never fails to lay hold of the most vulgar popular prejudices and humors, in hopes to captivate the crowd. Even those peevish dispositions which grow out of some transitory suffering, those passing clouds which float in our changeable atmosphere, are by him industriously figured into frightful shapes, in order first to terrify, and then to govern the populace.

It was not enough for the author's purpose to give this false and discouraging picture of the state of his own country. It did not fully answer his end, to exaggerate her burdens, to depreciate her successes, and to vilify her character. Nothing had been done, unless the situation of France were exalted in proportion as that of England had been abased. The reader will excuse the citation I make at length from his book; he outdoes himself upon this occasion. His confidence is indeed unparalleled, and altogether of the heroic cast: —

“If our rival nations were in the same circumstances with ourselves, the *augmentation of our taxes would produce no ill consequences*: if we were obliged to raise our prices, they must, from the same causes, do the like, and could take no advantage by underselling and under-working us. But the alarming consideration to Great Britain is, *that France is not in the same condition*. Her distresses, during the war, were great, but they were immediate; her want of credit, as has been said, compelled her to impoverish her people, by raising the greatest part of her supplies within the year; *but the burdens she imposed on them were, in a great measure, temporary, and must be greatly diminished by a few years of peace*. She could procure no considerable loans, therefore she has mortgaged no *such oppressive taxes as those Great Britain has imposed in perpetuity for payment of interest*. Peace must, therefore, soon re-establish her commerce and manufactures, especially as the comparative *lightness of taxes*, and the cheapness of living, in that country, must make France an asylum for British manufacturers and artificers.” On this the author rests the merit of his whole system. And on this point I will join issue with him. If France is not at least in the *same condition*, even in that very condition which the

author falsely represents to be ours, — if the very reverse of his proposition be not true, then I will admit his state of the nation to be just; and all his inferences from that state to be logical and conclusive. It is not surprising, that the author should hazard our opinion of his veracity. That is a virtue on which great statesmen do not perhaps pique themselves so much; but it is somewhat extraordinary, that he should stake on a very poor calculation of chances, all credit for care, for accuracy, and for knowledge of the subject of which he treats. He is rash and inaccurate, because he thinks he writes to a public ignorant and inattentive. But he may find himself in that respect, as in many others, greatly mistaken. In order to contrast the light and vigorous condition of France with that of England, weak, and sinking under her burdens, he states, in his tenth page, that France had raised 50,314,378*l.* sterling *by taxes within the several years* from the year 1756 to 1762 both inclusive. All Englishman must stand aghast at such a representation: To find France able to *raise within the year* sums little inferior to all that we were able even to *borrow* on interest with all the resources of the greatest and most established credit in the world! Europe was filled with astonishment when they saw England *borrow* in one year twelve millions. It was thought, and very justly, no small proof of national strength and financial skill, to find a fund for the payment of the interest upon this sum. The interest of this, computed with the one per cent annuities, amounted only to 600,000*l.* a year. This, I say, was thought a surprising effort even of credit. But this author talks, as of a thing not worth proving, and but just worth observing, that France in one year raised sixteen times that sum without borrowing, and continued to raise sums not far from equal to it for several years together. Suppose some Jacob Henriques had proposed, in the year 1762, to prevent a perpetual charge on the nation by raising ten millions within the year: he would have been considered, not as a harsh financier, who laid a heavy hand on the public; but as a poor visionary, who had run mad on supplies and taxes. They who know that the whole land-tax of England, at 4*s.* in the pound, raises but two millions, will not easily apprehend that any such sums as the author has conjured up can be raised even in the most opulent nations. France owed a large debt, and was encumbered with heavy establishments, before that war. The author does not formally deny that she borrowed something in every year of its continuance; let him produce the funds for this astonishing annual addition to all her vast preceding taxes; an addition, equal to the whole excise, customs, land and malt-taxes of England taken together.

But what must be the reader's astonishment, perhaps his indignation, if he should find that this great financier has fallen into the most unaccountable of all errors, no less an error than that of mistaking the *identical sums borrowed by France upon interest, for supplies raised within the year!* Can it be conceived that any man, only entered into the first rudiments of finance, should make so egregious a blunder; should write it, should print it; should carry it to a second edition; should take it not collaterally and incidentally, but lay it down as the corner-stone of his whole

system, in such an important point as the comparative states of France and England? But it will be said, that it was his misfortune to be ill-informed. Not at all. A man of any loose general knowledge, and of the most ordinary sagacity, never could have been misinformed in so gross a manner; because he would have immediately rejected so wild and extravagant an account.

The fact is this: the credit of France, bad as it might have been, did enable her (not to raise within the year) but to *borrow* the very sums the author mentions; that is to say, 1,106,916,261 livres, making, in the author's computation, 50,314,378*l.* The credit of France was low; but it was not annihilated. She did not derive, as our author chooses to assert, any advantages from the debility of her credit. Its consequence was the natural one: she borrowed; but she borrowed upon bad terms, indeed on the most exorbitant usury.

In speaking of a foreign revenue, the very pretence to accuracy would be the most inaccurate thing in the world. Neither the author nor I can with certainty authenticate the information we communicate to the public, nor in an affair of eternal fluctuation arrive at perfect exactness. All we can do, and this we may be expected to do, is to avoid gross errors and blunders of a capital nature. We cannot order the proper officer to lay the accounts before the House. But the reader must judge on the probability of the accounts we lay before him. The author speaks of France as raising her supplies for war by taxes within the year; and of her debt, as a thing scarcely worthy of notice. I affirm that she borrowed large sums in every year; and has thereby accumulated an immense debt. This debt continued after the war infinitely to embarrass her affairs; and to find some means for its reduction was then and has ever since been the first object of her policy. But she has so little succeeded in all her efforts, that the *perpetual* debt of France is at this hour little short of 100,000,000*l.* sterling; and she stands charged with at least 40,000,000 of English pounds on life-rents and tontines. The annuities paid at this day at the Hôtel de Ville of Paris, which are by no means her sole payments of that nature, amount to 139,000,000 of livres, that is to 6,318,000*l.*; besides *billets au porteur*, and various detached and unfunded debts, to a great amount, and which bear an interest.

At the end of the war, the interest payable on her debt amounted to upwards of seven millions sterling. M. de la Verdy, the last hope of the French finances, was called in, to aid in the reduction of an interest, so light to our author, so intolerably heavy upon those who are to pay it. After many unsuccessful efforts towards reconciling arbitrary reduction with public credit, he was obliged to go the plain high road of power, and to impose a tax of 10 per cent upon a very great part of the capital debt of that kingdom; and this measure of present ease, to the destruction of future credit, produced about 500,000*l.* a year, which was carried to their *Caisse d'amortissement* or sinking fund. But so unfaithfully and unsteadily has this and all the other articles which compose that fund been applied to their purposes, that they have given the state but very little even of present relief, since it is known to the

whole world that she is behindhand on every one of her establishments. Since the year 1763, there has been no operation of any consequence on the French finances; and in this enviable condition is France at present with regard to her debt.

Everybody knows that the principal of the debt is but a name; the interest is the only thing which can distress a nation. Take this idea, which will not be disputed, and compare the interest paid by England with that paid by France:

Interest paid by France, funded and unfunded, for perpetuity or on lives, after the tax of 10 per cent

£6,500,000

Interest paid by England, as stated by the author,
4,600,000

— — —

Interest paid by France exceeds that paid by England
£1,900,000

The author cannot complain, that I state the interest paid by England as too low. He takes it himself as the extremest term. Nobody who knows anything of the French finances will affirm that I state the interest paid by that kingdom too high. It might be easily proved to amount to a great deal more: even this is near two millions above what is paid by England.

There are three standards to judge of the good condition of a nation with regard to its finances. 1st, The relief of the people. 2nd, The equality of supplies to establishments. 3rd, The state of public credit. Try France on all these standards.

Although our author very liberally administers relief to the people of France, its government has not been altogether so gracious. Since the peace, she has taken off but a single *vingtième*, or shilling in the pound, and some small matter in the capitation. But, if the government has relieved them in one point, it has only burdened them the more heavily in another. The *Taille*, that grievous and destructive imposition, which all their financiers lament, without being able to remove or to replace, has been augmented no less than six millions of livres, or 270,000 pounds English. A further augmentation of this or other duties is now talked of; and it is certainly necessary to their affairs: so exceedingly remote from either truth or verisimilitude is the author's amazing assertion, *that the burdens of France in the war were in a great measure temporary, and must be greatly diminished by a few years of peace.*

In the next place, if the people of France are not lightened of taxes, so neither is the state disburdened of charges. I speak from very good information, that the

annual income of that state is at this day thirty millions of livres, or 1,350,000*l.* sterling, short of a provision for their ordinary peace establishment; so far are they from the attempt or even hope to discharge any part of the capital of their enormous debt. Indeed, under such extreme straitness and distraction labors the whole body of their finances, so far does their charge outrun their supply in every particular, that no man, I believe, who has considered their affairs with any degree of attention or information, but must hourly look for some extraordinary convulsion in that whole system: the effect of which on France, and even on all Europe, it is difficult to conjecture.

In the third point of view, their credit. Let the reader cast his eye on a table of the price of French funds, as they stood a few weeks ago, compared with the state of some of our English stocks, even in their present low condition: —

French.

British.

5 per cents

63

Bank stock, 5½

159

4 per cent (not taxed)

57

4 per cent cons.

100

3 per cent “ “

49

3 per cent cons.

88

This state of the funds of France and England is sufficient to convince even prejudice and obstinacy, that if France and England are not in the same condition (as the author affirms they are not) the difference is infinitely to the disadvantage of France. This depreciation of their funds has not much the air of a nation lightening burdens and discharging debts.

Such is the true comparative state of the two kingdoms in those capital points of view. Now as to the nature of the taxes which provide for this debt, as well as for their ordinary establishments, the author has thought proper to affirm that “they are comparatively light”; that “she has mortgaged no such oppressive taxes as ours”; his effrontery on this head is intolerable. Does the author recollect a single tax in England to which something parallel in nature, and as heavy in burden, does not

exist in France; does he not know that the lands of the noblesse are still under the load of the greater part of the old feudal charges, from which the gentry of England have been relieved for upwards of a hundred years, and which were in kind, as well as burden, much worse than our modern land-tax? Besides that all the gentry of France serve in the army on very slender pay, and to the utter ruin of their fortunes, all those who are not noble have their lands heavily taxed. Does he not know that wine, brandy, soap, candles, leather, saltpetre, gunpowder, are taxed in France? Has he not heard that government in France has made a monopoly of that great article of *salt*? that they compel the people to take a certain quantity of it, and at a certain rate, both rate and quantity fixed at the arbitrary pleasure of the imposer? that they pay in France the *Taille*, an arbitrary imposition on presumed property? that a tax is laid in fact and name, on the same arbitrary standard, upon the acquisitions of their *industry*? and that in France a heavy *capitation-tax* is also paid, from the highest to the very poorest sort of people? Have we taxes of such weight, or anything at all of the compulsion, in the article of *salt*? do we pay any *taillage*, any *faculty-tax*, any *industry-tax*? do we pay any *capitation-tax* whatsoever? I believe the people of London would fall into an agony to hear of such taxes proposed upon them as are paid at Paris. There is not a single article of provision for man or beast which enters that great city, and is not excised; corn, hay, meal, butcher's-meat, fish, fowls, everything. I do not here mean to censure the policy of taxes laid on the consumption of great luxurious cities. I only state the fact. We should be with difficulty brought to hear of a tax of 50s. upon every ox sold in Smithfield. Yet this tax is paid in Paris. Wine, the lower sort of wine, little better than English small beer, pays 2*d.* a bottle.

We, indeed, tax our beer; but the imposition on small beer is very far from heavy. In no part of England are eatables of any kind the object of taxation. In almost every other country in Europe they are excised, more or less. I have by me the state of the revenues of many of the principal nations on the Continent; and, on comparing them with ours, I think I am fairly warranted to assert, that England is the most lightly taxed of any of the great states of Europe. They, whose unnatural and sullen joy arises from a contemplation of the distresses of their country, will revolt at this position. But if I am called upon, I will prove it beyond all possibility of dispute; even though this proof should deprive these gentlemen of the singular satisfaction of considering their country as undone; and though the best civil government, the best constituted, and the best managed revenue that ever the world beheld, should be thoroughly vindicated from their perpetual clamors and complaints. As to our neighbor and rival France, in addition to what I have here suggested, I say, and when the author chooses formally to deny, I shall formally prove it, that her subjects pay more than England, on a computation of the wealth of both countries; that her taxes are more injudiciously and more oppressively imposed; more vexatiously collected; come in a smaller proportion to the royal

coffers, and are less applied by far to the public service. I am not one of those who choose to take the author's word for this happy and flourishing condition of the French finances, rather than attend to the changes, the violent pushes and the despair of all her own financiers. Does he choose to be referred for the easy and happy condition of the subject in France to the remonstrances of their own parliaments, written with such an eloquence, feeling, and energy, as I have not seen exceeded in any other writings? The author may say, their complaints are exaggerated, and the effects of faction. I answer, that they are the representations of numerous, grave, and most respectable bodies of men, upon the affairs of their own country. But, allowing that discontent and faction may pervert the judgment of such venerable bodies in France, we have as good a right to suppose that the same causes may full as probably have produced from a private, however respectable person, that frightful, and, I trust I have shown, groundless representation of our own affairs in England.

The author is so conscious of the dangerous effects of that representation, that he thinks it necessary, and very necessary it is, to guard against them. He assures us, "that he has not made that display of the difficulties of his country, to expose her counsels to the ridicule of other states, or to provoke a vanquished enemy to insult her; nor to excite the people's rage against their governors, or sink them into a despondency of the public welfare." I readily admit this apology for his intentions. God forbid I should think any man capable of entertaining so execrable and senseless a design. The true cause of his drawing so shocking a picture is no more than this; and it ought rather to claim our pity than excite our indignation; he finds himself out of power; and this condition is intolerable to him. The same sun which gilds all nature, and exhilarates the whole creation, does not shine upon disappointed ambition. It is something that rays out of darkness, and inspires nothing but gloom and melancholy. Men in this deplorable state of mind find a comfort in spreading the contagion of their spleen. They find an advantage too; for it is a general, popular error, to imagine the loudest complainers for the public to be the most anxious for its welfare. If such persons can answer the ends of relief and profit to themselves, they are apt to be careless enough about either the means or the consequences.

Whatever this complainant's motives may be, the effects can by no possibility be other than those which he so strongly, and I hope truly, disclaims all intention of producing. To verify this, the reader has only to consider how dreadful a picture he has drawn in his 32nd page, of the state of this kingdom; such a picture as, I believe, has hardly been applicable, without some exaggeration, to the most degenerate and undone commonwealth that ever existed. Let this view of things be compared with the prospect of a remedy which he proposes in the page directly opposite, and the subsequent. I believe no man living could have imagined it possible, except for the sake of burlesquing a subject, to propose remedies so

ridiculously disproportionate to the evil, so full of uncertainty in their operation, and depending for their success in every step upon the happy event of so many new, dangerous, and visionary projects. It is not amiss, that he has thought proper to give the public some little notice of what they may expect from his friends, when our affairs shall be committed to their management. Let us see how the accounts of disease and remedy are balanced in his “State of the Nation.” In the first place, on the side of evils, he states, “an impoverished and heavily-burdened public. A declining trade and decreasing specie. The power of the crown never so much extended over the great; but the great without influence over the lower sort. Parliament losing its reverence with the people. The voice of the multitude set up against the sense of the legislature; a people luxurious and licentious, impatient of rule, and despising all authority. Government relaxed in every sinew, and a corrupt selfish spirit pervading the whole. An opinion of many, that the form of government is not worth contending for. No attachment in the bulk of the people towards the constitution. No reverence for the customs of our ancestors. No attachment but to private interest, nor any zeal but for selfish gratifications. Trade and manufactures going to ruin. Great Britain in danger of becoming tributary to France, and the descent of the crown dependent on her pleasure. Ireland, in case of a war, to become a prey to France; and Great Britain, unable to recover Ireland, cede it by treaty,” (the author never can think of a treaty without making cessions,) “in order to purchase peace for herself. The colonies left exposed to the ravages of a domestic, or the conquest of a foreign enemy.” — Gloomy enough, God knows. The author well observes, *that a mind not totally devoid of feeling cannot look upon such a prospect without horror; and an heart capable of humanity must be unable to hear its description.* He ought to have added, that no man of common discretion ought to have exhibited it to the public, if it were true; or of common honesty, if it were false.

But now for the comfort; the day-star which is to arise in our hearts; the author’s grand scheme for totally reversing this dismal state of things, and making us “happy at home and respected abroad, formidable in war and flourishing in peace.”

In this great work he proceeds with a facility equally astonishing and pleasing. Never was financier less embarrassed by the burden of establishments, or with the difficulty of finding ways and means. If an establishment is troublesome to him, he lops off at a stroke just as much of it as he chooses. He mows down, without giving quarter, or assigning reason, army, navy, ordnance, ordinary, extraordinaries; nothing can stand before him. Then, when he comes to provide, Amalthea’s horn is in his hands; and he pours out with an inexhaustible bounty, taxes, duties, loans, and revenues, without uneasiness to himself, or burden to the public. Insomuch that, when we consider the abundance of his resources, we cannot avoid being surprised at his extraordinary attention to savings. But it is all the exuberance of his goodness.

This book has so much of a certain tone of power, that one would be almost tempted to think it written by some person who had been high in office. A man is generally rendered somewhat a worse reasoner for having been a minister. In private, the assent of listening and obsequious friends; in public, the venal cry and prepared vote of a passive senate, confirm him in habits of begging the question with impunity, and asserting without thinking himself obliged to prove. Had it not been for some such habits, the author could never have expected that we should take his estimate for a peace establishment solely on his word.

This estimate which he gives, is the great groundwork of his plan for the national redemption; and it ought to be well and firmly laid, or what must become of the superstructure? One would have thought the natural method in a plan of reformation would be, to take the present existing estimates as they stand; and then to show what may be practicably and safely defalcated from them. This would, I say, be the natural course; and what would be expected from a man of business. But this author takes a very different method. For the ground of his speculation of a present peace establishment, he resorts to a former speculation of the same kind, which was in the mind of the minister of the year 1764. Indeed it never existed anywhere else. "The plan," says he, with his usual ease, "has been already formed, and the outline drawn, by the administration of 1764. I shall attempt to fill up the void and obliterated parts, and trace its operation. The standing expense of the present (his projected) peace establishment, *improved by the experience of the two last years, may be thus estimated*"; and he estimates it at 3,468,161*l*.

Here too it would be natural to expect some reasons for condemning the subsequent actual establishments, which have so much transgressed the limits of his plan of 1764, as well as some arguments in favor of his new project; which has in some articles exceeded, in others fallen short, but on the whole is much below his old one. Hardly a word on any of these points, the only points however that are in the least essential; for unless you assign reasons for the increase or diminution of the several articles of public charge, the playing at establishments and estimates is an amusement of no higher order, and of much less ingenuity, than *Questions and commands*, or *What is my thought like?* To bring more distinctly under the reader's view this author's strange method of proceeding, I will lay before him the three schemes; viz. the idea of the ministers in 1764, the actual estimates of the two last years as given by the author himself, and lastly the new project of his political millennium: —

Plan of establishment for 1764, as by "Considerations,"
£3,609,700

Medium of 1767 and 1768, as by "State of the Nation," and 30
3,919,375

Present peace establishment, as by the project in “State of the Nation,”
3,468,161

It is not from anything our author has anywhere said, that you are enabled to find the ground, much less the justification, of the immense difference between these several systems; you must compare them yourself, article by article; no very pleasing employment, by the way, to compare the agreement or disagreement of two chimeras. I now only speak of the comparison of his own two projects. As to the latter of them, it differs from the former, by having some of the articles diminished, and others increased. I find the chief article of reduction arises from the smaller deficiency of land and malt, and of the annuity funds, which he brings down to 295,561*l.* in his new estimate, from 502,400*l.* which he had allowed for those articles in the “Considerations.” With this *reduction*, owing, as it must be, merely to a smaller deficiency of funds, he has nothing at all to do. It can be no work and no merit of his. But with regard to the *increase*, the matter is very different. It is all his own; the public is loaded (for anything we can see to the contrary) entirely *gratis*. The chief articles of the increase are on the navy, and on the army and ordnance extraordinaries; the navy being estimated in his “State of the Nation” 50,000*l.* a year more, and the army and ordnance extraordinaries 40,000*l.* more, than he had thought proper to allow for them in that estimate in his “Considerations,” which he makes the foundation of his present project. He has given no sort of reason, stated no sort of necessity, for this additional allowance, either in the one article or the other. What is still stronger, he admits that his allowance for the army and ordnance extras is too great, and expressly refers you to the “Considerations”; where, far from giving 75,000*l.* a year to that service, as the “State of the Nation” has done, the author apprehends his own scanty provision of 35,000*l.* to be by far too considerable, and thinks it may well admit of further reductions. Thus, according to his own principles, this great economist falls into a vicious prodigality; and is as far in his estimate from a consistency with his own principles as with the real nature of the services.

Still, however, his present establishment differs from its archetype of 1764, by being, though raised in particular parts, upon the whole, about 141,000*l.* smaller. It is improved, he tells us, by the experience of the two last years. One would have concluded that the peace establishment of these two years had been less than that of 1764, in order to suggest to the author his improvements, which enabled him to reduce it. But how does that turn out?

Peace establishment 1767 and 1768, medium
£3,919,375

Ditto, estimate in the “Considerations,” for 1764
3,609,700

Difference
£309,675

A vast increase instead of diminution. The experience then of the two last years ought naturally to have given the idea of a heavier establishment; but this writer is able to diminish by increasing, and to draw the effects of subtraction from the operations of addition. By means of these new powers, he may certainly do whatever he pleases. He is indeed moderate enough in the use of them, and condescends to settle his establishments at 3,468,161*l.* a year.

However, he has not yet done with it; he has further ideas of saving, and new resources of revenue. These additional savings are principally two: 1st, *It is to be hoped*, says he, that the sum of 250,000*l.* (which in the estimate he allows for the deficiency of land and malt) will be less by 37,924*l.*

2nd, That the sum of 20,000*l.* allowed for the Foundling Hospital, and 1800*l.* for American Surveys, will soon cease to be necessary, as the services will be completed.

What follows, with regard to the resources, is very well worthy the reader's attention. "Of this estimate," says he, "upwards of 300,000*l.* will be for the plantation service; and that sum, *I hope*, the people of Ireland and the colonies *might be induced* to take off Great Britain, and defray between them, in the proportion of 200,000*l.* by the colonies, and 100,000*l.* by Ireland."

Such is the whole of this mighty scheme. Take his reduced estimate, and his further reductions, and his resources all together, and the result will be, — he will *certainly* lower the provision made for the navy. He will cut off largely (God knows what or how) from the army and ordnance extraordinaries. He may be *expected* to cut off more. He *hopes* that the deficiencies on land and malt will be less than usual; and he *hopes* that America and Ireland might be *induced* to take off 300,000*l.* of our annual charges.

If any of these Hopes, Might, Insinuations, Expectations, and Inducements, should fail him, there will be a formidable gaping breach in his whole project. If all of them should fail, he has left the nation without a glimmering of hope in this thick night of terrors which he has thought fit to spread about us. If every one of them, which, attended with success, would signify anything to our revenue, can have no effect but to add to our distractions and dangers, we shall be if possible in a still worse condition from his projects of cure, than he represents us from our original disorders.

Before we examine into the consequences of these schemes, and the probability of these savings, let us suppose them all real and all safe, and then see what it is they amount to, and how he reasons on them: —

Deficiency on land and malt, less by
£37,000

Foundling Hospital
20,000

American Surveys
1,800

— —
£58,800

This is the amount of the only articles of saving he specifies: and yet he chooses to assert, “that we may venture on the credit of them to reduce the standing expenses of the estimate (from 3,468,161*l.*) to 3,300,000*l.*”; that is, for a saving of 58,000*l.* he is not ashamed to take credit for a defalcation from his own ideal establishment in a sum of no less than 168,161*l.*! Suppose even that we were to take up the estimate of the “Considerations” (which is however abandoned in the “State of the Nation”), and reduce his 75,000*l.* extraordinaries to the original 35,000*l.*, still all these savings joined together give us but 98,800*l.*; that is, near 70,000*l.* short of the credit he calls for, and for which he has neither given any reason, nor furnished any data whatsoever for others to reason upon.

Such are his savings, as operating on his own project of a peace establishment. Let us now consider them as they affect the existing establishment and our actual services. He tells us, the sum allowed in his estimate for the navy is “69,321*l.* less than the grant for that service in 1767; but in that grant 30,000*l.* was included for the purchase of hemp, and a saving of about 25,000*l.* was made in that year.” The author has got some secret in arithmetic. These two sums put together amount, in the ordinary way of computing, to 55,000*l.*, and not to 69,321*l.* On what principle has he chosen to take credit for 14,321*l.* more? To what this strange inaccuracy is owing, I cannot possibly comprehend; nor is it very material, where the logic is so bad, and the policy so erroneous, whether the arithmetic be just or otherwise. But in a scheme for making this nation “happy at home and respected abroad, formidable in war and flourishing in peace,” it is surely a little unfortunate for us, that he has picked out the *Navy*, as the very first object of his economical

experiments. Of all the public services, that of the navy is the one in which tampering may be of the greatest danger, which can worst be supplied upon an emergency, and of which any failure draws after it the longest and heaviest train of consequences. I am far from saying, that this or any service ought not to be conducted with economy. But I will never suffer the sacred name of economy to be bestowed upon arbitrary defalcation of charge. The author tells us himself, "that to suffer the navy to rot in harbor for want of repairs and marines, would be to invite destruction." It would be so. When the author talks therefore of savings on the navy estimate, it is incumbent on him to let us know, not what sums he will cut off, but what branch of that service he deems superfluous. Instead of putting us off with unmeaning generalities, he ought to have stated what naval force, what naval works, and what naval stores, with the lowest estimated expense, are necessary to keep our marine in a condition commensurate to its great ends. And this too not for the contracted and deceitful space of a single year, but for some reasonable term. Everybody knows that many charges cannot be in their nature regular or annual. In the year 1767 a stock of hemp, &c., was to be laid in; that charge intermits, but it does not end. Other charges of other kinds take their place. Great works are now carrying on at Portsmouth, but not of greater magnitude than utility; and they must be provided for. A year's estimate is therefore no just idea at all of a permanent peace establishment. Had the author opened this matter upon these plain principles, a judgment might have been formed, how far he had contrived to reconcile national defence with public economy. Till he has done it, those who had rather depend on any man's reason than the greatest man's authority, will not give him credit on this head, for the saving of a single shilling. As to those savings which are already made, or in course of being made, whether right or wrong, he has nothing at all to do with them; they can be no part of his project, considered as a plan of reformation. I greatly fear that the error has not lately been on the side of profusion.

Another head is the saving on the army and ordnance extraordinaries, particularly in the American branch. What or how much reduction may be made, none of us, I believe, can with any fairness pretend to say; very little, I am convinced. The state of America is extremely unsettled; more troops have been sent thither; new dispositions have been made; and this augmentation of number, and change of disposition, has rarely, I believe, the effect of lessening the bill for extraordinaries, which, if not this year, yet in the next we must certainly feel. Care has not been wanting to introduce economy into that part of the service. The author's great friend has made, I admit, some regulations: his immediate successors have made more and better. This part will be handled more ably and more minutely at another time: but no one can cut down this bill of extraordinaries at his pleasure. The author has given us nothing, but his word, for any certain or considerable reduction; and this we ought to be the more cautious in taking, as he has promised great savings in his "Considerations," which he has not chosen to abide by in his "State of the Nation."

On this head also of the American extraordinaries, he can take credit for nothing. As to his next, the lessening of the deficiency of the land and malt-tax, particularly of the malt-tax, any person the least conversant in that subject cannot avoid a smile. This deficiency arises from charge of collection, from anticipation, and from defective produce. What has the author said on the reduction of any head of this deficiency upon the land-tax? On these points he is absolutely silent. As to the deficiency on the malt-tax, which is chiefly owing to a defective produce, he has and can have nothing to propose. If this deficiency should be lessened by the increase of malting in any years more than in others, (as it is a greatly fluctuating object,) how much of this obligation shall we owe to this author's ministry? will it not be the case under any administration? must it not go to the general service of the year, in some way or other, let the finances be in whose hands they will? But why take credit for so extremely reduced a deficiency at all? I can tell him he has no rational ground for it in the produce of the year 1767; and I suspect will have full as little reason from the produce of the year 1768. That produce may indeed become greater, and the deficiency of course will be less. It may too be far otherwise. A fair and judicious financier will not, as this writer has done, for the sake of making out a specious account, select a favorable year or two, at remote periods, and ground his calculations on those. In 1768 he will not take the deficiencies of 1753 and 1754 for his standard. Sober men have hitherto (and must continue this course, to preserve this character,) taken indifferently the mediums of the years immediately preceding. But a person who has a scheme from which he promises much to the public ought to be still more cautious; he should ground his speculation rather on the lowest mediums because all new schemes are known to be subject to some defect or failure not foreseen; and which therefore every prudent proposer will be ready to allow for, in order to lay his foundation as low and as solid as possible. Quite contrary is the practice of some politicians. They first propose savings, which they well know cannot be made, in order to get a reputation for economy. In due time they assume another, but a different method, by providing for the service they had before cut off or straitened, and which they can then very easily prove to be necessary. In the same spirit they raise magnificent ideas of revenue on funds which they know to be insufficient. Afterwards, who can blame them, if they do not satisfy the public desires? They are great artificers but they cannot work without materials.

These are some of the little arts of great statesmen. To such we leave them, and follow where the author leads us, to his next resource, the Foundling Hospital. Whatever particular virtue there is in the mode of this saving, there seems to be nothing at all new, and indeed nothing wonderfully important in it. The sum annually voted for the support of the Foundling Hospital has been in a former Parliament limited to the establishment of the children then in the hospital. When they are apprenticed, this provision will cease. It will therefore fall in more or less at different times; and will at length cease entirely. But, until it does, we cannot reckon

upon it as the saving on the establishment of any given year: nor can any one conceive how the author comes to mention this, any more than some other articles, as a part of a *new* plan of economy which is to retrieve our affairs. This charge will indeed cease in its own time. But will no other succeed to it? Has he ever known the public free from some contingent charge, either for the just support of royal dignity or for national magnificence, or for public charity, or for public service? does he choose to flatter his readers that no such will ever return? or does he in good earnest declare, that let the reason, or necessity, be what they will, he is resolved not to provide for such services?

Another resource of economy yet remains, for he gleans the field very closely, — 1800*l.* for the American surveys. Why, what signifies a dispute about trifles? he shall have it. But while he is carrying it off, I shall just whisper in his ear, that neither the saving that is allowed, nor that which is doubted of, can at all belong to that future proposed administration, whose touch is to cure all our evils. Both the one and the other belong equally (as indeed all the rest do) to the present administration, to any administration; because they are the gift of time, and not the bounty of the exchequer.

I have now done with all the minor, preparatory parts of the author's scheme, the several articles of saving which he proposes. At length comes the capital operation, his new resources. Three hundred thousand pounds a year from America and Ireland. — Alas! alas! if that too should fail us, what will become of this poor undone nation? The author, in a tone of great humility, *hopes* they may be induced to pay it. Well, if that be all, we may hope so too: and for any light he is pleased to give us into the ground of this hope, and the ways and means of this inducement, here is a speedy end both of the question and the revenue.

It is the constant custom of this author, in all his writings, to take it for granted, that he has given you a revenue, whenever he can point out to you where you may have money, if you can contrive how to get at it; and this seems to be the masterpiece of his financial ability. I think, however, in his way of proceeding, he has behaved rather like a harsh step-dame, than a kind nursing-mother to his country. Why stop at 300,000*l.* If his state of things be at all founded, America and Ireland are much better able to pay 600,000*l.* than we are to satisfy ourselves with half that sum. However, let us forgive him this one instance of tenderness towards Ireland and the colonies.

He spends a vast deal of time in an endeavor to prove that Ireland is able to bear greater impositions. He is of opinion, that the poverty of the lower class of people there is, in a great measure, owing to *a want* of judicious taxes; that a land-tax will enrich her tenants; that taxes are paid in England which are not paid there; that the colony trade is increased above 100,000*l.* since the peace; that she *ought* to have further indulgence in that trade; and ought to have further privileges in the woollen manufacture. From these premises, of what she has, what she has not, and what she

ought to have, he infers that Ireland will contribute 100,000*l.* towards the extraordinaries of the American establishment.

I shall make no objections whatsoever, logical or financial, to this reasoning: many occur; but they would lead me from my purpose, from which I do not intend to be diverted, because it seems to me of no small importance. It will be just enough to hint, what I dare say many readers have before observed, that when any man proposes new taxes in a country with which he is not personally conversant by residence or office, he ought to lay open its situation much more minutely and critically than this author has done, or than perhaps he is able to do. He ought not to content himself with saying that a single article of her trade is increased 100,000*l.* a year; he ought, if he argues from the increase of trade to the increase of taxes, to state the whole trade, and not one branch of trade only; he ought to enter fully into the state of its remittances, and the course of its exchange; he ought likewise to examine whether all its establishments are increased or diminished; and whether it incurs or discharges debts annually. But I pass over all this; and am content to ask a few plain questions.

Does the author then seriously mean to propose in Parliament a land-tax, or any tax for 100,000*l.* a year upon Ireland? If he does, and if fatally, by his temerity and our weakness, he should succeed; then I say he will throw the whole empire from one end of it to the other into mortal convulsions. What is it that can satisfy the furious and perturbed mind of this man? is it not enough for him that such projects have alienated our colonies from the mother-country, and not to propose violently to tear our sister kingdom also from our side, and to convince every dependent part of the empire, that, when a little money is to be raised, we have no sort of regard to their ancient customs, their opinions, their circumstances, or their affections? He has however a *douceur* for Ireland in his pocket; benefits in trade, by opening the woollen manufacture to that nation. A very right idea in my opinion; but not more strong in reason, than likely to be opposed by the most powerful and most violent of all local prejudices and popular passions. First, a fire is already kindled by his schemes of taxation in America; he then proposes one which will set all Ireland in a blaze; and his way of quenching both is by a plan which may kindle perhaps ten times a greater flame in Britain.

Will the author pledge himself, previously to his proposal of such a tax, to carry this enlargement of the Irish trade? If he does not, then the tax will be certain; the benefit will be less than problematical. In this view, his compensation to Ireland vanishes into smoke; the tax, to their prejudices, will appear stark naked in the light of an act of arbitrary power and oppression. But, if he should propose the benefit and tax together, then the people of Ireland, a very high and spirited people, would think it the worst bargain in the world. They would look upon the one as wholly vitiated and poisoned by the other; and, if they could not be separated, would infallibly resist them both together. Here would be taxes, indeed, amounting to a

handsome sum; 100,000*l.* very effectually voted, and passed through the best and most authentic forms; but how to be collected? — This is his perpetual manner. One of his projects depends for success upon another project, and this upon a third, all of them equally visionary. His finance is like the Indian philosophy; his earth is poised on the horns of a bull, his bull stands upon an elephant, his elephant is supported by a tortoise; and so on forever.

As to his American 200,000*l.* a year, he is satisfied to repeat gravely, as he has done an hundred times before, that the Americans are able to pay it. Well, and what then? does he lay open any part of his plan how they may be compelled to pay it, without plunging ourselves into calamities that outweigh tenfold the proposed benefit? or does he show how they may be induced to submit to it quietly? or does he give any satisfaction concerning the mode of levying it; in commercial colonies, one of the most important and difficult of all considerations? Nothing like it. To the Stamp Act, whatever its excellences may be, I think he will not in reality recur, or even choose to assert that he means to do so, in case his minister should come again into power. If he does, I will predict that some of the fastest friends of that minister will desert him upon this point. As to port duties he has damned them all in the lump, by declaring them “contrary to the first principles of colonization, and not less prejudicial to the interests of Great Britain than to those of the colonies.” Surely this single observation of his ought to have taught him a little caution; he ought to have begun to doubt, whether there is not something in the nature of commercial colonies, which renders them an unfit object of taxation; when port duties, so large a fund of revenue in all countries, are by himself found, in this case, not only improper, but destructive. However, he has here pretty well narrowed the field of taxation. Stamp Act, hardly to be resumed. Port duties, mischievous. Excises, I believe, he will scarcely think worth the collection (if any revenue should be so) in America. Land-tax (notwithstanding his opinion of its immense use to agriculture) he will not directly propose, before he has thought again and again on the subject. Indeed he very readily recommends it for Ireland, and seems to think it not improper for America; because, he observes, they already raise most of their taxes internally, including this tax. A most curious reason, truly! because their lands are already heavily burdened, he thinks it right to burden them still further. But he will recollect, for surely he cannot be ignorant of it, that the lands of America are not, as in England, let at a rent certain in money, and therefore cannot, as here, be taxed at a certain pound rate. They value them in gross among themselves; and none but themselves in their several districts can value them. Without their hearty concurrence and co-operation, it is evident, we cannot advance a step in the assessing or collecting any land-tax. As to the taxes which in some places the Americans pay by the acre, they are merely duties of regulation; they are small; and to increase them, notwithstanding the secret virtues of a land-tax, would be the most effectual means of preventing that cultivation they are intended to promote.

Besides, the whole country is heavily in arrear already for land-taxes and quit-rents. They have different methods of taxation in the different provinces, agreeable to their several local circumstances. In New England by far the greatest part of their revenue is raised by *faculty-taxes* and *capitations*. Such is the method in many others. It is obvious that Parliament, unassisted by the colonies themselves, cannot take so much as a single step in this mode of taxation. Then what tax is it he will impose? Why, after all the boasting speeches and writings of his faction for these four years, after all the vain expectations which they have held out to a deluded public, this their great advocate, after twisting the subject every way, after writhing himself in every posture, after knocking at every door, is obliged fairly to abandon every mode of taxation whatsoever in America. He thinks it the best method for Parliament to impose the sum, and reserve the account to itself, leaving the mode of taxation to the colonies. But how and in what proportion? what does the author say? O, not a single syllable on this the most material part of the whole question! Will he, in Parliament, undertake to settle the proportions of such payments from Nova Scotia to Nevis, in no fewer than six-and-twenty different countries, varying in almost every possible circumstance one from another? If he does, I tell him, he adjourns his revenue to a very long day. If he leaves it to themselves to settle these proportions, he adjourns it to doomsday.

Then what does he get by this method on the side of acquiescence? will the people of America relish this course, of giving and granting and applying their money, the better because their assemblies are made commissioners of the taxes? This is far worse than all his former projects; for here, if the assemblies shall refuse, or delay, or be negligent, or fraudulent, in this new-imposed duty, we are wholly without remedy; and neither our custom-house officers, nor our troops, nor our armed ships can be of the least use in the collection. No idea can be more contemptible (I will not call it an oppressive one, the harshness is lost in the folly) than that of proposing to get any revenue from the Americans but by their freest and most cheerful consent. Most moneyed men know their own interest right well; and are as able as any financier, in the valuation of risks. Yet I think this financier will scarcely find that adventurer hardy enough, at any premium, to advance a shilling upon a vote of such taxes. Let him name the man, or set of men, that would do it. This is the only proof of the value of revenues; what would an interested man rate them at? His subscription would be at ninety-nine per cent discount the very first day of its opening. Here is our only national security from ruin; a security upon which no man in his senses would venture a shilling of his fortune. Yet he puts down those articles as gravely in his supply for the peace establishment, as if the money had been all fairly lodged in the exchequer.

American revenue

£200,000

Ireland
100,000

Very handsome indeed! But if supply is to be got in such a manner, farewell the lucrative mystery of finance! If you are to be credited for savings, without showing how, why, or with what safety, they are to be made; and for revenues, without specifying on what articles, or by what means, or at what expense, they are to be collected; there is not a clerk in a public office who may not outbid this author, or his friend, for the department of chancellor of the exchequer; not an apprentice in the city, that will not strike out, with the same advantages, the same, or a much larger plan of supply.

Here is the whole of what belongs to the author's scheme for saving us from impending destruction. Take it even in its most favorable point of view, as a thing within possibility; and imagine what must be the wisdom of this gentleman, or his opinion of ours, who could first think of representing this nation in such a state, as no friend can look upon but with horror, and scarcely an enemy without compassion, and afterwards of diverting himself with such inadequate, impracticable, puerile methods for our relief! If these had been the dreams of some unknown, unnamed, and nameless writer, they would excite no alarm; their weakness had been an antidote to their malignity. But as they are universally believed to be written by the hand, or, what amounts to the same thing, under the immediate direction, of a person who has been in the management of the highest affairs, and may soon be in the same situation, I think it is not to be reckoned amongst our greatest consolations, that the yet remaining power of this kingdom is to be employed in an attempt to realize notions that are at once so frivolous, and so full of danger. That consideration will justify me in dwelling a little longer on the difficulties of the nation, and the solutions of our author.

I am then persuaded that he cannot be in the least alarmed about our situation, let his outcry be what he pleases. I will give him a reason for my opinion, which, I think, he cannot dispute. All that he bestows upon the nation, which it does not possess without him, and supposing it all sure money, amounts to no more than a sum of 300,000*l.* a year. This, he thinks, will do the business completely, and render us flourishing at home, and respectable abroad. If the option between glory and shame, if our salvation or destruction, depended on this sum, it is impossible that he should have been active, and made a merit of that activity, in taking off a shilling in the pound of the land-tax, which came up to his grand desideratum, and upwards of 100,000*l.* more. By this manoeuvre, he left our trade, navigation, and manufactures, on the verge of destruction, our finances in ruin, our credit expiring, Ireland on the point of being ceded to France, the colonies of being torn to pieces, the succession of the crown at the mercy of our great rival, and the kingdom itself on the very point of becoming tributary to that haughty power. All this for want of

300,000*l.*; for I defy the reader to point out any other revenue, or any other precise and defined scheme of politics, which he assigns for our redemption.

I know that two things may be said in his defence, as bad reasons are always at hand in an indifferent cause; that he was not sure the money would be applied as he thinks it ought to be, by the present ministers. I think as ill of them as he does to the full. They have done very near as much mischief as they can do, to a constitution so robust as this is. Nothing can make them more dangerous, but that, as they are already in general composed of his disciples and instruments, they may add to the public calamity of their own measures, the adoption of his projects. But be the ministers what they may, the author knows that they could not avoid applying this 450,000*l.* to the service of the establishment, as faithfully as he, or any other minister, could do. I say they could not avoid it, and have no merit at all for the application. But supposing that they should greatly mismanage this revenue. Here is a good deal of room for mistake and prodigality before you come to the edge of ruin. The difference between the amount of that real and his imaginary revenue is, 150,000*l.* a year at least; a tolerable sum for them to play with: this might compensate the difference between the author's economy and their profusion; and still, notwithstanding their vices and ignorance, the nation might be saved. The author ought also to recollect, that a good man would hardly deny, even to the worst of ministers, the means of doing their duty; especially in a crisis when our being depended on supplying them with some means or other. In such a case their penury of mind, in discovering resources, would make it rather the more necessary, not to strip such poor providers of the little stock they had in hand.

Besides, here is another subject of distress, and a very serious one, which puts us again to a stand. The author may possibly not come into power (I only state the possibility): he may not always continue in it: and if the contrary to all this should fortunately for us happen, what insurance on his life can be made for a sum adequate to his loss? Then we are thus unluckily situated, that the *chance* of an American and Irish revenue of 300,000*l.* to be managed by him, is to save us from ruin two or three years hence at best, to make us happy at home and glorious abroad; and the actual possession of 400,000*l.* English taxes cannot so much as protract our ruin without him. So we are staked on four chances; his power, its permanence, the success of his projects, and the duration of his life. Any one of these failing, we are gone. *Propria hæc si dona fuissent!* This is no unfair representation; ultimately all hangs on his life, because, in his account of every set of men that have held or supported administration, he finds neither virtue nor ability in any but himself. Indeed he pays (through their measures) some compliments to Lord Bute and Lord Despensers. But to the latter, this is, I suppose, but a civility to old acquaintance: to the former, a little stroke of politics. We may therefore fairly say, that our only hope is his life; and he has, to make it the more so, taken care to cut off any resource which we possessed independently of him.

In the next place it may be said, to excuse any appearance of inconsistency between the author's actions and his declarations, that he thought it right to relieve the landed interest, and lay the burden where it ought to lie, on the colonies. What! to take off a revenue so necessary to our being, before anything whatsoever was acquired in the place of it? In prudence, he ought to have waited at least for the first quarter's receipt of the new anonymous American revenue, and Irish land-tax. Is there something so specific for our disorders in American, and something so poisonous in English money, that one is to heal, the other to destroy us? To say that the landed interest *could* not continue to pay it for a year or two longer, is more than the author will attempt to prove. To say that they *would* pay it no longer, is to treat the landed interest, in my opinion, very scurvily. To suppose that the gentry, clergy, and freeholders of England do not rate the commerce, the credit, the religion, the liberty, the independency of their country, and the succession of their crown, at a shilling in the pound land-tax! They never gave him reason to think so meanly of them. And, if I am rightly informed, when that measure was debated in Parliament, a very different reason was assigned by the author's great friend, as well as by others, for that reduction: one very different from the critical and almost desperate state of our finances. Some people then endeavored to prove, that the reduction might be made without detriment to the national credit, or the due support of a proper peace establishment; otherwise it is obvious that the reduction could not be defended in argument. So that this author cannot despair so much of the commonwealth, without this American and Irish revenue, as he pretends to do. If he does, the reader sees how handsomely he has provided for us, by voting away one revenue, and by giving us a pamphlet on the other.

I do not mean to blame the relief which was then given by Parliament to the land. It was grounded on very weighty reasons. The administration contended only for its continuance for a year, in order to have the merit of taking off the shilling in the pound immediately before the elections; and thus to bribe the freeholders of England with their own money.

It is true, the author, in his estimate of ways and means, takes credit for 400,000*l.* a year, *Indian Revenue*. But he will not very positively insist, that we should put this revenue to the account of his plans or his power; and for a very plain reason: we are already near two years in possession of it. By what means we came to that possession, is a pretty long story; however, I shall give nothing more than a short abstract of the proceeding, in order to see whether the author will take to himself any part in that measure.

The fact is this; the East India Company had for a good while solicited the ministry for a negotiation, by which they proposed to pay largely for some advantages in their trade, and for the renewal of their charter. This had been the former method of transacting with that body. Government having only leased the monopoly for short terms, the Company has been obliged to resort to it frequently

for renewals. These two parties had always negotiated (on the true principle of credit) not as government and subject, but as equal dealers, on the footing of mutual advantage. The public had derived great benefit from such dealing. But at that time new ideas prevailed. The ministry, instead of listening to the proposals of that Company, chose to set up a claim of the crown to their possessions. The original plan seems to have been, to get the House of Commons to compliment the crown with a sort of juridical declaration of a title to the Company's acquisitions in India; which the crown on its part, with the best air in the world, was to bestow upon the public. Then it would come to the turn of the House of Commons again to be liberal and grateful to the crown. The civil list debts were to be paid off; with perhaps a pretty augmentation of income. All this was to be done on the most public-spirited principles, and with a politeness and mutual interchange of good offices, that could not but have charmed. But what was best of all, these civilities were to be without a farthing of charge to either of the kind and obliging parties. The East India Company was to be covered with infamy and disgrace, and at the same time was to pay the whole bill.

In consequence of this scheme, the terrors of a parliamentary inquiry were hung over them. A judicature was asserted in Parliament to try this question. But lest this judicial character should chance to inspire certain stubborn ideas of law and right, it was argued, that the judicature was arbitrary, and ought not to determine by the rules of law, but by their opinion of policy and expediency. Nothing exceeded the violence of some of the managers, except their impotence. They were bewildered by their passions, and by their want of knowledge or want of consideration of the subject. The more they advanced, the further they found themselves from their object. — All things ran into confusion. The ministers quarrelled among themselves. They disclaimed one another. They suspended violence, and shrunk from treaty. The inquiry was almost at its last gasp; when some active persons of the Company were given to understand that this hostile proceeding was only set up *in terrorem*; that government was far from an intention of seizing upon the possessions of the Company. Administration, they said, was sensible, that the idea was in every light full of absurdity; and that such a seizure was not more out of their power, than remote from their wishes; and therefore, if the Company would come in a liberal manner to the House, they certainly could not fail of putting a speedy end to this disagreeable business, and of opening a way to an advantageous treaty.

On this hint the Company acted: they came at once to a resolution of getting rid of the difficulties which arose from the complication of their trade with their revenue; a step which despoiled them of their best defensive armor, and put them at once into the power of administration. They threw their whole stock of every kind, the revenue, the trade, and even their debt from government, into one fund, which they computed on the surest grounds would amount to 800,000*l.*, with a large probable surplus for the payment of debt. Then they agreed to divide this sum in

equal portions between themselves and the public, 400,000*l.* to each. This gave to the proprietors of that fund an annual augmentation of no more than 80,000*l.* dividend. They ought to receive from government 120,000*l.* for the loan of their capital. So that, in fact, the whole, which on this plan they reserved to themselves, from their vast revenues, from their extensive trade, and in consideration of the great risks and mighty expenses which purchased these advantages, amounted to no more than 280,000*l.*, whilst government was to receive, as I said, 400,000*l.*

This proposal was thought by themselves liberal indeed; and they expected the highest applauses for it. However, their reception was very different from their expectations. When they brought up their plan to the House of Commons, the offer, as it was natural, of 400,000*l.* was very well relished. But nothing could be more disgusting than the 80,000*l.* which the Company had divided amongst themselves. A violent tempest of public indignation and fury rose against them. The heads of people turned. The Company was held well able to pay 400,000*l.* a year to government; but bankrupts, if they attempted to divide the fifth part of it among themselves. An *ex post facto* law was brought in with great precipitation, for annulling this dividend. In the bill was inserted a clause, which suspended for about a year the right, which, under the public faith, the Company enjoyed, of making their own dividends. Such was the disposition and temper of the House, that although the plain face of facts, reason, arithmetic, all the authority, parts, and eloquence in the kingdom, were against this bill; though all the Chancellors of the Exchequer, who had held that office from the beginning of this reign, opposed it; yet a few placemen of the subordinate departments sprung out of their ranks, took the lead, and, by an opinion *of some sort of secret support*, carried the bill with a high hand, leaving the then Secretary of State and the Chancellor of the Exchequer in a very moderate minority. In this distracted situation, the managers of the bill, notwithstanding their triumph, did not venture to propose the payment of the civil list debt. The Chancellor of the Exchequer was not in good humor enough, after his late defeat by his own troops, to co-operate in such a design; so they made an act, to lock up the money in the exchequer until they should have time to look about them, and settle among themselves what they were to do with it.

Thus ended this unparalleled transaction. The author, I believe, will not claim any part of the glory of it: he will leave it whole and entire to the authors of the measure. The money was the voluntary, free gift of the Company; the rescinding bill was the act of legislature, to which they and we owe submission: the author has nothing to do with the one or with the other. However, he cannot avoid rubbing himself against this subject merely for the pleasure of stirring controversies, and gratifying a certain pruriency of taxation that seems to infect his blood. It is merely to indulge himself in speculations of taxing, that he chooses to harangue on this subject. For he takes credit for no greater sum than the public is already in possession of. He does not hint that the Company means, or has ever shown any

disposition, if managed with common prudence, to pay less in future; and he cannot doubt that the present ministry are as well inclined to drive them by their mock inquiries, and real rescinding bills, as he can possibly be with his taxes. Besides, it is obvious, that as great a sum might have been drawn from that Company, without affecting property, or shaking the constitution, or endangering the principle of public credit, or running into his golden dreams of cockets on the Ganges, or visions of stamp-duties on *Perwannas*, *Dusticks*, *Kistbundeas*, and *Husbulhookums*. For once, I will disappoint him in this part of the dispute; and only in a very few words recommend to his consideration, how he is to get off the dangerous idea of taxing a public fund, if he levies those duties in England; and if he is to levy them in India, what provision he has made for a revenue establishment there; supposing that he undertakes this new scheme of finance independently of the Company, and against its inclinations.

So much for these revenues; which are nothing but his visions, or already the national possessions without any act of his. It is easy to parade with a high talk of Parliamentary rights, of the universality of legislative powers, and of uniform taxation. Men of sense, when new projects come before them, always think a discourse proving the mere right or mere power of acting in the manner proposed, to be no more than a very unpleasant way of mispending time. They must see the object to be of proper magnitude to engage them; they must see the means of compassing it to be next to certain; the mischiefs not to counterbalance the profit; they will examine how a proposed imposition or regulation agrees with the opinion of those who are likely to be affected by it; they will not despise the consideration even of their habitudes and prejudices. They wish to know how it accords or disagrees with the true spirit of prior establishments, whether of government or of finance; because they well know, that in the complicated economy of great kingdoms, and immense revenues, which in a length of time, and by a variety of accidents have coalesced into a sort of body, an attempt towards a compulsory equality in all circumstances, and an exact practical definition of the supreme rights in every case, is the most dangerous and chimerical of all enterprises. The old building stands well enough, though part Gothic, part Grecian, and part Chinese, until an attempt is made to square it into uniformity. Then it may come down upon our heads altogether, in much uniformity of ruin; and great will be the fall thereof. Some people, instead of inclining to debate the matter, only feel a sort of nausea, when they are told, that “protection calls for supply,” and that “all the parts ought to contribute to the support of the whole.” Strange argument for great and grave deliberation! As if the same end may not, and must not, be compassed, according to its circumstances, by a great diversity of ways. Thus, in Great Britain, some of our establishments are apt for the support of credit. They stand therefore upon a principle of their own, distinct from, and in some respects contrary to, the relation between prince and subject. It is a new species of contract superinduced upon the

old contract of the state. The idea of power must as much as possible be banished from it; for power and credit are things adverse, incompatible; *Non bene conveniunt, nec in una sede morantur*. Such establishments are our great *moneyed* companies. To tax them would be critical and dangerous, and contradictory to the very purpose of their institution; which is credit, and cannot therefore be taxation. But the nation, when it gave up that power, did not give up the advantage; but supposed, and with reason, that government was overpaid in credit, for what it seemed to lose in authority. In such a case to talk of the rights of sovereignty is quite idle. Other establishments supply other modes of public contribution. Our *trading* companies, as well as individual importers, are a fit subject of revenue by customs. Some establishments pay us by a *monopoly* of their consumption and their produce. This, nominally no tax, in reality comprehends all taxes. Such establishments are our colonies. To tax them would be as erroneous in policy, as rigorous in equity. Ireland supplies us by furnishing troops in war; and by bearing part of our foreign establishment in peace. She aids us at all times by the money that her absentees spend amongst us; which is no small part of the rental of that kingdom. Thus Ireland contributes her part. Some objects bear port-duties. Some are fitter for an inland excise. The mode varies, the object is the same. To strain these from their old and inveterate leanings, might impair the old benefit, and not answer the end of the new project. Among all the great men of antiquity, *Procrustes* shall never be my hero of legislation; with his iron bed, the allegory of his government, and the type of some modern policy, by which the long limb was to be cut short, and the short tortured into length. Such was the state-bed of uniformity! He would, I conceive, be a very indifferent farmer, who complained that his sheep did not plough, or his horses yield him wool, though it would be an idea full of equality. They may think this right in rustic economy, who think it available in the politic:

Qui Bavium non odit, amet tua carimna, Mævi!

Atque idem jungat vulpes, et mulgeat hircos.

As the author has stated this Indian taxation for no visible purpose relative to his plan of supply, so he has stated many other projects with as little, if any distinct end; unless perhaps to show you how full he is of projects for the public good; and what vast expectations may be formed of him or his friends, if they should be translated into administration. It is also from some opinion that these speculations may one day become our public measures, that I think it worth while to trouble the reader at all about them.

Two of them stand out in high relieve beyond the rest. The first is a change in the internal representation of this country, by enlarging our number of constituents. The second is an addition to our representatives, by new American members of Parliament. I pass over here all considerations how far such a system will be an improvement of our constitution according to any sound theory. Not that I mean to condemn such speculative inquiries concerning this great object of the national

attention. They may tend to clear doubtful points, and possibly may lead, as they have often done, to real improvements. What I object to, is their introduction into a discourse relating to the immediate state of our affairs, and recommending plans of practical government. In this view, I see nothing in them but what is usual with the author; an attempt to raise discontent in the people of England, to balance those discontents which the measures of his friends had already raised in America. What other reason can he have for suggesting, that we are not happy enough to enjoy a sufficient number of voters in England? I believe that most sober thinkers on this subject are rather of opinion, that our fault is on the other side; and that it would be more in the spirit of our constitution, and more agreeable to the pattern of our best laws, by lessening the number, to add to the weight and independency of our voters. And truly, considering the immense and dangerous charge of elections; the prostitute and daring venality, the corruption of manners, the idleness and profligacy of the lower sort of voters, no prudent man would propose to increase such an evil, if it be, as I fear it is, out of our power to administer to it any remedy. The author proposes nothing further. If he has any improvements that may balance or may lessen this inconvenience, he has thought proper to keep them as usual in his own breast. Since he has been so reserved, I should have wished he had been as cautious with regard to the project itself. First, because he observes justly, that his scheme, however it might improve the platform, can add nothing to the authority of the legislature; much I fear, it will have a contrary operation; for, authority depending on opinion at least as much as on duty, an idea circulated among the people that our constitution is not so perfect as it ought to be, before you are sure of mending it, is a certain method of lessening it in the public opinion. Of this irreverent opinion of Parliament, the author himself complains in one part of his book; and he endeavors to increase it in the other.

Has he well considered what an immense operation any change in our constitution is? how many discussions, parties, and passions, it will necessarily excite; and when you open it to inquiry in one part, where the inquiry will stop? Experience shows us, that no time can be fit for such changes but a time of general confusion; when good men, finding everything already broken up, think it right to take advantage of the opportunity of such derangement in favor of an useful alteration. Perhaps a time of the greatest security and tranquillity both at home and abroad may likewise be fit; but will the author affirm this to be just such a time? Transferring an idea of military to civil prudence, he ought to know how dangerous it is to make an alteration of your disposition in the face of an enemy.

Now comes his American representation. Here too, as usual, he takes no notice of any difficulty, nor says anything to obviate those objections that must naturally arise in the minds of his readers. He throws you his politics as he does his revenue; do you make something of them if you can. Is not the reader a little astonished at the proposal of an American representation from that quarter? It is proposed merely

as a project of speculative improvement; not from the necessity in the case, not to add anything to the authority of Parliament, but that we may afford a greater attention to the concerns of the Americans, and give them a better opportunity of stating their grievances, and of obtaining redress. I am glad to find the author has at length discovered that we have not given a sufficient attention to their concerns, or a proper redress to their grievances. His great friend would once have been exceedingly displeased with any person, who should tell him, that he did not attend sufficiently to those concerns. He thought he did so, when he regulated the colonies over and over again: he thought he did so when he formed two general systems of revenue; one of port-duties, and the other of internal taxation. These systems supposed, or ought to suppose, the greatest attention to and the most detailed information of, all their affairs. However, by contending for the American representation, he seems at last driven virtually to admit, that great caution ought to be used in the exercise of *all* our legislative rights over an object so remote from our eye, and so little connected with our immediate feelings; that in prudence we ought not to be quite so ready with our taxes, until we can secure the desired representation in Parliament. Perhaps it may be some time before this hopeful scheme can be brought to perfect maturity, although the author seems to be in no wise aware of any obstructions that lie in the way of it. He talks of his union, just as he does of his taxes and his savings, with as much *sang froid* and ease as if his wish and the enjoyment were exactly the same thing. He appears not to have troubled his head with the infinite difficulty of settling that representation on a fair balance of wealth and numbers throughout the several provinces of America and the West Indies, under such an infinite variety of circumstances. It costs him nothing to fight with nature, and to conquer the order of Providence, which manifestly opposes itself to the possibility of such a Parliamentary union.

But let us, to indulge his passion for projects and power, suppose the happy time arrived, when the author comes into the ministry, and is to realize his speculations. The writs are issued for electing members for America and the West Indies. Some provinces receive them in six weeks, some in ten, some in twenty. A vessel may be lost, and then some provinces may not receive them at all. But let it be, that they all receive them at once, and in the shortest time. A proper space must be given for proclamation and for the election; some weeks at least. But the members are chosen; and if ships are ready to sail, in about six more they arrive in London. In the mean time the Parliament has sat and business far advanced without American representatives. Nay, by this time, it may happen that the Parliament is dissolved; and then the members ship themselves again, to be again elected. The writs may arrive in America, before the poor members of a Parliament in which they never sat, can arrive at their several provinces. A new interest is formed, and they find other members are chosen whilst they are on the high seas. But, if the writs and members arrive together, here is at best a new trial of skill amongst the candidates,

after one set of them have well aired themselves with their two voyages of 6000 miles.

However, in order to facilitate everything to the author, we will suppose them all once more elected, and steering again to Old England, with a good heart, and a fair westerly wind in their stern. On their arrival, they find all in a hurry and bustle; in and out; condolence and congratulation; the crown is demised. Another Parliament is to be called. Away back to America again on a fourth voyage, and to a third election. Does the author mean to make our kings as immortal in their personal as in their politic character? or whilst he bountifully adds to their life, will he take from them their prerogative of dissolving Parliaments, in favor of the American union? or are the American representatives to be perpetual, and to feel neither demises of the crown, nor dissolutions of Parliament?

But these things may be granted to him, without bringing him much nearer to his point. What does he think of re-election? is the American member the only one who is not to take a place, or the only one to be exempted from the ceremony of re-election? How will this great politician preserve the rights of electors, the fairness of returns, and the privilege of the House of Commons, as the sole judge of such contests? It would undoubtedly be a glorious sight to have eight or ten petitions, or double returns, from Boston and Barbadoes, from Philadelphia and Jamaica, the members returned, and the petitioners, with all their train of attorneys, solicitors, mayors, selectmen, provost-marshals, and above five hundred or a thousand witnesses, come to the bar of the House of Commons. Possibly we might be interrupted in the enjoyment of this pleasing spectacle, if a war should break out, and our constitutional fleet, loaded with members of Parliament, returning-officers, petitions, and witnesses, the electors and elected, should become a prize to the French or Spaniards, and be conveyed to Carthagen, or to La Vera Cruz, and from thence perhaps to Mexico or Lima, there to remain until a cartel for members of Parliament can be settled, or until the war is ended.

In truth the author has little studied this business; or he might have known, that some of the most considerable provinces of America, such, for instance, as Connecticut and Massachusetts Bay, have not in each of them two men who can afford, at a distance from their estates, to spend a thousand pounds a year. How can these provinces be represented at Westminster? If their province pays them, they are American agents, with salaries, and not independent members of Parliament. It is true, that formerly in England members had salaries from their constituents; but they all had salaries, and were all, in this way, upon a par. If these American representatives have no salaries, then they must add to the list of our pensioners and dependents at court, or they must starve. There is no alternative.

Enough of this visionary union; in which much extravagance appears without any fancy, and the judgment is shocked without anything to refresh the imagination. It looks as if the author had dropped down from the moon, without any knowledge of

the general nature of this globe, of the general nature of its inhabitants, without the least acquaintance with the affairs of this country. Governor Pownall has handled the same subject. To do him justice, he treats it upon far more rational principles of speculation; and much more like a man of business. He thinks (erroneously, I conceive; but he does think) that our legislative rights are incomplete without such a representation. It is no wonder, therefore, that he endeavors by every means to obtain it. Not like our author, who is always on velvet, he is aware of some difficulties; and he proposes some solutions. But nature is too hard for both these authors; and America is, and ever will be, without actual representation in the House of Commons; nor will any minister be wild enough even to propose such a representation in Parliament; however he may choose to throw out that project, together with others equally far from his real opinions, and remote from his designs, merely to fall in with the different views, and captivate the affections, of different sorts of men.

Whether these projects arise from the author's real political principles, or are only brought out in subservience to his political views, they compose the whole of anything that is like precise and definite, which the author has given us to expect from that administration which is so much the subject of his praises and prayers. As to his general propositions, that "there is a deal of difference between impossibilities and great difficulties"; that "a great scheme cannot be carried unless made the business of successive administrations"; that "virtuous and able men are the fittest to serve their country"; all this I look on as no more than so much rubble to fill up the spaces between the regular masonry. Pretty much in the same light I cannot forbear considering his detached observations on commerce; such as, that "the system for colony regulations would be very simple, and mutually beneficial to Great Britain and her colonies, if the old navigation laws were adhered to." That "the transportation should be in all cases in ships belonging to British subjects." That "even British ships should not be *generally* received into the colonies from any part of Europe, except the dominions of Great Britain." That "it is unreasonable that corn and such like products should be restrained to come first to a British port." What do all these fine observations signify? Some of them condemn, as ill practices, things that were never practised at all. Some recommend to be done, things that always have been done. Others indeed convey, though obliquely and loosely, some insinuations highly dangerous to our commerce. If I could prevail on myself to think the author meant to ground any practice upon these general propositions, I should think it very necessary to ask a few questions about some of them. For instance, what does he mean by talking of an adherence to the old navigation laws? Does he mean, that the particular law, 12 Car. II. c. 19, commonly called "The Act of Navigation," is to be adhered to, and that the several subsequent additions, amendments, and exceptions, ought to be all repealed? If so, he will make a strange havoc in the whole system of our trade laws, which have been universally

acknowledged to be full as well founded in the alterations and exceptions, as the act of Charles the Second in the original provisions; and to pursue full as wisely the great end of that very politic law, the increase of the British navigation. I fancy the writer could hardly propose anything more alarming to those immediately interested in that navigation than such a repeal. If he does not mean this, he has got no farther than a nugatory proposition, which nobody can contradict, and for which no man is the wiser.

That “the regulations for the colony trade would be few and simple if the old navigation laws were adhered to,” I utterly deny as a fact. That they ought to be so, sounds well enough; but this proposition is of the same nugatory nature with some of the former. The regulations for the colony trade ought not to be more nor fewer, nor more nor less complex, than the occasion requires. And, as that trade is in a great measure a system of art and restriction, they can neither be few nor simple. It is true, that the very principle may be destroyed, by multiplying to excess the means of securing it. Never did a minister depart more from the author’s ideas of simplicity, or more embarrass the trade of America with the multiplicity and intricacy of regulations and ordinances, than his boasted minister of 1764. That minister seemed to be possessed with something, hardly short of a rage, for regulation and restriction. He had so multiplied bonds, certificates, affidavits, warrants, sufferances, and cockets; had supported them with such severe penalties, and extended them without the least consideration of circumstances to so many objects, that, had they all continued in their original force, commerce must speedily have expired under them. Some of them, the ministry which gave them birth was obliged to destroy: with their own hand they signed the condemnation of their own regulations; confessing in so many words, in the preamble of their act of the 5th Geo. III., that some of these regulations had laid *an unnecessary restraint on the trade and correspondence of his Majesty’s American subjects*. This, in that ministry, was a candid confession of a mistake; but every alteration made in those regulations by their successors is to be the effect of envy, and American misrepresentation. So much for the author’s simplicity in regulation.

I have now gone through all which I think immediately essential in the author’s idea of war, of peace, of the comparative states of England and France, of our actual situation; in his projects of economy, of finance, of commerce, and of constitutional improvement. There remains nothing now to be considered, except his heavy censures upon the administration which was formed in 1765; which is commonly known by the name of the Marquis of Rockingham’s administration, as the administration which preceded it is by that of Mr. Grenville. These censures relate chiefly to three heads: — 1. To the repeal of the American Stamp Act. 2. To the commercial regulations then made. 3. To the course of foreign negotiations during that short period.

A person who knew nothing of public affairs but from the writings of this author, would be led to conclude, that, at the time of the change in June, 1765, some well-digested system of administration, founded in national strength, and in the affections of the people, proceeding in all points with the most reverential and tender regard to the laws, and pursuing with equal wisdom and success everything which could tend to the internal prosperity, and to the external honor and dignity of this country, had been all at once subverted, by an irruption of a sort of wild, licentious, unprincipled invaders, who wantonly, and with a barbarous rage, had defaced a thousand fair monuments of the constitutional and political skill of their predecessors. It is natural indeed that this author should have some dislike to the administration which was formed in 1765. Its views, in most things, were different from those of his friends; in some, altogether opposite to them. It is impossible that both of these administrations should be the objects of public esteem. Their different principles compose some of the strongest political lines which discriminate the parties even now subsisting amongst us. The ministers of 1764 are not indeed followed by very many in their opposition; yet a large part of the people now in office entertain, or pretend to entertain, sentiments entirely conformable to theirs; whilst some of the former colleagues of the ministry which was formed in 1765, however they may have abandoned the connection, and contradicted by their conduct the principles of their former friends, pretend, on their parts, still to adhere to the same maxims. All the lesser divisions, which are indeed rather names of personal attachment than of party distinction, fall in with the one or the other of these leading parties.

I intend to state, as shortly as I am able, the general condition of public affairs, and the disposition of the minds of men, at the time of the remarkable change of system in 1765. The reader will have thereby a more distinct view of the comparative merits of these several plans, and will receive more satisfaction concerning the ground and reason of the measures which were then pursued, than, I believe, can be derived from the perusal of those partial representations contained in the "State of the Nation," and the other writings of those who have continued, for now nearly three years, in the undisturbed possession of the press. This will, I hope, be some apology for my dwelling a little on this part of the subject.

On the resignation of the Earl of Bute, in 1763, our affairs had been delivered into the hands of three ministers of his recommendation: Mr. Grenville, the Earl of Egremont, and the Earl of Halifax. This arrangement, notwithstanding the retirement of Lord Bute, announced to the public a continuance of the same measures; nor was there more reason to expect a change from the death of the Earl of Egremont. The Earl of Sandwich supplied his place. The Duke of Bedford, and the gentlemen who act in that connection, and whose general character and politics were sufficiently understood, added to the strength of the ministry, without making

any alteration in their plan of conduct. Such was the constitution of the ministry which was changed in 1765.

As to their politics, the principles of the peace of Paris governed in foreign affairs. In domestic, the same scheme prevailed, of contradicting the opinions, and disgracing most of the persons, who had been countenanced and employed in the late reign. The inclinations of the people were little attended to; and a disposition to the use of forcible methods ran through the whole tenor of administration. The nation in general was uneasy and dissatisfied. Sober men saw causes for it, in the constitution of the ministry and the conduct of the ministers. The ministers, who have usually a short method on such occasions, attributed their unpopularity wholly to the efforts of faction. However this might be, the licentiousness and tumults of the common people, and the contempt of government, of which our author so often and so bitterly complains, as owing to the mismanagement of the subsequent administrations, had at no time risen to a greater or more dangerous height. The measures taken to suppress that spirit were as violent and licentious as the spirit itself; injudicious, precipitate, and some of them illegal. Instead of allaying, they tended infinitely to inflame the distemper; and whoever will be at the least pains to examine, will find those measures not only the causes of the tumults which then prevailed, but the real sources of almost all the disorders which have arisen since that time. More intent on making a victim to party than an example of justice, they blundered in the method of pursuing their vengeance. By this means a discovery was made of many practices, common indeed in the office of Secretary of State, but wholly repugnant to our laws, and to the genius of the English constitution. One of the worst of these was, the wanton and indiscriminate seizure of papers, even in cases where the safety of the state was not pretended in justification of so harsh a proceeding. The temper of the ministry had excited a jealousy, which made the people more than commonly vigilant concerning every power which was exercised by government. The abuse, however sanctioned by custom, was evident; but the ministry, instead of resting in a prudent inactivity, or (what would have been still more prudent) taking the lead, in quieting the minds of the people, and ascertaining the law upon those delicate points, made use of the whole influence of government to prevent a Parliamentary resolution against these practices of office. And lest the colorable reasons, offered in argument against this Parliamentary procedure, should be mistaken for the real motives of their conduct, all the advantage of privilege, all the arts and finesses of pleading, and great sums of public money were lavished, to prevent any decision upon those practices in the courts of justice. In the mean time, in order to weaken, since they could not immediately destroy, the liberty of the press, the privilege of Parliament was voted away in all accusations for a seditious libel. The freedom of debate in Parliament itself was no less menaced. Officers of the army, of long and meritorious service, and of small fortunes, were chosen as victims for a single vote, by an exertion of ministerial power, which had been very

rarely used, and which is extremely unjust, as depriving men not only of a place, but a profession, and is indeed of the most pernicious example both in a civil and a military light.

Whilst all things were managed at home with such a spirit of disorderly despotism, abroad there was a proportionable abatement of all spirit. Some of our most just and valuable claims were in a manner abandoned. This indeed seemed not very inconsistent conduct in the ministers who had made the treaty of Paris. With regard to our domestic affairs, there was no want of industry; but there was a great deficiency of temper and judgment, and manly comprehension of the public interest. The nation certainly wanted relief, and government attempted to administer it. Two ways were principally chosen for this great purpose. The first by regulations; the second by new funds of revenue. Agreeably to this plan, a new naval establishment was formed at a good deal of expense, and to little effect, to aid in the collection of the customs. Regulation was added to regulation; and the strictest and most unreserved orders were given, for a prevention of all contraband trade here, and in every part of America. A teasing custom-house, and a multiplicity of perplexing regulations, ever have, and ever will appear, the masterpiece of finance to people of narrow views; as a paper against smuggling, and the importation of French finery, never fails of furnishing a very popular column in a newspaper.

The greatest part of these regulations were made for America; and they fell so indiscriminately on all sorts of contraband, or supposed contraband, that some of the most valuable branches of trade were driven violently from our ports; which caused an universal consternation throughout the colonies. Every part of the trade was infinitely distressed by them. Men-of-war now for the first time, armed with regular commissions of custom-house officers, invested the coasts, and gave to the collection of revenue the air of hostile contribution. About the same time that these regulations seemed to threaten the destruction of the only trade from whence the plantations derived any specie, an act was made, putting a stop to the future emission of paper currency, which used to supply its place among them. Hand in hand with this went another act, for obliging the colonies to provide quarters for soldiers. Instantly followed another law, for levying throughout all America new port duties, upon a vast variety of commodities of their consumption, and some of which lay heavy upon objects necessary for their trade and fishery. Immediately upon the heels of these, and amidst the uneasiness and confusion produced by a crowd of new impositions and regulations, some good, some evil, some doubtful, all crude and ill-considered, came another act, for imposing an universal stamp-duty on the colonies; and this was declared to be little more than an experiment, and a foundation of future revenue. To render these proceedings the more irritating to the colonies, the principal argument used in favor of their ability to pay such duties was the liberality of the grants of their assemblies during the late war. Never could any

argument be more insulting and mortifying to a people habituated to the granting of their own money.

Taxes for the purpose of raising revenue had hitherto been sparingly attempted in America. Without ever doubting the extent of its lawful power, Parliament always doubted the propriety of such impositions. And the Americans on their part never thought of contesting a right by which they were so little affected. Their assemblies in the main answered all the purposes necessary to the internal economy of a free people, and provided for all the exigencies of government which arose amongst themselves. In the midst of that happy enjoyment, they never thought of critically settling the exact limits of a power, which was necessary to their union, their safety, their equality, and even their liberty. Thus the two very difficult points, superiority in the presiding state, and freedom in the subordinate, were on the whole sufficiently, that is, practically, reconciled; without agitating those vexatious questions, which in truth rather belong to metaphysics than politics, and which can never be moved without shaking the foundations of the best governments that have ever been constituted by human wisdom. By this measure was let loose that dangerous spirit of disquisition, not in the coolness of philosophical inquiry, but inflamed with all the passions of a haughty, resentful people, who thought themselves deeply injured, and that they were contending for everything that was valuable in the world.

In England, our ministers went on without the least attention to these alarming dispositions; just as if they were doing the most common things in the most usual way, and among a people not only passive, but pleased. They took no one step to divert the dangerous spirit which began even then to appear in the colonies, to compromise with it, to mollify it, or to subdue it. No new arrangements were made in civil government; no new powers or instructions were given to governors; no augmentation was made, or new disposition, of forces. Never was so critical a measure pursued with so little provision against its necessary consequences. As if all common prudence had abandoned the ministers, and as if they meant to plunge themselves and us headlong into that gulf which stood gaping before them; by giving a year's notice of the project of their Stamp Act, they allowed time for all the discontents of that country to fester and come to a head, and for all the arrangements which factious men could make towards an opposition to the law. At the same time they carefully concealed from the eye of Parliament those remonstrances which they had actually received; and which in the strongest manner indicated the discontent of some of the colonies, and the consequences which might be expected; they concealed them even in defiance of an order of council, that they should be laid before Parliament. Thus, by concealing the true state of the case, they rendered the wisdom of the nation as improvident as their own temerity, either in preventing or guarding against the mischief. It has indeed, from the beginning to this hour, been the uniform policy of this set of men, in order at any hazard to

obtain a present credit, to propose whatever might be pleasing, as attended with no difficulty; and afterwards to throw all the disappointment of the wild expectations they had raised, upon those who have the hard task of freeing the public from the consequences of their pernicious projects.

Whilst the commerce and tranquillity of the whole empire were shaken in this manner, our affairs grew still more distracted by the internal dissensions of our ministers. Treachery and ingratitude were charged from one side; despotism and tyranny from the other; the vertigo of the regency bill; the awkward reception of the silk bill in the House of Commons, and the inconsiderate and abrupt rejection of it in the House of Lords; the strange and violent tumults which arose in consequence, and which were rendered more serious by being charged by the ministers upon one another; the report of a gross and brutal treatment of the ———, by a minister at the same time odious to the people; all conspired to leave the public, at the close of the session of 1765, in as critical and perilous a situation, as ever the nation was, or could be, in a time when she was not immediately threatened by her neighbors.

It was at this time, and in these circumstances, that a new administration was formed. Professing even industriously, in this public matter, to avoid anecdotes; I say nothing of those famous reconciliations and quarrels, which weakened the body that should have been the natural support of this administration. I run no risk in affirming, that, surrounded as they were with difficulties of every species, nothing but the strongest and most uncorrupt sense of their duty to the public could have prevailed upon some of the persons who composed it to undertake the king's business at such a time. Their preceding character, their measures while in power, and the subsequent conduct of many of them, I think, leave no room to charge this assertion to flattery. Having undertaken the commonwealth, what remained for them to do? to piece their conduct upon the broken chain of former measures? If they had been so inclined, the ruinous nature of those measures, which began instantly to appear, would not have permitted it. Scarcely had they entered into office, when letters arrived from all parts of America, making loud complaints, backed by strong reasons, against several of the principal regulations of the late ministry, as threatening destruction to many valuable branches of commerce. These were attended with representations from many merchants and capital manufacturers at home, who had all their interests involved in the support of lawful trade, and in the suppression of every sort of contraband. Whilst these things were under consideration, that conflagration blazed out at once in North America; an universal disobedience, and open resistance to the Stamp Act; and, in consequence, an universal stop to the course of justice, and to trade and navigation, throughout that great important country; an interval during which the trading interest of England lay under the most dreadful anxiety which it ever felt.

The repeal of that act was proposed. It was much too serious a measure, and attended with too many difficulties upon every side, for the then ministry to have

undertaken it, as some paltry writers have asserted, from envy and dislike to their predecessors in office. As little could it be owing to personal cowardice, and dread of consequences to themselves. Ministers, timorous from their attachment to place and power, will fear more from the consequences of one court intrigue, than from a thousand difficulties to the commerce and credit of their country by disturbances at three thousand miles distance. From which of these the ministers had most to apprehend at that time, is known, I presume, universally. Nor did they take that resolution from a want of the fullest sense of the inconveniences which must necessarily attend a measure of concession from the sovereign to the subject. That it must increase the insolence of the mutinous spirits in America, was but too obvious. No great measure indeed, at a very difficult crisis, can be pursued, which is not attended with some mischief; none but conceited pretenders in public business will hold any other language: and none but weak and unexperienced men will believe them, if they should. If we were found in such a crisis, let those, whose bold designs, and whose defective arrangements, brought us into it, answer for the consequences. The business of the then ministry evidently was, to take such steps, not as the wishes of our author, or as their own wishes dictated, but as the bad situation in which their predecessors had left them, absolutely required.

The disobedience to this act was universal throughout America; nothing, it was evident, but the sending a very strong military, backed by a very strong naval force, would reduce the seditious to obedience. To send it to one town, would not be sufficient; every province of America must be traversed, and must be subdued. I do not entertain the least doubt but this could be done. We might, I think, without much difficulty, have destroyed our colonies. This destruction might be effected, probably in a year, or in two at the utmost. If the question was upon a foreign nation, where every successful stroke adds to your own power, and takes from that of a rival, a just war with such a certain superiority would be undoubtedly an advisable measure. But *four million* of debt due to our merchants, the total cessation of a trade annually worth *four million* more, a large foreign traffic, much home manufacture, a very capital immediate revenue arising from colony imports, indeed the produce of every one of our revenues greatly depending on this trade, all these were very weighty accumulated considerations, at least well to be weighed, before that sword was drawn, which even by its victories must produce all the evil effects of the greatest national defeat. How public credit must have suffered, I need not say. If the condition of the nation, at the close of our foreign war, was what this author represents it, such a civil war would have been a bad couch, on which to repose our wearied virtue. Far from being able to have entered into new plans of economy, we must have launched into a new sea, I fear a boundless sea, of expense. Such an addition of debt, with such a diminution of revenue and trade, would have left us in no want of a "State of the Nation" to aggravate the picture of our distresses.

Our trade felt this to its vitals; and our then ministers were not ashamed to say, that they sympathized with the feelings of our merchants. The universal alarm of the whole trading body of England, will never be laughed at by them as an ill-grounded or a pretended panic. The universal desire of that body will always have great weight with them in every consideration connected with commerce: neither ought the opinion of that body to be slighted (notwithstanding the contemptuous and indecent language of this author and his associates) in any consideration whatsoever of revenue. Nothing amongst us is more quickly or deeply affected by taxes of any kind than trade; and if an American tax was a real relief to England, no part of the community would be sooner or more materially relieved by it than our merchants. But they well know that the trade of England must be more burdened by one penny raised in America, than by three in England; and if that penny be raised with the uneasiness, the discontent, and the confusion of America, more than by ten.

If the opinion and wish of the landed interest is a motive, and it is a fair and just one, for taking away a real and large revenue, the desire of the trading interest of England ought to be a just ground for taking away a tax of little better than speculation, which was to be collected by a war, which was to be kept up with the perpetual discontent of those who were to be affected by it, and the value of whose produce even after the *ordinary* charges of collection, was very uncertain; after the *extraordinary*, the dearest purchased revenue that ever was made by any nation.

These were some of the motives drawn from principles of convenience for that repeal. When the object came to be more narrowly inspected, every motive concurred. These colonies were evidently founded in subservience to the commerce of Great Britain. From this principle, the whole system of our laws concerning them became a system of restriction. A double monopoly was established on the part of the parent country; 1. A monopoly of their whole import, which is to be altogether from Great Britain; 2. A monopoly of all their export, which is to be nowhere but to Great Britain, as far as it can serve any purpose here. On the same idea it was contrived that they should send all their products to us raw, and in their first state; and that they should take everything from us in the last stage of manufacture.

Were ever a people under such circumstances, that is, a people who were to export raw, and to receive manufactured, and this, not a few luxurious articles, but all articles, even to those of the grossest, most vulgar, and necessary consumption, a people who were in the hands of a general monopolist, were ever such a people suspected of a possibility of becoming a just object of revenue? All the ends of their foundation must be supposed utterly contradicted before they could become such an object. Every trade law we have made must have been eluded, and become useless, before they could be in such a condition.

The partisans of the new system, who, on most occasions, take credit for full as much knowledge as they possess, think proper on this occasion to counterfeit an extraordinary degree of ignorance, and in consequence of it to assert, “that the balance (between the colonies and Great Britain) is unknown, and that no important conclusion can be drawn from premises so very uncertain.” Now to what can this ignorance be owing? were the navigation laws made, that this balance should be unknown? is it from the course of exchange that it is unknown, which all the world knows to be greatly and perpetually against the colonies? is it from the doubtful nature of the trade we carry on with the colonies? are not these schemists well apprised that the colonists, particularly those of the northern provinces, import more from Great Britain, ten times more, than they send in return to us? that a great part of their foreign balance is and must be remitted to London? I shall be ready to admit that the colonies ought to be taxed to the revenues of this country, when I know that they are out of debt to its commerce. This author will furnish some ground to his theories, and communicate a discovery to the public, if he can show this by any medium. But he tells us that “their seas are covered with ships, and their rivers floating with commerce.” This is true. But it is with *our* ships that these seas are covered; and their rivers float with British commerce. The American merchants are our factors; all in reality, most even in name. The Americans trade, navigate, cultivate, with English capitals; to their own advantage, to be sure; for without these capitals their ploughs would be stopped, and their ships wind-bound. But he who furnishes the capital must, on the whole, be the person principally benefited; the person who works upon it profits on his part too; but he profits in a subordinate way, as our colonies do; that is, as the servant of a wise and indulgent master, and no otherwise. We have all, except the *peculium*; without which even slaves will not labor.

If the author’s principles, which are the common notions, be right, that the price of our manufactures is so greatly enhanced by our taxes; then the Americans already pay in that way a share of our impositions. He is not ashamed to assert, that “France and China may be said, on the same principle, to bear a part of our charges, for they consume our commodities.” Was ever such a method of reasoning heard of? Do not the laws absolutely confine the colonies to buy from us, whether foreign nations sell cheaper or not? On what other idea are all our prohibitions, regulations, guards, penalties, and forfeitures, framed? To secure to us, not a commercial preference, which stands in need of no penalties to enforce it; it finds its own way; but to secure to us a trade, which is a creature of law and institution. What has this to do with the principles of a foreign trade, which is under no monopoly, and in which we cannot raise the price of our goods, without hazarding the demand for them? None but the authors of such measures could ever think of making use of such arguments.

Whoever goes about to reason on any part of the policy of this country with regard to America, upon the mere abstract principles of government, or even upon those of our own ancient constitution, will be often misled. Those who resort for arguments to the most respectable authorities, ancient or modern, or rest upon the clearest maxims, drawn from the experience of other states and empires, will be liable to the greatest errors imaginable. The object is wholly new in the world. It is singular; it is grown up to this magnitude and importance within the memory of man; nothing in history is parallel to it. All the reasonings about it, that are likely to be at all solid, must be drawn from its actual circumstances. In this new system a principle of commerce, of artificial commerce, must predominate. This commerce must be secured by a multitude of restraints very alien from the spirit of liberty; and a powerful authority must reside in the principal state, in order to enforce them. But the people who are to be the subjects of these restraints are descendants of Englishmen; and of a high and free spirit. To hold over them a government made up of nothing but restraints and penalties, and taxes in the granting of which they can have no share, will neither be wise nor long practicable. People must be governed in a manner agreeable to their temper and disposition; and men of free character and spirit must be ruled with, at least, some condescension to this spirit and this character. The British, colonist must see something which will distinguish him from the colonists of other nations.

Those seasonings, which infer from the many restraints under which we have already laid America, to our right to lay it under still more, and indeed under all manner of restraints, are conclusive; conclusive as to right; but the very reverse as to policy and practice. We ought rather to infer from our having laid the colonies under many restraints, that it is reasonable to compensate them by every indulgence that can by any means be reconciled to our interest. We have a great empire to rule, composed of a vast mass of heterogeneous governments, all more or less free and popular in their forms, all to be kept in peace, and kept out of conspiracy, with one another, all to be held in subordination to this country; while the spirit of an extensive and intricate and trading interest pervades the whole, always qualifying, and often controlling, every general idea of constitution and government. It is a great and difficult object; and I wish we may possess wisdom and temper enough to manage it as we ought. Its importance is infinite. I believe the reader will be struck, as I have been, with one singular fact. In the year 1704, but sixty-five years ago, the whole trade with our plantations was but a few thousand pounds more in the export article, and a third less in the import, than that which we now carry on with the single island of Jamaica: —

Exports.

Imports.

Total English plantations in 1704
£488,265
£ 814,491

Jamaica, 1767
467,681
1,243,742

From the same information I find that our dealing with most of the European nations is but little increased: these nations have been pretty much at a stand since that time, and we have rivals in their trade. This colony intercourse is a new world of commerce in a manner created; it stands upon principles of its own; principles hardly worth endangering for any little consideration of extorted revenue.

The reader sees, that I do not enter so fully into this matter as obviously I might. I have already been led into greater lengths than I intended. It is enough to say, that before the ministers of 1765 had determined to propose the repeal of the Stamp Act in Parliament, they had the whole of the American constitution and commerce very fully before them. They considered maturely; they decided with wisdom: let me add, with firmness. For they resolved, as a preliminary to that repeal, to assert in the fullest and least equivocal terms the unlimited legislative right of this country over its colonies; and, having done this, to propose the repeal, on principles, not of constitutional right, but on those of expediency, of equity, of lenity, and of the true interests present and future of that great object for which alone the colonies were founded, navigation and commerce. This plan I say, required an uncommon degree of firmness, when we consider that some of those persons who might be of the greatest use in promoting the repeal, violently withstood the declaratory act; and they who agreed with administration in the principles of that law, equally made, as well the reasons on which the declaratory act itself stood, as those on which it was opposed, grounds for an opposition to the repeal.

If the then ministry resolved first to declare the right, it was not from any opinion they entertained of its future use in regular taxation. Their opinions were full and declared against the ordinary use of such a power. But it was plain, that the general reasonings which were employed against that power went directly to our whole legislative right; and one part of it could not be yielded to such arguments, without a virtual surrender of all the rest. Besides, if that very specific power of levying money in the colonies were not retained as a sacred trust in the hands of Great Britain (to be used, not in the first instance for supply, but in the last exigence for control), it is obvious, that the presiding authority of Great Britain, as the head, the arbiter, and director of the whole empire, would vanish into an empty name, without operation or energy. With the habitual exercise of such a power in the ordinary course of supply, no trace of freedom could remain to America. If Great

Britain were stripped of this right, every principle of unity and subordination in the empire was gone forever. Whether all this can be reconciled in legal speculation, is a matter of no consequence. It is reconciled in policy: and politics ought to be adjusted, not to human reasonings, but to human nature; of which the reason is but a part, and by no means the greatest part.

Founding the repeal on this basis, it was judged proper to lay before Parliament the whole detail of the American affairs, as fully as it had been laid before the ministry themselves. Ignorance of those affairs had misled Parliament. Knowledge alone could bring it into the right road. Every paper of office was laid upon the table of the two Houses; every denomination of men, either of America, or connected with it by office, by residence, by commerce, by interest, even by injury; men of civil and military capacity, officers of the revenue, merchants, manufacturers of every species, and from every town in England, attended at the bar. Such evidence never was laid before Parliament. If an emulation arose among the ministers and members of Parliament, as the author rightly observes, for the repeal of this act, as well as for the other regulations, it was not on the confident assertions, the airy speculations, or the vain promises of ministers, that it arose. It was the sense of Parliament on the evidence before them. No one so much as suspects that ministerial allurements or terrors had any share in it.

Our author is very much displeased, that so much credit was given to the testimony of merchants. He has a habit of railing at them: and he may, if he pleases, indulge himself in it. It will not do great mischief to that respectable set of men. The substance of their testimony was, that their debts in America were very great: that the Americans declined to pay them, or to renew their orders, whilst this act continued: that, under these circumstances, they despaired of the recovery of their debts, or the renewal of their trade in that country: that they apprehended a general failure of mercantile credit. The manufacturers deposed to the same general purpose, with this addition, that many of them had discharged several of their artificers; and, if the law and the resistance to it should continue, must dismiss them all.

This testimony is treated with great contempt by our author. It must be, I suppose, because it was contradicted by the plain nature of things. Suppose then that the merchants had, to gratify this author, given a contrary evidence; and had deposed, that while America remained in a state of resistance, whilst four million of debt remained unpaid, whilst the course of justice was suspended for want of stamped paper, so that no debt could be recovered, whilst there was a total stop to trade, because every ship was subject to seizure for want of stamped clearances, and while the colonies were to be declared in rebellion, and subdued by armed force, that in these circumstances they would still continue to trade cheerfully and fearlessly as before: would not such witnesses provoke universal indignation for their folly or their wickedness, and be deservedly hooted from the bar: would any

human faith have given credit to such assertions? The testimony of the merchants was necessary for the detail, and to bring the matter home to the feeling of the House; as to the general reasons, they spoke abundantly for themselves.

Upon these principles was the act repealed, and it produced all the good effect which was expected from it: quiet was restored; trade generally returned to its ancient channels; time and means were furnished for the better strengthening of government there, as well as for recovering, by judicious measures, the affections of the people, had that ministry continued, or had a ministry succeeded with dispositions to improve that opportunity.

Such an administration did not succeed. Instead of profiting of that season of tranquillity, in the very next year they chose to return to measures of the very same nature with those which had been so solemnly condemned; though upon a smaller scale. The effects have been correspondent, America is again in disorder; not indeed in the same degree as formerly, nor anything like it. Such good effects have attended the repeal of the Stamp Act, that the colonies have actually paid the taxes; and they have sought their redress (upon however improper principles) not in their own violence, as formerly; but in the experienced benignity of Parliament. They are not easy indeed, nor ever will be so, under this author's schemes of taxation; but we see no longer the same general fury and confusion, which attended their resistance to the Stamp Act. The author may rail at the repeal, and those who proposed it, as he pleases. Those honest men suffer all his obloquy with pleasure, in the midst of the quiet which they have been the means of giving to their country; and would think his praises for their perseverance in a pernicious scheme, a very bad compensation for the disturbance of our peace, and the ruin of our commerce. Whether the return to the system of 1764, for raising a revenue in America, the discontents which have ensued in consequence of it, the general suspension of the assemblies in consequence of these discontents, the use of the military power, and the new and dangerous commissions which now hang over them, will produce equally good effects, is greatly to be doubted. Never, I fear, will this nation and the colonies fall back upon their true centre of gravity, and natural point of repose, until the ideas of 1766 are resumed, and steadily pursued.

As to the regulations, a great subject of the author's accusation, they are of two sorts; one of a mixed nature, of revenue and trade; the other simply relative to trade. With regard to the former I shall observe, that, in all deliberations concerning America, the ideas of that administration were principally these; to take trade as the primary end, and revenue but as a very subordinate consideration. Where trade was likely to suffer, they did not hesitate for an instant to prefer it to taxes, whose produce at best was contemptible, in comparison of the object which they might endanger. The other of their principles was, to suit the revenue to the object. Where the difficulty of collection, from the nature of the country, and of the revenue establishment, is so very notorious, it was their policy to hold out as few temptations

to smuggling as possible, by keeping the duties as nearly as they could on a balance with the risk. On these principles they made many alterations in the port-duties of 1764, both in the mode and in the quantity. The author has not attempted to prove them erroneous. He complains enough to show that he is in an ill-humor, not that his adversaries have done amiss.

As to the regulations which were merely relative to commerce, many were then made; and they were all made upon this principle, that many of the colonies, and those some of the most abounding in people, were so situated as to have very few means of traffic with this country. It became therefore our interest to let them into as much foreign trade as could be given them without interfering with our own; and to secure by every method the returns to the mother country. Without some such scheme of enlargement, it was obvious that any benefit we could expect from these colonies must be extremely limited. Accordingly many facilities were given to their trade with the foreign plantations, and with the southern parts of Europe. As to the confining the returns to this country, administration saw the mischief and folly of a plan of indiscriminate restraint. They applied their remedy to that part where the disease existed, and to that only: on this idea they established regulations, far more likely to check the dangerous, clandestine trade with Hamburg and Holland, than this author's friends, or any of their predecessors had ever done.

The friends of the author have a method surely a little whimsical in all this sort of discussions. They have made an innumerable multitude of commercial regulations, at which the trade of England exclaimed with one voice, and many of which have been altered on the unanimous opinion of that trade. Still they go on, just as before, in a sort of droning panegyric on themselves, talking of these regulations as prodigies of wisdom; and, instead of appealing to those who are most affected and the best judges, they turn round in a perpetual circle of their own reasonings and pretences; they hand you over from one of their own pamphlets to another: "See," say they, "this demonstrated in the 'Regulations of the Colonies.'" "See this satisfactorily proved in 'The Considerations.'" By and by we shall have another: "See for this 'The State of the Nation.'" I wish to take another method in vindicating the opposite system. I refer to the petitions of merchants for these regulations; to their thanks when they were obtained; and to the strong and grateful sense they have ever since expressed of the benefits received under that administration.

All administrations have in their commercial regulations been generally aided by the opinion of some merchants; too frequently by that of a few, and those a sort of favorites: they have been directed by the opinion of one or two merchants, who were to merit in flatteries, and to be paid in contracts; who frequently advised, not for the general good of trade, but for their private advantage. During the administration of which this author complains, the meetings of merchants upon the business of trade were numerous and public; sometimes at the house of the Marquis of Rockingham; sometimes at Mr. Dowdeswell's; sometimes at Sir George Savile's,

a house always open to every deliberation favorable to the liberty or the commerce of his country. Nor were these meetings confined to the merchants of London. Merchants and manufacturers were invited from all the considerable towns in England. They conferred with the ministers and active members of Parliament. No private views, no local interests prevailed. Never were points in trade settled upon a larger scale of information. They who attended these meetings well know what ministers they were who heard the most patiently, who comprehended the most clearly, and who provided the most wisely. Let then this author and his friends still continue in possession of the practice of exalting their own abilities, in their pamphlets and in the newspapers. They never will persuade the public, that the merchants of England were in a general confederacy to sacrifice their own interests to those of North America, and to destroy the vent of their own goods in favor of the manufactures of France and Holland.

Had the friends of this author taken these means of information, his extreme terrors of contraband in the West India islands would have been greatly quieted, and his objections to the opening of the ports would have ceased. He would have learned, from the most satisfactory analysis of the West India trade, that we have the advantage in every essential article of it; and that almost every restriction on our communication with our neighbors there, is a restriction unfavorable to ourselves.

Such were the principles that guided, and the authority that sanctioned, these regulations. No man ever said, that, in the multiplicity of regulations made in the administration of their predecessors, none were useful; some certainly were so; and I defy the author to show a commercial regulation of that period, which he can prove, from any authority except his own, to have a tendency beneficial to commerce, that has been repealed. So far were that ministry from being guided by a spirit of contradiction or of innovation.

The author's attack on that administration, for their neglect of our claims on foreign powers, is by much the most astonishing instance he has given, or that, I believe, any man ever did give, of an intrepid effrontery. It relates to the Manilla ransom; to the Canada bills; and to the Russian treaty. Could one imagine, that these very things, which he thus chooses to object to others, have been the principal subject of charge against his favorite ministry? Instead of clearing them of these charges, he appears not so much as to have heard of them; but throws them directly upon the administration which succeeded to that of his friends.

It is not always very pleasant to be obliged to produce the detail of this kind of transactions to the public view. I will content myself therefore with giving a short state of facts, which, when the author chooses to contradict, he shall see proved, more, perhaps, to his conviction, than to his liking. The first fact then is, that the demand for the Manilla ransom had been in the author's favorite administration so neglected as to appear to have been little less than tacitly abandoned. At home, no countenance was given to the claimants; and when it was mentioned in Parliament,

the then leader did not seem, at least, *a very sanguine advocate in favor of the claim*. These things made it a matter of no small difficulty to resume and press that negotiation with Spain. However, so clear was our right, that the then ministers resolved to revive it; and so little time was lost, that though that administration was not completed until the 9th of July, 1765, on the 20th of the following August, General Conway transmitted a strong and full remonstrance on that subject to the Earl of Rochfort. The argument, on which the court of Madrid most relied, was the dereliction of that claim by the preceding ministers. However, it was still pushed with so much vigor, that the Spaniards, from a positive denial to pay, offered to refer the demand to arbitration. That proposition was rejected; and the demand being still pressed, there was all the reason in the world to expect its being brought to a favorable issue; when it was thought proper to change the administration. Whether under their circumstances, and in the time they continued in power, more could be done, the reader will judge; who will hear with astonishment a charge of remissness from those very men, whose inactivity, to call it by no worse a name, laid the chief difficulties in the way of the revived negotiation.

As to the Canada bills, this author thinks proper to assert, “that the proprietors found themselves under a necessity of compounding their demands upon the French court, and accepting terms which they had often rejected, and which the Earl of Halifax had declared he would sooner forfeit his hand than sign.” When I know that the Earl of Halifax says so, the Earl of Halifax shall have an answer; but I persuade myself that his Lordship has given no authority for this ridiculous rant. In the mean time, I shall only speak of it as a common concern of that ministry.

In the first place, then, I observe, that a convention, for the liquidation of the Canada bills, was concluded under the administration of 1766; when nothing was concluded under that of the favorites of this author.

2. This transaction was, in every step of it, carried on in concert with the persons interested, and was terminated to their entire satisfaction. They would have acquiesced perhaps in terms somewhat lower than those which were obtained. The author is indeed too kind to them. He will, however, let them speak for themselves, and show what their own opinion was of the measures pursued in their favor. In what manner the execution of the convention has been since provided for, it is not my present business to examine.

3. The proprietors had absolutely despaired of being paid, at any time, any proportion, of their demand, until the change of that ministry. The merchants were checked and discountenanced; they had often been told, by some in authority, of the cheap rate at which these Canada bills had been procured; yet the author can talk of the composition of them as a necessity induced by the change in administration. They found themselves indeed, before that change, under a necessity of hinting somewhat of bringing the matter into Parliament; but they were soon silenced, and put in mind of the fate which the Newfoundland business had there

met with. Nothing struck them more than the strong contrast between the spirit, and method of proceeding, of the two administrations.

4. The Earl of Halifax never did, nor could, refuse to sign this convention; because this convention, as it stands, never was before him.

The author's last charge on that ministry, with regard to foreign affairs, is the Russian treaty of commerce, which the author thinks fit to assert, was concluded "on terms the Earl of Buckinghamshire had refused to accept of, and which had been deemed by former ministers disadvantageous to the nation, and by the merchants unsafe and unprofitable."

Both the assertions in this paragraph are equally groundless. The treaty then concluded by Sir George Macartney was not on the terms which the Earl of Buckinghamshire had refused. The Earl of Buckinghamshire never did refuse terms, because the business never came to the point of refusal, or acceptance; all that he did was, to receive the Russian project for a treaty of commerce, and to transmit it to England. This was in November, 1764; and he left Petersburg the January following, before he could even receive an answer from his own court. The conclusion of the treaty fell to his successor. Whoever will be at the trouble to compare it with the treaty of 1734, will, I believe, confess, that, if the former ministers could have obtained such terms, they were criminal in not accepting them.

But the merchants “deemed them unsafe and unprofitable.” What merchants? As no treaty ever was more maturely considered, so the opinion of the Russia merchants in London was all along taken; and all the instructions sent over were in exact conformity to that opinion. Our minister there made no step without having previously consulted our merchants resident in Petersburg, who, before the signing of the treaty, gave the most full and unanimous testimony in its favor. In their address to our minister at that court, among other things they say, “It may afford some additional satisfaction to your Excellency, to receive a public acknowledgment of *the entire and unreserved approbation of every article* in this treaty, from us who are so immediately and so nearly concerned in its consequences.” This was signed by the consul-general, and every British merchant in Petersburg.

The approbation of those immediately concerned in the consequences is nothing to this author. He and his friends have so much tenderness for people’s interests, and understand them so much better than they do themselves, that, whilst these politicians are contending for the best of possible terms, the claimants are obliged to go without any terms at all.

One of the first and justest complaints against the administration of the author’s friends, was the want of rigor in their foreign negotiations. Their immediate successors endeavored to correct that error, along with others; and there was scarcely a foreign court, in which the new spirit that had arisen was not sensibly felt, acknowledged, and sometimes complained of. On their coming into administration, they found the demolition of Dunkirk entirely at a stand: instead of demolition, they found construction; for the French were then at work on the repair of the jetties. On the remonstrances of General Conway, some parts of these jetties were immediately destroyed. The Duke of Richmond personally surveyed the place, and obtained a fuller knowledge of its true state and condition than any of our ministers had done; and, in consequence, had larger offers from the Duke of Choiseul than had ever been received. But, as these were short of our just expectations under the treaty, he rejected them. Our then ministers, knowing that, in their administration, the people’s minds were set at ease upon all the essential points of public and private liberty, and that no project of theirs could endanger the concord of the

empire, were under no restraint from pursuing every just demand upon foreign nations.

The author, towards the end of this work, falls into reflections upon the state of public morals in this country: he draws use from this doctrine, by recommending his friend to the king and the public, as another Duke of Sully; and he concludes the whole performance with a very devout prayer.

The prayers of politicians may sometimes be sincere; and as this prayer is in substance, that the author, or his friends, may be soon brought into power, I have great reason to believe it is very much from the heart. It must be owned too that after he has drawn such a picture, such a shocking picture, of the state of this country, he has great faith in thinking the means he prays for sufficient to relieve us: after the character he has given of its inhabitants of all ranks and classes, he has great charity in caring much about them; and indeed no less hope, in being of opinion, that such a detestable nation can ever become the care of Providence. He has not even found five good men in our devoted city.

He talks indeed of men of virtue and ability. But where are his *men* of virtue and ability to be found? Are they in the present administration? Never were a set of people more blackened by this author. Are they among the party of those (no small body) who adhere to the system of 1766? These it is the great purpose of this book to calumniate. Are they the persons who acted with his great friend, since the change in 1762, to his removal in 1765? Scarcely any of these are now out of employment; and we are in possession of his desideratum. Yet I think he hardly means to select, even some of the highest of them, as examples fit for the reformation of a corrupt world.

He observes, that the virtue of the most exemplary prince that ever swayed a sceptre “can never warm or illuminate the body of his people, if foul mirrors are placed so near him as to refract and dissipate the rays at their first emanation.” Without observing upon the propriety of this metaphor, or asking how mirrors come to have lost their old quality of reflecting, and to have acquired that of refracting, and dissipating rays, and how far their foulness will account for this change; the remark itself is common and true: no less true, and equally surprising from him, is that which immediately precedes it: “It is in vain to endeavor to check the progress of irreligion and licentiousness, by punishing such crimes in *one individual*, if others equally culpable are rewarded with the honors and emoluments of the state.” I am not in the secret of the author’s manner of writing; but it appears to me, that he must intend these reflections as a satire upon the administration of his happy years. Were over the honors and emoluments of the state more lavishly squandered upon persons scandalous in their lives than during that period? In these scandalous lives, was there anything more scandalous than the mode of punishing *one culpable individual*? In that individual, is anything more culpable than his

having been seduced by the example of some of those very persons by whom he was thus persecuted?

The author is so eager to attack others, that he provides but indifferently for his own defence. I believe, without going beyond the page I have now before me, he is very sensible, that I have sufficient matter of further, and, if possible, of heavier charge against his friends, upon his own principle. But it is because the advantage is too great, that I decline making use of it. I wish the author had not thought that all methods are lawful in party. Above all he ought to have taken care not to wound his enemies through the sides of his country. This he has done, by making that monstrous and overcharged picture of the distresses of our situation. No wonder that he, who finds this country in the same condition with that of France at the time of Henry the Fourth, could also find a resemblance between his political friend and the Duke of Sully. As to those personal resemblances, people will often judge of them from their affections: they may imagine in these clouds whatsoever figures they please; but what is the conformation of that eye which can discover a resemblance of this country and these times to those with which the author compares them? France, a country just recovered out of twenty-five years of the most cruel and desolating civil war that perhaps was ever known. The kingdom, under the veil of momentary quiet, full of the most atrocious political, operating upon the most furious fanatical factions. Some pretenders even to the crown; and those who did not pretend to the whole, aimed at the partition of the monarchy. There were almost as many competitors as provinces; and all abetted by the greatest, the most ambitious, and most enterprising power in Europe. No place safe from treason; no, not the bosoms on which the most amiable prince that ever lived reposed his head; not his mistresses; not even his queen. As to the finances, they had scarce an existence, but as a matter of plunder to the managers, and of grants to insatiable and ungrateful courtiers.

How can our author have the heart to describe this as any sort of parallel to our situation? To be sure, an April shower has some resemblance to a waterspout; for they are both wet: and there is some likeness between a summer evening's breeze and a hurricane; they are both wind: but who can compare our disturbances, our situation, or our finances, to those of France in the time of Henry? Great Britain is indeed at this time wearied, but not broken, with the efforts of a victorious foreign war; not sufficiently relieved by an inadequate peace, but somewhat benefited by that peace, and infinitely by the consequences of that war. The powers of Europe awed by our victories, and lying in ruins upon every side of us. Burdened indeed we are with debt, but abounding with resources. We have a trade, not perhaps equal to our wishes, but more than ever we possessed. In effect, no pretender to the crown; nor nutriment for such desperate and destructive factions as have formerly shaken this kingdom.

As to our finances, the author trifles with us. When Sully came to those of France, in what order was any part of the financial system? or what system was there at all? There is no man in office who must not be sensible that ours is, without the act of any parading minister, the most regular and orderly system perhaps that was ever known; the best secured against all frauds in the collection, and all misapplication in the expenditure of public money.

I admit that, in this flourishing state of things, there are appearances enough to excite uneasiness and apprehension. I admit there is a cankerworm in the rose:

Medio de fonte leporum

Surgit amari aliquid, quod in ipsis floribus angat.

This is nothing else than a spirit of disconnection, of distrust, and of treachery among public men. It is no accidental evil, nor has its effect been trusted to the usual frailty of nature; the distemper has been inoculated. The author is sensible of it, and we lament it together. This distemper is alone sufficient to take away considerably from the benefits of our constitution and situation, and perhaps to render their continuance precarious. If these evil dispositions should spread much farther, they must end in our destruction; for nothing can save a people destitute of public and private faith. However, the author, for the present state of things, has extended the charge by much too widely; as men are but too apt to take the measure of all mankind from their own particular acquaintance. Barren as this age may be in the growth of honor and virtue, the country does not want, at this moment, as strong, and those not a few examples, as were ever known, of an unshaken adherence to principle, and attachment to connection, against every allurements of interest. Those examples are not furnished by the great alone; nor by those, whose activity in public affairs may render it suspected that they make such a character one of the rounds in their ladder of ambition; but by men more quiet, and more in the shade, on whom an unmixed sense of honor alone could operate. Such examples indeed are not furnished in great abundance amongst those who are the subjects of the author's panegyric. He must look for them in another camp. He who complains of the ill effects of a divided and heterogeneous administration, is not justifiable in laboring to render odious in the eyes of the public those men, whose principles, whose maxims of policy, and whose personal character, can alone administer a remedy to this capital evil of the age: neither is he consistent with himself, in constantly extolling those whom he knows to be the authors of the very mischief of which he complains, and which the whole nation feels so deeply.

The persons who are the objects of his dislike and complaint are many of them of the first families, and weightiest properties, in the kingdom; but infinitely more distinguished for their untainted honor, public and private, and their zealous, but sober attachment to the constitution of their country, than they can be by any birth, or any station. If they are the friends of any one great man rather than another, it is not that they make his aggrandizement the end of their union; or because they know

him to be the most active in caballing for his connections the largest and speediest emoluments. It is because they know him, by personal experience, to have wise and enlarged ideas of the public good, and an invincible constancy in adhering to it; because they are convinced, by the whole tenor of his actions, that he will never negotiate away their honor or his own: and that, in or out of power, change of situation will make no alteration in his conduct. This will give to such a person in such a body, an authority and respect that no minister ever enjoyed among his venal dependents, in the highest plenitude of his power; such as servility never can give, such as ambition never can receive or relish.

This body will often be reproached by their adversaries, for want of ability in their political transactions; they will be ridiculed for missing many favorable conjunctures, and not profiting of several brilliant opportunities of fortune; but they must be contented to endure that reproach; for they cannot acquire the reputation of *that kind* of ability without losing all the other reputation they possess.

They will be charged too with a dangerous spirit of exclusion and proscription, for being unwilling to mix in schemes of administration, which have no bond of union, or principle of confidence. That charge too they must suffer with patience. If the reason of the thing had not spoken loudly enough, the miserable examples of the several administrations constructed upon the idea of systematic discord would be enough to frighten them from such, monstrous and ruinous conjunctions. It is however false, that the idea of an united administration carries with it that of a proscription of any other party. It does indeed imply the necessity of having the great strongholds of government in well-united hands, in order to secure the predominance of right and uniform principles; of having the capital offices of deliberation and execution of those who can deliberate with mutual confidence, and who will execute what is resolved with firmness and fidelity. If this system cannot be rigorously adhered to in practice, (and what system can be so?) it ought to be the constant aim of good men to approach as nearly to it as possible. No system of that kind can be formed, which will not leave room fully sufficient for healing coalitions: but no coalition, which, under the specious name of independency, carries in its bosom the unreconciled principles of the original discord of parties, ever was, or will be, an healing coalition. Nor will the mind of our sovereign ever know repose, his kingdom settlement, or his business order, efficiency, or grace with his people, until things are established upon the basis of some set of men, who are trusted by the public, and who can trust one another.

This comes rather nearer to the mark than the author's description of a proper administration, under the name of *men of ability and virtue*, which conveys no definite idea at all; nor does it apply specifically to our grand national distemper. All parties pretend to these qualities. The present ministry, no favorites of the author, will be ready enough to declare themselves persons of virtue and ability; and if they choose a vote for that purpose, perhaps it would not be quite impossible for them to

procure it. But, if the disease be this distrust and disconnection, it is easy to know who are sound and who are tainted; who are fit to restore us to health, who to continue, and to spread the contagion. The present ministry being made up of draughts from all parties in the kingdom, if they should profess any adherence to the connections they have left, they must convict themselves of the blackest treachery. They therefore choose rather to renounce the principle itself, and to brand it with the name of pride and faction. This test with certainty discriminates the opinions of men. The other is a description vague and unsatisfactory.

As to the unfortunate gentlemen who may at any time compose that system, which, under the plausible title of an administration, subsists but for the establishment of weakness and confusion; they fall into different classes, with different merits. I think the situation of some people in that state may deserve a certain degree of compassion; at the same time that they furnish an example, which, it is to be hoped, by being a severe one, will have its effect, at least, on the growing generation; if an original seduction, on plausible but hollow pretences, into loss of honor, friendship, consistency, security, and repose, can furnish it. It is possible to draw, even from the very prosperity of ambition, examples of terror, and motives to compassion.

I believe the instances are exceedingly rare of men immediately passing over a clear, marked line of virtue into declared vice and corruption. There are a sort of middle tints and shades between the two extremes; there is something uncertain on the confines of the two empires which they first pass through, and which renders the change easy and imperceptible. There are even a sort of splendid impositions so well contrived, that, at the very time the path of rectitude is quitted forever, men seem to be advancing into some higher and nobler road of public conduct. Not that such impositions are strong enough in themselves; but a powerful interest, often concealed from those whom it affects, works at the bottom, and secures the operation. Men are thus debauched away from those legitimate connections, which they had formed on a judgment, early perhaps, but sufficiently mature, and wholly unbiassed. They do not quit them upon any ground of complaint, for grounds of just complaint may exist, but upon the flattering and most dangerous of all principles, that of mending what is well. Gradually they are habituated to other company; and a change in their habitudes soon makes a way for a change in their opinions. Certain persons are no longer so very frightful, when they come to be known and to be serviceable. As to their old friends, the transition is easy; from friendship to civility; from civility to enmity: few are the steps from dereliction to persecution.

People not very well grounded in the principles of public morality find a set of maxims in office ready made for them, which they assume as naturally and inevitably, as any of the insignia or instruments of the situation. A certain tone of the solid and practical is immediately acquired. Every former profession of public spirit is to be considered as a debauch of youth, or, at best, as a visionary scheme of

unattainable perfection. The very idea of consistency is exploded. The convenience of the business of the day is to furnish the principle for doing it. Then the whole ministerial cant is quickly got by heart. The prevalence of faction is to be lamented. All opposition is to be regarded as the effect of envy and disappointed ambition. All administrations are declared to be alike. The same necessity justifies all their measures. It is no longer a matter of discussion, who or what administration is; but that administration is to be supported, is a general maxim. Flattering themselves that their power is become necessary to the support of all order and government; everything which tends to the support of that power is sanctified, and becomes a part of the public interest.

Growing every day more formed to affairs, and better knit in their limbs, when the occasion (now the only rule) requires it, they become capable of sacrificing those very persons to whom they had before sacrificed their original friends. It is now only in the ordinary course of business to alter an opinion, or to betray a connection. Frequently relinquishing one set of men and adopting another, they grow into a total indifference to human feeling, as they had before to moral obligation; until at length, no one original impression remains upon their minds: every principle is obliterated; every sentiment effaced.

In the mean time, that power, which all these changes aimed at securing, remains still as tottering and as uncertain as ever. They are delivered up into the hands of those who feel neither respect for their persons, nor gratitude for their favors; who are put about them in appearance to serve, in reality to govern them; and, when the signal is given, to abandon and destroy them in order to set up some new dupe of ambition, who in his turn is to be abandoned and destroyed. Thus living in a state of continual uneasiness and ferment, softened only by the miserable consolation of giving now and then preferments to those for whom they have no value; they are unhappy in their situation, yet find it impossible to resign. Until, at length, soured in temper, and disappointed by the very attainment of their ends, in some angry, in some haughty, or some negligent moment, they incur the displeasure of those upon whom they have rendered their very being dependent. Then *perierunt tempora longi servitii*; they are cast off with scorn; they are turned out, emptied of all natural character, of all intrinsic worth, of all essential dignity, and deprived of every consolation of friendship. Having rendered all retreat to old principles ridiculous, and to old regards impracticable, not being able to counterfeit pleasure, or to discharge discontent, nothing being sincere, or right, or balanced in their minds, it is more than a chance, that, in the delirium of the last stage of their distempered power, they make an insane political testament, by which they throw all their remaining weight and consequence into the scale of their declared enemies, and the avowed authors of their destruction. Thus they finish their course. Had it been possible that the whole, or even a great part of these effects on their minds, I say nothing of the effect upon their fortunes, could have appeared to them in their first

departure from the right line, it is certain they would have rejected every temptation with horror. The principle of these remarks, like every good principle in morality, is trite; but its frequent application is not the less necessary.

As to others, who are plain practical men, they have been guiltless at all times of all public pretence. Neither the author nor any one else has reason to be angry with them. They belonged to his friend for their interest; for their interest they quitted him; and when it is their interest, he may depend upon it, they will return to their former connection. Such people subsist at all times, and, though the nuisance of all, are at no time a worthy subject of discussion. It is false virtue and plausible error that do the mischief.

If men come to government with right dispositions, they have not that unfavorable subject which this author represents to work upon. Our circumstances are indeed critical; but then they are the critical circumstances of a strong and mighty nation. If corruption and meanness are greatly spread, they are not spread universally. Many public men are hitherto examples of public spirit and integrity. Whole parties, as far as large bodies can be uniform, have preserved character. However they may be deceived in some particulars, I know of no set of men amongst us, which does not contain persons on whom the nation, in a difficult exigence, may well value itself. Private life, which is the nursery of the commonwealth, is yet in general pure, and on the whole disposed to virtue; and the people at large want neither generosity nor spirit. No small part of that very luxury, which is so much the subject of the author's declamation, but which, in most parts of life, by being well balanced and diffused, is only decency and convenience, has perhaps as many, or more good than evil consequences attending it. It certainly excites industry, nourishes emulation, and inspires some sense of personal value into all ranks of people. What we want is to establish more fully an opinion of uniformity, and consistency of character, in the leading men of the state; such as will restore some confidence to profession and appearance, such as will fix subordination upon esteem. Without this, all schemes are begun at the wrong end. All who join in them are liable to their consequences. All men who, under whatever pretext, take a part in the formation or the support of systems constructed in such a manner as must, in their nature, disable them from the execution of their duty, have made themselves guilty of all the present distraction, and of the future ruin, which they may bring upon their country.

It is a serious affair, this studied disunion in government. In cases where union is most consulted in the constitution of a ministry, and where persons are best disposed to promote it, differences, from the various ideas of men, will arise; and from their passions will often ferment into violent heats, so as greatly to disorder all public business. What must be the consequence, when the very distemper is made the basis of the constitution; and the original weakness of human nature is still further enfeebled by art and contrivance? It must subvert government from the very

foundation. It turns our public councils into the most mischievous cabals; where the consideration is, not how the nation's business shall be carried on, but how those who ought to carry it on shall circumvent each other. In such a state of things, no order, uniformity, dignity, or effect, can appear in our proceedings, either at home or abroad. Nor will it make much difference, whether some of the constituent parts of such an administration are men of virtue or ability, or not; supposing it possible that such men, with their eyes open, should choose to make a part in such a body.

The effects of all human contrivances are in the hand of Providence. I do not like to answer, as our author so readily does, for the event of any speculation. But surely the nature of our disorders, if anything, must indicate the proper remedy. Men who act steadily on the principles I have stated may in all events be very serviceable to their country; in one case, by furnishing (if their sovereign should be so advised) an administration formed upon ideas very different from those which have for some time been unfortunately fashionable. But, if this should not be the case, they may be still serviceable; for the example of a large body of men, steadily sacrificing ambition to principle, can never be without use. It will certainly be prolific, and draw others to an imitation. *Vera gloria radices agit, atque etiam propagatur.*

I do not think myself of consequence enough to imitate my author, in troubling the world with the prayers or wishes I may form for the public: full as little am I disposed to imitate his professions; those professions are long since worn out in the political service. If the work will not speak for the author, his own declarations deserve but little credit.

APPENDIX.

So much misplaced industry has been used by the author of “The State of the Nation,” as well as by other writers, to infuse discontent into the people, on account of the late war, and of the effects of our national debt; that nothing ought to be omitted which may tend to disabuse the public upon these subjects. When I had gone through the foregoing sheets, I recollected, that, in pages 58, 59, 60, I only gave the comparative states of the duties collected by the excise at large; together with the quantities of strong beer brewed in the two periods which are there compared. It might be still thought, that some other articles of popular consumption, of general convenience, and connected with our manufactures, might possibly have declined. I therefore now think it right to lay before the reader the state of the produce of three capital duties on such articles; duties which have frequently been made the subject of popular complaint. The duty on candles; that on soap, paper, &c.; and that on hides.

Average of net produce of duty on soap, &c., for eight years ending 1767
£264,902

Average of ditto for eight years ending 1754
228,114

Average increase
£36,788

Average of net produce of duty on candles, for eight years ending 1767
£155,789

Average of ditto for eight years ending 1754
136,716

Average increase

£19,073

Average of net produce of duty on hides, eight years ending 1767
£189,216

ditto eight years ending 1754
168,200

Average increase
£21,016

This increase has not arisen from any additional duties. None have been imposed on these articles during the war. Notwithstanding the burdens of the war, and the late dearness of provisions, the consumption of all these articles has increased, and the revenue along with it.

There is another point in "The State of the Nation," to which, I fear, I have not been so full in my answer as I ought to have been, and as I am well warranted to be. The author has endeavored to throw a suspicion, or something more, on that salutary, and indeed necessary measure of opening the ports in Jamaica. "Orders were given," says he, "in *August*, 1765, for the free admission of Spanish vessels into all the colonies." He then observes, that the exports to Jamaica fell 40,904*l.* short of those of 1764; and that the exports of the succeeding year, 1766, fell short of those of 1765, about eighty pounds; from whence he wisely infers, that this decline of exports being *since* the relaxation of the laws of trade, there is a just ground of suspicion, that the colonies have been supplied with foreign commodities instead of British.

Here, as usual with him, the author builds on a fact which is absolutely false; and which, being so, renders his whole hypothesis absurd and impossible. He asserts, that the order for admitting Spanish vessels was given in *August*, 1765. That order was not *signed at the treasury board until the 15th day of the November following*; and therefore so far from affecting the exports of the year 1765, that, supposing all possible diligence in the commissioners of the customs in expediting that order, and every advantage of vessels ready to sail, and the most favorable wind, it would hardly even arrive in Jamaica, within the limits of that year.

This order could therefore by no possibility be a cause of the decrease of exports in 1765. If it had any mischievous operation, it could not be before 1766. In that year, according to our author, the exports fell short of the preceding, just *eighty* pounds. He is welcome to that diminution; and to all the consequences he can draw from it.

But, as an auxiliary to account for this dreadful loss, he brings in the Free-port Act, which he observes (for his convenience) to have been made in spring, 1766; but (for his convenience likewise) he forgets, that, by the express provision of the act, the regulation was not to be in force in Jamaica until the November following. Miraculous must be the activity of that contraband whose operation in America could, before the end of that year, have reacted upon England, and checked the exportation from hence! Unless he chooses to suppose, that the merchants at whose solicitation this act had been obtained, were so frightened at the accomplishment of their own most earnest and anxious desire, that, before any good or evil effect from it could happen, they immediately put a stop to all further exportation.

It is obvious that we must look for the true effect of that act at the time of its first possible operation, that is, in the year 1767. On this idea how stands the account?

1764, Exports to Jamaica

£456,528

1765

415,624

1766

415,544

1767 (first year of the Free-port Act)

467,681

This author, for the sake of a present momentary credit, will hazard any future and permanent disgrace. At the time he wrote, the account of 1767 could not be made up. This was the very first year of the trial of the Free-port Act; and we find that the sale of British commodities is so far from being lessened by that act, that the export of 1767 amounts to 52,000*l.* more than that of either of the two preceding years, and is 11,000*l.* above that of his standard year 1764. If I could prevail on myself to argue in favor of a great commercial scheme from the appearance of things in a single year, I should from this increase of export infer the beneficial effects of that measure. In truth, it is not wanting. Nothing but the thickest ignorance of the Jamaica trade could have made any one entertain a fancy, that the least ill effect on our commerce could follow from this opening of the ports. But, if the author argues the effect of regulations in the American trade from the

export of the year in which they are made, or even of the following; why did he not apply this rule to his own? He had the same paper before him which I have now before me. He must have seen that in his standard year (the year 1764), the principal year of his new regulations, the export fell no less than 128,450*l.* short of that in 1763! Did the export trade revive by these regulations in 1765, during which year they continued in their full force? It fell about 40,000*l.* still lower. Here is a fall of 168,000*l.*; to account for which, would have become the author much better than piddling for an 80*l.* fall in the year 1766 (the only year in which *the order* he objects to could operate), or in presuming a fall of exports from a regulation which took place only in November, 1766; whose effects could not appear until the following year; and which, when they do appear, utterly overthrow all his flimsy reasons and affected suspicions upon the effect of opening the ports.

This author, in the same paragraph, says, that “it was asserted by *the American factors and agents*, that the commanders of our ships of war and tenders, having custom-house commissions, and the strict orders given in 1764 for a due execution of the laws of trade in the colonies, had deterred the Spaniards from trading with us; that the sale of British manufactures in the West Indies had been greatly lessened, and the receipt of large sums of specie prevented.”

If the *American factors and agents* asserted this, they had good ground for their assertion. They knew that the Spanish vessels had been driven from our ports. The author does not positively deny the fact. If he should, it will be proved. When the factors connected this measure, and its natural consequences, with an actual fall in the exports to Jamaica, to no less an amount than 128,460*l.* in one year, and with a further fall in the next, is their assertion very wonderful? The author himself is full as much alarmed by a fall of only 40,000*l.*; for giving him the facts which he chooses to coin, it is no more. The expulsion of the Spanish vessels must certainly have been one cause, if not of the first declension of the exports, yet of their continuance in their reduced state. Other causes had their operation, without doubt. In what degree each cause produced its effect, it is hard to determine. But the fact of a fall of exports upon the restraining plan, and of a rise upon the taking place of the enlarging plan, is established beyond all contradiction.

This author says, that the facts relative to the Spanish trade were asserted by *American factors and agents*; insinuating, that the ministry of 1766 had no better authority for their plan of enlargement than such assertions. The moment he chooses it, he shall see the very same thing asserted by governors of provinces, by commanders of men-of-war, and by officers of the customs; persons the most bound in duty to prevent contraband, and the most interested in the seizures to be made in consequence of strict regulation. I suppress them for the present; wishing that the author may not drive me to a more full discussion of this matter than it may be altogether prudent to enter into. I wish he had not made any of these discussions necessary.

THOUGHTS ON THE CAUSE OF THE PRESENT DISCONTENTS



Hoc vero occultum, intestinum, domesticum malum, non modo non existit, verum etiam opprimit, antequam perspicere atque explorare potueris.

CIC.

1770.

It is an undertaking of some degree of delicacy to examine into the cause of public disorders. If a man happens not to succeed in such an inquiry, he will be thought weak and visionary; if he touches the true grievance, there is a danger that he may come near to persons of weight and consequence, who will rather be exasperated at the discovery of their errors, than thankful for the occasion of correcting them. If he should be obliged to blame the favorites of the people, he will be considered as the tool of power; if he censures those in power, he will be looked on as an instrument of faction. But in all exertions of duty something is to be hazarded. In cases of tumult and disorder, our law has invested every man, in some sort, with the authority of a magistrate. When the affairs of the nation are distracted, private people are, by the spirit of that law, justified in stepping a little out of their ordinary sphere. They enjoy a privilege, of somewhat more dignity and effect, than that of idle lamentation over the calamities of their country. They may look into them narrowly; they may reason upon them liberally; and if they should be so fortunate as to discover the true source of the mischief, and to suggest any probable method of removing it, though they may displease the rulers for the day, they are certainly of service to the cause of government. Government is deeply interested in everything which, even through the medium of some temporary uneasiness, may tend finally to compose the minds of the subject, and to conciliate their affections. I have nothing to do here with the abstract value of the voice of the people. But as long as reputation, the most precious possession of every individual, and as long as opinion, the great support of the state, depend entirely upon that voice, it can never be considered as a thing of little consequence either to individuals or to governments. Nations are not primarily ruled by laws: less by violence. Whatever original energy may be supposed either in force or regulation, the operation of both is, in truth, merely instrumental. Nations are governed by the same methods, and on the same principles, by which an individual without authority is often able to govern those who are his equals or his superiors; by a knowledge of

their temper, and by a judicious management of it; I mean, — when public affairs are steadily and quietly conducted; not when government is nothing but a continued scuffle between the magistrate and the multitude; in which sometimes the one and sometimes the other is uppermost; in which they alternately yield and prevail, in a series of contemptible victories, and scandalous submissions. The temper of the people amongst whom he presides ought therefore to be the first study of a statesman. And the knowledge of this temper it is by no means impossible for him to attain, if he has not an interest in being ignorant of what it is his duty to learn.

To complain of the age we live in, to murmur at the present possessors of power, to lament the past, to conceive extravagant hopes of the future, are the common dispositions of the greatest part of mankind; indeed the necessary effects of the ignorance and levity of the vulgar. Such complaints and humors have existed in all times; yet as all times have *not* been alike, true political sagacity manifests itself in distinguishing that complaint which only characterizes the general infirmity of human nature, from those which are symptoms of the particular distemperature of our own air and season.

Nobody, I believe, will consider it merely as the language of spleen or disappointment, if I say, that there is something particularly alarming in the present conjuncture. There is hardly a man, in or out of power, who holds any other language. That government is at once dreaded and contemned; that the laws are despoiled of all their respected and salutary terrors; that their inaction is a subject of ridicule, and their exertion of abhorrence; that rank, and office and title, and all the solemn plausibilities of the world, have lost their reverence and effect; that our foreign politics are as much deranged as our domestic economy; that our dependencies are slackened in their affection, and loosened from their obedience; that we know neither how to yield nor how to enforce; that hardly anything above or below, abroad or at home, is sound and entire; but that disconnection and confusion, in offices, in parties, in families, in Parliament, in the nation, prevail beyond the disorders of any former time: these are facts universally admitted and lamented.

This state of things is the more extraordinary, because the great parties which formerly divided and agitated the kingdom are known to be in a manner entirely dissolved. No great external calamity has visited the nation; no pestilence or famine. We do not labor at present under any scheme of taxation new or oppressive in the quantity or in the mode. Nor are we engaged in unsuccessful war; in which, our misfortunes might easily pervert our judgment; and our minds, sore from the loss of national glory, might feel every blow of fortune as a crime in government.

It is impossible that the cause of this strange distemper should not sometimes become a subject of discourse. It is a compliment due, and which I willingly pay, to those who administer our affairs, to take notice in the first place of their speculation. Our ministers are of opinion, that the increase of our trade and manufactures, that our growth by colonization, and by conquest, have concurred to

accumulate immense wealth in the hands of some individuals; and this again being dispersed among the people, has rendered them universally proud, ferocious, and ungovernable; that the insolence of some from their enormous wealth, and the boldness of others from a guilty poverty, have rendered them capable of the most atrocious attempts; so that they have trampled upon all subordination, and violently borne down the unarmed laws of a free government; barriers too feeble against the fury of a populace so fierce and licentious as ours. They contend, that no adequate provocation has been given for so spreading a discontent; our affairs having been conducted throughout with remarkable temper and consummate wisdom. The wicked industry of some libellers, joined to the intrigues of a few disappointed politicians, have, in their opinion, been able to produce this unnatural ferment in the nation.

Nothing indeed can be more unnatural than the present convulsions of this country, if the above account be a true one. I confess I shall assent to it with great reluctance, and only on the compulsion of the clearest and firmest proofs; because their account resolves itself into this short, but discouraging proposition, "That we have a very good ministry, but that we are a very bad people"; that we set ourselves to bite the hand that feeds us; that with a malignant insanity, we oppose the measures, and ungratefully vilify the persons, of those whose sole object is our own peace and prosperity. If a few puny libellers, acting under a knot of factious politicians, without virtue, parts, or character, (such they are constantly represented by these gentlemen,) are sufficient to excite this disturbance, very perverse must be the disposition of that people, amongst whom such a disturbance can be excited by such means. It is besides no small aggravation of the public misfortune, that the disease, on this hypothesis, appears to be without remedy. If the wealth of the nation be the cause of its turbulence, I imagine it is not proposed to introduce poverty, as a constable to keep the peace. If our dominions abroad are the roots which feed all this rank luxuriance of sedition, it is not intended to cut them off in order to famish the fruit. If our liberty has enfeebled the executive power, there is no design, I hope, to call in the aid of despotism, to fill up the deficiencies of law. Whatever may be intended, these things are not yet professed. We seem therefore to be driven to absolute despair; for we have no other materials to work upon, but those out of which God has been pleased to form the inhabitants of this island. If these be radically and essentially vicious, all that can be said is, that those men are very unhappy, to whose fortune or duty it falls to administer the affairs of this untoward people. I hear it indeed sometimes asserted, that a steady perseverance in the present measures, and a rigorous punishment of those who oppose them, will in course of time infallibly put an end to these disorders. But this, in my opinion, is said without much observation of our present disposition, and without any knowledge at all of the general nature of mankind. If the matter of which this nation is composed be so very fermentable as these gentlemen describe it, leaven

never will be wanting to work it up, as long as discontent, revenge, and ambition, have existence in the world. Particular punishments are the cure for accidental distempers in the state; they inflame rather than allay those heats which arise from the settled mismanagement of the government, or from a natural indisposition in the people. It is of the utmost moment not to make mistakes in the use of strong measures; and firmness is then only a virtue when it accompanies the most perfect wisdom. In truth, inconstancy is a sort of natural corrective of folly and ignorance.

I am not one of those who think that the people are never in the wrong. They have been so, frequently and outrageously, both in other countries and in this. But I do say, that in all disputes between them and their rulers, the presumption is at least upon a par in favor of the people. Experience may perhaps justify me in going further. When popular discontents have been very prevalent, it may well be affirmed and supported, that there has been generally something found amiss in the constitution, or in the conduct of government. The people have no interest in disorder. When they do wrong, it is their error, and not their crime. But with the governing part of the state, it is for otherwise. They certainly may act ill by design, as well as by mistake. *“Les révolutions qui arrivent dans les grands états ne sont point un effet du hazard, ni du caprice des peuples. Rien ne révolte les grands d’un royaume comme un gouvernement foible et dérangé. Pour la populace, ce n’est jamais par envie d’attaquer qu’elle se soulève, mais par impatience de souffrir.”* These are the words of a great man; of a minister of state; and a zealous assertor of monarchy. They are applied to the *system of favoritism* which was adopted by Henry the Third of France, and to the dreadful consequences it produced. What he says of revolutions, is equally true of all great disturbances. If this presumption in favor of the subjects against the trustees of power be not the more probable, I am sure it is the more comfortable speculation; because it is more easy to change an administration, than to reform a people.

Upon a supposition, therefore, that, in the opening of the cause, the presumptions stand equally balanced between the parties, there seems sufficient ground to entitle any person to a fair hearing, who attempts some other scheme beside that easy one which is fashionable in some fashionable companies, to account for the present discontents. It is not to be argued that we endure no grievance, because our grievances are not of the same sort with those under which we labored formerly; not precisely those which we bore from the Tudors, or vindicated on the Stuarts. A great change has taken place in the affairs of this country. For in the silent lapse of events as material alterations have been insensibly brought about in the policy and character of governments and nations, as those which have been marked by the tumult of public revolutions.

It is very rare indeed for men to be wrong in their feelings concerning public misconduct; as rare to be right in their speculation upon the cause of it. I have constantly observed, that the generality of people are fifty years, at least,

behindhand in their politics. There are but very few who are capable of comparing and digesting what passes before their eyes at different times and occasions, so as to form the whole into a distinct system. But in books everything is settled for them, without the exertion of any considerable diligence or sagacity. For which reason men are wise with but little reflection, and good with little self-denial, in the business of all times except their own. We are very uncorrupt and tolerably enlightened judges of the transactions of past ages; where no passions deceive, and where the whole train of circumstances, from the trifling cause to the tragical event, is set in an orderly series before us. Few are the partisans of departed tyranny; and to be a Whig on the business of an hundred years ago, is very consistent with every advantage of present servility. This retrospective wisdom, and historical patriotism, are things of wonderful convenience, and serve admirably to reconcile the old quarrel between speculation and practice. Many a stern republican, after gorging himself with a full feast of admiration of the Grecian commonwealths and of our true Saxon constitution, and discharging all the splendid bile of his virtuous indignation on King John and King James, sits down perfectly satisfied to the coarsest work and homeliest job of the day he lives in. I believe there was no professed admirer of Henry the Eighth among the instruments of the last King James; nor in the court of Henry the Eighth was there, I dare say, to be found a single advocate for the favorites of Richard the Second.

No complaisance to our court, or to our age, can make me believe nature to be so changed, but that public liberty will be among us as among our ancestors, obnoxious to some person or other; and that opportunities will be furnished for attempting, at least, some alteration to the prejudice of our constitution. These attempts will naturally vary in their mode according to times and circumstances. For ambition, though it has ever the same general views, has not at all times the same means, nor the same particular objects. A great deal of the furniture of ancient tyranny is worn to rags; the rest is entirely out of fashion. Besides, there are few statesmen so very clumsy and awkward in their business, as to fall into the identical snare which has proved fatal to their predecessors. When an arbitrary imposition is attempted upon the subject, undoubtedly it will not bear on its forehead the name of *Ship-money*. There is no danger that an extension of the *Forest laws* should be the chosen mode of oppression in this age. And when we hear any instance of ministerial rapacity, to the prejudice of the rights of private life, it will certainly not be the exaction of two hundred pullets, from a woman of fashion, for leave to lie with her own husband.

Every age has its own manners, and its politics dependent upon them; and the same attempts will not be made against a constitution fully formed and matured, that were used to destroy it in the cradle, or to resist its growth during its infancy.

Against the being of Parliament, I am satisfied, no designs have ever been entertained since the revolution. Every one must perceive, that it is strongly the

interest of the court, to have some second cause interposed between the ministers and the people. The gentlemen of the House of Commons have an interest equally strong in sustaining the part of that intermediate cause. However they may hire out the *usufruct* of their voices, they never will part with the *fee and inheritance*. Accordingly those who have been of the most known devotion to the will and pleasure of a court have, at the same time, been most forward in asserting a high authority in the House of Commons. When they knew who were to use that authority, and how it was to be employed, they thought it never could be carried too far. It must be always the wish of an unconstitutional statesman, that a House of Commons, who are entirely dependent upon him, should have every right of the people entirely dependent upon their pleasure. It was soon discovered, that the forms of a free, and the ends of an arbitrary government, were things not altogether incompatible.

The power of the crown, almost dead and rotten as Prerogative, has grown up anew, with much more strength, and far less odium, under the name of Influence. An influence, which operated without noise and without violence; an influence, which converted the very antagonist into the instrument of power; which contained in itself a perpetual principle of growth and renovation; and which the distresses and the prosperity of the country equally tended to augment, was an admirable substitute for a prerogative, that, being only the offspring of antiquated prejudices, had moulded in its original stamina irresistible principles of decay and dissolution. The ignorance of the people is a bottom but for a temporary system; the interest of active men in the state is a foundation perpetual and infallible. However, some circumstances, arising, it must be confessed, in a great degree from accident, prevented the effects of this influence for a long time from breaking out in a manner capable of exciting any serious apprehensions. Although government was strong and flourished exceedingly, the *court* had drawn far less advantage than one would imagine from this great source of power.

At the revolution, the crown, deprived, for the ends of the revolution itself, of many prerogatives, was found too weak to struggle against all the difficulties which pressed so new and unsettled a government. The court was obliged therefore to delegate a part of its powers to men of such interest as could support, and of such fidelity as would adhere to, its establishment. Such men were able to draw in a greater number to a concurrence in the common defence. This connection, necessary at first, continued long after convenient; and properly conducted might indeed, in all situations, be an useful instrument of government. At the same time, through the intervention of men of popular weight and character, the people possessed a security for their just proportion of importance in the state. But as the title to the crown grew stronger by long possession, and by the constant increase of its influence, these helps have of late seemed to certain persons no better than incumbrances. The powerful managers for government were not sufficiently

submissive to the pleasure of the possessors of immediate and personal favor, sometimes from a confidence in their own strength, natural and acquired; sometimes from a fear of offending their friends, and weakening that lead in the country which gave them a consideration independent of the court. Men acted as if the court could receive, as well as confer, an obligation. The influence of government, thus divided in appearance between the court and the leaders of parties, became in many cases an accession rather to the popular than to the royal scale; and some part of that influence, which would otherwise have been possessed as in a sort of mortmain and unalienable domain, returned again to the great ocean from whence it arose, and circulated among the people. This method, therefore, of governing by men of great natural interest or great acquired consideration was viewed in a very invidious light by the true lovers of absolute monarchy. It is the nature of despotism to abhor power held by any means but its own momentary pleasure; and to annihilate all intermediate situations between boundless strength on its own part, and total debility on the part of the people.

To get rid of all this intermediate and independent importance, and *to secure to the court the unlimited and uncontrolled use of its own vast influence, under the sole direction of its own private favor*, has for some years past been the great object of policy. If this were compassed, the influence of the crown must of course produce all the effects which the most sanguine partisans of the court could possibly desire. Government might then be carried on without any concurrence on the part of the people; without any attention to the dignity of the greater, or to the affections of the lower sorts. A new project was therefore devised by a certain set of intriguing men, totally different from the system of administration which had prevailed since the accession of the House of Brunswick. This project, I have heard, was first conceived by some persons in the court of Frederick Prince of Wales.

The earliest attempt in the execution of this design was to set up for minister, a person, in rank indeed respectable, and very ample in fortune; but who, to the moment of this vast and sudden elevation, was little known or considered in the kingdom. To him the whole nation was to yield an immediate and implicit submission. But whether it was from want of firmness to bear up against the first opposition; or that things were not yet fully ripened, or that this method was not found the most eligible; that idea was soon abandoned. The instrumental part of the project was a little altered, to accommodate it to the time and to bring things more gradually and more surely to the one great end proposed.

The first part of the reformed plan was to draw *a line which should separate the court from the ministry*. Hitherto these names had been looked upon as synonymous; but for the future, court and administration were to be considered as things totally distinct. By this operation, two systems of administration were to be formed; one which should be in the real secret and confidence; the other merely ostensible to perform the official and executory duties of government. The latter

were alone to be responsible; whilst the real advisers, who enjoyed all the power, were effectually removed from all the danger.

Secondly, *A party under these leaders was to be formed in favor of the court against the ministry*: this party was to have a large share in the emoluments of government, and to hold it totally separate from, and independent of, ostensible administration.

The third point, and that on which the success of the whole scheme ultimately depended, was *to bring Parliament to an acquiescence in this project*. Parliament was therefore to be taught by degrees a total indifference to the persons, rank, influence, abilities, connections, and character of the ministers of the crown. By means of a discipline, on which I shall say more hereafter, that body was to be habituated to the most opposite interests, and the most discordant politics. All connections and dependencies among subjects were to be entirely dissolved. As, hitherto, business had gone through the hands of leaders of Whigs or Tories, men of talents to conciliate the people, and to engage their confidence; now the method was to be altered: and the lead was to be given to men of no sort of consideration or credit in the country. This want of natural importance was to be their very title to delegated power. Members of Parliament were to be hardened into an insensibility to pride as well as to duty. Those high and haughty sentiments, which are the great support of independence, were to be let down gradually. Points of honor and precedence were no more to be regarded in Parliamentary decorum than in a Turkish army. It was to be avowed, as a constitutional maxim, that the king might appoint one of his footmen, or one of your footmen for minister; and that he ought to be, and that he would be, as well followed as the first name for rank or wisdom in the nation. Thus Parliament was to look on as if perfectly unconcerned, while a cabal of the closet and back-stairs was substituted in the place of a national administration.

With such a degree of acquiescence, any measure of any court might well be deemed thoroughly secure. The capital objects, and by much the most flattering characteristics of arbitrary power, would be obtained. Everything would be drawn from its holdings in the country to the personal favor and inclination of the prince. This favor would be the sole introduction to power, and the only tenure by which it was to be held; so that no person looking towards another, and all looking towards the court, it was impossible but that the motive which solely influenced every man's hopes must come in time to govern every man's conduct; till at last the servility became universal, in spite of the dead letter of any laws or institutions whatsoever.

How it should happen that any man could be tempted to venture upon such a project of government, may at first view appear surprising. But the fact is that opportunities very inviting to such an attempt have offered; and the scheme itself was not destitute of some arguments, not wholly unpalatable, to recommend it. These opportunities and these arguments, the use that has been made of both, the

plan for carrying this new scheme of government into execution, and the effects which it has produced, are, in my opinion, worthy of our serious consideration.

His Majesty came to the throne of these kingdoms with more advantages than any of his predecessors since the revolution. Fourth in descent, and third in succession of his royal family, even the zealots of hereditary right, in him, saw something to flatter their favorite prejudices; and to justify a transfer of their attachments, without a change in their principles. The person and cause of the Pretender were become contemptible; his title disowned throughout Europe; his party disbanded in England. His Majesty came, indeed, to the inheritance of a mighty war; but, victorious in every part of the globe, peace was always in his power, not to negotiate, but to dictate. No foreign habitudes or attachments withdrew him from the cultivation of his power at home. His revenue for the civil establishment, fixed (as it was then thought) at a large, but definite sum, was ample without being invidious. His influence, by additions from conquest, by an augmentation of debt, by an increase of military and naval establishment, much strengthened and extended. And coming to the throne in the prime and full vigor of youth, as from affection there was a strong dislike, so from dread there seemed to be a general averseness, from giving anything like offence to a monarch, against whose resentment opposition could not look for a refuge in any sort of reversionary hope.

These singular advantages inspired his Majesty only with a more ardent desire to preserve unimpaired the spirit of that national freedom, to which he owed a situation so full of glory. But to others it suggested sentiments of a very different nature. They thought they now beheld an opportunity (by a certain sort of statesmen never long undiscovered or unemployed) of drawing to themselves by the aggrandizement of a court faction, a degree of power which they could never hope to derive from natural influence or from honorable service; and which it was impossible they could hold with the least security, whilst the system of administration rested upon its former bottom. In order to facilitate the execution of their design, it was necessary to make many alterations in political arrangement, and a signal change in the opinions, habits, and connections of the greatest part of those who at that time acted in public.

In the first place, they proceeded gradually, but not slowly, to destroy everything of strength which did not derive its principal nourishment from the immediate pleasure of the court. The greatest weight of popular opinion and party connection were then with the Duke of Newcastle and Mr. Pitt. Neither of these held their importance by the *new tenure* of the court; they were not therefore thought to be so proper as others for the services which were required by that tenure. It happened very favorably for the new system, that under a forced coalition there rankled an incurable alienation and disgust between the parties which composed the administration. Mr. Pitt was first attacked. Not satisfied with removing him from

power, they endeavored by various artifices to ruin his character. The other party seemed rather pleased to get rid of so oppressive a support; not perceiving, that their own fall was prepared by his, and involved in it. Many other reasons prevented them from daring to look their true situation in the face. To the great Whig families it was extremely disagreeable, and seemed almost unnatural, to oppose the administration of a prince of the House of Brunswick. Day after day they hesitated, and doubted, and lingered, expecting that other counsels would take place; and were slow to be persuaded, that all which had been done by the cabal was the effect not of humor, but of system. It was more strongly and evidently the interest of the new court faction, to get rid of the great Whig connections, than to destroy Mr. Pitt. The power of that gentleman was vast indeed and merited; but it was in a great degree personal, and therefore transient. Theirs was rooted in the country. For, with a good deal less of popularity, they possessed a far more natural and fixed influence. Long possession of government; vast property; obligations of favors given and received; connection of office; ties of blood, of alliance, of friendship (things at that time supposed of some force); the name of Whig, dear to the majority of the people; the zeal early begun and steadily continued to the royal family: all these together formed a body of power in the nation, which was criminal and devoted. The great ruling principle of the cabal, and that which animated and harmonized all their proceedings, how various soever they may have been, was to signify to the world that the court would proceed upon its own proper forces only; and that the pretence of bringing any other into its service was an affront to it, and not a support. Therefore when the chiefs were removed, in order to go to the root, the whole party was put under a proscription, so general and severe, as to take their hard-earned bread from the lowest officers, in a manner which had never been known before, even in general revolutions. But it was thought necessary effectually to destroy all dependencies but one; and to show an example of the firmness and rigor with which the new system was to be supported.

Thus for the time were pulled down, in the persons of the Whig leaders and of Mr. Pitt (in spite of the services of the one at the accession of the royal family, and the recent services of the other in the war), the *two only securities for the importance of the people; power arising from popularity; and power arising from connection*. Here and there indeed a few individuals were left standing, who gave security for their total estrangement from the odious principles of party connection and personal attachment; and it must be confessed that most of them have religiously kept their faith. Such a change could not however be made without a mighty shock to government.

To reconcile the minds of the people to all these movements, principles correspondent to them had been preached up with great zeal. Every one must remember that the cabal set out with the most astonishing prudery, both moral and political. Those, who in a few months after soused over head and ears into the

deepest and dirtiest pits of corruption, cried out violently against the indirect practices in the electing and managing of Parliaments, which had formerly prevailed. This marvellous abhorrence which the court had suddenly taken to all influence, was not only circulated in conversation through the kingdom, but pompously announced to the public, with many other extraordinary things, in a pamphlet which had all the appearance of a manifesto preparatory to some considerable enterprise. Throughout it was a satire, though in terms managed and decent enough, on the politics of the former reign. It was indeed written with no small art and address.

In this piece appeared the first dawning of the new system: there first appeared the idea (then only in speculation) of *separating the court from the administration*; of carrying everything from national connection to personal regards; and of forming a regular party for that purpose, under the name of *king's men*.

To recommend this system to the people, a perspective view of the court, gorgeously painted, and finely illuminated from within, was exhibited to the gaping multitude. Party was to be totally done away, with all its evil works. Corruption was to be cast down from court, as *Atè* was from heaven. Power was thenceforward to be the chosen residence of public spirit; and no one was to be supposed under any sinister influence, except those who had the misfortune to be in disgrace at court, which was to stand in lieu of all vices and all corruptions. A scheme of perfection to be realized in a monarchy far beyond the visionary republic of Plato. The whole scenery was exactly disposed to captivate those good souls, whose credulous morality is so invaluable a treasure to crafty politicians. Indeed there was wherewithal to charm everybody, except those few who are not much pleased with professions of supernatural virtue, who know of what stuff such professions are made, for what purposes they are designed, and in what they are sure constantly to end. Many innocent gentlemen, who had been talking prose all their lives without knowing anything of the matter, began at last to open their eyes upon their own merits, and to attribute their not having been lords of the treasury and lords of trade many years before, merely to the prevalence of party, and to the ministerial power, which had frustrated the good intentions of the court in favor of their abilities. Now was the time to unlock the sealed fountain of royal bounty, which had been infamously monopolized and huckstered, and to let it flow at large upon the whole people. The time was come, to restore royalty to its original splendor. *Mettre le Roy hors de page*, became a sort of watchword. And it was constantly in the mouths of all the runners of the court, that nothing could preserve the balance of the constitution from being overturned by the rabble, or by a faction of the nobility, but to free the sovereign effectually from that ministerial tyranny under which the royal dignity had been oppressed in the person of his Majesty's grandfather.

These were some of the many artifices used to reconcile the people to the great change which was made in the persons who composed the ministry, and the still

greater which was made and avowed in its constitution. As to individuals, other methods were employed with them; in order so thoroughly to disunite every party, and even every family, that *no concert, order, or effect, might appear in any future opposition*. And in this manner an administration without connection with the people, or with one another, was first put in possession of government. What good consequences followed from it, we have all seen; whether with regard to virtue, public or private; to the ease and happiness of the sovereign; or to the real strength of government. But as so much stress was then laid on the necessity of this new project, it will not be amiss to take a view of the effects of this royal servitude and vile durance, which was so deplored in the reign of the late monarch, and was so carefully to be avoided in the reign of his successor. The effects were these.

In times full of doubt and danger to his person and family, George II. maintained the dignity of his crown connected with the liberty of his people, not only unimpaired, but improved, for the space of thirty-three years. He overcame a dangerous rebellion, abetted by foreign force, and raging in the heart of his kingdoms; and thereby destroyed the seeds of all future rebellion that could arise upon the same principle. He carried the glory, the power, the commerce of England, to a height unknown even to this renowned nation in the times of its greatest prosperity: and he left his succession resting on the true and only true foundations of all national and all regal greatness; affection at home, reputation abroad, trust in allies, terror in rival nations. The most ardent lover of his country cannot wish for Great Britain a happier fate than to continue as she was then left. A people, emulous as we are in affection to our present sovereign, know not how to form a prayer to heaven for a greater blessing upon his virtues, or a higher state of felicity and glory, than that he should live, and should reign, and when Providence ordains it, should die, exactly like his illustrious predecessor.

A great prince may be obliged (though such a thing cannot happen very often) to sacrifice his private inclination to his public interest. A wise prince will not think that such a restraint implies a condition of servility; and truly, if such was the condition of the last reign, and the effects were also such as we have described, we ought, no less for the sake of the sovereign whom we love, than for our own, to hear arguments convincing indeed, before we depart from the maxims of that reign, or fly in the face of this great body of strong and recent experience.

One of the principal topics which was then, and has been since, much employed by that political school, is an affected terror of the growth of an aristocratic power, prejudicial to the rights of the crown, and the balance of the constitution. Any new powers exercised in the House of Lords, or in the House of Commons, or by the crown, ought certainly to excite the vigilant and anxious jealousy of a free people. Even a new and unprecedented course of action in the whole legislature, without great and evident reason, may be a subject of just uneasiness. I will not affirm, that there may not have lately appeared in the House of Lords, a disposition to some

attempts derogatory to the legal rights of the subject. If any such have really appeared, they have arisen, not from a power properly aristocratic, but from the same influence which is charged with having excited attempts of a similar nature in the House of Commons; which House, if it should have been betrayed into an unfortunate quarrel with its constituents, and involved in a charge of the very same nature, could have neither power nor inclination to repel such attempts in others. Those attempts in the House of Lords can no more be called aristocratic proceedings, than the proceedings with regard to the county of Middlesex in the House of Commons can with any sense be called democratical.

It is true, that the peers have a great influence in the kingdom, and in every part of the public concerns. While they are men of property, it is impossible to prevent it, except by such means as must prevent all property from its natural operation: an event not easily to be compassed, while property is power; nor by any means to be wished, while the least notion exists of the method by which the spirit of liberty acts, and of the means by which it is preserved. If any particular peers, by their uniform, upright, constitutional conduct, by their public and their private virtues, have acquired an influence in the country; the people, on whose favor that influence depends, and from whom it arose, will never be duped into an opinion, that such greatness in a peer is the despotism of an aristocracy, when they know and feel it to be the effect and pledge of their own importance.

I am no friend to aristocracy, in the sense at least in which that word is usually understood. If it were not a bad habit to moot cases on the supposed ruin of the constitution, I should be free to declare, that if it must perish, I would rather by far see it resolved into any other form, than lost in that austere and insolent domination. But, whatever my dislikes may be, my fears are not upon that quarter. The question, on the influence of a court, and of a peerage, is not, which of the two dangers is the more eligible, but which is the more imminent. He is but a poor observer, who has not seen, that the generality of peers, far from supporting themselves in a state of independent greatness, are but too apt to fall into an oblivion of their proper dignity, and to run headlong into an abject servitude. Would to God it were true, that the fault of our peers were too much spirit. It is worthy of some observation that these gentlemen, so jealous of aristocracy, make no complaints of the power of those peers (neither few nor inconsiderable) who are always in the train of a court, and whose whole weight must be considered as a portion of the settled influence of the crown. This is all safe and right; but if some peers (I am very sorry they are not as many as they ought to be) set themselves, in the great concern of peers and commons, against a back-stairs influence and clandestine government, then the alarm begins; then the constitution is in danger of being forced into an aristocracy.

I rest a little the longer on this court topic, because it was much insisted upon at the time of the great change, and has been since frequently revived by many of the agents of that party; for, whilst they are terrifying the great and opulent with the

horrors of mob-government, they are by other managers attempting (though hitherto with little success) to alarm the people with a phantom of tyranny in the nobles. All this is done upon their favorite principle of disunion, of sowing jealousies amongst the different orders of the state, and of disjointing the natural strength of the kingdom; that it may be rendered incapable of resisting the sinister designs of wicked men, who have engrossed the royal power.

Thus much of the topics chosen by the courtiers to recommend their system; it will be necessary to open a little more at large the nature of that party which was formed for its support. Without this, the whole would have been no better than a visionary amusement, like the scheme of Harrington's political club, and not a business in which the nation had a real concern. As a powerful party, and a party constructed on a new principle, it is a very inviting object of curiosity.

It must be remembered, that since the revolution, until the period we are speaking of, the influence of the crown had been always employed in supporting the ministers of state, and in carrying on the public business according to their opinions. But the party now in question is formed upon a very different idea. It is to intercept the favor, protection, and confidence of the crown in the passage to its ministers; it is to come between them and their importance in Parliament; it is to separate them from all their natural and acquired dependencies; it is intended as the control, not the support, of administration. The machinery of this system is perplexed in its movements, and false in its principle. It is formed on a supposition that the king is something external to his government; and that he may be honored and aggrandized, even by its debility and disgrace. The plan proceeds expressly on the idea of enfeebling the regular executory power. It proceeds on the idea of weakening the state in order to strengthen the court. The scheme depending entirely on distrust, on disconnection, on mutability by principle, on systematic weakness in every particular member; it is impossible that the total result should be substantial strength of any kind.

As a foundation of their scheme, the cabal have established a sort of *rota* in the court. All sorts of parties, by this means, have been brought into administration; from whence few have had the good fortune to escape without disgrace; none at all without considerable losses. In the beginning of each arrangement no professions of confidence and support are wanting, to induce the leading men to engage. But while the ministers of the day appear in all the pomp and pride of power, while they have all their canvas spread out to the wind, and every sail filled with the fair and prosperous gale of royal favor, in a short time they find, they know not how, a current, which sets directly against them: which prevents all progress; and even drives them backwards. They grow ashamed and mortified in a situation, which, by its vicinity to power, only serves to remind them the more strongly of their insignificance. They are obliged either to execute the orders of their inferiors, or to see themselves opposed by the natural instruments of their office. With the loss of

their dignity they lose their temper. In their turn they grow troublesome to that cabal which, whether it supports or opposes, equally disgraces and equally betrays them. It is soon found necessary to get rid of the heads of administration; but it is of the heads only. As there always are many rotten members belonging to the best connections, it is not hard to persuade several to continue in office without their leaders. By this means the party goes out much thinner than it came in; and is only reduced in strength by its temporary possession of power. Besides, if by accident, or in course of changes, that power should be recovered, the junto have thrown up a retrenchment of these carcasses, which may serve to cover themselves in a day of danger. They conclude, not unwisely, that such rotten members will become the first objects of disgust and resentment to their ancient connections.

They contrive to form in the outward administration two parties at the least; which, whilst they are tearing one another to pieces, are both competitors for the favor and protection of the cabal; and, by their emulation, contribute to throw everything more and more into the hands of the interior managers.

A minister of state will sometimes keep himself totally estranged from all his colleagues; will differ from them in their councils, will privately traverse, and publicly oppose, their measures. He will, however, continue in his employment. Instead of suffering any mark of displeasure, he will be distinguished by an unbounded profusion of court rewards and caresses; because he does what is expected, and all that is expected, from men in office. He helps to keep some form of administration in being, and keeps it at the same time as weak and divided as possible.

However, we must take care not to be mistaken, or to imagine that such persons have any weight in their opposition. When, by them, administration is convinced of its insignificance, they are soon to be convinced of their own. They never are suffered to succeed in their opposition. They and the world are to be satisfied, that neither office, nor authority, nor property, nor ability, eloquence, counsel, skill, or union, are of the least importance; but that the mere influence of the court, naked of all support, and destitute of all management, is abundantly sufficient for all its own purposes.

When any adverse connection is to be destroyed, the cabal seldom appear in the work themselves. They find out some person of whom the party entertains a high opinion. Such a person they endeavor to delude with various pretences. They teach him first to distrust, and then to quarrel with his friends; among whom, by the same arts, they excite a similar diffidence of him; so that in this mutual fear and distrust, he may suffer himself to be employed as the instrument in the change which is brought about. Afterwards they are sure to destroy him in his turn, by setting up in his place some person in whom he had himself reposed the greatest confidence, and who serves to carry off a considerable part of his adherents.

When such a person has broke in this manner with his connections, he is soon compelled to commit some flagrant act of iniquitous, personal hostility against some of them (such as an attempt to strip a particular friend of his family estate), by which the cabal hope to render the parties utterly irreconcilable. In truth, they have so contrived matters, that people have a greater hatred to the subordinate instruments than to the principal movers.

As in destroying their enemies they make use of instruments not immediately belonging to their corps, so in advancing their own friends they pursue exactly the same method. To promote any of them to considerable rank or emolument, they commonly take care that the recommendation shall pass through the hands of the ostensible ministry: such a recommendation might however appear to the world, as some proof of the credit of ministers, and some means of increasing their strength. To prevent this, the persons so advanced are directed, in all companies, industriously to declare, that they are under no obligations whatsoever to administration; that they have received their office from another quarter; that they are totally free and independent.

When the faction has any job of lucre to obtain, or of vengeance to perpetrate, their way is, to select, for the execution, those very persons to whose habits, friendships, principles, and declarations, such proceedings are publicly known to be the most adverse; at once to render the instruments the more odious, and therefore the more dependent, and to prevent the people from ever reposing a confidence in any appearance of private friendship or public principle.

If the administration seem now and then, from remissness, or from fear of making themselves disagreeable, to suffer any popular excesses to go unpunished, the cabal immediately sets up some creature of theirs to raise a clamor against the ministers, as having shamefully betrayed the dignity of government. Then they compel the ministry to become active in conferring rewards and honors on the persons who have been the instruments of their disgrace; and, after having first vilified them with the higher orders for suffering the laws to sleep over the licentiousness of the populace, they drive them (in order to make amends for their former inactivity) to some act of atrocious violence, which renders them completely abhorred by the people. They, who remember the riots which attended the Middlesex election, the opening of the present Parliament, and the transactions relative to Saint George's Fields, will not be at a loss for an application of these remarks.

That this body may be enabled to compass all the ends of its institution, its members are scarcely ever to aim at the high and responsible offices of the state. They are distributed with art and judgment through all the secondary, but efficient, departments of office, and through the households of all the branches of the royal family: so as on one hand to occupy all the avenues to the throne; and on the other to forward or frustrate the execution of any measure, according to their own

interests. For with the credit and support which they are known to have, though for the greater part in places which are only a genteel excuse for salary, they possess all the influence of the highest posts; and they dictate publicly in almost everything, even with a parade of superiority. Whenever they dissent (as it often happens) from their nominal leaders, the trained part of the senate, instinctively in the secret, is sure to follow them: provided the leaders, sensible of their situation, do not of themselves recede in time from their most declared opinions. This latter is generally the case. It will not be conceivable to any one who has not seen it, what pleasure is taken by the cabal in rendering these heads of office thoroughly contemptible and ridiculous. And when they are become so, they have then the best chance for being well supported.

The members of the court faction are fully indemnified for not holding places on the slippery heights of the kingdom, not only by the lead in all affairs, but also by the perfect security in which they enjoy less conspicuous, but very advantageous situations. Their places are in express legal tenure, or, in effect, all of them for life. Whilst the first and most respectable persons in the kingdom are tossed about like tennis-balls, the sport of a blind and insolent caprice, no minister dares even to cast an oblique glance at the lowest of their body. If an attempt be made upon one of this corps, immediately he flies to sanctuary, and pretends to the most inviolable of all promises. No conveniency of public arrangement is available to remove any one of them from the specific situation he holds; and the slightest attempt upon one of them, by the most powerful minister, is a certain preliminary to his own destruction.

Conscious of their independence, they bear themselves with a lofty air to the exterior ministers. Like janissaries, they derive a kind of freedom from the very condition of their servitude. They may act just as they please; provided they are true to the great ruling principle of their institution. It is, therefore, not at all wonderful, that people should be so desirous of adding themselves to that body, in which they may possess and reconcile satisfactions the most alluring, and seemingly the most contradictory; enjoying at once all the spirited pleasure of independence, and all the gross lucre and fat emoluments of servitude.

Here is a sketch, though a slight one, of the constitution, laws, and policy of this new court corporation. The name by which they choose to distinguish themselves, is that of *king's men* or the *king's friends*, by an invidious exclusion of the rest of his Majesty's most loyal and affectionate subjects. The whole system, comprehending the exterior and interior administrations, is commonly called, in the technical language of the court, *double cabinet*; in French or English, as you choose to pronounce it.

Whether all this be a vision of a distracted brain, or the invention of a malicious heart, or a real faction in the country, must be judged by the appearances which things have worn for eight years past. Thus far I am certain, that there is not a single public man, in or out of office, who has not, at some time or other, borne testimony

to the truth of what I have now related. In particular, no persons have been more strong in their assertions, and louder and more indecent in their complaints, than those who compose all the exterior part of the present administration; in whose time that faction has arrived at such an height of power, and of boldness in the use of it, as may, in the end, perhaps bring about its total destruction.

It is true, that about four years ago, during the administration of the Marquis of Rockingham, an attempt was made to carry on government without their concurrence. However, this was only a transient cloud; they were hid but for a moment; and their constellation blazed out with greater brightness, and a far more vigorous influence, some time after it was blown over. An attempt was at that time made (but without any idea of proscription) to break their corps, to discountenance their doctrines, to revive connections of a different kind, to restore the principles and policy of the Whigs, to reanimate the cause of liberty by ministerial countenance; and then for the first time were men seen attached in office to every principle they had maintained in opposition. No one will doubt, that such men were abhorred and violently opposed by the court faction, and that such a system could have but a short duration.

It may appear somewhat affected, that in so much discourse upon this extraordinary party, I should say so little of the Earl of Bute, who is the supposed head of it. But this was neither owing to affectation nor inadvertence. I have carefully avoided the introduction of personal reflections of any kind. Much the greater part of the topics which have been used to blacken this nobleman are either unjust or frivolous. At best, they have a tendency to give the resentment of this bitter calamity a wrong direction, and to turn a public grievance into a mean, personal, or a dangerous national quarrel. Where there is a regular scheme of operations carried on, it is the system, and not any individual person who acts in it, that is truly dangerous. This system has not arisen solely from the ambition of Lord Bute, but from the circumstances which favored it, and from an indifference to the constitution which had been for some time growing among our gentry. We should have been tried with it, if the Earl of Bute had never existed; and it will want neither a contriving head nor active members, when the Earl of Bute exists no longer. It is not, therefore, to rail at Lord Bute, but firmly to embody against this court party and its practices, which can afford us any prospect of relief in our present condition.

Another motive induces me to put the personal consideration of Lord Bute wholly out of the question. He communicates very little in a direct manner with the greater part of our men of business. This has never been his custom. It is enough for him that he surrounds them with his creatures. Several imagine, therefore, that they have a very good excuse for doing all the work of this faction, when they have no personal connection with Lord Bute. But whoever becomes a party to an administration, composed of insulated individuals, without faith plighted, tie, or

common principle; an administration constitutionally impotent, because supported by no party in the nation; he who contributes to destroy the connections of men and their trust in one another, or in any sort to throw the dependence of public counsels upon private will and favor, possibly may have nothing to do with the Earl of Bute. It matters little whether he be the friend or the enemy of that particular person. But let him be who or what he will, he abets a faction that is driving hard to the ruin of his country. He is sapping the foundation of its liberty, disturbing the sources of its domestic tranquillity, weakening its government over its dependencies, degrading it from all its importance in the system of Europe.

It is this unnatural infusion of a *system of favoritism* into a government which in a great part of its constitution is popular, that has raised the present ferment in the nation. The people, without entering deeply into its principles, could plainly perceive its effects, in much violence, in a great spirit of innovation, and a general disorder in all the functions of government. I keep my eye solely on this system; if I speak of those measures which have arisen from it, it will be so far only as they illustrate the general scheme. This is the fountain of all those bitter waters of which, through an hundred different conduits, we have drunk until we are ready to burst. The discretionary power of the crown in the formation of ministry, abused by bad or weak men, has given rise to a system, which, without directly violating the letter of any law, operates against the spirit of the whole constitution.

A plan of favoritism for our executory government is essentially at variance with the plan of our legislature. One great end undoubtedly of a mixed government like ours, composed of monarchy, and of controls, on the part of the higher people and the lower, is that the prince shall not be able to violate the laws. This is useful indeed and fundamental. But this, even at first view, is no more than a negative advantage; an armor merely defensive. It is therefore next in order, and equal in importance, *that the discretionary powers which are necessarily vested in the monarch, whether for the execution of the laws, or for the nomination to magistracy and office, or for conducting the affairs of peace and war, or for ordering the revenue, should all be exercised upon public principles and national grounds, and, not on the likings or prejudices, the intrigues or policies, of a court.* This, I said, is equal in importance to the securing a government according to law. The laws reach but a very little way. Constitute government how you please, infinitely the greater part of it must depend upon the exercise of the powers which are left at large to the prudence and uprightness of ministers of state. Even all the use and potency of the laws depends upon them. Without them, your commonwealth is no better than a scheme upon paper; and not a living, active, effective constitution. It is possible that through negligence, or ignorance, or design artfully conducted, ministers may suffer one part of government to languish, another to be perverted from its purposes, and every valuable interest of the country to fall into ruin and decay, without possibility of fixing any single act on which a criminal prosecution can be justly grounded. The

due arrangement of men in the active part of the state, far from being foreign to the purposes of a wise government, ought to be among its very first and dearest objects. When, therefore, the abettors of the new system tell us, that between them and their opposers there is nothing but a struggle for power, and that therefore we are no ways concerned in it; we must tell those who have the impudence to insult us in this manner, that, of all things, we ought to be the most concerned who, and what sort of men they are that hold the trust of everything that is dear to us. Nothing can render this a point of indifference to the nation, but what must either render us totally desperate, or soothe us into the security of idiots. We must soften into a credulity below the milkiness of infancy to think all men virtuous. We must be tainted with a malignity truly diabolical to believe all the world to be equally wicked and corrupt. Men are in public life as in private, some good, some evil. The elevation of the one, and the depression of the other, are the first objects of all true policy. But that form of government, which, neither in its direct institutions, nor in their immediate tendency, has contrived to throw its affairs into the most trustworthy hands, but has left its whole executory system to be disposed of agreeably to the uncontrolled pleasure of any one man, however excellent or virtuous, is a plan of polity defective not only in that member, but consequentially erroneous in every part of it.

In arbitrary governments, the constitution of the ministry follows the constitution of the legislature. Both the law and the magistrate are the creatures of will. It must be so. Nothing, indeed, will appear more certain, on any tolerable consideration of this matter, than that *every sort of government ought to have its administration correspondent to its legislature*. If it should be otherwise, things must fall into an hideous disorder. The people of a free commonwealth, who have taken such care that their laws should be the result of general consent, cannot be so senseless as to suffer their executory system to be composed of persons on whom they have no dependence, and whom no proofs of the public love and confidence have recommended to those powers, upon the use of which the very being of the state depends.

The popular election of magistrates, and popular disposition of rewards and honors, is one of the first advantages of a free state. Without it, or something equivalent to it, perhaps the people cannot long enjoy the substance of freedom; certainly none of the vivifying energy of good government. The frame of our commonwealth did not admit of such an actual election: but it provided as well, and (while the spirit of the constitution is preserved) better for all the effects of it than by the method of suffrage in any democratic state whatsoever. It had always, until of late, been held the first duty of Parliament *to refuse to support government, until power was in the hands of persons who were acceptable to the people, or while factions predominated in the court in which the nation had no confidence*. Thus all the good effects of popular election were supposed to be secured to us, without the

mischiefs attending on perpetual intrigue, and a distinct canvass for every particular office throughout the body of the people. This was the most noble and refined part of our constitution. The people, by their representatives and grandees, were intrusted with a deliberative power in making laws; the king with the control of his negative. The king was intrusted with the deliberative choice and the election to office; the people had the negative in a Parliamentary refusal to support. Formerly this power of control was what kept ministers in awe of Parliaments, and Parliaments in reverence with the people. If the use of this power of control on the system and persons of administration is gone, everything is lost, Parliament and all. We may assure ourselves, that if Parliament will tamely see evil men take possession of all the strongholds of their country, and allow them time and means to fortify themselves, under a pretence of giving them a fair trial, and upon a hope of discovering, whether they will not be reformed by power, and whether their measures will not be better than their morals; such a Parliament will give countenance to their measures also, whatever that Parliament may pretend, and whatever those measures may be.

Every good political institution must have a preventive operation as well as a remedial. It ought to have a natural tendency to exclude bad men from government, and not to trust for the safety of the state to subsequent punishment alone; punishment, which has ever been tardy and uncertain; and which, when power is suffered in bad hands, may chance to fall rather on the injured than the criminal.

Before men are put forward into the great trusts of the state, they ought by their conduct to have obtained such a degree of estimation in their country, as may be some sort of pledge and security to the public, that they will not abuse those trusts. It is no mean security for a proper use of power, that a man has shown by the general tenor of his actions, that the affection, the good opinion, the confidence of his fellow-citizens have been among the principal objects of his life; and that he has owed none of the gradations of his power or fortune to a settled contempt, or occasional forfeiture of their esteem.

That man who before he comes into power has no friends, or who coming into power is obliged to desert his friends, or who losing it has no friends to sympathize with him; he who has no sway among any part of the landed or commercial interest, but whose whole importance has begun with his office, and is sure to end with it, is a person who ought never to be suffered by a controlling Parliament to continue in any of those situations which confer the lead and direction of all our public affairs; because such a man *has no connection with the interest of the people*.

Those knots or cabals of men who have got together, avowedly without any public principle, in order to sell their conjunct iniquity at the higher rate, and are therefore universally odious, ought never to be suffered to domineer in the state; because they have *no connection with the sentiments and opinions of the people*.

These are considerations which in my opinion enforce the necessity of having some better reason, in a free country, and a free Parliament, for supporting the ministers of the crown, than that short one, *That the king has thought proper to appoint them*. There is something very courtly in this. But it is a principle pregnant with all sorts of mischief, in a constitution like ours, to turn the views of active men from the country to the court. Whatever be the road to power, that is the road which will be trod. If the opinion of the country be of no use as a means of power or consideration, the qualities which usually procure that opinion will be no longer cultivated. And whether it will be right, in a state so popular in its constitution as ours, to leave ambition without popular motives, and to trust all to the operation of pure virtue in the minds of kings, and ministers, and public men, must be submitted to the judgment and good sense of the people of England.

Cunning men are here apt to break in, and, without directly controverting the principle, to raise objections from the difficulty under which the sovereign labors, to distinguish the genuine voice and sentiments of his people, from the clamor of a faction, by which it is so easily counterfeited. The nation, they say, is generally divided into parties, with views and passions utterly irreconcilable. If the king should put his affairs into the hands of any one of them, he is sure to disgust the rest; if he select particular men from among them all, it is a hazard that he disgusts them all. Those who are left out, however divided before, will soon run into a body of opposition; which, being a collection of many discontents into one focus, will without doubt be hot and violent enough. Faction will make its cries resound through the nation, as if the whole were in an uproar, when by far the majority, and much the better part, will seem for a while as it were annihilated by the quiet in which their virtue and moderation incline them to enjoy the blessings of government. Besides that the opinion of the mere vulgar is a miserable rule even with regard to themselves, on account of their violence and instability. So that if you were to gratify them in their humor to-day, that very gratification would be a ground of their dissatisfaction on the next. Now as all these rules of public opinion are to be collected with great difficulty, and to be applied with equal uncertainty as to the effect, what better can a king of England do, than to employ such men as he finds to have views and inclinations most conformable to his own; who are least infected with pride and self-will; and who are least moved by such popular humors as are perpetually traversing his designs, and disturbing his service; trusting that, when he means no ill to his people, he will be supported in his appointments, whether he chooses to keep or to change, as his private judgment or his pleasure leads him? He will find a sure resource in the real weight and influence of the crown, when it is not suffered to become an instrument in the hands of a faction.

I will not pretend to say, that there is nothing at all in this mode of reasoning; because I will not assert that there is no difficulty in the art of government. Undoubtedly the very best administration must encounter a great deal of opposition;

and the very worst will find more support than it deserves. Sufficient appearances will never be wanting to those who have a mind to deceive themselves. It is a fallacy in constant use with those who would level all things, and confound right with wrong, to insist upon the inconveniences which are attached to every choice, without taking into consideration the different weight and consequence of those inconveniences. The question is not concerning *absolute* discontent or *perfect* satisfaction in government; neither of which can be pure and unmixed at any time, or upon any system. The controversy is about that degree of good humor in the people, which may possibly be attained, and ought certainly to be looked for. While some politicians may be waiting to know whether the sense of every individual be against them, accurately distinguishing the vulgar from the better sort, drawing lines between the enterprises of a faction and the efforts of a people, they may chance to see the government, which they are so nicely weighing, and dividing, and distinguishing, tumble to the ground in the midst of their wise deliberation. Prudent men, when so great an object as the security of government, or even its peace, is at stake, will not run the risk of a decision which may be fatal to it. They who can read the political sky will see a hurricane in a cloud no bigger than a hand at the very edge of the horizon, and will run into the first harbor. No lines can be laid down for civil or political wisdom. They are a matter incapable of exact definition. But, though no man can draw a stroke between the confines of day and night, yet light and darkness are upon the whole tolerably distinguishable. Nor will it be impossible for a prince to find out such a mode of government, and such persons to administer it, as will give a great degree of content to his people; without any curious and anxious research for that abstract, universal, perfect harmony, which while he is seeking, he abandons those means of ordinary tranquillity which are in his power without any research at all.

It is not more the duty than it is the interest of a prince, to aim at giving tranquillity to his government. But those who advise him may have an interest in disorder and confusion. If the opinion of the people is against them, they will naturally wish that it should have no prevalence. Here it is that the people must on their part show themselves sensible of their own value. Their whole importance, in the first instance, and afterwards their whole freedom, is at stake. Their freedom cannot long survive their importance. Here it is that the natural strength of the kingdom, the great peers, the leading landed gentlemen, the opulent merchants and manufacturers, the substantial yeomanry, must interpose, to rescue their prince, themselves, and their posterity.

We are at present at issue upon this point. We are in the great crisis of this contention; and the part which men take, one way or other, will serve to discriminate their characters and their principles. Until the matter is decided, the country will remain in its present confusion. For while a system of administration is attempted, entirely repugnant to the genius of the people, and not conformable to

the plan of their government, everything must necessarily be disordered for a time, until this system destroys the constitution, or the constitution gets the better of this system.

There is, in my opinion, a peculiar venom and malignity in this political distemper beyond any that I have heard or read of. In former times the projectors of arbitrary government attacked only the liberties of their country; a design surely mischievous enough to have satisfied a mind of the most unruly ambition. But a system unfavorable to freedom may be so formed, as considerably to exalt the grandeur of the state; and men may find, in the pride and splendor of that prosperity, some sort of consolation for the loss of their solid privileges. Indeed the increase of the power of the state has often been urged by artful men, as a pretext for some abridgment of the public liberty. But the scheme of the junto under consideration, not only strikes a palsy into every nerve of our free constitution, but in the same degree benumbs and stupefies the whole executive power: rendering government in all its grand operations languid, uncertain, ineffective; making ministers fearful of attempting, and incapable of executing any useful plan of domestic arrangement, or of foreign politics. It tends to produce neither the security of a free government, nor the energy of a monarchy that is absolute. Accordingly the crown has dwindled away, in proportion to the unnatural and turgid growth of this excrescence on the court.

The interior ministry are sensible, that war is a situation which sets in its full light the value of the hearts of a people; and they well know, that the beginning of the importance of the people must be the end of theirs. For this reason they discover upon all occasions the utmost fear of everything, which by possibility may lead to such an event. I do not mean that they manifest any of that pious fear which is backward to commit the safety of the country to the dubious experiment of war. Such a fear, being the tender sensation of virtue, excited, as it is regulated, by reason, frequently shows itself in a seasonable boldness, which keeps danger at a distance, by seeming to despise it. Their fear betrays to the first glance of the eye, its true cause, and its real object. Foreign powers, confident in the knowledge of their character, have not scrupled to violate the most solemn treaties; and, in defiance of them, to make conquests in the midst of a general peace, and in the heart of Europe. Such was the conquest of Corsica, by the professed enemies of the freedom of mankind, in defiance of those who were formerly its professed defenders. We have had just claims upon the same powers: rights which ought to have been sacred to them as well as to us, as they had their origin in our lenity and generosity towards France and Spain in the day of their great humiliation. Such I call the ransom of Manilla, and the demand on France for the East India prisoners. But these powers put a just confidence in their resource of the *double cabinet*. These demands (one of them at least) are hastening fast towards an acquittal by prescription. Oblivion begins to spread her cobwebs over all our spirited

remonstrances. Some of the most valuable branches of our trade are also on the point of perishing from the same cause. I do not mean those branches which bear without the hand of the vine-dresser; I mean those which the policy of treaties had formerly secured to us; I mean to mark and distinguish the trade of Portugal, the loss of which, and the power of the cabal, have one and the same era.

If by any chance, the ministers who stand before the curtain possess or affect any spirit, it makes little or no impression. Foreign courts and ministers, who were among the first to discover and to profit by this invention of the *double cabinet*, attend very little to their remonstrances. They know that those shadows of ministers have nothing to do in the ultimate disposal of things. Jealousies and animosities are sedulously nourished in the outward administration, and have been even considered as a *causa sine qua non* in its constitution: thence foreign courts have a certainty, that nothing can be done by common counsel in this nation. If one of those ministers officially takes up a business with spirit, it serves only the better to signalize the meanness of the rest, and the discord of them all. His colleagues in office are in haste to shake him off, and to disclaim the whole of his proceedings. Of this nature was that astonishing transaction, in which Lord Rochford, our ambassador at Paris, remonstrated against the attempt upon Corsica, in consequence of a direct authority from Lord Shelburne. This remonstrance the French minister treated with the contempt that was natural: as he was assured, from the ambassador of his court to ours, that these orders of Lord Shelburne were not supported by the rest of the (I had like to have said British) administration. Lord Rochford, a man of spirit, could not endure this situation. The consequences were, however, curious. He returns from Paris, and comes home full of anger. Lord Shelburne, who gave the orders, is obliged to give up the seals. Lord Rochford, who obeyed these orders, receives them. He goes, however, into another department of the same office, that he might not be obliged officially to acquiesce, in one situation, under what he had officially remonstrated against, in another. At Paris, the Duke of Choiseul considered this office arrangement as a compliment to him: here it was spoken of as an attention to the delicacy of Lord Rochford. But whether the compliment was to one or both, to this nation it was the same. By this transaction the condition of our court lay exposed in all its nakedness. Our office correspondence has lost all pretence to authenticity: British policy is brought into derision in those nations, that a while ago trembled at the power of our arms, whilst they looked up with confidence to the equity, firmness, and candor, which shone in all our negotiations. I represent this matter exactly in the light in which it has been universally received.

Such has been the aspect of our foreign politics, under the influence of a *double cabinet*. With such an arrangement at court, it is impossible it should have been otherwise. Nor is it possible that this scheme should have a better effect upon the government of our dependencies, the first, the dearest, and most delicate objects, of

the interior policy of this empire. The colonies know, that administration is separated from the court, divided within itself, and detested by the nation. The *double cabinet* has, in both the parts of it, shown the most malignant dispositions towards them, without being able to do them the smallest mischief.

They are convinced, by sufficient experience, that no plan, either of lenity, or rigor, can be pursued with uniformity and perseverance. Therefore they turn their eyes entirely from Great Britain, where they have neither dependence on friendship, nor apprehension from enmity. They look to themselves, and their own arrangements. They grow every day into alienation from this country; and whilst they are becoming disconnected with our government, we have not the consolation to find, that they are even friendly in their new independence. Nothing can equal the futility, the weakness, the rashness, the timidity, the perpetual contradiction in the management of our affairs in that part of the world. A volume might be written on this melancholy subject; but it were better to leave it entirely to the reflections of the reader himself, than not to treat it in the extent it deserves.

In what manner our domestic economy is affected by this system, it is needless to explain. It is the perpetual subject of their own complaints.

The court party resolve the whole into faction Having said something before upon this subject, I shall only observe here, that, when they give this account of the prevalence of faction, they present no very favorable aspect of the confidence of the people in their own government. They may be assured, that however they amuse themselves with a variety of projects for substituting something else in the place of that great and only foundation of government, the confidence of the people, every attempt will but make their condition worse. When men imagine that their food is only a cover for poison, and when they neither love nor trust the hand that serves it, it is not the name of the roast beef of Old England, that will persuade them to sit down to the table that is spread for them. When the people conceive that laws, and tribunals, and even popular assemblies, are perverted from the ends of their institution, they find in those names of degenerated establishments only new motives to discontent. Those bodies, which, when full of life and beauty, lay in their arms, and were their joy and comfort, when dead and putrid, become but the more loathsome from remembrance of former endearments. A sullen gloom and furious disorder prevail by fits; the nation loses its relish for peace and prosperity; as it did in that season of fulness which opened our troubles in the time of Charles the First. A species of men to whom a state of order would become a sentence of obscurity are nourished into a dangerous magnitude by the heat of intestine disturbances; and it is no wonder that, by a sort of sinister piety, they cherish, in their turn, the disorders which are the parents of all their consequence. Superficial observers consider such persons as the cause of the public uneasiness, when, in truth, they are nothing more than the effect of it. Good men look upon this distracted scene with sorrow and indignation. Their hands are tied behind them. They are despoiled of all

the power which might enable them to reconcile the strength of government with the rights of the people. They stand in a most distressing alternative. But in the election among evils they hope better things from temporary confusion, than from established servitude. In the mean time, the voice of law is not to be heard. Fierce licentiousness begets violent restraints. The military arm is the sole reliance; and then, call your constitution what you please, it is the sword that governs. The civil power, like every other that calls in the aid of an ally stronger than itself, perishes by the assistance it receives. But the contrivers of this scheme of government will not trust solely to the military power; because they are cunning men. Their restless and crooked spirit drives them to rake in the dirt of every kind of expedient. Unable to rule the multitude, they endeavor to raise divisions amongst them. One mob is hired to destroy another; a procedure which at once encourages the boldness of the populace, and justly increases their discontent. Men become pensioners of state on account of their abilities in the array of riot, and the discipline of confusion. Government is put under the disgraceful necessity of protecting from the severity of the laws that very licentiousness, which the laws had been before violated to repress. Everything partakes of the original disorder. Anarchy predominates without freedom, and servitude without submission or subordination. These are the consequences inevitable to our public peace, from the scheme of rendering the executory government at once odious and feeble; of freeing administration from the constitutional and salutary control of Parliament, and inventing for it a *new control*, unknown to the constitution, an *interior cabinet*; which brings the whole body of government into confusion and contempt.

After having stated, as shortly as I am able, the effects of this system on our foreign affairs, on the policy of our government with regard to our dependencies, and on the interior economy of the commonwealth; there remains only, in this part of my design, to say something of the grand principle which first recommended this system at court. The pretence was, to prevent the king from being enslaved by a faction, and made a prisoner in his closet. This scheme might have been expected to answer at least its own end, and to indemnify the king, in his personal capacity, for all the confusion into which it has thrown his government. But has it in reality answered this purpose? I am sure, if it had, every affectionate subject would have one motive for enduring with patience all the evils which attend it.

In order to come at the truth in this matter, it may not be amiss to consider it somewhat in detail. I speak here of the king, and not of the crown; the interests of which we have already touched. Independent of that greatness which a king possesses merely by being a representative of the national dignity, the things in which he may have an individual interest seem to be these: — wealth accumulated; wealth spent in magnificence, pleasure, or beneficence; personal respect and attention; and, above all, private ease and repose of mind. These compose the

inventory of prosperous circumstances, whether they regard a prince or a subject; their enjoyments differing only in the scale upon which they are formed.

Suppose then we were to ask, whether the king has been richer than his predecessors in accumulated wealth, since the establishment of the plan of favoritism? I believe it will be found that the picture of royal indigence, which our court has presented until this year, has been truly humiliating. Nor has it been relieved from this unseemly distress, but by means which have hazarded the affection of the people, and shaken their confidence in Parliament. If the public treasures had been exhausted in magnificence and splendor, this distress would have been accounted for, and in some measure justified. Nothing would be more unworthy of this nation, than with a mean and mechanical rule, to mete out the splendor of the crown. Indeed I have found very few persons disposed to so ungenerous a procedure. But the generality of people, it must be confessed, do feel a good deal mortified, when they compare the wants of the court with its expenses. They do not behold the cause of this distress in any part of the apparatus of royal magnificence. In all this, they see nothing but the operations of parsimony, attended with all the consequences of profusion. Nothing expended, nothing saved. Their wonder is increased by their knowledge, that besides the revenue settled on his Majesty's civil list to the amount of 800,000*l.* a year, he has a farther aid from a large pension list, near 90,000*l.* a year, in Ireland; from the produce of the duchy of Lancaster (which we are told has been greatly improved); from the revenue of the duchy of Cornwall; from the American quit-rents; from the four and a half per cent duty in the Leeward Islands; this last worth to be sure considerably more than 40,000*l.* a year. The whole is certainly not much short of a million annually.

These are revenues within the knowledge and cognizance of our national councils. We have no direct right to examine into the receipts from his Majesty's German dominions, and the bishopric of Osnaburg. This is unquestionably true. But that which is not within the province of Parliament, is yet within the sphere of every man's own reflection. If a foreign prince resided amongst us, the state of his revenues could not fail of becoming the subject of our speculation. Filled with an anxious concern for whatever regards the welfare of our sovereign, it is impossible, in considering the miserable circumstances into which he has been brought, that this obvious topic should be entirely passed over. There is an opinion universal, that these revenues produce something not inconsiderable, clear of all charges and establishments. This produce the people do not believe to be hoarded, nor perceive to be spent. It is accounted for in the only manner it can, by supposing that it is drawn away, for the support of that court faction, which, whilst it distresses the nation, impoverishes the prince in every one of his resources. I once more caution the reader, that I do not urge this consideration concerning the foreign revenue, as if I supposed we had a direct right to examine into the expenditure of any part of it; but solely for the purpose of showing how little this system of favoritism has been

advantageous to the monarch himself; which, without magnificence, has sunk him into a state of unnatural poverty; at the same time that he possessed every means of affluence, from ample revenues, both in this country, and in other parts of his dominions.

Has this system provided better for the treatment becoming his high and sacred character, and secured the king from those disgusts attached to the necessity of employing men who are not personally agreeable? This is a topic upon which for many reasons I could wish to be silent; but the pretence of securing against such causes of uneasiness, is the corner-stone of the court-party. It has however so happened, that if I were to fix upon any one point, in which this system has been more particularly and shamefully blamable, the effects which it has produced would justify me in choosing for that point its tendency to degrade the personal dignity of the sovereign, and to expose him to a thousand contradictions and mortifications. It is but too evident in what manner these projectors of royal greatness have fulfilled all their magnificent promises. Without recapitulating all the circumstances of the reign, every one of which is, more or less, a melancholy proof of the truth of what I have advanced, let us consider the language of the court but a few years ago, concerning most of the persons now in the external administration: let me ask, whether any enemy to the personal feelings of the sovereign could possibly contrive a keener instrument of mortification, and degradation of all dignity, than almost every part and member of the present arrangement? Nor, in the whole course of our history, has any compliance with the will of the people ever been known to extort from any prince a greater contradiction to all his own declared affections and dislikes, than that which is now adopted, in direct opposition to everything the people approve and desire.

An opinion prevails, that greatness has been more than once advised to submit to certain condescensions towards individuals, which have been denied to the entreaties of a nation. For the meanest and most dependent instrument of this system knows, that there are hours when its existence may depend upon his adherence to it; and he takes his advantage accordingly. Indeed it is a law of nature, that whoever is necessary to what we have made our object is sure, in some way, or in some time or other, to become our master. All this however is submitted to, in order to avoid that monstrous evil of governing in concurrence with the opinion of the people. For it seems to be laid down as a maxim, that a king has some sort of interest in giving uneasiness to his subjects: that all who are pleasing to them, are to be of course disagreeable to him: that as soon as the persons who are odious at court are known to be odious to the people, it is snatched at as a lucky occasion of showering down upon them all kinds of emoluments and honors. None are considered as well-wishers to the crown, but those who advise to some unpopular course of action; none capable of serving it, but those who are obliged to call at every instant upon all its power for the safety of their lives. None are supposed to be

fit priests in the temple of government, but the persons who are compelled to fly into it for sanctuary. Such is the effect of this refined project; such is ever the result of all the contrivances, which are used to free men from the servitude of their reason, and from the necessity of ordering their affairs according to their evident interests. These contrivances oblige them to run into a real and ruinous servitude, in order to avoid a supposed restraint, that might be attended with advantage.

If therefore this system has so ill answered its own grand pretence of saving the king from the necessity of employing persons disagreeable to him, has it given more peace and tranquillity to his Majesty's private hours? No, most certainly. The father of his people cannot possibly enjoy repose, while his family is in such a state of distraction. Then what has the crown or the king profited by all this fine-wrought scheme? Is he more rich, or more splendid, or more powerful, or more at his ease, by so many labors and contrivances? Have they not beggared his exchequer, tarnished the splendor of his court, sunk his dignity, galled his feelings, discomposed the whole order and happiness of his private life?

It will be very hard, I believe, to state in what respect the king has profited by that faction which presumptuously choose to call themselves *his friends*.

If particular men had grown into an attachment, by the distinguished honor of the society of their sovereign; and, by being the partakers of his amusements, came sometimes to prefer the gratification of his personal inclinations to the support of his high character, the thing would be very natural, and it would be excusable enough. But the pleasant part of the story is, that these *king's friends* have no more ground for usurping such a title, than a resident freeholder in Cumberland or in Cornwall. They are only known to their sovereign by kissing his hand, for the offices, pensions, and grants, into which they have deceived his benignity. May no storm ever come, which will put the firmness of their attachment to the proof; and which, in the midst of confusions, and terrors, and sufferings, may demonstrate the eternal difference between a true and severe friend to the monarchy, and a slippery sycophant of the court! *Quantum infido scurræ distabit amicus*.

So far I have considered the effect of the court system, chiefly as it operates upon the executive government, on the temper of the people, and on the happiness of the sovereign. It remains that we should consider, with a little attention, its operation upon Parliament.

Parliament was indeed the great object of all these politics, the end at which they aimed, as well as the instrument by which they were to operate. But, before Parliament could be made subservient to a system, by which it was to be degraded from the dignity of a national council into a mere member of the court, it must be greatly changed from its original character.

In speaking of this body, I have my eye chiefly on the House of Commons. I hope I shall be indulged in a few observations on the nature and character of that

assembly; not with regard to its *legal form and power*, but to its *spirit*, and to the purposes it is meant to answer in the constitution.

The House of Commons was supposed originally to be *no part of the standing government of this country*. It was considered as a *control* issuing *immediately* from the people, and speedily to be resolved into the mass from whence it arose. In this respect it was in the higher part of government what juries are in the lower. The capacity of a magistrate being transitory, and that of a citizen permanent, the latter capacity it was hoped would of course preponderate in all discussions, not only between the people and the standing authority of the crown, but between the people and the fleeting authority of the House of Commons itself. It was hoped that, being of a middle nature between subject and government, they would feel with a more tender and a nearer interest everything that concerned the people, than the other remoter and more permanent parts of legislature.

Whatever alterations time and the necessary accommodation of business may have introduced, this character can never be sustained, unless the House of Commons shall be made to bear some stamp of the actual disposition of the people at large. It would (among public misfortunes) be an evil more natural and tolerable, that the House of Commons should be infected with every epidemical frenzy of the people, as this would indicate some consanguinity, some sympathy of nature with their constituents, than that they should in all cases be wholly untouched by the opinions and feelings of the people out of doors. By this want of sympathy they would cease to be a House of Commons. For it is not the derivation of the power of that House from the people, which makes it in a distinct sense their representative. The king is the representative of the people; so are the lords; so are the judges. They all are trustees for the people, as well as the commons; because no power is given for the sole sake of the holder; and although government certainly is an institution of divine authority, yet its forms, and the persons who administer it, all originate from the people.

A popular origin cannot therefore be the characteristic distinction of a popular representative. This belongs equally to all parts of government and in all forms. The virtue, spirit, and essence of a House of Commons consists in its being the express image of the feelings of the nation. It was not instituted to be a control *upon* the people, as of late it has been taught, by a doctrine of the most pernicious tendency. It was designed as a control *for* the people. Other institutions have been formed for the purpose of checking popular excesses; and they are, I apprehend, fully adequate to their object. If not, they ought to be made so. The House of Commons, as it was never intended for the support of peace and subordination, is miserably appointed for that service; having no stronger weapon than its mace, and no better officer than its serjeant-at-arms, which it can command of its own proper authority. A vigilant and jealous eye over executory and judicial magistracy; an anxious care of public money; an openness, approaching towards facility, to public complaint: these seem

to be the true characteristics of a House of Commons. But an addressing House of Commons, and a petitioning nation; a House of Commons full of confidence, when the nation is plunged in despair; in the utmost harmony with ministers, whom the people regard with the utmost abhorrence; who vote thanks, when the public opinion calls upon them for impeachments; who are eager to grant, when the general voice demands account; who, in all disputes between the people and administration, presume against the people; who punish their disorders, but refuse even to inquire into the provocations to them; this is an unnatural, a monstrous state of things in this constitution. Such an assembly may be a great, wise, awful senate; but it is not, to any popular purpose, a House of Commons. This change from an immediate state of procuration and delegation to a course of acting as from original power, is the way in which all the popular magistracies in the world have been perverted from their purposes. It is indeed their greatest and sometimes their incurable corruption. For there is a material distinction between that corruption by which particular points are carried against reason, (this is a thing which cannot be prevented by human wisdom, and is of loss consequence,) and the corruption of the principle itself. For then the evil is not accidental, but settled. The distemper becomes the natural habit.

For my part, I shall be compelled to conclude the principle of Parliament to be totally corrupted, and therefore its ends entirely defeated, when I see two symptoms: first, a rule of indiscriminate support to all ministers; because this destroys the very end of Parliament as a control, and is a general, previous sanction to misgovernment: and secondly, the setting up any claims adverse to the right of free election; for this tends to subvert the legal authority by which the House of Commons sits.

I know that, since the Revolution, along with many dangerous, many useful powers of government have been weakened. It is absolutely necessary to have frequent recourse to the legislature. Parliaments must therefore sit every year, and for great part of the year. The dreadful disorders of frequent elections have also necessitated a septennial instead of a triennial duration. These circumstances, I mean the constant habit of authority, and the unfrequency of elections, have tended very much to draw the House of Commons towards the character of a standing senate. It is a disorder which has arisen from the cure of greater disorders; it has arisen from the extreme difficulty of reconciling liberty under a monarchical government, with external strength and with internal tranquillity.

It is very clear that we cannot free ourselves entirely from this great inconvenience; but I would not increase an evil, because I was not able to remove it; and because it was not in my power to keep the House of Commons religiously true to its first principles, I would not argue for carrying it to a total oblivion of them. This has been the great scheme of power in our time. They, who will not conform their conduct to the public good, and cannot support it by the prerogative of the

crown, have adopted a new plan. They have totally abandoned the shattered and old-fashioned fortress of prerogative, and made a lodgment in the stronghold of Parliament itself. If they have any evil design to which there is no ordinary legal power commensurate, they bring it into Parliament. In Parliament the whole is executed from the beginning to the end. In Parliament the power of obtaining their object is absolute; and the safety in the proceeding perfect: no rules to confine, no after-reckonings to terrify. Parliament cannot, with any great propriety, punish others for things in which they themselves have been accomplices. Thus the control of Parliament upon the executory power is lost; because Parliament is made to partake in every considerable act of government. *Impeachment, that great guardian of the purity of the constitution, is in danger of being lost, even to the idea of it.*

By this plan several important ends are answered to the cabal. If the authority of Parliament supports itself, the credit of every act of government, which they contrive, is saved; but if the act be so very odious that the whole strength of Parliament is insufficient to recommend it, then Parliament is itself discredited; and this discredit increases more and more that indifference to the constitution, which it is the constant aim of its enemies, by their abuse of Parliamentary powers, to render general among the people. Whenever Parliament is persuaded to assume the offices of executive government, it will lose all the confidence, love, and veneration, which it has ever enjoyed whilst it was supposed the *corrective and control* of the acting powers of the state. This would be the event, though its conduct in such a perversion of its functions should be tolerably just and moderate; but if it should be iniquitous, violent, full of passion, and full of faction, it would be considered as the most intolerable of all the modes of tyranny.

For a considerable time this separation of the representatives from their constituents went on with a silent progress; and had those, who conducted the plan for their total separation, been persons of temper and abilities any way equal to the magnitude of their design, the success would have been infallible: but by their precipitancy they have laid it open in all its nakedness; the nation is alarmed at it: and the event may not be pleasant to the contrivers of the scheme. In the last session, the corps called the *king's friends* made a hardy attempt, all at once, *to alter the right of election itself*; to put it into the power of the House of Commons to disable any person disagreeable to them from sitting in Parliament, without any other rule than their own pleasure; to make incapacities, either general for descriptions of men, or particular for individuals; and to take into their body, persons who avowedly had never been chosen by the majority of legal electors, nor agreeably to any known rule of law.

The arguments upon which this claim was founded and combated, are not my business here. Never has a subject been more amply and more learnedly handled, nor upon one side, in my opinion, more satisfactorily; they who are not convinced

by what is already written would not receive conviction *though, one arose from the dead.*

I too have thought on this subject: but my purpose here, is only to consider it as a part of the favorite project of government; to observe on the motives which led to it; and to trace its political consequences.

A violent rage for the punishment of Mr. Wilkes was the pretence of the whole. This gentleman, by setting himself strongly in opposition to the court cabal, had become at once an object of their persecution, and of the popular favor. The hatred of the court party pursuing, and the countenance of the people protecting him, it very soon became not at all a question on the man, but a trial of strength between the two parties. The advantage of the victory in this particular contest was the present, but not the only, nor by any means the principal object. Its operation upon the character of the House of Commons was the great point in view. The point to be gained by the cabal was this; that a precedent should be established, tending to show, *That the favor of the people was not so sure a road as the favor of the court even to popular honors and popular trusts.* A strenuous resistance to every appearance of lawless power; a spirit of independence carried to some degree of enthusiasm; an inquisitive character to discover, and a bold one to display, every corruption and every error of government; these are the qualities which recommend a man to a seat in the House of Commons, in open and merely popular elections. An indolent and submissive disposition; a disposition to think charitably of all the actions of men in power, and to live in a mutual intercourse of favors with them; an inclination rather to countenance a strong use of authority, than to bear any sort of licentiousness on the part of the people; these are unfavorable qualities in an open election for members of Parliament.

The instinct which carries the people towards the choice of the former, is justified by reason; because a man of such a character, even in its exorbitances, does not directly contradict the purposes of a trust, the end of which is a control on power. The latter character, even when it is not in its extreme, will execute this trust but very imperfectly; and, if deviating to the least excess, will certainly frustrate instead of forwarding the purposes of a control on government. But when the House of Commons was to be new modelled, this principle was not only to be changed but reversed. Whilst any errors committed in support of power were left to the law, with every advantage of favorable construction, of mitigation, and finally of pardon; all excesses on the side of liberty, or in pursuit of popular favor, or in defence of popular rights and privileges, were not only to be punished by the rigor of the known law, but by a *discretionary* proceeding, which brought on *the loss of the popular object itself.* Popularity was to be rendered, if not directly penal, at least highly dangerous. The favor of the people might lead even to a disqualification of representing them. Their odium might become, strained through the medium of two or three constructions, the means of sitting as the trustee of all that was dear to

them. This is punishing the offence in the offending part. Until this time, the opinion of the people, through the power of an assembly, still in some sort popular, led to the greatest honors and emoluments in the gift of the crown. Now the principle is reversed; and the favor of the court is the only sure way of obtaining and holding those honors which ought to be in the disposal of the people.

It signifies very little how this matter may be quibbled away. Example, the only argument of effect in civil life, demonstrates the truth of my proposition. Nothing can alter my opinion concerning the pernicious tendency of this example, until I see some man for his indiscretion in the support of power, for his violent and intemperate servility, rendered incapable of sitting in Parliament. For as it now stands, the fault of overstraining popular qualities, and, irregularly if you please, asserting popular privileges, has led to disqualification; the opposite fault never has produced the slightest punishment. Resistance to power has shut the door of the House of Commons to one man; obsequiousness and servility, to none.

Not that I would encourage popular disorder, or any disorder. But I would leave such offences to the law, to be punished in measure and proportion. The laws of this country are for the most part constituted, and wisely so, for the general ends of government, rather than for the preservation of our particular liberties. Whatever therefore is done in support of liberty, by persons not in public trust, or not acting merely in that trust, is liable to be more or less out of the ordinary course of the law; and the law itself is sufficient to animadvert upon it with great severity. Nothing indeed can hinder that severe letter from crushing us, except the temperaments it may receive from a trial by jury. But if the habit prevails of *going beyond the law*, and superseding this judicature, of carrying offences, real or supposed, into the legislative bodies, who shall establish themselves into *courts of criminal equity* (so the *Star Chamber* has been called by Lord Bacon), all the evils of the *Star Chamber* are revived. A large and liberal construction in ascertaining offences, and a discretionary power in punishing them, is the idea of *criminal equity*; which is in truth a monster in jurisprudence. It signifies nothing whether a court for this purpose be a committee of council, or a House of Commons, or a House of Lords; the liberty of the subject will be equally subverted by it. The true end and purpose of that House of Parliament, which entertains such a jurisdiction, will be destroyed by it.

I will not believe, what no other man living believes, that Mr. Wilkes was punished for the indecency of his publications, or the impiety of his ransacked closet. If he had fallen in a common slaughter of libellers and blasphemers, I could well believe that nothing more was meant than was pretended. But when I see, that, for years together, full as impious, and perhaps more dangerous writings to religion, and virtue, and order, have not been punished, nor their authors discountenanced; that the most audacious libels on royal majesty have passed without notice; that the most treasonable invectives against the laws, liberties, and constitution of the

country, have not met with the slightest animadversion; I must consider this as a shocking and shameless pretence. Never did an envenomed scurrility against everything sacred and civil, public and private, rage through the kingdom with such a furious and unbridled license. All this while the peace of the nation must be shaken, to ruin one libeller, and to tear from the populace a single favorite.

Nor is it that vice merely skulks in an obscure and contemptible impunity. Does not the public behold with indignation, persons not only generally scandalous in their lives, but the identical persons who, by their society, their instruction, their example, their encouragement, have drawn this man into the very faults which have furnished the cabal with a pretence for his persecution, loaded with every kind of favor, honor, and distinction, which a court can bestow? Add but the crime of servility (the *foedum crimen servitutis*) to every other crime, and the whole mass is immediately transmuted into virtue, and becomes the just subject of reward and honor. When therefore I reflect upon this method pursued by the cabal in distributing rewards and punishments, I must conclude that Mr. Wilkes is the object of persecution, not on account of what he has done in common with others who are the objects of reward, but for that in which he differs from many of them: that he is pursued for the spirited dispositions which are blended with his vices; for his unconquerable firmness, for his resolute, indefatigable, strenuous resistance against oppression.

In this case, therefore, it was not the man that was to be punished, nor his faults that were to be discountenanced. Opposition to acts of power was to be marked by a kind of civil proscription. The popularity which should arise from such an opposition was to be shown unable to protect it. The qualities by which court is made to the people, were to render every fault inextinguishable, and every error irretrievable. The qualities by which court is made to power, were to cover and to sanctify everything. He that will have a sure and honorable seat in the House of Commons must take care how he adventures to cultivate popular qualities; otherwise he may remember the old maxim, *Breves et infaustos populi Romani amores*. If, therefore, a pursuit of popularity expose a man to greater dangers than a disposition to servility, the principle which is the life and soul of popular elections will perish out of the constitution.

It behoves the people of England to consider how the House of Commons, under the operation of these examples, must of necessity be constituted. On the side of the court will be, all honors, offices, emoluments; every sort of personal gratification to avarice or vanity; and, what is of more moment to most gentlemen, the means of growing, by innumerable petty services to individuals, into a spreading interest in their country. On the other hand, let us suppose a person unconnected with the court, and in opposition to its system. For his own person, no office, or emolument, or title; no promotion, ecclesiastical, or civil, or military, or naval, for children, or brothers, or kindred. In vain an expiring interest in a borough calls for offices, or

small livings, for the children of mayors, and aldermen, and capital burgesses. His court rival has them all. He can do an infinite number of acts of generosity and kindness, and even of public spirit. He can procure indemnity from quarters. He can procure advantages in trade. He can get pardons for offences. He can obtain a thousand favors, and avert a thousand evils. He may, while he betrays every valuable interest of the kingdom, be a benefactor, a patron, a father, a guardian angel to his borough. The unfortunate independent member has nothing to offer, but harsh refusal, or pitiful excuse, or despondent representation of a hopeless interest. Except from his private fortune, in which he may be equalled, perhaps exceeded, by his court competitor, he has no way of showing any one good quality, or of making a single friend. In the House, he votes forever in a dispirited minority. If he speaks, the doors are locked. A body of loquacious placemen go out to tell the world that all he aims at is to get into office. If he has not the talent of elocution, which is the case of many as wise and knowing men as any in the House, he is liable to all these inconveniences, without the *éclat* which attends upon any tolerably successful exertion of eloquence. Can we conceive a more discouraging post of duty than this? Strip it of the poor reward of popularity; suffer even the excesses committed in defence of the popular interest to become a ground for the majority of that House to form a disqualification out of the line of the law, and at their pleasure, attended not only with the loss of the franchise, but with every kind of personal disgrace. — If this shall happen, the people of this kingdom may be assured that they cannot be firmly or faithfully served by any man. It is out of the nature of men and things that they should; and their presumption will be equal to their folly if they expect it. The power of the people, within the laws, must show itself sufficient to protect every representative in the animated performance of his duty, or that duty cannot be performed. The House of Commons can never be a control on other parts of government, unless they are controlled themselves by their constituents; and unless those constituents possess some right in the choice of that House, which it is not in the power of that House to take away. If they suffer this power of arbitrary incapacitation to stand, they have utterly perverted every other power of the House of Commons. The late proceeding I will not say *is* contrary to law; it *must* be so; for the power which is claimed cannot, by any possibility, be a legal power in any limited member of government.

The power which they claim, of declaring incapacities, would not be above the just claims of a final judicature, if they had not laid it down as a leading principle, that they had no rule in the exercise of this claim, but their own *discretion*. Not one of their abettors has ever undertaken to assign the principle of unfitness, the species or degree of delinquency, on which the House of Commons will expel, nor the mode of proceeding upon it, nor the evidence upon which it is established. The direct consequence of which is, that the first franchise of an Englishman, and that on which all the rest vitally depend, is to be forfeited for some offence which no

man knows, and which is to be proved by no known rule whatsoever of legal evidence. This is so anomalous to our whole constitution, that I will venture to say, the most trivial right, which the subject claims, never was, nor can be, forfeited in such a manner.

The whole of their usurpation is established upon this method of arguing. We do not *make* laws. No; we do not contend for this power. We only *declare* law; and as we are a tribunal both competent and supreme, what we declare to be law becomes law, although it should not have been so before. Thus the circumstance of having no *appeal* from their jurisdiction is made to imply that they have no *rule* in the exercise of it: the judgment does not derive its validity from its conformity to the law; but preposterously the law is made to attend on the judgment; and the rule of the judgment is no other than the *occasional will of the House*. An arbitrary discretion leads, legality follows; which is just the very nature and description of a legislative act.

This claim in their hands was no barren theory. It was pursued into its utmost consequences; and a dangerous principle has begot a correspondent practice. A systematic spirit has been shown upon both sides. The electors of Middlesex chose a person whom the House of Commons had voted incapable; and the House of Commons has taken in a member whom the electors of Middlesex had not chosen. By a construction on that legislative power which had been assumed, they declared that the true legal sense of the country was contained in the minority, on that occasion; and might, on a resistance to a vote of incapacity, be contained in any minority.

When any construction of law goes against the spirit of the privilege it was meant to support, it is a vicious construction. It is material to us to be represented really and *bonâ fide*, and not in forms, in types, and shadows, and fictions of law. The right of election was not established merely as a *matter of form*, to satisfy some method and rule of technical reasoning; it was not a principle which might substitute a *Titius* or a *Mævius*, a *John Doe* or *Richard Roe*, in the place of a man specially chosen; not a principle which was just as well satisfied with one man as with another. It is a right, the effect of which is to give to the people that man, and *that man only*, whom, by their voices actually, not constructively given, they declare that they know, esteem, love, and trust. This right is a matter within their own power of judging and feeling; not an *ens rationis* and creature of law: nor can those devices, by which anything else is substituted in the place of such an actual choice, answer in the least degree the end of representation.

I know that the courts of law have made as strained constructions in other cases. Such is the construction in common recoveries. The method of construction which in that case gives to the persons in remainder, for their security and representative, the door-keeper, crier, or sweeper of the court, or some other shadowy being without substance or effect, is a fiction of a very coarse texture. This was however

suffered by the acquiescence of the whole kingdom, for ages; because the evasion of the old statute of Westminster, which authorized perpetuities, had more sense and utility than the law which was evaded. But an attempt to turn the right of election into such a farce and mockery as a fictitious fine and recovery, will, I hope, have another fate; because the laws which give it are infinitely dear to us, and the evasion is infinitely contemptible.

The people indeed have been told, that this power of discretionary disqualification is vested in hands that they may trust, and who will be sure not to abuse it to their prejudice. Until I find something in this argument differing from that on which every mode of despotism has been defended, I shall not be inclined to pay it any great compliment. The people are satisfied to trust themselves with the exercise of their own privileges, and do not desire this kind intervention of the House of Commons to free them from the burden. They are certainly in the right. They ought not to trust the House of Commons with a power over their franchises; because the constitution, which placed two other co-ordinate powers to control it, reposed no such confidence in that body. It were a folly well deserving servitude for its punishment, to be full of confidence where the laws are full of distrust; and to give to a House of Commons, arrogating to its sole resolution the most harsh and odious part of legislative authority, that degree of submission which is due only to the legislature itself.

When the House of Commons, in an endeavor to obtain new advantages at the expense of the other orders of the state, for the benefit of the *commons at large*, have pursued strong measures; if it were not just, it was at least natural, that the constituents should connive at all their proceedings; because we were ourselves ultimately to profit. But when this submission is urged to us, in a contest between the representatives and ourselves, and where nothing can be put into their scale which is not taken from ours, they fancy us to be children when they tell us they are our representatives, our own flesh and blood, and that all the stripes they give us are for our good. The very desire of that body to have such a trust contrary to law reposed in them, shows that they are not worthy of it. They certainly will abuse it; because all men possessed of an uncontrolled discretionary power leading to the aggrandizement and profit of their own body have always abused it: and I see no particular sanctity in our times, that is at all likely, by a miraculous operation, to overrule the course of nature.

But we must purposely shut our eyes, if we consider this matter merely as a contest between the House of Commons and the electors. The true contest is between the electors of the kingdom and the crown; the crown acting by an instrumental House of Commons. It is precisely the same, whether the ministers of the crown can disqualify by a dependent House of Commons, or by a dependent Court of *Star Chamber*, or by a dependent Court of King's Bench. If once members of Parliament can be practically convinced that they do not depend on the affection

or opinion of the people for their political being, they will give themselves over, without even an appearance of reserve, to the influence of the court.

Indeed a Parliament unconnected with the people is essential to a ministry unconnected with the people; and therefore those who saw through what mighty difficulties the interior ministry waded, and the exterior were dragged, in this business, will conceive of what prodigious importance, the new corps of *king's men* held this principle of occasional and personal incapacitation, to the whole body of their design.

When the House of Commons was thus made to consider itself as the master of its constituents, there wanted but one thing to secure that House against all possible future deviation towards popularity: an *unlimited* fund of money to be laid out according to the pleasure of the court.

To complete the scheme of bringing our court to a resemblance to the neighboring monarchies, it was necessary, in effect, to destroy those appropriations of revenue, which seem to limit the property, as the other laws had done the powers, of the crown. An opportunity for this purpose was taken, upon an application to Parliament for payment of the debts of the civil list; which in 1769 had amounted to 513,000*l*. Such application had been made upon former occasions; but to do it in the former manner would by no means answer the present purpose.

Whenever the crown had come to the commons to desire a supply for the discharging of debts due on the civil list, it was always asked and granted with one of the three following qualifications; sometimes with all of them. Either it was stated, that the revenue had been diverted from its purposes by Parliament; or that those duties had fallen short of the sum for which they were given by Parliament, and that the intention of the legislature had not been fulfilled; or that the money required to discharge the civil list debt was to be raised chargeable on the civil list duties. In the reign of Queen Anne, the crown was found in debt. The lessening and granting away some part of her revenue by Parliament was alleged as the cause of that debt, and pleaded as an equitable ground, such it certainly was, for discharging it. It does not appear that the duties which were then applied to the ordinary government produced clear above 580,000*l*. a year; because, when they were afterwards granted to George the First, 120,000*l*. was added to complete the whole to 700,000*l*. a year. Indeed it was then asserted, and, I have no doubt, truly, that for many years the net produce did not amount to above 550,000*l*. The queen's extraordinary charges were besides very considerable; equal, at least, to any we have known in our time. The application to Parliament was not for an absolute grant of money; but to empower the queen to raise it by borrowing upon the civil list funds.

The civil list debt was twice paid in the reign of George the First. The money was granted upon the same plan which had been followed in the reign of Queen Anne. The civil list revenues were then mortgaged for the sum to be raised, and stood charged with the ransom of their own deliverance.

George the Second received an addition to his civil list. Duties were granted for the purpose of raising 800,000*l.* a year. It was not until he had reigned nineteen years, and after the last rebellion, that he called upon Parliament for a discharge of the civil list debt. The extraordinary charges brought on by the rebellion, account fully for the necessities of the crown. However, the extraordinary charges of government were not thought a ground fit to be relied on.

A deficiency of the civil list duties for several years before was stated as the principal, if not the sole ground on which an application to Parliament could be justified. About this time the produce of these duties had fallen pretty low; and even upon an average of the whole reign they never produced 800,000*l.* a year clear to the treasury.

That prince reigned fourteen years afterwards: not only no new demands were made; but with so much good order were his revenues and expenses regulated, that, although many parts of the establishment of the court were upon a larger and more liberal scale than they have been since, there was a considerable sum in hand, on his decease, amounting to about 170,000*l.* applicable to the service of the civil list of his present Majesty. So that, if this reign commenced with a greater charge than usual, there was enough and more than enough, abundantly to supply all the extraordinary expense. That the civil list should have been exceeded in the two former reigns, especially in the reign of George the First, was not at all surprising. His revenue was but 700,000*l.* annually; if it ever produced so much clear. The prodigious and dangerous disaffection to the very being of the establishment, and the cause of a pretender then powerfully abetted from abroad, produced many demands of an extraordinary nature both abroad and at home. Much management and great expenses were necessary. But the throne of no prince has stood upon more unshaken foundations than that of his present Majesty.

To have exceeded the sum given for the civil list, and to have incurred a debt without special authority of Parliament, was *prima facie*, a criminal act: as such, ministers ought naturally rather to have withdrawn it from the inspection, than to have exposed it to the scrutiny of Parliament. Certainly they ought, of themselves, officially to have come armed with every sort of argument, which, by explaining, could excuse, a matter in itself of presumptive guilt. But the terrors of the House of Commons are no longer for ministers.

On the other hand, the peculiar character of the House of Commons, as trustee of the public purse, would have led them to call with a punctilious solicitude for every public account, and to have examined into them with the most rigorous accuracy.

The capital use of an account is, that the reality of the charge, the reason of incurring it, and the justice and necessity of discharging it, should all appear antecedent to the payment. No man ever pays first, and calls for his account afterwards; because he would thereby let out of his hands the principal, and indeed

only effectual, means of compelling a full and fair one. But, in national business, there is an additional reason for a previous production of every account. It is a check, perhaps the only one, upon a corrupt and prodigal use of public money. An account after payment is to no rational purpose an account. However, the House of Commons thought all these to be antiquated principles: they were of opinion, that the most Parliamentary way of proceeding was, to pay first what the court thought proper to demand, and to take its chance for an examination into accounts at some time of greater leisure.

The nation had settled 800,000*l.* a year on the crown, as sufficient for the support of its dignity, upon the estimate of its own ministers. When ministers came to Parliament, and said that this allowance had not been sufficient for the purpose, and that they had incurred a debt of 500,000*l.*, would it not have been natural for Parliament first to have asked how, and by what means, their appropriated allowance came to be insufficient? Would it not have savored of some attention to justice, to have seen in what periods of administration this debt had been originally incurred; that they might discover, and if need were, animadvert on the persons who were found the most culpable? To put their hands upon such articles of expenditure as they thought improper or excessive, and to secure, in future, against such misapplication or exceeding? Accounts for any other purposes are but a matter of curiosity, and no genuine Parliamentary object. All the accounts which could answer any Parliamentary end were refused, or postponed by previous questions. Every idea of prevention was rejected, as conveying an improper suspicion of the ministers of the crown.

When every loading account had been refused, many others were granted with sufficient facility.

But with great candor also, the House was informed, that hardly any of them could be ready until the next session; some of them perhaps not so soon. But, in order firmly to establish the precedent of *payment previous to account*, and to form it into a settled rule of the House, the god in the machine was brought down, nothing less than the wonder-working *law of Parliament*. It was alleged, that it is the law of Parliament, when any demand comes from the crown, that the House must go immediately into the committee of supply; in which committee it was allowed, that the production and examination of accounts would be quite proper and regular. It was therefore carried, that they should go into the committee without delay, and without accounts, in order to examine with great order and regularity things that could not possibly come before them. After this stroke of orderly and Parliamentary wit and humor, they went into the committee; and very generously voted the payment.

There was a circumstance in that debate too remarkable to be overlooked. This debt of the civil list was all along argued upon the same footing as a debt of the state, contracted upon national authority. Its payment was urged as equally pressing

upon the public faith and honor; and when the whole year's account was stated, in what is called *the budget*, the ministry valued themselves on the payment of so much public debt, just as if they had discharged 500,000*l.* of navy or exchequer bills. Though, in truth, their payment, from the sinking fund, of debt which was never contracted by Parliamentary authority, was, to all intents and purposes, so much debt incurred. But such is the present notion of public credit, and payment of debt. No wonder that it produces such effects.

Nor was the House at all more attentive to a provident security against future, than it had been to a vindictive retrospect to past mismanagements. I should have thought indeed that a ministerial promise, during their own continuance in office, might have been given, though this would have been but a poor security for the public. Mr. Pelham gave such an assurance, and he kept his word. But nothing was capable of extorting from our ministers anything which had the least resemblance to a promise of confining the expenses of the civil list within the limits which had been settled by Parliament. This reserve of theirs I look upon to be equivalent to the clearest declaration, that they were resolved upon a contrary course.

However, to put the matter beyond all doubt, in the speech from the throne, after thanking Parliament for the relief so liberally granted, the ministers inform the two Houses, that they will *endeavor* to confine the expenses of the civil government — within what limits, think you? those which the law had prescribed? Not in the least — “such limits as the *honor of the crown* can possibly admit.”

Thus they established an *arbitrary* standard for that dignity which Parliament had defined and limited to a *legal* standard. They gave themselves, under the lax and indeterminate idea of the *honor of the crown*, a full loose for all manner of dissipation, and all manner of corruption. This arbitrary standard they were not afraid to hold out to both Houses; while an idle and unoperative act of Parliament, estimating the dignity of the crown at 800,000*l.* and confining it to that sum, adds to the number of obsolete statutes which load the shelves of libraries, without any sort of advantage to the people.

After this proceeding, I suppose that no man can be so weak as to think that the crown is limited to any settled allowance whatsoever. For if the ministry has 800,000*l.* a year by the law of the land; and if by the law of Parliament all the debts which exceed it are to be paid previously to the production of any account; I presume that this is equivalent to an income with no other limits than the abilities of the subject and the moderation of the court; that is to say, it is such an income as is possessed by every absolute monarch in Europe. It amounts, as a person of great ability said in the debate, to an unlimited power of drawing upon the sinking fund. Its effect on the public credit of this kingdom must be obvious; for in vain is the sinking fund the great buttress of all the rest, if it be in the power of the ministry to resort to it for the payment of any debts which they may choose to incur, under the name of the civil list, and through the medium of a committee, which thinks itself

obliged by law to vote supplies without any other account than that of the mere existence of the debt.

Five hundred thousand pounds is a serious sum. But it is nothing to the prolific principle upon which the sum was voted: a principle that may be well called, *the fruitful mother of an hundred more*. Neither is the damage to public credit of very great consequence, when compared with that which results to public morals and to the safety of the constitution, from the exhaustless mine of corruption opened by the precedent, and to be wrought by the principle, of the late payment of the debts of the civil list. The power of discretionary disqualification by one law of Parliament, and the necessity of paying every debt of the civil list by another law of Parliament, if suffered to pass unnoticed, must establish such a fund of rewards and terrors as will make Parliament the best appendage and support of arbitrary power that ever was invented by the wit of man. This is felt. The quarrel is begun between the representatives and the people. The court faction have at length committed them.

In such a strait the wisest may well be perplexed, and the boldest staggered. The circumstances are in a great measure new. We have hardly any landmarks from the wisdom of our ancestors, to guide us. At best we can only follow the spirit of their proceeding in other cases. I know the diligence with which my observations on our public disorders have been made; I am very sure of the integrity of the motives on which they are published; I cannot be equally confident in any plan for the absolute cure of those disorders, or for their certain future prevention. My aim is to bring this matter into more public discussion. Let the sagacity of others work upon it. It is not uncommon for medical writers to describe histories of diseases very accurately, on whose cure they can say but very little.

The first ideas which generally suggest themselves, for the cure of Parliamentary disorders, are, to shorten the duration of Parliaments; and to disqualify all, or a great number of placemen, from a seat in the House of Commons. Whatever efficacy there may be in those remedies, I am sure in the present state of things it is impossible to apply them. A restoration of the right of free election is a preliminary indispensable to every other reformation. What alterations ought afterwards to be made in the constitution, is a matter of deep and difficult research.

If I wrote merely to please the popular palate, it would indeed be as little troublesome to me as to another, to extol these remedies, so famous in speculation, but to which their greatest admirers have never attempted seriously to resort in practice. I confess then, that I have no sort of reliance upon either a triennial Parliament, or a place-bill. With regard to the former, perhaps it might rather serve to counteract, than to promote the ends that are proposed by it. To say nothing of the horrible disorders among the people attending frequent elections, I should be fearful of committing, every three years, the independent gentlemen of the country into a contest with the treasury. It is easy to see which of the contending parties

would be ruined first. Whoever has taken a careful view of public proceedings, so as to endeavor to ground his speculations on his experience, must have observed how prodigiously greater the power of ministry is in the first and last session of a Parliament, than it is in the intermediate period, when members sit a little firm on their seats. The persons of the greatest Parliamentary experience, with whom I have conversed, did constantly, in canvassing the fate of questions, allow something to the court side, upon account of the elections depending or imminent. The evil complained of, if it exists in the present state of things, would hardly be removed by a triennial Parliament: for, unless the influence of government in elections can be entirely taken away, the more frequently they return, the more they will harass private independence; the more generally men will be compelled to fly to the settled systematic interest of government, and to the resources of a boundless civil list. Certainly something may be done, and ought to be done, towards lessening that influence in elections; and this will be necessary upon a plan either of longer or shorter duration of Parliament. But nothing can so perfectly remove the evil, as not to render such contentions, too frequently repeated, utterly ruinous, first to independence of fortune, and then to independence of spirit. As I am only giving an opinion on this point, and not at all debating it in an adverse line, I hope I may be excused in another observation. With great truth I may aver, that I never remember to have talked on this subject with any man much conversant with public business, who considered short Parliaments as a real improvement of the constitution. Gentlemen, warm in a popular cause, are ready enough to attribute all the declarations of such persons to corrupt motives. But the habit of affairs, if, on one hand, it tends to corrupt the mind, furnishes it, on the other, with the means of better information. The authority of such persons will always have some weight. It may stand upon a par with the speculations of those who are less practised in business; and who, with perhaps purer intentions, have not so effectual means of judging. It is besides an effect of vulgar and puerile malignity to imagine, that every statesman is of course corrupt; and that his opinion, upon every constitutional point, is solely formed upon some sinister interest.

The next favorite remedy is a place-bill. The same principle guides in both; I mean, the opinion which is entertained by many, of the infallibility of laws and regulations, in the cure of public distempers. Without being as unreasonably doubtful as many are unwisely confident, I will only say, that this also is a matter very well worthy of serious and mature reflection. It is not easy to foresee, what the effect would be, of disconnecting with Parliament the greatest part of those who hold civil employments, and of such mighty and important bodies as the military and naval establishments. It were better, perhaps, that they should have a corrupt interest in the forms of the constitution, than that they should have none at all. This is a question altogether different from the disqualification of a particular description of revenue-officers from seats in Parliament; or, perhaps, of all the lower sorts of

them from votes in elections. In the former case, only the few are affected; in the latter, only the inconsiderable. But a great official, a great professional, a great military and naval interest, all necessarily comprehending many people of the first weight, ability, wealth, and spirit, has been gradually formed in the kingdom. These new interests must be let into a share of representation, else possibly they may be inclined to destroy those institutions of which they are not permitted to partake. This is not a thing to be trifled with; nor is it every well-meaning man that is fit to put his hands to it. Many other serious considerations occur. I do not open them here, because they are not directly to my purpose; proposing only to give the reader some taste of the difficulties that attend all capital changes in the constitution; just to hint the uncertainty, to say no worse, of being able to prevent the court, as long as it has the means of influence abundantly in its power, of applying that influence to Parliament; and perhaps, if the public method were precluded, of doing it in some worse and more dangerous method. Underhand and oblique ways would be studied. The science of evasion, already tolerably understood, would then be brought to the greatest perfection. It is no inconsiderable part of wisdom, to know how much of an evil ought to be tolerated; lest, by attempting a degree of purity impracticable in degenerate times and manners, instead of cutting off the subsisting ill-practices, new corruptions might be produced for the concealment and security of the old. It were better, undoubtedly, that no influence at all could affect the mind of a member of Parliament. But of all modes of influence, in my opinion, a place under the government is the least disgraceful to the man who holds it, and by far the most safe to the country. I would not shut out that sort of influence which is open and visible, which is connected with the dignity and the service of the state, when it is not in my power to prevent the influence of contracts, of subscriptions, of direct bribery, and those innumerable methods of clandestine corruption, which are abundantly in the hands of the court, and which will be applied as long as these means of corruption, and the disposition to be corrupted, have existence amongst us. Our constitution stands on a nice equipoise, with steep precipices and deep waters upon all sides of it. In removing it from a dangerous leaning towards one side, there may be a risk of oversetting it on the other. Every project of a material change in a government so complicated as ours, combined at the same time with external circumstances still more complicated, is a matter full of difficulties: in which a considerate man will not be too ready to decide; a prudent man too ready to undertake; or an honest man too ready to promise. They do not respect the public nor themselves, who engage for more than they are sure that they ought to attempt, or that they are able to perform. These are my sentiments, weak perhaps, but honest and unbiassed; and submitted entirely to the opinion of grave men, well-affected to the constitution of their country, and of experience in what may best promote or hurt it.

Indeed, in the situation in which we stand, with an immense revenue, an enormous debt, mighty establishments, government itself a great banker and a great merchant, I see no other way for the preservation of a decent attention to public interest in the representatives, but *the interposition of the body of the people itself*, whenever it shall appear, by some flagrant and notorious act, by some capital innovation, that these representatives are going to overleap the fences of the law, and to introduce an arbitrary power. This interposition is a most unpleasant remedy. But, if it be a legal remedy, it is intended on some occasion to be used; to be used then only, when it is evident that nothing else can hold the constitution to its true principles.

The distempers of monarchy were the great subjects of apprehension and redress, in the last century; in this the distempers of Parliament. It is not in Parliament alone that the remedy for Parliamentary disorders can be completed; hardly indeed can it begin there. Until a confidence in government is re-established, the people ought to be excited to a more strict and detailed attention to the conduct of their representatives. Standards for judging more systematically upon their conduct ought to be settled in the meetings of counties and corporations. Frequent and correct lists of the voters in all important questions ought to be procured.

By such means something may be done. By such means it may appear who those are, that, by an indiscriminate support of all administrations, have totally banished all integrity and confidence out of public proceedings; have confounded the best men with the worst; and weakened and dissolved, instead of strengthening and compacting, the general frame of government. If any person is more concerned for government and order, than for the liberties of his country; even he is equally concerned to put an end to this course of indiscriminate support. It is this blind and undistinguishing support, that feeds the spring of those very disorders, by which he is frightened into the arms of the faction which contains in itself the source of all disorders, by enfeebling all the visible and regular authority of the state. The distemper is increased by his injudicious and preposterous endeavors, or pretences, for the cure of it.

An exterior administration, chosen for its impotency, or after it is chosen purposely rendered impotent, in order to be rendered subservient, will not be obeyed. The laws themselves will not be respected, when those who execute them are despised: and they will be despised, when their power is not immediate from the crown, or natural in the kingdom. Never were ministers better supported in Parliament. Parliamentary support comes and goes with office, totally regardless of the man, or the merit. Is government strengthened? It grows weaker and weaker. The popular torrent gains upon it every hour. Let us learn from our experience. It is not support that is wanting to government, but reformation. When ministry rests upon public opinion, it is not indeed built upon a rock of adamant; it has, however, some stability. But when it stands upon private humor, its structure is of stubble,

and its foundation is on quicksand. I repeat it again, — He that supports every administration subverts all government. The reason is this: The whole business in which a court usually takes an interest goes on at present equally well, in whatever hands, whether high or low, wise or foolish, scandalous or reputable; there is nothing therefore to hold it firm to any one body of men, or to any one consistent scheme of politics. Nothing interposes, to prevent the full operation of all the caprices and all the passions of a court upon the servants of the public. The system of administration is open to continual shocks and changes, upon the principles of the meanest cabal, and the most contemptible intrigue. Nothing can be solid and permanent. All good men at length fly with horror from such a service. Men of rank and ability, with the spirit which ought to animate such men in a free state, while they decline the jurisdiction of dark cabal on their actions and their fortunes, will, for both, cheerfully put themselves upon their country. They will trust an inquisitive and distinguishing Parliament; because it does inquire, and does distinguish. If they act well, they know, that, in such a Parliament they will be supported against any intrigue; if they act ill, they know that no intrigue can protect them. This situation, however awful, is honorable. But in one hour, and in the self-same assembly, without any assigned or assignable cause, to be precipitated from the highest authority to the most marked neglect, possibly into the greatest peril of life and reputation, is a situation full of danger, and destitute of honor. It will be shunned equally by every man of prudence, and every man of spirit.

Such are the consequences of the division of court from the administration; and of the division of public men among themselves. By the former of these, lawful government is undone; by the latter, all opposition to lawless power is rendered impotent. Government may in a great measure be restored, if any considerable bodies of men have honesty and resolution enough never to accept administration, unless this garrison of *king's men*, which is stationed, as in a citadel, to control and enslave it, be entirely broken and disbanded, and every work they have thrown up be levelled with the ground. The disposition of public men to keep this corps together, and to act under it, or to co-operate with it, is a touchstone by which every administration ought in future to be tried. There has not been one which has not sufficiently experienced the utter incompatibility of that faction with the public peace, and with all the ends of good government: since, if they opposed it, they soon lost every power of serving the crown; if they submitted to it, they lost all the esteem of their country. Until ministers give to the public a full proof of their entire alienation from that system, however plausible their pretences, we may be sure they are more intent on the emoluments than the duties of office. If they refuse to give this proof, we know of what stuff they are made. In this particular, it ought to be the electors' business to look to their representatives. The electors ought to esteem it no less culpable in their member to give a single vote in Parliament to such an administration, than to take an office under it; to endure it, than to act in it. The

notorious infidelity and versatility of members of Parliament, in their opinions of men and things, ought in a particular manner to be considered by the electors in the inquiry which is recommended to them. This is one of the principal holdings of that destructive system, which has endeavored to unhinge all the virtuous, honorable, and useful connections in the kingdom.

This cabal has, with great success, propagated a doctrine which serves for a color to those acts of treachery; and whilst it receives any degree of countenance it will be utterly senseless to look for a vigorous opposition to the court party. The doctrine is this: That all political connections are in their nature factious, and as such ought to be dissipated and destroyed; and that the rule for forming administrations is more personal ability, rated by the judgment of this cabal upon it, and taken by draughts from every division and denomination of public men. This decree was solemnly promulgated by the head of the court corps, the Earl of Bute himself, in a speech which he made, in the year 1766, against the then administration, the only administration which he has ever been known directly and publicly to oppose.

It is indeed in no way wonderful, that such persons should make such declarations. That connection and faction are equivalent terms, is an opinion which has been carefully inculcated at all times by unconstitutional statesmen. The reason is evident. Whilst men are linked together, they easily and speedily communicate the alarm of any evil design. They are enabled to fathom it with common counsel, and to oppose it with united strength. Whereas, when they lie dispersed, without concert, order, or discipline, communication is uncertain, counsel difficult, and resistance impracticable. Where men are not acquainted with each other's principles, nor experienced in each other's talents, nor at all practised in their mutual habitudes and dispositions by joint efforts in business; no personal confidence, no friendship, no common interest, subsisting among them; it is evidently impossible that they can act a public part with uniformity, perseverance, or efficacy. In a connection, the most inconsiderable man, by adding to the weight of the whole, has his value, and his use; out of it, the greatest talents are wholly unserviceable to the public. No man, who is not inflamed by vainglory into enthusiasm, can flatter himself that his single, unsupported, desultory, unsystematic endeavors are of power to defeat the subtle designs and united cabals of ambitious citizens. When bad men combine, the good must associate; else they will fall, one by one, an unpitied sacrifice in a contemptible struggle.

It is not enough in a situation of trust in the commonwealth, that a man means well to his country; it is not enough that in his single person he never did an evil act, but always voted according to his conscience, and even harangued against every design which he apprehended to be prejudicial to the interests of his country. This innoxious and ineffectual character, that seems formed upon a plan of apology and disculpation, falls miserably short of the mark of public duty. That duty demands and requires, that what is right should not only be made known, but made prevalent;

that what is evil should not only be detected, but defeated. When the public man omits to put himself in a situation of doing his duty with effect, it is an omission that frustrates the purposes of his trust almost as much as if he had formally betrayed it. It is surely no very rational account of a man's life, that he has always acted right; but has taken special care, to act in such a manner that his endeavors could not possibly be productive of any consequence.

I do not wonder that the behavior of many parties should have made persons of tender and scrupulous virtue somewhat out of humor with all sorts of connection in politics. I admit that people frequently acquire in such confederacies a narrow, bigoted, and prescriptive spirit; that they are apt to sink the idea of the general good in this circumscribed and partial interest. But, where duty renders a critical situation a necessary one, it is our business to keep free from the evils attendant upon it; and not to fly from the situation itself. If a fortress is seated in an unwholesome air, an officer of the garrison is obliged to be attentive to his health, but he must not desert his station. Every profession, not excepting the glorious one of a soldier, or the sacred one of a priest, is liable to its own particular vices; which, however, form no argument against those ways of life; nor are the vices themselves inevitable to every individual in those professions. Of such a nature are connections in politics; essentially necessary for the full performance of our public duty, accidentally liable to degenerate into faction. Commonwealths are made of families, free commonwealths of parties also; and we may as well affirm, that our natural regards and ties of blood tend inevitably to make men bad citizens, as that the bonds of our party weaken those by which we are held to our country.

Some legislators went so far as to make neutrality in party a crime against the state. I do not know whether this might not have been rather to overstrain the principle. Certain it is, the best patriots in the greatest commonwealths have always commended and promoted such connections. *Idem sentire de republica*, was with them a principal ground of friendship and attachment; nor do I know any other capable of forming firmer, dearer, more pleasing, more honorable, and more virtuous habitudes. The Romans carried this principle a great way. Even the holding of offices together, the disposition of which arose from chance, not selection, gave rise to a relation which continued for life. It was called *necessitudo sortis*; and it was looked upon with a sacred reverence. Breaches of any of these kinds of civil relation were considered as acts of the most distinguished turpitude. The whole people was distributed into political societies, in which they acted in support of such interests in the state as they severally affected. For it was then thought no crime to endeavor by every honest means to advance to superiority and power those of your own sentiments and opinions. This wise people was far from imagining that those connections had no tie, and obliged to no duty; but that men might quit them without shame, upon every call of interest. They believed private honor to be the great foundation of public trust; that friendship was no mean step towards

patriotism; that he who, in the common intercourse of life, showed he regarded somebody besides himself, when he came to act in a public situation, might probably consult some other interest than his own. Never may we become *plus sages que les sages*, as the French comedian has happily expressed it, wiser than all the wise and good men who have lived before us. It was their wish, to see public and private virtues, not dissonant and jarring, and mutually destructive, but harmoniously combined, growing out of one another in a noble and orderly gradation, reciprocally supporting and supported. In one of the most fortunate periods of our history this country was governed by a *connection*; I mean, the great connection of Whigs in the reign of Queen Anne. They were complimented upon the principle of this connection by a poet who was in high esteem with them. Addison, who knew their sentiments, could not praise them for what they considered as no proper subject of commendation. As a poet who knew his business, he could not applaud them for a thing which in general estimation was not highly reputable. Addressing himself to Britain, —

“Thy favorites grow not up by fortune’s sport,
Or from the crimes or follies of a court.
On the firm basis of desert they rise,
From long-tried faith, and friendship’s holy ties.”

The Whigs of those days believed that the only proper method of rising into power was through hard essays of practised friendship and experimented fidelity. At that time it was not imagined, that patriotism was a bloody idol, which required the sacrifice of children and parents, or dearest connections in private life, and of all the virtues that rise from those relations. They were not of that ingenious paradoxical morality, to imagine that a spirit of moderation was properly shown in patiently bearing the sufferings of your friends; or that disinterestedness was clearly manifested at the expense of other people’s fortune. They believed that no men could act with effect, who did not act in concert; that no men could act in concert, who did not act with confidence; that no men could act with confidence, who were not bound together by common opinions, common affections, and common interests.

These wise men, for such I must call Lord Sunderland, Lord Godolphin, Lord Somers, and Lord Marlborough, were too well principled in these maxims upon which the whole fabric of public strength is built, to be blown off their ground by the breath of every childish talker. They were not afraid that they should be called an ambitious junto; or that their resolution to stand or fall together should, by placemen, be interpreted into a scuffle for places.

Party is a body of men united for promoting by their joint endeavors the national interest upon some particular principle in which they are all agreed. For my part, I find it impossible to conceive, that any one believes in his own politics, or thinks them to be of any weight, who refuses to adopt the means of having them reduced

into practice. It is the business of the speculative philosopher to mark the proper ends of government. It is the business of the politician, who is the philosopher in action, to find out proper means towards those ends, and to employ them with effect. Therefore every honorable connection will avow it is their first purpose, to pursue every just method to put the men who hold their opinions into such a condition as may enable them to carry their common plans into execution, with all the power and authority of the state. As this power is attached to certain situations, it is their duty to contend for these situations. Without a proscription of others, they are bound to give to their own party the preference in all things; and by no means, for private considerations, to accept any offers of power in which the whole body is not included; nor to suffer themselves to be led, or to be controlled, or to be overbalanced, in office or in council, by those who contradict the very fundamental principles on which their party is formed, and even those upon which every fair connection must stand. Such a generous contention for power, on such manly and honorable maxims, will easily be distinguished from the mean and interested struggle for place and emolument. The very style of such persons will serve to discriminate them from those numberless impostors, who have deluded the ignorant with professions incompatible with human practice, and have afterwards incensed them by practices below the level of vulgar rectitude.

It is an advantage to all narrow wisdom and narrow morals, that their maxims have a plausible air: and, on a cursory view, appear equal to first principles. They are light and portable. They are as current as copper coin; and about as valuable. They serve equally the first capacities and the lowest; and they are, at least, as useful to the worst men as to the best. Of this stamp is the cant of *Not men, but measures*; a sort of charm by which many people get loose from every honorable engagement. When I see a man acting this desultory and disconnected part, with as much detriment to his own fortune as prejudice to the cause of any party, I am not persuaded that he is right; but I am ready to believe he is in earnest. I respect virtue in all its situations; even when it is found in the unsuitable company of weakness. I lament to see qualities, rare and valuable, squandered away without any public utility. But when a gentleman with great visible emoluments abandons the party in which he has long acted, and tells you, it is because he proceeds upon his own judgment; that he acts on the merits of the several measures as they arise; and that he is obliged to follow his own conscience, and not that of others; he gives reasons which it is impossible to controvert, and discovers a character which it is impossible to mistake. What shall we think of him who never differed from a certain set of men until the moment they lost their power, and who never agreed with them in a single instance afterwards? Would not such a coincidence of interest and opinion be rather fortunate? Would it not be an extraordinary cast upon the dice, that a man's connections should degenerate into faction, precisely at the critical moment when they lose their power, or he accepts a place? When people desert their connections,

the desertion is a manifest *fact*, upon which a direct simple issue lies, triable by plain men. Whether a *measure* of government be right or wrong, is *no matter of fact*, but a mere affair of opinion, on which men may, as they do, dispute and wrangle without end. But whether the individual *thinks* the measure right or wrong, is a point at still a greater distance from the reach of all human decision. It is therefore very convenient to politicians, not to put the judgment of their conduct on overt acts, cognizable in any ordinary court, but upon such matter as can be triable only in that secret tribunal, where they are sure of being heard with favor, or where at worst the sentence will be only private whipping.

I believe the reader would wish to find no substance in a doctrine which has a tendency to destroy all test of character as deduced from conduct. He will therefore excuse my adding something more, towards the further clearing up a point, which the great convenience of obscurity to dishonesty has been able to cover with some degree of darkness and doubt.

In order to throw an odium on political connection, those politicians suppose it a necessary incident to it, that you are blindly to follow the opinions of your party, when in direct opposition to your own clear ideas; a degree of servitude that no worthy man could bear the thought of submitting to; and such as, I believe, no connections (except some court factions) ever could be so senselessly tyrannical as to impose. Men thinking freely, will, in particular instances, think differently. But still as the greater part of the measures which arise in the course of public business are related to, or dependent on, some great, *leading, general principles in government*, a man must be peculiarly unfortunate in the choice of his political company, if he does not agree with them at least nine times in ten. If he does not concur in these general principles upon which the party is founded, and which necessarily draw on a concurrence in their application, he ought from the beginning to have chosen some other, more conformable to his opinions. When the question is in its nature doubtful, or not very material, the modesty which becomes an individual, and, (in spite of our court moralists) that partiality which becomes a well-chosen friendship, will frequently bring on an acquiescence in the general sentiment. Thus the disagreement will naturally be rare; it will be only enough to indulge freedom, without violating concord, or disturbing arrangement. And this is all that ever was required for a character of the greatest uniformity and steadiness in connection. How men can proceed without any connection at all, is to me utterly incomprehensible. Of what sort of materials must that man be made, how must he be tempered and put together, who can sit whole years in Parliament, with five hundred and fifty of his fellow-citizens, amidst the storm of such tempestuous passions, in the sharp conflict of so many wits, and tempers, and characters, in the agitation of such mighty questions, in the discussion of such vast and ponderous interests, without seeing any one sort of men, whose character, conduct, or

disposition, would lead him to associate himself with them, to aid and be aided, in any one system of public utility?

I remember an old scholastic aphorism, which says, "that the man who lives wholly detached from others, must be either an angel or a devil." When I see in any of these detached gentlemen of our times the angelic purity, power, and beneficence, I shall admit them to be angels. In the mean time we are born only to be men. We shall do enough if we form ourselves to be good ones. It is therefore our business carefully to cultivate in our minds, to rear to the most perfect vigor and maturity, every sort of generous and honest feeling, that belongs to our nature. To bring the dispositions that are lovely in private life into the service and conduct of the commonwealth; so to be patriots, as not to forget we are gentlemen. To cultivate friendships, and to incur enmities. To have both strong, but both selected: in the one, to be placable; in the other immovable. To model our principles to our duties and our situation. To be fully persuaded, that all virtue which is impracticable is spurious; and rather to run the risk of falling into faults in a course which leads us to act with effect and energy, than to loiter out our days without blame, and without use. Public life is a situation of power and energy; he trespasses against his duty who sleeps upon his watch, as well as he that goes over to the enemy.

There is, however, a time for all things. It is not every conjuncture which calls with equal force upon the activity of honest men; but critical exigencies now and then arise; and I am mistaken, if this be not one of them. Men will see the necessity of honest combination; but they may see it when it is too late. They may embody, when it will be ruinous to themselves, and of no advantage to the country; when, for want of such a timely union as may enable them to oppose in favor of the laws, with the laws on their side, they may at length find themselves under the necessity of conspiring, instead of consulting. The law, for which they stand, may become a weapon in the hands of its bitterest enemies; and they will be cast, at length, into that miserable alternative between slavery and civil confusion, which no good man can look upon without horror; an alternative in which it is impossible he should take either part, with a conscience perfectly at repose. To keep that situation of guilt and remorse at the utmost distance is, therefore, our first obligation. Early activity may prevent late and fruitless violence. As yet we work in the light. The scheme of the enemies of public tranquillity has disarranged, it has not destroyed us.

If the reader believes that there really exists such a faction as I have described; a faction ruling by the private inclinations of a court, against the general sense of the people; and that this faction, whilst it pursues a scheme for undermining all the foundations of our freedom, weakens (for the present at least) all the powers of executory government, rendering us abroad contemptible, and at home distracted; he will believe also, that nothing but a firm combination of public men against this body, and that, too, supported by the hearty concurrence of the people at large, can possibly get the better of it. The people will see the necessity of restoring public

men to an attention to the public opinion, and of restoring the constitution to its original principles. Above all, they will endeavor to keep the House of Commons from assuming a character which does not belong to it. They will endeavor to keep that House, for its existence, for its powers, and its privileges, as independent of every other, and as dependent upon themselves, as possible. This servitude is to a House of Commons (like obedience to the Divine law) “perfect freedom.” For if they once quit this natural, rational, and liberal obedience, having deserted the only proper foundation of their power, they must seek a support in an abject and unnatural dependence somewhere else. When, through the medium of this just connection with their constituents, the genuine dignity of the House of Commons is restored, it will begin to think of casting from it, with scorn, as badges of servility, all the false ornaments of illegal power, with which it has been, for some time, disgraced. It will begin to think of its old office of CONTROL. It will not suffer that last of evils to predominate in the country: men without popular confidence, public opinion, natural connection, or mutual trust, invested with all the powers of government.

When they have learned this lesson themselves, they will be willing and able to teach the court, that it is the true interest of the prince to have but one administration; and that one composed of those who recommend themselves to their sovereign through the opinion of their country, and not by their obsequiousness to a favorite. Such men will serve their sovereign with affection and fidelity; because his choice of them, upon such principles, is a compliment to their virtue. They will be able to serve him effectually; because they will add the weight of the country to the force of the executory power. They will be able to serve their king with dignity; because they will never abuse his name to the gratification of their private spleen or avarice. This, with allowances for human frailty, may probably be the general character of a ministry, which thinks itself accountable to the House of Commons; when the House of Commons thinks itself accountable to its constituents. If other ideas should prevail, things must remain in their present confusion, until they are hurried into all the rage of civil violence, or until they sink into the dead repose of despotism.

THE LETTERS OF VALENS



By William Burke, Richard Burke, and Edmund Burke,

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THE
LETTERS
OF
VALENS,
(Which originally appeared in the London Evening Post)
WITH
CORRECTIONS,
EXPLANATORY NOTES,
AND
A PREFACE,
By the AUTHOR.

L O N D O N :
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MDCCLXXVII.

The first edition's title page

PREFACE.

THESE Letters were not unfavourably received at their first appearance; but the operation of such transient publications is soon worn out; I venture, therefore, to lay them once more before the public. They were written whilst some of the measures which have brought on our present unexampled calamities were in agitation. These effects were then foreseen in their causes. It may be worth while to take a review of both. Perhaps a further consideration of the inevitable connection between such causes and such effects, may have a tendency at length to open, late as it is, the eyes of some wellmeaning, but mistaken supporters of that unfortunate system.

The great business of this time is the business of us all; ministers allow not only our concern in the question, but our competency to judge of it. By courting our favour, they have confessed our importance. Never was the public approbation of official measures solicited with such an importunate assiduity. Not satisfied with the labours of the press, the pulpit is taken into the service. We see the spirit of pride, ambition, and despotism domineering in the sanctuary of humility, long-suffering, and self-denial. War and blood come recommended from the oracles of peace and forgiveness. As our ministry equally employ the regular and the savage to fight their battles, so they use indiscriminately the orthodox divine, and the field preacher, to animate the unthinking multitude to their new Western crusade — a crusade far more wild than any of those fanatick expeditions, which in the gloom of obscure ages, were preached by monastick enthusiasm to Gothick ignorance — a crusade more adverse to the just rights, and far more repugnant to all the honest feelings of human nature.

These instruments of mischief, of all sorts and colours, have been employed not only to stimulate our worst passions, but by a perversion of those passions to increase their natural blackness and malignity. We are taught cruelty and arrogance towards our countrymen, meanness and submission to foreign nations. In this glorious work they are all employed, from the rich contractor, who consumes the public revenue, down to the poor exciseman who collects it. The influence of the crown, considerable in peace, in war is boundless. There is hardly any denomination of men who do not find some immediate advantage in war; all this advantage is dealt out by ministry, and is dealt out not as it may best serve the purposes of their war, but of their faction. The expence of every military corps they raise, is the means of retaining a large body of venal, and therefore most zealous, advocates in their cause. Their grand aim in all this circulation, is to persuade us that our sufferings are the result of our own desires, and not of their mismanagements.

Availing themselves of the hired loquacity of their agents, they assert, that the voice of the people is with them. Thus every Englishman seems called upon to admit or deny the fact, to confess or disclaim his being a party to the public ruin.

How extensively this delusion and corruption may operate, I cannot determine; I trust that they have not yet prevailed over the major part of the kingdom. There are still ears not absolutely closed to all enquiry into our real situation, and the merits of that conduct which has plunged us into it. We are still in temper enough to examine, whether the policy which has alienated three millions of people, has been well calculated to conciliate the affections of men? whether the measures that have lost an empire, have been well adapted to enforce universal obedience?

The following letters agitate these questions. It seems to me to be a subject that cannot appear too often, or in too great a variety of shapes before the public tribunal. English good sense may be misled from passion, it may be surprised from inattention; but I hope this nation is not yet capable of deliberate nonsense, and cool absurdity.

The weak and violent measures that have been adopted, have, as we foresaw and foretold, induced all the English of America to cast off entirely the government of this country. The ministers have declared that it was always the intention of America to do so; and they have certainly taken care that they should want no sort of provocation to justify the carrying that intention into act. They have called for “unconditioned submission,” and they have been answered by “total independence.”

How far good management may remedy the effects of bad, it is impossible to divine; but by a war to force unconditioned submission, no good can result to the English nation on either side of the water.

Whatever we may think of it, this war will decide on our own liberties, as well as on those of America.

If America be reduced to slavery by force of arms, the freedom of the conqueror will not long survive the liberty of the vanquished. It is not safe for a state which values itself upon its privileges, to contain within itself a large body of people, who have no privileges of their own to lose. They will always act with that politician who aims at introducing a scheme of equality. This equality will be much more easily compassed, as it will be much more naturally desired by the undertaker, by pulling down those above the level, than by raising those who are below it. When a Prince shall come, who wishes to have his subjects slaves, he will most certainly have all the slaves in his dominions of his Party. When the Roman empire was turned into a monarchy, the subject provinces which had been stripped of all their rights by the pride of Rome, were unanimously desirous of a Revolution, which sunk all distinction in a common servitude, *nec earum rerum statum, provinciae abnuerant, suspecto senatus populi imperio.*

The ministerial writers and addressers have indeed lately hit upon a curious topic of declamation, which has furnished abundant matter of invective against their opponents, and of compliment (as they pretend) to the King. The King (say these gentlemen) with an unparalleled magnanimity of spirit, and an unequalled regard for the constitution,

“Above all Greek, above all Roman fame,”

Refuses the astonishing offer which the Colonies make him of becoming an absolute monarch, free from the controul of Parliament, over that extensive and growing part of the empire. According to these writers their very natural contest is thus circumstanced: We behold a Prince exhausting his Exchequer, spilling the blood of his best troops, and by his requisitions, fatiguing every ally he can purchase — and all, to prevent an unheard of sort of rape from his own subjects, who would compel him against his will, to accept an arbitrary authority over them. In this representation we see all the subjects in one part of his dominions united with a very large portion of them in another part, by every method of violence, of faction, of sedition, and of open rebellion, struggling to invest him with a boundless dominion over their lives, liberties, and fortunes! This is what the ministers are not ashamed to assert — and they have even been at the foolish pains and expence of circulating pamphlets to prove it.

The situation on the side of the subject is certainly new! the distress on the part of the Prince truly affecting! — It is by some such misrepresentation, undoubtedly, that the ministers delude and betray their Sovereign. This consideration entirely takes off all real blame from the sacred person to whom no blame can be imputed constitutionally. But whatever success they may meet in their deception, I am afraid that the gentlemen concerned in making this representation, are themselves perfectly well apprised of its fallacy. They will one day tell the King what Lord Sandwich publicly told the Duke of Grafton, that they deceived him on purpose to lead him on in their measures. For they must be tolerably sensible how ridiculous it is to suppose, that the Americans, whom they are so violently accusing of republicanism, should be shedding their best blood to establish an absolute monarchy. That they, who are charged with having always affected an entire independence of this crown, mean to give the King an unqualified authority over them, is surely rather a little paradoxical.

The reality of the fears of our Ministers, “least the King should obtain a revenue independent of Parliament,” appears from their continual complaint that the Colony assemblies make so very poor and precarious a provision for civil Government. It is in truth the frugality of these assemblies, which the Ministers hate, and not their prodigality, that they stand in dread of. They find it much more constitutional to deal with one compliant, than with twenty refractory assemblies.

They are in the right, it is a course infinitely more pleasant to those who govern. Parliament will, they know, be sufficiently liberal of money which is not theirs, since they find them so very moderate in its oeconomy of what is properly their own.

This serious ministerial dread of the King’s enjoying a vast revenue independent of Parliament, appears also by their perfect composure in a danger of the same kind, but far more pressing, by being so much nearer home. Ireland has a pension

list of 90,000l. a year, intirely at his Majesty's disposal; there are also offices there, intirely in his gift, to as large an amount; besides the extensive disposition of near a million of revenue wholly out of the inspection of the British Parliament.

It is surprising with what composure the ministerial magnanimity enables them to sleep with such a mine of power and influence under their pillow, and without the least controul. This revenue is already much larger than the most sanguine speculation could promise from American assemblies in an hundred years.

But the truth is this; leaving to the Americans the disposition of their own property can answer no ministerial purposes whatever, whether these assemblies make a more liberal, or a more reserved use of this power. For if the American assemblies should continue in their original uncivilized, churlish, savage purity, they will certainly grant no more of the substance of their constituents, than they are sure will be for the advantage of those who trust them with the disposal of it. In this case, there will be no additional pensions from America for Mr. Jenkinson, Lord Clare, or Mr. Ellis, and a long et caetera of Parliamentary and ministerial worthies. This is a serious loss, and a real subject of alarm to Ministers ruling on the principles that now actuate our public councils.

If on the contrary, the Crown should, by degrees, and by good management obtain an influence which might excite the American assemblies to greater generosity, the effect would be too remote, for the present possessors of power and favour to hope any sort of advantage from it. Corruption is not very long sighted. Selfishness does not consult succession. The interested of today, will not provide at their own expence for the profit of the self interested of future times. Such posterity, they know, have a comfortable inheritance in their own care of themselves; and the present generation will not forestall their industry. Besides the ministers may be rather apprehensive, considering the growing number of the American Representatives, that the labourers may devour the whole harvest, and leave little or no rent to be returned to the lawful Lords Paramount of Sine-cure and pension, in Great Britain.

These I imagine are the real apprehensions which arise from the idea of permitting the Americans to continue in the old practice of granting their own money; since this is the single instance in which we find our politicians under such panic and superstitious fears of the effect of Crown influence. In all other respects, they are true free thinkers; genuine, unaffected esprits forts.

Whatever their fears or hopes may be, they have got us into a war, for the charges of which in any event, their gain or their loss, the good or the ill success of their arms, will afford to poor England a very poor indemnity.

The ministers have indeed gone such lengths, that they think it impossible for us to look back. They say that we must now, without reflecting on the past, endeavour to give all manner of effect to the measures that are on trial. If any thing rational were on trial, it would indeed be wrong not to let it have a fair one; but the

execution of an ill-concerted plan, is the very mischief of it; it turns speculative absurdity into practical; and beginning in ridicule, ends in misery. Every day that we postpone our remedy, it undoubtedly grows the more difficult; and the terms of peace will become less honourable.

But ill as our condition is, something yet remains to be done. We have lost authority by injudiciously attempting to obtain a great enlargement of it. We may try whether it may not still be possible to recover some substitute, at least in friendship and mutual interest, for what we have lost in power. But a protracted war will destroy even to the seeds of future friendship. I am sensible that much is expected from the vast army which German penury and English prodigality has enabled the ministry to employ. They who think that slaughtering, burning, and plundering, are the means of reconciling the minds of the people to our government, have but very poor ideas of any government at all. Although these cruel injuries may compel submission, they are not of power to cancel memory. The effect of terror is not lasting, but the impressions of hate and resentment are deeply inlaid in the hearts of men. The day may come when the affections of America will be looked for as something of value, and they are even now worth purchasing even though Hesse and Brunswick were to be defrauded of the largest part of the bloody glories they are to purchase by the slaughter of Englishmen — although fewer English scalps were to decorate the martial dwellings of the savage allies of our humane ministry.

If the following papers can tend ever so little to bring us to a knowledge of our true friends and true enemies, the sole end of the Author, who is no actor in this scene, on one side or the other, is fully answered.

VALENS.

LETTER I. TRIUMPHS.

Saturday, September 23.

Mr. MILLER,

THE ministerial writers, in one of those paragraphs with which they enrich the public papers are pleased, for the special entertainment of the good people of England, to tell them a curious piece of news. This intelligence is the more valuable, because according to Lord Bacon's expression, it comes home to our own business and bosoms.

These gentlemen kindly inform us,

"that in the annals of the world, there is not to be found so extraordinary a nation as our's."

"We place (it seems,) our chief pleasure in discontent, and by a retrograde propensity of thinking, are never compleatly happy, without being compleatly miserable."

The Ministers have made a valuable discovery in the national character. It must be admitted to their honour, that none have ever more perfectly profited of their knowledge of mankind, or have laboured more successfully to give entire satisfaction to their country. By continuing the same benevolent efforts a little longer, there is no doubt but that they will perfectly attain their end. The people of England are at length in a fair way of being compleatly happy, and happy in their own mode.

Observers have been for some time at a loss to account for the conduct of Ministry. They were not able to enter into the causes of their supine neglects and untimely endeavours. They could not penetrate into the motives for their violent denunciations, and their feeble efforts; for their disinclination to peace, and their inability for war; for their irritating America to resistance, by the austerity of their laws; and encouraging that resistance, by the weakness of their military arrangements. The whole is now explained. They were seeking for popularity; they were conforming themselves to our retrograde propensities; they were generously labouring for the felicity of a nation, which, as they have sagaciously discovered, "can never be compleatly happy, till they are rendered compleatly miserable."

The benevolence of these good men even extends to their worst enemies. They tell us in the same paragraph, "that the modern Patriots shudder at the probability of success in the management of public affairs, and brood with a savage delight over the hopes of a national calamity."

The modern Patriots are in truth as unreasonable as they are represented to be factious, if they do not gratefully acknowledge the incredible pains that Ministry has taken to please them. They have engaged us in a war, after such a Patriot's own

heart. Envy and malignity would have bespoke it. In this war the object, the conduct, the probability of success, are all exactly alike.

We are struggling, it seems, to obtain a revenue by force, which that very force must for ever disable the Colonies from yielding. At the same time we are incurring expences, that no wealth in the subjugated Provinces, and no chearfulness in granting it, can ever defray.

The scene of the war is on the other side of the Atlantic ocean. There, we have no assistance, no alliance, not a single friend. Thither we are to transport the flower of the English youth, consigned to slaughter, disease, and famine. Every thing necessary to the support of war, or to the sustenance of life, even to the minutest articles of both, must be conveyed to the British troops from hence, at the expence of millions, and at the mercy of winds and seas. The supply of great armies, even in the midst of the most plentiful countries, and in the most commodious situations, is chargeable, difficult, and sometimes precarious. What a work then must the subsistence of an army be, (I mean an army sufficient to produce any effect,) in a country three thousand miles distant from home? In a country where the provision for a single day cannot be purchased? Every sinister incident, every unfavourable event, must be repaired, if it can at all be repaired, from the distance of 70 degrees of longitude; and the least delay or misfortune attending the supply, puts an end to the operations of an whole campaign.

Whilst the Ministerial operations are clogged with these difficulties, the Americans are training and hardening themselves to war. The continuance of the quarrel inures them to the state of things into which they are fallen. They are in the midst of their resources. With whatever vain hopes Ministers may flatter themselves or attempt to delude their country, we may be assured, that where recruits, provisions, wood and iron, are furnished by the country, the rest of the instruments of war are easily procured. No seaman will assert, that powder cannot be conveyed to the Colonies from abroad. No naturalist will affirm, that it cannot be made by them at home.

This is the true state of our affairs; this is the probability of success, which it seems is to glorify administration, and to make patriots shudder.

Provided that no misfortune happens to the army in America; provided no foreign power interferes to assist the Provincials; provided that the foreign powers in whom we trust will certainly assist us: — With all these provisos, it is possible, that this nation may, for one season more, — just one more, — continue the expences of this desperate and ruinous contest.

In the mean time the ministerial writers may manufacture paragraphs to amuse the people of England; the Ministers may send out more porter to keep up the spirits of the disheartened troops at Boston; the yet remaining wealth of England may be squandered in various ways, for the purpose of hiding under lucrative contracts for war, the hasty declension of trade; they may buy, or beg, or cheat

corporations into flattering addresses. All these are but poor and temporary devices, which may for a while veil from our eyes the real state of our affairs, but are not of power to avert or soften the smallest part of the impending calamity. Insensibility of danger, and security from it, are very different things.

The African trade has felt the blow already. The West-India trade staggers, and is doomed to fall the next. No trade can long stand the present unwise contest. The loss of the American commerce is a lasting evil; the substitute for it, in the flush which the Russian peace and the Spanish armament have caused, is contingent, casual, inadequate.

The ministerial Manifesto, from which I have quoted the above extraordinary passages, speaks of it as of a circumstance of astonishing absurdity,

“that an Englishman should look upon the TRIUMPH of the King’s troops with regret.”

Englishmen will tell Ministers what they think of such a triumph, when they have the fortune to see it. As yet that triumph has not been cause of joy or sorrow to any man alive.

Do these men mock at our distress? Do they really think that the precipitous retreat of the King’s troops from Lexington, was a triumph? Do they think that the action at Bunker’s-hill, where at the expence of more than half the number that fought, these troops purchased a small enlargement of their burial ground, was a triumph? Do they imagine that it is a triumph of these poor half-starved troops, to have suffered from the day of that action, as indeed they had long before, as close a blockade as any garrison can suffer in a place that is open to the sea?

If these be the triumphs of the King’s forces, every public spirited, every humane and honest mind, beholds them with the deepest sorrow and regret. There is no man worthy of bearing the name of Englishman, who does not see with grief the miserable and disgraceful situation of the bravest troops, and the best commanders in the world. That man must be very indifferent to the glory of his country, who does not see and feel too, for the condition into which both have been brought, by the most unexampled imbecility and rashness; a condition which originating from plans laid in gross misinformation and fundamental error, no courage in the troops, and no skill in the commanders, can possibly improve.

Here, for the present, I am obliged to leave the troops and the triumph. I now turn to the gentlemen who fight, under much more comfortable circumstances, the battles of the Ministry in England. It is not only in the paragraph I quote, that they presume to insult those who differ from them in politics, by charging them with a delight in the national calamities. It is the constant language of these writers. If any man has shewn a disposition to such an unnatural delight, whether he be a Minister or a Patriot, the community must think such men deserving of a severer censure, than any which the pens of such writers seem capable of inflicting.

There are some indeed, who, if they do not delight in the national distresses, seem at least not to entertain a proper horror of them. These are they, who, in all political disputes, are the constant favourers of violent measures; who are continually urging the people to war, and under the notion of meanness and pusillanimity, decrying every idea of peace and reconciliation.

These gentlemen may indeed feel some mortification, not from generous sympathy, but from disappointed pride, when the natural, however by them unexpected, issue of their measures, is strongly marked in circumstances of public calamity. But these gentlemen ought to take care how they mistake in others for exultation at the national misfortunes, those emotions of scorn and indignation, which all men of sensibility must discover at the infatuated councils from whence our public misfortunes are derived.

VALENS.

LETTER II. ADDRESSES.

Saturday, September 30.

Mr. MILLER,

THE manner in which administration is employed, appears rather extraordinary in the present circumstances of the nation. That period, once so awful; that day of account, once so terrible to statesmen, the meeting of Parliament, is at hand. It might be imagined, that at such a time, Ministry were exceedingly busy in fabricating, for the satisfaction of the two Houses, what they have hitherto thought proper to withhold from the public, — some sort of apology for the total failure of all their projects.

It might be supposed they were continually occupied in a careful and detailed review of their former measures; that by such a review they might discover to what mistake in the plan, or to what weakness in the execution, we were to ascribe the present calamitous situation of our affairs. One would think they were, at length, bending their attention on some scheme for preventing, if possible, the final dismemberment of the empire. Instead of this, they are wholly occupied in the manufacture of addresses.

To common observers this seems to be an odd entertainment for men in their condition. If indeed addresses to Ministers could insure victories to armies; if railing at enemies could repair defeats; if flattery could cover disgraces; if servility could give plenty to famine, health to diseases, and cure to wounds, nothing could be more properly applied to the exigencies of Ministers, and to the necessities of those who have the misfortune to bear arms in their support. If addresses had this virtue, these courtly performances would certainly merit all the care and expence which has been so profusely lavished in obtaining them.

Although I think this proceeding of Ministry in many respects weak and trifling, yet I confess that nothing, no not an address exists in vain. The managers are able to perceive, among the first effects of this hopeful war (into which they have betrayed their country) an immense, an immediate increase of the public burthens. They see at length, and they see only, because they are forced to feel, that they have drawn up the sluices of an expence, which will not be in their power to let down at pleasure. They persevere in their measures, because they wish to continue in their places. They know that the measures, necessary to their opulence, must end in the beggary of their country. When the purse and patience of the people are exhausted by the accumulated charges of an unnatural and disgraceful war, it is then that the present manoeuvres are to take their effect. The Ministry will put the people in mind, that they suffer at their own special request. They will point to their addresses, and tell them

“TAXATION IS NO TYRANNY.”

In one part of their project, there is no doubt the Ministry will succeed. They will get addresses enough. None have ever missed who have ever sought them. All the little agitators in boroughs will easily persuade men of much vanity, and no reflection, that their names to an address gives them a consequence at Court. The little, cunning, bustling politicians, in a corporation, think they may with great safety exert themselves to oblige a particular friend, that knows who and who are together, and that, when he pleases, may see those who see the King. If things go well, they may plead merit; if ill, they are lost in the crowd, and protected by their obscurity. One of these snug Machiavels will reason thus: —

“We are in for it. If the Minister chuses a war, he will go to war, whether we will or not. If the taxes go on, little places, and little jobs as well as great ones, will increase. We too, if we play our cards well, may come in for snacks; whilst the whole burthen of the war, without any alleviation, will fall on the grumblers.”

The little politician at the Town Hall is not altogether mistaken. If his principal happens to think of him, after the purpose is served, he may be paid for his work; but the little politician at the Cockpit will find himself miserably deluded. When the national debt and national taxes begin to swell; when trade sinks under its oppressions; when Europe begins to be involved; and the civil becomes but an introduction to a general war, the Minister, whoever he is, will find that those who are willing to flatter, are not able to protect him. Those who are so ready to advise him to plunge his country into a war, will not be in a capacity to furnish him with the means of carrying on that war, nor with the expedient for extricating himself out of it.

I believe there are very few of these signers, or even of the original promoters of these addresses, who have once given themselves the trouble to enquire, whether this war, of which they are so enamoured, be absolutely necessary? To ask themselves, how it is to be supported? To consider, what end it is to answer, if successful? Or to reflect, if it be unsuccessful, what remedy is to be found in so dreadful a disaster?

One circumstance methinks ought to make these gentlemen who halloo, or who are halloosed to war, a little cautious how they dip their hands in blood. The Ministers have set out in their war with an avowed confession, that they are not able to carry it on with the strength of this country. They are at this instant suppliant at every Court in Europe. There is not a country in which want and servitude have turned the lives of the subject into an object of traffick to the Prince, in which Ministry are not mortgaging the revenue of England, and plighting the faith of future Parliaments. It is to HANOVERIAN, to HESSIAN, to RUSSIAN Arms, that England is to owe the recovery, and the preservation of our authority in America.

Such arms are, I admit, the natural instruments for the establishment of arbitrary power. But the addressers of such measures would do well to ask themselves, to

whom that arbitrary power is to belong, if foreign force should prove successful? To those, by whom conquests are made, the benefits of conquests will belong. But I abhor the idea — Heaven forbid that slaves should ever become the masters of freemen; or that Russian ferocity should triumph over English valour in any part of the world.

The Ministry, though they are compleatly disgraced in their principles, for the attempt to terminate British disputes by foreign arms, may be further disgraced by their policy, by their failure in that enterprise. They have not yet been able to gratify their addressers with any certain assurance that they shall be permitted to transport over the Atlantic ocean 20,000 Calmucks and Cossacks, to lay waste with fire and sword the habitations of Englishmen, and to turn one of the fairest part of the British dominions into one of their Tartarian desarts.

Whoever advises others to war, ought not only to be persuaded that the war is just, but he ought to have a reasonable assurance, that those to whom he applies himself, are of ability to carry it on with success. Otherwise he is not only sacrificing the interest of his country, but he is disgracing and ruining the cause of justice itself. Of the ability of the Ministers for this great task, the addressers may have some private knowledge to which they trust. But I must say their friends in power have not yet been pleased to favour the public, whose approbation they court, with any means of doing their capacity the honour that perhaps it deserves. Nothing has succeeded with them, either in their civil provisions, or in their military arrangements.

They have made a great number of acts of parliament, which has left the state of government in a thousand times a worse condition than they found it. They followed their acts of parliament with above twenty of the best regiments in the service; with almost the whole of the marines; with such a strength of artillery and artillery companies, as were never employed when we made war with France in America. To give effect to this force, they have sent no less than four Generals. To the great land force, they have added a great naval power. The result of all these immense military arrangements has been, that the Ministers have one town in America — for their armies to starve and die in. — This is the faithful abstract of the first year's history, of our new social war.

These are plain matters of fact. An honest man, who sees no more than I can see of the probability of success in the course which has been hitherto pursued, would therefore have his scruples about urging the same men to proceed in the same course, which has been hitherto so very unprosperous. Have these flatterers any ground for confidence, that the future proceedings of Ministers will be more fortunate than the past? If they have, it will be kind of them to open it a little to their expecting country. One circumstance of incapacity in these Ministers is clear beyond all dispute, they have known nothing of the difficulty of the business they were engaged in. As the difficulty was not known, it could not be provided for. In

consequence of this ignorance of the real state of America, all the force that has hitherto been sent thither is lost. We have all to begin anew, as if nothing had been attempted. England, under their conduct, exhausted before she has acted, is obliged to rest all her hopes on the capricious alliance of a despotic Court, and the perilous assistance of barbarian mercenary forces.

It is for this assistance, and for these forces, that some deluded people are persuaded to address. Our misfortunes are aggravated by a mortifying mixture of the ridiculous. We have been brought it seems into this disgraceful situation of foreign dependance, in order to maintain the honour and dignity of Great Britain.

Upon this topic of our dignity, I may say something hereafter. For the present, I would seriously recommend it to my countrymen, to consider (what never has been considered for them) the difficulties of their proceeding in the course they have begun, and at the same time the facility which appears for getting out of them.

The way before us, if we pursue the present course, grows every step more and more perplexed. The point at which we propose to rest, recedes further and further from our view. The way, if we change our route, is short and simple. The single condition of peace proposed by America is,

“That we should put things on the footing they stood in 1762.”

This is the proposition of the Congress; and this surely is no harsh, cruel, or humiliating injunction. We are desired to put ourselves, and our colonies, into that state, in which, from our happy union, we were the envy of the world. But the first terms proposed, are not the last conclusive ones; better may be obtained by treaty; all may be lost by violence.

Have we then any rational ground of hope, that by an obstinate war unskilfully carried on, we shall be able to force from America more advantageous terms of peace, than she offers at this moment? Before any man sets his hand to an address, he ought to have a satisfactory answer to the question I have put. To abuse America, and to talk of dignity, is not an answer.

VALENS.

LETTER III. DIGNITY.

Saturday, October 7.

Mr. MILLER,

IN this letter I intend to apply myself principally to those of my countrymen, who are commonly distinguished by the name of the Tory Party.

There are many things in the doctrine and practice of that body, which I never could perfectly approve. A party whose distinguishing characteristic is a desire of exalting the prerogative of the Crown, ought never to take the lead in a government constituted like ours. But though I could not relish the doctrines of this political set, I did not of course condemn the intentions of all who held them. I did not, I confess, think the Tory party entirely well affected to the constitution. Their own favourite phrase,

“The old constitution,”

which was, and is continually in their mouths, seems to imply an invidious distinction; and to intimate a dislike to the constitution, as perfected, or if they please, new modelled at the Revolution. But whatever their opinions of the constitution might be, I thought them zealous, according to their ideas, for the interest and honour of their country. In all things which distinguish this island from any other nation, the exclusive and patriotic partiality of their affections has constantly broke out, and sometimes not in the most decent and orderly manner that could be wished.

It always appeared to me a circumstance rather singular, that they whose principles were so much of foreign growth, should far out go the Whigs themselves in the abhorrence of foreigners. The great blessing derived from the Revolution, could not make them forget that King William was a Dutchman. They did not readily forgive even the founders of the fortune and greatness of his present Majesty, that they were born in Hanover, and were supposed to entertain sentiments of partial regard to their native country.

In the principle of all this, though sometimes carried too far, and sometimes misapplied, there was something respectable. I remember perfectly well, that when the Hessian troops were brought hither in the last reign, this party complained very loudly. The imminent invasion of England at that time, did not reconcile them to the measure of committing any part, even of our most necessary defence, to foreign forces. Those foreign troops who were brought over for the purpose of quieting the troubles in Scotland (for I mean to speak gently) in the year 1745, did not meet from that party a more favourable reception. Their unaffected dread of the prevalence of the House of Stuart in that critical contest, could not make them permit a momentary departure from their ancient maxims. Their preservation from the greatest of all calamities, a subjection to an irritated, a revengeful, a bigotted,

even a foreign master, a master who founded his right upon the supposed nullity of every right in his subjects, could not excuse this obnoxious mode of safety.

It was in vain alledged in mitigation of that measure, that the national troops were engaged abroad, that we had no time to get together, and to discipline a body of English; that our foreign enemies had interfered, that some forces in the French service were actually in Scotland; and the arrival of more was daily apprehended. This was all urged to inattentive ears. The Tories still exclaimed, that the troops of our allies brought hither on that occasion were foreigners; and nothing but the consideration that a late capitulation had bound them not to be of any use, could induce the Tory party to bear the presence of such guests, with any reasonable patience.

Sudden emergencies may make the departure from the most wise and settled principles justifiable by the evident necessity of the case. But certainly, the general principle of keeping foreign powers from interfering in national disputes, is founded in the truest wisdom, and soundest policy. There is not only, no dignity, but no safety in a different conduct. I was therefore a good deal surprised, when I found so many of the Tories not only tolerating, but rejoicing in the attempts made by Ministers for engaging large bodies of foreigners to act in the present civil war. To what are we to attribute this extraordinary change, which that party has made in the only part of their sentiments, in which they were perfectly justifiable? Instead of murmurs, complaints, and remonstrances, we see the persons most warm in that cause, almost every where active, and bustling to procure addresses of compliment, in order to give the Ministers all kind of credit and support in their negotiations for foreign troops.

In all this I see no sort of attention to the honour of this country. The first principle of dignity is independence. A government in profound peace with all its neighbours, which is not able, without external assistance, to enforce obedience from its own subjects, is in effect annihilated. The powers on whom such a phantom of authority depends, are the true and real government. The other is only a vassal. If we cannot govern it but by the forces of Russia and Hanover, Hanover and Russia are not only the Rulers of America, but they are the Masters of England.

There must be some extraordinary weakness in Administration, some disinclination to the service in the gross of the people, something unusually colourable in the resistance, that at the very outset of the quarrel, has disabled the strongest power in the world. Our Ministers stumble at the threshold; they are out of wind before they have run the first heat. The first year of this war in America, they implore foreign nations to bring them out of that struggle, which, a little while ago, they told us might be ended by a very few of the superfluous regiments, which a prodigal peace establishment wantonly kept up for parade and shew — Such is the dignity of England in the hands of its present trustees!

If we cannot end our own quarrels by our own wisdom, or our own power, they will never be ended. Foreigners very rarely, if ever, interfere with cordial purposes to the benefit of the party which calls them in. It will be their business, like lawyers, to prolong the suit, in order to exhaust the litigants.

Whilst the quarrel continues, foreign powers know that you must comply with every demand, and submit to every insult. The old enemies of the kingdom will be sure to fan the flames of dissension. The very best affected of the foreign Courts will make themselves necessary as long as they can. They will assist you just enough to continue the dispute, but not to end it; because that dispute, and their superiority, must have exactly the same duration.

Rather than consent to be thus at the mercy of foreigners, Dignity, if she would condescend to take common-sense into her councils, would think, that the cruel alternative proposed by the American Congress,

“of returning to the situation in which we stood in 1762,”

ought to be accepted. If English Dignity is to be compromised, I had rather settle amicably with America, than be obliged to too polite a submission to the House of Bourbon. I should consent rather to bear the Roughness of English Liberty, than subject myself to foreign Pride, and barbarian Insolence. I had rather shake Hancock and Adams by the hand, than cool my heels in the antichamber of Orloff and Potemkin.

VALENS.

LETTER IV. THE CAMPAIGN.

Saturday, October 11.

Mr. MILLER,

THE proper answer to an address for war, is a tax. There can be no doubt, but that such an answer will be returned fairly and speedily, and without a shadow of equivocation. In this point at least, the Ministers are capable of giving perfect satisfaction to their admirers. To exhaust the sinking fund, — to accumulate debt, — to raise the land tax, — to put an additional duty on malt, and on malt liquors, — and to revive the home excise upon cyder, — these are things within the power of the most common financier. The ways of taking the public money, or of spending it when taken, are tolerably obvious. There is nothing required for these purposes, but patience on the part of the people. And Administration has had, for some time past, comfortable assurances, that the good people of England possess a sufficient share of that steady and useful, though not very shining virtue.

The Addressers, with an honest eagerness and anxiety, ask for war, and they offer their fortunes. They need be under no sort of uneasiness. The one will be given, and the other will be taken; and as far as I can discover from the courtly language of the Gazette, this is what is desired, and all that is desired, in the many dutiful and loyal addresses with which that instructive paper has lately swelled so much beyond its usual dimensions.

In former times, when the evil habits of faction had rendered men importunate and difficult, a little more than this would have been looked for. People would have been desirous of some account of the ends and purposes for which the public money had been expended; of the manner in which the war had been conducted; of the future prospect of success from the arrangements already made, or which were in apparent forwardness. If they received no satisfaction in these points, war would, in those times, have been thought very little more desirable than peace. Success, victory, glory, national reputation, national power, were the circumstances that formerly made war, and the train of war tolerable to a nation. The probability of a favourable event, and the beneficial consequences of victory, when attained, were always more or less in contemplation. At present the fashionable taste seems to be, for efforts without vigour, expence without return, preparation without action, and war without an object.

I will not say, whether I have been well or ill employed; but abounding in leisure, as you will easily believe, I have read over all the public performances of the friends of Ministry. Not one, I imagine, has escaped me. The coffee house I frequent is well supplied with the papers. The papers are no less liberally supplied with political essays and paragraphs on the ministerial side of the question. At no time have Ministers more carefully attended to this mode of communication with the public;

and they have spared no expence nor trouble to engage diligent and industrious writers in their cause.

One circumstance has struck me as very singular. In all the course of this extensive and various reading, I never once observed a letter, or even one single paragraph, so much as insinuating, that

“the war with America had been hitherto conducted with common sense.”

If my recollection has failed me, some person of more retentive memory or more accurate observation will be so good as to supply my defects.

Notwithstanding this trifling omission, the Ministers, I must admit, have not been wholly wanting to themselves. They have carried on a notable war with the Mile-End Assembly. They have fought a very strenuous battle with Mr. Mascall. In my opinion, they have gained a compleat victory over him. They have laid Mr. Joel on his back. Atkinson Bush must be a bold man if he ventures to shew his face — For all these advantages, I give them full credit. But still the proscribed Hancock sits at the head of The United Colonies; and Putnam the carpenter, besieges and starves twelve thousand British troops with four of the best English Generals at their head.

I have concealed nothing which has happened in favour of our great statesman. The above is a short but fair and impartial account of the advantages obtained, and the losses suffered by the ministerial arms of all sorts, at home and abroad, during the glorious campaign of 1775.

At what a price all this glory has been acquired we shall not immediately know, though our inquisitive Parliament is so shortly to meet. Some part of the burthen we shall feel very soon. But the whole charge certainly will not be then displayed; lest it should throw some damp on the spirit of addressing, which at present seems the grand resource of the nation. There will undoubtedly be a large and constant demand on this fund of national politeness; and it will as largely and constantly answer the drafts at sight. Whatever may become of others, there is no danger that this Bank should ever be obliged to stop payment.

The vein of addressing, in a situation like the present, is a phaenomenon rather unusual in the political world, though in the moral it is highly commendable. The compliments paid to defeat and misfortune, are the effect of true generosity. If the thing went no further, all might be well. But it grows serious when a compliment conveys a trust. To this hour the want of success was always deemed a presumption of the want of wisdom. It went beyond a presumption, if the ill success had attended upon great forces. Men grew out of humour, and became unwilling to commit their lives and fortunes to the care of those in whose hands they found that nothing prospered.

If they thought a war eligible, this became a strong motive against confiding to the unfortunate, in that precise situation, in which of all others Fortune has the greatest share. They would not say,

“we ought to go to war with America, therefore, make a complimentary address to those who have lost that country. We ought to use force; therefore support those under whose direction power has sunk into impotence.”

The period for these congratulatory addresses, and this solemn approbation of ministerial conduct is well chosen, and strongly marked. It surely deserves to be as much distinguished as an Aera in the Chronicles of Great Britain, as any event that has happened since the foundation of this monarchy. The Aera of THE EVACUATION OF BOSTON. The compliments arrive precisely in the great important moment when the British troops are compelled to quit the last British town in America. From this period we are, I suppose, to begin the reckoning of a new golden age of commerce, liberty, and empire.

VALENS.

LETTER V. OBJECT OF THE WAR.

Saturday, October 24, 1775.

MR. MILLER.

I Remember Mr. Hume somewhere in his history observes, that amidst all the calamities of the great civil war between Charles the First and his people, the English enjoyed this singular good fortune, that no foreign nation interfered in their quarrels.

Mr. Hume is in the right. The circumstance was fortunate; and I am afraid it will continue to be singular. The present melancholy civil war is of another kind, and is to be carried on, as it was begun, upon very different principles. It is a war in which, as foreigners have the sole interest, none but foreigners will finally decide. In the great civil war between Charles the First and the national Representative, both parties had in view such an object as usually passes for rational. Had Charles the First actually subdued his Parliament, he might possibly have levied taxes without the consent of those who were to pay them. He would then have been to England, what England claims to be to America, the sole virtual Representative of his people. Their consent would have been involved in his will. To resist would be to rebel. So far the politics of Charles the First and ours go on together; but there is a slight circumstance in which they differ.

If he had carried his point, his power would have led to profit. The kingdom which he would have reduced, lay under his eye; and all its concerns were within his grasp. By a common revenue establishment, and a moderate standing army, there was no doubt but that he might easily have drawn into his own coffers, as much of the property of his subjects as would have supported that establishment, and paid that army; and left a surplus besides, for the purposes of avarice, ambition, or dissipation. The nation had the same interest to defend, which the King had to attack. Here was a war that had an object. Prince and people strongly interested, they wanted no intervention of foreigners to decide their quarrel.

But if Charles the First had involved himself in all his difficulties, in order to tax, without their consent, a people who were 3000 miles by sea distant from him — if the people at that distance were scattered over a Wilderness, 1700 miles in length, and 500 in breadth — if their extended sea coast was pervious by a thousand havens, bays and creeks to every fraud, and every elusion of duties — if these duties, by the best collection, far from being able to support a vast standing army, a powerful navy, and numerous fortifications, would consessedly not suffice for the maintenance of a tenth part of a competent Revenue establishment — if such had been the attempts of Charles the First, nothing but the consideration of his insanity could have drawn the least degree of pity upon his misfortunes. The great subject of curiosity would be, how he came to find any abettors in so frantic an attempt. It

would have been but natural for him to seek his instruments in every country but his own; as those people would be the most fit to fight his battles who were the least acquainted with his cause.

Charles, besides the obvious lucrative advantage which he possessed, had another apology for his arbitrary undertakings; and Mr. Hume is too skilful an advocate to let it pass. His people were far from liberal in their supplies. They frequently even refused any subsidy to his greatest wants. What an aggravation would it have been of his misconduct, if all the world had known, and if he himself had confessed on record, that the grants of his people had outgone his requisitions, and that their supplies, while voluntary, had far exceeded their abilities? Join then together the two suppositions which I have made, and let every candid man form a judgment on the wisdom of that sovereign power (call it King or Parliament, or by what name you please) which could wage a destructive war for an object of taxation impossible to be attained, in order to avoid having recourse to a quiet mode of application which had never failed.

It is in our power obstinately to shut our eyes to the genuine appearances of things. If we please, we may stop our ears against reason; or we may prevent the voice of truth from being heard, by the din of our own passionate talking. But still reason and truth will one way or other have their operation; and though not seen or heard, they will cause themselves to be felt. They are at this minute in full energy; and are now, though not so sensibly in the mode as in the effects, acting with irresistible power. While Parliament votes, and Corporations address, a general torpor and deadness have benumbed the whole community. The state is paralytic. We have nothing left alive, but that miserable and feeble voice, with which we sue for compassion to the enemies of our former greatness, and call upon foreign nations to obtain for us some sort of authority among our own people.

England feels she has no interest in this quarrel. The army cannot be recruited to any tolerable degree of strength, much less to a force adequate to the necessities of the present bloody service. It is because the yet uncorrupted body of the people of England are brave and generous, that they do not chuse to shed their blood in this quarrel. All the ink that has been, or ever can be shed in addresses, will not persuade them to join with German vassals and Russian slaves, in exterminating the little remnant of freedom which still continues to bless the world.

Unsupported by English arms, the Ministers fly to Scotland. The gallant and sagacious people of that country, worthy to be for ever, in sentiments as in government, one with England, have declined to employ their valour for the destruction of their sole asylum from despotism and opprssioren. They will not chuse to pass from praedial to military servitude. They will not suffer themselves to be turned into merchandize, for the profit of those men who are bartering for lucrative places and for regiments, the lives that are not yet sacrificed to their avarice as landlords. The Scotch are indeed going to America; but they are going as settlers,

not as soldiers. An illegal order has been issued to compel them by force to continue in the house of bondage, and to keep them from tasting the fertility and freedom of America.

The application to Ireland has been as unsuccessful as it was indecent. Did they imagine that generous people to be such an herd of blunderers, as to spill their blood, in order to enable Ministers to tax, without their consent, all the countries subject to this crown? The Irish Roman Catholics feel as the Protestants do. They also know America as an Asylum. None but a very few vagabonds have been captivated by the half guinea liberality of the Earl of Kenmore, or the military rhetoric of Major Boyle Roche.

English, Scotch, Irish, failing; Canada, French and Popish, has been applied to as the last resource among British subjects. Canada, French and Popish, have refused. Laws have been suspended, and military despotism proclaimed in The Canadians have heard the sound of liberty.

The Ministry thus disowned, not in words but in practice by every old and every new subject of this empire, are obliged to go about begging at the door of every petty Court and every venal State of Germany. They have prostrated English dignity before Russian despotism. They are satisfied to sneak like servile Gentlemen Ushers before the State of the French Ambassador; while all Europe looks with derision at their aukward, second-hand airs, and their imitated grimaces of exotic complaisance. They stoop their stiff backs, to kiss the baffled hands of Spain. Our heroic Ministers tremble before the fugitives from Algiers. Sir Joseph Yorke, under their direction, is employed in a manner that is certainly odious to so liberal a mind as his; and, indeed, must be so to any man who has served his country in better times. He is alert and active, and watches day and night. But he watches, not the Councils, but the Ports of Holland. He is obliged to thrust his nose into the hatchway of every Dutch Dogger, and to rummage and cross examine every paltry Package. The Ambassador Extraordinary of England is sunk into an attentive Tidewaiter. But all this expence of honour has purchased scarce any sort of advantage. Their negotiations and their searches have been as unsuccessful and as impotent as their arms. All they can as yet do, is to deliver over Gibraltar and Minorca to Hanoverians. But though they have failed in procuring other nations to destroy our Colonies, our Colonies may imitate their example in calling in foreign aid; and as with a more decent excuse, so in all human probability with better success.

In this unparalleled state of distress and degradation of their country, the Ministers are not without their comforts. They hold their places; they enjoy their salaries; they receive their addresses. At present they are in high spirits. They are persuaded, that their pay and disgrace may be continued a year longer. They will again hold out delusive ideas of peace upon terms which they know are not admissible, trusting that the deceit of the session will hold out until the recess; as to

the rest, they tell us that all is now perfectly right; that the Savages of the desert have undertaken the government of the British Colonies. They inform us that they intend to change their mode of making war. They have it seems, by some means or other, at length found out, that to be besieged is not the way to conquer. They propose to ravage what they are not capable of governing; and abandoning all idea of being conquerors and legislators, they are in hopes of becoming successful Pirates.

VALENS.

LETTER VI. THE PLOT.

Thursday, November 2.

Mr. MILLER,

ON Monday the 23d of October, 1775, in the morning, Mr. Sayre, Banker, in Oxford Road, was seized by King's Messengers, upon an accusation of nothing less than an horrid and detestable enterprize against the personal Liberty of our Sovereign. In the evening of that day he was committed to the Tower, by a warrant for treasonable practices. On the 24th the London Gazette announced to the world, that he was committed for High Treason. On the 25th all his friends, and even his counsel, were refused admittance to him. On the 27th he was carried before Lord Mansfield; — and without the least hesitation, doubt, or delay, he was admitted to bail, upon •50l. for each of his two securities, and 500l. for himself.

This is an exact, though short chronological History of the Banker's Plot, one of the grand events, which, amidst the splendor of so many illustrious actions in peace and war, among so many laws wisely planned and firmly executed, will, in future times, distinguish the memorable period of the present administration. The nature of the offence for which Mr. Sayre was committed to the Tower, and guarded with such unusual strictness and severity, or the validity of the charge, or the legality or justice of the proceeding, will be estimated from the extraordinary bail, which has been accepted on the Habeas Corpus of this eminent State Criminal.

It is known, that no bail can be admitted to an accusation of High Treason, laid upon any tolerable ground. I do not mean exactly to limit the power of the Chief Justice of England on these occasions, but it is universally known, that such is the general nature of the offence. The security in the present case amounts (in effect) to no bail at all. The culprit himself, his partner, and his attorney, are the persons bound; and they are not all three bound in a sum amounting to more than a thousand pound. It is this special bail which forms at this moment the indissoluble texture of the triple cord of public security. It is at this price that the most desperate of traitors, if we believe the Minister, has purchased the means of escaping from the punishment of the past, or of ensuring the perpetration of his future crimes.

I believe there is no man under a serious charge of High Treason, who would not readily redeem his life at the price of one thousand pounds. There is no man daring enough to conceive such a Treason, to whom the fear of losing a thousand pounds would prove any restraint in his black designs. We all remember the clamour that was raised against Lord Mansfield, for admitting to bail, upon a sum nearly as considerable as this, a man who was accused of stealing a few quires of paper. No faction has as yet gone such lengths in this case; or been impudent enough to accuse that great Magistrate of illegality or partiality, in taking such bail for a person who stood charged with an attempt to steal the King.

Attempts, which in private cases would be but misdemeanors, or sometimes no definite offence at all, change their nature in cases which relate to the King's person, and become crimes of the greatest magnitude, as they certainly are of the blackest die. Some time ago the depriving a few Printers Devils of their liberty, for a short time, was estimated at an higher sum than an attempt to take away the liberty of our Sovereign, and with it of course the liberty, as well as the happiness of all his people. It could not be, that Lord Mansfield, whose affection to his Majesty cannot be disputed, did not value his gracious Sovereign, benefactor, and friend, at more than one thousand pound. This estimation would fall below all precedents in similar cases, the value of money in different times and countries considered. It was not therefore the crime, but the charge and the process that were treated with such just contempt, by a firm, enlightened, and constitutional Chief Justice. Our guardian angel of the laws did but touch this diabolical plot with the spear of his pointed sagacity, when instantly it started up in its own proper shape, and moved the derision of the world.

Here we must commend the Chief Justice. No man ever spoke more constitutional language, or ever acted in a more constitutional manner. But when we have said this of Lord Mansfield, there end all the commendations that we can bestow upon the servants of the crown. It does not appear why they should at all have taken up Mr. Sayre, much less why they should have committed him close prisoner to the Tower, upon grounds, which at the very first view, a man of sense and knowledge perceived to be so contemptible. It does not appear upon what grounds a Minister of State chose to order so close and rigorous a confinement, for a matter which the head of the law considered as meriting in effect no confinement at all.

The senses of our Ministers were so compleatly taken away (I suppose by the horror of so dreadful a plot) that they did not know for what particular matter it was, that they had chosen to commit this desperate and formidable conspirator. The warrant for taking Mr. Sayre is for High Treason, — the warrant for his commitment is for Treasonable Practices; — but when they come to inform the public of their proceedings, thro' the Gazette, they return to their old ground, and tell us they have committed him upon a charge of High Treason. What could be the reason of all this confusion, contradiction, and prevarication? Their excuse on this affair, as on the affairs of America, and indeed on most others, is their want of knowledge on the subject.

Candour calls on me to admit, that a Secretary of State who has, or assumes the power of acting as a Magistrate, is not therefore obliged, or supposed to have in himself any knowledge of law or of his own duty in that situation; or indeed any knowledge of those rules of prudence, with which men, who have no authority to support them in their errors, are obliged to regulate their conduct. What I lament in

men of their excellent dispositions, and what they will join me in lamenting, is, that they have no power.

The King's Privy Council was not able to command the attendance of any of the great Law Officers of the Crown. The Chief Justice would not be present. The Attorney General (no one suspects it was through fear) declined attendance. It is said, that Mr. Wedderburne was the law director on this occasion. But until Mr. Wedderburne avows this folly, it is not handsome, and I fear it might possibly be actionable to charge a gentleman of a learned profession with any share in so unbookish a proceeding.

One might have imagined that the master of the Thief-takers, whom (with that propriety which distinguishes all their conduct) they thought proper to assume as their assessor, and on whom the safety of the King and kingdom, and the execution of their most important laws, were rested in such a critical moment, he, one would imagine, might have acquired, in his extensive practices, a little more knowledge of business. But it is possible, that this great magistrate, like some other great men on great occasions, was called to Council only for form, to give the sanction of his important presence to this very grave proceeding. His advice was, most probably, not taken though his figure was exhibited. The Ministers very naturally meant to cover themselves by the name and authority of Sir John Fielding.

They wisely considered, that the eyes not only of England and America, but of all Europe, were upon them. They therefore chose to bestow upon this transaction a degree of public solemnity equal to its intrinsic value. To accomplish this intention, the Property-man of the Court Theatre had orders to fill a part in this splendid spectacle with our blind seer, the sage Tiresias of the British Nation. The whole corps diplomatique was infinitely edified. The foreign Ministers now look with admiration (an admiration for the first time wholly unmixed with envy) on the profound wisdom, astonishing resources, and incredible success of our Statesmen, in all their concerns, from the evacuation of Boston to the discharge of Mr. Sayre.

We are yet to see the second part of this business opened; and to behold Mr. Sayre in the character of a prosecutor, not a culprit; of an assailant, not a defender. We shall see him, like his brethren of Boston, besieging that Minister who had blocked up his shop. Here the case will be greatly altered; and such contemptible bail will not, I apprehend, be taken, in the action, which Mr. Sayre, will probably bring against the Secretary of State, for having seized and committed a man in trade upon such frivolous grounds, and by such an illegal method of proceeding. The King's Exchequer must support the credit of Mr. Sayre's Bank. There will be new reason to call upon this goodnatured Parliament to pay the debts of his Majesty's Civil List, incurred by the want of knowledge, precipitancy, and shallow politics of his Ministers.

This will now become a regular head, and settled charge in the account of the Treasurer of the Chamber:

l. s. d.

Blunders of his Majesty's Ministers,

It is no trivial sum which has hitherto filled up, or which will hereafter fill the above blank. The charge is certain and infallible, and must be provided for; though, like the Navy Debt and the extraordinaries of the army, it cannot be brought into estimate. There must be some unknown, but important and singular advantage to a nation in being governed by foolish Ministers, since people are content to pay so dearly for that benefit.

This sham plot appears at first view to have been a miserable and ludicrous affair from the beginning to the end. Yet, however conducted, I do not think it was wholly devoid of a certain sort of policy in the original scheme. It might answer a present purpose, and at a critical moment. Its operation lasted as long as political plots are necessary to hold. Like Moor-Game brought from the North, the haut gout and fumette recommend it for a day; the next it stinks.

The Ministers opened the session under a few small disadvantages. Among other items of charge, they were under some slight apprehensions that they might possibly be called to some account for the loss of an empire. They felt themselves in danger. They were obliged, like those they sent to other disagreeable services, to fortify themselves on the Neck. The addresses were their intrenchments; the plot was the mine; and thus well secured in front they did not fear the unpaid body of Rifle-Men, who were charged and ready to let fly at them.

The bringing down his Majesty to his Parliament under a double guard, and with a double proportion of the mob of constables and trading Justices, in order to guard that guard, was on the whole, a manoeuvre not ill calculated to inspire panic terrors, and rob the poor multitude of their little remaining stock of common sense.

The Ministry were sensible of the zeal and affection of the people to their Prince. They hoped that the danger of the state might be forgotten in the supposed danger of the Sovereign. They hoped that our anxiety for his Majesty's safety might suspend our resentment for the loss of his empire; and that in this general dismay and confusion, nobody would enquire into the merits of that invaluable speech, which had escaped to the sanctuary of Parliament, through so many surrounding perils.

This ludicrous proceeding has a serious moral. Ministers ought not to trifle with the safety of their master. They ought not to presume to make that sacred object the play-thing of their paltry politics. They ought to be as far from encouraging a manifestly corrupt, or an evidently trivial charge, as from neglecting a grave and weighty information. The levity or low cunning which tempts them to such petty arts, have effects that may be fatal. They tend to lessen that horror which used to

attend a charge of High Treason. By false alarms they prepare the way for real dangers. They encourage conspiracies by weakening the public belief in them. That man is not without a large share of the guilt of any future, wicked enterprize, who with sham plots and childish stories amuses the public credulity, always prone to believe too much or too little.

I trust that the spirit now rising in Parliament will animate honest men to an enquiry into the affair, without being diverted from their other important enquiries. They will know how Ministers come to sport with High Treason, whilst impeachments are hanging over their own heads. They will ask how they came to deceive into the support of their ruinous measures, men in the highest offices, and the most entitled to a faithful communication? They will ask why they betrayed private trust as well as public confidence? They will ask the Ministers, why, in the last year, they demanded an implicit reliance from their extensive knowledge, and this year argue their innocence from their ignorance? They will call for an account of the treasures, the arms, the commerce, the reputation, the dominion of their country, which have been foolishly squandered, feebly employed, wantonly sacrificed, shamefully tarnished, lamentably lost. When these questions receive the only answers they can receive, and these answers the only reply they deserve, then may there be some hopes of salvation for this country.

VALENS.

POSTSCRIPT.

I really do not conceive an object more worthy of a manly and respectful compassion, than a great mind sacrificing its dearest interest and risking even total ruin upon a principle of dignity. But, before a man becomes a martyr to any opinion, he ought to be supposed to have some notion of the merits of the cause in which he gives so painful a proof of his sincerity. If we had not had ten years war with Mr. Wilkes, begun on the principles, and ended in the manner in which that ever memorable war was begun and ended, before our eyes, we might be at a loss to conceive what ideas of dignity our Ministers had conceived. I believe it is generally remembered, that that noble and successful struggle was made entirely for dignity. Our American war was also undertaken for dignity. All the world sees with what dignity it is conducted. All the world sees the dignity which was so uniformly sustained in the Tragi-comedy of

“Majesty preserved, or the Sayre Plot discovered.”

The rule of the drama was there intirely well observed.

servetur ad imum

Qualis ab incepto processerit, et sibi constet,

never was known a proceeding so perfectly consistent with itself, and with every other proceeding of it's authors.

The court Gazette, at the opening of Parliament announces to all Europe a design of seizing the King in his capital, in the most frequented street of that capital,

surrounded by his guards, and in the very act of his solemn meeting of his nobles and his people. Since the grand Gunpowder Treason we have not heard of a more desperate conspiracy. Does any man (out of the ministry) imagine that the personal honour of the King, that the glory of our nation, in a word, that British dignity was enhanced by this public avowal of so daring an attempt on the sacred person of a King, without using any means to punish the criminal, to guard against his farther attempts, or to prevent the terrible effects of such a glaring example of wickedness and impunity?

The reputation for courage and wisdom has hitherto been considered as the only source of dignity. If the danger from this conspiracy was contemptible, it was a poor display of courage to manifest so great an alarm upon it. If deep and serious, it shewed a deplorable want of wisdom in doing nothing whatever in consequence of it.

I am not speaking of the honesty and justice of that measure toward the subject. Of this Ministers may hear at another season. I confine myself solely to the manner in which they consulted the dignity of their Sovereign, and his reputation amongst the other Crowned Heads of Europe. Instead of an Object of awe and respect, he is at best held out as an object of compassion; when with all his virtues he could not be preserved from such attempts; and with all the aid of his laws, and all the supplementary authority of his Parliament, he was not able to punish them.

Ministers have no way to save themselves from these imputations, but by admitting that they did not themselves believe one word of that plot, which they announced to the world with so much parade. Had they believed it, they would, they must, have brought it before Parliament. It was their duty so to do. That I confess is not so strong a proof that they would have done so. But it was their interest to have done it; and in the course of things, if they had known matter, that carried even a grave appearance, they certainly would have laid it before Parliament. But they have never opened their lips in either House upon the subject. Even their well trained majority was not to be trusted with disgracing themselves by the adoption of so foolish and so foul a scheme. One act of public disgrace is merely ministerial, and has not been communicated with Parliament.

If they have been silent in Parliament, have they opened their mouths in the Courts of Justice, were this daring attempt, (if it ever had birth,) ought to have been pursued to the death of the bold and bad contrivers? So far from pursuing Mr. Sayre in a Court of Justice, they were not to be provoked to a word of justification of their conduct, when Mr. Sayre brought them there by claiming his right of standing in his country like other innocent men, free from charge and free from bail.

These abortive plots tend to disgrace the Crown, the Law, and the Magistrates of England, with other states. They tend to render the King jealous of his people. In whatever light they are viewed, they are at once ridiculous and alarming.

But our worthy representatives have looked on with perfect indifference. To them the wisdom, or the folly; the reality, or the falsity of the plot; the danger of the King, or of the subject; the base neglect of the ministry in dropping, or the scandalous diligence in beginning, the prosecution; the honour of the national wisdom, or the national justice; these are matters in which they have no concern. This is an improvement in the fashionable nonchalance and inattention in modern good breeding. One would have imagined that common civility should have induced a Parliament, so versed in polite address, to make some enquiry how his Majesty had rested after such an attempt. The circumstance, of the attempt being made on a visit to them, might have called upon them for some sort of notice. But times as well as countries have their customs.

LETTER VII. TENURE OF OFFICE.

Saturday, November 18, 1775.

MR. MILLER,

THE Duke of Grafton has been removed from the Office of Privy Seal. The mere removal of a Minister is a matter of little moment to the people. But the cause of his removal may be of the highest importance; as it is frequently the surest and strongest indication of the system of politics which predominates at Court.

The offence given by the Duke of Grafton is known to all the world. A person of the highest rank in the kingdom, in an office of the highest rank in the State, very lately first Minister of State, in great personal favour with his Majesty, closely connected by the strongest ties of affinity, inclination, and interest with a leading part of the administration, and a constant and powerful supporter of their measures. — This man, finding the British empire in America lost by the measures he had implicitly supported, at last presumes to desire some little information in this perilous state of our affairs. He is immediately dismissed from his employment, with every possible mark of displeasure and disgrace.

The favourers of Administration are now acquainted with the terms upon which they are to support government. A great deal of the support not only of well-wishers within doors but even of the Members of both Houses of Parliament, must be implicit. Many matters of detail undoubtedly cannot, some matters certainly ought not, to be communicated. The advantage of having men of great rank and interest in their country, in high station, is this, and perhaps this only: we suppose they have a spirit proportioned to their station; that they look for something else in office besides the salary; that they are entitled to information and explanation; that they at least are depositaries of the real secret. On this presumption, the support of such great persons becomes a pledge to the public, that the steps taken by the directing part of Ministry, are taken upon proper ground. When the people at large have reason to believe this to be the case, they are apt patiently to acquiesce in the ruling wisdom. Their confidence subsists unshaken, even among difficulties which embarrass their affairs, and doubts that perplex their understanding.

It has been now, for the first time, thought proper to remove the veil that was drawn between the people and the government. We are now informed, that the support of the greatest men in the kingdom, and in the highest offices, is to be as blind and uninformed as that of Custom-House Officer, who by order of the Treasury votes at an election for a Nabob.

Ignorant credulity, passive submission, blind obedience, are the virtues which politicians have hitherto required, and sometimes found — in the mob. Until our happy days, these laudable dispositions have not been thought qualifications for the highest offices in a great empire. At present it is not enough to impose upon the

people. The purpose for which one half of the Ministry subsists, is to impose upon the other half. By this happy invention it is, that a Ministry, composed of jarring principles and adverse opinions, is to be rendered unanimous.

A sort of frauds I admit have been often practised in matters of state. The public danger has been often represented much beyond the reality, in order that the fullest preparations might be made against it; because superfluous comprehends necessary exertion; and it is better to be a good deal beyond, than the least degree short of security. But this is the first time that real difficulties were concealed, in order that weak arrangements should be justified; or that feeble arrangements were avowedly chosen, in order to hide a danger of the first magnitude. In former times, whatever little artifices were used, were external. Till now, systematical, internal delusion, and mutual impositions of Ministers, have not been openly professed as maxims of government.

The House of Lords presented the other day a scene as instructive as it was singular. An altercation had arisen on the state of the navy. It was thought extraordinary last year, when the reduction of America by force was resolved on, that the naval establishment should be reduced from 20,000 to 18,000 seamen. It was then thought something unaccountable, that operations of violence should be commenced by a reduction of strength. At that time, however, the first Lord of the Admiralty, in the first assembly of the nation, solemnly declared, that that he knew the establishment, as then voted at 18,000 men, to be sufficient for all its purposes. This year, the same person, in the same office, in the same assembly, has declared, that he last year knew it to be not sufficient.

The species of courage and magnanimity which supports a man in such a declaration, excited no surprise. The character of that truly noble person is perfectly and universally understood. It was the reason he assigned for the last year's imposition, that struck every man who heard it. He was obliged (he said) to make that representation to the House, because if he had laid open the real extent and necessities of the service in which the naval power was to be employed, he

“should not have been supported by Lords in high office.”

The reason assigned for this gross imposition, on the hereditary council of the Crown who agreed to that establishment, on the Commons who voted it, and on the nation which acquiesced in it, is in effect,

“that if the first Lord of the Admiralty had not deceived the public, he could not have been happy enough to deceive his colleagues.”

To seduce us into a war, it must carry the appearance of peace. Our danger must be concealed, lest we should keep out of it, or prepare against it. A civil war is in itself so desirable to Ministers, that we must run into it without either knowledge or preparation. This pious and prudent war was to please, like virtue, for its own sake; and to be recommended, even by the miseries which were to attend it. We must resolve to cut the throats of the Americans, even though our own defeat, even

though famine, blockade, loss of reputation, and loss of empire, should be the inevitable consequence. These disasters were to become the pledge of our perseverance in this glorious design. When we should have suffered enough of shame, and enough of damage, in the first feeble effort, it was presumed we should grow sufficiently irritated (not with our advisers but our enemies) to continue in those hostilities which, with information, we never could have commenced; that having been brought into difficulties by ignorance, we should plunge deeper by passion; that feeling we had suffered by weak exertions, we might be reconciled to the strongest; that disgusted with the ill effects of moderate expences, we might set all on one desperate cast, in the wild imagination that with a boundless charge we might either retrieve our error, or compleat our ruin. A timid and treacherous beginning; a bold and desperate progress; a conclusion to be apprehended in the silence of horror, not to be expressed in words!

Avowing this scheme, some of the Ministers have confessed, that they had been deceivers; most that they had been deceived. Those who are not content to be deceivers, or deceived any longer, are not any longer to be Ministers. This is now declared to be the tenure of British administration.

One would think, that country gentlemen had too much of plain honesty, and plain sense, after so public a manifestation of imposture, delusion, and ignorance, to act their part any longer in this tragical farce. Implicit confidence in confessed imposture, seems rather too much. Justice must be done to many of the country gentlemen. Steady supporters of government, they did not mean to be abettors of a faction. When they heard Ministers confess, that the facts were mistaken and the reasonings erroneous, on which the plans of government had been formed for several years past, they thought themselves obliged to look a little more carefully about them. The public misfortunes had taught them to presume less, and to examine more. They thought they had a right, after so many promises broken, and so many expectations disappointed, to demand more explicit information.

They observed, that the person called the Minister, on the first day of the session, was totally undecided concerning the part that he was to act. The second day they heard, or thought they heard him declare, that he would readily abandon taxation, repeal the obnoxious acts, and reduce things to the condition of 1763. A day or two after, they heard him explain himself to have meant nothing like it. The succeeding day he explained away his explanation. One day concession was to set all to rights; the next all depended on force. Sometimes a revenue was to be the true object of the war. Sometimes an American revenue was the wildest project in the world. Sometimes the Americans aimed at independency, and nothing less could satisfy them. Sometimes it was against nature, that they should suffer all the evils of war, rather than not accept of reasonable conditions. Sometimes concessions on our part were to precede an armistice; sometimes the submission of the rebels was to precede all treaty. No two men in office agreed among themselves on the same day;

no man agreed with himself for two days together. The beginning of almost all their speeches, was at irreconcilable variance with the conclusion.

Last year a few garbled papers were laid before parliament, and a civil and military plan, such as they were. This year one part of the ministry confessing their bad information, and another their evil intentions, call for a much greater measure of confidence than ever. Instead of laying garbled, mutilated papers before the House, they produce none. The task-masters lessen the provender of their hacks, in proportion as they increase their labour.

Gentlemen call for the advices from America. They are refused. They demand the state of their troops in that quarter. It is denied them. The general outline of the ministerial plan is solicited. It is dangerous to divulge it. It is asked, whether they have any plan at all? Still no satisfaction. The public know nothing, except declarations of innocence, and acts of indemnity; Hanoverians brought in contrary to law, and Russian Auxiliaries never to be brought at all; troops that cannot be raised, and treaties that are never to be executed; powerful fleets and vast armies, of which there is nothing certain but the ruinous expence.

Such was the language and situation of the Ministers, and such the view of affairs, even previous to the late changes. Every thing called on country gentlemen to begin to think for themselves. But there is a further demand on their attention. American affairs are now taken out of the hands of Lord North. That noble Lord's Dartmouth, is removed, in order to mark, in the most distinct and public manner, the total cessation of Lord North's influence and direction in the American department.

A new Secretary of State for the Colonies, Lord George Germaine, takes the lead in American business. At present, therefore, Lord North's declarations, retractations, modifications, explanations, and reservations, are wholly out of the question. His Lordship is now to fall back, and, at best, to act only a secondary part. Those who supported administration, as declaring a personal confidence in Lord North, have that ground of confidence taken from under them. If from a sort of hereditary party regard the Tories felt a respect for Lord North's family, I fear, whatever Lord George himself may do to please them, his family does not afford him that recommendation. What then is to be the foundation of implicit trust in the new Minister? All we know is, that he has always shewn a very rooted hostile disposition to America. His Parliamentary prop is Mr. Wedderburne; his private counsellor is Governor Hutchinson. This triumvirate composes the new American cabinet. Some country gentlemen may think it right to support these Ministers with as blind a confidence as that with which they supported Lord North and Lord Dartmouth, until the middle of last week. These new Ministers have been the under workmen of the late Premier. How they came to assume the lead and direction, is a matter of curious, rather than important speculation. But I see no reason for

presuming, that those who have helped to cause these distractions, while they were in a subordinate capacity, will re-establish our affairs in a superior situation.

These affairs and times will sift and search the principles of men. Former majorities were very mixed bodies. Many good and quiet men supported Ministers from hatred of bustle and contention; from a suspicion that opposition was at bottom as interested as administration. At length measures speak a language not to be misunderstood. They speak no longer in arguments and conjectures, but in effects. Our American empire is lost; and we know in whose hands that calamity has happened. The Ministers are caught with the Mainer, as the Lawyers say. No majority can hide the principals or the abettors.

The true country gentleman will now be distinguished from the courtier in masquerade. The characteristic of a true country gentleman, is his care of the property of his constituents. He will not think that railing at rebellion is a reason for taxing his country, without any account of the past use of his supplies, or any security for their future proper and effectual employment. To tell him that the Americans are defective in their duty, will not be a reason for him to neglect his own, or to suffer Ministers to neglect theirs. He will never believe, that the way of suppressing or quieting rebellion in America, consists in encouraging deceit, negligence, or mismanagement at home. At a time like this, a true English country gentleman will distinguish himself by a constitutional suspicion, and a constant desire of account and information. On the contrary, the courtier in masquerade, like those that compound felony in the news-papers, and advertise for stolen goods, offers his money, and assures that

“no questions will be asked.”

It is true that this latter description of country gentlemen, not at all troubled with an impertinent, incommodious solicitude, and teizing curiosity, have received, bountifully and of free grace (for they called for none) some satisfaction from the Ministers for all the money they have voted. They were told, with due solemnity, with much pomp, and true oracular gravity, in both Houses of Parliament,

“That there is something in the nature and complexion of this country, which disposes it to be disgraced and beaten in the beginning of a war; that it has been always so; and that as we have begun the American war in our natural and habitual manner, we shall, as formerly, rise from contempt to honour, and from defeat to glory.”

I do not mean to derogate, in the smallest degree, from any one particle of this satisfactory account of our past failure, and this solid ground of our future hopes. Let the facts and inferences remain for ever unimpeached. It would be cruel to nibble at the least crum of this comfort. It is indeed the only apology that has been so much as attempted, for Ministers and their supporters. It is the simple and sole account which gentlemen have to render to their constituents at the Christmas recess, of a Land Tax entailed on posterity at four shillings in the pound; and a

sinking fund, alienated for ever from its original purposes, to an eternal but inadequate provision for the interest of growing debts, and aggravated establishments.

VALENS.

LETTER VIII. HOUSE OF COMMONS SHUT.

Monday, November 30.

Mr. MILLER,

THE gallery of the House of Commons has for about three weeks been shut against strangers, for some reason far more weighty, I must suppose, than the mere accomodation of the few members, who, in this cold season, chuse to shiver on the half deserted benches, or to huddle themselves together, and blow their fingers about the Speaker's chair.

I am told, the Ministers complain, that their speeches are misrepresented; and this misrepresentation is assigned to the House as a justifiable cause for an utter exclusion of their constituents. With all the deference which I bear to the opinions of those gentlemen, I must think they are somewhat mistaken in this method of preventing misrepresentation. The House cannot hinder the members from gratifying the curiosity of their friends with accounts of what passes in the debates. The sentiments and opinions of Ministers, will very naturally be the first object of that curiosity. Passion and prejudice on the one side, and the ill conception of a drowsy and oblivious acquiescence on the other, will, not unnaturally, render the accounts fallacious or erroneous. Thus a material injury may be done to the language of the clearest speakers, and to the sentiments of the most accurate, close, and systematic thinkers. A numerous auditory is therefore the only security against the weak accounts of friends, and the malignant interpretation of enemies. Most men, who would not have their sense mistaken, wish to be their own interpreters; and those who complain that malicious reports are circulated to their disadvantage, cannot object to an opportunity of clearing themselves to the world; for I always take it as granted, that the strangers, as we are called, are not more to be suspected by Ministers of an ill disposition towards them, than many of those, whom it is not yet in their power to exclude.

This fear of misrepresentation being but a poor reason for turning a popular representative into a secret conclave, I rather suspect, that strangers are excluded, not because Ministers are misrepresented, but because they cannot be understood. I have sometimes the honour of being admitted, at a coffee house where the members take refreshment, to a conversation with some worthy gentlemen who always vote in the majority. It must be admitted in their favour, that if they are in the secret, they are perfectly worthy of the trust reposed in them; for they appear to be no more enlightened than myself, with regard to the objects which Ministers have in view, or with regard to their means of attaining any object whatever. In saying this, I would not insinuate a thing so much to their prejudice, as that their total want of information concerning the plans, arguments, and opinions of Ministers, make the least abatement in the zeal with which they support them.

Happily the House of Lords is more accessible. What can be the cause? Is it, that this House, being the great natural council of the Crown, must of course be less in the secret of affairs, than an assembly merely popular? Or is it, that not being accountable to the people at a general election, the Lords are more indifferent than our worthy representatives, about the discovery of their sentiments? Or must we suppose, that the great Ministers there are so much more clear and determinate in their ideas, than the involved Oracles of the House of Commons, that they are not more afraid of being misunderstood by two hundred than by twenty?

In that residence of well-bred, easy, popular manners, I had lately the happiness of hearing a noble and learned Peer, who possesses as great a share of clearness in explaining, as he does of power in guiding the public measures. From him I thought I should have received that satisfaction, which I had in vain sought in other places. I was, however, I must confess, perhaps to my shame, a little disappointed. Lord Mansfield, instead of opening new matter to us from his own abundant magazines of policy, thought proper to refer us to Doctor Tucker, whose pamphlet I had just bought for a shilling. Doctor Tucker is, it seems, the only person who has put the long agitated question of America on its proper bottom. Whatever many of us might have thought before, we dare no longer treat the projects of that worthy, political, and commercial divine, as visionary. They have received the sanction of the highest authority in the kingdom for station, wit, learning, and abilities. The great author of these projects, we are told, has hit

“upon the true alternative, either to make the Colonies submit, or totally to abandon them, and then treat with them for peace, as an independent country.”

I should hardly have imagined, that a man of Lord Mansfield’s real accuracy and penetration, could have been so wonderfully struck with this state of the important question, which now engages the attention of the world. The alternative proposed by the Doctor, under favour, seems not to be a true state of the question; for besides absolute submission, and total separation there, is in all internal disputes evidently a third method, I mean that of reconciliation and compromise. This is a method which, though it seems now out of fashion, has formerly been sometimes mentioned, when nations were involved in a Civil War.

Lord Mansfield in this fine speech, for such it was, strongly recommended a coalition of parties. The design is certainly laudable. But so long as he adheres to this favourite alternative, the execution, it should seem, cannot be without great difficulty. Whatever may become of this design, surely a great statesman ought to have larger views. Would it not be altogether as worthy of this great person’s conciliatory and lenient talents, to bring about a coalition in empire, as in party? His Lordship valued himself on having brought about the famous coalition of parties in 1757, and he spoke with much complacency of his share in that memorable transaction. He then made his early essays of negotiation, in reconciling the old to

the young politicians of that day; will he now stand forth, in the full maturity of his wisdom, and reconcile the Mother Country to her Colonies? I imagine the difficulties in his way will not be greater, though the end will be still more glorious. He will not find England more fond of power than the late Duke of Newcastle — He will not find America more disposed to independence than Mr. Pitt; nor her spirit more lofty; nor her temper more punctilious. Lord Mansfield then brought England to unite against her natural enemies; let him now prevail on her to agree with her natural friends. He then brought the Tories to be good servants to a Whig government; let him now persuade them to become moderate masters to a Whig people.

If he can do these things, he may be assured that when he is
“no more than Tully or than Hyde,”

the English on both sides of the great Ocean, pacified by his virtues, will to the latest posterity vie with each other in honours to his name. While the pealing organ, and the pausing choir accord with the lawn-rob'd Prelate who will mix the ashes of the patriot with the dust of Kings, America, who boasts no cathedrals, and has seen as yet no Kings, will, in her plain churches, erect Cenotaphs to his memory; and surely his indulgent shade, then purged from the dregs of all party sourness, will not disdain the simple hymns of a less ostentatious worship; but will look down with a gracious and benignant smile on the annual gratitude of an unpolished people, and the homely commemoration of an independent preacher.

The name of Murray, the pride of every alumnus of Westminster, has led me into this fanciful excursion among the tombs. But to return to the Lord Mansfield,

“so known, so honoured in the House of Lords,”

— and to Doctor Tucker. — The learned Lord, as well as I can discern, seems altogether to agree with the learned Divine, in his state of the case; and he no where contradicts his general theory. But their consequent plan differs as widely as pole from pole. The Divine is of opinion, that the possession of America is of no advantage to us, and therefore with a spirit becoming a Minister of the Gospel, as well as a good politician, he is for giving the Colonists (though not with the best grace in the world) that independency, which, according to him, they so much desire to obtain, and which, as he thinks, it will cost us little or nothing to bestow. His ground appears to me to be exceedingly bad; but if he can once establish it, he is far from reasoning ill. His conclusion flows directly and irresistibly from his premises.

The Bon Mot of the Bishop of Gloucester, concerning two Divines, is now rather trite. One of them, whom I shall not name, he said, made his religion a trade; the other, Dr. Tucker, (much to his credit in a commercial country) made trade his religion. Without venturing on so much freedom with the Dean, as his Bishop may be allowed to use, it is certain that next to religion he has applied to this subject with the most diligence, and with very great success. He would have applied with

very little diligence to it, and with no success at all, if he did not know that first elemental principle in the criss cross row of commerce, which is — the imprudence of throwing good money after bad, and expending a capital without expectation of return.

Lord Mansfield did not, on that day, explain how it happens, that seeming at least entirely to agree with Dr. Tucker concerning the commercial importance of America, he is willing to exhaust mines of treasure, and to spill seas of blood, to reduce the Colonies to what he calls submission, and they term slavery.

“To compel them to submit”

are words of no precise meaning. To what is it the Americans are to submit? To regulations of trade? If Lord Mansfield agrees with the Dean of Gloucester, these regulations, so far from being valuable, are in reality rather mischievous to ourselves. A war to compel such submission, may well be called unnatural. Is it to taxation they are to submit? If so, the end and the sole end of taxation being revenue, that is to say, profit, it is, like all other profit, a matter of calculation. If our present proceedings promise at any time to produce a profit commensurate to the blood, expence, and risque, or any profit at all, we then have an object. Whether we are likely to succeed in it, by the means we use, is another question; but ministry acting wisely or unwisely, do, in that case, pursue something.

I attended with all the diligence due to his great abilities, to Lord Mansfield on that his great day, and I must confess I received no more satisfaction from him on the probability of this revenue, than I had received from the House of Commons, whilst that House permitted their constituents to hear the reasons they assign for the burthens they impose.

The nation is not kindly treated. It is docile enough, but the masters refuse to teach. To make a war for taxation, without an estimate of revenue, is not rational. I say no worse of it. Lord Mansfield should have given this estimate. He has been Chancellor of the Exchequer, or a picture I have somewhere seen belies him. The present Chancellor of the Exchequer, in his business at least, does not seem to be more than a picture; a very faint representation of a great financier. With submission, an estimate of this sort would be of something more importance, and a little more to the point, than this learned Lord's History of American hereditary disaffection. The original sin of the Colonies, independence, which, however entertaining, (and every thing from him must be entertaining) was little to the purpose of that argument. But as he chose to dwell upon it, I am sure it answered some purpose; and therefore it deserves a great deal of consideration.

I propose to examine it carefully, if an obscure writer in a news-paper may venture to criticise on the elaborate performance of a person of so much dignity.

VALENS.

LETTER IX. AMERICAN INDEPENDENCE.

Saturday, December 9.

MR. MILLER,

OUR unhappy civil contest, notwithstanding the innumerable evils which it has produced, is attended with some advantage. The state of the provinces, lately our's, is come to be understood, even by Ministers. The utter impracticability of drawing a revenue from America is universally acknowledged. The point of taxation has been over and over again abandoned. It is, however, thought necessary to lengthen the duration, and to augment the rigours of a war begun upon the sole principle of taxation. Having first made war for that object, and that object being found impracticable, we must now provide an object for the war. Here is a demand for ingenuity, and Lord Mansfield steps forward.

The aim of the Colonies at absolute independency, is now made the ground of war; and lest the conduct of the present inhabitants should not furnish proof enough for the purpose, they are to be visited with the sins of their forefathers, from the third and fourth generation; and ancient history is to be suborned as the evidence of recent guilt. I really do not relish this method of digging up the bones of departed error, in order to render the fire of persecution more intense against present heterodoxy. I know and confess, that the people of New England were early in their resistance to King James. I do not pretend to defend them in that act of rebellion; or in that fondness for innovation, which, for any proof I can bring to the contrary, was their true motive for submission to the government of King William. That they did so resist and so submit, is a matter of fact indisputable. But whether the one is, or the other, or both equally are, to be alledged as valid proof of their former desire of independence, is more than I can presume to determine.

But something I will beg leave to say upon the whole of this method of historically criminating our provinces. I am very certain Lord Mansfield would not so much as hear of it in his judicial capacity; and on this subject, I must appeal from the politician to the magistrate.

In the first place, his Lordship would hardly think it fair to ransack the history of one, or at the utmost two provinces, and the Journals of one or two assemblies; and on account of every mutinous act, or peevish vote to be found in them, to conclude twelve more to be guilty, without citing one single act or vote of any of the twelve to prove the common charge in which they are all involved. But, according to the modern mode of proceeding, in the evidence we find Massachusetts Bay, in the sentence we find the colonies. This little s, slipped in as if by accident, forms the small, but venomous sting in the tail, that is to be mortal to two million of people. Such a loose method of crimination would do well enough in a news-paper paragraph of a ministerial writer, or in a dutiful and loyal address from a fifth part

of a Scotch borough; but it was hardly to be expected from the accuracy and precision of a great reasoner, or from the equity and impartiality of a conscientious Judge.

The colonies have been (until our late proceedings united them) unconnected and independent of each other. If the history of Massachusetts Bay, or Rhode Island, had been a tissue of rebellions, without one moment's peace or obedience, how are Pennsylvania, Virginia, Maryland, the two Jerseys, the two Carolinas, or even Connecticut, or New Hampshire, answerable? It was enough to make these Colonies responsible for the acts of their own forefathers in a right line, and not to charge them with collateral delinquency, for the offences of the political progenitors of other people.

I am obliged, in the next place, to lament seriously, that Lord Mansfield, in reading the history of even one, (the worst if he please) of the colonies, in order from thence to infer the guilt of the whole, should not have been able to perceive any thing in all that history besides acts of resistance and revolt. I shall beg leave to remind his Lordship, that until this unfortunate period, that colony (Massachusetts Bay) certainly never did take up arms against the Crown. It certainly did make some provision for the support of his Majesty's government. It certainly did raise sums of money, and very large sums too, at several times, for the public service. It certainly did spill a great deal of such blood as it had to spill, in the quarrels of this country. The wealth of the colony was not equal to ours, nor their blood as noble as Lord Mansfield's. But there is an eye in which the widow's mite is not altogether disregarded, and in which the blood of the yeoman is not without an account.

This total omission of every act of duty, fidelity, or affection, in settling the account even of this colony, is so far from being judicially fair, that in the light of mere history, it must be blamed as defective. If I had observed that extraordinary omission any where but in a speech of Lord Mansfield, I should have taken it for one of the worst kinds of falshood,

“a suppression of truth.”

But that omission being his, I am persuaded it arises from any thing sooner than an intention to deceive. I have heard that his Lordship, like other great lawyers in great practice, has frequently employed a brother of less fame, and less occupation at the Bar, in the capacity of, what the cant of Westminster-Hall calls,

“a Case Hunter,”

or Searcher for Precedents. This more laborious than intelligent instrument, mistaking Lord Mansfield's directions, and forgetting that his Lordship was a great parliamentary Judge, and not a retained advocate in a party cause, produced all the precedents which could be useful towards establishing the charge against the colonies, and according to his low idea of prudence, suppressed every thing which might make in their favour. I should recommend to his Lordship instantly to dismiss his present Case Hunter, and to take some other into his service who may be more

capable of entering into his real views, and of sustaining the true dignity of his character.

In this plan of substituting hereditary disaffection as a ground for a war, in the room of taxation the original object of it, but now abandoned, I have mentioned two capital errors. The one, that the charge is general, and the proof partial. The other, that the evil actions are stated, and the good omitted. I must beg leave to add a third, of perhaps as much moment as the other two. — That these things are charged as peculiar crimes to the colonies; which if they are faults, are faults of human nature in their circumstances; and which, if we go on to consider as crimes, and as grounds of war or of punishment, we cannot possibly enjoy any peace now or hereafter. I will endeavour to explain myself. In countries pretending to any degree of freedom, struggles against exertions of power are not uncommon nor unnatural; and even claims of right on the part of the subject, sometimes better, sometimes worse grounded, are not to surprize us. I suppose our whole civil history is made up of such disputes. If men of a certain description were to be the judges, the people of England would be called to a severe account. Mr. Hume has passed judgement upon many of these claims, even those claims which are now sanctified by (what some statesmen think) the best of all arguments, Success. That great author considers what we now deem the rights of the people, to have been formerly invasions on the rights of the Sovereign; and the struggles relative to them, he pronounces to have been contests, in which the Crown acted only on the defensive.

It is no miracle if a colony, at such an immense distance, with ill defined rights, and under no trifling commercial restraints, should, at one time or other, pass some votes derogatory to the power of Parliament. Did Parliament itself at no time pass votes derogatory even to its own rights? Did Parliament never compliment the Crown with the most sacred rights of the people? On the other hand, did Parliament at no time shew a violent, disorderly, and factious spirit in any of her proceedings?

I believe, if Lord Mansfield sends his Precedent Hunter to the Journals of either, or both Houses, to select from such votes matter to ground an attack on the rights of the people of England, as having at some period factiously abused, or servilely betrayed them, he will be supplied with far more abundant, and far less questionable matter for the purpose, than in the Journals, not simply of the Massachusetts Assembly, but in all the Journals of that whole Continent. Yet if Parliament should by any accident happen to come to a dispute with the Crown, or (what is quite impossible) with the people, would it be fair to prove from these resolutions, a long premeditated scheme in that body, either to rob the Crown of its rights, or to establish an arbitrary power in the King?

This learned Lord will consider, on a re-hearing of this cause, that these assemblies are not permanent bodies. That for the greater part they have but a year's duration. That an Assembly in ill-humour with their Governor, will pass an angry resolution, which one in a better temper totally disregards; which is, in some time,

entirely forgot; which is never acted upon, and never thought of by themselves, or by any body else; until some ingenious persons, being left destitute of any other pretext, choose to put together all these unconnected scraps, in order to make them an excuse for desolating the finest countries, and ruining the most flourishing commerce, by the cruel turpitude, and unprincipled vengeance of a piratical war.

That these kind of votes do not serve as regular principles to influence the conduct of men, we know by our examples at home. Several dormant votes and resolutions, which Lord Mansfield will neither act upon nor expunge, still remain on the Journals of that very House where he so justly sways with an unbounded authority. The Commons have deemed some of them highly derogatory to their rights. The Lords held them necessary to the rights of the subject, and to the preservation of the law of the land. I speak here of the resolutions in the case of Ashby and White on occasion of the Aylesbury election; yet though these votes still remain on the Journals of the House of Lords, who can accuse the House of Lords, at this day, of any attempt to support the rights of the subject, or to assert the law of the land — against the pretensions of the House of Commons? Chief Justice Holt sat on the very seat which Lord Mansfield now fills with so much more prudence. Holt countenanced those proceedings of the House of Lords; and indeed it was his irregular zeal for the law that first gave rise to them. But is it fair, from thence to suppose Lord Mansfield chargeable with these or any other irregular or blameable proceedings, or with the intemperate zeal of Chief Justice Holt?

For the present I submit these few observations to those gentlemen, who some time ago made war with so much eagerness to compel the Colonies to contribute to the support of empire. They were then at war for taxes never to be obtained; let them take care that they are not now at war against an independency that never has been attempted. They are on a business of blood; — let them be sure that the evidence is sufficient. They shall hear again upon this subject, which I take to be material to the public.

VALENS.

LETTER X. IRISH INDEPENDENCE.

Tuesday, Sept. 6.

MR. MILLER,

LORD Mansfield has been lately left alone in the House of Lords.

“All the obliged have deserted, and all the vain.”

He, who but a few days before, and with such decided authority, had passed a bloody sentence upon whole nations, has not been able to regulate the trial of one old woman. His judicial conflict was with a boy; and he was baffled. These indications of some odd change, though they appear in slight matters, are warnings which a wise man will not disdain to take. They ought, in some measure, to abate the pride of power, and the confidence in favour. They ought to supple the heart, and to make it susceptible of the soft contagion of our nature. They ought to dispose it towards a favourable hearing of millions of people, lately flourishing, opulent, peaceful, and happy, but now doomed to be the harrassed and persecuted object of eternal piracy, rapine, and devastation.

If Lord Mansfield should be found thus softened towards an unfortunate, rejected branch of the English race, perhaps in some moments of humiliation so favourable to clemency, he might turn his eyes on the English stock itself. He might begin to suspect, that the sufferings of war cannot be confined to one side only; and that our own share of these calamities may be worthy of some consideration. He might feel the glory of burning the petty fishing town, Falmouth in New-England, balanced by the taking of St. John's; he might think the stealing by Lord Dunmore, of a dozen or two of little, honey-combed, iron ship guns from a deserted wharf in Virginia, of not quite so much importance as the loss of Canada. Though it is undoubtedly some comfort to insult the few Provincial Officers we take, by throwing them with common men into a gaol; and some triumph to hold the bold adventurer, Ethan Allen, in irons in a dungeon, in Cornwall; yet it may be thought not quite so pleasant on the other had, to have the corps of English Fuzileers prisoners of war by capitulation, in Connecticut, though under the tenderest treatment from a mild, humane, and generous conqueror. The famine of Boston (which will vie in history with that of Perusia,) the waste of camp distempers, the slaughter at Bunker's-Hill, the dispersion of transports, the ocean covered with wrecks, our Hanoverian allies perishing on the coast of France, before the eyes of those whom they had lately helpt to defeat; the miserable ruin of the finances of this kingdom, and that backsliding, which after twelve years peace, has let us down into that condition of debt, in which we were left at the end of a war with half Europe — All these considerations may, at a calm hour, rise in an awful series before Lord Mansfield; and, forcing one natural sigh for the distresses of humanity, may dispose him to listen to an humble plea for peace. They may, perhaps, incline his ear to sober

enquiry, whether even an imperfect authority is not more eligible than a compleat war? and whether, all things considered, the spoils of America will be, in reality, so much a better thing than its commerce?

Lord Mansfield's argument against the present Colonies, from the votes of one of them in time past, was examined in my last letter.

I shall now take this business in another point of view. For a while I will go along with his Lordship. He shall have granted to him not only all, but much more than he assumes. I will allow that the Journals, not of one, but of all the assemblies, are full of factious resolutions. Having for argument admitted this, I must beg leave to accompany my concession with a matter of fact; which, though it will not at all excuse such contumacy in the Americans, it may abate some degree of that astonishment and indignation, which it seems to excite in a veteran politician, who has breathed the air of seventy winters in our climate, of clear and unclouded virtue.

The Twelve United Colonies have twelve popular assemblies. The number of Members they contain may be as large, within a trifle, as the Parliament of Great Britain. They are probable about five hundred persons. Will his Lordship ask, what douceurs are distributed among the whole body of these Representatives; I do assure him, on the strictest enquiry, I do not find that the twelve American Parliaments, and the whole five hundred men who compose them, receive among them all one fifth part of the value of what is held by one single gentleman, whom I could name, in the House of Commons.

It is not that the soil of the plantations does not yield the constitutional staple of lucrative employments. But these employments are almost all, with much more propriety, bestowed in aid of a contracted English civil list, and as a support and security to the independence of a British Parliament. They are certainly better bestowed; for I have constantly observed, that all those gentlemen who hold American employments, have been the most zealous of all others against the insolent claims of the Colonists, and the most determined resisters of that factious and interested spirit, which dares unnaturally to insult so gracious and beneficent a government.

If we did not know to a certainty, that not a shilling is spent in England upon elections; and that the emoluments, so liberally distributed in Parliament, have no share in producing any part of that complaisance to government, which distinguishes our age, and puts to shame the stubborn spirit of our ancestors, we might, instead of being astonished at such instances of opposition, be rather surprised, how it has happened, that in popular assemblies so little managed, the opposition to government has not been greater, more frequent, more fierce, and more extensive. So much rich compost is laid upon the highly dressed, and productive soil of a British Parliament, and such attention is bestowed on its thorough cultivation, that these remote parts have been neglected, and suffered to

shoot out all the wild weeds of a vigorous, but uncultivated nature. Except insulting reproaches, angry prorogations, sudden dissolutions, rejected petitions, with now and then a challenge to dispute on the origin of government, I can find nothing that has been practised to

“tame the genius of the stubborn plain,”

or to mollify the hereditary spirit of independency, that is charged upon the American Assemblies. Under such indolent neglect, and such churlish attentions, I could not positively answer for the mellowness and tractability even of a civilized British Parliament. I should not however conclude, from some sour humours in our Houses of Parliament, that a barren independence was the object of their wishes; but that, like pevish virgins, they longed for something else.

Opposition to the authority of acts of Parliament is not a thing new in the dependencies of this empire, nor confined to America. A denial of that authority in much greater extent, had once been very popular in Ireland. Molineux, one of their most celebrated authors, (a great natural philosopher like Doctor Franklin) a friend and a correspondent of Locke, wrote a book which is still in request. The object of this book is to prove, that England had no power to make any laws whatever to bind Ireland. The assertion is not limited to taxes; it is as broad and general as legislature itself on the largest plan. That book indeed was burnt by the hands of the common hangman here; but the doctrines gained so much ground there, that the Judges who admitted appeals to England were persecuted by the Irish Houses of Lords and Commons with the greatest rigour and asperity, and obliged to fly in a body to England.

In consequence of this a declaratory act was passed, asserting the supreme legislative authority of Great Britain. Nothing further was done. No troops were sent, or employed to enforce obedience. Time was given for the public ferment to subside. The appeal to the House of Lords in England, was left to find its own way by its own utility; and utility effected that which force could not have effected. The Irish suitors found an advantage in a judicature removed from local affections and local prejudices. At the same time the Irish Parliament was soothed, instead of being bullied. The leading interests were gained. The stubborn were softened, and the angry pacified. By degrees, as it was natural, the storm was blown over. The Irish Parliament kept its resolutions. England received its appeals. No harsh laws were passed for the purpose of a test. No tax was imposed for a trial of obedience. The question of the right remains to this day open for the declamation of any gentleman in the Irish or English Parliament, and is frequently used with great innocence, as the interest or whim of the orator on either side directs him.

In Ireland it was not only in votes and resolutions of Parliament, that the authority of Great Britain has met with opposition. The resistance to the trade laws by tumultuous violence, has been frequent and often successful. Wool was and is carried off in great quantities; and great mobs have frequently destroyed imported

goods in one of the principal cities of that kingdom; while other mobs intimidated officers from preventing an export of prohibited manufactures in the other. It is not long since the exportation of live cattle to England was prevented by violence; a violence at which the Magistrates of Ireland thought proper to wink. Parliament thought proper to wink, in its turn, at that violence and that neglect.

But if Parliament, on hearing of these disorders, had directed the offending Irish ports to be blocked up, until the King should think proper to open them: If, on the neglect of Magistrates (full as chargeable on Ireland as America) an Act of Parliament had violently subverted the corporate rights of their cities: If, on the votes of the Irish Parliament, derogatory to the authority of the supreme legislature, they had violently changed the constitution of the secondary Parliament: If they had refused all peace to Ireland, until the banished Judges had re-assumed their function, and until full compensation was made to them for their losses, — there is no doubt that war alone would have settled our controversy with Ireland, as it must, if we persevere in the present measure, settle our controversy with America.

To this hour the degree of subordination which Ireland owns, is altogether unascertained. Ministers complain that America, in denying our right to tax, has not stated clearly the submission which she admits to be due to the authority of Parliament. But has Ireland ever recognized half so much as America does in her letter to the people of England? Is it true, that in the mean time she is quiet, dutiful, and obedient; and she is so, because this recognition never was required? Her late most extraordinary complaisance to the Clerk of the Pells, and to the Vice Treasurers, those profitable servants of the public, shews that, in spite of her Journals, and the petulance of her progenitors, she can prove as subservient as can be wished to the convenience of administration.

Ireland gives largely to all public services; and what is infinitely more important, to all private jobs. — Why? Because it is she that gives, and not we that take.

Administration has lately furnished a signal proof of their own opinion of the wisdom of enforcing all the rights of the supreme legislature. It was but the other day (the beginning of this session) that government applied to the Irish Parliament for liberal grants, in order to supply very large deficiencies. One would suppose, from the doctrines of Lord Mansfield and his colleagues, concerning America, that the Minister in the Irish House of Commons, in order to succeed, must have opened his Budget by an high assertion of the rights of the English Parliament to tax Ireland; and that he had concluded by desiring them, on the plan of Lord North's conciliatory motion, to furnish such a contingent to the support of empire as Parliament here should think proper. The proceeding of that successful Minister was the direct reverse. Instead of getting the Irish House of Commons to acknowledge this right, he himself in effect disclaimed it. He even denied, that the English Ministry ever had asserted it; and he described the speeches on that subject in the English House of Commons (though made by men in the greatest offices)

“as nothing more than the rash language of inconsiderate individuals.”

Having very wisely disclaimed authority, the Irish Minister succeeded by intreaty. If he had held the language there, which English Ministers held to the English Colonies, the Parliament of that kingdom would hardly have been persuaded to lend their troops in order to subdue Ireland in America. The only dependent part of the empire which is at peace, is at peace by Ministry's disclaiming, not by enforcing our right. — The only revenue which is obtained, is obtained where the power of imposing is renounced. So different, so very different, is unsubstantial theory from sound practice!

I flatter myself I have shewn, that the opposition to the extent of parliamentary powers has not been confined to America. I have shewn, that the denial in Ireland was of a larger extent than that in America; and therefore a denial of a less extent (confined to the right to tax) could be no proof of a formed design of independency, on the part of the Colonies, if denial in a larger extent cannot convict Ireland of the same offence. I have shewn that the Parliament of Ireland never made any formal acknowledgement of the power of this legislature to bind that kingdom; that the power of England there arose from our not pushing every point; and that the astonishing obsequiousness of Ireland at this hour, is owing to our not having made use of any one of those methods of asserting authority, which have been recommended and used in America. All this forms at least a presumption against the utility of such methods.

I hope indulgence a little longer in this humble plea to Lord Mansfield, on the trial of America, for misprision of independence. If in the end (what I will not imagine) the Judge should give a harsh charge, the Jury of the public may possibly prove as refractory to the authority of Lord Mansfield, as the House of Peers has been on a late occasion; and though he directs them to convict, they may still with some remains of English firmness, bring in the prisoner Not Guilty.

VALENS.

LETTER XI. CRIMINAL INTENTIONS.

Thursday, Nov. 2.

MR. MILLER,

IT seems to be in the natural course of things, that men are very rarely brought to a sense of guilt or folly, but through the medium of suffering. We are obliged to the Ministry for having placed us in this school of wholesome discipline.

The misconduct of the present war will by degrees lead the nation into a disposition to enquire into the justice of it. Never was a war more open to an impartial examination of its merits. No Glare of false glory in the execution of our American measures, has hidden the defects, or gilded over the errors of the original plan. We have only to pray, that our instruction may not come too late for our amendment.

I cannot easily quit the opinion, that however bitterly we may quarrel, there is still such a bottom of good nature, generosity, and good sense, both in the European and American part of the English nation, as will at length incline the one to hold out unequivocal, solid, honest terms of accommodation, and induce the other to meet those terms (though late and ungracious in the offer) with a cordial and dutiful acquiescence.

“The Americans are at war,” (says Lord Mansfield, the great assertor of the plan of hostility) “they are acting on the offensive — whether we were right or wrong, we must proceed — we must add violence to violence, rigour to rigour — we are not to discriminate the innocent from the guilty — if we do not kill them, they will kill us.”

It is really singular that a man in the cool decline of life, bred through the whole course of it in a profession of peace, a Civil Magistrate, a Judge, covered to the chin with judicial purple, and bloodless unspotted ermins, should be distinguished above all others, for a character of hazard and desperateness in his counsels. Lord Mansfield’s politics always stand upon a precipice. When he acted with others, in advising the late coercive measures, he alone was under no delusion. His eyes were broad open to the consequences. Knowing that those measures led inevitably to Civil War, he used the fatal expression and auspice of Caesar, when he stood on the execrated brink of that stream, the crossing of which brought ruin on his country. He told the House of Lords in plain words, that

“they had now passed the Rubicon.”

This Year he exhorts them to push on that Civil War, in a manner scarcely different from the precedent of Caesar’s speech before the battle of Pharsalia. But we are not yet hardened by this inflammatory eloquence into such black and decided enmity, as to unfit us for a temperate examination of his cause and arguments.

“Kill them, or they will kill us!”

— Alas! my good Lord, Englishmen cannot cheerfully accept this alternative, which you are so good to offer, until we are thoroughly convinced, that to kill them is not mortally to wound ourselves.

This military adage,

“Kill them, or they will kill us,”

is as proper in the field of battle, as it is misplaced and dangerous in council. When men have the bayonet to each other’s breast, there is no time for reasoning. But men deliberating at their ease, are not in that desperate situation. It is not therefore necessary that they should be animated with these desperate sentiments. The business of the Statesman, and that of the General, ought never to be confounded. It is the Province of the latter to consider only how War is to be made. It is the duty of the former sometimes to consider how war is to be ended. Reconciliation, treaty, negotiation, and concession enter into the plan of the Statesman, though not in the operations of the General. If Lord Mansfield’s sentiments should prevail as maxims of policy, it would follow, that when men, upon whatever grounds, are driven to draw their swords, there must be no peace until one party or the other is exterminated.

That learned Lord rests much on the offensive war undertaken by the Americans, in (what is called) the Invasion of Canada. This he adduces as a proof of their design of independency. If war had been as much Lord Mansfield’s study, as it seems to be his inclination, he must have perceived, that it never was, nor ever could be confined to strict defence. The very idea is full of absurdity. When war is once begun, the manner of conducting it, will be such as bids the fairest for success. It concludes nothing concerning the original motive for hostility, nor concerning the propriety or impropriety of making peace.

These Things stand upon grounds totally different; the desire of independency, like every other motive to war, must be judged of by the proceedings previous to that event.

For instance, I can conceive a case, in which Scotland might take up arms, Scotland might defend the terms of the treaty of union, even against the unlimitable authority of Parliament, which that treaty, by

“a preposterous parade of civil arrangements,”

certainly does affect to limit. I can conceive in argument, that acts of parliament might pass to exclude the sixteen Peers of Scotland from their seats in the House of Lords — or to alter the present happy establishment of the Church of Scotland — or to change her laws for those of England — or on the plea of her increase of trade and wealth, to raise the proportion of their land-tax. I can conceive too the possibility, that many Murrays, many Humes, many Campbells, many Stuarts, many Wedderburnes, many Dundasses, and many Elliotts, might take up arms in favour of those limitations of the power of Parliament, which the act of Union affects to

establish; and not contenting themselves with defending Sterling, and blocking up Edinburgh, they might enter England, and lay siege to Berwick, or penetrate to Newcastle. But I should not therefore infer, that our Northern Kinsmen, who thus took up arms, were aiming at an independency, which would deprive so many of them of the well-earned emoluments, which are the consequence of their connection with England.

If such a case were to happen, I venture to assure Lord Mansfield, that I, and many Englishmen of far other consequence, would hear him plead in favour of peace, and for those rebels in 1776, with as much approbation, as we felt when he pleaded for justice against other rebels in 1746. If any Lord, heated with faction, or intoxicated with Court favour, should then tell him in debate, that Englishmen were not to look at the justice of the cause — that we must not distinguish the innocent from the guilty — that his countrymen had acted on the offensive — that if we did not kill them, they would kill us! — we might pardon such a Lord his prejudice, from our indulgence to his zeal; but we could never be brought to approve of his temper, or to adopt his opinions.

If another Lord at the expence of his candour and judgement, should chuse to display his knowledge in history, and recapitulate all the ravages of the Scotch from the earliest times; their natural adherence to our natural enemy, France; their fierce struggles for independency, notwithstanding the well-proved rights of our ancient Kings — If a third (for such a load of calumny would be too great for the shoulders of any two ordinary orators) should carry down the story to the present day; if he should state the design of a separate settlement of their crown in favour of the Pretender, from which their Chiefs were brought off with so much difficulty, and at so great an expence; if this odious remembrancer should then revive the memory of the two rebellions since the act of Union, for the purpose of destroying that union, all this might sound plausible to some prejudiced ears; but I think in well disposed minds, it would excite the strongest indignation. I should rejoice to hear the thunder of that eloquence which Lord Mansfield would certainly hurl at the unfeeling sophistry of this unjust, invidious, and plausible kind of argument against peace. He would have the hearts and applauses of all true Englishmen. True Englishmen would not fear that Scotland would be made ungovernable by our lenity; they would readily trust to the fraternal affection of our Scotch brethren for a restoration of lasting peace; and with it, the rich Commerce of that country, and the service and society of those few of its natives, who might not think fit to repass the Tweed, to enjoy at home the sweets of that liberty which their valour had purchased for their country.

In this manner I should reason on a Scotch rebellion growing from such a principle. I mean a rebellion for preserving themselves in a state of freedom; not a rebellion for the purpose of reducing themselves and us to a common slavery. I cannot avoid applying the same reasonings to America. I would endeavour to make

peace with both on the avowed ground of the war; and I persuade myself, that whatever the language of a few North-Britons about the Court, or expecting to get about the Court, may be, the body of the Scotch nation think and argue as I do.

I have no right to endeavour at discovering by divination the secret motives of any man's conduct; whilst the ostensible are such as may fairly influence an honest and a reasonable man. To support in argument, that independency was the original object of American resistance, we must assume, or prove, that they had no colourable complaint or grievance. Lord Mansfield has too much honour and good sense to assert, that there was nothing colourable or plausible in their objection to their being taxed, in their circumstances and situation, without their consent. The practice on our side may, for aught I know, be reconciled to principles of strict formal law; but we all know it can never be reconciled to any principles of liberty. The Question is then, whether an attempt to govern them contrary to the principles of liberty, could be a real cause of quarrel, or was so idle and frivolous, as to oblige us to search for some other ground of their conduct.

Whatever the first cause was, or whatever disorders arose from it, the Americans did not go to extremities upon that. It is some proof of their not having premeditated a scheme of independency, that they waited for several other grievances before they took up arms.

Boston lost its port, and the Colony of Massachusetts's Bay forfeited its Charter — justly says Lord Mansfield, but certainly without charge, evidence or hearing. Men consider the right of being heard, as of some import in justice; if it be not, Lord Mansfield's office must become a finecure. Among other human frailties, men have a natural love for their local constitutions and particular privileges. We must allow that (however merited) the loss of a favourite form of Government will be considered and felt as a very great hardship. Nations have thought an arbitrary and compulsory change, even of habits, to be grievous. A form of government changed, is a matter of somewhat more consequence than the compulsory deprivation of a flapped hat at Madrid, or being stripped of the plaid, and forced into breeches in the Highlands.

The bringing the persons of the Americans to trial in England, by a revival and extension of a Statute of Henry the VIIIth; and the sending them by an original act of George the IIIrd, to England, to look for justice on any soldier or Custom-House Officer who should commit murder on their relation, — these have also something of the air of a grievance. I shall say nothing of the Act for preventing their Fishery, or of that for prohibiting all intercourse between Colony and Colony, — all these have surely so much the air of hardships (I mean to those who suffer under them) that I should be much less surprised to find a people at length provoked to independency by such acts, than I am to hear them accused of originally scheming that independency because they resisted them. Men are not always ready to humble themselves even before their Creator, and to acknowledge his punishments for

tokens of loving-kindness. With men they are more inclined to dispute; and the arguments which perfectly satisfy those who are in haste to inflict punishment, are not quite so convincing to those who are to suffer it.

All those laws (which look severe even in cold reading) preceded the commencement of hostilities, offensive or defensive. It is not true, that a desire of free subjection is in nature the same thing with a scheme of independence; and we may suppose men earnest to preserve privileges, without rejecting government.

The Colonies, like others who have engaged in wars with their Sovereign, had therefore their grievance. But there the likeness stops; for there are perhaps no instances on record of a people in such a situation, who have persevered with such a pertinacious humility, in repeating their supplications for redress. There are few or no instances of men in arms against the ordinary Authority, who have so long confined their applications solely to their own sovereign. Scarce any, where they have religiously avoided all caballing and tampering with foreign Powers. None where they have so nobly paid their debts to the commerce of that power, with which they were at war. Whatever power we have of subsisting without them, or of acting against them, is owing in a great measure to their desire of avoiding a final rupture with us. Men aiming at independency could never have acted in this manner.

Why, in common sense, should we be more irritated against the Colonist than against other nations? or why should we use other rules to prevent pacification, than we use towards a foreign power? I should be glad to know whether this mode of reasoning concerning old delinquency, or modern ill design, was adopted at the late treaty of Paris? Did the late Duke of Bedford's instructions oblige him to a discussion of the motives of France and Spain for half a century back? I don't find that our Court has received any satisfaction on that head. If the zeal and industry of Sir John Dalrymple, or Mr. Macpherson have made any discovery in this curious mode of negotiation, they will favour the world with a new quarto volume for the information of future Statesmen. In the mean time, I must think, that I do Justice to the late Duke of Bedford (a Man of sense, and a good practical man of business) in supposing that he troubled himself with no idle enquiries that could obstruct the work of pacification. I do not hear that Lord Mansfield has ever accused that Duke of a neglect duty.

But we must not treat with Rebels! What history is it that supplies us with this maxim? Lord Mansfield will allow, that the war against Charles the First was a rebellion; Lord Clarendon, I believe, styles it by pre-eminence the great rebellion, — does the history of that time supply us with no treaty between Charles the First and the people in arms against him? Go to earlier times. How was the contest between Stephen and Henry? Stephen was considered as an usurper, and perhaps he was so. He treated Henry's partizans as rebels; but these harsh names of Rebel and Usurper

never prevented negotiation. Treaty and battle went on, as it were, hand in hand; and at last the contest ended in a compromise.

The short and violent rebellion of Wat Tyler, short as it was, yet afforded time for treating, and that too by the King in person. Does the Scotch History supply no instances of treaties between the rebellious Lords and their Kings? All histories are full of them. Government often finds it safer to treat with her subjects, and to yield too, than to risk the uncertain event of arms.

But in all wars foreign or civil, in all disputes public or private, it is utterly impossible to terminate a controversy while one of the litigant parties chuses to assume a sort of supernatural talent of discovering the motives of mens actions; and loftily tells his adversary,

“I dont value your offers and professions. I know you mean what you dont say; and I will not treat with you on the avowed and apparent cause of the quarrel, until my curiosity is satisfied upon the ground of a suspicion which I am resolved to entertain.”

I am persuaded that this learned Lord would not argue so inconclusively, or waste his breath upon a point not in issue, if the real object of Ministry was to terminate the dispute. What his Lordship’s object is, I who take the liberty of complaining of his faculty of divination, and who am, by no means, provided with the endless line of his sagacity in fathoming the motives of men, do not at all know, — and certainly dare not guess. But the effect of the conduct of his friends in pertinaciously continuing and weakly conducting a war without an object, will inevitably operate to the dismemberment of the British Empire.

VALENS.

LETTER XII. THE GAZETTE.

Thursday, June 9, 1776.

MR. MILLER,

IN my paper of the 20th of January last, I compleated, to the best of my power, the little plan I had originally formed. I had proposed to take a view of the policy of the American war; its objects; its conduct; and the motives for engaging in it. When this was done, being no politician by profession, I laid down my pen. I resume it for a moment, in order to make a few remarks upon the manner in which the Ministry have handled their's. I have formerly endeavoured to do justice to their merit as Statesmen; I am now to consider their skill as writers.

As all men have their virtues a little balanced by some failings, it is surely a good-natured part not to dwell upon the qualities they are deficient in, but rather to fix our attention on those points of their character, in which they evidently excell. I should think it the cruellest thing in the world to dwell upon Lord George Germain's conduct of the civil war; but I am happy to join with the world in applauding his Lordship's dexterous management of the Gazette.

Whilst under his auspices, and animated by his example, our commanders, by happily shifting of their position, by taking the resolution of evacuating towns, and by effecting retreats without loss, are (though quite in a new way) conquering Provinces abroad; his Lordship is employed, according to the soundest principles of the best critics, in recording their great exploits at home.

Livy has been censured as diffuse; Sallust, Thucydides, and Tacitus, have been criticized for an affected brevity, bordering on the obscure. These general remarks savour of pedantry, and meer literary cant. To judge of the faults or excellence of the diffuse, or the concise, of the perspicuous, or the obscure styles, we must consider well the nature of the subject, and the design of the author. No universal rule can be laid down. Some things cannot be displayed too amply, and too minutely to the public curiosity. Others had better be just touched upon. Some should shine in a glare of light; others should be cast modestly into the shade. Some ought to be proclaimed by the sound of trumpet; others there are, in which silence is the real eloquence.

If you would know how well Lord George Germain has employed all these styles (and this no style) you must consider the end and purpose for which (besides fame and immortality) a Secretary of State condescends to become an author.

The world at large is not aware of the real object of our war in America. The sole drift and end of all our operations there, has hitherto been, neither more nor less, than to dispose of the sums of money that have been raised here. These have been vast; and the dispersion of them has not been so perfectly easy, as the common run of people might imagine. But, by the aid of our kind and disinterested friends, (the

London contractors, and the German Princes) the thing may be done. The facility however, of the expenditure, may not always facilitate the supply. A great Statesman, like other ingenious artists, must tickle the ear, whilst he extracts the purse. The mob out of doors love a little good news, though it be at their own cost. A victory is worth a million; and a good bonfire compensates a tax. The wise Minister (like the industrious ant) forecasts the winter, and prepares the mind for the ways and means of the session, by the intelligence with which he entertains us during the recess. In the execution of this plan, he strictly follows the great masters of antiquity.

The polite critic of the Court of Augustus, Horace, was intended by that great Emperor (not so happy in obtaining obedience to his commands as our Sovereign) for the office of Secretary of State. Whilst that business was in agitation, he wrote those excellent rules for Gazettes, which have been unaccountably mistaken for the rules of dramatic poetry. A gross error! for what has a Secretary of State to do with writing tragedies? Or how can we imagine that Horace, after commanding a Roman legion, and distinguishing himself in war, should condescend to undertake the direction of the opera? The Gazette is the proper business of his department. Besides the observations on style that I have just made, and which I confess I borrowed from this great judge, he makes several others of moment. He advises his Gazette writer to mix his falshood with some truth, *ita mentitur (says he) ut veris falsa remiscet*. And he gives his reason, and a very solid one,

Primo ne medium, medio ne discrepat imum.

He recommends it to them to put off, and to bring on matters, as may best suit political purposes.

Ut uunc dicat jam nunc debentia dici,

Pleraque differat, et presens in tempus omittat.

But if facts prove so very untractable, as by no art of mixture or procrastination, to be made pleasant, why then he thinks they are to be totally omitted.

— Quae

Desperat tractata nitescere posse, relinquit.

To exemplify in the most satisfactory manner his Lordship's skill in conducting his Gazette upon these rules, the reader may remember the ample account we had of the exploits of Lord Dunmore. Not one captive piece was omitted of those miserable old cannon, which, until they were to

“open their mouths, and shew forth his praise,”

had slept and rusted in neglect on the wharfs of Virginia. All the pompous display of Livy and Clarendon, were employed to decorate the triumph of this favourite General. After this great and decisive advantage obtained by Lord Dunmore (as far as we could discover from the Gazette) we had nothing to do, but to take possession of a disarmed Province. The gratitude of the nation was equal to the services of the General. His Lordship was immortalized in the Gazette. He was

adopted into the sacred sixteen, levees, assemblies, coffeehouses, all agreed (and they were certainly right) that if every Governor had acted with the spirit of Lord Dunmore, we must have established our dominion in all the other Provinces, as perfectly as we had done in Virginia.

In the midst of all the joy that arose from such important victories as Lord Dunmore's, so amply displayed, an odd sort of an account arrived. A very brave officer, as brave and as intelligent an officer as any in the King's service, Major Fordyce, with a detachment of our best grenadiers, was sent by this heroic Commander Lord Dunmore, upon a well-planned expedition, to which there were but two small objections. One, that it was perfectly impracticable; the other, that if it did succeed, it could be of no kind of use. Accordingly Major Fordyce was killed. The party was defeated; all the grenadiers slain or made prisoners — What said the lately communicative Gazette? Not a syllable. The Secretary of State had wasted his stock of eloquence in his Panegyric on Lord Dunmore. He had nothing left for the funeral oration of Fordyce. He was as silent as the grave in which that gallant officer and his brave soldiers were laid. And where was the necessity for much discourse? The man was dead; and what did it signify to put ourselves into an ill humour about what we could not possibly help.

This Virginian history is an instance of the diffused stile of the Gazette, contrasted with the opposite extreme of excellence, — the expressive and eloquent silence. The instances of a less violent, but equally judicious contrast, are frequent, and happily mixed in. I will endeavour to recall them to the reader's memory. Without such a retrospect it will not be easy to enter into the true spirit of this exquisite politico-literary performance, which is now the sole source of authentic intelligence, and the only vehicle of our summer's delight and information.

When the forts of St. John and Chamblé were taken by the Provincials, and upwards of 500 regular troops made prisoners, there was a demand for the compact, close, laconic, style. The Gazette did not altogether omit these events; but with a wonderful energy and brevity, related them in much fewer lines than the shortest article of the capitulation, by which those unhappy troops had surrendered prisoners of war. Of cannon and stores, not one word. These were left to the imagination of the reader. All accounts of the taking of cannon, in the explicit stile, belonged, exclusively, to Lord Dunmore.

We may remember too, that when Arnold made the astonishing march, which will for ever immortalize his name, the Gazette was not absolutely silent. It gave to merit one honest line; and in the laconic brevity of Lord George Germain,

“one Arnold appeared at Point Levi.”

Of the taking of Montreal, which place with the whole strength of England and America conjoined, had formerly given glory and Peerage to Lord Amherst — on the part of the Gazette SILENCE; — Col. Prescott, his ships, his soldiers, his stores taken afterwards — SILENCE.

This uniformity of silence, however prudent, and even chastly eloquent, might seem rather dull, and at length begin to disgust. People might learn an ugly habit of looking elsewhere for intelligence. In this distress an event happened, which justified the drawing up the floodgate, and letting out all that flow of eloquence which had been so long dammed in. Montgomery, an obscure man, of whom we had heard nothing before from authority, was killed at Quebec, and his troops repulsed. But unfortunately, even on this fairest of all occasions, we were again sadly at a loss. This happy opportunity was in danger of being wholly thrown away. The question arose, where is the authority for this good news? The conquering General was too closely blocked up, to send a messenger of the decisive victory he had obtained. To take intelligence from the Philadelphia news papers, and to put at the foot of the account,

“Charles Thompson,”

(not our Sir Charles) and

“by order of the Congress,”

was too much. In effect, it was to register a rebellious libel among the consecrated records of office. This was hard undoubtedly.

The difficulty staggered the American Secretary of State. In an hurry a council is called. The Attorney General, in his firm, sturdy, direct way, objected to the measure, He relied on it, that such a step might teach people to put some trust in rebellious publications; and would, besides, totally take away the best, and sometimes only excuse we had for our prudent reserve on most of our defeats, viz. that we had them only from the narrative of the rebels. This had some weight. But Mr. Weddurburne, whose forte is dexterity and refinement, observed, that the Congress, as they are a raw, new government, and to that time unacquainted with disgraces, had not learned the art of glossing a misfortune, but had delivered

“a plain round, unvarnished tale”

of their defeat. This advantage is not to be missed. Here (said Mr. Wedderburne) we may dilate at the expence of an enemy. The narrative, as far as it goes, is their own; and our imagination is at liberty to add full enough on this foundation. We cloath ourselves with the spoils of the enemy. We may dress ourselves

“à la Congrèss.”

— Danaum{que} insignia nobis

Aptemus, dolus an virtus quis in hoste requirit?

Lord George carried it for his friend the Solicitor’s opinion. The Philadelphia Congress Gazette supplied the materials for our’s; and here, (but at their expence) we expatiated again. The stunted Gazette once more shot out into a full luxuriance of narrative.

This mode, however, of borrowing an enemy’s account is too ticklish to be adopted as a regular practice. Then came in the great delicate point in all human affairs,

“to know when to leave off.”

For, unluckily those exotic Congress News-papers began to shoot out some things that would not bear transplanting, and were not at all adapted to flourish in the soil of the London Gazette. The taking, for instance, of Brigadier General Macdonald in North Carolina — the killing Colonel Macleod — the defeat of 1500 of our Highland troops, and the disarming of the whole party; — although all undeniably true — was not proper stuff for a London Gazette. — The expedition of General Schuyler into the Indian country, although equally certain — the capitulation of Sir John Johnson — the making him a prisoner on parole — the submission and laying down their arms by 600 of our loyal subjects (Scots and Tories) and the compelling some of our natural allies, the humane Savages of the Five Nations, to lay down the hatchet — these accounts, one sees at first sight, could by no art be made fitting for the Gazette. Of these, therefore, nothing was said.

The end of writing is *et prodesse et delectare*. In a paper where the profit of Ministers, and the delight of the people, were to be the great objects, it would be a piece of downright absurdity to mention such things as cannot possibly tell to the advantage of the one of the parties, or afford any sort of satisfaction to either of them.

Mr. Miller, I find it impossible to do justice to the merits of Ministers, as Historians of their own exploits, in a single paper. The subject grows upon me, as the matter rises in dignity, and importance. Reserving therefore the inimitable beauties of the Boston narrative to another time, I shall for the present satisfy myself with remarking, that the naval part of the war, though probably it comes from another quarter, is related on the same principle, and with no less perfection than that, which is carried on upon the *Terra firma*.

One of our men of war returns home rather in a shabby condition. But what does she come home for? In reality to bring the news of her own escape from the Americans. Since our affairs are in that pleasant situation, that retreats are happy shiftings of position, and, that escapes are to take rank as victories, it becomes necessary to display this eminent advantage at full length; and it is accordingly related at large in the true technical style, and with all the elegant perspicuity of the nautical dialect. The Gazette, so lately on the reserve, here becomes prodigal of information. We have, on the escape of the Glasgow (for the first time) an account of Commodore Hopkins's squadron; the number of vessels; the number of guns; the number of men; an account as exact as if we were furnished with it from the Navy Office of Philadelphia. The state of the British Navy was refused on the motion of a Marine officer in Parliament, last session. Amends are now made by a precise detail (given gratis) of one of the American Fleets. We have the satisfaction to find that this navy is in shoal water, (but safe enough) in New England. In the late war, the escape of one of our stout frigates, built and furnished for war, from a little squadron, consisting of a decayed merchantman, with a sloop and schooner or two,

hastily and ill fitted into privateers, would scarce have deserved a long laboured account in the Gazette. But things are altered; Mr. Pitt was, Lord George Germaine is, Secretary of State.

In this last piece we are furnished at one and the same time with a curious example of the various excellencies of the full display, and of the judicious reserve. The Gazette, which knows so minutely every gun in Hopkins's fleet, and its weight of metal, says nothing at all of this fellow's carrying his convoy, and the military stores with which he was heavily laden, safely to the place of their destination: Nor does it know, that he had taken a transport and tender in his Majesty's service. It even omits a piece of good fortune of the Glasgow, whose shot in the very first broadside damaged Hopkins's rudder in such a manner, that his ship lay for two hours incapable of pursuit or fight.

To compleat this account of the American Regatta, made for our special amusement; by the same use of light and shade in the narrative, we are informed that a great number of ships and vessels have been taken. By this judicious choice of terms, the number is as effectually swelled by the seizure of a cock boat, as by the taking of the largest ship that ever sailed in the Virginia trade.

As to captures made on the part of the Americans, we might conclude from the prudent silence of the Gazette, that there were absolutely none. If it were not for an impertinent tell-tale in the city, called Lloyd's List, (who, in all good policy ought to be silenced) we should never have guessed that above FIFTY transport ships had been taken by the Americans; the ships themselves, exclusive of the cargoes, of as much value at least as the whole of the prizes taken from the Americans.

In a word, whether by land or sea, we are scarcely intitled from authority to believe, that one misfortune has happened in the whole war. All is Glory, Success, and Victory. Yet Thirteen Provinces are lost.

VALENS.

LETTER XIII. SHIFTING OF POSITION.

Thursday, July 11, 1776.

MR. MILLER,

THE emission of authorised news-papers is an homage paid by the most despotic powers to public opinion. By the sending abroad Gazettes, they tacitly, but fully admit two very material points. First. the right of the people to be informed of the state of national affairs. Secondly, the influence of popular judgement on their own fortune. They know it would be an enterprise too desperate, to think of keeping the people wholly in the dark.

We are apt to entertain rather too mean an opinion of the spirit and understanding of our neighbours. There is not a nation in Europe so servilely passive, as to abandon all concern about its own welfare; and to give a credit absolutely unlimited to its administration. It is true, that the people under despotic governments, have it not in their power to take a legal vengeance on those who abuse their trust, or to remove those who shew themselves unequal to it. This is the grand defect of their scheme of government. But nature sometimes supplies the place of law, and their illegal sensibility frequently takes a severe vengeance on those, who confiding in the weakness and imperfection of the constitution of their country, presume to act in violation of the spirit of all laws. Even when such a people are not able to punish an unskilful state actor, their voice is generally sufficient to explode, and hiss him from the public stage.

We have seen not long ago, that the same King of Spain, who with an high hand protected, promoted, honoured, and rewarded Don Francisco Bucarelli, although he was impeached of high crimes and misdemeanors, even from the throne of Great Britain itself, was obliged to dismiss and banish the Marquis of Squillace, his Favourite and Prime Minister, to appease the discontents of the people of Madrid. The same King was but the other day obliged, on account of the displeasure of his subjects, to dismiss and remove from Court the Condé O'Reilly, a Minister and a General high in his favour, upon his failure in an enterprize against Algiers.

The King of France, on the discontent of a part of his people, and the ill success of some financial projects, dismissed, Monsieur Turgot, as he had raised that Minister, to gratify the opinion of his subjects.

Ministers in other countries finding themselves obliged to humble their pride before their necessities, do not venture to keep all information from the people. On the contrary, they affect to supply them with it very liberally, and very honestly. Possessed of the only source of authentic intelligence, they indeed gloss and varnish, but never attempt grosly to misrepresent, much less wholly to conceal. Even at Constantinople, the Minister stands in awe of public opinion. Not having a press there, the government keeps in its pay a set of walking Gazettes (somewhat

like our Court runners) who mount on a stool in Coffee-houses, and entertain their grave turban'd hearers with an account of the designs of the Court of Petersburg, or the progress of the rebellion in Egypt.

As a nation declining from greatness is the most mean, and a people sinking from freedom are the most eminently servile, our Ministers think this is a fit season for an experiment, to find out the maximum of human patience, submission, and passive-obedience. Their proceedings in the Gazette, with regard to the late war in New-England, shew what progress they have made in that experiment.

From the begining of our present troubles, our hopes and fears were all engaged at Boston. This was the heart and vital spring of all disorder. It was not so much the metropolis of America, as the head-quarters of rebellion. Boston accordingly became the object of all our civil regulations for several sessions, and of all our military operations for two years together. Our eyes were never a moment turned from it. Expectation panted on every Western breeze — when the Gazette suddenly announced to a longing and anxious people, that General Howe had taken a resolution to evacuate Boston, and was actually on his way to Halifax. Habituated as we are to every thing extraordinary, the easy brevity of this account did excite some degree of surprise. There was nothing in it which could give you the least idea of war, or warlike operations. It was delivered with as easy and careless an air, as if the story was nothing more than that a corps had changed their country quarters; just as if General Howe's regiment had shifted their quarters from Boston in Lincolnshire, to Halifax in Yorkshire. And this is all the satisfaction that the nation has ever yet received for six millions expended, and the last town in thirteen Provinces lost.

Lord George Germain's experiment on the temper of the people of England was made, and it answered. This proud and jealous nation bore that treatment with a patience, that would have shamed the hired credulity of contented cuckoldom. Those who would have imposed Ovid's Metamorphoses for articles of faith, never presumed so much upon the weakness of the human understanding. A more perfect passive-obedience was never preached by interested priests, for the practice of the credulous laity. A Turk, blinded with the smoke of tobacco, and dozed with opium, would have pushed his live Gazette from his stool, and kicked him out of the Coffee-house, if he had dared to give this account of the evacuation of Ockzakow or Bender. Even the foreign Gazettes, skilled and practised as they are in the trade and mystery of intelligence, stood in astonishment at the bold push of their dear brother of Whitehall; and publicly avowed their amazement at this new political phaenomenon.

That noble and venerable body, in which a Minister of State lately boasted that he had concealed from them, and from his own colleagues, the true state of their affairs, lest they should be slow in entering into a civil war, they of course desired to know nothing. They looked on the proceedings of their Minister, as on the feats of Mr. Breslaw, in which a knowledge of the slight would only spoil their pleasure in

the deception. Both Houses are coolly and deliberately acting their part in this great work. Declaring themselves totally indifferent about every part of public duty, and even destitute of common human feelings, they are preparing to make their country as indifferent about the existence of Parliament itself. Several worthy and diligent Members already shew themselves heartily tired of parliamentary attendance. They imagine, that with their talents they might get as much under any other form of government as under this, with an attendance less fatiguing, and a far lighter expence. They think a Minister's levee room, has as wholesome an air as St. Stephen's chapel; and that the domestics of a Court Favourite, are a cheaper object of bribery, and full as worthy an object of adulation, as the scot and lot of a venal borough. Perhaps they may be in the right.

On occasion of this real Gazette Extraordinary, the Earl of Suffolk, one of his Majesty's principal Secretaries of State, discovered some marks of good breeding; though he does not come quite up to all the graces which Lord Chesterfield requires as qualifications to office. He has, I suppose, some remains of complaisance to that minority, in which he made so flaming a protest against his present associates. In condescension to the weakness of the Lords in opposition, he submitted to tell them the reason why he told them nothing. He lamented in the most pathetic strains to his noble audience, the necessity he was under of not producing any part of General Howe's letter; for (he said) "the account of the retreat was so mixed with matters that went before, and operations which were to follow after (very improper to be publicly known) that he could not possibly disentangle them; and that thus he was disabled from doing justice to the incomparable merits of the General, who had made so happy

"a shifting of position."

Every thing has its place, and in the House of Lords this gave satisfaction. We the rabble below the bar, however, thought it odd; that what had passed before General Howe's retreat should be concealed from us, since it could never have been concealed from the enemy. Perhaps what went before, might be the cause of the retreat that followed after. If indeed this preceding cause should consist in some batteries too fierce to be borne, and too strong to be forced, this I admit was a good reason for concealment. We ought not to know that the rebels have any cannon since Lord Dunmore seized all their artillery; or that they know how to erect batteries, or that they have courage to defend them.

The other part of the reason for concealing the account of General Howe's retreat, I must beg leave to observe, is not quite so honourable to the clearness of head of that General, or demonstrates so fully as one could wish, the calm situation of one who makes an undisturbed retreat. So perplexed and involved (if we believe Lord Suffolk) was General Howe's account, that the Secretary of State's office, in full practice of garbling papers for the diversion of Parliament, was not able to unravel the complicated texture of the commentaries of our American Caesar, or to

give one particular of his proceedings for several months to the hour of his departure, without disclosing all the secrets of the coming campaign.

With all due deference to my Lord Suffolk, I do not believe so ill of the abilities either of General Howe, or of his Lordship. I can never believe the alledged confusion of General Howe's ideas, to be the real reason for concealing from us every single circumstance of his precipitate dereliction of the precious purchase of millions. His Lordship told the Peers, that this confusion disabled him from doing justice to General Howe's merits. Under favour there was no question of that General's merits. We are very sure that He did his duty, and that He gave an account of it naturally and clearly. This concealment was never for his sake, or the sake of his operations. But for whatever purpose this account of Lord Suffolk's was given, it could answer no rational end. If we could believe this account, the friends of the war would be obliged to entertain but gloomy hopes of its future success. Partial as they are to the authors of civil contention, they must condemn the Minister for committing the fortune of their pious quarrel into such hands. To admit their plea in the justification of their Gazette, is to find a verdict against the wisdom of their Cabinet.

No sooner had that Gazette notified to us that General Howe had taken this resolution, than we were entertained with verbal comments upon it, more curious than the original text. The Ministry assumed a face of joy equal to that which would have attended the most decisive victory. As soon as Boston was evacuated, Boston at once changed its nature. It no longer stood under the same parallel of latitude. It then became the worst chosen spot on the whole continent for the operations of war. We were too happy in getting rid of it. The Americans were anew charged with cowardice for letting us escape. The Lords publicly congratulated each other on having shaken off so intolerable a yoke.

In this exultation they forgot one trifling circumstance, which somewhat regards their credit for the present; and may perhaps a little affect their safety on some future day of account. Suppose a spirit of enquiry should arise, and it should be asked, who were they who brought his Majesty's army into a place from whence it was a triumph to escape? If Boston was not a spot worth holding for its own sake, or for its convenience for other operations, why did the troops continue there for near two years? Why were they reinforced day after day, and regiment after regiment, for the defence of that place, until they amounted to upwards of 12,000 men? Why were four Generals sent to command them? Why was the Ordnance Office emptied to defend Boston? Why was the sinking fund swallowed up, only by its military extraordinaries, which amounted to upwards of 850,000*l*.? Why were 60,000 ton of transports employed in that service? Why was this nation almost starved to feed that town? Why was a fleet commanded by a succession of British Admirals, and at an incredible expence stationed in its harbour? Why was so much brave blood shed at Bunker's-Hill to prevent its being insulted? Every shilling spent

at Boston is a peculation of public money; every life lost there is a cruel murder, if Boston was not a place worth preserving. To exhaust yourself in defence of an object that is not worth having, or not to take sufficient means of defending an object of real value, are both of them crimes. If there be any difference, the first crime is the worst; as it is worse wholly to mistake the end, than to miscalculate the means. It is, however, for this capital blunder, that the Ministers claim the applauses of their country. According to this rule, the merit of our Generals is to escape from the place where the providence of our Ministers had stationed them; no hopes are entertained by themselves of the war, if all its plans are not wholly reversed in the execution.

Such is the case on their own representation, which is worse than the most malignant adversary could have stated it. But as they are poor in counsel, the Court must not record the plea. General Howe did not abandon Boston, because it was a place ill fitted, and never went to Halifax, because it was a place well fitted for a center of military operations. The Ministers of the Gazette suppose we know nothing of American geography, when we are told that in order to direct his operations on the middle colonies, General Howe fled to the very extremity of the northern. It is neither more nor less than to tell us, that a General in London, who intended to attack Dover Castle, would find it his best way thither to march his troops from hence to Edinburgh.

I was at first at a loss to know how the Ministry could give into this apparently insolent and unfeeling discourse. How they could think to glory in their shame, and to defend themselves by the very circumstances which aggravate their offence. But on putting things together, it may be accounted for. It was to prepare the minds of the people for the events which in spite of any favour of fortune, must inevitably follow from the course they have pursued. They have told the public that Boston was worth nothing, because they were not able to keep it, and had no hopes of recovering it. If they find that the nation can be persuaded to make violent efforts, on a supposition of the value of the object, and then to take comfort on their failure, from a consideration of its insignificance, all they wish is effected. They have already, by many speeches and publications concerning the Colonies, been preparing the public for the loss of the whole. They are already spreading with infinite diligence, an opinion that extensive empire is mischievous, and that the vast acquisitions in the east and west corrupt our minds, and weaken our industry.

This is the consolation they hoard up for us against the day of our bitter distress, when we shall have undone ourselves in an attempt to ruin our countrymen. Stripped of her dependencies, the nakedness of England is to be covered with the tattered cloak of a compelled, beggarly, Cynic philosophy. The loss of glory and dominion are to be compensated by dull, common-place observations on the instability of empire, and the emptiness of all human honours. Our Ministers of State are preparing themselves to become ministers of the church, and to preach

patience and resignation to a tractable auditory, reduced at length to a real Christian humility, and to a true poverty of purse and of spirit, by the salutary operation of their councils.

Hitherto they have done every thing to bring us to the state for which they are preparing us. But if the events of war should belye their plans; and if the bravery of General Heister and his Hessian troops, should recover what British valour (under the direction of our Ministers) could not keep, it is then that in their success the mischief and weakness of their plans will appear in full lustre. The sunshine of fortune will only display, in a glare of light, the inanity of the object for which the Ministry and their German troops are contending.

The Colonies, in all the submission of disaster and defeat, will prove full as unfruitful of the revenue for which we are at war, and which alone can pay for that war, as the same colonies in all the heighth and insolence of successful resistance. Then it will appear that the Ministry and their runners were not idly employed when they told us the Colonies are of no advantage to this country. This will be the event when Lord George Sackville's Gazette shall have satiated us with the pompous narrative of the victories obtained by the troops of the Duke of Brunswick (disciplined by Prince Ferdinand) over the miserable English on the other side of the water.

Until that glorious day, announced with such singular propriety, arrives, when the Gazette shall flow in as copious streams as the Weser or the Elbe, its scanty current continues to be directed so as to fructify the proper plants, and to starve the rest. In my last paper I remarked on the manner in which the Secretary's Office communicates and withholds intelligence. They profit of my praises; and so encouraged, they persevere religiously in the plan, for which I had commended them.

In the Gazette of the 29th of last month, Lord George copies the best of examples, himself. In the last war the captures of merchant ships was never the food of the Gazette. But now a Secretary of State serves up an account of the taking of 26 ships and vessels of the rebels, exactly on the principles I stated in my last letter; but not a word of the transport loaded with arms and ammunition that these rebels have taken.

His Lordship has, on the same principles, carefully avoided all mention of the arrival of Sir Peter Parker and Lord Cornwallis at Cape Fear; although he has certainly received an account of that event; and although it might be thought that the public would feel some degree of anxiety concerning the fate of so great a fleet and army, which had been considered as lost. The production of the credit side of the account of captures, with the total silence on the important expedition of Sir Peter Parker and Lord Cornwallies, shews, that the Minister considers the whole people of this once great country as the mercenary inhabitants of some little sea port, some nest of fishermen, smugglers, and pirates, such as Dunkirk, St.

Sebastian, the Isle of Providence, or any other dirty hole at home or abroad, where they are in high spirits on hearing of the arrival of some miserable plunder, but are totally indifferent to all the great and important operations of war. It must give the Minister heart-felt pleasure if they should find that the spirit of the late act for animating the exertions of the navy by the holding out the plunder of their fellow citizens, is grown as diffusive as they could wish, that the whole nation feel in the same way. If this should be the case, one act of theirs has not been made in vain.

VALENS.

LETTER XIV. PROSPECT FROM SUCCESS.

Tuesday, Nov. 5, 1776.

MR. MILLER,

IT is now the third winter since the commencement of the present natural and auspicious war against our Colonies. It is, I think, so long since General Gage was sent to Boston with a fleet and army, together with a heavy train of artillery, formed of the well-tempered metal of those sound Acts of Parliament, which were to batter down all resistance to the authority of British Government. For the greatest part of that period our expences were continually on the increase, and our hopes continually on the wane. At length news arrives, as unexpected as it is satisfactory; — that 25,000 Hessian and British troops, with the aid of a squadron of men of war, had surprised 7000 Provincials out of their intrenchments, turned their flanks, and thrown them into confusion; on which their lines are abandoned, and the city of New-York left exposed and untenable.

This news arrives in the very nick of time, as if it had been bespoke. It is done to a turn. It came just at the meeting of Parliament. Without it Ministry had been sadly at a loss. Without this victory, the expulsion from Boston, the repulse at Charles-Town, and the petty defeats in almost every creek and harbour of North-America, together with the capture of so many valuable merchantmen in the seas of the West-Indies, and even of Europe, would have furnished more suitable matter for an impeachment of Ministers, than a speech from the throne.

I have heard, that as this news did not arrive early in the season, the speech, as first prepared, was (as in reason, it ought) written in a very different style from the present. The expressions were at least as gracious to the English subject here; and the epithets not nearly so high seasoned with regard to those on the other side of the great water. There was not a word of treason in it. It expressed, according to report, some disposition to concede and reconcile, of which this speech shews no signs at all. But on the whole, it was as fine a performance in the tender and pathetic style, as the present is in the grand and lofty. It is a pity we are not favoured with the first sketch; for Ministers, like poets,

— Lose half the praise they would have got,

Were it but known what they discreetly blot.

Victory has deprived us for ever of that fine composition. It has, however, made full amends. This victory, and the effect of it, is most happily and ably described in the present (not evasive and hypocritical) but clear and ingenuous, as well as most gracious, humane, and merciful oration.

“The success in that province (says the speech) has been so important, as to give the strongest hopes of the most decisive good consequences.”

I suppose the royal and noble authors of this finished performance, are so intent on enforcing the laws of the land, that they quite forget those of grammar; and are so eager about breaking stubborn heads, that in their hurry they mistake Priscian for Yankee. I therefore make no remarks on the construction of this sentence. I am carried away by the higher beauties of the performance. I am sensible that it was fashioned on the principles of the sciences now in the greatest estimation. Writers have done much for gardening. Gardening again has paid its tribute to literary composition. This rural science even Kings do not disdain to cultivate. One of the leading principles in this modish gardening, is, as Pope expresses it,

“Decently to hide.”

All must not come upon us at once. We are to be on the very edge of the skulking haha, and ready to tumble into it, before we are to be put on our guard. This the rules of the art require; and the principle is transplanted into the speech. Had that speech bluntly and plainly told us, that the action was decisive, the terms would be well enough understood; that is, decisive of the fortune of war; but then (observe the judgment) the main point would be lost. For we should immediately begin to think of enjoying the revenue of the conquered country, and of some sort of oeconomy in regard to our own. On the other hand, had the Ministry, who are equally communicative through their goodness, and reserved through their wisdom, held out no hopes at all of an end to that business, this nation would hardly be persuaded to go on this journey with her usual alacrity. But here we have a new phrase to express a new situation. — What

“an hope of decisive good consequences”

means, I do not perfectly understand; though the words are brave words, and certainly very pleasing; because hope, decision, and good consequences, are always agreeable sounds to well-tuned ears, let them be placed or connected in what manner they may. What the good consequences are — when they will probably happen — from whence they are to arise — or how far they are to extend, we know not. All this lies wrapt in clouds and darkness.

But for this obscurity we are soon made ample amends, and the whole is cleared up in the next sentence. We lost sight of the building in the mazes of the serpentine walk; but we catch it again in a very agreeable manner; it breaks in upon us with double effect.

“But notwithstanding this fair prospect, (says the speech) we must at all events prepare for another campaign.”

Thus the riddle of the

“decisive good consequences”

is solved. It signifies neither more nor less than this; that we are in an happy train of spending twenty millions this year in addition to the fifteen millions which we spent in the last. I heartily congratulate the Ministry and my country on those strong hopes, and those decisive good consequences. If defeat entitled us to spend fifteen

millions, it is certainly reasonable that victory, as it is more worth, should be more expensive. This is indeed at length distinctly promised, though in terms rather unusual;

“This important consideration will necessarily be followed with great expence.”

— With submission, I fear, that all the great expence incurred and likely to be incurred, has arisen from want consideration.

The next paragraph of the speech is full of hopes too. It has likewise its windings and mazes.

“The assurances of amity from the several Courts of Europe”
are not (it seems) now for the first time given, — but his Majesty
“continues to receive them.”

You would naturally expect, in consequence of this uniformity of faithful assurances, that his Majesty’s mind still rested in the same perfect repose it has hitherto enjoyed on that soft cushion of state from the beginning of these troubles. From these assurances, nobody living, I am persuaded, could expect the conclusion, which comes on you like a stroke of thunder,

“that it is expedient in the present situation of affairs, that we should be in a respectable state of defence at home.”

It seems then, that the effect of royal assurances (I mean from abroad) is to lessen confidence in the direct ratio of their continuance. When I read this, I was immediately put in mind of the good old adage

“Multa levant promissa fidem,”

Which I never saw so thoroughly exemplified before.

In this part of the speech we discover a second point, perfectly worthy the congratulations which our gracious Sovereign has condescended to make to his obedient people; namely, — that we are likely to have a Spanish and French war to enliven the dull uniformity of our civil dissensions.”

Such an event we were told last year was absolutely impossible; and what is very remarkable, it was expressly said to be impossible, then, for the very reasons given for apprehending it in the speech of this year; that is, from the tendency of the success of America to unsettle the system of Europe. If I perfectly understand the expression in the speech, it means, that the success of the Americans would encourage the colonies of other nations, to rebel. Our rulers therefore (last year) concluded it impossible that those nations should give them encouragement. Be this as it may, we know that the impossibility of last year on the principles assigned in the speech of this year, has already cost to our constitution two illegal embargoes; to our credit an heavy fall of stock; and to our finances it will be immediately followed by an augmentation of 20,000 seamen; a call of the militia; an increase of the standing army. These are some of the decisive good consequences of “continuing to receive assurances of amity from the several foreign Courts; and of a favourite and popular civil war; in which possibility and impossibility, hope and fear, loss or gain,

victory and defeat, all alike, as rays from every part of a vast circumference, tend to a common centre, meeting in this one point — Public Bankruptcy.

I believe that those who have addressed so dutifully, and prayed so charitably for the blessing of an American war, hardly insisted on this European war into the bargain; even with all its decisive good consequences. But a gracious and bountiful Ministry always gives heaped measure. Perhaps the addressers, though they so cheerfully voted lives and fortunes, did not absolutely insist upon giving near a million sterling of their trading property, in order to nurse to maturity the infant naval power of the Colonies; though after the loss, the captures have, I admit, given the Admiralty an opportunity of displaying its vigilance and foresight in providing convoys. Another advantage, not within the stipulation, and which is given to the addressers of free grace and bounty, is the rise of insurance on the trade! which amounts to a prodigious sum; and is therefore, to all intents and purposes, a tax to that amount on the commercial property of England.

I do not know whether the slaughters that have been made and suffered in many parts of America; and the burthens which have been imposed, or are in a course of being imposed at home, are sufficient to satisfy us. I remember it was the language of last year, in excuse for not offering terms to North America, that we could not make peace with dignity until we had given our colonies some heavy blow. Is not this blow of New-York heavy enough for our dignity? We have already sacrificed many millions of our own treasure, a good many lives of the insular English, and at one stroke about 3000 of the Continental English to that fierce Court-God, Dignity. Is the season not yet arrived when we are to give some attention to that humble, household God, Self-Interest?

But we are,

“at all events, to prepare for another campaign.”

We do not quite forget, that when 50,000 regular troops, and an hundred ships of force, and such an artillery as never was employed in any foreign war, were sent last year to America, all this vast power and expence was said to be employed in order to prevent hostilities from being drawn out into length, and to finish the war in another campaign. But that second another is, we see, to produce a third another; and thus, as our poet says,

“To-morrow, and to-morrow, and to-morrow

“Creeps on his petty pace from day to day,

“To the last syllable of recorded time,

“And all our yesterdays have lighted fools

“The way to dusty death.”

And thus shall we war on, till after irreparable injuries done and received, we shall, from mere weariness and fatigue, fall back to the miserable, vexatious, and

precarious state of peace without reconciliation.

I will suppose America laid at Lord North's feet, and reduced to Lord George Germaine's

“unconditioned submission,”

yet without the formal establishment of liberty to satisfy and content, or the formal establishment of slavery in its instrument a mercenary army, to awe and terrify, do you seriously, my countrymen, Whigs or Tories, as you may be, do you seriously expect a continuance of obedience?

There has been a great victory at Long Island. Many English were butchered by the Hessians after they had laid down their arms. This, it seems, was proper, and was justified by the law of arms, and shews that a rabble of freemen are not to trifle with Hessian spirit and resentment. Col. Balfour has brought an account of the taking of the uninhabited walls of New York, which were snatched, half burnt, from the fire. Has he brought any account of any thing like a movement towards a general submission in all the Colonies? or even in any one of them? Very far from it. The Hessians must, justifiably, slaughter more men in cold blood; your people must abandon, and in despair burn more of their towns; there must be more mutual rapine of the property of English on English: Thus we must go on — For what? To establish a standing army in America for our ruin, in order to furnish Commissions to the younger Adelphi of antient decayed Northern Families. It can be for nothing else; for I do not believe that any one man living has the folly to imagine that all the taxes to be drawn from America for a century together, will even pay for the repair of New York, so as to fit it, for its only purpose, a barrack for General Heister's and General Howe's army.

The case in short is this. Our war for taxation, in America, has not yet, and never will produce a revenue. America is not taxed — but England is. America is impoverished, undone if you please, but England is not enriched. The Colonies have now avowed independence. I have ever said, and I think shewn in my former letters, that it was in no sort their original intention in this contest; but that they would infallibly be driven to it by the measures of violence hotly and obstinately pursued, and by the rejection with the same intemperate pertinacity, of every means of reconciliation. But one phrase serves for all reasons.

“They have avowed independency.”

They have so; and is it because America has avowed independency, that England must be ruined? can we be quite certain that the offer of terms of liberty, which will cost us nothing, will not draw them from that independency; when we are sure, that offers of slavery, which have cost us millions, have driven them to it?

It would, in my opinion, be wise to seize this first moment of success to do proudly, what long since we ought to have done wisely — To repeal the obnoxious acts — To put things on the footing they stood on in 1763 — To unite this country, and to give a justification to your friends in America, for adhering to the free and

reasonable dependence of that country on this — This salutary and wholesome end, is not to be effected by evasion and chicanery.

“Means of conciliation,”

one of the new invented phrases, that aims to convey a sense which facts will not support. It would convey to the reader, that terms and conditions of reconciliation have been rejected by the Americans. It is a truth now universally notorious, that no terms have been offered to them. Lord George Germaine at the end of last session, positively and justly declared, that the commission neither had, nor could have powers of giving other terms of peace; except those of pardon on the laying down their arms. It carried simply the power of accepting

“unconditioned submission.”

In the dialect of ministers, this is means of conciliation; in the language of common sense, it is a declaration of an eternal war. But, to make peace, terms and conditions must be held out; and to satisfy our grand idea of dignity, they ought to be held now, in this first moment of success. For can we affirm, that war, however successful, is not liable to reverses of fortune? No man can say where a spark may arise from the apparently extinguished fire of revolt and insurrection.

In the beginning of these troubles, the majority in both Houses have not been ashamed to vote the rebellion in America, as confined to one spot; when the very same distemper, whatever it was, raged over the whole continent. This was done to instigate a civil war; why should they be ashamed of a similar finesse to restore domestic peace, at a time too when we are threatened with the hostility of foreign powers? Let them now vote, that all America is subdued, and to a people conquered, graciously bestow

“the blessings of peace and the security of liberty.”

The success, real or pretended, may, if they please, be made the preamble to the act of repeal and settlement.

If war be not exempt from mutability, even in this hitherto single handed war with our Colonies alone, what will be the consequences of an unfavourable turn in a war with France and Spain united? I would not therefore put my whole trust in war, so as to neglect every thing else; lest, agreeably to the ministerial prognostic,) tho’ I am far from presuming to adopt the lofty tone of the epithets so becoming them, but so little becoming me,)

“if their treason be suffered to take root, much mischief must grow from it, to the safety of the loyal Colonies — to the commerce of these kingdoms; — and indeed to the present system of all Europe.”

May treason (since this revolt must be so) never take root from the continuance of tyranny! — This is my prayer. My Lords the Bishops will hardly find a better, in their form for the fast.

You will not be farther troubled on these American affairs by your humble servant, and his country’s true, disinterested, and uninfluenced friend.

VALENS.

REPORT FROM THE SELECT COMMITTEE ON INDIA



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NINTH REPORT
OF THE
SELECT COMMITTEE OF THE HOUSE OF COMMONS
ON
THE AFFAIRS OF INDIA.

June 25, 1783.

NINTH REPORT

From the SELECT COMMITTEE [of the House of Commons] appointed to take into consideration the state of the administration of justice in the provinces of Bengal, Bahar, and Orissa, and to report the same, as it shall appear to them, to the House, with their observations thereupon; and who were instructed to consider how the British possessions in the East Indies may be held and governed with the greatest security and advantage to this country, and by what means the happiness of the native inhabitants may be best promoted.

I. — OBSERVATIONS ON THE STATE OF THE COMPANY'S AFFAIRS IN INDIA.

In order to enable the House to adopt the most proper means for regulating the British government in India, and for promoting the happiness of the natives who live under its authority or influence, your Committee hold it expedient to collect into distinct points of view the circumstances by which that government appears to them to be most essentially disordered, and to explain fully the principles of policy and the course of conduct by which the natives of all ranks and orders have been reduced to their present state of depression and misery.

Your Committee have endeavored to perform this task in plain and popular language, knowing that nothing has alienated the House from inquiries absolutely necessary for the performance of one of the most essential of all its duties so much as the technical language of the Company's records, as the Indian names of persons, of offices, of the tenure and qualities of estates, and of all the varied branches of their intricate revenue. This language is, indeed, of necessary use in the executive departments of the Company's affairs; but it is not necessary to Parliament. A language so foreign from all the ideas and habits of the far greater part of the members of this House has a tendency to disgust them with all sorts of inquiry concerning this subject. They are fatigued into such a despair of ever obtaining a competent knowledge of the transactions in India, that they are easily persuaded to remand them back to that obscurity, mystery, and intrigue out of which they have been forced upon public notice by the calamities arising from their extreme mismanagement. This mismanagement has itself, as your Committee conceive, in a great measure arisen from dark cabals, and secret suggestions to persons in power, without a regular public inquiry into the good or evil tendency of any measure, or into the merit or demerit of any person intrusted with the Company's concerns.

Present laws relating to the East India Company, and internal and external policy. The plan adopted by your Committee is, first, to consider the law regulating the East India Company, as it now stands, — and, secondly, to inquire into the circumstances of the two great links of connection by which the territorial possessions in India are united to this kingdom, namely, the Company's commerce, and the government exercised under the charter and under acts of Parliament. The last [first] of these objects, the commerce, is taken in two points of view: the *external*, or the direct trade between India and Europe, and the *internal*, that is to say, the trade of Bengal, in all the articles of produce and manufacture which furnish the Company's investment.

The government is considered by your Committee under the like descriptions of internal and external. The internal regards the communication between the Court of

Directors and their servants in India, the management of the revenue, the expenditure of public money, the civil administration, the administration of justice, and the state of the army. The external regards, first, the conduct and maxims of the Company's government with respect to the native princes and people dependent on the British authority, — and, next, the proceedings with regard to those native powers which are wholly independent of the Company. But your Committee's observations on the last division extend to those matters only which are not comprehended in the Report of the Committee of Secrecy. Under these heads, your Committee refer to the most leading particulars of abuse which prevail in the administration of India, — deviating only from this order where the abuses are of a complicated nature, and where one cannot be well considered independently of several others.

Second attempt made by Parliament for a reformation. Your Committee observe, that this is the second attempt made by Parliament for the reformation of abuses in the Company's government. It appears, therefore, to them a necessary preliminary to this second undertaking, *to consider the causes which, in their opinion, have produced the failure of the first*, — that the defects of the original plan may be supplied, its errors corrected, and such useful regulations as were then adopted may be further explained, enlarged, and enforced.

Proceedings of session 1773. The first design of this kind was formed in the session of the year 1773. In that year, Parliament, taking up the consideration of the affairs of India, through two of its committees collected a very great body of details concerning the interior economy of the Company's possessions, and concerning many particulars of abuse which prevailed at the time when those committees made their ample and instructive reports. But it does not appear that the body of regulations enacted in that year, that is, in the East India Act of the thirteenth of his Majesty's reign, were altogether grounded on that information, but were adopted rather on probable speculations and general ideas of good policy and good government. New establishments, civil and judicial, were therefore formed at a very great expense, and with much complexity of constitution. Checks and counter-checks of all kinds were contrived in the execution, as well as in the formation of this system, in which all the existing authorities of this kingdom had a share: for Parliament appointed the members of the presiding part of the new establishment, the Crown appointed the judicial, and the Company preserved the nomination of the other officers. So that, if the act has not fully answered its purposes, the failure cannot be attributed to any want of officers of every description, or to the deficiency of any mode of patronage in their appointment. The cause must be sought elsewhere.

Powers and objects of act of 1773, and the effects thereof. The act had in its view (independently of several detached regulations) five fundamental objects.

1st. The reformation of the Court of Proprietors of the East India Company.

2ndly. A new model of the Court of Directors, and an enforcement of their authority over the servants abroad.

3rdly. The establishment of a court of justice capable of protecting the natives from the oppressions of British subjects.

4thly. The establishment of a general council, to be seated in Bengal, whose authority should, in many particulars, extend over all the British settlements in India.

5thly. To furnish the ministers of the crown with constant information concerning the whole of the Company's correspondence with India, in order that they might be enabled to inspect the conduct of the Directors and servants, and to watch over the execution of all parts of the act; that they might be furnished with matter to lay before Parliament from time to time, according as the state of things should render regulation or animadversion necessary.

Court of Proprietors. The first object of the policy of this act was to improve the constitution of the Court of Proprietors. In this case, as in almost all the rest, the remedy was not applied directly to the disease. The complaint was, that factions in the Court of Proprietors had shown, in several instances, a disposition to support the servants of the Company against the just coercion and legal prosecution of the Directors. Instead of applying a corrective to the distemper, a change was proposed in the constitution. By this reform, it was presumed that an interest would arise in the General Court more independent in itself, and more connected with the commercial prosperity of the Company. New qualification. Under the new constitution, no proprietor, not possessed of a thousand pounds capital stock, was permitted to vote in the General Court: before the act, five hundred pounds was a sufficient qualification for one vote; and no value gave more. But as the lower classes were disabled, the power was increased in the higher: proprietors of three thousand pounds were allowed two votes; those of six thousand were entitled to three; ten thousand pounds was made the qualification for four. The votes were thus regulated in the scale and gradation of property. On this scale, and on some provisions to prevent occasional qualifications and splitting of votes, the whole reformation rested.

Several essential points, however, seem to have been omitted or misunderstood. No regulation was made to abolish the pernicious custom of voting by The ballot. *ballot*, by means of which acts of the highest concern to the Company and to the state might be done by individuals with perfect impunity; and even the body itself might be subjected to a forfeiture of all its privileges for defaults of persons who, so far from being under control, could not be so much as known in any mode of legal cognizance. Indian interest. Nothing was done or attempted to prevent the operation of the interest of delinquent servants of the Company in the General Court, by which they might even come to be their own judges, and, in effect, under another description, to become the masters in that body which ought to govern

them. Nor was anything provided to secure the independency of the proprietary body from the various exterior interests by which it might be disturbed, and diverted from the conservation of that pecuniary concern which the act laid down as the sole security for preventing a collusion between the General Court and the powerful delinquent servants in India. The whole of the regulations concerning the Court of Proprietors relied upon two principles, which have often proved fallacious: namely, that small numbers were a security against faction and disorder; and that integrity of conduct would follow the greater property. In no case could these principles be less depended upon than in the affairs of the East India Company. However, by wholly cutting off the lower, and adding to the power of the higher classes, it was supposed that the higher would keep their money in that fund to make profit, — that the vote would be a secondary consideration, and no more than a guard to the property, — and that therefore any abuse which tended to depreciate the value of their stock would be warmly resented by such proprietors.

If the ill effects of every misdemeanor in the Company's servants were to be *immediate*, and had a tendency to lower the value of the stock, something might justly be expected from the pecuniary security taken by the act. But from the then state of things, it was more than probable that proceedings ruinous to the permanent interest of the Company might commence in great lucrative advantages. Against this evil large pecuniary interests were rather the reverse of a remedy. Accordingly, the Company's servants have ever since covered over the worst oppressions of the people under their government, and the most cruel and wanton ravages of all the neighboring countries, by holding out, and for a time actually realizing, additions of revenue to the territorial funds of the Company, and great quantities of valuable goods to their investment.

Proprietors. But this consideration of mere income, whatever weight it might have, could not be the first object of a proprietor, in a body so circumstanced. The East India Company is not, like the Bank of England, a mere moneyed society for the sole purpose of the preservation or improvement of their capital; and therefore every attempt to regulate it upon the same principles must inevitably fail. When it is considered that a certain share in the stock gives a share in the government of so vast an empire, with such a boundless patronage, civil, military, marine, commercial, and financial, in every department of which such fortunes have been made as could be made nowhere else, it is impossible not to perceive that capitals far superior to any qualifications appointed to proprietors, or even to Directors, would readily be laid out for a participation in that power. The India proprietor, therefore, will always be, in the first instance, a politician; and the bolder his enterprise, and the more corrupt his views, the less will be his consideration of the price to be paid for compassing them. The new regulations did not reduce the number so low as not to leave the assembly still liable to all the disorder which might be supposed to arise from multitude. But if the principle had been well

established and well executed, a much greater inconveniency grew out of the reform than that which had attended the old abuse: for if tumult and disorder be lessened by reducing the number of proprietors, private cabal and intrigue are facilitated at least in an equal degree; and it is cabal and corruption, rather than disorder and confusion, that was most to be dreaded in transacting the affairs of India. Whilst the votes of the smaller proprietors continued, a door was left open for the public sense to enter into that society: since that door has been closed, the proprietary has become, even more than formerly, an aggregate of private interests, which subsist at the expense of the collective body. At the moment of this revolution in the proprietary, as it might naturally be expected, those who had either no very particular interest in their vote or but a petty object to pursue immediately disqualified; but those who were deeply interested in the Company's patronage, those who were concerned in the supply of ships and of the other innumerable objects required for their immense establishments, those who were engaged in contracts with the Treasury, Admiralty, and Ordnance, together with the clerks in public offices, found means of securing qualifications at the enlarged standard. All these composed a much greater proportion than formerly they had done of the proprietary body.

Against the great, predominant, radical corruption of the Court of Proprietors the raising the qualification proved no sort of remedy. The return of the Company's servants into Europe poured in a constant supply of proprietors, whose ability to purchase the highest qualifications for themselves, their agents, and dependants could not be dubious. And this latter description form a very considerable, and by far the most active and efficient part of that body. To add to the votes, which is adding to the power in proportion to the wealth, of men whose very offences were supposed to consist in acts which lead to the acquisition of enormous riches, appears by no means a well-considered method of checking rapacity and oppression. In proportion as these interests prevailed, the means of cabal, of concealment, and of corrupt confederacy became far more easy than before. Accordingly, there was no fault with respect to the Company's government over its servants, charged or chargeable on the General Court as it originally stood, of which since the reform it has not been notoriously guilty. It was not, therefore, a matter of surprise to your Committee, that the General Court, so composed, has at length grown to such a degree of contempt both of its duty and of the permanent interest of the whole corporation as to put itself into open defiance of the salutary admonitions of this House, given for the purpose of asserting and enforcing the legal authority of their own body over their own servants.

The failure in this part of the reform of 1773 is not stated by your Committee as recommending a return to the ancient constitution of the Company, which was nearly as far as the new from containing any principle tending to the prevention or remedy of abuses, — but to point out the probable failure of any future regulations

which do not apply directly to the grievance, but which may be taken up as experiments to ascertain theories of the operation of councils formed of greater or lesser numbers, or such as shall be composed of men of more or less opulence, or of interests of newer or longer standing, or concerning the distribution of power to various descriptions or professions of men, or of the election to office by one authority rather than another.

Court of Directors. The second object of the act was the Court of Directors. Under the arrangement of the year 1773 that court appeared to have its authority much strengthened. It was made less dependent than formerly upon its constituents, the proprietary. The duration of the Directors in office was rendered more permanent, and the tenure itself diversified by a varied and intricate rotation. At the same time their authority was held high over their servants of all descriptions; and the only rule prescribed to the Council-General of Bengal, in the exercise of the large and ill-defined powers given to them, was that they were to yield obedience to the orders of the Court of Directors. As to the Court of Directors itself, it was left with very little regulation. The custom of ballot, infinitely the most mischievous in a body possessed of all the ordinary executive powers, was still left; and your Committee have found the ill effects of this practice in the course of their inquiries. Nothing was done to oblige the Directors to attend to the promotion of their servants according to their rank and merits. In judging of those merits nothing was done to bind them to any observation of what appeared on their records. Nothing was done to compel them to prosecution or complaint where delinquency became visible. The act, indeed, prescribed that no servant of the Company abroad should be eligible into the direction until two years after his return to England. But as this regulation rather presumes than provides for an inquiry into their conduct, a very ordinary neglect in the Court of Directors might easily defeat it, and a short remission might in this particular operate as a total indemnity. In fact, however, the servants have of late seldom attempted a seat in the direction, — an attempt which might possibly rouse a dormant spirit of inquiry; but, satisfied with an interest in the proprietary, they have, through that name, brought the direction very much under their own control.

As to the general authority of the Court of Directors, there is reason to apprehend that on the whole it was somewhat degraded by the act whose professed purpose was to exalt it, and that the only effect of the Parliamentary sanction to their orders has been, that along with those orders the law of the land has been despised and trampled under foot. The Directors were not suffered either to nominate or to remove those whom they were empowered to instruct; from masters they were reduced to the situation of complainants, — a situation the imbecility of which no laws or regulations could wholly alter; and when the Directors were afterwards restored in some degree to their ancient power, on the expiration of the lease given to their principal servants, it became impossible for them to recover any

degree of their ancient respect, even if they had not in the mean time been so modelled as to be entirely free from all ambition of that sort.

From that period the orders of the Court of Directors became to be so habitually despised by their servants abroad, and at length to be so little regarded even by themselves, that this contempt of orders forms almost the whole subject-matter of the voluminous reports of two of your committees. If any doubt, however, remains concerning the cause of this fatal decline of the authority of the Court of Directors, no doubt whatsoever can remain of the fact itself, nor of the total failure of one of the great leading regulations of the act of 1773.

Supreme Court of Judicature. The third object was a new judicial arrangement, the chief purpose of which was to form a strong and solid security for the natives against the wrongs and oppressions of British subjects resident in Bengal. An operose and expensive establishment of a Supreme Court was made, and charged upon the revenues of the country. The charter of justice was by the act left to the crown, as well as the appointment of the magistrates. The defect in the institution seemed to be this, — that no rule was laid down, either in the act or the charter, by which the court was to judge. No descriptions of offenders or species of delinquency were properly ascertained, according to the nature of the place, or to the prevalent mode of abuse. Provision was made for the administration of justice in the remotest part of Hindostan as if it were a province in Great Britain. Your Committee have long had the constitution and conduct of this court before them, and they have not yet been able to discover very few instances (not one that appears to them of leading importance) of relief given to the natives against the corruptions or oppressions of British subjects in power, — though they do find one very strong and marked instance of the judges having employed an unwarrantable extension or application of the municipal law of England, to destroy a person of the highest rank among those natives whom they were sent to protect. One circumstance rendered the proceeding in this case fatal to all the good purposes for which the court had been established. The sufferer (the Rajah Nundcomar) appears, at the very time of this extraordinary prosecution, a discoverer of some particulars of illicit gain then charged upon Mr. Hastings, the Governor-General. Although in ordinary cases, and in some lesser instances of grievance, it is very probable that this court has done its duty, and has been, as every court must be, of some service, yet one example of this kind must do more towards deterring the natives from complaint, and consequently from the means of redress, than many decisions favorable to them, in the ordinary course of proceeding, can do for their encouragement and relief. So far as your Committee has been able to discover, the court has been generally terrible to the natives, and has distracted the government of the Company without substantially reforming any one of its abuses.

This court, which in its constitution seems not to have had sufficiently in view the necessities of the people for whose relief it was intended, and was, or thought itself,

bound in some instances to too strict an adherence to the forms and rules of English practice, in others was framed upon principles perhaps too remote from the constitution of English tribunals. By the usual course of English practice, the far greater part of the redress to be obtained against oppressions of power is by process in the nature of civil actions. In these a trial by jury is a necessary part, with regard to the finding the offence and to the assessment of the damages. Both these were in the charter of justice left entirely to the judges. It was presumed, and not wholly without reason, that the British subjects were liable to fall into factions and combinations, in order to support themselves in the abuses of an authority of which every man might in his turn become a sharer. And with regard to the natives, it was presumed (perhaps a little too hastily) that they were not capable of sharing in the functions of jurors. But it was not foreseen that the judges were also liable to be engaged in the factions of the settlement, — and if they should ever happen to be so engaged, that the native people were then without that remedy which obviously lay in the chance that the court and jury, though both liable to bias, might not easily unite in the same identical act of injustice. Your Committee, on full inquiry, are of opinion *that the use of juries is neither impracticable nor dangerous in Bengal.*

Your Committee refer to their report made in the year 1781, for the manner in which this court, attempting to extend its jurisdiction, and falling with extreme severity on the native magistrates, a violent contest arose between the English judges and the English civil authority. This authority, calling in the military arm, (by a most dangerous example,) overpowered, and for a while suspended, the functions of the court; but at length those functions, which were suspended by the quarrel of the parties, were destroyed by their reconciliation, and by the arrangements made in consequence of it. By these the court was virtually annihilated; or if substantially it exists, it is to be apprehended it exists only for purposes very different from those of its institution.

The fourth object of the act of 1773 was the Council-General. This institution was intended to produce uniformity, consistency, and the effective coöperation of all the settlements in their common defence. By the ancient constitution of the Company's foreign settlements, they were each of them under the orders of a President or Chief, and a Council, more or fewer, according to the discretion of the Company. Among those, Parliament (probably on account of the largeness of the territorial acquisitions, rather than the conveniency of the situation) chose Bengal for the residence of the controlling power, and, dissolving the Presidency, appointed a new establishment, upon a plan somewhat similar to that which had prevailed before; but the number was smaller. This establishment was composed of a Governor-General and four Counsellors, all named in the act of Parliament. They were to hold their offices for five years, after which term the patronage was to revert to the Court of Directors. In the mean time such vacancies as should happen were to be filled by that court, with the concurrence of the crown. The first Governor-

General and one of the Counsellors had been old servants of the Company; the others were new men.

On this new arrangement the Courts of Proprietors and Directors considered the details of commerce as not perfectly consistent with the enlarged sphere of duty and the reduced number of the Council. Therefore, to relieve them from this burden, they instituted a new office, called the Board of Trade, for the subordinate management of their commercial concerns, and appointed eleven of the senior servants to fill the commission.

Object of powers to Governor-General and Council. The powers given by the act to the new Governor-General and Council had for their direct object the kingdom of Bengal and its dependencies. Within that sphere (and it is not a small one) their authority extended over all the Company's concerns of whatever description. In matters of peace and war it seems to have been meant that the other Presidencies should be subordinate to their board. But the law is loose and defective, where it professes to restrain the subordinate Presidencies from making war without the consent and approbation of the Supreme Council. They are left free to act without it *in cases of imminent necessity, or where they shall have received special orders from the Company*. The first exception leaves it open to the subordinate to judge of the necessity of measures which, when taken, bind or involve the superior: the second refers a question of peace or war to two jurisdictions, which may give different judgments. In both instances cases in point have occurred. With regard to their local administration, their powers were exceedingly and dangerously loose and undetermined. Their powers were not given directly, but in words of reference, in which neither the objects related to nor the mode of the relation were sufficiently expressed. Their legislative and executive capacities were not so accurately drawn, and marked by such strong and penal lines of distinction, as to keep these capacities separate. Where legislative and merely executive powers were lodged in the same hands, the legislative, which is the larger and the more ready for all occasions, was constantly resorted to. The Governor-General and Council, therefore, immediately gave constructions to their ill-defined authority which rendered it perfectly despotic, — constructions which if they were allowed, no action of theirs ought to be regarded as criminal.

Armed as they were with an authority in itself so ample, and by abuse so capable of an unlimited extent, very few, and these very insufficient correctives, were administered. Ample salaries were provided for them, which indeed removed the necessity, but by no means the inducements to corruption and oppression. Nor was any barrier whatsoever opposed on the part of the natives against their injustice, except the Supreme Court of Judicature, which never could be capable of controlling a government with such powers, without becoming such a government itself.

There was, indeed, a prohibition against all concerns in trade to the whole Council, and against all taking of presents by any in authority. A right of prosecution in the King's Bench was also established; but it was a right the exercise of which is difficult, and in many, and those the most weighty cases, impracticable. No considerable facilities were given to prosecution in Parliament; nothing was done to prevent complaint from being far more dangerous to the sufferer than injustice to the oppressor. No overt acts were fixed, upon which corruption should be presumed in transactions of which secrecy and collusion formed the very basis; no rules of evidence nor authentic mode of transmission were settled in conformity to the unalterable circumstances of the country and the people.

Removal of servants. One provision, indeed, was made for restraining the servants, in itself very wise and substantial: a delinquent once dismissed, could not be restored, but by the votes of three fourths of the Directors and three fourths of the proprietors: this was well aimed. But no method was settled for bringing delinquents to the question of removal: and if they should be brought to it, a door lay wide open for evasion of the law, and for a return into the service, in defiance of its plain intention, — that is, by resigning to avoid removal; by which measure this provision of the act has proved as unoperative as all the rest. By this management a mere majority may bring in the greater delinquent, whilst the person removed for offences comparatively trivial may remain excluded forever.

Council-General The new Council nominated in the act was composed of two totally discordant elements, which soon distinguished themselves into permanent parties. One of the principal instructions which the three members of the Council sent immediately from England, namely, General Clavering, Colonel Monson, and Mr. Francis, carried out with them was, to “*cause the strictest inquiry to be made into all oppressions and abuses,*” among which *the practice of receiving presents from the natives*, at that time generally charged upon men in power, was principally aimed at.

Presents to any considerable value were justly reputed by the legislature, not as marks of attention and respect, but as bribes or extortions, for which either the beneficial and gratuitous duties of government were sold, or they were the price paid for acts of partiality, or, finally, they were sums of money extorted from the givers by the terrors of power. Against the system of presents, therefore, the new commission was in general opinion particularly pointed. In the commencement of reformation, at a period when a rapacious conquest had overpowered and succeeded to a corrupt government, an act of indemnity might have been thought advisable; perhaps a new account ought to have been opened; all retrospect ought to have been forbidden, at least to certain periods. If this had not been thought advisable, none in the higher departments of a suspected and decried government ought to have been kept in their posts, until an examination had rendered their proceedings clear, or until length of time had obliterated, by an even course of irreproachable conduct,

the errors which so naturally grow out of a new power. But the policy adopted was different: it was to begin with *examples*. The cry against the abuses was strong and vehement throughout the whole nation, and the practice of presents was represented to be as general as it was mischievous. In such a case, indeed in any case, it seemed not to be a measure the most provident, without a great deal of previous inquiry, to place two persons, who from their situation must be the most exposed to such imputations, in the commission which was to inquire into their own conduct, — much less to place one of them at the head of that commission, and with a casting vote in case of an equality. The persons who could not be liable to that charge were, indeed, three to two; but any accidental difference of opinion, the death of any one of them or his occasional absence or sickness, threw the whole power into the hands of the other two, who were Mr. Hastings and Mr. Barwell, one the President, and the other high in the Council of that establishment on which the reform was to operate. Thus those who were liable to process as delinquents were in effect set over the reformers; and that did actually happen which might be expected to happen from so preposterous an arrangement: a stop was soon put to all inquiries into the capital abuses.

Nor was the great political end proposed in the formation of a superintending Council over all the Presidencies better answered than that of an inquiry into corruptions and abuses. The several Presidencies have acted in a great degree upon their own separate authority; and as little of unity, concert, or regular system has appeared in their conduct as was ever known before this institution. India is, indeed, so vast a country, and the settlements are so divided, that their intercourse with each other is liable to as many delays and difficulties as the intercourse between distant and separate states. But one evil may possibly have arisen from an attempt to produce an union, which, though undoubtedly to be aimed at, is opposed in some degree by the unalterable nature of their situation, — that it has taught the servants rather to look to a superior among themselves than to their common superiors. This evil, growing out of the abuse of the principle of subordination, can only be corrected by a very strict enforcement of authority over that part of the chain of dependence which is next to the original power.

Powers given to the ministers of the crown. That which your Committee considers as the fifth and last of the capital objects of the act, and as the binding regulation of the whole, is the introduction (then for the first time) of the ministers of the crown into the affairs of the Company. The state claiming a concern and share of property in the Company's profits, the servants of the crown were presumed the more likely to preserve with a scrupulous attention the sources of the great revenues which they were to administer, and for the rise and fall of which they were to render an account.

The interference of government was introduced by this act in two ways: one by a control, in effect by a share, in the appointment to vacancies in the Supreme

Council. The act provided that his Majesty's approbation should be had to the persons named to that duty. Partaking thus in the patronage of the Company, administration was bound to an attention to the characters and capacities of the persons employed in that high trust. The other part of their interference was by way of inspection. By this right of inspection, everything in the Company's correspondence from India, which related to the civil or military affairs and government of the Company, was directed by the act to be within fourteen days after the receipt laid before the Secretary of State, and everything that related to the management of the revenues was to be laid before the Commissioners of the Treasury. In fact, both description of these papers have been generally communicated to that board.

Defects in the plan. It appears to your Committee that there were great and material defects in both parts of the plan. With regard to the approbation of persons nominated to the Supreme Council by the Court of Directors, no sufficient means were provided for carrying to his Majesty, along with the nomination, the particulars in the conduct of those who had been in the service before, which might render them proper objects of approbation or rejection. The India House possesses an office of record capable of furnishing, in almost all cases, materials for judging on the behavior of the servants in their progress from the lowest to the highest stations; and the whole discipline of the service, civil and military, must depend upon an examination of these records inseparably attending every application for an appointment to the highest stations. But in the present state of the nomination the ministers of the crown are not furnished with the proper means of exercising the power of control intended by the law, even if they were scrupulously attentive to the use of it. There are modes of proceeding favorable to neglect. Others excite inquiry and stimulate to vigilance.

Proposition to remedy them. Your Committee, therefore, are of opinion, that for the future prevention of cabal, and of private and partial representation, whether above or below, that, whenever any person who has been in the service shall be recommended to the King's ministers to fill a vacancy in the Council-General, the Secretary of the Court of Directors shall be ordered to make a strict search into the records of the Company, and shall annex to the recommendation the reasons of the Court of Directors for their choice, together with a faithful copy of whatever shall be found (if anything can be found) relative to his character and conduct, — as also an account of his standing in the Company's service, the time of his abode in India, the reasons for his return, and the stations, whether civil or military, in which he has been successively placed.

With this account ought to be transmitted the names of those who were proposed as candidates for the same office, with the correspondent particulars relative to their conduct and situation: for not only the separate, but the comparative merit, probably would, and certainly ought, to have great influence in the approbation or rejection of

the party presented to the ministers of the crown. These papers should be laid before the Commissioners of the Treasury and one of the Secretaries of State, and entered in books to be kept in the Treasury and the Secretary's office.

Appointment of Counsellors, &c. These precautions, in case of the nomination of any who have served the Company, appear to be necessary from the improper nomination and approbation of Mr. John Macpherson's appointment. Macpherson, notwithstanding the objections which stood against him on the Company's records. The choice of Mr. John Stables's. Stables, from an inferior military to the highest civil capacity, was by no means proper, nor an encouraging example to either service. His conduct, indeed, in the subaltern military situation, had received, and seems to have deserved, commendation; but no sufficient ground was furnished for confounding the lines and gradations of service. This measure was, however, far less exceptionable than the former; because an irregular choice of a less competent person, and the preference given to proved delinquency in prejudice to uncensured service, are very different things. But even this latter appointment would in all likelihood have been avoided, if rules of promotion had been established. If such rules were settled, candidates qualified from ability, knowledge, and service would not be discouraged by finding that everything was open to every man, and that favor alone stood in the place of civil or military experience. The elevation from the lowest stations unfaithfully and negligently filled to the highest trusts, the total inattention to rank and seniority, and, much more, the combination of this neglect of rank with a confusion (unaccompanied with strong and evident reasons) of the lines of service, cannot operate as useful examples on those who serve the public in India. These servants, beholding men who have been condemned for improper behavior to the Company in inferior civil stations elevated above them, or (what is less blamable, but still mischievous) persons without any distinguished civil talents taken from the subordinate situations of another line to their prejudice, will despair by any good behavior of ascending to the dignities of their own: they will be led to improve, to the utmost advantage of their fortune, the lower stages of power, and will endeavor to make up in lucre what they can never hope to acquire in station.

The temporary appointment by Parliament of the Supreme Council of India arose from an opinion that the Company, at that time at least, was not in a condition or not disposed to a proper exercise of the privileges which they held under their charter. It therefore behoved the Directors to be particularly attentive to their choice of Counsellors, on the expiration of the period during which their patronage had been suspended. The duties of the Supreme Council had been reputed of so arduous a nature as to require even a legislative interposition. They were called upon, by all possible care and impartiality, to justify Parliament at least as fully in the restoration of their privileges as the circumstances of the time had done in their suspension.

But interests have lately prevailed in the Court of Directors, which, by the violation of every rule, seemed to be resolved on the destruction of those privileges of which they were the natural guardians. Every new power given has been made the source of a new abuse; and the acts of Parliament themselves, which provide but imperfectly for the prevention of the mischief, have, it is to be feared, made provisions (contrary, without doubt, to the intention of the legislature) which operate against the possibility of any cure in the ordinary course.

In the original institution of the Supreme Council, reasons may have existed against rendering the tenure of the Counsellors in their office precarious. A plan of reform might have required the permanence of the persons who were just appointed by Parliament to execute it. But the act of 1780 gave a duration coexistent with the statute itself to a Council not appointed by act of Parliament, nor chosen for any temporary or special purpose; by which means the servants in the highest situation, let their conduct be never so grossly criminal, cannot be removed, unless the Court of Directors and ministers of the crown can be found to concur in the same opinion of it. The prevalence of the Indian factions in the Court of Directors and Court of Proprietors, and sometimes in the state itself, renders this agreement extremely difficult: if the principal members of the Direction should be in a conspiracy with any principal servant under censure, it will be impracticable; because the first act must originate there. The reduced state of the authority of this kingdom in Bengal may be traced in a great measure to that very natural source of independence. In many cases the instant removal of an offender from his power of doing mischief is the only mode of preventing the utter and perhaps irretrievable ruin of public affairs. In such a case the process ought to be simple, and the power absolute in one or in either hand separately. By contriving the balance of interests formed in the act, notorious offence, gross error, or palpable insufficiency have many chances of retaining and abusing authority, whilst the variety of representations, hearings, and conferences, and possibly the mere jealousy and competition between rival powers, may prevent any decision, and at length give time and means for settlements and compromises among parties, made at the expense of justice and true policy. But this act of 1780, not properly distinguishing judicial process from executive arrangements, requires in effect nearly the same degree of solemnity, delay, and detail for removing a political inconvenience which attends a criminal proceeding for the punishment of offences. It goes further, and gives the same tenure to all who shall succeed to vacancies which was given to those whom the act found in office.

Another regulation was made in the act, which has a tendency to render the control of delinquency or the removal of incapacity in the Council-General extremely difficult, as well as to introduce many other abuses into the original appointment of Counsellors. Provisional appointment for vacancies. The inconveniences of a vacancy in that important office, at a great distance from the authority that is to fill it, were visible; but your Committee have doubts whether

they balance the mischief which may arise from the power given in this act, of a provisional appointment to vacancies, not on the event, but on foresight. This mode of providing for the succession has a tendency to promote cabal, and to prevent inquiry into the qualifications of the persons to be appointed. An attempt has been actually made, in consequence of this power, in a very marked manner, to confound the whole order and discipline of the Company's service. Means are furnished thereby for perpetuating the powers of some given Court of Directors. They may forestall the patronage of their successors, on whom they entail a line of Supreme Counsellors and Governors-General. And if the exercise of this power should happen in its outset to fall into bad hands, the ordinary chances for mending an ill choice upon death or resignation are cut off.

In these provisional arrangements it is to be considered that the appointment is not in consequence of any marked event which calls strongly on the attention of the public, but is made at the discretion of those who lead in the Court of Directors, and may therefore be brought forward at times the most favorable to the views of partiality and corruption. Candidates have not, therefore, the notice that may be necessary for their claims; and as the possession of the office to which the survivors are to succeed seems remote, all inquiry into the qualifications and character of those who are to fill it will naturally be dull and languid.

Your Committee are not also without a grounded apprehension of the ill effect on any existing Council-General of all strong marks of influence and favor which appear in the subordinates of Bengal. This previous designation to a great and arduous trust, (the greatest that can be reposed in subjects,) when made out of any regular course of succession, marks that degree of countenance and support at home which may overshadow the existing government. That government may thereby be disturbed by factions, and led to corrupt and dangerous compliances. At best, when these Counsellors elect are engaged in no fixed employment, and have no lawful intermediate emolument, the natural impatience for their situations may bring on a traffic for resignations between them and the persons in possession, very unfavorable to the interests of the public and to the duty of their situations.

Since the act two persons have been nominated to the ministers of the crown by the Court of Directors for this succession. Neither has yet been approved. But by the description of the persons a judgment may be formed of the principles on which this power is likely to be exercised.

Stuart and Sullivan's appointment to succeed to vacancies. Your Committee find, that, in consequence of the above-mentioned act, the Honorable Charles Stuart and Mr. Sullivan were appointed to succeed to the first vacancies in the Supreme Council. Mr. Stuart's first appointment in the Company's service was in the year 1761. He returned to England in 1775, and was permitted to go back to India in 1780. In August, 1781, he was nominated by the Court of Directors (Mr. Sullivan and Sir William James were Chairman and Deputy-Chairman) to succeed to the

first vacancy in the Supreme Council, and on the 19th of September following his Majesty's approval of such nomination was requested.

Mr. Stuart's situation at the time of his appointment. In the nomination of Mr. Stuart, the consideration of rank in the service was not neglected; but if the Court of Directors had thought fit to examine their records, they would have found matter at least strongly urging them to a suspension of this appointment, until the charges against Mr. Stuart should be fully cleared up. That matter remained (as it still remains) unexplained from the month of May, 1775, where, on the Bengal Revenue Consultations of the 12th of that month, peculations to a large amount are charged upon oath against Mr. Stuart under the following title: "*The Particulars of the Money unjustly taken by Mr. Stuart, during the Time he was at Burdwan.*" The sum charged against him in this account is 2,17,684 Sicca rupees (that is, 25,253*l.* sterling); besides which there is another account with the following title: "*The Particulars of the Money unjustly taken by Callypersaud Bose, Banian to the Honorable Charles Stuart, Esquire, at Burdwan, and amounting to Sicca Rupees 1,01,675*" (that is, 11,785*l.*), — a large sum to be received by a person in that subordinate situation.

The minuteness with which these accounts appear to have been kept, and the precision with which the date of each particular, sometimes of very small sums, is stated, give them the appearance of authenticity, as far as it can be conveyed on the face or in the construction of such accounts, and, if they were forgeries, laid them open to an easy detection. But no detection is easy, when no inquiry is made. It appears an offence of the highest order in the Directors concerned in this business, when, not satisfied with leaving such charges so long unexamined, they should venture to present to the king's servants the object of them for the highest trust which they have to bestow. If Mr. Stuart was really guilty, the possession of this post must furnish him not only with the means of renewing the former evil practices charged upon him, and of executing them upon a still larger scale, but of oppressing those unhappy persons who, under the supposed protection of the faith of the Company, had appeared to give evidence concerning his former misdemeanors.

This attempt in the Directors was the more surprising, when it is considered that two committees of this House were at that very time sitting upon an inquiry that related directly to their conduct, and that of their servants in India.

It was in the same spirit of defiance of Parliament, that at the same time they nominated Mr. Sullivan, son to the then Chairman of the Court Mr. Sullivan's situation at the time of his appointment. of Directors, to the succession to the same high trust in India. On these appointments, your Committee thought it proper to make those inquiries which the Court of Directors thought proper to omit. They first conceived it fitting to inquire what rank Mr. Sullivan bore in the service; and they thought it not unnecessary here to state the gradations in the service, according to the established usage of the Company.

The Company's civil servants generally go to India as *writers*, in which capacity they serve the Company *five years*. The next step, in point of rank, is to be a *factor*, and next to that a *junior merchant*; in each of which capacities they serve the Company *three years*. They then rise to the rank of *senior merchant*, in which situation they remain till called by rotation to the *Board of Trade*. Until the passing of the Regulation Act, in 1773, seniority entitled them to succeed to the *Council*, and finally gave them pretensions to the *government of the Presidency*.

The above gradation of the service, your Committee conceive, ought never to be superseded by the Court of Directors, without evident reason, in persons or circumstances, to justify the breach of an ancient order. The names, whether taken from civil or commercial gradation, are of no moment. The order itself is wisely established, and tends to provide a natural guard against partiality, precipitancy, and corruption in patronage. It affords means and opportunities for an examination into character; and among the servants it secures a strong motive to preserve a fair reputation. Your Committee find that no respect whatsoever was paid to this gradation in the instance of Mr. Sullivan, nor is there any reason assigned for departing from it. They do not find that Mr. Sullivan had ever served the Company in any one of the above capacities, but was, in the year 1777, abruptly brought into the service, and sent to Madras to succeed as Persian Translator and Secretary to the Council.

Your Committee have found a letter from Mr. Sullivan to George Wombwell and William Devaynes, Esquires, Chairman and Deputy-Chairman of the Court of Directors, stating that he trusted *his applications* would have a place in their deliberations when Madras affairs were taken up. Of what nature those applications were your Committee cannot discover, as no traces of them appear on the Company's records, — nor whether any proofs of his ability, even as Persian Translator, which might entitle him to a preference to the many servants in India whose study and opportunities afforded them the means of becoming perfect masters of that language.

On the above letter your Committee find that the Committee of Correspondence proceeded; and on their recommendation the Court of Directors unanimously approved of Mr. Sullivan to be appointed to succeed to the posts of Secretary and Persian Translator.

Mr. Sullivan's succession of offices. Conformably to the orders of the court, Mr. Sullivan succeeded to those posts; and the President and Council acquainted the Court of Directors that they had been obeyed. About five months after, it appears that Mr. Sullivan thought fit to resign the office of Persian Translator, to which he had been appointed by the Directors. In April, 1780, Mr. Sullivan is commended for his *great diligence as Secretary*; in August following he obtains leave to accompany Mrs. Sullivan to Bengal, whence she is to proceed to Europe on account of her health; and he is charged with a commission from the President and Council of Fort

St. George to obtain for that settlement supplies of grain, troops, and money, from the Governor-General and Council of Bengal. In October the Governor-General requests permission of the Council there to employ Mr. Sullivan as his *Assistant*, for that he had experienced (between his arrival in Bengal and that time) the abilities of Mr. Sullivan, and made choice of him as *completely qualified for that trust*; also requests the board to appoint him Judge-Advocate-General, and likewise to apply to the Presidency of Madras for him to remain in Bengal without prejudice to his rank on their establishment: which several requests the board at Madras readily complied with, notwithstanding their natural sensibility to the loss of a Secretary of such ability and diligence as they had described Mr. Sullivan to be.

On the 5th of December following, the President and Council received a letter from Bengal, requesting that Mr. Sullivan might be allowed to keep his rank. This request brought on some discussion. A Mr. Freeman, it seems, who had acted under Mr. Sullivan as Sub-Secretary whilst his principal obtained so much praise for his diligence, addressed the board on the same day, and observed, “that, since Mr. Sullivan’s arrival, *he* [Mr. Freeman] had, *without intermission*, done almost the *whole* of the duty allotted to the post of Secretary, *which it was notorious Mr. Sullivan had paid but little attention to*; and neither his inclination or duty led him to act any longer as Mr. Sullivan’s deputy.”

Here your Committee cannot avoid remarking the direct contradiction which this address of Mr. Freeman’s gives to the letter from the President and Council to the Court of Directors in April, 1780, wherein Mr. Sullivan is praised for his “diligence and attention in his office of Secretary.”

The President and Council do not show any displeasure at Mr. Freeman’s representation, (so contrary to their own,) the truth of which they thus tacitly admit, but agree to write to the Governor-General and Council, “that it could not be supposed that they could carry on the public business for any length of time without *the services of a Secretary* and Clerk of Appeals, two offices that required personal attendance, and which would be a general injury to the servants on their establishment, and in particular to the person who acted in those capacities, as they learnt that Mr. Sullivan had been appointed Judge-Advocate-General in Bengal, — and to request the Governor-General and Council to inform Mr. Sullivan of their sentiments, and to desire him to inform them whether he meant to return to his station or to remain in Bengal.”

On the 5th December, as a mark of their approbation of Mr. Freeman, who had so plainly contradicted their opinion of Mr. Sullivan, the President and Council agree to appoint him to act as Secretary and Clerk of Appeals, till Mr. Sullivan’s answer should arrive, with the emoluments, and to confirm him therein, if Mr. Sullivan should remain in Bengal.

On the 14th February, 1781, the President and Council received a letter from Bengal in reply, and stating their request that Mr. Sullivan might reserve the right of

returning to his original situation on the Madras establishment, if the Court of Directors should disapprove of his being transferred to Bengal. To this request the board at Madras declare they have no objection: and here the matter rests; the Court of Directors not having given any tokens of approbation or disapprobation of the transaction.

Such is the history of Mr. Sullivan's service from the time of his appointment; such were the qualifications, and such the proofs of assiduity and diligence given by him in holding so many incompatible offices, (as well as being engaged in other dealings, which will appear in their place,) when, after three years' desultory residence in India, he was thought worthy to be nominated to the succession to the Supreme Council. No proof whatsoever of distinguished capacity in any line preceded his original appointment to the service: so that the whole of his fitness for the Supreme Council rested upon his conduct and character since his appointment as Persian Translator.

Your Committee find that his Majesty has not yet given his approbation to the nomination, made by the Court of Directors on the 30th of August, 1781, of Messrs. Stuart and Sullivan to succeed to the Supreme Council on the first vacancies, though the Court applied for the royal approbation so long ago as the 19th of September, 1781; and in these instances the king's ministers performed their duty, in withholding their countenance from a proceeding so exceptionable and of so dangerous an example.

Your Committee, from a full view of the situation and duties of the Court of Directors, are of opinion that effectual means ought to be taken for regulating that court in such a manner as to prevent either rivalry with or subserviency to their servants. It might, therefore, be proper for the House to consider whether it is fit that those who are, or have been within some given time, Directors of the Company, should be capable of an appointment to any offices in India. Directors can never properly govern those for whose employments they are or may be themselves candidates; they can neither protect nor coerce them with due impartiality or due authority.

If such rules as are stated by your Committee under this head were observed in the regular service at home and abroad, the necessity of superseding the regular service by strangers would be more rare; and whenever the servants were so superseded, those who put forward other candidates would be obliged to produce a strong plea of merit and ability, which, in the judgment of mankind, ought to overpower pretensions so authentically established, and so rigorously guarded from abuse.

Deficiency of powers to ministers of government. The second object, in this part of the plan, of the act of 1773, namely, that of inspection by the ministers of the crown, appears not to have been provided for, so as to draw the timely and productive attention of the state on the grievances of the people of India, and on the

abuses of its government. By the Regulating Act, the ministers were enabled to inspect one part of the correspondence, that which was received in England, but not that which went outward. They might know something, but that very imperfectly and unsystematically, of the state of affairs; but they were neither authorized to advance nor to retard any measure taken by the Directors in consequence of that state: they were not provided even with sufficient means of knowing what any of these measures were. And this imperfect information, together with the want of a direct call to any specific duty, might have, in some degree, occasioned that remissness which rendered even the imperfect powers originally given by the act of 1773 the less efficient. This defect was in a great measure remedied by a subsequent act; but that act was not passed until the year 1780.

Disorders increased since 1773. Your Committee find that during the whole period which elapsed from 1773 to the commencement of 1782 disorders and abuses of every kind multiplied. Wars contrary to policy and contrary to public faith were carrying on in various parts of India. The allies, dependants, and subjects of the Company were everywhere oppressed; dissensions in the Supreme Council prevailed, and continued for the greater part of that time; the contests between the civil and judicial powers threatened that issue to which they came at last, an armed resistance to the authority of the king's court of justice; the orders which by an act of Parliament the servants were bound to obey were avowedly and on principle contemned; until at length the fatal effects of accumulated misdemeanors abroad and neglects at home broke out in the alarming manner which your Committee have so fully reported to this House.

Proceedings in India not known to Parliament. In all this time the true state of the several Presidencies, and the real conduct of the British government towards the natives, was not at all known to Parliament: it seems to have been very imperfectly known even to ministers. Indeed, it required an unbroken attention, and much comparison of facts and reasonings, to form a true judgment on that difficult and complicated system of politics, revenue, and commerce, whilst affairs were only in their progress to that state which produced the present inquiries. Therefore, whilst the causes of their ruin were in the height of their operation, both the Company and the natives were understood by the public as in circumstances the most assured and most flourishing; insomuch that, whenever the affairs of India were brought before Parliament, as they were two or three times during that period, the only subject-matter of discussion anywise important was concerning the sums which might be taken out of the Company's surplus profits for the advantage of the state. Little was thought of but the disengagement of the Company from their debts in *England*, and to prevent the servants abroad from drawing upon them, so as that body might be enabled, without exciting clamors here, to afford the contribution that was demanded. All descriptions of persons, either here or in India, looking solely to appearances at home, the reputation of the Directors depended on the keeping the

Company's sales in a situation to support the dividend, that of the ministers depended on the most lucrative bargains for the Exchequer, and that of the servants abroad on the largest investments; until at length there is great reason to apprehend, that, unless some very substantial reform takes place in the management of the Company's affairs, nothing will be left for investment, for dividend, or for bargain, and India, instead of a resource to the public, may itself come, in no great length of time, to be reckoned amongst the public burdens.

Inspection of ministers has failed in effect. In this manner the inspection of the ministers of the crown, the great cementing regulation of the whole act of 1773, has, along with all the others, entirely failed in its effect.

Failure in the act. Your Committee, in observing on the failure of this act, do not consider the intrinsic defects or mistakes in the law itself as the sole cause of its miscarriage. The general policy of the nation with regard to this object has been, they conceive, erroneous; and no remedy by laws, under the prevalence of that policy, can be effectual. Before any remedial law can have its just operation, the affairs of India must be restored to their natural order. The prosperity of the natives must be previously secured, before any profit from them whatsoever is attempted. For as long as a system prevails which regards the transmission of great wealth to this country, either for the Company or the state, as its principal end, so long will it be impossible that those who are the instruments of that scheme should not be actuated by the same spirit for their own private purposes. It will be worse: they will support the injuries done to the natives for their selfish ends by new injuries done in favor of those before whom they are to account. It is not reasonably to be expected that a public rapacious and improvident should be served by any of its subordinates with disinterestedness or foresight.

II. — CONNECTION OF GREAT BRITAIN WITH INDIA.

In order to open more fully the tendency of the policy which has hitherto prevailed, and that the House may be enabled, in any regulations which may be made, to follow the tracks of the abuse, and to apply an appropriated remedy to a particular distemper, your Committee think it expedient to consider in some detail the manner in which India is connected with this kingdom, — which is the second head of their plan.

The two great links by which this connection is maintained are, first, the East India Company's commerce, and, next, the government set over the natives by that company and by the crown. The first of these principles of connection, namely, the East India Company's trade, is to be first considered, not only as it operates by itself, but as having a powerful influence over the general policy and the particular measures of the Company's government. Your Committee apprehend that the present state, nature, and tendency of this trade are not generally understood.

Trade to India formerly carried on chiefly in silver. Until the acquisition of great territorial revenues by the East India Company, the trade with India was carried on upon the common principles of commerce, — namely, by sending out such commodities as found a demand in the India market, and, where that demand was not adequate to the reciprocal call of the European market for Indian goods, by a large annual exportation of treasure, chiefly in silver. In some years that export has been as high as six hundred and eighty thousand pounds sterling. The other European companies trading to India traded thither on the same footing. Their export of bullion was probably larger in proportion to the total of their commerce, as their commerce itself bore a much larger proportion to the British than it does at this time or has done for many years past. But stating it to be equal to the British, the whole of the silver sent annually from Europe into Hindostan could not fall very short of twelve or thirteen hundred thousand pounds a year. This influx of money, poured into India by an emulation of all the commercial nations of Europe, encouraged industry and promoted cultivation in a high degree, notwithstanding the frequent wars with which that country was harassed, and the vices which existed in its internal government. On the other hand, the export of so much silver was sometimes a subject of grudging and uneasiness in Europe, and a commerce carried on through such a medium to many appeared in speculation of doubtful advantage. But the practical demands of commerce bore down those speculative objections. The East India commodities were so essential for animating all other branches of trade, and for completing the commercial circle, that all nations contended for it with the greatest avidity. The English company flourished under this exportation for a very long series of years. The nation was considerably benefited both in trade and

in revenue; and the dividends of the proprietors were often high, and always sufficient to keep up the credit of the Company's stock in heart and vigor.

How trade carried on since. But at or very soon after the acquisition of the territorial revenues to the English company, the period of which may be reckoned as completed about the year 1765, a very great revolution took place in commerce as well as in dominion; and it was a revolution which affected the trade of Hindostan with all other European nations, as well as with that in whose favor and by whose power it was accomplished. From that time bullion was no longer regularly exported by the English East India Company to Bengal, or any part of Hindostan; and it was soon exported in much smaller quantities by any other nation. A new way of supplying the market of Europe, by means of the British power and influence, was invented: a species of trade (if such it may be called) by which it is absolutely impossible that India should not be radically and irretrievably ruined, although our possessions there were to be ordered and governed upon principles diametrically opposite to those which now prevail in the system and practice of the British company's administration.

Investments. A certain portion of the revenues of Bengal has been for many years set apart to be employed in the purchase of goods for exportation to England, and this is called the *Investment*. The greatness of this investment has been the standard by which the merit of the Company's principal servants has been too generally estimated; and this main cause of the impoverishment of India has been generally taken as a measure of its wealth and prosperity. Numerous fleets of large ships, loaded with the most valuable commodities of the East, annually arriving in England, in a constant and increasing succession, imposed upon the public eye, and naturally gave rise to an opinion of the happy condition and growing opulence of a country whose surplus productions occupied so vast a space in the commercial world. This export from India seemed to imply also a reciprocal supply, by which the trading capital employed in those productions was continually strengthened and enlarged. But the payment of a tribute, and not a beneficial commerce to that country, wore this specious and delusive appearance.

Increase of expenses. The fame of a great territorial revenue, exaggerated, as is usual in such cases, beyond even its value, and the abundant fortunes of the Company's officers, military and civil, which flowed into Europe with a full tide, raised in the proprietors of East India stock a premature desire of partaking with their servants in the fruits of that splendid adventure. Government also thought they could not be too early in their claims for a share of what they considered themselves as entitled to in every foreign acquisition made by the power of this kingdom, through whatever hands or by whatever means it was made. These two parties, after some struggle, came to an agreement to divide between them the profits which their speculation proposed to realize in England from the territorial revenue in Bengal. About two hundred thousand pounds was added to the annual dividends of the

proprietors. Four hundred thousand was given to the state, which, added to the old dividend, brought a constant charge upon the mixed interest of Indian trade and revenue of eight hundred thousand pounds a year. This was to be provided for at all events.

By that vast demand on the territorial fund, the correctives and qualifications which might have been gradually applied to the abuses in Indian commerce and government were rendered extremely difficult.

Progress of investments. The practice of an investment from the revenue began in the year 1766, before arrangements were made for securing and appropriating an assured fund for that purpose in the treasury, and for diffusing it from thence upon the manufactures of the country in a just proportion and in the proper season. There was, indeed, for a short time, a surplus of cash in the treasury. It was in some shape to be sent home to its owners. To send it out in silver was subject to two manifest inconveniences. First, the country would be exhausted of its circulating medium. A scarcity of coin was already felt in Bengal. Cossim Ali Khân, (the Nabob whom the Company's servants had lately set up, and newly expelled,) during the short period of his power, had exhausted the country by every mode of extortion; in his flight he carried off an immense treasure, which has been variously computed, but by none at less than three millions sterling. A country so exhausted of its coin, and harassed by three revolutions rapidly succeeding each other, was rather an object that stood in need of every kind of refreshment and recruit than one which could subsist under new evacuations. The next, and equally obvious inconvenience, was to the Company itself. To send silver into Europe would be to send it from the best to the worst market. When arrived, the most profitable use which could be made of it would be to send it back to Bengal for the purchase of Indian merchandise. It was necessary, therefore, to turn the Company's revenue into its commerce. The first investment was about five hundred thousand pounds, and care was taken afterwards to enlarge it. In the years 1767 and 1768 it arose to seven hundred thousand.

Consequences of them. This new system of trade, carried on through the medium of power and public revenue, very soon produced its natural effects. The loudest complaints arose among the natives, and among all the foreigners who traded to Bengal. It must unquestionably have thrown the whole mercantile system of the country into the greatest confusion. With regard to the natives, no expedient was proposed for their relief. The case was serious with respect to European powers. The Presidency plainly represented to the Directors, that some agreement should be made with foreign nations for providing their investment to a certain amount, or that the deficiencies then subsisting must terminate in an open rupture with France. The Directors, pressed by the large payments in England, were not free to abandon their system; and all possible means of diverting the manufactures into the Company's investment were still anxiously sought and pursued, until the difficulties of the foreign companies were at length removed by the natural flow of the fortunes

of the Company's servants into Europe, in the manner which will be stated hereafter.

But, with all these endeavors of the Presidency, the investment sunk in 1769, and they were even obliged to pay for a part of the goods to private merchants in the Company's bonds, bearing interest. It was plain that this course of business could not hold. The manufacturers of Bengal, far from being generally in a condition to give credit, have always required advances to be made to them; so have the merchants very generally, — at least, since the prevalence of the English power in India. It was necessary, therefore, and so the Presidency of Calcutta represented the matter, to provide beforehand a year's advance. This required great efforts; and they were made. Notwithstanding the famine in 1770, which wasted Bengal in a manner dreadful beyond all example, the investment, by a variety of successive expedients, many of them of the most dangerous nature and tendency, was forcibly kept up; and even in that forced and unnatural state it gathered strength almost every year. The debts contracted in the infancy of the system were gradually reduced, and the advances to contractors and manufacturers were regularly made; so that the goods from Bengal, purchased from the territorial revenues, from the sale of European goods, and from the produce of the monopolies, for the four years which ended with 1780, when the investment from the surplus revenues finally closed, were never less than a million sterling, and commonly nearer twelve hundred thousand pounds. This million is the lowest value of the goods sent to Europe for which no satisfaction is made.

Remittances from Bengal to China and the Presidencies. About an hundred thousand pounds a year is also remitted from Bengal, on the Company's account, to China; and the whole of the product of that money flows into the direct trade from China to Europe. Besides this, Bengal sends a regular supply in time of peace to those Presidencies which are unequal to their own establishment. To Bombay the remittance in money, bills, or goods, for none of which there is a return, amounts to one hundred and sixty thousand pounds a year at a medium.

Exports from England to India. The goods which are exported from Europe to India consist chiefly of military and naval stores, of clothing for troops, and of other objects for the consumption of the Europeans residing there; and, excepting some lead, copper utensils and sheet copper, woollen cloth, and other commodities of little comparative value, no sort of merchandise is sent from England that is in demand for the wants or desires of the native inhabitants.

Bad effects of investment. When an account is taken of the intercourse (for it is not commerce) which is carried on between Bengal and England, the pernicious effects of the system of investment from revenue will appear in the strongest point of view. In that view, the whole exported produce of the country, so far as the Company is concerned, is not exchanged in the course of barter, but is taken away without any return or payment whatsoever. In a commercial light, therefore,

England becomes annually bankrupt to Bengal to the amount nearly of its whole dealing; or rather, the country has suffered what is tantamount to an annual plunder of its manufactures and its produce to the value of twelve hundred thousand pounds.

Foreign companies. In time of peace, three foreign companies appear at first sight to bring their contribution of trade to the supply of this continual drain. These are the companies of France, Holland, and Denmark. Consequences of their trade. But when the object is considered more nearly, instead of relief, these companies, who from their want of authority in the country might seem to trade upon a principle merely commercial, will be found to add their full proportion to the calamity brought upon Bengal by the destructive system of the ruling power; because the greater part of the capital of all these companies, and perhaps the whole capital of some of them, is furnished exactly as the British is, out of the revenues of the country. The civil and military servants of the English East India Company being restricted in drawing bills upon Europe, and none of them ever making or proposing an establishment in India, a very great part of their fortunes, well or ill gotten, is in all probability thrown, as fast as required, into the cash of these companies.

In all other countries, the revenue, following the natural course and order of things, arises out of their commerce. Here, by a mischievous inversion of that order, the whole foreign maritime trade, whether English, French, Dutch, or Danish, arises from the revenues; and these are carried out of the country without producing anything to compensate so heavy a loss.

Foreign companies' investments. Your Committee have not been able to discover the entire value of the investment made by foreign companies. But, as the investment which the English East India Company derived from its revenues, and even from its public credit, is for the year 1783 to be wholly stopped, it has been proposed to private persons to make a subscription for an investment on their own account. This investment is to be equal to the sum of 800,000*l*. Another loan has been also made for an investment on the Company's account to China of 200,000*l*. This makes a million; and there is no question that much more could be readily had for bills upon Europe. Now, as there is no doubt that the whole of the money remitted is the property of British subjects, (none else having any interest in remitting to Europe,) it is not unfair to suppose that a very great part, if not the whole, of what may find its way into this new channel is not newly created, but only diverted from those channels in which it formerly ran, that is, the cash of the foreign trading companies.

Of the silver sent to China. Besides the investment made in goods by foreign companies from the funds of British subjects, these subjects have been for some time in the practice of sending very great sums in gold and silver directly to China on their own account. In a memorial presented to the Governor-General and

Council, in March, 1782, it appears that the principal money lent by British subjects to one company of merchants in China then amounted to seven millions of dollars, about one million seven hundred thousand pounds sterling; and not the smallest particle of silver sent to China ever returns to India. It is not easy to determine in what proportions this enormous sum of money has been sent from Madras or from Bengal; but it equally exhausts a country belonging to this kingdom, whether it comes from the one or from the other.

Revenue above the investment, how applied. But that the greatness of all these drains, and their effects, may be rendered more visible, your Committee have turned their consideration to the employment of those parts of the Bengal revenue which are not employed in the Company's own investments for China and for Europe. What is taken over and above the investment (when any investment can be made) from the gross revenue, either for the charge of collection or for civil and military establishments, is in time of peace two millions at the least. From the portion of that sum which goes to the support of civil government the natives are almost wholly excluded, as they are from the principal collections of revenue. With very few exceptions, they are only employed as servants and agents to Europeans, or in the inferior departments of collection, when it is absolutely impossible to proceed a step without their assistance. Allowance to Nabob of Bengal. For some time after the acquisition of the territorial revenue, the sum of 420,000*l.* a year was paid, according to the stipulation of a treaty, to the Nabob of Bengal, for the support of his government. This sum, however inconsiderable, compared to the revenues of the province, yet, distributed through the various departments of civil administration, served in some degree to preserve the natives of the better sort, particularly those of the Mahomedan profession, from being utterly ruined. The people of that persuasion, not being so generally engaged in trade, and not having on their conquest of Bengal divested the ancient Gentoo proprietors of their lands of inheritance, had for their chief, if not their sole support, the share of a moderate conqueror in all offices, civil and military. But your Committee find that this arrangement was of a short duration. Without the least regard to the subsistence of this innocent people, or to the faith of the agreement on which they were brought under the British government, How reduced. this sum was reduced by a new treaty to 320,000*l.*, and soon after, (upon a pretence of the present Nabob's minority, and a temporary sequestration for the discharge of his debts,) to 160,000*l.*: but when he arrived at his majority, and when the debts were paid, (if ever they were paid,) the sequestration still continued; and so far as the late advices may be understood, the allowance to the Nabob appears still to stand at the reduced sum of 160,000*l.*

Native officers. The other resource of the Mahomedans, and of the Gentoos of certain of the higher castes, was the army. In this army, nine tenths of which consists of natives, no native, of whatever description, holds any rank higher than

that of a *Subahdar Commandant*, that is, of an officer below the rank of an English subaltern, who is appointed to each company of the native soldiery.

All lucrative employments in the hands of the English. Your Committee here would be understood to state the ordinary establishment: for the war may have made some alteration. All the honorable, all the lucrative situations of the army, all the supplies and contracts of whatever species that belong to it, are solely in the hands of the English; so that whatever is beyond the mere subsistence of a common soldier and some officers of a lower rank, together with the immediate expenses of the English officers at their table, is sooner or later, in one shape or another, sent out of the country.

Such was the state of Bengal even in time of profound peace, and before the whole weight of the public charge fell upon that unhappy country for the support of other parts of India, which have been desolated in such a manner as to contribute little or nothing to their own protection.

Your Committee have given this short comparative account of the effects of the maritime traffic of Bengal, when in its natural state, and as it has stood since the prevalence of the system of an investment from the revenues. Former state of trade. But before the formation of that system Bengal did by no means depend for its resources on its maritime commerce. The inland trade, from whence it derived a very great supply of silver and gold and many kinds of merchantable goods, was very considerable. The higher provinces of the Mogul Empire were then populous and opulent, and intercourse to an immense amount was carried on between them and Bengal. A great trade also passed through these provinces from all the countries on the frontier of Persia, and the frontier provinces of Tartary, as well as from Surat and Baroach on the western side of India. These parts opened to Bengal a communication with the Persian Gulf and with the Red Sea, and through them with the whole Turkish and the maritime parts of the Persian Empire, besides the commercial intercourse which it maintained with those and many other countries through its own seaports.

During that period the remittances to the Mogul's treasury from Bengal were never very large, at least for any considerable time, nor very regularly sent; and the impositions of the state were soon repaid with interest through the medium of a lucrative commerce. But the disorders of Persia, since the death of Kouli Khân, have wholly destroyed the trade of that country; And the trade to Turkey. and the trade to Turkey, by Jidda and Bussorah, which was the greatest and perhaps best branch of the Indian trade, is very much diminished. The fall of the throne of the Mogul emperors has drawn with it that of the great marts of Agra and Delhi. The utmost confusion of the northwestern provinces followed this revolution, which was not absolutely complete until it received the last hand from Great Britain. Still greater calamities have fallen upon the fine provinces of Rohilcund and Oude, and on the countries of Corah and Allahabad. By the operations of the British arms and

influence, they are in many places turned to mere deserts, or so reduced and decayed as to afford very few materials or means of commerce.

State of trade in the Carnatic. Such is the actual condition of the trade of Bengal since the establishment of the British power there. The commerce of the Carnatic, as far as the inquiries of your Committee have extended, did not appear with a better aspect, even before the invasion of Hyder Ali Khân, and the consequent desolation, which for many years to come must exclude it from any considerable part of the trading system.

It appears, on the examination of an intelligent person concerned in trade, and who resided at Madras for several years, that on his arrival there, which was in the year 1767, that city was in a flourishing condition, and one of the first marts in India; but when he left it, in 1779, there was little or no trade remaining, and but one ship belonging to the whole place. The evidence of this gentleman purports, that at his first acquaintance with the Carnatic it was a well-cultivated and populous country, and as such consumed many articles of merchandise; that at his departure he left it much circumscribed in trade, greatly in the decline as to population and culture, and with a correspondent decay of the territorial revenue.

Your Committee find that there has also been from Madras an investment on the Company's account, taking one year with another, very nearly on the same principles and with the same effects as that from Bengal; and they think it is highly probable, that, besides the large sums remitted directly from Madras to China, there has likewise been a great deal on a private account, for that and other countries, invested in the cash of foreign European powers trading on the coast of Coromandel. But your Committee have not extended their inquiries relative to the commerce of the countries dependent on Madras so far as they have done with regard to Bengal. They have reason to apprehend that the condition is rather worse; but if the House requires a more minute examination of this important subject, your Committee is willing to enter into it without delay.

III. — EFFECT OF THE REVENUE INVESTMENT ON THE COMPANY.

Hitherto your Committee has considered this system of revenue investment, substituted in the place of a commercial link between India and Europe, so far as it affects India only: they are now to consider it as it affects the Company. So long as that corporation continued to receive a vast quantity of merchantable goods without any disbursement for the purchase, so long it possessed wherewithal to continue a dividend to pay debts, and to contribute to the state. But it must have been always evident to considerate persons, that this vast extraction of wealth from a country lessening in its resources in proportion to the increase of its burdens was not calculated for a very long duration. For a while the Company's servants kept up this investment, not by improving commerce, manufacture, or agriculture, but by forcibly raising the land-rents, on the principles and in the manner hereafter to be described. When these extortions disappointed or threatened to disappoint expectation, in order to purvey for the avarice which raged in England, they sought for expedients in breaches of all the agreements by which they were bound by any payment to the country powers, and in exciting disturbances among all the neighboring princes. Stimulating their ambition, and fomenting their mutual animosities, they sold to them reciprocally their common servitude and ruin.

The Governor-General, Mr. Hastings, and the Council, tell the Directors, "that the supply for the investment has arisen from *casual* and *extraordinary* resources, which they could not expect *always* to command." In an earlier minute he expresses himself still more distinctly: he says, "If the internal resources of a state fail it, or are not equal to its *occasional* wants, whence can it obtain immediate relief but from *external* means?" Indeed, the investment has not been for any long time the natural product of the revenue of Bengal. When, by the vast charge and by the ill return of an evil political and military traffic, and by a prodigal increase of establishments, and a profuse conduct in distributing agencies and contracts, they found themselves under difficulties, instead of being cured of their immoral and impolitic delusion, they plunged deeper into it, and were drawn from expedient to expedient for the supply of the investment into that endless chain of wars which this House by its resolutions has so justly condemned. At home these measures were sometimes countenanced, sometimes winked at, sometimes censured, but always with an acceptance of whatever profit they afforded.

At length, the funds for the investment and for these wars together could no longer be supplied. In the year 1778 the provision for the investment from the revenues and from the monopolies stood very high. It was estimated at a million four hundred thousand pounds; and of this it appears that a great deal was realized.

But this was the high flood-tide of the investment; for in that year they announce its probable decline, and that such extensive supplies could not be continued. The advances to the Board of Trade became less punctual, and many disputes arose about the time of making them. However, knowing that all their credit at home depended on the investment, or upon an opinion of its magnitude, whilst they repeat their warning of a probable deficiency, and that their “finances bore an unfavorable aspect,” in the year 1779 they rate their investment still higher. But their payments becoming less and less regular, and the war carrying away all the supplies, at length Mr. Hastings, in December, 1780, denounced sentence of approaching dissolution to this system, and tells the Directors that “he bore too high a respect for their characters to treat them with the management of a preparatory and gradual introduction to an unpleasing report: that it is the *only substantial* information he shall have to convey in that letter.” In confidence, therefore, of their fortitude, he tells them without ceremony, “that there will be a necessity of making a large reduction, or possibly a *total suspension*, of their investment; — that they had already been reduced to borrow near 700,000*l*. This resource,” says he, “cannot last; it must cease at a certain period, and that perhaps not far *distant*.”

He was not mistaken in his prognostic. Loans now becoming the regular resource for retrieving the investment, whose ruin was inevitable, the Council enable the Board of Trade, in April, 1781, to grant certificates for government bonds at eight per cent interest for about 650,000*l*. The investment was fixed at 900,000*l*.

But now another alarming system appeared. These new bonds overloaded the market. Those which had been formerly issued were at a discount; the Board of Trade was obliged to advance, therefore, a fourth more than usual to the contractors. This seemed to satisfy that description of dealers. But as those who bought on agency were limited to no terms of mutual advantage, and the bonds on the new issue falling from three to eight, nine, and ten per cent discount, the agents were unable to furnish at the usual prices. Accordingly a discount was settled on such terms as could be made: the lowest discount, and that at two places only, was at four per cent; which, with the interest on the bonds, made (besides the earlier advance) at the least twelve per cent additional charge upon all goods. It was evident, that, as the investment, instead of being supported by the revenues, was sunk by the fall of their credit, so the net revenues were diminished by the daily accumulation of an interest accruing on account of the investment. What was done to alleviate one complaint thus aggravating the other, and at length proving pernicious to both, this trade on bonds likewise came to its period.

Your Committee has reason to think that the bonds have since that time sunk to a discount much greater even than what is now stated. The Board of Trade justly denominates their resource for that year “the sinking credit of a paper currency, laboring, from the uncommon scarcity of specie, under disadvantages scarcely

surmountable.” From this they value themselves “on having effected an *ostensible* provision, at least for that investment.” For 1783 nothing appears even ostensible.

By this failure a total revolution ensued, of the most extraordinary nature, and to which your Committee wish to call the particular attention of the House. For the Council-General, in their letter of the 8th of April, 1782, after stating that they were disappointed in their expectations, (how grounded it does not appear,) “thought that they should be able to spare a sum to the Board of Trade,” — tell the Court of Directors, “that they had adopted a *new* method of keeping up the investment, by private subscribers for eighty lacs of rupees, which will find *cargoes for their ships* on the usual terms of privilege, *at the risk of the individuals*, and is to be repaid to them *according to the produce of the sales in England*,” — and they tell the Directors, that “a copy of the plan makes a number in their separate dispatches over land.”

It is impossible, in reporting this revolution to the House, to avoid remarking with what fidelity Mr. Hastings and his Council have adhered to the mode of transmitting their accounts which your Committee found it necessary to mark and censure in their First Report. Its pernicious tendency is there fully set forth. They were peculiarly called on for a most accurate state of their affairs, in order to explain the necessity of having recourse to such a scheme, as well as for a full and correct account of the scheme itself. But they send only the above short minute by one dispatch over land, whilst the copy of the plan itself, on which the Directors must form their judgment, is sent separately in another dispatch over land, which has never arrived. A third dispatch, which also contained the plan, was sent by a sea conveyance, and arrived late. The Directors have, for very obvious reasons, ordered, by a strict injunction, that they should send *duplicates of all* their dispatches by *every ship*. The spirit of this rule, perhaps, ought to extend to every mode of conveyance. In this case, so far from sending a duplicate, they do not send even one perfect account. They announce a plan by one conveyance, and they send it by another conveyance, with other delays and other risks.

At length, at nearly four months’ distance, the plan has been received, and appears to be substantially that which had been announced, but developing in the particulars many new circumstances of the greatest importance. By this plan it appears that the subscription, even in idea or pretence, is not for the use of the Company, but that the subscribers are united into a sort of society for the remitting their *private fortunes*: the goods, indeed, are said to be *shipped on the Company’s account*, and they are directed to be sold on the same account, and at the usual periods of sales; but, after the payment of duties, and such other allowances as they choose to make, in the eleventh article they provide “that *the remainder of the sales shall revert to the subscribers*, and be declared to be *their property*, and divided in proportion to *their* respective shares.” The compensation which they allow in this plan to their masters for their brokerage is, that, if, after deducting all the charges

which they impose, “the amount of the sales *should be found* to exceed two shillings and twopence for the current rupee of the invoice account, it shall be taken by the Company.” For the management of this concern in Bengal they choose commissioners by their own authority. By the same authority they form them into a body, they put them under rules and regulations, and they empower them also to make regulations of their own. They remit, by the like authority, the duties to which all private trade is subject; and they charge the whole concern with seven per cent, to be paid from the net produce of the sales in England, as a recompense to the commissioners: for this the commissioners contract to bear all the charges on the goods to the time of shipping.

The servants having formed this plan of trade, and a new commission for the conduct of it, on their private account, it is a matter of consideration to know who the commissioners are. They turn out to be the three senior servants of the Company’s Board of Trade, who choose to take upon them to be the factors of others for large emoluments, whilst they receive salaries of two thousand pounds and fifteen hundred pounds a year from the Company. As the Company have no other fund than the new investment from whence they are to be paid for the care of their servants’ property, this commission and those salaries being to take place of their brokerage, they in effect render it very difficult, if not impossible, for them to derive advantage from their new occupation.

As to the benefit of this *plan*: besides preventing the loss which must happen from the Company’s ships returning empty to Europe, and the stopping of all trade between India and England, the authors of it state, that it will “*open a new channel* of remittance, and abolish the practice, by precluding the necessity, of remitting *private fortunes* by *foreign bottoms*, and that it may lead to some *permanent mode* for remittance of private fortunes, and of combining it with the regular provision of the Company’s investment, — that it will yield *some* profit to the Company without risk, and the national gain will be the same as upon the regular trade.”

As to the combination of this mode of remittance with the Company’s investment, nothing can be affirmed concerning it until some satisfactory assurance can be held out that such an investment can ever be realized. Mr. Hastings and the gentlemen of the Council have not afforded any ground for such an expectation. That the Indian trade may become a permanent vehicle of the private fortunes of the Company’s servants is very probable, — that is, as permanent as the means of acquiring fortunes in India; but that *some profit* will accrue to the Company is absolutely impossible. The Company are to bear all the charge outwards, and a very great part of that homewards; and their only compensation is the surplus commission on the sale of other people’s goods. The nation will undoubtedly avoid great loss and detriment, which would be the inevitable consequence of the total cessation of the trade with Bengal and the ships returning without cargoes. But if this temporary expedient should be improved into a system, no occasional

advantages to be derived from it would be sufficient to balance the mischiefs of finding a great Parliamentary corporation turned into a vehicle for remitting to England the private fortunes of those for whose benefit the territorial possessions in India are in effect and substance under this project to be *solely* held.

By this extraordinary scheme the Company is totally overturned, and all its relations inverted. From being a body concerned in trade on their own account, and employing their servants as factors, the servants have at one stroke taken the whole trade into their own hands, on their own capital of 800,000*l.*, at their own risk, and the Company are become agents and factors to them, to sell by commission *their* goods for *their* profit.

To enable your Committee to form some judgment upon the profit which may accrue to the Company from its new relation and employment, they directed that an estimate should be made of the probable proceeds of an investment conducted on the principles of that intended to be realized for 1783. By this estimate, which is subjoined, it appears to your Committee, that, so far from any surplus profit from this transaction, the Bengal adventurers themselves, instead of realizing 2*s.* 2*d.* the rupee, (the standard they fix for their payment,) will not receive the 1*s.* 9*d.* which is its utmost value in silver at the Mint, nor probably above 1*s.* 5*d.* With this certain loss before their eyes, it is impossible that they can ever complete their subscription, unless, by management among themselves, they should be able to procure the goods for their own account upon other terms than those on which they purchased them for their masters, or unless they have for the supply of the Company on their hands a quantity of goods which they cannot otherwise dispose of. This latter case is not very improbable, from their proposing to send ten sixteenths of the whole investment in silk, — which, as will be seen hereafter, the Company has prohibited to be sent on their account, as a disadvantageous article. Nothing but the servants being overloaded can rationally account for their choice of so great a proportion of so dubious a commodity.

On the state made by two reports of a committee of the General Court in 1782, their affairs were even then reduced to a low ebb. But under the arrangement announced by Mr. Hastings and his colleagues, it does not appear, after this period of the servants' investment, from what fund the proprietors are to make any dividend at all. The objects of the sale from whence the dividend is to arise are not *their* goods: they stand accountable to others for the whole probable produce. The state of the Company's commerce will therefore become an object of serious consideration: an affair, as your Committee apprehends, of as much difficulty as ever tried the faculties of this House. For, on the one hand, it is plain that the system of providing the Company's import into Europe, resting almost wholly by an investment from its territorial revenues, has failed: during its continuance it was supported on principles fatal to the prosperity of that country. On the other hand, if the nominal commerce of the Company is suffered to be carried on for the account

of the servants abroad, by investing the emoluments made in their stations, these emoluments are therefore inclusively authorized, and with them the practices from which they accrue. All Parliamentary attempts to reform this system will be contradictory to its institution. If, for instance, five hundred thousand pounds sterling annually be necessary for this kind of investment, any regulation which may prevent the acquisition of that sum operates against the investment which is the end proposed by the plan.

On this new scheme, (which is neither calculated for a future security nor for a present relief to the Company,) it is not visible in what manner the settlements in India can be at all upheld. The gentlemen in employments abroad call for the whole produce of the year's investment from Bengal; but for the payment of the counter-investment from Europe, which is for the far greater part sent out for the support of their power, no provision at all is made: they have not, it seems, agreed that it should be charged to their account, or that any deduction should be made for it from the produce of their sales in Leadenhall Street. How far such a scheme is preferable to the total suspension of trade your Committee cannot positively determine. In all likelihood, extraordinary expedients were necessary; but the causes which induced this necessity ought to be more fully inquired into; for the last step in a series of conduct may be justifiable upon principles that suppose great blame in those which preceded it.

After your Committee had made the foregoing observations upon the plan of Mr. Hastings and his colleagues, transmitted to the Court of Directors, an extract of the Madras Consultations was a few days ago laid before us. This extract contains a letter from the Governor-General and Council of Bengal to the Presidency of Fort St. George, which affords a very striking, though to your Committee by no means an unexpected, picture of the instability of their opinions and conduct. On the 8th of April the servants had regularly formed and digested the above-mentioned plan, which was to form the basis for the investment of their own fortunes, and to furnish the sole means of the commercial existence of their masters. Before the 10th of the following May, which is the date of their letter to Madras, they inform Lord Macartney that they had fundamentally altered the whole scheme. "Instead," say they, "of allowing the subscribers to retain an interest in the goods, they are to be provided entirely on account of the Company, and transported *at their risk*; and the subscribers, instead of receiving certificates payable out of the produce of the sales in Europe, are to be granted receipts, on the payment of their advances, bearing an interest of eight per cent per annum, until exchanged for drafts on the Court of Directors, payable 365 days after sight, at the rate of two shillings per current rupee, — which drafts shall be granted in the proper time, of three eighths of the amount subscribed, on the 31st of December next, and the remaining five eighths on the 31st of December, 1783."

The plan of April divests the Company of all property in Bengal goods transported to Europe: but in recompense they are freed from all the risk and expense, they are not loaded with interest, and they are not embarrassed with bills. The plan of May reinstates them in their old relation: but in return, their revenues in Bengal are charged with an interest of eight per cent on the sum subscribed, until bills shall be drawn; they are made proprietors of cargoes purchased, under the disadvantage of that interest, at their own hazard; they are subjected to all losses; and they are involved in Europe for payments of bills to the amount of eighty lacs of rupees, at two shillings the rupee, — that is, in bills for eight hundred thousand pounds sterling. It is probably on account of the previous interest of eight per cent that the value of the rupee on this scheme is reduced. Mr. Hastings and his colleagues announce to Lord Macartney no other than the foregoing alteration in their plan.

It is discouraging to attempt any sort of observation on plans thus shifting their principle whilst their merits are under examination. The judgment formed on the scheme of April has nothing to do with the project of May. Your Committee has not suppressed any part of the reflections which occurred to them on the former of these plans: first, because the Company knows of no other by any regular transmissions; secondly, because it is by no means certain that before the expiration of June the Governor-General and Council may not revert to the plan of April. They speak of that plan as likely to be, or make a part of one that shall be, *permanent*. Many reasons are alleged by its authors in its favor, grounded on the state of their affairs; none whatever are assigned for the alteration. It is, indeed, morally certain that persons who had money to remit must have made the same calculation which has been made by the directions of your Committee, and the result must have been equally clear to them, — which is, that, instead of realizing two shillings and twopence the rupee on their subscription, as they proposed, they could never hope to see more than one shilling and ninepence. This calculation probably shook the main pillar of the project of April. But, on the other hand, as the subscribers to the second scheme can have no certain assurance that the Company will accept bills so far exceeding their allowance in this particular, the necessity of remitting their fortunes may beat them back to their old ground. The Danish Company was the only means of remitting which remained. Attempts have been made with success to revive a Portuguese trade for that purpose. It is by no means clear whether Mr. Hastings and his colleagues will adhere to either of the foregoing plans, or, indeed, whether any investment at all to that amount can be realized; because nothing but the convenience of remitting the gains of British subjects to London can support any of these projects.

The situation of the Company, under this perpetual variation in the system of their investment, is truly perplexing. The manner in which they arrive at any knowledge of it is no less so. The letter to Lord Macartney, by which the variation

is discovered, was not intended for transmission to the Directors. It was merely for the information of those who were admitted to a share of the subscription at Madras. When Mr. Hastings sent this information to those subscribers, he might well enough have presumed an event to happen which did happen, — that is, that a vessel might be dispatched from Madras to Europe: and indeed, by that, and by every devisable means, he ought not only to have apprised the Directors of this most material change in the plan of the investment, but to have entered fully into the grounds and reasons of his making it.

It appears to your Committee that the ships which brought to England the plan of the 8th of April did not sail from Bengal until the 1st of May. If the change had been in contemplation for any time before the 30th of April, two days would have sufficed to send an account of it, and it might have arrived along with the plan which it affected. If, therefore, such a change was in agitation before the sailing of the ships, and yet was concealed when it might have been communicated, the concealment is censurable. It is not improbable that some change of the kind was made or meditated before the sailing of the ships for Europe: for it is hardly to be imagined that reasons wholly unlooked-for should appear for setting aside a plan concerning the success of which the Council-General seemed so very confident, that a new one should be proposed, that its merits should be discussed among the moneyed men, that it should be adopted in Council, and officially ready for transmission to Madras, in twelve or thirteen days. In this perplexity of plan and of transmission, the Court of Directors may have made an arrangement of their affairs on the groundwork of the first scheme, which was officially and authentically conveyed to them. The fundamental alteration of that plan in India might require another of a very different kind in England, which the arrangements taken in consequence of the first might make it difficult, if not impossible, to execute. What must add to the confusion is, that the alteration has not the regular and official authority of the original plan, and may be presumed to indicate with certainty nothing more than that the business is *again* afloat, and that no scheme is finally determined on. Thus the Company is left without any fixed data upon which they can make a rational disposition of their affairs.

The fact is, that the principles and economy of the Company's trade have been so completely corrupted by turning it into a vehicle for tribute, that, whenever circumstances require it to be replaced again upon a bottom truly commercial, hardly anything but confusion and disasters can be expected as the first results. Even before the acquisition of the territorial revenues, the system of the Company's commerce was not formed upon principles the most favorable to its prosperity; for, whilst, on the one hand, that body received encouragement by royal and Parliamentary charters, was invested with several ample privileges, and even with a delegation of the most essential prerogatives of the crown, — on the other, its commerce was watched with an insidious jealousy, as a species of dealing

dangerous to the national interests. In that light, with regard to the Company's imports, there was a total prohibition from domestic use of the most considerable articles of their trade, — that is, of all silk stuffs, and stained and painted cottons. The British market was in a great measure interdicted to the British trader. Whatever advantages might arise to the general trading interests of the kingdom by this restraint, its East India interest was undoubtedly injured by it. The Company is also, and has been from a very early period, obliged to furnish the Ordnance with a quantity of saltpetre at a certain price, without any reference to the standard of the markets either of purchase or of sale. With regard to their export, they were put also under difficulties upon very mistaken notions; for they were obliged to export annually a certain proportion of British manufactures, even though they should find for them in India none or but an unprofitable want. This compulsory export might operate, and in some instances has operated, in a manner more grievous than a tax to the amount of the loss in trade: for the payment of a tax is in general divided in unequal portions between the vender and consumer, the largest part falling upon the latter; in the case before us the tax may be as a dead charge on the trading capital of the Company.

The spirit of all these regulations naturally tended to weaken, in the very original constitution of the Company, the main-spring of the commercial machine, *the principles of profit and loss*. And the mischief arising from an inattention to those principles has constantly increased with the increase of its power. For when the Company had acquired the rights of sovereignty in India, it was not to be expected that the attention to profit and loss would have increased. The idea of remitting tribute in goods naturally produced an indifference to their price and quality, — the goods themselves appearing little else than a sort of package to the tribute. Merchandise taken as tribute, or bought in lieu of it, can never long be of a kind or of a price fitted to a market which stands solely on its commercial reputation. The indifference of the mercantile sovereign to his trading advantages naturally relaxed the diligence of his subordinate factor-magistrates through all their gradations and in all their functions; it gave rise, at least so far as the principal was concerned, to much neglect of price and of goodness in their purchases. If ever they showed any extraordinary degrees of accuracy and selection, it would naturally be in favor of that interest to which they could not be indifferent. The Company might suffer above, the natives might suffer below; the intermediate party must profit to the prejudice of both.

Your Committee are of opinion that the Company is now arrived at that point, when, the investment from surplus revenue or from the spoil of war ceasing, it is become much more necessary to fix its commerce upon a commercial basis. And this opinion led your Committee to a detailed review of all the articles of the Indian traffic upon which the profit and loss was steady; and we have chosen a period of four years, during the continuance of the revenue investment, and prior to any

borrowing or any extraordinary drawing of bills, in order to find out how far the trade, under circumstances when it will be necessary to carry it on by borrowing, or by bills, or by exportation of bullion, can be sustained in the former course, so as to secure the capital and to afford a reasonable dividend. And your Committee find that in the first four years the investment from Bengal amounted to 4,176,525*l.*; upon 2,260,277*l.* there was a gain of 186,337*l.*, and upon 1,916,248*l.* a loss of 705,566*l.*: so that the excess of loss above gain, upon the whole of the foregoing capital, was in the four years no less than 519,229*l.*

If the trade were confined to Bengal, and the Company were to trade on those terms upon a capital borrowed at eight per cent Indian interest, their revenues in that province would be soon so overpowered with debt, that those revenues, instead of supporting the trade, would be totally destroyed by it. If, on the other hand, the Company traded upon bills with every advantage, far from being in a condition to divide the smallest percentage, their bankruptcy here would be inevitable.

Your Committee then turned to the trade of the other factories and Presidencies, and they constantly found, that, as the power and dominion of the Company was less, their profit on the goods was greater. The investments of Madras, Bombay, and Bencoolen have, in the foregoing four years, upon a capital of 1,151,176*l.*, had a gain upon the whole of 329,622*l.* The greatest of all is that of Bencoolen, which, on a capital of 76,571*l.*, produced a profit of 107,760*l.* This, however, is but a small branch of the Company's trade. The trade to China, on a capital of 1,717,463*l.*, produced an excess of gain amounting to 874,096*l.*, which is about fifty per cent. But such was the evil influence of the Bengal investment, that not only the profits of the Chinese trade, but of all the lucrative branches taken together, were so sunk and ingulfed in it, that the whole profit on a capital of 7,045,164*l.* reached to no more than 684,489*l.*, that is, to 189,607*l.* less than the profit on the Chinese trade alone, — less than the total profits on the gainful trades taken together, 520,727*l.*

It is very remarkable, that in the year 1778, when the Bengal investment stood at the highest, that is, so high as 1,223,316*l.*, though the Chinese trade produced an excess of gain in that year of 209,243*l.*, and that no loss of moment could be added to that of Bengal, (except about 45,000*l.* on the Bombay trade,) the whole profit of a capital of 2,040,787*l.* amounted only to the sum of 9,480*l.*

The detail of the articles in which loss was incurred or gain made will be found in the Appendix, No. 24. The circumstances of the time have rendered it necessary to call up a vigorous attention to this state of the trade of the Company between Europe and India.

INTERNAL TRADE OF BENGAL.

The internal trade of Bengal has next attracted the inquiries of your Committee.

The great and valuable articles of the Company's investment, drawn from the articles of internal trade, are raw silk, and various descriptions of piece-goods made of silk and cotton. These articles are not under any formal monopoly; nor does the Company at present exercise a *declared* right of preëmption with regard to them. But it does not appear that the trade in these particulars is or can be perfectly free, — not so much on account of any direct measures taken to prevent it as from the circumstances of the country, and the manner of carrying on business there: for the present trade, even in these articles, is built from the ruins of old monopolies and preëmptions, and necessarily partakes of the nature of its materials.

In order to show in what manner manufactures and trade so constituted contribute to the prosperity of the natives, your Committee conceives it proper to take, in this place, a short general view of the progress of the English policy with relation to the commerce of Bengal, and the several stages and gradations by which it has been brought into its actual state. The modes of abuse, and the means by which commerce has suffered, will be considered in greater detail under the distinct heads of those objects which have chiefly suffered by them.

During the time of the Mogul government, the princes of that race, who omitted nothing for the encouragement of commerce in their dominions, bestowed very large privileges and immunities on the English East India Company, exempting them from several duties to which their natural-born subjects were liable. The Company's *dustuck*, or passport, secured to them this exemption at all the custom-houses and toll-bars of the country. The Company, not being able or not choosing to make use of their privilege to the full extent to which it might be carried, indulged their servants with a qualified use of their passport, under which, and in the name of the Company, they carried on a private trade, either by themselves or in society with natives, and thus found a compensation for the scanty allowances made to them by their masters in England. As the country government was at that time in the fulness of its strength, and that this immunity existed by a double connivance, it was naturally kept within tolerable limits.

But by the revolution in 1757 the Company's servants obtained a mighty ascendant over the native princes of Bengal, who owed their elevation to the British arms. The Company, which was new to that kind of power, and not yet thoroughly apprised of its real character and situation, considered itself still as a trader in the territories of a foreign potentate, in the prosperity of whose country it had neither interest nor duty. The servants, with the same ideas, followed their fortune in the channels in which it had hitherto ran, only enlarging them with the enlargement of their power. For their first ideas of profit were not official; nor were their

oppressions those of ordinary despotism. The first instruments of their power were formed out of evasions of their ancient subjection. The passport of the Company in the hands of its servants was no longer under any restraint; and in a very short time their immunity began to cover all the merchandise of the country. Cossim Ali Khân, the second of the Nabobs whom they had set up, was but ill disposed to the instruments of his greatness. He bore the yoke of this imperious commerce with the utmost impatience: he saw his subjects excluded as aliens from their own trade, and the revenues of the prince overwhelmed in the ruin of the commerce of his dominions. Finding his reiterated remonstrances on the extent and abuse of the passport ineffectual, he had recourse to an unexpected expedient, which was, to declare his resolution at once to annul all the duties on trade, setting it equally free to subjects and to foreigners.

Never was a method of defeating the oppressions of monopoly more forcible, more simple, or more equitable: no sort of plausible objection could be made; and it was in vain to think of evading it. It was therefore met with the confidence of avowed and determined injustice. The Presidency of Calcutta openly denied to the prince the power of protecting the trade of his subjects by the remission of his own duties. It was evident that his authority drew to its period: many reasons and motives concurred, and his fall was hastened by the odium of the oppressions which he exercised voluntarily, as well as of those to which he was obliged to submit.

When this example was made, Jaffier Ali Khân, who had been deposed to make room for the last actor, was brought from penury and exile to a station the terms of which he could not misunderstand. During his life, and in the time of his children who succeeded to him, parts of the territorial revenue were assigned to the Company; and the whole, under the name of residency at the Nabob's court, was brought, directly or indirectly, under the control of British subjects. The Company's servants, armed with authorities delegated from the nominal government, or attended with what was a stronger guard, the fame of their own power, appeared as magistrates in the markets in which they dealt as traders. It was impossible for the natives in general to distinguish, in the proceedings of the same persons, what was transacted on the Company's account from what was done on their own; and it will ever be so difficult to draw this line of distinction, that as long as the Company does, directly or indirectly, aim at any advantage to itself in the purchase of any commodity whatever, so long will it be impracticable to prevent the servants availing themselves of the same privilege.

The servants, therefore, for themselves or for their employers, monopolized every article of trade, foreign and domestic: not only the raw merchantable commodities, but the manufactures; and not only these, but the necessities of life, or what in these countries habit has confounded with them, — not only silk, cotton, piece-goods, opium, saltpetre, but not unfrequently salt, tobacco, betel-nut, and the grain of most ordinary consumption. In the name of the country government they laid on

or took off, and at their pleasure heightened or lowered, all duties upon goods: the whole trade of the country was either destroyed or in shackles. The acquisition of the Duanné, in 1765, bringing the English into the immediate government of the country in its most essential branches, extended and confirmed all the former means of monopoly.

In the progress of these ruinous measures through all their details, innumerable grievances were suffered by the native inhabitants, which were represented in the strongest, that is, their true colors, in England. Whilst the far greater part of the British in India were in eager pursuit of the forced and exorbitant gains of a trade carried on by power, contests naturally arose among the competitors: those who were overpowered by their rivals became loud in their complaints to the Court of Directors, and were very capable, from experience, of pointing out every mode of abuse.

The Court of Directors, on their part, began, though very slowly, to perceive that the country which was ravaged by this sort of commerce was their own. These complaints obliged the Directors to a strict examination into the real sources of the mismanagement of their concerns in India, and to lay the foundations of a system of restraint on the exorbitancies of their servants. Accordingly, so early as the year 1765, they confine them to a trade only in articles of export and import, and strictly prohibit them from all dealing in objects of internal consumption. About the same time the Presidency of Calcutta found it necessary to put a restraint upon themselves, or at least to make show of a disposition (with which the Directors appear much satisfied) to keep their own enormous power within bounds.

But whatever might have been the intentions either of the Directors or the Presidency, both found themselves unequal to the execution of a plan which went to defeat the projects of almost all the English in India, — possibly comprehending some who were makers of the regulations. For, as the complaint of the country or as their own interest predominated with the Presidency, they were always shifting from one course to the other; so that it became as impossible for the natives to know upon what principle to ground any commercial speculation, from the uncertainty of the law under which they acted, as it was when they were oppressed by power without any color of law at all: for the Directors, in a few months after they had given these tokens of approbation to the above regulations in favor of the country trade, tell the Presidency, “It is with concern we see in *every page* of your Consultations *restrictions, limitations, prohibitions, affecting various articles of trade.*” On their side, the Presidency freely confess that these monopolies of inland trade “were the foundation of all the bloodsheds, massacres, and confusions which have happened of late in Bengal.”

Pressed in this urgent manner, the Directors came more specifically to the grievance, and at once annul all the passports with which their servants traded without duties, holding out means of compensation, of which it does not appear that

any advantage was taken. In order that the duties which existed should no longer continue to burden the trade either of the servants or natives, they ordered that a number of oppressive toll-bars should be taken away, and the whole number reduced to nine of the most considerable.

When Lord Clive was sent to Bengal to effect a reformation of the many abuses which prevailed there, he considered monopoly to be so inveterate and deeply rooted, and the just rewards of the Company's servants to be so complicated with that injustice to the country, that the latter could not easily be removed without taking away the former. He adopted, therefore, a plan for dealing in certain articles, which, as he conceived, rather ought to be called "a regulated and restricted trade" than a formal monopoly. By this plan he intended that the profits should be distributed in an orderly and proportioned manner for the reward of services, and not seized by each individual according to the measure of his boldness, dexterity, or influence.

But this scheme of monopoly did not subsist long, at least in that mode and for those purposes. Three of the grand monopolies, those of opium, salt, and saltpetre, were successively by the Company taken into their own hands. The produce of the sale of the two former articles was applied to the purchase of goods for their investment; the latter was exported in kind for their sales in Europe. The senior servants had a certain share of emolument allotted to them from a commission on the revenues. The junior servants were rigorously confined to salaries, on which they were unable to subsist according to their rank. They were strictly ordered to abstain from all dealing in objects of internal commerce. Those of export and import were left open to young men without mercantile experience, and wholly unprovided with mercantile capitals, but abundantly furnished with large trusts of the public money, and with all the powers of an absolute government. In this situation, a religious abstinence from all illicit game was prescribed to men at nine thousand miles' distance from the seat of the supreme authority.

Your Committee is far from meaning to justify, or even to excuse, the oppressions and cruelties used by many in supplying the deficiencies of their regular allowances by all manner of extortion; but many smaller irregularities may admit some alleviation from thence. Nor does your Committee mean to express any desire of reverting to the mode (contrived in India, but condemned by the Directors) of rewarding the servants of an higher class by a regulated monopoly. Their object is to point out the deficiencies in the system, by which restrictions were laid that could have little or no effect whilst want and power were suffered to be united.

But the proceedings of the Directors at that time, though not altogether judicious, were in many respects honorable to them, and favorable, in the intention at least, to the country they governed. For, finding their trading capital employed against themselves and against the natives, and struggling in vain against abuses which were inseparably connected with the system of their own preference in trade,

in the year 1773 they came to the manly resolution of setting an example to their servants, and gave up all use of power and influence in the two grand articles of their investment, silk and piece-goods. They directed that the articles should be bought at an equal and public market from the native merchants; and this order they directed to be published in all the principal marts of Bengal.

Your Committee are clearly of opinion that no better method of purchase could be adopted. But it soon appeared that in deep-rooted and inveterate abuses the wisest principles of reform may be made to operate so destructively as wholly to discredit the design, and to dishearten all persons from the prosecution of it. The Presidency, who seemed to yield with the utmost reluctance to the execution of these orders, soon made the Directors feel their evil influence upon their own investment; for they found the silk and cotton cloths rose twenty-five per cent above their former price, and a further rise of forty per cent was announced to them.

SILK.

What happened with regard to raw silk is still more remarkable, and tends still more clearly to illustrate the effects of commercial servitude during its unchecked existence, and the consequences which may be made to arise from its sudden reformation. On laying open the trade, the article of raw silk was instantly enhanced to the Company full eighty per cent. The contract made for that commodity, wound off in the Bengal method, which used to sell for less than six rupees, or thirteen shillings, for two pounds' weight, arose to nine rupees, or near twenty shillings, and the filature silk was very soon after contracted for at fourteen.

The Presidency accounted for this rise by observing that the price had before been *arbitrary*, and that the persons who purveyed for the Company paid no more than "what was *judged* sufficient for the maintenance of the first providers." This fact explains more fully than the most labored description can do the dreadful effects of the monopoly on the cultivators. They had the *sufficiency* of their maintenance measured out by the judgment of those who were to profit by their labor; and this measure was not a great deal more, by their own account, than about two thirds of the value of that labor. In all probability it was much less, as these dealings rarely passed through intermediate hands without leaving a considerable profit. These oppressions, it will be observed, were not confined to the Company's share, which, however, covered a great part of the trade; but as this was an article permitted to the servants, the same power of arbitrary valuation must have been extended over the whole, as the market must be equalized, if any authority at all is extended over it by those who have an interest in the restraint. The price was not only raised, but in the manufactures the quality was debased nearly in an equal proportion. The Directors conceived, with great reason, that this rise of price and debasement of quality arose, not from the effect of a free market, but from the servants having taken that opportunity of throwing upon the market of their masters the refuse goods of their own private trade at such exorbitant prices as by mutual connivance they were pleased to settle. The mischief was greatly aggravated by its happening at a time when the Company were obliged to pay for their goods with bonds bearing an high interest.

The perplexed system of the Company's concerns, composed of so many opposite movements and contradictory principles, appears nowhere in a more clear light. If trade continued under restraint, their territorial revenues must suffer by checking the general prosperity of the country: if they set it free, means were taken to raise the price and debase the quality of the goods; and this again fell upon the revenues, out of which the payment for the goods was to arise. The observations of the Company on that occasion are just and sagacious; and they will not permit the least doubt concerning the policy of these unnatural trades. "The amount of our

Bengal cargoes, from 1769 to 1773, is 2,901,194*l.* sterling; and if the average increase of price be estimated at twenty-five per cent only, the amount of such increase is 725,298*l.* sterling. The above circumstances are exceedingly alarming to us; but what must be our concern, to find by the advices of our President and Council of 1773, that a further advance of forty per cent on Bengal goods was expected, and allowed to be the consequence of advertisements then published, authorizing a free trade in the service? We find the Duanné revenues are in general farmed for five years, and the aggregate increase estimated at only 183,170*l.* sterling (on a supposition that such increase will be realized); yet if the annual investment be sixty lacs, and the advance of price thirty per cent only, such advance will *exceed the increase of the revenue by no less than 829,330l. sterling.*"

The indignation which the Directors felt at being reduced to this distressing situation was expressed to their servants in very strong terms. They attributed the whole to their practices, and say, "We are far from being convinced that the competition which tends to raise the price of goods in Bengal is wholly between public European companies, or between merchants in general who export to foreign markets: we are rather of opinion that the sources of this grand evil have been the extraordinary privileges granted to individuals in our service or under our license to trade without restriction throughout the provinces of Bengal, and the encouragement they have had to extend their trade to the uttermost, even in such goods as were proper for our investment, by observing the success of those persons who have from time to time *found means to dispose of their merchandise to our Governor and Council*, though of so bad a quality as to be sold here with great difficulty, after having been frequently refused, and put up at the next sale without price, to the very great discredit and disadvantage of the Company." In all probability the Directors were not mistaken; for, upon an inquiry instituted soon after, it was found that Cantû Babû, the banian or native steward and manager to Mr. Hastings, (late President,) held two of these contracts in his own name and that of his son for considerably more than 150,000*l.* This discovery brought on a prohibition from the Court of Directors of that suspicious and dangerous dealing in the stewards of persons in high office. The same man held likewise farms to the amount of 140,000*l.* a year of the landed revenue, with the same suspicious appearance, contrary to the regulations made under Mr. Hastings's own administration.

In the mortifying dilemma to which the Directors found themselves reduced, whereby the ruin of the revenues either by the freedom or the restraint of trade was evident, they considered the first as most rapid and urgent, and therefore once more revert to the system of their ancient preëmption, and destroy that freedom which they had so lately and with so much solemnity proclaimed, and that before it could be abused or even enjoyed. They declare, that, "unwilling as we are to return to *the former coercive system* of providing an investment, or to abridge that freedom of

commerce which has been so lately established in Bengal, yet at the same time finding it our indispensable duty to strike at the *root* of an evil which has been so severely felt by the Company, and which can no longer be supported, we hereby direct that all persons whatever in the Company's service, *or under our protection*, be absolutely prohibited, by public advertisement, from trading in any of those articles which compose our investment, directly or indirectly, except on account of and for the East India Company, until their investment is completed."

As soon as this order was received in Bengal, it was construed, as indeed the words seemed directly to warrant, to exclude all natives as well as servants from the trade, until the Company was supplied. The Company's preëmption was now authoritatively reëstablished, and some feeble and ostensible regulations were made to relieve the weavers who might suffer by it. The Directors imagined that the reëstablishment of their coercive system would remove the evil which fraud and artifice had grafted upon one more rational and liberal. But they were mistaken; for it only varied, if it did so much as vary, the abuse. The servants might as essentially injure their interest by a direct exercise of their power as by pretexts drawn from the freedom of the natives, — but with this fatal difference, that the frauds upon the Company must be of shorter duration under a scheme of freedom. That state admitted, and indeed led to, means of discovery and correction; whereas the system of coercion was likely to be permanent. It carried force further than served the purposes of those who authorized it: it tended to cover all frauds with obscurity, and to bury all complaint in despair. The next year, therefore, that is, in the year 1776, the Company, who complained that their orders had been extended beyond their intentions, made a third revolution in the trade of Bengal. It was set free again, — so far, at least, as regarded the native merchants, — but in so imperfect a manner as evidently to leave the roots of old abuses in the ground. The Supreme Court of Judicature about this time (1776) also fulminated a charge against monopolies, without any exception of those authorized by the Company: but it does not appear that anything very material was done in consequence of it.

The trade became nominally free; but the course of business established in consequence of coercive monopoly was not easily altered. In order to render more distinct the principles which led to the establishment of a course and habit of business so very difficult to change as long as those principles exist, your Committee think it will not be useless here to enter into the history of the regulations made in the first and favorite matter of the Company's investment, the trade in *raw silk*, from the commencement of these regulations to the Company's perhaps finally abandoning all share in the trade which was their object.

RAW SILK

The trade in *raw silk* was at all times more popular in England than really advantageous to the Company. In addition to the old jealousy which prevailed between the Company and the manufactory interest of England, they came to labor under no small odium on account of the distresses of India. The public in England perceived, and felt with a proper sympathy, the sufferings of the Eastern provinces in all cases in which they might be attributed to the abuses of power exercised under the Company's authority. But they were not equally sensible to the evils which arose from a system of sacrificing the being of that country to the advantage of this. They entered very readily into the former, but with regard to the latter were slow and incredulous. It is not, therefore, extraordinary that the Company should endeavor to ingratiate themselves with the public by falling in with its prejudices. Thus they were led to increase the grievance in order to allay the clamor. They continued still, upon a larger scale, and still more systematically, that plan of conduct which was the principal, though not the most blamed, cause of the decay and depopulation of the country committed to their care.

With that view, and to furnish a cheap supply of materials to the manufactures of England, they formed a scheme which tended to destroy, or at least essentially to impair, the whole manufacturing interest of Bengal. A policy of that sort could not fail of being highly popular, when the Company submitted itself as an instrument for the improvement of British manufactures, instead of being their most dangerous rival, as heretofore they had been always represented.

They accordingly notified to their Presidency in Bengal, in their letter of the 17th of March, 1769, that "there was no branch of their trade they more ardently wish to extend than that of raw silk." They disclaim, however, all desire of employing compulsory measures for that purpose, but recommended every mode of encouragement, and particularly by augmented wages, "*in order to induce manufacturers of wrought silk to quit that branch and take to the winding of raw silk.*"

Having thus found means to draw hands from the manufacture, and confiding in the strength of a capital drawn from the public revenues, they pursue their ideas from the purchase of their manufacture to the purchase of the material in its crudest state. "We recommend you to give an *increased price*, if necessary, *so as to take that trade out of the hands of other merchants and rival nations.*" A double bounty was thus given against the manufactures, both in the labor and in the materials.

It is very remarkable in what manner their vehement pursuit of this object led the Directors to a speedy oblivion of those equitable correctives before interposed by them, in order to prevent the mischiefs which were apparent in the scheme, if left to itself. They could venture so little to trust to the bounties given from the revenues a

trade which had a tendency to dry up their source, that, by the time they had proceeded to the thirty-third paragraph of their letter, they revert to those very compulsory means which they had disclaimed but three paragraphs before. To prevent silk-winders from working in their private houses, where they might work for private traders, and to confine them to the Company's factories, where they could only be employed for the Company's benefit, they desire that the newly acquired power of government should be effectually employed. "Should," say they, "this practice, through *inattention*, have been suffered to take place again, it will be proper to put a stop to it, which may *now be more effectually done by an absolute prohibition, under severe penalties, by the authority of government.*"

This letter contains a perfect plan of policy, both of compulsion and encouragement, which must in a very considerable degree operate destructively to the manufactures of Bengal. Its effect must be (so far as it could operate without being eluded) to change the whole face of that industrious country, in order to render it a field for the produce of crude materials subservient to the manufactures of Great Britain. The manufacturing hands were to be seduced from their looms by high wages, in order to prepare a raw produce for our market; they were to be locked up in the factories; and the commodity acquired by these operations was, in this immature state, carried out of the country, whilst its looms would be left without any material but the debased refuse of a market enhanced in its price and scantied in its supply. By the increase of the price of this and other materials, manufactures formerly the most flourishing gradually disappeared under the protection of Great Britain, and were seen to rise again and flourish on the opposite coast of India, under the dominion of the Mahrattas.

These restraints and encouragements seem to have had the desired effect in Bengal with regard to the diversion of labor from manufacture to materials. The trade of raw silk increased rapidly. But the Company very soon felt, in the increase of price and debasement of quality of the wrought goods, a loss to themselves which fully counterbalanced all the advantages to be derived to the nation from the increase of the raw commodity. The necessary effect on the revenue was also foretold very early: for their servants in the principal silk-factories declared that the obstruction to the private trade in silk must in the end prove detrimental to the revenues, and that the investment clashes with the collection of these revenues. Whatsoever by bounties or immunities is encouraged out of a landed revenue has certainly some tendency to lessen the net amount of that revenue, and to forward a produce which does not yield to the gross collection, rather than one that does.

The Directors declare themselves unable to understand how this could be. Perhaps it was not so difficult. But, pressed as they were by the greatness of the payments which they were compelled to make to government in England, the cries of Bengal could not be heard among the contending claims of the General Court, of the Treasury, and of Spitalfields. The speculation of the Directors was originally fair

and plausible, — so far as the mere encouragement of the commodity extended. Situated as they were, it was hardly in their power to stop themselves in the course they had begun. They were obliged to continue their resolution, at any hazard, increasing the investment. “The state of our affairs,” say they, “requires the utmost extension of your investments. You are not to forbear sending even those sorts *which are attended with loss*, in case such should be necessary to supply an investment to as great an amount as *you can provide from your own resources*; and we have not the least doubt of your being thereby enabled to increase your consignments of this valuable branch of national commerce, even to the utmost of your wishes. But it is our positive order that no part of such investment be provided with borrowed money which is to be repaid by *drafts upon our treasury in London*; since the license which has already been taken in this respect has involved us in difficulties which we yet know not how we shall surmount.”

This very instructive paragraph lays open the true origin of the internal decay of Bengal. The trade and revenues of that country were (as the then system must necessarily have been) of secondary consideration at best. Present supplies were to be obtained, and present demands in England were to be avoided, at every expense to Bengal.

The spirit of increasing the investment from revenue at any rate, and the resolution of driving all competitors, Europeans or natives, out of the market, prevailed at a period still more early, and prevailed not only in Bengal, but seems, more or less, to have diffused itself through the whole sphere of the Company’s influence. In 1768 they gave to the Presidency of Madras the following memorable instruction, strongly declaratory of their general system of policy.

“We shall depend upon your prudence,” say they, “to discourage foreigners; and being intent, as you have been repeatedly acquainted, on bringing home as great a part of the revenues as possible in your manufactures, the outbidding them in those parts where they interfere with you would certainly prove an effectual step for answering that end. We therefore recommend it to you to offer such increase of price as you shall deem may be consistently given, — that, by beating them out of the market, the quantities by you to be provided may be proportionally enlarged; and if you take this method, it is to be so cautiously practised as not to enhance the prices in the places immediately under your control. On this subject we must not omit the approval of your prohibiting the weavers of Cuddalore from making up any cloth of the same sortments that are provided for us; and if such prohibition is not now, it should by all means be in future, *made general, and strictly maintained*.”

This system must have an immediate tendency towards disordering the trade of India, and must finally end in great detriment to the Company itself. The effect of the restrictive system on the weaver is evident. The authority given to the servants to buy at an advanced price did of necessity furnish means and excuses for every sort of fraud in their purchases. The instant the servant of a merchant is admitted on his

own judgment to overbid the market, or to send goods to his master which shall sell at loss, there is no longer any standard upon which his unfair practices can be estimated, or any effectual means by which they can be restrained. The hope entertained by the Directors, of confining this destructive practice of giving an enhanced price to a particular spot, must ever be found totally delusive. Speculations will be affected by this artificial price in every quarter in which markets can have the least communication with each other.

In a very few years the Court of Directors began to feel, even in Leadenhall Street, *the effects of trading to loss* upon the revenues, especially on those of Bengal. In the letter of February, 1774, they observe, that, “looking back to their accounts for the four preceding years, on several of the descriptions of silk there has been an *increasing loss*, instead of any alteration for the better in the last year’s productions. This,” they say, “threatens the destruction of that valuable branch of national commerce.” And then they recommend *such regulations* (as if regulations in that state of things could be of any service) as may obtain “a profit in future, instead of so considerable a loss, which *we can no longer sustain*.”

Your Committee thought it necessary to inquire into the losses which had actually been suffered by this unnatural forced trade, and find the loss so early as the season of 1776 to be 77,650*l.*, that in the year 1777 it arose to 168,205*l.* This was so great that worse could hardly be apprehended: however, in the season of 1778 it amounted to 255,070*l.* In 1779 it was not so ruinously great, because the whole import was not so considerable; but it still stood enormously high, — so high as 141,800*l.* In the whole four years it came to 642,725*l.* The observations of the Directors were found to be fully verified. It is remarkable that the same article in the China trade produced a considerable and uniform profit. On this circumstance little observation is necessary.

During the time of their struggles for enlarging this losing trade, which they considered as a national object, — what in one point of view it was, and, if it had not been grossly mismanaged, might have been in more than one, — in this part it is impossible to refuse to the Directors a very great share of merit. No degree of thought, of trouble, or of reasonable expense was spared by them for the improvement of the commodity. They framed with diligence, and apparently on very good information, a code of manufacturing regulations for that purpose; and several persons were sent out, conversant in the Italian method of preparing and winding silk, aided by proper machines for facilitating and perfecting the work. This, under proper care, and in course of time, might have produced a real improvement to Bengal; but in the first instance it naturally drew the business from native management, and it caused a revulsion from the trade and manufactures of India which led as naturally and inevitably to an European monopoly, in some hands or other, as any of the modes of coercion which were or could be employed. The evil was present and inherent in the act. The means of letting the natives into the

benefit of the improved system of produce was likely to be counteracted by the general ill conduct of the Company's concerns abroad. For a while, at least, it had an effect still worse: for the Company purchasing the raw cocoon or silk-pod at a fixed rate, the first producer, who, whilst he could wind at his own house, employed his family in this labor, and could procure a reasonable livelihood by buying up the cocoons for the Italian filature, now incurred the enormous and ruinous loss of fifty per cent. This appears in a letter to the Presidency, written by Mr. Boughton Rouse, now a member of your Committee. But for a long time a considerable quantity of that in the old Bengal mode of winding was bought for the Company from contractors, and it continues to be so bought to the present time: but the Directors complain, in their letter of the 12th of May, 1780, that both species, and particularly the latter, had risen so extravagantly that it was become more than forty per cent dearer than it had been fifteen years ago. In that state of price, they condemn their servants, very justly, for entering into contracts for three years, — and that for several kinds of silk, of very different goodness, upon averages unfairly formed, where the commodities averaged at an equal price differed from twenty to thirty per cent on the sale. Soon after, they formed a regular scale of fixed prices, above which they found they could not trade without loss.

Whilst they were continuing these methods to secure themselves against future losses, the Bengal ships which arrived in that year announced nothing but their continuance. Some articles by the high price, and others from their ill quality, were such “as never could answer to be sent to Europe at any price.” The Directors renew their prohibition of making fresh contracts, the present being generally to expire in the year 1781. But this trade, whose fundamental policy might have admitted of a doubt, as applied to Bengal, (whatever it might have been with regard to England,) was now itself expiring in the hands of the Company, so that they were obliged to apply to government for power to enlarge their capacity of receiving bills upon Europe. The purchase by these bills they entirely divert from raw silk, and order to be laid out wholly in piece-goods.

Thus, having found by experience that this trade, whilst carried on upon the old principles, of whatever advantage it might have been to the British manufacturers, or to the individuals who were concerned in it in Bengal, had proved highly detrimental to the Company, the Directors resolved to expunge the raw silk from their investment. They gave up the whole to private traders, on condition of paying the freight, charges, and duties, — permitting them to send it to Europe in the Company's ships upon their own account.

The whole of this history will serve to demonstrate that all attempts, which in their original system or in their necessary consequences tend to the distress of India, must, and in a very short time will, make themselves felt even by those in whose favor such attempts have been made. India may possibly in some future time bear and support itself under an extraction of measure [treasure?] or of goods; but much

care ought to be taken that the influx of wealth shall be greater in quantity and prior in time to the waste.

On abandoning the trade in silk to private hands, the Directors issued some prohibitions to prevent monopoly, and they gave some directions about the improvement of the trade. The prohibitions were proper, and the directions prudent; but it is much to be feared, that, whilst all the means, instruments, and powers remain, by which monopolies were made, and through which abuses formerly prevailed, all verbal orders will be fruitless.

This branch of trade, being so long principally managed by the Company's servants for the Company and under its authority, cannot be easily taken out of their hands and pass to the natives, especially when it is to be carried on without the control naturally inherent in all participation. It is not difficult to conceive how this forced preference of traffic in a raw commodity must have injured the manufactures, while it was the policy of the Company to continue the trade on their own account. The servants, so far from deviating from their course, since they have taken the trade into their own management, have gone much further into it. The proportion of raw silk in the investment is to be augmented. The proportion of the whole cargoes for the year 1783, divided into sixteen parts, is ten of raw silk, and six only of manufactured goods. Such is the proportion of this losing article in the scheme for the investment of private fortunes.

In the reformed scheme of sending the investment on account of the Company, to be paid in bills upon Europe, no mention is made of any change of these proportions. Indeed, some limits are attempted on the article of silk, with regard to its price; and it is not improbable that the price to the master and the servant will be very different: but they cannot make profitable purchases of this article without strongly condemning all the former purchases of the Board of Trade.

CLOTHS, OR PIECE-GOODS.

The general system above stated, relative to the silk trade, must materially have affected the manufactures of Bengal, merely as it was a system of preference. It does by no means satisfactorily appear to your Committee that the freedom held out by the Company's various orders has been ever fully enjoyed, or that the grievances of the native merchants and manufacturers have been redressed; for we find, on good authority, that, at that very period at which it might be supposed that these orders had their operation, the oppressions were in full vigor. They appear to have fallen heaviest on the city of Dacca, formerly the great staple for the finest goods in India, — a place once full of opulent merchants and dealers of all descriptions.

The city and district of Dacca, before the prevalence of the East India Company's influence and authority, manufactured annually to about three hundred thousand pounds' value in cloths. In the year 1776 it had fallen to about two hundred thousand, or two thirds of its former produce. Of this the Company's demand amounted only to a fourth part, that is, about fifty thousand pounds yearly. This was at that time provided by agents for the Company, under the inspection of their commercial servants. On pretence of securing an advantage for this fourth part for their masters, they exerted a most violent and arbitrary power over the whole. It was asserted, that they fixed the Company's mark to such goods as they thought fit, (to all goods, as stated in one complaint,) and disposed of them as they thought proper, excluding not only all the native dealers, but the Dutch Company, and private English merchants, — that they made advances to the weavers often beyond their known ability to repay in goods within the year, and by this means, having got them in debt, held them in perpetual servitude. Their inability to keep accounts left them at the discretion of the agents of the supreme power to make their balances what they pleased, and they recovered them, not by legal process, but by seizure of their goods and arbitrary imprisonment of their persons. One and the same dealer made the advance, valued the return, stated the account, passed the judgment, and executed the process.

Mr. Rouse, Chief of the Dacca Province, who struggled against those evils, says, that in the year 1773 there were no balances due, as the trade was then carried on by the native brokers. In less than three years these balances amounted to an immense sum, — a sum lost to the Company, but existing in full force for every purpose of oppression. In the amount of these balances almost every weaver in the country bore a part, and consequently they were almost all caught in this snare. "They are in general," says Mr. Rouse, in a letter to General Clavering, delivered to your Committee, "a timid, helpless people; many of them poor to the utmost degree of wretchedness; incapable of keeping accounts; industrious as it were by instinct; unable to defend themselves, if oppressed; and satisfied, if with continual labor they

derive from the fair dealing and humanity of their employer a moderate subsistence for their families.”

Such were the people who stood accused by the Company’s agents as *pretending* grievances, in order to be excused the payment of their balances. As to the commercial state of the province in general, Mr. Rouse represents it “to be for those two years a perpetual scene of complaint and disputation; — the Company’s agents professing to pay higher rates to weavers, whilst the Leadenhall sales showed an heavy loss to the Company; the weavers have even travelled in multitudes to prefer their complaints at the Presidency; the amount of the investment comparatively small, with balances comparatively large, and, as I understand, generally contested by the weavers; the native merchants, called *delâls*, removed from their influence, as prejudicial to the Company’s concerns; and European merchants complaining against undue influence of the Company’s commercial agents, in preventing the free purchase even of those goods which the Company never takes.”

The spirit of those agents will be fully comprehended from a state of the proceedings before Mr. Rouse and Council, on the complaint of a Mr. Cree, an English free merchant at Dacca, who had been twice treated in the same injurious manner by the agents of Mr. Hurst, the Commercial Chief at that place. On his complaint to the board of the seizure of the goods, and imprisonment of his agents, Mr. Hurst was called upon for an explanation. In return he informed them that he had sent to one of the villages to inquire concerning the matter of fact alleged. The impartial person sent to make this inquiry was the very man accused of the oppressions into which he was sent to examine. The answer of Mr. Hurst is in an high and determined tone. He does not deny that there are some instances of abuse of power. “But I ask,” says he, “what *authority* can guard against the conduct of individuals? but that a *single* instance cannot be brought of a general depravity.” Your Committee have reason to believe these coercive measures to have been very general, though employed according to the degree of resistance opposed to the monopoly; for we find at one time the whole trade of the Dutch involved in the general servitude. But it appears very extraordinary that nothing but the actual proof of a *general* abuse could affect a practice the very principle of which tends to make the coercion as general as the trade. Mr. Hurst’s reflection concerning the abuse of *authority* is just, but in this case it is altogether inapplicable; because the complaint was not of the abuse, but of the use of authority in matters of trade, which ought to have been free. He throws out a variety of invidious reflections against the Council, as if they wanted zeal for the Company’s service; his justification of his practices, and his declaration of his resolution to persevere in them, are firm and determined, — asserting the right and policy of such restraints, and laying down a rule for his conduct at the factory, which, he says, will give no cause of just complaint to private traders. He adds, “I have no doubt but that they

have hitherto provided investments, and it cannot turn to my interest to preclude them *now*, though I must ever think it my duty to combat the private views of individuals who *set themselves up as competitors* under that very body under whose license and indulgence only they can derive their privilege of trade: all I contend for is the *same influence* my employers have ever had.” He ends by declining any reply to any of their future references of this nature.

The whole of this extraordinary letter is inserted in the Appendix, No. 51, — and Mr. Rouse’s minute of observations upon it in Appendix, No. 52, fully refuting the few pretexts alleged in that extraordinary performance in support of the trade by influence and authority. Mr. Hollond, one of the Council, joined Mr. Rouse in opinion that a letter to the purport of that minute should be written; but they were overruled by Messrs. Purling, Hogarth, and Shakespeare, who passed a resolution to defer sending any reply to Mr. Hurst: and none was ever sent. Thus they gave countenance to the doctrine contained in that letter, as well as to the mischievous practices which must inevitably arise from the exercise of such power. Some temporary and partial relief was given by the vigorous exertions of Mr. Rouse; but he shortly after removing from that government, all complaints were dropped.

It is remarkable, that, during the long and warm contest between the Company’s agents and the dealers of Dacca, the Board of Trade seem to have taken a decided part against the latter. They allow some sort of justice in the complaints of the manufacturers with regard to low valuation, and other particulars; but they say, that, “although” (during the time of preëmption) “it appears that the weavers *were not allowed the same liberty of selling to individuals they before enjoyed*, our opinion on the whole is, that these complaints have originated upon the premeditated designs of the *delâls* [factors or brokers] *to thwart the new mode* of carrying on the Company’s business, *and to render themselves necessary*.” They say, in another place, that there is no ground for the dissatisfactions and difficulties of the weavers: “that they are owing to the *delâls*, *whose aim it is to be employed*.”

This desire of being employed, and of rendering themselves necessary, in men whose only business it is to be employed in trade, is considered by the gentlemen of the board as no trivial offence; and accordingly they declare, “they have established it as *an invariable rule*, that, *whatever deficiency* there might be in the Dacca investment, no purchase of the manufactures of *that quarter* shall be made for account of the Company from private merchants. We have passed this resolution, which we deem of importance, from a persuasion that private merchants are often *induced* to make advances for Dacca goods, not by the ordinary chance of sale, but merely from an expectation of disposing of them at an enhanced price to the Company, against *whom a rivalship* is by this manner encouraged”; and they say, “that they intend to observe the *same rule* with respect to the investment of other of the factories from whence similar complaints may come.”

This positive rule is opposed to the positive directions of the Company to employ those obnoxious persons by preference. How far this violent use of authority for the purpose of destroying rivalship has succeeded in reducing the price of goods to the Company has been made manifest by the facts before stated in their place.

The recriminatory charges of the Company's agents on the native merchants have made very little impression on your Committee. We have nothing in favor of them, but the assertion of a party powerful and interested. In such cases of mutual assertion and denial, your Committee are led irresistibly to attach abuse to power, and to presume that suffering and hardship are more likely to attend on weakness than that any combination of unprotected individuals is of force to prevail over influence, power, wealth, and authority. The complaints of the native merchants ought not to have been treated in any of those modes in which they were then treated. And when men are in the situation of complainants against unbounded power, their abandoning their suit is far from a full and clear proof of their complaints being groundless. It is not because redress has been rendered impracticable that oppression does not exist; nor is the despair of sufferers any alleviation of their afflictions. A review of some of the most remarkable of the complaints made by the native merchants in that province is so essential for laying open the true spirit of the commercial administration, and the real condition of those concerned in trade there, that your Committee observing the records on this subject and at this period full of them, they could not think themselves justifiable in not stating them to the House.

Your Committee have found many heavy charges of oppression against Mr. Barwell, whilst Factory Chief at Dacca; which oppressions are stated to have continued, and even to have been aggravated, on complaint at Calcutta. These complaints appear in several memorials presented to the Supreme Council of Calcutta, of which Mr. Barwell was a member. They appeared yet more fully and more strongly in a bill in Chancery filed in the Supreme Court, which was afterwards recorded before the Governor-General and Council, and transmitted to the Court of Directors.

Your Committee, struck with the magnitude and importance of these charges, and finding that with regard to those before the Council no regular investigation has ever taken place, and finding also that Mr. Barwell had asserted in a Minute of Council that he had given a full answer to the allegations in that bill, ordered a copy of the answer to be laid before your Committee, that they might be enabled to state to the House how far it appeared to them to be full, how far the charges were denied as to the fact, or, where the facts might be admitted, what justification was set up. It appeared necessary, in order to determine on the true situation of the trade and the merchants of that great city and district.

The Secretary to the Court of Directors has informed your Committee that no copy of the answer is to be found in the India House; nor has your Committee been

able to discover that any has been transmitted. On this failure, your Committee ordered an application to be made to Mr. Barwell for a copy of his answer to the bill, and any other information with which he might be furnished with regard to that subject.

Mr. Barwell, after reciting the above letter, returned in answer what follows.

“Whether the records of the Supreme Court of Judicature are lodged at the India House I am ignorant, but on those records my answer is certainly to be found. At this distance of time I am sorry I cannot from memory recover the circumstances of this affair; but this I know, that the bill did receive a complete answer, and the people the fullest satisfaction: nor is it necessary for me to remark, that [in?] the state of parties at that time in Bengal, could party have brought forward any particle of that bill supported by any verified fact, the principle that introduced it in the proceedings of the Governor-General and Council would likewise have given the verification of that one circumstance, whatever that might have been. As I generally attend in my place in the House, I shall with pleasure answer any invitation of the gentlemen of the Committee to attend their investigations up stairs with every information and light in my power to give them.

“St. James’s Square, 15th April, 1783.”

Your Committee considered, that, with regard to the matter charged in the several petitions to the board, no sort of specific answer had been given at the time and place where they were made, and when and where the parties might be examined and confronted. It was considered also, that the bill had been transmitted, with other papers relating to the same matter, to the Court of Directors, with the knowledge and consent of Mr. Barwell, — and that he states that his answer had been filed, and no proceedings had upon it for eighteen months. In that situation it was thought something extraordinary that no care was taken by him to transmit so essential a paper as his answer, and that he had no copy of it in his hands.

Your Committee, in this difficulty, thought themselves obliged to decline any verbal explanation from the person who is defendant in the suit, relative to matters which on the part of the complainant appear upon record, and to leave the whole matter, as it is charged, to the judgment of the House to determine how far it may be worthy of a further inquiry, or how far they may admit such allegations as your Committee could not think themselves justified in receiving. To this effect your Committee ordered a letter to be written Mr. Barwell; from whom they received the following answer.

“Sir, — In consequence of your letter of the 17th, I must request the favor of you to inform the Select Committee that I expect from their justice, on any matter of public record in which I am personally to be brought forward to the notice of the House, that they will at the same time point out to the House what part of such matter has been verified, and what parts have not nor ever were attempted to be verified, though introduced in debate and entered on the records of the Governor-

General and Council of Bengal. I am anxious the information should be complete, or the House will not be competent to judge; and if it is complete, it will preclude all explanation as unnecessary.

“I am, Sir,
“Your most obedient humble servant,
“RICHARD BARWELL.
“St. James’s Square, 22nd April, 1783.

“P.S. As I am this moment returned from the country, I had it not in my power to be earlier in acknowledging your letter of the 17th.”

Your Committee applied to Mr. Barwell to communicate any papers which might tend to the elucidation of matters before them in which he was concerned. This he has declined to do. Your Committee conceive that under the orders of the House they are by no means obliged to make a complete state of all the evidence which may tend to criminate or exculpate every person whose transactions they may find it expedient to report: this, if not specially ordered, has not hitherto been, as they apprehend, the usage of any committee of this House. It is not for your Committee, but for the discretion of the party, to call for, and for the wisdom of the House to institute, such proceedings as may tend finally to condemn or acquit. The Reports of your Committee are no charges, though they may possibly furnish *matter* for charge; and no representations or observations of theirs can either clear or convict on any proceeding which may hereafter be grounded on the facts which they produce to the House. Their opinions are not of a judicial nature. Your Committee has taken abundant care that every important fact in their Report should be attended with the authority for it, either in the course of their reflections or in the Appendix: to report everything upon every subject before them which is to be found on the records of the Company would be to transcribe, and in the event to print, almost the whole of those voluminous papers. The matter which appears before them is in a summary manner this.

The Dacca merchants begin by complaining that in November, 1773, Mr. Richard Barwell, then Chief of Dacca, had deprived them of their employment and means of subsistence; that he had extorted from them 44,224 Arcot rupees (4,731*l.*) by the terror of his threats, by long imprisonment, and cruel confinement in the stocks; that afterwards they were confined in a small room near the factory-gate, under a guard of sepoys; that their food was stopped, and they remained starving a whole day; that they were not permitted to take their food till next day at noon, and were again brought back to the same confinement, in which they were continued for six days, and were not set at liberty until they had given Mr. Barwell’s banian a certificate for forty thousand rupees; that in July, 1774, when Mr. Barwell had left Dacca, they went to Calcutta to seek justice; that Mr. Barwell confined them in his

house at Calcutta, and sent them back under a guard of peons to Dacca; that in December, 1774, on the arrival of the gentlemen from Europe, they returned to Calcutta, and preferred their complaint to the Supreme Court of Judicature.

The bill in Chancery filed against Richard Barwell, John Shakespeare, and others, contains a minute specification of the various acts of personal cruelty said to be practised by Mr. Barwell's orders, to extort money from these people. Among other acts of a similar nature he is charged with having ordered the appraiser of the Company's cloths, who was an old man, and who asserts that he had faithfully served the Company above sixteen years without the least censure on his conduct, to be severely flogged without reason.

In the *manner* of confining the delâls, with ten of their servants, it is charged on him, that, "when he first ordered them to be put into the stocks, it was at a time when the weather was exceedingly bad and the rain very heavy, without allowing them the least covering for their heads or any part of their body, or anything to raise them from the wet ground; in which condition they were continued for many hours, until the said Richard Barwell thought proper to remove them into a far worse state, if possible, as if studying to exercise the most cruel acts of barbarity on them, &c.; and that during their imprisonment they were frequently carried to and tortured in the stocks in the middle of the day, when the scorching heat of the sun was insupportable, notwithstanding which they were denied the least covering." These men assert that they had served the Company without blame for thirty years, — a period commencing long before the power of the Company in India.

It was no slight aggravation of this severity, that the objects were not young, nor of the lowest of the people, who might, by the vigor of their constitutions, or by the habits of hardship, be enabled to bear up against treatment so full of rigor. They were aged persons; they were men of a reputable profession.

The account given by these merchants of their first journey to Calcutta, in July, 1774, is circumstantial and remarkable. They say, "that, on their arrival, *to their astonishment, they soon learned that the Governor, who had formerly been violently enraged against the said Richard Barwell for different improprieties in his conduct, was now reconciled to him; and that ever since there was a certainty of his Majesty's appointments taking place in India, from being the most inveterate enemies they were now become the most intimate friends; and that this account soon taught them to believe they were not any nearer justice from their journey to Calcutta than they had been before at Dacca.*"

When this bill of complaint was, in 1776, laid before the Council, to be transmitted to the Court of Directors, Mr. Barwell complained of the introduction of such a paper, and asserted, *that he had answered to every particular of it on oath about eighteen months, and that during this long period no attempt had been made to controvert, refute, or even to reply to it.*

He did not, however, think it proper to enter his answer on the records along with the bill of whose introduction he complained.

On the declarations made by Mr. Barwell in his minute (September, 1776) your Committee observe, that, considering him only as an individual under prosecution in a court of justice, it might be sufficient for him to exhibit his defence in the court where he was accused; but that, as a member of government, specifically charged before that very government with abusing the powers of his office in a very extraordinary manner, and for purposes (as they allege) highly corrupt and criminal, it appears to your Committee hardly sufficient to say that he had answered elsewhere. The matter was to go before the Court of Directors, to whom the question of his conduct in that situation, a situation of the highest power and trust, was as much at least a question of state as a matter of redress to be solely left to the discretion, capacity, or perseverance of individuals. Mr. Barwell might possibly be generous enough to take no advantage of his eminent situation; but these unfortunate people would rather look to his power than his disposition. In general, a man so circumstanced and so charged (though we do not know this to be the case with Mr. Barwell) might easily contrive by legal advantages to escape. The plaintiffs being at a great distance from the seat of government, and possibly affected by fear or fatigue, or seeing the impossibility of sustaining with the ruins of fortunes never perhaps very opulent a suit against wealth, power, and influence, a compromise might even take place, in which circumstances might make the complainants gladly acquiesce. But the public injury is not in the least repaired by the acquiescence of individuals, as it touched the honor of the very highest parts of government. In the opinion of your Committee some means ought to have been taken to bring the bill to a discussion on the merits; or supposing that such decree could not be obtained by reason of any failure of proceeding on the part of the plaintiffs, that some process official or juridical ought to have been instituted against them which might prove them guilty of slander and defamation in as authentic a manner as they had made their charge, before the Council as well as the Court.

By the determination of Mr. Hurst, and the resolutions of the Board of Trade, it is much to be apprehended that the native mercantile interest must be exceedingly reduced. The above-mentioned resolutions of the Board of Trade, if executed in their rigor, must almost inevitably accomplish its ruin. The subsequent transactions are covered with an obscurity which your Committee have not been able to dispel. All which they can collect, but that by no means distinctly, is, that, as those who trade for the Company in the articles of investment may also trade for themselves in the same articles, the old opportunities of confounding the capacities must remain, and all the oppressions by which this confusion has been attended. The Company's investments, as the General Letter from Bengal of the 20th of November, 1775, par. 28, states the matter, "are never at a stand; advances are made and goods are received all the year round." Balances, the grand instrument of oppression, naturally

accumulate on poor manufacturers who are intrusted with money. Where there is not a vigorous rivalry, not only tolerated, but encouraged, it is impossible ever to redeem the manufacturers from the servitude induced by those unpaid balances.

No such rivalry does exist: the policy practised and avowed is directly against it. The reason assigned in the Board of Trade's letter of the 28th of November, 1778, for its making their advances early in the season is, to prevent the foreign merchants and private traders *interfering* with the purchase of their (the Company's) assortments. "They also refer to the means taken to prevent this interference in their letter of 26th January, 1779." It is impossible that the small part of the trade should not fall into the hands of those who, with the name and authority of the governing persons, have such extensive contracts in their hands. It appears in evidence that natives can hardly trade to the best advantage, (your Committee doubt whether they can trade to any advantage at all,) if not joined with or countenanced by British subjects. The Directors were in 1775 so strongly impressed with this notion, and conceived the native merchants to have been even then reduced to so low a state, that, notwithstanding the Company's earnest desire of giving them a preference, they "doubt whether there are at this time in Bengal native merchants possessed of property adequate to such undertaking, or of credit and responsibility sufficient to make it safe and prudent to trust them with such sums as might be necessary to enable them to fulfil their engagements with the Company."

The effect which so long continued a monopoly, followed by a preëmption, and then by partial preferences supported by power, must necessarily have in weakening the mercantile capital, and disabling the merchants from all undertakings of magnitude, is but too visible. However, a witness of understanding and credit does not believe the capitals of the natives to be yet so reduced as to disable them from partaking in the trade, if they were otherwise able to put themselves on an equal footing with Europeans.

The difficulties at the outset will, however, be considerable. For the long continuance of abuse has in some measure conformed the whole trade of the country to its false principle. To make a sudden change, therefore, might destroy the few advantages which attend any trade, without securing those which must flow from one established upon sound mercantile principles, whenever such a trade can be established. The fact is, that the forcible direction which the trade of India has had towards Europe, to the neglect, or rather to the total abandoning, of the Asiatic, has of itself tended to carry even the internal business from the native merchant. The revival of trade in the native hands is of absolute necessity; but your Committee is of opinion that it will rather be the effect of a regular progressive course of endeavors for that purpose than of any one regulation, however wisely conceived.

After this examination into the condition of the trade and traders in the principal articles provided for the investment to Europe, your Committee proceeded to take

into consideration those articles the produce of which, after sale in Bengal, is to form a part of the fund for the purchase of other articles of investment, or to make a part of it in kind. These are, 1st, Opium, — 2ndly, Saltpetre, — and, 3rdly, Salt. These are all monopolized.

OPIUM.

The first of the internal authorized monopolies is that of opium. This drug, extracted from a species of the poppy, is of extensive consumption in most of the Eastern markets. The best is produced in the province of Bahar: in Bengal it is of an inferior sort, though of late it has been improved. This monopoly is to be traced to the very origin of our influence in Bengal. It is stated to have begun at Patna so early as the year 1761, but it received no considerable degree of strength or consistence until the year 1765, when the acquisition of the Duanné opened a wide field for all projects of this nature. It was then adopted and owned as a resource for persons in office, — was managed chiefly by the civil servants of the Patna factory, and for their own benefit. The policy was justified on the usual principles on which monopolies are supported, and on some peculiar to the commodity, to the nature of the trade, and to the state of the country: the security against adulteration; the prevention of the excessive home consumption of a pernicious drug; the stopping an excessive competition, which by an over-proportioned supply would at length destroy the market abroad; the inability of the cultivator to proceed in an expensive and precarious culture without a large advance of capital; and, lastly, the incapacity of private merchants to supply that capital on the feeble security of wretched farmers.

These were the principal topics on which the monopoly was supported. The last topic leads to a serious consideration on the state of the country; for, in pushing it, the gentlemen argued, that, in case such private merchants should advance the necessary capital, the lower cultivators “*would get money in abundance.*” Admitting this fact, it seems to be a part of the policy of this monopoly to prevent the cultivator from obtaining the natural fruits of his labor. Dealing with a private merchant, he could not get *money in abundance*, unless his commodity could produce an *abundant* profit. Further reasons, relative to the peace and good order of the province, were assigned for thus preventing the course of trade from the equitable distribution of the advantages of the produce, in which the first, the poorest, and the most laborious producer ought to have his first share. The cultivators, they add, would squander part of the money, and not be able to complete their engagements to the full; lawsuits, and even battles, would ensue between the factors, contending for a deficient produce; and the farmers would discourage the culture of an object which brought so much disturbance into their districts. This competition, the operation of which they endeavor to prevent, is the natural corrective of the abuse, and the best remedy which could be applied to the disorder, even supposing its probable existence.

Upon whatever reasons or pretences the monopoly of opium was supported, the real motive appears to be the profit of those who were in hopes to be concerned in

it. As these profits promised to be very considerable, at length it engaged the attention of the Company; and after many discussions, and various plans of application, it was at length taken for their benefit, and the produce of the sale ordered to be employed in the purchase of goods for their investment.

In the year 1773 it had been taken out of the hands of the Council of Patna, and leased to two of the natives, — but for a year only. The contractors were to supply a certain quantity of opium at a given price. Half the value was to be paid to those contractors in advance, and the other half on the delivery.

The proceedings on this contract demonstrated the futility of all the principles on which the monopoly was founded. The Council, as a part of their plan, were obliged, by heavy duties, and by a limitation of the right of emption of foreign opium to the contractors for the home produce, to check the influx of that commodity from the territories of the Nabob of Oude and the Rajah of Benares. In these countries no monopoly existed; and yet there the commodity was of such a quality and so abundant as to bear the duty, and even with the duty in some degree to rival the monopolist even in his own market. There was no complaint in those countries of want of advances to cultivators, or of lawsuits and tumults among the factors; nor was there any appearance of the multitude of other evils which had been so much dreaded from the vivacity of competition.

On the other hand, several of the precautions inserted in this contract, and repeated in all the subsequent, strongly indicated the evils against which it is extremely difficult, if not impossible, to guard a monopoly of this nature and in that country. For in the first contract entered into with the two natives it was strictly forbidden to compel the tenants to the cultivation of this drug. Indeed, very shocking rumors had gone abroad, and they were aggravated by an opinion universally prevalent, that, even in the season immediately following that dreadful famine which swept off one third of the inhabitants of Bengal, several of the poorer farmers were compelled to plough up the fields they had sown with grain in order to plant them with poppies for the benefit of the engrossers of opium. This opinion grew into a strong presumption, when it was seen that in the next year the produce of opium (contrary to what might be naturally expected in a year following such a dearth) was nearly doubled. It is true, that, when the quantity of land necessary for the production of the largest quantity of opium is considered, it is not just to attribute that famine to these practices, nor to any that were or could be used; yet, where such practices did prevail, they must have been very oppressive to individuals, extremely insulting to the feelings of the people, and must tend to bring great and deserved discredit on the British government. The English are a people who appear in India as a conquering nation; all dealing with them is therefore, more or less, a dealing with power. It is such when they trade on a private account; and it is much more so in any authorized monopoly, where the hand of government, which ought never to appear but to protect, is felt as the instrument in every act of

oppression. Abuses must exist in a trade and a revenue so constituted, and there is no effectual cure for them but to entirely cut off their cause.

Things continued in this train, until the great revolution in the Company's government was wrought by the Regulating Act of the thirteenth of the king. In 1775 the new Council-General appointed by the act took this troublesome business again into consideration. General Clavinger, Colonel Monson, and Mr. Francis expressed such strong doubts of the propriety of this and of all other monopolies, that the Directors, in their letter of the year following, left the Council at liberty to throw the trade open, under a duty, if they should find it practicable. But General Clavinger, who most severely censured monopoly in general, thought that this monopoly ought to be retained, — but for a reason which shows his opinion of the wretched state of the country: for he supposed it impossible, with the power and influence which must attend British subjects in all their transactions, that monopoly could be avoided; and he preferred an avowed monopoly, which brought benefit to government, to a virtual engrossing, attended with profit only to individuals. But in this opinion he did not seem to be joined by Mr. Francis, who thought the suppression of this and of all monopolies to be practicable, and strongly recommended their abolition in a plan sent to the Court of Directors the year following.

The Council, however, submitting to the opinion of this necessity, endeavored to render that dubious engagement as beneficial as possible to the Company. They began by putting up the contract to the highest bidder. The proposals were to be sealed. When the seals came to be opened, a very extraordinary scene appeared. Every step in this business develops more and more the effect of this junction of public monopoly and private influence. Four English and eight natives were candidates for the contract; three of the English far overbid the eight natives. They who consider that the natives, from their superior dexterity, from their knowledge of the country and of business, and from their extreme industry, vigilance, and parsimony, are generally an over-match for Europeans, and indeed are, and must ultimately be, employed by them in all transactions whatsoever, will find it very extraordinary that they did not by the best offers secure this dealing to themselves. It can be attributed to this cause, and this only, — that they were conscious, that, without power and influence to subdue the cultivators of the land to their own purposes, they never could afford to engage on the lowest possible terms. Those whose power entered into the calculation of their profits could offer, as they did offer, terms without comparison better; and therefore one of the English bidders, without partiality, secured the preference.

The contract to this first bidder, Mr. Griffiths, was prolonged from year to year; and as during that time frequent complaints were made by him to the Council Board, on the principle that the years answered very differently, and that the business of one year ran into the other, reasons or excuses were furnished for giving

the next contract to Mr. Mackenzie for three years. This third contract was not put up to auction, as the second had been, and as this ought to have been. The terms were, indeed, something better for the Company; and the engagement was subject to qualifications, which, though they did not remove the objection to the breach of the Company's orders, prevented the hands of the Directors from being tied up. A proviso was inserted in the contract, that it should not be anyways binding, if the Company by orders from home should alter the existing practice with regard to such dealing.

Whilst these things were going on, the evils which this monopoly was in show and pretence formed to prevent still existed, and those which were naturally to be expected from a monopoly existed too. Complaints were made of the bad quality of the opium; trials were made, and on those trials the opium was found faulty. An office of inspection at Calcutta, to ascertain its goodness, was established, and directions given to the Provincial Councils at the places of growth to certify the quantity and quality of the commodity transmitted to the Presidency.

In 1776, notwithstanding an engagement in the contract strictly prohibiting all compulsory culture of the poppy, information was given to a member of the Council-General, that fields green with rice had been forcibly ploughed up to make way for that plant, — and that this was done in the presence of several English gentlemen, who beheld the spectacle with a just and natural indignation. The board, struck with this representation, ordered the Council of Patna to make an inquiry into the fact; but your Committee can find no return whatsoever to this order. The complaints were not solely on the part of the cultivators against the contractor. The contractor for opium made loud complaints against the inferior collectors of the landed revenue, stating their undue and vexatious exactions from the cultivators of opium, — their throwing these unfortunate people into prison upon frivolous pretences, by which the tenants were ruined, and the contractor's advances lost. He stated, that, if the contractor should interfere in favor of the cultivator, then a deficiency would be caused to appear in the landed revenues, and that deficiency would be charged on his interposition; he desired, therefore, that the cultivators of opium should be taken out of the general system of the landed revenue, and put under "*his protection.*" Here the effect naturally to be expected from the clashing of inconsistent revenues appeared in its full light, as well as the state of the unfortunate peasants of Bengal between such rival protectors, where the ploughman, flying from the tax-gatherer, is obliged to take refuge under the wings of the monopolist. No dispute arises amongst the English subjects which does not divulge the misery of the natives; when the former are in harmony, all is well with the latter.

This monopoly continuing and gathering strength through a succession of contractors, and being probably a most lucrative dealing, it grew to be every day a greater object of competition. The Council of Patna endeavored to recover the contract, or at least the agency, by the most inviting terms; and in this eager state of

mutual complaint and competition between private men and public bodies things continued until the arrival in Bengal of Mr. Stephen Sullivan, son of Mr. Sullivan, Chairman of the East India Company, which soon put an end to all strife and emulation.

To form a clear judgment on the decisive step taken at this period, it is proper to keep in view the opinion of the Court of Directors concerning monopolies, against which they had uniformly declared in the most precise terms. They never submitted to them, but as to a present necessity; it was therefore not necessary for them to express any particular approbation of a clause in Mr. Mackenzie's contract which was made in favor of their own liberty. Every motive led them to preserve it. On the security of that clause they could alone have suffered to pass over in silence (for they never approved) the grant of the contract which contained it for three years. It must also be remembered that they had from the beginning positively directed that the contract should be put up to public auction; and this not having been done in Mr. Mackenzie's case, they severely reprimanded the Governor-General and Council in their letter of the 23rd December, 1778.

The Court of Directors were perfectly right in showing themselves tenacious of this regulation, — not so much to secure the best practicable revenue from their monopoly whilst it existed, but for a much more essential reason, that is, from the corrective which this method administered to that monopoly itself: it prevented the British contractor from becoming doubly terrible to the natives, when they should see that his contract was in effect *a grant*, and therefore indicated particular favor and private influence with the ruling members of an absolute government.

On the expiration of Mr. Mackenzie's term, and but a few months after Mr. Sullivan's arrival, the Governor-General, as if the contract was a matter of patronage, and not of dealing, pitched upon Mr. Sullivan as the most proper person for the management of this critical concern. Mr. Sullivan, though a perfect stranger to Bengal, and to that sort and to all sorts of local commerce, made no difficulty of accepting it. The Governor-General was so fearful that his true motives in this business should be mistaken, or that the smallest suspicion should arise of his attending to the Company's orders, that, far from putting up the contract (which, on account of its known profits, had become the object of such pursuit) to *public auction*, he did not wait for receiving so much as a *private proposal* from Mr. Sullivan. The Secretary perceived that in the rough draught of the contract the old recital of a proposal to the board was inserted as a matter of course, but was contrary to the fact; he therefore remarked it to Mr. Hastings. Mr. Hastings, with great indifference, ordered that recital to be *omitted*; and the omission, with the remark that led to it, has, with the same easy indifference, been sent over to his masters.

The Governor-General and Council declare themselves apprehensive that Mr. Sullivan might be a loser by his bargain, upon account of troubles which they

supposed existing in the country which was the object of it. This was the more indulgent, because the contractor was tolerably secured against all losses. He received a certain price for his commodity; but he was not obliged to pay any certain price to the cultivator, who, having no other market than his, must sell it to him at his own terms. He was to receive half the yearly payment by *advance*, and he was not obliged to advance to the cultivator more than what he thought expedient; but if this should not be enough, he might, if he pleased, draw the *whole* payment before the total delivery: such were the terms of the engagement with him. He is a contractor of a new species, who employs no capital whatsoever of his own, and has the market of compulsion at his entire command. But all these securities were not sufficient for the anxious attention of the Supreme Council to Mr. Sullivan's welfare: Mr. Hastings had before given him the contract without any proposal on his part; and to make their gift perfect, in a second instance they proceed a step beyond their former ill precedent, and they contract with Mr. Sullivan for *four* years.

Nothing appears to have been considered but the benefit of the contractor, and for this purpose the solicitude shown in all the provisions could not be exceeded. One of the first things that struck Mr. Hastings as a blemish on his gift was the largeness of the penalty which he had on former occasions settled as the sanction of the contract: this he now discovered to be so great as to be likely to frustrate its end by the impossibility of recovering so large a sum. How a large penalty can prevent the recovery of any, even the smallest part of it, is not quite apparent. In so vast a concern as that of opium, a fraud which at first view may not appear of much importance, and which may be very difficult in the discovery, may easily counterbalance the reduced penalty in this contract, which was settled in favor of Mr. Sullivan at about 20,000*l*.

Monopolies were (as the House has observed) only tolerated evils, and at best upon trial; a clause, therefore, was inserted in the contracts to Mackenzie, annulling the obligation, if the Court of Directors should resolve to abolish the monopoly; but at the request of Mr. Sullivan the contract was without difficulty purged of this obnoxious clause. The term was made absolute, the monopoly rendered irrevocable, and the discretion of the Directors wholly excluded. Mr. Hastings declared the reserved condition to be no longer necessary, "because the Directors had approved the monopoly."

The Chiefs and Councils at the principal factories had been obliged to certify the quantity and quality of the opium before its transport to Calcutta; and their control over the contractor had been assigned as the reason for not leaving to those factories the management of this monopoly. Now things were changed. Orders were sent to discontinue this measure of invidious precaution, and the opium was sent to Calcutta without anything done to ascertain its quality or even its quantity.

An office of inspection had been also appointed to examine the quality of the opium on its delivery at the capital settlement. In order to ease Mr. Sullivan from

this troublesome formality, Mr. Hastings abolished the office; so that Mr. Sullivan was then totally freed from all examination, or control whatsoever, either first or last.

These extraordinary changes in favor of Mr. Sullivan were attended with losses to others, and seem to have excited much discontent. This discontent it was necessary in some manner to appease. The vendue-master, who was deprived of his accustomed dues on the public sales of the opium by the private dealing, made a formal complaint to the board against this, as well as other proceedings relative to the same business. He attributed the private sale to "*reasons of state*"; and this strong reflection both on the Board of Trade and the Council Board was passed over without observation. He was quieted by appointing him to the duty of these very inspectors whose office had been just abolished as useless. The House will judge of the efficacy of the revival of this office by the motives to it, and by Mr. Hastings giving that to *one* as *a compensation* which had been executed by several as *a duty*. However, the orders for taking away the precautionary inspection at Patna still remained in force.

Some benefits, which had been given to former contractors at the discretion of the board, were no longer held under that loose indulgence, but were secured to Mr. Sullivan by his contract. Other indulgences, of a lesser nature, and to which no considerable objection could be made, were on the application of a Mr. Benn, calling himself his attorney, granted.

Your Committee, examining Mr. Higginson, late a member of the Board of Trade, on that subject, were informed, that this contract, very soon after the making, was generally understood at Calcutta to have been sold to this Mr. Benn, but he could not particularize the sum for which it had been assigned, — and that Mr. Benn had afterwards sold it to a Mr. Young. By this transaction it appears clearly that the contract was given to Mr. Sullivan for no other purpose than to supply him with a sum of money; and the sale and re-sale seem strongly to indicate that the reduction of the penalty, and the other favorable conditions, were not granted for his ease in a business which he never was to execute, but to heighten the value of the object which he was to sell. Mr. Sullivan was at the time in Mr. Hastings's family, accompanied him in his progresses, and held the office of Judge-Advocate.

The monopoly given for these purposes thus permanently secured, all power of reformation cut off, and almost every precaution against fraud and oppression removed, the Supreme Council found, or pretended to find, that the commodity for which they had just made such a contract was not a salable article, — and in consequence of this opinion, or pretence, entered upon a daring speculation hitherto unthought of, that of sending the commodity on the Company's account to the market of Canton. The Council alleged, that, the Dutch being driven from Bengal,

and the seas being infested with privateers, this commodity had none, or a very dull and depreciated demand.

Had this been true, Mr. Hastings's conduct could admit of no excuse. He ought not to burden a falling market by long and heavy engagements. He ought studiously to have kept in his power the means of proportioning the supply to the demand. But his arguments, and those of the Council on that occasion, do not deserve the smallest attention. Facts, to which there is no testimony but the assertion of those who produce them in apology for the ill consequences of their own irregular actions, cannot be admitted. Mr. Hastings and the Council had nothing at all to do with that business: the Court of Directors had wholly taken the management of opium out of his and their hands, and by a solemn adjudication fixed it in the Board of Trade. But after it had continued there some years, Mr. Hastings, a little before his grant of the monopoly to Mr. Sullivan, thought proper to reverse the decree of his masters, and by his own authority to recall it to the Council. By this step he became responsible for all the consequences.

The Board of Trade appear, indeed, to merit reprehension for disposing of the opium by private contract, as by that means the unerring standard of the public market cannot be applied to it. But they justified themselves by their success; and one of their members informed your Committee that their last sale had been a good one: and though he apprehended a fall in the next, it was not such as in the opinion of your Committee could justify the Council-General in having recourse to untried and hazardous speculations of commerce. It appears that there must have been a market, and one sufficiently lively. They assign as a reason of this assigned [alleged?] dulness of demand, that the Dutch had been expelled from Bengal, and could not carry the usual quantity to Batavia. But the Danes were not expelled from Bengal, and Portuguese ships traded there: neither of them were interdicted at Batavia, and the trade to the eastern ports was free to them. The Danes actually applied for and obtained an increase of the quantity to which their purchases had been limited; and as they asked, so they received this indulgence as a great favor. It does not appear that they were not very ready to supply the place of the Dutch. On the other hand, there is no doubt that the Dutch would most gladly receive an article, convenient, if not necessary, to the circulation of their commerce, from the Danes, or under any name; nor was it fit that the Company should use an extreme strictness in any inquiry concerning the necessary disposal of one of their own staple commodities.

The supply of the Canton treasury with funds for the provision of the next year's China investment was the ground of this plan. But the Council-General appear still to have the particular advantage of Mr. Sullivan in view, — and, not satisfied with breaking so many of the Company's orders for that purpose, to make the contract an object salable to the greatest advantage, were obliged to transfer their personal partiality from Mr. Sullivan to the contract itself, and to hand it over to the assignees

through all their successions. When the opium was delivered, the duties and emoluments of the contractor ended; but (it appears from Mr. Williamson's letter, 18th October, 1781, and it is not denied by the Council-General) this new scheme *furnished them with a pretext of making him broker for the China investment, with the profit of a new commission*, — to what amount does not appear. But here their constant and vigilant observer, the vendue-master, met them again: — they seemed to live in no small terror of this gentleman. To satisfy him for the loss of his fee to which he was entitled upon the public sale, they gave *him* also a commission of one per cent on the investment. Thus was this object loaded with a double commission; and every act of partiality to one person produced a chargeable compensation to some other for the injustice that such partiality produced. Nor was this the whole. The discontent and envy excited by this act went infinitely further than to those immediately affected, and something or other was to be found out to satisfy as many as possible.

As soon as it was discovered that the Council entertained a design of opening a trade on those principles, it immediately engaged the attention of such as had an interest in speculations of freight.

A memorial seems to have been drawn early, as it is dated on the 29th of March, though it was not the first publicly presented to the board. This memorial was presented on the 17th of September, 1781, by Mr. Wheler, conformably (as he says) to the desire of the Governor-General; and it contained a long and elaborate dissertation on the trade to China, tending to prove the advantage of extending the sale of English manufactures and other goods to the North of that country, beyond the usual emporium of European nations. This ample and not ill-reasoned theoretical performance (though not altogether new either in speculation or attempt) ended by a practical proposition, very short, indeed, of the ideas opened in the preliminary discourse, but better adapted to the immediate effect. It was, that the Company should undertake the sale of its own opium in China, and commit the management of the business to the memorialist, who offered to furnish them with a strong armed ship for that purpose. The offer was accepted, and the agreement made with him for the transport of two thousand chests.

A proposal by another person was made the July following the date of this project: it appears to have been early in the formal delivery at the board: this was for the export of one thousand four hundred and eighty chests. This, too, was accepted, but with new conditions and restrictions: for in so vast and so new an undertaking great difficulties occurred. In the first place, all importation of that commodity is rigorously forbidden by the laws of China. The impropriety of a political trader, who is lord over a great empire, being concerned in a contraband trade upon his own account, did not seem in the least to affect them; but they were struck with the obvious danger of subjecting their goods to seizure by the vastness of the prohibited import. To secure the larger adventure, they require of the China

factory that Colonel Watson's ship should enter the port of Canton as an *armed ship*, (they would not say a ship of war, though that must be meant,) that her cargo should not be reported; they also ordered that other measures should be adopted to secure this prohibited article from seizure. If the cargo should get in safe, another danger was in view, — the overloading the Chinese market by a supply beyond the demand; for it is obvious that contraband trade must exist by small quantities of goods poured in by intervals, and not by great importations at one time. To guard against this inconvenience, they divide their second, though the smaller adventure, into two parts; one of which was to go to the markets of the barbarous natives which inhabit the coast of Malacca, where the chances of its being disposed of by robbery or sale were at least equal. If the opium should be disposed of there, the produce was to be invested in merchandise salable in China, or in dollars, if to be had. The other part (about one half) was to go in kind directly to the port of Canton.

The dealing at this time seemed closed; but the gentlemen who chartered the ships, always recollecting something, applied anew to the board to be furnished with cannon from the Company's ordnance. Some was delivered to them; but the Office of Ordnance (so heavily expensive to the Company) was not sufficient to spare a few iron guns for a merchant ship. Orders were given to cast a few cannon, and an application made to Madras, at a thousand miles' distance, for the rest. Madras answers, that they cannot exactly comply with the requisition; but still the board at Bengal *hopes* better things from them than they promise, and flatter themselves that with their assistance they shall properly arm a ship of thirty-two guns.

Whilst these dispositions were making, the first proposer, perceiving advantages from the circuitous voyage of the second which had escaped his observation, to make amends for his first omission, improved both on his own proposal and on that of the person who had improved on him. He therefore applied for leave to take two hundred and fifty chests on his own account, which he said could "*be readily disposed of* at the several places where it was necessary for the ship to touch for wood and water, or intelligence, during her intended voyage through *the Eastern Islands*." As a corrective to this extraordinary request, he assured the board, that, if he should meet with any unexpected delay at these markets, he would send their cargo to its destination, having secured a *swift-sailing* sloop for the *protection* of his ship; and this sloop he proposed, in such a case, to leave behind. Such an extraordinary eagerness to deal in opium lets in another view of the merits of the alleged dulness of the market, on which this trade was undertaken for the Company's account.

The Council, who had with great condescension and official facility consented to every demand hitherto made, were not reluctant with regard to this last. The quantity of opium required by the freighters, and the permission of a trading voyage, were granted without hesitation. The cargo having become far more

valuable by this small infusion of private interest, the armament which was deemed sufficient to defend the Company's large share of the adventure was now discovered to be unequal to the protection of the whole. For the convoy of these two ships the Council hire and arm another. How they were armed, or whether in fact they were properly armed at all, does not appear. It is true that the Supreme Council proposed that these ships should also convey supplies to Madras; but this was a secondary consideration: their primary object was the adventure of opium. To this they were permanently attached, and were obliged to attend to its final destination.

The difficulty of disposing of the opium according to this project being thus got over, a material preliminary difficulty still stood in the way of the whole scheme. The contractor, or his assignees, were to be paid. The Company's treasure was wholly exhausted, and even its credit was exceedingly strained. The latter, however, was the better resource, and to this they resolved to apply. They therefore, at different times, opened two loans of one hundred thousand pounds each. The first was reserved for the Company's servants, civil and military, to be distributed in shares according to their rank; the other was more general. The terms of both loans were, that the risk of the voyage was to be on account of *the Company*. The payment was to be in bills (at a rate of exchange settled from the supercargoes at Canton) upon the same Company. In whatever proportion the adventure should fail, either in the ships not safely arriving in China or otherwise, in that proportion the subscribers were to content themselves with the Company's bonds for their money, bearing eight per cent interest. A share in this subscription was thought exceeding desirable; for Mr. Hastings writes from Benares, where he was employed in the manner already reported and hereafter to be observed upon, requesting that the subscription should be left open to his officers who were employed in the military operations against Cheyt Sing; and accordingly three majors, seven captains, twenty-three lieutenants, the surgeon belonging to the detachment, and two civil servants of high rank who attended him, were admitted to subscribe.

Bills upon Europe without interest are always preferred to the Company's bonds, even at the high interest allowed in India. They are, indeed, so greedily sought there, and (because they tend to bring an immediate and visible distress in Leadenhall Street) so much dreaded here, that by an act of Parliament the Company's servants are restricted from drawing bills beyond a certain amount upon the Company in England. In Bengal they have been restrained to about one hundred and eighty thousand pounds annually. The legislature, influenced more strongly with the same apprehensions, has restrained the Directors, as the Directors have restrained their servants, and have gone so far as to call in the power of the Lords of the Treasury to authorize the acceptance of any bills beyond an amount prescribed in the act.

The false principles of this unmercantile transaction (to speak of it in the mildest terms) were too gross not to be visible to those who contrived it. That the Company should be made to borrow such a sum as two hundred thousand pounds at eight per

cent, (or terms deemed by the Company to be worse,) in order first to buy a commodity represented by themselves as depreciated in its ordinary market, in order afterwards to carry one half of it through a circuitous trading voyage, depending for its ultimate success on the prudent and fortunate management of two or three sales, and purchases and re-sales of goods, and the chance of two or three markets, with all the risks of sea and enemy, was plainly no undertaking for such a body. The activity, private interest, and the sharp eye of personal superintendency may now and then succeed in such projects; but the remote inspection and unwieldy movements of great public bodies can find nothing but loss in them. Their gains, comparatively small, ought to be upon sure grounds; but here (as the Council states the matter) the private trader actually declines to deal, which is a proof more than necessary to demonstrate the extreme imprudence of such an undertaking on the Company's account. Still stronger and equally obvious objections lay to that member of the project which regards the introduction of a contraband commodity into China, sent at such a risk of seizure not only of the immediate object to be smuggled in, but of all the Company's property in Canton, and possibly at a hazard to the existence of the British factory at that port.

It is stated, indeed, that a monopolizing company in Canton, called the Cohong, had reduced commerce there to a deplorable state, and had rendered the gains of private merchants, either in opium or anything else, so small and so precarious that they were no longer able by purchasing that article to furnish the Company with money for a China investment. For this purpose the person whose proposal is accepted declares his project to be to set up a monopoly on the part of the Company against the monopoly of the Chinese merchants: but as the Chinese monopoly is at home, and supported (as the minute referred to asserts) by the country magistrates, it is plain it is the Chinese company, not the English, which must prescribe the terms, — particularly in a commodity which, if withheld from them at their market price, they can, whenever they please, be certain of purchasing as a condemned contraband.

There are two further circumstances in this transaction which strongly mark its character. The first is, that this adventure to China was not recommended to them by the factory of Canton; it was dangerous to attempt it without their previous advice, and an assurance, grounded on the state of the market and the dispositions of the government, that the measure, in a commercial light, would be profitable, or at least safe. Neither was that factory applied to on the state of the bills which, upon their own account, they might be obliged to draw upon Europe, at a time when the Council of Bengal direct them to draw bills to so enormous an amount.

The second remarkable circumstance is, that the Board of Trade in Calcutta (the proper administrator of all that relates to the Company's investment) does not seem to have given its approbation to the project, or to have been at all consulted upon it. The sale of opium had been adjudged to the Board of Trade for the express purpose

of selling it in Bengal, not in China, — and of employing the produce of such sale in the manufactures of the country in which the original commodity was produced. On the whole, it appears a mere trading speculation of the Council, invading the department of others, without lights of its own, without authority or information from any other quarter. In a commercial view, it straitened the Company's investment to which it was destined; as a measure of finance, it is a contrivance by which a monopoly formed for the increase of revenue, instead of becoming one of its resources, involves the treasury, in the first instance, in a debt of two hundred thousand pounds.

If Mr. Hastings, on the expiration of Mr. Mackenzie's contract, the advantages of which to the Company had been long doubtful, had put himself in a situation to do his duty, some immediate loss to the revenue would have been the worst consequence of the alleged depreciation; probably it would not have been considerable. Mr. Mackenzie's contract, which at first was for three years, had been only renewed for a year. Had the same course been pursued with Mr. Sullivan, they would have had it in their power to adopt some plan which might have secured them from any loss at all. But they pursued another plan: they carefully put all remedy still longer out of their reach by giving their contract for four years. To cover all these irregularities, they interest the settlement in their favor by holding out to them the most tempting of all baits in a chance of bills upon Europe.

In this manner the servants abroad have conducted themselves with regard to Mr. Sullivan's contract for opium, and the disposal of the commodity. In England the Court of Directors took it into consideration. First, as to the contract, in a letter dated 12th July, 1782, they say, that, "having condemned the contract entered into with Mr. Mackenzie for the provision of opium, they cannot but be *surprised* at your having concluded a new contract for *four* years relative to that article with Mr. Stephen Sullivan, without leaving the decision of it to the Court of Directors."

The sentiments of the Directors are proper, and worthy of persons in public trust. Their *surprise*, indeed, at the disobedience to their orders is not perfectly natural in those who for many years have scarcely been obeyed in a single instance. They probably asserted their authority at this time with as much vigor as their condition admitted.

They proceed: "We do not mean," say they, "to convey any censure on Mr. Sullivan respecting the transaction; but we cannot withhold our displeasure from the Governor-General and Council at such an instance of *contempt* of our authority." They then proceed justly to censure the removal of the inspection, and some other particulars of this gross proceeding. As to the criminality of the parties, it is undoubtedly true that a breach of duty in servants is highly aggravated by the rank, station, and trust of the offending party; but no party, in such conspiracy to break orders, appear to us wholly free from fault.

The Directors did their duty in reprobating this contract; but it is the opinion of your Committee that further steps ought to be taken to inquire into the legal validity of a transaction which manifestly attempts to prevent the Court of Directors from applying any remedy to a grievance which has been for years the constant subject of complaints.

Both Mr. Sullivan and Mr. Hastings are the Company's servants, bound by their covenants and their oaths to promote the interest of their masters, and both equally bound to be obedient to their orders. If the Governor-General had contracted with a stranger, not apprised of the Company's orders, and not bound by any previous engagement, the contract might have been good; but whether a contract made between two servants, contrary to the orders of their common master, and to the prejudice of his known interest, be a breach of trust on both sides, and whether the contract can in equity have force to bind the Company, whenever they shall be inclined to free themselves and the country they govern from this mischievous monopoly, your Committee think a subject worthy of further inquiry.

With regard to the disposal of the opium, the Directors very properly condemn the direct contraband, but they approve the trading voyage. The Directors have observed nothing concerning the loans: they probably reserved that matter for future consideration.

In no affair has the connection between servants abroad and persons in power among the proprietors of the India Company been more discernible than in this. But if such confederacies, cemented by such means, are suffered to pass without due animadversion, the authority of Parliament must become as inefficacious as all other authorities have proved to restrain the growth of disorders either in India or in Europe.

SALT.

The reports made by the two committees of the House which sat in the years 1772 and 1773 of the state and conduct of the inland trade of Bengal up to that period have assisted the inquiries of your Committee with respect to the third and last article of monopoly, viz., that of salt, and made it unnecessary for them to enter into so minute a detail on that subject as they have done on some others.

Your Committee find that the late Lord Clive constantly asserted that the salt trade in Bengal had been a monopoly time immemorial, — that it ever was and ever must be a monopoly, — and that Coja Wazid, and other merchants long before him, had given to the Nabob and his ministers two hundred thousand pounds per annum for the exclusive privilege. The Directors, in their letter of the 24th December, 1776, paragraph 76, say, “that it has ever been in a great measure an exclusive trade.”

The Secret Committee report, that under the government of the Nabobs the duty on salt made in Bengal was two and an half per cent paid by Mussulmen, and five per cent paid by Gentoos. On the accession of Mir Cassim, in 1760, the claim of the Company’s servants to trade in salt duty-free was first avowed. Mr. Vansittart made an agreement with him by which the duties should be fixed at nine per cent. The Council annulled the agreement, and reduced the duty to two and an half per cent. On this Mir Cassim ordered that no customs or duties whatsoever should be collected for the future. But a majority of the Council (22nd March, 1763) resolved, that the making the exemption general was a breach of the Company’s privileges, and that the Nabob should be positively required to recall it, and collect duties as before from the country merchants, and all other persons who had not the protection of the Company’s *dustuck*. The Directors, as the evident reason of the thing and as their duty required, disapproved highly of these transactions, and ordered (8th February, 1764) *a final and effectual stop to be put to the inland trade in salt*, and several other articles of commerce. But other politics and other interests prevailed, so that in the May following a General Court resolved, that it should be recommended to the Court of Directors to reconsider the preceding orders; in consequence of which the Directors ordered the Governor and Council to form a plan, in concert with the Nabob, for regulating the inland trade.

On these last orders Lord Clive’s plan was formed, in 1765, for engrossing the sole purchase of salt, and dividing the profits among the Company’s senior servants. The Directors, who had hitherto reluctantly given way to a monopoly under any ideas or for any purposes, disapproved of this plan, and on the 17th May, 1766, ordered it to be abolished; but they substituted no other in its room. In this manner things continued until November, 1767, when the Directors repeated their orders for excluding all persons whatever, excepting the natives only, from being

concerned in the inland trade in salt; and they declared that (vide par. 90) “*such trade is hereby abolished and put a final end to.*” In the same letter (par. 92) they ordered that the salt trade should be laid open to the natives in general, subject to such a duty as might produce one hundred and twenty thousand pounds a year. This policy was adopted by the legislature. In the act of 1773 it was expressly provided, that it should not be lawful for any of his Majesty’s subjects to engage, intermeddle, or be any way concerned, directly or indirectly, in the inland trade in salt, except on the India Company’s account.

Under the positive orders of the Company, the salt trade appears to have continued open from 1768 to 1772. The act, indeed, contained an exception in favor of the Company, and left them a liberty of dealing in salt upon their own account. But still this policy remained unchanged, and their orders unrevoked. But in the year 1772, without any instruction from the Court of Directors indicating a change of opinion or system, the whole produce was again monopolized, professedly for the use of the Company, by Mr. Hastings. Speaking of this plan, he says (letter to the Directors, 22d February, 1775): “No new hardship has been imposed upon the salt manufacturers by taking the management of that article into the hands of government; the only difference is, that the profit which was before reaped by English gentlemen and by banians is now acquired by the Company.” In May, 1766, the Directors had condemned the monopoly *on any conditions whatsoever*. “At that time they thought it neither consistent with their honor nor their dignity to promote such an exclusive trade.” “They considered it, too, as disgraceful, *and below the dignity of their present situation*, to allow of such a monopoly, and that, were they to allow it under any restrictions, they should consider themselves as assenting and subscribing to all the mischiefs which Bengal had presented to them for four years past.”

Notwithstanding this solemn declaration, in their letter of 24th December, 1776, they approve the plan of Mr. Hastings, and say, “that the monopoly, *on its present footing*, can be no considerable grievance to the country,” &c.

This, however, was a rigorous monopoly. The account given of it by General Clavering, Colonel Monson, and Mr. Francis, in their minute of 11th January, 1775, in which the situation of the *molungees*, or persons employed in the salt manufacture, is particularly described, is stated at length in the Appendix. Mr. Hastings himself says, “The power of obliging molungees to work has been customary from time immemorial.”

Nothing but great and clear advantage to government could account for, and nothing at all perhaps could justify, the revival of a monopoly thus circumstanced. The advantage proposed by its revival was the transferring the profit, which was before reaped by English gentlemen and banians, to the Company. The profits of the former were not problematical. It was to be seen what the effect would be of a scheme to transfer them to the latter, even under the management of the projector

himself. In the Revenue Consultations of September, 1776, Mr. Hastings said, “Many causes have since combined to reduce this article of revenue *almost to nothing*. The plan which I am *now* inclined to recommend for the future management of the salt revenue differs widely from that which I adopted under different circumstances.”

It appears that the ill success of his former scheme did not deter him from recommending another. Accordingly, in July, 1777, Mr. Hastings proposed, and it was resolved, that the salt mahls should be let, *with* the lands, to the farmers and zemindars for a ready-money rent, including duties, — the salt to be left to their disposal. After some trial of this method, Mr. Hastings thought fit to abandon it. In September, 1780, he changed his plan a third time, and proposed the institution of a *salt office*; the salt was to be again engrossed for the benefit of the Company, and the management conducted by a number of salt agents.

From the preceding facts it appears that in this branch of the Company’s government little regard has been paid to the ease and welfare of the natives, and that the Directors have nowhere shown greater inconsistency than in their orders on this subject. Yet salt, considering it as a necessary of life, was by no means a safe and proper subject for so many experiments and innovations. For ten years together the Directors reprobated the idea of suffering this necessary of life to be engrossed on *any condition whatsoever*, and strictly prohibited all Europeans from trading in it. Yet, as soon as they were made to expect from Mr. Hastings that the profits of the monopoly should be converted to their own use, they immediately declared that it “could be no considerable grievance to the country,” and authorized its continuance, until he himself, finding it produced little or nothing, renounced it of his own accord. Your Committee are apprehensive that this will at all times, whatever flattering appearance it may wear for a time, be the fate of any attempt to monopolize the salt for the profit of government. In the first instance it will raise the price on the consumer beyond its just level; but that evil will soon be corrected by means ruinous to the Company as monopolists, viz., by the embezzlement of their own salt, and by the importation of foreign salt, neither of which the government of Bengal may have power for any long time to prevent. In the end government will probably be undersold and beaten down to a losing price. Or, if they should attempt to force all the advantages from this article of which by every exertion it may be made capable, it may distress some other part of their possessions in India, and destroy, or at least impair, the natural intercourse between them. Ultimately it may hurt Bengal itself, and the produce of its landed revenue, by destroying the vent of that grain which it would otherwise barter for salt.

Your Committee think it hardly necessary to observe, that the many changes of plan which have taken place in the management of the salt trade are far from honorable to the Company’s government, — and that, even if the monopoly of this article were a profitable concern, it should not be permitted. Exclusive of the

general effect of this and of all monopolies, the oppressions which the manufacturers of salt, called *molungees*, still suffer under it, though perhaps alleviated in some particulars, deserve particular attention. There is evidence enough on the Company's records to satisfy your Committee that these people have been treated with great rigor, and not only defrauded of the due payment of their labor, but delivered over, like cattle, in succession, to different masters, who, under pretence of buying up the balances due to their preceding employers, find means of keeping them in perpetual slavery. For evils of this nature there can be no perfect remedy as long as the monopoly continues. They are in the nature of the thing, and cannot be cured, or effectually counteracted, even by a just and vigilant administration on the spot. Many objections occur to the farming of any branch of the public revenue in Bengal, particularly against farming the salt lands. But the dilemma to which government by this system is constantly reduced, of authorizing great injustice or suffering great loss, is alone sufficient to condemn it. Either government is expected to support the farmer or contractor in all his pretensions by an exertion of power, which tends of necessity to the ruin of the parties subjected to the farmer's contract, and to the suppression of free trade, — or, if such assistance be refused him, he complains that he is not supported, that private persons interfere with his contract, that the manufacturers desert their labor, and that proportionate deductions must be allowed him.

After the result of their examination into the general nature and effect of this monopoly, it remains only for your Committee to inquire whether there was any valid foundation for that declaration of Mr. Hastings which we conclude must have principally recommended the monopoly of salt to the favor of the Court of Directors, viz., "that the profit, which was before reaped by English gentlemen, and by banians, was now acquired by the Company." On the contrary, it was proved and acknowledged before the Governor-General and Council, when they inquired into this matter, in March, 1775, that the Chiefs and Councils of those districts in which there were salt mahls reserved particular salt farms for their *own* use, and divided the profits, in certain stated proportions, among themselves and their assistants. But, unless a detail of these transactions, and of the persons concerned in them, should be called for by the House, it is our wish to avoid entering into it. On one example only your Committee think it just and proper to insist, stating first to the House on what principles they have made this selection.

In pursuing their inquiries, your Committee have endeavored chiefly to keep in view the conduct of persons in the highest station, particularly of those in whom the legislature, as well as the Company, have placed a special confidence, — judging that the conduct of such persons is not only most important in itself, but most likely to influence the subordinate ranks of the service. Your Committee have also examined the proceedings of the Court of Directors on all those instances of the behavior of their servants that seemed to deserve, and did sometimes attract, their

immediate attention. They constantly find that the negligence of the Court of Directors has kept pace with, and must naturally have quickened, the growth of the practices which they have condemned. Breach of duty abroad will always go hand in hand with neglect of it at home. In general, the Court of Directors, though sufficiently severe in censuring offences, and sometimes in punishing those whom they have regarded as offenders of a lower rank, appear to have suffered the most conspicuous and therefore the most dangerous examples of disobedience and misconduct in the first department of their service to pass with a feeble and ineffectual condemnation. In those cases which they have deemed too apparent and too strong to be disregarded even with safety to themselves, and against which their heaviest displeasure has been declared, it appears to your Committee that their interference, such as it was, had a mischievous rather than a useful tendency. A total neglect of duty in this respect, however culpable, is not to be compared, either in its nature or in its consequences, with the destructive principles on which they have acted. It has been their practice, if not system, to inquire, to censure, and not to punish. As long as the misconduct of persons in power in Bengal was encouraged by nothing but the hopes of concealment, it may be presumed that they felt some restraint upon their actions, and that they stood in some awe of the power placed over them; whereas it is to be apprehended that the late conduct of the Court of Directors tells them, in effect, that they have nothing to fear from the certainty of a discovery.

On the same principle on which your Committee have generally limited their researches to the persons placed by Parliament or raised or put in nomination by the Court of Directors to the highest station in Bengal, it was also their original wish to limit those inquiries to the period at which Parliament interposed its authority between the Company and their servants, and gave a new constitution to the Presidency of Fort William. If the Company's servants had taken a new date from that period, and if from thenceforward their conduct had corresponded with the views of the legislature, it is probable that a review of the transactions of remoter periods would not have been deemed necessary, and that the remembrance of them would have been gradually effaced and finally buried in oblivion. But the reports which your Committee have already made have shown the House that from the year 1772, when those proceedings commenced in Parliament on which the act of the following year was founded, abuses of every kind have prevailed and multiplied in Bengal to a degree unknown in former times, and are perfectly sufficient to account for the present distress of the Company's affairs both at home and abroad. The affair which your Committee now lays before the House occupies too large a space in the Company's records, and is of too much importance in every point of view, to be passed over.

Your Committee find that in March, 1775, a petition was presented to the Governor-General and Council by a person called Coja Kaworke, an Armenian

merchant, resident at Dacca, (of which division Mr. Richard Barwell had lately been Chief,) setting forth in substance, that in November, 1772, the petitioner had farmed a certain salt district, called Savagepoor, and had entered into a contract with the Committee of Circuit for providing and delivering to the India Company the salt produced in that district; that in 1773 he farmed another, called Selimabad, on similar conditions. He alleges, that in February, 1774, when Mr. Barwell arrived at Dacca, he charged the petitioner with 1,25,500 rupees, (equal to 13,000*l.*.) as a contribution, and, in order to levy it, did the same year deduct 20,799 rupees from the amount of the *advance money* which was ordered to be paid to the petitioner, on account of the India Company, for the provision of salt in the two farms, and, after doing so, compelled the petitioner to execute and give him four different bonds for 77,627 rupees, in the name of one Porran Paul, for the remainder of such contribution, or unjust profit.

Such were the allegations of the petition relative to the unjust exaction. The harsh means of compelling the payment make another and very material part; for the petitioner asserts, that, in order to recover the amount of these bonds, guards were placed over him, and that Mr. Barwell by ill usage and oppressions recovered from him at different times 48,656 Arcot rupees, besides 283 rupees extorted by the guard, — that, after this payment, two of the bonds, containing 36,313 rupees, were restored to him, and he was again committed to the charge of four *peons*, or guards, to pay the amount of the remaining two bonds. The petition further charges, that the said gentleman and his people had also extorted from the petitioner other sums of money, which, taken together, amounted to 25,000 rupees.

But the heaviest grievance alleged by him is, that, after the sums of money had been extorted on account of the farms, the faith usual in such transactions is allowed not to have been kept; but, after the petitioner had been obliged to buy or compound for the farms, that they were taken from him,— “that the said Richard Barwell, Esquire, about his departure from Dacca, in October, 1774, for self-interest wrested from the petitioner the aforesaid two mahls, (or districts,) and farmed them to another person, notwithstanding he had extorted from the petitioner a considerable sum of money on account of those purgunnahs.”

To this petition your Committee find two accounts annexed, in which the sums said to be paid to or taken by Mr. Barwell, and the respective dates of the several payments, are specified; and they find that the account of particulars agrees with and makes up the gross sum charged in the petition.

Mr. Barwell's immediate answer to the preceding charge is contained in two letters to the board, dated 23rd and 24th of March, 1775. The answer is remarkable. He asserts, that “the whole of Kaworke's relation is a gross misrepresentation of facts; — that the simple fact was, that in January, 1774, the salt mahls of Savagepoor and Selimabad became *his*, and were re-let by *him* to this man, in the names of Bussunt Roy and Kissen Deb, on condition that he should

account with him [*Mr. Barwell*] for profits to a certain sum, and that he [*Mr. Barwell*] engaged for Savagepoor *in the persuasion of its being a very profitable farm*"; and he concludes with saying, "If I am mistaken in my reasoning, and *the wish to add to my fortune has warped my judgment*, in a transaction that may appear to the board in a light different to what I view it in, it is past, — I cannot recall it, — and I rather choose to admit an error than deny a fact." In his second letter he says, "To the Honorable Court of Directors I will submit all my rights in the salt contracts I engaged in; and if in their opinion those rights vest in the Company, I will account to them for the last shilling I have received from such contracts, my intentions being upright; and as I never did wish to profit myself to the prejudice of my employers, by their judgment I will be implicitly directed."

The majority of the board desired that Kaworke's petition should be transmitted to England by the ship then under dispatch; and it was accordingly sent with Mr. Barwell's replies. Mr. Barwell moved that a committee should be appointed to take into consideration what he had to offer on the subject of Kaworke's petition; and a committee was accordingly appointed, consisting of all the members of the Council except the Governor-General.

The committee opened their proceedings with reading a second petition from Kaworke, containing corrected accounts of cash said to be forcibly taken, and of the extraordinary and unwarrantable profits taken or received from him by Richard Barwell, Esquire; all which are inserted at large in the Appendix. By these accounts Mr. Barwell is charged with a balance or debt of 22,421 rupees to Kaworke. The principal difference between him and Mr. Barwell arises from a different mode of stating the accounts acknowledged to exist between them. In the account current signed by Mr. Barwell, he gives Kaworke credit for the receipt of 98,426 rupees, and charges him with a balance of 27,073 rupees.

The facts stated or admitted by Mr. Barwell are as follow: that the salt farms of Selimabad and Savagepoor were *his*, and re-let by him to the two Armenian merchants, Michael and Kaworke, on condition of their paying him 1,25,000 rupees, exclusive of their engagements to the Company; that the engagement was written in the name of Bussunt Roy and Kissen Deb Sing; and Mr. Barwell says, that the reason of its being "in these people's names was because *it was not thought consistent with the public regulations that the names of any Europeans should appear.*"

It is remarkable that this policy was carried to still greater length. Means were used to remove such an obnoxious proceeding, as far as possible, from the public eye; and they were such as will strongly impress the House with the facility of abuse and the extreme difficulty of detection in everything which relates to the Indian administration. For these substituted persons were again represented by the further substitution of another name, viz., *Rada Churn Dey*, whom Mr. Barwell asserts to be a real person living at Dacca, and who *stood for the factory of Dacca*; whereas

the Armenian affirms that there was *no* such person as *Rada Churn*, and that it was a fictitious name.

Mr. Barwell, in his justification, proceeds to affirm, that Coja Kaworke never had the management of the salt mahls, “*but on condition of accounting to the former Chief, and to Mr. Barwell, for a specified advantage arising from them, — that Mr. Barwell determined, without he could reconcile the interests of the public with his own private emoluments, that he would not engage in this concern, — and that, when he took an interest in it, it was for specified benefit in money, and every condition in the public engagement to be answered.*”

Your Committee have stated the preceding facts in the same terms in which they are stated by Mr. Barwell. The House is to judge how far they amount to a defence against the charges contained in Kaworke’s petition, or to an admission of the truth of the principal part of it. Mr. Barwell does not allow that compulsion was used to extort the money which he received from the petitioner, or that the latter was dispossessed of the farms in consequence of an offer made to Mr. Barwell by another person (Ramsunder Paulet) to pay him a lac of rupees more for them. The truth of *these* charges has not been ascertained. They were declared by Mr. Barwell to be false, but no attempt was made by him to invalidate or confute them, though it concerned his reputation, and it was his duty, in the station wherein he was placed, that charges of such a nature should have been disproved, — at least, the accuser should have been pushed to the proof of them. Nothing of this kind appears to have been done, or even attempted.

The transaction itself, as it stands, is clearly collusive; the form in which it is conducted is clandestine and mysterious in an extraordinary degree; and the acknowledged object of it a great illicit profit, to be gained by an agent and trustee of the Company at the expense of his employers, and of which he confesses he has received a considerable part.

The committee of the Governor-General and Council appear to have closed their proceedings with several resolutions, which, with the answers given by Mr. Barwell as a defence, are inserted in the Appendix. The whole are referred thither together, on account of the ample extent of the answer. These papers will be found to throw considerable light not only on the points in question, but on the general administration of the Company’s revenues in Bengal. On some passages in Mr. Barwell’s defence, or account of his conduct, your Committee offer the following remarks to the judgment of the House.

In his letter of the 23rd March, 1775, he says, that he engaged for Savagepoor *in the persuasion of its being a very profitable farm*. In this place your Committee think it proper to state the 17th article of the regulations of the Committee of Circuit, formed in May, 1772, by the President and Council, of which Mr. Barwell was a member, together with their own observations thereupon.

17th. “That no peshcar, banian, or other servant, of whatever denomination, of the collector, or relation or dependant of any such servant, be allowed to farm lands, nor directly or indirectly to hold a concern in any farm, nor to be security for any farmer; that the collector be strictly enjoined to prevent such practices; and that, if it shall be discovered that any one, *under a false name, or any kind of collusion*, hath found means to evade this order, he shall be subject to an heavy fine, proportionate to the amount of the farm, and the farm shall be re-let, or made *khas*: and if it shall appear that the collector shall have countenanced, approved, or connived at a breach of this regulation, he shall stand *ipso facto* dismissed from his collectorship. Neither shall any European, directly or indirectly, be permitted to rent lands in any part of the country.”

REMARK BY THE BOARD.

17th. “If the collector, or any persons who partake of his authority, are permitted to be the farmers of the country, no other persons will dare to be their competitors: of course they will obtain the farms on their own terms. *It is not fit that the servants of the Company should be dealers with their masters.* The collectors are checks on the farmers. If they themselves turn farmers, what checks can be found for *them*? What security will the Company have for their property, or where are the ryots to look for relief against oppressions?”

The reasons assigned for the preceding regulation seem to your Committee to be perfectly just; but they can by no means be reconciled to those which induced Mr. Barwell to engage in the salt farms of Selimabad and Savagepoor. In the first place, his doing so is at length a direct and avowed, though at first a covert, violation of the public regulation, to which he was himself a party as a member of the government, as well as an act of disobedience to the Company’s positive orders on this subject. In their General Letter of the 17th May, 1766, the Court of Directors say, “We positively order, that no covenanted servant, or Englishman residing under our protection, shall be suffered to hold any land for his own account, directly or indirectly, in his own name or that of others, or to be concerned in any farms or revenues whatsoever.”

Secondly, if, instead of letting the Company’s lands or farms to indifferent persons, their agent or trustee be at liberty to hold them himself, he will always (on principles stated and adhered to in the defence) have a sufficient reason for farming them on his own account, since he can at all times make them as profitable as he pleases; or if he leases them to a third person, yet reserves an intermediate profit for himself, that profit may be as great as he thinks fit, and must be necessarily made at the Company’s expense. If at the same time he be collector of the revenues, it will be his interest to recommend remissions in favor of the nominal farmer, and he will have it in his power to sink the amount of his collections.

These principles, and the correspondent practices, leave the India Company without any security that all the leases of the lands of Bengal may not have been disposed of, under that administration which made the five years’ settlement in 1772, in the same manner and for the same purpose.

To enable the House to judge how far this apprehension may be founded, it will be proper to state, that Mr. Nicholas Grueber, who preceded Mr. Barwell in the Chiefship of Dacca, in a letter dated 29th of April, 1775, declares that he paid to the Committee of Circuit twelve thousand rupees as their profit on a single salt farm, — which sum, he says, “I paid the Committee at their request, before their departure from Dacca, and reimbursed myself out of *the advances* directed to be issued for the provision of the salt.” Thus one illicit and mischievous transaction

always leads to another; and the irregular farming of revenue brings on the misapplication of the commercial advances.

Mr. Barwell professes himself to be sensible "*that a wish to add to his fortune may possibly have warped his judgment, and that he rather chooses to admit an error than deny a fact.*" But your Committee are of opinion that the extraordinary caution and the intricate contrivances with which his share in this transaction is wrapped up form a sufficient proof that he was not altogether misled in his judgment; and though there might be some merit in acknowledging an error before it was discovered, there could be very little in a confession produced by previous detection.

The reasons assigned by Mr. Barwell, in defence of the clandestine part of this transaction, seem to your Committee to be insufficient in themselves, and not very fit to be urged by a man in his station. In one place he says, that "*it was not thought consistent with the public regulations that the names of any Europeans should appear.*" In another he says, "I am aware of the objection that has been made to the English taking farms under the names of natives, as prohibited by the Company's orders; and I must *deviate* a little upon this. It has been generally understood that the scope and tendency of the Honorable Company's prohibition of farms to Europeans was meant only to exclude such as could not possibly, in their own persons, come under the jurisdiction of the Duanné courts of Adawlet, because, upon any failure of engagements, upon any complaint of unjust oppression, or other cause of discontent whatever, it was supposed an European might screen himself from the process of the country judicature. But it was never supposed *that an European of credit and responsibility* was absolutely incapable from holding certain tenures under the sanction and authority of the country laws, or from becoming security for such native farmers, contractors, &c., &c., as he might protect and employ."

Your Committee have opposed this construction of Mr. Barwell's to the positive order which the conduct it is meant to color has violated. "Europeans of credit and responsibility," that is, Europeans armed with wealth and power, and exercising offices of authority and trust, instead of being excepted from the spirit of the restriction, must be supposed the persons who are chiefly meant to be comprehended in it; for abstract the idea of an European from the ideas of power and influence, and the restriction is no longer rational.

Your Committee are therefore of opinion that the nature of the evil which was meant to be prevented by the above orders and regulations was not altered, or the evil itself diminished, by the collusive methods made use of to evade them, — and that, if the regulations were proper, (as they unquestionably were,) they ought to have been punctually complied with, particularly by the members of the government, *who formed the plan*, and who, as trustees of the Company, were especially answerable for their being duly carried into execution. Your Committee

have no reason to believe that it could ever have been generally understood “that the Company’s prohibition of farms to Europeans was meant only to exclude such as could not possibly, in their own persons, come under the jurisdiction of the Duanné courts”: no such restriction is so much as hinted at. And if it had been so understood, Mr. Barwell was one of the persons who, from their rank, station, and influence, must have been the principal objects of the prohibition. Since the establishment of the Company’s influence in Bengal, no Europeans, of any rank whatever, have been subject to the process of the country judicature; and whether they act avowedly for themselves, and take farms in their own name, or substitute native Indians to act for them, the difference is not material. The same influence that screened an European from the jurisdiction of the country courts would have equally protected his native agent and representative. For many years past the Company’s servants have presided in those courts, and in comparison with *their* authority the native authority is nothing.

The earliest instructions that appear to have been given by the Court of Directors in consequence of these transactions in Bengal are dated the 5th of February, 1777. In their letter of that date they applaud the proceedings of the board, meaning the majority, (then consisting of General Clavering, Colonel Monson, and Mr. Francis,) *as highly meritorious*, and promise them their *firmest support*. “Some of the *cases*” they say, “*are so flagrantly corrupt, and others attended with circumstances so oppressive to the inhabitants, that it would be unjust to suffer the delinquents to go unpunished.*” With this observation their proceedings appear to have ended, and paused for more than a year.

On the 4th of March, 1778, the Directors appear to have resumed the subject. In their letter of that date they instructed the Governor and Council forthwith to commence a prosecution in the Supreme Court of Judicature against the persons who composed the Committee of Circuit, or their representatives, and also against Mr. Barwell, in order to recover, for the use of the Company, the amount of all advantages acquired by them from their several engagements in salt contracts and farms. Adverting, however, to the declaration made by Mr. Barwell, that he would account to the Court of Directors for the last shilling he had received and abide implicitly by their judgment, they thought it probable, that, on being acquainted with their peremptory orders for commencing a prosecution, he might be desirous of paying his share of profits into the Company’s treasury; and they pointed out a precaution to be used in accepting such a tender on his part.

On this part of the transaction your Committee observe, that the Court of Directors appear blamable in having delayed till February, 1777, to take any measure in consequence of advices so interesting and important, and on a matter concerning which they had made so strong a declaration, — considering that early in April, 1776, they say “they had investigated the charges, and had then come to certain resolutions concerning them.” But their delaying to send out positive orders

for commencing a prosecution against the parties concerned till March, 1778, cannot be accounted for. In the former letter they promise, if they should find it necessary, to return the original covenants of such of their servants as had been any ways concerned in the undue receipt of money, in order to enable the Governor-General and Council to recover the same by suits in the Supreme Court. But your Committee do not find that the covenants were ever transmitted to Bengal. To whatever cause these instances of neglect and delay may be attributed, they could not fail to create an opinion in Bengal that the Court of Directors were not heartily intent upon the execution of their own orders, and to discourage those members of government who were disposed to undertake so invidious a duty.

In consequence of these delays, even their first orders did not arrive in Bengal until some time after the death of Colonel Monson, when the whole power of the board had devolved to Mr. Hastings and Mr. Barwell. When they sent what they call *their positive orders*, in March, 1778, they had long been apprised of the death of Colonel Monson, and must have been perfectly certain of the effect which that event would have on the subsequent measures and proceedings of the Governor-General and Council. Their opinion of the principles of those gentlemen appears in their letter of the 28th of November, 1777, wherein they say “they cannot but express their concern that the power of granting away their property in perpetuity should have devolved upon such persons.”

But the conduct of the Court of Directors appears to be open to objections of a nature still more serious and important. A recovery of the amount of Mr. Barwell’s profits seems to be the only purpose which they even professed to have in view. But your Committee are of opinion that to preserve the reputation and dignity of the government of Bengal was a much more important object, and ought to have been their first consideration. The prosecution was not the pursuit of mean and subordinate persons, who might with safety to the public interest remain in their seats during such an inquiry into their conduct. It appears very doubtful, whether, if there were grounds for such a prosecution, a proceeding in Great Britain were not more politic than one in Bengal. Such a prosecution ought not to have been ordered by the Directors, but upon grounds that would have fully authorized the recall of the gentleman in question. This prosecution, supposing it to have been seriously undertaken, and to have succeeded, must have tended to weaken the government, and to degrade it in the eyes of all India. On the other hand, to intrust a man, armed as he was with all the powers of his station, and indeed of the government, with the conduct of a prosecution against himself, was altogether inconsistent and absurd. The same letter in which they give these orders exhibits an example which sets the inconsistency of their conduct in a stronger light, because the case is somewhat of a similar nature, but infinitely less pressing in its circumstances. Observing that the Board of Trade had commenced a prosecution against Mr. William Barton, a member of that board, for various acts of peculation committed by him, they say,

“We must be of opinion, that, as *prosecutions are actually carrying on against him by our Board of Trade*, he is, during such prosecution at least, an improper person to hold a seat *at that board*; and therefore we direct that he be suspended from the Company’s service until our further pleasure concerning him be known.” The principle laid down in this instruction, even before their own opinion concerning Mr. Barton’s case was declared, and merely on the prosecution of others, serves to render their conduct not very accountable in the case of Mr. Barwell. Mr. Barton was in a subordinate situation, and his remaining or not remaining in it was of little or no moment to the prosecution. Mr. Barton was but one of seven; whereas Mr. Barwell was one of four, and, with the Governor-General, was in effect the Supreme Council.

In the present state of power and patronage in India, and during the relations which are permitted to subsist between the judges, the prosecuting officers, and the Council-General, your Committee is very doubtful whether the mode of prosecuting the highest members in the Bengal government, before a court at Calcutta, could have been almost in any case advisable.

It is possible that particular persons, in high judicial and political situations, may, by force of an unusual strain of virtue, be placed far above the influence of those circumstances which in ordinary cases are known to make an impression on the human mind. But your Committee, sensible that laws and public proceedings ought to be made for general situations, and not for personal dispositions, are not inclined to have any confidence in the effect of criminal proceedings, where no means are provided for preventing a mutual connection, by dependencies, agencies, and employments, between the parties who are to prosecute and to judge and those who are to be prosecuted and to be tried.

Your Committee, in a former Report, have stated the consequences which they apprehended from the dependency of the judges on the Governor-General and Council of Bengal; and the House has entered into their ideas upon this subject. Since that time it appears that Sir Elijah Impey has accepted of the guardianship of Mr. Barwell’s children, and was the trustee for his affairs. There is no law to prevent this sort of connection, and it is possible that it might not at all affect the mind of that judge, or (upon his account) indirectly influence the conduct of his brethren; but it must forcibly affect the minds of those who have matter of complaint against government, and whose cause the Court of Directors appear to espouse, in a country where the authority of the Court of Directors has seldom been exerted but to be despised, where the operation of laws is but very imperfectly understood, but where men are acute, sagacious, and even suspicious of the effect of all personal connections. Their suspicions, though perhaps not rightly applied to every individual, will induce them to take indications from the situations and connections of the prosecuting parties, as well as of the judges. It cannot fail to be observed, that Mr. Naylor, the Company’s attorney, lived in Mr. Barwell’s house; the late Mr.

Bogle, the Company's commissioner of lawsuits, owed his place to the patronage of Mr. Hastings and Mr. Barwell, by whom the office was created for him; and Sir John Day, the Company's advocate, who arrived in Bengal in February, 1779, had not been four months in Calcutta, when Mr. Hastings, Mr. Barwell, and Sir Eyre Coote doubled his salary, contrary to the opinion of Mr. Francis and Mr. Wheler.

If the Directors are known to devolve the whole cognizance of the offences charged on their servants so highly situated upon the Supreme Court, an excuse will be furnished, if already it has not been furnished, to the Directors for declining the use of their own proper political power and authority in examining into and animadverting on the conduct of their servants. Their true character, as strict masters and vigilant governors, will merge in that of prosecutors. Their force and energy will evaporate in tedious and intricate processes, — in lawsuits which can never end, and which are to be carried on by the very dependants of those who are under prosecution. On their part, these servants will decline giving satisfaction to their masters, because they are already before another tribunal; and thus, by shifting responsibility from hand to hand, a confederacy to defeat the whole spirit of the law, and to remove all real restraints on their actions, may be in time formed between the servants, Directors, prosecutors, and court. Of this great danger your Committee will take farther notice in another place.

No notice whatever appears to have been taken of the Company's orders in Bengal till the 11th of January, 1779, when Mr. Barwell moved, *that the claim made upon him by the Court of Directors should be submitted to the Company's lawyers, and that they should be perfectly instructed to prosecute upon it.* In his minute of that date he says, "*that the state of his health had long since rendered it necessary for him to return to Europe.*"

Your Committee observe that he continued in Bengal another year. He says, "that he had hitherto waited for the arrival of Sir John Day, the Company's advocate; but as the season was now far advanced, he wished to bring the trial speedily to issue."

In this minute he retracts his original engagement to submit himself to the judgment of the Court of Directors, "and to account to them for the last shilling he had received": he says, "that no merit had been given him for the offer; that a most unjustifiable advantage had been attempted to be made of it, by first declining it and *descending to abuse*, and then giving orders upon it as if it had been rejected, when called upon by him in the person of his agent to bring home the charge of delinquency."

Mr. Barwell's reflections on the proceedings of the Court of Directors are not altogether clearly expressed; nor does it appear distinctly to what facts he alludes. He asserts that a most unjustifiable advantage had been attempted to be made of his offer. The fact is, the Court of Directors have nowhere declined accepting it; on the contrary, they caution the Governor-General and Council about the manner of receiving the tender of the money which they expect him to make. They say nothing

of any call made on them by Mr. Barwell's agent in England; nor does it appear to your Committee that they "have descended to abuse." They have a right, and it is their duty, to express, in distinct and appropriated terms, their sense of all blamable conduct in their servants.

So far as may be collected from the evidence of the Company's records, Mr. Barwell's assertions do not appear well supported; but even if they were more plausible, your Committee apprehend that he could not be discharged from his solemn recorded promise to abide by the judgment of the Court of Directors. Their judgment was declared by their resolution to prosecute, which it depended upon himself to satisfy by making good his engagement. To excuse his not complying with the Company's claims, he says, "*that his compliance would be urged as a confession of delinquency, and to proceed from conviction of his having usurped on the rights of the Company.*" Considerations of this nature might properly have induced Mr. Barwell to stand upon his right in the first instance, "*and to appeal*" (to use his own words) "*to the laws of his country, in order to vindicate his fame.*" But his performance could not have more weight to infer delinquency than his promise. Your Committee think his observation comes too late.

If he had stood a trial, when he first acknowledged the facts, and submitted himself to the judgment of the Court of Directors, the suit would have been carried on under the direction of General Clavering, Colonel Monson, and Mr. Francis; whereas in the year 1779 his influence at the board gave him the conduct of it himself. In an interval of four years it may be presumed that great alterations might have happened in the state of the evidence against him.

In the subsequent proceedings of the Governor-General and Council the House will find that Mr. Barwell complained that his instances for carrying on the prosecution were ineffectual, owing to the legal difficulties and delays *urged by the Company's law officers*, which your Committee do not find have yet been removed. As far as the latest advices reach, no progress appears to have been made in the business. In July, 1782, the Court of Directors found it necessary to order an account of all suits against Europeans depending in the Supreme Court of Judicature to be transmitted to them, and that no time should be lost in bringing them to a determination.

SALTPETRE.

The next article of direct monopoly subservient to the Company's export is saltpetre. This, as well as opium, is far the greater part the produce of the province of Bahar. The difference between the management and destination of the two articles has been this. Until the year 1782, the opium has been sold in the country, and the produce of the sale laid out in country merchandise for the Company's export. A great part of the saltpetre is sent out in kind, and never has contributed to the interior circulation and commerce of Bengal. It is managed by agency on the Company's account. The price paid to the manufacturer is invariable. Some of the larger undertakers receive advances to enable them to prosecute their work; but as they are not always equally careful or fortunate, it happens that large balances accumulate against them. Orders have been sent from Calcutta from time to time to recover their balances, with little or no success, but with great vexation to all concerned in the manufacture. Sometimes they have imprisoned the failing contractors in their own houses, — a severity which answers no useful purpose. Such persons are so many hands detached from the improvement and added to the burden of the country. They are persons of skill drawn from the future supply of that monopoly in favor of which they are prosecuted. In case of the death of the debtor, this rigorous demand falls upon the ruined houses of widows and orphans, and may be easily converted into a means either of cruel oppression or a mercenary indulgence, according to the temper of the exactors. Instead of thus having recourse to imprisonment, the old balance is sometimes deducted from the current produce. This, in these circumstances, is a grievous discouragement. People must be discouraged from entering into a business, when, the commodity being fixed to one invariable standard and confined to one market, the best success can be attended only with a limited advantage, whilst a defective produce can never be compensated by an augmented price. Accordingly, very little of these advances has been recovered, and after much vexation the pursuit has generally been abandoned. It is plain that there can be no life and vigor in any business under a monopoly so constituted; nor can the true productive resources of the country, in so large an article of its commerce, ever come to be fully known.

The supply for the Company's demand in England has rarely fallen short of two thousand tons, nor much exceeded two thousand five hundred. A discretionary allowance of this commodity has been made to the French, Dutch, and Danes, who purchase their allotted shares at some small advance on the Company's price. The supply destined for the London market is proportioned to the spare tonnage; and to accommodate that tonnage, the saltpetre is sometimes sent to Madras and sometimes even to Bombay, and that not unfrequently in vessels expressly employed for the purpose.

Mr. Law, Chief of Patna, being examined on the effect of that monopoly, delivered his opinion, that with regard to the Company's *trade* the monopoly was advantageous, but as sovereigns of the country they must be losers by it. These two capacities in the Company are found in perpetual contradiction. But much doubt may arise whether this monopoly will be found advantageous to the Company either in the one capacity or the other. The gross commodity monopolized for sale in London is procured from the revenues in Bengal; the certain is given for the hazardous. The loss of interest on the advances, sometimes the loss of the principal, — the expense of carriage from Patna to Calcutta, — the various loadings and unloadings, and insurance (which, though borne by the Company, is still insurance), — the engagement for the Ordnance, limited in price, and irregular in payment, — the charge of agency and management, through all its gradations and successions, — when all these are taken into consideration, it may be found that the gain of the Company as traders will be far from compensating their loss as sovereigns. A body like the East India Company can scarcely, in any circumstance, hope to carry on the details of such a business, from its commencement to its conclusion, with any degree of success. In the subjoined estimate of profit and loss, the value of the commodity is stated at its invoice price at Calcutta. But this affords no just estimate of the whole effect of a dealing, where the Company's charge commences in the first rudiments of the manufacture, and not at the purchase at the place of sale and valuation: for they [there?] may be heavy losses on the value at which the saltpetre is estimated, when, shipped off on their account, without any appearance in the account; and the inquiries of your Committee to find the charges on the saltpetre previous to the shipping have been fruitless.

BRITISH GOVERNMENT IN INDIA.

The other link by which India is bound to Great Britain is the government established there originally by the authority of the East India Company, and afterwards modified by Parliament by the acts of 1773 and 1780. This system of government appears to your Committee to be at least as much disordered, and as much perverted from every good purpose for which lawful rule is established, as the trading system has been from every just principle of commerce. Your Committee, in tracing the causes of this disorder through its effects, have first considered the government as it is constituted and managed within itself, beginning with its most essential and fundamental part, the order and discipline by which the supreme authority of this kingdom is maintained.

The British government in India being a subordinate and delegated power, it ought to be considered as a fundamental principle in such a system, that it is to be preserved in the strictest obedience to the government at home. Administration in India, at an immense distance from the seat of the supreme authority, — intrusted with the most extensive powers, — liable to the greatest temptations, — possessing the amplest means of abuse, — ruling over a people guarded by no distinct or well-ascertained privileges, whose language, manners, and radical prejudices render not only redress, but all complaint on their part, a matter of extreme difficulty, — such an administration, it is evident, never can be made subservient to the interests of Great Britain, or even tolerable to the natives, but by the strictest rigor in exacting obedience to the commands of the authority lawfully set over it.

But your Committee find that this principle has been for some years very little attended to. Before the passing the act of 1773, the professed purpose of which was to secure a better subordination in the Company's servants, such was the firmness with which the Court of Directors maintained their authority, that they displaced Governor Cartier, confessedly a meritorious servant, for disobedience of orders, although his case was not a great deal more than a question by whom the orders were to be obeyed. Yet the Directors were so sensible of the necessity of a punctual and literal obedience, that, conceiving their orders went to the parties who were to obey, as well as to the act to be done, they proceeded with a strictness that, in all cases except that of their peculiar government, might well be considered as rigorous. But in proportion as the necessity of enforcing obedience grew stronger and more urgent, and in proportion to the magnitude and importance of the objects affected by disobedience, this rigor has been relaxed. Acts of disobedience have not only grown frequent, but systematic; and they have appeared in such instances, and are manifested in such a manner, as to amount, in the Company's servants, to little less than absolute independence, against which, on the part of the Directors, there is no struggle, and hardly so much as a protest to preserve a claim.

Before your Committee proceed to offer to the House their remarks on the most distinguished of these instances, the particulars of which they have already reported, they deem it necessary to enter into some detail of a transaction equally extraordinary and important, though not yet brought into the view of Parliament, which appears to have laid the foundation of the principal abuses that ensued, as well as to have given strength and encouragement to those that existed. To this transaction, and to the conclusions naturally deducible from it, your Committee attribute that general spirit of disobedience and independence which has since prevailed in the government of Bengal.

Your Committee find that in the year 1775 Mr. Lauchlan Maclean was sent into England as agent to the Nabob of Arcot and to Mr. Hastings. The conduct of Mr. Hastings, in assisting to extirpate, for a sum of money to be paid to the Company, the innocent nation of the Rohillas, had drawn upon him the censure of the Court of Directors, and the unanimous censure of the Court of Proprietors. The former had even resolved to prepare an application to his Majesty for Mr. Hastings's dismissal.

Another General Court was called on this proceeding. Mr. Hastings was then openly supported by a majority of the Court of Proprietors, who professed to entertain a good opinion of his general ability and rectitude of intention, notwithstanding the unanimous censure passed upon him. In that censure they therefore seemed disposed to acquiesce, without pushing the matter farther. But, as the offence was far from trifling, and the condemnation of the measure recent, they did not directly attack the resolution of the Directors to apply to his Majesty, but voted in the ballot that it should be reconsidered. The business therefore remained in suspense, or it rather seemed to be dropped, for some months, when Mr. Maclean took a step of a nature not in the least to be expected from the condition in which the cause of his principal stood, which was apparently as favorable as the circumstances could bear. Hitherto the support of Mr. Hastings in the General Court was only by a majority; but if on application from the Directors he should be removed, a mere majority would not have been sufficient for his restoration. The door would have been barred against his return to the Company's service by one of the strongest and most substantial clauses in the Regulating Act of 1778. Mr. Maclean, probably to prevent the manifest ill consequences of such a step, came forward with a letter to the Court of Directors, declaring his provisional powers, and offering on the part of Mr. Hastings an immediate resignation of his office.

On this occasion the Directors showed themselves extremely punctilious with regard to Mr. Maclean's powers. They probably dreaded the charge of becoming accomplices to an evasion of the act by which Mr. Hastings, resigning the service, would escape the consequences attached by law to a dismissal; they therefore demanded Mr. Maclean's written authority. This he declared he could not give into their hands, as the letter contained other matters, of a nature extremely confidential,

but that, if they would appoint a committee of the Directors, he would readily communicate to them the necessary parts of the letter, and give them perfect satisfaction with regard to his authority. A deputation was accordingly named, who reported that they had seen Mr. Hastings's instructions, contained in a paper in *his own handwriting*, and that the authority for the act now done by Mr. Maclean was clear and sufficient. Mr. Vansittart, a very particular friend of Mr. Hastings, and Mr. John Stewart, his most attached and confidential dependant, attended on this occasion, and proved that directions perfectly correspondent to this written authority had been given by Mr. Hastings in their presence. By this means the powers were fully authenticated; but the letter remained safe in Mr. Maclean's hands.

Nothing being now wanting to the satisfaction of the Directors, the resignation was formally accepted. Mr. Wheler was named to fill the vacancy, and presented for his Majesty's approbation, which was received. The act was complete, and the office that Mr. Hastings had resigned was legally filled. This proceeding was officially notified in Bengal, and General Clavering, as senior in Council, was in course to succeed to the office of Governor-General.

Mr. Hastings, to extricate himself from the difficulties into which this resignation had brought him, had recourse to one of those unlooked-for and hardy measures which characterize the whole of his administration. He came to a resolution of disowning his agent, denying his letter, and disavowing his friends. He insisted on continuing in the execution of his office, and supported himself by such reasons as could be furnished in such a cause. An open schism instantly divided the Council. General Clavering claimed the office to which he ought to succeed, and Mr. Francis adhered to him: Mr. Barwell stuck to Mr. Hastings. The two parties assembled separately, and everything was running fast into a confusion which suspended government, and might very probably have ended in a civil war, had not the judges of the Supreme Court, on a reference to them, settled the controversy by deciding that the resignation was an invalid act, and that Mr. Hastings was still in the legal possession of his place, which had been actually filled up in England. It was extraordinary that the nullity of this resignation should not have been discovered in England, where the act authorizing the resignation then was, where the agent was personally present, where the witnesses were examined, and where there was and could be no want of legal advice, either on the part of the Company or of the crown. The judges took no light matter upon them in superseding, and thereby condemning the legality of his Majesty's appointment: for such it became by the royal approbation.

On this determination, such as it was, the division in the meeting, but not in the minds of the Council, ceased. General Clavering uniformly opposed the conduct of Mr. Hastings to the end of his life. But Mr. Hastings showed more temper under much greater provocations. In disclaiming his agent, and in effect accusing him of

an imposture the most deeply injurious to his character and fortune, and of the grossest forgery to support it, he was so very mild and indulgent as not to show any active resentment against his unfaithful agent, nor to complain to the Court of Directors. It was expected in Bengal that some strong measures would have immediately been taken to preserve the just rights of the king and of the Court of Directors; as this proceeding, unaccompanied with the severest animadversion, manifestly struck a decisive blow at the existence of the most essential powers of both. But your Committee do not find that any measures whatever, such as the case seemed to demand, were taken. The observations made by the Court of Directors on what they call "*these extraordinary transactions*" are just and well applied. They conclude with a declaration, "*that the measures which it might be necessary for them to take, in order to retrieve the honor of the Company, and to prevent the like abuse from being practised in future, should have their most serious and earliest consideration*"; and with this declaration they appear to have closed the account, and to have dismissed the subject forever.

A sanction was hereby given to all future defiance of every authority in this kingdom. Several other matters of complaint against Mr. Hastings, particularly the charge of peculation, fell to the ground at the same time. Opinions of counsel had been taken relative to a prosecution at law upon this charge, from the then Attorney and the then Solicitor-General and Mr. Dunning, (now the Lords Thurlow, Loughborough, and Ashburton,) together with Mr. Adair (now Recorder of London). None of them gave a positive opinion against the grounds of the prosecution. The Attorney-General doubted on *the prudence* of the proceedings, and censured (as it well deserved) the ill statement of the case. Three of them, Mr. Wedderburn, Mr. Dunning, and Mr. Adair, were clear in favor of the prosecution. No prosecution, however, was had, and the Directors contented themselves with censuring and admonishing Mr. Hastings.

With regard to the Supreme Council, the members who chose (for it was choice only) to attend to the orders which were issued from the languishing authority of the Directors continued to receive unprofitable applauses and no support. Their correspondence was always filled with complaints, the justice of which was always admitted by the Court of Directors; but this admission of the existence of the evil showed only the impotence of those who were to administer the remedy. The authority of the Court of Directors, resisted with success in so capital an instance as that of the resignation, was not likely to be respected in any other. What influence it really had on the conduct of the Company's servants may be collected from the facts that followed it.

The disobedience of Mr. Hastings has of late not only become uniform and systematical in practice, but has been in principle, also, supported by him, and by Mr. Barwell, late a member of the Supreme Council in Bengal, and now a member of this House.

In the Consultation of the 20th of July, 1778, Mr. Barwell gives it as his solemn and deliberate opinion, that, “while Mr. Hastings is in the government, the respect and dignity of his station should be supported. In these sentiments, I must decline an acquiescence in *any* order which has a *tendency* to bring the government into disrepute. As the Company have the means and power of forming their own administration in India, they may at pleasure place whom they please at the head; but in my opinion they are not authorized to treat a person in that post with *indignity*.”

By treating them with indignity (in the particular cases wherein they have declined obedience to orders) they must mean those orders which imply a censure on any part of their conduct, a reversal of any of their proceedings, or, as Mr. Barwell expresses himself in words very significant, in any orders that have a *tendency* to bring *their* government into *disrepute*. The amplitude of this latter description, reserving to them the judgment of any orders which have so much as that *tendency*, puts them in possession of a complete independence, an independence including a despotic authority over the subordinates and the country. The very means taken by the Directors for enforcing their authority becomes, on this principle, a cause of further disobedience. It is observable, that their principles of disobedience do not refer to any local consideration, overlooked by the Directors, which might supersede their orders, or to any change of circumstances, which might render another course advisable, or even perhaps necessary, — but it relates solely to their own interior feelings in matters relative to themselves, and their opinion of their own dignity and reputation. It is plain that they have wholly forgotten who they are, and what the nature of their office is. Mr. Hastings and Mr. Barwell are servants of the Company, and as such, by the duty inherent in that relation, as well as by their special covenants, were obliged to yield obedience to the orders of their masters. They have, as far as they were able, cancelled all the bonds of this relation, and all the sanctions of these covenants.

But in thus throwing off the authority of the Court of Directors, Mr. Hastings and Mr. Barwell have thrown off the authority of the whole legislative power of Great Britain; for, by the Regulating Act of the thirteenth of his Majesty, they are expressly “directed and required to pay due obedience to *all* such orders as they shall receive from the Court of Directors of the said United Company.” Such is the declaration of the law. But Mr. Barwell declares that he declines obedience to *any* orders which he shall interpret to be indignities on a Governor-General. To the clear injunctions of the legislature Mr. Hastings and Mr. Barwell have thought proper to oppose their pretended reputation and dignity; as if the chief honor of public ministers in every situation was not to yield a cheerful obedience to the laws of their country. Your Committee, to render evident to this House the general nature and tendency of this pretended dignity, and to illustrate the real principles upon which they appear to have acted, think it necessary to make observations on three or four

of the cases, already reported, of marked disobedience to particular and special orders, on one of which the above extraordinary doctrine was maintained.

These are the cases of Mr. Fowke, Mr. Bristow, and Mahomed Reza Khân. In a few weeks after the death of Colonel Monson, Mr. Hastings having obtained a majority in Council by his casting vote, Mr. Fowke and Mr. Bristow were called from their respective offices of Residents at Benares and Oude, places which have become the scenes of other extraordinary operations under the conduct of Mr. Hastings in person. For the recall of Mr. Bristow no reason was assigned. The reason assigned for the proceeding with regard to Mr. Fowke was, that “the purposes for which he was appointed were then fully accomplished.”

An account of the removal of Mr. Fowke was communicated to the Court of Directors in a letter of the 22d of December, 1776. On this notification the Court had nothing to conclude, but that Mr. Hastings, from a rigid pursuit of economy in the management of the Company’s affairs, had recalled a useless officer. But, without alleging any variation whatsoever in the circumstances, in less than twenty days after the order for the recall of Mr. Fowke, and *the very day after the dispatch* containing an account of the transaction, Mr. Hastings recommended Mr. Graham to this very office, the end of which, he declared to the Directors but the day before, had been fully accomplished; and not thinking this sufficient, he appointed Mr. D. Barwell as his assistant, at a salary of about four hundred pounds a year. Against this extraordinary act General Clavering and Mr. Francis entered a protest.

So early as the 6th of the following January the appointment of these gentlemen was communicated in a letter to the Court of Directors, without any sort of color, apology, or explanation. That court found a servant removed from his station without complaint, contrary to the tenor of one of their standing injunctions. They allow, however, and with reason, that, “if it were possible to suppose that a saving, &c., had been his motive, they would have approved his proceeding. But that when immediately afterwards two persons, with *two* salaries, had been appointed to execute the office which had been filled with reputation by Mr. Fowke alone, and that Mr. Graham enjoys all the emoluments annexed to the office of Mr. Fowke,” — they properly conclude that Mr. Fowke was removed without just cause, to make way for Mr. Graham, and strictly enjoin that the former be reinstated in his office of Resident as Post-master of Benares. In the same letter they assert their rights in a tone of becoming firmness, and declare, that “on no account we can permit our orders to be disobeyed or our authority disregarded.”

It was now to be seen which of the parties was to give way. The orders were clear and precise, and enforced by a strong declaration of the resolution of the Court to make itself obeyed. Mr. Hastings fairly joined issue upon this point with his masters, and, having disobeyed the general instructions of the Company, determined to pay no obedience to their special order.

On the 21st July, 1778, he moved, and succeeded in his proposition, that the execution of these orders should be suspended. The reason he assigned for this suspension lets in great light upon the true character of all these proceedings: "That his consent to the recall of Mr. Graham would be adequate to his own resignation of the service, as it would inflict such a wound on *his authority and influence* that he could not maintain it."

If that had been his opinion, he ought to have resigned, and not disobeyed: because it was not necessary that he should hold his office; but it was necessary, that, whilst he hold it, he should obey his superiors, and submit to the law. Much more truly was his conduct a virtual resignation of his lawful office, and at the same time an usurpation of a situation which did not belong to him, to hold a subordinate office, and to refuse to act according to its duties. Had his authority been self-originated, it would have been wounded by his submission; but in this case the true nature of his authority was affirmed, not injured, by his obedience, because it was a power derived from others, and, by its essence, to be executed according to their directions.

In this determined disobedience he was supported by Mr. Barwell, who on that occasion delivered the dangerous doctrine to which your Committee have lately adverted. Mr. Fowke, who had a most material interest in this determination, applied by letter to be informed concerning it. An answer was sent, acquainting him coldly, and without any reason assigned, of what had been resolved relative to his office. This communication was soon followed by another letter from Mr. Fowke, with great submission and remarkable decency asserting his right to his office under the authority of the Court of Directors, and for solid reasons, grounded on the Company's express orders, praying to be informed of the charge against him. This letter appears to have been received by Mr. Hastings and Mr. Barwell very loftily. Mr. Hastings said, "that such applications were irregular; that they are not accountable to Mr. Fowke for their resolution respecting him. The reasons for suspending the execution of the orders of the Court of Directors contain *no charge, nor the slightest imputation of a charge*, against Mr. Fowke; *but I see no reason why the board should condescend to tell him so.*" Accordingly, the proposition of Mr. Francis and Mr. Wheler, to inform Mr. Fowke "that they had no reason to be dissatisfied with his conduct," on the previous question was rejected.

By this resolution Mr. Hastings and Mr. Barwell discovered another principle, and no less dangerous than the first: namely, that persons deriving a valuable interest under the Company's orders, so far from being heard in favor of their right, are not so much as to be informed of the grounds on which they are deprived of it.

The arrival soon after of Sir Eyre Coote giving another opportunity of trial, the question for obedience to the Company's orders was again brought on by Mr. Francis, and again received a negative. Sir Eyre Coote, though present, and declaring, that, had he been at the original consultation, he should have voted for

the immediate execution of the Company's orders, yet he was resolved to avoid what he called *any kind of retrospect*. His neutrality gained the question in favor of this, the third resolution for disobedience to orders.

The resolution in Bengal being thus decisively taken, it came to the turn of the Court of Directors to act their part. They did act their part exactly in their old manner: they had recourse to their old remedy of repeating orders which had been disobeyed. The Directors declare to Mr. Hastings and Mr. Barwell, though without any apparent reason, that "they have read *with astonishment their formal resolution* to suspend the execution of their orders; that they shall take such measures as appear necessary for *preserving the authority of the Court of Directors*, and for preventing *such instances of direct and wilful* disobedience in their servants in time to come." They then renew their directions concerning Mr. Fowke. The event of this *sole* measure taken to preserve their authority, and to prevent instances of direct and wilful disobedience, your Committee will state in its proper place, — taking into consideration, for the present, the proceedings relative to Mr. Bristow, and to Mahomed Reza Khân, which were altogether in the same spirit; but as they were diversified in the circumstances of disobedience, as well from the case of Mr. Fowke as from one another, and as these circumstances tend to discover other dangerous principles of abuse, and the general prostrate condition of the authority of Parliament in Bengal, your Committee proceed first to make some observations upon them.

The province of Oude, enlarged by the accession of several extensive and once flourishing territories, that is, by the country of the Rohillas, the district of Corah and Allahabad, and other provinces betwixt the Ganges and Jumna, is under the nominal dominion of one of the princes of the country, called Asoph ul Dowlah. But a body of English troops is kept up in his country; and the greatest part of his revenues are, by one description or another, substantially under the administration of English subjects. He is to all purposes a dependent prince. The person to be employed in his dominions to act for the Committee [Company?] was therefore of little consequence in his capacity of negotiator; but he was vested with a trust, great and critical, in all pecuniary affairs. These provinces of dependence lie out of the system of the Company's ordinary administration, and transactions there cannot be so readily brought under the cognizance of the Court of Directors. This renders it the more necessary that the Residents in such places should be persons not disapproved of by the Court of Directors. They are to manage a permanent interest, which is not, like a matter of political negotiation, variable, and which, from circumstances, might possibly excuse some degree of discretionary latitude in construing their orders. During the lifetime of General Clavering and Colonel Monson, Mr. Bristow was appointed to this Presidency, and that appointment, being approved and confirmed by the Court of Directors, became in effect their own. Mr. Bristow appears to have shown himself a man of talents and activity. He had been

principally concerned in the negotiations by which the Company's interest in the higher provinces had been established; and those services were considered by the Presidency of Calcutta as so meritorious, that they voted him ten thousand pounds as a reward, with many expressions of esteem and honor.

Mr. Bristow, however, was recalled by Mr. Hastings and Mr. Barwell, who had then acquired the majority, without any complaint having been assigned as the cause of his removal, and Mr. Middleton was sent in his stead to reside at the capital of Oude. The Court of Directors, as soon as they could be apprised of this extraordinary step, in their letter of the 4th of July, 1777, express their strongest disapprobation of it: they order Mr. Middleton to be recalled, and Mr. Bristow to be reinstated in his office. In December, 1778, they repeat their order. Of these repeated orders no notice was taken. Mr. Bristow, fatigued with unsuccessful private applications, which met with a constant refusal, did at length, on the 1st of May, 1780, address a letter to the board, making his claim of right, entitling himself to his offices [office?] under the authority of the Court of Directors, and complaining of the hardships which he suffered by the delay in admitting him to the exercise of it. This letter your Committee have inserted at large in the Fifth Report, having found nothing whatsoever exceptionable in it, although it seems to have excited the warmest resentment in Mr. Hastings.

This claim of the party gave no new force to the order of the Directors, which remained without any attention from the board from Mr. Bristow's arrival until the 1st of May, and with as little from the 1st of May to the 2nd of October following. On that day, Mr. Francis, after having caused the repeated orders of the Court of Directors to be first read, moved that Mr. Bristow should be reinstated in his office. This motion, in itself just and proper in the highest degree, and in which no fault could be found, but that it was not made more early, was received by Mr. Hastings with the greatest marks of resentment and indignation. He declares in his minute, that, "were the most determined adversary of the British nation to possess, by whatever means, a share in the administration, he could not devise a measure in *itself* so pernicious, or *time* it so effectually for the *ruin* of the British interests in India." Then turning to the object of the motion, he says, "I will ask, Who is Mr. Bristow, that a member of the administration should, at such a time, hold him forth, as *an instrument for the degradation of the first executive member of this government?* What are the professed objects of his appointment? What are the *merits* and services, or what the *qualifications*, which entitle him to such uncommon distinction? Is it for his superior *integrity*, or from his eminent *abilities*, that he is to be dignified at such hazard of every consideration that ought to influence the members of this administration? Of the former (his integrity) I know *no proofs*; I am sure it is not an evidence of it, that he has been *enabled* to make himself the principal in such a *competition*: and for the test of his abilities I appeal to the letter which he has *dared* to write to this board, and which I am ashamed to say we have

suffered. I desire that a copy of it may be inserted in this day's proceedings, that it may stand before the eyes of every member of the board, when he shall give his vote upon a question for giving their confidence to a man, *their servant*, who has publicly insulted *them, his masters*, and the members of the government to whom he owes *his obedience*, — who, assuming an association with the Court of Directors, and erecting himself into a *tribunal*, has *arraigned* them for *disobedience* of orders, *passed judgment* upon them, *and condemned or acquitted them, as their magistrate or superior*. Let the board consider, whether a man possessed of so *independent* a spirit, who has already shown a *contempt* of their authority, who has shown himself *so wretched an advocate for his own cause and negotiator for his own interest*, is fit to be trusted with the guardianship of *their* honor, the execution of *their* measures, and as *their* confidential manager and negotiator with the princes of India. As the motion has been unaccompanied by any reasons which should induce the board to pass their acquiescence in it, I presume the motion which preceded it, for *reading the orders of the Court of Directors, was intended to serve as an argument for it, as well as an introduction to it*. The last of those was dictated the 23rd December, 1778, almost two years past. They were dictated at a time when, I am sorry to say, the Court of Directors were in *the habit of casting reproach upon my conduct and heaping indignities upon my station*."

Had the language and opinions which prevail throughout this part of the minute, as well as in all the others to which your Committee refer, been uttered suddenly and in a passion, however unprovoked, some sort of apology might be made for the Governor-General. But when it was produced five months after the supposed offence, and then delivered in writing, which always implies the power of a greater degree of recollection and self-command, it shows how deeply the principles of disobedience had taken root in his mind, and of an assumption to himself of exorbitant powers, which he chooses to distinguish by the title of "*his prerogative*." In this also will be found an obscure hint of the cause of his disobedience, which your Committee conceive to allude to the main cause of the disorders in the government of India, — namely, an underhand communication with Europe.

Mr. Hastings, by his confidence in the support derived from this source, or from the habits of independent power, is carried to such a length as to consider a motion to obey the Court of Directors as a degradation of the executive government in his person. He looks upon a claim under that authority, and a complaint that it has produced no effect, as a piece of daring insolence which he is ashamed that the board has suffered. The behavior which your Committee consider as so intemperate and despotic he regards as a culpable degree of patience and forbearance. Major Scott, his agent, enters so much into the principles of Mr. Hastings's conduct as to tell your Committee that in his opinion Lord Clive would have sent home Mr. Bristow a prisoner upon such an occasion. It is worthy of remark, that, in the very same breath that Mr. Hastings so heavily condemns a junior officer in the

Company's service (not a *servant* of the Council, as he hazards to call him, but *their fellow-servant*) for merely complaining of a supposed injury and requiring redress, he so far forgets his own subordination as to reject the orders of the Court of Directors even as an *argument* in favor of appointing a person to an office, to presume to censure *his* undoubted masters, and to accuse them of having been "in a habit of casting reproaches upon him, and heaping indignities on *his* station." And it is to be observed, that this censure was not for the purpose of seeking or obtaining redress for any injury, but appeared rather as a reason for refusing to obey their lawful commands. It is plainly implied in that minute, that no servant of the Company, in Mr. Bristow's rank, would dare to act in such a manner, if he had not by indirect means obtained a premature fortune. This alone is sufficient to show the situation of the Company's servants in the subordinate situations, when the mere claim of a right, derived from the sovereign legal power, becomes fatal not only to the objects which they pursue, but deeply wounds that reputation both for ability and integrity by which alone they are to be qualified for any other.

If anything could add to the disagreeable situation of those who are submitted to an authority conducted on such principles, it is this: The Company has ordered that no complaint shall be made in Europe against any of the Council without being previously communicated to them: a regulation formed upon grave reasons; and it was certainly made in *favor* of that board. But if a person, having ground of complaint against the Council, by making use of the mode prescribed in favor of that very Council, and by complaining to themselves, commits an offence for which he may be justly punished, the Directors have not regulated the mode of complaint, they have actually forbidden it; they have, on that supposition, renounced their authority; and the whole system of their officers is delivered over to the arbitrary will of a few of their chief servants.

During the whole day of that deliberation things wore a decided face. Mr. Hastings stood to his principles in their full extent, and seemed resolved upon unqualified disobedience. But as the debate was adjourned to the day following, time was given for expedients; and such an expedient was hit upon by Mr. Hastings as will, no doubt, be unexpected by the House; but it serves to throw new lights upon the motives of all his struggles with the authority of the legislature.

The next day the Council met upon the adjournment. Then Mr. Hastings proposed, as a compromise, a division of the object in question. One half was to be surrendered to the authority of the Court of Directors, the other was reserved for his dignity. But the choice he made of his own share in this partition is very worthy of notice. He had taken his *sole* ground of objection against Mr. Bristow on the supposed ill effect that such an appointment would have on the minds of the Indian powers. He said, "that these powers could have no dependence on his fulfilling his engagements, *or maintaining the faith of treaties* which he might offer for their acceptance, if they saw him treated with such contempt." Mr. Bristow's appearing

in a political character was the *whole* of his complaint; yet, when he comes to a voluntary distribution of the duties of the office, he gives Mr. Bristow those very political negotiations of which but the day before he had in such strong terms declared him personally incapable, whose appointment he considered to be fatal to those negotiations, and which he then spoke of as a measure in *itself* such as the bitterest adversary to Great Britain would have proposed. But having thus yielded his whole ground of ostensible objection, he reserved to his own appointment the entire management of the pecuniary trust. Accordingly he named Mr. Bristow for the former, and Mr. Middleton for the latter. On his own principles he ought to have done the very reverse. On every justifiable principle he ought to have done so; for a servant who for a long time resists the orders of his masters, and when he reluctantly gives way obeys them by halves, ought to be remarkably careful to make his actions correspond with his words, and to put himself out of all suspicion with regard to the purity of his motives. It was possible that the political reasons, which were solely assigned against Mr. Bristow's appointment, might have been the real motives of Mr. Hastings's opposition. But these he totally abandons, and holds fast to the pecuniary department. Now, as it is notorious that most of the abuses of India grow out of money-dealing, it was peculiarly unfit for a servant, delicate with regard to his reputation, to require a *personal* and confidential agent in a situation merely official, in which secrecy and personal connections could be of no possible use, and could only serve to excite distrust. Matters of account cannot be made too public; and it is not the most confidential agent, but the most responsible, who is the fittest for the management of pecuniary trusts. That man was the fittest at once to do the duty, and to remove all suspicions from the Governor-General's character, whom, by not being of his appointment, he could not be supposed to favor for private purposes, who must naturally stand in awe of his inspection, and whose misconduct could not possibly be imputable to him. Such an agency in a pecuniary trust was the very last on which Mr. Hastings ought to have risked his disobedience to the orders of the Direction, — or, what is even worse for his motives, a direct contradiction to all the principles upon which he had attempted to justify that bold measure.

The conduct of Mr. Hastings in the affair of Mahomed Reza Khân was an act of disobedience of the same character, but wrought by other instruments. When the Duanné (or universal perception, and management of the revenues) of Bengal was acquired to the Company, together with the command of the army, the Nabob, or governor, naturally fell into the rank rather of a subject than that even of a dependent prince. Yet the preservation of such a power in such a degree of subordination, with the criminal jurisdiction, and the care of the public order annexed to it, was a wise and laudable policy. It preserved a portion of the government in the hands of the natives; it kept them in respect; it rendered them quiet on the change; and it prevented that vast kingdom from wearing the dangerous

appearance, and still more from sinking into the terrible state, of a country of conquest. Your Committee has already reported the manner in which the Company (it must be allowed, upon pretences that will not bear the slightest examination) diverted from its purposes a great part of the revenues appropriated to the country government; but they were very properly anxious that what remained should be well administered. In the lifetime of General Clavering and Colonel Monson, Mahomed Reza Khân, a man of rank among the natives, was judged by them the fittest person to conduct the affairs of the Nabob, as his Naib, or deputy: an office well known in the ancient constitution of these provinces, at a time when the principal magistrates, by nature and situation, were more efficient. This appointment was highly approved, and in consequence confirmed, by the Court of Directors. Mr. Hastings and Mr. Barwell, however, thought proper to remove him. To the authority of the Court of Directors they opposed the request of the Nabob, stating that he was arrived at the common age of maturity, and stood *in no need of a deputy to manage his affairs*. On former occasions Mr. Hastings conceived a very low opinion of the condition of the person whom he thus set up against the authority of his masters. “On a former occasion,” as the Directors tell him, “and to serve a very different purpose, he had not scrupled to declare it as visible as the sun that the Nabob was a mere pageant, without even *the shadow of authority*.” But on this occasion he became more substantial. Mr. Hastings and Mr. Barwell yielded to his representation that a deputy was not necessary, and accordingly Mahomed Reza Khân was removed from his office.

However, lest any one should so far mistrust their understanding as to conceive them the dupes of this pretext, they who had disobeyed the Company’s orders under color that *no deputy was necessary* immediately appoint another deputy. This independent prince, who, as Mr. Hastings said, “had an incontestable right to his situation, and that it was his by inheritance,” suddenly shrunk into his old state of insignificance, and was even looked upon in so low a light as to receive a severe reprimand from Mr. Hastings for *interposing* in the duties of his (the deputy’s) office.

The Company’s orders, censuring this transaction in the strongest terms, and ordering Mahomed Reza Khân to be immediately restored to the office of Naib Subahdar, were received in Calcutta in November, 1779. Mr. Hastings acted on this with the firmness which he had shown on other occasions; but in his principles he went further. Thinking himself assured of some extraordinary support, suitable to the open and determined defiance with which he was resolved to oppose the lawful authority of his superiors, and to exercise a despotic power, he no longer adhered to Mr. Barwell’s distinction of the orders which had a tendency to bring his government into disrepute. This distinction afforded sufficient latitude to disobedience; but here he disdained all sorts of colors and distinctions. He directly set up an independent right to administer the government according to his pleasure;

and he went so far as to bottom his claim to act independently of the Court of Directors on the very statute which commanded his obedience to them.

He declared roundly, “that he should *not* yield to the authority of the Court of Directors in *any* instance in which it should require his concession of the rights which he held under an act of Parliament.” It is too clear to stand in need of proof, that he neither did or could hold any authority that was not subject, in every particle of it, and in every instance in which it could be exercised, to the orders of the Court of Directors.

He therefore refused to back the Company’s orders with any requisition from himself to the Nabob, but merely suffered them to be transmitted to him, leaving it to him to do just as he thought proper. The Nabob, who called Mr. Hastings “his patron, and declared he would never do anything without his consent and approbation,” perfectly understood this kind of signification. For the second time the Nabob recovered from his trance of pageantry and insignificance, and collected courage enough to write to the Council in these terms: “I administer the affairs of the Nizamut, (the government,) which are the affairs of *my own family*, by *my own authority*, and shall do so; and I never can *on any account agree* to the appointment of the Nabob Mahomed Reza Khân to the Naib Subahship.” Here was a second independent power in Bengal. This answer from that power proved as satisfactory as it was resolute. No further notice was taken of the orders of the Court of Directors, and Mahomed Reza Khân found their protection much more of a shadow than the pageant of power of which he aspired to be the representative.

This act of disobedience differs from the others in one particular which, in the opinion of your Committee, rather aggravates than extenuates the offence. In the others, Messrs. Hastings and Barwell took the responsibility on themselves; here they held up the pretext of the country government. However, they obtained thereby one of the objects which they appear to have systematically pursued. As they had in the other instances shown to the British servants of the Company that the Directors were not able to protect them, here the same lesson was taught to the natives. Whilst the matter lay between the native power and the servants, the former was considered by Mr. Hastings in the most contemptible light. When the question was between the servants and the Court of Directors, the native power was asserted to be a self-derived, hereditary, uncontrollable authority, and encouraged to act as such.

In this manner the authority of the British legislature was at that time treated with every mark of reprobation and contempt. But soon after a most unexpected change took place, by which the persons in whose favor the Court of Directors had in vain interposed obtained specific objects which had been refused to them; things were, however, so well contrived, that legal authority was nearly as much affronted by the apparent compliance with their orders as by the real resistance they had before met with. After long and violent controversies, an agreement took place

between Mr. Hastings and Mr. Francis. It appears that Mr. Hastings, embarrassed with the complicated wars and ruinous expenses into which his measures had brought him, began to think of procuring peace at home. The agreement originated in a conversation held on Christmas-Day, 1779, between Major Scott, then aide-de-camp, and now agent, to Mr. Hastings, and Mr. Ducarrel, a gentleman high in the Company's service at Calcutta. Mr. Scott, in consequence of this conversation, was authorized to make overtures to Mr. Francis through Mr. Ducarrel: to declare Mr. Hastings tired of controversy; expressing his wish to have the Mahratta war entirely left to him; that there were certain points *he could not give up*; that he could *not* (for reasons he then assigned) *submit* to the restoration of Mr. Fowke, Mahomed Reza Khân, and Mr. Bristow; that *he had not the smallest personal objection to them*, and would willingly provide for them in any other line. Mr. Francis in this treaty insisted on those very points which Mr. Hastings declared he could never give up, and that his conditions were the Company's orders, — that is, the restoration of the persons whom they had directed to be restored. The event of this negotiation was, that Mr. Hastings at length submitted to Mr. Francis, and that Mr. Fowke and Mahomed Reza Khân were reinstated in their situations.

Your Committee observe on this part of the transaction of Mr. Hastings, that as long as the question stood upon his obedience to his lawful superiors, so long he considered the restoration of these persons as a gross indignity, the submitting to which would destroy all his credit and influence in the country; but when it was to accommodate his own occasions in a treaty with a fellow-servant, all these difficulties instantly vanish, and he finds it perfectly consistent with his dignity, credit, and influence, to do for Mr. Francis what he had refused to the strict and reiterated injunctions of the Court of Directors. Tranquillity was, however, for a time restored by this measure, though it did not continue long. In about three months an occasion occurred in which Mr. Francis gave some opposition to a measure proposed by Mr. Hastings, which brought on a duel, upon the mischievous effects of which your Committee have already made their observations.

The departure of Mr. Francis soon after for Europe opened a new scene, and gave rise to a third revolution. Lest the arrangement with the servants of the Company should have the least appearance of being mistaken for obedience to their superiors, Mr. Francis was little more than a month gone, when Mr. Fowke was again recalled from Benares, *and Mr. Bristow soon after from Oude*. In these measures Mr. Hastings has combined the principles of disobedience which he had used in all the cases hitherto stated. In his Minute of Consultation on this recall he refers to his former Minutes; and he adds, that he has “a recent motive in the necessity of removing any circumstance which may contribute to lessen his *influence* in the effect of any negotiations in which he may be engaged in the prosecution of his intended visit to Lucknow.” He here reverts to his old plea of preserving his influence; not content with this, as in the case of Mahomed Reza

Khân he had called in the aid of the Nabob of Bengal, he here calls in the aid of the Nabob of Oude, who, on reasons exactly tallying with those given by Mr. Hastings, desires that Mr. Bristow may be removed. The true weight of these requisitions will appear, if not sufficiently apparent from the known situation of the parties, by the following extract of a letter from this Nabob of Oude to his agent at Calcutta, desiring him to acquaint Mr. Hastings, that, “if it is proper, I will write to the king [of Great Britain], and the vizier [one of his Majesty’s ministers], and the chief of the Company, *in such a manner as he shall direct, and in the words that he shall order*, that Mr. Bristow’s views may be thwarted there.” There is no doubt of the entire coöperation of the Nabob Asoph ul Dowlah in all the designs of Mr. Hastings, and in thwarting the views of any persons who place their reliance on the authority of this kingdom.

As usual, the Court of Directors appear in their proper order in the procession. After this third act of disobedience with regard to the same person and the same office, and after calling the proceedings unwarrantable, “*in order to vindicate and uphold their own authority, and thinking it a duty incumbent on them to maintain the authority of the Court of Directors*,” they again order Mr. Bristow to be reinstated, and Mr. Middleton to be recalled: in this circle the whole moves with great regularity.

The extraordinary operations of Mr. Hastings, that soon after followed in every department which was the subject of all these acts of disobedience, have made them appear in a light peculiarly unpropitious to his cause. It is but too probable, from his own accounts, that he meditated some strong measure, both at Benares and at Oude, at the very time of the removal of those officers. He declares he knew that his conduct in those places was such as to lie very open to malicious representations; he must have been sensible that he was open to such representations from the beginning; he was therefore impelled by every motive which ought to influence a man of sense by no means to disturb the order which he had last established.

Of this, however, he took no care; but he was not so inattentive to the satisfaction of the sufferers, either in point of honor or of interest. This was most strongly marked in the case of Mr. Fowke. His reparation to that gentleman, in point of honor, is as full as possible. Mr. Hastings “declared, that he approved his character and his conduct in office, and believed that he might *depend upon his exact and literal obedience and fidelity* in the execution of the functions annexed to it.” Such is the character of the man whom Mr. Hastings a second time removed from the office to which he told the Court of Directors, in his letter of the 3rd of March, 1780, he had appointed him in conformity to their orders. On the 14th of January, 1781, he again finds it an indispensable obligation in him to exercise powers “*inherent* in the constitution of his government.” On this principle he claimed “the right of nominating the agent of his own choice to the Residence of Benares; that it is a

representative situation: that, speaking for myself *alone*, it may be *sufficient* to say, that Mr. Francis Fowke is not *my* agent; *that I cannot give him my confidence*; that, while he continues at Benares, he stands as a screen between the Rajah and this government, instead of an instrument of control; that the Rajah himself, and every chief in Hindostan, will regard it as the pledge and foundation of his independence.” Here Mr. Hastings has got back to his old principles, where he takes post as on strong ground. This he declares “to be his objection to Mr. Fowke, and that it is insuperable.” The very line before this paragraph he writes of this person, to whom he *could* not give his *confidence*, that “he believed he might *depend* upon *his fidelity*, and his exact and literal obedience.” Mr. Scott, who is authorized to defend Mr. Hastings, supported the same principles before your Committee by a comparison that avowedly reduces the Court of Directors to the state of a party against their servants. He declared, that, in his opinion, “it would be just as *absurd* to *deprive him* of the power of nominating his ambassador at Benares as it would be to force on *the ministry* of this country an ambassador from *the opposition*.” Such is the opinion entertained in Bengal, and that but too effectually realized, of the relation between the principal servants of the Company and the Court of Directors.

So far the reparation, in point of honor, to Mr. Fowke was complete. The reparation in point of interest your Committee do not find to have been equally satisfactory; but they do find it to be of the most extraordinary nature, and of the most mischievous example. Mr. Fowke had been deprived of a place of rank and honor, — the place of a public *Vackeel*, or representative. The recompense provided for him is a succession to a contract. Mr. Hastings moved, that, on the expiration of Colonel Morgan’s contract, he should be appointed agent to all the boats employed for the military service of that establishment, with a commission of *fifteen per cent on all disbursements in that office*, — permitting Mr. Fowke, at the same time, to draw his allowance of an hundred pounds a month, as Resident, until the expiration of the contract, and for three months after.

Mr. Hastings is himself struck, as every one must be, with so extraordinary a proceeding, the principle of which, he observes, “is liable to *one* material objection.” That one is material indeed; for, no limit being laid down for the expense in which the percentage is to arise, it is the direct interest of the person employed to make his department as expensive as possible. To this Mr. Hastings answers, that “he is convinced by experience it will be better performed”; and yet he immediately after subjoins, “This *defect* can *only* be corrected by the probity of the person intrusted with so important a charge; and I am willing to have it understood, as a proof of *the confidence I repose in Mr. Fowke*, that I have proposed his appointment, in opposition to a general principle, to a trust so constituted.”

In the beginning of this very Minute of Consultation, Mr. Hastings removes Mr. Fowke from the Residency of Benares because “he cannot give him his confidence”; and yet, before the pen is out of his hand, he violates one of the soundest general

principles in the whole system of dealing, in order to give a proof of the confidence he reposes in that gentleman. This apparent gross contradiction is to be reconciled but by one way, — which is, that confidence with Mr. Hastings comes and goes with his opposition to legal authority. Where that authority recommends any person, his confidence in him vanishes; but to show that it is the authority, and not the person, he opposes, when that is out of sight, there is no rule so sacred which is not to be violated to manifest his real esteem and perfect trust in the person whom he has rejected. However, by overturning general principles to compliment Mr. Fowke's integrity, he does all in his power to corrupt it; at the same time he establishes an example that must either subject all future dealings to the same pernicious clause, or which, being omitted, must become a strong implied charge on the integrity of those who shall hereafter be excluded from a trust so constituted.

It is not foreign to the object of your Committee, in this part of their observations, which relates to the obedience to orders, to remark upon the manner in which the orders of the Court of Directors with regard to this kind of dealing in contracts are observed. These orders relate to contracts; and they contain two standing regulations.

1st, That all contracts shall be publicly advertised, and that the most reasonable proposals shall be accepted.

2ndly, That two contracts, those of provisions and for carriage bullocks, shall be only annual.

These orders are undoubtedly some correctives to the abuses which may arise in this very critical article of public dealing. But the House will remark, that, if the business usually carried on by contracts can be converted at pleasure into agencies, like that of Mr. Fowke, all these regulations perish of course, and there is no direction whatsoever for restraining the most prodigal and corrupt bargains for the public.

Your Committee have inquired into the observance of these necessary regulations, and they find that they have, like the rest, been entirely contemned, and contemned with entire impunity. After the period of Colonel Monson's death, and Mr. Hastings and Mr. Barwell obtaining the lead in the Council, the contracts were disposed of without at all advertising for proposals. Those in 1777 were given for three years; and the gentlemen in question growing by habit and encouragement into more boldness, in 1779 the contracts were disposed of for five years: and this they did at the eve of the expiration of their own appointment to the government. This increase in the length of the contracts, though contrary to orders, might have admitted some excuse, if it had been made, even in appearance, the means of lessening the expense. But the advantages allowed to the contractors, instead of being diminished, were enlarged, and in a manner far beyond the proportion of the enlargement of terms. Of this abuse and contempt of orders a judgment may be formed by the single contract for supplying the army with draught and carriage

bullocks. As it stood at the expiration of the contract in 1779, the expense of that service was about one thousand three hundred pounds a month. By the new contract, given away in September of that year, the service was raised to the enormous sum of near six thousand pounds a month. The monthly increase, therefore, being four thousand seven hundred pounds, it constitutes a total increase of charges for the Company, in the five years of the contract, of no less a sum than two hundred and thirty-five thousand pounds. Now, as the former contract was, without doubt, sufficiently advantageous, a judgment may be formed of the extravagance of the present. The terms, indeed, pass the bounds of all allowance for negligence and ignorance of office.

The case of Mr. Belli's contract for supplying provisions to the Fort is of the same description; and what exceedingly increases the suspicion against this profusion, in contracts made in direct violation of orders, is, that they are always found to be given in favor of persons closely connected with Mr. Hastings in his family, or even in his actual service.

The principles upon which Mr. Hastings and Mr. Barwell justify this disobedience, if admitted, reduce the Company's government, so far as it regards the Supreme Council, to a mere patronage, — to a mere power of nominating persons to or removing them from an authority which, is not only despotic with regard to those who are subordinate to it, but in all its acts entirely independent of the legal power which is nominally superior. These are principles directly leading to the destruction of the Company's government. A correspondent practice being established, (as in this case of contracts, as well as others, it has been,) the means are furnished of effectuating this purpose: for the common superior, the Company, having no power to regulate or to support their own appointments, nor to remove those whom they wish to remove, nor to prevent the contracts from being made use of against their interest, all the English in Bengal must naturally look to the next in authority; they must depend upon, follow, and attach themselves to him solely; and thus a party may be formed of the whole system of civil and military servants for the support of the subordinate, and defiance of the supreme power.

Your Committee being led to attend to the abuse of contracts, which are given upon principles fatal to the subordination of the service, and in defiance of orders, revert to the disobedience of orders in the case of Mahomed Reza Khân.

This transaction is of a piece with those that preceded it. On the 6th of July, 1781, Mr. Hastings announced to the board the arrival of a messenger and introduced a requisition from the young Nabob Mobarek ul Dowlah, "*that he might be permitted to dispose of his own stipend, without being made to depend on the will of another.*" In favor of this requisition Mr. Hastings urged various arguments: — that the Nabob could no longer be deemed a minor; — that he was twenty-six years of age, and father of many children; — that his understanding was much improved *of late* by an attention to his education; — that these circumstances gave him a

claim to the uncontrolled exercise of domestic authority; and it might reasonably be supposed that he would pay a greater regard to a just economy in his own family than had been observed by those who were aliens to it. For these reasons Mr. Hastings recommended to the board that Mahomed Reza Khân should be immediately divested of the office of superintendent of the Nabob's household, *and that the Nabob Mobarek ul Dowlah should be intrusted with the exclusive and entire receipts and disbursements of his stipend, and the uncontrolled management and regulation of his household.* Thus far your Committee are of opinion, that the conclusion corresponds with the premises; for, supposing the fact to be established or admitted, that the Nabob, in point of age, capacity, and judgment, was qualified to act for himself, it seems reasonable that the management of his domestic affairs should not be withheld from him. On this part of the proceeding your Committee will only observe, that, if it were strictly true that the Nabob's understanding had been much improved *of late* by an attention to his education, (which seems an extraordinary way of describing the qualifications of a man of six-and-twenty, the father of many children,) the merit of such improvement must be attributed to Mahomed Reza Khân, who was the only person of rank and character connected with him, or who could be supposed to have any influence over him. Mr. Hastings himself reproaches the Nabob with *raising mean men to be his companions*, and tells him plainly, *that some persons, both of bad character and base origin, had found the means of insinuating themselves into his company and constant fellowship.* In such society it is not likely that either the Nabob's morals or his understanding could have been *much improved*; nor could it be deemed prudent to leave him without any check upon his conduct. Mr. Hastings's opinion on this point may be collected from what he did, but by no means from what he said, on the occasion.

The House will naturally expect to find that the Nabob's request was granted, and that the resolution of the board was conformable to the terms of Mr. Hastings's recommendation. Yet the fact is directly the reverse. Mr. Hastings, after advising *that the Nabob should be intrusted with the exclusive and entire receipts and disbursements of his stipend*, immediately corrects that advice, *being aware that so sudden and unlimited a disposal of a large revenue might at first encourage a spirit of dissipation in the Nabob*, — and reserves to *himself* a power of establishing, *with the Nabob's consent*, such a plan for the regulation and equal distribution of the Nabob's expenses *as should be adapted to the dissimilar appearances of preserving his interests and his independence at the same time.* On the same complicated principles the subsequent resolution of the board professes to allow the Nabob the management of his stipend and expenses, — with *an hope*, however, (which, considering the relative situation of the parties, could be nothing less than an injunction,) that he would submit to such a plan *as should be agreed on between him and the Governor-General.*

The drift of these contradictions is sufficiently apparent. Mahomed Reza Khân was to be divested of his office at all events, and the management of the Nabob's stipend committed to other hands. To accomplish the first, the Nabob is said to be "now arrived at that time of life when a man may be supposed capable, *if ever*, of managing his own concerns." When this principle has answered the momentary purpose for which it was produced, we find it immediately discarded, and an opposite resolution formed on an opposite principle, viz., that he shall *not* have the management of his own concerns, *in consideration of his want of experience*.

Mr. Hastings, on his arrival at Moorshedabad, gives Mr. Wheler an account of his interview with the Nabob, and of the Nabob's implicit submission to his advice. The principal, if not the sole, object of the whole operation appears from the result of it. Sir John D'Oyly, a gentleman in whom Mr. Hastings places particular confidence, succeeds to the office of Mahomed Reza Khân, and to the same control over the Nabob's expenses. Into the hands of this gentleman the Nabob's stipend was *to be immediately paid, as every intermediate channel would be an unavoidable cause of delay*; and to *his* advice the Nabob was required to give the same attention as if it were given by Mr. Hastings himself. One of the conditions prescribed to the Nabob was, that he should admit no Englishman to his presence without previously consulting Sir John D'Oyly; *and he must forbid any person of that nation to be intruded without his introduction*. On these arrangements it need only be observed, that a measure which sets out with professing to relieve the Nabob from a state of *perpetual pupillage* concludes with delivering not only his fortune, but his person, to the custody of a particular friend of Mr. Hastings.

The instructions given to the Nabob contain other passages that merit attention. In one place Mr. Hastings tells him, "You have offered to give up the sum of four lacs of rupees to be allowed the free use of the remainder; but this we have refused." In another he says, that, "*as many matters will occur which cannot be so easily explained by letter as by conversation*, I desire that you will on such occasions give your orders to Sir John D'Oyly respecting such points as you may desire to have imparted to *me*." The offer alluded to in the first passage does not appear in the Nabob's letters, therefore must have been in conversation, and declined by Mr. Hastings without consulting his colleague. A refusal of it might have been proper; but it supposes a degree of incapacity in the Nabob not to be reconciled to the principles on which Mahomed Reza Khân was removed from the management of his affairs. Of the matters alluded to in the second, and which, it is said, *could not be so easily explained by letters as in conversation*, no explanation is given. Your Committee will therefore leave them, as Mr. Hastings has done, to the opinion of the House.

As soon as the Nabob's requisition was communicated to the board, it was moved and resolved that Mahomed Reza Khân should be divested of his office; and the House have seen in what manner it was disposed of. The Nabob had stated various

complaints against him: — that he had dismissed the old established servants of the Nizamut, and filled their places with his own dependants; — that he had *regularly received* the stipend of the Nizamut from the Company, yet had kept the Nabob involved in debt and distress, and exposed to the clamors of his creditors, and sometimes even in want of a dinner. All these complaints were recorded at large in the proceedings of the Council; but it does not appear that they were ever communicated to Mahomed Reza Khân, or that he was ever called upon, in any shape, to answer them. This circumstance inclines your Committee to believe that all of these charges were groundless, — especially as it appears on the face of the proceedings, that the chief of them were not well founded. Mr. Hastings, in his letter to Mr. Wheler, urges the absolute necessity of the monthly payment of the Nabob's stipend *being regularly made*, and says, that, to relieve the Nabob's present wants, he had directed the Resident to raise an immediate supply on the credit of the Company, to be repaid from the first receipts. From hence your Committee conclude that the monthly payments had *not* been regularly made, and that whatever distresses the Nabob might have suffered must have been owing to the Governor-General and Council, not to Mahomed Reza Khân, who, for aught that appears to the contrary, paid away the stipend as fast as he received it. Had it been otherwise, that is, if Mahomed Reza Khân had reserved a balance of the Nabob's money in his hands, he should, and undoubtedly he would, have been called upon to pay it in; and then there would have been no necessity for raising an immediate supply by other means.

The transaction, on the whole, speaks very sufficiently for itself. It is a gross instance of repeated disobedience to repeated orders; and it is rendered particularly offensive to the authority of the Court of Directors by the frivolous and contradictory reasons assigned for it. But whether the Nabob's requisition was reasonable or not, the Governor-General and Council were precluded by a special instruction from complying with it. The Directors, in their letter of the 14th of February, 1779, declare, that a resolution of Council, (taken by Mr. Francis and Mr. Wheler, in the absence of Mr. Barwell,) viz., "that the Nabob's letter should be referred to *them* for *their* decision, and that no resolution should be taken in Bengal on his requisitions without their special orders and instructions," was very proper. They prudently reserved to themselves the right of deciding on such questions; but they reserved it to no purpose. In England the authority is purely formal. In Bengal the power is positive and real. When they clash, their opposition serves only to degrade the authority that ought to predominate, and to exalt the power that ought to be dependent.

Since the closing of the above Report, many material papers have arrived from India, and have been laid before your Committee. That which they think it most immediately necessary to annex to the Appendix to this Report is the resolution of

the Council-General to allow to the members of the Board of Trade resident in Calcutta a charge of five per cent on the sale in England of the investment formed upon their second plan, namely, that plan which had been communicated to Lord Macartney. The investment on this plan is stated to be raised from 800,000*l.* to 1,000,000*l.* sterling.

It is on all accounts a very memorable transaction, and tends to bring on a heavy burden, operating in the nature of a tax laid by their own authority on the goods of their masters in England. If such a compensation to the Board of Trade was necessary on account of their engagement to take no further (that is to say, no unlawful) emolument, it implies that the practice of making such unlawful emolument had formerly existed; and your Committee think it very extraordinary that the first notice the Company had received of such a practice should be in taxing them for a compensation for a partial abolition of it, secured on the parole of honor of those very persons who are supposed to have been guilty of this unjustifiable conduct. Your Committee consider this engagement, if kept, as only a partial abolition of the implied corrupt practice: because no part of the compensation is given to the members of the Board of Trade who reside at the several factories, though their means of abuse are without all comparison greater; and if the corruption was supposed so extensive as to be bought off at that price where the means were fewer, the House will judge how far the tax has purchased off the evil.

ELEVENTH REPORT
OF THE
SELECT COMMITTEE OF THE HOUSE OF COMMONS
ON
THE AFFAIRS OF INDIA.
WITH EXTRACTS FROM THE APPENDIX.

November 18, 1783.

ELEVENTH REPORT

From the SELECT COMMITTEE appointed to take into consideration the state of the administration of justice in the provinces of Bengal, Bahar, and Orissa, and to report the same, as it shall appear to them, to the House, with their observations thereupon; and who were instructed to consider how the British possessions in the East Indies may be held and governed with the greatest security and advantage to this country, and by what means the happiness of the native inhabitants may be best protected.

Your Committee, in the course of their inquiry into the obedience yielded by the Company's Servants to the orders of the Court of Directors, (the authority of which orders had been strengthened by the Regulating Act of 1773,) could not overlook one of the most essential objects of that act and of those orders, namely, *the taking of gifts and presents*. These pretended free gifts from the natives to the Company's servants in power had never been authorized by law; they are contrary to the covenants formerly entered into by the President and Council, they are strictly forbidden by the act of Parliament, and forbidden upon grounds of the most substantial policy.

Before the Regulating Act of 1773, the allowances made by the Company to the Presidents of Bengal were abundantly sufficient to guaranty them against anything like a necessity for giving into that pernicious practice. The act of Parliament which appointed a Governor-General in the place of a President, as it was extremely particular in enforcing the prohibition of those presents, so it was equally careful in making an ample provision for supporting the dignity of the office, in order to remove all excuse for a corrupt increase of its emoluments.

Although evidence on record, as well as verbal testimony, has appeared before your Committee of presents to a large amount having been received by Mr. Hastings and others before the year 1775, they were not able to find distinct traces of that practice in him or any one else for a few years.

The inquiries set on foot in Bengal, by order of the Court of Directors, in 1775, with regard to all corrupt practices, and the vigor with which they were for some time pursued, might have given a temporary check to the receipt of presents, or might have produced a more effectual concealment of them, and afterwards the calamities which befell almost all who were concerned in the first discoveries did probably prevent any further complaint upon the subject; but towards the close of the last session your Committee have received much of new and alarming information concerning that abuse.

The first traces appeared, though faintly and obscurely, in a letter to the Court of Directors from the Governor-General, Mr. Hastings, written on the 29th of November, 1780. It has been stated in a former Report of your Committee, that on

the 26th of June, 1780, Mr. Hastings being very earnest in the prosecution of a particular operation in the Mahratta war, in order to remove objections to that measure, which were made on account of the expense of the contingencies, he offered to *exonerate* the Company from that “charge.” Continuing his Minute of Council, he says, “That sum” (a sum of about 23,000*l.*) “I have already deposited, within a small amount, in the hands of the sub-treasurer; and I *beg* that the board will *permit* it to be accepted for that service.” Here he offers in his own person; he deposits, or pretends that he deposits, in his own person; and, with the zeal of a man eager to pledge his private fortune in support of his measures, he prays that his offer may be accepted. Not the least hint that he was delivering back to the Company money of their own, which he had secreted from them. Indeed, no man ever made it a request, much less earnestly entreated, “begged to be permitted,” to pay to any persons, public or private, money that was their own.

It appeared to your Committee that the money offered for that service, which was to forward the operations of a detachment under Colonel Camac in an expedition against one of the Mahratta chiefs, was not accepted. And your Committee, having directed search to be made for any sums of money paid into the Treasury by Mr. Hastings for this service, found, that, notwithstanding his assertion of having deposited “two lacs of rupees, or within a trifle of that sum, in the hands of the sub-treasurer,” no entry whatsoever of that or any other payment by the Governor-General was made in the Treasury accounts at or about that time. This circumstance appeared very striking to your Committee, as the non-appearance in the Company’s books of the article in question must be owing to one or other of these four causes: — That the assertion of Mr. Hastings, of his having paid in near two lacs of rupees at that time, was not true; or that the sub-treasurer may receive great sums in deposit without entering them in the Company’s Treasury accounts; or that the Treasury books themselves are records not to be depended on; or, lastly, that faithful copies of these books of accounts are not transmitted to Europe. The defect of an entry corresponding with Mr. Hastings’s declaration in Council can be attributed only to one of these four causes, — of which the want of foundation in his recorded assertion, though very blamable, is the least alarming.

On the 29th of November following, Mr. Hastings communicated to the Court of Directors some sort of notice of this transaction. In his letter of that date he varies in no small degree the aspect under which the business appeared in his Minute of Consultation of the 26th of June. In his letter he says to the Directors, “The subject is now become obsolete; the fair hopes which I had built upon the prosecution of the Mahratta war have been blasted by the dreadful calamities which have befallen your Presidency of Fort St. George, and changed the object of our pursuit from the *aggrandizement* of your power to its preservation.” After thus confessing, or rather boasting, of his motives to the Mahratta war, he proceeds: “My present reason for reverting to my own conduct on the occasion which I have mentioned” (namely, his

offering a sum of money for the Company's service) "is to obviate *the false conclusions or purposed misrepresentations* which may be made of it, either as an artifice of *ostentation* or the effect of *corrupt influence*, by assuring you that the money, *by whatever means it came into my possession, was not my own*, that I had myself *no right* to it, nor would or could have received it but for the occasion which prompted me to avail myself *of the accidental means* which were at that instant afforded me of accepting and converting it to the property and use of the Company: and with this brief apology I shall dismiss the subject."

The apology is brief indeed, considering the nature of the transaction; and what is more material than its length or its shortness, it is in all points unsatisfactory. The matter becomes, if possible, more obscure by his explanation. Here was money received by Mr. Hastings, which, according to his own judgment, he had no right to receive; it was money which, "but for the occasion that prompted him, he could not have accepted"; it was money which came into his, and from his into the Company's hands, by ways and means undescribed, and from persons unnamed: yet, though apprehensive of false conclusions and purposed misrepresentations, he gives his employers no insight whatsoever into a matter which of all others stood in the greatest need of a full and clear elucidation.

Although he chooses to omit this essential point, he expresses the most anxious solicitude to clear himself of the charges that might be made against him, of the artifices of ostentation, and of corrupt influence. To discover, if possible, the ground for apprehending such imputations, your Committee adverted to the circumstances in which he stood at the time: they found that this letter was dispatched about the time that Mr. Francis took his passage for England; his fear of misrepresentation may therefore allude to something which passed in conversation between him and that gentleman at the time the offer was made.

It was not easy, on the mere face of his offer, to give an ill turn to it. The act, as it stands on the Minute, is not only disinterested, but generous and public-spirited. If Mr. Hastings apprehended misrepresentation from Mr. Francis, or from any other person, your Committee conceive that he did not employ proper means for defeating the ill designs of his adversaries. On the contrary, the course he has taken in his letter to the Court of Directors is calculated to excite doubts and suspicions in minds the most favorably disposed to him. Some degree of ostentation is not extremely blamable at a time when a man advances largely from his private fortune towards the public service. It is human infirmity at the worst, and only detracts something from the lustre of an action in itself meritorious. The kind of ostentation which is criminal, and criminal only because it is fraudulent, is where a person makes a show of giving when in reality he does not give. This imposition is criminal more or less according to the circumstances. But if the money received to furnish such a pretended gift is taken from any third person without right to take it, a new guilt, and guilt of a much worse quality and description, is incurred. The Governor-

General, in order to keep clear of ostentation, on the 29th of November, 1780, declares, that the sum of money which he offered on the 26th of the preceding June as his own was not his own, and that he had no right to it. Clearing himself of vanity, he convicts himself of deceit, and of injustice.

The other object of this brief apology was to clear himself of *corrupt influence*. Of all ostentation he stands completely acquitted in the month of November, however he might have been faulty in that respect in the month of June; but with regard to the other part of the apprehended charge, namely, *corrupt influence*, he gives no satisfactory solution. A great sum of money “not his own,” — money to which “he had no right,” — money which came into his possession “by whatever means”: — if this be not money obtained by corrupt influence, or by something worse, that is, by violence or terror, it will be difficult to fix upon circumstances which can furnish a presumption of unjustifiable use of power and influence in the acquisition of profit. The last part of the apology, that he had converted this money (“which he had no right to receive”) to the Company’s use, so far as your Committee can discover, *does nowhere appear*. He speaks, in the Minute of the 26th of June, as having *then* actually deposited it for the Company’s service; in the letter of November he says that he converted it to the Company’s property: but there is no trace in the Company’s books of its being ever brought to their credit in the expenditure for any specific service, even if any such entry and expenditure could justify him in taking money which he had by his own confession, “no right to receive.”

The Directors appear to have been deceived by this representation, and in their letter of January, 1782, consider the money as actually paid into their Treasury. Even under their error concerning the application of the money, they appear rather alarmed than satisfied with the brief apology of the Governor-General. They consider the whole proceeding as *extraordinary and mysterious*. They, however, do not condemn it with any remarkable asperity; after admitting that he might be induced to a temporary secrecy *respecting the members of the board*, from a fear of their resisting the proposed application, or any application of this money to the Company’s use, yet they write to the Governor-General and Council as follows:— “It does not appear to us that there could be any real necessity for delaying to communicate to *us* immediate information of the *channel* by which the money came into Mr. Hastings’s possession, with a complete illustration of the cause or causes of so *extraordinary* an event.” And again: “The means proposed of defraying the extra expenses are very *extraordinary*; and the money, we conceive, must have come into his hands by an *unusual* channel; and when more complete information comes before us, we shall give our sentiments fully on the transaction.” And speaking of this and other moneys under a similar description, they say, “We shall suspend our judgment, without approving it in the least degree, or proceeding to censure our Governor-General for this transaction.” The expectations entertained by

the Directors of a more complete explanation were natural, and their expression tender and temperate. But the more complete information which they naturally expected they never have to this day received.

Mr. Hastings wrote two more letters to the Secret Committee of the Court of Directors, in which he mentions this transaction: the first dated (as he asserts, and a Mr. Larkins swears) on the 22d of May, 1782; the last, which accompanied it, so late as the 16th of December in the same year. Though so long an interval lay between the transaction of the 26th of June, 1780, and the middle of December, 1782, (upwards of two years,) no further satisfaction is given. He has written, since the receipt of the above letter of the Court of Directors, (which demanded, what they had a right to demand, a clear explanation of the particulars of this sum of money which he had no right to receive,) without giving them any further satisfaction. Instead of explanation or apology, he assumes a tone of complaint and reproach, to the Directors: he lays before them a kind of an account of presents received, to the amount of upwards of 200,000*l.*, — some at a considerable distance of time, and which had not been hitherto communicated to the Company.

In the letter which accompanied that very extraordinary account, which then for the first time appeared, he discovers no small solicitude to clear himself from the imputation of having these discoveries drawn from him by the terrors of the Parliamentary inquiries then on foot. To remove all suspicion of such a motive for making these discoveries, Mr. Larkins swears, in an affidavit made before Mr. Justice Hyde, bearing even date with the letter which accompanies the account, that is, of the 16th of December, 1782, that this letter had been written by him on the 22d of May, several months before it was dispatched. It appears that Mr. Larkins, who makes this voluntary affidavit, is neither secretary to the board, nor Mr. Hastings's private secretary, but an officer of the Treasury of Bengal.

Mr. Hastings was conscious that a question would inevitably arise, how he came to delay the sending intelligence of so very interesting a nature from May to December. He therefore thinks it necessary to account for so suspicious a circumstance. He tells the Directors, "that the dispatch of the 'Lively' having been protracted from time to time, the accompanying address, which was originally designed and prepared for that dispatch, *and no other since occurring*, has of course been thus long delayed."

The Governor-General's letter is dated the 22d May, and the "Resolution" was the last ship of the season dispatched for Europe. The public letters to the Directors are dated the 9th May; but it appears by the letter of the commander of the ship that he did not receive his dispatches from Mr. Lloyd, then at Kedgerree, until the 26th May, and also that the pilot was not discharged from the ship until the 11th June. Some of these presents (now for the first time acknowledged) had been received eighteen months preceding the date of this letter, — none less than four months; so that, in fact, he might have sent this account by all the ships of that

season; but the Governor-General chose to write this letter thirteen days after the determination in Council for the dispatch of the last ship.

It does not appear that he has given any communication whatsoever to his colleagues in office of those extraordinary transactions. Nothing appears on the records of the Council of the receipt of the presents; nor is the transmission of this account mentioned in the general letter to the Court of Directors, but in a letter from himself to their Secret Committee, consisting generally of two persons, but at most of three. It is to be observed that the Governor-General states, "that the dispatch of the 'Lively' had been protracted from time to time; that this delay was of no public consequence; but that it produced a situation which with respect to himself he regarded as unfortunate, because it exposed him to the meanest imputations, from the occasion which the late Parliamentary inquiries have since furnished, but which were unknown when his letter was written." If the Governor-General thought his silence exposed him to the *meanest imputations*, he had the means in his own power of avoiding those imputations: he might have sent this letter, dated the 22d May, by the Resolution. For we find, that, in a letter from Captain Poynting, of the 26th May, he states it not possible for him to proceed to sea with the smallest degree of safety without a supply of anchors and cables, and most earnestly requests they may be supplied from Calcutta; and on the 28th May we find a minute from the Secretary of the Council, Mr. Auriol, requesting an order of Council to the master-attendant to furnish a sloop to carry down those cables; which order was accordingly issued on the 30th May. There requires no other proof to show that the Governor-General had the means of sending this letter seven days after he wrote it, instead of delaying it for near seven months, and because no conveyance had offered. Your Committee must also remark, that the conveyance by land to Madras was certain; and whilst such important operations were carrying on, both by sea and land, upon the coast, that dispatches would be sent to the Admiralty or to the Company was highly probable.

If the letter of the 22d May had been found in the list of packets sent by the Resolution, the Governor General would have established in a satisfactory manner, and far beyond the effect of any affidavit, that the letter had been written at the time of the date. It appears that the Resolution, being on her voyage to England, met with so severe a gale of wind as to be obliged to put back to Bengal, and to unload her cargo. This event makes no difference in the state of the transaction. Whatever the cause of these new discoveries might have been, at the time of sending them the fact of the Parliamentary inquiry was publicly known.

In the letter of the above date Mr. Hastings laments the mortification of being reduced to take precautions "to guard his reputation from dishonor."—"If I had," says he, "*at any time* possessed that degree of confidence from my *immediate* employers which they have never withheld from the *meanest* of my predecessors, I should have disdained to use these attentions."

Who the *meanest* of Mr. Hastings's predecessors were does not appear to your Committee; nor are they able to discern the ground of propriety or decency for his assuming to himself a right to call any of them mean persons. But if such mean persons have possessed that degree of confidence from his immediate employers which for so many years he had not possessed "*at any time*," inferences must be drawn from thence very unfavorable to one or the other of the parties, or perhaps to both. The attentions which he practises and disdains can in this case be of no service to himself, his employers, or the public; the only attention at all effectual towards extenuating, or in some degree atoning for, the guilt of having taken money from individuals illegally was to be full and fair in his confession of all the particulars of his offence. This might not obtain that confidence which at no time he has enjoyed, but still the Company and the nation might derive essential benefit from it; the Directors might be able to afford redress to the sufferers; and by his laying open the concealed channels of abuse, means might be furnished for the better discovery, and possibly for the prevention, or at least for the restraint, of a practice of the most dangerous nature, — a practice of which the mere prohibition, without the means of detection, must ever prove, as hitherto it had proved, altogether frivolous.

Your Committee, considering that so long a time had elapsed without any of that information which the Directors expected, and perceiving that this receipt of sums of money under color of gift seemed a growing evil, ordered the attendance of Mr. Hastings's agent, Major Scott. They had found, on former occasions, that this gentleman was furnished with much more early and more complete intelligence of the Company's affairs in India than was thought proper for the Court of Directors; they therefore examined him concerning every particular sum of money the receipt of which Mr. Hastings had confessed in his account. It was to their surprise that Mr. Scott professed himself perfectly uninstructed upon almost every part of the subject, though the express object of his mission to England was to clear up such matters as might be objected to Mr. Hastings; and for that purpose he had early qualified himself by the production to your Committee of his powers of agency. The ignorance in which Mr. Hastings had left his agent was the more striking, because he must have been morally certain, that, if his conduct in these points should have escaped animadversion from the Court of Directors, it must become an object of Parliamentary inquiry; for, in his letter of the 15th [16th?] of December, 1782, to the Court of Directors, he expressly mentions his fears that those Parliamentary inquiries might be thought to have extorted from him the confessions which he had made.

Your Committee, however, entering on a more strict examination concerning the two lacs of rupees, which Mr. Hastings declares he had no right to take, but had taken from some person then unknown, Major Scott recollected that Mr. Hastings had, in a letter of the 7th of December, 1782, (in which he refers to some former

letter,) acquainted him with the name of the person from whom he had received these two lacs of rupees, mentioned in the minute of June, 1780. It turned out to be the Rajah of Benares, the unfortunate Cheyt Sing.

In the single instance in which Mr. Scott seemed to possess intelligence in this matter, he is preferred to the Court of Directors. Under their censure as Mr. Hastings was, and as he felt himself to be, for not informing them of the channel in which he received that money, he perseveres obstinately and contemptuously to conceal it from them; though he thought fit to intrust his agent with the secret.

Your Committee were extremely struck with this intelligence. They were totally unacquainted with it, when they presented to the House the Supplement to their Second Report, on the affairs of Cheyt Sing. A gift received by Mr. Hastings from the Rajah of Benares gave rise in their minds to serious reflections on the condition of the princes of India subjected to the British authority. Mr. Hastings was, at the very time of his receiving this gift, in the course of making on the Rajah of Benares a series of demands, unfounded and unjustifiable, and constantly growing in proportion as they were submitted to. To these demands the Rajah of Benares, besides his objections in point of right, constantly sat up a plea of poverty. Presents from persons who hold up poverty as a shield against extortion can scarcely in any case be considered as gratuitous, whether the plea of poverty be true or false. In this case the presents might have been bestowed; if not with an assurance, at least with a rational hope, of some mitigation in the oppressive requisitions that were made by Mr. Hastings; for to give much voluntarily, when it is known that much will be taken away forcibly, is a thing absurd and impossible. On the other [one?] hand, the acceptance of that gift by Mr. Hastings must have pledged a tacit faith for some degree of indulgence towards the donor: if it was a free gift, gratitude, if it was a bargain, justice obliged him to do it. If, on the other hand, Mr. Hastings originally destined (as he says he did) this money, given to himself secretly and for his private emolument, to the use of the Company, the Company's favor, to whom he acted as trustee, ought to have been purchased by it. In honor and justice he bound and pledged himself for that power which was to profit by the gift, and to profit, too, in the success of an expedition which Mr. Hastings thought so necessary to their aggrandizement. The unhappy man found his money accepted, but no favor acquired on the part either of the Company or of Mr. Hastings.

Your Committee have, in another Report, stated to the House that Mr. Hastings attributed the extremity of distress which the detachments under Colonel Camac had suffered, and the great desertions which ensued on that expedition, to the want of punctuality of the Rajah in making payment of one of the sums which had been extorted from him; and this want of punctual payment was afterwards assigned as a principal reason for the ruin of this prince. Your Committee have shown to the House, by a comparison of facts and dates, that this charge is wholly without foundation. But if the cause of Colonel Camac's failure had been true as to the sum

which was the object of the public demand, the failure could not be attributed to the Rajah, when he had on the *instant* privately furnished at least 23,000*l.* to Mr. Hastings, — that is, furnished the identical money which he tells us (but carefully concealing the name of the giver) he had from the beginning destined, as he afterwards publicly offered, for this very expedition of Colonel Camac's. The complication of fraud and cruelty in the transaction admits of few parallels. Mr. Hastings at the Council Board of Bengal displays himself as a zealous servant of the Company, bountifully giving from his own fortune, and in his letter to the Directors (as he says himself) as going out of the ordinary roads for their advantage; and all this on the credit of supplies derived from the gift of a man whom he treats with the utmost severity, and whom he accuses, in this particular, of disaffection to the Company's cause and interests.

With 23,000*l.* of the Rajah's money in his pocket, he persecutes him to his destruction, — assigning for a reason, that his reliance on the Rajah's faith, and his breach of it, were the principal causes that *no other* provision was made for the detachment on the specific expedition to which the Rajah's specific money was to be applied. The Rajah had given it to be disposed of by Mr. Hastings; and if it was not disposed of in the best manner for the accomplishing his objects, the accuser himself is the criminal.

To take money for the forbearance of a just demand would have been corrupt only; but to urge unjust public demands, — to accept private pecuniary favors in the course of those demands, — and, on the pretence of delay or refusal, without mercy to persecute a benefactor, — to refuse to hear his remonstrances, — to arrest him in his capital, in his palace, in the face of all the people, — thus to give occasion to an insurrection, and, on pretext of that insurrection, to refuse all treaty or explanation, — to drive him from his government and his country, — to proscribe him in a general amnesty, — and to send him all over India a fugitive, to publish the shame of British government in all the nations to whom he successively fled for refuge, — these are proceedings to which, for the honor of human nature, it is hoped few parallels are to be found in history, and in which the illegality and corruption of the acts form the smallest part of the mischief.

Such is the account of the first sum *confessed* to be taken as a present by Mr. Hastings, since the year 1775; and such are its consequences. Mr. Hastings apologizes for this action by declaring “that he would not have received the money but for the *occasion*, which prompted him to avail himself of the accidental means which were at that instant afforded him of accepting and converting it to the use of the Company.” By this account, he considers the act as excusable only by the particular occasion, by the temptation of accidental means, and by the suggestion of the *instant*. How far this is the case appears by the very next paragraph of this letter in which the account is given and in which the apology is made. If these were his

sentiments in June, 1780, they lasted but a very short time: his accidental means appear to be growing habitual.

To point out in a clear manner the spirit of the second money transaction to which your Committee adverted, which is represented by Mr. Hastings as having some “affinity with the former *anecdote*,” (for in this light kind of phrase he chooses to express himself to his masters,) your Committee think it necessary to state to the House, that the business, namely, this business, which was the second object of their inquiry, appears in three different papers and in three different lights: on comparing of these authorities, in every one of which Mr. Hastings is himself the voucher, if one of the three be true, the other two must necessarily be false.

These three authorities, which your Committee has accurately compared, are, first, his minutes on the Consultations; secondly, his letter to the Court of Directors on the 29th of November, 1780; thirdly, his account, transmitted on the 16th of December, 1782.

About eight months after the first transaction relative to Cheyt Sing, and which is just reported, that is, on the 5th of January, 1781, Mr. Hastings produced a demand to the Council for money of his own expended for the Company’s service. Here was no occasion for secrecy. Mr. Francis was on his passage to Europe; Mr. Wheler was alone left, who no longer dissented from anything; Mr. Hastings was in effect himself the whole Council. He declared that *he* had disbursed three lacs of rupees, that is, thirty-four thousand five hundred pounds, in secret services, — which having, he says, “been advanced from *my own private cash*, I request that the same may be repaid to me in the following manner.” He accordingly desires three bonds, for a lac of Sicca rupees each, to be given to him in two of the Company’s subscriptions, — one to bear interest on the eight per cent loan, the other two in the four per cent: the bonds were antedated to the beginning of the preceding October. On the 9th of the same month, that is, on the 9th of January, 1781, the three bonds were accordingly ordered. So far the whole transaction appears clear, and of a piece. Private money is subscribed, and a public security is taken for it. When the Company’s Treasury accounts are compared with the proceedings of their Council-General, a perfect correspondence also appears. The three bonds are then [there?] entered to Mr. Hastings, and he is credited for principal and interest on them, in the exact terms of the order. So far the official accounts, — which, because of their perfect harmony, are considered as clear and consistent evidence to one body of fact.

The second sort of document relative to these bonds (though the first in order of time) is Mr. Hastings’s letter of the 29th of November, 1780. It is written between the time of the expenditure of the money for the Company’s use and the taking of the bonds. Here, for the first time, a very material difference appears; and the difference is the more striking, because Mr. Hastings claimed the *whole* money as his own, and took bonds for it as such, *after* this representation. The letter to the

Company discovers that part of the money (the whole of which he had declared on record to be his own, and for which he had taken bonds) was not his, but the property of his masters, from whom he had taken the security. It is no less remarkable that the letter which represents the money as belonging to the Company was written about six weeks before the Minute of Council in which he claims that money as his own. It is this letter on which your Committee is to remark.

Mr. Hastings, after giving his reasons for the application of the three lacs of rupees, and for his having for some time concealed the fact, says, "Two thirds of that sum I have raised *by my own credit*, and shall charge it in my official account; *the other third* I have supplied from the cash in my hands belonging to the Honorable Company."

The House will observe, that in November he tells the Directors that he shall charge only *two thirds* in his official accounts; in the following January he charges the *whole*. For the other third, although he admitted that to belong to the Company, we have seen that he takes a bond to *himself*.

It is material that he tells the Company in his letter that these two lacs of rupees were *raised on his credit*. His letter to the Council says that they were advanced from his *private cash*. What he raises on his credit may, on a fair construction, be considered as his own: but in this, too, he fails; for it is certain he has never transferred these bonds to any creditor; nor has he stated any sum he has paid, or for which he stands indebted, on that account, to any specific person. Indeed, it was out of his power; for the first two thirds of the money, which he formerly stated as raised upon his credit, he now confesses to have been from the beginning the Company's property, and therefore could not have been raised on his private credit, or borrowed from any person whatsoever.

To these two accounts, thus essentially varying, he has added a third, varying at least as essentially from both. In his last or third account, which is a statement of all the sums he has received in an extraordinary manner, and confessed to be the Company's property, he reverses the items of his first account, and, instead of allowing the Company but one third and claiming two thirds for himself, he enters two of the bonds, each for a lac of rupees, as belonging to the Company: of the third bond, which appears so distinctly in the Consultations and in the Treasury accounts, not one word is said; ten thousand pounds is absorbed, sinks, and disappears at once, and no explanation whatsoever concerning it is given; Mr. Hastings seems not yet to have decided to whose account it ought to be placed. In this manner his debt to the Company, or the Company's to him, is just what he thinks fit. In a single article he has varied three times. In one account he states the whole to be his own; in another he claims two thirds; in the last he gives up the claim of the two thirds, and says nothing to the remaining portion.

To make amends, however, for the suppression of this third bond, given with the two others in January, 1781, and antedated to the beginning of October, Mr.

Hastings, in the above-mentioned general account subjoined to his letter of the 22d May, 1782, has brought to the Company's credit a new bond.

This bond is for 17,000*l*. It was taken from the Company (and so it appears on their Treasury accounts) on the 23d of November, 1780. He took no notice of this, when, in January following, he called upon his own Council for the three others. What is more extraordinary, he was equally silent with regard to it, when, only six days after its date, he wrote concerning the subject of the three other bonds to the Court of Directors; yet now it comes out, that that bond also was taken by Mr. Hastings from the Company for money which he declares he had received on the Company's account, and that he entered himself as creditor when he ought to have made himself debtor.

Your Committee examined Major Scott concerning this money, which Mr. Hastings must have obtained in some clandestine and irregular mode; but they could obtain no information of the persons from whom it was taken, nor of the occasion or pretence of taking this large sum; nor does any Minute of Council appear for its application to any service. The whole of the transaction, whatever it was, relative to this bond, is covered with the thickest obscurity.

Mr. Hastings, to palliate the blame of his conduct, declares that he has not received any interest on these bonds, — and that he has indorsed them as not belonging to himself, but to the Company. As to the first part of this allegation, whether he received the interest or let it remain in arrear is a matter of indifference, as he entitled himself to it; and so far as the legal security he has taken goes, he may, whenever he pleases, dispose both of principal and interest. What he has indorsed on the bonds, or when he made the indorsement, or whether in fact he has made it at all, are matters known only to himself; for the bonds must be in his possession, and are nowhere by him stated to be given up or cancelled, — which is a thing very remarkable, when he confesses that he had no right to receive them.

These bonds make but a part of the account of private receipts of money by Mr. Hastings, formerly paid into the Treasury as his own property, and now allowed not to be so. This account brings into view other very remarkable matters of a similar nature and description.

In the public records, a sum of not less than 23,871*l*. is set to his credit as a *deposit* for his private account, paid in by him into the Treasury in gold, and coined at the Company's mint. This appears in the account furnished to the Directors, under the date of May, 1782, not to be lawfully his money, and he therefore transfers it to the Company's credit: it still remains as a deposit.

That the House may be apprised of the nature of this article of deposit, it may not be improper to state that the Company receive into their treasury the cash of private persons, placed there as in a bank. On this no interest is paid, and the party depositing has a right to receive it upon demand. Under this head of account no public money is ever entered. Mr. Hastings, neither at making the deposit as his

own, nor at the time of his disclosure of the real proprietor, (which he makes to be the Company,) has given any information of the persons from whom this money had been received. Mr. Scott was applied to by your Committee, but could not give any more satisfaction in this particular than in those relative to the bonds.

The title of the account of the 22d of May purports not only that those sums were paid into the Company's treasury by Mr. Hastings's order, but that they were applied to the Company's service. No service is specified, directly or by any reference, to which this great sum of money has been applied.

Two extraordinary articles follow this, in the May account, amounting to about 29,000*l*. These articles are called Receipts for Durbar Charges. The general head of Durbar Charges, made by persons in office, when analyzed into the particulars, contains various expenses, including bounties and presents made by government, chiefly in the foreign department. But in the last account he confesses that this sum also is not his, but the Company's property; but as in all the rest, so in this, he carefully conceals the means by which he acquired the money, the time of his taking it, and the persons from whom it was taken. This is the more extraordinary, because, in looking over the journals and ledgers of the Treasury, the presents received and carried to the account of the Company (which were generally small and complimentary) were precisely entered, with the name of the giver.

Your Committee, on turning to the account of Durbar charges in the ledger of that month, find the sum, as stated in the account of May 22d, to be indeed paid in; but there is no specific application whatsoever entered.

The account of the whole money thus clandestinely received, as stated on the 22d of May, 1782, (and for a great part of which Mr. Hastings to that time took credit for, and for the rest has accounted in an extraordinary manner as his own,) amounts in the whole to upwards of ninety-three thousand pounds sterling: a vast sum to be so obtained, and so loosely accounted for! If the money taken from the Rajah of Benares be added, (as it ought,) it will raise the sum to upwards of 116,000*l*.; if the 11,600*l*. bond in October be added, it will be upwards of 128,000*l*. received in a secret manner by Mr. Hastings in about one year and five months. To all these he adds another sum of one hundred thousand pounds, received as a present from the Subah of Oude. Total, upwards of 228,000*l*.

Your Committee find that this last is the only sum the giver of which Mr. Hastings has thought proper to declare. It is to be observed, that he did not receive this 100,000*l*. in money, but in bills on a great native money-dealer resident at Benares, and who has also an house at Calcutta: he is called Gopâl Dâs. The negotiation of these bills tended to make a discovery not so difficult as it would have been in other cases.

With regard to the application of this last sum of money, which is said to be carried to the Durbar charges of April, 1782, your Committee are not enabled to make any observations on it, as the account of that period has not yet arrived.

Your Committee have, in another Report, remarked fully upon most of the circumstances of this extraordinary transaction. Here they only bring so much of these circumstances again into view as may serve to throw light upon the true nature of the sums of money taken by British subjects in power, under the name of *presents*, and to show how far they are entitled to that description in any sense which can fairly imply in the pretended donors either willingness or ability to give. The condition of the bountiful parties who are not yet discovered may be conjectured from the state of those who have been made known: as far as that state anywhere appears, their generosity is found in proportion, not to the opulence they possess or to the favors they receive, but to the indigence they feel and the insults they are exposed to. The House will particularly attend to the situation of the principal giver, the Subah of Oude.

“When the knife,” says he, “had penetrated to the bone, and I was surrounded with such heavy distresses that I could no longer live in expectations, I wrote you an account of my difficulties.

“The answer which I have received to it is such that it has given me inexpressible grief and affliction. I never had the least idea or expectation from you and the Council that you would ever have given your orders in so afflicting a manner, in which you never before wrote, and which I could not have imagined. As I am resolved to *obey* your orders, and directions of the Council, without any delay, as long as I live, I have, agreeably to those *orders*, delivered up *all my private papers* to him [the Resident], that, when he shall have examined my receipts and expenses, *he may take whatever remains*. As I know it to be my duty to satisfy you, the Company, and Council, I have not failed to *obey* in any instance, but requested of him that it might be done so as not to *distress me in my necessary expenses*: there being no other funds but those for the expenses of my mutseddies, household expenses, and servants, &c. He demanded these in such a manner, that, being *remediless*, I was obliged to comply with what he required. He has accordingly *stopped the pensions of my old servants for thirty years, whether sepoy, mutseddies, or household servants, and the expenses of my family and kitchen, together with the jaghires of my grandmother, mother, and aunts, and of my brothers and dependants, which were for their support*. I had raised thirteen hundred horse and three battalions of sepoy to attend upon me; but as I have no resources to support them, I have been obliged to remove the people stationed in the mahals [districts] and to send his people [the Resident’s people] into the mahals, so that I have not now one single servant about me. Should I mention to what further difficulties I have been reduced, it would lay me open to contempt.”

In other parts of this long remonstrance, as well as in other remonstrances no less serious, he says, “that it is difficult for him to save himself alive; that in all his affairs *Mr. Hastings had given full powers to the gentlemen here*,” (meaning the English Resident and Assistants,) “*who have done whatever they chose, and still*

continue to do it. I never expected that *you* would have brought me into such apprehension, and into so weak a state, without *writing to me on any one of those subjects*; since I have not the smallest connection with anybody except yourself. I am in such distress, both day and night, that I see not the smallest prospect of deliverance from it, since you are so displeased with me *as not to honor me with a single letter.*”

In another remonstrance he thus expresses himself. “The affairs of this world are unstable, and soon pass away: it would therefore be incumbent on the *English* gentlemen to show *some* friendship for me in my *necessities*, — I, who have always exerted my very life in the service of the English, *assigned over to them all the resources left in my country*, stopped my very household expenses, together with the jaghires of my servants and dependants, to the amount of 98,98,375 rupees. Besides this, as to the jaghires of my grandmother, mother, and uncle, which were granted to them for their support, *agreeable to engagements*, you are the *masters*, — if the Council have sent orders for the stopping their jaghires also, stop them. I have no resources left in my country, and have no friends by me, being even distressed in my daily subsistence. I have some elephants, horses, and the houses which I inhabit: if they can be of any service to my friends, they are ready. Whenever you can discover any resources, seize upon them: I shall not interfere to prevent you. In my present distress for my daily expenses, I was in hopes that they would have excused some part of my debt. Of what use is it for me to relate my situation, which is known to the whole world? This much is sufficient.”

The truth of all these representations is nowhere contested by Mr. Hastings. It is, indeed, admitted in something stronger than words; for, upon account of the Nabob’s condition, and the no less distressed condition of his dominions, he thought it fit to withdraw from him and them a large body of the Company’s troops, together with all the English of a civil description, who were found no less burdensome than the military. This was done on the declared inability of the country any longer to support them, — a country not much inferior to England in extent and fertility, and, till lately at least, its equal in population and culture.

It was to a prince, in a state so far remote from freedom, authority, and opulence, so penetrated with the treatment he had received, and the behavior he had met with from Mr. Hastings, that Mr. Hastings has chosen to attribute a disposition so very generous and munificent as, of his own free grace and mere motion, to make him a present, at one donation, of upwards of one hundred thousand pounds sterling. This vast private donation was given at the moment of vast instant demands severely exacted on account of the Company, and accumulated on immense debts to the same body, — and all taken from a ruined prince and almost desolated territory.

Mr. Hastings has had the firmness, with all possible ease and apparent unconcern, to request permission from the Directors to legalize this forbidden present for his own use. This he has had the courage to do at a time when he had abundant reason

to look for what he has since received, — their censure for many material parts of his conduct towards the people from whose wasted substance this pretended free gift was drawn. He does not pretend that he has reason to expect the smallest degree of partiality, in this or any other point, from the Court of Directors. For, besides his complaint, first stated, of having never possessed their confidence, in a late letter (in which, notwithstanding the censures of Parliament, he magnifies his own conduct) he says, that, in all the long period of his service, “he has almost unremittedly wanted the support which all his predecessors had enjoyed from their constituents. From mine,” says he, “I have received *nothing but reproach, hard epithets, and indignities*, instead of rewards and encouragement.” It must therefore have been from some other source of protection than that which the law had placed over him that he looked for countenance and reward in violating an act of Parliament which forbid him from *taking gifts or presents on any account whatsoever*, — much less a gift of this magnitude, which, from the distress of the giver, must be supposed the effect of the most cruel extortion.

The Directors did wrong in their orders to appropriate money, which they must know could not have been acquired by the consent of the pretended donor, to their own use. They acted more properly in refusing to confirm this grant to Mr. Hastings, and in choosing rather to refer him to the law which he had violated than to his own sense of what he thought he was entitled to take from the natives: putting him in mind that the Regulating Act had expressly declared “that no Governor-General, or any of the Council, shall, directly or indirectly, accept, receive, or take, of or from any person or persons, or on any account whatsoever, any present, gift, donation, gratuity, or reward, pecuniary or otherwise, or any promise or engagement for any of the aforesaid.” Here is no reserve for the case of a disclosure to the Directors, and for the legalizing the breach of an act of Parliament by their subsequent consent. The illegality attached to the action at its very commencement, and it could never be afterwards legalized: the Directors had no such power reserved to them. Words cannot be devised of a stronger import or studied with more care. To these words of the act are opposed the declaration and conduct of Mr. Hastings, who, in his letter of January, 1782, thinks fit to declare, that “an offer of a very considerable sum of money was made to him, both on the part of the Nabob and his ministers, as *a present*, which he *accepted without hesitation*.” The plea of his pretended necessity is of no avail. The present was not in ready money, nor, as your Committee conceive, applicable to his immediate necessities. Even his credit was not bettered by bills at long periods; he does not pretend that he raised any money upon them; nor is it conceivable that a banker at Benares would be more willing to honor the drafts of so miserable, undone, and dependent a person as the Nabob of Oude than those of the Governor-General of Bengal, which might be paid either on the receipt of the Benares revenue, or at the seat of his power, and of the Company’s exchequer. Besides, it is not explicable, upon any grounds that can be

avowed, why the Nabob, who could afford to give these bills as *a present* to Mr. Hastings, could not have equally given them in discharge of the debt which he owed to the Company. It is, indeed, very much to be feared that the people of India find it sometimes turn more to their account to give presents to the English in authority than to pay their debts to the public; and this is a matter of a very serious consideration.

No small merit is made by Mr. Hastings, and that, too, in a high and upbraiding style, of his having come to a voluntary discovery of this and other unlawful practices of the same kind. "That honorable court," says Mr. Hastings, addressing himself to his masters, in his letter of December, 1782, "ought to know whether I possess the integrity and honor which are the first requisites of such a station. If I wanted these, they have afforded me too powerful incentives to suppress the information which I now convey to them through you, and to appropriate to my own use the sums which I have already passed to their credit, by their *unworthy*, and pardon me if I add *dangerous reflections*, which they have passed upon me for the first communication of this kind"; and he immediately adds, what is singular and striking, and savors of a recriminatory insinuation, "*and your own experience* will suggest to you that there are persons who would profit by such a warning." To what Directors in particular this imputation of experience is applied, and what other persons they are in whom *experience* has shown a disposition to profit of such a warning, is a matter highly proper to be inquired into. What Mr. Hastings says further on this subject is no less worthy of attention:— "*that he could have concealed these transactions, if he had a wrong motive, from theirs and the public eye forever.*" It is undoubtedly true, that, whether the observation be applicable to the particular case or not, practices of this corrupt nature are extremely difficult of detection anywhere, but especially in India; but all restraint upon that grand fundamental abuse of presents is gone forever, if the servants of the Company can derive safety from a defiance of the law, when they can no longer hope to screen themselves by an evasion of it. All hope of reformation is at an end, if, confiding in the force of a faction among Directors or proprietors to bear them out, and possibly to vote them the fruit of their crimes as a reward of their discovery, they find that their bold avowal of their offences is not only to produce indemnity, but to be rated for merit. If once a presumption is admitted, that, wherever something is divulged, nothing is hid, the discovering of one offence may become the certain means of concealing a multitude of others. The contrivance is easy and trivial, and lies open to the meanest proficient in this kind of art; it will not only become an effectual cover to such practices, but will tend infinitely to increase them. In that case, sums of money will be taken for the purpose of discovery and making merit with the Company, and other sums will be taken for the private advantage of the receiver.

It must certainly be impossible for the natives to know what presents are for one purpose, or what for the other. It is not for a Gentoo or a Mahometan landholder at

the foot of the remotest mountains in India, who has no access to our records and knows nothing of our language, to distinguish what lacs of rupees, which he has given *eo nomine* as a present to a Company's servant, are to be authorized by his masters in Leadenhall Street as proper and legal, or carried to their public account at their pleasure, and what are laid up for his own emolument.

The legislature, in declaring all presents to be the property of the Company, could not consider corruption, extortion, and fraud as any part of their resources. The property in such presents was declared to be theirs, not as a fund for their benefit, but in order to found a legal title to a civil suit. It was declared theirs, to facilitate the recovery out of corrupt and oppressive hands of money illegally taken; but this legal fiction of property could not nor ought by the legislature to be considered in any other light than as a trust held by them for those who suffered the injury. Upon any other construction, the Company would have a right, first, to extract money from the subjects or dependants of this kingdom committed to their care, by means of particular conventions, or by taxes, by rents, and by monopolies; and when they had exhausted every contrivance of public imposition, then they were to be at liberty to let loose upon the people all their servants, from the highest rank to the lowest, to prey upon them at pleasure, and to draw, by personal and official authority, by influence, venality, and terror, whatever was left to them, — and that all this was justified, provided the product was paid into the Company's exchequer.

This prohibition and permission of presents, with this declaration of property in the Company, would leave no property to any man in India. If, however, it should be thought that this clause in the act should be capable, by construction and retrospect, of so legalizing and thus appropriating these presents, (which your Committee conceive impossible,) it is absolutely necessary that it should be very fully explained.

The provision in the act was made in favor of the natives. If such construction prevails, the provision made as their screen from oppression will become the means of increasing and aggravating it without bounds and beyond remedy. If presents, which when they are given were unlawful, can afterwards be legalized by an application of them to the Company's service, no sufferer can even resort to a remedial process at law for his own relief. The moment he attempts to sue, the money may be paid into the Company's treasury; it is then lawfully taken, and the party is non-suited.

The Company itself must suffer extremely in the whole order and regularity of their public accounts, if the idea upon which Mr. Hastings justifies the taking of these presents receives the smallest countenance. On his principles, the same sum may become private property or public, at the pleasure of the receiver; it is in his power, Mr. Hastings says, to conceal it forever. He certainly has it in his power not only to keep it back and bring it forward at his own times, but even to shift and

reverse the relations in the accounts (as Mr. Hastings has done) in what manner and proportion seems good to him, and to make himself alternately debtor or creditor for the same sums.

Of this irregularity Mr. Hastings himself appears in some degree sensible. He conceives it possible that his transactions of this nature may to the Court of Directors seem unsatisfactory. He, however, puts it hypothetically: "If to you," says he, "who are accustomed to view business in an *official and regular light*, they *should appear unprecedented, if not improper.*" He just conceives it possible that in an official money transaction the Directors may expect a proceeding official and regular. In what other lights than those which are official and regular matters of public account ought to be regarded by those who have the charge of them, either in Bengal or in England, does not appear to your Committee. Any other is certainly "unprecedented and improper," and can only serve to cover fraud both in the receipt and in the expenditure. The acquisition of 58,000 rupees, or near 6000*l.*, which appears in the sort of *unofficial and irregular account* that he furnishes of his presents, in his letter of May, 1782, must appear extraordinary indeed to those who expect from men in office something official and something regular. "This sum," says he, "I received while I was on my journey to Benares." He tells it with the same careless indifference as if things of this kind were found by accident on the high-road.

Mr. Hastings did not, indeed he could not, doubt that this unprecedented and improper account would produce much discussion. He says, "Why these sums were taken by me, why they were (except the second) *quietly* transferred to the Company's account, why bonds were taken for the first and not for the rest, might, were this matter to be exposed to the view of the public, *furnish a variety of conjectures.*"

This matter has appeared, and has furnished, as it ought to do, something more serious than conjectures. It would in any other case be supposed that Mr. Hastings, expecting such inquiries, and considering that the questions are (even as they are imperfectly stated by himself) far from frivolous, would condescend to give some information upon them; but the conclusion of a sentence so importantly begun, and which leads to such expectations, is, "that to these conjectures it would be of little use to reply." This is all he says to public conjecture.

To the Court of Directors he is very little more complaisant, and not at all more satisfactory; he states merely as a supposition their inquiry concerning matters of which he positively knew that they had called for an explanation. He knew it, because he presumed to censure them for doing so. To the hypothesis of a further inquiry he gives a conjectural answer of such a kind as probably, in an account of a doubtful transaction, and to a superior, was never done before.

"Were your Honorable Court to question me upon these points, I *would* answer, that the sums were taken for the Company's benefit, at times in which the Company

very much stood in need of them; that I *either* chose to conceal the first receipts from public curiosity by receiving bonds for the amount, or *possibly acted without any studied design* which my memory could at this distance of time verify."

He here professes not to be certain of the motives by which he was himself actuated in so extraordinary a concealment, and in the use of such extraordinary means to effect it; and as if the acts in question were those of an absolute stranger, and not his own, he gives various loose conjectures concerning the motive to them. He even supposes, in taking presents contrary to law, and in taking bonds for them as his own, contrary to what he admits to be truth and fact, that he might have acted without any distinct motive at all, or at least such as his memory could reach at that distance of time. That immense distance, in the faintness of which his recollection is so completely lost as to set him guessing at his motives for his own conduct, was from the 15th of January, 1781, when the bonds at his own request were given, to the date of this letter, which is the 22d of May, 1782, — that is to say, about one year and four months.

As to the other sums, for which no bond was taken, the ground for the difference in his explanation is still more extraordinary: he says, "I did not think it worth my care to observe the same means with *the rest*." The rest of these sums, which were not worth his care, are stated in his account to be greater than those he was so solicitous (for some reason which he cannot guess) to cover under bonds: these sums amount to near 53,000*l.*; whereas the others did not much exceed 40,000*l.* For these actions, attended with these explanations, he ventures to appeal to their (the Directors') breasts for a candid interpretation, and "he assumes the freedom to add, that he thinks himself, on *such* a subject, and on *such* an occasion, entitled to it"; and then, as if he had performed some laudable exploit, in the accompanying letter he glories in the integrity of his conduct; and anticipating his triumph over injustice, and the applauses which at a future time he seems confident he shall receive, says he, "The applause of my own breast is my surest reward: your applause and that of my country is my next wish in life." He declares in that very letter that he had not *at any time* possessed the confidence with them which they never withheld from the meanest of his predecessors. With wishes so near his heart perpetually disappointed, and, instead of applauses, (as he tells us,) receiving nothing but reproaches and disgraceful epithets, his steady continuance for so many years in their service, in a place obnoxious in the highest degree to suspicion and censure, is a thing altogether singular.

It appears very necessary to your Committee to observe upon the great leading principles which Mr. Hastings assumes, to justify the irregular taking of these vast sums of money, and all the irregular means he had employed to cover the greater part of it. These principles are the more necessary to be inquired into, because, if admitted, they will serve to justify every species of improper conduct. His words are, "that the sources from which these reliefs to the public service have come

would never have yielded them to the Company *publicly*; and that the exigencies of their service (exigencies created by the exposition of their affairs, and faction in their divided councils) required those supplies.”

As to the first of these extraordinary positions, your Committee cannot conceive what motive could actuate any native of India dependent on the Company, in assisting them privately, and in refusing to assist them publicly. If the transaction was fair and honest, every native must have been desirous of making merit with the great governing power. If he gave his money as a free gift, he might value himself upon very honorable and very acceptable service; if he lent it on the Company's bonds, it would still have been of service, and he might also receive eight per cent for his money. No native could, without some interested view, give to the Governor-General what he would refuse to the Company as a grant, or even as a loan. It is plain that the powers of government must, in some way or other, be understood by the natives to be at sale. The Governor-General says that he took the money with an original destination to the purposes to which he asserts he has since applied it. But this original destination was in his own mind only, — not declared, nor by him pretended to be declared, to the party who gave the presents, and who could perceive nothing in it but money paid to the supreme magistrate for his private emolument. All that the natives could possibly perceive in such a transaction must be highly dishonorable to the Company's government; for they must conceive, when they gave money to Mr. Hastings, that they bought from Mr. Hastings either what was their own right or something that was not so, or that they redeemed themselves from some acts of rigor inflicted, threatened, or apprehended. If, in the first case, Mr. Hastings gave them the object for which they bargained, his act, however proper, was corrupt, — if he did not, it was both corrupt and fraudulent; if the money was extorted by force or threats, it was oppressive and tyrannical. The very nature of such transactions has a tendency to teach the natives to pay a corrupt court to the servants of the Company; and they must thereby be rendered less willing, or less able, or perhaps both, to fulfil their engagements to the state. Mr. Scott's evidence asserts that they would rather give to Mr. Hastings than lend to the Company. It is very probable; but it is a demonstration of their opinion of his power and corruption, and of the weak and precarious state of the Company's authority.

The second principle assumed by Mr. Hastings for his justification, namely, that factious opposition and a divided government might create exigencies requiring such supplies, is full as dangerous as the first; for, if, in the divisions which must arise in all councils, one member of government, when he thinks others factiously disposed, shall be entitled to take money privately from the subject for the purposes of his politics, and thereby to dispense with an act of Parliament, pretences for that end cannot be wanting. A dispute may always be raised in council in order to cover oppression and speculation elsewhere. But these principles of Mr. Hastings tend entirely to destroy the character and functions of a council, and to vest them in one

of the dissentient members. The law has placed the sense of the whole in the majority; and it is not a thing to be suffered, that any of the members should privately raise money for the avowed purpose of defeating that sense, or for promoting designs that are contrary to it: a more alarming assumption of power in an individual member of any deliberative or executive body cannot be imagined. Mr. Hastings had no right, in order to clear himself of peculation, to criminate the majority with faction. No member of any body, outvoted on a question, has, or can have, a right to direct any part of his public conduct by that principle. The members of the Council had a common superior, to whom they might appeal in their mutual charges of faction: they did so frequently; and the imputation of faction has almost always been laid on Mr. Hastings himself.

But there were periods, very distinguished periods too, in the records of the Company, in which the clandestine taking of money could not be supported even by this pretence. Mr. Hastings has been charged with various acts of peculation, perpetrated at a time he could not excuse himself by the plea of any public purpose to be carried on, or of any faction in council by which it was traversed. It may be necessary here to recall to the recollection of the House, that, on the cry which prevailed of the ill practices of the Company's servants in India, (which general cry in a great measure produced the Regulating Act of 1773,) the Court of Directors, in their instructions of the 29th of March, 1774, gave it as an injunction to the Council-General, that "they *immediately* cause the *strictest* inquiry to be made into *all* oppressions which may have been committed either against natives or Europeans, and into *all* abuses which may have prevailed in the collection of the revenues or *any part of the civil government* of the Presidency; and that you communicate to us *all information* which you may be able to obtain relative thereto, or any embezzlement or dissipation of the Company's money."

In this inquiry, by far the most important abuse which appeared on any of the above heads was that which was charged relative to the sale in gross by Mr. Hastings of nothing less than the whole authority of the country government in the disposal of the guardianship of the Nabob of Bengal.

The present Nabob, Mobarek ul Dowlah, was a minor when he succeeded to the title and office of Subahdar of the three provinces in 1770. Although in a state approaching to subjection, still his rank and character were important. Much was necessarily to depend upon a person who was to preserve the moderation of a sovereign not supported by intrinsic power, and yet to maintain the dignity necessary to carry on the representation of political government, as well as the substance of the whole criminal justice of a great country. A good education, conformably to the maxims of his religion and the manners of his people, was necessary to enable him to fill that delicate place with reputation either to the Mahometan government or to ours. He had still to manage a revenue not inconsiderable, which remained as the sole resource for the languishing dignity of

persons any way distinguished in rank among Mussulmen, who were all attached and clung to him. These considerations rendered it necessary to put his person and affairs into proper hands. They ought to have been men who were able by the gravity of their rank and character to preserve his morals from the contagion of low and vicious company, — men who by their integrity and firmness might be enabled to resist in some degree the rapacity of Europeans, as well as to secure the remaining fragments of his property from the attempts of the natives themselves, who must lie under strong temptation of taking their share in the last pillage of a decaying house.

The Directors were fully impressed with the necessity of such an arrangement. Your Committee find, that, on the 26th of August, 1771, they gave instructions to the President and Council to appoint “a minister to transact the political affairs of the circar [government], — and to select for that purpose some person well qualified for the affairs of government to be the minister of the government, and guardian of the Nabob’s minority.”

The order was so distinct as not to admit of a mistake; it was (for its matter) provident and well considered; and the trust which devolved on Mr. Hastings was of such a nature as might well stimulate a man sensible to reputation to fulfil it in a manner agreeably to the directions he had received, and not only above just cause of exception, but out of the reach of suspicion and malice. In that situation it was natural to suppose he would cast his eyes upon men of the first repute and consideration among the Mussulmen of high rank.

Mr. Hastings, instead of directing his eyes to the durbar, employed his researches in the seraglio. In the inmost recesses of that place he discovered a woman secluded from the intercourse and shut up from the eyes of men, whom he found to correspond with the orders he had received from the Directors, as a person well “qualified for the affairs of government, fit to be a minister of government and the guardian of the Nabob’s minority.” This woman he solemnly invests with these functions. He appoints Rajah Gourdas, whom some time after he himself qualified with a description of a young man of mean abilities, to be her duan, or steward of the household. The rest of the arrangement was correspondent to this disposition of the principal offices.

It seems not to have been lawful or warrantable in Mr. Hastings to set aside the arrangement positively prescribed by the Court of Directors, which evidently pointed to a man, not to any woman whatever. As a woman confined in the female apartment, the lady he appointed could not be competent to hold or qualified to exercise any active employment: she stood in need of guardians for herself, and had not the ability for the guardianship of a person circumstanced as the Subah was. General Clavering, Colonel Monson, and Mr. Francis declare in their minute, “that they believe there never was an instance in India of such a trust so disposed of.” Mr. Hastings has produced no precedent in answer to this objection.

It will be proper to state to the House the situation and circumstances of the women principally concerned, who were in the seraglio of Jaffier Ali Khân at his death. The first of these was called Munny Begum, a person originally born of poor and obscure parents, who delivered her over to the conductress of a company of dancing girls; in which profession being called to exhibit at a festival, the late Nabob took a liking to her, and, after some cohabitation, she obtained such influence over him that he took her for one of his wives and (she seems to have been the favorite) put her at the head of his harem; and having a son by her, this son succeeded to his authority and estate, — Munny Begum, the mother, being by his will a devisee of considerable sums of money, and other effects, on which he left a charge, which has since been applied to the service of the East India Company. The son of this lady dying, and a son by another wife succeeding, and dying also, the present Nabob, Mobarek ul Dowlah, son by a third wife, succeeded. This woman was then alive, and in the seraglio.

It was Munny Begum that Mr. Hastings chose, and not the natural mother of the Nabob. Whether, having chosen a woman in defiance of the Company's orders, and in passing by the natural parent of the minor prince, he was influenced by respect for the disposition made by the deceased Nabob during his life, or by other motives, the House will determine upon a view of the facts which follow. It will be matter of inquiry, when the question is stated upon the appointment of a stepmother in exclusion of the parent, whether the usage of the East constantly authorizes the continuance of that same distribution of rank and power which was settled in the seraglio during the life of a deceased prince, and which was found so settled at his death, and afterwards, to the exclusion of the mother of the successor. In case of female guardianship, her claim seems to be a right of Nature, and which nothing but a very clear positive law will (if that can) authorize the departure from. The history of Munny Begum is stated on the records of the Council-General, and no attempt made by Mr. Hastings to controvert the truth of it.

That was charged by the majority of Council to have happened which might be expected inevitably to happen: the care of the Nabob's education was grossly neglected, and his fortune as grossly mismanaged and embezzled. What connection this waste and embezzlement had with the subsequent events the House will judge.

On the 2d of May, 1775, Mr. James Grant, accountant to the Provincial Council of Moorshedabad, produced to the Governor-General and Council certain Persian papers which stated nine lacs of rupees (upwards of ninety thousand pounds sterling) received by Munny Begum, on her appointment to the management of the Nabob's household, over and above the balance due at that time, and not accounted for by her. These Grant had received from Nuned Roy, who had been a writer in the Begum's Treasury Office. Both Mr. Grant and Nuned Roy were called before the board, and examined respecting the authenticity of the papers. Among other circumstances tending to establish the credit of these papers, it appears that Mr.

Grant offered to make oath that the chief eunuch of the Begum had come to him on purpose to prevail on him not to send the papers, and had declared *that the accounts were not to be disputed.*

On the 9th of May it was resolved by a majority of the board, against the opinion and solemn protest of the Governor-General, that a gentleman should be sent up to the city of Moorshedabad to demand of Munny Begum the accounts of the nizamat and household, from April, 1764, to the latest period to which they could be closed, and to divest the Begum of the office of guardian to the Nabob; and Mr. Charles Goring was appointed for this purpose.

The preceding facts are stated to the House, not as the foundation of an inquiry into the conduct of the Begum, but as they lead to and are therefore necessary to explain by what means a discovery was made of a sum of money given by her to Mr. Hastings.

Mr. Goring's first letter from the city, dated 17th May, 1775, mentions, among other particulars, the young Nabob's joy at being delivered out of the hands of Munny Begum, of the mean and indigent state of confinement in which he was kept by her, of the distress of his mother, and that he had told Mr. Goring that the "Begum's eunuch had instructed the servants not to suffer him to learn anything by which he might make himself acquainted with business": and he adds, "Indeed, I believe there is great truth in it, as his Excellency seems to be ignorant of almost everything a man of his rank ought to know, — not from a want of understanding, but of being properly educated."

On the 21st of May, Mr. Goring transmitted to the Governor-General and Council an account of sums given by the Begum under her seal, delivered to Mr. Goring by the Nabob in her apartments. The account is as follows.

Memorandum of Disbursements to English Gentlemen, from the Nabob's Sircar, in the Bengal Year 1179.

Seal of Munny Begum, Mother of the Nabob Nudjuf ul Dowlah, deceased.

To the Governor, Mr. Hastings, for an entertainment
1,50,000

To Mr. Middleton, on account of an agreement entered into by Baboo Begum
1,50,000

Rupees
3,00,000

When this paper was delivered, the Governor-General moved that Mr. Goring might be asked *how he came by it*, and *on what account this partial selection was made by him*; also, that the Begum should be desired *to explain the sum laid to his*

charge, and that he should ask the Nabob or the Begum their reasons for delivering this separate account.

The substance of the Governor's proposal was agreed to.

Mr. Goring's answer to this requisition of the board is as follows.

"In compliance with your orders to explain the delivery of the paper containing an account of three lacs of rupees, I am to inform you, it took its rise from a message sent me by the Begum, requesting I would interest myself with the Nabob to have Akbar Ali Khân released to her for a few hours, having something of importance to communicate to me, on which she wished to consult him. Thinking the service might be benefited by it, I accordingly desired the Nabob would be pleased to deliver him to my charge, engaging to return him the same night, — which I did. I heard no more till next day, when the Begum requested to see his Excellency and myself, desiring Akbar Ali might attend.

"On our first meeting, she entered into a long detail of her administration, endeavoring to represent it in the fairest light; at last she came to the point, and told me, my urgent and repeated remonstrances to her to be informed how the balance arose of which I was to inquire induced her from memory to say what she had herself given, — then mentioning the sum of a lac and a half to the Governor to feast him whilst he stayed there, and a lac and a half to Mr. Middleton by the hands of Baboo Begum. As I looked on this no more than a matter of conversation, I arose to depart, but was detained by the Begum's requesting the Nabob to come to her. A scene of weeping and complaint then began, which made me still more impatient to be gone, and I repeatedly sent to his Excellency for that purpose: he at last came out and delivered me the paper I sent you, declaring it was given him by the Begum to be delivered me."

Munny Begum also wrote a letter to General Clavering, in which she directly asserts the same. "Mr. Goring has pressed me on the subject of the balances; in answer to which I informed him, that all the particulars, being on record, would in the course of the inquiry appear from the papers. He accordingly received from the Nabob Mobarek ul Dowlah a list of three lacs of rupees given to the Governor and Mr. Middleton. I now send you inclosed a list of the dates when it was presented, and through whose means, which you will receive."

The Governor-General then desired that the following questions might be proposed to the Begum by Mr. Martin, then Resident at the Durbar.

1st. Was any application made to you for the account which you have delivered, of three lacs of rupees said to have been paid to the Governor and Mr. Middleton, or did you deliver the account of your own free will, and unsolicited?

2d. In what manner was the application made to you, and by whom?

3d. On what account was the sum of one and half lacs given to the Governor-General, which you have laid to his account? Was it in consequence of any requisition from him, or of any previous agreement, or of any established usage?

The Governor-General objected strongly to Mr. Goring's being present when the questions were put to the Begum; but it was insisted on by the majority, and it was resolved accordingly, that he ought to be present. The reasons on both sides will best appear by the copy of the debate, inserted in the Appendix.

The Begum's answer to the preceding questions, addressed to the Governor-General and Council, where it touched the substance, was as follows.

"The case is this. Mr. Goring, on his arrival here, *seized all the papers, and secured them under his seal; and all the mutsuddies [clerks or accountants] attended him, and explained to him all the particulars of them.* Mr. Goring inquired of me concerning the arrears due to the sepoys, &c., observing, that the nizamat and bhela money [Nabob's allowance] was received from the Company; from whence, then, could the balance arise? I made answer, that the sum was not adequate to the expenses. Mr. Goring then asked, What are those expenses which exceed the sum received from the Company? I replied, *All the particulars will be found in the papers.* The affair of the three lacs of rupees, *on account of entertainment for the Governor and Mr. Middleton*, has been, I am told, related to you by Rajah Gourdas; besides which there are many other expenses, which will appear from the papers. As the custom of entertainment is of long standing, and accordingly every Governor of Calcutta who came to Moorshedabad received a daily sum of two thousand rupees for entertainment, which, was in fact instead of provisions; and the lac and an half of rupees laid to Mr. Middleton's charge was *a present on account of an agreement entered into by the Bhow Begum.* I therefore affixed my seal to the account, and forwarded it to Mr. Goring by means of the Nabob."

In this answer, the accounts given to Mr. Goring she asserts to be genuine. They are explained, in all the particulars, by all the secretaries and clerks in office. They are secured under Mr. Goring's seal. To them she refers for everything; to them she refers for the three lacs of rupees given to Mr. Hastings and Mr. Middleton. It is impossible to combine together a clearer body of proof, composed of record of office and verbal testimony mutually supporting and illustrating each other.

The House will observe that the receipt of the money is indirectly admitted by one of the Governor's own questions to Munny Begum.

If the money was not received, it would have been absurd to ask *on what account it was given.* Both the question and the answer relate to some established usage, the appeal to which might possibly be used to justify the acceptance of the money, if it was accepted, but would be superfluous, and no way applicable to the charge, if the money was never given.

On this point your Committee will only add, that, in all the controversy between Mr. Hastings and the majority of the Council, he *nowhere denies the receipt of this money.* In his letter to the Court of Directors of the 31st of July, 1775, he says that the Begum was compelled by the ill treatment of one of her servants, which he calls

a species of torture, to deliver the paper to Mr. Goring; but he nowhere affirms that the contents of the paper were false.

On this conduct the majority remark, “We confess it appears very extraordinary that Mr. Hastings should employ so much time and labor to show that the discoveries against him have been obtained by improper means, but that he should take no step whatsoever *to invalidate the truth of them*. He does not deny the receipt of the money: the Begum’s answers to the questions put to her at his own desire make it impossible that he should deny it. It seems, he has formed some plan of defence against this and similar charges, which he thinks will avail him in a court of justice, and which it would be imprudent in him to anticipate at this time. If he has not received the money, we see no reason for such a guarded and cautious method of proceeding. An innocent man would take a shorter and easier course. He would voluntarily exculpate himself by his oath.”

Your Committee entertain doubts whether the refusal to exculpate by oath can be used as a circumstance to infer any presumption of guilt. But where the charge is direct, specific, circumstantial, supported by papers and verbal testimony, made before his lawful superiors, to whom he was accountable, by persons competent to charge, if innocent, he was obliged at least to oppose to it a clear and formal denial of the fact, and to make a demand for inquiry. But if he does not deny the fact, and eludes inquiry, just presumptions will be raised against him.

Your Committee, willing to go to the bottom of a mode of corruption deep and dangerous in the act and the example, being informed that Mr. Goring was in London, resolved to examine him upon the subject. Mr. Goring not only agreed with all the foregoing particulars, but even produced to your Committee what he declared to be the original Persian papers in his hands, delivered from behind the curtain through the Nabob himself, who, having privilege, as a son-in-law, to enter the women’s apartment, received them from Munny Begum as authentic, — the woman all the while lamenting the loss of her power with many tears and much vociferation. She appears to have been induced to make discovery of the above practices in order to clear herself of the notorious embezzlement of the Nabob’s effects.

Your Committee examining Mr. Scott and Mr. Baber on this subject, they also produced a Persian paper, which Mr. Baber said he had received from the hands of a servant of Munny Begum, — and along with it a paper purporting to be a translation into English of the Persian original. In the paper given as the translation, Munny Begum is made to allege many matters of hardship and cruelty against Mr. Goring, and an attempt to compel her to make out a false account, but does not at all deny the giving the money: very far from it. She is made to assert, indeed, “that Mr. Goring desired her to put down three lacs of rupees, as divided between Mr. Hastings and Mr. Middleton. I begged to be excused, observing to him that this money had neither been tendered or *accepted* with any criminal or improper view.”

After some lively expressions in the European manner, she says, “that it had been customary to furnish a table for the Governor and his attendants, during their stay at court. With respect to the sum mentioned to Mr. Middleton, it was a *free gift* from my own *privy purse*. Purburam replied, he understood this money to be paid to these gentlemen as a gratuity for *secret services*; and as such he should assuredly represent it.” Here the payments to Mr. Hastings are fully admitted, and excused as agreeable to usage, and for keeping a table. The present to Mr. Middleton is justified as a free gift. The paper produced by Mr. Scott is not referred to by your Committee as of any weight, but to show that it does not prove what it is produced to prove.

Your Committee, on reading the paper delivered in by Mr. Scott as a translation, perceive it to be written in a style which they conceived was little to be expected in a faithful translation from a Persian original, being full of quaint terms and idiomatic phrases, which strongly bespeak English habits in the way of thinking, and of English peculiarities and affectations in the expression. Struck with these strong internal marks of a suspicious piece, they turned to the Persian manuscript produced by Mr. Scott and Mr. Baber, and comparing it with Mr. Goring’s papers, they found the latter carefully sealed upon every leaf, as they believe is the practice universal in all authentic pieces. They found on the former no seal or signature whatsoever, either at the top or bottom of the scroll. This circumstance of a want of signature not only takes away all authority from the piece as evidence, but strongly confirmed the suspicions entertained by your Committee, on reading the translation, of unwarrantable practices in the whole conduct of this business, even if the translation should be found substantially to agree with the original, such an original as it is. The Persian roll is in the custody of the clerk of your Committee for further examination.

Mr. Baber and Mr. Scott, being examined on these material defects in the authentication of a paper produced by them as authentic, could give no sort of account how it happened to be without a signature; nor did Mr. Baber explain how he came to accept and use it in that condition.

On the whole, your Committee conceive that all the parts of the transaction, as they appear in the Company’s records, are consistent, and mutually throw light on each other.

The Court of Directors order the President and Council to appoint a *minister* to transact the *political* affairs of the government, and to *select* for that purpose some person well qualified for the *affairs of government*, and to be the *minister of government*. Mr. Hastings selects for the minister so described and so qualified a woman locked up in a seraglio. He is ordered to appoint a guardian to the Nabob’s minority. Mr. Hastings passes by his natural parent, and appoints another woman. These acts would of themselves have been liable to suspicion. But a great deficiency or embezzlement soon appears in this woman’s account. To exculpate herself, she

voluntarily declares that she gave a considerable sum to Mr. Hastings, who never once denies the receipt. The account given by the principal living witness of the transaction in his evidence is perfectly coherent, and consistent with the recorded part. The original accounts, alleged to be delivered by the lady in question, were produced by him, properly sealed and authenticated. Nothing is opposed to all this but a paper without signature, and therefore of no authority, attended with a translation of a very extraordinary appearance; and this paper, in apologizing for it, confirms the facts beyond a doubt.

Finally, your Committee examined the principal living witness of the transaction, and find his evidence consistent with the record. Your Committee received the original accounts, alleged to be delivered by the lady in question, properly sealed and authenticated, and find opposed to them nothing but a paper without signature, and therefore of no authority, attended with a translation of a very extraordinary appearance.

In Europe the Directors ordered opinions to be taken on a prosecution: they received one doubtful, and three positively for it.

They write, in their letter of 5th February, 1777, paragraphs 32 and 33: —

“Although it is rather our wish to prevent evils in future than to enter into a severe retrospection of the past, and, where facts are doubtful, or attended with alleviating circumstances, to proceed with lenity, rather than to prosecute with rigor, — yet some of the cases are so flagrantly corrupt, and others attended with circumstances so oppressive to the inhabitants, that it would be unjust to suffer the delinquents to go unpunished. The principal facts have been communicated to our solicitor, whose report, confirmed by our standing counsel, we send you by the present conveyance, — authorizing you, at the same time, to take such steps as shall appear proper to be pursued.

“If we find it necessary, we shall return you the original covenants of such of our servants as remain in India, and have been anyways concerned in the undue receipt of money, in order to enable you to recover the same for the use of the Company by a suit or suits at law, to be instituted in the Supreme Court of Judicature in Bengal.”

Your Committee do not find that the covenants have been sent, or that any prosecution has been begun.

A vast scene of further peculation and corruption, as well in this business as in several other instances, appears in the evidence of the Rajah Nundcomar. That evidence, and all the proceedings relating to it, are entered in the Appendix. It was the last evidence of the kind. The informant was hanged. An attempt was made by Mr. Hastings to indict him for a conspiracy; this failing of effect, another prosecutor appeared for an offence not connected with these charges. Nundcomar, the object of that charge, was executed, at the very crisis of the inquiry, for an offence of another nature, not capital by the laws of the country. As long as it appeared safe, several charges were made (which are inserted at large in the Appendix); and Mr.

Hastings and Mr. Barwell seemed apprehensive of many more. General Clavering, Colonel Monson, and Mr. Francis declared, in a minute entered on the Consultations of the 5th May, 1775, that, “in the late proceedings of the Revenue Board, it will appear that there is no species of peculation from which the Honorable Governor-General has thought proper to abstain.” A charge of offences of so heinous a nature, so very extensive, so very deliberate, made on record by persons of great weight, appointed by act of Parliament his associates in the highest trust, — a charge made at his own board, to his own face, and transmitted to their common superiors, to whom they were jointly and severally accountable, this was not a thing to be passed over by Mr. Hastings; still less ought it to have perished in other hands. It ought to have been brought to an immediate and strict discussion. General Clavering, Colonel Monson, and Mr. Francis ought to have been punished for a groundless accusation, if such it had been. If the accusation were founded, Mr. Hastings was very unfit for the high office of Governor-General, or for any office.

After this comprehensive account by his colleagues of the Governor-General’s conduct, these gentlemen proceeded to the particulars, and they produced the case of a corrupt bargain of Mr. Hastings concerning the disposition of office. This transaction is here stated by your Committee in a very concise manner, being on this occasion merely intended to point out to the House the absolute necessity which, in their opinion, exists for another sort of inquiry into the corruptions of men in power in India than hitherto has been pursued. The proceedings may be found at large in the Appendix.

A complaint was made that Mr. Hastings had sold the office of Phousdar of Hoogly to a person called Khân Jehan Khân on a corrupt agreement, — which was, that from his emoluments of seventy-two thousand rupees a year he was to pay to the Governor-General thirty-six thousand rupees annually, and to his banian, Cantoo Baboo, four thousand more. The complainant offers to pay to the Company the forty thousand rupees which were corruptly paid to these gentlemen, and to content himself with the allowance of thirty-two thousand. Mr. Hastings was, if on any occasion of his life, strongly called upon to bring this matter to the most distinct issue; and Mr. Barwell, who supported his administration, and as such ought to have been tender for his honor, was bound to help him to get to the bottom of it, if his enemies should be ungenerous enough to countenance such an accusation, without permitting it to be detected and exposed. But the course they held was directly contrary. They began by an objection to receive the complaint, in which they obstinately persevered as far as their power went. Mr. Barwell was of opinion that the Company’s instructions to inquire into peculation were intended for the public interests, — that it could not forward the public interests to enter into these inquiries, — and that “he never would be a channel of aspersing any character, while it cannot conduce to the good of government.” Here was a new mode of reasoning found out by Mr. Barwell, which might subject all inquiry into peculation

to the discretion of the very persons charged with it. By that reasoning all orders of his superiors were at his mercy; and he actually undertook to set aside those commands which by an express act of Parliament he was bound to obey, on his opinion of what would or would not conduce to the good of government. On his principles, he either totally annihilates the authority of the act of Parliament, or he entertains so extravagant a supposition as that the Court of Directors possessed a more absolute authority, when their orders were not intended for the public good, than when they were.

General Clavering was of a different opinion. He thought “he should be wanting to the legislature, and to the Court of Directors, if he was not to receive the complaints of the inhabitants, when properly authenticated, and to prefer them to the board for investigation, as the only means by which these grievances can be redressed, and the Company informed of the conduct of their servants.”

To these sentiments Colonel Monson and Mr. Francis adhered. Mr. Hastings thought it more safe, on principles similar to those assumed by Mr. Barwell, to refuse to hear the charge; but he reserved his remarks on this transaction, because they will be equally applicable to *many others which in the course of this business are likely to be brought before the board*. There appeared, therefore, to him a probability that the charge about the corrupt bargain was no more than the commencement of a whole class of such accusations; since he was of opinion (and what is very extraordinary, previous to any examination) that the same remarks would be applicable to several of those which were to follow. He must suppose this class of charges very uniform, as well as very extensive.

The majority, however, pressed their point; and notwithstanding his opposition to all inquiry, as he was supported only by Mr. Barwell, the question for it was carried. He was then desired to name a day for the appearance of the accuser, and the institution of the inquiry. Though baffled in his attempt to stop the inquiry in the first stage, Mr. Hastings made a second stand. He seems here to have recollected something inherent in his own office, that put the matter more in his power than at first he had imagined; for he speaks in a positive and commanding tone: “I will not,” says his minute, “name a day for Mir Zin ul ab Dien to appear before the board; *nor will I suffer him to appear before the board.*”

The question for the inquiry had been carried; it was declared fit to inquire; but there was, according to him, a power which might prevent the appearance of witnesses. On the general policy of obstructing such inquiries, Mr. Francis, on a motion to that effect, made a sound remark, which cannot fail of giving rise to very serious thoughts: “That, supposing it agreed among ourselves that the board shall not hear any charges or complaints against a member of it, a case or cases may hereafter happen, in which, by a reciprocal complaisance to each other, our respective misconduct may be effectually screened from inquiry; and the Company,

whose interest is concerned, or the parties who may have reason to complain of any one member individually, may be left without remedy.”

Mr. Barwell was not of the opinion of that gentleman, nor of the maker of the motion, General Clavering, nor of Mr. Monson, who supported it. He entertains sentiments with regard to the orders of the Directors in this particular perfectly correspondent with those which he had given against the original inquiry. He says, “Though it may in some little degree save the Governor-General from personal insult, where there is no judicial power lodged, that of inquisition can never answer any good purpose.” This is doctrine of a most extraordinary nature and tendency, and, as your Committee conceive, contrary to every sound principle to be observed in the constitution of judicatures and inquisitions. The power of inquisition ought rather to be wholly separated from the judicial, the former being a previous step to the latter, which requires other rules and methods, and ought not, if possible, to be lodged in the same hands. The rest of his minute (contained in the Appendix) is filled with a censure on the native inhabitants, with reflections on the ill consequences which would arise from an attention to their complaints, and with an assertion of the authority of the Supreme Court, as superseding the necessity and propriety of such inquiries in Council. With regard to his principles relative to the natives and their complaints, if they are admitted, they are of a tendency to cut off the very principle of redress. The existence of the Supreme Court, as a means of relief to the natives under all oppressions, is held out to qualify a refusal to hear in the Council. On the same pretence, Mr. Hastings holds up the authority of the same tribunal. But this and other proceedings show abundantly of what efficacy that court has been for the relief of the unhappy people of Bengal. A person in delegated authority refuses a satisfaction to his superiors, throwing himself on a court of justice, and supposes that nothing but what judicially appears against him is a fit subject of inquiry. But even in this Mr. Hastings fails in his application of his principle; for the majority of the Council were undoubtedly competent to order a prosecution against him in the Supreme Court, which they had no ground for without a previous inquiry. But their inquiry had other objects. No private accuser might choose to appear. The party who was the subject of the peculation might be (as here is stated) the accomplice in it. No popular action or popular suit was provided by the charter under whose authority the court was instituted. In any event, a suit might fail in the court for the punishment of an actor in an abuse for want of the strictest legal proof, which might yet furnish matter for the correction of the abuse, and even reasons strong enough not only to justify, but to require, the Directors instantly to address for the removal of a Governor-General. — The opposition of Mr. Hastings and Mr. Barwell proved as ineffectual in this stage as the former; and a day was named by the majority for the attendance of the party.

The day following this deliberation, on the assembling of the Council, the Governor-General, Mr. Hastings, said, “he would not sit to be confronted by such

accusers, nor to *suffer* a judicial inquiry into his conduct at the board of which he is the president.” As on the former occasions, he declares the board dissolved. As on the former occasions, the majority did not admit his claim to this power; they proceeded in his absence to examine the accuser and witnesses. Their proceedings are in Appendix K.

It is remarkable, that, during this transaction, Khân Jehan Khân, the party with whom the corrupt agreement was made, declined an attendance under excuses which the majority thought pretences for delay, though they used no compulsory methods towards his appearance. At length, however, he did appear, and then a step was taken by Mr. Hastings of a very extraordinary nature, after the steps which he had taken before, and the declarations with which those steps had been accompanied. Mr. Hastings, who had absolutely refused to be present in the foregoing part of the proceeding, appeared with Khân Jehan Khân. And now the affair took another turn; other obstructions were raised. General Clavering said that the informations hitherto taken had proceeded upon oath. Khân Jehan Khân had previously declared to General Clavering his readiness to be so examined; but when called upon by the board, he changed his mind, and alleged a delicacy, relative to his rank, with regard to the oath. In this scruple he was strongly supported by Mr. Hastings. He and Mr. Barwell went further: they contended that the Council had no right to administer an oath. They must have been very clear in that opinion, when they resisted the examination on oath of the very person who, if he could safely swear to Mr. Hastings’s innocence, owed it as a debt to his patron not to refuse it; and of the payment of this debt it was extraordinary in the patron not only to enforce, but to support, the absolute refusal.

Although the majority did not acquiesce in this doctrine, they appeared to have doubts of the prudence of enforcing it by violent means; but, construing his refusal into a disposition to screen the peculations of the Governor-General, they treated him as guilty of a contempt of their board, dismissed him from the service, and recommended another (not the accuser) to his office.

The reasons on both sides appear in the Appendix. Mr. Hastings accuses them bitterly of injustice to himself in considering the refusal of this person to swear as a charge proved. How far they did so, and under what qualifications, will appear by reference to the papers in the Appendix. But Mr. Hastings “thanks God that they are not his judges.” His great hold, and not without reason, is the Supreme Court; and he “blesses the wisdom of Parliament, that constituted a court of judicature at so seasonable a time, to check the despotism of the new Council.” It was thought in England that the court had other objects than the protection of the Governor-General against the examinations of those sent out with instructions to inquire into the peculations of men in power.

Though Mr. Hastings did at that time, and avowedly did, everything to prevent any inquiry that was instituted merely for the information of the Court of Directors,

yet he did not feel himself thoroughly satisfied with his own proceedings. It was evident that to them his and Mr. Barwell's reasonings would not appear very respectful or satisfactory; he therefore promises to give them full satisfaction at some future time. In his letter of the 14th of September, 1775, he reiterates a former declaration, and assures them of his resolution to this purpose in the strongest terms. "I now *again* recur to the declaration which I have before made, that it is my fixed determination to carry *literally* into execution, and *most fully and liberally explain every circumstance of my conduct on the points upon which I have been injuriously arraigned*, — and to afford you the clearest conviction of my own integrity, and of the propriety of my motives for my declining a present defence of it."

These motives, as far as they can be discovered, were the violence of his adversaries, the interested character and views of the accuser, and the danger of a prosecution in the Supreme Court, which made it prudent to reserve his defence. These arguments are applicable to any charge. Notwithstanding these reasons, it is plain by the above letter that he thought himself bound at some time or other to give satisfaction to his masters: till he should do this, in his own opinion, he remained in an unpleasant situation. But he bore his misfortune, it seems, patiently, with a confidence in their justice for his future relief. He says, "Whatever evil may fill the *long interval* which may precede it." That interval he has taken care to make long enough; for near eight years are now elapsed, and he has not yet taken the smallest step towards giving to the Court of Directors any explanation whatever, much less that full and liberal explanation which he had so repeatedly and solemnly promised.

It is to be observed, that, though Mr. Hastings talks in these letters much of his integrity, and of the purity of his motives, and of full explanations, he nowhere denies the fact of this corrupt traffic of office. Though he had adjourned his defence, with so much pain to himself, to so very long a day, he was not so inattentive to the ease of Khân Jehan Khân as he has shown himself to his own. He had been accused of corruptly reserving to himself a part of the emoluments of this man's office; it was a delicate business to handle, whilst his defence stood adjourned; yet, in a very short time after a majority came into his hands, he turned out the person appointed by General Clavering, &c., and replaced the very man with whom he stood accused of the corrupt bargain; what was worse, he had been charged with originally turning out another, to make room for this man. The whole is put in strong terms by the then majority of the Council, where, after charging him with every species of peculation, they add, "We believe the proofs of his appropriating four parts in seven of the salary with which the Company is charged for the Phousdar of Hoogly are such as, whether sufficient or not to convict him in a court of justice, will not leave the shadow of a doubt concerning his guilt in the mind of any unprejudiced person. The salary is seventy-two thousand rupees a year;

the Governor takes thirty-six thousand, and allows Cantoo Baboo four thousand more for the trouble he submits to in conducting the negotiation with the Phousdar. This also is the common subject of conversation and derision through the whole settlement. It is our firm opinion and belief, that the late Phousdar of Hoogly, a relation of Mahomed Reza Khân, was turned out of this office merely because his terms were not so favorable as those which the Honorable Governor-General has obtained from the present Phousdar. The Honorable Governor-General is pleased to assert, with a confidential spirit peculiar to himself, that his measures hitherto stand unimpeached, except by us. We know not how this assertion is to be made good, unless *the most daring and flagrant prostitution in every branch* be deemed an honor to his administration.”

The whole style and tenor of these accusations, as well as the nature of them, rendered Mr. Hastings’s first postponing, and afterwards totally declining, all denial, or even defence or explanation, very extraordinary. No Governor ought to hear in silence such charges; and no Court of Directors ought to have slept upon them.

The Court of Directors were not wholly inattentive to this business. They condemned his act as it deserved, and they went into the business of his legal right to dissolve the Council. Their opinions seemed against it, and they gave precise orders against the use of any such power in future. On consulting Mr. Sayer, the Company’s counsel, he was of a different opinion with regard to the legal right; but he thought, very properly, that the use of a right, and the manner and purposes for which it was used, ought not to have been separated. What he thought on this occasion appears in his opinion transmitted by the Court of Directors to Mr. Hastings and the Council-General. “But it was as great a *crime* to dissolve the Council upon *base and sinister motives* as it would be to assume the power of dissolving, if he had it not. I believe he is *the first governor that ever* dissolved a council inquiring into his behavior, when he was innocent. Before he could summon three councils and dissolve them, he had time fully to consider what would be the result of such conduct, *to convince everybody, beyond a doubt, of his conscious guilt.*”

It was a matter but of small consolation to Mr. Hastings, during the painful interval he describes, to find that the Company’s learned counsel admitted that he had legal powers of which he made an use that raised an universal presumption of his guilt.

Other counsel did not think so favorably of the powers themselves. But this matter was of less consequence, because a great difference of opinion may arise concerning the extent of official powers, even among men professionally educated, (as in this case such a difference did arise,) and well-intentioned men may take either part. But the use that was made of it, in systematical contradiction to the Company’s orders, has been stated in the Ninth Report, as well as in many of the others made by two of your committees.

APPENDIX.

B. No. 1.

Copy of a Letter from the Governor-General to the Court of Directors.

To the Honorable the Court of Directors of the Honorable United East India Company.

FORT WILLIAM, 29th November, 1780.

HONORABLE SIRS, —

You will be informed by our Consultations of the 26th of June of a very unusual tender which was made by me to the board on that day, for the purpose of indemnifying the Company for the extraordinary expense which might be incurred by supplying the detachment under the command of Major Camac in the invasion of the Mahratta dominions, which lay beyond the district of Gohud, and drawing the attention of Mahdajee Sindia, to whom that country immediately appertained, from General Goddard, while his was employed in the reduction of Bassein, and in securing the conquests made by your arms in Guzerat. I was desirous to remove the only objection which has been or could be ostensibly made to the measure, which I had very much at heart, as may be easily conceived from the means which I took to effect it. For the reasons at large which induced me to propose that diversion, it will be sufficient to refer to my minute recommending it, and to the letters received from General Goddard near the same period of time. The subject is now become obsolete, and all the fair hopes which I had built upon the prosecution of the Mahratta war, of its termination in a speedy, honorable, and advantageous peace, have been blasted by the dreadful calamities which have befallen your arms in the dependencies of your Presidency of Fort St. George, and changed the object of our pursuit from the aggrandizement of your power to its preservation. My present reason for reverting to my own conduct on the occasion which I have mentioned is to obviate the false conclusions or purposed misrepresentations which may be made of it, either as an artifice of ostentation or as the effect of corrupt influence, by assuring you that the money, *by whatever means it came into your possession*, was not my own, — that I had myself no right to it, nor would or could have received it, but for the occasion which prompted me to avail myself of the accidental means which were at that instant afforded me of accepting and converting it to the property and use of the Company; and with this brief apology I shall dismiss the subject.

Something of affinity to this anecdote may appear in the first aspect of *another* transaction, which I shall proceed to relate, and of which it is more immediately my duty to inform you.

You will have been advised, by repeated addresses of this government, of the arrival of an army at Cuttack, under the command of Chimnaje Boosla, the second son of Moodajee Boosla, the Rajah of Berar. The origin and destination of this force have been largely explained and detailed in the correspondence of the government of Berar, and in various parts of our Consultations. The minute relation of these would exceed the bounds of a letter; I shall therefore confine myself to the principal fact.

About the middle of the last year, a plan of confederacy was formed by the Nabob Nizam Ali Khân, by which it was proposed, that, while the army of the Mahrattas, under the command of Mahdajee Sindia and Tuckoojee Hoolkar, was employed to check the operations of General Goddard in the West of India, Hyder Ali Khân should invade the Carnatic, Moodajee Boosla the provinces of Bengal, and he himself the Circars of Rajamundry and Chicacole.

The government of Berar was required to accept the part assigned it in this combination, and to march a large body of troops immediately into Bengal. To enforce the request on the part of the ruling member of the Mahratta state, menaces of instant hostility by the combined forces were added by Mahdajee Sindia, Tuckoojee Hoolkar, and Nizam Ali Khân, in letters written by them to Moodajee Boosla on the occasion. He was not in a state to sustain the brunt of so formidable a league, and ostensibly yielded. Such at least was the turn which he gave to his acquiescence, in his letters to me; and his subsequent conduct has justified his professions. I was early and progressively acquainted by him with the requisition, and with the measures which were intended to be taken, and which were taken, by him upon it. The army professedly destined for Bengal marched on the Dusserra of the last year, corresponding with the 7th of October. Instead of taking the direct course to Bahar, which had been prescribed, it proceeded by varied deviations and studied delays to Cuttack, where it arrived late in May last, having performed a practicable journey of three mouths in seven, and concluded it at the instant commencement of the rains, which of course would preclude its operations, and afford the government of Berar a further interval of five months to provide for the part which it would then be compelled to choose.

In the mean time letters were continually written by the Rajah and his minister to this government, explanatory of their situation and motives, proposing their mediation and guaranty for a peace and alliance with the Peshwa, and professing, without solicitation on our part, the most friendly disposition towards us, and the most determined resolution to maintain it. Conformably to these assurances, and the acceptance of a proposal made by Moodajee Boosla to depute his minister to Bengal for the purpose of negotiating and concluding the proposed treaty of peace, application had been made to the Peshwa for credentials to the same effect.

In the mean time the fatal news arrived of the defeat of your army at Conjeveram. It now became necessary that every other object should give place or

be made subservient to the preservation of the Carnatic; nor would the measures requisite for that end admit an instant of delay. Peace with the Mahrattas was the first object; to conciliate their alliance, and that of every other power in natural enmity with Hyder Ali, the next. Instant measures were taken (as our general advices will inform you) to secure both these points, and to employ the government of Berar as the channel and instrument of accomplishing them. Its army still lay on our borders, and in distress for a long arrear of pay, not less occasioned by the want of pecuniary funds than a stoppage of communication. An application had been made to us for a supply of money; and the sum specified for the complete relief of the army was sixteen lacs. We had neither money to spare, nor, in the apparent state of that government in its relation to ours, would it have been either prudent or consistent with our public credit to have afforded it. It was nevertheless my decided opinion that some aid should be given, — not less as a necessary relief than as an indication of confidence, and a return for the many instances of substantial kindness which we had within the course of the last two years experienced from the government of Berar. I had an assurance that such a proposal would receive the acquiescence of the board; but I knew that it would not pass without opposition, and it would have become public, which might have defeated its purpose. Convinced of the necessity of the expedient, and assured of the sincerity of the government of Berar, from evidences of stronger proof to me than I could make them appear to the other members of the board, I resolved to adopt it, and take the entire responsibility of it upon myself. In this mode a less considerable sum would suffice. I accordingly caused three lacs of rupees to be delivered to the minister of the Rajah of Berar, resident in Calcutta: he has transmitted it to Cuttack. Two thirds of this sum I have raised by my own credit, and shall charge it in my official accounts; the other third I have supplied from the cash in my hands belonging to the Honorable Company. I have given due notice to Moodajee Boosla of this transaction, and explained it to have been a private act of my own, unknown to the other members of the Council. I have given him expectations of the remainder of the amount required for the arrears of his army, proportioned to the extent to which he may put it in my power to propose it as a public gratuity by his effectual orders for the recall of these troops, or for their junction with ours.

I hope I shall receive your approbation of what I have done for your service, and your indulgence for the length of this narrative, which I could not comprise within a narrower compass.

I have the honor to be, Honorable Sirs,
Your most faithful, obedient,
and humble servant,
WARREN HASTINGS.

B. No. 2.

An Account of Money paid into the Company's Treasury by the Governor-General, since the Year 1773.

May

April

CRs.

CRs.

1774

to

1775.

For interest bonds

2,175

For bills of exchange on the Court

1,43,937

For money refunded by order of Court, account General Coote's commission

8,418

1,54,530

1775

-

1776.

For bills of exchange on the Court

1,80,480

1776

-

1777.

Do.

do.

do.

1,96,800

1777

-

1778.

Do.

do.

do.

1,08,000

1778

-

1779.

Do.

do.

do.

1,43,000

1779

-

1780.

Do.

do.

do.

1,21,600

1780

-

1781.

For bills of exchange

43,000

For deposits
2,38,715

For interest bonds, at 8 per cent
4,75,600

For
do.
4 per cent
1,66,000

For Durbar charges
2,32,000
11,55,315

May, 1782.
For interest bonds
35,000

20,94,725

(Errors excepted.)

JOHN ANNIS,
Auditor of Indian Accounts.

EAST INDIA HOUSE, 11th June, 1783.

B. No. 3.

To the Honorable the Secret Committee of the Honorable Court of Directors.
FORT WILLIAM, 22d May, 1782.

HONORABLE SIRS, —

In a letter which I have had the honor to address you in duplicate, and of which a triplicate accompanies this, dated 20th January, 1782, I informed you that I had received the offer of a sum of money from the Nabob Vizier and his ministers to the nominal amount of ten lacs of Lucknow siccas, and that bills on the house of Gopaul Doss had been actually given me for the amount, which I had accepted for the use of the Honorable Company; and I promised to account with you for the same as soon as it should be in my power, after the whole sum had come into my possession. This promise I now perform; and deeming it consistent with the spirit of it, I have added such *other* sums as have been occasionally converted to the Company's property through my means, and in consequence of the like original destination. Of the second of these you have been already advised in a letter which I had the honor to address the Honorable Court of Directors, dated 29th November, 1780. Both this and the third article were paid immediately to the Treasury, by my order to the sub-treasurer to receive them on the Company's account, but never passed through my hands. The three sums for which bonds were granted were in like manner paid to the Company's Treasury without passing through my hands; but their appropriation was not specified. The sum of 58,000 current rupees was received while I was on my journey to Benares, and applied as expressed in the account.

As to the manner in which these sums have been expended, the reference which I have made of it, in the accompanying account, to the several accounts in which they are credited, renders any other specification of it unnecessary; besides that those accounts either have or will have received a much stronger authentication than any that I could give to mine.

Why these sums were taken by me, — why they were, except the second, quietly transferred to the Company's use, — why bonds were taken for the first, and not for the rest, — might, were this matter to be exposed to the view of the public, furnish a variety of conjectures, to which it would be of little use to reply. Were your Honorable Court to question me upon these points, I would answer, that the sums were taken for the Company's benefit at times in which the Company very much needed them, — that I either chose to conceal the first receipts from public curiosity by receiving bonds for the amount, or possibly acted without any studied design which my memory could at this distance of time verify, and that I did not think it worth my care to observe the same means with the rest. I trust, Honorable

Sirs, to your breasts for a candid interpretation of my actions, and assume the freedom to add, that I think myself, on such a subject, and on such an occasion, entitled to it.

I have the honor to be, Honorable Sirs,
Your most faithful, most obedient,
and most humble servant,
WARREN HASTINGS.

B. No. 4.

An Account of Sums received on the Account of the Honorable Company of the Governor-General, or paid to their Treasury by his Order, and applied to their Service.

1780.

October.

The following sums were paid into the Treasury, and bonds granted for the same, in the name of the Governor General, in whose possession the bonds remain, with a declaration upon each indorsed and signed by him, that he has no claim on the Company for the amount either of principal or interest, no part of the latter having been received:

One bond, dated the 1st October, 1780, No. 1539
1,16,000 0 0

One bond, dated the 2d October, 1780, No. 1540
1,16,000 0 0

One bond, dated the 23d November, 1780, No. 1354
1,74,000 0 0

4,06,000 0 0

November.

Paid into the Treasury, and carried to the Governor General's credit in the 12th page of the Deposits Journal of 1780-81, mohurs of sorts which had been coined in the Mint, and produced, as per 358 and 359 pages of the Company's General Journal of 1780-81:

Gold mohurs, 12,861 12 11, or

Calcutta siccas
2,05,788 14 9

Batta, 16 per cent
32,926 3 6

2,38,715 2 3

1781.

30 April.

Paid into the Treasury, and credited in the 637th page of the Company's General Journal, as money received from the Governor General on account of Durbar charges:

Sicca rupees
2,00,000 0 0

Batta, 16 per cent
32,000 0 0
2,32,000 0 0

Carried forward
8,76,715 2 3

Brought forward
8,76,715 2 3

August.

Received in cash, and employed in defraying my public disbursements, and credited in the Governor General's account of Durbar charges for April, 1782
58,000 0 0

Produce of the sum mentioned in the Governor General's letter to the Honorable Secret Committee, dated 20th January, 1782, and credited in the Governor General's account of Durbar charges for April, 1782
10,30,275 1 3

Current rupees
19,64,990 3 6

(Errors excepted.)

WARREN HASTINGS.
FORT WILLIAM, 22d May, 1782.

B. No. 5.

I, William Larkins, do make oath and say, that the letter and account to which this affidavit is affixed were written by me at the request of the Honorable Warren Hastings, Esquire, on the 22d May, 1782, from rough draughts written by himself in my presence; that the cover of the letter was sealed up by him in my presence, and was then intended to have been transmitted to England by the "Lively," when that vessel was first ordered for dispatch; and that it has remained closed until this day, when it was opened for the express purpose of being accompanied by this affidavit.

So help me God.
WILLIAM LARKINS.
CALCUTTA, 16th December 1782.

Sworn this 16th day of December, 1782, before me,
J. HYDE.

B. No. 6.

To the Honorable the Secret Committee of the Honorable Court of Directors.
FORT WILLIAM, 16 December, 1782.

HONORABLE SIRS, —

The dispatch of the “Lively” having been protracted by various causes from time to time, the accompanying address, which was originally designed and prepared for that dispatch, (no other conveyance since occurring,) has of course been thus long detained. The delay is of no public consequence; but it has produced a situation which with respect to myself I regard as unfortunate, because it exposes me to the meanest imputation from the occasion which the late Parliamentary Inquiries have since furnished, but which were unknown when my letter was written, and written in the necessary consequence of a promise made to that effect in a former letter to your Honorable Committee, dated 20th January last. However, to preclude the possibility of such reflections from affecting me, I have desired Mr. Larkins, who was privy to the whole transaction, to affix to the letter his affidavit of the date in which it was written. I own I feel most sensibly the mortification of being reduced to the necessity of using such precautions to guard my reputation from dishonor. If I had at any time possessed that degree of confidence from my immediate employers which they never withheld from the meanest of my predecessors, I should have disdained to use these attentions. How I have drawn on me a different treatment I know not; it is sufficient that I have not merited it: and in the course of a service of thirty-two years, and ten of these employed in maintaining the powers and discharging the duties of the first office of the British government in India, that Honorable Court ought to know whether I possess the integrity and honor which are the first requisites of such a station. If I wanted these, they have afforded me but too powerful incentives to suppress the information which I now convey to them through you, and to appropriate to my own use the sums which I have already passed to their credit, by the unworthy, and, pardon me if I add, dangerous, reflections which they have passed upon me for the first communication of this kind: and your own experience will suggest to you, that there are persons who would profit by such a warning.

Upon the whole of these transactions, which to you, who are accustomed to view business in an official and regular light, may appear unprecedented, if not improper, I have but a few short remarks to suggest to your consideration.

If I appear in any unfavorable light by these transactions, I resign the common and legal security of those who commit crimes or errors. I am ready to answer every particular question that may be put against myself, upon honor or upon oath.

The sources from which these reliefs to the public service have come would never have yielded them to the Company publicly; and the exigencies of your service

(exigencies created by the exposition of your affairs, and faction in your councils) required those supplies.

I could have concealed them, had I had a wrong motive, from yours and the public eye forever; and I know that the difficulties to which a spirit of injustice may subject me for my candor and avowal are greater than any possible inconvenience that could have attended the concealment, except the dissatisfaction of my own mind. These difficulties are but a few of those which I have suffered in your service. The applause of my own breast is my surest reward, and was the support of my mind in meeting them: your applause, and that of my country, are my next wish in life.

I have the honor to be, Honorable Sirs,
Your most faithful, most obedient,
and most humble servant,
WARREN HASTINGS.

B. No. 7.

Extract of the Company's General Letter to Bengal, dated the 25th January, 1782.

Par. 127. We have received a letter from our Governor-General, dated the 29th of November, 1780, relative to an unusual tender and advance of money made by him to the Council, as entered on your Consultation of the 26th of June, for the purpose of indemnifying the Company from the extraordinary charge which might be incurred by supplying the detachment under the command of Major Camac in the invasion of the Mahratta dominions, which lay beyond the district of Gohud, and thereby drawing the attention of Mahdajee Sindia (to whom the country appertained) from General Goddard, while the General was employed in the reduction of Bassein, and in securing the conquests made in the Guzerat country; and also respecting the sum of three lacs of rupees advanced by the Governor-General for the use of the army under the command of Chimnajee Boosla without the authority or knowledge of the Council; with the reasons for taking these extraordinary steps under the circumstances stated in his letter.

128. In regard to the first of these transactions, we readily conceive, that, in the then state of the Council, the Governor-General might be induced to temporary secrecy respecting the members of the board, not only because he might be apprehensive of opposition to the proposed application of the money, but, perhaps, because doubts might have arisen concerning the propriety of appropriating it to the Company's use on any account; but it does *not appear to us* that there could be any real necessity for delaying to communicate to us immediate information of the channel by which the money came into his possession, with a complete illustration of the cause or causes of so extraordinary an event.

129. Circumstanced as affairs were at the moment, it appears that the Governor-General had the measure much at heart, and judged it absolutely necessary. The means proposed of defraying the extra expense were very extraordinary; and the money, as we conceive, must have come into his hands by an unusual channel: and when more complete information comes before us, we shall give our sentiments fully upon the whole transaction.

130. In regard to the application of the Company's money to the army of Chimnajee Boosla by the sole authority of the Governor-General, he knew that it was entirely at his own risk, and he has taken the responsibility upon himself; nothing but the most urgent necessity could warrant the measure; nor can anything short of full proof of such necessity, and of the propriety and utility of the extraordinary step taken on the occasion, entitle the Governor-General to the approbation of the Court of Directors; and therefore, as in the former instance relative to the sum advanced and paid into our Treasury, we must also for the present *suspend* our judgment respecting the money sent to the Berar army, without approving it in the least degree, or proceeding to censure our Governor-General for this transaction.

B. No. 8.

Extract of Bengal Secret Consultations, the 9th January, 1781.

The following letter from the Governor-General having been circulated, and the request therein made complied with, an order on the Treasury passed accordingly.

HONORABLE SIR AND SIRs, —

Having had occasion to disburse the sum of three lacs of sicca rupees on account of secret services, which having been advanced from my own private cash, I request that the same may be repaid to me in the following manner: — A bond to be granted me upon the terms of the second loan, bearing date from the 1st October, for one lac of sicca rupees; a bond to be granted me upon the terms of the first loan, bearing date from the 1st October, for one lac of sicca rupees; a bond to be granted me upon the terms of the first loan, bearing date from the 2d October, for one lac of sicca rupees.

I have the honor to be, &c., &c.,
(Signed) WARREN HASTINGS.

FORT WILLIAM, 5th January, 1781.

B. No. 9.

An Account of Bonds granted to the Governor-General, from 1st January, 1779, to 31st May, 1782, with Interest paid or credited thereon.

When paid into the Treasury.

Sum.

Date of Bond.

Rate of Interest.

CRs.

23d Nov., 1780

1,74,000

23d Nov., 1780

at 8 per cent.

15th Dec.

69,600

15th Dec.

Do.

15th Jan., 1781

1,16,000

1st Oct., 1780

Do.

Do.

1,16,000

2d Do.

Do.

Do.

1,16,000

1st Do.

4 per cent.

17th March

50,000

17th Mar., 1781

Do.

8th May, 1782
20,000
15th Sept., 1781
8 per cent.

Do.
15,000
8th Dec., 1781
Do.

6,76,600

There does not appear to have been any interest paid on the above bonds to 31st May, 1782, the last accounts received. In the Interest Books, 1780-81, the last received, the Governor-General has credit for interest on the first six to April, 1781, to the amount of CRs. 21,964 12 8.

(Errors excepted.)

JOHN ANNIS,
Auditor of Indian Accounts.
EAST INDIA HOUSE, 5th June, 1783.

**A REPRESENTATION TO HIS MAJESTY, MOVED IN THE
HOUSE OF COMMONS**



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A
REPRESENTATION TO HIS MAJESTY,
MOVED IN
THE HOUSE OF COMMONS
BY THE RIGHT HON. EDMUND BURKE, AND SECONDED BY
WILLIAM WINDHAM, ESQ.,
ON MONDAY, JUNE 14, 1784,
AND NEGATIVED.
WITH A PREFACE AND NOTES.

PREFACE.

The representation now given to the public relates to some of the most essential privileges of the House of Commons. It would appear of little importance, if it were to be judged by its reception in the place where it was proposed. There it was rejected without debate. The subject matter may, perhaps, hereafter appear to merit a more serious consideration. Thinking men will scarcely regard the *penal* dissolution of a Parliament as a very trifling concern. Such a dissolution must operate forcibly as an example; and it much imports the people of this kingdom to consider what lesson that example is to teach.

The late House of Commons was not accused of an interested compliance to the will of a court. The charge against them was of a different nature. They were charged with being actuated by an extravagant spirit of independency. This species of offence is so closely connected with merit, this vice bears so near a resemblance to virtue, that the flight of a House of Commons above the exact temperate medium of independence ought to be correctly ascertained, lest we give encouragement to dispositions of a less generous nature, and less safe for the people; we ought to call for very solid and convincing proofs of the existence, and of the magnitude, too, of the evils which are charged to an independent spirit, before we give sanction to any measure, that, by checking a spirit so easily damped, and so hard to be excited, may affect the liberty of a part of our Constitution, which, if not free, is worse than useless.

The Editor does not deny that by possibility such an abuse may exist: but, *primâ fronte*, there is no reason to presume it. The House of Commons is not, by its complexion, peculiarly subject to the distempers of an independent habit. Very little compulsion is necessary, on the part of the people, to render it abundantly complaisant to ministers and favorites of all descriptions. It required a great length of time, very considerable industry and perseverance, no vulgar policy, the union of many men and many tempers, and the concurrence of events which do not happen every day, to build up an independent House of Commons. Its demolition was accomplished in a moment; and it was the work of ordinary hands. But to construct is a matter of skill; to demolish, force and fury are sufficient.

The late House of Commons has been punished for its independence. That example is made. Have we an example on record of a House of Commons punished for its servility? The rewards of a senate so disposed are manifest to the world. Several gentlemen are very desirous of altering the constitution of the House of Commons; but they must alter the frame and constitution of human nature itself, before they can so fashion it, by any mode of election, that its conduct will not be influenced by reward and punishment, by fame and by disgrace. If these examples take root in the minds of men, what members hereafter will be bold enough not to

be corrupt, especially as the king's highway of obsequiousness is so very broad and easy? To make a passive member of Parliament, no dignity of mind, no principles of honor, no resolution, no ability, no industry, no learning, no experience, are in the least degree necessary. To defend a post of importance against a powerful enemy requires an Eliot; a drunken invalid is qualified to hoist a white flag, or to deliver up the keys of the fortress on his knees.

The gentlemen chosen into this Parliament, for the purpose of this surrender, were bred to better things, and are no doubt qualified for other service. But for this strenuous exertion of inactivity, for the vigorous task of submission and passive obedience, all their learning and ability are rather a matter of personal ornament to themselves than of the least use in the performance of their duty.

The present surrender, therefore, of rights and privileges without examination, and the resolution to support any minister given by the secret advisers of the crown, determines not only on all the power and authority of the House, but it settles the character and description of the men who are to compose it, and perpetuates that character as long as it may be thought expedient to keep up a phantom of popular representation.

It is for the chance of some amendment before this new settlement takes a permanent form, and while the matter is yet soft and ductile, that the Editor has republished this piece, and added some notes and explanations to it. His intentions, he hopes, will excuse him to the original mover, and to the world. He acts from a strong sense of the incurable ill effects of holding out the conduct of the late House of Commons as an example to be shunned by future representatives of the people.

MOTION RELATIVE TO THE SPEECH FROM THE THRONE.

LUNÆ, 14° DIE JUNII, 1784.

A motion was made, That a representation be presented to his Majesty, most humbly to offer to his royal consideration, that the address of this House, upon his Majesty's speech from the throne, was dictated solely by our conviction of his Majesty's own most gracious intentions towards his people, which, as we feel with gratitude, so we are ever ready to acknowledge with cheerfulness and satisfaction.

Impressed with these sentiments, we were willing to separate from our general expressions of duty, respect, and veneration to his Majesty's royal person and his princely virtues all discussion whatever with relation to several of the matters suggested and several of the expressions employed in that speech.

That it was not fit or becoming that any decided opinion should be formed by his faithful Commons on that speech, without a degree of deliberation adequate to the importance of the object. Having afforded ourselves due time for that deliberation, we do now most humbly beg leave to represent to his Majesty, that, in the speech from the throne, his ministers have thought proper to use a language of a very alarming import, unauthorized by the practice of good times, and irreconcilable to the principles of this government.

Humbly to express to his Majesty, that it is the privilege and duty of this House to guard the Constitution from all infringement on the part of ministers, and, whenever the occasion requires it, to warn them against any abuse of the authorities committed to them; but it is very lately, that, in a manner not more unseemly than irregular and preposterous, ministers have thought proper, by admonition from the throne, implying distrust and reproach, to convey the expectations of the people to us, their sole representatives, and have presumed to caution us, the natural guardians of the Constitution, against any infringement of it on our parts.

This dangerous innovation we, his faithful Commons, think it our duty to mark; and as these admonitions from the throne, by their frequent repetition, seem intended to lead gradually to the establishment of an usage, we hold ourselves bound thus solemnly to protest against them.

This House will be, as it ever ought to be, anxiously attentive to the inclinations and interests of its constituents; nor do we desire to straiten any of the avenues to the throne, or to either House of Parliament. But the ancient order in which the rights of the people have been exercised is not a restriction of these rights. It is a method providently framed in favor of those privileges which it preserves and enforces, by keeping in that course which has been found the most effectual for

answering their ends. His Majesty may receive the opinions and wishes of individuals under their signatures, and of bodies corporate under their seals, as expressing their own particular sense; and he may grant such redress as the legal powers of the crown enable the crown to afford. This, and the other House of Parliament, may also receive the wishes of such corporations and individuals by petition. The collective sense of his people his Majesty is to receive from his Commons in Parliament assembled. It would destroy the whole spirit of the Constitution, if his Commons were to receive that sense from the ministers of the crown, or to admit them to be a proper or a regular channel for conveying it.

That the ministers in the said speech declare, “His Majesty has a just and confident reliance that we (his faithful Commons) are animated with the same sentiments of loyalty, and the same attachment to our excellent Constitution which he had the happiness to see so fully manifested in every part of the kingdom.”

To represent, that his faithful Commons have never foiled in loyalty to his Majesty. It is new to them to be reminded of it. It is unnecessary and invidious to press it upon them by any example. This recommendation of loyalty, after his Majesty has sat for so many years, with the full support of all descriptions of his subjects, on the throne of this kingdom, at a time of profound peace, and without any pretence of the existence or apprehension of war or conspiracy, becomes in itself a source of no small jealousy to his faithful Commons; as many circumstances lead us to apprehend that therein the ministers have reference to some other measures and principles of loyalty, and to some other ideas of the Constitution, than the laws require, or the practice of Parliament will admit.

No regular communication of the proofs of loyalty and attachment to the Constitution, alluded to in the speech from the throne, have been laid before this House, in order to enable us to judge of the nature, tendency, or occasion of them, or in what particular acts they were displayed; but if we are to suppose the manifestations of loyalty (which are held out to us as an example for imitation) consist in certain addresses delivered to his Majesty, promising support to his Majesty in the exercise of his prerogative, and thanking his Majesty for removing certain of his ministers, on account of the votes they have given upon bills depending in Parliament, — if this be the example of loyalty alluded to in the speech from the throne, then we must beg leave to express our serious concern for the impression which has been made on any of our fellow-subjects by misrepresentations which have seduced them into a seeming approbation of proceedings subversive of their own freedom. We conceive that the opinions delivered in these papers were not well considered; nor were the parties duly informed of the nature of the matters on which they were called to determine, nor of those proceedings of Parliament which they were led to censure.

We shall act more advisedly. — The loyalty we shall manifest will not be the same with theirs; but, we trust, it will be equally sincere, and more enlightened. It is

no slight authority which shall persuade us (by receiving as proofs of loyalty the mistaken principles lightly taken up in these addresses) obliquely to criminate, with the heavy and ungrounded charge of disloyalty and disaffection, an uncorrupt, independent, and reforming Parliament. Above all, we shall take care that none of the rights and privileges, always claimed, and since the accession of his Majesty's illustrious family constantly exercised by this House, (and which we hold and exercise in trust for the Commons of Great Britain, and for their benefit,) shall be constructively surrendered, or even weakened and impaired, under ambiguous phrases and implications of censure on the late Parliamentary proceedings. If these claims are not well founded, they ought to be honestly abandoned; if they are just, they ought to be steadily and resolutely maintained.

Of his Majesty's own gracious disposition towards the true principles of our free Constitution his faithful Commons never did or could entertain a doubt; but we humbly beg leave to express to his Majesty our uneasiness concerning other new and unusual expressions of his ministers, declaratory of a resolution "to support in their *just balance* the rights and privileges of every branch of the legislature."

It were desirable that all hazardous theories concerning a balance of rights and privileges (a mode of expression wholly foreign to Parliamentary usage) might have been forborne. His Majesty's faithful Commons are well instructed in their own rights and privileges, which they are determined to maintain on the footing upon which they were handed down from their ancestors; they are not unacquainted with the rights and privileges of the House of Peers; and they know and respect the lawful prerogatives of the crown: but they do not think it safe to admit anything concerning the existence of a balance of those rights, privileges, and prerogatives; nor are they able to discern to what objects ministers would apply their fiction of a balance, nor what they would consider as a just one. These unauthorized doctrines have a tendency to stir improper discussions, and to lead to mischievous innovations in the Constitution.

That his faithful Commons most humbly recommend, instead of the inconsiderate speculations of unexperienced men, that, on all occasions, resort should be had to the happy practice of Parliament, and to those solid maxims of government which have prevailed since the accession of his Majesty's illustrious family, as furnishing the only safe principles on which the crown and Parliament can proceed.

We think it the more necessary to be cautious on this head, as, in the last Parliament, the present ministers had thought proper to countenance, if not to suggest, an attack upon the most clear and undoubted rights and privileges of this House.

Fearing, from these extraordinary admonitions, and from the new doctrines, which seem to have dictated several unusual expressions, that his Majesty has been abused by false representations of the late proceedings in Parliament, we think it

our duty respectfully to inform his Majesty, that no attempt whatever has been made against his lawful prerogatives, or against the rights and privileges of the Peers, by the late House of Commons, in any of their addresses, votes, or resolutions; neither do we know of any proceeding by bill, in which it was proposed to abridge the extent of his royal prerogative: but, if such provision had existed in any bill, we protest, and we declare, against all speeches, acts, or addresses, from any persons whatsoever, which have a tendency to consider such bills, or the persons concerned in them, as just objects of any kind of censure and punishment from the throne. Necessary reformation may hereafter require, as they have frequently done in former times, limitations and abridgments, and in some cases an entire extinction, of some branch of prerogative. If bills should be improper in the form in which they appear in the House where they originate, they are liable, by the wisdom of this Constitution, to be corrected, and even to be totally set aside, elsewhere. This is the known, the legal, and the safe remedy; but whatever, by the manifestation of the royal displeasure, tends to intimidate individual members from proposing, or this House from receiving, debating, and passing bills, tends to prevent even the beginning of every reformation in the state, and utterly destroys the deliberative capacity of Parliament. We therefore claim, demand, and insist upon it, as our undoubted right, that no persons shall be deemed proper objects of animadversion by the crown, in any mode whatever, for the votes which they give or the propositions which they make in Parliament.

We humbly conceive, that besides its share of the legislative power, and its right of impeachment, that, by the law and usage of Parliament, this House has other powers and capacities, which it is bound to maintain. This House is assured that our humble advice on the exercise of prerogative will be heard with the same attention with which it has ever been regarded, and that it will be followed by the same effects which it has ever produced, during the happy and glorious reigns of his Majesty's royal progenitors, — not doubting but that, in all those points, we shall be considered as a council of wisdom and weight to advise, and not merely as an accuser of competence to criminate. This House claims both capacities; and we trust that we shall be left to our free discretion which of them we shall employ as best calculated for his Majesty's and the national service. Whenever we shall see it expedient to offer our advice concerning his Majesty's servants, who are those of the public, we confidently hope that the personal favor of any minister, or any set of ministers, will not be more dear to his Majesty than the credit and character of a House of Commons. It is an experiment full of peril to put the representative wisdom and justice of his Majesty's people in the wrong; it is a crooked and desperate design, leading to mischief, the extent of which no human wisdom can foresee, to attempt to form a prerogative party in the nation, to be resorted to as occasion shall require, in derogation, from the authority of the Commons of Great Britain in Parliament assembled; it is a contrivance full of danger, for ministers to

set up the representative and constituent bodies of the Commons of this kingdom as two separate and distinct powers, formed to counterpoise each other, leaving the preference in the hands of secret advisers of the crown. In such a situation of things, these advisers, taking advantage of the differences which may accidentally arise or may purposely be fomented between them, will have it in their choice to resort to the one or the other, as may best suit the purposes of their sinister ambition. By exciting an emulation and contest between the representative and the constituent bodies, as parties contending for credit and influence at the throne, sacrifices will be made by both; and the whole can end in nothing else than the destruction of the dearest rights and liberties of the nation. If there must be another mode of conveying the collective sense of the people to the throne than that by the House of Commons, it ought to be fixed and defined, and its authority ought to be settled: it ought not to exist in so precarious and dependent a state as that ministers should have it in their power, at their own mere pleasure, to acknowledge it with respect or to reject it with scorn.

It is the undoubted prerogative of the crown to dissolve Parliament; but we beg leave to lay before his Majesty, that it is, of all the trusts vested in his Majesty, the most critical and delicate, and that in which this House has the most reason to require, not only the good faith, but the favor of the crown. His Commons are not always upon a par with his ministers in an application to popular judgment; it is not in the power of the members of this House to go to their election at the moment the most favorable for them. It is in the power of the crown to choose a time for their dissolution whilst great and arduous matters of state and legislation are depending, which may be easily misunderstood, and which cannot be fully explained before that misunderstanding may prove fatal to the honor that belongs and to the consideration that is due to members of Parliament.

With his Majesty is the gift of all the rewards, the honors, distinctions, favors, and graces of the state; with his Majesty is the mitigation of all the rigors of the law: and we rejoice to see the crown possessed of trusts calculated to obtain goodwill, and charged with duties which are popular and pleasing. Our trusts are of a different kind. Our duties are harsh and invidious in their nature; and justice and safety is all we can expect in the exercise of them. We are to offer salutary, which is not always pleasing counsel: we are to inquire and to accuse; and the objects of our inquiry and charge will be for the most part persons of wealth, power, and extensive connections: we are to make rigid laws for the preservation of revenue, which of necessity more or less confine some action or restrain some function which before was free: what is the most critical and invidious of all, the whole body of the public impositions originate from us, and the hand of the House of Commons is seen and felt in every burden that presses on the people. Whilst ultimately we are serving them, and in the first instance whilst we are serving his Majesty, it will be hard indeed, if we should see a House of Commons the victim of its zeal and fidelity,

sacrificed by his ministers to those very popular discontents which shall be excited by our dutiful endeavors for the security and greatness of his throne. No other consequence can result from such an example, but that, in future, the House of Commons, consulting its safety at the expense of its duties, and suffering the whole energy of the state to be relaxed, will shrink from every service which, however necessary, is of a great and arduous nature, — or that, willing to provide for the public necessities, and at the same time to secure the means of performing that task, they will exchange independence for protection, and will court a subservient existence through the favor of those ministers of state or those secret advisers who ought themselves to stand in awe of the Commons of this realm.

A House of Commons respected by his ministers is essential to his Majesty's service: it is fit that they should yield to Parliament, and not that Parliament should be new-modelled until it is fitted to their purposes. If our authority is only to be held up when we coincide in opinion with his Majesty's advisers, but is to be set at nought the moment it differs from them, the House of Commons will sink into a mere appendage of administration, and will lose that independent character which, inseparably connecting the honor and reputation with the acts of this House, enables us to afford a real, effective, and substantial support to his government. It is the deference shown to our opinion, when we dissent from the servants of the crown, which alone can give authority to the proceedings of this House, when it concurs with their measures.

That authority once lost, the credit of his Majesty's crown will be impaired in the eyes of all nations. Foreign powers, who may yet wish to revive a friendly intercourse with this nation, will look in vain for that hold which gave a connection with Great Britain the preference to an affiance with any other state. A House of Commons of which ministers were known to stand in awe, where everything was necessarily discussed on principles fit to be openly and publicly avowed, and which could not be retracted or varied without danger, furnished a ground of confidence in the public faith which the engagement of no state dependent on the fluctuation of personal favor and private advice can ever pretend to. If faith with the House of Commons, the grand security for the national faith itself, can be broken with impunity, a wound is given to the political importance of Great Britain which will not easily be healed.

That there was a great variance between the late House of Commons and certain persons, whom his Majesty has been advised to make and continue as ministers, in defiance of the advice of that House, is notorious to the world. That House did not confide in those ministers; and they withheld their confidence from them for reasons for which posterity will honor and respect the names of those who composed that House of Commons, distinguished for its independence. They could not confide in persons who have shown a disposition to dark and dangerous intrigues. By these intrigues they have weakened, if not destroyed, the clear assurance which his

Majesty's people, and which all nations, ought to have of what are and what are not the real acts of his government.

If it should be seen that his ministers may continue in their offices without any signification to them of his Majesty's displeasure at any of their measures, whilst persons considerable for their rank, and known to have had access to his Majesty's sacred person, can with impunity abuse that advantage, and employ his Majesty's name to disavow and counteract the proceedings of his official servants, nothing but distrust, discord, debility, contempt of all authority, and general confusion, can prevail in his government.

This we lay before his Majesty, with humility and concern, as the inevitable effect of a spirit of intrigue in his executive government: an evil which we have but too much reason to be persuaded exists and increases. During the course of the last session it broke out in a manner the most alarming. This evil was infinitely aggravated by the unauthorized, but not disavowed, use which has been made of his Majesty's name, for the purpose of the most unconstitutional, corrupt, and dishonorable influence on the minds of the members of Parliament that ever was practised in this kingdom. No attention even to exterior decorum, in the practice of corruption and intimidation employed on peers, was observed: several peers were obliged under menaces to retract their declarations and to recall their proxies.

The Commons have the deepest interest in the purity and integrity of the Peerage. The Peers dispose of all the property in the kingdom, in the last resort; and they dispose of it on their honor, and not on their oaths, as all the members of every other tribunal in the kingdom must do, — though in them the proceeding is not conclusive. We have, therefore, a right to demand that no application shall be made to peers of such a nature as may give room to call in question, much less to attain, our sole security for all that we possess. This corrupt proceeding appeared to the House of Commons, who are the natural guardians of the purity of Parliament, and of the purity of every branch of judicature, a most reprehensible and dangerous practice, tending to shake the very foundation of the authority of the House of Peers; and they branded it as such by their resolution.

The House had not sufficient evidence to enable them legally to punish this practice, but they had enough to caution them against all confidence in the authors and abettors of it. They performed their duty in humbly advising his Majesty against the employment of such ministers; but his Majesty was advised to keep those ministers, and to dissolve that Parliament. The House, aware of the importance and urgency of its duty with regard to the British interests in India, which were and are in the utmost disorder, and in the utmost peril, most humbly requested his Majesty not to dissolve the Parliament during the course of their very critical proceedings on that subject. His Majesty's gracious condescension to that request was conveyed in the royal faith, pledged to a House of Parliament, and solemnly delivered from the throne. It was but a very few days after a committee had been, with the consent and

concurrence of the Chancellor of the Exchequer, appointed for an inquiry into certain accounts delivered to the House by the Court of Directors, and then actually engaged in that inquiry, that the ministers, regardless of the assurance given from the crown to a House of Commons, did dissolve that Parliament. We most humbly submit to his Majesty's consideration the consequences of this their breach of public faith.

Whilst the members of the House of Commons, under that security, were engaged in his Majesty's and the national business, endeavors were industriously used to calumniate those whom it was found impracticable to corrupt. The reputation of the members, and the reputation of the House itself, was undermined in every part of the kingdom.

In the speech from the throne relative to India, we are cautioned by the ministers "not to lose sight of the effect any measure may have on the Constitution of our country." We are apprehensive that a calumnious report, spread abroad, of an attack upon his Majesty's prerogative by the late House of Commons, may have made an impression on his royal mind, and have given occasion to this unusual admonition to the present. This attack is charged to have been made in the late Parliament by a bill which passed the House of Commons, in the late session of that Parliament, for the regulation of the affairs, for the preservation of the commerce, and for the amendment of the government of this nation, in the East Indies.

That his Majesty and his people may have an opportunity of entering into the ground of this injurious charge, we beg leave humbly to acquaint his Majesty, that, far from having made any infringement whatsoever on any part of his royal prerogative, that bill did, for a limited time, give to his Majesty certain powers never before possessed by the crown; and for this his present ministers (who, rather than fall short in the number of their calumnies, employ some that are contradictory) have slandered this House, as aiming at the extension of an unconstitutional influence in his Majesty's crown. This pretended attempt to increase the influence of the crown they were weak enough to endeavor to persuade his Majesty's people was amongst the causes which excited his Majesty's resentment against his late ministers.

Further, to remove the impressions of this calumny concerning an attempt in the House of Commons against his prerogative, it is proper to inform his Majesty, that the territorial possessions in the East Indies never have been declared by any public judgment, act, or instrument, or any resolution of Parliament whatsoever, to be the subject matter of his Majesty's prerogative; nor have they ever been understood as belonging to his ordinary administration, or to be annexed or united to his crown; but that they are acquisitions of a new and peculiar description, unknown to the ancient executive constitution of this country.

From time to time, therefore, Parliament provided for their government according to its discretion, and to its opinion of what was required by the public

necessities. We do not know that his Majesty was entitled, by prerogative, to exercise any act of authority whatsoever in the Company's affairs, or that, in effect, such authority has ever been exercised. His Majesty's patronage was not taken away by that bill; because it is notorious that his Majesty never originally had the appointment of a single officer, civil or military, in the Company's establishment in India: nor has the least degree of patronage ever been acquired to the crown in any other manner or measure than as the power was thought expedient to be granted by act of Parliament, — that is, by the very same authority by which the offices were disposed of and regulated in the bill which his Majesty's servants have falsely and injuriously represented as infringing upon the prerogative of the crown.

Before the year 1773 the whole administration of India, and the whole patronage to office there, was in the hands of the East India Company. The East India Company is not a branch of his Majesty's prerogative administration, nor does that body exercise any species of authority under it, nor indeed from any British title that does not derive all its legal validity from acts of Parliament.

When a claim was asserted to the India territorial possessions in the occupation of the Company, these possessions were not claimed as parcel of his Majesty's patrimonial estate, or as a fruit of the ancient inheritance of his crown: they were claimed for the public. And when agreements were made with the East India Company concerning any composition for the holding, or any participation of the profits, of those territories, the agreement was made with the public; and the preambles of the several acts have uniformly so stated it. These agreements were not made (even nominally) with his Majesty, but with Parliament: and the bills making and establishing such agreements always originated in this House; which appropriated the money to await the disposition of Parliament, without the ceremony of previous consent from the crown even so much as suggested by any of his ministers: which previous consent is an observance of decorum, not indeed of strict right, but generally paid, when a new appropriation takes place in any part of his Majesty's prerogative revenues.

In pursuance of a right thus uniformly recognized and uniformly acted on, when Parliament undertook the reformation of the East India Company in 1773, a commission was appointed, as the commission in the late bill was appointed; and it was made to continue for a term of years, as the commission in the late bill was to continue; all the commissioners were named in Parliament, as in the late bill they were named. As they received, so they held their offices, wholly independent of the crown; they held them for a fixed term; they were not removable by an address of either House or even of both Houses of Parliament, a precaution observed in the late bill relative to the commissioners proposed therein; nor were they bound by the strict rules of proceeding which regulated and restrained the late commissioners against all possible abuse of a power which could not fail of being diligently and zealously watched by the ministers of the crown, and the proprietors of the stock, as

well as by Parliament. Their proceedings were, in that bill, directed to be of such a nature as easily to subject them to the strictest revision of both, in case of any malversation.

In the year 1780, an act of Parliament again made provision for the government of those territories for another four years, without any sort of reference to prerogative; nor was the least objection taken at the second, more than at the first of those periods, as if an infringement had been made upon the rights of the crown: yet his Majesty's ministers have thought fit to represent the late commission as an entire innovation on the Constitution, and the setting up a new order and estate in the nation, tending to the subversion of the monarchy itself.

If the government of the East Indies, other than by his Majesty's prerogative, be in effect a fourth order in the commonwealth, this order has long existed; because the East India Company has for many years enjoyed it in the fullest extent, and does at this day enjoy the whole administration of those provinces, and the patronage to offices throughout that great empire, except as it is controlled by act of Parliament.

It was the ill condition and ill administration of the Company's affairs which induced this House (merely as a temporary establishment) to vest the same powers which the Company did before possess, (and no other,) for a limited time, and under very strict directions, in proper hands, until they could be restored, or farther provision made concerning them. It was therefore no creation whatever of a new power, but the removal of an old power, long since created, and then existing, from the management of those persons who had manifestly and dangerously abused their trust. This House, which well knows the Parliamentary origin of all the Company's powers and privileges, and is not ignorant or negligent of the authority which may vest those powers and privileges in others, if justice and the public safety so require, is conscious to itself that it no more creates a new order in the state, by making occasional trustees for the direction of the Company, than it originally did in giving a much more permanent trust to the Directors or to the General Court of that body. The monopoly of the East India Company was a derogation from the general freedom of trade belonging to his Majesty's people. The powers of government, and of peace and war, are parts of prerogative of the highest order. Of our competence to restrain the rights of all his subjects by act of Parliament, and to vest those high and eminent prerogatives even in a particular company of merchants, there has been no question. We beg leave most humbly to claim as our right, and as a right which this House has always used, to frame such bills for the regulation of that commerce, and of the territories held by the East India Company, and everything relating to them, as to our discretion shall seem fit; and we assert and maintain that therein we follow, and do not innovate on, the Constitution.

That his Majesty's ministers, misled by their ambition, have endeavored, if possible, to form a faction in the country against the popular part of the Constitution; and have therefore thought proper to add to their slanderous

accusation against a House of Parliament, relative to his Majesty's prerogative, another of a different nature, calculated for the purpose of raising fears and jealousies among the corporate bodies of the kingdom, and of persuading uninformed persons belonging to those corporations to look to and to make addresses to them, as protectors of their rights, under their several charters, from the designs which they, without any ground, charged the then House of Commons to have formed against *charters in general*. For this purpose they have not scrupled to assert that the exertion of his Majesty's prerogative in the late precipitate change in his administration, and the dissolution of the late Parliament, were measures adopted in order to rescue the people and their rights out of the hands of the House of Commons, their representatives.

We trust that his Majesty's subjects are not yet so far deluded as to believe that the charters, or that any other of their local or general privileges, can have a solid security in any place but where that security has always been looked for, and always found, — in the House of Commons. Miserable and precarious indeed would be the state of their franchises, if they were to find no defence but from that quarter from whence they have always been attacked! But the late House of Commons, in passing that bill, made no attack upon any powers or privileges, except such as a House of Commons has frequently attacked, and will attack, (and they trust, in the end, with their wonted success,) — that is, upon those which are corruptly and oppressively administered; and this House do faithfully assure his Majesty, that we will correct, and, if necessary for the purpose, as far as in us lies, will wholly destroy, every species of power and authority exercised by British subjects to the oppression, wrong, and detriment of the people, and to the impoverishment and desolation of the countries subject to it.

The propagators of the calumnies against that House of Parliament have been indefatigable in exaggerating the supposed injury done to the East India Company by the suspension of the authorities which they have in every instance abused, — as if power had been wrested by wrong and violence from just and prudent hands; but they have, with equal care, concealed the weighty grounds and reasons on which that House had adopted the most moderate of all possible expedients for rescuing the natives of India from oppression, and for saving the interests of the real and honest proprietors of their stock, as well as that great national, commercial concern, from imminent ruin.

The ministers aforesaid have also caused it to be reported that the House of Commons have confiscated the property of the East India Company. It is the reverse of truth. The whole management was a trust for the proprietors, under their own inspection, (and it was so provided for in the bill,) and under the inspection of Parliament. That bill, so far from confiscating the Company's property, was the only one which, for several years past, did not, in some shape or other, affect their property, or restrain them in the disposition of it.

It is proper that his Majesty and all his people should be informed that the House of Commons have proceeded, with regard to the East India Company, with a degree of care, circumspection, and deliberation, which has not been equalled in the history of Parliamentary proceedings. For sixteen years the state and condition of that body has never been wholly out of their view. In the year 1767 the House took those objects into consideration, in a committee of the whole House. The business was pursued in the following year. In the year 1772 two committees were appointed for the same purpose, which examined into their affairs with much diligence, and made very ample reports. In the year 1773 the proceedings were carried to an act of Parliament, which proved ineffectual to its purpose. The oppressions and abuses in India have since rather increased than diminished, on account of the greatness of the temptations, and convenience of the opportunities, which got the better of the legislative provisions calculated against ill practices then in their beginnings; insomuch that, in 1781, two committees were again instituted, who have made seventeen reports. It was upon the most minute, exact, and laborious collection and discussion of facts, that the late House of Commons proceeded in the reform which they attempted in the administration of India, but which has been frustrated by ways and means the most dishonorable to his Majesty's government, and the most pernicious to the Constitution of this kingdom. His Majesty was so sensible of the disorders in the Company's administration, that the consideration of that subject was no less than six times recommended to this House in speeches from the throne.

The result of the Parliamentary inquiries has been, that the East India Company was found totally corrupted, and totally perverted from the purposes of its institution, whether political or commercial; that the powers of war and peace given by the charter had been abused, by kindling hostilities in every quarter for the purposes of rapine; that almost all the treaties of peace they have made have only given cause to so many breaches of public faith; that countries once the most flourishing are reduced to a state of indigence, decay, and depopulation, to the diminution of our strength, and to the infinite dishonor of our national character; that the laws of this kingdom are notoriously, and almost in every instance, despised; that the servants of the Company, by the purchase of qualifications to vote in the General Court, and, at length, by getting the Company itself deeply in their debt, have obtained the entire and absolute mastery in the body by which they ought to have been ruled and coerced. Thus their malversations in office are supported, instead of being checked by the Company. The whole of the affairs of that body are reduced to a most perilous situation; and many millions of innocent and deserving men, who are under the protection of this nation, and who ought to be protected by it, are oppressed by a most despotic and rapacious tyranny. The Company and their servants, having strengthened themselves by this confederacy, set at defiance the authority and admonitions of this House employed to reform them; and when this House had selected certain principal delinquents, whom they declared it the duty of

the Company to recall, the Company held out its legal privileges against all reformation, positively refused to recall them, and supported those who had fallen under the just censure of this House with new and stronger marks of countenance and approbation.

The late House, discovering the reversed situation of the Company, by which the nominal servants are really the masters, and the offenders are become their own judges, thought fit to examine into the state of their commerce; and they have also discovered that their commercial affairs are in the greatest disorder; that their debts have accumulated beyond any present or obvious future means of payment, at least under the actual administration of their affairs; that this condition of the East India Company has begun to affect the sinking fund itself, on which the public credit of the kingdom rests, — a million and upwards being due to the customs, which that House of Commons whose intentions towards the Company have been so grossly misrepresented were indulgent enough to respite. And thus, instead of confiscating their property, the Company received without interest (which in such a case had been before charged) the use of a very large sum of the public money. The revenues are under the peculiar care of this House, not only as the revenues originate from us, but as, on every failure if the funds set apart for the support of the national credit, or to provide for the national strength and safety, the task of supplying every deficiency falls upon his Majesty's faithful Commons, this House must, in effect, tax the people. The House, therefore, at every moment, incurs the hazard of becoming obnoxious to its constituents.

The enemies of the late House of Commons resolved, if possible, to bring on that event. They therefore endeavored to misrepresent the provident means adopted by the House of Commons for keeping off this invidious necessity, as an attack on the rights of the East India Company: for they well knew, that, on the one hand, if, for want of proper regulation and relief, the Company should become insolvent, or even stop payment, the national credit and commerce would sustain a heavy blow; and that calamity would be justly imputed to Parliament, which, after such long inquiries, and such frequent admonitions from his Majesty, had neglected so essential and so urgent an article of their duty: on the other hand, they knew, that, wholly corrupted as the Company is, nothing effectual could be done to preserve that interest from ruin, without taking for a time the national objects of their trust out of their hands; and then a cry would be industriously raised against the House of Commons, as depriving British subjects of their legal privileges. The restraint, being plain and simple, must be easily understood by those who would be brought with great difficulty to comprehend the intricate detail of matters of fact which rendered this suspension of the administration of India absolutely necessary on motives of justice, of policy, of public honor, and public safety.

The House of Commons had not been able to devise a method by which the redress of grievances could be effected through the authors of those grievances; nor

could they imagine how corruptions could be purified by the corrupters and the corrupted; nor do we now conceive how any reformation can proceed from the known abettors and supporters of the persons who have been guilty of the misdemeanors which Parliament has reprobated, and who for their own ill purposes have given countenance to a false and delusive state of the Company's affairs, fabricated to mislead Parliament and to impose upon the nation.

Your Commons feel, with a just resentment, the inadequate estimate which your ministers have formed of the importance of this great concern. They call on us to act upon the principles of those who have not inquired into the subject, and to condemn those who with the most laudable diligence have examined and scrutinized every part of it. The deliberations of Parliament have been broken; the season of the year is unfavorable; many of us are new members, who must be wholly unacquainted with the subject, which lies remote from the ordinary course of general information.

We are cautioned against an infringement of the Constitution; and it is impossible to know what the secret advisers of the crown, who have driven out the late ministers for their conduct in Parliament, and have dissolved the late Parliament for a pretended attack upon prerogative, will consider as such an infringement. We are not furnished with a rule, the observance of which can make us safe from the resentment of the crown, even by an implicit obedience to the dictates of the ministers who have advised that speech; we know not how soon those ministers may be disavowed, and how soon the members of this House, for our very agreement with them, may be considered as objects of his Majesty's displeasure. Until by his Majesty's goodness and wisdom the late example is completely done away, we are not free.

We are well aware, in providing for the affairs of the East, with what an adult strength of abuse, and of wealth and influence growing out of that abuse, his Majesty's Commons had, in the last Parliament, and still have, to struggle. We are sensible that the influence of that wealth, in a much larger degree and measure than at any former period, may have penetrated into the very quarter from whence alone any real reformation can be expected.

If, therefore, in the arduous affairs recommended to us, our proceedings should be ill adapted, feeble, and ineffectual, — if no delinquency should be prevented, and no delinquent should be called to account, — if every person should be caressed, promoted, and raised in power, in proportion to the enormity of his offences, — if no relief should be given to any of the natives unjustly dispossessed of their rights, jurisdictions, and properties, — if no cruel and unjust exactions should be forborne, — if the source of no peculation or oppressive gain should be cut off, — if, by the omission of the opportunities that were in our hands, our Indian empire should fall into ruin irretrievable, and in its fall crush the credit and overwhelm the revenues of this country, — we stand acquitted to our honor and to

our conscience, who have reluctantly seen the weightiest interests of our country, at times the most critical to its dignity and safety, rendered the sport of the inconsiderate and unmeasured ambition of individuals, and by that means the wisdom of his Majesty's government degraded in the public estimation, and the policy and character of this renowned nation rendered contemptible in the eyes of all Europe.

It passed in the negative.

ARTICLES OF CHARGE OF HIGH CRIMES AND MISDEMEANORS AGAINST WARREN HASTINGS, ESQUIRE



For years Burke pursued impeachment efforts against Warren Hastings, formerly Governor-General of Bengal, that resulted in his famous trial in 1786. His interaction with the British dominion of India began well before Hastings' impeachment trial. For two decades prior to the impeachment, Parliament had dealt with the Indian issue. This trial was the pinnacle of years of unrest and deliberation. In 1781 Burke was first able to analyse the issues surrounding the East India Company when he was appointed Chairman of the Commons Select Committee on East Indian Affairs—from that point until the end of the trial, India was Burke's primary concern. This committee was charged "to investigate alleged injustices in Bengal, the war with Hyder Ali, and other Indian difficulties". As Burke and the committee focused their attention on these matters, a second 'secret' committee was formed to assess the same issues. Both committee reports were written by Burke. Among other purposes, the reports conveyed to the Indian princes that Britain would not wage war on them, along with demanding that the HEIC recall Hastings. This was Burke's first call for substantive change regarding imperial practices. When addressing the whole House of Commons regarding the committee report, Burke described the Indian issue as one that "began 'in commerce' but 'ended in empire.'"

On 28 February 1785, Burke delivered the famous speech, *The Nabob of Arcot's Debts*, wherein he condemned the damage to India by the East India Company. In the province of the Carnatic the Indians had constructed a system of reservoirs to make the soil fertile in a naturally dry region, and centred their society on the husbandry of water. Burke argued that the advent of British dominion, and in particular the conduct of the East India Company, had destroyed much that was good in these traditions and that, as a consequence of this, and the lack of new customs to replace them, the Indians were suffering. He set about establishing a set of British expectations, whose moral foundation would, in his opinion, warrant the empire.

On 4 April 1786, Burke presented the Commons with the *Article of Charge of High Crimes and Misdemeanours* against Hastings. The impeachment in Westminster Hall, which did not begin until 14 February 1788, would be regarded by some as the first major public discursive event of its kind in England, bringing the morality and duty of imperialism to the forefront of public perception. Burke was already known for his eloquent rhetorical skills and his involvement in the trial

only enhanced its popularity and significance. Burke's indictment, fuelled by emotional indignation, branded Hastings a 'captain-general of iniquity'; who never dined without 'creating a famine'; whose heart was 'gangrened to the core', and who resembled both a 'spider of Hell' and a 'ravenous vulture devouring the carcasses of the dead'. The House of Commons eventually impeached Hastings, but subsequently, the House of Lords acquitted him of all charges.



Warren Hastings (1732-1818), the English statesman was the first Governor of the Presidency of Fort William (Bengal), the head of the Supreme Council of Bengal, and thereby the first de facto Governor-General of India from 1773 to 1785.

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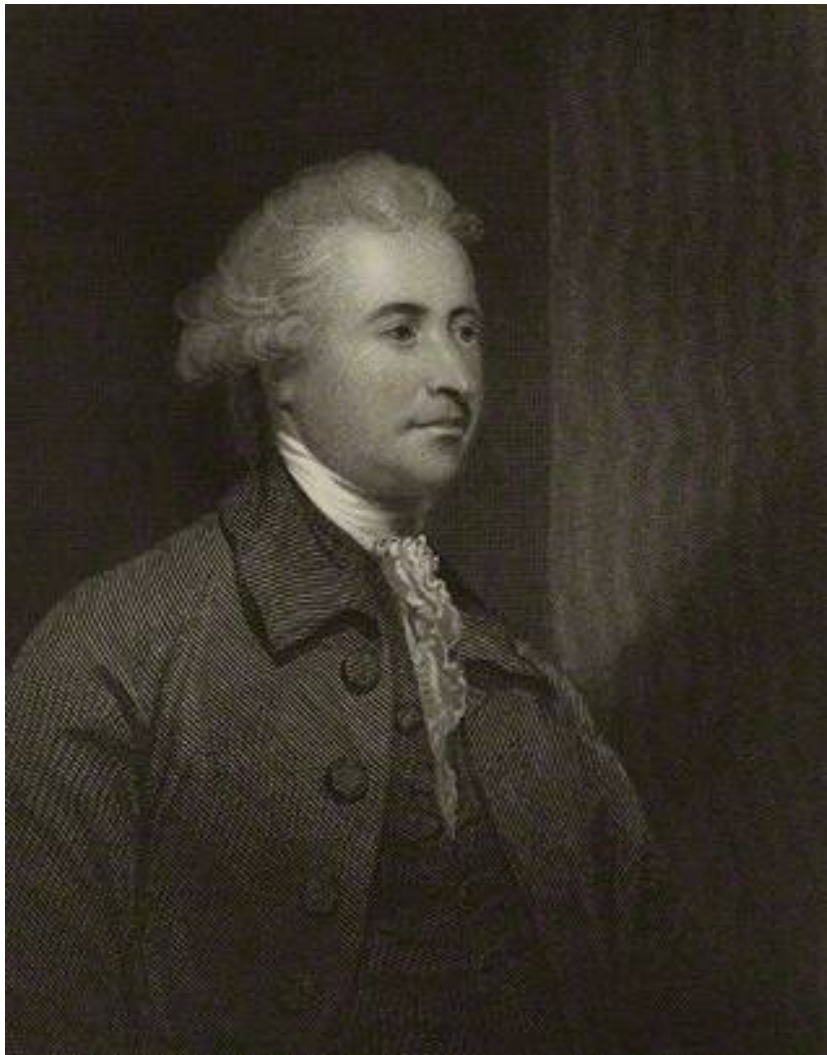
PART IV. SECOND REVOLUTION IN BENARES.

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Edmund Burke by John Henry Robinson, after Sir Joshua Reynolds, 1774

ARTICLES OF CHARGE
OF
HIGH CRIMES AND MISDEMEANORS
AGAINST
WARREN HASTINGS, ESQUIRE
LATE GOVERNOR-GENERAL OF BENGAL:
PRESENTED TO THE HOUSE OF COMMONS
IN APRIL AND MAY, 1786.
ARTICLES I.-VI.

I. — ROHILLA WAR.

That the Court of Directors of the East India Company, from a just sense of the danger and odium incident to the extension of their conquests in the East Indies, and from an experience of the disorders and corrupt practices which intrigues and negotiations to bring about revolutions among the country powers had produced, did positively and repeatedly direct their servants in Bengal not to engage in any offensive war whatsoever. That the said Court laid it down as *an invariable maxim, which ought ever to be maintained, that they were to avoid taking part in the political schemes of any of the country princes*, — and did, in particular, order and direct that they should not engage with a certain prince called Sujah ul Dowlah, Nabob of Oude, and Vizier of the Empire, in any operations beyond certain limits in the said orders specially described.

That Warren Hastings, Esquire, then Governor of Fort William in Bengal, did, with other members of the Council, declare his clear understanding of the true intent and meaning of the said positive and repeated orders and injunctions, — did express to the Court of Directors his approbation of the policy thereof, — did declare that he adopted the same *with sincerity and satisfaction*, and that he was *too well aware of the ruinous tendency of all schemes of conquest ever to adopt them, or ever to depart from the absolute line of self-defence, unless impelled to it by the most obvious necessity*, — did signify to the Nabob of Oude the said orders, and his obligation to yield punctual obedience thereto, — and did solemnly engage and promise to the Court of Directors, with the *unanimous concurrence* of the whole Council, “that no object or consideration should either tempt or compel him to pass the political line which they [the Directors] had laid down for his operations with the Vizier,” assuring the Court of Directors that he “scarce saw a possible advantage which could compensate the hazard and expense to be incurred by a contrary conduct,” — that he did frequently repeat the same declarations, or declarations to the same effect, particularly in a letter to the Nabob himself, of the 22d of November, 1773, in the following words: “The commands of my superiors are, as I have repeatedly informed you, peremptory, that I shall not suffer their arms to be carried beyond the line of their own boundaries, and those of your Excellency, their ally.”

That the said Warren Hastings, in direct contradiction to the said orders, and to his own sense of their propriety and coercive authority, and in breach of his express promises and engagements, did, in September, 1773, enter into a private engagement with the said Nabob of Oude, who was the special object of the prohibition, to furnish him, for a stipulated sum of money to be paid to the East India Company, with a body of troops for the declared purpose of “thoroughly extirpating the nation of the Rohillas”: a nation from whom the Company had never

received, or pretended to receive or apprehend, any injury whatsoever; whose country, in the month of February, 1773, by an unanimous resolution of the said Warren Hastings and his Council, was included in the line of defence against the Mahrattas; and from whom the Nabob never complained of an aggression or act of hostility, nor pretended a distinct cause of quarrel, other than the non-payment of a sum of money in dispute between him and that people.

That, supposing the sum of money in question to have been strictly due to the said Nabob by virtue of any engagement between him and the Rohilla chiefs, the East India Company, or their representatives, were not parties to that engagement, or guaranties thereof, nor bound by any obligation whatever to enforce the execution of it.

That, previous to the said Warren Hastings's entering into the agreement or bargain aforesaid to extirpate the said nation, he did not make, or cause to be made, a due inquiry into the validity of the sole pretext used by the said Nabob; nor did he give notice of the said claims of debt to the nation of the Rohillas, in order to receive an explanation on their part of the matter in litigation; nor did he offer any mediation, nor propose, nor afford an opportunity of proposing, an agreement or submission by which the calamities of war might be avoided, as, by the high state in which the East India Company stood as a sovereign power in the East, and the honor and character it ought to maintain, as well as by the principles of equity and humanity, and by the true and obvious policy of uniting the power of the Mahometan princes against the Mahrattas, he was bound to do. That, instead of such previous inquiry, or tender of good offices, the said Warren Hastings did stimulate the ambition and ferocity of the Nabob of Oude to the full completion of the inhuman end of the said unjustifiable enterprise, by informing him "that it would be absolutely necessary to persevere in it until it should be accomplished"; pretending that a fear of the Company's displeasure was his motive for annexing the accomplishment of the enterprise as a condition of his assistance, and asserting "that he could not hazard or answer for the displeasure of the Company, his masters, if they should find themselves involved in a *fruitless* war, or in an expense for prosecuting it," — a pretence tending to the high dishonor of the East India Company, as if the gain to be acquired was to reconcile that body to the breach of their own orders prohibiting all such enterprises; — and in order further to involve the said Nabob beyond the power of retreating, he did, in the course of the proceeding, purposely put the said Nabob under difficulties in case he should decline that war, and did oblige him to accept even the permission to relinquish the execution of this unjust project as a favor, and *to make concessions for it*; thereby acting as if the Company were principals in the hostility; and employing for this purpose much double dealing and divers unworthy artifices to entangle and perplex the said Nabob, but by means of which he found himself (as he has entered it on record) *hampered and embarrassed in a particular manner*.

That the said compact for offensive alliance in favor of a great prince against a considerable nation was not carried on by projects and counter-projects in writing; nor were the articles and conditions thereof formed into any regular written instrument, signed and sealed by the parties; but the whole (both the negotiation and the compact of offensive alliance against the Rohillas) was a mere verbal engagement, the purport and conventions whereof nowhere appeared, except in subsequent correspondence, in which certain of the articles, as they were stated by the several parties, did materially differ: a proceeding new and unprecedented, and directly leading to mutual misconstruction, evasion, and ill faith, and tending to encourage and protect every species of corrupt, clandestine practice. That, at the time when this private verbal agreement was made by the said Warren Hastings with the Nabob of Oude, a public ostensible treaty was concluded by him with the said Nabob, in which there is no mention whatever of such agreement, or reference whatever to it: in defence of which omission, it is asserted by the said Warren Hastings, that *the multiplication of treaties weakens their efficacy, and therefore they should be reserved only for very important and permanent obligations*; notwithstanding he had previously declared to the said Nabob, “that the points which he had proposed required much consideration, and the previous ratification of a formal agreement, before he could consent to them.” That the whole of the said verbal agreement with the Nabob of Oude in his own person, without any assistance on his part, was carried on and concluded by the said Warren Hastings alone, without any person who might witness the same, without the intervention even of an interpreter, though he confesses that he spoke the Hindostan language *imperfectly*, and although he had with him at that time and place several persons high in the Company’s service and confidence, namely, the commander-in-chief of their forces, two members of their Council, and the Secretary to the Council, who were not otherwise acquainted with the proceedings between him and the said Nabob than by such communications as he thought fit to make to them.

That the object avowed by the said Warren Hastings, and the motives urged by him for employing the British arms in the utter extirpation of the Rohilla nation, are stated by himself in the following terms:— “The acquisition of forty lacs of rupees to the Company, and of so much specie added to the exhausted currency of our provinces; — that it would give wealth to the Nabob of Oude, of which we should participate; — that the said Warren Hastings *should* always be ready to profess that he did reckon the probable acquisition of wealth among his reasons for taking up arms against his *neighbors*; — that it would ease the Company of a considerable part of their military expense, and preserve their troops from inaction and relaxation of discipline; — that the weak state of the Rohillas promised an easy conquest of them; — and, finally, that such was his idea of the Company’s distress at home, added to his knowledge of their wants abroad, that he should have been

glad of *any* occasion to employ their forces which saved so much of their pay and expenses.”

That, in the private verbal agreement aforesaid for offensive war, the said Warren Hastings did transgress the bounds of the authority given him by his instructions from the Council of Fort William, which had limited his powers to such compacts “as were consistent with the spirit of the Company’s orders”; which Council he afterwards persuaded, and with difficulty drew into an acquiescence in what he had done.

That the agreement to the effect aforesaid was settled in the said secret conferences before the 10th of September, 1773; but the said Warren Hastings, concealing from the Court of Directors a matter of which it was his duty to afford them the earliest and fullest information, did, on the said 10th of September, 1773, write to the Directors, and dispatched his letter over land, giving them an account of the public treaty, but taking not the least notice of his agreement for a mercenary war against the nation of the Rohillas.

That, in order to conceal the true purport of the said clandestine agreement the more effectually, and until he should find means of gaining over the rest of the Council to a concurrence in his disobedience of orders, he entered a minute in the Council books, giving a false account of the transaction; in which minute he represented that the Nabob had indeed *proposed* the design aforesaid, and that he, the said Warren Hastings, *was pleased that he urged the scheme of this expedition no further*, when in reality and truth he had absolutely consented to the said enterprise, and had engaged to assist him in it, which he afterwards admitted, and confessed that he did act in consequence of the same.

That the said Warren Hastings and his Council were sensible of the true nature of the enterprise in which they had engaged the Company’s arms, and of the heavy responsibility to which it would subject himself and the Council,— “the personal hazard they, the Council, run, in undertaking so *uncommon* a measure without *positive* instructions, at their own risk, with the eyes of the whole nation on the affairs of the Company, and the passions and prejudices of almost every man in England inflamed against the conduct of the Company and the character of its servants”; yet they engaged in the very practice which had brought such odium on the Company, and on the character of its servants, though they further say that they had continually before *their eyes the dread of forfeiting the favor of their employers*, and becoming the “objects of *popular* invectives.” The said Warren Hastings himself says, at the very time when he proposed the measure, “I must confess I entertain some doubts as to its expediency at this time, from the circumstances of the *Company* at home, exposed to *popular* clamor, and all its measures liable to be canvassed in *Parliament*, their charter drawing to a close, and his Majesty’s ministers unquestionably ready to take advantage of every unfavorable circumstance in the negotiations of its renewal.” All these considerations did not prevent the said

Warren Hastings from making and carrying into execution the said mercenary agreement for a sum of money, the payment of which the Nabob endeavored to evade on a construction of the verbal treaty, and was so far from being insisted on, as it ought to have been, by the said Warren Hastings, that, when, after the completion of the service, the commander-in-chief was directed to make a demand of the money, the agent of the said Warren Hastings at the same time assured the Nabob “that the demand was nothing more than matter of form, common, and even necessary, in all public transactions, and that, although the board considered the claim of the government literally due, it was not the intention of administration to prescribe to his Excellency *the mode, or even limits, of payment.*” Nor was any part of the money recovered, until the establishment of the Governor-General and Council by act of Parliament, and their determination to withdraw the brigade from the Nabob’s service, — the Resident at his court, appointed by the said Warren Hastings, having written, *that he had experienced much duplicity and deceit in most of his transactions with his Excellency*; and the said Nabob and his successors falling back in other payments in the same or greater proportion as he advanced in the payment of this debt, the consideration of lucre to the Company, the declared motive to this shameful transaction, totally failed, and no money in effect and substance (as far as by any account to be depended on appears) has been obtained.

That the said Nabob of Oude did, in consequence of the said agreement, and with the assistance of British troops, which were ordered to march and subjected to his disposal by the said Warren Hastings and the Council, unjustly enter into and invade the country of the Rohillas, and did there make war in a barbarous and inhuman manner, “by an abuse of victory,” “by the unnecessary destruction of the country,” “by a wanton display of violence and oppression, of inhumanity and cruelty,” and “by the sudden expulsion and casting down of an whole race of people, to whom the slightest benevolence was denied.” When prayer was made not to dishonor the Begum (a princess of great rank, whose husband had been killed in battle) and other women, by *dragging them about the country, to be loaded with the scoffs of the Nabob’s rabble, and otherwise still worse used*, the Nabob refused to listen to the entreaties of a British commander-in-chief in their favor; and the said women of high rank were exposed not only to the vilest personal indignities, but even to absolute want: and these transactions being by Colonel Champion communicated to the said Warren Hastings, instead of commendations for his intelligence, and orders to redress the said evils, and to prevent the like in future, by means which were suggested, and which appear to have been proper and feasible, he received a reprimand from the said Warren Hastings, who declared that we had no authority to control the conduct of the Vizier in the treatment of his subjects; and that Colonel Champion desisted from making further representations on this subject to the said Warren Hastings, being apprehensive of having already run some risk of displeasing by perhaps a too free communication of sentiments. That, in

consequence of the said proceedings, not only the eminent families of the chiefs of the Rohilla nation were either cut off or banished, and their wives and offspring reduced to utter ruin, but the country itself, heretofore distinguished above all others for the extent of its cultivation as a *garden*, not having *one spot* in it of *uncultivated* ground, and from being *in the most flourishing state that a country could be*, was by the inhuman mode of carrying on the war, and the ill government during the consequent usurpation, reduced to a state of great decay and depopulation, in which it still remains.

That the East India Company, having had reason to conceive, that, for the purpose of concealing corrupt transactions, their servants in India had made unfair, mutilated, and garbled communications of correspondence, and sometimes had wholly withheld the same, made an order in their letter of the 23d of March, 1770, in the following tenor:— “The Governor singly shall correspond with the country powers; but *all* letters, before they shall be by him sent, must be communicated to the other members of the Select Committee, and receive their approbation; and also *all* letters *whatsoever* which may be received by the Governor, in answer to or in course of correspondence, shall likewise be laid before the said Select Committee for their information and consideration”; and that in their instructions to their Governor-General and Council, dated 30th March, 1774, they did repeat their orders to the same purpose and effect.

That the said Warren Hastings did not obey, as in duty he was bound to do, the said standing orders; nor did communicate all his correspondence with Mr. Middleton, the Company’s agent at the court of the Subah of Oude, or with Colonel Champion, the commander-in-chief of the Company’s forces in the Rohilla war, to the Select Committee: and when afterwards, that is to say, on the 25th of October, 1774, he was required by the majority of the Council appointed by the act of Parliament of 1773, whose opinion was by the said act directed to be taken as the act of the whole Council, to produce *all* his correspondence with Mr. Middleton and Colonel Champion for the direction of their future proceedings relative to the obscure, intricate, and critical transaction aforesaid, he did positively and pertinaciously refuse to deliver any other than such parts of the said correspondence as he thought convenient, covering his said illegal refusal under general vague pretences of secrecy and danger from the communication, although the said order and instruction of the Court of Directors above mentioned was urged to him, and although it was represented to him by the said Council, that they, as well as he, were bound by an oath of secrecy: which refusal to obey the orders of the Court of Directors (orders specially, and on weighty grounds of experience, pointed to cases of this very nature) gave rise to much jealousy, and excited great suspicions relative to the motives and grounds on which the Rohilla war had been undertaken.

That the said Warren Hastings, in the grounds alleged in his justification of his refusal to communicate to his colleagues in the Superior Council his

correspondence with Mr. Middleton, the Company's Resident at Oude, was guilty of a new offence, arrogating to himself unprecedented and dangerous powers, on principles utterly subversive of all order and discipline in service, and introductory to corrupt confederacies and disobedience among the Company's servants; the said Warren Hastings insisting that Mr. Middleton, the Company's covenanted servant, the public Resident for transacting the Company's affairs at the court of the Subah of Oude, and as such receiving from the Company a salary for his service, was no other than the *official agent* of him, the said Warren Hastings, and that, being such, he was not obliged to communicate his correspondence.

That the Court of Directors, and afterwards a General Court of the Proprietors of the East India Company, (although the latter showed favorable dispositions towards the said Warren Hastings, and expressed, but without assigning any ground or reason, the highest opinion of his services and integrity,) did unanimously condemn, along with his conduct relative to the Rohilla treaty and war, his refusal to communicate his whole correspondence with Mr. Middleton to the Superior Council: yet the said Warren Hastings, in defiance of the opinion of the Directors, and the unanimous opinion of the General Court of the said East India Company, as well as the precedent positive orders of the Court of Directors, and the injunctions of an act of Parliament, has, from that time to the present, never made any communication of the whole of his correspondence to the Governor-General and Council, or to the Court of Directors.

II. — SHAH ALLUM.

That, in a solemn treaty of peace, concluded the 16th of August, 1765, between the East India Company and the late Nabob of Oude, Sujah ul Dowlah, and highly approved of, confirmed, and ratified by the said Company, it is agreed, “that the King Shah Allum shall remain in full possession of Corah, and such part of the province of Allahabad as he now possesses, which are ceded to his Majesty as a royal demesne for the support of his dignity and expenses.” That, in a separate agreement, concluded at the same time, between the King Shah Allum and the then Subahdar of Bengal, under the immediate security and guaranty of the English Company, the faith of the Company was pledged to the said King for the annual payment of twenty-six lac of rupees for his support out of the revenues of Bengal; and that the said Company did then receive from the said King a grant of the duanné of the provinces of Bengal, Bahar, and Orissa, on the express condition of their being security for the annual payment above mentioned. That the East India Company have held, and continue to hold, the duanné so granted, and for some years have complied with the conditions on which they accepted of the grant thereof, and have at all times acknowledged that they held the duanné *in virtue of the Mogul’s grants*. That the said Court of Directors, in their letter of the 30th June, 1769, to Bengal, declared, “that they esteemed themselves bound by treaty to protect the King’s person, and to secure him the possession of the Corah and Allahabad districts”; and supposing an agreement should be made respecting these provinces between the King and Sujah ul Dowlah, the Directors then said, “that they should be subject to no further claim or requisition from the King, excepting for the stipulated tribute for Bengal, which they [the Governor and Council] were to pay to his agent, or remit to him in such manner as he might direct.”

That, in the year 1772, the King Shah Allum, who had hitherto resided at Allahabad, trusting to engagements which he had entered into with the Mahrattas, quitted that place, and removed to Delhi; but, having soon quarrelled with those people, and afterwards being taken prisoner, had been treated by them with very great disrespect and cruelty. That, among other instances of their abuse of their immediate power over him, the Governor and Council of Bengal, in their letter of the 16th of August, 1773, inform the Court of Directors that he had been *compelled, while a prisoner in their hands, to grant sunnuds for the surrender of Corah and Allahabad to them*; and it appears from sundry other minutes of their own that the said Governor and Council did at all times consider the surrender above mentioned as *extorted* from the King, and *unquestionably an act of violence*, which could not alienate or impair his right to those provinces, and that, when they took possession thereof, it was at the request of the King’s Naib, or viceroy, who put them under the Council’s *protection*. That on this footing they were accepted by

the said Warren Hastings and his Council, and for some time considered by them as a deposit committed to their care by a prince to whom the possession thereof was particularly guarantied by the East India Company. In their letter of the 1st of March, 1773, they (the said Warren Hastings and his Council) say, “In no shape can this compulsory cession by the King release us from the obligation we are under to defend the provinces which we have so particularly guarantied to him.” But it appears that they soon adopted other ideas and assumed other principles concerning this object. In the instructions, dated the 23d of June, 1773, which the Council of Fort William gave to the said Warren Hastings, previous to his interview with the Nabob Sujah ul Dowlah at Benares, they say, that, “while the King continued at Delhi, whither he proceeded in opposition to their most strenuous remonstrances, they should certainly consider the engagements between him and the Company as dissolved by his alienation from them and their interest; that the possession of so remote a country could never be expected to yield any profit to the Company, and the defence of it must require a perpetual aid of their forces”: yet in the same instructions they declare their opinion, that, “if the King should make overtures to renew his former connection, *his right to reclaim the districts of Corah and Allahabad could not with propriety be disputed,*” and they authorize the said Warren Hastings to restore them to him *on condition that he should renounce his claim to the annual tribute of twenty-six lac of rupees, herein before mentioned, and to the arrears which might be due,* thereby acknowledging the justice of a claim which they determined not to comply with but in return for the surrender of another equally valid; — that, nevertheless, in the treaty concluded by the said Warren Hastings with Sujah ul Dowlah on the 7th of September, 1773, it is asserted, that his Majesty, (meaning the King Shah Allum,) “having abandoned the districts of Corah and Allahabad, and given a sunnud for Corah and Currah to the Mahrattas, had thereby forfeited his right to the said districts,” although it was well known to the said Warren Hastings, and had been so stated by him to the Court of Directors, that this surrender on the part of the King had been extorted from him by violence, while he was a prisoner in the hands of the Mahrattas, and although it was equally well known to the said Warren Hastings that there was nothing in the original treaty of 1765 which could restrain the King from changing the place of his residence, consequently that his removal to Delhi could not occasion a forfeiture of his right to the provinces secured to him by that treaty.

That the said Warren Hastings, in the report which he made of his interview and negotiations with Sujah ul Dowlah, dated the 4th of October, 1773, declared, “that the administration would have been culpable in the highest degree in retaining possession of Corah and Allahabad *for any other purpose than that of making an advantage by the disposal of them,*” and therefore he had ceded them to the Vizier for fifty lac of rupees: a measure for which he had no authority whatever from the

King Shah Allum, and in the execution of which no reserve whatever was made in favor of the rights of that prince, nor any care taken of his interests.

That the sale of these provinces to Sujah Dowlah involved the East India Company in a triple breach of justice; since by the same act they violated a treaty, they sold the property of another, and they alienated a deposit committed to their friendship and good faith, and as such accepted by them. That a measure of this nature is not to be defended on motives of policy and convenience, supposing such motives to have existed, without a total loss of public honor, and shaking all security in the faith of treaties; but that in reality the pretences urged by the said Warren Hastings for selling the King's country to Sujah Dowlah were false and invalid. It could not strengthen our alliance with Sujah ul Dowlah; since, paying a price for a purchase, he received no favor and incurred no obligation. It did not free the Company from all the dangers attending either a remote property or a remote connection; since, the moment the country in question became part of Sujah Dowlah's dominions, it was included in the Company's former guaranty of those dominions, and in case of invasion the Company were obliged to send part of their army to defend it at the requisition of the said Sujah Dowlah; and if the remote situation of those provinces made the defence of them difficult and dangerous, much more was it a difficult and dangerous enterprise to engage the Company's force in an attack and invasion of the Rohillas, whose country lay at a much greater distance from the Company's frontier, — which, nevertheless, the said Warren Hastings agreed to and undertook at the very time when, under pretence of the difficulty of defending Corah and Allahabad, he sold those provinces to Sujah Dowlah. It did not relieve the Company from the *expense* of defending the country; since the revenues thereof far exceeded the subsidy to be paid by Sujah Dowlah, and these revenues justly belonged to the Company as long as the country continued under their protection, and would have answered the expense of defending it. Finally, that the sum of fifty lac of rupees, stipulated with the said Sujah Dowlah, was inadequate to the value of the country, the annual revenues of which were stated at twenty-five lac of rupees, which General Sir Robert Barker, then commander-in-chief of the Company's forces, affirms *was certain, and too generally known to admit of a doubt.*

That the King Shah Allum received for some years the annual tribute of twenty-six lac of rupees above mentioned, and was entitled to continue to receive it by virtue of an engagement deliberately, and for an adequate consideration, entered into with him by the Company's servants, and approved of and ratified by the Company themselves; — that this engagement was absolute and unconditional, and did neither express nor suppose any case in which the said King should forfeit or the Company should have a right to resume the tribute; — that, nevertheless, the said Warren Hastings and his Council, immediately after selling the King's country to Sujah Dowlah, resolved to withhold, and actually withheld, the payment of the said

tribute, of which the King Shah Allum has never since received any part; — that this resolution of the Council is not justified even by themselves on principles of right and justice, but by arguments of policy and convenience, by which the best founded claims of right and justice may at all times be set aside and defeated. “They judged it highly impolitic and unsafe to answer the drafts of the King, until they were satisfied of his amicable intentions, and those of his new allies.” But neither had they any reason to question the King’s amicable intentions, nor was he pledged to answer for those of the Mahrattas; his trusting to the good faith of that people, and relying on their assistance to reinstate him in the possession of his capital, might have been imprudent and impolitic, but these measures, however ruinous to himself, indicated no enmity to the English, nor were they productive of any effects injurious to the English interests. And it is plain that the said Warren Hastings and his Council were perfectly aware that their motives or pretences for withholding the tribute were too weak to justify their conduct, having principally insisted on the reduced state of their treasury, which, as they said, *rendered it impracticable to comply with those payments*. The *right* of a creditor does not depend on the circumstances of the debtor: on the contrary, the plea of inability includes a virtual acknowledgment of the debt; since, if the creditor’s right were denied, the plea would be superfluous.

That the East India Company, having on their part violated the engagements and renounced the conditions on which they received and have hitherto held and enjoyed the duanné of Bengal, Bahar, and Orissa from the King Shah Allum, have thereby forfeited all right and title to the said duanné arising from the said grant, and that it is free and open to the said King to resume such grant, and to transfer it to any other prince or state; — that, notwithstanding any distress or weakness to which he may be actually reduced, his lawful authority, as sovereign of the Mogul Empire, is still acknowledged in India, and that his grant of the duanné would sufficiently authorize and materially assist any prince or state that might attempt to dispossess the East India Company thereof, since it would convey a right which could not be disputed, and to which nothing but force could be opposed. Nor can these opinions be more strongly expressed than they have been lately by the said Warren Hastings himself, who, in a minute recorded the 1st of December, 1784, has declared, that, “fallen as the House of Timur is, it is yet the relic of the most illustrious line of the Eastern world; that *its sovereignty is universally acknowledged*, though the substance of it no longer exists; and that the Company itself derives its constitutional dominion from its ostensible bounty.”

That the said Warren Hastings by this declaration has renounced and condemned the principle on which he avowedly acted towards the Mogul in the year 1773, when he denied that the sunnuds or grants of the Mogul, if they were in the hands of another nation, would avail them anything, — and when he declared “that the sword which gave us the dominion of Bengal must be the instrument of its preservation,

and that, if it should ever cease to be ours, the next proprietor would derive his *right* and possession from the same *natural charter*.” That the said Warren Hastings, to answer any immediate purpose, adopts any principle of policy, however false or dangerous, without any regard to former declarations made, or to principles avowed on other occasions by himself; and particularly, that in his conduct to Shah Allum he first maintained that the grants of that prince were of no avail, — that we held the dominion of Bengal by the sword, which he has falsely declared the source of *right*, and the *natural charter* of dominion, — whereas at a later period he has declared that the sovereignty of the family of Shah Allum is universally acknowledged, and that the Company itself derives its constitutional dominion from their ostensible bounty.

III. — BENARES.

PART I. RIGHTS AND TITLES OF THE RAJAH OF BENARES.

I. That the territory of Benares is a fruitful, and has been, not long since, an orderly, well-cultivated, and improved province, of great extent; and its capital city, as Warren Hastings, Esquire, has informed the Court of Directors, in his letter of the 21st of November, 1781, “is highly revered by the natives of the Hindoo persuasion, so that many who have acquired independent fortunes retire to close their days in a place so eminently distinguished for its sanctity”; and he further acquaints the Directors, “that it may rather be considered as the seat of the Hindoo religion than as the capital of a province. But as its inhabitants are not composed of Hindoos only, the *former* wealth which flowed into it from the offerings of pilgrims, as well as from the transactions of exchange, for which its central situation is adapted, has attracted numbers of Mahomedans, who still continue to reside in it with their families.” And these circumstances of the city of Benares, which not only attracted the attention of all the different descriptions of men who inhabit Hindostan, but interested them warmly in whatever it might suffer, did in a peculiar manner require that the Governor-General and Council of Calcutta should conduct themselves with regard to its rulers and inhabitants, when it became dependent on the Company, on the most distinguished principles of good faith, equity, moderation, and mildness.

II. That the Rajah Bulwant Sing, late prince or Zemindar of the province aforesaid, was a great lord of the Mogul Empire, dependent on the same, through the Vizier of the Empire, the late Sujah ul Dowlah, Nabob of Oude; and the said Bulwant Sing, in the commencement of the English power, did attach himself to the cause of the English Company; and the Court of Directors of the said Company did acknowledge, in their letter of the 26th of May, 1768, that “Bulwant Sing’s joining us at the time he did was of *signal service*, and the stipulation in his favor was what he was justly entitled to”; and they did commend “the care that had been taken [by the then Presidency] of those that had shown their attachment to them [the Company] during the war”; and they did finally express their hope and expectation in the words following: “The moderation and attention paid to those who have espoused our interests in this war will *restore* our reputation in Hindostan, and that the Indian powers will be convinced *NO breach of treaty will ever have our sanction.*”

III. That the Rajah Bulwant Sing died on the 23d of August, 1770, and his son, Cheyt Sing, succeeding to his rights and pretensions, the Presidency of Calcutta (John Cartier, Esquire, being then President) did instruct Captain Gabriel Harper to procure a confirmation of the succession to his son Cheyt Sing, “as it was of the

utmost political import to the Company's affairs; and that the young man ought not to consider the price to be paid to satisfy *the Vizier's jealousy and avarice*." And they did further declare as follows: "The strong and inviolable attachment which subsisted betwixt the Company and the father makes us most readily interpose our good offices for the son." And the young Rajah aforesaid having agreed, under the mediation of Captain Harper, to pay near two hundred thousand pounds as a gift to the said Vizier, and to increase his tribute by near thirty thousand pounds annually, a deed of confirmation was passed by the said Vizier to the said Rajah and his heirs, by which he became a purchaser, for valuable considerations, of his right and inheritance in the zemindary aforesaid. In consequence of this grant, so by him purchased, the Rajah was solemnly invested with the government in the city of Benares, "amidst the acclamations of a numerous people, and to the great satisfaction of all parties." And the said Harper, in his letter of the 8th October, 1770, giving an account of the investiture aforesaid, did express himself in these words: "I will leave the young Rajah and others to acquaint you how I have conducted myself; only thus much let me say, that I have kept a strict eye not to diminish our national honor, disinterestedness, and justice, which I will conclude has had a greater effect in securing to the Company their vast possessions than even the force of arms, however formidable, could do." The President of Calcutta testified his approbation of the said Harper's conduct in the strongest terms, that is, in the following: "Your disinterestedness has been equally distinguishable as your abilities, and both do you the greatest honor."

IV. That the agreement between the Rajah and Nabob aforesaid continued on both sides without any violation, under the sanction and guaranty of the East India Company, for three years, when Warren Hastings, Esquire, being then President, did propose a further confirmation of the said grant, and did, on the 12th of October, 1773, obtain a delegation for himself to be the person to negotiate the same: it being his opinion, as expressed in his report of October 4th, 1773, that the Rajah was not only entitled to the inheritance of his zemindary by the grants through Captain Harper, but that the preceding treaty of Allahabad, though literally expressing no more than a security personal to Bulwant Sing, did, notwithstanding, in the true sense and import thereof, extend to his posterity; "and that it had been differently understood" (that is, not literally) "by the Company, and by this administration; and the Vizier had *before* put it out of all dispute by the solemn act passed in the Rajah's favor on his succession to the zemindary."

V. That the Council, in their instructions to the said Governor Hastings, did empower him "to *renew*, in behalf of the Rajah Cheyt Sing, the stipulation which was formerly made with the Vizier in consideration of his services in 1764"; and the government was accordingly settled on the Rajah and his posterity, or to his heirs, on the same footing on which it was granted to his said father, excepting the addition aforesaid to the tribute, with an express provision "that *no increase* shall

ever hereafter be demanded.” And the grant and stipulation aforesaid was further confirmed by the said Sujah ul Dowlah, under the Company’s guaranty, by the most solemn and awful form of oath known in the Mahomedan religion, inserted in the body of the deed or grant; and the said Warren Hastings, strongly impressed with the opinion of the propriety of protecting the Rajah, and of the injustice, malice, and avarice of the said Sujah Dowlah, and the known family enmity subsisting between him and the Rajah, did declare, in his report to the Council, as follows: “I am well convinced that the Rajah’s inheritance, and perhaps his life, are no longer safe than while he enjoys the Company’s protection, which is his due by the ties of justice and the obligations of public faith.”

VI. That some time after the new confirmation aforesaid, that is to say, in the year 1774, the Governor-General and Council, which had been formed and the members thereof appointed by act of Parliament, did obtain the assignment of the sovereignty paramount of the said government by treaty with the Nabob of Oude, by which, although the supreme dominion was changed, the terms and the conditions of the tenure of the Rajah of Benares remained; as the said Nabob of Oude could transfer to the East India Company no other or greater estate than he himself possessed in or over the said zemindary. But to obviate any misconstruction on the subject, the said Warren Hastings did propose to the board, that, whatever provision might in the said treaty be made for the interest of the Company, the same should be “without an encroachment on the just rights of the Rajah, or *the engagements actually subsisting with him.*”

VII. That the said Warren Hastings, then having, or pretending to have, an extraordinary care of the interest of the Rajah of Benares, did, on his transfer of the sovereignty, propose a new grant, to be conveyed in new instruments to the said Rajah, conferring upon him further privileges, namely, the addition of the sovereign rights of the mint, and of the right of criminal justice of life and death. And he, the said Warren Hastings, as Governor-General, did himself propose the resolution for that purpose in Council, in the following words, with remarks explanatory of the principles upon which the grants aforesaid were made, namely: —

MINUTE.

VIII. “That the perpetual and *independent* possession of the zemindary of Benares and its dependencies be *confirmed* and guarantied to the Rajah Cheyt Sing and his heirs forever, *subject only to the annual payment of the revenues hitherto paid to the late Vizier*, amounting to Benares Sicca Rupees 23,71,656.12, to be disposed of as is expressed in the following article: *That no other demand be made on him either by the Nabob of Oude or this government; nor any kind of authority or jurisdiction be exercised by either within the districts assigned him.*” To which minute he, the said Warren Hastings, did subjoin the following observation in writing, and recorded therewith in the Council books, that is to say: “*The Rajah of Benares, from the situation of his country, which is a frontier to the provinces of Oude and*

Bahar, may be made a serviceable ally to the Company, whenever their affairs shall require it. He has always been considered in this light both by the Company and the successive members of the late Council; but to insure his attachment to the Company, his interest must be connected with it, which cannot be better effected than by freeing him totally from the REMAINS of his present vassalage under the guaranty and protection of the Company, and at the same time guarding him against any apprehensions from this government, by thus pledging its faith that no encroachment shall ever be made on his rights by the Company.” And the said Warren Hastings, on the 5th of July, 1775, did himself propose, among other articles of the treaty relative to this object, one of the following tenor: “That, whilst the Rajah shall continue faithful to these engagements and punctual in his payments, and shall pay due obedience to the authority of this government, *no more demands* shall be made upon him by the Honorable Company of ANY KIND, or, on any pretence whatsoever, shall any person be allowed to interfere with his authority, or to disturb the peace of his country.” And the said article was by the other members of the Council assented to without debate.

IX. On transferring the Rajah’s tribute from the Nabob to the Company, the stipulation with the Nabob was renewed on the proposition of the said Warren Hastings himself, and expressed in a yet more distinct manner, namely: “That no more demands shall be made upon him by the Honorable Company of any kind.” And the said Warren Hastings, in justification of his proposal of giving the Rajah “a complete and uncontrolled authority over his zemindary,” did enter on the Council book the following reasons for investing him with the same, strongly indicating the situation in which he must be left under any other circumstances, whether under the Nabob of Oude, or under the English, or under the double influence of both: “That the security of his person and possessions from the Company’s protection may be rated equal to many lacs of rupees, *which, though saved to him, are no loss to the government on which he depends, being all articles of invisible expense*: in fees to the ministers and officers of the Nabob; in the charges of a double establishment of vacceels to both governments; in presents and charges of accommodation to the Nabob, during his residence at any place within the boundaries of his zemindary; *in the frauds, embezzlements, and oppressions exercised in the mint and cutwally*; besides the allowed profits of those officers, and the advantages which every man *in occasional power, or in the credit of it, might make of the Rajah’s known weakness*, and the dread he stood in both of the displeasure of the Nabob *and the ill-will of individuals among the English, who were all considered, either in their present stations or connections, or the right of succession, as members of the state of Bengal*. It would be scarce possible to enumerate all the inconveniences to which the Rajah was liable *in his former situation*, or to estimate the precise effect which they produced on his revenue and on the gross amount of his expense; but it may be easily conceived that both were enormous, and of a nature the most likely to lessen

the profits of government, instead of adding to them.” And in justification of his proposal of giving the Rajah the symbols of sovereignty in the power of life and death, and in the coining of money, as pledges of his *independence*, he states the deplorable situation of princes reduced to dependence on the Vizier or the Company, and obliged to entertain an English Resident at their court, in the following words: “It is proposed to receive the payment of his [the Rajah’s] rents at Patna, because that is the nearest provincial station, and because it would not frustrate *the intention of rendering the Rajah independent*. If a Resident was appointed to receive the money, as it became due, at Benares, *such a Resident* would unavoidably acquire an influence over the Rajah, and over his country, *which would in effect render him the master of both*. This consequence might not perhaps be brought completely to pass without *a struggle and many appeals to the Council*, which, in a government constituted like this, *cannot fail to terminate against the Rajah, and, by the construction to which his opposition to the agent would be liable, might eventually draw on him severe restrictions, and end in reducing him to the mean and depraved state of a mere zemindar*.”

X. That, in order to satisfy the said Rajah of the intentions of the Company towards him, and of the true sense and construction of the grants to him, the said Rajah, to be made, the Governor-General (he, the said Warren Hastings) and Council did, on the 24th August, 1775, instruct Mr. Fowke, the Resident at the Rajah’s court, in the following words: “It is proper to assure the Rajah, we do not mean to increase his tribute, but to require from him an exact sum; that, under the sovereignty of the Company, we are determined to leave him the free and uncontrolled management of the internal government of his country, and the collection and regulation of the revenues, so long as he adheres to the terms of his engagement; and will *never demand any* augmentation of the annual tribute which may be fixed.”

XI. That the said Warren Hastings and the Council-General, not being satisfied with having instructed the Resident to make the representation aforesaid, to remove all suspicion that by the new grants any attempt should insidiously be made to change his former tenure, did resolve that a letter should be written by the Governor-General himself to the Rajah of Benares, to be delivered to Mr. Fowke, the Resident, together with his credentials; in which letter they declare “the board willing to continue the grant of the zemindary to him *in as full and ample a manner as he possessed it from former sovereigns*; and on his paying the annual tribute,” &c; — and in explaining the reasons for granting to him the mint and criminal justice, they inform him that this is done in order “that he may possess an *uncontrolled and free authority* in the regulation and government of his zemindary.”

XII. That on the 26th February, 1776, the Board and Council did order that the proper instruments should be prepared for conveying to the Rajah aforesaid the government and criminal justice and mint of Benares, with its dependencies, “in the

usual form, *expressing the conditions already resolved on in the several proceedings of the board.*" And on the same day a letter was written to the Resident at Benares, signifying that they had ordered the proper instruments to be prepared, specifying the terms concerning the remittance of the Rajah's tribute to Calcutta, as well as "*the several other conditions which had been already agreed to, — and that they should forward it to him, to be delivered to the Rajah.*" And on the 20th of March following, the board did again explain the terms of the said tribute, in a letter to the Court of Directors, and did add, "that a *sunnud* [grant or patent] for his [Cheyt Sing's] zemindary should be furnished him *on these and the conditions before agreed on.*"

XIII. That during the course of the transactions aforesaid in Council, and the various assurances given to the Rajah and the Court of Directors, certain improper and fraudulent practices were used with regard to the symbols of investiture which ought to have been given, and the form of the deeds by which the said zemindary ought to have been granted. For it appears that the original deeds were signed by the board on the 4th September, 1775, and transmitted to Mr. Fowke, the Resident at the Rajah's court, and that on the 20th of November following the Court of Directors were acquainted by the said Warren Hastings and the Council that Rajah Cheyt Sing had been invested with the *sunnud* (charters or patents) for his zemindary, and the *kellaut*, (or robes of investiture,) in all the proper forms; but on the 1st of October, 1775, the Rajah did complain to the Governor-General and Council, that the *kellaut*, (or robes,) with which he was to be invested according to their order, "*is not of the same kind* as that which he received from the late Vizier on the like occasion." In consequence of the said complaint, the board did, in their letter to the Resident of the 11th of the same month, desire him "to make inquiry respecting the nature of the *kellaut*, and invest him with *one of the same sort*, on the part of this government, instead of that which they formerly described to him." And it appears highly probable that the instruments which accompanied the said robes of investiture were made in a manner conformable to the orders and directions of the board, and the conditions by them agreed to; as the Rajah, who complained of the insufficiency of the robes, did make no complaint of the insufficiency of the instruments, or of any deviation in them from those he had formerly received from the Vizier. *But a copy or duplicate of the said deeds or instruments were in some manner surreptitiously disposed of, and withheld from the records of the Company, and never were transmitted to the Court of Directors.*

XIV. That several months after the said settlement and investiture, namely, on the 15th of April, 1776, the Secretary informed the Court that he had prepared a *sunnud*, *cabbolut*, and *pottah* (that is, a patent, an agreement, and a rent-roll) for Cheyt Sing's zemindary, and the board ordered the same to be executed; but the Resident, on receiving the same, did transmit the several objections made by the Rajah thereto, and particularly to a clause in the patent, made in direct contradiction

to the engagements of the Council so solemnly and repeatedly given, by which clause the former patents *are declared to be null*. That, on the representation aforesaid, on the 29th July, the Secretary was ordered to prepare new and proper instruments, *omitting the clause declaring the former patents to be null*, and the said new patents were delivered to the Rajah; and the others, which he objected to, as well as those which had been delivered to him originally, were returned to the Presidency. But neither the first set of deeds, nor the fraudulent patent aforesaid, nor the new instruments made out on the complaint of the Rajah, omitting the exceptionable words, have been inserted in the records, although it was the particular duty of the said Warren Hastings that all transactions with the country powers should be faithfully entered, as well as to take care that all instruments transmitted to them on the faith of the Company should be honestly, candidly, and fairly executed, according to the true intent and meaning of the engagements entered into on the part of the Company, — giving by the said complicated, artificial, and fraudulent management, as well as by his said omitting to record the said material document, strong reason to presume that he did even then meditate to make some evil use of the deeds which he thus withheld from the Company, and which he did afterwards in reality make, when he found means and opportunity to effect his evil purpose.

PART II. DESIGNS OF MR. HASTINGS TO RUIN THE RAJAH OF BENARES.

I. That the tribute transferred to the Company by the treaty with the Nabob of Oude, being 250,000*l.* a year sterling, and upwards, without any deductions whatsoever, was paid monthly, with such punctual exactness as had no parallel in the Company's dealings with any of the native princes or with any subject zemindar, being the only one who never was in arrears; and according to all appearance, a perfect harmony did prevail between the Supreme Council at Calcutta and the Rajah. But though the Rajah of Benares furnished no occasion of displeasure to the board, yet it since appears that the said Warren Hastings did, at some time in the year 1777, conceive displeasure against him. In that year, he, the said Warren Hastings, retracted his own act of resignation of his office, made to the Court of Directors through his agent, Mr. Maclean, and, calling in the aid of the military to support him in his authority, brought the divisions of the government, according to his own expression, "to an extremity bordering on civil violence." This extremity he attributes, in a narrative by him transmitted to the Court of Directors, and printed, not to his own fraud and prevarication, but to what he calls "an attempt to wrest from him his authority"; and in the said narrative he pretends that the Rajah of Benares had deputed an agent with an express commission to his opponent, Sir John Clavering. This fact, if it had been true, (which is not proved,) was in no sort criminal or offensive to the Company's government, but was at first sight nothing more than a proper mark of duty and respect to the supposed succession of office. Nor is it possible to conceive in what manner it could offend the said Hastings, if he did not imagine that the express commission to which in the said narrative he refers might relate to the discovery to Sir John Clavering of some practice which he might wish to conceal, — the said Clavering, whom he styles "*his opponent*," having been engaged, in obedience to the Company's express orders, in the discovery of sundry peculations and other evil practices charged upon the said Hastings. But although, at the time of the said pretended deputation, he dissembled his resentment, it appears to have rankled in his mind, and that he never forgave it, of whatever nature it might have been (the same never having been by him explained); and some years after, he recorded it in his justification of his oppressive conduct towards the Rajah, urging the same with great virulence and asperity, as a proof or presumption of his, the said Rajah's, disaffection to the Company's government; and by his subsequent acts, he seems from the first to have resolved, when opportunity should occur, on a severe revenge.

II. That, having obtained, in his casting vote, a majority in Council on the death of Sir John Clavering and Mr. Monson, he did suddenly, and without any previous

general communication with the members of the board, by a Minute of Consultation of the 9th of July, 1778, make an extraordinary demand, namely: “That the Rajah of Benares should *consent* to the establishment of three regular battalions of sepoys, *to be raised and maintained at his own expense*”; and the said expense was estimated at between fifty and sixty thousand pounds sterling.

III. That the said requisition did suppose the *consent* of the Rajah, — the very word being inserted in the body of his, the said Warren Hastings’s, minute; and the same was agreed to, though with some doubts on the parts of two of his colleagues, Mr. Francis and Mr. Wheler, concerning the right of making the same, even worded as it was. But Mr. Francis and Mr. Wheler, soon after, finding that the Rajah was much alarmed by this departure from the treaty, the requisition aforesaid was strenuously opposed by them. The said Hastings did, notwithstanding this opposition, persevere, and by his casting vote alone did carry the said unjust and oppressive demand. The Rajah submitted, after some murmuring and remonstrance, to pay the sum required, — but on the express condition (as has been frequently asserted by him to the said Warren Hastings without any contradiction) that the exaction should continue *but for one year, and should not be drawn into precedent*. He also requested that the extraordinary demand should be paid along with the instalments of his monthly tribute: but although the said Warren Hastings did not so much as pretend that the instant payment was at all necessary, and though he was urged by his before-mentioned colleagues to moderate his proceedings, he did insist upon immediate payment of the whole; and did deliver his demand in proud and insulting language, wholly unfit for a governor of a civilized nation to use towards eminent persons in alliance with and in honorable and free dependence upon its government; and did support the same with arguments full of unwarrantable passion, and with references to reports affecting merely his own personal power and consideration, which reports were not proved, nor attempted to be proved, and, if proved, furnishing reasons insufficient for his purpose, and indecent in any public proceedings. That the said Hastings did cause the said sums of money to be rigorously exacted, although no such regular battalions as he pretended to establish, as a color for his demand on the Rajah, were then raised, or any steps taken towards raising them; and when the said Rajah pleaded his inability to pay the whole sum at once, he, the said Hastings, persevering in his said outrageous and violent demeanor, did order the Resident to wait on the Rajah forthwith, and “demand of him in person, and by writing, the full payment in specie to be made to him within five days of such demand, and to declare to him, in the name of this government, that his evading or neglecting to accomplish the payment thereof within that space of time should be deemed *equivalent to an absolute refusal*; and in case of non-compliance with this [the Resident’s] demand, *we peremptorily enjoin you to refrain from all further intercourse with him*”: the said Hastings appearing by all his

proceedings to be more disposed to bring on a quarrel with the Prince of Benares, than to provide money for any public service.

IV. That the said demand was complied with, and the whole thereof paid on the 10th of October that year. And the said Rajah did write to the said Hastings a letter, in order to mitigate and mollify him, declaring to the said Hastings that his sole reliance was on him, “and that in every instance he depended on his faith, religion, promises, and actions.” But he, the said Warren Hastings, as if the being reminded of his faith and promises were an incentive to him to violate the same, although he had agreed that his demand should not be drawn into precedent, and the payment of the fifty thousand pounds aforesaid should continue only for one year, did, the very day after he had received the letter aforesaid, renew a demand of the same nature and on the same pretence, this year even less plausible than the former, of three battalions *to be* raised. The said Rajah, on being informed of this requisition, did remind the said Warren Hastings that he engaged in the last year that but one payment should be made, and that he should not be called upon in future, and, pleading inability to discharge the new demand, declared himself in the following words to the said Warren Hastings: “I am therefore hopeful you will be kindly pleased to excuse me the five lacs now demanded, and that nothing may be demanded of me beyond the amount expressed in the pottah.”

V. That on the day after the receipt of this letter, that is, on the 28th August, 1779, he, the said Warren Hastings, made a reply to the said letter; and without any remark whatsoever on the allegation of the Rajah, stating to him his engagement, that he, the said Rajah, should not be called upon in future, he says, “I now repeat my demand, that you do, on the receipt of this, without evasion or delay, pay the five lac of rupees into the hands of Mr. Thomas Graham, who has orders to receive it from you, and, in case of your refusal, to summon the two battalions of sepoy under the command of Major Camac to Benares, that measures may be taken to oblige you to a compliance; and in this case, the whole expense of the corps, from the time of its march, will fall on you.”

VI. That the said Rajah did a second and third time represent to the said Warren Hastings that he had broke his promise, and the said Hastings did in no manner deny the same, but did, in contempt thereof, as well as of the original treaty between the Company and the Rajah, order two battalions of troops to march into his territories, and in a manner the most harsh, insulting, and despotic, as if to provoke that prince to some act of resistance, did compel him to the payment of the said second unjust demand; and did extort also the sum of two thousand pounds, on pretence of the charge of the troops employed to coerce him.

VII. That the third year, that is to say, in the year 1780, the same demand was, with the same menaces, renewed, and did, as before, produce several humble remonstrances and submissive complaints, which the said Hastings did always treat as crimes and offences of the highest order; and although in the regular subsidy or

tribute, which was monthly payable by treaty, fifty days of grace were allowed on each payment, and after the expiration of the said fifty days one quarter per cent only was provided as a penalty, he, the said Warren Hastings, on some short delay of payment of his third arbitrary and illegal demand, did presume of his own authority to impose a fine or mulct of ten thousand pounds on the said Rajah; and though it does not appear whether or no the same was actually levied, the said threat was soon after followed by an order from the said Hastings for the march of troops into the country of Benares, as in the preceding year.

VIII. That, these violent and insulting measures failing to provoke the Rajah, and he having paid up the whole demand, the said Warren Hastings, being resolved to drive him to extremities, did make on the said Rajah a sudden demand, over and above the ordinary tribute or subsidy of 260,000*l.* per annum, and over and above the 50,000*l.* extraordinary, to provide a body of cavalry for the service of the Bengal government.

IX. The demand, as expressed in the Minute of Consultation, and in the public instructions of the board to the Resident to make the requisition, is “for such part of the cavalry entertained in his service as he can spare”; and the demand is in this and in no other manner described by the Governor-General and Council in their letter to the Court of Directors. But in a Narrative of the said Warren Hastings’s, addressed to Edward Wheler, Esquire, it appears, that, upon the Rajah’s making difficulties, according to the representation of the said Hastings, relative to the said requisition, the correspondence concerning which the said Hastings hath fraudulently suppressed, he, the said Hastings, instead of adhering to the requisition of such cavalry *as the Rajah could spare*, and which was all that by the order of Council he was authorized to make, did, of his own private and arbitrary authority, in some letter which he hath suppressed, instruct the Resident, Markham, to make a peremptory demand for two thousand cavalry, which he well knew to be more than the Rajah’s finances could support, estimating the provision for the same at 96,000*l.* a year at the lowest, though the expense of the same would probably have been much more: which extravagant demand the said Hastings could only have made in hopes of provoking the Rajah to some imprudent measure or passionate remonstrance. And this arbitrary demand of cavalry was made, and peremptorily insisted on, although in the original treaty with the said Rajah it was left entirely optional whether or not he should keep up any cavalry at all, and in the Minute of Consultation it was expressly mentioned to be thus optional, and that for whatsoever cavalry he, the said Rajah, should furnish, he should be paid fifteen rupees per month for each private, and so in proportion for officers: yet the demand aforesaid was made without any offer whatsoever of providing the said payment according to treaty.

X. That the said Hastings did soon after, but upon what grounds does not appear by any Minute of Council, or from any correspondence contained in his Narrative,

reduce the demand to fifteen hundred, and afterwards to one thousand: by which he showed himself to be sensible of the extravagance of his first requisition.

XI. That, in consequence of these requisitions, as he asserts in his Narrative aforesaid, the Rajah “did offer two hundred and fifty horse, but sent none.” But the said Hastings doth not accompany his said Narrative with any voucher or document whatever; and therefore the account given by the Rajah, and delivered to the said Warren Hastings himself, inserted by the said Warren Hastings himself in his Narrative, and in no part thereof attempted to be impeached, is more worthy of credit: that is to say, —

“With respect to the horse, you desired me in your letter to inform you of what number I could afford to station with you. I sent you a particular account of all that were in my service, amounting to one thousand three hundred horse, of which several were stationed at distant places; but I received no answer to this. Mr. Markham delivered me an order to prepare a thousand horse. In compliance with your wishes I collected five hundred horse, and a substitute for the remainder, five hundred *burkundasses* [matchlock-men], of which I sent you information; and I told Mr. Markham that they were ready to go to whatever place they should be sent. No answer, however, came from you on this head, and I remained astonished at the cause of it. Repeatedly I asked Mr. Markham about an answer to my letter about the horse; but he told me that he did not know the reason of no answer having been sent. I remained astonished.”

XII. That the said Hastings is guilty of an high offence in not giving an answer to letters of such importance, and in concealing the said letters from the Court of Directors, as well as much of his correspondence with the Residents, — and more particularly in not directing to what place the cavalry and matchlock-men aforesaid should be sent, when the Rajah had declared they were ready to go to whatever service should be destined for them, and afterwards in maliciously accusing the Rajah for not having sent the same.

XIII. That, on the 3d of February, 1781, a new demand for the support of the three fictitious battalions of sepoy aforesaid was made by the said Warren Hastings; but whilst the Rajah was paying by instalments the said arbitrary demand, the said Rajah was alarmed with some intelligence of secret projects on foot for his ruin, and, being well apprised of the malicious and revengeful temper of the said Hastings, in order to pacify him, if possible, offered to redeem himself by a large ransom, to the amount of two hundred thousand pounds sterling, to be paid for the use of the Company. And it appears that the said alarm was far from groundless; for Major Palmer, one of the secret and confidential agents of the said Hastings, hath sworn, on the 4th of December, 1781, at the desire of the said Warren Hastings, before Sir Elijah Impey, to the following effect, that is to say: “That the said Warren Hastings had told him, the said Palmer, that he, the said Hastings, had rejected the offer of two hundred thousand pounds made by the Rajah of Benares for the public

service, and that he was resolved *to convert the faults committed by the Rajah into a public benefit*, and would exact the sum of five hundred thousand pounds, as a punishment for his breach of engagements with the government of Bengal, and acts of misconduct in his zemindary; and if the Rajah should absolutely refuse the demand, that he would deprive him of his zemindary, or transfer the sovereignty thereof to the Nabob of Oude.”

XIV. And Mr. Anderson, in his declaration from Sindia’s camp, of the 4th of January, 1782, did also, at the desire of Mr. Hastings, depose (though not on oath) concerning a conversation between him and the said Hastings (but mentioning neither the time nor place where the same was held); in which conversation, after reciting the allegations of the said Hastings relative to several particulars of the delay and backwardness of the Rajah in paying the aforesaid extra demand, and his resolution to exact from the Rajah “a considerable sum of money to the relief of the Company’s exigencies,” he proceeds in the following words: “That, if he [the Rajah] consented, you [the said Warren Hastings] were desirous of *establishing his possessions on the most permanent and eligible footing*; but if he refused, you had it in your power to *raise a large sum* for the Company by accepting an offer which had been made for his districts by the Vizier.” And the said Anderson, in the declaration aforesaid, made at the request of the said Hastings, and addressed to him, expressed himself as follows: “That you told me you had communicated our designs to Mr. Wheler [his only remaining colleague]; and I believe, but I do not positively recollect, you said he concurred in them.” But no trace of any such communication or concurrence did, at the time referred to, or at any time ever after, appear on the Consultations, as it ought to have done; and the said Hastings is criminal for having omitted to enter and record the proceeding. That the said Wheler did also declare, but a considerable time after the date of the conversations aforesaid, that, “on the eve of the Governor-General’s departure, the said Hastings had told him that the Rajah’s offences (not stating what offences, he having paid up all the demands, ordinary and extraordinary) *were declared* to require early punishment; and as *his wealth was great, and the Company’s exigencies pressing*, it was thought a measure of policy and of justice to exact from him a large pecuniary mulct for their relief. The sum to which the Governor declared his resolution to extend the fine was forty *or* fifty lacs; his ability to pay it was stated as a fact that could not admit of a doubt; and the two alternatives on which the Governor declared himself to have resolved were, to the best of my recollection, either a removal from his zemindary entirely, or, by taking immediate possession of all his forts, to obtain out of the treasure deposited in them the above sum for the Company.”

XV. That in the declaration of the said Wheler the time of the conversation aforesaid is stated to be on the eve of the Governor’s departure, and then said to be confidential; nor is it said or insinuated that he knew or ever heard thereof at a more early period, though it appears by Major Palmer’s affidavit that the design of taking,

not four *or* five, but absolutely five, hundred thousand pounds from the Rajah, was communicated to him as early as the month of June. And it does not appear by the declarations of the said Wheler he did ever casually or officially approve of the measure; which long concealment and late communication, time not being allowed to his colleague to consider the nature and consequences of such a project, or to advise any precaution concerning the same, is a high misdemeanor.

XVI. That the said Hastings, having formed a resolution to execute one of the three violent and arbitrary resolutions aforesaid, — namely, to sell the Company's sovereignty over Benares to the Nabob of Oude, or to dispossess the Rajah of his territories, or to seize upon his forts, and to plunder them of the treasure therein contained, to the amount of four or five hundred thousand pounds, — did reject the offer of two hundred thousand pounds, tendered by the said Rajah for his redemption from the injuries which he had discovered that the said Hastings had clandestinely meditated against him, although the sum aforesaid would have been a considerable and seasonable acquisition at that time: the said Hastings being determined, at a critical period, to risk the existence of the British empire, rather than fail in the gratification of his revenge against the said Rajah.

XVII. That the first of his three instituted projects, namely, the depriving the Rajah of his territories, was by himself considered as a measure likely to be productive of much odium to the British government: he having declared, whatever opinions he might entertain of its justice, “that it would have an appearance of *severity*, and might furnish grounds *unfavorable to the credit of our government, and to his own reputation*, from the natural influence which every *act of rigor*, exercised in the persons of men in *elevated situations*, is apt to impress on those who are too remote from the scene of action to judge, by any evidence of the facts themselves, of their motives or propriety.” And the second attempt, the sum of money which he aimed at by attacking the fortresses of the Rajah, and plundering them of the treasure supposed to be there secured, besides the obvious uncertainty of acquiring what was thus sought, would be liable to the same imputations with the former. And with regard to the third project, namely, the sale of the Company's sovereignty to the Nabob of Oude, and his having actually received proposals for the same, it was an high offence to the Company, as presuming, without their authority or consent, to put up to sale their sovereign rights, and particularly to put them up to sale to that very person against whom the independence of the said province had been declared by the Governor-General and Council to be necessary, as a barrier for the security of the other provinces, in case of a future rupture with him. It was an heinous injury to the said Rajah to attempt to change his relation without his consent, especially on account of the person to whom he was to be made over for money, by reason of the known enmity subsisting between his family and that of the Nabob, who was to be the purchaser; and it was a grievous outrage on the innocent inhabitants of the zemindary of Benares to propose putting them under a person long before

described by himself to the Court of Directors “to want the qualities of the head and heart requisite for his station”; and a letter from the British Resident at Oude, transmitted to the said Court, represents him “to have wholly lost, by his *oppressions*, the confidence and affections of his own subjects”; and whose distresses, and the known disorders in his government, he, the said Hastings, did attribute solely to his own bad conduct and evil character; admitting also, in a letter written to Edward Wheler, Esquire, and transmitted to the Court of Directors, “that many circumstances did favor suspicion of his [the said Nabob’s] fidelity to the English interest, the Nabob being surrounded by men base in their characters and improvident in their understandings, his favorites, and his companions of his looser hours. These had every cause to dread the effect of my influence on theirs; and both these, and the relations of the family, whose views of consequence and power were intercepted by our participation in the administration of his affairs, entertained a mortal hatred to our nation, and openly avowed it.” And the said Hastings was well aware, that, in case the Nabob, by him described in the manner aforesaid, on making such purchase, should continue to observe the terms of his father’s original covenants and engagements with the Rajah, and should pay the Company the only tribute which he could lawfully exact from the said Rajah, it was impossible that he could, for the mere naked and unprofitable rights of a sovereignty paramount, afford to offer so great a sum as the Rajah did offer to the said Hastings for his redemption from oppression; such an acquisition to the Nabob (while he kept his faith) could not possibly be of any advantage whatever to him; and that therefore, if a great sum was to be paid by the Nabob of Oude, it must be for the purpose of oppression and violation of public faith, to be perpetrated in the person of the said Nabob, to an extent and in a manner which the said Hastings was then apprehensive he could not justify to the Court of Directors as his own personal act.

PART III. EXPULSION OF THE RAJAH OF BENARES.

I. That the said Warren Hastings, being resolved on the ruin of the Rajah aforesaid, as a preliminary step thereto, did, against the express orders of the Court of Directors, remove Francis Fowke, Esquire, the Company's Resident at the city of Benares, without any complaint or pretence of complaint whatsoever, but merely on his own declaration that he must have as a Resident at Benares a person of his own special and personal nomination and confidence, and not a man of the Company's nomination, — and in the place of the said Francis Fowke, thus illegally divested of his office, did appoint thereto another servant of the Company of his own choice.

II. That, soon after he had removed the Company's Resident, he prepared for a journey to the upper provinces, and particularly to Benares, in order to execute the wicked and perfidious designs by him before meditated and contrived: and although he did communicate his purpose privately to such persons as he thought fit to intrust therewith, he did not enter anything on the Consultations to that purpose, or record the principles, real or pretended, on which he had resolved to act, nor did he state any guilt in the Rajah which he intended to punish, or charge him, the said Rajah, with entertaining any hostile intentions, the effects of which were to be prevented by any strong measure; but, on the contrary, he did industriously conceal his real designs from the Court of Directors, and did fallaciously enter on the Consultations a minute declaratory of purposes wholly different therefrom, and which supposed nothing more than an amicable adjustment, founded on the treaties between the Company and the Rajah, investing himself by his said minute with “full power and authority to form *such* arrangements *with* the Rajah of Benares for the *better* government and management of his zemindary, and to perform such acts for the improvement of the interest which the Company possesses in it, as he shall think *fit and consonant to the mutual engagements subsisting between the Company and the Rajah*”; and for this and other purposes he did invest himself with the whole power of the Council, giving to himself an authority as if his acts had been the acts of the Council itself: which, though a power of a dangerous, unwarrantable, and illegal extent, yet does plainly imply the following limits, namely, that the acts done should be *arranged with* the Rajah, that is, *with his consent*; and, secondly, that they should be consonant to the actual engagements between the parties; and nothing appears in the minute conferring the said power, which did express or imply any authority for depriving the Rajah of his government, or selling the sovereignty thereof to his hereditary enemy, or for the plunder of his fort-treasures.

III. That the said Warren Hastings, having formed the plans aforesaid for the ruin of the Rajah, did set out on a journey to the city of Benares with a great train, but with a very small force, not much exceeding six companies of regular black soldiers, to perpetrate some of the unjust and violent acts by him meditated and

resolved on; and the said Hastings was met, according to the usage of distinguished persons in that country, by the Rajah of Benares with a very great attendance, both in boats and on shore, which attendance he did apparently intend as a mark of honor and observance to the place and person of the said Hastings, but which the said Hastings did afterwards groundlessly and maliciously represent as an indication of a design upon his life; and the said Rajah came into the pinnace in which the said Hastings was carried, and in a lowly and suppliant manner, alone, and without any guard or attendance whatsoever, entreated his favor; and being received with great sternness and arrogance, he did put his turban in the lap of the said Hastings, thereby signifying that he abandoned his life and fortune to his disposal, and then departed, the said Hastings not apprehending, nor having any reason to apprehend, any violence whatsoever to his person.

IV. That the said Hastings, in the utmost security and freedom from apprehension, did pursue his journey, and did arrive at the city of Benares on the 14th of August, 1781, some hours before the Rajah, who, soon after his arrival, intended to pay him a visit of honor and respect at his quarters, but was by the said Hastings rudely and insolently forbid, until he should receive his permission. And the said Hastings, although he had previously determined on the ruin of the said Rajah, in order to afford some color of regularity and justice to his proceedings, did, on the day after his arrival, that is, on the 15th day of August, 1781, send to the Rajah a charge in writing, which, though informal and irregular, may be reduced to four articles, two general, and two more particular: the first of the general being, “That he [the Rajah] had, by the means of his secret agents, endeavored to excite disorders in the government on which he depended”; the second, “That he had suffered the *daily* perpetration of robberies and murders, even in the streets of Benares, to the great and public scandal of the English name.”

V. That it appears that the said Warren Hastings is guilty of an high offence, contrary to the fundamental principles of justice, in the said mode of charging misdemeanors, without any specification of person or place or time or act, or any offer of specification or proofs by which the party charged may be enabled to refute the same, in order to unjustly load his reputation, and to prejudice him with regard to the articles more clearly specified.

VI. That the two specified articles relate to certain delays: the first, with regard to the payment of the sums of money unjustly extorted as aforesaid; and the second, the non-compliance with a requisition of cavalry, — which non-compliance the said Hastings (even if the said charges had been founded) did falsely, and in contradiction to all law, affirm and maintain (in his accusation against the Rajah, and addressing himself to him) “to amount to a *direct* charge of disaffection and *infidelity* to the government on which you depend”: and further proceeded as follows: “I therefore judged it proper to state them [the said charges] thus fully to you in writing, and to *require* your answer; and this I expect *immediately*.” That the

said Hastings, stating his pretended facts to amount to a charge of the nature (as he would have it understood) of high treason, and *therefore* calling for an *immediate* answer, did wilfully act against the rules of natural justice, which requires that a convenient time should be given to answer, proportioned to the greatness of the offence alleged, and the heavy penalties which attend it; and when he did arrogate to himself a right both to charge and to judge in his own person, he ought to have allowed the Rajah full opportunity for conferring with his ministers, his doctors of law, and his accountants, on the facts charged, and on the criminality inferred in the said accusation of disloyalty and disaffection, or offences of that quality.

VII. That the said Rajah did, under the pressure of the disadvantages aforesaid, deliver in, upon the very evening of the day of the charge, a full, complete, and specific answer to the two articles therein specified; and did allege and offer proof that the whole of the extraordinary demands of the said Hastings had been actually long before paid and discharged; and did state a proper defence, with regard to the cavalry, even supposing him bound (when he was not bound) to furnish any. And the said Rajah did make a direct denial of the truth, of the two *general* articles, and did explain himself on the same in as satisfactory a manner and as fully as their nature could permit, offering to enter into immediate trial of the points in issue between him and the said Hastings, in the remarkable words following. “My enemies, with a view to my ruin, have made false representations to you. Now that, *happily for me*, you have yourself arrived at this place, you will be able to ascertain all the circumstances: first, relative to the horse; secondly, to my people going to Calcutta; and thirdly, the dates of the receipts of the particular sums above mentioned. You will then know whether I have amused you with a false representation, or made a just report to you.” And in the said answer the said Rajah complained, but in the most modest terms, of an injury to him of the most dangerous and criminal nature in transactions of such moment, namely, his not receiving any answer to his letters and petitions, and concluded in the following words. “I have never swerved in the smallest degree from my duty to you. It remains with you to decide on all these matters. I am in every case your slave. What is just I have represented to you. May your prosperity increase!”

VIII. That the said Warren Hastings was bound by the essential principles of natural justice to attend to the claim made by the Rajah to a fair and impartial trial and inquiry into the matter of accusation brought against him by the said Hastings, at a time and place which furnished all proper materials and the presence of all necessary witnesses; but the said Hastings, instead of instituting the said inquiry and granting trial, did receive an humble request for justice from a great prince as a fresh offence, and as a personal insult to himself, and did conceive a violent passion of anger and a strong resentment thereat, declaring that he did consider the said answer as not only unsatisfactory in substance, but offensive in style. “This answer you will perceive to be not only unsatisfactory in substance, but offensive in style,

and less a vindication of himself than a recrimination on me. It expresses no concern for the causes of complaint contained in my letter, or desire to atone for them, nor the smallest intention to pursue a different line of conduct. An answer couched nearly *in terms of defiance* to requisitions of so serious a nature I could not but consider as *a strong indication of that spirit of independency* which the Rajah has for some years past assumed, and of which indeed I had early observed other manifest symptoms, both before and from the instant of my arrival.” Which representation is altogether and in all parts thereof groundless and injurious; as the substance of the answer is a justification proper to be pleaded, and the style, if in anything exceptionable, it is in its extreme humility, resulting rather from an unmanly and abject spirit than from anything of an offensive liberty; but being received as disrespectful by the said Hastings, it abundantly indicates the tyrannical arrogance of the said Hastings, and the depression into which the natives are sunk under the British government.

IX. That the said Warren Hastings, pretending to have been much alarmed at the offensive language of the said Rajah’s defence, and at certain appearances of independency which he had observed, not only on former occasions, but since his arrival at Benares, (where he had been but little more than one day,) and which appearances he never has specified in any one instance, did assert that he conceived himself indispensably obliged to adopt some decisive plan; and without any farther inquiry or consultation (which appears) with any person, did, at ten o’clock of the very night on which he received the before-mentioned full and satisfactory as well as submissive answer, send an order to the British Resident (then being a public minister representing the British government at the court of the said Rajah, and as such bound by the law of nations to respect the prince at whose court he was Resident, and not to attempt anything against his person or state, and who ought not, therefore, to have been chosen by the said Hastings, and compelled to serve in that business) that he should on the next morning arrest the said prince in his palace, and keep him in his custody until further orders; which said order being conceived in the most peremptory terms, the Rajah was put under arrest, with a guard of about thirty orderly sepoy, with their swords drawn; and the particulars thereof were reported to him as follows.

“HONORABLE SIR, — I this morning, in obedience to your orders of last night, proceeded with a few of my orderlies, accompanied by Lieutenant Stalker, to Shewalla Ghaut, the present residence of Rajah Cheyt Sing, and acquainted him it was your pleasure he should consider himself in arrest; that he should order his people to behave in a quiet and orderly manner, for that any attempt *to rescue him would be attended with his own destruction. The Rajah submitted quietly to the arrest*, and assured me, that, whatever were your orders, he was ready implicitly to obey; he hoped that you would allow him a *subsistence*, but as for *his zemindary, his forts, and his treasure, he was ready to lay them at your feet, and his life, if required.* He

expressed himself much hurt at the ignominy which he affirmed must be the consequence of his confinement, and entreated me to return to you with the foregoing submission, hoping that you would make allowances for his youth and inexperience, and in consideration of his father's name release him from his confinement, as soon as he should prove the sincerity of his offers, and himself deserving of your compassion and forgiveness."

X. That a further order was given, that every servant of the Rajah's should be disarmed, and a certain number only left to attend him under a strict watch. In a quarter of an hour after this conversation, two companies of grenadier sepoys were sent to the Rajah's palace by the said Hastings; and the Rajah, being dismayed by this unexpected and unprovoked treatment, wrote two short letters or petitions to the said Hastings, under the greatest apparent dejection at the outrage and dishonor he had suffered in the eyes of his subjects, (all imprisonment of persons of rank being held in that country as a mark of indelible infamy, and he also, in all probability, considering his imprisonment as a prelude to the taking away his life,) and in the first of the said petitions he did express himself in this manner: "Whatever may be your pleasure, do it with your own hands; I am your slave. What occasion can there be for a guard?" And in the other: "My honor was bestowed upon me by your Highness. It depends on you alone to take away or not to take away the country out of my hands. In case my honor is not left to me, how shall I be equal to the business of the government? Whoever, with his hands in a supplicating posture, is ready with his life and property, what necessity can there be for him to be dealt with in this way?"

XI. That, according to the said Hastings's narrative of this transaction, he, the said Hastings, on account of the apparent despondency in which these letters were written, "thought it *necessary* to give him *some* encouragement," and therefore wrote him a note of a few lines, carelessly and haughtily expressed, and little calculated to relieve him from his uneasiness, promising to send to him a person to explain particulars, and desiring him "to set his mind at rest, and not to conceive any terror or apprehension." To which an answer of great humility and dejection was received.

XII. That the report of the Rajah's arrest did cause a great alarm in the city, in the suburbs of which the Rajah's palace is situated, and in the adjacent country. The people were filled with dismay and anger at the outrage and indignity offered to a prince under whose government they enjoyed much ease and happiness. Under these circumstances the Rajah desired leave to perform his ablutions; which was refused, unless he sent for water, and performed that ceremony on the spot. This he did. And soon after some of the people, who now began to surround the palace in considerable numbers, attempting to force their way into the palace, a British officer, commanding the guard upon the Rajah, struck one of them with his sword. The people grew more and more irritated; but a message being sent from the Rajah

to appease them, they continued, on this interposition, for a while quiet. Then the Rajah retired to a sort of stone pavilion, or bastion, to perform his devotions, the guard of sepoys attending him in this act of religion. In the mean time a person of the meanest station, called a *chubdar*, at best answering to our common beadle or tipstaff, was sent with a message (of what nature does not appear) from Mr. Hastings, or the Resident, to the prince under arrest: and this base person, without regard to the rank of the prisoner, or to his then occupation, addressed him in a rude, boisterous manner, “passionately and insultingly,” (as the said Rajah has without contradiction asserted,) “and, reviling him with a loud voice, gave both him and his people the vilest abuse”; and the manner and matter being observable and audible to the multitude, divided only by an open stone lattice from the scene within, a firing commenced from without the palace; on which the Rajah again interposed, and did what in him lay to suppress the tumult, until, an English officer striking him with a sword, and wounding him on the hand, the people no longer kept any measures, but broke through the inclosure of the palace. The insolent tipstaff was first cut down, and the multitude falling upon the sepoys and the English officers, the whole, or nearly the whole, were cut to pieces: the soldiers having been ordered to that service without any charges for their pieces. And in this tumult, the Rajah, being justly fearful of falling into the hands of the said Hastings, did make his escape over the walls of his palace, by means of a rope formed of his turban tied together, into a boat upon the river, and from thence into a place of security; abandoning many of his family to the discretion of the said Hastings, who did cause the said palace to be occupied by a company of soldiers after the flight of the Rajah.

XIII. That the Rajah, as soon as he had arrived at a place of refuge, did, on the very day of his flight, send a suppliant letter to the said Hastings, filled with expressions of concern (affirmed by the said Hastings to be slight expressions) for what had happened, and professions (said by the said Hastings to be indefinite and unapplied) of fidelity: but the said Warren Hastings, though bound by his duty to hear the said Rajah, and to prevent extremities, if possible, being filled with insolence and malice, did not think it “*becoming* of him to make any reply to it; and that he *thought* he ordered the bearer of the letter to be told that *it required none*.”

XIV. That this letter of submission having been received, the said Rajah, not discouraged or provoked from using every attempt towards peace and reconciliation, did again apply, on the very morning following, to Richard Johnson, Esquire, for his interposition, but to no purpose; and did likewise, with as little effect, send a message to Cantoo Baboo, native steward and confidential agent of the said Hastings, which was afterwards reduced into writing, “to exculpate himself from any concern in what had passed, and to profess his obedience to his *will* [Hastings’s] *in whatever* way he should dictate.” But the said Hastings, for several false and contradictory reasons by him assigned, did not take any advantage of the

said opening, attributing the same to artifice in order to gain time; but instead of accepting the said submissions, he did resolve upon flight from the city of Benares, and did suddenly fly therefrom in great confusion.

XV. That the said Hastings did persevere in his resolutions not to listen to any submission or offer of accommodation whatsoever, though several were afterwards made through almost every person who might be supposed to have influence with him, but did cause the Rajah's troops to be attacked and fallen upon, though they only acted on the defensive, (as the Rajah has without contradiction asserted,) and thereby, and by his preceding refusal of propositions of the same nature, and by other his perfidious, unjust, and tyrannical acts by him perpetrated and done, and by his total improvidence in not taking any one rational security whatsoever against the inevitable consequences of those acts, did make himself guilty of all the mutual slaughter and devastation which ensued, as well as, in his opinion, of the imminent danger of the total subversion of the British power in India by the risk of his own person, which he asserts that it did run, — as also “that it ought not to be thought that he attributed too much consequence to his personal safety, when he supposed *the fate of the British empire in India connected with it*, and that, mean as its substance may be, its accidental qualities were equivalent to those which, like the characters of a talisman in the Arabian mythology, formed the *essence* of the state itself, representation, title, and the *estimate* of the public opinion; that, had he fallen, such a stroke would be universally considered as decisive of the national fate; every state round it would have started into arms against it, and *every subject of its own dominion would, according to their several abilities, have become its enemy*”: and that he knew and has declared, that, though the said stroke was not struck, that great convulsions did actually ensue from his proceedings, “that half the province of Oude was in a state of as complete rebellion as that of Benares,” and that invasions, tumults, and insurrections were occasioned thereby in various other parts.

XVI. That the said Warren Hastings, after he had collected his forces from all parts, did, with little difficulty or bloodshed, subsequent to that time, on the part of his troops, and in a few days, entirely reduce the said province of Benares; and did, after the said short and little resisted hostility, in cold blood, issue an order for burning a certain town, in which he accused the people at large of having killed, “upon what provocation he knows not,” certain wounded sepoys, who were prisoners: which order, being *generally* given, when it was his duty to have made some inquiry concerning the particular offenders, but which he did never make, or cause to be made, was cruel, inhuman, and tended to the destruction of the revenues of the Company; and that this, and other acts of devastation, did cause the loss of two months of the collections.

XVII. That the said Warren Hastings did not only refuse the submissions of the said Rajah, which were frequently repeated through various persons after he had left Benares, and even after the defeat of certain of the Company's forces, but did

proscribe and except him from the pardons which he issued after he had satisfied his vengeance on the province of Benares.

XVIII. That the said Warren Hastings did send to a certain castle, called Bidzigur, the residence of a person of high rank, called Panna, the mother of the Rajah of Benares, with whom his wife, a woman described by the said Hastings “to be of an amiable character,” and all the other women of the Rajah’s family, and the survivors of the family of his father, Bulwant Sing, did then reside, a body of troops to dispossess them of her said residence, and to seize upon her money and effects, although she did not stand, even by himself, accused of any offence whatsoever, — pretending, but not proving, and not attempting to prove, then nor since, that the treasures therein contained were the property of the Rajah, and not her own; and did, in order to stimulate the British soldiery to rapine and outrage, issue to them several barbarous orders, contrary to the practice of civilized nations, relative to their property, movable and immovable, attended with unworthy and unbecoming menaces, highly offensive to the manners of the East and the particular respect there paid to the female sex, — which letters and orders, as well as the letters which he had received from the officers concerned, the said Hastings did unlawfully suppress, until forced by the disputes between him and the said officers to discover the same: and the said orders are as follow.

“I am this instant favored with yours of yesterday. Mine of the same date [22d October, 1781] has before this time acquainted you with my resolutions and sentiments respecting the Rannee [the mother of the Rajah Cheyt Sing]. I think every demand she has made to you, except that of safety and respect for her person, is unreasonable. If the reports brought to me are true, *your rejecting her offers, or any negotiations with her*, would soon obtain you possession of the fort upon your own terms. I apprehend that she will contrive *to defraud the captors of a considerable part of the booty by being suffered to retire without examination. But this is your consideration, and not mine. I should be very sorry that your officers and soldiers lost ANY PART* of the reward to which they are so well entitled; but I cannot make any objection, as you must be the best judge of the expediency of the promised indulgence to the Rannee. What you have engaged for I will certainly ratify; but as to permitting the Rannee to hold the purgunnah of Hurluk, or any other in the zemindary, without being subject to the authority of the zemindar, or any lands whatever, or indeed making any conditions with her for a provision, I will never consent to it.” And in another letter to the same person, dated Benares, 3d of November, 1781, in which he, the said Hastings, consents that the said woman of distinction should be allowed to evacuate the place and to receive protection, he did express himself as follows. “I am willing to grant her now the same conditions to which I at first consented, provided that she delivers into your possession, within twenty-four hours from the time of receiving your message, the fort of Bidzigur, with the treasure and effects lodged therein by Cheyt Sing or any of his adherents,

with the reserve only, as above mentioned, of such articles as you shall think necessary to her sex and condition, or as you shall be disposed of yourself to indulge her with. If she complies, as I expect she will, it will be your part to secure the fort and the property it contains for the benefit of yourself and detachment. I have only further to request that you will grant an escort, if Panna should require it, to conduct her here, or wherever she may choose to retire to. But should she refuse to execute the promise she has made, or delay it beyond the term of twenty-four hours, it is my positive injunction that you immediately put a stop to any further intercourse or negotiation with her, and on no pretext renew it. If she disappoints or trifles with me, after I have subjected my duan to the disgrace of returning ineffectually, and of course myself to discredit, I shall consider it as a wanton affront and indignity which I can never forgive, nor will I grant her any conditions whatever, but leave her exposed to those dangers which she has chosen to risk rather than trust to the clemency and generosity of our government. I think she cannot be ignorant of these consequences, and will not venture to incur them; and it is for this reason I place a dependence on her offers, and have consented to send my duan to her.”

XIX. That the castle aforesaid being surrendered upon terms of safety, and on express condition of not attempting to search their persons, the woman of rank aforesaid, her female relations and female dependants, to the number of three hundred, besides children, evacuated the said castle; but the spirit of rapacity being excited by the letters and other proceedings of the said Hastings, the capitulation was shamefully and outrageously broken, and, in despite of the endeavors of the commanding officer, the said woman of high condition, and her female dependants, friends, and servants, were plundered of the effects they carried with them, and which were reserved to them in the capitulation of their fortress, and in their persons were otherwise rudely and inhumanly dealt with by the licentious followers of the camp: for which outrages, represented to the said Hastings with great concern by the commanding officer, Major Popham, he, the said Hastings, did afterwards recommend a late and fruitless redress.

XX. That the Governor-General, Warren Hastings, in exciting the hopes of the military by declaring them *well entitled to the plunder* of the fortress aforesaid, the residence of the mother and other women of the Rajah of Benares, and by wishing the troops to secure the same for their own benefit, did advise and act in direct contradiction to the orders of the Court of Directors, and to his own opinion of his public duty, as well as to the truth and reality thereof, — he having some years before entered in writing the declaration which follows.

“The very idea of *prize-money* suggests to my remembrance *the former disorders which arose in our army from this source, and had almost proved fatal to it*. Of this circumstance you must be sufficiently apprised, and of the necessity for discouraging every expectation of this kind amongst the troops. *It is to be avoided*

like poison. The bad effects of a similar measure were but too plainly felt in a former period, and our honorable masters did not fail on that occasion to reprobate with their censure, in the most severe terms, a practice which they regarded as the source of infinite evils, and which, if established, would in their judgment necessarily bring corruption and ruin on their army.”

XXI. That the said Hastings, after he had given the license aforesaid, and that in consequence thereof the booty found in the castle, to the amount of 23,27,813 current rupees, was distributed among the soldiers employed in its reduction, the said Hastings did retract his declaration of right, and his permission to the soldiers to appropriate to themselves the plunder, and endeavored, by various devices and artifices, to explain the same away, and to recover the spoil aforesaid for the use of the Company; and wholly failing in his attempts to resume by a breach of faith with the soldiers what he had unlawfully disposed of by a breach of duty to his constituents, he attempted to obtain the same as a loan, in which attempt he also failed; and the aforesaid money being the only part of the treasures belonging to the Rajah, or any of his family, that had been found, he was altogether frustrated in the acquisition of every part of that dishonorable object which alone he pretended to, and pursued through a long series of acts of injustice, inhumanity, oppression, violence, and bloodshed, at the hazard of his person and reputation, and, in his own opinion, at the risk of the total subversion of the British empire.

XXI. That the said Warren Hastings, after the commission of the offences aforesaid, being well aware that he should be called to an account for the same, did, by the evil counsel and agency of Sir Elijah Impey, Knight, his Majesty’s chief-justice, who was then out of the limits of his jurisdiction, cause to be taken at Benares, before or by the said Sir Elijah Impey, and through the intervention, not of the Company’s interpreter, but of a certain private interpreter of his, the said Hastings’s, own appointment, and a dependant on him, called Major Davy, several declarations and depositions by natives of Hindostan, — and did also cause to be taken before the said Sir Elijah Impey several attestations in English, made by British subjects, and which were afterwards transmitted to Calcutta, and laid before the Council-General, — some of which depositions were upon oath, some upon honor, and others neither upon *oath* nor *honor*, but all or most of which were of an irregular and irrelevant nature, and not fit or decent to be taken by a British magistrate, or to be transmitted to a British government.

XXIII. That one of the said attestations (but not on oath) was made by a principal minister of the Nabob of Oude, to whom the said Hastings had some time before proposed to sell the sovereignty of that very territory of Benares; and that one other attestation (not upon oath) was made by a native woman of distinction, whose son he, the said Hastings, did actually promote to the government of Benares, vacated by the unjust expulsion of the Rajah aforesaid, and who in her deposition did

declare that she considered the expelled Rajah as her enemy, and that he never did confer with her, or suffer her to be acquainted with any of his designs.

XXIV. That, besides the depositions of persons interested in the ruin of the Rajah, others were made by persons who then received pensions from him, the said Hastings; and several of the affidavits were made by persons of mean condition, and so wholly illiterate as not to be able to write their names.

XXV. That he, the said Hastings, did also cause to be examined by various proofs and essays, the result of which was delivered in upon honor, the quality of certain military stores taken by the British troops from the said Rajah of Benares; and upon the report that the same were of a good quality, and executed by persons conversant in the making of good military stores, although the cannon was stated by the same authority to be bad, he, the said Warren Hastings, from the report aforesaid, did maliciously, and contrary to the principles of natural and legal reason, infer that the insurrection which had been raised by his own violence and oppression, and rendered for a time successful by his own improvidence, was the consequence of a premeditated design to overturn the British empire in India, and to exterminate therefrom the British nation; which design, if it had been true, the said Hastings might have known, or rationally conjectured, and ought to have provided against. And if the said Hastings had received any credible information of such design, it was his duty to lay the same before the Council Board, and to state the same to the Rajah, when he was in a condition to have given an answer thereto or to observe thereon, and not, after he had proscribed and driven him from his dominions, to have inquired into offences to justify the previous infliction of punishment.

XXVI. That it does not appear, that, in taking the said depositions, there was any person present on the part of the Rajah to object to the competence or credibility or relevancy of any of the said affidavits or other attestations, or to account, otherwise than as the said deponents did account, for any of the facts therein stated; nor were any copies thereof sent to the said Rajah, although the Company had a minister at the place of his residence, namely, in the camp of the Mahratta chief Sindia, so as to enable him to transmit to the Company any matters which might induce or enable them to do justice to the injured prince aforesaid. And it does not appear that the said Hastings has ever produced any witness, letter, or other document, tending to prove that the said Rajah ever did carry on any hostile negotiation whatever with any of those powers with whom he was charged with a conspiracy against the Company, previous to the period of the said Hastings's having arrested him in his palace, although he, the said Hastings, had various agents at the courts of all those princes, — and that a late principal agent and near relation of a minister of one them, the Rajah of Berar, called Benaram Pundit, was, at the time of the tumult at Benares, actually with the said Hastings, and the said Benaram Pundit was by him highly applauded for his zeal and fidelity, and was therefore by him rewarded

with a large pension on those very revenues which he had taken from the Rajah Cheyt Sing, and if such a conspiracy had previously existed, the Mahratta minister aforesaid must have known, and would have attested it.

XXVII. That it appears that the said Warren Hastings, at the time that he formed his design of seizing upon the treasures of the Rajah of Benares, and of deposing him, did not believe him guilty of that premeditated project for driving the English out of India with which he afterwards thought fit to charge him, or that he was really guilty of any other great offence: because he has caused it to be deposed, that, if the said Rajah should pay the sum of money by him exacted, “he would settle his zemindary upon him on the most eligible footing”; whereas, if he had conceived him to have entertained traitorous designs against the Company, from whom he held his tributary estate, or had been otherwise guilty of such enormous offences as to make it necessary to take extraordinary methods for coercing him, it would not have been proper for him to settle upon such a traitor and criminal the zemindary of Benares, or any other territory, upon the most eligible, or upon any other footing whatever: whereby the said Hastings has by his own stating demonstrated that the money intended to have been exacted was not as a punishment for crimes, but that the crimes were pretended for the purpose of exacting money.

XXVIII. That the said Warren Hastings, in order to justify the acts of violence aforesaid to the Court of Directors, did assert certain false facts, known by him to be such, and did draw from them certain false and dangerous inferences, utterly subversive of the rights of the princes and subjects dependent on the British nation in India, contrary to the principles of all just government, and highly dishonorable to that of Great Britain: namely, that the “Rajah of Benares was not a vassal or tributary prince, and that the deeds which passed between him and the board, upon the transfer of the zemindary in 1775, were not to be understood to bear the quality and force of a treaty upon optional conditions between equal states; that the payments to be made by him were not a tribute, but a rent; and that the instruments by which his territories were conveyed to him did not differ from common grants to zemindars who were merely subjects; but that, being nothing more than a common zemindar and mere subject, and the Company holding the acknowledged rights of his former sovereign, held an absolute authority over him; that, in the known relations of zemindar to the sovereign authority, or power delegated by it, he owed a personal allegiance and an implicit and unreserved obedience to that authority, at the forfeiture of his zemindary, and even of his life and property.” Whereas the said Hastings did well know, that, whether the payments from the Rajah were called *rent* or *tribute*, having been frequently by himself called the one and the other, and that of whatever nature the instruments by which he held might have been, he did not consider him as a common zemindar or landholder, but as far independent as a tributary prince could be: for he did assign as a reason for receiving his rent rather within the Company’s province than in his own capital, that it would not “frustrate

the intention of rendering the Rajah *independent*; that, if a Resident was appointed to receive the money as it became due at Benares, such a Resident would unavoidably acquire an influence over the Rajah, and over his country, which would in effect render him the master of both; that this consequence might not, perhaps, be brought completely to pass without a struggle, and many appeals to the Council, which, in a government constituted like this, cannot fail to terminate against the Rajah, and, by the construction to which his opposition to the agent would be liable, might eventually draw on him severe restrictions, and end *in reducing him to the mean and depraved state of a zemindar.*”

XXIX. And the said Hastings, in the said Minute of Consultation, having enumerated the frauds, embezzlements, and oppressions which would ensue from the Rajah’s being in the dependent state aforesaid, and having obviated all apprehensions from giving to him the implied symbols of dominion, did assert, “that, without such appearance, he would expect from every change of government additional demands to be made upon him, and would of course descend to all the arts of intrigue and concealment practised by other dependent Rajahs, which would keep him indigent and weak, and eventually prove hurtful to the Company; but that, by proper encouragement and protection, he might prove a profitable dependant, an useful barrier, and even a powerful ally to the Company; but that he would be neither, if the conditions of his connection with the Company were left open to future variations.”

XXX. That, if the fact had been true that the Rajah of Benares was merely an eminent landholder or any other subject, the wicked and dangerous doctrine aforesaid, namely, that he owed a personal allegiance and an implicit and unreserved obedience to the sovereign authority, at the forfeiture of his zemindary, and even of his life and property, at the discretion of those who held or fully represented the sovereign authority, doth leave security neither for life nor property to any persons residing under the Company’s protection; and that no such powers, nor any powers of that nature, had been delegated to the said Warren Hastings by any provisions of the act of Parliament appointing a Governor-General and Council at Fort William in Bengal.

XXXI. That the said Warren Hastings did also advance another dangerous and pernicious principle in justification of his violent, arbitrary, and iniquitous actings aforesaid: namely, “that, if he had acted with an unwarrantable rigor, and even injustice, towards Cheyt Sing, yet, first, if he did *believe* that extraordinary means were necessary, and those exerted with a strong hand, to preserve the Company’s interests from sinking under the accumulated weight that oppressed them, or, secondly, if he saw a *political necessity* for curbing the *overgrown* power of a great member of their dominion, and to make it contribute to the relief of their pressing exigencies, that his error would be excusable, as prompted by an excess of zeal for their [the Company’s] interest, operating with too strong a bias on his judgment; but

that much stronger is the presumption, that such acts are founded on just principles than that they are the result of a misguided judgment.” That the said doctrines are, in both the members thereof, subversive of all the principles of just government, by empowering a governor with delegated authority, in the first case, on his own private *belief* concerning the necessities of the state, not to levy an impartial and equal rate of taxation suitable to the circumstances of the several members of the community, but to select any individual from the same as an object of arbitrary and unmeasured imposition, — and, in the second case, enabling the same governor, on the same arbitrary principles, to determine whose property should be considered as overgrown, and to reduce the same at his pleasure.

PART IV. SECOND REVOLUTION IN BENARES.

That the said Warren Hastings, after he had, in the manner aforesaid, unjustly and violently expelled the Rajah Cheyt Sing, the lord or zemindar of Benares, from his said lordship or zemindary, did, of his own mere usurped authority, and without any communication with the other members of the Council of Calcutta, appoint another person, of the name of Mehip Narrain, a descendant by the mother from the late Rajah, Bulwant Sing, to the government of Benares; and on account or pretence of his youth and inexperience (the said Mehip Narrain not being above twenty years old) did appoint his father, Durbege Sing, to act as his representative or administrator of his affairs; but did give a controlling authority to the British Resident over both, notwithstanding his declarations before mentioned of the mischiefs likely to happen to the said country from the establishment of a Resident, and his opinion since declared in a letter to the Court of Directors, dated from this very place (Benares) the 1st of October, 1784, to the same or stronger effect, in case “agents are sent into the country, and armed with authority for the purposes of vengeance and corruption, — *for to no other will they be applied.*”

That the said Warren Hastings did, by the same usurped authority, entirely set aside all the agreements made between the late Rajah and the Company (which were real agreements with the state of Benares, in the person of the lord or prince thereof, and his heirs); and without any form of trial, inquisition, or other legal process, for forfeiture of the privileges of the people to be governed by magistrates of their own, and according to their natural laws, customs, and usages, did, contrary to the said agreement, separate the mint and the criminal justice from the said government, and did vest the mint in the British Resident, and the criminal justice in a Mahomedan native of his own appointment; and did enhance the tribute to be paid from the province, from two hundred and fifty thousand pounds annually, limited by treaty, or thereabouts, to three hundred and thirty thousand pounds for the first year, and to four hundred thousand for every year after; and did compel the administrator aforesaid (father to the Rajah) to agree to the same; and did, by the same usurped authority, illegally impose, and cause to be levied, sundry injudicious and oppressive duties on goods and merchandise, which did greatly impair the trade of the province, and threaten the utter ruin thereof; and did charge several pensions on the said revenues, of his own mere authority; and did send and keep up various bodies of the Company’s troops in the said country; and did perform sundry other acts with regard to the said territory, in total subversion of the rights of the sovereign and the people, and in violation of the treaties and agreements aforesaid.

That the said Warren Hastings, being absent, on account of ill health, from the Presidency of Calcutta, at a place called Nia Serai, about forty miles distant therefrom, did carry on a secret correspondence with the Resident at Benares, and,

under color that the instalments for the new rent or tribute were in arrear, did of his own authority make, in about one year, a second revolution in the government of the territory aforesaid, and did order and direct that Durbege Sing aforesaid, father of the Rajah, and administrator of his authority, should be deprived of his office and of his lands, and thrown into prison, and did threaten him with death: although he, the said Warren Hastings, had, at the time of the making his new arrangement, declared himself sensible that the rent aforesaid might require abatement; although he was well apprised that the administrator had been for two months of his administration in a weak and languid state of body, and wholly incapable of attending to the business of the collections; though a considerable drought had prevailed in the said province, and did consequently affect the regularity and produce of the collections; and though he had other sufficient reason to believe that the said administrator had not himself received from the collectors of government and the cultivators of the soil the rent in arrear: yet he, the said Warren Hastings, without any known process, or recording any answer, defence, plea, exculpation, or apology from the party, or recording any other grounds of rigor against him, except the following paragraph of a letter from the Resident, not only gave the order as aforesaid, but did afterwards, without laying any other or better ground before the Council-General, persuade them to, and did procure from them, a confirmation of the aforesaid cruel and illegal proceedings, the correspondence concerning which had not been before communicated: he pleading his illness for not communicating the same, though that illness did not prevent him from carrying on correspondence concerning the deposition of the said administrator, and other important affairs in various places.

That in the letter to the Council requiring the confirmation of his acts aforesaid the said Warren Hastings did not only propose the confinement of the said administrator at Benares, although by his imprisonment he must have been in a great measure disabled from recovering the balances due to him, and for the non-payment of which he was thus imprisoned, but did propose, as an alternative, his imprisonment at a remote fortress, out of the said territory, and in the Company's provinces, called Chunar: desiring them to direct the Resident at Benares "to exact from Baboo Durbege Sing every rupee of the collections which it shall appear that he has made and not brought to account, and either to confine him at Benares, or to send him a prisoner to Chunar, and to keep him in confinement until he shall have discharged the whole of the amount due from him." And the said Warren Hastings did assign motives of passion and personal resentment for the said unjust and rigorous proceedings, as follows: "I feel myself, and may be allowed on such an occasion to acknowledge it, personally hurt at the ingratitude of this man, and at the discredit which his ill conduct has thrown on my appointment of him. He has deceived me; he has offended against the government which I then represented." And as a further reason for depriving him of his jaghire, (or salary out of land,) he

did insinuate in the said letter, but without giving or offering any proof, “that the said Rajah had been guilty of *little and mean peculations*, although the appointments assigned to him had been sufficient to free him from the temptations thereto.”

That it appears, as it might naturally have been expected, that the wife of the said administrator, the daughter of Bulwant Sing, the late Rajah of Benares, and her son, the reigning Rajah, did oppose to the best of their power, but by what remonstrances or upon what plea the said Warren Hastings did never inform the Court of Directors, the deposition, imprisonment, and confiscation of the estates of the husband of the one and the father of the other; but that the said Hastings, persisting in his malice, did declare to the said Council as follows: “The opposition made by the Rajah and the old Rannee, both equally incapable of judging for *themselves*, does certainly originate from some secret influence, which ought to be checked by a decided and peremptory declaration of the authority of the board, and a denunciation of their displeasure at *their presumption*.”

That the said Warren Hastings, not satisfied with the injuries done and the insults and disgraces offered to the family aforesaid, did, in a manner unparalleled, except by an act of his own on another occasion, fraudulently and inhumanly endeavor to make the wife and son of the said administrator, contrary to the sentiments and the law of Nature, the instruments of his oppressions: directing, “that, if they” (the mother and son aforesaid) “could be *induced* to yield *the appearance of a cheerful acquiescence* in the new arrangement, and to adopt it as *a measure formed with their participation*, it would be better than that it should be done by a declared act of compulsion; but that at all events it ought to be done.”

That, in consequence of the pressing declarations aforesaid, the said Warren Hastings did on his special recommendation appoint, in opposition to the wishes and desires of the Rajah and his mother, another person to the administration of his affairs, called Jagher Deo Seo.

That, the Company having sent express orders for the sending the Resident by them before appointed to Benares, the said Warren Hastings did strongly oppose himself to the same, and did throw upon the person appointed by the Company (Francis Fowke, Esquire) several strong, but unspecified, reflections and aspersions, contrary to the duty he owed to the Company, and to the justice he owed to all its servants.

That the said Resident, being appointed by the votes of the rest of the Council, in obedience to the reiterated orders of the Company, and in despite of the opposition of the said Hastings, did proceed to Benares, and, on the representation of the parties, and the submission of the accounts of the aforesaid Durbege Sing to an arbitrator, did find him, the said Durbege Sing, in debt to the Company for a sum not considerable enough to justify the severe treatment of the said Durbege Sing: his wife and son complaining, at or about the same time, that the balances due to him from the *aumils*, or sub-collectors, had been received by the new administrator,

and carried to his own credit, in prejudice and wrong to the said Durbege Sing; which representation, the only one that has been transmitted on the part of the said sufferers, has not been contradicted.

That it appears that the said Durbege Sing did afterwards go to Calcutta for the redress of his grievances, and that it does not appear that the same were redressed, or even his complaints heard, but he received two peremptory orders from the Supreme Council to leave the said city and to return to Benares; that, on his return to Benares, and being there met by Warren Hastings aforesaid, he, the said Warren Hastings, although he had reason to be well assured that the said Durbege Sing was in possession of small or no substance, did again cruelly and inhumanly, and without any legal authority, order the said Durbege Sing to be strictly imprisoned; and the said Durbege Sing, in consequence of the vexations, hardships, and oppressions aforesaid, died in a short time after, insolvent, but whether in prison or not does not appear.

PART V. THIRD REVOLUTION IN BENARES.

That the said Warren Hastings, having, in the manner before recited, divested Durbege Sing of the administration of the province of Benares, did, of his own arbitrary will and pleasure, and against the remonstrances of the Rajah and his mother, (in whose name and in whose right the said Durbege Sing, father of the one, and husband of the other, had administered the affairs of the government,) appoint a person called Jagher Deo Seo to administer the same.

That the new administrator, warned by the severe example made of his predecessor, is represented by the said Warren Hastings as having made it his “avowed principle” (as it might be expected it should be) “that the sum fixed for the revenue *must* be collected.” And he did, upon the principle aforesaid, and by the means suggested by a principle of that sort, accordingly levy from the country, and did regularly discharge to the British Resident at Benares, by monthly payments, the sums imposed by the said Warren Hastings, as it is asserted by the Resident, Fowke; but the said Warren Hastings did assert that his annual collections did not amount to more than Lac 37,37,600, or thereabouts, which he says is much short of the revenues of the province, and is by about twenty-four thousand pounds short of his agreement.

That it further appears, that, notwithstanding the new administrator aforesaid was appointed two months, or thereabouts, after the beginning of the Fusseli year, that is to say, about the middle of November, 1782, and the former administrator had collected a certain portion of the revenues of that year, amounting to 17,000*l.* and upwards, yet he, the said new administrator, upon the unjust and destructive principle aforesaid, suggested by the cruel and violent proceedings of the said Warren Hastings towards his predecessor, did levy on the province, within the said year, the whole amount of the revenues to be collected, in addition to the sum collected by his predecessor aforesaid.

That, on account of a great drought which prevailed in the province aforesaid, a remission of certain duties in grain was proposed by the chief criminal judge at Benares; but the administrator aforesaid, being fearful that the revenue should fall short in his hands, did strenuously oppose himself to the necessary relief to the inhabitants of the said city.

That, notwithstanding the cantonment of several bodies of the Company’s troops within the province, since the abolition of the native government, it became subject in a particular manner to the depredations of the Rajahs upon the borders; insomuch that in one quarter no fewer than thirty villages had been sacked and burned, and the inhabitants reduced to the most extreme distress.

That the Resident, in his letter to the board at Calcutta, did represent that the collection of the revenue was become very difficult, and, besides the extreme

drought, did assign for a cause of that difficulty the following. "That there is also one fund which in former years was often applied in this country to remedy temporary inconveniences in the revenue, and which in the present year does not exist. This was the private fortunes of merchants and *shroffs* [bankers] resident in Benares, from whom *aumils* [collectors] of credit could obtain temporary loans to satisfy the immediate calls of the Rajah. These sums, which used to circulate between the aumil and the merchant, have been turned into a different channel, by bills of exchange to defray the expenses of government, both on the west coast of India, and also at Madras." To which representation it does not appear that any answer was given, or that any mode of redress was adopted in consequence thereof.

That the said Warren Hastings, having passed through the province of Benares (Gazipore) in his progress towards Oude, did, in a letter dated from the city of Lucknow, the 2d of April, 1784, give to the Council Board at Calcutta an account, highly dishonorable to the British government, of the effect of the arrangements made by himself in the years 1781 and 1782, in the words following. "Having contrived, by making forced stages, while the troops of my escort marched at the ordinary rate, to make a stay of five days at Benares, I was thereby furnished with the means of acquiring some knowledge of the state of the province, which I am anxious to communicate to you. Indeed, the inquiry, which was *in a great degree obtruded upon me*, affected me with very mortifying reflections on my inability to apply it to any useful purpose. From the confines of Buxar to Benares I was followed and *fatigued* by the clamors of the discontented inhabitants. It was what I expected in a degree, because it is rare that the exercise of authority should prove satisfactory to all who are the objects of it. The distresses which were produced by the long-continued drought unavoidably tended to heighten the general discontent; *yet I have reason to fear that the cause existed principally in a defective, if not a corrupt and oppressive administration*. Of a multitude of petitions which were presented to me, and of which I took minutes, every one that did not relate to a personal grievance contained the representation of one and the same species of oppression, which is in its nature of an influence most fatal to the future cultivation. The practice to which I allude is this. It is affirmed that the aumils and renters exact from the proprietors of the actual harvest a large increase in kind on their stipulated rent: that is, from those who hold their *pottah* by the tenure of paying *one half* of the produce of their crops, either *the whole* without subterfuge, or a *large* proportion of it by a *false measurement* or other pretexts; and from those whose engagements are for a fixed rent *in money*, the half, or a greater proportion, is taken *in kind*. This is in effect a tax upon the industry of the inhabitants: since there is scarce a field of grain in the province, *I might say not one*, which has not been preserved by the incessant labor of the cultivator, by digging wells for their supply, or watering them from the wells of masonry with which their country abounds, or from the neighboring tanks, rivers, and nullahs. The people who imposed on

themselves this voluntary and extraordinary labor, and not unattended with expense, did it on the expectation of reaping the profits of it; and it is certain they would not have done it, if they had known that their rulers, *from whom they were entitled to an indemnification*, would take from them what they had so hardly earned. If the same administration continues, and the country shall again labor under a want of rain, *every field will be abandoned, the revenue fail, and thousands perish through want of subsistence*: for who will labor for the *sole* benefit of others, and to make himself the subject of exaction? These practices are to be imputed to the Naib himself” (the administrator forced by the said Warren Hastings on the present Rajah of Benares). “The avowed principle on which he acts, and which he acknowledged to myself, is, that the *whole* sum fixed for the revenue of the province *must* be collected, — and that, for this purpose, the deficiency arising in places where the crops have failed, or which have been left uncultivated, must be supplied from the resources of others, where the soil has been better suited to the season, or the industry of the cultivators hath been more successfully exerted: a principle which, however specious and plausible it may at first appear, *certainly tends to the most pernicious and destructive consequences*. If this declaration of the Naib had been made only to myself, I might have doubted my construction of it; but it was repeated by him to Mr. Anderson, who understood it exactly in the same sense. In the management of the customs, the conduct of the Naib, or of the officer under him, was forced also upon my attention. *The exorbitant rates exacted by an arbitrary valuation of the goods*, the practice of exacting duties *twice* on the same goods, (first from the seller, and afterwards from the buyer,) and the vexations, disputes, and delays drawn on the merchants by these oppressions, were loudly complained of; and some instances of this kind were said to exist at the very time I was at Benares. Under such circumstances, we are not to wonder, if the merchants of foreign countries are discouraged from resorting to Benares, and if the commerce of that province should annually decay. *Other* evils, or imputed evils, have accidentally come to my knowledge, which I will not now particularize, as I hope, that, with the assistance of the Resident, they may be *in part* corrected. One evil I must mention, because it has been verified by my own observation, and is of that kind which reflects an unmerited reproach on our general and national character. When I was at Buxar, the Resident, at my desire, enjoined the Naib to appoint creditable people to every town through which our route lay, to persuade and encourage the inhabitants to remain in their houses, promising to give them guards as I approached, and they required it for their protection; and that he might perceive how earnest I was for his observation of this precaution, I repeated it to him in person, and dismissed him that he might precede me for that purpose. But, to my great disappointment, *I found every place through which I passed abandoned; nor had there been a man left in any of them for their protection*. I am sorry to add, *that, from Buxar to the opposite boundary, I have seen nothing but traces of complete devastation in every village: whether caused by the followers of*

the troops which have lately passed, for their natural relief, (and I know not whether my own may not have had their share,) or from the apprehensions of the inhabitants left to themselves, and of themselves deserting their houses. I wish to acquit my own countrymen of the blame of these unfavorable appearances, and in my own heart I do acquit them; for at one encampment a crowd of people came to me complaining that their new aumil (collector), on the approach of any military detachment, himself first fled from the place; and the inhabitants, having no one to whom they could apply for redress, or for the representation of their grievances, and being thus remediless, fled also; so that their houses and effects became a prey to any person who chose to plunder them. The general conclusion appeared to me an inevitable consequence from such a state of facts; and my own senses bore testimony to it in this specific instance: nor do I know how it is possible for any officer commanding a military party, how attentive soever he may be to the discipline and forbearance of his people, to prevent disorders, when there is neither opposition to hinder nor evidence to detect them. These and many other irregularities I impute solely to the Naib, and recommend his instant removal. I cannot help remarking, that, except the city of Benares, the province is in effect without a government. The administration of the province is misconducted, and the people oppressed, trade discouraged, and the revenue in danger of a rapid decline, from the violent appropriation of its means."

That the said Warren Hastings did recommend to the Council, for a remedy of the disorders and calamities which had arisen from his own acts, dispositions, and appointments, that the administrator aforesaid should be instantly removed from his office, — attributing the aforesaid "irregularities, and many others, solely to him," although, on his own representation, it does appear that he was the sole cause of the irregularities therein described. Neither does it appear that the administrator, so by the said Hastings nominated and removed, was properly charged and called to answer for the said recited irregularities, or for the *many others* not recited, but *attributed solely* to him; nor has any plea or excuse from him been transmitted to the board, or to the Court of Directors; but he was, at the instance of the said Hastings, deprived of his said office, contrary to the principles of natural justice, in a violent and arbitrary manner; which proceeding, combined with the example made of his predecessor, must necessarily leave to the person who should succeed to the said office no distinct principle upon which he might act with safety. But in comparing the consequences of the two delinquencies charged, the failure of the payment of the revenues (from whatever cause it may arise) is more likely to be avoided than any severe course towards the inhabitants: as the former fault was, besides the deprivation of office, attended with two imprisonments, with a menace of death, and an actual death, in disgrace, poverty, and insolvency; whereas the latter, namely, the oppression, and thereby the total ruin, of the country, charged on the second administrator, was only followed by loss of office, — although, he, the said Warren

Hastings, did farther assert (but with what truth does not appear) that the collection of the last administrator had fallen much short of the revenue of the province.

That the said Warren Hastings himself was sensible that the frequent changes by him made would much disorder the management of the revenues, and seemed desirous of concealing his intentions concerning the last change until the time of its execution. Yet it appears, by a letter from the British Resident, dated the 23d of June, 1784, “that a very strong report prevailed at Benares of his [the said Hastings’s] intentions of appointing a new Naib for the approaching year, and that the effect is evident which the prevalence of such an idea amongst the aumils would probably have on the cultivation at this particular time. The heavy mofussil kists [harvest instalments] have now been collected by the aumils; the season of tillage is arrived; the ryots [country farmers] must be indulged, and even assisted by advances; and the aumil must look for his returns in the abundance of the crop, *the consequence of this early attention to the cultivation*. The effect is evident *which the report of a change in the first officer of the revenue must have on the minds of the aumils, by leaving them at an uncertainty of what they have in future to expect*; and in proportion to the degree of this uncertainty, their efforts and expenses in promoting the cultivation will be languid and sparing. In compliance with the Naib’s request, I have written to all the aumils, encouraging and ordering them to attend to the cultivation of their respective districts; but I conceive I should be able to promote this very desirable intention much more effectually, if you will honor me with the communication of your intentions on this subject. At the same time I cannot help just remarking, that, if a change is intended, the sooner it takes place, the more *the bad effects* I have described will be obviated.”

That the Council, having received the proposition for the removal of the administrator aforesaid, did also, in a letter to him, the said Hastings, condemn the frequent changes by him made in the administration of the collections of Benares, — but did consent to such alterations as might be made without encroaching on the rights established by his, the said Hastings’s, agreement in the year 1781, and did desire him to transmit to them his plan for a new administration.

That the said Hastings did transmit a plan, which, notwithstanding the evils which had happened from the former frequent changes, he did propose *as a temporary expedient* for the administration of the revenues of the said province, — in which no provision was made for the reduction or remission of revenue as exigences might require, or for the extraction of the circulating specie from the said province, or for the supply of the necessary advances for cultivation, nor for the removal or prevention of any of the grievances by him before complained of, other than an inspection by the Resident and the chief criminal magistrate of Benares, and other regulations equally void of effect and authority, — and which plan Mr. Stables, one of the Supreme Council, did altogether reject; but the same was approved of *as a temporary expedient*, with some exceptions, by two other members

of the board, Mr. Wheler and Mr. Macpherson, declaring *the said Warren Hastings responsible for the temporary expediency of the same*.

That the said Warren Hastings, in the plan aforesaid, having strongly objected to the appointment of any European collectors, that is to say, of any European servants of the Company being concerned in the same, declaring that there had been sufficient experience of the ill effects of their being so employed in the province of Bengal, — by which the said Hastings did either in loose and general terms convey a false imputation upon the conduct of the Company's servants employed in the collection of the revenues of Bengal, or he was guilty of a criminal neglect of duty in not bringing to punishment the particular persons whose evil practices had given rise to such a general imputation on British subjects and servants of the Company as to render them unfit for service in other places.

That the said Warren Hastings, having in the course of three years made three complete revolutions in the state of Benares, by expelling, in the first instance, the lawful and rightful governor of the same, under whose care and superintendence a large and certain revenue, suitable to the abilities of the country, and consistent with its prosperity, was paid with the greatest punctuality, and by afterwards displacing two effective governors or administrators of the province, appointed in succession by himself, and, in consequence of the said appointments and violent and arbitrary removals, the said province "being left in effect without a government," except in one city only, and having, after all, settled no more than a temporary arrangement, is guilty of an high crime and misdemeanor in the destruction of the country aforesaid.

IV. — PRINCESSES OF OUDE.

I. That the reigning Nabob of Oude, commonly called Asoph ul Dowlah, (son and successor to Sujah ul Dowlah,) by taking into or continuing in his pay certain bodies of regular British troops, and by having afterwards admitted the British Resident at his court into the management of all his affairs, foreign and domestic, and particularly into the administration of his finances, did gradually become in substance and effect, as well as in general repute and estimation, a dependant on, or vassal of, the East India Company, and was, and is, so much under the control of the Governor-General and Council of Bengal, that, in the opinion of all the native powers, the English name and character is concerned in every act of his government.

II. That Warren Hastings, Esquire, contrary to law and to his duty, and in disobedience to the orders of the East India Company, arrogating to himself the nomination of the Resident at the court of Oude, as his particular agent and representative, and rejecting the Resident appointed by the Company, and obtruding upon them a person of his own choice, did from that time render himself in a particular manner responsible for the good government of the provinces composing the dominions of the Nabob of Oude.

III. That the provinces aforesaid, having been at the time of their first connection with the Company in an improved and flourishing condition, and yielding a revenue of more than three millions of pounds sterling, or thereabouts, did soon after that period begin sensibly to decline, and the subsidy of the British troops stationed in that province, as well as other sums of money due to the Company by treaty, ran considerably in arrear; although the prince of the country, during the time these arrears accrued, was otherwise in distress, and had been obliged to reduce all his establishments.

IV. That the prince aforesaid, or Nabob of Oude, did, in humble and submissive terms, supplicate the said Warren Hastings to be relieved from a body of troops whose licentious behavior he complained of, and who were stationed in his country without any obligation by treaty to maintain them, — pleading the failure of harvest and the prevalence of famine in his country: a compliance with which request by the said Warren Hastings was refused in unbecoming, offensive, and insulting language.

V. That the said Nabob, laboring under the aforesaid and other burdens, and being continually urged for payment, was advised to extort, and did extort, from his mother and grandmother, under the pretext of loans, (and sometimes without that appearance,) various great sums of money, amounting in the whole to six hundred and thirty thousand pounds sterling, or thereabouts: alleging in excuse the rigorous

demands of the East India Company, for whose use the said extorted money had been demanded, and to which a considerable part of it had been applied.

VI. That the two female parents of the Nabob aforesaid were among the women of the greatest rank, family, and distinction in Asia, and were left by the deceased Nabob, the son of the one and the husband of the other, in charge of certain considerable part of his treasures, in money and other valuable movables, as well as certain landed estates, called jaghires, in order to the support of their own dignity, and the honorable maintenance of his women, and a numerous offspring, and their dependants: the said family amounting in the whole to two thousand persons, who were by the said Nabob, at his death, recommended in a particular manner to the care and protection of the said Warren Hastings.

VII. That, on the demand of the Nabob of Oude on his parents for the last of the sums which completed the six hundred and thirty thousand pounds aforesaid, they, the said parents, did positively refuse to pay any part of the same to their son for the use of the Company, until he should agree to certain terms to be stipulated in a regular treaty, and among other particulars to secure them in the remainder of their possessions, and also on no account or pretence to make any further demands or claims on them; and well knowing from whence all his claims and exactions had arisen, they demanded that the said treaty, or family compact, should be guarantied by the Governor-General and Council of Bengal: and a treaty was accordingly agreed to, executed by the Nabob, and guarantied by John Bristow, Esquire, the Resident at Oude, under the authority and with the express consent of the said Warren Hastings and the Council-General, and in consequence thereof the sum last required was paid, and discharges given to the Nabob for all the money which he had borrowed from his own mother and the mother of his father.

That, the distresses and disorders in the Nabob's government and his debt to the Company continuing to increase, notwithstanding the violent methods before mentioned taken to augment his resources, the said Warren Hastings, on the 21st of May, and on the 31st July, 1781, (he and Mr. Wheler being the only remaining members of the Council-General, and he having the conclusive and casting voice, and thereby being in effect the whole Council,) did, in the name and under the authority of the board, resolve on a journey to the upper provinces, in order to a personal interview with the Nabob of Oude, towards the settlement of his distressed affairs, and did give to himself a delegation of the powers of the said Council, in direct violation of the Company's orders forbidding such delegation.

VIII. That the said Warren Hastings having by his appointment met the Nabob of Oude near a place called Chunar, and possessing an entire and absolute command over the said prince, he did, contrary to justice and equity and the security of property, as well as to public faith and the sanction of the Company's guaranty, under the color of a treaty, which treaty was conducted secretly, without a written document of any part of the proceeding except the pretended treaty itself, authorize

the said Nabob to seize upon, and confiscate to his own profit, the landed estates, called jaghires, of his parents, kindred, and principal nobility: only stipulating a pension to the net amount of the rent of the said lands as an equivalent, and that equivalent to such only whose lands had been guarantied to them by the Company; but provided neither in the said pretended treaty nor in any subsequent act the least security for the payment of the said pension to those for whom such pension was ostensibly reserved, and for the others not so much as a show of indemnity; — to the extreme scandal of the British government, which, valuing itself upon a strict regard to property, did expressly authorize, if it did not command, an attack upon that right, unprecedented in the despotic governments of India.

IX. That the said Warren Hastings, in order to cover the violent and unjust proceedings aforesaid, did assert a claim of right in the same Nabob to all the possessions of his said mother and grandmother, as belonging to him by the Mahomedan law; and this pretended claim was set up by the said Warren Hastings, after the Nabob had, by a regular treaty ratified and guarantied by the said Hastings as Governor-General, renounced and released all demands on them. And this false pretence of a legal demand was taken up and acted upon by the said Warren Hastings, without laying the said question on record before the Council-General, or giving notice to the persons to be affected thereby to support their rights before any of the principal magistrates and expounders of the Mahomedan law, or taking publicly the opinions of any person conversant therein.

X. That, in order to give further color to the acts of ill faith and violence aforesaid, the said Warren Hastings did cause to be taken at Lucknow and other places, before divers persons, and particularly before Sir Elijah Impey, Knight, his Majesty's chief-justice, acting extra-judicially, and not within the limits of his jurisdiction, several passionate, careless, irrelevant, and irregular affidavits, consisting of matter not fit to be deposed on oath, — of reports, conjectures, and hearsays; some of the persons swearing to the said hearsays having declined to declare from whom they heard the accounts at second hand sworn to; the said affidavits in general tending to support the calumnious charge of the said Warren Hastings, namely, that the aged women before mentioned had formed or engaged in a plan for the deposition of their son and sovereign, and the *utter extirpation* of the English nation: and neither the said charge against persons whose dependence was principally, if not wholly, on the good faith of this nation, and highly affecting the honor, property, and even lives, of women of the highest condition, nor the affidavits intended to support the same, extra-judicially taken, *ex parte*, and without notice, by the said Sir Elijah Impey and others, were at any time communicated to the parties charged, or to any agent for them; nor were they called upon to answer, nor any explanation demanded of them.

XI. That the article affecting private property secured by public acts, in the said pretended treaty, contains nothing more than a general permission, given by the said

Warren Hastings, for confiscating such jaghires, or landed estates, with the modifications therein contained, “as *he* [the Nabob] may find necessary,” but does not directly point at, or express by name, any of the landed possessions of the Nabob’s mother. But soon after the signing of the said pretended treaty, (that is, on the 29th November, 1781,) it did appear that a principal object thereof was to enable the Nabob to seize upon the estates of his female parents aforesaid, which had been guarantied to them by the East India Company. And although in the treaty, or pretended treaty, aforesaid, nothing more is purported than to give a simple permission to the Nabob to seize upon and confiscate the estates, leaving the execution or non-execution of the same wholly to his discretion, yet it appears, by several letters from Nathaniel Middleton, Esquire, the Resident at the Court of Oude, of the 6th, 7th, and 9th of December, 1781, that no such discretion as expressed in the treaty was left, or intended to be left, with him, the said Nabob, but that the said article ought practically to have a construction of a directly contrary tendency: that, instead of considering the article as originating from the Nabob, and containing a power provided in his favor which he did not possess before, the confiscation of the jaghires aforesaid was to be considered as a measure originating from the English, and to be intended for their benefit, and, as such, that the execution was to be forced upon him; and the execution thereof was accordingly forced upon him. And the Resident, Middleton, on the Nabob’s refusal to act in contradiction to his sworn engagement guarantied by the East India Company, and in the undutiful and unnatural manner required, did totally supersede his authority in his own dominions, considering himself as empowered so to act by the instructions of the said Hastings, although he had reason to apprehend a general insurrection in consequence thereof, and that he found it necessary to remove his family, “which he did not wish to retain there, in case of a rupture with the Nabob, or the necessity of employing the British forces in the reduction of *his* aumils and troops”; and he did accordingly, as sovereign, issue his own edicts and warrants, in defiance of the resistance of the Nabob, in the manner by him described in the letters aforesaid, — in a letter of 6th December, 1781, that is to say: “*Finding the Nabob wavering in his determination about the resumption of the jaghires*, I this day, in presence of and with the minister’s concurrence, ordered the necessary purwannahs to be written to the several aumils for that purpose; and it was my firm resolution to have dispatched them this evening, with proper people to see them punctually and implicitly carried into execution; but before they were all transcribed, I received a message from the Nabob, who had been informed by the minister of the resolution I had taken, entreating that I would withhold the purwannahs until to-morrow morning, when he would attend me, and afford me satisfaction on this point. As the loss of a few hours in the dispatch of the purwannahs appeared of little moment, and as it is possible the Nabob, *seeing that the business will at all events be done*, may make it an act of his own, I have

consented to indulge him in his request; but, be the remit of our interview whatever it may, nothing shall prevent the orders being issued to-morrow, either by him or myself, with the concurrence of the ministers. Your pleasure respecting the Begums I have learnt from Sir Elijah, and the measure heretofore proposed will soon follow the resumption of the jaghires. From both, or indeed from the former alone, I have no doubt of the complete liquidation of the Company's balance." And also in another letter, of the 7th December, 1781: "I had the honor to address you yesterday, informing you of the steps I had taken in regard to the resumption of the jaghires. *This morning the Vizier came to me according to his agreement, but seemingly without any intention or desire to yield me satisfaction on the subject under discussion; for, after a great deal of conversation, consisting on his part of trifling evasion and puerile excuses for withholding his assent to the measure, though at the same time professing the most implicit submission to your wishes, I found myself without any other resource than the one of employing that exclusive authority with which I consider your instructions to vest me: I therefore declared to the Nabob, in presence of the minister and Mr. Johnson, who I desired might bear witness of the conversation, that I construed his rejection of the measure proposed as a breach of his solemn promise to you, and an unwillingness to yield that assistance which was evidently in his power towards liquidating his heavy accumulating debt to the Company, and that I must in consequence determine, in my own justification, to issue immediately the purwannahs, which had only been withheld in the sanguine hope that he would be prevailed upon to make that his own act which nothing but the most urgent necessity could force me to make mine. He left me without any reply, but afterwards sent for his minister and authorized him to give me hopes that my requisition would be complied with; on which I expressed my satisfaction, but declared that I could admit of no further delays, and, unless I received his Excellency's formal acquiescence before the evening, I should then most assuredly issue my purwannahs; which I have accordingly done, not having had any assurances from his Excellency that could justify a further suspension. I shall, as soon as possible, inform you of the effect of the purwannahs, which, in many parts, I am apprehensive it will be found necessary to enforce with military aid. I am not, however, entirely without hopes that the Nabob, when he sees the inefficacy of further opposition, may alter his conduct, and prevent the confusion and disagreeable consequences which would be too likely to result from the prosecution of a measure of such importance without his concurrence. His Excellency talks of going to Fyzabad, for the purpose heretofore mentioned, in three or four days: I wish he may be serious in his intention, and you may rest assured I shall spare no pains to keep him to it."* And further, in a letter of the 9th December, 1781: "I had the honor to address you on the 7th instant, informing you of the conversation which had passed between the Nabob and me on the subject of resuming the jaghires, and the step I had taken in consequence. *His Excellency appeared to be very much hurt and*

incensed at the measure, and loudly complains of the treachery of his ministers, — first, in giving you any hopes that such a measure would be adopted, and, secondly, in their promising me their whole support in carrying it through; but, as I apprehended, rather than suffer it to appear that the point had been carried in opposition to his will, he at length yielded a nominal acquiescence, and has this day issued his own purwannahs to that effect, — declaring, however, at the same time, both to me and his ministers, that it is an act of compulsion. I hope to be able in a few days, in consequence of this measure, to transmit you an account of the actual value and produce of the jaghires, opposed to the nominal amount at which they stand rated on the books of the circar.”

XII. That the said Warren Hastings, instead of expressing any disapprobation of the proceedings aforesaid, in violation of the rights secured by treaty with the mother and grandmother of the reigning prince of Oude, and not less in violation of the sovereign rights of the Nabob himself, did by frequent messages stimulate the said Middleton to a perseverance in and to a rigorous execution of the same, — and in his letter from Benares of the 25th December, 1781, did “express doubts of his firmness and activity, and, above all, of his recollection of his instructions and their importance; and that, if he could not rely on his own [power] and the means he possessed for performing those services, he *would free him* [the said Middleton] *from the charges*, and would proceed *himself* to Lucknow, and would *himself* undertake them.”

XIII. That very doubtful credit is to be given to any letters written by the said Middleton to the said Warren Hastings, when they answer the purposes which the said Warren Hastings had evidently in view: the said Middleton having written to him in the following manner from Lucknow, 30th December, 1781.

XIV. “MY DEAR SIR, — I have this day answered your *public* letter in the form *you seem to expect*. I hope there is nothing in it that may appear to you too pointed. *If you wish the matter to be otherwise understood than I have taken up and stated it, I need not say I shall be ready to conform to whatever you may prescribe, and to take upon myself any share of the blame of the (hitherto) non-performance of the stipulations made on behalf of the Nabob:* though I do assure you I myself represented to his Excellency and the ministers, (conceiving it to be your desire,) that *the apparent assumption of the reins of his government*, (for in that light he undoubtedly considered it at the first view,) as specified in the agreement executed by him, was not meant to be *fully and literally* enforced, but that it was necessary *you should have something to show on your side, as the Company were deprived of a benefit without a requital; and upon the faith of this assurance alone*, I believe I may safely affirm, his Excellency’s objections to signing the treaty were given up. If I have understood the matter wrong, or misconceived your design, I am truly sorry for it: *however, it is not too late to correct the error; and I am ready to undertake,*

and, God willing, to carry through, whatever you may, on receipt of my public letter, tell me is your final resolve.”

XV. That it appears, but on his, the said Middleton's, sole authority, in a letter from the said Middleton, dated Lucknow, 2d December, 1781, that the Nabob of Oude, wishing to evade the measure of resuming the jaghires aforesaid, did send a message to him, purporting, “that, if the measure proposed was intended to procure the payment of the balance due to the Company, he could better and more expeditiously effect that object by taking from his mother the treasures of his father, which he did assert to be in her hands, and to which he did claim a right; and that it would be sufficient that he, the said Hastings, *would hint his opinion upon it, without giving a formal sanction to the measure proposed*; and that, whatever his resolution upon the subject should be, it would be expedient to keep it secret”: adding, “*The resumption of the jaghires it is necessary to suspend till I have your answer to this letter.*”

XVI. That it does not appear that the said Hastings did write any letter in answer to the proposal of the said Middleton, but he, the said Hastings, did communicate his pleasure thereon, to Sir Elijah Impey, being then at Lucknow, for his, the said Middleton's, information; and it does appear that the seizing of the treasures of the mother of the Nabob, said to have been proposed as *an alternative* by the said Nabob to prevent the resumption of the jaghires, was determined upon and ordered by the said Hastings, — and that the resumption of the said jaghires, for the ransom of which the seizing of the treasures was proposed, was also directed: not one only, but both sides of the alternative, being enforced upon the female parents of the Nabob aforesaid, although both the one and the other had been secured to them by a treaty with the East India Company.

XVIII. That Sir Elijah Impey, Knight, his Majesty's chief-justice at Port William, did undertake a journey of nine hundred miles, from Calcutta to Lucknow, on pretence of health and pleasure, but was in reality in the secret of these and other irregular transactions, and employed as a channel of confidential communication therein. And the said Warren Hastings, by presuming to employ the said chief-justice, a person particularly unfit for an agent, in the transaction of affairs *primâ facie* at least unjust, violent, and oppressive, contrary to public faith, and to the sentiments and law of Nature, and which he, the said Hastings, was sensible “could not fail to draw obloquy on himself by his participation,” did disgrace the king's commission, and render odious to the natives of Hindostan the justice of the crown of Great Britain.

XIX. That, although the said Warren Hastings was from the beginning duly informed of the violence offered to the personal inclinations of the Nabob, and the “apparent assumption of the reins of his government,” for the purposes aforesaid, yet more than two years after he did write to his private agent, Major Palmer, that is to say, in his letter of the 6th of May, 1783, “that it has been a matter of *equal*

surprise and concern to him to learn from the letters of the Resident that the Nabob Vizier was with difficulty and almost unconquerable reluctance induced to give his consent to the attachment of the treasure deposited by his father under the charge of the Begum, his mother, and to the resumption of her jaghire, and the other jaghires of the individuals of his family”: which pretence of ignorance of the Nabob’s inclinations is fictitious and groundless. But whatever deception he might pretend to be in concerning the original intention of the Nabob, he was not, nor did he pretend to be, ignorant of his, the Nabob’s, reluctance to *proceed* in the said measures; but did admit his knowledge of the Nabob’s reluctance to their full execution, and yet did justify the same as follows.

XX. “I desire that you will inform him [the Nabob], that, in these and the other measures which were either proposed by him or received his concurrence in the agreement passed between us at Chunar, I neither had nor could have any object *but his relief, and the strengthening of his connection with the Company*; and that I should not on any other ground have exposed myself to *the personal obloquy which they could not fail to draw upon me by my participation in them*, but left him to regulate by his own discretion and by his own means the economy of his own finances, and, *with much more cause, the assertion of his domestic right. In these he had no regular claim to my interference*; nor had I, in my public character, any claim upon him, but for the payment of the debt then due from him to the Company, although I was under the strongest obligations to require it for the relief of the pressing exigencies of their affairs. He will well remember the manner in which, at a visit to him in his own tent, I declared my acquiescence freely, and without hesitation, to each proposition, which afterwards formed the substance of a written agreement, as he severally made them; and he can want no other evidence of my motives for *so cheerful a consent*, nor for the requests which I added as the means of fulfilling his purposes in them. Had he not made these measures his own option, I should not have proposed them; *but having once adopted them, and made them the conditions of a formal and sacred agreement, I had no longer an option to dispense with them, but was bound to the complete performance and execution of them, as points of public duty and of national faith, for which I was responsible to my king, and the Company my immediate superiors: and this was the reason for my insisting on their performance and execution, when I was told that the Nabob himself had relaxed from his original purpose, and expressed a reluctance to proceed in it.*”

XXI. That the said Warren Hastings does admit that the Nabob *had* originally no regular claim upon him for his interference, or he any claim on the Nabob, which, might entitle him to interfere in the Nabob’s domestic concerns; yet, in order to justify his so invidious an interference, he did, in the letter aforesaid, give a false account of the said treaty, which (as before mentioned) did nothing more than give a *permission* to the Nabob to resume the jaghires, *if HE should judge the same to be necessary*, and did therefore leave the right of dispensing with the whole, or any

part thereof, as much in his option after the treaty as it was before: the declared intent of the article being only to remove the restraint of the Company's guaranty forbidding such resumption, but furnishing nothing which could authorize putting that resumption into the hands and power of the Company, to be enforced at their discretion. And with regard to the other part of the spoil made by order of the said Hastings, and by him in the letter aforesaid stated to be made equally against the will of the Nabob, namely, that which was committed on the personal and movable property of the female parents of the Nabob, nothing whatsoever in relation to the same is stipulated in the said pretended treaty.

XXII. That the said Hastings, in asserting that he was bound to the acts aforesaid by public duty, and even by national faith, in the very instance in which that national faith was by him grossly violated, and in justifying himself by alleging that he was bound to the *complete* execution by a responsibility to the Company which he immediately served, and by asserting that these violent and rapacious proceedings, subjecting all persons concerned in them to obloquy, would be the means of strengthening the connection of the Nabob with the British United Company of Merchants trading to the East Indies, did disgrace the authority under which he immediately acted. And that the said Hastings, in justifying his obligations to the said acts by a responsibility to the *king*, namely, to the King of Great Britain, did endeavor to throw upon his Majesty, his lawful sovereign, (whose name and character he was bound to respect, and to preserve in estimation with all persons, and particularly with the sovereign princes, the allies of his government,) the disgrace and odium of the aforesaid acts, in which a sovereign prince was by him, the said Hastings, made an instrument of perfidy, wrong, and outrage to two mothers and wives of sovereign princes, and in which he did exhibit to all Asia (a country remarkable for the utmost devotion to parental authority) the spectacle of a Christian governor, representing a Christian sovereign, compelling a son to become the instrument of such violence and extortion against his own mother.

That the said Warren Hastings, by repeated messages and injunctions, and under menaces of "a dreadful responsibility," did urge the Resident to a completion of this barbarous act; and well knowing that such an act would probably be resisted, did order him, the said Resident, to use the British troops under his direction for that purpose; and did offer the assistance of further forces, urging the execution in the following peremptory terms: "You *yourself* must be *personally present*; you must not allow *any* negotiation or forbearance, but must prosecute both services, until the Begums [princesses] are at the entire mercy of the Nabob."

XXIII. That, in conformity to the said peremptory orders, a party of British and other troops, with the Nabob in the ostensible, and the British Resident in the real command, were drawn towards the city of Fyzabad, in the castle of which city the mother and grandmother of the Nabob had their residence; and after expending two days in negotiation, (the particulars of which do not appear,) the Resident not

receiving the satisfaction he looked for, the town was first stormed, and afterwards the castle; and little or no resistance being made, and no blood being shed on either side, the British troops occupied all the outer inclosure of the palace of one of the princesses, and blocked up the other.

XXIV. That this violent assault, and forcible occupation of their houses, and the further extremities they had to apprehend, did not prevail on the female parents of the Nabob to consent to any submission, until the Resident sent in unto them a letter from the said Warren Hastings, (no copy of which appears,) declaring himself no longer bound by the guaranty, and containing such other matter as tended to remove all their hopes, which seemed to be centred in British faith.

XXV. That the chief officers of their household, who were their treasurers and confidential agents, the eunuchs Jewar Ali Khân and Behar Ali Khân, persons of great eminence, rank, and distinction, who had been in high trust and favor with the late Nabob, were ignominiously put into confinement under an inferior officer, in order to extort the discovery of the treasures and effects committed to their care and fidelity. And the said Middleton did soon after, that is to say, on the 12th of January, 1782, deliver them over for the same purpose into the custody of Captain Neal Stuart, commanding the eighth regiment, by his order given in the following words: "To be kept in close and secure confinement, admitting of no intercourse with them, excepting by their four menial servants, who are authorized to attend them until further orders. You will allow them to have any necessary and convenience which may be consistent with a strict guard over them."

XXVI. That, in consequence of these severities upon herself, and on those whom she most regarded and trusted, the mother of the said Nabob did at length consent to the delivering up of her treasures, and the same were paid to the Resident, to the amount of the bond given by the Nabob to the Company for his balance of the year 1779-80; and the said treasure "was taken from the most secret recesses in the houses of the two eunuchs."

XXVII. That the Nabob continuing still under the pressure of a further pretended debt to the Company for his balance of the year 1780-81, the Resident, not satisfied with the seizure of the estates and treasures of his parents aforesaid, although he, the said Resident, did confess that the princess mother "had declared, *with apparent truth*, that she had delivered up *the whole of the property in her hands*, excepting goods which from the experience which he, the Resident, had of the *small produce* of the sales of a former payment made by her in that mode he did refuse, and that in his opinion it certainly would have amounted to little or nothing," did proceed to extort another great sum of money, that is to say, the sum of one hundred and twenty thousand pounds sterling, on account of the last pretended balance aforesaid: in order, therefore, to compel the said ministers and treasurers either to distress their principals by extorting whatever valuable substance might by any possibility remain concealed, or to furnish the said sum from their own estates or from their

credit with their friends, did order their imprisonment to be aggravated with circumstances of great cruelty, giving an order to Lieutenant Francis Rutledge, dated 20th January, 1782, in the following words.

XXVIII. "SIR, — When this note is delivered to you by Hoolas Roy, I have to desire that you order the two prisoners to be put *in irons, keeping them from all food, &c., agreeable to my instructions of yesterday.*

(Signed) "NATH^L MIDDLETON."

XXIX. That by the said unjust and rigorous proceeding the said eunuchs were compelled to give their engagement for the payment of one hundred and twenty thousand pounds sterling aforesaid, to be completed within the period of one month; but after they had entered into the said compulsory engagement, they were still kept in close imprisonment, and the mother and grandmother of the Nabob were themselves held under a strict guard, — although, at the same time, the confiscated estates were actually in the Company's possession, and found to exceed the amount of what they were rated at in the general list of confiscated estates, and although the Assistant Resident, Johnson, did confess, "that the object of distressing the Bhow Begum was merely to obtain a *ready-money* instead of a *dilatory payment*, and that this ready-money payment, if not paid, was recoverable in the course of a few months upon the jaghires in his possession, and that therefore it was not worth proceeding to any extremities, beyond the one described," (namely, the confinement of the princesses, and the imprisonment and fettering of their ministers,) "upon so respectable a family."

XXX. That, after the surrender of the treasure, and the passing the bonds and obligations given as aforesaid, the Resident having been strictly ordered by the said Warren Hastings not to make any settlement whatsoever with the said women of high rank, the Nabob was induced to leave the city of Fyzabad without taking leave of his mother, or showing her any mark of duty or civility. And on the same day the Resident left the city aforesaid; and after his return to Lucknow, in order to pacify the said Hastings, who appeared to resent that the Nabob was not urged to greater degrees of rigor than those hitherto used towards his mother, he, the said Resident, did, in his letter of the 6th February, give him an assurance in the following words: — "I shall, as you direct, use my influence to dissuade his Excellency from concluding *any settlement* until I have your further commands."

XXXI. That the payment of the bond last extorted from the eunuchs was soon after commenced, and the grandmother, as well as the mother, were now compelled to deliver what they declared was *the extent of the whole* of both their possessions, including down to their *table utensils*; which, as the Resident admitted, "they had been and were still delivering, and that no proof had yet been obtained of their having more."

XXXII. That bullion, jewels, and goods, to the amount of five hundred thousand pounds and upwards, were actually received by the Resident for the use of the Company before the 23d of February, 1782; and there remained on the said extorted bond no more than about twenty-five thousand pounds, according to the statement of the eunuchs, and not above fifty thousand according to that made by the Resident.

XXXIII. That, in this advanced state of the delivery of the extorted treasure, the ministers of the women aforesaid of the reigning family did apply to Captain Leonard Jaques, under whose custody they were confined, to be informed of the deficiency with which they stood charged, that they might endeavor, with the assistance of their friends, to provide for the same, and praying that they might through his mediation be freed from the hardships they suffered under their confinement: to which application they received an insolent answer from the said Richard Johnson, dated February 27th, 1782, declaring that part of what he had received in payment was in jewels and bullion, and that more than a month, the time fixed for the final payment, would elapse before he could dispose of the same, — insisting upon a ready-money payment, and assuring them “that the day on which their agreement expired he should be indispensably obliged to recommence severities upon them, until the last farthing was fully paid.” And in order to add to their terrors and hardships, as well as to find some pretext for the further cruel and inhuman acts intended, an apparently groundless and injurious charge was suggested to the imprisoned ministers aforesaid in the following words. “You may also mention to them, that I have reason to *suspect* that the commotions raised by Bulbudder have not been without their *suggestion and abetment*, which, if proved upon them, in addition to the *probable* breach of their agreement, will make their situation *very desperate*.”

XXXIV. That on the receipt of the said letter, that is, on the 2d March, the ministers aforesaid did aver, that they were not able to obtain cash, in lieu of the jewels and other effects, but that, if the goods were sold, and they released from their confinement, and permitted (as they have before requested) to go abroad among their friends, they could soon make good the deficiency; and they did absolutely deny “that they had any hand in the commotions raised by Bulbudder, or any kind of correspondence with him or his adherents.”

XXXV. That the prisoners aforesaid did shortly after, that is to say, on the 13th March, a third time renew their application to Nathaniel Middleton, Esquire, the Resident, and did request that the jewels remaining in his, the said Resident’s, hands, towards the payment of the balance remaining, “might be valued by four or five eminent merchants, Mussulmen and Hindoos, upon oath,” and that, if any balance should afterwards appear, they would upon their release get their friends to advance the same; and they did again represent the hardship of their imprisonment, and pray for relief; and did again assert that the imputations thrown upon them by

the said Richard Johnson were false and groundless,— “that they had no kind of intercourse, either directly or indirectly, with the authors of the commotions alluded to, and that they did stake their lives upon the smallest proof thereof being brought.”

XXXVI. That, instead of their receiving any answer to any of the aforesaid reasonable propositions, concerning either the account stated, or the crimes imputed to them, or any relief from the hardships they suffered, he, the Resident, Middleton, did, on the 18th of the said month, give to the officer who had supplicated in favor of the said prisoners an order in which he declared himself “under the disagreeable necessity of recurring to severities to enforce the said payment, and that this is therefore to desire that you immediately cause them *to be put in irons*, and keep them so until I shall arrive at Fyzabad to take further measures as may be necessary”: which order being received at Fyzabad the day after it was given, the said eunuchs were a second time thrown into irons. And it appears that (probably in resentment for the humane representations of the said Captain Jaques) the Resident did refuse to pay for the fetters, and other contingent charges of the imprisonment of the said ministers of the Nabob’s mother, when at the same time very liberal contingent allowances were made to other officers; and the said Jaques did strongly remonstrate against the same as follows. “You have also ordered me to put the prisoners in irons: this I have done; yet, as I have no business to purchase fetters, or supply them any other way, it is but reasonable that you should order me to be reimbursed. And why should I add anything more? A late commander at this place, I am told, draws near as many thousands monthly contingencies as my trifling letter for hundreds. However, if you cannot get my bill paid, be so obliging as to return it, and give me an opportunity of declaring to the world that I believe I am the first officer in the Company’s service who has suffered in his property by an independent command.”

XXXVI. That, in about two months after the said prisoners had continued in irons in the manner aforesaid, the officer on guard, in a letter of the 18th May, did represent to the Resident as follows. “The prisoners, Behar and Jewar Ali Khân, who seem to be very sickly, have requested their irons might be taken off for a few days, that they might take medicine, and walk about the garden of the place where they are confined. Now, as I am sure *they will be equally secure without their irons as with them*, I think it my duty to inform you of this request: I desire to know your pleasure concerning it.” To which letter the said officer did receive a direct refusal, dated 22d May, 1782, in the following words. “I am sorry it is not in my power to comply with your proposal of easing the prisoners for a few days of their fetters. Much as my humanity may be touched by their sufferings, I should think it inexpedient to afford them any alleviation while they persist in a breach of their contract with me: and, indeed, no indulgence can be shown them without the authority of the Nabob, who, instead of consenting to moderate the rigors of their

situation, would be most willing to multiply them”: — endeavoring to join the Nabob, whom he well knew to be reluctant in the whole proceeding, as a party in the cruelties by which, through the medium of her servants, it was intended to coerce his mother.

XXXVIII. That the said Resident, in a few days after, that is to say, on the 1st June, 1782, in a letter to Major Gilpin, in command at Fyzabad, did order the account, as by himself stated, to be read to the prisoners, and, without taking any notice of their proposal concerning the valuation of the effects, or their denial of the offences imputed to them, to demand a positive answer relative to the payment, and, “upon receiving from them a negative or unsatisfactory reply, to inform them, that, all further negotiation being at an end, they must prepare for their removal to Lucknow, where they would be called upon to answer not only their recent breach of faith and solemn engagement, but also to atone for other heavy offences, the punishment of which, as had frequently been signified to them, it was in their power to have mitigated by a proper acquittal of themselves in this transaction.” By which insinuations concerning the pretended offences of the said unhappy persons, and the manner by which they were to atone for the same, and by their never having been specifically and directly made, it doth appear that the said crimes and offences were charged for the purpose of extorting money, and not upon principles or for the ends of justice.

XXXIX. That, after some ineffectual negotiations to make the prisoners pay the money, which it does not appear to have been in their power to pay, they were again threatened by the Resident, in a letter to Major Gilpin, dated 9th June, 1782, in the following terms. “I wish you to explain once more to the prisoners the imprudence and folly of their conduct in forcing me to a measure which must be attended with consequences so very serious to them, and that, when once they are removed to Lucknow, it will not be in my power to show them mercy, or to stand between them and the vengeance of the Nabob. Advise them to reflect seriously upon the unhappy situation in which they will be involved in one case, and the relief it will be in my power to procure them in the other; and let them make their option.”

XL. That he, the said Resident, did also, at the same time, receive a letter from the princess mother, which letter does not appear, but to which only the following insolent return was made, — that is to say: “The letter from the Bhow Begum is no ways satisfactory, and I cannot think of returning an answer to it. Indeed, all correspondence between the Begum and me has long been stopped; and I request you will be pleased to inform her that I by no means wish to resume it, or to maintain any friendly intercourse with her, until she has made good my claim upon her for the balance due.”

XLI. That, in consequence of these threats, and to prevent a separation of the ministers from their mistresses, several plans for the payment of the balance were offered, both by the mother of the Nabob and the prisoners, to which no other

objection appears to have been made than the length of time required by the parties to discharge the comparatively small remainder of the extorted bond: the officer on command declaring, that, conformable to his instructions, he could not receive the same.

XLII. That the prisoners were actually removed from the city of their residence to the city of Lucknow, where they arrived on the 24th of June, 1782, and were on the next day threatened with severities, “to make them discover where the balance might be procurable.” And on the 28th, it should seem, that the severities for the purpose aforesaid were inflicted, at least upon one of them; for the Assistant Resident, Johnson, did on that day write to Captain Waugh, the officer commanding the guard, the letter following, full of disgrace to the honor, justice, and humanity of the British nation.

XLIII. “SIR, — The Nabob having determined *to inflict corporal punishment upon the prisoners* under your guard, this is to desire that his officers, when they shall come, may have free access to the prisoners, and *be permitted to do with them as they shall see proper*, only taking care that they leave them always under your charge.”

XLIV. That the said Richard Johnson did, further to terrify the prisoners, and to extort by all ways the remainder of the said unjust, oppressive, and rapacious demand, threaten to remove them out of the Nabob’s dominions into the castle of Churnagur, in order forever to separate them from their principals, and deprive both of their reciprocal protection and services, — and did order a further guard to be put on the palace of the grandmother of the Nabob, an ally of the Company, and to prevent the entrance of the provisions to her, (which order relative to the guard only was executed,) and did use sundry unworthy and insulting menaces both with regard to herself and to her principal ministers.

XLV. That a proposal was soon after made by the said princess and her daughter-in-law, praying that their ministers aforesaid should be returned to Fyzabad, and offering to raise a sum of money on that condition; as also that they would remove from one of their palaces, whilst the English were to be permitted to search the other. But the Assistant Resident, Johnson, did, instead of a compliance with the former of these propositions, send the following orders, dated 23d July, 1782, to the officer commanding the guard on the ministers aforesaid: “Some violent demands having been made for the release of the prisoners, it is necessary that every possible precaution be taken for their security; you will therefore be pleased to be very strict in guarding them; and I herewith send *another pair of fetters to be added to those now upon the prisoners.*” And in answer to the second proposition, the said Resident did reply in the following terms: “The proposal of evacuating one palace, that it may be searched, and then evacuating the next, upon the same principle, is apparently fair; but it is well known, in the first place, that such bricked-up or otherwise hidden treasure is not to be hit upon in a day without a guide. I have therefore informed the

Nabob of this proposal, and, if the matter is to be reduced to a search, he will go himself, with such people as he may possess for information, together with the prisoners; and when in possession of the ground, by *punishing the prisoners*, or by such *other means as he may find most effectual* to forward a successful search upon the spot, he will avail himself of the proposal made by the Bhow Begum.”

XLVI. That, probably from the Nabob’s known and avowed reluctance to lend himself to the perpetration of the oppressive and iniquitous proceedings of the representative of the British government, the scandalous plan aforesaid was not carried into execution; and all the rigors practised upon the chief ministers of the ladies aforesaid at Lucknow being found ineffectual, and the princess mother having declared herself ready to deliver up everything valuable in her possession, which Behar Ali Khân, one of her confidential ministers aforesaid, only could come at, the said change of prison was agreed to, — but not until the Nabob’s mother aforesaid had engaged to pay for the said change of prison a sum of ten thousand pounds, (one half of which was paid on the return of the eunuchs,) and that “she would ransack the *zenanah* [women’s apartments] for kincobs, muslins, clothes, &c., &c., &c., and that she would even allow a deduction from the annual allowance made to her for her subsistence in lieu of her jaghire.”

XLVII. That, soon after the return of the aforesaid ministers to the place of their imprisonment at Fyzabad, bonds for the five thousand pounds aforesaid, and goods, estimated, according to the valuation of a merchant appointed to value the same, at the sum of forty thousand pounds, even allowing them to sell greatly under their value, were delivered to the commanding officer at Fyzabad; and the said commanding officer did promise to the Begum to visit Lucknow with such proposals as he hoped would secure the *small balance* of fifteen thousand pounds remaining of the unjust exaction aforesaid. But the said Resident, Middleton, did, in his letter of the 17th of the said month, positively refuse to listen to any terms before the final discharge of the whole of the demand, and did positively forbid the commanding officer to come to Lucknow to make the proposal aforesaid in the terms following. “As it is not possible to listen to *any* terms from the Begums before the final discharge of their conditional agreement for fifty-five lacs, your coming here upon such an agency can only be *loss of time* in completing the recovery of the balance of 6,55,000, for which your regiment was sent to Fyzabad. I must therefore desire you will leave *no efforts, gentle or harsh*, unattempted to complete this, before you move from Fyzabad; and I am very anxious that this should be as soon as possible, *as I want to employ your regiment upon other emergent service, now suffering by every delay.*”

XLVIII. That the goods aforesaid were sent to Lucknow, and disposed of in a manner unknown; and the harsh and oppressive measures aforesaid being still continued, the Begum did, about the middle of October, 1782, cause to be represented to the said Middleton as follows. “That her situation was truly pitiable,

— her estate sequestered, her treasury ransacked, her cojahs prisoners, and her servants deserting daily from want of subsistence. That she had solicited the loan of money, to satisfy the demands of the Company, from every person that she imagined would or could assist her with any; but that the opulent would not listen to her adversity. She had hoped that the wardrobe sent to Lucknow might have sold for at least one half of the Company's demands on her; but even jewelry and goods, she finds from woful experience, lose their value the moment it is known they come from her. That she had now solicited the loan of cash from Almas Ali Khân, and if she failed in that application, she had no hopes of ever borrowing a sum equal to the demand": — an hope not likely to be realized, as the said Almas Ali was then engaged for a sum of money to be raised for the Company's use on the security of their confiscated lands, the restoration of which could form the only apparent security for a loan.

XLIX. That this remonstrance produced no effect on the mind of the aforesaid Resident, — who, being about this time removed from his Residency, did, in a letter to his successor, Mr. Bristow, dated 23d October, 1782, in effect recommend a perseverance in the cruel and oppressive restraints aforesaid as a certain means of recovering the remainder of the extorted bond, and that the lands with which the princesses aforesaid had been endowed should not be restored to them.

L. That the said Warren Hastings was duly apprised of all the material circumstances in the unjust proceedings aforesaid, but did nothing to stop the course they were in, or to prevent, relieve, or mitigate the sufferings of the parties affected by them: on the contrary, he did, in his letter of the 25th of January, 1782, to the Resident, Middleton, declare, that the Nabob having consented to the "resumption of the jaghires held by the Begums, and to the confiscation of their treasures, and thereby involved my own name and the credit of the Company in a participation of both measures, I have a right to *require and insist on the complete execution of them*; and I look to you for their execution, declaring that I shall hold you accountable for it." And it appears that he did write to the Nabob a letter in the same peremptory manner; but the said letter has been suppressed.

LI. That he, the said Hastings, farther did manifest the concern he took in, and the encouragement which he gave to the proceedings aforesaid, by conferring honors and distinctions upon the ministers of the Nabob, whom he, the Nabob, did consider as having in the said proceedings disobeyed him and betrayed him, and as instruments in the dishonor of his family and the usurpation of his authority. That the said ministers did make addresses to the said Hastings for that purpose (which addresses the said Hastings hath suppressed); and the Resident, Middleton, did, with his letter of the 11th of February, 1782, transmit the same, and did in the said letter acquaint the said Hastings "that the ministers of the Nabob had incurred much odium on account of their participation in his measures, and that they were not only considered by the party of the dispossessed jaghiredars, and the mother

and uncle of the Nabob, but *by the Nabob himself*, as the *dependants of the English government, which they certainly are, and it is by its declared and most obvious support alone* that they can maintain the authority and influence which is indispensably necessary.” And the said Middleton did therefore recommend “that they should be honored with some testimony of his [the said Hastings’s] approbation and favor.” And he, the said Warren Hastings, did send *kellauts*, or robes of honor, (the most public and distinguished mode of acknowledging merit known in India,) to the said ministers, in testimony of his approbation of their late services.

LII. That the said Hastings did not only give the aforesaid public encouragement to the ministers of the Nabob to betray and insult their master and his family in the manner aforesaid, but, when the said Nabob did write several letters to him, the said Hastings, expressive of his dislike of being used as an instrument in the dishonorable acts aforesaid, and refusing to be further concerned therein, he, the said Warren Hastings, did not only suppress and hide the said letters from the view of the Court of Directors, but in his instructions to the Resident, Bristow, did attribute them to Hyder Beg Khân, minister to the Nabob, (whom in other respects he did before and ever since support against his master,) and did express himself with great scorn and contempt of the said Nabob, and with much asperity against the said minister: affirming, in proud and insolent terms, that he had, “by an abuse of his influence over the Nabob, — he, the Nabob himself, being (*as he ever must be in the hands of some person*) *a mere cipher in his [the said minister’s]*, — dared to make him [the Nabob] *assume a very unbecoming tone of refusal, reproach, and resentment, in opposition to measures recommended by ME, and even to acts done by MY authority*”: the said Hastings, in the instruction aforesaid, particularizing the resumption of the jaghires, and the confiscation of the treasures that had been so long suffered to remain in the hands of his, the Nabob’s, mother. But the letters of the Nabob, which in the said instructions he refers to as containing an opposition to the measures recommended by him, and which he asserts was conveyed in a very unbecoming tone of refusal, reproach, and resentment, he, the said Hastings, hath criminally withheld from the Company, contrary to their orders, and to his duty, — and the more, as the said letters must tend to show in what manner the said Nabob did feel the indignities offered to his mother, and the manner in which the said ministers, notwithstanding their known dependence on the English government, did express their sense of the part which their sovereign was compelled to act in the said disgraceful measures. And in farther instructions to him, the said new Resident, he did declare his approbation of the evil acts aforesaid, as well as his resolution of compelling the Nabob to those rigorous proceedings against his parent from which he had long shown himself so very averse, in the following words. “The severities which have been increased towards the Begums were most justly merited by the advantage which they took of the troubles in which I was personally involved last

year, to create a rebellion in the Nabob's government, and to complete the ruin which they thought was impending on ours. If it is the Nabob's desire to forget and to forgive their past offence, I have no objection to his allowing them, in pension, the nominal amount of their jaghires; but if he shall *ever offer* to restore their jaghires to them, or to give them any property in land, after the warning which they have given him by the dangerous abuse which they formerly made of his indulgence, you must remonstrate in the strongest terms against it; *you must not permit such an event to take place*, until this government shall have received information of it, and shall have had time to interpose its influence for the prevention of it." And the said Warren Hastings, who did in the manner aforesaid positively refuse to admit the Nabob to restore to his mother and grandmother any part of their landed estates for their maintenance, did well know that the revenues of the said Nabob were at that time so far applied to the demands of the Company, (by him, the said Warren Hastings, aggravated beyond the whole of what they did produce,) or were otherwise so far applied to the purposes of several of the servants of the Company, and others, the dependants of him, the said Hastings, that none of the pensions or allowances, assigned by the said Nabob in lieu of the estates confiscated, were paid, or were likely to be discharged, with that punctuality which was necessary even to the scanty subsistence of the persons to which they were in name and appearance applied. For,

LIII. That, so early as the 6th March, 1782, Captain Leonard Jaques, who commanded the forces on duty for the purpose of distressing the several women in the palaces at Fyzabad, did complain to the Resident, Richard Johnson, in the following words. "The women belonging to the Khord Mohul (or lesser palace) complain of their being in want of every necessary of life, and are at last driven to that desperation that they at night get on the top of the zenanah, make a great disturbance, and last night not only alarmed the sentinels posted in the garden, but threw dirt at them; they threaten to throw themselves from the walls of the zenanah, and also to break out of it. Humanity obliges me to acquaint you of this matter, and to request to know if you have any directions to give me concerning it. I also beg leave to acquaint you I sent for Letafit Ali Khân, the cojah who has the charge of them, and who informs me it is well grounded, — that they *have sold everything they had, even to the clothes from their backs, and now have no means of subsisting.*"

LIV. That the distresses of the said women grew so urgent on the night of the said 6th of March, the day when the letter above recited was written, that Captain Leonard Jaques aforesaid did think it necessary to write again, on the day following, to the British Resident in the following words. "I beg leave to address you again concerning the women in the Khord Mohul [the lesser palace]. Their behavior last night was so furious, that there seemed the greatest probability of their proceeding to the uttermost extremities, and that they would either *throw themselves from the walls or force open the doors of the zenanah*. I have made every inquiry concerning

the cause of their complaints, and find from Letafit Ali Khân that they are in *a starving condition, having sold all their clothes and necessities, and now have not wherewithal to support nature*; and as my instructions are quite silent on this head, I should be glad to know how to proceed, in case they were to force the doors of the zenanah, as I suspect it will happen, should no subsistence be very quickly sent to them.”

LV. That, in consequence of these representations, it appears that the said Resident, Richard Johnson, did promise that an application should be made to certain of the servants of the Nabob Vizier to provide for their subsistence.

LVI. That Captain Jaques being relieved from the duty of imprisoning the women of Sujah ul Dowlah, the late sovereign of Oude, an ally of the Company, who dwelt in the said lesser palace, and Major Gilpin being appointed to succeed, the same malicious design of destroying the said women, or the same scandalous neglect of their preservation and subsistence, did still continue; and Major Gilpin found it necessary to apply to the new Resident, Bristow, in a letter of the 30th of October, 1782, as follows.

LVII. “SIR, — Last night, about eight o’clock, the women in the Khord Mohul [lesser palace] or zenanah [women’s apartment] under the charge of Letafit Ali Khân, assembled on the tops of the buildings, *crying in a most lamentable manner for food, — that for the last four days they had got but a very scanty allowance, and that yesterday they had got none.*

LVIII. “*The melancholy cries of famine are more easily imagined than described*; and from their representation I fear the Nabob’s agents for that business are very inattentive. I therefore think it requisite to make you acquainted with the circumstance, that his Excellency, the Nabob, may cause his agents to be more circumspect in their conduct towards these poor unhappy women.”

LIX. That, although the Resident, Bristol, did not then think himself authorized to remove the guard, he did apply to the minister of the Nabob, who did promise some relief to the women of the late Nabob, confined in the lesser palace; but apprehending, with reason, that the minister aforesaid might not be more ready or active in making the necessary provision for them than on former occasions, he did render himself personally responsible to Major Gilpin for the repayment of any sum, equal to one thousand pounds sterling, which he might procure for the subsistence of the sufferers. But whatever relief was given, (the amount thereof not appearing,) the same was soon exhausted; and the number of persons to be maintained in the said lesser palace being eight hundred women, the women of the late sovereign, Sujah ul Dowlah, and several of the younger children of the said sovereign prince, besides their attendants, Major Gilpin was obliged, on the 15th of November following, again to address the Resident by a representation of this tenor.

“SIR, — The repeated cries of the women in the Khord Mohul Zenanah for subsistence have been truly melancholy.

LX. *“They beg most piteously for liberty, that they may earn their daily bread by laborious servitude, or to be relieved from their misery by immediate death.*

LXI. “In consequence of their unhappy situation, I have this day taken the liberty of drawing on you in favor of Ramnarain, at ten days’ sight, for twenty Son Kerah rupees, ten thousand of which I have paid to Cojah Letafit Ali Khân, under whose charge that zenanah is.”

LXII. That, notwithstanding all the promises and reiterated engagements of the minister, Hyder Beg Khân, the ladies of the palace aforesaid fell again into extreme distress; and the Resident did again complain to the said minister, who was considered to be, and really and substantially was, the minister of the Governor-General, Warren Hastings, aforesaid, and not of the Nabob, (the said Nabob being, according to the said Hastings’s own account, “a cipher in his [the said minister’s] hands,”) that the funds allowed for their subsistence were not applied to their support. But notwithstanding all these repeated complaints and remonstrances, and the constant promise of amendment on the part of his, the said Hastings’s, minister, the supply was not more plentiful or more regular than before.

LXIII. That the said Resident, Bristow, finding by experience the inefficacy of the courses which had been pursued with regard to the mother and grandmother of the reigning prince of Oude, and having received a report from Major Gilpin, informing him that all which could be done by force had been done, and that the only hope which remained for realizing the remainder of the money, unjustly exacted as aforesaid, lay in more lenient methods, he, the said Resident, did, of his own authority, order the removal of the guard from the palaces, the troops being long and much wanted for the defence of the frontier, and other material services, — and did release the said ministers of the said women of rank, who had been confined and put in irons, and variously distressed and persecuted, as aforerecited, for near twelve months.

LXIV. That the manner in which the said inhuman acts of rapacity and violence were felt, both by the women of high rank concerned, and by all the people, strongly appears in the joy expressed on their release, which took place on the 5th of December, 1782, and is stated in two letters of that date from Major Gilpin to the Resident, in the words following.

LXV. “I have to acknowledge the receipt of your letter of the 2d instant, and in consequence immediately enlarged the prisoners Behar Ali Khân and Jewar Ali Khân from their confinement: a circumstance that gave the Begums, and the city of Fyzabad in general, the greatest satisfaction.

LXVI. “In tears of joy Behar and Jewar Ali Khân expressed their sincere acknowledgments to the Governor-General, his Excellency the Nabob Vizier, and to you, Sir, for restoring them to that invaluable blessing, liberty, for which they would ever retain the most grateful remembrance; and at their request I transmit you the inclosed letters.

LXVII. “I wish you had been present at the enlargement of the prisoners. The quivering lips, with the tears of joy stealing down the poor men’s cheeks, was a scene truly affecting.

LXVIII. “If the prayers of these poor men will avail, you will, at the LAST TRUMP, be translated to the happiest regions in heaven.”

LXIX. And the Resident, Bristow, knowing how acceptable the said proceeding would be to all the people of Oude, and the neighboring independent countries, did generously and politically, (though not truly,) in his letter to the princess mother attribute the said relief given to herself, and the release of her ministers, to the humanity of the said Warren Hastings, agreeably to whose orders he pretended to act: asserting, that he, the said Hastings, “was the spring from whence she was restored to her dignity and consequence.” And the account of the proceedings aforesaid was regularly transmitted to the said Warren Hastings on the 30th of December, 1782, with the reasons and motives thereto, and a copy of the report of the officer concerning the inutility of further force, attended with sundry documents concerning the famishing, and other treatment, of the women and children of the late sovereign: but the same appear to have made no proper impression on the mind of the said Warren Hastings; for no answer whatsoever was given to the said letter until the 3d of March, 1783, when the said Hastings, writing in his own character and that of the Council, did entirely pass by all the circumstances before recited, but did give directions for the renewal of measures of the like nature and tendency with those which (for several of the last months at least of the said proceeding) had been employed with so little advantage to the interest and with so much injury to the reputation of the Company, his masters, in whose name he acted, — expressing himself in the said letter of the 3d of March, 1783, as follows: “We desire you will inform us what means have been taken for recovering the balance [the pretended balance of the extorted money] due from the Begums [princesses] at Fyzabad; and if necessary, you must recommend it to the Vizier *to enforce the most effectual means* for that purpose.” And the Resident did, in his answer to the board, dated 31st March, 1783, on this peremptory order, again detail the particulars aforesaid to the said Warren Hastings, referring him to his former correspondence, stating the utter impossibility of proceeding further by force, and mentioning certain other disgraceful and oppressive circumstances, and in particular, that the Company did not, in plundering the mother of the reigning prince of her wearing apparel and beasts of carriage, receive a value in the least equal to the loss she suffered: the elephants having no buyer but the Nabob, and the clothes, which had last been delivered to Middleton at a valuation of thirty thousand pounds, were so damaged by ill keeping in warehouses, that they could not be sold, even for six months’ credit, at much more than about eight thousand pounds; by which a loss in a single article was incurred of twenty-two thousand pounds out of the fifty, for the recovery of which (supposing it had been a just debt) such rigorous means had been

employed, after having actually received upwards of five hundred thousand pounds in value to the Company, and extorted much more in loss to the suffering individuals. And the said Bristow, being well acquainted with the unmerciful temper of the said Hastings, in order to leave no means untried to appease him, not contented with the letter to the Governor-General and Council, did on the same day write another letter *to him particularly*, in which he did urge several arguments, the necessity of using of which to the said Hastings did reflect great dishonor on this nation, and on the Christian religion therein professed, namely: “That he had experienced great embarrassment in treating with her [the mother of the reigning prince]; for, as the mother of the Vizier, the people look up to her with respect, and any hard measures practised against women of her high rank create discontent, and affect our national character.” And the said Resident, after condemning very unjustly her conduct, added, “Still she is the mother of the prince of the country, and the religious prejudices of Mussulmen prevail too strongly in their minds to forget her situation.”

LXX. That the said Warren Hastings did not make any answer to the said letter. But the mother of the prince aforesaid, as well as the mother of his father, being, in consequence of his, the said Hastings’s, directions, incessantly and rudely pressed by their descendant, in the name of the Company, to pay to the last farthing of the demand, they did both positively refuse to pay any part of the pretended balances aforesaid, until their landed estates were restored to them; on the security of which alone they alleged themselves to be in a condition to borrow any money, or even to provide for the subsistence of themselves and their numerous dependants. And in order to put some end to these differences, the Vizier did himself, about the beginning of August, 1783, go to Fyzabad, and did hold divers conferences with his parents, and did consent and engage to restore to them their landed estates aforesaid, and did issue an order that they should be restored accordingly; but his minister aforesaid, having before his eyes the peremptory orders of him, the said Warren Hastings, did persuade his master to dishonor himself in breaking his faith and engagement with his mother and the mother of his father, by first evading the execution, and afterwards totally revoking his said public and solemn act, on pretence that he had agreed to the grant “from shame, being in their presence [the presence of his mother and grandmother], and that it was unavoidable at the time”; — the said minister declaring to him, that it would be sufficient, if he allowed them “money for their *necessary* expenses, and that would be *doing enough*.”

LXXI. That the faith given for the restoration of their landed estates being thus violated, and the money for necessary expenses being as ill supplied as before, the women and children of the late sovereign, father of the reigning prince, continued exposed to frequent want of the common necessities of life; and being sorely pressed by famine, they were compelled to break through all the principles of local decorum and reserve which constitute the dignity of the female sex in that part of

the world, and, after great clamor and violent attempts for one whole day to break the inclosure of the palace, and to force their way into the public market, in order to move the compassion of the people, and to beg their bread, they did, on the next day, actually proceed to the extremity of exposing themselves to public view, — an extremity implying the lowest state of disgrace and degradation, to avoid which many women in India have laid violent hands upon themselves, — and they did proceed to the public market-place with the starving children of the late sovereign, and the brothers and sisters of the reigning prince! A minute account of the transaction aforesaid was written to the British Resident at Lucknow by the person appointed to convey intelligence to him from Fyzabad, in the following particulars, highly disgraceful to the honor, justice, and humanity of this nation.

LXXII. “The ladies, their attendants and servants, were still as clamorous as last night. Letafit, the *darogah*, went to them and remonstrated with them on the impropriety of their conduct, at the same time assuring them that in a few days all their allowances would be paid, and should not that be the case, he would advance them ten days’ subsistence, upon condition that they returned to their habitation. None of them, however, consented to his proposals, but were still intent upon making their escape through the *bazar* [market-place], and in consequence formed themselves into a line, arranging themselves in the following order: the children in the front; behind them the ladies of the seraglio; and behind them again their attendants: but their intentions were frustrated by the opposition which they met from Letafit’s sepoys.

LXXIII. “The next day Letafit went twice to the women, and used his endeavors to make them return into the zenanah, promising to advance them ten thousand rupees; which, upon the money being paid down, they agreed to comply with: but night coming on, nothing transpired.

LXXIV. “On the day following their clamors were more violent than usual. Letafit went to confer with them, upon the business of yesterday; offering the same terms. Depending upon the fidelity of his promises, they consented to return to their apartments, which they accordingly did, except two or three of the ladies, and most of their attendants. Letafit then went to Hossmund Ali Khân, to consult with him upon what means they should take. They came to a resolution of driving them in by force, and gave orders to their sepoys to beat any one of the women who should attempt to move forward. The sepoys consequently assembled; and each one being provided with a bludgeon, they drove them by dint of beating into the zenanah. The women, seeing the treachery of Letafit, proceeded to throw stones and bricks at the sepoys, and again attempted to get out; but finding that impossible, from the gates being shut, they kept up a continual discharge of stones and bricks till about ten, when, finding their situation desperate, they retired into the Kung Mohul, and forced their way from thence into the palace, and dispersed themselves about the house and garden; after this they were desirous of getting into the Begum’s

apartment, but she, being apprised of their intention, ordered her doors to be shut. In the mean time Letafit and Hossmund Ali Khân posted sentries to secure the gates of the lesser Mohul. During the whole of this conflict, all the ladies and women remained exposed to the view of the sepoys. The Begum then sent for Letafit and Hossmund Ali Khân, whom she severely reprimanded, and insisted upon knowing the causes of this infamous behavior. They pleaded in their defence the impossibility of helping it, as the treatment the women had met with had been conformable to his Excellency the Vizier's orders. The Begum alleged, that, even admitting that the Nabob had given those orders, they were by no means authorized in this manner to disgrace the family of Sujah Dowlah; and should they not receive their allowance for a day or two, it could be of no great moment: what was passed was now at an end; but that the Vizier should certainly be acquainted with the whole of the affair, and that whatever he desired she should implicitly comply with. The Begum then sent for five of the children, who were wounded in the affray of last night, and, after endeavoring to soothe them, she sent again for Letafit and Hossmund Ali Khân, and in the presence of the children expressed her disapprobation of their conduct, and the improbability of Asoph ul Dowlah's suffering the ladies and children of Sujah Dowlah to be disgraced by being exposed to the view of the rabble. Upon which Letafit produced the letter from the Nabob, at the same time representing that he was amenable only to the orders of his Excellency, and that whatever he ordered it was his duty to obey, and that, had the ladies thought proper to have retired into their apartments quietly, he would not have used the means he had taken to compel them. The Begum again observed, that what had happened was now over. She then gave the children four hundred rupees, and dismissed them, and sent word by Jumrud and the other eunuchs, that, if the ladies would peaceably retire to their apartments, Letafit would supply them with three or four thousand rupees for their personal expenses, and recommended to them not to incur any further disgrace, and that, if they did not think proper to act agreeable to her directions, they would do wrong. The ladies followed her advice, and about ten at night went back into the zenanah. The next morning the Begum waited upon the mother of Sujah Dowlah, and related to her all the circumstances of the disturbances. The mother of Sujah Dowlah returned for answer, that, after there being no accounts kept of crores of revenues, she was not surprised that the family of Sujah Dowlah, in their endeavors to procure a subsistence, should be obliged to expose themselves to the meanest of the people. After bewailing their misfortunes, and shedding many tears, the Begum took her leave, and returned home."

That the said affecting narrative being sent, with others of the same nature, on the 29th of January, 1784, to the said Warren Hastings, he did not order any relief in consequence thereof, or take any sort of notice whatsoever of the said intelligence.

LXXV. That the Court of Directors did express strong doubts of the propriety of seizing the estates aforesaid, and did declare to him, the said Hastings, “that the only consolation they felt on the occasion is, that the amount of those jaghires *for which the Company were guaranties* is to be paid *through our Resident at the court of the Vizier*; and it very materially concerns the credit of your Governor on no account to *suffer such payments to be evaded*.” But the said Warren Hastings did never make the arrangement supposed in the said letter to be actually made, nor did he cause the Resident to pay them the amount of their jaghires, or to make any payment to them.

And the said Hastings being expressly ordered by the Court of Directors to restore to them their estates, in case the charges made upon them should not be found true, he, the said Hastings, did contumaciously and cruelly decline any compliance with the said orders until his journey to Lucknow, in ———, when he did, as he says, “conformably to the orders of the Court of Directors, and more to the inclination of the Nabob Vizier, restore to them their jaghires, but with the defalcation, according to his own account, of *a large portion* of their respective shares”: pretending, without the least probability, that the said defalcation was a “voluntary concession on their part.” But what he has left to them for their support, or in what proportion to that which he has taken away, he has nowhere stated to the Court of Directors, whose faith he has broken, and whose orders he has thus eluded, whilst he pretended to yield *some* obedience to them.

LXXVI. That the said Warren Hastings having made a malicious, loose, and ill-supported charge, backed by certain unsatisfactory affidavits, as a ground for his seizing on the jaghires and the treasures of the Vizier’s mother, solemnly guarantied to them, the Court of Directors did, in their letter of the 14th of February, 1783, express themselves as follows concerning that measure,— “which the Governor-General, [he, the said Warren Hastings,] in his letter to your board, the 23d of January, 1782, has declared *he strenuously encouraged and supported*: we hope and trust, for the honor of the British nation, that the measure appeared fully justified in the eyes of all Hindostan. The Governor-General has informed us that it can be well attested that the Begums [the mother and grandmother of the Nabob aforesaid] *principally* excited and supported the late commotions, and that they carried their inveteracy to the English nation so far *as to aim at our utter extirpation*.” And the Court of Directors did farther declare as follows: “That it nowhere appears from the papers at present in our possession, that they [the mother and grandmother of the Nabob of Oude] excited any commotions previous to the imprisonment of Rajah Cheyt Sing, and only armed themselves in consequence of that transaction; and, as it is probable, that such a conduct proceeded from motives of self-defence, under an apprehension that they themselves might likewise be laid under unwarrantable contributions.” And the said Court of Directors, in giving their orders for the restoration of the jaghires, or for the payment of an equivalent through the

Resident, did give this order for the restoration of their estates as aforesaid on condition that it should appear from inquiry that they were not guilty of the practices charged upon them by the said Hastings. Mr. Stables, one of the Council-General, did, in execution of the said conditional order, propose an inquiry leading to the ascertainment of the condition, and did enter a minute as follows: "That the Court of Directors, by their letters of the 14th of February, 1783, seem not to be satisfied that the disaffection of the Begums to this government is sufficiently proved by the evidence before them; I therefore think that the late and present Resident, and commanding officer in the Vizier's country at the time, should be called on to collect what further information they can on this subject, in which the honor and dignity of this government is so *materially concerned*, and that such information may be transmitted to the Court of Directors." And he did further propose heads and modes of inquiry suitable to the doubts expressed by the Court of Directors. But the said Warren Hastings, who ought long before, on principles of natural justice, to have instituted a diligent inquiry in support of his so improbable a charge, and was bound, even for his own honor, as well as for the satisfaction of the Court of Directors, to take a strong part in the said inquiry, did set himself in opposition to the same, and did carry with him a majority of Council against the said inquiry into the justice of the cause, or any proposition for the relief of the sufferers: asserting, "that the reasons of the Court of Directors, if transmitted with the orders for the inquiry, will prove in effect an order for collecting evidence *to the justification and acquittal of the Begums, and not for the investigation of the truth of the charges which have been preferred against them.*" That Mr. Stables did not propose (as in the said Hastings's minute is groundlessly supposed) that the reasons of the Court of Directors should be transmitted with the orders for an inquiry. But the apprehension of the said Warren Hastings of the probable result of the inquiry proposed did strongly indicate his sense of his own guilt and the innocence of the parties accused by him; and if, by his construction, Mr. Stables's minute did indicate an inquiry merely for the justification of the parties by him accused, (which construction the motion did not bear,) it was no more than what the obvious rules of justice would well support, his own proceedings having been *ex parte*, — he having employed Sir Elijah Impey to take affidavits against the women of high rank aforesaid, not only without any inquiry made on their part, but without any communication to them of his practice and proceeding against them; and equity did at least require that they, with his own knowledge and by the subordinates of his own government, should be allowed a public inquiry to acquit themselves of the heavy offences with which they had been by him clandestinely charged.

LXXVII. That he, the said Hastings, in order to effectually stifle the said inquiry, did enter on record a further minute, asserting that the said inquiry would be productive "of evils greater than any which exist in the consequences which have already taken place, *and which time has almost obliterated*"; as also the following:

“If I am rightly informed, the Nabob Vizier and the Begums are on terms of mutual goodwill. It would ill become this government to interpose its influence by any act which might tend to revive their animosities, — and a very slight occasion would be sufficient to effect it. They will instantly take fire on such a declaration, proclaim the judgment of the Company in their favor, demand a reparation of the acts which they will construe wrongs with such a sentence warranting that construction, and either accept the invitation to the proclaimed scandal of the Nabob Vizier, which *will not add to the credit of our government*, or remain in his dominions, but not under his authority, to add to his vexations and the disorders of the country by continual intrigues and seditions. Enough already exists to affect his peace and the quiet of his people. If we cannot heal, let us not inflame the wounds *which have been inflicted*.” — “If the Begums think themselves aggrieved to such a degree as to justify them in *an appeal to a foreign jurisdiction*, to appeal to it against a man standing in the relation of son and grandson to them, *to appeal to the justice of those who have been the abettors and instruments of their imputed wrongs*, let us at least permit them to be the judges of their own feelings, and prefer their complaints before we offer to redress them. They will not need to be prompted. I hope I shall not depart from the simplicity of official language in saying, the majesty of justice ought to be approached with solicitation, not descend to provoke or invite it, much less to debase itself by the suggestion of wrongs and the promise of redress, with the denunciation of punishments before trial, and even before accusation.”

LXXVIII. That the said Warren Hastings, in attempting to pass an act of indemnity for his own crimes, and of oblivion for the sufferings of others, supposing the latter *almost obliterated* by time, did not only mock and insult over the sufferings of the allies of the Company, but did show an indecent contempt of the understandings of the Court of Directors: because his violent attempts on the property and liberty of the mother and grandmother of the ally aforesaid had not their first commencement much above two years before that time, and had been continued, without abatement or relaxation on his part, to the very time of his minute; the Nabob having, by the instigation of his, the said Hastings’s, instrument, Hyder Beg Khân, not two months before the date of the Consultation, been obliged a second time to break his faith with relation to the estates of his mother, in the manner hereinbefore recited. And the said Hastings did not and could not conceive that the clearing the mother could revive any animosity between her and her son, by whom she never had been accused. The said Hastings was also sensible that the restoration of her landed estates, recommended by the Court of Directors, could not produce any ill effect on the mind of the said son, as it was “with almost unconquerable reluctance he had been persuaded to deprive her of them,” and at the time of his submitting to become an instrument in this injustice, did “declare,” both, to the Resident and his ministers, “that it was an act of compulsion.”

LXXIX. That the said Hastings further, by insinuating that the women in question would act amiss in appealing to *a foreign jurisdiction* against a son and grandson, could not forget that he himself, being that foreign jurisdiction, (if any jurisdiction there was,) did himself direct and order the injuries, did himself urge the calumnies, and did himself cause to be taken and produced the unsatisfactory evidence by which the women in question had suffered, — and that it was against him, the said Hastings, and not against their son, that they had reason to appeal. But the truth is, that the inquiry was moved for by Mr. Stables, not on the prayer or appeal of the sufferers, but upon the ill impression which the said Hastings's own conduct, merely and solely on his own state of it, and on his own evidence in support of it, had made on the Court of Directors, who were his lawful masters, and not suitors in his court. And his arrogating to himself and his colleagues to be a tribunal, and a tribunal not for the purpose of doing justice, but of refusing inquiry, was an high offence and misdemeanor (particularly as the due obedience to the Company's orders was eluded on the insolent pretence “that the majesty of justice ought to be approached with solicitation, and that it would debase itself by the suggestion of wrongs and the promise of redress”) in a Governor, whose business it is, even of himself, and unsolicited, not only to promise, but to afford, redress to all those who should suffer under the power of the Company, even if their ignorance, or want of protection, or the imbecility of their sex, or the fear of irritating persons in rank and station, should prevent them from seeking it by formal solicitation.

LXXX. That the said Warren Hastings, at the time when he pretended ignorance of all solicitation for justice on the part of the women aforesaid, and on that pretence did refuse the inquiry moved by his colleague, Mr. Stables, had in all probability received from the Resident, Middleton, or, if he had made the slightest inquiry from the said Middleton, then at Calcutta, might immediately receive, an account that *they did actually solicit* the said Resident, through Major Gilpin, for redress against his, the said Hastings's, calumnious accusation, and the false testimony by which it was supported, and did send the said complaint to the Resident, Middleton, by the said Gilpin, to be transmitted to him, the said Hastings, and the Council, so early as the 19th of October, 1782; and that she, the mother of the Nabob, did afterwards send the same to the Resident, Bristow, asserting their innocence, and accompanying the same with the copies of letters (the originals of which they asserted were in their hands) from the chief witnesses against them, Hannay and Gordon, which letters did directly overturn the charges or insinuations in the affidavits made by them, and that, instead of any accusation of an attempt upon them and their parties by the instigation of the mother of the Nabob, or by her ministers, they, the said Hannay and Gordon, did attribute their preservation to them and to their services, and did, with strong expressions of gratitude both to the mother of the Nabob and to her ministers, fully acknowledge the same: which remonstrance of the mother of the Nabob, and the letters of the said Hannay and

Gordon, are annexed to this charge; and the said Hastings is highly criminal for not having examined into the facts alleged in the said remonstrance.

LXXXI. That the violent proceedings of the said Warren Hastings did tend to impress all the neighboring princes, some of whom were allied in blood to the oppressed women of rank aforesaid, with an ill opinion of the faith, honor, and decency of the British nation; and accordingly, on the journey aforesaid made by the Nabob from Lucknow to Fyzabad, in which the said Nabob did restore, in the manner before mentioned, the confiscated estates of his mother and grandmother, and did afterwards revoke his said grant, it appears that the said journey did cause a general alarm (the worst motives obtaining the most easy credit with regard to any future proceeding, on account of the foregone acts) and excited great indignation among the ruling persons of the adjacent country, insomuch that Major Brown, agent to the said Warren Hastings at the court of the King Shah Allum at Delhi, did write a remonstrance therein to Mr. Bristow, Resident at Oude, as follows.

“The evening of the 7th, at a conference I had with Mirza Shaffee Khân, he introduced a subject, respecting the Nabob Vizier, which, however it may be disagreeable for you to know, and consequently for me to communicate, I am under a necessity of laying before you. He told me he had received information from Lucknow, that, by the advice of Hyder Beg Khân, the Vizier had determined to bring his grandmother, the widow of Sufdar Jung, from Fyzabad to Lucknow, with a view of getting a further sum of money from her, by seizing on her eunuchs, digging up the apartments of her house at Fyzabad, and putting her own person under restraint. This, he said, he knew was not an act of our government, but the mere advice of Hyder Beg Khân, to which the Vizier had been induced to attend. He added, that the old Begum had resolved rather to put herself to death than submit to the disgrace intended to be put upon her; that, if such a circumstance should happen, there is *not a man in Hindostan who will attribute the act to the Vizier [Nabob of Oude], but every one will fix the odium on the English, who might easily, by the influence they so largely exercise in their own concerns there, have prevented such unnatural conduct in the Vizier.* He therefore called upon me, as the English representative in this quarter, to inform you of this, that you may prevent a step which will destroy all confidence in the English nation throughout Hindostan, and excite the bitterest resentment in all those who by blood are connected with the house of Sufdar Jung. He concluded by saying, that, ‘if the Vizier so little regarded his family and personal honor, or his natural duty, as to wish to disgrace his father’s mother for a sum of money, let him plunder her of all she has, but let him send her safe up to Delhi or Agra, and, poor as I am, I will furnish subsistence for her, which she shall possess with safety and honor, though it cannot be adequate to her rank.’

“This, Sir, is a most exact detail of the conversation (as far as related to that affair) on the part of Mirza Shaffee Khân. On my part I could only say, that I imagined the affair was misrepresented, and that I should write as he requested. Let

me therefore request that you will enable me to answer in a more effectual manner any further questions on this subject.

LXXXII. "As Mirza Shaffee's grandfather was brother to Sufdar Jung, there can be no doubt of what his declaration means; and if this measure of dismissing the old Begum should be persisted in, I should not, from the state of affairs, and the character of the Amir ul Omrah, be surprised at some immediate and violent resolution being adopted by him."

LXXXIII. That Mirza Shaffee, mentioned in this correspondence, (who has since been murdered,) was of near kindred to the lady in question, (grandmother to the Nabob,) was resident in a province immediately adjoining to the province of Oude, and, from proximity of situation and nearness of connection, was likely to have any intelligence concerning his female relations from the best authority.

LXXXIV. That the Resident, Bristow, on receiving this letter, did apply to the said Hyder Beg Khân for an explanation of the Nabob's intentions, who denied that the Nabob intended more than a visit of duty and ceremony: which, whatever his dispositions might have been, and probably were, towards his own mother, was not altogether probable, as it was well known that he was on very bad terms with the mother of his father, and it appears that intentions of a similar nature had been before manifested even with regard to his own mother, and therefore obtained the more easy credit concerning the other woman of high rank aforesaid, especially as the evil designs of the said Hyder Beg were abundantly known, and that the said Hastings, upon whom he did wholly depend, continued to recommend "the most effectual, that is, the most violent, means for the recovery of the small remains of his extorted demand." But although it does not appear that the Resident did give credit to the said report, yet the effect of the same on the minds of the neighboring princes did make it proper and necessary to direct a strict inquiry into the same, which was not done; and it does not appear that any further inquiry was made into the true motives for this projected journey to Fyzabad, nor into the proceedings of Hyder Beg Khân, although the said Warren Hastings well knew that all the acts of the Nabob and his principal ministers were constantly attributed to him, and that it was known that secret agents, as well as the Company's regular agent, were employed by him at Lucknow and other places.

LXXXV. That the said Hastings, who did, on pretence of the majesty of justice, refuse to inquire into the charges made upon the female parents of the Nabob of Oude, in justification of the violence offered to them, did voluntarily and of his own accord make himself an accuser of the Resident, Middleton, for the want of a literal execution of his orders in the plans of extortion and rapine aforesaid: the criminal nature, spirit, and tendency of the said proceedings, for the defective execution of which he brought the said charge, appearing in the defence or apology made by Mr. Middleton, the Resident, for his temporary and short forbearances.

LXXXVI. “It could not, I flatter myself, be termed a long or unwarrantable delay [two days], when the importance of the business, and the peculiar embarrassments attending the prosecution of it to its desired end, are considered. The Nabob was *son* to the Begum whom we were to proceed against: a son against a mother must at least *save appearances in his mode of proceeding*. The produce of his negotiation was to be received by the Company. Receiving a benefit, accompanying the Nabob, withdrawing their protection, were circumstances sufficient to *mark the English as the principal movers in this business*. At a court where no opportunity is lost to throw odium on us, so favorable an occasion was not missed to persuade the Nabob that we instigated him to dishonor his family for our benefit. The impressions made by these suggestions constantly retarded the progress, and more than once actually broke off the business: which rendered the utmost caution on my part necessary, especially as I had no assistance to expect from the ministers, who could not openly move in the business. In the East, it is well known that no man either by himself or his troops, can enter the walls of a zenanah, scarcely in the case of acting against an open enemy, much less of *an ally*, — *an ally acting against his own mother*. The outer walls, and the Begum’s agents, were all that were liable to immediate attack: they were dealt with, and successfully, as the event proved.” — He had before observed to Mr. Hastings, in his correspondence, what Mr. Hastings well knew to be true, “that no farther rigor than that he had exerted could be used against females in that country; where force could be employed, it was not spared; — that the place of concealment was only known to the chief eunuchs, who could not be drawn out of the women’s apartments, where they had taken refuge, and from which, if an attempt had been made to storm them, they might escape; and the secret of the money being known only to them, it was necessary to get their persons into his hands, which could be obtained by negotiation only.” — The Resident concluded his defence by declaring his “hope, that, if the main object of his orders was fulfilled, he should be no longer held criminal for a deviation from the precise letter of them.”

LXXXVII. That the said Warren Hastings did enter a reply to this answer, in support of his criminal charge, continuing to insist “that his orders ought to have been literally obeyed,” although he did not deny that the above difficulties occurred, and the above consequences must have been the result, — and though the reports of the military officers charged with the execution of his commission confirmed the moral impossibility, as well as inutility in point of profit, of forcing a son to greater violence and rigor against his mother.

LXXXVIII. That the said Hastings, after all the acts aforesaid, did presume to declare on record, in his minute of the 23d September, 1788, “that, whatever may happen of the events which he dreads in the train of affairs now subsisting, he shall at least receive this consolation under them, that he used his utmost exertions to prevent them, and that in the annals of the nations of India which have been

subjected to the British dominions *HE shall not be remembered among their oppressors.*” And speaking of certain alleged indignities offered to the Nabob of Oude, and certain alleged suspicions of his authority with regard to the management of his household, he, the said Hastings, did, in the said minute, endeavor to excite the spirit of the British nation, severely animadverting on such offences, making use of the following terms: “If there be a spark of generous virtue in the breasts of any of my countrymen who shall be the readers of this compilation, this letter” (a letter of complaint from the Nabob) “shall stand for an instrument to awaken it to the call of vengeance against so flagitious an abuse of authority and reproach to the British name.”

From her Excellency the Bhow Begum to Mr. Bristow, Resident at the Vizier’s Court.

There is no necessity to write to you by way of information a detail of my sufferings. From common report, and the intelligence of those who are about you, the account of them will have reached your ears. I will here relate a part of them.

After the death of Sujah Dowlah, most of his ungrateful servants were constantly laboring to gratify their enmity; but finding, from the firm and sincere friendship which subsisted between me and the English, that the accomplishment of their purposes was frustrated, they formed the design of occasioning a breach in that alliance, to insure their own success. I must acquaint you that my son Asoph ul Dowlah had formerly threatened to seize my jaghire; but, upon producing the treaty signed by you, and showing it to Mr. Middleton, he interfered, and prevented the impending evil. The conspiracy now framed an accusation against me of a conduct which I had never conceived even in idea, of rendering assistance to Rajah Cheyt Sing. The particulars are as follow. My son Asoph ul Dowlah and his ministers, with troops and a train of artillery, accompanied by Mr. Middleton, on the 16th of the month of Mohurum, arrived at Fyzabad, and made a demand of a crore of rupees. As my inability to pay so vast a sum was manifest, I produced the treaty *you* signed and gave me, but to no effect: their hearts were determined upon violence. I offered my son Asoph ul Dowlah, whose will is dearer to me than all my riches, or even life itself, whatever money and goods I was possessed of: but an amicable adjustment seemed not worth accepting: he demanded the delivering up the fort, and the recall of the troops that were stationed for the preserving the peace of the city. To me tumult and discord appeared unnecessary. I gave up these points, upon which they seized my head eunuchs, Jewar Ali Khân and Behar Ali Khân, and sent them to Mr. Middleton, after having obliged them to sign a bond for sixty lacs of rupees; they were thrown into prison, with fetters about their feet, and denied food and water. I, who had never, even in my dreams, experienced such an oppression, gave up all I had to preserve my honor and dignity: but this would not satisfy their demands: they charged me with a rupee and a half batta upon each mohur, and on this account laid claims upon me to the amount of six lacs some thousand rupees,

and sent Major Gilpin to exact the payment. Major Gilpin, according to orders, at first was importunate; but being a man of experience, and of a benevolent disposition, when he was convinced of my want of means, he changed his conduct, and was willing to apply to the shroffs and bankers to lend me the money. But with the loss of my jaghire my credit was sunk; I could not raise the sum. At last, feeling my helpless situation, I collected my wardrobe and furniture, to the amount of about three lacs of rupees, besides fifty thousand rupees which I borrowed from one place or other, and sent Major Gilpin with it to Lucknow. My sufferings did not terminate here. The disturbances of Colonel Hannay and Mr. Gordon were made a pretence for seizing my jaghire. The state of the matter is this. When Colonel Hannay was by Mr. Hastings ordered to march to Benares, during the troubles of Cheyt Sing, the Colonel, *who had plundered the whole country, was incapable of proceeding, from the union of thousands of zemindars, who had seized this favorable opportunity*: they harassed Mr. Gordon near Junivard [Juanpore?], and the zemindars of that place and Acberpore opposed his march from thence, till he arrived near Taunda. As the Taunda nullah, from its overflowing, was difficult to cross without a boat, Mr. Gordon sent to the Phousdar to supply him. He replied, the boats were all in the river, but would, according to orders, assist him as soon as possible. Mr. Gordon's situation would not admit of his waiting: he forded the nullah upon his elephant, and was hospitably entertained and protected by the Phousdar for six days. In the mean time a letter was received by me from Colonel Hannay, desiring me to escort Mr. Gordon to Fyzabad. As my friendship for the English was always sincere, I readily complied, and sent some companies of nejeebs to escort Mr. Gordon, and all his effects, to Fyzabad, where, having provided for his entertainment, I effected his junction with Colonel Hannay. The letters of thanks I received from both these gentlemen upon this occasion are still in my possession, copies of which I gave in charge to Major Gilpin, to be delivered to Mr. Middleton, that he might forward them to the Governor-General. To be brief, those who have loaded me with accusations are now clearly convicted of falsehood. But is it not extraordinary, notwithstanding the justness of my cause, that nobody relieves my misfortunes? Why did Major Gilpin return without effect?

My prayers have been constantly offered to Heaven for your arrival; report has announced it; for which reason I have taken up the pen, and request you will not place implicit confidence in my accusers, but, weighing in the scale of justice their falsehoods and my representations, you will exert your influence in putting a period to the misfortunes with which I am overwhelmed.

Copy of a Letter from Colonel Hannay to Jewar Ali Khân and Behar Ali Khân.

I had the pleasure to receive your friendly letter, fraught with benevolence; and whatever favors you, my friends, have been pleased to confer respecting Mr. Gordon afforded me the greatest pleasure.

Placing a firm reliance on your friendship, I am in expectation that the aforesaid gentleman, with his baggage, will arrive at Fyzabad in safety, that the same may oblige and afford satisfaction to me.

A letter from Mr. Gordon is inclosed to you. I am in expectation of its being inclosed in a cover to the Aumil of Taunda, to the end that the Aumil may forward it to the above-mentioned gentleman, and procure his reply. Whenever the answer arrives, let it be delivered to Hoolas Roy, who will forward it to me.

Always rejoice me by a few lines respecting your health. [Continue to honor me with your correspondence.]

Copy of a Letter from Colonel Hannay to Jewar and Behar Ali Khân.

Khân Saib, my indulgent friends, remain under the protection of God!

Your friendly letter, fraught with kindness, accompanied by an honorary letter from the Begum Saib, of exalted dignity, and inclosing a letter from Mr. Gordon, sent through your hircarrahs, obliged and rejoiced me.

With respect to what you communicate regarding your not having received an answer to your friendly epistle, I became perfectly astonished, as a reply was written from Mohadree. It may be owing to the danger of the road that it never arrived, — not to the smallest neglect on my side [or of mine].

I now send two letters to you, — one by the Dawk people, and the second by one of my hircarrahs, (who will present them to you,) which you certainly will receive.

I am extremely well contented and pleased with the friendship you have shown.

You wrote me to remain perfectly easy concerning Mr. Gordon. Verily, from the kindness of you, my indulgent friends, my heart is quite easy. You also observed and mentioned, that, as Mr. Gordon's coming with those attached to him [probably his sepoy and others] might be attended with difficulty, if I approved, he should be invited alone to Fyzabad. My friends, I place my expectation entirely upon your friendships, and leave it to you to adopt the manner in which the said gentleman may arrive in security, without molestation, at Fyzabad; but at the same time let the plan be so managed that it may not come to the knowledge of any zemindars: in this case you are men of discernment. However, he is to come to Fyzabad: extend your assistance and endeavors.

It is probable that the Begum Saib, of high dignity, has received authentic intelligence from the camp at Benares. Favor me with the contents or purport.

From Mr. Gordon's letter I understand that Mirza Imaum Buksh, whom you dispatched thither [Taunda], has and still continues to pay great attention to that gentleman, which affords me great pleasure.

An answer to the Begum's letter is to be presented. I also send a letter for Mr. Gordon, which please to forward.

An Address from Colonel Hannay to the Begum.

Begum Saib, of exalted dignity and generosity, &c., whom God preserve!

Your exalting letter, fraught with grace and benevolence, that through your unbounded generosity and goodness was sent through grace and favor, I had the honor to receive in a fortunate moment, and whatever you were pleased to write respecting Mr. Gordon,— “that, as at this time the short-sighted and deluded ryots had carried their disturbances and ravages beyond all bounds, Mr. Gordon’s coming with his whole people [or adherents] might be attended with difficulty, and therefore, if I chose, he should be invited to come alone.” Now, as your Highness is the best judge, your faithful servant reposes his most unbounded hopes and expectation upon your Highness, that the aforesaid Mr. Gordon may arrive at Fyzabad without any apprehension or danger. I shall be then extremely honored and obliged.

Considering me in the light of a firm and faithful servant, continue to honor and exalt me by your letters.

What further can I say?

A Copy of an Address from Mr. Gordon to the Begum.

Begum Saib, of exalted dignity and generosity, whom God preserve!

After presenting the usual professions of servitude, &c., in the customary manner, my address is presented.

Your gracious letter, in answer to the petition of your servant from Goondah, exalted me. From the contents I became unspeakably impressed with the honor it conferred. May the Almighty protect that royal purity, and bestow happiness, increase of wealth, and prosperity!

The welfare of your servant is entirely owing to your favor and benevolence. A few days have elapsed since I arrived at Goondah with the Colonel Saib.

This is presented for your Highness’s information. I cherish hopes from your generosity, that, considering me in the light of one of your servants, you will always continue to exalt and honor me with your gracious letters.

May the sun of prosperity continually shine!

Copy of a Letter to Mahomed Jewar Ali Khân and Behar Ali Khân, from Mr. Gordon.

Sirs, my indulgent friends,
Remain under, &c., &c.

After compliments. I have the pleasure to acquaint you that yesterday having taken leave of you, I passed the night at Noorgunge, and next morning, about ten or eleven o’clock, through your favor and benevolence, arrived safe at Goondah. Mir Aboo Buksh, zemindar, and Mir Rustum Ali, accompanied me.

To what extent can I prolong the praises of you, my beneficent friends? May the Supreme Being, for this benign, compassionate, humane action, have you in His keeping, and increase your prosperity, and speedily grant me the pleasure of an

interview! Until which time continue to favor me with friendly letters, and oblige me by any commands in my power to execute.

May your wishes be ever crowned with success!

My compliments, &c., &c., &c.

Copy of a Letter from Colonel Hannay to Jewar Ali Khân and Behar Ali Khân.

Khân Saib, my indulgent friends,

Remain under the protection of the Supreme Being!

After compliments, and signifying my earnest desire of an interview, I address you.

Your friendly letter, fraught with kindness, I had the pleasure to receive in a propitious hour, and your inexpressible kindness in sending for Mir Nassar Ali with a force to Taunda, for the purpose of conducting Mr. Gordon, with all his baggage, who is now arrived at Fyzabad.

This event has afforded me the most excessive pleasure and satisfaction. May the Omnipotence preserve you, my steadfast, firm friends! The pen of friendship itself cannot sufficiently express your generosity and benevolence, and that of the Begum of high dignity, who so graciously has interested herself in this matter. Inclosed is an address for her, which please to forward. I hope from your friendship, until we meet, you will continue to honor me with an account of your health and welfare. What further can I write?

V. — REVOLUTIONS IN FURRUCKABAD.

I. That a prince called Ahmed Khân was of a family amongst the most distinguished in Hindostan, and of a nation famous through that empire for its valor in acquiring, and its policy and prudence in well governing the territories it had acquired, called the Patans, or Afghans, of which the Rohillas were a branch. The said Ahmed Khân had fixed his residence in the city of Furruckabad, and in the first wars of this nation in India the said Ahmed Khân attached himself to the Company against Sujah Dowlah, then an enemy, now a dependant on that Company. Ahmed Khân, towards the close of his life, was dispossessed of a large part of his dominions by the prevalence of the Mahratta power; but his son, a minor, succeeded to his pretensions, and to the remainder of his dominions. The Mahrattas were expelled by Sujah ul Dowlah, the late Vizier, who, finding a want of the services of the son and successor of Ahmed Khân, called Muzuffer Jung, did not only guaranty him in the possession of what he then actually held, but engaged to restore all the other territories which had been occupied by the Mahrattas; and this was confirmed by repeated treaties and solemn oaths, by the late Vizier and by the present. But neither the late nor the present Vizier fulfilled their engagements, or observed their oaths: the former having withheld what he had stipulated to restore; and the latter not only subjecting him to a tribute, instead of restoring him to what his father had unjustly withheld, but having made a further invasion by depriving him of fifteen of his districts, levying the tribute of the whole on the little that remained, and putting the small remains of his territory under a sequestrator or collector appointed by Almas Ali Khân, who did grievously afflict and oppress the prince and territory aforesaid.

That the hardships of his case being frequently represented to Warren Hastings, Esquire, he did suggest a doubt whether “that little ought to be still subject to tribute,” indicating that the said tribute might be hard and inequitable, — but, whatever its justice might have been, that, “from the *earliest period* of our connection with the present Nabob of Oude, it had invariably continued a part of the funds assigned by his Excellency as a provision for the liquidation of the several public demands of *this government* [Calcutta] upon him; and in consequence of the powers the board deemed it expedient to vest in the Resident at his court for the collection of the Company’s assignments, a *sezauwil* [a sequestrator] has always been stationed to enforce by every means in his power the payment of the tribute.” And the said tribute was, in consequence of this arrangement, not paid to the Nabob, but to the British Resident at Oude; and the same being therefore under the direction and for the sole use of the Company, and indeed the prince himself wholly dependent, the representatives of the said Company were responsible for the protection of the prince, and for the good government of the country.

II. That the said “Warren Hastings did, on the 22d of May, 1780, represent to the board of Calcutta the condition of the said country in the following manner.

“To the total want of all order, regularity, or *authority* in his government [the Furruckabad government], among *other obvious causes*, it may, no doubt, be owing, that the country of Furruckabad is become *an almost entire waste, without cultivation or inhabitants*; that the capital, which but a very short time ago was distinguished as one of the most *populous and opulent* commercial cities in Hindostan, at present exhibits nothing *but* scenes of the most wretched poverty, desolation, and misery; and the Nabob himself, though in possession of a tract of country which with only common care is notoriously capable of yielding an annual revenue of between thirty and forty lacs [three or four hundred thousand pounds], with *no military establishment to maintain, scarcely commanding the means of bare subsistence*.” And the said Warren Hastings, taking into consideration the said state of the country and its prince, and that the latter had “*preferred frequent complaints*” (which complaints the said Hastings to that time did not lay before the board, as his duty required) “*of the hardships and indignities* to which he is subjected by the conduct of the sezauwil [sequestrator] stationed in the country for the purpose of levying the annual tribute which he is bound by treaty to pay to the Subah of Oude,” he, the said Warren Hastings, did declare himself “extremely desirous, as well from motives of *common justice as due* regard to *the rank which that chief holds among the princes of Hindostan*, of affording him relief.” And he, the said Warren Hastings, as the means of the said relief, did, with the consent of the board, order the said native sequestrator to be removed, and an English Resident, a servant of the Company, to be appointed in his room, declaring “he understood a local interference to be *indispensably necessary* for realizing the Vizier’s just demands.”

III. That the said native sequestrator being withdrawn, and a Resident appointed, no complaint whatever concerning the collection of the revenue, or of any indignities offered to the prince of the country or oppression of his subjects by the said Resident, was made to the Superior Council at Calcutta; yet the said Warren Hastings did, nevertheless, in a certain paper, purporting to be a treaty made at Chunar with the Nabob of Oude, on the 19th September, 1781, at the request of the said Nabob, consent to an article therein, “That no English Resident be appointed to Furruckabad, and that the present be recalled.” And the said Warren Hastings, knowing that the Nabob of Oude was ill-affected towards the said Nabob of Furruckabad, and that he was already supposed to have oppressed him, did justify his conduct on the principles and in the words following: “That, if the Nabob Muzuffer Jung *must* endure oppression, (*and I dare not at this time propose his total relief*,) it concerns the reputation of our government to remove *our participation in it*.” And the said Warren Hastings making, recording, and acting upon the first of the said false and inhuman suppositions, most scandalous to this nation, namely, that princes paying money wholly for the use of the Company, and directly to its

agent, for the maintenance of British troops, by whose force and power the said revenue was in effect collected, must of necessity endure oppression, and that our government at any time *dare* not propose their *total* relief, was an high offence and misdemeanor in the said Warren Hastings, and the rather, because in the said treaty, as well as before and after, the said Hastings, who pretended not to dare to relieve those oppressed by the Nabob of Oude, did assume a complete authority over the said Nabob himself, and did dare to oppress him.

IV. That the second principle assumed by the said Warren Hastings, as ground for voluntarily abandoning the protection of those whom he had before undertaken to relieve, *on the sole strength of his own authority*, and in full confidence of the lawful foundation thereof, and for delivering over the persons so taken into protection, under false names and pretended descriptions, to known oppression, asserting that the reputation of the Company was saved by removing this apparent participation, when the new as well as the old arrangements were truly and substantially acts of the British government, was disingenuous, deceitful, and used to cover unjustifiable designs: since the said Warren Hastings well knew that all oppressions exercised by the Nabob of Oude were solely, and in this instance particularly, upheld by British force, and were imputed to this nation; and because he himself, in not more than three days after the execution of this treaty, and in virtue thereof, did direct the British Resident at Oude, in orders *to which he required his most implicit obedience*, “that the ministers [the Nabob of Oude’s ministers] are to choose *all* aumils and collectors of revenue with your concurrence.” And the dishonor to the Company, in thus deceitfully concurring in oppression, which they were able and were bound to prevent, is much aggravated by the said Warren Hastings’s receiving from the person to whose oppression he had delivered the said prince, as a private gift or donation to himself and for his own use, a sum of money amounting to one hundred thousand pounds and upwards, which might give just ground of suspicion that the said gift from the oppressor to the person surrendering the person injured to his mercy might have had some share in the said criminal transaction.

V. That the said Warren Hastings did (in the paper justifying the said surrender of the prince put by himself under the protection of the East India Company) assert, “that it was a fact, that the Nabob Muzuffer Jung [the Nabob of Furruckabad] is equally urgent with the Nabob Vizier for the removal of a Resident,” without producing, as he ought to have done, any document to prove his improbable assertion, namely, his assertion that the oppressed prince did apply to his known enemy and oppressor, the Nabob of Oude, (who, if he would, was not able to relieve him against the will of the English government,) rather than to that English government, which he must have conceived to be more impartial, to which he had made his former complaint, and which was alone able to relieve him.

VI. That the said Warren Hastings, in the said writing, did further convey an insinuation of an ambiguous, but, on any construction, of a suspicious and dangerous import, viz.: “It is a fact, that Mr. Shee’s [the Resident’s] authority over the territory of Furruckabad is in itself as much subversive of that [*of the lawful rulers*] as that of the Vizier’s aumil [collector] ever was, and is the more *oppressive* as the power from whence it is derived is greater.” The said assertion proceeds upon a supposition of the illegality both of the Nabob’s and the Company’s government; all consideration of the *title* to authority being, therefore, on that supposition, put out of the question, and the whole turning only upon the *exercise* of authority, the said Hastings’s suggestion, that the oppression of government must be in proportion to its power, is the result of a false and dangerous principle, and such as it is criminal for any person intrusted with the lives and fortunes of men to entertain, much more, publicly to profess as a rule of action, as the same hath a direct tendency to make the new and powerful government of this kingdom in India dreadful to the natives and odious to the world. But if the said Warren Hastings did mean thereby indirectly to insinuate that oppressions had been actually exercised under the British authority, he was bound to inquire into these oppressions, and to animadvert on the person guilty of the same, if proof thereof could be had, — and the more, as the authority was given by *himself*, and the person exercising it was by himself also named. And the said Warren Hastings did on another occasion assert that “whether they were well or ill-founded he never had an opportunity to ascertain.” But it is not true that the said Hastings did or could want such opportunity: the fact being, that the said Warren Hastings did never cause any inquiry to be made into any supposed abuses during the said Residency, but did give a pension of fifteen hundred pounds a year to the said late Resident as a compensation to him for an injury received, and did afterwards promote the Resident, as a faithful servant of the Company, (and nothing appears to show him otherwise,) to a judicial office of high trust, — thereby taking away all credit from any grounds asserted or insinuated by the said Hastings for delivering the said Nabob of Furruckabad to the hand of a known enemy and oppressor, who had already, contrary to repeated treaties, deprived him of a large part of his territories.

VII. That, on the said Warren Hastings’s representation of the transaction aforesaid to the Court of Directors, they did heavily and justly censure the said Warren Hastings for the same, and did convey their censure to him, recommending relief to the suffering prince, but without any order for sending a new Resident: being, as it may be supposed, prevented from taking that step by the faith of the treaty made at Chunar.

VIII. That all the oppressions foreseen by him, the said Warren Hastings, when he made the article aforesaid in the treaty of Chunar, did actually happen: for, immediately on the removal of the British Resident, the country of Furruckabad was subjected to the discretion of a certain native manager of revenue, called Almas

Ali Khân, who did impoverish and oppress the country and insult the prince, and did deprive him of all subsistence from his own estates, — taking from him even his gardens and the tombs of his ancestors, and the funds for maintaining the same.

IX. That, on complaint of those proceedings, the said Hastings did of his own authority, and without communicating with his Council, direct the native collector aforesaid to be removed, and the territory of Furruckabad to be left to the sole management of its natural prince. But in a short time the said Hastings, pretending to receive many complaints purporting that the tribute to the Nabob remained wholly unpaid, and the agent to the prince of Furruckabad at the Presidency, and afterwards chief manager to the prince aforesaid, having, as the said Warren Hastings saith, “had the insolence to propagate a report that the *interference* to which his master owed the power he then enjoyed was *purchased* through him,” he, the said Hastings, did again (but, as before, without the Council) “withdraw his protection and interference altogether,” on or about the month of August, 1782, and did signify his resolution, through the Resident, Middleton, to the Nabob Vizier. But the said Hastings asserts that “the consequence of this his own second dereliction of the prince of Furruckabad was *an aggravated renewal of the severities* exercised against his government, and the reappointment of a sezauwil, with powers delegated or assumed, to the *utter extinction* of the rights of Muzuffer Jung, and actually depriving him of the means of subsistence.” And the said Hastings did receive, on the 16th of February, 1783, from the prince aforesaid, a bitter complaint of the same to the following tenor.

“The miseries which have fallen upon my country, and the poverty and distress which have been heaped upon me by the reappointment of the sezauwil, are such, that a relation of them would, I am convinced, excite the strongest feelings of compassion in your breast. But it is impossible to relate them: on one side, my country ruined and uncultivated to a degree of desolation which exceeds all description; on the other, my domestic concerns and connections involved *in such a state of distress and horror, that even the relations, the children, and the wives of my father are starving in want of daily bread, and are on the point of flying voluntary exiles from their country and from each other.*”

But although the said Hastings did, on the 16th of February, receive and admit the justice of the said complaint, and did not deny the urgent necessity of redress, the said letter containing the following sentence, “If there should be *any delay* in your acceptance of this proposal, *my existence and the existence of my family will become difficult and doubtful,*” — and although he did admit the interference to be the more urgently demanded, “as the services of the English troops have been added to enforce the authority of the sezauwil,” — and although he admits also, that, even before that time, similar complaints and applications had been made, — yet he did withhold the said letter of complaint, a minute of which he asserts he had, at or about that time, prepared for the relief of the sufferer, from the Board of

Council, and did not so much as propose anything relative to the same for seven months after, viz., until the 6th of October, 1783: the said letter and minute being, as he asserts, “*withheld*, from causes *not necessary to mention*, from presentation.” By which means the said country and prince did suffer a long continuance of unnecessary hardship, from which the said Hastings confessed it was his duty to relieve them, and that a British Resident was necessary at Furruckabad, “from a sense of submission to the *implied* orders of the Court of Directors in their letter of 1783, lately received, added to *the conviction I have LONG SINCE* entertained of *the necessity of such an appointment for the preservation of our national credit*, and the means of rescuing an ancient and respectable family from ruin.”

And the said Warren Hastings did at length perform what he thought had *long since* been necessary; and in contradiction to his engagements with the Nabob in the treaty of Chunar, and against his strong remonstrances, urging his humiliation from this measure, and the faith of the agreement, and against his own former declaration that it concerned the reputation of our government to remove our participation in the oppressions which he, the said Hastings, supposed the prince of Furruckabad must undergo, did once more recommend to the Council a British Resident at Furruckabad, and the withdrawing the native sezauwil: no course being left to the said Hastings to take which was not a violation of some engagement, and a contradiction to some principle of justice and policy by him deliberately advanced and entered on record.

That Mr. Willes being appointed Resident, and having arrived at Furruckabad on the 25th of February, 1784, with instructions to inquire minutely into the state of the country and the ruling family, he, the said Resident, Willes, in obedience thereto, did fully explain to him, the Governor-General, the said Warren Hastings, (he being then out of the Company’s provinces, at Lucknow, on a delegation which respected this very country, as part of the dependencies of Oude,) the situation of the province of Furruckabad; but the said Warren Hastings did not take or recommend any measure whatsoever for the relief thereof in consequence of the said representation, nor even communicate to the Council-General the said representation; and it was not until the 28th of June, 1783 [1785?], that is, sixteen months from the arrival of the Resident at his station, that anything was laid before the board relative to the regulation or relief of the distressed country aforesaid, and that not from the said Warren Hastings, but from other members of the Council: which purposed neglect of duty, joined to the preceding wilful delay of seven months in proposing the said relief originally, caused near two years’ delay. And the said Warren Hastings is further culpable in not communicating to the Council Board the order which he had, of his own authority, and without any powers from them, given to the said Resident, Willes, and did thereby prevent them from taking such steps as might counteract the ill effects of the said order; which order purported, that the said Willes was not to interfere with the Nabob of

Furruckabad's government, for the regulation of which he was in effect appointed to the Residency, — declaring as follows: "I rely much on your moderation and good judgment, which I hope will enable you to regulate your conduct towards the Nabob and his *servants* in such a manner, that, *without interfering in the executive part of his government*, you may render him essential service by *your council and advice*." And this restriction the said Hastings did impose, which totally frustrated the purpose of the Resident's mission, though he well knew, and had frequently stated, the extreme imbecility and weakness of the said Nabob of Furruckabad, and his subjection to unworthy servants; and in the Minute of Consultation upon which he founded the appointment did state the Nabob of Furruckabad "as a weak and unexperienced young man, who had abandoned himself entirely to the discretion of his servants, and the restoration of his independence was followed by a *total* breach of the engagements he had promised to fulfil, attended by pointed instances of contumacy and disrespect"; and in the said minute the said Hastings adds, (as before mentioned,) his principal servant and manager had propagated a report that the "*interference*" (namely, his, the said Hastings's, interference) "to which his master owed the power he then enjoyed was purchased by him," the principal servant aforesaid: yet he, the said Hastings, who had assigned on record the character of the said Nabob, and the conduct of his servants, and the aforesaid report of his principal servant, so highly dishonorable to him, the said Hastings, as reasons for taking away the independency of the Nabob of Furruckabad, and the subjecting him to the oppression of the Nabob of Oude's officer, Almas Ali, did again himself establish the pretended independence of the said prince of Furruckabad, and the real independence of his corrupt and perfidious servants, not against the Nabob of Oude, but against a British Resident appointed by himself ("as a character eminently qualified for such a charge") for the correction of those evils, and for rendering the prince aforesaid an useful ally to the Company, and restoring his dominions to order and plenty.

That the said Hastings did not only disable the Resident at Furruckabad by his said prohibitory letter, but did render his very remaining at all in that station perfectly precarious by a subsequent letter, rendering him liable to dismissal by the Vizier, — thereby changing the tenure of the Resident's office, and changing him from a minister of the Company, dependent on the Governor-General and Council, to a dependant upon an irresponsible power, — in this also acting without the Council, and by his own usurped authority: and accordingly the said Resident did declare, in his letter of the 24th of April, 1785, "that the situation of the country was *more* distressful than when he [the prince of Furruckabad] addressed himself for relief in 1783, and that he was sorry to say that his appointment at Furruckabad was of no use"; that, though the old tribute could not be paid, owing to famine and other causes, it was increased by a new imposition, making the whole equal the entire *gross* produce of the revenue; that therefore there will not be "*anything for*

the subsistence of the Nabob and family.” And the uncles of the said Nabob of Furruckabad, the brethren of the late Ahmed Khân, (who had rendered important services to the Company,) and their children, in a petition to the Resident, represented that soon after the succession of Muzuffer Jung “their misery commenced. The jaghires [lands and estates] on which they subsisted were disallowed. Our distress is great: we have neither clothes nor food. Though we felt hurt at the idea of explaining our situation, yet, could we have found a mode of conveyance, we would have proceeded to Calcutta for redress. The scarcity of grain this season is an additional misfortune. With difficulty we support life. From your presence without the provinces we expect relief. It is not the custom of the Company to deprive the zemindars and jaghiredars of the means of subsistence. To your justice we look up.”

This being the situation of the person and family of the Nabob of Furruckabad and his nearest relations, the state of the country and its capital, prevented from all relief by the said Warren Hastings, is described in the following words by the Resident, Willes.

“Almas Ali has taken the purgunnah of Marara at a very inadequate rent, and his aumils have seized many adjacent villages: the purgunnahs of Cocutmow and Souje are constantly plundered by his people. The collection of the ghauts near Futtighur has been seized by the Vizier’s *cutwal*, and the zemindars in four purgunnahs are so refractory as to have fortified themselves in their gurries, and to refuse all payments of revenue. This is the state of the purgunnahs. *And Furruckabad, which was once the seat of great opulence and trade, is now daily deserted by its inhabitants, its walls mouldering away, without police, without protection, exposed to the depredations of a banditti of two or three hundred robbers, who, night after night, enter it for plunder, murdering all who oppose them. The ruin that has overtaken this country is not to be wondered at, when it is considered that there has been no state, no stable government, for many years.* There has been the Nabob Vizier’s authority, his ministers’, the Residents’ at Lucknow, the sezauwils’, the camp authority, the Nabob Muzuffer Jung’s, and that of twenty duans or advisers: no authority sufficiently predominant to establish any regulations for the benefit of the country, whilst each authority has been exerted, as opportunity offered, for temporary purposes.

“Such being the present *deplorable* state of Furruckabad and its districts, in the ensuing year it will be in vain to look for revenue, if some regulations equal to the exigency be not adopted. The whole country will be divided between the neighboring powerful aumils, the refractory zemindars, and banditti of robbers; and the Patans, who might be made useful subjects, will fly from the scene of anarchy. The crisis appears now come, that either some plan of government should be resolved on, so as to form faithful subjects on the frontier, or the country be given up to its fate: and if it be abandoned, there can be little doubt but that the Mahrattas will gladly seize on a station so favorable to incursions into the Vizier’s dominions,

will attach to their interests the Hindoo zemindars, and possess themselves of forts, which, with little expense being made formidable, would give employment perhaps to the whole of our force, should it be ever necessary to recover them.”

That the Council at Calcutta, on the representation aforesaid made by the Resident at Furruckabad, did propose and record a plan for the better government of the said country, but did delay the execution of the same until the arrangements made by the said Hastings with the Nabob Vizier should be known; but the said Hastings, as far as in him lay, did entirely set aside any plan that could be formed for that purpose upon the basis of a British Resident at Furruckabad, by engaging with the said Nabob Vizier that no British influence shall be employed within his dominions, and he has engaged to that prince not to abandon him to any other mode of relation; and he has informed the Court of Directors that the territories of the Nabob of Oude will be ruined, if Residents are sent into them, observing, that “Residents never will be sent for any other purposes than those of vengeance and corruption.”

That the said Warren Hastings did declare to the Court of Directors, that in his opinion the mode of relief most effectual, and most lenient with regard to Furruckabad, would be to nominate one of the family of the prince to superintend his affairs and to secure the payments; but this plan, which appears to be most connected with the rights of the ruling family, whilst it provides against the imbecility of the natural lord, and is free from his objection to a Resident, is the only one which the said Hastings never has executed, or even proposed to execute.

That the said Hastings, by the agreements aforesaid, has left the Company in such an alternative, that they can neither relieve the said prince of Furruckabad from oppression without a breach of the engagements entered into by him, the said Hastings, with the Nabob Vizier in the name of the Company, nor suffer him to remain under the said oppression without violating all faith and all the rules of justice with regard to him. And the said Hastings hath directly made or authorized no less than six revolutions in less than five years in the aforesaid harassed province; by which frequent and rapid changes of government, all of them made in contradiction to all his own declared motives and reasons for the several acts successively done and undone in this transaction, the distresses of the country and the disorders in its administration have been highly aggravated; and in the said irregular proceedings, and in the gross and complicated violations of faith with all parties, the said Hastings is guilty of high crimes and misdemeanors.

VI. — DESTRUCTION OF THE RAJAH OF SAHLONE.

I. That the late Nabob of Oude, Sujah ul Dowlah, did (on what reasons of policy or pretences of justice is unknown) dispossess a certain native person of distinction, or eminent Rajah, residing in the country of Sahlone, “the lineal descendant of the most powerful Hindoo family in that part of Hindostan,” of his patrimonial estate, and conferred the same, or part of the same, on his, the Nabob’s, mother, as a jaghire, or estate, for the term of her life: and the mother of the Nabob, in order to quiet the country, and to satisfy in some measure the principal and other inhabitants, did allow and pay a certain pension to the said Rajah; which pension, on the general confiscation of jaghires, made at the instigation of the said Warren Hastings, and by the letting the lands so confiscated to farmers at rack-rents, was discontinued and refused to be paid; and the discontinuance of the said pension, “on account of the personal respect borne to the Rajah, (as connections with him are sought for, and thought *to confer honor*,)” did cause an universal discontent and violent commotions in the district of Sahlone, and other parts of the province of Oude, with great consequent effusion of blood, and interruption, if not total discontinuance, to the collection of the revenues in those parts, other than as the same was irregularly, and with great damage to the country, enforced by British troops.

II. That Mr. Lumsdaine, the officer employed to reduce those disordered parts of the province to submission, after several advantages gained over the Rajah and his adherents, and expelling him from the country, did represent the utter impossibility of bringing it to a permanent settlement “merely by forcible methods; as in any of his [the Rajah’s] incursions it would not be necessary to bring even a force with him, as the zemindars [landed proprietors and freeholders] are much attached to the Rajah, whom they consider as their hereditary prince, and never fail to assist him, and that his rebellion against government is not looked on as a crime”: and Mr. Lumsdaine declared it “as his clear opinion, that the allowing the said Rajah a pension suitable to his rank and influence in the country would be the most certain mode of obtaining a permanent peace,” — alleging, among other cogent reasons, “that the expense of the force necessary to be employed to subdue the country might be spared, and employed elsewhere, and that the people would return to their villages with their cattle and effects, and of course government have some security for the revenue, whereas at present they have none.” And the representation containing that prudent and temperate counsel, given by a military man of undoubted information and perfect experience in the local circumstances of the country, was transmitted by the Resident, Bristow, to the said Warren Hastings, who did wilfully and criminally omit to order any relief to the said Rajah in conformity to the general sense and wishes of the inhabitants, a compliance with

whose so reasonable an expectation his duty in restoring the tranquillity of the country and in retrieving the honor of the English government did absolutely require; but instead of making such provision, a price was set upon his head, and several bodies of British troops being employed to pursue him, after many skirmishes and much bloodshed and mutual waste of the country, the said Rajah, honored and respected by the natives, was hunted down, and at length killed in a thicket.

REFLECTIONS ON THE REVOLUTION IN FRANCE



This political pamphlet first appeared in November 1790 and is widely considered to be one of the best-known intellectual attacks against the French Revolution. The text is a defining tract of modern conservatism, as well as an important contribution to international theory; celebrated for its thoroughness, rhetorical skill and literary power, the pamphlet has since established its reputation as a classic text of political theory.

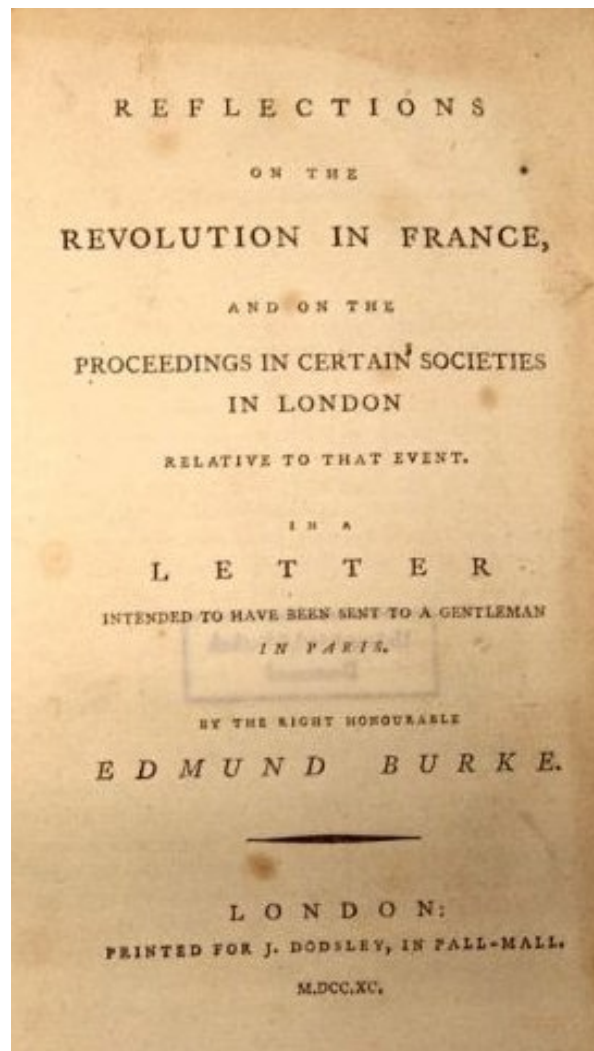
In 1789, soon after the fall of the Bastille, the French aristocrat Charles-Jean-François Depont asked Burke for his impressions of the Revolution. After reading Richard Price's *A Discourse on the Love of our Country* in January of 1790, his second draft of these impressions became *Reflections on the Revolution in France*. Following its publication, the pamphlet was an instant bestseller, with thirteen thousand copies purchased in the first five weeks and by the following September it had gone through eleven editions. One particular aspect of its appeal to contemporary readers lay in the highly wrought accounts of the mob's violent treatment of the French king and queen.

Burke argues that the French Revolution would end disastrously because its abstract foundations, purportedly rational, ignore the complexities of human nature and society. He focuses on the practicality of solutions instead of the metaphysics, writing, "What is the use of discussing a man's abstract right to food or to medicine? The question is upon the method of procuring and administering them. In this deliberation I shall always advise to call in the aid of the farmer and the physician, rather than the professor". As a Whig, he expressly repudiates the belief in divinely appointed monarchic authority and the idea that a people have no right to depose an oppressive government. Nevertheless, he advocates central roles for private property, tradition, and adherence to values regardless of their rational basis to give citizens a stake in their nation's social order. He argues for gradual, constitutional reform, not revolution (in every case except the most qualified case), emphasising that a political doctrine founded upon abstractions such as liberty and the rights of man could be easily abused to justify tyranny.

He goes on to predict that the Revolution's concomitant disorder would make the army "mutinous and full of faction", and then a "popular general", commanding the soldiery's allegiance, would become "master of your assembly, the master of your whole republic". Though he may have been thinking of Lafayette, Napoleon would fulfil this prophecy on the 18th Brumaire, two years following Burke's death.

Most of the House of Commons disagreed with Burke and in turn his popularity declined. As the French Revolution broke into factions, the Whig Party broke into

two factions, known as the New Whig party and the Old Whig party. As founder of the Old Whigs, Burke always took the opportunity to engage in debate with the New Whigs about French Jacobinism. After trying to loosen the Protestant minority's control of Irish government, he was voted out of the House of Commons with a large pension. He later adopted French and Irish children, believing himself correct in rescuing them from government oppression. Before dying, he ordered his family to bury him secretly, believing his corpse would be a political target for desecration should the Jacobins prevail in England.



The first edition's title page



'Promis'd horrors of the French invasion, or forcible reasons for negotiating a regicide peace' Vide the authority of Edmund Burke — hand-coloured etching and aquatint, published on 20 October 1796

REFLECTIONS
ON THE
REVOLUTION IN FRANCE,
AND ON
THE PROCEEDINGS IN CERTAIN SOCIETIES IN LONDON
RELATIVE TO THAT EVENT:
IN A LETTER
INTENDED TO HAVE BEEN SENT TO A GENTLEMAN IN PARIS.
1790.

It may not be unnecessary to inform the reader that the following Reflections had their origin in a correspondence between the author and a very young gentleman at Paris, who did him the honor of desiring his opinion upon the important transactions which then, and ever since have, so much occupied the attention of all men. An answer was written some time in the month of October, 1789; but it was kept back upon prudential considerations. That letter is alluded to in the beginning of the following sheets. It has been since forwarded to the person to whom it was addressed. The reasons for the delay in sending it were assigned in a short letter to the same gentleman. This produced on his part a new and pressing application for the author's sentiments.

The author began a second and more full discussion on the subject. This he had some thoughts of publishing early in the last spring; but the matter gaining upon him, he found that what he had undertaken not only far exceeded the measure of a letter, but that its importance required rather a more detailed consideration than at that time he had any leisure to bestow upon it. However, having thrown down his first thoughts in the form of a letter, and, indeed, when he sat down to write, having intended it for a private letter, he found it difficult to change the form of address, when his sentiments had grown into a greater extent and had received another direction. A different plan, he is sensible, might be more favorable to a commodious division and distribution of his matter.

REFLECTIONS ON THE REVOLUTION IN FRANCE.

Dear Sir, — You are pleased to call again, and with some earnestness, for my thoughts on the late proceedings in France. I will not give you reason to imagine that I think my sentiments of such value as to wish myself to be solicited about them. They are of too little consequence to be very anxiously either communicated or withheld. It was from attention to you, and to you only, that I hesitated at the time when you first desired to receive them. In the first letter I had the honor to write to you, and which at length I send, I wrote neither for nor from any description of men; nor shall I in this. My errors, if any, are my own. My reputation alone is to answer for them.

You see, Sir, by the long letter I have transmitted to you, that, though I do most heartily wish that France may be animated by a spirit of rational liberty, and that I think you bound, in all honest policy, to provide a permanent body in which that spirit may reside, and an effectual organ by which it may act, it is my misfortune to entertain great doubts concerning several material points in your late transactions.

You imagined, when you wrote last, that I might possibly be reckoned among the approvers of certain proceedings in France, from the solemn public seal of sanction they have received from two clubs of gentlemen in London, called the Constitutional Society, and the Revolution Society.

I certainly have the honor to belong to more clubs than one in which the Constitution of this kingdom and the principles of the glorious Revolution are held in high reverence; and I reckon myself among the most forward in my zeal for maintaining that Constitution and those principles in their utmost purity and vigor. It is because I do so that I think it necessary for me that there should be no mistake. Those who cultivate the memory of our Revolution, and those who are attached to the Constitution of this kingdom, will take good care how they are involved with persons who, under the pretext of zeal towards the Revolution and Constitution, too frequently wander from their true principles, and are ready on every occasion to depart from the firm, but cautious and deliberate, spirit which produced the one and which presides in the other. Before I proceed to answer the more material particulars in your letter, I shall beg leave to give you such information as I have been able to obtain of the two clubs which have thought proper, as bodies, to interfere in the concerns of France, — first assuring you that I am not, and that I have never been, a member of either of those societies.

The first, calling itself the Constitutional Society, or Society for Constitutional Information, or by some such title, is, I believe, of seven or eight years' standing. The institution of this society appears to be of a charitable, and so far of a laudable nature: it was intended for the circulation, at the expense of the members, of many books which few others would be at the expense of buying, and which might lie on

the hands of the booksellers, to the great loss of an useful body of men. Whether the books so charitably circulated were ever as charitably read is more than I know. Possibly several of them have been exported to France, and, like goods not in request here, may with you have found a market. I have heard much talk of the lights to be drawn from books that are sent from hence. What improvements they have had in their passage (as it is said some liquors are meliorated by crossing the sea) I cannot tell; but I never heard a man of common judgment or the least degree of information speak a word in praise of the greater part of the publications circulated by that society; nor have their proceedings been accounted, except by some of themselves, as of any serious consequence.

Your National Assembly seems to entertain much the same opinion that I do of this poor charitable club. As a nation, you reserved the whole stock of your eloquent acknowledgments for the Revolution Society, when their fellows in the Constitutional were in equity entitled to some share. Since you have selected the Revolution Society as the great object of your national thanks and praises, you will think me excusable in making its late conduct the subject of my observations. The National Assembly of France has given importance to these gentlemen by adopting them; and they return the favor by acting as a committee in England for extending the principles of the National Assembly. Henceforward we must consider them as a kind of privileged persons, as no inconsiderable members in the diplomatic body. This is one among the revolutions which have given splendor to obscurity and distinction to undiscerned merit. Until very lately I do not recollect to have heard of this club. I am quite sure that it never occupied a moment of my thoughts, — nor, I believe, those of any person out of their own set. I find, upon inquiry, that, on the anniversary of the Revolution in 1688, a club of Dissenters, but of what denomination I know not, have long had the custom of hearing a sermon in one of their churches, and that afterwards they spent the day cheerfully, as other clubs do, at the tavern. But I never heard that any public measure or political system, much less that the merits of the constitution of any foreign nation, had been the subject of a formal proceeding at their festivals, until, to my inexpressible surprise, I found them in a sort of public capacity, by a congratulatory address, giving an authoritative sanction to the proceedings of the National Assembly in France.

In the ancient principles and conduct of the club, so far at least as they were declared, I see nothing to which I could take exception. I think it very probable, that, for some purpose, new members may have entered among them, — and that some truly Christian politicians, who love to dispense benefits, but are careful to conceal the hand which distributes the dole, may have made them the instruments of their pious designs. Whatever I may have reason to suspect concerning private management, I shall speak of nothing as of a certainty but what is public.

For one, I should be sorry to be thought directly or indirectly concerned in their proceedings. I certainly take my full share, along with the rest of the world, in my

individual and private capacity, in speculating on what has been done, or is doing, on the public stage, in any place, ancient or modern, — in the republic of Rome, or the republic of Paris; but having no general apostolical mission, being a citizen of a particular state, and being bound up, in a considerable degree, by its public will, I should think it at least improper and irregular for me to open a formal public correspondence with the actual government of a foreign nation, without the express authority of the government under which I live.

I should be still more unwilling to enter into that correspondence under anything like an equivocal description, which to many, unacquainted with our usages, might make the address in which I joined appear as the act of persons in some sort of corporate capacity, acknowledged by the laws of this kingdom, and authorized to speak the sense of some part of it. On account of the ambiguity and uncertainty of unauthorized general descriptions, and of the deceit which may be practised under them, and not from mere formality, the House of Commons would reject the most sneaking petition for the most trifling object, under that mode of signature to which you have thrown open the folding-doors of your presence-chamber, and have ushered into your National Assembly with as much ceremony and parade, and with as great a bustle of applause, as if you had been visited by the whole representative majesty of the whole English nation. If what this society has thought proper to send forth had been a piece of argument, it would have signified little whose argument it was. It would be neither the more nor the less convincing on account of the party it came from. But this is only a vote and resolution. It stands solely on authority; and in this case it is the mere authority of individuals, few of whom appear. Their signatures ought, in my opinion, to have been annexed to their instrument. The world would then have the means of knowing how many they are, who they are, and of what value their opinions may be, from their personal abilities, from their knowledge, their experience, or their lead and authority in this state. To me, who am but a plain man, the proceeding looks a little too refined and too ingenious; it has too much the air of a political stratagem, adopted for the sake of giving, under a high-sounding name, an importance to the public declarations of this club, which, when the matter came to be closely inspected, they did not altogether so well deserve. It is a policy that has very much the complexion of a fraud.

I flatter myself that I love a manly, moral, regulated liberty as well as any gentleman of that society, be he who he will; and perhaps I have given as good proofs of my attachment to that cause, in the whole course of my public conduct. I think I envy liberty as little as they do to any other nation. But I cannot stand forward, and give praise or blame to anything which relates to human actions and human concerns on a simple view of the object, as it stands stripped of every relation, in all the nakedness and solitude of metaphysical abstraction. Circumstances (which with some gentlemen pass for nothing) give in reality to every political principle its distinguishing color and discriminating effect. The

circumstances are what render every civil and political scheme beneficial or noxious to mankind. Abstractedly speaking, government, as well as liberty, is good; yet could I, in common sense, ten years ago, have felicitated France on her enjoyment of a government, (for she then had a government,) without inquiry what the nature of that government was, or how it was administered? Can I now congratulate the same nation upon its freedom? Is it because liberty in the abstract may be classed amongst the blessings of mankind, that I am seriously to felicitate a madman who has escaped from the protecting restraint and wholesome darkness of his cell on his restoration to the enjoyment of light and liberty? Am I to congratulate a highwayman and murderer who has broke prison upon the recovery of his natural rights? This would be to act over again the scene of the criminals condemned to the galleys, and their heroic deliverer, the metaphysic Knight of the Sorrowful Countenance.

When I see the spirit of liberty in action, I see a strong principle at work; and this, for a while, is all I can possibly know of it. The wild gas, the fixed air, is plainly broke loose: but we ought to suspend our judgment until the first effervescence is a little subsided, till the liquor is cleared, and until we see something deeper than the agitation of a troubled and frothy surface. I must be tolerably sure, before I venture publicly to congratulate men upon a blessing, that they have really received one. Flattery corrupts both the receiver and the giver; and adulation is not of more service to the people than to kings. I should therefore suspend my congratulations on the new liberty of France, until I was informed how it had been combined with government, with public force, with the discipline and obedience of armies, with the collection of an effective and well-distributed revenue, with morality and religion, with solidity and property, with peace and order, with civil and social manners. All these (in their way) are good things, too; and without them, liberty is not a benefit whilst it lasts, and is not likely to continue long. The effect of liberty to individuals is, that they may do what they please: we ought to see what it will please them to do, before we risk congratulations, which may be soon turned into complaints. Prudence would dictate this in the case of separate, insulated, private men. But liberty, when men act in bodies, is *power*. Considerate people, before they declare themselves, will observe the use which is made of *power*, — and particularly of so trying a thing as *new* power in *new* persons, of whose principles, tempers, and dispositions they have little or no experience, and in situations where those who appear the most stirring in the scene may possibly not be the real movers.

All these considerations, however, were below the transcendental dignity of the Revolution Society. Whilst I continued in the country, from whence I had the honor of writing to you, I had but an imperfect idea of their transactions. On my coming to town, I sent for an account of their proceedings, which had been published by their authority, containing a sermon of Dr. Price, with the Duke de Rochefoucault's

and the Archbishop of Aix's letter and several other documents annexed. The whole of that publication, with the manifest design of connecting the affairs of France with those of England, by drawing us into an imitation of the conduct of the National Assembly, gave me a considerable degree of uneasiness. The effect of that conduct upon the power, credit, prosperity, and tranquillity of France became every day more evident. The form of constitution to be settled, for its future polity, became more clear. We are now in a condition to discern with tolerable exactness the true nature of the object held up to our imitation. If the prudence of reserve and decorum dictates silence in some circumstances, in others prudence of a higher order may justify us in speaking our thoughts. The beginnings of confusion with us in England are at present feeble enough; but with you we have seen an infancy still more feeble growing by moments into a strength to heap mountains upon mountains, and to wage war with Heaven itself. Whenever our neighbor's house is on fire, it cannot be amiss for the engines to play a little on our own. Better to be despised for too anxious apprehensions than ruined by too confident a security.

Solicitous chiefly for the peace of my own country, but by no means unconcerned for yours, I wish to communicate more largely what was at first intended only for your private satisfaction. I shall still keep your affairs in my eye, and continue to address myself to you. Indulging myself in the freedom of epistolary intercourse, I beg leave to throw out my thoughts and express my feelings just as they arise in my mind, with very little attention to formal method. I set out with the proceedings of the Revolution Society; but I shall not confine myself to them. Is it possible I should? It looks to me as if I were in a great crisis, not of the affairs of France alone, but of all Europe, perhaps of more than Europe. All circumstances taken together, the French Revolution is the most astonishing that has hitherto happened in the world. The most wonderful things are brought about in many instances by means the most absurd and ridiculous, in the most ridiculous modes, and apparently by the most contemptible instruments. Everything seems out of nature in this strange chaos of levity and ferocity, and of all sorts of crimes jumbled together with all sorts of follies. In viewing this monstrous tragi-comic scene, the most opposite passions necessarily succeed and sometimes mix with each other in the mind: alternate contempt and indignation, alternate laughter and tears, alternate scorn and horror.

It cannot, however, be denied that to some this strange scene appeared in quite another point of view. Into them it inspired no other sentiments than those of exultation and rapture. They saw nothing in what has been done in France but a firm and temperate exertion of freedom, — so consistent, on the whole, with morals and with piety as to make it deserving not only of the secular applause of dashing Machiavelian politicians, but to render it a fit theme for all the devout effusions of sacred eloquence.

On the forenoon of the fourth of November last, Doctor Richard Price, a Non-Conforming minister of eminence, preached at the Dissenting meeting-house of the Old Jewry, to his club or society, a very extraordinary miscellaneous sermon, in which there are some good moral and religious sentiments, and not ill expressed, mixed up with a sort of porridge of various political opinions and reflections: but the Revolution in France is the grand ingredient in the caldron. I consider the address transmitted by the Revolution Society to the National Assembly, through Earl Stanhope, as originating in the principles of the sermon, and as a corollary from them. It was moved by the preacher of that discourse. It was passed by those who came reeking from the effect of the sermon, without any censure or qualification, expressed or implied. If, however, any of the gentlemen concerned shall wish to separate the sermon from the resolution, they know how to acknowledge the one and to disavow the other. They may do it: I cannot.

For my part, I looked on that sermon as the public declaration of a man much connected with literary caballers and intriguing philosophers, with political theologians and theological politicians, both at home and abroad. I know they set him up as a sort of oracle; because, with the best intentions in the world, he naturally *philippizes*, and chants his prophetic song in exact unison with their designs.

That sermon is in a strain which I believe has not been heard in this kingdom, in any of the pulpits which are tolerated or encouraged in it, since the year 1648, — when a predecessor of Dr. Price, the Reverend Hugh Peters, made the vault of the king's own chapel at St. James's ring with the honor and privilege of the saints, who, with the "high praises of God in their mouths, and a *two*-edged sword in their hands, were to execute judgment on the heathen, and punishments upon the *people*; to bind their *kings* with chains, and their *nobles* with fetters of iron." Few harangues from the pulpit, except in the days of your League in France, or in the days of our Solemn League and Covenant in England, have ever breathed less of the spirit of moderation than this lecture in the Old Jewry. Supposing, however, that something like moderation were visible in this political sermon, yet politics and the pulpit are terms that have little agreement. No sound ought to be heard in the church but the healing voice of Christian charity. The cause of civil liberty and civil government gains as little as that of religion by this confusion of duties. Those who quit their proper character to assume what does not belong to them are, for the greater part, ignorant both of the character they leave and of the character they assume. Wholly unacquainted with the world, in which they are so fond of meddling, and inexperienced in all its affairs, on which they pronounce with so much confidence, they have nothing of politics but the passions they excite. Surely the church is a place where one day's truce ought to be allowed to the dissensions and animosities of mankind.

This pulpit style, revived after so long a discontinuance, had to me the air of novelty, and of a novelty not wholly without danger. I do not charge this danger equally to every part of the discourse. The hint given to a noble and reverend lay-divine, who is supposed high in office in one of our universities, and other lay-divines “of *rank* and literature,” may be proper and seasonable, though somewhat new. If the noble *Seekers* should find nothing to satisfy their pious fancies in the old staple of the national Church, or in all the rich variety to be found in the well-assorted warehouses of the Dissenting congregations, Dr. Price advises them to improve upon Non-Conformity, and to set up, each of them, a separate meeting-house upon his own particular principles. It is somewhat remarkable that this reverend divine should be so earnest for setting up new churches, and so perfectly indifferent concerning the doctrine which may be taught in them. His zeal is of a curious character. It is not for the propagation of his own opinions, but of any opinions. It is not for the diffusion of truth, but for the spreading of contradiction. Let the noble teachers but dissent, it is no matter from whom or from what. This great point once secured, it is taken for granted their religion will be rational and manly. I doubt whether religion would reap all the benefits which the calculating divine computes from this “great company of great preachers.” It would certainly be a valuable addition of nondescripts to the ample collection of known classes, genera, and species, which at present beautify the *hortus siccus* of Dissent. A sermon from a noble duke, or a noble marquis, or a noble earl, or baron bold, would certainly increase and diversify the amusements of this town, which begins to grow satiated with the uniform round of its vapid dissipations. I should only stipulate that these new *Mess-Johns* in robes and coronets should keep some sort of bounds in the democratic and levelling principles which are expected from their titled pulpits. The new evangelists will, I dare say, disappoint the hopes that are conceived of them. They will not become, literally as well as figuratively, polemic divines, — nor be disposed so to drill their congregations, that they may, as in former blessed times, preach their doctrines to regiments of dragoons and corps of infantry and artillery. Such arrangements, however favorable to the cause of compulsory freedom, civil and religious, may not be equally conducive to the national tranquillity. These few restrictions I hope are no great stretches of intolerance, no very violent exertions of despotism.

But I may say of our preacher, “*Utinam nugis tota illa dedisset et tempora sævitæ.*” All things in this his fulminating bull are not of so innoxious a tendency. His doctrines affect our Constitution in its vital parts. He tells the Revolution Society, in this political sermon, that his Majesty “is almost the *only* lawful king in the world, because the *only* one who owes his crown to *the choice of his people.*” As to the kings of *the world*, all of whom (except one) this arch-pontiff of the *rights of men*, with all the plenitude and with more than the boldness of the Papal deposing power in its meridian fervor of the twelfth century, puts into one sweeping clause of

ban and anathema, and proclaims usurpers by circles of longitude and latitude over the whole globe, it behooves them to consider how they admit into their territories these apostolic missionaries, who are to tell their subjects they are not lawful kings. That is their concern. It is ours, as a domestic interest of some moment, seriously to consider the solidity of the *only* principle upon which these gentlemen acknowledge a king of Great Britain to be entitled to their allegiance.

This doctrine, as applied to the prince now on the British throne, either is nonsense, and therefore neither true nor false, or it affirms a most unfounded, dangerous, illegal, and unconstitutional position. According to this spiritual doctor of politics, if his Majesty does not owe his crown to the choice of his people, he is no *lawful* king. Now nothing can be more untrue than that the crown of this kingdom is so held by his Majesty. Therefore, if you follow their rule, the king of Great Britain, who most certainly does not owe his high office to any form of popular election, is in no respect better than the rest of the gang of usurpers, who reign, or rather rob, all over the face of this our miserable world, without any sort of right or title to the allegiance of their people. The policy of this general doctrine, so qualified, is evident enough. The propagators of this political gospel are in hopes their abstract principle (their principle that a popular choice is necessary to the legal existence of the sovereign magistracy) would be overlooked, whilst the king of Great Britain was not affected by it. In the mean time the ears of their congregations would be gradually habituated to it, as if it were a first principle admitted without dispute. For the present it would only operate as a theory, pickled in the preserving juices of pulpit eloquence, and laid by for future use. *Condo et compono quæ mox depromere passim*. By this policy, whilst our government is soothed with a reservation in its favor, to which it has no claim, the security which it has in common with all governments, so far as opinion is security, is taken away.

Thus these politicians proceed, whilst little notice is taken of their doctrines; but when they come to be examined upon the plain meaning of their words and the direct tendency of their doctrines, then equivocations and slippery constructions come into play. When they say the king owes his crown to the choice of his people, and is therefore the only lawful sovereign in the world, they will perhaps tell us they mean to say no more than that some of the king's predecessors have been called to the throne by some sort of choice, and therefore he owes his crown to the choice of his people. Thus, by a miserable subterfuge, they hope to render their proposition safe by rendering it nugatory. They are welcome to the asylum they seek for their offence, since they take refuge in their folly. For, if you admit this interpretation, how does their idea of election differ from our idea of inheritance? And how does the settlement of the crown in the Brunswick line, derived from James the First, come to legalize our monarchy rather than that of any of the neighboring countries? At some time or other, to be sure, all the beginners of dynasties were chosen by those who called them to govern. There is ground enough for the opinion that all the

kingdoms of Europe were at a remote period elective, with more or fewer limitations in the objects of choice. But whatever kings might have been here or elsewhere a thousand years ago, or in whatever manner the ruling dynasties of England or France may have begun, the king of Great Britain is at this day king by a fixed rule of succession, according to the laws of his country; and whilst the legal conditions of the compact of sovereignty are performed by him, (as they are performed,) he holds his crown in contempt of the choice of the Revolution Society, who have not a single vote for a king amongst them, either individually or collectively: though I make no doubt they would soon erect themselves into an electoral college, if things were ripe to give effect to their claim. His Majesty's heirs and successors, each in his time and order, will come to the crown with the same contempt of their choice with which his Majesty has succeeded to that he wears.

Whatever may be the success of evasion in explaining away the gross error *fact*, which supposes that his Majesty (though he holds it in concurrence with the wishes) owes his crown to the choice of his people, yet nothing can evade their full, explicit declaration concerning the principle of a right in the people to choose, — which right is directly maintained, and tenaciously adhered to. All the oblique insinuations concerning election bottom in this proposition, and are referable to it. Lest the foundation of the king's exclusive legal title should pass for a mere rant of adulatory freedom, the political divine proceeds dogmatically to assert, that, by the principles of the Revolution, the people of England have acquired three fundamental rights, all of which, with him, compose one system, and lie together in one short sentence: namely, that we have acquired a right

1. "To choose our own governors."
2. "To cashier them for misconduct."
3. "To frame a government for ourselves."

This new, and hitherto unheard-of bill of rights, though made in the name of the whole people, belongs to those gentlemen and their faction only. The body of the people of England have no share in it. They utterly disclaim it. They will resist the practical assertion of it with their lives and fortunes. They are bound to do so by the laws of their country, made at the time of that very Revolution which is appealed to in favor of the fictitious rights claimed by the society which abuses its name.

These gentlemen of the Old Jewry, in all their reasonings on the Revolution of 1688, have a revolution which happened in England about forty years before, and the late French Revolution, so much before their eyes and in their hearts, that they are constantly confounding all the three together. It is necessary that we should separate what they confound. We must recall their erring fancies to the *acts* of the Revolution which we revere, for the discovery of its true *principles*. If the *principles* of the Revolution of 1688 are anywhere to be found, it is in the statute called the *Declaration of Right*. In that most wise, sober, and considerate declaration, drawn up by great lawyers and great statesmen, and not by warm and inexperienced

enthusiasts, not one word is said, nor one suggestion made, of a general right “to choose our own *governors*, to cashier them for misconduct, and to *form* a government for *ourselves*.”

This Declaration of Right (the act of the 1st of William and Mary, sess. 2, ch. 2) is the corner-stone of our Constitution, as reinforced, explained, improved, and in its fundamental principles forever settled. It is called “An act for declaring the rights and liberties of the subject, and for *settling* the *succession* of the crown.” You will observe that these rights and this succession are declared in one body, and bound indissolubly together.

A few years after this period, a second opportunity offered for asserting a right of election to the crown. On the prospect of a total failure of issue from King William, and from the princess, afterwards Queen Anne, the consideration of the settlement of the Crown, and of a further security for the liberties of the people, again came before the legislature. Did they this second time make any provision for legalizing the crown on the spurious Revolution principles of the Old Jewry? No. They followed the principles which prevailed in the Declaration of Right; indicating with more precision the persons who were to inherit in the Protestant line. This act also incorporated, by the same policy, our liberties and an hereditary succession in the same act. Instead of a right to choose our own governors, they declared that the *succession* in that line (the Protestant line drawn from James the First) was absolutely necessary “for the peace, quiet, and security of the realm,” and that it was equally urgent on them “to maintain a *certainty in the succession* thereof, to which the subjects may safely have recourse for their protection.” Both these acts, in which are heard the unerring, unambiguous oracles of Revolution policy, instead of countenancing the delusive gypsy predictions of a “right to choose our governors,” prove to a demonstration how totally adverse the wisdom of the nation was from turning a case of necessity into a rule of law.

Unquestionably there was at the Revolution, in the person of King William, a small and a temporary deviation from the strict order of a regular hereditary succession; but it is against all genuine principles of jurisprudence to draw a principle from a law made in a special case and regarding an individual person. *Privilegium non transit in exemplum*. If ever there was a time favorable for establishing the principle that a king of popular choice was the only legal king, without all doubt it was at the Revolution. Its not being done at that time is a proof that the nation was of opinion it ought not to be done at any time. There is no person so completely ignorant of our history as not to know that the majority in Parliament, of both parties, were so little disposed to anything resembling that principle, that at first they were determined to place the vacant crown, not on the head of the Prince of Orange, but on that of his wife, Mary, daughter of King James, the eldest born of the issue of that king, which they acknowledged as undoubtedly his. It would be to repeat a very trite story, to recall to your memory

all those circumstances which demonstrated that their accepting King William was not properly a *choice*; but to all those who did not wish in effect to recall King James, or to deluge their country in blood, and again to bring their religion, laws, and liberties into the peril they had just escaped, it was an act of *necessity*, in the strictest moral sense in which necessity can be taken.

In the very act in which, for a time, and in a single case, Parliament departed from the strict order of inheritance, in favor of a prince who, though not next, was, however, very near in the line of succession, it is curious to observe how Lord Somers, who drew the bill called the Declaration of Right, has comported himself on that delicate occasion. It is curious to observe with what address this temporary solution of continuity is kept from the eye; whilst all that could be found in this act of necessity to countenance the idea of an hereditary succession is brought forward, and fostered, and made the most of, by this great man, and by the legislature who followed him. Quitting the dry, imperative style of an act of Parliament, he makes the Lords and Commons fall to a pious legislative ejaculation, and declare that they consider it “as a marvellous providence, and merciful goodness of God to this nation, to preserve their said Majesties’ *royal* persons most happily to reign over us *on the throne of their ancestors*, for which, from the bottom of their hearts, they return their humblest thanks and praises.” The legislature plainly had in view the Act of Recognition of the first of Queen Elizabeth, chard, and of that of James the First, chast, both acts strongly declaratory of the inheritable nature of the crown; and in many parts they follow, with a nearly literal precision, the words, and even the form of thanksgiving which is found in these old declaratory statutes.

The two Houses, in the act of King William, did not thank God that they had found a fair opportunity to assert a right to choose their own governors, much less to make an election the *only lawful* title to the crown. Their having been in a condition to avoid the very appearance of it, as much as possible, was by them considered as a providential escape. They threw a politic, well-wrought veil over every circumstance tending to weaken the rights which in the meliorated order of succession they meant to perpetuate, or which might furnish a precedent for any future departure from what they had then settled forever. Accordingly, that they might not relax the nerves of their monarchy, and that they might preserve a close conformity to the practice of their ancestors, as it appeared in the declaratory statutes of Queen Mary and Queen Elizabeth, in the next clause they vest, by recognition, in their Majesties *all* the legal prerogatives of the crown, declaring “that in them they are most *fully*, rightfully, and *entirely* invested, incorporated, united, and annexed.” In the clause which follows, for preventing questions, by reason of any pretended titles to the crown, they declare (observing also in this the traditionary language, along with the traditionary policy of the nation, and repeating as from a rubric the language of the preceding acts of Elizabeth and James) that on

the preserving “a *certainty* in the SUCCESSION thereof the unity, peace, and tranquillity of this nation doth, under God, wholly depend.”

They knew that a doubtful title of succession would but too much resemble an election, and that an election would be utterly destructive of the “unity, peace, and tranquillity of this nation,” which they thought to be considerations of some moment. To provide for these objects, and therefore to exclude forever the Old Jewry doctrine of “a right to choose our own governors,” they follow with a clause containing a most solemn pledge, taken from the preceding act of Queen Elizabeth, — as solemn a pledge as ever was or can be given in favor of an hereditary succession, and as solemn a renunciation as could be made of the principles by this society imputed to them:— “The Lords Spiritual and Temporal, and Commons, do, in the name of all the people aforesaid, most humbly and faithfully submit *themselves, their heirs, and posterities forever*; and do faithfully promise that they will stand to, maintain, and defend their said Majesties, and also the *limitation of the crown*, herein specified and contained, to the utmost of their powers,” &c., &c.

So far is it from being true that we acquired a right by the Revolution to elect our kings, that, if we had possessed it before, the English nation did at that time most solemnly renounce and abdicate it, for themselves, and for all their posterity forever. These gentlemen may value themselves as much as they please on their Whig principles; but I never desire to be thought a better Whig than Lord Somers, or to understand the principles of the Revolution better than those by whom it was brought about, or to read in the Declaration of Right any mysteries unknown to those whose penetrating style has engraved in our ordinances, and in our hearts, the words and spirit of that immortal law.

It is true, that, aided with the powers derived from force and opportunity, the nation was at that time, in some sense, free to take what course it pleased for filling the throne, — but only free to do so upon the same grounds on which they might have wholly abolished their monarchy, and every other part of their Constitution. However, they did not think such bold changes within their commission. It is, indeed, difficult, perhaps impossible, to give limits to the mere *abstract* competence of the supreme power, such as was exercised by Parliament at that time; but the limits of a *moral* competence, subjecting, even in powers more indisputably sovereign, occasional will to permanent reason, and to the steady maxims of faith, justice, and fixed fundamental policy, are perfectly intelligible, and perfectly binding upon those who exercise any authority, under any name, or under any title, in the state. The House of Lords, for instance, is not morally competent to dissolve the House of Commons, — no, nor even to dissolve itself, nor to abdicate, if it would, its portion in the legislature of the kingdom. Though a king may abdicate for his own person, he cannot abdicate for the monarchy. By as strong, or by a stronger reason, the House of Commons cannot renounce its share of authority. The engagement and pact of society, which generally goes by the name of the

Constitution, forbids such invasion and such surrender. The constituent parts of a state are obliged to hold their public faith with each other, and with all those who derive any serious interest under their engagements, as much as the whole state is bound to keep its faith with separate communities: otherwise, competence and power would soon be confounded, and no law be left but the will of a prevailing force. On this principle, the succession of the crown has always been what it now is, an hereditary succession by law: in the old line it was a succession by the Common Law; in the new by the statute law, operating on the principles of the Common Law, not changing the substance, but regulating the mode and describing the persons. Both these descriptions of law are of the same force, and are derived from an equal authority, emanating from the common agreement and original compact of the state, *communi sponsione reipublicæ*, and as such are equally binding on king, and people too, as long as the terms are observed, and they continue the same body politic.

It is far from impossible to reconcile, if we do not suffer ourselves to be entangled in the mazes of metaphysic sophistry, the use both of a fixed rule and an occasional deviation, — the sacredness of an hereditary principle of succession in our government with a power of change in its application in cases of extreme emergency. Even in that extremity, (if we take the measure of our rights by our exercise of them at the Revolution,) the change is to be confined to the peccant part only, — to the part which produced the necessary deviation; and even then it is to be effected without a decomposition of the whole civil and political mass, for the purpose of originating a new civil order out of the first elements of society.

A state without the means of some change is without the means of its conservation. Without such means it might even risk the loss of that part of the Constitution which it wished the most religiously to preserve. The two principles of conservation and correction operated strongly at the two critical periods of the Restoration and Revolution, when England found itself without a king. At both those periods the nation had lost the bond of union in their ancient edifice: they did not, however, dissolve the whole fabric. On the contrary, in both cases they regenerated the deficient part of the old Constitution through the parts which were not impaired. They kept these old parts exactly as they were, that the part recovered might be suited to them. They acted by the ancient organized states in the shape of their old organization, and not by the organic *moleculæ* of a disbanded people. At no time, perhaps, did the sovereign legislature manifest a more tender regard to that fundamental principle of British constitutional policy than at the time of the Revolution, when it deviated from the direct line of hereditary succession. The crown was carried somewhat out of the line in which it had before moved; but the new line was derived from the same stock. It was still a line of hereditary descent; still an hereditary descent in the same blood, though an hereditary descent qualified

with Protestantism. When the legislature altered the direction, but kept the principle, they showed that they held it inviolable.

On this principle, the law of inheritance had admitted some amendment in the old time, and long before the era of the Revolution. Some time after the Conquest great questions arose upon the legal principles of hereditary descent. It became a matter of doubt whether the heir *per capita* or the heir *per stirpes* was to succeed; but whether the heir *per capita* gave way when the heirdom *per stirpes* took place, or the Catholic heir when the Protestant was preferred, the inheritable principle survived with a sort of immortality through all transmigrations, —

Multosque per annos
Stat fortuna domûs, et avi numerantur avorum.

This is the spirit of our Constitution, not only in its settled course, but in all its revolutions. Whoever came in, or however he came in, whether he obtained the crown by law or by force, the hereditary succession was either continued or adopted.

The gentlemen of the Society for Revolutions see nothing in that of 1688 but the deviation from the Constitution; and they take the deviation from the principle for the principle. They have little regard to the obvious consequences of their doctrine, though they may see that it leaves positive authority in very few of the positive institutions of this country. When such an unwarrantable maxim is once established, that no throne is lawful but the elective, no one act of the princes who preceded this era of fictitious election can be valid. Do these theorists mean to imitate some of their predecessors, who dragged the bodies of our ancient sovereigns out of the quiet of their tombs? Do they mean to attain and disable backwards all the kings that have reigned before the Revolution, and consequently to stain the throne of England with the blot of a continual usurpation? Do they mean to invalidate, annul, or to call into question, together with the titles of the whole line of our kings, that great body of our statute law which passed under those whom they treat as usurpers? to annul laws of inestimable value to our liberties, — of as great value at least as any which have passed at or since the period of the Revolution? If kings who did not owe their crown to the choice of their people had no title to make laws, what will become of the statute *De tallagio non concedendo*? of the *Petition of Right*? of the act of *Habeas Corpus*? Do these new doctors of the rights of men presume to assert that King James the Second, who came to the crown as next of blood, according to the rules of a then unqualified succession, was not to all intents and purposes a lawful king of England, before he had done any of those acts which were justly construed into an abdication of his crown? If he was not, much trouble in Parliament might have been saved at the period these gentlemen commemorate. But King James was a bad king with a good title, and not an usurper. The princes

who succeeded according to the act of Parliament which settled the crown on the Electress Sophia and on her descendants, being Protestants, came in as much by a title of inheritance as King James did. He came in according to the law, as it stood at his accession to the crown; and the princes of the House of Brunswick came to the inheritance of the crown, not by election, but by the law, as it stood at their several accessions, of Protestant descent and inheritance, as I hope I have shown sufficiently.

The law by which this royal family is specifically destined to the succession is the act of the 12th and 13th of King William. The terms of this act bind “us, and our *heirs*, and our *posterity*, to them, their *heirs*, and their *posterity*,” being Protestants, to the end of time, in the same words as the Declaration of Right had bound us to the heirs of King William and Queen Mary. It therefore secures both an hereditary crown and an hereditary allegiance. On what ground, except the constitutional policy of forming an establishment to secure that kind of succession which is to preclude a choice of the people forever, could the legislature have fastidiously rejected the fair and abundant choice which our own country presented to them, and searched in strange lands for a foreign princess, from whose womb the line of our future rulers were to derive their title to govern millions of men through a series of ages?

The Princess Sophia was named in the act of settlement of the 12th and 13th of King William, for a *stock* and root of *inheritance* to our kings, and not for her merits as a temporary administratrix of a power which she might not, and in fact did not, herself ever exercise. She was adopted for one reason, and for one only, — because, says the act, “the most excellent Princess Sophia, Electress and Duchess Dowager of Hanover, is *daughter* of the most excellent Princess Elizabeth, late Queen of Bohemia, *daughter* of our late *sovereign lord* King James the First, of happy memory, and is hereby declared to be the next in *succession* in the Protestant line,” &c., &c.; “and the crown shall continue to the *heirs* of her body, being Protestants.” This limitation was made by Parliament, that through the Princess Sophia an inheritable line not only was to be continued in future, but (what they thought very material) that through her it was to be connected with the old stock of inheritance in King James the First; in order that the monarchy might preserve an unbroken unity through all ages, and might be preserved (with safety to our religion) in the old approved mode by descent, in which, if our liberties had been once endangered, they had often, through all storms and struggles of prerogative and privilege, been preserved. They did well. No experience has taught us that in any other course or method than that of an *hereditary crown* our liberties can be regularly perpetuated and preserved sacred as our *hereditary right*. An irregular, convulsive movement may be necessary to throw off an irregular, convulsive disease. But the course of succession is the healthy habit of the British Constitution. Was it that the legislature wanted, at the act for the limitation of the crown in the

Hanoverian line, drawn through the female descendants of James the First, a due sense of the inconveniences of having two or three, or possibly more, foreigners in succession to the British throne? No! — they had a due sense of the evils which might happen from such foreign rule, and more than a due sense of them. But a more decisive proof cannot be given of the full conviction of the British nation that the principles of the Revolution did not authorize them to elect kings at their pleasure, and without any attention to the ancient fundamental principles of our government, than their continuing to adopt a plan of hereditary Protestant succession in the old line, with all the dangers and all the inconveniences of its being a foreign line full before their eyes, and operating with the utmost force upon their minds.

A few years ago I should be ashamed to overload a matter so capable of supporting itself by the then unnecessary support of any argument; but this seditious, unconstitutional doctrine is now publicly taught, avowed, and printed. The dislike I feel to revolutions, the signals for which have so often been given from pulpits, — the spirit of change that is gone abroad, — the total contempt which prevails with you, and may come to prevail with us, of all ancient institutions, when set in opposition to a present sense of convenience, or to the bent of a present inclination, — all these considerations make it not unadvisable, in my opinion, to call back our attention to the true principles of our own domestic laws, that you, my French friend, should begin to know, and that we should continue to cherish them. We ought not, on either side of the water, to suffer ourselves to be imposed upon by the counterfeit wares which some persons, by a double fraud, export to you in illicit bottoms, as raw commodities of British growth, though wholly alien to our soil, in order afterwards to smuggle them back again into this country, manufactured after the newest Paris fashion of an improved liberty.

The people of England will not ape the fashions they have never tried, nor go back to those which they have found mischievous on trial. They look upon the legal hereditary succession of their crown as among their rights, not as among their wrongs, — as a benefit, not as a grievance, — as a security for their liberty, not as a badge of servitude. They look on the frame of their commonwealth, *such as it stands*, to be of inestimable value; and they conceive the undisturbed succession of the crown to be a pledge of the stability and perpetuity of all the other members of our Constitution.

I shall beg leave, before I go any further, to take notice of some paltry artifices which the abettors of election as the only lawful title to the crown are ready to employ, in order to render the support of the just principles of our Constitution a task somewhat invidious. These sophisters substitute a fictitious cause, and feigned personages, in whose favor they suppose you engaged, whenever you defend the inheritable nature of the crown. It is common with them to dispute as if they were in a conflict with some of those exploded fanatics of slavery who formerly

maintained, what I believe no creature now maintains, “that the crown is held by divine, hereditary, and indefeasible right.” These old fanatics of single arbitrary power dogmatized as if hereditary royalty was the only lawful government in the world, — just as our new fanatics of popular arbitrary power maintain that a popular election is the sole lawful source of authority. The old prerogative enthusiasts, it is true, did speculate foolishly, and perhaps impiously too, as if monarchy had more of a divine sanction than any other mode of government, — and as if a right to govern by inheritance were in strictness *indefeasible* in every person who should be found in the succession to a throne, and under every circumstance, which no civil or political right can be. But an absurd opinion concerning the king’s hereditary right to the crown does not prejudice one that is rational, and bottomed upon solid principles of law and policy. If all the absurd theories of lawyers and divines were to vitiate the objects in which they are conversant, we should have no law and no religion left in the world. But an absurd theory on one side of a question forms no justification for alleging a false fact or promulgating mischievous maxims on the other.

The second claim of the Revolution Society is “a right of cashiering their governors for *misconduct*.” Perhaps the apprehensions our ancestors entertained of forming such a precedent as that “of cashiering for misconduct” was the cause that the declaration of the act which implied the abdication of King James was, if it had any fault, rather too guarded and too circumstantial. But all this guard, and all this accumulation of circumstances, serves to show the spirit of caution which predominated in the national councils, in a situation in which men irritated by oppression, and elevated by a triumph over it, are apt to abandon themselves to violent and extreme courses; it shows the anxiety of the great men who influenced the conduct of affairs at that great event to make the Revolution a parent of settlement, and not a nursery of future revolutions.

No government could stand a moment, if it could be blown down with anything so loose and indefinite as an opinion of “*misconduct*.” They who led at the Revolution grounded their virtual abdication of King James upon no such light and uncertain principle. They charged him with nothing less than a design, confirmed by a multitude of illegal overt acts, to *subvert the Protestant Church and State*, and their *fundamental*, unquestionable laws and liberties: they charged him with having broken the *original contract* between king and people. This was more than *misconduct*. A grave and overruling necessity obliged them to take the step they took, and took with infinite reluctance, as under that most rigorous of all laws. Their trust for the future preservation of the Constitution was not in future revolutions. The grand policy of all their regulations was to render it almost impracticable for any future sovereign to compel the states of the kingdom to have again recourse to those violent remedies. They left the crown, what in the eye and estimation of law it

had ever been, perfectly irresponsible. In order to lighten the crown still further, they aggravated responsibility on ministers of state. By the statute of the first of King William, sess. 2d, called "*the act for declaring the rights and liberties of the subject, and for settling the succession of the crown*," they enacted that the ministers should serve the crown on the terms of that declaration. They secured soon after the *frequent meetings of Parliament*, by which the whole government would be under the constant inspection and active control of the popular representative and of the magnates of the kingdom. In the next great constitutional act, that of the 12th and 13th of King William, for the further limitation of the crown, and *better* securing the rights and liberties of the subject, they provided "that no pardon under the great seal of England should be pleadable to an impeachment by the Commons in Parliament." The rule laid down for government in the Declaration of Right, the constant inspection of Parliament, the practical claim of impeachment, they thought infinitely a better security not only for their constitutional liberty, but against the vices of administration, than the reservation of a right so difficult in the practice, so uncertain in the issue, and often so mischievous in the consequences, as that "cashiering their governors."

Dr. Price, in this sermon, condemns, very properly, the practice of gross adulatory addresses to kings. Instead of this fulsome style, he proposes that his Majesty should be told, on occasions of congratulation, that "he is to consider himself as more properly the servant than the sovereign of his people." For a compliment, this new form of address does not seem to be very soothing. Those who are servants in name, as well as in effect, do not like to be told of their situation, their duty, and their obligations. The slave in the old play tells his master, "*Hæc commemoratio est quasi exprobratio*." It is not pleasant as compliment; it is not wholesome as instruction. After all, if the king were to bring himself to echo this new kind of address, to adopt it in terms, and even to take the appellation of Servant of the People as his royal style, how either he or we should be much mended by it I cannot imagine. I have seen very assuming letters signed, "Your most obedient, humble servant." The proudest domination that ever was endured on earth took a title of still greater humility than that which is now proposed for sovereigns by the Apostle of Liberty. Kings and nations were trampled upon by the foot of one calling himself "The Servant of Servants"; and mandates for deposing sovereigns were sealed with the signet of "The Fisherman."

I should have considered all this as no more than a sort of flippant, vain discourse, in which, as in an unsavory fume, several persons suffer the spirit of liberty to evaporate, if it were not plainly in support of the idea, and a part of the scheme, of "cashiering kings for misconduct." In that light it is worth some observation.

Kings, in one sense, are undoubtedly the servants of the people, because their power has no other rational end than that of the general advantage; but it is not true

that they are, in the ordinary sense, (by our Constitution, at least,) anything like servants, — the essence of whose situation is to obey the commands of some other, and to be removable at pleasure. But the king of Great Britain obeys no other person; all other persons are individually, and collectively too, under him, and owe to him a legal obedience. The law, which knows neither to flatter nor to insult, calls this high-magistrate, not our servant, as this humble divine calls him, but “*our sovereign lord the king*”; and we, on our parts, have learned to speak only the primitive language of the law, and not the confused jargon of their Babylonian pulpits.

As he is not to obey us, but we are to obey the law in him, our Constitution has made no sort of provision towards rendering him, as a servant, in any degree responsible. Our Constitution knows nothing of a magistrate like the *Justicia* of Aragon, — nor of any court legally appointed, nor of any process legally settled, for submitting the king to the responsibility belonging to all servants. In this he is not distinguished from the commons and the lords, who, in their several public capacities, can never be called to an account for their conduct; although the Revolution Society chooses to assert, in direct opposition to one of the wisest and most beautiful parts of our Constitution, that “a king is no more than the first servant of the public, created by it, *and responsible to it.*”

Ill would our ancestors at the Revolution have deserved their fame for wisdom, if they had found no security for their freedom, but in rendering their government feeble in its operations and precarious in its tenure, — if they had been able to contrive no better remedy against arbitrary power than civil confusion. Let these gentlemen state who that *representative* public is to whom they will affirm the king, as a servant, to be responsible. It will be then time enough for me to produce to them the positive statute law which affirms that he is not.

The ceremony of cashiering kings, of which these gentlemen talk so much at their ease, can rarely, if ever, be performed without force. It then becomes a case of war, and not of constitution. Laws are commanded to hold their tongues amongst arms; and tribunals fall to the ground with the peace they are no longer able to uphold. The Revolution of 1688 was obtained by a just war, in the only case in which any war, and much more a civil war, can be just. “*Justa bella quibus NECESSARIA.*” The question of dethroning, or, if these gentlemen, like the phrase better, “cashiering kings,” will always be, as it has always been, an extraordinary question of state, and wholly out of the law: a question (like all other questions of state) of dispositions, and of means, and of probable consequences, rather than of positive rights. As it was not made for common abuses, so it is not to be agitated by common minds. The speculative line of demarcation, where obedience ought to end and resistance must begin, is faint, obscure, and not easily definable. It is not a single act or a single event which determines it. Governments must be abused and deranged indeed, before it can be thought of; and the prospect of the future must be

as bad as the experience of the past. When things are in that lamentable condition, the nature of the disease is to indicate the remedy to those whom Nature has qualified to administer in extremities this critical, ambiguous, bitter potion to a distempered state. Times and occasions and provocations will teach their own lessons. The wise will determine from the gravity of the case; the irritable, from sensibility to oppression; the high-minded, from disdain and indignation at abusive power in unworthy hands; the brave and bold, from the love of honorable danger in a generous cause: but, with or without right, a revolution will be the very last resource of the thinking and the good.

The third head of right asserted by the pulpit of the Old Jewry, namely, the “right to form a government for ourselves,” has, at least, as little countenance from anything done at the Revolution, either in precedent or principle, as the two first of their claims. The Revolution was made to preserve our *ancient* indisputable laws and liberties, and that *ancient* constitution of government which is our only security for law and liberty. If you are desirous of knowing the spirit of our Constitution, and the policy which predominated in that great period which has secured it to this hour, pray look for both in our histories, in our records, in our acts of Parliament and journals of Parliament, and not in the sermons of the Old Jewry, and the after-dinner toasts of the Revolution Society. In the former you will find other ideas and another language. Such a claim is as ill-suited to our temper and wishes as it is unsupported by any appearance of authority. The very idea of the fabrication of a new government is enough to fill us with disgust and horror. We wished at the period of the Revolution, and do now wish, to derive all we possess as *an inheritance from our forefathers*. Upon that body and stock of inheritance we have taken care not to inoculate any scion alien to the nature of the original plant. All the reformation we have hitherto made have proceeded upon the principle of reference to antiquity; and I hope, nay, I am persuaded, that all those which possibly may be made hereafter will be carefully formed upon analogical precedent, authority, and example.

Our oldest reformation is that of Magna Charta. You will see that Sir Edward Coke, that great oracle of our law, and indeed all the great men who follow him, to Blackstone, are industrious to prove the pedigree of our liberties. They endeavor to prove that the ancient charter, the Magna Charta of King John, was connected with another positive charter from Henry the First, and that both the one and the other were nothing more than a reaffirmance of the still more ancient standing law of the kingdom. In the matter of fact, for the greater part, these authors appear to be in the right; perhaps not always: but if the lawyers mistake in some particulars, it proves my position still the more strongly; because it demonstrates the powerful prepossession towards antiquity with which the minds of all our lawyers and legislators, and of all the people whom they wish to influence, have been always

filled, and the stationary policy of this kingdom in considering their most sacred rights and franchises as an *inheritance*.

In the famous law of the 3rd of Charles the First, called the *Petition of Right*, the Parliament says to the king, “Your subjects have *inherited* this freedom”: claiming their franchises, not on abstract principles, “as the rights of men,” but as the rights of Englishmen, and as a patrimony derived from their forefathers. Selden, and the other profoundly learned men who drew this *Petition of Right*, were as well acquainted, at least, with all the general theories concerning the “rights of men” as any of the discourses in our pulpits or on your tribune: full as well as Dr. Price, or as the Abbé Sièyes. But, for reasons worthy of that practical wisdom which superseded their theoretic science, they preferred this positive, recorded, *hereditary* title to all which can be dear to the man and the citizen to that vague, speculative right which exposed their sure inheritance to be scrambled for and torn to pieces by every wild, litigious spirit.

The same policy pervades all the laws which have since been made for the preservation of our liberties. In the 1st of William and Mary, in the famous statute called the *Declaration of Right*, the two Houses utter not a syllable of “a right to frame a government for themselves.” You will see that their whole care was to secure the religion, laws, and liberties that had been long possessed, and had been lately endangered. “Taking into their most serious consideration the *best* means for making such an establishment that their religion, laws, and liberties might not be in danger of being again subverted,” they auspicate all their proceedings by stating as some of those *best* means, “in the *first place*,” to do “as their *ancestors in like cases have usually* done for vindicating their *ancient* rights and liberties, to *declare*”; — and then they pray the king and queen “that it may be *declared* and enacted that *all and singular* the rights and liberties *asserted and declared* are the true *ancient* and indubitable rights and liberties of the people of this kingdom.”

You will observe, that, from Magna Charta to the *Declaration of Right*, it has been the uniform policy of our Constitution to claim and assert our liberties as an *entailed inheritance* derived to us from our forefathers, and to be transmitted to our posterity, — as an estate specially belonging to the people of this kingdom, without any reference whatever to any other more general or prior right. By this means our Constitution preserves an unity in so great a diversity of its parts. We have an inheritable crown, an inheritable peerage, and a House of Commons and a people inheriting privileges, franchises, and liberties from a long line of ancestors.

This policy appears to me to be the result of profound reflection, — or rather the happy effect of following Nature, which is wisdom without reflection, and above it. A spirit of innovation is generally the result of a selfish temper and confined views. People will not look forward to posterity, who never look backward to their ancestors. Besides, the people of England well know that the idea of inheritance furnishes a sure principle of conservation, and a sure principle of transmission,

without at all excluding a principle of improvement. It leaves acquisition free; but it secures what it acquires. Whatever advantages are obtained by a state proceeding on these maxims are locked fast as in a sort of family settlement, grasped as in a kind of mortmain forever. By a constitutional policy working after the pattern of Nature, we receive, we hold, we transmit our government and our privileges, in the same manner in which we enjoy and transmit our property and our lives. The institutions of policy, the goods of fortune, the gifts of Providence, are handed down to us, and from us, in the same course and order. Our political system is placed in a just correspondence and symmetry with the order of the world, and with the mode of existence decreed to a permanent body composed of transitory parts, — wherein, by the disposition of a stupendous wisdom, moulding together the great mysterious incorporation of the human race, the whole, at one time, is never old or middle-aged or young, but, in a condition of unchangeable constancy, moves on through the varied tenor of perpetual decay, fall, renovation, and progression. Thus, by preserving the method of Nature in the conduct of the state, in what we improve we are never wholly new, in what we retain we are never wholly obsolete. By adhering in this manner and on those principles to our forefathers, we are guided, not by the superstition of antiquarians, but by the spirit of philosophic analogy. In this choice of inheritance we have given to our frame of polity the image of a relation in blood: binding up the Constitution of our country with our dearest domestic ties; adopting our fundamental laws into the bosom of our family affections; keeping inseparable, and cherishing with the warmth of all their combined and mutually reflected charities, our state, our hearths, our sepulchres, and our altars.

Through the same plan of a conformity to Nature in our artificial institutions, and by calling in the aid of her unerring and powerful instincts to fortify the fallible and feeble contrivances of our reason, we have derived several other, and those no small benefits, from considering our liberties in the light of an inheritance. Always acting as if in the presence of canonized forefathers, the spirit of freedom, leading in itself to misrule and excess, is tempered with an awful gravity. This idea of a liberal descent inspires us with a sense of habitual native dignity, which prevents that upstart insolence almost inevitably adhering to and disgracing those who are the first acquirers of any distinction. By this means our liberty becomes a noble freedom. It carries an imposing and majestic aspect. It has a pedigree and illustrating ancestors. It has its bearings and its ensigns armorial. It has its gallery of portraits, its monumental inscriptions, its records, evidences, and titles. We procure reverence to our civil institutions on the principle upon which Nature teaches us to revere individual men: on account of their age, and on account of those from whom they are descended. All your sophisters cannot produce anything better adapted to preserve a rational and manly freedom than the course that we have pursued, who have chosen our nature rather than our speculations, our breasts rather than our inventions, for the great conservatories and magazines of our rights and privileges.

You might, if you pleased, have profited of our example, and have given to your recovered freedom a correspondent dignity. Your privileges, though discontinued, were not lost to memory. Your Constitution, it is true, whilst you were out of possession, suffered waste and dilapidation; but you possessed in some parts the walls, and in all the foundations, of a noble and venerable castle. You might have repaired those walls; you might have built on those old foundations. Your Constitution was suspended before it was perfected; but you had the elements of a Constitution very nearly as good as could be wished. In your old states you possessed that variety of parts corresponding with the various descriptions of which your community was happily composed; you had all that combination and all that opposition of interests, you had that action and counteraction, which, in the natural and in the political world, from the reciprocal struggle of discordant powers draws out the harmony of the universe. These opposed and conflicting interests, which you considered as so great a blemish in your old and in our present Constitution, interpose a salutary check to all precipitate resolutions. They render deliberation a matter, not of choice, but of necessity; they make all change a subject of *compromise*, which naturally begets moderation; they produce *temperaments*, preventing the sore evil of harsh, crude, unqualified reformatations, and rendering all the headlong exertions of arbitrary power, in the few or in the many, forever impracticable. Through that diversity of members and interests, general liberty had as many securities as there were separate views in the several orders; whilst by pressing down the whole by the weight of a real monarchy, the separate parts would have been prevented from warping and starting from their allotted places.

You had all these advantages in your ancient states; but you chose to act as if you had never been moulded into civil society, and had everything to begin anew. You began ill, because you began by despising everything that belonged to you. You set up your trade without a capital. If the last generations of your country appeared without much lustre in your eyes, you might have passed them by, and derived your claims from a more early race of ancestors. Under a pious predilection for those ancestors, your imaginations would have realized in them a standard of virtue and wisdom beyond the vulgar practice of the hour; and you would have risen with the example to whose imitation you aspired. Respecting your forefathers, you would have been taught to respect yourselves. You would not have chosen to consider the French as a people of yesterday, as a nation of low-born, servile wretches until the emancipating year of 1789. In order to furnish, at the expense of your honor, an excuse to your apologists here for several enormities of yours, you would not have been content to be represented as a gang of Maroon slaves, suddenly broke loose from the house of bondage, and therefore to be pardoned for your abuse of the liberty to which you were not accustomed, and were ill fitted. Would it not, my worthy friend, have been wiser to have you thought, what I for one always thought

you, a generous and gallant nation, long misled to your disadvantage by your high and romantic sentiments of fidelity, honor, and loyalty; that events had been unfavorable to you, but that you were not enslaved through any illiberal or servile disposition; that, in your most devoted submission, you were actuated by a principle of public spirit; and that it was your country you worshipped, in the person of your king? Had you made it to be understood, that, in the delusion of this amiable error, you had gone further than your wise ancestors, — that you were resolved to resume your ancient privileges, whilst you preserved the spirit of your ancient and your recent loyalty and honor; or if, diffident of yourselves, and not clearly discerning the almost obliterated Constitution of your ancestors, you had looked to your neighbors in this land, who had kept alive the ancient principles and models of the old common law of Europe, meliorated and adapted to its present state, — by following wise examples you would have given new examples of wisdom to the world. You would have rendered the cause of liberty venerable in the eyes of every worthy mind in every nation. You would have shamed despotism from the earth, by showing that freedom was not only reconcilable, but, as, when well disciplined, it is, auxiliary to law. You would have had an unoppressive, but a productive revenue. You would have had a flourishing commerce to feed it. You would have had a free Constitution, a potent monarchy, a disciplined army, a reformed and venerated clergy, — a mitigated, but spirited nobility, to lead your virtue, not to overlay it; you would have had a liberal order of commons, to emulate and to recruit that nobility; you would have had a protected, satisfied, laborious, and obedient people, taught to seek and to recognize the happiness that is to be found by virtue in all conditions, — in which consists the true moral equality of mankind, and not in that monstrous fiction which, by inspiring false ideas and vain expectations into men destined to travel in the obscure walk of laborious life, serves only to aggravate and embitter that real inequality which it never can remove, and which the order of civil life establishes as much for the benefit of those whom it must leave in a humble state as those whom it is able to exalt to a condition more splendid, but not more happy. You had a smooth and easy career of felicity and glory laid open to you, beyond anything recorded in the history of the world; but you have shown that difficulty is good for man.

Compute your gains; see what is got by those extravagant and presumptuous speculations which have taught your leaders to despise all their predecessors, and all their contemporaries, and even to despise themselves, until the moment in which they became truly despicable. By following those false lights, France has bought undisguised calamities at a higher price than any nation has purchased the most unequivocal blessings. France has bought poverty by crime. France has not sacrificed her virtue to her interest; but she has abandoned her interest, that she might prostitute her virtue. All other nations have begun the fabric of a new government, or the reformation of an old, by establishing originally, or by enforcing

with greater exactness, some rites or other of religion. All other people have laid the foundations of civil freedom in severer manners, and a system of a more austere and masculine morality. France, when she let loose the reins of regal authority, doubled the license of a ferocious dissoluteness in manners, and of an insolent irreligion in opinions and practices, — and has extended through all ranks of life, as if she were communicating some privilege, or laying open some secluded benefit, all the unhappy corruptions that usually were the disease of wealth and power. This is one of the new principles of equality in France.

France, by the perfidy of her leaders, has utterly disgraced the tone of lenient council in the cabinets of princes, and disarmed it of its most potent topics. She has sanctified the dark, suspicious maxims of tyrannous distrust, and taught kings to tremble at (what will hereafter be called) the delusive plausibilities of moral politicians. Sovereigns will consider those who advise them to place an unlimited confidence in their people as subverters of their thrones, — as traitors who aim at their destruction, by leading their easy good-nature, under specious pretences, to admit combinations of bold and faithless men into a participation of their power. This alone (if there were nothing else) is an irreparable calamity to you and to mankind. Remember that your Parliament of Paris told your king, that, in calling the states together, he had nothing to fear but the prodigal excess of their zeal in providing for the support of the throne. It is right that these men should hide their heads. It is right that they should bear their part in the ruin which their counsel has brought on their sovereign and their country. Such sanguine declarations tend to lull authority asleep, — to encourage it rashly to engage in perilous adventures of untried policy, — to neglect those provisions, preparations, and precautions which distinguish benevolence from imbecility, and without which no man can answer for the salutary effect of any abstract plan of government or of freedom. For want of these, they have seen the medicine of the state corrupted into its poison. They have seen the French rebel against a mild and lawful monarch, with more fury, outrage, and insult than ever any people has been known to rise against the most illegal usurper or the most sanguinary tyrant. Their resistance was made to concession; their revolt was from protection; their blow was aimed at a hand holding out graces, favors, and immunities.

This was unnatural. The rest is in order. They have found their punishment in their success. Laws overturned; tribunals subverted; industry without vigor; commerce expiring; the revenue unpaid, yet the people impoverished; a church pillaged, and a state not relieved; civil and military anarchy made the constitution of the kingdom; everything human and divine sacrificed to the idol of public credit, and national bankruptcy the consequence; and, to crown all, the paper securities of new, precarious, tottering power, the discredited paper securities of impoverished fraud and beggared rapine, held out as a currency for the support of an empire, in lieu of the two great recognized species that represent the lasting, conventional

credit of mankind, which disappeared and hid themselves in the earth from whence they came, when the principle of property, whose creatures and representatives they are, was systematically subverted.

Were all these dreadful things necessary? Were they the inevitable results of the desperate struggle of determined patriots, compelled to wade through blood and tumult to the quiet shore of a tranquil and prosperous liberty? No! nothing like it. The fresh ruins of France, which shock our feelings wherever we can turn our eyes, are not the devastation of civil war: they are the sad, but instructive monuments of rash and ignorant counsel in time of profound peace. They are the display of inconsiderate and presumptuous, because unresisted and irresistible authority. The persons who have thus squandered away the precious treasure of their crimes, the persons who have made this prodigal and wild waste of public evils, (the last stake reserved for the ultimate ransom of the state,) have met in their progress with little, or rather with no opposition at all. Their whole march was more like a triumphal procession than the progress of a war. Their pioneers have gone before them, and demolished and laid everything level at their feet. Not one drop of *their* blood have they shed in the cause of the country they have ruined. They have made no sacrifices to their projects of greater consequence than their shoe-buckles, whilst they were imprisoning their king, murdering their fellow-citizens, and bathing in tears and plunging in poverty and distress thousands of worthy men and worthy families. Their cruelty has not even been the base result of fear. It has been the effect of their sense of perfect safety, in authorizing treasons, robberies, rapes, assassinations, slaughters, and burnings, throughout their harassed land. But the cause of all was plain from the beginning.

This unforced choice, this fond election of evil, would appear perfectly unaccountable, if we did not consider the composition of the National Assembly: I do not mean its formal constitution, which, as it now stands, is exceptionable enough, but the materials of which in a great measure it is composed, which is of ten thousand times greater consequence than all the formalities in the world. If we were to know nothing of this assembly but by its title and function, no colors could paint to the imagination anything more venerable. In that light, the mind of an inquirer, subdued by such an awful image as that of the virtue and wisdom of a whole people collected into one focus, would pause and hesitate in condemning things even of the very worst aspect. Instead of blamable, they would appear only mysterious. But no name, no power, no function, no artificial institution whatsoever, can make the men, of whom any system of authority is composed, any other than God, and Nature, and education, and their habits of life have made them. Capacities beyond these the people have not to give. Virtue and wisdom may be the objects of their choice; but their choice confers neither the one nor the other on those upon

whom they lay their ordaining hands. They have not the engagement of Nature, they have not the promise of Revelation for any such powers.

After I had read over the list of the persons and descriptions elected into the *Tiers État*, nothing which they afterwards did could appear astonishing. Among them, indeed, I saw some of known rank, some of shining talents; but of any practical experience in the state not one man was to be found. The best were only men of theory. But whatever the distinguished few may have been, it is the substance and mass of the body which constitutes its character, and must finally determine its direction. In all bodies, those who will lead must also, in a considerable degree, follow. They must conform their propositions to the taste, talent, and disposition of those whom they wish to conduct: therefore, if an assembly is viciously or feebly composed in a very great part of it, nothing but such a supreme degree of virtue as very rarely appears in the world, and for that reason cannot enter into calculation, will prevent the men of talents disseminated through it from becoming only the expert instruments of absurd projects. If, what is the more likely event, instead of that unusual degree of virtue, they should be actuated by sinister ambition and a lust of meretricious glory, then the feeble part of the assembly, to whom at first they conform, becomes, in its turn, the dupe and instrument of their designs. In this political traffic, the leaders will be obliged to bow to the ignorance of their followers, and the followers to become subservient to the worst designs of their leaders.

To secure any degree of sobriety in the propositions made by the leaders in any public assembly, they ought to respect, in some degree perhaps to fear, those whom they conduct. To be led any otherwise than blindly, the followers must be qualified, if not for actors, at least for judges; they must also be judges of natural weight and authority. Nothing can secure a steady and moderate conduct in such assemblies, but that the body of them should be respectably composed, in point of condition in life, of permanent property, of education, and of such habits as enlarge and liberalize the understanding.

In the calling of the States-General of France, the first thing that struck me was a great departure from the ancient course. I found the representation for the third estate composed of six hundred persons. They were equal in number to the representatives of both the other orders. If the orders were to act separately, the number would not, beyond the consideration of the expense, be of much moment. But when it became apparent that the three orders were to be melted down into one, the policy and necessary effect of this numerous representation became obvious. A very small desertion from either of the other two orders must throw the power of both into the hands of the third. In fact, the whole power of the state was soon resolved into that body. Its due composition became, therefore, of infinitely the greater importance.

Judge, Sir, of my surprise, when I found that a very great proportion of the Assembly (a majority, I believe, of the members who attended) was composed of practitioners in the law. It was composed, not of distinguished magistrates, who had given pledges to their country of their science, prudence, and integrity, — not of leading advocates, the glory of the bar, — not of renowned professors in universities, — but for the far greater part, as it must in such a number, of the inferior, unlearned, mechanical, merely instrumental members of the profession. There were distinguished exceptions; but the general composition was of obscure provincial advocates, of stewards of petty local jurisdictions, country attorneys, notaries, and the whole train of the ministers of municipal litigation, the fomenters and conductors of the petty war of village vexation. From the moment I read the list, I saw distinctly, and very nearly as it has happened, all that was to follow.

The degree of estimation in which any profession is held becomes the standard of the estimation in which the professors hold themselves. Whatever the personal merits of many individual lawyers might have been, (and in many it was undoubtedly very considerable,) in that military kingdom no part of the profession had been much regarded, except the highest of all, who often united to their professional offices great family splendor, and were invested with great power and authority. These certainly were highly respected, and even with no small degree of awe. The next rank was not much esteemed; the mechanical part was in a very low degree of repute.

Whenever the supreme authority is vested in a body so composed, it must evidently produce the consequences of supreme authority placed in the hands of men not taught habitually to respect themselves, — who had no previous fortune in character at stake, — who could not be expected to bear with moderation or to conduct with discretion a power which they themselves, more than any others, must be surprised to find in their hands. Who could flatter himself that these men, suddenly, and as it were by enchantment, snatched from the humblest rank of subordination, would not be intoxicated with their unprepared greatness? Who could conceive that men who are habitually meddling, daring, subtle, active, of litigious dispositions and unquiet minds, would easily fall back into their old condition of obscure contention, and laborious, low, and unprofitable chicane? Who could doubt but that, at any expense to the state, of which they understood nothing, they must pursue their private interests, which they understood but too well? It was not an event depending on chance or contingency. It was inevitable; it was necessary; it was planted in the nature of things. They must *join* (if their capacity did not permit them to *lead*) in any project which could procure to them a *litigious constitution*, — which could lay open to them those innumerable lucrative jobs which follow in the train of all great convulsions and revolutions in the state, and particularly in all great and violent permutations of property. Was it to be expected that they would attend to the stability of property, whose existence had always

depended upon whatever rendered property questionable, ambiguous, and insecure? Their objects would be enlarged with their elevation; but their disposition, and habits, and mode of accomplishing their designs must remain the same.

Well! but these men were to be tempered and restrained by other descriptions, of more sober minds and more enlarged understandings. Were they, then, to be awed by the supereminent authority and awful dignity of a handful of country clowns, who have seats in that assembly, some of whom are said not to be able to read and write, — and by not a greater number of traders, who, though somewhat more instructed, and more conspicuous in the order of society, had never known anything beyond their counting-house? No! both these descriptions were more formed to be overborne and swayed by the intrigues and artifices of lawyers than to become their counterpoise. With such a dangerous disproportion, the whole must needs be governed by them.

To the faculty of law was joined a pretty considerable proportion of the faculty of medicine. This faculty had not, any more than that of the law, possessed in France its just estimation. Its professors, therefore, must have the qualities of men not habituated to sentiments of dignity. But supposing they had ranked as they ought to do, and as with us they do actually, the sides of sick-beds are not the academies for forming statesmen and legislators. Then came the dealers in stocks and funds, who must be eager, at any expense, to change their ideal paper wealth for the more solid substance of land. To these were joined men of other descriptions, from whom as little knowledge of or attention to the interests of a great state was to be expected, and as little regard to the stability of any institution, — men formed to be instruments, not controls. — Such, in general, was the composition of the *Tiers État* in the National Assembly; in which was scarcely to be perceived the slightest traces of what we call the natural landed interest of the country.

We know that the British House of Commons, without shutting its doors to any merit in any class, is, by the sure operation of adequate causes, filled with everything illustrious in rank, in descent, in hereditary and in acquired opulence, in cultivated talents, in military, civil, naval, and politic distinction, that the country can afford. But supposing, what hardly can be supposed as a case, that the House of Commons should be composed in the same manner with the *Tiers État* in France, — would this dominion of chicane be borne with patience, or even conceived without horror? God forbid I should insinuate anything derogatory to that profession which is another priesthood, administering the rights of sacred justice! But whilst I revere men in the functions which belong to them, and would do as much as one man can do to prevent their exclusion from any, I cannot, to flatter them, give the lie to Nature. They are good and useful in the composition; they must be mischievous, if they preponderate so as virtually to become the whole. Their very excellence in their peculiar functions may be far from a qualification for others. It cannot escape observation, that, when men are too much confined to professional and faculty

habits, and, as it were, inveterate in the recurrent employment of that narrow circle, they are rather disabled than qualified for whatever depends on the knowledge of mankind, on experience in mixed affairs, on a comprehensive, connected view of the various, complicated, external, and internal interests which go to the formation of that multifarious thing called a State.

After all, if the House of Commons were to have an wholly professional and faculty composition, what is the power of the House of Commons, circumscribed and shut in by the immovable barriers of laws, usages, positive rules of doctrine and practice, counterpoised by the House of Lords, and every moment of its existence at the discretion of the crown to continue, prorogue, or dissolve us? The power of the House of Commons, direct or indirect, is, indeed, great: and long may it be able to preserve its greatness, and the spirit belonging to true greatness, at the full! — and it will do so, as long as it can keep the breakers of law in India from becoming the makers of law for England. The power, however, of the House of Commons, when least diminished, is as a drop of water in the ocean, compared to that residing in a settled majority of your National Assembly. That assembly, since the destruction of the orders, has no fundamental law, no strict convention, no respected usage to restrain it. Instead of finding themselves obliged to conform to a fixed constitution, they have a power to make a constitution which shall conform to their designs. Nothing in heaven or upon earth can serve as a control on them. What ought to be the heads, the hearts, the dispositions, that are qualified, or that dare, not only to make laws under a fixed constitution, but at one heat to strike out a totally new constitution for a great kingdom, and in every part of it, from the monarch on the throne to the vestry of a parish? But

“Fools rush in where angels fear to tread.”

In such a state of unbounded power, for undefined and undefinable purposes, the evil of a moral and almost physical inaptitude of the man to the function must be the greatest we can conceive to happen in the management of human affairs.

Having considered the composition of the third estate, as it stood in its original frame, I took a view of the representatives of the clergy. There, too, it appeared that full as little regard was had to the general security of property, or to the aptitude of the deputies for their public purposes, in the principles of their election. That election was so contrived as to send a very large proportion of mere country curates to the great and arduous work of new-modelling a state: men who never had seen the state so much as in a picture; men who knew nothing of the world beyond the bounds of an obscure village; who, immersed in hopeless poverty, could regard all property, whether secular or ecclesiastical, with no other eye than that of envy; among whom must be many who, for the smallest hope of the meanest dividend in plunder, would readily join in any attempts upon a body of wealth in which they could hardly look to have any share, except in a general scramble. Instead of balancing the power of the active chicaners in the other assembly, these curates

must necessarily become the active coadjutors, or at best the passive instruments, of those by whom they had been habitually guided in their petty village concerns. They, too, could hardly be the most conscientious of their kind, who, presuming upon their incompetent understanding, could intrigue for a trust which led them from their natural relation to their flocks, and their natural spheres of action, to undertake the regeneration of kingdoms. This preponderating weight, being added to the force of the body of chicane in the *Tiers État*, completed that momentum of ignorance, rashness, presumption, and lust of plunder, which nothing has been able to resist.

To observing men it must have appeared from the beginning, that the majority of the third estate, in conjunction with such a deputation from the clergy as I have described, whilst it pursued the destruction of the nobility, would inevitably become subservient to the worst designs of individuals in that class. In the spoil and humiliation of their own order these individuals would possess a sure fund for the pay of their new followers. To squander away the objects which made the happiness of their fellows would be to them no sacrifice at all. Turbulent, discontented men of quality, in proportion as they are puffed up with personal pride and arrogance, generally despise their own order. One of the first symptoms they discover of a selfish and mischievous ambition is a profligate disregard of a dignity which they partake with others. To be attached to the subdivision, to love the little platoon we belong to in society, is the first principle (the germ, as it were) of public affections. It is the first link in the series by which we proceed towards a love to our country and to mankind. The interest of that portion of social arrangement is a trust in the hands of all those who compose it; and as none but bad men would justify it in abuse, none but traitors would barter it away for their own personal advantage.

There were, in the time of our civil troubles in England, (I do not know whether you have any such in your Assembly in France,) several persons, like the then Earl of Holland, who by themselves or their families had brought an odium on the throne by the prodigal dispensation of its bounties towards them, who afterwards joined in the rebellions arising from the discontents of which they were themselves the cause: men who helped to subvert that throne to which they owed, some of them, their existence, others all that power which they employed to ruin their benefactor. If any bounds are set to the rapacious demands of that sort of people, or that others are permitted to partake in the objects they would engross, revenge and envy soon fill up the craving void that is left in their avarice. Confounded by the complication of distempered passions, their reason is disturbed; their views become vast and perplexed, — to others inexplicable, to themselves uncertain. They find, on all sides, bounds to their unprincipled ambition in any fixed order of things; but in the fog and haze of confusion all is enlarged, and appears without any limit.

When men of rank sacrifice all ideas of dignity to an ambition without a distinct object, and work with low instruments and for low ends, the whole composition

becomes low and base. Does not something like this now appear in France? Does it not produce something ignoble and inglorious: a kind of meanness in all the prevalent policy; a tendency in all that is done to lower along with individuals all the dignity and importance of the state? Other revolutions have been conducted by persons who, whilst they attempted or affected changes in the commonwealth, sanctified their ambition by advancing the dignity of the people whose peace they troubled. They had long views. They aimed at the rule, not at the destruction of their country. They were men of great civil and great military talents, and if the terror, the ornament of their age. They were not like Jew brokers contending with each other who could best remedy with fraudulent circulation and depreciated paper the wretchedness and ruin brought on their country by their degenerate councils. The compliment made to one of the great bad men of the old stamp (Cromwell) by his kinsman, a favorite poet of that time, shows what it was he proposed, and what indeed to a great degree he accomplished in the success of his ambition: —

“Still as *you* rise, the *state*, exalted too,
Finds no distemper whilst ‘t is changed by *you*;
Changed like the world’s great scene, when without noise
The rising sun night’s *vulgar* lights destroys.”

These disturbers were not so much like men usurping power as asserting their natural place in society. Their rising was to illuminate and beautify the world. Their conquest over their competitors was by outshining them. The hand, that, like a destroying angel, smote the country, communicated to it the force and energy under which it suffered. I do not say, (God forbid!) I do not say that the virtues of such men were to be taken as a balance to their crimes; but they were some corrective to their effects. Such was, as I said, our Cromwell. Such were your whole race of Guises, Condés, and Colignys. Such the Richelieus, who in more quiet times acted in the spirit of a civil war. Such, as better men, and in a less dubious cause, were your Henry the Fourth, and your Sully, though nursed in civil confusions, and not wholly without some of their taint. It is a thing to be wondered at, to see how very soon France, when she had a moment to respire, recovered and emerged from the longest and most dreadful civil war that ever was known in any nation. Why? Because, among all their massacres, they had not slain the *mind* in their country. A conscious dignity, a noble pride, a generous sense of glory and emulation, was not extinguished. On the contrary, it was kindled and inflamed. The organs also of the state, however shattered, existed. All the prizes of honor and virtue, all the rewards, all the distinctions, remained. But your present confusion, like a palsy, has attacked the fountain of life itself. Every person in your country, in a situation to be actuated by a principle of honor, is disgraced and degraded, and can entertain no sensation of life, except in a mortified and humiliated indignation. But this generation will

quickly pass away. The next generation of the nobility will resemble the artificers and clowns, and money-jobbers, usurers, and Jews, who will be always their fellows, sometimes their masters. Believe me, Sir, those who attempt to level never equalize. In all societies consisting of various descriptions of citizens, some description must be uppermost. The levellers, therefore, only change and pervert the natural order of things: they load the edifice of society by setting up in the air what the solidity of the structure requires to be on the ground. The associations of tailors and carpenters, of which the republic (of Paris, for instance) is composed, cannot be equal to the situation into which, by the worst of usurpations, an usurpation on the prerogatives of Nature, you attempt to force them.

The Chancellor of France, at the opening of the States, said, in a tone of oratorical flourish, that all occupations were honorable. If he meant only that no honest employment was disgraceful, he would not have gone beyond the truth. But in asserting that anything is honorable, we imply some distinction in its favor. The occupation of a hair-dresser, or of a working tallow-chandler, cannot be a matter of honor to any person, — to say nothing of a number of other more servile employments. Such descriptions of men ought not to suffer oppression from the state; but the state suffers oppression, if such as they, either individually or collectively, are permitted to rule. In this you think you are combating prejudice, but you are at war with Nature.

I do not, my dear Sir, conceive you to be of that sophistical, captious spirit, or of that uncandid dullness, as to require, for every general observation or sentiment, an explicit detail of the correctives and exceptions which reason will presume to be included in all the general propositions which come from reasonable men. You do not imagine that I wish to confine power, authority, and distinction to blood and names and titles. No, Sir. There is no qualification for government but virtue and wisdom, actual or presumptive. Wherever they are actually found, they have, in whatever state, condition, profession, or trade, the passport of Heaven to human place and honor. Woe to the country which would madly and impiously reject the service of the talents and virtues, civil, military, or religious, that are given to grace and to serve it; and would condemn to obscurity everything formed to diffuse lustre and glory around a state! Woe to that country, too, that, passing into the opposite extreme, considers a low education, a mean, contracted view of things, a sordid, mercenary occupation, as a preferable title to command! Everything ought to be open, — but not indifferently to every man. No rotation, no appointment by lot, no mode of election operating in the spirit of sortition or rotation, can be generally good in a government conversant in extensive objects; because they have no tendency, direct or indirect, to select the man with a view to the duty, or to accommodate the one to the other. I do not hesitate to say that the road to eminence and power, from obscure condition, ought not to be made too easy, nor a thing too much of course. If rare merit be the rarest of all rare things, it ought to pass

through some sort of probation. The temple of honor ought to be seated on an eminence. If it be opened through virtue, let it be remembered, too, that virtue is never tried but by some difficulty and some struggle.

Nothing is a due and adequate representation of a state, that does not represent its ability, as well as its property. But as ability is a vigorous and active principle, and as property is sluggish, inert, and timid, it never can be safe from the invasions of ability, unless it be, out of all proportion, predominant in the representation. It must be represented, too, in great masses of accumulation, or it is not rightly protected. The characteristic essence of property, formed out of the combined principles of its acquisition and conservation, is to be *unequal*. The great masses, therefore, which excite envy, and tempt rapacity, must be put out of the possibility of danger. Then they form a natural rampart about the lesser properties in all their gradations. The same quantity of property which is by the natural course of things divided among many has not the same operation. Its defensive power is weakened as it is diffused. In this diffusion each man's portion is less than what, in the eagerness of his desires, he may flatter himself to obtain by dissipating the accumulations of others. The plunder of the few would, indeed, give but a share inconceivably small in the distribution to the many. But the many are not capable of making this calculation; and those who lead them to rapine never intend this distribution.

The power of perpetuating our property in our families is one of the most valuable and interesting circumstances belonging to it, and that which tends the most to the perpetuation of society itself. It makes our weakness subservient to our virtue; it grafts benevolence even upon avarice. The possessors of family wealth, and of the distinction which attends hereditary possession, (as most concerned in it,) are the natural securities for this transmission. With us the House of Peers is formed upon this principle. It is wholly composed of hereditary property and hereditary distinction, and made, therefore, the third of the legislature, and, in the last event, the sole judge of all property in all its subdivisions. The House of Commons, too, though not necessarily, yet in fact, is always so composed, in the far greater part. Let those large proprietors be what they will, (and they have their chance of being amongst the best,) they are, at the very worst, the ballast in the vessel of the commonwealth. For though hereditary wealth, and the rank which goes with it, are too much idolized by creeping sycophants, and the blind, abject admirers of power, they are too rashly slighted in shallow speculations of the petulant, assuming, short-sighted coxcombs of philosophy. Some decent, regulated preëminence, some preference (not exclusive appropriation) given to birth, is neither unnatural, nor unjust, nor impolitic.

It is said that twenty-four millions ought to prevail over two hundred thousand. True; if the constitution of a kingdom be a problem of arithmetic. This sort of discourse does well enough with the lamp-post for its second: to men who *may*

reason calmly it is ridiculous The will of the many, and their interest, must very often differ; and great will be the difference when they make an evil choice. A government of five hundred country attorneys and obscure curates is not good for twenty-four millions of men, though it were chosen by eight-and-forty millions; nor is it the better for being guided by a dozen of persons of quality who have betrayed their trust in order to obtain that power. At present, you seem in everything to have strayed out of the high road of Nature. The property of France does not govern it. Of course property is destroyed, and rational liberty has no existence. All you have got for the present is a paper circulation, and a stock-jobbing constitution: and as to the future, do you seriously think that the territory of France, upon the republican system of eighty-three independent municipalities, (to say nothing of the parts that compose them,) can ever be governed as one body, or can ever be set in motion by the impulse of one mind? When the National Assembly has completed its work, it will have accomplished its ruin. These commonwealths will not long bear a state of subjection to the republic of Paris. They will not bear that this one body should monopolize the captivity of the king, and the dominion over the assembly calling itself national. Each will keep its own portion of the spoil of the Church to itself; and it will not suffer either that spoil, or the more just fruits of their industry, or the natural produce of their soil, to be sent to swell the insolence or pamper the luxury of the mechanics of Paris. In this they will see none of the equality, under the pretence of which they have been tempted to throw off their allegiance to their sovereign, as well as the ancient constitution of their country. There can be no capital city in such a constitution as they have lately made. They have forgot, that, when they framed democratic governments, they had virtually dismembered their country. The person whom they persevere in calling king has not power left to him by the hundredth part sufficient to hold together this collection of republics. The republic of Paris will endeavor, indeed, to complete the debauchery of the army, and illegally to perpetuate the Assembly, without resort to its constituents, as the means of continuing its despotism. It will make efforts, by becoming the heart of a boundless paper circulation, to draw everything to itself: but in vain. All this policy in the end will appear as feeble as it is now violent.

If this be your actual situation, compared to the situation to which you were called, as it were by the voice of God and man, I cannot find it in my heart to congratulate you on the choice you have made, or the success which has attended your endeavors. I can as little recommend to any other nation a conduct grounded on such principles and productive of such effects. That I must leave to those who can see further into your affairs than I am able to do, and who best know how far your actions are favorable to their designs. The gentlemen of the Revolution Society, who were so early in their congratulations, appear to be strongly of opinion that there is some scheme of politics relative to this country, in which your

proceedings may in some way be useful. For your Dr. Price, who seems to have speculated himself into no small degree of fervor upon this subject, addresses his auditors in the following very remarkable words:— “I cannot conclude without recalling *particularly* to your recollection a consideration which I have *more than once alluded to*, and which probably your thoughts have *been all along anticipating*; a consideration with which *my mind is impressed more than can express*: I mean the consideration of the *favorableness of the present times to all exertions in the cause of liberty*.”

It is plain that the mind of this *political* preacher was at the time big with some extraordinary design; and it is very probable that the thoughts of his audience, who understood him better than I do, did all along run before him in his reflection, and in the whole train of consequences to which it led.

Before I read that sermon, I really thought I had lived in a free country; and it was an error I cherished, because it gave me a greater liking to the country I lived in. I was, indeed, aware that a jealous, ever-waking vigilance, to guard the treasure of our liberty, not only from invasion, but from decay and corruption, was our best wisdom and our first duty. However, I considered that treasure rather as a possession to be secured than as a prize to be contended for. I did not discern how the present time came to be so very favorable to all *exertions* in the cause of freedom. The present time differs from any other only by the circumstance of what is doing in France. If the example of that nation is to have an influence on this, I can easily conceive why some of their proceedings which have an unpleasant aspect, and are not quite reconcilable to humanity, generosity, good faith, and justice, are palliated with so much milky good-nature towards the actors, and borne with so much heroic fortitude towards the sufferers. It is certainly not prudent to discredit the authority of an example we mean to follow. But allowing this, we are led to a very natural question: — What is that cause of liberty, and what are those exertions in its favor, to which the example of France is so singularly auspicious? Is our monarchy to be annihilated, with all the laws, all the tribunals, and all the ancient corporations of the kingdom? Is every landmark of the country to be done away in favor of a geometrical and arithmetical constitution? Is the House of Lords to be voted useless? Is Episcopacy to be abolished? Are the Church lands to be sold to Jews and jobbers, or given to bribe new-invented municipal republics into a participation in sacrilege? Are all the taxes to be voted grievances, and the revenue reduced to a patriotic contribution or patriotic presents? Are silver shoe-buckles to be substituted in the place of the land-tax and the malt-tax, for the support of the naval strength of this kingdom? Are all orders, ranks, and distinctions to be confounded, that out of universal anarchy, joined to national bankruptcy, three or four thousand democracies should be formed into eighty-three, and that they may all, by some sort of unknown attractive power, be organized into one? For this great end is the army to be seduced from its discipline and its fidelity, first by every kind

of debauchery, and then by the terrible precedent of a donative in the increase of pay? Are the curates to be seduced from their bishops by holding out to them the delusive hope of a dole out of the spoils of their own order? Are the citizens of London to be drawn from their allegiance by feeding them at the expense of their fellow-subjects? Is a compulsory paper currency to be substituted in the place of the legal coin of this kingdom? Is what remains of the plundered stock of public revenue to be employed in the wild project of maintaining two armies to watch over and to fight with each other? If these are the ends and means of the Revolution Society, I admit they are well assorted; and France may furnish them for both with precedents in point.

I see that your example is held out to shame us. I know that we are supposed a dull, sluggish race, rendered passive by finding our situation tolerable, and prevented by a mediocrity of freedom from ever attaining to its full perfection. Your leaders in France began by affecting to admire, almost to adore, the British Constitution; but as they advanced, they came to look upon it with a sovereign contempt. The friends of your National Assembly amongst us have full as mean an opinion of what was formerly thought the glory of their country. The Revolution Society has discovered that the English nation is not free. They are convinced that the inequality in our representation is a “defect in our Constitution *so gross and palpable* as to make it excellent chiefly in *form* and *theory*”; — that a representation in the legislature of a kingdom is not only the basis of all constitutional liberty in it, but of “*all legitimate government*; that without it a *government* is nothing but an *usurpation*”; — that, “when the representation is *partial*, the kingdom possesses liberty only *partially*; and if extremely partial, it gives only a *semblance*; and if not only extremely partial, but corruptly chosen, it becomes a *nuisance*.” Dr. Price considers this inadequacy of representation as our *fundamental grievance*; and though, as to the corruption of this semblance of representation, he hopes it is not yet arrived to its full perfection of depravity, he fears that “nothing will be done towards gaining for us this *essential blessing*, until some *great abuse of power* again provokes our resentment, or some *great calamity* again alarms our fears, or perhaps till the acquisition of a *pure and equal representation by other countries*, whilst we are *mocked* with the *shadow*, kindles our shame.” To this he subjoins a note in these words:— “A representation chosen chiefly by the Treasury, and a *few* thousands of the *dregs* of the people, who are generally paid for their votes.”

You will smile here at the consistency of those democratists who, when they are not on their guard, treat the humbler part of the community with the greatest contempt, whilst, at the same time, they pretend to make them the depositories of all power. It would require a long discourse to point out to you the many fallacies that lurk in the generality and equivocal nature of the terms “inadequate representation.” I shall only say here, in justice to that old-fashioned Constitution under which we have long prospered, that our representation has been found

perfectly adequate to all the purposes for which a representation of the people can be desired or devised. I defy the enemies of our Constitution to show the contrary. To detail the particulars in which it is found so well to promote its ends would demand a treatise on our practical Constitution. I state here the doctrine of the revolutionists, only that you and others may see what an opinion these gentlemen entertain of the Constitution of their country, and why they seem to think that some great abuse of power, or some great calamity, as giving a chance for the blessing of a Constitution according to their ideas, would be much palliated to their feelings; you see *why they* are so much enamored of your fair and equal representation, which being once obtained, the same effects might follow. You see they consider our House of Commons as only “a semblance,” “a form,” “a theory,” “a shadow,” “a mockery,” perhaps “a nuisance.”

These gentlemen value themselves on being systematic, and not without reason. They must therefore look on this gross and palpable defect of representation, this fundamental grievance, (so they call it,) as a thing not only vicious in itself, but as rendering our whole government absolutely *illegitimate*, and not at all better than a downright *usurpation*. Another revolution, to get rid of this illegitimate and usurped government, would of course be perfectly justifiable, if not absolutely necessary. Indeed, their principle, if you observe it with any attention, goes much further than to an alteration in the election of the House of Commons; for, if popular representation, or choice, is necessary to the *legitimacy* of all government, the House of Lords is, at one stroke, bastardized and corrupted in blood. That House is no representative of the people at all, even in “semblance” or “in form.” The case of the crown is altogether as bad. In vain the crown may endeavor to screen itself against these gentlemen by the authority of the establishment made on the Revolution. The Revolution, which is resorted to for a title, on their system, wants a title itself. The Revolution is built, according to their theory, upon a basis not more solid than our present formalities, as it was made by a House of Lords not representing any one but themselves, and by a House of Commons exactly such as the present, that is, as they term it, by a mere “shadow and mockery” of representation.

Something they must destroy, or they seem to themselves to exist for no purpose. One set is for destroying the civil power through the ecclesiastical; another for demolishing the ecclesiastic through the civil. They are aware that the worst consequences might happen to the public in accomplishing this double ruin of Church and State; but they are so heated with their theories, that they give more than hints that this ruin, with all the mischiefs that must lead to it and attend it, and which to themselves appear quite certain, would not be unacceptable to them, or very remote from their wishes. A man amongst them of great authority, and certainly of great talents, speaking of a supposed alliance between Church and State, says, “Perhaps *we must wait for the fall of the civil powers*, before this most

unnatural alliance be broken. Calamitous, no doubt, will that time be. But what convulsion in the political world ought to be a subject of lamentation, if it be attended with so desirable an effect?" You see with what a steady eye these gentlemen are prepared to view the greatest calamities which can befall their country!

It is no wonder, therefore, that, with these ideas of everything in their Constitution and government at home, either in Church or State, as illegitimate and usurped, or at best as a vain mockery, they look abroad with an eager and passionate enthusiasm. Whilst they are possessed by these notions, it is vain to talk to them of the practice of their ancestors, the fundamental laws of their country, the fixed form of a Constitution whose merits are confirmed by the solid test of long experience and an increasing public strength and national prosperity. They despise experience as the wisdom of unlettered men; and as for the rest, they have wrought under ground a mine that will blow up, at one grand explosion, all examples of antiquity, all precedents, charters, and acts of Parliament. They have "the rights of men." Against these there can be no prescription; against these no argument is binding: these admit no temperament and no compromise: anything withheld from their full demand is so much of fraud and injustice. Against these their rights of men let no government look for security in the length of its continuance, or in the justice and lenity of its administration. The objections of these speculatists, if its forms do not quadrate with their theories, are as valid against such an old and beneficent government as against the most violent tyranny or the greenest usurpation. They are always at issue with governments, not on a question of abuse, but a question of competency and a question of title. I have nothing to say to the clumsy subtilty of their political metaphysics. Let them be their amusement in the schools.

*Ille se jactet in aula
Æolus, et clauso ventorum carcere regnet.*

But let them not break prison to burst like a Levanter, to sweep the earth with their hurricane, and to break up the fountains of the great deep to overwhelm us!

Far am I from denying in theory, full as far is my heart from withholding in practice, (if I were of power to give or to withhold,) the *real* rights of men. In denying their false claims of right, I do not mean to injure those which are real, and are such as their pretended rights would totally destroy. If civil society be made for the advantage of man, all the advantages for which it is made become his right. It is an institution of beneficence; and law itself is only beneficence acting by a rule. Men have a right to live by that rule; they have a right to justice, as between their fellows, whether their fellows are in politic function or in ordinary occupation. They have a right to the fruits of their industry, and to the means of making their industry

fruitful. They have a right to the acquisitions of their parents, to the nourishment and improvement of their offspring, to instruction in life and to consolation in death. Whatever each man can separately do, without trespassing upon others, he has a right to do for himself; and he has a right to a fair portion of all which society, with all its combinations of skill and force, can do in his favor. In this partnership all men have equal rights; but not to equal things. He that has but five shillings in the partnership has as good a right to it as he that has five hundred pounds has to his larger proportion; but he has not a right to an equal dividend in the product of the joint stock. And as to the share of power, authority, and direction which each individual ought to have in the management of the state, that I must deny to be amongst the direct original rights of man in civil society; for I have in my contemplation the civil social man, and no other. It is a thing to be settled by convention.

If civil society be the offspring of convention, that convention must be its law. That convention must limit and modify all the descriptions of constitution which are formed under it. Every sort of legislative, judicial, or executory power are its creatures. They can have no being in any other state of things; and how can any man claim, under the conventions of civil society, rights which do not so much as suppose its existence, — rights which are absolutely repugnant to it? One of the first motives to civil society, and which becomes one of its fundamental rules, is, *that no man should be judge in his own cause*. By this each person has at once divested himself of the first fundamental right of uncovenanted man, that is, to judge for himself, and to assert his own cause. He abdicates all right to be his own governor. He inclusively, in a great measure, abandons the right of self-defence, the first law of Nature. Men cannot enjoy the rights of an uncivil and of a civil state together. That he may obtain justice, he gives up his right of determining what it is in points the most essential to him. That he may secure some liberty, he makes a surrender in trust of the whole of it.

Government is not made in virtue of natural rights, which may and do exist in total independence of it, — and exist in much greater clearness, and in a much greater degree of abstract perfection: but their abstract perfection is their practical defect. By having a right to everything they want everything. Government is a contrivance of human wisdom to provide for human *wants*. Men have a right that these wants should be provided for by this wisdom. Among these wants is to be reckoned the want, out of civil society, of a sufficient restraint upon their passions. Society requires not only that the passions of individuals should be subjected, but that even in the mass and body, as well as in the individuals, the inclinations of men should frequently be thwarted, their will controlled, and their passions brought into subjection. This can only be done *by a power out of themselves*, and not, in the exercise of its function, subject to that will and to those passions which it is its office to bridle and subdue. In this sense the restraints on men, as well as their liberties,

are to be reckoned among their rights. But as the liberties and the restrictions vary with times and circumstances, and admit of infinite modifications, they cannot be settled upon any abstract rule; and nothing is so foolish as to discuss them upon that principle.

The moment you abate anything from the full rights of men each to govern himself, and suffer any artificial, positive limitation upon those rights, from that moment the whole organization of government becomes a consideration of convenience. This it is which makes the constitution of a state, and the due distribution of its powers, a matter of the most delicate and complicated skill. It requires a deep knowledge of human nature and human necessities, and of the things which facilitate or obstruct the various ends which are to be pursued by the mechanism of civil institutions. The state is to have recruits to its strength and remedies to its distempers. What is the use of discussing a man's abstract right to food or medicine? The question is upon the method of procuring and administering them. In that deliberation I shall always advise to call in the aid of the farmer and the physician, rather than the professor of metaphysics.

The science of constructing a commonwealth, or renovating it, or reforming it, is, like every other experimental science, not to be taught *a priori*. Nor is it a short experience that can instruct us in that practical science; because the real effects of moral causes are not always immediate, but that which in the first instance is prejudicial may be excellent in its remoter operation, and its excellence may arise even from the ill effects it produces in the beginning. The reverse also happens; and very plausible schemes, with very pleasing commencements, have often shameful and lamentable conclusions. In states there are often some obscure and almost latent causes, things which appear at first view of little moment, on which a very great part of its prosperity or adversity may most essentially depend. The science of government being, therefore, so practical in itself, and intended for such practical purposes, a matter which requires experience, and even more experience than any person can gain in his whole life, however sagacious and observing he may be, it is with infinite caution that any man ought to venture upon pulling down an edifice which has answered in any tolerable degree for ages the common purposes of society, or on building it up again without having models and patterns of approved utility before his eyes.

These metaphysic rights entering into common life, like rays of light which pierce into a dense medium, are, by the laws of Nature, refracted from their straight line. Indeed, in the gross and complicated mass of human passions and concerns, the primitive rights of men undergo such a variety of refractions and reflections that it becomes absurd to talk of them as if they continued in the simplicity of their original direction. The nature of man is intricate; the objects of society are of the greatest possible complexity: and therefore no simple disposition or direction of power can be suitable either to man's nature or to the quality of his affairs. When I

hear the simplicity of contrivance aimed at and boasted of in any new political constitutions, I am at no loss to decide that the artificers are grossly ignorant of their trade or totally negligent of their duty. The simple governments are fundamentally defective, to say no worse of them. If you were to contemplate society in but one point of view, all these simple modes of polity are infinitely captivating. In effect each would answer its single end much more perfectly than the more complex is able to attain all its complex purposes. But it is better that the whole, should be imperfectly and anomalously answered than that while some parts are provided for with great exactness, others might be totally neglected, or perhaps materially injured, by the over-care of a favorite member.

The pretended rights of these theorists are all extremes; and in proportion as they are metaphysically true, they are morally and politically false. The rights of men are in a sort of *middle*, incapable of definition, but not impossible to be discerned. The rights of men in governments are their advantages; and these are often in balances between differences of good, — in compromises sometimes between good and evil, and sometimes between evil and evil. Political reason is a computing principle: adding, subtracting, multiplying, and dividing, morally, and not metaphysically or mathematically, true moral denominations.

By these theorists the right of the people is almost always sophistically confounded with their power. The body of the community, whenever it can come to act, can meet with no effectual resistance; but till power and right are the same, the whole body of them has no right inconsistent with virtue, and the first of all virtues, prudence. Men have no right to what is not reasonable, and to what is not for their benefit; for though a pleasant writer said, "*Liceat perire poetis*," when one of them, in cold blood, is said to have leaped into the flames of a volcanic revolution, "*ardentem frigidus Ætnam insiluit*," I consider such a frolic rather as an unjustifiable poetic license than as one of the franchises of Parnassus; and whether he were poet, or divine, or politician, that chose to exercise this kind of right, I think that more wise, because more charitable, thoughts would urge me rather to save the man than to preserve his brazen slippers as the monuments of his folly.

The kind of anniversary sermons to which a great part of what I write refers, if men are not shamed out of their present course, in commemorating the fact, will cheat many out of the principles and deprive them of the benefits of the Revolution they commemorate. I confess to you, Sir, I never liked this continual talk of resistance and revolution, or the practice of making the extreme medicine of the Constitution its daily bread. It renders the habit of society dangerously valetudinary; it is taking periodical doses of mercury sublimé, and swallowing down repeated provocatives of cantharides to our love of liberty.

This distemper of remedy, grown habitual, relaxes and wears out, by a vulgar and prostituted use, the spring of that spirit which is to be exerted on great occasions. It

was in the most patient period of Roman servitude that themes of tyrannicide made the ordinary exercise of boys at school, — *cum perimit sævos classis numerosa tyrannos*. In the ordinary state of things, it produces in a country like ours the worst effects, even on the cause of that liberty which it abuses with the dissoluteness of an extravagant speculation. Almost all the high-bred republicans of my time have, after a short space, become the most decided, thorough-paced courtiers; they soon left the business of a tedious, moderate, but practical resistance, to those of us whom, in the pride and intoxication of their theories, they have slighted as not much better than Tories. Hypocrisy, of course, delights in the most sublime speculations; for, never intending to go beyond speculation, it costs nothing to have it magnificent. But even in cases where rather levity than fraud was to be suspected in these ranting speculations, the issue has been much the same. These professors, finding their extreme principles not applicable to cases which call only for a qualified, or, as I may say, civil and legal resistance, in such cases employ no resistance at all. It is with them a war or a revolution, or it is nothing. Finding their schemes of politics not adapted to the state of the world in which they live, they often come to think lightly of all public principle, and are ready, on their part, to abandon for a very trivial interest what they find of very trivial value. Some, indeed, are of more steady and persevering natures; but these are eager politicians out of Parliament, who have little to tempt them to abandon their favorite projects. They have some change in the Church or State, or both, constantly in their view. When that is the case, they are always bad citizens, and perfectly unsure connections. For, considering their speculative designs as of infinite value, and the actual arrangement of the state as of no estimation, they are, at best, indifferent about it. They see no merit in the good, and no fault in the vicious management of public affairs; they rather rejoice in the latter, as more propitious to revolution. They see no merit or demerit in any man, or any action, or any political principle, any further than as they may forward or retard their design of change; they therefore take up, one day, the most violent and stretched prerogative, and another time the wildest democratic ideas of freedom, and pass from the one to the other without any sort of regard to cause, to person, or to party.

In France you are now in the crisis of a revolution, and in the transit from one form of government to another: you cannot see that character of men exactly in the same situation in which we see it in this country. With us it is militant, with you it is triumphant; and you know how it can act, when its power is commensurate to its will. I would not be supposed to confine those observations to any description of men, or to comprehend all men of any description within them, — no, far from it! I am as incapable of that injustice as I am of keeping terms with those who profess principles of extremes, and who, under the name of religion, teach little else than wild and dangerous politics. The worst of these politics of revolution is this: they temper and harden the breast, in order to prepare it for the desperate strokes which

are sometimes used in extreme occasions. But as these occasions may never arrive, the mind receives a gratuitous taint; and the moral sentiments suffer not a little, when no political purpose is served by the depravation. This sort of people are so taken up with their theories about the rights of man, that they have totally forgot his nature. Without opening one new avenue to the understanding, they have succeeded in stopping up those that lead to the heart. They have perverted in themselves, and in those that attend to them, all the well-placed sympathies of the human breast.

This famous sermon of the Old Jewry breathes nothing but this spirit through all the political part. Plots, massacres, assassinations, seem to some people a trivial price for obtaining a revolution. A cheap, bloodless reformation, a guiltless liberty, appear flat and vapid to their taste. There must be a great change of scene; there must be a magnificent stage effect; there must be a grand spectacle to rouse the imagination, grown torpid with the lazy enjoyment of sixty years' security, and the still unanimating repose of public prosperity. The preacher found them all in the French Revolution. This inspires a juvenile warmth through his whole frame. His enthusiasm kindles as he advances; and when he arrives at his peroration, it is in a full blaze. Then viewing, from the Pisgah of his pulpit, the free, moral, happy, flourishing, and glorious state of France, as in a bird-eye landscape of a promised land, he breaks out into the following rapture: —

“What an eventful period is this! I am *thankful* that I have lived to it; I could almost say, *Lord, now lettest thou thy servant depart in peace, for mine eyes have seen thy salvation.* — I have lived to see a *diffusion* of knowledge which has undermined superstition and error. — I have lived to see *the rights of men* better understood than ever, and nations panting for liberty which seemed to have lost the idea of it. — I have lived to see *thirty millions of people*, indignant and resolute, spurning at slavery, and demanding liberty with an irresistible voice; *their king led in triumph, and an arbitrary monarch surrendering himself to his subjects.*”

Before I proceed further, I have to remark that Dr. Price seems rather to overvalue the great acquisitions of light which he has obtained and diffused in this age. The last century appears to me to have been quite as much enlightened. It had, though in a different place, a triumph as memorable as that of Dr. Price; and some of the great preachers of that period partook of it as eagerly as he has done in the triumph of France. On the trial of the Reverend Hugh Peters for high treason, it was deposed, that, when King Charles was brought to London for his trial, the Apostle of Liberty in that day conducted the *triumph*. “I saw,” says the witness, “his Majesty in the coach with six horses, and Peters riding before the king *triumphing*.” Dr. Price, when he talks as if he had made a discovery, only follows a precedent; for, after the commencement of the king's trial, this precursor, the same Dr. Peters, concluding a long prayer at the royal chapel at Whitehall, (he had very triumphantly chosen his place,) said, “I have prayed and preached these twenty years; and now I may say with old Simeon, *Lord, now lettest thou thy servant depart in peace, for*

mine eyes have seen thy salvation.” Peters had not the fruits of his prayer; for he neither departed so soon as he wished, nor in peace. He became (what I heartily hope none of his followers may be in this country) himself a sacrifice to the triumph which he led as pontiff. They dealt at the Restoration, perhaps, too hardly with this poor good man. But we owe it to his memory and his sufferings, that he had as much illumination and as much zeal, and had as effectually undermined all *the superstition and error* which might impede the great business he was engaged in, as any who follow and repeat after him in this age, which would assume to itself an exclusive title to the knowledge of the rights of men, and all the glorious consequences of that knowledge.

After this sally of the preacher of the Old Jewry, which differs only in place and time, but agrees perfectly with the spirit and letter of the rapture of 1648, the Revolution Society, the fabricators of governments, the heroic band of *cashierers* of *monarchs*, electors of sovereigns, and leaders of kings in triumph, strutting with a proud consciousness of the diffusion of knowledge, of which every member had obtained so large a share in the donative, were in haste to make a generous diffusion of the knowledge they had thus gratuitously received. To make this bountiful communication, they adjourned from the church in the Old Jewry to the London Tavern, where the same Dr. Price, in whom the fumes of his oracular tripod were not entirely evaporated, moved and carried the resolution, or address of congratulation, transmitted by Lord Stanhope to the National Assembly of France.

I find a preacher of the Gospel profaning the beautiful and prophetic ejaculation, commonly called “*Nunc dimittis*,” made on the first presentation of our Saviour in the temple, and applying it, with an inhuman and unnatural rapture, to the most horrid, atrocious, and afflicting spectacle that perhaps ever was exhibited to the pity and indignation of mankind. This “*leading in triumph*,” a thing in its best form unmanly and irreligious, which fills our preacher with such unhallowed transports, must shock, I believe, the moral taste of every well-born mind. Several English were the stupefied and indignant spectators of that triumph. It was (unless we have been strangely deceived) a spectacle more resembling a procession of American savages entering into Onondaga after some of their murders called victories, and leading into hovels hung round with scalps their captives overpowered with the scoffs and buffets of women as ferocious as themselves, much more than it resembled the triumphal pomp of a civilized martial nation; — if a civilized nation, or any men who had a sense of generosity, were capable of a personal triumph over the fallen and afflicted.

This, my dear Sir, was not the triumph of France. I must believe, that, as a nation, it overwhelmed you with shame and horror. I must believe that the National Assembly find themselves in a state of the greatest humiliation in not being able to punish the authors of this triumph or the actors in it, and that they are in a situation in which any inquiry they may make upon the subject must be destitute even of the

appearance of liberty or impartiality. The apology of that assembly is found in their situation; but when we approve what they *must* bear, it is in us the degenerate choice of a vitiated mind.

With a compelled appearance of deliberation, they vote under the dominion of a stern necessity. They sit in the heart, as it were, of a foreign republic: they have their residence in a city whose constitution has emanated neither from the charter of their king nor from their legislative power. There they are surrounded by an army not raised either by the authority of their crown or by their command, and which, if they should order to dissolve itself, would instantly dissolve them. There they sit, after a gang of assassins had driven away some hundreds of the members; whilst those who held the same moderate principles, with more patience or better hope, continued every day exposed to outrageous insults and murderous threats. There a majority, sometimes real, sometimes pretended, captive itself, compels a captive king to issue as royal edicts, at third hand, the polluted nonsense of their most licentious and giddy coffee-houses. It is notorious that all their measures are decided before they are debated. It is beyond doubt, that, under the terror of the bayonet, and the lamp-post, and the torch to their houses, they are obliged to adopt all the crude and desperate measures suggested by clubs composed of a monstrous medley of all conditions, tongues, and nations. Among these are found persons in comparison of whom Catiline would be thought scrupulous, and Cethegus a man of sobriety and moderation. Nor is it in these clubs alone that the public measures are deformed into monsters. They undergo a previous distortion in academies, intended as so many seminaries for these clubs, which are set up in all the places of public resort. In these meetings of all sorts, every counsel, in proportion as it is daring and violent and perfidious, is taken for the mark of superior genius. Humanity and compassion are ridiculed as the fruits of superstition and ignorance. Tenderness to individuals is considered as treason to the public. Liberty is always to be estimated perfect as property is rendered insecure. Amidst assassination, massacre, and confiscation, perpetrated or meditated, they are forming plans for the good order of future society. Embracing in their arms the carcasses of base criminals, and promoting their relations on the title of their offences, they drive hundreds of virtuous persons to the same end, by forcing them to subsist by beggary or by crime.

The Assembly, their organ, acts before them the farce of deliberation with as little decency as liberty. They act like the comedians of a fair, before a riotous audience; they act amidst the tumultuous cries of a mixed mob of ferocious men, and of women lost to shame, who, according to their insolent fancies, direct, control, applaud, explode them, and sometimes mix and take their seats amongst them, — domineering over them with a strange mixture of servile petulance and proud, presumptuous authority. As they have inverted order in all things, the gallery is in the place of the house. This assembly, which overthrows kings and kingdoms,

has not even the physiognomy and aspect of a grave legislative body, — *nec color imperii, nec frons erat ulla senatûs*. They have a power given to them, like that of the Evil Principle, to subvert and destroy, — but none to construct, except such machines as may be fitted for further subversion and further destruction.

Who is it that admires, and from the heart is attached to national representative assemblies, but must turn with horror and disgust from such a profane burlesque and abominable perversion of that sacred institute? Lovers of monarchy, lovers of republics, must alike abhor it. The members of your Assembly must themselves groan under the tyranny of which they have all the shame, none of the direction, and little of the profit. I am sure many of the members who compose even the majority of that body must feel as I do, notwithstanding the applauses of the Revolution Society. Miserable king! miserable assembly! How must that assembly be silently scandalized with those of their members who could call a day which seemed to blot the sun out of heaven “*un beau jour*”! How must they be inwardly indignant at hearing others who thought fit to declare to them, “that the vessel of the state would fly forward in her course towards regeneration with more speed than ever,” from the stiff gale of treason and murder which preceded our preacher’s triumph! What must they have felt, whilst, with outward patience and inward indignation, they heard of the slaughter of innocent gentlemen in their houses, that “the blood spilled was not the most pure”! What must they have felt, when they were besieged by complaints of disorders which shook their country to its foundations, at being compelled coolly to tell the complainants that they were under the protection of the law, and that they would address the king (the captive king) to cause the laws to be enforced for their protection, when the enslaved ministers of that captive king had formally notified to them that there were neither law nor authority nor power left to protect! What must they have felt at being obliged, as a felicitation on the present new year, to request their captive king to forget the stormy period of the last, on account of the great good which *he* was likely to produce to his people, — to the complete attainment of which good they adjourned the practical demonstrations of their loyalty, assuring him of their obedience when he should no longer possess any authority to command!

This address was made with much good-nature and affection, to be sure. But among the revolutions in France must be reckoned a considerable revolution in their ideas of politeness. In England we are said to learn manners at second-hand from your side of the water, and that we dress our behavior in the frippery of France. If so, we are still in the old cut, and have not so far conformed to the new Parisian mode of good breeding as to think it quite in the most refined strain of delicate compliment (whether in condolence or congratulation) to say, to the most humiliated creature that crawls upon the earth, that great public benefits are derived from the murder of his servants, the attempted assassination of himself and of his wife, and the mortification, disgrace, and degradation that he has personally

suffered. It is a topic of consolation which our ordinary of Newgate would be too humane to use to a criminal at the foot of the gallows. I should have thought that the hangman of Paris, now that he is liberalized by the vote of the National Assembly, and is allowed his rank and arms in the Herald's College of the rights of men, would be too generous, too gallant a man, too full of the sense of his new dignity, to employ that cutting consolation to any of the persons whom the *lèze-nation* might bring under the administration of his *executive powers*.

A man is fallen indeed, when he is thus flattered. The anodyne draught of oblivion, thus drugged, is well calculated to preserve a galling wakefulness, and to feed the living ulcer of a corroding memory. Thus to administer the opiate potion of amnesty, powdered with all the ingredients of scorn and contempt, is to hold to his lips, instead of "the balm of hurt minds," the cup of human misery full to the brim, and to force him to drink it to the dregs.

Yielding to reasons at least as forcible as those which were so delicately urged in the compliment on the new year, the king of France will probably endeavor to forget these events and that compliment. But History, who keeps a durable record of all our acts, and exercises her awful censure over the proceedings of all sorts of sovereigns, will not forget either those events, or the era of this liberal refinement in the intercourse of mankind. History will record, that, on the morning of the sixth of October, 1789, the king and queen of France, after a day of confusion, alarm, dismay, and slaughter, lay down, under the pledged security of public faith, to indulge nature in a few hours of respite, and troubled, melancholy repose. From this sleep the queen was first startled by the voice of the sentinel at her door, who cried out to her to save herself by flight, — that this was the last proof of fidelity he could give, — that they were upon him, and he was dead. Instantly he was cut down. A band of cruel ruffians and assassins, reeking with his blood, rushed into the chamber of the queen, and pierced with a hundred strokes of bayonets and poniards the bed, from whence this persecuted woman had but just time to fly almost naked, and, through ways unknown to the murderers, had escaped to seek refuge at the feet of a king and husband not secure of his own life for a moment.

This king, to say no more of him, and this queen, and their infant children, (who once would have been the pride and hope of a great and generous people,) were then forced to abandon the sanctuary of the most splendid palace in the world, which they left swimming in blood, polluted by massacre, and strewn with scattered limbs and mutilated carcasses. Thence they were conducted into the capital of their kingdom. Two had been selected from the unprovoked, unresisted, promiscuous slaughter which was made of the gentlemen of birth and family who composed the king's body-guard. These two gentlemen, with all the parade of an execution of justice, were cruelly and publicly dragged to the block, and beheaded in the great court of the palace. Their heads were stuck upon spears, and led the procession; whilst the royal captives who followed in the train were slowly moved

along, amidst the horrid yells, and shrilling screams, and frantic dances, and infamous contumelies, and all the unutterable abominations of the furies of hell, in the abused shape of the vilest of women. After they had been made to taste, drop by drop, more than the bitterness of death, in the slow torture of a journey of twelve miles, protracted to six hours, they were, under a guard composed of those very soldiers who had thus conducted them through this famous triumph, lodged in one of the old palaces of Paris, now converted into a Bastile for kings.

Is this a triumph to be consecrated at altars, to be commemorated with grateful thanksgiving, to be offered to the Divine Humanity with fervent prayer and enthusiastic ejaculation? — These Theban and Thracian orgies, acted in France, and applauded only in the Old Jewry, I assure you, kindle prophetic enthusiasm in the minds but of very few people in this kingdom: although a saint and apostle, who may have revelations of his own, and who has so completely vanquished all the mean superstitions of the heart, may incline to think it pious and decorous to compare it with the entrance into the world of the Prince of Peace, proclaimed in an holy temple by a venerable sage, and not long before not worse announced by the voice of angels to the quiet innocence of shepherds.

At first I was at a loss to account for this fit of unguarded transport. I knew, indeed, that the sufferings of monarchs make a delicious repast to some sort of palates. There were reflections which might serve to keep this appetite within some bounds of temperance. But when I took one circumstance into my consideration, I was obliged to confess that much allowance ought to be made for the society, and that the temptation was too strong for common discretion: I mean, the circumstance of the Io Pæan of the triumph, the animating cry which called for “*all the BISHOPS to be hanged on the lamp-posts,*” might well have brought forth a burst of enthusiasm on the foreseen consequences of this happy day. I allow to so much enthusiasm some little deviation from prudence. I allow this prophet to break forth into hymns of joy and thanksgiving on an event which appears like the precursor of the Millennium, and the projected Fifth Monarchy, in the destruction of all Church establishments. There was, however, (as in all human affairs there is,) in the midst of this joy, something to exercise the patience of these worthy gentlemen, and to try the long-suffering of their faith. The actual murder of the king and queen, and their child, was wanting to the other auspicious circumstances of this “*beautiful day*”. The actual murder of the bishops, though called for by so many holy ejaculations, was also wanting. A group of regicide and sacrilegious slaughter was, indeed, boldly sketched, but it was only sketched. It unhappily was left unfinished, in this great history-piece of the massacre of innocents. What hardy pencil of a great master, from the school of the rights of men, will finish it, is to be seen hereafter. The age has not yet the complete benefit of that diffusion of knowledge that has undermined superstition and error; and the king of France wants another object or two to

consign to oblivion, in consideration of all the good which is to arise from his own sufferings, and the patriotic crimes of an enlightened age.

Although this work of our new light and knowledge did not go to the length that in all probability it was intended it should be carried, yet I must think that such treatment of any human creatures must be shocking to any but those who are made for accomplishing revolutions. But I cannot stop here. Influenced by the inborn feelings of my nature, and not being illuminated by a single ray of this new-sprung modern light, I confess to you, Sir, that the exalted rank of the persons suffering, and particularly the sex, the beauty, and the amiable qualities of the descendant of so many kings and emperors, with the tender age of royal infants, insensible only through infancy and innocence of the cruel outrages to which their parents were exposed, instead of being a subject of exultation, adds not a little to my sensibility on that most melancholy occasion.

I hear that the august person who was the principal object of our preacher's triumph, though he supported himself, felt much on that shameful occasion. As a man, it became him to feel for his wife and his children, and the faithful guards of his person that were massacred in cold blood about him; as a prince, it became him to feel for the strange and frightful transformation of his civilized subjects, and to be more grieved for them than solicitous for himself. It derogates little from his fortitude, while it adds infinitely to the honor of his humanity. I am very sorry to say it, very sorry indeed, that such personages are in a situation in which it is not unbecoming in us to praise the virtues of the great.

I hear, and I rejoice to hear, that the great lady, the other object of the triumph, has borne that day, (one is interested that beings made for suffering should suffer well,) and that she bears all the succeeding days, that she bears the imprisonment of her husband, and her own captivity, and the exile of her friends, and the insulting adulation of addresses, and the whole weight of her accumulated wrongs, with a serene patience, in a manner suited to her rank and race, and becoming the offspring of a sovereign distinguished for her piety and her courage; that, like her, she has lofty sentiments; that she feels with the dignity of a Roman matron; that in the last extremity she will save herself from the last disgrace; and that, if she must fall, she will fall by no ignoble hand.

It is now sixteen or seventeen years since I saw the queen of France, then the Dauphiness, at Versailles; and surely never lighted on this orb, which she hardly seemed to touch, a more delightful vision. I saw her just above the horizon, decorating and cheering the elevated sphere she just began to move in, — glittering like the morning-star, full of life and splendor and joy. Oh! what a revolution! and what an heart must I have, to contemplate without emotion that elevation and that fall! Little did I dream, when she added titles of veneration to those of enthusiastic, distant, respectful love, that she should ever be obliged to carry the sharp antidote against disgrace concealed in that bosom! little did I dream that I should have lived

to see such disasters fallen upon her in a nation of gallant men, in a nation of men of honor, and of cavaliers! I thought ten thousand swords must have leaped from their scabbards to avenge even a look that threatened her with insult. But the age of chivalry is gone. That of sophisters, economists, and calculators has succeeded; and the glory of Europe is extinguished forever. Never, never more, shall we behold that generous loyalty to rank and sex, that proud submission, that dignified obedience, that subordination of the heart, which kept alive, even in servitude itself, the spirit of an exalted freedom! The unbought grace of life, the cheap defence of nations, the nurse of manly sentiment and heroic enterprise, is gone! It is gone, that sensibility of principle, that chastity of honor, which felt a stain like a wound, which inspired courage whilst it mitigated ferocity, which ennobled whatever it touched, and under which vice itself lost half its evil by losing all its grossness!

This mixed system of opinion and sentiment had its origin in the ancient chivalry; and the principle, though varied in its appearance by the varying state of human affairs, subsisted and influenced through a long succession of generations, even to the time we live in. If it should ever be totally extinguished, the loss, I fear, will be great. It is this which has given its character to modern Europe. It is this which has distinguished it under all its forms of government, and distinguished it to its advantage, from the states of Asia, and possibly from those states which flourished in the most brilliant periods of the antique world. It was this, which, without confounding ranks, had produced a noble equality, and handed it down through all the gradations of social life. It was this opinion which mitigated kings into companions, and raised private men to be fellows with kings. Without force or opposition, it subdued the fierceness of pride and power; it obliged sovereigns to submit to the soft collar of social esteem, compelled stern authority to submit to elegance, and gave a domination, vanquisher of laws, to be subdued by manners.

But now all is to be changed. All the pleasing illusions which made power gentle and obedience liberal, which harmonized the different shades of life, and which by a bland assimilation incorporated into politics the sentiments which beautify and soften private society, are to be dissolved by this new conquering empire of light and reason. All the decent drapery of life is to be rudely torn off. All the superadded ideas, furnished from the wardrobe of a moral imagination, which the heart owns and the understanding ratifies, as necessary to cover the defects of our naked, shivering nature, and to raise it to dignity in our own estimation, are to be exploded, as a ridiculous, absurd, and antiquated fashion.

On this scheme of things, a king is but a man, a queen is but a woman, a woman is but an animal, — and an animal not of the highest order. All homage paid to the sex in general as such, and without distinct views, is to be regarded as romance and folly. Regicide, and parricide, and sacrilege, are but fictions of superstition, corrupting jurisprudence by destroying its simplicity. The murder of a king, or a queen, or a bishop, or a father, are only common homicide, — and if the people are

by any chance or in any way gainers by it, a sort of homicide much the most pardonable, and into which we ought not to make too severe a scrutiny.

On the scheme of this barbarous philosophy, which is the offspring of cold hearts and muddy understandings and which is as void of solid wisdom as it is destitute of all taste and elegance, laws are to be supported only by their own terrors, and by the concern which each individual may find in them from his own private speculations, or can spare to them from his own private interests. In the groves of *their* academy, at the end of every vista, you see nothing but the gallows. Nothing is left which engages the affections on the part of the commonwealth. On the principles of this mechanic philosophy, our institutions can never be embodied, if I may use the expression, in persons, — so as to create in us love, veneration, admiration, or attachment. But that sort of reason which banishes the affections is incapable of filling their place. These public affections, combined with manners, are required sometimes as supplements, sometimes as correctives, always as aids to law. The precept given by a wise man, as well as a great critic, for the construction of poems, is equally true as to states:— “*Non satis est pulchra esse poemata, dulcia sunto.*” There ought to be a system of manners in every nation which a well-formed mind would be disposed to relish. To make us love our country, our country ought to be lovely.

But power, of some kind or other, will survive the shock in which manners and opinions perish; and it will find other and worse means for its support. The usurpation, which, in order to subvert ancient institutions, has destroyed ancient principles, will hold power by arts similar to those by which it has acquired it. When the old feudal and chivalrous spirit of *fealty*, which, by freeing kings from fear, freed both kings and subjects from the precautions of tyranny, shall be extinct in the minds of men, plots and assassinations will be anticipated by preventive murder and preventive confiscation, and that long roll of grim and bloody maxims which form the political code of all power not standing on its own honor and the honor of those who are to obey it. Kings will be tyrants from policy, when subjects are rebels from principle.

When ancient opinions and rules of life are taken away, the loss cannot possibly be estimated. From that moment we have no compass to govern us, nor can we know distinctly to what port we steer. Europe, undoubtedly, taken in a mass, was in a flourishing condition the day on which your Revolution was completed. How much of that prosperous state was owing to the spirit of our old manners and opinions is not easy to say; but as such causes cannot be indifferent in their operation, we must presume, that, on the whole, their operation was beneficial.

We are but too apt to consider things in the state in which we find them, without sufficiently adverting to the causes by which they have been produced, and possibly may be upheld. Nothing is more certain than that our manners, our civilization, and all the good things which are connected with manners and with, civilization, have,

in this European world of ours, depended for ages upon two principles, and were, indeed, the result of both combined: I mean the spirit of a gentleman, and the spirit of religion. The nobility and the clergy, the one by profession, and the other by patronage, kept learning in existence, even in the midst of arms and confusions, and whilst governments were rather in their causes than formed. Learning paid back what it received to nobility and to priesthood, and paid it with usury, by enlarging their ideas, and by furnishing their minds. Happy, if they had all continued to know their indissoluble union, and their proper place! Happy, if learning, not debauched by ambition, had been satisfied to continue the instructor, and not aspired to be the master! Along with its natural protectors and guardians, learning will be cast into the mire and trodden down under the hoofs of a swinish multitude.

If, as I suspect, modern letters owe more than they are always willing to own to ancient manners, so do other interests which we value full as much as they are worth. Even commerce, and trade, and manufacture, the gods of our economical politicians, are themselves perhaps but creatures, are themselves but effects, which, as first causes, we choose to worship. They certainly grew under the same shade in which learning flourished. They, too, may decay with their natural protecting principles. With you, for the present at least, they all threaten to disappear together. Where trade and manufactures are wanting to a people, and the spirit of nobility and religion remains, sentiment supplies, and not always ill supplies, their place; but if commerce and the arts should be lost in an experiment to try how well a state may stand without these old fundamental principles, what sort of a thing must be a nation of gross, stupid, ferocious, and at the same time poor and sordid barbarians, destitute of religion, honor, or manly pride, possessing nothing at present, and hoping for nothing hereafter?

I wish you may not be going fast, and by the shortest cut, to that horrible and disgusting situation. Already there appears a poverty of conception, a coarseness and vulgarity, in all the proceedings of the Assembly and of all their instructors. Their liberty is not liberal. Their science is presumptuous ignorance. Their humanity is savage and brutal.

It is not clear whether in England we learned those grand and decorous principles and manners, of which considerable traces yet remain, from you, or whether you took them from us. But to you, I think, we trace them best. You seem to me to be *gentis incunabula nostræ*. France has always more or less influenced manners in England; and when your fountain is choked up and polluted, the stream will not run long or not run clear with us, or perhaps with any nation. This gives all Europe, in my opinion, but too close and connected a concern in what is done in France. Excuse me, therefore, if I have dwelt too long on the atrocious spectacle of the sixth of October, 1789, or have given too much scope to the reflections which have arisen in my mind on occasion of the most important of all revolutions, which may be dated from that day: I mean a revolution in sentiments, manners, and moral

opinions. As things now stand, with everything respectable destroyed without us, and an attempt to destroy within us every principle of respect, one is almost forced to apologize for harboring the common feelings of men.

Why do I feel so differently from the Reverend Dr. Price, and those of his lay flock who will choose to adopt the sentiments of his discourse? — For this plain reason: Because it is *natural* I should; because we are so made as to be affected at such spectacles with melancholy sentiments upon the unstable condition of mortal prosperity, and the tremendous uncertainty of human greatness; because in those natural feelings we learn great lessons; because in events like these our passions instruct our reason; because, when kings are hurled from their thrones by the Supreme Director of this great drama, and become the objects of insult to the base and of pity to the good, we behold such disasters in the moral as we should behold a miracle in the physical order of things. We are alarmed into reflection; our minds (as it has long since been observed) are purified by terror and pity; our weak, unthinking pride is humbled under the dispensations of a mysterious wisdom. Some tears might be drawn from me, if such a spectacle were exhibited on the stage. I should be truly ashamed of finding in myself that superficial, theatric sense of painted distress, whilst I could exult over it in real life. With such a perverted mind, I could never venture to show my face at a tragedy. People would think the tears that Garrick formerly, or that Siddons not long since, have extorted from me, were the tears of hypocrisy; I should know them to be the tears of folly.

Indeed, the theatre is a better school of moral sentiments than churches where the feelings of humanity are thus outraged. Poets who have to deal with an audience not yet graduated in the school of the rights of men, and who must apply themselves to the moral constitution of the heart, would not dare to produce such a triumph as a matter of exultation. There, where men follow their natural impulses, they would not bear the odious maxims of a Machiavelian policy, whether applied to the attainment of monarchical or democratic tyranny. They would reject them on the modern, as they once did on the ancient stage, where they could not bear even the hypothetical proposition of such wickedness in the mouth of a personated tyrant, though suitable to the character he sustained. No theatric audience in Athens would bear what has been borne in the midst of the real tragedy of this triumphal day: a principal actor weighing, as it were in scales hung in a shop of horrors, so much actual crime against so much contingent advantage, — and after putting in and out weights, declaring that the balance was on the side of the advantages. They would not bear to see the crimes of new democracy posted as in a ledger against the crimes of old despotism, and the book-keepers of politics finding democracy still in debt, but by no means unable or unwilling to pay the balance. In the theatre, the first intuitive glance, without any elaborate process of reasoning, would show that this method of political computation would justify every extent of crime. They

would see, that, on these principles, even where the very worst acts were not perpetrated, it was owing rather to the fortune of the conspirators than to their parsimony in the expenditure of treachery and blood. They would soon see that criminal means, once tolerated, are soon preferred. They present a shorter cut to the object than through the highway of the moral virtues. Justifying perfidy and murder for public benefit, public benefit would soon become the pretext, and perfidy and murder the end, — until rapacity, malice, revenge, and fear more dreadful than revenge, could satiate their insatiable appetites. Such must be the consequences of losing, in the splendor of these triumphs of the rights of men, all natural sense of wrong and right.

But the reverend pastor exults in this “leading in triumph,” because, truly, Louis the Sixteenth was “an arbitrary monarch”: that is, in other words, neither more nor less than because he was Louis the Sixteenth, and because he had the misfortune to be born king of France, with the prerogatives of which a long line of ancestors, and a long acquiescence of the people, without any act of his, had put him in possession. A misfortune it has indeed turned out to him, that he was born king of France. But misfortune is not crime, nor is indiscretion always the greatest guilt. I shall never think that a prince, the acts of whose whole reign were a series of concessions to his subjects, who was willing to relax his authority, to remit his prerogatives, to call his people to a share of freedom not known, perhaps not desired, by their ancestors, — such a prince, though he should be subject to the common frailties attached to men and to princes, though he should have once thought it necessary to provide force against the desperate designs manifestly carrying on against his person and the remnants of his authority, — though all this should be taken into consideration, I shall be led with great difficulty to think he deserves the cruel and insulting triumph of Paris, and of Dr. Price. I tremble for the cause of liberty, from such an example to kings. I tremble for the cause of humanity, in the unpunished outrages of the most wicked of mankind. But there are some people of that low and degenerate fashion of mind that they look up with a sort of complacent awe and admiration to kings who know to keep firm in their seat, to hold a strict hand over their subjects, to assert their prerogative, and, by the awakened vigilance of a severe despotism, to guard against the very first approaches of freedom. Against such as these they never elevate their voice. Deserters from principle, listed with fortune, they never see any good in suffering virtue, nor any crime in prosperous usurpation.

If it could have been made clear to me that the king and queen of France (those, I mean, who were such before the triumph) were inexorable and cruel tyrants, that they had formed a deliberate scheme for massacring the National Assembly, (I think I have seen something like the latter insinuated in certain publications,) I should think their captivity just. If this be true, much more ought to have been done, but done, in my opinion, in another manner. The punishment of real tyrants is

a noble and awful act of justice; and it has with truth been said to be consolatory to the human mind. But if I were to punish a wicked king, I should regard the dignity in avenging the crime. Justice is grave and decorous, and in its punishments rather seems to submit to a necessity than to make a choice. Had Nero, or Agrippina, or Louis the Eleventh, or Charles the Ninth been the subject, — if Charles the Twelfth of Sweden, after the murder of Patkul, or his predecessor, Christina, after the murder of Monaldeschi, had fallen into your hands, Sir, or into mine, I am sure our conduct would have been different.

If the French king, or king of the French, (or by whatever name he is known in the new vocabulary of your Constitution,) has in his own person and that of his queen really deserved these unavowed, but unavenged, murderous attempts, and those frequent indignities more cruel than murder, such a person would ill deserve even that subordinate executory trust which I understand is to be placed in him; nor is he fit to be called chief in a nation which he has outraged and oppressed. A worse choice for such an office in a new commonwealth than that of a deposed tyrant could not possibly be made. But to degrade and insult a man as the worst of criminals, and afterwards to trust him in your highest concerns, as a faithful, honest, and zealous servant, is not consistent in reasoning, nor prudent in policy, nor safe in practice. Those who could make such an appointment must be guilty of a more flagrant breach of trust than any they have yet committed against the people. As this is the only crime in which your leading politicians could have acted inconsistently, I conclude that there is no sort of ground for these horrid insinuations. I think no better of all the other calumnies.

In England, we give no credit to them. We are generous enemies; we are faithful allies. We spurn from us with disgust and indignation the slanders of those who bring us their anecdotes with the attestation of the flower-de-luce on their shoulder. We have Lord George Gordon fast in Newgate; and neither his being a public proselyte to Judaism, nor his having, in his zeal against Catholic priests and all sorts of ecclesiastics, raised a mob (excuse the term, it is still in use here) which pulled down all our prisons, have preserved to him a liberty of which he did not render himself worthy by a virtuous use of it. We have rebuilt Newgate, and tenanted the mansion. We have prisons almost as strong as the Bastille, for those who dare to libel the queens of France. In this spiritual retreat let the noble libeller remain. Let him there meditate on his Talmud, until he learns a conduct more becoming his birth and parts, and not so disgraceful to the ancient religion to which he has become a proselyte, — or until some persons from your side of the water, to please your new Hebrew brethren, shall ransom him. He may then be enabled to purchase, with the old hoards of the synagogue, and a very small poundage on the long compound interest of the thirty pieces of silver, (Dr. Price has shown us what miracles compound interest will perform in 1790 years,) the lands which are lately discovered to have been usurped by the Gallican Church. Send us your Popish

Archbishop of Paris, and we will send you our Protestant Rabbin. We shall treat the person you send us in exchange like a gentleman and an honest man, as he is: but pray let him bring with him the fund of his hospitality, bounty, and charity; and, depend upon it, we shall never confiscate a shilling of that honorable and pious fund, nor think of enriching the Treasury with the spoils of the poor-box.

To tell you the truth, my dear Sir, I think the honor of our nation to be somewhat concerned in the disclaimer of the proceedings of this society of the Old Jewry and the London Tavern. I have no man's proxy. I speak only from myself, when I disclaim, as I do with all possible earnestness, all communion with the actors in that triumph, or with the admirers of it. When I assert anything else, as concerning the people of England, I speak from observation, not from authority; but I speak from the experience I have had in a pretty extensive and mixed communication with the inhabitants of this kingdom, of all descriptions and ranks, and after a course of attentive observation, begun in early life, and continued for near forty years. I have often been astonished, considering that we are divided from you but by a slender dike of about twenty-four miles, and that the mutual intercourse between the two countries has lately been very great, to find how little you seem to know of us. I suspect that this is owing to your forming a judgment of this nation from certain publications, which do, very erroneously, if they do at all, represent the opinions and dispositions generally prevalent in England. The vanity, restlessness, petulance, and spirit of intrigue of several petty cabals, who attempt to hide their total want of consequence in bustle and noise, and puffing and mutual quotation of each other, makes you imagine that our contemptuous neglect of their abilities is a general mark of acquiescence in their opinions. No such thing, I assure you. Because half a dozen grasshoppers under a fern make the field ring with their importunate chink, whilst thousands of great cattle reposed beneath the shadow of the British oak chew the cud and are silent, pray do not imagine that those who make the noise are the only inhabitants of the field, — that, of course, they are many in number, — or that, after all, they are other than the little, shrivelled, meagre, hopping, though loud and troublesome insects of the hour.

I almost venture to affirm that not one in a hundred amongst us participates in the “triumph” of the Revolution Society. If the king and queen of France and their children were to fall into our hands by the chance of war, in the most acrimonious of all hostilities, (I deprecate such an event, I deprecate such hostility,) they would be treated with another sort of triumphal entry into London. We formerly have had a king of France in that situation: you have read how he was treated by the victor in the field, and in what manner he was afterwards received in England. Four hundred years have gone over us; but I believe we are not materially changed since that period. Thanks to our sullen resistance to innovation, thanks to the cold sluggishness of our national character, we still bear the stamp of our forefathers. We have not (as I conceive) lost the generosity and dignity of thinking of the fourteenth century; nor

as yet have we subtilized ourselves into savages. We are not the converts of Rousseau; we are not the disciples of Voltaire; Helvetius has made no progress amongst us. Atheists are not our preachers; madmen are not our lawgivers. We know that *we* have made no discoveries, and we think that no discoveries are to be made, in morality, — nor many in the great principles of government, nor in the ideas of liberty, which were understood long before we were born altogether as well as they will be after the grave has heaped its mould upon our presumption, and the silent tomb shall have imposed its law on our pert loquacity. In England we have not yet been completely embowelled of our natural entrails: we still feel within us, and we cherish and cultivate, those inbred sentiments which are the faithful guardians, the active monitors of our duty, the true supporters of all liberal and manly morals. We have not been drawn and trussed, in order that we may be filled, like stuffed birds in a museum, with chaff and rags, and paltry, blurred shreds of paper about the rights of man. We preserve the whole of our feelings still native and entire, unsophisticated by pedantry and infidelity. We have real hearts of flesh and blood beating in our bosoms. We fear God; we look up with awe to kings, with affection to Parliaments, with duty to magistrates, with reverence to priests, and with respect to nobility. Why? Because, when such ideas are brought before our minds, it is *natural* to be so affected; because all other feelings are false and spurious, and tend to corrupt our minds, to vitiate our primary morals, to render us unfit for rational liberty, and, by teaching us a servile, licentious, and abandoned insolence, to be our low sport for a few holidays, to make us perfectly fit for and justly deserving of slavery through the whole course of our lives.

You see, Sir, that in this enlightened age I am bold enough to confess that we are generally men of untaught feelings: that, instead of casting away all our old prejudices, we cherish them to a very considerable degree; and, to take more shame to ourselves, we cherish them because they are prejudices; and the longer they have lasted, and the more generally they have prevailed, the more we cherish them. We are afraid to put men to live and trade each on his own private stock of reason; because we suspect that the stock in each man is small, and that the individuals would do better to avail themselves of the general bank and capital of nations and of ages. Many of our men of speculation, instead of exploding general prejudices, employ their sagacity to discover the latent wisdom which prevails in them. If they find what they seek, (and they seldom fail,) they think it more wise to continue the prejudice, with the reason involved, than to cast away the coat of prejudice, and to leave nothing but the naked reason; because prejudice, with its reason, has a motive to give action to that reason, and an affection which will give it permanence. Prejudice is of ready application in the emergency; it previously engages the mind in a steady course of wisdom and virtue, and does not leave the man hesitating in the moment of decision, skeptical, puzzled, and unresolved. Prejudice renders a man's

virtue his habit, and not a series of unconnected acts. Through just prejudice, his duty becomes a part of his nature.

Your literary men, and your politicians, and so do the whole clan of the enlightened among us, essentially differ in these points. They have no respect for the wisdom of others; but they pay it off by a very full measure of confidence in their own. With them it is a sufficient motive to destroy an old scheme of things, because it is an old one. As to the new, they are in no sort of fear with regard to the duration of a building run up in haste; because duration is no object to those who think little or nothing has been done before their time, and who place all their hopes in discovery. They conceive, very systematically, that all things which give perpetuity are mischievous, and therefore they are at inextinguishable war with all establishments. They think that government may vary like modes of dress, and with as little ill effect; that there needs no principle of attachment, except a sense of present expediency, to any constitution of the state. They always speak as if they were of opinion that there is a singular species of compact between them and their magistrates, which binds the magistrate, but which has nothing reciprocal in it, but that the majesty of the people has a right to dissolve it without any reason but its will. Their attachment to their country itself is only so far as it agrees with some of their fleeting projects: it begins and ends with that scheme of polity which falls in with their momentary opinion.

These doctrines, or rather sentiments, seem prevalent with your new statesmen. But they are wholly different from those on which we have always acted in this country.

I hear it is sometimes given out in France, that what is doing among you is after the example of England. I beg leave to affirm that scarcely anything done with you has originated from the practice or the prevalent opinions of this people, either in the act or in the spirit of the proceeding. Let me add, that we are as unwilling to learn these lessons from France as we are sure that we never taught them to that nation. The cabals here who take a sort of share in your transactions as yet consist of but a handful of people. If, unfortunately, by their intrigues, their sermons, their publications, and by a confidence derived from an expected union with the counsels and forces of the French nation, they should draw considerable numbers into their faction, and in consequence should seriously attempt anything here in imitation of what has been done with you, the event, I dare venture to prophesy, will be, that, with some trouble to their country, they will soon accomplish their own destruction. This people refused to change their law in remote ages from respect to the infallibility of Popes, and they will not now alter it from a pious implicit faith in the dogmatism of philosophers, — though the former was armed with the anathema and crusade, and though the latter should act with the libel and the lamp-iron.

Formerly your affairs were your own concern only. We felt for them as men; but we kept aloof from them, because we were not citizens of France. But when we see

the model held up to ourselves, we must feel as Englishmen, and, feeling, we must provide as Englishmen. Your affairs, in spite of us, are made a part of our interest, — so far at least as to keep at a distance your panacea or your plague. If it be a panacea, we do not want it: we know the consequences of unnecessary physic. If it be a plague, it is such a plague that the precautions of the most severe quarantine ought to be established against it.

I hear on all hands, that a cabal, calling itself philosophic, receives the glory of many of the late proceedings, and that their opinions and systems are the true actuating spirit of the whole of them. I have heard of no party in England, literary or political, at any time, known by such a description. It is not with you composed of those men, is it? whom the vulgar, in their blunt, homely style, commonly call Atheists and Infidels? If it be, I admit that we, too, have had writers of that description, who made some noise in their day. At present they repose in lasting oblivion. Who, born within the last forty years, has read one word of Collins, and Toland, and Tindal, and Chubb, and Morgan, and that whole race who called themselves Freethinkers? Who now reads Bolingbroke? Who ever read him through? Ask the booksellers of London what is become of all these lights of the world. In as few years their few successors will go to the family vault of “all the Capulets.” But whatever they were, or are, with us they were and are wholly unconnected individuals. With us they kept the common nature of their kind, and were not gregarious. They never acted in corps, nor were known as a faction in the state, nor presumed to influence in that name or character, or for the purposes of such a faction, on any of our public concerns. Whether they ought so to exist, and so be permitted to act, is another question. As such cabals have not existed in England, so neither has the spirit of them had any influence in establishing the original frame of our Constitution, or in any one of the several reparations and improvements it has undergone. The whole has been done under the auspices, and is confirmed by the sanctions, of religion and piety. The whole has emanated from the simplicity of our national character, and from a sort of native plainness and directness of understanding, which for a long time characterized those men who have successively obtained authority among us. This disposition still remains, — at least in the great body of the people.

We know, and, what is better, we feel inwardly, that religion is the basis of civil society, and the source of all good, and of all comfort. In England we are so convinced of this, that there is no rust of superstition, with which the accumulated absurdity of the human mind might have crusted it over in the course of ages, that ninety-nine in a hundred of the people of England would not prefer to impiety. We shall never be such fools as to call in an enemy to the substance of any system to remove its corruptions, to supply its defects, or to perfect its construction. If our religious tenets should ever want a further elucidation, we shall not call on Atheism to explain them. We shall not light up our temple from that unhallowed fire. It will

be illuminated with other lights. It will be perfumed with other incense than the infectious stuff which is imported by the smugglers of adulterated metaphysics. If our ecclesiastical establishment should want a revision, it is not avarice or rapacity, public or private, that we shall employ for the audit or receipt or application of its consecrated revenue. Violently condemning neither the Greek nor the Armenian, nor, since heats are subsided, the Roman system of religion, we prefer the Protestant: not because we think it has less of the Christian religion in it, but because, in our judgment, it has more. We are Protestants, not from indifference, but from zeal.

We know, and it is our pride to know, that man is by his constitution a religious animal; that atheism is against, not only our reason, but our instincts; and that it cannot prevail long. But if, in the moment of riot, and in a drunken delirium from the hot spirit drawn out of the alembic of hell, which in France is now so furiously boiling, we should uncover our nakedness, by throwing off that Christian religion which has hitherto been our boast and comfort, and one great source of civilization amongst us, and among many other nations, we are apprehensive (being well aware that the mind will not endure a void) that some uncouth, pernicious, and degrading superstition might take place of it.

For that reason, before we take from our establishment the natural, human means of estimation, and give it up to contempt, as you have done, and in doing it have incurred the penalties you well deserve to suffer, we desire that some other may be presented to us in the place of it. We shall then form our judgment.

On these ideas, instead of quarrelling with establishments, as some do, who have made a philosophy and a religion of their hostility to such institutions, we cleave closely to them. We are resolved to keep an established church, an established monarchy, an established aristocracy, and an established democracy, each in the degree it exists, and in no greater. I shall show you presently how much of each of these we possess.

It has been the misfortune (not, as these gentlemen think it, the glory) of this age, that everything is to be discussed, as if the Constitution of our country were to be always a subject rather of altercation than enjoyment. For this reason, as well as for the satisfaction of those among you (if any such you have among you) who may wish to profit of examples, I venture to trouble you with a few thoughts upon each of these establishments. I do not think they were unwise in ancient Rome, who, when they wished to new-model their laws, sent commissioners to examine the best-constituted republics within their reach.

First I beg leave to speak of our Church Establishment, which is the first of our prejudices, — not a prejudice destitute of reason, but involving in it profound and extensive wisdom. I speak of it first. It is first, and last, and midst in our minds. For, taking ground on that religious system of which we are now in possession, we

continue to act on the early received and uniformly continued sense of mankind. That sense not only, like a wise architect, hath built up the august fabric of states, but, like a provident proprietor, to preserve the structure from profanation and ruin, as a sacred temple, purged from all the impurities of fraud and violence and injustice and tyranny, hath solemnly and forever consecrated the commonwealth, and all that officiate in it. This consecration is made, that all who administer in the government of men, in which they stand in the person of God Himself, should have high and worthy notions of their function and destination; that their hope should be full of immortality; that they should not look to the paltry pelf of the moment, nor to the temporary and transient praise of the vulgar, but to a solid, permanent existence, in the permanent part of their nature, and to a permanent fame and glory, in the example they leave as a rich inheritance to the world.

Such sublime principles ought to be infused into persons of exalted situations, and religious establishments provided that may continually revive and enforce them. Every sort of moral, every sort of civil, every sort of politic institution, aiding the rational and natural ties that connect the human understanding and affections to the divine, are not more than necessary, in order to build up that wonderful structure, Man, — whose prerogative it is, to be in a great degree a creature of his own making, and who, when made as he ought to be made, is destined to hold no trivial place in the creation. But whenever man is put over men, as the better nature ought ever to preside, in that case more particularly he should as nearly as possible be approximated to his perfection.

The consecration of the state by a state religious establishment is necessary also to operate with a wholesome awe upon free citizens; because, in order to secure their freedom, they must enjoy some determinate portion of power. To them, therefore, a religion connected with the state, and with their duty towards it, becomes even more necessary than in such societies where the people, by the terms of their subjection, are confined to private sentiments, and the management of their own family concerns. All persons possessing any portion of power ought to be strongly and awfully impressed with an idea that they act in trust, and that they are to account for their conduct in that trust to the one great Master, Author, and Founder of society.

This principle ought even to be more strongly impressed upon the minds of those who compose the collective sovereignty than upon those of single princes. Without instruments, these princes can do nothing. Whoever uses instruments, in finding helps, finds also impediments. Their power is therefore by no means complete; nor are they safe in extreme abuse. Such persons, however elevated by flattery, arrogance, and self-opinion, must be sensible, that, whether covered or not by positive law, in some way or other they are accountable even here for the abuse of their trust. If they are not cut off by a rebellion of their people, they may be strangled by the very janissaries kept for their security against all other rebellion.

Thus we have seen the king of France sold by his soldiers for an increase of pay. But where popular authority is absolute and unrestrained, the people have an infinitely greater, because a far better founded, confidence in their own power. They are themselves in a great measure their own instruments. They are nearer to their objects. Besides, they are less under responsibility to one of the greatest controlling powers on earth, the sense of fame and estimation. The share of infamy that is likely to fall to the lot of each individual in public acts is small indeed: the operation of opinion being in the inverse ratio to the number of those who abuse power. Their own approbation of their own acts has to them the appearance of a public judgment in their favor. A perfect democracy is therefore the most shameless thing in the world. As it is the most shameless, it is also the most fearless. No man apprehends in his person that he can be made subject to punishment. Certainly the people at large never ought: for, as all punishments are for example towards the conservation of the people at large, the people at large can never become the subject of punishment by any human hand. It is therefore of infinite importance that they should not be suffered to imagine that their will, any more than that of kings, is the standard of right and wrong. They ought to be persuaded that they are full as little entitled, and far less qualified, with safety to themselves, to use any arbitrary power whatsoever; that therefore they are not, under a false show of liberty, but in truth to exercise an unnatural, inverted domination, tyrannically to exact from those who officiate in the state, not an entire devotion to their interest, which is their right, but an abject submission to their occasional will: extinguishing thereby, in all those who serve them, all moral principle, all sense of dignity, all use of judgment, and all consistency of character; whilst by the very same process they give themselves up a proper, a suitable, but a most contemptible prey to the servile ambition of popular sycophants or courtly flatterers.

When the people have emptied themselves of all the lust of selfish will, which without religion it is utterly impossible they ever should, — when they are conscious that they exercise, and exercise perhaps in a higher link of the order of delegation, the power which to be legitimate must be according to that eternal, immutable law in which will and reason are the same, — they will be more careful how they place power in base and incapable hands. In their nomination to office, they will not appoint to the exercise of authority as to a pitiful job, but as to a holy function; not according to their sordid, selfish interest, nor to their wanton caprice, nor to their arbitrary will; but they will confer that power (which any man may well tremble to give or to receive) on those only in whom they may discern that predominant proportion of active virtue and wisdom, taken together and fitted to the charge, such as in the great and inevitable mixed mass of human imperfections and infirmities is to be found.

When they are habitually convinced that no evil can be acceptable, either in the act or the permission, to Him whose essence is good, they will be better able to

extirpate out of the minds of all magistrates, civil, ecclesiastical, or military, anything that bears the least resemblance to a proud and lawless domination.

But one of the first and most leading principles on which the commonwealth and the laws are consecrated is lest the temporary possessors and life-renters in it, unmindful of what they have received from their ancestors, or of what is due to their posterity, should act as if they were the entire masters; that they should not think it amongst their rights to cut off the entail or commit waste on the inheritance, by destroying at their pleasure the whole original fabric of their society: hazarding to leave to those who come after them a ruin instead of an habitation, — and teaching these successors as little to respect their contrivances as they had themselves respected the institutions of their forefathers. By this unprincipled facility of changing the state as often and as much and in as many ways as there are floating fancies or fashions, the whole chain and continuity of the commonwealth would be broken; no one generation could link with the other; men would become little better than the flies of a summer.

And first of all, the science of jurisprudence, the pride of the human intellect, which, with all its defects, redundancies, and errors, is the collected reason of ages, combining the principles of original justice with the infinite variety of human concerns, as a heap of old exploded errors, would be no longer studied. Personal self-sufficiency and arrogance (the certain attendants upon all those who have never experienced a wisdom greater than their own) would usurp the tribunal. Of course no certain laws, establishing invariable grounds of hope and fear, would keep the actions of men in a certain course, or direct them to a certain end. Nothing stable in the modes of holding property or exercising function could form a solid ground on which any parent could speculate in the education of his offspring, or in a choice for their future establishment in the world. No principles would be early worked into the habits. As soon as the most able instructor had completed his laborious course of institution, instead of sending forth his pupil accomplished in a virtuous discipline fitted to procure him attention and respect in his place in society, he would find everything altered, and that he had turned out a poor creature to the contempt and derision of the world, ignorant of the true grounds of estimation. Who would insure a tender and delicate sense of honor to beat almost with the first pulses of the heart, when no man could know what would be the test of honor in a nation continually varying the standard of its coin? No part of life would retain its acquisitions. Barbarism with regard to science and literature, unskilfulness with regard to arts and manufactures, would infallibly succeed to the want of a steady education and settled principle; and thus the commonwealth itself would in a few generations crumble away, be disconnected into the dust and powder of individuality, and at length dispersed to all the winds of heaven.

To avoid, therefore, the evils of inconstancy and versatility, ten thousand times worse than those of obstinacy and the blindest prejudice, we have consecrated the

state, that no man should approach to look into its defects or corruptions but with due caution; that he should never dream of beginning its reformation by its subversion; that he should approach to the faults of the state as to the wounds of a father, with pious awe and trembling solicitude. By this wise prejudice we are taught to look with horror on those children of their country who are prompt rashly to hack that aged parent in pieces and put him into the kettle of magicians, in hopes that by their poisonous weeds and wild incantations they may regenerate the paternal constitution and renovate their father's life.

Society is, indeed, a contract. Subordinate contracts for objects of mere occasional interest may be dissolved at pleasure; but the state ought not to be considered as nothing better than a partnership agreement in a trade of pepper and coffee, calico or tobacco, or some other such low concern, to be taken up for a little temporary interest, and to be dissolved by the fancy of the parties. It is to be looked on with other reverence; because it is not a partnership in things subservient only to the gross animal existence of a temporary and perishable nature. It is a partnership in all science, a partnership in all art, a partnership in every virtue and in all perfection. As the ends of such a partnership cannot be obtained in many generations, it becomes a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born. Each contract of each particular state is but a clause in the great primeval contract of eternal society, linking the lower with the higher natures, connecting the visible and invisible world, according to a fixed compact sanctioned by the inviolable oath which holds all physical and all moral natures each in their appointed place. This law is not subject to the will of those who, by an obligation above them, and infinitely superior, are bound to submit their will to that law. The municipal corporations of that universal kingdom are not morally at liberty, at their pleasure, and on their speculations of a contingent improvement, wholly to separate and tear asunder the bands of their subordinate community, and to dissolve it into an unsocial, uncivil, unconnected chaos of elementary principles. It is the first and supreme necessity only, a necessity that is not chosen, but chooses, a necessity paramount to deliberation, that admits no discussion and demands no evidence, which alone can justify a resort to anarchy. This necessity is no exception to the rule; because this necessity itself is a part, too, of that moral and physical disposition of things to which man must be obedient by consent or force: but if that which is only submission to necessity should be made the object of choice, the law is broken, Nature is disobeyed, and the rebellious are outlawed, cast forth, and exiled, from this world of reason, and order, and peace, and virtue, and fruitful penitence, into the antagonist world of madness, discord, vice, confusion, and unavailing sorrow.

These, my dear Sir, are, were, and, I think, long will be, the sentiments of not the least learned and reflecting part of this kingdom. They who are included in this

description form their opinions on such grounds as such persons ought to form them. The less inquiring receive them from an authority which those whom Providence dooms to live on trust need not be ashamed to rely on. These two sorts of men move in the same direction, though in a different place. They both move with the order of the universe. They all know or feel this great ancient truth:—*“Quod illi principi et præpotenti Deo qui omnem hunc mundum regit nihil eorum quæ quidem fiant in terris acceptius quam concilia et coetus hominum jure sociati quæ civitates appellantur.”* They take this tenet of the head and heart, not from the great name which it immediately bears, nor from the greater from whence it is derived, but from that which alone can give true weight and sanction to any learned opinion, the common nature and common relation of men. Persuaded that all things ought to be done with reference, and referring all to the point of reference to which all should be directed, they think themselves bound, not only as individuals in the sanctuary of the heart, or as congregated in that personal capacity, to renew the memory of their high origin and cast, but also in their corporate character to perform their national homage to the Institutor and Author and Protector of civil society, without which civil society man could not by any possibility arrive at the perfection of which his nature is capable, nor even make a remote and faint approach to it. They conceive that He who gave our nature to be perfected by our virtue willed also the necessary means of its perfection: He willed, therefore, the state: He willed its connection with the source and original archetype of all perfection. They who are convinced of this His will, which is the law of laws and the sovereign of sovereigns, cannot think it reprehensible that this our corporate fealty and homage, that this our recognition of a signiory paramount, I had almost said this oblation of the state itself, as a worthy offering on the high altar of universal praise, should be performed, as all public, solemn acts are performed, in buildings, in music, in decoration, in speech, in the dignity of persons, according to the customs of mankind, taught by their nature, — that is, with modest splendor, with unassuming state, with mild majesty and sober pomp. For those purposes they think some part of the wealth of the country is as usefully employed as it can be in fomenting the luxury of individuals. It is the public ornament. It is the public consolation. It nourishes the public hope. The poorest man finds his own importance and dignity in it, whilst the wealth and pride of individuals at every moment makes the man of humble rank and fortune sensible of his inferiority, and degrades and vilifies his condition. It is for the man in humble life, and to raise his nature, and to put him in mind of a state in which the privileges of opulence will cease, when he will be equal by nature, and may be more than equal by virtue, that this portion of the general wealth of his country is employed and sanctified.

I assure you I do not aim at singularity. I give you opinions which have been accepted amongst us, from very early times to this moment, with a continued and general approbation, and which, indeed, are so worked into my mind that I am

unable to distinguish what I have learned from others from the results of my own meditation.

It is on some such principles that the majority of the people of England, far from thinking a religious national establishment unlawful, hardly think it lawful to be without one. In France you are wholly mistaken, if you do not believe us above all other things attached to it, and beyond all other nations; and when this people has acted unwisely and unjustifiably in its favor, (as in some instances they have done, most certainly,) in their very errors you will at least discover their zeal.

This principle runs through the whole system of their polity. They do not consider their Church establishment as convenient, but as essential to their state: not as a thing heterogeneous and separable, — something added for accommodation, — what they may either keep up or lay aside, according to their temporary ideas of convenience. They consider it as the foundation of their whole Constitution, with which, and with every part of which, it holds an indissoluble union. Church and State are ideas inseparable in their minds, and scarcely is the one ever mentioned without mentioning the other.

Our education is so formed as to confirm and fix this impression. Our education is in a manner wholly in the hands of ecclesiastics, and in all stages from infancy to manhood. Even when our youth, leaving schools and universities, enter that most important period of life which begins to link experience and study together, and when with that view they visit other countries, instead of old domestics whom we have seen as governors to principal men from other parts, three fourths of those who go abroad with our young nobility and gentlemen are ecclesiastics: not as austere masters, nor as mere followers; but as friends and companions of a graver character, and not seldom persons as well born as themselves. With them, as relations, they most commonly keep up a close connection through life. By this connection we conceive that we attach our gentlemen to the Church; and we liberalize the Church by an intercourse with the leading characters of the country.

So tenacious are we of the old ecclesiastical modes and fashions of institution, that very little alteration has been made in them since the fourteenth or fifteenth century: adhering in this particular, as in all things else, to our old settled maxim, never entirely nor at once to depart from antiquity. We found these old institutions, on the whole, favorable to morality and discipline; and we thought they were susceptible of amendment, without altering the ground. We thought that they were capable of receiving and meliorating, and above all of preserving, the accessions of science and literature, as the order of Providence should successively produce them. And after all, with this Gothic and monkish education, (for such it is in the groundwork,) we may put in our claim to as ample and as early a share in all the improvements in science, in arts, and in literature, which have illuminated and adorned the modern world, as any other nation in Europe: we think one main cause

of this improvement was our not despising the patrimony of knowledge which was left us by our forefathers.

It is from our attachment to a Church establishment, that the English nation did not think it wise to intrust that great fundamental interest of the whole to what they trust no part of their civil or military public service, — that is, to the unsteady and precarious contribution of individuals. They go further. They certainly never have suffered, and never will suffer, the fixed estate of the Church to be converted into a pension, to depend on the Treasury, and to be delayed, withheld, or perhaps to be extinguished by fiscal difficulties: which difficulties may sometimes be pretended for political purposes, and are in fact often brought on by the extravagance, negligence, and rapacity of politicians. The people of England think that they have constitutional motives, as well as religious, against any project of turning their independent clergy into ecclesiastical pensioners of state. They tremble for their liberty, from the influence of a clergy dependent on the crown; they tremble for the public tranquillity, from the disorders of a factious clergy, if it were made to depend upon any other than the crown. They therefore made their Church, like their king and their nobility, independent.

From the united considerations of religion and constitutional policy, from their opinion of a duty to make a sure provision for the consolation of the feeble and the instruction of the ignorant, they have incorporated and identified the estate of the Church with the mass of *private property*, of which the state is not the proprietor, either for use or dominion, but the guardian only and the regulator. They have ordained that the provision of this establishment might be as stable as the earth on which it stands, and should not fluctuate with the Euripus of funds and actions.

The men of England, the men, I mean, of light and leading in England, whose wisdom (if they have any) is open and direct, would be ashamed, as of a silly, deceitful trick, to profess any religion in name, which by their proceedings they appear to condemn. If by their conduct (the only language that rarely lies) they seemed to regard the great ruling principle of the moral and the natural world as a mere invention to keep the vulgar in obedience, they apprehend that by such a conduct they would defeat the politic purpose they have in view. They would find it difficult to make others believe in a system to which they manifestly gave no credit themselves. The Christian statesmen of this land would, indeed, first provide for the *multitude*, because it is the *multitude*, and is therefore, as such, the first object in the ecclesiastical institution, and in all institutions. They have been taught that the circumstance of the Gospel's being preached to the poor was one of the great tests of its true mission. They think, therefore, that those do not believe it who do not take care it should be preached to the poor. But as they know that charity is not confined to any one description, but ought to apply itself to all men who have wants, they are not deprived of a due and anxious sensation of pity to the distresses of the miserable great. They are not repelled, through a fastidious delicacy, at the stench

of their arrogance and presumption, from a medicinal attention to their mental blotches and running sores. They are sensible that religious instruction is of more consequence to them than to any others: from the greatness of the temptation to which they are exposed; from the important consequences that attend their faults; from the contagion of their ill example; from the necessity of bowing down the stubborn neck of their pride and ambition to the yoke of moderation and virtue; from a consideration of the fat stupidity and gross ignorance concerning what imports men most to know, which prevails at courts, and at the head of armies, and in senates, as much as at the loom and in the field.

The English people are satisfied, that to the great the consolations of religion are as necessary as its instructions. They, too, are among the unhappy. They feel personal pain and domestic sorrow. In these they have no privilege, but are subject to pay their full contingent to the contributions levied on mortality. They want this sovereign balm under their gnawing cares and anxieties, which, being less conversant about the limited wants of animal life, range without limit, and are diversified by infinite combinations in the wild and unbounded regions of imagination. Some charitable dole is wanting to these, our often very unhappy brethren, to fill the gloomy void that reigns in minds which have nothing on earth to hope or fear; something to relieve in the killing languor and over-labored lassitude of those who have nothing to do; something to excite an appetite to existence in the palled satiety which attends on all pleasures which may be bought, where Nature is not left to her own process, where even desire is anticipated, and therefore fruition defeated by meditated schemes and contrivances of delight, and no interval, no obstacle, is interposed between the wish and the accomplishment.

The people of England know how little influence the teachers of religion are likely to have with the wealthy and powerful of long standing, and how much less with the newly fortunate, if they appear in a manner no way assorted to those with whom they must associate, and over whom they must even exercise, in some cases, something like an authority. What must they think of that body of teachers, if they see it in no part above the establishment of their domestic servants? If the poverty were voluntary, there might be some difference. Strong instances of self-denial operate powerfully on our minds; and a man who has no wants has obtained great freedom and firmness, and even dignity. But as the mass of any description of men are but men, and their poverty cannot be voluntary, that disrespect which attends upon all lay poverty will not depart from the ecclesiastical. Our provident Constitution has therefore taken care that those who are to instruct presumptuous ignorance, those who are to be censors over insolent vice, should neither incur their contempt nor live upon their alms; nor will it tempt the rich to a neglect of the true medicine of their minds. For these reasons, whilst we provide first for the poor, and with a parental solicitude, we have not relegated religion (like something we were ashamed to show) to obscure municipalities or rustic villages. No! we will have her to exalt her mitred front in courts and parliaments. We will have her mixed throughout the whole mass of life, and blended with all the classes of society. The people of England will show to the haughty potentates of the world, and to their talking sophisters, that a free, a generous, an informed nation honors the high magistrates of its Church; that it will not suffer the insolence of wealth and titles, or any other species of proud pretension, to look down with scorn upon what they look up to with reverence, nor presume to trample on that acquired personal nobility which they intend always to be, and which often is, the fruit, not the reward, (for what can be the reward?) of learning, piety, and virtue. They can see, without pain or grudging, an archbishop precede a duke. They can see a bishop of Durham or a bishop of Winchester in possession of ten thousand pounds a year, and cannot conceive why it is in worse hands than estates to the like amount in the hands of this earl or that squire; although it may be true that so many dogs and horses are not kept by the former, and fed with the victuals which ought to nourish the children of the people. It is true, the whole Church revenue is not always employed, and to every shilling, in charity; nor perhaps ought it; but something is generally so employed. It is better to cherish virtue and humanity, by leaving much to free will, even with some loss to the object, than to attempt to make men mere machines and instruments of a political benevolence. The world on the whole will gain by a liberty without which virtue cannot exist.

When once the commonwealth has established the estates of the Church as property, it can consistently hear nothing of the more or the less. Too much and too little are treason against property. What evil can arise from the quantity in any hand, whilst the supreme authority has the full, sovereign superintendence over this,

as over any property, to prevent every species of abuse, — and whenever it notably deviates, to give to it a direction agreeable to the purposes of its institution?

In England most of us conceive that it is envy and malignity towards those who are often the beginners of their own fortune, and not a love of the self-denial and mortification of the ancient Church, that makes some look askance at the distinctions and honors and revenues which, taken from no person, are set apart for virtue. The ears of the people of England are distinguishing. They hear these men speak broad. Their tongue betrays them. Their language is in the *patois* of fraud, in the cant and gibberish of hypocrisy. The people of England must think so, when these praters affect to carry back the clergy to that primitive evangelic poverty which in the spirit ought always to exist in them, (and in us, too, however we may like it,) but in the thing must be varied, when the relation of that body to the state is altered, — when manners, when modes of life, when indeed the whole order of human affairs, has undergone a total revolution. We shall believe those reformers to be then honest enthusiasts, not, as now we think them, cheats and deceivers, when we see them throwing their own goods into common, and submitting their own persons to the austere discipline of the early Church.

With these ideas rooted in their minds, the Commons of Great Britain, in the national emergencies, will never seek their resource from the confiscation of the estates of the Church and poor. Sacrilege and proscription are not among the ways and means of our Committee of Supply. The Jews in Change Alley have not yet dared to hint their hopes of a mortgage on the revenues belonging to the see of Canterbury. I am not afraid that I shall be disavowed, when I assure you that there is not *one* public man in this kingdom, whom you wish to quote, — no, not one, of any party or description, — who does not reprobate the dishonest, perfidious, and cruel confiscation which the National Assembly has been compelled to make of that property which it was their first duty to protect.

It is with the exultation of a little national pride I tell you that those amongst us who have wished to pledge the societies of Paris in the cup of their abominations have been disappointed. The robbery of your Church has proved a security to the possessions of ours. It has roused the people. They see with horror and alarm that enormous and shameless act of proscription. It has opened, and will more and more open, their eyes upon the selfish enlargement of mind and the narrow liberality of sentiment of insidious men, which, commencing in close hypocrisy and fraud, have ended in open violence and rapine. At home we behold similar beginnings. We are on our guard against similar conclusions.

I hope we shall never be so totally lost to all sense of the duties imposed upon us by the law of social union, as, upon any pretext of public service, to confiscate the goods of a single unoffending citizen. Who but a tyrant (a name expressive of everything which can vitiate and degrade human nature) could think of seizing on the property of men, unaccused, unheard, untried, by whole descriptions, by

hundreds and thousands together? Who that had not lost every trace of humanity could think of casting down men of exalted rank and sacred function, some of them of an age to call at once for reverence and compassion, — of casting them down from the highest situation in the commonwealth, wherein they were maintained by their own landed property, to a state of indigence, depression, and contempt?

The confiscators truly have made some allowance to their victims from the scraps and fragments of their own tables, from which they have been so harshly driven, and which have been so bountifully spread for a feast to the harpies of usury. But to drive men from independence to live on alms is itself great cruelty. That which might be a tolerable condition to men in one state of life, and not habituated to other things, may, when all these circumstances are altered, be a dreadful revolution, and one to which a virtuous mind would feel pain in condemning any guilt, except that which would demand the life of the offender. But to many minds this punishment of *degradation* and *infamy* is worse than death. Undoubtedly it is an infinite aggravation of this cruel suffering, that the persons who were taught a double prejudice in favor of religion, by education, and by the place they held in the administration of its functions, are to receive the remnants of their property as alms from the profane and impious hands of those who had plundered them of all the rest, — to receive (if they are at all to receive) not from the charitable contributions of the faithful, but from the insolent tenderness of known and avowed atheism, the maintenance of religion, measured out to them on the standard of the contempt in which it is held, and for the purpose of rendering those who receive the allowance vile and of no estimation in the eyes of mankind.

But this act of seizure of property, it seems, is a judgment in law, and not a confiscation. They have, it seems, found out in the academies of the Palais Royal and the Jacobins, that certain men had no right to the possessions which they held under law, usage, the decisions of courts, and the accumulated prescription of a thousand years. They say that ecclesiastics are fictitious persons, creatures of the state, whom at pleasure they may destroy, and of course limit and modify in every particular; that the goods they possess are not properly theirs, but belong to the state which created the fiction; and we are therefore not to trouble ourselves with what they may suffer in their natural feelings and natural persons on account of what is done towards them in this their constructive character. Of what import is it, under what names you injure men, and deprive them of the just emoluments of a profession in which they were not only permitted, but encouraged by the state to engage, and upon the supposed certainty of which emoluments they had formed the plan of their lives, contracted debts, and led multitudes to an entire dependence upon them?

You do not imagine, Sir, that I am going to compliment this miserable distinction of persons with any long discussion. The arguments of tyranny are as contemptible as its force is dreadful. Had not your confiscators by their early crimes obtained a

power which secures indemnity to all the crimes of which they have since been guilty, or that they can commit, it is not the syllogism of the logician, but the lash of the executioner, that would have refuted a sophistry which becomes an accomplice of theft and murder. The sophistic tyrants of Paris are loud in their declamations against the departed regal tyrants who in former ages have vexed the world. They are thus bold, because they are safe from the dungeons and iron cages of their old masters. Shall we be more tender of the tyrants of our own time, when we see them acting worse tragedies under our eyes? Shall we not use the same liberty that they do, when we can use it with the same safety, when to speak honest truth only requires a contempt of the opinions of those whose actions we abhor?

This outrage on all the rights of property was at first covered with what, on the system of their conduct, was the most astonishing of all pretexts, — a regard to national faith. The enemies to property at first pretended a most tender, delicate, and scrupulous anxiety for keeping the king's engagements with the public creditor. These professors of the rights of men are so busy in teaching others, that they have not leisure to learn anything themselves; otherwise they would have known that it is to the property of the citizen, and not to the demands of the creditor of the state, that the first and original faith of civil society is pledged. The claim of the citizen is prior in time, paramount in title, superior in equity. The fortunes of individuals, whether possessed by acquisition, or by descent, or in virtue of a participation in the goods of some community, were no part of the creditor's security, expressed or implied. They never so much as entered into his head, when he made his bargain. He well knew that the public, whether represented by a monarch or by a senate, can pledge nothing but the public estate; and it can have no public estate, except in what it derives from a just and proportioned imposition upon the citizens at large. This was engaged, and nothing else could be engaged, to the public creditor. No man can mortgage his injustice as a pawn for his fidelity.

It is impossible to avoid some observation on the contradictions, caused by the extreme rigor and the extreme laxity of this new public faith, which influenced in this transaction, and which influenced not according to the nature of the obligation, but to the description of the persons to whom it was engaged. No acts of the old government of the kings of France are held valid in the National Assembly, except its pecuniary engagements: acts of all others of the most ambiguous legality. The rest of the acts of that royal government are considered in so odious a light that to have a claim under its authority is looked on as a sort of crime. A pension, given as a reward for service to the state, is surely as good a ground of property as any security for money advanced to the state. It is a better; for money is paid, and well paid, to obtain that service. We have, however, seen multitudes of people under this description in France, who never had been deprived of their allowances by the most arbitrary ministers in the most arbitrary times, by this assembly of the rights of men robbed without mercy. They were told, in answer to their claim to the bread earned

with their blood, that their services had not been rendered to the country that now exists.

This laxity of public faith is not confined to those unfortunate persons. The Assembly, with perfect consistency, it must be owned, is engaged in a respectable deliberation how far it is bound by the treaties made with other nations under the former government; and their committee is to report which of them they ought to ratify, and which not. By this means they have put the external fidelity of this virgin state on a par with its internal.

It is not easy to conceive upon what rational principle the royal government should not, of the two, rather have possessed the power of rewarding service and making treaties, in virtue of its prerogative, than that of pledging to creditors the revenue of the state, actual and possible. The treasure of the nation, of all things, has been the least allowed to the prerogative of the king of France, or to the prerogative of any king in Europe. To mortgage the public revenue implies the sovereign dominion, in the fullest sense, over the public purse. It goes far beyond the trust even of a temporary and occasional taxation. The acts, however, of that dangerous power (the distinctive mark of a boundless despotism) have been alone held sacred. Whence arose this preference given by a democratic assembly to a body of property deriving its title from the most critical and obnoxious of all the exertions of monarchical authority? Reason can furnish nothing to reconcile inconsistency; nor can partial favor be accounted for upon equitable principles. But the contradiction and partiality which admit no justification are not the less without an adequate cause; and that cause I do not think it difficult to discover.

By the vast debt of France a great moneyed interest has insensibly grown up, and with it a great power. By the ancient usages which prevailed in that kingdom, the general circulation of property, and in particular the mutual convertibility of land into money and of money into land, had always been a matter of difficulty. Family settlements, rather more general and more strict than they are in England, the *jus retractûs*, the great mass of landed property held by the crown, and, by a maxim of the French law, held unalienably, the vast estates of the ecclesiastic corporations, — all these had kept the landed and moneyed interests more separated in France, less miscible, and the owners of the two distinct species of property not so well disposed to each other as they are in this country.

The moneyed property was long looked on with rather an evil eye by the people. They saw it connected with their distresses, and aggravating them. It was no less envied by the old landed interests, — partly for the same reasons that rendered it obnoxious to the people, but much more so as it eclipsed, by the splendor of an ostentatious luxury, the unendowed pedigrees and naked titles of several among the nobility. Even when the nobility, which represented the more permanent landed interest, united themselves by marriage (which sometimes was the case) with the other description, the wealth which saved the family from ruin was supposed to

contaminate and degrade it. Thus the enmities and heart burnings of these parties were increased even by the usual means by which discord is made to cease and quarrels are turned into friendship. In the mean time, the pride of the wealthy men, not noble, or newly noble, increased with its cause. They felt with resentment an inferiority the grounds of which they did not acknowledge. There was no measure to which they were not willing to lend themselves, in order to be revenged of the outrages of this rival pride, and to exalt their wealth to what they considered as its natural rank and estimation. They struck at the nobility through the crown and the Church. They attacked them particularly on the side on which they thought them the most vulnerable, — that is, the possessions of the Church, which, through the patronage of the crown, generally devolved upon the nobility. The bishoprics and the great commendatory abbeys were, with few exceptions, held by that order.

In this state of real, though not always perceived, warfare between the noble ancient landed interest and the new moneyed interest, the greatest, because the most applicable, strength was in the hands of the latter. The moneyed interest is in its nature more ready for any adventure, and its possessors more disposed to new enterprises of any kind. Being of a recent acquisition, it falls in more naturally with any novelties. It is therefore the kind of wealth which will be resorted to by all who wish for change.

Along with the moneyed interest, a new description of men had grown up, with whom that interest soon formed a close and marked union: I mean the political men of letters. Men of letters, fond of distinguishing themselves, are rarely averse to innovation. Since the decline of the life and greatness of Louis the Fourteenth, they were not so much cultivated either by him, or by the Regent, or the successors to the crown; nor were they engaged to the court by favors and emoluments so systematically as during the splendid period of that ostentatious and not impolitic reign. What they lost in the old court protection they endeavored to make up by joining in a sort of incorporation of their own; to which the two academies of France, and afterwards the vast undertaking of the *Encyclopædia*, carried on by a society of these gentlemen, did not a little contribute.

The literary cabal had some years ago formed something like a regular plan for the destruction of the Christian religion. This object they pursued with a degree of zeal which hitherto had been discovered only in the propagators of some system of piety. They were possessed with a spirit of proselytism in the most fanatical degree, — and from thence, by an easy progress, with the spirit of persecution according to their means. What was not to be done towards their great end by any direct or immediate act might be wrought by a longer process through the medium of opinion. To command that opinion, the first step is to establish a dominion over those who direct it. They contrived to possess themselves, with great method and perseverance, of all the avenues to literary fame. Many of them, indeed, stood high in the ranks of literature and science. The world had done them justice, and in favor

of general talents forgave the evil tendency of their peculiar principles. This was true liberality; which they returned by endeavoring to confine the reputation of sense, learning, and taste to themselves or their followers. I will venture to say that this narrow, exclusive spirit has not been less prejudicial to literature and to taste than to morals and true philosophy. These atheistical fathers have a bigotry of their own; and they have learnt to talk against monks with the spirit of a monk. But in some things they are men of the world. The resources of intrigue are called in to supply the defects of argument and wit. To this system of literary monopoly was joined an unremitting industry to blacken and discredit in every way, and by every means, all those who did not hold to their faction. To those who have observed the spirit of their conduct it has long been clear that nothing was wanted but the power of carrying the intolerance of the tongue and of the pen into a persecution which would strike at property, liberty, and life.

The desultory and faint persecution carried on against them, more from compliance with form and decency than with serious resentment, neither weakened their strength nor relaxed their efforts. The issue of the whole was, that, what with opposition, and what with success, a violent and malignant zeal, of a kind hitherto unknown in the world, had taken an entire possession of their minds, and rendered their whole conversation, which otherwise would have been pleasing and instructive, perfectly disgusting. A spirit of cabal, intrigue, and proselytism pervaded all their thoughts, words, and actions. And as controversial zeal soon turns its thoughts on force, they began to insinuate themselves into a correspondence with foreign princes, — in hopes, through their authority, which at first they flattered, they might bring about the changes they had in view. To them it was indifferent whether these changes were to be accomplished by the thunderbolt of despotism or by the earthquake of popular commotion. The correspondence between this cabal and the late king of Prussia will throw no small light upon the spirit of all their proceedings. For the same purpose for which they intrigued with princes, they cultivated, in a distinguished manner, the moneyed interest of France; and partly through the means furnished by those whose peculiar offices gave them the most extensive and certain means of communication, they carefully occupied all the avenues to opinion.

Writers, especially when they act in a body and with one direction, have great influence on the public mind; the alliance, therefore, of these writers with the moneyed interest had no small effect in removing the popular odium and envy which attended that species of wealth. These writers, like the propagators of all novelties, pretended to a great zeal for the poor and the lower orders, whilst in their satires they rendered hateful, by every exaggeration, the faults of courts, of nobility, and of priesthood. They became a sort of demagogues. They served as a link to unite, in favor of one object, obnoxious wealth to restless and desperate poverty.

As these two kinds of men appear principal leaders in all the late transactions, their junction and politics will serve to account, not upon any principles of law or of

policy, but as a *cause*, for the general fury with which all the landed property of ecclesiastical corporations has been attacked, and the great care which, contrary to their pretended principles, has been taken of a moneyed interest originating from the authority of the crown. All the envy against wealth and power was artificially directed against other descriptions of riches. On what other principle than that which I have stated can we account for an appearance so extraordinary and unnatural as that of the ecclesiastical possessions, which had stood so many successions of ages and shocks of civil violences, and were guarded at once by justice and by prejudice, being applied to the payment of debts comparatively recent, invidious, and contracted by a decried and subverted government?

Was the public estate a sufficient stake for the public debts? Assume that it was not, and that a loss *must* be incurred somewhere. When the only estate lawfully possessed, and which the contracting parties had in contemplation at the time in which their bargain was made, happens to fail, who, according to the principles of natural and legal equity, ought to be the sufferer? Certainly it ought to be either the party who trusted, or the party who persuaded him to trust, or both; and not third parties who had no concern with the transaction. Upon any insolvency, they ought to suffer who were weak enough to lend upon bad security, or they who fraudulently held out a security that was not valid. Laws are acquainted with no other rules of decision. But by the new institute of the rights of men, the only persons who in equity ought to suffer are the only persons who are to be saved harmless: those are to answer the debt who neither were lenders nor borrowers, mortgagers nor mortgagees.

What had the clergy to do with these transactions? What had they to do with any public engagement further than the extent of their own debt? To that, to be sure, their estates were bound to the last acre. Nothing can lead more to the true spirit of the Assembly, which sits for public confiscation with its new equity and its new morality, than an attention to their proceeding with regard to this debt of the clergy. The body of confiscators, true to that moneyed interest for which they were false to every other, have found the clergy competent to incur a legal debt. Of course they declared them legally entitled to the property which their power of incurring the debt and mortgaging the estate implied: recognizing the rights of those persecuted citizens in the very act in which they were thus grossly violated.

If, as I said, any persons are to make good deficiencies to the public creditor, besides the public at large, they must be those who managed the agreement. Why, therefore, are not the estates of all the comptrollers-general confiscated? Why not those of the long succession of ministers, financiers, and bankers who have been enriched whilst the nation was impoverished by their dealings and their counsels? Why is not the estate of M. Laborde declared forfeited rather than of the Archbishop of Paris, who has had nothing to do in the creation or in the jobbing of the public funds? Or, if you must confiscate old landed estates in favor of the

money-jobbers, why is the penalty confined to one description? I do not know whether the expenses of the Duke de Choiseul have left anything of the infinite sums which he had derived from the bounty of his master, during the transactions of a reign which contributed largely, by every species of prodigality in war and peace, to the present debt of France. If any such remains, why is not this confiscated? I remember to have been in Paris during the time of the old government. I was there just after the Duke d'Aiguillon had been snatched (as it was generally thought) from the block by the hand of a protecting despotism. He was a minister, and had some concern in the affairs of that prodigal period. Why do I not see his estate delivered up to the municipalities in which it is situated? The noble family of Noailles have long been servants (meritorious servants I admit) to the crown of France, and have had of course some share in its bounties. Why do I hear nothing of the application of their estates to the public debt? Why is the estate of the Duke de Rochefoucault more sacred than that of the Cardinal de Rochefoucault? The former is, I doubt not, a worthy person; and (if it were not a sort of profaneness to talk of the use, as affecting the title to property) he makes a good use of his revenues; but it is no disrespect to him to say, what authentic information well warrants me in saying, that the use made of a property equally valid, by his brother, the Cardinal Archbishop of Rouen, was far more laudable and far more public-spirited. Can one hear of the proscription of such persons, and the confiscation of their effects, without indignation, and horror? He is not a man who does not feel such emotions on such occasions. He does not deserve the name of a free man who will not express them.

Few barbarous conquerors have ever made so terrible a revolution in property. None of the heads of the Roman factions, when they established *crudelem illam hastam* in all their auctions of rapine, have ever set up to sale the goods of the conquered citizen to such an enormous amount. It must be allowed in favor of those tyrants of antiquity, that what was done by them could hardly be said to be done in cold blood. Their passions were inflamed, their tempers soured, their understandings confused with the spirit of revenge, with the innumerable reciprocated and recent inflictions and retaliations of blood and rapine. They were driven beyond all bounds of moderation by the apprehension of the return of power with the return of property to the families of those they had injured beyond all hope of forgiveness.

These Roman confiscators, who were yet only in the elements of tyranny, and were not instructed in the rights of men to exercise all sorts of cruelties on each other without provocation, thought it necessary to spread a sort of color over their injustice. They considered the vanquished party as composed of traitors, who had borne arms, or otherwise had acted with hostility, against the commonwealth. They regarded them as persons who had forfeited their property by their crimes. With you, in your improved state of the human mind, there was no such formality. You

seized upon five millions sterling of annual rent, and turned forty or fifty thousand human creatures out of their houses, because “such was your pleasure.” The tyrant Harry the Eighth of England, as he was not better enlightened than the Roman Mariuses and Syllas, and had not studied in your new schools, did not know what an effectual instrument of despotism was to be found in that grand magazine of offensive weapons, the rights of men. When he resolved to rob the abbeys, as the club of the Jacobins have robbed all the ecclesiastics, he began by setting on foot a commission to examine into the crimes and abuses which prevailed in those communities. As it might be expected, his commission reported truths, exaggerations, and falsehoods. But truly or falsely, it reported abuses and offences. However, as abuses might be corrected, as every crime of persons does not infer a forfeiture with regard to communities, and as property, in that dark age, was not discovered to be a creature of prejudice, all those abuses (and there were enough of them) were hardly thought sufficient ground for such a confiscation as it was for his purposes to make. He therefore procured the formal surrender of these estates. All these operose proceedings were adopted by one of the most decided tyrants in the rolls of history, as necessary preliminaries, before he could venture, by bribing the members of his two servile Houses with a share of the spoil, and holding out to them an eternal immunity from taxation, to demand a confirmation of his iniquitous proceedings by an act of Parliament. Had fate reserved him to our times, four technical terms would have done his business, and saved him all this trouble; he needed nothing more than one short form of incantation:— “*Philosophy, Light, Liberty, the Rights of Men.*”

I can say nothing in praise of those acts of tyranny, which no voice has hitherto ever commended under any of their false colors; yet in these false colors an homage was paid by despotism to justice. The power which was above all fear and all remorse was not set above all shame. Whilst shame keeps its watch, virtue is not wholly extinguished in the heart, nor will moderation be utterly exiled from the minds of tyrants.

I believe every honest man sympathizes in his reflections with our political poet on that occasion, and will pray to avert the omen, whenever these acts of rapacious despotism present themselves to his view or his imagination: —

“May no such storm
Fall on our times, where rain must reform!
Tell me, my Muse, what monstrous, dire offence,
What crime could any Christian king incense
To such a rage? Was’t luxury, or lust
Was *he* so temperate, so chaste, so just?
Were these their crimes? They were his own much more:
But wealth is crime enough to him that’s poor.”

This same wealth, which is at all times treason and *lèze-nation* to indigent and rapacious despotism, under all modes of polity, was your temptation to violate property, law, and religion, united in one object. But was the state of France so wretched and undone, that no other resource but rapine remained to preserve its existence? On this point I wish to receive some information. When the States met, was the condition of the finances of France such, that, after economizing, on principles of justice and mercy, through all departments, no fair repartition of burdens upon all the orders could possibly restore them? If such an equal imposition would have been sufficient, you well know it might easily have been made. M. Necker, in the budget which he laid before the orders assembled at Versailles, made a detailed exposition of the state of the French nation.

If we give credit to him, it was not necessary to have recourse to any new impositions whatsoever, to put the receipts of France on a balance with its expenses. He stated the permanent charges of all descriptions, including the interest of a new loan of four hundred millions, at 531,444,000 livres; the fixed revenue at 475,294,000: making the deficiency 56,150,000, or short of 2,200,000 *l.* sterling. But to balance it, he brought forward savings and improvements of revenue (considered as entirely certain) to rather more than the amount of that deficiency; and he concludes with these emphatical words ():— “*Quel pays, Messieurs, que celui, où, sans impôts et avec de simples objets inaperçus, on peut faire disparaître un déficit qui a fait tant de bruit en Europe!*” As to the reimbursement, the sinking of debt, and the other great objects of public credit and political arrangement indicated in Monsieur Necker’s speech, no doubt could be entertained but that a very moderate and proportioned assessment on the citizens without distinction would have provided for all of them to the fullest extent of their demand.

If this representation of M. Necker was false, then the Assembly are in the highest degree culpable for having forced the king to accept as his minister, and, since the king’s deposition, for having employed as *their* minister, a man who had been capable of abusing so notoriously the confidence of his master and their own: in a matter, too, of the highest moment, and directly appertaining to his particular office. But if the representation was exact, (as, having always, along with you, conceived a high degree of respect for M. Necker, I make no doubt it was,) then what can be said in favor of those who, instead of moderate, reasonable, and general contribution, have in cold blood, and impelled by no necessity, had recourse to a partial and cruel confiscation?

Was that contribution refused on a pretext of privilege, either on the part of the clergy, or on that of the nobility? No, certainly. As to the clergy, they even ran before the wishes of the third order. Previous to the meeting of the States, they had in all their instructions expressly directed their deputies to renounce every immunity which put them upon a footing distinct from the condition of their fellow-subjects. In this renunciation the clergy were even more explicit than the nobility.

But let us suppose that the deficiency had remained at the fifty-six millions, (or 2,200,000 *l.* sterling,) as at first stated by M. Necker. Let us allow that all the resources he opposed to that deficiency were impudent and groundless fictions, and that the Assembly (or their lords of articles at the Jacobins) were from thence justified in laying the whole burden of that deficiency on the clergy, — yet allowing all this, a necessity of 2,200,000 *l.* sterling will not support a confiscation to the amount of five millions. The imposition of 2,200,000 *l.* on the clergy, as partial, would have been oppressive and unjust, but it would not have been altogether ruinous to those on whom it was imposed; and therefore it would not have answered the real purpose of the managers.

Perhaps persons unacquainted with the state of France, on hearing the clergy and the noblesse were privileged in point of taxation, may be led to imagine, that, previous to the Revolution, these bodies had contributed nothing to the state. This is a great mistake. They certainly did not contribute equally with each other, nor either of them equally with the commons. They both, however, contributed largely. Neither nobility nor clergy enjoyed any exemption from the excise on consumable commodities, from duties of custom, or from any of the other numerous *indirect* impositions, which in France, as well as here, make so very large a proportion of all payments to the public. The noblesse paid the capitation. They paid also a land-tax, called the twentieth penny, to the height sometimes of three, sometimes of four shillings in the pound: both of them *direct* impositions, of no light nature, and no trivial produce. The clergy of the provinces annexed by conquest to France (which in extent make about an eighth part of the whole, but in wealth a much larger proportion) paid likewise to the capitation and the twentieth penny, at the rate paid by the nobility. The clergy in the old provinces did not pay the capitation; but they had redeemed themselves at the expense of about twenty-four millions, or a little more than a million sterling. They were exempted from the twentieths: but then they made free gifts; they contracted debts for the state; and they were subject to some other charges, the whole computed at about a thirteenth part of their clear income. They ought to have paid annually about forty thousand pounds more, to put them on a par with the contribution of the nobility.

When the terrors of this tremendous proscription hung over the clergy, they made an offer of a contribution, through the Archbishop of Aix, which, for its extravagance, ought not to have been accepted. But it was evidently and obviously more advantageous to the public creditor than anything which could rationally be promised by the confiscation. Why was it not accepted? The reason is plain: — There was no desire that the Church should be brought to serve the State. The service of the State was made a pretext to destroy the Church. In their way to the destruction of the Church they would not scruple to destroy their country: and they have destroyed it. One great end in the project would have been defeated, if the plan of extortion had been adopted in lieu of the scheme of confiscation. The new

landed interest connected with the new republic, and connected with it for its very being, could not have been created. This was among the reasons why that extravagant ransom was not accepted.

The madness of the project of confiscation, on the plan that was first pretended, soon became apparent. To bring this unwieldy mass of landed property, enlarged by the confiscation of all the vast landed domain of the crown, at once into market was obviously to defeat the profits proposed by the confiscation, by depreciating the value of those lands, and indeed of all the landed estates throughout France. Such a sudden diversion of all its circulating money from trade to land must be an additional mischief. What step was taken? Did the Assembly, on becoming sensible of the inevitable ill effects of their projected sale, revert to the offers of the clergy? No distress could oblige them to travel in a course which was disgraced by any appearance of justice. Giving over all hopes from a general immediate sale, another project seems to have succeeded. They proposed to take stock in exchange for the Church lands. In that project great difficulties arose in equalizing the objects to be exchanged. Other obstacles also presented themselves, which threw them back again upon some project of sale. The municipalities had taken an alarm. They would not hear of transferring the whole plunder of the kingdom to the stockholders in Paris. Many of those municipalities had been (upon system) reduced to the most deplorable indigence. Money was nowhere to be seen. They were therefore led to the point that was so ardently desired. They panted for a currency of any kind which might revive their perishing industry. The municipalities were, then, to be admitted to a share in the spoil, which evidently rendered the first scheme (if ever it had been seriously entertained) altogether impracticable. Public exigencies pressed upon all sides. The Minister of Finance reiterated his call for supply with, a most urgent, anxious, and boding voice. Thus pressed on all sides, instead of the first plan of converting their bankers into bishops and abbots, instead of paying the old debt, they contracted a new debt, at three per cent, creating a new paper currency, founded on an eventual sale of the Church lands. They issued this paper currency to satisfy in the first instance chiefly the demands made upon them by the *bank of discount*, the great machine or paper-mill of their fictitious wealth.

The spoil of the Church was now become the only resource of all their operations in finance, the vital principle of all their politics, the sole security for the existence of their power. It was necessary, by all, even the most violent means, to put every individual on the same bottom, and to bind the nation in one guilty interest to uphold this act, and the authority of those by whom it was done. In order to force the most reluctant into a participation of their pillage, they rendered their paper circulation compulsory in all payments. Those who consider the general tendency of their schemes to this one object as a centre, and a centre from which afterwards all

their measures radiate, will not think that I dwell too long upon this part of the proceedings of the National Assembly.

To cut off all appearance of connection between the crown and public justice, and to bring the whole under implicit obedience to the dictators in Paris, the old independent judicature of the Parliaments, with all its merits and all its faults, was wholly abolished. Whilst the Parliaments existed, it was evident that the people might some time or other come to resort to them, and rally under the standard of their ancient laws. It became, however, a matter of consideration, that the magistrates and officers in the courts now abolished *had purchased their places* at a very high rate, for which, as well as for the duty they performed, they received but a very low return of interest. Simple confiscation is a boon only for the clergy: to the lawyers some appearances of equity are to be observed; and they are to receive compensation to an immense amount. Their compensation becomes part of the national debt, for the liquidation of which there is the one exhaustless fund. The lawyers are to obtain their compensation in the new Church paper, which is to march with the new principles of judicature and legislature. The dismissed magistrates are to take their share of martyrdom with the ecclesiastics, or to receive their own property from such a fund and in such a manner as all those who have been seasoned with the ancient principles of jurisprudence, and had been the sworn guardians of property, must look upon with horror. Even the clergy are to receive their miserable allowance out of the depreciated paper, which is stamped with the indelible character of sacrilege, and with the symbols of their own ruin, or they must starve. So violent an outrage upon credit, property, and liberty, as this compulsory paper currency, has seldom been exhibited by the alliance of bankruptcy and tyranny, at any time, or in any nation.

In the course of all these operations, at length comes out the grand *arcanum*, — that in reality, and in a fair sense, the lands of the Church (so far as anything certain can be gathered from their proceedings) are not to be sold at all. By the late resolutions of the National Assembly, they are, indeed, to be delivered to the highest bidder. But it is to be observed, that *a certain portion only of the purchase-money is to be laid down*. A period of twelve years is to be given for the payment of the rest. The philosophic purchasers are therefore, on payment of a sort of fine, to be put instantly into possession of the estate. It becomes in some respects a sort of gift to them, — to be held on the feudal tenure of zeal to the new establishment. This project is evidently to let in a body of purchasers without money. The consequence will be, that these purchasers, or rather grantees, will pay, not only from the rents as they accrue, which might as well be received by the state, but from the spoil of the materials of buildings, from waste in woods, and from whatever money, by hands habituated to the gripings of usury, they can wring from the miserable peasant. He is to be delivered over to the mercenary and arbitrary discretion of men who will be stimulated to every species of extortion by the

growing demands on the growing profits of an estate held under the precarious settlement of a new political system.

When all the frauds, impostures, violences, rapines, burnings, murders, confiscations, compulsory paper currencies, and every description of tyranny and cruelty employed to bring about and to uphold this Revolution have their natural effect, that is, to shock the moral sentiments of all virtuous and sober minds, the abettors of this philosophic system immediately strain their throats in a declamation against the old monarchical government of France. When they have rendered that deposed power sufficiently black, they then proceed in argument, as if all those who disapprove of their new abuses must of course be partisans of the old, — that those who reprobate their crude and violent schemes of liberty ought to be treated as advocates for servitude. I admit that their necessities do compel them to this base and contemptible fraud. Nothing can reconcile men to their proceedings and projects but the supposition that there is no third option between them and some tyranny as odious as can be furnished by the records of history or by the invention of poets. This prattling of theirs hardly deserves the name of sophistry. It is nothing but plain impudence. Have these gentlemen never heard, in the whole circle of the worlds of theory and practice, of anything between the despotism of the monarch and the despotism of the multitude? Have they never heard of a monarchy directed by laws, controlled and balanced by the great hereditary wealth and hereditary dignity of a nation, and both again controlled by a judicious check from the reason and feeling of the people at large, acting by a suitable and permanent organ? Is it, then, impossible that a man may be found who, without criminal ill intention or pitiable absurdity, shall prefer such a mixed and tempered government to either of the extremes, — and who may repute that nation to be destitute of all wisdom and of all virtue, which, having in its choice to obtain such a government with ease, *or rather to confirm it when actually possessed*, thought proper to commit a thousand crimes, and to subject their country to a thousand evils, in order to avoid it? Is it, then, a truth so universally acknowledged, that a pure democracy is the only tolerable form into which human society can be thrown, that a man is not permitted to hesitate about its merits, without the suspicion of being a friend to tyranny, that is, of being a foe to mankind?

I do not know under what description to class the present ruling authority in France. It affects to be a pure democracy, though I think it in a direct train of becoming shortly a mischievous and ignoble oligarchy. But for the present I admit it to be a contrivance of the nature and effect of what it pretends to. I reprobate no form of government merely upon abstract principles. There may be situations in which the purely democratic form will become necessary. There may be some (very few, and very particularly circumstanced) where it would be clearly desirable. This I do not take to be the case of France, or of any other great country. Until now, we have seen no examples of considerable democracies. The ancients were better

acquainted with them. Not being wholly unread in the authors who had seen the most of those constitutions, and who best understood them, I cannot help concurring with their opinion, that an absolute democracy no more than absolute monarchy is to be reckoned among the legitimate forms of government. They think it rather the corruption and degeneracy than the sound constitution of a republic. If I recollect rightly, Aristotle observes, that a democracy has many striking points of resemblance with a tyranny. Of this I am certain, that in a democracy the majority of the citizens is capable of exercising the most cruel oppressions upon the minority, whenever strong divisions prevail in that kind of polity, as they often must, — and that oppression of the minority will extend to far greater numbers, and will be carried on with much greater fury, than can almost ever be apprehended from the dominion of a single sceptre. In such a popular persecution, individual sufferers are in a much more deplorable condition than in any other. Under a cruel prince they have the balmy compassion of mankind to assuage the smart of their wounds, they have the plaudits of the people to animate their generous constancy under their sufferings: but those who are subjected to wrong under multitudes are deprived of all external consolation; they seem deserted by mankind, overpowered by a conspiracy of their whole species.

But admitting democracy not to have that inevitable tendency to party tyranny which I suppose it to have, and admitting it to possess as much good in it when unmixed as I am sure it possesses when compounded with other forms; does monarchy, on its part, contain nothing at all to recommend it? I do not often quote Bolingbroke, nor have his works in general left any permanent impression on my mind. He is a presumptuous and a superficial writer. But he has one observation which in my opinion is not without depth and solidity. He says that he prefers a monarchy to other governments, because you can better ingraft any description of republic on a monarchy than anything of monarchy upon the republican forms. I think him perfectly in the right. The fact is so historically, and it agrees well with the speculation.

I know how easy a topic it is to dwell on the faults of departed greatness. By a revolution in the state, the fawning sycophant of yesterday is converted into the austere critic of the present hour. But steady, independent minds, when they have an object of so serious a concern to mankind as government under their contemplation, will disdain to assume the part of satirists and declaimers. They will judge of human institutions as they do of human characters. They will sort out the good from the evil, which is mixed in mortal institutions as it is in mortal men.

Your government in France, though usually, and I think justly, reputed the best of the unqualified or ill-qualified monarchies, was still full of abuses. These abuses accumulated in a length of time, as they must accumulate in every monarchy not under the constant inspection of a popular representative. I am no stranger to the faults and defects of the subverted government of France; and I think I am not

inclined by nature or policy to make a panegyric upon anything which is a just and natural object of censure. But the question is not now of the vices of that monarchy, but of its existence. Is it, then, true, that the French government was such as to be incapable or undeserving of reform, so that it was of absolute necessity the whole fabric should be at once pulled down, and the area cleared for the erection of a theoretic, experimental edifice in its place? All France was of a different opinion in the beginning of the year 1789. The instructions to the representatives to the States-General, from every district in that kingdom, were filled with projects for the reformation of that government, without the remotest suggestion of a design to destroy it. Had such a design been then even insinuated, I believe there would have been but one voice, and that voice for rejecting it with scorn and horror. Men have been sometimes led by degrees, sometimes hurried, into things of which, if they could have seen the whole together, they never would have permitted the most remote approach. When those instructions were given, there was no question but that abuses existed, and that they demanded a reform: nor is there now. In the interval between the instructions and the Revolution things changed their shape; and in consequence of that change, the true question at present is, whether those who would have reformed or those who have destroyed are in the right.

To hear some men speak of the late monarchy of France, you would imagine that they were talking of Persia bleeding under the ferocious sword of Thamas Kouli Khân, — or at least describing the barbarous anarchic despotism of Turkey, where the finest countries in the most genial climates in the world are wasted by peace more than any countries have been worried by war, where arts are unknown, where manufactures languish, where science is extinguished, where agriculture decays, where the human race itself melts away and perishes under the eye of the observer. Was this the case of France? I have no way of determining the question but by a reference to facts. Facts do not support this resemblance. Along with much evil, there is some good in monarchy itself; and some corrective to its evil from religion, from laws, from manners, from opinions, the French monarchy must have received, which rendered it (though by no means a free, and therefore by no means a good constitution) a despotism rather in appearance than in reality.

Among the standards upon which the effects of government on any country are to be estimated, I must consider the state of its population as not the least certain. No country in which population flourishes, and is in progressive improvement, can be under a *very* mischievous government. About sixty years ago, the Intendants of the Generalities of France made, with other matters, a report of the population of their several districts. I have not the books, which are very voluminous, by me, nor do I know where to procure them, (I am obliged to speak by memory, and therefore the less positively,) but I think the population of France was by them, even at that period, estimated at twenty-two millions of souls. At the end of the last century it had been generally calculated at eighteen. On either of these estimations, France

was not ill-peopled. M. Necker, who is an authority for his own time at least equal to the Intendants for theirs, reckons, and upon apparently sure principles, the people of France, in the year 1780, at twenty-four millions six hundred and seventy thousand. But was this the probable ultimate term under the old establishment? Dr. Price is of opinion that the growth of population in France was by no means at its acme in that year. I certainly defer to Dr. Price's authority a good deal more in these speculations than I do in his general politics. This gentleman, taking ground on M. Necker's data, is very confident that since the period of that minister's calculation the French population has increased rapidly, — so rapidly, that in the year 1789 he will not consent to rate the people of that kingdom at a lower number than thirty millions. After abating much (and much I think ought to be abated) from the sanguine calculation of Dr. Price, I have no doubt that the population of France did increase considerably during this latter period: but supposing that it increased to nothing more than will be sufficient to complete the twenty-four millions six hundred and seventy thousand to twenty-five millions, still a population of twenty-five millions, and that in an increasing progress, on a space of about twenty-seven thousand square leagues, is immense. It is, for instance, a good deal more than the proportionable population of this island, or even than that of England, the best peopled part of the United Kingdom.

It is not universally true that France is a fertile country. Considerable tracts of it are barren, and labor under other natural disadvantages. In the portions of that territory where things are more favorable, as far as I am able to discover, the numbers of the people correspond to the indulgence of Nature. The Generality of Lisle, (this I admit is the strongest example,) upon an extent of four hundred and four leagues and a half, about ten years ago contained seven hundred and thirty-four thousand six hundred souls, which is one thousand seven hundred and seventy-two inhabitants to each square league. The middle term for the rest of France is about nine hundred inhabitants to the same admeasurement.

I do not attribute this population to the deposed government; because I do not like to compliment the contrivances of men with what is due in a great degree to the bounty of Providence. But that decried government could not have obstructed, most probably it favored, the operation of those causes, (whatever they were,) whether of Nature in the soil, or habits of industry among the people, which has produced so large a number of the species throughout that whole kingdom, and exhibited in some particular places such prodigies of population. I never will suppose that fabric of a state to be the worst of all political institutions which by experience is found to contain a principle favorable (however latent it may be) to the increase of mankind.

The wealth of a country is another, and no contemptible standard, by which we may judge whether, on the whole, a government be protecting or destructive. France far exceeds England in the multitude of her people; but I apprehend that her comparative wealth is much inferior to ours, — that it is not so equal in the

distribution, nor so ready in the circulation. I believe the difference in the form of the two governments to be amongst the causes of this advantage on the side of England: I speak of England, not of the whole British dominions, — which, if compared with those of France, will in some degree weaken the comparative rate of wealth upon our side. But that wealth, which will not endure a comparison with the riches of England, may constitute a very respectable degree of opulence. M. Necker's book, published in 1785, contains an accurate and interesting collection of facts relative to public economy and to political arithmetic; and his speculations on the subject are in general wise and liberal. In that work he gives an idea of the state of France, very remote from the portrait of a country whose government was a perfect grievance, an absolute evil, admitting no cure but through the violent and uncertain remedy of a total revolution. He affirms, that from the year 1726 to the year 1784 there was coined at the mint of France, in the species of gold and silver, to the amount of about one hundred millions of pounds sterling.

It is impossible that M. Necker should be mistaken in the amount of the bullion which has been coined in the mint. It is a matter of official record. The reasonings of this able financier concerning the quantity of gold and silver which remained for circulation, when he wrote in 1785, that is, about four years before the deposition and imprisonment of the French king, are not of equal certainty; but they are laid on grounds so apparently solid, that it is not easy to refuse a considerable degree of assent to his calculation. He calculates the *numéraire*, or what we call *specie*, then actually existing in France, at about eighty-eight millions of the same English money. A great accumulation of wealth for one country, large as that country is! M. Necker was so far from considering this influx of wealth as likely to cease, when he wrote in 1785, that he presumes upon a future annual increase of two per cent upon the money brought into France during the periods from which he computed.

Some adequate cause must have originally introduced all the money coined at its mint into that kingdom; and some cause as operative must have kept at home, or returned into its bosom, such a vast flood of treasure as M. Necker calculates to remain for domestic circulation. Suppose any reasonable deductions from M. Necker's computation, the remainder must still amount to an immense sum. Causes thus powerful to acquire and to retain cannot be found in discouraged industry, insecure property, and a positively destructive government. Indeed, when I consider the face of the kingdom of France, the multitude and opulence of her cities, the useful magnificence of her spacious high-roads and bridges, the opportunity of her artificial canals and navigations opening the conveniences of maritime communication through a solid continent of so immense an extent, — when I turn my eyes to the stupendous works of her ports and harbors, and to her whole naval apparatus, whether for war or trade, — when I bring before my view the number of her fortifications, constructed with so bold and masterly a skill, and made and maintained at so prodigious a charge, presenting an armed front and impenetrable

barrier to her enemies upon every side, — when I recollect how very small a part of that extensive region is without cultivation, and to what complete perfection the culture of many of the best productions of the earth have been brought in France, — when I reflect on the excellence of her manufactures and fabrics, second to none but ours, and in some particulars not second, — when I contemplate the grand foundations of charity, public and private, — when I survey the state of all the arts that beautify and polish life, — when I reckon the men she has bled for extending her fame in war, her able statesmen, the multitude of her profound lawyers and theologians, her philosophers, her critics, her historians and antiquaries, her poets and her orators, sacred and profane, — I behold in all this something which awes and commands the imagination, which checks the mind on the brink of precipitate and indiscriminate censure, and which demands that we should very seriously examine what and how great are the latent vices that could authorize us at once to level so spacious a fabric with the ground. I do not recognize in this view of things the despotism of Turkey. Nor do I discern the character of a government that has been on the whole so oppressive, or so corrupt, or so negligent, as to be utterly unfit *for all reformation*. I must think such a government well deserved to have its excellences heightened, its faults corrected, and its capacities improved into a British Constitution.

Whoever has examined into the proceedings of that deposed government for several years back cannot fail to have observed, amidst the inconstancy and fluctuation natural to courts, an earnest endeavor towards the prosperity and improvement of the country; he must admit that it had long been employed, in some instances wholly to remove, in many considerably to correct, the abusive practices and usages that had prevailed in the state, — and that even the unlimited power of the sovereign over the persons of his subjects, inconsistent, as undoubtedly it was, with law and liberty, had yet been every day growing more mitigated in the exercise. So far from refusing itself to reformation, that government was open, with a censurable degree of facility, to all sorts of projects and projectors on the subject. Rather too much countenance was given to the spirit of innovation, which soon was turned against those who fostered it, and ended in their ruin. It is but cold, and no very flattering justice to that fallen monarchy, to say, that, for many years, it trespassed more by levity and want of judgment in several of its schemes than from any defect in diligence or in public spirit. To compare the government of France for the last fifteen or sixteen years with wise and well-constituted establishments during that, or during any period, is not to act with fairness. But if in point of prodigality in the expenditure of money, or in point of rigor in the exercise of power, it be compared with any of the former reigns, I believe candid judges will give little credit to the good intentions of those who dwell perpetually on the donations to favorites, or on the expenses of the court, or on the horrors of the Bastile, in the reign of Louis the Sixteenth.

Whether the system, if it deserves such a name, now built on the ruins of that ancient monarchy, will be able to give a better account of the population and wealth of the country which it has taken under its care, is a matter very doubtful. Instead of improving by the change, I apprehend that a long series of years must be told, before it can recover in any degree the effects of this philosophic Revolution, and before the nation can be replaced on its former footing. If Dr. Price should think fit, a few years hence, to favor us with an estimate of the population of France, he will hardly be able to make up his tale of thirty millions of souls, as computed in 1789, or the Assembly's computation of twenty-six millions of that year, or even M. Necker's twenty-five millions in 1780. I hear that there are considerable emigrations from France, — and that many, quitting that voluptuous climate, and that seductive Circean liberty, have taken refuge in the frozen regions and under the British despotism of Canada.

In the present disappearance of coin, no person could think it the same country in which the present minister of the finances has been able to discover fourscore millions sterling in specie. From its general aspect one would conclude that it had been for some time past under the special direction of the learned academicians of Laputa and Balnibarbi. Already the population of Paris has so declined, that M. Necker stated to the National Assembly the provision to be made for its subsistence at a fifth less than what had formerly been found requisite. It is said (and I have never heard it contradicted) that a hundred thousand people are out of employment in that city, though it is become the seat of the imprisoned court and National Assembly. Nothing, I am credibly informed, can exceed the shocking and disgusting spectacle of mendicancy displayed in that capital. Indeed, the votes of the National Assembly leave no doubt of the fact. They have lately appointed a standing committee of mendicancy. They are contriving at once a vigorous police on this subject, and, for the first time, the imposition of a tax to maintain the poor, for whoso present relief great sums appear on the face of the public accounts of the year. In the mean time the leaders of the legislative clubs and coffee-houses are intoxicated with admiration at their own wisdom and ability. They speak with the most sovereign contempt of the rest of the world. They toll the people, to comfort them in the rags with which they have clothed them, that they are a nation of philosophers; and sometimes, by all the arts of quackish parade, by show, tumult, and bustle, sometimes by the alarms of plots and invasions, they attempt to drown the cries of indigence, and to divert the eyes of the observer from the ruin and wretchedness of the state. A brave people will certainly prefer liberty accompanied with a virtuous poverty to a depraved and wealthy servitude. But before the price of comfort and opulence is paid, one ought to be pretty sure it is real liberty which is purchased, and that she is to be purchased at no other price. I shall always, however, consider that liberty as very equivocal in her appearance, which has not wisdom and justice for her companions, and does not lead prosperity and plenty in her train.

The advocates for this Revolution, not satisfied with exaggerating the vices of their ancient government, strike at the fame of their country itself, by painting almost all that could have attracted the attention of strangers, I mean their nobility and their clergy, as objects of horror. If this were only a libel, there had not been much in it. But it has practical consequences. Had your nobility and gentry, who formed the great body of your landed men and the whole of your military officers, resembled those of Germany, at the period when the Hanse towns were necessitated to confederate against the nobles in defence of their property, — had they been like the Orsini and Vitelli in Italy, who used to sally from their fortified dens to rob the trader and traveller, — had they been such as the Mamelukes in Egypt, or the Nayres on the coast of Malabar, — I do admit that too critical an inquiry might not be advisable into the means of freeing the world from such a nuisance. The statues of Equity and Mercy might be veiled for a moment. The tenderest minds, confounded with the dreadful exigence in which morality submits to the suspension of its own rules in favor of its own principles, might turn aside whilst fraud and violence were accomplishing the destruction of a pretended nobility, which disgraced, whilst it persecuted, human nature. The persons most abhorrent from blood and treason and arbitrary confiscation might remain silent spectators of this civil war between the vices.

But did the privileged nobility who met under the king's precept at Versailles in 1789, or their constituents, deserve to be looked on as the Nayres or Mamelukes of this age, or as the Orsini and Vitelli of ancient times? If I had then asked the question, I should have passed for a madman. What have they since done, that they were to be driven into exile, that their persons should be hunted about, mangled, and tortured, their families dispersed, their houses laid in ashes, and that their order should be abolished, and the memory of it, if possible, extinguished, by ordaining them to change the very names by which they were usually known? Read their instructions to their representatives. They breathe the spirit of liberty as warmly, and they recommend reformation as strongly, as any other order. Their privileges relative to contribution were voluntarily surrendered; as the king, from the beginning, surrendered all pretence to a right of taxation. Upon a free constitution there was but one opinion in France. The absolute monarchy was at an end. It breathed its last without a groan, without struggle, without convulsion. All the struggle, all the dissension, arose afterwards, upon the preference of a despotic democracy to a government of reciprocal control. The triumph of the victorious party was over the principles of a British Constitution.

I have observed the affectation which for many years past has prevailed in Paris, even to a degree perfectly childish, of idolizing the memory of your Henry the Fourth. If anything could put any one out of humor with that ornament to the kingly character, it would be this overdone style of insidious panegyric. The persons who have worked this engine the most busily are those who have ended their panegyrics

in dethroning his successor and descendant: a man as good-natured, at the least, as Henry the Fourth; altogether as fond of his people; and who has done infinitely more to correct the ancient vices of the state than that great monarch did, or we are sure he ever meant to do. Well it is for his panegyrists that they have not him to deal with! For Henry of Navarre was a resolute, active, and politic prince. He possessed, indeed, great humanity and mildness, but an humanity and mildness that never stood in the way of his interests. He never sought to be loved without putting himself first in a condition to be feared. He used soft language with determined conduct. He asserted and maintained his authority in the gross, and distributed his acts of concession only in the detail. He spent the income of his prerogative nobly, but he took care not to break in upon the capital, — never abandoning for a moment any of the claims which he made under the fundamental laws, nor sparing to shed the blood of those who opposed him, often in the field, sometimes upon the scaffold. Because he knew how to make his virtues respected by the ungrateful, he has merited the praises of those whom, if they had lived in his time, he would have shut up in the Bastile, and brought to punishment along with the regicides whom he hanged after he had famished Paris into a surrender.

If these panegyrists are in earnest in their admiration of Henry the Fourth, they must remember that they cannot think more highly of him than he did of the noblesse of France, — whose virtue, honor, courage, patriotism, and loyalty were his constant theme.

But the nobility of France are degenerated since the days of Henry the Fourth. — This is possible; but it is more than I can believe to be true in any great degree. I do not pretend to know France as correctly as some others; but I have endeavored through my whole life to make myself acquainted with human nature, — otherwise I should be unfit to take even my humble part in the service of mankind. In that study I could not pass by a vast portion of our nature as it appeared modified in a country but twenty-four miles from the shore of this island. On my best observation, compared with my best inquiries, I found your nobility for the greater part composed of men of a high spirit, and of a delicate sense of honor, both with regard to themselves individually, and with regard to their whole corps, over whom they kept, beyond what is common in other countries, a censorial eye. They were tolerably well bred; very officious, humane, and hospitable; in their conversation frank and open; with a good military tone; and reasonably tinctured with literature, particularly of the authors in their own language. Many had pretensions far above this description. I speak of those who were generally met with.

As to their behavior to the inferior classes, they appeared to me to comport themselves towards them with good-nature, and with something more nearly approaching to familiarity than is generally practised with us in the intercourse between the higher and lower ranks of life. To strike any person, even in the most abject condition, was a thing in a manner unknown, and would be highly

disgraceful. Instances of other ill-treatment of the humble part of the community were rare; and as to attacks made upon the property or the personal liberty of the commons, I never heard of any whatsoever from *them*, — nor, whilst the laws were in vigor under the ancient government, would such tyranny in subjects have been permitted. As men of landed estates, I had no fault to find with their conduct, though much to reprehend, and much to wish changed, in many of the old tenures. Where the letting of their land was by rent, I could not discover that their agreements with their farmers were oppressive; nor when they were in partnership with the farmer, as often was the case, have I heard that they had taken the lion's share. The proportions seemed not inequitable. There might be exceptions; but certainly they were exceptions only. I have no reason to believe that in these respects the landed noblesse of France were worse than the landed gentry of this country, — certainly in no respect more vexatious than the landholders, not noble, of their own nation. In cities the nobility had no manner of power; in the country very little. You know, Sir, that much of the civil government, and the police in the most essential parts, was not in the hands of that nobility which presents itself first to our consideration. The revenue, the system and collection of which were the most grievous parts of the French government, was not administered by the men of the sword; nor were they answerable for the vices of its principle, or the vexations, where any such existed, in its management.

Denying, as I am well warranted to do, that the nobility had any considerable share in the oppression of the people, in cases in which real oppression existed, I am ready to admit that they were not without considerable faults and errors. A foolish imitation of the worst part of the manners of England, which impaired their natural character, without substituting in its place what perhaps they meant to copy, has certainly rendered them worse than formerly they were. Habitual dissoluteness of manners, continued beyond the pardonable period of life, was more common amongst them than it is with us; and it reigned with the less hope of remedy, though possibly with something of less mischief, by being covered with more exterior decorum. They countenanced too much that licentious philosophy which has helped to bring on their ruin. There was another error amongst them more fatal. Those of the commons who approached to or exceeded many of the nobility in point of wealth were not fully admitted to the rank and estimation which wealth, in reason and good policy, ought to bestow in every country, — though I think not equally with that of other nobility. The two kinds of aristocracy were too punctiliously kept asunder: less so, however, than in Germany and some other nations.

This separation, as I have already taken the liberty of suggesting to you, I conceive to be one principal cause of the destruction of the old nobility. The military, particularly, was too exclusively reserved for men of family. But, after all, this was an error of opinion, which a conflicting opinion would have rectified. A permanent Assembly, in which the commons had their share of power, would soon

abolish whatever was too invidious and insulting in these distinctions; and even the faults in the morals of the nobility would have been probably corrected, by the greater varieties of occupation and pursuit to which a constitution by orders would have given rise.

All this violent cry against the nobility I take to be a mere work of art. To be honored and even privileged by the laws, opinions, and inveterate usages of our country, growing out of the prejudice of ages, has nothing to provoke horror and indignation in any man. Even to be too tenacious of those privileges is not absolutely a crime. The strong struggle in every individual to preserve possession of what he has found to belong to him, and to distinguish him, is one of the securities against injustice and despotism implanted in our nature. It operates as an instinct to secure property, and to preserve communities in a settled state. What is there to shock in this? Nobility is a graceful ornament to the civil order. It is the Corinthian capital of polished society. "*Omnes boni nobilitati semper favemus*," was the saying of a wise and good man. It is, indeed, one sign of a liberal and benevolent mind to incline to it with some sort of partial propensity. He feels no ennobling principle in his own heart, who wishes to level all the artificial institutions which have been adopted for giving a body to opinion and permanence to fugitive esteem. It is a sour, malignant, envious disposition, without taste for the reality, or for any image or representation of virtue, that sees with joy the unmerited fall of what had long nourished in splendor and in honor. I do not like to see anything destroyed, any void produced in society, any ruin on the face of the land. It was therefore with no disappointment or dissatisfaction that my inquiries and observations did not present to me any incorrigible vices in the noblesse of France, or any abuse which could not be removed by a reform very short of abolition. Your noblesse did not deserve punishment; but to degrade is to punish.

It was with the same satisfaction I found that the result of my inquiry concerning your clergy was not dissimilar. It is no soothing news to my ears, that great bodies of men are incurably corrupt. It is not with much credulity I listen to any, when they speak evil of those whom they are going to plunder. I rather suspect that vices are feigned or exaggerated, when profit is looked for in their punishment. An enemy is a bad witness; a robber is a worse. Vices and abuses there were undoubtedly in that order, and must be. It was an old establishment, and not frequently revised. But I saw no crimes in the individuals that merited confiscation of their substance, nor those cruel insults and degradations, and that unnatural persecution, which have been substituted in the place of meliorating regulation.

If there had been any just cause for this new religious persecution, the atheistic libellers, who act as trumpeters to animate the populace to plunder, do not love anybody so much as not to dwell with complacency on the vices of the existing clergy. This they have not done. They find themselves obliged to rake into the histories of former ages (which they have ransacked with a malignant and profligate

industry) for every instance of oppression and persecution which has been made by that body or in its favor, in order to justify, upon very iniquitous because very illogical principles of retaliation, their own persecutions and their own cruelties. After destroying all other genealogies and family distinctions, they invent a sort of pedigree of crimes. It is not very just to chastise men for the offences of their natural ancestors; but to take the fiction of ancestry in a corporate succession, as a ground for punishing men who have no relation to guilty acts, except in names and general descriptions, is a sort of refinement in injustice belonging to the philosophy of this enlightened age. The Assembly punishes men, many, if not most, of whom abhor the violent conduct of ecclesiastics in former times as much as their present persecutors can do, and who would be as loud and as strong in the expression of that sense, if they were not well aware of the purposes for which all this declamation is employed.

Corporate bodies are immortal for the good of the members, but not for their punishment. Nations themselves are such corporations. As well might we in England think of waging inexpiable war upon all Frenchmen for the evils which they have brought upon us in the several periods of our mutual hostilities. You might, on your part, think yourselves justified in falling upon all Englishmen on account of the unparalleled calamities brought upon the people of France by the unjust invasions of our Henrys and our Edwards. Indeed, we should be mutually justified in this exterminatory war upon each other, full as much as you are in the unprovoked persecution of your present countrymen, on account of the conduct of men of the same name in other times.

We do not draw the moral lessons we might from history. On the contrary, without care it may be used to vitiate our minds and to destroy our happiness. In history a great volume is unrolled for our instruction, drawing the materials of future wisdom from the past errors and infirmities of mankind. It may, in the perversion, serve for a magazine, furnishing offensive and defensive weapons for parties in Church and State, and supplying the means of keeping alive or reviving dissensions and animosities, and adding fuel to civil fury. History consists, for the greater part, of the miseries brought upon the world by pride, ambition, avarice, revenge, lust, sedition, hypocrisy, ungoverned zeal, and all the train of disorderly appetites, which shake the public with the same

“troublous storms that toss
The private state, and render life unsweet.”

These vices are the *causes* of those storms. Religion, morals, laws, prerogatives, privileges, liberties, rights of men, are the *pretexts*. The pretexts are always found in some specious appearance of a real good. You would not secure men from tyranny and sedition by rooting out of the mind the principles to which these fraudulent

pretexts apply? If you did, you would root out everything that is valuable in the human breast. As these are the pretexts, so the ordinary actors and instruments in great public evils are kings, priests, magistrates, senates, parliaments, national assemblies, judges, and captains. You would not cure the evil by resolving that there should be no more monarchs, nor ministers of state, nor of the Gospel, — no interpreters of law, no general officers, no public councils. You might change the names: the things in some shape must remain. A certain *quantum* of power must always exist in the community, in some hands, and under some appellation. Wise men will apply their remedies to vices, not to names, — to the causes of evil, which are permanent, not to the occasional organs by which they act, and the transitory modes in which they appear. Otherwise you will be wise historically, a fool in practice. Seldom have two ages the same fashion in their pretexts, and the same modes of mischief. Wickedness is a little more inventive. Whilst you are discussing fashion, the fashion is gone by. The very same vice assumes a new body. The spirit transmigrates; and, far from losing its principle of life by the change of its appearance, it is renovated in its new organs with the fresh vigor of a juvenile activity. It walks abroad, it continues its ravages, whilst you are gibbeting the carcass or demolishing the tomb. You are terrifying yourselves with ghosts and apparitions, whilst your house is the haunt of robbers. It is thus with all those who, attending only to the shell and husk of history, think they are waging war with intolerance, pride, and cruelty, whilst, under color of abhorring the ill principles of antiquated parties, they are authorizing and feeding the same odious vices in different factions, and perhaps in worse.

Your citizens of Paris formerly had lent themselves as the ready instruments to slaughter the followers of Calvin, at the infamous massacre of St. Bartholomew. What should we say to those who could think of retaliating on the Parisians of this day the abominations and horrors of that time? They are, indeed, brought to abhor *that* massacre. Ferocious as they are, it is not difficult to make them dislike it, because the politicians and fashionable teachers have no interest in giving their passions exactly the same direction. Still, however, they find it their interest to keep the same savage dispositions alive. It was but the other day that they caused this very massacre to be acted on the stage for the diversion of the descendants of those who committed it. In this tragic farce they produced the Cardinal of Lorraine in his robes of function, ordering general slaughter. Was this spectacle intended to make the Parisians abhor persecution and loathe the effusion of blood? No: it was to teach them to persecute their own pastors; it was to excite them, by raising a disgust and horror of their clergy, to an alacrity in hunting down to destruction an order which, if it ought to exist at all, ought to exist not only in safety, but in reverence. It was to stimulate their cannibal appetites (which one would think had been gorged sufficiently) by variety and seasoning, — and to quicken them to an alertness in new murders and massacres, if it should suit the purpose of the Guises of the day. An

Assembly in which sat a multitude of priests and prelates was obliged to suffer this indignity at its door. The author was not sent to the galleys, nor the players to the house of correction. Not long after this exhibition, those players came forward to the Assembly to claim the rites of that very religion which they had dared to expose, and to show their prostituted faces in the senate, whilst the Archbishop of Paris, whose function was known to his people only by his prayers and benedictions, and his wealth only by alms, is forced to abandon his house, and to fly from his flock, (as from ravenous wolves,) because, truly, in the sixteenth century, the Cardinal of Lorraine was a rebel and a murderer.

Such is the effect of the perversion of history by those who, for the same nefarious purposes, have perverted every other part of learning. But those who will stand upon that elevation of reason which places centuries under our eye and brings things to the true point of comparison, which obscures little names and effaces the colors of little parties, and to which nothing can ascend but the spirit and moral quality of human actions, will say to the teachers of the Palais Royal, — The Cardinal of Lorraine was the murderer of the sixteenth century; you have the glory of being the murderers in the eighteenth; and this is the only difference between you. But history in the nineteenth century, better understood and better employed, will, I trust, teach a civilized posterity to abhor the misdeeds of both these barbarous ages. It will teach future priests and magistrates not to retaliate upon the speculative and inactive atheists of future times the enormities committed by the present practical zealots and furious fanatics of that wretched error, which, in its quiescent state, is more than punished, whenever it is embraced. It will teach posterity not to make war upon either religion or philosophy for the abuse which the hypocrites of both have made of the two most valuable blessings conferred upon us by the bounty of the universal Patron, who in all things eminently favors and protects the race of man.

If your clergy, or any clergy, should show themselves vicious beyond the fair bounds allowed to human infirmity, and to those professional faults which can hardly be separated from professional virtues, though their vices never can countenance the exercise of oppression, I do admit that they would naturally have the effect of abating very much of our indignation against the tyrants who exceed measure and justice in their punishment. I can allow in clergymen, through all their divisions, some tenaciousness of their own opinion, some overflowings of zeal for its propagation, some predilection to their own state and office, some attachment to the interest of their own corps, some preference to those who Us ten with docility to their doctrines beyond those who scorn and deride them. I allow all this, because I am a man who have to deal with men, and who would not, through a violence of toleration, run into the greatest of all intolerance. I must bear with infirmities, until they fester into crimes.

Undoubtedly, the natural progress of the passions, from frailty to vice, ought to be prevented by a watchful eye and a firm hand. But is it true that the body of your clergy had passed those limits of a just allowance? From the general style of your late publications of all sorts, one would be led to believe that your clergy in France were a sort of monsters: an horrible composition of superstition, ignorance, sloth, fraud, avarice, and tyranny. But is this true? Is it true that the lapse of time, the cessation of conflicting interests, the woful experience of the evils resulting from party rage, have had no sort of influence gradually to meliorate their minds? Is it true that they were daily renewing invasions on the civil power, troubling the domestic quiet of their country, and rendering the operations of its government feeble and precarious? Is it true that the clergy of our times have pressed down the laity with an iron hand, and were in all places lighting up the fires of a savage persecution? Did they by every fraud endeavor to increase their estates? Did they use to exceed the due demands on estates that were their own? Or, rigidly screwing up right into wrong, did they convert a legal claim into a vexatious extortion? When not possessed of power, were they filled with the vices of those who envy it? Were they inflamed with a violent, litigious spirit of controversy? Goaded on with the ambition of intellectual sovereignty, were they ready to fly in the face of all magistracy, to fire churches, to massacre the priests of other descriptions, to pull down altars, and to make their way over the ruins of subverted governments to an empire of doctrine, sometimes flattering, sometimes forcing, the consciences of men from the jurisdiction of public institutions into a submission to their personal authority, beginning with a claim of liberty and ending with an abuse of power?

These, or some of these, were the vices objected, and not wholly without foundation, to several of the churchmen of former times, who belonged to the two great parties which then divided and distracted Europe.

If there was in France, as in other countries there visibly is, a great abatement, rather than any increase of these vices, instead of loading the present clergy with the crimes of other men and the odious character of other times, in common equity they ought to be praised, encouraged, and supported, in their departure from a spirit which disgraced their predecessors, and for having assumed a temper of mind and manners more suitable to their sacred function.

When my occasions took me into France, towards the close of the late reign, the clergy, under all their forms, engaged a considerable part of my curiosity. So far from finding (except from one set of men, not then very numerous, though very active) the complaints and discontents against that body which some publications had given me reason to expect, I perceived little or no public or private uneasiness on their account. On further examination, I found the clergy, in general, persons of moderate minds and decorous manners: I include the seculars, and the regulars of both sexes. I had not the good fortune to know a great many of the parochial clergy: but in general I received a perfectly good account of their morals, and of their

attention to their duties. With some of the higher clergy I had a personal acquaintance, and of the rest in that class a very good means of information. They were almost all of them persons of noble birth. They resembled others of their own rank; and where there was any difference, it was in their favor. They were more fully educated than the military noblesse, — so as by no means to disgrace their profession by ignorance, or by want of fitness for the exercise of their authority. They seemed to me, beyond the clerical character, liberal and open, with the hearts of gentlemen and men of honor, neither insolent nor servile in their manners and conduct. They seemed to me rather a superior class, — a set of men amongst whom you would not be surprised to find a Fénelon. I saw among the clergy in Paris (many of the description are not to be met with anywhere) men of great learning and candor; and I had reason to believe that this description was not confined to Paris. What I found in other places I know was accidental, and therefore to be presumed a fair sample. I spent a few days in a provincial town, where, in the absence of the bishop, I passed my evenings with three clergymen, his vicars-general, persons who would have done honor to any church. They were all well-informed; two of them of deep, general, and extensive erudition, ancient and modern, Oriental and Western, — particularly in their own profession. They had a more extensive knowledge of our English divines than I expected; and they entered into the genius of those writers with a critical accuracy. One of these gentlemen is since dead: the Abbé Morangis. I pay this tribute without reluctance to the memory of that noble, reverend, learned, and excellent person; and I should do the same with equal cheerfulness to the merits of the others, who I believe are still living, if I did not fear to hurt those whom I am unable to serve.

Some of these ecclesiastics of rank are, by all titles, persons deserving of general respect. They are deserving of gratitude from me, and from many English. If this letter should ever come into their hands, I hope they will believe there are those of our nation who feel for their unmerited fall, and for the cruel confiscation of their fortunes, with no common sensibility. What I say of them is a testimony, as far as one feeble voice can go, which I owe to truth. Whenever the question of this unnatural persecution is concerned, I will pay it. No one shall prevent me from being just and grateful. The time is fitted for the duty; and it is particularly becoming to show our justice and gratitude, when those who have deserved well of us and of mankind are laboring under popular obloquy and the persecutions of oppressive power.

You had before your Revolution about a hundred and twenty bishops. A few of them were men of eminent sanctity, and charity without limit. When we talk of the heroic, of course we talk of rare virtue. I believe the instances of eminent depravity may be as rare amongst them as those of transcendent goodness. Examples of avarice and of licentiousness may be picked out, I do not question it, by those who delight in the investigation which leads to such discoveries. A man as old as I am

will not be astonished that several, in every description, do not lead that perfect life of self-denial, with regard to wealth or to pleasure, which is wished for by all, by some expected, but by none exacted with more rigor than by those who are the most attentive to their own interests or the most indulgent to their own passions. When I was in France, I am certain that the number of vicious prelates was not great. Certain individuals among them, not distinguishable for the regularity of their lives, made some amends for their want of the severe virtues in their possession of the liberal, and were endowed with qualities which made them useful in the Church and State. I am told, that, with few exceptions, Louis the Sixteenth had been more attentive to character, in his promotions to that rank, than his immediate predecessor; and I believe (as some spirit of reform has prevailed through the whole reign) that it may be true. But the present ruling power has shown a disposition only to plunder the Church. It has punished *all* prelates: which is to favor the vicious, at least in point of reputation. It has made a degrading pensionary establishment, to which no man of liberal ideas or liberal condition will destine his children. It must settle into the lowest classes of the people. As with you the inferior clergy are not numerous enough for their duties, as these duties are beyond measure minute and toilsome, as you have left no middle classes of clergy at their ease, in future nothing of science or erudition can exist in the Gallican Church. To complete the project, without the least attention to the rights of patrons, the Assembly has provided in future an elective clergy: an arrangement which will drive out of the clerical profession all men of sobriety, all who can pretend to independence in their function or their conduct, — and which will throw the whole direction of the public mind into the hands of a set of licentious, bold, crafty, factious, flattering wretches, of such condition and such habits of life as will make their contemptible pensions (in comparison of which the stipend of an exciseman is lucrative and honorable) an object of low and illiberal intrigue. Those officers whom they still call bishops are to be elected to a provision comparatively mean, through the same arts, (that is, electioneering arts,) by men of all religious tenets that are known or can be invented. The new lawgivers have not ascertained anything whatsoever concerning their qualifications, relative either to doctrine or to morals, no more than they have done with regard to the subordinate clergy; nor does it appear but that both the higher and the lower may, at their discretion, practise or preach any mode of religion or irreligion that they please. I do not yet see what the jurisdiction of bishops over their subordinates is to be, or whether they are to have any jurisdiction at all.

In short, Sir, it seems to me that this new ecclesiastical establishment is intended only to be temporary, and preparatory to the utter abolition, under any of its forms, of the Christian religion, whenever the minds of men are prepared for this last stroke against it by the accomplishment of the plan for bringing its ministers into universal contempt. They who will not believe that the philosophical fanatics who

guide in these matters have long entertained such a design are utterly ignorant of their character and proceedings. These enthusiasts do not scruple to avow their opinion, that a state can subsist without any religion better than with one, and that they are able to supply the place of any good which may be in it by a project of their own, — namely, by a sort of education they have imagined, founded in a knowledge of the physical wants of men, progressively carried to an enlightened self-interest, which, when well understood, they tell us, will identify with an interest more enlarged and public. The scheme of this education has been long known. Of late they distinguish it (as they have got an entirely new nomenclature of technical terms) by the name of a *Civic Education*.

I hope their partisans in England (to whom I rather attribute very inconsiderate conduct than the ultimate object in this detestable design) will succeed neither in the pillage of the ecclesiastics nor in the introduction of a principle of popular election to our bishoprics and parochial cures. This, in the present condition of the world, would be the last corruption of the Church, the utter ruin of the clerical character, the most dangerous shock that the state ever received through a misunderstood arrangement of religion. I know well enough that the bishoprics and cures, under kingly and seigniorial patronage, as now they are in England, and as they have been lately in France, are sometimes acquired by unworthy methods; but the other mode of ecclesiastical canvass subjects them infinitely more surely and more generally to all the evil arts of low ambition, which, operating on and through greater numbers, will produce mischief in proportion.

Those of you who have robbed the clergy think that they shall easily reconcile their conduct to all Protestant nations, because the clergy whom they have thus plundered, degraded, and given over to mockery and scorn, are of the Roman Catholic, that is, of *their own* pretended persuasion. I have no doubt that some miserable bigots will be found here as well as elsewhere, who hate sects and parties different from their own more than they love the substance of religion, and who are more angry with those who differ from them in their particular plans and systems than displeased with those who attack the foundation of our common hope. These men will write and speak on the subject in the manner that is to be expected from their temper and character. Burnet says, that, when he was in France, in the year 1683, “the method which carried over the men of the finest parts to Popery was this: they brought themselves to doubt of the whole Christian religion: when that was once done, it seemed a more indifferent thing of what side or form they continued outwardly.” If this was then the ecclesiastic policy of France, it is what they have since but too much reason to repent of. They preferred atheism to a form of religion not agreeable to their ideas. They succeeded in destroying that form; and atheism has succeeded in destroying them. I can readily give credit to Burnet’s story; because I have observed too much of a similar spirit (for a little of it is “much too much”) amongst ourselves. The humor, however, is not general.

The teachers who reformed our religion in England bore no sort of resemblance to your present reforming doctors in Paris. Perhaps they were (like those whom they opposed) rather more than could be wished under the influence of a party spirit; but they were most sincere believers; men of the most fervent and exalted piety; ready to die (as some of them did die) like true heroes in defence of their particular ideas of Christianity, — as they would with equal fortitude, and more cheerfully, for that stock of general truth for the branches of which they contended with their blood. These men would have disavowed with horror those wretches who claimed a fellowship with them upon no other titles than those of their having pillaged the persons with whom they maintained controversies, and their having despised the common religion, for the purity of which they exerted themselves with a zeal which unequivocally bespoke their highest reverence for the substance of that system which they wished to reform. Many of their descendants have retained the same zeal, but (as less engaged in conflict) with more moderation. They do not forget that justice and mercy are substantial parts of religion. Impious men do not recommend themselves to their communion by iniquity and cruelty towards any description of their fellow-creatures.

We hear these new teachers continually boasting of their spirit of toleration. That those persons should tolerate all opinions, who think none to be of estimation, is a matter of small merit. Equal neglect is not impartial kindness. The species of benevolence which arises from contempt is no true charity. There are in England abundance of men who tolerate in the true spirit of toleration. They think the dogmas of religion, though in different degrees, are all of moment, and that amongst them there is, as amongst all things of value, a just ground of preference. They favor, therefore, and they tolerate. They tolerate, not because they despise opinions, but because they respect justice. They would reverently and affectionately protect all religions, because they love and venerate the great principle upon which they all agree, and the great object to which they are all directed. They begin more and more plainly to discern that we have all a common cause, as against a common enemy. They will not be so misled by the spirit of faction as not to distinguish what is done in favor of their subdivision from those acts of hostility which, through some particular description, are aimed at the whole corps in which they themselves, under another denomination, are included. It is impossible for me to say what may be the character of every description of men amongst us. But I speak for the greater part; and for them, I must tell you, that sacrilege is no part of their doctrine of good works; that, so far from calling you into their fellowship on such title, if your professors are admitted to their communion, they must carefully conceal their doctrine of the lawfulness of the proscription of innocent men, and that they must make restitution of all stolen goods whatsoever. Till then they are none of ours.

You may suppose that we do not approve your confiscation of the revenues of bishops, and deans, and chapters, and parochial clergy possessing independent

estates arising from land, because we have the same sort of establishment in England. That objection, you will say, cannot hold as to the confiscation of the goods of monks and nuns, and the abolition of their order. It is true that this particular part of your general confiscation does not affect England, as a precedent in point; but the reason applies, and it goes a great way. The Long Parliament confiscated the lands of deans and chapters in England on the same ideas upon which your Assembly set to sale the lands of the monastic orders. But it is in the principle of injustice that the danger lies, and not in the description of persons on whom it is first exercised. I see, in a country very near us, a course of policy pursued, which sets justice, the common concern of mankind, at defiance. With the National Assembly of France possession is nothing, law and usage are nothing. I see the National Assembly openly reprobate the doctrine of prescription, which one of the greatest of their own lawyers tells us, with great truth, is a part of the law of Nature. He tells us that the positive ascertainment of its limits, and its security from invasion, were among the causes for which civil society itself has been instituted. If prescription be once shaken, no species of property is secure, when it once becomes an object large enough to tempt the cupidity of indigent power. I see a practice perfectly correspondent to their contempt of this great fundamental part of natural law. I see the confiscators begin with bishops, and chapters, and monasteries; but I do not see them end there. I see the princes of the blood, who, by the oldest usages of that kingdom, held large landed estates, (hardly with the compliment of a debate,) deprived of their possessions, and, in lieu of their stable, independent property, reduced to the hope of some precarious charitable pension at the pleasure of an Assembly, which of course will pay little regard to the rights of pensioners at pleasure, when it despises those of legal proprietors. Flushed with the insolence of their first inglorious victories, and pressed by the distresses caused by their lust of unhallowed lucre, disappointed, but not discouraged, they have at length ventured completely to subvert all property of all descriptions throughout the extent of a great kingdom. They have compelled all men, in all transactions of commerce, in the disposal of lands, in civil dealing, and through the whole communion of life, to accept, as perfect payment and good and lawful tender, the symbols of their speculations on a projected sale of their plunder. What vestiges of liberty or property have they left? The tenant-right of a cabbage-garden, a year's interest in a hovel, the good-will of an ale-house or a baker's shop, the very shadow of a constructive property, are more ceremoniously treated in our Parliament than with you the oldest and most valuable landed possessions, in the hands of the most respectable personages, or than the whole body of the moneyed and commercial interest of your country. We entertain a high opinion of the legislative authority; but we have never dreamt that Parliaments had any right whatever to violate property, to overrule prescription, or to force a currency of their own fiction in the place of that which is real, and recognized by the law of nations. But you, who began with

refusing to submit to the most moderate restraints, have ended by establishing an unheard-of despotism. I find the ground upon which your confiscators go is this: that, indeed, their proceedings could not be supported in a court of justice, but that the rules of prescription cannot bind a legislative assembly. So that this legislative assembly of a free nation sits, not for the security, but for the destruction of property, — and not of property only, but of every rule and maxim which can give it stability, and of those instruments which can alone give it circulation.

When the Anabaptists of Munster, in the sixteenth century, had filled Germany with confusion, by their system of levelling, and their wild opinions concerning property, to what country in Europe did not the progress of their fury furnish just cause of alarm? Of all things, wisdom is the most terrified with epidemical fanaticism, because of all enemies it is that against which she is the least able to furnish any kind of resource. We cannot be ignorant of the spirit of atheistical fanaticism, that is inspired by a multitude of writings dispersed with incredible assiduity and expense, and by sermons delivered in all the streets and places of public resort in Paris. These writings and sermons have filled the populace with a black and savage atrocity of mind, which supersedes in them the common feelings of Nature, as well as all sentiments of morality and religion; insomuch that these wretches are induced to bear with a sullen patience the intolerable distresses brought upon them by the violent convulsions and permutations that have been made in property. The spirit of proselytism attends this spirit of fanaticism. They have societies to cabal and correspond at home and abroad for the propagation of their tenets. The republic of Berne, one of the happiest, the most prosperous, and the best-governed countries upon earth, is one of the great objects at the destruction of which they aim. I am told they have in some measure succeeded in sowing there the seeds of discontent. They are busy throughout Germany. Spain and Italy have not been untried. England is not left out of the comprehensive scheme of their malignant charity: and in England we find those who stretch out their arms to them, who recommend their example from more than one pulpit, and who choose, in more than one periodical meeting, publicly to correspond with them, to applaud them, and to hold them up as objects for imitation; who receive from them tokens of confraternity, and standards consecrated amidst their rites and mysteries; who suggest to them leagues of perpetual amity, at the very time when the power to which our Constitution has exclusively delegated the federative capacity of this kingdom may find it expedient to make war upon them.

It is not the confiscation of our Church property from this example in France that I dread, though I think this would be no trifling evil. The great source of my solicitude is, lest it should ever be considered in England as the policy of a state to seek a resource in confiscations of any kind, or that any one description of citizens should be brought to regard any of the others as their proper prey. Nations are wading deeper and deeper into an ocean of boundless debt. Public debts, which at

first were a security to governments, by interesting many in the public tranquillity, are likely in their excess to become the means of their subversion. If governments provide for these debts by heavy impositions, they perish by becoming odious to the people. If they do not provide for them, they will be undone by the efforts of the most dangerous of all parties: I mean an extensive, discontented moneyed interest, injured and not destroyed. The men who compose this interest look for their security, in the first instance, to the fidelity of government; in the second, to its power. If they find the old governments effete, worn out, and with their springs relaxed, so as not to be of sufficient vigor for their purposes, they may seek new ones that shall be possessed of more energy; and this energy will be derived, not from an acquisition of resources, but from a contempt of justice. Revolutions are favorable to confiscation; and it is impossible to know under what obnoxious names the next confiscations will be authorized. I am sure that the principles predominant in France extend to very many persons, and descriptions of persons, in all countries, who think their innoxious indolence their security. This kind of innocence in proprietors may be argued into inutility; and inutility into an unfitness for their estates. Many parts of Europe are in open disorder. In many others there is a hollow murmuring under ground; a confused movement is felt, that threatens a general earthquake in the political world. Already confederacies and correspondences of the most extraordinary nature are forming in several countries. In such a state of things we ought to hold ourselves upon our guard. In all mutations (if mutations must be) the circumstance which will serve most to blunt the edge of their mischief, and to promote what good may be in them, is, that they should find us with our minds tenacious of justice and tender of property.

But it will be argued, that this confiscation in France ought not to alarm other nations. They say it is not made from wanton rapacity; that it is a great measure of national policy, adopted to remove an extensive, inveterate, superstitious mischief. — It is with the greatest difficulty that I am able to separate policy from justice. Justice is itself the great standing policy of civil society; and any eminent departure from it, under any circumstances, lies under the suspicion of being no policy at all.

When men are encouraged to go into a certain mode of life by the existing laws, and protected in that mode as in a lawful occupation, — when they have accommodated all their ideas and all their habits to it, — when the law had long made their adherence to its rules a ground of reputation, and their departure from them a ground of disgrace and even of penalty, — I am sure it is unjust in legislature, by an arbitrary act, to offer a sudden violence to their minds and their feelings, forcibly to degrade them from their state and condition, and to stigmatize with shame and infamy that character and those customs which before had been made the measure of their happiness and honor. If to this be added an expulsion from their habitations and a confiscation of all their goods, I am not sagacious

enough to discover how this despotic sport made of the feelings, consciences, prejudices, and properties of men can be discriminated from the rankest tyranny.

If the injustice of the course pursued in France be clear, the policy of the measure, that is, the public benefit to be expected from it, ought to be at least as evident, and at least as important. To a man who acts under the influence of no passion, who has nothing in view in his projects but the public good, a great difference will immediately strike him, between what policy would dictate on the original introduction of such institutions, and on a question of their total abolition, where they have cast their roots wide and deep, and where, by long habit, things more valuable than themselves are so adapted to them, and in a manner interwoven with them, that the one cannot be destroyed without notably impairing the other. He might be embarrassed, if the case were really such as sophisters represent it in their paltry style of debating. But in this, as in most questions of state, there is a middle. There is something else than the mere alternative of absolute destruction or unreformed existence. *Spartam nactus es; hanc exorna*. This is, in my opinion, a rule of profound sense, and ought never to depart from the mind of an honest reformer. I cannot conceive how any man can have brought himself to that pitch of presumption, to consider his country as nothing but *carte blanche*, upon which he may scribble whatever he pleases. A man full of warm, speculative benevolence may wish his society otherwise constituted than he finds it; but a good patriot, and a true politician, always considers how he shall make the most of the existing materials of his country. A disposition to preserve, and an ability to improve, taken together, would be my standard of a statesman. Everything else is vulgar in the conception, perilous in the execution.

There are moments in the fortune of states, when particular men are called to make improvements by great mental exertion. In those moments, even when they seem to enjoy the confidence of their prince and country, and to be invested with full authority, they have not always apt instruments. A politician, to do great things, looks for a *power*, what our workmen call a *purchase*; and if he finds that power, in politics as in mechanics, he cannot be at a loss to apply it. In the monastic institutions, in my opinion, was found a great *power* for the mechanism of politic benevolence. There were revenues with a public direction; there were men wholly set apart and dedicated to public purposes, without any other than public ties and public principles, — men without the possibility of converting the estate of the community into a private fortune, — men denied to self-interests, whose avarice is for some community, — men to whom personal poverty is honor, and implicit obedience stands in the place of freedom. In vain shall a man look to the possibility of making such things when he wants them. The winds blow as they list. These institutions are the products of enthusiasm; they are the instruments of wisdom. Wisdom cannot create materials; they are the gifts of Nature or of chance; her pride is in the use. The perennial existence of bodies corporate and their fortunes are

things particularly suited to a man who has long views, — who meditates designs that require time in fashioning, and which propose duration when they are accomplished. He is not deserving to rank high, or even to be mentioned in the order of great statesmen, who, having obtained the command and direction of such a power as existed in the wealth, the discipline, and the habits of such corporations as those which you have rashly destroyed, cannot find any way of converting it to the great and lasting benefit of his country. On the view of this subject, a thousand uses suggest themselves to a contriving mind. To destroy any power growing wild from the rank productive force of the human mind is almost tantamount, in the moral world, to the destruction of the apparently active properties of bodies in the material. It would be like the attempt to destroy (if it were in our competence to destroy) the expansive force of fixed air in nitre, or the power of steam, or of electricity, or of magnetism. These energies always existed in Nature, and they were always discernible. They seemed, some of them unserviceable, some noxious, some no better than a sport to children, — until contemplative ability, combining with practic skill, tamed their wild nature, subdued them to use, and rendered them at once the most powerful and the most tractable agents, in subservience to the great views and designs of men. Did fifty thousand persons, whose mental and whose bodily labor you might direct, and so many hundred thousand a year of a revenue, which was neither lazy nor superstitious, appear too big for your abilities to wield? Had you no way of using the men, but by converting monks into pensioners? Had you no way of turning the revenue to account, but through the improvident resource of a spendthrift sale? If you were thus destitute of mental funds, the proceeding is in its natural course. Your politicians do not understand their trade; and therefore they sell their tools.

But the institutions savor of superstition in their very principle; and they nourish it by a permanent and standing influence. — This I do not mean to dispute; but this ought not to hinder you from deriving from superstition itself any resources which may thence be furnished for the public advantage. You derive benefits from many dispositions and many passions of the human mind which are of as doubtful a color, in the moral eye, as superstition itself. It was your business to correct and mitigate everything which was noxious in this passion, as in all the passions. But is superstition the greatest of all possible vices? In its possible excess I think it becomes a very great evil. It is, however, a moral subject, and of course admits of all degrees and all modifications. Superstition is the religion of feeble minds; and they must be tolerated in an intermixture of it, in some trifling or some enthusiastic shape or other, else you will deprive weak minds of a resource found necessary to the strongest. The body of all true religion consists, to be sure, in obedience to the will of the Sovereign of the world, in a confidence in His declarations, and in imitation of His perfections. The rest is our own. It may be prejudicial to the great end, — it may be auxiliary. Wise men, who, as such, are not *admirers*, (not

admirers at least of the *munera terræ*,) are not violently attached to these things, nor do they violently hate them. Wisdom is not the most severe corrector of folly. They are the rival follies which mutually wage so unrelenting a war, and which make so cruel a use of their advantages, as they can happen to engage the immoderate vulgar, on the one side or the other, in their quarrels. Prudence would be neuter; but if, in the contention between fond attachment and fierce antipathy concerning things in their nature not made to produce such heats, a prudent man were obliged to make a choice of what errors and excesses of enthusiasm he would condemn or bear, perhaps he would think the superstition which builds to be more tolerable than that which demolishes, — that which adorns a country, than that which deforms it, — that which endows, than that which plunders, — that which disposes to mistaken beneficence, than that which stimulates to real injustice, — that which leads a man to refuse to himself lawful pleasures, than that which snatches from others the scanty subsistence of their self-denial. Such, I think, is very nearly the state of the question between the ancient founders of monkish superstition and the superstition of the pretended philosophers of the hour.

For the present I postpone all consideration of the supposed public profit of the sale, which, however, I conceive to be perfectly delusive. I shall here only consider it as a transfer of property. On the policy of that transfer I shall trouble you with a few thoughts.

In every prosperous community something more is produced than goes to the immediate support of the producer. This surplus forms the income of the landed capitalist. It will be spent by a proprietor who does not labor. But this idleness is itself the spring of labor, this repose the spur to industry. The only concern for the state is, that the capital taken in rent from the land should be returned again to the industry from whence it came, and that its expenditure should be with the least possible detriment to the morals of those who expend it and to those of the people to whom it is returned.

In all the views of receipt, expenditure, and personal employment, a sober legislator would carefully compare the possessor whom he was recommended to expel with the stranger who was proposed to fill his place. Before the inconveniences are incurred which *must* attend all violent revolutions in property through extensive confiscation, we ought to have some rational assurance that the purchasers of the confiscated property will be in a considerable degree more laborious, more virtuous, more sober, less disposed to extort an unreasonable proportion of the gains of the laborer, or to consume on themselves a larger share than is fit for the measure of an individual, — or that they should be qualified to dispense the surplus in a more steady and equal mode, so as to answer the purposes of a politic expenditure, than the old possessors, call those possessors bishops, or canons, or commendatory abbots, or monks, or what you please. The monks are lazy. Be it so. Suppose them no otherwise employed than by singing in the choir.

They are as usefully employed as those who neither sing nor say, — as usefully even as those who sing upon the stage. They are as usefully employed as if they worked from dawn to dark in the innumerable servile, degrading, unseemly, unmanly, and often most unwholesome and pestiferous occupations to which by the social economy so many wretches are inevitably doomed. If it were not generally pernicious to disturb the natural course of things, and to impede in any degree the great wheel of circulation which is turned by the strangely directed labor of these unhappy people, I should be infinitely more inclined forcibly to rescue them from their miserable industry than violently to disturb the tranquil repose of monastic quietude. Humanity, and perhaps policy, might better justify me in the one than in the other. It is a subject on which I have often reflected, and never reflected without feeling from it. I am sure that no consideration, except the necessity of submitting to the yoke of luxury and the despotism of fancy, who in their own imperious way will distribute the surplus product of the soil, can justify the toleration of such trades and employments in a well-regulated state. But for this purpose of distribution, it seems to me that the idle expenses of monks are quite as well directed as the idle expenses of us lay loiterers.

When the advantages of the possession and of the project are on a par, there is no motive for a change. But in the present case, perhaps, they are not upon a par, and the difference is in favor of the possession. It does not appear to me that the expenses of those whom you are going to expel do in fact take a course so directly and so generally leading to vitiate and degrade and render miserable those through whom they pass as the expenses of those favorites whom you are intruding into their houses. Why should the expenditure of a great landed property, which is a dispersion of the surplus product of the soil, appear intolerable to you or to me, when it takes its course through the accumulation of vast libraries, which are the history of the force and weakness of the human mind, — through great collections of ancient records, medals, and coins, which attest and explain laws and customs, — through paintings and statues, that, by imitating Nature, seem to extend the limits of creation, — through grand monuments of the dead, which continue the regards and connections of life beyond the grave, — through collections of the specimens of Nature, which become a representative assembly of all the classes and families of the world, that by disposition facilitate, and by exciting curiosity open, the avenues to science? If by great permanent establishments all these objects of expense are better secured from the inconstant sport of personal caprice and personal extravagance, are they worse than if the same tastes prevailed in scattered individuals? Does not the sweat of the mason and carpenter, who toil in order to partake the sweat of the peasant, flow as pleasantly and as salubriously in the construction and repair of the majestic edifices of religion as in the painted booths and sordid sties of vice and luxury? as honorably and as profitably in repairing those sacred works which grow hoary with innumerable years as on the momentary

receptacles of transient voluptuousness, — in opera-houses, and brothels, and gaming-houses, and club-houses, and obelisks in the Champ de Mars? Is the surplus product of the olive and the vine worse employed in the frugal sustenance of persons whom the fictions of a pious imagination raise to dignity by construing in the service of God than in pampering the innumerable multitude of those who are degraded by being made useless domestics, subservient to the pride of man? Are the decorations of temples an expenditure less worthy a wise man than ribbons, and laces, and national cockades, and petit maisons, and petit soupers, and all the innumerable fopperies and follies in which opulence sports away the burden of its superfluity?

We tolerate even these, — not from love of them, but for fear of worse. We tolerate them, because property and liberty, to a degree, require that toleration. But why proscribe the other, and surely, in every point of view, the more laudable use of estates? Why, through the violation of all property, through an outrage upon every principle of liberty, forcibly carry them from the better to the worse?

This comparison between the new individuals and the old corps is made upon a supposition that no reform could be made in the latter. But, in a question of reformation, I always consider corporate bodies, whether sole or consisting of many, to be much more susceptible of a public direction, by the power of the state, in the use of their property, and in the regulation of modes and habits of life in their members, than private citizens ever can be, or perhaps ought to be; and this seems to me a very material consideration for those who undertake anything which merits the name of a politic enterprise. — So far as to the estates of monasteries.

With regard to the estates possessed by bishops and canons and commendatory abbots, I cannot find out for what reason some landed estates may not be held otherwise than by inheritance. Can any philosophic spoiler undertake to demonstrate the positive or the comparative evil of having a certain, and that, too, a large, portion of landed property passing in succession through persons whose title to it is, always in theory and often in fact, an eminent degree of piety, morals, and learning; a property which by its destination, in their turn, and on the score of merit, gives to the noblest families renovation and support, to the lowest the means of dignity and elevation; a property, the tenure of which is the performance of some duty, (whatever value you may choose to set upon that duty,) and the character of whose proprietors demands at least an exterior decorum and gravity of manners, — who are to exercise a generous, but temperate hospitality, — part of whose income they are to consider as a trust for charity, — and who, even when they fail in their trust, when they slide from their character, and degenerate into a mere common secular nobleman or gentleman, are in no respect worse than those who may succeed them in their forfeited possessions? Is it better that estates should be held by those who have no duty than by those who have one? by those whose character and destination point to virtues than by those who have no rule and direction in the

expenditure of their estates but their own will and appetite? Nor are these estates held altogether in the character or with the evils supposed inherent in mortmain. They pass from hand to hand with a more rapid circulation than any other. No excess is good, and therefore too great a proportion of landed property may be held officially for life; but it does not seem to me of material injury to any common wealth that there should exist some estates that have a chance of being acquired by other means than the previous acquisition of money.

This letter is grown to a great length, though it is, indeed, short with regard to the infinite extent of the subject. Various avocations have from time to time called my mind from the subject. I was not sorry to give myself leisure to observe whether in the proceedings of the National Assembly I might not find reasons to change or to qualify some of my first sentiments. Everything has confirmed me more strongly in my first opinions. It was my original purpose to take a view of the principles of the National Assembly with regard to the great and fundamental establishments, and to compare the whole of what you have substituted in the place of what you have destroyed with the several members of our British Constitution. But this plan is of greater extent than at first I computed, and I find that you have little desire to take the advantage of any examples. At present I must content myself with some remarks upon your establishments, reserving for another time what I proposed to say concerning the spirit of our British monarchy, aristocracy, and democracy, as practically they exist.

I have taken a view of what has been done by the governing power in France. I have certainly spoke of it with freedom. Those whose principle it is to despise the ancient, permanent sense of mankind, and to set up a scheme of society on new principles, must naturally expect that such of us who think better of the judgment of the human race than, of theirs should consider both them and their devices as men and schemes upon their trial. They must take it for granted that we attend much to their reason, but not at all to their authority. They have not one of the great influencing prejudices of mankind in their favor. They avow their hostility to opinion. Of course they must expect no support from that influence, which, with every other authority, they have deposed from the seat of its jurisdiction.

I can never consider this Assembly as anything else than a voluntary association of men who have availed themselves of circumstances to seize upon the power of the state. They have not the sanction and authority of the character under which they first met. They have assumed another of a very different nature, and have completely altered and inverted all the relations in which they originally stood. They do not hold the authority they exercise under any constitutional law of the state. They have departed from the instructions of the people by whom they were sent; which instructions, as the Assembly did not act in virtue of any ancient usage or settled law, were the sole source of their authority. The most considerable of their

acts have not been done by great majorities; and in this sort of near divisions, which carry only the constructive authority of the whole, strangers will consider reasons as well as resolutions.

If they had set up this new, experimental government as a necessary substitute for an expelled tyranny, mankind would anticipate the time of prescription, which through long usage mellows into legality governments that were violent in their commencement. All those who have affections which lead them to the conservation of civil order would recognize, even in its cradle, the child as legitimate, which has been produced from those principles of cogent expediency to which all just governments owe their birth, and on which they justify their continuance. But they will be late and reluctant in giving any sort of countenance to the operations of a power which has derived its birth from no law and no necessity, but which, on the contrary, has had its origin in those vices and sinister practices by which the social union is often disturbed and sometimes destroyed. This Assembly has hardly a year's prescription. We have their own word for it that they have made a revolution. To make a revolution is a measure which, *primâ fronte*, requires an apology. To make a revolution is to subvert the ancient state of our country; and no common reasons are called for to justify so violent a proceeding. The sense of mankind authorizes us to examine into the mode of acquiring new power, and to criticize on the use that is made of it, with less awe and reverence than that which is usually conceded to a settled and recognized authority.

In obtaining and securing their power, the Assembly proceeds upon principles the most opposite from those which appear to direct them in the use of it. An observation on this difference will let us into the true spirit of their conduct. Everything which they have done, or continue to do, in order to obtain and keep their power, is by the most common arts. They proceed exactly as their ancestors of ambition have done before them. Trace them through all their artifices, frauds, and violences, you can find nothing at all that is new. They follow precedents and examples with the punctilious exactness of a pleader. They never depart an iota from the authentic formulas of tyranny and usurpation. But in all the regulations relative to the public good the spirit has been the very reverse of this. There they commit the whole to the mercy of untried speculations; they abandon the dearest interests of the public to those loose theories to which none of them would choose to trust the slightest of his private concerns. They make this difference, because in their desire of obtaining and securing power they are thoroughly in earnest; there they travel in the beaten road. The public interests, because about them they have no real solicitude, they abandon wholly to chance: I say to chance, because their schemes have nothing in experience to prove their tendency beneficial.

We must always see with a pity not unmixed with respect the errors of those who are timid and doubtful of themselves with regard to points wherein the happiness of mankind is concerned. But in these gentlemen there is nothing of the tender

parental solicitude which fears to cut up the infant for the sake of an experiment. In the vastness of their promises and the confidence of their predictions they far outdo all the boasting of empirics. The arrogance of their pretensions in a manner provokes and challenges us to an inquiry into their foundation.

I am convinced that there are men of considerable parts among the popular leaders in the National Assembly. Some of them display eloquence in their speeches and their writings. This cannot be without powerful and cultivated talents. But eloquence may exist without a proportionable degree of wisdom. When I speak of ability, I am obliged to distinguish. What they have done towards the support of their system bespeaks no ordinary men. In the system itself, taken as the scheme of a republic constructed for procuring the prosperity and security of the citizen, and for promoting the strength and grandeur of the state, I confess myself unable to find out anything which displays, in a single instance, the work of a comprehensive and disposing mind, or even the provisions of a vulgar prudence. Their purpose everywhere seems to have been to evade and slip aside from *difficulty*. This it has been the glory of the great masters in all the arts to confront, and to overcome, — and when they had overcome the first difficulty, to turn it into an instrument for new conquests over new difficulties: thus to enable them to extend the empire of their science, and even to push forward, beyond the reach of their original thoughts, the landmarks of the human understanding itself. Difficulty is a severe instructor, set over us by the supreme ordinance of a parental Guardian and Legislator, who knows us better than we know ourselves, as He loves us better too. *Pater ipse colendi haud facilem esse viam voluit*. He that wrestles with us strengthens our nerves and sharpens our skill. Our antagonist is our helper. This amicable conflict with difficulty obliges us to an intimate acquaintance with our object, and compels us to consider it in all its relations. It will not suffer us to be superficial. It is the want of nerves of understanding for such a task, it is the degenerate fondness for tricking short-outs and little fallacious facilities, that has in so many parts of the world created governments with arbitrary powers. They have created the late arbitrary monarchy of France. They have created the arbitrary republic of Paris. With them defects in wisdom are to be supplied by the plenitude of force. They get nothing by it. Commencing their labors on a principle of sloth, they have the common fortune of slothful men. The difficulties, which they rather had eluded than escaped, meet them again in their course; they multiply and thicken on them; they are involved, through a labyrinth of confused detail, in an industry without limit and without direction; and in conclusion, the whole of their work becomes feeble, vicious, and insecure.

It is this inability to wrestle with difficulty which has obliged the arbitrary Assembly of France to commence their schemes of reform with abolition and total destruction. But is it in destroying and pulling down that skill is displayed? Your mob can do this as well at least as your assemblies. The shallowest understanding,

the rudest hand, is more than equal to that task. Rage and frenzy will pull down more in half an hour than prudence, deliberation, and foresight can build up in a hundred years. The errors and defects of old establishments are visible and palpable. It calls for little ability to point them out; and where absolute power is given, it requires but a word wholly to abolish the vice and the establishment together. The same lazy, but restless disposition, which loves sloth and hates quiet, directs these politicians, when they come to work for supplying the place of what they have destroyed. To make everything the reverse of what they have seen is quite as easy as to destroy. No difficulties occur in what has never been tried. Criticism is almost baffled in discovering the defects of what has not existed; and eager enthusiasm and cheating hope have all the wide field of imagination, in which they may expatiate with little or no opposition.

At once to preserve and to reform is quite another thing. When the useful parts of an old establishment are kept, and what is superadded is to be fitted to what is retained, a vigorous mind, steady, persevering attention, various powers of comparison and combination, and the resources of an understanding fruitful in expedients are to be exercised; they are to be exercised in a continued conflict with the combined force of opposite vices, with the obstinacy that rejects all improvement, and the levity that is fatigued and disgusted with everything of which it is in possession. But you may object,— “A process of this kind is slow. It is not fit for an Assembly which glories in performing in a few months the work of ages. Such a mode of reforming, possibly, might take up many years.” Without question it might; and it ought. It is one of the excellences of a method in which time is amongst the assistants, that its operation is slow, and in some cases almost imperceptible. If circumspection and caution are a part of wisdom, when we work only upon inanimate matter, surely they become a part of duty too, when the subject of our demolition and construction is not brick and timber, but sentient beings, by the sudden alteration of whose state, condition, and habits, multitudes may be rendered miserable. But it seems as if it were the prevalent opinion in Paris, that an unfeeling heart and an undoubting confidence are the sole qualifications for a perfect legislator. Far different are my ideas of that high office. The true lawgiver ought to have a heart full of sensibility. He ought to love and respect his kind, and to fear himself. It may be allowed to his temperament to catch his ultimate object with an intuitive glance; but his movements towards it ought to be deliberate. Political arrangement, as it is a work for social ends, is to be only wrought by social means. There mind must conspire with mind. Time is required to produce that union of minds which alone can produce all the good we aim at. Our patience will achieve more than our force. If I might venture to appeal to what is so much out of fashion in Paris, — I mean to experience, — I should tell you, that in my course I have known, and, according to my measure, have coöperated with great men; and I have never yet seen any plan which has not been mended by the observations of

those who were much inferior in understanding to the person who took the lead in the business. By a slow, but well-sustained progress, the effect of each step is watched; the good or ill success of the first gives light to us in the second; and so, from light to light, we are conducted with safety through the whole series. We see that the parts of the system do not clash. The evils latent in the most promising contrivances are provided for as they arise. One advantage is as little as possible sacrificed to another. We compensate, we reconcile, we balance. We are enabled to unite into a consistent whole the various anomalies and contending principles that are found in the minds and affairs of men. From hence arises, not an excellence in simplicity, but one far superior, an excellence in composition. Where the great interests of mankind are concerned through a long succession of generations, that succession ought to be admitted into some share in the councils which are so deeply to affect them. If justice requires this, the work itself requires the aid of more minds than one age can furnish. It is from this view of things that the best legislators have been often satisfied with the establishment of some sure, solid, and ruling principle in government, — a power like that which some of the philosophers have called a plastic Nature; and having fixed the principle, they have left it afterwards to its own operation.

To proceed in this manner, that is, to proceed with a presiding principle and a prolific energy, is with me the criterion of profound wisdom. What your politicians think the marks of a bold, hardy genius are only proofs of a deplorable want of ability. By their violent haste, and their defiance of the process of Nature, they are delivered over blindly to every projector and adventurer, to every alchemist and empiric. They despair of turning to account anything that is common. Diet is nothing in their system of remedy. The worst of it is, that this their despair of curing common distempers by regular methods arises not only from defect of comprehension, but, I fear, from some malignity of disposition. Your legislators seem to have taken their opinions of all professions, ranks, and offices from the declamations and buffooneries of satirists, — who would themselves be astonished, if they were held to the letter of their own descriptions. By listening only to these, your leaders regard all things only on the side of their vices and faults, and view those vices and faults under every color of exaggeration. It is undoubtedly true, though it may seem paradoxical, — but, in general, those who are habitually employed in finding and displaying faults are unqualified for the work of reformation; because their minds are not only unfurnished with patterns of the fair and good, but by habit they come to take no delight in the contemplation of those things. By hating vices too much, they come to love men too little. It is therefore not wonderful that they should be indisposed and unable to serve them. From hence arises the complexional disposition of some of your guides to pull everything in pieces. At this malicious game they display the whole of their *quadrimanous* activity. As to the rest, the paradoxes of eloquent writers, brought forth purely as a

sport of fancy, to try their talents, to rouse attention, and excite surprise, are taken up by these gentlemen, not in the spirit of the original authors, as means of cultivating their taste and improving their style: these paradoxes become with them serious grounds of action, upon which they proceed in regulating the most important concerns of the state. Cicero ludicrously describes Cato as endeavoring to act in the commonwealth upon the school paradoxes which exercised the wits of the junior students in the Stoic philosophy. If this was true of Cato, these gentlemen copy after him in the manner of some persons who lived about his time, — *pede nudo Catonem*. Mr. Hume told me that he had from Rousseau himself the secret of his principles of composition. That acute, though eccentric observer, had perceived, that, to strike and interest the public, the marvellous must be produced; that the marvellous of the heathen mythology had long since lost its effects; that giants, magicians, fairies, and heroes of romance, which succeeded, had exhausted the portion of credulity which belonged to their age; that now nothing was left to a writer but that species of the marvellous, which might still be produced, and with as great an effect as ever, though in another way, — that is, the marvellous in life, in manners, in characters, and in extraordinary situations, giving rise to new and unlooked-for strokes in politics and morals. I believe, that, were Rousseau alive, and in one of his lucid intervals, he would be shocked at the practical frenzy of his scholars, who in their paradoxes are servile imitators, and even in their incredulity discover an implicit faith.

Men who undertake considerable things, even in a regular way, ought to give us ground to presume ability. But the physician of the state, who, not satisfied with the cure of distempers, undertakes to regenerate constitutions, ought to show uncommon powers. Some very unusual appearances of wisdom ought to display themselves on the face of the designs of those who appeal to no practice and who copy after no model. Has any such been manifested? I shall take a view (it shall for the subject be a very short one) of what the Assembly has done, with regard, first, to the constitution of the legislature; in the next place, to that of the executive power; then to that of the judicature; afterwards to the model of the army; and conclude with the system of finance: to see whether we can discover in any part of their schemes the portentous ability which may justify these bold undertakers in the superiority which they assume over mankind.

It is in the model of the sovereign and presiding part of this new republic that we should expect their grand display. Here they were to prove their title to their proud demands. For the plan itself at large, and for the reasons on which it is grounded, I refer to the journals of the Assembly of the 29th of September, 1789, and to the subsequent proceedings which have made any alterations in the plan. So far as in a matter somewhat confused I can see light, the system remains substantially as it has been originally framed. My few remarks will be such as regard its spirit, its tendency, and its fitness for framing a popular commonwealth, which they profess

theirs to be, suited to the ends for which any commonwealth, and particularly such a commonwealth, is made. At the same time I mean to consider its consistency with itself and its own principles.

Old establishments are tried by their effects. If the people are happy, united, wealthy, and powerful, we presume the rest. We conclude that to be good from whence good is derived. In old establishments various correctives have been found for their aberrations from theory. Indeed, they are the results of various necessities and expediences. They are not often constructed after any theory: theories are rather drawn from them. In them we often see the end best obtained, where the means seem not perfectly reconcilable to what we may fancy was the original scheme. The means taught by experience may be better suited to political ends than those contrived in the original project. They again react upon the primitive constitution, and sometimes improve the design itself, from which they seem to have departed. I think all this might be curiously exemplified in the British Constitution. At worst, the errors and deviations of every kind in reckoning are found and computed, and the ship proceeds in her course. This is the case of old establishments; but in a new and merely theoretic system, it is expected that every contrivance shall appear, on the face of it, to answer its ends, especially where the projectors are no way embarrassed with an endeavor to accommodate the new building to an old one, either in the walls or on the foundations.

The French builders, clearing away as mere rubbish whatever they found, and, like their ornamental gardeners, forming everything into an exact level, propose to rest the whole local and general legislature on three bases of three different kinds, — one geometrical, one arithmetical, and the third financial; the first of which they call *the basis of territory*; the second, *the basis of population*; and the third, *the basis of contribution*. For the accomplishment of the first of these purposes, they divide the area of their country into eighty-three pieces, regularly square, of eighteen leagues by eighteen. These large divisions are called *Departments*. These they portion, proceeding by square measurement, into seventeen hundred and twenty districts, called *Communes*. These again they subdivide, still proceeding by square measurement, into smaller districts, called *Cantons*, making in all 6,400.

At first view this geometrical basis of theirs presents not much to admire or to blame. It calls for no great legislative talents. Nothing more than an accurate land-surveyor, with his chain, sight, and theodolite, is requisite for such a plan as this. In the old divisions of the country, various accidents at times, and the ebb and flow of various properties and jurisdictions, settled their bounds. These bounds were not made upon any fixed system, undoubtedly. They were subject to some inconveniences; but they were inconveniences for which use had found remedies, and habit had supplied accommodation and patience. In this new pavement of square within square, and this organization and semi-organization, made on the system of Empedocles and Buffon, and not upon any politic principle, it is

impossible that innumerable local inconveniences, to which men are not habituated, must not arise. But these I pass over, because it requires an accurate knowledge of the country, which I do not possess, to specify them.

When these state surveyors came to take a view of their work of measurement, they soon found that in politics the most fallacious of all things was geometrical demonstration. They had then recourse to another basis (or rather buttress) to support the building, which tottered on that false foundation. It was evident that the goodness of the soil, the number of the people, their wealth, and the largeness of their contribution, made such infinite variations between square and square as to render mensuration a ridiculous standard of power in the commonwealth, and equality in geometry the most unequal of all measures in the distribution of men. However, they could not give it up, — but, dividing their political and civil representation into three parts, they allotted one of those parts to the square measurement, without a single fact or calculation to ascertain whether this territorial proportion of representation was fairly assigned, and ought upon any principle really to be a third. Having, however, given to geometry this portion, (of a third for her dower,) out of compliment, I suppose, to that sublime science, they left the other two to be scuffled for between the other parts, population and contribution.

When they came to provide for population, they were not able to proceed quite so smoothly as they had done in the field of their geometry. Here their arithmetic came to bear upon their juridical metaphysics. Had they stuck to their metaphysic principles, the arithmetical process would be simple indeed. Men, with them, are strictly equal, and are entitled to equal rights in their own government. Each head, on this system, would have its vote, and every man would vote directly for the person who was to represent him in the legislature. “But soft, — by regular degrees, not yet.” This metaphysic principle, to which law, custom, usage, policy, reason, were to yield, is to yield itself to their pleasure. There must be many degrees, and some stages, before the representative can come in contact with his constituent. Indeed, as we shall soon see, these two persons are to have no sort of communion with each other. First, the voters in the *Canton*, who compose what they call *primary assemblies*, are to have a *qualification*. What! a qualification on the indefeasible rights of men? Yes; but it shall be a very small qualification. Our injustice shall be very little oppressive: only the local valuation of three days’ labor paid to the public. Why, this is not much, I readily admit, for anything but the utter subversion of your equalizing principle. As a qualification it might as well be let alone; for it answers no one purpose for which qualifications are established; and, on your ideas, it excludes from a vote the man of all others whose natural equality stands the most in need of protection and defence: I mean the man who has nothing else but his natural equality to guard him. You order him to buy the right which you before told him Nature had given to him gratuitously at his birth, and of which no authority on earth could lawfully deprive him. With regard to the person who

cannot come up to your market, a tyrannous aristocracy, as against him, is established at the very outset, by you who pretend to be its sworn foe.

The gradation proceeds. These primary assemblies of the *Canton* elect deputies to the *Commune*, — one for every two hundred qualified inhabitants. Here is the first medium put between the primary elector and the representative legislator; and here a new turnpike is fixed for taxing the rights of men with a second qualification: for none can be elected into the *Commune* who does not pay the amount of ten days' labor. Nor have we yet done. There is still to be another gradation. These *Communes*, chosen by the *Canton*, choose to the *Department*; and the deputies of the *Department* choose their deputies to the *National Assembly*. Here is a third barrier of a senseless qualification. Every deputy to the National Assembly must pay, in direct contribution, to the value of a *mark of silver*. Of all these qualifying barriers we must think alike: that they are impotent to secure independence, strong only to destroy the rights of men.

In all this process, which in its fundamental elements affects to consider only *population*, upon a principle of natural right, there is a manifest attention to *property*, — which, however just and reasonable on other schemes, is on theirs perfectly unsupportable.

When they come to their third basis, that of *Contribution*, we find that they have more completely lost sight of the rights of men. This last basis rests *entirely* on property. A principle totally different from the equality of men, and utterly irreconcilable to it, is thereby admitted: but no sooner is this principle admitted than (as usual) it is subverted; and it is not subverted (as we shall presently see) to approximate the inequality of riches to the level of Nature. The additional share in the third portion of representation (a portion reserved exclusively for the higher contribution) is made to regard the *district* only, and not the individuals in it who pay. It is easy to perceive, by the course of their reasonings, how much they were embarrassed by their contradictory ideas of the rights of men and the privileges of riches. The Committee of Constitution do as good as admit that they are wholly irreconcilable. "The relation with regard to the contributions is without doubt *null*, (say they,) when the question is on the balance of the political rights as between individual and individual; without which *personal equality would be destroyed*, and an *aristocracy of the rich* would be established. But this inconvenience entirely disappears, when the proportional relation of the contribution is only considered in the *great masses*, and is solely between province and province; it serves in that case only to form a just reciprocal proportion between the cities, without affecting the personal rights of the citizens."

Here the principle of *contribution*, as taken between man and man, is reprobated as *null*, and destructive to equality, — and as pernicious, too, because it leads to the establishment of an *aristocracy of the rich*. However, it must not be abandoned. And the way of getting rid of the difficulty is to establish the inequality as between

department and department, leaving all the individuals in each department upon an exact par. Observe, that this parity between individuals had been before destroyed, when the qualifications within the departments were settled; nor does it seem a matter of great importance whether the equality of men be injured by masses or individually. An individual is not of the same importance in a mass represented by a few as in a mass represented by many. It would be too much to tell a man jealous of his equality, that the elector has the same franchise who votes for three members as he who votes for ten.

Now take it in the other point of view, and let us suppose their principle of representation according to contribution, that is according to riches, to be well imagined, and to be a necessary basis for their republic. In this their third basis they assume that riches ought to be respected, and that justice and policy require that they should entitle men, in some mode or other, to a larger share in the administration of public affairs; it is now to be seen how the Assembly provides for the preëminence, or even for the security of the rich, by conferring, in virtue of their opulence, that larger measure of power to their district which is denied to them personally. I readily admit (indeed, I should lay it down as a fundamental principle) that in a republican government, which has a democratic basis, the rich do require an additional security above what is necessary to them in monarchies. They are subject to envy, and through envy to oppression. On the present scheme it is impossible to divine what advantage they derive from the aristocratic preference upon which the unequal representation of the masses is founded. The rich cannot feel it, either as a support to dignity or as security to fortune: for the aristocratic mass is generated from purely democratic principles; and the prevalence given to it in the general representation has no sort of reference to or connection with the persons upon account of whose property this superiority of the mass is established. If the contrivers of this scheme meant any sort of favor to the rich, in consequence of their contribution, they ought to have conferred the privilege either on the individual rich, or on some class formed of rich persons (as historians represent Servius Tullius to have done in the early constitution of Rome); because the contest between the rich and the poor is not a struggle between corporation and corporation, but a contest between men and men, — a competition, not between districts, but between descriptions. It would answer its purpose better, if the scheme were inverted: that the votes of the masses were rendered equal, and that the votes within each mass were proportioned to property.

Let us suppose one man in a district (it is an easy supposition) to contribute as much as a hundred of his neighbors. Against these he has but one vote. If there were but one representative for the mass, his poor neighbors would outvote him by an hundred to one for that single representative. Bad enough! But amends are to be made him. How? The district, in virtue of his wealth, is to choose, say ten members instead of one: that is to say, by paying a very large contribution he has the

happiness of being outvoted, an hundred to one, by the poor, for ten representatives, instead of being outvoted exactly in the same proportion for a single member. In truth, instead of benefiting by this superior quantity of representation, the rich man is subjected to an additional hardship. The increase of representation within his province sets up nine persons more, and as many more than nine as there may be democratic candidates, to cabal and intrigue and to flatter the people at his expense and to his oppression. An interest is by this means held out to multitudes of the inferior sort, in obtaining a salary of eighteen livres a day, (to them a vast object,) besides the pleasure of a residence in Paris, and their share in the government of the kingdom. The more the objects of ambition are multiplied and become democratic, just in that proportion the rich are endangered.

Thus it must fare between the poor and the rich in the province deemed aristocratic, which in its internal relation is the very reverse of that character. In its external relation, that is, in its relation to the other provinces, I cannot see how the unequal representation which is given to masses on account of wealth becomes the means of preserving the equipoise and the tranquillity of the commonwealth. For, if it be one of the objects to secure the weak from being crushed by the strong, (as in all society undoubtedly it is,) how are the smaller and poorer of these masses to be saved from the tyranny of the more wealthy? Is it by adding to the wealthy further and more systematical means of oppressing them? When we come to a balance of representation between corporate bodies, provincial interests, emulations, and jealousies are full as likely to arise among them as among individuals; and their divisions are likely to produce a much hotter spirit of dissension, and something leading much more nearly to a war.

I see that these aristocratic masses are made upon what is called the principle of direct contribution. Nothing can be a more unequal standard than this. The indirect contribution, that which arises from duties on consumption, is in truth a better standard, and follows and discovers wealth more naturally than this of direct contribution. It is difficult, indeed, to fix a standard of local preference on account of the one, or of the other, or of both, because some provinces may pay the more of either or of both on account of causes not intrinsic, but originating from those very districts over whom they have obtained a preference in consequence of their ostensible contribution. If the masses were independent, sovereign bodies, who were to provide for a federative treasury by distinct contingents, and that the revenue had not (as it has) many impositions running through the whole, which affect men individually, and not corporately, and which, by their nature, confound all territorial limits, something might be said for the basis of contribution as founded on masses. But, of all things, this representation, to be measured by contribution, is the most difficult to settle upon principles of equity in a country which considers its districts as members of a whole. For a great city, such as Bordeaux or Paris, appears to pay a vast body of duties, almost out of all assignable

proportion to other places, and its mass is considered accordingly. But are these cities the true contributors in that proportion? No. The consumers of the commodities imported into Bordeaux, who are scattered through all France, pay the import duties of Bordeaux. The produce of the vintage in Guienne and Languedoc give to that city the means of its contribution growing out of an export commerce. The landholders who spend their estates in Paris, and are thereby the creators of that city, contribute for Paris from the provinces out of which their revenues arise. Very nearly the same arguments will apply to the representative share given on account of *direct* contribution: because the direct contribution must be assessed on wealth, real or presumed; and that local wealth will itself arise from causes not local, and which therefore in equity ought not to produce a local preference.

It is very remarkable, that, in this fundamental regulation which settles the representation of the mass upon the direct contribution, they have not yet settled how that direct contribution shall be laid, and how apportioned. Perhaps there is some latent policy towards the continuance of the present Assembly in this strange procedure. However, until they do this, they can have no certain constitution. It must depend at last upon the system of taxation, and must vary with every variation in that system. As they have contrived matters, their taxation does not so much depend on their constitution as their constitution on their taxation. This must introduce great confusion among the masses; as the variable qualification for votes within the district must, if ever real contested elections take place, cause infinite internal controversies.

To compare together the three bases, not on their political reason, but on the ideas on which the Assembly works, and to try its consistency with itself, we cannot avoid observing that the principle which the committee call the basis of *population* does not begin to operate from the same point with the two other principles, called the bases of *territory* and of *contribution*, which are both of an aristocratic nature. The consequence is, that, where all three begin to operate together, there is the most absurd inequality produced by the operation of the former on the two latter principles. Every canton contains four square leagues, and is estimated to contain, on the average, 4,000 inhabitants, or 680 voters in the *primary assemblies*, which vary in numbers with the population of the canton, and send *one deputy* to the *commune* for every 200 voters. *Nine cantons* make a *commune*.

Now let us take a *canton* containing a *seaport town of trade*, or a *great manufacturing town*. Let us suppose the population of this canton to be 12,700 inhabitants, or 2,193 voters, forming *three primary assemblies*, and sending *ten deputies* to the *commune*.

Oppose to this *one* canton *two* others of the remaining eight in the same commune. These we may suppose to have their fair population, of 4,000 inhabitants, and 680 voters each, or 8,000 inhabitants and 1,360 voters, both

together. These will form only *two primary assemblies*, and send only *six* deputies to the *commune*.

When the assembly of the *commune* comes to vote on the *basis of territory*, which principle is first admitted to operate in that assembly, the *single canton*, which has *half* the territory of the *other two*, will have *ten* voices to *six* in the election of *three deputies* to the assembly of the department, chosen on the express ground of a representation of territory. This inequality, striking as it is, will be yet highly aggravated, if we suppose, as we fairly may, the *several* other cantons of the *commune* to fall proportionally short of the average population, as much as the *principal canton* exceeds it.

Now as to *the basis of contribution*, which also is a principle admitted first to operate in the assembly of the *commune*. Let us again take *one* canton, such as is stated above. If the whole of the direct contributions paid by a great trading or manufacturing town be divided equally among the inhabitants, each individual will be found to pay much more than an individual living in the country according to the same average. The whole paid by the inhabitants of the former will be more than the whole paid by the inhabitants of the latter, — we may fairly assume one third more. Then the 12,700 inhabitants, or 2,193 voters of the canton, will pay as much as 19,050 inhabitants, or 3,289 voters of the *other cantons*, which are nearly the estimated proportion of inhabitants and voters of *five* other cantons. Now the 2,193 voters will, as I before said, send only *ten* deputies to the assembly; the 3,289 voters will send *sixteen*. Thus, for an *equal* share in the contribution of the whole *commune*, there will be a difference of *sixteen* voices to *ten* in voting for deputies to be chosen on the principle of representing the general contribution of the whole *commune*.

By the same mode of computation, we shall find 15,875 inhabitants, or 2,741 voters of the *other cantons*, who pay *one sixth* LESS to the contribution of the whole *commune*, will have *three* voices MORE than the 12,700 inhabitants, or 2,193 voters of the *one* canton.

Such is the fantastical and unjust inequality between mass and mass, in this curious repartition of the rights of representation arising out of *territory* and *contribution*. The qualifications which these confer are in truth negative qualifications, that give a right in an inverse proportion to the possession of them.

In this whole contrivance of the three bases, consider it in any light you please, I do not see a variety of objects reconciled in one consistent whole, but several contradictory principles reluctantly and irreconcilably brought and held together by your philosophers, like wild beasts shut up in a cage, to claw and bite each other to their mutual destruction.

I am afraid I have gone too far into their way of considering the formation of a Constitution. They have much, but bad, metaphysics, — much, but bad, geometry, — much, but false, proportionate arithmetic; but if it were all as exact as

metaphysics, geometry, and arithmetic ought to be, and if their schemes were perfectly consistent in all their parts, it would make only a more fair and slightly vision. It is remarkable, that, in a great arrangement of mankind, not one reference whatsoever is to be found to anything moral or anything politic, — nothing that relates to the concerns, the actions, the passions, the interests of men. *Hominem non sapiunt.*

You see I only consider this Constitution as electoral, and leading by steps to the National Assembly. I do not enter into the internal government of the departments, and their genealogy through the communes and cantons. These local governments are, in the original plan, to be as nearly as possible composed in the same manner and on the same principles with the elective assemblies. They are each of them bodies perfectly compact and rounded in themselves.

You cannot but perceive in this scheme, that it has a direct and immediate tendency to sever France into a variety of republics, and to render them totally independent of each other, without any direct constitutional means of coherence, connection, or subordination, except what may be derived from their acquiescence in the determinations of the general congress of the ambassadors from each independent republic. Such in reality is the National Assembly; and such governments, I admit, do exist in the world, though, in forms infinitely more suitable to the local and habitual circumstances of their people. But such associations, rather than bodies politic, have generally been the effect of necessity, not choice; and I believe the present French power is the very first body of citizens who, having obtained full authority to do with their country what they pleased, have chosen to dis sever it in this barbarous manner.

It is impossible not to observe, that, in the spirit of this geometrical distribution and arithmetical arrangement, these pretended citizens treat France exactly like a country of conquest. Acting as conquerors, they have imitated the policy of the harshest of that harsh race. The policy of such barbarous victors, who condemn a subdued people, and insult their feelings, has ever been, as much as in them lay, to destroy all vestiges of the ancient country, in religion, in polity, in laws, and in manners; to confound all territorial limits; to produce a general poverty; to put up their properties to auction; to crush their princes, nobles, and pontiffs; to lay low everything which had lifted its head above the level, or which could serve to combine or rally, in their distresses, the disbanded people, under the standard of old opinion. They have made France free in the manner in which those sincere friends to the rights of mankind, the Romans, freed Greece, Macedon, and other nations. They destroyed the bonds of their union, under color of providing for the independence of each of their cities.

When the members who compose these new bodies of cantons, communes, and departments, arrangements purposely produced through the medium of confusion, begin to act, they will find themselves in a great measure strangers to one another.

The electors and elected throughout, especially in the rural *cantons*, will be frequently without any civil habitudes or connections, or any of that natural discipline which is the soul of a true republic. Magistrates and collectors of revenue are now no longer acquainted with their districts, bishops with their dioceses, or curates with their parishes. These new colonies of the rights of men bear a strong resemblance to that sort of military colonies which Tacitus has observed upon in the declining policy of Rome. In better and wiser days (whatever course they took with foreign nations) they were careful to make the elements of a methodical subordination and settlement to be coeval, and even to lay the foundations of discipline in the military. But when all the good arts had fallen into ruin, they proceeded, as your Assembly does, upon the equality of men, and with as little judgment, and as little care for those things which make a republic tolerable or durable. But in this, as well as almost every instance, your new commonwealth is born and bred and fed in those corruptions which mark degenerated and worn-out republics. Your child comes into the world with the symptoms of death; the *facies Hippocratica* forms the character of its physiognomy and the prognostic of its fate.

The legislators who framed the ancient republics knew that their business was too arduous to be accomplished with no better apparatus than the metaphysics of an undergraduate and the mathematics and arithmetic of an exciseman. They had to do with men, and they were obliged to study human nature. They had to do with citizens, and they were obliged to study the effects of those habits which are communicated by the circumstances of civil life. They were sensible that the operation of this second nature on the first produced a new combination, — and thence arose many diversities amongst men, according to their birth, their education, their professions, the periods of their lives, their residence in towns or in the country, their several ways of acquiring and of fixing property, and according to the quality of the property itself, all which rendered them, as it were, so many different species of animals. From hence they thought themselves obliged to dispose their citizens into such classes, and to place them in such situations in the state, as their peculiar habits might qualify them to fill, and to allot to them such appropriated privileges as might secure to them what their specific occasions required, and which might furnish to each description such force as might protect it in the conflict caused by the diversity of interests that must exist, and must contend, in all complex society: for the legislator would have been ashamed that the coarse husbandman should well know how to assort and to use his sheep, horses, and oxen, and should have enough of common sense not to abstract and equalize them all into animals, without providing for each kind an appropriate food, care, and employment, — whilst he, the economist, disposer, and shepherd of his own kindred, subliming himself into an airy metaphysician, was resolved to know nothing of his flocks but as men in general. It is for this reason that Montesquieu observed, very justly, that, in their classification of the citizens, the great legislators

of antiquity made the greatest display of their powers, and even soared above themselves. It is here that your modern legislators have gone deep into the negative series, and sunk even below their own nothing. As the first sort of legislators attended to the different kinds of citizens, and combined them into one commonwealth, the others, the metaphysical and alchemistical legislators, have taken the directly contrary course. They have attempted to confound all sorts of citizens, as well as they could, into one homogeneous mass; and then they divided this their amalgama into a number of incoherent republics. They reduce men to loose counters, merely for the sake of simple telling, and not to figures, whose power is to arise from their place in the table. The elements of their own metaphysics might have taught them better lessons. The troll of their categorical table might have informed them that there was something else in the intellectual world besides *substance* and *quantity*. They might learn from the catechism of metaphysics that there were eight heads more, in every complex deliberation, which they have never thought of; though these, of all the ten, are the subject on which the skill of man can operate anything at all.

So far from this able disposition of some of the old republican legislators, which follows with a solicitous accuracy the moral conditions and propensities of men, they have levelled and crushed together all the orders which they found, even under the coarse, unartificial arrangement of the monarchy, in which mode of government the classing of the citizens is not of so much importance as in a republic. It is true, however, that every such classification, if properly ordered, is good in all forms of government, and composes a strong barrier against the excesses of despotism, as well as it is the necessary means of giving effect and permanence to a republic. For want of something of this kind, if the present project of a republic should fail, all securities to a moderated freedom fail along with it, all the indirect restraints which mitigate despotism are removed; insomuch that, if monarchy should ever again obtain an entire ascendancy in France, under this or any other dynasty, it will probably be, if not voluntarily tempered, at setting out, by the wise and virtuous counsels of the prince, the most completely arbitrary power that has ever appeared on earth. This is to play a most desperate game.

The confusion which attends on all such proceedings they even declare to be one of their objects, and they hope to secure their Constitution by a terror of a return of those evils which attended their making it. "By this," say they, "its destruction will become difficult to authority, which cannot break it up without the entire disorganization of the whole state." They presume, that, if this authority should ever come to the same degree of power that they have acquired, it would make a more moderate and chastised use of it, and would piously tremble entirely to disorganize the state in the savage manner that they have done. They expect from the virtues of returning despotism the security which is to be enjoyed by the offspring of their popular vices.

I wish, Sir, that you and my readers would give an attentive perusal to the work of M. de Calonne on this subject. It is, indeed, not only an eloquent, but an able and instructive performance. I confine myself to what he says relative to the Constitution of the new state, and to the condition of the revenue. As to the disputes of this minister with his rivals, I do not wish to pronounce upon them. As little do I mean to hazard any opinion concerning his ways and means, financial or political, for taking his country out of its present disgraceful and deplorable situation of servitude, anarchy, bankruptcy, and beggary. I cannot speculate quite so sanguinely as he does: but he is a Frenchman, and has a closer duty relative to those objects, and better means of judging of them, than I can have. I wish that the formal avowal which he refers to, made by one of the principal leaders in the Assembly, concerning the tendency of their scheme to bring France not only from a monarchy to a republic, but from a republic to a mere confederacy, may be very particularly attended to. It adds new force to my observations: and, indeed, M. de Calonne's work supplies my deficiencies by many new and striking arguments on most of the subjects of this letter.

It is this resolution to break their country into separate republics which has driven them into the greatest number of their difficulties and contradictions. If it were not for this, all the questions of exact equality, and these balances, never to be settled, of individual rights, population, and contribution, would be wholly useless. The representation, though derived from parts, would be a duty which equally regarded the whole. Each deputy to the Assembly would be the representative of France, and of all its descriptions, of the many and of the few, of the rich and of the poor, of the great districts and of the small. All these districts would themselves be subordinate to some standing authority, existing independently of them, — an authority in which their representation, and everything that belongs to it, originated, and to which it was pointed. This standing, unalterable, fundamental government would make, and it is the only thing which could make, that territory truly and properly a whole. With us, when we elect popular representatives, we send them to a council in which each man individually is a subject, and submitted to a government complete in all its ordinary functions. With you the elective Assembly is the sovereign, and the sole sovereign; all the members are therefore integral parts of this sole sovereignty. But with us it is totally different. With us the representative, separated from the other parts, can have no action and no existence. The government is the point of reference of the several members and districts of our representation. This is the centre of our unity. This government of reference is a trustee for the *whole*, and not for the parts. So is the other branch of our public council: I mean the House of Lords. With us the King and the Lords are several and joint securities for the equality of each district, each province, each city. When did you hear in Great Britain of any province suffering from the inequality of its representation? what district from having no representation at all? Not only our

monarchy and our peerage secure the equality on which our unity depends, but it is the spirit of the House of Commons itself. The very inequality of representation, which is so foolishly complained of, is perhaps the very thing which prevents us from thinking or acting as members for districts. Cornwall elects as many members as all Scotland. But is Cornwall better taken care of than Scotland? Few trouble their heads about any of your bases, out of some giddy clubs. Most of those who wish for any change, upon any plausible grounds, desire it on different ideas.

Your new Constitution is the very reverse of ours in its principle; and I am astonished how any persons could dream of holding out anything done in it as an example for Great Britain. With you there is little, or rather no, connection between the last representative and the first constituent. The member who goes to the National Assembly is not chosen by the people, nor accountable to them. There are three elections before he is chosen; two sets of magistracy intervene between him and the primary assembly, so as to render him, as I have said, an ambassador of a state, and not the representative of the people within a state. By this the whole spirit of the election is changed; nor can any corrective your Constitution-mongers have devised render him anything else than what he is. The very attempt to do it would inevitably introduce a confusion, if possible, more horrid than the present. There is no way to make a connection between the original constituent and the representative, but by the circuitous means which may lead the candidate to apply in the first instance to the primary electors, in order that by their authoritative instructions (and something more perhaps) these primary electors may force the two succeeding bodies of electors to make a choice agreeable to their wishes. But this would plainly subvert the whole scheme. It would be to plunge them back into that tumult and confusion of popular election, which, by their interposed gradation of elections, they mean to avoid, and at length to risk the whole fortune of the state with those who have the least knowledge of it and the least interest in it. This is a perpetual dilemma, into which they are thrown by the vicious, weak, and contradictory principles they have chosen. Unless the people break up and level this gradation, it is plain that they do not at all substantially elect to the Assembly; indeed, they elect as little in appearance as reality.

What is it we all seek for in an election? To answer its real purposes, you must first possess the means of knowing the fitness of your man; and then you must retain some hold upon him by personal obligation or dependence. For what end are these primary electors complimented, or rather mocked, with a choice? They can never know anything of the qualities of him that is to serve them, nor has he any obligation whatsoever to them. Of all the powers unfit to be delegated by those who have any real means of judging, that most peculiarly unfit is what relates to a *personal* choice. In case of abuse, that body of primary electors never can call the representative to an account for his conduct. He is too far removed from them in the chain of representation. If he acts improperly at the end of his two years' lease, it

does not concern him for two years more. By the new French Constitution the best and the wisest representatives go equally with the worst into this *Limbus Patrum*. Their bottoms are supposed foul, and they must go into dock to be refitted. Every man who has served in an Assembly is ineligible for two years after. Just as these magistrates begin to learn their trade, like chimney-sweepers, they are disqualified for exercising it. Superficial, new, petulant acquisition, and interrupted, dronish, broken, ill recollection, is to be the destined character of all your future governors. Your Constitution has too much of jealousy to have much of sense in it. You consider the breach of trust in the representative so principally that you do not at all regard the question of his fitness to execute it.

This purgatory interval is not unfavorable to a faithless representative, who may be as good a canvasser as he was a bad governor. In this time he may cabal himself into a superiority over the wisest and most virtuous. As, in the end, all the members of this elective Constitution are equally fugitive, and exist only for the election, they may be no longer the same persons who had chosen him, to whom he is to be responsible when he solicits for a renewal of his trust. To call all the secondary electors of the *commune* to account is ridiculous, impracticable, and unjust: they may themselves have been deceived in their choice, as the third set of electors, those of the *department*, may be in theirs. In your elections responsibility cannot exist.

Finding no sort of principle of coherence with each other in the nature and constitution of the several new republics of France, I considered what cement the legislators had provided for them from any extraneous materials. Their confederations, their *spectacles*, their civic feasts, and their enthusiasm I take no notice of; they are nothing but mere tricks; but tracing their policy through their actions, I think I can distinguish the arrangements by which they propose to hold these republics together. The first is the *confiscation*, with the compulsory paper currency annexed to it; the second is the supreme power of the city of Paris; the third is the general army of the state. Of this last I shall reserve what I have to say, until I come to consider the army as an head by itself.

As to the operation of the first (the confiscation and paper currency) merely as a cement, I cannot deny that these, the one depending on the other, may for some time compose some sort of cement, if their madness and folly in the management, and in the tempering of the parts together, does not produce a repulsion in the very outset. But allowing to the scheme some coherence and some duration, it appears to me, that, if, after a while, the confiscation should not be found sufficient to support the paper coinage, (as I am morally certain it will not,) then, instead of cementing, it will add infinitely to the dissociation, distraction, and confusion of these confederate republics, both with relation to each other and to the several parts within themselves. But if the confiscation should so far succeed as to sink the paper currency, the cement is gone with the circulation. In the mean time its binding force

will be very uncertain, and it will straiten or relax with every variation in the credit of the paper.

One thing only is certain in this scheme, which is an effect seemingly collateral, but direct, I have no doubt, in the minds of those who conduct this business; that is, its effect in producing an *oligarchy* in every one of the republics. A paper circulation, not founded on any real money deposited or engaged for, amounting already to four-and-forty millions of English money, and this currency by force substituted in the place of the coin of the kingdom, becoming thereby the substance of its revenue, as well as the medium of all its commercial and civil intercourse, must put the whole of what power, authority, and influence is left, in any form whatsoever it may assume, into the hands of the managers and conductors of this circulation.

In England we feel the influence of the Bank, though it is only the centre of a voluntary dealing. He knows little, indeed, of the influence of money upon mankind, who does not see the force of the management of a moneyed concern which is so much more extensive, and in its nature so much more depending on the managers, than any of ours. But this is not merely a money concern. There is another member in the system inseparably connected with this money management. It consists in the means of drawing out at discretion portions of the confiscated lands for sale, and carrying on a process of continual transmutation of paper into land and land into paper. When we follow this process in its effects, we may conceive something of the intensity of the force with which this system must operate. By this means the spirit of money-jobbing and speculation goes into the mass of land itself, and incorporates with it. By this kind of operation, that species of property becomes, as it were, volatilized; it assumes an unnatural and monstrous activity, and thereby throws into the hands of the several managers, principal and subordinate, Parisian and provincial, all the representative of money, and perhaps a full tenth part of all the land in France, which has now acquired the worst and most pernicious part of the evil of a paper circulation, the greatest possible uncertainty in its value. They have reversed the Latonian kindness to the landed property of Delos. They have sent theirs to be blown about, like the light fragments of a wreck, *oras et littora circum*.

The new dealers, being all habitually adventurers, and without any fixed habits or local predilections, will purchase to job out again, as the market of paper or of money or of land shall present an advantage. For though a holy bishop thinks that agriculture will derive great advantages from the “*enlightened*” usurers who are to purchase the Church confiscations, I, who am not a good, but an old farmer, with great humility beg leave to tell his late Lordship that usury is not a tutor of agriculture; and if the word “*enlightened*” be understood according to the new dictionary, as it always is in your new schools, I cannot conceive how a man’s not believing in God can teach him to cultivate the earth with the least of any additional

skill or encouragement. “*Diis immortalibus sero*,” said an old Roman, when he held one handle of the plough, whilst Death held the other. Though you were to join in the commission all the directors of the two Academies to the directors of the *Caisse d’Escompte*, an old experienced peasant is worth them all. I have got more information upon a curious and interesting branch of husbandry, in one short conversation with an old Carthusian monk, than I have derived from all the bank directors that I have ever conversed with. However, there is no cause for apprehension from the meddling of money-dealers with rural economy. These gentlemen are too wise in their generation. At first, perhaps, their tender and susceptible imaginations may be captivated with the innocent and unprofitable delights of a pastoral life; but in a little time they will find that agriculture is a trade much more laborious and much less lucrative than that which they had left. After making its panegyric, they will turn their backs on it, like their great precursor and prototype. They may, like him, begin by singing, “*Beatus ille*” — but what will be the end?

Hæc ubi locutus fœnerator Alphius,
Jam jam futurus rusticus,
Omnem relegit Idibus pecuniam,
Quærit Calendis ponere.

They will cultivate the *Caisse d’Église*, under the sacred auspices of this prelate, with much more profit than its vineyards and its corn-fields. They will employ their talents according to their habits and their interests. They will not follow the plough, whilst they can direct treasuries and govern provinces.

Your legislators, in everything new, are the very first who have founded a commonwealth upon gaming, and infused this spirit into it as its vital breath. The great object in these politics is to metamorphose France from a great kingdom into one great play-table, — to turn its inhabitants into a nation of gamblers, — to make speculation as extensive as life, — to mix it with all its concerns, — and to divert the whole of the hopes and fears of the people from their usual channels into the impulses, passions, and superstitions of those who live on chances. They loudly proclaim their opinion, that this their present system of a republic cannot possibly exist without this kind of gaming fund, and that the very thread of its life is spun out of the staple of these speculations. The old gaming in funds was mischievous enough, undoubtedly; but it was so only to individuals. Even when it had its greatest extent, in the Mississippi and South Sea, it affected but few, comparatively; where it extends further, as in lotteries, the spirit has but a single object. But where the law, which in most circumstances forbids, and in none countenances gaming, is itself debauched, so as to reverse its nature and policy, and expressly to force the subject to this destructive table, by bringing the spirit and symbols of gaming into the

minutest matters, and engaging everybody in it, and in everything, a more dreadful epidemic distemper of that kind is spread than yet has appeared in the world. With you a man can neither earn nor buy his dinner without a speculation. What he receives in the morning will not have the same value at night. What he is compelled to take as pay for an old debt will not be received as the same, when he comes to pay a debt contracted by himself; nor will it be the same, when by prompt payment he would avoid contracting any debt at all. Industry must wither away. Economy must be driven from your country. Careful provision will have no existence. Who will labor without knowing the amount of his pay? Who will study to increase what none can estimate? Who will accumulate, when he does not know the value of what he saves? If you abstract it from its uses in gaming, to accumulate your paper wealth would be, not the providence of a man, but the distempered instinct of a jackdaw.

The truly melancholy part of the policy of systematically making a nation of gamblers is this, — that, though all are forced to play, few can understand the game, and fewer still are in a condition to avail themselves of that knowledge. The many must be the dupes of the few who conduct the machine of these speculations. What effect it must have on the country-people is visible. The townsman can calculate from day to day; not so the inhabitant of the country. When the peasant first brings his corn to market, the magistrate in the towns obliges him to take the assignat at par; when he goes to the shop with this money, he finds it seven per cent the worse for crossing the way. This market he will not readily resort to again. The towns-people will be inflamed; they will force the country-people to bring their corn. Resistance will begin, and the murders of Paris and St. Denis may be renewed through all France.

What signifies the empty compliment paid to the country, by giving it, perhaps, more than its share in the theory of your representation? Where have you placed the real power over moneyed and landed circulation? Where have you placed the means of raising and falling the value of every man's freehold? Those whose operations can take from or add ten per cent to the possessions of every man in France must be the masters of every man in France. The whole of the power obtained by this Revolution will settle in the towns among the burghers, and the moneyed directors who lead them. The landed gentleman, the yeoman, and the peasant have, none of them, habits or inclinations or experience which can lead them to any share in this the sole source of power and influence now left in France. The very nature of a country life, the very nature of landed property, in all the occupations and all the pleasures they afford, render combination and arrangement (the sole way of procuring and exerting influence) in a manner impossible amongst country-people. Combine them by all the art you can, and all the industry, they are always dissolving into individuality. Anything in the nature of incorporation is almost impracticable amongst them. Hope, fear, alarm, jealousy, the ephemeral tale that does its

business and dies in a day, all these things, which are the reins and spurs by which leaders check or urge the minds of followers, are not easily employed, or hardly at all, amongst scattered people. They assemble, they arm, they act, with the utmost difficulty, and at the greatest charge. Their efforts, if ever they can be commenced, cannot be sustained. They cannot proceed systematically. If the country-gentlemen attempt an influence through the mere income of their property, what is it to that of those who have ten times their income to sell, and who can ruin their property by bringing their plunder to meet it at market? If the landed man wishes to mortgage, he falls the value of his land and raises the value of assignats. He augments the power of his enemy by the very means he must take to contend with him. The country-gentleman, therefore, the officer by sea and land, the man of liberal views and habits, attached to no profession, will be as completely excluded from the government of his country as if he were legislatively proscribed. It is obvious, that, in the towns, all the things which conspire against the country-gentleman combine in favor of the money manager and director. In towns combination is natural. The habits of burghers, their occupations, their diversion, their business, their idleness, continually bring them into mutual contact. Their virtues and their vices are sociable; they are always in garrison; and they come embodied and half-disciplined into the hands of those who mean to form them for civil or military action.

All these considerations leave no doubt on my mind, that, if this monster of a Constitution can continue, France will be wholly governed by the agitators in corporations, by societies in the towns, formed of directors in assignats, and trustees for the sale of Church lands, attorneys, agents, money-jobbers, speculators, and adventurers, composing an ignoble oligarchy, founded on the destruction of the crown, the Church, the nobility, and the people. Here end all the deceitful dreams and visions of the equality and rights of men. In “the Serbonian bog” of this base oligarchy they are all absorbed, sunk, and lost forever.

Though human eyes cannot trace them, one would be tempted to think some great offences in France must cry to Heaven, which has thought fit to punish it with a subjection to a vile and inglorious domination, in which no comfort or compensation is to be found in any even of those false splendors which, playing about other tyrannies, prevent mankind from feeling themselves dishonored even whilst they are oppressed. I must confess I am touched with a sorrow mixed with some indignation, at the conduct of a few men, once of great rank, and still of great character, who, deluded with specious names, have engaged in a business too deep for the line of their understanding to fathom, — who have lent their fair reputation and the authority of their high-sounding names to the designs of men with whom they could not be acquainted, and have thereby made their very virtues operate to the ruin of their country.

So far as to the first cementing principle.

The second material of cement for their new republic is the superiority of the city of Paris; and this, I admit, is strongly connected with the other cementing principle of paper circulation and confiscation. It is in this part of the project we must look for the cause of the destruction of all the old bounds of provinces and jurisdictions, ecclesiastical and secular, and the dissolution of all ancient combinations of things, as well as the formation of so many small unconnected republics. The power of the city of Paris is evidently one great spring of all their politics. It is through the power of Paris, now become the centre and focus of jobbing, that the leaders of this faction direct, or rather command, the whole legislative and the whole executive government. Everything, therefore, must be done which can confirm the authority of that city over the other republics. Paris is compact; she has an enormous strength, wholly disproportioned to the force of any of the square republics; and this strength is collected and condensed within a narrow compass. Paris has a natural and easy connection of its parts, which will not be affected by any scheme of a geometrical constitution; nor does it much signify whether its proportion of representation be more or less, since it has the whole draught of fishes in its dragnet. The other divisions of the kingdom, being hackled and torn to pieces, and separated from all their habitual means and even principles of union, cannot, for some time at least, confederate against her. Nothing was to be left in all the subordinate members, but weakness, disconnection, and confusion. To confirm this part of the plan, the Assembly has lately come to a resolution that no two of their republics shall have the same commander-in-chief.

To a person who takes a view of the whole, the strength of Paris, thus formed, will appear a system of general weakness. It is boasted that the geometrical policy has been adopted, that all local ideas should be sunk, and that the people should be no longer Gascons, Picards, Bretons, Normans, — but Frenchmen, with one country, one heart, and one Assembly. But, instead of being all Frenchmen, the greater likelihood is that the inhabitants of that region will shortly have no country. No man ever was attached by a sense of pride, partiality, or real affection, to a description of square measurement. He never will glory in belonging to the chequer No. 71, or to any other badge-ticket. We begin our public affections in our families. No cold relation is a zealous citizen. We pass on to our neighborhoods, and our habitual provincial connections. These are inns and resting-places. Such divisions of our country as have been formed by habit, and not by a sudden jerk of authority, were so many little images of the great country, in which the heart found something which it could fill. The love to the whole is not extinguished by this subordinate partiality. Perhaps it is a sort of elemental training to those higher and more large regards by which alone men come to be affected, as with their own concern, in the prosperity of a kingdom so extensive as that of France. In that general territory itself, as in the old name of Provinces, the citizens are interested from old prejudices and unreasoned habits, and not on account of the geometric properties of

its figure. The power and preëminence of Paris does certainly press down and hold these republics together as long as it lasts: but, for the reasons I have already given you, I think it can not last very long.

Passing from the civil creating and the civil cementing principles of this Constitution to the National Assembly, which is to appear and act as sovereign, we see a body in its constitution with every possible power and no possible external control. We see a body without fundamental laws, without established maxims, without respected rules of proceeding, which nothing can keep firm to any system whatsoever. Their idea of their powers is always taken at the utmost stretch of legislative competency, and their examples for common cases from the exceptions of the most urgent necessity. The future is to be in most respects like the present Assembly; but, by the mode of the new elections and the tendency of the new circulations, it will be purged of the small degree of internal control existing in a minority chosen originally from various interests, and preserving something of their spirit. If possible, the next Assembly must be worse than the present. The present, by destroying and altering everything, will leave to their successors apparently nothing popular to do. They will be roused by emulation and example to enterprises the boldest and the most absurd. To suppose such an Assembly sitting in perfect quietude is ridiculous.

Your all-sufficient legislators, in their hurry to do everything at once, have forgot one thing that seems essential, and which, I believe, never has been before, in the theory or the practice, omitted by any projector of a republic. They have forgot to constitute a *senate*, or something of that nature and character. Never, before this time, was heard of a body politic composed of one legislative and active assembly, and its executive officers, without such a council: without something to which foreign states might connect themselves, — something to which, in the ordinary detail of government, the people could look up, — something which might give a bias and steadiness, and preserve something like consistency in the proceedings of state. Such a body kings generally have as a council. A monarchy may exist without it; but it seems to be in the very essence of a republican government. It holds a sort of middle place between the supreme power exercised by the people, or immediately delegated from them, and the mere executive. Of this there are no traces in your Constitution; and in providing nothing of this kind, your Solons and Numas have, as much as in anything else, discovered a sovereign incapacity.

Let us now turn our eyes to what they have done towards the formation of an executive power. For this they have chosen a degraded king. This their first executive officer is to be a machine, without any sort of deliberative discretion in any one act of his function. At best, he is but a channel to convey to the National Assembly such matter as may import that body to know. If he had been made the exclusive channel, the power would not have been without its importance, though infinitely perilous to those who would choose to exercise it. But public intelligence

and statement of facts may pass to the Assembly with equal authenticity through any other conveyance. As to the means, therefore, of giving a direction to measures by the statement of an authorized reporter, this office of intelligence is as nothing.

To consider the French scheme of an executive officer, in its two natural divisions of civil and political. — In the first it must be observed, that, according to the new Constitution, the higher parts of judicature, in either of its lines, are not in the king. The king of France is not the fountain of justice. The judges, neither the original nor the appellate, are of his nomination. He neither proposes the candidates nor has a negative on the choice. He is not even the public prosecutor. He serves only as a notary, to authenticate the choice made of the judges in the several districts. By his officers he is to execute their sentence. When we look into the true nature of his authority, he appears to be nothing more than a chief of bumbailiffs, sergeants-at-mace, catchpoles, jailers, and hangmen. It is impossible to place anything called royalty in a more degrading point of view. A thousand times better it had been for the dignity of this unhappy prince, that he had nothing at all to do with the administration of justice, deprived as he is of all that is venerable and all that is consolatory in that function, without power of originating any process, without a power of suspension, mitigation, or pardon. Everything in justice that is vile and odious is thrown upon him. It was not for nothing that the Assembly has been at such pains to remove the stigma from certain offices, when they were resolved to place the person who had lately been their king in a situation but one degree above the executioner, and in an office nearly of the same quality. It is not in Nature, that, situated as the king of the French now is, he can respect himself or can be respected by others.

View this new executive officer on the side of his political capacity, as he acts under the orders of the National Assembly. To execute laws is a royal office; to execute orders is not to be a king. However, a political executive magistracy, though merely such, is a great trust. It is a trust, indeed, that has much depending upon its faithful and diligent performance, both in the person presiding in it and in all its subordinates. Means of performing this duty ought to be given by regulation; and dispositions towards it ought to be infused by the circumstances attendant on the trust. It ought to be environed with dignity, authority, and consideration, and it ought to lead to glory. The office of execution is an office of exertion. It is not from impotence we are to expect the tasks of power. What sort of person is a king to command executory service, who has no means whatsoever to reward it: — not in a permanent office; not in a grant of land; no, not in a pension of fifty pounds a year; not in the vainest and most trivial title? In France the king is no more the fountain of honor than he is the fountain of justice. All rewards, all distinctions, are in other hands. Those who serve the king can be actuated by no natural motive but fear, — by a fear of everything except their master. His functions of internal coercion are as odious as those which he exercises in the department of justice. If relief is to be

given to any municipality, the Assembly gives it. If troops are to be sent to reduce them to obedience to the Assembly, the king is to execute the order; and upon every occasion he is to be spattered over with the blood of his people. He has no negative; yet his name and authority is used to enforce every harsh decree. Nay, he must concur in the butchery of those who shall attempt to free him from his imprisonment, or show the slightest attachment to his person or to his ancient authority.

Executive magistracy ought to be constituted in such a manner that those who compose it should be disposed to love and to venerate those whom they are bound to obey. A purposed neglect, or, what is worse, a literal, but perverse and malignant obedience, must be the ruin of the wisest counsels. In vain will the law attempt to anticipate or to follow such studied neglects and fraudulent attentions. To make them act zealously is not in the competence of law. Kings, even such as are truly kings, may and ought to bear the freedom of subjects that are obnoxious to them. They may, too, without derogating from themselves, bear even the authority of such persons, if it promotes their service. Louis the Thirteenth mortally hated the Cardinal de Richelieu; but his support of that minister against his rivals was the source of all the glory of his reign, and the solid foundation of his throne itself. Louis the Fourteenth, when come to the throne, did not love the Cardinal Mazarin; but for his interests he preserved him in power. When old, he detested Louvois; but for years, whilst he faithfully served his greatness, he endured his person. When George the Second took Mr. Pitt, who certainly was not agreeable to him, into his councils, he did nothing which could humble a wise sovereign. But these ministers, who were chosen by affairs, not by affections, acted in the name of and in trust for kings, and not as their avowed constitutional and ostensible masters. I think it impossible that any king, when he has recovered his first terrors, can cordially infuse vivacity and vigor into measures which he knows to be dictated by those who, he must be persuaded, are in the highest degree ill affected to his person. Will any ministers, who serve such a king (or whatever he may be called) with but a decent appearance of respect, cordially obey the orders of those whom but the other day in his name they had committed to the Bastile? will they obey the orders of those whom, whilst they were exercising despotic justice upon them, they conceived they were treating with lenity, and for whom in a prison they thought they had provided an asylum? If you expect such obedience, amongst your other innovations and regenerations, you ought to make a revolution in Nature, and provide a new constitution, for the human mind: otherwise your supreme government cannot harmonize with its executory system. There are cases in which we cannot take up with names and abstractions. You may call half a dozen leading individuals, whom we have reason to fear and hate, the nation. It makes no other difference than to make us fear and hate them the more. If it had been thought justifiable and expedient to make such a revolution by such means and through such persons as you

have made yours, it would have been more wise to have completed the business of the fifth and sixth of October. The new executive officer would then owe his situation to those who are his creators as well as his masters; and he might be bound in interest, in the society of crime, and (if in crimes there could be virtues) in gratitude, to serve those who had promoted him to a place of great lucre and great sensual indulgence, — and of something more: for more he must have received from those who certainly would not have limited an aggrandized creature as they have done a submitting antagonist.

A king circumstanced as the present, if he is totally stupefied by his misfortunes, so as to think it not the necessity, but the premium and privilege of life, to eat and sleep, without any regard to glory, can never be fit for the office. If he feels as men commonly feel, he must be sensible that an office so circumstanced is one in which he can obtain no fame or reputation. He has no generous interest that can excite him to action. At best, his conduct will be passive and defensive. To inferior people such an office might be matter of honor. But to be raised to it and to descend to it are different things, and suggest different sentiments. Does he *really* name the ministers? They will have a sympathy with him. Are they forced upon him? The whole business between them and the nominal king will be mutual counteraction. In all other countries the office of ministers of state is of the highest dignity. In France it is full of peril, and incapable of glory. Rivals, however, they will have in their nothingness, whilst shallow ambition exists in the world, or the desire of a miserable salary is an incentive to short-sighted avarice. Those competitors of the ministers are enabled by your Constitution to attack them in their vital parts, whilst they have not the means of repelling their charges in any other than the degrading character of culprits. The ministers of state in France are the only persons in that country who are incapable of a share in the national councils. What ministers! What councils! What a nation! — But they are responsible. It is a poor service that is to be had from responsibility. The elevation of mind to be derived from fear will never make a nation glorious. Responsibility prevents crimes. It makes all attempts against the laws dangerous. But for a principle of active and zealous service, none but idiots could think of it. Is the conduct of a war to be trusted to a man who may abhor its principle, — who, in every step he may take to render it successful, confirms the power of those by whom he is oppressed? Will foreign states seriously treat with him who has no prerogative of peace or war, — no, not so much as in a single vote by himself or his ministers, or by any one whom he can possibly influence? A state of contempt is not a state for a prince: better get rid of him at once.

I know it will be said that these humors in the court and executive government will continue only through this generation, and that the king has been brought to declare the dauphin shall be educated in a conformity to his situation. If he is made to conform to his situation, he will have no education at all. His training must be worse even than that of an arbitrary monarch. If he reads, — whether he reads or not, some good or evil genius will tell him his ancestors were kings. Thenceforward his object must be to assert himself and to avenge his parents. This you will say is not his duty. That may be; but it is Nature; and whilst you pique Nature against you, you do unwisely to trust to duty. In this futile scheme of polity, the state nurses in its bosom, for the present, a source of weakness, perplexity, counteraction, inefficiency, and decay; and it prepares the means of its final ruin. In short, I see nothing in the executive force (I cannot call it authority) that has even an appearance of vigor, or that has the smallest degree of just correspondence or

symmetry or amicable relation with the supreme power, either as it now exists, or as it is planned for the future government.

You have settled, by an economy as perverted as the policy, two establishments of government, — one real, one fictitious: both maintained at a vast expense; but the fictitious at, I think, the greatest. Such a machine as the latter is not worth the grease of its wheels. The expense is exorbitant; and neither the show nor the use deserve the tenth part of the charge. — Oh! but I don't do justice to the talents of the legislators: I don't allow, as I ought to do, for necessity. Their scheme of executive force was not their choice. This pageant must be kept. The people would not consent to part with it. — Right: I understand you. You do, in spite of your grand theories, to which you would have heaven and earth to bend, you do know how to conform yourselves to the nature and circumstances of things. But when you were obliged to conform thus far to circumstances, you ought to have carried your submission farther, and to have made, what you were obliged to take, a proper instrument, and useful to its end. That was in your power. For instance, among many others, it was in your power to leave to your king the right of peace and war. — What! to leave to the executive magistrate the most dangerous of all prerogatives? — I know none more dangerous; nor any one more necessary to be so trusted. I do not say that this prerogative ought to be trusted to your king, unless he enjoyed other auxiliary trusts along with it, which he does not now hold. But, if he did possess them, hazardous as they are undoubtedly, advantages would arise from such a Constitution, more than compensating the risk. There is no other way of keeping the several potentates of Europe from intriguing distinctly and personally with the members of your Assembly, from intermeddling in all your concerns, and fomenting, in the heart of your country, the most pernicious of all factions, — factions in the interest and under the direction of foreign powers. From that worst of evils, thank God, we are still free. Your skill, if you had any, would be well employed to find out indirect correctives and controls upon this perilous trust. If you did not like those which in England we have chosen, your leaders might have exerted their abilities in contriving better. If it were necessary to exemplify the consequences of such an executive government as yours, in the management of great affairs, I should refer you to the late reports of M. de Montmorin to the National Assembly, and all the other proceedings relative to the differences between Great Britain and Spain. It would be treating your understanding with disrespect to point them out to you.

I hear that the persons who are called ministers have signified an intention of resigning their places. I am rather astonished that they have not resigned long since. For the universe I would not have stood in the situation in which they have been for this last twelvemonth. They wished well, I take it for granted, to the Revolution. Let this fact be as it may, they could not, placed as they were upon an eminence, though an eminence of humiliation, but be the first to see collectively, and to feel each in

his own department, the evils which have been produced by that Revolution. In every step which they took, or forbore to take, they must have felt the degraded situation of their country, and their utter incapacity of serving it. They are in a species of subordinate servitude in which no men before them were ever seen. Without confidence from their sovereign on whom they were forced, or from the Assembly who forced them upon him, all the noble functions of their office are executed by committees of the Assembly, without any regard whatsoever to their personal or their official authority. They are to execute, without power; they are to be responsible, without discretion; they are to deliberate, without choice. In their puzzled situation, under two sovereigns, over neither of whom they have any influence, they must act in such a manner as (in effect, whatever they may intend) sometimes to betray the one, sometimes the other, and always to betray themselves. Such has been their situation; such must be the situation of those who succeed them. I have much respect, and many good wishes, for M. Necker. I am obliged to him for attentions. I thought, when his enemies had driven him from Versailles, that his exile was a subject of most serious congratulation. *Sed multæ urbes et publica vota vicerunt.* He is now sitting on the ruins of the finances and of the monarchy of France.

A great deal more might be observed on the strange constitution of the executory part of the new government; but fatigue must give bounds to the discussion of subjects which in themselves have hardly any limits.

As little genius and talent am I able to perceive in the plan of judicature formed by the National Assembly. According to their invariable course, the framers of your Constitution have begun with the utter abolition of the parliaments. These venerable bodies, like the rest of the old government, stood in need of reform, even though there should be no change made in the monarchy. They required several more alterations to adapt them to the system of a free Constitution. But they had particulars in their constitution, and those not a few, which deserved approbation from the wise. They possessed one fundamental excellence: they were independent. The most doubtful circumstance attendant on their office, that of its being vendible, contributed, however, to this independency of character. They held for life. Indeed, they may be said to have held by inheritance. Appointed by the monarch, they were considered as nearly out of his power. The most determined exertions of that authority against them only showed their radical independence. They composed permanent bodies politic, constituted to resist arbitrary innovation; and from that corporate constitution, and from most of their forms, they were well calculated to afford both certainty and stability to the laws. They had been a safe asylum to secure these laws, in all the revolutions of humor and opinion. They had saved that sacred deposit of the country during the reigns of arbitrary princes and the struggles of arbitrary factions. They kept alive the memory and record of the Constitution. They were the great security to private property; which might be said (when

personal liberty had no existence) to be, in fact, as well guarded in France as in any other country. Whatever is supreme in a state ought to have, as much as possible, its judicial authority so constituted as not only not to depend upon it, but in some sort to balance it. It ought to give a security to its justice against its power. It ought to make its judicature, as it were, something exterior to the state.

Those parliaments had furnished, not the best certainly, but some considerable corrective to the excesses and vices of the monarchy. Such an independent judicature was ten times more necessary when a democracy became the absolute power of the country. In that Constitution, elective, temporary, local judges, such as you have contrived, exercising their dependent functions in a narrow society, must be the worst of all tribunals. In them it will be vain to look for any appearance of justice towards strangers, towards the obnoxious rich, towards the minority of routed parties, towards all those who in the election have supported unsuccessful candidates. It will be impossible to keep the new tribunals clear of the worst spirit of faction. All contrivances by ballot we know experimentally to be vain and childish to prevent a discovery of inclinations. Where they may the best answer the purposes of concealment, they answer to produce suspicion, and this is a still more mischievous cause of partiality.

If the parliaments had been preserved, instead of being dissolved at so ruinous a change to the nation, they might have served in this new commonwealth, perhaps not precisely the same, (I do not mean an exact parallel,) but near the same purposes as the court and senate of Areopagus did in Athens: that is, as one of the balances and correctives to the evils of a light and unjust democracy. Every one knows that this tribunal was the great stay of that state; every one knows with what care it was upheld, and with what a religious awe it was consecrated. The parliaments were not wholly free from faction, I admit; but this evil was exterior and accidental, and not so much the vice of their constitution itself as it must be in your new contrivance of sexennial elective judicatories. Several English commend the abolition of the old tribunals, as supposing that they determined everything by bribery and corruption. But they have stood the test of monarchic and republican scrutiny. The court was well disposed to prove corruption on those bodies, when they were dissolved in 1771; those who have again dissolved them would have done the same, if they could; but both inquiries having failed, I conclude that gross pecuniary corruption must have been rather rare amongst them.

It would have been prudent, along with the parliaments, to preserve their ancient power of registering, and of remonstrating at least upon, all the decrees of the National Assembly, as they did upon those which passed in the time of the monarchy. It would be a means of squaring the occasional decrees of a democracy to some principles of general jurisprudence. The vice of the ancient democracies, and one cause of their ruin, was, that they ruled, as you do, by occasional decrees, *psephismata*. This practice soon broke in upon the tenor and consistency of the

laws; it abated the respect of the people towards them, and totally destroyed them in the end.

Your vesting the power of remonstrance, which, in the time of the monarchy, existed in the Parliament of Paris, in your principal executive officer, whom, in spite of common sense, you persevere in calling king, is the height of absurdity. You ought never to suffer remonstrance from him who is to execute. This is to understand neither council nor execution, neither authority nor obedience. The person whom you call king ought not to have this power, or he ought to have more.

Your present arrangement is strictly judicial. Instead of imitating your monarchy, and seating your judges on a bench of independence, your object is to reduce them to the most blind obedience. As you have changed all things, you have invented new principles of order. You first appoint judges, who, I suppose, are to determine according to law, and then you let them know, that, at some time or other, you intend to give them some law by which they are to determine. Any studies which they have made (if any they have made) are to be useless to them. But to supply these studies, they are to be sworn to obey all the rules, orders, and instructions which from time to time they are to receive from the National Assembly. These if they submit to, they leave no ground of law to the subject. They become complete and most dangerous instruments in the hands of the governing power, which, in the midst of a cause, or on the prospect of it, may wholly change the rule of decision. If these orders of the National Assembly come to be contrary to the will of the people who locally choose those judges, such confusion must happen as is terrible to think of. For the judges owe their place to the local authority, and the commands they are sworn to obey come from those who have no share in their appointment. In the mean time they have the example of the court of *Châtelet* to encourage and guide them in the exercise of their functions. That court is to try criminals sent to it by the National Assembly, or brought before it by other courses of delation. They sit under a guard to save their own lives. They know not by what law they judge, nor under what authority they act, nor by what tenure they hold. It is thought that they are sometimes obliged to condemn at peril of their lives. This is not perhaps certain, nor can it be ascertained; but when they acquit, we know they have seen the persons whom they discharge, with perfect impunity to the actors, hanged at the door of their court.

The Assembly, indeed, promises that they will form a body of law, which shall be short, simple, clear, and so forth. That is, by their short laws, they will leave much to the discretion of the judge, whilst they have exploded the authority of all the learning which could make judicial discretion (a thing perilous at best) deserving the appellation of a *sound* discretion.

It is curious to observe, that the administrative bodies are carefully exempted from the jurisdiction of these new tribunals. That is, those persons are exempted from the power of the laws who ought to be the most entirely submitted to them.

Those who execute public pecuniary trusts ought of all men to be the most strictly held to their duty. One would have thought that it must have been among your earliest cares, if you did not mean that those administrative bodies should be real, sovereign, independent states, to form an awful tribunal, like your late parliaments, or like our King's Bench, where all corporate officers might obtain protection in the legal exercise of their functions, and would find coercion, if they trespassed against their legal duty. But the cause of the exemption is plain. These administrative bodies are the great instruments of the present leaders in their progress through democracy to oligarchy. They must therefore be put above the law. It will be said that the legal tribunals which you have made are unfit to coerce them. They are, undoubtedly. They are unfit for any rational purpose. It will be said, too, that the administrative bodies will be accountable to the general Assembly. This, I fear, is talking without much consideration of the nature of that Assembly or of these corporations. However, to be subject to the pleasure of that Assembly is not to be subject to law, either for protection or for constraint.

This establishment of judges as yet wants something to its completion. It is to be crowned by a new tribunal. This is to be a grand state judicature; and it is to judge of crimes committed against the nation, that is, against the power of the Assembly. It seems as if they had something in their view of the nature of the high court of justice erected in England during the time of the great usurpation. As they have not yet finished this part of the scheme, it is impossible to form a direct judgment upon it. However, if great care is not taken to form it in a spirit very different from that which has guided them in their proceedings relative to state offences, this tribunal, subservient to their inquisition, *the Committee of Research*, will extinguish the last sparks of liberty in France, and settle the most dreadful and arbitrary tyranny ever known in any nation. If they wish to give to this tribunal any appearance of liberty and justice, they must not evoke from or send to it the causes relative to their own members, at their pleasure. They must also remove the seat of that tribunal out of the republic of Paris.

Has more wisdom been displayed in the constitution of your army than what is discoverable in your plan of judicature? The able arrangement of this part is the more difficult, and requires the greater skill and attention, not only as a great concern in itself, but as it is the third cementing principle in the new body of republics which you call the French nation. Truly, it is not easy to divine what that army may become at last. You have voted a very large one, and on good appointments, at least fully equal to your apparent means of payment. But what is the principle of its discipline? or whom is it to obey? You have got the wolf by the ears, and I wish you joy of the happy position in which you have chosen to place yourselves, and in which you are well circumstanced for a free deliberation relatively to that army, or to anything else.

The minister and secretary of state for the War Department is M. de La Tour du Pin. This gentleman, like his colleagues in administration, is a most zealous assertor of the Revolution, and a sanguine admirer of the new Constitution which originated in that event. His statement of facts relative to the military of France is important, not only from his official and personal authority, but because it displays very clearly the actual condition of the army in France, and because it throws light on the principles upon which the Assembly proceeds in the administration of this critical object. It may enable us to form some judgment how far it may be expedient in this country to imitate the martial policy of France.

M. de La Tour du Pin, on the fourth of last June, comes to give an account of the state of his department, as it exists under the auspices of the National Assembly. No man knows it so well; no man can express it better. Addressing himself to the National Assembly, he says, —

“His Majesty has *this day* sent me to apprise you of the multiplied disorders of which *every day* he receives the most distressing intelligence. The army [*le corps militaire*] threatens to fall into the most turbulent anarchy. Entire regiments have dared to violate at once the respect due to the laws, to the king, to the order established by your decrees, and to the oaths which they have taken with the most awful solemnity. Compelled by my duty to give you information of these excesses, my heart bleeds, when I consider who they are that have committed them. Those against whom it is not in my power to withhold the most grievous complaints are a part of that very soldiery which to this day have been so full of honor and loyalty, and with whom for fifty years I have lived the comrade and the friend.

“What incomprehensible spirit of delirium and delusion has all at once led them astray? Whilst you are indefatigable in establishing uniformity in the empire and moulding the whole into one coherent and consistent body, whilst the French are taught by you at once the respect which the laws owe to the rights of man and that which the citizens owe to the laws, the administration of the army presents nothing but disturbance and confusion. I see in more than one corps the bonds of discipline relaxed or broken, — the most unheard-of pretensions avowed directly and without any disguise, — the ordinances without force, — the chiefs without authority, — the military chest and the colors carried off, — the authority of the king himself [*risum teneatis*] proudly defied, — the officers despised, degraded, threatened, driven away, and some of them prisoners in the midst of their corps, dragging on a precarious life in the bosom of disgust and humiliation. To fill up the measure of all these horrors, the commandants of places have had their throats cut under the eyes and almost in the arms of their own soldiers.

“These evils are great; but they are not the worst consequences which may be produced by such military insurrections. Sooner or later they may menace the nation itself. *The nature of things requires* that the army should never act but as *an instrument*. The moment that, erecting itself into a deliberate body, it shall act

according to its own resolutions, *the government, be it what it may, will immediately degenerate into a military democracy*: a species of political monster which has always ended by devouring those who have produced it.

“After all this, who must not be alarmed at the irregular consultations and turbulent committees formed in some regiments by the common soldiers and non-commissioned officers, without the knowledge, or even in contempt of the authority, of their superiors? — although the presence and concurrence of those superiors could give no authority to such monstrous democratic assemblies [*comices*].”

It is not necessary to add much to this finished picture, — finished as far as its canvas admits, but, as I apprehend, not taking in the whole of the nature and complexity of the disorders of this military democracy, which, the minister at war truly and wisely observes, wherever it exists, must be the true constitution of the state, by whatever formal appellation it may pass. For, though he informs the Assembly that the more considerable part of the army have not cast off their obedience, but are still attached to their duty, yet those travellers who have seen the corps whose conduct is the best rather observe in them the absence of mutiny than the existence of discipline.

I cannot help pausing here for a moment, to reflect upon the expressions of surprise which this minister has let fall relative to the excesses he relates. To him the departure of the troops from their ancient principles of loyalty and honor seems quite inconceivable. Surely those to whom he addresses himself know the causes of it but too well. They know the doctrines which they have preached, the decrees which they have passed, the practices which they have countenanced. The soldiers remember the sixth of October. They recollect the French guards. They have not forgot the taking of the king’s castles in Paris and at Marseilles. That the governors in both places were murdered with impunity is a fact that has not passed out of their minds. They do not abandon the principles, laid down so ostentatiously and laboriously, of the equality of men. They cannot shut their eyes to the degradation of the whole noblesse of France, and the suppression of the very idea of a gentleman. The total abolition of titles and distinctions is not lost upon them. But M. du Pin is astonished at their disloyalty, when the doctors of the Assembly have taught them at the same time the respect due to laws. It is easy to judge which of the two sorts of lessons men with arms in their hands are likely to learn. As to the authority of the king, we may collect from the minister himself (if any argument on that head were not quite superfluous) that it is not of more consideration with these troops than it is with everybody else. “The king,” says he, “has over and over again repeated his orders to put a stop to these excesses; but in so terrible a crisis, *your* [the Assembly’s] concurrence is become indispensably necessary to prevent the evils which menace the state. *You* unite to the force of the legislative power *that of opinion*, still more important.” To be sure, the army can have no opinion of the

power or authority of the king. Perhaps the soldier has by this time learned, that the Assembly itself does not enjoy a much greater degree of liberty than that royal figure.

It is now to be seen what has been proposed in this exigency, one of the greatest that can happen in a state. The minister requests the Assembly to array itself in all its terrors, and to call forth all its majesty. He desires that the grave and severe principles announced by them may give vigor to the king's proclamation. After this we should have looked for courts civil and martial, breaking of some corps, decimating of others, and all the terrible means which necessity has employed in such cases to arrest the progress of the most terrible of all evils; particularly, one might expect that a serious inquiry would be made into the murder of commandants in the view of their soldiers. Not one word of all this, or of anything like it. After they had been told that the soldiery trampled upon the decrees of the Assembly promulgated by the king, the Assembly pass new decrees, and they authorize the king to make new proclamations. After the secretary at war had stated that the regiments had paid no regard to oaths, *prêtés avec la plus imposante solennité*, they propose — what? More oaths. They renew decrees and proclamations as they experience their insufficiency, and they multiply oaths in proportion as they weaken in the minds of men the sanctions of religion. I hope that handy abridgments of the excellent sermons of Voltaire, D'Alembert, Diderot, and Helvétius, on the Immortality of the Soul, on a Particular Superintending Providence, and on a Future State of Rewards and Punishments, are sent down to the soldiers along with their civic oaths. Of this I have no doubt; as I understand that a certain description of reading makes no inconsiderable part of their military exercises, and that they are full as well supplied with the ammunition of pamphlets as of cartridges.

To prevent the mischiefs arising from conspiracies, irregular consultations, seditious committees, and monstrous democratic assemblies [*comitia, comices*] of the soldiers, and all the disorders arising from idleness, luxury, dissipation, and insubordination, I believe the most astonishing means have been used that ever occurred to men, even in all the inventions of this prolific age. It is no less than this: — The king has promulgated in circular letters to all the regiments his direct authority and encouragement, that the several corps should join themselves with the clubs and confederations in the several municipalities, and mix with them in their feasts and civic entertainments! This jolly discipline, it seems, is to soften the ferocity of their minds, to reconcile them to their bottle companions of other descriptions, and to merge particular conspiracies in more general associations. That this remedy would be pleasing to the soldiers, as they are described by M. de La Tour du Pin, I can readily believe, — and that, however mutinous otherwise, they will dutifully submit themselves to *these* royal proclamations. But I should question whether all this civic swearing, clubbing, and feasting would dispose them, more than at present they are disposed, to an obedience to their officers, or teach them

better to submit to the austere rules of military discipline. It will make them admirable citizens after the French mode, but not quite so good soldiers after any mode. A doubt might well arise, whether the conversations at these good tables would fit them a great deal the better for the character of *mere instruments*, which this veteran officer and statesman justly observes the nature of things always requires an army to be.

Concerning the likelihood of this improvement in discipline by the free conversation of the soldiers with the municipal festive societies, which is thus officially encouraged by royal authority and sanction, we may judge by the state of the municipalities themselves, furnished to us by the war minister in this very speech. He conceives good hopes of the success of his endeavors towards restoring order *for the present* from the good disposition of certain regiments; but he finds something cloudy with regard to the future. As to preventing the return of confusion, “for this the administration” (says he) “cannot be answerable to you, as long as they see the municipalities arrogate to themselves an authority over the troops which your institutions have reserved wholly to the monarch. You have fixed the limits of the military authority and the municipal authority. You have bounded the action which you have permitted to the latter over the former to the right of requisition; but never did the letter or the spirit of your decrees authorize the commons in these municipalities to break the officers, to try them, to give orders to the soldiers, to drive them from the posts committed to their guard, to stop them in their marches ordered by the king, or, in a word, to enslave the troops to the caprice of each of the cities or even market-towns through which they are to pass.”

Such is the character and disposition of the municipal society which is to reclaim the soldiery, to bring them back to the true principles of military subordination, and to lender them machines in the hands of the supreme power of the country! Such are the distempers of the French troops! Such is their cure! As the army is, so is the navy. The municipalities supersede the orders of the Assembly, and the seamen in their turn supersede the orders of the municipalities. From my heart I pity the condition of a respectable servant of the public, like this war minister, obliged in his old age to pledge the Assembly in their civic cups, and to enter with a hoary head into all the fantastic vagaries of these juvenile politicians. Such schemes are not like propositions coming from a man of fifty years’ wear and tear amongst mankind. They seem rather such as ought to be expected from those grand compounders in politics who shorten the road to their degrees in the state, and have a certain inward fanatical assurance and illumination upon all subjects, — upon the credit of which, one of their doctors has thought fit, with great applause, and greater success, to caution the Assembly not to attend to old men, or to any persons who value themselves upon their experience. I suppose all the ministers of state must qualify, and take this test, — wholly abjuring the errors and heresies of experience and observation. Every man has his own relish; but I think, if I could not attain to the

wisdom, I would at least preserve something of the stiff and peremptory dignity of age. These gentlemen deal in regeneration: but at any price I should hardly yield my rigid fibres to be regenerated by them, — nor begin, in my grand climacteric, to squall in their new accents, or to stammer, in my second cradle, the elemental sounds of their barbarous metaphysics. *Si isti mihi largiantur ut repuerascam, et in eorum cunis vagiam, valde recusem!*

The imbecility of any part of the puerile and pedantic system which they call a Constitution cannot be laid open without discovering the utter insufficiency and mischief of every other part with which it comes in contact, or that bears any the remotest relation to it. You cannot propose a remedy for the incompetence of the crown, without displaying the debility of the Assembly. You cannot deliberate on the confusion of the army of the state, without disclosing the worse disorders of the armed municipalities. The military lays open the civil, and the civil betrays the military anarchy. I wish everybody carefully to peruse the eloquent speech (such it is) of Mons. de La Tour du Pin. He attributes the salvation of the municipalities to the good behavior of some of the troops. These troops are to preserve the well-disposed part of the municipalities, which is confessed to be the weakest, from the pillage of the worst disposed, which is the strongest. But the municipalities affect a sovereignty, and will command those troops which are necessary for their protection. Indeed, they must command them or court them. The municipalities, by the necessity of their situation, and by the republican powers they have obtained, must, with relation to the military, be the masters, or the servants, or the confederates, or each successively, or they must make a jumble of all together, according to circumstances. What government is there to coerce the army but the municipality, or the municipality but the army? To preserve concord where authority is extinguished, at the hazard of all consequences, the Assembly attempts to cure the distempers by the distempers themselves; and they hope to preserve themselves from a purely military democracy by giving it a debauched interest in the municipal.

If the soldiers once come to mix for any time in the municipal clubs, cabals, and confederacies, an elective attraction will draw them to the lowest and most desperate part. With them will be their habits, affections, and sympathies. The military conspiracies which are to be remedied by civic confederacies, the rebellious municipalities which are to be rendered obedient by furnishing them with the means of seducing the very armies of the state that are to keep them in order, — all these chimeras of a monstrous and portentous policy must aggravate the confusion from which they have arisen. There must be blood. The want of common judgment manifested in the construction of all their descriptions of forces, and in all their kinds of civil and judicial authorities, will make it flow. Disorders may be quieted in one time and in one part. They will break out in others; because the evil is radical and intrinsic. All these schemes of mixing mutinous soldiers with

sedition must weaken still more and more the military connection of soldiers with their officers, as well as add military and mutinous audacity to turbulent artificers and peasants. To secure a real army, the officer should be first and last in the eye of the soldier, — first and last in his attention, observance, and esteem. Officers, it seems, there are to be, whose chief qualification must be temper and patience. They are to manage their troops by electioneering arts. They must bear themselves as candidates, not as commanders. But as by such means power may be occasionally in their hands, the authority by which they are to be nominated becomes of high importance.

What you may do finally does not appear: nor is it of much moment, whilst the strange and contradictory relation between your army and all the parts of your republic, as well as the puzzled relation of those parts to each other and to the whole, remain as they are. You seem to have given the provisional nomination of the officers, in the first instance, to the king, with a reserve of approbation by the National Assembly. Men who have an interest to pursue are extremely sagacious in discovering the true seat of power. They must soon perceive that those who can negative indefinitely in reality appoint. The officers must therefore look to their intrigues in the Assembly as the sole certain road to promotion. Still, however, by your new Constitution, they must begin their solicitation at court. This double negotiation for military rank seems to me a contrivance, as well adapted as if it were studied for no other end, to promote faction in the Assembly itself relative to this vast military patronage, — and then to poison the corps of officers with factions of a nature still more dangerous to the safety of government, upon any bottom on which it can be placed, and destructive in the end to the efficacy of the army itself. Those officers who lose the promotions intended for them by the crown must become of a faction opposite to that of the Assembly which has rejected their claims, and must nourish discontents in the heart of the army against the ruling powers. Those officers, on the other hand, who, by carrying their point through an interest in the Assembly, feel themselves to be at best only second in the good-will of the crown, though first in that of the Assembly, must slight an authority which would not advance and could not retard their promotion. If, to avoid these evils, you will have no other rule for command or promotion than seniority, you will have an army of formality; at the same time it will become more independent and more of a military republic. Not they, but the king is the machine. A king is not to be deposed by halves. If he is not everything in the command of an army, he is nothing. What is the effect of a power placed nominally at the head of the army, who to that army is no object of gratitude or of fear? Such a cipher is not fit for the administration of an object of all things the most delicate, the supreme command of military men. They must be constrained (and their inclinations lead them to what their necessities require) by a real, vigorous, effective, decided, personal authority. The authority of the Assembly itself suffers by passing through such a debilitating channel as they

have chosen. The army will not long look to an Assembly acting through the organ of false show and palpable imposition. They will not seriously yield obedience to a prisoner. They will either despise a pageant, or they will pity a captive king. This relation of your army to the crown will, if I am not greatly mistaken, become a serious dilemma in your politics.

It is besides to be considered, whether an Assembly like yours, even supposing that it was in possession of another sort of organ, through which its orders were to pass, is fit for promoting the obedience and discipline of an army. It is known that armies have hitherto yielded a very precarious and uncertain obedience to any senate or popular authority; and they will least of all yield it to an Assembly which is to have only a continuance of two years. The officers must totally lose the characteristic disposition of military men, if they see with perfect submission and due admiration the dominion of pleaders, — especially when they find that they have a new court to pay to an endless succession of those pleaders, whose military policy, and the genius of whose command, (if they should have any,) must be as uncertain as their duration is transient. In the weakness of one kind of authority, and in the fluctuation of all, the officers of an army will remain for some time mutinous and full of faction, until some popular general, who understands the art of conciliating the soldiery, and who possesses the true spirit of command, shall draw the eyes of all men upon himself. Armies will obey him on his personal account. There is no other way of securing military obedience in this state of things. But the moment in which that event shall happen, the person who really commands the army is your master, — the master (that is little) of your king, the master of your Assembly, the master of your whole republic.

How came the Assembly by their present power over the army? Chiefly, to be sure, by debauching the soldiers from their officers. They have begun by a most terrible operation. They have touched the central point about which the particles that compose armies are at repose. They have destroyed the principle of obedience in the great, essential, critical link between the officer and the soldier, just where the chain of military subordination commences, and on which the whole of that system, depends. The soldier is told he is a citizen, and has the rights of man and citizen. The right of a man, he is told, is, to be his own governor, and to be ruled only by those to whom he delegates that self-government. It is very natural he should think that he ought most of all to have his choice where he is to yield the greatest degree of obedience. He will therefore, in all probability, systematically do what he does at present occasionally: that is, he will exercise at least a negative in the choice of his officers. At present the officers are known at best to be only permissive, and on their good behavior. In fact, there have been many instances in which they have been cashiered by their corps. Here is a second negative on the choice of the king: a negative as effectual, at least, as the other of the Assembly. The soldiers know already that it has been a question, not ill received in the

National Assembly, whether they ought not to have the direct choice of their officers, or some proportion of them. When such matters are in deliberation, it is no extravagant supposition that they will incline to the opinion most favorable to their pretensions. They will not bear to be deemed the army of an imprisoned king, whilst another army in the same country, with whom too they are to feast and confederate, is to be considered as the free army of a free Constitution. They will cast their eyes on the other and more permanent army: I mean the municipal. That corps, they well know, does actually elect its own officers. They may not be able to discern the grounds of distinction on which they are not to elect a Marquis de La Fayette (or what is his new name?) of their own. If this election of a commander-in-chief be a part of the rights of men, why not of theirs? They see elective justices of peace, elective judges, elective curates, elective bishops, elective municipalities, and elective commanders of the Parisian army. Why should they alone be excluded? Are the brave troops of France the only men in that nation who are not the fit judges of military merit, and of the qualifications necessary for a commander-in-chief? Are they paid by the state, and do they therefore lose the rights of men? They are a part of that nation themselves, and contribute to that pay. And is not the king, is not the National Assembly, and are not all who elect the National Assembly, likewise paid? Instead of seeing all these forfeit their rights by their receiving a salary, they perceive that in all these cases a salary is given for the exercise of those rights. All your resolutions, all your proceedings, all your debates, all the works of your doctors in religion and politics, have industriously been put into their hands; and you expect that they will apply to their own case just as much of your doctrines and examples as suits your pleasure.

Everything depends upon the army in such a government as yours; for you have industriously destroyed all the opinions and prejudices, and, as far as in you lay, all the instincts which support government. Therefore the moment any difference arises between your National Assembly and any part of the nation, you must have recourse to force. Nothing else is left to you, — or rather, you have left nothing else to yourselves. You see, by the report of your war minister, that the distribution of the army is in a great measure made with a view of internal coercion. You must rule by an army; and you have infused into that army by which you rule, as well as into the whole body of the nation, principles which after a time must disable you in the use you resolve to make of it. The king is to call out troops to act against his people, when the world has been told, and the assertion is still ringing in our ears, that troops ought not to fire on citizens. The colonies assert to themselves an independent constitution and a free trade. They must be constrained by troops. In what chapter of your code of the rights of men are they able to read that it is a part of the rights of men to have their commerce monopolized and restrained for the benefit of others? As the colonists rise on you, the negroes rise on them. Troops again, — massacre, torture, hanging! These are your rights of men! These are the

fruits of metaphysic declarations wantonly made and shamefully retracted! It was but the other day that the farmers of land in one of your provinces refused to pay some sorts of rents to the lord of the soil. In consequence of this, you decree that the country-people shall pay all rents and dues, except those which as grievances you have abolished; and if they refuse, then you order the king to march troops against them. You lay down metaphysic propositions which infer universal consequences, and then you attempt to limit logic by despotism. The leaders of the present system tell them of their rights, as men, to take fortresses, to murder guards, to seize on kings without the least appearance of authority even from the Assembly, whilst, as the sovereign legislative body, that Assembly was sitting in the name of the nation; and yet these leaders presume to order out the troops which have acted in these very disorders, to coerce those who shall judge on the principles and follow the examples which have been guarantied by their own approbation.

The leaders teach the people to abhor and reject all feodality as the barbarism of tyranny; and they tell them afterwards how much of that barbarous tyranny they are to bear with patience. As they are prodigal of light with regard to grievances, so the people find them sparing in the extreme with regard to redress. They know that not only certain quit-rents and personal duties, which you have permitted them to redeem, (but have furnished no money for the redemption,) are as nothing to those burdens for which you have made no provision at all; they know that almost the whole system of landed property in its origin is feudal, — that it is the distribution of the possessions of the original proprietors made by a barbarous conqueror to his barbarous instruments, — and that the most grievous effects of the conquest axe the land-rents of every kind, as without question they are.

The peasants, in all probability, are the descendants of these ancient proprietors, Romans or Gauls. But if they fail, in any degree, in the titles which they make on the principles of antiquaries and lawyers, they retreat into the citadel of the rights of men. There they find that men are equal; and the earth, the kind and equal mother of all, ought not to be monopolized to foster the pride and luxury of any men, who by nature are no better than themselves, and who, if they do not labor for their bread, are worse. They find, that, by the laws of Nature, the occupant and subduer of the soil is the true proprietor, — that there is no prescription against Nature, — and that the agreements (where any there are) which have been made with the landlords during the time of slavery are only the effect of duress and force, — and that, when the people reëntered into the rights of men, those agreements were made as void as everything else which had been settled under the prevalence of the old feudal and aristocratic tyranny. They will tell you that they see no difference between an idler with a hat and a national cockade and an idler in a cowl or in a rochet. If you ground the title to rents on succession and prescription, they tell you from the speech of M. Camus, published by the National Assembly for their information, that things ill begun cannot avail themselves of prescription, — that

the title of those lords was vicious in its origin, — and that force is at least as bad as fraud. As to the title by succession, they will tell you that the succession of those who have cultivated the soil is the true pedigree of property, and not rotten parchments and silly substitutions, — that the lords have enjoyed their usurpation too long, — and that, if they allow to these lay monks any charitable pension, they ought to be thankful to the bounty of the true proprietor, who is so generous towards a false claimant to his goods.

When the peasants give you back that coin of sophistic reason on which you have set your image and superscription, you cry it down as base money, and tell them you will pay for the future with French guards and dragoons and hussars. You hold up, to chastise them, the second-hand authority of a king, who is only the instrument of destroying, without any power of protecting either the people or his own person. Through him, it seems, you will make yourselves obeyed. They answer, — “You have taught us that there are no gentlemen; and which of your principles teach us to bow to kings whom we have not elected? We know, without your teaching, that lands were given for the support of feudal dignities, feudal titles, and feudal offices. When you took down the cause as a grievance, why should the more grievous effect remain? As there are now no hereditary honors and no distinguished families, why are we taxed to maintain what you tell us ought not to exist? You have sent down our old aristocratic landlords in no other character and with no other title but that of exactors under your authority. Have you endeavored to make these your rent-gatherers respectable to us? No. You have sent them to us with their arms reversed, their shields broken, their impresses defaced, — and so displumed, degraded, and metamorphosed, such unfeathered two-legged things, that we no longer know them. They are strangers to us. They do not even go by the names of our ancient lords. Physically they may be the same men, — though we are not quite sure of that, on your new philosophic doctrines of personal identity. In all other respects they are totally changed. We do not see why we have not as good a right to refuse them their rents as you have to abrogate all their honors, titles, and distinctions. This we have never commissioned you to do; and it is one instance among many, indeed, of your assumption of undelegated power. We see the burghers of Paris, through their clubs, their mobs, and their national guards, directing you at their pleasure, and giving that as law to you, which, under your authority, is transmitted as law to us. Through you, these burghers dispose of the lives and fortunes of us all. Why should not you attend as much to the desires of the laborious husbandman with regard to our rent, by which we are affected in the most serious manner, as you do to the demands of these insolent burghers relative to distinctions and titles of honor, by which neither they nor we are affected at all? But we find you pay more regard to their fancies than to our necessities. Is it among the rights of man to pay tribute to his equals? Before this measure of yours we might have thought we were not perfectly equal; we might have entertained some old,

habitual, unmeaning prepossession in favor of those landlords; but we cannot conceive with what other view than that of destroying all respect to them you could have made the law that degrades them. You have forbidden us to treat them with any of the old formalities of respect; and now you send troops to sabre and to bayonet us into a submission to fear and force which you did not suffer us to yield to the mild authority of opinion.”

The ground of some of these arguments is horrid and ridiculous to all rational ears; but to the politicians of metaphysics, who have opened schools for sophistry, and made establishments for anarchy, it is solid and conclusive. It is obvious, that, on a mere consideration of the right, the leaders in the Assembly would not in the least have scrupled to abrogate the rents along with the titles and family ensigns. It would be only to follow up the principle of their reasonings, and to complete the analogy of their conduct. But they had newly possessed themselves of a great body of landed property by confiscation. They had this commodity at market; and the market would have been wholly destroyed, if they were to permit the husbandmen to riot in the speculations with which they so freely intoxicated themselves. The only security which property enjoys in any one of its descriptions is from the interests of their rapacity with regard to some other. They have left nothing but their own arbitrary pleasure to determine what property is to be protected and what subverted.

Neither have they left any principle by which any of their municipalities can be bound to obedience, — or even conscientiously obliged not to separate from the whole, to become independent, or to connect itself with some other state. The people of Lyons, it seems, have refused lately to pay taxes. Why should they not? What lawful authority is there left to exact them? The king imposed some of them. The old States, methodized by orders, settled the more ancient. They may say to the Assembly,— “Who are you, that are not our kings, nor the States we have elected, nor sit on the principles on which we have elected you? And who are we, that, when we see the *gabelles* which you have ordered to be paid wholly shaken off, when we see the act of disobedience afterwards ratified by yourselves, who are we, that we are not to judge what taxes we ought or ought not to pay, and are not to avail ourselves of the same powers the validity of which you have approved in others?” To this the answer is, “We will send troops.” The last reason of kings is always the first with your Assembly. This military aid may serve for a time, whilst the impression of the increase of pay remains, and the vanity of being umpires in all disputes is flattered. But this weapon will snap short, unfaithful to the hand that employs it. The Assembly keep a school, where, systematically, and with unremitting perseverance, they teach principles and form regulations destructive to all spirit of subordination, civil and military, — and then they expect that they shall hold in obedience an anarchic people by an anarchic army.

The municipal army, which, according to their new policy, is to balance this national army, if considered in itself only, is of a constitution much more simple, and in every respect less exceptionable. It is a mere democratic body, unconnected with the crown or the kingdom, armed and trained and officered at the pleasure of the districts to which the corps severally belong; and the personal service of the individuals who compose, or the fine in lieu of personal service, are directed by the same authority. Nothing is more uniform. If, however, considered in any relation to the crown, to the National Assembly, to the public tribunals, or to the other army, or considered in a view to any coherence or connection between its parts, it seems a monster, and can hardly fail to terminate its perplexed movements in some great national calamity. It is a worse preservative of a general constitution than the systasis of Crete, or the confederation of Poland, or any other ill-devised corrective which has yet been imagined, in the necessities produced by an ill-constructed system of government.

Having concluded my few remarks on the constitution of the supreme power, the executive, the judicature, the military, and on the reciprocal relation of all these establishments, I shall say something of the ability showed by your legislators with regard to the revenue.

In their proceedings relative to this object, if possible, still fewer traces appear of political judgment or financial resource. When the States met, it seemed to be the great object to improve the system of revenue, to enlarge its collection, to cleanse it of oppression and vexation, and to establish it on the most solid footing. Great were the expectations entertained on that head throughout Europe. It was by this grand arrangement that France was to stand or fall; and this became, in my opinion very properly, the test by which the skill and patriotism of those who ruled in that Assembly would be tried. The revenue of the state is the state. In effect, all depends upon it, whether for support or for reformation. The dignity of every occupation wholly depends upon the quantity and the kind of virtue that may be exerted in it. As all great qualities of the mind which operate in public, and are not merely suffering and passive, require force for their display, I had almost said for their unequivocal existence, the revenue, which is the spring of all power, becomes in its administration the sphere of every active virtue. Public virtue, being of a nature magnificent and splendid, instituted for great things, and conversant about great concerns, requires abundant scope and room, and cannot spread and grow under confinement, and in circumstances straitened, narrow, and sordid. Through the revenue alone the body politic can act in its true genius and character; and therefore it will display just as much of its collective virtue, and as much of that virtue which may characterize those who move it, and are, as it were, its life and guiding principle, as it is possessed of a just revenue. For from hence not only magnanimity, and liberality, and beneficence, and fortitude, and providence, and the

tutelary protection of all good arts derive their food, and the growth of their organs, but continence, and self-denial, and labor, and vigilance, and frugality, and whatever else there is in which the mind shows itself above the appetite, are nowhere more in their proper element than in the provision and distribution of the public wealth. It is therefore not without reason that the science of speculative and practical finance, which must take to its aid so many auxiliary branches of knowledge, stands high in the estimation not only of the ordinary sort, but of the wisest and best men; and as this science has grown with the progress of its object, the prosperity and improvement of nations has generally increased with the increase of their revenues; and they will both continue to grow and flourish as long as the balance between what is left to strengthen the efforts of individuals and what is collected for the common efforts of the state bear to each other a due reciprocal proportion, and are kept in a close correspondence and communication. And perhaps it may be owing to the greatness of revenues, and to the urgency of state necessities, that old abuses in the constitution of finances are discovered, and their true nature and rational theory comes to be more perfectly understood; insomuch that a smaller revenue might have been more distressing in one period than a far greater is found to be in another, the proportionate wealth even remaining the same. In this state of things, the French Assembly found something in their revenues to preserve, to secure, and wisely to administer, as well as to abrogate and alter. Though their proud assumption might justify the severest tests, yet, in trying their abilities on their financial proceedings, I would only consider what is the plain, obvious duty of a common finance minister, and try them upon that, and not upon models of ideal perfection.

The objects of a financier are, then, to secure an ample revenue; to impose it with judgment and equality; to employ it economically; and when necessity obliges him to make use of credit, to secure its foundations in that instance, and forever, by the clearness and candor of his proceedings, the exactness of his calculations, and the solidity of his funds. On these heads we may take a short and distinct view of the merits and abilities of those in the National Assembly who have taken to themselves the management of this arduous concern.

Far from any increase of revenue in their hands, I find, by a report of M. Vernier, from the Committee of Finances, of the second of August last, that the amount of the national revenue, as compared with its produce before the Revolution, was diminished by the sum of two hundred millions, or *eight millions sterling*, of the annual income, — considerably more than one third of the whole.

If this be the result of great ability, never surely was ability displayed in a more distinguished manner or with so powerful an effect. No common folly, no vulgar incapacity, no ordinary official negligence, even no official crime, no corruption, no speculation, hardly any direct hostility, which we have seen in the modern world, could in so short a time have made so complete an overthrow of the finances, and,

with them, of the strength of a great kingdom. — *Cedo quâ vestram rempublicam tantam amisistis tam cito?*

The sophisters and declaimers, as soon as the Assembly met, began with decrying the ancient constitution of the revenue in many of its most essential branches, such as the public monopoly of salt. They charged it, as truly as unwisely, with being ill-contrived, oppressive, and partial. This representation they were not satisfied to make use of in speeches preliminary to some plan of reform; they declared it in a solemn resolution or public sentence, as it were judicially passed upon it; and this they dispersed throughout the nation. At the time they passed the decree, with the same gravity they ordered the same absurd, oppressive, and partial tax to be paid, until they could find a revenue to replace it. The consequence was inevitable. The provinces which had been always exempted from this salt monopoly, some of whom were charged with other contributions, perhaps equivalent, were totally disinclined to bear any part of the burden, which by an equal distribution was to redeem the others. As to the Assembly, occupied as it was with the declaration and violation of the rights of men, and with their arrangements for general confusion, it had neither leisure nor capacity to contrive, nor authority to enforce, any plan of any kind relative to the replacing the tax, or equalizing it, or compensating the provinces, or for conducting their minds to any scheme of accommodation with the other districts which were to be relieved. The people of the salt provinces, impatient under taxes damned by the authority which had directed their payment, very soon found their patience exhausted. They thought themselves as skilful in demolishing as the Assembly could be. They relieved themselves by throwing off the whole burden. Animated by this example, each district, or part of a district, judging of its own grievance by its own feeling, and of its remedy by its own opinion, did as it pleased with other taxes.

We are next to see how they have conducted themselves in contriving equal impositions, proportioned to the means of the citizens, and the least likely to lean heavy on the active capital employed in the generation of that private wealth from whence the public fortune must be derived. By suffering the several districts, and several of the individuals in each district, to judge of what part of the old revenue they might withhold, instead of better principles of equality, a new inequality was introduced of the most oppressive kind. Payments were regulated by dispositions. The parts of the kingdom which were the most submissive, the most orderly, or the most affectionate to the commonwealth, bore the whole burden of the state. Nothing turns out to be so oppressive and unjust as a feeble government. To fill up all the deficiencies in the old impositions, and the new deficiencies of every kind which were to be expected, what remained to a state without authority? The National Assembly called for a voluntary benevolence, — for a fourth part of the income of all the citizens, to be estimated on the honor of those who were to pay. They obtained something more than could be rationally calculated, but what was far

indeed from answerable to their real necessities, and much less to their fond expectations. Rational people could have hoped for little from this their tax in the disguise of a benevolence, — tax weak, ineffective, and unequal, — a tax by which luxury, avarice, and selfishness were screened, and the load thrown upon productive capital, upon integrity, generosity, and public spirit, — a tax of regulation upon virtue. At length the mask is thrown off, and they are now trying means (with little success) of exacting their benevolence by force.

This benevolence, the rickety offspring of weakness, was to be supported by another resource, the twin brother of the same prolific imbecility. The patriotic donations were to make good the failure of the patriotic contribution. John Doe was to become security for Richard Roe. By this scheme they took things of much price from the giver, comparatively of small value to the receiver; they ruined several trades; they pillaged the crown of its ornaments, the churches of their plate, and the people of their personal decorations. The invention of those juvenile pretenders to liberty was in reality nothing more than a servile imitation of one of the poorest resources of doting despotism. They took an old, huge, full-bottomed periwig out of the wardrobe of the antiquated frippery of Louis the Fourteenth, to cover the premature baldness of the National Assembly. They produced this old-fashioned formal folly, though it had been so abundantly exposed in the *Memoirs of the Duke de Saint-Simon*, — if to reasonable men it had wanted any arguments to display its mischief and insufficiency. A device of the same kind was tried in my memory by Louis the Fifteenth, but it answered at no time. However, the necessities of ruinous wars were some excuse for desperate projects. The deliberations of calamity are rarely wise. But here was a season for disposition and providence. It was in a time of profound peace, then enjoyed for five years, and promising a much longer continuance, that they had recourse to this desperate trifling. They were sure to lose more reputation by sporting, in their serious situation, with these toys and playthings of finance, which have filled half their journals, than could possibly be compensated by the poor temporary supply which they afforded. It seemed as if those who adopted such projects were wholly ignorant of their circumstances, or wholly unequal to their necessities. Whatever virtue may be in these devices, it is obvious that neither the patriotic gifts nor the patriotic contribution can ever be resorted to again. The resources of public folly are soon exhausted. The whole, indeed, of their scheme of revenue is to make, by any artifice, an appearance of a full reservoir for the hour, whilst at the same time they cut off the springs and living fountains of perennial supply. The account not long since furnished by M. Necker was meant, without question, to be favorable. He gives a flattering view of the means of getting through the year; but he expresses, as it is natural he should, some apprehension for that which was to succeed. On this last prognostic, instead of entering into the grounds of this apprehension, in order, by a proper foresight, to

prevent the prognosticated evil, M. Necker receives a sort of friendly reprimand from the President of the Assembly.

As to their other schemes of taxation, it is impossible to say anything of them with certainty, because they have not yet had their operation; but nobody is so sanguine as to imagine they will fill up any perceptible part of the wide gaping breach which their incapacity has made in their revenues. At present the state of their treasury sinks every day more and more in cash, and swells more and more in fictitious representation. When so little within or without is now found but paper, the representative not of opulence, but of want, the creature not of credit, but of power, they imagine that our flourishing state in England is owing to that bank-paper, and not the bank-paper to the flourishing condition of our commerce, to the solidity of our credit, and to the total exclusion of all idea of power from any part of the transaction. They forget that in England not one shilling of paper money of any description is received but of choice, — that the whole has had its origin in cash actually deposited, — and that it is convertible at pleasure, in an instant, and without the smallest loss, into cash again. Our paper is of value in commerce, because in law it is of none. It is powerful on 'Change, because in Westminster Hall it is impotent. In payment of a debt of twenty shillings a creditor may refuse all the paper of the Bank of England. Nor is there amongst us a single public security, of any quality or nature whatsoever, that is enforced by authority. In fact, it might be easily shown that our paper wealth, instead of lessening the real coin, has a tendency to increase it, — instead of being a substitute for money, it only facilitates its entry, its exit, and its circulation, — that it is the symbol of prosperity, and not the badge of distress. Never was a scarcity of cash and an exuberance of paper a subject of complaint in this nation.

Well! but a lessening of prodigal expenses, and the economy which has been introduced by the virtuous and sapient Assembly, make amends for the losses sustained in the receipt of revenue. In this at least they have fulfilled the duty of a financier. — Have those who say so looked at the expenses of the National Assembly itself? of the municipalities? of the city of Paris? of the increased pay of the two armies? of the new police? of the new judicatures? Have they even carefully compared the present pension-list with the former? These politicians have been cruel, not economical. Comparing the expenses of the former prodigal government and its relation to the then revenues with the expenses of this new system as opposed to the state of its new treasury, I believe the present will be found beyond all comparison more chargeable.

It remains only to consider the proofs of financial ability furnished by the present French managers when they are to raise supplies on credit. Here I am a little at a stand; for credit, properly speaking, they have none. The credit of the ancient government was not, indeed, the best; but they could always, on some terms, command money, not only at home, but from most of the countries of Europe

where a surplus capital was accumulated; and the credit of that government was improving daily. The establishment of a system of liberty would of course be supposed to give it new strength: and so it would actually have done, if a system of liberty had been established. What offers has their government of pretended liberty had from Holland, from Hamburg, from Switzerland, from Genoa, from England, for a dealing in their paper? Why should these nations of commerce and economy enter into any pecuniary dealings with a people who attempt to reverse the very nature of things, — amongst whom they see the debtor prescribing at the point of the bayonet the medium of his solvency to the creditor, discharging one of his engagements with another, turning his very penury into his resource, and paying his interest with his rags?

Their fanatical confidence in the omnipotence of Church plunder has induced these philosophers to overlook all care of the public estate, just as the dream of the philosopher's stone induces dupes, under the more plausible delusion of the hermetic art, to neglect all rational means of improving their fortunes. With these philosophic financiers, this universal medicine made of Church mummy is to cure all the evils of the state. These gentlemen perhaps do not believe a great deal in the miracles of piety; but it cannot be questioned that they have an undoubting faith in the prodigies of sacrilege. Is there a debt which presses them? Issue *assignats*. Are compensations to be made or a maintenance decreed to those whom they have robbed of their freehold in their office or expelled from their profession? *Assignats*. Is a fleet to be fitted out? *Assignats*. If sixteen millions sterling of these *assignats* forced on the people leave the wants of the state as urgent as ever, Issue, says one, thirty millions sterling of *assignats*, — says another, Issue fourscore millions more of *assignats*. The only difference among their financial factions is on the greater or the lesser quantity of *assignats* to be imposed on the public sufferance. They are all professors of *assignats*. Even those whose natural good sense and knowledge of commerce, not obliterated by philosophy, furnish decisive arguments against this delusion, conclude their arguments by proposing the emission of *assignats*. I suppose they must talk of *assignats*, as no other language would be understood. All experience of their inefficacy does not in the least discourage them. Are the old *assignats* depreciated at market? What is the remedy? Issue new *assignats*. — *Mais si maladie opiniatria non vult se garire, quid illi facere? Assignare; postea assignare; ensuite assignare*. The word is a trifle altered. The Latin of your present doctors may be better than that of your old comedy; their wisdom and the variety of their resources are the same. They have not more notes in their song than the cuckoo; though, far from the softness of that harbinger of summer and plenty, their voice is as harsh and as ominous as that of the raven.

Who but the most desperate adventurers in philosophy and finance could at all have thought of destroying the settled revenue of the state, the sole security for the public credit, in the hope of rebuilding it with the materials of confiscated property?

If, however, an excessive zeal for the state should have led a pious and venerable prelate (by anticipation a father of the Church) to pillage his own order, and, for the good of the Church and people, to take upon himself the place of grand financier of confiscation and comptroller-general of sacrilege, he and his coadjutors were, in my opinion, bound to show, by their subsequent conduct, that they knew something of the office they assumed. When they had resolved to appropriate to the *fisc* a certain portion of the landed property of their conquered country, it was their business to render their bank a real fund of credit, — as far as such a bank was capable of becoming so.

To establish a current circulating credit upon any *land-bank*, under any circumstances whatsoever, has hitherto proved difficult at the very least. The attempt has commonly ended in bankruptcy. But when the Assembly were led, through a contempt of moral, to a defiance of economical principles, it might at least have been expected that nothing would be omitted on their part to lessen this difficulty, to prevent any aggravation of this bankruptcy. It might be expected, that, to render your land-bank tolerable, every means would be adopted that could display openness and candor in the statement of the security, everything which could aid the recovery of the demand. To take things in their most favorable point of view, your condition was that of a man of a large landed estate which he wished to dispose of for the discharge of a debt and the supply of certain services. Not being able instantly to sell, you wished to mortgage. What would a man of fair intentions and a commonly clear understanding do in such circumstances? Ought he not first to ascertain the gross value of the estate, the charges of its management and disposition, the incumbrances perpetual and temporary of all kinds that affect it, — then, striking a net surplus, to calculate the just value of the security? When that surplus (the only security to the creditor) had been clearly ascertained, and properly vested in the hands of trustees, then he would indicate the parcels to be sold, and the time and conditions of sale; after this he would admit the public creditor, if he chose it, to subscribe his stock into this new fund, — or he might receive proposals for an *assignat* from those who would advance money to purchase this species of security. This would be to proceed like men of business, methodically and rationally, and on the only principles of public and private credit that have an existence. The dealer would then know exactly what he purchased; and the only doubt which could hang upon his mind would be the dread of the resumption of the spoil, which one day might be made (perhaps with an addition of punishment) from the sacrilegious gripe of those execrable wretches who could become purchasers at the auction of their innocent fellow-citizens.

An open, and exact statement of the clear value of the property, and of the time, the circumstances, and the place of sale, were all necessary, to efface as much as possible the stigma that has hitherto been branded on every kind of land-bank. It became necessary on another principle, — that is, on account of a pledge of faith

previously given on that subject, that their future fidelity in a slippery concern might be established by their adherence to their first engagement. When they had finally determined on a state resource from Church booty, they came, on the fourteenth of April, 1790, to a solemn resolution on the subject, and pledged themselves to their country, “that, in the statement of the public charges for each year, there should be brought to account a sum sufficient for defraying the expenses of the R.C.A. religion, the support of the ministers at the altars, the relief of the poor, the pensions to the ecclesiastics, secular as well as regular, of the one and of the other sex, *in order that the estates and goods which are at the disposal of the nation may be disengaged of all charges, and employed by the representatives, or the legislative body, to the great and most pressing exigencies of the state.*” They further engaged, on the same day, that the sum necessary for the year 1791 should be forthwith determined.

In this resolution they admit it their duty to show distinctly the expense of the above objects, which, by other resolutions, they had before engaged should be first in the order of provision. They admit that they ought to show the estate clear and disengaged of all charges, and that they should show it immediately. Have they done this immediately, or at any time? Have they ever furnished a rent-roll of the immovable estate, or given in an inventory of the movable effects, which they confiscate to their assignats? In what manner they can fulfil their engagements of holding out to public service “an estate disengaged of all charges,” without authenticating the value of the estate or the quantum of the charges, I leave it to their English admirers to explain. Instantly upon this assurance, and previously to any one step towards making it good, they issue, on the credit of so handsome a declaration, sixteen millions sterling of their paper. This was manly. Who, after this masterly stroke, can doubt of their abilities in finance? — But then, before any other emission of these financial *indulgences*, they took care at least to make good their original promise. — If such estimate, either of the value of the estate or the amount of the incumbrances, has been made, it has escaped me. I never heard of it.

At length they have spoken out, and they have made a full discovery of their abominable fraud in holding out the Church lands as a security for any debts or any service whatsoever. They rob only to enable them to cheat; but in a very short time they defeat the ends both of the robbery and the fraud, by making out accounts for other purposes, which blow up their whole apparatus of force and of deception. I am obliged to M. de Calonne for his reference to the document which proves this extraordinary fact: it had by some means escaped me. Indeed, it was not necessary to make out my assertion as to the breach of faith on the declaration of the fourteenth of April, 1790. By a report of their committee it now appears that the charge of keeping up the reduced ecclesiastical establishments, and other expenses attendant on religion, and maintaining the religious of both sexes, retained or pensioned, and the other concomitant expenses of the same nature, which they have

brought upon themselves by this convulsion in property, exceeds the income of the estates acquired by it in the enormous sum of two millions sterling annually, — besides a debt of seven millions and upwards. These are the calculating powers of imposture! This is the finance of philosophy! This is the result of all the delusions held out to engage a miserable people in rebellion, murder, and sacrilege, and to make them prompt and zealous instruments in the ruin of their country! Never did a state, in any case, enrich itself by the confiscations of the citizens. This new experiment has succeeded like all the rest. Every honest mind, every true lover of liberty and humanity, must rejoice to find that injustice is not always good policy, nor rapine the high-road to riches. I subjoin with pleasure, in a note, the able and spirited observations of M. de Calonne on this subject.

In order to persuade the world of the bottomless resource of ecclesiastical confiscation, the Assembly have proceeded to other confiscations of estates in offices, which could not be done with any common color without being compensated out of this grand confiscation of landed property. They have thrown upon this fund, which was to show a surplus disengaged of all charges, a new charge, namely, the compensation to the whole body of the disbanded judicature, and of all suppressed offices and estates: a charge which I cannot ascertain, but which unquestionably amounts to many French millions. Another of the new charges is an annuity of four hundred and eighty thousand pounds sterling, to be paid (if they choose to keep faith) by daily payments, for the interest of the first assignats. Have they ever given themselves the trouble to state fairly the expense of the management of the Church lands in the hands of the municipalities, to whose care, skill, and diligence, and that of their legion of unknown under-agents, they have chosen to commit the charge of the forfeited estates, and the consequence of which had been so ably pointed out by the Bishop of Nancy?

But it is unnecessary to dwell on these obvious heads of incumbrance. Have they made out any clear state of the grand incumbrance of all, I mean the whole of the general and municipal establishments of all sorts, and compared it with the regular income by revenue? Every deficiency in these becomes a charge on the confiscated estate, before the creditor can plant his cabbages on an acre of Church property. There is no other prop than this confiscation to keep the whole state from tumbling to the ground. In this situation they have purposely covered all, that they ought industriously to have cleared, with a thick fog; and then, blindfold themselves, like bulls that shut their eyes when they push, they drive, by the point of the bayonets, their slaves, blindfolded indeed no worse than their lords, to take their fictions for currencies, and to swallow down paper pills by thirty-four millions sterling at a dose. Then they proudly lay in their claim to a future credit, on failure of all their past engagements, and at a time when (if in such a matter anything can be clear) it is clear that the surplus estates will never answer even the first of their mortgages, — I mean that of the four hundred millions (or sixteen millions sterling) of

assignats. In all this procedure I can discern neither the solid sense of plain dealing nor the subtle dexterity of ingenious fraud. The objections within the Assembly to pulling up the flood-gates for this inundation of fraud are unanswered; but they are thoroughly refuted by an hundred thousand financiers in the street. These are the numbers by which the metaphysic arithmeticians compute. These are the grand calculations on which a philosophical public credit is founded in France. They cannot raise supplies; but they can raise mobs. Let them rejoice in the applauses of the club at Dundee for their wisdom and patriotism in having thus applied the plunder of the citizens to the service of the state. I hear of no address upon this subject from the directors of the Bank of England, — though their approbation would be of a *little* more weight in the scale of credit than that of the club at Dundee. But to do justice to the club, I believe the gentlemen who compose it to be wiser than they appear, — that they will be less liberal of their money than of their addresses, and that they would not give a dog's ear of their most rumped and ragged Scotch paper for twenty of your fairest assignats.

Early in this year the Assembly issued paper to the amount of sixteen millions sterling. What must have been the state into which the Assembly has brought your affairs, that the relief afforded by so vast a supply has been hardly perceptible? This paper also felt an almost immediate depreciation of five per cent, which in a little time came to about seven. The effect of these assignats on the receipt of the revenue is remarkable. M. Necker found that the collectors of the revenue, who received in coin, paid the treasury in assignats. The collectors made seven per cent by thus receiving in money, and accounting in depreciated paper. It was not very difficult to foresee that this must be inevitable. It was, however, not the less embarrassing. M. Necker was obliged (I believe, for a considerable part, in the market of London) to buy gold and silver for the mint, which amounted to about twelve thousand pounds above the value of the commodity gained. That minister was of opinion, that, whatever their secret nutritive virtue might be, the state could not live upon assignats alone, — that some real silver was necessary, particularly for the satisfaction of those who, having iron in their hands, were not likely to distinguish themselves for patience, when they should perceive, that, whilst an increase of pay was held out to them in real money, it was again to be fraudulently drawn back by depreciated paper. The minister, in this very natural distress, applied to the Assembly, that they should order the collectors to pay in specie what in specie they had received. It could not escape him, that, if the Treasury paid three per cent for the use of a currency which should be returned seven per cent worse than the minister issued it, such a dealing could not very greatly tend to enrich the public. The Assembly took no notice of his recommendation. They were in this dilemma: If they continued to receive the assignats, cash must become an alien to their Treasury; if the Treasury should refuse those paper *amulets*, or should discountenance them in any degree, they must destroy the credit of their sole

resource. They seem, then, to have made their option, and to have given some sort of credit to their paper by taking it themselves; at the same time, in their speeches, they made a sort of swaggering declaration, something, I rather think, above legislative competence, — that is, that there is no difference in value between metallic money and their assignats. This was a good, stout, proof article of faith, pronounced under an anathema by the venerable fathers of this philosophic synod. *Credat* who will, — certainly not *Judæus Apella*.

A noble indignation rises in the minds of your popular leaders, on hearing the magic-lantern in their show of finance compared to the fraudulent exhibitions of Mr. Law. They cannot bear to hear the sands of his Mississippi compared with the rock of the Church, on which they build their system. Pray let them suppress this glorious spirit, until they show to the world what piece of solid ground there is for their assignats, which they have not preoccupied by other charges. They do injustice to that great mother fraud, to compare it with their degenerate imitation. It is not true that Law built solely on a speculation concerning the Mississippi. He added the East India trade; he added the African trade; he added the farms of all the farmed revenue of France. All these together unquestionably could not support the structure which the public enthusiasm, not he, chose to build upon these bases. But these were, however, in comparison, generous delusions. They supposed, and they aimed at, an increase of the commerce of France. They opened to it the whole range of the two hemispheres. They did not think of feeding France from its own substance. A grand imagination found in this flight of commerce something to captivate. It was wherewithal to dazzle the eye of an eagle. It was not made to entice the smell of a mole, nuzzling and burying himself in his mother earth, as yours is. Men were not then quite shrunk from their natural dimensions by a degrading and sordid philosophy, and fitted for low and vulgar deceptions. Above all, remember, that, in imposing on the imagination, the then managers of the system made a compliment to the freedom of men. In their fraud there was no mixture of force. This was reserved to our time, to quench the little glimmerings of reason which might break in upon the solid darkness of this enlightened age.

On recollection, I have said nothing of a scheme of finance which may be urged in favor of the abilities of these gentlemen, and which has been introduced with great pomp, though not yet finally adopted in the National Assembly. It comes with something solid in aid of the credit of the paper circulation; and much has been said of its utility and its elegance. I mean the project for coining into money the bells of the suppressed churches. This is their alchemy. There are some follies which baffle argument, which go beyond ridicule, and which excite no feeling in us but disgust; and therefore I say no more upon it.

It is as little worth remarking any farther upon all their drawing and re-drawing, on their circulation for putting off the evil day, on the play between the Treasury and the *Caisse d'Escompte*, and on all these old, exploded contrivances of mercantile

fraud, now exalted into policy of state. The revenue will not be trifled with. The prattling about the rights of men will not be accepted in payment of a biscuit or a pound of gunpowder. Here, then, the metaphysicians descend from their airy speculations, and faithfully follow examples. What examples? The examples of bankrupts. But defeated, baffled, disgraced, when their breath, their strength, their inventions, their fancies desert them, their confidence still maintains its ground. In the manifest failure of their abilities, they take credit for their benevolence. When the revenue disappears in their hands, they have the presumption, in some of their late proceedings, to value *themselves* on the relief given to the people. They did not relieve the people. If they entertained such intentions, why did they order the obnoxious taxes to be paid? The people relieved themselves, in spite of the Assembly.

But waiving all discussion on the parties who may claim the merit of this fallacious relief, has there been, in effect, any relief to the people in any form? M. Bailly, one of the grand agents of paper circulation, lets you into the nature of this relief. His speech to the National Assembly contained a high and labored panegyric on the inhabitants of Paris, for the constancy and unbroken resolution with which they have borne their distress and misery. A fine picture of public felicity! What! great courage and unconquerable firmness of mind to endure benefits and sustain redress? One would think, from the speech of this learned lord mayor, that the Parisians, for this twelvemonth past, had been suffering the straits of some dreadful blockade, — that Henry the Fourth had been stopping up the avenues to their supply, and Sully thundering with his ordnance at the gates of Paris, — when in reality they are besieged by no other enemies than their own madness and folly, their own credulity and perverseness. But M. Bailly will sooner thaw the eternal ice of his Atlantic regions than restore the central heat to Paris, whilst it remains “smitten with the cold, dry, petrific mace” of a false and unfeeling philosophy. Some time after this speech, that is, on the thirteenth of last August, the same magistrate, giving an account of his government at the bar of the same Assembly, expresses himself as follows:— “In the month of July, 1789,” (the period of everlasting commemoration,) “the finances of the city of Paris were *yet* in good order; the expenditure was counterbalanced by the receipt, and she had at that time a million [forty thousand pounds sterling] in bank. The expenses which she has been constrained to incur, *subsequent to the Revolution*, amount to 2,500,000 livres. From these expenses, and the great falling off in the product of the *free gifts*, not only a momentary, but a *total*, want of money has taken place.” This is the Paris upon whose nourishment, in the course of the last year, such immense sums, drawn from the vitals of all France, have been expended. As long as Paris stands in the place of ancient Rome, so long she will be maintained by the subject provinces. It is an evil inevitably attendant on the dominion of sovereign democratic republics. As it happened in Rome, it may survive that republican domination which gave rise to

it. In that case despotism itself must submit to the vices of popularity. Rome, under her emperors, united the evils of both systems; and this unnatural combination was one great cause of her ruin.

To tell the people that they are relieved by the dilapidation of their public estate is a cruel and insolent imposition. Statesmen, before they valued themselves on the relief given to the people by the destruction of their revenue, ought first to have carefully attended to the solution of this problem: — Whether it be more advantageous to the people to pay considerably and to gain in proportion, or to gain little or nothing and to be disburdened of all contribution? My mind is made up to decide in favor of the first proposition. Experience is with me, and, I believe, the best opinions also. To keep a balance between the power of acquisition on the part of the subject and the demands he is to answer on the part of the state is the fundamental part of the skill of a true politician. The means of acquisition are prior in time and in arrangement. Good order is the foundation of all good things. To be enabled to acquire, the people, without being servile, must be tractable and obedient. The magistrate must have his reverence, the laws their authority. The body of the people must not find the principles of natural subordination by art rooted out of their minds. They must respect that property of which they cannot partake. They must labor to obtain what by labor can be obtained; and when they find, as they commonly do, the success disproportioned to the endeavor, they must be taught their consolation in the final proportions of eternal justice. Of this consolation whoever deprives them deadens their industry, and strikes at the root of all acquisition as of all conservation. He that does this is the cruel oppressor, the merciless enemy of the poor and wretched; at the same time that by his wicked speculations he exposes the fruits of successful industry and the accumulations of fortune to the plunder of the negligent, the disappointed, and the unprosperous.

Too many of the financiers by profession are apt to see nothing in revenue but banks, and circulations, and annuities on lives, and tontines, and perpetual rents, and all the small wares of the shop. In a settled order of the state, these things are not to be slighted, nor is the skill in them to be held of trivial estimation. They are good, but then only good when they assume the effects of that settled order, and are built upon it. But when men think that these beggarly contrivances may supply a resource for the evils which result from breaking up the foundations of public order, and from causing or suffering the principles of property to be subverted, they will, in the ruin of their country, leave a melancholy and lasting monument of the effect of preposterous politics, and presumptuous, short-sighted, narrow-minded wisdom.

The effects of the incapacity shown by the popular leaders in all the great members of the commonwealth are to be covered with the “all-atoning name” of Liberty. In some people I see great liberty, indeed; in many, if not in the most, an oppressive, degrading servitude. But what is liberty without wisdom and without virtue? It is the greatest of all possible evils; for it is folly, vice, and madness,

without tuition or restraint. Those who know what virtuous liberty is cannot bear to see it disgraced by incapable heads, on account of their having high-sounding words in their mouths. Grand, swelling sentiments of liberty I am sure I do not despise. They warm the heart; they enlarge and liberalize our minds; they animate our courage in a time of conflict. Old as I am, I read the fine raptures of Lucan and Corneille with pleasure. Neither do I wholly condemn the little arts and devices of popularity. They facilitate the carrying of many points of moment; they keep the people together; they refresh the mind in its exertions; and they diffuse occasional gayety over the severe brow of moral freedom. Every politician ought to sacrifice to the Graces, and to join compliance with reason. But in such an undertaking as that in France all these subsidiary sentiments and artifices are of little avail. To make a government requires no great prudence. Settle the seat of power, teach obedience, and the work is done. To give freedom is still more easy. It is not necessary to guide; it only requires to let go the rein. But to form a *free government*, that is, to temper together these opposite elements of liberty and restraint in one consistent work, requires much thought, deep reflection, a sagacious, powerful, and combining mind. This I do not find in those who take the lead in the National Assembly. Perhaps they are not so miserably deficient as they appear. I rather believe it. It would put them below the common level of human understanding. But when the leaders choose to make themselves bidders at an auction of popularity, their talents, in the construction of the state, will be of no service. They will become flatterers instead of legislators, — the instruments, not the guides of the people. If any of them should happen to propose a scheme of liberty soberly limited, and defined with proper qualifications, he will be immediately outbid by his competitors, who will produce something more splendidly popular. Suspicions will be raised of his fidelity to his cause. Moderation will be stigmatized as the virtue of cowards, and compromise as the prudence of traitors, — until, in hopes of preserving the credit which may enable him to temper and moderate on some occasions, the popular leader is obliged to become active in propagating doctrines and establishing powers that will afterwards defeat any sober purpose at which he ultimately might have aimed.

But am I so unreasonable as to see nothing at all that deserves commendation in the indefatigable labors of this Assembly? I do not deny, that, among an infinite number of acts of violence and folly, some good may have been done. They who destroy everything certainly will remove some grievance. They who make everything new have a chance that they may establish something beneficial. To give them credit for what they have done in virtue of the authority they have usurped, or to excuse them in the crimes by which that authority has been acquired, it must appear that the same things could not have been accomplished without producing such a revolution. Most assuredly they might; because almost every one of the

regulations made by them, which is not very equivocal, was either in the cession of the king, voluntarily made at the meeting of the States, or in the concurrent instructions to the orders. Some usages have been abolished on just grounds; but they were such, that, if they had stood as they were to all eternity, they would little detract from the happiness and prosperity of any state. The improvements of the National Assembly are superficial, their errors fundamental.

Whatever they are, I wish my countrymen rather to recommend to our neighbors the example of the British Constitution than to take models from them for the improvement of our own. In the former they have got an invaluable treasure. They are not, I think, without some causes of apprehension and complaint; but these they do not owe to their Constitution, but to their own conduct. I think our happy situation owing to our Constitution, — but owing to the whole of it, and not to any part singly, — owing in a great measure to what we have left standing in our several reviews and reformatations, as well as to what we have altered or superadded. Our people will find employment enough for a truly patriotic, free, and independent spirit, in guarding what they possess from violation. I would not exclude alteration neither; but even when I changed, it should be to preserve. I should be led to my remedy by a great grievance. In what I did, I should follow the example of our ancestors. I would make the reparation as nearly as possible in the style of the building. A politic caution, a guarded circumspection, a moral rather than a complexional timidity, were among the ruling principles of our forefathers in their most decided conduct. Not being illuminated with the light of which the gentlemen of France tell us they have got so abundant a share, they acted under a strong impression of the ignorance and fallibility of mankind. He that had made them thus fallible rewarded them for having in their conduct attended to their nature. Let us imitate their caution, if we wish to deserve their fortune or to retain their bequests. Let us add, if we please, but let us preserve what they have left; and standing on the firm ground of the British Constitution, let us be satisfied to admire, rather than attempt to follow in their desperate flights, the *aéronauts* of France.

I have told you candidly my sentiments. I think they are not likely to alter yours. I do not know that they ought. You are young; you cannot guide, but must follow, the fortune of your country. But hereafter they may be of some use to you, in some future form which your commonwealth may take. In the present it can hardly remain; but before its final settlement, it may be obliged to pass, as one of our poets says, “through great varieties of untried being,” and in all its transmigrations to be purified by fire and blood.

I have little to recommend my opinions but long observation and much impartiality. They come from one who has been no tool of power, no flatterer of greatness, and who in his last acts does not wish to belie the tenor of his life. They come from one almost the whole of whose public exertion has been a struggle for the liberty of others, — from one in whose breast no anger durable or vehement has

ever been kindled but by what he considered as tyranny, and who snatches from his share in the endeavors which are used by good men to discredit opulent oppression the hours he has employed on your affairs, and who in so doing persuades himself he has not departed from his usual office. They come from one who desires honors, distinctions, and emoluments but little, and who expects them not at all, — who has no contempt for fame, and no fear of obloquy, — who shuns contention, though he will hazard an opinion; from one who wishes to preserve consistency, but who would preserve consistency by varying his means to secure the unity of his end, — and, when the equipoise of the vessel in which he sails may be endangered by overloading it upon one side, is desirous of carrying the small weight of his reasons to that which may preserve its equipoise.

APPEAL FROM THE NEW TO THE OLD WHIGS



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AN
APPEAL
FROM
THE NEW TO THE OLD WHIGS,
IN CONSEQUENCE OF SOME LATE
DISCUSSIONS IN PARLIAMENT
RELATIVE TO THE
REFLECTIONS ON THE FRENCH REVOLUTION.
1791.

ADVERTISEMENT TO THE SECOND EDITION.

There are some corrections in this edition, which tend to render the sense less obscure in one or two places. The order of the two last members is also changed, and I believe for the better. This change was made on the suggestion of a very learned person, to the partiality of whose friendship I owe much; to the severity of whose judgment I owe more.

AN APPEAL FROM THE NEW TO THE OLD WHIGS.

At Mr. Burke's time of life, and in his dispositions, *petere honestam missionem* was all he had to do with his political associates. This boon they have not chosen to grant him. With many expressions of good-will, in effect they tell him he has loaded the stage too long. They conceive it, though an harsh, yet a necessary office, in full Parliament to declare to the present age, and to as late a posterity as shall take any concern in the proceedings of our day, that by one book he has disgraced the whole tenor of his life. — Thus they dismiss their old partner of the war. He is advised to retire, whilst they continue to serve the public upon wiser principles and under better auspices.

Whether Diogenes the Cynic was a true philosopher cannot easily be determined. He has written nothing. But the sayings of his which are handed down by others are lively, and may be easily and aptly applied on many occasions by those whose wit is not so perfect as their memory. This Diogenes (as every one will recollect) was citizen of a little bleak town situated on the coast of the Euxine, and exposed to all the buffets of that inhospitable sea. He lived at a great distance from those weather-beaten walls, in ease and indolence, and in the midst of literary leisure, when he was informed that his townsmen had condemned him to be banished from Sinope; he answered coolly, "And I condemn them to live in Sinope."

The gentlemen of the party in which Mr. Burke has always acted, in passing upon him the sentence of retirement, have done nothing more than to confirm the sentence which he had long before passed upon himself. When that retreat was choice, which the tribunal of his peers inflict as punishment, it is plain he does not think their sentence intolerably severe. Whether they, who are to continue in the Sinope which shortly he is to leave, will spend the long years, which I hope remain to them, in a manner more to their satisfaction than he shall slide down, in silence and obscurity, the slope of his declining days, is best known to Him who measures out years, and days, and fortunes.

The quality of the sentence does not, however, decide on the justice of it. Angry friendship is sometimes as bad as calm enmity. For this reason the cold neutrality of abstract justice is, to a good and clear cause, a more desirable thing than an affection liable to be any way disturbed. When the trial is by friends, if the decision should happen to be favorable, the honor of the acquittal is lessened; if adverse, the condemnation is exceedingly embittered. It is aggravated by coming from lips professing friendship, and pronouncing judgment with sorrow and reluctance. Taking in the whole view of life, it is more safe to live under the jurisdiction of severe, but steady reason, than under the empire of indulgent, but capricious passion. It is certainly well for Mr. Burke that there are impartial men in the world.

To them I address myself, pending the appeal which on his part is made from the living to the dead, from the modern Whigs to the ancient.

The gentlemen, who, in the name of the party, have passed sentence on Mr. Burke's book, in the light of literary criticism, are judges above all challenge. He did not, indeed, flatter himself that as a writer he could claim the approbation of men whose talents, in his judgment and in the public judgment, approach to prodigies, if ever such persons should be disposed to estimate the merit of a composition upon the standard of their own ability.

In their critical censure, though Mr. Burke may find himself humbled by it as a writer, as a man, and as an Englishman, he finds matter not only of consolation, but of pride. He proposed to convey to a foreign people, not his own ideas, but the prevalent opinions and sentiments of a nation, renowned for wisdom, and celebrated in all ages for a well-understood and well-regulated love of freedom. This was the avowed purpose of the far greater part of his work. As that work has not been ill received, and as his critics will not only admit, but contend, that this reception could not be owing to any excellence in the composition capable of perverting the public judgment, it is clear that he is not disavowed by the nation whose sentiments he had undertaken to describe. His representation is authenticated by the verdict of his country. Had his piece, as a work of skill, been thought worthy of commendation, some doubt might have been entertained of the cause of his success. But the matter stands exactly as he wishes it. He is more happy to have his fidelity in representation recognized by the body of the people than if he were to be ranked in point of ability (and higher he could not be ranked) with those whose critical censure he has had the misfortune to incur.

It is not from this part of their decision which the author wishes an appeal. There are things which touch him more nearly. To abandon them would argue, not diffidence in his abilities, but treachery to his cause. Had his work been recognized as a pattern for dexterous argument and powerful eloquence, yet, if it tended to establish maxims or to inspire sentiments adverse to the wise and free Constitution of this kingdom, he would only have cause to lament that it possessed qualities fitted to perpetuate the memory of his offence. Oblivion would be the only means of his escaping the reproaches of posterity. But, after receiving the common allowance due to the common weakness of man, he wishes to owe no part of the indulgence of the world to its forgetfulness. He is at issue with the party before the present, and, if ever he can reach it, before the coming generation.

The author, several months previous to his publication, well knew that two gentlemen, both of them possessed of the most distinguished abilities, and of a most decisive authority in the party, had differed with him in one of the most material points relative to the French Revolution: that is, in their opinion of the behavior of the French soldiery, and its revolt from its officers. At the time of their public declaration on this subject, he did not imagine the opinion of these two

gentlemen had extended a great way beyond themselves. He was, however, well aware of the probability that persons of their just credit and influence would at length dispose the greater number to an agreement with their sentiments, and perhaps might induce the whole body to a tacit acquiescence in their declarations, under a natural and not always an improper dislike of showing a difference with those who lead their party. I will not deny that in general this conduct in parties is defensible; but within what limits the practice is to be circumscribed, and with what exceptions the doctrine which supports it is to be received, it is not my present purpose to define. The present question has nothing to do with their motives; it only regards the public expression of their sentiments.

The author is compelled, however reluctantly, to receive the sentence pronounced upon him in the House of Commons as that of the party. It proceeded from the mouth of him who must be regarded as its authentic organ. In a discussion which continued for two days, no one gentleman of the opposition interposed a negative, or even a doubt, in favor of him or his opinions. If an idea consonant to the doctrine of his book, or favorable to his conduct, lurks in the minds of any persons in that description, it is to be considered only as a peculiarity which they indulge to their own private liberty of thinking. The author cannot reckon upon it. It has nothing to do with them as members of a party. In their public capacity, in everything that meets the public ear or public eye, the body must be considered as unanimous.

They must have been animated with a very warm zeal against those opinions, because they were under no *necessity* of acting as they did, from any just cause of apprehension that the errors of this writer should be taken for theirs. They might disapprove; it was not necessary they should *disavow* him, as they have done in the whole and in all the parts of his book; because neither in the whole nor in any of the parts were they directly, or by any implication, involved. The author was known, indeed, to have been warmly, strenuously, and affectionately, against all allurements of ambition, and all possibility of alienation from pride or personal pique or peevish jealousy, attached to the Whig party. With one of them he has had a long friendship, which he must ever remember with a melancholy pleasure. To the great, real, and amiable virtues, and to the unequalled abilities of that gentleman, he shall always join with his country in paying a just tribute of applause. There are others in that party for whom, without any shade of sorrow, he bears as high a degree of love as can enter into the human heart, and as much veneration as ought to be paid to human creatures; because he firmly believes that they are endowed with as many and as great virtues as the nature of man is capable of producing, joined to great clearness of intellect, to a just judgment, to a wonderful temper, and to true wisdom. His sentiments with regard to them can never vary, without subjecting him to the just indignation of mankind, who are bound, and are generally disposed, to look up with reverence to the best patterns of their species, and such as give a dignity to the nature of which we all participate. For the whole of the party he has

high respect. Upon a view, indeed, of the composition of all parties, he finds great satisfaction. It is, that, in leaving the service of his country, he leaves Parliament without all comparison richer in abilities than he found it. Very solid and very brilliant talents distinguish the ministerial benches. The opposite rows are a sort of seminary of genius, and have brought forth such and so great talents as never before (amongst us at least) have appeared together. If their owners are disposed to serve their country, (he trusts they are,) they are in a condition to render it services of the highest importance. If, through mistake or passion, they are led to contribute to its ruin, we shall at least have a consolation denied to the ruined country that adjoins us: we shall not be destroyed by men of mean or secondary capacities.

All these considerations of party attachment, of personal regard, and of personal admiration rendered the author of the *Reflections* extremely cautious, lest the slightest suspicion should arise of his having undertaken to express the sentiments even of a single man of that description. His words at the outset of his *Reflections* are these: —

“In the first letter I had the honor to write to you, and which at length I send, I wrote neither *for* nor *from* any description of men; nor shall I in this. My errors, if any, are *my own*. My reputation *alone* is to answer for them.” In another place he says, (,) “I have *no man’s* proxy. I speak *only* from *myself*, when I disclaim, as I do with all possible earnestness, all communion with the actors in that triumph, or with the admirers of it. When I assert anything else, as concerning the people of England, I speak from observation, *not from authority*.”

To say, then, that the book did not contain the sentiments of their party is not to contradict the author or to clear themselves. If the party had denied his doctrines to be the current opinions of the majority in the nation, they would have put the question on its true issue. There, I hope and believe, his censurers will find, on the trial, that the author is as faithful a representative of the general sentiment of the people of England, as any person amongst them can be of the ideas of his own party.

The French Revolution can have no connection with the objects of any parties in England formed before the period of that event, unless they choose to imitate any of its acts, or to consolidate any principles of that Revolution with their own opinions. The French Revolution is no part of their original contract. The matter, standing by itself, is an open subject of political discussion, like all the other revolutions (and there are many) which have been attempted or accomplished in our age. But if any considerable number of British subjects, taking a factious interest in the proceedings of France, begin publicly to incorporate themselves for the subversion of nothing short of the *whole* Constitution of this kingdom, — to incorporate themselves for the utter overthrow of the body of its laws, civil and ecclesiastical, and with them of the whole system of its manners, in favor of the new Constitution and of the modern usages of the French nation, — I think no

party principle could bind the author not to express his sentiments strongly against such a faction. On the contrary, he was perhaps bound to mark his dissent, when the leaders of the party were daily going out of their way to make public declarations in Parliament, which, notwithstanding the purity of their intentions, had a tendency to encourage ill-designing men in their practices against our Constitution.

The members of this faction leave no doubt of the nature and the extent of the mischief they mean to produce. They declare it openly and decisively. Their intentions are not left equivocal. They are put out of all dispute by the thanks which, formally and as it were officially, they issue, in order to recommend and to promote the circulation of the most atrocious and treasonable libels against all the hitherto cherished objects of the love and veneration of this people. Is it contrary to the duty of a good subject to reprobate such proceedings? Is it alien to the office of a good member of Parliament, when such practices increase, and when the audacity of the conspirators grows with their impunity, to point out in his place their evil tendency to the happy Constitution which he is chosen to guard? Is it wrong, in any sense, to render the people of England sensible how much they must suffer, if, unfortunately, such a wicked faction should become possessed in this country of the same power which their allies in the very next to us have so perfidiously usurped and so outrageously abused? Is it inhuman to prevent, if possible, the spilling *their* blood, or imprudent to guard against the effusion of *our own*? Is it contrary to any of the honest principles of party, or repugnant to any of the known duties of friendship, for any senator respectfully and amicably to caution his brother members against countenancing, by inconsiderate expressions, a sort of proceeding which it is impossible they should deliberately approve?

He had undertaken to demonstrate, by arguments which he thought could not be refuted, and by documents which he was sure could not be denied, that no comparison was to be made between the British government and the French usurpation. — That they who endeavored madly to compare them were by no means making the comparison of one good system with another good system, which varied only in local and circumstantial differences; much less that they were holding out to us a superior pattern of legal liberty, which we might substitute in the place of our old, and, as they describe it, superannuated Constitution. He meant to demonstrate that the French scheme was not a comparative good, but a positive evil. — That the question did not at all turn, as it had been stated, on a parallel between a monarchy and a republic. He denied that the present scheme of things in France did at all deserve the respectable name of a republic: he had therefore no comparison between monarchies and republics to make. — That what was done in France was a wild attempt to methodize anarchy, to perpetuate and fix disorder. That it was a foul, impious, monstrous thing, wholly out of the course of moral Nature. He undertook to prove that it was generated in treachery, fraud, falsehood, hypocrisy, and unprovoked murder. — He offered to make out that those who have

led in that business had conducted themselves with the utmost perfidy to their colleagues in function, and with the most flagrant perjury both towards their king and their constituents: to the one of whom the Assembly had sworn fealty; and to the other, when under no sort of violence or constraint, they had sworn a full obedience to instructions. — That, by the terror of assassination, they had driven away a very great number of the members, so as to produce a false appearance of a majority. — That this fictitious majority had fabricated a Constitution, which, as now it stands, is a tyranny far beyond any example that can be found in the civilized European world of our age; that therefore the lovers of it must be lovers, not of liberty, but, if they really understand its nature, of the lowest and basest of all servitude.

He proposed to prove that the present state of things in France is not a transient evil, productive, as some have too favorably represented it, of a lasting good; but that the present evil is only the means of producing future and (if that were possible) worse evils. — That it is not an undigested, imperfect, and crude scheme of liberty, which may gradually be mellowed and ripened into an orderly and social freedom; but that it is so fundamentally wrong as to be utterly incapable of correcting itself by any length of time, or of being formed into any mode of polity of which a member of the House of Commons could publicly declare his approbation.

If it had been permitted to Mr. Burke, he would have shown distinctly, and in detail, that what the Assembly calling itself National had held out as a large and liberal toleration is in reality a cruel and insidious religious persecution, infinitely more bitter than any which had been heard of within this century. — That it had a feature in it worse than the old persecutions. — That the old persecutors acted, or pretended to act, from zeal towards some system of piety and virtue: they gave strong preferences to their own; and if they drove people from one religion, they provided for them another, in which men might take refuge and expect consolation. — That their new persecution is not against a variety in conscience, but against all conscience. That it professes contempt towards its object; and whilst it treats all religion with scorn, is not so much as neutral about the modes: it unites the opposite evils of intolerance and of indifference.

He could have proved that it is so far from rejecting tests, (as unaccountably had been asserted,) that the Assembly had imposed tests of a peculiar hardship, arising from a cruel and premeditated pecuniary fraud: tests against old principles, sanctioned by the laws, and binding upon the conscience. — That these tests were not imposed as titles to some new honor or some new benefit, but to enable men to hold a poor compensation for their legal estates, of which they had been unjustly deprived; and as they had before been reduced from affluence to indigence, so, on refusal to swear against their conscience, they are now driven from indigence to famine, and treated with every possible degree of outrage, insult, and inhumanity.

— That these tests, which their imposers well knew would not be taken, were intended for the very purpose of cheating their miserable victims out of the compensation which the tyrannic impostors of the Assembly had previously and purposely rendered the public unable to pay. That thus their ultimate violence arose from their original fraud.

He would have shown that the universal peace and concord amongst nations, which these common enemies to mankind had held out with the same fraudulent ends and pretences with which they had uniformly conducted every part of their proceeding, was a coarse and clumsy deception, unworthy to be proposed as an example, by an informed and sagacious British senator, to any other country. — That, far from peace and good-will to men, they meditated war against all other governments, and proposed systematically to excite in them all the very worst kind of seditions, in order to lead to their common destruction. — That they had discovered, in the few instances in which they have hitherto had the power of discovering it, (as at Avignon and in the Comtat, at Cavaillon and at Carpentras,) in what a savage manner they mean to conduct the seditions and wars they have planned against their neighbors, for the sake of putting themselves at the head of a confederation of republics as wild and as mischievous as their own. He would have shown in what manner that wicked scheme was carried on in those places, without being directly either owned or disclaimed, in hopes that the undone people should at length be obliged to fly to their tyrannic protection, as some sort of refuge from their barbarous and treacherous hostility. He would have shown from those examples that neither this nor any other society could be in safety as long as such a public enemy was in a condition to continue directly or indirectly such practices against its peace. — That Great Britain was a principal object of their machinations; and that they had begun by establishing correspondences, communications, and a sort of federal union with the factious here. — That no practical enjoyment of a thing so imperfect and precarious as human happiness must be, even under the very best of governments, could be a security for the existence of these governments, during the prevalence of the principles of France, propagated from that grand school of every disorder and every vice.

He was prepared to show the madness of their declaration of the pretended rights of man, — the childish, futility of some of their maxims, the gross and stupid absurdity and the palpable falsity of others, and the mischievous tendency of all such declarations to the well-being of men and of citizens and to the safety and prosperity of every just commonwealth. He was prepared to show, that, in their conduct, the Assembly had directly violated not only every sound principle of government, but every one, without exception, of their own false or futile maxims, and indeed every rule they had pretended to lay down for their own direction.

In a word, he was ready to show that those who could, after such a full and fair exposure, continue to countenance the French insanity were not mistaken

politicians, but bad men; but he thought that in this case, as in many others, ignorance had been the cause of admiration.

These are strong assertions. They required strong proofs. The member who laid down these positions was and is ready to give, in his place, to each position decisive evidence, correspondent to the nature and quality of the several allegations.

In order to judge on the propriety of the interruption given to Mr. Burke, in his speech in the committee of the Quebec Bill, it is necessary to inquire, First, whether, on general principles, he ought to have been suffered to prove his allegations? Secondly, whether the time he had chosen was so very unseasonable as to make his exercise of a parliamentary right productive of ill effects on his friends or his country? Thirdly, whether the opinions delivered in his book, and which he had begun to expatiate upon that day, were in contradiction to his former principles, and inconsistent with the general tenor of his public conduct?

They who have made eloquent panegyrics on the French Revolution, and who think a free discussion so very advantageous in every case and under every circumstance, ought not, in my opinion, to have prevented their eulogies from being tried on the test of facts. If their panegyric had been answered with an invective, (bating the difference in point of eloquence,) the one would have been as good as the other: that is, they would both of them have been good for nothing. The panegyric and the satire ought to be suffered to go to trial; and that which shrinks from it must be contented to stand, at best, as a mere declamation.

I do not think Mr. Burke was wrong in the course he took. That which seemed to be recommended to him by Mr. Pitt was rather to extol the English Constitution than to attack the French. I do not determine what would be best for Mr. Pitt to do in his situation. I do not deny that *he* may have good reasons for his reserve. Perhaps they might have been as good for a similar reserve on the part of Mr. Fox, if his zeal had suffered him to listen to them. But there were no motives of ministerial prudence, or of that prudence which ought to guide a man perhaps on the eve of being minister, to restrain the author of the Reflections. He is in no office under the crown; he is not the organ of any party.

The excellencies of the British Constitution had already exercised and exhausted the talents of the best thinkers and the most eloquent writers and speakers that the world ever saw. But in the present case a system declared to be far better, and which certainly is much newer, (to restless and unstable minds no small recommendation,) was held out to the admiration of the good people of England. In that case it was surely proper for those who had far other thoughts of the French Constitution to scrutinize that plan which has been recommended to our imitation by active and zealous factions at home and abroad. Our complexion is such, that we are palled with enjoyment, and stimulated with hope, — that we become less sensible to a long-possession benefit from the very circumstance that it is become habitual. Specious, untried, ambiguous prospects of new advantage recommend

themselves to the spirit of adventure which more or less prevails in every mind. From this temper, men and factions, and nations too, have sacrificed the good of which they had been in assured possession, in favor of wild and irrational expectations. What should hinder Mr. Burke, if he thought this temper likely at one time or other to prevail in our country, from exposing to a multitude eager to game the false calculations of this lottery of fraud?

I allow, as I ought to do, for the effusions which come from a *general* zeal for liberty. This is to be indulged, and even to be encouraged, as long as *the question is general*. An orator, above all men, ought to be allowed a full and free use of the praise of liberty. A commonplace in favor of slavery and tyranny, delivered to a popular assembly, would indeed be a bold defiance to all the principles of rhetoric. But in a question whether any particular Constitution is or is not a plan of rational liberty, this kind of rhetorical flourish in favor of freedom in general is surely a little out of its place. It is virtually a begging of the question. It is a song of triumph before the battle.

“But Mr. Fox does not make the panegyric of the new Constitution; it is the destruction only of the absolute monarchy he commends.” When that nameless thing which has been lately set up in France was described as “the most stupendous and glorious edifice of liberty which had been erected on the foundation of human integrity in any time or country,” it might at first have led the hearer into an opinion that the construction of the new fabric was an object of admiration, as well as the demolition of the old. Mr. Fox, however, has explained himself; and it would be too like that captious and cavilling spirit which I so perfectly detest, if I were to pin down the language of an eloquent and ardent mind to the punctilious exactness of a pleader. Then Mr. Fox did not mean to applaud that monstrous thing which, by the courtesy of France, they call a Constitution. I easily believe it. Far from meriting the praises of a great genius like Mr. Fox, it cannot be approved by any man of common sense or common information. He cannot admire the change of one piece of barbarism for another, and a worse. He cannot rejoice at the destruction of a monarchy, mitigated by manners, respectful to laws and usages, and attentive, perhaps but too attentive, to public opinion, in favor of the tyranny of a licentious, ferocious, and savage multitude, without laws, manners, or morals, and which, so far from respecting the general sense of mankind, insolently endeavors to alter all the principles and opinions which have hitherto guided and contained the world, and to force them into a conformity to their views and actions. His mind is made to better things.

That a man should rejoice and triumph in the destruction of an absolute monarchy, — that in such an event he should overlook the captivity, disgrace, and degradation of an unfortunate prince, and the continual danger to a life which exists only to be endangered, — that he should overlook the utter ruin of whole orders and classes of men, extending itself directly, or in its nearest consequences, to at

least a million of our kind, and to at least the temporary wretchedness of a whole community, — I do not deny to be in some sort natural; because, when people see a political object which they ardently desire but in one point of view, they are apt extremely to palliate or underrate the evils which may arise in obtaining it. This is no reflection on the humanity of those persons. Their good-nature I am the last man in the world to dispute. It only shows that they are not sufficiently informed or sufficiently considerate. When they come to reflect seriously on the transaction, they will think themselves bound to examine what the object is that has been acquired by all this havoc. They will hardly assert that the destruction of an absolute monarchy is a thing good in itself, without any sort of reference to the antecedent state of things, or to consequences which result from the change, — without any consideration whether under its ancient rule a country was to a considerable degree flourishing and populous, highly cultivated and highly commercial, and whether, under that domination, though personal liberty had been precarious and insecure, property at least was ever violated. They cannot take the moral sympathies of the human mind along with them, in abstractions separated from the good or evil condition of the state, from the quality of actions, and the character of the actors. None of us love absolute and uncontrolled monarchy; but we could not rejoice at the sufferings of a Marcus Aurelius or a Trajan, who were absolute monarchs, as we do when Nero is condemned by the Senate to be punished *more majorum*; nor, when that monster was obliged to fly with his wife Sporus, and to drink puddle, were men affected in the same manner as when the venerable Galba, with all his faults and errors, was murdered by a revolted mercenary soldiery. With such things before our eyes, our feelings contradict our theories; and when this is the case, the feelings are true, and the theory is false. What I contend for is, that, in commending the destruction of an absolute monarchy, *all the circumstances* ought not to be wholly overlooked, as “considerations fit only for shallow and superficial minds.” (The words of Mr. Fox, or to that effect.)

The subversion of a government, to deserve any praise, must be considered but as a step preparatory to the formation of something better, either in the scheme of the government itself, or in the persons who administer it, or in both. These events cannot in reason be separated. For instance, when we praise our Revolution of 1688, though the nation in that act was on the defensive, and was justified in incurring all the evils of a defensive war, we do not rest there. We always combine with the subversion of the old government the happy settlement which followed. When we estimate that Revolution, we mean to comprehend in our calculation both the value of the thing parted with and the value of the thing received in exchange.

The burden of proof lies heavily on those who tear to pieces the whole frame and contexture of their country, that they could find no other way of settling a government fit to obtain its rational ends, except that which they have pursued by means unfavorable to all the present happiness of millions of people, and to the

utter ruin of several hundreds of thousands. In their political arrangements, men have no right to put the well-being of the present generation wholly out of the question. Perhaps the only moral trust with any certainty in our hands is the care of our own time. With regard to futurity, we are to treat it like a ward. We are not so to attempt an improvement of his fortune as to put the capital of his estate to any hazard.

It is not worth our while to discuss, like sophisters, whether in no case some evil for the sake of some benefit is to be tolerated. Nothing universal can be rationally affirmed on any moral or any political subject. Pure metaphysical abstraction does not belong to these matters. The lines of morality are not like the ideal lines of mathematics. They are broad and deep as well as long. They admit of exceptions; they demand modifications. These exceptions and modifications are not made by the process of logic, but by the rules of prudence. Prudence is not only the first in rank of the virtues political and moral, but she is the director, the regulator, the standard of them all. Metaphysics cannot live without definition; but Prudence is cautious how she defines. Our courts cannot be more fearful in suffering fictitious cases to be brought before them for eliciting their determination on a point of law than prudent moralists are in putting extreme and hazardous cases of conscience upon emergencies not existing. Without attempting, therefore, to define, what never can be defined, the case of a revolution in government, this, I think, may be safely affirmed, — that a sore and pressing evil is to be removed, and that a good, great in its amount and unequivocal in its nature, must be probable almost to certainty, before the inestimable price of our own morals and the well-being of a number of our fellow-citizens is paid for a revolution. If ever we ought to be economists even to parsimony, it is in the voluntary production of evil. Every revolution contains in it something of evil.

It must always be, to those who are the greatest amateurs, or even professors, of revolutions, a matter very hard to prove, that the late French government was so bad that nothing worse in the infinite devices of men could come in its place. They who have brought France to its present condition ought to prove also, by something better than prattling about the Bastille, that their subverted government was as incapable as the present certainly is of all improvement and correction. How dare they to say so who have never made that experiment? They are experimenters by their trade. They have made an hundred others, infinitely more hazardous.

The English admirers of the forty-eight thousand republics which form the French federation praise them not for what they are, but for what they are to become. They do not talk as politicians, but as prophets. But in whatever character they choose to found panegyric on prediction, it will be thought a little singular to praise any work, not for its own merits, but for the merits of something else which may succeed to it. When any political institution is praised, in spite of great and prominent faults of every kind, and in all its parts, it must be supposed to have

something excellent in its fundamental principles. It must be shown that it is right, though imperfect, — that it is not only by possibility susceptible of improvement, but that it contains in it a principle tending to its melioration.

Before they attempt to show this progression of their favorite work from absolute pravity to finished perfection, they will find themselves engaged in a civil war with those whose cause they maintain. What! alter our sublime Constitution, the glory of France, the envy of the world, the pattern for mankind, the masterpiece of legislation, the collected and concentrated glory of this enlightened age? Have we not produced it ready-made and ready-armed, mature in its birth, a perfect goddess of wisdom and of war, hammered by our blacksmith midwives out of the brain of Jupiter himself? Have we not sworn our devout, profane, believing, infidel people to an allegiance to this goddess, even before she had burst the *dura mater*, and as yet existed only in embryo? Have we not solemnly declared this Constitution unalterable by any future legislature? Have we not bound it on posterity forever, though our abettors have declared that no one generation is competent to bind another? Have we not obliged the members of every future Assembly to qualify themselves for their seats by swearing to its conservation?

Indeed, the French Constitution always must be (if a change is not made in all their principles and fundamental arrangements) a government wholly by popular representation. It must be this or nothing. The French faction considers as an usurpation, as an atrocious violation of the indefensible rights of man, every other description of government. Take it, or leave it: there is no medium. Let the irrefragable doctors fight out their own controversy in their own way and with their own weapons; and when they are tired, let them commence a treaty of peace. Let the plenipotentiary sophisters of England settle with the diplomatic sophisters of France in what manner right is to be corrected by an infusion of wrong, and how truth may be rendered more true by a due intermixture of falsehood.

Having sufficiently proved that nothing could make it *generally* improper for Mr. Burke to prove what he had alleged concerning the object of this dispute, I pass to the second question, that is, Whether he was justified in choosing the committee on the Quebec Bill as the field for this discussion? If it were necessary, it might be shown that he was not the first to bring these discussions into Parliament, nor the first to renew them in this session. The fact is notorious. As to the Quebec Bill, they were introduced into the debate upon that subject for two plain reasons: First, that, as he thought it *then* not advisable to make the proceedings of the factious societies the subject of a direct motion, he had no other way open to him. Nobody has attempted to show that it was at all admissible into any other business before the House. Here everything was favorable. Here was a bill to form a new Constitution for a French province under English dominion. The question naturally arose, whether we should settle that constitution upon English ideas, or upon French. This

furnished an opportunity for examining into the value of the French Constitution, either considered as applicable to colonial government, or in its own nature. The bill, too, was in a committee. By the privilege of speaking as often as he pleased, he hoped in some measure to supply the want of support, which he had but too much reason to apprehend. In a committee it was always in his power to bring the questions from generalities to facts, from declamation to discussion. Some benefit he actually received from this privilege. These are plain, obvious, natural reasons for his conduct. I believe they are the true, and the only true ones.

They who justify the frequent interruptions, which at length wholly disabled him from proceeding, attribute their conduct to a very different interpretation of his motives. They say, that, through corruption, or malice, or folly, he was acting his part in a plot to make his friend Mr. Fox pass for a republican, and thereby to prevent the gracious intentions of his sovereign from taking effect, which at that time had begun to disclose themselves in his favor. This is a pretty serious charge. This, on Mr. Burke's part, would be something more than mistake, something worse than formal irregularity. Any contumely, any outrage, is readily passed over, by the indulgence which we all owe to sudden passion. These things are soon forgot upon occasions in which all men are so apt to forget themselves. Deliberate injuries, to a degree, must be remembered, because they require deliberate precautions to be secured against their return.

I am authorized to say for Mr. Burke, that he considers that cause assigned for the outrage offered to him as ten times worse than the outrage itself. There is such a strange confusion of ideas on this subject, that it is far more difficult to understand the nature of the charge than to refute it when understood. Mr. Fox's friends were, it seems, seized with a sudden panic terror lest he should pass for a republican. I do not think they had any ground for this apprehension. But let us admit they had. What was there in the Quebec Bill, rather than in any other, which could subject him or them to that imputation? Nothing in a discussion of the French Constitutions which might arise on the Quebec Bill, could tend to make Mr. Fox pass for a republican, except he should take occasion to extol that state of things in France which affects to be a republic or a confederacy of republics. If such an encomium could make any unfavorable impression on the king's mind, surely his voluntary panegyrics on that event, not so much introduced as intruded into other debates, with which they had little relation, must have produced that effect with much more certainty and much greater force. The Quebec Bill, at worst, was only one of those opportunities carefully sought and industriously improved by himself. Mr. Sheridan had already brought forth a panegyric on the French system in a still higher strain, with full as little demand from the nature of the business before the House, in a speech too good to be speedily forgotten. Mr. Fox followed him without any direct call from the subject-matter, and upon the same ground. To canvass the merits of the French Constitution on the Quebec Bill could not draw forth any opinions which

were not brought forward before, with no small ostentation, and with very little of necessity, or perhaps of propriety. What mode or what time of discussing the conduct of the French faction in England would not equally tend to kindle this enthusiasm, and afford those occasions for panegyric, which, far from shunning, Mr. Fox has always industriously sought? He himself said, very truly, in the debate, that no artifices were necessary to draw from him his opinions upon that subject. But to fall upon Mr. Burke for making an use, at worst not more irregular, of the same liberty, is tantamount to a plain declaration that the topic of Franco is *tabooed* or forbidden ground to Mr. Burke, and to Mr. Burke alone. But surely Mr. Fox is not a republican; and what should hinder him, when such a discussion came on, from clearing himself unequivocally (as his friends say he had done near a fortnight before) of all such imputations? Instead of being a disadvantage to him, he would have defeated all his enemies, and Mr. Burke, since he has thought proper to reckon him amongst them.

But it seems some newspaper or other had imputed to him republican principles, on occasion of his conduct upon the Quebec Bill. Supposing Mr. Burke to have seen these newspapers, (which is to suppose more than I believe to be true,) I would ask, When did the newspapers forbear to charge Mr. Fox, or Mr. Burke himself, with republican principles, or any other principles which they thought could render both of them odious, sometimes to one description of people, sometimes to another? Mr. Burke, since the publication of his pamphlet, has been a thousand times charged in the newspapers with holding despotic principles. He could not enjoy one moment of domestic quiet, he could not perform the least particle of public duty, if he did not altogether disregard the language of those libels. But, however his sensibility might be affected by such abuse, it would in *him* have been thought a most ridiculous reason for shutting up the mouths of Mr. Fox or Mr. Sheridan, so as to prevent their delivering their sentiments of the French Revolution, that, forsooth, “the newspapers had lately charged Mr. Burke with being an enemy to liberty.”

I allow that those gentlemen have privileges to which Mr. Burke has no claim. But their friends ought to plead those privileges, and not to assign bad reasons, on the principle of what is fair between man and man, and thereby to put themselves on a level with those who can so easily refute them. Let them say at once that his reputation is of no value, and that he has no call to assert it, — but that theirs is of infinite concern to the party and the public, and to that consideration he ought to sacrifice all his opinions and all his feelings.

In that language I should hear a style correspondent to the proceeding, — lofty, indeed, but plain and consistent. Admit, however, for a moment, and merely for argument, that this gentleman had as good a right to continue as they had to begin these discussions; in candor and equity they must allow that their voluntary descant in praise of the French Constitution was as much an oblique attack on Mr. Burke as

Mr. Burke's inquiry into the foundation of this encomium could possibly be construed into an imputation upon them. They well knew that he felt like other men; and of course he would think it mean and unworthy to decline asserting in his place, and in the front of able adversaries, the principles of what he had penned in his closet and without an opponent before him. They could not but be convinced that declamations of this kind would rouse him, — that he must think, coming from men of their calibre, they were highly mischievous, — that they gave countenance to bad men and bad designs; and though he was aware that the handling such matters in Parliament was delicate, yet he was a man very likely, whenever, much against his will, they were brought there, to resolve that there they should be thoroughly sifted. Mr. Fox, early in the preceding session, had public notice from Mr. Burke of the light in which he considered every attempt to introduce the example of France into the politics of this country, and of his resolution to break with his host friends and to join with his worst enemies to prevent it. He hoped that no such necessity would ever exist; but in case it should, his determination was made. The party knew perfectly that he would at least defend himself. He never intended to attack Mr. Fox, nor did he attack him directly or indirectly. His speech kept to its matter. No personality was employed, even in the remotest allusion. He never did impute to that gentleman any republican principles, or any other bad principles or bad conduct whatsoever. It was far from his words; it was far from his heart. It must be remembered, that, notwithstanding the attempt of Mr. Fox to fix on Mr. Burke an unjustifiable change of opinion, and the foul crime of teaching a set of maxims to a boy, and afterwards, when these maxims became adult in his mature age, of abandoning both the disciple and the doctrine, Mr. Burke never attempted, in any one particular, either to criminate or to recriminate. It may be said that he had nothing of the kind in his power. This he does not controvert. He certainly had it not in his inclination. That gentleman had as little ground for the charges which he was so easily provoked to make upon him.

The gentlemen of the party (I include Mr. Fox) have been kind enough to consider the dispute brought on by this business, and the consequent separation of Mr. Burke from their corps, as a matter of regret and uneasiness. I cannot be of opinion that by his exclusion they have had any loss at all. A man whose opinions are so very adverse to theirs, adverse, as it was expressed, “as pole to pole,” so mischievously as well as so directly adverse that they found themselves under the necessity of solemnly disclaiming them in full Parliament, — such a man must ever be to them a most unseemly and unprofitable incumbrance. A coöperation with him could only serve to embarrass them in all their councils. They have besides publicly represented him as a man capable of abusing the docility and confidence of ingenuous youth, — and, for a bad reason or for no reason, of disgracing his whole public life by a scandalous contradiction of every one of his own acts, writings, and declarations. If these charges be true, their exclusion of such a person from their

body is a circumstance which does equal honor to their justice and their prudence. If they express a degree of sensibility in being obliged to execute this wise and just sentence, from a consideration of some amiable or some pleasant qualities which in his private life their former friend may happen to possess, they add to the praise of their wisdom and firmness the merit of great tenderness of heart and humanity of disposition.

On their ideas, the new Whig party have, in my opinion, acted as became them. The author of the *Reflections*, however, on his part, cannot, without great shame to himself, and without entailing everlasting disgrace on his posterity, admit the truth or justice of the charges which have been made upon him, or allow that he has in those *Reflections* discovered any principles to which honest men are bound to declare, not a shade or two of dissent, but a total, fundamental opposition. He must believe, if he does not mean wilfully to abandon his cause and his reputation, that principles fundamentally at variance with those of his book are fundamentally false. What those principles, the antipodes to his, really are, he can only discover from their contrariety. He is very unwilling to suppose that the doctrines of some books lately circulated are the principles of the party; though, from the vehement declarations against his opinions, he is at some loss how to judge otherwise.

For the present, my plan does not render it necessary to say anything further concerning the merits either of the one set of opinions or the other. The author would have discussed the merits of both in his place, but he was not permitted to do so.

I pass to the next head of charge, — Mr. Burke's inconsistency. It is certainly a great aggravation of his fault in embracing false opinions, that in doing so he is not supposed to fill up a void, but that he is guilty of a dereliction of opinions that are true and laudable. This is the great gist of the charge against him. It is not so much that he is wrong in his book (that, however, is alleged also) as that he has therein belied his whole life. I believe, if he could venture to value himself upon anything, it is on the virtue of consistency that he would value himself the most. Strip him of this, and you leave him naked indeed.

In the case of any man who had written something, and spoken a great deal, upon very multifarious matter, during upwards of twenty-five years' public service, and in as great a variety of important events as perhaps have ever happened in the same number of years, it would appear a little hard, in order to charge such a man with inconsistency, to see collected by his friend a sort of digest of his sayings, even to such as were merely sportive and jocular. This digest, however, has been made, with equal pains and partiality, and without bringing out those passages of his writings which might tend to show with what restrictions any expressions quoted from him ought to have been understood. From a great statesman he did not quite expect this mode of inquisition. If it only appeared in the works of common pamphleteers, Mr.

Burke might safely trust to his reputation. When thus urged, he ought, perhaps, to do a little more. It shall be as little as possible; for I hope not much is wanting. To be totally silent on his charges would not be respectful to Mr. Fox. Accusations sometimes derive a weight from the persons who make them to which they are not entitled from their matter.

He who thinks that the British Constitution ought to consist of the three members, of three very different natures, of which it does actually consist, and thinks it his duty to preserve each of those members in its proper place and with its proper proportion of power, must (as each shall happen to be attacked) vindicate the three several parts on the several principles peculiarly belonging to them. He cannot assert the democratic part on the principles on which monarchy is supported, nor can he support monarchy on the principles of democracy, nor can he maintain aristocracy on the grounds of the one or of the other or of both. All these he must support on grounds that are totally different, though practically they may be, and happily with us they are, brought into one harmonious body. A man could not be consistent in defending such various, and, at first view, discordant, parts of a mixed Constitution, without that sort of inconsistency with which Mr. Burke stands charged.

As any one of the great members of this Constitution happens to be endangered, he that is a friend to all of them chooses and presses the topics necessary for the support of the part attacked, with all the strength, the earnestness, the vehemence, with all the power of stating, of argument, and of coloring, which he happens to possess, and which the case demands. He is not to embarrass the minds of his hearers, or to incumber or overlay his speech, by bringing into view at once (as if he were reading an academic lecture) all that may and ought, when a just occasion presents itself, to be said in favor of the other members. At that time they are out of the court; there is no question concerning them. Whilst he opposes his defence on the part where the attack is made, he presumes that for his regard to the just rights of all the rest he has credit in every candid mind. He ought not to apprehend that his raising fences about popular privileges this day will infer that he ought on the next to concur with those who would pull down the throne; because on the next he defends the throne, it ought not to be supposed that he has abandoned the rights of the people.

A man, who, among various objects of his equal regard, is secure of some, and full of anxiety for the fate of others, is apt to go to much greater lengths in his preference of the objects of his immediate solicitude than Mr. Burke has ever done. A man so circumstanced often seems to undervalue, to vilify, almost to reprobate and disown, those that are out of danger. This is the voice of Nature and truth, and not of inconsistency and false pretence. The danger of anything very dear to us removes, for the moment, every other affection from the mind. When Priam had his whole thoughts employed on the body of his Hector, he repels with indignation, and

drives from him with a thousand reproaches, his surviving sons, who with an officious piety crowded about him to offer their assistance. A good critic (there is no better than Mr. Fox) would say that this is a masterstroke, and marks a deep understanding of Nature in the father of poetry. He would despise a Zoïlus who would conclude from this passage that Homer meant to represent this man of affliction as hating or being indifferent and cold in his affections to the poor relics of his house, or that he preferred a dead carcass to his living children.

Mr. Burke does not stand in need of an allowance of this kind, which, if he did, by candid critics ought to be granted to him. If the principles of a mixed Constitution be admitted, he wants no more to justify to consistency everything he has said and done during the course of a political life just touching to its close. I believe that gentleman has kept himself more clear of running into the fashion of wild, visionary theories, or of seeking popularity through every means, than any man perhaps ever did in the same situation.

He was the first man who, on the hustings, at a popular election, rejected the authority of instructions from constituents, — or who, in any place, has argued so fully against it. Perhaps the discredit into which that doctrine of compulsive instructions under our Constitution is since fallen may be due in a great degree to his opposing himself to it in that manner and on that occasion.

The reforms in representation, and the bills for shortening the duration of Parliaments, he uniformly and steadily opposed for many years together, in contradiction to many of his best friends. These friends, however, in his better days, when they had more to hope from his service and more to fear from his loss than now they have, never chose to find any inconsistency between his acts and expressions in favor of liberty and his votes on those questions. But there is a time for all things.

Against the opinion of many friends, even against the solicitation of some of them, he opposed those of the Church clergy who had petitioned the House of Commons to be discharged from the subscription. Although he supported the Dissenters in their petition for the indulgence which he had refused to the clergy of the Established Church, in this, as he was not guilty of it, so he was not reproached with inconsistency. At the same time he promoted, and against the wish of several, the clause that gave the Dissenting teachers another subscription in the place of that which was then taken away. Neither at that time was the reproach of inconsistency brought against him. People could then distinguish between a difference in conduct under a variation of circumstances and an inconsistency in principle. It was not then thought necessary to be freed of him as of an incumbrance.

These instances, a few among many, are produced as an answer to the insinuation of his having pursued high popular courses which in his late book he has abandoned. Perhaps in his whole life he has never omitted a fair occasion, with whatever risk to him of obloquy as an individual, with whatever detriment to his

interest as a member of opposition, to assert the very same doctrines which appear in that book. He told the House, upon an important occasion, and pretty early in his service, that, “being warned by the ill effect of a contrary procedure in great examples, he had taken his ideas of liberty very low in order that they should stick to him and that he might stick to them to the end of his life.”

At popular elections the most rigorous casuists will remit a little of their severity. They will allow to a candidate some unqualified effusions in favor of freedom, without binding him to adhere to them in their utmost extent. But Mr. Burke put a more strict rule upon himself than most moralists would put upon others. At his first offering himself to Bristol, where he was almost sure he should not obtain, on that or any occasion, a single Tory vote, (in fact, he did obtain but one,) and rested wholly on the Whig interest, he thought himself bound to tell to the electors, both before and after his election, exactly what a representative they had to expect in him.

“The *distinguishing* part of our Constitution,” he said, “is its liberty. To preserve that liberty inviolate is the *peculiar* duty and *proper* trust of a member of the House of Commons. But the liberty, the *only* liberty, I mean is a liberty connected with *order*; and that not only exists *with* order and virtue, but cannot exist at all *without* them. It inheres in good and steady government, as in *its substance and vital principle*.”

The liberty to which Mr. Burke declared himself attached is not French liberty. That liberty is nothing but the rein given to vice and confusion. Mr. Burke was then, as he was at the writing of his Reflections, awfully impressed with the difficulties arising from the complex state of our Constitution and our empire, and that it might require in different emergencies different sorts of exertions, and the successive call upon all the various principles which uphold and justify it. This will appear from what he said at the close of the poll.

“To be a good member of Parliament is, let me tell you, no easy task, — especially at this time, when there is so strong a disposition to run into the perilous extremes of *servile* compliance or *wild popularity*. To unite circumspection with vigor is absolutely necessary, but it is extremely difficult. We are now members for a rich commercial *city*; this city, however, is but a part of a rich commercial *nation*, the interests of which are *various, multiform, and intricate*. We are members for that great *nation*, which, however, is itself but part of a great *empire*, extended by our virtue and our fortune to the farthest limits of the East and of the West. *All* these wide-spread interests must be *considered*, — must be *compared*, — must be *reconciled*, if possible. We are members for a *free* country; and surely we all know that the machine of a free constitution is no *simple* thing, but as *intricate* and as *delicate* as it is valuable. We are members in a *great and ancient MONARCHY*; and we must preserve religiously the true, legal rights of the sovereign, which form the key-stone that binds together the noble and well-constructed arch of our empire

and our Constitution. A constitution made up of *balanced powers* must ever be a critical thing. As such I mean to touch that part of it which comes within my reach.”

In this manner Mr. Burke spoke to his constituents seventeen years ago. He spoke, not like a partisan of one particular member of our Constitution, but as a person strongly, and on principle, attached to them all. He thought these great and essential members ought to be preserved, and preserved each in its place, — and that the monarchy ought not only to be secured in its peculiar existence, but in its preeminence too, as the presiding and connecting principle of the whole. Let it be considered whether the language of his book, printed in 1790, differs from his speech at Bristol in 1774.

With equal justice his opinions on the American war are introduced, as if in his late work he had belied his conduct and opinions in the debates which arose upon that great event. On the American war he never had any opinions which he has seen occasion to retract, or which he has ever retracted. He, indeed, differs essentially from Mr. Fox as to the cause of that war. Mr. Fox has been pleased to say that the Americans rebelled “because they thought they had not enjoyed liberty enough.” This cause of the war, *from him*, I have heard of for the first time. It is true that those who stimulated the nation to that measure did frequently urge this topic. They contended that the Americans had from the beginning aimed at independence, — that from the beginning they meant wholly to throw off the authority of the crown, and to break their connection with the parent country. This Mr. Burke never believed. When he moved his second conciliatory proposition, in the year 1776, he entered into the discussion of this point at very great length, and, from nine several heads of presumption, endeavored to prove the charge upon that people not to be true.

If the principles of all he has said and wrote on the occasion be viewed with common temper, the gentlemen of the party will perceive, that, on a supposition that the Americans had rebelled merely in order to enlarge their liberty, Mr. Burke would have thought very differently of the American cause. What might have been in the secret thoughts of some of their leaders it is impossible to say. As far as a man so locked up as Dr. Franklin could be expected to communicate his ideas, I believe he opened them to Mr. Burke. It was, I think, the very day before he set out for America that a very long conversation passed between them, and with a greater air of openness on the Doctor’s side than Mr. Burke had observed in him before. In this discourse Dr. Franklin lamented, and with apparent sincerity, the separation which he feared was inevitable between Great Britain and her colonies. He certainly spoke of it as an event which gave him the greatest concern. America, he said, would never again see such happy days as she had passed under the protection of England. He observed, that ours was the only instance of a great empire in which the most distant parts and members had been as well governed as the metropolis

and its vicinage, but that the Americans were going to lose the means which secured to them this rare and precious advantage. The question with them was not, whether they were to remain as they had been before the troubles, — for better, he allowed, they could not hope to be, — but whether they were to give up so happy a situation without a struggle. Mr. Burke had several other conversations with him about that time, in none of which, soured and exasperated as his mind certainly was, did he discover any other wish in favor of America than for a security to its *ancient* condition. Mr. Burke's conversation with other Americans was large, indeed, and his inquiries extensive and diligent. Trusting to the result of all these means of information, but trusting much more in the public presumptive indications I have just referred to, and to the reiterated solemn declarations of their Assemblies, he always firmly believed that they were purely on the defensive in that rebellion. He considered the Americans as standing at that time, and in that controversy, in the same relation to England as England did to King James the Second in 1688. He believed that they had taken up arms from one motive only: that is, our attempting to tax them without their consent, — to tax them for the purposes of maintaining civil and military establishments. If this attempt of ours could have been practically established, he thought, with them, that their Assemblies would become totally useless, — that, under the system of policy which was then pursued, the Americans could have no sort of security for their laws or liberties, or for any part of them, — and that the very circumstance of *our* freedom would have augmented the weight of *their* slavery.

Considering the Americans on that defensive footing, he thought Great Britain ought instantly to have closed with them by the repeal of the taxing act. He was of opinion that our general rights over that country would have been preserved by this timely concession. When, instead of this, a Boston Port Bill, a Massachusetts Charter Bill, a Fishery Bill, an Intercourse Bill, I know not how many hostile bills, rushed out like so many tempests from all points of the compass, and were accompanied first with great fleets and armies of English, and followed afterwards with great bodies of foreign troops, he thought that their cause grew daily better, because daily more defensive, — and that ours, because daily more offensive, grew daily worse. He therefore, in two motions, in two successive years, proposed in Parliament many concessions beyond what he had reason to think in the beginning of the troubles would ever be seriously demanded.

So circumstanced, he certainly never could and never did wish the colonists to be subdued by arms. He was fully persuaded, that, if such should be the event, they must be held in that subdued state by a great body of standing forces, and perhaps of foreign forces. He was strongly of opinion that such armies, first victorious over Englishmen, in a conflict for English constitutional rights and privileges, and afterwards habituated (though in America) to keep an English people in a state of abject subjection, would prove fatal in the end to the liberties of England itself; that

in the mean time this military system would lie as an oppressive burden upon the national finances; that it would constantly breed and feed new discussions, full of heat and acrimony, leading possibly to a new series of wars; and that foreign powers, whilst we continued in a state at once burdened and distracted, must at length obtain a decided superiority over us. On what part of his late publication, or on what expression that might have escaped him in that work, is any man authorized to charge Mr. Burke with a contradiction to the line of his conduct and to the current of his doctrines on the American war? The pamphlet is in the hands of his accusers: let them point out the passage, if they can.

Indeed, the author has been well sifted and scrutinized by his friends. He is even called to an account for every jocular and light expression. A ludicrous picture which he made with regard to a passage in the speech of a late minister has been brought up against him. That passage contained a lamentation for the loss of monarchy to the Americans, after they had separated from Great Britain. He thought it to be unseasonable, ill-judged, and ill-sorted with the circumstances of all the parties. Mr. Burke, it seems, considered it ridiculous to lament the loss of some monarch or other to a rebel people, at the moment they had forever quitted their allegiance to theirs and our sovereign, at the time when they had broken off all connection with this nation and had allied themselves with its enemies. He certainly must have thought it open to ridicule; and now that it is recalled to his memory, (he had, I believe, wholly forgotten the circumstance,) he recollects that he did treat it with some levity. But is it a fair inference from a jest on this unseasonable lamentation, that he was then an enemy to monarchy, either in this or in any other country? The contrary perhaps ought to be inferred, — if anything at all can be argued from pleasantries good or bad. Is it for this reason, or for anything he has said or done relative to the American war, that he is to enter into an alliance offensive and defensive with every rebellion, in every country, under every circumstance, and raised upon whatever pretence? Is it because he did not wish the Americans to be subdued by arms, that he must be inconsistent with himself, if he reprobates the conduct of those societies in England, who, alleging no one act of tyranny or oppression, and complaining of no hostile attempt against our ancient laws, rights, and usages, are now endeavoring to work the destruction of the crown of this kingdom, and the whole of its Constitution? Is he obliged, from the concessions he wished to be made to the colonies, to keep any terms with those clubs and federations who hold out to us, as a pattern for imitation, the proceedings in France, in which a king, who had voluntarily and formally divested himself of the right of taxation, and of all other species of arbitrary power, has been dethroned? Is it because Mr. Burke wished to have America rather conciliated than vanquished, that he must wish well to the army of republics which are set up in France, — a country wherein not the people, but the monarch, was wholly on the defensive, (a poor, indeed, and feeble defensive,) to preserve *some fragments* of the

royal authority against a determined and desperate body of conspirators, whose object it was, with whatever certainty of crimes, with whatever hazard of war, and every other species of calamity, to annihilate the *whole* of that authority, to level all ranks, orders, and distinctions in the state, and utterly to destroy property, not more by their acts than in their principles?

Mr. Burke has been also reproached with an inconsistency between his late writings and his former conduct, because he had proposed in Parliament several economical, leading to several constitutional reforms. Mr. Burke thought, with a majority of the House of Commons, that the influence of the crown at one time was too great; but after his Majesty had, by a gracious message, and several subsequent acts of Parliament, reduced it to a standard which satisfied Mr. Fox himself, and, apparently at least, contented whoever wished to go farthest in that reduction, is Mr. Burke to allow that it would be right for us to proceed to indefinite lengths upon that subject? that it would therefore be justifiable in a people owing allegiance to a monarchy, and professing to maintain it, not to *reduce*, but wholly to *take away all* prerogative and *all* influence whatsoever? Must his having made, in virtue of a plan of economical regulation, a reduction of the influence of the crown compel him to allow that it would be right in the French or in us to bring a king to so abject a state as in function not to be so respectable as an under-sheriff, but in person not to differ from the condition of a mere prisoner? One would think that such a thing as a medium had never been heard of in the moral world.

This mode of arguing from your having done *any* thing in a certain line to the necessity of doing *every* thing has political consequences of other moment than those of a logical fallacy. If no man can propose any diminution or modification of an invidious or dangerous power or influence in government, without entitling friends turned into adversaries to argue him into the destruction of all prerogative, and to a spoliation of the whole patronage of royalty, I do not know what can more effectually deter persons of sober minds from engaging in any reform, nor how the worst enemies to the liberty of the subject could contrive any method more fit to bring all correctives on the power of the crown into suspicion and disrepute.

If, say his accusers, the dread of too great influence in the crown of Great Britain could justify the degree of reform which he adopted, the dread of a return under the despotism of a monarchy might justify the people of France in going much further, and reducing monarchy to its present nothing. — Mr. Burke does not allow that a sufficient argument *ad hominem* is inferable from these premises. If the horror of the excesses of an absolute monarchy furnishes a reason for abolishing it, no monarchy once absolute (all have been so at one period or other) could ever be limited. It must be destroyed; otherwise no way could be found to quiet the fears of those who were formerly subjected to that sway. But the principle of Mr. Burke's proceeding ought to lead him to a very different conclusion, — to this conclusion, — that a monarchy is a thing perfectly susceptible of reform, perfectly susceptible

of a balance of power, and that, when reformed and balanced, for a great country it is the best of all governments. The example of our country might have led France, as it has led him, to perceive that monarchy is not only reconcilable to liberty, but that it may be rendered a great and stable security to its perpetual enjoyment. No correctives which he proposed to the power of the crown could lead him to approve of a plan of a republic (if so it may be reputed) which has no correctives, and which he believes to be incapable of admitting any. No principle of Mr. Burke's conduct or writings obliged him from consistency to become an advocate for an exchange of mischiefs; no principle of his could compel him to justify the setting up in the place of a mitigated monarchy a new and far more despotic power, under which there is no trace of liberty, except what appears in confusion and in crime.

Mr. Burke does not admit that the faction predominant in France have abolished their monarchy, and the orders of their state, from any dread of arbitrary power that lay heavy on the minds of the people. It is not very long since he has been in that country. Whilst there he conversed with many descriptions of its inhabitants. A few persons of rank did, he allows, discover strong and manifest tokens of such a spirit of liberty as might be expected one day to break all bounds. Such gentlemen have since had more reason to repent of their want of foresight than I hope any of the same class will ever have in this country. But this spirit was far from general, even amongst the gentlemen. As to the lower orders, and those little above them, in whose name the present powers domineer, they were far from discovering any sort of dissatisfaction with the power and prerogatives of the crown. That vain people were rather proud of them: they rather despised the English for not having a monarch possessed of such high and perfect authority. *They* had felt nothing from *lettres de cachet*. The Bastille could inspire no horrors into *them*. This was a treat for their betters. It was by art and impulse, it was by the sinister use made of a season of scarcity, it was under an infinitely diversified succession of wicked pretences wholly foreign to the question of monarchy or aristocracy, that this light people were inspired with their present spirit of levelling. Their old vanity was led by art to take another turn: it was dazzled and seduced by military liveries, cockades, and epaulets, until the French populace was led to become the willing, but still the proud and thoughtless, instrument and victim of another domination. Neither did that people despise or hate or fear their nobility: on the contrary, they valued themselves on the generous qualities which distinguished the chiefs of their nation.

So far as to the attack on Mr. Burke in consequence of his reforms.

To show that he has in his last publication abandoned those principles of liberty which have given energy to his youth, and in spite of his censors will afford repose and consolation to his declining age, those who have thought proper in Parliament to declare against his book ought to have produced something in it which directly or indirectly militates with any rational plan of free government. It is something extraordinary, that they whose memories have so well served them with regard to

light and ludicrous expressions, which years had consigned to oblivion, should not have been able to quote a single passage in a piece so lately published, which contradicts anything he has formerly ever said in a style either ludicrous or serious. They quote his former speeches and his former votes, but not one syllable from the book. It is only by a collation of the one with the other that the alleged inconsistency can be established. But as they are unable to cite any such contradictory passage, so neither can they show anything in the general tendency and spirit of the whole work unfavorable to a rational and generous spirit of liberty; unless a warm opposition to the spirit of levelling, to the spirit of impiety, to the spirit of proscription, plunder, murder, and cannibalism, be adverse to the true principles of freedom.

The author of that book is supposed to have passed from extreme to extreme; but he has always kept himself in a medium. This charge is not so wonderful. It is in the nature of things, that they who are in the centre of a circle should appear directly opposed to those who view them from any part of the circumference. In that middle point, however, he will still remain, though he may hear people who themselves run beyond Aurora and the Ganges cry out that he is at the extremity of the West.

In the same debate Mr. Burke was represented by Mr. Fox as arguing in a manner which implied that the British Constitution could not be defended, but by abusing all republics ancient and modern. He said nothing to give the least ground for such a censure. He never abused all republics. He has never professed himself a friend or an enemy to republics or to monarchies in the abstract. He thought that the circumstances and habits of every country, which it is always perilous and productive of the greatest calamities to force, are to decide upon the form of its government. There is nothing in his nature, his temper, or his faculties which should make him an enemy to any republic, modern or ancient. Far from it. He has studied the form and spirit of republics very early in life; he has studied them with great attention, and with a mind undisturbed by affection or prejudice. He is, indeed, convinced that the science of government would be poorly cultivated without that study. But the result in his mind from that investigation has been and is, that neither England nor France, without infinite detriment to them, as well in the event as in the experiment, could be brought into a republican form; but that everything republican which can be introduced with safety into either of them must be built upon a monarchy, — built upon a real, not a nominal monarchy, *as its essential basis*; that all such institutions, whether aristocratic or democratic, must originate from their crown, and in all their proceedings must refer to it; that by the energy of that mainspring alone those republican parts must be set in action, and from thence must derive their whole legal effect, (as amongst us they actually do,) or the whole will fall into confusion. These republican members have no other point but the crown in which they can possibly unite.

This is the opinion expressed in Mr. Burke's book. He has never varied in that opinion since he came to years of discretion. But surely, if at any time of his life he had entertained other notions, (which, however, he has never held or professed to hold,) the horrible calamities brought upon a great people by the wild attempt to force their country into a republic might be more than sufficient to undeceive his understanding, and to free it forever from such destructive fancies. He is certain that many, even in France, have been made sick of their theories by their very success in realizing them.

To fortify the imputation of a desertion from his principles, his constant attempts to reform abuses have been brought forward. It is true, it has been the business of his strength to reform abuses in government, and his last feeble efforts are employed in a struggle against them. Politically he has lived in that element; politically he will die in it. Before he departs, I will admit for him that he deserves to have all his titles of merit brought forth, as they have been, for grounds of condemnation, if one word justifying or supporting abuses of any sort is to be found in that book which has kindled so much indignation in the mind of a great man. On the contrary, it spares no existing abuse. Its very purpose is to make war with abuses, — not, indeed, to make war with the dead, but with those which live, and flourish, and reign.

The *purpose* for which the abuses of government are brought into view forms a very material consideration in the mode of treating them. The complaints of a friend are things very different from the invectives of an enemy. The charge of abuses on the late monarchy of France was not intended to lead to its reformation, but to justify its destruction. They who have raked into all history for the faults of kings, and who have aggravated every fault they have found, have acted consistently, because they acted as enemies. No man can be a friend to a tempered monarchy who bears a decided hatred to monarchy itself. He, who, at the present time, is favorable or even fair to that system, must act towards it as towards a friend with frailties who is under the prosecution of implacable foes. I think it a duty, in that case, not to inflame the public mind against the obnoxious person by any exaggeration of his faults. It is our duty rather to palliate his errors and defects, or to cast them into the shade, and industriously to bring forward any good qualities that he may happen to possess. But when the man is to be amended, and by amendment to be preserved, then the line of duty takes another direction. When his safety is effectually provided for, it then becomes the office of a friend to urge his faults and vices with all the energy of enlightened affection, to paint them in their most vivid colors, and to bring the moral patient to a better habit. Thus I think with regard to individuals; thus I think with regard to ancient and respected governments and orders of men. A spirit of reformation is never more consistent with itself than when it refuses to be rendered the means of destruction.

I suppose that enough is said upon these heads of accusation. One more I had nearly forgotten, but I shall soon dispatch it. The author of the *Reflections*, in the

opening of the last Parliament, entered on the journals of the House of Commons a motion for a remonstrance to the crown, which is substantially a defence of the preceding Parliament, that had been dissolved under displeasure. It is a defence of Mr. Fox. It is a defence of the Whigs. By what connection of argument, by what association of ideas, this apology for Mr. Fox and his party is by him and them brought to criminate his and their apologist, I cannot easily divine. It is true that Mr. Burke received no previous encouragement from Mr. Fox, nor any the least countenance or support, at the time when the motion was made, from him or from any gentleman of the party, — one only excepted, from whose friendship, on that and on other occasions, he derives an honor to which he must be dull indeed to be insensible. If that remonstrance, therefore, was a false or feeble defence of the measures of the party, they were in no wise affected by it. It stands on the journals. This secures to it a permanence which the author cannot expect to any other work of his. Let it speak for itself to the present age and to all posterity. The party had no concern in it; and it can never be quoted against them. But in the late debate it was produced, not to clear the party from an improper defence in which they had no share, but for the kind purpose of insinuating an inconsistency between the principles of Mr. Burke's defence of the dissolved Parliament and those on which he proceeded in his late *Reflections on France*.

It requires great ingenuity to make out such a parallel between the two cases as to found a charge of inconsistency in the principles assumed in arguing the one and the other. What relation had Mr. Fox's India Bill to the Constitution of France? What relation had that Constitution to the question of right in an House of Commons to give or to withhold its confidence from ministers, and to state that opinion to the crown? What had this discussion to do with Mr. Burke's idea in 1784 of the ill consequences which must in the end arise to the crown from setting up the commons at large as an opposite interest to the commons in Parliament? What has this discussion to do with a recorded warning to the people of their rashly forming a precipitate judgment against their representatives? What had Mr. Burke's opinion of the danger of introducing new theoretic language, unknown to the records of the kingdom, and calculated to excite vexatious questions, into a Parliamentary proceeding, to do with the French Assembly, which defies all precedent, and places its whole glory in realizing what had been thought the most visionary theories? What had this in common with the abolition of the French monarchy, or with the principles upon which the English Revolution was justified, — a Revolution in which Parliament, in all its acts and all its declarations, religiously adheres to "the form of sound words," without excluding from private discussions such terms of art as may serve to conduct an inquiry for which none but private persons are responsible? These were the topics of Mr. Burke's proposed remonstrance; all of which topics suppose the existence and mutual relation of our three estates, — as well as the relation of the East India Company to the crown, to Parliament, and to

the peculiar laws, rights, and usages of the people of Hindostan. What reference, I say, had these topics to the Constitution of France, in which there is no king, no lords, no commons, no India Company to injure or support, no Indian empire to govern or oppress? What relation had all or any of these, or any question which could arise between the prerogatives of the crown and the privileges of Parliament, with the censure of those factious persons in Great Britain whom Mr. Burke states to be engaged, not in favor of privilege against prerogative, or of prerogative against privilege, but in an open attempt against our crown and our Parliament, against our Constitution in Church and State, against all the parts and orders which compose the one and the other?

No persons were more fiercely active against Mr. Fox, and against the measures of the House of Commons dissolved in 1784, which Mr. Burke defends in that remonstrance, than several of those revolution-makers whom Mr. Burke condemns alike in his remonstrance and in his book. These revolutionists, indeed, may be well thought to vary in their conduct. He is, however, far from accusing them, in this variation, of the smallest degree of inconsistency. He is persuaded that they are totally indifferent at which end they begin the demolition of the Constitution. Some are for commencing their operations with the destruction of the civil powers, in order the better to pull down the ecclesiastical, — some wish to begin with the ecclesiastical, in order to facilitate the ruin of the civil; some would destroy the House of Commons through the crown, some the crown through the House of Commons, and some would overturn both the one and the other through what they call the people. But I believe that this injured writer will think it not at all inconsistent with his present duty or with his former life strenuously to oppose all the various partisans of destruction, let them begin where or when or how they will. No man would set his face more determinedly against those who should attempt to deprive them, or any description of men, of the rights they possess. No man would be more steady in preventing them from abusing those rights to the destruction of that happy order under which they enjoy them. As to their title to anything further, it ought to be grounded on the proof they give of the safety with which power may be trusted in their hands. When they attempt without disguise, not to win it from our affections, but to force it from our fears, they show, in the character of their means of obtaining it, the use they would make of their dominion. That writer is too well read in men not to know how often the desire and design of a tyrannic domination lurks in the claim of an extravagant liberty. Perhaps in the beginning it *always* displays itself in that manner. No man has ever affected power which he did not hope from the favor of the existing government in any other mode.

The attacks on the author's consistency relative to France are (however grievous they may be to his feelings) in a great degree external to him and to us, and comparatively of little moment to the people of England. The substantial charge

upon him is concerning his doctrines relative to the Revolution of 1688. Here it is that they who speak in the name of the party have thought proper to censure him the most loudly and with the greatest asperity. Here they fasten, and, if they are right in their fact, with sufficient judgment in their selection. If he be guilty in this point, he is equally blamable, whether he is consistent or not. If he endeavors to delude his countrymen by a false representation of the spirit of that leading event, and of the true nature and tenure of the government formed in consequence of it, he is deeply responsible, he is an enemy to the free Constitution of the kingdom. But he is not guilty in any sense. I maintain that in his Reflections he has stated the Revolution and the Settlement upon their true principles of legal reason and constitutional policy.

His authorities are the acts and declarations of Parliament, given in their proper words. So far as these go, nothing can be added to what he has quoted. The question is, whether he has understood them rightly. I think they speak plain enough. But we must now see whether he proceeds with other authority than his own constructions, and, if he does, on what sort of authority he proceeds. In this part, his defence will not be made by argument, but by wager of law. He takes his compurgators, his vouchers, his guaranties, along with him. I know that he will not be satisfied with a justification proceeding on general reasons of policy. He must be defended on party grounds, too, or his cause is not so tenable as I wish it to appear. It must be made out for him not only that in his construction of these public acts and monuments he conforms himself to the rules of fair, legal, and logical interpretation, but it must be proved that his construction is in perfect harmony with that of the ancient Whigs, to whom, against the sentence of the modern, on his part, I here appeal.

This July it will be twenty-six years since he became connected with a man whose memory will ever be precious to Englishmen of all parties, as long as the ideas of honor and virtue, public and private, are understood and cherished in this nation. That memory will be kept alive with particular veneration by all rational and honorable Whigs. Mr. Burke entered into a connection with that party through that man, at an age far from raw and immature, — at those years when men are all they are ever likely to become, — when he was in the prime and vigor of his life, — when the powers of his understanding, according to their standard, were at the best, his memory exercised, his judgment formed, and his reading much fresher in the recollection and much readier in the application than now it is. He was at that time as likely as most men to know what were Whig and what were Tory principles. He was in a situation to discern what sort of Whig principles they entertained with whom it was his wish to form an eternal connection. Foolish he would have been at that time of life (more foolish than any man who undertakes a public trust would be thought) to adhere to a cause which he, amongst all those who were engaged in it, had the least sanguine hopes of as a road to power.

There are who remember, that, on the removal of the Whigs in the year 1766, he was as free to choose another connection as any man in the kingdom. To put himself out of the way of the negotiations which were then carrying on very eagerly and through many channels with the Earl of Chatham, he went to Ireland very soon after the change of ministry, and did not return until the meeting of Parliament. He was at that time free from anything which looked like an engagement. He was further free at the desire of his friends; for, the very day of his return, the Marquis of Rockingham wished him to accept an employment under the new system. He believes he might have had such a situation; but again he cheerfully took his fate with the party.

It would be a serious imputation upon the prudence of my friend, to have made even such trivial sacrifices as it was in his power to make for principles which he did not truly embrace or did not perfectly understand. In either case the folly would have been great. The question now is, whether, when he first practically professed Whig principles, he understood what principles he professed, and whether in his book he has faithfully expressed them.

When he entered into the Whig party, he did not conceive that they pretended to any discoveries. They did not affect to be better Whigs than those were who lived in the days in which principle was put to the test. Some of the Whigs of those days were then living. They were what the Whigs had been at the Revolution, — what they had been during the reign of Queen Anne, — what they had been at the accession of the present royal family.

What they were at those periods is to be seen. It rarely happens to a party to have the opportunity of a clear, authentic, recorded declaration of their political tenets upon the subject of a great constitutional event like that of the Revolution. The Whigs had that opportunity, — or to speak more properly, they made it. The impeachment of Dr. Sacheverell was undertaken by a Whig ministry and a Whig House of Commons, and carried on before a prevalent and steady majority of Whig peers. It was carried on for the express purpose of stating the true grounds and principles of the Revolution, — what the Commons emphatically called their *foundation*. It was carried on for the purpose of condemning the principles on which the Revolution was first opposed and afterwards calumniated, in order, by a juridical sentence of the highest authority, to confirm and fix Whig principles, as they had operated both in the resistance to King James and in the subsequent settlement, and to fix them in the extent and with the limitations with which it was meant they should be understood by posterity. The ministers and managers for the Commons were persons who had, many of them, an active share in the Revolution. Most of them had seen it at an age capable of reflection. The grand event, and all the discussions which led to it and followed it, were then alive in the memory and conversation of all men. The managers for the Commons must be supposed to have spoken on that subject the prevalent ideas of the leading party in the Commons, and

of the Whig ministry. Undoubtedly they spoke also their own private opinions; and the private opinions of such men are not without weight. They were not *umbratiles doctores*, men who had studied a free Constitution only in its anatomy and upon dead systems. They knew it alive and in action.

In this proceeding the Whig principles, as applied to the Revolution and Settlement, are to be found, or they are to be found nowhere. I wish the Whig readers of this Appeal first to turn to Mr. Burke's Reflections, from page 20 to page 50, and then to attend to the following extracts from the trial of Dr. Sacheverell. After this, they will consider two things: first, whether the doctrine in Mr. Burke's Reflections be consonant to that of the Whigs of that period; and, secondly, whether they choose to abandon the principles which belonged to the progenitors of some of them, and to the predecessors of them all, and to learn new principles of Whiggism, imported from France, and disseminated in this country from Dissenting pulpits, from Federation societies, and from the pamphlets, which (as containing the political creed of those synods) are industriously circulated in all parts of the two kingdoms. This is their affair, and they will make their option.

These new Whigs hold that the sovereignty, whether exercised by one or many, did not only originate *from* the people, (a position not denied nor worth denying or assenting to,) but that in the people the same sovereignty constantly and unalienably resides; that the people may lawfully depose kings, not only for misconduct, but without any misconduct at all; that they may set up any new fashion of government for themselves, or continue without any government, at their pleasure; that the people are essentially their own rule, and their will the measure of their conduct; that the tenure of magistracy is not a proper subject of contract, because magistrates have duties, but no rights; and that, if a contract *de facto* is made with them in one age, allowing that it binds at all, it only binds those who are immediately concerned in it, but does not pass to posterity. These doctrines concerning *the people* (a term which they are far from accurately defining, but by which, from many circumstances, it is plain enough they mean their own faction, if they should grow, by early arming, by treachery, or violence, into the prevailing force) tend, in my opinion, to the utter subversion, not only of all government, in all modes, and to all stable securities to rational freedom, but to all the rules and principles of morality itself.

I assert that the ancient Whigs held doctrines totally different from those I have last mentioned. I assert, that the foundations laid down by the Commons, on the trial of Dr. Sacheverell, for justifying the Revolution of 1688, are the very same laid down in Mr. Burke's Reflections, — that is to say, a breach of the *original contract*, implied and expressed in the Constitution of this country, as a scheme of government fundamentally and inviolably fixed in King, Lords, and Commons; — that the fundamental subversion of this ancient Constitution, by one of its parts, having been attempted, and in effect accomplished, justified the Revolution; — that

it was justified *only* upon the *necessity* of the case, as the *only* means left for the recovery of that *ancient* Constitution formed by the *original contract* of the British state, as well as for the future preservation of the *same* government. These are the points to be proved.

A general opening to the charge against Dr. Sacheverell was made by the attorney-general, Sir John Montague; but as there is nothing in that opening speech which tends very accurately to settle the principle upon which the Whigs proceeded in the prosecution, (the plan of the speech not requiring it,) I proceed to that of Mr. Lechmere, the manager, who spoke next after him. The following are extracts, given, not in the exact order in which they stand in the printed trial, but in that which is thought most fit to bring the ideas of the Whig Commons distinctly under our view.

Mr. Lechmere

“It becomes an *indispensable* duty upon us, who appear in the name and on the behalf of all the commons of Great Britain, not only to demand your Lordships’ justice on such a criminal, [Dr. Sacheverell,] *but clearly and openly to assert our foundations.*”

That the terms of our Constitution imply and express an original contract. That the contract is mutual consent, and binding at all times upon the parties. The mixed Constitution uniformly preserved for many ages, and is a proof of the contract. “The nature of our Constitution is that of a *limited monarchy*, wherein the supreme power is communicated and divided between Queen, Lords, and Commons, though the executive power and administration be wholly in the crown. The terms of such a Constitution do not only suppose, but express, an original contract between the crown and the people, by which that supreme power was (by mutual consent, and not by accident) limited and lodged in more hands than one. *And the uniform preservation of such a Constitution for so many ages, without any fundamental change, demonstrates to your Lordships the continuance of the same contract.*

Laws the common measure to King and subject.

Case of fundamental injury, and breach of original contract.”The consequences of such a frame of government are obvious: That the *laws* are the rule to both, the common measure of the power of the crown and of the obedience of the subject; and if the executive part endeavors the *subversion and total destruction of the government*, the original contract is thereby broke, and the right of allegiance ceases that part of the government thus *fundamentally* injured hath a right to save or recover *that* Constitution in which it had an original interest.”

Words *necessary means* selected with caution.” *The necessary means* (which is the phrase used by the Commons in their first article) words made choice of by them *with the greatest caution*. Those means are described (in the preamble to their charge) to be, that glorious enterprise which his late Majesty undertook, with an armed force, to deliver this kingdom from Popery and arbitrary power; the concurrence of many subjects of the realm, who came over with him in that enterprise, and of many others, of *all ranks and orders*, who appeared in arms in many parts of the kingdom in aid of that enterprise.

“These were the *means* that brought about the Revolution; and which the act that passed soon after, *declaring the rights and liberties of the subject, and settling the succession of the crown*, intends, when his late Majesty is therein called *the glorious instrument of delivering the kingdom*; and which the Commons, in the last part of their first article, express by the word *resistance*.

Regard of the Commons to their allegiance to the crown, and to the ancient Constitution.” But the Commons, who will never be unmindful of the *allegiance* of the subjects to the *crown* of this realm, judged it highly incumbent upon them, out of regard to the *safety of her Majesty’s person and government, and the ancient and legal Constitution of this kingdom*, to call that resistance the *necessary means*; thereby plainly founding that power, of right and resistance, which was exercised by the people at the time of the happy Revolution, and which the duties of *self-preservation* and religion called them to, *upon the NECESSITY of the case, and at the same time effectually securing her Majesty’s government, and the due allegiance of all her subjects*.”

All ages have the same interest in preservation of the contract, and the same Constitution.” The nature of such an *original contract* of government proves that there is not only a power in the people, who have *inherited its freedom*, to assert their own title to it, but they are bound in duty to transmit the *same* Constitution to their posterity also.”

Mr. Lechmere made a second speech. Notwithstanding the clear and satisfactory manner in which he delivered himself in his first, upon this arduous question, he thinks himself bound again distinctly to assert the same foundation, and to justify the Revolution on *the case of necessity only*, upon principles perfectly coinciding with those laid down in Mr. Burke’s letter on the French affairs.

Mr. Lechmere.

The Commons strictly confine their ideas of a revolution to necessity alone and self-defence.” Your Lordships were acquainted, in opening the charge, with how *great caution*, and with what unfeigned regard to her Majesty and her government, and to the *duty and allegiance* of her subjects, the Commons made choice of the words *necessary means* to express the resistance that was made use of to bring

about the Revolution, and with the condemning of which the Doctor is charged by this article: not doubting but that the honor and justice of that resistance, *from the necessity of that case, and to which alone we have strictly confined ourselves*, when duly considered, would confirm and strengthen[A][A] N.B. The remark implies, that allegiance would be insecure without this restriction. and be understood to be an effectual security of the allegiance of the subject to the crown of this realm, *in every other case where there is not the same necessity*; and that the right of the people to *self-defence, and preservation of their liberties, by resistance as their last remedy, is the result of a case of such NECESSITY ONLY, and by which the ORIGINAL CONTRACT between king and people is broke. This was the principle laid down and carried through all that was said with respect to ALLEGIANCE; and on WHICH FOUNDATION, in the name and on the behalf of all the commons of Great Britain, we assert and justify that resistance by which the late happy Revolution was brought about.*”

“It appears to your Lordships and the world, that *breaking the original contract between king and people* were the words made choice of by that House of Commons,” (the House of Commons which originated the Declaration of Right,) “with the *greatest deliberation and judgment*, and approved of by your Lordships, in that first and fundamental step made towards the *re-establishment of the government*, which had received so great a shock from the evil counsels which had been given to that unfortunate prince.”

Sir John Hawles, another of the managers, follows the steps of his brethren, positively affirming the doctrine of non-resistance to government to be the general moral, religious, and political rule for the subject, and justifying the Revolution on the same principle with Mr. Burke, — that is, as *an exception from necessity*. Indeed, he carries the doctrine on the general idea of non-resistance much further than Mr. Burke has done, and full as far as it can perhaps be supported by any duty of *perfect obligation*, however noble and heroic it may be in many cases to suffer death rather than disturb the tranquillity of our country.

Sir John Hawles.

“Certainly it must be granted, that the doctrine that commands obedience to the supreme power, *though in things contrary to Nature*, even to suffer death, which is the highest injustice that can be done a man, rather than make an opposition to the supreme power [is reasonable], because the death of one or some few private persons is a less evil than *disturbing the whole government*; that law must needs be understood to forbid the doing or saying anything to disturb the government, the rather because the obeying that law cannot be pretended to be against Nature: and the Doctor’s refusing to obey that implicit law is the reason for which he is now prosecuted; though he would have it believed that the reason he is now prosecuted

was for the doctrine he asserted of obedience to the supreme power; which he might have preached as long as he had pleased, and the Commons would have taken no offence at it, if he had stopped there, and not have taken upon him, on that pretence or occasion, to have cast odious colors upon the Revolution.”

General Stanhope was among the managers. He begins his speech by a reference to the opinion of his fellow-managers, which he hoped had put beyond all doubt the limits and qualifications that the Commons had placed to their doctrines concerning the Revolution; yet, not satisfied with this general reference, after condemning the principle of non-resistance, which is asserted in the sermon *without any exception*, and stating, that, under the specious pretence of preaching a peaceable doctrine, Sacheverell and the Jacobites meant, in reality, to excite a rebellion in favor of the Pretender, he explicitly limits his ideas of resistance with the boundaries laid down by his colleagues, and by Mr. Burke.

General Stanhope.

Rights of the subject and the crown equally legal.”The Constitution of England is founded upon *compact*; and the subjects of this kingdom have, in their several public and private capacities, *as* legal a title to what are their rights by law *as* a prince to the possession of his crown.

Justice of resistance founded on necessity.”Your Lordships, and most that hear me, are witnesses, and must remember the *necessities* of those times which brought about the Revolution: that *no other* remedy was left to preserve our religion and liberties; *that resistance was necessary, and consequently just.*”

“Had the Doctor, in the remaining part of his sermon, preached up peace, quietness, and the like, and shown how happy we are under her Majesty’s administration, and exhorted obedience to it, he had never been called to answer a charge at your Lordships’ bar. But the tenor of all his subsequent discourse is one continued invective against the government.”

Mr. Walpole (afterwards Sir Robert) was one of the managers on this occasion. He was an honorable man and a sound Whig. He was not, as the Jacobites and discontented Whigs of his time have represented him, and as ill-informed people still represent him, a prodigal and corrupt minister. They charged him, in their libels and seditious conversations, as having first reduced corruption to a system. Such was their cant. But he was far from governing by corruption. He governed by party attachments. The charge of systematic corruption is less applicable to him, perhaps, than to any minister who ever served the crown for so great a length of time. He gained over very few from the opposition. Without being a genius of the first class, he was an intelligent, prudent, and safe minister. He loved peace, and he helped to communicate the same disposition to nations at least as warlike and

restless as that in which he had the chief direction of affairs. Though he served a master who was fond of martial fame, he kept all the establishments very low. The land tax continued at two shillings in the pound for the greater part of his administration. The other impositions were moderate. The profound repose, the equal liberty, the firm protection of just laws, during the long period of his power, were the principal causes of that prosperity which afterwards took such rapid strides towards perfection, and which furnished to this nation ability to acquire the military glory which it has since obtained, as well as to bear the burdens, the cause and consequence of that warlike reputation. With many virtues, public and private, he had his faults; but his faults were superficial. A careless, coarse, and over-familiar style of discourse, without sufficient regard to persons or occasions, and an almost total want of political decorum, were the errors by which he was most hurt in the public opinion, and those through which his enemies obtained the greatest advantage over him. But justice must be done. The prudence, steadiness, and vigilance of that man, joined to the greatest possible lenity in his character and his politics, preserved the crown to this royal family, and, with it, their laws and liberties to this country. Walpole had no other plan of defence for the Revolution than that of the other managers, and of Mr. Burke; and he gives full as little countenance to any arbitrary attempts, on the part of restless and factious men, for framing new governments according to their fancies.

Mr. Walpole.

Case of resistance out of the law, and the highest offence.

Utmost necessity justifies it."Resistance is nowhere enacted to be legal, but subjected, by all the laws now in being, to the greatest penalties. 'Tis what is not, cannot, nor ought ever to be described, or affirmed in any positive law, to be excusable; when, and upon what *never-to-be-expected* occasions, it may be exercised, no man can foresee; *and ought never to be thought of, but when an utter subversion of the laws of the realm threatens the whole frame of a Constitution, and no redress can otherwise be hoped for.* It therefore does and *ought forever* to stand, in the eye and letter of the law, as the *highest offence*. But because any man, or party of men, may not, out of folly or wantonness, commit treason, or make their own discontents, ill principles, or disguised affections to another interest, a pretence to resist the supreme power, will it follow from thence that the *utmost necessity* ought not to engage a nation *in its own defence for the preservation of the whole?*"

Sir Joseph Jekyl was, as I have always heard and believed, as nearly as any individual could be, the very standard of Whig principles in his age. He was a learned and an able man; full of honor, integrity, and public spirit; no lover of

innovation; nor disposed to change his solid principles for the giddy fashion of the hour. Let us hear this Whig.

Sir Joseph Jekyl.

Commons do not state the limits of submission.

To secure the laws, the only aim of the Revolution. “In clearing up and vindicating the justice of the Revolution, which was the second thing proposed, it is far from the intent of the Commons to state the *limits and bounds* of the subject’s submission to the sovereign. That which the law hath been wisely silent in, the Commons desire to be silent in too; nor will they put *any* case of a justifiable resistance, but that of the Revolution only: and *they persuade themselves that the doing right to that resistance will be so far from promoting popular license or confusion, that it will have a contrary effect, and be a means of settling men’s minds in the love of and veneration for the laws*; to rescue and secure which was the *ONLY* aim and intention of those concerned in that resistance.”

Dr. Sacheverell’s counsel defended him on this principle, namely, — that, whilst he enforced from the pulpit the general doctrine of non-resistance, he was not obliged to take notice of the theoretic limits which ought to modify that doctrine. Sir Joseph Jekyl, in his reply, whilst he controverts its application to the Doctor’s defence, fully admits and even enforces the principle itself, and supports the Revolution of 1688, as he and all the managers had done before, exactly upon the same grounds on which Mr. Burke has built, in his Reflections on the French Revolution.

Sir Joseph Jekyl.

Blamable to state the bounds of non-resistance.

Resistance lawful only in *case* of extreme and obvious necessity.”If the Doctor had pretended to have stated the particular bounds and limits of non-resistance, and told the people in what cases they might or might not resist, *he would have been much to blame*; nor was one word said in the articles, or by the managers, as if that was expected from him; but, *on the contrary, we have insisted that in NO case can resistance be lawful, but in case of EXTREME NECESSITY, and where the Constitution can’t otherwise be preserved; and such necessity ought to be plain and obvious to the sense and judgment of the whole nation: and this was the case at the Revolution.*”

The counsel for Doctor Sacheverell, in defending their client, were driven in reality to abandon the fundamental principles of his doctrine, and to confess that an exception to the general doctrine of passive obedience and non-resistance did exist in the case of the Revolution. This the managers for the Commons considered as having gained their cause, as their having obtained *the whole* of what they contended for. They congratulated themselves and the nation on a civil victory as glorious and as honorable as any that had obtained in arms during that reign of triumphs.

Sir Joseph Jekyl, in his reply to Harcourt, and the other great men who conducted the cause for the Tory side, spoke in the following memorable terms, distinctly stating the whole of what the Whig House of Commons contended for, in the name of all their constituents.

Sir Joseph Jekyl.

Necessity creates an exception, and the Revolution a case of necessity, the utmost extent of the demand of the Commons.”My Lords, the concessions” (the concessions of Sacheverell’s counsel) “are these: That *necessity* creates an *exception* to the general rule of submission to the prince; that such exception is understood or implied in the laws that require such submission; and that *the case of the Revolution was a case of necessity*.

“These are concessions *so ample*, and do so *fully* answer the drift of the Commons in this article, and are to *the utmost extent of their meaning in it*, that I can’t forbear congratulating them upon this success of their impeachment, — that in full Parliament, this erroneous doctrine of *unlimited* non-resistance is given up and disclaimed. And may it not, in after ages, be an addition to the glories of this bright reign, that so many of those who are honored with being in her Majesty’s service have been at your Lordships’ bar thus successfully contending for the *national* rights of her people, and proving they are not precarious or remediless?

“But to return to these concessions: I must appeal to your Lordships, whether they are not a *total departure* from the Doctor’s answer.”

I now proceed to show that the Whig managers for the Commons meant to preserve the government on a firm foundation, by asserting the perpetual validity of the settlement then made, and its coercive power upon posterity. I mean to show that they gave no sort of countenance to any doctrine tending to impress the *people* (taken separately from the legislature, which includes the crown) with an idea that *they* had acquired a moral or civil competence to alter, without breach of the original compact on the part of the king, the succession to the crown, at their pleasure, — much less that they had acquired any right, in the case of such an event as caused the Revolution, to set up any new form of government. The author of the Reflections, I believe, thought that no man of common understanding could oppose

to this doctrine the ordinary sovereign power as declared in the act of Queen Anne: that is, that the kings or queens of the realm, with the consent of Parliament, are competent to regulate and to settle the succession of the crown. This power is and ever was inherent in the supreme sovereignty, and was not, as the political divines vainly talk, acquired by the Revolution. It is declared in the old statute of Queen Elizabeth. Such a power must reside in the complete sovereignty of every kingdom; and it is in fact exercised in all of them. But this right of *competence* in the legislature, not in the people, is by the legislature itself to be exercised with *sound discretion*: that is to say, it is to be exercised or not, in conformity to the fundamental principles of this government, to the rules of moral obligation, and to the faith of pacts, either contained in the nature of the transaction or entered into by the body corporate of the kingdom, — which body in juridical construction never dies, and in fact never loses its members at once by death.

Whether this doctrine is reconcilable to the modern philosophy of government I believe the author neither knows nor cares, as he has little respect for any of that sort of philosophy. This may be because his capacity and knowledge do not reach to it. If such be the case, he cannot be blamed, if he acts on the sense of that incapacity; he cannot be blamed, if, in the most arduous and critical questions which can possibly arise, and which affect to the quick the vital parts of our Constitution, he takes the side which leans most to safety and settlement; that he is resolved not “to be wise beyond what is written” in the legislative record and practice; that, when doubts arise on them, he endeavors to interpret one statute by another, and to reconcile them all to established, recognized morals, and to the general, ancient, known policy of the laws of England. Two things are equally evident: the first is, that the legislature possesses the power of regulating the succession of the crown; the second, that in the exercise of that right it has uniformly acted as if under the *restraints* which the author has stated. That author makes what the ancients call *mos majorum* not indeed his sole, but certainly his principal rule of policy, to guide his judgment in whatever regards our laws. Uniformity and analogy can be preserved in them by this process only. That point being fixed, and laying fast hold of a strong bottom, our speculations may swing in all directions without public detriment, because they will ride with sure anchorage.

In this manner these things have been always considered by our ancestors. There are some, indeed, who have the art of turning the very acts of Parliament which were made for securing the hereditary succession in the present royal family, by rendering it penal to doubt of the validity of those acts of Parliament, into an instrument for defeating all their ends and purposes, — but upon grounds so very foolish that it is not worth while to take further notice of such sophistry.

To prevent any unnecessary subdivision, I shall here put together what may be necessary to show the perfect agreement of the Whigs with Mr. Burke in his assertions, that the Revolution made no “essential change in the constitution of the

monarchy, or in any of its ancient, sound, and legal principles; that the succession was settled in the Hanover family, upon the idea and in the mode of an hereditary succession qualified with Protestantism; that it was not settled upon *elective* principles, in any sense of the word *elective*, or under any modification or description of *election* whatsoever; but, on the contrary, that the nation, after the Revolution, renewed by a fresh compact the spirit of the original compact of the state, binding itself, *both in its existing members and all its posterity*, to adhere to the settlement of an hereditary succession in the Protestant line, drawn from James the First, as the stock of inheritance.”

Sir John Hawles.

Necessity of settling the right of the crown, and submission to the settlement.”If he [Dr. Sacheverell] is of the opinion he pretends, I can’t imagine how it comes to pass that he that pays that deference to the supreme power has preached so directly contrary to the determinations of the supreme power in this government, he very well knowing that the lawfulness of the Revolution, and of the means whereby it was brought about, has already been determined by the aforesaid acts of Parliament, — and do it in the worst manner that he could invent. *For questioning the right to the crown here in England has procured the shedding of more blood and caused more slaughter than all the other matters tending to disturbances in the government put together.* If, therefore, the doctrine which the Apostles had laid down was only to continue the peace of the world, as thinking the death of some few particular persons better to be borne with than a civil war, sure it is the highest breach of that law to question the first principles of this government.”

“If the Doctor had been contented with the liberty he took of preaching up the duty of passive obedience in the most extensive manner he had thought fit, and would have stopped there, your Lordships would not have had the trouble in relation to him that you now have; but it is plain that he preached up his absolute and unconditional obedience, *not to continue the peace and tranquillity of this nation, but to set the subjects at strife, and to raise a war in the bowels of this nation:* and it is for *this* that he is now prosecuted; though he would fain have it believed that the prosecution was for preaching the peaceable doctrine of absolute obedience.”

Sir Joseph Jekyl.

Whole frame of government restored unhurt, on the Revolution.”The whole tenor of the administration then in being was agreed to by all to be a *total departure from the Constitution*. The nation was at that time united in that opinion, all but the criminal part of it. And as the nation joined in the judgment of their disease, so they did in the remedy. *They saw there was no remedy left but the last;* and when that remedy took place, *the whole frame of the government was restored entire and unhurt.* This showed the excellent temper the nation was in at that time, that, after

such provocations from an abuse of the regal power, and such a convulsion, *no one part of the Constitution was altered, or suffered the least damage; but, on the contrary, the whole received new life and vigor.*"

The Tory counsel for Dr. Sacheverell having insinuated that a great and essential alteration in the Constitution had been wrought by the Revolution, Sir Joseph Jekyl is so strong on this point, that he takes fire even at the insinuation of his being of such an opinion.

Sir Joseph Jekyl.

No innovation at the Revolution."If the Doctor instructed his counsel to insinuate that there was *any innovation in the Constitution wrought by the Revolution, it is an addition to his crime. The Revolution did not introduce any innovation; it was a restoration of the ancient fundamental Constitution of the kingdom, and giving it its proper force and energy.*"

The Solicitor-General, Sir Robert Eyre, distinguishes expressly the case of the Revolution, and its principles, from a proceeding at pleasure, on the part of the people, to change their ancient Constitution, and to frame a new government for themselves. He distinguishes it with the same care from the principles of regicide and republicanism, and the sorts of resistance condemned by the doctrines of the Church of England, and which ought to be condemned by the doctrines of all churches professing Christianity.

Mr. Solicitor-General, Sir Robert Eyre.

Revolution no precedent for voluntary cancelling allegiance. Revolution not like the case of Charles the First."The resistance at the Revolution, which was founded in *unavoidable necessity*, could be no defence to a man that was attacked *for asserting that the people might cancel their allegiance at pleasure, or dethrone and murder their sovereign by a judiciary sentence.* For it can never be inferred, from the lawfulness of resistance at a time when *a total subversion of the government both in Church and State was intended*, that a people may take up arms and *call their sovereign to account at pleasure*; and therefore, since *the Revolution could be of no service in giving the least color for asserting any such wicked principle*, the Doctor could never intend to put it into the mouths of those new preachers and new politicians for a defence, — unless it be his opinion that the resistance at the Revolution can bear any parallel with *the execrable murder of the royal martyr, so justly detested by the whole nation.*"

Sacheverell's doctrine intended to bring an odium on the Revolution. True defence of the Revolution an absolute necessity."Tis plain that the Doctor is not impeached for preaching a general doctrine, and enforcing the general duty of obedience, but for preaching against an *excepted case after he has stated the exception*. He is not impeached for preaching the general doctrine of obedience, and the utter illegality of resistance upon any pretence whatsoever, but because, having first laid down the general doctrine as true, without any exception, *he states the excepted case*, the Revolution, in express terms, as an objection, and then assumes the consideration of that excepted case, denies there was any resistance in the Revolution, and asserts that to impute resistance to the Revolution would cast black and odious colors upon it. This, my Lords, is not preaching the doctrine of non-resistance in the *general* terms used by the Homilies and the fathers of the Church, where cases of necessity may be *understood to be excepted by a tacit implication, as the counsel have allowed*, — but is preaching directly against the resistance at the Revolution, which, in the course of this debate, has been all along admitted to *be necessary and just*, and can have no other meaning than to bring a dishonor upon the Revolution, and an odium upon those great and illustrious persons, *those friends to the monarchy and the Church, that assisted in bringing it about*. For had the Doctor intended anything else, he would have treated the case of the Revolution in a different manner, and have given *it the true and fair answer*: he would have said that the resistance at the Revolution was *of absolute necessity, and the only means left to revive the Constitution, and must be therefore taken as an excepted case*, and could never come within the reach or intention of the general doctrine of the Church."

"Your Lordships take notice on what grounds the Doctor continues to assert the same position in his answer. But is it not most evident that the general exhortations to be met with in the Homilies of the Church of England, and such like declarations in the statutes of the kingdom, are meant only as rules for the civil obedience of the subject to the legal administration of the supreme power in *ordinary cases*? And it is equally absurd to construe any words in a positive law to authorize the destruction of the whole, as to expect that King, Lords, and Commons should, in express terms of law, declare *such an ultimate resort as the right of resistance, at a time when the case supposes that the force of all law is ceased*."

Commons abhor whatever shakes the submission of posterity to the settlement of the crown."The Commons must always resent, with the utmost detestation and abhorrence, every position that may shake the authority of that act of Parliament whereby the crown is settled upon her Majesty, *and whereby the Lords Spiritual and Temporal and Commons do, in the name of all the people of England, most humbly and faithfully submit themselves, their heirs and posterities, to her Majesty*, which this general principle of absolute non-resistance must certainly shake.

“For, if the resistance at the Revolution was illegal, the Revolution settled in usurpation, and this act can have no greater force and authority than an act passed under a usurper.

“And the Commons take leave to observe, that the authority of this Parliamentary settlement is a matter of the greatest consequence to maintain, in a case where the hereditary right to the crown is contested.”

“It appears by the several instances mentioned in the act declaring the rights and liberties of the subject and settling the succession of the crown, that at the time of the Revolution there was *a total subversion of the constitution of government both in Church and State, which is a case that the laws of England could never suppose, provide for, or have in view.*”

Sir Joseph Jekyl, so often quoted, considered the preservation of the monarchy, and of the rights and prerogatives of the crown, as essential objects with all sound Whigs, and that they were bound not only to maintain them, when injured or invaded, but to exert themselves as much for their reëstablishment, if they should happen to be overthrown by popular fury, as any of their own more immediate and popular rights and privileges, if the latter should be at any time subverted by the crown. For this reason he puts the cases of the *Revolution*, and the *Restoration* exactly upon the same footing. He plainly marks, that it was the object of all honest men not to sacrifice one part of the Constitution to another, and much more, not to sacrifice any of them to visionary theories of the rights of man, but to preserve our whole inheritance in the Constitution, in all its members and all its relations, entire and unimpaired, from generation to generation. In this Mr. Burke exactly agrees with him.

Sir Joseph Jekyl.

What are the rights of the people.

Restoration and Revolution.

People have an equal interest in the legal rights of the crown and of their own.”Nothing is plainer than that the people have a right to the laws and the Constitution. This right the nation hath asserted, and recovered out of the hands of those who had dispossessed them of it at several times. There are of this *two famous instances* in the knowledge of the present age: I mean that of the *Restoration*, and that of the *Revolution*: in both these great events were the *regal power* and the *rights of the people* recovered. And it is *hard to say in which the people have the greatest interest; for the Commons are sensible that there it not one legal power belonging to the crown, but they have an interest in it; and I doubt not but they will always be as careful to support the rights of the crown as their own privileges.*”

The other Whig managers regarded (as he did) the overturning of the monarchy by a republican faction with the very same horror and detestation with which they regarded the destruction of the privileges of the people by an arbitrary monarch.

Mr. Lechmere,

Constitution recovered at the Restoration and Revolution. Speaking of our Constitution, states it as “a Constitution which happily recovered itself, at the Restoration, from the confusions and disorders which *the horrid and detestable proceedings of faction and usurpation had thrown it into*, and which after many convulsions and struggles was providentially saved at the late happy Revolution, and by the many good laws passed since that time stands now upon a firmer foundation, together with the most comfortable prospect of *security to all posterity* by the settlement of the crown in the Protestant line.”

I mean now to show that the Whigs (if Sir Joseph Jekyl was one, and if he spoke in conformity to the sense of the Whig House of Commons, and the Whig ministry who employed him) did carefully guard against any presumption that might arise from the repeal of the non-resistance oath of Charles the Second, as if at the Revolution the ancient principles of our government were at all changed, or that republican doctrines were countenanced, or any sanction given to seditious proceedings upon general undefined ideas of misconduct, or for changing the form of government, or for resistance upon any other ground than the *necessity* so often mentioned for the purpose of self-preservation. It will show still more clearly the equal care of the then Whigs to prevent either the regal power from being swallowed up on pretence of popular rights, or the popular rights from being destroyed on pretence of regal prerogatives.

Sir Joseph Jekyl.

Mischief of broaching antimonarchical principles.

Two cases of resistance: one to preserve the crown, the other the rights of the subject.” Further, I desire it may be considered, these legislators” (the legislators who framed the non-resistance oath of Charles the Second) “were guarding against the consequences of those *pernicious and antimonarchical principles which had been broached a little before in this nation*, and those large declarations in favor of *non-resistance* were made to encounter or obviate the *mischief* of those principles, — as appears by the preamble to the fullest of those acts, which is the *Militia Act*, in the 13th and 14th of King Charles the Second. The words of that act are these: *And during the late usurped governments, many evil and rebellious principles have been instilled into the minds of the people of this kingdom, which may break forth, unless*

prevented, to the disturbance of the peace and quiet thereof: Be it therefore enacted, &c. Here your Lordships may see the reason that inclined those legislators to express themselves in such a manner against resistance. *They had seen the regal rights swallowed up under the pretence of popular ones:* and it is no imputation on them, that they did not then foresee a *quite different case*, as was that of the Revolution, where, under the pretence of regal authority, a total subversion of the rights of the subject was advanced, and in a manner effected. And this may serve to show that it was not the design of those legislators to condemn resistance, in a case *of absolute necessity, for preserving the Constitution*, when they were guarding against principles which had so lately destroyed it.”

Non-resistance oath not repealed because (with the restriction of necessity) it was false, but to prevent false interpretations.”As to the truth of the doctrine in this declaration which was repealed, *I’ll admit it to be as true as the Doctor’s counsel assert it, — that is, with an exception of cases of necessity:* and it was not repealed because it was false, *understanding it with that restriction;* but it was repealed because it might be interpreted in *an unconfined sense, and exclusive of that restriction*, and, being so understood, would reflect on the justice of the Revolution: and this the legislature had at heart, and were very jealous of, and by this repeal of that declaration gave a Parliamentary or legislative admonition against asserting this doctrine of non-resistance *in an unlimited sense.*”

General doctrine of non-resistance godly and wholesome; not bound to state *explicitly* the exceptions.”Though the general doctrine of non-resistance, the doctrine of the Church of England, as stated in her Homilies, or elsewhere delivered, by which the general duty of subjects to the higher powers is taught, be owned to be, as unquestionably it is, *a godly and wholesome doctrine*, — though this general doctrine has been constantly inculcated by the reverend fathers of the Church, dead and living, and preached by them as a preservative against the Popish doctrine of deposing princes, and as the ordinary rule of obedience, — and though the same doctrine has been preached, maintained, and avowed by our most orthodox and able divines from the time of the Reformation, — and how *innocent a man* soever Dr. Sacheverell had been, if, *with an honest and well-meant zeal*, he had preached the same doctrine in the same general terms in which he found it delivered by the Apostles of Christ, as taught by the Homilies and the reverend fathers of our Church, and, in imitation of those great examples, had only pressed the general duty of obedience, and the illegality of resistance, without taking notice of any exception,” &c.

Another of the managers for the House of Commons, Sir John Holland, was not less careful in guarding against a confusion of the principles of the Revolution with any loose, general doctrines of a right in the individual, or even in the people, to

undertake for themselves, on any prevalent, temporary opinions of convenience or improvement, any fundamental change in the Constitution, or to fabricate a new government for themselves, and thereby to disturb the public peace, and to unsettle the ancient Constitution of this kingdom.

Sir John Holland.

Submission to the sovereign a conscientious duty, except in cases of necessity.”The Commons would not be understood as if they were pleading for a licentious resistance, as if *subjects* were left to *their* good-will and pleasure when they are to *obey* and when to *resist*. No, my Lords, they know they are *obliged by all the ties of social creatures and Christians, for wrath and conscience’ sake, to submit to their sovereign*. The Commons do not abet *humorsome, factious arms*: they aver them to be *rebellions*. But yet they maintain that that resistance at the Revolution, which was so *necessary, was lawful and just from that necessity*.”

Right of resistance how to be understood.”These general rules of obedience may, upon a *real necessity*, admit a lawful *exception*; and such a *necessary exception* we assert the Revolution to be.

“’Tis with this view of *necessity*, only *absolute necessity* of preserving our laws, liberties, and religion,— ’tis with *this limitation*, that we desire to be understood, when any of us speak of resistance in general. The *necessity* of the resistance at the Revolution was at that time obvious to every man.”

I shall conclude these extracts with a reference to the Prince of Orange’s Declaration, in which he gives the nation the fullest assurance that in his enterprise he was far from the intention of introducing any change whatever in the fundamental law and Constitution of the state. He considered the object of his enterprise not to be a precedent for further revolutions, but that it was the great end of his expedition to make such revolutions, so far as human power and wisdom could provide, unnecessary.

Extracts from the Prince of Orange’s Declaration.

“All magistrates, who have been unjustly turned out, shall *forthwith resume their former employments*; as well as all the boroughs of England shall return again to *their ancient prescriptions and charters*, and, more particularly, that *the ancient charter of the great and famous city of London shall again be in force*; and that the writs for the members of Parliament shall be addressed to the *proper officers, according to law and custom*.”

“And for the doing of all other things which the two Houses of Parliament shall find necessary for the peace, honor, and safety of the nation, so that there may be *no more danger of the nation’s falling, at any time hereafter, under arbitrary government*.”

Extract from the Prince of Oranges Additional Declaration.

Principal nobility and gentry well affected to the Church and crown, security against the design of innovation.”We are confident that no persons can have *such hard thoughts of us* as to imagine that we have any other design in this undertaking than to procure a settlement of the *religion and of the liberties and properties of the subjects upon so sure a foundation that there may be no danger of the nation’s relapsing into the like miseries at any time hereafter*. And as the forces that we have brought along with us are utterly disproportioned to that wicked design of conquering the nation, if we were capable of intending it, *so the great numbers of the principal nobility and gentry, that are men of eminent quality and estates, and persons of known integrity and zeal, both for the religion and government of England, many of them, also being distinguished by their constant fidelity to the crown*, who do both accompany us in this expedition and have earnestly solicited us to it, will cover us from all such malicious insinuations.”

In the spirit, and, upon one occasion, in the words, of this Declaration, the statutes passed in that reign made such provisions for preventing these dangers, that scarcely anything short of combination of King, Lords, and Commons, for the destruction of the liberties of the nation, can in any probability make us liable to similar perils. In that dreadful, and, I hope, not to be looked-for case, any opinion of a right to make revolutions, grounded on this precedent, would be but a poor resource. Dreadful, indeed, would be our situation!

These are the doctrines held by *the Whigs of the Revolution*, delivered with as much solemnity, and as authentically at least, as any political dogmas were ever promulgated from the beginning of the world. If there be any difference between their tenets and those of Mr. Burke, it is, that the old Whigs oppose themselves still more strongly than he does against the doctrines which are now propagated with so much industry by those who would be thought their successors.

It will be said, perhaps, that the old Whigs, in order to guard themselves against popular odium, pretended to assert tenets contrary to those which they secretly held. This, if true, would prove, what Mr. Burke has uniformly asserted, that the extravagant doctrines which he meant to expose were disagreeable to the body of the people, — who, though they perfectly abhor a despotic government, certainly approached more nearly to the love of mitigated monarchy than to anything which bears the appearance even of the best republic. But if these old Whigs deceived the people, their conduct was unaccountable indeed. They exposed their power, as every one conversant in history knows, to the greatest peril, for the propagation of opinions which, on this hypothesis, they did not hold. It is a new kind of martyrdom. This supposition does as little credit to their integrity as their wisdom:

it makes them at once hypocrites and fools. I think of those great men very differently. I hold them to have been, what the world thought them, men of deep understanding, open sincerity, and clear honor. However, be that matter as it may, what these old Whigs pretended to be Mr. Burke is. This is enough for him.

I do, indeed, admit, that, though Mr. Burke has proved that his opinions were those of the old Whig party, solemnly declared by one House, in effect and substance by both Houses of Parliament, this testimony standing by itself will form no proper defence for his opinions, if he and the old Whigs were both of them in the wrong. But it is his present concern, not to vindicate these old Whigs, but to show his agreement with them. He appeals to them as judges: he does not vindicate them as culprits. It is current that these old politicians knew little of the rights of men, — that they lost their way by groping about in the dark, and fumbling among rotten parchments and musty records. Great lights, they say, are lately obtained in the world; and Mr. Burke, instead of shrouding himself in exploded ignorance, ought to have taken advantage of the blaze of illumination which has been spread about him. It may be so. The enthusiasts of this time, it seems, like their predecessors in another faction of fanaticism, deal in lights. Hudibras pleasantly says of them, they

“Have *lights*, where better eyes are blind, —
As pigs are said to see the wind.”

The author of the *Reflections* has *heard* a great deal concerning the modern lights, but he has not yet had the good fortune to *see* much of them. He has read more than he can justify to anything but the spirit of curiosity, of the works of these illuminators of the world. He has learned nothing from the far greater number of them than a full certainty of their shallowness, levity, pride, petulance, presumption, and ignorance. Where the old authors whom he has read, and the old men whom he has conversed with, have left him in the dark, he is in the dark still. If others, however, have obtained any of this extraordinary light, they will use it to guide them in their researches and their conduct. I have only to wish that the nation may be as happy and as prosperous under the influence of the new light as it has been in the sober shade of the old obscurity. As to the rest, it will be difficult for the author of the *Reflections* to conform to the principles of the avowed leaders of the party, until they appear otherwise than negatively. All we can gather from them is this, — that their principles are diametrically opposite to his. This is all that we know from authority. Their negative declaration obliges me to have recourse to the books which contain positive doctrines. They are, indeed, to those Mr. Burke holds diametrically opposite; and if it be true (as the oracles of the party have said, I hope hastily) that their opinions differ so widely, it should seem they are the most likely to form the creed of the modern Whigs.

I have stated what were the avowed sentiments of the old Whigs, not in the way of argument, but narratively. It is but fair to set before the reader, in the same simple manner, the sentiments of the modern, to which they spare neither pains nor expense to make proselytes. I choose them from the books upon which most of that industry and expenditure in circulation have been employed; I choose them, not from those who speak with a politic obscurity, not from those who only controvert the opinions of the old Whigs, without advancing any of their own, but from those who speak plainly and affirmatively. The Whig reader may make his choice between the two doctrines.

The doctrine, then, propagated by these societies, which gentlemen think they ought to be very tender in discouraging, as nearly as possible in their own words, is as follows: That in Great Britain we are not only without a good Constitution, but that we have “no Constitution”; — that, “though it is much talked about, no such thing as a Constitution exists or ever did exist, and consequently that *the people have a Constitution yet to form*; — that since William the Conqueror the country has never yet *regenerated itself*, and is therefore without a Constitution; — that where it cannot be produced in a visible form there is none; — that a Constitution is a thing antecedent to government; and that the Constitution of a country is not the act of its government, but of a people constituting a government; — that *everything* in the English government is the reverse of what it ought to be, and what it is said to be in England; — that the right of war and peace resides in a metaphor shown at the Tower for sixpence or a shilling apiece; — that it signifies not where the right resides, whether in the crown or in Parliament; war is the common harvest of those who participate in the division and expenditure of public money; — that the portion of liberty enjoyed in England is just enough to enslave a country more productively than by despotism.”

So far as to the general state of the British Constitution. — As to our House of Lords, the chief virtual representative of our aristocracy, the great ground and pillar of security to the landed interest, and that main link by which it is connected with the law and the crown, these worthy societies are pleased to tell us, that, “whether we view aristocracy before, or behind, or sideways, or any way else, domestically or publicly, it is still a *monster*; — that aristocracy in France had one feature less in its countenance than what it has in some other countries: it did not compose a body of hereditary legislators; it was not *a corporation of aristocracy*” (for such, it seems, that profound legislator, M. de La Fayette, describes the House of Peers); — “that it is kept up by family tyranny and injustice; — that there is an unnatural unfitness in aristocracy to be legislators for a nation; — that their ideas of distributive justice are corrupted at the very source; they begin life by trampling on all their younger brothers and sisters, and relations of every kind, and are taught and educated so to do; — that the idea of an hereditary legislator is as absurd as an hereditary

mathematician; — that a body holding themselves unaccountable to anybody ought to be trusted by nobody; — that it is continuing the uncivilized principles of governments founded in conquest, and the base idea of man having a property in man, and governing him by a personal right; — that aristocracy has a tendency to degenerate the human species,” &c., &c.

As to our law of primogeniture, which with few and inconsiderable exceptions is the standing law of all our landed inheritance, and which without question has a tendency, and I think a most happy tendency, to preserve a character of consequence, weight, and prevalent influence over others in the whole body of the landed interest, they call loudly for its destruction. They do this for political reasons that are very manifest. They have the confidence to say, “that it is a law against every law of Nature, and Nature herself calls for its destruction. Establish family justice, and aristocracy falls. By the aristocratical law of primogenitureship, in a family of six children, five are exposed. Aristocracy has never but *one* child. The rest are begotten to be devoured. They are thrown to the cannibal for prey, and the natural parent prepares the unnatural repast.”

As to the House of Commons, they treat it far worse than the House of Lords or the crown have been ever treated. Perhaps they thought they had a greater right to take this amicable freedom with those of their own family. For many years it has been the perpetual theme of their invectives. “Mockery, insult, usurpation,” are amongst the best names they bestow upon it. They damn it in the mass, by declaring “that it does not arise out of the inherent rights of the people, as the National Assembly does in France, and whose name designates its original.”

Of the charters and corporations, to whose rights a few years ago these gentlemen were so tremblingly alive, they say, “that, when the people of England come to reflect upon them, they will, like France, annihilate those badges of oppression, those traces of a conquered nation.”

As to our monarchy, they had formerly been more tender of that branch of the Constitution, and for a good reason. The laws had guarded against all seditious attacks upon it with a greater degree of strictness and severity. The tone of these gentlemen is totally altered since the French Revolution. They now declaim as vehemently against the monarchy as on former occasions they treacherously flattered and soothed it.

“When we survey the wretched condition of man under the monarchical and hereditary systems of government, dragged from his home by one power, or driven by another, and impoverished by taxes more than by enemies, it becomes evident that those systems are bad, and that a general revolution in the principle and construction of governments is necessary.

“What is government more than the management of the affairs of a nation? It is not, and from its nature cannot be, the property of any particular man or family, but of the whole community, at whose expense it is supported; and though by force or

contrivance it has been usurped into an inheritance, the usurpation cannot alter the right of things. Sovereignty, as a matter of right, appertains to the nation only, and not to any individual; and a nation has at all times an inherent indefeasible right to abolish any form of government it finds inconvenient, and establish such as accords with its interest, disposition, and happiness. The romantic and barbarous distinction of men into kings and subjects, though it may suit the condition of courtiers, cannot that of citizens, and is exploded by the principle upon which governments are now founded. Every citizen is a member of the sovereignty, and, as such, can acknowledge no personal subjection, and his obedience can be only to the laws.”

Warmly recommending to us the example of Prance, where they have destroyed monarchy, they say, —

“Monarchical sovereignty, the enemy of mankind, and the source of misery, is abolished; and sovereignty itself is restored to its natural and original place, the nation. Were this the case throughout Europe, the cause of wars would be taken away.”

“But, after all, what is this metaphor called a crown? or rather, what is monarchy? Is it a thing, or is it a name, or is it a fraud? Is it ‘a contrivance of human wisdom,’ or of human craft, to obtain money from a nation under specious pretences? Is it a thing necessary to a nation? If it is, in what does that necessity consist, what services does it perform, what is its business, and what are its merits? Doth the virtue consist in the metaphor or in the man? Doth the goldsmith that makes the crown make the virtue also? Doth it operate like Fortunatus’s wishing-cap or Harlequin’s wooden sword? Doth it make a man a conjurer? In fine, what is it? It appears to be a something going much out of fashion, falling into ridicule, and rejected in some countries both as unnecessary and expensive. In America it is considered as an absurdity; and in France it has so far declined, that the goodness of the man and the respect for his personal character are the only things that preserve the appearance of its existence.”

“Mr. Burke talks about what he calls an hereditary crown, as if it were some production of Nature, — or as if, like time, it had a power to operate, not only independently, but in spite of man, — or as if it were a thing or a subject universally consented to. Alas! it has none of those properties, but is the reverse of them all. It is a thing in imagination, the propriety of which is more than doubted, and the legality of which in a few years will be denied.”

“If I ask the farmer, the manufacturer, the merchant, the tradesman, and down through all the occupations of life to the common laborer, what service monarchy is to him, he can give me no answer. If I ask him what monarchy is, he believes it is something like a sinecure.”

“The French Constitution says, that the right of war and peace is in the nation. Where else should it reside, but in those who are to pay the expense?

“In England, this right is said to reside in a *metaphor*, shown at the Tower for sixpence or a shilling apiece: so are the lions; and it would be a step nearer to reason to say it resided in them, for any inanimate metaphor is no more than a hat or a cap. We can all see the absurdity of worshipping Aaron’s molten calf, or Nebuchadnezzar’s golden image; but why do men continue to practise themselves the absurdities they despise in others?”

The Revolution and Hanover succession had been objects of the highest veneration to the old Whigs. They thought them not only proofs of the sober and steady spirit of liberty which guided their ancestors, but of their wisdom and provident care of posterity. The modern Whigs have quite other notions of these events and actions. They do not deny that Mr. Burke has given truly the words of the acts of Parliament which secured the succession, and the just sense of them. They attack not him, but the law.

“Mr Burke” (say they) “has done some service, not to his cause, but to his country, by bringing those clauses into public view. They serve to demonstrate how necessary it is at all times to watch against the attempted encroachment of power, and to prevent its running to excess. It is somewhat extraordinary, that the offence for which James the Second was expelled, that of setting up power by *assumption*, should be re-acted, under another shape and form, by the Parliament that expelled him. It shows that the rights of man were but imperfectly understood at the Revolution; for certain it is, that the right which that Parliament set up by *assumption* (for by delegation it had it not, and could not have it, because none could give it) over the persons and freedom of posterity forever, was of the same tyrannical unfounded kind which James attempted to set up over the Parliament and the nation, and for which he was expelled. The only difference is, (for in principle they differ not,) that the one was an usurper over the living, and the other over the unborn; and as the one has no better authority to stand upon than the other, both of them must be equally null and void, and of no effect.”

“As the estimation of all things is by comparison, the Revolution of 1688, however from circumstances it may have been exalted beyond its value, will find its level. It is already on the wane, eclipsed by the enlarging orb of reason and the luminous Revolutions of America and France. In less than another century, it will go, as well as Mr. Burke’s labors, ‘to the family vault of all the Capulets.’ *Mankind will then scarcely believe that a country calling itself free would send to Holland for a man and clothe him with power on purpose to put themselves in fear of him, and give him almost a million sterling a year for leave to submit themselves and their posterity like bondmen and bondwomen forever.*”

Mr. Burke having said that “the king holds his crown in contempt of the choice of the Revolution Society, who individually or collectively have not” (as most certainly they have not) “a vote for a king amongst them,” they take occasion from

thence to infer that the king who does not hold his crown by election despises the people.

“‘The king of England,’ says he, ‘holds *his* crown’ (for it does not belong to the nation, according to Mr. Burke) ‘in *contempt* of the choice of the Revolution Society,’” &c.

“As to who is king in England or elsewhere, or whether there is any king at all, or whether the people choose a Cherokee chief or a Hessian hussar for a king, it is not a matter that I trouble myself about, — be that to themselves; but with respect to the doctrine, so far as it relates to the rights of men and nations, it is as abominable as anything ever uttered in the most enslaved country under heaven. Whether it sounds worse to my ear, by not being accustomed to hear such despotism, than what it does to the ear of another person, I am not so well a judge of; but of its abominable principle I am at no loss to judge.”

These societies of modern Whigs push their insolence as far as it can go. In order to prepare the minds of the people for treason and rebellion, they represent the king as tainted with principles of despotism, from the circumstance of his having dominions in Germany. In direct defiance of the most notorious truth, they describe his government there to be a despotism; whereas it is a free Constitution, in which the states of the Electorate have their part in the government: and this privilege has never been infringed by the king, or, that I have heard of, by any of his predecessors. The Constitution of the Electoral dominions has, indeed, a double control, both from the laws of the Empire and from the privileges of the country. Whatever rights the king enjoys as Elector have been always parentally exercised, and the calumnies of these scandalous societies have not been authorized by a single complaint of oppression.

“When Mr. Burke says that ‘his Majesty’s heirs and successors, each in their time and order, will come to the crown with the *same contempt* of their choice with which his Majesty has succeeded to that he wears,’ it is saying too much even to the humblest individual in the country, part of whose daily labor goes towards making up the million sterling a year which the country gives the person it styles a king. Government with insolence is despotism; but when contempt is added, it becomes worse; and to pay for contempt is the excess of slavery. This species of government comes from Germany, and reminds me of what one of the Brunswick soldiers told me, who was taken prisoner by the Americans in the late war. ‘Ah!’ said he, ‘America is a fine free country: it is worth the people’s fighting for. I know the difference by knowing my own: in my country, *if the prince says, “Eat straw” we eat straw.*’ God help that country, thought I, be it England, or elsewhere, whose liberties are to be protected by *German principles of government and princes of Brunswick!*”

“It is somewhat curious to observe, that, although the people of England have been in the habit of talking about kings, it is always a foreign house of kings, —

hating foreigners, yet governed by them. It is now the House of Brunswick, one of the petty tribes of Germany.”

“If government be what Mr. Burke describes it, ‘a contrivance of human wisdom,’ I might ask him if wisdom was at such a low ebb in England that it was become necessary to import it from Holland and from Hanover? But I will do the country the justice to say, that was not the case; and even if it was, it mistook the cargo. The wisdom of every country, when properly exerted, is sufficient for all its purposes; *and there could exist no more real occasion in England to have sent for a Dutch Stadtholder or a German Elector* than there was in America to have done a similar thing. If a country does not understand its own affairs, how is a foreigner to understand them, who knows neither its laws, its manners, nor its language? If there existed a man so transcendently wise above all others that his wisdom was necessary to instruct a nation, some reason might be offered for monarchy; but when we cast our eyes about a country, and observe how every part understands its own affairs, and when we look around the world, and see, that, of all men in it, the race of kings are the most insignificant in capacity, our reason cannot fail to ask us, What are those men kept for?”

These are the notions which, under the idea of Whig principles, several persons, and among them persons of no mean mark, have associated themselves to propagate. I will not attempt in the smallest degree to refute them. This will probably be done (if such writings shall be thought to deserve any other than the refutation of criminal justice) by others, who may think with Mr. Burke. He has performed his part.

I do not wish to enter very much at large into the discussions which diverge and ramify in all ways from this productive subject. But there is one topic upon which I hope I shall be excused in going a little beyond my design. The factions now so busy amongst us, in order to divest men of all love for their country, and to remove from their minds all duty with regard to the state, endeavor to propagate an opinion, that the *people*, in forming their commonwealth, have by no means parted with their power over it. This is an impregnable citadel, to which these gentlemen retreat, whenever they are pushed by the battery of laws and usages and positive conventions. Indeed, it is such, and of so great force, that all they have done in defending their outworks is so much time and labor thrown away. Discuss any of their schemes, their answer is, It is the act of the *people*, and that is sufficient. Are we to deny to a *majority* of the people the right of altering even the whole frame of their society, if such should be their pleasure? They may change it, say they, from a monarchy to a republic to-day, and to-morrow back again from a republic to a monarchy; and so backward and forward as often as they like. They are masters of the commonwealth, because in substance they are themselves the commonwealth. The French Revolution, say they, was the act of the majority of the people; and if

the majority of any other people, the people of England, for instance, wish to make the same change, they have the same right.

Just the same, undoubtedly. That is, none at all. Neither the few nor the many have a right to act merely by their will, in any matter connected with duty, trust, engagement, or obligation. The Constitution of a country being once settled upon some compact, tacit or expressed, there is no power existing of force to alter it, without the breach of the covenant, or the consent of all the parties. Such is the nature of a contract. And the votes of a majority of the people, whatever their infamous flatterers may teach in order to corrupt their minds, cannot alter the moral any more than they can alter the physical essence of things. The people are not to be taught to think lightly of their engagements to their governors; else they teach governors to think lightly of their engagements towards them. In that kind of game, in the end, the people are sure to be losers. To flatter them into a contempt of faith, truth, and justice is to ruin them; for in these virtues consists their whole safety. To flatter any man, or any part of mankind, in any description, by asserting that in engagements he or they are free, whilst any other human creature is bound, is ultimately to vest the rule of morality in the pleasure of those who ought to be rigidly submitted to it, — to subject the sovereign reason of the world to the caprices of weak and giddy men.

But, as no one of us men can dispense with public or private faith, or with any other tie of moral obligation, so neither can any number of us. The number engaged in crimes, instead of turning them into laudable acts, only augments the quantity and intensity of the guilt. I am well aware that men love to hear of their power, but have an extreme disrelish to be told of their duty. This is of course; because every duty is a limitation of some power. Indeed, arbitrary power is so much to the depraved taste of the vulgar, of the vulgar of every description, that almost all the dissensions which lacerate the commonwealth are not concerning the manner in which it is to be exercised, but concerning the hands in which it is to be placed. Somewhere they are resolved to have it. Whether they desire it to be vested in the many or the few depends with most men upon the chance which they imagine they themselves may have of partaking in the exercise of that arbitrary sway, in the one mode or in the other.

It is not necessary to teach men to thirst after power. But it is very expedient that by moral instruction they should be taught, and by their civil constitutions they should be compelled, to put many restrictions upon the immoderate exercise of it, and the inordinate desire. The best method of obtaining these two great points forms the important, but at the same time the difficult problem to the true statesman. He thinks of the place in which political power is to be lodged with no other attention than as it may render the more or the less practicable its salutary restraint and its prudent direction. For this reason, no legislator, at any period of the world, has willingly placed the seat of active power in the hands of the multitude;

because there it admits of no control, no regulation, no steady direction whatsoever. The people are the natural control on authority; but to exercise and to control together is contradictory and impossible.

As the exorbitant exercise of power cannot, under popular sway, be effectually restrained, the other great object of political arrangement, the means of abating an excessive desire of it, is in such a state still worse provided for. The democratic commonwealth is the foodful nurse of ambition. Under the other forms it meets with many restraints. Whenever, in states which have had a democratic basis, the legislators have endeavored to put restraints upon ambition, their methods were as violent as in the end they were ineffectual, — as violent, indeed, as any the most jealous despotism could invent. The ostracism could not very long save itself, and much less the state which it was meant to guard, from the attempts of ambition, — one of the natural, inbred, incurable distempers of a powerful democracy.

But to return from this short digression, — which, however, is not wholly foreign to the question of the effect of the will of the majority upon the form or the existence of their society. I cannot too often recommend it to the serious consideration of all men who think civil society to be within the province of moral jurisdiction, that, if we owe to it any duty, it is not subject to our will. Duties are not voluntary. Duty and will are even contradictory terms. Now, though civil society might be at first a voluntary act, (which in many cases it undoubtedly was,) its continuance is under a permanent standing covenant, coexisting with the society; and it attaches upon every individual of that society, without any formal act of his own. This is warranted by the general practice, arising out of the general sense of mankind. Men without their choice derive benefits from that association; without their choice they are subjected to duties in consequence of these benefits; and without their choice they enter into a virtual obligation as binding as any that is actual. Look through the whole of life and the whole system of duties. Much the strongest moral obligations are such as were never the results of our option. I allow, that, if no Supreme Ruler exists, wise to form, and potent to enforce, the moral law, there is no sanction to any contract, virtual or even actual, against the will of prevalent power. On that hypothesis, let any set of men be strong enough to set their duties at defiance, and they cease to be duties any longer. We have but this one appeal against irresistible power, —

*Si genus humanum et mortalia temnitis arma,
At sperate Deos memores fandi atque nefandi.*

Taking it for granted that I do not write to the disciples of the Parisian philosophy, I may assume that the awful Author of our being is the Author of our place in the order of existence, — and that, having disposed and marshalled us by a divine tactic, not according to our will, but according to His, He has in and by that

disposition virtually subjected us to act the part which belongs to the place assigned us. We have obligations to mankind at large, which are not in consequence of any special voluntary pact. They arise from the relation of man to man, and the relation of man to God, which relations are not matters of choice. On the contrary, the force of all the pacts which we enter into with any particular person or number of persons amongst mankind depends upon those prior obligations. In some cases the subordinate relations are voluntary, in others they are necessary, — but the duties are all compulsive. When we marry, the choice is voluntary, but the duties are not matter of choice: they are dictated by the nature of the situation. Dark and inscrutable are the ways by which we come into the world. The instincts which give rise to this mysterious process of Nature are not of our making. But out of physical causes, unknown to us, perhaps unknowable, arise moral duties, which, as we are able perfectly to comprehend, we are bound indispensably to perform. Parents may not be consenting to their moral relation; but, consenting or not, they are bound to a long train of burdensome duties towards those with whom they have never made a convention of any sort. Children are not consenting to their relation; but their relation, without their actual consent, binds them to its duties, — or rather it implies their consent, because the presumed consent of every rational creature is in unison with the predisposed order of things. Men come in that manner into a community with the social state of their parents, endowed with all the benefits, loaded with all the duties of their situation. If the social ties and ligaments, spun out of those physical relations which are the elements of the commonwealth, in most cases begin, and always continue, independently of our will, so, without any stipulation on our own part, are we bound by that relation called our country, which comprehends (as it has been well said) “all the charities of all.” Nor are we left without powerful instincts to make this duty as dear and grateful to us as it is awful and coercive. Our country is not a thing of mere physical locality. It consists, in a great measure, in the ancient order into which we are born. We may have the same geographical situation, but another country; as we may have the same country in another soil. The place that determines our duty to our country is a social, civil relation.

These are the opinions of the author whose cause I defend. I lay them down, not to enforce them upon others by disputation, but as an account of his proceedings. On them he acts; and from them he is convinced that neither he, nor any man, or number of men, have a right (except what necessity, which is out of and above all rule, rather imposes than bestows) to free themselves from that primary engagement into which every man born into a community as much contracts by his being born into it as he contracts an obligation to certain parents by his having been derived from their bodies. The place of every man determines his duty. If you ask, *Quem te Deus esse jussit?* you will be answered when you resolve this other question, *Humana qua parte locatus es in re?*

I admit, indeed, that in morals, as in all things else, difficulties will sometimes occur. Duties will sometimes cross one another. Then questions will arise, which of them is to be placed in subordination? which of them may be entirely superseded? These doubts give rise to that part of moral science called *casuistry*, which though necessary to be well studied by those who would become expert in that learning, who aim at becoming what I think Cicero somewhere calls *artifices officiorum*, it requires a very solid and discriminating judgment, great modesty and caution, and much sobriety of mind in the handling; else there is a danger that it may totally subvert those offices which it is its object only to methodize and reconcile. Duties, at their extreme bounds, are drawn very fine, so as to become almost evanescent. In that state some shade of doubt will always rest on these questions, when they are pursued with great subtilty. But the very habit of stating these extreme cases is not very laudable or safe; because, in general, it is not right to turn our duties into doubts. They are imposed to govern our conduct, not to exercise our ingenuity; and therefore our opinions about them ought not to be in a state of fluctuation, but steady, sure, and resolved.

Amongst these nice, and therefore dangerous points of casuistry, may be reckoned the question so much agitated in the present hour, — Whether, after the people have discharged themselves of their original power by an habitual delegation, no occasion can possibly occur which may justify the resumption of it? This question, in this latitude, is very hard to affirm or deny: but I am satisfied that no occasion can justify such a resumption, which would not equally authorize a dispensation with any other moral duty, perhaps with all of them together. However, if in general it be not easy to determine concerning the lawfulness of such devious proceedings, which must be ever on the edge of crimes, it is far from difficult to foresee the perilous consequences of the resuscitation of such a power in the people. The practical consequences of any political tenet go a great way in deciding upon its value. Political problems do not primarily concern truth or falsehood. They relate to good or evil. What in the result is likely to produce evil is politically false; that which is productive of good, politically true.

Believing it, therefore, a question at least arduous in the theory, and in the practice very critical, it would become us to ascertain as well as we can what form it is that our incantations are about to call up from darkness and the sleep of ages. When the supreme authority of the people is in question, before we attempt to extend or to confine it, we ought to fix in our minds, with some degree of distinctness, an idea of what it is we mean, when we say, the PEOPLE.

In a state of *rude* Nature there is no such thing as a people. A number of men in themselves have no collective capacity. The idea of a people is the idea of a corporation. It is wholly artificial, and made, like all other legal fictions, by common agreement. What the particular nature of that agreement was is collected from the form into which the particular society has been cast. Any other is not *their*

covenant. When men, therefore, break up the original compact or agreement which gives its corporate form and capacity to a state, they are no longer a people, — they have no longer a corporate existence, — they have no longer a legal coercive force to bind within, nor a claim to be recognized abroad. They are a number of vague, loose individuals, and nothing more. With them all is to begin again. Alas! they little know how many a weary step is to be taken before they can form themselves into a mass which has a true politic personality.

We hear much, from men who have not acquired their hardness of assertion from the profundity of their thinking, about the omnipotence of a *majority*, in such a dissolution of an ancient society as hath taken place in France. But amongst men so disbanded there can be no such thing as majority or minority, or power in any one person to bind another. The power of acting by a majority, which the gentlemen theorists seem to assume so readily, after they have violated the contract out of which it has arisen, (if at all it existed,) must be grounded on two assumptions: first, that of an incorporation produced by unanimity; and secondly, an unanimous agreement that the act of a mere majority (say of one) shall pass with them and with others as the act of the whole.

We are so little affected by things which are habitual, that we consider this idea of the decision of a *majority* as if it were a law of our original nature. But such constructive whole, residing in a part only, is one of the most violent fictions of positive law that ever has been or can be made on the principles of artificial incorporation. Out of civil society Nature knows nothing of it; nor are men, even when arranged according to civil order, otherwise than by very long training, brought at all to submit to it. The mind is brought far more easily to acquiesce in the proceedings of one man, or a few, who act under a general procuration for the state, than in the vote of a victorious majority in councils in which every man has his share in the deliberation. For there the beaten party are exasperated and soured by the previous contention, and mortified by the conclusive defeat. This mode of decision, where wills may be so nearly equal, where, according to circumstances, the smaller number may be the stronger force, and where apparent reason may be all upon one side, and on the other little else than impetuous appetite, — all this must be the result of a very particular and special convention, confirmed afterwards by long habits of obedience, by a sort of discipline in society, and by a strong hand, vested with stationary, permanent power to enforce this sort of constructive general will. What organ it is that shall declare the corporate mind is so much a matter of positive arrangement, that several states, for the validity of several of their acts, have required a proportion of voices much greater than that of a mere majority. These proportions are so entirely governed by convention that in some cases the minority decides. The laws in many countries to *condemn* require more than a mere majority; less than an equal number to *acquit*. In our judicial trials we require unanimity either to condemn or to absolve. In some incorporations one man speaks

for the whole; in others, a few. Until the other day, in the Constitution of Poland unanimity was required to give validity to any act of their great national council or diet. This approaches much more nearly to rude Nature than the institutions of any other country. Such, indeed, every commonwealth must be, without a positive law to recognize in a certain number the will of the entire body.

If men dissolve their ancient incorporation in order to regenerate their community, in that state of things each man has a right, if he pleases, to remain an individual. Any number of individuals, who can agree upon it, have an undoubted right to form themselves into a state apart and wholly independent. If any of these is forced into the fellowship of another, this is conquest and not compact. On every principle which supposes society to be in virtue of a free covenant, this compulsive incorporation must be null and void.

As a people can have no right to a corporate capacity without universal consent, so neither have they a right to hold exclusively any lands in the name and title of a corporation. On the scheme of the present rulers in our neighboring country, regenerated as they are, they have no more right to the territory called France than I have. I have a right to pitch my tent in any unoccupied place I can find for it; and I may apply to my own maintenance any part of their unoccupied soil. I may purchase the house or vineyard of any individual proprietor who refuses his consent (and most proprietors have, as far as they dared, refused it) to the new incorporation. I stand in his independent place. Who are these insolent men, calling themselves the French nation, that would monopolize this fair domain of Nature? Is it because they speak a certain jargon? Is it their mode of chattering, to me unintelligible, that forms their title to my land? Who are they who claim by prescription and descent from certain gangs of banditti called Franks, and Burgundians, and Visigoths, of whom I may have never heard, and ninety-nine out of an hundred of themselves certainly never have heard, whilst at the very time they tell me that prescription and long possession form no title to property? Who are they that presume to assert that the land which I purchased of the individual, a natural person, and not a fiction of state, belongs to them, who in the very capacity in which they make their claim can exist only as an imaginary being, and in virtue of the very prescription which they reject and disown? This mode of arguing might be pushed into all the detail, so as to leave no sort of doubt, that, on their principles, and on the sort of footing on which they have thought proper to place themselves, the crowd of men, on the other side of the Channel, who have the impudence to call themselves a people, can never be the lawful, exclusive possessors of the soil. By what they call reasoning without prejudice, they leave not one stone upon another in the fabric of human society. They subvert all the authority which they hold, as well as all that which they have destroyed.

As in the abstract it is perfectly clear, that, out of a state of civil society, majority and minority are relations which can have no existence, and that, in civil society, its

own specific conventions in each corporation determine what it is that constitutes the people, so as to make their act the signification of the general will, — to come to particulars, it is equally clear that neither in France nor in England has the original or any subsequent compact of the state, expressed or implied, constituted *a majority of men, told by the head*, to be the acting people of their several communities. And I see as little of policy or utility as there is of right, in laying down a principle that a majority of men told by the head are to be considered as the people, and that as such their will is to be law. What policy can there be found in arrangements made in defiance of every political principle? To enable men to act with the weight and character of a people, and to answer the ends for which they are incorporated into that capacity, we must suppose them (by means immediate or consequential) to be in that state of habitual social discipline in which the wiser, the more expert, and the more opulent conduct, and by conducting enlighten and protect, the weaker, the less knowing, and the less provided with the goods of fortune. When the multitude are not under this discipline, they can scarcely be said to be in civil society. Give once a certain constitution of things which produces a variety of conditions and circumstances in a state, and there is in Nature and reason a principle which, for their own benefit, postpones, not the interest, but the judgment, of those who are *numero plures*, to those who are *virtute et honore majores*. Numbers in a state (supposing, which is not the case in France, that a state does exist) are always of consideration, — but they are not the whole consideration. It is in things more serious than a play, that it may be truly said, *Satis est equitem mihi plaudere*.

A true natural aristocracy is not a separate interest in the state, or separable from it. It is an essential integrant part of any large body rightly constituted. It is formed out of a class of legitimate presumptions, which, taken as generalities, must be admitted for actual truths. To be bred in a place of estimation; to see nothing low and sordid from one's infancy; to be taught to respect one's self; to be habituated to the censorial inspection of the public eye; to look early to public opinion; to stand upon such elevated ground as to be enabled to take a large view of the wide-spread and infinitely diversified combinations of men and affairs in a large society; to have leisure to read, to reflect, to converse; to be enabled to draw the court and attention of the wise and learned, wherever they are to be found; to be habituated in armies to command and to obey; to be taught to despise danger in the pursuit of honor and duty; to be formed to the greatest degree of vigilance, foresight, and circumspection, in a state of things in which no fault is committed with impunity and the slightest mistakes draw on the most ruinous consequences; to be led to a guarded and regulated conduct, from a sense that you are considered as an instructor of your fellow-citizens in their highest concerns, and that you act as a reconciler between God and man; to be employed as an administrator of law and justice, and to be thereby amongst the first benefactors to mankind; to be a

professor of high science, or of liberal and ingenuous art; to be amongst rich traders, who from their success are presumed to have sharp and vigorous understandings, and to possess the virtues of diligence, order, constancy, and regularity, and to have cultivated an habitual regard to commutative justice: these are the circumstances of men that form what I should call a *natural* aristocracy, without which there is no nation.

The state of civil society which necessarily generates this aristocracy is a state of Nature, — and much more truly so than a savage and incoherent mode of life. For man is by nature reasonable; and he is never perfectly in his natural state, but when he is placed where reason may be best cultivated and most predominates. Art is man's nature. We are as much, at least, in a state of Nature in formed manhood as in immature and helpless infancy. Men, qualified in the manner I have just described, form in Nature, as she operates in the common modification of society, the leading, guiding, and governing part. It is the soul to the body, without which the man does not exist. To give, therefore, no more importance, in the social order, to such descriptions of men than that of so many units is a horrible usurpation.

When great multitudes act together, under that discipline of Nature, I recognize the PEOPLE. I acknowledge something that perhaps equals, and ought always to guide, the sovereignty of convention. In all things the voice of this grand chorus of national harmony ought to have a mighty and decisive influence. But when you disturb this harmony, — when you break up this beautiful order, this array of truth and Nature, as well as of habit and prejudice, — when you separate the common sort of men from their proper chieftains, so as to form them into an adverse army, — I no longer know that venerable object called the people in such a disbanded race of deserters and vagabonds. For a while they may be terrible, indeed, — but in such a manner as wild beasts are terrible. The mind owes to them no sort of submission. They are, as they have always been reputed, rebels. They may lawfully be fought with, and brought under, whenever an advantage offers. Those who attempt by outrage and violence to deprive men of any advantage which they hold under the laws, and to destroy the natural order of life, proclaim war against them.

We have read in history of that furious insurrection of the common people in France called the *Jacquerie*: for this is not the first time that the people have been enlightened into treason, murder, and rapine. Its object was to extirpate the gentry. The Captal de Buch, a famous soldier of those days, dishonored the name of a gentleman and of a man by taking, for their cruelties, a cruel vengeance on these deluded wretches: it was, however, his right and his duty to make war upon them, and afterwards, in moderation, to bring them to punishment for their rebellion; though in the sense of the French Revolution, and of some of our clubs, they were the *people*, — and were truly so, if you will call by that appellation *any majority of men told by the head*.

At a time not very remote from the same period (for these humors never have affected one of the nations without some influence on the other) happened several risings of the lower commons in England. These insurgents were certainly the majority of the inhabitants of the counties in which they resided; and Cade, Ket, and Straw, at the head of their national guards, and fomented by certain traitors of high rank, did no more than exert, according to the doctrines of ours and the Parisian societies, the sovereign power inherent in the majority.

We call the time of those events a dark age. Indeed, we are too indulgent to our own proficiency. The Abbé John Ball understood the rights of man as well as the Abbé Grégoire. That reverend patriarch of sedition, and prototype of our modern preachers, was of opinion, with the National Assembly, that all the evils which have fallen upon men had been caused by an ignorance of their “having been born and continued equal as to their rights.” Had the populace been able to repeat that profound maxim, all would have gone perfectly well with them. No tyranny, no vexation, no oppression, no care, no sorrow, could have existed in the world. This would have cured them like a charm for the tooth-ache. But the lowest wretches, in their most ignorant state, were able at all times to talk such stuff; and yet at all times have they suffered many evils and many oppressions, both before and since the republication by the National Assembly of this spell of healing potency and virtue. The enlightened Dr. Ball, when he wished to rekindle the lights and fires of his audience on this point, chose for the test the following couplet: —

When Adam delved and Eve span,
Who was then the gentleman?

Of this sapient maxim, however, I do not give him for the inventor. It seems to have been handed down by tradition, and had certainly become proverbial; but whether then composed or only applied, thus much must be admitted, that in learning, sense, energy, and comprehensiveness, it is fully equal to all the modern dissertations on the equality of mankind: and it has one advantage over them, — that it is in rhyme.

There is no doubt but that this great teacher of the rights of man decorated his discourse on this valuable text with lemmas, theorems, scholia, corollaries, and all the apparatus of science, which was furnished in as great plenty and perfection out of the dogmatic and polemic magazines, the old horse-armory of the Schoolmen, among whom the Rev. Dr. Ball was bred, as they can be supplied from the new arsenal at Hackney. It was, no doubt, disposed with all the adjutancy of definition and division, in which (I speak it with submission) the old marshals were as able as the modern martinets. Neither can we deny that the philosophic auditory, when they had once obtained this knowledge, could never return to their former ignorance, or after so instructive a lecture be in the same state of mind as if they had never heard

it. But these poor people, who were not to be envied for their knowledge, but pitied for their delusion, were not reasoned, (that was impossible,) but beaten, out of their lights. With their teacher they were delivered over to the lawyers, who wrote in their blood the statutes of the land, as harshly, and in the same sort of ink, as they and their teachers had written the rights of man.

Our doctors of the day are not so fond of quoting the opinions of this ancient sage as they are of imitating his conduct: first, because it might appear that they are not as great inventors as they would be thought; and next, because, unfortunately for his fame, he was not successful. It is a remark liable to as few exceptions as any generality can be, that they who applaud prosperous folly and adore triumphant guilt have never been known to succor or even to pity human weakness or offence, when they become subject to human vicissitude, and meet with punishment instead of obtaining power. Abating for their want of sensibility to the sufferings of their associates, they are not so much in the wrong; for madness and wickedness are things foul and deformed in themselves, and stand in need of all the coverings and trappings of fortune to recommend them to the multitude. Nothing can be more loathsome in their naked nature.

Aberrations like these, whether ancient or modern, unsuccessful or prosperous, are things of passage. They furnish no argument for supposing *a multitude told by the head to be the people*. Such a multitude can have no sort of title to alter the seat of power in the society, in which it ever ought to be the obedient, and not the ruling or presiding part. What power may belong to the whole mass, in which mass the natural *aristocracy*, or what by convention is appointed to represent and strengthen it, acts in its proper place, with its proper weight, and without being subjected to violence, is a deeper question. But in that case, and with that concurrence, I should have much doubt whether any rash or desperate changes in the state, such as we have seen in France, could ever be effected.

I have said that in all political questions the consequences of any assumed rights are of great moment in deciding upon their validity. In this point of view let us a little scrutinize the effects of a right in the mere majority of the inhabitants of any country of superseding and altering their government *at pleasure*.

The sum total of every people is composed of its units. Every individual must have a right to originate what afterwards is to become the act of the majority. Whatever he may lawfully originate he may lawfully endeavor to accomplish. He has a right, therefore, in his own particular, to break the ties and engagements which bind him to the country in which he lives; and he has a right to make as many converts to his opinions, and to obtain as many associates in his designs, as he can procure: for how can you know the dispositions of the majority to destroy their government, but by tampering with some part of the body? You must begin by a secret conspiracy, that you may end with a national confederation. The mere pleasure of the beginner must be the sole guide; since the mere pleasure of others

must be the sole ultimate sanction, as well as the sole actuating principle in every part of the progress. Thus, arbitrary will (the last corruption of ruling power) step by step poisons the heart of every citizen. If the undertaker fails, he has the misfortune of a rebel, but not the guilt. By such doctrines, all love to our country, all pious veneration and attachment to its laws and customs, are obliterated from our minds; and nothing can result from this opinion, when grown into a principle, and animated by discontent, ambition, or enthusiasm, but a series of conspiracies and seditions, sometimes ruinous to their authors, always noxious to the state. No sense of duty can prevent any man from being a leader or a follower in such enterprises. Nothing restrains the tempter; nothing guards the tempted. Nor is the new state, fabricated by such arts, safer than the old. What can prevent the mere will of any person, who hopes to unite the wills of others to his own, from an attempt wholly to overturn it? It wants nothing but a disposition to trouble the established order, to give a title to the enterprise.

When you combine this principle of the right to change a fixed and tolerable constitution of things at pleasure with the theory and practice of the French Assembly, the political, civil, and moral irregularity are, if possible, aggravated. The Assembly have found another road, and a far more commodious, to the destruction of an old government, and the legitimate formation of a new one, than through the previous will of the majority of what they call the people. Get, say they, the possession of power by any means you can into your hands; and then, a subsequent consent (what they call an *address of adhesion*) makes your authority as much the act of the people as if they had conferred upon you originally that kind and degree of power which without their permission you had seized upon. This is to give a direct sanction to fraud, hypocrisy, perjury, and the breach of the most sacred trusts that can exist between man and man. What can sound with such horrid discordance in the moral ear as this position, — that a delegate with limited powers may break his sworn engagements to his constituent, assume an authority, never committed to him, to alter all things at his pleasure, and then, if he can persuade a large number of men to flatter him in the power he has usurped, that he is absolved in his own conscience, and ought to stand acquitted in the eyes of mankind? On this scheme, the maker of the experiment must begin with a determined perjury. That point is certain. He must take his chance for the expiatory addresses. This is to make the success of villany the standard of innocence.

Without drawing on, therefore, very shocking consequences, neither by previous consent, nor by subsequent ratification of a *mere reckoned majority*, can any set of men attempt to dissolve the state at their pleasure. To apply this to our present subject. When the several orders, in their several bailliages, had met in the year 1789, (such of them, I mean, as had met peaceably and constitutionally,) to choose and to instruct their representatives, so organized and so acting, (because they were organized and were acting according to the conventions which made them a

people,) they were the *people* of France. They had a legal and a natural capacity to be considered as that people. But observe, whilst they were in this state, that is, whilst they were a people, in no one of their instructions did they charge or even hint at any of those things which have drawn upon the usurping Assembly and their adherents the detestation of the rational and thinking part of mankind. I will venture to affirm, without the least apprehension of being contradicted by any person who knows the then state of France, that, if any one of the changes were proposed, which form the fundamental parts of their Revolution, and compose its most distinguishing acts, it would not have had one vote in twenty thousand in any order. Their instructions purported the direct contrary to all those famous proceedings which are defended as the acts of the people. Had such proceedings been expected, the great probability is, that the people would then have risen, as to a man, to prevent them. The whole organization of the Assembly was altered, the whole frame of the kingdom was changed, before these things could be done. It is long to tell, by what evil arts of the conspirators, and by what extreme weakness and want of steadiness in the lawful government, this equal usurpation on the rights of the prince and people, having first cheated, and then offered violence to both, has been able to triumph, and to employ with success the forged signature of an imprisoned sovereign, and the spurious voice of dictated addresses, to a subsequent ratification of things that had never received any previous sanction, general or particular, expressed or implied, from the nation, (in whatever sense that word is taken,) or from any part of it.

After the weighty and respectable part of the people had been murdered, or driven by the menaces of murder from their houses, or were dispersed in exile into every country in Europe, — after the soldiery had been debauched from their officers, — after property had lost its weight and consideration, along with its security, — after voluntary clubs and associations of factious and unprincipled men were substituted in the place of all the legal corporations of the kingdom arbitrarily dissolved, — after freedom had been banished from those popular meetings whose sole recommendation is freedom, — after it had come to that pass that no dissent dared to appear in any of them, but at the certain price of life, — after even dissent had been anticipated, and assassination became as quick as suspicion, — such pretended ratification by addresses could be no act of what any lover of the people would choose to call by their name. It is that voice which every successful usurpation, as well as this before us, may easily procure, even without making (as these tyrants have made) donatives from the spoil of one part of the citizens to corrupt the other.

The pretended *rights of man*, which have made this havoc, cannot be the rights of the people. For to be a people, and to have these rights, are things incompatible. The one supposes the presence, the other the absence, of a state of civil society. The very foundation of the French commonwealth is false and self-destructive; nor

can its principles be adopted in any country, without the certainty of bringing it to the very same condition in which France is found. Attempts are made to introduce them into every nation in Europe. This nation, as possessing the greatest influence, they wish most to corrupt, as by that means they are assured the contagion must become general. I hope, therefore, I shall be excused, if I endeavor to show, as shortly as the matter will admit, the danger of giving to them, either avowedly or tacitly, the smallest countenance.

There are times and circumstances in which not to speak out is at least to connive. Many think it enough for them, that the principles propagated by these clubs and societies, enemies to their country and its Constitution, are not owned by the *modern Whigs in Parliament*, who are so warm in condemnation of Mr. Burke and his book, and of course of all the principles of the ancient, constitutional Whigs of this kingdom. Certainly they are not owned. But are they condemned with the same zeal as Mr. Burke and his book are condemned? Are they condemned at all? Are they rejected or discountenanced in any way whatsoever? Is any man who would fairly examine into the demeanor and principles of those societies, and that too very moderately, and in the way rather of admonition than of punishment, is such a man even decently treated? Is he not reproached as if in condemning such principles he had belied the conduct of his whole life, suggesting that his life had been governed by principles similar to those which he now reprobates? The French system is in the mean time, by many active agents out of doors, rapturously praised; the British Constitution is coldly tolerated. But these Constitutions are different both in the foundation and in the whole superstructure; and it is plain that you cannot build up the one but on the ruins of the other. After all, if the French be a superior system of liberty, why should we not adopt it? To what end are our praises? Is excellence held out to us only that we should not copy after it? And what is there in the manners of the people, or in the climate of France, which renders that species of republic fitted for them, and unsuitable to us? A strong and marked difference between the two nations ought to be shown, before we can admit a constant, affected panegyric, a standing, annual commemoration, to be without any tendency to an example.

But the leaders of party will not go the length of the doctrines taught by the seditious clubs. I am sure they do not mean to do so. God forbid! Perhaps even those who are directly carrying on the work of this pernicious foreign faction do not all of them intend to produce all the mischiefs which must inevitably follow from their having any success in their proceedings. As to leaders in parties, nothing is more common than to see them blindly led. The world is governed by go-betweens. These go-betweens influence the persons with whom they carry on the intercourse, by stating their own sense to each of them as the sense of the other; and thus they reciprocally master both sides. It is first buzzed about the ears of leaders, "that their friends without doors are very eager for some measure, or very warm about some

opinion, — that you must not be too rigid with them. They are useful persons, and zealous in the cause. They may be a little wrong, but the spirit of liberty must not be damped; and by the influence you obtain from some degree of concurrence with them at present, you may be enabled to set them right hereafter.”

Thus the leaders are at first drawn to a connivance with sentiments and proceedings often totally different from their serious and deliberate notions. But their acquiescence answers every purpose.

With no better than such powers, the go-betweens assume a new representative character. What at best was but an acquiescence is magnified into an authority, and thence into a desire on the part of the leaders; and it is carried down as such to the subordinate members of parties. By this artifice they in their turn are led into measures which at first, perhaps, few of them wished at all, or at least did not desire vehemently or systematically.

There is in all parties, between the principal leaders in Parliament and the lowest followers out of doors, a middle sort of men, a sort of equestrian order, who, by the spirit of that middle situation, are the fittest for preventing things from running to excess. But indecision, though a vice of a totally different character, is the natural accomplice of violence. The irresolution and timidity of those who compose this middle order often prevents the effect of their controlling situation. The fear of differing with the authority of leaders on the one hand, and of contradicting the desires of the multitude on the other, induces them to give a careless and passive assent to measures in which they never were consulted; and thus things proceed, by a sort of activity of inertness, until whole bodies, leaders, middle-men, and followers, are all hurried, with every appearance and with many of the effects of unanimity, into schemes of politics, in the substance of which no two of them were ever fully agreed, and the origin and authors of which, in this circular mode of communication, none of them find it possible to trace. In my experience, I have seen much of this in affairs which, though trifling in comparison to the present, were yet of some importance to parties; and I have known them suffer by it. The sober part give their sanction, at first through inattention and levity; at last they give it through necessity. A violent spirit is raised, which the presiding minds after a time find it impracticable to stop at their pleasure, to control, to regulate, or even to direct.

This shows, in my opinion, how very quick and awakened all men ought to be, who are looked up to by the public, and who deserve that confidence, to prevent a surprise on their opinions, when dogmas are spread and projects pursued by which the foundations of society may be affected. Before they listen even to moderate alterations in the government of their country, they ought to take care that principles are not propagated for that purpose which are too big for their object. Doctrines limited in their present application, and wide in their general principles, are never meant to be confined to what they at first pretend. If I were to form a

prognostic of the effect of the present machinations on the people from their sense of any grievance they suffer under this Constitution, my mind would be at ease. But there is a wide difference between the multitude, when they act against their government from a sense of grievance or from zeal for some opinions. When men are thoroughly possessed with that zeal, it is difficult to calculate its force. It is certain that its power is by no means in exact proportion to its reasonableness. It must always have been discoverable by persons of reflection, but it is now obvious to the world, that a theory concerning government may become as much a cause of fanaticism as a dogma in religion. There is a boundary to men's passions, when they act from feeling; none when they are under the influence of imagination. Remove a grievance, and, when men act from feeling, you go a great way towards quieting a commotion. But the good or bad conduct of a government, the protection men have enjoyed or the oppression they have suffered under it, are of no sort of moment, when a faction, proceeding upon speculative grounds, is thoroughly heated against its form. When a man is from system furious against monarchy or episcopacy, the good conduct of the monarch or the bishop has no other effect than further to irritate the adversary. He is provoked at it as furnishing a plea for preserving the thing which he wishes to destroy. His mind will be heated as much by the sight of a sceptre, a mace, or a verge, as if he had been daily bruised and wounded by these symbols of authority. Mere spectacles, mere names, will become sufficient causes to stimulate the people to war and tumult.

Some gentlemen are not terrified by the facility with which government has been overturned in France. "The people of France," they say, "had nothing to lose in the destruction of a bad Constitution; but, though not the best possible, we have still a good stake in ours, which will hinder us from desperate risks." Is this any security at all against those who seem to persuade themselves, and who labor to persuade others, that our Constitution is an usurpation in its origin, unwise in its contrivance, mischievous in its effects, contrary to the rights of man, and in all its parts a perfect nuisance? What motive has any rational man, who thinks in that manner, to spill his blood, or even to risk a shilling of his fortune, or to waste a moment of his leisure, to preserve it? If he has any duty relative to it, his duty is to destroy it. A Constitution on sufferance is a Constitution condemned. Sentence is already passed upon it. The execution is only delayed. On the principles of these gentlemen, it neither has nor ought to have any security. So far as regards them, it is left naked, without friends, partisans, assertors, or protectors.

Let us examine into the value of this security upon the principles of those who are more sober, — of those who think, indeed, the French Constitution better, or at least as good as the British, without going to all the lengths of the warmer politicians in reprobating their own. Their security amounts in reality to nothing more than this, — that the difference between their republican system and the British limited monarchy is not worth a civil war. This opinion, I admit, will prevent

people not very enterprising in their nature from an active undertaking against the British Constitution. But it is the poorest defensive principle that ever was infused into the mind of man against the attempts of those who will enterprise. It will tend totally to remove from their minds that very terror of a civil war which is held out as our sole security. They who think so well of the French Constitution certainly will not be the persons to carry on a war to prevent their obtaining a great benefit, or at worst a fair exchange. They will not go to battle in favor of a cause in which their defeat might be more advantageous to the public than their victory. They must at least tacitly abet those who endeavor to make converts to a sound opinion; they must discountenance those who would oppose its propagation. In proportion as by these means the enterprising party is strengthened, the dread of a struggle is lessened. See what an encouragement this is to the enemies of the Constitution! A few assassinations and a very great destruction of property we know they consider as no real obstacles in the way of a grand political change. And they will hope, that here, if antimonarchical opinions gain ground as they have done in France, they may, as in France, accomplish a revolution without a war.

They who think so well of the French Constitution cannot be seriously alarmed by any progress made by its partisans. Provisions for security are not to be received from those who think that there is no danger. No! there is no plan of security to be listened to but from those who entertain the same fears with ourselves, — from those who think that the thing to be secured is a great blessing, and the thing against which we would secure it a great mischief. Every person of a different opinion must be careless about security.

I believe the author of the Reflections, whether he fears the designs of that set of people with reason or not, cannot prevail on himself to despise them. He cannot despise them for their numbers, which, though small, compared with the sound part of the community, are not inconsiderable: he cannot look with contempt on their influence, their activity, or the kind of talents and tempers which they possess, exactly calculated for the work they have in hand and the minds they chiefly apply to. Do we not see their most considerable and accredited ministers, and several of their party of weight and importance, active in spreading mischievous opinions, in giving sanction to seditious writings, in promoting seditious anniversaries? and what part of their description has disowned them or their proceedings? When men, circumstanced as these are, publicly declare such admiration of a foreign Constitution, and such contempt of our own, it would be, in the author of the Reflections, thinking as he does of the French Constitution, infamously to cheat the rest of the nation to their ruin to say there is no danger.

In estimating danger, we are obliged to take into our calculation the character and disposition of the enemy into whose hands we may chance to fall. The genius of this faction is easily discerned, by observing with what a very different eye they have viewed the late foreign revolutions. Two have passed before them: that of France,

and that of Poland. The state of Poland was such, that there could scarcely exist two opinions, but that a reformation of its Constitution, even at some expense of blood, might be seen without much disapprobation. No confusion could be feared in such an enterprise; because the establishment to be reformed was itself a state of confusion. A king without authority; nobles without union or subordination; a people without arts, industry, commerce, or liberty; no order within, no defence without; no effective public force, but a foreign force, which entered, a naked country at will, and disposed of everything at pleasure. Here was a state of things which seemed to invite, and might perhaps justify, bold enterprise and desperate experiment. But in what manner was this chaos brought into order? The means were as striking to the imagination as satisfactory to the reason and soothing to the moral sentiments. In contemplating that change, humanity has everything to rejoice and to glory in, — nothing to be ashamed of, nothing to suffer. So far as it has gone, it probably is the most pure and defecated public good which ever has been conferred on mankind. We have seen anarchy and servitude at once removed; a throne strengthened for the protection of the people, without trenching on their liberties; all foreign cabal banished, by changing the crown from elective to hereditary; and what was a matter of pleasing wonder, we have seen a reigning king, from an heroic love to his country, exerting himself with all the toil, the dexterity, the management, the intrigue, in favor of a family of strangers, with which ambitious men labor for the aggrandizement of their own. Ten millions of men in a way of being freed gradually, and therefore safely to themselves and the state, not from civil or political chains, which, bad as they are, only fetter the mind, but from substantial personal bondage. Inhabitants of cities, before without privileges, placed in the consideration which belongs to that improved and connecting situation of social life. One of the most proud, numerous, and fierce bodies of nobility and gentry ever known in the world arranged only in the foremost rank of free and generous citizens. Not one man incurred loss or suffered degradation. All, from the king to the day-laborer, were improved in their condition. Everything was kept in its place and order; but in that place and order everything was bettered. To add to this happy wonder, this unheard-of conjunction of wisdom and fortune, not one drop of blood was spilled; no treachery; no outrage; no system of slander more cruel than the sword; no studied insults on religion, morals, or manners; no spoil; no confiscation; no citizen beggared; none imprisoned; none exiled: the whole was effected with a policy, a discretion, an unanimity and secrecy, such as have never been before known on any occasion; but such wonderful conduct was reserved for this glorious conspiracy in favor of the true and genuine rights and interests of men. Happy people, if they know to proceed as they have begun! Happy prince, worthy to begin with splendor or to close with glory a race of patriots and of kings, and to leave

A name, which every wind to heaven would bear,
Which men to speak, and angels joy to hear!

To finish all, — this great good, as in the instant it is, contains in it the seeds of all further improvement, and may be considered as in a regular progress, because founded on similar principles, towards the stable excellence of a British Constitution.

Here was a matter for congratulation and for festive remembrance through ages. Here moralists and divines might indeed relax in their temperance, to exhilarate their humanity. But mark the character of our faction. All their enthusiasm is kept for the French Revolution. They cannot pretend that France had stood so much in need of a change as Poland. They cannot pretend that Poland has not obtained a better system of liberty or of government than it enjoyed before. They cannot assert that the Polish Revolution cost more dearly than that of France to the interests and feelings of multitudes of men. But the cold and subordinate light in which they look upon the one, and the pains they take to preach up the other of these Revolutions, leave us no choice in fixing on their motives. Both Revolutions profess liberty as their object; but in obtaining this object the one proceeds from anarchy to order, the other from order to anarchy. The first secures its liberty by establishing its throne; the other builds its freedom on the subversion of its monarchy. In the one, their means are unstained by crimes, and their settlement favors morality; in the other, vice and confusion are in the very essence of their pursuit, and of their enjoyment. The circumstances in which these two events differ must cause the difference we make in their comparative estimation. These turn the scale with the societies in favor of France. *Ferrum est quod amant*. The frauds, the violences, the sacrileges, the havoc and ruin of families, the dispersion and exile of the pride and flower of a great country, the disorder, the confusion, the anarchy, the violation of property, the cruel murders, the inhuman confiscations, and in the end the insolent domination of bloody, ferocious, and senseless clubs, — these are the things which they love and admire. What men admire and love they would surely act. Let us see what is done in France; and then let us undervalue any the slightest danger of falling into the hands of such a merciless and savage faction!

“But the leaders of the factious societies are too wild to succeed in this their undertaking.” I hope so. But supposing them wild and absurd, is there no danger but from wise and reflecting men? Perhaps the greatest mischiefs that have happened in the world have happened from persons as wild as those we think the wildest. In truth, they are the fittest beginners of all great changes. Why encourage men in a mischievous proceeding, because their absurdity may disappoint their malice?— “But noticing them may give them consequence.” Certainly. But they are noticed; and they are noticed, not with reproof, but with that kind of countenance which is given by an *apparent* concurrence (not a *real* one, I am convinced) of a great party in the praises of the object which they hold out to imitation.

But I hear a language still more extraordinary, and indeed of such a nature as must suppose or leave us at their mercy. It is this:— “You know their promptitude in writing, and their diligence in caballing; to write, speak, or act against them will only stimulate them to new efforts.” This way of considering the principle of their conduct pays but a poor compliment to these gentlemen. They pretend that their doctrines are infinitely beneficial to mankind; but it seems they would keep them to

themselves, if they were not greatly provoked. They are benevolent from spite. Their oracles are like those of Proteus, (whom some people think they resemble in many particulars,) who never would give his responses, unless you used him as ill as possible. These cats, it seems, would not give out their electrical light without having their backs well rubbed. But this is not to do them perfect justice. They are sufficiently communicative. Had they been quiet, the propriety of any agitation of topics on the origin and primary rights of government, in opposition to their private sentiments, might possibly be doubted. But, as it is notorious that they were proceeding as fast and as far as time and circumstances would admit, both in their discussions and cabals, — as it is not to be denied that they had opened a correspondence with a foreign faction the most wicked the world ever saw, and established anniversaries to commemorate the most monstrous, cruel, and perfidious of all the proceedings of that faction, — the question is, whether their conduct was to be regarded in silence, lest our interference should render them outrageous. Then let them deal as they please with the Constitution. Let the lady be passive, lest the ravisher should be driven to force. Resistance will only increase his desires. Yes, truly, if the resistance be feigned and feeble. But they who are wedded to the Constitution will not act the part of wittols. They will drive such seducers from the house on the first appearance of their love-letters and offered assignations. But if the author of the Reflections, though a vigilant, was not a discreet guardian of the Constitution, let them who have the same regard to it show themselves as vigilant and more skilful in repelling the attacks of seduction or violence. Their freedom from jealousy is equivocal, and may arise as well from indifference to the object as from confidence in her virtue.

On their principle, it is the resistance, and not the assault, which produces the danger. I admit, indeed, that, if we estimated the danger by the value of the writings, it would be little worthy of our attention: contemptible these writings are in every sense. But they are not the cause, they are the disgusting symptoms of a frightful distemper. They are not otherwise of consequence than as they show the evil habit of the bodies from whence they come. In that light the meanest of them is a serious thing. If, however, I should underrate them, and if the truth is, that they are not the result, but the cause, of the disorders I speak of, surely those who circulate operative poisons, and give to whatever force they have by their nature the further operation of their authority and adoption, are to be censured, watched, and, if possible, repressed.

At what distance the direct danger from such factions may be it is not easy to fix. An adaptation of circumstances to designs and principles is necessary. But these cannot be wanting for any long time, in the ordinary course of sublunary affairs. Great discontents frequently arise in the best constituted governments from causes which no human wisdom can foresee and no human power can prevent. They occur at uncertain periods, but at periods which are not commonly far asunder.

Governments of all kinds are administered only by men; and great mistakes, tending to inflame these discontents, may concur. The indecision of those who happen to rule at the critical time, their supine neglect, or their precipitate and ill-judged attention, may aggravate the public misfortunes. In such a state of things, the principles, now only sown, will shoot out and vegetate in full luxuriance. In such circumstances the minds of the people become sore and ulcerated. They are put out of humor with all public men and all public parties; they are fatigued with their dissensions; they are irritated at their coalitions; they are made easily to believe (what much pains are taken to make them believe) that all oppositions are factious, and all courtiers base and servile. From their disgust at men, they are soon led to quarrel with their frame of government, which they presume gives nourishment to the vices, real or supposed, of those who administer in it. Mistaking malignity for sagacity, they are soon led to cast off all hope from a good administration of affairs, and come to think that all reformation depends, not on a change of actors, but upon an alteration in the machinery. Then will be felt the full effect of encouraging doctrines which tend to make the citizens despise their Constitution. Then will be felt the plenitude of the mischief of teaching the people to believe that all ancient institutions are the results of ignorance, and that all prescriptive government is in its nature usurpation. Then will be felt, in all its energy, the danger of encouraging a spirit of litigation in persons of that immature and imperfect state of knowledge which serves to render them susceptible of doubts, but incapable of their solution. Then will be felt, in all its aggravation, the pernicious consequence of destroying all docility in the minds of those who are not formed for finding their own way in the labyrinths of political theory, and are made to reject the clew and to disdain the guide. Then will be felt, and too late will be acknowledged, the ruin which follows the disjoining of religion from the state, the separation of morality from policy, and the giving conscience no concern and no coactive or coercive force in the most material of all the social ties, the principle of our obligations to government.

I know, too, that, besides this vain, contradictory, and self-destructive security which some men derive from the habitual attachment of the people to this Constitution, whilst they suffer it with a sort of sportive acquiescence to be brought into contempt before their faces, they have other grounds for removing all apprehension from their minds. They are of opinion that there are too many men of great hereditary estates and influence in the kingdom to suffer the establishment of the levelling system which has taken place in France. This is very true, if, in order to guide the power which now attends their property, these men possess the wisdom which is involved in early fear. But if, through a supine security, to which such fortunes are peculiarly liable, they neglect the use of their influence in the season of their power, on the first derangement of society the nerves of their strength will be cut. Their estates, instead of being the means of their security, will become the very

causes of their danger. Instead of bestowing influence, they will excite rapacity. They will be looked to as a prey.

Such will be the impotent condition of those men of great hereditary estates, who indeed dislike the designs that are carried on, but whose dislike is rather that of spectators than of parties that may be concerned in the catastrophe of the piece. But riches do not in all cases secure even an inert and passive resistance. There are always in that description men whose fortunes, when their minds are once vitiated by passion or by evil principle, are by no means a security from their actually taking their part against the public tranquillity. We see to what low and despicable passions of all kinds many men in that class are ready to sacrifice the patrimonial estates which might be perpetuated in their families with splendor, and with the fame of hereditary benefactors to mankind, from generation to generation. Do we not see how lightly people treat their fortunes, when under the influence of the passion of gaming? The game of ambition or resentment will be played by many of the rich and great as desperately, and with as much blindness to the consequences, as any other game. Was he a man of no rank or fortune who first set on foot the disturbances which have ruined France? Passion blinded him to the consequences, so far as they concerned himself; and as to the consequences with regard to others, they were no part of his consideration, — nor ever will be with those who bear any resemblance to that virtuous patriot and lover of the rights of man.

There is also a time of insecurity, when interests of all sorts become objects of speculation. Then it is that their very attachment to wealth and importance will induce several persons of opulence to list themselves and even to take a lead with the party which they think most likely to prevail, in order to obtain to themselves consideration in some new order or disorder of things. They may be led to act in this manner, that they may secure some portion of their own property, and perhaps to become partakers of the spoil of their own order. Those who speculate on change always make a great number among people of rank and fortune, as well as amongst the low and the indigent.

What security against all this? — All human securities are liable to uncertainty. But if anything bids fair for the prevention of so great a calamity, it must consist in the use of the ordinary means of just influence in society, whilst those means continue unimpaired. The public judgment ought to receive a proper direction. All weighty men may have their share in so good a work. As yet, notwithstanding the strutting and lying independence of a braggart philosophy, Nature maintains her rights, and great names have great prevalence. Two such men as Mr. Pitt and Mr. Fox, adding to their authority in a point in which they concur even by their disunion in everything else, might frown these wicked opinions out of the kingdom. But if the influence of either of them, or the influence of men like them, should, against their serious intentions, be otherwise perverted, they may countenance opinions which (as I have said before, and could wish over and over again to press) they may

in vain attempt to control. In their theory, these doctrines admit no limit, no qualification whatsoever. No man can say how far he will go, who joins with those who are avowedly going to the utmost extremities. What security is there for stopping short at all in these wild conceits? Why, neither more nor less than this, — that the moral sentiments of some few amongst them do put some check on their savage theories. But let us take care. The moral sentiments, so nearly connected with early prejudice as to be almost one and the same thing, will assuredly not live long under a discipline which has for its basis the destruction of all prejudices, and the making the mind proof against all dread of consequences flowing from the pretended truths that are taught by their philosophy.

In this school the moral sentiments must grow weaker and weaker every day. The more cautious of these teachers, in laying down their maxims, draw as much of the conclusion as suits, not with their premises, but with their policy. They trust the rest to the sagacity of their pupils. Others, and these are the most vaunted for their spirit, not only lay down the same premises, but boldly draw the conclusions, to the destruction of our whole Constitution in Church and State. But are these conclusions truly drawn? Yes, most certainly. Their principles are wild and wicked; but let justice be done even to frenzy and villany. These teachers are perfectly systematic. No man who assumes their grounds can tolerate the British Constitution in Church or State. These teachers profess to scorn all mediocrity, — to engage for perfection, — to proceed by the simplest and shortest course. They build their politics, not on convenience, but on truth; and they profess to conduct men to certain happiness by the assertion of their undoubted rights. With them there is no compromise. All other governments are usurpations, which justify and even demand resistance.

Their principles always go to the extreme. They who go with the principles of the ancient Whigs, which are those contained in Mr. Burke's book, never can go too far. They may, indeed, stop short of some hazardous and ambiguous excellence, which they will be taught to postpone to any reasonable degree of good they may actually possess. The opinions maintained in that book never can lead to an extreme, because their foundation is laid in an opposition to extremes. The foundation of government is there laid, not in imaginary rights of men, (which at best is a confusion of judicial with civil principles,) but in political convenience, and in human nature, — either as that nature is universal, or as it is modified by local habits and social aptitudes. The foundation of government (those who have read that book will recollect) is laid in a provision for our wants and in a conformity to our duties: it is to purvey for the one, it is to enforce the other. These doctrines do of themselves gravitate to a middle point, or to some point near a middle. They suppose, indeed, a certain portion of liberty to be essential to all good government; but they infer that this liberty is to be blended into the government, to harmonize with its forms and its rules, and to be made subordinate to its end. Those who are

not with that book are with its opposite; for there is no medium besides the medium itself. That medium is not such because it is found there, but it is found there because it is conformable to truth and Nature. In this we do not follow the author, but we and the author travel together upon the same safe and middle path.

The theory contained in his book is not to furnish principles for making a new Constitution, but for illustrating the principles of a Constitution already made. It is a theory drawn from the *fact* of our government. They who oppose it are bound to show that his theory militates with that fact; otherwise, their quarrel is not with his book, but with the Constitution of their country. The whole scheme of our mixed Constitution is to prevent any one of its principles from being carried as far as, taken by itself, and theoretically, it would go. Allow that to be the true policy of the British system, then most of the faults with which that system stands charged will appear to be, not imperfections into which it has inadvertently fallen, but excellencies which it has studiously sought. To avoid the perfections of extreme, all its several parts are so constituted as not alone to answer their own several ends, but also each to limit and control the others; insomuch that, take which of the principles you please, you will find its operation checked and stopped at a certain point. The whole movement stands still rather than that any part should proceed beyond its boundary. From thence it results that in the British Constitution there is a perpetual treaty and compromise going on, sometimes openly, sometimes with less observation. To him who contemplates the British Constitution, as to him who contemplates the subordinate material world, it will always be a matter of his most curious investigation to discover the secret of this mutual limitation.

Finita potestas denique cuique

Quanam sit ratione, atque alte terminus hærens?

They who have acted, as in France they have done, upon a scheme wholly different, and who aim at the abstract and unlimited perfection of power in the popular part, can be of no service to us in any of our political arrangements. They who in their headlong career have overpassed the goal can furnish no example to those who aim to go no further. The temerity of such speculators is no more an example than the timidity of others. The one sort scorns the right; the other fears it; both miss it. But those who by violence go beyond the barrier are without question the most mischievous; because, to go beyond it, they overturn and destroy it. To say they have spirit is to say nothing in their praise. The untempered spirit of madness, blindness, immorality, and impiety deserves no commendation. He that sets his house on fire because his fingers are frost-bitten can never be a fit instructor in the method of providing our habitations with a cheerful and salutary warmth. We want no foreign examples to rekindle in us the flame of liberty. The example of our own ancestors is abundantly sufficient to maintain the spirit of freedom in its full vigor,

and to qualify it in all its exertions. The example of a wise, moral, well-natured, and well-tempered spirit of freedom is that alone which can be useful to us, or in the least degree reputable or safe. Our fabric is so constituted, one part of it bears so much on the other, the parts are so made for one another, and for nothing else, that to introduce any foreign matter into it is to destroy it.

What has been said of the Roman Empire is at least as true of the British Constitution:— “*Octingentorum annorum fortuna disciplinaque compages hæc coaluit; quæ convelli sine convellentium exitio non potest.*” This British Constitution has not been struck out at a heat by a set of presumptuous men, like the Assembly of pettifoggers run mad in Paris.

“Tis not the hasty product of a day,
But the well-ripened fruit of wise delay.”

It is the result of the thoughts of many minds in many ages. It is no simple, no superficial thing, nor to be estimated by superficial understandings. An ignorant man, who is not fool enough to meddle with his clock, is, however, sufficiently confident to think he can safely take to pieces and put together, at his pleasure, a moral machine of another guise, importance, and complexity, composed of far other wheels and springs and balances and counteracting and coöperating powers. Men little think how immorally they act in rashly meddling with what they do not understand. Their delusive good intention is no sort of excuse for their presumption. They who truly mean well must be fearful of acting ill. The British Constitution may have its advantages pointed out to wise and reflecting minds, but it is of too high an order of excellence to be adapted to those which are common. It takes in too many views, it makes too many combinations, to be so much as comprehended by shallow and superficial understandings. Profound thinkers will know it in its reason and spirit. The less inquiring will recognize it in their feelings and their experience. They will thank God they have a standard, which, in the most essential point of this great concern, will put them on a par with the most wise and knowing.

If we do not take to our aid the foregone studies of men reputed intelligent and learned, we shall be always beginners. But men must learn somewhere; and the new teachers mean no more than what they effect, as far as they succeed, — that is, to deprive men of the benefit of the collected wisdom of mankind, and to make them blind disciples of their own particular presumption. Talk to these deluded creatures (all the disciples and most of the masters) who are taught to think themselves so newly fitted up and furnished, and you will find nothing in their houses but the refuse of *Knaves' Acre*, — nothing but the rotten stuff, worn out in the service of delusion and sedition in all ages, and which, being newly furbished up, patched, and varnished, serves well enough for those who, being unacquainted with the conflict which has always been maintained between the sense and the nonsense of mankind,

know nothing of the former existence and the ancient refutation of the same follies. It is near two thousand years since it has been observed that these devices of ambition, avarice, and turbulence were antiquated. They are, indeed, the most ancient of all commonplaces: commonplaces sometimes of good and necessary causes; more frequently of the worst, but which decide upon neither. *Eadem semper causa, libido et avaritia, et mutandarum rerum amor. Ceterum libertas et speciosa nomina pretextuntur; nec quisquam alienum servitium, et dominationem sibi concupivit, ut non eadem ista vocabula usurparet.*

Rational and experienced men tolerably well know, and have always known, how to distinguish between true and false liberty, and between the genuine adherence and the false pretence to what is true. But none, except those who are profoundly studied, can comprehend the elaborate contrivance of a fabric fitted to unite private and public liberty with public force, with order, with peace, with justice, and, above all, with the institutions formed for bestowing permanence and stability, through ages, upon this invaluable whole.

Place, for instance, before your eyes such a man as Montesquieu. Think of a genius not born in every country or every time: a man gifted by Nature with a penetrating, aquiline eye, — with a judgment prepared with the most extensive erudition, — with an Herculean robustness of mind, and nerves not to be broken with labor, — a man who could spend twenty years in one pursuit. Think of a man like the universal patriarch in Milton (who had drawn up before him in his prophetic vision the whole series of the generations which were to issue from his loins): a man capable of placing in review, after having brought together from the East, the West, the North, and the South, from the coarseness of the rudest barbarism to the most refined and subtle civilization, all the schemes of government which had ever prevailed amongst mankind, weighing, measuring, collating, and comparing them all, joining fact with theory, and calling into council, upon all this infinite assemblage of things, all the speculations which have fatigued the understandings of profound reasoners in all times. Let us then consider, that all these were but so many preparatory steps to qualify a man, and such a man, tinctured with no national prejudice, with no domestic affection, to admire, and to hold out to the admiration of mankind, the Constitution of England. And shall we Englishmen revoke to such a suit? Shall we, when so much more than he has produced remains still to be understood and admired, instead of keeping ourselves in the schools of real science, choose for our teachers men incapable of being taught, — whose only claim to know is, that they have never doubted, — from whom we can learn nothing but their own indocility, — who would teach us to scorn what in the silence of our hearts we ought to adore?

Different from them are all the great critics. They have taught us one essential rule. I think the excellent and philosophic artist, a true judge, as well as a perfect follower of Nature, Sir Joshua Reynolds, has somewhere applied it, or something

like it, in his own profession. It is this: that, if ever we should find ourselves disposed not to admire those writers or artists (Livy and Virgil, for instance, Raphael or Michael Angelo) whom all the learned had admired, not to follow our own fancies, but to study them, until we know how and what we ought to admire; and if we cannot arrive at this combination of admiration with knowledge, rather to believe that we are dull than that the rest of the world has been imposed on. It is as good a rule, at least, with regard to this admired Constitution. We ought to understand it according to our measure, and to venerate where we are not able presently to comprehend.

Such admirers were our fathers, to whom we owe this splendid inheritance. Let us improve it with zeal, but with fear. Let us follow our ancestors, men not without a rational, though without an exclusive confidence in themselves, — who, by respecting the reason of others, who, by looking backward as well as forward, by the modesty as well as by the energy of their minds, went on insensibly drawing this Constitution nearer and nearer to its perfection, by never departing from its fundamental principles, nor introducing any amendment which had not a subsisting root in the laws, Constitution, and usages of the kingdom. Let those who have the trust of political or of natural authority ever keep watch against the desperate enterprises of innovation: let even their benevolence be fortified and armed. They have before their eyes the example of a monarch insulted, degraded, confined, deposed; his family dispersed, scattered, imprisoned; his wife insulted to his face, like the vilest of the sex, by the vilest of all populace; himself three times dragged by these wretches in an infamous triumph; his children torn from him, in violation of the first right of Nature, and given into the tuition of the most desperate and impious of the leaders of desperate and impious clubs; his revenues dilapidated and plundered; his magistrates murdered; his clergy proscribed, persecuted, famished; his nobility degraded in their rank, undone in their fortunes, fugitives in their persons; his armies corrupted and ruined; his whole people impoverished, disunited, dissolved; whilst through the bars of his prison, and amidst the bayonets of his keepers, he hears the tumult of two conflicting factions, equally wicked and abandoned, who agree in principles, in dispositions, and in objects, but who tear each other to pieces about the most effectual means of obtaining their common end: the one contending to preserve for a while his name, and his person, the more easily to destroy the royal authority, — the other clamoring to cut off the name, the person, and the monarchy together, by one sacrilegious execution. All this accumulation of calamity, the greatest that ever fell upon one man, has fallen upon his head, because he had left his virtues unguarded by caution, — because he was not taught, that, where power is concerned, he who will confer benefits must take security against ingratitude.

I have stated the calamities which have fallen upon a great prince and nation, because they were not alarmed at the approach of danger, and because, what

commonly happens to men surprised, they lost all resource when they were caught in it. When I speak of danger, I certainly mean to address myself to those who consider the prevalence of the new Whig doctrines as an evil.

The Whigs of this day have before them, in this Appeal, their constitutional ancestors; they have the doctors of the modern school. They will choose for themselves. The author of the Reflections has chosen for himself. If a new order is coming on, and all the political opinions must pass away as dreams, which our ancestors have worshipped as revelations, I say for him, that he would rather be the last (as certainly he is the least) of that race of men than the first and greatest of those who have coined to themselves Whig principles from a French die, unknown to the impress of our fathers in the Constitution.

THOUGHTS ON FRENCH AFFAIRS



THOUGHTS ON FRENCH AFFAIRS, ETC., ETC.

WRITTEN IN DECEMBER, 1791.

In all our transactions with France, and at all periods, we have treated with that state on the footing of a monarchy. Monarchy was considered in all the external relations of that kingdom with every power in Europe as its legal and constitutional government, and that in which alone its federal capacity was vested.

Montmorin's Letter. It is not yet a year since Monsieur de Montmorin formally, and with as little respect as can be imagined to the king, and to all crowned heads, announced a total Revolution in that country. He has informed the British ministry that its frame of government is wholly altered, — that he is one of the ministers of the new system, — and, in effect, that the king is no longer his master, (nor does he even call him such,) but the “*first of the ministers*,” in the new system.

Acceptance of the Constitution ratified. The second notification was that of the king's acceptance of the new Constitution, accompanied with fanfaronades in the modern style of the French bureaux: things which have much more the air and character of the saucy declamations of their clubs than the tone of regular office.

It has not been very usual to notify to foreign courts anything concerning the internal arrangements of any state. In the present case, the circumstance of these two notifications, with the observations with which they are attended, does not leave it in the choice of the sovereigns of Christendom to appear ignorant either of this French Revolution or (what is more important) of its principles.

We know, that, very soon after this manifesto of Monsieur de Montmorin, the king of France, in whose name it was made, found himself obliged to fly, with his whole family, — leaving behind him a declaration in which he disavows and annuls that Constitution, as having been the effect of force on his person and usurpation on his authority. It is equally notorious, that this unfortunate prince was, with many circumstances of insult and outrage, brought back prisoner by a deputation of the pretended National Assembly, and afterwards suspended by their authority from his

government. Under equally notorious constraint, and under menaces of total deposition, he has been compelled to accept what they call a Constitution, and to agree to whatever else the usurped power which holds him in confinement thinks proper to impose.

His nest brother, who had fled with him, and his third brother, who had fled before him, all the princes of his blood who remained faithful to him, and the flower of his magistracy, his clergy, and his nobility, continue in foreign countries, protesting against all acts done by him in his present situation, on the grounds upon which he had himself protested against them at the time of his flight, — with this addition, that they deny his very competence (as on good grounds they may) to abrogate the royalty, or the ancient constitutional orders of the kingdom. In this protest they are joined by three hundred of the late Assembly itself, and, in effect, by a great part of the French nation. The new government (so far as the people dare to disclose their sentiments) is disdained, I am persuaded, by the greater number, — who, as M. de La Fayette complains, and as the truth is, have declined to take any share in the new elections to the National Assembly, either as candidates or electors.

In this state of things, (that is, in the case of a *divided* kingdom,) by the law of nations, Great Britain, like every other power, is free to take any part she pleases. She may decline, with more or less formality, according to her discretion, to acknowledge this new system; or she may recognize it as a government *de facto*, setting aside all discussion of its original legality, and considering the ancient monarchy as at an end. The law of nations leaves our court open to its choice. We have no direction but what is found in the well-understood policy of the king and kingdom.

This declaration of a *new species* of government, on new principles, (such it professes itself to be,) is a real crisis in the politics of Europe. The conduct which prudence ought to dictate to Great Britain will not depend (as hitherto our connection or quarrel with other states has for some time depended) upon merely *external* relations, but in a great measure also upon the system which we may think it right to adopt for the internal government of our own country.

If it be our policy to assimilate our government to that of France, we ought to prepare for this change by encouraging the schemes of authority established there. We ought to wink at the captivity and deposition of a prince with whom, if not in close alliance, we were in friendship. We ought to fall in with the ideas of Monsieur Montmorin's circular manifesto, and to do business of course with the functionaries who act under the new power by which that king to whom his Majesty's minister has been sent to reside has been deposed and imprisoned. On that idea we ought also to withhold all sorts of direct or indirect countenance from those who are treating in Germany for the reëstablishment of the French monarchy and the ancient orders of that state. This conduct is suitable to this policy.

The question is, whether this policy be suitable to the interests of the crown and subjects of Great Britain. Let us, therefore, a little consider the true nature and probable effects of the Revolution which, in such a very unusual manner, has been twice diplomatically announced to his Majesty.

Difference between this Revolution and others. There have been many internal revolutions in the government of countries, both as to persons and forms, in which the neighboring states have had little or no concern. Whatever the government might be with respect to those persons and those forms, the stationary interests of the nation concerned have most commonly influenced the new governments in the same manner in which they influenced the old; and the revolution, turning on matter of local grievance or of local accommodation, did not extend beyond its territory.

Nature of the French Revolution. The present Revolution in France seems to me to be quite of another character and description, and to bear little resemblance or analogy to any of those which have been brought about in Europe, upon principles merely political. *It is a Revolution of doctrine and theoretic dogma.* It has a much greater resemblance to those changes which have been made upon religious grounds, in which a spirit of proselytism makes an essential part.

The last revolution of doctrine and theory which has happened in Europe is the Reformation. It is not for my purpose to take any notice here of the merits of that revolution, but to state one only of its effects.

Its effects. That effect was, *to introduce other interests into all countries than those which arose from their locality and natural circumstances.* The principle of the Reformation was such as, by its essence, could not be local or confined to the country in which it had its origin. For instance, the doctrine of "Justification by Faith or by Works," which was the original basis of the Reformation, could not have one of its alternatives true as to Germany and false as to every other country. Neither are questions of theoretic truth and falsehood governed by circumstances any more than by places. On that occasion, therefore, the spirit of proselytism expanded itself with great elasticity upon all sides: and great divisions were everywhere the result.

These divisions, however in appearance merely dogmatic, soon became mixed with the political; and their effects were rendered much more intense from this combination. Europe was for a long time divided into two great factions, under the name of Catholic and Protestant, which not only often alienated state from state, but also divided almost every state within itself. The warm parties in each state were more affectionately attached to those of their own doctrinal interest in some other country than to their fellow-citizens or to their natural government, when they or either of them happened to be of a different persuasion. These factions, wherever they prevailed, if they did not absolutely destroy, at least weakened and distracted the locality of patriotism. The public affections came to have other motives and other ties.

It would be to repeat the history of the two last centuries to exemplify the effects of this revolution.

Although the principles to which it gave rise did not operate with a perfect regularity and constancy, they never wholly ceased to operate. Few wars were made, and few treaties were entered into, in which they did not come in for some part. They gave a color, a character, and direction to all the politics of Europe.

New system of politics. These principles of internal as well as external division and coalition are but just now extinguished. But they who will examine into the true character and genius of some late events must be satisfied that other sources of faction, combining parties among the inhabitants of different countries into one connection, are opened, and that from these sources are likely to arise effects full as important as those which had formerly arisen from the jarring interests of the religious sects. The intention of the several actors in the change in France is not a matter of doubt. It is very openly professed.

In the modern world, before this time, there has been no instance of this spirit of general political faction, separated from religion, pervading several countries, and forming a principle of union between the partisans in each. But the thing is not less in human nature. The ancient world has furnished a strong and striking instance of such a ground for faction, full as powerful and full as mischievous as our spirit of religions system had ever been, exciting in all the states of Greece (European and Asiatic) the most violent animosities and the most cruel and bloody persecutions and proscriptions. These ancient factions in each commonwealth of Greece connected themselves with those of the same description in some other states; and secret cabals and public alliances were carried on and made, not upon a conformity of general political interests, but for the support and aggrandizement of the two leading states which headed the aristocratic and democratic factions. For as, in later times, the king of Spain was at the head of a Catholic, and the king of Sweden of a Protestant interest, (France, though Catholic, acting subordinately to the latter,) in the like manner the Lacedemonians were everywhere at the head of the aristocratic interests, and the Athenians of the democratic. The two leading powers kept alive a constant cabal and conspiracy in every state, and the political dogmas concerning the constitution of a republic were the great instruments by which these leading states chose to aggrandize themselves. Their choice was not unwise; because the interest in opinions, (merely as opinions, and without any experimental reference to their effects,) when once they take strong hold of the mind, become the most operative of all interests, and indeed very often supersede every other.

I might further exemplify the possibility of a political sentiment running through various states, and combining factions in them, from the history of the Middle Ages in the Guelfs and Ghibellines. These were political factions originally in favor of the Emperor and the Pope, with no mixture of religious dogmas: or if anything religiously doctrinal they had in them originally, it very soon disappeared; as their

first political objects disappeared also, though the spirit remained. They became no more than names to distinguish factions: but they were not the less powerful in their operation, when they had no direct point of doctrine, either religious or civil, to assert. For a long time, however, those factions gave no small degree of influence to the foreign chiefs in every commonwealth in which they existed. I do not mean to pursue further the track of these parties. I allude to this part of history only as it furnishes an instance of that species of faction which broke the locality of public affections, and united descriptions of citizens more with strangers than with their countrymen of different opinions.

French fundamental principle. The political dogma, which, upon the new French system, is to unite the factions of different nations, is this: "That the majority, told by the head, of the taxable people in every country, is the perpetual, natural, unceasing, indefeasible sovereign; that this majority is perfectly master of the form as well as the administration of the state, and that the magistrates, under whatever names they are called, are only functionaries to obey the orders (general as laws or particular as decrees) which that majority may make; that this is the only natural government; that all others are tyranny and usurpation."

Practical project. In order to reduce this dogma into practice, the republicans in France, and their associates in other countries, make it always their business, and often their public profession, to destroy all traces of ancient establishments, and to form a new commonwealth in each country, upon the basis of the French *Rights of Man*. On the principle of these rights, they mean to institute in every country, and as it were the germ of the whole, parochial governments, for the purpose of what they call equal representation. From them is to grow, by some media, a general council and representative of all the parochial governments. In that representative is to be vested the whole national power, — totally abolishing hereditary name and office, levelling all conditions of men, (except where money *must* make a difference,) breaking all connection between territory and dignity, and abolishing every species of nobility, gentry, and Church establishments: all their priests and all their magistrates being only creatures of election and pensioners at will.

Knowing how opposite a permanent landed interest is to that scheme, they have resolved, and it is the great drift of all their regulations, to reduce that description of men to a mere peasantry for the sustenance of the towns, and to place the true effective government in cities, among the tradesmen, bankers, and voluntary clubs of bold, presuming young persons, — advocates, attorneys, notaries, managers of newspapers, and those cabals of literary men called academies. Their republic is to have a first functionary, (as they call him,) under the name of King, or not, as they think fit. This officer, when such an officer is permitted, is, however, neither in fact nor name to be considered as sovereign, nor the people as his subjects. The very use of these appellations is offensive to their ears.

Partisans of the French system. This system, as it has first been realized, dogmatically as well as practically, in France, makes France the natural head of all factions formed on a similar principle, wherever they may prevail, as much as Athens was the head and settled ally of all democratic factions, wherever they existed. The other system has no head.

This system has very many partisans in every country in Europe, but particularly in England, where they are already formed into a body, comprehending most of the Dissenters of the three leading denominations. To these are readily aggregated all who are Dissenters in character, temper, and disposition, though not belonging to any of their congregations: that is, all the restless people who resemble them, of all ranks and all parties, — Whigs, and even Tories; the whole race of half-bred speculators; all the Atheists, Deists, and Socinians; all those who hate the clergy and envy the nobility; a good many among the moneyed people; the East Indians almost to a man, who cannot bear to find that their present importance does not bear a proportion to their wealth. These latter have united themselves into one great, and, in my opinion, formidable club, which, though now quiet, may be brought into action with considerable unanimity and force.

Formerly, few, except the ambitious great or the desperate and indigent, were to be feared as instruments in revolutions. What has happened in France teaches us, with many other things, that there are more causes than have commonly been taken into our consideration, by which government may be subverted. The moneyed men, merchants, principal tradesmen, and men of letters (hitherto generally thought the peaceable and even timid part of society) are the chief actors in the French Revolution. But the fact is, that, as money increases and circulates, and as the circulation of news in politics and letters becomes more and more diffused, the persons who diffuse this money and this intelligence become more and more important. This was not long undiscovered. Views of ambition were in France, for the first time, presented to these classes of men: objects in the state, in the army, in the system of civil offices of every kind. Their eyes were dazzled with this new prospect. They were, as it were, electrified, and made to lose the natural spirit of their situation. A bribe, great without example in the history of the world, was held out to them, — the whole government of a very large kingdom.

Grounds of security supposed for England. There are several who are persuaded that the same thing cannot happen in England, because here (they say) the occupations of merchants, tradesmen, and manufacturers are not held as degrading situations. I once thought that the low estimation in which commerce was held in France might be reckoned among the causes of the late Revolution; and I am still of opinion that the exclusive spirit of the French nobility did irritate the wealthy of other classes. But I found long since, that persons in trade and business were by no means despised in France in the manner I had been taught to believe. Literary Interest. As to men of letters, they were so far from being despised or neglected,

that there was no country, perhaps, in the universe, in which they were so highly esteemed, courted, caressed, and even feared: tradesmen naturally were not so much sought in society, (as not furnishing so largely to the fund of conversation as they do to the revenues of the state,) but the latter description got forward every day. M. Bailly, who made himself the popular mayor on the rebellion of the Bastile, and is a principal actor in the revolt, before the change possessed a pension or office under the crown of six hundred pound English a year, — for that country, no contemptible provision; and this he obtained solely as a man of letters, and on no other title. Moneyed interest. As to the moneyed men, whilst the monarchy continued, there is no doubt, that, merely as such, they did not enjoy the *privileges* of nobility; but nobility was of so easy an acquisition, that it was the fault or neglect of all of that description who did not obtain its privileges, for their lives at least, in virtue of office. It attached under the royal government to an innumerable multitude of places, real and nominal, that were vendible; and such nobility were as capable of everything as their degree of influence or interest could make them, — that is, as nobility of no considerable rank or consequence. M. Necker, so far from being a French gentleman, was not so much as a Frenchman born, and yet we all know the rank in which he stood on the day of the meeting of the States.

Mercantile interest. As to the mere matter of estimation of the mercantile or any other class, this is regulated by opinion and prejudice. In England, a security against the envy of men in these classes is not so very complete as we may imagine. We must not impose upon ourselves. What institutions and manners together had done in France manners alone do here. It is the natural operation of things, where there exists a crown, a court, splendid orders of knighthood, and an hereditary nobility, — where there exists a fixed, permanent, landed gentry, continued in greatness and opulence by the law of primogeniture, and by a protection given to family settlements, — where there exists a standing army and navy, — where there exists a Church establishment, which bestows on learning and parts an interest combined with that of religion and the state; — in a country where such things exist, wealth, new in its acquisition, and precarious in its duration, can never rank first, or even near the first: though wealth has its natural weight further than as it is balanced and even preponderated amongst us, as amongst other nations, by artificial institutions and opinions growing out of them. At no period in the history of England have so few peers been taken out of trade or from families newly created by commerce. In no period has so small a number of noble families entered into the counting-house. I can call to mind but one in all England, and his is of near fifty years' standing. Be that as it may, it appears plain to me, from my best observation, that envy and ambition may, by art, management, and disposition, be as much excited amongst these descriptions of men in England as in any other country, and that they are just as capable of acting a part in any great change.

Progress of the French spirit. — Its course. What direction the French spirit of proselytism is likely to take, and in what order it is likely to prevail in the several parts of Europe, it is not easy to determine. The seeds are sown almost everywhere, chiefly by newspaper circulations, infinitely more efficacious and extensive than ever they were. And they are a more important instrument than generally is imagined. They are a part of the reading of all; they are the whole of the reading of the far greater number. There are thirty of them in Paris alone. The language diffuses them more widely than the English, — though the English, too, are much read. The writers of these papers, indeed, for the greater part, are either unknown or in contempt, but they are like a battery, in which the stroke of any one ball produces no great effect, but the amount of continual repetition is decisive. Let us only suffer any person to tell us his story, morning and evening, but for one twelvemonth, and he will become our master.

All those countries in which several states are comprehended under some general geographical description, and loosely united by some federal constitution, — countries of which the members are small, and greatly diversified in their forms of government, and in the titles by which they are held, — these countries, as it might be well expected, are the principal objects of their hopes and machinations. Of these, the chief are Germany and Switzerland; after them, Italy has its place, as in circumstances somewhat similar.

Germany. As to Germany, (in which, from their relation to the Emperor, I comprehend the Belgic Provinces,) it appears to me to be, from several circumstances, internal and external, in a very critical situation; and the laws and liberties of the Empire are by no means secure from the contagion of the French doctrines and the effect of French intrigues, or from the use which two of the greater German powers may make of a general derangement to the general detriment. I do not say that the French do not mean to bestow on these German states liberties, and laws too, after their mode; but those are not what have hitherto been understood as the laws and liberties of the Empire. These exist and have always existed under the principles of feudal tenure and succession, under imperial constitutions, grants and concessions of sovereigns, family compacts, and public treaties, made under the sanction, and some of them guarantied by the sovereign powers of other nations, and particularly the old government of France, the author and natural support of the Treaty of Westphalia.

Ecclesiastical state. In short, the Germanic body is a vast mass of heterogeneous states, held together by that heterogeneous body of old principles which formed the public law positive and doctrinal. The modern laws and liberties, which the new power in France proposes to introduce into Germany, and to support with all its force of intrigue and of arms, is of a very different nature, utterly irreconcilable with the first, and indeed fundamentally the reverse of it: I mean the *rights and liberties of the man*, the *droit de l'homme*. That this doctrine has made an amazing

progress in Germany there cannot be a shadow of doubt. They are infected by it along the whole course of the Rhine, the Maese, the Moselle, and in the greater part of Suabia and Franconia. It is particularly prevalent amongst all the lower people, churchmen and laity, in the dominions of the Ecclesiastical Electors. It is not easy to find or to conceive governments more mild and indulgent than these Church sovereignties; but good government is as nothing, when the rights of man take possession of the mind. Indeed, the loose rein held over the people in these provinces must be considered as one cause of the facility with which they lend themselves to any schemes of innovation, by inducing them to think lightly of their governments, and to judge of grievances, not by feeling, but by imagination.

Balance of Germany. It is in these Electorates that the first impressions of France are likely to be made; and if they succeed, it is over with the Germanic body, as it stands at present. A great revolution is preparing in Germany, and a revolution, in my opinion, likely to be more decisive upon the general fate of nations than that of France itself, — other than as in France is to be found the first source of all the principles which are in any way likely to distinguish the troubles and convulsions of our age. If Europe does not conceive the independence and the equilibrium of the Empire to be in the very essence of the system of balanced power in Europe, and if the scheme of public law, or mass of laws, upon which that independence and equilibrium are founded, be of no leading consequence as they are preserved or destroyed, all the politics of Europe for more than two centuries have been miserably erroneous.

Prussia and Emperor. If the two great leading powers of Germany do not regard this danger (as apparently they do not) in the light in which it presents itself so naturally, it is because they are powers too great to have a social interest. That sort of interest belongs only to those whose state of weakness or mediocrity is such as to give them greater cause of apprehension from what may destroy them than of hope from anything by which they may be aggrandized.

As long as those two princes are at variance, so long the liberties of Germany are safe. But if ever they should so far understand one another as to be persuaded that they have a more direct and more certainly defined interest in a proportioned mutual aggrandizement than in a reciprocal reduction, that is, if they come to think that they are more likely to be enriched by a division of spoil than to be rendered secure by keeping to the old policy of preventing others from being spoiled by either of them, from that moment the liberties of Germany are no more.

That a junction of two in such a scheme is neither impossible nor improbable is evident from the partition of Poland in 1773, which was effected by such a junction as made the interposition of other nations to prevent it not easy. Their circumstances at that time hindered any other three states, or indeed any two, from taking measures in common to prevent it, though France was at that time an existing power, and had not yet learned to act upon a system of politics of her own

invention. The geographical position of Poland was a great obstacle to any movements of France in opposition to this, at that time, unparalleled league. To my certain knowledge, if Great Britain had at that time been willing to concur in preventing the execution of a project so dangerous in the example, even exhausted as France then was by the preceding war, and under a lazy and unenterprising prince, she would have at every risk taken an active part in this business. But a languor with regard to so remote an interest, and the principles and passions which were then strongly at work at home, were the causes why Great Britain would not give France any encouragement in such an enterprise. At that time, however, and with regard to that object, in my opinion, Great Britain and France had a common interest.

Possible project of the Emperor and king of Prussia. But the position of Germany is not like that of Poland, with regard to France, either for good or for evil. If a conjunction between Prussia and the Emperor should be formed for the purpose of secularizing and rendering hereditary the Ecclesiastical Electorates and the Bishopric of Münster, for settling two of them on the children of the Emperor, and uniting Cologne and Münster to the dominions of the king of Prussia on the Rhine, or if any other project of mutual aggrandizement should be in prospect, and that, to facilitate such a scheme, the modern French should be permitted and encouraged to shake the internal and external security of these Ecclesiastical Electorates, Great Britain is so situated that she could not with any effect set herself in opposition to such a design. Her principal arm, her marine, could here be of no sort of use.

To be resisted only by France. France, the author of the Treaty of Westphalia, is the natural guardian of the independence and balance of Germany. Great Britain (to say nothing of the king's concern as one of that august body) has a serious interest in preserving it; but, except through the power of France, *acting upon the common old principles of state policy*, in the case we have supposed, she has no sort of means of supporting that interest. It is always the interest of Great Britain that the power of France should be kept within the bounds of moderation. It is not her interest that that power should be wholly annihilated in the system of Europe. Though at one time through France the independence of Europe was endangered, it is, and ever was, through her alone that the common liberty of Germany can be secured against the single or the combined ambition of any other power. In truth, within this century the aggrandizement of other sovereign houses has been such that there has been a great change in the whole state of Europe; and other nations as well as France may become objects of jealousy and apprehension.

New principles of alliance. In this state of things, a new principle of alliances and wars is opened. The Treaty of Westphalia is, with France, an antiquated fable. The rights and liberties she was bound to maintain are now a system of wrong and tyranny which she is bound to destroy. Her good and ill dispositions are shown by the same means. *To communicate peaceably* the rights of men is the true mode of

her showing her *friendship*; to force sovereigns to *submit* to those rights is her mode of *hostility*. So that, either as friend or foe, her whole scheme has been, and is, to throw the Empire into confusion; and those statesmen who follow the old routine of politics may see in this general confusion, and in the danger of the *lesser* princes, an occasion, as protectors or enemies, of connecting their territories to one or the other of the *two great* German powers. They do not take into consideration that the means which they encourage, as leading to the event they desire, will with certainty not only ravage and destroy the Empire, but, if they should for a moment seem to aggrandize the two great houses, will also establish principles and confirm tempers amongst the people which will preclude the two sovereigns from the possibility of holding what they acquire, or even the dominions which they have inherited. It is on the side of the Ecclesiastical Electorates that the dikes raised to support the German liberty first will give way.

Geneva. The French have begun their general operations by seizing upon those territories of the Pope the situation of which was the most inviting to the enterprise. Their method of doing it was by exciting sedition and spreading massacre and desolation through these unfortunate places, and then, under an idea of kindness and protection, bringing forward an antiquated title of the crown of France, and annexing Avignon and the two cities of the Comtat, with their territory, to the French republic. They have made an attempt on Geneva, in which they very narrowly failed of success. Savoy. It is known that they hold out from time to time the idea of uniting all the other provinces of which Gaul was anciently composed, including Savoy on the other side, and on this side bounding themselves by the Rhine.

Switzerland. As to Switzerland, it is a country whose long union, rather than its possible division, is the matter of wonder. Here I know they entertain very sanguine hopes. The aggregation to France of the democratic Swiss republics appears to them to be a work half done by their very form; and it might seem to them rather an increase of importance to these little commonwealths than a derogation from their independency or a change in the manner of their government. Upon any quarrel amongst the Cantons, nothing is more likely than such an event. As to the aristocratic republics, the general clamor and hatred which the French excite against the very name, (and with more facility and success than against monarchs,) and the utter impossibility of their government making any sort of resistance against an insurrection, where they have no troops, and the people are all armed and trained, render their hopes in that quarter far indeed from unfounded. It is certain that the republic of Bern thinks itself obliged to a vigilance next to hostile, and to imprison or expel all the French whom it finds in its territories. But, indeed, those aristocracies, which comprehend whatever is considerable, wealthy, and valuable in Switzerland, do now so wholly depend upon opinion, and the humor of their multitude, that the lightest puff of wind is sufficient to blow them down. Old French

maxims the security of its independence. If France, under its ancient regimen, and upon the ancient principles of policy, was the support of the Germanic Constitution, it was much more so of that of Switzerland, which almost from the very origin of that confederacy rested upon the closeness of its connection with France, on which the Swiss Cantons wholly reposed themselves for the preservation of the parts of their body in their respective rights and permanent forms, as well as for the maintenance of all in their general independency.

Switzerland and Germany are the first objects of the new French politicians. When I contemplate what they have done at home, which is, in effect, little less than an amazing conquest, wrought by a change of opinion, in a great part (to be sure far from altogether) very sudden, I cannot help letting my thoughts run along with their designs, and, without attending to geographical order, to consider the other states of Europe, so far as they may be any way affected by this astonishing Revolution. If early steps are not taken in some way or other to prevent the spreading of this influence, I scarcely think any of them perfectly secure.

Italy. Italy is divided, as Germany and Switzerland are, into many smaller states, and with some considerable diversity as to forms of government; but as these divisions and varieties in Italy are not so considerable, so neither do I think the danger altogether so imminent there as in Germany and Switzerland. Savoy I know that the French consider as in a very hopeful way, and I believe not at all without reason. They view it as an old member of the kingdom of France, which may be easily reunited in the manner and on the principles of the reunion of Avignon. This country communicates with Piedmont; and as the king of Sardinia's dominions were long the key of Italy, and as such long regarded by France, whilst France acted on her old maxims, and with views on Italy, — so, in this new French empire of sedition, if once she gets that key into her hands, she can easily lay open the barrier which hinders the entrance of her present politics into that inviting region. Lombardy. Milan, I am sure, nourishes great disquiets; and if Milan should stir, no part of Lombardy is secure to the present possessors, — whether the Venetian or the Austrian. Genoa is closely connected with France.

Bourbon princes in Italy. The first prince of the House of Bourbon has been obliged to give himself up entirely to the new system, and to pretend even to propagate it with all zeal: at least, that club of intriguers who assemble at the Feuillants, and whose cabinet meets at Madame de Staël's, and makes and directs all the ministers, is the real executive government of France. The Emperor is perfectly in concert, and they will not long suffer any prince of the House of Bourbon to keep by force the French emissaries out of their dominions; nor whilst France has a commerce with them, especially through Marseilles, (the hottest focus of sedition in France,) will it be long possible to prevent the intercourse or the effects.

Naples has an old, inveterate disposition to republicanism, and (however for some time past quiet) is as liable to explosion as its own Vesuvius. Sicily, I think, has these dispositions in full as strong a degree. In neither of these countries exists anything which very well deserves the name of government or exact police.

Ecclesiastical State. In the States of the Church, notwithstanding their strictness in banishing the French out of that country, there are not wanting the seeds of a revolution. The spirit of nepotism prevails there nearly as strong as ever. Every Pope of course is to give origin or restoration to a great family by the means of large donations. The foreign revenues have long been gradually on the decline, and seem now in a manner dried up. To supply this defect, the resource of vexatious and impolitic jobbing at home, if anything, is rather increased than lessened. Various well-intended, but ill-understood practices, some of them existing, in their spirit at least, from the time of the old Roman Empire, still prevail; and that government is as blindly attached to old abusive customs as others are wildly disposed to all sorts of innovations and experiments. These abuses were less felt whilst the Pontificate drew riches from abroad, which in some measure counterbalanced the evils of their remiss and jobbish government at home. But now it can subsist only on the resources of domestic management; and abuses in that management of course will be more intimately and more severely felt.

In the midst of the apparently torpid languor of the Ecclesiastical State, those who have had opportunity of a near observation have seen a little rippling in that smooth water, which indicates something alive under it. There is in the Ecclesiastical State a personage who seems capable of acting (but with more force and steadiness) the part of the tribune Rienzi. The people, once inflamed, will not be destitute of a leader. They have such an one already in the Cardinal or Archbishop Boncompagni. He is, of all men, if I am not ill-informed, the most turbulent, seditious, intriguing, bold, and desperate. He is not at all made for a Roman of the present day. I think he lately held the first office of their state, that of Great Chamberlain, which is equivalent to High Treasurer. At present he is out of employment, and in disgrace. If he should be elected Pope, or even come to have any weight with a new Pope, he will infallibly conjure up a democratic spirit in that country. He may, indeed, be able to effect it without these advantages. The next interregnum will probably show more of him. There may be others of the same character, who have not come to my knowledge. This much is certain, — that the Roman people, if once the blind reverence they bear to the sanctity of the Pope, which is their only bridle, should relax, are naturally turbulent, ferocious, and headlong, whilst the police is defective, and the government feeble and resourceless beyond all imagination.

Spain As to Spain, it is a nerveless country. It does not possess the use, it only suffers the abuse, of a nobility. For some time, and even before the settlement of the Bourbon dynasty, that body has been systematically lowered, and rendered

incapable by exclusion, and for incapacity excluded from affairs. In this circle the body is in a manner annihilated; and so little means have they of any weighty exertion either to control or to support the crown, that, if they at all interfere, it is only by abetting desperate and mobbish insurrections, like that at Madrid, which drove Squillace from his place. Florida Blanca is a creature of office, and has little connection and no sympathy with that body.

As to the clergy, they are the only thing in Spain that looks like an independent order; and they are kept in some respect by the Inquisition, the sole, but unhappy resource of public tranquillity and order now remaining in Spain. As in Venice, it is become mostly an engine of state, — which, indeed, to a degree, it has always been in Spain. It wars no longer with Jews and heretics: it has no such war to carry on. Its great object is, to keep atheistic and republican doctrines from making their way in that kingdom. No French book upon any subject can enter there which does not contain such matter. In Spain, the clergy are of moment from their influence, but at the same time with the envy and jealousy that attend great riches and power. Though the crown has by management with the Pope got a very great share of the ecclesiastical revenues into its own hands, much still remains to them. There will always be about that court those who look out to a farther division of the Church property as a resource, and to be obtained by shorter methods than those of negotiations with the clergy and their chief. But at present I think it likely that they will stop, lest the business should be taken out of their hands, — and lest that body, in which remains the only life that exists in Spain, and is not a fever, may with their property lose all the influence necessary to preserve the monarchy, or, being poor and desperate, may employ whatever influence remains to them as active agents in its destruction.

Castile different from Catalonia and Aragon. The Castilians have still remaining a good deal of their old character, their *gravedad*, *lealtad*, and *el temor de Dios*; but that character neither is, nor ever was, exactly true, except of the Castilians only. The several kingdoms which compose Spain have, perhaps, some features which run through the whole; but they are in many particulars as different as nations who go by different names: the Catalans, for instance, and the Aragonians too, in a great measure, have the spirit of the Miquelets, and much more of republicanism than of an attachment to royalty. They are more in the way of trade and intercourse with France, and, upon the least internal movement, will disclose and probably let loose a spirit that may throw the whole Spanish monarchy into convulsions.

It is a melancholy reflection, that the spirit of melioration which has been going on in that part of Europe, more or less, during this century, and the various schemes very lately on foot for further advancement, are all put a stop to at once. Reformation certainly is nearly connected with innovation; and where that latter comes in for too large a share, those who undertake to improve their country may risk their own safety. In times where the correction, which includes the confession,

of an abuse, is turned to criminate the authority which has long suffered it, rather than to honor those who would amend it, (which is the spirit of this malignant French distemper,) every step out of the common course becomes critical, and renders it a task full of peril for princes of moderate talents to engage in great undertakings. At present the only safety of Spain is the old national hatred to the French. How far that can be depended upon, if any great ferments should be excited, it is impossible to say.

As to Portugal, she is out of the high-road of these politics. I shall, therefore, not divert my thoughts that way, but return again to the North of Europe, which at present seems the part most interested, and there it appears to me that the French speculation on the Northern countries may be valued in the following or some such manner.

Denmark. Denmark and Norway do not appear to furnish any of the materials of a democratic revolution, or the dispositions to it. Denmark can only be *consequently* affected by anything done in France; but of Sweden I think quite otherwise. Sweden. The present power in Sweden is too new a system, and too green and too sore from its late Revolution, to be considered as perfectly assured. The king, by his astonishing activity, his boldness, his decision, his ready versatility, and by rousing and employing the old military spirit of Sweden, keeps up the top with continual agitation and lashing. The moment it ceases to spin, the royalty is a dead bit of box. Whenever Sweden is quiet externally for some time, there is great danger that all the republican elements she contains will be animated by the new French spirit, and of this I believe the king is very sensible.

Russia. The Russian government is of all others the most liable to be subverted by military seditions, by court conspiracies, and sometimes by headlong rebellions of the people, such as the turbinating movement of Pugatchef. It is not quite so probable that in any of these changes the spirit of system may mingle, in the manner it has done in France. The Muscovites are no great speculators; but I should not much rely on their uninquisitive disposition, if any of their ordinary motives to sedition should arise. The little catechism of the Rights of Men is soon learned; and the inferences are in the passions.

Poland. Poland, from one cause or other, is always unquiet. The new Constitution only serves to supply that restless people with new means, at least new modes, of cherishing their turbulent disposition. The bottom of the character is the same. Saxony. It is a great question, whether the joining that crown with the Electorate of Saxony will contribute most to strengthen the royal authority of Poland or to shake the ducal in Saxony. The Elector is a Catholic; the people of Saxony are, six sevenths at the very least, Protestants. He *must* continue a Catholic, according to the Polish law, if he accepts that crown. The pride of the Saxons, formerly flattered by having a crown in the house of their prince, though an honor which cost them dear, — the German probity, fidelity, and loyalty, — the weight of

the Constitution of the Empire under the Treaty of Westphalia, — the good temper and good-nature of the princes of the House of Saxony, had formerly removed from the people all apprehension with regard to their religion, and kept them perfectly quiet, obedient, and even affectionate. The Seven Years' War made some change in the minds of the Saxons. They did not, I believe, regret the loss of what might be considered almost as the succession to the crown of Poland, the possession of which, by annexing them to a foreign interest, had often obliged them to act an arduous part, towards the support of which that foreign interest afforded no proportionable strength. In this very delicate situation of their political interests, the speculations of the French and German *Economists*, and the cabals, and the secret, as well as public doctrines of the *Illuminatenorden*, and *Freemasons*, have made a considerable progress in that country; and a turbulent spirit, under color of religion, but in reality arising from the French rights of man, has already shown itself, and is ready on every occasion to blaze out.

The present Elector is a prince of a safe and quiet temper, of great prudence and goodness. He knows, that, in the actual state of things, not the power and respect belonging to sovereigns, but their very existence, depends on a reasonable frugality. It is very certain that not one sovereign in Europe can either promise for the continuance of his authority in a state of indigence and insolvency, or dares to venture on a new imposition to relieve himself. Without abandoning wholly the ancient magnificence of his court, the Elector has conducted his affairs with infinitely more economy than any of his predecessors, so as to restore his finances beyond what was thought possible from the state in which the Seven Years' War had left Saxony. Saxony, during the whole of that dreadful period, having been in the hands of an exasperated enemy, rigorous by resentment, by nature, and by necessity, was obliged to bear in a manner the whole burden of the war; in the intervals when their allies prevailed, the inhabitants of that country were not better treated.

The moderation and prudence of the present Elector, in my opinion, rather, perhaps, respites the troubles than secures the peace of the Electorate. The offer of the succession to the crown of Poland is truly critical, whether he accepts or whether he declines it. If the States will consent to his acceptance, it will add to the difficulties, already great, of his situation between the king of Prussia and the Emperor. — But these thoughts lead me too far, when I mean to speak only of the interior condition of these princes. It has always, however, some necessary connection with their foreign politics.

Holland. With regard to Holland, and the ruling party there, I do not think it at all tainted, or likely to be so, except by fear, — or that it is likely to be misled, unless indirectly and circuitously. But the predominant party in Holland is not Holland. The suppressed faction, though suppressed, exists. Under the ashes, the embers of the late commotions are still warm. The anti-Orange party has from the day of its

origin been French, though alienated in some degree for some time, through the pride and folly of Louis the Fourteenth. It will ever hanker after a French connection; and now that the internal government in France has been assimilated in so considerable a degree to that which the immoderate republicans began so very lately to introduce into Holland, their connection, as still more natural, will be more desired. I do not well understand the present exterior politics of the Stadtholder, nor the treaty into which the newspapers say he has entered for the States with the Emperor. But the Emperor's own politics with regard to the Netherlands seem to me to be exactly calculated to answer the purpose of the French Revolutionists. He endeavors to crush the aristocratic party, and to nourish one in avowed connection with the most furious democratists in France.

These Provinces in which the French game is so well played they consider as part of the old French Empire: certainly they were amongst the oldest parts of it. These they think very well situated, as their party is well disposed to a reunion. As to the greater nations, they do not aim at making a direct conquest of them, but, by disturbing them through a propagation of their principles, they hope to weaken, as they will weaken them, and to keep them in perpetual alarm and agitation, and thus render all their efforts against them utterly impracticable, whilst they extend the dominion of their sovereign anarchy on all sides.

England. As to England, there may be some apprehension from vicinity, from constant communication, and from the very name of liberty, which, as it ought to be very dear to us, in its worst abuses carries something seductive. It is the abuse of the first and best of the objects which we cherish. I know that many, who sufficiently dislike the system of France, have yet no apprehensions of its prevalence here. I say nothing to the ground of this security in the attachment of the people to their Constitution, and their satisfaction in the discreet portion of liberty which it measures out to them. Upon this I have said all I have to say, in the Appeal I have published. That security is something, and not inconsiderable; but if a storm arises, I should not much rely upon it.

Objection to the stability of the French system. There are other views of things which may be used to give us a perfect (though in my opinion a delusive) assurance of our own security. The first of these is from the weakness and rickety nature of the new system in the place of its first formation. It is thought that the monster of a commonwealth cannot possibly live, — that at any rate the ill contrivance of their fabric will make it fall in pieces of itself, — that the Assembly must be bankrupt, — and that this bankruptcy will totally destroy that system from the contagion of which apprehensions are entertained.

For my part I have long thought that one great cause of the stability of this wretched scheme of things in France was an opinion that it could not stand, and therefore that all external measures to destroy it were wholly useless.

Bankruptcy. As to the bankruptcy, that event has happened long ago, as much as it is ever likely to happen. As soon as a nation compels a creditor to take paper currency in discharge of his debt, there is a bankruptcy. The compulsory paper has in some degree answered, — not because there was a surplus from Church lands, but because faith has not been kept with the clergy. As to the holders of the old funds, to them the payments will be dilatory, but they will be made; and whatever may be the discount on paper, whilst paper is taken, paper will be issued.

Resources. As to the rest, they have shot out three branches of revenue to supply all those which they have destroyed: that is, *the Universal Register of all Transactions*, the heavy and universal *Stamp Duty*, and the new *Territorial Impost*, levied chiefly on the reduced estates of the gentlemen. These branches of the revenue, especially as they take assignats in payment, answer their purpose in a considerable degree, and keep up the credit of their paper: for, as they receive it in their treasury, it is in reality funded upon all their taxes and future resources of all kinds, as well as upon the Church estates. As this paper is become in a manner the only visible maintenance of the whole people, the dread of a bankruptcy is more apparently connected with the delay of a counter-revolution than with the duration of this republic; because the interest of the new republic manifestly leans upon it, and, in my opinion, the counter-revolution cannot exist along with it. The above three projects ruined some ministers under the old government, merely for having conceived them. They are the salvation of the present rulers.

As the Assembly has laid a most unsparing and cruel hand on all men who have lived by the bounty, the justice, or the abuses of the old government, they have lessened many expenses. The royal establishment, though excessively and ridiculously great for *their* scheme of things, is reduced at least one half; the estates of the king's brothers, which under the ancient government had been in truth royal revenues, go to the general stock of the confiscation; and as to the crown lands, though under the monarchy they never yielded two hundred and fifty thousand a year, by many they are thought at least worth three times as much.

As to the ecclesiastical charge, whether as a compensation for losses, or a provision for religion, of which they made at first a great parade, and entered into a solemn engagement in favor of it, it was estimated at a much larger sum than they could expect from the Church property, movable or immovable: they are completely bankrupt as to that article. It is just what they wish; and it is not productive of any serious inconvenience. The non-payment produces discontent and occasional sedition; but is only by fits and spasms, and amongst the country people, who are of no consequence. These seditions furnish new pretexts for non-payment to the Church establishment, and help the Assembly wholly to get rid of the clergy, and indeed of any form of religion, which is not only their real, but avowed object.

Want of money how supplied. They are embarrassed, indeed, in the highest degree, but not wholly resourceless. They are without the species of money.

Circulation of money is a great convenience, but a substitute for it may be found. Whilst the great objects of production and consumption, corn, cattle, wine, and the like, exist in a country, the means of giving them circulation, with more or less convenience, cannot be *wholly* wanting. The great confiscation of the Church and of the crown lands, and of the appanages of the princes, for the purchase of all which their paper is always received at par, gives means of continually destroying and continually creating; and this perpetual destruction and renovation feeds the speculative market, and prevents, and will prevent, till that fund of confiscation begins to fail, a *total* depreciation.

Moneyed interest not necessary to them. But all consideration of public credit in France is of little avail at present. The action, indeed, of the moneyed interest was of absolute necessity at the beginning of this Revolution; but the French republic can stand without any assistance from that description of men, which, as things are now circumstanced, rather stands in need of assistance itself from the power which alone substantially exists in France: I mean the several districts and municipal republics, and the several clubs which direct all their affairs and appoint all their magistrates. This is the power now paramount to everything, even to the Assembly itself called National and that to which tribunals, priesthood, laws, finances, and both descriptions of military power are wholly subservient, so far as the military power of either description yields obedience to any name of authority.

The world of contingency and political combination is much larger than we are apt to imagine. We never can say what may or may not happen, without a view to all the actual circumstances. Experience, upon other data than those, is of all things the most delusive. Prudence in new cases can do nothing on grounds of retrospect. A constant vigilance and attention to the train of things as they successively emerge, and to act on what they direct, are the only sure courses. The physician that let blood, and by blood-letting cured one kind of plague, in the next added to its ravages. That power goes with property is not universally true, and the idea that the operation of it is certain and invariable may mislead us very fatally.

Power separated from property. Whoever will take an accurate view of the state of those republics, and of the composition of the present Assembly deputed by them, (in which Assembly there are not quite fifty persons possessed of an income amounting to 100*l.* sterling yearly,) must discern clearly, *that the political and civil power of France is wholly separated from its property of every description*, and of course that neither the landed nor the moneyed interest possesses the smallest weight or consideration in the direction of any public concern. The whole kingdom is directed by *the refuse of its chicane*, with the aid of the bustling, presumptuous young clerks of counting-houses and shops, and some intermixture of young gentlemen of the same character in the several towns. The rich peasants are bribed with Church lands; and the poorer of that description are, and can be, counted for

nothing. They may rise in ferocious, ill-directed tumults, — but they can only disgrace themselves and signalize the triumph of their adversaries.

Effects of the rota. The *truly* active citizens, that is, the above descriptions, are all concerned in intrigue respecting the various objects in their local or their general government. The rota, which the French have established for their National Assembly, holds out the highest objects of ambition to such vast multitudes as in an unexampled measure to widen the bottom of a new species of interest merely political, and wholly unconnected with birth or property. This scheme of a rota, though it enfeebles the state, considered as one solid body, and indeed wholly disables it from acting as such, gives a great, an equal, and a diffusive strength to the democratic scheme. Seven hundred and fifty people, every two years raised to the supreme power, has already produced at least fifteen hundred bold, acting politicians: a great number for even so great a country as France. These men never will quietly settle in ordinary occupations, nor submit to any scheme which must reduce them to an entirely private condition, or to the exercise of a steady, peaceful, but obscure and unimportant industry. Whilst they sit in the Assembly, they are denied offices of trust and profit, — but their short duration makes this no restraint: during their probation and apprenticeship they are all salaried with an income to the greatest part of them immense; and after they have passed the novitiate, those who take any sort of lead are placed in very lucrative offices, according to their influence and credit, or appoint those who divide their profits with them.

This supply of recruits to the corps of the highest civil ambition goes on with a regular progression. In very few years it must amount to many thousands. These, however, will be as nothing in comparison to the multitude of municipal officers, and officers of district and department, of all sorts, who have tasted of power and profit, and who hunger for the periodical return of the meal. To these needy agitators, the glory of the state, the general wealth and prosperity of the nation, and the rise or fall of public credit are as dreams; nor have arguments deduced from these topics any sort of weight with them. The indifference with which the Assembly regards the state of their colonies, the only valuable part of the French commerce, is a full proof how little they are likely to be affected by anything but the selfish game of their own ambition, now universally diffused.

Impracticability of resistance. It is true, amidst all these turbulent means of security to their system, very great discontents everywhere prevail. But they only produce misery to those who nurse them at home, or exile, beggary, and in the end confiscation, to those who are so impatient as to remove from them. Each municipal republic has a *Committee*, or something in the nature of a *Committee of Research*. In these petty republics the tyranny is so near its object that it becomes instantly acquainted with every act of every man. It stifles conspiracy in its very first movements. Their power is absolute and uncontrollable. No stand can be made against it. These republics are besides so disconnected, that very little intelligence of

what happens in them is to be obtained beyond their own bounds, except by the means of their clubs, who keep up a constant correspondence, and who give what color they please to such facts as they choose to communicate out of the track of their correspondence. They all have some sort of communication, just as much or as little as they please, with the centre. By this confinement of all communication to the ruling faction, any combination, grounded on the abuses and discontents in one, scarcely can reach the other. There is not one man, in any one place, to head them. The old government had so much abstracted the nobility from the cultivation of provincial interest, that no man in France exists, whose power, credit, or consequence extends to two districts, or who is capable of uniting them in any design, even if any man could assemble ten men together without being sure of a speedy lodging in a prison. One must not judge of the state of France by what has been observed elsewhere. It does not in the least resemble any other country. Analogical reasoning from history or from recent experience in other places is wholly delusive.

In my opinion, there never was seen so strong a government internally as that of the French municipalities. If ever any rebellion can arise against the present system, it must begin, where the Revolution which gave birth to it did, at the capital. Paris is the only place in which there is the least freedom of intercourse. But even there, so many servants as any man has, so many spies and irreconcilable domestic enemies.

Gentlemen are fugitives. But that place being the chief seat of the power and intelligence of the ruling faction, and the place of occasional resort for their fiercest spirits, even there a revolution is not likely to have anything to feed it. The leaders of the aristocratic party have been drawn out of the kingdom by order of the princes, on the hopes held out by the Emperor and the king of Prussia at Pilnitz; and as to the democratic factions in Paris, amongst them there are no leaders possessed of an influence for any other purpose but that of maintaining the present state of things. The moment they are seen to warp, they are reduced to nothing. They have no attached army, — no party that is at all personal.

It is not to be imagined, because a political system is, under certain aspects, very unwise in its contrivance, and very mischievous in its effects, that it therefore can have no long duration. Its very defects may tend to its stability, because they are agreeable to its nature. The very faults in the Constitution of Poland made it last; the *veto* which destroyed all its energy preserved its life. What can be conceived so monstrous as the republic of Algiers, and that no less strange republic of the Mamelukes in Egypt? They are of the worst form imaginable, and exercised in the worst manner, yet they have existed as a nuisance on the earth for several hundred years.

Conclusions. From all these considerations, and many more that crowd upon me, three conclusions have long since arisen in my mind.

First, that no counter revolution is to be expected in France from internal causes solely.

Secondly, that, the longer the present system exists, the greater will be its strength, the greater its power to destroy discontents at home, and to resist all foreign attempts in favor of these discontents.

Thirdly, that, as long as it exists in France, it will be the interest of the managers there, and it is in the very essence of their plan, to disturb and distract all other governments, and their endless succession of restless politicians will continually stimulate them to new attempts.

Proceedings of princes; defensive plans. Princes are generally sensible that this is their common cause; and two of them have made a public declaration of their opinion to this effect. Against this common danger, some of them, such as the king of Spain, the king of Sardinia, and the republic of Bern, are very diligent in using defensive measures.

If they were to guard against an invasion from France, the merits of this plan of a merely defensive resistance might be supported by plausible topics; but as the attack does not operate against these countries externally, but by an internal corruption, (a sort of dry rot,) they who pursue this merely defensive plan against a danger which the plan itself supposes to be serious cannot possibly escape it. For it is in the nature of all defensive measures to be sharp and vigorous under the impressions of the first alarm, and to relax by degrees, until at length the danger, by not operating instantly, comes to appear as a false alarm, — so much so, that the next menacing appearance will look less formidable, and will be less provided against. But to those who are on the offensive it is not necessary to be always alert. Possibly it is more their interest not to be so. For their unforeseen attacks contribute to their success.

The French party how composed. In the mean time a system of French conspiracy is gaining ground in every country. This system, happening to be founded on principles the most delusive indeed, but the most flattering to the natural propensities of the unthinking multitude, and to the speculations of all those who think, without thinking very profoundly, must daily extend its influence. A predominant inclination towards it appears in all those who have no religion, when otherwise their disposition leads them to be advocates even for despotism. Hence Hume, though I cannot say that he does not throw out some expressions of disapprobation on the proceedings of the levellers in the reign of Richard the Second, yet affirms that the doctrines of John Ball were “conformable to the ideas of primitive equality *which are engraven in the hearts of all men.*”

Boldness formerly was not the character of atheists as such. They were even of a character nearly the reverse; they were formerly like the old Epicureans, rather an unenterprising race. But of late they are grown active, designing, turbulent, and seditious. They are sworn enemies to kings, nobility, and priesthood. We have seen

all the Academicians at Paris, with Condorcet, the friend and correspondent of Priestley, at their head, the most furious of the extravagant republicans.

Condorcet. The late Assembly, after the last captivity of the king, had actually chosen this Condorcet, by a majority on the ballot, for preceptor to the Dauphin, who was to be taken out of the hands and direction of his parents, and to be delivered over to this fanatic atheist and furious democratic republican. His untractability to these leaders, and his figure in the club of Jacobins, which at that time they wished to bring under, alone prevented that part of the arrangement, and others in the same style, from being carried into execution. Whilst he was candidate for this office, he produced his title to it by promulgating the following ideas of the title of his royal pupil to the crown. In a paper written by him, and published with his name, against the reëstablishment even of the appearance of monarchy under any qualifications, he says: —

Doctrine of the French.”Jusqu’à ce moment, ils [l’Assemblée Nationale] n’ont rien préjugé encore. En se réservant de nommer un gouverneur au Dauphin, ils n’ont pas prononcé *que cet enfant dût régner*, mais seulement qu’il *était possible* que la Constitution l’y destinât; ils ont voulu que l’éducation effaçât tout ce que *les prestiges du trône* ont pu lui inspirer de préjugés sur les droits prétendus de sa naissance; qu’elle lui fît connaître de bonne heure et *l’égalité naturelle des hommes et la souveraineté du peuple*; qu’elle lui apprît à ne pas oublier que c’est *du peuple* qu’il tiendra le titre de Roi, et que *le peuple n’a pas même le droit de renoncer à celui de l’en dépouiller*.

“Ils ont voulu que cette éducation le rendît également digne, par ses lumières et ses vertus, de recevoir *avec résignation* le fardeau dangereux d’une couronne, ou de la *déposer avec joie* entre les mains de ses frères; qu’il sentît que le devoir et la gloire du roi d’un peuple libre sont de hâter le moment de n’être plus qu’un citoyen ordinaire.

“Ils ont voulu que *l’inutilité d’un roi*, la nécessité de chercher les moyens de remplacer *un pouvoir fondé sur des illusions*, fût une des premières vérités offertes à sa raison; *l’obligation d’y concourir lui-même, un des premiers devoirs de sa morale; et le désir de n’être plus affranchi du joug de la loi par une injurieuse inviolabilité, le premier sentiment de son cœur*. Ils n’ignorent pas que dans ce moment il s’agit bien moins de former un roi que de lui apprendre à *savoir à vouloir ne plus l’être*.”

Such are the sentiments of the man who has occasionally filled the chair of the National Assembly, who is their perpetual secretary, their only standing officer, and the most important by far. He leads them to peace or war. He is the great theme of the republican faction in England. These ideas of M. Condorcet are the principles of those to whom kings are to intrust their successors and the interests of their succession. This man would be ready to plunge the poniard in the heart of his pupil, or to whet the axe for his neck. Of all men, the most dangerous is a warm, hot-headed, zealous atheist. This sort of man aims at dominion, and his means are the

words he always has in his mouth,— “*L'égalité naturelle des hommes, et la souveraineté du peuple.*”

All former attempts, grounded on these rights of men, had proved unfortunate. The success of this last makes a mighty difference in the effect of the doctrine. Here is a principle of a nature to the multitude the most seductive, always existing before their eyes *as a thing feasible in practice*. After so many failures, such an enterprise, previous to the French experiment, carried ruin to the contrivers, on the face of it; and if any enthusiast was so wild as to wish to engage in a scheme of that nature, it was not easy for him to find followers: now there is a party almost in all countries, ready-made, animated with success, with a sure ally in the very centre of Europe. There is no cabal so obscure in any place, that they do not protect, cherish, foster, and endeavor to raise it into importance at home and abroad. From the lowest, this intrigue will creep up to the highest. Ambition, as well as enthusiasm, may find its account in the party and in the principle.

Character of ministers. The ministers of other kings, like those of the king of France, (not one of whom was perfectly free from this guilt, and some of whom were very deep in it,) may themselves be the persons to foment such a disposition and such a faction. Hertzberg, the king of Prussia's late minister, is so much of what is called a philosopher, that he was of a faction with that sort of politicians in everything, and in every place. Even when he defends himself from the imputation of giving extravagantly into these principles, he still considers the Revolution of France as a great public good, by giving credit to their fraudulent declaration of their universal benevolence and love of peace. Nor are his Prussian Majesty's present ministers at all disinclined to the same system. Their ostentatious preamble to certain late edicts demonstrates (if their actions had not been sufficiently explanatory of their cast of mind) that they are deeply infected with the same distemper of dangerous, because plausible, though trivial and shallow, speculation.

Ministers, turning their backs on the reputation which properly belongs to them, aspire at the glory of being speculative writers. The duties of these two situations are in general directly opposite to each other. Speculators ought to be neutral. A minister cannot be so. He is to support the interest of the public as connected with that of his master. He is his master's trustee, advocate, attorney, and steward, — and he is not to indulge in any speculation which contradicts that character, or even detracts from its efficacy. Necker had an extreme thirst for this sort of glory; so had others; and this pursuit of a misplaced and misunderstood reputation was one of the causes of the ruin of these ministers, and of their unhappy, master. The Prussian ministers in foreign courts have (at least not long since) talked the most democratic language with regard to France, and in the most unmanaged terms.

Corps diplomatique. The whole *corps diplomatique*, with very few exceptions, leans that way. What cause produces in them a turn of mind which at first one would think unnatural to their situation it is not impossible to explain. The

discussion would, however, be somewhat long and somewhat invidious. The fact itself is indisputable, however they may disguise it to their several courts. This disposition is gone to so very great a length in that corps, in itself so important, and so important as *furnishing* the intelligence which sways all cabinets, that, if princes and states do not very speedily attend with a vigorous control to that source of direction and information, very serious evils are likely to befall them.

Sovereigns — their dispositions. But, indeed, kings are to guard against the same sort of dispositions in themselves. They are very easily alienated from all the higher orders of their subjects, whether civil or military, laic or ecclesiastical. It is with persons of condition that sovereigns chiefly come into contact. It is from them that they generally experience opposition to their will. It is with *their* pride and impracticability that princes are most hurt. It is with *their* servility and baseness that they are most commonly disgusted. It is from their humors and cabals that they find their affairs most frequently troubled and distracted. But of the common people, in pure monarchical governments, kings know little or nothing; and therefore being unacquainted with their faults, (which are as many as those of the great, and much more decisive in their effects, when accompanied with power,) kings generally regard them with tenderness and favor, and turn their eyes towards that description of their subjects, particularly when hurt by opposition from the higher orders. It was thus that the king of France (a perpetual example to all sovereigns) was ruined. I have it from very sure information, (and it was, indeed, obvious enough, from the measures which were taken previous to the assembly of the States and afterwards,) that the king's counsellors had filled him with a strong dislike to his nobility, his clergy, and the corps of his magistracy. They represented to him, that he had tried them all severally, in several ways, and found them all untractable: that he had twice called an assembly (the Notables) composed of the first men of the clergy, the nobility, and the magistrates; that he had himself named every one member in those assemblies, and that, though so picked out, he had not, in this their collective state, found them more disposed to a compliance with his will than they had been separately; that there remained for him, with the least prospect of advantage to his authority in the States-General, which were to be composed of the same sorts of men, but not chosen by him, only the *Tiers État*: in this alone he could repose any hope of extricating himself from his difficulties, and of settling him in a clear and permanent authority. They represented, (these are the words of one of my informants,) “that the royal authority, compressed with the weight of these aristocratic bodies, full of ambition and of faction, when once unloaded, would rise of itself, and occupy its natural place without disturbance or control”; that the common people would protect, cherish, and support, instead of crushing it. “The people” (it was said) “could entertain no objects of ambition”; they were out of the road of intrigue and cabal, and could possibly have no other view than the support of the mild and parental authority by which they were invested, for the first time

collectively, with real importance in the state, and protected in their peaceable and useful employments.

King of France. This unfortunate king (not without a large share of blame to himself) was deluded to his ruin by a desire to humble and reduce his nobility, clergy, and big corporate magistracy: not that I suppose he meant wholly to eradicate these bodies, in the manner since effected by the democratic power; I rather believe that even Necker's designs did not go to that extent. With his own hand, however, Louis the Sixteenth pulled down the pillars which upheld his throne; and this he did, because he could not bear the inconveniences which are attached to everything human, — because he found himself cooped up, and in duration, by those limits which Nature prescribes to desire and imagination, and was taught to consider as low and degrading that mutual dependence which Providence has ordained that all men should have on one another. He is not at this minute, perhaps, cured of the dread of the power and credit like to be acquired by those who would save and rescue him. He leaves those who suffer in his cause to their fate, — and hopes, by various mean, delusive intrigues, in which I am afraid he is encouraged from abroad, to regain, among traitors and regicides, the power he has joined to take from his own family, whom he quietly sees proscribed before his eyes, and called to answer to the lowest of his rebels, as the vilest of all criminals.

Emperor. It is to be hoped that the Emperor may be taught better things by this fatal example. But it is sure that he has advisers who endeavor to fill him with the ideas which have brought his brother-in-law to his present situation. Joseph the Second was far gone in this philosophy, and some, if not most, who serve the Emperor, would kindly initiate him into all the mysteries of this freemasonry. They would persuade him to look on the National Assembly, not with the hatred of an enemy, but the jealousy of a rival. They would make him desirous of doing, in his own dominions, by a royal despotism, what has been done in France by a democratic. Rather than abandon such enterprises, they would persuade him to a strange alliance between those extremes. Their grand object being now, as in his brother's time, at any rate to destroy the higher orders, they think he cannot compass this end, as certainly he cannot, without elevating the lower. By depressing the one and by raising the other they hope in the first place to increase his treasures and his army; and with these common instruments of royal power they flatter him that the democracy, which they help in his name to create, will give him but little trouble. In defiance of the freshest experience, which might show him that old impossibilities are become modern probabilities, and that the extent to which evil principles may go, when left to their own operation, is beyond the power of calculation, they will endeavor to persuade him that such a democracy is a thing which cannot subsist by itself; that in whose ever hands the military command is placed, he must be, in the necessary course of affairs, sooner or later the master; and that, being the master of various unconnected countries, he may keep them all

in order by employing a military force which to each of them is foreign. This maxim, too, however formerly plausible, will not now hold water. This scheme is full of intricacy, and may cause him everywhere to lose the hearts of his people. These counsellors forget that a corrupted army was the very cause of the ruin of his brother-in-law, and that he is himself far from secure from a similar corruption.

Brabant. Instead of reconciling himself heartily and *bonâ fide*, according to the most obvious rules of policy, to the States of Brabant, *as they are constituted*, and who in *the present state of things* stand on the same foundation with the monarchy itself, and who might have been gained with the greatest facility, they have advised him to the most unkingly proceeding which, either in a good or in a bad light, has ever been attempted. Under a pretext taken from the spirit of the lowest chicane, they have counselled him wholly to break the public faith, to annul the amnesty, as well as the other conditions through which he obtained an entrance into the Provinces of the Netherlands under the guaranty of Great Britain and Prussia. He is made to declare his adherence to the indemnity in a criminal sense, but he is to keep alive in his own name, and to encourage in others, a *civil* process in the nature of an action of damages for what has been suffered during the troubles. Whilst he keeps up this hopeful lawsuit in view of the damages he may recover against individuals, he loses the hearts of a whole people, and the vast subsidies which his ancestors had been used to receive from them.

Emperor's conduct with regard to France. This design once admitted unriddles the mystery of the whole conduct of the Emperor's ministers with regard to France. As soon as they saw the life of the king and queen of France no longer, as they thought, in danger, they entirely changed their plan with regard to the French nation. I believe that the chiefs of the Revolution (those who led the constituting Assembly) have contrived, as far as they can do it, to give the Emperor satisfaction on this head. He keeps a continual tone and posture of menace to secure this his only point. But it must be observed, that he all along grounds his departure from the engagement at Pilnitz to the princes on the will and actions of *the king* and the majority of the people, without any regard to the natural and constitutional orders of the state, or to the opinions of the whole House of Bourbon. Though it is manifestly under the constraint of imprisonment and the fear of death that this unhappy man has been guilty of all those humiliations which have astonished mankind, the advisers of the Emperor will consider nothing but the *physical* person of Louis, which, even in his present degraded and infamous state, they regard as of sufficient authority to give a complete sanction to the persecution and utter ruin of all his family, and of every person who has shown any degree of attachment or fidelity to him or to his cause, as well as competent to destroy the whole ancient constitution and frame of the French monarchy.

The present policy, therefore, of the Austrian politicians is, to recover despotism through democracy, — or, at least, at any expense, everywhere to ruin the

description of men who are everywhere the objects of their settled and systematic aversion, but more especially in the Netherlands. Compare this with the Emperor's refusing at first all intercourse with the present powers in France, with his endeavoring to excite all Europe against them, and then, his not only withdrawing all assistance and all countenance from the fugitives who had been drawn by his declarations from their houses, situations, and military commissions, many even from the means of their very existence, but treating them with every species of insult and outrage.

Combining this unexampled conduct in the Emperor's advisers with the timidity (operating as perfidy) of the king of France, a fatal example is held out to all subjects, tending to show what little support, or even countenance, they are to expect from those for whom their principle of fidelity may induce them to risk life and fortune. The Emperor's advisers would not for the world rescind one of the acts of this or of the late French Assembly; nor do they wish anything better at present for their master's brother of France than that he should really be, as he is nominally, at the head of the system of persecution of religion and good order, and of all descriptions of dignity, natural and instituted: they only wish all this done with a little more respect to the king's person, and with more appearance of consideration for his new subordinate office, — in hopes, that, yielding himself for the present to the persons who have effected these changes, he may be able to game for the rest hereafter. On no other principles than these can the conduct of the court of Vienna be accounted for. The subordinate court of Brussels talks the language of a club of Feuillants and Jacobins.

Moderate party. In this state of general rottenness among subjects, and of delusion and false politics in princes, comes a new experiment. The king of France is in the hands of the chiefs of the regicide faction, — the Barnaves, Lameths, Fayette, Périards, Duports, Robespierres, Camuses, &c., &c., &c. They who had imprisoned, suspended, and conditionally deposed him are his confidential counsellors. The next desperate of the desperate rebels call themselves the *moderate* party. They are the chiefs of the first Assembly, who are confederated to support their power during their suspension from the present, and to govern the existent body with as sovereign a sway as they had done the last. They have, for the greater part, succeeded; and they have many advantages towards procuring their success in future. Just before the close of their regular power, they bestowed some appearance of prerogatives on the king, which in their first plans they had refused to him, — particularly the mischievous, and, in his situation, dreadful prerogative of a *veto*. This prerogative, (which they hold as their bit in the mouth of the National Assembly for the time being,) without the direct assistance of their club, it was impossible for the king to show even the desire of exerting with the smallest effect, or even with safety to his person. However, by playing, through this *veto*, the Assembly against the king, and the king against the Assembly, they have made

themselves masters of both. In this situation, having destroyed the old government by their sedition, they would preserve as much of order as is necessary for the support of their own usurpation.

French ambassador. It is believed that this, by far the worst party of the miscreants of France, has received direct encouragement from the counsellors who betray the Emperor. Thus strengthened by the possession of the captive king, (now captive in his mind as well as in body,) and by a good hope of the Emperor, they intend to send their ministers to every court in Europe, — having sent before them such a denunciation of terror and superiority to every nation without exception as has no example in the diplomatic world. Hitherto the ministers to foreign courts had been of the appointment of the sovereign of France *previous to the Revolution*; and, either from inclination, duty, or decorum, most of them were contented with a merely passive obedience to the new power. At present, the king, being entirely in the hands of his jailors, and his mind broken to his situation, can send none but the enthusiasts of the system, — men framed by the secret committee of the Feuillants, who meet in the house of Madame de Staël, M. Necker's daughter. Such is every man whom they have talked of sending hither. These ministers will be so many spies and incendiaries, so many active emissaries of democracy. Their houses will become places of rendezvous here, as everywhere else, and centres of cabal for whatever is mischievous and malignant in this country, particularly among those of rank and fashion. As the minister of the National Assembly will be admitted at this court, at least with his usual rank, and as entertainments will be naturally given and received by the king's own ministers, any attempt to discountenance the resort of other people to that minister would be ineffectual, and indeed absurd, and full of contradiction. The women who come with these ambassadors will assist in fomenting factions amongst ours, which cannot fail of extending the evil. Some of them I hear are already arrived. There is no doubt they will do as much mischief as they can.

Connection of clubs. Whilst the public ministers are received under the general law of the communication between nations, the correspondences between the factious clubs in France and ours will be, as they now are, kept up; but this pretended embassy will be a closer, more steady, and more effectual link between the partisans of the new system on both sides of the water. I do not mean that these Anglo-Gallic clubs in London, Manchester, &c., are not dangerous in a high degree. The appointment of festive anniversaries has ever in the sense of mankind been held the best method of keeping alive the spirit of any institution. We have one settled in London; and at the last of them, that of the 14th of July, the strong discountenance of government, the unfavorable time of the year, and the then uncertainty of the disposition of foreign powers, did not hinder the meeting of at least nine hundred people, with good coats on their backs, who could afford to pay half a guinea a head to show their zeal for the new principles. They were with great

difficulty, and all possible address, hindered from inviting the French ambassador. His real indisposition, besides the fear of offending any party, sent him out of town. But when our court shall have recognized a government in France founded on the principles announced in Montmorin's letter, how can the French ambassador be frowned upon for an attendance on those meetings wherein the establishment of the government he represents is celebrated? An event happened a few days ago, which in many particulars was very ridiculous; yet, even from the ridicule and absurdity of the proceedings, it marks the more strongly the spirit of the French Assembly: I mean the reception they have given to the Frith Street Alliance. This, though the delirium of a low, drunken alehouse club, they have publicly announced as a formal alliance with the people of England, as such ordered it to be presented to their king, and to be published in every province in France. This leads, more directly and with much greater force than any proceeding with a regular and rational appearance, to two very material considerations. First, it shows that they are of opinion that the current opinions of the English have the greatest influence on the minds of the people in France, and indeed of all the people in Europe, since they catch with such astonishing eagerness at every the most trifling show of such opinions in their favor. Next, and what appears to me to be full as important, it shows that they are willing publicly to countenance, and even to adopt, every factious conspiracy that can be formed in this nation, however low and base in itself, in order to excite in the most miserable wretches here an idea of their own sovereign importance, and to encourage them to look up to France, whenever they may be matured into something of more force, for assistance in the subversion of their domestic government. This address of the alehouse club was actually proposed and accepted by the Assembly as an *alliance*. The procedure was in my opinion a high misdemeanor in those who acted thus in England, if they were not so very low and so very base that no acts of theirs can be called high, even as a description of criminality; and the Assembly, in accepting, proclaiming, and publishing this forged alliance, has been guilty of a plain aggression, which would justify our court in demanding a direct disavowal, if our policy should not lead us to wink at it.

Whilst I look over this paper to have it copied, I see a manifesto of the Assembly, as a preliminary to a declaration of war against the German princes on the Rhine. This manifesto contains the whole substance of the French politics with regard to foreign states. They have ordered it to be circulated amongst the people in every country of Europe, — even previously to its acceptance by the king, and his new privy council, the club of the Feuillants. Therefore, as a summary of their policy avowed by themselves, let us consider some of the circumstances attending that piece, as well as the spirit and temper of the piece itself.

Declaration against the Emperor. It was preceded by a speech from Brissot, full of unexampled insolence towards all the sovereign states of Germany, if not of Europe. The Assembly, to express their satisfaction in the sentiments which it

contained, ordered it to be printed. This Brissot had been in the lowest and basest employ under the deposed monarchy, — a sort of thief-taker, or spy of police, — in which character he acted after the manner of persons in that description. He had been employed by his master, the *Lieutenant de Police*, for a considerable time in London, in the same or some such honorable occupation. The Revolution, which has brought forward all merit of that kind, raised him, with others of a similar class and disposition, to fame and eminence. On the Revolution he became a publisher of an infamous newspaper, which he still continues. He is charged, and I believe justly, as the first mover of the troubles in Hispaniola. There is no wickedness, if I am rightly informed, in which he is not versed, and of which he is not perfectly capable. His quality of news-writer, now an employment of the first dignity in France, and his practices and principles, procured his election into the Assembly, where he is one of the leading members. M. Condorcet produced on the same day a draught of a declaration to the king, which the Assembly published before it was presented.

Condorcet (though no marquis, as he styled himself before the Revolution) is a man of another sort of birth, fashion, and occupation from Brissot, — but in every principle, and every disposition to the lowest as well as the highest and most determined villanies, fully his equal. He seconds Brissot in the Assembly, and is at once his coadjutor and his rival in a newspaper, which, in his own name, and as successor to M. Garat, a member also of the Assembly, he has just set up in that empire of gazettes. Condorcet was chosen to draw the first declaration presented by the Assembly to the king, as a threat to the Elector of Treves, and the other princes on the Rhine. In that piece, in which both Feuillants and Jacobins concurred, they declared publicly, and most proudly and insolently, the principle on which they mean to proceed in their future disputes with any of the sovereigns of Europe; for they say, “that it is not with fire and sword they mean to attack their territories, but by what will be *more dreadful* to them, the introduction of liberty.” — I have not the paper by me, to give the exact words, but I believe they are nearly as I state them. — *Dreadful*, indeed, will be their hostility, if they should be able to carry it on according to the example of *their* modes of introducing liberty. They have shown a perfect model of their whole design, very complete, though in little. This gang of murderers and savages have wholly laid waste and utterly ruined the beautiful and happy country of the Comtat Venaissin and the city of Avignon. This cruel and treacherous outrage the sovereigns of Europe, in my opinion, with a great mistake of their honor and interest, have permitted, even without a remonstrance, to be carried to the desired point, on the principles on which they are now themselves threatened in their own states; and this, because, according to the poor and narrow spirit now in fashion, their brother sovereign, whose subjects have been thus traitorously and inhumanly treated in violation of the law of Nature and of nations,

has a name somewhat different from theirs, and, instead of being styled King, or Duke, or Landgrave, is usually called Pope.

State of the Empire. The Electors of Treves and Mentz were frightened with the menace of a similar mode of war. The Assembly, however, not thinking that the Electors of Treves and Mentz had done enough under their first terror, have again brought forward Condorcet, preceded by Brissot, as I have just stated. The declaration, which they have ordered now to be circulated in all countries, is in substance the same as the first, but still more insolent, because more full of detail. There they have the impudence to state that they aim at no conquest: insinuating that all the old, lawful powers of the world had each made a constant, open profession of a design of subduing his neighbors. They add, that, if they are provoked, their war will be directed only against those who assume to be *masters*; but to the *people* they will bring peace, law, liberty, &c., &c. There is not the least hint that they consider those whom they call persons "*assuming to be matters*" to be the lawful government of their country, or persons to be treated with the least management or respect. They regard them as usurpers and enslavers of the people. If I do not mistake, they are described by the name of tyrants in Condorcet's first draught. I am sure they are so in Brissot's speech, ordered by the Assembly to be printed at the same time and for the same purposes. The whole is in the same strain, full of false philosophy and false rhetoric, — both, however, calculated to captivate and influence the vulgar mind, and to excite sedition in the countries in which it is ordered to be circulated. Indeed, it is such, that, if any of the lawful, acknowledged sovereigns of Europe had publicly ordered such a manifesto to be circulated in the dominions of another, the ambassador of that power would instantly be ordered to quit every court without an audience.

Effect of fear on the sovereign powers. The powers of Europe have a pretext for concealing their fears, by saying that this language is not used by the king; though they well know that there is in effect no such person, — that the Assembly is in reality, and by that king is acknowledged to be, *the master*, — that what he does is but matter of formality, — and that he can neither cause nor hinder, accelerate nor retard, any measure whatsoever, nor add to nor soften the manifesto which the Assembly has directed to be published, with the declared purpose of exciting mutiny and rebellion in the several countries governed by these powers. By the generality also of the menaces contained in this paper, (though infinitely aggravating the outrage,) they hope to remove from each power separately the idea of a distinct affront. The persons first pointed at by the menace are certainly the princes of Germany, who harbor the persecuted House of Bourbon and the nobility of France; the declaration, however, is general, and goes to every state with which they may have a cause of quarrel. But the terror of France has fallen upon all nations. A few months since all sovereigns seemed disposed to unite against her; at present they all seem to combine in her favor. At no period has the power of France ever appeared

with so formidable an aspect. In particular the liberties of the Empire can have nothing more than an existence the most tottering and precarious, whilst France exists with a great power of fomenting rebellion, and the greatest in the weakest, — but with neither power nor disposition to support the smaller states in their independence against the attempts of the more powerful.

I wind up all in a full conviction within my own breast, and the substance of which I must repeat over and over again, that the state of France is the first consideration in the politics of Europe, and of each state, externally as well as internally considered.

Most of the topics I have used are drawn from fear and apprehension. Topics derived from fear or addressed to it are, I well know, of doubtful appearance. To be sure, hope is in general the incitement to action. Alarm some men, — you do not drive them to provide for their security; you put them to a stand; you induce them, not to take measures to prevent the approach of danger, but to remove so unpleasant an idea from their minds; you persuade them to remain as they are, from a new fear that their activity may bring on the apprehended mischief before its time. I confess freely that this evil sometimes happens from an overdone precaution; but it is when the measures are rash, ill-chosen, or ill-combined, and the effects rather of blind terror than of enlightened foresight. But the few to whom I wish to submit my thoughts are of a character which will enable them to see danger without astonishment, and to provide against it without perplexity.

To what lengths this method of circulating mutinous manifestoes, and of keeping emissaries of sedition in every court under the name of ambassadors, to propagate the same principles and to follow the practices, will go, and how soon they will operate, it is hard to say; but go on it will, more or less rapidly, according to events, and to the humor of the time. The princes menaced with the revolt of their subjects, at the same time that they have obsequiously obeyed the sovereign mandate of the new Roman senate, have received with distinction, in a public character, ambassadors from those who in the same act had circulated the manifesto of sedition in their dominions. This was the only thing wanting to the degradation and disgrace of the Germanic body.

The ambassadors from the rights of man, and their admission into the diplomatic system, I hold to be a new era in this business. It will be the most important step yet taken to affect the existence of sovereigns, and the higher classes of life: I do not mean to exclude its effects upon all classes; but the first blow is aimed at the more prominent parts in the ancient order of things.

What is to be done?

It would be presumption in me to do more than to make a case. Many things occur. But as they, like all political measures, depend on dispositions, tempers, means, and external circumstances, for all their effect, not being well assured of these, I do not know how to let loose any speculations of mine on the subject. The

evil is stated, in my opinion, as it exists. The remedy must be where power, wisdom, and information, I hope, are more united with good intentions than they can be with me. I have done with this subject, I believe, forever. It has given me many anxious moments for the two last years. If a great change is to be made in human affairs, the minds of men will be fitted to it, the general opinions and feelings will draw that way. Every fear, every hope, will forward it; and then they who persist in opposing this mighty current in human affairs will appear rather to resist the decrees of Providence itself than the mere designs of men. They will not be resolute and firm, but perverse and obstinate.

THOUGHTS ON THE PROSPECT OF A REGICIDE PEACE



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THE PUBLISHER'S APPEAL TO THE CANDOUR AND JUSTICE OF THE NATION.

IT would ill become me to make any remarks on my examination before a committee of the House of Commons, respecting the Author of "Thoughts on the English Government."

My conduct on that occasion could give no just offence to any party, and was spoken of in very favourable terms by Mr. Windham, Mr. Woodford his secretary, and several of their friends. As a mark of their esteem, they promised me a pamphlet which Mr. Burke was then preparing for the press, and which he soon after put into my hands. On giving me the last sheet, with his final corrections,

"There," said he, "that is your own

— It is but a trivial thing — I do not know that it will pay you for paper and printing. — I must also do Mr. Burke the justice to acknowledge that he seemed to rejoice at my success; and to shew his desire of farther promoting it, gave me his "Thoughts on a Regicide Peace."

I felt the full force of the favour, and cheerfully took upon me the trouble of dancing backwards and forwards alternately between Author and Printer, three or four times a day for almost three months, to attend to such a variety of alterations as can be conceived only by those who are acquainted with the whims, the caprice and the eternal versatility of genius. After an interval of six months, the publication having been for that time suspended, and just at the moment that I expected to receive some little return for my fatiguing exertions, I was suddenly called upon by the Rev. Dr. King, with a sort of message from Mr. Burke, desiring an account of the former work. I was really shocked at a demand so repugnant to all my ideas of that gentleman's character. I know he has not so short a memory as to forget the terms on which he made me a present of the manuscript. I had made no provision to settle for the profits of a voluntary gift, nor had I kept any account of them. I must also assert, that in order to shew myself not inferior even to Mr. Burke in generosity, I liberally supplied all his friends with copies of the work gratis, so that I believe, if an exact account had been kept, it would not appear that I lay under any very weighty obligation. Roused, however, by so strange a demand, I called upon Mr. Windham's secretary to remonstrate on the illiberality, injustice, and unreasonableness of such a claim for what I could not help considering as a present: he replied,

"It is very true: — it was meant so: — but Mr. Burke has thought otherwise since."

— I then called upon Mr. Nagle, the near relation and confidential friend of Mr. Burke, who had expressed no less surprise on hearing the matter first mentioned by Dr. King, and whose exact words were,

“By heavens! Owen conceived the Pamphlet to be his own; and so did I.”

— If Mr. Burke’s conceptions then should run counter in this instance to the dictates of plain sense, and to the ideas of his own nearest and dearest friends, I hope my character can never be injured by his unaccountable eccentricities. The man, who can write so beautiful a panegyric on royal bounty, would never surely incur the reproach of attempting to retract his own gifts, or even to strip a poor bookseller of the accidental profits of publishing an essay on munificence. He has also, I am persuaded, too much dignity of sentiment to be offended with my bringing forward the present work, on account of its interfering in any sort with his new arguments against a Peace with a Regicide Directory. I am in fact promoting his own wishes to cut off all intercourse with Regicides; and I rely upon his kind and disinterested recommendation of these old Thoughts on the subject, which are now presented to the Public with the venerable marks, and silver honours of age.

October 19, 1796.

LETTER I. ON THE OVERTURES OF PEACE.

MY DEAR SIR,

UNTIL the beginning of this session, notwithstanding many untoward appearances, I still flattered myself that I should have no other than domestick afflictions to cloud the evening of my life: but a state of things is threatened, which, whatever room private griefs may occupy, leaves a vast vacuity to be filled with publick sorrow.

If I estimate rightly, what is going to be suffered, from what is going to be done, it is from something the very reverse of philosophy, that we are to learn content. In the interval between the treaty of peace with Regicide, and it's inevitable consequences, we must owe our repose not to deep thinking, but to the absence of all thought. To enjoy life, we must forget every thing of what England has been, and of what we have been ourselves. England has been happy; and change is a word of ill sound to happy ears. A great revolution is on the point of being accomplished. It is a revolution not in human affairs, but in man himself. The system of France aims at nothing short of this. If we are tired of being the men we were, and disgusted with the society in which we have lived, France offers her regeneration. By whatever humiliations we buy a blessing, I admit that the nature of the object purchased remains the same. On that supposition, the advances we have made to the Republick of Regicide, are made on a consistent plan. But if what she terms regeneration, is what we call death, then, instead of advancing, we should retreat, and fly from Jacobin remedies as from the most terrible of all diseases.

Observe at the outset, that I suppose a peace with Jacobinism, the submission to it's laws, and the adoption of it's whole scheme, to be so necessarily connected, that never, in sound logic, did the conclusion follow the premises with more certainty, than as I conceive it, in the course of Nature, that effect will be the result of this cause.

In one thing we are lucky. The regicide has received our advances with scorn. We have an enemy, to whose virtues we can owe nothing; but on this occasion we are infinitely obliged to one of his vices. We owe more to his insolence than to our own precaution. The haughtiness by which the proud repel us, has this of good in it, that in making us keep our distance, they must keep their distance too. In the present case, the pride of the Regicide may be our safety. He has given time for our reason to operate; and for British dignity to recover from its surprise.

There is always an augury to be taken of what a peace is likely to be, from the preliminary steps that are made to bring it about. We may gather something from the time in which the first overtures are made; from the quarter whence they come; from the manner in which they are received. These discover the temper of the parties. If your enemy offers peace in the moment of success, it indicates that he is

satisfied with something. It shews that there are limits to his ambition or his resentment. If he offers nothing under misfortune, it is probable, that it is more painful to him to abandon advantage than to endure calamity. If he rejects solicitation, and will not give even a nod to the suppliants for peace, until a change in the fortune of the war threatens him with ruin, then I think it evident, that he wishes nothing more than to disarm his adversary and to gain time. Afterwards a question arises, which of the parties is likely to obtain the greater advantages, by the use of time and by continuing disarmed?

With these few, plain indications in our minds, it will not be improper to reconsider the conduct of the enemy together with our own, from the day that a question of peace has been in agitation. In considering this part of the question, I do not proceed on my own hypothesis. I suppose, for a moment, that this body of Regicide, calling itself a Republick, is a politick person, with whom something deserving the name of peace may be made. On that supposition, let us examine our own proceeding. Let us compute the profit it has brought, and the advantage that it is likely to bring hereafter. A peace too eagerly sought, is not always the sooner obtained; and when obtained, it never can be every thing we wish. The discovery of vehement wishes generally frustrates their attainment; and your adversary has gained a great advantage over you when he finds you impatient to conclude a treaty. There is in reserve, not only something of dignity, but a great deal of prudence too. A sort of courage belongs to negotiation as well as to operations of the field. A negotiator must seem willing to hazard all, if he wishes to secure any material point.

The Regicide was the first to declare war. We are the first to sue for peace. We have twice solicited to be admitted to Jacobin embraces. Twice we have been repelled with cold disdain. It is true, that pride may reject a publick advance, whilst interest listens to a secret suggestion of advantage. The opportunity has been afforded. A gentleman has been sent on an errand, of which, from the motive of it, whatever the event might be, we never can be ashamed. Humanity cannot be degraded by humiliation. It is its very character to submit to such things. There is a consanguinity between benevolence and humility. They are virtues of the same stock. Dignity is of as good a race; but it belongs to the family of Fortitude. In the spirit of that benevolence, we sent a gentleman to beseech the Directory of Regicides, not to be quite so prodigal as they had been of judicial murder. We solicited them to spare the lives of some unhappy persons of the first distinction, whose safety at other times could not have been an object of solicitation. They had quitted France on the faith of the declaration of the rights of citizens. They never had been in the service of the Regicides, nor at their hands had received any stipend. The very system and constitution of government that now prevails, was settled subsequent to their emigration. They were under the protection of Great Britain, and in his Majesty's pay and service. Not an hostile invasion, but the disasters of the sea had thrown them upon a shore, more barbarous and inhospitable

than the inclement ocean under the most pitiless of its storms. Here was an opportunity to express a feeling for the miseries of war; and to open some sort of conversation, which, (after our public overtures had glutted their pride) at a cautious and jealous distance, might lead to something like an accommodation. What was the event? A strange uncouth thing, a theatrical figure of the opera, his head shaded with three coloured plumes, his body fantastically habited, strutted from the back scenes, and after a short speech, in the mock-heroic falsetto of stupid tragedy, delivered the gentleman who came to make the representation into the custody of a guard, with directions not to lose sight of him for a moment, and then ordered him to be sent from Paris in two hours.

Here it is impossible that a sentiment of tenderness should not strike athwart the sternness of politicks, and make us recal to painful memory, the difference between this insolent and bloody theatre, and the temperate, natural majesty of a civilized court, where the afflicted family of Asgill did not in vain solicit the mercy of the highest in rank, and the most compassionate of the compassionate sex.

Whilst the fortune of the field was wholly with the Regicides, nothing was thought of but to follow where it led; and it led to every thing. Not so much as a talk of treaty. Laws were laid down with arrogance. The most moderate politician amongst them was chosen as the organ, not so much for prescribing limits to their claims, as to mark what, for the present, they are content to leave to others. They made not laws, not Conventions, but late possession, but physical nature, and political convenience the sole foundation of their claims. The Rhine, the Mediterranean, and the ocean were the bounds which, for the time, they assigned to the empire of Regicide. In truth, with these limits, and their principle, they would not have left even the shadow of liberty or safety to any nation. This plan of empire was not taken up in the first intoxication of unexpected success. You must recollect, that it was projected just as the report has stated it, from the very first revolt of the faction against their Monarchy; and it has been uniformly pursued, as a standing maxim of national policy, from that time to this. It is in the season of prosperity that men discover their real tempers, principles, and designs. This report, combined with their conduct, forms an infallible criterion of the views of this Republick.

The tide of success began to turn. We are to see how their minds have been affected with this change. Some impression it made on them undoubtedly. It produced some oblique notice of the submissions that were made by suppliant nations. The utmost they did, was to make some of those cold, formal, general professions of a love of peace which no power ever refused to make; because they mean little, and cost nothing. The first paper I have seen (the publication at Hamburgh) making a shew of that pacific disposition, discovered a rooted animosity, and incurable rancour, more than any of their military operations. They choose to suppose, that this war, on the part of England, is a war of Government, begun and carried on against the sense and interests of the people; thus sowing in

their very overtures towards peace, the seeds of tumult and sedition; for they never have abandoned, and never will abandon, in peace, in war, in treaty, in any situation, or for one instant, their old steady maxim of separating the people from the Government.

We have since seen them take up the matter with great formality. On that occasion they discovered still more clearly the bottom of their character. The offers made to them by the message to Parliament was hinted at; but in an obscure and oblique manner as before. They accompanied their notice of the indications manifested on our side, with every kind of insolent and taunting reflexion. The Regicide Directory, on the day which, in their gipsy jargon, they call the 5th of Pluviose, in return for our advances, charge us with eluding our declarations under “evasive formalities and frivolous pretexts.”

They proceed to charge us, and, as it should seem, our allies in the mass, with direct perfidy — and go so far as to say, that this perfidious character was nothing new to us. However, notwithstanding this our habitual perfidy, they will offer peace “on conditions as moderate” — as what? as reason and as equity require? No! as moderate “as are suitable to their national dignity.”

Dignity, hitherto, has belonged to the mode of proceeding, not to the matter of a treaty. Never before has it been mentioned as the standard for rating the conditions of peace; — no, never by the most violent of conquerors. Indemnity is capable of some estimate; dignity has no standard. It is impossible to guess what acquisitions pride and ambition may think fit for their dignity. But lest any doubt should remain on what they think for their dignity, the Regicides in the next paragraph tell us “that they will have no peace with their enemies, until they have reduced them to a state which will put them under an impossibility of pursuing their unfortunate projects;”

that is, in plain French or English, until they have accomplished our utter and irretrievable ruin. This is their pacific language, and it is their unalterable principle in whatever language they speak, or whatever steps they take, whether of real war, or of pretended pacification. They have never, to do them justice, been at much trouble in concealing their intentions. We were as obstinately resolved to think them not in earnest. I confess this sort of jests, whatever their urbanity may be, are not much to my taste.

To this obliging, conciliatory, and amicable communication, our sole answer, in effect, is this. —

“Citizen Regicides! whenever you find yourselves in the humour, you may have a peace with us. That is a point you may always command as secure. We are constantly in attendance, and nothing you can do shall hinder us from the renewal of our supplications.”

To those, who do not love to contemplate the fall of human greatness, I do not know a more mortifying spectacle, than to see the assembled majesty of the crowned heads of Europe waiting as patient suitors in the anti-chamber of

Regicides. They wait, it seems, until the sanguinary tyrant, Rewbell, shall have snorted away the fumes of the indigested blood of his Sovereign; — then, when sunk on the down of usurped pomp, he shall have sufficiently indulged his meditations with what King he shall next glut his ravening maw, and he may condescend to signify that it is his pleasure to be awake, and ready to receive the proposals of his high and mighty clients for the terms on which he may respite the execution of the sentence he has passed upon them. Whatever may come of the object of all this suit and service, there seems to me a wonderful “alacrity in sinking.”

To submit to be so treated is to be humbled indeed. It is to sink many degrees below Zero in the descending scale of political degradation. I never knew dignity much.

Our proceeding, which has produced this return, appeared to me totally new, without being adapted to the new circumstances of affairs. I have called to my mind the speeches and messages in former times. I find nothing like these. Before this time, never was a ground of peace laid, as it were, in a parliamentary record, until it had been as good as concluded. This was a wise homage paid to the discretion of the Crown. It was known how much any negotiation must suffer by having any thing in the train towards it prematurely disclosed.

I conceive that another circumstance in that transaction has been as little authorised by any example, and that it is as little prudent in itself; I mean the formal recognition of the French Republick. Without entering, for the present, into a question on the good faith manifested in that measure, or on it's general policy, I doubt, upon mere prudential considerations, whether it was perfectly adviseable. It is not within the rules of dexterous conduct to make an acknowledgment of a contested title in your enemy, before you are morally certain that your recognition will secure his friendship. Otherwise it is a measure worse than thrown away. It adds infinitely to the strength, and consequently to the demands of the adverse party. He has gained a fundamental point without an equivalent.

This sort of preliminary declarations, thrown out at random, and sown, as it were, broad cast, were never to be found in the mode of our proceeding with France and Spain, whilst the great Monarchies of France and Spain existed. I do not say, that a diplomattick measure ought to be, like a parliamentary or a judicial proceeding, according to strict precedent. I hope I am far from that pedantry: but this I know, that a great state ought to have some regard to it's antient maxims; especially where they indicate it's dignity; where they concur with the rules of prudence; and above all, where the circumstances of the time require that a spirit of innovation should be resisted, which leads to the humiliation of sovereign powers. It would be ridiculous to assert, that those powers have suffered nothing in their estimation. I admit, that the greater interests of state will for a moment supersede all other considerations: but if there was a rule that a sovereign never should let down his dignity without a

sure payment to his interest, the dignity of Kings would be held high enough. At present, however, fashion governs in more serious things than furniture and dress. It looks as if sovereigns abroad were emulous in bidding against their estimation. It seems as if the pre-eminence of Regicide was acknowledged; and that Kings tacitly ranked themselves below their sacrilegious murderers, as natural magistrates and judges over them. It appears as if dignity were the prerogative of crime; and a temporising humiliation the proper part for venerable authority. If the vilest of mankind are resolved to be the most wicked, they lose all the baseness of their origin, and take their place above Kings. This example in foreign Princes, I trust, will not spread. It is the concern of mankind, that the destruction of order should not be a claim to rank; that crimes should not be the only title to pre-eminence and honour.

If what I hear be true, the Ministers are not quite so much to be blamed, as their condition is to be lamented. I have been given to understand, that these proceedings are not in their origin properly theirs. It is said that there is a secret in the House of Commons. That Ministers act not according to the votes, but according to the dispositions, of the majority. I hear that the minority has long since spoken the general sense of the nation; and that to prevent those who compose it from having the open and avowed lead in that House, or perhaps in both Houses, it was necessary to pre-occupy their ground, and to take their propositions out of their mouths.

If the general disposition of the people be, as I hear it is, for an immediate peace with Regicide without so much as considering our publick and solemn engagements to the parties, or any enquiry into the terms, it is all over with us. It is strange, but it may be true, that as the danger from advances to Jacobinism is increased in my eyes and in yours, the fear of it is lessened in theirs. It seems, they act under the impression of other sort of terrors, which frighten them out of their first apprehensions: but it is fit they should recollect, that they who would make peace without a previous knowledge of the terms, make a surrender. They are conquered. They do not treat; they receive the law. Then the people of England are contented to seek in the kindness of a foreign systematick enemy combined with a dangerous faction at home, a security which they cannot find in their own patriotism and their own courage. They are willing trust to the sympathy of Regicides, the guarantee of the British Monarchy. They are content to rest their religion on the piety of atheists by establishment. They are satisfied to seek in the clemency of practised murderers the security of their lives. They are pleased to confide their property to the safeguard of those who are robbers by inclination, interest, habit, and system. If this be our deliberate mind, truly we deserve to lose, what we cannot long retain, the name of a nation.

In matters of state, a constitutional competence to act, is in many cases the smallest part of the question. Without disputing (God forbid I should dispute) the

sole competence of the King and the Parliament, each in it's province, to decide on war and peace, I venture to say, no war can be long carried on against the will of the people. This war, in particular, cannot be carried on unless they are enthusiastically in favour of it. Acquiescence will not do. There must be zeal. Universal zeal in such a cause, and at such a time as this is, cannot be looked for; neither is it necessary. A zeal in the larger part carries the force of the whole. Without this, no Government, certainly not our Government, is capable of a great war. None of the ancient regular Governments has wherewithal to fight abroad with a foreign foe, and at home to overcome repining, reluctance, and chicane. It must be some portentous thing, like Regicide France, that can exhibit such a prodigy. Yet even she, the mother of monsters, more prolific than the country of old called Feraxmonstrorum, shews symptoms of being almost effete already; and she will be so, unless the fallow of a peace comes to recruit her fertility. But whatever may be represented concerning the meanness of the popular spirit, I, for one, do not think so desperately of the British nation. Our minds are light, but they are not evil. We are dreadfully open to delusion and to dejection; but we are capable of being animated and undeceived.

It cannot be concealed. We are a divided people. But in divisions, where a part is to be taken, we are to make a muster of our strength. I have often endeavoured to class those who, in any political view, are to be called the people. Without doing something of this sort we must proceed absurdly. We should presume as absurdly, if we pretended to very great accuracy in our estimate. But I think, in the calculation I have made, the error cannot be very material. In England and Scotland, I compute that those of adult age, not declining in life, of tolerable leisure for such discussions, and of some means of information, more or less, and who are above menial dependence, (or what virtually is such) may amount to about four hundred thousand. In this number I include the women that take a concern in those transactions, who cannot exceed twenty thousand. There is such a thing as a natural representative of the people. This body is that representative; and on this body, more than on the legal constituent, the artificial representative depends. This is the British publick; and it is a publick very numerous. The rest, when feeble, are the objects of protection; when strong, the means of force. They who affect to consider that part of us in any other light, insult while they cajole us; they do not want us for counsellors in deliberation, but to list us as soldiers for battle.

Of these four hundred thousand political citizens, I look upon one fifth, or about eighty thousand, to be pure Jacobins; utterly incapable of amendment; objects of eternal vigilance; and when they break out, of legal constraint. On these, no reason, no argument, no example, no venerable authority, can have the slightest influence. They desire a change; and they will have it if they can. If they cannot have it by English cabal, they will make no sort of scruple of having it by the cabal of France, into which already they are virtually incorporated.

This minority is great and formidable. I do not know whether if I aimed at the total overthrow of a kingdom, I should wish to be encumbered with a larger body of partizans. These, by their spirit of intrigue, and by their restless agitating activity, are of a force far superior to their numbers; and if times grew the least critical, have the means of debauching or intimidating many of those who are now sound, as well as of adding to their force large bodies of the more passive part of the nation. This minority is numerous enough to make a mighty cry for peace, or for war, or for any object they are led vehemently to desire. By passing from place to place with a velocity incredible, and diversifying their character and description, they are capable of mimicking the general voice. We must not always judge of the generality of the opinion by the noise of the acclamation.

The majority, the other four fifths, is perfectly sound; and of the best possible dispositions to religion, to government, to the true and undivided interest of their country. Such men are naturally disposed to peace. They who are in possession of all they wish, are languid and improvident. With this fault, (and I admit it's existence in all its extent) they would not endure to hear of a peace that led to the ruin of every thing for which peace is dear to them. However, the desire of peace is essentially the weak side of all such men. All men that are ruined, are ruined on the side of their natural propensities. There they are unguarded. They do not suspect that their destruction is attempted through their virtues. This their enemies are perfectly aware of — and accordingly they, the most turbulent of mankind, who never made a scruple to shake the tranquility of their country to its centre, raise a continual cry for peace with France. Peace with Regicide, and war with the rest of the world, is their true motto. From the beginning, and even whilst the French gave the blows, and we hardly opposed the vis inertiae to their efforts, from that day to this hour, like importunate Guinea-fowls crying one note day and night, they have called for a Regicide peace.

In this they are, as I confess in all things they are, perfectly consistent. They who wish to unite themselves to your enemies, naturally desire, that you should disarm yourself by a peace with these enemies. But it passes my conception, how they, who wish well to their country on it's ancient system of laws and manners, come not to be doubly alarmed, when they find nothing but a clamor for peace, in the mouths of the men on earth the least disposed to it in their natural or in their habitual character.

I have a good opinion of the general abilities of the Jacobins: not that I suppose them better born than others; but strong passions awake the faculties. They suffer not a particle of the man to be lost. The spirit of enterprise gives them the full use of all their native energies. If I have reason to conceive that my enemy, who, as such, must have an interest in my destruction, is also a person of discernment and sagacity, then I must be quite sure, that in a contest, the object he violently pursues, is the very thing by which my ruin is the most perfectly accomplished. Why do the

Jacobins cry for peace? Because they know, that this point gained, the rest will follow of course. On our part why are all the rules of prudence, as sure as the laws of material nature to be at this time reversed? How comes it, that now for the first time, men think it right to be governed by the counsels of their enemies? Ought they not rather to tremble, when they are persuaded to travel on the same road; and to tend to the same place of rest?

The minority I speak of, is not susceptible of an impression from the topics of argument, to be used to the larger part of the community. I therefore do not address to them any part of what I have to say. The more forcibly I drive my arguments against their system, so as to make an impression where I wish to make it, the more strongly I rivet them in their sentiments. As for us, who compose the far larger, and what I call the far better part of the people; let me say, that we have not been quite fairly dealt with when called to this deliberation. The Jacobin minority have been abundantly supplied with stores and provisions of all kinds towards their warfare. No sort of argumentative materials, suited to their purposes, have been withheld. False they are, unsound, sophistical; but they are regular in their direction. They all bear one way; and they all go to the support of the substantial merits of their cause. The others have not had the question so much as fairly stated to them.

There has not been in this century, any foreign peace or war in it's origin, the fruit of popular desire: except the war that was made with Spain in 1739. Sir Robert Walpole was forced into the war by the people who were inflamed to this measure by the most leading politicians, by the first orators, and the greatest poets of the time. For that war, Pope sung his dying notes. For that war, Johnson in more energetic strains, employed the voice of his early genius. For that war, Glover distinguished himself in the way in which his muse was the most natural and happy. The crowd readily followed the politicians in the cry for a war, which threatened little bloodshed, and which promised victories that were attended with something more solid than glory. A war with Spain was a war of plunder. In the present conflict with Regicide, Mr. Pitt has not had, nor will for some little time have, many prizes to hold out in the lottery of war, to tempt the lower part of our character. He can only maintain it by an appeal to the higher; and to those, in whom that higher part is most predominant, he must look the most for his support. Whilst he holds out no inducements to the wise, nor bribes to the avaricious, he may be forced by a vulgar cry into a peace ten times more ruinous than the most disastrous war. The weaker he is in the fund of motives which apply to our avarice, to our laziness, and to our lassitude, if he means to carry the war to any end at all, the stronger he ought to be in his addresses to our magnanimity and to our reason.

In stating that Walpole was driven by a popular clamour into a measure not to be justified, I do not mean wholly to excuse his conduct. My time of observation did not exactly coincide with that event; but I read much of the controversies then carried on. Several years after the contests of parties had ceased, the people were

amused, and in a degree warmed with them. The events of that aera seemed then of magnitude, which the revolutions of our time have reduced to parochial importance; and the debates, which then shook the nation, now appear of no higher moment than a discussion in a vestry. When I was very young, a general fashion told me I was to admire some of the writings against that Minister; a little more maturity taught me as much to despise them. I observed one fault in his general proceeding. He never manfully put forward the entire strength of his cause. He temporised; he managed; and adopting very nearly the sentiments of his adversaries, he opposed their inferences. — This, for a political commander, is the choice of a weak post. His adversaries had the better of the argument, as he handled it, not as the reason and justice of his cause enabled him to manage it. I say this after having seen, and with some care examined, the original documents concerning certain important transactions of those times. They perfectly satisfied me of the extreme injustice of that war, and of the falsehood of the colours, which to his own ruin, and guided by a mistaken policy, he suffered to be daubed over that measure. Some years after, it was my fortune, to converse with many of the principal actors against that Minister, and with those, who principally excited that clamour. None of them, no not one, did in the least defend the measure, or attempt to justify their conduct, which they as freely condemned as they would have done in commenting upon any proceeding in history, in which they were totally unconcerned. Thus it will be. They who stir up the people to improper desires, whether of peace or war, will be condemned by themselves. They who weakly yield to them will be condemned by history.

In my opinion, the present ministry are as far from doing full justice to their cause in this war, as Walpole was from doing justice to the peace which at that time he was willing to preserve. They throw the light on one side only of their case; though it is impossible they should not observe, that the other side which is kept in the shade, has it's importance too. They must know, that France is formidable, not only as she is France, but as she is Jacobin France. They knew from the beginning that the Jacobin party was not confined to that country. They knew, they felt, the strong dispositions of the same faction in both countries to communicate and to co-operate. For some time past, these two points have been kept, and even industriously kept, out of sight. France is considered as merely a foreign Power; and the seditious English only as a domestick faction. The merits of the war with the former have been argued solely on political grounds. To prevent our being corrupted with the mischievous doctrines of the latter, matter and argument have been supplied abundantly, and even to surfeit on the excellency of our own government. But nothing has been done to make us feel in what manner the safety of that Government is connected with the principle and with the issue of this war. For any thing, which in the late discussion has appeared, the war is intirely collateral to the state of Jacobinism; as truly a foreign war to us and to all our home

concerns, as the war with Spain in 1739, about Gard da Costas, the Madrid Convention, and the fable of Captain Jenkins's ears.

Some who are advocates at once for Government, and for peace with the enemies of all Government, have even gone the length of considering the proceedings in France, if at all they affect us, as rather advantageous to the cause of tranquillity and good order in this country. But I reserve my observations on this very extraordinary topic of argument to another occasion: it is now my business to point out to you, that whenever the adverse party has raised a cry for peace with the Regicide, the answer has been little more than this,

“that the Administration wished for such a peace, full as much as the Opposition; but that the time was not convenient for making it.”

Whatever else has been said was much in the same spirit. Reasons of this kind never touched the substantial merits of the war. They were in the nature of dilatory pleas, exceptions of form, and previous questions. Accordingly all the arguments against a compliance with the popular desires, (urged on with all possible vehemence and earnestness by the Jacobins) have appeared flat and languid, feeble and evasive. They appeared to aim only at gaining time. They never entered into the peculiar and distinctive character of the war. They spoke neither to the understanding nor to the heart. Cold as ice themselves, they never could kindle in our breasts a spark of that zeal, which is necessary to a conflict with an adverse zeal; much less are they made to infuse into our minds, that stubborn persevering spirit, which alone is capable of bearing up against those vicissitudes of fortune, that will probably occur, and those burthens which must be inevitably borne in a long war. I speak it emphatically, and with a desire that it should be marked, in a long war; because, without such a war, no experience has yet told us, that a dangerous power has ever been reduced to measure or to reason. I do not throw back my view to the Peloponnesian war of twenty-seven years; nor to two of the Punick wars, the first of twenty-four, the second of eighteen; nor to the more recent war concluded by the treaty of Westphalia, which continued, I think, for thirty. I go to what is but just fallen behind living memory, and immediately touches our own country. Let the portion of our history from the year 1689 to 1713 be brought before us. We shall find, that in all that period of twenty-four years, there were not above six that could be called an interval of peace; and this interval was in reality nothing more than a very active preparation for war. During that period, every one of the propositions of peace came from the enemy. The first, when they were accepted, at the peace of Ryswick. The second, where they were rejected at the congress at Gertrudenburg. The last, when the war ended by the treaty of Utrecht. Even then, a very great part of the nation, and that which contained by far the most intelligent statesmen, was against the conclusion of the war. I do not enter into the merits of that question as between the parties. I only state the existence of that opinion as a fact. I mention the length of the war as a proof, that though the countries which now compose the

kingdom, for a part of the time were not united, and through all the time continued with a raw and ill cemented union, and though they were further split into parties as vehement, and more equally divided than now they are, and that we were possessed of far less abundant resources in all kinds than we now enjoy. — I mean to mark, that under all these disadvantages the English nation was then a great people; that we had then an high mind, and a constancy unconquerable; that we were then inspired with no flashy passions, but such as were durable as well as warm; such as corresponded to the great interests we had at stake. This force of character was inspired, as all such spirit must ever be, from above. Government gave the impulse. As well may we fancy that of itself the sea will swell, and without winds the billows will insult the adverse shore, as that the gross mass of the people will be moved and elevated without the influence of superior authority, or superior mind.

This impulse ought, in my opinion, to have been given in this war; and it ought to have been continued to it at every instant. It is made. if ever war was made, to touch all the great springs of action in the human breast. It ought not to have been a war of apology. The minister had, in this conflict wherewithal to glory in success; to be consoled in adversity; to hold high his principle in all fortunes. If it were not given him to support the falling edifice, he ought to bury himself under the ruins of the civilized world. All the art of Greece, and all the pride and power of eastern Monarchs, never heaped upon their ashes so grand a monument.

There were days when his great mind was up to the crisis of the world he is called to act in. His manly eloquence was equal to the elevated wisdom of such sentiments. But the little have triumphed over the great; an unnatural, not an unusual victory. I am sure you cannot forget with how much uneasiness we heard in conversation, the language of more than one gentleman at the opening of this contest,

“that he was willing to try the war for a year or two, and if it did not succeed, then to vote for peace.”

As if war was a matter of experiment! As if you could take it up or lay it down as an idle frolick! As if the dire goddess that presides over it, with her murderous spear in her hand, and her gorgon at her breast, was a coquette to be flirted with! We ought with reverence to approach that tremendous divinity, that loves courage, but commands counsel. War never leaves a nation where it was found. The interval between that and peace is indeed

“a very hideous dream, in which the genius and the mortal instruments are seriously at work.”

It is never to be entered into without a mature deliberation; not a deliberation lengthened out into a perplexing indecision, but a deliberation leading to a sure and fixed judgment. When so taken up it is not to be abandoned without reason as valid, as fully, and as extensively considered; for peace may be made as unadvisedly as

war. Nothing is so rash as fear: and the counsels of pusillanimity very rarely put off, whilst they are always sure to aggravate the evils they would fly from.

In that great war carried on against Louis the XIVth, for near eighteen years Government spared no pains to satisfy the people, that though they were to be animated by a desire of glory, glory was not their ultimate object: but that every thing dear to them, in religion, in law, in liberty, every thing which as freemen, as Englishmen, and as citizens of the great commonwealth of Christendom, they had at heart, was then at stake. Whether they did not exaggerate the danger I will not dispute. A danger, and no small danger, unquestionably there was; and that long and arduous war was pursued, upon at least as solid and manly grounds, as the peace was made which put an end to it. A danger to avert a danger — a present inconvenience and suffering to prevent a foreseen future, and a worse calamity — these are the motives that belong to an animal, who, in his constitution, is at once adventurous and provident; circumspect, and daring; whom his Creator has made, as the Poet says,

“of large discourse, looking before and after.”

But never can a vehement and sustained spirit of fortitude be kindled in a people by a war of calculation. It has nothing that can keep the mind erect under the gusts of adversity. Even where men are willing, as sometimes they are, to barter their blood for lucre, to hazard their safety to gratify their avarice, that passion, like all the passions, must see it's objects distinct and near at hand. The passions are hungry and impatient. Speculative plunder; contingent spoil; future long adjourned uncertain booty; pillage which must enrich a late posterity, and which possibly may not reach to posterity at all; these, for any length of time, will never support a mercenary war. The people are in the right. The calculation of profit in all such wars is false. On balancing the account of such wars, ten thousand hogsheads of sugar are purchased at ten thousand times their price. The blood of man should never be shed but to redeem the blood of man. It is well shed for our family, for our friends, for our God, for our country, for our kind. The rest is vanity; the rest is crime.

In the war of the Grand Alliance, most of these considerations voluntarily and naturally had their part. Some were pressed into the service. The political interest easily went in the track of the natural sentiment. In the reverse course the carriage does not follow freely. I am sure the natural feeling, as I have just said, is a far more predominant ingredient in this war, than in that of any other that ever was waged by this kingdom.

If the war made to prevent the union of two crowns upon one head was a just war, this, which is made to prevent the tearing all crowns from all heads which ought to wear them, and with the crowns to smite off the sacred heads themselves, this is a just war.

If a war to prevent Louis the XIVth from imposing his religion was just, a war to prevent the murderers of Louis the XVIth from imposing their irreligion upon us is just; a war to prevent the operation of a system, which makes life without dignity, and death without hope, is a just war.

If to preserve political independence and civil freedom to nations, was a just ground of war; a war to preserve national independence, property, liberty, life, and honour, from certain universal havock, is a war just, necessary, manly, pious; and we are bound to persevere in it by every principle, divine and human, as long as the system which menaces them all, and all equally, has an existence in the world.

You, who have looked at this matter with as fair and impartial an eye as can be united with a feeling heart, you will not think it an hardy assertion, when I affirm, that it were far better to be conquered by any other nation, than to have this faction for a neighbour. Before I felt myself authorised to say this, I considered the state of all the countries in Europe for these last three hundred years, which have been obliged to submit to a foreign law. In most of those I found the condition of the annexed countries even better, certainly not worse, than the lot of those which were the patrimony of the conqueror. They wanted some blessings — but they were free from many very great evils. They were rich and tranquil. Such was Artois, Flanders, Lorrain, Alsatia, under the old Government of France. Such was Silesia under the King of Prussia. They who are to live in the vicinity of France, are to prepare to live in perpetual conspiracies and seditions; and to end at last, in being conquered, if not to her dominion, to her resemblance. But when we talk of conquest by other nations, it is only to put a case. This is the only power in Europe by which it is possible we should be conquered. To live under the continual dread of such immeasurable evils is itself a grievous calamity. To live without the dread of them, is to turn the danger into the disaster. The influence of such a France is equal to a war; it's example, more wasting than an hostile irruption. The hostility with any other state is separable and accidental; this state, by the very condition of it's existence, by it's very essential constitution, is in a state of hostility with us, and with all civilized people.

A Government of the nature of that set up at our very door has never been hitherto seen, or even imagined in Europe. What our relation to it will be cannot be judged by other relations. It is a serious thing to have a connexion with a people, who live only under positive, arbitrary, and changeable institutions; and those not perfected nor supplied, nor explained by any common acknowledged rule of moral science. I remember that in one of my last conversations with the late Lord Camden, we were struck much in the same manner with the abolition in France of the law, as a science of methodized and artificial equity. France, since her Revolution, is under the sway of a sect, whose leaders have deliberately, at one stroke, demolished the whole body of that jurisprudence which France had pretty nearly in common with other civilized countries. In that jurisprudence were

contained the elements and principles of the law of nations, the great ligament of mankind. With the law they have of course destroyed all seminaries in which jurisprudence was taught, as well as all the corporations established for its conservation. I have not heard of any country, whether in Europe or Asia, or even in Africa on this side of Mount Atlas, which is wholly without some such colleges and such corporations, except France. No man, in a public or private concern, can divine by what rule or principle her judgments are to be directed; nor is there to be found a Professor in any University, or a Practitioner in any Court, who will hazard an opinion of what is or is not law in France, in any case whatever. They have not only annulled all their old treaties; but they have renounced the law of nations from whence treaties have their force. With a fixed design they have outlawed themselves, and to their power outlawed all other nations. Instead of the religion and the law by which they were in a great and politick communion with the Christian world, they have constructed their Republick on three basis; all fundamentally opposite to those on which the communities of Europe are built. It's foundation is laid in Regicide; in Jacobinism; and in Atheism; and it has joined to those principles, a body of systematick manners which secures their operation.

If I am asked how I would be understood in the use of those terms, Regicide, Jacobinism, Atheism, and a system of correspondent manners and their establishment, I will tell you.

I call a commonwealth Regicide, which lays it down as a fixed law of nature, and a fundamental right of man, that all government, not being a democracy, is an usurpation. That all Kings, as such, are usurpers; and for being Kings, may and ought to be put to death, with their wives, families, and adherents. The commonwealth which acts uniformly upon those principles, and which after abolishing every festival of religion, chooses the most flagrant act of a murderous Regicide treason for a feast of eternal commemoration, and which forces all her people to observe it. — This I call Regicide by establishment.

Jacobinism is the revolt of the enterprising talents of a country against it's property. When private men form themselves into associations for the purpose of destroying the pre-existing laws and institutions of their country; when they secure to themselves an army by dividing amongst the people of no property, the estates of the ancient and lawful proprietors; when a state recognizes those acts; when it does not make confiscations for crimes, but makes crimes for confiscations; when it has it's principal strength, and all it's resources in such a violation of property; when it stands chiefly upon such a violation; massacring by judgments, or otherwise, those who make any struggle for their old legal government, and their legal, hereditary, or acquired possessions, I call this Jacobinism by establishment.

I call it Atheism by establishment, when any State, as such, shall not acknowledge the existence of God as a moral Governor of the World; when it shall offer to Him no religious or moral worship; — when it shall abolish the Christian religion by a

regular decree; — when it shall persecute with a cold, unrelenting, steady cruelty, by every mode of confiscation, imprisonment, exile, and death, all its ministers; — when it shall generally shut up or pull down churches; when the few buildings which remain of this kind shall be opened only for the purpose of making a profane apotheosis of monsters, whose vices and crimes have no parallel amongst men, and whom all other men consider as objects of general detestation, and the severest animadversion of law. When, in the place of that religion of social benevolence, and of individual self-denial, in mockery of all religion, they institute impious, blasphemous, indecent theatric rites in honor of their vitiated, perverted reason, and erect altars to the personification of their own corrupted and bloody Republick; — when schools and seminaries are erected at public expence to poison mankind, from generation to generation, with the horrible maxims of this impiety, I call this Atheism by establishment.

When to these establishments of Regicide, of Jacobinism, and of Atheism, you add the correspondent system of manners, no doubt can be left on the mind of a thinking man, concerning their determined hostility to the human race. Manners are of more importance than laws. In a great measure the laws depend upon them. The law touches us but here and there, and now and then. Manners are what vex or sooth, corrupt or purify, exalt or debase, barbarize or refine us, by a constant, steady, uniform, insensible operation, like that of the air we breath in. They give their whole form and colour to our lives. According to their quality, they aid morals, they supply them, or they totally destroy them. Of this the new French Legislators were aware; therefore, with the same method, and under the same authority, they settled a system of manners, the most licentious, prostitute, and abandoned, and at the same time the most coarse, rude, savage, and ferocious. Nothing in the Revolution, no, not to a phrase or a gesture, not to the fashion of a hat or a shoe, was left to accident. All was the result of design; all was matter of institution. No mechanical means could be devised in favour of this incredible system of wickedness and vice, that has not been employed. The noblest passions, the love of glory, the love of country, were debauched into means of it's preservation and it's propagation. All sorts of shews and exhibitions calculated to inflame and vitiate the imagination, and pervert the moral sense, have been contrived. They have sometimes brought forth five or six hundred drunken women, calling at the bar of the Assembly for the blood of their own children, as being royalists or constitutionals. Sometimes they have got a body of wretches, calling themselves fathers, to demand the murder of their sons; boasting that Rome had but one Brutus, but that they could shew five hundred. There were instances, in which they inverted, and retaliated the impiety, and produced sons, who called for the execution of their parents. The foundation of their Republick is founded in moral paradoxes. Their patriotism is always prodigy. All those instances to be found in history, whether real or fabulous, of a doubtful publick spirit, at which morality is

perplexed, reason is staggered, and from which a frightened nature recoils, are their chosen, and almost sole examples for the instruction of their youth.

The whole drift of their institution is contrary to that of the wise Legislators of all countries, who aimed at improving instincts into morals, and at grafting the virtues on the stock of the natural affections. They, on the contrary, have omitted no pains to eradicate every benevolent and noble propensity in the mind of men. In their culture it is a rule always to graft virtues on vices. They think everything unworthy of the name of publick virtue, unless it indicates violence on the private. All their new institutions, (and with them every thing is new) strike at the root of our social nature. Other Legislators, knowing that marriage is the origin of all relations, and consequently the first element of all duties, have endeavoured by every art to make it sacred. The Christian Religion, by confining it to the pairs, and by rendering that relation indissoluble, has, by these two things, done more towards the peace, happiness, settlement, and civilization of the world, than by any other part in this whole scheme of Divine Wisdom. The direct contrary course was taken in the Synagogue of Antichrist, I mean in that forge and manufactory of all evil, the sect which predominated in the Constituent Assembly of 1789. Those monsters employed the same, or greater industry, to desecrate and degrade that State, which other Legislators have used to render it holy and honourable. By a strange, uncalled for declaration, they pronounced, that marriage was no better than a common, civil contract. It was one of their ordinary tricks, to put their sentiments into the mouths of certain personated characters, which they theatrically exhibited at the bar of what ought to be a serious Assembly. One of these was brought out in the figure of a prostitute, whom they called by the affected name of

“a mother without being a wife.”

This creature they made to call for a repeal of the incapacities, which in civilized States are put upon bastards. The prostitutes of the Assembly gave to this their puppet the sanction of their greater impudence. In consequence of the principles laid down, and the manners authorised, bastards were not long after put on the footing of the issue of lawful unions. Proceeding in the spirit of the first authors of their constitution, they went the full length of the principle, and gave a licence to divorce at the mere pleasure of either party, and at four day's notice. With them the matrimonial connexion was brought into so degraded a state of concubinage, that, I believe, none of the wretches in London, who keep warehouses of infamy, would give out one of their victims to private custody on so short and insolent a tenure. There was indeed a kind of profligate equity in thus giving to women the same licentious power. The reason they assigned was as infamous as the act, declaring that women had been too long under the tyranny of parents and of husbands. It is not necessary to observe upon the horrible consequences of taking one half of the species wholly out of the guardianship and protection of the other.

The practice of divorce, though in some countries permitted, has been discouraged in all. In the East, polygamy and divorce are in discredit; and the manners correct the laws. In Rome, where divorce was allowed, some hundreds of years had passed, without a single example of that kind. Of this circumstance they were pleased to take notice, as an inducement to adopt their regulation: holding out an hope, that the permission would as rarely be made use of. They knew the contrary to be true; and they had taken good care, that the laws should be well seconded by the manners. Their law of divorce, like all their laws, had not for its object the relief of domestick uneasiness, but the total corruption of all morals, the total disconnection of social life.

It is a matter of curiosity to observe the operation of this encouragement to disorder. I have before me the Paris paper, correspondent to the usual register of births, marriages, and deaths. Divorce, happily, is no regular head of registry amongst civilized nations. With the Jacobins it is remarkable, that divorce is not only a regular head but it has the post of honour. It occupies the first place in the list. In the three first months of the year 1793, the number of divorces amounted to 562. The marriages were 1785; so that the proportion of divorces to marriages was not much less than one to three. A thing unexampled, I believe, amongst mankind. I caused an enquiry to be made at Doctor's Commons, concerning the number of divorces; and found that all the divorces, (which except by special act of Parliament, are separations, and not proper divorces) did not amount for all England, and in an hundred years, to much more than one fifth of those that passed, in the single city of Paris, in three months. I followed up the enquiry through several of the subsequent months until I was tired, and found the proportions still the same. By this we may take our estimate of the havock that has been made through all the relations of life. With the Jacobins of France, vague intercourse is without reproach; marriage is reduced to the vilest concubinage; children are encouraged to cut the throats of their parents; mothers are taught that tenderness is no part of their character; and to demonstrate their attachment to their party, that they ought to make no scruple to rake with their bloody hands in the bowels of those who came from their own.

To all this let us join the practice of cannibalism, with which, in the proper terms, and with the greatest truth, their several factions accuse each other. By cannibalism, I mean their devouring, as a nutriment of their ferocity, some part of the bodies of those they have murdered; their drinking the blood of their victims, and forcing the victims themselves to drink the blood of their kindred slaughtered before their faces. By cannibalism, I mean also to signify their nameless, unmanly and abominable insults on the bodies of those they slaughter.

As to those whom they suffer to die a natural death, they do not suffer them to enjoy the last consolations of mankind, or those rights of sepulture, which indicate hope, and which meer nature has taught to mankind in all countries. to soothe the

afflictions, and to cover the infirmity of moral condition. They disgrace men in the entry into life; they vitiate and enslave them through the whole course of it; and they deprive them of all comfort at the conclusion of their dishonoured and depraved existence. Endeavouring to persuade the people that they are no better than beasts; the whole body of their institution tends to make them beasts of prey furious and savage. For this purpose the active part of them is disciplined into a ferocity which has no parallel. To this ferocity there is joined not one of the rude, unfashioned virtues, which accompany the vices, where the whole are left to grow up together in the rankness of uncultivated nature. But nothing is left to nature in their systems.

The same discipline which hardens their hearts relaxes their morals. Whilst courts of justice were thrust out by revolutionary tribunals, and silent churches were only the funeral monuments of departed religion, no fewer than ten theatres were kept open at publick expence. At one time I have reckoned fourteen of their advertisements of publick diversion. Among the gaunt, haggard forms of famine and nakedness, amidst the yells of murder, the tears of affliction, and the cries of despair, the song, the dance, the mimic scene, the buffoon laughter, went on as regularly as in the gay hour of festive peace. I have it from good authority, that under the scaffold of judicial murder, and the gaping planks that poured down blood on the spectators, the space was hired out for a shew of dancing dogs. I think, without conceit, we made the very same remark on reading some of their pieces, which being written for other purposes, let us into a view of their social life. It struck us that the habits of Paris had no resemblance to the finished virtues, or to the polished vice, and elegant, though not blameless luxury, of the capital of a great empire. Their society was more like that of a den of outlaws upon a doubtful frontier: of a lewd tavern for the revels and debauches of banditti, assassins, braves, smugglers, and their more desperate paramours, mixed with bombastick players, the refuse and rejected offal of strolling theatres, puffing out ill-sorted verses about virtue, mixed with the licentious and blasphemous songs, proper to their brutal and hardened course of life. This system of manners in itself is at war with all orderly and moral society, and is in it's neighbourhood unsafe. If great bodies of that kind were any where established in a bordering territory, we should have a right to demand of their Governments the suppression of such a nuisance. What are we to do if the Government and the whole community is of the same description?

The operation of dangerous and delusive first principles obliges us to have recourse to the true ones. In the intercourse between nations, we are apt to rely too much on the instrumental part. We lay too much weight upon the formality of treaties and compacts. We do not act much more wisely when we trust to the interest of men as guarantees of their engagements. The interests frequently tear to pieces the engagements; and the passions trample upon both. Entirely to trust to either is to disregard our own safety, or not to know mankind. Men are not tied to

one another by papers and seals. They are led to associate by resemblances, by conformities, by sympathies. It is with nations as with individuals. Nothing is so strong a tie of amity between nation and nation as correspondence in laws, customs, manners, and habits of life. They have more than the force of treaties in themselves. They are obligations written in the heart. They approximate men to men, without their knowledge, and sometimes against their intentions. The secret, unseen, but irrefragable bond of habitual intercourse, holds them together, even when their perverse and litigious nature sets them to equivocate, soufle, and fight about the terms of their written obligations.

As to war, if it be the means of wrong and violence, it is the sole means of justice amongst nations. Nothing can banish it from the world. They who say otherwise, intending to impose upon us, do not impose upon themselves. But it is one of the greatest objects of human wisdom to mitigate those evils which we cannot remove. The conformity and analogy of which I speak, incapable, like every thing else, of preserving perfect trust and tranquillity among men, has a strong tendency to facilitate accommodation, and to produce a generous oblivion of the rancour of their quarrels. With this similitude, peace is more of peace, and war is less of war. I will go further. There have been periods of time in which communities, apparently in peace with each other, have been more perfectly separated than, in later times, many nations in Europe have been in the course of long and bloody wars. The cause must be sought in the similitude in Europe of religion, laws, and manners. At bottom, these are all the same. The writers on public law have often called this aggregate of nations a Commonwealth. They had reason. It is virtually one great state having the same basis of general law; with some diversity of provincial customs and local establishments. The nations of Europe have had the very same Christian religion, agreeing in the fundamental parts, varying a little in the ceremonies and in the subordinate doctrines. The whole of the polity and oeconomy of every country in Europe have been derived from the same sources. They were drawn from the old Germanic or Gothic customary; from the feudal institutions which must be considered as an emanation from those customs; and the whole has been improved and digested into system and discipline by the Roman law. From hence arose the several orders, with or without a Monarch, which are called States in every country; the strong traces of which, where Monarchy predominated, were never wholly extinguished or merged in despotism. In the few places where Monarchy was cast off, the spirit of European Monarchy was still left. Those countries still continued countries of States, that is, of classes, orders, and distinctions, such as had before subsisted, or nearly so. Indeed the force and form of the institution called States, continued in greater perfection in those republican countries than under Monarchies. From all those sources arose a system of manners and of education which was nearly similar in all countries, and which softened, blended, and harmonized the colours of the whole.

There was little difference in the form of their Universities for the education of their youth, whether with regard to faculties, to sciences, or to that erudition which is used to impart, with liberal morals, a kind of elegance to the mind. From this resemblance in the modes of intercourse, and in the whole form and fashion of life, no citizen of Europe could be altogether an exile in any part of it. There nothing more than a pleasing variety to recreate and instruct the mind; to enrich the imagination; and to meliorate the heart. When a man travelled or resided for health, pleasure, business or necessity, from his own country, he never felt himself quite abroad. My friend, Mr. Wyld, the late professor of law in Edinburgh, a young man of infinite promise, and whose loss at this time is inestimable, has beautifully applied two lines of Ovid to this unity and diversity in Europe, before the curse of the French Revolution had fallen upon us all.

— “*Facies non omnibus una;*

“*Nec diversa tamen; qualem decet esse sororum.*

The whole body of this new scheme of manners in support of the new scheme of politicks, I consider as a strong and decisive proof of determined ambition and systematick hostility. I defy the most refining ingenuity to invent any other cause for the total departure of the Jacobin Republick from every one of the ideas and usages, religious, legal, moral, or social, of this civilized world, and to tear herself from it's communion with such studied violence, but from a formed resolution of keeping no terms with that world. It has not been, as has been falsely and insidiously represented, that these miscreants had only broke with their old Government. They made a schism with the whole universe, and that schism extended to almost every thing great and small. For one, I wish, since it is gone thus far, that the breach had been so compleat, as to make all intercourse impracticable; but partly by accident, partly by design, partly from the resistance of the matter, enough is left to preserve intercourse, whilst amity is destroyed or corrupted in its principle.

This violent breach of the community of Europe, we must conclude to have been made, (even if they had not expressly declared it over and over again) either to force mankind into an adoption of their system, or to live in perpetual enmity with a community the most potent we have ever known. Can any person imagine, that in offering to mankind this desperate alternative, there is no indication of a hostile mind, because men are supposed to have a right to act without coercion in their own territories? As to the right of men to act any where according to their pleasure, without any moral tie, no such right exists. Men are never in a state of total independence of each other. It is not the condition of our nature; nor is it conceivable how any man can pursue a considerable course of action without its having some effect upon others; or, of course, without producing some degree of responsibility for his conduct. The situations in which men relatively stand produce the rules and principles of that responsibility, and afford directions to prudence in exacting it.

Distance of place does not extinguish the duties or the rights of men; but it often renders their exercise impracticable. The same circumstance of distance renders the noxious effects of an evil system in any community less pernicious. But there are situations where this difficulty does not occur; and in which, therefore, these duties are obligatory, and these rights are to be asserted. It has ever been the method of publick jurists to draw the analogies on which they form the law of nations, from the principles of law which prevail in civil community. Civil laws are not all of them merely positive. Those which are rather conclusions of legal reason, than matters of statutable provision, belong to universal equity, and are universally applicable. Almost the whole praetorian law is such. There is a Law of Neighbourhood which does not leave a man perfect master on his own ground. When a neighbour sees a new erection, in the nature of a nuisance, set up at his door, he has a right to represent it to the judge; who, on his part, has a right to order the work to be staid; or if established, to be removed. On this head, the parent law is express and clear; and has made many wise provisions, which, without destroying, regulate and restrain the right of ownership, by the right of vicinage. No innovation is permitted that may redound, even secondarily, to the prejudice of a neighbour. The whole doctrine of that important head of pretorian law,

“De novi operis nunciatione,”

is founded on the principle, that no new use should be made of a man's private liberty of operating upon his private property, from whence a detriment may be justly apprehended by his neighbour. This law of denunciation is prospective. It is to anticipate what is called *damnum infectum*, or *damnum nondum factum*, that is a damage justly apprehended but not actually done. Even before it is clearly known, whether the innovation be damageable or not, the judge is competent to issue a prohibition to innovate, until the point can be determined. This prompt interference is grounded on principles favourable to both parties. It is preventive of mischief difficult to be repaired, and of ill blood difficult to be softened. The rule of law, therefore, which comes before the evil, is amongst the very best parts of equity, and justifies the promptness of the remedy; because, as it is well observed, *Res damni infecti celeritatem desiderat, & periculosa est dilatio*. This right of denunciation does not hold, when things continue, however inconveniently to the neighbourhood, according to the antient mode. For there is a sort of presumption against novelty, drawn out of a deep consideration of human nature and human affairs; and the maxim of jurisprudence is well laid down, *Vetustas pro lege semper habetur*.

Such is the law of civil vicinity. Now where there is no constituted judge, as between independent states there is not, the vicinage itself is the natural judge. It is, preventively, the assertor of it's own rights; or remedially, their avenger. Neighbours are presumed to take cognizance of each other's acts.

“*Vicini, vicinorum facta presumuntur scire.*”

This principle, which, like the rest, is as true of nations, as of men, has bestowed on the grand vicinage of Europe, a duty to know, and a right to prevent, any capital innovation which may amount to the erection of a dangerous nuisance. Of the importance of that innovation, and the mischief of that nuisance, they are, to be sure, bound to judge not litigiously: but it is in their competence to judge. What in civil society is a ground of action, in politic society is a ground of war. But the exercise of that competent jurisdiction is a matter of moral prudence. As suits in civil society, so war in the political, is ever a matter of great deliberation. It is not this or that particular proceeding picked out here and there, as a subject of quarrel, that will do. There must be an aggregate of mischief. There must be marks of deliberation; there must be traces of design. There must be indications of malice; there must be tokens of ambition. There must be sorce in the body where they exist; there must be energy in the mind. When all these circumstances combine, or the important parts of them, the duty of the vicinity calls for the exercise of it's competence; and the rules of prudence do not restrain, but demand it.

In describing the nuisance erected by so pestilential a manufactory, by constructing so infamous a brothel, by digging a night cellar for such thieves, murderers, and housebreakers, as never infested the world, I am so far from aggravating, that I have fallen infinitely short of the evil. No man who has attended to the particulars of what has been done in France, and combined them with the principles there asserted, can possibly doubt it. When I compare with this great cause of nations, the trifling points of honour, the still more contemptible points of interest, the light ceremonies, the undefinable punctilios, the disputes about precedency, the lowering or the hoisting of a sail, the dealing in a hundred or two of wild cat-skins on the other side of the Globe, which have often kindled up the flames of war between nations, I stand astonished at those persons, who do not feel a resentment, not more natural than politick, at the atrocious insults that this monstrous compound offers to the dignity of every nation, and who are not alarmed with what it threatens to their safety.

I have therefore been decidedly of opinion, that the vicinage of Europe had not only a right, but an indispensable duty, and an exigent interest, to denunciate this new work before it had produced the danger we have so sorely felt, and which we shall long feel. The example of what is done by France is too important not to have a vast and extensive influence; and that example backed with it's power, must bear with great force on those who are near it; especially on those who shall recognize the pretended Republick on the principle upon which it now stands. It is not an old structure which you have found as it is, and are not to dispute of the original end and design with which it had been so fashioned. It is a recent wrong, and can plead no prescription. It violates the rights upon which not only the community of France, but those on which all communities are founded. The principles on which they proceed are general principles, and are as true in England as in any other country.

They who recognize the authority of these Regicides and robbers upon principle, justify their acts; and establish them as precedents. It is a question not between France and England. It is a question between property and force. The property claims. Its claim has been allowed: but it seems that we are to reject the property, and to take part with the force. The property of the nation is the nation. Those who massacre, plunder, and expel the body of the proprietary, are murderers and robbers. They are no Republick, nor can be treated with as such. The State, in it's essence, must be moral and just; and it may be so, though a tyrant or usurper may be accidentally at the head of it. This is a thing to be lamented: but this notwithstanding, the body of the commonwealth may remain in all it's integrity and be perfectly sound in it's composition. The present case is different. It is not a revolution in government. It is a destruction and decomposition of the whole society, which never can be made of right, nor without terrible consequences to all about it, both in the act and in the example. This pretended Republic is founded in crimes, and exists by wrong and robbery; and wrong and robbery, far from a title to any thing, is war with mankind. To be at peace with robbery is to be an accomplice with it.

A body politick is not a geographical idea. They who proceed as if it were such, I trust, do not understand what they do. Locality does not constitute a body politick. Had Cade and his gang got possession of London, they would not have been the Lord-Mayor, Aldermen, and Common Council. The body politick of France existed in the majesty of it's throne; in the dignity of it's nobility; in the honour of its gentry; in the sanctity of its clergy; in the reverence of it's magistracy; in the weight and consideration due to it's landed property, in the respect due to it's moveable substance represented by the corporations of the kingdom in all countries. All these particular molecule united, form the great mass of what is truly the body politick. They are so many deposits and receptacles of justice; because they can only exist by justice. Nation is a moral essence, not a geographical arrangement, or a denomination of the nomenclator. France though out of her territorial possession, exists; because the sole possible claimant, I mean the proprietary, and the government to which the proprietary adheres, exists and claims. God forbid, that if you were expelled from your house by ruffians and assassins, that I should call the material walls, doors and windows of — , the ancient and honourable family of — . Am I to transfer to the intruders, who not content to turn you out naked to the world, would rob you of your very name, all the esteem and respect I owe to you?

To illustrate my opinions on this subject, let us suppose a case, which after what has happened, we cannot think absolutely impossible, though the augury is to be abominated, and the events deprecated with our most ardent prayers — Let us suppose that our gracious sovereign was sacrilegiously murdered; his exemplary queen, at the head of the matronage of this land, murdered in the same manner, together with those Princesses whose beauty and modest elegance are the

ornaments of the country, and who are the leaders and patterns of the ingenious youth of their sex; — that these were put to a cruel and ignominious death, with hundreds of others, mothers and daughters, of the first distinction; — that the Prince of Wales and Duke of York, the hope and pride of the nation, with all their brethren, were forced to fly from the knives of assassins — that the whole body of our excellent Clergy were either massacred or robbed of all, and transported — the Christian Religion, in all it's denominations, forbidden and persecuted; the law totally, fundamentally, and in all it's parts destroyed — the judges put to death by revolutionary tribunals — the Peers and Commons robbed to the last acre of their estates; massacred if they staid, obliged to seek life in flight, in exile and in beggary — that the whole landed property should share the very same fate — that every military and naval officer of honour and rank, almost to a man, should be in the same description of confiscation and exile — that the principal merchants and bankers should be drawn out, as from an hen-coop, for slaughter, and the citizens of our greatest and most flourishing cities, when the hand and the machinery of the hangman was not found sufficient, were collected in the squares, and massacred by thousands with cannon — if three hundred thousand others were in a situation worse than death, in noisome and pestilential prisons; in such a case, is it in the faction of robbers I am to look for my country? Would this be the England that I, and even strangers, admired, honoured, loved, and cherished? Would not the exiles of England alone be my Government and my fellow citizens? Would not their places of refuge be my temporary country? Would not all my duties and all my affections be there and there only? Should I consider myself as a traitor to my country, and deserving of death, if I knocked at the door and heart of every Potentate in Christendom to succour my friends, and to avenge them on their enemies? Could I, in any way, shew myself more a patriot? What should I think of those Potentates who insulted their suffering brethren; who treated them as vagrants, and could find no allies, no friends, but in Regicide murderers and robbers? What ought I to think and feel, if being geographers instead of Kings, they recognized the desolated cities, the wasted fields, and the rivers polluted with blood, of this geometrical measurement, as the honourable member of Europe, called England? In that condition, what should we think of Sweden, Denmark, or Holland, or whatever power afforded us a churlish and treacherous hospitality, if they should invite us to join the standard of our King, our Laws, and our Religion, if they should give us a direct promise of protection, — if after all this, taking advantage of our deplorable situation, which left us no choice, they were to treat us as the lowest and vilest of all mercenaries? If they were to send us far from the aid of our King, and our suffering Country, to squander us away in the most pestilential climates, for a venal enlargement of their own territories, for the purpose of trucking them when obtained with our murderers? If in that miserable service we were not to be considered either as English, or as Swedes, or Dutch, or Danes, but

as outcasts of the human race? Whilst we were fighting those battles of their interest, and as their soldiers, how should we feel if we were to be excluded from all their cartels? How must we feel, if the pride and flower of the English Nobility and Gentry, who might escape the pestilential clime, and the devouring sword, should, if taken prisoners, be delivered over as rebel subjects, to be condemned as rebels, as traitors, as the vilest of all criminals, by tribunals formed of Maroon negroe slaves, covered over with the blood of their masters, who were made free, and organised into judges, for their robberies and murders? What should we feel under this inhuman, insulting, and barbarous protection of Swedes and Hollanders? Should we not obtest Heaven, and whatever justice there is yet on earth? Oppression makes wise men mad; but the distemper is still the madness of the wise, which is better than the sobriety of fools. Her cry is the voice of sacred misery, exalted, not into wild raving, but into the sanctified phrensy of inspiration and prophecy — in that bitterness of soul, in that indignation of suffering virtue, in that exaltation of despair, would not persecuted English Loyalty cry out, with an awful warning voice, and denounce the destruction that waits on Monarchs, who consider fidelity to them as the most degrading of all vices; who suffer it to be punished as the most abominable of all crimes; and who have no respect but for rebels traitors, Regicides, and furious negro slaves, whose crimes have broke their chains? Would not this warm language of high indignation have more of sound reason in it, more of real affection, more of true attachment, than all the lullabies of flatterers, who would hush Monarchs to sleep in the arms of death? Let them be well convinced, that if ever this example should prevail in its whole extent, it will have its full operation. Whilst Kings stand firm on their base, though under that base there is a surewrought mine, their levees will never want to swell them a single person of those who are attached to their fortune, and not to their persons or cause. Hereafter none will support a tottering throne. Some will fly, for fear of being crushed under the ruin; some will join in making it. They will seek in the preservation of Royalty, fame, and power, and wealth, and the homage of Kings — with Reubel, with Carnot, and Rovelliere, rather than suffer exile and beggary with the Condés, or the Broglies, the Castries, the D'Avrais, the Serrents, the Cazalés, and the long line of loyal suffering Patriot Nobles, or to be butchered with the victims of the laws, the De Sezes, the d'Espremonils, and the Malsherbes.

These examples are the school of mankind, and they will learn at no other. This war, therefore, is not a war for Louis the Eighteenth, or for the property, virtue, fidelity of France; but for George the Third, Francis the Second, and for all the property, honour, virtue and religion of England, of Germany, and all nations.

But, say some, you force opinion. You can never extirpate opinion without extirpating a whole nation. Nay, by pursuing it, you only increase its partizans. Opinions are things out of human jurisdiction. I have formerly heard this from the mouths of great men, with more surprize than satisfaction. They alledged as a proof

of their doctrine, the wars of Charles the Fifth, and some of his successors, against the Reformation.

It is so common, though so unreasonable, it is hardly worth remarking, that no persons pursue more fiercely with criminal process, and with every kind of coercion, the publication of opinions contrary to their own, than those do, who claim in this respect the most unbounded latitude to themselves. If it were not for this inconsistency, then war against opinions might be justified as all others, more or less, according to the reason of the case: for the case judged on by moral prudence, and not by any universal abstract principle of right, is to guide government in this delicate point.

As to the mere matter of extirpation of all kinds of opinions, whether right or wrong, without the extirpation of a people, it is a thing so very common, that would be clouded and obscured rather than illustrated by examples. Every revolution in the predominant opinion made by the force of domestic legal government, by the force of any usurpation, by the force of any conquest, is a proof to the contrary; — and there is no nation which has not experienced those changes. Instances enough may be furnished of people who have enthusiastically, and with force, propagated those opinions, which some time before they resisted with their blood. Rarely have ever great changes in opinion taken place without the application of force, more or less: Like every thing else in human life and human affairs, it is not universally true, that a persecution of opinions lessens or increases the number of their votaries. In finding where it may or may not have gathered these effects, the sagacity of Government shines or is disgraced, as well as in the time, the manner, the choice of the opinions on which it ought to use or forbear the sword of domestick or of foreign justice. But it is a false maxim, that opinions ought to be indifferent to us, either as men or as a State. Opinion is the rudder of human action; and as the opinion is wise or foolish, vicious or moral, the cause of action is noxious or salutary. It has even been the great primary object of speculative and doctrinal philosophy to regulate opinion. It is the great object of political philosophy to promote that which is sound; and to extirpate what is mischievous, and which directly tends to render men bad citizens in the community, and mischievous neighbours out of it. Opinions are of infinite consequence. They make the manners — in fact, they make the laws: they make the Legislator. They are, therefore, of all things, those to which provident Government ought to look most to in their beginnings. After a time they may look to them in vain. When, therefore, I am told that a war is a war of opinions, I am told that it is the most important of all wars.

Here I must not be told that this would lead to eternal war and persecution. It would certainly, if we argued like metaphysicians run mad, who do not correct prudence, the queen of virtues, to be any virtue at all, — and would either throw the bridle on the neck of headlong Nature, or tie it up for ever to the post. No sophistry — no chicane here. Government is not to refine men out of innocent and

moral liberty by forced inferences, drawn by a torturing logic; or to suffer them to go down hill the highway that leads directly to every crime and every vice.

Without entering much into the comparison of the two cases, (that of this war and that of Charles the Fifth against the reformation) which holds very ill, I shall only beg leave to remark, that theological opinions as such, whether sound or erroneous, do not go directly to the well being of social, of civil, or of politick society. But as long as opinion is the very ground and pillar of Government, and the main spring of human action, there are opinions which directly affect these very things. An opinion, that it is a man's duty to take from me my goods, and to kill me if I resist him. An opinion that he has a right, at his will, to pull down the Government by which I am protected in that life and property, and to place it in the hands of the enemies of both. These it is very extraordinary to hear compared to the theological dogmas concerning grace and justification — and the nature and essence of the sacrament and other pious opinions on the one side or on the other — which left human society altogether, or nearly, as it was. They did not preach vices or crimes. The parties disputed on the best means of promoting virtue, religion and morals. Whether any collateral points relative to these questions or other circumstances of a more political nature mingled with them, might or might not justify a war, is a matter of historical criticism, with which, at this day, we are little concerned. But in the case before us, I must declare, that the doctrine and discipline of this sect is one of the most alarming circumstances relating to it, and the attempt to compare them with the opinions of school theologicians, is a thing in itself highly alarming. I know that when men possess the best principles, the passions lead them to act in opposition to them. But when the moral principles are formed systematically to play into the hand of the passions; when that which is to correct vice and to restrain violence, is by an infernal doctrine, daringly avowed, carefully propagated, enthusiastically held, and practically followed, I shall think myself treated like a child, when I hear this compared to a controversy in the schools. When I see a great country, with all its resources, possessed by this sect, and turned to its purposes, I must be worse than a child to conceive it a thing indifferent to me. When this great country is so near me, and otherwise so situated, that except through its territory, I can hardly have a communication with any other, the state of moral and political opinion, and moral and political discipline in that country, becomes of still greater importance to me. When robbers, assassins, and rebels, are not only debauched, but endoctrinated regularly, by a course of inverted education, into murder, insurrection, and the violation of all property, I hold, that this, instead of excusing, or palliating their offences, inspires a peculiar venom into every evil act they do; and that all such universities of crimes, and all such professors of robbery, are in a perpetual state of hostility with mankind.

Let me now say a word upon another topic, and on the case put to illustrate it, that is, on the indifference with which we ought to regard the plan of Government,

and the scheme of morals that prevail in a State, in any question of peace and war with it. In support of this doctrine, they cite the case of Algiers as a strong one — with an hint, that is the stronger case. I should take no notice of this sort of inducement, if I had found it only where first it was. I do not want respect for those from whom I first heard it — but having no controversy at present with them, I only think it not amiss to rest on it a little, as I find it adopted with much more of the same kind, by several of those on whom such reasoning before made no apparent impression. I was however mistaken; they were not rejected, but only stored and laid by for an occasion — *condo et compono quae mox depromere possim*. If it had no force to prevent us from submitting to this necessary war, it furnishes no better ground for our making an unnecessary and ruinous peace. To this Algerian parallel, however, I have to say, that arguments of analogy in law are of great weight. Of course, in a discussion of the justice of the war I attend to them, provided they are analogies of principle, and not of mere practice. But when they are only arguments of analogy *ad hominem*, they only serve to confute and silence an adversary, who has acted in such a manner, and on such principles; but to a person who doubts the propriety of the action and the motive which is made the ground of the analogy, it can neither shame or perplex him. This analogical argument would lead us a good way. The fact is, we ourselves, with a little corn, others more directly, pay a tribute to the Republick of Algiers. Is it meant to reconcile us to the payment of a tribute to the French Republick? That this, with other things more ruinous, will be demanded hereafter, I little doubt; but for the present, this will not be avowed — though our minds are to be gradually prepared for it.

In truth the arguments from this case is worth little even to those who approve the buying an Algerine forbearance of piracy. There are many things which men do not approve, that they must do to avoid a greater evil. To argue from thence, that they are to act in the same manner in all cases, is turning necessity into a law. Upon what is matter of prudence, the argument concludes the contrary way. Because we have done one humiliating act, we ought, with infinite caution, to admit more acts of the same nature, lest humiliation should become our habitual state. Matters of prudence are under the dominion of circumstances, and not of logical analogies. It is so absurd to take it otherwise. In the mouths of the weak and ignorant, it makes me laugh; in the mouths of men of learning and talents, it makes me sick. I, for one do more than doubt the policy of this kind of convention with Algiers.

On those who think as I do, the argument can make no sort of impression. I know something of the Constitution and composition of this very extraordinary Republick. It has a Constitution, I admit, similar to the present tumultuous military tyranny of France, by which an handful of obscure russians, domineer over a fertile country, and a brave people. For the composition, too, I admit, the Algerine community resembles that of France; being the very scum, scandal, disgrace, and pest of the Turkish Asia. The grand Seignior, to disburthen the country, suffers the

Dey to recruit, in his donions, the corps of Janissaries, or Asaphs which form the Directory, or Council of Elders of the African Republick, one and indivisible. But notwithstanding this resemblance, which I allow, I never shall so far injure the Janisarian Republick of Algiers, as to put it in comparison for every sort of crime, turpitude, and oppression with the Jacobin Republick of Paris. There is no question with me to which of the two I should choose to be a neighbour or a subject. But situated as I am, I am in no danger of becoming to Algiers either the one or the other. It is not so in my relation to the atheistical fanaticks of France. Have the Gentlemen who borrowed this happy parallel, no idea of the different conduct to be held with regard to the very same evil at an immense distance, and when it is at your door? when its power is enormous, as when it is comparatively as feeble as its distance is remote? and when there is a barrier of language and usages, which prevents your being corrupted through certain old correspondences and habitudes, which cannot for a long time be so wholly taken away, as not to make many of your people susceptible of contagion from horrible novelties that are introduced into every thing else? I can contemplate, without horror, a royal or a national tyger on the borders of Pegu. I can look at him, with an easy curiosity, as prisoner within bars in the menagerie of the Tower. But if, by Habeas Corpus, or otherwise, he was to come into the Lobby of the House of Commons, whilst your door was open, any of you would be more stout than wise, who would not gladly make his escape out of the back windows. This Ambassador from Bengal, would disperse you sooner than a dissolution by Royal Prerogative. I certainly should dread more from a wild cat in my bedchamber, than from all the lions that roar in the deserts behind Algiers. But in this parallel it is the cat that is at a distance, and the lions and tygers that are in our anti-chambers and our lobbies. Algiers is not near; Algiers is not powerful; Algiers is not our neighbour; Algiers is not infectious. Algiers, whatever it may be, is not an old creation; and we have good data to calculate all the mischief to be expected from it. When I find Algiers transferred to Calais, I will tell you what I think of that point. In the mean time, the case quoted from the Algerine reports, will not apply as authority. We shall put it out of court; and so far as that goes, let the council for the Jacobin peace take nothing by their motion.

When we voted as we did, we were providing for dangers that were direct, home, pressing, and not remote, contingent, uncertain, and formed upon loose analogies. The whole tenor of conduct of France, not one or two doubtful or detached acts or expressions. To us it appeared, that the whole body of its discipline, comprehending the form of the State, and the scheme of opinion and manners, were adopted both as means and ends; as means, to establish universal empire; and as ends to fix the same system in every place to which their empire or their influence could extend. It was against this system that you and I voted for war. It is with this system that I shall for ever deprecate a relation of peace and amity.

Various persons may concur in the same measure on various grounds. They may be various, without being contrary to, or exclusive of, each other. I thought the insolent unprovoked aggression of the Regicide upon our Ally of Holland a good ground of war; I think his manifest attempt to overturn the balance of Europe a good ground of war; as a good ground of war I consider his declaration of war on his Majesty and his kingdom. But though I have taken all these to my aid, I consider them as nothing more than as a sort of evidence to indicate the treasonable mind within. It was not for their former declaration of war, nor for any specific act of hostility that I primarily wished to resist them, or to persevere in my resistance. It was because the faction in France had assumed a form, had adopted a body of principles and maxims, and had regularly and systematically acted on them, by which she virtually had put herself in a posture which was in itself a declaration of war against mankind.

It is fit that the people should know when the question is concerning peace and amity, the true nature, habits, dispositions, and views of the party with whom they are to cultivate friendship. It is of less importance to you, what is the character of your enemy, than what are the habits and dispositions of your friend. The relation of enemy to enemy is simple. Enemies aim by force at each other's destruction. They are always, therefore, in a state of defiance and distrust; but the character of a friend is a serious matter. With a friend, the very nature of the relation must take off the guard. The people of England have felt their enemies, it is fit that they should know their friends.

Before our opinions are quoted against ourselves, it is proper that, from our serious deliberation they may be worth quoting. It is without reason we praise the wisdom of our constitution, in putting under the discretion of the Crown, the awful trust of war and peace, if the Ministers of the Crown virtually return it again into our hands. It was placed there as a sacred deposit, to secure us against popular rashness in plunging into wars, and against the effects of popular dismay, disgust, or lussitude in getting out of them as imprudently as we might first engage in them. To have no other measure in judging of those great objects than our momentary opinions and desires, is to throw us back upon that very democracy which, in this part, our constitution was formed to avoid.

It is no excuse at all for a minister, who at our desire, takes a measure contrary to our safety, that it is our own act. He who does not stay the hand of a suicide is guilty of murder. To be instructed, is not to be degraded or enslaved. Information is an advantage to us, and we have a right to demand it. He that is bound to act in the dark cannot be said to act freely. When it appears evident to our governors, that our desires and our interests are at variance, they ought not to gratify the former at the expence of the latter. Statesmen are placed on an eminence, that they may have a larger horizon than we can possibly command. They have a whole before them, which we can contemplate only in the parts, and without the relations. Ministers are

not only our natural rulers, but our natural guides. Reason clearly and manfully delivered, has in itself a mighty force: but reason in the mouth of legal authority, is, I may fairly say, irresistible.

I admit that reason of state will not, in many circumstances permit the disclosure of the true ground of a public proceeding. In that case silence is manly and it is wise. It is fair to call for trust when the principle of reason itself suspends its public use. I take the distinction to be this. The ground of a particular measure, making a part of a plan, it is rarely proper to divulge. All the broader grounds of policy on which the general plan is to be adopted, ought as rarely to be concealed. They who have not the whole cause before them, call them politicians, call them people, call them what you will, are no judges. The difficulties of the case as well as its fair side, ought to be presented. This ought to be done: and it is all that can be done. When we have our true situation distinctly presented to us, if we resolve with a blind and headlong violence, to resist the admonitions of our friends, and to cast ourselves into the hands of our potent and irreconcilable foes, then, and not till then, the ministers stand acquitted before God and man, for whatever may come.

Lamenting as I do, that the matter has not had so full and free a discussion as it requires, I mean to omit none of the points which seem to me necessary for consideration, previous to an arrangement which is for ever to decide the form and the fate of Europe, In the course, therefore, of what I shall have the honour to address to you, I propose the following questions to your serious thoughts. 1. Whether the present system, which stands for a Government in France, be such as in peace and war affects the neighbouring States in a manner different from the internal Government that formerly prevailed in that country? 2. Whether that system, supposing it's views hostile to other nations, possesses any means of being hurtful to them peculiar to itself? 3. Whether there has been lately such a change in France, as to alter the nature of it's system or it's effect upon other Powers? 4. Whether any public declarations or engagements exist, on the part of the allied Powers, which stand in the way of a treaty of peace, which supposes the right and confirms the power of the Regicide faction in France? 5. What the state of the other Powers of Europe will be with respect to each other, and their colonies, on the conclusion of a Regicide Peace? 6. Whether we are driven to the absolute necessity of making that kind of peace?

These heads of enquiry will enable us to make the application of the several matters of fact and topics of argument, that occur in this vast discussion, to certain fixed principles. I do not mean to confine myself to the order in which they stand. I shall discuss them in such a manner as shall appear to me the best adapted for shewing their mutual bearings and relations. Here then I close the public matter of my Letter; but before I have done, let me say one word in apology for myself.

In wishing this nominal peace not to be precipitated, I am sure no man living is less disposed to blame the present Ministry than I am. Some of my oldest friends,

(and I wish I could say it of more of them,) make a part in that Ministry. There are some indeed,

“whom my dim eyes in vain explore.”

In my mind, a greater calamity could not have fallen on the publick than their exclusion. But I drive away that, with other melancholy thoughts. As to the distinguished persons to whom my friends who remain, are joined, if benefits, nobly and generously conferred, ought to procure good wishes, they are entitled to my best vows; and they have them all. They have administered to me the only consolation I am capable of receiving, which is to know that no individual will suffer by my thirty years service to the public. If things should give us the comparative happiness of a struggle, I shall be found, I was going to say, fighting, (that would be foolish) but dying by the side of Mr. Pitt. I must add, that if any thing defensive in our domestic system can possibly save us from the disasters of a Regicide peace, he is the man to save us. If the finances in such a case can be repaired, he is the man to repair them. If I should lament any of his acts, it is only when they appear to me to have no resemblance to acts of his. But let him not have a confidence in himself, which no human abilities can warrant. His abilities are fully equal (and that is to say much for any man) to those that are opposed to him. But if we look to him as our security against the consequences of a Regicide Peace, let us be assured, that a Regicide Peace and a Constitutional Ministry are terms that will not agree. With a Regicide Peace the King cannot long have a Minister to serve him, nor the Minister a King to serve. If the Great Disposer, in reward of the royal and the private virtues of our Sovereign, should call him from the calamitous spectacles, which will attend a state of amity with Regicide, his successor will surely see them, unless the same Providence greatly anticipates the course of nature. Thinking thus, (and not as I conceive on light grounds) I dare not flatter the reigning sovereign, nor any Minister he has or can have, nor his Successor Apparent, nor any of those who may be called to serve him, with what appears to me a false state of their situation. We cannot have them and that Peace together.

I do not forget that there had been a considerable difference between me and the great man at the head of Ministry in an early stage of these discussions. Under this circumstance, his seconding his Majesty's generosity to me shines with the brighter lustre. But I am sure there was a period in which we agreed better in the danger of a Jacobin existence in France. At one time, he and all Europe seemed to feel it. But why am not I converted with so many great Powers, and so many great Ministers? It is because I am old and slow. — I am in this year, 1796, only where all the powers of Europe were in 1792. I cannot move with this procession of the Equinoxes, which is preparing for us the return of some very old, I am afraid no golden aera, or the commencement of some new aera that must be denominated from some new metal. In this crisis I must hold my tongue, or I must speak with freedom. For the few days I have to linger here, I am removed from the busy scene of the world; and

not more in fact than in disposition, retired from all it's affairs, and all its pleasures. But I hold myself to be still responsible for every thing I have done in the House, and in the World. If the rawest Tyro in politicks has been influenced by the authority of my grey hairs, and led by any thing in my speeches, or my writings, to enter into this war, he has a right to call upon me to know why I have changed my opinions, or why, when those I voted with, have adopted better notions, I persevere in exploded error?

When I seem not to acquiesce in the acts of those I respect in every degree short of superstition, I am obliged to give my reasons fully. I cannot set my authority against their authority, But to reason is not to revolt against authority. Reason and authority do not move in the same parallel. That reason is an *amicus curiae* who speaks *de plano*, not *pro tribunali*; who makes an useful suggestion to the Court, without questioning its jurisdiction. Whilst he acknowledges its competence, he promotes its efficiency.

LETTER II. ON THE GENIUS AND CHARACTER OF THE FRENCH REVOLUTION AS IT REGARDS OTHER NATIONS.

MY DEAR SIR,

I Closed my first Letter with serious matter; and I hope it has employed your thoughts. The system of peace must have a reference to the system of the war. On that ground, I must therefore again recal your mind to our original opinions, which time and events have not taught me to vary.

My ideas and my principles led me, in this contest, to encounter France, not as a State, but as a Faction. The vast territorial extent of that country, it's immense population, it's riches of production, it's riches of commerce and convention — the whole aggregate mass of what, in ordinary cases, constitutes the force of a State, to me were but objects of secondary consideration. They might be balanced; and they have been often more than balanced. Great as these things are, they are not what make the faction formidable. It is the faction that makes them truly dreadful. That faction is the evil spirit that possesses the body of France; that informs it as a soul; that stamps upon its ambition, and upon all its pursuits, a characteristick mark, which strongly distinguishes them from the same general passions, and the same general views, in other men and in other communities. It is that spirit which inspires into them, a new, a pernicious, a desolating activity. Constituted as France was ten years ago, it was not in that France to shake, to shatter, and to overwhelm Europe in the manner that we behold. A sure destruction impends over those infatuated Princes, who, in the conflict with this new and overheard-of power, proceeds as if they were engaged in a war that bore a resemblance to their former contests; or that they can make peace in the spirit of their former arrangements of pacification. Here the beaten path is the very reverse of the safe road.

As to me, I was always steadily of opinion, that this disorder was not in its nature intermittent. I conceived that the contest once begun, could not be laid down again, to be resumed at our discretion; but that our first struggle with this evil would also be our last. I never thought we could make peace with this system; because it was not for the sake of an object we pursued in rivalry with each other, but with the system itself that we were at war. As I understood the matter, we were at war not with it's conduct, but with it's existence; convinced that it's existence and it's hostility were the same.

The faction is not local or territorial. It is a general evil. Where it least appears in action, it is still full of life. In it's sleep it recruits it's strength, and prepares it's exertion. It's spirit lies deep in the corruptions of our common nature. The social order which restrains it, feeds it. It exists in every country in Europe; and among all orders of men in every country, who look up to France as to a common head. The

centre is there. The circumference is the world of Europe, wherever the race of Europe may be settled. Every where else the faction is militant; in France it is triumphant. In France is the bank of deposit, and the bank of circulation, of all the pernicious principles that are forming in every State. It will be a folly scarcely deserving of pity, and too mischievous for contempt, to think of restraining it in any other country whilst it is predominant there. War, instead of being the cause of it's force, has suspended it's operation. It has given a reprieve, at least, to the Christian World.

The true nature of a Jacobin war, in the beginning, was, by most of the Christian Powers, felt, acknowledged, and even in the most precise manner declared. In the joint manifesto published by the Emperor and the King of Prussia, on the 4th of August, 1792, it is expressed in the clearest terms, and on principles which could not fail, if they had adhered to them, of classing those monarchs with the first benefactors of mankind. This manifesto was published, as they themselves express it,

“to lay open to the present generation, as well as to posterity, their motives, their intentions, and the disinterestedness of their personal views; taking up arms for the purpose of preserving social and political order amongst all civilized nations, and to secure to each state it's religion, happiness, independence, territories, and real constitution.”— “On this ground, they hoped that all Empires, and all States, ought to be unanimous; and becoming the firm guardians of the happiness of mankind, they cannot sail to unite their efforts to rescue a numerous nation from it's own fury, to preserve Europe from the return of barbarism, and the Universe from the subversion and anarchy with which it was threatened.”

The whole of that noble performance ought to be read at the first meeting of any Congress, which assemble for the purpose of pacification. In that piece

“these Powers expressly renounce all views of personal aggrandizement,”

and confine themselves to objects worthy of so generous, so heroic, and so perfectly wise and politick an enterprise. It was to the principles of this confederation and to no other, that we wished our Sovereign and our Country to accede, as a part of the commonwealth of Europe.

As long as these powers flattered themselves that the means of force would produce the effect of force, they acted on those declarations: but when their menances failed of success, their efforts took a new direction. It did not appear to them that virtue and heroism ought to be purchased by millions of rix-dollars. It is a dreadful truth, but it is a truth that cannot be concealed. In ability, in dexterity, in the distinctness of their views, the Jacobins are our superiours. They saw the thing right from the very beginning. Whatever were the first motives to the war among politicians, they saw that it is in it's spirit, and for it's objects, a civil war; and as such they pursued it. It is a war between the partizans of the antient, civil, moral, and political order of Europe against a sect of fanatical and ambitious atheists which

mean to change them all. It is not France extending a foreign empire over other nations: it is a sect aiming at universal empire, and beginning with the conquest of France. The leaders of that sect secured the centre of Europe; and that secured, they knew, that whatever might be the event of battles and sieges, their cause was victorious. Whether it's territory had a little more or a little less peeled from it's surface, or whether an island or two was detached from it's commerce, to them was of little moment. The conquest of France was a glorious acquisition. That once well laid as a basis of empire, opportunities never could be wanting to regain or to replace what had been lost, and dreadfully to avenge themselves on the faction of their adversaries.

They saw it was a civil war. It was their business to persuade their adversaries that it ought to be a foreign war. The Jacobins every where set up a cry against the new crusade; and they intrigued with effect in the cabinet, in the field, and in every private society in Europe. Their task was not difficult. The condition of Princes, and sometimes of first Ministers too, is to be pitied. The creatures of the desk, and the creatures of favour, had no relish for the principles of the manifestoes. They promised no governments, no regiments, no revenues from whence emoluments might arise, by perquisite or by grant. In truth, the tribe of vulgar politicians are the lowest of our species. There is no trade so vile and mechanical as government in their hands. Virtue is not their habit. They are out of themselves in any course of conduct recommended only by conscience and glory. A large, liberal, and prospective view of the interests of States passes with them for romance; and the principles that recommended it for the wanderings of a disordered imagination. The calculators compute them out of their senses. The jesters and buffoons shame them out of every thing grand and elevated. Littleness in object and in means, to them appears soundness and sobriety. They think there is nothing worth pursuit, but that which they can handle; which they can measure with a two-foot rule; which they can tell upon ten fingers.

Without their principles, perhaps without any principles at all, they played the game of the Jacobins. There was a beaten road before them. The Powers of Europe were armed; France had always appeared dangerous; the war was easily diverted from France as a faction, to France as a state. The Princes were easily taught to slide back into their old habitual course of politicks. They were easily led to consider the flames that were consuming France, not as a warning to protect their own buildings, (which were without any party wall, and linked by a contiguation into the edifice of France,) as an happy occasion for the pillaging the goods, and for carrying off the materials of their neighbour's house. Their provident fears were changed into avaricious hopes. They carried on their new designs without seeming to abandon the principles of their old policy. They pretended to seek, or they flattered themselves that they sought, in the accession of new fortresses, and new territories, a defensive security. But the security wanted was against a kind of

power, which was not dangerous in its fortresses nor in its territories, but in its spirit and its principles. They aimed, or pretended to aim, at defending themselves against a danger, from which there can be no security in any defensive plan. If armies and fortresses were a defence against Jacobinism, Louis the Sixteenth would this day reign a powerful monarch over an happy people.

This error obliged them, even in their offensive operations, to adopt a plan of war, against the success of which there was something little short of mathematical demonstration. They refused to take any step which might strike at the heart of affairs. They seemed unwilling to wound the enemy in any vital part. They acted through the whole, as if they really wished the conservation of the Jacobin power; as what might be more favourable than the lawful Government to the attainment of the petty objects they looked for. They always kept on the circumference; and the wider and remoter the circle was, the more eagerly they chose as their sphere of action. The plan they pursued, in its nature demanded great length of time. In its execution they who went the nearest way to work were obliged to cover an incredible extent of country. It left to the enemy every means of destroying this extended line of weakness. Ill success in any part was sure to defeat the effect of the whole. This is true of Austria. It is still more true of England. On this false plan, even good fortune, by further weakening the victor, put him but the further off from his object.

As long as there was any appearance of success, the spirit of aggrandizement, and consequently the spirit of mutual jealousy seized upon all the coalesced Powers. Some sought an accession of territory at the expence of France, some at the expence of each other, some at the expence of third parties; and when the vicissitude of disaster took its turn, they found common distress a treacherous bond of faith and friendship.

The greatest skill conducting the greatest military apparatus has been employed; but it has been worse than uselessly employed, through the false policy of the war. The operations of the field suffered by the errors of the Cabinet. If the same spirit continues when peace is made, the peace will fix and perpetuate all the errors of the war; because it will be made upon the same false principle. What has been lost in the field, in the field may be regained. An arrangement of peace in its nature is a permanent settlement; it is the effect of counsel and deliberation, and not of fortuitous events. If built upon some basis totally and fundamentally erroneous, it can only be retrieved by some of those unforeseen dispositions, which the all-wise but mysterious Governor of the World, sometimes interposes, to snatch nations from ruin. It would not be a pious error, but a mad and impious presumption for any one to trust in an unknown order of dispensations, in defiance of the rules of prudence, which are formed upon the known march of the ordinary providence of God. It was not of that sort of war that I was amongst the least considerable, but

amongst the most zealous advisers; and it is not by the sort of peace now talked of that I wish it concluded.

It would be to no great purpose to enter into the particular errors of the war. The whole has been but one error. It was but nominally a war of alliance. As the allies pursued it there was nothing to hold an alliance together. There could be no tie of honour, in a society for pillage. There could be no tie in a common interest where the object did not offer such a division amongst the parties, as could be equalized. The partition of Poland offered an object of spoil in which the parties might agree. They were circumjacent; and each might take a portion convenient to his own territory. They might dispute about the value; but the contiguity to each of the demandants always furnished the means of an adjustment. Though hereafter the world will have cause to rue this iniquitous measure, for the moment there was wherewithal in the object to preserve peace amongst confederates in wrong. But in the spoil of France, it was obvious that this scheme did not afford the same facilities for accommodation. What might satisfy the House of Austria in her Flemish frontier afforded no equivalent to tempt the cupidity of the King of Prussia. What might be desired by Great Britain in the West-Indies, could be coldly and remotely, if at all, felt as an interest at Vienna; and it would be felt as something worse than a negative interest at Madrid. Austria, long possessed with unwise and dangerous designs on Italy, could not be very much in earnest about the conservation of the old patrimony of the House of Savoy: and Sardinia, who owed to an Italian force all her means of shutting out France from Italy, of which she has been supposed to hold the key, would not purchase the means of strength upon one side by yielding it on the other. She would not readily give the possession of Novara for the hope of Savoy. No continental Power was willing to lose any of its continental objects for the increase of the naval power of Great Britain; and Great Britain would not give up any of the objects she sought for as the means of an increase to her naval power, to further their aggrandizement. There was no method of equalizing their several pretensions. They are things incommensurable. The moment this war came to be considered as a war merely of profit, the actual circumstances are such, that it never could become really a war of alliance. Nor can the peace be a peace of alliance, until things are put upon their right bottom.

I don't find it denied, that when a treaty is entered into for peace, a demand will be made on the Regicides to surrender their conquests on the Continent. Will they, in the present state of the war, make that surrender without an equivalent? This continental cession must be made in favour of that party in the alliance, that has suffered losses. That party has nothing to furnish towards an equivalent. What equivalent, for instance, has Holland to offer, who has lost her all? What equivalent can come from the Emperor, every part of whose territories contiguous to France, is already within the pale of the Regicide dominion? What equivalent has Sardinia to offer for Savoy and for Nice? What has she taken from the faction of France?

She has lost much; and she has gained nothing. What equivalent has Spain to give? Alas! she has already paid for her own ransom the fund of equivalent, and a dreadful equivalent it is, to England and to herself. But I put Spain out of the question. She is a province of the Jacobin Empire. She is in a shocking dilemma. In effect and substance, her Crown is a fief of Regicide — Whence then can the compensation be demanded, but from that power which alone has made some conquests? That power is England. Will the Allies then give away their ancient patrimony, that England may keep Islands in the West Indies? They can never protract the war in good earnest for that object. Nor can they act in concert with us, in our refusal to grant any thing towards their redemption. In that case we are thus situated — Either we must give Europe, bound hand and foot to France; or we must quit the West Indies without any one object, great or small, towards indemnity and security. If we look to the East, our most decided conquests (some of them the most important) are there. I look at the taking possession of the Cape of Good Hope to be the securing a post of great moment: it is a measure which does infinite honour to those who planned it, and to those who executed that enterprize. I speak of it always as comparatively good; as good as any thing in this scheme of war, which repels us from an, and employs all our forces, where nothing can be finally decisive. It is evident, that if we keep our eastern conquests, we keep them at the expence of Holland, our ally; the immediate cause of the war, the nation whom we had undertaken to protect, and not of the Republic which it was our business to destroy. If we return the African and the Asiatic conquests, we put them into the hands of a nominal State, (to that Holland is reduced) unable to retain them; and which will virtually leave them under the direction of France. If we withhold them, Holland declines still more as a State: and she loses that carriage and that means of keeping up the small degree of naval power she holds; for which policy, and not for any commerical gain, she maintains the Cape, or any settlement beyond it. In that case, resentment, faction, and even necessity will throw her more and more into the power of the new mischievous Republic. But on the probable state of Holland, I shall say more, when I come to talk over with you the state in which any sort of Jacobin peace will leave all Europe.

So far as to the East-Indies.

As to the West-Indies, indeed as to either, if we look for matter of exchange in order to ransom Europe, it is easy to shew that we have taken a terrible round-about road. I cannot conceive, even if, for the sake of holding conquests there, we should refuse to redeem Holland, and the Austrian Netherlands, and the hither Germany, that Spain, merely as she is Spain, (and forgetting that the Regicide Ambassador governs at Madrid) will see with perfect satisfaction, Great Britain sole mistress of the Isles. In truth it appears to me, that, when we come to balance our account, we shall find in the proposed peace only the pure, simple, and unendowed charms of Jacobin amity. We shall have the satisfaction of knowing, that no blood

or treasure has been spared by the allies for support of the Regicide system. They will reflect at leisure on one great truth, that it was ten times more easy totally to destroy the system itself, than when established, it would be to reduce its power — and that this Republic, most formidable abroad, was, of all things, the weakest at home. That her frontier was terrible — her interior feeble — that it was matter of choice to attack her where she is invincible; and to spare her where she was ready to dissolve by her own internal disorders. They will reflect, that their plan was good neither for offence nor defence.

My dear Friend, I hold it impossible that these considerations should have escaped the Statesman on both sides of the water, and on both sides of the House of Commons. How a question of peace can be discussed without having them in view, I cannot imagine. If you or others see a way out of these difficulties I am happy. I see indeed a fund from whence equivalents will be proposed. I see it. But I cannot just now touch it. It is a question of high moment. It opens another Iliad of woes to Europe.

Such is the time proposed for making a common political peace, to which no one circumstance is propitious. As to the grand principle of the peace, it is left, as if by common consent, wholly out of the question.

It seems to me, as if the two parties, who have long divided and distracted this kingdom, without abandoning their animosities, had come to an agreement in their sentiments. It looks as if they concurred in the establishment of Jacobinism in France, and in the necessity, if not in the advantage, of admitting it as a sociable and natural member in the republic of Christendom. So far, and no farther, they are agreed amongst themselves. Our domestic peace remains where it was; and we seek to make amends for this domestic distraction, by giving (as far as it is in our power to give it) peace and establishment to our enemies. In this peace to our foe, we are taught to look, it seems, for the term of all our own evils.

Viewing things in this light, I have frequently sunk into a degree of despondency and dejection hardly to be described: yet out of the profoundest depths of this despair, an impulse which I have in vain endeavoured to resist, has urged me to raise one feeble cry against this unfortunate coalition which is formed at home, in order to make a coalition with France, subversive of the whole ancient order of the world. No disaster of war, no calamity of season could ever strike me with half the horror which I felt from what is introduced to us by this junction of parties, under the soothing name of peace. We are apt to speak of a low and pufillanimous spirit as the ordinary cause by which dubious wars terminate in humiliating treaties. It is here the direct contrary. I am perfectly astonished at the boldness of character, at the intrepidity of mind, the firmness of nerve, in those who are able with deliberation to face the perils of Jacobin fraternity.

This fraternity is indeed so terrible in it's nature, and in it's manifest consequences, that there is no way of quieting our apprehensions about it, but by

totally putting it out of sight, by substituting for it, through a sort of periphrasis, something of an ambiguous quality, and describing such a connection under the terms of

“the usual relations of peace and amity:”

By this means the proposed fraternity is hustled in the crowd of those treaties, which imply no change in the public law of Europe, and which do not upon system affect the interior condition of nations. It is confounded with those conventions in which matters of dispute among sovereign powers are compromised, by the taking off a duty more or less, by the surrender of a frontier town, or a disputed district on the one side or the other; by pactions in which the pretensions of families are settled, (as by a conveyancer, making family substitutions and successions) without any alteration in the laws, manners, religion, privileges and customs of the cities or territories which are the subject of such arrangements.

All this body of old conventions, composing the vast and voluminous collection called the *corps diplomatique*, forms the code or statute law, as the methodized reasonings of the great publicists and jurists form the digest and jurisprudence of the Christian world. In these treasures are to be found the usual relations of peace and amity in civilized Europe; and there the relations of ancient France were to be found amongst the rest.

The present system in France is not the ancient France. It is not the ancient France with ordinary ambition and ordinary means. It is not a new power of an old kind. It is a new power of a new species. When such a questionable shape is to be admitted for the first time into the brotherhood of Christendom, it is not a matter of idle curiosity to consider how far it is in it's nature alliable with the rest, or whether

“the relations of peace and amity”

with this new State are likely to be of the same nature with the usual relations of the States of Europe.

The Revolution in France had the relation of France to other nations as one of it's principal objects. The changes made by that Revolution were not the better to accommodate her to the old and usual relations, but to produce new ones. The Revolution was made, not to make France free, but to make her formidable; not to make her a neighbour, but a mistress; not to make her more observant of laws, but to put her in a condition to impose them. To make France truly formidable it was necessary that France should be new modelled. They who have not followed the train of the late proceedings, have been led by deceitful representations (which deceit made a part in the plan) to conceive that this totally new model of a state, in which nothing escaped a change, was made with a view to its internal relations only.

In the Revolution of France two sorts of men were principally concerned in giving a character and determination to its pursuits; the philosophers and the politicians. They took different ways, but they met in the same end. The philosophers had one predominant object, which they pursued with a fanatical fury,

that is, the utter extirpation of religion. To that every question of empire was subordinate. They had rather domineer in a parish of Atheists, than rule over a Christian world. Their temporal ambition was wholly subservient to their proselytizing spirit, in which they were not exceeded by Mahomet himself.

They who have made but superficial studies in the natural history of the human mind, have been taught to look on religious opinions as the only cause of enthusiastic zeal, and sectarian propagation. But there is no doctrine whatever, on which men can warm, that is not capable of the very same effect. The social nature of man impels him to propagate his principles, as much as physical impulses urge him to propagate his kind. The passions give zeal and vehemence. The understanding bestows design and system. The whole man moves under the discipline of his opinions. Religion is among the most powerful causes of enthusiasm. When any thing concerning it becomes an object of much meditation, it cannot be indifferent to the mind. They who do not love religion, hate it. The rebels to God perfectly abhor the Author of their being. They hate him

“with all their heart, with all their mind, with all their soul, and with all their strength.”

He never presents himself to their thoughts, but to menace and alarm them. They cannot strike the Sun out of Heaven, but they are able to raise as mouldering smoke that obscures him from their own eyes. Not being able to revenge themselves on God, they have a delight in vicariously defacing, degrading, torturing, and tearing in pieces his image in man. Let no one judge of them by what he has conceived of them, when they were not incorporated, and had no lead. They were then only passengers in a common vehicle. They were then carried along with the general motion of religion in the community, and without being aware of it, partook of its influence. In that situation, at worst their nature was left free to counterwork their principles. They despaired of giving any very general currency to their opinions. They considered them as a reserved privilege for the chosen few. But when the possibility of dominion; lead, and propagation presented themselves, and that the ambition, which before had so often made them hypocrites, might rather gain than lose by a daring avowal of their sentiments, then the nature of this infernal spirit, which has

“evil for its good,”

appeared in its full perfection. Nothing, indeed, but the possession of some power can, with any certainty, discover what at the bottom is the true character of any man. Without reading the speeches of Verginaux, Français of Nantz, Isnard, and some others of that sort, it would not be easy to conceive the passion, rancour, and malice of their tongues and hearts. They worked themselves up to a perfect phrenzy against religion and all its professors. They tore the deputation of the Clergy to pieces by their infuriated declamations and invectives, before they lacerated their bodies by their massacres. This fanatical atheism left out, we omit

the principal feature in the French Revolution, and a principal consideration with regard to the effects to be expected from a peace with it.

The other sort of men were the politicians. To them who had little or not at all reflected on the subject, religion was in itself no object of love or hatred. They disbelieved it, and that was all. Neutral with regard to that object, they took the side which, in the present state of things, might best answer their purposes. They soon found that they could not do without the philosophers; and the philosophers soon made them sensible, that the destruction of religion was to supply them with means of conquest first at home, and then abroad. The philosophers were the active internal agitators, and supplied the spirit and principles: the second gave the general direction. Sometimes the one predominated in the composition, sometimes the other. The only difference between them was in the necessity of concealing the general design for a time, and in dealing with foreign nations; the fanaticks going straight forward and openly, the politicians by the surer mode of zig-zag. In the course of events, this, among other causes, produced fierce and bloody contentions between them. But at the bottom they thoroughly agreed in all the objects of ambition and irreligion, and substantially in all the means of promoting these ends.

Without question, to bring about the unexampled event of the French Revolution, the concurrence of a very great number of views and passions was necessary. In that stupendous work, no one principle by which the human mind may have it's faculties at once invigorated and depraved, was left unemployed: but I can speak it to a certainty, and support it by undoubted proofs, that the ruling principle of those who acted in the Revolution as statesmen, had the exterior aggrandizement of France as their ultimate end in the most minute part of the interior changes that were made. We, who of late years, have been drawn from an attention to foreign affairs by the importance of our domestic discussions, cannot easily form a conception of the general eagerness of the French nation, previous to it's revolution, upon that subject. I am convinced that the foreign speculators in France, under the old Government, were twenty to one of the same description in England; and few of that description there were, who did not emulously set forward the Revolution. The whole official system, particularly in the diplomatic part, the regulars, the irregulars, down to the clerks in office (a corps, without all comparison, more numerous than the same description amongst us) co-operated in it. All the intriguers in foreign politicks, all the spies, all the intelligencers, actually or late in function, all the candidates for that sort of employment, acted solely upon that principle.

On that system of aggrandizement there was but one mind: but two violent factions arose about the means. The first wished France, diverted from the politicks of the Continent, to attend solely to her marine, to feed it by an encrease of commerce, and thereby to overpower England on her own element. They contended, that if England were disabled, the Powers on the Continent would fall into their proper subordination; that it was England which deranged the whole

continental system of Europe. The others, who were by far the more numerous, though not the most outwardly prevalent at Court, considered this plan as contrary to her genius, her situation, and her natural means. They agreed as to the ultimate object, the reduction of the British power; but they considered an ascendancy on the Continent as a necessary preliminary to that undertaking. They argued, that the proceedings of England herself had proved the soundness of this policy. That her greatest and ablest Statesmen had not considered the support of a continental balance against France as a deviation from the principle of her naval power, but as one of the most effectual modes of carrying it into effect. That such had been her policy since the Revolution; during which period the naval strength of Great Britain had gone on encreasing in the direct ratio of her interference in the politicks of the continent. With much stronger reason ought the politicks of France to take the same direction: as well for pursuing objects which her situation would dictate to her, if England had no existence, as for counteracting the politicks of that nation; to France continental politicks are primary; they are only of secondary consideration to England.

What is truly astonishing, the partizans of those two opposite systems were at once prevalent, and at once employed, and in the very same transactions, the one ostensibly, the other secretly, during the latter part of the reign of Lewis XV. Nor was there one Court in which an Ambassador resided on the part of the Ministers, in which another as a spy on him did not also reside on the part of the King. They who pursued the scheme for keeping peace on the continent, and particularly with Austria, acting officially and publickly, the other faction counteracting and opposing them. These private agents were continually going from their function to the Bastille, from the Bastille to employment, and to interest or favour again. An inextricable cabal was formed, some of persons of rank, others of subordinates. But by this means the corps of politicians was augmented in number, and the whole formed a body of active, adventuring, ambitious, discontented people, despising the regular Ministry, despising the Courts at which they were employed, despising the Courts which employed them.

The unfortunate Lewis the Sixteenth was not the first cause of the evil by which he suffered. He came to it, as to a sort of inheritance, by the false politicks of his immediate predecessor. This system of dark and perplexed intrigue had come to it's perfection before he came to the throne: and even then the Revolution strongly operated in all it's causes.

There was no point on which the discontented diplomatic politicians so bitterly arraigned their Cabinet, as for the decay of the French influence in all others. From quarrelling with the Court, they began to complain of Monarchy itself; as a system of Government too variable for any regular plan of national aggrandizement. They observed, that in that sort of regimen too much depended on the personal character of the Prince; that the vicissitudes produced by the succession of Princes of a

different character, and even the vicissitudes produced in the same man, by the different views and inclinations belonging to youth, manhood, and age, disturbed and distracted the policy of a country, made by nature for extensive empire, or what was still more to their taste, for that sort of general over-ruling influence which prepared empire or supplied the place of it. They had continually in their hands the observations of Machiavel on Livy. They had Montesquieu's *Grandeur & Décadence des Romains* as a manual; and they compared with mortification the systematic proceedings of a Roman senate with the slutations of a Monarchy. They observed, the very small additions of territory which all the power of France, actuated by all the ambition of France, had acquired in two centuries. The Romans had frequently acquired more in a single year. They severely and in every part of it criticized the reign of Louis the XIVth, whose irregular and desultory ambition had more provoked than endangered Europe. Indeed, they who will be at the pains of seriously considering the history of that period will see, that those French politicians had some reason. They who will not take the trouble of reviewing it through all it's wars and all it's negociations, will consult the short but judicious criticism of the Marquis de Montalambert on that subject. It may be read separately from his ingenious system of fortification and military defence, on the practical merit of which I am unable to form a judgment.

The diplomatic politicians of whom I speak, and who formed by far the majority in that class, made disadvantageous comparisons even between their more legal and formalising Monarchy, and the monarchies of other states, as a system of power and influence. They observed, that France not only lost ground herself, but through the languor and unsteadiness of her pursuits, and from her aiming through commerce at naval force which she never could attain, three great powers, each of them (as military states) capable of balancing her, had grown up on the continent. Russia and Prussia had been created almost within memory; and Austria, though not a new power, and even curtailed in territory, was by the very collision in which she lost that territory, greatly improved in her military discipline and force: and that during the reign of Maria Theresa the interior oeconomy of the country was made more to correspond with the support of great armies than formerly it had been. As to Prussia, a merely military power, they observed that one war had enriched her with as considerable a conquest as France had acquired in centuries. Russia had broken the Turkish power by which Austria might be, as formerly she had been, balanced in favour of France. They felt it with pain, that the two northern powers of Sweden and Denmark were in general under the sway of Russia; or that at best, France kept up a very doubtful conflict, with many fluctuations of fortune, and at an enormous expence in Sweden. In Holland, the French party seemed, if not extinguished, at least utterly obscured, and kept under by a Stadtholder, sometimes leaning for support on Great Britain, sometimes on Prussia, sometimes on both, never on France. Even the spreading of the Bourbon family had become merely a family

accommodation; and had little effect on the national politicks. This alliance, they said, extinguished Spain by destroying all it's energy, without adding any thing to the real power of France in the accession of the forces of it's great rival. In Italy, the same family accommodation, the same national insignificance were equally visible. What cure for the radical weakness of the French Monarchy, to which all the means which wit could devise, or nature and fortune could bestow, towards universal empire, was not of force to give life, or vigour, or consistency, — but in a republick? Out the word came; and it never went back.

Whether they reasoned right or wrong, or that there was some mixture of right and wrong in their reasoning, I am sure, that in this manner they felt and reasoned. The different effects of a great military and ambitious republick, and of a monarchy of the same description was constantly in their mouths. The principle was ready to operate when opportunities should offer, which few of them indeed foresaw in the extent in which they were afterwards presented; but these opportunities, in some degree or other, they all ardently wished for.

When I was in Paris in 1773, the treaty of 1756 between Austria and France was deplored as a national calamity; because it united France in friendship with a Power, at whose expence alone they could hope any continental aggrandizement. When the first partition of Poland was made, in which France had no share, and which had farther aggrandized every one of the three Powers of which they were most jealous, I found them in a perfect phrenzy of rage and indignation: Not that they were hurt at the shocking and uncoloured violence and injustice of that partition, but at the debility, improvidence, and want of activity in their Government, in not preventing it as a means of aggrandizement to their rivals, or in not contriving, by exchanges of some kind or other, to obtain their share of advantage from that robbery.

In that, or nearly in that state of things and of opinions, came the Austrian match which promised to draw the knot, as afterwards in effect it did, still more closely between the old rival houses. This added exceedingly to their hatred and contempt of their monarchy. It was for this reason that the late glorious Queen, who on all accounts was formed to produce general love and admiration, and whose life was as mild and beneficent as her death was beyond example great and heroic, became so very soon and so very much the object of an implacable rancour, never to be extinguished but in her blood. When I wrote my letter in answer to M. de Menonville, in the beginning of January, 1791, I had good reason for thinking that this description of revolutionists did not so early nor so steadily point their murderous designs at the martyr King as at the Royal Heroine. It was accident, and the momentary depression of that part of the faction, that gave to the husband the happy priority in death.

From this their restless desire of an over-ruling influence, they bent a very great part of their designs and efforts to revive the old French, which was a democratic

party in Holland, and to make a revolution there. They were happy at the troubles which the singular imprudence of Joseph the Second had stirred up in the Austrian Netherlands. They rejoiced, when they saw him irritate his subjects, profess philosophy, send away the Dutch garrisons, and dismantle his fortifications. As to Holland, they never forgave either the King or the Ministry, for suffering that object, which they justly looked on as principal in their design of reducing the power of England, to escape out of their hands. This was the true secret of the commercial treaty, made, on their part, against all the old rules and principles of commerce, with a view of diverting the English nation, by an attention to profit, from an attention to the progress of France in it's designs upon that Republic. The system of the oeconomists, which led to the general opening of commerce, facilitated that treaty, but did not produce it. They were in despair when they found that the object, to which they had sacrificed their manufactures, was lost to their ambition. Above all, this eager desire of raising France from the condition into which she had fallen, as they conceived, from her monarchical imbecility, had been the main spring of their precedent interference in that unhappy American quarrel, the bad effects of which to this nation have not, as yet, fully disclosed themselves.

These sentiments had been long lurking in their breasts, though their views were only discovered now and then, in heat and as by escapes; but on this occasion they exploded suddenly. They were professed with ostentation, and propagated with zeal. These sentiments were not produced, as some think, by their American alliance. The American alliance was produced by their republican principles and republican policy. This new relation undoubtedly did much. The discourses and cabals that it produced, the intercourse that it established, and above all, the example, which made it seem practicable to establish a Republick in a great extent of country, finished the work, and gave to that part of the Revolutionary faction a degree of strength which required other energies than the late King possessed, to resist, or even to restrain. It spread every where; but it was no where more prevalent than in the heart of the Court. The palace of Versailles, by its language, seemed a forum of democracy. To point out to most of those politicians, from these dispositions and movements, what has since happened, the fall of their own Monarchy, of their own Laws, of their own Religion, would have been to furnish a motive the more for pushing forward a system on which they considered all these things as incumbrances.

When I contemplate the scheme on which France is formed, and when I compare it with these systems, with which it is, and ever must be in conflict, these things which seem as defects in her polity, are the very things which make me tremble. The States of the Christian World have grown up to their present magnitude in a great length of time, and by a great variety of accidents. They have been improved to what we see them with greater or less degrees of felicity and skill. Not one of them has been formed upon a regular plan, or with any unity of design. As their

Constitutions are not systematical, they have not been directed to any peculiar end, eminently distinguished, and superseding every other. The objects which they embrace are of the greatest possible variety, and have become in a manner infinite. In all these old countries the state has been made to the people, and not the people conformed to the state. Every state has pursued, not only every sort of social advantage, but it has cultivated the welfare of every individual. His wants, his wishes, even his tastes have been consulted. This comprehensive scheme, virtually produced a degree of personal liberty in forms the most adverse to it. That was found, under monarchies stiled absolute, in a degree unknown to the ancient commonwealths. From hence the powers of all our modern states, meet in all their movements, with some obstruction. It is therefore no wonder, that when these states are to be considered as machines to operate for some one great end, that this dissipated and balanced force is not easily concentrated, or made to bear upon one point.

The British State is, without question, that which pursues the greatest variety of ends, and is the least disposed to sacrifice any one of them to another, or to the whole. It aims at taking in the whole circle of human desires, and securing for them their fair enjoyment. Our legislature has been ever closely connected, in it's most efficient part, with individual feeling and individual interest. Personal liberty, the most lively of these feelings and the most important of these interests, which in other European countries has rather arisen from the system of manners and the habitudes of life, than from the laws of the state, (in which it flourished more from neglect than attention) in England, has been a direct object of Government.

Fortunately, the great riches of this kingdom, arising from a variety of causes, and the disposition of the people, which is as great to spend as to accumulate, has easily afforded a disposeable surplus that gives a mighty momentum to the state. This difficulty, with these advantages to overcome it, has called forth the talents of the English financiers, who, by the surplus of industry poured out by prodigality, has outdone every thing which has been accomplished in other nations. The present Minister has outdone his predecessors; and as a Minister of revenue, is far above my power of praise. But still there are cases in which England feels more than several others, (though they all feel) the perplexity of an immense body of balanced advantages, and of individual demands, and of some irregularity in the whole mass.

France differs essentially from all those Governments which are formed without system, which exist by habit, and which are confused with the multitude, and with the complexity of their pursuits. What now stands as Government in France is struck out at a heat. The design is wicked, immoral, impious, oppressive; but it is spirited and daring: it is systematick; it is simple in it's principle; it has unity and consistency in perfection. In that country entirely to cut off a branch of commerce, to extinguish a manufacture, to destroy the circulation of money, to violate credit, to suspend the course of agriculture, even to burn a city, or to lay waste a province of

their own, does not cost them a moment's anxiety. To them, the will, the wish, the want, the liberty, the toil, the blood of individuals is as nothing. Individuality is left out of their scheme of Government. The state is all in all. Every thing is referred to the production of force; afterwards every thing is trusted to the use of it. It is military in it's principle, in it's maxims, in it's spirit, and in all it's movements. The state has dominion and conquest for it's sole objects; dominion over minds by proselytism, over bodies by arms.

Thus constituted with an immense body of natural means, which are lessened in their amount only to be encreased in their effect, France has since the accomplishment of the Revolution, a complete unity in it's direction. It has destroyed every resource of the State, which depends upon opinion and the good-will of individuals. The riches of convention disappear. The advantages of nature in some considerable measure remain; the command over them is complete and absolute. We go about asking when assignats will expire, and laugh at the last price of them; but what signifies the fate of these tickets of despotism? The despotism will find despotick means of supply. They have found the short cut to the productions of Nature, while others in pursuit of them, are obliged to wind through the labyrinth of artificial society. They seize upon the fruit of the labour; they seize upon the labourer himself. The natural means of France are still great. They are very materially lessened, I admit; but the power over them is increased. Were France but half of what it is in population, in compactness, in applicability of it's force, situated as it is, and being what it is, it would be too strong for most of the States of Europe, constituted as they are, and proceeding as they proceed. Would it be wise to estimate what the world of Europe, as well as the world of Asia, had to dread from Jinghiz Khan, upon a contemplation of the resources of the cold and barren spot in the remotest Tarray, from whence first issued that scourge of the human race? Ought we to judge from the excise and stamp duties of the rocks, or from the paper circulation of the sands of Arabia, the power by which Mahomet and his tribes laid hold at once on the two most powerful Empires of the world; beat one of them totally to the ground, broke to pieces the other, and, in not much longer space of time than I have lived, overturned governments, laws, manners, religion, and extended an empire from the Indus to the Pyrennees.

Material resources never have supplied, nor ever can supply the want of unity in design and constancy in pursuit. But unity in design, and perseverance, and boldness in pursuit, have never wanted resources, and never will. We have not considered as we ought the dreadful energy of a State, in which the property has nothing to do with the Government. Reflect, my dear Sir, reflect again and again on a Government, in which the property is in subjection, and where nothing rules but the minds of desperate men. The condition of a commonwealth not governed by its property was a combination of things, which the learned and ingenious speculator Harrington, who has tossed about society into all forms, never could imagine to be

possible. We have seen it; the world has felt it; and if the world will shut their eyes to this state of things, they will feel it more. The Rulers there have found their resources in crimes. The discovery is dreadful, the mine exhaustless. They have every thing to gain, and they have nothing to lose. They have a boundless inheritance in hope; and there is no medium for them, betwixt the highest elevation, and death with infamy. Never can those, who from the miserable servitude of the desk have been raised to Empire, again submit to the bondage of a starving bureau, or the profit of copying music, or writing plaidoyers by the sheet. It has made me often smile in bitterness, when I heard talk of an indemnity to such men, provided they returned to their allegiance.

From all this, what is my inference? It is, that this new system of robbery in France, cannot be rendered safe by any art or any means. That it must be destroyed, or that it will destroy all Europe. — That by some means or other the force opposed to her should be made to bear, in a contrary direction, some analogy and resemblance to the force and spirit she employs.

The unhappy Lewis XVI. was a man of the best intentions that probably ever reigned. He was by no means deficient in talents. He had a most laudable desire to supply by general reading, and even by the acquisition of elemental knowledge, an education in all points originally defective; but nobody told him (and it was no wonder he should not himself divine it) that the world of which he read, and the world in which he lived, were no longer the same. Desirous of doing every thing for the best, fearful of cabal, distrusting his own judgment, he sought his Ministers of all kinds upon public testimony. But as Courts are the field for caballers, the public is the theatre for mountebanks and impostors. The cure for both those evils is in the discernment of the Prince. But an accurate and penetrating discernment is what in a young Prince could not be looked for.

His conduct in it's principle was not unwise; but like most other of his well-meant designs, it failed in his hands. It failed partly from mere ill fortune, to which speculators are rarely pleased to assign that very large share to which she is justly entitled in all human affairs. The failure, perhaps, in part was owing to his suffering his system to be vitiated and disturbed by those intrigues, which it is, humanly speaking, impossible wholly to prevent in Courts, or indeed under any form of Government. However, with these aberrations, he gave himself over to a succession of the statesman of public opinion. In other things he thought that he might be a King on the terms of his predecessors. He slattered himself, as most men in his situation will, that he might consult his ease without danger to his safety. It is not at all wonderful that both he and his Ministers, giving way abundantly in other respects to innovation, should take up in policy with the tradition of their monarchy. Under his ancestors the Monarchy had subsisted, and even been strengthened by the generation or support of Republicks. First, the Swiss Republicks grew under the guardianship of the French Monarchy. The Dutch Republicks were hatched and

cherished under the same incubation. Afterwards, a republican constitution was under it's influence established in the empire against the pretensions of it's Chief. Even whilst the Monarchy of France, by a series of wars and negotiations, and lastly by the treaties of Westphalia, had obtained the establishment of the Protestants in Germany as a law of the Empire, the same Monarchy under Louis the XIIIth, had force enough to destroy the republican system of the Protestants at home.

Louis the XVIth was a diligent reader of history. But the very lamp of prudence blinded him. The guide of human life led him astray. A silent revolution in the moral world preceded the political, and prepared it. It became of more importance than ever what examples were given, and what measures were adopted. Their causes no longer lurked in the recesses of cabinets, or in the private conspiracies of the factious. They were no longer to be controlled by the force and influence of the grandees, who formerly had been able to stir up troubles by their discontents, and to quiet them by their corruption. The chain of subordination, even in cabal and sedition, was broken in its most important links. It was no longer the great and the populace. Other interests were formed, other dependencies, other connexions, other communications. The middle class had swelled far beyond its former proportions. Like whatever is the most effectively rich and great in society, that became the seat of all the active politicks; and the preponderating weight to decide on them. There were all the energies by which fortune is acquired, there the consequence of their success. There were all the talents which assert their pretensions, and are impatient of the place which settled society prescribes to them. These descriptions had got between the great and the populace; and the influence on the lower classes was with them. The spirit of ambition had taken possession of this class as violently as ever it had done of any other. They felt the importance of this situation. The correspondence of the monied and the mercantile world, the literary intercourse of academies; but, above all, the press, of which they had in a manner, entire possession, made a kind of electrick communication every where. The press, in reality, has made every Government, in its spirit, democratick. Without it the great, the first movements could not, perhaps, have been given. But the spirit of ambition, now for the first time connected with the spirit of speculation, was not to be restrained at will. There was no longer any means of arresting a principle in its course. When Louis the XVIth. under the influence of the enemies to Monarchy, meant to found but one Republick, he set up two. When he meant to take away half the crown of his neighbour, he lost the whole of his own. Louis the XVIth could not countenance a new Republick: yet between that dangerous lodgment for an enemy, which he had erected, and his throne, he had the whole Atlantick for a ditch. He had for an outwork the English nation itself, friendly to liberty, adverse to that mode of it. He was surrounded by a rampart of Monarchies, most of them allied to him, and generally under his influence. Yet even thus secured, a Republic erected under his auspices, and dependent on his power, became fatal to his throne. The

very money which he had lent to support this Republick, by a good faith, which to him operated as perfidy, was punctually paid to his enemies, and became a resource in the hands of his assassins.

With this example before their eyes, does any Administration in England, does any Administration in Austria really flatter itself, that it can erect, not on the remote shores of the Atlantick, but in their view, in their vicinity, in absolute contact with one of them, not a commercial but a martial Republick — a Republick not of simple husbandmen or fishermen, but of intriguers, and of warriors — a Republick of a character the most restless, the most enterprizing, the most impious, the most fierce and bloody, the most hypocritical and perfidious that ever has been seen, or indeed that can be conceived to exist, without their own certain ruin?

Such is the Republick to which we are going to give a place in civilized fellowship. The Republick, which with joint consent we are going to establish in the center of Europe, in a post that overlooks and commands every other State, and which eminently confronts and menaces this kingdom.

You cannot fail to observe, that I speak as if these powers were actually consenting, and not compelled by events to the establishment of this faction in France. The words have not escaped me. You will hereafter naturally expect that I should make them good. But whether in adopting this measure we are madly active, or weakly passive, or pusillanimously panick struck, the effects will be the same. You may call this faction, which has surprized the monarchy and expelled the proprietary, persecuted religion and trampled upon law, — you may call this France if you please: but of the ancient France nothing remains but it's dangerous and central geography, it's iron frontier, it's spirit of ambition, it's audacity of enterprise, it's perplexing intrigue. These and these alone remain; and they remain heightened in their principle and augmented in their means. All the old correctives, whether of virtue or of weakness, which existed in the old Monarchy, are gone. No single corrective is to be found in the whole body of the new institutions. How should such a thing be found there, when every thing has been chosen with care and selection to forward all those ambitious designs and dispositions, not to controul them? The whole is a body of ways and means for the supply of dominion, without one heterogeneous particle in it.

Here I suffer you to breathe, and leave to your meditation what has occurred to me on the genius and character of the French Revolution. From having this before us, we may be better able to judge on the first question I proposed, that is, How far nations, called foreign, are likely to be affected with the system established within that territory? I mean to proceed next on the question of her facilities, from the internal state of other nations, and particularly of this, for obtaining her ends: but I ought to be aware, that my notions are controverted. — I mean, therefore, in my next letter, to take notice of what, in that way, has been recommended to me as the

most deserving of notice. In the examination of those pieces, I shall have occasion to discuss some others of the topics I have recommended to your attention.

This discussion, my Friend, will be long. But the matter is serious; and if ever the fate of the world could be truly said to depend in a particular measure, it is upon this peace. For the present, farewell.

THREE MEMORIALS ON FRENCH AFFAIRS



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THREE MEMORIALS ON FRENCH AFFAIRS.
WRITTEN IN THE YEARS 1791, 1792 AND 1793.
BY THE LATE RIGHT HON. EDMUND BURKE.

PREFACE.

TO be engaged in a contention with ingratitude and fraud, is neither pleasing nor honourable; but they who in discharging the sacred obligations of friendship are forced into it, must submit to the humiliation. They would themselves be criminal in the next degree, were they to consult their own personal feelings; they are bound to consider only their duty.

In the beginning of the present year, a confidential paper, written by the late Mr. Burke, was surreptitiously published in his name; and at the end of it was advertised a volume of pretended memoirs, anecdotes, and letters, of the Author. Some of his friends (he was himself at Bath, struggling with the disease which ultimately proved fatal to him) obtained an injunction from the Court of Chancery, on the very day of publication. By this prompt interference of the law, by the general discountenance of all liberal men, and by the bankruptcy of the bookseller, which soon followed, the sale, though not wholly stopped, was considerably checked; and the memoirs, for the time, suppressed. But scarcely is the hand that wrote, and the tongue that dictated, yet cold in death, when, before it has been practicable even to examine and arrange the numerous papers which that admirable man has left behind him, and which bear impressed upon them the living traces of his great mind through his whole career of publick action, and during the previous course of severe study, by which he prepared himself to be what he became, a new notice is thrown forth, enlarged and improved a little in the language and arrangement, but in substance nearly the same with the former. It clearly comes, it can only come, from the same quarter; though perhaps the work itself may be coloured with some more ostensible name.

By this conduct, in addition to the turpitude which marked the former attempt, the will of the dead, regarded by all civilized nations with peculiar sanctity, is violated. The friends, to whose care and judgment Mr. Burke confided the selection and use of his manuscripts, are no longer at liberty to exercise their own discretion. They are not masters even of the time, order, and method to be observed in the execution of their trust. Without a choice, they are dragged along to meet or to overtake the diversified arts of a man, who, fed by his bounty while alive, endeavoured to disquiet the last moments of his dying benefactor, and ceases not to injure him in his grave. It is true, they have already obtained another injunction, but they are well aware, that crafty men will too often contrive to evade the law; desperate men will dare to defy it. They know, indeed, from the former experiment, that no deliberate encouragement will be given to the thefts and fabrications of avarice or indigence: the new system of morals has not made quite so much progress in this kingdom: but they also know that publick curiosity, strongly excited as it must be, by a promise of

“Mr. Burke’s secret correspondence with the most distinguished characters of Europe,”

will demand to be indulged. It will seek irregular, if it be denied regular means of gratification. The thirst which is not permitted to drink of the fresh fountain or the clear stream, will slake itself wherever it can, at the weedy pool or the muddy ditch.

Their determination therefore is taken. It is, upon the whole, they believe, the best which their circumstances would allow; though they may be in some danger of thus furnishing genuine materials, which are in their hands alone, and which mingled up with others of a different description, may be employed to lend a fallacious credit to the idle tales of credulity and folly, or the absurd calumnies of enmity and envy.

The present publication consists of three Memorials, which were written in the years 1791, 1792, 1793, and relate to three very interesting epochs in the French Revolution. They more particularly treat of the effects, which, at those respective periods, the author imagined that event likely to produce on the political state of all Europe. There is reason to suppose that incorrect copies of two out of the three have been fraudulently taken.

Some other pieces are in the hands of the Printer, and will shortly appear in a second pamphlet. They relate to the conduct of our two great parties at home, with a view to French politicks.

These two publications will fill up a very important chasm in the recorded opinions of the Author. There is nothing on French affairs in the quarto edition of his works later than the middle of the year 1791; long before the first approach to actual hostilities between the French and the neighbouring Powers of Germany. What he afterwards published takes up the subject at the point of time, when the King’s Ministers, despairing of success in the great purpose of continuing, whatever was the immediate cause of beginning the war, had avowed a disposition to negotiate a peace with the French Republick.

A collection also of Mr. Burke’s more important letters, during the last years of his life, especially on the subject of France, is preparing for the press. Of course it will be much more ample, than any thing which can be furnished by the person from whose scandalous breach of trust alone any spurious compilation can draw it’s materials.

Many of these letters were intended, not for the press indeed, but for free circulation in manuscript; a channel, which through all the principal transactions of his political life, he used instead of the publick prints, for explaining, as occasion required, his principles or his conduct. Of these compositions, sometimes himself, and sometimes those around him kept copies.

Some few of his letters were preserved by him as a sort of private protest and record of his opinions, when on questions of importance he had the misfortune, (such he always sincerely felt it to be) of dissenting from those with whom he

generally acted. He was, from conviction, a party-man; but he ever thought that party should be subservient to principle, not principle to party. His principles are now, unhappily for his country and the world, become mere matter of history, and whatever can elucidate them is due to the instruction of the publick.

His other letters, which passed in the unreserved freedom of confidential intercourse, can only be obtained from the liberality of the friends to whom they were addressed, many of whom have kindly promised their contributions, and all of whom are respectfully desired to transmit to Messrs. Rivingtons whatever they may have in that kind, which they may judge not unfit for the publick eye. There is very little indeed of his correspondence (and no man wrote more) which does not contain some portion of a great body of ethicks and politicks, from which mankind may grow wiser and better.

All these, and other such productions of his pen, as it may be thought right to print separately, will be given with all convenient speed in the octavo size, which he himself in his life-time chose for the first editions of his Speeches and Tracts. They will afterwards be formed, with many other original pieces of a less temporary nature, into quarto volumes; and to the whole will be prefixed a Life of the Author, accompanied with various letters and papers of a more early date, some of which were pointed out by himself as

“documents for the history, not of his own life,” he observed, “but of his times.”

It has been frequently supposed, that he was himself employed in writing such a history. But they who supposed this knew little of him. He bore too large a share, much beyond what is commonly known, in the literature and politicks of the age, to be himself the historian. Though not without a just sense of his own merits, he truly loved and practised that humility, which he has so beautifully called,

“the low, but deep and firm foundation of all real virtue.”

On principle, he would never have consented to undertake a task, in performing which, to have done justice to himself he must have risked the imputation of vanity; a vice which he abhorred to a degree, that by such as were not intimately acquainted with his heart, might have been sometimes mistaken for vanity itself. He has left in manuscript some biographical sketches both of his son and his brother; none of himself. None are ostentatiously introduced in any of his works. Cicero seems to have written some of his books almost for the purpose of putting his own praises into the mouths of others, and of scattering around those numberless little intimations, which at this distance of time we gather up with so much delight, of his childhood, his education, his studies, his amusements, his manners, his relations, his friends, his houses and pleasure-grounds, the gallery of Tusculum, and the oak of Arpinum; but whatever of that kind has fallen from Mr. Burke is only to be found incidentally interspersed, where to have suppressed it would have been to betray his own fair reputation, in which his family, friends, and country, had an interest as well as himself: it is to be found in his public or private answers to those who had

brought charges against him, and who were of a dignity to make a vindication of himself decorous, if not necessary. The rest must be supplied by the diligence and judgment of others, partly from memory and partly from information, which, it is hoped, all who in any part of his life have been intimate with him will be so obliging to communicate; but principally from the different sources already mentioned above, and the rich store of detached hints, loose notes, and unfinished fragments which remain in his handwriting, relative to all the more momentous business in which he was engaged. His pen was always in his hand. He seldom thought or read without it.

In the mean time, some important parts of his conduct and character will receive light from this, and the succeeding publications. It will at once be seen, whether the sentiments recently expressed by him were indeed the genuine conclusions of an early sagacity, anticipating calamities to come with a certainty that almost approached to inspired prediction, or nothing more than the false pretences of a tardy wisdom too late instructed by the event.

These papers will contain his inmost doctrines. His countrymen have heard him in the Senate; they have read him in his demagogick writings designed for popular effect; they will now attend him, as it were, into the Cabinet.

The year 1791 was highly critical in the development of the French Revolution. Mr. Neckar and his colleagues had been driven with ignominy from their posts and the country. A new ministry had been patched up from the accomplices and creatures of the original leaders in the National Assembly. Those leaders, to secure the power which they had obtained, shewed a disposition to put a stop to those confusions, which they had themselves excited or promoted. In their turn, they were themselves attacked by a new set of bolder, more ferocious, but more consistent demagogues. The Priests were declaredly persecuted; the Nobles plundered and hunted into emigration. Civil authority there was none. The army and navy were corrupted, and all discipline destroyed. The King and Queen, after a short and insecure interval of comparative tranquillity, were again repeatedly insulted, and their lives openly endangered.

In this situation of things, Mr. Burke was of opinion, that our Ambassador ought not to be an idle spectator of such scenes at the Court of a Monarch, who was in effect a prisoner; that he ought to be recalled, or to interpose the good-offices of our Court between Louis the XVIth and his seditious subjects, agreeably to our duty under the general law of nations, and the spirit of our positive treaties. On this plan he drew up

“Hints for a Memorial to be delivered to M. Montmorin,”

by Lord Gower.

Whether these Hints were ever actually seen by the King’s Ministers, there is no trace among his papers to shew, neither can those friends, from whom he was accustomed to conceal nothing, undertake to say from their recollection. It is

probable, that they were not seen, as at that period he had no direct intercourse with Government, and events soon ensued in France, which left no room for such a mediation. The paper, however, will be printed at the end of this Preface: it was discovered too late to be inserted, where it ought to have stood in the body of this publication. It will bear a strong, but not the only, testimony to the Author's real practical views, which have been so malignantly misrepresented, with regard to the French Revolution. However much he disapproved and contemned the false and treacherous principles, since renounced even by themselves, in which it glorified itself at its outset; however early he warned his own country of their pernicious tendency, and the steady and uniform march of their operation to break down a flourishing Monarchy into a hideous barbarism; however feelingly his nature detested the cruelties and atrocities of all kinds, with which their progress was systematically accompanied, for the purpose of crushing all opposition under the dominion of terror; yet while there appeared to him a chance of any quiet termination to these miseries and horrors, his counsels were moderate, conciliatory, and healing. The very basis of any agreement which the King of Great Britain, as the King of a people

“perfectly and solidly, because soberly, rationally and legally free,”

could undertake to negotiate, was to be the settlement, and, if required, the guarantee of a free constitution in France, but under an efficient Monarchy; both their government and their freedom being established

“upon principles of moderation, as the only means of securing permanence to both these blessings, as well as internal and external tranquillity to the kingdom of France, and to all Europe”

It will hereafter appear from his letters that, at a later period in the same year, he held a very similar language to the exiled French Princes and their agents, when they were preparing to assert their rights by the sword. We must now pass to the three Memorials, which form the immediate contents of this pamphlet.

The King of France in the April of that year was prevented by the populace, with every kind of menace and outrage, from going to his Palace at St. Cloud. He complained to the National Assembly. The result was that he was compelled to sanction a circular letter, which was soon after sent by M. Montmorin to all foreign Courts, announcing the new Constitution of France, its nature, and principles. This was followed by new indignities and increased licentiousness, by the flight to Montmedi, the actual custody of the Royal Family, the mockery of revising the Constitution, and the final acceptance of it by the King, which was notified in another circular letter from M. Montmorin. By these two official communications, unprecedented in diplomacy, the right of considering the internal Constitution of France was not only given to other States, if they had no such right before, but their attention was directly called to the subject. Nor was the purpose of the communications concealed. It was professedly to lead to similar Revolutions in

other countries. When the first of these extraordinary dispatches was originally submitted to the Assembly, long before any concert of Princes against France, it was enthusiastically applauded as

“a splendid example of a great King proclaiming afar the liberty of all people.”

It was, in fact, a general defiance to all the old Governments of Europe.

Mr. Burke had particular means of knowing the dispositions of the continental Powers. His son during that summer was at Coblenz, though not at the expence, nor with the formal authority, yet with the knowledge and approbation of Government. He was early convinced that the Declaration signed at Pilnitz by the Emperor and the King of Prussia was in a manner extorted by the Count d’Artois, and was never designed to be carried into serious effect. The King of Prussia refused to stir, till the Emperor should have put himself in motion: and the Emperor hesitated to move from a real or pretended distrust of this country. In general, the neighbouring Potentates seemed for a long time blind to the peril of their situation, and when the audacity of Brissot’s faction, as soon as he had established his ascendancy in the second Assembly, made them reluctantly open their eyes, they were struck with a sudden dread, from which they sought refuge in submission.

At home Mr. Burke found as little agreement with his views. Those •••...ers of Opposition, who in reality did not differ much from him, naturally wished to avoid as long as they could, any question that might precipitate a direct breach with some others of the same party, who from a long connexion stood high in their confidence, and were dear to their affections. Between Ministers and himself he believed there was a more essential difference. He understood them to think (as he afterwards told one of them)

“that the new principles might be encouraged; that they might triumph over every interior and exterior resistance, and even overturn other States, as they had that of France, without any sort of hazard, that they would extend in their consequences to this kingdom.”

His own opinion thus early was, that there never existed a crisis so important to the world; that the power of France, which the preceding year had seen in a manner annihilated by her internal anarchy, now appeared more formidable than ever; that all hope of a quiet settlement to the disorders of that distracted country was gone; that the more furious part of the Jacobin faction, who from the first had been eager to disturb the peace of all Europe, was daily encreasing in strength and solidity; and as France had not then re-established her army after it’s dissolution by decrees and intrigues, while the northern powers had not yet begun to disband their forces after the Turkish war, that every thing was to be gained to the former, every thing lost to the latter by delay.

Under these impressions he wrote the Memorial of December 1791. It was sent to some of the leaders of Opposition, and to the Ministers, by one of whom it was communicated to the King. The style and the topicks are those of a statesman

addressing statesmen. It takes its rise from M. Montmorin's two letters. It points out the features and character which distinguish this Revolution from most others of ancient or modern times: it delineates with a masterly hand the political map of Europe, and marks with wonderful precision the track which the new principles were likely to pursue in their progress: it combats the supposition that the Revolution would fall by its own weakness, by internal force, or the discredit of its paper money: it considers the dispositions of the neighbouring powers, who were most interested in stopping the course of the mischief, and the general leaning of all Kings, Ambassadors, and Ministers of State in these days; but it modestly professes only to make a case without offering advice, to shew the nature of the evil, without suggesting a remedy. His country, the world, and posterity, will now be able to judge how far his speculations on this great question of politics were just:

“the paper,” he conceived at the time, “did not meet the ideas of Ministers.”

The invasion of France by the Duke of Brunswick in 1792, after the French had declared war, and been repulsed in an attack on the Netherlands, excited the most sanguine hopes of many. Mr. Burke, it is known to those who conversed with him, and will appear by some of his letters, always distrusted the event. Besides the incalculable difference which time had made, he saw a radical error in not giving more importance and lead to the exiled Princes and Nobility of France. He had from the first a settled conviction that neither insurrections of the Royalists within, nor a foreign force from without, could separately avail. There was no sound hope, in his judgment, but from a well-combined, and cordial co-operation of both. On the disastrous and ignominious retreat of the Duke of Brunswick, he hastily threw down his thoughts in an informal manner, and submitted them to the consideration of those who had seen the former paper. He now proceeded further, and intimated in general terms, what he thought should be done for the safety of Europe. Upon all maxims of ancient policy, upon all views of the actual circumstances, he was decided in his opinion, that England should interpose as the protectress of the balance of power. It was essential, he thought, that she should be the presiding soul of that concert, which seemed to be now indispensable; that she should govern its counsels, and direct its efforts; she should negotiate and confederate, exhort on one side, and remonstrate on the other; she should not precipitate a war, but risk it, and firmly meet it, for the safety of Europe. But before this paper had been communicated to those for whose use it was intended, the French Convention ventured on decrees and acts directly striking at this country, and her old ally Holland. A sort of unofficial negotiation ensued, which ended in a declaration of war by the French Republic against Great Britain and Holland. Thus forced separately into open hostility, Ministers were under the necessity of joining the Powers already in arms, on their own conditions. They could not take that lead which, Mr. Burke believed, might have been conceded to them as the price of their voluntary interposition.

After the first successes of 1793, Mr. Burke was cursorily informed in a conversation with one of the King's Ministers, that they purposed to issue a declaration of the motives, objects, and end of the war. Sometime in the subsequent autumn, he heard again of the same design. He doubted the prudence and expediency of the measure, especially at that time, just after our retreat from Dunkirk. He sought, but was not able to obtain, a conference on the subject.

He had recourse, therefore, to his pen. This was the origin of the third memorial. Accordingly at the head of one of the copies found in his possession, it was called,

“Thoughts respectfully submitted on the proposed Manifesto;”

though it was endorsed with the present title. He had not, however, proceeded far before he learnt that the Declaration was to be immediately issued. He desired it might be delayed a single day, that he might have an opportunity of previously stating his doubts; but was told that no alteration could be admitted, as the paper had been approved by the allied Courts.

The Memorial in consequence lay for some time unfinished. But some agents of the Royalists of Brittany and Poitou having about that period prevailed on Mr. Burke to second their representations to Government with his influence, and the surrender of Toulon having made an opening in their favour, he resumed what he had laid aside, and completed it upon a more comprehensive plan. It seems in it's style and spirit to approach more nearly, than either of the other two Memorials, to the animation and decision of his own former publications. It begins by stating the time to be that of calamity and defeat. When it proceeds to the main consideration, it paints with a firm but rapid pencil the miserable situation of France under the reign of Robespierre and terrour, the full effects of which Mr. Burke confesses himself not to have foreseen. The whole nation was divided into the oppressors and the oppressed. He then argues that the very success of the Allies on their own plan would not restore France to a condition safe for herself and for Europe, and he ultimately ventures to give his own advice. Perhaps, if there is any passage in it more especially deserving of attention than another, it is the noble scheme of awful, but discriminating justice, tempered with enlightened mercy, which he recommends and enforces, in the event of the Monarchy, and ancient orders of the State being once more restored in France. The Memorial concludes with an emphatick protest against what he always considered as the great, fruitful source of every miscarriage, the great leading mistake, that of conducting the war, by precedent, as a common war against a common enemy, for the usual objects of ordinary appeals to arms, and searching history for lessons of civil prudence, to be derived from former Revolutions, which resembled this portent of our times in nothing but the name.

In every one of these three Memorials reference is made to the writers on the law of nations; and in one or two places Vattel is expressly named. It has been thought proper, therefore, to subjoin an Appendix, consisting of passages from that eminent publicist, which were found among Mr. Burke's papers, drawn out for his private

use under distinct heads, as they are here printed, and illustrated in his hand-writing with marginal comments and short notes, which are here preserved. Some few notes have been added to complete his plan. Even these are not wholly without his authority. They are the faint vestiges of much discourse had with him at different times on the effect and application of the extracts. A genius like his, rich in so much natural and acquired wealth, might be supposed to have been confident in itself. Yet this was the laborious and accurate method which to the end of his life he was habituated to pursue, in collecting and digesting the best information upon every subject that occupied his mind; working upon all, and ever mingling up with it something of his own.

In explaining and connecting the history of the three Memorials, nothing, it is hoped, has been said, which can be construed to imply a censure on those who direct the affairs of this kingdom. They may have formed to themselves a wiser system of action, and been defeated in it by accidents, which could neither be foreseen nor controuled; they may have unwillingly compromised in their counsels with the irresistible force of circumstances, and been compelled to adopt a system which they knew to be imperfect; they may even, by attempting less, have actually done more. These are questions too extensive and important for this place. All that it seems proper to say here, is simply, that whatever may have been their system, and the merits of that system, it was not that of Mr. Burke. And thus much is due to his memory, and to truth. Whatever has been the failure of the war, it is in no manner to be ascribed to him: the time and mode of beginning it were not his choice: the plan of operations for conducting it was not his suggestion: and the declaration of principles, on which it has been justified, was not made by his advice, nor with his concurrence. Neither did he flatter those in power by a silent acquiescence in a course of policy which he did not approve. According to his practice, in more instances than one, during his opposition to Lord North's Administration,

“he chose rather,” as he has said, “respectfully to state a doubt to Ministers whilst a measure was depending, than to reproach them afterwards with it's consequences.”

In truth, he who never used any solicitation to advance his own personal interests, was indefatigable in soliciting support to that cause, which he considered as the common interest of mankind. There was no person of rank or eminence in Europe with whom he had any occasion of correspondence, that he did not endeavour to conciliate, confirm, or animate on the side of religion, morals, and social order, connected with moderated liberty. He applied to each the several topicks which were best suited to his circumstances, his condition, his prejudices, or his wants, but all centered in one point. If to the people he again and again recommended, and inculcated, and enforced, with all the varied beauty and energy of his fascinating eloquence, a principle of obedience, submission, and respect to their lawful Rulers

of every denomination; to Princes and to all men in the exercise of authority he did not spare to recount, in the calmer tone of more argumentative discussion, the faults and errors to which their stations render them peculiarly liable, to impress upon them the necessity of that union between Mercy and Justice, without which one degenerates into weakness, and the other into cruelty; and to admonish them, for their own tranquillity and happiness, to protect, not oppress, their people, to improve, not impair, the legal security of the subject in his person and property, according to the true nature of their respective governments, for the great end of all government. Founding, as he always did, his political on his moral philosophy, he told the different classes of society, not of their extreme rights, but of their duties, the root of which is in the rights of others. He ardently loved his country and wished her prosperity: yet he has not scrupled to say, that

“he dreaded our own power and our own ambition; he dreaded our being too much dreaded.”

He constantly possessed a jealousy of France as the natural rival and enemy of England; yet he was not less alarmed at her weakness, when, in the moment of the Monarchy being dissolved, she seemed to leave a chasm in the map of Europe, than afterwards at her terrific power, when the monstrous republic of Brissot and Robespierre grew too big for her ancient limits; nor was he without his fears of her being again reduced too low, if the Allies had succeeded in what he believed to be their system of dismembering her. In general, men see that side only, which is nearest to them, in the order of things, by which they are surrounded, and in which they are carried along; but the clear and penetrating sight of his mind comprehended in one view all the parts of the immense whole, which varying from moment to moment, yet continuing through centuries essentially the same, extends around and above to every civilized people in every age, and unites and incorporates the present with the generations which are past. To preserve that whole unbroken to a late posterity, he knew no other way than by resisting all mad or wicked attempts to destroy any of the great prominent parts. Not that he was the enemy of reformations. Quite the reverse. But he would allow the honour of that name to no changes which affected the very substance of the thing: those he approved, those he called true reformations, which patiently seeking the degree of perfection alone attainable by man, and ordained to be only the slow result of long experience and much meditation, put the happiness of none to the hazard, while they better the condition of all. If, like the early sages of Greece, he were to be characterized by some peculiar sentiment, it should be that to which he desired to give the currency of a proverb — to innovate is not to reform.

This Preface has been drawn by degrees into an unexpected length. Much of Mr. Burke's character may have been here anticipated, which might have come with more propriety and force, hereafter. But on the spot where every object, to which the eye can be directed, is full of his image, it was impossible that many little

remembrances of his opinions and habits, which must involuntarily arise in the bosom, should not run over on the paper. They will not be the least interesting part to those who enjoyed the blessing of an intimacy with him; and when the name of a deceased friend has been already forged to a despicable libel against him, when intelligence has been received, even while this Preface has been passing under the press, of new artifices, which have been practised through the country, to solicit a party-support to an insidious attack upon his fame, that some correct notion of such a man should be early given, seemed to be of moment to the cause of public virtue.

Beaconsfield, Sept. 2, 1797.

HINTS FOR A MEMORIAL TO BE DELIVERED TO MONSIEUR DE M. M. WRITTEN IN THE EARLY PART OF 1791.

THE King my Master, from his sincere desire of keeping up a good correspondence with his Most Christian Majesty, and the French nation, has for some time beheld with concern, the condition into which that sovereign and nation have fallen.

Notwithstanding the reality and the warmth of those sentiments, his Britannick Majesty has hitherto forborne in any manner to take a part in their affairs; in hopes, that the common interest of King and subjects would render all parties sensible of the necessity of settling, their government and their freedom, upon principles of moderation; as the only means of securing permanence to both these blessings, as well as internal and external tranquillity, to the Kingdom of France, and to all Europe.

His Britannick Majesty finds, to his great regret, that his hopes have not been realized. He finds, that confusions and disorders have rather increased than diminished, and that they now threaten to proceed to dangerous extremities.

In this situation of things, the same regard to a neighbouring Sovereign living in friendship with Great Britain, the same spirit of good-will to the Kingdom of France, the same regard to the general tranquillity, which have caused him to view with concern, the growth and continuance of the present disorders, have induced the King of Great Britain to interpose his good offices towards a reconciliation of those unhappy differences. This his Majesty does with the most cordial regard to the good of all descriptions concerned, and with the most perfect sincerity, wholly removing from his Royal mind, all memory of every circumstance which might impede him in the execution of a plan of benevolence which he has so much at heart.

His Majesty, having always thought it his greatest glory, that he rules over a people, perfectly and solidly, because soberly, rationally, and legally free, can never be supposed to proceed in offering thus his Royal mediation, but with an unaffected desire and full resolution, to consider the settlement of a free constitution in France, as the very basis of any agreement between the Sovereign and those of his subjects who are unhappily at variance with him; to guarantee it to them, if it should be desired, in the most solemn and authentick manner, and to do all that in him lies to procure the like guarantee from other powers.

His Britannick Majesty, in the same manner, assures the most Christian King, that he knows too well, and values too highly, what is due to the dignity and rights of crowned Heads, and to the implied faith of treaties which have always been made

with the Crown of France, ever to listen to any proposition by which that Monarchy shall be despoiled of all its rights, so essential for the support of the consideration of the Prince, and the concord and welfare of the people.

If unfortunately, a due attention should not be paid to these his Majesty's benevolent and neighbourly offers, or, if any circumstances should prevent the Most Christian King from acceding, (as his Majesty has no doubt he is well disposed to do) to this healing mediation in favour of himself and all his subjects, his Majesty has commanded me to take leave of this Court, as not conceiving it to be suitable to the dignity of his Crown, and to what he owes to his faithful people, any longer to keep a publick Minister at the Court of a Sovereign who is not in possession of his own liberty.

THOUGHTS ON FRENCH AFFAIRS, &c. &c. WRITTEN IN DECEMBER, 1791.

IN all our transactions with France, and at all periods, we have treated with that State on the footing of a Monarchy. Monarchy was considered in all the external relations of that kingdom with every Power in Europe as it's legal and constitutional Government, and that in which alone it's federal capacity was vested.

It is not yet a year since Monsieur de Montmorin, formally, and with as little respect as can be imagined, to the King, and to all crowned heads, announced a total revolution in that country. He has informed the British Ministry that it's frame of Government is wholly altered; that he is one of the Ministers of the new system; and in effect, that the King is no longer his master (nor does he even call him such) but the "first of the Ministers" in the new system.

The second notification was that of the King's acceptance of the new Constitution; accompanied with fanfaronades in the modern style of the French bureaux, things which have much more the air and character of the saucy declamations of their clubs, than the tone of regular office.

It has not been very usual to notify to foreign Courts, any thing concerning the internal arrangements of any State. In the present case, the circumstance of these two notifications, with the observations with which they are attended, does not leave it in the choice of the Sovereigns of Christendom to appear ignorant either of this French Revolution, or (what is more important) of it's principles.

We know that very soon after this Manifesto of Monsieur de Montmorin, the King of France, in whose name it was made, found himself obliged to fly, with his whole family: leaving behind him a Declaration, in which he disavows and annuls that Constitution, as having been the effect of force on his person and usurpation on his authority. It is equally notorious that this unfortunate Prince was with many circumstances of insult and outrage brought back prisoner, by a deputation of the pretended National Assembly, and afterwards suspended by their authority, from his Government. Under equally notorious constraint, and under menaces of total deposition, he has been compelled to accept what they call a Constitution, and to agree to whatever else the usurped power which holds him in consinement, thinks proper to impose.

His next brother, who had fled with him, and his third brother, who had fled before him, all the Princes of his blood, who remained faithful to him, and the flower of his Magistracy, his Clergy, and his Nobility, continue in foreign countries, protesting against all acts done by him in his present situation, on the grounds upon which he had himself protested against them at the time of his flight; with this addition, that they deny his very competence, (as on good grounds they may) to

abrogate the Royalty, or the ancient constitutional Orders of the Kingdom. In this protest they are joined by three hundred of the late Assembly itself, and in effect, by a great part of the French Nation. The new Government (so far as the people dare to disclose their sentiments) is disdained, I am persuaded, by the greater number; who as M. de la Fayette complains, and as the truth is, have declined to take any share in the new elections to the National Assembly, either as candidates or electors.

In this state of things (that is in the case of a divided kingdom) by the law of nations, Great Britain, like every other Power, is free to take any part she pleases. She may decline, with more or less formality, according to her discretion, to acknowledge this new system; or she may recognize it as a Government *de facto*, setting aside all discussion of its original legality, and considering the ancient Monarchy as at an end. The law of nations leaves our Court open to its choice. We have no direction but what is found in the wellunderstood policy of the King and kingdom.

This Declaration of a new species of Government, on new principles (such it professes itself to be) is a real crisis in the politicks of Europe. The conduct which prudence ought to dictate to Great-Britain, will not depend (as hitherto our connexion or quarrel with other States has for some time depended) upon merely external relations; but, in a great measure also upon the system which we may think it right to adopt for the internal government of our own country.

If it be our policy to assimilate our Government to that of France, we ought to prepare for this change, by encouraging the schemes of authority established there. We ought to wink at the captivity and deposition of a Prince, with whom, if not in close alliance, we were in friendship. We ought to fall in with the ideas of Mons. Montmorin's circular Manifesto; and to do business of course with the functionaries who act under the new power, by which that King to whom his Majesty's Minister has been sent to reside, has been deposed and imprisoned. On that idea we ought also to with-hold all sorts of direct or indirect countenance from those who are treating in Germany for the re-establishment of the French Monarchy and the ancient Orders of that State. This conduct is suitable to this policy.

The question is, whether this policy be suitable to the interests of the Crown and subjects of Great Britain. Let us therefore a little consider the true nature and probable effects of the Revolution which, in such a very unusual manner, has been twice diplomatically announced to his Majesty.

There have been many internal revolutions in the Government of countries, both as to persons and forms, in which the neighbouring States have had little or no concern. Whatever the Government might be with respect to those persons and those forms, the stationary interests of the nation concerned, have most commonly influenced the new Governments in the same manner in which they influenced the

old; and the Revolution, turning on matter of local grievance or of local accommodation, did not extend beyond it's territory.

The present Revolution in France seems to me to be quite of another character and description; and to bear little resemblance or analogy to any of those which have been brought about in Europe, upon principles merely political. It is a Revolution of doctrine and theoretick dogma. It has a much greater resemblance to those changes which have been made upon religious grounds, in which a spirit of proselytism makes an essential part.

The last Revolution of doctrine and theory which has happened in Europe, is the Reformation. It is not for my purpose to take any notice here of the merits of that Revolution, but to state one only of it's effects.

That effect was to introduce other interests into all countries, than those which arose from their locality and natural circumstances. The principle of the Reformation was such, as by it's essence, could not be local or confined to the country in which it had it's origin. For instance, the doctrine of

“Justification by Faith or by Works,”

which was the original basis of the Reformation, could not have one of it's alternatives true as to Germany, and false as to every other country. Neither are questions of theoretick truth and falsehood governed by circumstances any more than by places. On that occasion, therefore, the spirit of proselytism expanded itself with great elasticity upon all sides; and great divisions were every where the result.

These divisions however, in appearance merely dogmatick, soon became mixed with the political; and their effects were rendered much more intense from this combination. Europe was for a long time divided into two great factions, under the name of Catholick and Protestant, which not only often alienated State from State, but also divided almost every State within itself. The warm parties in each State were more affectionately attached to those of their own doctrinal interest in some other country than to their fellow citizens, or to their natural Government, when they or either of them happened to be of a different persuasion. These factions, wherever they prevailed, if they did not absolutely destroy, at least weakened and distracted the locality of patriotism. The publick affections came to have other motives and other ties.

It would be to repeat the history of the two last centuries to exemplify the effects of this Revolution.

Although the principles to which it gave rise, did not operate with a perfect regularity and constancy, they never wholly ceased to operate. Few wars were made, and few treaties were entered into in which they did not come in for some part. They gave a colour, a character, and direction to all the politicks of Europe.

These principles of internal, as well as external division and coalition, are but just now extinguished. But they who will examine into the true character and genius of some late events, must be satisfied that other sources of faction, combining parties

among the inhabitants of different countries into one connexion, are opened, and that from these sources are likely to arise effects full as important as those which had formerly arisen from the jarring interests of the religious sects. The intention of the several actors in the change in France, is not a matter of doubt. It is very openly prosessed.

In the modern world, before this time, there has been no instance of this spirit of general political faction, separated from religion, pervading several countries, and forming a principle of union between the partizans in each. But the thing is not less in human nature. The antient world has furnished a strong and striking instance of such a ground for faction, full as powerful and full as mischievous as our spirit of religious system had ever been, exciting in all the States of Greece (European and Asiatick) the most violent animosities, and the most cruel and bloody persecutions and proscriptions. These ancient factions in each commonwealth of Greece, connected themselves with those of the same description in some other States; and secret cabals and publick alliances were carried on and made, not upon a conformity of general political interests, but for the support and aggrandizement of the two leading States which headed the Aristocratick and Democratick Factions. For, as in later times, the King of Spain was at the head of a Catholick, and the King of Sweden of a Protestant interest, France, (though Catholick, acting subordinately to the latter,) in the like manner the Lacedemonians were every where at the head of the Aristocratick interests, and the Athenians of the Democratick. The two leading Powers kept alive a constant cabal and conspiracy in every State, and the political dogmas concerning the constitution of a Republick, were the great instruments by which these leading States chose to aggrandize themselves. Their choice was not unwise; because the interest in opinions (merely as opinions, and without any experimental reference to their effects) when once they take strong hold of the mind, become the most operative of all interests, and indeed very often supercede every other.

I might further exemplify the possibility of a political sentiment running through various states and combining factions in them, from the history of the middle ages in the Guelfs and Ghibellines. These were political factions originally in favour of the Emperor and the Pope, with no mixture of religious dogmas; or if any thing religiously doctrinal they had in them originally, it very soon disappeared; as their first political objects disappeared also, though the spirit remained. They became no more than names to distinguish factions; but they were not the less powerful in their operation, when they had no direct point of doctrine, either religious or civil, to assert. For a long time, however, those factions gave no small degree of influence to the foreign Chiefs in every commonwealth in which they existed. I do not mean to pursue further the track of these parties. I allude to this part of history only, as it furnishes an instance of that species of faction which broke the locality of publick

affections, and united descriptions of citizens more with strangers than with their countrymen of different opinions.

The political dogma, which upon the new French system, is to unite the factions of different nations, turns is this,

“That the majority told, by the head, of the taxable people in every country, is the perpetual, natural, unceasing, indefeasible sovereign; that this majority is perfectly master of the form, as well as the administration of the state, and that the magistrates, under whatever names they are called, are only functionaries to obey the orders, (general as laws or particular as decrees) which that majority may make; that this is the only natural government; that all others are tyranny and usurpation.”

In order to reduce this dogma into practice, the Republicans in France, and their associates in other countries, make it always their business, and often their publick profession, to destroy all traces of antient establishments, and to form a new common-wealth in each country, upon the basis of the French Rights of Men. On the principle of these rights, they mean to institute in every country, and as it were, the germe of the whole, parochial governments, for the purpose of what they call equal representation. From them is to grow, by some media, a general council and representative of all the parochial governments. In that representative is to be vested the whole national power; totally abolishing hereditary name and office, levelling all conditions of men, (except where money must make a difference) breaking all connexion between territory and dignity, and abolishing every species of nobility, gentry, and church establishments; all their priests, and all their magistrates being only creatures of election, and pensioners at will.

Knowing how opposite a permanent landed interest is to that scheme, they have resolved, and it is the great drift of all their regulations, to reduce that description of men to a mere peasantry, for the sustenance of the towns, and to place the true effective government in cities, among the tradesmen, bankers, and voluntary clubs of bold, presuming young persons; — advocates, attornies, notaries, managers of newspapers, and those cabals of literary men, called academies. Their Republick is to have a first functionary, (as they call him) under the name of King, or not, as they think fit. This officer, when such an officer is permitted, is however, neither in fact nor name, to be considered as sovereign, nor the people as his subjects. The very use of these appellations is offensive to their ears.

This system, as it has first been realized, dogmatically as well as practically, in France, makes France the natural head of all factions formed on a similar principle, wherever they may prevail, as much as Athens was the head and settled ally of all democrattick factions, wherever they existed. The other system has no head.

This system has very many partizans in every country in Europe, but particularly in England, where they are already formed into a body, comprehending most of the dissenters of the three leading denominations; to these are readily aggregated all who are dissenters in character, temper, and disposition, though not belonging to

any of their congregations — that is, all the restless people who resemble them, of all ranks and all parties — Whigs, and even Tories — the whole race of half-bred speculators; — all the Atheists, Deists, and Socinians; — all those who hate the Clergy, and envy the Nobility; — a good many among the monied people; — the East Indians almost to a man, who cannot bear to find that their present importance does not bear a proportion to their wealth. These latter have united themselves into one great, and in my opinion; formidable Club, which, though now quiet, may be brought into action with considerable unanimity and force.

Formerly few, except the ambitious great, or the desperate and indigent, were to be feared as instruments in revolutions. What has happened in France teaches us, with many other things, that there are more causes than have commonly been taken into our consideration, by which Government may be subverted. The monied men, merchants, principal tradesmen, and men of letters (hitherto generally thought the peaceable and even timid part of society) are the chief actors in the French Revolution. But the fact is, that as money increases and circulates, and as the circulation of news, in politicks and letters, becomes more and more diffused, the persons who diffuse this money, and this intelligence, become more and more important. This was not long undiscovered. Views of ambition were in France, for the first time, presented to these classes of men. Objects in the State, in the Army, in the system of civil offices of every kind. Their eyes were dazzled with this new prospect. They were, as it were, electrified and made to lose the natural spirit of their situation. A bribe, great without example in the history of the world, was held out to them — the whole government of a very large kingdom.

There are several who are persuaded that the same thing cannot happen in England, because here, (they say) the occupations of merchants, tradesmen and manufacturers, are not held as degrading situations. I once thought that the low estimation in which commerce was held in France, might be reckoned among the causes of the late revolution: and I am still of opinion, that the exclusive spirit of the French nobility, did irritate the wealthy of other classes. But I found long since, that persons in trade and business were by no means despised in France in the manner I had been taught to believe. As to men of letters, they were so far from being despised or neglected, that there was no country perhaps in the universe, in which they were so highly esteemed, courted, caressed, and even feared; tradesmen naturally were not so much sought in society (as not furnishing so largely to the fund of conversation as they do to the revenues of the state) but the latter description got forward every day. M. Bailly, who made himself the popular Mayor on the rebellion of the Bastile, and is a principal actor in the revolt, before the change possessed a pension or office under the Crown, of six hundred pound English, a year, for that country, no contemptible provision: And this he obtained solely as a man of letters, and on no other title. As to the monied men — whilst the Monarchy continued, there is no doubt, that merely as such, they did not enjoy the

privileges of nobility, but nobility was of so easy an acquisition, that it was the fault or neglect of all of that description, who did not obtain it's privileges, for their lives at least, in virtue of office. It attached under the royal government to an innumerable multitude of places, real and nominal, that were vendible; and such nobility were as capable of every thing as their degree of influence or interest could make them, that is, as nobility of no considerable rank or consequence. M. Necker, so far from being a French gentleman, was not so much as a Frenchman born, and yet we all know the rank in which he stood on the day of the meeting of the States.

As to the mere matter of estimation of the mercantile or any other class, this is regulated by opinion and prejudice. In England a security against the envy of men in these classes, is not so very complete as we may imagine. We must not impose upon ourselves. What institutions and manners together had done in France, manners alone do here. It is the natural operation of things where there exists a Crown, a Court, splendid Orders of Knighthood, and an Hereditary Nobility; — where there exists a fixed, permanent, landed Gentry, continued in greatness and opulence by the law of primogeniture, and by a protection given to family settlements; — where there exists a standing Army and Navy; — where there exists a Church Establishment. which bestows on learning and parts an interest combined with that of Religion and the State; — in a country where such things exist, wealth, new in it's acquisition, and precarious in it's duration, can never rank first, or even near the first; though wealth has it's natural weight, further, than as it is balanced and even preponderated amongst us as amongst other nations, by artificial institutions and opinions growing out of them. At no period in the history of England have so few Peers been taken out of trade or from families newly created by commerce. In no period has so small a number of noble families entered into the counting-house. I can call to mind but one in all England, and his is of near fifty years standing. Be that as it may, it appears plain to me from my best observation, that envy and ambition may by art, management and disposition, be as much excited amongst these descriptions of men in England, as in any other country; and that they are just as capable of acting a part in any great change.

What direction the French spirit of proselytism is likely to take, and in what order it is likely to prevail in the several parts of Europe, it is not easy to determine. The seeds are sown almost every where, chiefly by newspaper circulations, infinitely more efficacious and extensive than ever they were. And they are a more important instrument than generally is imagined. They are a part of the reading of all, they are the whole of the reading of the far greater number. There are thirty of them in Paris alone. The language diffuses them more widely than the English, though the English too are much read. The writers of these papers indeed, for the greater part, are either unknown or in contempt, but they are like a battery in which the stroke of any one ball produces no great effect, but the amount of continual repetition is

decisive. Let us only suffer any person to tell us his story, morning and evening, but for one twelvemonth, and he will become our master.

All those countries in which several States are comprehended under some general geographical description, and loosely united by some federal constitution; countries of which the members are small, and greatly diversified in their forms of government, and in the titles by which they are held — these countries, as it might be well expected, are the principal objects of their hopes and machinations. Of these, the chief are Germany and Switzerland: after them, Italy has it's place as in circumstances somewhat similar.

As to Germany (in which from their relation to the Emperor, I comprehend the Belgick provinces) it appears to me to be from several circumstances, internal and external, in a very critical situation, and the laws and liberties of the Empire are by no means secure from the contagion of the French doctrines and the effect of French intrigues; or from the use which two of the greater German powers may make of a general derangement, to the general detriment. I do not say that the French do not mean to bestow on these German States, liberties and laws too, after their mode; but those are not what have hitherto been understood as the laws and liberties of the Empire. These exist and have always existed under the principles of feudal tenure and succession, under Imperial constitutions, grants and concessions of Sovereigns, family compacts and publick treaties, made under the sanction, and some of them guaranteed by the Sovereign Powers of other nations, and particularly the old Government of France, the author and natural support of the treaty of Westphalia.

In short, the Germanick body is a vast mass of heterogeneous States, held together by that heterogeneous body of old principles which formed the publick law positive and doctrinal. The modern laws and liberties which the new power in France proposes to introduce into Germany, and to support with all it's force, of intrigue and of arms, is of a very different nature, utterly irreconcilable with the first, and indeed fundamentally the reverse of it: I mean the Rights and Liberties of the Man, the *Droit de l'Homme*. That this doctrine has made an amazing progress in Germany, there cannot be a shadow of doubt. They are infected by it along the whole course of the Rhine, the Maese, the Moselle, and in the greater part of Suabla and Franconia. It is particularly prevalent amongst all the lower people, churchmen and laity, in the dominions of the Ecclesiastical Electors. It is not easy to find or to conceive Governments more mild and indulgent than these Church Sovereignties: but good government is as nothing when the Rights of Man take possession of the mind. Indeed the loose rein held over the people in these provinces, must be considered as one cause of the facility with which they lend themselves to any schemes of innovation, by inducing them to think lightly of their governments, and to judge of grievances not by feeling, but by imagination.

It is in these Electorates that the first impressions of France are likely to be made, and if they succeed, it is over with the Germanick body as it stands at present. A great revolution is preparing in Germany; and a revolution, in my opinion, likely to be more decisive upon the general fate of nations than that of France itself; other than as in France is to be found the first source of all the principles which are in any way likely to distinguish the troubles and convulsions of our age. If Europe does not conceive the independence, and the equilibrium of the Empire to be in the very essence of the system of balanced power in Europe, and if the scheme of publick law, or mass of laws upon which that independence and equilibrium are founded, be of no leading consequence as they are preserved or destroyed, all the politicks of Europe for more than two centuries have been miserably erroneous.

If the two great leading Powers of Germany do not regard this danger (as apparently they do not) in the light in which it presents itself so naturally, it is because they are powers too great to have a social interest. That sort of interest belongs only to those, whose state of weakness or mediocrity is such, as to give them greater cause of apprehension from what many destroy them, than of hope from any thing by which they may be aggrandized.

As long as those two Princes are at variance, so long the liberties of Germany are safe. But if ever they should so far understand one another as to be persuaded that they have a more direct and more certainly defined interest in a proportioned mutual aggrandizement than in a reciprocal reduction, that is, if they come to think that they are more likely to be enriched by a division of spoil, than to be rendered secure by keeping to the old policy of preventing others from being spoiled by either of them, from that moment the liberties of Germany are no more.

That a junction of two in such a scheme is neither impossible nor improbable, is evident from the partition of Poland in 1773, which was effected by such a junction as made the interposition of other nations to prevent it, not easy. Their circumstances at that time hindered any other three States, or indeed any two, from taking measures in common to prevent it, though France was at that time an existing power, and had not yet learned to act upon a system of politicks of her own invention. The geographical position of Poland was a great obstacle to any movements of France in opposition to this, at that time unparalleled league. To my certain knowledge, if Great Britain had at that time been willing to concur in preventing the execution of a project so dangerous in the example, even exhausted as France then was by the preceding war, and under a lazy and unenterprising Prince, she would have at every risque taken an active part in this business. But a languor with regard to so remote an interest, and the principles and passions which were then strongly at work at home, were the causes why Great Britain would not give France any encouragement in such an enterprize. At that time, however, and with regard to that object, in my opinion, Great Britain and France had a common interest.

But the position of Germany is not like that of Poland, with regard to France, either for good or for evil. If a conjunction between Prussia and the Emperor should be formed for the purpose of secularising and rendering hereditary the Ecclesiastical Electorates and the Bishoprick of Munster, for settling two of them on the children of the Emperor, and uniting Cologne and Munster to the dominions of the King of Prussia on the Rhine, or if any other project of mutual aggrandizement should be in prospect, and that to facilitate such a scheme, the modern French should be permitted and encouraged to shake the internal and external security of these Ecclesiastical Electorates, Great Britain is so situated that she could not with any effect set herself in opposition to such a design. Her principal arm, her marine, could here be of no sort of use.

France, the author of the treaty of Westphalia, is the natural guardian of the independence and balance of Germany. Great Britain (to say nothing of the King's concern as one of that august body) has a serious interest in preserving it; but, except through the power of France, acting upon the common old principles of State policy, in the case we have supposed, she has no sort of means of supporting that interest. It is always the interest of Great Britain that the power of France should be kept within the bounds of moderation. It is not her interest that that power should be wholly annihilated in the system of Europe. Though at one time through France the independence of Europe was endangered, it is and ever was through her alone that the common liberty of Germany can be secured against the single or the combined ambition of any other power. In truth, within this century the aggrandizement of other Sovereign Houses has been such that there has been a great change in the whole state of Europe, and other nations as well as France may become objects of jealousy and apprehension.

In this state of things, a new principle of alliances and wars is opened. The treaty of Westphalia is, with France, an antiquated fable. The rights and liberties she was bound to maintain are now a system of wrong and tyranny which she is bound to destroy. Her good and ill dispositions are shewn by the same means. To communicate peaceably the rights of men is the true mode of her shewing her friendship; to force Sovereigns to submit to those rights is her mode of hostility. So that either as friend or foe her whole scheme has been and is, to throw the Empire into confusion: and those Statesmen, who follow the old routine of politicks, may see in this general confusion, and in the danger of the lesser Princes, an occasion as protectors or enemies, of connecting their territories to one or the other of the two great German Powers. They do not take into consideration that the means which they encourage, as leading to the event they desire, will with certainty not only ravage and destroy the Empire, but if they should for a moment seem to aggrandize the two great houses, will also establish principles, and confirm tempers amongst the people, which will preclude the two Sovereigns from the possibility of holding what they acquire, or even the dominions which they have inherited. It is on the side

of the Ecclesiastical Electorates that the dykes, raised to support the German liberty, first will give way.

The French have begun their general operations by seizing upon those territories of the Pope, the situation of which was the most inviting to the enterprize. Their method of doing it was by exciting sedition and spreading massacre and desolation thro' these unfortunate places, and then under an idea of kindness and protection, bringing forward an antiquated title of the Crown of France and annexing Avignon and the two cities of the Comtat with their territory to the French Republick. They have made an attempt on Geneva, in which they very narrowly failed of success. It is known that they hold out from time to time the idea of uniting all the other provinces of which Gaul was antiently composed, including Savoy on the other side, and on this side bounding themselves by the Rhine.

As to Switzerland, it is a country whose long union rather than it's possible division, is the matter of wonder. Here I know they entertain very sanguine hopes. The aggregation to France of the Democratick Swiss Republicks appears to them to be a work half done by their very form; and it might seem to them rather an encrease of importance to these little Commonwealths, than a derogation from their independency, or a change in the manner of their Government. Upon any quarrel amongst the Cantons nothing is more likely than such an event. As to the Aristocratick Republicks, the general clamour and hatred which the French excite against the very name, (and with more facility and success than against Monarchs) and the utter impossibility of their Government making any sort of resistance against an insurrection, where they have no troops, and the people are all armed and trained, render their hopes in that quarter, far indeed from unfounded. It is certain that the Republick of Berne thinks itself obliged to a vigilance next to hostile, and to imprison or expel all the French whom they find in their territories. But indeed those Aristocracies which comprehend whatever is considerable, wealthy, and valuable in Switzerland, do now so wholly depend upon opinion, and the humour of their multitude, that the lightest puff of wind is sufficient to blow them down. If France, under it's antient regimen, and upon the antient principles of policy, was the support of the Germanick Constitution, it was much more so of that of Switzerland, which almost from the very origin of that consederacy rested upon the closeness of it's connexion with France, on which the Swiss Cantons wholly reposed themselves for the preservation of the parts of their body in their respective rights and permanent forms, as well as for the maintenance of all in their general independency.

Switzerland and Germany are the first objects of the new French politicians. When I contemplate what they have done at home, which is in effect little less than an amazing conquest wrought by a change of opinion, in a great part (to be sure far from altogether) very sudden, I cannot help letting my thoughts run along with their designs, and without attending to geographical order, to consider the other States of

Europe so far as they may be any way affected by this astonishing Revolution. If early steps are not taken in some way or other to prevent the spreading of this influence, I scarcely think any of them perfectly secure.

Italy is divided, as Germany and Switzerland are, into many smaller States, and with some considerable diversity as to forms of Government; but as these divisions and varieties in Italy are not so considerable, so neither do I think the danger altogether so imminent there as in Germany and Switzerland. Savoy I know that the French consider as in a very hopeful way, and I believe not at all without reason. They view it as an old member of the Kingdom of France which may be easily reunited in the manner, and on the principles of the re-union of Avignon. This country communicates with Piedmont; and as the King of Sardinia's dominions were long the key of Italy, and as such long regarded by France, whilst France acted on her old maxims, and with views on Italy; so in this new French empire of sedition, if once she gets that key into her hands, she can easily lay open the barrier which hinders the entrance of her present politicks into that inviting region. Milan, I am sure, nourishes great disquiets — and if Milan should stir, no part of Lombardy is secure to the present possessors — whether the Venetian or the Austrian. Genoa is closely connected with France.

The first Prince of the House of Bourbon has been obliged to give himself up entirely to the new system, and to pretend even to propagate it with all zeal; at least that Club of intriguers who assemble at the Feuillans, and whose cabinet meets at Madame Stahl's, and makes and directs all the Ministers, is the real Executive Government of France. The Emperor is perfectly in concert, and they will not long suffer any Prince of the House of Bourbon, to keep by force the French emissaries out of their dominions; nor whilst France has a commerce with them, especially thro' Marseilles, (the hottest focus of sedition in France) will it be long possible to prevent the intercourse or the effects.

Naples has an old inveterate disposition to Republicanism, and (however for some time past quiet) is as liable to explosion as it's own Vesuvius. Sicily I think has these dispositions in full as strong a degree. In neither of these countries exists any thing which very well deserves the name of Government or exact police.

In the Estates of the Church, notwithstanding their strictness in banishing the French out of that country, there are not wanting the seeds of a revolution. The spirit of Nepotism prevails there nearly as strong as ever. Every Pope of course is to give origin or restoration to a great family, by the means of large donations. The foreign revenues have long been gradually on the decline, and seem now in a manner dried up. To supply this defect the resource of vexatious and impolitick jobbing at home, if any thing, is rather encreased than lessened. Various, well intended but ill understood practices, some of them existing, in their spirit at least, from the time of the old Roman empire, still prevail; and that Government is as blindly attached to old abusive customs, as others are wildly disposed to all sorts of

innovations and experiments. These abuses were less felt whilst the Pontificate drew riches from abroad, which in some measure counterbalanced the evils of their remiss and jobbish Government at home. But now it can subsist only on the resources of domestick management; and abuses in that management of course will be more intimately and more severely felt.

In the midst of the apparently torpid languor of the Ecclesiastical State, those who have had opportunity of a near observation, have seen a little rippling in that smooth water, which indicates something alive under it. There is in the Ecclesiastical State, a personage who seems capable of acting (but with more force and steadiness) the part of the Tribune Rienzi. The people once inflamed will not be destitute of a leader. They have such an one already in the Cardinal or Archbishop Buon Campagna. He is, of all men, if I am not ill informed, the most turbulent, seditious, intriguing bold, and desperate. He is not at all made for; Roman of the present day. I think he lately held the first office of their State, that of Great Chamberlain, which is equivalent to High Treasurer. At present he is out of employment, and in disgrace. If he should be elected Pope, or even come to have any weight with a new Pope, he will infallibly conjure up a democrattick spirit in that country. He may indeed be able to effect it without these advantages. The next interregnum will probably shew more of him. There may be others of the same character, who have not come to my knowledge. This much is certain, that the Roman people, if once the blind reverence they bear to the sanctity of the Pope, which is their only bridle, should relax, are naturally turbulent, serocious, and headlong, whilst the police is defective, and the Government feeble and resourceless beyond all imagination.

As to Spain, it is a nerveless country. It does not possess the use, it only suffers the abuse of a nobility. For some time, and even before the settlement of the Bourbon Dynasty, that body has been systematically lowered, and rendered incapable by exclusion, and for incapacity excluded from affairs. In this circle the body is in a manner annihilated — and so little means have they of any weighty exertion either to controul or to support the Crown, that if they at all interfere, it is only by abetting desperate and mobbish insurrections, like that at Madrid which drove Squillace from his place. Florida Blanca is a creature of office, and has little connexion, and no sympathy with that body.

As to the Clergy, they are the only thing in Spain that looks like an independent order, and they are kept in some respect by the Inquisition, the sole but unhappy resource of publick tranquillity and order now remaining in Spain. As in Venice, it is become mostly an engine of State, which indeed to a degree it has always been in Spain. It wars no longer with Jews and Hereticks: It has no such war to carry on. It's great object is to keep atheistick and republican doctrines from making their way in that kingdom. No French book upon any subject can enter there which does not contain such matter. In Spain, the clergy are of moment from their influence, but at

the same time with the envy and jealousy that attend great riches and power. Though the Crown has by management with the Pope got a very great share of the ecclesiastical revenues into it's own hands, much still remains to them. There will always be about that Court those who look out to a farther division of the Church property as a resource, and to be obtained by shorter methods than those of negotiations with the Clergy and their Chief. But at present I think it likely that they will stop, lest the business should be taken out of their hands; and lest that body in which remains the only life that exists in Spain, and is not a fever, may with their property lose all the influence necessary to preserve the Monarchy, or being poor and desperate, may employ whatever influence remains to them as active agents in it's destruction.

The Castilians have still remaining a good deal of their old character, their Gravidad, Lealdad, and il Timor de Dios; but that character neither is, or ever was exactly true, except of the Castilians only. The several kingdoms which compose Spain, have perhaps some features which run through the whole; but they are in many particulars as different as nations who go by different names; the Catalans, for instance, and the Arragonians too, in a good measure have the spirit of the Miquelets, and much more of republicanism than of an attachment to royalty. They are more in the way of trade and intercourse with France; and upon the least internal movement, will disclose and probably let loose a spirit that may throw the whole Spanish Monarchy into convulsions.

It is a melancholy reflection that the spirit of melioration which has been going on in that part of Europe, more or less during this century, and the various schemes very lately on foot for further advancement are all put a stop to at once. Reformation certainly is nearly connected with innovation — and where that latter comes in for too large a share, those who undertake to improve their country may risque their own safety. In times where the correction, which includes the confession of an abuse, is turned to criminate the authority which has long suffered it, rather than to honour those who would amend it (which is the spirit of this malignant French distemper) every step out of the common course becomes critical, and renders it a task full of peril for Princes of moderate talents to engage in great undertakings. At present the only safety of Spain is the old national hatred to the French. How far that can be depended upon, if any great ferments should be excited, it is impossible to say.

As to Portugal, she is out of the high road of these politicks — I shall, therefore, not divert my thoughts that way; but return again to the North of Europe, which at present seems the part most interested, and there it appears to me that the French speculation on the northern countries, may be valued in the following, or some such manner.

Denmark and Norway do not appear to surnish any of the materials of a democrattick revolution, or the dispositions to it. Denmark can only be

consequentially affected by any thing done in France; but of Sweden I think quite otherwise. The present power in Sweden is too new a system, and too green and too sore from it's late Revolution, to be considered as perfectly assured. The King by his astonishing activity, his boldness, his decision, his ready versatility, and by rousing and employing the old military spirit of Sweden, keeps up the top with continual agitation and lashing. The moment it ceases to spin, the Royalty is a dead bit of box. Whenever Sweden is quiet externally for some time, there is great danger that all the republican elements she contains will be animated by the new French spirit, and of this I believe the King is very sensible.

The Russian Government is of all others the most liable to be subverted by military seditions, by Court conspiracies, and sometimes by headlong rebellions of the people, such as the turbinating movement of Pugatchef. It is not quite so probable that in any of these changes the spirit of system may mingle in the manner it has done in France. The Muscovites are no great speculators — But I should not much rely on their uninquisitive disposition, if any of their ordinary motives to sedition should arise. The little catechism of the Rights of Men is soon learned; and the inferences are in the passions.

Poland, from one cause or another, is always unquiet. The new Constitution only serves to supply that restless people with new means, at least new modes, of cherishing their turbulent disposition. The bottom of the character is the same. It is a great question, whether the joining that Crown with the Electorate of Saxony, will contribute most to strengthen the Royal authority of Poland, or to shake the Ducal in Saxony. The Elector is a Catholick; the people of Saxony are, six sevenths at the very least, Protestants. He must continue a Catholick according to the Polish law, if he accepts that Crown. The pride of the Saxons, formerly flattered by having a Crown in the House of their Prince, though an honour which cost them dear; the German probity, fidelity and loyalty; the weight of the Constitution of the Empire under the Treaty of Westphalia; the good temper and good nature of the Princes of the House of Saxony; had formerly removed from the people all apprehension with regard to their religion, and kept them perfectly quiet, obedient, and even affectionate. The seven years war made some change in the minds of the Saxons. They did not, I believe, regret the loss of what might be considered almost as the succession to the Crown of Poland, the possession of which, by annexing them to a foreign interest, had often obliged them to act an arduous part, towards the support of which that foreign interest afforded no proportionable strength. In this very delicate situation of their political interests, the speculations of the French and German Oeconomists, and the cabals, and the secret, as well as public doctrines of the Illuminatenordens and Free Masons, have made a considerable progress in that country; and a turbulent spirit under colour of religion, but in reality arising from the French Rights of Man, has already shewn itself, and is ready on every occasion to blaze out.

The present Elector is a Prince of a safe and quiet temper, of great prudence, and goodness. He knows that in the actual state of things, not the power and respect belonging to Sovereigns, but their very existence depends on a reasonable frugality. It is very certain that not one Sovereign in Europe can either promise for the continuance of his authority in a state of indigence and insolvency, or dares to venture on a new imposition to relieve himself. Without abandoning wholly the ancient magnificence of his Court, the Elector has conducted his affairs with infinitely more oeconomy than any of his predecessors, so as to restore his finances beyond what was thought possible from the state in which the seven years war had left Saxony. Saxony during the whole of that dreadful period having been in the hands of an exasperated enemy, rigorous by resentment, by nature and by necessity, was obliged to bear in a manner the whole burthen of the war; in the intervals when their allies prevailed, the inhabitants of that country were not better treated.

The moderation and prudence of the present Elector, in my opinion, rather perhaps respites the troubles than secures the peace of the Electorate. The offer of the succession to the Crown of Poland is truly critical, whether he accepts, or whether he declines it. If the States will consent to his acceptance, it will add to the difficulties, already great, of his situation between the King of Prussia and the Emperor. But these thoughts lead me too far, when I mean to speak only of the interior condition of these Princes. It has always however some necessary connexion with their foreign politicks.

With regard to Holland and the ruling party there, I do not think it at all tainted, or likely to be so except by fear; or that it is likely to be misled unless indirectly and circuitously. But the predominant party in Holland is not Holland. The suppressed faction, though suppressed, exists. Under the ashes, the embers of the late commotions are still warm. This Anti-Orange party has from the day of it's origin been French, though alienated in some degree for some time, through the pride and folly of Louis the Fourteenth. It will ever hanker after a French connexion; and now that the internal Government in France has been assimilated in so considerable a degree to that which the immoderate Republicans began so very lately to introduce into Holland, their connexion, as still more natural, will be more desired. I do not well understand the present exterior politicks of the Stadtholder, nor the Treaty into which the newspapers say he has entered for the States with the Emperor. But the Emperor's own politicks with regard to the Netherlands seem to me to be exactly calculated to answer the purpose of the French Revolutionists. He endeavours to crush the Aristocratick party — and to nourish one in avowed connexion with the most furious Democratists in France.

These Provinces in which the French game is so well played, they consider as part of the Old French Empire: certainly they were amongst the oldest parts of it. These they think very well situated, as their party is well-disposed to a re-union. As to the greater nations, they do not aim at making a direct conquest of them, but by

disturbing them through a propagation of their principles, they hope to weaken, as they will weaken them, and to keep them in perpetual alarm and agitation, and thus render all their efforts against them utterly impracticable, whilst they extend the dominion of their sovereign anarchy on all sides.

As to England, there may be some apprehension from vicinity, from constant communication, and from the very name of Liberty, which, as it ought to be very dear to us, in it's worst abuses carries something seductive. It is the abuse of the first and best of the objects which we cherish. I know that many who sufficiently dislike the system of France, have yet no apprehensions of it's prevalence here. I say nothing to the ground of this security in the attachment of the people to their Constitution, and their satisfaction in the discreet portion of liberty which it measures out to them. Upon this I have said all I have to say, in the Appeal I have published. That security is something, and not inconsiderable. But if a storm arises I should not much rely upon it.

There are other views of things which may be used to give us a perfect (though in my opinion a delusive) assurance of our own security. The first of these is from the weakness and ricketty nature of the new system in the place of it's first formation. It is thought that the monster of a Commonwealth cannot possibly live — that at any rate the ill contrivance of their fabrick will make it fall in pieces of itself — that the Assembly must be bankrupt, and that this bankruptcy will totally destroy that system, from the contagion of which apprehensions are entertained.

For my part I have long thought that one great cause of the stability of this wretched scheme of things in France was an opinion that it could not stand; and, therefore, that all external measures to destroy it were wholly useless.

As to the bankruptcy, that event has happened long ago, as much as it is ever likely to happen. So soon as a nation compels a creditor to take paper currency in discharge of his debt, there is a bankruptcy. The compulsory paper has in some degree answered; not because there was a surplus from Church lands, but because faith has not been kept with the Clergy. As to the holders of the old funds, to them the payments will be dilatory, but they will be made, and whatever may be the discount on paper, whilst paper is taken, paper will be issued.

As to the rest, they have shot out three branches of revenue to supply all those which they have destroyed, that is, the Universal Register of all Transactions, the heavy and universal Stamp Duty, and the new Territorial Impost, levied chiefly on the reduced estates of the gentlemen. These branches of the revenue, especially as they take assignats in payment, answer their purpose in a considerable degree, and keep up the credit of their paper; for as they receive it in their treasury, it is in reality funded upon all their taxes and future resources of all kinds, as well as upon the church estates. As this paper is become in a manner the only visible maintenance of the whole people, the dread of a bankruptcy is more apparently connected with the delay of a counter-revolution, than with the duration of this

Republick; because the interest of the new Republick manifestly leans upon it; and in my opinion, the counter-revolution cannot exist along with it. The above three projects ruined some Ministers under the old Government, merely for having conceived them. They are the salvation of the present Rulers.

As the Assembly has laid a most unsparing and cruel hand on all men who have lived by the bounty, the justice, or the abuses of the old Government, they have lessened many expences. The royal establishment, though excessively and ridiculously great for their scheme of things, is reduced at least one half; — the estates of the King's Brothers, which under the ancient Government had been in truth royal revenues, go to the general stock of the confiscation; and as to the crown lands, though under the Monarchy they never yielded two hundred and fifty thousand a year, by many they are thought at least worth three times as much.

As to the ecclesiastical charge, whether as a compensation for losses, or a provision for religion, of which they made at first a great parade, and entered into a solemn engagement in favour of it, it was estimated at a much larger sum than they could expect from the church property, moveable or immoveable: they are completely bankrupt as to that article. It is just what they wish; and it is not productive of any serious inconvenience. The non-payment produces discontent and occasional sedition; but is only by fits and spasms, and amongst the country people who are of no consequence. These seditions furnish new pretexts for non-payment to the church establishment, and help the Assembly wholly to get rid of the Clergy, and indeed of any form of religion, which is not only their real, but avowed object.

They are embarrassed indeed in the highest degree, but not wholly resourceless. They are without the species of money. Circulation of money is a great convenience, but a substitute for it may be found. Whilst the great objects of production and consumption, corn, cattle, wine, and the like, exist in a country, the means of giving them circulation with more or less convenience, cannot be wholly wanting. The great confiscation of the church and of the crown lands, and of the appenages of the princes, for the purchase of all which their paper is always received at par, gives means of continually destroying and continually creating, and this perpetual destruction and renovation feeds the speculative market, and prevents, and will prevent, till that fund of confiscation begins to fail, a total depreciation.

But all consideration of public credit in France is of little avail at present. The action indeed of the monied interest was of absolute necessity at the beginning of this Revolution; but the French Republicks can stand without any assistance from that description of men, which, as things are now circumstanced, rather stands in need of assistance itself from the power which alone substantially exists in France; I mean the several districts and municipal republicks, and the several clubs which direct all their affairs and appoint all their magistrates. This is the power now paramount to every thing, even to the Assembly itself called National, and that to which tribunals, priesthood, laws, finances, and both descriptions of military power,

are wholly subservient, so far as the military power of either description yields obedience to any name of authority.

The world of contingency and political combination is much larger than we are apt to imagine. We never can say what may, or may not happen, without a view to all the actual circumstances. Experience upon other data than those, is of all things the most delusive. Prudence in new cases can do nothing on grounds of retrospect. A constant vigilance and attention to the train of things as they successively emerge, and to act on what they direct, are the only sure courses. The physician that let blood, and by blood-letting cured one kind of plague, in the next added to it's ravages. That power goes with property is not universally true, and the idea that the operation of it is certain and invariable, may mislead us very satally.

Whoever will take an accurate view of the state of those Republicks, and of the composition of the present Assembly deputed by them (in which Assembly there are not quite fifty persons possessed of an income amounting to 100l. sterling yearly) must discern clearly, that the political and civil power of France is wholly separated from it's property of every description; and of course that neither the landed nor the monied interest possesses the smallest weight or consideration in the direction of any publick concern. The whole kingdom is directed by the refuse of it's chicane, with the aid of the bustling, presumptuous young clerks of counting-houses and shops, and some intermixture of young gentlemen of the same character in the several towns. The rich peasants are bribed with church lands: and the poorer of that description are, and can be, counted for nothing. They may rise in ferocious, ill-directed tumults — but they can only disgrace themselves and signalize the triumph of their adversaries.

The truly active citizens. that is, the above descriptions. are all concerned in intrigue respecting the various objects in their local or their general government. The rota which the French have established for their National Assembly, holds out the highest objects of ambition to such vast multitudes as, in an unexampled measure, to widen the bottom of a new species of interest merely political, and wholly unconnected with birth or property. This scheme of a rota, though it enfeebles the state, considered as one solid body, and indeed wholly disables it from acting as such, gives a great, an equal, and a diffusive strength to the democratick scheme. Seven hundred and fifty people, every two years raised to the supreme power, has already produced at least fifteen hundred bold, acting politicians; a great number for even so great a country as France. These men never will quietly settle in ordinary occupations, nor submit to any scheme which must reduce them to an entirely private condition, or to the exercise of a steady, peaceful, but obscure and unimportant industry. Whilst they sit in the Assembly they are denied offices of trust and profit — but their short duration makes this no restraint — during their probation and apprenticeship they are all salaried with an income to the greatest part of them immense; and after they have passed the novitiate, those who take any

sort of lead are placed in very lucrative offices, according to their influence and credit, or appoint those who divide their profits with them.

This supply of recruits to the corps of the highest civil ambition, goes on with a regular progression. In very few years it must amount to many thousands. These, however, will be as nothing in comparison to the multitude of municipal officers, and officers of district and department, of all sorts, who have tasted of power and profit, and who hunger for the periodical return of the meal. To these needy agitators, the glory of the state, the general wealth and prosperity of the nation, and the rise or fall of publick credit, are as dreams; nor have arguments deduced from these topicks any sort of weight with them. The indifference with which the Assembly regards the state of their Colonies, the only valuable part of the French commerce, is a full proof how little they are likely to be affected by any thing but the selfish game of their own ambition, now universally diffused.

It is true, amidst all these turbulent means of security to their system, very great discontents every where prevail. But they only produce misery to those who nurse them at home, or exile, beggary, and in the end, confiscation, to those who are so impatient as to remove from them. Each Municipal Republick has a Committee, or something in the nature of a Committee of Research. In these petty Republicks the tyranny is so near it's object, that it becomes instantly acquainted with every act of every man. It stifles conspiracy in it's very first movements. Their power is absolute and uncontrollable. No stand can be made against it. These Republicks are besides so disconnected, that very little intelligence of what happens in them is to be obtained, beyond their own bounds, except by the means of their clubs, who keep up a constant correspondence, and who give what colour they please to such facts as they choose to communicate out of the track of their correspondence. They all have some sort of communication, just as much or as little as they please, with the center. By this consinement of all communication to the ruling faction, any combination grounded on the abuses and discontents in one, scarcely can reach the other. There is not one man, in any one place, to head them. The old Government had so much abstracted the Nobility from the cultivation of provincial interest, that no man in France exists, whose power, credit or consequence extends to two districts, or who is capable of uniting them in any design, even if any man could assemble ten men together, without being sure of a speedy lodging in a prison. One must not judge of the state of France by what has been observed elsewhere. It does not in the least resemble any other country. Analogical reasoning from history or from recent experience in other places is wholly delusive.

In my opinion there never was seen so strong a government internally as that of the French Municipalities. If ever any rebellion can arise against the present system, it must begin, where the Revolution which gave birth to it did, at the Capital. Paris is the only place in which there is the least freedom of intercourse. But even there,

so many servants as any man has, so many spies, and irreconcilable domestick enemies.

But that place being the chief seat of the power and intelligence of the ruling faction, and the place of occasional resort for their fiercest spirits, even there a revolution is not likely to have any thing to feed it. The leaders of the aristocratick party have been drawn out of the kingdom by order of the Princes, on the hopes held out by the Emperor and the King of Prussia at Pilnitz; and as to the democratick factions in Paris, amongst them there are no leaders possessed of an influence for any other purpose but that of maintaining the present state of things. The moment they are seen to warp, they are reduced to nothing. They have no attached army — no party that is at all personal.

It is not to be imagined because a political system is, under certain aspects, very unwise in it's contrivance, and very mischievous in it's effects, that it therefore can have no long duration. It's very defects may tend to it's stability, because they are agreeable to it's nature. The very faults in the constitution of Poland made it last; the veto which destroyed all it's energy preserved it's life. What can be conceived so monstrous as the Republick of Algiers? and that no less strange Republick of the Mammalukes in Egypt? They are of the worst form imaginable, and exercised in the worst manner, yet they have existed as a nuisance on the earth for several hundred years.

From all these considerations, and many more, that crowd upon me, three conclusions have long since arisen in my mind —

First, that no counter-revolution is to be expected in France from internal causes solely.

Secondly, that the longer the present system exists, the greater will be it's strength; the greater it's power to destroy discontents at home, and to resist all foreign attempts in favour of these discontents.

Thirdly, that as long as it exists in France, it will be the interest of the managers there, and it is in the very essence of their plan, to disturb and distract all other governments, and their endless succession of restless politicians will continually stimulate them to new attempts.

Princes are generally sensible that this is their common cause; and two of them have made a publick declaration of their opinion to this effect. Against this common danger, some of them, such as the King of Spain, the King of Sardinia, and the Republick of Berne, are very diligent in using desensive measures.

If they were to guard against an invasion from France, the merits of this plan of a merely defensive resistance might be supported by plausible topicks; but as the attack does not operate against these countries externally, but by an internal corruption (a sort of dry rot); they who pursue this merely defensive plan, against a danger which the plan itself supposes to be serious, cannot possibly escape it. For it is in the nature of all defensive measures to be sharp and vigorous under the

impressions of the first alarm, and to relax by degrees; until at length the danger, by not operating instantly, comes to appear as a false alarm; so much so that the next menacing appearance will look less formidable, and will be less provided against. But to those who are on the offensive it is not necessary to be always alert. Possibly it is more their interest not to be so. For their unforeseen attacks contribute to their success.

In the mean time a system of French conspiracy is gaining ground in every country. This system happening to be founded on principles the most delusive indeed, but the most flattering to the natural propensities of the unthinking multitude, and to the speculations of all those who think, without thinking very profoundly, must daily extend its influence. A predominant inclination towards it appears in all those who have no religion, when otherwise their disposition leads them to be advocates even for despotism. Hence Hume, though I cannot say that he does not throw out some expressions of disapprobation on the proceedings of the levellers in the reign of Richard the Second, yet affirms that the doctrines of John Ball were

“conformable to the ideas of primitive equality, which are engraven in the hearts of all men.”

Boldness formerly was not the character of Atheists as such. They were even of a character nearly the reverse; they were formerly like the old Epicureans, rather an unenterprising race. But of late they are grown active, designing, turbulent and seditious. They are sworn enemies to Kings, Nobility and Priesthood. We have seen all the Academicians at Paris, with Condorcet, the friend and correspondent of Priestley, at their head, the most furious of the extravagant Republicans.

The late Assembly, after the last captivity of the King, had actually chosen this Condorcet by a majority on the ballot, for Preceptor to the Dauphin, who was to be taken out of the hands and direction of his parents, and to be delivered over to this fanatical Atheist, and furious democratick Republican. His untractability to these leaders, and his figure in the Club of Jacobins, which at that time they wished to bring under, alone prevented that part of the arrangement, and others in the same style, from being carried into execution. Whilst he was candidate for this office, he produced his title to it by promulgating the following ideas of the title of his royal pupil to the crown. In a paper written by him, and published with his name, against the re-establishment, even of the appearance of monarchy under any qualifications, He says,

“Jusqu’à ce moment ils [l’Assemblée Nationale] n’ont rien préjugé encore. En se réservant de nommer un Gouverneur au Dauphin, ils n’ont pas prononcé que cet enfant dût régner; mais seulement qu’il étoit possible que la Constitution l’y destinât; ils ont voulu que l’éducation, effaçant tout ce que les prestiges du Trône ont pu lui inspirer de préjugés sur les droits prétendus de sa naissance, qu’elle lui fit connoître de bonne heure, et l’Egalité naturelle des Hommes, et la Souveraineté du peuple;

qu'elle lui apprit à ne pas oublier que c'est du peuple qu'il tiendra le titre de Roi, et que le peuple nia pas même le droit de renoncer à celui de l'en dépouiller."

"Ils ont voulu que cette éducation le rendit également digne, par ses lumières, et ses vertus, de recevoir avec resignation, le fardeau dangereux d'une couronne, ou de la déposer avec joie entre les mains de ces frères, qu'il sentit que le devoir, et la gloire du Roi d'un peuple libre, est de hâter le moment de n'être plus qu'un citoyen ordinaire."

"Ils ont voulu que l'inutilité d'un Roi, la nécessité de chercher les moyens de remplacer un pouvoir fondé sur les illusions, fut une des premières vérités offertes à sa raison; l'obligation d'y concourir lui même un des premières devoirs de sa morale; et le desir, de n'être plus affranchi du joug de la loi, par une injurieuse inviolabilité, le premier sentiment de son coeur. Ils n'ignorent pas que dans ce moment il s'agit bien moins de former un Roi que de lui apprendre à savoir, à vouloir ne plus l'être."

Such are the sentiments of the man who has occasionally filled the chair of the National Assembly, who is their perpetual secretary, their only standing officer, and the most important by far. He leads them to peace or war. He is the great theme of the Republican faction in England. These ideas of M. Condorcet, are the principles of those to whom Kings are to entrust their successors, and the interests of their succession. This man would be ready to plunge the poignard in the heart of his pupil, or to whet the axe for his neck. Of all men, the most dangerous is a warm, hot-headed, zealous Atheist. This sort of man aims at dominion, and his means are, the words he always has in his mouth,

"L'égalité naturelle des Hommes, et la Souveraineté du Peuple."

All former attempts grounded on these Rights of Men, had proved unfortunate. The success of this last makes a mighty difference in the effect of the doctrine. Here is a principle of a nature, to the multitude, the most seductive, always existing before their eyes, as a thing feasible in practice. After so many failures, such an enterprize previous to the French experiment, carried ruin to the contrivers, on the face of it; and if any enthusiast was so wild as to wish to engage in a scheme of that nature, it was not easy for him to find followers: Now there is a party almost in all countries, ready made, animated with success, with a sure Ally in the very center of Europe. There is no cabal so obscure in any place, that they do not protect, cherish, foster, and endeavour to raise it into importance at home and abroad. From the lowest, this intrigue will creep up to the highest. Ambition, as well as enthusiasm, may find it's account in the party and in the principle.

The Ministers of other Kings, like those of the King of France (not one of whom was perfectly free from this guilt, and some of whom were very deep in it) may themselves be the persons to foment such a disposition and such a faction Hertzberg, the King of Prussia's late Minister, is so much of what is called a philosopher, that he was of a faction with that sort of politicians in every thing, and

in every place. Even when he defends himself from the imputation of giving extravagantly into these principles, he still considers the revolution of France as a great publick good, by giving credit to their fraudulent declaration of their universal benevolence, and love of peace. Nor are his Prussian Majesty's present ministers at all disinclined to the same system. Their ostentatious preamble to certain late edicts, demonstrates (if their actions had not been sufficiently explanatory of their cast of mind) that they are deeply infected with the same distemper of dangerous, because plausible, though trivial, and shallow speculation.

Ministers turning their backs on the reputation which properly belongs to them, aspire at the glory of being speculative writers. The duties of these two situations are, in general, directly opposite to each other. Speculators ought to be neutral. A Minister cannot be so. He is to support the interest of the publick as connected with that of his master. He is his master's trustee, advocate, attorney, and steward — and he is not to indulge in any speculation which contradicts that character or even detracts from its efficacy. Necker had an extreme thirst for this sort of glory; so had others; and this pursuit of a misplaced and misunderstood reputation, was one of the causes of the ruin of these ministers, and of their unhappy master. The Prussian ministers in foreign courts, have (at least not long since) talked the most democrattick language with regard to France, and in the most unmanaged terms.

The whole corps diplomatique, with very few exceptions, leans that way. What cause produces in them a turn of mind, which at first one would think unnatural to their situation, it is not impossible to explain. The discussion would however be somewhat long and somewhat invidious. The fact itself is indisputable, however they may disguise it to their several courts. This disposition is gone to so very great a length in that corps, in itself so important, and so important as furnishing the intelligence which sways all cabinets, that if Princes and States do not very speedily attend with a vigorous controul to that source of direction and information, very serious evils are likely to befall them.

But indeed Kings are to guard against the same sort of dispositions in themselves. They are very easily alienated from all the higher orders of their subjects, whether civil or military, laick or ecclesiastical. It is with persons of condition that Sovereigns chiefly come into contact. It is from them that they generally experience opposition to their will. It is with their pride and impracticability, that Princes are most hurt; it is with their servility and baseness, that they are most commonly disgusted; it is from their humours and cabals, that they find their affairs most frequently troubled and distracted. But of the common people in pure monarchical governments, Kings know little or nothing; and therefore being unacquainted with their faults (which are as many as those of the great, and much more decisive in their effects when accompanied with power) Kings generally regard them with tenderness and favour, and turn their eyes towards that description of their subjects, particularly when hurt by opposition from the higher orders. It was thus that the

King of France (a perpetual example to all sovereigns) was ruined. I have it from very sure information (and it was indeed obvious enough from the measures which were taken previous to the assembly of the States and afterwards) that the King's counsellors had filled him with a strong dislike to his nobility, his clergy, and the corps of his magistracy. They represented to him, that he had tried them all severally, in several ways, and found them all untractable. That he had twice called an Assembly (the Notables) composed of the first men of the clergy, the nobility, and the magistrates; that he had himself named every one member in those assemblies, and that though so picked out, he had not, in this their collective state, sound them more disposed to a compliance with his will than they had been separately. That there remained for him, with the least prospect of advantage to his authority in the States General, which were to be composed of the same sorts of men, but not chosen by him, only the Tiers Etat. In this alone he could repose any hope of extricating himself from his difficulties, and of settling him in a clear and permanent authority. They represented (these are the words of one of my informants)

“That the Royal Authority compressed with the weight of these aristocratick bodies, full of ambition, and of faction, when once unloaded, would rise of itself, and occupy it's natural place without disturbance or controul:”

That the common people would protect, cherish, and support, instead of crushing it.

“The people, (it was said) could entertain no objects of ambition;”

they were out of the road of intrigue and cabal; and could possibly have no other view than the support of the mild and parental authority by which they were invested, for the first time collectively with real importance in the State, and protected in their peaceable and useful employments.

This unfortunate King (not without a large share of blame to himself) was deluded to his ruin by a desire to humble and reduce his Nobility, Clergy, and his corporate Magistracy; not that I suppose he meant wholly to eradicate these bodies, in the manner since effected by the Democrattick power: I rather believe that even Necker's designs did not go to that extent. With his own hand, however, Louis the XVIth pulled down the pillars which upheld his throne; and this he did, because he could not bear the inconveniences which are attached to every thing human; because he found himself cooped up, and in durance by those limits which nature prescribes to desire and imagination; and was taught to consider as low and degrading, that mutual dependance which Providence has ordained that all men should have on one another. He is not at this minute perhaps cured of the dread of the power and credit like to be acquired by those who would save and rescue him. He leaves those who suffer in his cause to their fate; and hopes by various mean delusive intrigues in which I am afraid he is encouraged from abroad, to regain, among Traitors and Regicides, the power he has joined to take from his own family,

whom he quietly sees proscribed before his eyes, and called to answer to the lowest of his rebels, as the vilest of all criminals.

It is to be hoped that the Emperor may be taught better things by this fatal example. But it is sure that he has advisers who endeavour to fill him with the ideas which have brought his brother-in-law to his present situation. Joseph the Second was far gone in this philosophy, and some, if not most who serve the Emperor, would kindly initiate him into all the mysteries of this free-masonry. They would persuade him to look on the National Assembly not with the hatred of an enemy, but the jealousy of a rival. They would make him desirous of doing, in his own dominions, by a Royal despotism, what has been done in France by a Democratick. Rather than abandon such enterprises, they would persuade him to a strange alliance between those extremes. Their grand object being now, as in his brother's time, at any rate to destroy the higher orders, they think he cannot compass this end, as certainly he cannot, without elevating the lower. By depressing the one and by raising the other, they hope in the first place to encrease his treasures and his army; and with these common instruments of Royal Power they flatter him that the Democracy which they help, in his name, to create, will give him but little trouble. In defiance of the freshest experience, which might shew him that old impossibilities are become modern probabilities, and that the extent to which evil principles may go, when left to their own operation, is beyond the power of calculation, they will endeavour to persuade him that such a Democracy is a thing which cannot subsist by itself; that in whosever hands the military command is placed, he must be in the necessary course of affairs, sooner or later the master; and that being the master of various unconnected countries, he may keep them all in order by employing a military force, which to each of them is foreign. This maxim too, however formerly plausible, will not now hold water. This scheme is full of intricacy, and may cause him every where to lose the hearts of his people. These Counsellors forget that a corrupted army was the very cause of the ruin of his brother-in-law; and that he is himself far from secure from a similar corruption.

Instead of reconciling himself heartily and bonâ fide according to the most obvious rules of policy to the States of Brabant as they are constituted, and who in the present state of things stand on the same foundation with the Monarchy itself, and who might have been gained with the greatest facility, they have advised him to the most unkingly proceeding which, either in a good or in a bad light, has ever been attempted. Under a pretext taken from the spirit of the lowest chicane, they have counselled him wholly to break the publick faith, to annul the amnesty, as well as the other conditions through which he obtained an entrance into the Provinces of the Netherlands, under the guarrantee of Great Britain and Prussia. He is made to declare his adherence to the indemnity in a criminal sense, but he is to keep alive in his own name, and to encourage in others a civil process in the nature of an action of damages for what has been suffered during the troubles. Whilst he keeps up this

hopeful law-suit in view of the damages he may recover against individuals, he loses the hearts of a whole people, and the vast subsidies which his ancestors had been used to receive from them.

This design once admitted, unriddles the mystery of the whole conduct of the Emperor's Ministers with regard to France. As soon as they saw the life of the King and Queen of France no longer as they thought in danger, they entirely changed their plan with regard to the French nation. I believe that the chiefs of the Revolution (those who led the Constituting Assembly) have contrived as far as they can do it, to give the Emperor satisfaction on this head. He keeps a continual tone and posture of menace to secure this his only point. But it must be observed, that he all along grounds his departure from the engagement at Pilnitz to the Princes, on the will and actions of the King and the majority of the people, without any regard to the natural and constitutional orders of the State, or to the opinions of the whole House of Bourbon. Though it is manifestly under the constraint of imprisonment and the fear of death, that this unhappy man has been guilty of all those humiliations which have astonished mankind, the advisers of the Emperor will consider nothing but the physical person of Louis, which, even in his present degraded and infamous state, they regard as of sufficient authority to give a compleat sanction to the persecution and utter ruin of all his family, and of every person who has shewn any degree of attachment or fidelity to him, or to his cause; as well as competent to destroy the whole antient constitution and frame of the French monarchy.

The present policy therefore of the Austrian politicians, is to recover despotism through democracy; or at least, at any expence, every where to ruin the description of men who are every where the objects of their settled and systematick aversion, but more especially in the Netherlands. Compare this with the Emperor's refusing at first all intercourse with the present powers in France, with his endeavouring to excite all Europe against them, and then his not only withdrawing all assistance and all countenance from the fugitives who had been drawn by his declarations from their houses, situations, and military commissions, many even from the means of their very existence, but treating them with every species of insult and outrage.

Combining this unexampled conduct in the Emperor's advisers, with the timidity (operating as persidy) of the King of France, a fatal example is held out to all subjects, tending to shew what little support, or even countenance they are to expect from those for whom their principle of fidelity may induce them to risque life and fortune. The Emperor's advisers would not for the world rescind one of the acts of this or of the late French Assembly; nor do they wish any thing better at present for their master's brother of France, than that he should really be, as he is nominally, at the head of the system of persecution of religion and good order, and of all descriptions of dignity, natural and instituted; they only wish all this done with a little more respect to the King's person, and with more appearance of consideration for his new subordinate office; in hopes that yielding himself for the present, to the

persons who have effected these changes, he may be able to game for the rest hereafter. On no other principles than these, can the conduct of the Court of Vienna be accounted for. The subordinate Court of Brussels talks the language of a club of Feuillans and Jacobins.

In this state of general rottenness among subjects, and of delusion and false politicks in Princes, comes a new experiment. The King of France is in the hands of the Chiefs of the Regicide Faction, the Barnvaes, Lameths, Fayettees, Perigords, Duports, Robespierre's, Camus's, &c. &c. &c. They who had imprisoned, suspended, and conditionally deposed him, are his confidential counsellors. The next desperate of the desperate rebels, call themselves the Moderate Party. They are the Chiefs of the first Assembly, who are consederated to support their power during their suspension from the present, and to govern the existent body with as sovereign a sway as they had done the last. They have, for the greater part, succeeded; and they have many advantages towards procuring their success in future. Just before the close of their regular power, they bestowed some appearance of prerogatives on the King, which in their first plans they had refused to him; particularly the mischievous, and in his situation, dreadful prerogative of a Veto. This prerogative (which they hold as their bit in the mouth of the National Assembly for the time being) without the direct assistance of their Club, it was impossible for the King to shew even the desire of exerting with the smallest effect, or even with safety to his person. However, by playing through this Veto, the Assembly against the King, and the King against the Assembly, they have made themselves masters of both. In this situation, having destroyed the old Government by their sedition, they would preserve as much of order as is necessary for the support of their own usurpation.

It is believed that this, by far the worst party of the miscreants of France, has received direct encouragement from the counsellors who betray the Emperor. Thus strengthened by the possession of the captive King (now captive in his mind as well as in body) and by a good hope of the Emperor, they intend to send their Ministers to every Court in Europe; having sent before them such a denunciation of terror and superiority to every nation without exception, as has no example in the diplomattick world. Hitherto the Ministers to foreign Courts had been of the appointment of the Sovereign of France previous to the Revolution; and either from inclination, duty or decorum, most of them were contented with a merely passive obedience to the new power. At present the King being entirely in the hands of his jailors, and his mind broken to his situation, can send none but the enthusiasts of the system — men framed by the secret Committee of the Feuillans, who meet in the house of Madame de Stahl, Mr. Necker's daughter. Such is every man whom they have talked of sending hither. These Ministers will be so many spies and incendiaries; so many active emissaries of Democracy. Their houses will become places of rendezvous here, as every where else, and centers of cabal for whatever is

mischievous and malignant in this country, particularly among those of rank and fashion. As the Minister of the National Assembly will be admitted at this Court, at least with his usual rank, and as entertainments will be naturally given and received by the King's own Ministers, any attempt to discountenance the resort of other people to that Minister would be ineffectual, and indeed absurd, and full of contradiction. The women who come with these Ambassadors will assist in somenting factions amongst ours, which cannot fail of extending the evil. Some of them I hear are already arrived. There is no doubt they will do as much mischief as they can.

Whilst the publick Ministers are received under the general law of the communication between nations, the correspondences between the factious clubs in France and ours, will be, as they now are, kept up: but this pretended embassy will be a closer, more steady and more effectual link between the partizans of the new system on both sides of the water. I do not mean that these Anglo Gallick clubs in London, Manchester, &c. are not dangerous in a high degree. The appointment of festive anniversaries has ever in the sense of mankind been held the best method of keeping alive the spirit of any institution. We have one settled in London; and at the last of them, that of the 14th of July, the strong discountenance of Government, the unfavourable time of the year, and the then uncertainty of the disposition of foreign Powers, did not hinder the meeting of at least nine hundred people, with good coats on their backs, who could afford to pay half a guinea a head to shew their zeal for the new principles. They were with great difficulty, and all possible address, hindered from inviting the French Ambassador. His real indisposition, besides the fear of offending any party, sent him out of town. But when our Court shall have recognized a Government in France, founded on the principles announced in Montmorin's Letter, how can the French Ambassador be frowned upon for an attendance on those meetings wherein the establishment of the Government he represents is celebrated? An event happened a few days ago, which in many particulars was very ridiculous; yet even from the ridicule and absurdity of the proceedings, it marks the more strongly the spirit of the French Assembly. I mean the reception they have given to the Frith-Street Alliance. This, though the delirium of a low, drunken alehouse-club, they have publicly announced as a formal alliance with the people of England, as such ordered it to be presented to their King, and to be published in every province in France. This leads more directly and with much greater force than any proceeding with a regular and rational appearance, to two very material considerations. First, it shews that they are of opinion that the current opinions of the English have the greatest influence on the minds of the people in France, and indeed of all the people in Europe, since they catch with such astonishing eagerness at every the most trifling shew of such opinions in their favour. Next, and what appears to me to be full as important, it shews that they are willing publickly to countenance and even to adopt every factious conspiracy that

can be formed in this nation, however low and base in itself, in order to excite in the most miserable wretches here, an idea of their own sovereign importance, and to encourage them to look up to France, whenever they may be matured into something of more force, for assistance in the subversion of their domestick Government. This address of the alchouse club was actually proposed and accepted by the Assembly as an alliance. The procedure was in my opinion a high misdemeanor in those who acted thus in England, if they were not so very low and so very base, that no acts of theirs can be called high, even as a description of criminality; and the Assembly in accepting, proclaiming and publishing this forged alliance, has been guilty of a plain aggression, which would justify our Court in demanding a direct disavowal, if our policy should not lead us to wink at it.

Whilst I look over this paper to have it copied, I see a Manifesto of the Assembly, as a preliminary to a declaration of war against the German Princes on the Rhine. This Manifesto contains the whole substance of the French politicks with regard to foreign States. They have ordered it to be circulated amongst the people in every country of Europe — even previously to it's acceptance by the King and his new Privy Council, the club of the Feuillans. Therefore, as a summary of their policy avowed by themselves, let us consider some of the circumstances attending that piece, as well as the spirit and temper of the piece itself.

It was preceded by a speech from Brissot, full of unexampled insolence towards all the Sovereign States of Germany, if not of Europe. The Assembly, to express their satisfaction in the sentiments which it contained, ordered it to be printed. This Brissot had been in the lowest and basest employ under the deposed Monarchy; a sort of thiestaker, or spy of police, in which character he acted after the manner of persons in that description. He had been employed by his master, the Lieutenant de Police, for a considerable time in London, in the same or some such honourable occupation. The Revolution which has brought forward all merit of that kind, raised him, with others of a similar class and disposition, to fame and eminence. On the Revolution he became a publisher of an infamous newspaper, which he still continues. He is charged, and I believe justly, as the first mover of the troubles in Hispaniola. There is no wickedness, if I am rightly informed, in which he is not versed, and of which he is not perfectly capable. His quality of news-writer, now an employment of the first dignity in France, and his practices and principles, procured his election into the Assembly, where he is one of the leading members. — Mr. Condorcet produced on the same day a draft of a Declaration to the King, which the Assembly published before it was presented.

Condorcet (though no Marquis, as he styled himself before the Revolution) is a man of another sort of birth, fashion, and occupation from Brissot; but in every principle, and in every disposition to the lowest as well as the highest and most determined villainies, fully his equal. He seconds Brissot in the Assembly, and is at once his coadjutor and his rival in a newspaper, which in his own name and as

successor to Mr. Garat, a Member also of the Assembly, he has just set up in that Empire of Gazettes. Condorcet was chosen to draw the first Declaration presented by the Assembly to the King, as a threat to the Elector of Treves, and the other Princes on the Rhine. In that piece, in which both Feuillans and Jacobins concurred, they declared publickly, and most proudly and insolently, the principle on which they mean to proceed in their future disputes with any of the Sovereigns of Europe, for they say,

“That it is not with fire and sword they mean to attack their territories, but by what will be more dreadful to them, the introduction of liberty.”

— I have not the paper by me to give the exact words — but I believe they are nearly as I state them. Dreadful indeed will be their hostility, if they should be able to carry it on according to the example of their modes of introducing liberty. They have shewn a perfect model of their whole design, very complete, though in little. This gang of murderers and savages have wholly laid waste and utterly ruined the beautiful and happy country of the Comtat Venaissin and the city of Avignon. This cruel and treacherous outrage the Sovereigns of Europe, in my opinion, with a great mistake of their honour and interest, have permitted even without a remonstrance to be carried to the desired point, on the principles on which they are now themselves threatened in their own States; and this, because, according to the poor and narrow spirit now in fashion, their brother Sovereign, whose subjects have been thus traiterously and inhumanly treated in violation of the law of nature and of nations, has a name somewhat different from theirs, and instead of being styled King or Duke, or Landgrave, is usually called Pope.

The Electors of Treves and Mentz were frightened with the menace of a similar mode of war. The Assembly, however, not thinking that the Electors of Treves and Mentz had done enough under their first terror, have again brought forward Condorcet. preceded by Brissot, as I have just stated. The Declaration which they have ordered now to be circulated in all countries, is in substance the same as the first, but still more insolent, because more full of detail. There they have the impudence to state that they aim at no conquest; insinuating that all the old lawful Powers of the World had each made a constant open profession of a design of subduing his neighbours. They add, that if they are provoked, their war will be directed only against those who assume to be Masters. But to the People they will bring peace, law, liberty, &c. &c. There is not the least hint that they consider those whom they call persons

“assuming to be Masters,”

to be the lawful Government of their country, or persons to be treated with the least management or respect. They regard them as usurpers and enslavers of the people. If I do not mistake they are described by the name of tyrants in Condorcet’s first draft. I am sure they are so in Brissot’s speech, ordered by the Assembly to be printed at the same time and for the same purposes. The whole is in the same

strain, full of false philosophy and false rhetorick, both however calculated to captivate and influence the vulgar mind, and to excite sedition in the countries in which it is ordered to be circulated. Indeed it is such, that if any of the lawful acknowledged Sovereigns of Europe had publicly ordered such a manifesto to be circulated in the dominions of another, the Ambassador of that power would instantly be ordered to quit every Court without an audience.

The powers of Europe have a pretext for concealing their fears, by saying that this language is not used by the King; though they well know that there is in effect no such person, that the Assembly is in reality, and by that King is acknowledged to be the Master, that what he does is but matter of formality, and that he can neither cause nor hinder, accelerate or retard any measure whatsoever, nor add to or soften the manifesto which the Assembly has directed to be published, with the declared purpose of exciting mutiny and rebellion in the several countries governed by these powers. By the generality also of the menaces contained in this paper (though infinitely aggravating the outrage) they hope to remove from each power separately the idea of a distinct affront. The persons first pointed at by the menace are certainly the Princes of Germany, who harbour the persecuted house of Bourbon and the Nobility of France; the declaration, however, is general, and goes to every state with which they may have a cause of quarrel. But the terror of France has fallen upon all nations. A few months since all Sovereigns seemed disposed to unite against her, at present they all seem to combine in her favour. At no period has the power of France ever appeared with so formidable an aspect. In particular the liberties of the Empire can have nothing more than an existence the most tottering and precarious, whilst France exists with a great power of fomenting rebellion, and the greatest in the weakest; but with neither power nor disposition to support the smaller states in their independence against the attempts of the more powerful.

I wind up all in a full conviction within my own breast, and the substance of which I must repeat over and over again, that the state of France is the first consideration in the politicks of Europe, and of each state, externally as well as internally considered.

Most of the topicks I have used are drawn from fear and apprehension. Topicks derived from fear or addressed to it, are, I well know, of doubtful appearance. To be sure, hope is in general the incitement to action. Alarm some men — you do not drive them to provide for their security; you put them to a stand; you induce them not to take measures to prevent the approach of danger, but to remove so unpleasant an idea from their minds; you persuade them to remain as they are, from a new fear that their activity may bring on the apprehended mischief before it's time. I confess freely that this evil sometimes happens from an overdone precaution; but it is when the measures are rash, ill chosen, or ill combined, and the effects rather of blind terror than of enlightened foresight. But the few to whom I wish to

submit my thoughts, are of a character which will enable them to see danger without astonishment, and to provide against it without perplexity.

To what lengths this method of circulating mutinous manifestos, and of keeping emissaries of sedition in every Court under the name of Ambassadors, to propagate the same principles and to follow the practices, will go, and how soon they will operate, it is hard to say — but go on it will — more or less rapidly, according to events, and to the humour of the time. The Princes menaced with the revolt of their subjects, at the same time that they have obsequiously obeyed the sovereign mandate of the new Roman Senate, have received with distinction, in a publick character, Ambassadors from those who in the same act had circulated the manifesto of sedition in their dominions. This was the only thing wanting to the degradation and disgrace of the Germanick Body.

The Ambassadors from the Rights of Man, and their admission into the diplomattick system, I hold to be a new aera in this business. It will be the most important step yet taken to affect the existence of Sovereigns, and the higher classes of life — I do not mean to exclude it's effects upon all classes — but the first blow is aimed at the more prominent parts in the ancient order of things.

What is to be done?

It would be presumption in me to do more than to make a case. Many things occur. But as they, like all political measures, depend on dispositions, tempers, means, and external circumstances, for all their effect, not being well assured of these, I do not know how to let loose any speculations of mine on the subject. The evil is stated in my opinion as it exists. The remedy must be where power, wisdom and information, I hope are more united with good intentions than they can be with me. I have done with this subject, I believe for ever. It has given me many anxious moments for the two last years. If a great change is to be made in human affairs, the minds of men will be sitted to it; the general opinions and feelings will draw that way. Every fear, every hope, will forward it; and then they who persist in opposing this mighty current in human affairs, will appear rather to resist the decrees of Providence itself, than the mere designs of men. They will not be resolute and firm, but perverse and obstinate.

HEADS FOR CONSIDERATION ON THE PRESENT STATE OF AFFAIRS. WRITTEN IN NOVEMBER, 1792.

THAT France, by it's mere geographical position, independently of every other circumstance, must affect every State of Europe; some of them immediately, all of them through mediums not very remote.

That the standing policy of this kingdom ever has been to watch over the external proceedings of France (whatever form the interior Government of that kingdom might take) and to prevent the extension of it's dominion or it's ruling influence, over other States.

That, there is nothing in the present internal state of things in France, which alters the national policy with regard to the exterior relations of that country.

That there are, on the contrary, many things in the internal circumstances of France (and perhaps of this country too) which tend to sortify the principles of that fundamental policy; and which render the active assertion of those principles more pressing at this, than at any former time.

That, by a change effected in about three weeks, France has been able to penetrate into the heart of Germany; to make an absolute conquest of Savoy; to menace an immediate invasion of the Netherlands; and to awe and overbear the whole Helvetic Body, which is in a most perilous situation. The great Aristocratick Cantons having, perhaps, as much or more to dread from their own people whom they arm, but do not chuse or dare to employ, as from the foreign enemy, which against all publick faith has butchered their troops, serving by treaty in France. To this picture, it is hardly necessary to add, the means by which France has been enabled to effect all this, namely the apparently entire destruction of one of the largest, and certainly the highest disciplined, and best appointed army ever seen, headed by the first military Sovereign in Europe, with a Captain under him of the greatest renown; and that without a blow given or received on any side. This state of things seems to me, even if it went no further, truly serious.

Circumstances have enabled France to do all this by land. On the other element she has begun to exert herself; and she must succeed in her designs, if enemies very different from those she has hitherto had to encounter, do not resist her.

She has fitted out a naval force, now actually at sea, by which she is enabled to give law to the whole Mediterranean. It is known as a fact (and if not so known, it is in the nature of things highly probable) that she proposes the ravage of the Ecclesiastical State, and the pillage of Rome, as her first object; that next she means to bombard Naples; to awe, to humble, and thus to command all Italy — to force it to a nominal neutrality, but to a real dependence — to compel the Italian Princes and Republicks to admit the free entrance of the French commerce, an open

intercourse, and the sure concomitant of that intercourse, the affiliated societies, in a manner similar to those she has established at Avignon, the Comtat, Chamberry, London, Manchester, &c. &c. which are so many colonies planted in all these countries, for extending the influence, and securing the dominion of the French Republick.

That there never has been hitherto a period in which this kingdom would have suffered a French fleet to domineer in the Mediterranean, and to force ITALY to submit to such terms as France would think fit to impose — to say nothing of what has been done upon land in support of the same system. The great object for which we preserved Minorea, whilst we could keep it, and for which we still retain Gibraltar, both at a great expence, was, and is, to prevent the predominance of France over the Mediterranean.

Thus far as to the certain and immediate effect of that armament upon the Italian States. The probable effect which that armament, and the other armaments preparing at Toulon, and other ports may have upon SPAIN, on the side of the Mediterranean, is worthy of the serious attention of the British councils.

That it is most probable, we may say, in a manner certain, that if there should be a rupture between France and Spain, France will not confine her offensive piratical operations against Spain, to her efforts in the Mediterranean; on which side, however, she may grievously affect Spain, especially if she excites Morocco and Algiers, which undoubtedly she will, to fall upon that power.

That she will fit out armaments upon the ocean, by which the flota itself may be intercepted, and thus the treasures of all Europe, as well as the largest and surest resources of the Spanish monarchy, may be conveyed into France, and become powerful instruments for the annoyance of all her neighbours.

That she makes no secret of her designs.

That, if the inward and outward bound flota should escape, still France has more and better means of dissevering many of the provinces in the West and East Indies, from the state of Spain, than Holland had when she succeeded in the same attempt. The French marine resembles not a little the old armaments of the Flibustiers, which about a century back, in conjunction with pirates of our nation, brought such calamities upon the Spanish colonies. They differ only in this, that the present piratical force is, out of all measure and comparison, greater; one hundred and fifty ships of the line, and frigates being ready built, most of them in a manner new, and all applicable in different ways to that service. Privateers and Moorish corsaires possess not the best seamanship, and very little discipline, and indeed can make no figure in regular service, but in desperate adventures, and animated with a lust of plunder, they are truly formidable.

That the land forces of France are well adapted to concur with their marine in conjunct expeditions of this nature. In such expeditions, enterprize supplies the want of discipline, and perhaps more than supplies it. Both for this, and for other

service (however contemptible their military is, in other respects) one arm is extremely good, the Engineering and Artillery branch. The old officer corps in both being composed for the greater part of those who were not gentlemen, or gentlemen newly such, few have abandoned the service, and the men are veterans well enough disciplined, and very expert. In this piratical way they must make war with good advantage. They must do so, even on the side of Flanders, either offensively or defensively. This shews the difference between the policy of Louis the XIVth. who built a wall of brass about his kingdom: and that of Joseph the Second, who premeditatedly uncovered his whole frontier.

That Spain from the actual and expected prevalence of French power, is in a most perilous situation: perfectly dependent on the mercy of that Republick. If Austria is broken, or even humbled, she will not dare to dispute it's mandates.

In the present state of things, we have nothing at all to dread from the power of Spain by sea, or by land, or from any rivalry in commerce.

That we have much to dread from the connexions into which Spain may be forced.

From the circumstances of her territorial possessions, of her resources, and the whole of her civil and political state, we may be authorized safely, and with undoubted confidence to affirm, that

Spain is not a substantive Power:

That she must lean on France, or on England.

That it is as much for the interest of Great Britain to prevent the predominancy of a French interest in that kingdom, as if Spain were a province of the Crown of Great Britain, or a State actually dependent on it; full as much so as ever Portugal was reputed to be. This is a dependency of much greater value: and it's destruction, or it's being carried to any other dependency, of much more serious misfortune.

One of these two things must happen. Either Spain must submit to circumstances, and take such conditions as France will impose; or she must engage in hostilities along with the Emperor, and the King of Sardinia.

If Spain should be forced or awed into a treaty with the Republick of France, she must open her ports and her commerce, as well as the land communication for the French labourers, who were accustomed annually to gather in the harvest in Spain. Indeed she must grant a free communication for travellers and traders through her whole country. In that case it is not conjectural, it is certain, the Clubs will give law in the Provinces; Bourgoing, or some such miscreant, will give law at Madrid.

In this England may acquiesce if she pleases; and France will conclude a triumphant peace, with Spain under her absolute dependence, with a broad highway into that, and into every State of Europe. She actually invites Great Britain to divide with her the spoils of the new world, and to make a partition of the Spanish Monarchy. Clearly it is better to do so, than to suffer France to possess those spoils,

and that territory alone; which, without doubt, unresisted by us, she is altogether as able, as she is willing to do.

This plan is proposed by the French, in the way in which they propose all their plans; and in the only way in which indeed they can propose them, where there is no regular communication between his Majesty and their Republick.

What they propose is a plan. It is a plan also to resist their predatory project. To remain quiet, and to suffer them to make their own use of a naval power before our face, so as to awe and bully Spain into a submissive peace, or to drive them into a ruinous war, without any measure on our part, I fear is no plan at all.

However, if the plan of co-operation which France desires, and which her affiliated societies here ardently wish and are constantly writing up, should not be adopted, and the war between the Emperor and France should continue, I think it not at all likely that Spain should not be drawn into the quarrel. In that case, the neutrality of England will be a thing absolutely impossible. The time is only the subject of deliberation.

Then the question will be, whether we are to defer putting ourselves into a posture for the common defence, either by armament, or negotiation, or both, until Spain is actually attacked; that is, whether our Court will take a decided part for Spain, whilst Spain on her side, is yet in a condition to act with whatever degree of vigour she may have; whilst that vigour is yet unexhausted; — or whether we shall connect ourselves with her broken fortunes; after she shall have received material blows, and when we shall have the whole slow length of that always unwieldy, and all constructed, and then wounded and crippled body, to drag after us, rather than to aid us. Whilst our disposition is uncertain, Spain will not dare to put herself in such a state of defence as will make her hostility formidable, or her neutrality respectable.

If the decision is such as the solution of this question (I take it to be the true question) conducts to — no time is to be lost. But the measures though prompt, ought not to be rash and indigested. They ought to be well chosen, well combined, and well pursued. The system must be general: but it must be executed, not successively, or with interruption, but all together, *uno flatu*, in one melting, and one mould.

For this purpose, we must put Europe before us, which plainly is, just now, in all it's parts, in a state of dismay, derangement and confusion; and very possibly amongst all it's Sovereigns, full of secret heart-burning, distrust, and mutual accusation. Perhaps it may labour under worse evils. There is no vigour any where, except the distempered vigour and energy of France. That country has but too much life in it, when every thing around is so disposed to tameness and languor. The very vices of the French system at home tend to give force to foreign exertions. The Generals must join the armies. They must lead them to enterprize, or they are likely

to perish by their hands. Thus without law or government of her own, France gives law to all the Governments in Europe.

This great mass of political matter must, have been always under the view of thinkers for the publick, whether they act in office or not. Amongst events, even the late calamitous events were in the book of contingency. Of course, they must have been in design, at least, provided for. A plan which takes in as many as possible of the States concerned, will rather facilitate and simplify a rational scheme for preserving Spain, (if that were our sole, as I think it ought to be our principal object) than to delay and perplex it.

If we should think that a provident policy (perhaps now more than provident, urgent and necessary) should lead us to act, we cannot take measures as if nothing had been done. We must see the faults, if any, which have conducted to the present misfortunes; not for the sake of criticism, military or political, or from the common motives of blaming persons and counsels which have not been successful; but in order, if we can, to administer some remedy to these disasters, by the adoption of plans, more bottomed in principle, and built on with more discretion. Mistakes may be lessons.

There seem indeed to have been several mistakes in the political principles on which the War was entered into, as well as in the plans upon which it was conducted; some of them very fundamental, and not only visibly, but I may say, palpably erroneous; and I think him to have less than the discernment of a very ordinary Statesman. who could not foresee from the very beginning, unpleasant consequences from those plans, though not the unparalleled disgraces and disasters which really did attend them: for they were, both principles and measures, wholly new and out of the common course, without any thing apparently very grand in the conception, to justify this total departure from all rule.

For, in the first place, the united Sovereigns very much injured their cause by admitting, that they had nothing to do with the interiour arrangements of France; in contradiction to the whole tenour of the publick Law of Europe, and to the correspondent practice of all it's States, from the time we have any history of them. In this particular, the two German Courts seem to have as little consulted the Publicists of Germany, as their own true interests, and those of all the Sovereigns of Germany and Europe. This admission of a false principle in the Law of Nations, brought them into an apparent contradiction, when they insisted on the re-establishment of the Royal Authority in France. But this confused and contradictory proceeding gave rise to a practical error of worse consequence. It was derived from one and the same root; namely, that the person of the Monarch of France was every thing; and the Monarchy, and the intermediate orders of the State, by which the Monarchy was upheld, were nothing. So that, if the united Potentates had succeeded so far, as to re-establish the authority of that King, and that he should be so ill-advised as to confirm all the confiscations, and to recognize as a lawful body,

and to class himself with, that rabble of murderers (and there wanted not persons who would so have advised him) there was nothing in the principle, or in the proceeding of the United Powers, to prevent such an arrangement.

An expedition to free a brother Sovereign from prison, was undoubtedly a generous and chivalrous undertaking. But the spirit and generosity would not have been less, if the policy had been more profound, and more comprehensive; that is, if it had taken in those considerations, and those persons, by whom, and, in some measure, for whom, Monarchy exists. This would become a bottom for a system of solid and permanent policy, and of operations conformable to that system.

The same fruitful error was the cause why nothing was done to impress the people of France (so far as we can at all consider the inhabitants of France as a people) with an idea that the Government was ever to be really French, or indeed any thing else than the nominal government of a Monarch, a Monarch absolute as over them, but whose sole support was to arise from foreign Potentates, and who was to be kept on his Throne by German forces; in short, that the King of France was to be a Viceroy to the Emperor and the King of Prussia.

It was the first time that foreign Powers interfering in the concerns of a nation divided into parties, have thought proper to thrust wholly out of their councils, to postpone, to discountenance, to reject, and in a manner to disgrace the party whom those Powers came to support. The single person of a King cannot be a party. Woe to the King who is himself his party! The Royal party with the King or his Representatives at it's head, is the Royal cause. Foreign Powers have hitherto chosen to give to such wars as this, the appearance of a civil contest, and not that of an hostile invasion. When the Spaniards, in the sixteenth century, sent aids to the chiefs of the League, they appeared as Allies to that League, and to the imprisoned King (the Cardinal de Bourbon) which that League had set up. When the Germans came to the aid of the Protestant Princes, in the same series of civil wars, they came as Allies. When the English came to the aid of Henry the Fourth, they appeared as Allies to that Prince. So did the French always when they intermeddled in the affairs of Germany. They came to aid a party there. When the English and Dutch intermeddled in the succession of Spain, they appeared as Allies to the Emperor Charles the Sixth. In short, the policy has been as uniform as it's principles were obvious to an ordinary eye.

According to all the old principles of law and policy, a regency ought to have been appointed by the French Princes of the Blood, Nobles, and Parliaments, and then recognized by the combined Powers. Fundamental law and antient usage, as well as the clear reason of the thing, have always ordained it during an imprisonment of the King of France; as in the case of John, and of Francis the First. A Monarchy ought not to be left a moment without a Representative, having an interest in the succession. The orders of the State, ought also to have been

recognized in those amongst whom alone they existed in freedom, that is, in the Emigrants.

Thus laying down a firm foundation on the recognition of the authorities of the Kingdom of France, according to nature and to it's fundamental laws, and not according to the novel and inconsiderate principles of the usurpation which the United Powers were come to extirpate. The King of Prussia and the Emperor, as Allies of the antient Kingdom of France, would have proceeded with dignity, first, to free the Monarch, if possible; if not, to secure the Monarchy as principal in the design; and in order to avoid all risques to that great object (the object of other ages than the present, and of other countries than that of France) they would of course avoid proceeding with more haste, or in a different manner than what the nature of such an object required.

Adopting this, the only rational system, the rational mode of proceeding upon it, was to commence with an effective siege of Lisle, which the French Generals must have seen taken before their faces, or be forced to fight. A plentiful country of friends, from whence to draw supplies, would have been behind them; a plentiful country of enemies, from whence to force supplies, would have been before them. Good towns were always within reach to deposit their hospitals and magazines. The March from Lisle to Paris, is through a less defensible country, and the distance is hardly so great as from Longwy to Paris.

If the old politick and military ideas had governed, the advanced guard would have been formed of those who best knew the country, and had some interest in it, supported by some of the best light troops and light artillery, whilst the grand solid body of an army disciplined to perfection, proceeded leisurely, and in close connexion with all it's stores, provisions, and heavy cannon, to support the expedite body in case of misadventure, or to improve and compleat it's success.

The direct contrary of all this was put in practice. In consequence of the original sin of this project, the army of the French Princes was every where thrown into the rear, and no part of it brought forward to the last moment, the time of the commencement of the secret negotiation. This naturally made an ill impression on the people, and furnished an occasion for the rebels at Paris to give out that the faithful subjects of the King were distrusted, despised, and abhorred by his allies. The march was directed through a skirt of Lorraine, and thence into a part of Champagne, the Duke of Brunswick leaving all the strongest places behind him; leaving also behind him, the strength of his artillery; and by this means giving a superiority to the French, in the only way in which the present France is able to oppose a German force.

In consequence of the adoption of those false politicks, which turned every thing on the King's sole and single person, the whole plan of the war was reduced to nothing but a coup de main, in order to set that Prince at liberty. If that failed, every thing was to be given up.

The scheme of a coup de main, might (under favourable circumstances) be very fit for a partizan at the head of a light corps, by whose failure nothing material would be deranged. But for a royal army of eighty thousand men, headed by a King in person, who was to march an hundred and fifty miles through an enemy's country — surely this was a plan unheard of.

Although this plan was not well chosen, and proceeded upon principles altogether ill judged and impolitick, the superiority of the military force, might in a great degree have supplied the defects, and furnished a corrective to the mistakes. The greater probability was that the Duke of Brunswick would make his way to Paris, over the bellies of the rabble of drunkards, robbers, assassins, rioters, mutineers, and half-grown boys, under the ill-obeyed command of a theatrical, vapouring, reduced Captain of cavalry, who opposed that great Commander and great army. But — *Diis aliter visum* — He began to treat, the winds blew, and the rains beat, the house fell — because it was built upon sand — and great was the fall thereof. This march was not an exact copy of either of the two marches made by the Duke of Parma into France.

There is some secret. Sickness and weather may defeat an army pursuing a wrong plan; not that I believe the sickness to have been so great as it has been reported: but there is a great deal of superfluous humiliation in this business, a perfect prodigality of disgrace. Some advantage, real or imaginary, must compensate to a great Sovereign, and to a great General, for so immense a loss of reputation. Longwy, situated as it is, might (one should think) be evacuated without a capitulation with a Republick just proclaimed by the King of Prussia as an usurping and rebellious body. He was not far from Luxembourg. He might have taken away the obnoxious French in his flight. It does not appear to have been necessary that those Magistrates who declared for their own King, on the faith, and under the immediate protection of the King of Prussia, should be delivered over to the gallows. It was not necessary that the emigrant Nobility and Gentry who served with the King of Prussia's army, under his immediate command, should be excluded from the cartel, and given up to be hanged as rebels. Never was so gross, and so cruel a breach of the public faith, not with an enemy, but with a friend. Dumourier, has dropped very singular hints. Custine, has spoken out more broadly. These accounts have never been contradicted. They tend to make an eternal rupture between the Powers. The French have given out, that the Duke of Brunswick endeavoured to negotiate some name and place for the captive King, amongst the murderers and proscribers of those who have lost their all for his cause. Even this has not been denied.

It is singular, and indeed, a thing, under all it's circumstances, inconceivable, that every thing should by the Emperor be abandoned to the King of Prussia. That Monarch was considered as principal. In the nature of things, as well as in his position with regard to the war, he was only an ally; and a new ally, with crossing

interests in many particulars, and of a policy rather uncertain. At best, and supposing him to act with the greatest fidelity, the Emperor, and the Empire, to him must be but secondary objects. Countries out of Germany, must affect him in a still more remote manner. France, other than from the fear of it's doctrinal principles, can to him be no object at all. Accordingly, the Rhine, Sardinia, and the Swiss, are left to their fate. The King of Prussia has no direct and immediate concern with France; consequentially, to be sure, a great deal; but the Emperor touches France directly in many parts: he is a near neighbour to Sardinia, by his Milanese territories; he borders on Switzerland; Cologne, possessed by his uncle, is between Mentz and Treves, the King of Prussia's territories on the Lower Rhine. The Emperor is the natural guardian of Italy and Germany; the natural balance against the ambition of France, whether Republican or Monarchical. His Ministers and his Generals, therefore, ought to have had their full share in every material consultation, which I suspect they had not. If he has no Minister capable of plans of policy, which comprehend the superintendancy of a war, or no General with the least of a political head, things have been as they must be. However, in all the parts of this strange proceeding, there must be a secret.

It is probably known to Ministers. I do not mean to penetrate into it. My speculations on this head must be only conjectural. If the King of Prussia, under the pretext, or on the reality of some information relative to ill practice on the part of the Court of Vienna, takes advantage of his being admitted into the heart of the Emperor's dominions in the character of an ally, afterwards to join the common enemy, and to enable France to seize the Netherlands, and to reduce and humble the Empire, I cannot conceive, upon every principle, any thing more alarming for this country, separately, and as a part of the general system. After all, we may be looking in vain in the regions of politicks, for what is only the operation of temper and character upon accidental circumstances — But I never knew accidents to decide the whole of any great business; and I never knew temper to act, but that some system of politicks, agreeable to it's peculiar spirit, was blended with it, strengthened it, and got strength from it. Therefore the politicks can hardly be put out of the question.

Great mistakes have been committed; at least I hope so. If there have been none, the case in future is desperate. I have endeayoured to point out some of those which have occurred to me, and most of them very early.

Whatever may be the cause of the present state of things, on a full and mature view and comparison of the historical matter, of the transactions that have passed before our eyes, and of the future prospect, I think I am authorized to form an opinion without the least hesitation.

That there never was, nor is, nor ever will be, or ever can be, the least rational hope of making an impression on France by any Continental Powers, if England is

not a part, is not the directing part, is not the soul, of the whole confederacy against it.

This, so far as it is an anticipation of future, is grounded on the whole tenour of former history — In speculation it is to be accounted for on two plain principles.

First, That Great Britain is likely to take a more fair and equal part in the alliance, than the other Powers, as having less of crossing interest, or perplexed discussion with any of them.

Secondly, Because France cannot have to deal with any of these continental Sovereigns, without their feeling that nation, as a maritime Power, greatly superiour to them all put together; a force which is only to be kept in check by England.

England, except during the excentrick aberration of Charles the Second, has always considered it as her duty and interest, to take her place in such a confederacy. Her chief disputes must ever be with France, and if England shews herself indifferent and unconcerned when these Powers are combined against the enterprizes of France, she is to look with certainty for the same indifference on the part of these Powers, when she may be at war with that nation. This will tend totally to disconnect this kingdom from the system of Europe, in which, if she ought not rashly to meddle, she ought never wholly to withdraw herself from it.

If then England is put in motion, whether by a consideration of the general safety, or of the influence of France upon Spain, or by the probable operations of this new system on the Netherlands, it must embrace in it's project the whole as much as possible, and the part it takes ought to be as much as possible a leading and presiding part.

I therefore beg leave to suggest,

First, That a Minister should forthwith be sent to Spain, to encourage that Court to persevere in the measures they have adopted against France; to make a close alliance and guarantee of possessions, as against France, with that power, and whilst the formality of the treaty is pending, to assure them of our protection, postponing any lesser disputes to another occasion.

Secondly, To assure the Court of Vienna, of our desire to enter into our antient connexions with her, and to support her effectually in the war which France has declared against her.

Thirdly, To animate the Swiss, and the King of Sardinia, to take a part, as the latter once did on the principles of the Grand Alliance.

Fourthly, To put an end to our disputes with Russia, and mutually to forget the past. I believe if she is satisfied of this oblivion, she will return to her old sentiments, with regard to this Court, and will take a more forward part in this business than any other Power.

Fifthly, If what has happened to the King of Prussia is only in consequence of a sort of panick or of levity, and an indisposition to persevere long in one design — the support and concurrence of Russia will tend to steady him, and to give him

resolution. If he be ill disposed, with that power on his back, and without one ally in Europe, I conceive he will not be easily led to derange the plan.

Sixthly, To use the joint influence of our Court, and of our then Allied Powers, with Holland, to arm as fully as she can by sea, and to make some addition by land.

Seventhly, To acknowledge the King of France's next brother (assisted by such a Council and such Representatives of the Kingdom of France, as shall be thought proper) Regent of France, and to send that Prince a small supply of money, arms, cloathing and artillery.

Eighthly, To give force to these negociations, an instant naval armament ought to be adopted; one squadron for the Mediterranean; another for the Channel. The season is convenient, most of our trade being, as I take it, at home.

After speaking of a plan formed upon the antient policy and practice of Great Britain, and of Europe; to which this is exactly conformable in every respect, with no deviation whatsoever, and which is, I conceive much more strongly called for by the present circumstances, than by any former, I must take notice of another which I hear, but cannot persuade myself to believe, is in agitation. This plan is grounded upon the very same view of things which is here stated, namely, the danger to all Sovereigns, and old Republicks, from the prevalence of French power and influence.

It is to form a Congress of all the European powers, for the purpose of a general defensive alliance, the objects of which should be,

First, The recognition of this new Republick (which they well know is formed on the principles, and for the declared purpose of the destruction of all Kings), and whenever the heads of this new Republick shall consent to release the Royal Captives, to make Peace with them.

Secondly, To defend themselves with their joint forces against the open aggressions or the secret practices, intrigues and writings, which are used to propagate the French principles.

It is easy to discover from whose shop this commodity comes. It is so perfectly absurd, that if that, or any thing like it, meets with a serious entertainment in any Cabinet, I should think it the effect of what is called a judicial blindness, the certain forerunner of the destruction of all Crowns and Kingdoms.

An offensive alliance, in which union is preserved, by common efforts in common dangers, against a common active enemy, may preserve it's consistency, and may produce for a given time, some considerable effect; though this is not easy, and for any very long period, can hardly be expected. But a defensive alliance, formed of long discordant interests, with innumerable discussions existing, having no one pointed object to which it is directed, which is to be held together with an unremitted vigilance, as watchful in peace as in war, is so evidently impossible, is such a chimera, is so contrary to human nature, and the course of human affairs, that I am persuaded no person in his senses, except those whose Country, Religion and Sovereign, are deposited in the French funds, could dream of it. There is not

the slightest petty boundary suit, no difference between a family arrangement, no sort of misunderstanding, or cross purpose between the pride and etiquette of Courts, that would not entirely disjoint this sort of alliance, and render it as sutile in it's effects, as it is feeble in it's principle. But when we consider that the main drift of that defensive alliance must be to prevent the operation of intrigue, mischievous doctrine and evil example, in the success of unprovoked rebellion, regicide, and systematick assassination and massacre, the absurdity of such a scheme becomes quite lamentable. Open the communication with France, and the rest follows of course.

How far the interiour circumstances of this country support what is said with regard to it's foreign politicks, must be left to better judgments. I am sure the French faction here is infinitely strengthened by the success of the assassins on the other side of the water. — This evil in the heart of Europe must be extirpated from that center, or no part of the circumference can be free from the mischief which radiates from it, and which will spread circle beyond circle, in spite of all the little defensive precautions which can be employed against it.

I do not put my name to these hints submitted to the consideration of reflecting men. It is of too little importance to suppose the name of the writer could add any weight to the state of things contained in this paper. That state of things presses irresistibly on my judgment, and it lies, and has long lain, with an heavy weight upon my mind. I cannot think that what is done in France, is beneficial to the human race. If it were, the English Constitution ought no more to stand against it than the antient Constitution of the kingdom in which the new system prevails. I thought it the duty of a man, not unconcerned for the publick, and who is a faithful subject to the King, respectfully to submit this state of facts at this new step in the progress of the French arms and politicks, to his Majesty, to his confidential servants, and to those persons who, though not in office, by their birth, their rank, their fortune, their character and their reputation for wisdom, seem to me to have a large stake in the stability of the antient order of things.

Bath, November 5, 1793.

REMARKS ON THE POLICY OF THE ALLIES WITH RESPECT TO FRANCE. BEGUN IN OCTOBER, 1793.

AS the proposed manifesto is, I understand, to promulgate to the world the general idea of a plan for the regulation of a great kingdom, and through the regulation of that kingdom probably to decide the fate of Europe for ever, nothing requires a more serious deliberation with regard to the time of making it, the circumstances of those to whom it is addressed, and the matter it is to contain.

As to the time, (with the due diffidence in my own opinion) I have some doubts whether it is not rather unfavourable to the issuing any Manifesto, with regard to the intended government of France; and for this reason, that it is, (upon the principal point of our attack) a time of calamity and defeat. Manifestoes of this nature are commonly made when the army of some Sovereign enters into the enemy's country in great force, and under the imposing authority of that force employs menaces towards those whom he desires to awe; and makes promises to those whom he wishes to engage in his favour.

As to a party, what has been done at Toulon leaves no doubt, that the party for which we declare must be that which substantially declares for Royalty as the basis of the government.

As to menaces — Nothing, in my opinion, can contribute more effectually to lower any Sovereign in the publick estimation, and to turn his defeats into disgraces, than to threaten in a moment of impotence. The second Manifesto of the Duke of Brunswick appeared therefore to the world to be extremely ill-timed. However, if his menaces in that Manifesto had been seasonable, they were not without an object. Great crimes then apprehended, and great evils then impending, were to be prevented. At this time, every act, which early menaces might possibly have prevented, is done. Punishment and vengeance alone remain, and God forbid that they should ever be forgotten. But the punishment of enormous offenders, will not be the less severe, or the less exemplary when it is not threatened at a moment when we have it not in our power to execute our threats. On the other side, to pass by proceedings of such a nefarious nature, in all kinds, as have been carried on in France, without any signification of resentment, would be in effect to ratify them; and thus to become accessaries after the fact, in all those enormities which it is impossible to repeat, or think of without horror. An absolute silence appears to me to be at this time the only safe course.

The second usual matter of Manifestoes is composed of promises to those who co-operate with our designs. These promises depend in a great measure, if not wholly, on the apparent power of the person who makes them to fulfil his engagements. A time of disaster on the part of the promiser, seems not to add much

to the dignity of his person, or to the effect of his offers. One would hardly wish to seduce any unhappy persons to give the last provocation to a merciless tyranny, without very effectual means of protecting them.

The time therefore seems (as I said) not favourable to a general Manifesto, on account of the unpleasant situation of our affairs. However, I write in a changing scene, when a measure very imprudent to day, may be very proper to-morrow. Some great victory may alter the whole state of the question, so far as it regards our power of fulfilling any engagement we may think fit to make.

But there is another consideration of far greater importance for all the purposes of this Manifesto. The publick, and the parties concerned, will look somewhat to the disposition of the promiser indicated by his conduct, as well as to his power of fulfilling his engagements.

Speaking of this nation as part of a general combination of powers, are we quite sure, that others can believe us to be sincere, or that we can be even fully assured of our own sincerity in the protection of those who shall risque their lives for the restoration of Monarchy in France, when the world sees, that those who are the natural, legal, constitutional representatives of that Monarchy, if it has any, have not had their names so much as mentioned in any one publick act; that in no way whatever are their persons brought forward, that their rights have not been expressly or implicitly allowed, and that they have not been in the least consulted on the important interests they have at stake. On the contrary, they are kept in a state of obscurity and contempt, and in a degree of indigence at times bordering on beggary. They are in fact, little less prisoners in the village of Hanau, than the Royal captives who are locked up in the tower of the Temple. What is this, according to the common indications which guide the judgment of mankind, but, under the pretext of protecting the crown of France, in reality to usurp it?

I am also very apprehensive, that there are other circumstances which must tend to weaken the force of our declarations. No partiality to the allied powers, can prevent great doubts on the fairness of our intentions as supporters of the Crown of France, or of the true principles of legitimate Government in opposition to Jacobinism, when it is visible that the two leading orders of the State of France, who are now the victims, and who must always be the true and sole supports of Monarchy in that country, are, at best, in some of their descriptions, considered only as objects of charity, and others are, when employed, employed only as mercenary soldiers; that they are thrown back out of all reputable service, are in a manner disowned, considered as nothing in their own cause, and never once consulted in the concerns of their King, their country, their laws, their religion, and their property! We even affect to be ashamed of them. In all our proceedings we carefully avoid the appearance of being of a party with them. In all our ideas of Treaty we do not regard them as what they are, the two leading orders of the kingdom. If we do not consider them in that light, we must recognize the savages by

whom they have been ruined, and who have declared war upon Europe, whilst they disgrace and persecute human nature, and openly defy the God that made them, as real proprietors of France.

I am much afraid, too, that we shall scarcely be believed fair supporters of lawful Monarchy against Jacobinism, so long as we continue to make and to observe cartels with the Jacobins, and on fair terms exchange prisoners with them, whilst the Royalists, invited to our standard, and employed under our publick faith, against the Jacobins, if taken by that savage faction, are given up to the executioner without the least attempt whatsoever at reprisal. For this, we are to look at the King of Prussia's conduct, compared with his Manifestoes about a twelvemonth ago. For this we are to look at the capitulations of Mentz and Valenciennes, made in the course of the present campaign. By these two capitulations, the Christian Royalists were excluded from any participation in the cause of the combined powers. They were considered as the outlaws of Europe. Two armies were in effect sent against them. One of those armies (that which surrendered Mentz) was very near overpowering the Christians of Poitou, and the other (that which surrendered at Valenciennes) has actually crushed the people whom oppression and despair had driven to resistance at Lyons, has massacred several thousands of them in cold blood, pillaged the whole substance of the place, and pursued their rage to the very houses, condemning that noble city to desolation, in the unheard of manner we have seen it devoted.

It is then plain by a conduct which overturns a thousand declarations, that we take the Royalists of France only as an instrument of some convenience in a temporary hostility with the Jacobins, but that we regard those atheistick and murderous barbarians as the bonâ fide possessors of the soil of France. It appears at least, that we consider them as a fair Government *de facto*, if not *de jure*; a resistance to which in favour of the King of France, by any man who happened to be born within that country, might equitably be considered by other nations, as the crime of treason.

For my part, I would sooner put my hand into the fire than sign an invitation to oppressed men to fight under my standard, and then on every sinister event of war, cruelly give them up to be punished as the basest of traitors, as long as I had one of the common enemy in my hands to be put to death in order to secure those under my protection, and to vindicate the common honour of Sovereigns. We hear nothing of this kind of security in favour of those whom we invite to the support of our cause. Without it, I am not a little apprehensive that the proclamations of the combined powers might (contrary to their intention no doubt) be looked upon as frauds, and cruel traps laid for their lives.

So far as to the correspondence between our declarations and our conduct, let the declaration be worded as it will, the conduct is the practical comment by which, and which alone it can be understood. This conduct acting on the declaration, leaves a Monarchy without a Monarch; and without any representative or trustee for the

Monarch, and the Monarchy. It supposes a kingdom without states and orders; a territory without proprietors; and faithful subjects, who are to be left to the fate of rebels and traitors.

The affair of the establishment of a Government is a very difficult undertaking for foreign powers to act in as principals; though as auxiliaries and mediators, it has been not at all unusual, and may be a measure full of policy and humanity, and true dignity.

The first thing we ought to do, supposing us not giving the law as conquerors, but acting as friendly powers applied to for counsel and assistance in the settlement of a distracted country, is well to consider the composition, nature, and temper of its objects, and particularly of those who actually do, or who ought to exercise power in that state. It is material to know who they are, and how constituted, whom we consider as the people of France?

The next consideration is, through whom our arrangements are to be made, and on what principles the Government we propose is to be established.

The first question on the people is this, Whether we are to consider the individuals now actually in France, numerically taken and arranged into Jacobin Clubs, as the body politick, constituting the nation of France? or, Whether we consider the original individual proprietors of lands, expelled since the Revolution, and the states and the bodies politick, such as the colleges of justice called parliaments, the corporations noble and not noble of balliages, and towns, and cities, the bishops and the clergy, as the true constituent parts of the nation, and forming the legally organized parts of the people of France?

In this serious concern it is very necessary that we should have the most distinct ideas annexed to the terms we employ; because it is evident, that an abuse of the term people, has been the original fundamental cause of those evils, the cure of which, by war and policy, is the present object of all the states of Europe.

If we consider the acting power in France in any legal construction of publick law, as the people, the question is decided in favour of the Republick one and indivisible. But we have decided for Monarchy. If so, we have a King and Subjects; and that King and Subjects have rights and privileges which ought to be supported at home; for I do not suppose that the Government of that kingdom can, or ought to be regulated, by the arbitrary Mandate of a foreign Confederacy.

As to the faction exercising power, to suppose that Monarchy can be supported by principled Regicides, Religion by professed Atheists, Order by Clubs of Jacobins, Property by Committees of Proscription, and Jurisprudence by Revolutionary Tribunals, is to be sanguine in a degree of which I am incapable. On them I decide, for myself, that these persons are not the legal Corporation of France, and that it is not with them we can (if we would) settle the Government of France.

Since, then, we have decided for Monarchy in that kingdom, we ought also to settle who is to be the Monarch, who is to be the Guardian of a Minor, and how the Monarch and Monarchy is to be modified and supported? If the Monarch is to be elected, who the Electors are to be: if hereditary, what order is established corresponding with an hereditary Monarchy, and fitted to maintain it? Who are to modify it in its exercise? Who are to restrain its powers where they ought to be limited, to strengthen them where they are to be supported, or to enlarge them, where the object, the time, and the circumstances, may demand their extension? These are things which, in the outline, ought to be made distinct and clear; for if they are not (especially with regard to those great points, who are the proprietors of the soil, and what is the corporation of the kingdom) there is nothing to hinder the compleat establishment of a Jacobin Republick, (such as that formed in 1790 and 1791) under the name of a Democracie Royale. Jacobinism does not consist in the having or not having, a certain Pageant under the name of a King, but

“in taking the people as equal individuals, without any corporate name or description, without attention to property, without division of powers, and forming the government of delegates from a number of men so constituted, in destroying or confiscating property, and bribing the publick creditors, or the poor, with the spoils, now of one part of the community, now of another, without regard to prescription or possession.”

I hope no one can be so very blind as to imagine that Monarchy can be acknowledged and supported in France upon any other basis than that of its property, corporate and individual, or that it can enjoy a moment's permanence or security upon any scheme of things, which sets aside all the antient corporate capacities and distinctions of the kingdom, and subverts the whole fabrick of its antient laws and usages, political, civil and religious, to introduce a system founded on the supposed Rights of the Man, and the absolute equality of the human race. Unless, therefore, we declare clearly and distinctly in favour of the restoration of property, and confide to the hereditary property of the kingdom, the limitation and qualifications of its hereditary Monarchy, the blood and treasure of Europe is wasted for the establishment of Jacobinism in France. There is no doubt that Danton and Robespierre, Chaumette and Barrere, that Condorcet, that Thomas Paine, that La Fayette, and the Archbishop of Autun, the Abbé Gregoire, with all the gang of the Syeyes's, the Henriots, and the Santerres, if they could secure themselves in the fruits of their rebellion and robbery, would be perfectly indifferent, whether the most unhappy of all infants, whom by the lessons of the shoemaker, his governor and guardian, they are training up studiously and methodically to be an idiot, or what is worse, the most wicked and base of mankind, continues to receive his civic education in the Temple or the Thuilleries, whilst they, and such as they, really govern the kingdom.

It cannot be too often and too strongly inculcated, that Monarchy and property must, in France, go together; or neither can exist. To think of the possibility of the existence of a permanent and hereditary Royalty, where nothing else is hereditary or permanent in point either of personal or corporate dignity, is a ruinous chimera worthy of the Abbé Syeyes and those wicked Fools his Associates, who usurped Power by the Murders of the 19th of July, and the 6th of October 1789, and who brought forth the Monster which they called *Democracie Royale*, or the Constitution.

I believe that most thinking men, would prefer infinitely some sober and sensible form of a Republick, in which there was no mention at all of a King, but which held out some reasonable security to property, life, and personal freedom, to a scheme of things like this *Democracie Royale*, founded on impiety, immorality, fraudulent currencies, the confiscation of innocent individuals, and the pretended Rights of Man; and which, in effect, excluding the whole body of the nobility, clergy, and landed property of a great nation, threw every thing into the hands of a desperate set of obscure adventurers who led to every mischief, a blind and bloody band of *Sans-Culottes*. At the head, or rather at the tail of this system, was a miserable pageant as its ostensible instrument, who was to be treated with every species of indignity, till the moment, when he was conveyed from the Palace of Contempt to the Dungeon of Horror, and thence led by a Brewer of his Capital through the applauses of an hired, frantick, drunken multitude, to lose his head upon a scaffold.

This is the Constitution, or *Democracie Royale*; and this is what infallibly would be again set up in France to run exactly the same round, if the predominant power should so far be forced to submit as to receive the name of a King, leaving it to the Jacobins, (that is, to those who have subverted Royalty and destroyed Property) to modify the one, and to distribute the other as spoil. By the Jacobins I mean indiscriminately the Brissotins and the Maratists, knowing no sort of difference between them. As to any other party, none exists in that unhappy country. The Royalists (those in Poitou excepted) are banished and extinguished; and as to what they call the Constitutionalists, or *Democrats Royaux*, they never had an existence of the smallest degree of power, consideration or authority; nor, if they differ at all from the rest of the Atheistick Banditti (which from their actions and principles I have no reason to think) were they ever other than the temporary tools and instruments of the more determined, able, and systematick Regicides. Several attempts have been made to support this chimerical *Democracie Royale* — the first was by La Fayette — the last by Dumourier: — they tended only to shew, that this absurd project had no party to support it. The Girondists under Wimpfen, and at Bourdeaux, have made some struggle. The Constitutionalists never could make any; and for a very plain reason; they were Leaders in Rebellion. All their principles, and their whole scheme of government being Republican, they could never excite the smallest degree of enthusiasm in favour of the unhappy Monarch, whom they had

rendered contemptible, to make him the Executive Officer in their new Commonwealth. They only appeared as traitors to their own Jacobin cause, not as faithful adherents to the King.

In an Address to France, in an attempt to treat with it, or in considering any scheme at all relative to it, it is impossible we should mean the geographical, we must always mean the moral and political country. I believe we shall be in a great error if we act upon an idea that there exists in that country any organized body of men who might be willing to treat on equitable terms, for the restoration of their Monarchy; but who are nice in balancing those terms, and who would accept such as to them appeared reasonable, but who would quietly submit to the predominant power, if they were not gratified in the fashion of some constitution which suited with their fancies.

I take the state of France to be totally different. I know of no such body, and of no such party. So far from a combination of twenty men (always excepting Poitou) I never yet heard, that a single man could be named of sufficient force or influence to answer for another man, much less for the smallest district in the country, or for the most incomplete company of soldiers in the army. We see every man that the Jacobins chuse to apprehend, taken up in his village, or in his house, and conveyed to prison without the least shadow of resistance; and this indifferently, whether he is suspected of Royalism or Federalism, Moderantism, Democracy Royal, or any other of the names of faction which they start by the hour. What is much more astonishing, (and if we did not carefully attend to the genius and circumstances of this Revolution, must indeed appear incredible) all their most accredited military men, from a generalissimo to a corporal, may be arrested, (each in the midst of his camp, and covered with the laurels of accumulated victories) tied neck and heels, thrown into a cart, and sent to Paris to be disposed of at the pleasure of the Revolutionary Tribunals.

As no individuals have power and influence, so there are no Corporations, whether of Lawyers or Burghers existing. The Assembly called Constituent, destroyed all such institutions very early. The Primary and Secondary Assemblies, by their original constitution, were to be dissolved when they answered the purpose of electing the Magistrates; and were expressly disqualified from performing any corporate act whatsoever. The transient Magistrates have been almost all removed before the expiration of their terms, and new have been lately imposed upon the people, without the form or ceremony of an election: these Magistrates during their existence are put under, as all the Executive Authorities are from first to last, the popular Societies (called Jacobin Clubs) of the several countries, and this by an express order of the National Convention: it is even made a case of death to oppose or attack those Clubs. They too have been lately subjected to an expurgatory scrutiny, to drive out from them every thing savouring of what they call the crime of Moderantism, of which offence however few were guilty. But as people began to

take refuge from their persecutions — amongst themselves, they have driven them from that last asylum.

The State of France is perfectly simple. It consists of but two descriptions — The Oppressors and the Oppressed.

The first have the whole authority of the State in their hands, all the arms, all the revenues of the publick, all the confiscations of individuals and corporations. They have taken the lower sort from their occupations and have put them into pay, that they may form them into a body of Janisaries to overrule and awe property. The heads of these wretches they never suffer to cool. They supply them with a food for fury varied by the day — besides the sensual state of intoxication from which they are rarely free. They have made the Priests and people formally abjure the Divinity; they have estranged them from every civil, moral, and social, or even natural and instinctive sentiment, habit, and practice, and have rendered them systematically savages, to make it impossible for them to be the instruments of any sober and virtuous arrangement, or to be reconciled to any state of order, under any name whatsoever.

The other description, the Oppressed — are people of some property; they are the small reliques of the persecuted Landed Interest; they are the Burghers and the Farmers. By the very circumstance of their being of some property, though numerous in some points of view, they cannot be very considerable as a number. In cities the nature of their occupations renders them domestick and feeble; in the country it confines them to their farm for subsistence. The National Guards are all changed and reformed. Every thing suspicious in the description of which they were composed is rigorously disarmed. Committees, called of Vigilance and Safety, are every where formed; a most severe and scrutinizing Inquisition, far more rigid than any thing ever known or imagined. Two persons cannot meet and confer without hazard to their liberty, and even to their lives. Numbers scarcely credible have been executed, and their property confiscated. At Paris and in most other towns, the bread they buy is a daily dole — which they cannot obtain without a daily ticket delivered to them by their Masters. Multitudes of all ages and sexes are actually imprisoned. I have reason to believe, that in France there are not, for various state crimes, so few as twenty thousand actually in jail — a large portion of people of property in any State. If a father of a family should shew any dispositions to resist, or to withdraw himself from their power, his wife and children are cruelly to answer for it. It is by means of these hostages; that they keep the troops, which they sorce by masses (as they call it) into the field — true to their colours.

Another of their resources is not to be forgotten. — They have lately found a way of giving a sort of ubiquity to the supreme Sovereign Authority, which no Monarch has been able yet to give to any representation of his.

The Commissioners of the National Convention, who are the Members of the Convention itself, and really exercise all its powers, make continual circuits through

every province, and visits to every army. There they supersede all the ordinary Authorities civil and military, and change and alter every thing at their pleasure. So that in effect no deliberative capacity exists in any portion of the inhabitants.

Toulon, republican in principle, having taken its decision in a moment under the guillotine, and before the arrival of these Commissioners, Toulon, being a place regularly fortified, and having in its bosom a navy in part highly discontented, has escaped, though by a sort of miracle; and it would not have escaped, if two powerful fleets had not been at the door to give them not only strong, but prompt and immediate succour, especially, as neither this nor any other sea-port town in France can be depended on, from the peculiarly savage dispositions, manners, and connexions among the lower sort of people in those places. This I take to be the true state of things in France; so far as it regards any existing bodies, whether of legal or voluntary association, capable of acting or of treating in corps.

As to the oppressed individuals, they are many; and as discontented as men must be under the monstrous and complicated tyranny of all sorts, with which they are crushed. They want no stimulus to throw off this dreadful yoke: but they do want (not Manifestoes, which they have had even to surfeit, but) real protection, force and succour.

The disputes and questions of men at their ease, do not at all affect their minds, or ever can occupy the minds of men in their situation. These theories are long since gone by; they have had their day, and have done their mischief. The question is not between the Rabble of Systems, Fayetteism, Condorcetism, Monarchism, or Democratism or Federalism, on the one side, and the fundamental Laws of France on the other — or between all these systems amongst themselves. It is a controversy (weak indeed and unequal on the one part) between the proprietor and the robber; between the prisoner and the jailor; between the neck and the guillotine. Four-fifths of the French inhabitants would thankfully take protection from the Emperor of Morocco, and would never trouble their heads about the abstract principles of the power by which they were snatched from imprisonment, robbery, and murder. But then these men can do little or nothing for themselves. They have no arms, nor magazines, nor chiefs, nor union, nor the possibility of these things within themselves. On the whole therefore I lay it down as a certainty, that in the Jacobins, no change of mind is to be expected — and that no others in the territory of France have an independent and deliberative existence.

The truth is, that France is out of itself — The moral France is separated from the geographical. The master of the house is expelled, and the robbers are in possession. If we look for the corporate people of France existing as corporate in the eye and intention of public Law, (that corporate people, I mean, who are free to deliberate and to decide, and who have a capacity to treat and conclude) they are in Flanders, and Germany, in Switzerland, Spain, Italy, and England. There are all the

Princes of the Blood, there are all the Orders of the State, there are all the Parliaments of the kingdom.

This being, as I conceive, the true state of France, as it exists territorially, and as it exists morally, the question will be, with whom we are to concert our arrangements; and whom we are to use as our instruments in the reduction, in the pacification, and in the settlement of France. The work to be done must indicate the workmen. Supposing us to have rational objects, we have two principal, and one secondary. The first two are so intimately connected as not to be separated even in thought; the re-establishment of Royalty, and the re-establishment of Property. One would think it requires not a great deal of argument to prove, that the most serious endeavours to restore Royalty, will be made by Royalists. Property will be most energetically restored by the antient proprietors of that kingdom.

When I speak of Royalists, I wish to be understood of those who were always such from principle. Every arm lifted up for Royalty from the beginning, was the arm of a man so principled. I do not think there are ten exceptions.

The principled Royalists are certainly not of force to effect these objects by themselves. If they were, the operations of the present great Combination would be wholly unnecessary. What I contend for is, that they should be consulted with, treated with, and employed; and that no Foreigners whatsoever are either in interest so engaged, or in judgment and local knowledge so competent, to answer all these purposes as the natural proprietors of the country.

Their number for an exiled party is also considerable. Almost the whole body of the landed proprietors of France, ecclesiastical and civil, have been steadily devoted to the Monarchy. This body does not amount to less than seventy thousand — a very great number in the composition of the respectable classes in any society. — I am sure, that if half that number of the same description were taken out of this country, it would leave hardly any thing that I should call the people of England. On the faith of the Emperor and the King of Prussia, a body of ten thousand Nobility on horseback, with the King's two brothers at their head, served with the King of Prussia in the campaign of 1792, and equipped themselves with the last shilling of their ruined fortunes and exhausted credit. It is not now the question how that great force came to be rendered useless and totally dissipated. I state it now, only to remark, that a great part of the same force exists, and would act if it were enabled. I am sure every thing has shewn us that in this war with France, one Frenchman is worth twenty foreigners. La Vendee is a proof of this.

If we wish to make an impression on the minds of any persons in France, or to persuade them to join our standard, it is impossible that they should not be more easily led, and more readily formed and disciplined, (civilly and martially disciplined) by those who speak their language, who are acquainted with their manners, who are conversant with their usages and habits of thinking, and who have a local knowledge of their country, and some remains of antient credit and

consideration, than with a body congregated from all tongues and tribes. Where none of the respectable native interests are seen in the transaction, it is impossible that any declarations can convince those that are within, or those that are without, that any thing else than some sort of hostility in the style of a conqueror is meant. At best it will appear to such wavering persons, (if such there are) whom we mean to fix with us, at best a choice whether they are to continue a prey to domestick banditti, or to be fought for as a carrion carcass, and picked to the bone by all the crows and vultures of the sky. They may take protection, (and they would I doubt not) but they can have neither alacrity nor zeal in such a cause. When they see nothing but bands of English, Spaniards, Neapolitans, Sardinians, Prussians, Austrians, Hungarians, Bohemians, Sclavonians, Croatians, acting as principals, it is impossible they should think we come with a beneficent design. Many of those fierce and barbarous people have already given proofs how little they regard any French party whatsoever. Some of these nations the people of France are jealous of; such are the English, and the Spaniards — others they despise; such are the Italians — others they hate and dread; such are the German and Danubian powers. At best such interposition of antient enemies excites apprehension; but in this case, how can they suppose that we come to maintain their legitimate Monarchy in a truly paternal French Government, to protect their privileges, their laws, their religion, and their property, when they see us make use of no one person who has any interest in them, any knowledge of them, or any the least zeal for them? On the contrary, they see, that we do not suffer any of those who have shewn a zeal in that cause, which we seem to make our own, to come freely into any place in which the Allies obtain any footing.

If we wish to gain upon any people, it is right to see what it is they expect. We have had a proposal from the Royalists of Poitou. They are well intitled, after a bloody war maintained for eight months against all the powers of anarchy, to speak the sentiments of the Royalists of France. Do they desire us to exclude their Princes, their Clergy, their Nobility? The direct contrary. They earnestly solicit that men of every one of these descriptions should be sent to them. They do not call for English, Austrian, or Prussian officers. They call for French emigrant officers. They call for the exiled priests. They have demanded the Comte d'Artois to appear at their head. These are the demands, (quite natural demands) of those who are ready to follow the standard of Monarchy.

The great means therefore of restoring the Monarchy which we have made the main object of the war, is to assist the dignity, the religion, and the property of France, to repossess themselves of the means of their natural influence. This ought to be the primary object of all our politicks, and all our military operations. Otherwise every thing will move in a preposterous order, and nothing but confusion and destruction will follow.

I know that misfortune is not made to win respect from ordinary minds. I know that there is a leaning to prosperity however obtained, and a prejudice in its favour; I know there is a disposition to hope something from the variety and inconstancy of villany, rather than from the tiresome uniformity of fixed principle. There have been, I admit, situations in which a guiding person or party might be gained over, and through him or them, the whole body of a nation. For the hope of such a conversion, and of deriving advantage from enemies, it might be politick for a while to throw your friends into the shade. But examples drawn from history in occasions like the present will be found dangerously to mislead us. France has no resemblance to other countries which have undergone troubles and been purified by them. If France, jacobinised as it has been for four full years, did contain any bodies of authority and disposition to treat with you, (most assuredly she does not) such is the levity of those who have expelled every thing respectable in their country, such their ferocity, their arrogance, their mutinous spirit, their habits of defying every thing human and divine, that no engagement would hold with them for three months; nor indeed could they cohere together for any purpose of civilized society, if left as now they are. There must be a means not only of breaking their strength within themselves, but of civilizing them; and these two things must go together, before we can possibly treat with them, not only as a nation, but with any division of them. Descriptions of men of their own race, but better in rank, superiour in property and decorum, of honourable, decent and orderly habits, are absolutely necessary to bring them to such a frame as to qualify them so much as to come into contact with a civilized nation. A set of those ferocious savages with arms in their hands, left to themselves in one part of the country, whilst you proceed to another, would break forth into outrages at least as bad as their former. They must, as fast as gained (if ever they are gained) be put under the guide, direction and government of better Frenchmen than themselves, or they will instantly relapse into a sever of aggravated Jacobinism.

We must not judge of other parts of France by the temporary submission of Toulon, with two vast fleets in its harbour, and a garrison far more numerous than all the inhabitants able to bear arms. If they were left to themselves I am quite sure they would not retain their attachment to Monarchy of any name, for a single week.

To administer the only cure for the unheard of disorders of that undone country, I think it infinitely happy for us, that God has given into our hands, more effectual remedies than human contrivance could point out. We have in our bosom, and in the bosom of other civilized states, nearer forty than thirty thousand persons, providentially preserved not only from the cruelty and violence, but from the contagion of the horrid practices, sentiments and language of the Jacobins, and even sacredly guarded from the view of such abominable scenes. If we should obtain in any considerable district, a footing in France, we possess an immense body of physicians and magistrates of the mind, whom we now know to be the most

discreet, gentle, well tempered, conciliatory, virtuous, and pious persons, who in any order probably existed in the world. You will have a missionary of peace and order in every parish. Never was a wiser national oeconomy than in the charity of the English and of other countries. Never was money better expended than in the maintenance of this body of civil troops for re-establishing order in France, and for thus securing its civilization to Europe. This means, if properly used, is of value inestimable.

Nor is this corps of instruments of civilization confined to the first order of that state, I mean the clergy. The allied powers possess also, an exceedingly numerous, well informed, sensible, ingenious, high principled and spirited body of cavaliers in the expatriated landed interest of France, as well qualified at least, as I, (who have been taught by time and experience to moderate my calculation of the expectancy of human abilities) ever expected to see in the body of any landed gentlemen and soldiers by their birth. France is well winnowed and sifted. Its virtuous men are, I believe, amongst the most virtuous, as its wicked are amongst the most abandoned upon earth. Whatever in the territory of France may be found to be in the middle between these, must be attracted to the better part. This will be compassed, when every gentleman, every where being restored to his landed estate, each on his patrimonial ground, may join the Clergy in reanimating the loyalty, fidelity and religion of the people; that these gentlemen proprietors of land, may sort that people according to the trust they severally merit, that they may arm the honest and well affected, and disarm and disable the factious and ill disposed. No foreigner can make this discrimination nor these arrangements. The antient corporations of Burghers according to their several modes should be restored; and placed, (as they ought to be) in the hands of men of gravity and property in the cities or baillages, according to the proper constitutions of the commons or third estate of France. They will restrain and regulate the seditious rabble there, as the gentlemen will on their own estates. In this way, and in this way alone, the country (once broken in upon by foreign force well directed) may be gained and settled. It must be gained and settled by itself, and through the medium of its own native dignity and property. It is not honest, it is not decent, still less is it politick, for foreign powers themselves to attempt any thing in this minute, internal, local detail, in which they could shew nothing but ignorance, imbecility, confusion and oppression. As to the Prince who has a just claim to exercise the regency of France, like other men he is not without his faults and his defects. But faults or defects (always supposing them faults of common human infirmity) are not what in any country destroy a legal title to Government. These princes are kept in a poor obscure country town of the King of Prussia's. Their reputation is entirely at the mercy of every calumniator. They cannot shew themselves, they cannot explain themselves, as princes ought to do. After being well informed, as any man here can be, I do not find, that these blemishes in this eminent person, are at all considerable, or that they at all affect a

character, which is full of probity, honour, generosity, and real goodness. In some points he has but too much resemblance to his unfortunate Brother; who with all his weaknesses, had a good understanding and many parts of an excellent man, and a good King. But Monsieur, without supposing the other deficient, (as he was not) excels him in general knowledge and in a sharp and keen observation, with something of a better address, and an happier mode of speaking and of writing. His conversation is open, agreeable and informed, his manners gracious and princely. His brother the Comte'd Artois sustains still better the representation of his place. He is eloquent, lively, engaging in the highest degree, of a decided character, full of energy and activity. In a word he is a brave, honourable, and accomplished cavalier. Their brethren of Royalty, if they were true to their own cause and interest, instead of relegating these illustrious persons to an obscure town, would bring them forward in their courts and camps, and exhibit them to, what they would speedily obtain, the esteem, respect, and affection of mankind.

As to their knocking at every door, (which seems to give offence) can any thing be more natural? Abandoned, despised, rendered in a manner outlaws by all the powers of Europe, who have treated their unfortunate brethren with all the giddy pride, and improvident insolence of blind unfeeling prosperity, who did not even send them a compliment of condolence on the murder of their brother and sister; in such a state is it to be wondered at, or blamed, that they tried every way, likely or unlikely, well or ill chosen, to get out of the horrible pit into which they are fallen, and that in particular they tried whether the Princes of their own blood, might at length be brought to think the cause of Kings, and of Kings of their race, wounded in the murder and exile of the branch of France, of as much importance as the killing of a brace of partridges. If they were absolutely idle, and only eat in sloth their bread of sorrow and dependence, they would be forgotten, or at best thought of as wretches unworthy of their pretensions which they had done nothing to support. If they err from our interests, what care has been taken to keep them in those interests? or what desire has ever been shewn to employ them in any other way than as instruments of their own degradation, shame, and ruin?

The Parliament of Paris, by whom the title of the Regent is to be recognized (not made) according to the laws of the kingdom, is ready to recognize it, and to register it, if a place of meeting was given to them, which might be within their own jurisdiction, supposing that only locality was required for the exercise of their functions: for it is one of the advantages of Monarchy, to have no local seat. It may maintain its rights out of the sphere of its territorial jurisdiction, if other powers will suffer it.

I am well apprised, that the little intriguers, and whisperers, and self-conceited thoughtless babblers, worse than either, run about to depreciate the fallen virtue of a great nation. But whilst they talk, we must make our choice — they or the Jacobins. We have no other option. As to those, who in the pride of a prosperity, not obtained

by their wisdom, valour, or industry, think so well of themselves and of their own abilities and virtues, and so ill of other men; truth obliges me to say, that they are not founded in their presumption concerning themselves, nor in their contempt of the French Princes, Magistrates, Nobility, and Clergy. Instead of inspiring me with dislike and distrust of the unfortunate, engaged with us in a common cause against our jacobin enemy, they take away all my esteem for their own characters, and all my deference to their judgment.

There are some few French gentlemen indeed who talk a language not wholly different from this jargon. Those whom I have in my eye, I respect as gallant soldiers, as much as any one can do, but on their political judgment, and prudence, I have not the slightest reliance, nor on their knowledge of their own country, or of its laws and constitution. They are, if not enemies, at least not friends to the orders of their own state; not to the Princes, the Clergy, or the Nobility; they possess only an attachment to the Monarchy, or rather to the persons of the late King and Queen. In all other respects their conversation is Jacobin. I am afraid they or some of them, go into the closets of Ministers, and tell them that the affairs of France will be better arranged by the allied Powers than by the landed proprietors of the kingdom, or by the Princes who have a right to govern; and that if any French are at all to be employed in the settlement of their country, it ought to be only those who have never declared any decided opinion or taken any active part in the Revolution.

I suspect that the authors of this opinion are mere soldiers of fortune, who, though men of integrity and honour, would as gladly receive military rank from Russia, or Austria, or Prussia, as from the Regent of France. Perhaps their not having as much importance at his court as they could wish, may incline them to this strange imagination. Perhaps having no property in old France, they are more indifferent about its restoration. Their language is certainly flattering to all Ministers in all courts. We all are men; we all love to be told of the extent of our own power and our own faculties. If we love glory, we are jealous of partners, and afraid even of our own instruments. It is of all modes of flattery the most effectual to be told, that you can regulate the affairs of another kingdom better than its hereditary proprietors. It is formed to flatter the principle of conquest so natural to all men. It is this principle which is now making the partition of Poland. The powers concerned have been told by some perfidious Poles, and perhaps they believe, that their usurpation is a great benefit to the people, especially to the common people. However this may turn out with regard to Poland, I am quite sure that France could not be so well under a foreign direction as under that of the representatives of its own King, and its own antient Estates.

I think I have myself studied France, as much as most of those whom the allied courts are likely to employ in such a work. I have likewise of myself as partial and as vain an opinion as men commonly have of themselves. But if I could command the whole military arm of Europe, I am sure, that a bribe of the best province in

that kingdom, would not tempt me to intermeddle in their affairs, except in perfect concurrence and concert with the natural legal interests of the country, composed of the Ecclesiastical, the Military, the several Corporate Bodies of Justice, and of Burghership, making under a Monarch (I repeat it again and again) the French Nation, according to its fundamental Constitution. No considerate Statesmen would undertake to meddle with it upon any other condition.

The Government of that kingdom is fundamentally Monarchical. The publick law of Europe has never recognized in it any other form of Government. The Potentates of Europe have by that law, a right, an interest, and a duty to know with what government they are to treat, and what they are to admit into the federative Society, or in other words into the diplomattick Republick of Europe. This Right is clear and indisputable.

What other and further interference they have a right to in the interior of the concerns of another people, is a matter on which, as on every political subject, no very definite or positive rule can well be laid down. Our neighbours are men; and who will attempt to dictate the laws, under which it is allowable or forbidden to take a part in the concerns of men, whether they are considered individually or in a collective capacity, whenever charity to them, or a care of my own safety, calls forth my activity. Circumstances perpetually variable, directing a moral prudence and discretion, the general principles of which never vary, must alone prescribe a conduct fitting on such occasions. The latest casuists of public law are rather of a Republican cast, and in my mind, by no means so averse as they ought to be to a Right in the people (a word which ill defined is of the most dangerous use) to make changes at their pleasure in the fundamental laws of their country. These writers, however, when a country is divided, leave abundant liberty for a neighbour to support any of the parties according to his choice. This interference must indeed always be a Right, whilst the privilege of doing good to others, and of averting from them every sort of evil, is a Right: Circumstances may render that Right a Duty. It depends wholly on this, whether it be a bona fide charity to a party, and a prudent precaution with regard to yourself, or whether under the pretence of aiding one of the parties in a nation, you act in such a manner as to aggravate its calamities, and accomplish its final destruction. In truth it is not the interfering or keeping aloof, but iniquitous intermeddling, or treacherous inaction which is praised or blamed by the decision of an equitable judge.

It will be a just and irresistible presumption against the fairness of the interposing power, that he takes with him no party or description of men in the divided state. It is not probable, that these parties should all, and all alike, be more adverse to the true interests of their country, and less capable of forming a judgment upon them, than those who are absolute strangers to their affairs, and to the character of the actors in them, and have but a remote, feeble, and secondary sympathy with their interest. Sometimes a calm and healing arbiter may be necessary; but, he is to

compose differences, not to give laws. It is impossible that any one should not feel the full force of that presumption. Even people, whose politics for the supposed good of their own country lead them to take advantage of the dissensions of a neighbouring nation in order to ruin it, will not directly propose to exclude the natives, but they will take that mode of consulting and employing them which most nearly approaches to an exclusion. In some particulars they propose what amounts to that exclusion, in others they do much worse. They recommend to Ministry,

“that no Frenchman who has given a decided opinion, or acted a decided part in this great Revolution for or against it, should be countenanced, brought forward, trusted or employed, even in the strictest subordination to the Ministers of the allied powers.”

Although one would think that this advice would stand condemned on the first proposition, yet as it has been made popular, and has been proceeded upon practically, I think it right to give it a full consideration.

And first, I have asked myself who these Frenchmen are, that, in the state their own country has been in for these last five years, of all the people of Europe, have alone not been able to form a decided opinion, or have been unwilling to act a decided part?

Looking over all the names I have heard of in this great Revolution, in all human affairs, I find no man of any distinction who has remained in that more than stoical apathy, but the Prince de Conti. This mean, stupid, selfish, swinish, and cowardly animal, universally known and despised as such, has indeed, except in one abortive attempt to elope, been perfectly neutral. However his neutrality, which it seems would qualify him for trust, and on a competition must set aside the Prince de Condé, can be of no sort of service. His moderation has not been able to keep him from a jail. The allied powers must draw him from that jail, before they can have the full advantage of the exertions of this great neutralist.

Except him, I do not recollect a man of rank or talents, who by his speeches or his votes, by his pen or by his sword, has not been active on this scene. The time indeed could admit no neutrality in any person worthy of the name of man. There were originally two great divisions in France; the one is that which overturned the whole of the Government in Church and State, and erected a Republic on the basis of Atheism. Their grand engine was the Jacobin Club, a sort of secession from which, but exactly on the same principles, begat another shortlived one, called the Club of Eighty Nine, which was chiefly guided by the Court Rebels, who, in addition to the crimes of which they were guilty in common with the others, had the merit of betraying a gracious Master, and a kind Benefactor. Subdivisions of this faction, which since we have seen, do not in the least differ from each other in their principles, their dispositions, or the means they have employed. Their only quarrel has been about power: in that quarrel, like wave succeeding wave, one faction has got the better and expelled the other. Thus La Fayette for a while got the better of

Orleans; and Orleans afterwards prevailed over La Fayette. Brissot overpower'd Orleans; Barrere and Robespierre, and their faction, mastered them both and cut off their heads. All who were not Royalists have been listed in some or other of these divisions. If it were of any use to settle a precedence, the Elder ought to have his rank. The first authors, plotters, and contrivers of this monstrous scheme, seem to me intitled to the first place in our distrust and abhorrence. I have seen some of those who are thought the best amongst the original Rebels; and I have not neglected the means of being informed concerning the others. I can very truly say, that I have not found by observation or enquiry, that any sense of the evils produced by their projects has produced in them, or any one of them, the smallest degree of repentance. Disappointment and mortification undoubtedly they feel: but to them, repentance is a thing impossible. They are Atheists. This wretched opinion, by which they are possessed even to the height of fanaticism, leading them to exclude from their ideas of a Commonwealth, the vital principle of the physical, the moral, and the political world, engages them in a thousand absurd contrivances, to fill up this dreadful void. Incapable of innoxious repose, or honourable action, or wise speculation, in the lurking holes of a foreign land, into which (in a common ruin) they are driven to hide their heads amongst the innocent victims of their madness, they are at this very hour, as busy in the confection of the dirt-pyes of their imaginary Constitutions, as if they had not been quite fresh from destroying by their impious and desperate vagaries, the finest country upon earth.

It is however, out of these, or of such as these, guilty and impenitent, despising the experience of others, and their own, that some people talk of chusing their Negotiators with those Jacobins, who they suppose may be recovered to a sounder mind. They flatter themselves, it seems, that the friendly habits formed during their original partnership of iniquity, a similarity of character, and a conformity in the ground-work of their principles, might facilitate their conversion, and gain them over to some recognition of Royalty. But surely this is to read human nature very ill. The several Sectaries in this schism of the Jacobins, are the very last men in the world to trust each other. Fellowship in Treason, is a bad ground of confidence. The last quarrels are the sorest; and the injuries received or offered by your own associates, are ever the most bitterly resented. The people of France of every name and description, would a thousand times sooner listen to the Prince de Condé, or to the Archbishop of Aix, or the Bishop of St. Pol, or to Monsieur De Cazalès, than to La Fayette, or Dumourier, or the Vicomte De Noailles, or the Bishop of Autun, or Necker, or his Disciple Lally Tolendal. Against the first description they have not the smallest animosity beyond that of a merely political dissention. The others they regard as Traitors.

The first description is that of the Christian Royalists, men who as earnestly wished for reformation, as they opposed innovation in the fundamental parts of their Church and State. Their part has been very decided. Accordingly they are to

be set aside in the restoration of Church and State. It is an odd kind of disqualification where the restoration of Religion and Monarchy is the question. If England should (God forbid it should) fall into the same misfortune with France, and that the Court of Vienna should undertake the restoration of our Monarchy, I think it would be extraordinary to object to the admission of Mr. Pitt, or Lord Grenville, or Mr. Dundas into any share in the management of that business, because in a day of trial they have stood up firmly and manfully, as I trust they always will do, and with distinguished powers, for the Monarchy and the legitimate Constitution of their country. I am sure if I were to suppose myself at Vienna at such a time, I should, as a Man, as an Englishman, and as a Royalist, protest in that case, as I do in this, against a weak and ruinous principle of proceeding, which can have no other tendency, than to make those who wish to support the Crown, meditate too profoundly on the consequences of the part they take — and consider whether for their open and forward zeal in the Royal Cause, they may not be thrust out from any sort of confidence and employment, where the interest of crowned heads is concerned.

These are the Parties. I have said, and said truly, that I know of no neutrals. But as a general observation on this general principle of chusing neutrals on such occasions as the present, I have this to say — that it amounts to neither more nor less than this shocking proposition — that we ought to exclude men of honour and ability from serving theirs and our cause; and to put the dearest interests of ourselves and our posterity into the hands of men of no decided character, without judgment to chuse, and without courage to profess any principle whatsoever.

Such men can serve no cause, for this plain reason — they have no cause at heart. They can at best work only as mere mercenaries. They have not been guilty of great crimes; but it is only because they have not energy of mind to rise to any height of wickedness. They are not hawks or kites; they are only miserable fowls whose flight is not above their dunghill or henroost. But they tremble before the authors of these horrors. They admire them at a safe and respectful distance. There never was a mean and abject mind that did not admire an intrepid and dexterous villain. In the bottom of their hearts they believe such hardy miscreants to be the only men qualified for great affairs: if you set them to transact with such persons, they are instantly subdued. They dare not so much as look their antagonist in the face. They are made to be their subjects, not to be their arbiters or controllers.

These men to be sure can look at atrocious acts without indignation, and can behold suffering virtue without sympathy. Therefore they are considered as sober dispassionate men But they have their passions, though of another kind, and which are infinitely more likely to carry them out of the path of their duty. They are of a tame, timid, languid, inert temper wherever the welfare of others is concerned. In such causes, as they have no motives to action, they never possess any real ability, and are totally destitute of all resource.

Believe a man who has seen much, and observed something. I have seen in the course of my life a great many of that family of men. They are generally chosen, because they have no opinion of their own; and as far as they can be got in good earnest to embrace any opinion, it is that of whoever happens to employ them (neither longer or shorter, narrower or broader) with whom they have no discussion or consultation. The only thing which occurs to such a man when he has got a business for others into his hands, is how to make his own fortune out of it. The person he is to treat with, is not, with him, an adversary over whom he is to prevail, but a new friend he is to gain: therefore he always systematically betrays some part of his trust. Instead of thinking how he shall defend his ground to the last, and if forced to retreat, how little he shall give up, this kind of man considers how much of the interest of his employer he is to sacrifice to his adversary. Having nothing but himself in view, he knows, that in serving his principal with zeal, he must probably incur some resentment from the opposite party. His object is to obtain the good will of the person with whom he contends, that when an agreement is made, he may join in rewarding him. I would not take one of these as my arbitrator in a dispute for so much as a fish-pond — for if he reserved the mud to me, he would be sure to give the water that fed the pool, to my adversary. In a great cause I should certainly wish, that my agent should possess conciliating qualities; that he should be of a frank, open, and candid disposition, soft in his nature, and of a temper to soften animosities and to win confidence. He ought not to be a man odious to the person he treats with, by personal injury, by violence, or by deceit, or, above all, by the dereliction of his cause in any former transactions. But I would be sure that my Negotiator should be mine, that he should be as earnest in the cause as myself, and known to be so; that he should not be looked upon as a stipendiary advocate, but as a principled partizan. In all treaty it is a great point that all idea of gaining your agent is hopeless. I would not trust the cause of Royalty with a man, who, professing neutrality, is half a Republican. The Enemy has already a great part of his suit without a struggle — and he contends with advantage for all the rest. The common principle allowed between your adversary and your agent, gives your adversary the advantage in every discussion.

Before I shut up this Discourse about neutral Agency (which I conceive is not to be found, or if found, ought not to be used) I have a few other remarks to make on the cause, which I conceive gives rise to it.

In all that we do, whether in the struggle or after it, it is necessary that we should constantly have in our eye, the nature and character of the enemy we have to contend with. The Jacobin Revolution is carried on by men of no rank, of no consideration, of wild savage minds, full of levity, arrogance and presumption, without morals, without probity, without prudence. What have they then to supply their innumerable defects, and to make them terrible even to the firmest minds? One thing, and one thing only — but that one thing is worth a thousand — they

have energy. In France, all things being put into an universal serment, in the decomposition of society, no man comes forward but by his spirit of enterprize and the vigour of his mind. If we meet this dreadful and portentous energy, restrained by no consideration of God or man, that is always vigilant, always on the attack, that allows itself no repose, and suffers none to rest an hour with impunity; if we meet this energy with poor commonplace proceeding, with trivial maxims, paltry old saws, with doubts, fears and suspicions, with a languid, uncertain hesitation, with a formal, official spirit, which is turned aside by every obstacle from its purpose, and which never sees a difficulty but to yield to it, or at best to evade it; down we go to the bottom of the abyss — and nothing short of Omnipotence can save us. We must meet a vicious and distempered energy with a manly and rational vigour. As virtue is limited in its resources — we are doubly bound to use all that, in the circle drawn about us by our morals, we are able to command.

I do not contend against the advantages of distrust. In the world we live in it is but too necessary. Some of old called it the very sinews of discretion. But what signify common-places, that always run parallel and equal? Distrust is good or it is bad, according to our position and our purpose. Distrust is a defensive principle. They who have much to lose have much to fear. But in France we hold nothing. We are to break in upon a power in possession; we are to carry every thing by storm, or by surprize, or by intelligence, or by all. Adventure therefore, and not caution, is our policy. Here to be too presuming is the better error.

The world will judge of the spirit of our proceeding in those places of France which may fall into our power, by our conduct in those that are already in our hands. Our wisdom should not be vulgar. Other times, perhaps other measures: But in this awful hour our politicks ought to be made up of nothing but courage, decision, manliness, and rectitude. We should have all the magnanimity of good faith. This is a royal and commanding policy; and as long as we are true to it we may give the law. Never can we assume this command if we will not risque the consequences. For which reason we ought to be bottomed enough in principle not to be carried away upon the first prospect of any sinister advantage. For depend upon it, that if we once give way to a sinister dealing, we shall teach others the game, and we shall be outwitted and overborne: the Spaniards, the Prussians, God knows who, will put us under contribution at their pleasure; and instead of being the head of a great confederacy, and the arbiters of Europe, we shall, by our mistakes, break up a great design into a thousand little selfish quarrels; the enemy will triumph, and we shall sit down under the terms of unsafe and dependent peace, weakened, mortified, and disgraced, whilst all Europe, England included, is left open and defenceless on every part, to jacobin principles, intrigues, and arms. In the case of the King of France, declared to be our friend and ally, we will still be considering ourselves in the contradictory character of an enemy. This contradiction, I am afraid, will, in

spite of us, give a colour of fraud to all our transactions, or at least will so complicate our politicks, that we shall ourselves be inextricably entangled in them.

I have Toulon in my eye. It was with infinite sorrow I heard that in taking the king of France's fleet in trust, we instantly unrigged and dismasted the ships, instead of keeping them in a condition to escape in case of disaster, and in order to fulfil our trust, that is, to hold them for the use of the owner, and, in the mean time, to employ them for our common service. These ships are now so circumstanced, that if we are forced to evacuate Toulon, they must fall into the hands of the enemy, or be burnt by ourselves. I know this is by some considered as a fine thing for us. But the Athenians ought not to be better than the English, or Mr. Pitt less virtuous than Aristides.

Are we then so poor in resources that we can do no better with eighteen or twenty ships of the line than to burn them? Had we sent for French Royalist naval officers, of which some hundreds are to be had, and made them select such seamen as they could trust, and filled the rest with our own and Mediterranean seamen, which are all over Italy to be had by thousands, and put them under judicious English commanders in chief, and with a judicious mixture of our own subordinates, the West Indies would at this day have been ours. It may be said that these French officers would take them for the King of France, and that they would not be in our power. Be it so. The islands would not be ours, but they would not be jacobinized. This is however a thing impossible▪ They must in effect and substance be ours. But all is upon that false principle of distrust, which, not confiding in strength, can never have the full use of it. They that pay, and feed, and equip, must direct. But I must speak plain upon this subject▪ The French islands, if they were all our own, ought not to be all kept. A fair partition only ought to be made of those territories. This is a subject of policy very serious, which has many relations and aspects. Just here I only hint at it as answering an objection, whilst I state the mischievous consequences which suffer us to be surprized into a virtual breach of faith, by confounding our ally with our enemy, because they both belong to the same geographical territory.

My clear opinion is, that Toulon ought to be made, what we set out with, a royal French city. By the necessity of the case, it must be under the influence, civil and military, of the allies. But the only way of keeping that jealous and discordant mass from tearing its component parts to pieces, and hazarding the loss of the whole, is to put the place into the nominal government of the regent, his officers being approved by us. This, I say, is absolutely necessary for a poise amongst ourselves. Otherwise is it to be believed that the Spaniards, who hold that place with us in a sort of partnership contrary to our mutual interest, will see us absolute masters of the Mediterranean, with Gibraltar on one side, and Toulon on the other, with a quiet and composed mind, whilst we do little less than declare that we are to take the whole West Indies into our hands, leaving the vast, unwieldy, and feeble body of the

Spanish dominions in that part of the world, absolutely at our mercy, without any power to balance us in the smallest degree. Nothing is so fatal to a nation as an extreme of self-partiality, and the total want of consideration of what others will naturally hope or fear. Spain must think she sees, that we are taking advantage of the confusions which reign in France, to disable that country, and of course every country from affording her protection, and in the end to turn the Spanish Monarchy into a province. If she saw things in a proper point of light, to be sure, she would not consider any other plan of politics as of the least moment in comparison of the extinction of jacobinism. But her ministers (to say the best of them) are vulgar politicians. It is no wonder that they should postpone this great point, or balance it, by considerations of the common politics, that is, the questions of power between state and state. If we manifestly endeavour to destroy the balance, especially the maritime and commercial balance, both in Europe and the West Indies, (the latter their sore and vulnerable part) from fear of what France may do for Spain hereafter, is it to be wondered, that Spain, infinitely weaker than we are, (weaker indeed than such a mass of empire ever was,) should feel the same fears from our uncontrolled power, that we give way to ourselves from a supposed resurrection of the ancient power of France under a Monarchy? It signifies nothing whether we are wrong or right in the abstract; but in respect to our relation to Spain, with such principles followed up in practice, it is absolutely impossible that any cordial alliance can subsist between the two nations. If Spain goes, Naples will speedily follow. Prussia is quite certain, and thinks of nothing but making a market of the present confusions. Italy is broken and divided; Switzerland is jacobinized, I am afraid, completely. I have long seen with pain the progress of French principles in that country. Things cannot go on upon the present bottom. The possession of Toulon, which, well managed, might be of the greatest advantage, will be the greatest misfortune that ever happened to this nation. The more we multiply troops there, the more we shall multiply causes and means of quarrel amongst ourselves. I know but one way of avoiding it, which is to give a greater degree of simplicity to our politics. Our situation does necessarily render them a good deal involved. And, to this evil, instead of increasing it, we ought to apply all the remedies in our power.

See what is, in that place, the consequence (to say nothing of every other) of this complexity. Toulon has, as it were, two gates, an English, and a Spanish. The English gate is, by our policy, fast barred against the entrance of any Royalists. The Spaniards open theirs, I fear, upon no fixed principle, and with very little judgment. By means, however, of this foolish, mean, and jealous policy on our side, all the Royalists whom the English might select as most practicable, and most subservient to honest views, are totally excluded. Of those admitted, the Spaniards are masters. As to the inhabitants they are a nest of Jacobins which is delivered into our hands, not from principle, but from fear. The inhabitants of Toulon may be described in

few words. It is differtum nautis, cauponibus atque malignis. The rest of the seaports are of the same description.

Another thing which I cannot account for is, the sending for the Bishop of Toulon, and afterwards forbidding his entrance. This is as directly contrary to the declaration, as it is to the practice of the allied powers. The King of Prussia did better. When he took Verdun, he actually re-instated the Bishop and his Chapter. When he thought he should be the master of Chalons, he called the bishop from Flanders, to put him into possession. The Austrians have restored the clergy wherever they obtained possession. We have proposed to restore Religion as well as Monarchy; and in Toulon we have restored neither the one nor the other. It is very likely that the Jacobin Sans-Culottes, or some of them, objected to this measure, who rather chuse to have the atheistick buffoons of clergy they have got to sport with, till they are ready to come forward, with the rest of their worthy brethren, in Paris and other places, to declare that they are a set of impostors, that they never believed in God, and never will preach any sort of religion. If we give way to our Jacobins in this point, it is fully and fairly putting the government, civil and ecclesiastical, not in the King of France, to whom, as the protector and governor, and in substance the head of the Gallican Church, the nomination to the bishopricks belonged, and who made the bishop of Toulon; it does not leave it with him, or even in the hands of the King of England, or the King of Spain; but in the basest Jacobins of a low sea-port, to exercise, pro tempore, the sovereignty. If this point of religion is thus given up, the grand instrument for reclaiming France is abandoned. We cannot, if we would, delude ourselves about the true state of this dreadful contest. It is a religious war. It includes in its object undoubtedly every other interest of society as well as this; but this is the principal and leading feature. It is through this destruction of religion that our enemies propose the accomplishment of all their other views. The French Revolution, impious at once and fanatical, had no other plan for domestick power and foreign empire. Look at all the proceedings of the National Assembly from the first day of declaring itself such in the year 1789, to this very hour, and you will find full half of their business to be directly on this subject. In fact it is the spirit of the whole. The religious system, called the Constitutional Church, was on the face of the whole proceeding set up only as a mere temporary amusement to the people, and so constantly stated in all their conversations, till the time should come, when they might with safety cast off the very appearance of all religion whatsoever, and persecute christianity throughout Europe with fire and sword. The Constitutional Clergy are not the Ministers of any religion: they are the agents and instruments of this horrible conspiracy against all morals. It was from a sense of this, that in the English Addition to the Articles proposed at St. Domingo, tolerating all Religions, we very wisely refused to suffer that kind of traitors and buffoons.

This religious war is not a controversy between sect and sect as formerly, but a war against all sects and all religions. The question is not whether you are to overturn the catholick, to set up the protestant. Such an idea in the present state of the world is too contemptible. Our business is to leave to the schools the discussion of the controverted points, abating as much as we can the acrimony of disputants on all sides. It is for christian Statesmen, as the world is now circumstanced, to secure their common Basis, and not to risque the subversion of the whole Fabrick by pursuing these distinctions with an ill-timed zeal. We have in the present grand Alliance, all modes of Government as well as all modes of religion. In Government, we mean to restore that which, notwithstanding our diversity of forms we are all agreed in, as fundamental in Government. The same principle ought to guide us in the religious part; conforming the mode, not to our particular ideas (for in that point we have no ideas in common) but to what will best promote the great general ends of the Alliance. As Statesmen we are to see which of those modes best suits with the interests of such a Commonwealth as we wish to secure and promote. There can be no doubt, but that the catholick religion, which is fundamentally the religion of France, must go with the Monarchy of France; we know that the Monarchy did not survive the Hierarchy, no not even in appearance, for many months; in substance, not for a single hour. As little can it exist in future, if that pillar is taken away, or even shattered and impaired.

If it should please God to give to the Allies the means of restoring peace and order in that focus of war and confusion, I would, as I said in the beginning of this Memorial, first replace the whole of the old Clergy: because we have proof more than sufficient, that whether they err or not in the scholastick disputes with us, they are not tainted with atheism, the great political evil of the time. I hope I need not apologize for this phrase, as if I thought religion nothing but policy; it is far from my thoughts; and I hope it is not to be inferred from my expressions. But in the light of policy alone I am here considering the question. I speak of policy too in a large light; in which large light, policy too is a sacred thing.

There are many, perhaps half a million or more, calling themselves protestants, in the south of France, and in other of the provinces. Some raise them to a much greater number, but I think this nearer to the mark. I am sorry to say, that they have behaved shockingly since the very beginning of this rebellion, and have been uniformly concerned in its worst and most atrocious acts. Their Clergy are just the same atheists with those of the Constitutional catholicks; but still more wicked and daring. Three of their number have met, from their Republican associates, the reward of their crimes.

As the antient catholick religion is to be restored for the body of France, the antient calvinistick religion ought to be restored for the protestants with every kind of protection and privilege. But not one Minister concerned in this rebellion ought to be suffered amongst them. If they have not Clergy of their own, men well

recommended as untainted with Jacobinism, by the synods of those places where calvinism prevails and French is spoken, ought to be sought. Many such there are. The presbyterian discipline ought, in my opinion, to be established in its vigour, and the people professing it ought to be bound to its maintenance. No man, under the false and hypocritical pretence of liberty of conscience, ought to be suffered to have no conscience at all. The King's commissioner ought also to sit in their synods as before the revocation of the Edict of Nantz. I am conscious, that this discipline disposes men to Republicanism: but it is still a discipline, and it is a cure, (such as it is) for the perverse and undisciplined habits which for some time have prevailed. Republicanism repressed may have its use in the composition of a State. Inspection may be practicable, and responsibility in the teachers and elders may be established in such an Hierarchy as the presbyterian. For a time like ours, it is a great point gained, that people should be taught to meet, to combine, and to be classed and arrayed in some other way than in Clubs of Jacobins. If it be not the best mode of protestantism under a Monarchy, it is still an orderly christian church, orthodox in the fundamentals, and what is to our point, capable enough of rendering men useful citizens. It was the impolitick abolition of their discipline which exposed them to the wild opinions and conduct, that have prevailed amongst the Hugonots. The toleration in 1787 was owing to the good disposition of the late King; but it was modified by the profligate folly of his atheistick Minister the Cardinal de Lomenie. This mischievous Minister did not follow, in the Edict of toleration, the wisdom of the Edict of Nantz. But his toleration was granted to Non-Catholicks — a dangerous word, which might signify any thing, and was but too expressive of a fatal indifference with regard to all piety. I speak for myself: I do not wish any man to be converted from his sect. The distinctions which we have reformed from animosity to emulation, may be even useful to the cause of religion. By some moderate contention they keep alive zeal. Whereas people who change, except under strong conviction (a thing now rather rare) the religion of their early prejudices, especially if the conversion is brought about by any political machine, are very apt to degenerate into indifference, laxity, and often downright atheism.

Another political question arises about the mode of Government which ought to be established. I think the proclamation (which I read before I had proceeded far in this Memorial,) puts it on the best footing, by postponing that arrangement to a time of peace.

When our politicks lead us to enterprize a great, and almost total political revolution in Europe, we ought to look seriously into the consequences of what we are about to do. Some eminent persons discover an apprehension that the Monarchy, if restored in France, may be restored in too great strength for the liberty and happiness of the natives, and for the tranquillity of other States. They are therefore of opinion that terms ought to be made for the modification of that Monarchy. They are persons too considerable from the powers of their mind, and

from their situation, as well as from the real respect I have for them, who seem to entertain these apprehensions, to let me pass them by unnoticed.

As to the power of France, as a State, and in its exterior relations, I confess my fears are on the part of its extreme reduction. There is undoubtedly something in the vicinity of France, which makes it naturally and properly an object of our watchfulness and jealousy, whatever form its Government may take. But the difference is great between a plan for our own security, and a scheme for the utter destruction of France. If there were no other countries in the political map but these two, I admit that policy might justify a wish to lower our neighbour to a standard which would even render her in some measure, if not wholly, our dependent. But the system of Europe is extensive and extremely complex. However formidable to us as taken in this one relation, France is not equally dreadful to all other States. On the contrary, my clear opinion is, that the Liberties of Europe cannot possibly be preserved, but by her remaining a very great and preponderating power. The design at present evidently pursued by the combined Potentates, or of the two who lead, is totally to destroy her as such a Power. For Great Britain resolves that she shall have no Colonies, no Commerce, and no Marine. Austria means to take away the whole frontier from the borders of Switzerland, to Dunkirk. It is their plan also to render the interior Government lax and feeble, by prescribing by force of the arms of rival and jealous nations, and without consulting the natural interests of the kingdom; such arrangements as in the actual state of Jacobinism in France, and the unsettled state in which property must remain for a long time, will inevitably produce such distraction and debility in Government, as to reduce it to nothing, or to throw it back into its old confusion. One cannot conceive so frightful a state of a Nation. A maritime country, without a marine, and without commerce; a continental country without a frontier, and for a thousand miles surrounded with powerful, warlike, and ambitious neighbours! It is possible, that she might submit to lose her commerce and her colonies; her security she never can abandon. If, contrary to all expectations, under such a disgraced and impotent Government, any energy should remain in that country, she will make every effort to recover her security, which will involve Europe for a century in war and blood. What has it cost to France to make that frontier? What will it cost to recover it? Austria thinks that without a Frontier she cannot secure the Netherlands. But without her Frontier France cannot secure herself. Austria has been however secure for an hundred years in those very Netherlands, and has never been dispossessed of them by the chance of war, without a moral certainty of receiving them again on the restoration of peace. Her late dangers have arisen not from the power or ambition of the King of France. They arose from her own ill policy, which dismantled all her towns, and discontented all her subjects by Jacobinical innovations. She dismantles her own towns, and then says, Give me the Frontier of France. But let us depend upon it, whatever tends, under the name of security, to aggrandize Austria, will discontent

and alarm Prussia. Such a length of Frontier on the side of France, separated from itself, and separated from the mass of the Austrian country, will be weak, unless connected at the expence of the Elector of Bavaria (the Elector Palatine) and other lesser Princes, or by such exchanges as will again convulse the Empire.

Take it the other way, and let us suppose that France so broken in spirit as to be content to remain naked and defenceless by sea and by land, is such a country no prey? Have other Nations no views? Is Poland the only country of which it is worth while to make a partition? We cannot be so childish as to imagine, that ambition is local, and that no others can be infected with it but those who rule within certain parallels of latitude and longitude? In this way I hold war equally certain. But I can conceive that both these principles may operate, ambition on the part of Austria, to cut more and more from France, and French impatience under her degraded and unsafe condition. In such a Contest will the other Powers stand by? Will not Prussia call for indemnity as well as Austria and England? Is she satisfied with her gains in Poland? By no means. Germany must pay; or we shall infallibly see Prussia leagued with France and Spain, and possibly with other Powers for the reduction of Austria; and such may be the situation of things, that it will not be so easy to decide what part England may take in such a Contest.

I am well aware how invidious a task it is to oppose any thing which tends to the apparent aggrandizement of our own country. But I think no country can be aggrandized whilst France is Jacobinised. This post removed, it will be a serious question how far her further reduction will contribute to the general safety which I always consider as included. Among precautions against ambition, it may not be amiss to take one precaution against our own. I must fairly say, I dread our own power and our own ambition; I dread our being too much dreaded. It is ridiculous to say we are not men; and that, as men, we shall never wish to aggrandize ourselves in some way or other. Can we say, that even at this very hour we are not invidiously aggrandized? We are already in possession of almost all the commerce of the world. Our Empire in India is an awful thing. If we should come to be in a condition not only to have all this ascendant in commerce, but to be absolutely able, without the least controul, to hold the commerce of all other Nations totally dependent upon our good pleasure, we may say that we shall not abuse this astonishing, and hitherto unheard of power. But every other Nation will think we shall abuse it. It is impossible but that sooner or later, this state of things must produce a combination against us which may end in our ruin.

As to France, I must observe that for a long time she has been stationary. She has, during this whole century, obtained far less by conquest or negotiation than any of the three great continental Powers. Some part of Lorraine excepted, I recollect nothing she has gained; no not a village. In truth, this Lorraine acquisition does little more than secure her Barrier. In effect and substance it was her own before.

However that may be, I consider these things at present chiefly in one point of view, as obstructions to the war on Jacobinism, which must stand as long as the Powers think its extirpation but a secondary object, and think of taking advantage under the name of indemnity and security to make war upon the whole Nation of France Royal, and Jacobin, for the aggrandizement of the Allies on the ordinary principles of interest, as if no Jacobinism existed in the world.

So far is France from being formidable to its neighbours for its domestick strength, that I conceive it will be as much as all its neighbours can do by a steady guarantee, to keep that Monarchy at all upon its basis. It will be their business to nurse France, not to exhaust it. France, such as it is, is indeed highly formidable. Not formidable, however, as a great Republick; but as the most dreadful gang of robbers and murderers that ever was embodied. But this distempered strength of France, will be the cause of proportionable weakness on its recovery. Never was a country so completely ruined; and they who calculate the resurrection of her power by former examples, have not sufficiently considered what is the present state of things. Without detailing the inventory of what organs of Government have been destroyed, together with the very materials of which alone they can be recomposed, I wish it to be considered what an operose affair the whole system of taxation is in the old states of Europe. It is such as never could be made but in a long course of years. In France, all taxes are abolished. The present powers resort to the capital; and to the capital in kind. But a savage undisciplined people suffer a robbery with more patience than an impost. The former is in their habits and their dispositions. They consider it as transient, and as what, in their turn, they may exercise. But the terrors of the present power are such as no regular Government can possibly employ. They who enter into France do not succeed to their resources. They have not a system to reform, but a system to begin. The whole estate of Government is to be re-acquired.

What difficulties this will meet with in a country exhausted by the taking of the capital, and among a people, in a manner new principled, trained, and actually disciplined to anarchy, rebellion, disorder, and impiety, may be conceived by those who know what Jacobin France is, and who may have occupied themselves by revolving in their thoughts, what they were to do if it fell to their lot to re-establish the affairs of France. What support, or what limitations the restored Monarchy must have, may be a doubt, or how it will pitch and settle at last: But one thing I conceive to be far beyond a doubt: that the settlement cannot be immediate; but that it must be preceded by some sort of power, equal at least in vigour, vigilance, promptitude and decision to a military Government. For such a preparatory Government, no slow-paced, methodical, formal, Lawyer-like system, still less that of a shewy, superficial, trifling, intriguing Court, guided by cabals of ladies, or of men like ladies; least of all, a philosophic, theoretic, disputatious school of sophistry. None of these ever will, or ever can lay the foundations of an order that can last. Whoever

claims a right by birth to govern there, must find in his breast, or must conjure up in it, an energy not to be expected, perhaps not always to be wished for, in well ordered States. The lawful Prince must have, in every thing but crime, the character of an usurper. He is gone, if he imagines himself the quiet possessor of a throne. He is to contend for it as much after an apparent conquest as before. His task is to win it; he must leave posterity to enjoy and to adorn it. No velvet cushions for him. He is to be always (I speak nearly to the letter) on horseback. This opinion is the result of much patient thinking on the subject, which I conceive no event is likely to alter.

A valuable friend of mine, who I hope will conduct these affairs so far as they fall to his share, with great ability, asked me what I thought of acts of general indemnity and oblivion, as a means of settling France, and reconciling it to Monarchy. Before I venture upon any opinion of my own in this matter, I totally disclaim the interference of foreign powers in a business that properly belongs to the Government which we have declared legal. That Government is likely to be the best judge of what is to be done towards the security of that kingdom, which it is their duty and their interest to provide for by such measures of justice or of lenity, as at the time they should find best. But if we weaken it, not only by arbitrary limitations of our own, but preserve such persons in it as are disposed to disturb its future peace, as they have its past, I do not know how a more direct declaration can be made of a disposition to perpetual hostility against a Government. The persons saved from the justice of the native Magistrate, by foreign authority, will owe nothing to his clemency. He will, and must, look to those to whom he is indebted for the power he has of dispensing it. A Jacobin faction, constantly fostered with the nourishment of foreign protection, will be kept alive.

This desire of securing the safety of the actors in the present scene is owing to more laudable motives. Ministers have been made to consider the brothers of the late merciful King, and the Nobility of France, who have been faithful to their honor and duty, as a set of inexorable and remorseless tyrants. How this notion has been infused into them, I cannot be quite certain. I am sure it is not justified by any thing they have done. Never were the two Princes guilty, in the day of their power, of a single hard or ill-natured act. No one instance of cruelty on the part of the Gentlemen ever came to my ears. It is true that the English Jacobins, (the natives have not thought of it) as an excuse for their infernal system of murder, have so represented them. It is on this principle that the massacres in the month of September 1792 were justified by a writer in the Morning Chronicle. He says, indeed, that

“the whole French nation is to be given up to the hands of an irritated and revengeful Noblesse:”

— and judging of others by himself and his brethren, he says,

“Whoever succeeds in a civil war, will be cruel. But here the emigrants flying to revenge in the cars of military victory, will almost insatiably call for their victims and their booty; and a body of emigrant traitors were attending the King of Prussia, and the Duke of Brunswick, to suggest the most sanguinary counsels.”

So says this wicked Jacobin; but so cannot say the King of Prussia nor the Duke of Brunswick, who never did receive any sanguinary council; nor did the King’s brothers, or that great body of Gentlemen who attended those Princes, commit one single cruel action, or hurt the person or property of one individual. It would be right to quote the instance. It is like the military luxury attributed to these unfortunate sufferers in our common cause.

If these Princes had shewn a tyrannic disposition, it would be much to be lamented. We have no others to govern France. If we screened the body of murderers from their justice, we should only leave the innocent in future to the mercy of men of fierce and sanguinary dispositions, of which in spite of all our intermeddling in their Constitution, we could not prevent the effects. But as we have much more reason to fear their feeble lenity than any blameable rigour, we ought, in my opinion, to leave the matter to themselves.

If however I were asked to give an advice merely as such — here are my ideas. I am not for a total indemnity, nor a general punishment. And first, the body and mass of the people never ought to be treated as criminal. They may become an object of more or less constant watchfulness and suspicion, as their preservation may best require, but they can never become an object of punishment. This is one of the few fundamental and unalterable principles of politicks.

To punish them capitally would be to make massacres. Massacres only increase the ferocity of men, and teach them to regard their own lives and those of others as of little value; whereas the great policy of Government is to teach the people to think both of great importance in the eyes of God and the State, and never to be sacrificed or even hazarded to gratify their passions, or for any thing but the duties prescribed by the rules of morality, and under the direction of public law and public authority. To punish them with lesser penalties would be to debilitate the commonwealth, and make the nation miserable, which it is the business of Government to render happy and flourishing.

As to crimes too, I would draw a strong line of limitation. For no one offence, politically an offence of rebellion, by council, contrivance, persuasion or compulsion, for none properly a military offence of rebellion, or any thing done by open hostility in the field, should any man at all be called in question; because such seems to be the proper and natural death of civil dissensions. The offences of war are obliterated by peace.

Another class will of course be included in the indemnity, namely, all those who by their activity in restoring lawful Government shall obliterate their offences. The

offence previously known, the acceptance of service is a pardon for crimes. I fear that this class of men will not be very numerous.

So far as to indemnity. But where are the objects of justice, and of example, and of future security to the public peace? They are naturally pointed out, not by their having outraged political and civil laws, nor their having rebelled against the state, as a State, but by their having rebelled against the law of nature, and outraged man, as man. In this list, all the regicides in general, all those who laid sacrilegious hands on the King, who without any thing in their own rebellious mission to the convention to justify them, brought him to his trial and unanimously voted him guilty; all those who had a share in the cruel murder of the Queen, and the detestable proceedings with regard to the young King, and the unhappy Princesses; all those who committed cold-blooded murder any where, and particularly in their revolutionary tribunals, where every idea of natural justice and of their own declared Rights of Man, have been trod under foot with the most insolent mockery; all men concerned in the burning and demolition of houses or churches, with audacious and marked acts of sacrilege and scorns offered to religion; in general, all the leaders of Jacobin Clubs; — not one of these should escape a punishment suitable to the nature, quality and degree of their offence, by a steady but a measured justice.

In the first place, no man ought to be subject to any penalty, from the highest to the lowest, but by a trial according to the course of law, carried on with all that caution and deliberation which has been used in the best times and precedents of the French jurisprudence, the criminal law of which country, faulty to be sure in some particulars, was highly landable and tender of the lives of men. In restoring order and justice, every thing like retaliation, ought to be religiously avoided; and an example ought to be set of a total alienation from the Jacobin proceedings in their accursed revolutionary tribunals. Every thing like lumping men in masses, and of forming tables of proscription ought to be avoided.

In all these punishments, any thing which can be alledged in mitigation of the offence should be fully considered. Mercy is not a thing opposed to justice. It is an essential part of it; as necessary in criminal cases, as in civil affairs equity is to law. It is only for the Jacobins never to pardon. They have not done it in a single instance. A council of mercy ought therefore to be appointed, with powers to report on each case, to soften the penalty, or entirely to remit it, according to circumstances.

With these precautions, the very first foundation of settlement must be to call to a strict account those bloody and merciless offenders. Without it Government cannot stand a year. People little consider the utter impossibility of getting those who having emerged from very low, some from the lowest classes, of society, have exercised a power so high, and with such unrelenting and bloody a rage, quietly to fall back into their old ranks, and become humble, peaceable, laborious and useful

members of society. It never can be. On the other hand is it to be believed, that any worthy and virtuous subject, restored to the ruins of his house, will with patience see the cold-blooded murderer of his father, mother, wife, or children, or perhaps all of these relations (such things have been) nose him in his own village, and insult him with the riches acquired from the plunder of his goods, ready again to head a Jacobin Faction to attack his life? He is unworthy of the name of man who would suffer it. It is unworthy of the name of a Government, which taking justice out of the private hand, will not exercise it for the injured by the public arm.

I know it sounds plausible, and is readily adopted by those who have little sympathy with the sufferings of others, to wish to jumble the innocent and guilty into one mass, by a general indemnity. This cruel indifference dignifies itself with the name of humanity.

It is extraordinary that as the wicked arts of this regicide and tyrannous faction increase in number, variety, and atrocity, the desire of punishing them becomes more and more faint, and the talk of an indemnity towards them, every day stronger and stronger. Our ideas of justice appear to be fairly conquered and overpowered by guilt when it is grown gigantick. It is not the point of view in which we are in the habit of viewing guilt. The crimes we every day punish are really below the penalties we inflict. The criminals are obscure and feeble. This is the view in which we see ordinary crimes and criminals. But when guilt is seen, though but for a time, to be furnished with the arms and to be invested with the robes of power, it seems to assume another nature, and to get, as it were, out of our jurisdiction. This I fear is the case with many. But there is another cause full as powerful towards this security to enormous guilt, the desire which possesses people who have once obtained power, to enjoy it at their ease. It is not humanity, but laziness and inertness of mind which produces the desire of this kind of indemnities. This description of men love general and short methods. If they punish, they make a promiscuous massacre; If they spare, they make a general act of oblivion. This is a want of disposition to proceed laboriously according to the cases, and according to the rules and principles of justice on each case; a want of disposition to assort criminals, to discriminate the degrees and modes of guilt, to separate accomplices from principals, leaders from followers, seducers from the seduced, and then by following the same principles in the same detail, to class punishments, and to fit them to the nature and kind of the delinquency. If that were once attempted, we should soon see that the task was neither infinite, nor the execution cruel. There would be deaths, but for the number of criminals, and the extent of France, not many. There would be cases of transportation; cases of labour to restore what has been wickedly destroyed; cases of imprisonment, and cases of mere exile. But be this as it may, I am sure that if justice is not done there, there can be neither peace or justice there, nor in any part of Europe.

History is resorted to for other acts of indemnity in other times. The Princes are desired to look back to Henry the Fourth. We are desired to look to the Restoration of King Charles. These things, in my opinion, have no resemblance whatsoever. They were cases of a civil war; in France more ferocious, in England more moderate than common. In neither country were the orders of society subverted; religion and morality destroyed on principle, or property totally annihilated. In England the Government of Cromwell was to be sure somewhat rigid, but for a new power, no savage tyranny. The country was nearly as well in his hands as in those of Charles the Second, and in some points much better. The laws in general had their course, and were admirably administered. The King did not in reality grant an act of indemnity; the prevailing power, then in a manner the nation, in effect granted an indemnity to him. The idea of a preceding Rebellion was not at all admitted in that convention and that parliament. The Regicides were a common enemy, and as such given up.

Among the ornaments of their place which eminently distinguish them, few people are better acquainted with the history of their own country than the illustrious Princes now in exile: but I caution them not to be led into error by that which has been supposed to be the guide of life. I would give the same caution to all Princes. Not that I derogate from the use of history. It is a great improver of the understanding, by shewing both men and affairs in a great variety of views. From this source much political wisdom may be learned; that is, may be learned as habit, not as precept; and as an exercise to strengthen the mind, as furnishing materials to enlarge and enrich it, not as a repertory of cases and precedents for a lawyer: if it were, a thousand times better would it be that a Statesman had never learned to read — *vellem nescirent literas*. This method turns their understanding from the object before them, and from the present exigencies of the world, to comparisons with former times, of which after all, we can know very little and very imperfectly; and our guides, the historians, who are to give us their true interpretation, are often prejudiced, often ignorant, often fonder of system than of truth. Whereas if a man with reasonable good parts and natural sagacity, and not in the leading strings of any master, will look steadily on the business before him, without being diverted by retrospect and comparison, he may be capable of forming a reasonable good judgment of what is to be done. There are some fundamental points in which nature never changes — but they are few and obvious, and belong rather to morals than to politics. But so far as regards political matter, the human mind and human affairs are susceptible of infinite modifications, and of combinations wholly new and unlooked for. Very few, for instance, could have imagined that property, which has been taken for natural dominion, should, through the whole of a vast kingdom, lose all its importance and even its influence. This is what history or books of speculation could hardly have taught us. How many could have thought, that the most complete and formidable Revolution in a great empire should be made by men

of letters, not as subordinate instruments and trumpeters of sedition, but as the chief contrivers and managers, and in a short time as the open administrators and sovereign Rulers? Who could have imagined that Atheism could produce one of the most violently operative principles of fanaticism? Who could have imagined that, in a Commonwealth in a manner cradled in war, and in an extensive and dreadful war, military commanders should be of little or no account? That the Convention should not contain one military man of name? That administrative bodies in a state of the utmost confusion, and of but a momentary duration, and composed of men with not one imposing part of character, should be able to govern the country and its armies, with an authority which the most settled Senates, and the most respected Monarchs scarcely ever had in the same degree? This, for one, I confess I did not foresee, though all the rest was present to me very early, and not out of my apprehension even for several years.

I believe very few were able to enter into the effects of mere terrour, as a principle not only for the support of power in given hands or forms, but in those things in which the soundest political Speculators were of opinion, that the least appearance of force would be totally destructive, — such is the the market, whether of money, provision, or commodities of any kind. Yet for four years we have seen loans made, treasuries supplied, and armies levied and maintained, more numerous than France ever shewed in the field, by the effects of fear alone.

Here is a state of things of which, in its totality, if history furnishes any examples at all, they are very remote and feeble. I therefore am not so ready as some are, to tax with folly or cowardice, those who were not prepared to meet an evil of this nature. Even now, after the events, all the causes may be somewhat difficult to ascertain. Very many are however traceable. But these things history and books of speculation (as I have already said) did not teach men to foresee, and of course to resist. Now that they are no longer a matter of sagacity, but of experience, of recent experience, of our own experience, it would be unjustifiable to go back to the records of other times, to instruct us to manage what they never enabled us to foresee.

APPENDIX. EXTRACTS FROM VATTEL'S LAW OF NATIONS.

[The Titles, marginal Abstracts and Notes, are by Mr. BURKE, excepting such of the Notes as are here distinguished.]

CASES OF INTERFERENCE WITH INDEPENDENT POWERS.

BOOK II. CHAP. IV. § 53.

IF then there is any where a Nation of a restless and mischievous disposition, always ready to injure others, to traverse their designs, and to raise domestic troubles, it is not to be doubted, that all have a right to join in order to repress, chastise, and put it ever after out of its power to injure them. Such should be the just fruits of the policy which Machiavel praises in Caesar Borgia. The conduct followed by Philip II. king of Spain, was adapted to unite all Europe against him; and it was from just reasons that Henry the Great formed the design of humbling a power, formidable by its forces, and pernicious by its maxims.

§ 70. Let us apply to the unjust, what we have said above (§ 53), of a mischievous, or maleficent Nation. If there be any that makes an open profession of trampling Justice under foot, of despising and violating the right of others, whenever it finds an opportunity, the interest of human society will authorize all others to unite, in order to humble and chastise it. We do not here forget the maxim established in our preliminaries, that it does not belong to nations to usurp the power of being judges of each other. In particular cases, liable to the least doubt, it ought to be supposed, that each of the parties may have some right: and the injustice of that which has committed the injury, may proceed from error, and not from a general contempt of justice. But if, by constant maxims, and by a continued conduct, one Nations shews, that it has evidently this pernicious disposition, and that it considers no right as sacred, the safety of the human Race requires that it should be suppressed. To form and support an unjust pretension, is to do an injury not only to him who is interested in this pretension, but to mock at justice in general, and to injure all Nations.

§ 56. If the Prince, attacking the fundamental laws, gives his subjects a legal right to resist him; if Tyranny, becoming insupportable, obliges the Nation to rise in their defence; every foreign power has a right to succour an oppressed people who implore their assistance. The English justly complained of James the Second. The Nobility, and the most distinguished Patriots, resolved to put a check on his enterprizes, which manifestly tended to overthrow the Constitution, and to destroy the liberties and the religion of the people; and therefore applied for assistance to the United Provinces. The authority of the Prince of Orange had, doubtless, an

influence on the deliberations of the States-General; but it did not make them commit injustice; for when a people, from good reasons, take up arms against an Oppressor, justice and generosity require, that brave men should be assisted in the defence of their liberties. Whenever, therefore, a civil war is kindled in a state, foreign powers may assist that party which appears to them to have justice on their side. He who assists an odious Tyrant; he who declares FOR AN UNJUST AND REBELLIOUS PEOPLE, offends against his duty. When the bands of the political society are broken, or at least suspended between the Sovereign and his people, they may then be considered as two distinct powers; and since each is independent of all foreign authority, nobody has a right to judge them. Either may be in the right; and each of those who grant their assistance may believe that he supports a good cause. It follows then, in virtue of the voluntary Law of Nations, (see Prelim. § 21) that the two parties may act as having an equal right, and behave accordingly, till the decision of the affair.

But we ought not to abuse this maxim for authorizing odious proceedings against the tranquility of states. It is a violation of the Law of Nations to persuade those subjects to revolt who actually obey their Sovereign, though they complain of his Government.

The practice of Nations is conformable to our maxims. When the German Protestants came to the assistance of the reformed in France, the Court never undertook to treat them otherwise than as common enemies, and according to the Laws of War. France at the same time assisted the Netherlands, which took up arms against Spain, and did not pretend that her troops should be considered upon any other footing than as auxiliaries in a regular war. But no power avoids complaining of an atrocious injury, if any one attempts by his emissaries to excite his subjects to revolt.

As to those Monsters who, under the title of Sovereigns, render themselves the scourges and horror of the human race; these are savage Beasts, from which every brave man may justly purge the Earth. All antiquity has praised Hercules for delivering the world from an Antaeus, a Busiris, and a Diomedes.

Book 4. Cha. § 14. After stating, that nations have no right to interfere in domestick concerns, he proceeds —

“But this rule does not preclude them from espousing the quarrel of a dethroned King, and assisting him, if he appears to have justice on his side. They then declare themselves enemies to the Nation who has acknowledged his rival, as when two different Nations are at war they are at liberty to assist that whose quarrel they think has the fairest appearance.”

CASE OF ALLIANCES.

BOOK II. CHAP. XII. § 196.

IT is asked if that Alliance subsists with the King and the Royal Family, when by some Revolution they are deprived of their Crown? We have lately remarked, (§ 194) that a personal alliance expires with the reign of him who contracted it: but that is to be understood of an alliance with the state, limited as to its duration, to the reign of the contracting King. This, of which we are here speaking, is of another nature. For though it binds the state, since it is bound by all the public acts of its Sovereign, it is made directly in favour of the King and his Family; it would therefore be absurd for it to terminate at the moment when they have need of it, and at an event against which it was made. Besides, the King. does not lose his quality merely by the loss of his kingdom. If he is stripped of it unjustly by an Usurper, or by Rebels, he preserves his rights, in the number of which are his alliances.

But who shall judge, if the King be dethroned lawfully or by violence? An independent Nation acknowledges no judge. If the Body of the Nation declares the King deprived of his rights by the abuse he has made of them, and deposes him, it may justly do it when its grievantes are well founded, and no other power has a right to censure it. The personal Ally of this King, ought not then to assist him against the Nation that has made use of its right in deposing him: if he attempts it, he injures that Nation. England declared war against Louis the XIVth, in the year 1688, for supporting the interest of James the Second, who was deposed in form by the Nation. The same country declared war against him a second time, at the beginning of the present century, because that Prince acknowledged the son of the deposed James, under the name of James the Third. In doubtful cases, and when the Body of the Nation has not pronounced, or HAS NOT PRONOUNCED FREELY, a Sovereign may naturally support and defend an Ally, and it is then that the voluntary Law of Nations subsists between different states. The party that has driven out the King, pretends to have right on its side: this unhappy King and his Ally, flatter themselves with having the same advantage, and as they have no common judge upon earth, they have no other method to take but to apply to arms to terminate the dispute: they therefore engage in a formal war.

In short, when the foreign Prince has faithfully fulfilled his engagements towards an unfortunate Monarch, when he has done in his defence, or to procure his restoration, all he was obliged to perform, in virtue of the alliance; if his efforts are ineffectual, the dethroned Prince cannot require him to support an endless war in his favour, or expect that he will eternally remain the Enemy of the Nation, or of the Sovereign who has deprived him of the Throne. He must think of peace, abandon the Ally, and consider him as having himself abandoned his right, through necessity. Thus Louis XIV. was obliged to abandon James the Second, and to acknowledge K. William, though he had at first treated him as an Usurper.

The same question presents itself in real alliances, and in general, in all alliances made with the state, and not in particular with a King for the defence of his person.

An Ally ought, doubtless, to be defended against every invasion, against every foreign violence, and even against his rebellious subjects; in the same manner a Republick ought to be defended against the enterprizes of one who attempts to destroy the public liberty. But it ought to be remembered, that an Ally of the State, or the Nation, is not its Judge. If the Nation has deposed its King in form; if the people of a Republick have driven out their Magistrates, and set themselves at liberty, or acknowledged the authority of an Usurper, either expressly or tacitly; to oppose these domestick regulations, by disputing their justice or validity, would be to interfere in the Government of the Nation, and to do it an injury, (see § 54, and following of this book). The Ally remains the Ally of the State, notwithstanding the change that has happened in it. However, when this change renders the alliance useless, dangerous or disagreeable, it may renounce it: for it may say, upon a good foundation, that it would not have entered into an alliance with that Nation, had it been under the present form of Government.

We may say here, what we have said on a personal alliance: however just the cause of that King may be, who is driven from the throne, either by his subjects or by a foreign usurper; his Allies are not obliged to support an eternal war in his favour. After having made ineffectual efforts to restore him, they must at length give peace to their people, and come to an accommodation with the Usurper, and for that purpose treat with him as with a lawful Sovereign. Louis XIV. exhausted by a bloody and unsuccessful war, offered at Gertruidenburg to abandon his grandson, whom he had placed on the throne of Spain: and when affairs had changed their appearance, Charles of Austria, the rival of Philip, saw himself, in his turn, abandoned by his Allies. They grew weary of exhausting their states, in order to give him the possession of a Crown, which they believed to be his due, but which, to all appearance, they should never be able to procure for him.

DANGEROUS POWER

BOOK III. CHAP. III. § 45.

IT is still easier to prove, that should this formidable Power betray any unjust and ambitious dispositions, by doing the least injustice to another, every Nation may avail themselves of the occasion, and join their forces to those of the party injured, in order to reduce that ambitious Power, and disable it from so easily oppressing its neighbours, or keeping them in continual awe and fear. For an injury gives a Nation a right to provide for its future safety, by taking away from the violator the means of oppression. It is lawful, and even praise-worthy, to assist those who are oppressed, or unjustly attacked.

SYSTEM OF EUROPE.

§ 47. Europe forms a political system, a body, where the whole is connected by the relations and different interests of Nations inhabiting this part of the world. It is not, as anciently, a confused heap of detached pieces, each of which thought itself very little concerned in the fate of others, and seldom regarded things which did immediately relate to it. The continual attention of Sovereigns to what is on the carpet, the constant residence of ministers, and the perpetual negotiations, make Europe a kind of a Republick, the members of which, though independent, unite, through the ties of common interest, for the maintenance of order and liberty. Hence arose that famous scheme of the political equilibrium, or balance of power; by which is understood such a disposition of things, as no power is able absolutely to predominate, or to prescribe laws to others.

§ 49. Confederacies would be a sure way of preserving the equilibrium, and supporting the liberty of Nations, did all Princes thoroughly understand their true interests, and regulate all their steps for the good of the state.

CONTRIBUTIONS IN THE ENEMY'S COUNTRY.

BOOK III. CHAP. IX. § 165.

INSTEAD of the pillage of the country, and defenceless places, a custom has been substituted more humane and more advantageous to the Sovereign making war: I mean that of contributions. Whoever carries on a just war, has a right of making the enemy's country contribute to the support of the army, and towards defraying all the charges of the war. Thus he obtains a part of what is due to him, and the subjects of the enemy, on submitting to this imposition, are secured from pillage, and the country is preserved: but a general who would not fully his reputation, is to moderate his contributions, and proportion them to those on whom they are imposed. An excess in this point, is not without the reproach of cruelty and inhumanity: if it shews less ferocity than ravage and destruction, it glares with avarice.

ASYLUM.

BOOK I. CHAP. XIX. § 232.

IF an exile or banished man is driven from his country for any crime, it does not belong to the nation in which he has taken refuge to punish him for a fault committed in a foreign country. For nature gives to mankind and to nations the right of punishing only for their defence and safety; whence it follows that he can only be punished by those whom he has offended.

§. 233. But this reason shews, that if the justice of each nation ought in general to be confined to the punishment of crimes committed within its own territories, we

ought to except from this rule the villains who, by the quality and habitual frequency of their crimes, violate all public security, and declare themselves the enemies of the human race. Poisoners, assassins, and incendiaries by profession, may be exterminated wherever they are seized; for they attack and injure all nations, by trampling under foot the foundations of the common safety. Thus pirates are brought to the gibbet, by the first into whose hands they fall. If the Sovereign of the country where those crimes have been committed reclaims the authors of them, in order to bring them to punishment, they ought to be restored to him, as one who is principally interested in punishing them in an exemplary manner: and it being proper to convict the guilty, and to try them according to some form of law; this is a second [not sole] reason, why malefactors are usually delivered up at the desire of the state where their crimes have been committed.

Ibid. § 230. Every nation has a right of refusing to admit a stranger into the country, when he cannot enter into it without putting it into evident danger, or without doing it a remarkable prejudice.

FOREIGN MINISTERS.

BOOK IV. CHAP. 5. § 66.

THE obligation does not go so far as to suffer at all times, perpetual Ministers, who are desirous of residing with a Sovereign, though they have nothing to negotiate. It is natural, indeed, and very agreeable to the sentiments which nations owe to each other, that these resident Ministers, when there is nothing to be feared from their stay, should be friendly received: but if there be any solid reason against this, what is for the good of the State ought unquestionably to be preferred; and the foreign Sovereign cannot take it amiss if his Minister, who has concluded the affairs of his commission, and has no other affairs to negotiate, be desired to depart. The custom of keeping every where Ministers continually resident, is now so strongly established, that the refusal of a conformity to it would, without very good reasons, give offence. These reasons may arise from particular conjunctures; but there are also common reasons always subsisting, and such as relate to the constitution of a Government, and the state of a Nation. The Republicks have often very good reasons of the latter kind, to excuse themselves from continually suffering Foreign Ministers, who corrupt the Citizens, in order to gain them over to their Masters, to the great prejudice of the Republick, and fomenting of the Parties, &c. And should they only diffuse among a Nation, formerly plain, frugal, and virtuous, a taste for luxury, avidity for money, and the manners of courts, these would be more than sufficient for wise and provident Rulers to dismiss them.

FINIS.

THOUGHTS AND DETAILS ON SCARCITY



THOUGHTS AND DETAILS

ON

SCARCITY.

ORIGINALLY PRESENTED

TO THE RIGHT HON. WILLIAM PITT,

IN THE MONTH OF NOVEMBER,

1795.

Of all things, an indiscreet tampering with the trade of provisions is the most dangerous, and it is always worst in the time when men are most disposed to it, — that is, in the time of scarcity; because there is nothing on which the passions of men are so violent, and their judgment so weak, and on which there exists such a multitude of ill-founded popular prejudices.

The great use of government is as a restraint; and there is no restraint which it ought to put upon others, and upon itself too, rather than that which is imposed on the fury of speculating under circumstances of irritation. The number of idle tales spread about by the industry of faction and by the zeal of foolish good-intention, and greedily devoured by the malignant credulity of mankind, tends infinitely to aggravate prejudices which in themselves are more than sufficiently strong. In that state of affairs, and of the public with relation to them, the first thing that government owes to us, the people, is *information*; the next is timely coercion: the one to guide our judgment; the other to regulate our tempers.

To provide for us in our necessities is not in the power of government. It would be a vain presumption in statesmen to think they can do it. The people maintain them, and not they the people. It is in the power of government to prevent much evil; it can do very little positive good in this, or perhaps in anything else. It is not only so of the state and statesman, but of all the classes and descriptions of the rich: they are the pensioners of the poor, and are maintained by their superfluity. They are under an absolute, hereditary, and indefeasible dependence on those who labor and are miscalled the poor.

The laboring people are only poor because they are numerous. Numbers in their nature imply poverty. In a fair distribution among a vast multitude none can have much. That class of dependent pensioners called the rich is so extremely small, that, if all their throats were cut, and a distribution made of all they consume in a year, it would not give a bit of bread and cheese for one night's supper to those who labor, and who in reality feed both the pensioners and themselves.

But the throats of the rich ought not to be cut, nor their magazines plundered; because, in their persons, they are trustees for those who labor, and their hoards are the banking-houses of these latter. Whether they mean it or not, they do, in effect, execute their trust, — some with more, some with less fidelity and judgment. But, on the whole, the duty is performed, and everything returns, deducting some very trifling commission and discount, to the place from whence it arose. When the poor rise to destroy the rich, they act as wisely for their own purposes as when they burn mills and throw corn into the river to make bread cheap.

When I say that we of the people ought to be informed, inclusively I say we ought not to be flattered: flattery is the reverse of instruction. The *poor* in that case would be rendered as improvident as the rich, which would not be at all good for them.

Nothing can be so base and so wicked as the political canting language, “the laboring *poor*.” Let compassion be shown in action, — the more, the better, — according to every man's ability; but let there be no lamentation of their condition. It is no relief to their miserable circumstances; it is only an insult to their miserable understandings. It arises from a total want of charity or a total want of thought. Want of one kind was never relieved by want of any other kind. Patience, labor, sobriety, frugality, and religion should be recommended to them; all the rest is downright *fraud*. It is horrible to call them “the *once happy* laborer.”

Whether what may be called the moral or philosophical happiness of the laborious classes is increased or not, I cannot say. The seat of that species of happiness is in the mind; and there are few data to ascertain the comparative state of the mind at any two periods. Philosophical happiness is to want little. Civil or vulgar happiness is to want much and to enjoy much.

If the happiness of the animal man (which certainly goes somewhere towards the happiness of the rational man) be the object of our estimate, then I assert, without the least hesitation, that the condition of those who labor (in all descriptions of labor, and in all gradations of labor, from the highest to the lowest inclusively) is, on the whole, extremely meliorated, if more and better food is any standard of melioration. They work more, it is certain; but they have the advantage of their augmented labor: yet whether that increase of labor be on the whole a *good* or an *evil* is a consideration that would lead us a great way, and is not for my present purpose. But as to the fact of the melioration of their diet, I shall enter into the detail of proof, whenever I am called upon: in the mean time, the known difficulty

of contenting them with anything but bread made of the finest flour and meat of the first quality is proof sufficient.

I further assert, that, even under all the hardships of the last year, the laboring people did, either out of their direct gains, or from charity, (which it seems is now an insult to them,) in fact, fare better than they did in seasons of common plenty, fifty or sixty years ago, — or even at the period of my English observation, which is about forty-four years. I even assert that full as many in that class as ever were known to do it before continued to save money; and this I can prove, so far as my own information and experience extend.

It is not true that the rate of wages has not increased with the nominal price of provisions. I allow, it has not fluctuated with that price, — nor ought it; and the squires of Norfolk had dined, when they gave it as their opinion that it might or ought to rise and fall with the market of provisions. The rate of wages, in truth, has no *direct* relation to that price. Labor is a commodity like every other, and rises or falls according to the demand. This is in the nature of things; however, the nature of things has provided for their necessities. Wages have been twice raised in my time; and they bear a full proportion, or even a greater than formerly, to the medium of provision during the last bad cycle of twenty years. They bear a full proportion to the result of their labor. If we were wildly to attempt to force them beyond it, the stone which we had forced up the hill would only fall back upon them in a diminished demand, or, what indeed is the far lesser evil, an aggravated price of all the provisions which are the result of their manual toil.

There is an implied contract, much stronger than any instrument or article of agreement between the laborer in any occupation and his employer, — that the labor, so far as that labor is concerned, shall be sufficient to pay to the employer a profit on his capital and a compensation for his risk: in a word, that the labor shall produce an advantage equal to the payment. Whatever is above that is a direct *tax*; and if the amount of that tax be left to the will and pleasure of another, it is an *arbitrary tax*.

If I understand it rightly, the tax proposed on the farming interest of this kingdom is to be levied at what is called the discretion of justices of peace.

The questions arising on this scheme of arbitrary taxation are these: Whether it is better to leave all dealing, in which there is no force or fraud, collusion or combination, entirely to the persons mutually concerned in the matter contracted for, — or to put the contract into the hands of those who can have none or a very remote interest in it, and little or no knowledge of the subject.

It might be imagined that there would be very little difficulty in solving this question: for what man, of any degree of reflection, can think that a want of interest in any subject, closely connected with a want of skill in it, qualifies a person to intermeddle in any the least affair, — much less in affairs that vitally concern the

agriculture of the kingdom, the first of all its concerns, and the foundation of all its prosperity in every other matter by which that prosperity is produced?

The vulgar error on this subject arises from a total confusion in the very idea of things widely different in themselves, — those of convention, and those of judicature. When a contract is making, it is a matter of discretion and of interest between the parties. In that intercourse, and in what is to arise from it, the parties are the masters. If they are not completely so, they are not free, and therefore their contracts are void.

But this freedom has no farther extent, when the contract is made: then their discretionary powers expire, and a new order of things takes its origin. Then, and not till then, and on a difference between the parties, the office of the judge commences. He cannot dictate the contract. It is his business to see that it be *enforced*, — provided that it is not contrary to preëxisting laws, or obtained by force or fraud. If he is in any way a maker or regulator of the contract, in so much he is disqualified from being a judge. But this sort of confused distribution of administrative and judicial characters (of which we have already as much as is sufficient, and a little more) is not the only perplexity of notions and passions which trouble us in the present hour.

What is doing supposes, or pretends, that the farmer and the laborer have opposite interests, — that the farmer oppresses the laborer, — and that a gentleman, called a justice of peace, is the protector of the latter, and a control and restraint on the former; and this is a point I wish to examine in a manner a good deal different from that in which gentlemen proceed, who confide more in their abilities than is fit, and suppose them capable of more than any natural abilities, fed with no other than the provender furnished by their own private speculations, can accomplish. Legislative acts attempting to regulate this part of economy do, at least as much as any other, require the exactest detail of circumstances, guided by the surest general principles that are necessary to direct experiment and inquiry, in order again from those details to elicit principles, firm and luminous general principles, to direct a practical legislative proceeding.

First, then, I deny that it is in this case, as in any other, of necessary implication that contracting parties should originally have had different interests. By accident it may be so, undoubtedly, at the outset: but then the contract is of the nature of a compromise; and compromise is founded on circumstances that suppose it the interest of the parties to be reconciled in some medium. The principle of compromise adopted, of consequence the interests cease to be different.

But in the case of the farmer and the laborer, their interests are always the same, and it is absolutely impossible that their free contracts can be onerous to either party. It is the interest of the farmer that his work should be done with effect and celerity; and that cannot be, unless the laborer is well fed, and otherwise found with such necessaries of animal life, according to its habitudes, as may keep the body in

full force, and the mind gay and cheerful. For of all the instruments of his trade, the labor of man (what the ancient writers have called the *instrumentum vocale*) is that on which he is most to rely for the repayment of his capital. The other two, the *semivocale* in the ancient classification, that is, the working stock of cattle, and the *instrumentum mutum*, such as carts, ploughs, spades, and so forth, though not all inconsiderable in themselves, are very much inferior in utility or in expense, and, without a given portion of the first, are nothing at all. For, in all things whatever, the mind is the most valuable and the most important; and in this scale the whole of agriculture is in a natural and just order: the beast is as an informing principle to the plough and cart; the laborer is as reason to the beast; and the farmer is as a thinking and presiding principle to the laborer. An attempt to break this chain of subordination in any part is equally absurd; but the absurdity is the most mischievous, in practical operation, where it is the most easy, — that is, where it is the most subject to an erroneous judgment.

It is plainly more the farmer's interest that his men should thrive than that his horses should be well fed, sleek, plump, and fit for use, or than that his wagon and ploughs should be strong, in good repair, and fit for service.

On the other hand, if the farmer ceases to profit of the laborer, and that his capital is not continually manured and fructified, it is impossible that he should continue that abundant nutriment and clothing and lodging proper for the protection of the instruments he employs.

It is therefore the first and fundamental interest of the laborer, that the farmer should have a full incoming profit on the product of his labor. The proposition is self-evident; and nothing but the malignity, perverseness, and ill-governed passions of mankind, and particularly the envy they bear to each other's prosperity, could prevent their seeing and acknowledging it, with thankfulness to the benign and wise Disposer of all things, who obliges men, whether they will or not, in pursuing their own selfish interests, to connect the general good with their own individual success.

But who are to judge what that profit and advantage ought to be? Certainly no authority on earth. It is a matter of convention, dictated by the reciprocal conveniences of the parties, and indeed by their reciprocal necessities. — But if the farmer is excessively avaricious? — Why, so much the better: the more he desires to increase his gains, the more interested is he in the good condition of those upon whose labor his gains must principally depend.

I shall be told by the zealots of the sect of regulation, that this may be true, and may be safely committed to the convention of the farmer and the laborer, when the latter is in the prime of his youth, and at the time of his health and vigor, and in ordinary times of abundance. But in calamitous seasons, under accidental illness, in declining life, and with the pressure of a numerous offspring, the future nourishers of the community, but the present drains and blood-suckers of those who produce

them, what is to be done? When a man cannot live and maintain his family by the natural hire of his labor, ought it not to be raised by authority?

On this head I must be allowed to submit what my opinions have ever been, and somewhat at large.

And, first, I premise that labor is, as I have already intimated, a commodity, and, as such, an article of trade. If I am right in this notion, then labor must be subject to all the laws and principles of trade, and not to regulations foreign to them, and that may be totally inconsistent with those principles and those laws. When any commodity is carried to market, it is not the necessity of the vendor, but the necessity of the purchaser, that raises the price. The extreme want of the seller has rather (by the nature of things with which we shall in vain contend) the direct contrary operation. If the goods at market are beyond the demand, they fall in their value; if below it, they rise. The impossibility of the subsistence of a man who carries his labor to a market is totally beside the question, in this way of viewing it. The only question is, What is it worth to the buyer?

But if authority comes in and forces the buyer to a price, what is this in the case (say) of a farmer who buys the labor of ten or twelve laboring men, and three or four handicrafts, — what is it but to make an arbitrary division of his property among them?

The whole of his gains (I say it with the most certain conviction) never do amount anything like in value to what he pays to his laborers and artificers; so that a very small advance upon what *one* man pays to *many* may absorb the whole of what he possesses, and amount to an actual partition of all his substance among them. A perfect equality will, indeed, be produced, — that is to say, equal want, equal wretchedness, equal beggary, and, on the part of the partitioners, a woful, helpless, and desperate disappointment. Such is the event of all compulsory equalizations. They pull down what is above; they never raise what is below; and they depress high and low together beneath the level of what was originally the lowest.

If a commodity is raised by authority above what it will yield with a profit to the buyer, that commodity will be the less dealt in. If a second blundering interposition be used to correct the blunder of the first and an attempt is made to force the purchase of the commodity, (of labor, for instance,) the one of these two things must happen: either that the forced buyer is ruined, or the price of the product of the labor in that proportion is raised. Then the wheel turns round, and the evil complained of falls with aggravated weight on the complainant. The price of corn, which is the result of the expense of all the operations of husbandry taken together, and for some time continued, will rise on the laborer, considered as a consumer. The very best will be, that he remains where he was. But if the price of the corn should not compensate the price of labor, what is far more to be feared, the most serious evil, the very destruction of agriculture itself, is to be apprehended.

Nothing is such an enemy to accuracy of judgment as a coarse discrimination, a want of such classification and distribution as the subject admits of. Increase the rate of wages to the laborer, say the regulators, — as if labor was but one thing, and of one value. But this very broad, generic term, *labor*, admits, at least, of two or three specific descriptions: and these will suffice, at least, to let gentlemen discern a little the necessity of proceeding with caution in their coercive guidance of those whose existence depends upon the observance of still nicer distinctions and subdivisions than commonly they resort to in forming their judgments on this very enlarged part of economy.

The laborers in husbandry may be divided, — First, Into those who are able to perform the full work of a man, — that is, what can be done by a person from twenty-one years of age to fifty. I know no husbandry work (mowing hardly excepted) that is not equally within the power of all persons within those ages, the more advanced fully compensating by knack and habit what they lose in activity. Unquestionably, there is a good deal of difference between the value of one man's labor and that of another, from strength, dexterity, and honest application. But I am quite sure, from my best observation, that any given five men will, in their total, afford a proportion of labor equal to any other five within the periods of life I have stated: that is, that among such five men there will be one possessing all the qualifications of a good workman, one bad, and the other three middling, and approximating to the first and the last. So that, in so small a platoon as that of even five, you will find the full complement of all that five men *can* earn. Taking five and five throughout the kingdom, they are equal: therefore an error with regard to the equalization of their wages by those who employ five, as farmers do at the very least, cannot be considerable.

Secondly, Those who are able to work, but not the complete task of a day-laborer. This class is infinitely diversified, but will aptly enough fall into principal divisions. *Men*, from the decline, which after fifty becomes every year more sensible, to the period of debility and decrepitude, and the maladies that precede a final dissolution. *Women*, whose employment on husbandry is but occasional, and who differ more in effective labor one from another than men do, on account of gestation, nursing, and domestic management, over and above the difference they have in common with men in advancing, in stationary, and in declining life. *Children*, who proceed on the reverse order, growing from less to greater utility, but with a still greater disproportion of nutriment to labor than is found in the second of those subdivisions: as is visible to those who will give themselves the trouble of examining into the interior economy of a poor-house.

This inferior classification is introduced to show that laws prescribing or magistrates exercising a very stiff and often inapplicable rule, or a blind and rash discretion, never can provide the just proportions between earning and salary, on the one hand, and nutriment on the other: whereas interest, habit, and the tacit

convention that arise from a thousand nameless circumstances produce a *tact* that regulates without difficulty what laws and magistrates cannot regulate at all. The first class of labor wants nothing to equalize it; it equalizes itself. The second and third are not capable of any equalization.

But what if the rate of hire to the laborer comes far short of his necessary subsistence, and the calamity of the time is so great as to threaten actual famine? Is the poor laborer to be abandoned to the flinty heart and griping hand of base self-interest, supported by the sword of law, especially when there is reason to suppose that the very avarice of farmers themselves has concurred with the errors of government to bring famine on the land?

In that case, my opinion is this: Whenever it happens that a man can claim nothing according to the rules of commerce and the principles of justice, he passes out of that department, and comes within the jurisdiction of mercy. In that province the magistrate has nothing at all to do; his interference is a violation of the property which it is his office to protect. Without all doubt, charity to the poor is a direct and obligatory duty upon all Christians, next in order after the payment of debts, full as strong, and by Nature made infinitely more delightful to us Pufendorf, and other casuists, do not, I think, denominate it quite properly, when they call it a duty of imperfect obligation. But the manner, mode, time, choice of objects, and proportion are left to private discretion; and perhaps for that very reason it is performed with the greater satisfaction, because the discharge of it has more the appearance of freedom, — recommending us besides very specially to the Divine favor, as the exercise of a virtue most suitable to a being sensible of its own infirmity.

The cry of the people in cities and towns, though unfortunately (from a fear of their multitude and combination) the most regarded, ought, in *fact*, to be the *least* attended to, upon this subject: for citizens are in a state of utter ignorance of the means by which they are to be fed, and they contribute little or nothing, except in an infinitely circuitous manner, to their own maintenance. They are truly *fruges consumere nati*. They are to be heard with great respect and attention upon matters within their province, — that is, on trades and manufactures; but on anything that relates to agriculture they are to be listened to with the same *reverence* which we pay to the dogmas of other ignorant and presumptuous men.

If any one were to tell them that they were to give in an account of all the stock in their shops, — that attempts would be made to limit their profits, or raise the price of the laboring manufacturers upon them, or recommend to government, out of a capital from the public revenues, to set up a shop of the same commodities, in order to rival them, and keep, them to reasonable dealing, — they would very soon see the impudence, injustice, and oppression of such a course. They would not be mistaken: but they are of opinion that agriculture is to be subject to other laws, and to be governed by other principles.

A greater and more ruinous mistake cannot be fallen into than that the trades of agriculture and grazing can be conducted upon any other than the common principles of commerce: namely, that the producer should be permitted, and even expected, to look to all possible profit which without fraud or violence he can make; to turn plenty or scarcity to the best advantage he can; to keep back or to bring forward his commodities at his pleasure; to account to no one for his stock or for his gain. On any other terms he is the slave of the consumer: and that he should be so is of no benefit to the consumer. No slave was ever so beneficial to the master as a freeman that deals with him on an equal footing by convention, formed on the rules and principles of contending interests and compromised advantages. The consumer, if he were suffered, would in the end always be the dupe of his own tyranny and injustice. The landed gentleman is never to forget that the farmer is his representative.

It is a perilous thing to try experiments on the farmer. The farmer's capital (except in a few persons and in a very few places) is far more feeble than commonly is imagined. The trade is a very poor trade; it is subject to great risks and losses. The capital, such as it is, is turned but once in the year; in some branches it requires three years before the money is paid: I believe never less than three in the turnip and grass-land course, which is the prevalent course on the more or less fertile sandy and gravelly loams, — and these compose the soil in the south and southeast of England, the best adapted, and perhaps the only ones that are adapted, to the turnip husbandry.

It is very rare that the most prosperous farmer, counting the value of his quick and dead stock, the interest of the money he turns, together with his own wages as a bailiff or overseer, ever does make twelve or fifteen per centum by the year on his capital. I speak of the prosperous. In most of the parts of England which have fallen within my observation I have rarely known a farmer, who to his own trade has not added some other employment or traffic, that, after a course of the most unremitting parsimony and labor, (such for the greater part is theirs,) and persevering in his business for a long course of years, died worth more than paid his debts, leaving his posterity to continue in nearly the same equal conflict between industry and want, in which the last predecessor, and a long line of predecessors before him, lived and died.

Observe that I speak of the generality of farmers, who have not more than from one hundred and fifty to three or four hundred acres. There are few in this part of the country within the former or much beyond the latter extent. Unquestionably in other places there are much larger. But I am convinced, whatever part of England be the theatre of his operations, a farmer who cultivates twelve hundred acres, which I consider as a large farm, though I know there are larger, cannot proceed with any degree of safety and effect with a smaller capital than ten thousand

pounds, and that he cannot, in the ordinary course of culture, make more upon that great capital of ten thousand pounds than twelve hundred a year.

As to the weaker capitals, an easy judgment may be formed by what very small errors they may be farther attenuated, enervated, rendered unproductive, and perhaps totally destroyed.

This constant precariousness and ultimate moderate limits of a farmer's fortune, on the strongest capital, I press, not only on account of the hazardous speculations of the times, but because the excellent and most useful works of my friend, Mr. Arthur Young, tend to propagate that error (such I am very certain it is) of the largeness of a farmer's profits. It is not that his account of the produce does often greatly exceed, but he by no means makes the proper allowance for accidents and losses. I might enter into a convincing detail, if other more troublesome and more necessary details were not before me.

This proposed discretionary tax on labor militates with the recommendations of the Board of Agriculture: they recommend a general use of the drill culture. I agree with the Board, that, where the soil is not excessively heavy, or incumbered with large loose stones, (which, however, is the case with much otherwise good land,) that course is the best and most productive, — provided that the most accurate eye, the most vigilant superintendence, the most prompt activity, which has no such day as to-morrow in its calendar, the most steady foresight and predisposing order to have everybody and everything ready in its place, and prepared to take advantage of the fortunate, fugitive moment, in this coquetting climate of ours, — provided, I say, all these combine to speed the plough, I admit its superiority over the old and general methods. But under procrastinating, improvident, ordinary husbandmen, who may neglect or let slip the few opportunities of sweetening and purifying their ground with perpetually renovated toil and undissipated attention, nothing, when tried to any extent, can be worse or more dangerous: the farm may be ruined, instead of having the soil enriched and sweetened by it.

But the excellence of the method on a proper soil, and conducted by husbandmen, of whom there are few, being readily granted, how, and on what conditions, is this culture obtained? Why, by a very great increase of labor: by an augmentation of the third part, at least, of the hand-labor, to say nothing of the horses and machinery employed in ordinary tillage. Now every man must be sensible how little becoming the gravity of legislature it is to encourage a board which recommends to us, and upon very weighty reasons unquestionably, an enlargement of the capital we employ in the operations of the hand, and then to pass an act which taxes that manual labor, already at a very high rate, — thus compelling us to diminish the quantity of labor which in the vulgar course we actually employ.

What is true of the farmer is equally true of the middle-man, — whether the middle-man acts as factor, jobber, salesman, or speculator, in the markets of grain.

These traders are to be left to their free course; and the more they make, and the richer they are, and the more largely they deal, the better both for the farmer and consumer, between whom they form a natural and most useful link of connection, — though by the machinations of the old evil counsellor, *Envy*, they are hated and maligned by both parties.

I hear that middle-men are accused of monopoly. Without question, the monopoly of authority is, in every instance and in every degree, an evil; but the monopoly of capital is the contrary. It is a great benefit, and a benefit particularly to the poor. A tradesman who has but a hundred pound capital, which (say) he can turn but once a year, cannot live upon a *profit* of ten per cent, because he cannot live upon ten pounds a year; but a man of ten thousand pounds capital can live and thrive upon five per cent profit in the year, because he has five hundred pounds a year. The same proportion holds in turning it twice or thrice. These principles are plain and simple; and it is not our ignorance, so much as the levity, the envy, and the malignity of our nature, that hinders us from perceiving and yielding to them: but we are not to suffer our vices to usurp the place of our judgment.

The balance between consumption and production makes price. The market settles, and alone can settle, that price. Market is the meeting and conference of the *consumer* and *producer*, when they mutually discover each other's wants. Nobody, I believe, has observed with any reflection what market is, without being astonished at the truth, the correctness, the celerity, the general equity, with which the balance of wants is settled. They who wish the destruction of that balance, and would fain by arbitrary regulation decree that defective production should not be compensated by increased price, directly lay their *axe* to the root of production itself. They may, even in one year of such false policy, do mischiefs incalculable; because the trade of a farmer is, as I have before explained, one of the most precarious in its advantages, the most liable to losses, and the least profitable of any that is carried on. It requires ten times more of labor, of vigilance, of attention, of skill, and, let me add, of good fortune also, to carry on the business of a farmer with success, than what belongs to any other trade.

Seeing things in this light, I am far from presuming to censure the late circular instruction of Council to lord-lieutenants, but I confess I do not clearly discern its object. I am greatly afraid that the inquiry will raise some alarm, as a measure leading to the French system of putting corn into requisition. For that was preceded by an inquisition somewhat similar in its principle, though, according to their mode, their principles are full of that violence which *here* is not much to be feared. It goes on a principle directly opposite to mine: it presumes that the market is no fair *test* of plenty or scarcity. It raises a suspicion, which may affect the tranquillity of the public mind, “that the farmer keeps back, and takes unfair advantages by delay”; on the part of the dealer, it gives rise obviously to a thousand nefarious speculations.

In case the return should on the whole prove favorable, is it meant to ground a measure for encouraging exportation and checking the import of corn? If it is not, what end can it answer? And I believe it is not.

This opinion may be fortified by a report gone abroad, that intentions are entertained of erecting public granaries, and that this inquiry is to give government an advantage in its purchases.

I hear that such a measure has been proposed, and is under deliberation: that is, for government to set up a granary in every market-town, at the expense of the state, in order to extinguish the dealer, and to subject the farmer to the consumer, by securing corn to the latter at a certain and steady price.

If such a scheme is adopted, I should not like to answer for the safety of the granary, of the agents, or of the town itself in which the granary was erected: the first storm of popular frenzy would fall upon that granary.

So far in a political light.

In an economical light, I must observe that the construction of such granaries throughout the kingdom would be at an expense beyond all calculation. The keeping them up would be at a great charge. The management and attendance would require an army of agents, store-keepers, clerks, and servants. The capital to be employed in the purchase of grain would be enormous. The waste, decay, and corruption would be a dreadful drawback on the whole dealing; and the dissatisfaction of the people, at having decayed, tainted, or corrupted corn sold to them, as must be the case, would be serious.

This climate (whatever others may be) is not favorable to granaries, where wheat is to be kept for any time. The best, and indeed the only good granary, is the rick-yard of the farmer, where the corn is preserved in its own straw, sweet, clean, wholesome, free from vermin and from insects, and comparatively at a trifle of expense. This, and the barn, enjoying many of the same advantages, have been the sole granaries of England from the foundation of its agriculture to this day. All this is done at the expense of the undertaker, and at his sole risk. He contributes to government, he receives nothing from it but protection, and to this he has a *claim*.

The moment that government appears at market, all the principles of market will be subverted. I don't know whether the farmer will suffer by it, as long as there is a tolerable market of competition; but I am sure, that, in the first place, the trading government will speedily become a bankrupt, and the consumer in the end will suffer. If government makes all its purchases at once, it will instantly raise the market upon itself. If it makes them by degrees, it must follow the course of the market. If it follows the course of the market, it will produce no effect, and the consumer may as well buy as he wants; therefore all the expense is incurred gratis.

But if the object of this scheme should be, what I suspect it is, to destroy the dealer, commonly called the middle-man, and by incurring a voluntary loss to carry the baker to deal with government, I am to tell them that they must set up another

trade, that of a miller or a meal-man, attended with a new train of expenses and risks. If in both these trades they should succeed, so as to exclude those who trade on natural and private capitals, then they will have a monopoly in their hands, which, under the appearance of a monopoly of capital, will, in reality, be a monopoly of authority, and will ruin whatever it touches. The agriculture of the kingdom cannot stand before it.

A little place like Geneva, of not more than from twenty-five to thirty thousand inhabitants, — which has no territory, or next to none, — which depends for its existence on the good-will of three neighboring powers, and is of course continually in the state of something like a *siege*, or in the speculation of it, — might find some resource in state granaries, and some revenue from the monopoly of what was sold to the keepers of public-houses. This is a policy for a state too small for agriculture. It is not (for instance) fit for so great a country as the Pope possesses, — where, however, it is adopted and pursued in a greater extent, and with more strictness. Certain of the Pope's territories, from whence the city of Rome is supplied, being obliged to furnish Rome and the granaries of his Holiness with corn at a certain price, that part of the Papal territories is utterly ruined. That ruin may be traced with certainty to this sole cause; and it appears indubitably by a comparison of their state and condition with that of the other part of the ecclesiastical dominions, not subjected to the same regulations, which are in circumstances highly flourishing.

The reformation of this evil system is in a manner impracticable. For, first, it does keep bread and all other provisions equally subject to the chamber of supply, at a pretty reasonable and regular price, in the city of Rome. This preserves quiet among the numerous poor, idle, and naturally mutinous people of a very great capital. But the quiet of the town is purchased by the ruin of the country and the ultimate wretchedness of both. The next cause which renders this evil incurable is the jobs which have grown out of it, and which, in spite of all precautions, would grow out of such things even under governments far more potent than the feeble authority of the Pope.

This example of Rome, which has been derived from the most ancient times, and the most flourishing period of the Roman Empire, (but not of the Roman agriculture,) may serve as a great caution to all governments not to attempt to feed the people out of the hands of the magistrates. If once they are habituated to it, though but for one half-year, they will never be satisfied to have it otherwise. And having looked to government for bread, on the very first scarcity they will turn and bite the hand that fed them. To avoid that *evil*, government will redouble the causes of it; and then it will become inveterate and incurable.

I beseech the government (which I take in the largest sense of the word, comprehending the two Houses of Parliament) seriously to consider that years of scarcity or plenty do not come alternately or at short intervals, but in pretty long cycles and irregularly, and consequently that we cannot assure ourselves, if we take

a wrong measure, from the temporary necessities of one season, but that the next, and probably more, will drive us to the continuance of it; so that, in my opinion, there is no way of preventing this evil, which goes to the destruction of all our agriculture, and of that part of our internal commerce which touches our agriculture the most nearly, as well as the safety and very being of government, but manfully to resist the very first idea, speculative or practical, that it is within the competence of government, taken as government, or even of the rich, as rich, to supply to the poor those necessities which it has pleased the Divine Providence for a while to withhold from them. We, the people, ought to be made sensible that it is not in breaking the laws of commerce, which are the laws of Nature, and consequently the laws of God, that we are to place our hope of softening the Divine displeasure to remove any calamity under which we suffer or which hangs over us.

So far as to the principles of general policy.

As to the state of things which is urged as a reason to deviate from them, these are the circumstances of the harvest of 1794 and 1795. With regard to the harvest of 1794, in relation to the noblest grain, wheat, it is allowed to have been somewhat short, but not excessively, — and in quality, for the seven-and-twenty years during which I have been a farmer, I never remember wheat to have been so good. The world were, however, deceived in their speculations upon it, — the farmer as well as the dealer. Accordingly the price fluctuated beyond anything I can remember: for at one time of the year I sold my wheat at 14*l.* a load, (I sold off all I had, as I thought this was a reasonable price,) when at the end of the season, if I had then had any to sell, I might have got thirty guineas for the same sort of grain. I sold all that I had, as I said, at a comparatively low price, because I thought it a good price, compared with what I thought the general produce of the harvest; but when I came to consider what my own *total* was, I found that the quantity had not answered my expectation. It must be remembered that this year of produce, (the year 1794,) short, but excellent, followed a year which was not extraordinary in production, nor of a superior quality, and left but little in store. At first, this was not felt, because the harvest came in unusually early, — earlier than common by a full month.

The winter, at the end of 1794 and beginning of 1795, was more than usually unfavorable both to corn and grass, owing to the sudden relaxation of very rigorous frosts, followed by rains, which were again rapidly succeeded by frosts of still greater rigor than the first.

Much wheat was utterly destroyed. The clover-grass suffered in many places. What I never observed before, the rye-grass, or coarse bent, suffered more than the clover. Even the meadow-grass in some places was killed to the very roots. In the spring appearances were better than we expected. All the early sown grain recovered itself, and came up with great vigor; but that which was late sown was feeble, and did not promise to resist any blights in the spring, which, however, with all its unpleasant vicissitudes, passed off very well; and nothing looked better than

the wheat at the time of blooming; — but at that most critical time of all, a cold, dry east wind, attended with very sharp frosts, longer and stronger than I recollect at that time of year, destroyed the flowers, and withered up, in an astonishing manner, the whole side of the ear next to the wind. At that time I brought to town some of the ears, for the purpose of showing to my friends the operation of those unnatural frosts, and according to their extent I predicted a great scarcity. But such is the pleasure of agreeable prospects, that my opinion was little regarded.

On threshing, I found things as I expected, — the ears not filled, some of the capsules quite empty, and several others containing only withered, hungry grain, inferior to the appearance of rye. My best ears and grain were not fine; never had I grain of so low a quality: yet I sold one load for 21*l*. At the same time I bought my seed wheat (it was excellent) at 23*l*. Since then the price has risen, and I have sold about two load of the same sort at 23*l*. Such was the state of the market when I left home last Monday. Little remains in my barn. I hope some in the rick may be better, since it was earlier sown, as well as I can recollect. Some of my neighbors have better, some quite as bad, or even worse. I suspect it will be found, that, wherever the blighting wind and those frosts at blooming-time have prevailed, the produce of the wheat crop will turn out very indifferent. Those parts which have escaped will, I can hardly doubt, have a reasonable produce.

As to the other grains, it is to be observed, as the wheat ripened very late, (on account, I conceive, of the blights,) the barley got the start of it, and was ripe first. The crop was with me, and wherever my inquiry could reach, excellent; in some places far superior to mine.

The clover, which came up with the barley, was the finest I remember to have seen.

The turnips of this year are generally good.

The clover sown last year, where not totally destroyed, gave two good crops, or one crop and a plentiful feed; and, bating the loss of the rye-grass, I do not remember a better produce.

The meadow-grass yielded but a middling crop, and neither of the sown or natural grass was there in any farmer's possession any remainder from the year worth taking into account. In most places there was none at all.

Oats with me were not in a quantity more considerable than in commonly good seasons; but I have never known them heavier than they were in other places. The oat was not only an heavy, but an uncommonly abundant crop.

My ground under pease did not exceed an acre or thereabouts, but the crop was great indeed. I believe it is throughout the country exuberant. It is, however, to be remarked, as generally of all the grains, so particularly of the pease, that there was not the smallest quantity in reserve.

The demand of the year must depend solely on its own produce; and the price of the spring corn is not to be expected to fall very soon, or at any time very low.

Uxbridge is a great corn market. As I came through that town, I found that at the last market-day barley was at forty shillings a quarter. Oats there were literally none; and the inn-keeper was obliged to send for them to London. I forgot to ask about pease. Potatoes were 5s. the bushel.

In the debate on this subject in the House, I am told that a leading member of great ability, *little conversant in these matters*, observed, that the general uniform dearness of butcher's meat, butter, and cheese could not be owing to a defective produce of wheat; and on this ground insinuated a suspicion of some unfair practice on the subject, that called for inquiry.

Unquestionably, the mere deficiency of wheat could not cause the dearness of the other articles, which extends not only to the provisions he mentioned, but to every other without exception.

The cause is, indeed, so very plain and obvious that the wonder is the other way. When a properly directed inquiry is made, the gentlemen who are amazed at the price of these commodities will find, that, when hay is at six pound a load, as they must know it is, herbage, and for more than one year, must be scanty; and they will conclude, that, if grass be scarce, beef, veal, mutton, butter, milk, and cheese *must* be dear.

But to take up the matter somewhat more in detail. — If the wheat harvest in 1794, excellent in quality, was defective in quantity, the barley harvest was in quality ordinary enough, and in quantity deficient. This was soon felt in the price of malt.

Another article of produce (beans) was not at all plentiful. The crop of pease was wholly destroyed, so that several farmers pretty early gave up all hopes on that head, and cut the green haulm as fodder for the cattle, then perishing for want of food in that dry and burning summer. I myself came off better than most: I had about the fourth of a crop of pease.

It will be recollected, that, in a manner, all the bacon and pork consumed in this country (the far largest consumption of meat out of towns) is, when growing, fed on grass, and on whey or skimmed milk, — and when fattening, partly on the latter. This is the case in the dairy countries, all of them great breeders and feeders of swine; but for the much greater part, and in all the corn countries, they are fattened on beans, barley-meal, and pease. When the food of the animal is scarce, his flesh must be dear. This, one would suppose, would require no great penetration to discover.

This failure of so very large a supply of flesh in one species naturally throws the whole demand of the consumer on the diminished supply of all kinds of flesh, and, indeed, on all the matters of human sustenance. Nor, in my opinion, are we to expect a greater cheapness in that article for this year, even though corn should grow cheaper, as it is to be hoped it will. The store swine, from the failure of subsistence last year, are now at an extravagant price. Pigs, at our fairs, have sold

lately for fifty shillings, which two years ago would not have brought more than twenty.

As to sheep, none, I thought, were strangers to the general failure of the article of turnips last year: the early having been burned, as they came up, by the great drought and heat; the late, and those of the early which had escaped, were destroyed by the chilling frosts of the winter and the wet and severe weather of the spring. In many places a full fourth of the sheep or the lambs were lost; what remained of the lambs were poor and ill fed, the ewes having had no milk. The calves came late, and they were generally an article the want of which was as much to be dreaded as any other. So that article of food, formerly so abundant in the early part of the summer, particularly in London, and which in a great part supplied the place of mutton for near two months, did little less than totally fail.

All the productions of the earth link in with each other. All the sources of plenty, in all and every article, were dried or frozen up. The scarcity was not, as gentlemen seem to suppose, in wheat only.

Another cause, and that not of inconsiderable operation, tended to produce a scarcity in flesh provision. It is one that on many accounts cannot be too much regretted, and the rather, as it was the sole *cause* of a scarcity in that article which arose from the proceedings of men themselves: I mean the stop put to the distillery.

The hogs (and that would be sufficient) which were fed with the waste wash of that produce did not demand the fourth part of the corn used by farmers in fattening them. The spirit was nearly so much clear gain to the nation. It is an odd way of making flesh cheap, to stop or check the distillery.

The distillery in itself produces an immense article of trade almost all over the world, — to Africa, to North America, and to various parts of Europe. It is of great use, next to food itself, to our fisheries and to our whole navigation. A great part of the distillery was carried on by damaged corn, unfit for bread, and by barley and malt of the lowest quality. These things could not be more unexceptionably employed. The domestic consumption of spirits produced, without complaints, a very great revenue, applicable, if we pleased, in bounties, to the bringing corn from other places, far beyond the value of that consumed in making it, or to the encouragement of its increased production at home.

As to what is said, in a physical and moral view, against the home consumption of spirits, experience has long since taught me very little to respect the declamations on that subject. Whether the thunder of the laws or the thunder of eloquence “is hurled on *gin*” always I am thunder-proof. The alembic, in my mind, has furnished to the world a far greater benefit and blessing than if the *opus maximum* had been really found by chemistry, and, like Midas, we could turn everything into gold.

Undoubtedly there may be a dangerous abuse in the excess of spirits; and at one time I am ready to believe the abuse was great. When spirits are cheap, the business of drunkenness is achieved with little time or labor; but that evil I consider to be

wholly done away. Observation for the last forty years, and very particularly for the last thirty, has furnished me with ten instances of drunkenness from other causes for one from this. Ardent spirit is a great medicine, often to remove distempers, much more frequently to prevent them, or to chase them away in their beginnings. It is not nutritive in *any great* degree. But if not food, it greatly alleviates the want of it. It invigorates the stomach for the digestion of poor, meagre diet, not easily alliable to the human constitution. Wine the poor cannot touch. Beer, as applied to many occasions, (as among seamen and fishermen, for instance,) will by no means do the business. Let me add, what wits inspired with champagne and claret will turn into ridicule, — it is a medicine for the mind. Under the pressure of the cares and sorrows of our mortal condition, men have at all times and in all countries called in some physical aid to their moral consolations, — wine, beer, opium, brandy, or tobacco.

I consider, therefore, the stopping of the distillery, economically, financially, commercially, medically, and in some degree morally too, as a measure rather well meant than well considered. It is too precious a sacrifice to prejudice.

Gentlemen well know whether there be a scarcity of partridges, and whether that be an effect of hoarding and combination. All the tame race of birds live and die as the wild do.

As to the lesser articles, they are like the greater. They have followed the fortune of the season. Why are fowls dear? Was not this the farmer's or jobber's fault? I sold from my yard to a jobber six young and lean fowls for four-and-twenty shillings, — fowls for which two years ago the same man would not have given a shilling apiece. He sold them afterwards at Uxbridge, and they were taken to London to receive the last hand.

As to the operation of the war in causing the scarcity of provisions, I understand that Mr. Pitt has given a particular answer to it; but I do not think it worth powder and shot.

I do not wonder the papers are so full of this sort of matter, but I am a little surprised it should be mentioned in Parliament. Like all great state questions, peace and war may be discussed, and different opinions fairly formed, on political grounds; but on a question of the present price of provisions, when peace with the Regicides is always uppermost, I can only say that great is the love of it.

After all, have we not reason to be thankful to the Giver of all Good? In our history, and when “the laborer of England is said to have been once happy,” we find constantly, after certain intervals, a period of real famine, by which a melancholy havoc was made among the human race. The price of provisions fluctuated dreadfully, demonstrating a deficiency very different from the worst failures of the present moment. Never, since I have known England, have I known more than a comparative scarcity. The price of wheat, taking a number of years together, has had no very considerable fluctuation; nor has it risen exceedingly until within this

twelvemonth. Even now, I do not know of one man, woman, or child that has perished from famine: fewer, if any, I believe, than in years of plenty, when such a thing may happen by accident. This is owing to a care and superintendence of the poor, far greater than any I remember.

The consideration of this ought to bind us all, rich and poor together, against those wicked writers of the newspapers who would inflame the poor against their friends, guardians, patrons, and protectors. Not only very few (I have observed that I know of none, though I live in a place as poor as most) have actually died of want, but we have seen no traces of those dreadful exterminating epidemics which, in consequence of scanty and unwholesome food, in former times not unfrequently wasted whole nations. Let us be saved from too much wisdom of our own, and we shall do tolerably well.

It is one of the finest problems in legislation, and what has often engaged my thoughts whilst I followed that profession, — What the state ought to take upon itself to direct by the public wisdom, and what it ought to leave, with as little interference as possible, to individual discretion. Nothing, certainly, can be laid down on the subject that will not admit of exceptions, — many permanent, some occasional. But the clearest line of distinction which I could draw, whilst I had my chalk to draw any line, was this: that the state ought to confine itself to what regards the state or the creatures of the state: namely, the exterior establishment of its religion; its magistracy; its revenue; its military force by sea and land; the corporations that owe their existence to its fiat; in a word, to everything that is *truly and properly* public, — to the public peace, to the public safety, to the public order, to the public prosperity. In its preventive police it ought to be sparing of its efforts, and to employ means, rather few, unfrequent, and strong, than many, and frequent, and, of course, as they multiply their puny politic race, and dwindle, small and feeble. Statesmen who know themselves will, with the dignity which belongs to wisdom, proceed only in this the superior orb and first mover of their duty, steadily, vigilantly, severely, courageously: whatever remains will, in a manner, provide for itself. But as they descend from the state to a province, from a province to a parish, and from a parish to a private house, they go on accelerated in their fall. They *cannot* do the lower duty; and in proportion as they try it, they will certainly fail in the higher. They ought to know the different departments of things, — what belongs to laws, and what manners alone can regulate. To these great politicians may give a leaning, but they cannot give a law.

Our legislature has fallen into this fault, as well as other governments: all have fallen into it more or less. The once mighty state which was nearest to us locally, nearest to us in every way, and whose ruins threaten to fall upon our heads, is a strong instance of this error. I can never quote France without a foreboding sigh, — 'ΕΣΣΕΤΑΙ 'ΗΜΑΡ Scipio said it to his recording Greek friend amidst the flames of the great rival of his country. That state has fallen by the hands of the parricides of

their country, called the Revolutionists and Constitutionlists of France: a species of traitors, of whose fury and atrocious wickedness nothing in the annals of the frenzy and depravation of mankind had before furnished an example, and of whom I can never think or speak without a mixed sensation of disgust, of horror, and of detestation, not easy to be expressed. These nefarious monsters destroyed their country for what was good in it: for much good there was in the Constitution of that noble monarchy, which, in all kinds, formed and nourished great men, and great patterns of virtue to the world. But though its enemies were not enemies to its faults, its faults furnished them with means for its destruction. My dear departed friend, whose loss is even greater to the public than to me, had often remarked, that the leading vice of the French monarchy (which he had well studied) was in good intention ill-directed, and a restless desire of governing too much. The hand of authority was seen in everything and in every place. All, therefore, that happened amiss, in the course even of domestic affairs, was attributed to the government; and as it always happens in this kind of officious universal interference, what began in odious power ended always, I may say without an exception, in contemptible imbecility. For this reason, as far as I can approve of any novelty, I thought well of the provincial administrations. Those, if the superior power had been severe and vigilant and vigorous, might have been of much use politically in removing government from many invidious details. But as everything is good or bad as it is related or combined, government being relaxed above as it was relaxed below, and the brains of the people growing more and more addle with every sort of visionary speculation, the shiftings of the scene in the provincial theatres became only preparatives to a revolution in the kingdom, and the popular actings there only the rehearsals of the terrible drama of the Republic.

Tyranny and cruelty may make men justly wish the downfall of abused powers, but I believe that no government ever yet perished from any other direct cause than its own weakness. My opinion is against an overdoing of any sort of administration, and more especially against this most momentous of all meddling on the part of authority, — the meddling with the subsistence of the people.

THE CATHOLIC CLAIMS



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TO
WILLIAM SMITH, ESQ.,
ON THE SUBJECT OF
CATHOLIC EMANCIPATION.
JANUARY 29, 1795.

LETTER.

My Dear sir, — Your letter is, to myself, infinitely obliging: with regard to you, I can find no fault with it, except that of a tone of humility and disqualification, which neither your rank, nor the place you are in, nor the profession you belong to, nor your very extraordinary learning and talents, will in propriety demand or perhaps admit. These dispositions will be still less proper, if you should feel them in the extent your modesty leads you to express them. You have certainly given by far too strong a proof of self-diffidence by asking the opinion of a man circumstanced as I am, on the important subject of your letter. You are far more capable of forming just conceptions upon it than I can be. However, since you are pleased to command me to lay before you my thoughts, as materials upon which your better judgment may operate, I shall obey you, and submit them, with great deference, to your melioration or rejection.

But first permit me to put myself in the right. I owe you an answer to your former letter. It did not desire one, but it deserved it. If not for an answer, it called for an acknowledgment. It was a new favor; and, indeed, I should be worse than insensible, if I did not consider the honors you have heaped upon me with no sparing hand with becoming gratitude. But your letter arrived to me at a time when the closing of my long and last business in life, a business extremely complex, and full of difficulties and vexations of all sorts, occupied me in a manner which those who have not seen the interior as well as exterior of it cannot easily imagine. I confess that in the crisis of that rude conflict I neglected many things that well deserved my best attention, — none that deserved it better, or have caused me more regret in the neglect, than your letter. The instant that business was over, and the House had passed its judgment on the conduct of the managers, I lost no time to execute what for years I had resolved on: it was, to quit my public station, and to seek that tranquillity, in my very advanced age, to which, after a very tempestuous life, I thought myself entitled. But God has thought fit (and I unfeignedly acknowledge His justice) to dispose of things otherwise. So heavy a calamity has fallen upon me as to disable me for business and to disqualify me for repose. The existence I have I do not know that I can call life. Accordingly, I do not meddle with any one measure of government, though, for what reasons I know not, you seem to suppose me deeply in the secret of affairs. I only know, so far as your side of the water is concerned, that your present excellent Lord Lieutenant (the best man in every relation that I have ever been acquainted with) has perfectly pure intentions with regard to Ireland, and of course that he wishes cordially well to those who form the great mass of its inhabitants, and who, as they are well or ill managed, must form an important part of its strength or weakness. If with regard to that great object he has carried over any ready-made system, I assure you it is perfectly unknown to me: I

am very much retired from the world, and live in much ignorance. This, I hope, will form my humble apology, if I should err in the notions I entertain of the question which is soon to become the subject of your deliberations. At the same time accept it as an apology for my neglects.

You need make no apology for your attachment to the religious description you belong to. It proves (as in you it is sincere) your attachment to the great points in which the leading divisions are agreed, when the lesser, in which they differ, are so dear to you. I shall never call any religious opinions, which appear important to serious and pious minds, things of no consideration. Nothing is so fatal to religion as indifference, which is, at least, half infidelity. As long as men hold charity and justice to be essential integral parts of religion, there can be little danger from a strong attachment to particular tenets in faith. This I am perfectly sure is your case; but I am not equally sure that either zeal for the tenets of faith, or the smallest degree of charity or justice, have much influenced the gentlemen who, under pretexts of zeal, have resisted the enfranchisement of their country. My dear son, who was a person of discernment, as well as clear and acute in his expressions, said, in a letter of his which I have seen, "that, in order to grace their cause, and to draw some respect to their persons, they pretend to be bigots." But here, I take it, we have not much to do with the theological tenets on the one side of the question or the other. The point itself is practically decided. That religion is owned by the state. Except in a settled maintenance, it is protected. A great deal of the rubbish, which, as a nuisance, long obstructed the way, is removed. One impediment remained longer, as a matter to justify the proscription of the body of our country; after the rest had been abandoned as untenable ground. But the business of the Pope (that mixed person of politics and religion) has long ceased to be a bugbear: for some time past he has ceased to be even a colorable pretext. This was well known, when the Catholics of these kingdoms, for our amusement, were obliged on oath to disclaim him in his political capacity, — which implied an allowance for them to recognize him in some sort of ecclesiastical superiority. It was a compromise of the old dispute.

For my part, I confess I wish that we had been less eager in this point. I don't think, indeed, that much mischief will happen from it, if things are otherwise properly managed. Too nice an inquisition ought not to be made into opinions that are dying away of themselves. Had we lived an hundred and fifty years ago, I should have been as earnest and anxious as anybody for this sort of abjuration; but, living at the time in which I live, and obliged to speculate forward instead of backward, I must fairly say, I could well endure the existence of every sort of collateral aid which opinion might, in the now state of things, afford to authority. I must see much more danger than in my life I have seen, or than others will venture seriously to affirm that they see, in the Pope aforesaid, (though a foreign power, and with his long tail of *et ceteras*,) before I should be active in weakening any hold which

government might think it prudent to resort to, in the management of that large part of the king's subjects. I do not choose to direct all my precautions to the part where the danger does not press, and to leave myself open and unguarded where I am not only really, but visibly attacked.

My whole politics, at present, centre in one point, and to this the merit or demerit of every measure (with me) is referable, — that is, what will most promote or depress the cause of Jacobinism. What is Jacobinism? It is an attempt (hitherto but too successful) to eradicate prejudice out of the minds of men, for the purpose of putting all power and authority into the hands of the persons capable of occasionally enlightening the minds of the people. For this purpose the Jacobins have resolved to destroy the whole frame and fabric of the old societies of the world, and to regenerate them after their fashion. To obtain an army for this purpose, they everywhere engage the poor by holding out to them as a bribe the spoils of the rich. This I take to be a fair description of the principles and leading maxims of the enlightened of our day who are commonly called Jacobins.

As the grand prejudice, and that which holds all the other prejudices together, the first, last, and middle object of their hostility is religion. With that they are at inextinguishable war. They make no distinction of sects. A Christian, as such, is to them an enemy. What, then, is left to a real Christian, (Christian as a believer and as a statesman,) but to make a league between all the grand divisions of that name, to protect and to cherish them all, and by no means to proscribe in any manner, more or less, any member of our common party? The divisions which formerly prevailed in the Church, with all their overdone zeal, only purified and ventilated our common faith, because there was no common enemy arrayed and embattled to take advantage of their dissensions; but now nothing but inevitable ruin will be the consequence of our quarrels. I think we may dispute, rail, persecute, and provoke the Catholics out of their prejudices; but it is not in ours they will take refuge. If anything is, one more than another, out of the power of man, it is to *create* a prejudice. Somebody has said, that a king may make a nobleman, but he cannot make a gentleman.

All the principal religions in Europe stand upon one common bottom. The support that the whole or the favored parts may have in the secret dispensations of Providence it is impossible to tell; but, humanly speaking, they are all *prescriptive* religions. They have all stood long enough to make prescription and its chain of legitimate prejudices their main stay. The people who compose the four grand divisions of Christianity have now their religion as an habit, and upon authority, and not on disputation, — as all men who have their religion derived from their parents and the fruits of education *must* have it, however the one more than the other may be able to reconcile his faith to his own reason or to that of other men. Depend upon it, they must all be supported, or they must all fall in the crash of a common ruin. The Catholics are the far more numerous part of the Christians in your

country; and how can Christianity (that is now the point in issue) be supported under the persecution, or even under the discountenance, of the greater number of Christians? It is a great truth, and which in one of the debates I stated as strongly as I could to the House of Commons in the last session, that, if the Catholic religion is destroyed by the infidels, it is a most contemptible and absurd idea, that this, or any Protestant Church, can survive that event. Therefore my humble and decided opinion is, that all the three religions prevalent more or less in various parts of these islands ought all, in subordination to the legal establishments as they stand in the several countries, to be all countenanced, protected, and cherished, and that in Ireland particularly the Roman Catholic religion should be upheld in high respect and veneration, and should be, in its place, provided with all the means of making it a blessing to the people who profess it, — that it ought to be cherished as a good, (though not as the most preferable good, if a choice was now to be made,) and not tolerated as an inevitable evil. If this be my opinion as to the Catholic religion as a sect, you must see that I must be to the last degree averse to put a man, upon that account, upon a bad footing with relation to the privileges which the fundamental laws of this country give him as a subject. I am the more serious on the positive encouragement to be given to this religion, (always, however, as secondary,) because the serious and earnest belief and practice of it by its professors forms, as things stand, the most effectual barrier, if not the sole barrier, against Jacobinism. The Catholics form the great body of the lower ranks of your community, and no small part of those classes of the middling that come nearest to them. You know that the seduction of that part of mankind from the principles of religion, morality, subordination, and social order is the great object of the Jacobins. Let them grow lax, skeptical, careless, and indifferent with regard to religion, and, so sure as we have an existence, it is not a zealous Anglican or Scottish Church principle, but direct Jacobinism, which will enter into that breach. Two hundred years dreadfully spent in experiments to force that people to change the form of their religion have proved fruitless. You have now your choice, for full four fifths of your people, of the Catholic religion or Jacobinism. If things appear to you to stand on this alternative, I think you will not be long in making your option.

You have made, as you naturally do, a very able analysis of powers, and have separated, as the things are separable, civil from political powers. You start, too, a question, whether the civil can be secured without some share in the political. For my part, as abstract questions, I should find some difficulty in an attempt to resolve them. But as applied to the state of Ireland, to the form of our commonwealth, to the parties that divide us, and to the dispositions of the leading men in those parties, I cannot hesitate to lay before you my opinion, that, whilst any kind of discouragements and disqualifications remain on the Catholics, an handle will be made by a factious power utterly to defeat the benefits of any civil rights they may apparently possess. I need not go to very remote times for my examples. It was

within the course of about a twelvemonth, that, after Parliament had been led into a step quite unparalleled in its records, after they had resisted all concession, and even hearing, with an obstinacy equal to anything that could have actuated a party domination in the second or eighth of Queen Anne, after the strange adventure of the Grand Juries, and after Parliament had listened to the sovereign pleading for the emancipation of his subjects, — it was after all this, that such a grudging and discontent was expressed as must justly have alarmed, as it did extremely alarm, the whole of the Catholic body: and I remember but one period in my whole life (I mean the savage period between 1781 and 1767) in which they have been more harshly or contumeliously treated than since the last partial enlargement. And thus I am convinced it will be, by paroxysms, as long as any stigma remains on them, and whilst they are considered as no better than half citizens. If they are kept such for any length of time, they will be made whole Jacobins. Against this grand and dreadful evil of our time (I do not love to cheat myself or others) I do not know any solid security whatsoever; but I am quite certain that what will come nearest to it is to interest as many as you can in the present order of things, religiously, civilly, politically, by all the ties and principles by which mankind are held. This is like to be effectual policy: I am sure it is honorable policy: and it is better to fail, if fail we must, in the paths of direct and manly than of low and crooked wisdom.

As to the capacity of sitting in Parliament, after all the capacities for voting, for the army, for the navy, for the professions, for civil offices, it is a dispute *de lana caprina*, in my poor opinion, — at least on the part of those who oppose it. In the first place, this admission to office, and this exclusion from Parliament, on the principle of an exclusion from political power, is the very reverse of the principle of the English Test Act. If I were to form a judgment from experience rather than theory, I should doubt much whether the capacity for or even the possession of a seat in Parliament did really convey much of power to be properly called political. I have sat there, with some observation, for nine-and-twenty years, or thereabouts. The power of a member of Parliament is uncertain and indirect; and if power, rather than splendor and fame, were the object, I should think that any of the principal clerks in office, to say nothing of their superiors, (several of whom are disqualified by law for seats in Parliament,) possess far more power than nine tenths of the members of the House of Commons. I might say this of men who seemed, from their fortunes, their weight in their country, and their talents, to be persons of figure there, — and persons, too, not in opposition to the prevailing party in government. But be they what they will, on a fair canvass of the several prevalent Parliamentary interests in Ireland, I cannot, out of the three hundred members of whom the Irish Parliament is composed, discover that above three, or at the utmost four, Catholics would be returned to the House of Commons. But suppose they should amount to thirty, that is, to a tenth part, (a thing I hold impossible for a long series of years, and never very likely to happen,) what is this to those who are to

balance them in the one House, and the clear and settled majority in the other? For I think it absolutely impossible, that, in the course of many years, above four or five peers should be created of that communion. In fact, the exclusion of them seems to me only to mark jealousy and suspicion, and not to provide security in any way. — But I return to the old ground. The danger is not there: these are things long since done away. The grand controversy is no longer between you and them.

Forgive this length. My pen has insensibly run on. You are yourself to blame, if you are much fatigued. I congratulate you on the auspicious opening of your session. Surely Great Britain and Ireland ought to join in wreathing a never-fading garland for the head of Grattan. Adieu, my dear Sir. Good nights to you! — I never can have any.

Yours always most sincerely,

EDMUND BURKE.

Jan. 29th, 1795. Twelve at night.

SECOND LETTER TO SIR HERCULES LANGRISHE ON THE CATHOLIC QUESTION. MAY 26, 1795.

My Dear Sir, — If I am not as early as I ought to be in my acknowledgments for your very kind letter, pray do me the justice to attribute my failure to its natural and but too real cause, a want of the most ordinary power of exertion, owing to the impressions made upon an old and infirm constitution by private misfortune and by public calamity. It is true, I make occasional efforts to rouse myself to something better, — but I soon relapse into that state of languor which must be the habit of my body and understanding to the end of my short and cheerless existence in this world.

I am sincerely grateful for your kindness in connecting the interest you take in the sentiments of an old friend with the able part you take in the service of your country. It is an instance, among many, of that happy temper which has always given a character of amenity to your virtues and a good-natured direction to your talents.

Your speech on the Catholic question I read with much satisfaction. It is solid; it is convincing; it is eloquent; and it ought, on the spot, to have produced that effect which its reason, and that contained in the other excellent speeches on the same side of the question, cannot possibly fail (though with less pleasant consequences) to produce hereafter. What a sad thing it is, that the grand instructor, Time, has not yet been able to teach the grand lesson of his own value, and that, in every question of moral and political prudence, it is the choice of the moment which renders the measure serviceable or useless, noxious or salutary!

In the Catholic question I considered only one point: Was it, at the time, and in the circumstances, a measure which tended to promote the concord of the citizens? I have no difficulty in saying it was, — and as little in saying that the present concord of the citizens was worth buying, at a critical season, by granting a few *capacities*, which probably no one man now living is likely to be served or hurt by. When any man tells *you* and *me*, that, if these places were left in the discretion of a Protestant crown, and these memberships in the discretion of Protestant electors or patrons, we should have a Popish official system, and a Popish representation, capable of overturning the Establishment, he only insults our understandings. When any man tells this to *Catholics*, he insults their understandings, and he galls their feelings. It is not the question of the places and seats, it is the real hostile disposition and the *pretended* fears, that leave stings in the minds of the people. I really thought that in the total of the late circumstances, with regard to persons, to things, to principles, and to measures, was to be found a conjuncture favorable to the introduction and to the perpetuation of a general harmony, producing a general

strength, which to that hour Ireland was never so happy as to enjoy. My sanguine hopes are blasted, and I must consign my feelings on that terrible disappointment to the same patience in which I have been obliged to bury the vexation I suffered on the defeat of the other great, just, and honorable causes in which I have had some share, and which have given more of dignity than of peace and advantage to a long, laborious life. Though, perhaps, a want of success might be urged as a reason for making me doubt of the justice of the part I have taken, yet, until I have other lights than one side of the debate has furnished me, I must see things, and feel them too, as I see and feel them. I think I can hardly overrate the malignity of the principles of Protestant ascendancy, as they affect Ireland, — or of Indianism, as they affect these countries, and as they affect Asia, — or of Jacobinism, as they affect all Europe and the state of human society itself. The last is the greatest evil. But it readily combines with the others, and flows from them. Whatever breeds discontent at this time will produce that great master-mischief most infallibly. Whatever tends to persuade the people that the *few*, called by whatever name you please, religious or political, are of opinion that their interest is not compatible with that of the *many*, is a great point gained to Jacobinism. Whatever tends to irritate the talents of a country, which have at all times, and at these particularly, a mighty influence on the public mind, is of infinite service to that formidable cause. Unless where Heaven has mingled uncommon ingredients of virtue in the composition, — *quos meliore luto finxit præcordia Titan*, — talents naturally gravitate to Jacobinism. Whatever ill-humors are afloat in the state, they will be sure to discharge themselves in a mingled torrent in the *Cloaca Maxima* of Jacobinism. Therefore people ought well to look about them. First, the physicians are to take care that they do nothing to irritate this epidemical distemper. It is a foolish thing to have the better of the patient in a dispute. The complaint or its cause ought to be removed, and wise and lenient arts ought to precede the measures of vigor. They ought to be the *ultima*, not the *prima*, not the *tota* ratio of a wise government. God forbid, that, on a worthy occasion, authority should want the means of force, or the disposition to use it! But where a prudent and enlarged policy does not precede it, and attend it too, where the hearts of the better sort of people do not go with the hands of the soldiery, you may call your Constitution what you will, in effect it will consist of three parts, (orders, if you please,) cavalry, infantry, and artillery, — and of nothing else or better. I agree with you in your dislike of the discourses in Francis Street: but I like as little some of those in College Green. I am even less pleased with the temper that predominated in the latter, as better things might have been expected in the regular family mansion of public discretion than, in a new and hasty assembly of unexperienced men, congregated under circumstances of no small irritation. After people have taken your tests, prescribed by yourselves as proofs of their allegiance, to be marked as enemies, traitors, or at best as suspected and dangerous persons,

and that they are not to be believed on their oaths, we are not to be surprised, if they fall into a passion, and talk as men in a passion do, intemperately and idly.

The worst of the matter is this: you are partly leading, partly driving into Jacobinism that description of your people whose religious principles, church polity, and habitual discipline might make them an invincible dike against that inundation. This you have a thousand mattocks and pickaxes lifted up to demolish. You make a sad story of the Pope. *O seri studiorum!* It will not be difficult to get many called Catholics to laugh at this fundamental part of their religion. Never doubt it. You have succeeded in part, and you may succeed completely. But in the present state of men's minds and affairs, do not flatter yourselves that they will piously look to the head of our Church in the place of that Pope whom you make them forswear, and out of all reverence to whom you bully and rail and buffoon them. Perhaps you may succeed in the same manner with all the other tenets of doctrine and usages of discipline amongst the Catholics; but what security have you, that, in the temper and on the principles on which they have made this change, they will stop at the exact sticking-places you have marked in *your* articles? You have no security for anything, but that they will become what are called *Franco-Jacobins*, and reject the whole together. No converts now will be made in a considerable number from one of our sects to the other upon a really religious principle. Controversy moves in another direction.

Next to religion, *property* is the great point of Jacobin attack. Here many of the debaters in your majority, and their writers, have given the Jacobins all the assistance their hearts can wish. When the Catholics desire places and seats, you tell them that this is only a pretext, (though Protestants might suppose it just *possible* for men to like good places and snug boroughs for their own merits,) but that their real view is, to strip Protestants of their property. To my certain knowledge, till those Jacobin lectures were opened in the House of Commons, they never dreamt of any such thing; but now the great professors may stimulate them to inquire (on the new principles) into the foundation of that property, and of all property. If you treat men as robbers, why, robbers, sooner or later, they will become.

A third point of Jacobin attack is on *old traditional constitutions*. You are apprehensive for yours, which leans from its perpendicular, and does not stand firm on its theory. I like Parliamentary reforms as little as any man who has boroughs to sell for money, or for peerages in Ireland. But it passes my comprehension, in what manner it is that men can be reconciled to the *practical* merits of a constitution, the theory of which is in litigation, by being *practically* excluded from any of its advantages. Let us put ourselves in the place of these people, and try an experiment of the effects of such a procedure on our own minds. Unquestionably, we should be perfectly satisfied, when we were told that Houses of Parliament, instead of being places of refuge for popular liberty, were citadels for keeping us in order as a conquered people. These things play the Jacobin game to a nicety.

Indeed, my dear Sir, there is not a single particular in the Francis-Street declamations, which has not, to your and to my certain knowledge, been taught by the jealous ascendants, sometimes by doctrine, sometimes by example, always by provocation. Remember the whole of 1781 and 1782, in Parliament and out of Parliament; at this very day, and in the worst acts and designs, observe the tenor of the objections with which the College-Green orators of the ascendancy reproach the Catholics. You have observed, no doubt, how much they rely on the affair of Jackson. Is it not pleasant to hear Catholics reproached for a supposed connection — with whom? — with Protestant clergymen! with Protestant gentlemen! with Mr. Jackson! with Mr. Rowan, &c., &c.! But *egomet mi ignosco*. Conspiracies and treasons are privileged pleasures, not to be profaned by the impure and unhallowed touch of Papists. Indeed, all this will do, perhaps, well enough, with detachments of dismounted cavalry and fencibles from England. But let us not say to Catholics, by way of *argument*, that they are to be kept in a degraded state, because some of them are no better than many of us Protestants. The thing I most disliked in some of their speeches (those, I mean, of the Catholics) was what is called the spirit of liberality, so much and so diligently taught by the ascendants, by which they are made to abandon their own particular interests, and to merge them in the general discontents of the country. It gave me no pleasure to hear of the dissolution of the committee. There were in it a majority, to my knowledge, of very sober, well-intentioned men; and there were none in it but such who, if not continually goaded and irritated, might be made useful to the tranquillity of the country. It is right always to have a few of every description, through whom you may quietly operate on the many, both for the interests of the description, and for the general interest.

Excuse me, my dear friend, if I have a little tried your patience. You have brought this trouble on yourself, by your thinking of a man forgot, and who has no objection to be forgot, by the world. These things we discussed together four or five and thirty years ago. We were then, and at bottom ever since, of the same opinion on the justice and policy of the whole and of every part of the penal system. You and I, and everybody, must now and then ply and bend to the occasion, and take what can be got. But very sure I am, that, whilst there remains in the law any principle whatever which can furnish to certain politicians an excuse for raising an opinion of their own importance, as necessary to keep their fellow-subjects in order, the obnoxious people will be fretted, harassed, insulted, provoked to discontent and disorder, and practically excluded from the partial advantages from which the letter of the law does not exclude them.

Adieu! my dear Sir,

And believe me very truly yours,

EDMUND BURKE.

BEACONSFIELD, May 26, 1795.

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THE REFORMER

In the first month of Burke's eighteenth year, he began his public literary career. On 28 January 1747, the first number of *The Reformer* was published. It was a little Miscellany issued every Thursday until 21 April, 1748, thirteen numbers in all. The pamphlet was managed, edited, and almost entirely written by Burke. *The Reformer* was printed for and sold by J. Cotter under Dick's Coffee House, Skinner's Row, Dublin.

It was a daring production, hinting at the great statesman Burke was to become. The articles demonstrate the author's loftiness of aim with which, already conscious of inborn genius, he is confident in his critical judgment and sound perception. Jealous for what is noble, and detesting what is base, Burke infuses these pieces with patriotism, glowing with zeal to fulfil his high ambitions.



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THE REFORMER No. 1

THURSDAY the 28th of *January*, 1747-8.

*Provok'd too long we resolutely must,
To those few Virtues that we have be just.*

Roscommon.

THERE is a certain Period when *Dulness* being arrived to its full Growth, and spreading over a Nation becomes so insolent that it forces men of *Genius* and *Spirit* to rise up, in Spite of their natural Modesty, and work that Destruction it is ripe for. If we may judge of the Empire of *Dulness* by other great ones, whose Unwieldiness brought on their Ruin, this is certainly its Time: for the Depravation of Taste is as great as that of Morals, and tho' the correcting the latter may seem a more laudable Design, and more consistent with *public-spirit*; yet there is so strong a Connection between them, and the morals of a Nation have so great Dependance on their taste and Writings, that the fixing the latter, seems the first and surest Method of establishing the former.

The Design therefore of these Papers is carefully and impartially to examine, not only those Writings which may be produced among ourselves, or imported from abroad, but also our Theatrical Amusements.

PLAYS are the favourite Diversion of People of Fashion, and every one is sensible how much they influence their Taste and Manners; if the Source then be corrupted, what a Depravation must we expect of both: The People copy from the Gentry, and *bad* Authors from the People: Thus Vice and Folly, like *Milton's* SIN and DEATH go round the Nation hand in hand, and doubtless will continue to do so, unless some People are found public-spirited enough to oppose them: for these Reasons we shall have a watchful Eye over the Theatre, to prevent, if possible, such Prodigies of Dulness and Immorality as we have been entertained with this Winter; or, to put them in their proper Light, when represented.

Our Countrymen are esteemed in a neighbouring Isle the dullest of Mankind, and there is scarce a Scribbler among them who has any other Name for this Nation than BOEOTIA: I don't know for what we deserve the Appellation more than the senseless Encouragement we give their wretched Productions; so plentifully do they supply, and so greedily do we swallow that Tide of fulsom *Plays*, *Novels*, and *Poems* which they pour on us, that they seem to make Stupidity their Science, and to have associated for the Destruction of Wit and Sense, and that we were bound to support them, while they despised us in return.

It is not more our Intention to expose Dulness, than to relieve from the vitiated Relish of pert and ignorant Coxcombs, such Productions of our own as promise a

Genius. Merit in perfection may be easily seen, but it will require a Taste and Penetration extraordinary to discover it in the Bud — and how worthy a Labour this is, may appear by the Number of excellent Men this Nation has from time to time produced, and who the Moment their Parts began to ripen, were forced to leave it for more indulgent Regions; depriving us at once of the Benefit and Ornament we should have from their residing amongst us.

Where Science flourishes, Vice flies before it; who then is so audacious as to affirm Knowledge begets Vice? what opinion can be more senseless? if so, its Opposite Quality, Ignorance should be the Parent of Virtue. But so false is this Assertion, that we may venture to say, where Ignorance sways, there can scarce be any true Virtue. But Men who look with an envious Eye on Talents they can never hope to equal, are willing to bring every thing to their own Level; and thus many decry the Arts, not that they think them hurtful, but that they despair of ever coming to any excellence in them.

The Poverty of this Kingdom can be no Excuse for not encouraging Men of Genius, one tenth of what is expended on *Fiddlers, Singers, Dancers* and *Players*, would be able to sustain the whole Circle of Arts and Sciences.

But tho' we undertake this Paper, we do not pretend a Monopoly of Taste, but rather to make it universal; to which Purpose we invite the ingenious to send Hints or Essays in what Form they think proper to the Printer, which, if consistent with our Design, shall be inserted. But no Songs on *Celia*, smart Replies from *Chloe*, or

Lovers dreams

By purling Streams, shall be admitted.

And we hope no one will take it ill, if their Pieces be not inserted, as it shall not be done without good Reason; of which we must be the Judges, since we have first undertaken it, and must hold it, till some of superior Capacity think proper to relieve us. In the mean time we'll continue this paper every *Thursday* till we have cleared ourselves of an indispensable Debt we owe to our Country: namely, the restoring Taste to its long usurped Rights, and to discountenance domestic Petulance, and all foreign Immorality and Dulness. And since more than *Gothick* Barbarism can please at the other side of the Channel: we intreat the Clergy of all Denominations to pray for our fallen Brethren in *England*, and as we are resolved, if possible, to prevent the like Calamity on this Side, we publish the following Proclamation:

O yes! O yes! if any Man can tell

Where WIT or SENSE are fled, or where they dwell;

Let him stand forth, and if he love Mankind,

Say where th' illustrious Fugitives to find.

Ye modern *Poets*! who soft Lays indite,
And without either make a shift to write;
Ye Lawn-sleev'd *Levites*! *Deans*! and *Parsons* sleek,
Who once a Twelve-month preach, or once a Week:
Ye well-taught *Lawyers*! who for sordid Fee
Will rail no less at Wit than Honesty:
Ye *Quacks*! who poison with your murth'ring Pen
Good Sense, as with your Pills you murder Men:
Ye *Courtiers* gay! who more to Poets owe
For witty Fragments, than to Birth-day shew:
Ye *Play'rs*! who like Parrots, jabber Wit,
Who speak the Words, but can't the Meaning hit:
Ye *Cits*! who Cozenage reduce to Rules,
And prove yourselves, tho' dull, yet cunning Fools:
Ye *Students*! who to Colleges do run,
Not to learn Wit or Wisdom, but to shun;
Say! if by clubbing each his Blockhead's Head.
Any can tell me whither WIT is fled;
For a Reward, he who resolveth best,
This Doubt, shall have the Brains of all the rest.

THE REFORMER No. 2

THURSDAY the 4th of *February*, 1747-8.

Si foret in terris rideret Democritus —

Scriptores autem narrare putaret assello

Fabellam surdo ——— —

Hor. Lib. 2. Epist. 1.

NOTHING can be more ridiculous than the Presumption with which some Men promise things, that so far from being able to perform, 'tis evident from their Practice they don't understand. The Manager of the Theatre after having, for the most part, entertained the Town with the worst chosen Plays; promised in a pompous Speech to raise the *Irish* stage to an equal Eminence with any in *Europe*. What steps he has hitherto taken to this great End are pretty apparent. He has cleared the Stage of that Mob of Spectators which was indeed a Disgrace to it; he has taken Pains with the Actors to make them diligent in getting their Parts; and their Entries and Exits are now more regular; he has put a Stop to the bad Practice of admitting for odd Money, a Set of Wild Fellows who generally came flustered from Taverns, to the Disturbance of the more orderly part of the Audience; he has been expensive in procuring Scenes for the Embellishment of the Stage (those for the *Harlequinades*, Men of Taste will not thank him for, when they see such provision made for Buffooneries they have long wish'd banished it) In short, he has done all but the most material; namely, the acting good and moral Plays, which, and which only, could have intitled him to the Name of a Stage Reformer.

We make no doubt but this Charge against Pieces liked by most others, as well as himself, will alarm those, who have had their Taste vitiated by the ill Customs of a Play-house: To those, the Pieces we object to, seem unexceptionable, and consequently, any Design of reforming unnecessary. But 'tis with Taste, as with Custom, those who are used to a low one can conceive nothing above it: Talk to an *American* on his savage Course of Life, and you will never be able to persuade him that such Living is wretched; the Means of Comparison not being within his Reach, he can have no Idea of the Difference. Those will be always ready to fight against Reason, and Conviction, who lie under the Prejudice of ill ingrafted Principles.

A Set of Writers have stolen into the Esteem of this City, who while they continue in vogue, will never suffer good Taste to make any Advances among us; such are, *Farquhar*, *Cibber*, *Centlivre*, &c, and the fustian Tragedies of *Lee* and *Young*. Those we study; from those we have our Notion of Dramatick Perfection; when, in truth, if their Merits were exactly weighed, they would be found to have not one of those Excellencies which constitute a just Dramatick performance.

To begin then with the *comic* ones, and the better to illustrate this Point, we will first lay down the Parts, which we take when joined constitute a good Piece: First, *Humour* without Smut or Buffoonry; *Wit* free from the pert and vapid; *Judgment* to conduct the Fable so as all the parts shall seem to depend one on another, and center in the Conclusion as in a Point; *Propriety* of Characters, that the form of each Person's speech may be peculiar to himself only: And lastly, the whole of the Piece to be wrote for the Sake of one great *Moral*. — Where all these Excellencies unite, we may, without Hesitation, pronounce it a *good Piece*-, where some only, *midling*: but where all are wanting, we may, I think, account it *execrable*; and such, for the most part, are the Authors above-mentioned. *Farquhar's* Wit is all of the frothy and pert Kind; his Humour approaching to the Mountebank; his Judgment in Composition (even as his Admirers confess) none; his Characters, though seemingly well kept, insignificant; and for a Moral, 'tis never so much as aim'd at! *Cibber* indeed seems to moralize sometimes, but it comes so awkwardly from him, that a Person is at a loss to judge which is most fulsom, his Morals or his Bawdry: As to the rest, they seem to be so much on this Level, that the Reasons which would serve to convict one, may all. *Vanbrugh* for true Wit, Humour, and some Propriety of Character, has got a deserv'd Reputation; tho' his Deficiency in Morals, and Plot be as great as any of the former. But he who seems to have shared the Gifts of Nature as largely as he has abused them, was the celebrated Mr *Congreve*, who, to the charms of a lively Wit, solid Judgment and rich Invention, has added such Obscenity, as none can, without the greatest Danger to Virtue, listen to; the very texture and groundwork of some of his Plays is Lewdness, which poisons the surer, as it is set off with the Advantage of Wit. I know 'tis said in his Excuse, that he drew his Pictures after the times; but whoever examines his Plays will find, that he not only copied the ill Morals of the Age, but approved them, as may be seen in such Characters as he plainly proposes for Imitation; thus his *Angelica* in *Love for Love*, (the chastest of all his Plays) he meant for a perfect Character, and such perhaps as he would have wished his own Mistress to have been; but the Rankness of her Ideas, and Expressions, in the Scene between her and old *Foresight*, (as well as in other parts of the Play) are scarce consistent with any *Male*, much less *Female* Modesty. Much of that Respect we pay the Sex is owing to the Opinion we have of their Innocence; but if the Lady lets her Lover understand she is as knowing as himself, a great Part of it must necessarily vanish. Mr *Wycherly* who in all his Plays, except the inimitable *Plaindealer*, is as lewd as the former, has yet this Excuse to soften it; that whatever vicious Characters he draws, he commonly endeavours to make them ridiculous: However as the Satyr contained in a lewd Picture, can never be so instructive as the foul Ideas it will raise, pernicious; Prudence, and a Regard to Decency require, they should be sedulously avoided.

Tho' in his Pictures Lust be well display'd

Few are the Converts Aretine has made.

POPE'S Transl of DR. DONNE.

Ben. Johnson, of all the Comic Writers is the only one in whom unite all the Graces of *true Comedy* without the monstrous Blemishes that stain and disfigure the Merit of the others. He has Wit sufficient, Humour in abundance, and a Judgment not to be match'd by any, since or before him; his Morals are sound, and the way he takes to attack Vice and Folly, the most efficacious that can be thought to overcome them. In short, had this Man liv'd in the times of *Græcian* learning, he might have stood up for the Laurel against the most excellent of them; but his Writings, instead of doing Honour to our Age, will always be a Proof of its Degeneracy, that could neglect such delicious Feasts as his happy Muse has provided for us, to feed on the Garbage of vile, and uninstrusive Authors.

I should now, as it comes in Order, say something of Tragedy, but (except the divine *Shakespear*) there being none who made any extraordinary Figure in that Way: our Trouble in enumerating them will be but small. And here 'tis to be observed that dull Writers have not so great an Opportunity of doing Mischief as in Comedy; the Nature of the Subject confining them to a Gravity, which however awkward in them, is not so hurtful as Obscenity. All that they can do is by loud Explosions of *Bombast* and an affected Air of *Heroism*, to draw such Pictures of Virtue, as are no where to be found, but in the troubled Brains of those who composed them: Nor do we know in what *Shakespear* is more faulty, than by giving Examples in the turgid Part of his Works, to such vile Imitators who copy his Faults with as much Servility and Exactness as if they had a Relish for no other part of his Writings.

Shakespear had a Genius perhaps excelling any thing that ever appeared in the World before him, so divine as even sanctify'd (if I may use the Expression) those Blemishes which in him only are pardonable; he had but little Occasion for Rules, who found the Springs of Nature so copiously supply'd within him; for as *Homer's* Works are said to have furnish'd *Aristotle* with them; so this *great Genius* has (tho in a less Degree) given Rise and Sanction to the best among us; so impossible is it for Men to be exact in copying of Nature without coinciding in the same things; such is *Shakespear's* Praise, that Parts which in other Men might be encreased with Labour and Study, were in him the absolute Gift of Heaven; — *Otway's* small Spark is lost in his Blaze; and as for *Dry den*, he as industriously avoided Nature as this great Genius imitated it: — With Respect to the *minores Poetoe*, such as *Rowe*, *Addison*, and those who have wrote Tragedies since them, their Works may be termed ingenious rather than great, and such as have deserv'd the Approbation, not wonder of Mankind.

There are two Authors of great Note whom in my Hurry I forgot to mention, *Beaumont*, and *Fletcher*; but as they are fallen into the hands of a great Genius of

this Kingdom, who intends to revise and correct them for Stage use, I shall wait their coming forth in Order to judge of this their Regeneration, and shall, in the mean time give this friendly Admonition to the generous Undertaker, that, as they are Authors of Merit, he alter nothing that he cannot give a sound Reason for, or interpolate any thing of their own that is not correspondent, and of equal Spirit to the rest of the Performance, which if he be so happy as to do, I will rejoice in his good Fortune, and say he has succeeded much better than in his late modest Attempts on *Shakespear*.

This is the second Paper we have published under this Title, and what Judgment the Town forms of our Undertaking we cannot tell: As Men's Humours are various, so they will, no doubt, variously talk of us. — But this we promise, as long as Providence gives us ability, and the Publick Countenance, we will go on to do all the good in our Power, to reprehend Vice and Folly in general, and to establish a Spirit of Benevolence, good Sense and Religion in this City; which if we after all our Labours find to be the least effected; we will sit down contented with this Thought, that we have not been the worst of Patriots.

As we have employed this Paper in pointing out what Plays in the *English* Tongue are fittest to be represented; so we intend to make the Subject of our next, the Decorum of the Stage, in pointing out what action is improper or indecent for it. As also some Remarks on clapping, hissing, and other Customs peculiar to an Audience; and this dispatch'd in our next Paper, we'll pass to other Subjects. —

THE REFORMER No. 3

THURSDAY the 11th of *February*, 1747-8.

Earn calamitatem vostra intelligentia

Sedabit: Si erit adjutrix nostrae industriae. Ter.

IN our Last we made a few general Reflections on some of our most taking Writers; in this we shall consider, how much the Players cooperate with, or rather exceed them in the Propagation of Vice, or what is near as bad, Folly, by their Manner of acting. The most obvious Fault they are guilty of, and which may be considered as the Source of the Rest, is, their Presumption in changing, what they think proper, in the Play, either by adding or diminishing. When an Actor has got a Reputation, he fancies that all his Applauses are owing to his own Genius, and, in Consequence, thinks the Play will be as much set off by his Wit, as his Action. When he has once got this Notion, nothing can escape him; the Plays he performs serve but as Opportunities of shewing his Wit, or serving some private End; he never considers how improper what he says is, either to the Character he appears in, or the general Tenor of the Piece; 'tis enough he flatters his own Vanity, and raises a Clap, from the ill-judging Part of the Audience. It was one of the greatest Charges on *Zoilus* the Detractor of *Homer*, that he dare abuse a Man by whom so many lived; how much more might it be objected to those Players, who daily more than burlesque by their vile Alterations, the Authors from whom they have their daily Bread; and, not content with the many Pieces they have already of that Nature, they turn all that we have, great or noble, to Farce: To give but one instance from a thousand, the Scene of the Witches in *Macbeth*, perhaps the most solemn that can be represented, is burlesqued in such a manner, that it is surprising how the People bear, much less applaud it; to see the ridiculous Jiggs they dance, the heavy jest of the Brooms, the smutty Entendre of the *red hair'd Wench*, *Hecate's* Spectacles, and the other such choice Buffooneries; all this before an Audience who profess themselves Admirers of *Shakespeare*: 'Tis true, the Players have not made these Alterations, but they who have the Election of two Pieces, and chuse the worst, are chargable with all its Faults. Mr *Addison* mentions a Club of Duellists, where none sat at the first Table who had not kill'd his Man, there was a Side-table for those who had only drawn Blood; 'tis so with the Players, the highest of them change whole Speeches, and even the Plot, which is the Murther of a Piece; the Inferior are content with putting in an Entendre, or Quibble of their own, which may be called drawing Blood. — It might be laid down as a Rule, that no Actor should change any thing in a Play, because his acting it, is a tacit Confession that he thinks himself inferior to the Author.

The Practice of Kissing, methinks, should be banished the Stage, or at least, used very sparingly; the Rule which prevails on the *French* Stage is, that nothing shall be done on it, which was not allowable in a genteel private Company. The *French* if they be inferior to us in Matters of Genius, certainly exceed us in the Decorum and Regularity of their Stage; and sure 'tis a Shame that we should be excell'd in Judgment, and good Sense, by those whom we esteem a Nation of Fops.

A Stranger can have no better Way of forming a Judgment on the People's manners, than by going to one of their Plays, for as the politest are gathered for their Instruction or Entertainment, it must be supposed that what they suffer, they certainly approve, and accordingly as the Diversion is lewd or moral, coarse or polite, wild or ingenious, it speaks the Sense of the People. How much then should any Man, who regards the Honour of his Country, endeavour the correction of Stage Abuses?

But such a Transition from the grossest of Buffooneries to real Action, cannot be soon expected, on People long immersed in Folly, Conviction works but slowly.

We know the Actors will say in their Defence, that in all these Faults, they comply with the Taste of their Audience; we answer, that 'tis not so much from their own Judgment, that People approve these things, as from Custom; they see this the daily Practice of the Stage, and I dare say, were they used a while to better plays, and better Customs, they would as much despise these Things as they now approve them: but as Matters stand, it must be some great Indecency that would shock, the ordinary ones being conformable to Stage Custom; so that to many very honest, tho' not well inform'd Men, a Play and something immoral seem synonymous; at this Rate, 'twould be better to have no Plays, no Theatre at all, than such as must by its Immorality exclude Men of Virtue, and by its Dulness, Men of Taste.

We shall now make some few Remarks on the Audience, and the rather, as the Faults of Writers, are but an Echo of their ill Taste; for the Poet depending as well for his Reputation as Subsistence on the People, is often oblig'd to please them at the Expence of his Judgment. The Audience may chuse whether or no they will be rationally entertained; were they once resolved to condemn whatever scenes struck at the Foundation of any Virtue they would seldom be troubled with them. One of *Euripides*' Pieces scarce escap'd on the *Athenian* Stage because some Things were said in it, to invalidate the Sanction of Oaths, tho' in the Mouth of one who spoke them in Character. I am sorry to say, that so far from being disgusted at seeing any thing immoral represented, we are seldom better pleas'd; for which Reason, tho' it be the Business of a Writer to move the Passions, he finds it more easy, as well as advantageous to apply to the Appetites; hence the luscious Descriptions of which our Tragedies as well as Comedies are full, and the numberless indecent Customs which are received not only with Indifference, but Approbation on the Stage.

The Faults of an Audience, may be reduced to these general Heads: A Taste for what is vicious, what is unnatural, and their Customs of clapping, hissing, &c., the First we have already mentioned, the Second is a very glaring Evil, and unless this Taste too much prevail'd, we should long ago have seen farcical Scenes excluded from Tragedy, dancing Statues banished to Dr *Faustus*, and *Faustus* himself with all his Brethren, banished the Stage; for as Miracles are unnecessary to convince thinking Men; so are Prodigies to please Men of Taste.

I scarce remember a taking Tragedy of the *English* in which there is not some Body butchered on the Stage; but what is the greatest Hindrance to the laying aside this barbarous Practice is the Passion the People have for the Actor's dying; but this Practice of fighting and killing is so far from having the desired Effect, in raising Terror that it carries something ridiculous with it: A Couple of Men clattering Foils will sooner give the idea of a pushing School, or a Drunken Duel, than of two great Warriors engag'd. The Narrative (for which we have so little Taste, and which made so beautiful a Part of the antient Tragedy) if judiciously manag'd, will not only raise a greater Idea than Representation possibly can, but perhaps than such a real Combat would.

The Generality of those who frequent Plays, may rather be called Spectators, than an Audience; their whole Delight is in their Eyes: Ask one how he lik'd the Play, "*Mechel* did Wonders," or if they mention the Beauty of a Scene, they mean the Painting: In short, the Play seems the least Part of their Concern. To Fools true Comedy is displeasing, because it holds the Glass to them, and the ill-natur'd don't care to see a generous Distress, but dancing Buffooneries and *Harlequin* eases them of these, as well as all other Thoughts. Few can judge what is sublime or witty, but no Understanding is so mean, as not to perceive an high Spring, or a dextrous Cut.

Clapping is another obvious Grievance in our Theatre; our People have so exquisite a Sensation of the Beauties of an Author, or Actor, that they cannot forbear this expression of their Rapture, even before the Sentence is out of his Mouth, by which means they lose that, and some of the following Parts of the Speech. Every person who goes to a Play, should endeavour to persuade himself, he sees some real Action, this one consideration would put a Stop to impertinent Clapping, at least, to the End of the Scene. A thinking Audience gives, and a judicious Actor receives, a profound Silence as the best Applause.

Hissing is still worse than the former, being an unmanly Insult on those, who do their best to please. If the Play is not lik'd, to go to it no more, and if the Actor, to desire his Removal, is the best Method of proceeding.

We hope our Readers will let us see this good Effect of our Writings, that henceforth they will be none of the Clappers, that they will not be above Measure transported with the Dancers or *Harlequins*; or if they hiss, it will be when only 'tis allowable: when the Actor put in any thing of his own, or commit any thing against Decency. And this we are sure of, that the Ladies will not countenance by their

Presence such Plays as discountenance Virtue and good Manners. If we can see this done, we shall proceed with Boldness and Pleasure not doubting to make a thorough and lasting Reformation.

THE REFORMER No. 4

THURSDAY the 18th of *February*, 1747-8.

Omnium Societatum nulla est gravior, nulla carior, quam ea quae cum Republica est unicuique nostrum. —

Tull. Off.

WE laid it down as a Certainty in our First Paper, that Taste and Virtue had a close Connection; in Consequence to which, before we attempted to reform the Morals of the People, we began with their Taste; and the Encouragement we have met with makes up hope, that our Industry may at last prove effectual to the Amendment of both: Several perhaps might have been alarmed, and attributed that to particular Prejudice, which was meant for the public Emolument: The Ladies might have feared this Paper was design'd to destroy their Pleasures, when its Aim was but to refine, and render them worthy their Attention.

When we set up for Reformers, we expected a violent Opposition, therefore we enter'd boldly on our Design, and threw the Odium where we thought it due; we excus'd none thro' Partiality, nor attacked any thro' Prejudice, but in warring with Ignorance, we could not let those escape who publickly countenanced it, nor could we in endeavouring to overthrow Vice pass by so great an Obstacle as the *Theatre*, for which Reason we exposed the ill Choice of some Plays, and recommended those which we thought at once instructive and entertaining. We are very easy about those who for this Reason brand us with the Name of *Party*, and equally despise the Appellation, and those who give it, unless they mean, that by their Dulness they have made all Persons of Taste a Party against them, and then we Glory in the Title. But 'twas no Hatred to particular Persons, but a Love of the *Publick* that gave life to this Design; and we would endeavour as much as in us lies, to infuse the same Spirit into our Readers.

Hospitality and *Public-Spirit* have the same Source, namely, the Love of Mankind; yet 'tis no less certain than surprising, that we who are remarkable for the former, discover very little of the latter, tho' it seems more strongly enforced by Nature, yet thro' an odd Perverseness, all People are welcome to our Favour, but those whom Nature and their own Merits make worthy of it; while several of the Nobility and Gentry, in whose power alone it is to prevent this Evil, are not only passive, but Assistants to it, as if conscious of the Poverty and Infamy their Behaviour raises to their Country, they fly it and bestow their Riches, where, as they are less wanted, the People are less thankful for them.

Men of Virtue will require no other Incentive to doing Good than Virtue itself; but as if that was not sufficient, Providence often joins Honour and Interest in rewarding it, but to no Virtue more than this of *Publick-*

Spirit: What can the ambitious Man hope for more, than to live where all Men honour him as a Friend or Benefactor, to meet none but those who have been made happy by his Influence, and whom his Goodness hath tied in a Relation nearer and dearer than that of Blood? such are not only Rewards for what is done, but Incentives to proceed in so honourable a Course; and surely no Country has more need of the Exertion of such a Virtue, whose Men of Fortune are not satisfied with impoverishing, but also despise it. The Complaint of our Manufactures is so generally known, we need not instance it, but let us beg leave to mention that those Gentlemen who are the most violent Decryers of them are the most easily deceived, not chusing goods from their own Knowledge, but the Shop-keeper's Testimony of their being Foreign; what an unaccountable Temper is this, that Men must be cheated to do good! But even if our Manufactures were inferior to other Nations, (which we will by no Means allow) what is the greatest Hindrance to their Improvement, is Want of Encouragement; the Trader meeting no Reward adequate to his Labour contracts a Poverty of Spirit that restrains him from contending with Foreigners, who he knows will gain more Credit from their Name, than he from Years of Labour; whereas were our People properly zealous for their Honour, in bearing indifferent Things at first, they would shortly have Goods of equal excellence with any in *Europe*: And who would think his Expence ill bestow'd, because not he but his Children were to have the Reward.

If in so few years the DUBLIN SOCIETY could be of such signal service to our Country, what might we not expect from the joint Endeavours of Nobility, Gentry, and People?

It seems very odd that a civilized Country should labour to deserve the Name of *the only Nation whose People entirely neglected their own Interest*, yet such it is, that had not a few risen up for the publick Good, even the manual Arts would have wanted a Support, and all the Industry of the Trader had never made this Country emerge from Scandal or Poverty. But besides Riches there are many Things necessary to the Prosperity of a Nation, and bad as the State of Trade is, that of Science is still worse, which as the noblest may be made the most profitable Acquisition of Man. Not to mention how few Patrons of it there are, Learning is fallen into such Disrepute that an Author is generally hated or contemn'd.

The first Reflection a good and wise Man has, after his Studies is, how to make them useful to Mankind; but he generally meets so many Obstacles from the Pride or Dulness of many that he must sit down content with the Appellation of Learned; or, if he does write, comply with the capricious Multitude, and follow the Road their vitiated Taste points out, rendring those Talents designed for their Instruction, the Debauchers both of their Taste and Manners.

With many it is a Fault to be above the common Level in Knowledge, and to have Wit odious, because unfashionable or unintelligible; — from such Science can have no hopes; but 'tis hard that those who owe much of their own Fortune to their Parts,

should be so slow in rewarding them in others, and be so diligent in raising Funds for Folly, but none for Science.

We before discover'd, that it was not what was truly valuable in our Plays that met with Applause, let us now also shew that those very Plays which the Publick esteem are less encouraged than Dancers or Singers; so that proportionably as those things decrease in real Value, they grow higher in Esteem: I have seen what they call a polite Assembly, sit in Rapture a full half hour at the Gestures of a foreign Dancer, and after reward him with the loudest Applauses, while an endeavouring Native who has racked his Lungs in their Service met with Inattention, or had his Words drowned in their Clamours. This might perhaps have proceeded from the Politeness of the Audience, who would not dishonour their Country, by ill-treating a Foreigner; but let them consider that this Complaisance is a Detriment, not to say Disgrace to our Nation; Politeness we grant in itself very laudable, but when, by Misapplication, it opposes that greater Virtue *Publick-Spirit* it is liable to the severest Reproach.

We shall perhaps enlarge more another time on this Head, tho' we are sure that the living Examples of some excellent Men will have much more Force than any thing we can say. We shall however be happy, if we can by our Writings assist in carrying on this great End, and persuade Men of Fortune to promote useful Arts, and prove their Worth consists more in the just Uses, than the bare Possession of Estates. —

Since our Last, we received the following Verses, which thinking both Moral and ingenious, we give to the Publick:

ON THE SEVERAL CONDITIONS OF LIFE

With even Hand has all disposing Fate,
Pleasure and Pain annex'd to every State:
Kings who Dominion with their Maker share,
Tho' free to govern, live the Slaves of Fear:
While Peasants whom no regal Cares invade
Find their Contempt with Safety well repaid:
Content when lodg'd within the poor Man's Breast.
Equals his worst of Fortunes with the best;
While the rich Wretch whose Wishes nought confines
In Midst of Plenty as in Want repines.
To heal his Wounds the Soldier gets a Name
And dies in Battle but to live in Fame;
The Hopes of Heaven cheers the suff'ring Saint,
While keen Remorse the Sinner's Pleasures taint;

The Bard whose Labours are with Genius crown'd
Oft sees his Worth in Seas of Envy drown'd
Saint-like he voluntary Want must chuse,
Nor reap, till dead, the Profits of his Muse.
[Among the Advertisements in this number was the following:]

THE OLD COLD BATH in *Crown-Alley* near *Temple-Bar*, Is now thoroughly repaired, and in excellent Order, for the reception of such Gentlemen, Ladies, &c as may have Occasion to use it.

THE REFORMER No. 5

THURSDAY the 25th of *February*, 1747-8.

Tot Homines, tot Sententioe.

SITTING in my Room the other Day, I heard a News-boy cry something that alarmed me: viz. *A Letter to the Reformer*; being curious to know what it might contain, I immediately sent for it; but how great was my Surprise! when I found the Author of this Paper (who calls himself the TICKLER) accused me with being one of the Manager's Partizan's, an Accusation so much the more disagreeable, as I had with the utmost Caution avoided giving any Room for a Suspicion of Party; I began then to lament the wretched State of Man, who is not only liable thro' his own Frailty to fall into Errors, but has also his best Actions misconstrued. However as I did not know but this might have been the Letter-writer's particular Opinion only, and not that of the Publick, I determined to quit my recluse Way of Life for one Day, and go abroad, to see how the Town stood affected to my Labour. For this Purpose and that I might look the less like a Wit, I had my Wigg dress'd my Cloaths brushed, and made myself as spruce as possible; when I went out, I did not assume any of those Airs, which Men who have a great Opinion of themselves use, to make others have the same; but being content to pass for once for an ordinary Man, I suited my Behaviour to that of others: My first Sally was into a certain Coffee-house much frequented by Politicians, as they are generally a sober Set of talkative observing Men, I did not doubt but in this Dearth of News, I should find them employed in remarking on my Papers: But, alas! how great was my surprise, when instead of this, I found them all sitting one by another in a Kind of wakeful Lethargy! At my first entring the Room, they all fix'd their Eyes upon me, which threw me into some Confusion, fearing they took me for the Author; but this Fear vanished, when in a few minutes after, I saw they did so upon others; so taking up an old News-Paper, I seated myself by a Cavalier, who by the Gravity of his Aspect, seemed to promise most Wisdom of any in the Room; but after many fruitless Endeavours to entice him into a Discourse, I was forced to desist. So leaving those Mopers to enjoy their sullen Melancholy, I adjourned to another Coffee-house.

Here Noise, Laughter, Whispering, and a perpetual Flux of Motion, afforded me a very different Scene, for it seems, the Gentlemen of this Coffee-house resorting thither, less for News than Company, find all Seasons alike. My Heart overflowed with Joy, to think that what I sought for, I should here find; for not to say, these Gentlemen were perpetually talking, there was not one of them who had not all the external Marks of a Wit of the first Class; such as, sharp Eyes, flippant Tongues, jaunty Airs, and undaunted Foreheads, add to this, that their Hats were all of the

fiercest Cock, and Cloathes of the most approved Cut in Fashion. I sat down here with a Kind of Content, feasting my Mind, with the Hopes of the coming Entertainment, nor was it a small Pleasure to me that every one being so attentive to his own Discourse, I by that Means pass'd the less Notic'd. They were all convened in small Parties at different Parts of the House, some with Dishes of Coffee in their Hands, which, for the greater Grace they sipp'd, and talked standing; others by adjusting their Wiggs at the Glass, gained thereby a Renewal of Spirits, and departed thence very much edified: I hearkened with all the Attention I was able, sometimes lending my Ear to one Party, sometimes to another: But alas! how great was my Disappointment? for had they known my Intention, they could not have taken more effectual Means to elude me: nothing less than Taste or Learning was talked of among them, their Talk for its Emptiness, might rather be called, the Affectation of Discourse than the Thing itself: yet amidst all the mighty nothings that they utter'd, this was very observable, *That no Man told a Story that did not in some Part or other redound to his own Glory*. In short, I heard many Secrets whispered, that for their little Significance might be spoken out: much hearty Laughter thrown away upon insipid Jests, and many Jokes meant that were never taken; 'till at last, vexed to see so much Gentility, with so little Appearance of Reason, I took my Stick, and walked on to the next Coffee-house.

Fortune was more kind to me in this Expedition, than either of the former, in bringing me into a mixed Company; here were People of all Conditions; Divines, Gentlemen, Grave Citizens, Scholars, Fops, Pedants, Lawyers and Politicians; so that this small Assembly seemed an Epitome of the great World. I prepar'd as before, to listen to their Discourse, but was so confounded, with the Variety of their Jargons, I knew not which to attend to: In one Part I overheard two Traders talking of Traffick with the grave and important Looks of Statesmen; in another were two Men disputing a Point of Law; and over against those stood a Knot of four or five young Fellows, warmly engaged in Poetry; the Divines were employ'd in remarking what Company appeared last Levee at the *Castle*-, the Gentlemen, in talking of their Wenches, or who danced best at the Theatre; the Fops, in adjusting their Wigs and Cravats; and the Pedants in criticising them: the more thoughtful were employed at Chess or Backgammon, and the Politicians sat with discontented looks poring over old News-papers. This Medley would have proved a pleasing Entertainment, was I not chagrined that I did not hear any of them talking of my Paper. At length, when I was almost in Despair, peeping into an inner Room, I spied a clever tall Fellow, standing in the Middle of a Circle, who were gathered round to hear him: The Earnestness of his Expressions, and the frequent Application of his Hand to his Breast, made me conclude he was engaged in some very high Matter. I drew near to listen but how agreeably I was surprised, when I found myself the Subject. He harangued much in Praise of the Manager; swore, that all the Plays that were acted this Winter, were good: and that I, the *Reformer*, must necessarily be some

Scoundrel, who was tempted to write thus for the sake of a Dinner. The Meanness of this last Reflection so grated me, that I could not help stepping up, and representing to him, how unworthy of a Gentleman such Expressions were; which so raised his Choler, that the Cudgel, which till now stuck under his Arm, began to appear in his Hand; when one of his Auditors (who seemed to be more apprehensive of his striking me, than I was for myself) cautioned me to have a Care what I said, for that, to his Knowledge, this angry Person was one of Manager's Partizans, who had it in his Commission to abuse all who dared dislike his Proceedings. As I thought it was beneath my Dignity, both as a prudent and wise Person, to contend with such a Ruffian, I immediately grew silent; when he, as elated with his Victory, went boisterously vapouring all over the House. Such an Accident could not fail rousing the Attention of all who were heedless of the Matter hitherto; so that his Discourse made the Subject undulate thro' the Room. They all fell to talking of my Paper: The Politicians agreed that it was a trivial unaffecting Performance, void of all material Occurrences: The Tradesmen, that such Cabals hurt Business: The Lawyers were of Opinion it was a Libel, and as such should be presented: The Divines thought it impertinent and that the Talk of Reformation should be left to them, whose Province it was to preach it: The Gentlemen declared themselves neuter, because, not having read it, they could give no Opinion of it: The Critics, to a Man, said it was dull: The Beaux, it wanted Spirit: And the Pedants, that there was palpable false Grammar in every Line. A little Gentleman, with a black Wig, and of a sower Aspect, whom I took to be either a Physician or Apothecary, said it was so malevolent, that the Authors ought to be purg'd for the Spleen. Every Man spoke his Sentiments so much in the style of his Profession, that I was rather delighted with, than offended at their Censure. When they had sufficiently wearied themselves, with remarking; they fell to guessing at the Author: 'Tis a Physician, says one, or a Lawyer who wants Practice, says another; or it may be a Courtier out of Place, says a third; or one who would fain get in, says a fourth: That he is no Scholar is certain, says a Pedant, because I saw his Manuscript, in which was bad spelling: Let him be what he will, says a Beau, he's certainly a very insolent Fellow. Thus they pleased themselves in framing Conjectures, but me much more in hearing them. As I thought I had heard enough, I prepar'd to depart, when I was pluck'd by the sleeve, by a Man who had hitherto been inattentive to their Discourse, and perceiving me to be more than ordinary diligent in listening to it, desir'd to know the Matter; I told him all, as I have here related; which when I had done, he broke out in the following Exclamation: "Heavens! the Perverseness of "Mankind, that never will be satisfied! bad Writings displease by their "Dulness; and the good, by their Sufficiency. Men will not receive Instruction, because it is an Acknowledgment of the Inferiority of their "Parts: and Envy is such a spreading Mischief, that it rises every where!

“The Paper you talk of, I have read; and if the Degeneracy of the Times “had not opposed itself to every the smallest Spark of Virtue, this Paper, “calculated for so good an End, could not have received such Opposition; “And though I cannot think it a very fine Performance, I think the Honesty “of its Design ought to recommend it to all Lovers of Virtue, and their “Country.” He concluded, wishing the Authors Fortitude, and Success in the Continuation of their Design.

So warm an Approbation coming from the Mouth of a seemingly humane and rational Man, gave me more Pleasure, than what I had heard from all the rest could give me Discontent. So having dispatched what I went out on, I return’d with Quiet to my Lodging. —

THE REFORMER No. 6

THURSDAY the 3d of *March*, 1747-8.

*O let not those, of whom the Muse is scorn'd,
Alive nor dead, be of the Muse adorn'd. —*

Spenser.

MY friend *Asper*, tho' sometimes too severe in his Judgment, is yet a Man of good Sense, and a Sincere Lover of his Country. In a Discourse we had the other Day on the Advancement of polite Literature in this Kingdom, he gave it as his opinion, that the Thing was impracticable: "In what "Country (says he) have you heard, that the fine Arts flourished when the "leading Men did not countenance them? Stop the Lifeblood at the Source, "and the depending Members must necessarily perish. And what Attention "can those give to Things of this Nature, who are constantly employed in "the Study of accumulating Wealth, or idly spending it? I say, the Study "of spending Money; for as if the old were not sufficient, they are daily "finding out new Methods of Extravagance, yet never happen in all their "searches on applying it to Merit. In those Pursuits, they lose the Taste "of True Glory, and naturally hate these Arts, which as they are the Ornaments of good, are often the Scourges of bad Men. Yet, tho' sunk to the "lowest Pitch, they retain Ambition enough to hinder them from consorting "with those whose Understanding is a Reproach to their Ignorance. But "if any should happen through the extraordinary Blessing of Nature, or "otherwise, to have a juster taste, he must relinquish it, or be kept in "perpetual Uneasiness, by the clashing of his Sentiments with those whom "he consorts with. No Man can stand out as it were from the rest of the "World; for when Fools become so numerous as to over-bear the thinking "part of Mankind, they get the Laugh on their Side. By these Means our "Gentry become only externally distinguishable from the Vulgar; and "being inured to Vice and Folly, are pleas'd with nothing that does not "Savour of them: How many good Things have been the Objects of the 'publick Censure? How many of the vilest have met general Approbation? 'Else sure *Fustian* playing would never be term'd *Genius*; *Faction*, *Spirit*; "nor a Set of leaden-headed Fellows, the lowest of Mankind, set up for "Men of Taste; nor books the vilest in their nature" (here he mentioned "*Clarissa* and some other of our modern Pieces) "be accepted and universally read. These Things show the Flood of Barbarism to be at the "highest, and 'tis vain to oppose it. There is a Fatality in all Things, some "Ages shine with the Light of Science and Virtue, while others are buried "in the grossest Darkness: These mutually and naturally succeed each "other as Night does Day; and when it comes to any Nation's Turn to "fall into Ignorance, Experience shews it can no

more be avoided than the “Change of the Seasons. Men may see it, and complain of it, but it serves “only to disquiet themselves, not prevent the Evil.”

Notwithstanding the Warmth he pronounced this with, I perceived he spoke with the Air of one who prophesies what he fears, and wishes his Predictions may prove false.

I answered with my usual calmness, “That the Encouragement of bad “Things was not the peculiar Fault of this Age, as in all Times Blockheads “at their first Appearance had the best Reception; and as to what he said “of our great People having shewn themselves such able Politicians; that “to have a Taste beside for the polite Arts, was perhaps more than human “Nature would allow; and as they could not give their Attention to them, “they might be easily deceived and take bad Writers for good ones for “fear of which, they encourage none at all, and so are sure not to be mistaken.”

This Discourse threw me into a serious Reflection on the State of Learning, and the more I considered it, the more Reason I had to fear the Truth of my Friend’s Assertions.

The *Desire of Lucre* is become almost the general Spring of Action, and it has never produced any but mean ones; besides the Taste for irrational Pleasures has made the Souls of many so callous, as not to be sensible of any thing delicate. These two Passions naturally destroy the Love of Glory, which is the only Soil proper for producing generous Patrons as well as good Writers. If any one is known to expend something on the encouragement of Genius, the People stare, shake their Heads, and wish it may hold out with him; but no one wonders or blames him who expends his whole Time and Fortune on Trifles, empty if not vicious; or if he appears by the whole Tenor of his Life to be actuated by the desire of Gain, (a Passion much more unworthy a Gentleman) he passes for a sober and wise Man. Indeed the young Gentlemen of this Age, partly from Nature, partly from Education, have got a low kind of Prudence, and are taught to think every Thing that does not gratify the Senses, unsubstantial and trifling, and fit only for romantick Heads. And as for Praise, as they do nothing to deserve it, they are indifferent about it. *Don’t wonder then (says Petronius talking of Painting) if these Arts have failed, when in the Eyes of Gods and Men, a Mass of Gold is more beautiful than all the Works of those foolish Greeklings, PHIDIAS, APELLES, &C.* This would be a melancholy Prospect, did not the many Societies we see formed for the Support of useful Trades and Charities, make us hope better Things. Nothing comes to its height at first, and the Spirit of encouraging Trade, may at length rise to Science. What has been done hitherto has been by Bodies of Men, few have had the courage singly to venture any Thing, tho’ private Men have always been the Support of Works of Politeness.

No one can with any Colour of Reason pretend they love their Country, and affect to despise these Things; as they often contribute to, and are always the sign of

its Prosperity, for as *Roscommon* says,

By secret influence of indulgent Skies,
Empire and Poesy together rise,
True Poets are the Guardians of a State,
And when they fail, portend approaching Fate;
For that which *Rome* to Conquest did inspire,
Was not the Vestal, but the Muses Fire;
Heav'n joins the Blessings, no declining Age,
E'er felt the Raptures of Poetick Rage.

Poetry should be esteemed, if not for its own Sake, on account of the good Company it appears in; as Swallows are held sacred, not because they Bring, but because they accompany the Summer.

THE REFORMER No. 7

THURSDAY the 10th of *March*, 1747-8.

Take Physic, Pomp!

*Expose thyself to feel, what Wretches feel;
That thou mayst shake the Superflux to them,
And shew the Heavens more just. —*

Shakespear.

THE Riches of a Nation are not to be estimated by the splendid Appearance or luxurious Lives of its Gentry; it is the uniform Plenty diffused through a People, of which the meanest as well as greatest partake, that makes them happy, and the Nation powerful. When this is wanting, the Splendour of the Great is rather a Reproach than Honour to them: As Mr *Addison* justly censures an *Italian* Prince, whose Subjects liv'd in the greatest Poverty, and were exposed to continual Dangers for want of a Bridge over a rapid River, whilst he lived in the utmost Magnificence. It is the Care of every wise Government to secure the lives and Properties of those who live under it: Why should it be less worth Consideration, to make those Lives comfortable, and these Properties worth preserving? Whoever travels through this Kingdom will see such Poverty, as few Nations in *Europe* can equal. In this City Things have the best Face; but still, as you leave the Town, the Scene grows worse, and presents you with the utmost Penury in the Midst of a rich Soil. Nothing perhaps shews it more clearly, than that though the People have but one small tax of Two Shillings a Year, yet when the Collector comes, for Default of Payment, he is obliged to carry off such of their poor Utensils, as their being forced to use denotes the utmost Misery; those he keeps, until by begging, or other Shifts more hard, they can redeem them. Indeed Money is a Stranger to them; and were they as near the *Golden Age* in some other Respects, as they are in this, they would be the happiest People in the World. As for their Food, it is notorious they seldom taste Bread or Meat; their Diet, in Summer, is Potatoes and sour Milk; in Winter, when something is required comfortable, they are still worse, living on the same Root, made palatable only by a little Salt, and accompanied with Water: Their Cloaths so ragged, that they rather publish than conceal the Wretchedness it was meant to hide; nay, it is no uncommon Sight to see half a dozen Children run quite naked out of a Cabin, scarcely distinguishable from a Dunghill, to the great Disgrace of our Country with Foreigners, who would doubtless report them Savages, imputing that to choice which only proceeds from their irremediable Poverty. Let any one take a Survey of their Cabins, and then say, whether such a Residence be worthy any thing that challenges the Title of a human Creature. You enter, or rather creep in, at a

Door of Hurdles plaistered with Dirt, of which the Inhabitant is generally the Fabricator; within-side you see (if the Smoke will permit you) the Men, Women, Children, Dogs, and Swine lying promiscuously; for their Opulence is such that they cannot have a separate House for their Cattle, as it would take too much from the Garden, whose produce is their only Support. Their Furniture is much fitter to be lamented than described, such as a Pot, a Stool, a few wooden Vessels, and a broken bottle: In this manner all the Peasantry, to a Man, live: and! Appeal to any one, who knows the Country, for the Justness of the Picture. Who, after having seen this, comes to Town and beholds their sumptuous and expensive Equipages, their Treats and Diversions, can contain the highest Indignation? Such Follies considered in themselves, are but ridiculous; but when we see the bitter consequences of them, 'twere Inhumanity to laugh. BOCCALINI, to create a Distaste for false Glory, introduces SFORZA Duke of *Milan*, making his triumphal entry into *Parnassus*, attended, by Order of *Apollo*, by all whom his Victories had made miserable. *Never* (says the Writer) *was seen so sad a Spectacle, the Eyes of the most obdurate were melted into Tears, to see such an infinite Number of Creatures; some starved in loathsome Hospitals, some mangled and hewed to pieces by horrid Wounds, some trampled to Death under Horses Feet; and others begging their Bread on the Road; their Prince's Service, in which they had lost their Blood, and exposed their Lives to a thousand Dangers, not having furnished them with enough to carry them to their Homes, which, to their Misfortune, they had so foolishly abandoned. As he passed, a thousand curses were thrown on him, on the Art of War, and that false Love of Glory, which renders Mankind miserable.* I fancy, many of our fine Gentlemen's Pageantry would be greatly tarnished, were their gilt coaches to be preceded and followed by the miserable Wretches, whose Labour supports them. That some should live in a more sumptuous manner than others, is very allowable; but sure it is hard, that those who cultivate the Soil, should have so small a Part of its Fruits; and that among Creatures of the same Kind there should be such a Disproportion in their manner of living; it is a kind of Blasphemy on Providence, and seems to shew, as our Motto finely expresses it, "the Heavens unjust." Our modern Systems hold, that the Riches and Power of Kings are by no means their Property, but a Depositum in their Hands, for the Use of the People: And if we consider the natural Equality of Mankind, we shall believe the same of the Estates of Gentlemen, bestowed on them at the first distribution of Properties, for promoting the Public Good: And when, by the use they make of their Fortunes, they thwart that End, they are liable to the same or a greater Reproach than a Prince who abuses his Power. Is it not natural for a Man, who rides in his Coach on a bitter Day, or lies on his Velvet Couch, secured from all the Inclemencies of the Weather, to reflect with Pity on those who suffer Calamities equal to his Enjoyments?

But there are some People who shut their Hearts to Charity, and to excuse their want of Compassion, throw all the Fault as well as Misfortune on the unhappy Poor.

Their Sloth, say those, is the cause of their Misery. 'Tis pleasant to observe, that this Objection frequently comes from those who in all their lives have not been as serviceable to their Country, as the idlest of these poor Creatures in one Day; but the Falsity of the Thing shews evidently the Ignorance of the Assertors. We shall examine into their Means, and thence judge, how much the greatest Industry does or can better them. There are three kinds of people in the country besides the Gentlemen of Fortune; we shall begin with the lowest and most numerous, the *Labourers*-, they have an Acre of Land at a very high Rent, to pay which they must work for their Master a great part of the Year, the rest is employed in cultivating their own Garden for an immediate Support; then judge what Time they have to procure Cloaths and other Necessaries for themselves and their Families: Thus they must labour, and that without Intermission, for the lowest Livelyhood: yet there are few whom hard Seasons or other Calamities have not sometime in their Lives sent to beg. The poorer kind of Farmers called in some parts of the Kingdom *Cottiers*, live nigh as miserably as the former, though they hold larger Quantities of Land, but at such a Rent as both hurts them and the Landlord. Gentlemen perceiving that in *England* Farmers pay heavy Rent, and yet live comfortably, without considering the Disproportion of Markets and every Thing else, raise their Rent high, and extort it heavily. Thus none will hold from them but those desperate Creatures who ruin the Land (in vain) to make their Rent; they fly; the Landlord seizes, and to avoid the like Mischance, takes all into his own hands; which being unable to manage, he turns to grazing; thus one part of the Nation is starved, and the other deserted. The rich Farmers or *Graziers*, the third Sort, hold vast Quantities of Land, and as they live like estated Men, equally contribute to the Poverty of the rest.

The Evil is easier seen than remedied; but perhaps the Example of a Gentleman of Fortune, whom I knew, may be useful. He came early to the Possession of an Estate valued 2000 l *per Ann* but set to a vast Number of Tenants at a very high rent: As usual in such cases, nothing could be in a worse Condition than his Estate: his Rents ill paid, the Land out of Heart, and not a Bush, not a tolerable Enclosure, much less Habitation, to be seen. He found his Leases out, but he did not study, with the Greediness of a young Heir, how to raise the price nor Value of his Lands, nor turn out all his poor Tenants to make room for two or three rich. He retained all those to whose honest Industry he had been Witness, and lowered his Rents very considerably: he bound them to plant certain Quantities of Trees, and make other Improvements. Thus in a few years Things had another Face, his Rent was well paid, his Tenants grew rich, and his Estate increased daily in Beauty and Value: There was a Village on it, which was equally ruinous with the rest; when he designed the Improvement of this, he did not take the ordinary Method of establishing *Horse-races* and *Assemblies*, which do but encourage Drinking and Idleness but at a much smaller Expence he introduced a *Manufacture* which, though not very considerable, employed the whole Town, and in Time made it opulent.

Notwithstanding all this, no Person lives more hospitably in the Country, in the Town more genteel. I have often heard him discourse on this Subject. “I have lowered my Rents (says he) but how much am I the “poorer? What Gratification do I want. ’Tis true, I have not every Month “some new invented Carriage coming from *England* to make the Town “amazed at my Folly: I keep no *French* Cook, I wear my own Country “manufactures; by which means I save, I believe, more than I lose by the “lowness of my Rent: At the same time I am satisfied I am making “Numbers happy, without Expence to myself, doing my Country Service “without Ostentation, and leaving my son a better Estate without oppressing any one.”

Had many of our Gentlemen the same just Way of thinking, we should no doubt see this Nation in a short time in the most flourishing Condition, notwithstanding all the Disadvantages we labour under. But while they proceed on a quite Opposite Plan, it can never emerge, though we were possess’d of many more Advantages than we are able to boast of.

THE REFORMER No. 8

THURSDAY the 17th of *March*, 1747-8.

Parcus NUGARUM Cultor et infrequens

Insanientis dum Sapientice

Consultus erro? Nunc retrorsum

Vela dare, atque iterate cursus

Cogor relictos. —

Hor.

WHEN an Author sits down to write, he has two Choices before him, whether he will follow that Way his Judgment tells him is right, or give in to the more fashionable one of amusing the Town with Follies adapted to the reigning Humour. I always thought it very dishonourable to deal doubly with the Publick, tho' they themselves were weak enough to countenance the Cheat: But Experience, which teaches a Man Wisdom, may teach him afterwards that it is not always safe to make too free a Use of it; since every Step thereto is a Removal from the Gross of Mankind, and that to live as an Inhabitant of the World a Man should be naturalized to all its Follies.

I was partly confirmed in this Opinion, by a Discourse I had the other Day with one of the *Smarts* of this City, who assured me among other Things, that the Person who call'd himself the REFORMER, did not understand the Genius of the Place he lived in, if he thought by dull Reasoning to win the People from their most beloved Pastimes; that every one had a Liberty of chusing his own Pleasures; and that those which gratified the Senses most, with least Charge to the Understanding, were doubtless the most eligible; that to rail at what the People lik'd, was the worst Way in the World to gain their Esteem; that what he call'd obscene, low and trifling was look'd upon by them in quite another light, and that if he did not reverse his Maxims, and talk in a Stile more suitable to People's inclinations, in a short time very few would read him. This Charge, tho' I knew it to be trivial, yet being conformable to general Taste, began to convince me I had been hitherto on a wrong Scent. "Shall I labour the Advancement "of Learning, when the Nobility, whose Care it ought to be to protect it, "think it not worth their Notice? or strive at a Correction of Manners, "when the very Clergy themselves are so indolent upon the Occasion? why "should the Concern of solid Sense and sound Judgment weigh heavier on "my Spirits than any other modern Writer's? or why should I make such "a Stir about Wit, when even the *Play-Writers* themselves can do without "it? who am I, that I should pretend to be better and wiser than other "Men?" In short, courteous Readers, I now perceive I have only been deceiving you and myself

hitherto, and the only Way I have to make you amends is to alter my Conduct; and that I may not be behindhand with the other *Beaux Esprit* of the Age, will now begin, at the Fashion is, to give *Chocolate*.

Sir *Dilberry Diddle*, in a Letter to *Jacky Wagtail*, reasons after this manner.

Dear *Jacky*,

I Received the Pin-cushion by the hands of *Billy Dimple*, with your Remarks on Mr *F* —— — 's celebrated Performance. The Pin-cushion I thank you for, but must beg leave to dissent from you in that Part of your Letter, where you say, the Inventor of that Entertainment is the greatest Man now living. I grant you his *Mimickry* is all in the highest Taste, and such as might be an Amusement for the politest Assembly: but in praising him you seem to forget the Perfections of our own Friend and Companion *Billy Fribble*; who, though no Player, has by being always in the Ladies Company, acquired such a Talent of taking them off, that there is not an Air down from the first Lady of Quality, to the upstart affected Milliner, that he cannot most perfectly mimic. Add to this, that he has a most inimitable Faculty of yelping like a Lap-dog; insomuch that he has by many been mistaken for the Original. Besides, I have just received a Letter from *Will Whiffle*, who tells me since his Arrival in *Ireland*, he is become acquainted with one *T* —— *s S* —— *n*, who is a perfect Master of our *new-found Nature*, and will die in such a Manner, as to afford you the double Delight of a Hero and Harlequin, and who is so happy in an effeminate Carriage, and squeaking Tone of Voice, that he even *fribilizes* the most masculine characters; in short he seems to be so accomplish'd a Person (as Times now go) that were he here, I should be very fond of having him associated with our Club.

I am, Dear *Jacky*,

Yours eternally,

DILBERRY DIDDLE.

N.B. The foregoing Letter being dropt on purpose in one of the *London* Coffee-houses, by *Jacky Wagtail*, to let the World see what a choice Correspondent he had in Sir *Dilberry* was the Cause of its now appearing to the Publick.

By this Letter 'tis easy to perceive, that Mr *F*—— 's coming hither at such a Season, was at the Instigation of *Jacky Wagtail*, in order to supplant Mr *S* —— *n* in the favour of this City, by exhibiting Entertainments still more monstrous and incoherent than the other could furnish them with.

And this Suspicion of *F*—— 's Design will seem better grounded, when we consider, that at his first coming hither (as I am well assured) our Manager paid him a visit, at which Time he very kindly offer'd him the Use of his House, and proposed to co-operate with him in any Piece of new-fangled Folly they might

devise together: But the other obstinately refus'd, as thinking by the Elasticity of his Parts he had got the Wind of him; so taking a little House he has set up for himself, where the other's best and most constant Auditors are continually flocking to him.

As a Countryman I cannot but pity Mr S ——— — *n's* Distress, and do sincerely advise him to be speedy in thinking of some Prevention to this Evil. It is his great Foible, that he is some times too nice in the choice of his Dullness, and will admit no kind of Buffoonery, that has not at the same time some smack of Learning or Politeness: Thus when the Statues leap from their Pedestals in *All for Love*, and fall a dancing for the Amusement of *Anthony* and his Queen, the People are to take Notice, that this is no ordinary Dance, such as *F* ——— — *e*, or any illiterate Contriver would have made it, but the *Pyrrick* Dance, a Dance as well known in *Egypt* in those Days, as it is now in the Colledge of *Dublin*, where no doubt every deep-read Student can do it very well. But the Devil of it is, not one in five hundred of the Spectators knew the Difference between it and a common Country-Dance: so that the Manager's noble Design was quite lost. Now I appeal to all Lovers of our present theatrical Performances, if instead of taking this strange Way of shewing his Learning, he had order'd *M* ——— — *l*, as is the Custom in Puppet-Shews, to clap his Posteriors in *Cleopatra's* Lap, the Jest had not been more intelligible and entertaining, and done more Honour to the Invention of the Manager; at least it would have brought him into the Way of securing full Houses, and this I take ought to be the only end of every Stage-Director. — B

The following Letter coming from an Admirer of Mr *Foote's* Entertainment, to shew our Impartiality to all Sides, we here, at the Writer's Request, insert it.

Mr *Reformer*, If you have any Regard for that Merit you profess yourself a Patron to, I desire you may go see Mr *Foote's* Diversion, and then give us your Sentiments thereon; and if after seeing him you do not think him an excellent Player, as well as an ingenious Satyrist, I shall ever hereafter disside in my own Judgment. —

I am, Sir,
Yours,
S. S.

N.B. Enclos'd in the same Letter came the following Epigram:

Foote's Action, Satyr, and Grimace,
Are surely of celestial Race;
Since by all Authors it is given,
That *Momus* is the FOOTE of Heaven.

Sir,

As you have promis'd a Criticism on what new Pieces were published, if you will give your Opinion of the *Foundling*, you will oblige a great many besides your constant Reader and humble Servant.

L. S.

THE REFORMER No. 10

THURSDAY the 31st of *March*, 1748.

*Can they make Plays there that shall fit,
The Public Humour with less Wit?* — Hudib.

WHEN any Thing new in the Dramatick Way is long expected by the Town, the polite Part of it who regard such Amusements, flatter themselves with the hopes of seeing in the Performance, some new Vein of Humour or untouch'd Character, besides the Pleasure they must have to think they live in an Age, not altogether barren of great Genius's. But it has been our Misfortune, for many years past, to be deceiv'd in every Expectation of this kind. 'Tis true, its Novelty often sustains for a Time the dullest Performance. But that childish Fancy once worn out, the Bauble grows displeasing, nor can any Varnishing ever restore it to our Favour. The *Suspicious Husband* appear'd with all the Advantages that cou'd make a Piece well receiv'd. It was acted with Applause, the Ladies, and Gentlemen likest to Ladies, cry'd it up as an excellent Performance; Criticks wrote in favour of it; the Booksellers found the Profit in printing it; and almost every body the Worth of their Money in reading it — but alas! How soon was the Current chang'd — this immortal Piece had scarce arrived to its first Year, when every body began to discover, that what they were weak enough to admire, had neither *Wit*, *Humour*, *Plot*, *Propriety* of Characters, or any one of those Excellencies which distinguish *Comedy* from the meanest *Dialogue*.

It is for this Reason, I am willing to give a short Character of a Play lately published, call'd the *Foundling*, a Performance, tho' much superior to the other, as there may be found in it some Sparks of Wit, Turns of Humour, and a little aiming at Character — yet partakes so much of his Weakness and Insipidity, that a Degree lower would have made him his direct Parallel; their *Gentlemen*, their *Fops*, their *Ladies*, are all the same; their Judgment in conducting the Plot equal. And here I cannot but wonder at the great Barrenness of our modern Writers, who never give us a Play, which is not composed of such a sort of trite and trivial Characters, as they seem to have got one general Receipt for. — Two or three *fine* Gentlemen, a *Rake*, a *Coxcomb*, a pert *Valet de Chambre*, a *Coquette*, and a very fine modern *Lady*: If Invention be the Mark of Genius, as I am sure it is, the beating on in one invariable Track, is certainly the Sign of Dulness. This Play I shall call bad in no other Light, than of a Work which bears no Marks of Genius; otherwise, 'tis an innocent, and well-meant Piece, but partakes so little of the *Vis Comica*, that to call it a *Comedy*, would be debasing the Name, by applying it to a Piece, which for the little Room it affords to Action, cannot pretend to raise Emotions in us stronger than we may have from reading an ordinary Novel; from such Work it may be

presumed by the Air of it the Author took his Fable. But our Authors reverse the Business of the Drama, and are fond of introducing Scenes of Distress in Comedy. Who were the first Inventors of this Weeping Comedy, I cannot tell. But Sir *Richard Steele* seems to have given it a Sanction in his *Conscious Lovers*, by the weeping of *Indiana*, which Absurdity he endeavoured to defend against the Criticks of those Times, by calling it an Effect of her extraordinary Joy, this excuse (lame as it is) is no Apology for those, who in a poor Imitation of him, make their Persons cry in down right earnest. Thus Lady *Betty Modish* in the *Careless Husband*, burst into Tears at being told her Faults, *Clarinda* in the *Suspicious Husband* does the same, being upbraided with hers, but in the *Foundling*, 'tis a pure Tragick Distress.

'Twere trivial to observe what every one so well knows, that the Original, and true End of Comedy was, by ridiculing the Follies, and Vices of Men, to make them ashamed of them; hence it was establish'd as a Rule, that no Character should be introduc'd, which was not in some Part reproachable, because Nature has made them, and the Ends of *Comedy* require they should be drawn such; and here is the great Use of such Writers, who by observing the growing Follies of the Age they live in, (for every Age has its peculiar ones) nip them in the Bud. But our Modern Stage Directors think Satyr the greatest Fault in a Comedy, and as they know the relish of the Town, give high Encouragement to Plays that abound with Characters insipidly perfect, where Virtue is painted in an unnatural, and consequently an unamiable manner. Such is that of *Fidelia*! As for *Bellmont*, her Lover, he is a very common Character in modern Plays; but to be found no where else, an odd Mixture of *Honour, Falshood, good Sense, ill principles, Love, Generosity, and Inhumanity* — he gets a Lady in a very strange Manner, he rescues her at Midnight from the Hands of a Ruffian, who would have ravish'd her, and in order to treat her himself in the same manner, brings her to his Father's House, where she is respectfully receiv'd, tho' coming thither with all the Marks of an ill Woman, and is protected by the Family against the ill Designs of the young Gentleman, whose Penetration was such as he could not perceive how improper a Place his Father's House was, to carry on such an Intrigue. The Character of the *Colonel* being that of *Lord Morelove* in the *Careless Husband*, needs not here to be mention'd, only to observe, with how much Success the excellent Writers of this Age have imitated *Cibber*. And the Absurdity of *Faddles* is too obvious. 'Tis common with Writers of Comedy (as indeed they should) to raise seeming Difficulties in the Plot, but they are more easily made than solv'd, for which Reason, 'tis surprizing to observe what miraculous Discoveries have been made to extricate the principal Person from these Embarrassing Circumstances. *Dryden* was famous in that Way, and this Author has not been behind-hand in the Improbability and Strangeness of his Discovery. I doubt whether such are allowable in *Novels*, but in *Comedy* where the greatest Probability should be preserv'd they are intolerable. To enter into a particular Criticism, on Works which have the true poetical Spirit in them, is but just; but to do the same with

Pieces that have not, would be as ridiculous as to attempt the Cure of Blemishes on the outward Surface of a dead Man; when there is no Spirit in a Work, the Reprehension of particular Parts is vain; it is sufficient to say, that there being no Life in the Object, the best polishing and most regular Symmetry will never be able to recommend it; that inborn inexpressible Rule, that Men of Taste go by, is not to be flattered but by something that ravishes the Imagination, tho' to a Head, which has no Perception of those Things, the most lifeless and terse will always be the most charming Performance.

THE REFORMER No. 11

THURSDAY the 7th of *April*, 1748.

OUR Papers are sometimes employed on Subjects which we think useful, tho' no present Occasion should suggest them, at other Times, the posture of Affairs affords us Matter of Speculation, and now the Season presents one, which it were equally blameable in us and all good Men to neglect.

Pythagoras recommends to his Disciples, to pass the Close of each Day in Retirement, to revolve their past Actions, to contemplate useful Matters, and lay in proper Resolutions for their future Conduct; nor is it less wisely ordained in the Christian Polity, that certain Times recurring annually, should be devoted to Religion, lest the Mind too much softened by Pleasures, or overgrown with the Rust of worldly Cares, should forget its high Destination. I have read of Persons whom some Misfortune threw among barbarous People, where being habituated to their Company, they grew in Love with their Manners and never remembered or never desired to see their native Country. A small Time properly applied to Reflection, would prevent such a scandalous Degeneracy; and there is none who cannot spare it, cannot spare the smallest Part of their Time to provide for the longest of their Existence, where their Happiness, or Misery is not Precarious, or by Fits, but to endure without Interruption thro' all Eternity.

There are a Set of Men not infrequent in this City, who tho' they allow of Morality, cry down reveal'd Religion, yet in their Practice, they make them equal, neglecting both; how weak an Obligation, Morality consider'd in itself would be, may be seen, by supposing Laws imposed on a Nation, without Rewards for those who kept, or Punishments for those who broke them. They are not true friends to Virtue, who would deprive it of any thing which serves to enforce or strengthen it; they are like the Wolves in the Fable, who enter'd into a Treaty with the Sheep, wherein it was stipulated, that they should dismiss the Dogs; and then they tore the flock to Pieces. These Men have so far interwoven their darling Appetites with every Thought, that their most refined Judgments on Things become but Gratifications to a favourite Passion, and all the Actions resulting from thence, tho' agreeable to their System of Morality, are not less opposite to Religion than right Reason, for herein they coincide, as those two only produce Actions which are called good and wise. Formerly an affectation of Singularity caused such Opinions; but now, to have no Taint of them, is almost as Singular, they have since got a Reason more substantial, they form a Set of Rules at one to indulge their Passions and lull their Conscience. Thus they sometimes deceive Men of Sense thro' the hardness of their Notions, and the Vulgar very often, from an Ability to talk more

against Religion, than they can for it, and flush'd with this Appearance of Success, attribute that to a Defect in the Cause, which was merely in the Defender.

The two greatest Enemies of Religion are the above-mentioned *Infidelity* and *Blind Zeal*, the former attacks it like an open Enemy, and the latter like an indiscreet Friend, does it more Harm than Good; the first gives rise to the Free-Thinkers, the latter to our Sectaries, a truly religious Life has the same Efficacy to the prevention of both. This would soon convince Unbelievers of the superior Power of Religion towards a Moral Life, and shew at the same time how much it exceeds all Systems of Philosophy, in supporting us under Misfortunes as that teaches us only to bear; but this to rejoice in them, by fastening our Thoughts on something indeed past our Comprehension, but not our Hopes: And even this Appearance of Religion would hinder many from throwing themselves into the Arms of the first false Teacher that offers, who with the Advantage of a Shew of Zeal, promises that Comfort they could not find before.

The Practice of Virtue and Religion is indispensable at all Times; but never more than at this, when we commemorate the Time our Creator became our Redeemer, and for our sake manifested in the highest manner the highest Attributes of his Divinity, his *Love* and his *Power*, the one in dying for us, and the other in conquering Death, by giving that glorious Proof of our Immortality, and being himself the first Fruits of the Resurrection. —

THE REFORMER No. 12

THURSDAY the 14th of *April*, 1748.

Scribendi recte sapere est & principium & fons. Hor.

THERE is nothing, on which Men form so various Judgments, and so few just, as on good Writing; but they seem in some measure to have agreed on a kind of Standard, which they call *Spirit*. The highest and only Praise they give a Work which they like is, “that it is written with Spirit.” As I am naturally curious, I could not be satisfied without understanding a Point of Criticism so much insisted on; for which Reason, I took some pains in perusing most of the Pieces serious, and comical, which are said to be in that Taste, and was surprized to find, that the Essence of one consisted in a flighty bombast Stile, without Connection or Order, and the others were full of that low kind of City Pertness, so conspicuous in waggish Apprentices, join’d to some Market Phrases, and some Parody. When this kind of Writing first came in Vogue I don’t know, for I can trace it no higher in one Line than to the famous *Lilburn*, and in the other it ends with Mr *Tom Brown* of facetious memory.

Since this came to be established as the test of Good Writing, it is humourous to observe how our Writers strive for it; *occupet extremum scabies*; all fall to in a Hurry, throw aside Reflection, and put down every Whimsy that occurs without the least Notion of Order or Decency, for fear the Spirit should evaporate: and he who most completely throws off the Appearance of Reason has the greatest Applause, as in drunken Company, he is the Hero of the Night, who commits the greatest Extravagances. The grave Writer (serious I can’t call him) be his Subject never so trivial, wonders that the Walls don’t cry out, that the Stones of the Street do not rise up on so great an Occasion. He tramples on Kings, and *Jupiter* is his Playfellow. The humourous is as low as the other is high; you see him in a Ring of droll Porters or dancing Beggars. They are on the Extremities of Nature.

This kind of Spirit so much commended in Prose Writing is not even an indifferent Matter, ’tis a real Fault and a great one. Poetry and Prose have quite distinct Provinces, which to reverse were the most absurd thing in the World; for the Fire which is but reasonable in one, is downright Fury and Madness in the other, and you may observe whenever it becomes the Practice of the Age to write their prose-like verse, their Verse sinks to Prose, or something lower, as when one Side on the Scale rises and kicks the Beam, the other falls to the Ground of Necessity, and in effect we seldom hear a Poem praised for any thing but Smoothness of Verse, nor a Prose Composition but for its Spirit. This Taste for turgid Writing is what *Petronius* so much complains of, which he says passing from *Asia*, corrupted *Greece*, and so poison’d the Source of the *Roman* Eloquence; nor

would it be unreasonable to say, that to this Way of thinking we owe much of the present ill Taste; besides it will have two bad Consequences, in diverting the Attention of People from the more solid Parts of Learning, and in increasing the Number of Authors, for every one who finds he can raise an ill-bred Laugh in his Club, will think he has Qualifications sufficient to write with Spirit, and perhaps he is not mistaken, for nothing is more easy, 'tis but to put down his first Thoughts with some degree of Fury, and intersperse them with whatever Ends of Verse he has learn'd at the Play-house, and he may succeed, and even say some smart Things, for 'tis a Happiness which Madness often hits on.

But this *Ignis Fatuus*, is not more removed from good Sense and Nature, than it is from the true Spirit, which has always *good Sense* for its Basis; it never is unseasonably inflated for they are the half kindled smothered Fires that flash and glare, the true Fire is a constant gentle and equable Heat.

The true *Spirit* knows nothing of the compound Epithets, harsh Metaphors, unnatural Exclamations, and eternal Parody so much used by the other. The false *Spirit* is like an undisciplined Army, its first Attack is furious, in which if it fails it is of no further Use; but the true like a well trained one, wins by Constancy, Regularity, and continued Heat.

In short, Grandeur has no greater Enemy than Bombast, nor Wit and Humour than Pertness; as a Rascal cannot affront a Gentleman more than to wear his Cloaths, and endeavour to pass for him. Good Sense alone stamps a value on Writing, as 'tis the Solidity which discovers Gold from Tinsel, and he pays an ill Compliment to his Judgment who says a Work is sensible but bad for want of Spirit or other Ingredients, for this alone is sufficient to make it good; but it is observable, that wherever it is it never wants all the necessary Attendants, and it is want of Taste only that hinders their being perceiv'd, and Folly that makes that Main Point disregarded, which is not only the Test, but as *Horace* says, the very Fountain of good Writing.

We cannot end this Paper without taking notice a set of *damning Criticks* which infest the City; formerly those of that kind were Men, who having their Heads filled with learned Lumber, and Hearts sour'd with ill Success, turn'd that Learning, which could not advance themselves, to pull down others; but now you meet these pretended *Aristarchi* behind every Counter; they will soon commit a Solecism in Nature, and grow more numerous than their Prey, the Writers, unless prevented. For which Reason we exclude by Virtue of our Reforming Authority, from the Right of Criticism, I. All who cannot read; that will cut off a large Branch of them: 2. All those who do not read; that will be larger: 3. Those whose reading is the *Magazine*, whose Judgment the word *Spirit*, and whose Admiration a *Player*; that will be still larger: 4. Those who condemn, for *je ne sais quoy*, Faults, which as they do not understand, they cannot explain; and all who cannot tell when ask'd in what

the Goodness of a Prose consists; this will, I believe, take off most of them, and leave a clear Stage for good Writers and true Critics.

THE REFORMER No. 13

THURSDAY the 21st of *April*, 1748.

Dulce est desipere in loco.

Hor.

TO a generous Mind nothing is so agreeable, as to commend the Works of others, and to be a Means of ushering into the World such happy Productions, as thro' their prevailing Merit must in Process of Time be esteemed by every Body: It is very certain, the best Pieces, (some very few excepted) at their first Appearance, have met but with ordinary Reception; the Taste requisite to take in all the Scope, and various Beauties of a regular Performance being only in the Minds of a few, its Reputation cannot be establish'd, until the Taste of these few gain such an Influence, as to be embrac'd by all, nor do I believe this to be any purpos'd Malice in the Minds of the Many, but an Inability to discern, which ought rather to be pitied than blam'd. Mr. *Waller's* Expressions on such an Occasion are very fine,

*For as the Nightingale, without the Throng
Of other Birds, alone attends her Song:
While the loud Daw, his throat displaying, draws
The whole Assembly of his Fellow Daws:
So must the Writer, whose productions should
Take with the Vulgar, be of vulgar Mold:
Whilst nobler Fancies take a Flight too high
For common View, and lessen as they fly.*

I was led into these Thoughts by the Perusal of a Work, advertis'd in our last Paper, call'd the *Foolish Miscellany*, which was sent to us for our Opinion: I must confess, at first sight the Title shock'd me, for I could not conceive of what Use it could be to the World, to present them with a Collection of stupid Performances, which at best could make the Judicious laugh without any Moral to instruct, without which no Book should be publish'd; but I was soon convinc'd of my mistake, when, dipping into it, I found this *foolish* Tract to be a most artful, and well contrived Piece, and perhaps as poignant a Satyr upon the Scriblers of these Times, as ever was written; for he hath not only interspers'd the several Pieces of Dullness he makes use of, with the most witty and humourous remarks, but hath added, to crown the whole, an entire and regular *Comedy*, call'd the *Poetical Lady or Assembly of Authors*; in which are shewn, in the most lively manner, the Aims,

Passions, Interests, moral and poetical Capacity of each Writer: In short as the Duke of *Buckingham* says, (if I remember)

He does not only shew the Things they do,
But also gives their Reasons for them too.

As it is expected this Book will be soon publish'd, I shall omit saying any thing further of it until it comes out, at which time the Judicious in such works, will see how moderate I have been, in speaking well of a Performance, to which, to deny the Praise it deserves, were the greatest Ignorance or Ill-nature.

The following Letter the Author sent me with his Book.

MR. REFORMER.

I Request your Perusal of the following Sheets, and your Opinion of them, to be deliver'd in your next Paper; I am but a young Author, yet do not think so meanly of my Ability, as to suppose my Works beneath Notice; nor yet am I so vain as to think them above Correction; use then that Candour, and Impartiality in judging, as you would to one, whose Vanity you regarded less than his Reputation, and believe me to be, whatever your Opinion is,

Your Friend and Admirer,

H. S.

Since our Last, we have received the following Letter:

Sir,

SEVERAL of our late Authors have been at great Pains to make their Readers learned, without any, by Dictionaries, Compendiums, &c and it must be owned, to their Honour, they have been very successful in propagating that Species of Literati called *Smatterers*-, but I must beg Pardon for thinking the Scheme imperfect, as long as there is nothing in that Way attempted for the Authors. 'Tis certainly hard, that none but Persons of Genius, and Learning should write; and as hard, that when they do, they should make the awkward Figure their Nakedness obliges them to. Now I think by long Study and Observation, I have reduced the Method of Writing to a few general Heads, plain enough for the Comprehension of a Blockhead, and short enough for the Memory of a Wit: These, with some Observations on them, make up a small Book, which I intend shortly to publish by Subscription, and would fain, by your Means, give the Publick some Notion of my Design.

The whole turns on the proper Use of *Capitals*, *Italicks*, *Blanks* and *Dashes*; by which I mean to supply the Place of Learning, Wit, Reflection, and other Excellencies of Writing. Learning is best shewn by the Use of Capitals, and is effected by chusing out the names of celebrated Authors, and putting them in large

Letters, so that they may strike the Eye; it would not be amiss to group them handsomely, as thus, HORACE, VIRGIL, POLITIAN, and VALERIUS FLACCUS, or you may have some words between each Author — they have their Beauties either Way. And if you would strengthen any Notion of your own, you may say, HOMER, AULUS GELLIUS and Sir ISAAC NEWTON were of such or such an Opinion; this proves at once the Greatness and Variety of a Man's Reading. Wit is best expressed by *Italicks*; a Joke is often lost for Want of them, and many a one taken where *really* there was *none*. As Wit is very commendable, no Sentence should be without *Italicks*; but there is a Secret in the judicious Use of them, which none but Adepts are let into. The great use of Blanks is pretty obvious. It is an excellency in a Writer not to say all that may be said, but leave something for the Reader's Discovery; Blanks perform this to Admiration, so that they can scarcely be used too often; besides that they give the Work an Air of Treason or Scandal, which move two Passions very laudable. The Dashes are a more modern Invention than any of the former, yet not less excellent they supply the Place of Reflection, and give a Sententious Air to a Discourse; — they are of wonderful Use, as they bring Improvement to the Reader, — Profit to the Author and Printer, and Ease to all three: — To them the *Female Spectator*, *Parrot*, and other beautiful Compositions of that Nature, owe their Success; but I know not where Blanks have made a more shining Figure than in the Earl of *Shaftsbury's Characteristics*— 'Tis I affirm the Use of those, by which the present Set of Authors have arriv'd to a Renown, which will be the Glory of this Age, the Shame of the past, and the Admiration of all Posterity. As to Quotations, I give no Rules, only advice that *Horace* and *Shakespear* be quoted on all Occasions, and let Propriety come of itself, only taking Notice, that the Work should begin and end with one.

I am sensible, Mr *Reformer*, that it may be objected, that all these Rules concern the Printer as much, or more than the Writer I readily grant it; for which Reason I advise my Author never to shew his Work to any before it is printed, lest it should not be done by Advice of Friends, who will be surprized to find a Person an Author, whom (as an Author of this City has elegantly expressed) *they would sooner have taken for a Conjuror*. You have promised to encourage rising Merit; now this has not only Merit in itself, but tends to raise it in others.

I am, Sir, &c.

ADVERTISEMENT

THE Thinness of the Town for the ensuing Summer, obliges us to discontinue this Paper until next Winter, during which Time, Subscriptions will be taken in by the Printer hereof.

**OBSERVATIONS ON THE CONDUCT OF THE MINORITY
PARTICULARLY IN THE LAST SESSION OF PARLIAMENT.
ADDRESSED TO THE DUKE OF PORTLAND AND LORD
FITZWILLIAM. 1793.**

LETTER

TO

HIS GRACE THE DUKE OF PORTLAND.

My dear Lord, — The paper which I take the liberty of sending to your Grace was, for the greater part, written during the last session. A few days after the prorogation some few observations were added. I was, however, resolved to let it lie by me for a considerable time, that, on viewing the matter at a proper distance, and when the sharpness of recent impressions had been worn off, I might be better able to form a just estimate of the value of my first opinions.

I have just now read it over very coolly and deliberately. My latest judgment owns my first sentiments and reasonings, in their full force, with regard both to persons and things.

During a period of four years, the state of the world, except for some few and short intervals, has filled me with a good deal of serious inquietude. I considered a general war against Jacobins and Jacobinism as the only possible chance of saving Europe (and England as included in Europe) from a truly frightful revolution. For this I have been censured, as receiving through weakness, or spreading through fraud and artifice, a false alarm. Whatever others may think of the matter, that alarm, in my mind, is by no means quieted. The state of affairs *abroad* is not so much mended as to make me, for one, full of confidence. At *home*, I see no abatement whatsoever in the zeal of the partisans of Jacobinism towards their cause, nor any cessation in their efforts to do mischief. What is doing by Lord Lauderdale on the first scene of Lord George Gordon's actions, and in his spirit, is not calculated to remove my apprehensions. They pursue their first object with as much eagerness as ever, but with more dexterity. Under the plausible name of peace, by which they delude or are deluded, they would deliver us unarmed and defenceless to the confederation of Jacobins, whose centre is indeed in France, but whose rays proceed in every direction throughout the world. I understand that Mr. Coke, of Norfolk, has been lately very busy in spreading a disaffection to this war (which we carry on for our being) in the country in which his property gives him so great an influence. It is truly alarming to see so large a part of the aristocratic

interest engaged in the cause of the new species of democracy, which is openly attacking or secretly undermining the system of property by which mankind has hitherto been governed. But we are not to delude ourselves. No man can be connected with a party which professes publicly to admire or may be justly suspected of secretly abetting this French Revolution, who must not be drawn into its vortex, and become the instrument of its designs.

What I have written is in the manner of apology. I have given it that form, as being the most respectful; but I do not stand in need of any apology for my principles, my sentiments, or my conduct. I wish the paper I lay before your Grace to be considered as my most deliberate, solemn, and even testamentary protest against the proceedings and doctrines which have hitherto produced so much mischief in the world, and which will infallibly produce more, and possibly greater. It is my protest against the delusion by which some have been taught to look upon this Jacobin contest at home as an ordinary party squabble about place or patronage, and to regard this Jacobin war abroad as a common war about trade or territorial boundaries, or about a political balance of power among rival or jealous states. Above all, it is my protest against that mistake or perversion of sentiment by which they who agree with us in our principles may on collateral considerations be regarded as enemies, and those who, in this perilous crisis of all human affairs, differ from us fundamentally and practically, as our best friends. Thus persons of great importance may be made to turn the whole of their influence to the destruction of their principles.

I now make it my humble request to your Grace, that you will not give any sort of answer to the paper I send, or to this letter, except barely to let me know that you have received them. I even wish that at present you may not read the paper which I transmit: lock it up in the drawer of your library-table; and when a day of compulsory reflection comes, then be pleased to turn to it. Then remember that your Grace had a true friend, who had, comparatively with men of your description, a very small interest in opposing the modern system of morality and policy, but who, under every discouragement, was faithful to public duty and to private friendship. I shall then probably be dead. I am sure I do not wish to live to see such things. But whilst I do live, I shall pursue the same course, although my merits should be taken for unpardonable faults, and as such avenged, not only on myself, but on my posterity.

Adieu, my dear Lord; and do me the justice to believe me ever, with most sincere respect, veneration, and affectionate attachment,

Your Grace's most faithful friend,
And most obedient humble servant,
EDMUND BURKE.

BEACONSFIELD, Sept. 29, 1793.

OBSERVATIONS.

Approaching towards the close of a long period of public service, it is natural I should be desirous to stand well (I hope I do stand tolerably well) with that public which, with whatever fortune, I have endeavored faithfully and zealously to serve.

I am also not a little anxious for some place in the estimation of the two persons to whom I address this paper. I have always acted with them, and with those whom they represent. To my knowledge, I have not deviated, no, not in the minutest point, from their opinions and principles. Of late, without any alteration in their sentiments or in mine, a difference of a very unusual nature, and which, under the circumstances, it is not easy to describe, has arisen between us.

In my journey with them through life, I met Mr. Fox in my road; and I travelled with him very cheerfully, as long as he appeared to me to pursue the same direction with those in whose company I set out. In the latter stage of our progress a new scheme of liberty and equality was produced in the world, which either dazzled his imagination, or was suited to some new walks of ambition which were then opened to his view. The whole frame and fashion of his politics appear to have suffered about that time a very material alteration. It is about three years since, in consequence of that extraordinary change, that, after a pretty long preceding period of distance, coolness, and want of confidence, if not total alienation on his part, a complete public separation has been made between that gentleman and me. Until lately the breach between us appeared reparable. I trusted that time and reflection, and a decisive experience of the mischiefs which have flowed from the proceedings and the system of France, on which our difference had arisen, as well as the known sentiments of the best and wisest of our common friends upon that subject, would have brought him to a safer way of thinking. Several of his friends saw no security for keeping things in a proper train after this excursion of his, but in the reunion of the party on its old grounds, under the Duke of Portland. Mr. Fox, if he pleased, might have been comprehended in that system, with the rank and consideration to which his great talents entitle him, and indeed must secure to him in any party arrangement that *could* be made. The Duke of Portland knows how much I wished for, and how earnestly I labored that reunion, and upon terms that might every way be honorable and advantageous to Mr. Fox. His conduct in the last session has extinguished these hopes forever.

Mr. Fox has lately published in print a defence of his conduct. On taking into consideration that defence, a society of gentlemen, called the Whig Club, thought proper to come to the following resolution:—“That their confidence in Mr. Fox is confirmed, strengthened, and increased by the calumnies against him.”

To that resolution my two noble friends, the Duke of Portland and Lord Fitzwilliam, have given their concurrence.

The calumnies supposed in that resolution can be nothing else than the objections taken to Mr. Fox's conduct in this session of Parliament; for to them, and to them alone, the resolution refers. I am one of those who have publicly and strongly urged those objections. I hope I shall be thought only to do what is necessary to my justification, thus publicly, solemnly, and heavily censured by those whom I most value and esteem, when I firmly contend that the objections which I, with many others of the friends to the Duke of Portland, have made to Mr. Fox's conduct, are not *calumnies*, but founded on truth, — that they are not *few*, but many, — and that they are not *light and trivial*, but, in a very high degree, serious and important.

That I may avoid the imputation of throwing out, even privately, any loose, random imputations against the public conduct of a gentleman for whom I once entertained a very warm affection, and whose abilities I regard with the greatest admiration, I will put down, distinctly and articulately, some of the matters of objection which I feel to his late doctrines and proceedings, trusting that I shall be able to demonstrate to the friends whose good opinion I would still cultivate, that not levity, nor caprice, nor less defensible motives, but that very grave reasons, influence my judgment. I think that the spirit of his late proceedings is wholly alien to our national policy, and to the peace, to the prosperity, and to the legal liberties of this nation, *according to our ancient domestic and appropriated mode of holding them*.

Viewing things in that light, my confidence in him is not increased, but totally destroyed, by those proceedings. I cannot conceive it a matter of honor or duty (but the direct contrary) in any member of Parliament to continue systematic opposition for the purpose of putting government under difficulties, until Mr. Fox (with all his present ideas) shall have the principal direction of affairs placed in his hands, and until the present body of administration (with their ideas and measures) is of course overturned and dissolved.

To come to particulars.

1. The laws and Constitution of the kingdom intrust the sole and exclusive right of treating with foreign potentates to the king. This is an undisputed part of the legal prerogative of the crown. However, notwithstanding this, Mr. Fox, without the knowledge or participation of any one person in the House of Commons, with whom he was bound by every party principle, in matters of delicacy and importance, confidentially to communicate, thought proper to send Mr. Adair, as his representative, and with his cipher, to St. Petersburg, there to frustrate the objects for which the minister from the crown was authorized to treat. He succeeded in this his design, and did actually frustrate the king's minister in some of the objects of his negotiation.

This proceeding of Mr. Fox does not (as I conceive) amount to absolute high treason, — Russia, though on bad terms, not having been then declaredly at war with this kingdom. But such a proceeding is in law not very remote from that

offence, and is undoubtedly a most unconstitutional act, and an high treasonable misdemeanor.

The legitimate and sure mode of communication between this nation and foreign powers is rendered uncertain, precarious, and treacherous, by being divided into two channels, — one with the government, one with the head of a party in opposition to that government; by which means the foreign powers can never be assured of the real authority or validity of any public transaction whatsoever.

On the other hand, the advantage taken of the discontent which at that time prevailed in Parliament and in the nation, to give to an individual an influence directly against the government of his country, in a foreign court, has made a highway into England for the intrigues of foreign courts in our affairs. This is a sore evil, — an evil from which, before this time, England was more free than any other nation. Nothing can preserve us from that evil — which connects cabinet factions abroad with popular factions here — but the keeping sacred the crown as the only channel of communication with every other nation.

This proceeding of Mr. Fox has given a strong countenance and an encouraging example to the doctrines and practices of the Revolution and Constitutional Societies, and of other mischievous societies of that description, who, without any legal authority, and even without any corporate capacity, are in the habit of proposing, and, to the best of their power, of forming, leagues and alliances with France.

This proceeding, which ought to be reprobated on all the general principles of government, is in a more narrow view of things not less reprehensible. It tends to the prejudice of the whole of the Duke of Portland's late party, by discrediting the principles upon which they supported Mr. Fox in the Russian business, as if they of that party also had proceeded in their Parliamentary opposition on the same mischievous principles which actuated Mr. Fox in sending Mr. Adair on his embassy.

2. Very soon after his sending this embassy to Russia, that is, in the spring of 1792, a covenanting club or association was formed in London, calling itself by the ambitious and invidious title of "*The Friends of the People*." It was composed of many of Mr. Fox's own most intimate personal and party friends, joined to a very considerable part of the members of those mischievous associations called the Revolution Society and the Constitutional Society. Mr. Fox must have been well apprised of the progress of that society in every one of its steps, if not of the very origin of it. I certainly was informed of both, who had no connection with the design, directly or indirectly. His influence over the persons who composed the leading part in that association was, and is, unbounded. I hear that he expressed some disapprobation of this club in one case, (that of Mr. St. John,) where his consent was formally asked; yet he never attempted seriously to put a stop to the association, or to disavow it, or to control, check, or modify it in any way

whatsoever. If he had pleased, without difficulty, he might have suppressed it in its beginning. However, he did not only not suppress it in its beginning, but encouraged it in every part of its progress, at that particular time when Jacobin clubs (under the very same or similar titles) were making such dreadful havoc in a country not thirty miles from the coast of England, and when every motive of moral prudence called for the discouragement of societies formed for the increase of popular pretensions to power and direction.

3. When the proceedings of this society of the Friends of the People, as well as others acting in the same spirit, had caused a very serious alarm in the mind of the Duke of Portland, and of many good patriots, he publicly, in the House of Commons, treated their apprehensions and conduct with the greatest asperity and ridicule. He condemned and vilified, in the most insulting and outrageous terms, the proclamation issued by government on that occasion, — though he well knew that it had passed through the Duke of Portland's hands, that it had received his fullest approbation, and that it was the result of an actual interview between that noble Duke and Mr. Pitt. During the discussion of its merits in the House of Commons, Mr. Fox countenanced and justified the chief promoters of that association; and he received, in return, a public assurance from them of an inviolable adherence to him singly and personally. On account of this proceeding, a very great number (I presume to say not the least grave and wise part) of the Duke of Portland's friends in Parliament, and many out of Parliament who are of the same description, have become separated from that time to this from Mr. Fox's particular cabal, — very few of which cabal are, or ever have, so much as pretended to be attached to the Duke of Portland, or to pay any respect to him or his opinions.

4. At the beginning of this session, when the sober part of the nation was a second time generally and justly alarmed at the progress of the French arms on the Continent, and at the spreading of their horrid principles and cabals in England, Mr. Fox did not (as had been usual in cases of far less moment) call together any meeting of the Duke of Portland's friends in the House of Commons, for the purpose of taking their opinion on the conduct to be pursued in Parliament at that critical juncture. He concerted his measures (if with any persons at all) with the friends of Lord Lansdowne, and those calling themselves Friends of the People, and others not in the smallest degree attached to the Duke of Portland; by which conduct he wilfully gave up (in my opinion) all pretensions to be considered as of that party, and much more to be considered as the leader and mouth of it in the House of Commons. This could not give much encouragement to those who had been separated from Mr. Fox, on account of his conduct on the first proclamation, to rejoin that party.

5. Not having consulted any of the Duke of Portland's party in the House of Commons, — and not having consulted them, because he had reason to know that the course he had resolved to pursue would be highly disagreeable to them, — he

represented the alarm, which was a second time given and taken, in still more invidious colors than those in which he painted the alarms of the former year. He described those alarms in this manner, although the cause of them was then grown far less equivocal and far more urgent. He even went so far as to treat the supposition of the growth of a Jacobin spirit in England as a libel on the nation. As to the danger from *abroad*, on the first day of the session he said little or nothing upon the subject. He contented himself with defending the ruling factions in France, and with accusing the public councils of this kingdom of every sort of evil design on the liberties of the people, — declaring distinctly, strongly, and precisely, that the whole danger of the nation was from the growth of the power of the crown. The policy of this declaration was obvious. It was in subservience to the general plan of disabling us from taking any steps against France. To counteract the alarm given by the progress of Jacobin arms and principles, he endeavored to excite an opposite alarm concerning the growth of the power of the crown. If that alarm should prevail, he knew that the nation never would be brought by arms to oppose the growth of the Jacobin empire: because it is obvious that war does, in its very nature, necessitate the Commons considerably to strengthen the hands of government; and if that strength should itself be the object of terror, we could have no war.

6. In the extraordinary and violent speeches of that day, he attributed all the evils which the public had suffered to the proclamation of the preceding summer; though he spoke in presence of the Duke of Portland's own son, the Marquis of Tichfield, who had seconded the address on that proclamation, and in presence of the Duke of Portland's brother, Lord Edward Bentinck, and several others of his best friends and nearest relations.

7. On that day, that is, on the 13th of December, 1792, he proposed an amendment to the address, which stands on the journals of the House, and which is, perhaps, the most extraordinary record which ever did stand upon them. To introduce this amendment, he not only struck out the part of the proposed address which alluded to insurrections, upon the ground of the objections which he took to the legality of calling together Parliament, (objections which I must ever think litigious and sophistical,) but he likewise struck out *that part which related to the cabals and conspiracies of the French faction in England*, although their practices and correspondences were of public notoriety. Mr. Cooper and Mr. Watt had been deputed from Manchester to the Jacobins. These ambassadors were received by them as British representatives. Other deputations of English had been received at the bar of the National Assembly. They had gone the length of giving supplies to the Jacobin armies; and they, in return, had received promises of military assistance to forward their designs in England. A regular correspondence for fraternizing the two nations had also been carried on by societies in London with a great number of the Jacobin societies in France. This correspondence had also for its object the pretended improvement of the British Constitution. What is the most remarkable,

and by much the more mischievous part of his proceedings that day, Mr. Fox likewise struck out everything in the address which *related to the tokens of ambition given by France, her aggressions upon our allies, and the sudden and dangerous growth of her power upon every side*; and instead of all those weighty, and, at that time, necessary matters, by which the House of Commons was (in a crisis such as perhaps Europe never stood) to give assurances to our allies, strength to our government, and a check to the common enemy of Europe, he substituted nothing but a criminal charge on the conduct of the British government for calling Parliament together, and an engagement to inquire into that conduct.

8. If it had pleased God to suffer him to succeed in this his project for the amendment to the address, he would forever have ruined this nation, along with the rest of Europe. At home all the Jacobin societies, formed for the utter destruction of our Constitution, would have lifted up their heads, which had been beaten down by the two proclamations. Those societies would have been infinitely strengthened and multiplied in every quarter; their dangerous foreign communications would have been left broad and open; the crown would not have been authorized to take any measure whatever for our immediate defence by sea or land. The closest, the most natural, the nearest, and at the same time, from many internal as well as external circumstances, the weakest of our allies, Holland, would have been given up, bound hand and foot, to France, just on the point of invading that republic. A general consternation would have seized upon all Europe; and all alliance with every other power, except France, would have been forever rendered impracticable to us. I think it impossible for any man, who regards the dignity and safety of his country, or indeed the common safety of mankind, ever to forget Mr. Fox's proceedings in that tremendous crisis of all human affairs.

9. Mr. Fox very soon had reason to be apprised of the general dislike of the Duke of Portland's friends to this conduct. Some of those who had even voted with him, the day after their vote, expressed their abhorrence of his amendment, their sense of its inevitable tendency, and their total alienation from the principles and maxims upon which it was made; yet the very next day, that is, on Friday, the 14th of December, he brought on what in effect was the very same business, and on the same principles, a *second* time.

10. Although the House does not usually sit on Saturday, he a *third* time brought on another proposition in the same spirit, and pursued it with so much heat and perseverance as to sit into Sunday: a thing not known in Parliament for many years.

11. In all these motions and debates he wholly departed from all the political principles relative to France (considered merely as a state, and independent of its Jacobin form of government) which had hitherto been held fundamental in this country, and which he had himself held more strongly than any man in Parliament. He at that time studiously separated himself from those to whose sentiments he used to profess no small regard, although those sentiments were publicly declared. I

had then no concern in the party, having been, for some time, with all outrage, excluded from it; but, on general principles, I must say that a person who assumes to be leader of a party composed of freemen and of gentlemen ought to pay some degree of deference to their feelings, and even to their prejudices. He ought to have some degree of management for their credit and influence in their country. He showed so very little of this delicacy, that he compared the alarm raised in the minds of the Duke of Portland's party, (which was his own,) an alarm in which they sympathized with the greater part of the nation, to the panic produced by the pretended Popish plot in the reign of Charles the Second, — describing it to be, as that was, a contrivance of knaves, and believed only by well-meaning dupes and madmen.

12. The Monday following (the 17th of December) he pursued the same conduct. The means used in England to coöperate with the Jacobin army in politics agreed with their modes of proceeding: I allude to the mischievous writings circulated with much industry and success, as well as the seditious clubs, which at that time added not a little to the alarm taken by observing and well-informed men. The writings and the clubs were two evils which marched together. Mr. Fox discovered the greatest possible disposition to favor and countenance the one as well as the other of these two grand instruments of the French system. He would hardly consider any political writing whatsoever as a libel, or as a fit object of prosecution. At a time in which the press has been the grand instrument of the subversion of order, of morals, of religion, and, I may say, of human society itself, to carry the doctrines of its liberty higher than ever it has been known by its most extravagant assertors, even in France, gave occasion to very serious reflections. Mr. Fox treated the associations for prosecuting these libels as tending to prevent the improvement of the human mind, and as a mobbish tyranny. He thought proper to compare them with the riotous assemblies of Lord George Gordon in 1780, declaring that he had advised his friends in Westminster to sign the associations, whether they agreed to them or not, in order that they might avoid destruction to their persons or their houses, or a desertion of their shops. This insidious advice tended to confound those who wished well to the object of the association with the seditious against whom the association was directed. By this stratagem, the confederacy intended for preserving the British Constitution and the public peace would be wholly defeated. The magistrates, utterly incapable of distinguishing the friends from the enemies of order, would in vain look for support, when they stood in the greatest need of it.

13. Mr. Fox's whole conduct, on this occasion, was without example. The very morning after these violent declamations in the House of Commons against the association, (that is, on Tuesday, the 18th,) he went himself to a meeting of St. George's parish, and there signed an association of the nature and tendency of those he had the night before so vehemently condemned; and several of his particular and

most intimate friends, inhabitants of that parish, attended and signed along with him.

14. Immediately after this extraordinary step, and in order perfectly to defeat the ends of that association against Jacobin publications, (which, contrary to his opinions, he had promoted and signed,) a mischievous society was formed under his auspices, called *The Friends of the Liberty of the Press*. Their title groundlessly insinuated that the freedom of the press had lately suffered, or was now threatened with, some violation. This society was only, in reality, another modification of the society calling itself *The Friends of the People*, which in the preceding summer had caused so much uneasiness in the Duke of Portland's mind, and in the minds of several of his friends. This new society was composed of many, if not most, of the members of the club of the Friends of the People, with the addition of a vast multitude of others (such as Mr. Horne Tooke) of the worst and most seditious dispositions that could be found in the whole kingdom. In the first meeting of this club Mr. Erskine took the lead, and directly (without any disavowal ever since on Mr. Fox's part) *made use of his name and authority in favor of its formation and purposes*. In the same meeting Mr. Erskine had thanks for his defence of Paine, which amounted to a complete avowal of that Jacobin incendiary; else it is impossible to know how Mr. Erskine should have deserved such marked applauses for acting merely as a lawyer for his fee, in the ordinary course of his profession.

15. Indeed, Mr. Fox appeared the general patron of all such persons and proceedings. When Lord Edward Fitzgerald, and other persons, for practices of the most dangerous kind, in Paris and in London, were removed from the King's Guards, Mr. Fox took occasion in the House of Commons heavily to censure that act, as unjust and oppressive, and tending to make officers bad citizens. There were few, however, who did not call for some such measures on the part of government, as of absolute necessity for the king's personal safety, as well as that of the public; and nothing but the mistaken lenity, with which such practices were rather discountenanced than punished, could possibly deserve reprehension in what was done with regard to those gentlemen.

16. Mr. Fox regularly and systematically, and with a diligence long unusual to him, did everything he could to countenance the same principle of fraternity and connection with the Jacobins abroad, and the National Convention of France, for which these officers had been removed from the Guards. For when a bill (feeble and lax, indeed, and far short of the vigor required by the conjuncture) was brought in for removing out of the kingdom the emissaries of France, Mr. Fox opposed it with all his might. He pursued a vehement and detailed opposition to it through all its stages, describing it as a measure contrary to the existing treaties between Great Britain and France, as a violation of the law of nations, and as an outrage on the Great Charter itself.

17. In the same manner, and with the same heat, he opposed a bill which (though awkward and inartificial in its construction) was right and wise in its principle, and was preceded in the best times, and absolutely necessary at that juncture: I mean the Traitorous Correspondence Bill. By these means the enemy, rendered infinitely dangerous by the links of real faction and pretended commerce, would have been (had Mr. Fox succeeded) enabled to carry on the war against us by our own resources. For this purpose that enemy would have had his agents and traitors in the midst of us.

18. When at length war was actually declared by the usurpers in France against this kingdom, and declared whilst they were pretending a negotiation through Dumouriez with Lord Auckland, Mr. Fox still continued, through the whole of the proceedings, to discredit the national honor and justice, and to throw the entire blame of the war on Parliament, and on his own country, as acting with violence, haughtiness, and want of equity. He frequently asserted, both at the time and ever since, that the war, though declared by France, was provoked by us, and that it was wholly unnecessary and fundamentally unjust.

19. He has lost no opportunity of railing, in the most virulent manner and in the most unmeasured language, at every foreign power with whom we could now, or at any time, contract any useful or effectual alliance against France, — declaring that he hoped no alliance with those powers was made, or was in a train of being made. He always expressed himself with the utmost horror concerning such alliances. So did all his phalanx. Mr. Sheridan in particular, after one of his invectives against those powers, sitting by him, said, with manifest marks of his approbation, that, if we must go to war, he had rather go to war alone than with such allies.

20. Immediately after the French declaration of war against us, Parliament addressed the king in support of the war against them, as just and necessary, and provoked, as well as formally declared against Great Britain. He did not divide the House upon this measure; yet he immediately followed this our solemn Parliamentary engagement to the king with a motion proposing a set of resolutions, the effect of which was, that the two Houses were to load themselves with every kind of reproach for having made the address which they had just carried to the throne. He commenced this long string of criminatory resolutions against his country (if King, Lords, and Commons of Great Britain, and a decided majority without doors are his country) *with a declaration against intermeddling in the interior concerns of France*. The purport of this resolution of non-interference is a thing unexampled in the history of the world, when one nation has been actually at war with another. The best writers on the law of nations give no sort of countenance to his doctrine of non-interference, in the extent and manner in which he used it, *even when there is no war*. When the war exists, not one authority is against it in all its latitude. His doctrine is equally contrary to the enemy's uniform practice, who, whether in peace or in war, makes it his great aim not only to change the

government, but to make an entire revolution in the whole of the social order in every country.

The object of the last of this extraordinary string of resolutions moved by Mr. Fox was to advise the crown not to enter into such an engagement with any foreign power so as to hinder us from making a *separate* peace with France, or which might tend to enable any of those powers to introduce a government in that country other than such as those persons whom he calls the people of France shall choose to establish. In short, the whole of these resolutions appeared to have but one drift, namely, the sacrifice of our own domestic dignity and safety, and the independency of Europe, to the support of this strange mixture of anarchy and tyranny which prevails in France, and which Mr. Fox and his party were pleased to call a government. The immediate consequence of these measures was (by an example the ill effects of which on the whole world are not to be calculated) to secure the robbers of the innocent nobility, gentry, and ecclesiastics of France in the enjoyment of the spoil they have made of the estates, houses, and goods of their fellow-citizens.

21. Not satisfied with moving these resolutions, tending to confirm this horrible tyranny and robbery, and with actually dividing the House on the first of the long string which they composed, in a few days afterwards he encouraged and supported Mr. Grey in producing the very same string in a new form, and in moving, under the shape of an address of Parliament to the crown, another virulent libel on all its own proceedings in this session, in which not only all the ground of the resolutions was again travelled over, but much new inflammatory matter was introduced. In particular, a charge was made, that Great Britain had not interposed to prevent the last partition of Poland. On this head the party dwelt very largely and very vehemently. Mr. Fox's intention, in the choice of this extraordinary topic, was evident enough. He well knows two things: first, that no wise or honest man can approve of that partition, or can contemplate it without prognosticating great mischief from it to all countries at some future time; secondly, he knows quite as well, that, let our opinions on that partition be what they will, England, by itself, is not in a situation to afford to Poland any assistance whatsoever. The purpose of the introduction of Polish politics into this discussion was not for the sake of Poland; it was to throw an odium upon those who are obliged to decline the cause of justice from their impossibility of supporting a cause which they approve: as if we, who think more strongly on this subject than he does, were of a party against Poland, because we are obliged to act with some of the authors of that injustice against our common enemy, France. But the great and leading purpose of this introduction of Poland into the debates on the French war was to divert the public attention from what was in our power, that is, from a steady coöperation against France, to a quarrel with the allies for the sake of a Polish war, which, for any useful purpose to Poland, he knew it was out of our power to make. If England can touch Poland ever

so remotely, it must be through the medium of alliances. But by attacking all the combined powers together for their supposed unjust aggression upon France, he bound them by a now common interest not separately to join England for the rescue of Poland. The proposition could only mean to do what all the writers of his party in the Morning Chronicle have aimed at persuading the public to, through the whole of the last autumn and winter, and to this hour: that is, to an alliance with the Jacobins of France, for the pretended purpose of succoring Poland. This curious project would leave to Great Britain no other ally in all Europe except its old enemy, France.

22. Mr. Fox, after the first day's discussion on the question for the address, was at length driven to admit (to admit rather than to urge, and that very faintly) that France had discovered ambitious views, which none of his partisans, that I recollect, (Mr. Sheridan excepted,) did, however, either urge or admit. What is remarkable enough, all the points admitted against the Jacobins were brought to bear in their favor as much as those in which they were defended. For when Mr. Fox admitted that the conduct of the Jacobins did discover ambition, he always ended his admission of their ambitious views by an apology for them, insisting that the universally hostile disposition shown to them rendered their ambition a sort of defensive policy. Thus, on whatever roads he travelled, they all terminated in recommending a recognition of their pretended republic, and in the plan of sending an ambassador to it. This was the burden of all his song:— "Everything which we could reasonably hope from war would be obtained from treaty." It is to be observed, however, that, in all these debates, Mr. Fox never once stated to the House upon what ground it was he conceived that all the objects of the French system of united fanaticism and ambition would instantly be given up, whenever England should think fit to propose a treaty. On proposing so strange a recognition and so humiliating an embassy as he moved, he was bound to produce his authority, if any authority he had. He ought to have done this the rather, because Le Brun, in his first propositions, and in his answers to Lord Grenville, defended, *on principle, not on temporary convenience*, everything which was objected to France, and showed not the smallest disposition to give up any one of the points in discussion. Mr. Fox must also have known that the Convention had passed to the order of the day, on a proposition to give some sort of explanation or modification to the hostile decree of the 19th of November for exciting insurrections in all countries, — a decree known to be peculiarly pointed at Great Britain. The whole proceeding of the French administration was the most remote that could be imagined from furnishing any indication of a pacific disposition: for at the very time in which it was pretended that the Jacobins entertained those boasted pacific intentions, at the very time in which Mr. Fox was urging a treaty with them, not content with refusing a modification of the decree for insurrections, they published their ever-memorable decree of the 15th of December, 1792, for disorganizing every country in Europe

into which they should on any occasion set their foot; and on the 25th and the 30th of the same month, they solemnly, and, on the last of these days, practically, confirmed that decree.

23. But Mr. Fox had himself taken good care, in the negotiation he proposed, that France should not be obliged to make any very great concessions to her presumed moderation: for he had laid down one general, comprehensive rule, with him (as he said) constant and inviolable. This rule, in fact, would not only have left to the faction in France all the property and power they had usurped at home, but most, if not all, of the conquests which by their atrocious perfidy and violence they had made abroad. The principle laid down by Mr. Fox is this,— “*That every state, in the conclusion of a war, has a right to avail itself of its conquests towards an indemnification.*” This principle (true or false) is totally contrary to the policy which this country has pursued with France at various periods, particularly at the Treaty of Ryswick, in the last century, and at the Treaty of Aix-la-Chapelle, in this. Whatever the merits of his rule may be in the eyes of neutral judges, it is a rule which no statesman before him ever laid down in favor of the adverse power with whom he was to negotiate. The adverse party himself may safely be trusted to take care of his *own* aggrandizement. But (as if the black boxes of the several parties had been exchanged) Mr. Fox’s English ambassador, by some odd mistake, would find himself charged with the concerns of France. If we were to leave France as she stood at the time when Mr. Fox proposed to treat with her, that formidable power must have been infinitely strengthened, and almost every other power in Europe as much weakened, by the extraordinary basis which he laid for a treaty. For Avignon must go from the Pope; Savoy (at least) from the King of Sardinia, if not Nice. Liege, Mentz, Salm, Deux-Ponts, and Basle must be separated from Germany. On this side of the Rhine, Liege (at least) must be lost to the Empire, and added to France. Mr. Fox’s general principle fully covered all this. How much of these territories came within his rule he never attempted to define. He kept a profound silence as to Germany. As to the Netherlands he was something more explicit. He said (if I recollect right) that France on that side might expect something towards strengthening her frontier. As to the remaining parts of the Netherlands, which he supposed France might consent to surrender, he went so far as to declare that England ought not to permit the Emperor to be repossessed of the remainder of the ten Provinces, but that *the people* should choose such a form of independent government as they liked. This proposition of Mr. Fox was just the arrangement which the usurpation in France had all along proposed to make. As the circumstances were at that time, and have been ever since, his proposition fully indicated what government the Flemings *must* have in the stated extent of what was left to them. A government so set up in the Netherlands, whether compulsory, or by the choice of the *sans-culottes*, (who he well knew were to be the real electors, and the sole electors,) in whatever name it was to exist, must evidently depend for its

existence, as it had done for its original formation, on France. In reality, it must have ended in that point to which, piece by piece, the French were then actually bringing all the Netherlands, — that is, an incorporation with France as a body of new Departments, just as Savoy and Liege and the rest of their pretended independent popular sovereignties have been united to their republic. Such an arrangement must have destroyed Austria; it must have left Holland always at the mercy of France; it must totally and forever cut off all political communication between England and the Continent. Such must have been the situation of Europe, according to Mr. Fox's system of politics, however laudable his personal motives may have been in proposing so complete a change in the whole system of Great Britain with regard to all the Continental powers.

24. After it had been generally supposed that all public business was over for the session, and that Mr. Fox had exhausted all the modes of pressing this French scheme, he thought proper to take a step beyond every expectation, and which demonstrated his wonderful eagerness and perseverance in his cause, as well as the nature and true character of the cause itself. This step was taken by Mr. Fox immediately after his giving his assent to the grant of supply voted to him by Mr. Serjeant Adair and a committee of gentlemen who assumed to themselves to act in the name of the public. In the instrument of his acceptance of this grant, Mr. Fox took occasion to assure them that he would always persevere *in the same conduct* which had procured to him so honorable a mark of the public approbation. He was as good as his word.

25. It was not long before an opportunity was found, or made, for proving the sincerity of his professions, and demonstrating his gratitude to those who had given public and unequivocal marks of their approbation of his late conduct. One of the most virulent of the Jacobin faction, Mr. Gurney, a banker at Norwich, had all along distinguished himself by his French politics. By the means of this gentleman, and of his associates of the same description, one of the most insidious and dangerous handbills that ever was seen had been circulated at Norwich against the war, drawn up in an hypocritical tone of compassion for the poor. This address to the populace of Norwich was to play in concert with an address to Mr. Fox; it was signed by Mr. Gurney and the higher part of the French fraternity in that town. In this paper Mr. Fox is applauded for his conduct throughout the session, and requested, before the prorogation, to make a motion for an immediate peace with France.

26. Mr. Fox did not revoke to this suit: he readily and thankfully undertook the task assigned to him. Not content, however, with merely falling in with their wishes, he proposed a task on his part to the gentlemen of Norwich, which was, *that they should move the people without doors to petition against the war*. He said, that, without such assistance, little good could be expected from anything he might attempt within the walls of the House of Commons. In the mean time, to animate

his Norwich friends in their endeavors to besiege Parliament, he snatched the first opportunity to give notice of a motion which he very soon after made, namely, to address the crown to make peace with France. The address was so worded as to coöperate with the handbill in bringing forward matter calculated to inflame the manufacturers throughout the kingdom.

27. In support of his motion, he declaimed in the most virulent strain, even beyond any of his former invectives, against every power with whom we were then, and are now, acting against France. In the *moral* forum some of these powers certainly deserve all the ill he said of them; but the *political* effect aimed at, evidently, was to turn our indignation from France, with whom we were at war, upon Russia, or Prussia, or Austria, or Sardinia, or all of them together. In consequence of his knowledge that we *could* not effectually do *without* them, and his resolution that we *should* not act *with* them, he proposed, that, having, as he asserted, “obtained the only avowed object of the war (the evacuation of Holland) we ought to conclude an instant peace.”

28. Mr. Fox could not be ignorant of the mistaken basis upon which his motion was grounded. He was not ignorant, that, though the attempt of Dumouriez on Holland, (so very near succeeding,) and the navigation of the Scheldt, (a part of the same piece,) were among the *immediate* causes, they were by no means the only causes, alleged for Parliament’s taking that offence at the proceedings of France, for which the Jacobins were so prompt in declaring war upon this kingdom. Other full as weighty causes had been alleged: they were, — 1. The general overbearing and desperate ambition of that faction; 2. Their actual attacks on every nation in Europe; 3. Their usurpation of territories in the Empire with the governments of which they had no pretence of quarrel; 4. Their perpetual and irrevocable consolidation with their own dominions of every territory of the Netherlands, of Germany, and of Italy, of which they got a temporary possession; 5. The mischiefs attending the prevalence of their system, which would make the success of their ambitious designs a new and peculiar species of calamity in the world; 6. Their formal, public decrees, particularly those of the 19th of November and 15th and 25th of December; 7. Their notorious attempts to undermine the Constitution of this country; 8. Their public reception of deputations of traitors for that direct purpose; 9. Their murder of their sovereign, declared by most of the members of the Convention, who spoke with their vote, (without a disavowal from any,) to be perpetrated as an example to *all* kings and a precedent for *all* subjects to follow. All these, and not the Scheldt alone, or the invasion of Holland, were urged by the minister, and by Mr. Windham, by myself, and by others who spoke in those debates, as causes for bringing France to a sense of her wrong in the war which she declared against us. Mr. Fox well knew that not one man argued for the necessity of a vigorous resistance to France, who did not state the war as being for the very existence of the social order here, and in every part of Europe, — who did not state

his opinion that this war was not at all a foreign war of empire, but as much for our liberties, properties, laws, and religion, and even more so, than any we had ever been engaged in. This was the war which, according to Mr. Fox and Mr. Gurney, we were to abandon before the enemy had felt in the slightest degree the impression of our arms.

29. Had Mr. Fox's disgraceful proposal been complied with, this kingdom would have been stained with a blot of perfidy hitherto without an example in our history, and with far less excuse than any act of perfidy which we find in the history of any other nation. The moment when, by the incredible exertions of Austria, (very little through ours,) the temporary deliverance of Holland (in effect our own deliverance) had been achieved, he advised the House instantly to abandon her to that very enemy from whose arms she had freed ourselves and the closest of our allies.

30. But we are not to be imposed on by forms of language. We must act on the substance of things. To abandon Austria in this manner was to abandon Holland itself. For suppose France, encouraged and strengthened as she must have been by our treacherous desertion, — suppose France, I say, to succeed against Austria, (as she had succeeded the very year before,) England would, after its disarmament, have nothing in the world but the inviolable faith of Jacobinism and the steady politics of anarchy to depend upon, against France's renewing the very same attempts upon Holland, and renewing them (considering what Holland was and is) with much better prospects of success. Mr. Fox must have been well aware, that, if we were to break with the greater Continental powers, and particularly to come to a rupture with them, in the violent and intemperate mode in which he would have made the breach, the defence of Holland against a foreign enemy and a strong domestic faction must hereafter rest solely upon England, without the chance of a single ally, either on that or on any other occasion. So far as to the pretended sole object of the war, which Mr. Fox supposed to be so completely obtained (but which then was not at all, and at this day is not completely obtained) as to leave us nothing else to do than to cultivate a peaceful, quiet correspondence with those quiet, peaceable, and moderate people, the Jacobins of France.

31. To induce us to this, Mr. Fox labored hard to make it appear that the powers with whom we acted were full as ambitious and as perfidious as the French. This might be true as to *other* nations. They had not, however, been so to *us* or to Holland. He produced no proof of active ambition and ill faith against Austria. But supposing the combined powers had been all thus faithless, and been all alike so, there was one circumstance which made an essential difference between them and France. I need not, therefore, be at the trouble of contesting this point, — which, however, in this latitude, and as at all affecting Great Britain and Holland, I deny utterly. Be it so. But the great monarchies have it in their power to keep their faith, *if they please*, because they are governments of established and recognized authority at home and abroad. France had, in reality, no government. The very factions who

exercised power had no stability. The French Convention had no powers of peace or war. Supposing the Convention to be free, (most assuredly it was not,) they had shown no disposition to abandon their projects. Though long driven out of Liege, it was not many days before Mr. Fox's motion that they still continued to claim it as a country which their principles of fraternity bound them to protect, — that is, to subdue and to regulate at their pleasure. That party which Mr. Fox inclined most to favor and trust, and from which he must have received his assurances, (if any he did receive,) that is, the *Brissotins*, were then either prisoners or fugitives. The party which prevailed over them (that of Danton and Marat) was itself in a tottering condition, and was disowned by a very great part of France. To say nothing of the royal party, who were powerful and growing, and who had full as good a right to claim to be the legitimate government as any of the Parisian factions with whom he proposed to treat, — or rather, (as it seemed to me,) to surrender at discretion.

32. But when Mr. Fox began to come from his general hopes of the moderation of the Jacobins to particulars, he put the case that they might not perhaps be willing to surrender Savoy. He certainly was not willing to contest that point with them, but plainly and explicitly (as I understood him) proposed to let them keep it, — though he knew (or he was much worse informed than he would be thought) that England had at the very time agreed on the terms of a treaty with the King of Sardinia, of which the recovery of Savoy was the *casus fæderis*. In the teeth of this treaty, Mr. Fox proposed a direct and most scandalous breach of our faith, formally and recently given. But to surrender Savoy was to surrender a great deal more than so many square acres of land or so much revenue. In its consequences, the surrender of Savoy was to make a surrender to France of Switzerland and Italy, of both which countries Savoy is the key, — as it is known to ordinary speculators in politics, though it may not be known to the weavers in Norwich, who, it seems, are by Mr. Fox called to be the judges in this matter.

A sure way, indeed, to encourage France not to make a surrender of this key of Italy and Switzerland, or of Mentz, the key of Germany, or of any other object whatsoever which she holds, is to let her see *that the people of England raise a clamor against the war before terms are so much as proposed on any side*. From that moment the Jacobins would be masters of the terms. They would know that Parliament, at all hazards, would force the king to a separate peace. The crown could not, in that case, have any use of its judgment. Parliament could not possess more judgment than the crown, when besieged (as Mr. Fox proposed to Mr. Gurney) by the cries of the manufacturers. This description of men Mr. Fox endeavored in his speech by every method to irritate and inflame. In effect, his two speeches were, through the whole, nothing more than an amplification of the Norwich handbill. He rested the greatest part of his argument on the distress of trade, which he attributed to the war; though it was obvious to any tolerably good observation, and, much more, must have been clear to such an observation as his,

that the then difficulties of the trade and manufacture could have no sort of connection with our share in it. The war had hardly begun. We had suffered neither by spoil, nor by defeat, nor by disgrace of any kind. Public credit was so little impaired, that, instead of being supported by any extraordinary aids from individuals, it advanced a credit to individuals to the amount of five millions for the support of trade and manufactures under their temporary difficulties, a thing before never heard of, — a thing of which I do not commend the policy, but only state it, to show that Mr. Fox's ideas of the effects of war were without any trace of foundation.

33. It is impossible not to connect the arguments and proceedings of a party with that of its leader, — especially when not disavowed or controlled by him. Mr. Fox's partisans declaim against all the powers of Europe, except the Jacobins, just as he does; but not having the same reasons for management and caution which he has, they speak out. He satisfies himself merely with making his invectives, and leaves others to draw the conclusion. But they produce their Polish interposition for the express purpose of leading to a French alliance. They urge their French peace in order to make a junction with the Jacobins to oppose the powers, whom, in their language, they call despots, and their leagues, a combination of despots. Indeed, no man can look on the present posture of Europe with the least degree of discernment, who will not be thoroughly convinced that England must be the fast friend or the determined enemy of France. There is no medium; and I do not think Mr. Fox to be so dull as not to observe this. His peace would have involved us instantly in the most extensive and most ruinous wars, at the same time that it would have made a broad highway (across which no human wisdom could put an effectual barrier) for a mutual intercourse with the fraternizing Jacobins on both sides, the consequences of which those will certainly not provide against who do not dread or dislike them.

34. It is not amiss in this place to enter a little more fully into the spirit of the principal arguments on which Mr. Fox thought proper to rest this his grand and concluding motion, particularly such as were drawn from the internal state of our affairs. Under a specious appearance, (not uncommonly put on by men of unscrupulous ambition,) that of tenderness and compassion to the poor, he did his best to appeal to the judgments of the meanest and most ignorant of the people on the merits of the war. He had before done something of the same dangerous kind in his printed letter. The ground of a political war is of all things that which the poor laborer and manufacturer are the least capable of conceiving. This sort of people know in general that they must suffer by war. It is a matter to which they are sufficiently competent, because it is a matter of feeling. The *causes* of a war are not matters of feeling, but of reason and foresight, and often of remote considerations, and of a very great combination of circumstances which *they* are utterly incapable of comprehending: and, indeed, it is not every man in the highest classes who is

altogether equal to it. Nothing, in a general sense, appears to me less fair and justifiable (even if no attempt were made to inflame the passions) than to submit a matter on discussion to a tribunal incapable of judging of more than *one side* of the question. It is at least as unjustifiable to inflame the passions of such judges against *that side* in favor of which they cannot so much as comprehend the arguments. Before the prevalence of the French system, (which, as far as it has gone, has extinguished the salutary prejudice called our country,) nobody was more sensible of this important truth than Mr. Fox; and nothing was more proper and pertinent, or was more felt at the time, than his reprimand to Mr. Wilberforce for an inconsiderate expression which tended to call in the judgment of the poor to estimate the policy of war upon the standard of the taxes they may be obliged to pay towards its support.

35. It is fatally known that the great object of the Jacobin system is, to excite the lowest description of the people to range themselves under ambitious men for the pillage and destruction of the more eminent orders and classes of the community. The thing, therefore, that a man not fanatically attached to that dreadful project would most studiously avoid is, to act a part with the French *Propagandists*, in attributing (as they constantly do) all wars, and all the consequences of wars, to the pride of those orders, and to their contempt of the weak and indigent part of the society. The ruling Jacobins insist upon it, that even the wars which they carry on with so much obstinacy against all nations are made to prevent the poor from any longer being the instruments and victims of kings, nobles, and the aristocracy of burghers and rich men. They pretend that the destruction of kings, nobles, and the aristocracy of burghers and rich men is the only means of establishing an universal and perpetual peace. This is the great drift of all their writings, from the time of the meeting of the states of France, in 1789, to the publication of the last Morning Chronicle. They insist that even the war which with so much boldness they have declared against all nations is to prevent the poor from becoming the instruments and victims of these persons and descriptions. It is but too easy, if you once teach poor laborers and mechanics to defy their prejudices, and, as this has been done with an industry scarcely credible, to substitute the principles of fraternity in the room of that salutary prejudice called our country, — it is, I say, but too easy to persuade them, agreeably to what Mr. Fox hints in his public letter, that this war is, and that the other wars have been, the wars of kings; it is easy to persuade them that the terrors even of a foreign conquest are not terrors for *them*; it is easy to persuade them, that, for their part, *they* have nothing to lose, — and that their condition is not likely to be altered for the worse, whatever party may happen to prevail in the war. Under any circumstances this doctrine is highly dangerous, as it tends to make separate parties of the higher and lower orders, and to put their interests on a different bottom. But if the enemy you have to deal with should appear, as France now appears, under the very name and title of the deliverer of the poor and the

chastiser of the rich, the former class would readily become not an indifferent spectator of the war, but would be ready to enlist in the faction of the enemy, — which they would consider, though under a foreign name, to be more connected with them than an adverse description in the same land. All the props of society would be drawn from us by these doctrines, and the very foundations of the public defence would give way in an instant.

36. There is no point which the faction of fraternity in England have labored more than to excite in the poor the horror of any war with France upon any occasion. When they found that their open attacks upon our Constitution in favor of a French republic were for the present repelled, they put that matter out of sight, and have taken up the more plausible and popular ground of general peace, upon merely general principles; although these very men, in the correspondence of their clubs with those of France, had reprobated the neutrality which now they so earnestly press. But, in reality, their maxim was, and is, “Peace and alliance with France, and war with the rest of the world.”

37. This last motion of Mr. Fox bound up the whole of his politics during the session. This motion had many circumstances, particularly in the Norwich correspondence, by which the mischief of all the others was aggravated beyond measure. Yet this last motion, far the worst of Mr. Fox’s proceedings, was the best supported of any of them, except his amendment to the address. The Duke of Portland had directly engaged to support the war; — here was a motion as directly made to force the crown to put an end to it before a blow had been struck. The efforts of the faction have so prevailed that some of his Grace’s nearest friends have actually voted for that motion; some, after showing themselves, went away; others did not appear at all. So it must be, where a man is for any time supported from personal considerations, without reference to his public conduct. Through the whole of this business, the spirit of fraternity appears to me to have been the governing principle. It might be shameful for any man, above the vulgar, to show so blind a partiality even to his own country as Mr. Fox appears, on all occasions, this session, to have shown to France. Had Mr. Fox been a minister, and proceeded on the principles laid down by him, I believe there is little doubt he would have been considered as the most criminal statesman that ever lived in this country. I do not know why a statesman out of place is not to be judged in the same manner, unless we can excuse him by pleading in his favor a total indifference to principle, and that he would act and think in quite a different way, if he were in office. This I will not suppose. One may think better of him, and that, in case of his power, he might change his mind. But supposing, that, from better or from worse motives, he might change his mind on his acquisition of the favor of the crown, I seriously fear, that, if the king should to-morrow put power into his hands, and that his good genius would inspire him with maxims very different from those he has promulgated, he would not be able to get the better of the ill temper and the ill doctrines he has been the

means of exciting and propagating throughout the kingdom. From the very beginning of their inhuman and unprovoked rebellion and tyrannic usurpation, he has covered the predominant faction in France, and their adherents here, with the most exaggerated panegyrics; neither has he missed a single opportunity of abusing and vilifying those who, in uniform concurrence with the Duke of Portland's and Lord Fitzwilliam's opinion, have maintained the true grounds of the Revolution Settlement in 1688. He lamented all the defeats of the French; he rejoiced in all their victories, — even when these victories threatened to overwhelm the continent of Europe, and, by facilitating their means of penetrating into Holland, to bring this most dreadful of all evils with irresistible force to the very doors, if not into the very heart, of our country. To this hour he always speaks of every thought of overturning the French Jacobinism by force, on the part of any power whatsoever, as an attempt unjust and cruel, and which he reprobates with horror. If any of the French Jacobin leaders are spoken of with hatred or scorn, he falls upon those who take that liberty with all the zeal and warmth with which men of honor defend their particular and bosom friends, when attacked. He always represents their cause as a cause of liberty, and all who oppose it as partisans of despotism. He obstinately continues to consider the great and growing vices, crimes, and disorders of that country as only evils of passage, which are to produce a permanently happy state of order and freedom. He represents these disorders exactly in the same way and with the same limitations which are used by one of the two great Jacobin factions: I mean that of Pétion and Brissot. Like them, he studiously confines his horror and reprobation only to the massacres of the 2d of September, and passes by those of the 10th of August, as well as the imprisonment and deposition of the king, which were the consequences of that day, as indeed were the massacres themselves to which he confines his censure, though they were not actually perpetrated till early in September. Like that faction, he condemns, not the deposition, or the proposed exile or perpetual imprisonment, but only the murder of the king. Mr. Sheridan, on every occasion, palliates all their massacres committed in every part of France, as the effects of a natural indignation at the exorbitances of despotism, and of the dread of the people of returning under that yoke. He has thus taken occasion to load, not the actors in this wickedness, but the government of a mild, merciful, beneficent, and patriotic prince, and his suffering, faithful subjects, with all the crimes of the new anarchical tyranny under which the one has been murdered and the others are oppressed. Those continual either praises or palliating apologies of everything done in France, and those invectives as uniformly vomited out upon all those who venture to express their disapprobation of such proceedings, coming from a man of Mr. Fox's fame and authority, and one who is considered as the person to whom a great party of the wealthiest men of the kingdom look up, have been the cause why the principle of French fraternity formerly gained the ground which at one time it had obtained in this country. It will infallibly recover itself

again, and in ten times a greater degree, if the kind of peace, in the manner which he preaches, ever shall be established with the reigning faction in France.

38. So far as to the French practices with regard to France and the other powers of Europe. As to their principles and doctrines with regard to the constitution of states, Mr. Fox studiously, on all occasions, and indeed when no occasion calls for it, (as on the debate of the petition for reform,) brings forward and asserts their fundamental and fatal principle, pregnant with every mischief and every crime, namely, that “in every country the people is the legitimate sovereign”: exactly conformable to the declaration of the French clubs and legislators:— “La souveraineté est *une, indivisible, inalienable, et imprescriptible*; elle appartient à la nation; aucune *section* du peuple ni aucun *individu* ne peut s’en attribuer l’exercise.” This confounds, in a manner equally mischievous and stupid, the origin of a government from the people with its continuance in their hands. I believe that no such doctrine has ever been heard of in any public act of any government whatsoever, until it was adopted (I think from the writings of Rousseau) by the French Assemblies, who have made it the basis of their Constitution at home, and of the matter of their apostolate in every country. These and other wild declarations of abstract principle, Mr. Fox says, are in themselves perfectly right and true; though in some cases he allows the French draw absurd consequences from them. But I conceive he is mistaken. The consequences are most logically, though most mischievously, drawn from the premises and principles by that wicked and ungracious faction. The fault is in the foundation.

39. Before society, in a multitude of men, it is obvious that sovereignty and subjection are ideas which cannot exist. It is the compact on which society is formed that makes both. But to suppose the people, contrary to their compacts, both to give away and retain the same thing is altogether absurd. It is worse, for it supposes in any strong combination of men a power and right of always dissolving the social union; which power, however, if it exists, renders them again as little sovereigns as subjects, but a mere unconnected multitude. It is not easy to state for what good end, at a time like this, when the foundations of all ancient and prescriptive governments, such as ours, (to which people submit, not because they have chosen them, but because they are born to them,) are undermined by perilous theories, that Mr. Fox should be so fond of referring to those theories, upon all occasions, even though speculatively they might be true, — which God forbid they should! Particularly I do not see the reason why he should be so fond of declaring that the principles of the Revolution have made the crown of Great Britain *elective*, — why he thinks it seasonable to preach up with so much earnestness, for now three years together, the doctrine of resistance and revolution at all, — or to assert that our last Revolution, of 1688, stands on the same or similar principles with that of France. We are not called upon to bring forward these doctrines, which are hardly ever resorted to but in cases of extremity, and where they are followed by

correspondent actions. We are not called upon by any circumstance, that I know of, which can justify a revolt, or which demands a revolution, or can make an election of a successor to the crown necessary, whatever latent right may be supposed to exist for effectuating any of these purposes.

40. Not the least alarming of the proceedings of Mr. Fox and his friends in this session, especially taken in concurrence with their whole proceedings with regard to France and its principles, is their eagerness at this season, under pretence of Parliamentary reforms, (a project which had been for some time rather dormant,) to discredit and disgrace the House of Commons. For this purpose these gentlemen had found a way to insult the House by several atrocious libels in the form of petitions. In particular they brought up a libel, or rather a complete digest of libellous matter, from the club called the Friends of the People. It is, indeed, at once the most audacious and the most insidious of all the performances of that kind which have yet appeared. It is said to be the penmanship of Mr. Tierney, to bring whom into Parliament the Duke of Portland formerly had taken a good deal of pains, and expended, as I hear, a considerable sum of money.

41. Among the circumstances of danger from that piece, and from its precedent, it is observable that this is the first petition (if I remember right) *coming from a club or association, signed by individuals, denoting neither local residence nor corporate capacity*. This mode of petition, not being strictly illegal or informal, though in its spirit in the highest degree mischievous, may and will lead to other things of that nature, tending to bring these clubs and associations to the French model, and to make them in the end answer French purposes: I mean, that, without legal names, these clubs will be led to assume political capacities; that they may debate the forms of Constitution; and that from their meetings they may insolently dictate their will to the regular authorities of the kingdom, in the manner in which the Jacobin clubs issue their mandates to the National Assembly or the National Convention. The audacious remonstrance, I observe, is signed by all of that association (the Friends of the People) *who are not in Parliament*, and it was supported most strenuously by all the associators *who are members*, with Mr. Fox at their head. He and they contended for referring this libel to a committee. Upon the question of that reference they grounded all their debate for a change in the constitution of Parliament. The pretended petition is, in fact, a regular charge or impeachment of the House of Commons, digested into a number of articles. This plan of reform is not a criminal impeachment, but a matter of prudence, to be submitted to the public wisdom, which must be as well apprised of the facts as petitioners can be. But those accusers of the House of Commons have proceeded upon the principles of a criminal process, and have had the effrontery to offer proof on each article.

42. This charge the party of Mr. Fox maintained article by article, beginning with the first, — namely, the interference of peers at elections, and their nominating in effect several of the members of the House of Commons. In the printed list of

grievances which they made out on the occasion, and in support of their charge, is found the borough for which, under Lord Fitzwilliam's influence, I now sit. By this remonstrance, and its object, they hope to defeat the operation of property in elections, and in reality to dissolve the connection and communication of interests which makes the Houses of Parliament a mutual support to each other. Mr. Fox and the Friends of the People are not so ignorant as not to know that peers do not interfere in elections as peers, but as men of property; they well know that the House of Lords is by itself the feeblest part of the Constitution; they know that the House of Lords is supported only by its connections with the crown and with the House of Commons, and that without this double connection the Lords could not exist a single year. They know that all these parts of our Constitution, whilst they are balanced as opposing interests, are also connected as friends; otherwise nothing but confusion could be the result of such a complex Constitution. It is natural, therefore, that they who wish the common destruction of the whole and of all its parts should contend for their total separation. But as the House of Commons is that link which connects both the other parts of the Constitution (the Crown and the Lords) *with the mass of the people*, it is to that link (as it is natural enough) that their incessant attacks are directed. That artificial representation of the people being once discredited and overturned, all goes to pieces, and nothing but a plain *French* democracy or arbitrary monarchy can possibly exist.

43. Some of these gentlemen who have attacked the House of Commons lean to a representation of the people by the head, — that is, to *individual representation*. None of them, that I recollect, except Mr. Fox, directly rejected it. It is remarkable, however, that he only rejected it by simply declaring an opinion. He let all the argument go against his opinion. All the proceedings and arguments of his reforming friends lead to individual representation, and to nothing else. It deserves to be attentively observed, *that this individual representation is the only plan of their reform which has been explicitly proposed*. In the mean time, the conduct of Mr. Fox appears to be far more inexplicable, on any good ground, than theirs, who propose the individual representation; for he neither proposes anything, nor even suggests that he has anything to propose, in lieu of the present mode of constituting the House of Commons; on the contrary, he declares against all the plans which have yet been suggested, either from himself or others: yet, thus unprovided with any plan whatsoever, he pressed forward this unknown reform with all possible warmth; and for that purpose, in a speech of several hours, he urged the referring to a committee the libellous impeachment of the House of Commons by the association of the Friends of the People. But for Mr. Fox to discredit Parliament *as it stands*, to countenance leagues, covenants, and associations for its further discredit, to render it perfectly odious and contemptible, and at the same time to propose nothing at all in place of what he disgraces, is worse, if possible, than to

contend for personal individual representation, and is little less than demanding, in plain terms, to bring on plain anarchy.

44. Mr. Fox and these gentlemen have for the present been defeated; but they are neither converted nor disheartened. They have solemnly declared that they will persevere until they shall have obtained their ends, — persisting to assert that the House of Commons not only is not the true representative of the people, but that it does not answer the purpose of such representation: most of them insist that all the debts, the taxes, and the burdens of all kinds on the people, with every other evil and inconvenience which we have suffered since the Revolution, have been owing solely to an House of Commons which does not speak the sense of the people.

45. It is also not to be forgotten, that Mr. Fox, and all who hold with him, on this, as on all other occasions of pretended reform, most bitterly reproach Mr. Pitt with treachery, in declining to support the scandalous charges and indefinite projects of this infamous libel from the Friends of the People. By the animosity with which they persecute all those who grow cold in this cause of pretended reform, they hope, that, if, through levity, inexperience, or ambition, any young person (like Mr. Pitt, for instance) happens to be once embarked in their design, they shall by a false shame keep him fast in it forever. Many they have so hampered.

46. I know it is usual, when the peril and alarm of the hour appears to be a little overblown, to think no more of the matter. But, for my part, I look back with horror on what we have escaped, and am full of anxiety with regard to the dangers which in my opinion are still to be apprehended both at home and abroad. This business has cast deep roots. Whether it is necessarily connected in theory with Jacobinism is not worth a dispute. The two things are connected in fact. The partisans of the one are the partisans of the other. I know it is common with those who are favorable to the gentlemen of Mr. Fox's party and to their leader, though not at all devoted to all their reforming projects or their Gallican politics, to argue, in palliation of their conduct, that it is not in their power to do all the harm which their actions evidently tend to. It is said, that, as the people will not support them, they may safely be indulged in those eccentric fancies of reform, and those theories which lead to nothing. This apology is not very much to the honor of those politicians whose interests are to be adhered to in defiance of their conduct. I cannot flatter myself that these incessant attacks on the constitution of Parliament are safe. It is not in my power to despise the unceasing efforts of a confederacy of about fifty persons of eminence: men, for the far greater part, of very ample fortunes either in possession or in expectancy; men of decided characters and vehement passions; men of very great talents of all kinds, of much boldness, and of the greatest possible spirit of artifice, intrigue, adventure, and enterprise, all operating with unwearied activity and perseverance. These gentlemen are much stronger, too, without doors than some calculate. They have the more active part of the Dissenters with them, and the whole clan of speculators of all denominations,

— a large and growing species. They have that floating multitude which goes with events, and which suffers the loss or gain of a battle to decide its opinions of right and wrong. As long as by every art this party keeps alive a spirit of disaffection against the very Constitution of the kingdom, and attributes, as lately it has been in the habit of doing, all the public misfortunes to that Constitution, it is absolutely *impossible* but that some moment must arrive in which they will be enabled to produce a pretended reform and a real revolution. If ever the body of this *compound Constitution* of ours is subverted, either in favor of unlimited monarchy or of wild democracy, that ruin will *most certainly* be the result of this very sort of machinations against the House of Commons. It is not from a confidence in the views or intentions of any statesman that I think he is to be indulged in these perilous amusements.

47. Before it is made the great object of any man's political life to raise another to power, it is right to consider what are the real dispositions of the person to be so elevated. We are not to form our judgment on those dispositions from the rules and principles of a court of justice, but from those of private discretion, — not looking for what would serve to criminate another, but what is sufficient to direct ourselves. By a comparison of a series of the discourses and actions of certain men for a reasonable length of time, it is impossible not to obtain sufficient indication of the general tendency of their views and principles. There is no other rational mode of proceeding. It is true, that in some one or two perhaps not well-weighed expressions, or some one or two unconnected and doubtful affairs, we may and ought to judge of the actions or words by our previous good or ill opinion of the man. But this allowance has its bounds. It does not extend to any regular course of systematic action, or of constant and repeated discourse. It is against every principle of common sense, and of justice to one's self and to the public, to judge of a series of speeches and actions from the man, and not of the man from the whole tenor of his language and conduct. I have stated the above matters, not as inferring a criminal charge of evil intention. If I had meant to do so, perhaps they are stated with tolerable exactness. But I have no such view. The intentions of these gentlemen may be very pure. I do not dispute it. But I think they are in some great error. If these things are done by Mr. Fox and his friends with good intentions, they are not done less dangerously; for it shows these good intentions are not under the direction of safe maxims and principles.

48. Mr. Fox, Mr. Sheridan, and the gentlemen who call themselves the Phalanx, have not been so very indulgent to others. They have thought proper to ascribe to those members of the House of Commons, who, in exact agreement with the Duke of Portland and Lord Fitzwilliam, abhor and oppose the French system, the basest and most unworthy motives for their conduct; — as if none could oppose that atheistic, immoral, and impolitic project set up in France, so disgraceful and destructive, as I conceive, to human nature itself, but with some sinister intentions.

They treat those members on all occasions with a sort of lordly insolence, though they are persons that (whatever homage they may pay to the eloquence of the gentlemen who choose to look down upon them with scorn) are not their inferiors in any particular which calls for and obtains just consideration from the public: not their inferiors in knowledge of public law, or of the Constitution of the kingdom; not their inferiors in their acquaintance with its foreign and domestic interests; not their inferiors in experience or practice of business; not their inferiors in moral character; not their inferiors in the proofs they have given of zeal and industry in the service of their country. Without denying to these gentlemen the respect and consideration which it is allowed justly belongs to them, we see no reason why they should not as well be obliged to defer something to our opinions as that we should be bound blindly and servilely to follow those of Mr. Fox, Mr. Sheridan, Mr. Grey, Mr. Courtenay, Mr. Lambton, Mr. Whitbread, Mr. Taylor, and others. We are members of Parliament and their equals. We never consider ourselves as their followers. These gentlemen (some of them hardly born when some of us came into Parliament) have thought proper to treat us as deserters, — as if we had been listed into their phalanx like soldiers, and had sworn to live and die in their French principles. This insolent claim of superiority on their part, and of a sort of vassalage to them on that of other members, is what no liberal mind will submit to bear.

49. The society of the Liberty of the Press, the Whig Club, and the Society for Constitutional Information, and (I believe) the Friends of the People, as well as some clubs in Scotland, have, indeed, declared, “that their confidence in and attachment to Mr. Fox has lately been confirmed, strengthened, and increased by the calumnies” (as they are called) “against him.” It is true, Mr. Fox and his friends have those testimonies in their favor, against certain old friends of the Duke of Portland. Yet, on a full, serious, and, I think, dispassionate consideration of the whole of what Mr. Fox and Mr. Sheridan and their friends have acted, said, and written, in this session, instead of doing anything which might tend to procure power, or any share of it whatsoever, to them or to their phalanx, (as they call it,) or to increase their credit, influence, or popularity in the nation, I think it one of my most serious and important public duties, in whatsoever station I may be placed for the short time I have to live, effectually to employ my best endeavors, by every prudent and every lawful means, to traverse all their designs. I have only to lament that my abilities are not greater, and that my probability of life is not better, for the more effectual pursuit of that object. But I trust that neither the principles nor exertions will die with me. I am the rather confirmed in this my resolution, and in this my wish of transmitting it, because every ray of hope concerning a possible control or mitigation of the enormous mischiefs which the principles of these gentlemen, and which their connections, full as dangerous as their principles, might receive from the influence of the Duke of Portland and Lord Fitzwilliam, on becoming their colleagues in office, is now entirely banished from the mind of every

one living. It is apparent, even to the world at large, that, so far from having a power to direct or to guide Mr. Fox, Mr. Sheridan, Mr. Grey, and the rest, in any important matter, they have not, through this session, been able to prevail on them to forbear, or to delay, or mitigate, or soften, any one act, or any one expression, upon subjects on which they essentially differed.

50. Even if this hope of a possible control did exist, yet the declared opinions, and the uniform line of conduct conformable to those opinions, pursued by Mr. Fox, must become a matter of serious alarm, if he should obtain a power either at court or in Parliament or in the nation at large, and for this plain reason: he must be the most active and efficient member in any administration of which he shall form a part. That a man, or set of men, are guided by such not dubious, but delivered and avowed principles and maxims of policy, as to need a watch and check on them in the exercise of the highest power, ought, in my opinion, to make every man, who is not of the same principles and guided by the same maxims, a little cautious how he makes himself one of the traverses of a ladder to help such a man, or such a set of men, to climb up to the highest authority. A minister of this country is to be controlled by the House of Commons. He is to be trusted, not *controlled*, by his colleagues in office: if he were to be controlled, government, which ought to be the source of order, would itself become a scene of anarchy. Besides, Mr. Fox is a man of an aspiring and commanding mind, made rather to control than to be controlled, and he never will be nor can be in any administration in which he will be guided by any of those whom I have been accustomed to confide in. It is absurd to think that he would or could. If his own opinions do not control him, nothing can. When we consider of an adherence to a man which leads to his power, we must not only see what the man is, but how he stands related. It is not to be forgotten that Mr. Fox acts in close and inseparable connection with another gentleman of exactly the same description as himself, and who, perhaps, of the two, is the leader. The rest of the body are not a great deal more tractable; and over them, if Mr. Fox and Mr. Sheridan have authority, most assuredly the Duke of Portland has not the smallest degree of influence.

51. One must take care that a blind partiality to some persons, and as blind an hatred to others, may not enter into our minds under a color of inflexible public principle. We hear, as a reason for clinging to Mr. Fox at present, that nine years ago Mr. Pitt got into power by mischievous intrigues with the court, with the Dissenters, and with other factious people out of Parliament, to the discredit and weakening of the power of the House of Commons. His conduct nine years ago I still hold to be very culpable. There are, however, many things very culpable that I do not know how to punish. My opinion on such matters I must submit to the good of the state, as I have done on other occasions, — and particularly with regard to the authors and managers of the American war, with whom I have acted, both in office and in opposition, with great confidence and cordiality, though I thought

many of their acts criminal and impeachable. Whilst the misconduct of Mr. Pitt and his associates was yet recent, it was not possible to get Mr. Fox of himself to take a single step, or even to countenance others in taking any step, upon the ground of that misconduct and false policy; though, if the matters had been then taken up and pursued, such a step could not have appeared so evidently desperate as now it is. So far from pursuing Mr. Pitt, I know that then, and for some time after, some of Mr. Fox's friends were actually, and with no small earnestness, looking out to a coalition with that gentleman. For years I never heard this circumstance of Mr. Pitt's misconduct on that occasion mentioned by Mr. Fox, either in public or in private, as a ground for opposition to that minister. All opposition, from that period to this very session, has proceeded upon the separate measures as they separately arose, without any vindictive retrospect to Mr. Pitt's conduct in 1784. My memory, however, may fail me. I must appeal to the printed debates, which (so far as Mr. Fox is concerned) are unusually accurate.

52. Whatever might have been in our power at an early period, at this day I see no remedy for what was done in 1784. I had no great hopes even at the time. I was therefore very eager to record a remonstrance on the journals of the House of Commons, as a caution against such a popular delusion in times to come; and this I then feared, and now am certain, is all that could be done. I know of no way of animadverting on the crown. I know of no mode of calling to account the House of Lords, who threw out the India Bill in a way not much to their credit. As little, or rather less, am I able to coerce the people at large, who behaved very unwisely and intemperately on that occasion. Mr. Pitt was then accused, by me as well as others, of attempting to be minister without enjoying the confidence of the House of Commons, though he did enjoy the confidence of the crown. That House of Commons, whose confidence he did not enjoy, unfortunately did not itself enjoy the confidence (though we well deserved it) either of the crown or of the public. For want of that confidence, the then House of Commons did not survive the contest. Since that period Mr. Pitt has enjoyed the confidence of the crown, and of the Lords, and *of the House of Commons*, through two successive Parliaments; and I suspect that he has ever since, and that he does still, enjoy as large a portion, at least, of the confidence of the people without doors as his great rival. Before whom, then, is Mr. Pitt to be impeached, and by whom? The more I consider the matter, the more firmly I am convinced that the idea of proscribing Mr. Pitt *indirectly*, when you cannot *directly punish* him, is as chimerical a project, and as unjustifiable, as it would be to have proscribed Lord North. For supposing that by indirect ways of opposition, by opposition upon measures which do not relate to the business of 1784, but which on other grounds might prove unpopular, you were to drive him from his seat, this would be no example whatever of punishment for the matters we charge as offences in 1784. On a cool and dispassionate view of the affairs of this time and country, it appears obvious to me that one or the other of those two great

men, that is, Mr. Pitt or Mr. Fox, must be minister. They are, I am sorry for it, irreconcilable. Mr. Fox's conduct *in this session* has rendered the idea of his power a matter of serious alarm to many people who were very little pleased with the proceedings of Mr. Pitt in the beginning of his administration. They like neither the conduct of Mr. Pitt in 1784, nor that of Mr. Fox in 1793; but they estimate which of the evils is most pressing at the time, and what is likely to be the consequence of a change. If Mr. Fox be wedded, they must be sensible that his opinions and principles on the now existing state of things at home and abroad must be taken as his portion. In his train must also be taken the whole body of gentlemen who are pledged to him and to each other, and to their common politics and principles. I believe no king of Great Britain ever will adopt, for his confidential servants, that body of gentlemen, holding that body of principles. Even if the present king or his successor should think fit to take that step, I apprehend a general discontent of those who wish that this nation and that Europe should continue in their present state would ensue, — a discontent which, combined with the principles and progress of the new men in power, would shake this kingdom to its foundations. I do not believe any one political conjecture can be more certain than this.

53. Without at all defending or palliating Mr. Pitt's conduct in 1784, I must observe, that the crisis of 1793, with regard to everything at home and abroad, is full as important as that of 1784 ever was, and, if for no other reason, by being present, is much more important. It is not to nine years ago we are to look for the danger of Mr. Fox's and Mr. Sheridan's conduct, and that of the gentlemen who act with them. It is at *this* very time, and in *this* very session, that, if they had not been strenuously resisted, they would not only have discredited the House of Commons, (as Mr. Pitt did in 1784, when he persuaded the king to reject their advice, and to appeal from them to the people,) but, in my opinion, would have been the means of wholly subverting the House of Commons and the House of Peers, and the whole Constitution actual and virtual, together with the safety and independence of this nation, and the peace and settlement of every state in the now Christian world. It is to our opinion of the nature of Jacobinism, and of the probability, by corruption, faction, and force, of its gaining ground everywhere, that the question whom and what you are to support is to be determined. For my part, without doubt or hesitation, I look upon Jacobinism as the most dreadful and the most shameful evil which ever afflicted mankind, a thing which goes beyond the power of all calculation in its mischief, — and that, if it is suffered to exist in France, we must in England, and speedily too, fall into that calamity.

54. I figure to myself the purpose of these gentlemen accomplished, and this ministry destroyed. I see that the persons who in that case must rule can be no other than Mr. Fox, Mr. Sheridan, Mr. Grey, the Marquis of Lansdowne, Lord Thurlow, Lord Lauderdale, and the Duke of Norfolk, with the other chiefs of the Friends of the People, the Parliamentary reformers, and the admirers of the French

Revolution. The principal of these are all formally pledged to their projects. If the Duke of Portland and Lord Fitzwilliam should be admitted into that system, (as they might and probably would be,) it is quite certain they could not have the smallest weight in it, — less, indeed, than what they now possess, if less were possible: because they would be less wanted than they now are; and because all those who wished to join them, and to act under them, have been rejected by the Duke of Portland and Lord Fitzwilliam themselves; and Mr. Fox, finding them thus by themselves disarmed, has built quite a new fabric, upon quite a new foundation. There is no trifling on this subject. We see very distinctly before us the ministry that would be formed and the plan that would be pursued. If we like the plan, we must wish the power of those who are to carry it into execution; but to pursue the political exaltation of those whose political measures we disapprove and whose principles we dissent from is a species of modern politics not easily comprehensible, and which must end in the ruin of the country, if it should continue and spread. Mr. Pitt may be the worst of men, and Mr. Fox may be the best; but, at present, the former is in the interest of his country, and of the order of things long established in Europe: Mr. Fox is not. I have, for one, been born in this order of things, and would fain die in it. I am sure it is sufficient to make men as virtuous, as happy, and as knowing as anything which Mr. Fox, and his friends abroad or at home, would substitute in its place; and I should be sorry that any set of politicians should obtain power in England whose principles or schemes should lead them to countenance persons or factions whose object is to introduce some new devised order of things into England, or to support that order where it is already introduced, in France, — a place in which if it can be fixed, in my mind, it must have a certain and decided influence in and upon this kingdom.

This is my account of my conduct to my private friends. I have already said all I wish to say, or nearly so, to the public. I write this with pain and with an heart full of grief.

**PREFACE TO THE ADDRESS OF M. BRISSOT TO HIS
CONSTITUENTS. TRANSLATED BY THE LATE WILLIAM
BURKE, ESQ. 1794.**

The French Revolution has been the subject of various speculations and various histories. As might be expected, the royalists and the republicans have differed a good deal in their accounts of the principles of that Revolution, of the springs which have set it in motion, and of the true character of those who have been, or still are, the principal actors on that astonishing scene.

They who are inclined to think favorably of that event will undoubtedly object to every state of facts which comes only from the authority of a royalist. Thus much must be allowed by those who are the most firmly attached to the cause of religion, law, and order, (for of such, and not of friends to despotism, the royal party is composed,) — that their very affection to this generous and manly cause, and their abhorrence of a Revolution not less fatal to liberty than to government, may possibly lead them in some particulars to a more harsh representation of the proceedings of their adversaries than would be allowed by the cold neutrality of an impartial judge. This sort of error arises from a source highly laudable; but the exactness of truth may suffer even from the feelings of virtue. History will do justice to the intentions of worthy men, but it will be on its guard against their infirmities; it will examine with great strictness of scrutiny whatever appears from a writer in favor of his own cause. On the other hand, whatever escapes him, and makes against that cause, comes with the greatest weight.

In this important controversy, the translator of the following work brings forward to the English tribunal of opinion the testimony of a witness beyond all exception. His competence is undoubted. He knows everything which concerns this Revolution to the bottom. He is a chief actor in all the scenes which he presents. No man can object to him as a royalist: the royal party, and the Christian religion, never had a more determined enemy. In a word, it is BRISSOT. It is Brissot, the republican, the Jacobin, and the philosopher, who is brought to give an account of Jacobinism, and of republicanism, and of philosophy.

It is worthy of observation, that this his account of the genius of Jacobinism and its effects is not confined to the period in which that faction came to be divided within itself. In several, and those very important particulars, Brissot's observations apply to the whole of the preceding period before the great schism, and whilst the Jacobins acted as one body; insomuch that the far greater part of the proceedings of the ruling powers since the commencement of the Revolution in France, so strikingly painted, so strongly and so justly reprobated by Brissot, were the acts of Brissot himself and his associates. All the members of the Girondin subdivision

were as deeply concerned as any of the Mountain could possibly be, and some of them much more deeply, in those horrid transactions which have filled all the thinking part of Europe with the greatest detestation, and with the most serious apprehensions for the common liberty and safety.

A question will very naturally be asked, — What could induce Brissot to draw such a picture? He must have been sensible it was his own. The answer is, — The inducement was the same with that which led him to partake in the perpetration of all the crimes the calamitous effects of which he describes with the pen of a master, — ambition. His faction, having obtained their stupendous and unnatural power by rooting out of the minds of his unhappy countrymen every principle of religion, morality, loyalty, fidelity, and honor, discovered, that, when authority came into their hands, it would be a matter of no small difficulty for them to carry on government on the principles by which they had destroyed it.

The rights of men and the new principles of liberty and equality were very unhandy instruments for those who wished to establish a system of tranquillity and order. They who were taught to find nothing to respect in the title and in the virtues of Louis the Sixteenth, a prince succeeding to the throne by the fundamental laws, in the line of a succession of monarchs continued for fourteen hundred years, found nothing which could bind them to an implicit fidelity and dutiful allegiance to Messrs. Brissot, Vergniaud, Condorcet, Anacharsis Clootz, and Thomas Paine.

In this difficulty, they did as well as they could. To govern the people, they must incline the people to obey. The work was difficult, but it was necessary. They were to accomplish it by such materials and by such instruments as they had in their hands. They were to accomplish the purposes of order, morality, and submission to the laws, from the principles of atheism, profligacy, and sedition. Ill as the disguise became them, they began to assume the mask of an austere and rigid virtue; they exhausted all the stores of their eloquence (which in some of them were not inconsiderable) in declamations against tumult and confusion; they made daily harangues on the blessings of order, discipline, quiet, and obedience to authority; they even showed some sort of disposition to protect such property as had not been confiscated. They who on every occasion had discovered a sort of furious thirst of blood and a greedy appetite for slaughter, who avowed and gloried in the murders and massacres of the 14th of July, of the 5th and 6th of October, and of the 10th of August, now began to be squeamish and fastidious with regard to those of the 2nd of September.

In their pretended scruples on the sequel of the slaughter of the 10th of August, they imposed upon no living creature, and they obtained not the smallest credit for humanity. They endeavored to establish a distinction, by the belief of which they hoped to keep the spirit of murder safely bottled up and sealed for their own purposes, without endangering themselves by the fumes of the poison which they prepared for their enemies.

Roland was the chief and the most accredited of the faction. His morals had furnished little matter of exception against him. Old, domestic, and uxorious, he led a private life sufficiently blameless. He was therefore set up as the *Cato* of the republican party, which did not abound in such characters.

This man, like most of the chiefs, was the manager of a newspaper, in which he promoted the interest of his party. He was a fatal present made by the revolutionists to the unhappy king, as one of his ministers under the new Constitution. Amongst his colleagues were Clavière and Servan. All the three have since that time either lost their heads by the axe of their associates in rebellion, or, to evade their own revolutionary justice, have fallen by their own hands.

These ministers were regarded by the king as in a conspiracy to dethrone him. Nobody who considers the circumstances which preceded the deposition of Louis the Sixteenth, nobody who attends to the subsequent conduct of those ministers, can hesitate about the reality of such a conspiracy. The king certainly had no doubt of it; he found himself obliged to remove them; and the necessity, which first obliged him to choose such regicide ministers constrained him to replace them by Dumouriez the Jacobin, and some others of little efficiency, though of a better description.

A little before this removal, and evidently as a part of the conspiracy, Roland put into the king's hands, as a memorial, the most insolent, seditious, and atrocious libel that has probably ever been penned. This paper Roland a few days after delivered to the National Assembly, who instantly published and dispersed it over all France; and in order to give it the stronger operation, they declared that he and his brother ministers had carried with them the regret of the nation. None of the writings which have inflamed the Jacobin spirit to a savage fury ever worked up a fiercer ferment through the whole mass of the republicans in every part of France.

Under the thin veil of *prediction*, he strongly *recommends* all the abominable practices which afterwards followed. In particular, he inflamed the minds of the populace against the respectable and conscientious clergy, who became the chief objects of the massacre, and who were to him the chief objects of a malignity and rancor that one could hardly think to exist in an human heart.

We have the relics of his fanatical persecution here. We are in a condition to judge of the merits of the persecutors and of the persecuted: I do not say the accusers and accused; because, in all the furious declamations of the atheistic faction against these men, not one specific charge has been made upon any one person of those who suffered in their massacre or by their decree of exile.

The king had declared that he would sooner perish under their axe (he too well saw what was preparing for him) than give his sanction to the iniquitous act of proscription under which those innocent people were to be transported.

On this proscription of the clergy a principal part of the ostensible quarrel between the king and those ministers had turned. From the time of the authorized

publication of this libel, some of the manoeuvres long and uniformly pursued for the king's deposition became more and more evident and declared.

The 10th of August came on, and in the manner in which Roland had predicted: it was followed by the same consequences. The king was deposed, after cruel massacres in the courts and the apartments of his palace and in almost all parts of the city. In reward of his treason to his old master, Roland was by his new masters named Minister of the Home Department.

The massacres of the 2nd of September were begotten by the massacres of the 10th of August. They were universally foreseen and hourly expected. During this short interval between the two murderous scenes, the furies, male and female, cried out havoc as loudly and as fiercely as ever. The ordinary jails were all filled with prepared victims; and when they overflowed, churches were turned into jails. At this time the relentless Roland had the care of the general police; — he had for his colleague the bloody Danton, who was Minister of Justice; the insidious Pétion was Mayor of Paris; the treacherous Manuel was Procurator of the Common Hall. The magistrates (some or all of them) were evidently the authors of this massacre. Lest the national guard should, by their very name, be reminded of their duty in preserving the lives of their fellow-citizens, the Common Council of Paris, pretending that it was in vain to think of resisting the murderers, (although in truth neither their numbers nor their arms were at all formidable,) obliged those guards to draw the charges from their muskets, and took away their bayonets. One of their journalists, and, according to their fashion, one of their leading statesmen, Gorsas, mentions this fact in his newspaper, which he formerly called the Galley Journal. The title was well suited to the paper and its author. For some felonies he had been sentenced to the galleys; but, by the benignity of the late king, this felon (to be one day advanced to the rank of a regicide) had been pardoned and released at the intercession of the ambassadors of Tippoo Sultan. His gratitude was such as might naturally have been expected; and it has lately been rewarded as it deserved. This liberated galley-slave was raised, in mockery of all criminal law, to be Minister of Justice: he became from his elevation a more conspicuous object of accusation, and he has since received the punishment of his former crimes in proscription and death.

It will be asked, how the Minister of the Home Department was employed at this crisis. The day after the massacre had commenced, Roland appeared; but not with the powerful apparatus of a protecting magistrate, to rescue those who had survived the slaughter of the first day: nothing of this. On the 3rd of September, (that is, the day after the commencement of the massacre,) he writes a long, elaborate, verbose epistle to the Assembly, in which, after magnifying, according to the *bon-ton* of the Revolution, his own integrity, humanity, courage, and patriotism, he first directly justifies all the bloody proceedings of the 10th of August. He considers the slaughter of that day as a necessary measure for defeating a conspiracy which (with

a full knowledge of the falsehood of his assertion) he asserts to have been formed for a massacre of the people of Paris, and which he more than insinuates was the work of his late unhappy master, — who was universally known to carry his dread of shedding the blood of his most guilty subjects to an excess.

“Without the day of the 10th,” says he, “it is evident that we should have been lost. The court, prepared for a long time, waited for the hour which was to accumulate all treasons, to display over Paris the standard of death, and to reign there by terror. The sense of the people, (*le sentiment*,) always just and ready when their opinion is not corrupted, foresaw the epoch marked for their destruction, and rendered it fatal to the conspirators.” He then proceeds, in the cant which has been applied to palliate all their atrocities from the 14th of July, 1789, to the present time:— “It is in the nature of things,” continues he, “and in that of the human heart, that victory should bring with it *some* excess. The sea, agitated by a violent storm, roars *long* after the tempest; but *everything has bounds*, which ought *at length* to be observed.”

In this memorable epistle, he considers such *excesses* as fatalities arising from the very nature of things, and consequently not to be punished. He allows a space of time for the duration of these agitations; and lest he should be thought rigid and too scanty in his measure, he thinks it may be *long*. But he would have things to cease *at length*. But when? and where? — When they may approach his own person.

“Yesterday,” says he, “the ministers *were denounced: vaguely*, indeed, as to the *matter*, because subjects of reproach were wanting; but with that warmth and force of assertion which strike the imagination and seduce it for a moment, and which mislead and destroy confidence, without which no man should remain in place in a free government. *Yesterday, again*, in an assembly of the presidents of all the sections, convoked by the ministers, with the view of conciliating all minds, and of mutual explanation, I perceived *that distrust which suspects, interrogates, and fetters operations*.”

In this manner (that is, in mutual suspicions and interrogatories) this virtuous Minister of the Home Department, and all the magistracy of Paris, spent the first day of the massacre, the atrocity of which has spread horror and alarm throughout Europe. It does not appear that the putting a stop to the massacre had any part in the object of their meeting, or in their consultations when they were met. Here was a minister tremblingly alive to his own safety, dead to that of his fellow-citizens, eager to preserve his place, and worse than indifferent about its most important duties. Speaking of the people, he says “that their hidden enemies may make use of this *agitation*” (the tender appellation which he gives to horrid massacre) “to hurt *their best friends and their most able defenders*. *Already the example begins*: let it restrain and arrest a *just* rage. Indignation carried to its height commences proscriptions which fall only on the *guilty*, but in which error and particular passions may shortly involve the *honest man*.”

He saw that the able artificers in the trade and mystery of murder did not choose that their skill should be unemployed after their first work, and that they were full as ready to cut off their rivals as their enemies. This gave him *one* alarm that was serious. This letter of Roland, in every part of it, lets out the secret of all the parties in this Revolution. *Plena rimarum est; hoc atque illac perfluit*. We see that none of them condemn the occasional practice of murder, — provided it is properly applied, — provided it is kept within the bounds which each of those parties think proper to prescribe. In this case Roland feared, that, if what was occasionally useful should become habitual, the practice might go further than was convenient. It might involve the best friends of the last Revolution, as it had done the heroes of the first Revolution: he feared that it would not be confined to the La Fayettees and Clermont-Tonnerres, the Duponts and Barnaves, but that it might extend to the Brissots and Vergniauds, to the Condorcets, the Pétions, and to himself. Under this apprehension there is no doubt that his humane feelings were altogether unaffected.

His observations on the massacre of the preceding day are such as cannot be passed over. “Yesterday,” said he, “was a day upon the events of which it is perhaps necessary to leave a *veil*. I know that the people with their vengeance *mingled a sort of justice*: they did not take for victims *all* who presented themselves to their fury; they directed it to *them who had for a long time been spared by the sword of the law*, and who they *believed*, from the peril of circumstances, should be sacrificed without delay. But I know that it is easy to *villains and traitors* to misrepresent this *effervescence*, and that it must be checked; I know that we owe to all France the declaration, that the *executive power* could not foresee or prevent this excess; I know that it is due to the constituted authorities to place a limit to it, or consider themselves as abolished.”

In the midst of this carnage he thinks of nothing but throwing a veil over it, — which was at once to cover the guilty from punishment, and to extinguish all compassion for the sufferers. He apologizes for it; in fact, he justifies it. He who (as the reader has just seen in what is quoted from this letter) feels so much indignation at “vague denunciations,” when made against himself, and from which he then feared nothing more than the subversion of his power, is not ashamed to consider the charge of a conspiracy to massacre the Parisians, brought against his master upon denunciations as vague as possible, or rather upon no denunciations, as a perfect justification of the monstrous proceedings against him. He is not ashamed to call the murder of the unhappy priests in the Carmes, who were under no criminal denunciation whatsoever, a “*vengeance mingled with a sort of justice*”; he observes that they “*had been a long time spared by the sword of the law*,” and calls by anticipation all those who should represent this “*effervescence*” in other colors *villains and traitors*: he did not than foresee how soon himself and his accomplices would be under the necessity of assuming the pretended character of this new sort of “*villany and treason*”, in the hope of obliterating the memory of their former real

villanies and treasons; he did not foresee that in the course of six months a formal manifesto on the part of himself and his faction, written by his confederate Brissot, was to represent this “*effervescence*” as another “*St. Bartholomew*” and speak of it as “*having made humanity shudder, and sullied the Revolution forever.*”

It is very remarkable that he takes upon himself to know the motives of the assassins, their policy, and even what they “believed.” How could this be, if he had no connection with them? He praises the murderers for not having taken as yet *all* the lives of those who had, as he calls it, “*presented themselves* as victims to their fury.” He paints the miserable prisoners, who had been forcibly piled upon one another in the Church of the Carmelites by his faction, as *presenting themselves* as victims to their fury, — as if death was their choice, or (allowing the idiom of his language to make this equivocal) as if they were by some accident *presented* to the fury of their assassins: whereas he knew that the leaders of the murderers sought these pure and innocent victims in the places where they had deposited them and were sure to find them. The very selection, which he praises as a *sort of justice* tempering their fury, proves beyond a doubt the foresight, deliberation, and method with which this massacre was made. He knew that circumstance on the very day of the commencement of the massacres, when, in all probability, he had begun this letter, — for he presented it to the Assembly on the very next.

Whilst, however, he defends these acts, he is conscious that they will appear in another light to the world. He therefore acquits the executive power, that is, he acquits himself, (but only by his own assertion,) of those acts of “*vengeance mixed with a sort of justice,*” as an “*excess* which he could neither foresee nor prevent.” He could not, he says, foresee these acts, when he tells us the people of Paris had sagacity so well to foresee the designs of the court on the 10th of August, — to foresee them so well as to mark the precise epoch on which they were to be executed, and to contrive to anticipate them on the very day: he could not foresee these events, though he declares in this very letter that victory *must* bring with it some *excess*, — that “the sea roars *long* after the tempest.” So far as to his foresight. As to his disposition to prevent, if he had foreseen, the massacres of that day, — this will be judged by his care in putting a stop to the massacre then going on. This was no matter of foresight: he was in the very midst of it. He does not so much as pretend that he had used any force to put a stop to it. But if he had used any, the sanction given under his hand to a sort of justice in the murderers was enough to disarm the protecting force.

That approbation of what they had already done had its natural effect on the executive assassins, then in the paroxysm of their fury, as well as on their employers, then in the midst of the execution of their deliberate, cold-blooded system of murder. He did not at all differ from either of them in the principle of those executions, but only in the time of their duration, — and that only as it affected himself. This, though to him a great consideration, was none to his

confederates, who were at the same time his rivals. They were encouraged to accomplish the work they had in hand. They did accomplish it; and whilst this grave moral epistle from a grave minister, recommending a cessation of their work of “vengeance mingled with a sort of justice,” was before a grave assembly, the authors of the massacres proceeded without interruption in their business for four days together, — that is, until the seventh of that month, and until all the victims of the first proscription in Paris and at Versailles and several other places were immolated at the shrine of the grim Moloch of liberty and equality. All the priests, all the loyalists, all the first essayists and novices of revolution in 1789, that could be found, were promiscuously put to death.

Through the whole of this long letter of Roland, it is curious to remark how the nerve and vigor of his style, which had spoken so potently to his sovereign, is relaxed when he addresses himself to the *sans-culottes*, — how that strength and dexterity of arm, with which he parries and beats down the sceptre, is enfeebled and lost when he comes to fence with the poniard. When he speaks to the populace, he can no longer be direct. The whole compass of the language is tried to find synonymes and circumlocutions for massacre and murder. Things are never called by their common names. Massacre is sometimes *agitation*, sometimes *effervescence*, sometimes *excess*, sometimes too continued an exercise of a *revolutionary power*.

However, after what had passed had been praised, or excused, or pardoned, he declares loudly against such proceedings *in future*. Crimes had pioneered and made smooth the way for the march of the virtues, and from that time order and justice and a sacred regard for personal property were to become the rules for the new democracy. Here Roland and the Brissotins leagued for their own preservation, by endeavoring to preserve peace. This short story will render many of the parts of Brissot’s pamphlet, in which Roland’s views and intentions are so often alluded to, the more intelligible in themselves, and the more useful in their application by the English reader.

Under the cover of these artifices, Roland, Brissot, and their party hoped to gain the bankers, merchants, substantial tradesmen, hoarders of assignats, and purchasers of the confiscated lands of the clergy and gentry to join with their party, as holding out some sort of security to the effects which they possessed, whether these effects were the acquisitions of fair commerce, or the gains of jobbing in the misfortunes of their country and the plunder of their fellow-citizens. In this design the party of Roland and Brissot succeeded in a great degree. They obtained a majority in the National Convention. Composed, however, as that assembly is, their majority was far from steady. But whilst they appeared to gain the Convention, and many of the outlying departments, they lost the city of Paris entirely and irrecoverably: it was fallen into the hands of Marat, Robespierre, and Danton. Their instruments were the *sans-culottes*, or rabble, who domineered in that capital, and were wholly at the devotion of those incendiaries, and received their daily pay. The people of property

were of no consequence, and trembled before Marat and his janizaries. As that great man had not obtained the helm of the state, it was not yet come to his turn to act the part of Brissot and his friends in the assertion of subordination and regular government. But Robespierre has survived both these rival chiefs, and is now the great patron of Jacobin order.

To balance the exorbitant power of Paris, (which threatened to leave nothing to the National Convention but a character as insignificant as that which the first Assembly had assigned to the unhappy Louis the Sixteenth,) the faction of Brissot, whose leaders were Roland, Pétion, Vergniaud, Isnard, Condorcet, &c., &c., &c., applied themselves to gain the great commercial towns, Lyons, Marseilles, Rouen, Nantes, and Bordeaux. The republicans of the Brissotin description, to whom the concealed royalists, still very numerous, joined themselves, obtained a temporary superiority in all these places. In Bordeaux, on account of the activity and eloquence of some of its representatives, this superiority was the most distinguished. This last city is seated on the Garonne, or Gironde; and being the centre of a department named from that river, the appellation of Girondists was given to the whole party. These, and some other towns, declared strongly against the principles of anarchy, and against the despotism of Paris. Numerous addresses were sent to the Convention, promising to maintain its authority, which the addressers were pleased to consider as legal and constitutional, though chosen, not to compose an executive government, but to form a plan for a Constitution. In the Convention measures were taken to obtain an armed force from the several departments to maintain the freedom of that body, and to provide for the personal safety of the members: neither of which, from the 14th of July, 1789, to this hour, have been really enjoyed by their assemblies sitting under any denomination.

This scheme, which was well conceived, had not the desired success. Paris, from which the Convention did not dare to move, though some threats of such a departure were from time to time thrown out, was too powerful for the party of the Gironde. Some of the proposed guards, but neither with regularity nor in force, did indeed arrive: they were debauched as fast as they came, or were sent to the frontiers. The game played by the revolutionists in 1789, with respect to the French guards of the unhappy king, was now played against the departmental guards, called together for the protection of the revolutionists. Every part of their own policy comes round, and strikes at their own power and their own lives.

The Parisians, on their part, were not slow in taking the alarm. They had just reason to apprehend, that, if they permitted the smallest delay, they should see themselves besieged by an army collected from all parts of France. Violent threats were thrown out against that city in the Assembly. Its total destruction was menaced. A very remarkable expression was used in these debates,—“that in future times it might be inquired on what part of the Seine Paris had stood.” The faction which ruled in Paris, too bold to be intimidated and too vigilant to be surprised,

instantly armed themselves. In their turn, they accused the Girondists of a treasonable design to break *the republic one and indivisible* (whose unity they contended could only be preserved by the supremacy of Paris) into a number of *confederate* commonwealths. The Girondin faction on this account received also the name of *Federalists*.

Things on both sides hastened fast to extremities. Paris, the mother of equality, was herself to be equalized. Matters were come to this alternative: either that city must be reduced to a mere member of the federative republic, or the Convention, chosen, as they said, by all France, was to be brought regularly and systematically under the dominion of the Common Hall, and even of any one of the sections of Paris.

In this awful contest, thus brought to issue, the great mother club of the Jacobins was entirely in the Parisian interest. The Girondins no longer dared to show their faces in that assembly. Nine tenths at least of the Jacobin clubs, throughout France, adhered to the great patriarchal Jacobinière of Paris, to which they were (to use their own term) *affiliated*. No authority of magistracy, judicial or executive, had the least weight, whenever these clubs chose to interfere: and they chose to interfere in everything, and on every occasion. All hope of gaining them to the support of property, or to the acknowledgment of any law but their own will, was evidently vain and hopeless. Nothing but an armed insurrection against their anarchical authority could answer the purpose of the Girondins. Anarchy was to be cured by rebellion, as it had been caused by it.

As a preliminary to this attempt on the Jacobins and the commons of Paris, which it was hoped would be supported by all the remaining property of France, it became absolutely necessary to prepare a manifesto, laying before the public the whole policy, genius, character, and conduct of the partisans of club government. To make this exposition as fully and clearly as it ought to be made, it was of the same unavoidable necessity to go through a series of transactions, in which all those concerned in this Revolution were, at the several periods of their activity, deeply involved. In consequence of this design, and under these difficulties, Brissot prepared the following declaration of his party, which he executed with no small ability; and in this manner the whole mystery of the French Revolution was laid open in all its parts.

It is almost needless to mention to the reader the fate of the design to which this pamphlet was to be subservient. The Jacobins of Paris were more prompt than their adversaries. They were the readiest to resort to what La Fayette calls the *most sacred of all duties, that of insurrection*. Another era of holy insurrection commenced the 31st of last May. As the first fruits of that insurrection grafted on insurrection, and of that rebellion improving upon rebellion, the sacred, irresponsible character of the members of the Convention was laughed to scorn. They had themselves shown in their proceedings against the late king how little the

most fixed principles are to be relied upon, in their revolutionary Constitution. The members of the Girondin party in the Convention were seized upon, or obliged to save themselves by flight. The unhappy author of this piece, with twenty of his associates, suffered together on the scaffold, after a trial the iniquity of which puts all description to defiance.

The English reader will draw from this work of Brissot, and from the result of the last struggles of this party, some useful lessons. He will be enabled to judge of the information of those who have undertaken to guide and enlighten us, and who, for reasons best known to themselves, have chosen to paint the French Revolution and its consequences in brilliant and flattering colors. They will know how to appreciate the liberty of France, which has been so much magnified in England. They will do justice to the wisdom and goodness of their sovereign and his Parliament, who have put them into a state of defence, in the war audaciously made upon us in favor of that kind of liberty. When we see (as here we must see) in their true colors the character and policy of our enemies, our gratitude will become an active principle. It will produce a strong and zealous coöperation with the efforts of our government in favor of a Constitution under which we enjoy advantages the full value of which the querulous weakness of human nature requires sometimes the opportunity of a comparison to understand and to relish.

Our confidence in those who watch for the public will not be lessened. We shall be sensible that to alarm us in the late circumstances of our affairs was not for our molestation, but for our security. We shall be sensible that this alarm was not ill-timed, — and that it ought to have been given, as it was given, before the enemy had time fully to mature and accomplish their plans for reducing us to the condition of France, as that condition is faithfully and without exaggeration described in the following work. We now have our arms in our hands; we have the means of opposing the sense, the courage, and the resources of England to the deepest, the most craftily devised, the best combined, and the most extensive design that ever was carried on, since the beginning of the world, against all property, all order, all religion, all law, and all real freedom.

The reader is requested to attend to the part of this pamphlet which relates to the conduct of the Jacobins with regard to the Austrian Netherlands, which they call Belgia or Belgium. It is from page seventy-two to page eighty-four of this translation. Here their views and designs upon all their neighbors are fully displayed. Here the whole mystery of their ferocious politics is laid open with the utmost clearness. Here the manner in which they would treat every nation into which they could introduce their doctrines and influence is distinctly marked. We see that no nation was out of danger, and we see what the danger was with which every nation was threatened. The writer of this pamphlet throws the blame of several of the most violent of the proceedings on the other party. He and his friends, at the time alluded to, had a majority in the National Assembly. He admits that neither he nor they *ever*

publicly opposed these measures; but he attributes their silence to a fear of rendering themselves suspected. It is most certain, that, whether from fear or from approbation, they never discovered any dislike of those proceedings till Dumouriez was driven from the Netherlands. But whatever their motive was, it is plain that the most violent is, and since the Revolution has always been, the predominant party.

If Europe could not be saved without our interposition, (most certainly it could not,) I am sure there is not an Englishman who would not blush to be left out of the general effort made in favor of the general safety. But we are not secondary parties in this war; *we are principals in the danger, and ought to be principals in the exertion*. If any Englishman asks whether the designs of the French assassins are confined to the spot of Europe which they actually desolate, the citizen Brissot, the author of this book, and the author of the declaration of war against England, will give him his answer. He will find in this book, that the republicans are divided into factions full of the most furious and destructive animosity against each other; but he will find also that there is one point in which they perfectly agree: that they are all enemies alike to the government of all other nations, and only contend with each other about the means of propagating their tenets and extending their empire by conquest.

It is true that in this present work, which the author professedly designed for an appeal to foreign nations and posterity, he has dressed up the philosophy of his own faction in as decent a garb as he could to make her appearance in public; but through every disguise her hideous figure may be distinctly seen. If, however, the reader still wishes to see her in all her naked deformity, I would further refer him to a private letter of Brissot, written towards the end of the last year, and quoted in a late very able pamphlet of Mallet Du Pan. “We must” (says our philosopher) “*set fire to the four corners of Europe*”; in that alone is our safety. “*Dumouriez cannot suit us*. I always distrusted him. Miranda is the general for us: he understands the *revolutionary power*; he has *courage, lights*,” &c. Here everything is fairly avowed in plain language. The triumph of philosophy is the universal conflagration of Europe; the only real dissatisfaction with Dumouriez is a suspicion of his moderation; and the secret motive of that preference which in this very pamphlet the author gives to Miranda, though without assigning his reasons, is declared to be the superior fitness of that foreign adventurer for the purposes of subversion and destruction. On the other hand, if there can be any man in this country so hardy as to undertake the defence or the apology of the present monstrous usurpers of France, and if it should be said in their favor, that it is not just to credit the charges of their enemy Brissot against them, who have actually tried and condemned him on the very same charges among others, we are luckily supplied with the best possible evidence in support of this part of his book against them: it comes from among themselves. Camille Desmoulins published the History of the Brissotins in answer to this very address of Brissot. It was the counter-manifesto of the last holy revolution of the 31st of May;

and the flagitious orthodoxy of his writings at that period has been admitted in the late scrutiny of him by the Jacobin Club, when they saved him from that guillotine “which he grazed.” In the beginning of his work he displays “the task of glory,” as he calls it, which presented itself at the opening of the Convention. All is summed up in two points: “To create the French Republic; *to disorganize Europe; perhaps to purge it of its tyrants by the eruption of the volcanic principles of equality.*” The coincidence is exact; the proof is complete and irresistible.

In a cause like this, and in a time like the present, there is no neutrality. They who are not actively, and with decision and energy, against Jacobinism are its partisans. They who do not dread it love it. It cannot be viewed with indifference. It is a thing made to produce a powerful impression on the feelings. Such is the nature of Jacobinism, such is the nature of man, that this system must be regarded either with enthusiastic admiration, or with the highest degree of detestation, resentment, and horror.

Another great lesson may be taught by this book, and by the fortune of the author and his party: I mean a lesson drawn from the consequences of engaging in daring innovations from an hope that we may be able to limit their mischievous operation at our pleasure, and by our policy to secure ourselves against the effect of the evil examples we hold out to the world. This lesson is taught through almost all the important pages of history; but never has it been taught so clearly and so awfully as at this hour. The revolutionists who have just suffered an ignominious death, under the sentence of the revolutionary tribunal, (a tribunal composed of those with whom they had triumphed in the total destruction of the ancient government,) were by no means ordinary men, or without very considerable talents and resources. But with all their talents and resources, and the apparent momentary extent of their power, we see the fate of their projects, their power, and their persons. We see before our eyes the absurdity of thinking to establish order upon principles of confusion, or with the materials and instruments of rebellion to build up a solid and stable government.

Such partisans of a republic amongst us as may not have the worst intentions will see that the principles, the plans, the manners, the morals, and the whole system of France is altogether as adverse to the formation and duration of any rational scheme of a republic as it is to that of a monarchy, absolute or limited. It is, indeed, a system which can only answer the purposes of robbers and murderers.

The translator has only to say for himself, that he has found some difficulty in this version. His original author, through haste, perhaps, or through the perturbation of a mind filled with a great and arduous enterprise, is often obscure. There are some passages, too, in which his language requires to be first translated into French, — at least into such French as the Academy would in former times have tolerated. He writes with great force and vivacity; but the language, like everything else in his country, has undergone a revolution. The translator thought it best to be as literal as

possible, conceiving such a translation would perhaps be the most fit to convey the author's peculiar mode of thinking. In this way the translator has no credit for style, but he makes it up in fidelity. Indeed, the facts and observations are so much more important than the style, that no apology is wanted for producing them in any intelligible manner.

APPENDIX.

[The Address of M. Brissot to his Constituents being now almost forgotten, it has been thought right to add, as an Appendix, that part of it to which Mr. Burke points our particular attention and upon which he so forcibly comments in his Preface.]

Three sorts of anarchy have ruined our affairs in Belgium.

The anarchy of the administration of Pache, which has completely disorganized the supply of our armies; which by that disorganization reduced the army of Dumouriez to stop in the middle of its conquests; which struck it motionless through the months of November and December; which hindered it from joining Beurnonville and Custine, and from forcing the Prussians and Austrians to repass the Rhine, and afterwards from putting themselves in a condition to invade Holland sooner than they did.

To this state of ministerial anarchy it is necessary to join that other anarchy which disorganized the troops, and occasioned their habits of pillage; and lastly, that anarchy which created the revolutionary power, and forced the union to France of the countries we had invaded, before things were ripe for such a measure.

Who could, however, doubt the frightful evils that were occasioned in our armies by that doctrine of anarchy which, under the shadow of equality of *right*, would establish equality of fact? This is universal equality, the scourge of society, as the other is the support of society: an anarchical doctrine which would level all things, talents and ignorance, virtues and vices, places, usages, and services; a doctrine which begot that fatal project of organizing the army, presented by Dubois de Crancé, to which it will be indebted for a complete disorganization.

Mark the date of the presentation of the system of this equality of fact, entire equality. It had been projected and decreed even at the very opening of the Dutch campaign. If any project could encourage the want of discipline in the soldiers, any scheme could disgust and banish good officers, and throw all things into confusion at the moment when order alone could give victory, it is this project, in truth, so stubbornly defended by the anarchists, and transplanted into their ordinary tactic.

How could they expect that there should exist any discipline, any subordination, when even in the camp they permit motions, censures, and denunciations of officers and of generals? Does not such a disorder destroy all the respect that is due to superiors, and all the mutual confidence without which success cannot be hoped for? For the spirit of distrust makes the soldier suspicious, and intimidates the

general. The first discerns treason in every danger; the second, always placed between the necessity of conquest and the image of the scaffold, dares not raise himself to bold conception, and those heights of courage which electrify an army and insure victory. Turenne, in our time, would have carried his head to the scaffold; for he was sometimes beat: but the reason why he more frequently conquered was, that his discipline was severe; it was, that his soldiers, confiding in his talents, never muttered discontent instead of fighting. Without reciprocal confidence between the soldier and the general, there can be no army, no victory, especially in a free government.

Is it not to the same system of anarchy, of equalization, and want of subordination, which has been recommended in some clubs and defended even in the Convention, that we owe the pillages, the murders, the enormities of all kinds, which it was difficult for the officers to put a stop to, from the general spirit of insubordination, — excesses which have rendered the French name odious to the Belgians? Again, is it not to this system of anarchy, and of robbery, that we are indebted for the *revolutionary power*, which has so justly aggravated the hatred of the Belgians against France?

What did enlightened republicans think before the 10th of August, men who wished for liberty, *not only for their own country, but for all Europe? They believed that they could generally establish it by exciting the governed against the governors, in letting the people see the facility and the advantages of such insurrections.*

But how can the people be led to that point? By the example of good government established among us; by the example of order; by the care of spreading nothing but moral ideas among them: to respect their properties and their rights; to respect their prejudices, even when we combat them: by disinterestedness in defending the people; by a zeal to extend the spirit of liberty amongst them.

This system was at first followed. Excellent pamphlets from the pen of Condorcet prepared the people for liberty; the 10th of August, the republican decrees, the battle of Valmy, the retreat of the Prussians, the victory of Jemappes, all spoke in favor of France: all was rapidly destroyed by *the revolutionary power*. Without doubt, good intentions made the majority of the Assembly adopt it; they would plant the tree of liberty in a foreign soil, under the shade of a people already free. To the eyes of the people of Belgium it seemed but the mask of a new foreign tyranny. This opinion was erroneous; I will suppose it so for a moment; but still this opinion of Belgium deserved to be considered. In general, we have always considered our own opinions and our own intentions rather than the people whose cause we defend. We have given those people a will: that is to say, we have more than ever alienated them from liberty.

How could the Belgic people believe themselves free, since we exercise for them, and over them, the rights of sovereignty, — when, without consulting them, we suppress, all in a mass, their ancient usages, their abuses, their prejudices, those

classes of society which without doubt are contrary to the spirit of liberty, but the utility of whose destruction was not as yet proved to them? How could they believe themselves free and sovereign, when we made them take such an oath as we thought fit, as a test to give them the right of voting? How could they believe themselves free, when openly despising their religious worship, which religious worship that superstitious people valued beyond their liberty, beyond even their life; when we proscribed their priests; when we banished them from their assemblies, where they were in the practice of seeing them govern; when we seized their revenues, their domains, and riches, to the profit of the nation; when we carried to the very censer those hands which they regarded as profane? Doubtless these operations were founded on principles; but those principles ought to have had the consent of the Belgians, before they were carried into practice; otherwise they necessarily became our most cruel enemies.

Arrived ourselves at the last bounds of liberty and equality, trampling under our feet all human superstitions, (after, however, a four years' war with them,) we attempt all at once to raise to the same eminence men, strangers even to the first elementary principles of liberty, and plunged for fifteen hundred years in ignorance and superstition; we wished to force men to see, when a thick cataract covered their eyes, even before we had removed that cataract; we would force men to see, whose dulness of character had raised a mist before their eyes, and before that character was altered.

Do you believe that the doctrine which now prevails in France would have found many partisans among us in 1789? No: a revolution in ideas and in prejudices is not made with that rapidity; it moves gradually; it does not escalate.

Philosophy does not inspire by violence, nor by seduction; nor is it the sword that begets love of liberty.

Joseph the Second also borrowed the language of philosophy, when he wished to suppress the monks in Belgium, and to seize upon their revenues. There was seen on him a mask only of philosophy, covering the hideous countenance of a greedy despot; and the people ran to arms. Nothing better than another kind of despotism has been seen in the *revolutionary power*.

We have seen in the commissioners of the National Convention nothing but proconsuls working the mine of Belgium for the profit of the French nation, seeking to conquer it for the sovereign of Paris, — either to aggrandize his empire, or to share the burdens of the debts, and furnish a rich prize to the robbers who domineered in France.

Do you believe the Belgians have ever been the dupes of those well-rounded periods which they vended in the pulpit in order to familiarize them to the idea of an union with France? Do you believe they were ever imposed upon by those votes and resolutions, made by what is called acclamation, for their union, of which corruption paid one part, and fear forced the remainder? Who, at this time of day,

is unacquainted with the springs and wires of their miserable puppet-show? *Who does not know the farces of primary assemblies, composed of a president, of a secretary, and of some assistants, whose day's work was paid for?* No: it is not by means which belong only to thieves and despots that the foundations of liberty can be laid in an enslaved country. It is not by those means, that a new-born republic, a people who know not yet the elements of republican governments, can be united to us. Even slaves do not suffer themselves to be seduced by such artifices; and if they have not the strength to resist, they have at least the sense to know how to appreciate the value of such an attempt.

If we would attach the Belgians to us, we must at least enlighten their minds by *good writings*; we must send to them *missionaries*, and not despotic commissioners. We ought to give them time to see, — to perceive by themselves the advantages of liberty, the unhappy effects of superstition, the fatal spirit of priesthood. And whilst we waited for this moral revolution, we should have accepted the offers which they incessantly repeated to join to the French army an army of fifty thousand men, to entertain them at their own expense, and to advance to France the specie of which she stood in need.

But have we ever seen those fifty thousand soldiers who were to join our army as soon as the standard of liberty should be displayed in Belgium? Have we ever seen those treasures which they were to count into our hands? Can we either accuse the sterility of their country, or the penury of their treasure, or the coldness of their love for liberty? No! despotism and anarchy, these are the benefits which we have transplanted into their soil. We have acted, we have spoken, like masters; and from that time we have found the Flemings nothing but jugglers, who made the grimace of liberty for money, or slaves, who in their hearts cursed their new tyrants. Our commissioners address them in this sort: "You have nobles and priests among you: drive them out without delay, or we will neither be your brethren nor your patrons." They answered: "Give us but time; only leave to us the care of reforming these institutions." Our answer to them was: "No! it must be at the moment, it must be on the spot; or we will treat you as enemies, we will abandon you to the resentment of the Austrians."

What could the disarmed Belgians object to all this, surrounded as they were by seventy thousand men? They had only to hold their tongues, and to bow down their heads before their masters. They did hold their tongues, and their silence is received as a sincere and free assent.

Have not the strangest artifices been adopted to prevent that people from retreating, and to constrain them to an union? It was foreseen, that, as long as they were unable to effect an union, the States would preserve the supreme authority amongst themselves. Under pretence, therefore, of relieving the people, and of exercising the sovereignty in their right, at one stroke they abolished all the duties and taxes, they shut up all the treasuries. From that time no more receipts, no more

public money, no more means of paying the salaries of any man in office appointed by the States. Thus was anarchy organized amongst the people, that they might be compelled to throw themselves into our arms. It became necessary for those who administered their affairs, under the penalty of being exposed to sedition, and in order to avoid their throats being cut, to have recourse to the treasury of France. What did they find in this treasury? ASSIGNATS. — These assignats were advanced at par to Belgium. By this means, on the one hand, they naturalized this currency in that country, and on the other, they expected to make a good pecuniary transaction. Thus it is that covetousness cut its throat with its own hands. *The Belgians have seen in this forced introduction of assignats nothing but a double robbery*; and they have only the more violently hated the union with France.

Recollect the solicitude of the Belgians on that subject. With what earnestness did they conjure you to take off a retroactive effect from these assignats, and to prevent them from being applied to the payment of debts that were contracted anterior to the union!

Did not this language energetically enough signify that they looked upon the assignats as a leprosy, and the union as a deadly contagion?

And yet what regard was paid to so just a demand? It was buried in the Committee of Finance. That committee wanted to make anarchy the means of an union. They only busied themselves in making the Belgic Provinces subservient to their finances.

Cambon said loftily before the Belgians themselves: The Belgian war costs us hundreds of millions. Their ordinary revenues, and even some extraordinary taxes, will not answer to our reimbursements; and yet we have occasion for them. The mortgage of our assignats draws near its end. What must be done? Sell the Church property of Brabant. There is a mortgage of two thousand millions (eighty millions sterling). How shall we get possession of them? By an immediate union. Instantly they decreed this union. Men's minds were not disposed to it. What does it signify? Let us make them vote by means of money. Without delay, therefore, they secretly order the Minister of Foreign Affairs to dispose of four or five hundred thousand livres (20,000*l.* sterling) *to make the vagabonds of Brussels drunk, and to buy proselytes to the union in all the States*. But even these means, it was said, will obtain but a weak minority in our favor. What does that signify? *Revolutions*, said they, *are made only by minorities. It is the minority which has made the Revolution of France; it is a minority which, has made the people triumph*.

The Belgic Provinces were not sufficient to satisfy the voracious cravings of this financial system. Cambon wanted to unite everything, that he might sell everything. Thus he forced the union of Savoy. In the war with Holland, he saw nothing but gold to seize on, and assignats to sell at par. “Do not let us dissemble,” said he one day to the Committee of General Defence, in presence even of the patriot deputies of Holland, “you have no ecclesiastical goods to offer us for our indemnity. IT IS A

REVOLUTION IN THEIR COUNTERS AND IRON CHESTS that must be made amongst the DUTCH." The word was said, and the bankers Abema and Van Staphorst understood it.

Do you think that that word has not been worth an army to the Stadtholder? that it has not cooled the ardor of the Dutch patriots? that it has not commanded the vigorous defence of Williamstadt?

Do you believe that the patriots of Amsterdam, when they read the preparatory decree which gave France an execution on their goods, — do you believe that those patriots would not have liked better to have remained under the government of the Stadtholder, who took from them no more than a fixed portion of their property, than to pass under that of a revolutionary power, which would make a complete revolution in their bureaus and strong-boxes, and reduce them to wretchedness and rags? Robbery and anarchy, instead of encouraging, will always stifle revolutions.

"But why," they object to me, "have not you and your friends chosen to expose these measures in the rostrum of the National Convention? Why have you not opposed yourself to all these fatal projects of union?"

There are two answers to make here, — one general, one particular.

You complain of the silence of honest men! You quite forget, then, honest men are the objects of your suspicion. Suspicion, if it does not stain the soul of a courageous man, at least arrests his thoughts in their passage to his lips. The suspicions of a good citizen freeze those men whom the calumny of the wicked could not stop in their progress.

You complain of their silence! You forget, then, that you have often established an insulting equality between them and men covered with crimes and made up of ignominy.

You forget, then, that you have twenty times left them covered with opprobrium by your galleries.

You forget, then, that you have not thought yourself sufficiently powerful to impose silence upon these galleries.

What ought a wise man to do in the midst of these circumstances? He is silent. He waits the moment when the passions give way; he waits till reason shall preside, and till the multitude shall listen to her voice.

What has been the tactic displayed during all these unions? Cambon, incapable of political calculation, boasting his ignorance in the diplomatic, flattering the ignorant multitude, lending his name and popularity to the anarchists, seconded by their vociferations, denounced incessantly, as counter-revolutionists, those intelligent persons who were desirous at least of having things discussed. To oppose the acts of union appeared to Cambon an overt act of treason. The wish so much as to reflect and to deliberate was in his eyes a great crime. He calumniated our intentions. The voice of every deputy, especially my voice, would infallibly have been stifled. There were spies on the very monosyllables that escaped our lips.

ADDRESS TO THE KING.

We, your Majesty's most dutiful and loyal subjects, several of the peers of the realm, and several members of the House of Commons chosen by the people to represent them in Parliament, do in our individual capacity, but with hearts filled with a warm affection to your Majesty, with a strong attachment to your royal house, and with the most unfeigned devotion to your true interest, beg leave, at this crisis of your affairs, in all humility to approach your royal presence.

Whilst we lament the measures adopted by the public councils of the kingdom, we do not mean to question the legal validity of their proceedings. We do not desire to appeal from them to any person whatsoever. We do not dispute the conclusive authority of the bodies in which we have a place over all their members. We know that it is our ordinary duty to submit ourselves to the determinations of the majority in everything, except what regards the just defence of our honor and reputation. But the situation into which the British empire has been brought, and the conduct to which we are reluctantly driven in that situation, we hold ourselves bound by the relation in which we stand both to the crown and the people clearly to explain to your Majesty and our country.

We have been called upon in the speech from the throne at the opening of this session of Parliament, in a manner peculiarly marked, singularly emphatical, and from a place from whence anything implying censure falls with no common weight, to concur in unanimous approbation of those measures which have produced our present distresses and threaten us in future with others far more grievous. We trust, therefore, that we shall stand justified in offering to our sovereign and the public our reasons for persevering inflexibly in our uniform dissent from every part of those measures. We lament them from an experience of their mischief, as we originally opposed them from a sure foresight of their unhappy and inevitable tendency.

We see nothing in the present events in the least degree sufficient to warrant an alteration in our opinion. We were always steadily averse to this civil war, — not because we thought it impossible that it should be attended with victory, but because we were fully persuaded that in such a contest victory would only vary the mode of our ruin, and by making it less immediately sensible would render it the more lasting and the more irretrievable. Experience had but too fully instructed us in the possibility of the reduction of a free people to slavery by foreign mercenary armies. But we had an horror of becoming the instruments in a design, of which, in our turn, we might become the victims. Knowing the inestimable value of peace, and the contemptible value of what was sought by war, we wished to compose the distractions of our country, not by the use of foreign arms, but by prudent regulations in our own domestic policy. We deplored, as your Majesty has done in your speech from the throne, the disorders which prevail in your empire; but we are

convinced that the disorders of the people, in the present time and in the present place, are owing to the usual and natural cause of such disorders at all times and in all places, where such have prevailed, — the misconduct of government; — that they are owing to plans laid in error, pursued with obstinacy, and conducted without wisdom.

We cannot attribute so much to the power of faction, at the expense of human nature, as to suppose, that, in any part of the world, a combination of men, few in number, not considerable in rank, of no natural hereditary dependencies, should be able, by the efforts of their policy alone, or the mere exertion of any talents, to bring the people of your American dominions into the disposition which has produced the present troubles. We cannot conceive, that, without some powerful concurring cause, any management should prevail on some millions of people, dispersed over an whole continent, in thirteen provinces, not only unconnected, but, in many particulars of religion, manners, government, and local interest, totally different and adverse, voluntarily to submit themselves to a suspension of all the profits of industry and all the comforts of civil life, added to all the evils of an unequal war, carried on with circumstances of the greatest asperity and rigor. This, Sir, we conceive, could never have happened, but from a general sense of some grievance so radical in its nature and so spreading in its effects as to poison all the ordinary satisfactions of life, to discompose the frame of society, and to convert into fear and hatred that habitual reverence ever paid by mankind to an ancient and venerable government.

That grievance is as simple in its nature, and as level to the most ordinary understanding, as it is powerful in affecting the most languid passions: it is —

“AN ATTEMPT MADE TO DISPOSE OF THE PROPERTY OF A WHOLE PEOPLE WITHOUT THEIR CONSENT.”

Your Majesty’s English subjects in the colonies, possessing the ordinary faculties of mankind, know that to live under such a plan of government is not to live in a state of freedom. Your English subjects in the colonies, still impressed with the ancient feelings of the people from whom they are derived, cannot live under a government which does not establish freedom as its basis.

This scheme, being, therefore, set up in direct opposition to the rooted and confirmed sentiments and habits of thinking of an whole people, has produced the effects which ever must result from such a collision of power and opinion. For we beg leave, with all duty and humility, to represent to your Majesty, (what we fear has been industriously concealed from you,) that it is not merely the opinion of a very great number, or even of the majority, but the universal sense of the whole body of the people in those provinces, that the practice of taxing, in the mode and on the principles which have been lately contended for and enforced, is subversive of all their rights.

This sense has been declared, as we understand on good information, by the unanimous voice of all their Assemblies: each Assembly also, on this point, is perfectly unanimous within itself. It has been declared as fully by the actual voice of the people without these Assemblies as by the constructive voice within them, as well by those in that country who addressed as by those who remonstrated; and it is as much the avowed opinion of those who have hazarded their all, rather than take up arms against your Majesty's forces, as of those who have run the same risk to oppose them. The difference among them is not on the grievance, but on the mode of redress; and we are sorry to say, that they who have conceived hopes from the placability of the ministers who influence the public councils of this kingdom disappear in the multitude of those who conceive that passive compliance only confirms and emboldens oppression.

The sense of a whole people, most gracious sovereign, never ought to be condemned by wise and beneficent rulers, — whatever may be the abstract claims, or even rights, of *the supreme power*. We have been too early instructed, and too long habituated to believe, that the only firm seat of all authority is in the minds, affections, and interests of the people, to change our opinions on the theoretic reasonings of speculative men, or for the convenience of a mere temporary arrangement of state. It is not consistent with equity or wisdom to set at defiance the general feelings of great communities, and of all the orders which compose them. Much power is tolerated, and passes unquestioned, where much is yielded to opinion. All is disputed, where everything is enforced.

Such are our sentiments on the duty and policy of conforming to the prejudices of a whole people, even where the foundation of such prejudices may be false or disputable. But permit us to lay at your Majesty's feet our deliberate judgment on the real merits of that principle, the violation of which is the known ground and origin of these troubles. We assure your Majesty, that, on our parts, we should think ourselves unjustifiable, as good citizens, and not influenced by the true spirit of Englishmen, if, with any effectual means of prevention in our hands, we were to submit to taxes to which we did not consent, either directly, or by a representation of the people securing to us the substantial benefit of an absolutely free disposition of our own property in that important case. And we add, Sir, that, if fortune, instead of blessing us with a situation where we may have daily access to the propitious presence of a gracious prince, had fixed us in settlements on the remotest part of the globe, we must carry these sentiments with us, as part of our being, — persuaded that the distance of situation would render this privilege in the disposal of property but the more necessary. If no provision had been made for it, such provision ought to be made or permitted. Abuses of subordinate authority increase, and all means of redress lessen, as the distance of the subject removes him from the seat of the supreme power. What, in those circumstances, can save him from the last extremes of indignity and oppression, but something left in his own hands

which may enable him to conciliate the favor and control the excesses of government? When no means of power to awe or to oblige are possessed, the strongest ties which connect mankind in every relation, social and civil, and which teach them mutually to respect each other, are broken. Independency, from that moment, virtually exists. Its formal declaration will quickly follow. Such must be our feelings for ourselves: we are not in possession of another rule for our brethren.

When the late attempt practically to annihilate that inestimable privilege was made, great disorders and tumults, very unhappily and very naturally, arose from it. In this state of things, we were of opinion that satisfaction ought instantly to be given, or that, at least, the punishment of the disorder ought to be attended with the redress of the grievance. We were of opinion, that, if our dependencies had so outgrown the positive institutions made for the preservation of liberty in this kingdom, that the operation of their powers was become rather a pressure than a relief to the subjects in the colonies, wisdom dictated that the spirit of the Constitution should rather be applied to their circumstances, than its authority enforced with violence in those very parts where its reason became wholly inapplicable.

Other methods were then recommended and followed, as infallible means of restoring peace and order. We looked upon them to be, what they have since proved to be, the cause of inflaming discontent into disobedience, and resistance into revolt. The subversion of solemn, fundamental charters, on a suggestion of abuse, without citation, evidence, or hearing, — the total suspension of the commerce of a great maritime city, the capital of a great maritime province, during the pleasure of the crown, — the establishment of a military force, not accountable to the ordinary tribunals of the country in which it was kept up, — these and other proceedings at that time, if no previous cause of dissension had subsisted, were sufficient to produce great troubles: unjust at all times, they were then irrational.

We could not conceive, when disorders had arisen from the complaint of one violated right, that to violate every other was the proper means of quieting an exasperated people. It seemed to us absurd and preposterous to hold out, as the means of calming a people in a state of extreme inflammation, and ready to take up arms, the austere law which a rigid conqueror would impose as the sequel of the most decisive victories.

Recourse, indeed, was at the same time had to force; and we saw a force sent out, enough to menace liberty, but not to awe opposition, — tending to bring odium on the civil power, and contempt on the military, — at once to provoke and encourage resistance. Force was sent out not sufficient to hold one town; laws were passed to inflame thirteen provinces.

This mode of proceeding, by harsh laws and feeble armies, could not be defended on the principle of mercy and forbearance. For mercy, as we conceive, consists, not in the weakness of the means, but in the benignity of the ends. We

apprehend that mild measures may be powerfully enforced, and that acts of extreme rigor and injustice may be attended with as much feebleness in the execution as severity in the formation.

In consequence of these terrors, which, falling upon some, threatened all, the colonies made a common cause with the sufferers, and proceeded, on their part, to acts of resistance. In that alarming situation, we besought your Majesty's ministers to entertain some distrust of the operation of coercive measures, and to profit of their experience. Experience had no effect. The modes of legislative rigor were construed, not to have been erroneous in their policy, but too limited in their extent. New severities were adopted. The fisheries of your people in America followed their charters; and their mutual combination to defend what they thought their common rights brought on a total prohibition of their mutual commercial intercourse. No distinction of persons or merits was observed: the peaceable and the mutinous, friends and foes, were alike involved, as if the rigor of the laws had a certain tendency to recommend the authority of the legislator.

Whilst the penal laws increased in rigor, and extended in application over all the colonies, the direct force was applied but to one part. Had the great fleet and foreign army since employed been at that time called for, the greatness of the preparation would have declared the magnitude of the danger. The nation would have been alarmed, and taught the necessity of some means of reconciliation with our countrymen in America, who, whenever they are provoked to resistance, demand a force to reduce them to obedience full as destructive to us as to them. But Parliament and the people, by a premeditated concealment of their real situation, were drawn into perplexities which furnished excuses for further armaments, and whilst they were taught to believe themselves called to suppress a riot, they found themselves involved in a mighty war.

At length British blood was spilled by British hands: a fatal era, which we must ever deplore, because your empire will forever feel it. Your Majesty was touched with a sense of so great a disaster. Your paternal breast was affected with the sufferings of your English subjects in America. In your speech from the throne, in the beginning of the session of 1775, you were graciously pleased to declare yourself inclined to relieve their distresses and to pardon their errors. You felt their sufferings under the late penal acts of Parliament. But your ministry felt differently. Not discouraged by the pernicious effects of all they had hitherto advised, and notwithstanding the gracious declaration of your Majesty, they obtained another act of Parliament, in which the rigors of all the former were consolidated, and embittered by circumstances of additional severity and outrage. The whole trading property of America (even unoffending shipping in port) was indiscriminately and irrecoverably given, as the plunder of foreign enemies, to the sailors of your navy. This property was put out of the reach of your mercy. Your people were despoiled; and your navy, by a new, dangerous, and prolific example, corrupted with the

plunder of their countrymen. Your people in that part of your dominions were put, in their general and political, as well as their personal capacity, wholly out of the protection of your government.

Though unwilling to dwell on all the improper modes of carrying on this unnatural and ruinous war, and which have led directly to the present unhappy separation of Great Britain and its colonies, we must beg leave to represent two particulars, which we are sure must have been entirely contrary to your Majesty's order or approbation. Every course of action in hostility, however that hostility may be just or merited, is not justifiable or excusable. It is the duty of those who claim to rule over others not to provoke them beyond the necessity of the case, nor to leave stings in their minds which must long rankle even when the appearance of tranquillity is restored. We therefore assure your Majesty that it is with shame and sorrow we have seen several acts of hostility which could have no other tendency than incurably to alienate the minds of your American subjects. To excite, by a proclamation issued by your Majesty's governor, an universal insurrection of negro slaves in any of the colonies is a measure full of complicated horrors, absolutely illegal, suitable neither to the practice of war nor to the laws of peace. Of the same quality we look upon all attempts to bring down on your subjects an irruption of those fierce and cruel tribes of savages and cannibals in whom the vestiges of human nature are nearly effaced by ignorance and barbarity. They are not fit allies for your Majesty in a war with your people. They are not fit instruments of an English government. These and many other acts we disclaim as having advised, or approved when done; and we clear ourselves to your Majesty, and to all civilized nations, from any participation whatever, before or after the fact, in such unjustifiable and horrid proceedings.

But there is one weighty circumstance which we lament equally with the causes of the war, and with the modes of carrying it on, — that no disposition whatsoever towards peace or reconciliation has ever been shown by those who have directed the public councils of this kingdom, either before the breaking out of these hostilities or during the unhappy continuance of them. Every proposition made in your Parliament to remove the original cause of these troubles, by taking off taxes obnoxious for their principle or their design, has been overruled, — every bill brought in for quiet rejected, even on the first proposition. The petitions of the colonies have not been admitted even to an hearing. The very possibility of public agency, by which such petitions could authentically arrive at Parliament, has been evaded and chicaned away. All the public declarations which indicate anything resembling a disposition to reconciliation seem to us loose, general, equivocal, capable of various meanings, or of none; and they are accordingly construed differently, at different times, by those on whose recommendation they have been made: being wholly unlike the precision and stability of public faith, and bearing no

mark of that ingenuous simplicity and native candor and integrity which formerly characterized the English nation.

Instead of any relaxation of the claim of taxing at the discretion of Parliament, your ministers have devised a new mode of enforcing that claim, much more effectual for the oppression of the colonies, though not for your Majesty's service, both as to the quantity and application, than any of the former methods; and their mode has been expressly held out by ministers as a plan not to be departed from by the House of Commons, and as the very condition on which the legislature is to accept the dependence of the colonies.

At length, when, after repeated refusals to hear or to conciliate, an act dissolving your government, by putting your people in America out of your protection, was passed, your ministers suffered several months to elapse without affording to them, or to any community or any individual amongst them, the means of entering into that protection, even on unconditional submission, contrary to your Majesty's gracious declaration from the throne, and in direct violation of the public faith.

We cannot, therefore, agree to unite in new severities against the brethren of our blood for their asserting an independency, to which we know, in our conscience, they have been necessitated by the conduct of those very persons who now make use of that argument to provoke us to a continuance and repetition of the acts which in a regular series have led to this great misfortune.

The reasons, dread Sir, which have been used to justify this perseverance in a refusal to hear or conciliate have been reduced into a sort of Parliamentary maxims which we do not approve. The first of these maxims is, "that the two Houses ought not to receive (as they have hitherto refused to receive) petitions containing matter derogatory to any part of the authority they claim." We conceive this maxim and the consequent practice to be unjustifiable by reason or the practice of other sovereign powers, and that it must be productive, if adhered to, of a total separation between this kingdom and its dependencies. The supreme power, being in ordinary cases the ultimate judge, can, as we conceive, suffer nothing in having any part of his rights excepted to, or even discussed before himself. We know that sovereigns in other countries, where the assertion of absolute regal power is as high as the assertion of absolute power in any politic body can possibly be here, have received many petitions in direct opposition to many of their claims of prerogative, — have listened to them, — condescended to discuss, and to give answers to them. This refusal to admit even the discussion of any part of an undefined prerogative will naturally tend to annihilate any privilege that can be claimed by every inferior dependent community, and every subordinate order in the state.

The next maxim which has been put as a bar to any plan of accommodation is, "that no offer of terms of peace ought to be made, before Parliament is assured that these terms will be accepted." On this we beg leave to represent to your Majesty, that, if, in all events, the policy of this kingdom is to govern the people in your

colonies as a free people, no mischief can possibly happen from a declaration to them, and to the world, of the manner and form in which Parliament proposes that they shall enjoy the freedom it protects. It is an encouragement to the innocent and meritorious, that they at least shall enjoy those advantages which they patiently expected rather from the benignity of Parliament than their own efforts. Persons more contumacious may also see that they are resisting terms of perhaps greater freedom and happiness than they are now in arms to obtain. The glory and propriety of offered mercy is neither tarnished nor weakened by the folly of those who refuse to take advantage of it.

We cannot think that the declaration of independency makes any natural difference in the reason and policy of the offer. No prince out of the possession of his dominions, and become a sovereign *de jure* only, ever thought it derogatory to his rights or his interests to hold out to his former subjects a distinct prospect of the advantages to be derived from his readmission, and a security for some of the most fundamental of those popular privileges in vindication of which he had been deposed. On the contrary, such offers have been almost uniformly made under similar circumstances. Besides, as your Majesty has been graciously pleased, in your speech from the throne, to declare your intention of restoring your people in the colonies to a state of law and liberty, no objection can possibly lie against defining what that law and liberty are; because those who offer and those who are to receive terms frequently differ most widely and most materially in the signification of these words, and in the objects to which they apply.

To say that we do not know, at this day, what the grievances of the colonies are (be they real or pretended) would be unworthy of us. But whilst we are thus waiting to be informed of what we perfectly know, we weaken the powers of the commissioners, — we delay, perhaps we lose, the happy hour of peace, — we are wasting the substance of both countries, — we are continuing the effusion of human, of Christian, of English blood.

We are sure that we must have your Majesty's heart along with us, when we declare in favor of mixing something conciliatory with our force. Sir, we abhor the idea of making a conquest of our countrymen. We wish that they may yield to well-ascertained, well-authenticated, and well-secured terms of reconciliation, — not that your Majesty should owe the recovery of your dominions to their total waste and destruction. Humanity will not permit us to entertain such a desire; nor will the reverence we bear to the civil rights of mankind make us even wish that questions of great difficulty, of the last importance, and lying deep in the vital principles of the British Constitution, should be solved by the arms of foreign mercenary soldiers.

It is not, Sir, from a want of the most inviolable duty to your Majesty, not from a want of a partial and passionate regard to that part of your empire in which we reside, and which we wish to be supreme, that we have hitherto withstood all

attempts to render the supremacy of one part of your dominions inconsistent with the liberty and safety of all the rest. The motives of our opposition are found in those very sentiments which we are supposed to violate. For we are convinced beyond a doubt, that a system of dependence which leaves no security to the people for any part of their freedom in their own hands cannot be established in any inferior member of the British empire, without consequentially destroying the freedom of that very body in favor of whose boundless pretensions such a scheme is adopted. We know and feel that arbitrary power over distant regions is not within the competence, nor to be exercised agreeably to the forms or consistently with the spirit, of great popular assemblies. If such assemblies are called to a nominal share in the exercise of such power, in order to screen, under general participation, the guilt of desperate measures, it tends only the more deeply to corrupt the deliberative character of those assemblies, in training them to blind obedience, in habituating them to proceed upon grounds of fact with which they can rarely be sufficiently acquainted, and in rendering them executive instruments of designs the bottom of which they cannot possibly fathom.

To leave any real freedom to Parliament, freedom must be left to the colonies. A military government is the only substitute for civil liberty. That the establishment of such a power in America will utterly ruin our finances (though its certain effect) is the smallest part of our concern. It will become an apt, powerful, and certain engine for the destruction of our freedom here. Great bodies of armed men, trained to a contempt of popular assemblies representative of an English people, — kept up for the purpose of exacting impositions without their consent, and maintained by that exaction, — instruments in subverting, without any process of law, great ancient establishments and respected forms of governments, — set free from, and therefore above, the ordinary English tribunals of the country where they serve, — these men cannot so transform themselves, merely by crossing the sea, as to behold with love and reverence, and submit with profound obedience to, the very same things in Great Britain which in America they had been taught to despise, and had been accustomed to awe and humble. All your Majesty's troops, in the rotation of service, will pass through this discipline and contract these habits. If we could flatter ourselves that this would not happen, we must be the weakest of men; we must be the worst, if we were indifferent whether it happened or not. What, gracious sovereign, is the empire of America to us, or the empire of the world, if we lose our own liberties? We deprecate this last of evils. We deprecate the effect of the doctrines which must support and countenance the government over conquered Englishmen.

As it will be impossible long to resist the powerful and equitable arguments in favor of the freedom of these unhappy people that are to be drawn from the principle of our own liberty, attempts will be made, attempts have been made, to ridicule and to argue away this principle, and to inculcate into the minds of your

people other maxims of government and other grounds of obedience than those which have prevailed at and since the glorious Revolution. By degrees, these doctrines, by being convenient, may grow prevalent. The consequence is not certain; but a general change of principles rarely happens among a people without leading to a change of government.

Sir, your throne cannot stand secure upon the principles of unconditional submission and passive obedience, — on powers exercised without the concurrence of the people to be governed, — on acts made in defiance of their prejudices and habits, — on acquiescence procured by foreign mercenary troops, and secured by standing armies. These may possibly be the foundation of other thrones: they must be the subversion of yours. It was not to passive principles in our ancestors that we owe the honor of appearing before a sovereign who cannot feel that he is a prince without knowing that we ought to be free. The Revolution is a departure from the ancient course of the descent of this monarchy. The people at that time reentered into their original rights; and it was not because a positive law authorized what was then done, but because the freedom and safety of the subject, the origin and cause of all laws, required a proceeding paramount and superior to them. At that ever memorable and instructive period, the letter of the law was superseded in favor of the substance of liberty. To the free choice, therefore, of the people, without either King or Parliament, we owe that happy establishment out of which both King and Parliament were regenerated. From that great principle of liberty have originated the statutes confirming and ratifying the establishment from which your Majesty derives your right to rule over us. Those statutes have not given us our liberties: our liberties have produced them. Every hour of your Majesty's reign, your title stands upon the very same foundation on which it was at first laid; and we do not know a better on which it can possibly be placed.

Convinced, Sir, that you cannot have different rights and a different security in different parts of your dominions, we wish to lay an even platform for your throne, and to give it an unmovable stability, by laying it on the general freedom of your people, and by securing to your Majesty that confidence and affection in all parts of your dominions which makes your best security and dearest title in this the chief seat of your empire.

Such, Sir, being, amongst us, the foundation of monarchy itself, much more clearly and much more peculiarly is it the ground of all Parliamentary power. Parliament is a security provided for the protection of freedom, and not a subtile fiction, contrived to amuse the people in its place. The authority of both Houses can still less than that of the crown be supported upon different principles in different places, so as to be for one part of your subjects a protector of liberty, and for another a fund of despotism, through which prerogative is extended by occasional powers, whenever an arbitrary will finds itself straitened by the restrictions of law. Had it seemed good to Parliament to consider itself as the indulgent guardian and

strong protector of the freedom of the subordinate popular assemblies, instead of exercising its powers to their annihilation, there is no doubt that it never could have been their inclination, because not their interest, to raise questions on the extent of Parliamentary rights, or to enfeeble privileges which were the security of their own. Powers evident from necessity, and not suspicious from an alarming mode or purpose in the exertion, would, as formerly they were, be cheerfully submitted to; and these would have been fully sufficient for conservation of unity in the empire, and for directing its wealth to one common centre. Another use has produced other consequences; and a power which refuses to be limited by moderation must either be lost, or find other more distinct and satisfactory limitations.

As for us, a supposed, or, if it could be, a real, participation in arbitrary power would never reconcile our minds to its establishment. We should be ashamed to stand before your Majesty, boldly asserting in our own favor inherent rights which bind and regulate the crown itself, and yet insisting on the exercise, in our own persons, of a more arbitrary sway over our fellow-citizens and fellow-freemen.

These, gracious sovereign, are the sentiments which we consider ourselves as bound, in justification of our present conduct, in the most serious and solemn manner to lay at your Majesty's feet. We have been called by your Majesty's writs and proclamations, and we have been authorized, either by hereditary privilege or the choice of your people, to confer and treat with your Majesty, in your highest councils, upon the arduous affairs of your kingdom. We are sensible of the whole importance of the duty which this constitutional summons implies. We know the religious punctuality of attendance which, in the ordinary course, it demands. It is no light cause which, even for a time, could persuade us to relax in any part of that attendance. The British empire is in convulsions which threaten its dissolution. Those particular proceedings which cause and inflame this disorder, after many years' incessant struggle, we find ourselves wholly unable to oppose and unwilling to behold. All our endeavors having proved fruitless, we are fearful at this time of irritating by contention those passions which we have found it impracticable to compose by reason. We cannot permit ourselves to countenance, by the appearance of a silent assent, proceedings fatal to the liberty and unity of the empire, — proceedings which exhaust the strength of all your Majesty's dominions, destroy all trust and dependence of our allies, and leave us, both at home and abroad, exposed to the suspicious mercy and uncertain inclinations of our neighbor and rival powers, to whom, by this desperate course, we are driving our countrymen for protection, and with whom we have forced them into connections, and may bind them by habits and by interests, — an evil which no victories that may be obtained, no severities which may be exorcised, ever will or can remove.

If but the smallest hope should from any circumstances appear of a return to the ancient maxims and true policy of this kingdom, we shall with joy and readiness

return to our attendance, in order to give our hearty support to whatever means may be left for alleviating the complicated evils which oppress this nation.

If this should not happen, we have discharged our consciences by this faithful representation to your Majesty and our country; and however few in number, or however we may be overborne by practices whose operation is but too powerful, by the revival of dangerous exploded principles, or by the misguided zeal of such arbitrary factions as formerly prevailed in this kingdom, and always to its detriment and disgrace, we have the satisfaction of standing forth and recording our names in assertion of those principles whose operation hath, in better times, made your Majesty a great prince, and the British dominions a mighty empire.

ADDRESS TO THE BRITISH COLONISTS IN NORTH AMERICA.

The very dangerous crisis into which the British empire is brought, as it accounts for, so it justifies, the unusual step we take in addressing ourselves to you.

The distempers of the state are grown to such a degree of violence and malignity as to render all ordinary remedies vain and frivolous. In such a deplorable situation, an adherence to the common forms of business appears to us rather as an apology to cover a supine neglect of duty than the means of performing it in a manner adequate to the exigency that presses upon us. The common means we have already tried, and tried to no purpose. As our last resource, we turn ourselves to you. We address you merely in our private capacity, vested with no other authority than what will naturally attend those in whose declarations of benevolence you have no reason to apprehend any mixture of dissimulation or design.

We have this title to your attention: we call upon it in a moment of the utmost importance to us all. We find, with infinite concern, that arguments are used to persuade you of the necessity of separating yourselves from your ancient connection with your parent country, grounded on a supposition that a general principle of alienation and enmity to you had pervaded the whole of this kingdom, and that there does no longer subsist between you and us any common and kindred principles upon which we can possibly unite, consistently with those ideas of liberty in which you have justly placed your whole happiness.

If this fact were true, the inference drawn from it would be irresistible. But nothing is less founded. We admit, indeed, that violent addresses have been procured with uncommon pains by wicked and designing men, purporting to be the genuine voice of the whole people of England, — that they have been published by authority here, and made known to you by proclamations, in order, by despair and resentment, incurably to poison your minds against the origin of your race, and to render all cordial reconciliation between us utterly impracticable. The same wicked men, for the same bad purposes, have so far surprised the justice of Parliament as to cut off all communication betwixt us, except what is to go in their own fallacious and hostile channel.

But we conjure you by the invaluable pledges which have hitherto united, and which we trust will hereafter lastingly unite us, that you do not suffer yourselves to be persuaded or provoked into an opinion that you are at war with this nation. Do not think that the whole, or even the uninfluenced majority, of Englishmen in this island are enemies to their own blood on the American continent. Much delusion has been practised, much corrupt influence treacherously employed. But still a large, and we trust the largest and soundest, part of this kingdom perseveres in the

most perfect unity of sentiments, principles, and affections with you. It spreads out a large and liberal platform of common liberty, upon which we may all unite forever. It abhors the hostilities which have been carried on against you, as much as you who feel the cruel effect of them. It has disclaimed in the most solemn manner, at the foot of the throne itself, the addresses which tended to irritate your sovereign against his colonies. We are persuaded that even many of those who unadvisedly have put their hands to such intemperate and inflammatory addresses have not at all apprehended to what such proceedings naturally lead, and would sooner die than afford them the least countenance, if they were sensible of their fatal effects on the union and liberty of the empire.

For ourselves, we faithfully assure you, that we have ever considered you as rational creatures, as free agents, as men willing to pursue and able to discern your own true interest. We have wished to continue united with you, in order that a people of one origin and one character should be directed to the rational objects of government by joint counsels, and protected in them by a common force. Other subordination in you we require none. We have never pressed that argument of general union to the extinction of your local, natural, and just privileges. Sensible of what is due both to the dignity and weakness of man, we have never wished to place over you any government, over which, in great, fundamental points, you should have no sort of check or control in your own hands, or which should be repugnant to your situation, principles, and character.

No circumstances of fortune, you may be assured, will ever induce us to form or tolerate any such design. If the disposition of Providence (which we deprecate) should even prostrate you at our feet, broken in power and in spirit, it would be our duty and inclination to revive, by every practicable means, that free energy of mind which a fortune unsuitable to your virtue had damped and dejected, and to put you voluntarily in possession of those very privileges which you had in vain attempted to assert by arms. For we solemnly declare, that, although we should look upon a separation from you as an heavy calamity, (and the heavier, because we know you must have your full share in it,) yet we had much rather see you totally independent of this crown and kingdom than joined to it by so unnatural a conjunction as that of freedom with servitude, — a conjunction which, if it were at all practicable, could not fail, in the end, of being more mischievous to the peace, prosperity, greatness, and power of this nation than beneficial by any enlargement of the bounds of nominal empire.

But because, brethren, these professions are general, and such as even enemies may make, when they reserve to themselves the construction of what servitude and what liberty are, we inform you that we adopt your own standard of the blessing of free government. We are of opinion that you ought to enjoy the sole and exclusive right of freely granting, and applying to the support of your administration, what God has freely granted as a reward to your industry. And we do not confine this

immunity from exterior coercion, in this great point, solely to what regards your local establishment, but also to what may be thought proper for the maintenance of the whole empire. In this resource we cheerfully trust and acquiesce, satisfied by evident reason that no other expectation of revenue can possibly be given by freemen, and knowing from an experience uniform both on yours and on our side of the ocean that such an expectation has never yet been disappointed. We know of no road to your coffers but through your affections.

To manifest our sentiments the more clearly to you and to the world on this subject, we declare our opinion, that, if no revenue at all (which, however, we are far from supposing) were to be obtained from you to this kingdom, yet, as long as it is our happiness to be joined with you in the bonds of fraternal charity and freedom, with an open and flowing commerce between us, one principle of enmity and friendship pervading, and one right of war and peace directing the strength of the whole empire, we are likely to be at least as powerful as any nation, or as any combination of nations, which in the course of human events may be formed against us. We are sensible that a very large proportion of the wealth and power of every empire must necessarily be thrown upon the presiding state. We are sensible that such a state ever has borne and ever must bear the greatest part, and sometimes the whole, of the public expenses: and we think her well indemnified for that (rather apparent than real) inequality of charge, in the dignity and preeminence she enjoys, and in the superior opulence which, after all charges defrayed, must necessarily remain at the centre of affairs. Of this principle we are not without evidence in our remembrance (not yet effaced) of the glorious and happy days of this empire. We are therefore incapable of that prevaricating style, by which, when taxes without your consent are to be extorted from you, this nation is represented as in the lowest state of impoverishment and public distress, but when we are called upon to oppress you by force of arms, it is painted as scarcely feeling its impositions, abounding with wealth, and inexhaustible in its resources.

We also reason and feel as you do on the invasion of your charters. Because the charters comprehend the essential forms by which you enjoy your liberties, we regard them as most sacred, and by no means to be taken away or altered without process, without examination, and without hearing, as they have lately been. We even think that they ought by no means to be altered at all, but at the desire of the greater part of the people who live under them. We cannot look upon men as delinquents in the mass; much less are we desirous of lording over our brethren, insulting their honest pride, and wantonly overturning establishments judged to be just and convenient by the public wisdom of this nation at their institution, and which long and inveterate use has taught you to look up to with affection and reverence. As we disapproved of the proceedings with regard to the forms of your constitution, so we are equally tender of every leading principle of free government.

We never could think with approbation of putting the military power out of the coercion of the civil justice in the country where it acts.

We disclaim also any sort of share in that other measure which has been used to alienate your affections from this country, — namely, the introduction of foreign mercenaries. We saw their employment with shame and regret, especially in numbers so far exceeding the English forces as in effect to constitute vassals, who have no sense of freedom, and strangers, who have no common interest or feelings, as the arbiters of our unhappy domestic quarrel.

We likewise saw with shame the African slaves, who had been sold to you on public faith, and under the sanction of acts of Parliament, to be your servants and your guards, employed to cut the throats of their masters.

You will not, we trust, believe, that, born in a civilized country, formed to gentle manners, trained in a merciful religion, and living in enlightened and polished times, where even foreign hostility is softened from its original sternness, we could have thought of letting loose upon you, our late beloved brethren, these fierce tribes of savages and cannibals, in whom the traces of human nature are effaced by ignorance and barbarity. We rather wished to have joined with you in bringing gradually that unhappy part of mankind into civility, order, piety, and virtuous discipline, than to have confirmed their evil habits and increased their natural ferocity by fleshing them in the slaughter of you, whom our wiser and better ancestors had sent into the wilderness with the express view of introducing, along with our holy religion, its humane and charitable manners. We do not hold that all things are lawful in war. We should think that every barbarity, in fire, in wasting, in murders, in tortures, and other cruelties, too horrible and too full of turpitude for Christian mouths to utter or ears to hear, if done at our instigation, by those who we know will make war thus, if they make it at all, to be, to all intents and purposes, as if done by ourselves. We clear ourselves to you our brethren, to the present age, and to future generations, to our king and our country, and to Europe, which, as a spectator, beholds this tragic scene, of every part or share in adding this last and worst of evils to the inevitable mischiefs of a civil war.

We do not call you rebels and traitors. We do not call for the vengeance of the crown against you. We do not know how to qualify millions of our countrymen, contending with one heart for an admission to privileges which we have ever thought our own happiness and honor, by odious and unworthy names. On the contrary, we highly revere the principles on which you act, though we lament some of their effects. Armed as you are, we embrace you as our friends and as our brethren by the best and dearest ties of relation.

We view the establishment of the English colonies on principles of liberty as that which is to render this kingdom venerable to future ages. In comparison of this, we regard all the victories and conquests of our warlike ancestors, or of our own times, as barbarous, vulgar distinctions, in which many nations, whom we look upon with

little respect or value, have equalled, if not far exceeded us. This is the peculiar and appropriated glory of England. Those who *have and who hold* to that foundation of common liberty, whether on this or on your side of the ocean, we consider as the true, and the only true, Englishmen. Those who depart from it, whether there or here, are attainted, corrupted in blood, and wholly fallen from their original rank and value. They are the real rebels to the fair constitution and just supremacy of England.

We exhort you, therefore, to cleave forever to those principles, as being the true bond of union in this empire, — and to show by a manly perseverance that the sentiments of honor and the rights of mankind are not held by the uncertain events of war, as you have hitherto shown a glorious and affecting example to the world that they are not dependent on the ordinary conveniences and satisfactions of life.

Knowing no other arguments to be used to men of liberal minds, it is upon these very principles, and these alone, we hope and trust that no flattering and no alarming circumstances shall permit you to listen to the seductions of those who would alienate you from your dependence on the crown and Parliament of this kingdom. That very liberty which you so justly prize above all things originated here; and it may be very doubtful, whether, without being constantly fed from the original fountain, it can be at all perpetuated or preserved in its native purity and perfection. Untried forms of government may, to unstable minds, recommend themselves even by their novelty. But you will do well to remember that England has been great and happy under the present limited monarchy (subsisting in more or less vigor and purity) for several hundred years. None but England can communicate to you the benefits of such a constitution. We apprehend you are not now, nor for ages are likely to be, capable of that form of constitution in an independent state. Besides, let us suggest to you our apprehensions that your present union (in which we rejoice, and which we wish long to subsist) cannot always subsist without the authority and weight of this great and long respected body, to equipoise, and to preserve you amongst yourselves in a just and fair equality. It may not even be impossible that a long course of war with the administration of this country may be but a prelude to a series of wars and contentions among yourselves, to end at length (as such scenes have too often ended) in a species of humiliating repose, which nothing but the preceding calamities would reconcile to the dispirited few who survived them. We allow that even this evil is worth the risk to men of honor, when rational liberty is at stake, as in the present case we confess and lament that it is. But if ever a real security by Parliament is given against the terror or the abuse of unlimited power, and after such security given you should persevere in resistance, we leave you to consider whether the risk is not incurred without an object, or incurred for an object infinitely diminished by such concessions in its importance and value.

As to other points of discussion, when these grand fundamentals of your grants and charters are once settled and ratified by clear Parliamentary authority, as the ground for peace and forgiveness on our side, and for a manly and liberal obedience on yours, treaty and a spirit of reconciliation will easily and securely adjust whatever may remain. Of this we give you our word, that, so far as we are at present concerned, and if by any event we should become more concerned hereafter, you may rest assured, upon the pledges of honor not forfeited, faith not violated, and uniformity of character and profession not yet broken, we at least, on these grounds, will never fail you.

Respecting your wisdom, and valuing your safety, we do not call upon you to trust your existence to your enemies. We do not advise you to an unconditional submission. With satisfaction we assure you that almost all in both Houses (however unhappily they have been deluded, so as not to give any immediate effect to their opinion) disclaim that idea. You can have no friends in whom you cannot rationally confide. But Parliament is your friend from the moment in which, removing its confidence from those who have constantly deceived its good intentions, it adopts the sentiments of those who have made sacrifices, (inferior, indeed, to yours,) but have, however, sacrificed enough to demonstrate the sincerity of their regard and value for your liberty and prosperity.

Arguments may be used to weaken your confidence in that public security; because, from some unpleasant appearances, there is a suspicion that Parliament itself is somewhat fallen from its independent spirit. How far this supposition may be founded in fact we are unwilling to determine. But we are well assured from experience, that, even if all were true that is contended for, and in the extent, too, in which it is argued, yet, as long as the solid and well-disposed forms of this Constitution remain, there ever is within Parliament itself a power of renovating its principles, and effecting a self-reformation, which no other plan of government has ever contained. This Constitution has therefore admitted innumerable improvements, either for the correction of the original scheme, or for removing corruptions, or for bringing its principles better to suit those changes which have successively happened in the circumstances of the nation or in the manners of the people.

We feel that the growth of the colonies is such a change of circumstances, and that our present dispute is an exigency as pressing as any which ever demanded a revision of our government. Public troubles have often called upon this country to look into its Constitution. It has ever been bettered by such a revision. If our happy and luxuriant increase of dominion, and our diffused population, have outgrown the limits of a Constitution made for a contracted object, we ought to bless God, who has furnished us with this noble occasion for displaying our skill and beneficence in enlarging the scale of rational happiness, and of making the politic generosity of this kingdom as extensive as its fortune. If we set about this great work, on both

sides, with the same conciliatory turn of mind, we may now, as in former times, owe even to our mutual mistakes, contentions, and animosities, the lasting concord, freedom, happiness, and glory of this empire.

Gentlemen, the distance between us, with other obstructions, has caused much misrepresentation of our mutual sentiments. We, therefore, to obviate them as well as we are able, take this method of assuring you of our thorough detestation of the whole war, and particularly the mercenary and savage war carried on or attempted against you, — our thorough abhorrence of all addresses adverse to you, whether public or private, — our assurances of an invariable affection towards you, — our constant regard to your privileges and liberties, — and our opinion of the solid security you ought to enjoy for them, under the paternal care and nurture of a protecting Parliament.

Though many of us have earnestly wished that the authority of that august and venerable body, so necessary in many respects to the union of the whole, should be rather limited by its own equity and discretion, than by any bounds described by positive laws and public compacts, — and though we felt the extreme difficulty, by any theoretical limitations, of qualifying that authority, so as to preserve one part and deny another, — and though you (as we gratefully acknowledge) had acquiesced most cheerfully under that prudent reserve of the Constitution, at that happy moment when neither you nor we apprehended a further return of the exercise of invidious powers, we are now as fully persuaded as you can be, by the malice, inconstancy, and perverse inquietude of many men, and by the incessant endeavors of an arbitrary faction, now too powerful, that our common necessities do require a full explanation and ratified security for your liberties and our quiet.

Although his Majesty's condescension, in committing the direction of his affairs into the hands of the known friends of his family and of the liberties of all his people, would, we admit, be a great means of giving repose to your minds, as it must give infinite facility to reconciliation, yet we assure you that we think, with such a security as we recommend, adopted from necessity and not choice, even by the unhappy authors and instruments of the public misfortunes, that the terms of reconciliation, if once accepted by Parliament, would not be broken. We also pledge ourselves to you, that we should give, even to those unhappy persons, an hearty support in effectuating the peace of the empire, and every opposition in an attempt to cast it again into disorder.

When that happy hour shall arrive, let us in all affection, recommend to you the wisdom of continuing, as in former times, or even in a more ample measure, the support of your government, and even to give to your administration some degree of reciprocal interest in your freedom. We earnestly wish you not to furnish your enemies, here or elsewhere, with any sort of pretexts for reviving quarrels by too reserved and severe or penurious an exercise of those sacred rights which no pretended abuse in the exercise ought to impair, nor, by overstraining the principles

of freedom, to make them less compatible with those haughty sentiments in others which the very same principles may be apt to breed in minds not tempered with the utmost equity and justice.

The well-wishers of the liberty and union of this empire salute you, and recommend you most heartily to the Divine protection.

SOME THOUGHTS ON THE APPROACHING EXECUTIONS, HUMBLY OFFERED TO CONSIDERATION.

As the number of persons convicted on account of the late unhappy tumults will probably exceed what any one's idea of vengeance or example would deliver to capital punishment, it is to be wished that the whole business, as well with regard to the number and description of those who are to suffer death as with regard to those who shall be delivered over to lighter punishment or wholly pardoned, should be entirely a work of reason.

It has happened frequently, in cases of this nature, that the fate of the convicts has depended more upon the accidental circumstance of their being brought earlier or later to trial than to any steady principle of equity applied to their several cases. Without great care and sobriety, criminal justice generally begins with anger and ends in negligence. The first that are brought forward suffer the extremity of the law, with circumstances of mitigation of their case; and after a time, the most atrocious delinquents escape merely by the satiety of punishment.

In the business now before his Majesty, the following thoughts are humbly submitted.

If I understand the temper of the public at this moment, a very great part of the lower and some of the middling people of this city are in a very critical disposition, and such as ought to be managed with firmness and delicacy. In general, they rather approve than blame the principles of the rioters, though the better sort of them are afraid of the consequences of those very principles which they approve. This keeps their minds in a suspended and anxious state, which may very easily be exasperated by an injudicious severity into desperate resolutions, — or by weak measures on the part of government it may be encouraged to the pursuit of courses which may be of the most dangerous consequences to the public.

There is no doubt that the approaching executions will very much determine the future conduct of those people. They ought to be such as will humble, not irritate. Nothing will make government more awful to them than to see that it does not proceed by chance or under the influence of passion.

It is therefore proposed that no execution should be made until the number of persons which government thinks fit to try is completed. When the whole is at once under the eye, an examination ought to be made into the circumstances of every particular convict; and *six*, at the very utmost, of the fittest examples may then be selected for execution, who ought to be brought out and put to death on one and the same day, in six different places, and in the most solemn manner that can be devised. Afterwards great care should be taken that their bodies may not be delivered to their friends, or to others who may make them objects of compassion

or even veneration: some instances of the kind have happened with regard to the bodies of those killed in the riots. The rest of the malefactors ought to be either condemned, for larger [longer?] or shorter terms, to the lighters, houses of correction, service in the navy, and the like, according to the case.

This small number of executions, and all at one time, though in different places, is seriously recommended; because it is certain that a great havoc among criminals hardens rather than subdues the minds of people inclined to the same crimes, and therefore fails of answering its purpose as an example. Men who see their lives respected and thought of value by others come to respect that gift of God themselves. To have compassion for oneself, or to care, more or less, for one's own life, is a lesson to be learned just as every other; and I believe it will be found that conspiracies have been most common and most desperate where their punishment has been most extensive and most severe.

Besides, the least excess in this way excites a tenderness in the milder sort of people, which makes them consider government in an harsh and odious light. The sense of justice in men is overloaded and fatigued with a long series of executions, or with such a carnage at once as rather resembles a massacre than a sober execution of the laws. The laws thus lose their terror in the minds of the wicked, and their reverence in the minds of the virtuous.

I have ever observed that the execution of one man fixes the attention and excites awe; the execution of multitudes dissipates and weakens the effect: but men reason themselves into disapprobation and disgust; they compute more as they feel less; and every severe act which does not appear to be necessary is sure to be offensive.

In selecting the criminals, a very different line ought to be followed from that recommended by the champions of the Protestant Association. They recommend that the offenders for plunder ought to be punished, and the offenders from principle spared. But the contrary rule ought to be followed. The ordinary executions, of which there are enough in conscience, are for the former species of delinquents; but such common plunderers would furnish no example in the present case, where the false or pretended principle of religion, which leads to crimes, is the very thing to be discouraged.

But the reason which ought to make these people objects of selection for punishment confines the selection to very few. For we must consider that the whole nation has been for a long time guilty of their crime. Toleration is a new virtue in any country. It is a late ripe fruit in the best climates. We ought to recollect the poison which, under the name of antidotes against Popery, and such like mountebank titles, has been circulated from our pulpits and from our presses, from the heads of the Church of England and the heads of the Dissenters. These publications, by degrees, have tended to drive all religion from our own minds, and to fill them with nothing but a violent hatred of the religion of other people, and, of course, with a hatred of their persons; and so, by a very natural progression, they

have led men to the destruction of their goods and houses, and to attempts upon their lives.

This delusion furnishes no reason for suffering that abominable spirit to be kept alive by inflammatory libels or seditious assemblies, or for government's yielding to it, in the smallest degree, any point of justice, equity, or sound policy. The king certainly ought not to give up any part of his subjects to the prejudices of another. So far from it, I am clearly of opinion that on the late occasion the Catholics ought to have been taken, more avowedly than they were, under the protection of government, as the Dissenters had been on a similar occasion.

But though we ought to protect against violence the bigotry of others, and to correct our own too, if we have any left, we ought to reflect, that an offence which in its cause is national ought not in its effects to be vindicated on individuals, but with a very well-tempered severity.

For my own part, I think the fire is not extinguished, — on the contrary, it seems to require the attention of government more than ever; but, as a part of any methodical plan for extinguishing this flame, it really seems necessary that the execution of justice should be as steady and as cool as possible.

SOME ADDITIONAL REFLECTIONS ON THE EXECUTIONS.

The great number of sufferers seems to arise from the misfortune incident to the variety of judicatures which have tried the crimes. It were well, if the whole had been the business of one commission; for now every trial seems as if it were a separate business, and in that light each offence is not punished with greater severity than single offences of the kind are commonly marked: but in reality and fact, this unfortunate affair, though diversified in the multitude of overt acts, has been one and the same riot; and therefore the executions, so far as regards the general effect on the minds of men, will have a reference to the unity of the offence, and will appear to be much more severe than such a riot, atrocious as it was, can well justify in government. I pray that it may be recollected that the chief delinquents have hitherto escaped, and very many of those who are fallen into the hands of justice are a poor, thoughtless set of creatures, very little aware of the nature of their offence. None of the list-makers, the assemblers of the mob, the directors and arrangers, have been convicted. The preachers of mischief remain safe, and are wicked enough not to feel for their deluded disciples, — no, not at all.

I would not plead the ignorance of the law in any, even the most ignorant, as a justification; but I am sure, that, when the question is of mercy, it is a very great and powerful argument. I have all the reason in the world to believe that they did not know their offence was capital.

There is one argument, which I beg may not be considered as brought for any invidious purpose, or meant as imputing blame anywhere, but which, I think, with candid and considerate men, will have much weight. The unfortunate delinquents were perhaps much encouraged by some remissness on the part of government itself. The absolute and entire impunity attending the same offence in Edinburgh, which was over and over again urged as an example and encouragement to these unfortunate people, might be a means of deluding them. Perhaps, too, a languor in the beginning of the riots here (which suffered the leaders to proceed, until very many, as it were by the contagion of a sort of fashion, were carried to these excesses) might make these people think that there was something in the case which induced government to wink at the irregularity of the proceedings.

The conduct and condition of the Lord Mayor ought, in my opinion, to be considered. His answers to Lord Beauchamp, to Mr. Malo, and to Mr. Langdale make him appear rather an accomplice in the crimes than guilty of negligence as a magistrate. Such an example set to the mob by the first magistrate of the city tends greatly to palliate their offence.

The license, and complete impunity too, of the publications which from the beginning instigated the people to such actions, and in the midst of trials and executions still continues, does in a great degree render these creatures an object of

compassion. In the Public Advertiser of this morning there are two or three paragraphs strongly recommending such outrages, and stimulating the people to violence against the houses and persons of Roman Catholics, and even against the chapels of the foreign ministers.

I would not go so far as to adopt the maxim, *Quicquid multis peccatur inultum*; but certainly offences committed by vast multitudes are somewhat palliated in the *individuals*, who, when so many escape, are always looked upon rather as unlucky than criminal. All our loose ideas of justice, as it affects any individual, have in them something of comparison to the situation of others; and no systematic reasoning can wholly free us from such impressions.

Phil. de Comines says our English civil wars were less destructive than others, because the cry of the conqueror always was, "Spare the common people." This principle of war should be at least as prevalent in the execution of justice. The appetite of justice is easily satisfied, and it is best nourished with the least possible blood. We may, too, recollect that between capital punishment and total impunity there are many stages.

On the whole, every circumstance of mercy, and of comparative justice, does, in my opinion, plead in favor of such low, untaught, or ill-taught wretches. But above all, the policy of government is deeply interested that the punishments should appear *one*, solemn, deliberate act, aimed not at random, and at particular offences, but done with a relation to the general spirit of the tumults; and they ought to be nothing more than what is sufficient to mark and discountenance that spirit.

CIRCUMSTANCES FOR MERCY.

- Not being principal.
- Probable want of early and deliberate purposes.
- Youth where the highest malice does not appear.
- Sex where the highest malice does not appear.
- Intoxication and levity, or mere wantonness of any kind.

FRAGMENTS OF A TRACT RELATIVE TO THE LAWS AGAINST POPERY IN IRELAND.

NOTE.

The condition of the Roman Catholics in Ireland appears to have engaged the attention of Mr. Burke at a very early period of his political life. It was probably soon after the year 1765 that he formed the plan of a work upon that subject, the fragments of which are now given to the public. No title is prefixed to it in the original manuscript; and the *Plan*, which it has been thought proper to insert here, was evidently designed merely for the convenience of the author. Of the first chapter some unconnected fragments only, too imperfect for publication, have been found. Of the second there is a considerable portion, perhaps nearly the whole; but the copy from which it is printed is evidently a first rough draught. The third chapter, as far as it goes, is taken from a fair, corrected copy; but the end of the second part of the first head is left unfinished, and the discussion of the second and third heads was either never entered upon or the manuscript containing it has unfortunately been lost. What follows the third chapter appears to have been designed for the beginning of the fourth, and is evidently the first rough draught; and to this we have added a fragment which appears to have been a part either of this or the first chapter.

In the volume with which it is intended to close this posthumous publication of Mr. Burke's Works, we shall have occasion to enter into a more particular account of the part which he took in the discussion of this great political question. At present it may suffice to say, that the Letter to Mr. Smith, the Second Letter to Sir Hercules Langrishe, and the Letter to his Son, which here follow in order the Fragment on the Popery Laws, are the only writings upon this subject found amongst his papers in a state fit to appear in this stage of the publication. What remain are some small fragments of the Tract, and a few letters containing no new matter of importance.

TRACT

ON THE POPERY LAWS

THE PLAN.

I propose, first, to make an Introduction, in order to show the propriety of a closer inspection into the affairs of Ireland; and this takes up the first chapter, which is to be spent in this introductory matter, and in stating the Popery laws in general, as one leading cause of the imbecility of the country.

CH. II. states particularly the laws themselves, in a plain and popular manner.

CH. III. begins the remarks upon them, under the heads of, 1st, The object, — which is a numerous people; 2ndly, Their means, — a restraint on property; 3rdly, Their instruments of execution, — corrupted morals, which affect the national prosperity.

CH. IV. The impolicy of those laws, as they affect the national security.

CH. V. Reasons by which the laws are supported, and answers to them.

CHAPTER II.

In order to lay this matter with full satisfaction before the reader, I shall collect into one point of view, and state as shortly and as clearly as I am able, the purport of these laws, according to the objects which they affect, without making at present any further observation upon them, but just what shall be necessary to render the drift; and intention of the legislature and the tendency and operation of the laws the more distinct and evident.

I shall begin with those which relate to the possession and inheritance of landed property in Popish hands. The first operation of those acts upon this object was wholly to change the course of descent by the Common Law, to take away the right of primogeniture, and, in lieu thereof, to substitute and establish a new species of Statute Gavelkind. By this law, on the death of a Papist possessed of an estate in fee simple or in fee tail, the land is to be divided by equal portions between all the male children; and those portions are likewise to be parcelled out, share and share alike, amongst the descendants of each son, and so to proceed in a similar distribution *ad infinitum*. From this regulation it was proposed that some important consequences should follow. First, by taking away the right of primogeniture, perhaps in the very first generation, certainly in the second, the families of Papists, however respectable, and their fortunes, however considerable, would be wholly dissipated, and reduced to obscurity and indigence, without any possibility that they should repair them by their industry or abilities, — being, as we shall see anon, disabled from every species of permanent acquisition. Secondly, by this law the right of testamentation is taken away, which the inferior tenures had always enjoyed, and all tenures from the 27th Hen. VIII; Thirdly, the right of settlement was taken away, that no such persons should, from the moment the act passed, be enabled to advance themselves in fortune or connection by marriage, being disabled from making any disposition, in consideration of such marriage, but what the law had previously

regulated: the reputable establishment of the eldest son, as representative of the family, or to settle a jointure, being commonly the great object in such settlements, which was the very power which the law had absolutely taken away.

The operation of this law, however certain, might be too slow. The present possessors might happen to be long-lived. The legislature knew the natural impatience of expectants, and upon this principle they gave encouragement to children to anticipate the inheritance. For it is provided, that the eldest son of any Papist shall, immediately on his conformity, change entirely the nature and properties of his father's legal estate: if he before held in fee simple, or, in other words, had the entire and absolute dominion over the land, he is reduced to an estate for his life only, with all the consequences of the natural debility of that estate, by which he becomes disqualified to sell, mortgage, charge, (except for his life,) or in any wise to do any act by which he may raise money for relief in his most urgent necessities. The eldest son, so conforming, immediately acquires, and in the lifetime of his father, the permanent part, what our law calls the reversion and inheritance of the estate; and he discharges it by retrospect, and annuls every sort of voluntary settlement made by the father ever so long before his conversion. This he may sell or dispose of immediately, and alienate it from the family forever.

Having thus reduced his father's estate, he may also bring his father into the Court of Chancery, where he may compel him to swear to the value of his estate, and to allow him out of that possession (which had been before reduced to an estate for life) such an immediate annual allowance as the Lord Chancellor or Lord Keeper shall judge suitable to his age and quality.

This indulgence is not confined to the eldest son. The other children likewise, by conformity, may acquire the same privileges, and in the same manner force from their father an immediate and independent maintenance. It is very well worth remarking, that the statutes have avoided to fix any determinate age for these emancipating conversions; so that the children, at any age, however incapable of choice in other respects, however immature or even infantile, are yet considered sufficiently capable to disinherit their parents, and totally to subtract themselves from their direction and control, either at their own option, or by the instigation of others. By this law the tenure and value of a Roman Catholic in his real property is not only rendered extremely limited and altogether precarious, but the paternal power is in all such families so enervated that it may well be considered as entirely taken away; even the principle upon which it is founded seems to be directly reversed. However, the legislature feared that enough was not yet done upon this head. The Roman Catholic parent, by selling his real estate, might in some sort preserve the dominion over his substance and his family, and thereby evade the operation of these laws, which intended to take away both. Besides, frequent revolutions and many conversions had so broken the landed property of Papists in

that kingdom, that it was apprehended that this law could have in a short time but a few objects upon which it would be capable of operating.

To obviate these inconveniences another law was made, by which the dominion of children over their parents was extended universally throughout the whole Popish part of the nation, and every child of every Popish parent was encouraged to come into what is called a court of equity, to prefer a bill against his father, and compel him to confess, upon oath, the quantity and value of his substance, personal as well as real, of what nature soever, or howsoever it might be employed; upon which discovery, the court is empowered to seize upon and allocate, for the immediate maintenance of such child or children, any sum not exceeding a third of the whole fortune: and as to their future establishment on the death of the father, no limits are assigned; the Chancery may, if it thinks fit, take the whole property, personal as well as real, money, stock in trade, &c, out of the power of the possessor, and secure it in any manner they judge expedient for that purpose; for the act has not assigned any sort of limit with regard to the quantity which is to be charged, or given any direction concerning the means of charging and securing it: a law which supersedes all observation.

But the law is still more extensive in its provision. Because there was a possibility that the parent, though sworn, might by false representations evade the discovery of the ultimate value of his estate, a new bill may be at any time brought, by one, any, or all of the children, for a further discovery; his effects are to undergo a fresh scrutiny, and a new distribution is to be made in consequence of it. So that the parent has no security against perpetual inquietude, and the reiteration of Chancery suits, but by (what is somewhat difficult for human nature to comply with) fully, and without reserve, abandoning his whole property to the discretion of the court, to be disposed of in favor of such children.

But is this enough, and has the parent purchased his repose by such a surrender? Very far from it. The law expressly, and very carefully, provides that he shall not: before he can be secure from the persecution of his children, it requires another and a much more extraordinary condition: the children are authorized, if they can find that their parent has by his industry, or otherwise, increased the value of his property since their first bill, to bring another, compelling a new account of the value of his estate, in order to a new distribution proportioned to the value of the estate at the time of the new bill preferred. They may bring such bills, *toties quoties*, upon every improvement of his fortune, without any sort of limitation of time, or regard to the frequency of such bills, or to the quantity of the increase of the estate, which shall justify the bringing them. This act expressly provides that he shall have no respite from the persecution of his children, but by totally abandoning all thoughts of improvement and acquisition.

This is going a great way, surely: but the laws in question have gone much further. Not satisfied with calling upon children to revolt against their parents, and

to possess themselves of their substance, there are cases where the withdrawing of the child from his father's obedience is not left to the option of the child himself: for, if the wife of a Roman Catholic should choose to change her religion, from that moment she deprives her husband of all management and direction of his children, and even of all the tender satisfaction which a parent can feel in their society, and which is the only indemnification he can have for all his cares and sorrows; and they are to be torn forever, at the earliest age, from his house and family: for the Lord Chancellor is not only authorized, but he is strongly required, to take away all his children from such Popish parent, to appoint where, in what manner, and by whom they are to be educated; and the father is compelled to pay, not for the ransom, but for the deprivation of his children, and to furnish such a sum as the Chancellor thinks proper to appoint for their education to the age of eighteen years. The case is the same, if the husband should be the conformist; though how the law is to operate in this case I do not see: for the act expressly says, that the child shall be taken from such Popish parent; and whilst such husband and wife cohabit, it will be impossible to put it into execution without taking the child from one as well as from the other; and then the effect of the law will be, that, if either husband or wife becomes Protestant, both are to be deprived of their children.

The paternal power thus being wholly abrogated, it is evident that by the last regulation the power of an husband over his wife is also considerably impaired; because, if it be in her power, whenever she pleases, to subtract the children from his protection and obedience, she herself by that hold inevitably acquires a power and superiority over her husband.

But she is not left dependent upon this oblique influence: for, if in any marriage settlement the husband has reserved to him a power of making a jointure, and he dies without settling any, her conformity executes his powers, and executes them in as large extent as the Chancellor thinks fit. The husband is deprived of that coercive power over his wife which he had in his hands by the use he might make of the discretionary power reserved in the settlement.

But if no such power had been reserved, and no such settlement existed, yet, if the husband dies, leaving his conforming wife without a filed provision by some settlement on his real estate, his wife may apply to Chancery, where she shall be allotted a portion from his leases, and other personal estate, not exceeding one third of his whole clear substance. The laws in this instance, as well as in the former, have presumed that the husband has omitted to make all the provision which he might have done, for no other reason than that of her religion. If, therefore, she chooses to balance any domestic misdemeanors to her husband by the public merit of conformity to the Protestant religion, the law will suffer no plea of such misdemeanors to be urged on the husband's part, nor proof of that kind to be entered into. She acquires a provision totally independent of his favor, and deprives him of that source of domestic authority which the Common Law had left to him,

that of rewarding or punishing, by a voluntary distribution of his effects, what in his opinion was the good or ill behavior of his wife.

Thus the laws stand with regard to the property already acquired, to its mode of descent, and to family powers. Now as to the new acquisition of real property, and both to the acquisition and security of personal, the law stands thus: —

All persons of that persuasion are disabled from taking or purchasing, directly or by a trust, any lands, any mortgage upon land, any rents or profits from land, any lease, interest, or term of any land, any annuity for life or lives or years, or any estate whatsoever, chargeable upon, or which may in any manner affect, any lands.

One exception, and one only, is admitted by the statutes to the universality of this exclusion, viz., a lease for a term not exceeding thirty-one years. But even this privilege is charged with a prior qualification. This remnant of a right is doubly curtailed: 1st, that on such a short lease a rent not less than two thirds of the full improved yearly value, at the time of the making it, shall be reserved during the whole continuance of the term; and, 2ndly, it does not extend to the whole kingdom. This lease must also be in possession, and not in reversion. If any lease is made, exceeding either in duration or value, and in the smallest degree, the above limits, the whole interest is forfeited, and vested *ipso facto* in the first Protestant discoverer or informer. This discoverer, thus invested with the property, is enabled to sue for it as his own right. The courts of law are not alone open to him; he may (and this is the usual method) enter into either of the courts of equity, and call upon the parties, and those whom he suspects to be their trustees, upon oath, and under the penalties of perjury, to discover against themselves the exact nature and value of their estates in every particular, in order to induce their forfeiture on the discovery. In such suits the informer is not liable to those delays which the ordinary procedure of those courts throws into the way of the justest claimant; nor has the Papist the indulgence which he [it?] allows to the most fraudulent defendant, that of plea and demurrer; but the defendant is obliged to answer the whole directly upon oath. The rule of *favores ampliandi*, &c., is reversed by this act, lest any favor should be shown, or the force and operation of the law in any part of its progress be enervated. All issues to be tried on this act are to be tried by none but known Protestants.

It is here necessary to state as a part of this law what has been for some time generally understood as a certain consequence of it. The act had expressly provided that a Papist could possess no sort of estate which might affect land (except as before excepted). On this a difficulty did, not unnaturally, arise. It is generally known, a judgment being obtained or acknowledged for any debt, since the statute of Westm. 2, 13 Ed. I. c. 18, one half of the debtor's land is to be delivered unto the creditor until the obligation is satisfied, under a writ called *Elegit*, and this writ has been ever since the ordinary assurance of the land, and the great foundation of general credit in the nation. Although the species of holding under this writ is not

specified in the statute, the received opinion, though not juridically delivered, has been, that, if they attempt to avail themselves of that security, because it may create an estate, however precarious, in land, their whole debt or charge is forfeited, and becomes the property of the Protestant informer. Thus you observe, first, that by the express words of the law all possibility of acquiring any species of valuable property, in any sort connected with land, is taken away; and, secondly, by the construction all security for money is also cut off. No security is left, except what is merely personal, and which, therefore, most people who lend money would, I believe, consider as none at all.

Under this head of the acquisition of property, the law meets them in every road of industry, and in its direct and consequential provisions throws almost all sorts of obstacles in their way. For they are not only excluded from all offices in Church and State, which, though a just and necessary provision, is yet no small restraint in the acquisition, but they are interdicted from the army, and the law, in all its branches. This point is carried to so scrupulous a severity, that chamber practice, and even private conveyancing, the most voluntary agency, are prohibited to them under the severest penalties and the most rigid modes of inquisition. They have gone beyond even this: for every barrister, six clerk, attorney, or solicitor, is obliged to take a solemn oath not to employ persons of that persuasion, — no, not as hackney clerks, at the miserable salary of seven shillings a week. No tradesman of that persuasion is capable by any service or settlement to obtain his freedom in any town corporate; so that they trade and work in their own native towns as aliens, paying, as such, quarterage, and other charges and impositions. They are expressly forbidden, in whatever employment, to take more than two apprentices, except in the linen manufacture only.

In every state, next to the care of the life and properties of the subject, the education of their youth has been a subject of attention. In the Irish laws this point has not been neglected. Those who are acquainted with the constitution of our universities need not be informed that none but those who conform to the Established Church can be at all admitted to study there, and that none can obtain degrees in them who do not previously take all the tests, oaths, and declarations. Lest they should be enabled to supply this defect by private academies and schools of their own, the law has armed itself with all its terrors against such a practice. Popish schoolmasters of every species are proscribed by those acts, and it is made felony to teach even in a private family. So that Papists are entirely excluded from an education in any of our authorized establishments for learning at home. In order to shut up every avenue to instruction, the act of King William in Ireland has added to this restraint by precluding them from all foreign education.

This act is worthy of attention on account of the singularity of some of its provisions. Being sent for education to any Popish school or college abroad, upon

conviction, incurs (if the party sent has any estate of inheritance) a kind of unalterable and perpetual outlawry. The tender and incapable age of such a person, his natural subjection to the will of others, his necessary, unavoidable ignorance of the laws, stands for nothing in his favor. He is disabled to sue in law or equity; to be guardian, executor, or administrator; he is rendered incapable of any legacy or deed of gift; he forfeits all his goods and chattels forever; and he forfeits for his life all his lands, hereditaments, offices, and estate of freehold, and all trusts, powers, or interests therein. All persons concerned in sending them or maintaining them abroad, by the least assistance of money or otherwise, are involved in the same disabilities, and subjected to the same penalties.

The mode of conviction is as extraordinary as the penal sanctions of this act. A justice of peace, upon information that any child is sent away, may require to be brought before him all persons charged or even suspected of sending or assisting, and examine them and other persons on oath concerning the fact. If on this examination he finds it *probable* that the party was sent contrary to this act, he is then, to bind over the parties and witnesses in any sum he thinks fit, but not less than two hundred pounds, to appear and take their trial at the next quarter sessions. Here the justices are to reexamine evidence, until they arrive, as before, to what shall appear to them a probability. For the rest they resort to the accused: if they can prove that any person, or any money, or any bill of exchange, has been sent abroad by the party accused, they throw the proof upon him to show for what innocent purposes it was sent; and on failure of such proof, he is subjected to all the above-mentioned penalties. Half the forfeiture is given to the crown; the other half goes to the informer.

It ought here to be remarked, that this mode of conviction not only concludes the party has failed in his expurgatory proof, but it is sufficient also to subject to the penalties and incapacities of the law the infant upon whose account the person has been so convicted. It must be confessed that the law has not left him without some species of remedy in this case apparently of much hardship, where one man is convicted upon evidence given against another, if he has the good fortune to live; for, within a twelvemonth after his return, or his age of twenty-one, he has a, right to call for a new trial, in which he also is to undertake the negative proof, and to show by sufficient evidence that he has not been sent abroad against the intention of the act. If he succeeds in this difficult exculpation, and demonstrates his innocence to the satisfaction of the court, he forfeits all his goods and chattels, and all the profits of his lands incurred and received before such acquittal; but he is freed from all other forfeitures, and from all subsequent incapacities. There is also another method allowed by the law in favor of persons under such unfortunate circumstances, as in the former case for their innocence, in this upon account of their expiation: if within six months after their return, with the punctilious observation of many ceremonies, they conform to the Established Church, and take

all the oaths and subscriptions, the legislature, in consideration of the incapable age in which they were sent abroad, of the merit of their early conformity, and to encourage conversions, only confiscates, as in the former case, the whole personal estate, and the profits of the real; in all other respects, restoring and rehabilitating the party.

So far as to property and education. There remain some other heads upon which the acts have changed the course of the Common Law; and first, with regard to the right of self-defence, which consists in the use of arms. This, though one of the rights by the law of Nature, yet is so capable of abuses that it may not be unwise to make some regulations concerning them; and many wise nations have thought proper to set several restrictions on this right, especially temporary ones, with regard to suspected persons, and on occasion of some imminent danger to the public from foreign invasion or domestic commotions.

But provisions in time of trouble proper, and perhaps necessary, may become in time of profound peace a scheme of tyranny. The method which the statute law of Ireland has taken upon this delicate article is, to get rid of all difficulties at once by an universal prohibition to all persons, at all times, and under all circumstances, who are not Protestants, of using or keeping any kind of weapons whatsoever. In order to enforce this regulation, the whole spirit of the Common Law is changed, very severe penalties are enjoined, the largest powers are vested in the lowest magistrates. Any two justices of peace, or magistrates of a town, with or without information, at their pleasure, by themselves or their warrant, are empowered to enter and search the house of any Papist, or even of any other person, whom they suspect to keep such arms in trust for them. The only limitation to the extent of this power is, that the search is to be made between the rising and setting of the sun: but even this qualification extends no further than to the execution of the act in the open country; for in all cities and their suburbs, in towns corporate and market-towns, they may at their discretion, and without information, break open houses and institute such search at any hour of the day or night. This, I say, they may do at their discretion; and it seems a pretty ample power in the hands of such magistrates. However, the matter does by no means totally rest on their discretion. Besides the discretionary and occasional search, the statute has prescribed one that is general and periodical. It is to be made annually, by the warrant of the justices at their midsummer quarter sessions, by the high and petty constables, or any others whom they may authorize, and by all corporate magistrates, in all houses of Papists, and every other where they suspect arms for the use of such persons to be concealed, with the same powers, in all respects, which attend the occasional search. The whole of this regulation, concerning both the general and particular search, seems to have been made by a legislature which was not at all extravagantly jealous of personal liberty. Not trusting, however, to the activity of the magistrate acting

officially, the law has invited all voluntary informers by considerable rewards, and even pressed involuntary informers into this service by the dread of heavy penalties. With regard to the latter method, two justices of peace, or the magistrate of any corporation, are empowered to summon before them any persons whatsoever, to tender them an oath by which they oblige them to discover all persons who have any arms concealed contrary to law. Their refusal or declining to appear, or, appearing, their refusal to inform, subjects them to the severest penalties. If peers or peeresses are summoned (for they may be summoned by the bailiff of a corporation of six cottages) to perform this honorable service, and refuse to inform, the first offence is three hundred pounds penalty; the second is *præmunire*, — that is to say, imprisonment for life, and forfeiture of all their goods. Persons of an inferior order are, for the first offence, fined thirty pounds; for the second, they, too, are subjected to *præmunire*. So far as to involuntary; — now as to voluntary informers: the law entitles them to half the penalty incurred by carrying or keeping arms; for, on conviction of this offence, the penalty upon persons, of whatever substance, is the sum of fifty pounds and a year's imprisonment, which cannot be remitted even by the crown.

The only exception to this law is a license from the Lord Lieutenant and Council to carry arms, which, by its nature, is extremely limited, and I do not suppose that there are six persons now in the kingdom who have been fortunate enough to obtain it.

There remains, after this system concerning property and defence, to say something concerning the exercise of religion, which is carried on in all persuasions, but especially in the Romish, by persons appointed for that purpose. The law of King William and Queen Anne ordered all Popish parsons exercising ecclesiastical jurisdiction, all orders of monks and friars, and all priests, not then actually in parishes, and to be registered, to be banished the kingdom; and if they should return from exile, to be hanged, drawn, and quartered. Twenty pounds reward is given for apprehending them. Penalty on harboring and concealing.

As all the priests then in being and registered are long since dead, and as these laws are made perpetual, every Popish priest is liable to the law.

The reader has now before him a tolerably complete view of the Popery laws relative to property by descent or acquisition, to education, to defence, and to the free exercise of religion, which may be necessary to enable him to form some judgment of the spirit of the whole system, and of the subsequent reflections that are to be made upon it.

CHAPTER III.

PART I.

The system which we have just reviewed, and the manner in which religious influence on the public is made to operate upon the laws concerning property in Ireland, is in its nature very singular, and differs, I apprehend, essentially, and perhaps to its disadvantage, from any scheme of religious persecution now existing in any other country in Europe, or which has prevailed in any time or nation with which history has made us acquainted. I believe it will not be difficult to show that it is unjust, impolitic, and inefficacious; that it has the most unhappy influence on the prosperity, the morals, and the safety of that country; that this influence is not accidental, but has flowed as the necessary and direct consequence of the laws themselves, first on account of the object which they affect, and next by the quality of the greatest part of the instruments they employ. Upon all these points, first upon the general, and then on the particular, this question will be considered with as much order as can be followed in a matter of itself as involved and intricate as it is important.

The first and most capital consideration with regard to this, as to every object, is the extent of it. And here it is necessary to premise, this system of penalty and incapacity has for its object no small sect or obscure party, but a very numerous body of men, — a body which comprehends at least two thirds of that whole nation: it amounts to 2,800,000 souls, a number sufficient for the materials constituent of a great people. Now it is well worthy of a serious and dispassionate examination, whether such a system, respecting such an object, be in reality agreeable to any sound principles of legislation or any authorized definition of law; for if our reasons or practices differ from the general informed sense of mankind, it is very moderate to say that they are at least suspicious.

This consideration of the magnitude of the object ought to attend us through the whole inquiry: if it does not always affect the reason, it is always decisive on the importance of the question. It not only makes in itself a more leading point, but complicates itself with every other part of the matter, giving every error, minute in itself, a character and significance from its application. It is therefore not to be wondered at, if we perpetually recur to it in the course of this essay.

In the making of a new law it is undoubtedly the duty of the legislator to see that no injustice be done even to an individual: for there is then nothing to be unsettled, and the matter is under his hands to mould it as he pleases; and if he finds it untractable in the working, he may abandon it without incurring any new inconvenience. But in the question concerning the repeal of an old one, the work is of more difficulty; because laws, like houses, lean on one another, and the operation is delicate, and should be necessary: the objection, in such a case, ought not to arise from the natural infirmity of human institutions, but from substantial faults which

contradict the nature and end of law itself, — faults not arising from the imperfection, but from the misapplication and abuse of our reason. As no legislators can regard the *minima* of equity, a law may in some instances be a just subject of censure without being at all an object of repeal. But if its transgressions against common right and, the ends of just government should be considerable in their nature and spreading in their effects, as this objection goes to the root and principle of the law, it renders it void in its obligatory quality on the mind, and therefore determines it as the proper object of abrogation and repeal, so far as regards its civil existence. The objection here is, as we observed, by no means on account of the imperfection of the law; it is on account of its erroneous principle: for if this be fundamentally wrong, the more perfect the law is made, the worse it becomes. It cannot be said to have the properties of genuine law, even in its imperfections and defects. The true weakness and opprobrium of our best general constitutions is, that they cannot provide beneficially for every particular case, and thus fill, adequately to their intentions, the circle of universal justice. But where the principle is faulty, the erroneous part of the law is the beneficial, and justice only finds refuge in those holes and corners which had escaped the sagacity and inquisition of the legislator. The happiness or misery of multitudes can never be a thing indifferent. A law against the majority of the people is in substance a law against the people itself; its extent determines its invalidity; it even changes its character as it enlarges its operation: it is not particular injustice, but general oppression; and can no longer be considered as a private hardship, which might be borne, but spreads and grows up into the unfortunate importance of a national calamity.

Now as a law directed against the mass of the nation has not the nature of a reasonable institution, so neither has it the authority: for in all forms of government the people is the true legislator; and whether the immediate and instrumental cause of the law be a single person or many, the remote and efficient cause is the consent of the people, either actual or implied; and such consent is absolutely essential to its validity. To the solid establishment of every law two things are essentially requisite: first, a proper and sufficient human power to declare and modify the matter of the law; and next, such a fit and equitable constitution as they have a right to declare and render binding. With regard to the first requisite, the human authority, it is their judgment they give up, not their right. The people, indeed, are presumed to consent to whatever the legislature ordains for their benefit; and they are to acquiesce in it, though they do not clearly see into the propriety of the means by which they are conducted to that desirable end. This they owe as an act of homage and just deference to a reason which the necessity of government has made superior to their own. But though the means, and indeed the nature, of a public advantage may not always be evident to the understanding of the subject, no one is so gross and stupid as not to distinguish between a benefit and an injury. No one can imagine, then, an exclusion of a great body of men, not from favors, privileges, and trusts, but from

the common advantages of society, can ever be a thing intended for their good, or can ever be ratified by any implied consent of theirs. If, therefore, at least an implied human consent is necessary to the existence of a law, such a constitution cannot in propriety be a law at all.

But if we could suppose that such a ratification was made, not virtually, but actually, by the people, not representatively, but even collectively, still it would be null and void. They have no right to make a law prejudicial to the whole community, even though the delinquents in making such an act should be themselves the chief sufferers by it; because it would be-made against the principle of a superior law, which it is not in the power of any community, or of the whole race of man, to alter, — I mean the will of Him who gave us our nature, and in giving impressed an invariable law upon it. It would be hard to point out any error more truly subversive of all the order and beauty, of all the peace and happiness of human society, than the position, that any body of men have a right to make what laws they please, — or that laws can derive any authority from their institution merely, and independent of the quality of the subject-matter. No arguments of policy, reason of state, or preservation of the constitution can be pleaded in favor of such a practice. They may, indeed, impeach the frame of that constitution, but can never touch this immovable principle. This seems to be, indeed, the doctrine which Hobbes broached in the last century, and which was then so frequently and so ably refuted. Cicero exclaims with the utmost indignation and contempt against such a notion: he considers it not only as unworthy of a philosopher, but of an illiterate peasant; that of all things this was the most truly absurd, to fancy that the rule of justice was to be taken from the constitutions of commonwealths, or that laws derived their authority from the statutes of the people, the edicts of princes, or the decrees of judges. If it be admitted that it is not the black-letter and the king's arms that makes the law, we are to look for it elsewhere.

In reality there are two, and only two, foundations of law; and they are both of them conditions without which nothing can give it any force: I mean equity and utility. With respect to the former, it grows out of the great rule of equality, which is grounded upon our common nature, and which Philo, with propriety and beauty, calls the mother of justice. All human laws are, properly speaking, only declaratory; they may alter the mode and application, but have no power over the substance of original justice. The other foundation of law, which is utility, must be understood, not of partial or limited, but of general and public utility, connected in the same manner with, and derived directly from, our rational nature: for any other utility may be the utility of a robber, but cannot be that of a citizen, — the interest of the domestic enemy, and not that of a member of the commonwealth. This present equality can never be the foundation of statutes which create an artificial difference between men, as the laws before us do, in order to induce a consequential inequality in the distribution of justice. Law is a mode of human action respecting society, and

must be governed by the same rules of equity which govern every private action; and so Tully considers it in his Offices as the only utility agreeable to that nature: “*Unum debet esse omnibus propositum, ut eadem sit utilitas uniuscujusque et universorum; quam si ad se quisque rapiat, dissolvetur omnis humana consortio.*”

If any proposition can be clear in itself, it is this: that a law which shuts out from all secure and valuable property the bulk of the people cannot be made for the utility of the party so excluded. This, therefore, is not the utility which Tully mentions. But if it were true (as it is not) that the real interest of any part of the community could be separated from the happiness of the rest, still it would afford no just foundation for a statute providing exclusively for that interest at the expense of the other; because it would be repugnant to the essence of law, which requires that it be made as much as possible for the benefit of the whole. If this principle be denied or evaded, what ground have we left to reason on? We must at once make a total change in all our ideas, and look for a new definition of law. Where to find it I confess myself at a loss. If we resort to the fountains of jurisprudence, they will not supply us with any that is for our purpose. “*Jus*” (says Paulus) “*pluribus modis dicitur: uno modo, cum id, quod semper æquum et bonum est, jus dicitur, ut est jus naturale*”; — this sense of the word will not be thought, I imagine, very applicable to our penal laws;— “*altero modo, quod omnibus aut pluribus in unaquaque civitate utile est, ut est jus civile.*” Perhaps this latter will be as insufficient, and would rather seem a censure and condemnation of the Popery Acts than a definition that includes them; and there is no other to be found in the whole Digest; neither are there any modern writers whose ideas of law are at all narrower.

It would be far more easy to heap up authorities on this article than to excuse the prolixity and tediousness of producing any at all in proof of a point which, though too often practically denied, is in its theory almost self-evident. For Suarez, handling this very question, *Utrum de ratione et substantia legis esse ut propter commune bonum feratur*, does not hesitate a moment, finding no ground in reason or authority to render the affirmative in the least degree disputable: “*In quæstione ergo proposita*” (says he) “*nulla est inter authores controversia; sed omnium commune est axioma de substantia et ratione legis esse, ut pro communi bono feratur; ita ut propter illud præcipue tradatur*”; having observed in another place, “*Contra omnem rectitudinem est bonum commune ad privatum ordinare, seu totum ad partem propter ipsum referre.*” Partiality and law are contradictory terms. Neither the merits nor the ill deserts, neither the wealth and importance nor the indigence and obscurity, of the one part or of the other, can make any alteration in this fundamental truth. On any other scheme, I defy any man living to settle a correct standard which may discriminate between equitable rule and the most direct tyranny. For if we can once prevail upon ourselves to depart from the strictness and integrity of this principle in favor even of a considerable party, the argument will hold for one that is less so; and thus we shall go on, narrowing the bottom of public

right, until step by step we arrive, though after no very long or very forced deduction, at what one of our poets calls the *enormous faith*, — the faith of the many, created for the advantage of a single person. I cannot see a glimmering of distinction to evade it; nor is it possible to allege any reason for the proscription of so large a part of the kingdom, which would not hold equally to support, under parallel circumstances, the proscription of the whole.

I am sensible that these principles, in their abstract light, will not be very strenuously opposed. Reason is never inconvenient, but when it comes to be applied. Mere general truths interfere very little with the passions. They can, until they are roused by a troublesome application, rest in great tranquillity, side by side with tempers and proceedings the most directly opposite to them. Men want to be reminded, who do not want to be taught; because those original ideas of rectitude, to which the mind is compelled to assent when they are proposed, are not always as present to it as they ought to be. When people are gone, if not into a denial, at least into a sort of oblivion of those ideas, when they know them only as barren speculations, and not as practical motives for conduct, it will be proper to press, as well as to offer them to the understanding; and when one is attacked by prejudices which aim to intrude themselves into the place of law, what is left for us but to vouch and call to warranty those principles of original justice from whence alone our title to everything valuable in society is derived? Can it be thought to arise from a superfluous, vain parade of displaying general and uncontroverted maxims, that we should revert at this time to the first principles of law, when we have directly under our consideration a whole body of statutes, which, I say, are so many contradictions, which their advocates allow to be so many exceptions from those very principles? Take them in the most favorable light, every exception from the original and fixed rule of equality and justice ought surely to be very well authorized in the reason of their deviation, and very rare in their use. For, if they should grow to be frequent, in what would they differ from an abrogation of the rule itself? By becoming thus frequent, they might even go further, and, establishing themselves into a principle, convert the rule into the exception. It cannot be dissembled that this is not at all remote from the case before us, where the great body of the people are excluded from all valuable property, — where the greatest and most ordinary benefits of society are conferred as privileges, and not enjoyed on the footing of common rights.

The clandestine manner in which those in power carry on such designs is a sufficient argument of the sense they inwardly entertain of the true nature of their proceedings. Seldom is the title or preamble of the law of the same import with the body and enacting part; but they generally place some other color uppermost, which differs from that which is afterwards to appear, or at least one that is several shades fainter. Thus, the penal laws in question are not called laws to oblige men baptized and educated in Popery to renounce their religion or their property, but are called

laws to prevent the growth of Popery; as if their purpose was only to prevent conversions to that sect, and not to persecute a million of people already engaged in it. But of all the instances of this sort of legislative artifice, and of the principles that produced it, I never met with any which made a stronger impression on me than that of Louis the Fourteenth, in the revocation of the Edict of Nantes. That monarch had, when he made that revocation, as few measures to keep with public opinion as any man. In the exercise of the most unresisted authority at home, in a career of uninterrupted victory abroad, and in a course of flattery equal to the circumstances of his greatness in both these particulars, he might be supposed to have as little need as disposition to render any sort of account to the world of his procedure towards his subjects. But the persecution of so vast a body of men as the Huguenots was too strong a measure even for the law of pride and power. It was too glaring a contradiction even to those principles upon which persecution itself is supported. Shocked at the naked attempt, he had recourse, for a palliation of his conduct, to an unkingly denial of the fact which made against him. In the preamble, therefore, to his Act of Revocation, he sets forth that the Edict of Nantes was no longer necessary, as the object of it (the Protestants of his kingdom) were then reduced to a very small number. The refugees in Holland cried out against this misrepresentation. They asserted, I believe with truth, that this revocation had driven two hundred thousand of them out of their country, and that they could readily demonstrate there still remained six hundred thousand Protestants in France. If this were the fact, (as it was undoubtedly,) no argument of policy could have been strong enough to excuse a measure by which eight hundred thousand men were despoiled, at one stroke, of so many of their rights and privileges. Louis the Fourteenth confessed, by this sort of apology, that, if the number had been large, the revocation had been unjust. But, after all, is it not most evident that this act of injustice, which let loose on that monarch such a torrent of invective and reproach, and which threw so dark a cloud over all the splendor of a most illustrious reign, falls far short of the case in Ireland? The privileges which the Protestants of that kingdom enjoyed antecedent to this revocation were far greater than the Roman Catholics of Ireland ever aspired to under a contrary establishment. The number of their sufferers, if considered absolutely, is not half of ours; if considered relatively to the body of each community, it is not perhaps a twentieth part. And then the penalties and incapacities which grew from that revocation are not so grievous in their nature, nor so certain in their execution, nor so ruinous by a great deal to the civil prosperity of the state, as those which we have established for a perpetual law in our unhappy country. It cannot be thought to arise from affectation, that I call it so. What other name can be given to a country which contains so many hundred thousands of human creatures reduced to a state of the most abject servitude?

In putting this parallel, I take it for granted that we can stand for this short time very clear of our party distinctions. If it were enough, by the use of an odious and

unpopular word, to determine the question, it would be no longer a subject of rational disquisition; since that very prejudice which gives these odious names, and which is the party charged for doing so, and for the consequences of it, would then become the judge also. But I flatter myself that not a few will be found who do not think that the names of Protestant and Papist can make any change in the nature of essential justice. Such men will not allow that to be proper treatment to the one of these denominations which would be cruelty to the other, and which converts its very crime into the instrument of its defence: they will hardly persuade themselves that what was bad policy in France can be good in Ireland, or that what was intolerable injustice in an arbitrary monarch becomes, only by being more extended and more violent, an equitable procedure in a country professing to be governed by law. It is, however, impossible not to observe with some concern, that there are many also of a different disposition, — a number of persons whose minds are so formed that they find the communion of religion to be a close and an endearing tie, and their country to be no bond at all, — to whom common altars are a better relation than common habitations and a common civil interest, — whose hearts are touched with the distresses of foreigners, and are abundantly awake to all the tenderness of human feeling on such an occasion, even at the moment that they are inflicting the very same distresses, or worse, on their fellow-citizens, without the least sting of compassion or remorse. To commiserate the distresses of all men suffering innocently, perhaps meritoriously, is generous, and very agreeable to the better part of our nature, — a disposition that ought by all means to be cherished. But to transfer humanity from its natural basis, our legitimate and home-bred connections, — to lose all feeling for those who have grown up by our sides, in our eyes, the benefit of whose cares and labors we have partaken from our birth, and meretriciously to hunt abroad after foreign affections, is such a disarrangement of the whole system of our duties, that I do not know whether benevolence so displaced is not almost the same thing as destroyed, or what effect bigotry could have produced that is more fatal to society. This no one could help observing, who has seen our doors kindly and bountifully thrown open to foreign sufferers for conscience, whilst through the same ports were issuing fugitives of our own, driven from their country for a cause which to an indifferent person would seem to be exactly similar, whilst we stood by, without any sense of the impropriety of this extraordinary scene, accusing and practising injustice. For my part, there is no circumstance, in all the contradictions of our most mysterious nature, that appears to be more humiliating than the use we are disposed to make of those sad examples which seem purposely marked for our correction and improvement. Every instance of fury and bigotry in other men, one should think, would naturally fill us with an horror of that disposition. The effect, however, is directly contrary. We are inspired, it is true, with a very sufficient hatred for the party, but with no detestation at all of the proceeding. Nay, we are apt to urge our dislike of such measures as a reason for

imitating them, — and, by an almost incredible absurdity, because some powers have destroyed their country by their persecuting spirit, to argue, that we ought to retaliate on them by destroying our own. Such are the effects, and such, I fear, has been the intention, of those numberless books which are daily printed and industriously spread, of the persecutions in other countries and other religious persuasions. — These observations, which are a digression, but hardly, I think, can be considered as a departure from the subject, have detained us some time: we will now come more directly to our purpose.

It has been shown, I hope with sufficient evidence, that a constitution against the interest of the many is rather of the nature of a grievance than of a law; that of all grievances it is the most weighty and important; that it is made without due authority, against all the acknowledged principles of jurisprudence, against the opinions of all the great lights in that science; and that such is the tacit sense even of those who act in the most contrary manner. These points are, indeed, so evident, that I apprehend the abettors of the penal system will ground their defence on an admission, and not on a denial of them. They will lay it down as a principle, that the Protestant religion is a thing beneficial for the whole community, as well in its civil interests as in those of a superior order. From thence they will argue, that, the end being essentially beneficial, the means become instrumentally so; that these penalties and incapacities are not final causes of the law, but only a discipline to bring over a deluded people to their real interest, and therefore, though they may be harsh in their operation, they will be pleasant in their effects; and be they what they will, they cannot be considered as a very extraordinary hardship, as it is in the power of the sufferer to free himself when he pleases, and that only by converting to a better religion, which it is his duty to embrace, even though it were attended with all those penalties from whence in reality it delivers him: if he suffers, it is his own fault; *volenti non fit injuria*.

I shall be very short, without being, I think, the less satisfactory, in my answer to these topics, because they never can be urged from a conviction of their validity, and are, indeed, only the usual and impotent struggles of those who are unwilling to abandon a practice which they are unable to defend. First, then, I observe, that, if the principle of their final and beneficial intention be admitted as a just ground for such proceedings, there never was, in the blamable sense of the word, nor ever can be, such a thing as a religious persecution in the world. Such an intention is pretended by all men, — who all not only insist that their religion has the sanction of Heaven, but is likewise, and for that reason, the best and most convenient to human society. All religious persecution, Mr. Bayle well observes, is grounded upon a miserable *petitio principii*. You are wrong, I am right; you must come over to me, or you must suffer. Let me add, that the great inlet by which a color for oppression has entered into the world is by one man's pretending to determine concerning the happiness of another, and by claiming a right to use what means he thinks proper in

order to bring him to a sense of it. It is the ordinary and trite sophism of oppression. But there is not yet such a convenient ductility in the human understanding as to make us capable of being persuaded that men can possibly mean the ultimate good of the whole society by rendering miserable for a century together the greater part of it, — or that any one has such a reversionary benevolence as seriously to intend the remote good of a late posterity, who can give up the present enjoyment which every honest man must have in the happiness of his contemporaries. Everybody is satisfied that a conservation and secure enjoyment of our natural rights is the great and ultimate purpose of civil society, and that therefore all forms whatsoever of government are only good as they are subservient to that purpose to which they are entirely subordinate. Now to aim at the establishment of any form of government by sacrificing what is the substance of it, to take away or at least to suspend the rights of Nature in order to an approved system for the protection of them, and for the sake of that about which men must dispute forever to postpone those things about which they have no controversy at all, and this not in minute and subordinate, but large and principal objects, is a procedure as preposterous and absurd in argument as it is oppressive and cruel in its effect. For the Protestant religion, nor (I speak it with reverence, I am sure) the truth of our common Christianity, is not so clear as this proposition, — that all men, at least the majority of men in the society, ought to enjoy the common advantages of it. You fall, therefore, into a double error: first, you incur a certain mischief for an advantage which is comparatively problematical, even though you were sure of obtaining it; secondly, whatever the proposed advantage may be, were it of a certain nature, the attainment of it is by no means certain; and such deep gaming for stakes so valuable ought not to be admitted: the risk is of too much consequence to society. If no other country furnished examples of this risk, yet our laws and our country are enough fully to demonstrate the fact: Ireland, after almost a century of persecution, is at this hour full of penalties and full of Papists. This is a point which would lead us a great way; but it is only just touched here, having much to say upon it in its proper place. So that you have incurred a certain and an immediate inconvenience for a remote and for a doubly uncertain benefit. — Thus far as to the argument which would sanctify the injustice of these laws by the benefits which are proposed to arise from them, and as to that liberty which, by a new political chemistry, was to be extracted out of a system of oppression.

Now as to the other point, that the objects of these laws suffer voluntarily: this seems to me to be an insult rather than an argument. For, besides that it totally annihilates every characteristic and therefore every faulty idea of persecution, just as the former does, it supposes, what is false in fact, that it is in a man's moral power to change his religion whenever his convenience requires it. If he be beforehand satisfied that your opinion is better than his, he will voluntarily come over to you, and without compulsion, and then your law would be unnecessary; but

if he is not so convinced, he must know that it is his duty in this point to sacrifice his interest here to his opinion of his eternal happiness, else he could have in reality no religion at all. In the former case, therefore, as your law would be unnecessary, in the latter it would be persecuting: that is, it would put your penalty and his ideas of duty in the opposite scales; which is, or I know not what is, the precise idea of persecution. If, then, you require a renunciation of his conscience, as a preliminary to his admission to the rights of society, you annex, morally speaking, an impossible condition to it. In this case, in the language of reason and jurisprudence, the condition would be void, and the gift absolute; as the practice runs, it is to establish the condition, and to withhold the benefit. The suffering is, then, not voluntary. And I never heard any other argument, drawn from the nature of laws and the good of human society, urged in favor of those proscriptive statutes, except those which have just been mentioned.

CHAPTER III.

PART II.

The second head upon which I propose to consider those statutes with regard to their object, and which is the next in importance to the magnitude, and of almost equal concern in the inquiry into the justice of these laws, is its possession. It is proper to recollect that this religion, which is so persecuted in its members, is the old religion of the country, and the once established religion of the state, — the very same which had for centuries received the countenance and sanction of the laws, and from which it would at one time have been highly penal to have dissented. In proportion as mankind has become enlightened, the idea of religious persecution, under any circumstances, has been almost universally exploded by all good and thinking men. The only faint shadow of difficulty which remains is concerning the introduction of new opinions. Experience has shown, that, if it has been favorable to the cause of truth, it has not been always conducive to the peace of society. Though a new religious sect should even be totally free in itself from any tumultuous and disorderly zeal, which, however, is rarely the case, it has a tendency to create a resistance from the establishment in possession, productive of great disorders, and thus becomes, innocently indeed, but yet very certainly, the cause of the bitterest dissensions in the commonwealth. To a mind not thoroughly saturated with the tolerating maxims of the Gospel, a preventive persecution, on such principles, might come recommended by strong, and, apparently, no immoral motives of policy, whilst yet the contagion was recent, and had laid hold but on a few persons. The truth is, these politics are rotten and hollow at bottom, as all that are founded upon any however minute a degree of positive injustice must ever be. But they are specious, and sufficiently so to delude a man of sense and of integrity. But it is quite

otherwise with the attempt to eradicate by violence a wide-spreading and established religious opinion. If the people are in an error, to inform them is not only fair, but charitable; to drive them is a strain of the most manifest injustice. If not the right, the presumption, at least, is ever on the side of possession. Are they mistaken? if it does not fully justify them, it is a great alleviation of guilt, which may be mingled with their misfortune, that the error is none of their forging, — that they received it on as good a footing as they can receive your laws and your legislative authority, because it was handed down to them from their ancestors. The opinion may be erroneous, but the principle is undoubtedly right; and you punish them for acting upon a principle which of all others is perhaps the most necessary for preserving society, an implicit admiration and adherence to the establishments of their forefathers.

If, indeed, the legislative authority was on all hands admitted to be the ground of religious persuasion, I should readily allow that dissent would be rebellion. In this case it would make no difference whether the opinion was sucked in with the milk or imbibed yesterday; because the same legislative authority which had settled could destroy it with all the power of a creator over his creature. But this doctrine is universally disowned, and for a very plain reason. Religion, to have any force on men's understandings, indeed to exist at all, must be supposed paramount to laws, and independent for its substance upon any human institution, — else it would be the absurdest thing in the world, an acknowledged cheat. Religion, therefore, is not believed because the laws have established it, but it is established because the leading part of the community have previously believed it to be true. As no water can rise higher than its spring, no establishment can have more authority than it derives from its principle; and the power of the government can with no appearance of reason go further coercively than to bind and hold down those who have once consented to their opinions. The consent is the origin of the whole. If they attempt to proceed further, they disown the foundation upon which their own establishment was built, and they claim a religious assent upon mere human authority, which has been just now shown to be absurd and preposterous, and which they in fact confess to be so.

However, we are warranted to go thus far. The people often actually do (and perhaps they cannot in general do better) take their religion, not on the coercive, which is impossible, but on the influencing authority of their governors, as wise and informed men. But if they once take a religion on the word of the state, they cannot in common sense do so a second time, unless they have some concurrent reason for it. The prejudice in favor of your wisdom is shook by your change. You confess that you have been wrong, and yet you would pretend to dictate by your sole authority; whereas you disengage the mind by embarrassing it. For why should I prefer your opinion of to-day to your persuasion of yesterday? If we must resort to prepossessions for the ground of opinion, it is in the nature of man rather to defer to

the wisdom of times past, whose weakness is not before his eyes, than to the present, of whose imbecility he has daily experience. Veneration of antiquity is congenial to the human mind. When, therefore, an establishment would persecute an opinion in possession, it sets against it all the powerful prejudices of human nature. It even sets its own authority, when it is of most weight, against itself in that very circumstance in which it must necessarily have the least; and it opposes the stable prejudice of time against a new opinion founded on mutability: a consideration that must render compulsion in such a case the more grievous, as there is no security, that, when the mind is settled in the new opinion, it may not be obliged to give place to one that is still newer, or even, to a return of the old. But when an ancient establishment begins early to persecute an innovation, it stands upon quite other grounds, and it has all the prejudices and presumptions on its side. It puts its own authority, not only of compulsion, but prepossession, the veneration of past age, as well as the activity of the present time, against the opinion only of a private man or set of men. If there be no reason, there is at least some consistency in its proceedings. Commanding to constancy, it does nothing but that of which it sets an example itself. But an opinion at once new and persecuting is a monster; because, in the very instant in which it takes a liberty of change, it does not leave to you even a liberty of perseverance.

Is, then, no improvement to be brought into society? Undoubtedly; but not by compulsion, — but by encouragement, — but by countenance, favor, privileges, which are powerful, and are lawful instruments. The coercive authority of the state is limited to what is necessary for its existence. To this belongs the whole order of criminal law. It considers as crimes (that is, the object of punishment) trespasses against those rules for which society was instituted. The law punishes delinquents, not because they are not good men, but because they are intolerably wicked. It does bear, and must, with the vices and the follies of men, until they actually strike at the root of order. This it does in things actually moral. In all matters of speculative improvement the case is stronger, even where the matter is properly of human cognizance. But to consider an averseness to improvement, the not arriving at perfection, as a crime, is against all tolerably correct jurisprudence; for, if the resistance to improvement should be great and any way general, they would in effect give up the necessary and substantial part in favor of the perfection and the finishing.

But, say the abettors of our penal laws, this old possessed superstition is such in its principles, that society, on its general principles, cannot subsist along with it. Could a man think such an objection possible, if he had not actually heard it made, — an objection contradicted, not by hypothetical reasonings, but the clear evidence of the most decisive facts? Society not only exists, but flourishes at this hour, with this superstition, in many countries, under every form of government, — in some established, in some tolerated, in others upon an equal footing. And was there no

civil society at all in these kingdoms before the Reformation? To say it was not as well constituted as it ought to be is saying nothing at all to the purpose; for that assertion evidently regards improvement, not existence. It certainly did then exist; and it as certainly then was at least as much to the advantage of a very great part of society as what we have brought in the place of it: which is, indeed, a great blessing to those who have profited of the change; but to all the rest, as we have wrought, that is, by blending general persecution with partial reformation, it is the very reverse. We found the people heretics and idolaters; we have, by way of improving their condition, rendered them slaves and beggars: they remain in all the misfortune of their old errors, and all the superadded misery of their recent punishment. They were happy enough, in their opinion at least, before the change; what benefits society then had, they partook of them all. They are now excluded from those benefits; and, so far as civil society comprehends them, and as we have managed the matter, our persecutions are so far from being necessary to its existence, that our very reformation is made in a degree noxious. If this be improvement, truly I know not what can be called a depravation of society.

But as those who argue in this manner are perpetually shifting the question, having begun with objecting, in order to give a fair and public color to their scheme, to a toleration of those opinions as subversive of society in general, they will surely end by abandoning the broad part of the argument, and attempting to show that a toleration of them is inconsistent with the established government among us. Now, though this position be in reality as untenable as the other, it is not altogether such an absurdity on the face of it. All I shall here observe is, that those who lay it down little consider what a wound they are giving to that establishment for which they pretend so much zeal. However, as this is a consideration, not of general justice, but of particular and national policy, and as I have reserved a place expressly, where it will undergo a thorough discussion, I shall not here embarrass myself with it, — being resolved to preserve all the order in my power, in the examination of this important, melancholy subject.

However, before we pass from this point concerning possession, it will be a relaxation of the mind, not wholly foreign to our purpose, to take a short review of the extraordinary policy which has been held with regard to religion in that kingdom, from the time our ancestors took possession of it. The most able antiquaries are of opinion, and Archbishop Usher, whom I reckon amongst the first of them, has, I think, shown, that a religion not very remote from the present Protestant persuasion was that of the Irish before the union of that kingdom to the crown of England. If this was not directly the fact, this at least seems very probable, that Papal authority was much lower in Ireland than in other countries. This union was made under the authority of an arbitrary grant of Pope Adrian, in order that the Church of Ireland should be reduced to the same servitude with those that were nearer to his see. It is not very wonderful that an ambitious monarch should make

use of any pretence in his way to so considerable an object. What is extraordinary is, that for a very long time, even quite down to the Reformation, and in their most solemn acts, the kings of England founded their title wholly on this grant: they called for obedience from the people of Ireland, not on principles of subjection, but as vassals and mesne lords between them and the Popes; and they omitted no measure of force or policy to establish that Papal authority, with all the distinguishing articles of religion connected with it, and to make it take deep root in the minds of the people. Not to crowd instances unnecessary, I shall select two, one of which is in print, the other on record, — the one a treaty, the other an act of Parliament. The first is the submission of the Irish chiefs to Richard the Second, mentioned by Sir John Davies. In this pact they bind themselves for the future to preserve peace and allegiance to the kings of England, under certain pecuniary penalties. But what is remarkable, these fines were all covenanted to be paid into the Apostolical Chamber, supposing the Pope as the superior power, whose peace was broken and whose majesty was violated in disobeying his governor. By this time, so far as regarded England, the kings had extremely abridged the Papal power in many material particulars: they had passed the Statute of Provisors, the Statute of *Præmunire*, — and, indeed, struck out of the Papal authority all things, at least, that seemed to infringe on their temporal independence. In Ireland, however, their proceeding was directly the reverse: there they thought it expedient to exalt it at least as high as ever: for, so late as the reign of Edward the Fourth, the following short, but very explicit, act of Parliament was passed: —

IV. ED. Ca.

“An act, whereby letters patent of pardon from the king to those that sue to Rome for certain benefices is void. Rot. Parl.

“Item, At the request of the commons, it is ordeyned and established, by authority of the said Parliament, that all maner letters patents of the king, of pardons or pardon granted by the king, or hereafter to be granted, to any provisor that claim any title by the bulls of the Pope to any maner benefices, where, at the time of the impetrating of the said bulls of provision, the benefice is full of an incumbent, that then the said letters patents of pardon or pardons be void in law and of none effect.”

When, by every expedient of force and policy, by a war of some centuries, by extirpating a number of the old, and by bringing in a number of new people full of those opinions and intending to propagate them, they had fully compassed their object, they suddenly took another turn, — commenced an opposite persecution, made heavy laws, carried on mighty wars, inflicted and suffered the worst evils, extirpated the mass of the old, brought in new inhabitants; and they continue at this day an oppressive system, and may for four hundred years to come, to eradicate opinions which by the same violent means they had been four hundred years endeavoring by every means to establish. They compelled the people to submit, by

the forfeiture of all their civil rights, to the Pope's authority, in its most extravagant and unbounded sense, as a giver of kingdoms; and now they refuse even to tolerate them in the most moderate and chastised sentiments concerning it. No country, I believe, since the world began, has suffered so much on account of religion, or has been so variously harassed both for Popery and for Protestantism.

It will now be seen, that, even if these laws could be supposed agreeable to those of Nature in these particulars, on another and almost as strong a principle they are yet unjust, as being contrary to positive compact, and the public faith most solemnly plighted. On the surrender of Limerick, and some other Irish garrisons, in the war of the Revolution, the Lords Justices of Ireland and the commander-in-chief of the king's forces signed a capitulation with the Irish, which was afterwards ratified by the king himself by *inspeximus* under the great seal of England. It contains some public articles relative to the whole body of the Roman Catholics in that kingdom, and some with regard to the security of the greater part of the inhabitants of five counties. What the latter were, or in what manner they were observed, is at this day of much less public concern. The former are two, — the first and the ninth. The first is of this tenor:— “The Roman Catholics of this kingdom [Ireland] shall enjoy such privileges in the exercise of their religion as are consistent with the laws of Ireland, or as they did enjoy in the reign of King Charles the Second. And their Majesties, as soon as affairs will permit them to summon a Parliament in this kingdom, will endeavor to procure the said Roman Catholics such farther security in that particular as may preserve them from any disturbance upon the account of their said religion.” The ninth article is to this effect:— “The oath to be administered to such Roman Catholics as submit to their Majesties' government shall be the oath abovesaid, and no other,” — viz., the oath of allegiance, made by act of Parliament in England, in the first year of their then Majesties; as required by the second of the Articles of Limerick. Compare this latter article with the penal laws, as they are stated in the Second Chapter, and judge whether they seem to be the public acts of the same power, and observe whether other oaths are tendered to them, and under what penalties. Compare the former with the same laws, from the beginning to the end, and judge whether the Roman Catholics have been preserved, agreeably to the sense of the article, from any disturbance upon account of their religion, — or rather, whether on that account there is a single right of Nature or benefit of society which has not been either totally taken away or considerably impaired.

But it is said, that the legislature was not bound by this article, as it has never been ratified in Parliament. I do admit that it never had that sanction, and that the Parliament was under no obligation to ratify these articles by any express act of theirs. But still I am at a loss how they came to be the less valid, on the principles of our Constitution, by being without that sanction. They certainly bound the king and his successors. The words of the article do this, or they do nothing; and so far as the

crown had a share in passing those acts, the public faith was unquestionably broken. In Ireland such a breach on the part of the crown was much more unpardonable in administration than it would have been here. They have in Ireland a way of preventing any bill even from approaching the royal presence, in matters of far less importance than the honor and faith of the crown and the well-being of a great body of the people. For, besides that they might have opposed the very first suggestion of it in the House of Commons, it could not be framed into a bill without the approbation of the Council in Ireland. It could not be returned to them again without the approbation of the King and Council here. They might have met it again in its second passage through that House of Parliament in which it was originally suggested, as well as in the other. If it had escaped them through all these mazes, it was again to come before the Lord Lieutenant, who might have sunk it by a refusal of the royal assent. The Constitution of Ireland has interposed all those checks to the passing of any constitutional act, however insignificant in its own nature. But did the administration in that reign avail themselves of any one of those opportunities? They never gave the act of the eleventh of Queen Anne the least degree of opposition in any one stage of its progress. What is rather the fact, many of the queen's servants encouraged it, recommended it, were in reality the true authors of its passing in Parliament, instead of recommending and using their utmost endeavor to establish a law directly opposite in its tendency, as they were bound to do by the express letter of the very first article of the Treaty of Limerick. To say nothing further of the ministry, who in this instance most shamefully betrayed the faith of government, may it not be a matter of some degree of doubt, whether the Parliament, who do not claim a right of dissolving the force of moral obligation, did not make themselves a party in this breach of contract, by presenting a bill to the crown in direct violation of those articles so solemnly and so recently executed, which by the Constitution they had full authority to execute?

It may be further objected, that, when the Irish requested the ratification of Parliament to those articles, they did, in effect, themselves entertain a doubt concerning their validity without such a ratification. To this I answer, that the collateral security was meant to bind the crown, and to hold it firm to its engagements. They did not, therefore, call it a *perfecting* of the security, but an *additional* security, which it could not have been, if the first had been void; for the Parliament could not bind itself more than the crown had bound itself. And if all had made but *one* security, neither of them could be called *additional* with propriety or common sense. But let us suppose that they did apprehend there might have been something wanting in this security without the sanction of Parliament. They were, however, evidently mistaken; and this surplussage of theirs did not weaken the validity of the single contract, upon the known principle of law, *Non solent, quæ abundant, vitiare scripturas*. For nothing is more evident than that the crown was bound, and that no act can be made without the royal assent. But the

Constitution will warrant us in going a great deal further, and in affirming, that a treaty executed by the crown, and contradictory of no preceding law, is full as binding on the whole body of the nation as if it had twenty times received the sanction of Parliament; because the very same Constitution which has given to the Houses of Parliament their definite authority has also left in the crown the trust of making peace, as a consequence, and much the best consequence, of the prerogative of making war. If the peace was ill made, my Lord Galmoy, Coningsby, and Porter, who signed it, were responsible; because they were subject to the community. But its own contracts are not subject to it: it is subject to them; and the compact of the king acting constitutionally was the compact of the nation.

Observe what monstrous consequences would result from a contrary position. A foreign enemy has entered, or a strong domestic one has arisen in the nation. In such events the circumstances may be, and often have been, such that a Parliament cannot sit. This was precisely the case in that rebellion in Ireland. It will be admitted also, that their power may be so great as to make it very prudent to treat with them, in order to save effusion of blood, perhaps to save the nation. Now could such a treaty be at all made, if your enemies, or rebels, were fully persuaded, that, in these times of confusion, there was no authority in the state which could hold out to them an inviolable pledge for their future security, but that there lurked in the Constitution a dormant, but irresistible power, who would not think itself bound by the ordinary subsisting and contracting authority, but might rescind its acts and obligations at pleasure? This would be a doctrine made to perpetuate and exasperate war; and on that principle it directly impugns the law of nations, which is built upon this principle, that war should be softened as much as possible, and that it should cease as soon as possible, between contending parties and communities. The king has a power to pardon individuals. If the king holds out his faith to a robber, to come in on a promise of pardon, of life and estate, and, in all respects, of a full indemnity, shall the Parliament say that he must nevertheless be executed, that his estate must be forfeited, or that he shall be abridged of any of the privileges which he before held as a subject? Nobody will affirm it. In such a case, the breach of faith would not only be on the part of the king who assented to such an act, but on the part of the Parliament who made it. As the king represents the whole contracting capacity of the nation, so far as his prerogative (unlimited, as I said before, by any precedent law) can extend, he acts as the national procurator on all such occasions. What is true of a robber is true of a rebel; and what is true of one robber or rebel is as true, and it is a much more important truth, of one hundred thousand.

To urge this part of the argument further is, indeed, I fear, not necessary, for two reasons: first, that it seems tolerably evident in itself; and next, that there is but too much ground to apprehend that the actual ratification of Parliament would, in the then temper of parties, have proved but a very slight and trivial security. Of this there is a very strong example in the history of those very articles: for, though the

Parliament omitted in the reign of King William to ratify the first and most general of them, they did actually confirm the second and more limited, that which related to the security of the inhabitants of those five counties which were in arms when the treaty was made.

CHAPTER IV.

In the foregoing book we considered these laws in a very simple point of view, and in a very general one, — merely as a system of hardship imposed on the body of the community; and from thence, and from some other arguments, inferred the general injustice of such a procedure. In this we shall be obliged to be more minute; and the matter will become more complex as we undertake to demonstrate the mischievous and impolitic consequences which the particular mode of this oppressive system, and the instruments which it employs, operating, as we said, on this extensive object, produce on the national prosperity, quiet, and security.

The stock of materials by which any nation is rendered flourishing and prosperous are its industry, its knowledge or skill, its morals, its execution of justice, its courage, and the national union in directing these powers to one point, and making them all centre in the public benefit. Other than these, I do not know and scarcely can conceive any means by which a community may flourish.

If we show that these penal laws of Ireland destroy not one only, but every one, of these materials of public prosperity, it will not be difficult to perceive that Great Britain, whilst they subsist, never can draw from that country all the advantages to which the bounty of Nature has entitled it.

To begin with the first great instrument of national happiness and strength, its industry: I must observe, that, although these penal laws do, indeed, inflict many hardships on those who are obnoxious to them, yet their chief, their most extensive, and most certain operation is upon property. Those civil constitutions which promote industry are such as facilitate the acquisition, secure the holding, enable the fixing, and suffer the alienation of property. Every law which obstructs it in any part of this distribution is, in proportion to the force and extent of the obstruction, a discouragement to industry. For a law against property is a law against industry, — the latter having always the former, and nothing else, for its object. Now as to the acquisition of landed property, which is the foundation and support of all the other kinds, the laws have disabled three fourths of the inhabitants of Ireland from acquiring any estate of inheritance for life or years, or any charge whatsoever on which two thirds of the improved yearly value is not reserved for thirty years.

This confinement of landed property to one set of hands, and preventing its free circulation through the community, is a most leading article of ill policy; because it is one of the most capital discouragements to all that industry which may be

employed on the lasting improvement of the soil, or is any way conversant about land. A tenure of thirty years is evidently no tenure upon which to build, to plant, to raise inclosures, to change the nature of the ground, to make any new experiment which might improve agriculture, or to do anything more than what may answer the immediate and momentary calls of rent to the landlord, and leave subsistence to the tenant and his family. The desire of acquisition is always a passion of long views. Confine a man to momentary possession, and you at once cut off that laudable avarice which every wise state has cherished as one of the first principles of its greatness. Allow a man but a temporary possession, lay it down as a maxim that he never can have any other, and you immediately and infallibly turn him to temporary enjoyments: and these enjoyments are never the pleasures of labor and free industry, whose quality it is to famish the present hours and squander all upon prospect and futurity; they are, on the contrary, those of a thoughtless, loitering, and dissipated life. The people must be inevitably disposed to such pernicious habits, merely from the short duration of their tenure which the law has allowed. But it is not enough that industry is checked by the confinement of its views; it is further discouraged by the limitation of its own direct object, profit. This is a regulation extremely worthy of our attention, as it is not a consequential, but a direct discouragement to melioration, — as directly as if the law had said in express terms, “Thou shalt not improve.”

But we have an additional argument to demonstrate the ill policy of denying the occupiers of land any solid property in it. Ireland is a country wholly unplanted. The farms have neither dwelling-houses nor good offices; nor are the lands, almost anywhere, provided with fences and communications: in a word, in a very unimproved state. The land-owner there never takes upon him, as it is usual in this kingdom, to supply all these conveniences, and to set down his tenant in what may be called a completely furnished farm. If the tenant will not do it, it is never done. This circumstance shows how miserably and peculiarly impolitic it has been in Ireland to tie down the body of the tenantry to short and unprofitable tenures. A finished and furnished house will be taken for any term, however short: if the repair lies on the owner, the shorter the better. But no one will take one not only unfurnished, but half built, but upon a term which, on calculation, will answer with profit all his charges. It is on this principle that the Romans established their *emphyteusis*, or fee-farm. For though they extended the ordinary term of their location only to nine years, yet they encouraged a more permanent letting to farm with the condition of improvement, as well as of annual payment, on the part of the tenant, where the land had lain rough and neglected, — and therefore invented this species of engrafted holding, in the later times, when property came to be worse distributed by falling into a few hands.

This denial of landed property to the gross of the people has this further evil effect in preventing the improvement of land, that it prevents any of the property

acquired in trade to be regorged, as it were, upon the land. They must have observed very little, who have not remarked the bold and liberal spirit of improvement which persons bred to trade have often exerted on their land-purchases: that they usually come to them with a more abundant command of ready money than most landed men possess; and that they have in general a much better idea, by long habits of calculative dealings, of the propriety of expending in order to acquire. Besides, such men often bring their spirit of commerce into their estates with them, and make manufactures take a root, where the mere landed gentry had perhaps no capital, perhaps no inclination, and, most frequently, not sufficient knowledge, to effect anything of the kind. By these means, what beautiful and useful spots have there not been made about trading and manufacturing towns, and how has agriculture had reason to bless that happy alliance with commerce! and how miserable must that nation be, whose frame of polity has disjoined the landing and the trading interests!

The great prop of this whole system is not pretended to be its justice or its utility, but the supposed danger to the state, which gave rise to it originally, and which, they apprehend, would return, if this system were overturned. Whilst, say they, the Papists of this kingdom were possessed of landed property, and of the influence consequent to such property, their allegiance to the crown of Great Britain was ever insecure, the public peace was ever liable to be broken, and Protestants never could be a moment secure either of their properties or of their lives. Indulgence only made them arrogant, and power daring; confidence only excited and enabled them to exert their inherent treachery; and the times which they generally selected for their most wicked and desperate rebellions were those in which they enjoyed the greatest ease and the most perfect tranquillity.

Such are the arguments that are used, both publicly and privately, in every discussion upon this point. They are generally full of passion and of error, and built upon facts which in themselves are most false. It cannot, I confess, be denied, that those miserable performances which go about under the names of Histories of Ireland do, indeed, represent those events after this manner; and they would persuade us, contrary to the known order of Nature, that indulgence and moderation in governors is the natural incitement in subjects to rebel. But there is an interior history of Ireland, the genuine voice of its records and monuments, which speaks a very different language from these histories, from Temple and from Clarendon: these restore Nature to its just rights, and policy to its proper order. For they even now show to those who have been at the pains to examine them, and they may show one day to all the world, that these rebellions were not produced by toleration, but by persecution, — that they arose not from just and mild government, but from the most unparalleled oppression. These records will be far from giving the least countenance to a doctrine so repugnant to humanity and good

sense as that the security of any establishment, civil or religious, can ever depend upon the misery of those who live under it, or that its danger can arise from their quiet and prosperity. God forbid that the history of this or any country should give such encouragement to the folly or vices of those who govern! If it can be shown that the great rebellions of Ireland have arisen from attempts to reduce the natives to the state to which they are now reduced, it will show that an attempt to continue them in that state will rather be disadvantageous to the public peace than any kind of security to it. These things have in some measure begun to appear already; and as far as regards the argument drawn from former rebellions, it will fall readily to the ground. But, for my part, I think the real danger to every state is, to render its subjects justly discontented; nor is there in politics or science any more effectual secret for their security than to establish in their people a firm opinion that no change can be for their advantage. It is true that bigotry and fanaticism may for a time draw great multitudes of people from a knowledge of their true and substantial interest. But upon this I have to remark three things. First, that such a temper can never become universal, or last for a long time. The principle of religion is seldom lasting; the majority of men are in no persuasion bigots; they are not willing to sacrifice, on every vain imagination that superstition or enthusiasm holds forth, or that even zeal and piety recommend, the certain possession of their temporal happiness. And if such a spirit has been at any time roused in a society, after it has had its paroxysm it commonly subsides and is quiet, and is even the weaker for the violence of its first exertion: security and ease are its mortal enemies. But, secondly, if anything can tend to revive and keep it up, it is to keep alive the passions of men by ill usage. This is enough to irritate even those who have not a spark of bigotry in their constitution to the most desperate enterprises; it certainly will inflame, darken, and render more dangerous the spirit of bigotry in those who are possessed by it. Lastly, by rooting out any sect, you are never secure against the effects of fanaticism; it may arise on the side of the most favored opinions; and many are the instances wherein the established religion of a state has grown ferocious and turned upon its keeper, and has often torn to pieces the civil establishment that had cherished it, and which it was designed to support: France, — England, — Holland.

But there may be danger of wishing a change, even where no religious motive can operate; and every enemy to such a state comes as a friend to the subject; and where other countries are under terror, they begin to hope.

This argument *ad verecundiam* has as much force as any such have. But I think it fares but very indifferently with those who make use of it; for they would get but little to be proved abettors of tyranny at the expense of putting me to an inconvenient acknowledgment. For if I were to confess that there are circumstances in which it would be better to establish such a religion....

With regard to the Pope's interest. This foreign chief of their religion cannot be more formidable to us than to other Protestant countries. To conquer that country for himself is a wild chimera; to encourage revolt in favor of foreign princes is an exploded idea in the politics of that court. Perhaps it would be full as dangerous to have the people under the conduct of factious pastors of their own as under a foreign ecclesiastical court.

In the second year of the reign of Queen Elizabeth were enacted several limitations in the acquisition or the retaining of property, which had, so far as regarded any general principles, hitherto remained untouched under all changes.

These bills met no opposition either in the Irish Parliament or in the English Council, except from private agents, who were little attended to; and they passed into laws with the highest and most general applauses, as all such things are in the beginning, not as a system of persecution, but as masterpieces of the most subtle and refined politics. And to say the truth, these laws, at first view, have rather an appearance of a plan of vexatious litigation and crooked law-chicanery than of a direct and sanguinary attack upon the rights of private conscience: because they did not affect life, at least with regard to the laity; and making the Catholic opinions rather the subject of civil regulations than of criminal prosecutions, to those who are not lawyers and read these laws they only appear to be a species of jargon. For the execution of criminal law has always a certain appearance of violence. Being exercised directly on the persons of the supposed offenders, and commonly executed in the face of the public, such executions are apt to excite sentiments of pity for the sufferers, and indignation against those who are employed in such cruelties, — being seen as single acts of cruelty, rather than as ill general principles of government. But the operation of the laws in question being such as common feeling brings home to every man's bosom, they operate in a sort of comparative silence and obscurity; and though their cruelty is exceedingly great, it is never seen in a single exertion, and always escapes commiseration, being scarce known, except to those who view them in a general, which is always a cold and phlegmatic light. The first of these laws being made with so general a satisfaction, as the chief governors found that such things were extremely acceptable to the leading people in that country, they were willing enough to gratify them with the ruin of their fellow-citizens; they were not sorry to divert their attention from other inquiries, and to keep them fixed to this, as if this had been the only real object of their national politics; and for many years there was no speech from the throne which did not with great appearance of seriousness recommend the passing of such laws, and scarce a session went over without in effect passing some of them, until they have by degrees grown to be the most considerable head in the Irish statute-book. At the same time giving a temporary and occasional mitigation to the severity of some of the harshest of those laws, they appeared in some sort the protectors of those whom they were

in reality destroying by the establishment of general constitutions against them. At length, however, the policy of this expedient is worn out; the passions of men are cooled; those laws begin to disclose themselves, and to produce effects very different from those which were promised in making them: for crooked counsels are ever unwise; and nothing can be more absurd and dangerous than to tamper with the natural foundations of society, in hopes of keeping it up by certain contrivances.

LIBEL BILL.

Whereas doubts and controversies have arisen at various times concerning the right of jurors to try the whole matter laid in indictments and informations for seditious and other libels; and whereas trial by juries would be of none or imperfect effect, if the jurors were not held to be competent to try the whole matter aforesaid: for settling and clearing such doubts and controversies, and for securing to the subject the effectual and complete benefit of trial by juries in such indictments and informations,

Be it enacted, &c., That jurors duly impanelled and sworn to try the issue between the king and the defendant upon any indictment or information for a seditious libel, or a libel under any other denomination or description, shall be held and reputed competent, to all intents and purposes, in law and in right, to try every part of the matter laid or charged in said indictment or information, comprehending the criminal intention of the defendant, and the evil tendency of the libel charged, as well as the mere fact of the publication thereof, and the application by innuendo of blanks, initial letters, pictures, and other devices; any opinion, question, ambiguity, or doubt to the contrary notwithstanding.

HINTS FOR AN ESSAY ON THE DRAMA.

NOTE.

These hints appear to have been first thoughts, which were probably intended to be amplified and connected, and so worked up into a regular dissertation. No date appears of the time when they were written, but it was probably before the year 1765.

HINTS

FOR AN ESSAY ON THE DRAMA.

It is generally observed that no species of writing is so difficult as the dramatic. It must, indeed, appear so, were we to consider it upon one side only. It is a dialogue, or species of composition which in itself requires all the mastery of a complete writer with grace and spirit to support. We may add, that it must have a fable, too, which necessarily requires invention, one of the rarest qualities of the human mind. It would surprise us, if we were to examine the thing critically, how few good original stories there are in the world. The most celebrated borrow from each other, and are content with some new turn, some corrective, addition, or embellishment. Many of the most celebrated writers in that way can claim no other merit. I do not think La Fontaine has one original story. And if we pursue him to those who were his originals, the Italian writers of tales and novels, we shall find most even of them drawing from antiquity, or borrowing from the Eastern world, or adopting and decorating the little popular stories they found current and traditionary in their country. Sometimes they laid the foundation of their tale in real fact. Even after all their borrowing from so many funds, they are still far from opulent. How few stories has Boccace which are tolerable, and how much fewer are there which you would desire to read twice! But this general difficulty is greatly increased, when we come to the drama. Here a fable is essential, — a fable which is to be conducted with rapidity, clearness, consistency, and surprise, without any, or certainly with very little, aid from narrative. This is the reason that generally nothing is more dull in telling than the plot of a play. It is seldom or never a good story in itself; and in this particular, some of the greatest writers, both in ancient and modern theatres, have failed in the most miserable manner. It is well a play has still so many requisites to complete it, that, though the writer should not succeed in these particulars, and therefore should be so far from perfection, there are still enough left in which he may please, at less expense of labor to himself, and perhaps, too, with more real

advantage to his auditory. It is, indeed, very difficult happily to excite the passions and draw the characters of men; but our nature leads us more directly to such paintings than to the invention of a story. We are imitative animals; and we are more naturally led to imitate the exertions of character and passion than to observe and describe a series of events, and to discover those relations and dependencies in them which will please. Nothing can be more rare than this quality. Herein, as I believe, consists the difference between the inventive and the descriptive genius. By the inventive genius I mean the creator of agreeable facts and incidents; by the descriptive, the delineator of characters, manners, and passions. Imitation calls us to this; we are in some cases almost forced to it, and it is comparatively easy. More observe the characters of men than the order of things: to the one we are formed by Nature, and by that sympathy from which we are so strongly led to take a part in the passions and manners of our fellow-men; the other is, as it were, foreign and extrinsical. Neither, indeed, can anything be done, even in this, without invention; but it is obvious that this invention is of a kind altogether different from the former. However, though the more sublime genius and the greatest art are required for the former, yet the latter, as it is more common and more easy, so it is more useful, and administers more directly to the great business of life.

If the drama requires such a combination of talents, the most common of which is very rarely to be found and difficult to be exerted, it is not surprising, at a time when almost all kinds of poetry are cultivated with little success, to find that we have done no great matters in this. Many causes may be assigned for our present weakness in that oldest and most excellent branch of philosophy, poetical learning, and particularly in what regards the theatre. I shall here only consider what appears to me to be one of these causes: I mean the wrong notion of the art itself, which begins to grow fashionable, especially among people of an elegant turn of mind with a weak understanding; and these are they that form the great body of the idle part of every polite and civilized nation. The prevailing system of that class of mankind is indolence. This gives them an aversion to all strong movements. It infuses a delicacy of sentiment, which, when it is real, and accompanied with a justness of thought, is an amiable quality, and favorable to the fine arts; but when it comes to make the whole of the character, it injures things more excellent than those which it improves, and degenerates into a false refinement, which diffuses a languor and breathes a frivolous air over everything which it can influence....

Having differed in my opinion about dramatic composition, and particularly in regard to comedy, with a gentleman for whose character and talents I have a very high respect, I thought myself obliged, on account of that difference, to a new and more exact examination of the grounds upon which I had formed my opinions. I thought it would be impossible to come to any clear and definite idea on this subject, without remounting to the natural passions or dispositions of men, which

first gave rise to this species of writing; for from these alone its nature, its limits, and its true character can be determined.

There are but four general principles which can move men to interest themselves in the characters of others, and they may be classed under the heads of good and ill opinion: on the side of the first may be classed admiration and love, hatred and contempt on the other. And these have accordingly divided poetry into two very different kinds, — the panegyric, and the satirical; under one of which heads all genuine poetry falls (for I do not reckon the didactic as poetry, in the strictness of speech).

Without question, the subject of all poetry was originally direct and personal. Fictitious character is a refinement, and comparatively modern; for abstraction is in its nature slow, and always follows the progress of philosophy. Men had always friends and enemies before they knew the exact nature of vice and virtue; they naturally, and with their best powers of eloquence, whether in prose or verse, magnified and set off the one, vilified and traduced the other.

The first species of composition in either way was probably some general, indefinite topic of praise or blame, expressed in a song or hymn, which is the most common and simple kind of panegyric and satire. But as nothing tended to set their hero or subject in a more forcible light than some story to their advantage or prejudice, they soon introduced a narrative, and thus improved the composition into a greater variety of pleasure to the hearer, and to a more forcible instrument of honor or disgrace to the subject.

It is natural with men, when they relate any action with any degree of warmth, to represent the parties to it talking as the occasion requires; and this produces that mixed species of poetry, composed of narrative and dialogue, which is very universal in all languages, and of which Homer is the noblest example in any. This mixed kind of poetry seems also to be most perfect, as it takes in a variety of situations, circumstances, reflections, and descriptions, which must be rejected on a more limited plan.

It must be equally obvious, that men, in relating a story in a forcible manner, do very frequently mimic the looks, gesture, and voice of the person concerned, and for the time, as it were, put themselves into his place. This gave the hint to the drama, or acting; and observing the powerful effect of this in public exhibitions....

But the drama, the most artificial and complicated of all the poetical machines, was not yet brought to perfection; and like those animals which change their state, some parts of the old narrative still adhered. It still had a chorus, it still had a prologue to explain the design; and the perfect drama, an automaton supported and moved without any foreign help, was formed late and gradually. Nay, there are still several parts of the world in which it is not, and probably never may be, formed. The Chinese drama.

The drama, being at length formed, naturally adhered to the first division of poetry, the satirical and panegyrical, which made tragedy and comedy.

Men, in praising, naturally applaud the dead. Tragedy celebrated the dead.

Great men are never sufficiently shown but in struggles. Tragedy turned, therefore, on melancholy and affecting subjects, — a sort of threnodia, — its passions, therefore, admiration, terror, and pity.

Comedy was satirical. Satire is best on the living.

It was soon found that the best way to depress an hated character was to turn it into ridicule; and therefore the greater vices, which in the beginning were lashed, gave place to the *contemptible*. Its passion, therefore, became ridicule.

Every writing must have its characteristic passion. What is that of comedy, if not ridicule?

Comedy, therefore, is a satirical poem, representing an action carried on by dialogue, to excite laughter by describing ludicrous characters. See Aristotle.

Therefore, to preserve this definition, the ridicule must be either in the action or characters, or both.

An action may be ludicrous, independent of the characters, by the ludicrous situations and accidents which may happen to the characters.

But the action is not so important as the characters. We see this every day upon the stage.

What are the characters fit for comedy?

It appears that no part of human life which may be subject to ridicule is exempted from comedy; for wherever men run into the absurd, whether high or low, they may be the subject of satire, and consequently of comedy. Indeed, some characters, as kings, are exempted through decency; others might be too insignificant. Some are of opinion that persons in better life are so polished that their tone characters and the real bent of their humor cannot appear. For my own part, I cannot give entire credit to this remark. For, in the first place, I believe that good-breeding is not so universal or strong in any part of life as to overrule the real characters and strong passions of such men as would be proper objects of the drama. Secondly, it is not the ordinary, commonplace discourse of assemblies that is to be represented in comedy. The parties are to be put in situations in which their passions are roused, and their real characters called forth; and if their situations are judiciously adapted to the characters, there is no doubt but they will appear in all their force, choose what situation of life you please. Let the politest man alive game, and feel at loss; let this be his character; and his politeness will never hide it, nay, it will put it forward with greater violence, and make a more forcible contrast.

But genteel comedy puts these characters, not in their passionate, but in their genteel light; makes elegant cold conversation, and virtuous personages. Such sort of pictures disagreeable.

Virtue and politeness not proper for comedy; for they have too much or no movement.

They are not good in tragedy, much less here.

The greater virtues, fortitude, justice, and the like, too serious and sublime.

It is not every story, every character, every incident, but those only which answer their end. — Painting of artificial things not good; a thing being useful does not therefore make it most pleasing in picture. — Natural manners, good and bad. — Sentiment. In common affairs and common life, virtuous sentiments are not even the character of virtuous men; we cannot bear these sentiments, but when they are pressed out, as it were, by great exigencies, and a certain contention which is above the general style of comedy....

The first character of propriety the Lawsuit possesses in an eminent degree. The plot of the play is an iniquitous suit; there can be no fitter persons to be concerned in the active part of it than low, necessitous lawyers of bad character, and profligates of desperate fortune. On the other hand, in the passive part, if an honest and virtuous man had been made the object of their designs, or a weak man of good intentions, every successful step they should take against him ought rather to fill the audience with horror than pleasure and mirth; and if in the conclusion their plots should be baffled, even this would come too late to prevent that ill impression. But in the Lawsuit this is admirably avoided: for the character chosen is a rich, avaricious usurer: the pecuniary distresses of such a person can never be looked upon with horror; and if he should be even handled unjustly, we always wait his delivery with patience.

Now with regard to the display of the character, which is the essential part of the plot, nothing can be more finely imagined than to draw a miser in law. If you draw him inclined to love and marriage, you depart from the height of his character in some measure, as Molière has done. Expenses of this kind he may easily avoid. If you draw him in law, to advance brings expense, to draw back brings expense; and the character is tortured and brought out at every moment.

A sort of notion has prevailed that a comedy might subsist without humor. It is an idle disquisition, whether a story in private life, represented in dialogues, may not be carried on with some degree of merit without humor. It may unquestionably; but what shines chiefly in comedy, the painting the manners of life, must be in a great measure wanting. A character which has nothing extravagant, wrong, or singular in it can affect but very little: and this is what makes Aristotle draw the great line of distinction between tragedy and comedy.

There is not a more absurd mistake than that whatever may not unnaturally happen in an action is of course to be admitted into every painting of it. In Nature, the great and the little, the serious and the ludicrous, things the most

disproportionate the one to the other, are frequently huddled together in much confusion, And what then? It is the business of Art first to choose some determinate end and purpose, and then to select those parts of Nature, and those only, which conduce to that end, avoiding with most religious exactness the intermixture of anything which would contradict it. Else the whole idea of propriety, that is, the only distinction between the just and chimerical in the arts, would be utterly lost. An hero eats, drinks, and sleeps, like other men; but to introduce such scenes on the stage, because they are natural, would be ridiculous. And why? Because they have nothing to do with the end for which the play is written. The design of a piece might be utterly destroyed by the most natural incidents in the world. Boileau has somewhere criticized with what surely is a very just severity on Ariosto, for introducing a ludicrous tale from his host to one of the principal persons of his poem, though the story has great merit in its way. Indeed, that famous piece is so monstrous and extravagant in all its parts that one is not particularly shocked with this indecorum. But, as Boileau has observed, if Virgil had introduced Æneas listening to a bawdy story from his host, what an episode had this formed in that divine poem! Suppose, instead of Æneas, he had represented the impious Mezentius as entertaining himself in that manner; such a thing would not have been without probability, but it would have clashed with the very first principles of taste, and, I would say, of common sense.

I have heard of a celebrated picture of the Last Supper, — and if I do not mistake, it is said to be the work of some of the Flemish masters: in this picture all the personages are drawn in a manner suitable to the solemnity of the occasion; but the painter has filled the void under the table with a dog gnawing bones. Who does not see the possibility of such an incident, and, at the same time, the absurdity of introducing it on such an occasion! Innumerable such cases might be stated. It is not the incompatibility or agreeableness of incidents, characters, or sentiments with the probable in fact, but with propriety in design, that admits or excludes them from a place in any composition. We may as well urge that stones, sand, clay, and metals lie in a certain manner in the earth, as a reason for building with these materials and in that manner, as for writing according to the accidental disposition of characters in Nature. I have, I am afraid, been longer than it might seem necessary in refuting such a notion; but such authority can only be opposed by a good deal of reason. We are not to forget that a play is, or ought to be, a very short composition; that, if one passion or disposition is to be wrought up with tolerable success, I believe it is as much as can in any reason be expected. If there be scenes of distress and scenes of humor, they must either be in a double or single plot. If there be a double plot, there are in fact two. If they be in checkered scenes of serious and comic, you are obliged continually to break both the thread of the story and the continuity of the passion, — if in the same scene, as Mrs. V. seems to recommend, it is needless to observe how absurd the mixture must be, and how little adapted to answer the genuine end

of any passion. It is odd to observe the progress of bad taste: for this mixed passion being universally proscribed in the regions of tragedy, it has taken refuge and shelter in comedy, where it seems firmly established, though no reason can be assigned why we may not laugh in the one as well as weep in the other. The true reason of this mixture is to be sought for in the manners which are prevalent amongst a people. It has become very fashionable to affect delicacy, tenderness of heart, and fine feeling, and to shun all imputation of rusticity. Much mirth is very foreign to this character; they have introduced, therefore, a sort of neutral writing.

Now as to characters, they have dealt in them as in the passions. There are none but lords and footmen. One objection to characters in high life is, that almost all wants, and a thousand happy circumstances arising from them, being removed from it, their whole mode of life is too artificial, and not so fit for painting; and the contrary opinion has arisen from a mistake, that whatever has merit in the reality necessarily must have it in the representation. I have observed that persons, and especially women, in lower life, and of no breeding, are fond of such representations. It seems like introducing them into good company, and the honor compensates the dulness of the entertainment.

Fashionable manners being fluctuating is another reason for not choosing them.
— Sensible comedy, — talking sense a dull thing —

**ARTICLES OF CHARGE OF HIGH CRIMES AND
MISDEMEANORS AGAINST WARREN HASTINGS, ESQUIRE,
LATE GOVERNOR-GENERAL OF BENGAL: PRESENTED TO
THE HOUSE OF COMMONS IN APRIL AND MAY, 1786.
ARTICLES VII.-XXII.**

VII. — CONTRACTS.

That the Court of Directors of the East India Company had laid down the following fundamental rules for the conduct of such of the Company's business in Bengal as could be performed by contract, and had repeatedly and strictly ordered the Governor and Council of Port William to observe those rules, viz.: That all contracts should be publicly advertised, and the most reasonable proposals accepted; that the contracts of provisions, and for furnishing draught and carriage bullocks for the army, should be *annual*; and that they should not fail to advertise for and receive proposals for those contracts *every year*.

That the said Warren Hastings, in direct disobedience to the said positive orders, and, as the Directors themselves say, *by a most deliberate breach of his duty*, did, in September, 1777, accept of proposals offered by Ernest Alexander Johnson for providing draught and carriage bullocks, and for victualling the Europeans, without advertising for proposals, as he was expressly commanded to do, and extended the contract for *three years*, which was positively ordered to be *annual*, — and, notwithstanding that extension of the period, which ought at least to have been compensated by some advantage to the Company in the conditions, did conclude the said contract *upon terms less advantageous than the preceding contract, and therefore not on the lowest terms procurable*. That the said Warren Hastings, in defiance of the judgment and lawful orders of his superiors, which in this case left him no option, declared, that *he disapproved of publishing for proposals, and that the contract was reduced too low already*: thereby avowing himself the advocate of the contractor, against whom, as representative of the Company, and guardian of their interests, he properly was party, and preferring the advantage of the contractor to those of his own constituents and employers. That the Court of Directors of the East India Company, having carefully considered the circumstances and tendency of this transaction, condemned it in the strongest terms, declaring, that they would *not permit* the contract to be continued, and that, “if the contractor should think himself aggrieved, and take measures in consequence by which the Company became involved in loss or damage, they should certainly hold the majority of the Council responsible for such loss or damage, and proceed against them accordingly.” — That the said Warren Hastings, in defiance of orders, which the Directors say were

plain and unequivocal, did, in January, 1777, receive from George Templer a proposal essentially different from the advertisement published by the Governor-General and Council for receiving proposals for feeding the Company's elephants, and did accept thereof, not only without having recourse to the proper means for ascertaining whether the said proposal was the lowest that would be offered, but with another actually before the board nearly thirty per cent lower than that made by the said George Templer, to whom the said Warren Hastings granted a contract, in the terms proposed by the said Templer, for three years, and did afterwards extend the same to five years, with new and distinct conditions, accepted by the said Warren Hastings, without advertising for fresh proposals, by which the Company were very considerable losers: on all which the Court of Directors declared, "that this waste of their property could not be permitted; that he, the said Warren Hastings, had disregarded their authority, and disobeyed their orders, in not taking the lowest offers"; and they ordered that the contract for elephants should be annulled: and the said Directors further declared, that, "if the contractor should recover damages of the Company for breach of engagement, they were determined, in such case, to institute a suit at law against those members of the board who had presumed, in direct breach of their orders, to prefer the interest of an individual to that of the Company." — That the said Warren Hastings did, in the year 1777, conclude with — Forde a contract for an armed vessel for the pilotage of the Chittagong river, and for the defence of the coast and river against the incursions of robbers, for the term of five years, in further disobedience of the Company's orders respecting the mode and duration of contracts, and with a considerable increase of expense to the Company. That the farming out the defence of a country to a contractor, being wholly unprecedented, and evidently absurd, could have no real object but to enrich the contractor at the Company's expense: since either the service was not dangerous, and then the establishment was totally unnecessary, or, if it was a dangerous service, it was evidently the interest of the contractor to avoid such danger, and not to hazard the loss of his ship or men, which must be replaced at his own expense, and therefore that an active and faithful discharge of the contractor's duty was incompatible with his interest. — That the said Warren Hastings, in further defiance of the Company's orders, and in breach of the established rule of their service, did, in the year 1777, conclude a contract with the master and deputy master attendant of the Company's marine or pilot service, for supplying the said marine with naval stores, and executing the said service for the term of two years, and without advertising for proposals. That the use and expenditure of such stores and the direction of the pilot vessels are under the management and at the disposition of the master attendant by virtue of his office; that he is officially the proper and regular check upon the person who furnishes the stores, and bound by his duty to take care that all contracts for furnishing such stores are duly and faithfully executed. That the said Warren Hastings, by uniting

the supply and the check in the same hands, did not only disobey the Company's specific orders, and violate the fundamental rules and practice of the service, but did upset the only just and rational principle on which this and every other service of a similar nature ought to be conducted, and did not only subject the Company's interest, in point of expense, to fraud and collusion, but did thereby expose the navigation of the Bengal river to manifest hazard and distress: considering that it is the duty of the master attendant to take care that the pilot vessels are constantly stationed in the roads to wait the arrival of the Company's ships, especially in tempestuous weather, and that they should be in a constant condition to keep the sea; whereas it is manifestly the interest of the contractor, in the first instance, to equip the said vessels as scantily as possible, and afterwards to expose them as little as possible to any service in which the stores to be replaced by him might be lost or consumed. And, finally, that in June, 1779, the said contract was prolonged to the said master attendant, by the said Warren Hastings, for the further period of two years from the expiration of the first, without advertising for proposals. — That it does not appear that any of the preceding contracts have been annulled, or the charges attending any of them abated, or that the Court of Directors have ever taken any measures to compel the said Warren Hastings to indemnify the Company, or to make good any part of the loss incurred by the said contracts.

That in the year 1777 the said Warren Hastings did recommend and appoint John Belli, at that time his private secretary, to be agent for supplying the garrison of Fort William with victualling stores; that the stores were to be purchased with money advanced by the Company, and that the said agent was to be allowed a commission or percentage for his risk and trouble; that, in order to ascertain what sum would be a reasonable compensation for the agent, the Governor-General and Council agreed to consult some of the principal merchants of Calcutta; that the merchants so consulted reported their opinion, that twenty per cent on the prime cost of the stores would be a reasonable compensation to the agent; that, nevertheless, the said Warren Hastings, supported by the vote and concurrence of Richard Barwell, then a member of the Supreme Council, did propose and carry it, that thirty per cent per annum should be allowed upon all stores to be provided by the agent. That the said Warren Hastings professed that "he preferred an agency to a contract for this service, because, if it were performed by contract, it must then be advertised, and the world would know what provision was made for the defence of the fort": as if its being publicly known that the fort was well provided for defence were likely to encourage an enemy to attack it. That in August, 1779, in defiance of the principle laid down by himself for preferring an agency to a contract, the said Warren Hastings did propose and carry it, that the agency should be *converted into a contract*, to be granted to the said John Belli, without advertising for proposals, and fixed for the term of five years,— "pretending that he had received frequent remonstrances from the said agent concerning the heavy losses and inconveniences

to which he was *subjected* by the indefinite terms of his agency,” notwithstanding it appeared by evidence produced at the board, that, on a supply of about 37,000*l.*, he had already drawn a commission of 22,000*l.* and upwards. That the said Warren Hastings pledged himself, that, *if required by the Court of Directors, the profits arising from the agency should be paid into the Company’s treasury, and appropriated as the Court should direct.* That the Court of Directors, as soon as they were advised of the first appointment of the said agency, declared that they considered the commission of twenty per cent as an ample compensation to the agent, and did positively order, that, according to the engagement of the said Warren Hastings, “the commission paid or to be paid to the said agent should be reduced to twenty pounds per cent.” That the said John Belli did positively refuse to refund any part of the profits he had received, or to submit to a diminution of those which he was still to receive; and that the said Warren Hastings has never made good his own voluntary and solemn engagement to the Court of Directors hereinabove mentioned: and as his failure to perform the said engagement is a breach of faith to the Company, so his performance of such engagement, if he had performed it, and even his offering to pledge himself for the agent, in the first instance, ought to be taken as presumptive evidence of a connection between the said Warren Hastings and the said agent, his private secretary, which ought not to exist between a Governor acting in behalf of the Company and a contractor making terms with such Governor for the execution of a public service.

That, before the expiration of the contract hereinbefore mentioned for supplying the army with draught and carriage bullocks, granted by the said Warren Hastings to Ernest Alexander Johnson for three years, the said Warren Hastings did propose and carry it in Council, that a new contract should be made on a new plan, and that an offer thereof should be made to Richard Johnson, brother and executor of the said contractor, without advertising for proposals, for the term of *five years*; that this offer was *voluntarily accepted* by the said Richard Johnson, who at the same time desired and obtained that the new contracts should be made out in the name of Charles Croftes, the Company’s accountant and sub-treasurer at Fort William; that the said Charles Croftes offered the said Richard Johnson as one of his securities for the performance of the said contract, who was accepted as such by the said Warren Hastings; and that, at the request of the said contractor, the contract for victualling the Europeans serving at the Presidency was added to and united with that for furnishing bullocks, and fixed for the same period. That this extension of the periods of the said contracts was not compensated by a diminution in the charge to be incurred by the Company on that account, as it ought to have been, but, on the contrary, the charge was immoderately increased by the new contracts, insomuch that it was proved by statements and computations produced at the board, that the increase on the victualling contract would in five years amount to 40,000*l.*, and that the increase on the bullock contract in the same period would amount to above

400,000*l*. That, when this and many other weighty objections against the terms of the said contracts were urged in Council to the said Warren Hastings, he declared that *he should deliver a reply thereto*; but it does not appear that he did ever deliver such reply, or ever enter into a justification of any part of his conduct in this transaction. — That the act of Parliament of 1773, by which the first Governor-General and Council were appointed, did expressly limit the duration of their office to the term of five years, which expired in October, 1779, and that the several contracts hereinbefore mentioned were granted in September, 1779, and were made to continue *five* years after the expiration of the government by which they were granted. That by this anticipation the discretion and judgment of the succeeding government respecting the subject-matter of such contracts was taken away, and any correction or improvement therein rendered impracticable. That the said Warren Hastings might have been justified by the rules and practice or by the necessity of the public service in binding the government by engagements to endure one year after the expiration of his own office; but on no principles could he be justified in extending such engagements beyond the term of one year, much less on the principles he has avowed, namely, “that it was only an act of common justice in him to secure *every man connected with him*, as far as he legally could, from the apprehension of future oppression.” That the oppression to which such apprehension, if real, must allude, could only consist in and arise out of the obedience which he feared a future government might pay to the orders of the Court of Directors, by making all contracts *annual*, and advertising for proposals publicly and indifferently from all persons whatever, by which it might happen that such beneficial contracts would not be constantly held by men *connected with him*, the said Warren Hastings. That this declaration, made by the said Warren Hastings, combined with all the circumstances belonging to these transactions, leaves no room to doubt, that, in disobeying the Company’s orders, and betraying the trust reposed in him as guardian of the Company’s property, his object was to purchase the attachment of a number of individuals, and to form a party capable of supporting and protecting him in return.

That, with the same view, and on the same principles, it appears that excessive salaries and emoluments, at the East India Company’s charge and expense, have been lavished by the said Warren Hastings to sundry individuals, contrary to the general principles of his duty, and in direct contradiction to the positive orders of the Court of Directors: particularly, that, whereas by a resolution of the Court of Proprietors of the East India Company, and by an instruction of the Court of Directors, it was provided and expressly ordered that there should be paid to the late Sir John Clavering “the sum of six thousand pounds sterling per annum in full for his services as commander-in-chief, in lieu of travelling charges and of all other advantages and emoluments whatever,” and whereas the Court of Directors positively ordered that the late “Sir Eyre Coote should receive the *same* pay as

commander-in-chief of their forces in India as was received by Lieutenant-General Sir John Clavering,” the said Warren Hastings, nevertheless, within a very short time after Sir Eyre Coote’s arrival in Bengal, did propose and carry it in Council, that a new establishment should be created for Sir Eyre Coote, by which an increase of expense would be incurred by the India Company to the amount of eighteen thousand pounds a year and upwards, exclusive of and in addition to his salary of ten thousand pounds a year, provided for him by act of Parliament as a member of the Supreme Council, and exclusive of and in addition to his salary of six thousand pounds a year as commander-in-chief, appointed for him by the Company, and expressly fixed to that amount.

That the disobedience and breach of trust of which the said Warren Hastings was guilty in this transaction is highly aggravated by the following circumstances connected with it. That from the death of Sir John Clavering to the arrival of Sir Eyre Coote in Bengal the provisional command of the army had devolved to and been vested in Brigadier-General Giles Stibbert, the eldest officer on that establishment. That in this capacity, and, as the said Warren Hastings has declared, “standing no way distinguished from the other officers in the army, but by his accidental succession to the first place on the list,” he, the said Giles Stibbert, had, by the recommendation and procurement of the said Warren Hastings, received and enjoyed a salary, and other allowances, to the amount of 13,854*l.* 12*s.* per annum. That Sir Eyre Coote, soon after his arrival, represented to the board that a considerable part of those allowances, amounting to 8,220*l.* 10*s.* per annum, ought to devolve to himself, as commander-in-chief of the Company’s forces in India, and, stating that the said Giles Stibbert could no longer be considered as commander-in-chief under the Presidency of Fort William, made a formal demand of the same. That the said Warren Hastings, instead of reducing the allowances of the said Giles Stibbert to the establishment at which they stood during General Clavering’s command, and for the continuance of which after Sir Eyre Coote’s arrival there could be no pretence, continued the allowances of 13,854*l.* 12*s.* per annum to the said Giles Stibbert, and at the same time, in order to appease and satisfy the demand of the said Sir Eyre Coote, did create for him that new establishment, hereinbefore specified, of eighteen thousand pounds per annum, — insomuch that, instead of the allowance of *six thousand pounds a year, in lieu of travelling charges, and of all emoluments and allowances whatsoever*, to which the pay and allowances of commander-in-chief were expressly limited by the united act of the legislative and executive powers of the Company, the annual charge to be borne by the Company on that account was increased by the said Warren Hastings to the enormous sum of thirty-eight thousand two hundred and seventeen pounds ten shillings sterling.

That on the 1st of November, 1779, the said Warren Hastings did move and carry it in Council, “that the Resident at the Vizier’s court should be furnished with

an account of all the extra allowances and charges of the commander-in-chief when in the field, with orders to add the same to the debit of the Vizier's account, as a part of his general subsidy, — the charge to commence from the day on which the general shall pass the Caramnassa, and to continue till his return to the same line." That this additional expense imposed by the said Warren Hastings on the Vizier was unjust in itself, and a breach of treaty with that prince: the specific amount of the subsidy to be paid by him having been fixed by a treaty, to which no addition could justly be made, but at the previous requisition of the Vizier. That the Court of Directors, in their letter of the 18th of October, 1780, did condemn and prohibit the continuation of the allowances above mentioned to Sir Eyre Coote in the following words: "These allowances appear to us in a light so very extraordinary, and so repugnant to the spirit of a resolution of the General Court of Proprietors respecting the allowance made to General Clavering, that we positively direct that they be discontinued immediately, and no part thereof paid after the receipt of this letter." That on the 27th of April, 1781, the Governor-General and Council, in obedience to the orders of the Directors, did signify the same to the Commissary-General, as an instruction to him that the extraordinary allowances to Sir Eyre Coote *should be discontinued, and no part thereof paid after that day*. That it appears, nevertheless, that the said extra allowances (amounting to above twenty thousand pounds sterling a year) were continued to be charged to the Vizier, and paid to Sir Eyre Coote, in defiance of the orders of the Court of Directors, in defiance of the consequent resolution of the Governor-General and Council, and in contradiction to the terms of the original motion made by the said Warren Hastings for adding those allowances to the debit of the Vizier, viz., "that they should continue till Sir Eyre Coote's return to the Caramnassa." That Sir Eyre Coote arrived at Calcutta about the end of August, 1780, and must have crossed the Caramnassa, in his return from Oude, some weeks before, when the charge on the Vizier, if at any time proper, ought to have ceased. That it appears that the said allowances were continued to be charged against the Vizier and paid to Sir Eyre Coote for three years after, even while he was serving in the Carnatic, and that this was done by the sole authority and private command of the said Warren Hastings.

That the East India Company having thought proper to create the office of Advocate-General in Bengal, and to appoint Sir John Day to that office, it was resolved by a General Court of Proprietors that a salary of three thousand pounds a year should be allowed to the said Sir John Day, *in full consideration of all demands and allowances whatsoever for his services to the Company at the Presidency of Fort William*. That the said Warren Hastings, nevertheless, shortly after Sir John Day's arrival in Bengal, did increase the said Sir John Day's salary and allowances to six thousand pounds a year, in direct disobedience of the resolution of the Court of Proprietors, and of the order of the Court of Directors. That the Directors, as soon as they were informed of this proceeding, declared, "that they held *themselves*

bound by the resolution of the General Court, and that they could not allow it to be disregarded by the Company's servants in India," and ordered that the increased allowances should be forthwith discontinued. That the said Warren Hastings, after having first thought it necessary, in obedience to the orders of the Court of Directors, to stop the extraordinary allowance which he had granted to Sir John Day, did afterwards resolve that the allowance which had been struck off should be *repaid* to him, upon his signing an obligation to refund the amount which he might receive, in case the Directors should confirm their former orders, already twice given. That in this transaction the said Warren Hastings trifled with the authority of the Company, eluded the repeated orders of the Directors, and exposed the Company to the risk and uncertainty of recovering, at a distant period, and perhaps by a process of law, a sum of money which they had positively ordered him not to pay.

That in the latter part of the year 1776, by the death of Colonel Monson, the whole power of the government of Fort William devolved to the Governor and one member of the Council; and that from that time the Governor-General and Council have generally consisted of an even number of persons, in consequence of which the casting voice of the said Warren Hastings has usually prevailed in the decision of all questions. That about the end of the year 1776 the whole civil establishment of the said government did not exceed 205,399*l.* per annum; that in the year 1783 the said civil establishment had been increased to the enormous annual sum of 927,945*l.* That such increase in the civil establishment could not have taken place, if the said Warren Hastings, who was at the head of the government, with the power annexed to the casting voice, had not actively promoted the said increase, which he had power to prevent, and which it was his duty to have prevented. That by such immoderate waste of the property of his employers, and by such scandalous breach of his fidelity to them, it was the intention of the said Warren Hastings to gain and secure the attachment and support of a multitude of individuals, by whose united interest, influence, and intrigues he hoped to be protected against any future inquiry into his conduct. That it was of itself highly criminal in the said Warren Hastings to have so wasted the property of the East India Company, and that the purpose to be obtained by such waste was a great aggravation of that crime.

That among the various instances of profusion by which the civil establishment of Fort William was increased to the enormous annual sum hereinbefore mentioned, it appears that a Salt Office was created, of six commissioners, whose annual emoluments were as follows, viz.: —

President, or Comptroller, per annum
£18,480

1st member
13,100

2d do
11,480

3d do
13,183

4th do
6,257

5th do
10,307

—— —

£72,807

That a Board of Revenue was created by the said Warren Hastings, consisting of five commissioners, whose annual emoluments were as follows, viz.: —

1st member, per annum
£10,950

2d do
9,100

3d do
9,100

4th do
9,100

5th do
9,100

—— —

£46,350

That David Anderson, Esquire, first member of the said board, did not execute the duties, though he received the emoluments of the said office: having acted, for the greatest part of the time, as ambassador to Mahdajee Sindia, with a further salary of 4,280*l.* a year, making in all 15,230*l.* a year. That the said Warren Hastings did create an office of Agent-Victualler to the garrison of Fort William, whose profits, on an average of three years, were 15,970*l.* per annum. That this agency was held by the Postmaster-General, who in that capacity received 2,200*l.* a year from the Company, and who was actually no higher than a writer in the service. That the person who held these lucrative offices, viz., John Belli, was private secretary to the said Warren Hastings.

That the said Warren Hastings created a nominal office of Resident at Goa, where the Company never had a Resident, nor business of any kind to transact, and gave the said nominal office to a person who was not a covenanted servant of the Company, with an allowance of 4,280*l.* a year.

That these instances are proofs of a criminal profusion and high breach of trust to the India Company in the said Warren Hastings, under whose government, and by means of whose special power, derived from the effect of his casting voice, all the said waste and profusion did take place.

That at the end of the year 1780, when, as the Court of Directors affirm, *the Company were in the utmost distress for money, and almost every department in arrear*, and when it appears that there was a great scarcity and urgent want of grain at Fort St. George, the said Warren Hastings did accept of a proposal made to him by James Peter Auriol, then Secretary to the Council, to supply the Presidency of Fort St. George with rice and other articles, and did appoint the said Auriol to be the agent for supplying *all the other* Presidencies with those articles; that the said Warren Hastings declared that the intention of the appointment “was most likely to be fulfilled by a liberal consideration of it,” and therefore allowed the said Auriol a commission of fifteen per cent on the whole of his disbursements, thereby rendering it the direct interest of the said Auriol to make his disbursements as great as possible; that the chance of capture by the enemy, or danger of the sea, was to be at the risk of the India Company, and not of the said Auriol; that the said Warren Hastings declared personally to the said Auriol, “that this post was intended as a reward for his long and faithful services.” That the President and Council of Bombay did remonstrate against what they called *the enormous amount of the charges* of the rice with which they were supplied, which they state to be nine rupees a bag at Calcutta, when they themselves could have contracted for its delivery at Bombay, free of all risk and charges, at five rupees and three sixteenths per bag; and that even at Madras, where the distress and demand was greatest, the supplies of grain by private traders, charged to the Company, were nineteen per cent cheaper than that supplied by the said Auriol, exclusive of the risk of the sea and of capture by the enemy. That it is stated by the Court of Directors, that the

agent's commission on a supply of *a single year* (the said commission being not only charged on the prime cost of the rice, but also on the freight and all other charges) would amount to pounds sterling 26,873, and by the said Auriol himself is admitted to amount to 18,292*l*. That William Larkins, the Accountant-General at Port William, having been ordered to examine the accounts of the said agent, did report to the Governor-General and Council, that he found them to be *correct in the additions and calculations*; and that then the said Larkins adds the following declaration: "The agent *being upon honor* with respect to the sums charged in his accounts for the cost of the articles supplied, I did not think myself authorized to require *any voucher* of the sums charged for the demurrage of sloops, either as to the time of detention or the rate of the charge, or of those for the articles lost in going down the river; and on that ground I thought myself equally bound to admit the sums acknowledged as received for the sales of goods returned, without requiring vouchers of the rates at which they were sold." That in this transaction the said Warren Hastings has been guilty of a high breach of trust and duty, in the unnecessary expenditure of the Company's money, and in subjecting the Company to a profusion of expense, at all times wholly unjustifiable, but particularly at the time when that expense was incurred. That the said Warren Hastings was guilty of breach of orders, as well as breach of trust, in not advertising generally for proposals; in not *contracting* indifferently for the supplies with such merchants as might offer to furnish them on the lowest terms; in giving an enormous commission to an agent, and that commission not confined to the prime cost of the articles, but to be computed on the whole of his charges; in accepting of the *honor* of the said agent as a sufficient voucher for the cost of the articles supplied, and for all charges whatever on which his commission was to be computed; and finally, in giving a lucrative agency for the supply of a distressed and starving province as a reward to a Secretary of State, whose labors in that capacity ought to have been rewarded by an avowed public salary, and not otherwise. That, after the first year of the said agency was expired, the said Warren Hastings did agree, that, for the future, the commission to be drawn by the said agent should be reduced to five per cent, which the Governor-General and Council then declared to be *the customary, amount drawn by merchants*; but that even in this reduction of the commission the said Warren Hastings was guilty of a deception, and did not in fact reduce the commission from fifteen to five per cent, having immediately after resolved that he, the agent, should be allowed the current interest of Calcutta upon all his drafts on the Treasury from the day of their dates, until they should be completely liquidated; that the legal interest of money in Bengal is twelve per cent per annum, and the current interest from eight to ten per cent.

VIII. — PRESENTS.

That, before the appointment of the Governor-General and Council of Fort William by act of Parliament, the allowances made by the East India Company to the Presidents of that government were abundantly sufficient; and that the said Presidents in general, and the said Warren Hastings particularly, was restrained by a specific covenant and indenture, which he entered into with the Company, from accepting any gifts, rewards, or gratuities whatsoever, on any account or pretence whatsoever. That in the Regulating Act passed in the year 1773, which appointed the said Warren Hastings, Esquire, Governor-General of Fort William in Bengal, a salary of twenty-five thousand pounds a year was established for him, to which the Court of Directors added, “that he should enjoy their principal houses, with the plate and furniture, both in town and country, *rent-free*.” That the same law which created the office and provided the salary of the said Warren Hastings did expressly, and in the clearest and most comprehensive terms that could be devised, prohibit him from receiving any present, gift, or donation, in any manner or on any account whatsoever; and that the said Warren Hastings perfectly understood the meaning, and acknowledged the binding force of this prohibition, before he accepted of the office to which it was annexed: he knew, and had declared, that *the prohibition was positive and decisive; that it admitted neither of refinement or misconstruction; and that in his opinion an opposition would be to incur the penalty.*

That, notwithstanding the covenants and engagements above mentioned, it appears in the recorded proceedings of the Governor-General and Council of Fort William, that sundry charges have been brought against the said Warren Hastings for gifts or presents corruptly taken by him before the promulgation of the act of 1773 in India, and that these charges were produced at the Council Board in the presence of the said Warren Hastings. That, in March, 1775, the late Rajah Nundcomar, a native Hindoo, of the highest caste in his religion, and of the highest rank in society, by the offices which he had held under the country government, did lay before the Council an account of various sums of money paid by him to the said Warren Hastings, amounting to forty thousand pounds and upwards, for offices and employments corruptly disposed of by the said Warren Hastings, and did offer and engage to prove and establish the same by sufficient evidence. That this account is stated with a minute particularity and precision; the date of each payment, down to that of small sums, is specified; the various coins in which such payments were severally made are distinguished; and the different persons through whose hands the money passed into those of the said Warren Hastings are named. That such particularity on the face of such a charge, supposing it false, is favorable to the party wrongfully accused, and exposes the accuser to an instant and easy detection: for, though, as the said Warren Hastings himself has observed on another occasion, “papers may be forged, and evidences may appear in numbers to attest them, yet it must always be an *easy* matter to detect the falsity of any forged paper produced by examining the witnesses separately, and subjecting them to a subsequent cross-

examination, in which case, if false, they will not be able to persevere in one regular, consistent story “; whereas, if no advantage be taken of such particularity in the charge to detect the falsehood thereof, and if no attempt to disprove it, and no defence whatever be made, a presumption justly and reasonably arises in favor of the truth of such charge. That the said Warren Hastings, instead of offering anything in his defence, declared that *he would not suffer Nundcomar to appear before the board at his accuser*; that he attempted to indict his said accuser for a conspiracy, in which he failed; and that the said Rajah Nundcomar was soon after, and while his charge against the said Warren Hastings was depending before the Council, indicted upon an English penal statute, which does not extend even to Scotland, before the Supreme Court of Judicature, for an offence said to have been committed several years before, and not capital by the laws of India, and was condemned and executed. That the evidence of this man, not having been encountered at the time when it might and ought to have been by the said Warren Hastings, remains justly in force against him, and is not abated by the capital punishment of the said Nundcomar, but rather confirmed by the time and circumstances in which the accuser of the said Warren Hastings suffered death. That one of the offices for which a part of the money above mentioned is stated to have been paid to the said Warren Hastings was given by him to Munny Begum, the widow of the late Mir Jaffier, Nabob of Bengal, whose son, by another woman, holds that title at present. That the said Warren Hastings had been instructed by the Court of Directors of the East India Company to appoint “*a minister* to transact the political affairs of the government, and to select for that purpose some person well qualified for the affairs of government, to be the minister and guardian of the Nabob’s minority.” That for these offices, and for the execution of the several duties belonging to them, the said Warren Hastings selected and appointed the said Munny Begum, a woman evidently unqualified for and incapable of such offices, and restrained from acting in such capacities by her necessary seclusion from the world and retirement in a seraglio. That, a considerable deficiency or embezzlement appearing in this woman’s account of the young Nabob’s stipend, she voluntarily declared, by a writing under her seal, that she had given fifteen thousand pounds to the said Warren Hastings for an entertainment, — which declaration corresponds with and confirms that part of the charge produced by Rajah Nundcomar to which it relates. That neither this nor any other part of the said charge has been at any time directly denied or disputed by the said Warren Hastings, though made to his face, and though he was repeatedly accused by his colleagues, who were appointed by Parliament at the same time with himself, of peculation of every sort. That, instead of promoting a strict inquiry into his conduct for the clearance of his innocence and honor, he did repeatedly endeavor to elude and stifle all inquiry by attempting to dissolve the meetings of the Council at which such charges were produced, and by other means, and has not since taken any steps to disprove or

refute the same. That the said Warren Hastings, so long ago as September, 1775, assured the Court of Directors, “that it was his fixed determination most fully and liberally to explain every circumstance of his conduct on the points on which he had been injuriously arraigned, and to afford them the clearest conviction of his own integrity, and of the propriety of his motives for declining a present defence of it”; and having never since given to the Court of Directors any explanation whatever, much less the full and liberal explanation he had promised so repeatedly, has thereby abandoned even that late and protracted defence which he himself must have thought necessary to be made at some time or other, and which he would be thought to have deferred to a period more suitable and convenient than that in which the facts were recent, and the impression of these and other charges of the same nature against him was fresh and unimpaired in the minds of men.

That on the 30th of March, 1775, a member of the Council produced and laid before the board a petition from Mir Zein Abul Deen, (formerly farmer of a district, and who had been in creditable stations,) setting forth, that Khân Jehan Khân, then Phousdar of Hoogly, had obtained that office from the said Warren Hastings, with a salary of seventy-two thousand sicca rupees a year, and that the said *Phousdar* had given a receipt of bribe to the patron of the city, meaning Warren Hastings, to pay him annually thirty-six thousand rupees a year, and also to his banian, Cantoo Baboo, four thousand rupees a year, out of the salary above mentioned. That by the thirty-fifth article of the instructions given to the Governor-General and Council, they are directed “immediately to cause the strictest inquiry to be made into all oppressions which might have been committed either against the natives or Europeans, and into all abuses that might have prevailed in the collection of the revenues, or any part of the civil government of the Presidency, and to communicate to the Directors all information which they might be able to obtain relative thereto, or to any dissipation or embezzlement of the Company’s money.” That the above petition and instruction having been read in Council, it was moved that the petitioner should be ordered to attend the next day to make good his charge. That the said Warren Hastings declared, “that it appeared to him to be the purpose of the majority to make him the sole object of their personal attacks; that they had taken their line, and might pursue it; that he should have other remarks to make upon this transaction, but, as they would be equally applicable to *many others* which in the course of this business were likely to be brought before the board, he should say no more on the subject”; — and he objected to the motion. That by the preceding declaration the said Warren Hastings did admit that many other charges were likely to be brought against him, and that such charges would be of a similar nature to the first, viz., a corrupt bargaining for the disposal of a great office, since he declared that his remarks on that transaction would be equally applicable to the rest; and that, by objecting to the motion for the personal attendance of the accuser, he resisted and disobeyed the Company’s instructions, and did, as far as depended

on his power, endeavor to obstruct and prevent all inquiry into the charge. That in so doing he failed in his duty to the Company, he disobeyed their express orders, and did leave the charge against himself without a reply, and even without a denial, and with that unavoidable presumption against his innocence which lies against every person accused who not only refuses to plead, but, as far as his vote goes, endeavors to prevent an examination of the charge, and to stifle all inquiry into the truth of it. That, the motion having been nevertheless carried, the said Warren Hastings did, on the day following, declare, "that he could not sit to be confronted with such accusers, nor suffer a judicial inquiry into his conduct at the board of which he was president, and declared the meeting of the board dissolved." That the board continued to sit and examine witnesses, servants of the Phousdar, on oath and written evidence, being letters under the hand and seal of the Phousdar, all directly tending to prove the charge: viz., that, out of the salary of seventy-two thousand rupees a year paid by the Company, the said Phousdar received but thirty-two thousand, and that the remainder was received by the said Warren Hastings and his banian. That the Phousdar, though repeatedly ordered to attend the board, did, under various pretences, decline attending, until the 19th of May, when, the letters stated be his, that is, under his hand and seal, being shown to him, it was proposed by a member of the board that he should be asked whether he had any objection to swear to the truth of such answers as he might make to the questions proposed by the board; that the said Warren Hastings objected to his being put to his oath; that the question was nevertheless put to him, in consequence of a resolution of the board; that he first declined to swear, under pretence *that it was a matter of serious consequence to his character to take an oath*, and, when it was finally left to his option, he declared, "Mean people might swear, but that his character would not allow him, — that he could not swear, and had rather subject himself to a loss." That the evidence in support of the charge, being on oath, was in this manner left uncontradicted. That it was admitted by the said Warren Hastings, that neither Mussulmen or Hindoos are forbidden by the precepts of their religion to swear; that it is not true, as the said Warren Hastings asserted, that it was repugnant to the *manners* either of Hindoos or Mussulmen; and that, if, under such pretences, the natives were to be exempted from taking an oath, when examined by the Governor and Council, all the inquiries pointed out to them by the Company's instructions might stop or be defeated. That no valid reason was or could be assigned why the said Phousdar should not be examined on oath; that the charge was not against himself; and that, if any questions had been put to him, tending to make him accuse himself, he might have declined to answer them. That, if he could have safely sworn to the innocence of the said Warren Hastings, from whom he received his employment, he was bound in gratitude as well as justice to the said Warren Hastings to have consented to be examined on oath; that, not having done so, and having been supported and abetted in his refusal by the said Warren Hastings

himself, whose character and honor, were immediately at stake, the whole of the evidence for the truth of the charge remains unanswered, and in full force against the said Warren Hastings, who on this occasion recurred to the declaration he had before made to the Directors, viz., “that he would most fully and liberally explain every circumstance of his conduct,” but has never since that time given the Directors any explanation whatsoever of his said conduct. And finally, that, when the Court of Directors, in January, 1776, referred the question (concerning the legality of the power assumed and repeatedly exercised by the said Warren Hastings, of dissolving the Council at his pleasure) to the late Charles Sayer, then standing counsel of the East India Company, the said Charles Sayer declared his opinion in favor of the power, but concerning the use and exercise of it in the cases stated did declare his opinion in the following words: “I believe he, Warren Hastings, is the first governor that ever dissolved a council inquiring into his behavior, when he was innocent.” Before he could summon three councils, and dissolve them, he had time fully to consider what would be the result of such conduct, *to convince everybody beyond a doubt of his conscious guilt.* — That, by a resolution of a majority of the Council, constituting a lawful act of the Governor-General and Council, the said Khân Jehan Khân was dismissed from the office of Phousdar of Hoogly for a contempt of the authority of the board; that, within a few weeks after the death of the late Colonel Monson, the number of the Council being then even, and all questions being then determined by the Governor-General’s casting voice, the said Warren Hastings did move and carry it in Council, that the said Khân Jehan Khân should be restored to his office; and that restoration, not having been preceded, accompanied, or followed by any explanation or defence whatsoever, or even by a denial of the specific and circumstantial charge of collusion with the said Khân Jehan Khân, has confirmed the truth of the said charge.

That, besides the sums charged to have been paid to the said Warren Hastings by the said Nundcomar and Munny Begum and Khân Jehan Khân, and besides the sum of one hundred and ten thousand pounds already mentioned to have been accepted without hesitation by him, as a present on the part of the Nabob of Oude and that of his ministers, the circumstances of which have been particularly reported to the House of Commons, it appears by the confession of the said Warren Hastings, that he has at different times since the promulgation of the act of 1773, received various other sums, contrary to the express prohibition of the said act, and his own declared sense of the evident intent and obligation thereof. — That in the month of June, 1780, the said Warren Hastings made to the Council what he called “a very unusual tender, by offering to exonerate the Company from the expense of a particular measure, and to *take it upon himself*; declaring that he had already deposited two lacs of rupees [or twenty-three thousand pounds] in the hands of the Company’s sub-treasurer for that service.” That in a subsequent letter, dated the 29th of

November, 1780, he informed the Court of Directors, that “this money, by whatever means it came into their possession, *was not his own*”; but he did not then, nor has he at any time since, made known to the Court of Directors from whom or on what account he received that money, as it was his duty to have done in the first instance, and notwithstanding the said Directors signified to him their expectation that he should communicate to them “immediate information of the channel by which this money came into his possession, with a complete illustration of the cause or causes of so extraordinary an event.” But, from evidence examined in England, it has been discovered that this money was received by the said Warren Hastings from Cheyt Sing, the Rajah of Benares, who was soon after dispossessed of all his property and driven from his country and government by the said Warren Hastings. That, notwithstanding the declaration made by the said Warren Hastings, that he had actually deposited the sum above mentioned in the hands of the Company’s sub-treasurer for their service, it does not appear that “any entry whatsoever of that or any other payment by the Governor-General was made in the Treasury accounts at or about the time,” nor is there any trace in the Company’s books of its being actually paid into their treasury. It appears, then, by the confession of the said Warren Hastings, that this money was received by him; but it does not appear that he has converted it to the property and use of the Company.

That in a letter from the said Warren Hastings to the said Court of Directors, dated the 22d of May, 1782, but not dispatched, as it might and ought to have been, at that time, but detained and kept back by the said Warren Hastings till the 16th of December following, he has confessed the receipt of various other sums, amounting (with that which he accepted from the Nabob of Oude) to nearly two hundred thousand pounds, which sums he affirmed had been converted to the Company’s property through his means, but without discovering from whom or on what account he received the same. That, instead of converting this money to the Company’s property, as he affirmed he had done, it appears that he had lent the greater part of it to the Company upon bonds bearing interest, which bonds were demanded and received by him, and, for aught that yet appears, have never been given up or cancelled. That for another considerable part of the above-mentioned sum he has taken credit to himself, as for a deposit of his own property, and therefore demandable by him out of the Company’s treasury at his discretion. That all sums so lent or deposited are not alienated from the person who lends or deposits the same; consequently, that the declaration made by the said Warren Hastings, that he had converted the whole of these sums to the Company’s property, was not true. Nor would such a transfer, if it had really been made, have justified the said Warren Hastings in originally receiving the money, which, being in the first instance contrary to law, could not be rendered legal by any subsequent disposition or application thereof; much less would it have justified the said Warren Hastings in delaying to make a discovery of these transactions to the Court of Directors until he

had heard of the inquiries then begun and proceeding in Parliament, in finally making a discovery, such as it is, in terms the most intricate, obscure, and contradictory. That, instead of that full and clear explanation of his conduct which the Court of Directors demanded, and which the said Warren Hastings was bound to give them, he has contented himself with telling the said Directors, that, “if this matter was to be exposed to the view of the public, his reasons for acting as he had done might furnish a variety of conjectures to which it would be of little use to reply; that he either chose to conceal the first receipts from public curiosity by receiving bonds for the amount, or possibly acted without any studied design which his memory could at that distance of time verify; and that he *could* have concealed them from their eye and that of the public forever.” That the discovery, as far as it goes, establishes the guilt of the said Warren Hastings in taking money against law, but does not warrant a conclusion that he has discovered *all* that he may have taken; that, on the contrary, such discovery, not being made in proper time, and when made being imperfect, perplexed, and wholly unsatisfactory, leads to a just and reasonable presumption that other facts of the same nature have been concealed, since those which he has confessed might have been forever, and that this partial confession was either extorted from the said Warren Hastings by the dread of detection, or made with a view of removing suspicion, and preventing any further inquiry into his conduct.

That the said Warren Hastings, in a letter to the Court of Directors dated 21st of February, 1784, has confessed his having *privately received* another sum of money, the amount of which he has not declared, but which, from the application he says he has made of it, could not be less than thirty-four thousand pounds sterling. That he has not informed the Directors from whom he received this money, at what time, nor on what account; but, on the contrary, has attempted to justify the receipt of it, which was illegal, by the application of it, which was unauthorized and unwarrantable, and which, if admitted as a reason for receiving money *privately*, would constitute a precedent of the most dangerous nature to the Company’s service. That, in attempting to justify the receipt and application of the said money, he has endeavored to establish principles of conduct in a Governor which tend to subvert all order and regularity in the conduct of public business, to encourage and facilitate fraud and corruption in all offices of pecuniary trust, and to defeat all inquiry into the misconduct of any person in whom pecuniary trust is reposed. — That the said Warren Hastings, in his letter above mentioned, has made a declaration to the Court of Directors in the following terms: “Having had occasion to disburse from my own cash many sums, which, though required to enable me to execute the duties of my station, I have hitherto omitted to enter in my public accounts, and my own fortune being unequal to so heavy a charge, I have resolved to reimburse myself in a mode the most suitable to the situation of your affairs, by charging the same in my Durbar accounts of the present year, and crediting them by

a sum *privately received*, and appropriated to your service in the same manner with other sums received on account of the Honorable Company, and already carried to their account.” That at the time of writing this letter the said Warren Hastings had been in possession of the government of Fort William about twelve years, with a clear salary, or avowed emoluments, at no time less than twenty-five thousand pounds sterling a year, exclusive of which all the principal expenses of his residence were paid for by the Company. That, if the services mentioned by him were required to enable him to execute the duties of his station, he ought not to have omitted to enter them in his public accounts at the times when the expenses were incurred. That, if it was true, as he affirms, that, when he first engaged in these expenses, he had no intention to carry them to the account of the Company, there was no subsequent change in his situation which could justify his departing from that intention. That, if his own fortune in the year 1784 was unequal to so heavy a charge, the state of his fortune at any earlier period must have been still more unequal to so heavy a charge. That the fact so asserted by the said Warren Hastings leads directly to an inference palpably false and absurd, viz., that, the longer a Governor-General holds that lucrative office, the poorer he must become. That neither would the assertion, if it were true, nor the inference, if it were admitted, justify the conduct avowed by the said Warren Hastings in resolving to reimburse himself out of the Company’s property without their consent or knowledge. — That the account transmitted in this letter is styled by himself *an aggregate of a contingent account of twelve years*; that all contingent accounts should be submitted to those who ought to have an official control over them, at annual or other shorter periods, in order that the expense already incurred may be checked and examined, and similar expenses, if disapproved of, may be prohibited in time; that, after a very long period is elapsed, all check and control over such expenses is impracticable, and, if it were practicable in the present instance, would be completely useless, since the said Warren Hastings, without waiting for the consent of the Directors, did *resolve to reimburse himself*. That the conduct of the said Warren Hastings, in withholding these accounts for twelve years together, and then resolving to reimburse himself without the consent of his employers, has been fraudulent in the first instance, and in the second amounts to a denial and mockery of the authority placed over him by law; and that he has thereby set a dangerous example to his successors, and to every man in trust or office under him. — That the mode in which he has reimbursed himself is a crime of a much higher order, and greatly aggravates whatever was already criminal in the other parts of this transaction. That the said Warren Hastings, in declaring that he should reimburse himself by crediting the Company by *a sum privately received*, has acknowledged himself guilty of an illegal act in receiving money *privately*. That he has suppressed or withheld every particular which could throw any light on a conduct so suspicious in a Governor as the *private* receipt of money. That the general confession of the

private receipt of a large sum in gross, in which no circumstance of time, place, occasion, or person, nor even the amount, is specified, tends to cover or protect any act of the same nature (as far as a general confession can protect such acts) which may be detected hereafter, and which in fact may not make part of the gross sum so confessed, and that it tends to perplex and defeat all inquiry into such practices. — That the said Warren Hastings, in stating to the Directors that he has resolved to reimburse himself in *a mode the most suitable to the situation of their affairs*, viz., by receiving money privately against law, has stated a presumption highly injurious to the integrity of the said Directors, viz., that they will not object to, or even inquire into, any extraordinary expenses incurred and charged by their Governors in India, provided such expenses are reimbursed by money privately and illegally received. That he has not explained what that situation of their affairs was or could be to which so dangerous and corrupt a principle was or might be applied. — That no evidence has been produced to prove that it was true, nor any ground of argument stated to show that it might be credible, that any native of India had voluntarily and gratuitously given money privately to the said Warren Hastings, that is, without some prospect of a benefit in return, or some dread of his resentment, if he refused. That it is not a thing to be believed, that any native would give large sums privately to a Governor, which he refused to give or lend publicly to government, unless it were to derive some adequate secret advantage from the favor, or to avoid some mischief from the enmity of such Governor. — That the late confessions made by the said Warren Hastings of money received against law are no proof that he did not originally intend to appropriate the same to his own use, such confessions having been made at a suspicious moment, when, and not before, he was apprised of the inquiries commenced in the House of Commons, and when a dread of the consequence of those inquiries might act upon his mind. That such confessions, from the obscure, intricate, and contradictory manner in which they are made, imply guilt in the said Warren Hastings, as far as they go; that they do not furnish any color of reason to conclude that he has confessed all the money which he may have corruptly received; but that, on the contrary, they warrant a just and reasonable presumption, that, in discovering some part of the bribes he had received, he hoped to lull suspicion, and thereby conceal and secure the rest.

That the Court of Directors, when the former accounts of these transactions came before them, did show an evident disposition not to censure the said Warren Hastings, but to give the most favorable construction to his conduct; that, nevertheless, they found themselves obliged “to confess that the statement of those transactions appeared to them in many parts so *unintelligible*, that they felt themselves under the necessity of calling on the Governor-General for an explanation, agreeably to his promise voluntarily made to them.” That their letter, containing this requisition, was received in Bengal in the month of August, 1784, and that the said Warren Hastings did not embark for England until the 2d of

February, 1785, but made no reply to that letter before his departure, owing, as he has since said, *to a variety of other more important occupations*. That, under pretence of such occupations, he neglected to transmit to the Court of Directors a copy of a paper which, he says, contained the *only* account he ever kept of the transaction. That such a paper, or a copy of it, might have been transmitted without interrupting other important occupations, if any could be more important than that of giving a clear and satisfactory answer to the requisition of the Directors. That since his arrival in England he has written a letter to the chairman of that court, professedly in answer to their letter above mentioned, but in fact giving no explanation or satisfaction whatsoever on the points which they had declared to be unintelligible. That the terms of his letter are ambiguous and obscure, such as a guilty man might have recourse to in order to cover his guilt, but such as no innocent man, from whom nothing was required but to clear his innocence by giving plain answers to plain questions, could possibly have made use of. That in his letter of the 11th of July, 1785, he says, “that he has been kindly apprised that the information required as above *was yet expected from him*: that the submission which his respect would have enjoined him to pay to the command imposed on him *was lost to his recollection*, perhaps from the stronger impression which the first and distant perusal of it had left on his mind that it was rather intended as a reprehension for something which had given offence in his report of the original transaction than as expressive of any want of a further elucidation of it.”

That the said Warren Hastings, in affecting to doubt whether the information expressly required of him by his employers was expected or not, has endeavored to justify a criminal delay and evasion in giving it. That, considering the importance of the subject, and the recent date of the command, it is not possible *that it could be lost to his recollection*; much less is it possible that he could have understood the specific demand of an answer to specific questions to be intended only as a reprehension for a former offence, viz., the offence of withholding from the Directors that very explanation which he ought to have given in the first instance. That the said Warren Hastings, in his answer to the said questions, cautiously avoids affirming or denying anything in clear, positive terms, and professes to recollect nothing with absolute certainty. That he has not, even now, informed the Directors of the name of any one person from whom any part of the money in question was received, nor what was the motive of any one person for giving the same. That he has, indeed, declared, that his motive for lending to the Company, or depositing in their treasury in his own name, money which he has in other places declared to be their property, was to avoid ostentation, and that *lending* the money was *the least liable to reflection*; yet, when he has stated these and other conjectural motives for his own conduct, he declares *he will not affirm, though he is firmly persuaded, that those were his sentiments on the occasion*. That of one thing only the said Warren Hastings declares he is *certain*, viz., “that it was his design originally to have

concealed the receipt of all the sums, except the second, even from the knowledge of the Court of Directors, but that, when fortune threw a sum in his way of a magnitude *which could not be concealed*, and the peculiar delicacy of his situation at the time in which he received it made him more circumspect of appearances, he *chose* to apprise his employers of it.” That the said Warren Hastings informs the Directors, that he had indorsed the bonds taken by him for money belonging to the Company, and lent by him to the Company, *in order to guard against their becoming a claim on the Company, as part of his estate, in the event of his death*; but he has not affirmed, nor does it anywhere appear, that he has surrendered the said bonds, as he ought to have done. That the said Warren Hastings, in affirming that he had not time to answer the questions put to him by the Directors, while he was in Bengal, — in not bringing with him to England the documents necessary to enable him to answer those questions, or in pretending that he has not brought them, — in referring the Directors back again to Bengal for those documents, and for any further information on a subject on which he has given them no information, — and particularly in referring them back to a person in Bengal for a paper which he says contained the *only* account he ever kept of the transaction, while he himself professes to doubt whether that paper *be still in being*, whether *it be in the hands* of that person, or whether that person *can recollect anything distinctly concerning it*, — has been guilty of gross evasions, and of palpable prevarication and deceit, as well as of contumacy and disobedience to the lawful orders of the Court of Directors, and thereby confirmed all the former evidence of his having constantly used the influence of his station for the most scandalous, illegal, and corrupt purposes.

IX. — RESIGNATION OF THE OFFICE OF GOVERNOR-GENERAL.

That Warren Hastings having by his agent, Lauchlan Maclean, Esquire, on the 10th day of October, in the year 1776, “signified to the Court of Directors his desire to resign his office of Governor-General of Bengal, and requested their nomination of a successor to the vacancy which would be thereby occasioned in the Supreme Council,” the Court of Directors did thereupon desire the said Lauchlan Maclean “to inform them of the authority under which he acted in a point of such very great importance”; and the said Lauchlan Maclean “signifying thereupon his readiness to give the court every possible satisfaction on that subject, but the powers with which he was intrusted by the papers in his custody being mixed with other matters of a nature extremely confidential, he would submit the same to the inspection of any three of the members of the court,” the said Court of Directors empowered the Chairman, Deputy Chairman, and Richard Becher, Esquire, to inspect the authorities, powers, and directions with which Mr. Maclean was furnished by Mr. Hastings to make the propositions contained in his letter of the

10th October, 1776, and to report their opinion thereon. And the said committee did accordingly, on the 23d of the said month, report, “that, having conferred with Mr. Maclean on the subject of his letter presented to the court the 11th instant, they found, that, from the purport of Mr. Hastings’s instructions, contained in a paper in his own handwriting given to Mr. Maclean, and produced by him to them, Mr. Hastings declared he would not continue in the government of Bengal, unless certain conditions therein specified could be obtained, of which they saw no probability; and Mr. George Vansittart had declared to them, that he was present when these instructions were given to Mr. Maclean, and when Mr. Hastings empowered Mr. Maclean to declare his resignation to the said court; that Mr. Stewart had likewise confirmed to them, that Mr. Hastings declared to him, that he had given directions to the above purpose by Mr. Maclean.”

And the Court of Directors, having received from the said report due satisfaction respecting the authority vested in the said Lauchlan Maclean to propose the said resignation of the office of Governor-General of Bengal, did unanimously resolve to accept the same, and did also, under powers vested in the said court by the act of the 13th year of his present Majesty, “nominate and appoint Edward Wheler, Esquire, to succeed to the office in the Council of Fort William in Bengal which will become vacant by the said resignation, if such nomination shall be approved by his Majesty”: which nomination and appointment was afterwards in due form approved and confirmed by his Majesty.

That the Court of Directors did, by a postscript to their general letter, dated 25th October, 1776, acquaint the Governor-General and Council at Calcutta of their acceptance of the said resignation, of their appointment of Edward Wheler, Esquire, to fill the said vacancy, and of his Majesty’s approbation of the said appointment, together with the grounds of their said proceedings; and did transmit to the said Governor-General and Council copies of the said instruments of appointment and confirmation.

That the said dispatches from the Court of Directors were received at Calcutta, and were read in Council on the 19th day of June, in the year 1777; and that Warren Hastings, Esquire, having taken no steps to yield the government to his successor, General Clavering, and having observed a profound silence on the subject of the said dispatches, he, the said General Clavering, did, on the next day, being the 20th of June, by a letter addressed to the said Warren Hastings, require him to surrender the keys of Fort William, and of the Company’s treasuries; but the said Warren Hastings did positively refuse to comply with the said requisition, “denying that his office was vacated, and declaring his resolution to assert and maintain his authority by every legal means.”

That the said General Clavering, conceiving that the office of Governor-General was vacated by the arrival of the said dispatches, which acquainted the Council-General of the resignation of the said Warren Hastings and the appointment of the

said Edward Wheler, Esquire, and that he, the said General Clavering, had in consequence thereof legally succeeded, under the provisions of the act of the 13th year of his present Majesty's reign, to the said office of Governor-General, become vacant in the manner aforesaid, did, in virtue thereof, issue in his own name summonses to Richard Barwell, Esquire, and Philip Francis, Esquire, members of the Council, to attend the same, and in the presence of the said Philip Francis, Esquire, who obeyed the said summons, did take the oaths as Governor-General, and did sit and preside in Council as Governor-General, and prepared several acts and resolutions in the said capacity of Governor-General, and did, amongst other things, prepare a proclamation to be made of his said succession to the government, and of its commencing from the date of the said proclamation, but did not carry any of the acts or resolutions so prepared into execution.

The said Warren Hastings did, notwithstanding thereof, and in pursuance of his resolution to assert and maintain his authority, illegally and unjustifiably summon the Council to meet in another department, and did sit and preside therein, apart from the said General Clavering and his Council, and, in conjunction with Richard Barwell, Esquire, who concurred therein, issued sundry orders and did sundry acts of government belonging to the office of Governor-General, and, amongst others, did order several letters to be written in the name of the Governor-General and Council, and did subscribe the same, to the commandant of the garrison of Fort William, and to the commanding officer at Barrackpore, and to the commanding officers at the other stations, and also to the provincial councils and collectors in the provinces, enjoining them severally "to obey no orders excepting such as should be signed by the said Warren Hastings, or a majority of his Council."

That the said Warren Hastings did, by the said proceedings, which were contrary both to law and to good faith, constitute a double government, thereby destroying and annihilating all government whatever; and, by his said orders to the military officers, did prepare for open resistance by arms, exposing thereby the settlement, and all the inhabitants, subjects of or dependent on the British government, whether native or European, not only to political distractions, but to the horrors of civil war; and did, by exposing the divisions and weakness of the supreme government, and thereby loosening the obedience of the provinces, shake the whole foundation of British authority, and imminently endanger the existence of the British nation in India.

That the said evils were averted only by the moderation of the said General Clavering and Philip Francis, Esquire, in consenting to a reference, and submitting to the decision of the judges of the Supreme Court of Judicature, although they entertained no doubts themselves on the legality of their proceedings and the validity of General Clavering's instant right to the chair, and although they were not in any way bound by law to consult the said judges, who had no legal or judicial authority therein in virtue of their offices or as a court of justice, but were

consulted, and interposed their advice, only as individuals, by the voluntary reference of the parties in the said dispute. And the said Warren Hastings, by his declaration, entered in Minutes of Council, “that it was his determination to abide by the opinion of the judges,” and by the measures he had previously taken as aforesaid to enforce the same by arms, did risk all the dangerous consequences above mentioned: which must have taken place, if the said General Clavering and Philip Francis, Esquire, had not been more tender of the public interests, and less tenacious of their own rights, and had persisted in their claim, as they were by law entitled to do, the extra-judicial interposition of the judges notwithstanding; and from which claim they receded only from their desire to preserve the peace of the settlement, and to prevent the mischiefs which the illegal resistance of the said Warren Hastings would otherwise infallibly have occasioned.

That, after the said judges had delivered their opinion, “that the place and office of Governor-General of this Presidency had not yet been vacated by Warren Hastings, and that the actual assumption of the government by the member of the Council next in succession to Mr. Hastings, in consequence of any deduction which could be made from the papers communicated to them, would be absolutely illegal,” and after the said General Clavering and Philip Francis, Esquire, had signified to the said Warren Hastings, by a letter dated the 21st of June, “their intention to acquiesce in the said opinion of the judges,” and when the differences in the Supreme Council were by these means composed, and the calamities consequent thereon were avoided, the said Warren Hastings and Richard Barwell, Esquires, did once more endanger the public peace and security by other illegal, unwarrantable, and unprovoked acts of violence: having omitted to summon either the said General Clavering or the said Philip Francis, Esquire, to Council; and having, in a Council held thus privately and clandestinely and contrary to law, on the 22d day of June, come to the following resolutions, viz.

“Resolved, That, by the said acts, orders, and declarations of Lieutenant-General John Clavering, recited in the foregoing papers,” (meaning the proceedings of General Clavering in his separate Council on the 20th of June,) “he has actually usurped and assumed and taken possession of the place and office of Governor-General of the Presidency of Fort William in Bengal, granted by the act of the 13th of his present Majesty to Warren Hastings, Esquire.

“Resolved, That Lieutenant-General John Clavering has thereby relinquished, resigned, surrendered, and vacated the office of Senior Counsellor of Fort William in Bengal.

“Resolved, That Lieutenant-General John Clavering has thereby relinquished, resigned, surrendered, and vacated his place of Commander-in-Chief of the Company’s forces in India.

“Resolved, That Richard Barwell, Esquire, by virtue of the said act of Parliament, and by the death of the Honorable George Monson, Esquire, is

promoted to the office of Senior Counsellor of the Presidency of Fort William in Bengal, in consequence of the said relinquishment, resignation, surrender, and vacation of General Clavering.

“Resolved, That the office of Commander-in-Chief of the Company’s forces in India, by the relinquishment, resignation, surrender, and vacation of General Clavering, and by the death of the Honorable George Monson, Esquire, does no longer exist.

“Resolved, That, for the preservation of the legality of our proceedings, Lieutenant-General John Clavering be not in future summoned or admitted as a member of the Governor-General and Council.”

And the said Warren Hastings and Richard Barwell, Esquire, did again sit in Council on the next day, being the 23d of June, without summoning either General Clavering or Philip Francis, Esquire, and did come to several other resolutions, and make several orders, contrary to law or justice, and inconsistent with the tranquillity and the security of the settlement: that is to say, they ordered their secretary “to notify to General Clavering that the board had declared his offices of Senior Counsellor and Commander-in-Chief to be vacant, and to furnish him with a copy of these proceedings, containing the grounds of the board for the aforesaid declaration.”

And they ordered extracts of the said proceedings “to be issued in general orders, with letters to all the provincial councils and military stations, directing them to publish the same in general orders”; and they resolved, “that all military returns be made to the Governor-General and Council in their military department, until a commander-in-chief shall be appointed by the Company.”

That on the day following, that is to say, on the 24th of June, the said Warren Hastings did again omit to summon General Clavering to Council, and did again, together with Richard Barwell, Esquire, who concurred therein, adhere to and confirm the said illegal resolutions come to on the two former days, declaring “that they could not be retracted but by the present authority of the law or by future orders from home,” and aggravating the guilt of the said unjustifiable acts by declaring, as the said Warren Hastings did, “that they were not the precipitate effects of an instant and passionate impulse, but the fruits of long and most temperate deliberations, of inevitable necessity, of the strictest sense of public duty, and of a conviction equal in its impression on his mind to absolute certainty.”

That the said Warren Hastings was the less excusable in this obstinate adherence to his former unjust proceedings, as the said declarations were made in answer to a motion made by Philip Francis, Esquire, for the reversal of the said proceedings, and to a minute introducing the said motion, in which Mr. Francis set forth in a clear and forcible manner, and in terms with which the Court of Directors have since declared their entire concurrence, both the extreme danger and the illegality and invalidity of the said proceedings of Warren Hastings and Richard Barwell,

Esquire, concluding the said minute by the following conciliatory declaration: “And that this salutary motion may not be impeded by any idea or suspicion that General Clavering may do any act inconsistent with the acquiescence which both he and I have avowed in the decision of the judges, I will undertake to answer for him in this respect, or that, if he should depart from the true spirit and meaning of that acquiescence, I will not be a party with him in such proceedings.”

That the said Warren Hastings could not plead ignorance of the law in excuse for the said illegal acts, as it appears from the proceedings of the four preceding days that he was well acquainted with the tenure by which the members of the Council held their offices under the act of the 13th of his present Majesty, and had stated the same as a ground for retaining his own office, contrary to an express declaration of the Court of Directors and an instrument under the sign-manual of his Majesty; and the judges of the Supreme Court, in their reasons for their decision in his favor, had stated the provisions in the said act, so far as they related to the matter in dispute, from which it appeared that there were but four grounds on which the office of any member of the Council could be vacated, — namely, death, removal, resignation, or promotion. And as the act confined the power of removal to “his Majesty, his heirs and successors, upon representation made by the Court of Directors of the said United Company for the time being,” and conferred no such power on the Governor-General, or a majority of the Council, to remove, on any ground or for any cause whatever, one of their colleagues, — so, granting the claim of General Clavering to the chair, and his acts done in furtherance thereof, to have been illegal, and criminal in whatever degree, yet it did not furnish to the rest of the Council any ground to remove him from his office of Counsellor under the provisions of the said act; and there could therefore remain only his *resignation* or *promotion*, as a possible means of vacating his said office. But with regard to the promotion of General Clavering to the office of Governor-General, although he claimed it himself, yet, as Mr. Hastings did not admit it, and as in fact it was even receded from by General Clavering, it could not be considered, at least by Mr. Hastings, as a valid ground for vacating his office of Senior Counsellor, since the act requires for that purpose, not a rejected claim, but an actual and effectual promotion; and General Clavering’s office of Counsellor could no more be vacated by such a naked claim, unsupported and disallowed, than the seat of a member of the House of Commons could be vacated, and a new writ issued to supply the vacancy, by his claim to the office of Steward of the Chiltern Hundreds, when his Majesty has refused to appoint him to the said office. And with regard to resignation, although the said Warren Hastings, as a color to his illegal resolutions, had affectedly introduced the word “resigned” amongst those of “relinquished, surrendered, and vacated,” yet he well knew that General Clavering had made no offer nor declaration of his resignation of his offices of Senior Counsellor and Commander-in-Chief, and that he did not claim the office of Governor-General on the ground of any such resignation made by himself, but

on the ground of a resignation made by the said Warren Hastings, which resignation the said Warren Hastings did not admit; and the use of the term *resigned* on that occasion was therefore a manifest and wilful misconstruction and misapplication of the words of the act of his present Majesty. And such misinterpretation and false extension of the term of resignation was the more indecent in the said Warren Hastings, as he was at the same moment disavowing and refusing to give effect to his own clear and express resignation, according to the true intent and meaning of the word as used in the said act, made by his agent, duly authorized and instructed by himself so to do, to an authority competent to receive and accept the same.

That, although the said Warren Hastings did afterwards recede from the said illegal measures, in compliance with the opinion and advice of the judges again interposed, and did thereby avoid the guilt of such further acts and the blame of such further evils as must have been consequent on a persistence therein, yet he was nevertheless still guilty of the illegal acts above described; and the same are great crimes and misdemeanors.

That, although the judges did decide that the office of Governor-General, held by the said Warren Hastings, was not *ipso facto* and *instanter* vacated by the arrival of the said dispatches and documents transmitted by the Court of Directors, and did consider the said consequences of the resignation as awaiting some future act or event for its complete and effectual operation, yet the said judges did not declare any opinion on the ultimate invalidity of the said acts of Lauchlan Maclean, Esquire, as not being binding on his principal, Warren Hastings, Esquire; nor did they declare any opinion that the obligation of the said resignation was not from the beginning conclusive and effectual, although its operation was, from the necessity of the case, on account of the distance between England and India, to take place only in future, — or that the said resignation made by Lauchlan Maclean, Esquire, was only an offer or proposal of a resignation to be made at some future and indefinite period, or a mere intimation of the desire of Warren Hastings, Esquire, to resign at some future and indefinite period, and that the said resignation, notwithstanding the acceptance thereof by the Court of Directors, and the regular appointment and confirmation of a successor, was still to remain optional in the said Warren Hastings, to be ratified or departed from at his future choice or pleasure; nor did the said judges pronounce, nor do any of their reasonings which accompanied their decision tend to establish it as their opinion, that even the time for ratifying and completing the said transaction was to be at the sole discretion of the said Warren Hastings; but they only delivered their opinion as aforesaid, that his said office “has not yet been vacated, and [therefore] that the *actual* assumption of the government by the member of the Council next in succession was [in the actual circumstances, and *rebus sic stantibus*] illegal.”

That the said Warren Hastings does nowhere himself contend that the said resignation was not absolute, but optional, according to the true meaning and

understanding of the parties in England, and so far as the acts of Lauchlan Maclean, Esquire, and the Court of Directors, were binding on him; but, on the contrary, he grounds his refusal to complete the same, not on any interpretation of the words in which the said resignation, and the other instruments aforesaid, were conceived, but rather on a disavowal (not direct, indeed, but implied) of his said agent, and of the powers under which the said agent had claimed to act in his behalf. Neither did the said Warren Hastings ground his said refusal on any objection to the particular day or period or circumstances in which the requisition of General Clavering was made, nor accompany the said refusal with any qualification in that respect, or with any intimation that he would at any future or more convenient season comply with the same, — although such an intimation might probably have induced General Clavering to waive an instant and immediate claim to the chair, and might therefore have prevented the distractions which happened, and the greater evils which impended, in consequence of the said claim of General Clavering, and the said refusal of Warren Hastings, Esquire; but the said Warren Hastings did, on the contrary, express his said refusal in such general and unqualified terms as intimated an intention to resist absolutely and altogether, both then and at any future time, the said requisition of General Clavering. And the subsequent proceedings of the said Warren Hastings do all concur in proving that such was his intention; for he did afterwards, in conformity to the advice of the judges, move a resolution in Council, “that all parties be placed in the same situation in which they stood before the receipt of the last advices from England, reserving and submitting to a decision in England the respective claims that each party may conceive they have a right to make, but not acting upon those claims till such decision shall arrive in Bengal”: thereby clearly and explicitly declaring that it was not his intention to surrender the government until such decision should arrive in Bengal, which could not be expected in less time than a year and a half after the date of the said resolution; and thereby clearly and explicitly declaring that he did not consider his resignation as binding for the present. And the said intention was manifested, if possible, still more directly and expressly in a letter written by the said Warren Hastings to the Court of Directors, dated the 15th of August, 1777, being almost two months after the receipt of the said dispatches, in which the said Warren Hastings declares that “he did not hold himself bound by the notification made by Mr. Maclean, nor by any of the acts consequent of it.”

That, such appearing to have been the intention of the said Warren Hastings, General Clavering was justified in immediately assuming the government, without waiting for any future act of the said Warren Hastings for the actual surrender of the said government, none such being likely to happen; and Philip Francis, Esquire, was justified in supporting General Clavering in the same on the soundest principles of justice, and on a maxim received in courts of equity, namely, that no one shall avail himself of his own wrong, — and that, if any one refuse or neglect to perform

that which he is bound to do, the rights of others shall not be prejudiced thereby, but such acts shall be deemed and reputed to have been actually performed, and all the consequences shall be enforced which would have followed from such actual performance. And therefore the resolutions moved and voted in Council by the said Warren Hastings, declaring the offices of General Clavering to be vacant, were not only illegal, inasmuch as the said Warren Hastings had no authority to warrant such a declaration, even on the supposition of the acts of General Clavering being contrary to law, but the said resolutions were further highly culpable and criminal, inasmuch as the said acts done by General Clavering, which were made the pretence of that proceeding, were strictly regular and legal.

That the refusal of the said Warren Hastings to ratify the said resignation, and his disavowal of the said Lauchlan Maclean, his agent, is not justified by anything contained in his said letter to the Court of Directors, dated on the 15th of August, 1777, — the said Warren Hastings nowhere directly and positively asserting that the said Lauchlan Maclean was not his agent, and had not both full and general powers, and even particular instructions for this very act, although the said Warren Hastings uses many indirect and circuitous, but insufficient and inapplicable, insinuations to that effect. And the said letter does, on the contrary, contain a clear and express avowal that the said Lauchlan Maclean was his confidential agent, and that in that capacity he acted throughout, and particularly in this special matter, with zeal and fidelity. And the said letter does further admit in effect the instructions produced by the said Lauchlan Maclean, Esquire, confirmed by Mr. Vansittart and Mr. Stewart, and relied on and confided in by the Court of Directors, by which the said Lauchlan Maclean appeared to be specially empowered to declare the said resignation, the words of the said instruction being as follows: “That he [Mr. Hastings] *will not continue in the government of Bengal*, unless certain conditions therein specified can be obtained”; and the words of the said letter being as follows: “What I myself know with certainty, or can recollect at this distance of time, concerning the powers and instructions which were given to Messieurs Maclean and Graham, when they undertook to be my agents in England, I will circumstantially relate. I am in possession of two papers which were presented to those gentlemen at the time of their departure from Bengal, one of which comprises four short propositions *which I required as the conditions of my being confirmed in this government.*” And although the said Warren Hastings does here artfully somewhat change the words of his written instructions (and which having in his possession he might as easily have given verbatim) to other words which may appear less explicit, yet they are in fact capable of only the same meaning: for, as, at the time of giving the said instructions to his agents, he was in full possession of his office, he could want no confirmation therein except *his own*; and, in such circumstances, “to require certain things, *as the conditions of his being confirmed in his government,*” is tantamount to a declaration “*that he will not continue in his*

government, unless those conditions can be obtained.” And the said attempt at prevarication can serve, its author the less, as either both sentences have one and the same meaning, or, if their meaning be different, the original instructions in his own handwriting, or, in other words, the thing itself, must be preferred as evidence of its contents to a loose statement of its purport, founded, perhaps, on a loose recollection of it at a great distance of time.

That the said refusal of Warren Hastings, Esquire, was a breach of faith with the Court of Directors and his Majesty’s ministers in England; as the said resignation was not merely a voluntary offer without any consideration, and therefore subject to be recalled or retracted at the pleasure of the said Warren Hastings, but ought rather to be considered as having been the result of a negotiation carried on between Mr. Maclean for the benefit of Warren Hastings, Esquire, on the one hand, and by the Court of Directors for the interests of the Company on the other: which view of the transaction will appear the more probable, when it is considered that at the time of the said resignation a strict inquiry had been carrying on by the Court of Directors into the conduct of the said Warren Hastings, and the solicitor and counsel to the Company, and other eminent counsel, had given it as their opinions, on cases stated to them, that there were grounds for suing the said Warren Hastings in the courts of law and equity, and that the Company would be entitled to recover in the said suits against Warren Hastings, Esquire, several very large sums of money taken by him in his office of Governor-General, contrary to law, and in breach of his covenants, and of his duty to the Company and the public; and the Court of Directors had also come to various severe resolutions of censure against the said Warren Hastings, and amongst others to a resolution to recall the said Warren Hastings, and remove him from his office of Governor-General, to answer for sundry great crimes and delinquencies by him committed in his said office. And on these accounts it appears probable that the said resignation was tendered and accepted as a consideration for some beneficial concessions made in consequence thereof to the said Warren Hastings in his said dangerous and desperate condition.

And the said refusal was also an act of great disrespect to the Court of Directors and to his Majesty, and, by rendering abortive their said measures, solemnly and deliberately taken, and ratified and confirmed by his Majesty, tended to bring the authority of the Court of Directors and of his Majesty into contempt.

And the said refusal was an injury to General Clavering.

And was also, or might have been, a great injury to Edward Wheler, Esquire.

And was an act of signal treachery to Lauchlan Maclean, Esquire, as also to Mr. Vansittart and Mr. Stewart, whose honors and veracity were thereby brought into question, doubt, and suspicion.

And the said refusal was prejudicial to the affairs of the servants of the Company in India, by shaking the confidence to be placed in their agents by those persons with whom it might be for their interests to negotiate on any matter of importance,

and by thus subjecting the communication of persons abroad with those at home to difficulties not known before.

X. — SURGEON-GENERAL'S CONTRACT.

That the said Warren Hastings, in the year 1777, did grant to the Surgeon-General a contract for three years, for defraying every kind of hospital and medicinal expense, — not only in breach of the general orders of the Court of Directors with respect to the duration of contracts, but in direct opposition to a particular order of the Court of Directors, of the 30th of March, 1774, when they directed “that the Surgeon should not be permitted to enjoy any emolument arising from his being concerned in dieting the patients, and that the occupations of surgeon and contractor should be forthwith separated.” That the said contract was in itself highly improper, and inconsistent with the good of the service; as it afforded the greatest temptation to abuse, and established a pecuniary interest in the Surgeon-General, contrary to the duties of his station and profession.

XI. — CONTRACTS FOR POOLBUNDY REPAIRS.

That the Governor-General and Council at Fort William did, on the motion and recommendation of Warren Hastings, Esquire, enter into a contract with Archibald Frazer, Esquire, on the 16th of April, 1778, for the repairs of the pools and banks in the province of Burdwan, for two years, at the rate of 120,000 sicca rupees for the first year, and 80,000 rupees for the second year.

That on the 19th of December, 1778, the said Warren Hastings did further persuade the Supreme Council to prolong the term of the above contract with Archibald Frazer for the space of three years more on the same conditions, namely, the payment of 80,000 sicca rupees for each year: to which was added a permission to Mr. Frazer to make *dobunds*, or special repairs, whenever he should judge them necessary, at the charge of government.

That the said contracts, both in the manner of their acceptance by the Supreme Council, without having previously advertised for proposals, and in the extent of their duration, were made in direct violation of the special orders of the Court of Directors.

That, so far from any advantage having been obtained for the Company in the terms of these contracts, in consideration of the length of time for which they were to continue, the expense of government upon this article was increased by these engagements to a very great amount.

That it appears that this contract had been held for some years before by the Rajah of Burdwan at the rate of 25,000 rupees per annum.

That the superintendent of poolbundy repairs, after an accurate and diligent survey of the bunds and pools, and the Provincial Council of Burdwan, upon the best information they could procure, had delivered it as their opinion to the Governor-General and Council, before the said agreement was entered into, that, after the heavy expense stated in Mr. Kinlock's estimate, viz., 119,405 sicca rupees, if disbursed as they recommended, the charge in future seasons would be greatly reduced, *and, after one thorough and effectual repair, they conceived a small annual expense would be sufficient to keep the bunds up and prevent their going to decay.*

That, whatever extraordinary and unusual damages the pools and bunds might have sustained, either from the neglect of the Rajah's officers, or from the violence of the then late rains, and the torrents thereby occasioned, to justify the expense of the first year, yet, as they were all considered and included in the estimate for that year, there could be no pretence for allowing and continuing so large and burdensome a payment as 80,000 rupees per annum for the four succeeding years.

That the said Warren Hastings did, in his minutes of the 13th of February, 1778, himself support that opinion, in the comparison to be made between Mr. Thomson's proposals, of undertaking the same service for 60,000 rupees a year for nine years, and the terms of Mr. Frazer's contracts: preferring the latter, because these were "to effect a complete repair, which could hardly be concluded in one season, and the subsequent expense would be but trifling."

Notwithstanding which, the said Warren Hastings urged and prevailed upon the Council to allow in the first year the full amount proposed by Mr. Kinlock in his estimate of the necessary repairs, and did burden the Company with what he must have deemed to be, for the greater part, an unnecessary expense of 80,000 rupees per annum for four years.

That the permission granted to Mr. Frazer to make dobunds, or new and additional embankments in aid of the old ones, whenever he should judge them necessary, at the charge of government, (the said charge to be verified by the oath of the said Frazer, without any voucher,) was a power very much to be suspected, and very improper to be intrusted to a contractor who had already covenanted to keep the old pools in perfect repair, and to construct new ones wherever the old pools had been broken down and washed away, or where the course of the rivers might have rendered new ones necessary, in consideration of the great sums stipulated to be paid to him by the government.

That the grant of the foregoing contracts, and the permission afterwards annexed to the second of the said grants, become much more reprehensible from a consideration of the circumstances of the person to whom such a grant was made.

That the due performance of the service required local knowledge and experience, which the said Archibald Frazer, being an officer in the Supreme Court

of Justice, could not have possessed.

XII. — CONTRACTS FOR OPIUM.

That it appears that the opium produced in Bengal and Bahar is a considerable and lucrative article in the export trade of those provinces; that the whole produce has been for many years monopolized either by individuals or by the government; that the Court of Directors of the East India Company, in consideration of the hardship imposed on the native owners and cultivators of the lands, who were deprived of their natural right of dealing with many competitors, and compelled to sell the produce of their labor to a single monopolist, did authorize the Governor-General and Council to give up that commodity as an article of commerce.

That, while the said commodity continued to be a monopoly for the benefit of government, and managed by a contractor, the contracts for providing it were subject to the Company's fundamental regulation, namely, to be put up to auction, and disposed of to the best bidder; and that the Company particularly ordered that the commodity, when provided, should be consigned to the Board of Trade, who were directed to dispose thereof by public auction.

That in May, 1777, the said Warren Hastings granted to John Mackenzie a contract for the provision of opium, to continue three years, and without advertising for proposals. That this transaction was condemned by the Court of Directors, notwithstanding a clause had been inserted in that contract by which it was left open to the Court of Directors to annul the same at the expiration of the first or second year.

That, about the end of the year 1780, the said Warren Hastings, in contradiction to the order above mentioned, did take away the sale of the opium from the Board of Trade, though he disclaimed, at the same time, *any intention of implying a censure on their management.*

That in March, 1781, the said Warren Hastings did grant to Stephen Sullivan, son of Lawrence Sullivan, Chairman of the Court of Directors of the East India Company, a contract for the provision of opium, without advertising for proposals, and without even receiving any written proposals from him, the said Sullivan; that he granted this contract for four years, and at the request of the said Sullivan did omit that clause which was inserted in the preceding contract, and by which it was rendered liable to be determined by orders from the Company: the said Warren Hastings declaring, contrary to truth, that such clause was now unnecessary, as the Directors *had approved* the contract.

That the said Sullivan had been but a few months in Bengal when the above contract was given to him; that he was a stranger to the country, and to all the local commerce thereof, and therefore unqualified for the management of such a

concern; and that the said Sullivan, instead of executing the contract himself, did, shortly after obtaining the same, assign it over to John Benn and others, and in consideration of such assignment did receive from the said Benn a great sum of money.

That from the preceding facts, as well as from sundry other circumstances of restrictions taken off (particularly by abolishing the office of inspector into the quality of the opium) and of beneficial clauses introduced, it appears that the said Warren Hastings gave this contract to the said Stephen Sullivan in contradiction to the orders of the Court of Directors, and without any regard to the interests of the India Company, for the sole purpose of creating an instant fortune for the said Sullivan at the expense of the India Company, without any claim of service or pretence of merit on his part, and without any apparent motive whatever, except that of securing or rewarding the attachment and support of his father, Lawrence Sullivan, a person of great authority and influence in the direction of the Company's affairs, and notoriously attached to and connected with the said Warren Hastings.

That the said Stephen Sullivan neither possessed nor pretended to possess any skill in the business of his contract; that he exerted no industry, nor showed or could show any exactness, in the performance of it, since he immediately sold the contract for a sum of money to another person, (for the sole purpose of which sale it must be presumed the same was given,) by which person another profit was to be made; and by that person the same was again sold to a third, by whom a third profit was to be made.

That the said Warren Hastings, at the very time when he engaged the Company in a contract for engrossing the whole of the opium produced in Bengal and Bahar in the ensuing four years on terms of such exorbitant profit to the contractor, affirmed, that "there was little prospect of selling the opium in Bengal at a reasonable price, and that it was but natural to suppose that the price of opium *would fall, from the demand being lessened*"; that in a letter dated the 5th of May, 1781, he informed the Directors, "that, owing to the indifferent state of the markets last season to the Eastward, and the very enhanced rates of insurance which the war had occasioned, they had not been able to dispose of the opium of the present year to so great an advantage as they expected, and that more than one half of it remained still in their warehouses." That the said Warren Hastings was guilty of a manifest breach of trust to his constituents and his employers in monopolizing, for their pretended use, an article of commerce for which he declared *no purchasers had offered, and that there was little prospect of any offering, and the price of which, he said, it was but natural to suppose would fall.*

That the said Warren Hastings, having, by his own act, loaded the Company with a commodity for which, either in the ordinary and regular course of public auction, or even by private contract, there was, as he affirmed, no sale, did, under pretence of finding a market for the same, engage the Company in an enterprise of great and

certain expense, subject to a manifest risk, and full of disgrace to the East India Company, not only in their political character, as a great sovereign power in India, but in their commercial character, as an eminent and respectable body of merchants; and that the execution of this enterprise was accompanied with sundry other engagements with other persons, in all of which the Company's interest was constantly sacrificed to that of individuals favored by the said Warren Hastings.

That the said Warren Hastings first engaged in a scheme to export one thousand four hundred and sixty chests of opium, on the Company's account, on board a ship belonging to Cudbert Thornhill, half of which was to be disposed of in a coasting voyage, and the remainder in Canton. That, besides the freight and commission payable to the said Thornhill on this adventure, twelve pieces of cannon belonging to the Company were lent for arming the ship; though his original proposal was, that the ship should be armed at his expense. That this part of the adventure, depending for its success on a prudent and fortunate management of various sales and resales in the course of a circuitous voyage, and being exposed to such risk both of sea and enemy that all private traders had declined to be concerned in it, was particularly unfit for a great trading company, and could not be undertaken on their account with any rational prospect of advantage.

That the said Warren Hastings soon after engaged in another scheme for exporting two thousand chests of opium directly to China on the Company's account, and for that purpose accepted of an offer made by Henry Watson, the Company's chief engineer, to convey the same in a vessel of his own, and to deliver it to the Company's supra-cargoes. That, after the offer of the said Henry Watson had been accepted, a letter from him was produced at the board, in which he declared that he was unable to equip the ship with a proper number of cannon, and requested that he might be furnished with thirty-six guns from the Company's stores at Madras; with which request the board complied.

That it appears that George Williamson, the Company's auctioneer at Calcutta, having complained that by this mode of exporting the opium, which used to be sold by public auction, he lost his commission as auctioneer, the board allowed him to draw a commission of one per cent on all the opium which had been or was to be exported. That it appears that the contractor for opium (whose proper duties and emoluments as contractor ended with the delivery of the opium) was also allowed to draw a commission on the opium then shipping on the Company's account; but for what reason, or on what pretence, does not appear.

That the said Warren Hastings, in order to pay the said Stephen Sullivan in advance for the opium furnished or to be furnished by him in the first year of his contract, did borrow the sum of twenty lacs of rupees at eight per cent, or two hundred thousand pounds sterling, to be repaid by drafts to be drawn on the Company by their supra-cargoes in China, provided the opium consigned to them should arrive safe; but that, if the adventure failed, whether by the loss of the ships

or otherwise, the subscribers to the above loan were to be repaid their capital and interest out of the Company's treasury in Bengal.

That the said Warren Hastings, having in this manner purchased a commodity for which he said there was no sale, and paid for it with money which he was obliged to borrow at a high interest, was still more criminal in his attempt, or pretended plan, to introduce it clandestinely into China. That the importation of opium into China is forbidden by the Chinese government; that the opium, on seizure, is burnt, the vessel that imports it confiscated, and the Chinese in whose possession it may be found for sale punished with death.

That the Governor-General and Council were well aware of the existence of these prohibitions and penalties, and did therefore inform the supra-cargoes in China, that the ship belonging to the said Henry Watson would enter the river at China as an armed ship, *and would not be reported as bearing a cargo of opium, that being a contraband trade.*

That, of the above two ships, the first, belonging to Cudbert Thornhill, was taken by the French; and that the second, arriving in China, did occasion much embarrassment and distress to the Company's supra-cargoes there, who had not been previously consulted on the formation of the plan, and were exposed to great difficulty and hazard in the execution of their part of it. That the ship was delayed, at a demurrage of an hundred dollars a day, for upwards of three months, waiting in vain for a better market. The factory estimate the *loss* to the Company, including port charges, demurrage, and factory charges allowed the captain, at sixty-nine thousand nine hundred and ninety-three dollars, or about twenty thousand pounds sterling.

That the Company's factory at China, after stating the foregoing facts to the Court of Directors, conclude with the following general observation thereon. "On a review of these circumstances, with the extravagant and unusual terms of the freight, demurrage, factory charges, &c., &c., we cannot help being of opinion that private considerations have been suffered to interfere too much for any benefit that may have been intended to the Honorable Company. We hope for the Honorable Court's approbation of our conduct in this affair. The novelty and nature of the consignments have been the source of much trouble and anxiety, and, though we wished to have had it in our power to do more, we may truly say we have exceeded our expectations."

That every part of this transaction, from the monopoly with which it commenced, to the contraband dealing with which it concluded, criminales the said Warren Hastings with wilful disobedience of orders and a continued breach of trust; that every step taken in it was attended with heavy loss to the Company, and with a sacrifice of their interest to that of individuals; and that, if finally a profit had resulted to the Company from such a transaction, no profit attending it could compensate for the probable risk to which their trade in China was thereby

exposed, or for the certain dishonor and consequent distrust which the East India Company must incur in the eyes of the Chinese government by being engaged in a low, clandestine traffic, prohibited by the laws of the country.

XIII. — APPOINTMENT OF R.J. SULLIVAN.

That in the month of February, 1781, Mr. Richard Joseph Sullivan, Secretary to the Select Committee at Fort St. George, applied to them for leave to proceed to Calcutta *on his private affairs*. That, being the confidential secretary to the Select Committee at Fort St. George, and consequently possessed of all the views and secrets of the Company, as far as they related to that government, he went privately into the service of the Nabob of Arcot, and, under the pretence of proceeding to Calcutta on his private business, undertook a commission from the said Nabob to the Governor-General and Council, to negotiate with them in favor of certain projects of the said Nabob which had been reprobated by the Company.

That the said Sullivan was soon after appointed back again by the said Warren Hastings to the office of Resident at the Durbar of the said Nabob of Arcot. That it was a high crime and misdemeanor in the said Hastings to encourage so dangerous an example in the Company's service, and to interfere unnecessarily with the government of Madras in the discharge of the duties peculiarly ascribed to them by the practice and orders of the Company, for the purpose of appointing to a great and confidential situation a man who had so recently committed a breach of trust to his employers.

That the Court of Directors, in their letter to Bengal, dated the 12th of July, 1782, and received there on the 18th of February, 1783, did *condemn and revoke* the said appointment. That the said Directors, in theirs to Fort St. George, dated the 28th of August, 1782, and received there the 31st of January, 1783, did highly condemn the conduct of the said Sullivan, and, in order to deter their servants from practices of the same kind, *did dismiss him from their service*.

That the said Hastings, knowing that the said Sullivan's appointment had been condemned and revoked by the Court of Directors, and pretending that on the 15th of March, 1783, he did not know that the said Sullivan was *dismissed* from the Company's service, though that fact was known at Madras on the 31st of the preceding January, did recommend the said Sullivan to be ambassador at the court of Nizam Ali Khân, Subahdar of the Deccan, in defiance of the authority and orders of the Court of Directors.

That, even admitting, what is highly improbable, that the *dismissal* of the said Sullivan from the service of the said Company was not known at Calcutta in forty-three days from Madras, the last-mentioned nomination of the said Sullivan was made at least in contempt of the censure already expressed by the Court of

Directors at his former appointment to the Durbar of the Nabob of Arcot, and which was certainly known to the said Hastings.

XIV. — RANNA OF GOHUD.

That on the 2d of December, 1779, the Governor-General and Council of Fort William, at the special recommendation and instance of Warren Hastings, Esquire, then Governor-General, and contrary to the declared opinion and protest of three of the members of the Council, viz., Philip Francis and Edward Wheler, Esquires, who were present, and of Sir Eyre Coote, who was absent, (by whose absence the casting voice of the said Warren Hastings, Esquire, prevailed,) did conclude a treaty of perpetual friendship and alliance, offensive and defensive, with a Hindoo prince, called the Ranna of Gohud, for the express purpose of using the forces of the said Ranna in opposition to the Mahrattas.

That, among other articles, it was stipulated with the said Ranna by the said Warren Hastings, “that, whenever peace should be concluded between the Company and the Mahratta state, the Maha Rajah should be included as a party in the treaty which should be made for that purpose, and his present possessions, together with the fort of Gualior, which of old belonged to the family of the Maha Rajah, if it should be then in his possession, and such countries as he should have acquired in the course of war, and which it should then be stipulated to leave in his hands, should be guarantied to him by such treaty.”

That, in the late war against the Mahrattas, the said Ranna of Gohud did actually join the British army under the command of Colonel Muir with two battalions of infantry and twelve hundred cavalry, and did then serve in person against the Mahrattas, thereby affording material assistance, and rendering essential service to the Company.

That, in conformity to the above-mentioned treaty, in the fourth article of the treaty of peace concluded on the 13th of October, 1781, between Colonel Muir, on the part of the English Company, and Mahdajee Sindia, the Mahratta general, the said Ranna of Gohud was expressly included.

That, notwithstanding the said express provision and agreement, Mahdajee Sindia proceeded to attack the forts and lay waste the territories of the said Ranna, and did undertake and prosecute a war against him for the space of two years, in the course of which the Ranna and his family were reduced to extreme distress, and in the end he was deprived of his forts, and the whole not only of his acquired possessions, but of his original dominions, so specially guarantied to him by the British government in both the above-mentioned treaties.

That the said Warren Hastings was duly and regularly informed of the progress of the war against the Ranna, and of every event thereof; notwithstanding which, he

not only neglected in any manner to interfere therein in favor of the said Ranna, or to use any endeavors to prevent the infraction of the treaty, but gave considerable countenance and encouragement to Mahdajee Sindia in his violation of it, both by the residence of the British minister in the Mahratta camp, and by the approbation shown by the said Warren Hastings to the promises made by his agent of observing the strictest neutrality, notwithstanding he was in justice bound, and stood pledged by the most solemn and sacred engagements, to protect and preserve the said Ranna from those enemies, whose resentment he had provoked only by his adherence to the interests of the British nation.

That, in the only attempt made to sound the disposition of Mahdajee Sindia relative to a pacification between him and the Ranna of Gohud, on the 14th of May, 1783, Mr. Anderson, in obedience to the orders he had received, did clearly and explicitly declare to Bhow Bucksey, the minister of Mahdajee Sindia, the sentiments of the said Warren Hastings in the words following: "That it was so far from your [the said Hastings's] meaning to intercede in his [the said Ranna's] favor, that I only desired him to sound Sindia's sentiments, and, in case he was desirous of peace, to mention what I had said; but if he seemed to prefer carrying on the war, I begged that he would not mention a syllable of what had passed, but let the matter drop entirely."

That it afterwards appeared, in a minute of the said Hastings in Council at Fort William, on the 22d of September, 1783, that he promised, at the instance of a member of the Council, to write to Lieutenant James Anderson in favor of the Ranna of Gohud, and lay his letter before the board.

That, nevertheless, the said Hastings, professing *not to recollect* his said promise, *did neglect to write a formal letter to Lieutenant Anderson in favor of the said Ranna of Gohud*, and that the private letter, the extract of which the said Hastings did lay before the board on the 21st of October, 1783, so far from directing any effectual interference in favor of the said Ranna, or commanding his agent, the said James Anderson, to interpose the mediation of the British government to procure "*honorable terms*" for the said Ranna, or even "*safety to his person and family*," contains the bitterest invectives against him, and is expressive of the satisfaction which the said Hastings acknowledges himself to have enjoyed in the distresses of the said Ranna, the ally of the Company.

That the measures therein recommended appear rather to have been designed to satisfy Mahdajee Sindia, and to justify the conduct of the British government in not having taken a more active and a more hostile part against the said Ranna, than an intercession on his behalf.

That, though no consideration of good faith or observance of treaties could induce the said Hastings to incur the hazard of any hostile exertion of the British force for the defence or the relief of the allies of the Company, yet in the said private letter he directed, that, in case his mediation should be accepted, it should

be made *a specific condition*, that, *if the said Ranna should take advantage of Sindia's absence to renew his hostilities*, we ought, in that case, on requisition, to *invade the dominions of the Ranna*.

That no beneficial effects could have been procured to the said Ranna by an offer of mediation delayed till Sindia no longer wanted "*our assistance to crush so fallen an enemy*," at the same time that no reason was given to Sindia to apprehend the danger of drawing upon himself the resentment of the British government by a disregard of their proposal and the destruction of their ally.

That it was a gross and scandalous mockery in the said Hastings to defer an application to obtain honorable terms for the Ranna, and safety for his person and family, till he had been deprived of his principal fort, in defence of which his uncle lost his life, and on the capture of which, his wife, to avoid the dishonor consequent upon falling into the hands of her enemies, *had destroyed herself by an explosion of gunpowder*.

That, however, it does not appear that any offer of mediation was ever actually made, or any influence exerted, either for the safety of the Ranna's person and family or in mitigation of the *rigorous intentions* supposed by Lieutenant Anderson to have been entertained against him by Mahdajee Sindia after his surrender.

That the said Hastings, in the instructions given by him to Mr. David Anderson for his conduct in negotiating the treaty of peace with the Mahrattas, expressed his determination to desert the Ranna of Gohud in the following words. "You will of course be attentive to any engagements subsisting between us and other powers, in settling the terms of peace and alliance with the Mahrattas. I except from this the Ranna of Gohud.... Leave him to settle his own affairs with the Mahrattas."

That the said Anderson appears very assiduously to have sought for grounds to justify the execution of this part of his instructions, to which, however, he was at all events obliged to conform.

That, even after his application for that purpose to the Mahrattas, whose testimony was much to be suspected, because it was their interest to accuse and their determined object to destroy the said Ranna, no satisfactory proof was obtained of his defection from the engagements he had entered into with the Company.

That, moreover, if all the charges which have been pretended against the Ranna, and have been alleged by the said Hastings in justification of his conduct, had been well founded and proved to be true, the subject-matter of those accusations and the proofs by which they wore to be supported were known to Colonel Muir before the conclusion of the treaty he entered into with Mahdajee Sindia; and therefore, whatever suspicions may have been entertained or whatever degree of criminality may have been proved against the said Ranna previous to the said treaty, from the time he was so provided for and included in the said treaty he was fully and justly

entitled to the security stipulated for him by the Company, and had a right to demand and receive the protection of the British government.

That these considerations were urged by Mr. Anderson to the said Warren Hastings, in his letter of the 24th of June, 1781, and were enforced by this additional argument,— “that, in point of policy, I believe, it ought not to be our wish that the Mahrattas should ever recover the fortress of Gualior. It forms an important barrier to our own possessions. In the hands of the Ranna it can be of no prejudice to us; and notwithstanding the present prospect of a permanent peace betwixt us and the Mahrattas, it seems highly expedient that there should always remain some strong barrier to separate us, on this side of India, from that warlike and powerful nation.”

That the said Warren Hastings was highly culpable in abandoning the said Ranna to the fury of his enemies, thereby forfeiting the honor and injuring the credit of the British nation in India, notwithstanding the said Hastings was fully convinced, and had professed, “that the most sacred observance of treaties, justice, and good faith were necessary to the existence of the national interests in that country,” and though the said Hastings has complained of the insufficiency of the laws of this kingdom to enforce this doctrine “by the punishment of persons in the possession of power, who may be impelled by the provocation of ambition, avarice, or vengeance, stronger than the restrictions of integrity and honor, to the violation of this just and wise maxim.”

That the said Hastings, in thus departing from these his own principles, with a full and just sense of the guilt he would thereby incur, and in sacrificing the allies of this country “*to the provocations of ambition, avarice, or vengeance,*” in violation of the national faith and justice, did commit a gross and wilful breach of his duty, and was thereby guilty of an high crime and misdemeanor.

XV. — REVENUES.

PART I.

That the property of the lands of Bengal is, according to the laws and customs of that country, an inheritable property, and that it is, with few exceptions; vested in certain natives, called *zemindars*, or landholders, under whom other natives, called *talookdars* and *ryots*, hold certain subordinate rights of property or occupancy in the said lands. That the said natives are Hindoos, and that their *rights and privileges are grounded upon the possession of regular grants, a long series of family succession, and fair purchase*. That it appears that Bengal has been under the dominion of the Mogul, and subject to a Mahomedan government, for above two hundred years. That, while the Mogul government was in its vigor, the property of zemindars was

held sacred, and that, either by voluntary grant from the said Mogul or by composition with him, the native Hindoos were left in the free, quiet, and undisturbed possession of their lands, on the single condition of paying a fixed, certain, and unalterable revenue, or quit-rent, to the Mogul government. That this revenue, or quit-rent, was called the *aussil jumma*, or *original ground-rent*, of the provinces, and was not increased from the time when it was first settled in 1573 to 1740, when the regular and effective Mogul government ended. That, from that time to 1765, invasions, usurpations, and various revolutions took place in the government of Bengal, in consequence of which the country was considerably reduced and impoverished, when the East India Company received from the present Mogul emperor, Shah Allum, a grant of the *dewanny*, or collection of the revenues. That about the year 1770 the provinces of Bengal and Bahar were visited with a dreadful famine and mortality, by which at least one third of the inhabitants perished. That Warren Hastings, Esquire, has declared, “that he had always heard the loss of inhabitants reckoned at a third, and in many places near one half of the whole, and that he knew not by what means such a loss could be recruited in four or five years, and believed it impossible.” That, nevertheless, the revenue was *violently kept up to its former standard*, — that is, in the two years immediately preceding the appointment of the said Warren Hastings to the government of Fort William, — in consequence of which *the remaining two thirds of the inhabitants were obliged to pay for the lands now left without cultivation*; and that from the year 1770 to the year 1775 *the country had languished, and the evil continued enhancing every day*. That the said Warren Hastings, in a letter to the Secret Committee of the Court of Directors, dated 1st September, 1772, declared, “that the lands had suffered unheard-of depopulation by the famine and mortality of 1769; that the collections, *violently kept up to their former standard*, had added to the distress of the country, and threatened a general decay of the revenue, unless immediate remedies were applied to prevent it.” That the said Warren Hastings has declared, “that, by intrusting the collections to the hereditary zemindars, the people would be treated with *more tenderness*, the rents more improved, and cultivation more likely to be encouraged; that *they* have a perpetual interest in the country; that *their* inheritance cannot be removed; that *they* are the proprietors; that the lands are *their* estates, and *their* inheritance; that, from a long continuance of the lands in their families, it is to be concluded they have riveted an authority in the district, acquired an ascendancy over the minds of the ryots, and *ingratiated their affections*; that, from continuing the lands under the management of those who have a natural and perpetual interest in their prosperity, solid advantages might be expected to accrue; that the zemindar would be less liable to failure or deficiencies than the farmer, from the perpetual interest which the former hath in the country, and because his inheritance cannot be removed, and it would be improbable that he should risk the loss of it by eloping from his district, which is too frequently practised by a farmer when he is hard-

pressed for the payment of his balances, and as frequently predetermined when he receives his farm.” That, notwithstanding all the preceding declarations made by the said Warren Hastings of the loss of one third of the inhabitants and general decline of the country, he did, immediately after his appointment to the government, in the year 1772, make an arbitrary settlement of the revenues for five years at a higher rate than had ever been received before, and with a progressive and accumulating increase on each of the four last years of the said settlement.

That, notwithstanding the right of property and inheritance, repeatedly acknowledged by the said Warren Hastings to be in the zemindars and other native landholders, and notwithstanding he had declared “that the security of private property is the greatest encouragement to industry, on which the wealth of every state depends,” the said Warren Hastings, nevertheless, in direct violation of those acknowledged rights and principles, did universally let the lands of Bengal *in farm* for five years, — thereby destroying all the rights of private property of the zemindars, — thereby delivering the management of their estates to farmers, and transferring by a most arbitrary and unjust act of power the whole landed property of Bengal from the owners to strangers. That, to accomplish this iniquitous purpose, he, the said Warren Hastings, did put the lands of Bengal up to a pretended public auction, *and invited all persons to make proposals for farming the same*, thereby encouraging strangers to bid against the proprietors, — in consequence of which, not only the said proprietors were ousted of the possession and management of their estates, but a great part of the lands fell into the hands of the banians, or principal black servants of British subjects connected with and protected by the government; and that the said Warren Hastings himself has since declared, that *by this way the lands too generally fell into the hands of desperate or knavish adventurers*. That, before the measure hereinbefore described was carried into execution, the said Warren Hastings did establish certain fundamental regulations in Council, to be observed in executing the same. That among these regulations it was specially and strictly ordered, that no farm should exceed the annual amount of *one* lac of rupees, and “that no peshcar, banian, or other servant, of whatever denomination, of the collector, or relation or dependant of any such servant, should be allowed to farm lands, nor directly or indirectly to hold a concern in any farm, nor to be security for any farmer.” That, in direct violation of these his own regulations, and in breach of the public trust reposed in him, and sufficiently declared by the manifest duty of his station, if it had not been expressed and enforced by any positive institution, he, the said Warren Hastings, did permit and suffer his own banian or principal black steward, named Cantoo Baboo, to hold farms in different purgunnahs, or districts, or to be security for farms, to the amount of thirteen lac of rupees (130,000*l.* or upwards) per annum; and that, after enjoying the whole of those farms for two years, he was permitted by the said Warren Hastings to relinquish two of them. That on the subject of the farms held by Cantoo Baboo the said Warren Hastings

has made the following declaration. "Many of his farms were taken without my knowledge, and almost all against my advice. I had no right to use compulsion or authority; nor could I with justice exclude him, because he was my servant, from a liberty allowed to all other persons in the country. The farms which he quitted he quitted by my advice, because I thought that he might engage himself beyond his abilities, and be involved in disputes, which I did not choose to have come before me as judge of them." That the said declaration contains sundry false and contradictory assertions: that, if *almost all* the said farms were taken against his advice, it cannot be true that *many* of them were taken without his knowledge; that, whether Cantoo Baboo had been his servant or not, the said Warren Hastings was bound by his own regulations to prevent his holding any farms to a greater amount than one lac of rupees per annum, and that the said Cantoo Baboo, being the servant of the Governor-General, was excluded by the said regulations from holding any farms whatever; that, if (as the Directors observe) it was thought dangerous to permit the banian of a collector to be concerned in farms, the same or stronger objections would always lie against the Governor's banian being so concerned; that the said Warren Hastings had a right, and was bound by his duty, to prevent his servant from holding the same; that, in advising the said Cantoo Baboo to relinquish some of the said farms, for which he was actually engaged, he has acknowledged an influence over his servant, and has used that influence for a purpose inconsistent with his duty to the India Company, namely, to deprive them of the security of the said Cantoo Baboo's engagement for farms which on trial he had found not beneficial, or not likely to continue beneficial, to himself; and that, if it was improper that he, the said Warren Hastings, should be the judge of any disputes in which his servant might be involved on account of his farms, that reason ought to have obliged him to prevent his servant from being engaged in any farms whatever, or to have advised his said servant to relinquish the remainder of his farms, as well as those which the said Warren Hastings affirms he quitted by his advice. That on the subject of the said charge the Court of Directors of the East India Company have come to the following resolution: "*Resolved*, That it appears that the conduct of the late President and Council of Fort William in Bengal, in suffering Cantoo Baboo, the present Governor-General's banian, to hold farms in different purgunnahs to a large amount, or to be security for such farms, contrary to the tenor and spirit of the 17th regulation of the Committee of Revenue at Fort William, of the 14th May, 1772, and afterwards relinquishing that security without satisfaction made to the Company, was highly improper, and has been attended with considerable loss to the Company"; and that in the whole of this transaction the said Warren Hastings has been guilty of gross collusion with his servant, and manifest breach of trust to his employers.

That, whereas it was acknowledged by the said Warren Hastings, that the country, in the years 1770 and 1771, had suffered great depopulation and decay,

and that the collections of those years, having been violently kept up to their former standard, had added to the distress of the country, the settlement of the revenues made by him for five years, commencing the 1st May, 1772, instead of offering any abatement or relief to the inhabitants who had survived the famine, held out to the East India Company a promise of great *increase* of revenue, to be exacted from the country by the means hereinbefore described. That this settlement was not realized, but fell considerably short, even in the first of the five years, when the demand was the lightest; and that on the whole of the five years the real collections fell short of the settlement to the enormous amount of two millions and a half sterling, and upwards. That such a settlement, if it had been or could have been rigorously exacted from a country already so distressed, and from a population so impaired, that, in the belief of the said Warren Hastings, it was impossible such loss could be recruited in four or five years, would have been in fact, what it appeared to be in form, an act of the most cruel and tyrannical oppression; but that the real use made of that unjust demand upon the natives of Bengal was, to oblige them to compound privately with the persons who formed the settlement, and who threatened to enforce it. That the enormous balances and remissions on that settlement arose from a general collusion between the farmers and collectors, and from a general peculation and embezzlement of the revenues, by which the East India Company was grossly imposed on, in the first instance, by a promised *increase* of revenue, and defrauded, in the second, not only by the failure of that *increase*, but by the revenues falling short of what they were in the two years preceding the said settlement to a great amount. That the said Warren Hastings, being then at the head of the government of Bengal, was a party to all the said imposition, fraud, peculation, and embezzlement, and is principally and specially answerable for the same; and that, whereas sundry proofs of the said peculation and embezzlement were brought before the Court of Directors, the said Directors (in a letter dated the 4th of March, 1778, and signed by William Devaynes and Nathaniel Smith, Esquires, now Chairman and Deputy-Chairman of the said Court, and members of this House) did declare, that, “although it was rather their wish to prevent future evils than to enter into a severe retrospection of past abuses, yet, as in some of the cases then before them they conceived there had been *flagrant corruption*, and in others great oppressions committed on the native inhabitants, they thought it unjust to suffer the delinquents to pass wholly unpunished, and therefore they directed the Governor-General and Council forthwith to commence a prosecution against the persons who composed the Committee of Circuit, and their representatives, and against all other proper parties”; but that the prosecutions so ordered by the Court of Directors in the year 1778 have never been brought to trial; and that the said Warren Hastings did, on the 23d of December, 1783, propose and carry it in Council, *that orders should be given for withdrawing* the said prosecutions, — declaring, that he was clearly of opinion that there was no ground to maintain them,

and *that they would only be productive of expense to the Company and unmerited vexation to the parties.*

REVENUES. PART II.

That the said Warren Hastings has on sundry occasions declared his deliberate opinion generally against all innovations, and particularly in the collection and management of the revenues of Bengal: that “he was well aware of the expense and inconvenience *which ever attends innovations of all kinds*, on, their first institution; — that innovations are *always* attended with difficulties and inconveniences, and innovations in the revenue with a suspension of the collections; — that the continual variations in the mode of collecting the revenue, and the continual usurpation on the rights of the people, have fixed in the minds of the ryots a rooted distrust of the ordinances of government.” That the Court of Directors have repeatedly declared their apprehensions “that a sudden transition from one mode to another, in the investigation and collection of their revenue, might have alarmed the inhabitants, lessened their confidence in the Company’s proceedings, and been attended with other evils.”

That the said Warren Hastings, immediately after his appointment to the government of Fort William, in April, 1772, did abolish the office of *Naib Dewan*, or native collector of the revenues, then existing; that he did at the same time appoint a committee of the board to go on a circuit through the provinces, and to form a settlement of the revenues for five years; that he did then appoint sundry of the Company’s servants to have the management of the collections, viz., one in each district, under the title of *Collector*; that he did then abolish the General Board of Revenue or Council at Moorshedabad, for the following reasons: “That, while the controlling and executive part of the revenue and the correspondence with the collectors was carried on by a council at Moorshedabad, the members of the administration at Calcutta had no opportunity of acquiring that thorough and comprehensive knowledge which could only result from *practical experience*; that the orders of the Court of Directors, which established a new system, which enjoined many new regulations and inquiries, could not properly be delegated to a subordinate council, and it became absolutely necessary that the business of the revenue should be conducted *under the immediate observation and direction of the board.*” — That in November, 1773, the said Warren Hastings abolished the office of Collector, and transferred the collection and management of the revenues to several councils of revenue, commonly called *Provincial Councils*. That on the 24th of October, 1774, the said Warren Hastings *earnestly offered his advice* (to the Governor-General and Council, then newly appointed by act of Parliament) *for the continuation of the said system of Provincial Councils in all its parts*. That the said Warren Hastings did, on the 22d of April, 1775, transmit to the Directors a formal

plan for the future settlement of the revenues, and did therein declare, that, “with respect to the mode of managing the collection of the revenue and the administration of justice, none occurred to him so good as the system which was already established of Provincial Councils.” That on the 18th of January, 1776, the said Warren Hastings did transmit to the Court of Directors a plan for the better administration of justice, that in this plan the establishment of the said Provincial Councils was specially provided for and confirmed, and that Warren Hastings did recommend it to the Directors *to obtain the sanction of Parliament for a confirmation of the said plan*. That on the 30th of April, 1776, the said Warren Hastings did transmit to the Court of Directors the draft or scheme of an act of Parliament for the better administration of justice in the provinces, in which the said establishment of Provincial Councils is again specially included, and special jurisdiction assigned to the said Councils. That the Court of Directors, in a letter dated 5th of February, 1777, did give the following instruction to the Governor-General and Council, a majority of whom, viz., Sir John Clavering, Colonel Monson, and Mr. Francis, had disapproved of the plan of Provincial Councils: “If you are fully convinced that the establishment of Provincial Councils has not answered nor is not capable of answering the purposes intended by such institutions, we hereby direct you to form a new plan for the collection of the revenues, and to transmit the same to *us for our consideration*.” — That the said Warren Hastings, in contradiction to his own sentiments repeatedly declared, and to his own advice repeatedly and deliberately given, and in defiance of the orders of the Directors, to whom he transmitted no previous communication whatever of his intention to abolish the said Provincial Councils, did, in the beginning of the year 1781, again change the whole system of the collections of the public revenue of Bengal, as also the administration of civil and criminal justice throughout the provinces. That the said Warren Hastings, in a letter dated 5th of May, 1781, advising the Court of Directors of the said changes, has falsely affirmed, “that the plan of superintending and collecting the public revenue of the provinces through the agency of Provincial Councils had been instituted for the temporary and declared purpose of introducing another more permanent mode *by an easy and gradual change*”; that, on the contrary, the said Warren Hastings, from the year 1773 to the year 1781, has constantly and uniformly insisted on the wisdom of that institution, and on the necessity of never departing from it; that he has in that time repeatedly advised that the said institution should be confirmed *in perpetuity* by an act of Parliament; that the said total dissolution of the Provincial Councils was not introduced by any easy and gradual change, nor by any gradations whatever, but was sudden and unprepared, and instantly accomplished by a single act of power; and that the said Warren Hastings, in the place of the said Councils, has substituted a Committee of Revenue, consisting of four covenanted servants, on principles opposite to those which he had himself professed, and with exclusive powers, tending to deprive the

members of the Supreme Council of a due knowledge of and inspection into the management of the territorial revenues, specially and unalienably vested by the legislature in the Governor-General and Council, and to vest the same solely and entirely in the said Warren Hastings. That the reasons assigned by the said Warren Hastings for constituting the said Committee of Revenue are incompatible with those which he professed when he abolished the subordinate Council of Revenue at Moorshedabad: that he has invested the said Committee *in the fullest manner with all the powers and authority of the Governor-General and Council*; that he has thereby contracted the whole power and office of the Provincial Councils into a small compass, and vested the same in four persons appointed by himself; that he has thereby taken the general transaction and cognizance of revenue business out of the Supreme Council; that the said Committee are empowered to conduct the current business of the revenue department without reference to the Supreme Council, and only *report to the board such extraordinary occurrences, claims, and proposals as may require the special orders of the board*; that even the instruction to report to the board in extraordinary cases is nugatory and fallacious, being accompanied with limitations which make it impossible for the said board to decide on any questions whatsoever: since it is expressly provided by the said Warren Hastings, *that, if the members of the Committee differ in opinion, it is not expected that every dissentient opinion should be recorded*; consequently the Supreme Council, on any reference to their board, can see nothing but the resolutions or reasons of the majority of the Committee, without the arguments on which the dissentient opinions might be founded: and since it is also expressly provided by the said Warren Hastings, *that the determination of the majority of the Committee should not therefore be stayed, unless it should be so agreed by the majority*, — that is, that, notwithstanding the reference to the Supreme Council, the measure shall be executed without waiting for their decision.

That the said Warren Hastings has delivered his opinion, with many arguments to support the same, in favor of long leases of the lands, in preference to *annual* settlements: that he has particularly declared, “that the farmer who holds his farm for one year only, having no interest in the next, takes what he can with the hand of rigor, which, even in the execution of legal claims, is often equivalent to violence; he is under the necessity of being rigid, and *even cruel*, — for what is left in arrear after the expiration of his power is at best a doubtful debt, if ever recoverable; he will be tempted to exceed the bounds of right, and to augment his income by irregular exactions, and by racking the tenants, for which pretences will not be wanting, where the farms pass *annually* from one hand to another; that the discouragements which the tenants feel from being transferred every year to new landlords are a great objection to such short leases; that they contribute to injure the cultivation and dispeople the lands; that, on the contrary, from long farms the farmer acquires a permanent interest in his lands; he will, for his own sake, lay out

money in assisting his tenants in improving lands already cultivated, and in clearing and cultivating waste lands.” That, nevertheless, the said Warren Hastings, having left it to the discretion of the Committee of Revenue, appointed by him in 1781, to fix the time for which the ensuing settlement should be made, and the said Committee having declared, that, *with respect to the period of the lease, in general, it appeared to the Committee that to limit them to one year would be the best period*, he, the said Warren Hastings, approved of that limitation, in manifest contradiction to all his own arguments, professions, and declarations concerning the fatal consequences of *annual* leases of the lands; that in so doing the said Warren Hastings did not hold himself bound or restrained by the orders of the Court of Directors, but acted upon his own discretion; and that he has, for partial and interested purposes, exercised that discretion in particular instances against his own general settlement for one year, by granting perpetual leases of farms and zemindaries to persons specially favored by him, and particularly by granting a perpetual lease of the zemindary of Baharbund to his servant Cantoo Baboo on very low terms.

That in all the preceding transactions the said Warren Hastings did act contrary to his duty as Governor of Fort William, contrary to the orders of his employers, and contrary to his own declared sense of expediency, consistency, and justice, and thereby did harass and afflict the inhabitants of the provinces with perpetual changes in the system and execution of the government placed over them, and with continued innovations and exactions, against the rights of the said inhabitants, — thereby destroying all security to private property, and all confidence in the good faith, principles, and justice of the British government. And that the said Warren Hastings, having substituted his own instruments to be the managers and collectors of the public revenue, in the manner hereinbefore mentioned, did act in manifest breach and defiance of an act of the 13th of his present Majesty, by which *the ordering and management and government of all the territorial revenues in the kingdoms of Bengal, Bahar, and Orissa* were vested in the Governor-General and Council, without any power of delegating the said trust and duty to any other persons; and that, by such unlawful delegation of the powers of the Council to a subordinate board appointed by himself, he, the said Warren Hastings, did in effect unite and vest in his own person the ordering, government, and management of all the said territorial revenues; and that for the said illegal act he, the said Warren Hastings, is solely answerable, the same having been proposed and resolved in Council when the Governor-General and Council consisted but of two persons present, — namely, the said Warren Hastings, and the late Edward Wheler, Esquire, and when consequently the Governor-General, by virtue of the casting voice, possessed the whole power of the government. That, in all the changes and innovations hereinbefore described, the pretence used by the said Warren Hastings to recommend and justify the same to the Court of Directors has been, that such

changes and innovations would be attended with increase of revenue or diminution of expense to the East India Company; that such pretence, if true, would not have been a justification of such acts; but that such pretence is false and groundless: that during the administration of the said Warren Hastings the territorial revenues have declined; that the charges of collecting the same have greatly increased; and that the said Warren Hastings, by his neglect, mismanagement, and by a direct and intended waste of the Company's property, is chargeable with and answerable for all the said decline of revenue, and all the said increase of expense.

XVI. — MISDEMEANORS IN OUDE.

I. That the province of Oude and its dependencies were, before their connection with and subordination to the Company, in a flourishing condition with regard to culture, commerce, and population, and their rulers and principal nobility maintained themselves in a state of affluence and splendor; but very shortly after the period aforesaid, the prosperity both of the country and its chiefs began sensibly and rapidly to decline, insomuch that the revenue of the said province, which, on the lowest estimation, had been found, in the commencement of the British influence, at upwards of three millions sterling annually, (and that ample revenue raised without detriment to the country,) did not in the year 1779 exceed the sum of 1,500,000*l.*, and in the subsequent years did fall much short of that sum, although the rents were generally advanced, and the country grievously oppressed in order to raise it.

II. That in the aforesaid year, 1779, the demands of the East India Company on the Nabob of Oude are stated by Mr. Purling, their Resident at the court of Oude, to amount to the sum of 1,360,000*l.* sterling and upwards, leaving (upon the supposition that the whole revenue should amount to the sum of 1,500,000*l.* sterling, to which it did not amount) no more than 140,000*l.* sterling for the support of the dignity of the household and family of the Nabob, and for the maintenance of his government, as well as for the payment of the public debts due within the province.

III. That by the treaty of Fyzabad a regular brigade of the Company's troops, to be stationed in the dominions of the Nabob of Oude, was kept up at the expense of the said Nabob; in addition to which a temporary brigade of the same troops was added to his establishment, together with several detached corps in the Company's service, and a great part of his own native Troops were put under the command of British officers.

IV. That the expense of the Company's temporary brigade increased in the same year (the year of 1779) upwards of 80,000*l.* sterling above the estimate, and the expense of the country troops under British officers in the same period increased

upwards of 40,000*l.* sterling; and in addition to the aforesaid ruinous expenses, a large civil establishment was gradually, secretly, and without any authority from the Court of Directors, or record in the books of the Council-General concerning the same, formed for the Resident, and another under Mr. Wombwell, an agent for the Company; as also several pensions and allowances, in the same secret and clandestine manner, were charged on the revenues of the said Nabob for the benefit of British subjects, besides large occasional gifts to persons in the Company's service.

V. That in the month of November, 1779, the said Nabob did represent to Mr. Purling, the Company's Resident aforesaid, the distressed state of his revenues in the following terms. "During three years past, the expense occasioned by the troops in brigade, and others commanded by European officers, has much distressed the support of my household, insomuch that the allowances made to the seraglio and children of the deceased Nabob have been reduced to *one fourth* of what it had been, upon which they have subsisted in a very distressed manner for two years past. The attendants, writers, and servants, &c., of my court, have received no pay for two years past; and there is at present no part of the country that can be allotted to the payment of my father's private creditors, whose applications are daily pressing upon me. All these difficulties I have for these three years past struggled through, and found this consolation therein, that it was complying with the pleasure of the Honorable Company, and in the hope that the Supreme Council would make inquiry from impartial persons into my distressed situation; but I am now forced to a representation. From the *great increase of expense*, the revenues were necessarily farmed out *at a high rate*; and deficiencies followed yearly. The country and cultivation is abandoned; and this year in particular, from the excessive drought, deductions of many lacs" (stated by the Resident, in his letter to the board of the 13th of the month following, to amount to twenty-five lac, or 250,000*l.* sterling) "have been allowed the farmers, who were still left unsatisfied. I have received but just sufficient to support my absolute necessities, the revenues being deficient to the amount of fifteen lac ^[150,000*l.* sterling], and for this reason many of the old chieftains with their troops, and the useful attendants of the court, were forced to leave it, and there is now only a few foot and horse for the collection of my revenues; and should the zemindars be refractory, there is not left a sufficient number to reduce them to obedience." And the said Nabob did therefore pray that the assignments for the new brigade, the corps of horse, and the other detached bodies of the Company's troops might not be required from him: alleging, "that the former was not only quite useless to his government, but, moreover, the cause of much loss, both in the revenues and customs; and that the detached bodies of troops under their European officers brought nothing but confusion into the affairs of his government, and were entirely their own masters."

VI. That it appears that the said Nabob was not bound by any treaty to the maintenance, without his consent, *even of the old brigade*, — the Court of Directors having, in their letter of the 15th December, 1775, approved of keeping the same in his service, “*provided it was done with the free consent of the Subah, and by no means without it.*” And the *new brigade* and temporary corps were raised on the express condition, that the expense thereof should be charged on the Nabob only “*for so long a time as he should require the corps for his service.*” And the Court of Directors express to the Governor-General and Council their sense of the said agreement in the following terms: “But if you intend to exert your influence first to induce the Vizier to acquiesce in your proposal, and afterwards *to compel him to keep the troops in his pay during your pleasure, your intents are unjust; and a correspondent conduct would reflect great dishonor on the Company.*”

VII. That, in answer to the decent and humble representation aforesaid of the Nabob of Oude, the allegations of which, so far as they relate to the distressed state of the Nabob’s finances, and his total inability to discharge the demands made on him, were confirmed by the testimony of the English Resident at Oude, and which the said Hastings did not deny in the whole or in any part thereof, he, the said Warren Hastings, did, on pretence of certain political dangers, declare the relief desired to be “without hesitation *totally inadmissible,*” and did falsely and maliciously insinuate, “that the *tone* in which the demands of the Nabob were asserted, and the season in which they were made, did give cause for *the most alarming suspicions.*” And the said Warren Hastings did, in a letter to the Nabob aforesaid, written in haughty and insolent language, and without taking any notice of the distresses of the said Nabob, alleged and verified as before recited, “require and insist upon your [the Nabob’s] granting *tuncaws* [assignments] for the full amount of their [the Company’s] demands upon you for the current year, and on your reserving funds sufficient to answer them, *even should the deficiencies of your revenues compel you to leave your own troops unprovided for, or to disband a part of them to enable you to effect it.*”

VIII. That, in a letter written at the same time to the Resident, Purling, and intended for his directions in enforcing on the Nabob the unjust demands aforesaid, the said Warren Hastings hath asserted, in direct contradiction to the treaties subsisting between the said Nabob and the Company, “that he [the Nabob] stands engaged to our government to maintain the English armies which at his own request have been formed for the protection of his dominions, and *that it is our part, and not his, to judge and determine in what manner and at what time these shall be reduced and withdrawn.*” And in a Minute of Consultation, when the aforesaid measure was proposed by the said Hastings to the Supreme Council, he did affirm and maintain that the troops aforesaid “had now no *separate* or distinct existence from ours, and may be properly said to consist of our *whole* military establishment, with the exception only of our European infantry; and that they could not be

withdrawn without imposing on the Company *the additional burden of them*, or disbanding nine battalions of disciplined sepoys and three regiments of horse.”

IX. That in the Minute of Consultation aforesaid, he, the said Warren Hastings, hath further, in justification of the violent and arbitrary proceedings aforesaid, asserted, “that the arrangement of measures between the British government and their allies, the native powers of India, must, in case of disagreement about the necessity thereof, *be decided by the strongest*”; and hath thereby advanced a dangerous and most indecently expressed position, subversive of the rights of allies, and tending to breed war and confusion, instead of cordiality and coöperation amongst them, and to destroy all confidence of the princes of India in the faith and justice of the English nation. And the said Hastings, having further, in the minute aforesaid, presumed to threaten to “bring to punishment, if my influence” (his, the said Hastings’s, influence) “can produce that effect, *those incendiaries* who have endeavored to make themselves the instruments of division between us,” hath, as far as in him lay, obstructed the performance of one of the most essential duties of a prince engaged in an unequal alliance with a presiding state, — that of representing the grievances of his subjects to that more powerful state by whose acts they suffer: leaving thereby the governing power in total ignorance of the effects of its own measures, and to the oppressed people no other choice than the alternative of an unqualified submission, or a resistance productive of consequences more fatal.

X. That, all relief being denied to the Nabob, in the manner and on the grounds aforesaid, the demands of the Company on the said Nabob in the year following, that is to say, in the year 1780, did amount to the enormous sum of 1,400,000*l.* sterling, and the distress of the province did rapidly increase.

XI. That the Nabob, on the 24th of February of the same year, did again write to the Governor-General, the said Warren Hastings, a letter, in which he expressed his constant friendship to the Company, and his submission and obedience to their orders, and asserting that he had not troubled them with any of his difficulties, trusting they would learn them from other quarters, and that he should be relieved by their friendship. “But,” he says, “when *the knife had penetrated to the bone*, and I was surrounded with such heavy distresses that I could no longer live in expectations, I then wrote an account of my difficulties. The answer I have received to it is such that it has given me inexpressible grief and affliction. I never had the least idea or expectation from you and the Council that you would have given your orders in *so afflicting a manner, in which you never before wrote, and I could never have imagined*. I have delivered up all my *private* papers to him [the Resident], that, after examining my receipts and expenses, he may take whatever remains. That, as I know it to be my duty to satisfy you [the Company and Council], I have not failed to obey in any instance; but requested of him that it might be done so as not to distress me in my *necessary* expenses. There being no other funds but those for the expenses of my *mutseddies* [clerks and accountants], household expenses, and

servants, &c., he demanded these in such a manner, that, being remediless, I was obliged to comply with what he required. He has accordingly stopped *the pensions of my old servants for thirty years, whether sepoy[soldiers], mutseddies [secretaries and accountants], or household servants, and the expenses of my family and kitchen, together with the jaghires of my grandmother, mother, and aunts, and of my brothers and dependants, which were for their support.*”

XII. That, in answer to the letter aforesaid, the Resident received from the said Warren Hastings and Council an order to persevere in the demand to its fullest extent, — that is to say, to the amount of 1,400,000*l.* sterling.

XIII. That on the 15th of May the Nabob replied, complaining in an humble and suppliant manner of his distressed situation: that he had at first opposed the assigning to the use of the Company the estates of his mother, of his grandmother, of one of his uncles, and of the sons of another, but that, in obedience to the injunctions of the gentlemen of the Council, it had been done, to the amount, on the whole, of 80,000*l.* sterling a year, or thereabouts; that whatever effects were in the country, with even his table, his animals, and the salaries of his servants, were granted in assignments; that, besides these, if they were resolved again to compel him to give up the estates of his parents and relations, which were granted them for their maintenance, they were at the Company’s disposal; saying, “If the Council have directed you to attach them, do it: in the country no further sources remain. I have no means; for I have not a subsistence. — How long shall I dwell upon my misfortunes?”

XIV. That the truth of the said remonstrances was not disputed, nor the *tone* in which they were written complained of, the same being submissive, and even abject, though the cause (his distresses) was by the said Hastings, in a great degree, and in terms the most offensive, attributed to the Nabob himself; but no relief was given, and the same unwarrantable establishments, maintained at the same ruinous expense, were kept up.

XV. That the said Warren Hastings, having considered as incendiaries those who advised the remonstrances aforesaid, and, to prevent the same in future, having denounced vengeance on those concerned therein, did, for the purpose of keeping in his own power all representations of the state of the court and country aforesaid, and to subject both the one and the other to his own arbitrary will, and to draw to himself and to his creatures the management of the Nabob’s revenues, in defiance of the orders of the Court of Directors, a second time recall Mr. Bristow, the Company’s Resident, from the court of Oude, — having once before recalled him, as the said Directors express themselves, “without the shadow of a charge being exhibited against him,” and having, on the occasion and time now stated, produced no specific charge against the said Resident; and he, the said Hastings, did appoint Nathaniel Middleton, Esquire, to succeed him, — it being his declared principle, that he must have a person of *his own* confidence in that situation.

XVI. That the said Warren Hastings, after he had refused all relief to the distresses of the Nabob in the manner aforesaid, and had described those who advised the representation of the grievances of Oude as *incendiaries*, did himself, in a minute of the 21st May, 1781, describe that province “as fallen into a state of great disorder and confusion, and its resources in an extraordinary degree diminished,” — and did state, that his presence in the said province was requested by the Nabob, and that, unless some effectual measures were taken for his relief, he [the Nabob] must be under the necessity of leaving his country, and coming down to Calcutta, to represent the situation of his government. And Mr. Wheler did declare that the Governor-General’s representation of the state of that province “was but too well founded, and was convinced that it would require his utmost abilities and powers, applied and exercised on the spot, to restore it to its former good order and affluence.”

XVII. That the said Warren Hastings, in consequence of the minute aforesaid, did grant to himself, and did procure the consent of his only colleague, Edward Wheler, Esquire, to a commission or delegation, with powers “to assist the Nabob Vizier in forming such regulations as may be necessary for the peace and good order of his government, the improvement of his revenue, and the adjustment of the mutual concerns subsisting between him and the Company.” And in the said commission or delegation he, the said Warren Hastings, did cause to be inserted certain powers and provisions of a new and dangerous nature: that is to say, reciting the business before mentioned, he did convey to himself “such authority to enforce the same *as the Governor-General and Council might or could exercise on occasions in which they could be warranted to exercise the same*, and to form and conclude such several engagements or treaties with the Nabob Vizier, the government of Berar, and with any chiefs or powers of Hindostan, as *he* should judge expedient and necessary.” Towards the conclusion of the act or instrument aforesaid are the words following, viz.: “It is hereby declared, that all such acts, and all such engagements or treaties aforesaid, shall be binding on the Governor-General and Council in the same manner, *and as effectually, as if they had been done and passed by the specific and immediate concurrence and actual junction of the Governor-General and Council, in council assembled.*” And the said powers were, by the said Warren Hastings, given by himself and the said Wheler, under the seal of the Company, on the 3d July, 1781.

XVIII. That the said commission, delegating to him, the said Warren Hastings, the whole functions of the Council, is destructive to the constitution thereof, and is contrary to the Company’s standing orders, and is illegal.

XIX. That, in virtue of those powers, and the illegal delegation aforesaid, the said Warren Hastings, after he had finished his business at Benares, did procure a meeting with the Nabob of Oude at a place called Chunar, upon the confines of the country of Benares, and did there enter into a treaty, or pretended treaty, with the

said Nabob; one part of which the said Warren Hastings did pretend was drawn up from a series of requisitions presented to him by the Nabob, but which requisitions, or any copy thereof, or of any other material document relative thereto, he did not at the time transmit to the Presidency, — the said Warren Hastings informing Mr. Wheler, that the Resident, Middleton, had taken the *authentic* papers relative to this transaction with him to Lucknow: and it does not appear that the said Warren Hastings did ever reclaim the said papers, in order to record them at the Presidency, to be transmitted to the Court of Directors, as it was his duty to do.

XX. That the purport of certain articles of the said treaty, on the part of the Company, was, that, in consideration of the Nabob's *inability* (which inability the preamble of the treaty asserts to have been "repeatedly and urgently represented") to support the expenses of the temporary brigade, and of three regiments of cavalry, and also of the British officers with their battalions, and of *other* gentlemen who were then paid by him, the several corps aforesaid, and the other gentlemen, (with the exception of the Resident's office *then on the Nabob's list*, and a regiment of sepoy for the Resident's guard,) should, after a term of two and a half months, be no longer at his, the Nabob's, charge: "the true meaning of this being, that no more troops than one brigade, and the pay and allowances of a regiment of sepoy," (as aforesaid, to the Resident,) amounting in the whole to 342,000*l.* a year, should be paid by the Nabob; and that *no officers, troops, or others, should be put upon the Nabob's establishment*, exclusive of those in the said treaty stipulated.

XXI. That the said Warren Hastings did defend and justify the said articles, in which the troops aforesaid were to be removed from the Nabob's establishment, by declaring as follows. "That the *actual* disbursements to those troops had fallen upon *our own funds*, and that *we* support a body of troops, established *solely* for the defence of the Nabob's possessions, *at our own expense*. It is true, we charge the Nabob with this expense; but the large balance already due from him shows too justly the little prospect there was of disengaging ourselves from *a burden* which was daily adding to *our* distresses and must soon become *insupportable*, although it were granted that the Nabob's debt, then suffered to accumulate, *might at some future period be liquidated*, and that this measure would substantially effect an instant relief to the pecuniary distresses of the Company."

XXII. That Nathaniel Middleton, the Resident, did also declare that he would at all times testify, "that, upon the plan of the foregoing years, the receipts from the Nabob were only *a deception*, and *not an advantage*, but *an injury* to the Company," and "that a remission to the Nabob of this *insufferable burden* was *a profit* to the Company." And the said Hastings did assert that the force of the Company was not lessened by withdrawing the temporary troops; although, when it suited the purpose of the said Hastings, in denying just relief to the distresses of the said Nabob of Oude, he had not scrupled to assert the direct contrary of the positions by him maintained in justification of the treaty of Chunar, — having in his minute

aforesaid, of the 15th of December, 1779, asserted, “that these troops” (the troops maintained by the Nabob of Oude) “had no *separate or distinct existence*, and may be properly said to consist of our whole military establishment, with the exception only of our European infantry, and that they could not be *withdrawn, without imposing on the Company the additional burden of their expense*, or disbanding nine battalions of disciplined sepoys and three regiments of horse.”

XXIII. That he, the said Warren Hastings, in justification of his agreement to withdraw the troops aforesaid from the territories and pay of the Nabob of Oude, did further declare, “that he had been too much accustomed to the tales of hostile preparation and impending invasions, against all the evidence of political probability, to regard them as any other than phantoms raised for the purpose of perpetuating or multiplying commands,” and he did trust “all ideas of danger from the neighboring powers were altogether visionary; and that, even if they had been better founded, this mode of anticipating possible evils would be more mischievous than anything they had reason to apprehend,” and that the internal state of the Nabob’s dominions did not require the continuance of the said troops; and that the Nabob, “*whose concern it was, and not ours*” did affirm the same, — notwithstanding he, the said Hastings, had before, in answer to the humble supplications of the Nabob, asserted, that “*it was our part, and not his*, to judge and determine in what manner and at what time they should be reduced or withdrawn.”

XXIV. That the said Warren Hastings, in support of his measure of withdrawing the said brigade and other troops, did also represent, that “the remote stations of those troops, placing the commanding officers beyond the notice and control of the board, afforded too much opportunity and temptation for unwarrantable emoluments, and excited the *contagion of peculation and rapacity throughout the whole army*, and, as an instance thereof, that a court-martial, composed of officers of rank and respectable characters, unanimously and honorably, ‘most honorably,’ acquitted an officer upon an acknowledged fact which in times of stricter discipline would have been deemed a crime deserving the severest punishment.”

XXV. That the said Warren Hastings, having in the letter aforesaid contradicted all the grounds and reasons by him assigned for keeping up the aforesaid establishment, and having declared his own conviction that the whole was a fallacy and imposition, and a detriment to the Company instead of a benefit, circumstances (if they are true) which he might and ought to have well known, was guilty of an high crime and misdemeanor in carrying on the imposture and delusion aforesaid, and in continuing an insupportable burden and grievance upon the Nabob for several years, without attending to his repeated supplications to be relieved therefrom, to the utter ruin of his country, and to the destruction of the discipline of the British troops, by diffusing among them a general spirit of peculation; and the said Hastings hath committed a grievous offence in upholding the same pernicious system, until, by his own confession and declaration, in his minute of the 21st of

May, 1781, “the evils had *grown* to so great an height, that exertions will be required more powerful than can be made through the delegated authority of the servants of the Company now in the province, and that he was far from sanguine in his expectations that *even his own endeavors would be attended with much success.*”

XXVI. That, at the time of making the said treaty, and at the time when, under color of the distress of the Nabob of Oude, and the failure of all other means for his relief, he, the said Hastings, broke the Company’s faith with the parents of the Nabob, and first encouraged and afterwards compelled him to despoil them of their landed estates, money, jewels, and household goods, and while the said Nabob continued heavily in debt to the Company, he, the said Warren Hastings, did, “*without hesitation,*” accept of and receive from the Nabob of Oude and his ministers (who are notoriously known to be not only under his influence, but under his absolute command) a bribe, or unlawful gift or present, of one hundred thousand pounds sterling, and upwards. That, even if the said pretended gift could be supposed to be voluntary, it was contrary to the express provision of the Regulating Act of the 13th year of his Majesty’s reign, prohibiting the receipt of all presents upon any pretence whatsoever, and contrary to his own sense of the true intent and meaning of the said act, declared upon a similar, but not so strong a case, — that is, where the service done, and the present offered in return for it, had taken place before the promulgation of the above laws in India: on that occasion he declared, “that the exclusion by an act of Parliament *admitted of no abatement or evasion,* wherever its authority extended.”

XXVII. That the said Warren Hastings, confiding in an interest which he supposed himself to have formed in the East India House, did endeavor to prevail on the Court of Directors to violate the said act, and to suffer him to appropriate the money so illegally accepted by him to his own profit, as a reward for his services.

XXVIII. That the said Warren Hastings has since declared to the Court of Directors, that, when *fortune threw a sum in his way* (meaning the sum of money above mentioned) *of a magnitude which could not be concealed, he chose to apprise his employers of it:* thereby confessing, that, but for the magnitude of the same rendering it difficult to be concealed, he never would have discovered it to them. And the said unlawful present being received at the time when, for reasons directly contradictory of all his former recorded declarations, he did agree to remove the aforesaid troops from the Nabob’s dominions, and to recall the pensioners aforesaid, it must be presumed that he did not agree to give the relief (which he had before so obstinately refused) upon the grounds and motives of justice, policy, or humanity, but in consideration of the sum of money aforesaid, which, in a time of such extreme distress in the Nabob’s affairs, could not be rationally given, except for those and other concessions stipulated for in the said treaty, but which had on former occasions been refused.

XXIX. That, notwithstanding his, the said Warren Hastings's, receipt of the present of one hundred thousand pounds, as aforesaid, he did violate every one of the stipulations in the said treaty contained, and particularly he did continue in the country, and in the service of the Nabob of Oude, those troops which he had so recently stipulated to withdraw from his country and to take from his establishment: for, upon the 24th of December following, he did order the temporary brigade, making ten battalions of five hundred men each, to be again put on the Vizier's list, — although he had recently informed the Court of Directors, through Edward Wheler, Esquire, that any benefit to be derived from the Nabob's paying that brigade was *a fallacy and a deception*, and that the same was *a charge* upon the Company, and not *an alleviation of its distresses*, as well as *an insupportable burden* to the Nabob: thus having, within a short space of time, twice contradicted himself, both in declaration and in conduct.

XXX. That this measure, in direct violation of a treaty of not three months' duration, was so injudicious, that, in the opinion of the Assistant Resident, Johnson, "nothing less than blows could effect it": he, the said Resident, further adding, "that the Nabob was not even able to pay off the arrears still due to it [the new brigade]; and that the troops being *all* in arrears, and no possibility of present payment, so large a body assembled here [viz., at Lucknow] without any means to check and control them, nothing but disorder could follow. As one proof that the Nabob is as badly off for funds as we are, I may inform you that his cavalry rose this day upon him, and went all armed to the palace, to demand from thirteen to eighteen months' arrears, and were with great difficulty persuaded to retire, which was probably more effected by a body of troops getting under arms to go against them than any other consideration." But the letter of Warren Hastings, Esquire, of the 24th of December, giving the above orders for the infraction of the treaty, and to which the letter from whence the foregoing extracts are taken is an answer, doth not appear, any otherwise than as the same is recited in the said answer.

XXXI. That, notwithstanding the disorders and deficiencies in the revenue aforesaid had continued and increased, and that three very large balances had accumulated, the said Warren Hastings did cause the Treasury accounts at Calcutta to be examined and scrutinized, and an account of another arrear, composed of various articles, pretended to have accumulated during seven years previous to the year 1779, (the articles composing which, if they had been just, ought to have been charged at the times they severally became due,) was sent to the Resident, and payment thereof demanded, to the amount of 260,000*l.* sterling; which unexpected demand, in so distressed a situation, did not a little embarrass the Nabob. But whilst he and his ministers were examining into the said unexpected demand, another, and fifth balance, made up of similar forgotten articles, was demanded, to the amount of 140,000*l.* sterling more. Which said two last demands did so terrify and confound

the Nabob and his ministers, that they declared that the Resident “might at once take the country, since justice was out of the question.”

XXXII. That the said Hastings, in order to add to the confusion, perplexity, and distress of the Nabob’s affairs, did send to his court (in which he had already a Resident and Assistant Resident) two secret agents, Major Palmer and Major Davy, and did instruct Major Palmer to make a variety of new claims, one of a loan to the Company of 600,000*l.* sterling, although he well knew the Nabob was himself heavily in arrear to the Company, and was utterly unable to discharge the same, as well as in arrear to his own troops, and to many individuals, and that he borrowed (when he could at all borrow) at an interest of near thirty per cent. To this demand was added a new bribe, or unlawful present, to himself, to the amount of 100,000*l.* sterling, which he did not refuse as unlawful and of evil example, but as *indelicate* in the Nabob’s present situation, — and did, as if the same was his own property, presume to dispose of it, and to desire the transfer of it, as of his own bounty, to the Company, his masters. To this second demand he, the said Hastings, added a third demand of 120,000*l.* sterling, for four additional regiments on the Nabob’s list, after he had solemnly engaged to take off the ten with which it had been burdened: the whole of the claims through his private agent aforesaid making the sum of 820,000*l.* sterling.

XXXIII. That the demands, claims, &c., made by the said Warren Hastings upon the government of Oude in that year amounted to the enormous sum of 2,530,000*l.* sterling; which joined to the arrears to troops, and some internal failures, amounting to 255,000*l.* sterling more, the whole charge arose to 2,785,000*l.* sterling, which was considerably more than double the net produce of the Nabob’s revenue, — the same only amounting to 1,450,000*l.* “nominal revenue, never completely realized.”

XXXIV. That, towards providing for these extravagant demands, he, the said Warren Hastings, did direct and authorize another breach of the public faith given in the treaty of Chunar. For whereas, by the second article of the treaty aforesaid, it was left to the Nabob’s discretion whether or not he should resume the landed estates, called jaghires, within his dominions, and notwithstanding the said Hastings, in defence of the said article, did declare that the Nabob should be left to the exercise of his own authority and pleasure respecting them, yet he, the said Hastings, did authorize a violent compulsion to be used towards the said Nabob for accomplishing an universal confiscation of that species of landed property; and in so doing he did also compel the Nabob to break his faith with all the landholders of that description, not only in violating the assurance of his own original grants, but his assurance recently given, when, being pressed by the Company, he, the Nabob, had made a temporary seizure of the profits of the lands aforesaid, in the manner of a compulsory loan, for the repayment of which he gave his bonds and obligations; and although he had at the same time solemnly pledged his faith that he never would again resort to the like oppressive measure, yet he, the said Warren Hastings,

did cause him to be compelled to confiscate the estates of at least sixty-seven of the principal persons of his country, comprehending therein his own nearest relations and the ancient friends and dependants of his family: the annual value of the said estates thus confiscated amounting to 435,000*l.* sterling, or thereabouts, upon an old valuation, but stated by the Resident, Middleton, as being found to yield considerably more.

XXXV. That the violent and unjust measure aforesaid, subversive of property, utterly destructive of several ancient and considerable families, and most dishonorable to the British government, did produce an universal discontent and the greatest confusion throughout the whole country, — the said confiscated lands being on this occasion put to rack-rents, and the people grievously oppressed: and to prevent a possibility of redress, at least for a considerable time, the said confiscated estates were mortgaged (it appearing otherwise impracticable to make an approach towards satisfying the exorbitant demands of the said Hastings) for a great sum to certain usurious bankers or money-dealers at Benares.

XXXVI. That, besides these enormous demands, which were in part made for the support of several corps of troops under British officers which by the treaty of Chunar ought to have been removed, very large extra charges not belonging to the military list of the said Nabob, and several civil charges and pensions, were continued, and others newly put on since the treaty of Chunar, namely, an allowance to Sir Eyre Coote of 15,554 rupees per month, (being upwards of 18,664*l.* sterling a year,) and an allowance to Trevor Wheler, Esquire, of 5,000 rupees per month (or 6,000*l.* sterling and upwards a year); and the whole of the settled charges, not of a military nature, to British subjects, did amount to little less than 140,000*l.* yearly, and, if other allowances not included in the estimate were added, would greatly exceed that sum, besides much more which may justly be suspected to have been paid, no part whereof had at that time been brought forward to any public account.

XXXVII. That the commander of one of these corps, of whose burden the said Nabob did complain, was Lieutenant-Colonel Alexander Hannay, who did farm the revenues of certain districts called Baraitch and Goruckpore, which the said Hastings, in the ninth article of his instructions to Mr. Bristow, did estimate at twenty-three lacs of rupees, or 230,000*l.*, per annum: but under his, the said Hannay's, management, the collections did very greatly decline; complaints were made that the countries aforesaid were harassed and oppressed, and the same did fall into confusion, and at last the inhabitants broke out into a general rebellion.

XXXVIII. That the far greater part of the said heavy list was authorized or ordered by him, the said Warren Hastings, for the purpose of extending his own corrupt influence: for it doth appear, that, at the time when he did pretend, in conformity to the treaty of Chunar aforesaid, to remove the Company's servants, "*civil* and military, from the court and service of the Vizier," he did assert that he

thereby did “diminish *his own influence*, as well as that of his colleagues, by narrowing the line of *patronage*”; which proves that the offices, pensions, and other emoluments aforesaid, in Oude, were of *his patronage*, as his patronage could not be diminished by taking away the said offices, &c., unless the same had been substantially of his gift. And he did, at the time of the pretended reformation aforesaid, express both his knowledge of the existence of the said excessive and abusive establishments, and his sense of his duty in taking them away: for in agreeing to the article in the treaty of Chunar for abolishing the said establishments, he did declare himself “actuated solely by motives of *justice* to the Nabob, and a regard to *the honor of our national character*”; and, according to his own representation, the said servants of the Company, civil and military, “by their numbers, their influence, and the *enormous amount* of their salaries, pensions, and emoluments, were an *intolerable* burden on the revenues and authority of the Vizier, and exposed us to *the envy and resentment of the whole country*, by excluding the native servants and adherents of the Vizier from the rewards of their services and attachment.”

XXXIX. That the revenue of the country being anticipated, mortgaged, and dilapidated, by the counsel, concurrence, connivance, and influence, and often by the direct order of the said Warren Hastings, the whole civil government, magistracy, and administration of justice gradually declined and at length totally ceased through the whole of the vast provinces which compose the territory of Oude, and no power was visible therein but that of the farmers of the revenue, attended by bodies of troops to enforce the collections; insomuch that robberies, assassinations, and acts of every description of outrage and violence were perpetrated with impunity, — and even in the capital city of Lucknow, the seat of the sovereign power, there was no court of justice whatever to take cognizance of such offences.

XL. That the said Warren Hastings, when he did interfere in the government of Oude, was obliged by his duty to interfere for the good purposes of government, and not merely for the purpose of extorting money therefrom and enriching his own dependants, — which latter purpose alone he did effect, in the manner before mentioned, but not one of the former. For the said Hastings, having procured the extraordinary powers given by and to himself by his delegation of the 3d of July, 1781, did declare the same to be for the purpose, among many others, “of assisting the Nabob Vizier in forming such regulations as may be necessary for the peace and good order of his government and the improvement of his revenue.” And in consequence of the said powers, the said Warren Hastings did, in the treaty of Chunar, obtain an article from the Nabob by which the said Nabob did promise to attend to his advice in the reformation of his civil administration; and he did give certain instructions to the Resident, Middleton, to which he did require him to yield *the most implicit obedience*, and did in one article thereof direct him to urge the

Nabob to endeavor gradually, if it could not be done at once, to establish courts of *adawlut* [justice], and that the *darogahs* [chief criminal magistrates], *moulavies* [consulting or assistant lawyers], and other officers, should be selected by the ministers, with his, the Resident's, concurrence; and afterwards, in his instructions to the Resident Bristow, desiring him to pursue the same object, he declared his opinion, "that the want of such courts, and the extreme licentiousness occasioned thereby, is one of the most disreputable defects in his Highness the Nabob's government, and that, while they do not exist, every man knows the hazard which he incurs in lending his money "; but he did give him, the said Resident, no positive instruction concerning the same, supposing the establishment of such courts a matter of difficulty, and did therefore leave him a latitude in his proceedings therein.

XLI. That the said Resident Bristow did, however, in conformity to the said instructions, at last given with such latitude, endeavor to prevail on the said minister gradually to introduce courts of justice for the cognizance of crimes, by beginning to establish a criminal court under a native judge, to judge according to the Mahomedan law in the city of Lucknow. But Hyder Beg Khân, a minister of the said Warren Hastings's nomination, and solely dependent upon him, did elude and obstruct, and in the end totally defeat, the establishment of the same.

XLII. That the obstruction aforesaid, and the evil consequences thereof, were duly represented to the said Hastings; and though the said Hastings had made it the fourth article of a criminal charge against the Resident Middleton, "that he did not report to the Governor-General, or to the board, the progress which he had made from time to time in his endeavors to comply with his instructions, and that, if he met with any impediments in the execution of them, he had omitted to state those impediments, and to apply for fresh orders upon them," yet he, the said Hastings, did give no manner of support to the Resident Bristow against the said Hyder Beg Khân, and did not even answer several of his letters, the said Bristow's letters, stating the said impediments, or take any notice of his remonstrances, but did at length revoke his own instructions, declaring that he, the said Resident, should not presume to act upon the same, and yet did not furnish him with any others, upon which he might act, but did uphold the said Hyder Beg Khân in the obstruction by him given to the performance of the first and fundamental duty of all government, — namely, the administration of justice, and the protection of the lives and property of the subject against wrong and violence.

XLIII. That the said Hastings did afterwards proceed to the length of criminating the Resident Bristow aforesaid for his endeavors to establish the said necessary court, as an invasion of the rights of the Nabob's government, — when, if the Nabob in his own proper person and character, and not the aforesaid Hyder Beg, (who was a creature of the said Hastings,) had opposed the reestablishment of justice in the said country, it was the duty of the said Hastings to have pressed the

same upon him by every exertion of his influence. And the said Warren Hastings, in his pretended attention to the Nabob's authority, when exercised by his, the said Hastings's, minister, to prevent the establishment of courts of justice for the protection of life and property, at the same time that he did not hesitate, in the case of the confiscation of the jaghires, and the proceedings against the mother and grandmother of the Nabob, totally to supersede his authority, and to force his inclinations in acts which overturned all the laws of property, and offered violence to all the sentiments of natural affection and duty, and accusing at the same time his instruments for not going to the utmost lengths in the execution of his said orders, is guilty of an high crime and misdemeanor.

XLIV. That the said Hastings did highly aggravate his offence in discountenancing and discouraging the reestablishment of magistracy, law, and order, in the country of Oude, inasmuch as he did in the eighth article of his instructions to the Resident order him to exercise powers which ought to have been exercised by lawful magistrates, and in a manner agreeable to law. And in the said article he did state the prevalence of rebellion in the said country of Oude, — as if rebellion could exist in a country in which there was no magistracy, and no protection for life or property, and in which the native authority had no force whatever, and in which he himself states the exercise of British authority to be an absolute usurpation; and he did accordingly direct a rigorous prosecution against the offence of rebellion under such circumstances, but “with a fair and impartial inquiry,” when he did not permit the establishment of those courts of justice and magistracy by which alone rebellion could be prevented, or a fair and impartial inquiry relative to the same could be had; and particularly he did instruct the said Resident to obtain the Nabob's order for employing some sure means for apprehending certain zemindars, and particularly three, in the instruction named, whom he, the said Hastings, did cause to be apprehended upon what he calls good information, founded upon some facts to which he asserts he has the testimony of several witnesses, “that they had the destruction of Colonel Hannay and the officers under his command as their immediate object, and ultimately the extirpation of the English influence and power throughout all the Nabob's dominions,” and that they did still persevere in their rebellious conduct without deviation, “though the Nabob's, and not our government, was then the object of it”; and he did direct the said Resident, if it should appear, “*on a fair and regular inquiry*, that their conduct towards the Nabob had been such as it had been reported to be, to insist upon the Nabob's punishing them with *death*, and to treat with the same rigor every zemindar and every subject who shall be the leader in a rebellion against his authority.”

XLV. That the crime of the said Hastings, in his procedure aforesaid, was further highly aggravated by his having received information of several striking circumstances which strongly indicated the necessity of a regular magistracy and a legal judicature, from the total failure of justice, affecting not only the subjects at

large, but even the reigning family itself, — as also of the causes why no legal magistracy could exist, and why the princes of the reigning family were not only exposed to the attacks of assassins, but even to a want of the protection which might be had from their servants and attendants, who were driven from their masters for want of that maintenance which the princes, their masters, could not procure even for themselves. And the circumstances aforesaid were detailed to him, the said Hastings, by the Resident, Bristow, in a letter from Lucknow, dated the 29th January, 1784, to the Governor-General, the said Warren Hastings, and the Council of Bengal, in the terms following.

“The frequent robberies and murders perpetrated in his Excellency’s, the Vizier’s, dominions, have been *too often* the subject of my representations to your honorable board. From the total want of police, hardly a day elapses but I am informed of some tragical event, whereof the bare recital is shocking to humanity. About two months since, an attempt was made to assassinate Rajah Ticket Roy, the acting minister’s confidential agent; but he happily escaped unhurt. Nabob Bahadur, *his Highness’s brother*, has not been so fortunate, as will appear from translations of two of his letters to me, No. 1, which I have the honor to inclose for your information. Although my feelings are sensibly hurt and my compassion strongly excited by *the disgraceful and miserable state of poverty to which his Excellency’s brothers are reduced*, yet, situated as I am, it is not in my power to interfere with effect. My efforts on a former occasion failed of success, *and my interposition now would only excite the resentment of the minister towards the unhappy sufferers, in consequence of their application to me, from whom ALONE, however, they hope for relief from their present distress*, which, their near connection with the Vizier considered, is both shameful and unprecedented. That no regular courts of justice have been established in this country is particularly pointed at in my instructions, as the most disreputable defect in his Highness’s government; yet the minister seems determined on abolishing even the shadow of so necessary an institution. The office of Chief Justice, as held by Moulavy Morobine, was ever nugatory, but now it is sunk into the lowest contempt. The original establishment, inadequate as it was, is mouldering away, and the officers now attached to it are literally starving, as no part of their allowance has been paid for above six months past. He himself has proposed to resign his appointment, being every way precluded from a possibility of exercising the duties of it.”

XLVI. That it appears by the said letter, and the papers therewith transmitted, as well as other documents in the said correspondence, that, in consequence of the distress brought upon the Nabob’s finances, certain of the princes, his brethren, the children of Sujah ul Dowlah, the late sovereign of the country, were put upon pensions unsuitable to their birth and rank, and by the mismanagement of the minister aforesaid, (appointed by the said Warren Hastings,) for two years together no considerable part of the said inadequate pension was paid; and not being able to

maintain the attendants necessary for their protection in a city in which all magistracy and justice was abolished, they were not only liable to suffer the greatest extremities of penury, but their lives were exposed to the attempts of assassins: the condition of one of the said princes, called the Nabob Bahadur, being by himself strongly expressed in three letters to the said Resident Bristow, — the first dated the 28th of December, 1783; the second, the 7th of January, 1784; and the third, the 15th of January, 1784, — which letters were duly transmitted, in the dispatch of the 29th of the same month, to Warren Hastings, Esquire, and are as follow.

“Your own servant carried you the account of what he himself was an eye-witness to, after the affair of last night. These are the particulars. About midnight my aunt received twelve wounds from a ruffian, of which she died. I also received six successive stabs, which alarmed the people of the house, who set up a shouting: whereupon the assassin run off. Besides being *without food or the means of providing any*, this misfortune has befallen me. *I am desirous of sending the coffin to your door.* It is your duty, both for the sake of God and of Christ, to execute justice, and to inquire what harm I have done to the murderer sufficient to deserve assassination, or even injury. *You now stand in the place of his Excellency the Vizier.* I request you will do me justice. What more can I say?

“P.S. I am also desirous to show you my wounds.”

From the same, 29th January, 1784.

“You have been duly informed of all the circumstances relative both to the murder of the innocent, and of my being wounded, as well by my former letter, as by the messenger whom you sent to inquire into the state of my health; and I have every reason to hope, from your known kindness, that you will not be deficient in seeking out the assassin. *I am at this moment overwhelmed in misfortune. Whilst the blood is flowing from my wounds, neither I nor my children nor my servants have wherewithal to procure subsistence; nor have I it in my power either to purchase remedies or to reward the physician: it is for the sake of God alone that he attends me.* Thus loaded with calamity upon calamity, I am unable to support life; for I find no relief from any affliction either day or night. Do you now stand in the place of my father; grant me fresh life by speedy acts of benevolence.

“For these two last years his Excellency established a pension for me of twenty thousand rupees; but I never received the full amount of it, either last year or the year before. Should it, however, be paid me, though inadequate to my desires, I shall still be enabled to support myself. From the beginning of this year to the present time I have not received a farthing, nor do I expect any; though, if you afford protection to the oppressed, all my wishes will be accomplished. I was desirous of waiting on you with my family, that you might be an eye-witness to their condition; but I was advised not to stir out on account of my wounds. What more can I say?”

The following Extracts are made from the Third Letter from the same Prince, dated January 15, 1784.

“The particulars of the late and unforeseen misfortune with which I have been overwhelmed are not unknown unto you, — that the innocent blood of my aunt, *the prop and ruler of my family*, was shed, and in the same manner I, too, was wounded. Until now I feel the pain and affliction of my wounds; *and no person has regarded my solicitations for redress, sought after the assassin, and brought him to condign punishment, yourself excepted.*” — “In like manner as the Honorable Governor-General has adopted my brother Saadut Ali Khân for his son and relieved him from the vexation, affliction, and dependence of this place, would it be extraordinary that you also should, in your bounty and favor, consent to adopt me, who do not possess the necessaries of life, and permit me to attend you to whatever part of the world you may travel, whereby I shall at all times derive honor and advantage? Formerly us three brothers, Saadut Ali, Mirza Jungly, and I, the poor and oppressed, were, in the presence of our blessed father, whose soul rests in heaven, treated alike. Now the ministers of this government put me upon a footing with our younger brothers, who have lately left the zenanah, and whose expenses are small. On this scale, which is in every respect insufficient for my maintenance, they pay *the pitiful allowance only when it is their pleasure to do it*. My situation has for years past been increasing in wretchedness to a degree that *I am in want of daily bread, and my servants and animals are dying of hunger. My distresses are so great that I have not been able to pay a daum to the surgeons for the cure of my wounds; and they, too, are discouraged from affording me their assistance or furnishing me with medicines*. How, then, is it possible for me to exist? Considering you as my patron, participating in my afflictions, I have represented the circumstances concerning my situation; and I hope, from your friendship, that you will honor me with a favorable answer.”

XLVII. The Resident, Bristow, did also receive a strong application from three others of the brethren of the reigning sovereign, called Mirza Hyder Ali, Mirza Ennayut Ali, and Mirza Syef Ali, representing their very pitiable case, in a letter of the 9th of March, 1783, in which, among other particulars, are contained the following.

“Our situation is not fit to be represented. *For two years we have not received a hubba* on account of our tuncaw [assignment on the revenue], though the ministers have annually charged a lac of rupees, and never paid us anything. *After all, we are the sons of Sujah ul Dowlah!* It is surprising, having such a friend as you, our situation is arrived at that pass that we should be in distress for *dry bread and clothes*. Whereas you have done many generous acts, be pleased so to show us your favor, that by some means we may receive our allowances from the Company’s treasury, and not be obliged to depend upon and solicit others for it.”

XLVIII. That one of the princes aforesaid, called the Mirza Jungly, about the beginning of the year 1783, was obliged to fly from the dominions of the Nabob of Oude, and to leave his country and connections; and as the Resident, Bristow, writing from Lucknow, hath observed, “he went to try his fortune at other courts, in preference to starving at home, which might have been his fate, by all accounts, at this place.” And the said prince sought for succor at the court of one of the neighboring Mahomedan princes; but conceiving some disgust at the treatment he met with there, he departed from thence, and on the 8th of February, 1783, arrived at the Mahratta camp, while David Anderson, Esquire, was there in the character of Minister Plenipotentiary to the Company, with a view, if his reception there should not prove answerable to his wishes, to pass on to the southward. And the said Anderson, probably considering this event as of very great importance to the honor of the British government, as well as to its interest, on the one hand, by exhibiting the son and brother of a sovereign prince, from whom the Company had received many millions of money, a fugitive from his country, and a wanderer for bread through the courts of India, and, on the other, the consequences which might arise from the Mahrattas having in their possession and under their influence a son of the late Nabob of Oude, did without delay advise Warren Hastings, Esquire, of the event aforesaid; and he did also write to Mr. Bristow, the Resident at the court of the Nabob Vizier, several letters, of the 9th and 20th of February, and of the 6th of March and 6th of April, 1783, in order that some steps should be taken for his return and establishment in his own country. And the said Anderson did inform the Resident, Bristow, in his letter aforesaid, that, on the arrival of the fugitive prince, brother of the reigning sovereign of Oude, at the Mahratta camp, he did cause his tent to be pitched close to that of Mr. Anderson; but finding this not agreeable to the Mahratta general, Sindia, he afterwards removed: and that he showed a strong attachment to the English, and was inclined to throw himself upon their generosity; that he was desirous of going to Calcutta, and declared, that, if he, the said Anderson, “would give him the smallest encouragement, he would quit all his followers, and come alone, and would take up his residence under his protection.” And the said Anderson did declare, that he thought it “would be policy, and much to the credit of our government, that some provision should be made for Mirza Jungly in our territories.”

XLIX. That the said Bristow did represent the aforesaid circumstances to Hyder Beg Khân, minister to the Nabob of Oude, declaring it his opinion, “that his Highness’s brother’s thus taking refuge with a foreign prince is a reflection upon the Vizier, and it would be advisable that an allowance should be granted to him upon the footing of his brothers, that he might remain in the presence.” But the Nabob was induced to refuse to his brother any offer of any allowance beyond the two hundred pounds per month, allowed, but not paid, to his other brothers, — and which the said prince did observe to Mr. Anderson, “that it was not only inadequate

to his expenses, but infinitely less” (as the truth was) “than what his Excellency has settled on many persons of inferior rank, who have not so good a claim to his support; and that it would not be sufficient to enable him to live at Lucknow, where all his friends and relations were, and so many of his inferiors lived in a state of affluence.” In case, therefore, it could not be increased, he requested leave to live in the Company’s provinces, or at Calcutta; for that in any of these situations “he could with less difficulty regulate his expenses.” And he did declare, that, if his request was granted to him, he would immediately quit all his prospects with Sindia. To these propositions he received a very discouraging answer from his brother’s minister, containing a positive and final refusal of any increase of allowance, obtaining only the Nabob’s permission to retire into the Company’s provinces. But Mr. Anderson did not think himself authorized to take any steps for the prince’s retreat into the said province without Sindia’s concurrence, who, he observed, would use every art to detain him, and accordingly did offer him the command of a battalion of infantry to be paid directly from his own treasury, and six thousand pounds sterling a year for keeping up a corps of horse, and to settle upon him a landed estate of four thousand pounds a year as a provision for his wife and children: which honorable offers it appears he did accept, and did and doth remain in the Mahratta service.

L. That, during the whole course of this transaction, the said Warren Hastings was duly advised thereof, first by a very early letter from the said Anderson, and afterwards by the Resident, Bristow, who, on the 23d of April, 1783, transmitted to him his whole correspondence with Mr. Anderson. But what answer or instructions the said Warren Hastings did give to Mr. Anderson does not appear, he not having recorded anything upon that subject; but it appears that to the Resident, Bristow, who required to be informed whether the reception of the fugitive prince aforesaid in the Company’s provinces would meet his approbation, he gave no answer whatsoever: by which criminal neglect, or worse, with regard to a brother of an ally of the Company, who showed a strong attachment and preference to the English nation, and by suffering him, without any known effort to prevent it, to attach himself to the cause and fortunes of the Mahrattas, who, he, the said Hastings, well knew, did keep up claims upon several parts of the dominions of Oude, and had with difficulty been persuaded to include the Nabob in the treaty of peace, he, having suffered him first to languish at home in poverty, and then to fly abroad for subsistence, and afterwards taking no step and countenancing no negotiations for his return from his dangerous place of refuge, at the same time that several of his, the said Hastings’s, creatures had each of them allowances much more considerable than would have sufficed for the satisfaction and comfort of him, the said fugitive prince, was guilty of a high crime and misdemeanor.

LI. That the indigent condition before related of the other brothers of the Nabob was also duly transmitted to the said Warren Hastings; but he did never order or

direct any steps whatsoever to be taken towards the relief of the family of a reigning prince, who were daily in danger of perishing by famine through the effect of his measures, and those of a person whom he supported in power against the will and inclinations of the said prince and his family.

LII. That the foregoing instances of the penury, distress, dispersion, and exile of the reigning family, as well as the general disorder in all the affairs of Oude, did strongly enforce the necessity of a proper use of the British influence (the only real government then existing) in the province aforesaid for a regulation of the economy of the Vizier's court, as well as for the proper administration of the public concerns, civil and military, which were in the greatest disorder; and the said Warren Hastings was under obligation to provide for the same, and did himself understand it to be his duty so to do, and that he was therein warranted by the spirit of the treaty of Chunar, as well as by other universal powers of control, and even of supersession, supposed by him to exist in the relation between the British government and that of Oude; and accordingly he did, in his instructions to the Resident Middleton, to which he required his most implicit obedience, direct him to an interference in and control upon all the affairs concerning the revenues, the military arrangements, and all the other branches of the Nabob's government.

LIII. That, upon his recall of the said Middleton, he, in his instructions to the Resident Bristow, dated 23d of October, 1781 ^[1782?], did at large set forth the situation of the court and government of Oude, the situation and character of the Nabob, of the acting minister, and of the British Resident at that court, and did plainly, distinctly, and without reserve, describe the extent of the authority to be exercised by the last of these persons, as well as the unqualified compliance to be expected from the two former. And he did accordingly declare, that, “*from the nature of our connection with the government of Oude, and from the Nabob’s incapacity, a necessity will forever exist, while we have the claim of a subsidy upon the resources of his country, of exercising an influence, and frequently substituting it ENTIRELY in the place of an avowed and constitutional authority, in the administration of his [the Nabob’s] government*”; and he did further in the said instructions, namely, in instruction the fourth, direct the said Resident in the words following: “I must have recourse to you for the introduction of a *new* system in that government; nor can I omit, whilst I express my reliance on you for that purpose, to repeat the sentiments which I expressed in the verbal instructions which I gave you at your departure, *that there can be no medium in the relation between the Resident and the minister, but either the Resident must be the slave and vassal of the minister, or the minister at the absolute disposal of the Resident.*” And he, the said Hastings, did state, in the same article of the instructions aforesaid, that, though the conduct of the said Hyder Beg Khân had been highly reprehensible, and that he was much displeased thereat, he would prefer him to any other, on account of his ability and knowledge of business, with the following proviso,— “If he would submit to hold his office on such conditions as I require. He exists by his dependence on the influence of our government. It must be advisable to try him by the mode of conciliation; at the same time that in your *final conversation with him* it will be necessary to declare to him, *in the plainest terms*, the footing and condition on which he shall be *permitted* to retain his place, with the alternative of a dismissal, and a scrutiny into his conduct, if he refuses it. In the first place, I will not receive from the Nabob, *as his*, letters dictated by *the spirit of opposition*; but shall consider every such attempt *as an insult on our government*. In the second place, I shall expect that *nothing* is done in his official character but with your knowledge and participation.”

LIV. That the said Hastings having described, in the manner aforesaid, the relative situation of the Resident and the minister, he did state also the relative situation of the said minister and his master, the Nabob, declaring, “that the minister did hold *without control* the unparticipated and entire administration, with all the powers annexed to that government, — *the Nabob being, as he ever must be in the hands of some person, a mere cipher in his*” (the minister’s). And having thus stated the subordination of the minister to the Resident, and the subordination of the Nabob to the minister, he did naturally declare, “that the first share of the

responsibility would rest upon the said Resident” And he did further declare, “that the other conditions did follow distinctly in their places, because he did *consider the Resident as responsible for them.*”

LV. That, for the direction of the Resident in the exercise of so critical a trust, wherein all the true and substantial powers of government were in an inverted relation and proportion to the official and ostensible authorities, and in which the said Hastings did suppose the necessity constantly existing for exercising an influence, and frequently for substituting *entirely* the British authority “in the place of the avowed and constitutional government,” he, the said Hastings, did properly leave to the Resident a discretionary power for his deviation from any part of his instructions, — interposing a caution for his security and direction, that, as much as he could, he would leave the subject free for his, the said Hastings’s, correction of it, and would instantly inform him or the board, according to the degree of its importance, with his reasons for it.

LVI. That, besides the institution of the courts of justice, as before recited, four other principal objects in the reformation of the affairs of Oude were expressly recommended to the Residents Middleton and Bristow, and must be understood to be the conditions upon which the said Hastings must have meant to have it understood that the acting minister of Oude was to hold his employment: namely, the limitation of the Nabob’s personal expenses; the reduction of the Nabob’s troops in number, and the change in arrangement; the appointment of proper collectors for the revenues; and the appointment of proper officers for all parts of the executive administration.

LVII. That the first object, namely, that of the limitation of the Nabob’s personal expenses, and separating them from the public establishments, he, the said Hastings, did state as the first and fundamental part of his regulation, and that upon which all the others would depend, — and did declare, “that, in order to prevent the Vizier’s alliance from being a clog instead of an aid to the Company, *the most essential* part is to *limit* and *separate* his personal disbursements from the public accounts: *they must not exceed* what he has received in any of the last three years.” And as to the public treasury and disbursements, he, the said Hastings, did, in the said instructions, wholly withdraw them from the personal management or interference of the Nabob, and did expressly order and direct “that they should be under the *sole* management of the ministers, with the Resident’s concurrence.” And on the appointment of the Resident Bristow, in October, 1782, he, the said Hastings, did order and direct him in every point of the instructions to Middleton not revoked or qualified by his then instructions, to which he did require his, the said Resident Bristow’s, “most attentive and literal obedience.”

LVIII. That the said Resident Bristow did, in consequence of the renewal to him of the said instructions as aforesaid, endeavor to limit and put in order the Nabob’s expenses; but he was in that particular traversed and counteracted, and in the end

wholly defeated, by the minister, Hyder Beg Khân. And though the obstructions aforesaid, agreeably to the instructions given to Middleton, and to him, the said Bristow, were represented to the said Warren Hastings by the Resident aforesaid, yet the said Warren Hastings did give no kind of support to the said Resident, or take any steps towards enabling him, the said Resident, to effectuate the said necessary limitation and distribution of expenses, by himself, the said Hastings, ordered and prescribed; nor, if he disapproved the proceedings of the said Resident, did he give him any instruction for the forbearance of the same, or for the exerting his duty in any other mode; nor did he call for any illustration from him of anything doubtful in his correspondence, nor state to him any complaint made privately of his conduct, in order to receive thereon an explanation; but he did leave him to pursue at his discretion the extensive powers before described, to effect the reformation which he was directed to accomplish, under the responsibility denounced to him as aforesaid, if he should fail therein, as he was supposed to be substantially invested with all the powers of government.

LIX. That, instead of the said support or instruction, he, the said Hastings, did countenance, or more probably cause or direct, a representation to be made to him by the acting minister of the Nabob of Oude, complaining grievously of the proceedings of the Resident aforesaid, as usurpations on the Nabob's authority and indignities on his person. And although he, the said Hastings, did instruct the Resident, Bristow, to inform the said Hyder Beg Khân that he would not receive from the Nabob, as *his*, letters directed by the spirit of opposition, but should consider every such attempt as his, the minister's, as an insult on our government, yet he did receive as *his* the Nabob's own letters, and as written from the impressions on his own mind, and as the suggestions of his own judgment, letters to the same effect as those written by the minister, although he had declared upon record that the said "Nabob was a mere cipher in his, the said minister's, hands," and "that he had dared to use both the Nabob's name, and even his seal, affixed to letters either directed to the Nabob or written as from him without his knowledge," and although he did assert or record as aforesaid, that, in a letter which he had lately received from the Nabob, the minister had the presumption to make the Nabob declare that which was *true* to be *false*, and that "his *making use* of the Nabob in such a manner did show how thin the veil was by which *he* covered *his own acts*, and that such artifices would only tend to make them the more criminal from *the falsehood and duplicity with which they were associated*."

LX. That the said Hastings did act upon the letters pretended to be written by the Nabob, as well as on those actually written by the minister, without previously communicating the matter of the said complaint to the said Resident, and did give credit to the same, and coming, as aforesaid, from a person by himself, the said Hastings, charged with artifice, falsehood, and duplicity, and with abusing to his own evil purposes the name and seal of his master without his knowledge, and

without any previous inquiry into the facts and circumstances; and did thereon ground an accusation against the said Resident, Bristow, before the board at Calcutta, in which he did represent the conduct of the said Bristow, in attempting to limit the household expenses of the Nabob, as an indignity “which no man living, however mean his rank in life, or dependent his condition in it, would permit to be exercised by any other, but with the want or forfeiture of every manly principle.” And he did further accuse the said Bristow for that, in his proceedings in the regulation of the Nabob’s household, “he should receive to himself, or Mr. Cowper for him, or a treasurer for both, (for the arrangement has never been well defined,) the money assigned for the support of the Nabob’s household, — issue it as he pleased, not to the Nabob, but to the menial officers of his household, — dispose of his superfluous horses, and other cattle, — determine how many elephants were necessary to the state of the Vizier of the Empire, the number of domestics for his attendance, and pry into the kitchen for the purpose of ascertaining the quantity of victuals which ought to be dressed in it, — control the accounts of these disbursements, — and appropriate to his own use (for that the consequence was inevitable, if he chose it) the residue produced by those economical retrenchments.”

LXI. That the said charge is malicious and insidious; because the attempt to introduce proper officers for the management of household expenses so considerable that the said Hastings has stated the allotment for the same at three hundred thousand pounds sterling yearly, and that other accounts have carried it to four hundred thousand pounds sterling and upwards, and to keep proper and regular accounts thereof, was a necessary regulation, and agreeable to the dignity of the Nabob, and by no means a degradation either of his person or authority, which was specially provided for in the regulations, as no expense could be incurred but by his own personal warrant under his sign manual; nor doth there appear therein anything but what is of absolute necessity to prevent embezzlement to his prejudice. And the said Hastings hath declared, in the fifth article of the instructions to the said Resident, that *no* administration can be properly conducted without regular offices; and that in the whole province of Oude “there was *not one*, the *whole* being engrossed by the minister”: of which minister, in the fourteenth article, he declares his suspicion that the Nabob did not receive the whole and punctual payment of the sum assigned for the purpose of the household, but that some part had been by him withheld from the Nabob; and that, from private information he had lately received, he had reason to believe that this was actually the case. And the said Hastings well knew that the Nabob’s household had been ill conducted, that the allowances of his servants had not been paid, that his distress was scandalous, and that his nearest relations were in a famishing condition; and the said Hastings did also well know that the household of the Nabob was provided for or neglected, not at his own discretion, but at that of the said Hyder Beg Khân; and he did, in the fourteenth article aforesaid, instruct the Resident, Bristow, to show every ostensible and

external mark of respect to the Nabob, in order to induce him to become himself the mover of every act necessary for the advancing of his own interests and the discharge of his debts to the Company, — declaring, “that they never could be effected while the minister retained that ascendancy over him which he at present holds by the means of a nearer and more private intercourse, and by affecting to be the mediator of his rights against the claims of our government.” And the said Hastings did further well know that there was no way of ascertaining the payment of the assignments for the Nabob’s household, either for the general purposes of their destination or to the particular objects to which they ought to be applied, without regular offices of receipt and of account, which might prevent the said minister, Hyder Beg Khân, or the British Resident, or any other, from embezzling or misapplying the same. But the total want of offices aforesaid in every department of government did furnish occasion of concealing all frauds, clandestine presents, or pensions to a Governor-General, Commander-in-Chief, or other servant of the Company.

LXII. That the said Warren Hastings, who did pretend so deep a concern for the indignities supposed to be suffered by the Nabob merely in the limitation and regulation of unnecessary expenses relative to his kitchen, domestics, &c., did show no attention or compassion to the said Nabob, when, in the year 1779, the said Nabob represented, that the pensions of his old servants for thirty years, the expenses of his family and kitchen, together with the jaghires of his grandmother, mother, and aunts, and of his brothers and dependants, given for their support, were not *regulated*, but *stopped*.

LXIII. That the other articles of regulation, namely, the reform of the troops in number and in arrangement, the appointment of proper collectors for the revenues, and the general constitution of offices for the executive administration, were in like manner totally defeated by the said Hyder Beg Khân. And the said Hastings did receive a charge from him, and did adopt it as his own, representing the endeavors of the Resident to act in the regulations aforesaid agreeably to the spirit of his instructions, and in confidence of the powers vested in and the responsibility imposed upon him, the said Resident, as usurpations of the authority and prerogative of the Nabob; and he, the said Hastings, did make criminal charges thereon against the said Resident, Bristow, of which charges the Council Board did, on hearing the same, and the defence of the said Bristow, fully acquit him.

LXIV. That the said Hastings, by abetting Hyder Beg Khân, a person described by him as aforesaid, in his opposition to all the plans of necessary reformation proposed by the said Hastings himself, and having suggested no other whatever in lieu thereof, to answer the purposes for which he had stipulated in the treaty of Chunar the interference of the Resident in every branch of the Nabob’s government, did thereby frustrate every one of the good ends proposed by him in the said treaty of Chunar, and did grossly abuse his trust in giving the exorbitant

powers before recited, and asserting them to exist in the British Resident, without suffering them even in appearance to answer any of the proper and justifiable ends for which any power or influence can or ought to exist in any government.

LXV. That there is just ground to violently presume that not only the letters in the name of the Nabob aforesaid were dictated to him by his minister, Hyder Beg Khân, in whose hands the said Hastings has described his master to be “a mere cipher,” &c., but which Hyder Beg was the known instrument of the said Hastings, but that the conduct and letters of complaint of the said Hyder Beg were in effect and substance prescribed and dictated to him by the said Warren Hastings, or his secret agent, Palmer, by his direction: because it is notorious that the powers of the said Hyder Beg were solely supported by him, the said Hastings, who, according to the state of favor or displeasure in which he stood, hath frequently promised him support or threatened him with dismissal and punishment, and therefore it is not to be thought that he would take so material a step as to oppose the Company’s Resident, acting under the instructions of the Governor-General and Council, and to accuse him with so much confidence, and in a manner so different from the usual style of supplication on all other occasions employed by that court, if he had not been previously well assured that his writing in that manner would be pleasing to the person upon whom he solely depended for his power, his fortune, and perhaps for his life; — secondly, because, when it suited the purposes of the said Hastings on a former occasion, that is, in the year 1784 ^[1781?], to remove the Resident Bristow aforesaid from his office, a letter from the Nabob was laid before the Council Board at Calcutta, proposing, that, in order to prevent the effects of the said Bristow’s application to Europe for redress, the said Hastings should send him drafts of letters which he, the said Nabob, would write in his own name and character to the King, to his Majesty’s ministers, and to the Court of Directors, expressing himself, in the letter aforesaid, in the words following, viz., “To prevent his [Bristow’s] applying to Europe, send me, if *you* think proper, the drafts of letters which *I* may write to the King, the Vizier, and the chiefs of the Company”; — thirdly, that, though the said Hastings, and his secret agent, Palmer, did pretend and positively assert that they had no share in the letters aforesaid from the Nabob and his minister, there was an original note to the Nabob’s letters of accusation, referring to distinct parts and specified numbers of the agent Palmer’s secret correspondence with the said Warren Hastings, and the said letter, with the said reference, was, through inadvertence, laid before the board.

LXVI. That the said Warren Hastings, having thrown the government of Oude into great confusion and distress, and thereby prevented the discharge of the debt, or pretended debt, to the Company, did, by all the said intrigues, machinations, and charges, aim at the filling the said office of Resident at Oude with his own dependants or by himself personally; as it appears that he did first propose to place in the said office his secret agent, Palmer, and that afterwards, when he was not able

to succeed therein, he did propose nominally to abolish the said office, but in effect to fill it by himself, — proposing to the Council and rendering himself responsible (but not in fortune) for the payment of the Company's debt within a certain given time, if he were permitted and commissioned by the Council to act for the board in that province, and did inform them that he was privately well assured that in a few days he should receive an invitation to that effect; and he did state, (as in the year 1781 he had stated as a reason for his former delegation,) "that the state of the country was so disordered in its revenue and administration, and the credit and influence of the Nabob himself so much shook by *the late usurpation* of his authority, and the contests which attended it, as to require the accession of an extraneous aid to restore the powers and to reanimate the constitution of his government," — although he, the said Hastings, did for a long time before attribute the weakness of his government to an extraneous interference. And the said Council, on his engagement aforesaid, did consent thereto; and he did accordingly receive a commission, enabling him to act in the affairs of Oude, not only as the Resident might have done, but as largely as the Council-General might legally delegate their own powers.

LXVII. That the said Warren Hastings, in accepting the said commission, did subject his character and the reputation of his office to great imputations and suspicions, by taking upon himself an inferior office, out of which another had upon his intrigues been removed by a perpetual obstruction which rendered it impossible for him to perform his duty or to obey his instructions; and he did increase the said grounded suspicions by exercising that office in a government from whence it was notorious he had himself received an unlawful gift and present from the ministers, and in which he had notoriously suffered many, and had himself actually directed some, acts of peculation, by granting various pensions and emoluments, to the prejudice of the revenue of a distressed country, which he was not authorized to grant.

LXVIII. That the said Warren Hastings did proceed unto the said province of Oude under color of providing a remedy for the disorders described to be existing in the same, and for the recovery of the Company's pretended debt. And the said Warren Hastings, who had thought fit to recall the Company's Resident, appointed to that office by the Court of Directors, and to suspend his office, did, notwithstanding, of his own choice and selection, and on his own mere authority, take with him in his progress a large retinue, "and a numerous society of English gentlemen to compose his family," which he represents as necessary, although, in a letter from that very place to which he took that very numerous society, he informs the Court of Directors "that his own consequence and that of the nation he represents are independent of show." And after his arrival there, he, the said Warren Hastings, did write from Lucknow, the capital of that province, a letter, dated the 30th of April, 1784, to the Court of Directors, in which are several

particulars to the following purport or tenor, and which he points out to the Directors “to be circumstances of no trivial information,” namely,— “that he had found that the lands in that province, as well as in some parts more immediately under the Company, have suffered in a grievous manner, being completely exhausted of their natural moisture by the total failure of one entire season of the periodical rains,” with a few exceptions, which were produced only “by the uncommon labor of the husbandman.” And in a letter to Edward Wheler, Esquire, a member of the Council-General, from Benares, the 20th of September, 1784, he says, that “*the public revenues* had declined with the failure of the cultivation *in three successive years*; and all the stores of grain which the *providence* of the husbandmen, (as he was informed is their *custom*,) in defiance of the *vigilance* of the aumils [collectors], *clandestinely reserved for their own use*, were of course exhausted, in which state no person would accept of the charge of the collections on a positive engagement; nor did the rain fall till the 10th of July.” And in another letter, dated from Benares, the 1st of October following, he repeats the same accounts, and that the “country could not bear further additions of expense: that it had *no inlets of trade* to supply the issues that were made from it” (the exceptions stated there being inconsiderable); “therefore *every rupee* which is drawn into your treasury [the Company’s] from its circulation will accelerate the period at which its ability must cease *to pay even the stipulated subsidy*.” Notwithstanding this state of the country, of which he was well apprised before he left Calcutta, and the poverty and distress of the prince having been frequently, but in vain, represented to him, in order to induce him to forbear his oppressive exactions, he did, in order to furnish the Council with a color for permitting him to recall the Company’s Resident, and to exercise the whole powers of the Company in his own person, without any check whatsoever, or witness of his proceedings, except the persons of his own private choice, make the express and positive engagement aforesaid, which, if understood of a real and substantial discharge of debt for the relief of the total of the Company’s finances, was grossly fallacious: because at the very time he must have been perfectly sensible, that, in the then state of the revenues and country of Oude, (which are in effect the Company’s revenues and the Company’s country,) the debt or pretended debt aforesaid, asserted to be about five hundred thousand pounds, or thereabouts, could not be paid without contracting another debt at an usurious interest, without encroaching on the necessary establishments or on private property or on the pay of the army, or without grievous oppression of the country, or all these together. And it doth appear that one hundred thousand pounds towards the said payment of debts was borrowed at Calcutta by the Nabob’s agent there, but at what interest is not known; it appears also that other sums were borrowed for arrear of the interest, on which forty thousand pounds sterling appears in the Company’s claims for the current year, and that various deductions were made from the jaghires restored to the Begums, as well as other parts of the Nabob’s family; and it

did and doth appear that an arrear is still due to the old and new brigade, — but whether the same be growing or not doth not appear: yet he hath not hesitated to assert that he had “provided for the *complete* discharge, in *one* year, of a debt contracted by *the accumulation of many*, and from a country whose resources have been wasted and dissipated by three successive years of drought and one of anarchy.” But the said Hastings never did even realize the payments to be made in the first year, (as he confesses in the said letter,) except by an anticipation of the second; and though he states in his letter aforesaid the following facts and engagements, that is to say, “*that a recovery of so large a part of your property* [the Company’s] will afford a seasonable and substantial relief to the necessities of your government, and enable it (for such is my confident hope) *to begin on the reduction of your debt at interest* before the conclusion of this year (I mean the year of this computation).” Whereas the said Warren Hastings did apply the whole produce of the revenue to the mere pay of some part of the British army in Oude; and did not mention in his correspondence that he had remitted any money whatsoever to Calcutta, nor to any other place, (except the fifty thousand pounds taken from Almas Ali Khân, and said to be remitted to Surat,) for the said “substantial relief,” in consequence of the said pretended “recovery of property,” — admitting that it had been suggested to him, and not by him denied, that he had “disappointed the popular expectation by not adopting the policy which he had, *on the conception of better grounds*, rejected; nor did he begin the reduction of the interest debt” at the time stated, nor at any time; but the whole (he well knowing the state of the country from whence the resources aforesaid were by him promised) was a premeditated deceit and imposition on the Board of Council, his colleagues, and on the Court of Directors, his masters.

LXIX. That no traces of regulation appear to have been adopted by the said Warren Hastings during his residence at Lucknow, in conformity to the spirit and intentions of the treaty of Chunar, or of his instructions to Middleton and Bristow, or of the proposed objects of his own commission. But he did, in lieu thereof, pretend to free the Nabob’s government from the interference of the Company’s servants, and the usurpation (as he called it) of a Resident, and thereby to restore it to its proper tone and energy; whereas the measures he took were such as to leave no useful or responsible superintendence in the British, and no freedom in the Nabob’s government: for he did confirm the sole, unparticipated, and entire administration, with all the powers annexed to the government, on the minister, Hyder Beg Khân, to whom he *prevailed* on the Nabob Vizier to commit the entire charge of his revenues, although he knew that his master was a cipher in his hands, — that he “had affixed his seal to letters written without his knowledge, and such as evidently tended to promote Hyder Beg Khân’s influence and interest,” — that his said master did not consider him as a minister of his choice, but as an instrument of his degradation, — that “he exists as a minister by his dependence on the Calcutta

government, and that the Nabob himself had no other opinion of him, — that it is by its *declared* and most *obvious* support *alone* that he could maintain his authority and influence.” And in his instructions to his secret agent, Major Palmer, dated 6th of May, 1782, to ease his mind and remove his jealousy with regard to British interference, he did instruct him, “that much delicacy and caution will be required in your declarations on this subject, lest they should be construed to extend to an immediate change in the administration of his affairs, or the instruments of it. Their persons must be considered as *sacred*, while they act with the *participation of our influence*. This distinction the Nabob *understands*; nor will it be either necessary or proper to allude to it, unless he himself should first introduce the subject.” And the said Hastings did assume, as to a dependant of the lowest order, to prescribe to him the conditions on which he is to hold his place, — to threaten him with scrutinies into his conduct, with dismissal, with punishment, — that he was guilty of falsehood and duplicity, and that he had made his master assert what was true to be false, — that he suspected he had withheld from his master what he ought to have paid to him, — that the event of his having *prevailed* on the Nabob to intrust him as aforesaid was, according to his, the said Hastings’s, own letter, written to the said Hyder Beg Khân himself, “an accumulation of distress, debasement, and dissatisfaction to the Nabob, and of disappointment and disgrace to me. Every measure which he had himself proposed, and to which he had solicited my assistance, has been so conducted as to give him cause of displeasure; there are no officers established by which his affairs could be regularly conducted; mean, incapable, and indigent men have been appointed aumils of the districts, without authority, and without the means of personal protection; some of them have been murdered by the zemindars, and those zemindars, instead of punishment, have been permitted to retain their zemindaries with independent authority; all the other zemindars suffered to rise up in rebellion, and to insult the authority of the sircar, without any attempt made to suppress them; and the Company’s debt, instead of being discharged by the assignments, and extraordinary sources of money provided for that purpose, is likely to exceed even the amount at which it stood at the time in which the arrangement with his Excellency was concluded. *The growth of these evils was early made known to me, and their effects foreboded in the same order and manner as they have since come to pass.* In such a state of calamity and disgrace, I can no longer remain a passive spectator; nor would it be becoming to conceal my sentiments, or qualify the expression of them. I now plainly tell you, that you are answerable for every misfortune and defect of the Nabob Vizier’s government.” And after giving orders, and expressing some hopes of better behavior, he adds, “If I am disappointed, you will impose on me the painful and humiliating necessity of acknowledging to him that I have been deceived, and of recommending the examination of your conduct to his justice, both for the redress of his own and the Company’s grievances, and for the injury sustained by both in their mutual

connection. *Do not reply to me*, that what I have written is from the suggestion of your enemies; nor imagine that I have induced myself to write in such plain and declaratory terms, without a clear insight into all the consequences of it, and a fixed determination upon them.”

LXX. That the aforesaid being the tenure of the power of the said minister, and such his character, as given by the said Warren Hastings himself, who did originally compel the Nabob to receive him, who did constantly support him against the Nabob, his master, as well as against the Company’s Resident, — the delivering over to such a person his master, his family, his country, and the care of the British interests therein, without control or public inspection, was an high crime and misdemeanor.

LXXI. That the next person whom the said Hastings did invest with power in the said country was a certain opulent and powerful native manager of revenue, called Almas Ali Khân, closely connected with the said Hyder Beg Khân, and to whom the said Hyder Beg Khân, as the said Hastings has admitted, “had intrusted the *greatest* part of his revenues, without any pledge or security for his fidelity.” And afterwards the said Hastings charges the said Almas Ali with an intention of removing from the Nabob’s dominions: he states, “as taking with him,” and therefore being possessed of, “an immense treasure, the fruits of his embezzlements and oppressions, and an army raised for its protection.”

LXXII. That the said Warren Hastings was, or pretended to be, impressed with the evil character, dangerous designs, and immoderate power of the said Almas Ali; that he did insert among his instructions to the Resident Bristow an order of a dangerous and unwarrantable nature, in which, upon his, the said Hastings’s, simple allegation of offences, not accurately described or specified, with regard either to the fact, the nature of the offence, or the proof, he was required to urge the Nabob to put him to death, with many qualifications in the said instructions, full of fraud and duplicity, calculated to insnare the said Resident Bristow, and to throw upon him the responsibility of the conduct of the said Almas Ali Khân, if he should continue at large contrary to his orders, or to subject him, the said Resident, to the shame and scandal of apprehending and putting him to death by means which, in the circumstances, must necessarily be such as would be construed into treachery, and he, the said Almas Ali Khân, being from nature and situation suspicious and watchful, and being at that very time in the collection, or farmer of the most important part of the revenues, with an extensive jurisdiction annexed, and at the head of fourteen thousand of his own troops, and having been recently accepted by the Resident Middleton as security for large sums of money advanced by the bankers of Benares to the use of the East India Company; which orders (if the said Resident would or could have executed them) must have raised an universal alarm among all the considerable men of the country concerned in the government, and would have been a means of subverting the public credit of the Company, by the

murder of a person engaged for very great sums of money that had been advanced for their use. And the said instruction is as followeth.

“If any engagement shall actually subsist between them at the time you have charge of the Residency, it must, however exceptionable, be faithfully observed; but if he has been guilty of any criminal offence to the Nabob, his master, for which no immunity is provided in the engagement, or he shall break any one of the conditions of it, I do most strictly enjoin you, and it must be your special care to endeavor, *either by force or surprise*, to secure his person and bring him to justice. By bringing him to justice I mean, that you urge the Nabob, on due conviction, *to punish him with death*, as a necessary example to deter others from the commission of the like crimes; nor must you desist till this is effected. I cannot prescribe the means; but to guard myself against the obloquy to which I may be exposed by a forced misconstruction of this order by those who may hereafter be employed in searching our records for cavils and informations against me, I think it proper to forbid and protest against the use of any *fraudulent artifice or treachery to accomplish the end which I have prescribed*; and as you alone are privy to the order, you will of course observe the greatest secrecy, that it may not transpire: but I repeat my recommendation of it, as one of the first and most essential duties of your office.”

LXXIII. That, among the reasons assigned for putting to death the said Almas Ali, which the said Hastings did recommend directly and repeatedly to the Resident, “as one of the first and most essential duties of his office,” was, in substance, “that, by his extensive trust with regard to the revenues, he had been permitted to acquire independency; that the means thereof had been long seen and the effects thereof foretold by every person acquainted with the state of government, except those immediately interested in it”; and he, the said Warren Hastings, did also charge the said Almas Ali with embezzlement of the revenues and oppression of the people; and nothing appears to disprove the same, but much to give ground to a presumption that the said Almas Ali did grievously abuse the power committed to him, as farmer and collector of the revenue, to the great oppression of the inhabitants of the countries which had been rented to him by Hyder Beg Khân with the knowledge and consent of the said Warren Hastings.

LXXIV. That the Resident, Bristow, declining the violent attempt on the life of Almas Ali deceitfully ordered by the said Warren Hastings, did, on weighty reasons, drawn from the spirit of the said Hastings’s own instructions, recommend that his, the said Almas Ali Khân’s, farms of revenue, or a great part of them, should be, on the expiration of his lease, taken out of his hands, as being too extensive, and supplying the means of a dangerous power in the country; but yet he, the said Warren Hastings, did not only continue him in the possession of the said revenues, but did give to him a new lease thereof for the term of five years. And on this renovation and increase of trust, the said Warren Hastings did not consent to

produce the informer upon whose credit he had made his charge of capital crimes on the said Almas Ali, and had directed him to be put to death, or call upon him to make good his charges; but, instead of this, totally changing his relation to the said Almas Ali, did himself labor to procure from all parts attestations to prove him not guilty of the perfidy and disloyalty of which the said Hastings himself appears to have been to that very time his sole accuser, as he hath since been his most anxious advocate: but though he did use many endeavors to acquit Almas Ali of his intended flight, yet concerning his embezzlements and oppressions, the most important of all charges relative to that of the revenue and collection, he, the said Hastings, hath made no inquiry whatever; by which it might appear that he was not as fully guilty thereof as he had always represented him to be. But some time after he, the said Warren Hastings, had arrived at Lucknow, in the year 1784, he suggested to the said Almas Ali Khân the *advance* to the Company's use of a sum of money amounting to fifty thousand pounds or thereabouts; and the said suggested advance was (as the said Warren Hastings asserts, no witness or document of the transaction appearing) "cheerfully and without hesitation complied with, considering it as an *evidence seasonably* offered for the general refutation of the charges of perfidy and disloyalty": which practice of charging wealthy persons with treason and disloyalty, and afterwards acquitting them on the payment of a sum of money, is highly scandalous to the honor, justice, and government of Great Britain; and the offence is highly aggravated by the said Hastings's declaration to the Court of Directors that the charges against Almas Ali Khân have been too laboriously urged against him, and carried at one time to such an excess as had nearly driven him to abandon his country "*for the preservation of his life and honor,*" and thus to give a "color to the charges themselves," when he, the said Warren Hastings, did well know that he himself did consider as a crime, and did make it an article in a formal accusation against the Resident Middleton, that he did not inform him, the said Hastings, of the supposed treasons of Almas Ali Khân, and of his design to abandon the country, when he himself did most laboriously urge the charges against him, and when no attempt appears to have been made against the life of the said Almas Ali Khân except by the said Warren Hastings himself.

LXXV. That the sum of fifty thousand pounds sterling, or thereabouts, publicly taken by the said Warren Hastings, as an *advance* for the use of the Company, if given as a consideration or fine, on account of the renewal for a long term of civil authority and military command, and the collection of the revenues to an immense amount, the same being at least eight hundred thousand pounds sterling yearly, was so totally inadequate to the interest granted, that it may justly be presumed it was not on that, or on any public ground or condition, that the said Hastings did delegate, out of all reach of resumption or correction, a lease of boundless power and enormous profit, for so long a term, to a known oppressor of the country.

LXXVI. That Warren Hastings, being at Lucknow in consequence of his deputation aforesaid, did, in his letter from that city, dated 30th of April, 1784, recommend to the Court of Directors, “as his *last and ultimate hope*, that their wisdom would put a *final* period to *the ruinous and disreputable system* of interference, whether *avowed or secret*, in the affairs of the Nabob of Oude, and withdraw *forever the influence* by which it is maintained,” and that they ought to confine their views to the sole maintenance of the old brigade stationed in Oude by virtue of the first treaty with the reigning Nabob, expressing himself in the following words to the Court of Directors. “If you transgress that line, you may extend *the distribution of patronage, and add to the fortunes of individuals*, and to the nominal riches of Great Britain; but your *own* interests will suffer by it; and *the ruin of a great and once flourishing nation will be recorded as the work of your administration, with an everlasting reproach to the British name*. To this reasoning I shall join *the obligations of justice and good faith, which cut off every pretext for your exercising any power or authority in this country, as long as the sovereign of it fulfils the engagements he has articulated with you*.”

LXXVII. That it appears by the extraordinary recommendation aforesaid, asserted by him, the said Hastings, to be enforced by the “*obligations of justice and good faith*,” that the said Warren Hastings, at the time of writing the said letter, had made an agreement to withdraw the British interference, represented by him as a “ruinous and disreputable system,” out of the dominions of the Nabob of Oude. But the instrument itself, in which the said agreement is made, (if at all existing,) does not appear; nor hath the said Hastings transmitted any documents relative to the said treaty, which is a neglect highly criminal, — especially as he has informed the Company, in his letter from Benares, “that he has promised the Nabob that he will not abandon him to the *chance* of any other mode of relation, and most confidently given him assurance of *the ratification and confirmation* of that which he [the said Hastings] had established between his government and the Company”: the said *confident assurance* being given to an agreement never produced, and made without any sort of authority from the Court of Directors, — an agreement precluding, on the one hand, the operation of the discretion of his masters in the conduct of their affairs, or, on the other, subjecting them to the hazard of an imputation on their faith, by breaking an engagement confidently made in their name, though without their consent, by the first officer of their government.

That the said Hastings, further to preclude the operation of such discretionary conduct in the administration of this kingdom as circumstances might call for, has informed the Directors that he has gone so far as even to condition the existence of the revenue itself with the exclusion of the Company, his masters, from all interference whatsoever: for in his letter to Mr. Wheler, dated Benares, 20th September, 1784, are the following words. “The aumils [collectors] demanded that a clause should be inserted in their engagements, that they were to be in full force

for the complete term of their leases, *provided that no foreign authority* was exercised over them, — or, in other words, *that their engagements were to cease whenever they should be interrupted in their functions by the interference of an English agent*. This requisition was officially notified to me by the acting minister, and referred to me in form by the Nabob Vizier, for my *previous* consent to it. I encouraged it, and I gave my consent to it.” And the said Hastings has been guilty of the high presumption to inform his said masters, that he has taken that course to compel them not to violate the assurances given by him in their name: “There is one condition” (namely, the above condition) “*which essentially connects the confirmation of the settlement itself with the interests of the Company.*”

LXXVIII. That the said Warren Hastings, who did show an indecent distrust of the Company’s faith, did endeavor, before that time, at other times, namely, in his instructions to his secret agent, Major Palmer, dated the 6th of May, 1782, to limit the confidence to be reposed in the British government to the duration of his own power, in the following words in the fifth article. “It is very much my desire to impress the Nabob with a *thorough* confidence in the faith and justice of our government, — that is to say, *in my own*, while I am at the head of it: I cannot be answerable for the acts of others independent of me.”

LXXIX. That the said Warren Hastings did, in his letter, dated Benares, the 1st of October, 1784, to the Court of Directors, write, “that, if they [the Directors] manifested no *symptoms* of an (1.) *intended* interference, the objects of his engagements will be obtained; (2.) but if a different policy shall be adopted, — if new agents are sent into the country, and armed with authority for the purposes of vengeance or corruption (*for to no other will they be applied*), — if new demands are made on the Nabob Vizier, (4.) and accounts overcharged on one side, with a wide latitude taken on the other, to swell his debt beyond the means of payment, — (5.) if political dangers are portended, to ground on them the plea of burdening his country with unnecessary defences and enormous subsidies, — (6.) or if, even abstaining from *direct encroachment on the Nabob’s rights*, your government shall show but a *degree of personal kindness to the partisans* of the late usurpation, or by any constructive indication of partiality and dissatisfaction *furnish* grounds for the *expectation* of an *approaching* change of system, — I am sorry to say, that all my labors will prove abortive.”

LXXX. That all the measures deprecated in future by the said Warren Hastings, with a reference to former conduct, in his several letters aforesaid, being (so far as the same are intelligible) six in number, have been all of them the proper acts and measures of the said Warren Hastings himself. For he did himself first of all introduce, and did afterwards continue and support, that interference which he now informs the Court of Directors “is ruinous and disreputable, and which the very *symptoms* of an *intention* to renew” he considers in the highest degree dangerous; he did direct, with a controlling and absolute authority, in every department of

government, and in every district in the dominions of the Nabob of Oude. Secondly, the appointment of agents, which was eminently the act of his own administration: he not only retaining many agents in the country of Oude, both "*secret and avowed*," but also sending some of them, in defiance to the orders of that very Court of Directors, to whom, in his said letter of the 1st of October, 1784, he assigns "*vengeance and corruption*" as the only motives that can produce such appointments. Thirdly, that he, the said Warren Hastings, did instruct one of the said agents, and did charge him upon pain of "*a dreadful responsibility*," to perform sundry acts of violence against persons of the highest distinction and nearest relation to the prince; which acts were justly liable to the imputation of "*vengeance*" in the execution, and which he, in his reply to the defence of Middleton to one of his charges, did declare to be liable to the suspicion of "*corruption* in the relaxation." Fourthly, that he did raise new demands on the Vizier, "and overcharge accounts on one side and take a wide latitude on the other," by sending up a new and before unheard-of overcharge of four hundred thousand pounds and upwards, not made by the Resident or admitted by the Vizier, and, by adding the same, did swell his debt "beyond the means of payment"; and did even insert, as the ninth article of his charge against Middleton, "his omitting to take any notice of the additional balance of Rupees 26,48,571, stated by the Accountant-General to be due from the Vizier on the 30th of April, 1780," to which he did add fourteen lac more, making together the above sum. Fifthly, that he, the said Warren Hastings, did assign "political dangers," in his minute of the 13th December, 1779, for burdening the said Nabob of Oude "with unnecessary defences and enormous subsidies," with regard to which he then declared, that "it was *our* part, not *his* [the Nabob's], to judge and to determine." And, sixthly, that he did not only show the *design*, but the *fact*, of personal kindness to the partisans of what he here calls, as well as in another letter, and in one Minute of Consultation, a "late usurpation," — he having rewarded the principal and most obnoxious of the instruments of the said late usurpation, (if such it was,) Richard Johnson, Esquire, with an honorable and profitable embassy to the court of the Nizam.

LXXXI. That the said Warren Hastings, therefore, — by assuming an authority which he himself did consider as an *usurpation*, and by acts in virtue of that usurped authority, done in his own proper person and by agents appointed by himself, and proceeding (though with some mitigation, for which one of them was by him censured and accused) under his own express and positive orders and instructions, and thereby establishing, as he himself observed, "a system of interference, disreputable and ruinous, which could only be subservient to promote patronage, private interest, private embezzlement, corruption, and vengeance," to the public detriment of the Company, "and to the ruin of a once flourishing nation, and eternally reproachful to the British name," and for the evil effects of which system, "as his sole and ultimate hope" and remedy, he recommends an entire

abdication, forever, not only of all power and authority, but even of the interference and influence of Great Britain, — is guilty of an high crime and misdemeanor.

LXXXII. That the said Warren Hastings, in his letter from Chunar of the 29th of November, 1781, has represented that very influence and interference, which in three public papers he denominates “*a late usurpation*” as being authorized by a regular treaty and agreement, voluntarily made with the Nabob himself, at a place called Chunar, on the 19th of September, 1781, a copy of which hath been transmitted to the Court of Directors, — and that three persons were present at the execution of the same, two whereof were Middleton and Johnson, his agents and Residents at Oude, the third the minister of the Nabob. And he did, in his paper written to the Council-General, and transmitted to the Court of Directors, not only declare that the said interference was agreed to by the said Nabob, and sealed with his seal, but would be highly beneficial to him: assuring the said Council, “that, if the Resident performed his duty in the execution of his [the said Hastings’s] instructions, the Nabob’s part of the engagement will prove of still greater benefit to him than to our government, in whose behalf it was exacted; and that the *participation* which is allowed our Resident in the *inspection* of the public treasure will secure the receipt of the Company’s demands, whilst *the influence which our government will ALWAYS possess over the public minister of the Nabob, and the authority of our own*, will be an effectual means of securing an attentive and faithful discharge of their several trusts, both towards the Company and the Vizier.”

LXXXIII. And the said Warren Hastings did not only settle a plan, of which the agency and interference aforesaid was a part, and assert the beneficial consequences thereof, but did also record, that the same “was a great public measure, constituted on a large and *established system*, and destructive, in its instant effects, of the interest and fortune of many patronized individuals”; and in consequence of the said treaty, he, the said Warren Hastings, did authorize and positively require his agent aforesaid to interfere in and control and regulate *all the Nabob’s affairs whatsoever*: and the said Warren Hastings having made for the Company, and in its name, an acquisition of power and authority, even if it had been abused by others, he ought to have remedied the abuse, and brought the guilty to condign punishment, instead of making another treaty without their approbation, consent, or knowledge, and to this time not communicated to them, by which it appears he has annulled the former treaty, and the authority thereby acquired to the Company, as a grievance and usurpation, to which, from the general corruption of their service, no other remedy could be applied than a formal renunciation of their power and influence: for which said actings and doings the said Warren Hastings is guilty of an high crime and misdemeanor.

LXXXIV. That the Company’s army in India is an object requiring the most vigilant and constant inspection, both to the happiness of the natives, the security of the British power, and to its own obedience and discipline, and does require that

inspection in proportion as it is removed from the principal seat of government; and the number and discipline of the troops kept up by the native princes, along with British troops, is also of great moment and importance to the same ends. That Warren Hastings, Esquire, pretending to pursue the same, did, in virtue of an authority acquired by the treaty of Chunar aforesaid, give strict orders, and to which he did demand *a most implicit obedience*, that *all* officers of the Nabob's army should be appointed "with *the concurrence of the Resident*," and supposing the case that persons of obnoxious description or of known disaffection to the British government should be appointed, (of which he left the Resident to be the judge,) he did direct in the following words: "You are in such case to remonstrate against it; and if the Vizier should persist in his choice, you are peremptorily, *and in my name*, to oppose it as *a breach of his agreement*"; and he did also direct that the "*mootiana* [or soldiers employed for the collection of revenue] should be reformed, and reduced into one corps for the whole service, and that *no* infantry should be left in the Nabob's service but what may be necessary for his bodyguard"; and he did further order and direct as follows: "That in quelling disturbances the commander of the forces should assist you [the said Resident] on the requisition of the Vizier communicated through you to him [the said commander], *or at your own tingle application*. It is directed that the regiment ordered for the immediate protection of your office and person at Lucknow shall be relieved every three months, and during its stay there shall act solely and exclusively under your orders." And it appears in the course of the Company's correspondence, that the country troops under the Nabob's sole direction would be ill-disciplined and unserviceable, if not worse, and therefore the said Warren Hastings did order that "no infantry should be kept in his service"; yet it appears that the said Warren Hastings did make an arrangement for a body of native troops wholly out of the control or inspection of the British government, and left a written order in the hands of Major Palmer (one of *his* agents, who had been continued there, though the Company was not permitted to employ any) to be transmitted to Colonel Cumming as soon as an adequate force shall be provided *for the defence of the Nabob's frontier* by detachments from *the Nabob's own battalions*, — the said Colonel Cumming's forces, whom the others were to supersede and replace, consisting wholly of infantry, and which, being intended for the same service, were probably of the same constitution.

LXXXV. That the old brigade of British troops, which by treaty was to remain, had been directed, by the instructions of the said Hastings to the Resident Middleton and to the Resident Bristow, "not to be employed at the requisition of the Vizier any otherwise than through the Resident"; and the said direction was properly given, — it not being fit that British troops should be under the sole direction of foreign independent princes, or of any other than the British government: yet, notwithstanding the proper and necessary direction aforesaid, he, the said Warren Hastings, hath left the said troops, by his new treaty, without any

local control, or even inspection, notwithstanding his powers under the treaty of Chunar, and his own repeated orders, and notwithstanding the mischiefs and dangers which the said Warren Hastings did foresee would result therefrom, if left under the sole direction of the Nabob, and their own discretion, the said Hastings having stipulated with the said Nabob not to exercise any authority, or even influence, *secret* or *avowed*, within his dominions.

LXXXVI. That the crime of the said Warren Hastings, in attempting thus to abandon the British army to the sole discretion of the Nabob of Oude, is exceedingly aggravated by the description given by him severally of the said Nabob of Oude, and of the British army stationed for the defence of his dominions. In his letters to the Court of Directors, and in his Minutes of Consultation, and particularly in his letter of ———, immediately on the accession of the Nabob, he did inform the said Court, “that the Nabob had not, by all accounts, the qualities of the head or heart which fitted him for that office, though there was no dispute concerning his right to succeed”; and some years afterwards, when his accounts must have been rendered more certain, he did, in his Minute of Consultation of the 15th of December, 1779, (regularly transmitted to the Court of Directors,) upon a discussion for withdrawing certain troops kept up in the Nabob’s country without his consent, by him, the said Warren Hastings, strongly urge as follows,— “the *necessity* of maintaining the influence and force which we possess in the country; that the disorders of his state [the Nabob of Oude’s state] and dissipation of his revenues are the effects of his own conduct, which has failed, not so much from the usual effects of *incapacity* as from the detestable choice he has made of the ministers of his power and the participation of his confidence. I forbear to expatiate further on his character; it is sufficient that I am understood by the members of this board, who must know the truth of my allusions. Mr. Francis” (a member of the board) “surely was not aware of the injury he did me [Warren Hastings] by attributing to the spirit of party the character I gave Asoph ul Dowlah [the Nabob of Oude]; he himself knows it *to be true*; and it is one of those *notorieties* which *supersede the necessity of any evidence*. I was forced to the allusion I made by the *imputation cast on this government, as having caused the evils which prevail in the government of the Nabob of Oude, which I could only answer by ascribing them to their true cause, the character and conduct of the Nabob of Oude.*” And the Resident (appointed by the said Hastings, against the orders of the Court of Directors, as his particular confidential representative, one whom the said Nabob did himself request might be continued with him *by an engagement in writing forever*) did some time before, that is, on the 3d of January, 1779, assure the said Hastings and the Council-General, that “such is his Excellency’s [the Nabob of Oude’s] disposition, and so entirely has he lost the confidence and affections of his subjects, that, unless some restraint is imposed on him which would effectually secure those who live under the protection of his government from violence and oppression, I am but too

well convinced that no man of reputation or property will long continue in these provinces”; and that the said Resident proceeds to an instance of oppression and rapine, “out of *many* of the Nabob’s, which has caused a total disaffection and want of confidence among his subjects: he hoped the board would take it into their humane consideration, and interpose their *influence*, and prevent an act which would inevitably bring disgrace upon himself, and a proportionable degree of discredit on the national character of the English, which I consider to be more or less concerned in every act of his administration.”

LXXXVII. That no exception was ever taken by the said Warren Hastings to the truth of the facts, or to the justness of the observation of the said Resident, which he did transmit to the Court of Directors. And the said Warren Hastings, in his letter from Chunar, dated the 29th of November, 1781, speaking of the restraints which had been put by him, the said Hastings, on the Nabob, relative to his own *mootiana*, or forces for collection and police, and the necessity of giving the Resident a control in the nomination of the officers of his army, has asserted, “that the necessity of the reservation arose from a too well known defect in the Nabob’s character: if this *check* be withdrawn, and the choice left absolutely to the Nabob, the first commands in his army will be filled with the most worthless and abandoned of his subjects: his late commander-in-chief is a signal and scandalous instance of this.”

LXXXVIII. And the said Warren Hastings, in his letter to the Court of Directors, dated Benares, the 15th of October, 1784, even after he had made the aforesaid renunciation of the Company’s authority and influence to the Nabob, did write, “that the Nabob, though most gentle in his manners, and endued with an understanding much above the common level, has been *unfortunately bred up in habits* that draw his attention too much from his own affairs, and often subject him to the guidance of *insidious and unworthy confidants*”; which, though more decently expressed with regard to the Nabob than in his former minutes, substantially agrees with them. And the said Warren Hastings did inform the Court of Directors, after he had solemnly covenanted to withdraw all the Company’s influence on the assurances and promises of a person so by himself described, that, for reasons grounded on his knowledge of the imbecility of the character of the Nabob, he waited in a frontier town, “that he might be at hand to counteract any attempt to defeat the effect of his proceedings at Lucknow”; and in his letter to Mr. Wheeler from the same place he did write in the following words: “I am still near enough to attend to the first effects of the execution, and to interfere with my influence for the removal of any obstructions to which they are or may be liable.” He therefore found that there was none or but an insufficient security to the effect of his treaty, but in his own direct personal violation of it. What otherwise was wanting in the security for the Nabob’s engagements was to be supplied as follows: “The most respectable persons of his family will be employed to counteract every other which may tend to

warp him from it; and I am sorry to say *that such assistance was wanting.*” And in another letter, “that he had equal ground to expect every degree of support which could be given it by *the first characters of his family*, who are warmly and zealously interested in it”: the principal male character of the family, and of the most influence in that family, being Salar Jung, uncle to the Nabob; and the first female characters of the family being the mother and grandmother of the reigning sovereign: all of whom, male and female, he, the said Warren Hastings, in sundry letters of his own, in the transmission of various official documents, and even in affidavits studiously collected and sworn before Sir Elijah Impey during his short residence at Lucknow and Benares, did himself represent as persons entirely disaffected to the English power in India, — as having been principal promoters, if not original contrivers, of a general rebellion and revolt for the utter extirpation of the English nation, — and as such, he, the said Warren Hastings, did compel the Nabob reluctantly to take from them their landed estates; and yet the said Warren Hastings has had the presumption to attempt to impose on the East India Company by pretending to place his reliance on those three persons for a settlement favorable to the Company’s interests, on his renunciation of all their own power, authority, and influence, and on his leaving their army to the sole and uncontrolled discretion of a stranger, meriting in his opinion the description given by him as aforesaid, as well as by him frequently asserted to be politically incapable of supporting his own power without the aid of the forces of the Company. And the offence of the said Warren Hastings, in abandoning a considerable part of the British army in the manner aforesaid, is much increased by the description which he has himself given of the state of the said army, and particularly of that part thereof which is stationed in the Nabob of Oude’s dominions: for he did himself, on the 29th of November, 1781, transmit the information following, on that subject, to the Court of Directors, namely,— “that the remote stations of those troops, placing the commanding officers beyond the notice and control of the board [the Council-General] at Calcutta, afforded too much of opportunity and temptation for unwarrantable *emoluments, and excited the contagion of peculation and rapacity throughout the whole army.* A most remarkable instance and uncontrovertible proof of the prevalence of this spirit has been seen in the court-martial upon Captain Erskine, where the court, composed of officers of rank, and respectable characters, unanimously and honorably, (*most honorably,*) upon an acknowledged fact, acquitted him, which in times of stricter discipline would have been deemed a crime deserving the severest punishment.” From which representation (if the said Warren Hastings did not falsely and unjustly accuse and slander the Company’s service) it appeared that the peculation which infected the whole army, derived from the taint which it had in Oude, and so fatal to the discipline of the troops, would be dangerously increased by his treaty and agreement aforesaid with the Nabob, and by his own said evil counsel to the Court of Directors.

LXXXIX. That it appears, after the said Warren Hastings had, on grounds so disgraceful to the British nation and government, agreed to remove forever the British influence and interference from the government of Oude, on account of the disorders in the said government, solely produced by his own criminal acts and criminal connivances, that he did overturn his own settlement as soon as he had made it, and did, after he had abolished the Company's Residency, as a grievance, wholly violate his own solemn agreement: for he did, for his private purposes, continue therein his own private agent, Major Palmer, with a number of officers and pensioners, at a charge to the revenues of the country greatly exceeding that of the establishment under Mr. Bristow, which he did represent as frightfully enormous, and which he pretended to remove: the former amounting to 112,950*l.*, the latter only to 64,202*l.*

XC. That his own secret agent, Major Palmer, did receive a salary or allowance, equal to 22,800*l.* a year, out of the distressed province of Oude; and this the said Palmer did declare not to be more than he absolutely did really and *bonâ fide* spend, and that he had retrenched considerably "in some of the articles since the expense has been borne by the Vizier, and in every particular he made as little parade and appearance as his station would admit," — his station being that of the said Warren Hastings's private agent. But if the said large salary must be considered as merely equal to the expenses, large secret emoluments must be presumed to attend it, in order to make it a place advantageous to the holder thereof. That the said Palmer did apply to the board at Calcutta for a new authority to continue the said establishments, — he conceiving their continuance, "after the period of the Governor-General's departure, depended upon the pleasure of the board, and not upon the *authority of the Governor-General, under the sanction of which they were established or confirmed.*"

XCI. That the said Warren Hastings, in order to ruin the Resident Bristow, and to justify himself for his former proceedings respecting him, did bring before the board a new charge against him, for having paid a large establishment of offices and pensions to the Company's servants from the revenues of Oude; and the said Bristow, in making his defence against the charge aforesaid, did plead, that he had found all the allowances on his list established before his last appointment to the Residency, — that they had grown to that excess in the interval between his first removal by the said Warren Hastings and his reappointment; and having adduced many reasons to make it highly probable that the said Hastings was perfectly well acquainted with it, and did approve of the expensive establishments which he, the said Bristow, simply had paid, but not imposed, he did allege, besides the official assurances of his predecessor, Middleton, certain facts, as amounting to a direct proof that the Governor-General, Warren Hastings, was not averse to the Vizier's granting large salaries to more than one European gentleman. And the first instance was to Mr. Thomas, a surgeon, who, exclusive of his pay from the Company, which

was 1,440*l.* a year, claimed from the Vizier, with Mr. Hastings's knowledge, the sum of 9,763*l.* a year, and upwards, making together 11,203*l.* per annum. The next was Mr. Trevor Wheler, who did receive, upon the same establishment, when he was Fourth Assistant at Oude, 6,000*l.* a year; and which last fact the said Hastings has admitted upon record "that the accusations of Mr. Bristow and Mr. Cowper did *oblige* and *compel* him to acknowledge," — denying, at the same time, that the allowances of the Residents Middleton and Bristow, except in this single instance, were ever authorized by him; whereas his own agent, Palmer, did, in his letter of the 27th of March, 1785, represent, that the said salaries and allowances (if not more and larger) were by him authorized or confirmed.

XCII. That the aforesaid Bristow did also produce the following letter in proof that Mr. Hastings knew and approved of large salaries to British subjects upon the revenues of Oude, and which he did declare that nothing but the necessity of self-defence could have induced him to produce.

'DEAR BRISTOW, —

"Sir Eyre Coote has some field-allowances to receive from the Vizier; they amount to Sicca Rupees 15,554 per month, and he has been paid up by the Vizier to the 20th of August, 1782. The Governor has directed me to write to you, to request you to receive what is due from the Vizier from the 20th August last, at the rate of Lucknow Sicca Rupees 15,664 per month, and send me a bill for the amount, the receipt of which I will acknowledge in the capacity of Sir Eyre Coote's attorney; and the Governor desires that you will continue to receive Sir Eyre Coote's field-allowances at the same rate, and remit the money to me as it comes in.

(Signed) "CHARLES CROFTES.

"CALCUTTA, January 25, 1783."

XCIII. That Sir Eyre Coote aforesaid was at the time of the said field-allowances not serving in the country of Oude, on which the said allowances were charged, but in the Carnatic.

XCIV. That, from the declaration of the said Hastings himself, that it was the conviction of Mr. Bristow and Mr. Cowper that could alone *oblige* and *compel* him to *acknowledge* certain of his aforesaid practices, and that nothing *but the necessity of self-defence* could have induced Mr. Bristow to make public another and much stronger instance of the same, it is to be violently presumed, that, where these two, or either, or both necessities did not exist, many evil and oppressive practices of the said Hastings do remain undiscovered, — that, if it had not been for the contests between him, the said Hastings, and the Resident Bristow, not only the before-mentioned particulars, but the whole of the expensive civil establishments for English servants at Oude, would have been forever concealed from the Directors and from Parliament: and yet the said Hastings has had the audacity to pretend so complete an ignorance of the facts, that, representing the Vizier as objecting to the largeness of the payments made by Bristow, and stating a very reduced list, which

he was willing to allow for, amounting to 30,000*l.* a year, the said Hastings did affect to be alarmed at the magnitude even of the list so curtailed, expressing himself as follows, in his minute of the 7th of December, 1784: “For my own part, when the Vizier’s minister first informed me that the amount which his master had authorized, and was willing to admit, for the charges of the Residency, and the allowances of the gentlemen at Lucknow, was 25,000 rupees per month, I own I was startled at the magnitude of the sum, and was some days hesitating in my mind whether I could with propriety admit of it”: whereas he well knew that the three sums alone of which the necessities aforesaid had compelled the discovery did greatly exceed that sum of which at the first hearing he affects to have been so exceedingly alarmed and thrown into a state of hesitation which continued for some days, and although he, the said Hastings, was conscious that he had at the very time authorized an establishment to more than four times the amount thereof.

XCV. That, in the said deceits, prevarications, contradictions, malicious accusations, fraudulent concealments, and compelled discoveries, as well as in the said secret, corrupt, and prodigal disposition of the revenues of Oude, as well as in his breach of faith to the Nabob, in continuing expensive establishments under a private agent of his own after he had agreed to remove the Company’s agent, the said Warren Hastings is guilty of an high offence and misdemeanor.

XVII. — MAHOMED REZA KHÂN.

I. That it was the declared policy of the Company, on the acquisition of the dewanny of Bengal, to continue the country government, under the inspection of the Resident at the Nabob’s durbar in the first instance, and that of the President and Council in the last; and for that purpose they did stipulate to assign, for the support of the dignity of the Nabob, an annual allowance from the revenues, equal to four hundred thousand pounds a year.

II. That, during the country government, the principal active person in the administration of affairs, for rank, and for reputation of probity, and of knowledge in the revenues and the laws, was Mahomed Reza Khân, who, besides large landed property, was possessed of offices whose emoluments amounted nearly, if not altogether, to one hundred thousand pounds a year.

IV. That the Company’s servants, in the beginning, were not conversant in the affairs of the revenue, and stood in need of natives of integrity and experience to act in the management thereof. On that ground, as well as in regard to the rank which Mahomed Reza Khân held in the country, and the confidence of the people in him, they, the President and Council, did inform the Court of Directors, in their letter of the 30th of September, 1765, that, “as Mahomed Reza Khân’s short administration was irreproachable, they determined to continue him in a share of the authority”;

and this information was not given lightly, but was founded upon an inquiry into his conduct, and a minute examination of charges made against him by his rivals in the Nabob's court, — they having insinuated to the Nabob that a design was formed for deposing him, and placing Mahomed Reza on his throne; but, on examination, the President and Council declare, that “he had so openly and candidly accounted *for every rupee* disbursed from the treasury, that they could not, without injury to his character, and injustice to his conduct during his short administration, refuse continuing him in a share of the government.”

V. That the Company had reason to be satisfied with the arrangement made, so far as it regarded him: the President and Council having informed them, in the following year, in their letter of the 9th of December, 1766, that “the *large* increase of the revenue must in a great measure be ascribed to Mr. Sykes's assiduity, and to *Mahomed Reza Khân's profound knowledge in the finances.*”

VI. That the then President and Council, finding it necessary to make several reforms in the administration, were principally aided in the same by the suggestion, advice, and assistance of the said Mahomed Reza Khân; and in their letter to the Court of Directors of the 24th of June, 1767, they state their resolution of reducing the emoluments of office, which before had arisen from a variety of presents and other perquisites, to fixed allowances; and they state the merits of Mahomed Reza Khân therein, as well as the importance, dignity, and responsibility of his station, in the following manner.

“Mahomed Reza Khân has now *of himself, with great delicacy of honor*, represented to us the evil consequences that must ensue from the continuance of this practice, — since, by suffering the principal officers of the government to depend for the support of their dignity on the precarious fund of perquisites, they in a manner oblige them to pursue oppressive and corrupt measures, equally injurious to the country and the Company; and they accordingly assigned twelve lac of rupees for the maintenance and support of the said Mahomed Reza Khân, and two other principal persons, who held in their hands the most important employments of that government, — having regard to their elevated stations, and to the expediency of supporting them in all the show and parade requisite to keep up the authority and influence of their respective offices, as they are all men of weight and consideration in the country, who held places of great trust and profit under the former government. We further propose, by this act of generosity, to engage their cordial services, and confirm them steady in our interests; since they cannot hope, from the most successful ambition, to rise to greater advantages by any chance or revolution of affairs. At the same time it was reasonable we should not lose sight of Mahomed Reza Khân's past services. He has pursued the Company's interest with steadiness and diligence; his abilities qualify him to perform the most important services; the unavoidable charges of his particular situation are great; in dignity he stands second to the Nabob only; — and as he engages to increase the revenues, without injustice

or oppression, to more than the amount of his salary, *and to relinquish those advantages, to the amount of eight lacs of rupees per annum*, which he heretofore enjoyed, we thought it proper, in the distribution of salaries, to consider Mahomed Reza Khân in a light superior to the other ministers. We have only to observe further, that, great and enormous as the sum must appear which we have allotted for the support of the ministers of the government, we will not hesitate to pronounce that it is necessary and reasonable, and will appear so on the consideration of the power which men employed on these important services have either to obstruct or promote the public good, unless their integrity be confirmed by the ties of gratitude and interest.”

VII. That the said Mahomed Reza Khân continued, with the same diligence, spirit, and fidelity, to execute the trust reposed in him, which comprehended a large proportion of the weight of government, and particularly of the collections; and his attachment to the interest of the Company, and his extensive knowledge, were again, in the course of the year 1767, fully acknowledged, and stated to the Court of Directors. And it further appears that by an incessant application to business his health was considerably impaired, which gave occasion in the year following, that is, in February, 1768, to a fresh acknowledgment of his services in these terms: “We must, in justice to Mahomed Reza Khân, express the high sense we entertain of his abilities, and of the indefatigable attention he has shown in the execution of the important trust reposed in him; and we cannot but lament the prospect of losing his services from the present declining state of his health.”

VIII. That as in the increase of the revenue the said Mahomed Reza Khân was employed as a person likely to improve the same without detriment to the people, so, when the state of any province seemed to require a remission, he was employed as a person disposed to the relief of the people without fraud to the revenue; and this was expressed by the President and Council as follows, with relation to the remissions granted in the province of Bahar: “That the general knowledge of Mahomed Reza Khân, in all matters relative to the dewanny revenues, induced us to consent to such deductions being made from the general state of that province at the *last poonah* as may be deemed irrecoverable, or such as may procure an immediate relief and encouragement to the ryots in the future cultivation of their lands.”

IX. That the said Mahomed Reza Khân, in the execution of the said great and important trusts and powers, was not so much as suspected of an ambitious or encroaching spirit, which might make him dangerous to the Company’s then recent authority, or which might render his precedence injurious to the consideration due to his colleagues in office; but, on the contrary, it appears, that, a plan having been adopted for dividing the administration, in order to remove the Nabob’s jealousies, the same was in danger of being subverted by the ambition “of two of his colleagues, and *the excessive moderation of Mahomed Reza Khân*.” And for a remedy of the inconveniencies which might arise from the excess of an

accommodating temper, though attended with irreproachable integrity, the President and Council did send one of their own members, as their deputy, to the Nabob of Bengal, at his capital of Moorshedabad; and this measure appears to have been adopted for the support of Mahomed Reza Khân, in consequence of an inquiry made and advice given by Lord Clive, in his letter of the 3d of July, 1765, in which letter he expresses himself of the said Mahomed Reza Khân as follows: “It is with pleasure I can acquaint you, *that, the more I see of Mahomed Reza Khân, the stronger is my conviction of his honor and moderation*, but that, at the same time, I cannot help observing, that, either from timidity or an erroneous principle, he is too ready to submit to encroachments upon that proportion of power that has been allotted him.”

X. That, the Nabob Jaffier Ali Khân dying in February, 1765, Mahomed Reza Khân was appointed guardian to his children, and administrator of his office, or regent, which appointment the Court of Directors did approve. But the party opposite to Mahomed Reza Khân having continued to cabal against him, sundry accusations were framed relative to oppression at the time of the famine, and for a balance due during his employment of collector of the revenues; upon which the Directors did order him to be deprived of his office, and a strict inquiry to be made into his conduct.

XI. That the said Warren Hastings, then lately appointed to the Presidency, did, on the 1st of April, and on the 24th of September, 1772, write letters to the Court of Directors, informing them that on the very next day after he had received (as he asserts) their private orders, “addressed to himself alone,” and not to the board, he did dispatch, by express messengers, his orders to Mr. Middleton, the Resident at the Nabob’s court at Moorshedabad, in a public character and trust with the Nabob, to arrest, in his capital, and at his court, and without any previous notice given of any charge, his principal minister, the aforesaid Mahomed Reza Khân, and to bring him down to Calcutta; and he did carefully conceal his said proceedings from the knowledge of the board, on pretext of his not being acquainted with their dispositions, and the influence which he thought that the said Mahomed Reza Khân had amongst them.

XII. That the said Warren Hastings, at the time he gave his orders as aforesaid for arresting the said Mahomed Reza Khân, did not take any measures to compel the appearance of any other persons as witnesses, — declaring it as his opinion, “that there would be little need of violence to obtain such intelligence as they could give against their former master, when his authority is taken from him”; but he did afterwards, in excuse for the long detention and imprisonment of the said Mahomed Reza Khân, without any proofs having been obtained of his guilt, or measures taken to bring him to a trial, assure the Directors, in direct contradiction to his former declaration, “that the influence of Mahomed Reza Khân still prevailed generally throughout the country, in the Nabob’s household, and at the capital, and was

scarcely affected by his present disgrace,” — notwithstanding, as he, the said Hastings, doth confess, he had used his utmost endeavors “to break that influence, by removing his dependants, and putting the direction of all the affairs that had been committed to his care into the hands of *the most powerful or active of his enemies*; that he depended on the activity of their hatred to Mahomed Reza Khân, incited by the expectation of rewards, for investigating the conduct of the latter; that with this the institution of the new dewanny coincided; and that the same principle had guided him in the choice of Munny Begum and Rajah Gourdas, — the former for the chief administration, the latter” (the son of Nundcomar, and a mere instrument in the hands of his father) “for the dewanny of the Nabob’s household, — both *the declared enemies* of Mahomed Reza Khân.”

XIII. That, although it might be true that enemies will become the most active prosecutors, and as such may, though under much guard and many precautions, be used even as witnesses, and that it ought not to be an exception, supposing their character and capacity otherwise good, to the appointing them to power, yet to advance persons to power on the ground not of their honor and integrity, which might have produced the enmity of bad men, but merely for the enmity itself, without any reference whatsoever to a laudable cause, and even with a declared ill opinion of the morals of one of the party, such as was actually delivered in the said letter by him, the said Hastings, of Nundcomar, (and which time has shown he might also on good ground have conceived of others,) was, in the circumstances of a criminal inquiry, a motive highly disgraceful to the honor of government, and destructive of impartial justice, by holding out the greatest of all possible temptation to false accusation, to corrupt and factious conspiracies, to perjury, and to every species of injustice and oppression.

XIV. That, in consequence of the aforesaid motives, and others pretended, which were by no means a sufficient justification to the said Warren Hastings, he did appoint the woman aforesaid, called Munny Begum, who had been of the lowest and most discreditable order in society, according to the ideas prevalent in India, but from whom he received several sums of money, to be guardian to the Nabob in preference to his own mother, *and to administer the affairs of the government* in the place of the said Mahomed Reza Khân, the second Mussulman in rank after the Nabob, and the first in knowledge, gravity, weight, and character among the Mussulmen of that province. And in order to try every method and to take every chance for his destruction, the said Warren Hastings did maliciously and oppressively keep him under confinement, for a part of the time without any inquiry, and afterwards with a slow and dilatory trial, for two years together.

XV. That, notwithstanding a total revolution in the power, in part avowedly made for his destruction, the persons appointed for his trial did, on full inquiry, completely acquit the said Mahomed Reza Khân of the criminal charges against him, on account of which he had been so long persecuted and confined, and

suffered much in mind, body, and fortune: and the Court of Directors, in their letter of the 3d of March, 1775, testify their satisfaction in the conduct and result of the said inquiry, and did direct the restoration of the said Mahomed Reza Khân to liberty, and to the offices which he had lately held, which comprehended the management of the Nabob's household, and the general superintendency of the justice of Bengal; but, according to the orders of the Court of Directors, his appointments were reduced to thirty thousand pounds a year, or thereabouts, of which he did make grievous complaint, on account of the expenses attendant on his station, and the heavy debts which he had been obliged to contract during his unjust persecution and imprisonment aforesaid.

XVI. That, on the removal of the said Mahomed Reza Khân from the superintendency of the criminal justice, and in consequence of letting the province of Bengal in farm by the said Warren Hastings, several dangerous and mischievous innovations were made by him, the said Warren Hastings, and the criminal justice of the country was almost wholly subverted, and great irregularities and disorders did actually ensue.

XVII. That the Council-General, established by act of Parliament in the year 1773, did restore the said Mahomed Reza Khân, with the consent and approbation of the Nabob, (but under a protest from the said Warren Hastings,) to his liberty and to his offices, according to the spirit of the orders given by the Court of Directors as aforesaid; and the Court of Directors did approve of the said appointment, and did assure the said Mahomed Reza Khân of their favor and protection as long as his conduct should merit the same, in the following terms. "As the abilities of Mahomed Reza Khân have been sufficiently manifested, as official experience qualifies him for so high a station in a more eminent degree than any other native with whom the Company has been connected, and as no proofs of maladministration have been established against him, either during the strict investigation of his conduct or since his retirement, we cannot under all circumstances but approve your recommendation of him to the Nabob to constitute him his Naib. We are well pleased that he has received that appointment, and authorize you to assure him of our favor, so long as a firm attachment to the interest of the Company and a proper discharge of the duties of his station shall render him worthy of our protection." And the said Mahomed Reza Khân did continue to execute the same without any complaint whatsoever of malversation or negligence, in any manner or degree, in his said office.

XVIII. That in March, 1778, the said Warren Hastings, under color that the Nabob had completed his twentieth year, and had desired to be placed in the entire and uncontrolled management of his own affairs, and that Mahomed Reza Khân should be removed from his office, and that Munny Begum, his step-mother, the dancing-girl aforesaid, "should take on herself the management of the *nizamut* [the government and general superintendency of criminal justice] without the

interference of any person whatsoever,” and notwithstanding the contradictions in the pretended applications from the Nabob, with whose incapacity for all affairs he was well acquainted, did, in defiance of the orders of the Court of Directors, and without regard to the infamy of an arrangement made for the evident and declared purpose of delivering not only the family with the prince, but the government and justice of a great kingdom, into such insufficient, corrupt, and scandalous hands, and though he has declared his opinion “that our national character is concerned in the character which the Nabob may obtain in the public opinion,” on obtaining a majority in Council, without any complaint, real or pretended, remove the said Mahomed Reza from all his offices, and did partition his salary as a spoil in the following manner: to Munny Begum, the dancing-girl aforesaid, an additional allowance of 72,000 rupees (7,200*l.*) a year; to the Nabob’s own mother but half that sum, that is to say, 36,000 rupees (3,600*l.*) a year; to Rajah Gourdas, son of Nundcomar, (whom he had described as a weak young man,) 72,000 rupees (7,200*l.*) a year, as controller of the household; and to a magistrate called Sudder ul Hock, who, in real subserviency to the said Munny Begum, was nominally to act in the department of criminal justice, 78,000 rupees (7,800*l.*) a year: the total of which allowances exceeding the salary of Mahomed Reza Khân by 18,000 rupees (1,800*l.*) yearly, he did, for the corrupt and scandalous purposes aforesaid, order the same to be made up from the Company’s treasury.

XIX. That Mr. Francis and Mr. Wheler having moved that the execution of the aforesaid arrangement, the whole expense of which, ordinary and extraordinary, was charged upon the Company’s treasury, and therefore could not be even colorably disposed of at the pretended will of the said Nabob, might be suspended until the pleasure of the Court of Directors thereon should be known, and the same being resolved agreeably to law by a majority of the Council then present, the said Hastings, urging on violently the immediate execution of his corrupt project, and having obtained, by the return of Richard Barwell, Esquire, a majority in Council in his own casting vote, did rescind the aforesaid resolution, and did carry into immediate execution the aforesaid most unwarrantable, mischievous, and scandalous design.

XX. That the consequences which might be expected from such a plan of administration did almost instantly flow from it. For the person appointed to execute one of the offices which had been filled by Mahomed Reza Khân did soon find that the eunuchs of Munny Begum began to employ their power with great superiority and insolence in all the concerns of government and the administration of justice, and did endeavor to dispose of the offices relative to the same for their corrupt purposes, and to rob the Nabob’s servants of their due allowances; and in his letter of the 1st September, 1778, he sent a complaint to the board, stating, “that certain bad men had gained an ascendancy over the Nabob’s temper, by whose instigation he acts”; and after complaining of the slights he received from the

Nabob, he adds: "Thus they cause the Nabob to treat me, sometimes with indignity, at others with kindness, just as they think proper to advise him; their view is, that, by compelling me to displeasure at most unworthy treatment, they may force me either to relinquish my station, or to join with them, and act by their advice, and appoint creatures of their recommendation to the different offices, from which they might draw profit to themselves."

XXI. That, in a subsequent letter to the Governor, the said Superintendent of Justice did inform him, the said Warren Hastings, of the audacious and corrupt manner in which, by violence, fraud, and forgery, the eunuchs of Munny Begum had abused the Nabob's name, to deprive the judicial and executory officers of justice of the salaries which they ought to have drawn from the Company's treasury, in the following words: "The Begum's ministers, before my arrival, with the advice of their counsellors, caused the Nabob to sign a receipt, in consequence of which they received, at two different times, near 50,000 rupees ^[5,000L], in the name of the officers of the Adawlut, Phousdary, &c., from the Company's sircars; and having drawn up an account-current *in the manner they wished*, they had got the Nabob to sign it, and sent it to me." And in the same letter he asserts, "that these people had the Nabob entirely in their power."

XXII. That the said Warren Hastings, upon this representation, did, notwithstanding his late pretended opinion of the fitness and the right of the Nabob to the sole administration of his own affairs, authoritatively forbid him from any interference therein, and ordered that the whole should be left to the magistrate aforesaid; to which the Nabob did, notwithstanding his pretended independence, yield an immediate and unreserved submission: for the said Hastings's order being given on the 1st of September at Calcutta, he received *an answer* from Moorshedabad on the 3d, in the following terms: "Agreeably to your pleasure, I have relinquished all concern with the affairs of the Phousdary and Adawlut, leaving the entire management in Sudder ul Hock's hands." Which said circumstance, as well as many others, abundantly proves that all the Nabob's actions were in truth and fact entirely governed by the influence of the said Hastings, and that, however the said Hastings may have publicly discouraged the corrupt transactions of the said court, yet he did secretly uphold the authority and influence of Munny Begum, who did entirely direct, with his knowledge and countenance, all the proceedings therein. For

XXIII. That on the 13th of the same month of September he did receive a further complaint of the corrupt and fraudulent practices of the chief eunuch of the said Munny Begum; and these corrupt practices did so continue and increase, that on the 10th of October, 1778, he was obliged to confess, in the strongest terms, the pernicious consequences of his before-created unwarrantable and illegal arrangements; for, in a letter of that date to the Nabob, he expresses himself as follows. "At your Excellency's request, I sent Sudder ul Hock Khân to take on him

the administration of the affairs of the Adawlut and Phousdary, and hoped by that means not only to have given satisfaction to your Excellency, but that, through his abilities and experience, these affairs would have been conducted in such manner as to have secured the peace of the country and the happiness of the people; and it is with the greatest concern I learn that this measure is so far from being attended with the expected advantages, that the affairs both of the Phousdary and Adawlut are in the greatest confusion imaginable, and daily robberies and murders are perpetrated throughout the country. This is evidently owing to the want of a proper authority in the person appointed to superintend them. I therefore addressed your Excellency on the importance and delicacy of the affairs in question, and of the necessity of lodging full power in the hands of the person chosen to administer them; in reply to which your Excellency expressed sentiments coincident with mine; notwithstanding which, your dependants and people, actuated by *selfish, and avaricious views, have by their interference so impeded the business as to throw the whole country into a state of confusion, from which nothing can retrieve it but an unlimited power lodged in the hands of the superintendent.* I therefore request that your Excellency will give the strictest injunctions to all your dependants not to interfere in any manner with any matter relative to the affairs of the Adawlut and Phousdary, and that you will yourself relinquish all interference therein, and leave them entirely to the management of Sudder ul Hock Khân: this is absolutely necessary to restore the country to a state of tranquillity.” And he concluded by again recommending the Nabob to withdraw all interference with the administrator aforesaid: “otherwise a measure which I adopted at your Excellency’s request, and with a view to your satisfaction and the benefit of the country, will be attended with quite contrary effects, and bring discredit on me.”

XXIV. That the said Hastings, in the letter aforesaid, in which he so strongly condemns the acts and so clearly marks out the mischievous effects of the corrupt influence under which alone the Nabob acted, and under which alone, from his known incapacity, and his dependence on the person supported by the said Hastings, he could act, did propose to put all the offices of justice (which on another occasion he had requested him to *permit* to remain in the hands which then held them) into his own disposal, — telling him, or rather the woman and eunuchs who governed him, “that, if his Excellency has any plan for the management of the affairs in future, be pleased to communicate it to me, and every attention shall be paid to give your Excellency satisfaction”: by which means not only particular parts, as before, but the whole system of justice was to be afloat, and to be subject to the purposes of the aforesaid corrupt cabal of women and eunuchs.

XXV. That the Court of Directors, on receiving an account of the above arrangements, and being well apprised of the spirit, intention, and probable effect of the same, did, in a clear, firm, and decisive manner, express their condemnation of the measure, and their rejection and reprobation of all the pretended grounds and

reasons on which the same was supported, — marking distinctly his prevarication and contradictions in the same, and pointing to him their full conviction of the unworthy motives on which he had made so shameful an arrangement: telling him, in the 17th paragraph of their general letter of the 4th of February, 1779, “The Nabob’s letters of the 25th and 30th of August, of the 3d of September, and 17th of November, leave us no doubt of the *true* design of this *extraordinary* business being *to bring forward* Munny Begum, and again to invest her with improper power and influence, notwithstanding our former declaration, that *so great* a part of the Nabob’s allowance had been embezzled and misapplied under her superintendence.”

XXVI. That, in consequence of the censure and condemnation of the unwarrantable measures of the said Warren Hastings by the Court of Directors, on the aforesaid and other weighty and substantial grounds, they did order and direct as follows, in the 20th paragraph of the general letter of the same date. “As we deem it for the welfare of the country that the office of Naib Subahdar be for the present continued, and that this high office should be filled by a person of wisdom, experience, and of approved fidelity to the Company, and as we have no reason to alter the opinion given of Mahomed Reza Khân in our letter of the 24th of December, 1776, we positively direct, that you forthwith signify to the Nabob Mobarek ul Dowlah our pleasure that Mahomed Reza Khân be immediately restored to the office of Naib Subahdar; and we further direct, that Mahomed Reza Khân be again assured of the continuance of our favor, so long as a firm attachment to the interest of the Company and a proper discharge of the duties of his station shall render him worthy of our protection.”

XXVII. That the aforesaid direction did convey in it such evident and cogent reason, and was so far enforced by justice to individuals and by regard to the peace and happiness of the natives, as well as by the common decorum to be observed in all the transactions of government, that the said Hastings ought to have yielded a cheerful obedience thereto, even if he had not been by a positive statute, and his relation of servant to the Company, bound to that just submission. Yet the said Hastings did, without denying or evading any one of the reasons assigned by the Court of Directors, or controverting the scandalous motives assigned by them for his conduct, contumaciously refuse obedience to the above positive order, on pretence that the Nabob, who, he had declared it on record “to be as visible as the light of the sun, is a mere pageant, and without even the shadow of authority,” did dissent from the same; and he did encourage the said Nabob, or rather the eunuchs, the corrupt ministers of Munny Begum, to oppose himself and themselves to the authority of the said Court of Directors: by which means the arrangement, three times either ratified or expressly ordered by them, was wholly defeated; the aforesaid corrupt system was continued; Mahomed Reza Khân was not restored to his office; and a lesson was taught to the natives of all ranks, that the declared approbation, the avowed sanction, and the decided authority of the Court of

Directors were wholly nugatory to their protection against the corrupt influence of their servants.

XXVIII. That the said Warren Hastings, on a reconciliation with Mr. Francis, one of the Council-General, who made it a condition thereof that certain of the Company's orders should be obeyed, and that Mahomed Reza Khân should be restored to his offices, did, a considerable time after, notwithstanding the pretended reluctance of the Nabob, and his pretended freedom, make, for his convenience in the said accommodation, the arrangement which he had unwarrantably and illegally refused to the orders of the Court of Directors, and did of his own authority and that of the board restore Mahomed Reza Khân to his offices.

XXIX. That soon after the departure of the said Mr. Francis he did again deprive the said Mahomed Reza Khân of his said offices, and did make several great changes in the constitution of the criminal justice in the said country; and after having, under pretence of the Nabob's sufficiency for the management of his own affairs, displaced, without any specific charge, trial, or inquiry whatsoever, the said Mahomed Reza Khân, he did submit the said Nabob to the entire direction, in all parts of his concerns, of a Resident of his own nomination, Sir John D'Oyly, Baronet, and did order an account of the most minute parts of his domestic economy to be made out, and to be delivered to the said Sir John D'Oyly, in the following words, contained in a paper by him intituled, INSTRUCTIONS from the Governor-General to the Nabob Mobarek ul Dowlah respecting his conduct in the management of his affairs. "You will be pleased to direct your *mutseddies* to form an account of the fixed sums of your monthly expenses, such as servants' wages in the different departments, pensions, and other allowances, as well as of the estimated amount of variable expenses, to be delivered to Sir John D'Oyly *for my inspection*. I have given such orders to Sir John D'Oyly as will enable him to propose to you such reductions of the pensions and other allowances, and such a distribution of the variable expenses, as shall be proportionable to the total sum of your monthly income; *and I must request you will conform to it.*" And he did, in the subsequent articles of his said instructions, order the whole management to be directed by Sir John D'Oyly, subject to his own directions as aforesaid; and did even direct what company he should keep; and did throw reflections on some persons, in places the nearest to him, as of bad character and base origin, — persons whom he should decline to name as such, "unless he heard that they still availed themselves of his goodness to retain *the places* which they improperly hold near his person." And he did particularly order the said Nabob not to admit any English, but such as the said Sir John D'Oyly should approve, to his presence; and did repeat the said order in the following peremptory manner: "You *must forbid any person of that nation* to be intruded into *your* presence without *his* introduction." And he did require his obedience in the following authoritative style: "I shall think myself obliged to interfere *in another manner*, if you neglect it."

XXX. That he, the said Warren Hastings, did insult the captive condition of the said Nabob by informing him, in his imperious instructions aforesaid, that this total, blind, and implicit obedience, in every respect whatsoever, to Sir John D'Oyly and himself personally, and without any reference to the board, "was the very *conditions* of the compliance of the Governor-General and Council with his late requisition"; which requisition was, that he should enjoy *the free and uncontrolled* management of his own affairs. And though the said captive did offer, as he, the said Hastings, himself admits, *four lacs* of his stipend, at that time reduced to sixteen lac, for *the free use of the remainder*, yet he did place him, the said Nabob, in the state of servitude in the said instructions laid down but a very short time after he had assumed and used the said Nabob's independent rights as a ground for refusing to obey the Company's orders, — and although he has declared, or pretended, on another occasion, which he would have thought similar, that any attempt to limit the household expenses of the Nabob of Oude was an indignity, "which no man living, however mean his rank in life, or dependent his condition in it, would permit to be exercised by any other, without the want or forfeiture of every manly principle."

XXXI. That the said Warren Hastings did order the said stipend (which was to be distributed, in the minutest particular, according to the said Hastings's personal directions) to be paid monthly, not to any officer of the Nabob, but to the said Resident, Sir John D'Oyly. And whereas the Governor-General and Council did, on the appointment of Mahomed Reza Khân, according to their duty, instruct him, that "he do conform to the *orders* of the Company, which direct that an annual account of the Nabob's expenses be transmitted through the Resident at the Durbar, for the inspection of this *board*" the said Hastings, in making his new establishment in favor of his Resident, did wholly omit the said instruction, and did confine the said communication to *himself*, privately. And in fact it does not appear that any account whatsoever of the disposition of the said large sum, exceeding 160,000*l.* sterling a year, has been laid before the board, or at least that any such account has been transmitted to the Court of Directors; and it is not fitting that any British servant of the Company should have the management of any public money, much less of so great a sum, without a public well-vouched account of the specific expenditure thereof.

XXXII. That the Court of Directors did, on the 17th of May, 1766, propose certain rules for regulating the correspondence of the Resident with the Nabob of Bengal, in which they did direct, as a principle for the said regulations, as follows (paragraph 16th). "We would have his correspondence to be carried on with the *Select Committee* through the channel of the President: he should keep a diary of all his transactions. His correspondence with the natives *must be publicly conducted*: copies of *all* his letters, sent and received, be transmitted monthly to the Presidency, with duplicates and triplicates to be transmitted home in our general packet by every ship."

XXXIII. That the President and Select Committee (Lord Clive being then President) did approve of the whole substantial part of the said regulation (the diary excepted); and the principle, in all matters of account, ought to have been strictly adhered to, whatever limitations may have been given to the office of Resident. Yet he, the said Warren Hastings, in defiance of the aforesaid good rules, orders, and late precedent in conformity to the same, did not only withhold any order for the purpose, but, in order to carry on the business of the said durbar in a clandestine manner for his own purposes, did, as aforesaid, exclude all English from an intercourse with the Nabob, who might carry complaints or representations to the board, or the Court of Directors, of his condition, or the conduct of the Resident, — and did further, to defeat all possible publicity, insinuate to him to give the preference to verbal communication above letters, in the words following, of the ninth article of his instructions to the Nabob: “Although I desire to receive your letters frequently, yet, as many matters will occur which cannot be *so easily explained by letters as by conversation*, I desire that you will on such occasions give your orders to him respecting such points as you may desire to have imparted to me; and I, postponing every other concern, will give an immediate and the most satisfactory reply concerning them.” Accordingly, no relation whatsoever has been received by the Court of Directors of the said Nabob’s affairs, nor any account of the money monthly paid, except from public fame, which reports that his affairs are in groat disorder, his servants unpaid, and many of them dismissed, and all the Mussulmen dependent on his family in a state of indigence.

XVIII. — THE MOGUL DELIVERED UP TO THE MAHRATTAS.

I. That Shah Allum, the prince commonly called the Great Mogul, or, by eminence, *The King*, is, or lately was, in the possession of the ancient capital of Hindostan, and though without any considerable territory, and without a revenue sufficient to maintain a moderate state, he is still much respected and considered, and the custody of his person is eagerly sought by many of the princes in India, on account of the use to be made of his title and authority; and it was for the interest of the East India Company, that, while on one hand no wars shall be entered into in support of his pretensions, on the other no steps should be taken which may tend to deliver him into the hands of any of the powerful states of that country, but that he should be treated with friendship, good faith, and respectful attention.

II. That Warren Hastings, in contradiction to this safe, just, and honorable policy, strongly prescribed and enforced by the orders of the Court of Directors, did, at a time when he was engaged in a negotiation the declared purpose of which was to give peace to India, concur with the captain-general of the Mahratta state, called Mahdajee Sindia, in hostile designs against the few remaining territories of that

same Mogul emperor, by virtue of whose grant the Company actually possess the government and enjoy the revenues of great provinces, and also against the possessions of a Mahomedan chief called Nudjif Khân, a person of much merit with the East India Company, in acknowledgment of which they had granted him a pension, included in the tribute due to the king, and, together with that tribute, taken from him by the said Warren Hastings, though expressly *guarantied* to him by the Company. With both these powers the Company had been in friendship, and were actually at peace at the time of the said clandestine concurrence in a design against them; and the said Hastings hath since declared, that the right of one of them, namely, “the right of the Mogul emperor, to our assistance, has been constantly acknowledged.”

III. That the said Warren Hastings, at the time of his treacherous concurrence in a design against a power which he was himself of opinion we were bound to assist, and against whom there was no doubt he was bound neither to form nor to concur in any hostile attempt, did give a caution to Colonel Muir, to whom the negotiation aforesaid was intrusted on the part of the Company, against “inserting anything in the treaty which might *expressly* mark our *knowledge* of his [the Mahratta general’s] views, *or concurrence in them*.” Which said transaction was full of duplicity and fraud; and the crime of the said Hastings therein is aggravated by his having some years before withheld the tribute which by treaty was solemnly agreed to be paid to the said king, on pretence that he had thrown himself, for the recovery of his city of Delhi, on the protection of the Mahrattas, whom the said Warren Hastings then called *the natural enemies* of the Company, and the growth of whose power he then alleged to be highly dangerous to the interests of this kingdom in India.

IV. That, after having concurred, in the manner before mentioned, in a design of the Mahrattas against the Mogul, and notwithstanding he, the said Warren Hastings, had formerly declared, “that with him [the Mogul] our connection had been a long time suspended, and *he wished never to see it renewed*, as it had proved a fatal drain to the wealth of Bengal and the treasury of the Company, without yielding one advantage or possible resource, even of remote benefits, in return,” the said Warren Hastings did nevertheless, on or about the month of March, 1783, with the privity and consent of the members of the board, but by no authoritative act, dispatch, as agents of him, the Governor-General only, and not as agents of the Governor-General and Council, as they ought to have been, certain persons, among whom were Major Browne and Major Davy, to the court of the king at Delhi, and did there enter into certain engagements with the said king by the means of those agents, and did carry on certain private and dangerous intrigues for various purposes, particularly for making war in favor of the said king against some powers or princes not precisely described, but which, as may be inferred from a subsequent correspondence, were certain Mahomedan princes in the neighborhood of Delhi in amity with the Company, and some of them at that time in the actual service and in

the apparent confidence and favor of the said Mogul; and he did order Major Browne to offer to the Mogul king to provide for the *entire* expense of *any* troops the Shah [the said king] might require; and the proposal was accordingly accepted, with the conditions annexed: by which proposal and acceptance thereof the East India Company was placed in a situation of great and perplexing difficulty; since either they were to engage, at an unlimited *expense*, in new wars, contrary to their orders, contrary to their general declared policy, and contrary to the published resolutions of the House of Commons, and wholly incompatible with the state of their finances, or, to preserve peace, they must risk the imputation of a new violation of faith, by departing from an agreement made on the voluntary proposal of their own government, — the agent of the said Hastings having declared, in his letter to the said Hastings, by him communicated to the board, “that the business of assisting the Shah [the Mogul emperor] can and *must* go on, if we wish to be secure in India, or regarded as a nation of faith and honor.”

V. That the said Warren Hastings did, on the 20th day of January, 1784, send in circulation to the other members of the Council a letter to him from his agent, Major Browne, dated at Delhi, on the 30th of December, 1783, viz., that letter to which the foregoing references are made, in which the said Browne did directly press, and indirectly (though sufficiently and strongly) suggest, several highly dangerous measures for realizing the general offers and engagements of the said Warren Hastings, — proposing, that, besides a proportion of field artillery, and a train of battering cannon for the purpose of sieges, six regiments of sepoys in the Company’s service should be transferred to that of the said king, and that certain other corps should also be raised for the said service in the English provinces and dependencies, to be immediately under the king’s [the Mogul’s] orders, and to be maintained by assignments of territorial revenue within the province of Oude, a dependent member of the British government, but with a caution against having any British officer with the same; the said Major Browne expressing his caution as followeth: “If any European officer *be* with this corps, a very nice judgment indeed must direct the choice; for scarce any are in the smallest degree *fit* for *such* employ, but much more likely to do harm than good.” And the letter aforesaid being without any observation thereon, or any disavowal of the matters of fact or of the counsels so strongly and authoritatively delivered therein by the said Warren Hastings’s agent, and without any mark of disapprobation of any part of his plan, whether that of the assignment of territory belonging to the Company’s allies for the maintenance of troops which were to be by that plan put under the orders of a foreign independent power, or that of employing the said troops without any British officer with them, or for his alarming observation by him entered on the Company’s records, which, if not an implied censure on the nature of the service in which British officers are supposed improper to be trusted, is a strong reflection on the character of the British officers, which was to render them unfit to be employed in an honorable

service, — the said Warren Hastings did thereby give a countenance to the said unwarrantable and dangerous proposals and reflections.

VI. That a considerable time before the production and circulation of Major Browne's letter, the said Hastings did enter a Minute of Consultation containing a proposition similar in the general intent to that in the said letter contained for assisting the Mogul with a military force; but the other members of the board did disagree thereto, and, being alarmed at the disposition so strongly shown by the said Hastings to engage in new wars and dangerous foreign connections, and possibly having intelligence of the proceedings of his agent, did call upon him to produce his instructions to Major Browne; and he did, on the 5th of October, 1783, and not before, enter on the Consultations a certain paper purporting to be the instructions which he had given to Major Browne the preceding March, the time of his, the said Browne's, appointment, in which pretended instructions no direction whatsoever was given to the effect of his, the said Hastings's, Minute of Consultation propounded: that is to say, no power was given in the said instructions to make a direct offer of military aid to the Mogul, or to form the arrangements stated by the said Browne, in his letter to the said Hastings, as having been made by the express authority of the said Hastings himself; but the said instructions contained nothing further on that subject but a conditional direction, that, in case a military force should be required for the Mogul's aid or protection, the Major is to know the service on which it is to be employed, and the resources from whence it is to be paid; and the instructions produced as his real instructions by the said Hastings are so guarded as to caution the said Browne against *taking any part in the intrigues of those who are about the King's person*. By which letters, instructions, and transactions, compared with each other, it appears that the said Warren Hastings, after six months' delay in entering of (contrary to the Company's order) any instructions to the said Browne, did at last enter a false paper as the true, or that he did give other secret instructions, totally different from, and even opposite to, his public ostensible instructions, thereby to deceive the Council, and to carry on with less obstruction dark and dangerous intrigues, contrary to the orders of the Court of Directors, to the true policy of this kingdom, and to the safety of the British possessions in the East.

VII. That the said letter from Major Browne was by the said Warren Hastings transmitted to the Court of Directors, without being accompanied by any part of the previous correspondence; by which wilful concealment the said Warren Hastings is guilty of an high and criminal disrespect to the Court of Directors, and of a most flagrant breach and violation of their orders, which he was bound by an act of Parliament to obey.

VIII. That the said Hastings having early in the year 1784 procured to himself a deputation to act in the upper provinces, the Council, being well aware of his disposition to engage in unwarrantable designs against the neighboring states, did

expressly confine his powers to the circumstance of his actual residence within the Company's provinces. But it appears that ways were found out by which he hoped to defeat the precautions of the board: for the said Warren Hastings did write from Lucknow, the capital of the country of Oude, to the Court of Directors, a certain postscript of a letter, dated the 4th of May, 1784, in which he informs the Court that the son and heir-apparent of the Great Mogul had taken refuge with him and the Nabob of Oude; that he had a conference with that prince on the 10th of the same month of May, "no person being either present or within hearing" during the same; and that in the said conference the prince had informed him of the distresses of his father, and his wish for the relief of the king and the restoration of the dominions of his house, as well as to rescue him from the power of certain persons not named, who degraded him into a mere instrument of their interested and sordid designs, and that, on a failure of his application to him, he would either return to his father, or proceed to Calcutta, and thence to England; and that the said Warren Hastings did give him an answer to the following effect: "That our [the British] government had just obtained relief from a state of universal warfare, and required a term of repose; that our whole nation was weary of war, and dreaded the renewal of it, *and would he equally alarmed at any movement of which it could not see the issue or progress, but which might eventually tend to create new hostilities*; that he came hither [to Lucknow] with a limited authority, and could not, if he chose it, engage in a business of that nature *without the concurrence of his colleagues in office, who he believed would be adverse to it*; that he would represent the same to the joint members of his own government, and wait their determination. In the mean time he advised the prince to make advances to Mahdajee Sindia, both because our government *was in intimate and sworn connection* with him, and because he was the effectual head of the Mahratta state; besides that he [the said Warren Hastings] feared his [Sindia's] taking the other side of the question, unless he was early prevented."

IX. That in the statement of this discourse there is much criminal reserve towards the Court of Directors, — it not appearing distinctly what the objects were, nor who the persons concerned, nor what the side was which he apprehended the Mahrattas might take, if not prevented by his advances; and in the discourse itself there were many particulars highly criminal, namely, — for that in the said conversation, in which he describes himself as declining a compliance with the request of the prince on account of the aversion (therein strongly expressed) of his colleagues, of the Company, and of the whole British nation, to engage in any measures which might even "*eventually lead to hostilities*," he spoke to the prince as if he had been entirely ignorant of the offers which but five months before had been made to the king, his father, on the part of that very government, (whose repugnance to such measures he then for the first time chose to profess, but which he always had known,) through Major Browne, the Company's representative at the

court of Delhi, “to provide for the *entire* expense of *any* troops which the Shah [the king] might require,” and that this was “what the Resident had *always* proposed to the king and his confidential ministers,” — the said Browne further declaring, “that, if, in consequence of the said proposals, certain arrangements for the Shah’s service by *troops* were not immediately ordered, in his opinion all our [English government’s] *offers and promises* will be considered as false and insidious.” This being the known state of the business, as represented by the said Hastings’s own agent, and this the public opinion of it, although to impose on the ignorance of the prince with regard to the proceedings at his father’s court would have been unworthy in itself, yet he, the said Warren Hastings, could not hope to succeed in such imposition, as in the postscript aforesaid he represents the said prince (who was the king’s eldest son, and thirty-six years of age) as a person of considerable qualifications, and perfectly acquainted with the transactions at his father’s court, and as one who had long held the *principal* and most active part in the little that remained of *the administration of Shah Allum*. And the said Hastings conferring with a prince so well instructed, without making the slightest allusions to his said positive and recent engagements, or without giving any explanation with regard to them, the said Warren Hastings must appear to the said prince either as a person not only contracting engagements, but actually being the first mover and proposer of them, without any authority from *his colleagues*, and against theirs and the general inclination of the British nation, and on that ground not to be trusted, or that he had used this plea of disagreement between him and his Council as a pretence, set up without color or decency, for a gross violation of his own engagements, leaving the princes and states of the country no solid ground on which they can or ought to contract with the Company, to the utter destruction of all public confidence, and to the equal disgrace of the national candor, integrity, and wisdom.

X. That in a letter dated from the same place, Lucknow, the 16th of the following June, 1784, the said Warren Hastings informs the Court of Directors, that Major Browne, their agent to the Mogul, had arrived there in the character also of agent from the Mogul, with two sets of instructions from two opposite parties in his ministry, which instructions were directly contrary to each other: the first, which were the ostensible instructions, being to engage the said Hastings, in the Mogul’s name, to enter into a treaty of mutual alliance with a chief of the country, then minister to the said Mogul, called Afrasaib Khân; the second were from another principal person, called Mudjed ul Dowlah, also a minister of the said Mogul, (but styled in the said letter *confidential*, for distinction,) which were directly destructive of the former; and the said latter instructions, to which it seems credence was to be given, were sent “under the most solemn adjurations of secrecy.” The purpose of these latter and secret instructions was to require the Company’s aid in freeing the Mogul from the oppressions of his servants, namely, from the oppressions of the said Afrasaib, between whom and the Company Major Browne (at once agent to

that Company, and to two opposite factions in the Mogul's court) accepted a power to make a treaty of mutual alliance under the sanction of his sovereign. And it does not appear that he, Warren Hastings, did discountenance the double-dealing and fraudulent agencies of his and the Company's minister at that court, or did disavow any particular in the letter from him, the said Browne, of the 30th of December, 1783, stating the offers made on his part to the Mogul, so contradictory to his late declarations to the heir-apparent of that monarch, or did give any reprimand to the said Browne, or did show any mark of displeasure against him, as having acted without orders, but did again send him, with renewed confidence, to the court aforesaid.

XI. That the said Warren Hastings, still pursuing his said evil designs, did apply to the Council for discretionary powers relative to the intrigues and factions in the Mogul's court, giving assurances of his resolution not to proceed against their sense; but the said Council, being fully aware of his disposition, and having Major Browne's letter, recorded by himself, the said Warren Hastings, before them, did refuse to grant the said discretionary powers, but, on the contrary, did exhort him "most sedulously and cautiously to avoid, in his correspondence with the different princes in India, whatever may commit, or be strained into an interpretation of committing the Company, either as to their army or treasure," — observing, "that the Company's orders are positive against their interference in the objects of dispute between the country powers."

XII. That, in order to subvert the plain and natural interpretation given by the Council to the orders of the Court of Directors, and to justify his dangerous intrigues, the said Warren Hastings, in his letter of the 16th June, 1784, to the said Court, did, in a most insolent and contemptuous manner, endeavor to persuade them of their ignorance of the true sense of their own orders, and to limit their prohibition of interference with the disputes of the country powers to such country powers as are *permanent*, — expressing himself as follows: "The faction which now surrounds the throne [the Mogul's throne] is widely different from the idea which your commands are intended to convey by the expressions to which you have generally applied them, of *country powers*, to which that of *permanency* is a *necessary adjunct*, and which may be more properly compared to a splendid bubble, which the slightest breath of opposition may dissipate with every trace of its existence." By which construction the said Hastings did endeavor to persuade the Court of Directors that they meant to confine their prohibition of sinister intrigues to those powers only who could not be easily hurt by them, and whose strength was such that their resentment of such clandestine interference was to be dreaded; but that, where the powers were weak and fragile, such intrigues might be allowed.

XIII. That the said Hastings, further to persuade the Court of Directors to involve themselves in the affairs of the Mogul, and to reconcile this measure with his former conduct and declared opinions, did write to them to the following effect:

That “at that former period to which the ancient policy with regard to the Mogul applied, the king’s authority was sufficiently respected” (which he knew not to be true, — having himself declared, in his minute of the 25th of October, 1774, “that he remained at Delhi, the ancient capital of the empire, *a mere cipher* in the administration of it”) to maintain itself against common vicissitudes; that he would not have advised interference, if the king himself retained the exercise of it, *however feeble*, in his own hands; that, if it [the Mogul’s authority] is suffered to receive its final extinction, it is impossible to foresee *what power may arise out of its ruins*, or what events may be linked in the same chain of revolution with it: but your interests *may* suffer by it, your reputation *certainly will*, as his right to our assistance *has been constantly acknowledged*, and by a train of consequences to which our government has not intentionally given birth, but most especially by the movements which *its influence, by too near an approach*, has excited, it has unfortunately become the efficient instrument of a great portion of the king’s present distresses and dangers, — intimating (as well as the studied obscurity of his expressions will permit anything to be discerned) that his own late intrigues had been among the causes of the distresses and dangers, which by new intrigues he did pretend to remove: and he did conclude this part of his letter with some loose general expressions of his caution not to affect the Company’s interests or revenues by any measures he might at that time take.

XIV. That the principle, so far as the same hath been directly avowed, of the said proceedings at the Mogul’s court, was as altogether irrational, and the pretended object as impracticable, as the means taken in pursuit of it were fraudulent and dishonorable, namely, the restoration of the Mogul in some degree to the dignity of his situation, and to his free agency in the conduct of his affairs. For the said Hastings, at the very time in which he did with the greatest apparent earnestness urge the purpose which he pretended to have in view with regard to the dignity and liberty of the Mogul emperor, did represent him as a person wholly disqualified, and even indisposed, to take any active part whatsoever in the conduct of his own affairs, and that any attempt for that purpose would be utterly impracticable; and this he hath stated to the Court of Directors as a matter of public notoriety, in his said letter of the 16th of June, 1784, in the following emphatical and decisive terms.

“*You need not be told* the character of the king, whose inertness, and the habit of long-suffering, has debased his dignity and the fortunes of his house *beyond the power of retrieving either the one or the other*. Whilst his personal repose is undisturbed, he will *prefer* to live in *the meanest state of indigence*, under the rule of men whose views are bounded by avarice and the power which they derive from his authority, rather than commit any share of it to his own sons, (though his affection for them is boundless in every other respect,) from a natural jealousy, founded on the experience of a very different combination of those circumstances which once

served as a temptation and example of unlawful ambition in the princes of the royal line. His ministers, from a policy more reasonable, have constantly employed every means of influence to confirm this disposition, and to prevent his sons from having any share in the distribution of affairs, so as to have established a complete usurpation of the royal prerogative under its own sanction and patronage.”

XV. That the said Warren Hastings, having given this opinion of the sovereign for whose freedom he pretended so anxious a concern, did describe the minister with whom he had long acted in concurrence, and from whom he had just received the extraordinary secret embassy aforesaid for the purpose of effecting the deliverance of his master, the Mogul, from the usurpations of *his ministers*, as follows. “The first minister, Mudjed ul Dowlah, is *totally* deficient in every military quality, conceited of his own superior talents, and formed to the practice of *that crooked policy which, generally defeats its own purpose*, but sincerely attached to his master.” The reality of the said attachment was not improbable, but altogether useless, as the said minister was the only one among the principal persons about the king who (besides the total want of all military and civil ability) possessed no territories, troops, or other means of serving and supporting him, but was himself solely upheld by his influence over his master: neither doth the said Hastings free him, any more than the persons more efficient, who were to be destroyed, from a disposition to alienate the king from an attention to his affairs, and from all confidence in his own family; but, on the contrary, he brings him forward as the very first among the instances he adduces to exemplify the practices of the ministers against their sovereign and his children.

XVI. That the said Warren Hastings, recommending in general terms, and yet condemning in detail, every part of his own pretended plan, as impracticable in itself, and as undertaken in favor of persons all of whom he describes as incapable, and the principal as indisposed to avail himself thereof, must have had some other motives for this long, intricate, dark, and laborious proceeding with the Mogul, which must be sought in his actions, and the evident drift and tendency thereof, and in declarations which were brought out by him to serve other purposes, but which serve fully to explain his real intentions in this intrigue.

XVII. That the other members of the Council-General having abundantly certified their averseness to his intrigues, and even having shown apprehensions of his going personally to the Mogul and the Mahrattas for the purpose of carrying on the same, the said Hastings was driven headlong to acts which did much more openly indicate the true nature and purpose of his machinations. For he at length recurred directly, and with little disguise, to the Mahrattas, and did open an intrigue with them, although he was obliged to confess, in his letter aforesaid of the 16th June, 1784, that the exception which he contended to be implied in the orders of the Court of Directors forbidding the intermeddling in the disputes of “the country powers,” namely, “powers not permanent,” did by no means apply to the Mahrattas;

and he informs the Court of Directors that he did, on the very first advice he received of the flight of the Mogul's son, write to Mr. James Anderson to apprise the Mahratta chief, Sindia, of that event,— “for which as he was unprepared, he desired his [the said Sindia's] advice for his conduct on the occasion of it.” Which method of calling for the advice of a foreign power to regulate his political conduct, instead of being regulated therein by the advice of the British Council and the standing orders of the Court of Directors, was a procedure highly criminal; and the crime is aggravated by his not communicating the said correspondence to the Council-General, as by his duty he was bound to do; but it does abundantly prove his concert with the Mahrattas in all that related to his negotiations in the Mogul court, which were carried on agreeably to their advice, and in subserviency to their views and purposes.

XVIII. That, in consequence of the cabal begun with the Mahrattas, the said chief, Sindia, did send his “familiar and confidential ministers” to him, the said Hastings, being at Lucknow, with whom the said Hastings did hold several secret conferences, without any secretary or other assistant: and the said Hastings hath not conveyed to the Court of Directors any minutes thereof, but hath purposely involved even the general effect and tendency of these conferences in such obscurity that it is no otherwise possible to perceive the drift and tendency of the same, but by the general scope of councils and acts relative to the politics of the Mogul and of the Mahrattas together, and by the final event of the whole, which is sufficiently visible. For

XIX. That the said Hastings had declared, in his said letter of the 16th June, 1784, that the Mogul's right to our assistance had been constantly acknowledged, that the Mogul had been oppressed by the lesser Mahomedan princes in the character of his officers of state and military commanders, and he did plainly intimate that the said Mogul ought to be relieved from that servitude. And he did, in giving an account to the Court of Directors of the conferences aforesaid, assure them that “his inclinations [the inclinations of the Mahratta chief aforesaid] were not very dissimilar from his own”; and that “neither in this nor in any other instance would he suffer himself to be drawn into measures which shall tend to weaken their connection, nor *in this even to oppose his* [the said chiefs] *inclinations*”: the said Hastings well knowing, as in his letter to Colonel Muir of the — he has confessed, that the inclinations of the said Sindia were to seize on the Mogul's territories, and that he himself did secretly concur therein, though he did not formally insert his concurrence in the treaty with the said Mahratta chief. It is plain, therefore, that he did all along concur with the Mahrattas in their designs against the said king and his ministers, under the treacherous pretence of supporting the authority of the former against the latter, and did contrive and effect the ruin of them all. For, first, he did give evil and fraudulent counsel to the heir-apparent of the Mogul “to make advances to the Mahrattas,” when he well knew, and had

expressly concurred in, the designs of that state against his father's, the Mogul's, dominions; and further to engage and entrap the said prince, did assert that "our government" (meaning the British government) "was in intimate and sworn connection with Mahdajee Sindia," when no alliance, offensive or defensive, appears to exist between the said Sindia and the East India Company, nor can exist, otherwise than in virtue of some secret agreement between him, the said Sindia, and Warren Hastings, entered into by the latter without the knowledge of his colleagues and the government, and never communicated to the Court of Directors. And, secondly, he did, in order to further the designs of the Mahrattas, contrive and effect the ruin of the said Mogul and his authority, by setting on foot, through the aforesaid Major Browne, sundry perplexed and intricate negotiations, contrary to public faith, and to the honor of the British nation; by which he did exceedingly increase the confusion and disorders of the Mogul's court, exposing the said Mogul to new indignities, insults, and distresses, and almost all of the northern parts of India to great and ruinous convulsions, until three out of four of the principal chieftains, some of them possessing the territories lately belonging to Nudjif Khân, and maintaining among them eighty thousand troops of horse and foot, and some of which chiefs wore the ministers aforesaid, being cut off by their mutual dissensions, and the fort of Delhi being at length delivered to the Mahrattas, the said Sindia became the uncontrolled ruler of the royal army, and the person of the Mogul, with the use of all his pretensions and claims, fell into the hands of a nation already too powerful, together with an extensive territory, which entirely covers the Company's possessions and dependencies on one side, and particularly those of the Nabob of Oude.

XX. That the circumstances of these countries did, in the opinion of the said Warren Hastings himself, sufficiently indicate to him the necessity of not aggrandizing any power whatsoever on their borders, he having in the aforesaid letter of the 16th June given a deliberate opinion of the situation of Oude in the words following: "That, whilst we are at peace with the powers of Europe, it is only in this quarter that your possessions under the government of Bengal are vulnerable." And he did further in the said letter state, that, "if things had continued as they had been to that time, with a divided government," (viz., the Company's and the Vizier's, which government he had himself established, and under which it ever must in a great degree remain, whilst the said country continues in a state of dependence,) "the *slightest* shock from a foreign hand, or even an *accidental internal commotion*, might have thrown the whole into confusion, and produced the most fatal consequences." In this perilous situation he made the above-recited sacrifices to the ambition of the Mahrattas, and did all along so actively countenance and forward their proceedings, and with so full a sense of their effect, that in his minute of the 24th December, 1784, he has declared, "that in the countries which border on the dominions of the Nabob Vizier, or on that quarter of our own, in effect *there*

is no other power.” And he did further admit, that the presence of the Mahratta chief aforesaid, so near the borders of the Nabob’s dominions, was no cause of suspicion; for “that it is the effect *of his own solicitation*, and is *so far* the effect of an act of that government.”

XXI. That, in further pursuit of the same pernicious design, he, the said Warren Hastings, did enter into an agreement to withdraw a very great body of the British troops out of the Nabob’s dominions, — asserting, however truly, yet in direct contradiction to his own declarations, that “this government” (meaning the British government) “has not any right to force defence with its maintenance upon him” (the Nabob); and he did thus not only avowedly aggrandize the Mahratta state, and weaken the defence upon the frontier, but did as avowedly detain their captain-general in force on that very frontier, notwithstanding he was well apprised that they had designs against those dependent territories of Oude, which they had with great difficulty been persuaded, even in appearance, to include in the treaty of peace, — and that they have never renounced their claims upon certain large and valuable portions of them, and have shown evident signs of their intentions, on the first opportunity, of asserting and enforcing them. And, finally, the said Warren Hastings, in contradiction to sundry declarations of his own concerning the necessity of curbing the power of the Mahrattas, and to the principle of sundry measures undertaken by himself professedly for that purpose, and to the sense of the House of Commons, expressed in their resolution of 28th May, 1782, against any measures that tended to unite the dangerous powers of the Mahratta empire under one active command, has endeavored to persuade the Company, that, “while Sindia lives, every accession of territory obtained by him will be an advantage to this [the British] government”; which if it was true as respecting the personal dispositions of Sindia, which there is no reason to believe, yet it was highly criminal to establish a power in the Mahrattas which must survive the man in confidence of whose personal dispositions a power more than personal was given, and which may hereafter fall into hands disposed to make a more hostile use of it.

XXII. That, in consequence of all the before-recited intrigues, the Mogul emperor being in the hands of the Mahrattas, he, the said Mogul, has been obliged to declare the head of the Mahratta state to be vicegerent of the Mogul empire, an authority which supersedes that of Vizier, and has thereby consolidated in the Mahratta state all the powers acknowledged to be of legal authority in India; in consequence of which, they have acquired, and have actually already attempted to use, the said claims of general superiority against the Company itself, — the Mahrattas claiming a right in themselves to a fourth part of the revenues of all the provinces in the Company’s possession, and claiming, in right of the Mogul, the tribute due to him: by which actings and doings the said Hastings has to the best of his power brought the British provinces in India into a dependence on the Mahratta state: and in order to add to the aforesaid enormous claims a proportioned force, he

did never cease, during his stay in India, to contrive the means for its increase; for it is of public notoriety, that one great object of the Mahratta policy is to unite under their dominion the nation or religious sect of the Seiks, who, being a people abounding with soldiers, and possessing large territories, would extend the Mahratta power over the whole of the vast countries to the northwest of India.

XXIII. That the said Warren Hastings, further to augment the power of the said Mahrattas, and to endanger the safety of the British possessions, having established in force the said Mahrattas on the frontier, as afore-recited, and finding the Council-General averse in that situation to the withdrawing the British forces therefrom, and for disbanding them to the extent required by the said Hastings, did, in a minute of the 4th December, 1784, after stating a supposition, that, contrary to his opinion, the said troops should not be reduced, propose to employ them under the command of the Mogul's son, then under the influence of the Mahrattas, in a war against the aforesaid people or religious sect called Seiks, defending the same on the following principles: "I feel the sense of an obligation, imposed on me by the supposition I have made, to state a mode of rendering the detachment of use in its prescribed station, and of affording the *appearance* of a cause for its retention."

XXIV. That the said Hastings did admit that there was no present danger to the Company's possessions from that nation which could justify him in such a war, as he had declared that the Mahrattas were *the only power* that bordered on the Company's possessions and those of the Vizier; but he did assign as a reason for going to war with them their military and enthusiastic spirit, — the hardness of their natural constitution, — the dangers which might arise from them in some future time, if they should ever happen to be united under one head, they existing at present in a state little different from anarchy; and he did predict great danger from them, and at no very remote period, "if this people be permitted to grow into maturity without interruption." And though he doth pretend that the solicitations of the heir-apparent of the Mogul, who, he says, did repeatedly and earnestly solicit him to obtain the permission to use the Company's troops for the purpose aforesaid, had weight with him, yet he doth declare, as he expresses himself in the minute aforesaid, that "a *stronger impulse*, arising from the hope of *blasting the growth* of a generation whose strength *might* become fatal to our own, strongly pleaded in my mind for supporting his wishes."

XXV. That the said Warren Hastings, after forcibly recommending the plan aforesaid, did state strong objections, that did, "in his judgment, outweigh the advantages which might arise from a compliance with it." Yet the said Hastings, being determined to pursue his scheme for aggrandizing at any rate the Mahratta power, in whose adult growth and the recent effects of it he could see no danger, did pursue the design of war against a nation or sect of religion in its infancy, from whom he had received no injury, and in whose present state of government he did not apprehend any mischief whatsoever; and finding the Council fixed and

determined on not disbanding the frontier regiments, and thinking that therein he had found an advantage, he did ground thereon the following proposition.

“If the expense [of the frontier troops] is to be continued, it may be surely better continued for some useful purpose than to keep up the parade of a great military corps designed merely to lie inactive in its quarters. On this ground, therefore, and on the supposition premised, I revert to my original sentiments in favor of the prince’s plan; but as this will require some qualification in the execution of it, I will state my recommendation of it in the terms of a proposition, viz., that, if it shall be the resolution of the board to continue the detachment now under the command of Colonel Sir John Cumming at Furruckabad, and if the prince Mirza Jehander Shah shall apply, *with the authority of the king, and the concurrence of Mahdajee Sindia*, for the assistance of an English military force, to act in conjunction with him, to expel the Seiks from the territories of which they have lately possessed themselves in the neighborhood of Delhi, it may be granted, and such a portion of the said detachment allotted to that service as shall be hereafter judged adequate to it.”

XXVI. That the said Warren Hastings did, in the said proposal, endeavor to circumvent and overreach the Council-General, by converting an apparent and literal compliance with their resolution into a real and substantial opposition to and disappointment thereof. For his first proposal was, to withdraw the Company’s troops from the Vizier’s country on the pretence of relieving him from the burden of that establishment, but in reality with a view of facilitating the Mahratta pretensions on that province, which would then be deprived of the means of defence. And when the Council rejected the said proposal on the express ground of danger to the province by withdrawing from the Mahrattas the restraint of our troops, the said Hastings, finding his first scheme in favor of the Mahrattas against the provinces dependent on the Company defeated by the refusal of the Council to concur in the said measure of withdrawing the troops, did then endeavor to obtain the same purpose in a different way; and instead of leaving the troops, according to the intention and policy of the Council, as a check to the ambition and progress of the Mahrattas, he proposed to employ them in the actual furtherance of those schemes of aggrandizement of which his colleagues were jealous, and which it was the object of their resolution to counteract.

XXVII. That, in the whole of the letters, negotiations, proposals, and projects of the said Warren Hastings relative to the Mogul, he did appear to pursue but one object, namely, the aggrandizement of the lately hostile and always dangerous power of the Mahrattas, and did pursue the same by means highly dishonorable to the British character for honor, justice, candor, plain-dealing, moderation, and humanity.

XIX. — LIBEL ON THE COURT OF DIRECTORS.

I. That Warren Hastings, Esquire, was, during the whole of the year 1783, a servant of the East India Company, and was bound by the duties of that relation not only to yield obedience to the orders of the Court of Directors, but to give to the whole of their service an example of submission, reverence, and respect to their authority; and that, if they should in the course of their duty call in question any part of his conduct, he was bound to conduct his defence with temper and decency; and while his conduct was under their consideration, it was not allowable to print and publish any of his letters to them without their consent first had and obtained; and he was bound by the same principles of duty, enforced by still more cogent reasons, to observe, in a paper intended for publication, great modesty and moderation, and to treat the said Court of Directors, his lawful masters, with respect.

II. That the said Warren Hastings did print and publish, or cause to be printed and published, at Calcutta in Bengal, the narrative of his transactions at Benares, in a letter written at that place, without leave had of the Court of Directors, in order to preoccupy the judgment of the servants in that settlement, and to gain from them a factious countenance and support, previous to the judgment and opinion of the Court of Directors, his lawful superiors.

III. That the Court of Directors, having come to certain resolutions of fact relative to the engagements subsisting between them and the Rajah of Benares, and the manner in which the same had been fulfilled on the part of the Rajah, did, in the fifth resolution, which was partly a resolution of opinion, declare as follows: "That it appears to this Court that the conduct of the Governor-General towards the Rajah, whilst he was at Benares, was improper; and that the imprisonment of his person, thereby disgracing him in the eyes of his subjects and others, was unwarrantable and highly impolitic, and may tend to weaken the confidence which the native princes of India ought to have in the justice and moderation of the Company's government."

IV. That the said resolutions being transmitted to the said Warren Hastings, he, the said Warren Hastings, did write, and cause to be printed and published, a certain false, insolent, malicious, and seditious libel, purporting to be a letter from him, the said Warren Hastings, to the Court of Directors, dated Fort William, 20th March, 1783, "calculated," as the Directors truly affirm, "to bring contempt, as well as an odium, on the Court of Directors, for their conduct on that occasion"; and the said libel had a direct tendency to excite a spirit of disobedience to the lawful government of this nation in India through all ranks of their service.

V. That he, the said Warren Hastings, among other insolent and contumacious charges and aspersions on the Court of Directors, did address them in the printed letter aforesaid as follows. "I deny that Rajah Cheyt Sing was a native prince of India. Cheyt Sing is the son of a collector of the revenue of that province, which his arts, and the misfortunes of his master, enabled him to convert to a permanent and hereditary possession. This man, whom *you have thus ranked among the princes of*

India, will be astonished, when he hears it, at an elevation so unlooked for, nor less at the independent rights which *your* commands have assigned him, — rights which are *so foreign to his conceptions, that I doubt whether he will know in what language to assert them, unless the example which you have thought it consistent with justice, however opposite to policy, to show, of becoming his advocates against your own interests, should inspire any of your own servants to be his advisers and instructors.*” And he did further, to bring into contempt the authority of the Company, and to excite a resistance to their lawful orders, frame a supposition that the Court of Directors had intended the restoration of the Rajah of Benares, and on that ground did presume in the said libel to calumniate, in disrespectful and contumelious terms, the policy of the Court of Directors, as well as the person whom he did conceive to be the object of their protection, as followeth. “Of the consequences of such a policy I forbear to speak. *Most happily, the wretch whose hopes may be excited by the appearances in his favor is ill qualified to avail himself of them, and the force which is stationed in the province of Benares is sufficient to suppress any symptoms of internal sedition;* but it cannot fail to create distrust and suspense in the minds both of the rulers and of the people, and such a state is always productive of disorder. But it is not in this partial consideration that I dread the effects of your commands; it is in your proclaimed indisposition against the first executive member of your first government in India. I almost shudder at the reflection of what might have happened, had these denunciations against your own minister, in favor of a man universally considered in this part of the world as justly attainted for his crimes, the murderer of your servants and soldiers, and the rebel to your authority, arrived two months earlier.”

VI. That the said Warren Hastings did also presume to censure and asperse the Court of Directors for the moderate terms in which they had expressed their displeasure against him, as putting him under the necessity of stating in his defence a strong accusation against himself, and as implying in the said Court a consciousness that he was not guilty of the offences charged upon him, — being, as he asserts, in the resolutions of the Court of Directors, “arraigned and prejudged of *a violation of national faith, in acts of such complicated aggravation, that, if they were true, no punishment SHORT OF DEATH could atone for the injury which the interest and credit of the public had sustained in them*”; and he did therefore censure the said Court for applying no stronger or more criminating epithets than those of “improper, unwarrantable, and highly impolitic,” to an offence so by them charged, and by him described. And though it be true that the expressions aforesaid are much too reserved for the purpose of duly characterizing the offences of the said Hastings, yet was it *in him* most indecent to libel the Court of Directors for the same; and his implication, from the tenderness of the epithets and descriptions aforesaid used towards him, was not only indecent, but ungrounded, malicious, and scandalous, — he having himself highly, though truly, aggravated “the charge of the

injuries done by him to the Rajah of Benares,” in order to bring the said Directors into contempt and suspicion, the paragraphs in the said libel being as follow.— “Here I must crave leave to say, that the terms ‘improper, unwarrantable, and highly impolitic’ are much too gentle, as deductions from such premises; and as every reader of the latter will obviously feel, as he reads, the deductions which inevitably belong to them, I will add, that the strict performance of solemn engagements on one part, followed by acts directly subversive of them and by total dispossession on the other, stamps on the perpetrators of the latter the guilt of the greatest possible violation of faith and justice.”— “There is an appearance of tenderness in this deviation from plain construction, of which, however meant, I have a right to complain; because it imposes on me the necessity of framing the terms of the accusation against myself, which you have only not made, but have stated the leading arguments to it so strongly, that no one who reads these can avoid making it, *or not know it to have been intended.*”

VII. That the said Hastings, being well aware that his own declarations did contain the clearest condemnation of his own conduct from his own pen, did in the said libel attempt to overturn, frustrate, and render of none effect all the proofs to be given of prevarication, contradiction, and of opposition of action to principle, which can be used against men in public trust, and did contend that the same could not be used against him; and as if false assertions could be justified by factious motives, he did endeavor to do away the authority of his own *deliberate, recorded* declarations, entered by him *in writing* on the Council-Books of the Presidency; for, after asserting, *but not attempting to prove*, that his declarations were consistent with his conduct, he writes in the said libel as follows: For “were it otherwise, they were not to be made the rules of my conduct; and God forbid that every expression dictated by the impulse of present emergency, and unpremeditatedly uttered in the heat of party contention, should impose upon me the obligation of a fixed principle, and be applied to every variable occasion!”

VIII. That the said Hastings, in order to draw the lawful dependence of the servants of the Company from the Court of Directors to a factious dependence on himself, did, in the libel aforesaid, treat the acts and appointments of their undoubted authority, when exercised in opposition to his arbitrary will, as ruinous to their affairs, in the following terms. “It is as well known to the Indian world as to the Court of English Proprietors, that the first declaratory instruments of the dissolution of my influence, in the year 1774, were Mr. John Bristow and Mr. Francis Fowke. By your ancient and known constitution the Governor has been ever held forth and understood to possess the ostensible powers of government; all the correspondence with foreign princes is conducted in his name; and every person resident with them for the management of your political concerns is understood to be *more especially his* representative, and of *his* choice: and such ought to be the rule; for how otherwise can they trust an agent nominated against the will of *his*

principal? When the state of this administration was such as seemed to *admit of* the appointment of Mr. Bristow to the Residency of Lucknow without *much* diminution of *my own* influence, I gladly seized the occasion to show my readiness to submit to your commands; I proposed his nomination; he was nominated, and declared to *be the agent of my own choice*. Even this effect of my caution *is defeated by your absolute command for his reappointment independent of me, and with the supposition that I should be adverse to it*. — I am now wholly deprived of my official powers, both in the province of Oude, and in the zemindary of Benares.”

IX. That, further to emancipate others and himself from due obedience to the Court of Directors, he did, in the libel aforesaid, enhance his services, which, without specification or proof, he did suppose in the said libel to be important and valuable, by representing them as done under their displeasure, and doth attribute his not having done more to their opposition, as followeth. “It is now a complete period of eleven years since I first received the first nominal charge of your affairs; in the course of it I have *invariably* had to contend, not with ordinary difficulties, but such as most *unnaturally* arose *from the opposition of those very powers from which I primarily derived my authority, and which were required for the support of it*. My exertions, though applied to an unvaried and consistent line of action, have been occasional and desultory; yet I please myself with the hope, that, in the annals of your dominion, which shall be written after the extinction of recent prejudices, this term of its administration will appear not the least conducive to the interests of the Company, nor the least reflective of the honor of the British name: and allow me to suggest the instructive reflection of *what good might have been done, and what evil prevented, had due support been given to that administration which has performed such eminent and substantial services without it*.”

And the said Hastings, further to render the authority of the said Court perfectly contemptible, doth, in a strain of exultation for his having escaped out of a measure in which by his guilt he had involved the Company in a ruinous war, and out of which it had escaped by a sacrifice of almost all the territories before acquired (from that enemy which he had made) either by war or former treaties, and by the abandoning the Company’s allies to their mercy, attribute the said supposed services to his acting in such a manner as had on former occasions excited their displeasure, in the following words. “Pardon, Honorable Sirs, this digressive exultation. I cannot suppress the pride which I feel in this successful achievement of a measure so fortunate for your interests and the national honor; for that pride is the source of my zeal, so frequently exerted in your support, and never more happily than in those instances *in which I have departed from the prescribed and beaten path of action, and assumed a responsibility which has too frequently drawn on me the most pointed effects of your displeasure*. But however I may yield to my private feelings in thus enlarging on the subject, my motive in introducing it was immediately connected with its context, and was to contrast *the actual state of your political affairs, derived*

from a happier influence, with that which might have attended an earlier dissolution of it": and he did value himself upon "the *patience* and temper with which he had submitted to all the indignities which have been heaped upon him" (meaning, by the said Court of Directors) "in this long service"; and he did insolently attribute to an unusual strain of zeal for their service, that he "*persevered* in the VIOLENT MAINTENANCE OF HIS OFFICE."

X. That, in order further to excite the spirit of disobedience in the Company's servants to the lawful authority set over them, he, the said Warren Hastings, did treat contemptuously and ironically the supposed disposition of the Company's servants to obey the orders of the Court of Directors, in the words following. "The recall of Mr. Markham, who was known to be the public agent of my own nomination at Benares, and the reappointment of Mr. Francis Fowke by your order, contained in the same letter, would place it [the restoration of Cheyt Sing] beyond a doubt. *This order has been obeyed; and whenever you shall be pleased to order the restoration of Cheyt Sing, I will venture to promise the same ready and exact submission in the other members of the Council.*" And he did, in the postscript of the said letter, and as on recollection, endeavor to make a reparation of honor to his said colleagues, as if his expressions aforesaid had arisen from animosity to them, as follows. "Upon a careful revisal of what I have written, I fear that an expression which I have used, respecting the probable conduct of the board in the event of orders being received for the restoration of Cheyt Sing, may be construed as intimating a sense of dissatisfaction applied to transactions already past. — It is not my intention to complain of any one."

XI. That the said Hastings, in the acts of injury aforesaid to the Rajah of Benares, did assume and arrogate to himself an illegal authority therein, and did maintain that the acts done in consequence of that measure were not revocable by any subsequent authority, in the following words. "If you should proceed to order the restoration of Cheyt Sing to the zemindary, from which, *by the powers which I legally possessed*, and conceive myself legally *bound to assert* against any *subsequent authority to the contrary* derived from *the same common source*, he was dispossessed for crimes of the greatest enormity, and your Council shall resolve to execute the order, I will instantly give up my station and the service."

XII. That the said Warren Hastings did attempt to justify his publication of the said libellous letter to and against the Court of Directors by asserting therein that these resolutions (meaning the resolutions of the Court of Directors relative to the Rajah of Benares) "*were either published or intended for publication*": evidently proving that he did take this unwarrantable course without any sufficient assurance that the ground and motive by him assigned had any existence.

XX. — MAHRATTA WAR AND PEACE.

I. That by an act passed in 1773 it was expressly ordered and provided, “that it should not be lawful for any President and Council of Madras, Bombay, or Bencoolen, for the time being, to make any orders for commencing hostilities, or declaring or making war, against any Indian princes or powers, or for negotiating or concluding any treaty of peace, or other treaty, with any such Indian princes or powers, without the consent and approbation of the Governor-General and Council first had and obtained, except in such cases of *imminent necessity* as would render it dangerous to postpone such hostilities or treaties until the orders from the Governor-General and Council might arrive.” That, nevertheless, the President and Council of Bombay did, in December, 1774, without the consent and approbation of the Governor-General and Council of Fort William, and in the midst of profound peace, commence an unjust and unprovoked war against the Mahratta government, did conclude a treaty with a certain person, a fugitive from that government, and proscribed by it, named Ragonaut Row, or Ragoba, and did, under various base and treacherous pretences, invade and conquer the island of Salsette, belonging to the Mahratta government.

II. That Warren Hastings, on the first advices received in Bengal of the above transactions, did condemn the same in the strongest terms, — declaring that “the measures adopted by the Presidency of Bombay had a tendency to a very extensive and indefinite scene of troubles, and that their conduct was unseasonable, impolitic, unjust, and unauthorized.” And the Governor-General and Council, in order to put a stop to the said unjust hostilities, did appoint an ambassador to the Peshwa, or chief of the Mahratta state, resident at Poonah; and the said ambassador did, after a long negotiation, conclude a definitive treaty of peace with the said Peshwa on terms highly honorable and beneficial to the East India Company, who by the said treaty obtained from the Mahrattas a cession of considerable tracts of country, the Mahratta share of the city of Baroach, twelve lacs of rupees for the expenses of the said unjust war, and particularly the island of Salsette, of which the Presidency of Bombay had possessed themselves by surprise and treachery. That, in return for these extraordinary concessions, the articles principally insisted on by the Mahrattas, with a view to their own future tranquillity and internal quiet, were, that *no assistance should be given to any subject or servant of the Peshwa that should cause disturbances or rebellion in the Mahratta dominions*, and particularly that the English *should not assist Ragonaut Row*, to whom the Mahrattas agreed to allow five lacs of rupees a year, or a jaghire to that amount, and that he should reside at Benares. That, nevertheless, the Presidency of Bombay did receive and keep Ragonaut Row at Bombay, did furnish him with a considerable establishment, and continue to carry on secret intrigues and negotiations with him, thereby giving just ground of jealousy and distrust to the Mahratta state. That the late Colonel John Upton, by whom the treaty of Poorunder was negotiated and concluded, did declare to the Governor-General and Council, “that, while Ragonaut Row resides at

Bombay in expectation of being supported, the ministers can place no confidence in the Council there, which must now be productive of the greatest inconveniencies, and perhaps in the end of fatal consequences.” That the said Warren Hastings, concurring with his Council, which then consisted of Sir John Clavering, Richard Barwell, and Philip Francis, Esquires, did, on the 18th of August, 1777, declare to the Presidency of Bombay, that “he could see no reason to doubt that the presence of Ragoba at Bombay would continue to be *an insuperable bar* to the completion of the treaty concluded with the Mahratta government; nor could any sincere cordiality and good understanding be established with them, as long as he should appear to derive encouragement and support from the English.” That Sir John Clavering died soon after, and that the late Edward Wheler, Esquire, succeeded to a seat in the Supreme Council. That on the 29th of January, 1778, the Governor-General and Council received a letter from the Presidency of Bombay, dated 12th December, 1777, in which they declared, “that they had agreed to give encouragement to a *party* formed in Ragoba’s favor, and flattered themselves they should meet with the hearty concurrence of the Governor-General and Council in the measures they might be obliged to pursue in consequence.” That the *party* so described was said to consist of four principal persons in the Mahratta state, on whose part *some overtures* had been made to Mr. William Lewis, the Resident of Bombay at Poonah, *for the assistance of the Company to bring Ragoba to Poonah*. That the said Warren Hastings, immediately on the receipt of the preceding advices, did propose and carry it in Council, by means of his casting voice, and against the remonstrances, arguments, and solemn protest of two members of the Supreme Council, that the *sanction* of that government should be given to the plan which the President and Council of Bombay had agreed to form with the Mahratta government; and also that a supply of money (to the amount of ten lacs of rupees) should be immediately granted to the President and Council of Bombay *for the support of their engagements above mentioned*; and also that a military force should be sent to the Presidency of Bombay. That in defence of these resolutions the said Warren Hastings did falsely pretend and affirm, “that the resolution of the Presidency of Bombay was formed on such a case of *imminent necessity* as would have rendered it dangerous to postpone the execution of it until the orders from the Governor-General and Council might arrive; and that the said Presidency of Bombay *were warranted by the treaty of Poorunder* to join in a plan for conducting Ragonaut Row to Poonah on the application of the ruling part of the Mahratta state”: whereas the main object of the said treaty on the part of the Mahrattas, and to obtain which they made many important concessions to the India Company, was, that the English should withdraw their forces, and give no assistance to Ragoba, and that he should be excluded forever from any share in their government, being a person *universally held in abhorrence* in the Mahratta empire; and if it had been true (instead of being, as it was, notoriously false) that *the ruling part* of the administration of the Mahratta

state solicited the return of Ragonaut Row to Poonah, his return in that case might have been effected by acts of their own, without the interposition of the English power, and without our interference in their affairs. That it was the special duty of the said Warren Hastings, derived from a special trust reposed in him and power committed to him by Parliament, to have restrained, as by law he had authority to do, the subordinate Presidency of Bombay from entering into hostilities with the Mahrattas, or from making engagements the manifest tendency of which was to enter into those hostilities, and to have put a stop to them, if any such had been begun; that he was bound by the duty of his office to preserve the faith of the British government, pledged in the treaty of Poorunder, inviolate and sacred, as well as by the special orders and instructions of the East India Company *to fix his attention to the preservation of peace throughout India*: all which important duties the said Warren Hastings did wilfully violate, in giving the *sanction* of the Governor-General and Council to the dangerous, faithless, and ill-concerted projects of the President and Council of Bombay hereinbefore mentioned, from which the subsequent Mahratta war, with all the expense, distress, and disgraces which have attended it, took their commencement; and that the said Warren Hastings, therefore, is specially and principally answerable for the said war, and for all the consequences thereof. That in a letter dated the 20th of January, 1778, the President and Council of Bombay informed the Governor-General and Council, that, in consequence of later intelligence received from Poonah, they had *immediately resolved that nothing further could be done, unless Saccaram Baboo, the principal in the late treaty* (of Poorunder) *joined in making a formal application to them*. That no such application was ever made by that person. That the said Warren Hastings, finding that all this pretended ground for engaging in an invasion of the Mahratta government had totally failed, did then pretend to give credit to, and to be greatly alarmed by, the suggestions of the President and Council of Bombay, that the Mahrattas were negotiating with the French, and had agreed to give them the port of Choul, on the Malabar coast, and did affirm that the French *had obtained possession of that port*. That all these suggestions and assertions were false, and, if they had been true, would have furnished no just occasion for attacking either the Mahrattas or the French, with both of whom the British nation was then at peace. That the said Warren Hastings did then propose and carry the following resolution in Council, against the protest of two members thereof, that, “for the purpose of granting you [the Presidency of Bombay] the most effectual support in our power, we have resolved to assemble a strong military force near Calpee, the commanding officer of which is to be ordered to march by the most practicable route to Bombay, or to such other place as future occurrences and your directions to him may render it expedient”; and with respect to the *steps* said to be taking *by the French to obtain a settlement on the Malabar coast*, the said Warren Hastings did declare to the Presidency of Bombay, “that it was the opinion of the Governor-General and

Council that no time ought to be lost in forming and carrying into execution such measures as might most effectually tend to frustrate such dangerous designs.” That the said Warren Hastings, therefore, instead of fixing his attention to the preservation of peace throughout India, as it was his duty to have done, did continue to abet, encourage, and support the dangerous projects of the Presidency of Bombay, and did thereby manifest a determined intention to disturb the peace of India, by the unfortunate success of which intention, and by the continued efforts of the said Hastings, the greatest part of India has been for several years involved in a bloody and calamitous war. That both the Court of Directors and Court of Proprietors did specially instruct the said Warren Hastings, in all his measures, “to make the safety and prosperity of Bengal his principal object,” and did heavily censure the said Warren Hastings for having employed their troops at a great distance from Bengal in a war against the Rohillas, which the House of Commons have pronounced to be *iniquitous*, and did on that occasion expressly declare, “that they disapproved of all such distant expeditions as might eventually carry their forces to any situation too remote to admit of their speedy and safe return to the protection of their own provinces, in case of emergency.” That the said Warren Hastings nevertheless ordered a detachment from the Bengal army to cross the Jumna, and to proceed across the peninsula by a circuitous route through the diamond country of Bundelcund, and through the dominions of the Rajah of Berar, situated in the centre of Hindostan, and did thereby strip the provinces subject to the government of Fort William of a considerable part of their established defence, and did thereby disobey the general instructions and positive orders of the Court of Directors, (given upon occasion of a crime of the same nature committed by the said Hastings,) and was guilty of a high crime and misdemeanor.

That the said Warren Hastings, having taken the measures hereinbefore described for supporting those of the Presidency of Bombay, did, on the 23d of March, 1778, “invest the said Presidency with authority to form a new alliance with Ragoba, and to engage with him in *any* scheme which they should deem expedient and safe for retrieving his affairs.” That the said Hastings was then in possession of a letter from the Court of Directors, dated the 4th of July, 1777, containing a positive order to the Presidency of Bombay in the following words. “Though that treaty” (meaning the treaty of Poorunder) “is not, upon the whole, so agreeable to us as we could wish, still we are resolved strictly to adhere to it on our parts. You must therefore be particularly vigilant, while Ragoba is with you, to prevent him from forming any plan against what is called the ministerial party at Poonah; and we hereby positively order you not to engage with him in any scheme whatever in retrieving his affairs, without the consent of the Governor-General and Council, or the Court of Directors.” That the said Ragoba neither did or could form any plan for his restoration but what was and must be against the ministerial party at Poonah, who held and exercised the regency of that state in the infancy of the Peshwa; and that,

supposing him to have formed any other *scheme*, in conjunction with Bombay, *for retrieving his affairs*, the said Hastings, in giving a previous *general* authority to the Presidency of Bombay to engage with Ragoba in *any* scheme for that purpose, without knowing what such scheme might be, and thereby relinquishing and transferring to the discretion of a subordinate government that superintendence and control over all measures tending to create or provoke a war which the law had exclusively vested in the Governor-General and Council, was guilty of a high crime and misdemeanor.

That the said Warren Hastings, having first declared that the measures taken by him were for the support of the engagements made by the Presidency of Bombay in favor of Ragoba, did afterwards, when it appeared that those negotiations were *entirely laid aside*, declare that his apprehension of the consequence of a pretended *intrigue* between the Mahrattas and the French *was the sole motive of all the late measures taken for the support of the Presidency of Bombay*; but that neither of the preceding declarations contained the true motives and objects of the said Hastings, whose real purpose, as it appeared soon after, was, to make use of the superiority of the British power in India to carry on offensive wars, and to pursue schemes of conquest, impolitic and unjust in their design, ill-concerted in the execution, and which, as this House has resolved, *have brought great calamities on India, and enormous expenses on the East India Company*.

That the said Warren Hastings, on the 22d of June, 1778, made the following declaration in Council. “Much less can I agree, that, with such superior advantages as we possess over every power which can oppose us, we should act *merely on the defensive*. On the contrary, if it be really true that the British arms and influence have suffered so severe a check in the Western world, it is more incumbent on those who are charged with the interests of Great Britain in the East *to exert themselves for the retrieval of the national loss*. We have the means in our power, and, if they are not frustrated by our own dissensions, I trust that the event of this expedition will yield every advantage *for the attainment of which it was undertaken*.”

That, in pursuance of the principles avowed in the preceding declaration, the said Warren Hastings, on the 9th of July, 1778, did propose and carry it in Council, that an embassy should be sent from Bengal to Moodajee Boosla, the Rajah of Berar, — falsely asserting that the said Rajah “was, by interest and inclination, likely to join in an alliance with the British government, and suggesting that two advantages might be offered to him as the inducements to it: first, the support of his pretensions to the sovereign power” (viz., of the Mahratta empire); “second, the recovery of the captures made on his dominions by Nizam Ali.” That the said Hastings, having already given full authority to the Presidency of Bombay to engage the British faith to Ragonaut Row to support him in *his* pretensions to the government or to the regency of the Mahratta empire, was guilty of a high crime and misdemeanor in proposing to engage the same British faith to support the pretensions of another

competitor for the same object; and that, in offering to assist the Rajah of Berar to recover the captures made on his dominions by the Nizam, the said Hastings did endeavor, as far as depended on him, to engage the British nation in a most unjust and utterly unprovoked war against the said Nizam, between whom and the East India Company a treaty of peace and friendship did then subsist, unviolated on his part, — notwithstanding the said Hastings well knew that it made part of the East India Company's fundamental policy to support that prince against the Mahrattas, and *to consider him as one of the few remaining chiefs who were yet capable of coping with the Mahrattas*, and that it was the Company's *true interest to preserve a good understanding with him*. That, by holding out such offers to the Rajah of Berar, the said Hastings professed to hope that the Rajah *would ardently catch at the objects presented to his ambition*: and although the said Hastings did about this time lay it down as a maxim that *there is always a greater advantage in receiving solicitations than in making advances*, he nevertheless declared to the said Rajah that *in the whole of his conduct he had departed from the common line of policy, and had made advances where others in his situation would have waited for solicitation*. That the said unjust and dangerous projects did not take effect, because the Rajah of Berar refused to join or be concerned therein; yet so earnest was the said Hastings for the execution of those projects, that in a subsequent letter he daringly and treacherously assured the Rajah, "that, if he had accepted of the terms offered him by Colonel Goddard, and concluded a treaty with the government of Bengal upon them, he should have held the obligation of it superior to that of any engagement formed by the government of Bombay, and should have thought it his duty to maintain it, &c., against every consideration *even of the most valuable interests and safety of the English possessions intrusted to his charge*." That all the offers of the said Hastings were rejected with slight and contempt by the Rajah of Berar; but the same being discovered, and generally known throughout India, did fill the chief of the princes and states of India with a general suspicion and distrust of the ambitious designs and treacherous principles of the British government, and with an universal hatred of the British nation. That the said princes and states were thereby so thoroughly convinced of the necessity of uniting amongst themselves to oppose a power which kept no faith with any of them, and equally threatened them all, that, renouncing all former enmities against each other, they united in a common confederacy against the English, viz.: the Peshwa, as representative of the Mahratta state, and Moodajee Boosla, the Rajah of Berar, that is, the principal Hindoo powers of India, on one side; and Hyder Ali, and the Nizam of the Deccan, that is, the principal Mahomedan powers of India, on the other: and that in consequence of this confederacy Hyder Ali invaded, overran, and ruined the Carnatic; and that Moodajee Boosla, instead of *ardently catching at the objects presented to his ambition* by the said Hastings, sent an army to the frontiers of Bengal, — which army the said Warren Hastings was at length forced to buy off with twenty-six lacs

of rupees, or 300,000*l.* sterling, after a series of negotiations with the Mahratta chiefs who commanded that army, founded and conducted on principles so dishonorable to the British name and character, that the Secret Committee of the House of Commons, by whom the rest of the proceedings in that business were reported to the House, *have upon due consideration thought it proper to leave out the letter of instructions to Mr. Anderson*, viz., those given by the said Warren Hastings to the representative of the British government, and concerning which the said committee have reported in the following terms: “The schemes of policy by which the Governor-General seems to have dictated the instructions he gave to Mr. Anderson” (the gentleman deputed) “will also appear in this document, as well respecting the particular succession to the *rauje*, as also the mode of accommodating the demand of *chout*, the establishment of which was apparently the great aim of Moodajee’s political manoeuvres, while the Governor-General’s wish to defeat it was avowedly more intent on the removal of a nominal disgrace than on the anxiety or resolution to be freed from an expensive, if an unavoidable incumbrance.”

That, while the said Warren Hastings was endeavoring to persuade the Rajah of Berar to engage with him in a scheme to place the said Rajah at the head of the Mahratta empire, the Presidency of Bombay, by virtue of the powers specially vested in them for that purpose by the said Hastings, did really engage with Ragonaut Row, the other competitor for the same object, and sent a great part of their military force, established for the defence of Bombay, on an expedition with Ragonaut Row, to invade the dominions of the Peshwa, and to take Poonah, the capital thereof; that this army, being surrounded and overpowered by the Mahrattas, was obliged to capitulate; and then, through the moderation of the Mahrattas, was permitted to return quietly, but *very disgracefully*, to Bombay. That, supposing the said Warren Hastings could have been justified in abandoning the project of reinstating Ragonaut Row, which he at first authorized and promised to support, and in preferring a scheme to place the Rajah of Berar at the head of the Mahratta empire, he was bound by his duty, as well as injustice to the Presidency of Bombay, to give that Presidency timely notice of such his intention, and to have restrained them positively from resuming their own project; that, on the contrary, the said Warren Hastings did, on the 17th of August, 1778, again *authorize* the said Presidency “to assist Ragoba with a military force to conduct him to Poonah, and to establish him in the regency there,” and, so far from communicating his change of plan to Bombay, did keep it concealed from that Presidency, insomuch that, even so late as the 19th of February, 1779, William Hornby, then Governor of Bombay, declared in Council his total ignorance of the schemes of the said Hastings in the following terms: “The schemes of the Governor-General and Council with regard to the Rajah of Berar *being yet unknown to us*, it is impossible for us to found any measures on them; yet I cannot help now observing, that, if, as has been

conjectured, the gentleman of that Presidency have entertained thoughts of restoring, in his person, the ancient Rajah government, the attempt seems likely to be attended with no small difficulty.” That, whereas the said Warren Hastings did repeatedly affirm that it was his intention to support the plan formed by the Presidency of Bombay in favor of Ragoba, and did repeatedly authorize and encourage them to pursue it, he did nevertheless, at the same time, in his letters and declarations to the Peshwa, to the Nizam, and to the Rajah of Berar, falsely and perfidiously affirm, *that it never was nor is designed by the English chiefs to give support to Ragonaut Row, — that he (Hastings) had no idea of supporting Ragonaut Row, — and that the detachment he had sent to Bombay was solely to awe the French, without the least design to assist Ragonaut Row.* That, supposing it to have been the sole *professed* intention of the said Hastings, in sending an army across India, to protect Bombay against a French invasion, even that pretence was false, and used only to cover the real design of the said Hastings, viz., to engage in projects of war and conquest with the Rajah of Berar. That on the 11th of October, 1778, he informed the said Rajah “that the detachment would soon arrive in his territories, and depend on him [Moodajee Boosla] for its subsequent operations”; that on the 7th of December, 1778, the said Hastings revoked the powers he had before given to the Presidency of Bombay over the detachment, declaring that the event of Colonel Goddard’s negotiation with the Rajah of Berar *was likely to cause a very speedy and essential change in the design and operations of the detachment*; and that on the 4th of March, 1779, the said Hastings, immediately after receiving advice of the defeat of the Bombay army near Poonah, and when Bombay, if at any time, particularly required to be protected against a French invasion, did declare in Council that he *wished for the return of the detachment to Berar, and dreaded to hear of its proceeding to the Malabar coast*: and therefore, if the said Hastings did not think that Bombay was in danger of being attacked by the French, he was guilty of repeated falsehoods in affirming the contrary for the purpose of covering a criminal design; or, if he thought that Bombay was immediately threatened with that danger, he then was guilty of treachery in ordering an army necessary on that supposition to the immediate defence of Bombay to halt in Berar, to depend on the Rajah of Berar for its subsequent operations, or on *the event of a negotiation with that prince, which, as the said Hastings declared, was likely to cause a very speedy and essential change in the design and operations of the detachment*; and finally, in declaring that *he dreaded to hear of the said detachment’s proceeding to the Malabar coast*, whither he ought to have ordered it to proceed without delay, if, as he has solemnly affirmed, it was true that *he had been told by the highest authority that a powerful armament had been prepared in France, the first object of which was an attack upon Bombay, and that he knew with moral certainty that all the powers of the adjacent continent were ready to join the invasion.*

That through the whole of these transactions the said Warren Hastings has been guilty of continued falsehood, fraud, contradiction, and duplicity, highly dishonorable to the character of the British nation; that, in consequence of the unjust and ill-concerted schemes of the said Hastings, the British arms, heretofore respected in India, have suffered repeated disgraces, and great calamities have been thereby brought upon India; and that the said Warren Hastings, as well in exciting and promoting the late unprovoked and unjustifiable war against the Mahrattas, as in the conduct thereof, has been guilty of sundry high crimes and misdemeanors.

That, by the definitive treaty of peace concluded with the Mahrattas at Poorunder, on the 1st of March, 1776, the Mahrattas gave up all right and title to the island of Salsette, unjustly taken from them by the Presidency of Bombay; did also give up to the English Company forever all right and title to their entire shares of the city and purgunnah of Baroach; did also give forever to the English Company a country of three lacs of rupees revenue, near to Baroach; and did also agree to pay to the Company twelve lacs of rupees, in part of the expenses of the English army: and that the terms of the said treaty *were honorable and advantageous to the India Company.*

That Warren Hastings, having broken the said treaty, and forced the Mahrattas into another war by a repeated invasion of their country, and having conducted that war in the manner hereinbefore described, did, on the 17th of May, 1782, by the agency of Mr. David Anderson, conclude another treaty of perpetual friendship and alliance with the Mahrattas, by which the said Hastings agreed to deliver up to them all the countries, places, cities, and forts, particularly the island of Bassein, (taken from the Peshwa during the war,) and to relinquish all claim to the country of three lacs of rupees ceded to the Company by the treaty of Poorunder; that the said Warren Hastings did also at the said time, by a private and separate agreement, deliver up to Mahdajee Sindia the whole of the city of Baroach, — that is, not only the share in the said city which the India Company acquired by the treaty of Poorunder, but the other share thereof which the India Company possessed for several years before that treaty; and that among the reasons assigned by Mr. David Anderson for totally stripping the Presidency of Bombay of all their possessions on the Malabar coast, he has declared, “that, from the general tenor of the *rest* of the treaty, the settlement of Bombay would be in future put on such a footing that it might well become a question whether the possession of an inconsiderable territory without forts would not be attended with more loss than advantage, as it must necessarily occasion considerable expense, must require troops for its defence, and might probably in the end lead, as Sindia apprehended, to a renewal of war.”

That the said Warren Hastings, having in this manner put an end to a war commenced by him without provocation, and continued by him without necessity, and having for that purpose made so many sacrifices to the Mahrattas in points of essential interest to the India Company, did consent and agree to other articles

utterly dishonorable to the British name and character, having sacrificed or abandoned every one of the native princes who by *his* solicitations and promises had been engaged to take part with us in the war, — and that he did so without necessity: since it appears that Sindia, the Mahratta chief who concluded the treaty, *in every part of his conduct manifested a hearty desire of establishing a peace* with us; and that this was the disposition of all the parties in the Mahratta confederacy, who were only kept together by a general dread of their common enemy, the English, and who only waited for a cessation of hostilities with us to return to their habitual and permanent enmity against each other. That the Governor-General and Council, in their letter of 31st August, 1781, made the following declaration to the Court of Directors. “The Mahrattas have demanded the sacrifice of the person of Ragonaut Row, the surrender of the fort and territories of Ahmedabad, and of the fortress of Gualior, *which are not ours to give, and which we could not wrest from the proprietors without the greatest violation of public faith.* No state of affairs, in our opinions, could warrant our acquiescence to such requisition; and we are morally certain, that, had we yielded to them, such a consciousness of the state of our affairs would have been implied as would have produced an effect the very reverse from that for which it was intended, by raising the presumption of the enemy to exact yet more *ignominious* terms, or perhaps their refusal to accept of any; nor, in our opinion, would they have failed to excite in others the same belief, and the consequent decision of all parties against us, as the natural consequences of our decline.” That the said Hastings himself, in his instructions to Mr. David Anderson, after authorizing him to restore *all* that we had conquered during the war, expressly “*excepted* Ahmedabad, and the territory conquered for Futty Sing Gwicowar.” That, nevertheless, the said Hastings, in the peace concluded by him, has yielded to every one of the conditions reprobated in the preceding declarations as *ignominious* and incompatible with public faith.

That the said Warren Hastings did abandon the Ranna of Gohud in the manner already charged; and that the said Ranna has not only lost the fort of Gualior, but all his own country, and is himself a prisoner. That the said Hastings did not interpose to obtain any terms in favor of the Nabob of Bopaul, who was *with great reason desirous of concealing from the Mahrattas the attachment he had borne to the English government*: the said Nabob having a just dread of the danger of being exposed to the resentment of the Mahrattas, and no dependence on the faith and protection of the English. That by the ninth article of the treaty with Futty Sing it was stipulated, that, when a negotiation for peace should take place, his interest should be primarily considered; and that Mr. David Anderson, the minister and representative of the Governor-General and Council, did declare to Sindia, that it was indispensably incumbent on us to support Futty Sing’s rights: that, nevertheless, every acquisition made for or by the said Futty Sing during the war, particularly *the fort and territories of Ahmedabad*, were given up by the said Hastings; that Futty

Sing was replaced under the subjection of the Peshwa, (whose resentment he had provoked by taking part with us in the war,) and under an obligation to pay a tribute, not specified, to the Peshwa, and to perform such services and to be subject to such obedience *as had long been established and customary*; and that, no limit being fixed to such tribute or services, the said Futy Sing has been left wholly at the mercy of the Mahrattas.

That, with respect to Ragoba, the said Hastings, in his instructions to Mr. Anderson, dated 4th of November, 1781, contented himself with saying, "We cannot *totally* abandon the interests of Ragonaut Row. Endeavor to obtain for him an adequate provision." That Mr. Anderson declared to Mahdajee Sindia, "that, as we had given Ragoba protection as an independent prince, and not brought him into our settlement as a prisoner, we could not *in honor* pretend to impose the *smallest* restraint on his will, and he must be at liberty to go wherever he pleased; that it must rest with Sindia himself to prevail on him to reside in his country: all that we could do was to *agree*, after a reasonable time, *to withdraw our protection from him, and not to insist on the payment of the stipend to him*, as Sindia had proposed, unless on the condition of his residing in some part of Sindia's territories."

That, notwithstanding all the preceding declarations, and in violation of the public faith repeatedly pledged to Ragoba, he was totally abandoned by the said Hastings in the treaty, no provision whatever being made even for his subsistence, but on a condition to which he could not submit without the certain loss of his liberty and probable hazard of his life, namely, *that he should voluntarily and of his own accord repair to Sindia, and quietly reside with him*. That such treacherous desertion of the said Ragoba is not capable of being justified by any plea of necessity: but that in fact no such necessity existed; since it appears that the Nizam, who of all the contracting parties in the confederacy was personally most hostile to Ragoba, did himself *propose that Ragoba, might have an option given him of residing within the Company's territories*.

That the plan of negotiating a peace with the Mahrattas by application to Sindia, and through his mediation, was earnestly recommended to the said Hastings by the Presidency of Bombay so early as in February, 1779, who stated clearly to him the reasons why such application ought to be made to Sindia in preference to any other of the Mahratta chiefs, and why it would probably be successful; the truth and justice of which reasons were fully evinced in the issue, when the said Hastings, after incurring, by two years' delay, all the losses and distresses of a calamitous war, did actually pursue that very plan with much less effect or advantage than might have been obtained at the time the advice was given. That he neglected the advice of the Presidency of Bombay, and retarded the peace, as well as made its conditions worse, from an obstinate attachment to his project of an alliance offensive and defensive with the Rajah of Berar, the object of which was rather a new war than a termination of the war then existing against the Peshwa.

That the said Hastings did further embarrass and retard the conclusion of a peace by employing different ministers at the courts of the several confederate powers, whom he severally empowered to treat and negotiate a peace. That these ministers, not acting in concert, not knowing the extent of each other's commissions, and having no instructions to communicate their respective proceedings to each other, did in effect counteract their several negotiations. That this want of concert and of simplicity, and the mystery and intricacy in the mode of conducting the negotiation on our part, was complained of by our ministers as embarrassing and disconcerting to us, while it was advantageous to the adverse party, who were thereby furnished with opportunity and pretence for delay, when it suited their purpose, and enabled to play off one set of negotiators against another; that it also created jealousy and distrust in the various contending parties, with whom we were treating at the same time, and to whom we were obliged to make contradictory professions, while it betrayed and exposed to them all our own eagerness and impatience for peace, raising thereby the general claims and pretensions of the enemy. That, while Dalhousie Watherston, Esquire, was treating at Poonah, and David Anderson, Esquire, in Sindia's camp, with separate powers applied to the same object, the minister at Poonah informed the said Watherston, that he had received proposals for peace from the Nabob of Arcot with the approbation of Sir Eyre Coote; that he had returned other proposals to the said Nabob of Arcot, who had assured him, the minister, that those proposals *would be acceded to, and that Mr. Macpherson would set out for Bengal, after which orders should be immediately dispatched from the Honorable the Governor-General and Council to the effect he wished*; that the said Nabob "had promised to obtain and forward to him the expected *orders from Bengal in fifteen days*, and that he was therefore every instant in expectation of their arrival, — and observed, that, when General Goddard proposed to send a confidential person to Poonah, he conceived that those orders must have actually reached him": that therefore the treaty formally concluded by David Anderson was in effect and substance the same with that offered and in reality concluded by the Nabob of Arcot, with the exception only of Salsette, which the Nabob of Arcot had agreed to restore to the Mahrattas.

That the intention of the said Warren Hastings, in pressing for a peace with the Mahrattas on terms so dishonorable and by measures so rash and ill-concerted, was not to restore and establish a general peace throughout India, but to engage the India Company in a new war against Hyder Ali, and to make the Mahrattas parties therein. That the eagerness and passion with which the said Hastings pursued this object laid him open to the Mahrattas, who depended thereon for obtaining whatever they should demand from us. That, in order to carry the point of an offensive alliance against Hyder Ali, the said Hastings exposed the negotiation for peace with the Mahrattas to many difficulties and delays. That the Mahrattas were bound by a clear and recent engagement, which Hyder had never violated in any

article, to make no peace with us which should not include him; that they pleaded the sacred nature of this obligation in answer to all our requisitions on this head, while the said Hastings, still importunate for his favorite point, suggested to them various means of reconciling a substantial breach of their engagement with a formal observance of it, and taught them how they might at once be parties in a peace with Hyder Ali and in an offensive alliance for immediate hostility against him. That these lessons of public duplicity and artifice, and these devices of ostensible faith and real treachery, could have no effect but to degrade the national character, and to inspire the Mahrattas themselves, with whom we were in treaty, with a distrust in our sincerity and good faith. That the object of this fraudulent policy (viz., the utter destruction of Hyder Ali, and a partition of his dominions) was neither wise in itself, or authorized by the orders and instructions of the Company to their servants; that it was incompatible with the treaty of peace, in which Hyder Ali was included, and contrary to the repeated and best-understood injunctions of the Company, — being, in the first place, a bargain for a new war, and, in the next, aiming at an extension of our territory by conquest. That the best and soundest political opinions on the relations of these states have always represented our great security against the power of the Mahrattas to depend on its being balanced by that of Hyder Ali; and the Mysore country is so placed as a barrier between the Carnatic and the Mahrattas as to make it our interest rather to strengthen and repair that barrier than to level and destroy it. That the said treaty of partition does express itself to be *eventual* with regard to the making and keeping of peace; but through the whole course of the said Hastings's proceeding he did endeavor to prevent any peace with the Sultan or Nabob of Mysore, Tippoo Sahib, and did for a long time endeavor to frustrate all the methods which could have rendered the said treaty of conquest and partition wholly unnecessary.

That the Mahrattas having taken no effectual step to oblige Hyder Ali to make good the conditions for which they had engaged in his behalf, and the war continuing to be carried on in the Carnatic by Tippoo Sultan, son and successor of Hyder Ali, the Presidency of Fort St. George undertook, upon their own authority, to open a negotiation with the said Tippoo: which measure, though indispensably necessary, the said Hastings utterly disapproved and discountenanced, expressly denying that there was any ground or motive for entering into any direct or separate treaty with Tippoo, and not consenting to or authorizing any negotiation for such treaty, until after a cessation of hostilities had been brought about with him by the Presidency of Fort St. George, in August, 1783, and the ministers of Tippoo had been received and treated with by that Presidency, and commissioners, in return, actually sent by the said Presidency to the court of Poonah: which late and reluctant consent and authority were extorted from him, the said Hastings, in consequence of the acknowledgment of his agent at the court of Mahdajee Sindia, upon whom the said Warren Hastings had depended for enforcing the clauses of the Mahratta

treaty, of the precariousness of such dependence, and of the necessity of that direct and separate treaty with Tippoo, so long and so lately reprobated by the said Warren Hastings, notwithstanding the information and entreaties of the Presidency of Fort St. George, as well as the known distresses and critical situation of the Company's affairs. That, though the said Warren Hastings did at length give instructions for negotiating and making peace with Tippoo, expressly adding, that those instructions extended to *all* the points which occurred to *him or them* as capable of being agitated or gained upon the occasion, — though the said instructions were sent after the said commissioners by the Presidency of Fort St. George, with directions to obey them, — though not only the said instructions were obeyed, but advantages gained which did not occur to the said Warren Hastings, — though the said peace formed a contrast with the Mahratta peace, in neither ceding any territory possessed by the Company before the war, or delivering up any dependant or ally to the vengeance of his adversaries, but providing for the restoration of all the countries that had been taken from the Company and their allies, — though the Supreme Council of Calcutta, forming the legal government of Bengal in the absence of the said Warren Hastings, ratified the said treaty, — yet the said Warren Hastings, then absent from the seat of government, and out of the province of Bengal, and forming no legal or integral part of the government during such absence, did, after such ratification, usurp the power of acting as a part of such government (as if actually sitting in Council with the other members of the same) in the consideration and unqualified censure of the terms of the said peace.

That the Nabob of Arcot, with whom the said Hastings did keep up an unwarrantable clandestine correspondence, without any communication with the Presidency of Madras, wrote a letter of complaint, dated the 27th of March, 1784, against the Presidency of that place, without any communication thereof to the said Presidency, the said complaint being addressed to the said Warren Hastings, the substance of which complaint was, that he, the Nabob, had not been made a party to the late treaty; and although his interest had been sufficiently provided for in the said treaty, the said Warren Hastings did sign a declaration, on the 23d of May, at Lucknow, forming the basis of a new article, and making a new party to the treaty, after it had been by all parties (the Supreme Council of Calcutta included) completed and ratified, and did transmit the said new stipulation to the Presidency at Calcutta, solely for the purposes and at the instigation of the Nabob of Arcot; and the said declaration was made without any previous communication with the Presidency aforesaid, and in consequence thereof orders were sent by the Council at Calcutta to the Presidency of Fort St. George, *under the severest threats in case of disobedience*: which orders, whatever were their purport, would, as an undue assumption of and participation in the government, from which he was absent, become a high misdemeanor; but, being to the purport of opening the said treaty after its solemn ratification, and proposing a new clause and a new party to the

same, was also an aggravation of such misdemeanor, as it tended to convey to the Indian powers an idea of the unsteadiness of the councils and determinations of the British government, and to take away all reliance on its engagements, and as, above all, it exposed the affairs of the nation and the Company to the hazard of seeing renewed all the calamities of war, from whence by the conclusion of the treaty they had emerged, and upon a pretence so weak as that of proposing the Nabob of Arcot to be a party to the same, — though he had not been made a party by the said Warren Hastings in the Mahratta treaty, which professed to be for the relief of the Carnatic, — though he was not a party to the former treaty with Hyder, also relative to the Carnatic, — though it was not certain, if the treaty were once opened, and that even Tippoo should then consent to that Nabob's being a party, whether he, the said Nabob, would agree to the clauses of the same, and consequently whether the said treaty, once opened, could afterwards be concluded: an uncertainty of which he, the said Hastings, should have learned to be aware, having already once been disappointed by the said Nabob's refusing to accede to a treaty which he, the said Warren Hastings, made for him with the Dutch, about a year before.

That the said Warren Hastings, — having broken a solemn and honorable treaty of peace by an unjust and unprovoked war, — having neglected to conclude that war when he might have done it without loss of honor to the nation, — having plotted and contrived, as far as depended on him, to engage the India Company in another war as soon as the former should be concluded, — and having at last put an end to a most unjust war against the Mahrattas by a most ignominious peace with them, in which he sacrificed objects essential to the interests, and submitted to conditions utterly incompatible with the honor of this nation, and with his own declared sense of the dishonorable nature of those conditions, — and having endeavored to open anew the treaty concluded with Tippoo Sultan through the means of the Presidency of Fort St. George, upon principles of justice and honor, and which established peace in India, and thereby exposing the British possessions there to the renewal of the dangers and calamities of war, — has by these several acts been guilty of sundry high crimes and misdemeanors.

XXI. — CORRESPONDENCE.

That, by an act of the 13th year of his present Majesty, intituled, “An act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe, the Governor-General and Council are required and directed to pay due obedience to all such orders as they shall receive from the Court of Directors of the said United Company, and to correspond from time to time, and constantly and diligently transmit to the said Court an exact particular of all advices or intelligence and of all transactions and matters whatsoever that shall come to their knowledge, relating to the government, commerce, revenues, or interest of the said United Company.”

That, in consequence of the above-recited act, the Court of Directors, in their general instructions of the 29th March, 1774, to the Governor-General and Council, did direct, “that the correspondence with the princes or country powers in India should be carried on through the Governor-General only; but that all letters to be sent by him should be first approved in Council; and that he should lay before the Council, at their next meeting, all letters received by him in the course of such correspondence, for their information.”

And the Governor-General and Council were therein further ordered, “that, in transacting the business of their department, they should enter with the utmost perspicuity and exactness all their proceedings whatsoever, and all dissents, if such should at any time be made by any member of their board, together with all letters sent or received in the course of their correspondence; and that broken sets of such proceedings, to the latest period possible, be transmitted to them [the Court of Directors], a complete set at the end of every year, and a duplicate by the next conveyance.”

That, in defiance of the said orders, and in breach of the above-recited act of Parliament, the said Warren Hastings has, in sundry instances, concealed from his Council the correspondence carried on between him and the princes or country powers in India, and neglected to communicate the advices and intelligence he from time to time received from the British Residents at the different courts in India to the other members of the government, and, without their knowledge, counsel, or participation, has dispatched orders on matters of the utmost consequence to the interests of the Company.

That, moreover, the said Warren Hastings, for the purpose of covering his own improper and dangerous practices from his employers, has withheld from the Court of Directors, upon sundry occasions, copies of the proceedings had, and the correspondence carried on by him in his official capacity as Governor-General, whereby the Court of Directors have been kept in ignorance of matters which it highly imported them to know, and the affairs of the Company have been exposed to much inconvenience and injury.

That, in all such concealments and acts done or ordered without the consent and authority of the Supreme Council, the said Warren Hastings has been guilty of high

crimes and misdemeanors.

XXII. — FYZoola KHÂN.

PART I. RIGHTS OF FYZoola KHÂN, ETC., BEFORE THE TREATY OF LALL-DANG.

I. That the Nabob Fyzoola Khân, who now holds of the Vizier the territory of Rampoor, Shahabad, and certain other districts dependent thereon, in the country of the Rohillas, is the second son of a prince renowned in the history of Hindostan under the name of Ali Mohammed Khân, some time sovereign of all that part of Rohilcund which is particularly distinguished by the appellation of the Kutteehr.

II. That, after the death of Ali Mohammed aforesaid, as Fyzoola Khân, together with his elder brother, was then a prisoner of war at a place called Herat, “the Rohilla chiefs took possession of the ancient estates” of the captive princes; and the Nabob Fyzoola Khân was from necessity compelled to waive his hereditary rights for the inconsiderable districts of Rampoor and Shahabad, then estimated to produce from six to eight lacs of annual revenue.

III. That in 1774, on the invasion of Rohilcund by the united armies of the Vizier Sujah ul Dowlah and the Company, the Nabob Fyzoola Khân, “with some of his people, was present at the decisive battle of St. George,” where Hafiz Rhamet, the great leader of the Rohillas, and many others of their principal chiefs were slain; but, escaping from the slaughter, Fyzoola Khân “made his retreat good towards the mountains, with all his treasure.” He there collected the scattered remains of his countrymen; and as he was the eldest surviving son of Ali Mohammed Khân, as, too, the most powerful obstacle to his pretensions was now removed by the death of Hafiz, he seems at length to have been generally acknowledged by his natural subjects the undoubted heir of his father’s authority.

IV. That, “regarding the sacred *sincerity* and friendship of the English, whose *goodness* and celebrity is everywhere known, *who dispossess no one*,” the Nabob Fyzoola Khân made early overtures for peace to Colonel Alexander Champion, commander-in-chief of the Company’s forces in Bengal: that he did propose to the said Colonel Alexander Champion, in three letters, received on the 14th, 24th, and 27th of May, to put himself under the protection either of the Company, or of the Vizier, through the mediation and with the guaranty of the Company; and that he did offer, “whatever was conferred upon him, to pay as much without damage or deficiency as any other person would agree to do”: stating, at the same time, his condition and pretensions hereinbefore recited as facts “evident as the sun”; and appealing, in a forcible and awful manner, to the generosity and magnanimity of this nation, “by whose means he hoped in God that he should receive justice”; and

as “the person who designed the war was no more,” as “in that he was himself guiltless,” and as “he had never acted in such a manner as for the Vizier to have taken hatred to his heart against him, that he might be reinstated in his ancient possessions, the country of Ins father.”

V. That on the last of the three dates above mentioned, that is to say, on the 27th of May, the Nabob Fyzoola Khân did also send to the commander-in-chief a *vakeel*, or ambassador, who was authorized on the part of him, the Nabob Fyzoola Khân, his master, to make a specific offer of three propositions; and that by one of the said propositions “an annual increase of near 400,000*l.* would have accrued to the revenues of our ally, and the immediate acquisition of above 300,000*l.* to the Company, for their influence in effecting an accommodation perfectly consistent with their engagements to the Vizier,” and strictly consonant to the demands of justice.

VI. That, so great was the confidence of the Nabob Fyzoola Khân in the just, humane, and liberal feelings of Englishmen, as to “lull him into an inactivity” of the most essential detriment to his interests: since, “in the hopes which he entertained from the interposition of our government,” he declined the invitation of the Mogul to join the arms of his Majesty and the Mahrattas, “refused any connection with the Seiks,” and did even neglect to take the obvious precaution of crossing the Ganges, as he had originally intended, while the river was yet fordable, — a movement that would have enabled him certainly to baffle all pursuit, and probably “to keep the Vizier in a state of disquietude for the remainder of his life.”

VII. That the commander-in-chief, Colonel Alexander Champion aforesaid, “thought nothing could be more honorable to this nation than the support of so exalted a character; and whilst it could be done on terms so advantageous, supposed it very unlikely that the *vakeel*’s proposition should be received with indifference”; that he did accordingly refer it to the administration through Warren Hastings, Esquire, then Governor of Fort William and President of Bengal; and he did at the same time inclose to the said Warren Hastings a letter from the Nabob Fyzoola Khân to the said Hastings, — which letter does not appear, but must be supposed to have been of the same tenor with those before cited to the commander-in-chief, — of which also copies were sent to the said Hastings by the commander-in-chief; and he, the commander-in-chief aforesaid, after urging to the said Hastings sundry good and cogent arguments of policy and prudence in favor of the Nabob Fyzoola Khân, did conclude by “wishing for nothing so much as for the adoption of some measure that might strike all the powers of the East with admiration of our justice, in contrast to the conduct of the Vizier.”

VIII. That, in answer to such laudable wish of the said commander-in-chief, the President, Warren Hastings, preferring his own prohibited plans of extended dominion to the mild, equitable, and wise policy inculcated in the standing orders of his superiors, and now enforced by the recommendation of the commander-in-

chief, did instruct and “desire” him, the said commander-in-chief, “instead of soliciting the Vizier to relinquish his conquest to Fyzoola Khân, to discourage it as much as was in his power”; although the said Hastings did not once express, or even intimate, any doubt whatever of the Nabob Fyzoola Khân’s innocence as to the origin of the war, or of his hereditary right to the territories which he claimed, but to the said pleas of the Nabob Fyzoola Khân, as well as to the arguments both of policy and justice advanced by the commander-in-chief, he, the said Hastings, did solely oppose certain speculative objects of imagined expediency, summing up his decided rejection of the proposals made by the Nabob Fyzoola Khân in the following remarkable words. “With respect to Fyzoola Khân, *he appears not to merit our consideration. The petty sovereign of a country estimated at six or eight lacs ought not for a moment to prove an impediment to any of our measures, or to affect the consistency of our conduct.*”

IX. That, in the aforesaid violent and arbitrary position, the said Warren Hastings did avow it to be a public principle of his government, that no right, however manifest, and no innocence, however unimpeached, could entitle the weak to our protection against others, or save them from our own active endeavors for their oppression, and even extirpation, should they interfere with our notions of political expediency; and that such a principle is highly derogatory to the justice and honor of the English name, and fundamentally injurious to our interests, inasmuch as it hath an immediate tendency to excite distrust, jealousy, fear, and hatred against us among all the subordinate potentates of Hindostan.

X. That, in prosecution of the said despotic principle, the President, Warren Hastings aforesaid, did persist to obstruct, as far as in him lay, every advance towards an accommodation between the Vizier Sujah ul Dowlah and the Nabob Fyzoola Khân; and particularly on the 16th of September, only eight days after the said Hastings, in, conjunction with the other members of the Select Committee of Bengal, had publicly testified his *satisfaction* in the prospect of *an accommodation*, and had *hoped* that “his Excellency [the Vizier] would be disposed to conciliate the affections [of the Rohillas] to his government *by acceding to lenient terms*,” he, the said Hastings, did nevertheless write, and without the consent or knowledge of his colleagues did privately dispatch, a certain answer to a letter of the commander-in-chief, in which answer the said Hastings did express other *contradictory hopes*, namely, that the commander-in-chief *had resolved on prosecuting the war to a final issue*,— “because” (as the said Hastings explains himself) “it appears very plainly that Fyzoola Khân and his adherents *lay at your mercy*, because I apprehend much inconveniency from delays, and because *I am morally certain that no good will be gained by negotiating*”: thereby artfully suggesting his wishes of what might be, in his hopes of what had been, resolved; and plainly, though indirectly, instigating the commander-in-chief to much effusion of blood in an immediate attack on the Rohillas, posted as they were “in a very strong situation,” and “combating for all.”

XI. That the said Hastings, in the answer aforesaid, did further endeavor to inflame the commander-in-chief against the Nabob Fyzoola Khân, by representing the said Nabob “as highly presuming, insolent, and evasive”; and knowing the distrust which the Nabob Fyzoola Khân entertained of the Vizier, the said Hastings did “expressly desire it should be left wholly to the Vizier to treat with the enemy by *his own agents and in his own manner*,” — though he, the said Hastings, “by no means wished the Vizier to lose time by seeking an accommodation, since it would be more effectual, more decisive, and more *consistent with his dignity, indeed with his honor, which he has already pledged*, to abide by his first offers, to dictate the conditions of peace, and to admit only an acceptance without reservation, or a clear refusal, from his adversary”: thereby affecting to hold up, in opposition to and in exclusion of the substantial claims of justice, certain ideal obligations of dignity and honor, — that is to say, the gratification of pride, and the observance of an arrogant determination once declared.

XII. That, although the said answer did not reach the commander-in-chief until peace was actually concluded, and although the dangerous consequences to be apprehended from the said answer were thereby prevented, yet, by the sentiments contained in the said answer, Warren Hastings, Esquire, did strongly evince his ultimate adherence to all the former violent and unjust principles of his conduct towards the Nabob Fyzoola Khân, which principles were disgraceful to the character and injurious to the interests of this nation; and that the said Warren Hastings did thereby, in a particular manner, exclude himself from any share of credit for “the honorable period put to the Rohilla war, which has in some degree done away the reproach so wantonly brought on the English name.”

PART II. RIGHTS OF FYZoola KHÂN UNDER THE TREATY OF LALL-DANG.

I. That, notwithstanding the culpable and criminal reluctance of the President, Hastings, hereinbefore recited, a treaty of peace and friendship between the Vizier Sujah ul Dowlah and the Nabob Fyzoola Khân was finally signed and sealed on the 7th October, 1774, at a place called Lall-Dang, in the presence and with the attestation of the British commander-in-chief, Colonel Alexander Champion aforesaid; and that for the said treaty the Nabob Fyzoola Khân agreed to pay, and did actually pay, the valuable consideration of half his treasure, to the amount of fifteen lacs of rupees, or 150,000*l.* sterling, and upwards.

II. That by the said treaty the Nabob Fyzoola Khân was established in the quiet possession of Rampoor, Shahabad, and “some other districts dependent thereon,” subject to certain conditions, of which the more important were as follow.

“That Fyzoola Khân should retain in his service five thousand *troops*, and not a single man more.

“That, with whomsoever the Vizier should make war, Fyzoola Khân should send *two or three thousand men, according to his ability*, to join the forces of the Vizier.

“And that, if the Vizier should march in person, Fyzoola Khân should himself accompany him *with his troops*.”

III. That from the terms of the treaty above recited it doth plainly, positively, and indisputably appear that the Nabob Fyzoola Khân, in case of war, was not bound to furnish more than three thousand men under any construction, unless the Vizier should march in person.

IV. That the Nabob Fyzoola Khân was not positively bound to furnish so many as three thousand men, but an indefinite number, not more than three and not less than two thousand; that of the precise number within such limitations the ability of Fyzoola Khân, and not the discretion of the Vizier, was to be the standard; and that such ability could only mean that which was equitably consistent not only with the external defence of his jaghire, but with the internal good management thereof, both as to its police and revenue.

V. That, even in case the Vizier should march in person, it might be reasonably doubted whether the personal service of the Nabob Fyzoola Khân “with his troops” must be understood to be with *all* his troops, or only with the number before stipulated, not more than three and not less than two thousand men; and that the latter is the interpretation finally adopted by Warren Hastings aforesaid, and the Council of Bengal, who, in a letter to the Court of Directors, dated April 5th, 1783, represent the clauses of the treaty relative to the stipulated aid as meaning simply that Fyzoola Khân “should send two or three thousand men to join the Vizier’s forces, or attend in person in case it should be requisite.”

VI. That from the aforesaid terms of the treaty it doth not specifically appear of what the stipulated aid should consist, whether of horse or foot, or in what proportion of both; but that it is the recorded opinion, maturely formed by the said Hastings and his Council, in January, 1783, that even “a single horseman included in the aid which Fyzoola Khân might furnish would prove a literal compliance with the stipulation.”

VII. That, in the event of any doubt fairly arising from the terms of the treaty, the Nabob Fyzoola Khân, in consideration of his hereditary right to the whole country, and the price by him actually paid for the said treaty, was in equity entitled to the most favorable construction.

VIII. That, from the attestation of Colonel Champion aforesaid, the government of Calcutta acquired the same right to interpose with the Vizier for the protection of the Nabob Fyzoola Khân as they, the said government, had before claimed from a similar attestation of Sir Robert Barker to assist the Vizier in extirpating the whole nation of the said Fyzoola Khân, — more especially as in the case of Sir Robert Barker it was contrary to the remonstrances of the then administration, and the furthest from the intentions of the said Barker himself, that his attestation

should involve the Company, but the attestation of Colonel Champion was authorized by all the powers of the government, as a “sanction” intended “to add validity” to the treaty; that they, the said government, and in particular the said Warren Hastings, as the first executive member of the same, were bound by the ties of natural justice duly to exercise the aforesaid right, if need were; and that their duty so to interfere was more particularly enforced by the spirit of the censures passed both by the Directors and Proprietors in the Rohilla war, and the satisfaction expressed by the Directors “in the honorable end put to that war.”

PART III. GUARANTY OF THE TREATY OF LALL-DANG.

I. That during the life of the Vizier Sujah ul Dowlah, and for some time after his death, under his son and successor, Asoph ul Dowlah, the Nabob Fyzoola Khân did remain without disturbance or molestation; that he did all the while imagine his treaty to be under the sanction of the Company, from Colonel Champion’s affixing his signature thereto as a witness, “which signature, as he [Fyzoola Khân] supposed,” (rendered the Company the *arbitrators*) between the Vizier and himself, in case of disputes; and that, being “a man of sense, but *extreme pusillanimity*, a good farmer, fond of wealth, *not possessed of the passion of ambition*,” he did peaceably apply himself to “improve the state of his country, and did, *by his own prudence and attention*, increase the revenues thereof beyond the amount specified in Sujah ul Dowlah’s grant.”

II. That in the year 1777, and in the beginning of the year 1778, being “alarmed at the young Vizier’s resumption of a number of jaghires granted by his father to different persons, and the injustice and oppression of his conduct in general,” and having now learned (from whom does not appear, but probably from some person supposed of competent authority) that Colonel Champion formerly witnessed the treaty as a private person, the Nabob Fyzoola Khân did make frequent and urgent solicitations to Nathaniel Middleton, Esquire, then Resident at Oude, and to Warren Hastings aforesaid, then Governor-General of Bengal, “for a renovation of his [the Nabob Fyzoola Khân’s] treaty with the late Vizier, and the guaranty of the Company,” or for a “separate agreement with the Company for his defence”: considering them, the Company, as “the only power in which he had confidence, and to which he could look up for protection.”

III. That the said Resident Middleton, and the said Governor-General Hastings, did not, as they were in duty bound to do, endeavor to allay the apprehensions of the Nabob Fyzoola Khân by assuring him of his safety under the sanction of Colonel Champion’s attestation aforesaid, but by their criminal neglect, if not by positive expressions, (as there is just ground from their subsequent language and conduct to believe,) they, the said Middleton and the said Hastings, did at least keep alive and confirm (whoever may have originally suggested) the said apprehension;

and that such neglect alone was the more highly culpable in the said Hastings, inasmuch as he, the said Hastings, in conjunction with other members of the Select Committee of the then Presidency of Bengal, did, on the 17th of September, 1774, write to Colonel Champion aforesaid, publicly authorizing him, the said Colonel Champion, to join his *sanction* to the accommodations agreed on between the Vizier Sujah ul Dowlah and the Nabob Fyzoola Khân, *to add to their validity*, — and on the 6th of October following did again write to the said Colonel Champion, more explicitly, to join his sanction, “either by attesting the treaty, or *acting as guaranty* on the part of the Company for the performance of it”: both which letters, though they did not arrive until after the actual signature of the said Colonel Champion, do yet incontrovertibly mark the solemn intention of the said Committee (of which the said Hastings was President) that the sanction of Colonel Champion’s attestation should be regarded as a public, not a private, sanction; and it was more peculiarly incumbent on such persons, who had been members of the said Committee, so to regard the same.

IV. That the said Warren Hastings was further guilty of much criminal concealment for the space of “twelve months,” inasmuch as he did not lay before the board the frequent and urgent solicitations which he, the said Hastings, was continually receiving from the Nabob Fyzoola Khân, until the 9th of March, 1778; on which day the said Hastings did communicate to the Council a public letter of the aforesaid Middleton, Resident at Oude, acquainting the board that he, the said Middleton, taking occasion from a late application of Fyzoola Khân for the Company’s guaranty, had deputed Mr. Daniel Octavus Barwell (Assistant Resident at Benares, but then on a visit to the Resident Middleton at Lucknow) to proceed with a special commission to Rampoor, there to inquire on the spot into the truth of certain reports circulated to the prejudice of Fyzoola Khân, which reports, however, the said Middleton did afterwards confess himself to have “*always*” thought “*in the highest degree improbable*.”

That the said Resident Middleton did “request to know whether, on proof of Fyzoola Khân’s innocence, the honorable board would be pleased to grant him [the Resident] permission to comply with his [Fyzoola Khân’s] request of the Company’s guarantying his treaty with the Vizier.” And the said Middleton, in excuse for having irregularly “availed himself of the abilities of Mr. Daniel Barwell,” who belonged to another station, and for deputing him with the aforesaid commission to Rampoor without the previous knowledge of the board, did urge the plea “*of immediate necessity*”; and that such plea, if the necessity really existed, was a strong charge and accusation against the said Warren Hastings, from whose criminal neglect and concealment the urgency of such necessity did arise.

V. That the Governor-General, Warren Hastings aforesaid, did immediately move, “that the board approve the deputation of Mr. Daniel Barwell, and that the Resident [Middleton] be authorized to offer the Company’s guaranty for the

observance of the treaty subsisting between the Vizier and Fyzoola Khân, provided it meets with the Vizier's concurrence"; and that the Governor-General's proposition was resolved in the affirmative: the usual majority of Council then consisting of Richard Barwell, Esquire, a near relation of Daniel Octavus Barwell aforesaid, and the Governor-General, Warren Hastings, who, in case of an equality, had the casting voice.

VI. That, on receiving from Mr. Daniel Barwell full and early assurance of Fyzoola Khân's "having preserved every article of his treaty inviolate," the Resident, Middleton, applied for the Vizier's concurrence, which was readily obtained, — the Vizier, however, "*premising*, that he gave his consent, taking it for granted, that, on Fyzoola Khân's receiving the treaty and *khelaut* [or robe of honor], he was to make him a return of the complimentary presents usually offered on such occasions, and *of such an amount as should be a manifestation of Fyzoola Khân's due sense of his friendship, and suitable to his Excellency's rank to receive*"; and that the Resident, Middleton, "did make himself in some measure responsible for the said presents being obtained," and did write to Mr. Daniel Barwell accordingly.

VII. That, agreeably to the resolution of Council hereinbefore recited, the solicited guaranty, under the seal of the Resident, Middleton, thus duly authorized on behalf of the Company, was transmitted, together with the renewed treaty, to Mr. Daniel Barwell aforesaid at Rampoor, and that they were both by him, the said Barwell, presented to the Nabob Fyzoola Khân, with a solemnity not often paralleled, "in the presence of the greatest part of the Nabob's subjects, who were assembled, that the ceremony might create a full belief in the breasts of all his people that the Company would protect him as long as he strictly adhered to the *letter* of his treaty."

VIII. That, in the conclusion of the said ceremony, the Nabob Fyzoola Khân did deliver to the said Barwell, for the use of the Vizier, a *nuzzer* (or present) of elephants, horses, &c., and did add thereto a lac of rupees, or 10,000*l.* and upwards: which sum the said Barwell, "not being authorized to accept any pecuniary consideration, did at first refuse; but upon Fyzoola Khân's urging, that on such occasions it was the invariable custom of Hindostan, and *that it must on the present be expected, as it had been formerly the case*," (but when does not appear,) he, the said Barwell, did accept the said lac in the name of the Vizier, our ally, "in whose wealth" (as Warren Hastings on another occasion observed) "we should participate," and on whom we at that time had an accumulating demand.

IX. That, over and above the lac of rupees thus presented to the Vizier, the Nabob Fyzoola Khân did likewise offer one other lac of rupees, or upwards of 10,000*l.* more, for the Company, "as some acknowledgment of the obligation he received; that, although such acknowledgment was not pretended to be the invariable custom of Hindostan on such occasions, however it might on the present be expected," Mr. Daniel Barwell aforesaid (knowing, probably, the disposition and

views of the then actual government at Calcutta) did not, *even at first*, decline the said offer, but, as he was not empowered to accept it, did immediately propose taking a bond for the amount, until the pleasure of the board should be known.

That the offer was accordingly communicated by the said Barwell to the Resident, Middleton, to be by him, the Resident, referred to the board, and that it was so referred; that, in reply to the said reference of the Resident, Middleton, the Governor-General, Warren Hastings, did move and carry a vote of Council, “authorizing Mr. Middleton to accept the offer made by Fyzoola Khân to the Company of one lac of rupees,” without assigning any reason whatever in support of the said motion, notwithstanding it was objected by a member of the board, “that, if the measure was right, it became us to adopt it without such a consideration,” and that “our accepting of the lac of rupees as a recompense for our interposition is beneath the dignity of this government [of Calcutta], and will discredit us in the eyes of the Indian powers.”

That the acceptance of the said sum, in this circumstance, was beneath the dignity of the said government, and did tend so to discredit us; and that the motion of the said Hastings for such acceptance was therefore highly derogatory to the honor of this nation.

X. That the aforesaid member of the Council did further disapprove altogether of the guaranty, “as unnecessary”; and that another member of Council, Richard Barwell, Esquire, the near relation of Daniel Octavus Barwell, hereinbefore named, did declare, (but after the said guaranty had taken place,) that “this government [of Calcutta] was in fact engaged by Colonel Champion’s signature being to the treaty with Fyzoola Khân.” That the said unnecessary guaranty did not only subject to an heavy expense a prince whom we were bound to protect, but did further produce in his mind the following obvious and natural conclusion, namely, “*that the signature of any person, in whatever public capacity he at present appears, will not be valid and of effect, as soon as some other shall fill his station*”: a conclusion, however, immediately tending to the total discredit of all powers delegated from the board to any individual servant of the Company, and consequently to clog, perplex, and embarrass in future all transactions carried on at a distance from the seat of government, and to disturb the security of all persons possessing instruments already so ratified, — yet the only conclusion left to Fyzoola Khân which did not involve some affront either to the private honor of the Company’s servants or to the public honor of the Company itself; and that the suspicions which originated from the said idea in the breast of Fyzoola Khân to the prejudice of the Resident Middleton’s authority did compel the Governor-General, Warren Hastings, to obviate the bad effects of his first motion for the guaranty by a second motion, namely, “That a letter be written to Fyzoola Khân from myself, *confirming the obligations of the Company as guaranties* to the treaty formed between him and the

Vizier, — which will be equivalent in its effect, though not in form, to an engagement sent him with the Company's seal affixed to it."

XII. That, whether the guaranty aforesaid was or was not necessary, whether it created a new obligation or but more fully recognized an obligation previously existing, the Governor-General, Warren Hastings, by the said guaranty, did, in the most explicit manner, pledge and commit the public faith of the Company and the nation; and that by the subsequent letter of the said Hastings (which he at his own motion wrote, confirming to Fyzoola Khân the aforesaid guaranty) the said Hastings did again pledge and commit the public faith of the Company and the nation, in a manner (as the said Hastings himself remarked) "equivalent to an engagement with the Company's seal affixed to it," and more particularly binding the said Hastings personally to exact a due observance of the guaranteed treaty, especially to protect the Nabob Fyzoola Khân against any arbitrary construction or unwarranted requisition of the Vizier.

PART IV. THANKS OF THE BOARD TO FYZOOOLA KHÂN.

I. That, soon after the completion of the guaranty, in the same year, 1778, intelligence was received in India of a war between England and France; that, on the first intimation thereof, the Nabob Fyzoola Khân, "being indirectly sounded," did show much "promptness to render the Company any assistance within the bounds of his finances and ability"; and that by the suggestion of the Resident, Middleton, hereinbefore named, he, the Nabob Fyzoola Khân, in a letter to the Governor-General and Council, did make a voluntary "offer to maintain two thousand cavalry (all he had) for our service," "though he was under no obligation to furnish the Company with a single man."

II. That the Nabob Fyzoola Khân did even "anticipate the wishes of the board"; and that, "on an application made to him by Lieutenant-Colonel Muir," the Nabob Fyzoola Khân did, "without hesitation or delay," furnish him, the said Muir, with five hundred of his best cavalry.

That the said conduct of the Nabob Fyzoola Khân was communicated by the Company's servants both to each other and to their employers, with expressions of "pleasure" and "particular satisfaction," as an event "even surpassing their expectations"; that the Governor-General, Warren Hastings, was officially requested to convoy "the thanks of the board"; and that, not satisfied with the bare discharge of his duty under the said request, he, the said Hastings, did, on the 8th of January, 1779, write to Fyzoola, "that, *in his own name*," as well as "that of the board, he [the said Hastings] returned him the *warmest* thanks for this instance of his faithful attachment to the Company and the English nation."

IV. That by the strong expressions above recited the said Warren Hastings did deliberately and emphatically add his own particular confirmation to the general

testimony of the Nabob Fyzoola Khân's meritorious fidelity, and of his consequent claim on the generosity, no less than the justice, of the British government.

PART V. DEMAND OF FIVE THOUSAND HORSE.

I. That, notwithstanding his own private honor thus deeply engaged, notwithstanding the public justice and generosity of the Company and the nation thus solemnly committed, disregarding the plain import and positive terms of the guarantied treaty, the Governor-General, Warren Hastings aforesaid, in November, 1780, while a body of Fyzoola Khân's cavalry, voluntarily granted, were still serving under a British officer, did recommend to the Vizier "to require from Fyzoola Khân the quota of troops stipulated by treaty to be furnished by the latter for his [the Vizier's] service, being FIVE THOUSAND HORSE," though, as the Vizier did not march in person, he was not, under any construction of the treaty, entitled by stipulation to more than "*two or three thousand troops*," horse and foot, "according to the ability of Fyzoola Khân"; and that, whereas the said Warren Hastings would have been guilty of very criminal perfidy, if he had simply neglected to interfere as a guaranty against a demand thus plainly contrary to the faith of treaty, so he aggravated the guilt of his perfidy in the most atrocious degree by being himself the first mover and instigator of that injustice, which he was bound by so many ties on himself, the Company, and the nation, not only not to promote, but, by every exertion of authority, influence, and power, to control, to divert, or to resist.

II. That the answer of Fyzoola Khân to the Vizier did represent, with many expressions of deference, duty, and allegiance, that the whole force allowed him was but "five thousand men," and that "these consisted of two thousand horse and three thousand foot; which," he adds, "in consequence of our intimate connection, are equally yours and the Company's": though he does subsequently intimate, that "the three thousand foot are for the management of the concerns of his jaghire, and without them the collections can never be made in time."

That, on the communication of the said answer to the Governor-General, Warren Hastings, he, the said Hastings, (who, as the Council now consisted only of himself and Edward Wheler, Esquire, "united in his own person all the powers of government,") was not induced to relax from his unjust purpose, but did proceed with new violence to record, that "the Nabob Fyzoola Khân *had evaded the performance of his part of the treaty* between the late Nabob Sujah ul Dowlah and him, to which the Honorable Company were guaranties, and upon which he was lately summoned to furnish the stipulated number of troops, which he is obliged to furnish on the condition by which he holds the jaghire granted to him."

That, by the vague and indefinite term of evasion, the said Warren Hastings did introduce a loose and arbitrary principle of interpreting formal engagements, which

ought to be regarded, more especially by guaranties, ill a sense the most literally scrupulous and precise.

That he charged with such evasion a moderate, humble, and submissive representation on a point which would have warranted a peremptory refusal and a positive remonstrance; and that in consequence of the said imputed evasion he indicated a disposition to attach such a forfeiture as in justice could only have followed from a gross breach of treaty, — though the said Hastings did not then pretend any actual infringement even of the least among the conditions to which, in the name of the Company, he, the said Hastings, was the executive guaranty.

III. That, however “the number of troops stipulated by treaty may have been understood,” at the period of the original demand, “to be five thousand horse,” yet the said Warren Hastings, at the time when he recorded the supposed evasion of Fyzoola Khân’s answer to the said demand, could not be unacquainted with the express words of the stipulation, as a letter of the Vizier, inserted in the same Consultation, refers the Governor-General to inclosed copies “of all engagements entered into by the late Vizier and by himself [the reigning Vizier] with Fyzoola Khân,” and that the treaty itself, therefore, was at the very moment before the said Warren Hastings: which treaty (as the said Hastings observed with respect to another treaty, in the case of another person) “most assuredly does not contain a syllable to justify his conduct; but, by the unexampled latitude which he assumes in his constructions, he may, if he pleases, extort this or any other meaning from any part of it.”

IV. That the Vizier himself appears by no means to have been persuaded of his own right to five thousand horse under the treaty, — since, in his correspondence on the subject, he, the Vizier, nowhere mentions the treaty as the ground of his demand, except where he is recapitulating to the Governor-General, Warren Hastings, the substance of his, the said Hastings’s, own letters; on the contrary, the Vizier hints his apprehensions lest Fyzoola Khân should appeal to the treaty against the demand, as a breach thereof, — in which case, he, the Vizier, informs the said Hastings of the projected reply. “Should Fyzoola Khân” (says the Vizier) “mention anything of the tenor of the treaty, *the first breach of it has been committed by him*, in keeping up more men than allowed of by the treaty: *I have accordingly sent a person to settle that point also*. In case he should mention to me anything respecting the treaty, I will then reproach him with having kept up too many troops, and will oblige him to send the five thousand horse”: thereby clearly intimating, that, as a remonstrance against the demand as a breach of treaty could only be answered by charging a prior breach of treaty on Fyzoola Khân, so by annulling the whole treaty to reduce the question to a mere question of force, and thus “oblige Fyzoola Khân to send the five thousand horse”: “for,” (continues the Vizier,) “if, when the Company’s affairs, on which my honor depends, require it, Fyzoola Khân will not lend his assistance, *what USE is there to continue the country to him?*”

That the Vizier actually did make his application to Fyzoola Khân for the five thousand horse, not as for an aid to which he had a just claim, but as for something over and above the obligations of the treaty, something “that would give increase to their friendship and satisfaction to the Nabob Governor,” (meaning the said Hastings,) whose directions he represents as the motive “of his call for the five thousand horse to be employed,” not in his, the Vizier’s, “but in the Company’s service.”

And that the aforesaid Warren Hastings did, therefore, in recording the answer of Fyzoola Khân as an evasion of treaty, act in notorious contradiction not only to that which ought to have been the fair construction of the said treaty, but to that which he, the said Hastings, must have known to be the Vizier’s own interpretation of the same, disposed as the Vizier was “to reproach Fyzoola Khân with breach of treaty,” and to “send up persons who should settle points with him.”

V. That the said Warren Hastings, not thinking himself justified, on the mere plea of an evasion, to push forward his proceedings to that extremity which he seems already to have made his scope and object, and seeking some better color for his unjust and violent purposes, did further move, that commissioners should be sent from the Vizier and the Company to Fyzoola Khân, to insist on a clause of a treaty which nowhere appears, being essentially different from the treaty of Lall-Dang, though not in the part on which the requisition is founded; and the said Hastings did then, in a style unusually imperative, proceed as follows.

“Demand immediate delivery of three thousand cavalry; and if he should evade or refuse compliance, that the deputies shall deliver him a formal protest against him for breach of treaty, and return, making this report to the Vizier, which Mr. Middleton is to transmit to the board.”

VI. That the said motion of the Governor-General, Hastings, was ordered accordingly, — the Council, as already has been herein related, consisting but of two members, and the said Hastings consequently “uniting in his own person all the powers of government.”

VII. That, when the said Hastings ordered the said demand for three thousand cavalry, he, the said Hastings, well knew that a compliance therewith, on the part of the Nabob Fyzoola Khân, was utterly impossible: for he, the said Hastings, had at the very moment before him a letter of Fyzoola Khân, stating, that he, Fyzoola Khân, had “but two thousand cavalry” altogether; which letter is entered on the records of the Company, in the same Consultation, immediately preceding the Governor-General’s minute. That the said Hastings, therefore, knew that the only possible consequence of the aforesaid demand necessarily and inevitably must be a protest for a breach of treaty; and the Court of Directors did not hesitate to declare that the said demand “carried the appearance of a determination to create a pretext for depriving him [Fyzoola Khân] of his jaghire entirely, or to leave him at the mercy of the Vizier.”

VIII. That Richard Johnson, Esquire, Assistant Resident at Oude, was, agreeably to the afore-mentioned order of Council, deputed commissioner from Mr. Middleton and the Vizier to Fyzoola Khân; but that he did early give the most indecent proofs of glaring partiality, to the prejudice of the said Fyzoola Khân: for that the very next day (as it seems) after his arrival, he, the said Johnson, from opinions imbibed in his journey, did state himself to be “unwilling to draw any favorable or flattering inferences relatively to the object of his mission,” and did studiously seek to find new breaches of treaty, and, without any form of regular inquiry whatever, from a single glance of his eye in passing, did take upon himself to pronounce “the Rohilla soldiers, in the district of Rampoor alone, to be not less than twenty thousand,” and the grant of course to be forfeited. And that such a gross and palpable display of a predetermination to discover guilt did argue in the said Johnson a knowledge, a strong presumption, or a belief, that such representations would be agreeable to the secret wishes and views of the said Hastings, under whose orders he, the said Johnson, acted, and to whom all his reports were to be referred.

IX. That the said Richard Johnson, did soon after proceed to the immediate object of his mission, “which” (the said Johnson relates) “was short to a degree.” The demand was made, and “a flat refusal” given. The question was repeated, with like effect. The said Johnson, in presence of proper witnesses, then drew up his protest, “together with a memorandum of *a palliative offer* made by the Nabob Fyzoola Khân,” and inserted in the protest:— “That he would, in compliance with the demand, and *in conformity to the treaty, which specified no definite number of cavalry or infantry, only expressing troops*, furnish three thousand men: viz., he would, in addition to the one thousand cavalry already granted, give one thousand more, when and wheresoever required, and one thousand foot,” — together with one year’s pay in advance, and funds for the regular payment of them in future.

And this, the said Richard Johnson observes, “I put down at his [the Nabob Fyzoola Khân’s] particular desire, but otherwise useless; as *my orders*” (which orders do not appear) “*were, not to receive any palliation, but a negative or affirmative*”: though such palliation, as it is called by the said Johnson, might be, as it was, in the strictest conformity to the treaty.

X. That in the said offer the Nabob Fyzoola Khân, instead of palliating, did at once admit the extreme right of the Vizier under the treaty, by agreeing to furnish three thousand men, when he, Fyzoola Khân, would have been justified in pleading his inability to send more than two thousand; that such inability would not (as appears) have been a false and evasive plea, but perfectly true and valid, — as the three thousand foot maintained by Fyzoola Khân were for the purposes of his internal government, for which the whole three thousand must have been demonstrably necessary; and that the Nabob Fyzoola Khân, by declining to avail himself of a plea so fair, so well founded, and so consonant to the indulgence

expressly acknowledged in the treaty, and by thus meeting the specific demand of the Vizier as fully as, according to his own military establishment, he could, did for the said offer deserve rather the thanks of the said Vizier and the Company than the protest which the aforesaid Johnson, under the orders of Warren Hastings, did deliver.

XI. That the report of the said protest, as well as the former letter of the said Johnson, were by the Resident, Middleton, transmitted to the board, together with a letter from the Vizier, founded on the said report and letter of the said Johnson, and proposing in consequence “to resume the grant, and to leave Fyzoola Khân to join his other faithless brethren who were sent across the Ganges.”

That the said papers were read in Council on the 4th of June, 1781, when the Governor-General, Warren Hastings, did move and carry a vote to suspend a final resolution on the same: and the said Hastings did not express any disapprobation of the proceedings of the said Johnson; neither did the said Hastings assign any reasons for his motion of suspension, which passed without debate. That in truth the said Hastings had then projected a journey up the country to meet the Vizier for the settlement of articles relative to the regulation of Oude and its dependencies, among which was included the jaghire of Fyzoola Khân; and the said Hastings, for the aforesaid purposes, did, on the 3d of July, by his own casting vote, grant to himself, and did prevail on his colleague, Edward Wheler, Esquire, to grant, a certain illegal delegation of the whole powers of the Governor-General and Council, and on the seventh of the same month did proceed on his way to join the Vizier at a place called Chunar, on the borders of Benares; and that the aforesaid vote of suspending a final resolution on the transactions with Fyzoola Khân was therefore in substance and effect a reference thereof by the said Hastings from himself in council with his colleague, Wheler, to himself in conference and negotiation with the Vizier, who, from the first demand of the five thousand horse, had taken every occasion of showing his inclination to dispossess Fyzoola Khân, and who before the said demand (in a letter which does not appear, but which the Vizier himself quotes as antecedent to the said demand) had complained to the said Hastings of the “injury and irregularity in the management of the provinces bordering on Rampoor, arising from Fyzoola Khân having the uncontrolled dominion of that district.”

PART VI. TREATY OF CHUNAR.

I. That the Governor-General, Warren Hastings, being vested with the illegal powers before recited, did, on the 19th of September, 1781, enter into a treaty with the Vizier at Chunar, — which treaty (as the said Hastings relates) was drawn up “from a series of requisitions presented to him [the said Hastings] by the Vizier,” and by him received “with an instant and unqualified assent to each article”; and that the said Hastings assigns his reasons for such ready assent in the following

words: "I considered the subjects of his [the Vizier's] requests as essential to the reputation of our government, and no less to our interest than his."

II. That in the said treaty of Chunar the third article is as follows.

"That, as Fyzoola Khân has by his breach of treaty forfeited the protection of the English government, and causes by his continuance in his present independent state great alarm and detriment to the Nabob Vizier, he be permitted, *when time shall suit*, to resume his lands, and pay him in money, through the Resident, the amount stipulated by treaty, after deducting the amount and charges of the troops he stands engaged to furnish by treaty; which amount shall be passed to the account of the Company during the continuance of the present war."

III. That, for the better elucidation of his policy in the several articles of the treaty above mentioned, the said Hastings did send to the Council of Calcutta (now consisting of Edward Wheler and John Macpherson, Esquires) two different copies of the said treaty, with explanatory minutes opposed to each article; and that the minute opposed to the third article is thus expressed.

"The conduct of Fyzoola Khân, in refusing the aid demanded, though (1.) *not an absolute breach of treaty*, was evasive and uncandid. (2.) *The demand was made for five thousand cavalry*. (3.) *The engagement, in the treaty is literally for five thousand horse and foot*. Fyzoola Khân could not be ignorant that we had no occasion for any succors of infantry from him, and that cavalry would be of the most essential service. (4.) *So scrupulous an attention to literal expression, when a more liberal interpretation would have been highly useful and acceptable to us, strongly marks his unfriendly disposition, though it may not impeach his fidelity, and leaves him little claim to any exertions from us for the continuance of his jaghires*. But (5.) *I am of opinion that neither the Vizier's nor the Company's interests would be promoted by depriving Fyzoola Khân of his independency, and I have* (6.) *therefore reserved the execution of this agreement to an indefinite term; and our government may always interpose to prevent any ill effects from it.*"

IV. That, in his aforesaid authentic evidence of his own purposes, motives, and principles, in the third article of the treaty of Chunar, the said Hastings hath established divers matters of weighty and serious crimination against himself.

1st. That the said Hastings doth acknowledge therein, that he did, in a public instrument, solemnly recognize, "*as a breach of treaty*," and as such did subject to the consequent penalties, an act which he, the said Hastings, did at the same time think, and did immediately declare, to be "*no breach of treaty*"; and by so falsely and unjustly proceeding against a person under the Company's guaranty, the said Hastings, on his own confession, did himself break the faith of the said guaranty.

2d. That, in justifying this breach of the Company's faith, the said Hastings doth *wholly abandon his second peremptory demand for the three thousand horse*, and the protest consequent thereon; and the said Hastings doth thereby himself condemn the violence and injustice of the same.

3dly. That, in recurring to the original demand of five thousand horse as the ground of his justification, the said Hastings doth falsely assert “the engagement in the treaty to be *literally FIVE thousand horse and foot*,” whereas it is in fact for TWO or THREE thousand men; and the said Hastings doth thereby wilfully attempt to deceive and mislead his employers, which is an high crime and misdemeanor in a servant of so great trust.

4thly. That, with a view to his further justification, the said Hastings doth advance a principle that “*a scrupulous attention to the literal expression*” of a guarantied treaty “*leaves*” to the person so observing the same “*but little claim to the exertions*” of a guaranty on his behalf; that such a principle is utterly subversive of all faith of guaranties, and is therefore highly criminal in the first executive member of a government that must necessarily stand in that mutual relation to many.

5thly. That the said Hastings doth profess his opinion of an article to which he gave an “*instant and unqualified assent*,” that it was a measure “*by which neither the Vizier’s nor the Company’s interests would be promoted*,” but from which, without some interposition, “*ill effects*” must be expected; and that the said Hastings doth thereby charge himself with a high breach of trust towards his employers.

6thly. That the said Hastings having thus confessed that consciously and wilfully (from what motives he hath not chosen to confess) he did give his formal sanction to a measure both of injustice and impolicy, he, the said Hastings, doth urge in his defence, that he did at the same time insert words “reserving the execution of the said agreement to an indefinite term,” with an intent that it might in truth be never executed at all, — but that “our government might always interpose,” without right, by means of an indirect and undue influence, to prevent the ill effects following from a collusive surrender of a clear and authorized right to interpose; and the said Hastings doth thereby declare himself to have introduced a principle of duplicity, deceit, and double-dealing into a public engagement, which ought in its essence to be clear, open, and explicit; that such a declaration tends to shake and overthrow the confidence of all in the most solemn instruments of any person so declaring, and is therefore an high crime and misdemeanor in the first executive member of government, by whom all treaties and other engagements of the state are principally to be conducted.

V. That, by the explanatory minute aforesaid, the said Warren Hastings doth further, in the most direct manner, contradict his own assertions in the very letter which inclosed the said minute to his colleagues; for that one of the articles to which he there gave “*an instant and unqualified assent, as no less to our interest than to the Vizier’s*” he doth here declare unequivocally to be *neither to our interests nor the Vizier’s*; and the “*unqualified assent*” given to the said article is now so *qualified* as wholly to defeat itself. That by such irreconcilable contradictions the said Hastings doth incur the suspicion of much criminal misrepresentation in other like cases of unwitnessed conferences; and in the present instance (as far as it extends)

the said Hastings doth prove himself to have given an account both of his actions and motives by his own confession untrue, for the purpose of deceiving his employers, which is an high crime and misdemeanor in a servant of so great trust.

VI. That the said third article of the treaty of Chunar, as it thus stands explained by the said Hastings himself, doth on the whole appear designed to hold the protection of the Company in suspense; that it acknowledges all right of interference to cease, but leaves it to our discretion to determine when it will suit our conveniency to give the Vizier the liberty of acting on the principles by us already admitted; that it is dexterously constructed to balance the desires of one man, rapacious and profuse, against the fears of another, described as “of extreme pusillanimity and wealthy,” but that, whatever may have been the secret objects of the artifice and intrigue confessed to form its very essence, it must on the very face of it necessarily implicate the Company in a breach of faith, whichever might be the event, as they must equally break their faith either by withdrawing their guaranty unjustly or by continuing that guaranty in contradiction to this treaty of Chunar; that it thus tends to hold out to India, and to the whole world, that the public principle of the English government is a deliberate system of injustice joined with falsehood, of impolicy, of bad faith, and treachery; and that the said article is therefore in the highest degree derogatory to the honor, and injurious to the interests of this nation.

PART VII. CONSEQUENCES OF THE TREATY OF CHUNAR.

I. That, in consequence of the treaty of Chunar, the Governor-General, Warren Hastings, did send official instructions respecting the various articles of the said treaty to the said Resident, Middleton; and that, in a postscript, the said Hastings did forbid the resumption of the Nabob Fyzoola Khân’s jaghire, “until circumstances may render it more expedient and easy to be attempted than the present more material pursuits of government make it appear”: thereby intimating a positive limitation of the indefinite term in the explanatory minute above recited, and confining the suspension of the article to the pressure of the war.

II. That, soon after the date of the said instructions, and within two months of the signature of the treaty of Chunar, the said Hastings did cause Sir Elijah Impey, Knight, his Majesty’s chief-justice at Fort William, to discredit the justice of the crown of Great Britain by making him the channel of unwarrantable communication, and did, through the said Sir Elijah, signify to the Resident, Middleton, his, the said Hastings’s, “approbation of a *subsidy* from Fyzoola Khân.”

III. That the Resident, in answer, represents the proper equivalent for two thousand horse and one thousand foot (the forces offered to Mr. Johnson by Fyzoola Khân) to be twelve lacs, or 120,000*l.* sterling and upwards, each year; which the said Resident supposes is considerably beyond what he, Fyzoola Khân,

will voluntarily pay: “however, if it is your wish that the claim should be made, I am ready to take it up, and *you may be assured nothing in my power shall be left undone to carry it through.*”

IV. That the reply of the said Hastings doth not appear; but that it does appear on record that “a negotiation” (Mr. Johnson’s) “was begun for Fyzoola Khân’s cavalry to act with General Goddard, and, on his [Fyzoola Khân’s] *evading it, that a sum of money was demanded.*”

V. That, in the months of February, March, and April, the Resident, Middleton, did repeatedly propose the resumption of Fyzoola Khân’s jaghire, agreeably to the treaty of Chunar; and that, driven to extremity (as the said Hastings supposes) “by the public menaces and denunciations of the Resident and minister,” Hyder Beg Khân, a creature of the said Hastings, and both the minister and Resident acting professedly on and under the treaty of Chunar, “the Nabob Fyzoola Khân made such preparations, and such a disposition of his family and wealth, as evidently manifested either an intended or an *expected rupture.*”

VI. That on the 6th of May the said Hastings did send his confidential agent and friend, Major Palmer, on a private commission to Lucknow; and that the said Palmer was charged with secret instructions relative to Fyzoola Khân, but of what import cannot be ascertained, the said Hastings in his public instructions having inserted only the name of Fyzoola Khân, as a mere reference (according to the explanation of the said Hastings) to what he had verbally communicated to the said Palmer; and that the said Hastings was thereby guilty of a criminal concealment.

VII. That some time about the month of August an engagement happened between a body of Fyzoola Khân’s cavalry and a part of the Vizier’s army, in which the latter were beaten, and their guns taken; that the Resident, Middleton, did represent the same but as a slight and accidental affray; that it was acknowledged the troops of the Vizier were the aggressors; that it did appear to the board, and to the said Hastings himself, an affair of more considerable magnitude; and that they did make the concealment thereof an article of charge against the Resident, Middleton, though the said Resident did in truth acquaint them with the same, but in a cursory manner.

VIII. That, immediately after the said “fray” at Daranagur, the Vizier (who was “but a cipher in the hands” of the minister and the Resident, both of them directly appointed and supported by the said Hastings) did make of Fyzoola Khân a new demand, equally contrary to the true intent and meaning of the treaty as his former requisitions: which new demand was for the detachment in garrison at Daranagur to be cantoned as a stationary force at Lucknow, the capital of the Vizier; whereas he, the Vizier, had only a right to demand an occasional aid to join his army in the field or in garrison during a war. But the said new demand being *evaded*, or rather refused, agreeably to the fair construction of the treaty, by the Nabob Fyzoola Khân, the matter was for the present dropped.

IX. That in the letter in which the Resident, Middleton, did mention “what he calls the fray” aforesaid, the said Middleton did again apply for the resumption of the jaghire of Rampoor; and that, the objections against the measure being now removed, (by the separate peace with Sindia,) he desired to know if the board “would give assurances of their support to the Vizier, in case, *which*” (says the Resident) “*I think very probable, his [the Vizier’s] own strength should be found unequal to the undertaking.*”

X. That, although the said Warren Hastings did make the foregoing application a new charge against the Resident, Middleton, yet the said Hastings did only criminate the said Middleton for a proposal tending “at such a crisis to increase the number of our enemies,” and did in no degree, either in his articles of charge or in his accompanying minutes, express any disapprobation whatever of the principle; that, in truth, the whole proceedings of the said Resident were the natural result of the treaty of Chunar; that the said proceedings were from time to time communicated to the said Hastings; that, as he nowhere charges any disobedience of orders on Mr. Middleton with respect to Fyzoola Khân, it may be justly inferred that the said Hastings did not interfere to check the proceedings of the said Middleton on that subject; and that by such criminal neglect the said Hastings did make the guilt of the said Middleton, whatever it might be, his own.

PART VIII. PECUNIARY COMMUTATION OF THE STIPULATED AID.

I. That on the charges and for the misdemeanors above specified, together with divers other accusations, the Governor-General, Warren Hastings, in September, 1782, did remove the aforesaid Middleton from his office of Resident at Oude, and did appoint thereto John Bristow, Esquire, whom he had twice before, without cause, recalled from the same; and that about the same time the said Hastings did believe the mind of the Nabob Fyzoola Khân to be so irritated, in consequence of the above-recited conduct of the late Resident, Middleton, and of his, the said Hastings’s, own criminal neglect, that he, the said Hastings, found it necessary to write to Fyzoola Khân, assuring him “of the favorable disposition of the government toward him, while he shall not have forfeited it by any improper conduct”; but that the said assurances of the Governor-General did not tend, as soon after appeared, to raise much confidence in the Nabob, over whom a public instrument of the same Hastings was still holding the terrors of a deprivation of his jaghire, and an exile “among his other faithless brethren across the Ganges.”

II. That, on the subject of Fyzoola Khân, the said Hastings, in his instructions to the new Resident, Bristow, did leave him to be guided by his own discretion; but he adds, “Be careful to prevent the Vizier’s affairs from being involved with new difficulties, while he has already so many to oppress him”: thereby plainly hinting at

some more decisive measures, whenever the Vizier should be less oppressed with difficulties.

III. That the Resident, Bristow, after acquainting the Governor-General with his intentions, did under the said instructions renew the aforesaid claim for a sum of money, but with much caution and circumspection, distantly sounding Allif Khân, the *vakeel* (or envoy) of Fyzoola Khân at the court of the Vizier; that “Allif Khân wrote to his master on the subject, and in answer he was directed not to agree to the granting of any pecuniary aid.”

IV. That the Resident, Bristow, did then openly depute Major Palmer aforesaid, with the concurrence of the Vizier, and the approbation of the Governor-General, to the Nabob Fyzoola Khân, at Rampoor; and that the said Palmer was to “endeavor to convince the Nabob that *all doubts of his attachment to the Vizier are ceased, and whatever claims may be made on him are founded upon the basis of his interest and advantage and a plan of establishing his right to the possession of his jaghire.*”

That the sudden ceasing of the said doubts, without any inquiry of the slightest kind, doth warrant a strong presumption of the Resident’s conviction that they never really existed, but were artfully feigned, as a pretence for some harsh interposition; and that the indecent mockery of establishing, as a matter of favor, for a pecuniary consideration, rights which were never impeached but by the treaty of Chunar, (an instrument recorded by Warren Hastings himself to be founded on falsehood and injustice,) doth powerfully prove the true purpose and object of all the duplicity, deceit, and double-dealing with which that treaty was projected and executed.

V. That the said Palmer was instructed by the Resident, Bristow, with the subsequent approbation of the Governor-General, “to obtain from Fyzoola Khân *an annual tribute*”; to which the Resident adds,— “*If you can procure from him, over and above this, a peshcush [or fine] of at least five lacs, it would be rendering an essential service to the Vizier, and add to the confidence his Excellency would hereafter repose in the attachment of the Nabob Fyzoola Khân.*” And that the said Governor-General, Hastings, did give the following extraordinary ground of calculation, as the basis of the said Palmer’s negotiation for the annual tribute aforesaid.

“*It was certainly understood, at the time the treaty was concluded, (of which this stipulation was a part,) that it applied solely to cavalry: as the Nabob Vizier, possessing the service of our forces, could not possibly require infantry, and least of all such infantry as Fyzoola Khân could furnish; and a single horseman included in the aid which Fyzoola Khân might furnish would prove a literal compliance with the said stipulation.* The number, therefore, of horse implied by it ought at least to be ascertained: *we will suppose five thousand, and, allowing the exigency for their attendance to exist only in the proportion of one year in five, reduce the demand to one thousand for the computation of the subsidy, which, at the rate of fifty rupees*

per man, will amount to fifty thousand *per mensem*. This may serve for the basis of this article in the negotiation upon it.”

VI. That the said Warren Hastings doth then continue to instruct the said Palmer in the alternative of a refusal from Fyzoola Khân. “If Fyzoola Khân shall refuse to treat for a subsidy, and claim the benefit of his original agreement in its literal expression, *he possesses a right which we cannot dispute*, and it will in that case remain only to fix the precise number of horse which he shall furnish, which ought at least to exceed twenty-five hundred.”

VII. That, in the above-recited instruction, the said Warren Hastings doth insinuate (for he doth not directly assert), —

1st. That we are entitled by treaty to five thousand troops, which he says were undoubtedly intended to be all cavalry.

2d. That the said Hastings doth then admit that a single horseman, included in the aid furnished by Fyzoola Khân, would prove a literal compliance.

3d. That the said Hastings doth next resort again to the supposition of our right to the whole five thousand cavalry.

4th. That the said Hastings doth afterwards think, in the event of an explanation of the treaty, and a settlement of the proportion of cavalry, instead of a pecuniary commutation, it will be all we can demand that the number should *at least exceed twenty-five hundred*.

5th. That the said Hastings doth, in calculating the supposed time of their service, assume an arbitrary estimate of one year of war to four of peace; which (however moderate the calculation may appear on the average of the said Hastings’s own government) doth involve a principle in a considerable degree repugnant to the system of perfect peace inculcated in the standing orders of the Company.

6th. That, in estimating the pay of the cavalry to be commuted, the said Hastings doth fix the pay of each man at fifty rupees a month; which on five thousand troops, all cavalry, (as the said Hastings supposes the treaty of Lall-Dang to have meant,) would amount to an expense of thirty lacs a year, or between 300,000*l.* or 400,000*l.* And this expense, strictly resulting (according to the calculations of the said Hastings) from the intention of Sujah ul Dowlah’s grant to Fyzoola Khân, was designed to be supported out of a jaghire valued at fifteen lacs only, or something more than 150,000*l.* of yearly revenue, just half the amount of the expense to be incurred in consideration of the said jaghire.

And that a basis of negotiation so inconsistent, so arbitrary, and so unjust is contrary to that uprightness and integrity which should mark the transactions of a great state, and is highly derogatory to the honor of this nation.

VIII. That, notwithstanding the seeming moderation and justice of the said Hastings in admitting the clear and undoubted right of Fyzoola Khân to insist on his treaty, the head of instruction immediately succeeding doth afford just reason for a violent presumption that such apparent lenity was but policy, to give a color to his

conduct: he, the said Hastings, in the very next paragraph, bringing forth a new engine of oppression, as follows.

“To demand the surrender of all the ryots [or peasants] of the Nabob Vizier’s dominions to whom Fyzoola has given protection and service, *or an annual tribute in compensation for the loss sustained by the Nabob Vizier in his revenue thus transferred to Fyzoola Khân.*

“You have stated the increase of his jaghire, occasioned by this act, at the moderate sum of fifteen lacs. *The tribute ought at least to be one third of that amount.*

“We conceive that Fyzoola Khân himself may be disposed to yield to the preceding demand, on the additional condition of being allowed to hold his lands in *ultumgaw* [or an inheritable tenure] instead of his present tenure by *jaghire* [or a tenure for life]. This we think the Vizier can have no objection to grant, and we recommend it; *but for this a fine, or peshcush, ought to be immediately paid, in the customary proportion of the jumma, estimated at thirty lacs.*”

IX. That the Resident, Bristow, (to whom the letter containing Major Palmer’s instructions is addressed,) nowhere attributes the increase of Fyzoola Khân’s revenues to this protection of the fugitive ryots, subjects of the Vizier; that the said Warren Hastings was, therefore, not warranted to make that a pretext of such a peremptory demand. That, as an inducement to make Fyzoola Khân agree to the said demand, it is offered to settle his lands upon a tenure which would secure them to his children; but that settlement is to bring with it a new demand of a fine of thirty lacs, or 300,000*l.* and upwards; that the principles of the said demand are violent and despotic, and the inducement to acquiescence deceitful and insidious; and that both the demand and the inducement are derogatory to the honor of this nation.

X. That Major Palmer aforesaid proceeded under these instructions to Rampoor, where his journey “*to extort a sum of money*” was previously known from Allif Khân, vakeel of Fyzoola Khân at the Vizier’s court; and that, notwithstanding the assurances of the friendly disposition of government given by the said Hastings, (as is herein related,) the Nabob Fyzoola Khân did express the most serious and desponding apprehensions, both by letter and through his vakeel, to the Resident, Bristow, who represents them to Major Palmer in the following manner.

“The Nabob Fyzoola Khân complains of the distresses he has this year suffered from the drought. The whole collections have, with great management, amounted to about twelve lacs of rupees, from which sum he has to support his troops, his family, and several relations and dependants of the late Rohilla chiefs. *He says, it clearly appears to be intended to deprive him of his country, as the high demand you have made of him is inadmissible.* Should he have assented to it, it would be impossible to perform the conditions, and then his reputation would be injured by a breach of agreement. *Allif Khân further represents, that it is his master’s intention, in*

case the demand should not be relinquished by you, first to proceed to Lucknow, where he proposes having an interview with the Vizier and the Resident; if he should not be able to obtain his own terms for a future possession of his jaghire, he will set off for Calcutta in order to pray for justice from the Honorable the Governor-General. He observes, it is the custom of the Honorable Company, when they deprive a chief of his country, to grant him some allowance. This he expects from Mr. Hastings's bounty; but if he should be disappointed, he will certainly set off upon a pilgrimage to Mecca and Medina, and renounce the cares of the world. — He directs his vakeel to ascertain whether the English intend to deprive him of his country; for if they do, he is ready to surrender it, upon receiving an order from the Resident."

XI. That, after much negotiation, the Nabob Fyzoola Khân, "being fully sensible that an engagement to furnish military aid, *however clearly the conditions might be stated, must be a source of perpetual misunderstanding and inconveniencies,*" did at length agree with Major Palmer to give fifteen lacs, or 150,000*l.* and upwards, by four instalments, that he might be exempted from all future claims of military service; that the said Palmer represents it to be his belief, "*that no person, not known to possess your [the said Hastings's] confidence and support in the degree that I am supposed to do,* would have obtained nearly so good terms"; but from what motive "terms so good" were granted, and how the confidence and support of the said Hastings did truly operate on the mind of Fyzoola Khân, doth appear to be better explained by another passage in the same letter, where the said Palmer congratulates himself on *the satisfaction which he gave to Fyzoola Khân* in the conduct of this negotiation, as he spent a month in order to effect "by argument and persuasion *what he could have obtained in an hour by threats and compulsions.*"

PART IX. FULL VINDICATION OF FYZOOOLA KHÂN BY MAJOR PALMER AND MR. HASTINGS.

I. That, in the course of the said negotiation for establishing the rights of the Nabob Fyzoola Khân, Major Palmer aforesaid did communicate to the Resident, Bristow, and through the said Resident to the Council-General of Bengal, the full and direct denial of the Nabob Fyzoola Khân to all and every of the charges made or pretended to be made against him, as follows.

"Fyzoola Khân persists in denying the infringement on his part of any one article in the treaty, or the neglect of any obligation which it imposed upon him.

"He does not admit of *the improvements reported to be made* in his jaghire, and even asserts that the collections this year will fall short of the original *jumma* [or estimate] by reason of the long drought.

"He denies having exceeded the limited number of Rohillas in his service;

“And having refused the required aid of cavalry, made by Johnson, to act with General Goddard.

“He observes, respecting the charge of evading the Vizier’s requisition for the cavalry lately stationed at Daranagur, to be stationed at Lucknow, that he is not bound by treaty to maintain a stationary force for the service of the Vizier, but to supply an aid of two or three thousand troops in time of war.

“Lastly, he asserts, that, so far from encouraging the ryots [or peasants] of the Vizier to settle in his jaghire, it has been his constant practice to deliver them up to the Aumil of Rohilcund, whenever he could discover them.”

II. That, in giving his opinions on the aforesaid denials of the Nabob Fyzoola Khân, the said Palmer did not controvert any one of the constructions of the treaty advanced by the said Nabob.

That, although the said Palmer, “from general appearances as well as universal report, did not doubt that the jumma of the jaghire is *greatly increased*,” yet he, the said Palmer, did not intimate that it was increased in any degree near *the amount reported*, as it was drawn out in a regular estimate transmitted to the said Palmer expressly for the purposes of his negotiation, which was of course by him produced to the Nabob Fyzoola Khân, and to which specifically the denial of Fyzoola Khân must be understood to apply.

That the said Palmer did not hint any doubt of the deficiency affirmed by Fyzoola Khân in the collections for the current year: and,

That, if any increase of jumma did truly exist, whatever it may have been, the said Palmer did acknowledge it “to have been solemnly relinquished (in a private agreement) by the Vizier.”

That, although the said Palmer did suppose the number of Rohillas (employed “in ordinary occupations) in Rampoor alone to exceed that limited by the treaty for his [Fyzoola Khân’s] service,” yet the said Palmer did by no means imply that the Nabob Fyzoola Khân *maintained in his service* a single man more than was allowed by treaty; and by a particular and minute account of the troops of Fyzoola Khân, transmitted by the Resident, Bristow, to the said Palmer, the number was stated but at 5,840, probably including officers, who were not understood to be comprehended in the treaty.

That the said Palmer did further admit it “*to be not clearly expressed* in the treaty, whether the restriction included Rohillas of all descriptions”; but, at any rate, he adds, “it does not appear that their number is formidable, or that he [Fyzoola Khân] *could by any means subsist such numbers as could cause any serious alarm to the Vizier*; neither is there any appearance of their entertaining any views beyond the quiet possession of the advantages which they at present enjoy.”

And that, in a subsequent letter, in which the said Palmer thought it prudent “to vindicate himself from any possible insinuation that he meant to sacrifice the Vizier’s interest,” he, the said Palmer, did positively attest the new claim on Fyzoola

Khân for the protection of the Vizier's ryots to be wholly without foundation, as the Nabob Fyzoola Khân "had proved to him [Palmer], by producing receipts of various dates and for great numbers of these people surrendered upon requisition from the Vizier's officers."

III. That, over and above the aforesaid complete refutation of the different charges and pretexts under which exactions had been practised, or attempted to be practised, on the Nabob Fyzoola Khân, the said Palmer did further condemn altogether the principle of calculation assumed in such exactions (even if they had been founded in justice) by the following explanation of the nature of the tenure by which, under the treaty of Lall-Dang, the Nabob Fyzoola Khân held his possessions as a jaghiredar.

"There are no precedents in the ancient usage of the country for ascertaining the *nuzzerana* [customary present] or *peshcush* [regular fine] of grants of this nature: *they were bestowed by the prince as rewards or favors*; and the accustomary present in return was adapted to the dignity of the donor rather than to the value of the gift, — *to which it never, I believe, bore any kind of proportion.*"

IV. That a sum of money ("which of course was to be received by the Company") being now obtained, and the "*interests both of the Company and the Vizier*" being thus much "*better promoted*" by "*establishing the rights*" of Fyzoola Khân than they could have been by "*depriving him of his independency*," when every undue influence of secret and criminal purposes was removed from the mind of the Governor-General, Warren Hastings, Esquire, he, the said Hastings, did also concur with his friend and agent, Major Palmer, in the vindication of the Nabob Fyzoola Khân, and in the most ample manner.

That the said Warren Hastings did now clearly and explicitly understand the clauses of the treaty, "that Fyzoola Khân should send *two or three* [and not *five*] thousand men, or *attend in person, in case it was requisite.*"

That the said Warren Hastings did now confess that the right of the Vizier under the treaty was at best "*but a precarious and unserviceable right*; and that he thought fifteen lacs, or 150,000*l.* and upwards, an ample equivalent," (or, according to the expression of Major Palmer, *an excellent bargain*,) as in truth it was, "for expunging an article of such a tenor and so loosely worded."

And, finally, that the said Hastings did give the following description of the general character, disposition, and circumstances of the Nabob Fyzoola Khân.

"The rumors which had been spread of his hostile designs against the Vizier were totally groundless, and if he had been inclined, he had not the means to make himself formidable; on the contrary, being in the decline of life, and possessing a very fertile and prosperous jaghire, it is more natural to suppose that Fyzoola Khân wishes to spend the remainder of his days in quietness than that he is preparing to embark in active and offensive scenes which must end in his own destruction."

V. Yet that, notwithstanding this virtual and implied crimination of his whole conduct toward the Nabob Fyzoola Khân, and after all the aforesaid acts systematically prosecuted in open violation of a positive treaty against a prince who had an hereditary right to more than he actually possessed, for whose protection the faith of the Company and the nation was repeatedly pledged, and who had deserved and obtained the public thanks of the British government, — when, in allusion to certain of the said acts, the Court of Directors had expressed to the said Hastings their wishes “to be considered rather as the guardians of the honor and property of the native powers than as the instruments of oppression,” he, the said Hastings, in reply to the said Directors, his masters, did conclude his official account of the final settlement with Fyzoola Khân with the following indecent, because unjust, exultation: —

“Such are the measures which we shall ever wish to observe towards our allies or dependants upon our frontiers.”

APPENDIX TO THE EIGHTH AND SIXTEENTH CHARGES.

Copy of a Letter from Warren Hastings, Esquire, to William Devaynes, Esquire, Chairman of the Court of Directors of the East India Company, dated Cheltenham, 11th of July, 1785, and printed by order of the House of Commons.

To William Devaynes, Esquire, Chairman of the Honorable the Court of Directors.

Sir, — The Honorable Court of Directors, in their general letter to Bengal by the “Surprise,” dated the 16th March, 1784, were pleased to express their desire that I should inform them of the periods when each sum of the presents mentioned in my address of the 22d May, 1782, was received, what were my motives for withholding the several receipts from the knowledge of the Council, or of the Court of Directors, and what were my reasons for taking bonds for part of these sums, and for paying other sums into the treasury as deposits on my own account.

I have been kindly apprised that the information required as above is yet expected from me. I hope that the circumstances of my past situation, when considered, will plead my excuse for having thus long withheld it. The fact is, that I was not at the Presidency when the “Surprise” arrived; and when I returned to it, my time and attention were so entirely engrossed, to the day of my final departure from it, by a variety of other more important occupations, of which, Sir, I may safely appeal to your testimony, grounded on the large portion contributed by myself of the volumes which compose our Consultations of that period, that the submission which my respect would have enjoined me to pay to the command imposed on me was lost to my recollection, perhaps from the stronger impression which the first and distant perusal of it had left on my mind that it was rather intended as a

reprehension for something which had given offence in my report of the original transaction than as expressive of any want of a further elucidation of it.

I will now endeavor to reply to the different questions which have been stated to me in as explicit a manner as I am able. To such information as I can give the Honorable Court is fully entitled; and where that shall prove defective, I will point out the easy means by which it may be rendered more complete.

First, I believe I can affirm with certainty, that the several sums mentioned in the account transmitted with my letter above mentioned were received at or within a very few days of the dates which are prefixed to them in the account; but as this contains only the gross sums, and each of these was received in different payments, though at no great distance of time, I cannot therefore assign a greater degree of accuracy to the account. Perhaps the Honorable Court will judge this sufficient for any purpose to which their inquiry was directed; but if it should not be so, I will beg leave to refer for a more minute information, and for the means of making any investigation which they may think it proper to direct, respecting the particulars of this transaction, to Mr. Larkins, your Accountant-General, who was privy to every process of it, and possesses, as I believe, the original paper, which contained the only account that I ever kept of it. In this each receipt was, as I recollect, specifically inserted, with the name of the person by whom it was made; and I shall write to him to desire that he will furnish you with the paper itself, if it is still in being and in his hands, or with whatever he can distinctly recollect concerning it.

For my motives for withholding the several receipts from the knowledge of the Council, or of the Court of Directors, and for taking bonds for part of these sums, and paying others into the treasury as deposits on my own account, I have generally accounted in my letter to the Honorable the Court of Directors of the 22d May, 1782: namely, that "I either chose to conceal the first receipts from public curiosity by receiving bonds for the amount, or possibly acted without any studied design which my memory at that distance of time could verify; and that I did not think it worth my care to observe the same means with the rest." It will not be expected that I should be able to give a more correct explanation of my intentions after a lapse of three years, having declared at the time that many particulars had escaped my remembrance; neither shall I attempt to add more than the clearer affirmation of the facts implied in that report of them, and such inferences as necessarily, or with a strong probability, follow them.

I have said that the three first sums of the account were paid into the Company's treasury without passing through my hands. The second of these was forced into notice by its destination and application to the expense of a detachment which was formed and employed against Mahdajee Sindia under the command of Lieutenant-Colonel Camac, as I particularly apprised the Court of Directors in my letter of the 29th November, 1780. The other two were certainly not intended, when I received them, to be made public, though intended for public service, and actually applied to

it. The exigencies of the government were at that time my own, and every pressure upon it rested with its full weight upon my mind. Wherever I could find allowable means of relieving those wants, I eagerly seized them; but neither could it occur to me as necessary to state on our Proceedings every little aid which I could thus procure, nor do I know how I could have stated it, without appearing to court favor by an ostentation which I disdain, nor without the chance of exciting the jealousy of my colleagues by the constructive assertion of a separate and unparticipated merit, derived from the influence of my station, to which they might have laid an equal claim. I should have deemed it particularly dishonorable to receive for my own use money tendered by men of a certain class, from whom I had interdicted the receipt of presents to my inferiors, and bound them by oath not to receive them. I was therefore more than ordinarily cautious to avoid the suspicion of it, which would scarcely have failed to light upon me, had I suffered the money to be brought directly to my own house, or to that of any person known to be in trust for me: for these reasons I caused it to be transported immediately to the treasury. There, you well know, Sir, it could not be received without being passed to some credit, and this could only be done by entering it as a loan or as a deposit: the first was the least liable to reflection, and therefore I had obviously recourse to it. Why the second sum was entered as a deposit I am utterly ignorant: possibly it was done without any special direction from me; possibly because it was the simplest mode of entry, and therefore preferred, as the transaction itself did not require concealment, having been already avowed.

Although I am firmly persuaded that these were my sentiments on the occasion, yet I will not affirm that they were. Though I feel their impression as the remains of a series of thoughts retained on my memory, I am not certain that they may not have been produced by subsequent reflection on the principal fact, combining with it the probable motives of it. Of this I am certain, that it was my design originally to have concealed the receipt of all the sums, except the second, even from the knowledge of the Court of Directors. They had answered my purpose of public utility, and I had almost totally dismissed them from my remembrance. But when fortune threw a sum in my way of a magnitude which could not be concealed, and the peculiar delicacy of my situation at the time in which I received it made me more circumspect of appearances, I chose to apprise my employers of it, which I did hastily and generally: hastily, perhaps to prevent the vigilance and activity of secret calumny; and generally, because I knew not the exact amount of the sum, of which I was in the receipt, but not in the full possession. I promised to acquaint them with the result as soon as I should be in possession of it, and in the performance of my promise I thought it consistent with it to add to the account all the former appropriations of the same kind: my good genius then suggesting to me, with a spirit of caution which might have spared me the trouble of this apology, had I universally attended to it, that, if I had suppressed them, and they were afterwards

known, I might be asked what were my motives for withholding part of these receipts from the knowledge of the Court of Directors and informing them of the rest.

It being my wish to clear up every doubt upon this transaction, which either my own mind could suggest or which may have been suggested by others, I beg leave to suppose another question, and to state the terms of it in my reply, by informing you that the indorsement on the bonds was made about the period of my leaving the Presidency, in the middle of the year 1781, in order to guard against their becoming a claim on the Company, as part of my estate, in the event of my death occurring in the course of the service on which I was then entering.

This, Sir, is the plain history of the transaction. I should be ashamed to request that you would communicate it to the Honorable Court of Directors, whose time is too valuable for the intrusion of a subject so uninteresting, but that it is become a point of indispensable duty; I must therefore request the favor of you to lay it, at a convenient time, before them. In addressing it to you personally, I yield to my own feelings of the respect which is due to them as a body, and to the assurances which I derive from your experienced civilities that you will kindly overlook the trouble imposed by it.

I have the honor to be, Sir,

Your very humble and most obedient servant,

(Signed) WARREN HASTINGS.

CHELTENHAM, 11 July, 1785.

**REPORT FROM THE COMMITTEE OF THE HOUSE OF
COMMONS, APPOINTED TO INSPECT THE LORDS'
JOURNALS IN RELATION TO THEIR PROCEEDINGS ON THE
TRIAL OF WARREN HASTINGS, ESQUIRE. WITH AN
APPENDIX. ALSO, REMARKS IN VINDICATION OF THE
SAME FROM THE ANIMADVERSIONS OF LORD THURLOW.
1794.**

NOTE.

In the sixth article Mr. Burke was supported, on the 16th of February, 1790, by Mr. Anstruther, who opened the remaining part of this article and part of the seventh article, and the evidence was summed up and enforced by him. The rest of the evidence upon the sixth, and on part of the seventh, eighth, and fourteenth articles, were respectively opened and enforced by Mr. Fox and other of the Managers, on the 7th and 9th of June, in the same session. On the 23d May, 1791, Mr. St. John opened the fourth article of charge; and evidence was heard in support of the same. In the following sessions of 1792, Mr. Hastings's counsel were heard in his defence, which was continued through the whole of the sessions of 1793.

On the 5th of March, 1794, a select committee was appointed by the House of Commons to inspect the Lords' Journals, in relation to their proceeding on the trial of Warren Hastings, Esquire, and to report what they found therein to the House, (which committee were the managers appointed to make good the articles of impeachment against the said Warren Hastings, Esquire,) and who were afterwards instructed to report the several matters which had occurred since the commencement of the prosecution, and which had, in their opinion, contributed to the duration thereof to that time, with their observations thereupon. On the 30th of April, the following Report, written by Mr. Burke, and adopted by the Committee, was presented to the House of Commons, and ordered by the House to be printed.

REPORT

Made on the 30th April, 1794, from the Committee of the House of Commons, appointed to inspect the Lords' Journals, in relation to their proceeding on the trial of Warren Hastings, Esquire, and to report what they find therein to the House (which committee were the managers appointed to make good the articles of impeachment against the said Warren Hastings, Esquire); and who were afterwards instructed to report the several matters which have occurred since the

commencement of the said prosecution, and which have, in their opinion, contributed to the duration thereof to the present time, with their observations thereupon.

Your Committee has received two powers from the House: — The first, on the 5th of March, 1794, to inspect the Lords' Journals, in relation to their proceedings on the trial of Warren Hastings, Esquire, and to report what they find therein to the House. The second is an instruction, given on the 17th day of the same month of March, to this effect: That your Committee do report to this House the several matters which have occurred since the commencement of the said prosecution, and which have, in their opinion, contributed to the duration thereof to the present time, with their observations thereupon.

Your Committee is sensible that the duration of the said trial, and the causes of that duration, as well as the matters which have therein occurred, do well merit the attentive consideration of this House. We have therefore endeavored with all diligence to employ the powers that have been granted and to execute the orders that have been given to us, and to report thereon as speedily as possible, and as fully as the time would admit.

Your Committee has considered, first, the mere fact of the duration of the trial, which they find to have commenced on the 13th day of February, 1788, and to have continued, by various adjournments, to the said 17th of March. During that period the sittings of the Court have occupied one hundred and eighteen days, or about one third of a year. The distribution of the sitting days in each year is as follows.

Days.

In the year
1788, the Court sat
35

1789,
17

1790,
14

1791,
5

1792,
22

1793,
22

1794, to the 1st of March, inclusive
3

Total
118

Your Committee then proceeded to consider the causes of this duration, with regard to time as measured by the calendar, and also as measured by the number of days occupied in actual sitting. They find, on examining the duration of the trial with reference to the number of years which it has lasted, that it has been owing to several prorogations and to one dissolution of Parliament; to discussions which are supposed to have arisen in the House of Peers on the legality of the continuance of impeachments from Parliament to Parliament; that it has been owing to the number and length of the adjournments of the Court, particularly the adjournments on account of the Circuit, which adjournments were interposed in the middle of the session, and the most proper time for business; that it has been owing to one adjournment made in consequence of a complaint of the prisoner against one of your Managers, which took up a space of ten days; that two days' adjournments were made on account of the illness of certain of the Managers; and, as far as your Committee can judge, two sitting days were prevented by the sudden and unexpected dereliction of the defence of the prisoner at the close of the last session, your Managers not having been then ready to produce their evidence in reply, nor to make their observations on the evidence produced by the prisoner's counsel, as they expected the whole to have been gone through before they were called on for their reply. In this session your Committee computes that the trial was delayed about a week or ten days. The Lords waited for the recovery of the Marquis Cornwallis, the prisoner wishing to avail himself of the testimony of that noble person.

With regard to the one hundred and eighteen days employed in actual sitting, the distribution of the business was in the manner following.

There were spent, —

Days

In reading the articles of impeachment, and the defendant's answer, and in debate on the mode of proceeding

3

Opening speeches, and summing up by the Managers

19

Documentary and oral evidence by the Managers

51

Opening speeches and summing up by the defendant's counsel, and defendant's addresses to the Court

22

Documentary and oral evidence on the part of the defendant

23

118

The other head, namely, that the trial has occupied one hundred and eighteen days, or nearly one third of a year. This your Committee conceives to have arisen from the following immediate causes. First, the nature and extent of the matter to be tried. Secondly, the general nature and quality of the evidence produced: it was principally documentary evidence, contained in papers of great length, the whole of which was often required to be read when brought to prove a single short fact. Under the head of evidence must be taken into consideration the number and description of the witnesses examined and cross-examined. Thirdly, and principally, the duration of the trial is to be attributed to objections taken by the prisoner's counsel to the admissibility of several documents and persons offered as evidence on the part of the prosecution. These objections amounted to sixty-two: they gave rise to several debates, and to twelve references from the Court to the Judges. On the part of the Managers, the number of objections was small; the debates upon, them were short; there was not upon them any reference to the Judges; and the Lords did not even retire upon any of them to the Chamber of Parliament.

This last cause of the number of sitting days your Committee considers as far more important than all the rest. The questions upon the admissibility of evidence, the manner in which these questions were stated and were decided, the modes of

proceeding, the great uncertainty of the principle upon which evidence in that court is to be admitted or rejected, — all these appear to your Committee materially to affect the constitution of the House of Peers as a court of judicature, as well as its powers, and the purposes it was intended to answer in the state. The Peers have a valuable interest in the conservation of their own lawful privileges. But this interest is not confined to the Lords. The Commons ought to partake in the advantage of the judicial rights and privileges of that high court. Courts are made for the suitors, and not the suitors for the court. The conservation of all other parts of the law, the whole indeed of the rights and liberties of the subject, ultimately depends upon the preservation of the Law of Parliament in its original force and authority.

Your Committee had reason to entertain apprehensions that certain proceedings in this trial may possibly limit and weaken the means of carrying on any future impeachment of the Commons. As your Committee felt these apprehensions strongly, they thought it their duty to begin with humbly submitting facts and observations on the proceedings concerning evidence to the consideration of this House, before they proceed to state the other matters which come within the scope of the directions which they have received.

To enable your Committee the better to execute the task imposed upon them in carrying on the impeachment of this House, and to find some principle on which they were to order and regulate their conduct therein, they found it necessary to look attentively to the jurisdiction of the court in which they were to act for this House, and into its laws and rules of proceeding, as well as into the rights and powers of the House of Commons in their impeachments.

RELATION OF THE JUDGES, ETC., TO THE COURT OF PARLIAMENT.

Upon examining into the course of proceeding in the House of Lords, and into the relation which exists between the Peers, on the one hand, and their attendants and assistants, the Judges of the Realm, Barons of the Exchequer of the Coif, the King's learned counsel, and the Civilians Masters of the Chancery, on the other, it appears to your Committee that these Judges, and other persons learned in the Common and Civil Laws, are no integrant and necessary part of that court. Their writs of summons are essentially different; and it does not appear that they or any of them have, or of right ought to have, a deliberative voice, either actually or virtually, in the judgments given in the High Court of Parliament. Their attendance in that court is solely ministerial; and their answers to questions put to them are not to be regarded as declaratory of the Law of Parliament, but are merely consultory responses, in order to furnish such matter (to be submitted to the judgment of the Peers) as may be useful in reasoning by analogy, so far as the nature of the rules in the respective courts of the learned persons consulted shall appear to the House to

be applicable to the nature and circumstances of the case before them, and no otherwise.

JURISDICTION OF THE LORDS.

Your Committee finds, that, in all impeachments of the Commons of Great Britain for high crimes and misdemeanors before the Peers in the High Court of Parliament, the Peers are not triers or jurors only, but, by the ancient laws and constitution of this kingdom, known by constant usage, are judges both of law and fact; and we conceive that the Lords are bound not to act in such a manner as to give rise to an opinion that they have virtually submitted to a division of their legal powers, or that, putting themselves into the situation of mere triers or jurors, they may suffer the evidence in the cause to be produced or not produced before them, according to the discretion of the judges of the inferior courts.

LAW OF PARLIAMENT.

Your Committee finds that the Lords, in matter of appeal or impeachment in Parliament, are not of right obliged to proceed according to the course or rules of the Roman Civil Law, or by those of the law or usage of any of the inferior courts in Westminster Hall, but by the law and usage of Parliament. And your Committee finds that this has been declared in the most clear and explicit manner by the House of Lords, in the year of our Lord 1387 and 1388, in the 11th year of King Richard II.

Upon an appeal in Parliament then depending against certain great persons, peers and commoners, the said appeal was referred to the Justices, and other learned persons of the law. "At which time," it is said in the record, that "the Justices and Serjeants, and others the learned in the Law Civil, were charged, by order of the King our sovereign aforesaid, to give their faithful counsel to the Lords of the Parliament concerning the due proceedings in the cause of the appeal aforesaid. The which Justices, Serjeants, and the learned in the law of the kingdom, and also the learned in the Law Civil, have taken the same into deliberation, and have answered to the said Lords of Parliament, that they had seen and well considered the tenor of the said appeal; and they say that the same appeal was neither made nor pleaded according to the order which the one law or the other requires. Upon which the said Lords of Parliament have taken the same into deliberation and consultation, and by the assent of our said Lord the King, and of their common agreement, it was declared, that, in so high a crime as that which is charged in this appeal, which touches the person of our lord the King, and the state of the whole kingdom, perpetrated by persons who are peers of the kingdom, along with others, the cause shall not be tried in any other place but in Parliament, nor by any other law than the

law and course of Parliament; and that it belongeth to the Lords of Parliament, and to their franchise and liberty by the ancient custom of the Parliament, to be judges in such cases, and in these cases to judge by the assent of the King; and thus it shall be done in this case, by the award of Parliament: because the realm of England has not been heretofore, nor is it the intention of our said lord the King and the Lords of Parliament that it ever should be governed by the Law Civil; and also, it is their resolution not to rule or govern so high a cause as this appeal is, which cannot be tried anywhere but in Parliament, as hath been said before, by the course, process, and order used in any courts or place inferior in the same kingdom; which courts and places are not more than the executors of the ancient laws and customs of the kingdom, and of the ordinances and establishments of Parliament. It was determined by the said Lords of Parliament, by the assent of our said lord the King, that this appeal was made and pleaded well and sufficiently, and that the process upon it is good and effectual, according to the law and course of Parliament; and for such they decree and adjudge it.”

And your Committee finds, that toward the close of the same Parliament the same right was again claimed and admitted as the special privilege of the Peers, in the following manner:— “In this Parliament, all the Lords then present, Spiritual as well as Temporal, claimed as their franchise, that the weighty matters moved in this Parliament, and which shall be moved in other Parliaments in future times, touching the peers of the land, shall be managed, adjudged, and discussed by the course of Parliament, and in no sort by the Law Civil, or by the common law of the land, used in the other lower courts of the kingdom; which claim, liberty, and franchise the King graciously allowed and granted to them in full Parliament.”

Your Committee finds that the Commons, having at that time considered the appeal above mentioned, approved the proceedings in it, and, as far as in them lay, added the sanction of their accusation against the persons who were the objects of the appeal. They also, immediately afterwards, impeached all the Judges of the Common Pleas, the Chief Baron of the Exchequer, and other learned and eminent persons, both peers and commoners; upon the conclusion of which impeachments it was that the second claim was entered. In all the transactions aforesaid the Commons were acting parties; yet neither then nor ever since have they made any objection or protestation, that the rule laid down by the Lords in the beginning of the session of 1388 ought not to be applied to the impeachments of commoners as well as peers. In many cases they have claimed the benefit of this rule; and in all cases they have acted, and the Peers have determined, upon the same general principles. The Peers have always supported the same franchises; nor are there any precedents upon the records of Parliament subverting either the general rule or the particular privilege, so far as the same relates either to the course of proceeding or to the rule of law by which the Lords are to judge.

Your Committee observes also, that, in the commissions to the several Lords High Stewards who have been appointed on the trials of peers impeached by the Commons, the proceedings are directed to be had according to the law and custom of the kingdom, *and the custom of Parliament*: which words are not to be found in the commissions for trying upon indictments.

“As every court of justice,” says Lord Coke, “hath laws and customs for its direction, some by the Common Law, some by the Civil and Canon Law, some by peculiar laws and customs, &c., so the High Court of Parliament *suis propriis legibus et consuetudinibus subsistit*. It is by the *Lex et Consuetudo Parliamenti*, that all weighty matters in any Parliament moved, concerning the peers of the realm, or Commons in Parliament assembled, ought to be determined, adjudged, and discussed, by the course of the Parliament, and not by the Civil Law, nor yet by the common laws of this realm used in more inferior courts.” And after founding himself on this very precedent of the 11th of Richard II., he adds, “*This is the reason that Judges ought not to give any opinion of a matter of Parliament, because it is not to be decided by the common laws, but secundum Legem et Consuetudinem Parliamenti: and so the Judges in divers Parliaments have confessed!*”

RULE OF PLEADING.

Your Committee do not find that any rules of pleading, as observed in the inferior courts, have ever obtained in the proceedings of the High Court of Parliament, in a cause or matter in which the whole procedure has been within their original jurisdiction. Nor does your Committee find that any demurrer or exception, as of false or erroneous pleading, hath been ever admitted to any impeachment in Parliament, as not coming within the form of the pleading; and although a reservation or protest is made by the defendant (matter of form, as we conceive) “to the generality, uncertainty, and insufficiency of the articles of impeachment,” yet no objections have in fact been ever made in any part of the record; and when verbally they have been made, (until this trial,) they have constantly been overruled.

The trial of Lord Strafford is one of the most important eras in the history of Parliamentary judicature. In that trial, and in the dispositions made preparatory to it, the process on impeachments was, on great consideration, research, and selection of precedents, brought very nearly to the form which it retains at this day; and great and important parts of Parliamentary Law were then laid down. The Commons at that time made new charges or amended the old as they saw occasion. Upon an application from the Commons to the Lords, that the examinations taken by their Lordships, at their request, might be delivered to them, for the purpose of a more exact specification of the charge they had made, on delivering the message of the Commons, Mr. Pym, amongst other things, said, as it is entered in the Lords’ Journals, “According to the clause of reservation in the conclusion of their charge,

they [the Commons] will add to the charges, not to the matter in respect of comprehension, extent, or kind, but only to reduce them to more particularities, that the Earl of Strafford might answer with the more clearness and expedition: *not that they are bound by this way of SPECIAL charge; and therefore they have taken care in their House, upon protestation, that this shall be no prejudice to bind them from proceeding in GENERAL in other cases, and that they are not to be ruled by proceedings in other courts, which protestation they have made for the preservation of the power of Parliament; and they desire that the like care may be had in your Lordships' House.*" This protestation is entered on the Lords' Journals. Thus careful were the Commons that no exactness used by them for a temporary accommodation, should become an example derogatory to the larger rights of Parliamentary process.

At length the question of their being obliged to conform to any of the rules below came to a formal judgment. In the trial of Dr. Sacheverell, March 10th, 1709, the Lord Nottingham "desired their Lordships' opinion, whether he might propose a question to the Judges *here* [in Westminster Hall]. Thereupon the Lords, being moved to adjourn, adjourned to the House of Lords, and on debate," as appears by a note, "it was agreed that the question should be proposed in Westminster Hall." Accordingly, when the Lords returned the same day into the Hall, the question was put by Lord Nottingham, and stated to the Judges by the Lord Chancellor: "Whether, by the *law of England*, and constant practice in all prosecutions by *indictment and information* for crimes and misdemeanors by writing or speaking, the particular words supposed to be written or spoken must not be expressly specified in the indictment or information?" On this question the Judges, *seriatim*, and in open court, delivered their opinion: the substance of which was, "That, by the laws of England, and the constant practice in Westminster Hall, the words ought to be expressly specified in the indictment or information." Then the Lords adjourned, and did not come into the Hall until the 20th. In the intermediate time they came to resolutions on the matter of the question put to the Judges. Dr. Sacheverell, being found guilty, moved in arrest of judgment upon two points. The first, which he grounded on the opinion of the Judges, and which your Committee thinks most to the present purpose, was, "That no entire clause, or sentence, or expression, in either of his sermons or dedications, is particularly set forth in his impeachment, which he has already heard the Judges declare to be necessary in all cases of indictments or informations." On this head of objection, the Lord Chancellor, on the 23d of March, agreeably to the resolutions of the Lords of the 14th and 16th of March, acquainted Dr. Sacheverell, "That, on occasion of the question before put to the Judges *in Westminster Hall*, and their answer thereto, their Lordships had fully debated and considered of that matter, and had come to the following resolution: 'That this House will proceed to the determination of the impeachment of Dr. Henry Sacheverell, according to the *law of the land, and the*

law and usage of Parliament.’ And afterwards to this resolution: ‘That, by *the law and usage of Parliament* in prosecutions for high crimes and misdemeanors by writing or speaking, the particular words supposed to be criminal are *not necessary* to be expressly specified in such impeachment.’ So that, in their Lordships’ opinion, the law and usage of the High Court of Parliament being *a part of the law of the land*, and that usage not requiring that words should be exactly specified in impeachments, the answer of the Judges, which related only to the course of *indictments and informations*, does not in the least affect your case.”

On this solemn judgment concerning the law and usage of Parliament, it is to be remarked: First, that the impeachment itself is not to be presumed inartificially drawn. It appears to have been the work of some of the greatest lawyers of the time, who were perfectly versed in the manner of pleading in the courts below, and would naturally have imitated their course, if they had not been justly fearful of setting an example which might hereafter subject the plainness and simplicity of a Parliamentary proceeding to the technical subtilties of the inferior courts. Secondly, that the question put to the Judges, and their answer, were strictly confined to the law and practice below; and that nothing in either had a tendency to their delivering an opinion concerning Parliament, its laws, its usages, its course of proceeding, or its powers. Thirdly, that the motion in arrest of judgment, grounded on the opinion of the Judges, was made only by Dr. Sacheverell himself, and not by his counsel, men of great skill and learning, who, if they thought the objections had any weight, would undoubtedly have made and argued them.

Here, as in the case of the 11th King Richard II., the Judges declared unanimously, that such an objection would be fatal to such a pleading in any indictment or information; but the Lords, as on the former occasion, overruled this objection, and held the article to be good and valid, notwithstanding the report of the Judges concerning the mode of proceeding in the courts below.

Your Committee finds that a protest, with reasons at large, was entered by several lords against this determination of their court. It is always an advantage to those who protest, that their reasons appear upon record; whilst the reasons of the majority, who determine the question, do not appear. This would be a disadvantage of such importance as greatly to impair, if not totally to destroy, the effect of precedent as authority, if the reasons which prevailed were not justly presumed to be more valid than those which have been obliged to give way: the former having governed the final and conclusive decision of a competent court. But your Committee, combining the fact of this decision with the early decision just quoted, and with the total absence of any precedent of an objection, before that time or since, allowed to pleading, or what has any relation to the rules and principles of pleading, as used in Westminster Hall, has no doubt that the House of Lords was governed in the 9th of Anne by the very same principles which it had solemnly declared in the 11th of Richard II.

But besides the presumption in favor of the reasons which must be supposed to have produced this solemn judgment of the Peers, contrary to the practice of the courts below, as declared by all the Judges, it is probable that the Lords were unwilling to take a step which might admit that anything in that practice should be received as their rule. It must be observed, however, that the reasons against the article alleged in the protest were by no means solely bottomed in the practice of the courts below, as if the main reliance of the protesters was upon that usage. The protesting minority maintained that it was not agreeable to *several precedents in Parliament*; of which they cited many in favor of their opinion. It appears by the Journals, that the clerks were ordered to search for precedents, and a committee of peers was appointed to inspect the said precedents, and to report upon them, — and that they did inspect and report accordingly. But the report is not entered on the Journals. It is, however, to be presumed that the greater number and the better precedents supported the judgment. Allowing, however, their utmost force to the precedents there cited, they could serve only to prove, that, in the case of *words*, (to which alone, and not the case of a *written* libel, the precedents extended,) such a special averment, according to the tenor of the words, had been used; but not that it was necessary, or that ever any plea had been rejected upon such an objection. As to the course of Parliament, resorted to for authority in this part of the protest, the argument seems rather to affirm than to deny the general proposition, that its own course, and not that of the inferior courts, had been the rule and law of Parliament.

As to the objection, taken in the protest, drawn from natural right, the Lords knew, and it appears in the course of the proceeding, that the whole of the libel had been read at length, as appears from to . So that Dr. Sacheverell had *substantially* the same benefit of anything which could be alleged in the extenuation or exculpation as if his libellous sermons had been entered *verbatim* upon the recorded impeachment. It was adjudged sufficient to state the crime *generally* in the impeachment. The libels were given *in evidence*; and it was not then thought of, that nothing should be given in evidence which was not specially charged in the impeachment.

But whatever their reasons were, (great and grave they were, no doubt,) such as your Committee has stated it is the *judgment* of the Peers on the Law of Parliament, as a part of the law of the land. It is the more forcible as concurring with the judgment in the 11th of Richard II., and with the total silence of the Rolls and Journals concerning any objection to pleading ever being suffered to vitiate an impeachment, or to prevent evidence being given upon it, on account of its generality, or any other failure.

Your Committee do not think it probable, that, even before this adjudication, the rules of pleading below could ever have been adopted in a Parliamentary proceeding, when it is considered that the several statutes of Jeofails, not less than twelve in number, have been made for the correction of an over-strictness in

pleading, to the prejudice of substantial justice: yet in no one of these is to be discovered the least mention of any proceeding in Parliament. There is no doubt that the legislature would have applied its remedy to that grievance in Parliamentary proceedings, if it had found those proceedings embarrassed with what Lord Mansfield, from the bench, and speaking of the matter of these statutes, very justly calls “disgraceful subtilties.”

What is still more strong to the point, your Committee finds that in the 7th of William III. an act was made for the regulating of trials for treason and misprision of treason, containing several regulations for reformation of proceedings at law, both as to matters of form and substance, as well as relative to evidence. It is an act thought most essential to the liberty of the subject; yet in this high and critical matter, so deeply affecting the lives, properties, honors, and even the inheritable blood of the subject, the legislature was so tender of the high powers of this high court, deemed so necessary for the attainment of the great objects of its justice, so fearful of enervating any of its means or circumscribing any of its capacities, even by rules and restraints the most necessary for the inferior courts, that they guarded against it by an express proviso, “that neither this act, nor anything therein contained, shall any ways extend to *any impeachment or other proceedings in Parliament, in any land whatsoever.*”

CONDUCT OF THE COMMONS IN PLEADING.

This point being thus solemnly adjudged in the case of Dr. Sacheverell, and the principles of the judgment being in agreement with the whole course of Parliamentary proceedings, the Managers for this House have ever since considered it as an indispensable duty to assert the same principle, in all its latitude, upon all occasions on which it could come in question, — and to assert it with an energy, zeal, and earnestness proportioned to the magnitude and importance of the interest of the Commons of Great Britain in the religious observation of the rule, *that the Law of Parliament, and the Law of Parliament only, should prevail in the trial of their impeachments.*

In the year 1715 (1 Geo. I.) the Commons thought proper to impeach of high treason the lords who had entered into the rebellion of that period. This was about six years after the decision in the case of Sacheverell. On the trial of one of these lords, (the Lord Wintoun,) after verdict, the prisoner moved in arrest of judgment, and excepted against the impeachment for error, on account of the treason therein laid “not being described with sufficient certainty, — the day on which the treason was committed not having been alleged.” His counsel was heard to this point. They contended, “that the forfeitures in cases of treason are very great, and therefore they humbly conceived that the accusation ought to contain all the certainty it is capable of, that the prisoner may not by *general allegations* be rendered incapable to defend

himself in a case which may prove fatal to him: that they would not trouble their Lordships with citing authorities; for they believed there is not one gentleman of the long robe but will agree that an indictment for any capital offence to be erroneous, if the offence be not alleged to be committed on a certain day: that this impeachment set forth only that in or about the months of September, October, or November, 1715, the offence charged in the impeachment had been committed.” The counsel argued, “that a proceeding by impeachment is a proceeding at the Common Law, for *Lex Parliamentaria* is a part of Common Law, and they submitted whether there is not the same certainty required in one method of proceeding at Common Law as in another.”

The matter was argued elaborately and learnedly, not only on the general principles of the proceedings below, but on the inconvenience and possible hardships attending this uncertainty. They quoted Sacheverell’s case, in whose impeachment “the precise days were laid when the Doctor preached each of these two sermons; and that by a like reason a certain day ought to be laid in the impeachment when this treason was committed; and that the authority of Dr. Sacheverell’s case seemed so much stronger than the case in question as the crime of treason is higher than that of a misdemeanor.”

Here the Managers for the Commons brought the point a second time to an issue, and that on the highest of capital cases: an issue, the event of which was to determine forever whether their impeachments were to be regulated by the law as understood and observed in the inferior courts. Upon the usage below there was no doubt; the indictment would unquestionably have been quashed. But the Managers for the Commons stood forth upon this occasion with a determined resolution, and no less than four of them *seriatim* rejected the doctrine contended for by Lord Wintoun’s counsel. They were all eminent members of Parliament, and three of them great and eminent lawyers, namely, the then Attorney-General, Sir William Thomson, and Mr. Cowper.

Mr. Walpole said,— “Those learned gentlemen [Lord Wintoun’s counsel] *seem to forget in what court they are*. They have taken up so much of your Lordships’ time in quoting of authorities, and using arguments to show your Lordships what would quash an indictment in *the courts below*, that they seemed to forget they are now in *a Court of Parliament, and on an impeachment of the Commons of Great Britain*. For, should the Commons admit all that they have offered, it will not follow that the impeachment of the Commons is insufficient; and I must observe to your Lordships, that neither of the learned gentlemen have offered to produce one instance relative to an impeachment. I mean to show that the sufficiency of an impeachment was never called in question for the generality of the charge, or that any instance of that nature was offered at before. The Commons don’t conceive, that, if this exception would quash an indictment, it would therefore make the impeachment insufficient. I hope it never will be allowed here as a reason, that what quashes an indictment in

the courts below will make insufficient an impeachment brought by the Commons of Great Britain.”

The Attorney-General supported Mr. Walpole in affirmance of this principle. He said,— “I would follow the steps of the learned gentleman who spoke before me, and I think he has given a good answer to these objections. I would take notice that we are upon an impeachment, not upon an indictment. The courts below have set forms to themselves, which have prevailed for a long course of time, and thereby are become the forms by which those courts are to govern themselves; but it never was thought that the forms of those courts had any influence on the proceedings of Parliament. In Richard II.’s time, it is said in the records of Parliament, that proceedings in Parliament are not to be governed by the forms of Westminster Hall. We are in the case of an impeachment, and in the Court of Parliament. Your Lordships have already given judgment against six upon this impeachment, and it is warranted by the precedents in Parliament; therefore we insist that the articles are good in substance.”

Mr. Cowper.— “They [the counsel] cannot but know that the usages of Parliaments are part of the laws of the land, although they differ in many instances from the Common Law, as practised in the inferior courts, in point of form. My Lords, if the Commons, in preparing articles of impeachment, should govern themselves by precedents of indictments, in my humble opinion they would depart from the ancient, nay, the constant, usage and practice of Parliament. It is well known that the form of an impeachment has very little resemblance to that of an indictment; and I believe the Commons will endeavor to preserve the difference, by adhering to their own precedents.”

Sir William Thomson.— “We must refer to the forms and proceedings in the Court of Parliament, and which must be owned to be part of the law of the land. It has been mentioned already to your Lordships, that the precedents in impeachments are not so nice and precise in form as in the inferior courts; and we presume your Lordships will be governed by the forms of your own court, (especially forms that are not essential to justice,) as the courts below are by theirs: which courts differ one from the other in many respects as to their forms of proceedings, and the practice of each court is esteemed as the law of that court.”

The Attorney-General in reply maintained his first doctrine. “There is no uncertainty; in it *that can be to the prejudice of the prisoner*: we insist, it is according to *the forms of Parliament*: he has pleaded to it, and your Lordships have found him guilty.”

The opinions of the Judges were taken in the House of Lords, on the 19th of March, 1715, upon two questions which had been argued in arrest of judgment, grounded chiefly on the practice of the courts below. To the first the Judges answered,— “*It is necessary* that there be a *certain* day laid in such indictments, on which the fact is alleged to be committed; and that alleging in such indictments that

the fact was committed at or about a certain day would not be sufficient.” To the second they answered, “that, although a day certain, when the fact is supposed to be done, be alleged in such indictments, yet it is not necessary upon the trial to prove the fact to be committed upon *that day*; but it is sufficient, if proved to be done *on any other day before* the indictment found.”

Then it was “agreed by the House, and ordered, that the Lord High Steward be directed to acquaint the prisoner at the bar in Westminster Hall, ‘that the Lords have considered of the matters moved in arrest of judgment, and are of opinion that they are not sufficient to arrest the same, but that the *impeachment* is sufficiently certain in point of time *according to the form of impeachments in Parliament*.’”

On this final adjudication, (given after solemn argument, and after taking the opinion of the Judges,) in affirmance of the Law of Parliament against the undisputed usage of the courts below, your Committee has to remark, — 1st, The preference of the custom of Parliament to the usage below. By the very latitude of the charge, the Parliamentary accusation gives the prisoner fair notice to prepare himself upon all points: whereas there seems something insnaring in the proceedings upon indictment, which, fixing the specification of a day certain for the treason or felony as absolutely necessary in the charge, gives notice for preparation only on *that day*, whilst the prosecutor has the whole range of time antecedent to the indictment to allege and give evidence of facts against the prisoner. It has been usual, particularly in later indictments, to add, “at several other times”; but the strictness of naming one day is still necessary, and the want of the larger words would not quash the indictment. 2dly, A comparison of the extreme rigor and exactness required in the more *formal* part of the proceeding (the indictment) with the extreme laxity used in the *substantial* part (that is to say, the evidence received to prove the fact) fully demonstrates that the partisans of those forms would put shackles on the High Court of Parliament, with which they are not willing, or find it wholly impracticable, to bind themselves. 3dly, That the latitude of departure from the letter of the indictment (which holds in other matters besides this) is in appearance much more contrary to natural justice than anything which has been objected against the evidence offered by your Managers, under a pretence that it exceeded the limits of pleading. For, in the case of indictments below, it must be admitted that the prisoner may be unprovided with proof of an alibi, and other material means of defence, or may find some matters unlooked-for produced against him, by witnesses utterly unknown to him: whereas nothing was offered to be given in evidence, under any of the articles of this impeachment, except such as the prisoner must have had perfect knowledge of; the whole consisting of matters sent over by himself to the Court of Directors, and authenticated under his own hand. No substantial injustice or hardship of any kind could arise from our evidence under our pleading: whereas in theirs very great and serious inconveniencies might happen.

Your Committee has further to observe, that, in the case of Lord Wintoun, as in the case of Dr. Sacheverell, the Commons had in their Managers persons abundantly practised in the law, as used in the inferior jurisdictions, who could easily have followed the precedents of indictments, if they had not purposely, and for the best reasons, avoided such precedents.

A great writer on the criminal law, Justice Foster, in one of his Discourses, fully recognizes those principles for which your Managers have contended, and which have to this time been uniformly observed in Parliament. In a very elaborate reasoning on the case of a trial in Parliament, (the trial of those who had murdered Edward II.,) he observes thus:— “It is *well known*, that, in *Parliamentary* proceedings of this kind, *it is, and ever was*, sufficient that matters appear with proper light and certainty to *a common understanding*, without that minute exactness which is required in criminal proceedings in Westminster Hall. In these cases the rule has always been, *Loquendum ut vulgus*.” And in a note he says,— “In the proceeding against Mortimer, in this Parliament, *so little regard was had to the forms used in legal proceedings*, that he who had been frequently summoned to Parliament as a baron, and had lately been created Earl of March, is styled through the whole record merely Roger de Mortimer.”

The departure from the common forms in the first case alluded to by Foster (viz., the trial of Berkeley, Maltravers, &c., for treason, in the murder of Edward II.) might be more plausibly attacked, because they were tried, though in Parliament, by a jury of freeholders: which circumstance might have given occasion to justify a nearer approach to the forms of indictments below. But no such forms were observed, nor in the opinion of this able judge ought they to have been observed.

PUBLICITY OF THE JUDGES’ OPINIONS.

It appears to your Committee, that, from the 30th year of King Charles II. until the trial of Warren Hastings, Esquire, in all trials in Parliament, as well upon impeachments of the Commons as on indictments brought up by *Certiorari*, when any matter of law hath been agitated at the bar, or in the course of trial hath been stated by any lord in the court, it hath been the prevalent custom to state the same in open court. Your Committee has been able to find, since that period, no more than one precedent (and that a precedent rather in form than in substance) of the opinions of the Judges being taken privately, except when the case on both sides has been closed, and the Lords have retired to consider of their verdict or of their judgment thereon. Upon the soundest and best precedents, the Lords have improved on the principles of publicity and equality, and have called upon the parties severally to argue the matter of law, previously to a reference to the Judges, who, on their parts, have afterwards, *in open court*, delivered their opinions, often by the mouth of one of the Judges, speaking for himself and the rest, and in their

presence: and sometimes all the Judges have delivered their opinion *seriatim*, (even when they have been unanimous in it,) together with their reasons upon which their opinion had been founded. This, from the most early times, has been the course in all judgments in the House of Peers. Formerly even the record contained the reasons of the decision. “The reason wherefore,” said Lord Coke, “the records of Parliaments have been so highly extolled is, that therein is set down, in cases of difficulty, not only the judgment and resolution, but *the reasons and causes of the same* by so great advice.”

In the 30th of Charles II., during the trial of Lord Cornwallis, on the suggestion of a question in law to the Judges, Lord Danby demanded of the Lord High Steward, the Earl of Nottingham, “whether it would be proper here [in open court] to ask the question of your Grace, or to propose it to the Judges?” The Lord High Steward answered,— “If your Lordships doubt of anything whereon a question in law ariseth, the latter opinion, and the *better* for the prisoner, is, *that it must be stated in the presence of the prisoner, that he may know whether the question be truly put*. It hath *sometimes* been practised otherwise, and the Peers have sent for the Judges, and have asked their opinion in private, and have come back, and have given their verdict according to that opinion; and there is scarcely a precedent of its being otherwise done. There is a later authority in print that doth settle the point so as I tell you, and I do conceive *it ought to be followed*; and it being safer for the prisoner, my humble opinion to your Lordship is, that he ought to be present at *the stating of the question*. Call the *prisoner*.” The prisoner, who had withdrawn, again appearing, he said,— “My Lord Cornwallis, my Lords the Peers, since they have withdrawn, have conceived a doubt in some matter [of law arising upon the matter] of fact in your case; and they have that tender regard of a prisoner at the bar, *that they will not suffer a case to be put up in his absence*, lest it should chance to prejudice him by being *wrong stated*.” Accordingly the question was both put and the Judges’ answer given publicly and in his presence.

Very soon after the trial of Lord Cornwallis, the impeachment against Lord Stafford was brought to a hearing, — that is, in the 32d of Charles II. In that case the lord at the bar having stated a point of law, “touching the necessity of two witnesses to an overt act in case of treason,” the Lord High Steward told Lord Stafford, that “all the Judges that assist them, *and are here in your Lordship’s presence and hearing*, should deliver their opinions whether it be doubtful and disputable or not.” Accordingly the Judges delivered their opinion, and each argued it (though they were all agreed) *seriatim* and *in open court*. Another abstract point of law was also proposed from the bar, on the same trial, concerning the legal sentence in high treason; and in the same manner the Judges on reference delivered their opinion *in open court*; and no objection, was taken to it as anything new or irregular.

In the 1st of James II. came on a remarkable trial of a peer, — the trial of Lord Delamere. On that occasion a question of law was stated. There also, in conformity

to the precedents and principles given on the trial of Lord Cornwallis, and the precedent in the impeachment of Lord Stafford, the then Lord High Steward took care that the opinion of the Judges should be given in open court.

Precedents grounded on principles so favorable to the fairness and equity of judicial proceedings, given in the reigns of Charles II. and James II., were not likely to be abandoned after the Revolution. The first trial of a peer which we find after the Revolution was that of the Earl of Warwick.

In the case of the Earl of Warwick, 11 Will. III., a question in law upon evidence was put to the Judges; the statement of the question was made in open court by the Lord High Steward, Lord Somers:— “If there be six in company, and one of them is killed, the other five are afterwards indicted, and three are tried and found guilty of manslaughter, and upon their prayers have their clergy allowed, and the burning in the hand is respited, but not pardoned, — whether any of the three can be a witness on the trial of the other two?”

Lord Halifax.— “I suppose your Lordships will have the opinion of the Judges upon this point: *and that must be in the presence of the prisoner.*”

Lord High Steward (Lord Somers).— “*It must certainly be in the presence of the prisoner, if you ask the Judges’ opinions.*”

In the same year, Lord Mohun was brought to trial upon an indictment for murder. In this single trial a greater number of questions was put to the Judges in matter of law than probably was ever referred to the Judges in all the collective body of trials, before or since that period. That trial, therefore, furnishes the largest body of authentic precedents in this point to be found in the records of Parliament. The number of questions put to the Judges in this trial was twenty-three. They all originated from the Peers themselves; yet the Court called upon the party’s counsel, as often as questions were proposed to be referred to the Judges, as well as on the counsel for the Crown, to argue every one of them *before* they went to those learned persons. Many of the questions accordingly were argued at the bar at great length. The opinions were given and argued *in open court*. Peers frequently insisted that the Judges should give their opinions *seriatim*, which they did always publicly in the court, with great gravity and dignity, and greatly to the illustration of the law, as they held and acted upon it in their own courts.

In Sacheverell’s case (just cited for another purpose) the Earl of Nottingham demanded whether he might not propose a question of law to the Judges *in open court*. It was agreed to; and the Judges gave their answer *in open court*, though this was after verdict given: and in consequence of the advantage afforded to the prisoner in hearing *the opinion* of the Judges, he was thereupon enabled to move in arrest of judgment.

The next precedent which your Committee finds of a question put by the Lords, sitting as a court of judicature, to the Judges, pending the trial, was in the 20th of George II., when Lord Balmerino, who was tried on an indictment for high treason,

having raised a doubt whether the evidence proved him to be at the place assigned for the overt act of treason on the day laid in the indictment, the point was argued at the bar by the counsel for the Crown in the prisoner's presence, and for his satisfaction. The prisoner, on hearing the argument, waived his objection; but the then Lord President moving their Lordships to adjourn to the Chamber of Parliament, the Lords adjourned accordingly, and after some time returning into Westminster Hall, the Lord High Steward (Lord Hardwicke) said, —

“Your Lordships were pleased, in the Chamber of Parliament, to come to a resolution that the opinion of the learned and reverend Judges should be taken on the following question, namely, Whether it is necessary that an overt act of high treason should be proved to have been committed on the particular day laid in the indictment? Is it your Lordships' pleasure that the Judges do now give their opinion on that question?”

Lords.— “Ay, ay.”

Lord High Steward.— “My Lord Chief-Justice!”

Lord Chief-Justice (Lord Chief-Justice Lee).— “The question proposed by your Lordships is, Whether it be necessary that an overt act of high treason should be proved to be committed on the particular day laid in the indictment? We are all of opinion that it is not necessary to prove the overt act to be committed on the particular day laid in the indictment; but as evidence may be given of an overt act before the day, so it may be after the day specified in the indictment; for the day laid is circumstance and form only, and not material in point of proof: this is the known constant course of proceeding in trials.”

Here the case was made for the Judges, for the satisfaction of one of the Peers, after the prisoner had waived his objection. Yet it was thought proper, as a matter of course and of right, that the Judges should state the question put to them in the open court, and in presence of the prisoner, — and that in the same open manner, and in the same presence, their answer should be delivered.

Your Committee concludes their precedents begun under Lord Nottingham, and ended under Lord Hardwicke. They are of opinion that a body of precedents so uniform, so accordant with principle, made in such times, and under the authority of a succession of such great men, ought not to have been departed from. The single precedent to the contrary, to which your Committee has alluded above, was on the trial of the Duchess of Kingston, in the reign of his present Majesty. But in that instance the reasons of the Judges were, by order of the House, delivered in writing, and entered at length on the Journals: so that the legal principle of the decision is equally to be found: which is not the case in any one instance of the present impeachment.

The Earl of Nottingham, in Lord Cornwallis's case, conceived, though it was proper and agreeable to justice, that this mode of putting questions to the Judges and receiving their answer in public was not supported by former precedents; but he

thought a book of authority had declared in favor of this course. Your Committee is very sensible, that, antecedent to the great period to which they refer, there are instances of questions having been put to the Judges privately. But we find the *principle* of publicity (whatever variations from it there might be in practice) to have been so clearly established at a more early period, that all the Judges of England resolved in Lord Morley's trial, in the year 1666, (about twelve years before the observation of Lord Nottingham,) *on a supposition that the trial should be actually concluded, and the Lords retired to the Chamber of Parliament to consult on their verdict*, that even in that case, (much stronger than the observation of your Committee requires for its support,) if their opinions should then be demanded by the Peers, for the information of their private conscience, yet they determined that they should be given in public. This resolution is in itself so solemn, and is so bottomed on constitutional principle and legal policy, that your Committee have thought fit to insert it *verbatim* in their Report, as they relied upon it at the bar of the Court, when they contended for the same publicity.

"It was resolved, that, in case the Peers who are triers, *after the evidence given, and the prisoner withdrawn, and they gone to consult of the verdict*, should desire to speak with any of the Judges, to have their opinion upon any point of law, that, if the Lord Steward spoke to us to go, we should go to them; but when the Lords asked us any question, we should not deliver any private opinion, but let them know *we were not to deliver any private opinion without conference with the rest of the Judges, and that to be done openly in court; and this (notwithstanding the precedent in the case of the Earl of Castlehaven) was thought prudent in regard of ourselves, as well as for the avoiding suspicion which might grow by private opinions: ALL resolutions of Judges being ALWAYS done in public.*"

The Judges in this resolution overruled the authority of the precedent, which militated against the whole spirit of their place and profession. Their declaration was without reserve or exception, that "*all* resolutions of the Judges are *always* done in public." These Judges (as should be remembered to their lasting honor) did not think it derogatory from their dignity, nor from their duty to the House of Lords, to take such measures concerning the publicity of their resolutions as should secure them from suspicion. They knew that the mere circumstance of privacy in a judicature, where any publicity is in use, tends to beget suspicion and jealousy. Your Committee is of opinion that the honorable policy of avoiding suspicion by avoiding privacy is not lessened by anything which exists in the present time and in the present trial.

Your Committee has here to remark, that this learned Judge seemed to think the case of Lord Audley (Castlehaven) to be more against him than in truth it was. The precedents were as follow. The opinions of the Judges were taken three times: the first time by the Attorney-General at Serjeants' Inn, antecedent to the trial; the last

time, after the Peers had retired to consult on their verdict; the middle time *was during the trial itself*: and here the opinion was taken in open court, agreeably to what your Committee contends to have been the usage ever since this resolution of the Judges. What was done before seemed to have passed *sub silentio*, and possibly through mere inadvertence.

Your Committee observes, that the precedents by them relied on were furnished from times in which the judicial proceedings in Parliament, and in all our courts, had obtained a very regular form. They were furnished at a period in which Justice Blackstone remarks that more laws were passed of importance to the rights and liberties of the subject than in any other. These precedents lean all one way, and carry no marks of accommodation to the variable spirit of the times and of political occasions. They are the same before and after the Revolution. They are the same through five reigns. The great men who presided in the tribunals which furnished these examples were in opposite political interests, but all distinguished for their ability, integrity, and learning.

The Earl of Nottingham, who was the first on the bench to promulgate this publicity as a rule, has not left us to seek the principle in the case: that very learned man considers the publicity of the questions and answers as a matter of justice, *and of justice favorable to the prisoner*. In the case of Mr. Hastings, the prisoner's counsel did not join your Committee in their endeavors to obtain the publicity we demanded. Their reasons we can only conjecture. But your Managers, acting for this House, were not the less bound to see that the due Parliamentary course should be pursued, even when it is most favorable to those whom they impeach. If it should answer the purposes of one prisoner to waive the rights which belong to all prisoners, it was the duty of your Managers to protect those general rights against that particular prisoner. It was still more their duty to endeavor that their *own* questions should not be erroneously stated, or cases put which varied from those which they argued, or opinions given in a manner not supported by the spirit of our laws and institutions or by analogy with the practice of all our courts.

Your Committee, much in the dark about a matter in which it was so necessary that they should receive every light, have heard, that, in debating this matter abroad, it has been objected, that many of the precedents on which we most relied were furnished in the courts of the Lord High Steward, and not in trials where the Peers were Judges, — and that the Lord High Steward not having it in his power to retire with the juror Peers, the Judges' opinions, from necessity, not from equity to the parties, were given before that magistrate.

Your Committee thinks it scarcely possible that the Lords could be influenced by such a feeble argument. For, admitting the fact to have been as supposed, there is no sort of reason why so uniform a course of precedents, in a legal court composed of a peer for judge and peers for triers, a course so favorable to all parties and to equal justice, a course in concurrence with the procedure of all our other courts,

should not have the greatest authority over their practice in every trial before *the whole body* of the peerage.

The Earl of Nottingham, who acted as High Steward in one of these commissions, certainly knew what he was saying. He gave no such reason. His argument for the publicity of the Judges' opinions did not turn at all on the nature of his court, or of his office in that court. It rested on the equity of the principle, and on the fair dealing due to the prisoner.

Lord Somers was in no such court; yet his declaration is full as strong. He does not, indeed, argue the point, as the Earl of Nottingham did, when he considered it as a new case. Lord Somers considers it as a point quite settled, and no longer standing in need of being supported by reason or precedent.

But it is a mistake that the precedents stated in this Report are wholly drawn from proceedings in that kind of court. Only two are cited which are furnished from a court constituted in the manner supposed. The rest were in trials by all the peers, and not by a jury of peers with an High Steward.

After long discussions with the Peers on this subject, "the Lords' committees in a conference told them (the committee of this House, appointed to a conference on the matter) that the High Steward is but Speaker *pro tempore*, and giveth his vote as well as the other lords: this changeth not the nature of the court. And the Lords declared, that they have power enough to proceed to trial, though the King should not name an High Steward." On the same day, "it is declared and ordered by the Lords Spiritual and Temporal in Parliament assembled, that the office of High Steward on trials of peers upon impeachments is not necessary to the House of Peers, but that the Lords may proceed in such trials, if an High Steward is not appointed according to their humble desire."

To put the matter out of all doubt, and to remove all jealousy on the part of the Commons, the commission of the Lord High Steward was then altered.

These rights, contended for by the Commons in their impeachments, and admitted by the Peers, were asserted in the proceedings preparatory to the trial of Lord Stafford, in which that long chain of uniform precedents with regard to the publicity of the Judges' opinions in trials begins.

For these last citations, and some of the remarks, your Committee are indebted to the learned and upright Justice Foster. They have compared them with the Journals, and find them correct. The same excellent author proceeds to demonstrate that whatever he says of trials by impeachment is equally applicable to trials before the High Steward on indictment; and consequently, that there is no ground for a distinction, with regard to the public declaration of the Judges' opinions, founded on the inapplicability of either of these cases to the other. The argument on this whole matter is so satisfactory that your Committee has annexed it at large to their Report. As there is no difference in fact between these trials, (especially since the act which

provides that all the peers shall be summoned to the trial of a peer,) so there is no difference in the reason and principle of the publicity, let the matter of the Steward's jurisdiction, be as it may.

PUBLICITY GENERAL.

Your Committee do not find any positive law which binds the judges of the courts in Westminster Hall publicly to give a reasoned opinion from the bench, in support of their judgment upon matters that are stated before them. But the course hath prevailed from the oldest times. It hath been so general and so uniform, that it must be considered as the law of the land. It has prevailed, so far as we can discover, not only in all the courts which now exist, whether of law or equity, but in those which have been suppressed or disused, such as the Court of Wards and the Star Chamber. An author quoted by Rushworth, speaking of the constitution of that chamber, says,— “And so it was resolved *by the Judges, on reference made to them; and their opinion, after deliberate hearing, and view of former precedents, was published in open court.*” It appears elsewhere in the same compiler that all their proceedings were public, even in deliberating previous to judgment.

The Judges in their reasonings have always been used to observe on the arguments employed by the counsel on either side, and on the authorities cited by them, — assigning the grounds for rejecting the authorities which they reject, or for adopting those to which they adhere, or for a different construction of law, according to the occasion. This publicity, not only of decision, but of deliberation, is not confined to their several courts, whether of law or equity, whether above or at Nisi Prius; but it prevails where they are assembled, in the Exchequer Chamber, or at Serjeants' Inn, or wherever matters come before the Judges collectively for consultation and revision. It seems to your Committee to be moulded in the essential frame and constitution of British judicature. Your Committee conceives that the English jurisprudence has not any other sure foundation, nor, consequently, the lives and properties of the subject any sure hold, but in the maxims, rules, and principles, and juridical traditionary line of decisions contained in the notes taken, and from time to time published, (mostly under the sanction of the Judges,) called Reports.

In the early periods of the law it appears to your Committee that a course still better had been pursued, but grounded on the same principles; and that no other cause than the multiplicity of business prevented its continuance. “Of ancient time,” says Lord Coke, “in cases of difficulties, either criminal or civil, *the reasons and causes* of the judgment were set down *upon the record*, and so continued in the reigns of Ed. I. and Ed. II., and then there was no need of reports; but in the reign of Ed. III. (when the law was in its height) the causes and reasons of judgments, in respect of the multitude of them, are not set down in the record, but then *the great*

casuists and reporters of cases (certain grave and sad men) published the cases, *and the reasons and causes of the judgments or resolutions*, which, from the beginning of the reign of Ed. III. and since, we have in print. But these also, though of great credit and excellent use in their kind, *yet far underneath the authority of the Parliament Rolls, reporting the acts, judgments, and resolutions of that highest court.*”

Reports, though of a kind less authentic than the Year Books, to which Coke alludes, have continued without interruption to the time in which we live. It is well known that the elementary treatises of law, and the dogmatical treatises of English jurisprudence, whether they appear under the names of institutes, digests, or commentaries, do not rest on the authority of the supreme power, like the books called the Institute, Digest, Code, and authentic collations in the Roman law. With us doctrinal books of that description have little or no authority, other than as they are supported by the adjudged cases and reasons given at one time or other from the bench; and to these they constantly refer. This appears in Coke’s Institutes, in Comyns’s Digest, and in all books of that nature. To give judgment privately is to put an end to reports; and to put an end to reports is to put an end to the law of England. It was fortunate for the Constitution of this kingdom, that, in the judicial proceedings in the case of ship-money, the Judges did not then venture to depart from the ancient course. They gave and they argued their judgment in open court. Their reasons were publicly given, and the reasons assigned for their judgment took away all its authority. The great historian, Lord Clarendon, at that period a young lawyer, has told us that the Judges gave as law from the bench what every man in the hall knew not to be law.

This publicity, and this mode of attending the decision with its grounds, is observed not only in the tribunals where the Judges preside in a judicial capacity, individually or collectively, but where they are consulted by the Peers on the law in all *writs of error* brought from below. In the opinion they give of the matter assigned as error, one at least of the Judges argues the questions at large. He argues them publicly, though in the Chamber of Parliament, — and in such a manner, that every professor, practitioner, or student of the law, as well as the parties to the suit, may learn the opinions of all the Judges of all the courts upon those points in which the Judges in one court might be mistaken.

Your Committee is of opinion that nothing better could be devised by human wisdom than argued judgments publicly delivered for preserving unbroken the great traditionary body of the law, and for marking, whilst that great body remained unaltered, every variation in the application and the construction of particular parts, for pointing out the ground of each variation, and for enabling the learned of the bar and all intelligent laymen to distinguish those changes made for the advancement of a more solid, equitable, and substantial justice, according to the variable nature of human affairs, a progressive experience, and the improvement of moral philosophy, from those hazardous changes in any of the ancient opinions and

decisions which may arise from ignorance, from levity, from false refinement, from a spirit of innovation, or from other motives, of a nature not more justifiable.

Your Committee, finding this course of proceeding to be concordant with the character and spirit of our judicial proceeding, continued from time immemorial, supported by arguments of sound theory, and confirmed by effects highly beneficial, could not see without uneasiness, in this great trial for Indian offences, a marked innovation. Against their reiterated requests, remonstrances, and protestations, the opinions of the Judges were always taken secretly. Not only the constitutional publicity for which we contend was refused to the request and entreaty of your Committee, but when a noble peer, on the 24th day of June, 1789, did in open court declare that he would then propose some questions to the Judges in that place, and hoped to receive their answer openly, according to the approved good customs of that and of other courts, the Lords instantly put a stop to the further proceeding by an immediate adjournment to the Chamber of Parliament. Upon this adjournment, we find by the Lords' Journals, that the House, on being resumed, ordered, that "it should resolve itself into a Committee of the whole House, on Monday next, to take into consideration what is the proper manner of putting questions by the Lords to the Judges, and of their answering the same, in judicial proceedings." The House did thereon resolve itself into a committee, from which the Earl of Galloway, on the 29th of the same month, reported as follows:— "That the House has, in the trial of Warren Hastings, Esquire, proceeded in a regular course, in the manner of propounding their questions to the Judges in the Chamber of Parliament, and in receiving their answers to them in the same place." The resolution was agreed to by the Lords; but the protest as below was entered thereupon, and supported by strong arguments.

Your Committee remark, that this resolution states only, that the House had proceeded, in this secret manner of propounding questions to the Judges and of receiving their answers, during the trial, and on matters of debate between the parties, "in a regular course." It does not assert that another course would not have been *as* regular. It does not state either judicial convenience, principle, or body of precedents for that *regular course*. No such body of precedents appear on the Journal, that we could discover. Seven-and-twenty, at least, in a regular series, are directly contrary to this regular course. Since the era of the 29th of June, 1789, no one question has been admitted to go publicly to the Judges.

This determined and systematic privacy was the more alarming to your Committee, because the questions did not (except in that case) originate from the Lords for the direction of their own conscience. These questions, in some material instances, were not made or allowed by the parties at the bar, nor settled in open court, but differed materially from what your Managers contended was the true state of the question, as put and argued by them. They were such as the Lords thought proper to state for them. Strong remonstrances produced some alteration in

this particular; but even after these remonstrances, several questions were made on statements which the Managers never made nor admitted.

Your Committee does not know of any precedent before this, in which the Peers, on a proposal of the Commons, or of a less weighty person before their court, to have the cases publicly referred to the Judges, and their arguments and resolutions delivered in their presence, absolutely refused. The very few precedents of such private reference on trials have been made, as we have observed already, *sub silentio*, and without any observation from the parties. In the precedents we produce, the determination is accompanied with its reasons, and the publicity is considered as the clear, undoubted right of the parties.

Your Committee, using their best diligence, have never been able to form a clear opinion upon the ground and principle of these decisions. The mere result, upon each case decided by the Lords, furnished them with no light, from any principle, precedent, or foregone authority of law or reason, to guide them with regard to the next matter of evidence which they had to offer, or to discriminate what matter ought to be urged or to be set aside: your Committee not being able to divine whether the particular evidence, which, upon a conjectural principle, they might choose to abandon, would not appear to this House, and to the judging world at large, to be admissible, and possibly decisive proof. In these straits, they had and have no choice, but either wholly to abandon the prosecution, and of consequence to betray the trust reposed in them by this House, or to bring forward such matter of evidence as they are furnished with from sure sources of authenticity, and which in their judgment, aided by the best advice they could obtain, is possessed of a moral aptitude juridically to prove or to illustrate the case which the House had given them, in charge.

MODE OF PUTTING THE QUESTIONS.

When your Committee came to examine into those private opinions of the Judges, they found, to their no small concern, that the mode both of putting the questions to the Judges, and their answers, was still more unusual and unprecedented than the privacy with which those questions were given and resolved.

This mode strikes, as we apprehend, at the vital privileges of the House. For, with the single exception of the first question put to the Judges in 1788, the case being stated, the questions are raised directly, specifically, and by name, on those privileges: that is, *What evidence is it competent for the Managers of the House of Commons to produce?* We conceive that it was not proper, *nor justified by a single precedent*, to refer to the Judges of the inferior courts any question, and still less for them to decide in their answer, of what is or is not competent for the House of Commons, or for any committee acting under their authority, to do or not to do, in any instance or respect whatsoever. This new and unheard-of course can have no

other effect than to subject to the discretion of the Judges the Law of Parliament and the privileges of the House of Commons, and in a great measure the judicial privileges of the Peers themselves: any intermeddling in which on their part we conceive to be a dangerous and unwarrantable assumption of power. It is contrary to what has been declared by Lord Coke himself, in a passage before quoted, to be the duty of the Judges, — and to what the Judges of former times have confessed to be their duty, on occasions to which he refers in the time of Henry VI. And we are of opinion that the conduct of those sages of the law, and others their successors, who have been thus diffident and cautious in giving their opinions upon matters concerning Parliament, and particularly on the privileges of the House of Commons, was laudable in the example, and ought to be followed: particularly the principles upon which the Judges declined to give their opinions in the year 1614. It appears by the Journals of the Lords, that a question concerning the law relative to impositions having been put to the Judges, the proceeding was as follows. “Whether the Lords the Judges shall be heard deliver their opinion touching the point of impositions, before further consideration be had of answer to be returned to the lower House concerning the message from them lately received. Whereupon the number of the Lords requiring to hear the Judges’ opinions by saying ‘*Content*’ exceeding the others which said ‘*Non Content*,’ the Lords the Judges, so desiring, were permitted to withdraw themselves into the Lord Chancellor’s private rooms, where having remained awhile and advised together, they returned into the House, and, having taken their places, and standing discovered, did, by the mouth of the Lord Chief-Justice of the King’s Bench, humbly desire to be forborne at this time, in this place, to deliver any opinion in this case, for many weighty and important reasons, which his Lordship delivered with great gravity and eloquence; concluding that himself and his brethren are upon particulars in judicial course to speak and judge between the King’s Majesty and his people, and likewise between his Highness’s subjects, and in no case to be disputants on any side.”

Your Committee do not find anything which, through inadvertence or design, had a tendency to subject the law and course of Parliament to the opinions of the Judges of the inferior courts, from that period until the 1st of James II. The trial of Lord Delamere for high treason was had by special commission before the Lord High Steward: it was before the act which directs that *all* peers should be summoned to such trials. This was not a trial in full Parliament, in which case it was then contended for that the Lord High Steward was the judge of the law, presiding in the Court, but had no vote in the verdict, and that the Lords were triers only, and had no vote in the judgment of law. This was looked on as the course, where the trial was not in full Parliament, in which latter case there was no doubt but that the Lord High Steward made a part of the body of the triers, and that the whole House was the judge. In this cause, after the evidence for the Crown had been closed, the prisoner prayed the Court to adjourn. The Lord High Steward doubted his power to

take that step in that stage of the trial; and the question was, “Whether, the trial not being in full Parliament, when the prisoner is upon his trial, and evidence for the King is given, the Lords being (as it may be termed) charged with the prisoner, the Peers may separate for a time, which is the consequence of an adjournment?” The Lord High Steward doubted of his power to adjourn the Court. The case was evidently new, and his Grace proposed to have the opinion of the Judges upon it. The Judges in consequence offering to withdraw into the Exchequer Chamber, Lord Falconberg “insisted that the question concerned the privilege of the Peerage only, and conceived that *the Judges are not concerned to make any determination in that matter; and being such a point of privilege, certainly the inferior courts have no right to determine it.*” It was insisted, therefore, that the Lords triers should retire with the Judges. The Lord High Steward thought differently, and opposed this motion; but finding the other opinion generally prevalent, he gave way, and the Lords triers retired, taking the Judges to their consult. When the Judges returned, they delivered their opinion in *open court*. Lord Chief-Justice Herbert spoke for himself and the rest of the Judges. After observing on the novelty of the case, with a temperate and becoming reserve with regard to the rights of Parliaments, he marked out the limits of the office of the inferior Judges on such occasions, and declared,— “*All that we, the Judges, can do is to acquaint your Grace and the noble Lords what the law is in the inferior courts in cases of the like nature, and the reason of the law in those points, and then leave the jurisdiction of the court to its proper judgment.*” The Chief-Justice concluded his statement of the usage below, and his observations on the difference of the cases of a peer tried in full Parliament and by a special commission, in this manner:— “Upon the whole matter, my Lords, whether the Peers being judges in the one and not in the other instance alters the case, or whether the reason of the law in inferior courts why the jury are not permitted to separate until they have discharged themselves of their verdict may have any influence on this case, *where that reason seems to fail*, the prisoner being to be tried by men of unquestionable honor, *we cannot presume so far as to make any determination, in a case which is both new to us and of great consequence in itself*; but think it the proper way for *us*, having laid matters as we conceive them before your Grace and my Lords, *to submit the jurisdiction of your own court to your own determination.*”

It appears to your Committee, that the Lords, who stood against submitting the course of their high court to the inferior Judges, and that the Judges, who, with a legal and constitutional discretion, declined giving any opinion in this matter, acted as became them; and your Committee sees no reason why the Peers at this day should be less attentive to the rights of their court with regard to an exclusive judgment on their own proceedings or to the rights of the Commons acting as accusers for the whole commons of Great Britain in that court, or why the Judges should be less reserved in deciding upon any of these points of high Parliamentary

privilege, than the Judges of that and the preceding periods. This present case is a proceeding in full Parliament, and not like the case under the commission in the time of James II., and still more evidently out of the province of Judges in the inferior courts.

All the precedents previous to the trial of Warren Hastings, Esquire, seem to your Committee to be uniform. The Judges had constantly refused to give an opinion on any of the powers, privileges, or competencies of either House. But in the present instance your Committee has found, with great concern, a further matter of innovation. Hitherto the constant practice has been to put questions to the Judges but in the three following ways: as, 1st, A question of pure abstract law, without reference to any case, or merely upon an A.B. case stated to them; 2dly, To the legal construction of some act of Parliament; 3dly, To report the course of proceeding in the courts below upon an abstract case. Besides these three, your Committee knows not of a single example of any sort, during the course of any judicial proceeding at the bar of the House of Lords, whether the prosecution has been by indictment, by information from the Attorney-General, or by impeachment of the House of Commons.

In the present trial, the Judges appear to your Committee not to have given their judgment on points of law, stated as such, but to have in effect tried the cause, in the whole course of it, — with one instance to the contrary.

The Lords have stated no question of general law, no question on the construction of an act of Parliament, no question concerning the practice of the courts below. *They put the whole gross case and matter in question, with all its circumstances, to the Judges.* They have, *for the first time*, demanded of them what particular person, paper, or document ought or ought not to be produced before them by the Managers for the Commons of Great Britain: for instance, whether, under such an article, the Bengal Consultations of such a day, the examination of Rajah Nundcomar, and the like. The operation of this method is in substance not only to make the Judges masters of the whole process and conduct of the trial, but through that medium to transfer to them the ultimate judgment on the cause itself and its merits.

The Judges attendant on the Court of Peers hitherto have not been supposed to know the particulars and minute circumstances of the cause, and must therefore be incompetent to determine upon those circumstances. The evidence taken, is not, of course, that we can find, delivered to them; nor do we find that in fact any order has been made for that purpose, even supposing that the evidence could at all regularly be put before them. They are present in court, not to hear the trial, but solely to advise in matter of law; they cannot take upon themselves to say anything about the Bengal Consultations, or to know anything of Rajah Nundcomar, of Kellaram, or of Mr. Francis, or Sir John Clavering.

That the House may be the more fully enabled to judge of the nature and tendency of thus putting the question, *specifically, and on the gross case*, your Committee thinks fit here to insert one of those questions, reserving a discussion of its particular merits to another place. It was stated on the 22d of April, 1790, “On that day the Managers proposed to show that Kelloram fell into great balances with the East India Company, in consequence of his appointment.” It is so stated in the printed Minutes (). But the real tendency and gist of the proposition is not shown. However, the question was put, “Whether it be or be not competent *to the Managers for the Commons to give evidence upon the charge in the sixth article, to prove that the rent [at?] which the defendant, Warren Hastings, Esquire, let the lands mentioned in the said sixth article of charge to Kelloram fell into arrear and was deficient; and whether, if proof were offered that the rent fell into arrear immediately after the letting, the evidence in that case would be competent?*” The Judges answered, on the 27th of the said month, as follows:— “*It is not competent for the Managers for the House of Commons to give evidence upon the charge in the sixth article, to prove that the rent at which the defendant, Warren Hastings, let the lands [mentioned?] in the said sixth article of charge to Kelloram fell into arrear and was deficient.*”

The House will observe that on the question two cases of competence were put: the first, on the competence of Managers for the House of Commons to give the evidence supposed to be offered by them, but which we deny to have been offered in the manner and for the purpose assumed in this question; the second is in a shape apparently more abstracted, and more nearly approaching to Parliamentary regularity, — on the competence of the evidence itself, in the case of a supposed circumstance being superadded. The Judges answered only the first, denying flatly the competence of the Managers. As to the second, the competence of the supposed evidence, they are profoundly silent. Having given this blow to our competence, about the other question, (which was more within their province,) namely, the competence of evidence on a case hypothetically stated, they give themselves no trouble. The Lords on that occasion rejected the whole evidence. On the face of the Judges’ opinion it is a determination *on a case*, the trial of which was not with them, but it contains *no rule or principle of law*, to which alone it was their duty to speak.

These essential innovations tend, as your Committee conceives, to make an entire alteration in the constitution and in the purposes of the High Court of Parliament, and even to reverse the ancient relations between the Lords and the Judges. They tend wholly to take away from the Commons the benefit of making good their case before the proper judges, and submit this high inquest to the inferior courts.

Your Committee sees no reason why, on the same principles and precedents, the Lords may not terminate their proceedings in this, and in all future trials, by

sending the whole body of evidence taken before them, in the shape of a special verdict, to the Judges, and may not demand of them, whether they ought, on the whole matter, to acquit or condemn the prisoner; nor can we discover any cause that should hinder them [the Judges] from deciding on the accumulative body of the evidence as hitherto they have done in its parts, and from dictating the existence or non-existence of a misdemeanor or other crime in the prisoner as they think fit, without any more reference to principle or precedent of law than hitherto they have thought proper to apply in determining on the several parcels of this cause.

Your Committee apprehends that very serious inconveniencies and mischiefs may hereafter arise from a practice in the House of Lords of considering itself as unable to act without the judges of the inferior courts, of implicitly following their dictates, of adhering with a literal precision to the very words of their responses, and putting them to decide on the competence of the Managers for the Commons, the competence of the evidence to be produced, who are to be permitted to appear, what questions are to be asked of witnesses, and indeed, parcel by parcel, on the whole of the gross case before them, — as well as to determine upon the order, method, and process of every part of their proceedings. The judges of the inferior courts are by law rendered independent of the Crown. But this, instead of a benefit to the subject, would be a grievance, if no way was left of producing a responsibility. If the Lords cannot or will not act without the Judges, and if (which God forbid!) the Commons should find it at any time hereafter necessary to impeach them before the Lords, this House would find the Lords disabled in their functions, fearful of giving any judgment on matter of law or admitting any proof of fact without them [the Judges]; and having once assumed the rule of proceeding and practice below as their rule, they must at every instant resort, for their means of judging, to the authority of those whom they are appointed to judge.

Your Committee must always act with regard to men as they are. There are no privileges or exemptions from the infirmities of our common nature. We are sensible that all men, and without any evil intentions, will naturally wish to extend their own jurisdiction, and to weaken all the power by which they may be limited and controlled. It is the business of the House of Commons to counteract this tendency. This House had given to its Managers no power to abandon its privileges and the rights of its constituents. They were themselves as little disposed as authorized to make this surrender. They are members of this House, not only charged with the management of this impeachment, but partaking of a general trust inseparable from the Commons of Great Britain in Parliament assembled, one of whose principal functions and duties it is to be observant of the courts of justice, and to take due care that none of them, from the lowest to the highest, shall pursue new courses, unknown to the laws and constitution, of this kingdom, or to equity, sound legal policy, or substantial justice. Your Committee were not sent into Westminster Hall for the purpose of contributing in their persons, and under the

authority of the House, to change the course or law of Parliament, which had continued unquestioned for at least four hundred years. Neither was it any part of their mission to suffer precedents to be established, with relation to the law and rule of evidence, which tended in their opinion to shut up forever all the avenues to justice. They were not to consider a rule of evidence as a means of concealment. They were not, without a struggle, to suffer any subtleties to prevail which would render a process in Parliament, not the terror, but the protection, of all the fraud and violence arising from the abuse of British power in the East. Accordingly, your Managers contended with all their might, as their predecessors in the same place had contended with more ability and learning, but not with more zeal and more firmness, against those dangerous innovations, as they were successively introduced: they held themselves bound constantly to protest, and in one or two instances they did protest, in discourses of considerable length, against those private, and, for what they could find, unargued judicial opinions, which must, as they fear, introduce by degrees the miserable servitude which exists where the law is uncertain or unknown.

DEBATES ON EVIDENCE.

The chief debates at the bar, and the decisions of the Judges, (which we find in all cases implicitly adopted, in all their extent and without qualification, by the Lords,) turned upon *evidence*. Your Committee, before the trial began, were apprised, by discourses which prudence did not permit them to neglect, that endeavors would be used to embarrass them in their proceedings by exceptions against evidence; that the judgments and opinions of the courts below would be resorted to on this subject; that there the rules of evidence were precise, rigorous, and inflexible; and that the counsel for the criminal would endeavor to introduce the same rules, with the same severity and exactness, into this trial. Your Committee were fully assured, and were resolved strenuously to contend, that no doctrine or rule of law, much less the practice of any court, ought to have weight or authority in Parliament, further than as such doctrine, rule, or practice is agreeable to the proceedings in Parliament, or hath received the sanction of approved precedent there, or is founded on the immutable principles of substantial justice, without which, your Committee readily agrees, no practice in any court, high or low, is proper or fit to be maintained.

In this preference of the rules observed in the High Court of Parliament, preëminently superior to all the rest, there is no claim made which the inferior courts do not make, each with regard to itself. It is well known that the rules of proceedings in these courts vary, and some of them very essentially; yet the usage of each court is the law of the court, and it would be vain to object to any rule in any court, that it is not the rule of another court. For instance: as a general rule, the

Court of King's Bench, on trials by jury, cannot receive depositions, but must judge by testimony *vivâ voce*. The rule of the Court of Chancery is not only not the same, but it is the reverse, and Lord Hardwicke ruled accordingly. "The constant and established proceedings of this Court," said this great magistrate, "are on written evidence, like the proceedings on the Civil and Canon Law. This is the course of the Court, and the course of the Court is the law of the Court."

Your Managers were convinced that one of the principal reasons for which this cause was brought into Parliament was the danger that in inferior courts their rule would be formed naturally upon their ordinary experience, and the exigencies of the cases which in ordinary course came before them. This experience, and the exigencies of these cases, extend little further than the concerns of a people comparatively in a narrow vicinage, a people of the same or nearly the same language, religion, manners, laws, and habits: with them an intercourse of every kind was easy.

These rules of law in most cases, and the practice of the courts in all, could not be easily applicable to a people separated from Great Britain by a very great part of the globe, — separated by manners, by principles of religion, and of inveterate habits as strong as nature itself, still more than by the circumstance of local distance. Such confined and inapplicable rules would be convenient, indeed, to oppression, to extortion, bribery, and corruption, but ruinous to the people, whose protection is the true object of all tribunals and of all their rules. Even English judges in India, who have been sufficiently tenacious of what they considered as the rules of English courts, were obliged in many points, and particularly with regard to evidence, to relax very considerably, as the civil and politic government has been obliged to do in several other cases, on account of insuperable difficulties arising from a great diversity of manners, and from what may be considered as a diversity even in the very constitution of their minds, — instances of which your Committee will subjoin in a future Appendix.

Another great cause why your Committee conceived this House had chosen to proceed in the High Court of Parliament was because the inferior courts were habituated, with very few exceptions, to try men for the abuse only of their individual and natural powers, which can extend but a little way. Before them, offences, whether of fraud or violence or both, are, for much the greater part, charged upon persons of mean and obscure condition. Those unhappy persons are so far from being supported by men of rank and influence, that the whole weight and force of the community is directed against them. In this case, they are in general objects of protection as well as of punishment; and the course perhaps ought, as it is *commonly* said to be, not to suffer anything to be applied to their conviction beyond what the strictest rules will permit. But in the cause which your Managers have in charge the circumstances are the very reverse to what happens in the cases of mere personal delinquency which come before the [inferior] courts.

These courts have not before them persons who act, and who justify their acts, by the nature of a despotical and arbitrary power. The abuses stated in our impeachment are not those of mere individual, natural faculties, but the abuses of civil and political authority. The offence is that of one who has carried with him, in the perpetration of his crimes, whether of violence or of fraud, the whole force of the state, — who, in the perpetration and concealment of offences, has had the advantage of all the means and powers given to government for the detection and punishment of guilt and for the protection of the people. The people themselves, on whose behalf the Commons of Great Britain take up this remedial and protecting prosecution, are naturally timid. Their spirits are broken by the arbitrary power usurped over them, and claimed by the delinquent as his law. They are ready to flatter the power which they dread. They are apt to look for favor [from their governors] by covering those vices in the predecessor which they fear the successor may be disposed to imitate. They have reason to consider complaints as means, not of redress, but of aggravation to their sufferings; and when they shall ultimately hear that the nature of the British laws and the rules of its tribunals are such as by no care or study either they, or even the Commons of Great Britain, who take up their cause, can comprehend, but which in effect and operation leave them unprotected, and render those who oppress them secure in their spoils, they must think still worse of British justice than of the arbitrary power of the Company's servants which hath been exercised to their destruction. They will be forever, what for the greater part they have hitherto been, inclined to compromise with the corruption of the magistrates, as a screen against that violence from which the laws afford them no redress.

For these reasons your Committee did and do strongly contend that the Court of Parliament ought to be open with great facility to the production of all evidence, except that which the precedents of Parliament teach them authoritatively to reject, or which hath no sort of natural aptitude directly or circumstantially to prove the case. They have been and are invariably of opinion that the Lords ought *to enlarge, and not to contract, the rules of evidence, according to the nature and difficulties of the case*, for redress to the injured, for the punishment of oppression, for the detection of fraud, — and above all, to prevent, what is the greatest dishonor to all laws and to all tribunals, the failure of justice. To prevent the last of these evils all courts in this and all countries have constantly made all their maxims and principles concerning testimony to conform; although such courts have been bound undoubtedly by stricter rules, both of form and of prescript cases, than the sovereign jurisdiction exercised by the Lords on the impeachment of the Commons ever has been or ever ought to be. Therefore your Committee doth totally reject any rules by which the practice of any inferior court is affirmed as a directory guide to an higher, especially where the forms and the powers of the judicature are different, and the objects of judicial inquiry are not the same.

Your Committee conceives that the trial of a cause is not in the arguments or disputations of the prosecutors and the counsel, but in *the evidence*, and that to refuse evidence is to refuse to hear the cause: nothing, therefore, but the most clear and weighty reasons ought to preclude its production. Your Committee conceives, that, when evidence on the face of it relevant, that is, connected with the party and the charge, was denied to be competent, *the burden lay upon those who opposed it* to set forth the authorities, whether of positive statute, known recognized maxims and principles of law, passages in an accredited institute, code, digest, or systematic treatise of laws, or some adjudged cases, wherein, the courts have rejected evidence of that nature. No such thing ever (except in one instance, to which we shall hereafter speak) was produced at the bar, nor (that we know of) produced by the Lords in their debates, or by the Judges in the opinions by them delivered. Therefore, for anything which as yet appears to your Committee to the contrary, these responses and decisions were, in many of the points, not the determinations of any law whatsoever, but mere arbitrary decrees, to which we could not without solemn protestation, submit.

Your Committee, at an early period, and frequently since the commencement of this trial, have neglected no means of research which might afford them information concerning these supposed strict and inflexible rules of proceeding and of evidence, which, appeared to them, destructive of all the means and ends of justice: and, first, they examined carefully the Rolls and Journals of the House of Lords, as also the printed trials of cases before that court.

Your Committee finds but one instance, in the whole course of Parliamentary impeachments, in which evidence offered by the Commons has been rejected on the plea of inadmissibility or incompetence. This was in the case of Lord Strafford's trial; when the copy of a warrant (the same not having any attestation to authenticate it as a true copy) was, on deliberation, not admitted, — and your Committee thinks, as the case stood, with reason. But even in this one instance the Lords seemed to show a marked anxiety not to narrow too much the admissibility of evidence; for they confined their determination “to this individual case,” as the Lord Steward reported their resolution; and he adds,— “They conceive this could be no impediment or failure in the proceeding, because the truth and verity of it would depend on the first general power given to execute it, which they who manage the evidence for the Commons say they could prove.” Neither have objections to evidence offered by the prisoner been very frequently made, nor often allowed when made. In the same case of Lord Strafford, two books produced by his Lordship, without proof by whom they were written, were rejected, (and on a clear principle,) “as being private books, and no records.” On both these occasions, the questions were determined by the Lords alone, without any resort to the opinions of the Judges. In the impeachments of Lord Stafford, Dr. Sacheverell, and Lord Wintoun,

no objection to evidence appears in the Lords' Journals to have been pressed, and not above one taken, which was on the part of the Managers.

Several objections were, indeed, taken to evidence in Lord Macclesfield's trial. They were made on the part of the Managers, except in two instances, where the objections were made by the witnesses themselves. They were all determined (those started by the Managers in their favor) by the Lords themselves, without any reference to the Judges. In the discussion of one of them, a question was stated for the Judges concerning the law in a similar case upon an information in the court below; but it was set aside by the previous question.

On the impeachment of Lord Lovat, no more than one objection to evidence was taken by the Managers, against which Lord Lovat's counsel were not permitted to argue. Three objections on the part of the prisoner were made to the evidence offered by the Managers, but all without success. The instances of similar objections in Parliamentary trials of peers on indictments are too few and too unimportant to require being particularized; — one, that in the case of Lord Warwick, has been already stated.

The principles of these precedents do not in the least affect any case of evidence which your Managers had to support. The paucity and inapplicability of instances of this kind convince your Committee that the Lords have ever used some latitude and liberality in all the means of bringing information before them: nor is it easy to conceive, that, as the Lords are, and of right ought to be, judges of law and fact, many cases should occur (except those where a personal *vivâ voce* witness is denied to be competent) in which a judge, possessing an entire judicial capacity, can determine by anticipation what is good evidence, and what not, before he has heard it. When he has heard it, of course he will judge what weight it is to have upon his mind, or whether it ought not entirely to be struck out of the proceedings.

Your Committee, always protesting, as before, against the admission of any law, foreign or domestic, as of authority in Parliament, further than as written reason and the opinion of wise and informed men, has examined into the writers on the Civil Law, ancient and more recent, in order to discover what those rules of evidence, in any sort applicable to criminal cases, were, which were supposed to stand in the way of the trial of offences committed in India.

They find that the term Evidence, *Evidentia*, from whence ours is taken, has a sense different in the Roman law from what it is understood to bear in the English jurisprudence; the term most nearly answering to it in the Roman being *Probatio*, Proof, which, like the term *Evidence*, is a generic term, including everything by which a doubtful matter may be rendered more certain to the judge: or, as Gilbert expresses it, every matter is evidence which amounts to the proof of the point in question.

On the general head of Evidence, or Proof, your Committee finds that much has been written by persons learned in the Roman law, particularly in modern times, —

and that many attempts have been made to reduce to rules the principles of evidence or proof, a matter which by its very nature seems incapable of that simplicity, precision, and generality which are necessary to supply the matter or to give the form to a rule of law. Much learning has been employed on the doctrine of indications and presumptions in their books, — far more than is to be found in our law. Very subtle disquisitions were made on all matters of jurisprudence in the times of the classical Civil Law, by the followers of the Stoic school. In the modern school of the same law, the same course was taken by Bartolus, Baldus, and the Civilians who followed them, before the complete revival of literature. All the discussions to be found in those voluminous writings furnish undoubtedly an useful exercise to the mind, by methodizing the various forms in which one set of facts or collection of facts, or the qualities or demeanor of persons, reciprocally influence each other; and by this course of juridical discipline they add to the readiness and sagacity of those who are called to plead or to judge. But as human affairs and human actions are not of a metaphysical nature, but the subject is concrete, complex, and moral, they cannot be subjected (without exceptions which reduce it almost to nothing) to any certain rule. Their rules with regard to competence were many and strict, and our lawyers have mentioned it to their reproach. “The Civilians,” it has been observed, “differ in nothing more than admitting evidence; for they reject *histriones*, &c., and whole tribes of people.” But this extreme rigor as to competency, rejected by our law, is not found to extend to the *genus* of evidence, but only to a particular *species*, — personal witnesses. Indeed, after all their efforts to fix these things by positive and inflexible maxims, the best Roman lawyers, in their best ages, were obliged to confess that every case of evidence rather formed its own rule than that any rule could be adapted to every case. The best opinions, however, seem to have reduced the admissibility of witnesses to a few heads. “For if,” said Callistratus, in a passage preserved to us in the Digest, “the testimony is free from suspicion, either on account of the quality of the *person*, namely, that he is in a reputable situation, or for *cause*, that is to say, that the testimony given is not for reward nor favor nor for enmity, such a witness is admissible.” This first description goes to *competence*, between which and *credit* Lord Hardwicke justly says the discrimination is very nice. The other part of the text shows their anxiety to reduce credibility itself to a fixed rule. It proceeds, therefore,— “His Sacred Majesty, Hadrian, issued a rescript to Vivius Varus, Lieutenant of Cilicia, to this effect, that he who sits in judgment is the most capable of determining what credit is to be given to witnesses.” The words of the letter of rescript are as follow:— “You ought best to know what credit is to be given to witnesses, — who, and of what dignity, and of what estimation they are, — whether they seem to deliver their evidence with simplicity and candor, whether they seem to bring a formed and premeditated discourse, or whether on the spot they give probable matter in answer to the questions that are put to them.” And there remains a rescript of the same

prince to Valerius Verus, on the bringing out the credit of witnesses. This appears to go more to the *general* principles of evidence. It is in these words:— “What evidence, and in what measure or degree, shall amount to proof in each case can be defined in no manner whatsoever that is sufficiently certain. For, though not always, yet frequently, the truth of the affair may appear without any matter of public record. In some cases the number of the witnesses, in others their dignity and authority, is to be weighed; in others, concurring public fame tends to confirm the credit of the evidence in question. This alone I am able, and in a few words, to give you as my determination: that you ought not too readily to bind yourself to try the cause upon any one description of evidence; but you are to estimate by your own discretion what you ought to credit, or what appears to you not to be established by proof sufficient.”

The modern writers on the Civil Law have likewise much matter on this subject, and have introduced a strictness with regard to personal testimony which our particular jurisprudence has not thought it at all proper to adopt. In others we have copied them more closely. They divide Evidence into two parts, in which they do not differ from the ancients: 1st, What is Evidence, or Proof, by itself; 2dly, What is Presumption, “which is a probable conjecture, from a reference to something which, coming from marks and tokens ascertained, shall be taken for truth, until some other shall be adduced.” Again, they have labored particularly to fix rules for presumptions, which they divide into, 1. Violent and necessary, 2. Probable, 3. and lastly, Slight and rash. But finding that this head of Presumptive Evidence (which makes so large a part with them and with us in the trial of all causes, and particularly criminal causes) is extremely difficult to ascertain, either with regard to what shall be considered as exclusively creating any of these three degrees of presumption, or what facts, and how proved, and what marks and tokens, may serve to establish them, even those Civilians whose character it is to be subtle to a fault have been obliged to abandon the task, and have fairly confessed that the labors of writers to fix rules for these matters have been vain and fruitless. One of the most able of them has said, “that the doctors of the law have written nothing of value concerning presumptions; nor is the subject-matter such as to be reduced within the prescribed limit of any certain rules. In truth, it is from the actual existing case, and from the circumstances of the persons and of the business, that we ought (under the guidance of an incorrupt judgment of the mind, which is called an equitable discretion) to determine what presumptions or conjectural proofs are to be admitted as rational or rejected as false, or on which the understanding can pronounce nothing, either the one way or the other.”

It is certain, that, whatever over-strictness is to be found in the older writers on this law with regard to evidence, it chiefly related to the mere competency of witnesses; yet even here the rigor of the Roman lawyers relaxed on the necessity of the case. Persons who kept houses of ill-fame were with them incompetent

witnesses; yet among the maxims of that law the rule is well known of *Testes lupanares in re lupanari*.

In ordinary cases, they require two witnesses to prove a fact; and therefore they held, “that, if there be but one witness, and no probable grounds of presumption of some kind (*nulla argumenta*), that one witness is by no means to be heard”; and it is not inelegantly said in that case, *Non jus deficit, sed probatio*, “The failure is not in the law, but in the proof.” But if other grounds of presumption appear, one witness is to be heard: “for it is not necessary that one crime should be established by one sort of proof only, as by witnesses, or by documents, or by presumptions; all the modes of evidence may be so conjoined, that, where none of them alone would affect the prisoner, all the various concurrent proofs should overpower him like a storm of hail.” This is held particularly true in cases where crimes are secret, and detection difficult. The necessity of detecting and punishing such crimes superseded, in the soundest authors, this theoretic aim at perfection, and obliged technical science to submit to practical expedience. “*In re criminali*,” said the rigorists, “*probationes debent esse evidentes et luce meridiana clariores*”: and so undoubtedly it is in offences which admit such proof. But reflection taught them that even their favorite rules of incompetence must give way to the exigencies of distributive justice. One of the best modern writers on the Imperial Criminal Law, particularly as practised in Saxony, (Carpzovius,) says,— “This alone I think it proper to remark, that even incompetent witnesses are sometimes admitted, if otherwise the truth cannot be got at; and this particularly in facts and crimes which are of difficult proof”; and for this doctrine he cites Farinacius, Mascardus, and other eminent Civilians who had written on Evidence. He proceeds afterwards,— “However, this is to be taken with a caution, that the impossibility of otherwise discovering the truth is not construed from hence, that other witnesses were not actually concerned, but that, from the nature of the crime, or from regard had to the place and time, other witnesses could not be present.” Many other passages from the same authority, and from others to a similar effect, might be added; we shall only remark shortly, that Gaill, a writer on the practice of that law the most frequently cited in our own courts, gives the rule more in the form of a maxim,— “that the law is contented with such proof as *can* be made, if the subject *in its nature* is difficult of proof.” And the same writer, in another passage, refers to another still more general maxim, (and a sound maxim it is,) that the power and means of proof ought not to be narrowed, but enlarged, that the truth may not be concealed: “*Probationum facultas non angustari, sed ampliari debeat, ne veritas occultetur*.”

On the whole, your Committee can find nothing in the writings of the learned in this law, any more than they could discover anything in the Law of Parliament, to support any one of the determinations given by the Judges, and adopted by the Lords, against the evidence which your Committee offered, whether direct and

positive, or merely (as for the greater part it was) circumstantial, and produced as a ground to form legitimate presumption against the defendant: nor, if they were to admit (which they do not) this Civil Law to be of authority in furnishing any rule in an impeachment of the Commons, more than as it may occasionally furnish a principle of reason on a new or undetermined point, do they find any rule or any principle, derived from that law, which could or ought to have made us keep back the evidence which we offered; on the contrary, we rather think those rules and principles to be in agreement with our conduct.

As to the Canon Law, your Committee, finding it to have adopted the Civil Law with no very essential variation, does not feel it necessary to make any particular statement on that subject.

Your Committee then came to examine into the authorities in the English law, both as it has prevailed for many years back, and as it has been recently received in our courts below. They found on the whole the rules rather less strict, more liberal, and less loaded with positive limitations, than in the Roman law. The origin of this latitude may perhaps be sought in this circumstance, which we know to have relaxed the rigor of the Roman law: courts in England do not judge upon evidence, *secundum allegata et probata*, as in other countries and under other laws they do, but upon verdict. By a fiction of law they consider the jury as supplying, in some sense, the place of testimony. One witness (and for that reason) is allowed sufficient to convict, in cases of felony, which in other laws is not permitted.

In ancient times it has happened to the law of England (as in pleading, so in matter of evidence) that a rigid strictness in the application of technical rules has been more observed than at present it is. In the more early ages, as the minds of the Judges were in general less conversant in the affairs of the world, as the sphere of their jurisdiction was less extensive, and as the matters which came before them were of less variety and complexity, the rule being in general right, not so much inconvenience on the whole was found from a literal adherence to it as might have arisen from an endeavor towards a liberal and equitable departure, for which further experience, and a more continued cultivation of equity as a science, had not then so fully prepared them. In those times that judicial policy was not to be condemned. We find, too, that, probably from the same cause, most of their doctrine leaned towards the restriction; and the old lawyers being bred, according to the then philosophy of the schools, in habits of great subtlety and refinement of distinction, and having once taken that bent, very great acuteness of mind was displayed in maintaining every rule, every maxim, every presumption of law creation, and every fiction of law, with a punctilious exactness: and this seems to have been the course which laws have taken in every nation. It was probably from this rigor, and from a sense of its pressure, that, at an early period of our law, far more causes of criminal jurisdiction were carried into the House of Lords and the Council Board, where laymen were judges, than can or ought to be at present.

As the business of courts of equity became more enlarged and more methodical, — as magistrates, for a long series of years, presided in the Court of Chancery, who were not bred to the Common Law, — as commerce, with its advantages and its necessities, opened a communication more largely with other countries, — as the Law of Nature and Nations (always a part of the law of England) came to be cultivated, — as an increasing empire, as new views and new combinations of things were opened, — this antique rigor and overdone severity gave way to the accommodation of human concerns, for which rules were made, and not human concerns to bend to them.

At length, Lord Hardwicke, in one of the cases the most solemnly argued, that has been in man's memory, with the aid of the greatest learning at the bar, and with the aid of all the learning on the bench, both bench and bar being then supplied with men of the first form, declared from the bench, and in concurrence with the rest of the Judges, and with the most learned of the long robe, the able council on the side of the old restrictive principles making no reclamation, "that the judges and sages of the law have laid it down that there is but ONE general rule of evidence, — *the best that the nature of the case will admit.*" This, then, the master rule, that governs all the subordinate rules, does in reality subject itself and its own virtue and authority *to the nature of the case*, and leaves no rule at all of an independent, abstract, and substantive quality. Sir Dudley Ryder, (then Attorney-General, afterwards Chief-Justice,) in his learned argument, observed, that "it is extremely proper that there should be *some* general rules in relation to evidence; but *if exceptions were not allowed to them, it would be better to demolish all the general rules.* There is no general rule without exception that we know of but this, — that *the best evidence shall be admitted which the nature of the case will afford.* I will show that rules as general as this are broke in upon *for the sake of allowing evidence.* There is no rule that seems more binding than that a man shall not be admitted an evidence in his own case, and yet the Statute of Hue and Cry is an exception. A man's books are allowed to be evidence, or, which is in substance the same, his servant's books, *because the nature of the case requires it*, — as in the case of a brewer's servants. Another general rule, that a wife cannot be witness against her husband, has been broke in upon in cases of treason. Another exception to the general rule, that a man may not be examined without oath, — the last words of a dying man are given in evidence in the case of murder." Such are the doctrines of this great lawyer.

Chief-Justice Willes concurs with Lord Hardwicke as to dispensing with strict rules of evidence. "Such evidence," [he says,] "is to be admitted as the *necessity* of the case will allow of: as, for instance, a marriage at Utrecht, certified under the seal of the minister there, and of the said town, and that they cohabited together as man and wife, was held to be sufficient proof that they were married." This learned judge (commenting upon Lord Coke's doctrine, and Serjeant Hawkins's after him,

that the oaths of Jews and pagans were not to be taken) says, “that this notion, though advanced by so great a man, is contrary to religion, common sense, and common humanity, and I think the devils, to whom he has delivered them, could not have suggested anything worse.” Chief-Justice Willes, admitting Lord Coke to be a great lawyer, then proceeds in very strong terms, and with marks of contempt, to condemn “*his narrow notions*”; and he treats with as little respect or decorum the ancient authorities referred to in defence of such notions.

The principle of the departure from those rules is clearly fixed by Lord Hardwicke; he lays it down as follows:— “The first ground judges have gone upon, in departing from strict rules, is *absolute strict necessity*; 2dly, a *presumed* necessity.” Of the first he gives these instances:— “In the case of writings subscribed by witnesses, if all are dead, the proof of one of their hands is sufficient to establish the deed. Where an original is lost, a copy may be admitted; if no copy, then a proof by witnesses who have *heard* the deed: and yet it is a thing the law abhors, to admit the memory of man for evidence.” This enlargement through two stages of proof, both of them contrary to the rule of law, and both abhorrent from its principles, are by this great judge accumulated upon one another, and are admitted from *necessity*, to accommodate human affairs, and to prevent that which courts are by every possible means instituted to prevent, — A FAILURE OF JUSTICE. And this necessity is not confined within the strict limits of physical causes, but is more lax, and takes in *moral and even presumed and argumentative necessity*, a necessity which is in fact nothing more than a great degree of expediency. The law creates a fictitious necessity against the rules of evidence in favor of the convenience of trade: an exception which on a similar principle had before been admitted in the Civil Law, as to mercantile causes, in which the books of the party were received to give full effect to an insufficient degree of proof, called, in the nicety of their distinctions, a *semiplena probatio*.

But to proceed with Lord Hardwicke. He observes, that “a tradesman’s books” (that is, the acts of the party interested himself) “are admitted as evidence, though no *absolute necessity*, but by reason of a *presumption* of necessity only, *inferred* from the nature of commerce.” “No rule,” continued Lord Hardwicke, “can be more settled than that testimony is not to be received but upon oath”; but he lays it down, that an oath itself may be dispensed with. “There is another instance,” says he, “where the lawful oath may be dispensed with, — where our courts admit evidence for the Crown without oath.”

In the same discussion, the Chief-Baron (Parker) cited cases in which *all* the rules of evidence had given way. “There is not a more general rule,” says he, “than that hearsay cannot be admitted, nor husband and wife as witnesses against each other; and yet it is *notorious* that from necessity they have been allowed, — not an *absolute* necessity, but a *moral* one.”

It is further remarkable, in this judicial argument, that exceptions are allowed not only to rules of evidence, but that the rules of evidence themselves are not altogether the same, where the subject-matter varies. The Judges have, to facilitate justice, and to favor commerce, even adopted the rules of *foreign* laws. They have taken for granted, and would not suffer to be questioned, the regularity and justice of the proceedings of foreign courts; and they have admitted them as evidence, not only of the fact of the decision, but of the right as to its legality. “Where there are foreign parties interested, and in commercial matters, the rules of evidence are not quite the same as in other instances in courts of justice: the case of Hue and Cry, Brownlow, 47. A feme covert is not a lawful witness against her husband, except in cases of treason, but has been admitted in civil cases. The testimony of a public notary is evidence by the law of France: contracts are made before a public notary, and no other witness necessary. I should think it would be no doubt at all, if it came in question here, whether this would be a valid contract, but a testimony from persons of that credit and reputation would be received as a very good proof in foreign transactions, and would authenticate the contract.”

These cases show that courts always govern themselves by these rules in cases of foreign transactions. To this principle Lord Hardwicke accords; and enlarging the rule of evidence by the nature of the subject and the exigencies of the case, he lays it down, “that it is a common and *natural* presumption, that persons of the Gentoo religion should be principally apprised of facts and transactions in their own country. As the English have only a factory in this country, (for it is in the empire of the Great Mogul,) if we should admit this evidence [Gentoo evidence on a Gentoo oath], it would be agreeable to the genius of the law of England.” For this he cites the proceedings of our Court of Admiralty, and adopts the author who states the precedent, “that this Court will give credit to the sentence of the Court of Admiralty in France, and take it to be according to right, and will not examine their proceedings: for it would be found very inconvenient, if one kingdom should, by peculiar laws, correct the judgments and proceedings of another kingdom.” Such is the genius of the law of England, that these two principles, of the general moral necessities of things, and the nature of the case, overrule every other principle, even those rules which seem the very strongest. Chief-Baron Parker, in answer to an objection made against the infidel deponent, “that the plaintiff ought to have shown that he could not have the evidence of Christians,” says, “that, repugnant to natural justice, in the Statute of Hue and Cry, the robbed is admitted to be witness of the robbery, as *a moral or presumed necessity is sufficient*.” The same learned magistrate, pursuing his argument in favor of liberality, in opening and enlarging the avenues to justice, does not admit that “the authority of one or two cases” is valid against reason, equity, and convenience, the vital principles of the law. He cites *Wells v. Williams*, 1 Raymond, 282, to show that the necessity of trade has mollified the too rigorous rules of the old law, in their restraint and discouragement

of aliens. “A Jew may sue at *this* day, but *heretofore he could not*, for then they were looked upon as enemies, but now commerce has taught the world more humanity; and therefore held that an alien enemy, commorant here by the license of the King, and under his protection, may maintain a debt upon a bond, though he did not come with safe-conduct.” So far Parker, concurring with Raymond. He proceeds:— “It was objected by the defendant’s counsel, that this is a novelty, and that what never has been done ought not to be done.” The answer is, “*The law of England is not confined to particular cases, but is much more governed by reason than by any one case whatever.*” The true rule is laid down by Lord Vaughan, fol. 37, 38. ‘Where the law,’ saith he, ‘*is known and clear*, the Judges must determine as the law is, without regard to the inequitableness or inconveniency: these defects, if they happen in the law, can only be remedied by Parliament. But where the law is doubtful and not clear, the Judges ought to interpret the law to be as is most consonant to equity, and what is least inconvenient.’”

These principles of equity, convenience, and natural reason Lord Chief-Justice Lee considered in the same ruling light, not only as guides in matter of interpretation concerning law in general, but in particular as controllers of the whole law of evidence, which, being artificial, and made for convenience, is to be governed by that convenience for which it is made, and is to be wholly subservient to the stable principles of substantial justice, “I do apprehend,” said that Chief-Justice, “that the rules of evidence are to be considered as *artificial* rules, framed by men for *convenience in courts of justice*. This is a case that ought to be looked upon in that light; and I take it that considering evidence in this way [viz. according to natural justice] *is agreeable to the genius of the law of England.*”

The sentiments of Murray, then Solicitor-General, afterwards Lord Mansfield, are of no small weight in themselves, and they are authority by being judicially adopted. His ideas go to the growing melioration of the law, by making its liberality keep pace with the demands of justice and the actual concerns of the world: not restricting the infinitely diversified occasions of men and the rules of natural justice within artificial circumscriptions, but conforming our jurisprudence to the growth of our commerce and of our empire. This enlargement of our concerns he appears, in the year 1744, almost to have foreseen, and he lived to behold it. “The arguments on the other side,” said that great light of the law, (that is, arguments against admitting the testimony in question from the novelty of the case,) “prove nothing. Does it follow from thence, that no witnesses can be examined in a case that never specifically existed before, or that an action cannot be brought in a case that never happened before? *Reason* (being stated to be the first ground of all laws by the author of the book called ‘Doctor and Student’) must determine the case. Therefore the only question is, Whether, *upon principles of reason, justice, and convenience*, this witness be admissible? Cases in law depend upon the *occasions* which gave rise to them. All occasions do not arise at once: now a particular species of Indians

appears; hereafter another species of Indians may arise. A statute can seldom take in all cases. Therefore the Common Law, that works itself pure by rules drawn from the fountain of justice, is for this reason superior to an act of Parliament.”

From the period of this great judgment to the trial of Warren Hastings, Esquire, the law has gone on continually working itself pure (to use Lord Mansfield’s expression) by rules drawn from the fountain of justice. “General rules,” said the same person, when he sat upon the bench, “are wisely established for attaining justice with ease, certainty, and dispatch; but the great end of them being *to do justice*, the Court will see that it be really obtained. The courts have been more liberal of late years in their determinations, and have more endeavored to attend to the *real justice* of the case than formerly.” On another occasion, of a proposition for setting aside a verdict, he said, “This seems to be the true way to come at justice, and what we therefore ought to do; for the true text is, *Boni judicis est ampliare justitiam* (not *jurisdictionem*, as has been often cited).” In conformity to this principle, the supposed rules of evidence have, in late times and judgments, instead of being drawn to a greater degree of strictness, been greatly relaxed.

“*All evidence is according to the subject-matter to which it is applied.* There is a great deal of difference between length of time that operates as a bar to a claim and that which is used only by way of evidence. Length of time used merely by way of evidence may be left to the consideration of the jury, to be credited or not, or to draw their inferences one way or the other, according to circumstances. *I do not know an instance in which proof may not be supplied.*” In all cases of evidence Lord Mansfield’s maxim was, *to lean to admissibility*, leaving the objections which were made to competency to go to credit, and to be weighed in the minds of the jury after they had heard it. In objections to wills, and to the testimony of witnesses to them, he thought “it clear that the Judges ought to lean *against* objections to the formality.”

Lord Hardwicke had before declared, with great truth, “that the boundaries of what goes to the credit and what to the competency *are very nice, and the latter carried too far*”; and in the same case he said, “that, unless the objection appeared to him to carry a strong danger of perjury, and some apparent advantage might accrue to the witness, he was always inclined to let it go to his credit, only *in order to let in a proper light to the case, which would otherwise be shut out*; and in a doubtful case, he said, it was generally his custom *to admit the evidence*, and give such directions to the jury as the nature of the case might require.”

It is a known rule of evidence, that an interest in the matter to be supported by testimony disqualifies a witness; yet Lord Mansfield held, “that *nice* objections to a remote interest which could not be paid or released, though they held in other cases, were not allowed to disqualify a witness to a will, as parishioners might have [prove?] a devise to the use of the poor of the parish forever.” He went still nearer, and his doctrine tends so fully to settle the principles of departure from or

adherence to rules of evidence, that your Committee inserts part of the argument at large. “The disability of a witness from interest is very different from a positive incapacity. If a deed must be acknowledged before a judge or notary public, every other person is under a positive incapacity to authenticate it; but objections of interest are deductions from natural reason, and proceed upon a presumption of too great a bias in the mind of the witness, and the public utility of rejecting partial testimony. Presumptions stand no longer than till the contrary is proved. The presumption of bias may be taken off by showing the witness has a [as?] great or a greater interest the other way, or that he has given it up. The presumption of public utility may be answered by showing that it would be very inconvenient, under the particular circumstances, not to receive such testimony. Therefore, from the course of business, necessity, and other reasons of expedience, *numberless exceptions* are allowed to the *general* rule.”

These being the principles of the latter jurisprudence, the Judges have suffered no positive rule of evidence to counteract those principles. They have even suffered subscribing witnesses to a will which recites the soundness of mind in the testator to be examined to prove his insanity, and then the court received evidence to overturn that testimony and to destroy the credit of those witnesses. They were five in number, who attested to a will and codicil. They were admitted to annul the will they had themselves attested. Objections were taken to the competency of one of the witnesses in support of the will against its subscribing witnesses: 1st, That the witness was an executor in trust, and so liable to actions; 2dly, As having acted under the trust, whereby, if the will were set aside, he would be liable to answer for damages incurred by the sale of the deceased's chambers to a Mr. Frederick. Mr. Frederick offered to submit to a rule to release, for the sake of public justice. Those who maintained the objection cited Siderfin, a reporter of much authority, 51, 115, and 1st Keble, 134. Lord Mansfield, Chief-Justice, did not controvert those authorities; but in the course of obtaining substantial justice he treated both of them with equal contempt, though determined by judges of high reputation. His words are remarkable: “We do not *now* sit here to take our rules of evidence from Siderfin and Keble.” He overruled the objection upon more recent authorities, which, though not in similar circumstances, he considered as within the reason. The Court did not think it necessary that the witness should release, as he had offered to do. “It appeared on this trial,” says Justice Blackstone, “that a black conspiracy was formed to set aside the gentleman's will, without any foundation whatever.” A prosecution against three of the testamentary witnesses was recommended, who were afterwards convicted of perjury. Had strict formalities with regard to evidence been adhered to in any part of this proceeding, that very black conspiracy would have succeeded, and those black conspirators, instead of receiving the punishment of their crimes, would have enjoyed the reward of their perjury.

Lord Mansfield, it seems, had been misled, in a certain case, with regard to precedents. His opinion was against the reason and equity of the supposed practice, but he supposed himself not at liberty to give way to his own wishes and opinions. On discovering his error, he considered himself as freed from an intolerable burden, and hastened to undo his former determination. "There are no precedents," said he, with some exultation, "which stand in the way of our determining *liberally, equitably*, and according to the *true* intention of the parties." In the same case, his learned assessor, Justice Wilmot, felt the same sentiments. His expressions are remarkable:—"Courts of law ought to concur with courts of equity in the execution of those powers which are very convenient to be inserted in settlements; and they ought not to listen to nice distinctions that savor of the schools, but to be guided by true good sense and manly reason. After the Statute of Uses, it is much to be lamented that the courts of Common Law had not adopted all the rules and maxims of courts of equity. This would have prevented the absurdity of receiving costs in one court and paying them in another."

Your Committee does not produce the doctrine of this particular case as directly applicable to their charge, no more than several of the others here cited. We do not know on what precedents or principles the evidence proposed by us has been deemed inadmissible by the Judges; therefore against the grounds of this rejection we find it difficult directly to oppose anything. These precedents and these doctrines are brought to show the general temper of the courts, their growing liberality, and the general tendency of all their reasonings and all their determinations to set aside all such technical subtleties or formal rules, which might stand in the way of the discovery of truth and the attainment of justice. The cases are adduced for the principles they contain.

The period of the cases and arguments we have cited was that in which large and liberal principles of evidence were more declared, and more regularly brought into system. But they had been gradually improving; and there are few principles of the later decisions which are not to be found in determinations on cases prior to the time we refer to. Not to overdo this matter, and yet to bring it with some degree of clearness before the House, your Committee will refer but to a few authorities, and those which seem most immediately to relate to the nature of the cause intrusted to them. In *Michaelmas*, 11 Will. III., the *King v. the Warden of the Fleet*, a witness, who had really been a prisoner, and voluntarily suffered to escape, was produced to prove the escape. To the witness it was objected, that he had given a bond to be a true prisoner, which he had forfeited by escaping: besides, he had been retaken. His testimony was allowed; and by the Court, among other things, it was said, in secret transactions, if any of the parties concerned are not to be, for the necessity of the third, admitted as evidence, it will be impossible to detect the practice: as in cases of the Statute of Hue and Cry, the party robbed shall be a witness to charge the hundred; and in the case of *Cooke v. Watts* in the Exchequer, where one who had

been prejudiced by the will was admitted an evidence to prove it forged. So in the case of *King v. Parris*, where a feme covert was admitted as a witness for *fraudulently* drawing her in, when sole, to give a warrant of attorney for confessing a judgment on an unlawful consideration, whereby execution was sued out against her husband, and Holt, Chief-Justice, held that a feme covert could not, by law, be a witness to convict one on an information; yet, in Lord Audley's case, it being a rape on her person, she was received to give evidence against him, and the Court concurred with him, because it was the best evidence the nature of the thing would allow. This decision of Holt refers to others more early, and all on the same principle; and it is not of this day that this one great principle of eminent public expedience, this moral necessity, "that crimes should not escape with impunity," has in all cases overborne all the common juridical rules of evidence, — it has even prevailed over the first and most natural construction of acts of Parliament, and that in matters of so penal a nature as high treason. It is known that statutes made, not to open and enlarge, but on fair grounds to straiten proofs, require two witnesses in cases of high treason. So it was understood, without dispute and without distinction, until the argument of a case in the High Court of Justice, during the Usurpation. It was the case of the Presbyterian minister, Love, tried for high treason against the Commonwealth, in an attempt to restore the King. In this trial, it was contended for, and admitted, that one witness to one overt act, and one to another overt act of the same treason, ought to be deemed sufficient. That precedent, though furnished in times from which precedents were cautiously drawn, was received as authority throughout the whole reign of Charles II.; it was equally followed after the Revolution; and at this day it is undoubted law. It is not so from the natural or technical rules of construction of the act of Parliament, but from the principles of juridical policy. All the judges who have ruled it, all the writers of credit who have written upon it, assign this reason, and this only, — *that treasons, being plotted in secrecy, could in few cases be otherwise brought to punishment.*

The same principle of policy has dictated a principle of relaxation with regard to severe rules of evidence, in all cases similar, though of a lower order in the scale of criminality. It is against fundamental maxims that an accomplice should be admitted as a witness: but accomplices are admitted from the policy of justice, otherwise confederacies of crime could not be dissolved. There is no rule more solid than that a man shall not entitle himself to profit by his own testimony. But an informer, in case of highway robbery, may obtain forty pounds to his own profit by his own evidence: this is not in consequence of positive provision in the act of Parliament; it is a provision of policy, lest the purpose of the act should be defeated.

Now, if policy has dictated this very large construction of an act of Parliament concerning high treason, if the same policy has dictated exceptions to the clearest and broadest rules of evidence in other highly penal causes, and if all this latitude is taken concerning matters for the greater part within our insular bounds, your

Committee could not, with safety to the larger and more remedial justice of the Law of Parliament, admit any rules or pretended rules, unconnected and uncontrolled by circumstances, to prevail in a trial which regarded offences of a nature as difficult of detection, and committed far from the sphere of the ordinary practice of our courts.

If anything of an over-formal strictness is introduced into the trial of Warren Hastings, Esquire, it does not seem to be copied from the decisions of these tribunals. It is with great satisfaction your Committee has found that the reproach of “disgraceful subtleties,” inferior rules of evidence which prevent the discovery of truth, of forms and modes of proceeding which stand in the way of that justice the forwarding of which is the sole rational object of their invention, cannot fairly be imputed to the Common Law of England, or to the ordinary practice of the courts below.

CIRCUMSTANTIAL EVIDENCE, ETC.

The rules of evidence in civil and in criminal cases, in law and in equity, being only reason methodized, are certainly the same. Your Committee, however, finds that the far greater part of the law of evidence to be found in our books turns upon questions relative to civil concerns. Civil cases regard property: now, although property itself is not, yet almost everything concerning property and all its modifications is, of artificial contrivance. The rules concerning it become more positive, as connected with positive institution. The legislator therefore always, the jurist frequently, may ordain certain methods by which alone they will suffer such matters to be known and established; because their very essence, for the greater part, depends on the arbitrary conventions of men. Men act on them with all the power of a creator over his creature. They make fictions of law and presumptions of (*præsumptiones juris et de jure*) according to their ideas of utility; and against those fictions, and against presumptions so created, they do and may reject all evidence. However, even in these cases there is some restraint. Lord Mansfield has let in a liberal spirit against the fictions of law themselves; and he declared that he would do what in one case he actually did, and most wisely, that he would admit evidence against a fiction of law, when the fiction militated against the policy on which it was made.

Thus it is with things which owe their existence to men; but where the subject is of a physical nature, or of a moral nature, independent of their conventions, men have no other reasonable authority than to register and digest the results of experience and observation. Crimes are the actions of physical beings with an evil intention abusing their physical powers against justice and to the detriment of society: in this case fictions of law and artificial presumptions (*juris et de jure*) have little or no place. The presumptions which belong to criminal cases are those

natural and popular presumptions which are only observations turned into maxims, like adages and apophthegms, and are admitted (when their grounds are established) in the place of proof, where better is wanting, but are to be always over turned by counter proof.

These presumptions mostly go to the *intention*. In all criminal cases, the crime (except where the law itself implies malice) consists rather in the intention than the action. Now the intention is proved but by two ways: either, 1st, by confession, — this first case is rare, but simple, — 2dly, by circumstantial proof, — this is difficult, and requires care and pains. The connection of the intention and the circumstances is plainly of such a nature as more to depend on the sagacity of the observer than on the excellence of any rule. The pains taken by the Civilians on that subject have not been very fruitful; and the English law-writers have, perhaps as wisely, in a manner abandoned the pursuit. In truth, it seems a wild attempt to lay down any rule for the proof of intention by circumstantial evidence. All the acts of the party, — all things that explain or throw light on these acts, — all the acts of others relative to the affair, that come to his knowledge, and may influence him, — his friendships and enmities, his promises, his threats, the truth of his discourses, the falsehood of his apologies, pretences, and explanations, his looks, his speech, his silence where he was called to speak, — everything which tends to establish the connection between all these particulars, — every circumstance, precedent, concomitant, and subsequent, become parts of circumstantial evidence. These are in their nature infinite, and cannot be comprehended within any rule or brought under any classification.

Now, as the force of that presumptive and conjectural proof rarely, if ever, depends on one fact only, but is collected from the number and accumulation of circumstances concurrent in one point, we do not find an instance, until this trial of Warren Hastings, Esquire, (which has produced many novelties,) that attempts have been made by any court to call on the prosecutor for an account of the purpose for which he means to produce each particle of this circumstantial evidence, to take up the circumstances one by one, to prejudge the efficacy of each matter separately in proving the point, — and thus to break to pieces and to garble those facts, upon the multitude of which, their combination, and the relation of all their component parts to each other and to the culprit, the whole force and virtue of this evidence depends. To do anything which can destroy this collective effect is to deny circumstantial evidence.

Your Committee, too, cannot but express their surprise at the particular period of the present trial when the attempts to which we have alluded first began to be made. The two first great branches of the accusation of this House against Warren Hastings, Esquire, relate to public and notorious acts, capable of direct proof, — such as the expulsion of Cheyt Sing, with its consequences on the province of Benares, and the seizure of the treasures and jaghires of the Begums of Oude. Yet,

in the proof of those crimes, your Committee cannot justly complain that we were very narrowly circumscribed in the production of much circumstantial as well as positive evidence. We did not find any serious resistance on this head, till we came to make good our charges of secret crimes, — crimes of a class and description in the proof of which all judges of all countries have found it necessary to relax almost all their rules of competency: such crimes as peculation, pecuniary frauds, extortion, and bribery. Eight out of nine of the questions put to the Judges by the Lords, in the first stage of the prosecution, related to circumstances offered in proof of these secret crimes.

Much industry and art have been used, among the illiterate and unexperienced, to throw imputations on this prosecution, and its conduct, because so great a proportion of the evidence offered on this trial (especially on the latter charges) has been circumstantial. Against the prejudices of the ignorant your Committee opposes the judgment of the learned. It is known to them, that, when this proof is in its greatest perfection, that is, when it is most abundant in circumstances, it is much superior to positive proof; and for this we have the authority of the learned judge who presided at the trial of Captain Donellan. “On the part of the prosecution, a great deal of evidence has been laid before you. It is *all* circumstantial evidence, and in its nature it must be so: for, in cases of this sort, no man is weak enough to commit the act in the presence of other persons, or to suffer them to see what he does at the time; and therefore it can only be made out by circumstances, either before the committing of the act, at the time when it was committed, or subsequent to it. And a presumption, which necessarily arises from circumstances, is very often more convincing and more satisfactory than any other kind of evidence: because it is not within the reach and compass of human abilities to invent a train of circumstances which shall be so connected together as to amount to a proof of guilt, without affording opportunities of contradicting a great part, if not all, of these circumstances. But if the circumstances are such as, when laid together, bring conviction to your minds, it is then fully equal, if not, as I told you before, *more* convincing than positive evidence.” In the trial of Donellan no such selection was used as we have lately experienced; no limitation to the production of every matter, before, at, and after the fact charged. The trial was (as we conceive) rightly conducted by the learned judge; because secret crimes, such as secret assassination, poisoning, bribery, peculation, and extortion, (the three last of which this House has charged upon Mr. Hastings,) can very rarely be proved in any other way. That way of proof is made to give satisfaction to a searching, equitable, and intelligent mind; and there must not be a failure of justice. Lord Mansfield has said that he did not know a case in which proof might not be supplied.

Your Committee has resorted to the trial of Donellan, and they have and do much rely upon it, first, on account of the known learning and ability of the judge who tried the cause, and the particular attention he has paid to the subject of

evidence, which forms a book in his treatise on *Nisi Prius*; — next, because, as the trial went *wholly* on circumstantial evidence, the proceedings in it furnish some of the most complete and the fullest examples on that subject; — thirdly, because the case is recent, and the law cannot be supposed to be materially altered since the time of that event.

Comparing the proceedings on that trial, and the doctrines from the bench, with the doctrines we have heard from the woolsack, your Committee cannot comprehend how they can be reconciled. For the Lords compelled the Managers to declare for what purpose they produced each separate member of their circumstantial evidence: a thing, as we conceive, not usual, and particularly not observed in the trial of Donellan. We have observed in that trial, and in most others which we have had occasion to resort to, that the prosecutor is suffered to proceed narratively and historically, without interruption. If, indeed, it appears on the face of the narration that what is represented to have been said, written, or done did not come to the knowledge of the prisoner, a question sometimes, but rarely, has been asked, whether the prisoner could be affected with the knowledge of it. When a connection with the person of the prisoner has been in any way shown, or even promised to be shown, the evidence is allowed to go on without further opposition. The sending of a sealed letter, — the receipt of a sealed letter, inferred from the delivery to the prisoner's servant, — the bare possession of a paper written by any other person, on the presumption that the contents of such letters or such paper were known to the prisoner, — and the being present when anything was said or done, on the presumption of his seeing or hearing what passed, have been respectively ruled to be sufficient. If, on the other hand, no circumstance of connection has been proved, the judge, in summing up, has directed the jury to pay no regard to a letter or conversation the proof of which has so failed: a course much less liable to inconvenience, where the same persons decide both the law and the fact.

To illustrate the difficulties to which your Committee was subjected on this head, we think it sufficient to submit to the House (reserving a more full discussion of this important point to another occasion) the following short statement of an incident which occurred in this trial.

By an express order of the Court of Directors, (to which, by the express words of the act of Parliament under which he held his office, he was ordered to yield obedience,) Mr. Hastings and his colleagues were directed to make an inquiry into all offences of bribery and corruption in office. On the 11th of March a charge in writing of bribery and corruption in office was brought against himself. On the 13th of the same month, the accuser, a man of high rank, the Rajah Nundcomar, appears personally before the Council to make good his charge against Mr. Hastings before his own face. Mr. Hastings thereon fell into a very intemperate heat, obstinately refused to be present at the examination, attempted to dissolve the Council, and

contumaciously retired from it. Three of the other members, a majority of the Council, in execution of their duty, and in obedience to the orders received under the act of Parliament, proceeded to take the evidence, which is very minute and particular, and was entered in the records of the Council by the regular official secretary. It was afterwards read in Mr. Hastings's own presence, and by him transmitted, under his own signature, to the Court of Directors. A separate letter was also written by him, about the same time, desiring, on his part, that, in any inquiry into his conduct, "not a single word should escape observation." This proceeding in the Council your Committee, in its natural order, and in a narrative chain of circumstantial proof, offered in evidence. It was not permitted to be read; and on the 20th and 21st of May, 1789, we were told from the woolsack, "that, when a paper is not evidence by itself," (such this part of the Consultation, it seems, was reputed,) "a party who wishes to introduce a paper of that kind is called upon not only to state, but to make out on proof, *the whole of the grounds upon which he proceeds to make that paper proper evidence*; that the evidence that is produced must be *the demeanor* of the party respecting that paper; and it is the connection between them, *as material to the charge depending*, that will enable them to be produced."

Your Committee observes, that this was not a paper *foreign* to the prisoner, and sent to him as *a letter*, the receipt of which, and his conduct thereon, were to be brought home to him, to infer his guilt from his demeanor. It was an office document of his own department, concerning himself, and kept by officers of his own, and by himself transmitted, as we have said, to the Court of Directors. Its proof was in the record. The charge made against him, and his demeanor on being acquainted with it, were not in separate evidence. They all lay together, and composed a connected narrative of the business, authenticated by himself.

In that case it seems to your Committee extremely irregular and preposterous to demand previous and extraneous proofs of the demeanor of the party respecting the paper, and the connection between them, as *material to the charge depending*; for this would be to try what the effect and operation of the evidence would be on the issue of the cause, before its production.

The doctrine so laid down demands that every several circumstance should in itself be conclusive, or at least should afford a violent presumption: it must, we were told, without question, be material to the charge depending. But, as we conceive, its materiality, more or less, is not in the first instance to be established. To make it admissible, it is enough to give proof, or to raise a legal inference, of its connection both with the charge depending and the person of the party charged, where it does not appear on the face of the evidence offered. Besides, by this new doctrine, the materiality required to be shown must be decided from a consideration, not of the whole circumstance, but in truth of one half of the circumstance, — of a demeanor unconnected with and unexplained by that on which it arose, though the connection

between the demeanor of the party and the paper is that which must be shown to be material. Your Committee, after all they have heard, is yet to learn how the full force and effect of any demeanor, as evidence of guilt or innocence, can be known, unless it be also fully known *to what that demeanor applied*, — unless, when a person did or said anything, it be known, not generally and abstractedly, that a paper was read to him, but particularly and specifically *what were the contents of that paper*: whether they were matters lightly or weightily alleged, — within the power of the party accused to have confuted on the spot, if false, — or such as, though he might have denied, he could not instantly have disproved. The doctrine appeared and still appears to your Committee to be totally abhorrent from the genius of circumstantial evidence, and mischievously subversive of its use. We did, however, offer that extraneous proof which was demanded of us; but it was refused, as well as the office document.

Your Committee thought themselves the more bound to contend for every mode of evidence *to the intention*, because in many of the cases the gross fact was admitted, and the prisoner and his counsel set up pretences of public necessity and public service for his justification. No way lay open for rebutting this justification, but by bringing out all the circumstances attendant on the transaction.

ORDER AND TIME OF PRODUCING EVIDENCE.

Your Committee found great impediment in the production of evidence, not only on account of the general doctrines supposed to exist concerning its inadmissibility, drawn from its own alleged natural incompetency, or from its inapplicability under the pleading of the impeachment of this House, but also from the mode of proceeding in bringing it forward. Here evidence which we thought necessary to the elucidation of the cause was not suffered, upon the supposed rules of *examination in chief and cross-examination*, and on supposed rules forming a distinction between evidence *originally* produced on the charge and evidence offered on *the reply*.

On all these your Committee observes in general, that, if the rules which respect the substance of the evidence are (as the great lawyers on whose authority we stand assert they are) no more than rules of convenience, much more are those subordinate rules which regard the order, the manner, and the time of the arrangement. These are purely arbitrary, without the least reference to any fixed principle in the nature of things, or to any settled maxim of jurisprudence, and consequently are variable at every instant, as the conveniencies of the cause may require.

We admit, that, in the order of mere arrangement, there is a difference between examination of witnesses in chief and cross-examination, and that in general these several parts are properly cast according to the situation of the parties in the cause; but there neither is nor can be any precise rule to discriminate the exact bounds

between examination and cross-examination. So as to time there is necessarily some limit, but a limit hard to fix. The only one which can be fixed with any tolerable degree of precision is when the judge, after fully hearing all parties, is to consider of his verdict or his sentence. Whilst the cause continues under hearing in any shape, or in any stage of the process, it is the duty of the judge to receive every offer of evidence, apparently material, suggested to him, though the parties themselves, through negligence, ignorance, or corrupt collusion, should not bring it forward. A judge is not placed in that high situation merely as a passive instrument of parties. He has a duty of his own, independent of them, and that duty is to investigate the truth. There may be no prosecutor. In our law a permanent prosecutor is not of necessity. The Crown prosecutor in criminal cases is a grand jury; and this is dissolved instantly on its findings and its presentments. But if no prosecutor appears, (and it has happened more than once,) the court is obliged through its officer, the clerk of the arraigns, to examine and cross-examine every witness who presents himself; and the judge is to see it done effectually, and to act his own part in it, — and this as long as evidence shall be offered within the time which the mode of trial will admit.

Your Committee is of opinion, that, if it has happened that witnesses, or other kinds of evidence, have not been frequently produced after the closing of the prisoner's defence, or such evidence has not been in reply given, it has happened from the peculiar nature of our common judicial proceedings, in which all the matter of evidence must be presented whilst the bodily force and the memory or other mental faculties of men can hold out. This does not exceed the compass of one natural day, or thereabouts: during that short space of time new evidence very rarely occurs for production by any of the parties; because the nature of man, joined to the nature of the tribunals, and of the mode of trial at Common Law, (good and useful on the whole,) prescribe limits which the mere principles of justice would of themselves never fix.

But in other courts, such as the Court of Chancery, the Courts of Admiralty Jurisdiction, (except in prize causes under the act of Parliament,) and in the Ecclesiastical Courts, wherein the trial is not by an inclosed jury in those courts, such strait limits are not of course necessary: the cause is continued by many adjournments; as long as the trial lasts, new witnesses are examined (even after the regular stage) for each party, on a special application under the circumstances to the sound discretion of the court, where the evidence offered is newly come to the knowledge or power of the party, and appears on the face of it to be material in the cause. *Even after hearing*, new witnesses have been examined, or former witnesses reëxamined, not as the right of the parties, but *ad informandam conscientiam judicis*. All these things are not unfrequent in some, if not in all of these courts, and perfectly known to the judges of Westminster Hall; who cannot be supposed

ignorant of the practice of the Court of Chancery, and who sit to try appeals from the Admiralty and Ecclesiastical Courts as delegates.

But as criminal prosecutions according to the forms of the Civil and Canon Law are neither many nor important in any court of this part of the kingdom, your Committee thinks it right to state the undisputed principle of the Imperial Law, from the great writer on this subject before cited by us, — from Carpzovius. He says, “that a doubt has arisen, whether, evidence being once given in a trial on a public prosecution, (*in processu inquisitorio*,) and the witnesses being examined, it may be allowed to form other and new articles and to produce new witnesses.” Your Committee must here observe, that the *processus inquisitorius* is that proceeding in which the prosecution is carried on in the name of the judge acting *ex officio*, from that duty of his office which is called the *nobile officium judicis*. For the judge under the Imperial Law possesses both those powers, the inquisitorial and the judicial, which in the High Court of Parliament are more aptly divided and exercised by the different Houses; and in this kind of process the House will see that Carpzovius couples the production of new witnesses and the forming of new articles (the undoubted privilege of the Commons) as intimately and necessarily connected. He then proceeds to solve the doubt. “Certainly,” says he, “there are authors who deny, that, after publication of the depositions, any new witnesses and proofs that can affect the prisoner ought to be received; which,” says he, “is true in a case where a private prosecutor has intervened, who produces the witnesses. But if the judge proceeds by way of inquisition *ex officio*, then, even after the completion of the examination of witnesses against the prisoner, new witnesses may be received and examined, and, on new grounds of suspicion arising, new articles may be formed, according to the common opinion of the doctors; and as it is the most generally received, so it is most agreeable to reason.” And in another chapter, relative to the ordinary criminal process by a private prosecutor, he lays it down, on the authority of Angelus, Bartolus, and others, that, after the right of the party prosecuting is expired, the judge, taking up the matter *ex officio*, may direct new witnesses and new proofs, even after publication. Other passages from the same writer and from others might be added; but your Committee trusts that what they have produced is sufficient to show the general principles of the Imperial Criminal Law.

The High Court of Parliament bears in its modes of proceeding a much greater resemblance to the course of the Court of Chancery, the Admiralty, and Ecclesiastical Courts, (which are the King’s courts too, and their law the law of the land,) than to those of the Common Law. The accusation is brought into Parliament, at this very day, by *exhibiting articles*; which your Committee is informed is the regular mode of commencing a criminal prosecution, where the office of the judge is promoted, in the Civil and Canon Law courts of this country. The answer, again, is usually specific, both to the fact and the law alleged in each

particular article; which is agreeable to the proceeding of the Civil Law, and not of the Common Law.

Anciently the resemblance was much nearer and stronger. Selden, who was himself a great ornament of the Common Law, and who was personally engaged in most of the impeachments of his time, has written expressly on the judicature in Parliament. In his fourth chapter, intituled, *Of Witnesses*, he lays down the practice of his time, as well as of ancient times, with respect to the proof by examination; and it is clearly a practice more similar to that of the Civil than the Common Law. "The practice at this day," says he, "is to swear the witnesses in open House, and then to examine them there, *or at a committee*, either upon *interrogatories* agreed upon in the House, or such as the committee in their discretion shall demand. Thus it was in ancient times, as shall appear by the precedents, so many as they are, they being very sparing to record those ceremonies, which I shall briefly recite: I then add those of later times."

Accordingly, in times so late as those of the trial of Lord Middlesex, upon an impeachment of the Commons, the whole course of the proceeding, especially in the mode of adducing the evidence, was in a manner the same as in the Civil Law: depositions were taken, and publication regularly passed: and on the trial of Lord Strafford, both modes pointed out by Selden seem to have been indifferently used.

It follows, therefore, that this high court (bound by none of their rules) has a liberty to adopt the methods of any of the legal courts of the kingdom at its discretion; and in *sound* discretion it ought to adopt those which bear the nearest resemblance to its own constitution, to its own procedure, and to its exigencies in the promotion of justice. There are conveniencies and inconveniencies both in the shorter and the longer mode of trial. But to bring the methods observed (if such are in fact observed) in the former, only from necessity, into the latter, by choice, is to load it with the inconveniency of both, without the advantages of either. The chief benefit of any process which admits of adjournments is, that it may afford means of fuller information and more mature deliberation. If neither of the parties have a strict right to it, yet the court or the jury, as the case may be, ought to demand it.

Your Committee is of opinion, that all rules relative to laches or neglects in a party to the suit, which may cause nonsuit on the one hand or judgment by default in the other, all things which cause the party *cadere in jure*, ought not to be adhered to in the utmost rigor, even in civil cases; but still less ought that spirit which takes advantage of lapses and failures on either part to be suffered to govern in causes criminal. "Judges ought to *lean* against every attempt to nonsuit a plaintiff on objections which have no relation to the real merits. It is unconscionable in a defendant to take advantage of the *apices litigandi*: against such objections *every possible presumption ought to be made which ingenuity can suggest*. How disgraceful would it be to the administration of justice to allow chicane to obstruct right!" This observation of Lord Mansfield applies equally to every means by which, indirectly

as well as directly, the cause may fail upon any other principles than those of its merits. He thinks that all the resources of ingenuity ought to be employed to baffle chicane, not to support it. The case in which Lord Mansfield has delivered this sentiment is merely a civil one. In civil causes of *meum et tuum*, it imports little to the commonwealth, whether *Titus* or *Mævius* profits of a legacy, or whether *John à Nokes* or *John à Stiles* is seized of the manor of *Dale*. For which reason, in many cases, the private interests of men are left by courts to suffer by their own neglects and their own want of vigilance, as their fortunes are permitted to suffer from the same causes in all the concerns of common life. But in crimes, where the prosecution is on the part of the public, (as all criminal prosecutions are, except appeals,) the public prosecutor ought not to be considered as a plaintiff in a cause of *meum et tuum*; nor the prisoner, in such a cause, as a common defendant. In such a cause the state itself is highly concerned in the event: on the other hand, the prisoner may lose life, which all the wealth and power of all the states in the world cannot restore to him. Undoubtedly the state ought not to be weighed against justice; but it would be dreadful indeed, if causes of such importance should be sacrificed to petty regulations, of mere secondary convenience, not at all adapted to such concerns, nor even made with a view to their existence. Your Committee readily adopts the opinion of the learned Ryder, that it would be better, if there were no such rules, than that there should be no exceptions to them. Lord Hardwicke declared very properly, in the case of the Earl of Chesterfield against Sir Abraham Janssen, “that political arguments, in the fullest sense of the word, as they concerned the government of a nation, must be, and always have been, of great weight in the consideration of this court. Though there be no *dolus malus* in contracts, with regard to other persons, yet, if the rest of mankind are concerned as well as the parties, it may be properly said, it regards the public utility.” Lord Hardwicke laid this down in a cause of *meum et tuum*, between party and party, where the public was concerned only remotely and in the example, — not, as in this prosecution, when the political arguments are infinitely stronger, the crime relating, and in the most eminent degree relating, to the public.

One case has happened since the time which is limited by the order of the House for this Report: it is so very important, that we think ourselves justified in submitting it to the House without delay. Your Committee, on the supposed rules here alluded to, has been prevented (as of right) from examining a witness of importance in the case, and one on whose supposed knowledge of his most hidden transactions the prisoner had himself, in all stages of this business, as the House well knows, endeavored to raise presumptions in favor of his cause. Indeed, it was his principal, if not only justification, as to the *intention*, in many different acts of corruption charged upon him. The witness to whom we allude is Mr. Larkins. This witness came from India after your Committee had closed the evidence of this House in chief, and could not be produced before the time of the reply. Your

Committee was not suffered to examine him, — not, as they could find, on objections to the particular question as improper, but upon some or other of the general grounds (as they believe) on which Mr. Hastings resisted any evidence from him. The party, after having resisted his production, on the next sitting day admitted him, and by consent he was examined. Your Committee entered a protest on the minutes in favor of their right. Your Committee contended, and do contend, that, by the Law of Parliament, whilst the trial lasts, they have full right to call new evidence, as the circumstances may afford and the posture of the cause may demand it.

This right seems to have been asserted by the Managers for the Commons in the case of Lord Stafford, 32 Charles II. The Managers in that case claimed it as the right of the Commons to produce witnesses for the purpose of fortifying their former evidence. Their claim was admitted by the court. It is an adjudged case in the Law of Parliament. Your Committee is well aware that the notorious perjury and infamy of the witnesses in the trial of Lord Stafford has been used to throw a shade of doubt and suspicion on all that was transacted on that occasion. But there is no force in such an objection. Your Committee has no concern in the defence of these witnesses, nor of the Lords who found their verdict on such testimony, nor of the morality of those who produced it. Much may be said to palliate errors on the part of the prosecutors and judges, from the heat of the times, arising from the great interests then agitated. But it is plain there may be perjury in witnesses, or even conspiracy unjustly to prosecute, without the least doubt of the legality and regularity of the proceedings in any part. This is too obvious and too common to need argument or illustration. The proceeding in Lord Stafford's case never has, now for an hundred and fourteen years, either in the warm controversies of parties, or in the cool disquisitions of lawyers or historians, been questioned. The perjury of the witnesses has been more doubted at some periods than the regularity of the process has been at any period. The learned lawyer who led for the Commons in that impeachment (Serjeant Maynard) had, near forty years before, taken a forward part in the great cause of the impeachment of Lord Strafford, and was, perhaps, of all men then in England, the most conversant in the law and usage of Parliament. Jones was one of the ablest lawyers of his age. His colleagues were eminent men.

In the trial of Lord Strafford, (which has attracted the attention of history more than any other, on account of the importance of the cause itself, the skill and learning of the prosecutors, and the eminent abilities of the prisoner,) after the prosecutors for the Commons had gone through their evidence on the articles, after the prisoner had also made his defence, either upon each severally, or upon each body of articles as they had been collected into one, and the Managers had in the same manner replied, when, previous to the general concluding reply of the prosecutors, the time of the general summing up (or recollection, as it was called) of the whole evidence on the part of Lord Strafford arrived, the Managers produced

new evidence. Your Committee wishes to call the particular attention of the House to this case, as the contest between the parties did very nearly resemble the present, but principally because the sense of the Lords on the Law of Parliament, in its proceedings with regard to the reception of evidence, is there distinctly laid down: so is the report of the Judges, relative to the usage of the courts below, full of equity and reason, and in perfect conformity with the right for which we contended in favor of the public, and in favor of the Court of Peers itself. The matter is as follows. Your Committee gives it at large.

“After this, the Lord Steward adjourned this House to Westminster Hall; and the Peers being all set there in their places, the Lord Steward commanded the Lieutenant of the Tower to bring forth the Earl of Strafford to the bar; which being done, the Lord Steward signified that both sides might make a recollection of their evidence, and the Earl of Strafford to begin first.

“Hereupon Mr. Glynn desired that before the Earl of Strafford began, that the Commons might produce two witnesses to the fifteenth and twenty-third articles, to prove that there be two men whose names are Berne; and so a mistake will be made clear. The Earl of Strafford desired that no new witnesses may be admitted against him, unless he might be permitted to produce witnesses on his part likewise; which the Commons consented to, so the Earl of Strafford would confine himself to those articles upon which he made reservations: but he not agreeing to that, and the Commons insisting upon it, the House was adjourned to the usual place above to consider of it; and after some debate, their Lordships thought it fit that the members of the Commons go on in producing new witnesses, as they shall think fit, to the fifteenth and twenty-third articles, and that the Earl of Strafford may presently produce such witnesses as are present, and such as are not, to name them presently, and to proceed on Monday next; and also, if the Commons and Earl of Strafford will proceed upon any other articles, upon new matter, they are to name the witnesses and articles on both sides presently, and to proceed on Monday next: but both sides may waive it, if they will. The Lord Steward adjourned this House to Westminster Hall, and, being returned thither, signified what the Lords had thought fit for the better proceeding in the business. The Earl of Strafford, upon this, desiring not to be limited to any reservation, but to be at liberty for what articles are convenient for him to fortify with new witnesses, to which the Commons not assenting, and for other scruples which did arise in the case, one of the Peers did desire that the House might be adjourned, to consider further of the particulars. Hereupon the Lord Steward adjourned the House to the usual place above.

“The Lords, being come up into the House, fell into debate of the business, and, for the better informing of their judgments what was the course and common justice of the kingdom, propounded this question to the Judges: ‘Whether it be according to the course of practice and common justice, before the Judges in their several courts, for the prosecutors in behalf of the King, *during the time of trial, to*

produce witnesses to discover the truth, and whether the prisoner may not do the like?’ The Lord Chief-Justice delivered this as the unanimous opinions of himself and all the rest of the Judges: ‘That, according to the course of practice and common justice, before them in their several courts, upon trial by jury, *as long as the prisoner is at the bar, and the jury not sent away*, either side may give their evidence and examine witnesses to discover truth; and this is all the opinion as we can give concerning the proceedings before us.’ Upon, some consideration after this, the House appointed the Earl of Bath, Earl of South’ton, Earl of Hartford, Earl of Essex, Earl of Bristol, and the Lord Viscount Say et Seale to draw up some reasons upon which the former order was made, which, being read as followeth, were approved of, as the order of the House: ‘The gentlemen of the House of Commons did declare, that they challenge to themselves, by the common justice of the kingdom, that they, being prosecutors for the King, may bring any new proofs by witnesses during the time of the evidence being not fully concluded. The Lords, being judges, and so equal to them and the prisoner, conceived this their desire to be just and reasonable; and also that, by the same common justice, the prisoner may use the same liberty; and that, to avoid any occasions of delay, the Lords thought fit that the articles and witnesses be presently named, and such as may be presently produced to be used presently, [and such as cannot to be used on Monday,] and no further time to be given.’ The Lord Steward was to let them know, that, if they will on both sides waive the use of new witnesses, they may proceed to the recollection of their evidence on both sides; if both sides will not waive it, then the Lord Steward is to read the precedent order; and if they will not proceed then, this House is to adjourn and rise.”

By this it will appear to the House how much this exclusion of evidence, *brought for the discovery of truth*, is unsupported either by Parliamentary precedent or by the rule as understood in the Common Law courts below; and your Committee (protesting, however, against being bound by any of the technical rules of inferior courts) thought, and think, they had a right to see such a body of precedents and arguments for the rejection of evidence during trial, in some court or other, before they were in this matter stopped and concluded.

Your Committee has not been able to examine every criminal trial in the voluminous collection of the State Trials, or elsewhere; but having referred to the most laborious compiler of law and equity, Mr. Viner, who has allotted a whole volume to the title of Evidence, we find but one ruled case in a trial at Common Law, before or since, where new evidence for the discovery of truth has been rejected, as not being in due time. “A privy verdict had been given in B. R. 14 Eliz. for the defendant; but afterwards, before the inquest gave their verdict openly, the plaintiff prayed that he might give more evidence to the jury, he having (as it seemed) discovered that the jury had found against him: but the Justices would not admit him to do so; but after that Southcote J. had been in C.B. to ask the opinion

of the Justices there, they took the verdict.” In this case the offer of new evidence was not during the trial. The trial was over; the verdict was actually delivered to the Judge; there was also an appearance that the discovery of the actual finding had suggested to the plaintiff the production of new evidence. Yet it appeared to the Judges so strong a measure to refuse evidence, whilst any, even formal, appearance remained that the trial was not closed, that they sent a Judge from the bench into the Common Pleas to obtain the opinion of their brethren there, before they could venture to take upon them to consider the time for production of evidence as elapsed. The case of refusal, taken with its circumstances, is full as strong an example in favor of the report of the Judges in Lord Strafford’s case as any precedent of admittance can be.

The researches of your Committee not having furnished them with any cases in which evidence has been rejected during the trial, as being out of time, we have found some instances in which it has been actually received, — and received not to repel any new matter in the prisoner’s defence, but when the prisoner had called all his witnesses, and thereby closed his defence. A remarkable instance occurred on the trial of Harrison for the murder of Dr. Clenche. The Justices who tried the cause, viz., Lord Chief-Justice Holt, and the Justices Atkins and Nevil, admitted the prosecutor to call new evidence, for no other reason but that a new witness was then come into court, who had not been in court before. These Justices apparently were of the same opinion on this point with the Justices who gave their opinion in the case of Lord Stafford.

Your Committee, on this point, as on the former, cannot discover any authority for the decision of the House of Lords in the Law of Parliament, or in the law practice of any court in this kingdom.

PRACTICE BELOW.

Your Committee, not having learned that the resolutions of the Judges (by which the Lords have been guided) were supported by any authority in law to which they could have access, have heard by rumor that they have been justified upon the practice of the courts in ordinary trials by commission of Oyer and Terminer. To give any legal precision to this term of *practice*, as thus applied, your Committee apprehends it must mean, that the judge in those criminal trials has so regularly rejected a certain kind of evidence, when offered there, that it is to be regarded in the light of a case frequently determined by legal authority. If such had been discovered, though your Committee never could have allowed these precedents as rules for the guidance of the High Court of Parliament, yet they should not be surprised to see the inferior judges forming their opinions on their own confined practice. Your Committee, in their inquiry, has found comparatively few reports of criminal trials, except the collection under the title of “State Trials,” a book

compiled from materials of very various authority; and in none of those which we have seen is there, as appears to us, a single example of the rejection of evidence similar to that rejected by the advice of the Judges in the House of Lords. Neither, if such examples did exist, could your Committee allow them to apply directly and necessarily, as a measure of reason, to the proceedings of a court constituted so very differently from those in which the Common Law is administered. In the trials below, the Judges decide on the competency of the evidence before it goes to the jury, and (under the correctives, in the use of their discretion, stated before in this Report) with great propriety and wisdom. Juries are taken promiscuously from the mass of the people. They are composed of men who, in many instances, in most perhaps, never were concerned in any causes, judicially or otherwise, before the time of their service. They have generally no previous preparation, or possible knowledge of the matters to be tried, or what is applicable or inapplicable to them; and they decide in a space of time too short for any nice or critical disquisition. The Judges, therefore, of necessity, must forestall the evidence, where there is a doubt on its competence, and indeed observe much on its credibility, or the most dreadful consequences might follow. The institution of juries, if not thus qualified, could not exist. Lord Mansfield makes the same observation with regard to another corrective of the short mode of trial, — that of a *new trial*.

This is the law, and this its policy. The jury are not to decide on the competency of witnesses, or of any other kind of evidence, in any way whatsoever. Nothing of that kind can come before them. But the Lords in the High Court of Parliament are not, either actually or virtually, a jury. No legal power is interposed between them and evidence; they are themselves by law fully and exclusively equal to it. They are persons of high rank, generally of the best education, and of sufficient knowledge of the world; and they are a permanent, a settled, a corporate, and not an occasional and transitory judicature. But it is to be feared that the authority of the Judges (in the case of juries legal) may, from that example, weigh with the Lords further than its reason or its applicability to the judicial capacity of the Peers can support. It is to be feared, that if the Lords should think themselves bound implicitly to submit to this authority, that at length they may come to think themselves to be no better than jurors, and may virtually consent to a partition of that judicature which the law has left to them whole, supreme, uncontrolled, and final.

This final and independent judicature, because it is final and independent, ought to be very cautious with regard to the rejection of evidence. If incompetent evidence is received by them, there is nothing to hinder their judging upon it afterwards according to its value: it may have no weight in their judgment. But if, upon advice of others, they previously reject information necessary to their proper judgment, they have no intermediate means of setting themselves right, and they injure the cause of justice without any remedy. Against errors of juries there is remedy by a new trial. Against errors of judges there is remedy, in civil causes, by

demurrer and bills of exceptions; against their final mistake there is remedy by writ of error, in courts of Common Law. In Chancery there is a remedy by appeal. If they wilfully err in the rejection of evidence, there was formerly the terror existing of punishment by impeachment of the Commons. But with regard to the Lords, there is no remedy for error, no punishment for a wilful wrong.

Your Committee conceives it not improbable that this apparently total and unreserved submission of the Lords to the dictates of the judges of the inferior courts (no proper judges, in any light or in any degree, of the Law of Parliament) may be owing to the very few causes of *original* jurisdiction, and the great multitude of those of *appellate* jurisdiction, which come before them. In cases of appeal, or of error, (which is in the nature of an appeal,) the court of appeal is obliged to judge, not by *its own* rules, acting in another capacity, or by those which it shall choose *pro re nata* to make, but by the rules of the inferior court from whence the appeal comes. For the fault or the mistake of the inferior judge is, that he has not proceeded, as he ought to do, according to the law which he was to administer; and the correction, if such shall take place, is to compel the court from whence the appeal comes to act as originally it ought to have acted, according to law, as the law ought to have been understood and practised in that tribunal. The Lords, in such cases of necessity, judge on the grounds of the law and practice of the courts below; and this they can very rarely learn with precision, but from the body of the Judges. Of course much deference is and ought to be had to their opinions. But by this means a confusion may arise (if not well guarded against) between what they do in their *appellate* jurisdiction, which is frequent, and what they ought to do in their *original* jurisdiction, which is rare; and by this the whole original jurisdiction of the Peers, and the whole law and usage of Parliament, at least in their virtue and spirit, may be considerably impaired.

After having thus submitted to the House the general tenor of the proceedings in this trial, your Committee will, with all convenient speed, lay before the House the proceedings on each head of evidence separately which has been rejected; and this they hope will put the House more perfectly in possession of the principal causes of the length of this trial, as well as of the injury which Parliamentary justice may, in their opinion, suffer from those proceedings.

APPENDIX.

No. I.

IN THE CASE OF EARL FERRERS.

APRIL 17, 1760.

[Foster's Crown Law, , fol. edit.]

The House of Peers unanimously found Earl Ferrers guilty of the felony and murder whereof he stood indicted, and the Earl being brought to the bar, the High Steward acquainted him therewith; and the House immediately adjourned to the Chamber of Parliament, and, having put the following question to the Judges, adjourned to the next day.

“Supposing a peer, so indicted and convicted, ought by law to receive such judgment as aforesaid, and the day appointed by the judgment for execution should lapse before such execution done, whether a new time may be appointed for the execution, and by whom?”

On the 18th, the House then sitting in the Chamber of Parliament, the Lord Chief Baron, in the absence of the Chief-Justice of the Common Pleas, delivered in writing the opinion of the Judges, which they had agreed on and reduced into form that morning. His Lordship added many weighty reasons in support of the opinion, which he urged with great strength and propriety, and delivered with a becoming dignity.

To the Second Question.

“Supposing the day appointed by the judgment for execution should lapse before such execution done, (which, however, the law will not presume,) we are all of opinion that a new time may be appointed for the execution, either by the High Court of Parliament, before which such peer shall have been attainted, or by the Court of King's Bench, the Parliament not then sitting: the record of the attainder being properly removed into that court.”

The reasons upon which the Judges founded their answer to the question relating to the further proceedings of the House after the High Steward's commission dissolved, which is usually done upon pronouncing judgment, may possibly require some further discussion. I will, therefore, before I conclude, mention those which weighed with me, and, I believe, with many others of the Judges.

Reasons, &c.

Every proceeding in the House of Peers, acting in its judicial capacity, whether upon writ of error, impeachment, or indictment, removed thither by *Certiorari*, is in judgment of law a proceeding before the King in Parliament; and therefore the House, in all those cases, may not improperly be styled the Court of our Lord the King in Parliament. This court is founded upon immemorial usage, upon the law and custom of Parliament, and is part of the original system of our Constitution. It is open for all the purposes of judicature, during the continuance of the Parliament: it openeth at the beginning and shutteth at the end of every session: just as the Court of King's Bench, which, is likewise in judgment of law held before the King himself, openeth and shutteth with the term. The authority of this court, or, if I may use the expression, its constant activity for the ends of public justice, independent

of any special powers derived from the Crown, is not doubted in the case of writs of error from those courts of law whence error lieth in Parliament, and of impeachments for misdemeanors.

It was formerly doubted, whether, in the case of an impeachment for treason, and in the case of an indictment against a peer for any capital crime, removed into Parliament by *Certiorari*, whether in these cases the court can proceed to trial and judgment without an High Steward appointed by special commission from the Crown. This doubt seemeth to have arisen from the not distinguishing between a proceeding in the Court of the High Steward and that before the King in Parliament. The name, style, and title of office is the same in both cases: but the office, the powers and preëminences annexed to it, differ very widely; and so doth the constitution of the courts where the offices are executed. The identity of the name may have confounded our ideas, as equivocal words often do, if the nature of things is not attended to; but the nature of the offices, properly stated, will, I hope, remove every doubt on these points.

In the Court of the High Steward, he alone is judge in all points of law and practice; the peers triers are merely judges of fact, and are summoned by virtue of a precept from the High Steward to appear before him on the day appointed by him for the trial, *ut rei veritas melius sciri poterit*. The High Steward's commission, after reciting that an indictment hath been found against the peer by the grand jury of the proper county, empowereth him to send for the indictment, to convene the prisoner before him at such day and place as he shall appoint, then and there to hear and determine the matter of such indictment; to cause the peers triers, *tot et tales, per quos rei veritas melius sciri poterit*, at the same day and place to appear before him; *veritateque inde compertâ*, to proceed to judgment according to the law and custom of England, and thereupon to award execution. By this it is plain that the sole right of judicature is in cases of this kind vested in the High Steward; that it resideth solely in his person; and consequently, without this commission, which is but in nature of a commission of Oyer and Terminer, no one step can be taken in order to a trial; and that when his commission is dissolved, which he declareth by breaking his staff, the court no longer existeth.

But in a trial of a peer in full Parliament, or, to speak with legal precision, before the King in Parliament, for a capital offence, whether upon impeachment or indictment, the case is quite otherwise. Every peer present at the trial (and every temporal peer hath a right to be present in every part of the proceeding) voteth upon every question of law and fact, and the question is carried by the major vote: the High Steward himself voting merely as a peer and member of that court, in common with the rest of the peers, and in no other right.

It hath, indeed, been usual, and very expedient it is, in point of order and regularity, and for the solemnity of the proceeding, to appoint an officer for

presiding during the time of the trial, and until judgment, and to give him the style and title of Steward of England: but this maketh no sort of alteration in the constitution of the court; it is the same court, founded in immemorial usage, in the law and custom of Parliament, whether such appointment be made or not. It acteth in its judicial capacity in every order made touching the time and place of the trial, the postponing the trial from time to time upon petition, according to the nature and circumstances of the case, the allowance or non-allowance of council to the prisoner, and other matters relative to the trial; and all this before an High Steward hath been appointed. And so little was it apprehended, in some cases which I shall mention presently, that the existence of the court depended on the appointment of an High Steward, that the court itself directed in what manner and by what form of words he should be appointed. It hath likewise received and recorded the prisoner's confession, which amounteth to a conviction, before the appointment of an High Steward; and hath allowed to prisoners the benefit of acts of general pardon, where they appeared entitled to it, as well without the appointment of an High Steward as after his commission dissolved. And when, in the case of impeachments, the Commons have sometimes, at conferences between the Houses, attempted to interpose in matters preparatory to the trial, the general answer hath been, "This is a point of judicature upon which the Lords will not confer; they impose silence upon themselves," — or to that effect. I need not here cite instances; every man who hath consulted the Journals of either House hath met with many of them.

I will now cite a few cases, applicable, in my opinion, to the present question. And I shall confine myself to such as have happened since the Restoration; because, in questions of this kind, modern cases, settled with deliberation, and upon a view of former precedents, give more light and satisfaction than the deepest search into antiquity can afford; and also because the prerogatives of the Crown, the privileges of Parliament, and the rights of the subject in general appear to me to have been more studied and better understood at and for some years before that period than in former ages.

In the case of the Earl of Danby and the Popish lords then under impeachments, the Lords, on the 6th of May, 1679, appointed time and place for hearing the Earl of Danby, by his council, upon the validity of his plea of pardon, and for the trials of the other lords, and voted an address to his Majesty, praying that he would be pleased to appoint an High Steward for those purposes. These votes were, on the next day, communicated to the Commons by message in the usual manner. On the 8th, at a conference between the Houses upon the subject-matter of that message, the Commons expressed themselves to the following effect:— "They cannot apprehend what should induce your Lordships to address his Majesty for an High Steward, for determining the validity of the pardon which hath been pleaded by the Earl of Danby, as also for the trial of the other five lords, because they conceive the constituting an High Steward is not necessary, but that judgment may be given in

Parliament upon impeachment without an High Steward”; and concluded with a proposition, that, for avoiding any interruption or delay, a committee of both Houses might be nominated, to consider of the most proper ways and methods of proceeding. This proposition the House of Peers, after a long debate, rejected: *Dissentientibus*, Finch, Chancellor, and many other lords. However, on the 11th, the Commons’ proposition of the 8th was upon a second debate agreed to; and the Lord Chancellor, Lord President, and ten other lords, were named of the committee, to meet and confer with a committee of the Commons. The next day the Lord President reported, that the committees of both Houses met that morning, and made an entrance into the business referred to them: that the Commons desired to see the commissions that are prepared for an High Steward at these trials, and also the commissions in the Lord Pembroke’s and the Lord Morley’s cases: that to this the Lords’ committees said,— “*The High Steward is but Speaker pro tempore, and giveth his vote as well as the other lords; this changeth not the nature of the court;* and the Lords declared, they have power enough to proceed to trial, though the King should not name an High Steward: that this seemed to be a satisfaction to the Commons, provided it was entered in the Lords’ Journals, which are records.” Accordingly, on the same day, “*It is declared and ordered by the Lords Spiritual and Temporal in Parliament assembled, that the office of an High Steward, upon trials of peers upon impeachments, is not necessary to the House of Peers; but that the Lords may proceed in such trials, if an High Steward be not appointed according to their humble desire.*” On the 13th the Lord President reported, that the committees of both Houses had met that morning, and discoursed, in the first place, on the matter of a Lord High Steward, and had perused former commissions for the office of High Steward; and then, putting the House in mind of the order and resolution of the preceding day, proposed from the committees that a new commission might issue, so as the words in the commission may be thus changed: viz., Instead of, *Ac pro eo quod officium Seneschalli Angliæ, (cujus præsentia in hac parte requiritur,) ut accepimus, jam vacat,* may be inserted, *Ac pro eo quod procures et magnates in Parlamento nostro assemblati nobis humiliter supplicaverunt ut Seneschallum Angliæ pro hac vice constituere dignaremur:* to which the House agreed.

It must be admitted that precedents drawn from times of ferment and jealousy, as these were, lose much of their weight, since passion and party prejudice generally mingle in the contest; yet let it be remembered, that these are resolutions in which both Houses concurred, and in which the rights of both were thought to be very nearly concerned, — the Commons’ right of impeaching with effect, and the whole judicature of the Lords in capital cases. For, if the appointment of an High Steward was admitted to be of absolute necessity, (however necessary it may be for the regularity and solemnity of the proceeding during the trial and until judgment, which I do not dispute,) every impeachment may, for a reason too obvious to be

mentioned, be rendered ineffectual, and the judicature of the Lords in all capital cases nugatory.

It was from a jealousy of this kind, not at that juncture altogether groundless, and to guard against everything from whence the necessity of an High Steward in the case of an impeachment might be inferred, that the Commons proposed and the Lords readily agreed to the amendment in the Steward's commission which I have already stated. And it hath, I confess, great weight with me, that this amendment, which was at the same time directed in the cases of the five Popish lords, when commissions should pass for their trials, hath taken place in every commission upon impeachments for treason since that time. And I cannot help remarking, that in the case of Lord Lovat, when neither the heat of the times nor the jealousy of parties had any share in the proceeding, the House ordered, "That the commission for appointing a Lord High Steward shall be in the like form as that for the trial of the Lord Viscount Stafford, as entered in the Journal of this House on the 30th of November, 1680: except that the same shall be in the English language."

I will make a short observation on this matter. The order, on the 13th of May, 1679, for varying the form of the commission, was, as appeareth by the Journal, plainly made in consequence of the resolution of the 12th, and was founded on it; and consequently the constant, unvarying practice with regard to the new form goeth, in my opinion, a great way towards showing, that, in the sense of all succeeding times, that resolution was not the result of faction or a blamable jealousy, but was founded in sound reason and true policy. It may be objected, that the resolution of the 12th of May, 1679, goeth no further than to a proceeding upon impeachment. The letter of the resolution, it is admitted, goeth no further. But this is easily accounted for: a proceeding by impeachment was the subject-matter of the conference, and the Commons had no pretence to interpose in any other. But what say the Lords? *The High Steward is but as a Speaker or Chairman pro tempore, for the more orderly proceeding at the trials; the appointment of him doth not alter the nature of the court, which still remaineth the Court of the Peers in Parliament.* From these premises they draw the conclusion I have mentioned. Are not these premises equally true in the case of a proceeding upon indictment? They undoubtedly are.

It must likewise be admitted, that in the proceeding upon indictment the High Steward's commission hath never varied from the ancient form in such cases. The words objected to by the Commons, *Ac pro eo quod officium Seneschalli Angliæ, (cujus præsentia in hac parte requiritur,) ut accepimus, jam vacat,* are still retained; but this proveth no more than that the Great Seal, having no authority to vary in point of form, hath from time to time very prudently followed ancient precedents.

I have already stated the substance of the commission in a proceeding in the Court of the High Steward. I will now state the substance of that in a proceeding in the Court of the Peers in Parliament; and shall make use of that in the case of the Earl of Kilmarnock and others, as being the latest, and in point of form agreeing

with the former precedents. The commission, after reciting that William, Earl of Kilmarnock, &c., stand indicted before commissioners of gaol-delivery in the County of Surrey, for high treason, in levying war against the King, and that the King intendeth that the said William, Earl of Kilmarnock, &c., shall be heard, examined, sentenced, and adjudged before himself, in this present Parliament, touching the said treason, and for that the office of Steward of Great Britain (whose presence is required upon this occasion) is now vacant, as we are informed, appointeth the then Lord Chancellor Steward of Great Britain, to bear, execute, and exercise (for this time) the said office, with all things due and belonging to the same office, in that behalf.

What, therefore, are the things due and belonging to the office in a case of this kind? Not, as in the Court of the High Steward, a right of judicature; for the commission itself supposeth that right to reside in a court then subsisting before the King in Parliament. The parties are to be there heard, sentenced, and adjudged. What share in the proceeding doth the High Steward, then, take? By the practice and usage of the Court of the Peers in Parliament, he giveth his vote as a member thereof, with the rest of the peers; but, for the sake of regularity and order, he presideth during the trial and until judgment, as Chairman or Speaker *pro tempore*. In that respect, therefore, it may be properly enough said, that his presence is required during the trial and until judgment, and in no other. Herein I see no difference between the case of an impeachment and of an indictment. I say, during the time of the trial and until judgment; because the court hath, as I observed before, from time to time done various acts, plainly judicial, before the appointment of an High Steward, and where no High Steward hath ever been appointed, and even after the commission dissolved. I will to this purpose cite a few cases.

I begin with the latest, because they are the latest, and were ruled with great deliberation, and for the most part upon a view of former precedents. In the case of the Earl of Kilmarnock and others, the Lords, on the 24th of June, 1746, ordered that a writ or writs of *Certiorari* be issued for removing the indictments before the House; and on the 26th, the writ, which is made returnable before the King in Parliament, with the return and indictments, was received and read. On the next day, upon the report of the Lords' committees, that they had been attended by the two Chief-Justices and Chief-Baron, and had heard them touching the construction of the act of the 7th and 8th of King William, "for regulating trials in cases of high treason and misprision of treason," the House, upon reading the report, came to several resolutions, founded for the most part on the construction of that act. What that construction was appeareth from the Lord High Steward's address to the prisoners just before their arraignment. Having mentioned that act as one happy consequence of the Revolution, he addeth,— "However injuriously that revolution hath been traduced, whatever attempts have been made to subvert this happy

establishment founded on it, your Lordships will now have the benefit of that law in its full extent.”

I need not, after this, mention any other judicial acts done by the House in this case, before the appointment of the High Steward: many there are. For the putting a construction upon an act relative to the conduct of the court and the right of the subject at the trial, and in the proceedings preparatory to it, and this in a case entirely new, and upon a point, to say no more in this place, not extremely clear, was undoubtedly an exercise of authority proper only for a court having full cognizance of the cause.

I will not minutely enumerate the several orders made preparatory to the trial of Lord Lovat, and in the several cases I shall have occasion to mention, touching the time and place of the trial, the allowance or non-allowance of council, and other matters of the like kind, all plainly judicial; because the like orders occur in all the cases where a journal of the preparatory steps hath been published by order of the Peers. With regard to Lord Lovat’s case, I think the order directing the form of the High Steward’s commission, which I have already taken notice of, is not very consistent with the idea of a court whose powers can be supposed to depend, at any point of time, upon the existence or dissolution of that commission.

In the case of the Earl of Derwentwater and the other lords impeached at the same time, the House received and recorded the confessions of those of them who pleaded guilty, long before the *teste* of the High Steward’s commission, which issued merely for the solemnity of giving judgment against them upon their conviction. This appeareth by the commission itself. It reciteth, that the Earl of Derwentwater and others, *coram nobis in præsenti Parlamento*, had been impeached by the Commons for high treason, and had, *coram nobis in præsenti Parlamento*, pleaded guilty to that impeachment; and that the King, intending that the said Earl of Derwentwater and others, *de et pro proditione unde ipsi ut præfertur impetit’, accusat’, et convict’ existunt coram nobis in præsenti Parlamento, secundum legem et consuetudinem hujus regni nostri Magnæ Britannicæ, audientur, sententientur, et adjudicentur*, constituteth the then Lord Chancellor High Steward (*hac vice*) to do and execute all things which to the office of High Steward in that behalf do belong. The receiving and recording the confession of the prisoners, which amounted to a conviction, so that nothing remained but proceeding to judgment, was certainly an exercise of judicial authority, which no assembly, how great soever, not having full cognizance of the cause, could exercise.

In the case of Lord Salisbury, who had been impeached by the Commons for high treason, the Lords, upon his petition, allowed him the benefit of the act of general pardon passed in the second year of William and Mary, so far as to discharge him from his imprisonment, upon a construction they put upon that act, no High Steward ever having been appointed in that case. On the 2d of October, 1690, upon reading the Earl’s petition, setting forth that he had been a prisoner for

a year and nine months in the Tower, notwithstanding the late act of free and general pardon, and praying to be discharged, the Lords ordered the Judges to attend on the Monday following, to give their opinions whether the said Earl be pardoned by the act. On the 6th the Judges delivered their opinions, that, if his offence was committed before the 13th of February, 1688, and not in Ireland or beyond the seas, he is pardoned. Whereupon it was ordered that he be admitted to bail, and the next day he and his sureties entered into a recognizance of bail, himself in ten thousand pounds, and two sureties in five thousand pounds each; and on the 30th he and his sureties were, after a long debate, discharged from their recognizance. It will not be material to inquire whether the House did right in discharging the Earl without giving the Commons an opportunity of being heard; since, in fact, they claimed and exercised a right of judicature without an High Steward, — which is the only use I make of this case.

They did the same in the case of the Earl of Carnwarth, the Lords Widdrington and Nairn, long after the High Steward's commission dissolved. These lords had judgment passed on them at the same time that judgment was given against the Lords Derwentwater, Nithsdale, and Kenmure; and judgment being given, the High Steward immediately broke his staff, and declared the commission dissolved. They continued prisoners in the Tower under reprieves, till the passing the act of general pardon, in the 3d of King George I. On the 21st of November, 1717, the House being informed that these lords had severally entered into recognizances before one of the judges of the Court of King's Bench for their appearance in the House in this session of Parliament, and that the Lords Carnwarth and Widdrington were attending accordingly, and that the Lord Nairn was ill at Bath and could not then attend, the Lords Carnwarth and Widdrington were called in, and severally at the bar prayed that their appearance might be recorded; and likewise prayed the benefit of the act for his Majesty's general and free pardon. Whereupon the House ordered that their appearance be recorded, and that they attend again to-morrow, in order to plead the pardon; and the recognizance of the Lord Nairn was respited till that day fortnight. On the morrow the Lords Carnwarth and Widdrington, then attending, were called in; and the Lord Chancellor acquainted them severally, that it appeared by the records of the House that they severally stood attainted of high treason, and asked them severally what they had to say why they should not be remanded to the Tower of London. Thereupon they severally, upon their knees, prayed the benefit of the act, and that they might have their lives and liberty pursuant thereunto. And the Attorney-General, who then attended for that purpose, declaring that he had no objection on his Majesty's behalf to what was prayed, conceiving that those lords, not having made any escape since their conviction, were entitled to the benefit of the act, the House, after reading the clause in the act relating to that matter, agreed that they should be allowed the benefit of the pardon, as to their lives and liberties, and discharged their recognizances, and gave them leave to depart without further day given for their appearance. On the 6th of December following, the like proceedings were had, and the like orders made, in the case of Lord Nairn.

I observe that the Lord Chancellor did not ask these lords what they had to say why execution should not be awarded. There was, it is probable, some little delicacy as to that point. But since the allowance of the benefit of the act, as to life and liberty, which was all that was prayed, was an effectual bar to any future imprisonment on that account, and also to execution, and might have been pleaded as such in any court whatsoever, the whole proceeding must be admitted to have been in a court having complete jurisdiction in the case, notwithstanding the High Steward's commission had been long dissolved, — which is all the use I intended to make of this case.

I will not recapitulate: the cases I have cited, and the conclusions drawn from them, are brought into a very narrow compass. I will only add, that it would sound

extremely harsh to say, that a court of criminal jurisdiction, founded in immemorial usage, and held in judgment of law before the King himself, can in any event whatever be under an utter incapacity of proceeding to trial and judgment, either of condemnation or acquittal, the ultimate objects of every criminal proceeding, without certain supplemental powers derived from the Crown.

These cases, with the observations I have made on them, I hope sufficiently warrant the opinion of the Judges upon that part of the second question, in the case of the late Earl Ferrers, which I have already mentioned, — and also what was advanced by the Lord Chief-Baron in his argument on that question,— “That, though the office of High Steward should happen to determine before execution done according to the judgment, yet the Court of the Peers in Parliament, where that judgment was given, would subsist for all the purposes of justice during the sitting of the Parliament,” and consequently, that, in the case supposed by the question, that court might appoint a new day for the execution.

No. II.

QUESTIONS referred by the Lords to the Judges, in the Impeachment of Warren Hastings, Esquire, and the Answers of the Judges. — Extracted from the Lords’ Journals and Minutes.

First.

Question. — Whether, when a witness produced and examined in a criminal proceeding by a prosecutor disclaims all knowledge of any matter so interrogated, it be competent for such prosecutor to pursue such examination, by proposing a question containing the particulars of an answer supposed to have been made by such witness before a committee of the House of Commons, or in any other place, and by demanding of him whether the particulars so suggested were not the answer he had so made?

1788, February 29. — Pa. 418.

Answer. — The Lord Chief-Baron of the Court of Exchequer delivered the unanimous opinion of the Judges upon the question of law put to them on Friday, the 29th of February last, as follows:— “That, when a witness produced and examined in a criminal proceeding by a prosecutor disclaims all knowledge of any matter so interrogated, it is not competent for such prosecutor to pursue such examination, by proposing a question containing the particulars of an answer supposed to have been made by such witness before a committee of the House of Commons, or in any other place, and by demanding of him whether the particulars so suggested were not the answer he had so made.”

1788, April 10. — Pa. 592.

Second.

Question. — Whether it be competent for the Managers to produce an examination taken without oath by the rest of the Council in the absence of Mr. Hastings, the Governor-General, charging Mr. Hastings with corruptly receiving 3,54,105 rupees, which examination came to his knowledge, and was by him transmitted to the Court of Directors as a proceeding of the said Councillors, in order to introduce the proof of his demeanor thereupon, — it being alleged by the Managers for the Commons, that he took no steps to clear himself, in the opinion of the said Directors, of the guilt thereby imputed, but that he took active means to prevent the examination by the said Councillors of his servant Cantoo Baboo?

1789, May 14 — Pa. 677.

Answer. — The Lord Chief-Baron of the Court of Exchequer delivered the unanimous opinion of the Judges upon the said question, in the negative, — and gave his reasons.

1789, May 20. — Pa. 718.

Third.

Question. — Whether the instructions from the Court of Directors of the United Company of Merchants of England trading to the East Indies, to Warren Hastings, Esquire, Governor-General, Lieutenant-General John Clavering, the Honorable George Monson, Richard Barwell, Esquire, and Philip Francis, Esquire, Councillors, (constituted and appointed the Governor-General and Council of the said United Company's Presidency of Fort William in Bengal, by an act of Parliament passed in the last session, intituled, "An act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe,") of the 29th of March, 1774, Par. 31, 32, and 35, the Consultation of the 11th March, 1775, the Consultation of the 13th of March, 1775, up to the time that Mr. Hastings left the Council, the Consultation of the 20th of March, 1775, the letter written by Mr. Hastings to the Court of Directors on the 25th of March, 1775, (it being alleged that Mr. Hastings took no steps to explain or defend his conduct,) are sufficient to introduce the examination of Nundcomar, or the proceedings of the rest of the Councillors, on said 13th of March, after Mr. Hastings left the Council, — such examination and proceedings charging Mr. Hastings with, corruptly receiving 3,54,105 rupees?

1789, May 21. — Pa. 730.

Answer. — The Lord Chief-Baron of the Court of Exchequer delivered the unanimous opinion of the Judges upon the said question, in the negative, — and gave his reasons.

1789, May 27. — Pa. 771.

Fourth.

Question. — Whether the public accounts of the Nizamut and Bhela, under the seal of the Begum, attested also by the Nabob, and transmitted by Mr. Goring to the Board of Council at Calcutta, in a letter bearing date the 29th June, 1775,

received by them, recorded without objection on the part of Mr. Hastings, and transmitted by him likewise without objection to the Court of Directors, and alleged to contain accounts of money received by Mr. Hastings, — and it being in proof, that Mr. Hastings, on the 11th of May, 1778, moved the Board to comply with the requisitions of the Nabob Mobarek ul Dowlah to reappoint the Munny Begum and Rajah Gourdas (who made up those accounts) to the respective offices they before filled, and which was accordingly resolved by the Board, — ought to be read?

1789, June 17. — Pa. 855.

Answer. — The Lord Chief-Baron of the Court of Exchequer delivered the unanimous opinion of the Judges upon the said question, in the negative, — and gave his reasons.

1789, June 24. — Pa. 922.

Fifth.

Question. — Whether the paper delivered by Sir Elijah Impey, on the 7th of July, 1775, in the Supreme Court, to the Secretary of the Supreme Council, in order to be transmitted to the Council as the resolution of the Court in respect to the claim made for Roy Rada Churn, on account of his being vakeel of the Nabob Mobarek ul Dowlah, — and which paper was the subject of the deliberation of the Council on the 31st July, 1775, Mr. Hastings being then present, and was by them transmitted to the Court of Directors, as a ground for such instructions from the Court of Directors as the occasion might seem to require, — may be admitted as evidence of the actual state and situation of the Nabob with reference to the English government?

1789, July 2. — Pa. 1001.

Answer. — The Lord Chief-Baron of the Court of Exchequer delivered the unanimous opinion of the Judges upon the said question, in the affirmative, — and gave his reasons.

1789, July 7. — Pa. 1030.

Sixth.

Question. — Whether it be or be not competent to the Managers for the Commons to give evidence upon the charge in the sixth article, to prove that the rent, at which the defendant, Warren Hastings, let the lands mentioned in the said sixth article of charge to Kellaram, fell into arrear and was deficient, — and whether, if proof were offered, that the rent fell in arrear immediately after the letting, the evidence would in that case be competent?

1790, April 22. — Pa. 364.

Answer. — The lord Chief-Baron of the Court of Exchequer delivered the unanimous opinion of the Judges upon the said question,— “That it is not competent to the Managers for the Commons to give evidence upon the charge in the sixth article, to prove that the rent, at which the defendant, Warren Hastings, let

the lands mentioned in the said sixth article of charge to Kellaram, fell into arrear and was deficient,” — and gave his reasons.

1790, April 27. — Pa. 388.

Seventh.

Question. — Whether it be competent for the Managers for the Commons to put the following question to the witness, upon the sixth article of charge, viz.: “What impression the letting of the lands to Kellaram and Cullian Sing made on the minds of the inhabitants of that country”?

1790, April 27. — Pa. 391.

Answer. — The Lord Chief-Baron of the Court of Exchequer delivered the unanimous opinion of the Judges upon the said question,— “That it is not competent to the Managers for the Commons to put the following question to the witness, upon the sixth article of charge, viz.: What impression, the letting of the lands to Kellaram and Cullian Sing made on the minds of the inhabitants of that country,” — and gave his reasons.

1790, April 29. — Pa. 413.

Eighth.

Question. — Whether it be competent to the Managers for the Commons to put the following question to the witness, upon the seventh article of charge, viz.: “Whether more oppressions did actually exist under the new institution than under the old”?

1790, April 29. — Pa. 415.

Answer. — The Lord Chief-Baron of the Court of Exchequer delivered the unanimous opinion of the Judges upon the said question,— “That it is not competent to the Managers for the Commons to put the following question to the witness, upon the seventh article of charge, viz.: Whether more oppressions did actually exist under the new institution than under the old,” — and gave his reasons.

1790, May 4. — Pa. 428.

Ninth.

Question. — Whether the letter of the 13th April, 1781, can be given in evidence by the Managers for the Commons, to prove that the letter of the 5th of May, 1781, already given in evidence, relative to the abolition of the Provincial Council and the subsequent appointment of the Committee of Revenue, was false in any other particular than that which is charged in the seventh article of charge?

1790, May 20. — Pa. 557.

Answer. — The Lord Chief-Baron of the Court of Exchequer delivered the unanimous opinion of the Judges upon the said question,— “That it is not competent for the Managers on the part of the Commons to give any evidence on the seventh article of impeachment, to prove that the letter of the 5th of May, 1781,

is false in any other particular than that wherein it is expressly charged to be false,” — and gave his reasons.

1790, June 2. — Pa. 634.

Tenth.

Question. — Whether it be competent to the Managers for the Commons to examine the witness to any account of the debate which was had on the 9th day of July, 1778, previous to the written minutes that appear upon the Consultation of that date?

1794, February 25. — Lords’ Minutes.

Answer. — The Lord Chief-Justice of the Court of Common Pleas delivered the unanimous opinion of the Judges upon the said question,— “That it is not competent to the Managers for the Commons to examine the witness, Philip Francis, Esquire, to any account of the debate which was had on the 9th day of July, 1778, previous to the written minutes that appear upon the Consultation of that date,” — and gave his reasons.

1794, February 27. — Lords’ Minutes.

Eleventh.

Question. — Whether it is competent for the Managers for the Commons, in reply, to ask the witness, whether, between the time of the original demand being made upon Cheyt Sing and the period of the witness’s leaving Bengal, it was at any time in his power to have reversed or put a stop to the demand upon Cheyt Sing, — the same not being relative to any matter originally given in evidence by the defendant?

1794, February 27. — Lords’ Minutes.

Answer. — The Lord Chief-Justice of the Court of Common Pleas delivered the unanimous opinion of the Judges upon the said question,— “That it is not competent for the Managers for the Commons to ask the witness, whether, between the time of the original demand being made upon Cheyt Sing and the period of his leaving Bengal, it was at any time in his power to have reversed or put a stop to the demand upon Cheyt Sing, — the same not being relative to any matter originally given in evidence by the defendant,” — and gave his reasons.

1794, March 1. — Lords’ Minutes.

Twelfth.

Question. — Whether a paper, read in the Court of Directors on the 4th of November, 1783, and then referred by them to the consideration of the Committee of the whole Court, and again read in the Court of Directors on the 19th of November, 1783, and amended and ordered by them to be published for the information of the Proprietors, can be received in evidence, in reply, to rebut the

evidence, given by the defendant, of the thanks of the Court of Directors, signified to him on the 28th of June, 1785?

1794, March 1. — Lords' Minutes.

Answer. — Whereupon the Lord Chief-Justice of the Court of Common Pleas, having conferred with the rest of the Judges present, delivered their unanimous opinion upon the said question, in the negative, — and gave his reasons.

1794, March 1. — Lords' Minutes.

REMARKS IN VINDICATION OF THE PRECEDING REPORT.

The preceding Report was ordered to be printed for the use of the members of the House of Commons, and was soon afterwards reprinted and published, in the shape of a pamphlet, by a London bookseller. In the course of a debate which took place in the House of Lords, on Thursday, the 22d of May, 1794, on the Treason and Sedition Bills, Lord Thurlow took occasion to mention “a pamphlet which his Lordship said was published by one Debrett, of Piccadilly, and which had that day been put into his hands, reflecting highly upon the Judges and many members of that House. This pamphlet was, he said, scandalous and indecent, and such as he thought ought not to pass unnoticed. He considered the vilifying and misrepresenting the conduct of judges and magistrates, intrusted with the administration of justice and the laws of the country, to be a crime of a very heinous nature, and most destructive in its consequences, because it tended to lower them in the opinion of those who ought to feel a proper reverence and respect for their high and important stations; and that, when it was stated to the ignorant or the wicked that their judges and magistrates were ignorant and corrupt, it tended to lessen their respect for and obedience to the laws themselves, by teaching them to think ill of those who administered them.” On the next day Mr. Burke called the attention of the House of Commons to this matter, in a speech to the following effect.

Mr. Speaker, — The license of the present times makes it very difficult for us to talk upon certain subjects in which Parliamentary order is involved. It is difficult to speak of them with regularity, or to be silent with dignity and wisdom. All our proceedings have been constantly published, according to the discretion and ability of individuals out of doors, with impunity, almost ever since I came into Parliament. By usage, the people have obtained something like a prescriptive right to this abuse. I do not justify it; but the abuse is now grown so inveterate that to punish it without previous notice would have an appearance of hardship, if not injustice. The publications I allude to are frequently erroneous as well as irregular, but they are not always so; what they give as the reports and resolutions of this House have sometimes been given correctly. And it has not been uncommon to attack the proceedings of the House itself under color of attacking these irregular publications. Notwithstanding, however, this colorable plea, this House has in some instances proceeded to punish the persons who have thus insulted it. You will here, too, remark, Sir, that, when a complaint is made of a piratical edition of a work, the authenticity of the original work is admitted, and whoever attacks the matter of the

work itself in these unauthorized publications does not attack it less than if he had attacked it in an edition authorized by the writer.

I understand, Sir, that in a place which I greatly respect, and by a person for whom I have likewise a great veneration, a pamphlet published by a Mr. Debrett has been very heavily censured. That pamphlet, I hear, (for I have not read it,) purports to be a Report made by one of your Committees to this House. It has been censured, as I am told, by the person and in the place I have mentioned, in very harsh and very unqualified terms. It has been there said, (and so far very truly,) that at all times, and particularly at this time, it is necessary, for the preservation of order and the execution of the law, that the characters and reputation of the Judges of the Courts in Westminster Hall should be kept in the highest degree of respect and reverence; and that in this pamphlet, described by the name of a libel, the characters and conduct of those Judges upon a late occasion have been aspersed, as arising from ignorance or corruption.

Sir, combining all the circumstances, I think it impossible not to suppose that this speech does reflect upon a Report which, by an order of the Committee on which I served, I had the honor of presenting to this House. For anything improper in that Report I am responsible, as well as the members of the Committee, to this House, and to this House only. The matters contained in it, and the observations upon them, are submitted to the wisdom of the House, that you may act upon both in the time and manner that to your judgment may seem most expedient, — or that you may not act upon them at all, if you should think that most expedient for the public good. Your Committee has obeyed your orders; it has done its duty in making that Report.

I am of opinion, with the eminent person by whom that Report is censured, that it is necessary at this time very particularly that the authority of Judges should be preserved and supported. This, however, does not depend so much upon us as upon themselves. It is necessary to preserve the dignity and respect of all the constitutional authorities. This, too, depends in part upon ourselves. It is necessary to preserve the respect due to the House of Lords: it is full as necessary to preserve the respect due to the House of Commons, upon which (whatever may be thought of us by some persons) the weight and force of all other authorities within this kingdom essentially depend. If the power of the House of Commons be degraded or enervated, no other can stand. We must be true to ourselves. We ought to animadvert upon any of our members who abuse the trust we place in them; we must support those who, without regard to consequences, perform their duty.

With regard to the matter which I am now submitting to your consideration, I must say for your Committee of Managers and for myself, that the Report was deliberately made, and does not, as I conceive, contain any very material error, nor any undue or indecent reflection upon any person or persons whatever. It does not accuse the Judges of ignorance or corruption. Whatever it says it does not say

calumniously. That kind of language belongs to persons whose eloquence entitles them to a free use of epithets. The Report states that the Judges had given their opinions secretly, contrary to the almost uninterrupted tenor of Parliamentary usage on such occasions. It states that the mode of giving the opinions was unprecedented, and contrary to the privileges of the House of Commons. It states that the Committee did not know upon what rules and principles the Judges had decided upon those cases, as they neither heard their opinions delivered, nor have found them entered upon the Journals of the House of Lords. It is very true that we were and are extremely dissatisfied with those opinions, and the consequent determinations of the Lords; and we do not think such a mode of proceeding at all justified by the most numerous and the best precedents. None of these sentiments is the Committee, as I conceive, (and I feel as little as any of them,) disposed to retract, or to soften in the smallest degree.

The Report speaks for itself. Whenever an occasion shall be regularly given to maintain everything of substance in that paper, I shall be ready to meet the proudest name for ability, learning, or rank that this kingdom contains, upon that subject. Do I say this from any confidence in myself? Far from it. It is from my confidence in our cause, and in the ability, the learning, and the constitutional principles which this House contains within itself, and which I hope it will ever contain, — and in the assistance which it will not fail to afford to those who with good intention do their best to maintain the essential privileges of the House, the ancient law of Parliament, and the public justice of this kingdom.

No reply or observation was made on the subject by any other member, nor was any farther notice taken of it in the House of Lords.

The Speeches



Parliament Square, Trinity College, Dublin — in 1744, Burke started at Trinity, and in 1747, he set up a debating society, “Edmund Burke’s Club”, which, in 1770, merged with TCD’s Historical Club to form the College Historical Society: the oldest undergraduate society in the world.

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SPEECH IN GENERAL REPLY. NINTH DAY: MONDAY, JUNE 16, 1794.

SPEECH ON AMERICAN TAXATION. APRIL 19, 1774.

This famous speech was delivered in the British House of Commons on April 19, 1774, advocating the full repeal of the Townshend Revenue Act of 1767. Parliament had previously repealed five of the six duties of this revenue tax on the American colonies, but the tax on tea remained. The speech was given during the debates on the Coercive Acts, when Rose Fuller proposed that the Townshend duty on tea be repealed to decrease resistance to the new acts. Burke's speech was in support of this motion. Celebrated for its wit and brilliant reconstruction of the government's dismal efforts to bring order into colonial affairs without the advantage of a coherent policy, it is considered to be among Burke's greatest speeches.

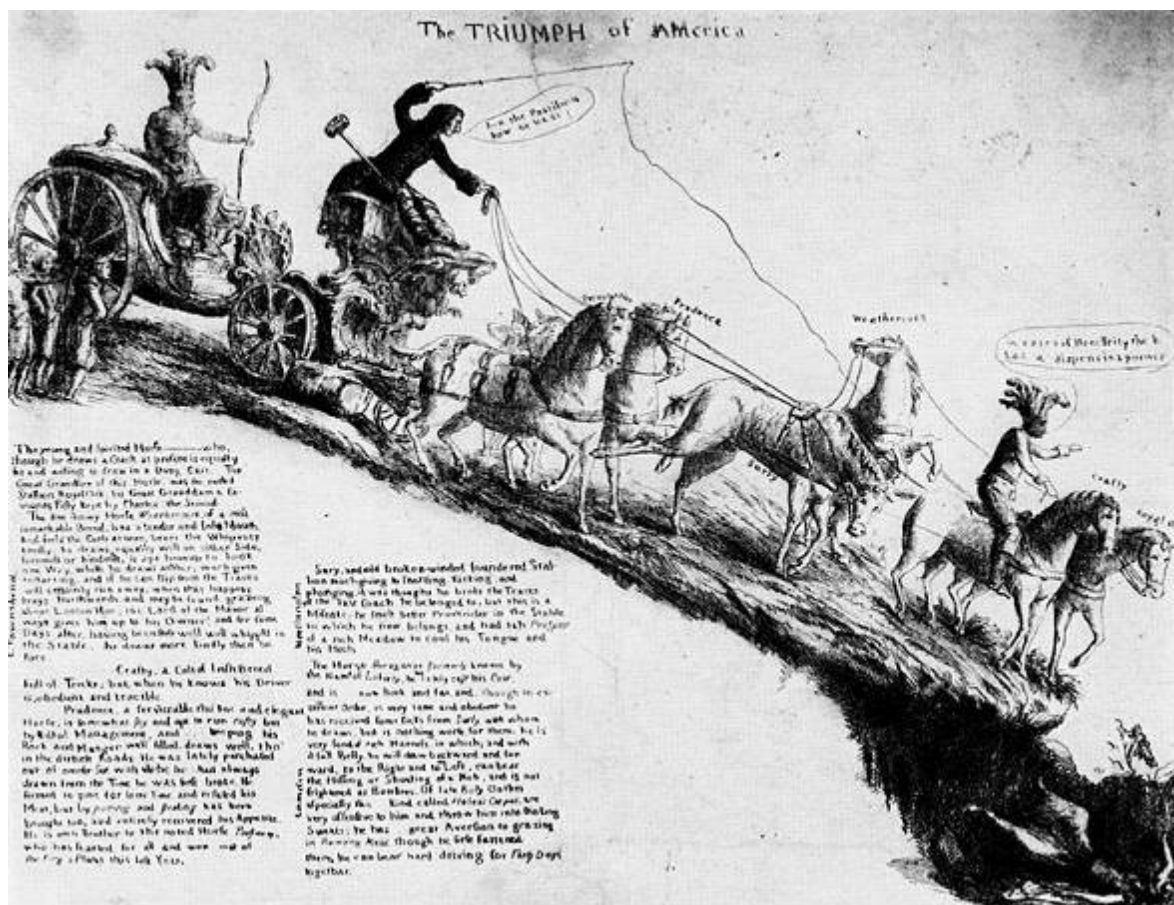
By the spring of 1774, Burke had come to believe that affairs between Britain and the colonies were reaching an important moment. Though he did not believe a break was imminent, he knew the situation was serious. When a debate was held in Parliament related to a motion to repeal the Tea Act, he took the opportunity to speak. He intended to give a general warning about British policy, but not necessarily to propose many specific remedies.

The core arguments of the speech concern the powers of Parliament and its right to tax the colonies. The speech opens with a discussion of the history of British colonialism going back to the Navigation Acts. Burke argues that these acts had not significantly infringed upon the rights of the colonists to tax themselves, since the majority of this authority was still retained in the colonial assemblies. Furthermore, they were acts that taxed commerce rather than direct taxes created solely for the purpose of raising revenue. With the implementation of the Stamp Act and ensuing revenue acts in the 1760s, this situation had changed. He therefore proposes an underlying theory for a new policy towards colonial taxation that might resolve the impasse.

Burke agrees that Parliament had the right to tax the colonies, but only as a last resort when it was necessary to preserve the empire, what he calls a 'reserve power'. Such dire circumstances required that Parliament be as flexible as possible in its ability to respond and that taxation was one of the areas where this flexibility should be available, though rarely used. In any circumstances other than emergencies, however, he argues taxation should be a right practiced in effect by colonial legislatures, such as those that helped govern the thirteen colonies. These suggestions would be adopted as policy by the British Empire many years later, although they were not implemented at the time.

The speech had little immediate effect. As the situation in America worsened, Burke continued to think and speak about the relationship of Britain with her

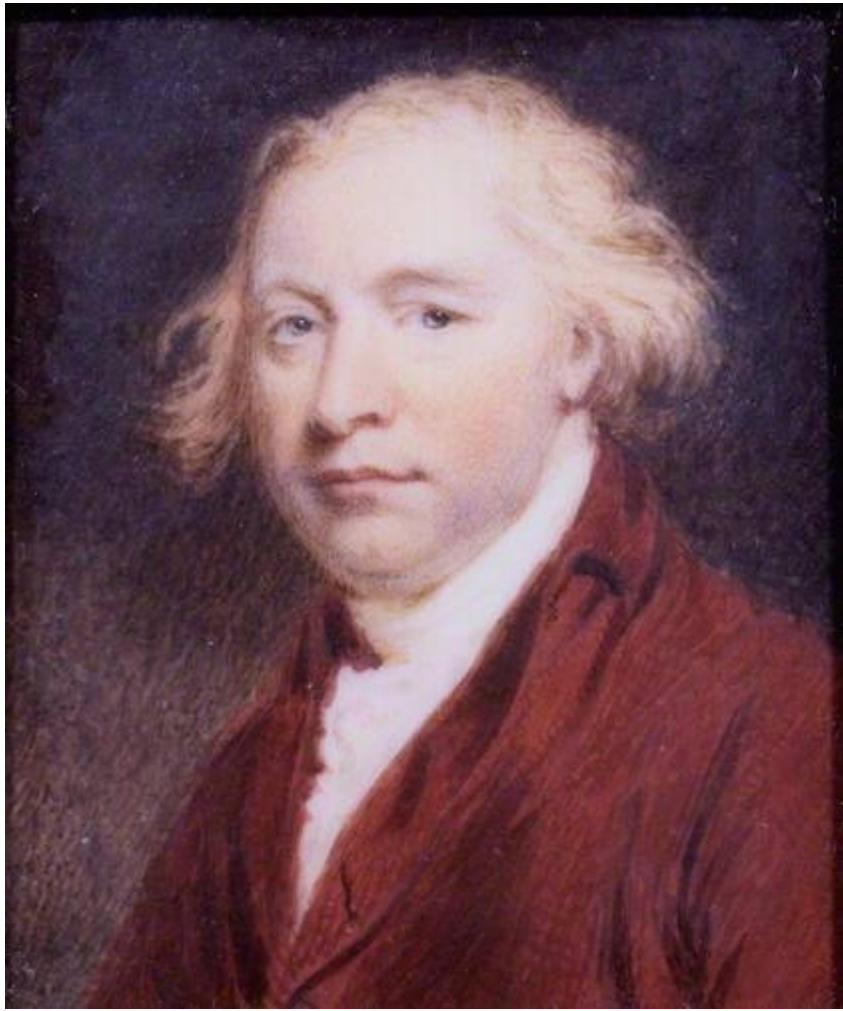
colonies. These culminated with the important speech known as the *Speech on Moving Resolutions on Conciliation with America*.



A British newspaper cartoon reacting to the repeal of the Stamp Act.

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Edmund Burke by James Barry, 1774

PREFACE.

The following speech has been much the subject of conversation, and the desire of having it printed was last summer very general. The means of gratifying the public curiosity were obligingly furnished from the notes of some gentlemen, members of the last Parliament.

This piece has been for some months ready for the press. But a delicacy, possibly over-scrupulous, has delayed the publication to this time. The friends of administration have been used to attribute a great deal of the opposition to their measures in America to the writings published in England. The editor of this speech kept it back, until all the measures of government have had their full operation, and can be no longer affected, if ever they could have been affected, by any publication.

Most readers will recollect the uncommon pains taken at the beginning of the last session of the last Parliament, and indeed during the whole course of it, to asperse the characters and decry the measures of those who were supposed to be friends to America, in order to weaken the effect of their opposition to the acts of rigor then preparing against the colonies. The speech contains a full refutation of the charges against that party with which Mr. Burke has all along acted. In doing this, he has taken a review of the effects of all the schemes which have been successively adopted in the government of the plantations. The subject is interesting; the matters of information various and important; and the publication at this time, the editor hopes, will not be thought unseasonable.

SPEECH.

During the last session of the last Parliament, on the 19th of April, 1774, Mr. Rose Fuller, member for Rye, made the following motion: —

“That an act made in the seventh year of the reign of his present Majesty, intituled, ‘An act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs upon the exportation from this kingdom of coffee and cocoa-nuts, of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on china earthenware exported to America; and for more effectually preventing the clandestine running of goods in the said colonies and plantations, might be read.”

And the same being read accordingly, he moved, —

“That this House will, upon this day sevensnight, resolve itself into a committee of the whole House, to take into consideration the duty of three-pence per pound weight upon tea, payable in all his Majesty’s dominions in America, imposed by the said act; and also the appropriation of the said duty.”

On this latter motion a warm and interesting debate arose, in which Mr. Burke spoke as follows.

Sir, — I agree with the honorable gentleman who spoke last, that this subject is not new in this House. Very disagreeably to this House, very unfortunately to this nation, and to the peace and prosperity of this whole empire, no topic has been more familiar to us. For nine long years, session after session, we have been lashed round and round this miserable circle of occasional arguments and temporary expedients. I am sure our heads must turn and our stomachs nauseate with them. We have had them in every shape; we have looked at them in every point of view. Invention is exhausted; reason is fatigued; experience has given judgment; but obstinacy is not yet conquered.

The honorable gentleman has made one endeavor more to diversify the form of this disgusting argument. He has thrown out a speech composed almost entirely of challenges. Challenges are serious things; and as he is a man of prudence as well as resolution, I dare say he has very well weighed those challenges before he delivered them. I had long the happiness to sit at the same side of the House, and to agree with the honorable gentleman on all the American questions. My sentiments, I am sure, are well known to him; and I thought I had been perfectly acquainted with his. Though I find myself mistaken, he will still permit me to use the privilege of an old friendship; he will permit me to apply myself to the House under the sanction of his authority, and, on the various grounds he has measured out, to submit to you the poor opinions which I have formed upon a matter of importance enough to demand the fullest consideration I could bestow upon it.

He has stated to the House two grounds of deliberation: one narrow and simple, and merely confined to the question on your paper; the other more large and more complicated, — comprehending the whole series of the Parliamentary proceedings with regard to America, their causes, and their consequences. With regard to the latter ground, he states it as useless, and thinks it may be even dangerous, to enter into so extensive a field of inquiry. Yet, to my surprise, he had hardly laid down this restrictive proposition, to which his authority would have given so much weight, when directly, and with the same authority, he condemns it, and declares it absolutely necessary to enter into the most ample historical detail. His zeal has thrown him a little out of his usual accuracy. In this perplexity, what shall we do, Sir, who are willing to submit to the law he gives us? He has reprobated in one part of his speech the rule he had laid down for debate in the other, and, after narrowing the ground for all those who are to speak after him, he takes an excursion, himself, as unbounded as the subject and the extent of his great abilities.

Sir, when I cannot obey all his laws, I will do the best I can. I will endeavor to obey such of them as have the sanction of his example, and to stick to that rule which, though not consistent with the other, is the most rational. He was certainly in the right, when he took the matter largely. I cannot prevail on myself to agree with him in his censure of his own conduct. It is not, he will give me leave to say, either useless or dangerous. He asserts, that retrospect is not wise; and the proper, the only proper subject of inquiry, is “not how we got into this difficulty, but how we are to get out of it.” In other words, we are, according to him, to consult our invention, and to reject our experience. The mode of deliberation he recommends is diametrically opposite to every rule of reason and every principle of good sense established amongst mankind. For that sense and that reason I have always understood absolutely to prescribe, whenever we are involved in difficulties from the measures we have pursued, that we should take a strict review of those measures, in order to correct our errors, if they should be corrigible, — or at least to avoid a dull uniformity in mischief, and the unpitied calamity of being repeatedly caught in the same snare.

Sir, I will freely follow the honorable gentleman in his historical discussion, without the least management for men or measures, further than as they shall seem to me to deserve it. But before I go into that large consideration, because I would omit nothing that can give the House satisfaction, I wish to tread the narrow ground to which alone the honorable gentleman, in one part of his speech, has so strictly confined us.

He desires to know, whether, if we were to repeal this tax, agreeably to the proposition of the honorable gentleman who made the motion, the Americans would not take post on this concession, in order to make a new attack on the next body of taxes; and whether they would not call for a repeal of the duty on wine as loudly as they do now for the repeal of the duty on tea. Sir, I can give no security on

this subject. But I will do all that I can, and all that can be fairly demanded. To the *experience* which the honorable gentleman reprobates in one instant and reverts to in the next, to that experience, without the least wavering or hesitation on my part, I steadily appeal: and would to God there was no other arbiter to decide on the vote with which the House is to conclude this day!

When Parliament repealed the Stamp Act in the year 1766, I affirm, first, that the Americans did *not* in consequence of this measure call upon you to give up the former Parliamentary revenue which subsisted in that country, or even any one of the articles which compose it. I affirm also, that, when, departing from the maxims of that repeal, you revived the scheme of taxation, and thereby filled the minds of the colonists with new jealousy and all sorts of apprehensions, then it was that they quarrelled with the old taxes as well as the new; then it was, and not till then, that they questioned all the parts of your legislative power, and by the battery of such questions have shaken the solid structure of this empire to its deepest foundations.

Of those two propositions I shall, before I have done, give such convincing, such damning proof, that, however the contrary may be whispered in circles or bawled in newspapers, they never more will dare to raise their voices in this House. I speak with great confidence. I have reason for it. The ministers are with me. *They* at least are convinced that the repeal of the Stamp Act had not, and that no repeal can have, the consequences which the honorable gentleman who defends their measures is so much alarmed at. To their conduct I refer him for a conclusive answer to his objection. I carry my proof irresistibly into the very body of both Ministry and Parliament: not on any general reasoning growing out of collateral matter, but on the conduct of the honorable gentleman's ministerial friends on the new revenue itself.

The act of 1767, which grants this tea-duty, sets forth in its preamble, that it was expedient to raise a revenue in America for the support of the civil government there, as well as for purposes still more extensive. To this support the act assigns six branches of duties. About two years after this act passed, the ministry, I mean the present ministry, thought it expedient to repeal five of the duties, and to leave (for reasons best known to themselves) only the sixth standing. Suppose any person, at the time of that repeal, had thus addressed the minister: "Condemning, as you do, the repeal of the Stamp Act, why do you venture to repeal the duties upon glass, paper, and painters' colors? Let your pretence for the repeal be what it will, are you not thoroughly convinced that your concessions will produce, not satisfaction, but insolence in the Americans, and that the giving up these taxes will necessitate the giving up of all the rest?" This objection was as palpable then as it is now; and it was as good for preserving the five duties as for retaining the sixth. Besides, the minister will recollect that the repeal of the Stamp Act had but just preceded his repeal; and the ill policy of that measure, (had it been so impolitic as it has been represented,) and the mischiefs it produced, were quite recent. Upon the principles,

therefore, of the honorable gentleman, upon the principles of the minister himself, the minister has nothing at all to answer. He stands condemned by himself, and by all his associates old and new, as a destroyer, in the first trust of finance, of the revenues, — and in the first rank of honor, as a betrayer of the dignity of his country.

Most men, especially great men, do not always know their well-wishers. I come to rescue that noble lord out of the hands of those he calls his friends, and even out of his own. I will do him the justice he is denied at home. He has not been this wicked or imprudent man. He knew that a repeal had no tendency to produce the mischiefs which give so much alarm to his honorable friend. His work was not bad in its principle, but imperfect in its execution; and the motion on your paper presses him only to complete a proper plan, which, by some unfortunate and unaccountable error, he had left unfinished.

I hope, Sir, the honorable gentleman who spoke last is thoroughly satisfied, and satisfied out of the proceedings of ministry on their own favorite act, that his fears from a repeal are groundless. If he is not, I leave him, and the noble lord who sits by him, to settle the matter as well as they can together; for, if the repeal of American taxes destroys all our government in America, — he is the man! — and he is the worst of all the repealers, because he is the last.

But I hear it rung continually in my ears, now and formerly,— “The preamble! what will become of the preamble, if you repeal this tax?” — I am sorry to be compelled so often to expose the calamities and disgraces of Parliament. The preamble of this law, standing as it now stands, has the lie direct given to it by the provisionary part of the act: if that can be called provisionary which makes no provision. I should be afraid to express myself in this manner, especially in the face of such a formidable array of ability as is now drawn up before me, composed of the ancient household troops of that side of the House and the new recruits from this, if the matter were not clear and indisputable. Nothing but truth could give me this firmness; but plain truth and clear evidence can be beat down by no ability. The clerk will be so good as to turn to the act, and to read this favorite preamble.

“Whereas it is *expedient* that a revenue should be raised in your Majesty’s dominions in America, for making a more *certain* and *adequate* provision for defraying the charge of the *administration of justice and support of civil government* in such provinces where it shall be found necessary, and towards *further defraying* the expenses of *defending, protecting, and securing the said dominions.*”

You have heard this pompous performance. Now where is the revenue which is to do all these mighty things? Five sixths repealed, — abandoned, — sunk, — gone, — lost forever. Does the poor solitary tea-duty support the purposes of this preamble? Is not the supply there stated as effectually abandoned as if the tea-duty had perished in the general wreck? Here, Mr. Speaker, is a precious mockery: — a preamble without an act, — taxes granted in order to be repealed, — and the

reasons of the grant still carefully kept up! This is raising a revenue in America! This is preserving dignity in England! If you repeal this tax, in compliance with the motion, I readily admit that you lose this fair preamble. Estimate your loss in it. The object of the act is gone already; and all you suffer is the purging the statute-book of the opprobrium of an empty, absurd, and false recital.

It has been said again and again, that the five taxes were repealed on commercial principles. It is so said in the paper in my hand: a paper which I constantly carry about; which I have often used, and shall often use again. What is got by this paltry pretence of commercial principles I know not; for, if your government in America is destroyed by the *repeal of taxes*, it is of no consequence upon what ideas the repeal is grounded. Repeal this tax, too, upon commercial principles, if you please. These principles will serve as well now as they did formerly. But you know that either your objection to a repeal from these supposed consequences has no validity, or that this pretence never could remove it. This commercial motive never was believed by any man, either in America, which this letter is meant to soothe, or in England, which it is meant to deceive. It was impossible it should: because every man, in the least acquainted with the detail of commerce, must know that several of the articles on which the tax was repealed were fitter objects of duties than almost any other articles that could possibly be chosen, — without comparison more so than the tea that was left taxed, as infinitely less liable to be eluded by contraband. The tax upon red and white lead was of this nature. You have in this kingdom an advantage in lead that amounts to a monopoly. When you find yourself in this situation of advantage, you sometimes venture to tax even your own export. You did so soon after the last war, when, upon this principle, you ventured to impose a duty on coals. In all the articles of American contraband trade, who ever heard of the smuggling of red lead and white lead? You might, therefore, well enough, without danger of contraband, and without injury to commerce, (if this were the whole consideration,) have taxed these commodities. The same may be said of glass. Besides, some of the things taxed were so trivial, that the loss of the objects themselves, and their utter annihilation out of American commerce, would have been comparatively as nothing. But is the article of tea such an object in the trade of England, as not to be felt, or felt but slightly, like white lead, and red lead, and painters' colors? Tea is an object of far other importance. Tea is perhaps the most important object, taking it with its necessary connections, of any in the mighty circle of our commerce. If commercial principles had been the true motives to the repeal, or had they been at all attended to, tea would have been the last article we should have left taxed for a subject of controversy.

Sir, it is not a pleasant consideration, but nothing in the world can read so awful and so instructive a lesson as the conduct of ministry in this business, upon the mischief of not having large and liberal ideas in the management of great affairs. Never have the servants of the state looked at the whole of your complicated

interests in one connected view. They have taken things by bits and scraps, some at one time and one pretence, and some at another, just as they pressed, without any sort of regard to their relations or dependencies. They never had any kind of system, right or wrong; but only invented occasionally some miserable tale for the day, in order meanly to sneak out of difficulties into which they had proudly strutted. And they were put to all these shifts and devices, full of meanness and full of mischief, in order to pilfer piecemeal a repeal of an act which they had not the generous courage, when they found and felt their error, honorably and fairly to disclaim. By such management, by the irresistible operation of feeble councils, so paltry a sum as three-pence in the eyes of a financier, so insignificant an article as tea in the eyes of a philosopher, have shaken the pillars of a commercial empire that circled the whole globe.

Do you forget that in the very last year you stood on the precipice of general bankruptcy? Your danger was indeed great. You were distressed in the affairs of the East India Company; and you well know what sort of things are involved in the comprehensive energy of that significant appellation. I am not called upon to enlarge to you on that danger, which you thought proper yourselves to aggravate, and to display to the world with all the parade of indiscreet declamation. The monopoly of the most lucrative trades and the possession of imperial revenues had brought you to the verge of beggary and ruin. Such was your representation; such, in some measure, was your case. The vent of ten millions of pounds of this commodity, now locked up by the operation of an injudicious tax, and rotting in the warehouses of the Company, would have prevented all this distress, and all that series of desperate measures which you thought yourselves obliged to take in consequence of it. America would have furnished that vent, which no other part of the world can furnish but America, where tea is next to a necessary of life, and where the demand grows upon the supply. I hope our dear-bought East India Committees have done us at least so much good, as to let us know, that, without a more extensive sale of that article, our East India revenues and acquisitions can have no certain connection with this country. It is through the American trade of tea that your East India conquests are to be prevented from crushing you with their burden. They are ponderous indeed; and they must have that great country to lean upon, or they tumble upon your head. It is the same folly that has lost you at once the benefit of the West and of the East. This folly has thrown open folding-doors to contraband, and will be the means of giving the profits of the trade of your colonies to every nation but yourselves. Never did a people suffer so much for the empty words of a preamble. It must be given up. For on what principle does it stand? This famous revenue stands, at this hour, on all the debate, as a description of revenue not as yet known in all the comprehensive (but too comprehensive!) vocabulary of finance, — *a preambulatory tax*. It is, indeed, a tax of sophistry, a tax of pedantry, a

tax of disputation, a tax of war and rebellion, a tax for anything but benefit to the imposers or satisfaction to the subject.

Well! but whatever it is, gentlemen will force the colonists to take the teas. You will force them? Has seven years' struggle been yet able to force them? Oh, but it seems "we are in the right. The tax is trifling, — in effect it is rather an exoneration than an imposition; three fourths of the duty formerly payable on teas exported to America is taken off, — the place of collection is only shifted; instead of the retention of a shilling from the drawback here, it is three-pence custom paid in America." All this, Sir, is very true. But this is the very folly and mischief of the act. Incredible as it may seem, you know that you have deliberately thrown away a large duty, which you held secure and quiet in your hands, for the vain hope of getting one three fourths less, through every hazard, through certain litigation, and possibly through war.

The manner of proceeding in the duties on paper and glass, imposed by the same act, was exactly in the same spirit. There are heavy excises on those articles, when used in England. On export, these excises are drawn back. But instead of withholding the drawback, which might have been done, with ease, without charge, without possibility of smuggling, and instead of applying the money (money already in your hands) according to your pleasure, you began your operations in finance by flinging away your revenue; you allowed the whole drawback on export, and then you charged the duty, (which you had before discharged,) payable in the colonies, where it was certain the collection would devour it to the bone, — if any revenue were ever suffered to be collected at all. One spirit pervades and animates the whole mass.

Could anything be a subject of more just alarm to America than to see you go out of the plain highroad of finance, and give up your most certain revenues and your clearest interest, merely for the sake of insulting your colonies? No man ever doubted that the commodity of tea could bear an imposition of three-pence. But no commodity will bear three-pence, or will bear a penny, when the general feelings of men are irritated, and two millions of people are resolved not to pay. The feelings of the colonies were formerly the feelings of Great Britain. Theirs were formerly the feelings of Mr. Hampden, when called upon for the payment of twenty shillings. Would twenty shillings have ruined Mr. Hampden's fortune? No! but the payment of half twenty shillings, on the principle it was demanded, would have made him a slave. It is the weight of that preamble, of which you are so fond, and not the weight of the duty, that the Americans are unable and unwilling to bear.

It is, then, Sir, upon the *principle* of this measure, and nothing else, that we are at issue. It is a principle of political expediency. Your act of 1767 asserts that it is expedient to raise a revenue in America; your act of 1769, which takes away that revenue, contradicts the act of 1767, and, by something much stronger than words, asserts that it is not expedient. It is a reflection upon your wisdom to persist in a

solemn Parliamentary declaration of the expediency of any object, for which, at the same time, you make no sort of provision. And pray, Sir, let not this circumstance escape you, — it is very material, — that the preamble of this act which we wish to repeal is not *declaratory of a right*, as some gentlemen seem to argue it: it is only a recital of the *expediency* of a certain exercise of a right supposed already to have been asserted; an exercise you are now contending for by ways and means which you confess, though they were obeyed, to be utterly insufficient for their purpose. You are therefore at this moment in the awkward situation of fighting for a phantom, — a quiddity, — a thing that wants, not only a substance, but even a name, — for a thing which is neither abstract right nor profitable enjoyment.

They tell you, Sir, that your dignity is tied to it. I know not how it happens, but this dignity of yours is a terrible incumbrance to you; for it has of late been ever at war with your interest, your equity, and every idea of your policy. Show the thing you contend for to be reason, show it to be common sense, show it to be the means of attaining some useful end, and then I am content to allow it what dignity you please. But what dignity is derived from the perseverance in absurdity is more than ever I could discern. The honorable gentleman has said well, — indeed, in most of his *general* observations I agree with him, — he says, that this subject does not stand as it did formerly. Oh, certainly not! Every hour you continue on this ill-chosen ground, your difficulties thicken on you; and therefore my conclusion is, remove from a bad position as quickly as you can. The disgrace, and the necessity of yielding, both of them, grow upon you every hour of your delay.

But will you repeal the act, says the honorable gentleman, at this instant, when America is in open resistance to your authority, and that you have just revived your system of taxation? He thinks he has driven us into a corner. But thus pent up, I am content to meet him; because I enter the lists supported by my old authority, his new friends, the ministers themselves. The honorable gentleman remembers that about five years ago as great disturbances as the present prevailed in America on account of the new taxes. The ministers represented these disturbances as treasonable; and this House thought proper, on that representation, to make a famous address for a revival and for a new application of a statute of Henry the Eighth. We besought the king, in that well-considered address, to inquire into treasons, and to bring the supposed traitors from America to Great Britain for trial. His Majesty was pleased graciously to promise a compliance with our request. All the attempts from this side of the House to resist these violences, and to bring about a repeal, were treated with the utmost scorn. An apprehension of the very consequences now stated by the honorable gentleman was then given as a reason for shutting the door against all hope of such an alteration. And so strong was the spirit for supporting the new taxes, that the session concluded with the following remarkable declaration. After stating the vigorous measures which had been pursued, the speech from the throne proceeds: —

“You have assured me of your *firm* support in the *prosecution* of them. Nothing, in my opinion, could be more likely to enable the well-disposed among my subjects in that part of the world effectually to discourage and defeat the designs of the factious and seditious than the hearty concurrence of every branch of the legislature in the resolution of *maintaining the execution of the laws in every part of my dominions.*”

After this no man dreamt that a repeal under this ministry could possibly take place. The honorable gentleman knows as well as I, that the idea was utterly exploded by those who sway the House. This speech was made on the ninth day of May, 1769. Five days after this speech, that is, on the thirteenth of the same month, the public circular letter, a part of which I am going to read to you, was written by Lord Hillsborough, Secretary of State for the Colonies. After reciting the substance of the king’s speech, he goes on thus: —

“I can take upon me to assure you, notwithstanding insinuations to the contrary from men with *factionous and seditious views*, that his Majesty’s *present administration have at no time entertained a design to propose to Parliament to lay any further taxes upon America, for the purpose of RAISING A REVENUE*; and that it is at present their intention to propose, the next session of Parliament, to take off the duties upon glass, paper, and colors, upon consideration of such duties *having been laid contrary to the true principles of commerce.*

“These have *always* been, and *still are*, the sentiments of *his Majesty’s present servants*, and by which their conduct *in respect to America has been governed.* And *his Majesty* relies upon your prudence and fidelity for such an explanation of *his* measures as may tend to remove the prejudices which have been excited by the misrepresentations of those who are enemies to the peace and prosperity of Great Britain and her colonies, and to reestablish that mutual *confidence and affection* upon which the glory and safety of the British empire depend.”

Here, Sir, is a canonical boot of ministerial scripture: the general epistle to the Americans. What does the gentleman say to it? Here a repeal is promised, — promised without condition, — and while your authority was actually resisted. I pass by the public promise of a peer relative to the repeal of taxes by this House. I pass by the use of the king’s name in a matter of supply, that sacred and reserved right of the Commons. I conceal the ridiculous figure of Parliament hurling its thunders at the gigantic rebellion of America, and then, five days after, prostrate at the feet of those assemblies we affected to despise, — begging them, by the intervention of our ministerial sureties, to receive our submission, and heartily promising amendment. These might have been serious matters formerly; but we are grown wiser than our fathers. Passing, therefore, from the Constitutional consideration to the mere policy, does not this letter imply that the idea of taxing America for the purpose of revenue is an abominable project, when the ministry suppose none but *factionous* men, and with seditious views, could charge them with it?

does not this letter adopt and sanctify the American distinction of *taxing for a revenue*? does it not formally reject all future taxation on that principle? does it not state the ministerial rejection of such principle of taxation, not as the occasional, but the constant opinion of the king's servants? does it not say, (I care not how consistently,) but does it not say, that their conduct with regard to America has been *always* governed by this policy? It goes a great deal further. These excellent and trusty servants of the king, justly fearful lest they themselves should have lost all credit with the world, bring out the image of their gracious sovereign from the inmost and most sacred shrine, and they pawn him as a security for their promises: — "*His Majesty* relies on your prudence and fidelity for such an explanation of *his* measures." These sentiments of the minister and these measures of his Majesty can only relate to the principle and practice of taxing for a revenue; and accordingly Lord Botetourt, stating it as such, did, with great propriety, and in the exact spirit of his instructions, endeavor to remove the fears of the Virginian assembly lest the sentiments which it seems (unknown to the world) had *always* been those of the ministers, and by which *their* conduct in respect to America had been governed, should by some possible revolution, favorable to wicked American taxers, be hereafter counteracted. He addresses them in this manner: —

"It may possibly be objected, that, as his Majesty's present administration are *not immortal*, their successors may be inclined to attempt to undo what the present ministers shall have attempted to perform; and to that objection I can give but this answer: that it is my firm opinion, that the plan I have stated to you will certainly take place, and that it will never be departed from; and so determined am I forever to abide by it, that I will be content to be declared infamous, if I do not, to the last hour of my life, at all times, in all places, and upon all occasions, exert every power with which I either am or ever shall be legally invested, in order to obtain and *maintain* for the continent of America that *satisfaction* which I have been authorized to promise this day by the *confidential* servants of our gracious sovereign, who to my certain knowledge rates his honor so high *that he would rather part with his crown than preserve it by deceit*."

A glorious and true character! which (since we suffer his ministers with impunity to answer for his ideas of taxation) we ought to make it our business to enable his Majesty to preserve in all its lustre. Let him have character, since ours is no more! Let some part of government be kept in respect!

This epistle was not the letter of Lord Hillsborough solely, though he held the official pen. It was the letter of the noble lord upon the floor, and of all the king's then ministers, who (with, I think, the exception of two only) are his ministers at this hour. The very first news that a British Parliament heard of what it was to do with the duties which it had given and granted to the king was by the publication of the votes of American assemblies. It was in America that your resolutions were pre-declared. It was from thence that we knew to a certainty how much exactly, and not

a scruple more nor less, we were to repeal. We were unworthy to be let into the secret of our own conduct. The assemblies had *confidential* communications from his Majesty's *confidential* servants. We were nothing but instruments. Do you, after this, wonder that you have no weight and no respect in the colonies? After this are you surprised that Parliament is every day and everywhere losing (I feel it with sorrow, I utter it with reluctance) that reverential affection which so endearing a name of authority ought ever to carry with it? that you are obeyed solely from respect to the bayonet? and that this House, the ground and pillar of freedom, is itself held up only by the treacherous underpinning and clumsy buttresses of arbitrary power?

If this dignity, which is to stand in the place of just policy and common sense, had been consulted, there was a time for preserving it, and for reconciling it with any concession. If in the session of 1768, that session of idle terror and empty menaces, you had, as you were often pressed to do, repealed these taxes, then your strong operations would have come justified and enforced, in case your concessions had been returned by outrages. But, preposterously, you began with violence; and before terrors could have any effect, either good or bad, your ministers immediately begged pardon, and promised that repeal to the obstinate Americans which they had refused in an easy, good-natured, complying British Parliament. The assemblies, which had been publicly and avowedly dissolved for *their* contumacy, are called together to receive *your* submission. Your ministerial directors blustered like tragic tyrants here; and then went mumping with a sore leg in America, canting, and whining, and complaining of faction, which represented them as friends to a revenue from the colonies. I hope nobody in this House will hereafter have the impudence to defend American taxes in the name of ministry. The moment they do, with this letter of attorney in my hand, I will tell them, in the authorized terms, they are wretches "with factious and seditious views," "enemies to the peace and prosperity of the mother country and the colonies," and subverters "of the mutual affection and confidence on which the glory and safety of the British empire depend."

After this letter, the question is no more on propriety or dignity. They are gone already. The faith of your sovereign is pledged for the political principle. The general declaration in the letter goes to the whole of it. You must therefore either abandon the scheme of taxing, or you must send the ministers tarred and feathered to America, who dared to hold out the royal faith for a renunciation of all taxes for revenue. Then you must punish, or this faith you must preserve. The preservation of this faith is of more consequence than the duties on *red lead*, or *white lead*, or on broken *glass*, or *atlas-ordinary*, or *demy-fine*, or *blue-royal*, or *bastard*, or *fools cap*, which you have given up, or the three-pence on tea which you retained. The letter went stamped with the public authority of this kingdom. The instructions for the colony government go under no other sanction; and America cannot believe, and

will not obey you, if you do not preserve this channel of communication sacred. You are now punishing the colonies for acting on distinctions held out by that very ministry which is here shining in riches, in favor, and in power, and urging the punishment of the very offence to which they had themselves been the tempters.

Sir, if reasons respecting simply your own commerce, which is your own convenience, were the sole grounds of the repeal of the five duties, why does Lord Hillsborough, in disclaiming in the name of the king and ministry their ever having had an intent to tax for revenue, mention it as the means “of reëstablishing the confidence and affection of the colonies?” Is it a way of soothing *others*, to assure them that you will take good care of *yourself*? The medium, the only medium, for regaining their affection and confidence is that you will take off something oppressive to their minds. Sir, the letter strongly enforces that idea: for though the repeal of the taxes is promised on commercial principles, yet the means of counteracting the “insinuations of men with factious and seditious views” is by a disclaimer of the intention of taxing for revenue, as a constant, invariable sentiment and rule of conduct in the government of America.

I remember that the noble lord on the floor, not in a former debate to be sure, (it would be disorderly to refer to it, I suppose I read it somewhere,) but the noble lord was pleased to say, that he did not conceive how it could enter into the head of man to impose such taxes as those of 1767: I mean those taxes which he voted for imposing, and voted for repealing, — as being taxes, contrary to all the principles of commerce, laid on *British manufactures*.

I dare say the noble lord is perfectly well read, because the duty of his particular office requires he should be so, in all our revenue laws, and in the policy which is to be collected out of them. Now, Sir, when he had read this act of American revenue, and a little recovered from his astonishment, I suppose he made one step retrograde (it is but one) and looked at the act which stands just before in the statute-book. The American revenue act is the forty-fifth chapter; the other to which I refer is the forty-fourth of the same session. These two acts are both to the same purpose: both revenue acts; both taxing out of the kingdom; and both taxing British manufactures exported. As the forty-fifth is an act for raising a revenue in America, the forty-fourth is an act for raising a revenue in the Isle of Man. The two acts perfectly agree in all respects, except one. In the act for taxing the Isle of Man the noble lord will find, not, as in the American act, four or five articles, but almost the *whole body* of British manufactures, taxed from two and a half to fifteen per cent, and some articles, such as that of spirits, a great deal higher. You did not think it uncommercial to tax the whole mass of your manufactures, and, let me add, your agriculture too; for, I now recollect, British corn is there also taxed up to ten per cent, and this too in the very head-quarters, the very citadel of smuggling, the Isle of Man. Now will the noble lord condescend to tell me why he repealed the taxes on your manufactures sent out to America, and not the taxes on the manufactures

exported to the Isle of Man? The principle was exactly the same, the objects charged infinitely more extensive, the duties without comparison higher. Why? Why, notwithstanding all his childish pretexts, because the taxes were quietly submitted to in the Isle of Man, and because they raised a flame in America. Your reasons were political, not commercial. The repeal was made, as Lord Hillsborough's letter well expresses it, to regain "the confidence and affection of the colonies, on which the glory and safety of the British empire depend." A wise and just motive, surely, if ever there was such. But the mischief and dishonor is, that you have not done what you had given the colonies just cause to expect, when your ministers disclaimed the idea of taxes for a revenue. There is nothing simple, nothing manly, nothing ingenuous, open, decisive, or steady, in the proceeding, with regard either to the continuance or the repeal of the taxes. The whole has an air of littleness and fraud. The article of tea is slurred over in the circular letter, as it were by accident: nothing is said of a resolution either to keep that tax or to give it up. There is no fair dealing in any part of the transaction.

If you mean to follow your true motive and your public faith, give up your tax on tea for raising a revenue, the principle of which has, in effect, been disclaimed in your name, and which produces you no advantage, — no, not a penny. Or, if you choose to go on with a poor pretence instead of a solid reason, and will still adhere to your cant of commerce, you have ten thousand times more strong commercial reasons for giving up this duty on tea than for abandoning the five others that you have already renounced.

The American consumption of teas is annually, I believe, worth 300,000*l.* at the least farthing. If you urge the American violence as a justification of your perseverance in enforcing this tax, you know that you can never answer this plain question, — Why did you repeal the others given in the same act, whilst the very same violence subsisted? — But you did not find the violence cease upon that concession. — No! because the concession was far short of satisfying the principle which Lord Hillsborough had abjured, or even the pretence on which the repeal of the other taxes was announced; and because, by enabling the East India Company to open a shop for defeating the American resolution not to pay that specific tax, you manifestly showed a hankering after the principle of the act which you formerly had renounced. Whatever road you take leads to a compliance with this motion. It opens to you at the end of every vista. Your commerce, your policy, your promises, your reasons, your pretences, your consistency, your inconsistency, — all jointly oblige you to this repeal.

But still it sticks in our throats, if we go so far, the Americans will go farther. — We do not know that. We ought, from experience, rather to presume the contrary. Do we not know for certain, that the Americans are going on as fast as possible, whilst we refuse to gratify them? Can they do more, or can they do worse, if we yield this point? I think this concession will rather fix a turnpike to prevent their

further progress. It is impossible to answer for bodies of men. But I am sure the natural effect of fidelity, clemency, kindness in governors is peace, good-will, order, and esteem, on the part of the governed. I would certainly, at least, give these fair principles a fair trial; which, since the making of this act to this hour, they never have had.

Sir, the honorable gentleman having spoken what he thought necessary upon the narrow part of the subject, I have given him, I hope, a satisfactory answer. He next presses me, by a variety of direct challenges and oblique reflections, to say something on the historical part. I shall therefore, Sir, open myself fully on that important and delicate subject: not for the sake of telling you a long story, (which, I know, Mr. Speaker, you are not particularly fond of,) but for the sake of the weighty instruction that, I flatter myself, will necessarily result from it. It shall not be longer, if I can help it, than so serious a matter requires.

Permit me then, Sir, to lead your attention very far back, — back to the Act of Navigation, the cornerstone of the policy of this country with regard to its colonies. Sir, that policy was, from the beginning, purely commercial; and the commercial system was wholly restrictive. It was the system of a monopoly. No trade was let loose from that constraint, but merely to enable the colonists to dispose of what, in the course of your trade, you could not take, — or to enable them to dispose of such articles as we forced upon them, and for which, without some degree of liberty, they could not pay. Hence all your specific and detailed enumerations; hence the innumerable checks and counterchecks; hence that infinite variety of paper chains by which you bind together this complicated system of the colonies. This principle of commercial monopoly runs through no less than twenty-nine acts of Parliament, from the year 1660 to the unfortunate period of 1764.

In all those acts the system of commerce is established as that from whence alone you proposed to make the colonies contribute (I mean directly and by the operation of your superintending legislative power) to the strength of the empire. I venture to say, that, during that whole period, a Parliamentary revenue from thence was never once in contemplation. Accordingly, in all the number of laws passed with regard to the plantations, the words which distinguish revenue laws specifically as such were, I think, premeditatedly avoided. I do not say, Sir, that a form of words alters the nature of the law, or abridges the power of the lawgiver. It certainly does not. However, titles and formal preambles are not always idle words; and the lawyers frequently argue from them. I state these facts to show, not what was your right, but what has been your settled policy. Our revenue laws have usually a *title*, purporting their being *grants*; and the words “*give and grant*” usually precede the enacting parts. Although duties were imposed on America in acts of King Charles the Second, and in acts of King William, no one title of giving “an aid to his Majesty,” or any other of the usual titles to revenue acts, was to be found in any of them till 1764; nor were the words “give and grant” in any preamble until the sixth of George

the Second. However, the title of this act of George the Second, notwithstanding the words of donation, considers it merely as a regulation of trade; “An act for the better securing of the trade of his Majesty’s sugar colonies in America.” This act was made on a compromise of all, and at the express desire of a part, of the colonies themselves. It was therefore in some measure with their consent; and having a title directly purporting only a *commercial regulation*, and being in truth nothing more, the words were passed by, at a time when no jealousy was entertained, and things were little scrutinized. Even Governor Bernard, in his second printed letter, dated in 1763, gives it as his opinion, that “it was an act of *prohibition*, not of revenue.” This is certainly true, that no act avowedly for the purpose of revenue, and with the ordinary title and recital taken together, is found in the statute-book until the year I have mentioned: that is, the year 1764. All before this period stood on commercial regulation and restraint. The scheme of a colony revenue by British authority appeared, therefore, to the Americans in the light of a great innovation. The words of Governor Bernard’s ninth letter, written in November, 1765, state this idea very strongly. “It must,” says he, “have been supposed *such an innovation as a Parliamentary taxation* would cause a great *alarm*, and meet with much *opposition* in most parts of America; it was *quite new* to the people, and had no *visible bounds* set to it.” After stating the weakness of government there, he says, “Was this a time to introduce *so great a novelty* as a Parliamentary inland taxation in America?” Whatever the right might have been, this mode of using it was absolutely new in policy and practice.

Sir, they who are friends to the schemes of American revenue say, that the commercial restraint is full as hard a law for America to live under. I think so, too. I think it, if uncompensated, to be a condition of as rigorous servitude as men can be subject to. But America bore it from the fundamental Act of Navigation until 1764. Why? Because men do bear the inevitable constitution of their original nature with all its infirmities. The Act of Navigation attended the colonies from their infancy, grow with their growth, and strengthened with their strength. They were confirmed in obedience to it even more by usage than by law. They scarcely had remembered a time when they were not subject to such restraint. Besides, they were indemnified for it by a pecuniary compensation. Their monopolist happened to be one of the richest men in the world. By his immense capital (primarily employed, not for their benefit, but his own) they were enabled to proceed with their fisheries, their agriculture, their shipbuilding, (and their trade, too, within the limits,) in such a manner as got far the start of the slow, languid operations of unassisted Nature. This capital was a hot-bed to them. Nothing in the history of mankind is like their progress. For my part, I never cast an eye on their flourishing commerce, and their cultivated and commodious life, but they seem to me rather ancient nations grown to perfection through a long series of fortunate events, and a train of successful industry, accumulating wealth in many centuries, than the colonies of yesterday, —

than a set of miserable outcasts a few years ago, not so much sent as thrown out on the bleak and barren shore of a desolate wilderness three thousand miles from all civilized intercourse.

All this was done by England whilst England pursued trade and forgot revenue. You not only acquired commerce, but you actually created the very objects of trade in America; and by that creation you raised the trade of this kingdom at least fourfold. America had the compensation of your capital, which made her bear her servitude. She had another compensation, which you are now going to take away from her. She had, except the commercial restraint, every characteristic mark of a free people in all her internal concerns. She had the image of the British Constitution. She had the substance. She was taxed by her own representatives. She chose most of her own magistrates. She paid them all. She had in effect the sole disposal of her own internal government. This whole state of commercial servitude and civil liberty, taken together, is certainly not perfect freedom; but comparing it with the ordinary circumstances of human nature, it was an happy and a liberal condition.

I know, Sir, that great and not unsuccessful pains have been taken to inflame our minds by an outcry, in this House, and out of it, that in America the Act of Navigation neither is or never was obeyed. But if you take the colonies through, I affirm that its authority never was disputed, — that it was nowhere disputed for any length of time, — and, on the whole, that it was well observed. Wherever the act pressed hard, many individuals, indeed, evaded it. This is nothing. These scattered individuals never denied the law, and never obeyed it. Just as it happens, whenever the laws of trade, whenever the laws of revenue, press hard upon the people in England: in that case all your shores are full of contraband. Your right to give a monopoly to the East India Company, your right to lay immense duties on French brandy, are not disputed in England. You do not make this charge on any man. But you know that there is not a creek from Pentland Frith to the Isle of Wight in which they do not smuggle immense quantities of teas, East India goods, and brandies. I take it for granted that the authority of Governor Bernard in this point is indisputable. Speaking of these laws, as they regarded that part of America now in so unhappy a condition, he says, “I believe they are nowhere better supported than in this province: I do not pretend that it is entirely free from a breach of these laws, but that such a breach, if discovered, is justly punished.” What more can you say of the obedience to any laws in any country? An obedience to these laws formed the acknowledgment, instituted by yourselves, for your superiority, and was the payment you originally imposed for your protection.

Whether you were right or wrong in establishing the colonies on the principles of commercial monopoly, rather than on that of revenue, is at this day a problem of mere speculation. You cannot have both by the same authority. To join together the restraints of an universal internal and external monopoly with an universal internal

and external taxation is an unnatural union, — perfect, uncompensated slavery. You have long since decided for yourself and them; and you and they have prospered exceedingly under that decision.

This nation, Sir, never thought of departing from that choice until the period immediately on the close of the last war. Then a scheme of government, new in many things, seemed to have been adopted. I saw, or thought I saw, several symptoms of a great change, whilst I sat in your gallery, a good while before I had the honor of a seat in this House. At that period the necessity was established of keeping up no less than twenty new regiments, with twenty colonels capable of seats in this House. This scheme was adopted with very general applause from all sides, at the very time that, by your conquests in America, your danger from foreign attempts in that part of the world was much lessened, or indeed rather quite over. When this huge increase of military establishment was resolved on, a revenue was to be found to support so great a burden. Country gentlemen, the great patrons of economy, and the great resisters of a standing armed force, would not have entered with much alacrity into the vote for so large and so expensive an army, if they had been very sure that they were to continue to pay for it. But hopes of another kind were held out to them; and in particular, I well remember that Mr. Townshend, in a brilliant harangue on this subject, did dazzle them by playing before their eyes the image of a revenue to be raised in America.

Here began to dawn the first glimmerings of this new colony system. It appeared more distinctly afterwards, when it was devolved upon a person to whom, on other accounts, this country owes very great obligations. I do believe that he had a very serious desire to benefit the public. But with no small study of the detail, he did not seem to have his view, at least equally, carried to the total circuit of our affairs. He generally considered his objects in lights that were rather too detached. Whether the business of an American revenue was imposed upon him altogether, — whether it was entirely the result of his own speculation, or, what is more probable, that his own ideas rather coincided with the instructions he had received, — certain it is, that, with the best intentions in the world, he first brought this fatal scheme into form, and established it by Act of Parliament.

No man can believe, that, at this time of day, I mean to lean on the venerable memory of a great man, whose loss we deplore in common. Our little party differences have been long ago composed; and I have acted more with him, and certainly with more pleasure with him, than ever I acted against him. Undoubtedly Mr. Grenville was a first-rate figure in this country. With a masculine understanding, and a stout and resolute heart, he had an application undissipated and unwearied. He took public business, not as a duty which he was to fulfil, but as a pleasure he was to enjoy; and he seemed to have no delight out of this House, except in such things as some way related to the business that was to be done within it. If he was ambitious, I will say this for him, his ambition was of a noble and

generous strain. It was to raise himself, not by the low, pimping politics of a court, but to win his way to power through the laborious gradations of public service, and to secure himself a well-earned rank in Parliament by a thorough knowledge of its constitution and a perfect practice in all its business.

Sir, if such a man fell into errors, it must be from defects not intrinsic; they must be rather sought in the particular habits of his life, which, though they do not alter the groundwork of character, yet tinge it with their own hue. He was bred in a profession. He was bred to the law, which is, in my opinion, one of the first and noblest of human sciences, — a science which does more to quicken and invigorate the understanding than all the other kinds of learning put together; but it is not apt, except in persons very happily born, to open and to liberalize the mind exactly in the same proportion. Passing from that study, he did not go very largely into the world, but plunged into business, — I mean into the business of office, and the limited and fixed methods and forms established there. Much knowledge is to be had, undoubtedly, in that line; and there is no knowledge which is not valuable. But it may be truly said, that men too much conversant in office are rarely minds of remarkable enlargement. Their habits of office are apt to give them a turn to think the substance of business not to be much more important than the forms in which it is conducted. These forms are adapted to ordinary occasions; and therefore persons who are nurtured in office do admirably well as long as things go on in their common order; but when the high-roads are broken up, and the waters out, when a new and troubled scene is opened, and the file affords no precedent, then it is that a greater knowledge of mankind, and a far more extensive comprehension of things is requisite, than ever office gave, or than office can ever give. Mr. Grenville thought better of the wisdom and power of human legislation than in truth it deserves. He conceived, and many conceived along with him, that the flourishing trade of this country was greatly owing to law and institution, and not quite so much to liberty; for but too many are apt to believe regulation to be commerce, and taxes to be revenue. Among regulations, that which stood first in reputation was his idol: I mean the Act of Navigation. He has often professed it to be so. The policy of that act is, I readily admit, in many respects well understood. But I do say, that, if the act be suffered to run the full length of its principle, and is not changed and modified according to the change of times and the fluctuation of circumstances, it must do great mischief, and frequently even defeat its own purpose.

After the war, and in the last years of it, the trade of America had increased far beyond the speculations of the most sanguine imaginations. It swelled out on every side. It filled all its proper channels to the brim. It overflowed with a rich redundancy, and breaking its banks on the right and on the left, it spread out upon some places where it was indeed improper, upon others where it was only irregular. It is the nature of all greatness not to be exact; and great trade will always be attended with considerable abuses. The contraband will always keep pace in some

measure with the fair trade. It should stand as a fundamental maxim, that no vulgar precaution ought to be employed in the cure of evils which are closely connected with the cause of our prosperity. Perhaps this great person turned his eyes somewhat less than was just towards the incredible increase of the fair trade, and looked with something of too exquisite a jealousy towards the contraband. He certainly felt a singular degree of anxiety on the subject, and even began to act from that passion earlier than is commonly imagined. For whilst he was First Lord of the Admiralty, though not strictly called upon in his official line, he presented a very strong memorial to the Lords of the Treasury, (my Lord Bute was then at the head of the board,) heavily complaining of the growth of the illicit commerce in America. Some mischief happened even at that time from this over-earnest zeal. Much greater happened afterwards, when it operated with greater power in the highest department of the finances. The bonds of the Act of Navigation were straitened so much that America was on the point of having no trade, either contraband or legitimate. They found, under the construction and execution then used, the act no longer tying, but actually strangling them. All this coming with new enumerations of commodities, with regulations which in a manner put a stop to the mutual coasting intercourse of the colonies, with the appointment of courts of admiralty under various improper circumstances, with a sudden extinction of the paper currencies, with a compulsory provision for the quartering of soldiers, — the people of America thought themselves proceeded against as delinquents, or, at best, as people under suspicion of delinquency, and in such a manner as they imagined their recent services in the war did not at all merit. Any of these innumerable regulations, perhaps, would not have alarmed alone; some might be thought reasonable; the multitude struck them with terror.

But the grand manoeuvre in that business of new regulating the colonies was the fifteenth act of the fourth of George the Third, which, besides containing several of the matters to which I have just alluded, opened a new principle. And here properly began the second period of the policy of this country with regard to the colonies, by which the scheme of a regular plantation Parliamentary revenue was adopted in theory and settled in practice: a revenue not substituted in the place of, but superadded to, a monopoly; which monopoly was enforced at the same time with additional strictness, and the execution put into military hands.

This act, Sir, had for the first time the title of “granting duties in the colonies and plantations of America,” and for the first time it was asserted in the preamble “that it was *just* and *necessary* that a revenue should be raised there”; then came the technical words of “giving and granting.” And thus a complete American revenue act was made in all the forms, and with a full avowal of the right, equity, policy, and even necessity, of taxing the colonies, without any formal consent of theirs. There are contained also in the preamble to that act these very remarkable words, — the Commons, &c., “being desirous to make *some* provision in the *present* session of

Parliament *towards* raising the said revenue.” By these words it appeared to the colonies that this act was but a beginning of sorrows, — that every session was to produce something of the same kind, — that we were to go on, from day to day, in charging them with such taxes as we pleased, for such a military force as we should think proper. Had this plan been pursued, it was evident that the provincial assemblies, in which the Americans felt all their portion of importance, and beheld their sole image of freedom, were *ipso facto* annihilated. This ill prospect before them seemed to be boundless in extent and endless in duration. Sir, they were not mistaken. The ministry valued themselves when this act passed, and when they gave notice of the Stamp Act, that both of the duties came very short of their ideas of American taxation. Great was the applause of this measure here. In England we cried out for new taxes on America, whilst they cried out that they were nearly crushed with those which the war and their own grants had brought upon them.

Sir, it has been said in the debate, that, when the first American revenue act (the act in 1764, imposing the port-duties) passed, the Americans did not object to the principle. It is true they touched it but very tenderly. It was not a direct attack. They were, it is true, as yet novices, — as yet unaccustomed to direct attacks upon any of the rights of Parliament. The duties were port-duties, like those they had been accustomed to bear, — with this difference, that the title was not the same, the preamble not the same, and the spirit altogether unlike. But of what service is this observation to the cause of those that make it? It is a full refutation of the pretence for their present cruelty to America; for it shows, out of their own mouths, that our colonies were backward to enter into the present vexatious and ruinous controversy.

There is also another circulation abroad, (spread with a malignant intention, which I cannot attribute to those who say the same thing in this House,) that Mr. Grenville gave the colony agents an option for their assemblies to tax themselves, which they had refused. I find that much stress is laid on this, as a fact. However, it happens neither to be true nor possible. I will observe, first, that Mr. Grenville never thought fit to make this apology for himself in the innumerable debates that were had upon the subject. He might have proposed to the colony agents, that they should agree in some mode of taxation as the ground of an act of Parliament. But he never could have proposed that they should tax themselves on requisition, which is, the assertion of the day. Indeed, Mr. Grenville well knew that the colony agents could have no general powers to consent to it; and they had no time to consult their assemblies for particular powers, before he passed his first revenue act. If you compare dates, you will find it impossible. Burdened as the agents knew the colonies were at that time, they could not give the least hope of such grants. His own favorite governor was of opinion that the Americans were not then taxable objects.

“Nor was the time less favorable to the *equity* of such a taxation. I don’t mean to dispute the reasonableness of America contributing to the charges of Great Britain,

when she is able; nor, I believe, would the Americans themselves have disputed it at a *proper time and season*. But it should be considered, that the American governments themselves have, in the prosecution of the late war, contracted very large debts, which it will take some years to pay off, and in the mean time occasion very *burdensome taxes for that purpose* only. For instance, this government, which is as much beforehand as any, raises every year 37,500*l.* sterling for sinking their debt, and must continue it for four years longer at least before it will be clear.”

These are the words of Governor Bernard’s letter to a member of the old ministry, and which he has since printed.

Mr. Grenville could not have made this proposition to the agents for another reason. He was of opinion, which he has declared in this House an hundred times, that the colonies could not legally grant any revenue to the crown, and that infinite mischiefs would be the consequence of such a power. When Mr. Grenville had passed the first revenue act, and in the same session had made this House come to a resolution for laying a stamp-duty on America, between that time and the passing the Stamp Act into a law he told a considerable and most respectable merchant, a member of this House, whom I am truly sorry I do not now see in his place, when he represented against this proceeding, that, if the stamp-duty was disliked, he was willing to exchange it for any other equally productive, — but that, if he objected to the Americans being taxed by Parliament, he might save himself the trouble of the discussion, as he was determined on the measure. This is the fact, and, if you please, I will mention a very unquestionable authority for it.

Thus, Sir, I have disposed of this falsehood. But falsehood has a perennial spring. It is said that no conjecture could be made of the dislike of the colonies to the principle. This is as untrue as the other. After the resolution of the House, and before the passing of the Stamp Act, the colonies of Massachusetts Bay and New York did send remonstrances objecting to this mode of Parliamentary taxation. What was the consequence? They were suppressed, they were put under the table, notwithstanding an order of Council to the contrary, by the ministry which composed the very Council that had made the order; and thus the House proceeded to its business of taxing without the least regular knowledge of the objections which were made to it. But to give that House its due, it was not over-desirous to receive information or to hear remonstrance. On the 15th of February, 1765, whilst the Stamp Act was under deliberation, they refused with scorn even so much as to receive four petitions presented from so respectable colonies as Connecticut, Rhode Island, Virginia, and Carolina, besides one from the traders of Jamaica. As to the colonies, they had no alternative left to them but to disobey, or to pay the taxes imposed by that Parliament, which was not suffered, or did not suffer itself, even to hear them remonstrate upon the subject.

This was the state of the colonies before his Majesty thought fit to change his ministers. It stands upon no authority of mine. It is proved by uncontrovertible

records. The honorable gentleman has desired some of us to lay our hands upon our hearts and answer to his queries upon the historical part of this consideration, and by his manner (as well as my eyes could discern it) he seemed to address himself to me.

Sir, I will answer him as clearly as I am able, and with great openness: I have nothing to conceal. In the year sixty-five, being in a very private station, far enough from any line of business, and not having the honor of a seat in this House, it was my fortune, unknowing and unknown to the then ministry, by the intervention of a common friend, to become connected with a very noble person, and at the head of the Treasury Department. It was, indeed, in a situation of little rank and no consequence, suitable to the mediocrity of my talents and pretensions, — but a situation near enough to enable me to see, as well as others, what was going on; and I did see in that noble person such sound principles, such an enlargement of mind, such clear and sagacious sense, and such unshaken fortitude, as have bound me, as well as others much better than me, by an inviolable attachment to him from that time forward. Sir, Lord Rockingham very early in that summer received a strong representation from many weighty English merchants and manufacturers, from governors of provinces and commanders of men-of-war, against almost the whole of the American commercial regulations, — and particularly with regard to the total ruin which was threatened to the Spanish trade. I believe, Sir, the noble lord soon saw his way in this business. But he did not rashly determine against acts which it might be supposed were the result of much deliberation. However, Sir, he scarcely began to open the ground, when the whole veteran body of office took the alarm. A violent outcry of all (except those who knew and felt the mischief) was raised against any alteration. On one hand, his attempt was a direct violation of treaties and public law; on the other, the Act of Navigation and all the corps of trade-laws were drawn up in array against it.

The first step the noble lord took was, to have the opinion of his excellent, learned, and ever-lamented friend, the late Mr. Yorke, then Attorney-General, on the point of law. When he knew that formally and officially which in substance he had known before, he immediately dispatched orders to redress the grievance. But I will say it for the then minister, he is of that constitution of mind, that I know he would have issued, on the same critical occasion, the very same orders, if the acts of trade had been, as they were not, directly against him, and would have cheerfully submitted to the equity of Parliament for his indemnity.

On the conclusion of this business of the Spanish trade, the news of the troubles on account of the Stamp Act arrived in England. It was not until the end of October that these accounts were received. No sooner had the sound of that mighty tempest reached us in England, than the whole of the then opposition, instead of feeling humbled by the unhappy issue of their measures, seemed to be infinitely elated, and cried out, that the ministry, from envy to the glory of their predecessors, were

prepared to repeal the Stamp Act. Near nine years after, the honorable gentleman takes quite opposite ground, and now challenges me to put my hand to my heart and say whether the ministry had resolved on the repeal till a considerable time after the meeting of Parliament. Though I do not very well know what the honorable gentleman wishes to infer from the admission or from the denial of this fact on which he so earnestly adjures me, I do put my hand on my heart and assure him that they did *not* come to a resolution directly to repeal. They weighed this matter as its difficulty and importance required. They considered maturely among themselves. They consulted with all who could give advice or information. It was not determined until a little before the meeting of Parliament; but it was determined, and the main lines of their own plan marked out, before that meeting. Two questions arose. (I hope I am not going into a narrative troublesome to the House.)

[A cry of "Go on, go on!"]

The first of the two considerations was, whether the repeal should be total, or whether only partial, — taking out everything burdensome and productive, and reserving only an empty acknowledgment, such as a stamp on cards or dice. The other question was, on what principle the act should be repealed. On this head also two principles were started. One, that the legislative rights of this country with regard to America were not entire, but had certain restrictions and limitations. The other principle was, that taxes of this kind were contrary to the fundamental principles of commerce on which the colonies were founded, and contrary to every idea of political equity, — by which equity we are bound as much as possible to extend the spirit and benefit of the British Constitution to every part of the British dominions. The option, both of the measure and of the principle of repeal, was made before the session; and I wonder how any one can read the king's speech at the opening of that session, without seeing in that speech both the repeal and the Declaratory Act very sufficiently crayoned out. Those who cannot see this can see nothing.

Surely the honorable gentleman will not think that a great deal less time than was then employed ought to have been spent in deliberation, when he considers that the news of the troubles did not arrive till towards the end of October. The Parliament sat to fill the vacancies on the 14th day of December, and on business the 14th of the following January.

Sir, a partial repeal, or, as the *bon-ton* of the court then was, a *modification*, would have satisfied a timid, unsystematic, procrastinating ministry, as such a measure has since done such a ministry. A modification is the constant resource of weak, undeciding minds. To repeal by a denial of our right to tax in the preamble (and this, too, did not want advisers) would have cut, in the heroic style, the Gordian knot with a sword. Either measure would have cost no more than a day's debate. But when the total repeal was adopted, and adopted on principles of policy, of equity, and of commerce, this plan made it necessary to enter into many and

difficult measures. It became necessary to open a very large field of evidence commensurate to these extensive views. But then this labor did knights' service. It opened the eyes of several to the true state of the American affairs; it enlarged their ideas; it removed prejudices; and it conciliated the opinions and affections of men. The noble lord who then took the lead in administration, my honorable friend under me, and a right honorable gentleman (if he will not reject his share, and it was a large one, of this business) exerted the most laudable industry in bringing before you the fullest, most impartial, and least garbled body of evidence that ever was produced to this House. I think the inquiry lasted in the committee for six weeks; and at its conclusion, this House, by an independent, noble, spirited, and unexpected majority, by a majority that will redeem all the acts ever done by majorities in Parliament, in the teeth of all the old mercenary Swiss of state, in despite of all the speculators and augurs of political events, in defiance of the whole embattled legion of veteran pensioners and practised instruments of a court, gave a total repeal to the Stamp Act, and (if it had been so permitted) a lasting peace to this whole empire.

I state, Sir, these particulars, because this act of spirit and fortitude has lately been, in the circulation of the season, and in some hazarded declamations in this House, attributed to timidity. If, Sir, the conduct of ministry, in proposing the repeal, had arisen from timidity with regard to themselves, it would have been greatly to be condemned. Interested timidity disgraces as much in the cabinet as personal timidity does in the field. But timidity with regard to the well-being of our country is heroic virtue. The noble lord who then conducted affairs, and his worthy colleagues, whilst they trembled at the prospect of such distresses as you have since brought upon yourselves, were not afraid steadily to look in the face that glaring and dazzling influence at which the eyes of eagles have blenched. He looked in the face one of the ablest, and, let me say, not the most scrupulous oppositions, that perhaps ever was in this House; and withstood it, unaided by even one of the usual supports of administration. He did this, when he repealed the Stamp Act. He looked in the face a person he had long respected and regarded, and whose aid was then particularly wanting: I mean Lord Chatham. He did this when he passed the Declaratory Act.

It is now given out, for the usual purposes, by the usual emissaries, that Lord Rockingham did not consent to the repeal of this act until he was bullied into it by Lord Chatham; and the reporters have gone so far as publicly to assert, in an hundred companies, that the honorable gentleman under the gallery, who proposed the repeal in the American committee, had another set of resolutions in his pocket, directly the reverse of those he moved. These artifices of a desperate cause are at this time spread abroad, with incredible care, in every part of the town, from the highest to the lowest companies; as if the industry of the circulation were to make amends for the absurdity of the report.

Sir, whether the noble lord is of a complexion to be bullied by Lord Chatham, or by any man, I must submit to those who know him. I confess, when I look back to that time, I consider him as placed in one of the most trying situations in which, perhaps, any man ever stood. In the House of Peers there were very few of the ministry, out of the noble lord's own particular connection, (except Lord Egmont, who acted, as far as I could discern, an honorable and manly part,) that did not look to some other future arrangement, which warped his politics. There were in both Houses new and menacing appearances, that might very naturally drive any other than a most resolute minister from his measure or from his station. The household troops openly revolted. The allies of ministry (those, I mean, who supported some of their measures, but refused responsibility for any) endeavored to undermine their credit, and to take ground that must be fatal to the success of the very cause which they would be thought to countenance. The question of the repeal was brought on by ministry in the committee of this House in the very instant when it was known that more than one court negotiation was carrying on with the heads of the opposition. Everything, upon every side, was full of traps and mines. Earth below shook; heaven above menaced; all the elements of ministerial safety were dissolved. It was in the midst of this chaos of plots and counterplots, it was in the midst of this complicated warfare against public opposition and private treachery, that the firmness of that noble person was put to the proof. He never stirred from his ground: no, not an inch. He remained fixed and determined, in principle, in measure, and in conduct. He practised no managements. He secured no retreat. He sought no apology.

I will likewise do justice — I ought to do it — to the honorable gentleman who led us in this House. Far from the duplicity wickedly charged on him, he acted his part with alacrity and resolution. We all felt inspired by the example he gave us, down even to myself, the weakest in that phalanx. I declare for one, I knew well enough (it could not be concealed from anybody) the true state of things; but, in my life, I never came with so much spirits into this House. It was a time for a *man* to act in. We had powerful enemies; but we had faithful and determined friends, and a glorious cause. We had a great battle to fight; but we had the means of fighting: not as now, when our arms are tied behind us. We did fight that day, and conquer.

I remember, Sir, with a melancholy pleasure, the situation of the honorable gentleman who made the motion for the repeal: in that crisis, when the whole trading interest of this empire, crammed into your lobbies, with a trembling and anxious expectation, waited, almost to a winter's return of light, their fate from your resolutions. When at length you had determined in their favor, and your doors thrown open showed them the figure of their deliverer in the well-earned triumph of his important victory, from the whole of that grave multitude there arose an involuntary burst of gratitude and transport. They jumped upon him like children on a long absent father. They clung about him as captives about their redeemer. All

England, all America, joined in his applause. Nor did he seem insensible to the best of all earthly rewards, the love and admiration of his fellow-citizens. *Hope elevated and joy brightened his crest.* I stood near him; and his face, to use the expression of the Scripture of the first martyr, “his face was as if it had been the face of an angel.” I do not know how others feel; but if I had stood in that situation, I never would have exchanged it for all that kings in their profusion could bestow. I did hope that that day’s danger and honor would have been a bond to hold us all together forever. But, alas! that, with other pleasing visions, is long since vanished.

Sir, this act of supreme magnanimity has been represented as if it had been a measure of an administration that, having no scheme of their own, took a middle line, pilfered a bit from one side and a bit from the other. Sir, they took *no* middle lines. They differed fundamentally from the schemes of both parties; but they preserved the objects of both. They preserved the authority of Great Britain; they preserved the equity of Great Britain. They made the Declaratory Act; they repealed the Stamp Act. They did both *fully*: because the Declaratory Act was *without qualification*; and the repeal of the Stamp Act *total*. This they did in the situation I have described.

Now, Sir, what will the adversary say to both these acts? If the principle of the Declaratory Act was not good, the principle we are contending for this day is monstrous. If the principle of the repeal was not good, why are we not at war for a real, substantial, effective revenue? If both were bad, why has this ministry incurred all the inconveniences of both and of all schemes? why have they enacted, repealed, enforced, yielded, and now attempt to enforce again?

Sir, I think I may as well now as at any other time speak to a certain matter of fact not wholly unrelated to the question under your consideration. We, who would persuade you to revert to the ancient policy of this kingdom, labor under the effect of this short current phrase, which the court leaders have given out to all their corps, in order to take away the credit of those who would prevent you from that frantic war you are going to wage upon your colonies. Their cant is this: “All the disturbances in America have been created by the repeal of the Stamp Act.” I suppress for a moment my indignation at the falsehood, baseness, and absurdity of this most audacious assertion. Instead of remarking on the motives and character of those who have issued it for circulation, I will clearly lay before you the state of America, antecedently to that repeal, after the repeal, and since the renewal of the schemes of American taxation.

It is said, that the disturbances, if there were any before the repeal, were slight, and without difficulty or inconvenience might have been suppressed. For an answer to this assertion I will send you to the great author and patron of the Stamp Act, who, certainly meaning well to the authority of this country, and fully apprised of the state of that, made, before a repeal was so much as agitated in this House, the motion which is on your journals, and which, to save the clerk the trouble of

turning to it, I will now read to you. It was for an amendment to the address of the 17th of December, 1765.

“To express our just resentment and indignation at the *outrageous tumults and insurrections* which have been excited and carried on in North America, and at the resistance given, by *open* and *rebellious* force, to the execution of the laws in that part of his Majesty’s dominions; to assure his Majesty, that his faithful Commons, animated with the warmest duty and attachment to his royal person and government, ... will firmly and effectually support his Majesty in all such measures as shall be necessary for preserving and securing the legal dependence of the colonies upon this their mother country,” &c., &c.

Here was certainly a disturbance preceding the repeal, — such a disturbance as Mr. Grenville thought necessary to qualify by the name of an *insurrection*, and the epithet of a *rebellious* force: terms much stronger than any by which those who then supported his motion have ever since thought proper to distinguish the subsequent disturbances in America. They were disturbances which seemed to him and his friends to justify as strong a promise of support as hath been usual to give in the beginning of a war with the most powerful and declared enemies. When the accounts of the American governors came before the House, they appeared stronger even than the warmth of public imagination had painted them: so much stronger, that the papers on your table bear me out in saying that all the late disturbances, which have been at one time the minister’s motives for the repeal of five out of six of the new court taxes, and are now his pretences for refusing to repeal that sixth, did not amount — why do I compare them? — no, not to a tenth part of the tumults and violence which prevailed long before the repeal of that act.

Ministry cannot refuse the authority of the commander-in-chief, General Gage, who, in his letter of the 4th of November, from New York, thus represents the state of things: —

“It is difficult to say, from the *highest to the lowest*, who has not been *accessory* to this *insurrection*, either by writing, or *mutual agreements* to oppose the act, by what they are pleased to term all legal opposition to it. Nothing effectual has been proposed, either to prevent or quell the tumult. *The rest of the provinces are in the same situation*, as to a positive refusal to take the stamps, and threatening those who shall take them *to plunder and murder them*; and this affair stands *in all the provinces*, that, unless the act from its own nature enforce itself, nothing but a *very considerable military force* can do it.”

It is remarkable, Sir, that the persons who formerly trumpeted forth the most loudly the violent resolutions of assemblies, the universal insurrections, the seizing and burning the stamped papers, the forcing stamp officers to resign their commissions under the gallows, the rifling and pulling down of the houses of magistrates, and the expulsion from their country of all who dared to write or speak a single word in defence of the powers of Parliament, — these very trumpeters are

now the men that represent the whole as a mere trifle, and choose to date all the disturbances from the repeal of the Stamp Act, which put an end to them. Hear your officers abroad, and let them refute this shameless falsehood, who, in all their correspondence, state the disturbances as owing to their true causes, the discontent of the people from the taxes. You have this evidence in your own archives; and it will give you complete satisfaction, if you are not so far lost to all Parliamentary ideas of information as rather to credit the lie of the day than the records of your own House.

Sir, this vermin of court reporters, when they are forced into day upon one point, are sure to burrow in another: but they shall have no refuge; I will make them bolt out of all their holes. Conscious that they must be baffled, when they attribute a precedent disturbance to a subsequent measure, they take other ground, almost as absurd, but very common in modern practice, and very wicked; which is, to attribute the ill effect of ill-judged conduct to the arguments which had been used to dissuade us from it. They say, that the opposition made in Parliament to the Stamp Act, at the time of its passing, encouraged the Americans to their resistance. This has even formally appeared in print in a regular volume from an advocate of that faction, — a Dr. Tucker. This Dr. Tucker is already a dean, and his earnest labors in this vineyard will, I suppose, raise him to a bishopric. But this assertion, too, just like the rest, is false. In all the papers which have loaded your table, in all the vast crowd of verbal witnesses that appeared at your bar, witnesses which were indiscriminately produced from both sides of the House, not the least hint of such a cause of disturbance has ever appeared. As to the fact of a strenuous opposition to the Stamp Act, I sat as a stranger in your gallery when the act was under consideration. Far from anything inflammatory, I never heard a more languid debate in this House. No more than two or three gentlemen, as I remember, spoke against the act, and that with great reserve and remarkable temper. There was but one division in the whole progress of the bill; and the minority did not reach to more than 39 or 40. In the House of Lords I do not recollect that there was any debate or division at all. I am sure there was no protest. In fact, the affair passed with so very, very little noise, that in town they scarcely knew the nature of what you were doing. The opposition to the bill in England never could have done this mischief, because there scarcely ever was less of opposition to a bill of consequence.

Sir, the agents and distributors of falsehoods have, with their usual industry, circulated another lie, of the same nature with the former. It is this: that the disturbances arose from the account which had been received in America of the change in the ministry. No longer awed, it seems, with the spirit of the former rulers, they thought themselves a match for what our calumniators choose to qualify by the name of so feeble a ministry as succeeded. Feeble in one sense these men certainly may be called: for, with all their efforts, and they have made many, they have not been able to resist the distempered vigor and insane alacrity with which

you are rushing to your ruin. But it does so happen, that the falsity of this circulation is (like the rest) demonstrated by indisputable dates and records.

So little was the change known in America, that the letters of your governors, giving an account of these disturbances long after they had arrived at their highest pitch, were all directed to the *old ministry*, and particularly to the *Earl of Halifax*, the Secretary of State corresponding with the colonies, without once in the smallest degree intimating the slightest suspicion of any ministerial revolution whatsoever. The ministry was not changed in England until the 10th day of July, 1765. On the 14th of the preceding June, Governor Fauquier, from Virginia, writes thus, — and writes thus to the Earl of Halifax:— “Government is set at *defiance*, not having strength enough in her hands to enforce obedience to the laws of the community. — The private distress, which every man feels, increases the *general dissatisfaction* at the duties laid by the *Stamp Act*, which breaks out and shows itself upon every trifling occasion.” The general dissatisfaction had produced some time before, that is, on the 29th of May, several strong public resolves against the Stamp Act; and those resolves are assigned by Governor Bernard as the cause of the *insurrections* in Massachusetts Bay, in his letter of the 15th of August, still addressed to the Earl of Halifax; and he continued to address such accounts to that minister quite to the 7th of September of the same year. Similar accounts, and of as late a date, were sent from other governors, and all directed to Lord Halifax. Not one of these letters indicates the slightest idea of a change, either known or even apprehended.

Thus are blown away the insect race of courtly falsehoods! Thus perish the miserable inventions of the wretched runners for a wretched cause, which they have fly-blown into every weak and rotten part of the country, in vain hopes, that, when their maggots had taken wing, their importunate buzzing might sound something like the public voice!

Sir, I have troubled you sufficiently with the state of America before the repeal. Now I turn to the honorable gentleman who so stoutly challenges us to tell whether, after the repeal, the provinces were quiet. This is coming home to the point. Here I meet him directly, and answer most readily, *They were quiet*. And I, in my turn, challenge him to prove when, and where, and by whom, and in what numbers, and with what violence, the other laws of trade, as gentlemen assert, were violated in consequence of your concession, or that even your other revenue laws were attacked. But I quit the vantage-ground on which I stand, and where I might leave the burden of the proof upon him: I walk down upon the open plain, and undertake to show that they were not only quiet, but showed many unequivocal marks of acknowledgment and gratitude. And to give him every advantage, I select the obnoxious colony of Massachusetts Bay, which at this time (but without hearing her) is so heavily a culprit before Parliament: I will select their proceedings even under circumstances of no small irritation. For, a little imprudently, I must say, Governor Bernard mixed in the administration of the lenitive of the repeal no small

acrimony arising from matters of a separate nature. Yet see, Sir, the effect of that lenitive, though mixed with these bitter ingredients, — and how this rugged people can express themselves on a measure of concession.

“If it is not now in our power,” (say they, in their address to Governor Bernard,) “in so full a manner as will be expected, to show our respectful gratitude to the mother country, or to make a dutiful, affectionate return to the indulgence of the King and Parliament, it shall be no fault of ours; for this we intend, and hope shall be able fully to effect.”

Would to God that this temper had been cultivated, managed, and set in action! Other effects than those which we have since felt would have resulted from it. On the requisition for compensation to those who had suffered from the violence of the populace, in the same address they say, — “The recommendation enjoined by Mr. Secretary Conway’s letter, and in consequence thereof made to us, we shall embrace the first convenient opportunity to consider and act upon.” They did consider; they did act upon it. They obeyed the requisition. I know the mode has been chicaned upon; but it was substantially obeyed, and much better obeyed than I fear the Parliamentary requisition of this session will be, though enforced by all your rigor and backed with all your power. In a word, the damages of popular fury were compensated by legislative gravity. Almost every other part of America in various ways demonstrated their gratitude. I am bold to say, that so sudden a calm recovered after so violent a storm is without parallel in history. To say that no other disturbance should happen from any other cause is folly. But as far as appearances went, by the judicious sacrifice of one law you procured an acquiescence in all that remained. After this experience, nobody shall persuade me, when an whole people are concerned, that acts of lenity are not means of conciliation.

I hope the honorable gentleman has received a fair and full answer to his question.

I have done with the third period of your policy, — that of your repeal, and the return of your ancient system, and your ancient tranquillity and concord. Sir, this period was not as long as it was happy. Another scene was opened, and other actors appeared on the stage. The state, in the condition I have described it, was delivered into the hands of Lord Chatham, a great and celebrated name, — a name that keeps the name of this country respectable in every other on the globe. It may be truly called

*Clarum et venerabile nomen
Gentibus, et multum nostræ quod proderat urbi.*

Sir, the venerable age of this great man, his merited rank, his superior eloquence, his splendid qualities, his eminent services, the vast space he fills in the eye of mankind, and, more than all the rest, his fall from power, which, like death,

canonizes and sanctifies a great character, will not suffer me to censure any part of his conduct. I am afraid to flatter him; I am sure I am not disposed to blame him. Let those who have betrayed him by their adulation insult him with their malevolence. But what I do not presume to censure I may have leave to lament. For a wise man, he seemed to me at that time to be governed too much by general maxims. I speak with the freedom of history, and I hope without offence. One or two of these maxims, flowing from an opinion not the most indulgent to our unhappy species, and surely a little too general, led him into measures that were greatly mischievous to himself, and for that reason, among others, perhaps fatal to his country, — measures, the effects of which, I am afraid, are forever incurable. He made an administration so checkered and speckled, he put together a piece of joinery so crossly indented and whimsically dovetailed, a cabinet so variously inlaid, such a piece of diversified mosaic, such a tessellated pavement without cement, — here a bit of black stone and there a bit of white, patriots and courtiers, king's friends and republicans, Whigs and Tories, treacherous friends and open enemies, — that it was, indeed, a very curious show, but utterly unsafe to touch and unsure to stand on. The colleagues whom he had assorted at the same boards stared at each other, and were obliged to ask, — “Sir, your name?” — “Sir, you have the advantage of me.” — “Mr. Such-a-one.” — “I beg a thousand pardons.” — I venture to say, it did so happen that persons had a single office divided between them, who had never spoke to each other in their lives, until they found themselves, they knew not how, pigging together, heads and points, in the same truckle-bed.

Sir, in consequence of this arrangement, having put so much the larger part of his enemies and opposers into power, the confusion was such that his own principles could not possibly have any effect or influence in the conduct of affairs. If over he fell into a fit of the gout, or if any other cause withdrew him from public cares, principles directly the contrary were sure to predominate. When he had executed his plan, he had not an inch of ground to stand upon. When he had accomplished his scheme of administration, he was no longer a minister.

When his face was hid but for a moment, his whole system was on a wide sea without chart or compass. The gentlemen, his particular friends, who, with the names of various departments of ministry, were admitted to seem as if they acted a part under him, with a modesty that becomes all men, and with a confidence in him which was justified even in its extravagance by his superior abilities, had never in any instance presumed upon any opinion of their own. Deprived of his guiding influence, they were whirled about, the sport of every gust, and easily driven into any port; and as those who joined with them in manning the vessel were the most directly opposite to his opinions, measures, and character, and far the most artful and most powerful of the set, they easily prevailed, so as to seize upon the vacant, unoccupied, and derelict minds of his friends, and instantly they turned the vessel wholly out of the course of his policy. As if it were to insult as well as to betray

him, even long before the close of the first session of his administration, when everything was publicly transacted, and with great parade, in his name, they made an act declaring it highly just and expedient to raise a revenue in America. For even then, Sir, even before this splendid orb was entirely set, and while the western horizon was in a blaze with his descending glory, on the opposite quarter of the heavens arose another luminary, and for his hour became lord of the ascendant.

This light, too, is passed and set forever. You understand, to be sure, that I speak of Charles Townshend, officially the reproducer of this fatal scheme, whom I cannot even now remember without some degree of sensibility. In truth, Sir, he was the delight and ornament of this House, and the charm of every private society which he honored with his presence. Perhaps there never arose in this country, nor in any country, a man of a more pointed and finished wit, and (where his passions were not concerned) of a more refined, exquisite, and penetrating judgment. If he had not so great a stock as some have had, who flourished formerly, of knowledge long treasured up, he knew, better by far than any man I ever was acquainted with, how to bring together within a short time all that was necessary to establish, to illustrate, and to decorate that side of the question he supported. He stated his matter skilfully and powerfully. He particularly excelled in a most luminous explanation and display of his subject. His style of argument was neither trite and vulgar, nor subtle and abstruse. He hit the House just between wind and water. And not being troubled with too anxious a zeal for any matter in question, he was never more tedious or more earnest than the preconceived opinions and present temper of his hearers required, to whom he was always in perfect unison. He conformed exactly to the temper of the House; and he seemed to guide, because he was always sure to follow it.

I beg pardon, Sir, if, when I speak of this and of other great men, I appear to digress in saying something of their characters. In this eventful history of the revolutions of America, the characters of such men are of much importance. Great men are the guideposts and landmarks in the state. The credit of such men at court or in the nation is the sole cause of all the public measures. It would be an invidious thing (most foreign, I trust, to what you think my disposition) to remark the errors into which the authority of great names has brought the nation, without doing justice at the same time to the great qualities whence that authority arose. The subject is instructive to those who wish to form themselves on whatever of excellence has gone before them. There are many young members in the House (such of late has been the rapid succession of public men) who never saw that prodigy, Charles Townshend, nor of course know what a ferment he was able to excite in everything by the violent ebullition of his mixed virtues and failings. For failings he had undoubtedly, — many of us remember them; we are this day considering the effect of them. But he had no failings which were not owing to a noble cause, — to an ardent, generous, perhaps an immoderate passion for fame: a

passion which is the instinct of all great souls. He worshipped that goddess, wheresoever she appeared; but he paid his particular devotions to her in her favorite habitation, in her chosen temple, the House of Commons. Besides the characters of the individuals that compose our body, it is impossible, Mr. Speaker, not to observe that this House has a collective character of its own. That character, too, however imperfect, is not unamiable. Like all great public collections of men, you possess a marked love of virtue and an abhorrence of vice. But among vices there is none which the House abhors in the same degree with *obstinacy*. Obstinacy, Sir, is certainly a great vice; and in the changeful state of political affairs it is frequently the cause of great mischief. It happens, however, very unfortunately, that almost the whole line of the great and masculine virtues, constancy, gravity, magnanimity, fortitude, fidelity, and firmness, are closely allied to this disagreeable quality, of which you have so just an abhorrence; and, in their excess, all these virtues very easily fall into it. He who paid such a punctilious attention to all your feelings certainly took care not to shock them by that vice which is the most disgusting to you.

That fear of displeasing those who ought most to be pleased betrayed him sometimes into the other extreme. He had voted, and, in the year 1765, had been an advocate for the Stamp Act. Things and the disposition of men's minds were changed. In short, the Stamp Act began to be no favorite in this House. He therefore attended at the private meeting in which the resolutions moved by a right honorable gentleman were settled: resolutions leading to the repeal. The next day he voted for that repeal; and he would have spoken for it, too, if an illness (not, as was then given out, a political, but, to my knowledge, a very real illness) had not prevented it.

The very next session, as the fashion of this world passeth away, the repeal began to be in as bad an odor in this House as the Stamp Act had been in the session before. To conform to the temper which began to prevail, and to prevail mostly amongst those most in power, he declared, very early in the winter, that a revenue must be had out of America. Instantly he was tied down to his engagements by some, who had no objection to such experiments, when made at the cost of persons for whom they had no particular regard. The whole body of courtiers drove him onward. They always talked as if the king stood in a sort of humiliated state, until something of the kind should be done.

Here this extraordinary man, then Chancellor of the Exchequer, found himself in great straits. To please universally was the object of his life; but to tax and to please, no more than to love and to be wise, is not given to men. However, he attempted it. To render the tax palatable to the partisans of American revenue, he made a preamble stating the necessity of such a revenue. To close with the American distinction, this revenue was *external* or port-duty; but again, to soften it to the other party, it was a duty of *supply*. To gratify the *colonists*, it was laid on British

manufactures; to satisfy the *merchants of Britain*, the duty was trivial, and (except that on tea, which touched only the devoted East India Company) on none of the grand objects of commerce. To counterwork the American contraband, the duty on tea was reduced from a shilling to three-pence; but to secure the favor of those who would tax America, the scene of collection was changed, and, with the rest, it was levied in the colonies. What need I say more? This fine-spun scheme had the usual fate of all exquisite policy. But the original plan of the duties, and the mode of executing that plan, both arose singly and solely from a love of our applause. He was truly the child of the House. He never thought, did, or said anything, but with a view to you. He every day adapted himself to your disposition, and adjusted himself before it as at a looking-glass.

He had observed (indeed, it could not escape him) that several persons, infinitely his inferiors in all respects, had formerly rendered themselves considerable in this House by one method alone. They were a race of men (I hope in God the species is extinct) who, when they rose in their place, no man living could divine, from any known adherence to parties, to opinions, or to principles, from any order or system in their politics, or from any sequel or connection in their ideas, what part they were going to take in any debate. It is astonishing how much this uncertainty, especially at critical times, called the attention of all parties on such men. All eyes were fixed on them, all ears open to hear them; each party gaped, and looked alternately for their vote, almost to the end of their speeches. While the House hung in this uncertainty, now the *hear-hims* rose from this side, now they rebellowed from the other; and that party to whom they fell at length from their tremulous and dancing balance always received them in a tempest of applause. The fortune of such men was a temptation too great to be resisted by one to whom a single whiff of incense withheld gave much greater pain than he received delight in the clouds of it which daily rose about him from the prodigal superstition of innumerable admirers. He was a candidate for contradictory honors; and his great aim was, to make those agree in admiration of him who never agreed in anything else.

Hence arose this unfortunate act, the subject of this day's debate: from a disposition which, after making an American revenue to please one, repealed it to please others, and again revived it in hopes of pleasing a third, and of catching something in the ideas of all.

This revenue act of 1767 formed the fourth period of American policy. How we have fared since then: what woful variety of schemes have been adopted; what enforcing, and what repealing; what bullying, and what submitting; what doing, and undoing; what straining, and what relaxing; what assemblies dissolved for not obeying, and called again without obedience; what troops sent out to quell resistance, and, on meeting that resistance, recalled; what shiftings, and changes, and jumbings of all kinds of men at home, which left no possibility of order, consistency, vigor, or even so much as a decent unity of color, in anyone public

measure — It is a tedious, irksome task. My duty may call me to open it out some other time; on a former occasion I tried your temper on a part of it; for the present I shall forbear.

After all these changes and agitations, your immediate situation upon the question on your paper is at length brought to this. You have an act of Parliament stating that “it is *expedient* to raise a revenue in America.” By a partial repeal you annihilated the greatest part of that revenue which this preamble declares to be so expedient. You have substituted no other in the place of it. A Secretary of State has disclaimed, in the king’s name, all thoughts of such a substitution in future. The principle of this disclaimer goes to what has been left, as well as what has been repealed. The tax which lingers after its companions (under a preamble declaring an American revenue expedient, and for the sole purpose of supporting the theory of that preamble) militates with the assurance authentically conveyed to the colonies, and is an exhaustless source of jealousy and animosity. On this state, which I take to be a fair one, — not being able to discern any grounds of honor, advantage, peace, or power, for adhering, either to the act or to the preamble, I shall vote for the question which leads to the repeal of both.

If you do not fall in with this motion, then secure something to fight for, consistent in theory and valuable in practice. If you must employ your strength, employ it to uphold you in some honorable right or some profitable wrong. If you are apprehensive that the concession recommended to you, though proper, should be a means of drawing on you further, but unreasonable claims, — why, then employ your force in supporting that reasonable concession against those unreasonable demands. You will employ it with more grace, with better effect, and with great probable concurrence of all the quiet and rational people in the provinces, who are now united with and hurried away by the violent, — having, indeed, different dispositions, but a common interest. If you apprehend that on a concession you shall be pushed by metaphysical process to the extreme lines, and argued out of your whole authority, my advice is this: when you have recovered your old, your strong, your tenable position, then face about, — stop short, — do nothing more, — reason not at all, — oppose the ancient policy and practice of the empire as a rampart against the speculations of innovators on both sides of the question, — and you will stand on great, manly, and sure ground. On this solid basis fix your machines, and they will draw worlds towards you.

Tour ministers, in their own and his Majesty’s name, have already adopted the American distinction of internal and external duties. It is a distinction, whatever merit it may have, that was originally moved by the Americans themselves; and I think they will acquiesce in it, if they are not pushed with too much logic and too little sense, in all the consequences: that is, if external taxation be understood, as they and you understand it, when you please, to be not a distinction of geography, but of policy; that it is a power for regulating trade, and not for supporting

establishments. The distinction, which is as nothing with regard to right, is of most weighty consideration in practice. Recover your old ground, and your old tranquillity; try it; I am persuaded the Americans will compromise with you. When confidence is once restored, the odious and suspicious *summum jus* will perish of course. The spirit of practicability, of moderation, and mutual convenience will never call in geometrical exactness as the arbitrator of an amicable settlement. Consult and follow your experience. Let not the long story with which I have exercised your patience prove fruitless to your interests.

For my part, I should choose (if I could have my wish) that the proposition of the honorable gentleman for the repeal could go to America without the attendance of the penal bills. Alone I could almost answer for its success. I cannot be certain of its reception in the bad company it may keep. In such heterogeneous assortments, the most innocent person will lose the effect of his innocence. Though you should send out this angel of peace, yet you are sending out a destroying angel too; and what would be the effect of the conflict of these two adverse spirits, or which would predominate in the end, is what I dare not say: whether the lenient measures would cause American passion to subside, or the severe would increase its fury, — all this is in the hand of Providence. Yet now, even now, I should confide in the prevailing virtue and efficacious operation of lenity, though working in darkness and in chaos, in the midst of all this unnatural and turbid combination: I should hope it might produce order and beauty in the end.

Let us, Sir, embrace some system or other before we end this session. Do you mean to tax America, and to draw a productive revenue from thence? If you do, speak out: name, fix, ascertain this revenue; settle its quantity; define its objects; provide for its collection; and then fight, when you have something to fight for. If you murder, rob; if you kill, take possession; and do not appear in the character of madmen as well as assassins, violent, vindictive, bloody, and tyrannical, without an object. But may better counsels guide you!

Again, and again, revert to your old principles, — seek peace and ensue it, — leave America, if she has taxable matter in her, to tax herself. I am not here going into the distinctions of rights, nor attempting to mark their boundaries. I do not enter into these metaphysical distinctions; I hate the very sound of them. Leave the Americans as they anciently stood, and these distinctions, born of our unhappy contest, will die along with it. They and we, and their and our ancestors, have been happy under that system. Let the memory of all actions in contradiction to that good old mode, on both sides, be extinguished forever. Be content to bind America by laws of trade: you have always done it. Let this be your reason for binding their trade. Do not burden them by taxes: you were not used to do so from the beginning. Let this be your reason for not taxing. These are the arguments of states and kingdoms. Leave the rest to the schools; for there only they may be discussed with safety. But if, intemperately, unwisely, fatally, you sophisticate and poison the very

source of government, by urging subtle deductions, and consequences odious to those you govern, from the unlimited and illimitable nature of supreme sovereignty, you will teach them by these means to call that sovereignty itself in question. When you drive him hard, the boar will surely turn upon the hunters. If that sovereignty and their freedom cannot be reconciled, which will they take? They will cast your sovereignty in your face. Nobody will be argued into slavery. Sir, let the gentlemen on the other side call forth all their ability; let the best of them get up and tell me what one character of liberty the Americans have, and what one brand of slavery they are free from, if they are bound in their property and industry by all the restraints you can imagine on commerce, and at the same time are made pack-horses of every tax you choose to impose, without the least share in granting them. When they bear the burdens of unlimited monopoly, will you bring them to bear the burdens of unlimited revenue too? The Englishman in America will feel that this is slavery: that it is *legal* slavery will be no compensation either to his feelings or his understanding.

A noble lord, who spoke some time ago, is full of the fire of ingenuous youth; and when he has modelled the ideas of a lively imagination by further experience, he will be an ornament to his country in either House. He has said that the Americans are our children, and how can they revolt against their parent? He says, that, if they are not free in their present state, England is not free; because Manchester, and other considerable places, are not represented. So, then, because some towns in England are not represented, America is to have no representative at all. They are “our children”; but when children ask for bread, we are not to give a stone. Is it because the natural resistance of things, and the various mutations of time, hinders our government, or any scheme of government, from being any more than a sort of approximation to the right, is it therefore that the colonies are to recede from it infinitely? When this child of ours wishes to assimilate to its parent, and to reflect with a true filial resemblance the beauteous countenance of British liberty, are we to turn to them the shameful parts of our constitution? are we to give them our weakness for their strength, our opprobrium for their glory, and the slough of slavery, which we are not able to work off, to serve them for their freedom?

If this be the case, ask yourselves this question: Will they be content in such a state of slavery? If not, look to the consequences. Reflect how you are to govern a people who think they ought to be free, and think they are not. Your scheme yields no revenue; it yields nothing but discontent, disorder, disobedience: and such is the state of America, that, after wading up to your eyes in blood, you could only end just where you begun, — that is, to tax where no revenue is to be found, to — My voice fails me: my inclination, indeed, carries me no further; all is confusion beyond it.

Well, Sir, I have recovered a little, and before I sit down I must say something to another point with which gentlemen urge us. What is to become of the Declaratory

Act, asserting the entireness of British legislative authority, if we abandon the practice of taxation?

For my part, I look upon the rights stated in that act exactly in the manner in which I viewed them on its very first proposition, and which I have often taken the liberty, with great humility, to lay before you. I look, I say, on the imperial rights of Great Britain, and the privileges which the colonists ought to enjoy under these rights, to be just the most reconcilable things in the world. The Parliament of Great Britain sits at the head of her extensive empire in two capacities. One as the local legislature of this island, providing for all things at home, immediately, and by no other instrument than the executive power. The other, and I think her nobler capacity, is what I call her *imperial character*; in which, as from the throne of heaven, she superintends all the several inferior legislatures, and guides and controls them all without annihilating any. As all these provincial legislatures are only coördinate to each other, they ought all to be subordinate to her; else they can neither preserve mutual peace, nor hope for mutual justice, nor effectually afford mutual assistance. It is necessary to coerce the negligent, to restrain the violent, and to aid the weak and deficient, by the overruling plenitude of her power. She is never to intrude into the place of the others, whilst they are equal to the common ends of their institution. But in order to enable Parliament to answer all these ends of provident and beneficent superintendence, her powers must be boundless. The gentlemen who think the powers of Parliament limited may please themselves to talk of requisitions. But suppose the requisitions are not obeyed? What! shall there be no reserved power in the empire, to supply a deficiency which may weaken, divide, and dissipate the whole? We are engaged in war, — the Secretary of State calls upon the colonies to contribute, — some would do it, I think most would cheerfully furnish whatever is demanded, — one or two, suppose, hang back, and, easing themselves, let the stress of the draft lie on the others, — surely it is proper that some authority might legally say, “Tax yourselves for the common Supply, or Parliament will do it for you.” This backwardness was, as I am told, actually the case of Pennsylvania for some short time towards the beginning of the last war, owing to some internal dissensions in that colony. But whether the fact were so or otherwise, the case is equally to be provided for by a competent sovereign power. But then this ought to be no ordinary power, nor ever used in the first instance. This is what I meant, when I have said, at various times, that I consider the power of taxing in Parliament as an instrument of empire, and not as a means of supply.

Such, Sir, is my idea of the Constitution of the British Empire, as distinguished from the Constitution of Britain; and on these grounds I think subordination and liberty may be sufficiently reconciled through the whole, — whether to serve a refining speculatist or a factious demagogue I know not, but enough surely for the ease and happiness of man.

Sir, whilst we hold this happy course, we drew more from the colonies than all the impotent violence of despotism ever could extort from them. We did this abundantly in the last war; it has never been once denied; and what reason have we to imagine that the colonies would not have proceeded in supplying government as liberally, if you had not stepped in and hindered them from contributing, by interrupting the channel in which their liberality flowed with so strong a course, — by attempting to take, instead of being satisfied to receive? Sir William Temple says, that Holland has loaded itself with ten times the impositions which it revolted from Spain rather than submit to. He says true. Tyranny is a poor provider. It knows neither how to accumulate nor how to extract.

I charge, therefore, to this new and unfortunate system the loss not only of peace, of union, and of commerce, but even of revenue, which its friends are contending for. It is morally certain that we have lost at least a million of free grants since the peace. I think we have lost a great deal more; and that those who look for a revenue from the provinces never could have pursued, even in that light, a course more directly repugnant to their purposes.

Now, Sir, I trust I have shown, first on that narrow ground which the honorable gentleman measured, that you are like to lose nothing by complying with the motion, except what you have lost already. I have shown afterwards, that in time of peace you flourished in commerce, and, when war required it, had sufficient aid from the colonies, while you pursued your ancient policy; that you threw everything into confusion, when you made the Stamp Act; and that you restored everything to peace and order, when you repealed it. I have shown that the revival of the system of taxation has produced the very worst effects; and that the partial repeal has produced, not partial good, but universal evil. Let these considerations, founded on facts, not one of which can be denied, bring us back to our reason by the road of our experience.

I cannot, as I have said, answer for mixed measures: but surely this mixture of lenity would give the whole a better chance of success. When you once regain confidence, the way will be clear before you. Then you may enforce the Act of Navigation, when it ought to be enforced. You will yourselves open it, where it ought still further to be opened. Proceed in what you do, whatever you do, from policy, and not from rancor. Let us act like men, let us act like statesmen. Let us hold some sort of consistent conduct. It is agreed that a revenue is not to be had in America. If we lose the profit, let us get rid of the odium.

On this business of America, I confess I am serious, even to sadness. I have had but one opinion concerning it, since I sat, and before I sat in Parliament. The noble lord will, as usual, probably, attribute the part taken by me and my friends in this business to a desire of getting his places. Let him enjoy this happy and original idea. If I deprived him of it, I should take away most of his wit, and all his argument. But I had rather bear the brunt of all his wit, and indeed blows much heavier, than stand

answerable to God for embracing a system that tends to the destruction of some of the very best and fairest of His works. But I know the map of England as well as the noble lord, or as any other person; and I know that the way I take is not the road to preferment. My excellent and honorable friend under me on the floor has trod that road with great toil for upwards of twenty years together. He is not yet arrived at the noble lord's destination. However, the tracks of my worthy friend are those I have ever wished to follow; because I know they lead to honor. Long may we tread the same road together, whoever may accompany us, or whoever may laugh at us on our journey! I honestly and solemnly declare, I have in all seasons adhered to the system of 1766 for no other reason than, that I think it laid deep in your truest interests, — and that, by limiting the exercise, it fixes on the firmest foundations a real, consistent, well-grounded authority in Parliament. Until you come back to that system, there will be no peace for England.

SPEECHES AT HIS ARRIVAL AT BRISTOL, AND AT THE CONCLUSION OF THE POLL. 1774

EDITOR'S ADVERTISEMENT.

We believe there is no need of an apology to the public for offering to them any genuine speeches of Mr. Burke: the two contained in this publication undoubtedly are so. The general approbation they met with (as we hear) from all parties at Bristol persuades us that a good edition of them will not be unacceptable in London; which we own to be the inducement, and we hope is a justification, of our offering it.

We do not presume to descant on the merit of these speeches; but as it is no less new than honorable to find a popular candidate, at a popular election, daring to avow his dissent to certain points that have been considered as very popular objects, and maintaining himself on the manly confidence of his own opinion, so we must say that it does great credit to the people of England, as it proves to the world, that, to insure their confidence, it is not necessary to flatter them, or to affect a subserviency to their passions or their prejudices.

It may be necessary to promise, that at the opening of the poll the candidates were Lord Clare, Mr. Brickdale, the two last members, and Mr. Cruger, a considerable merchant at Bristol. On the second day of the poll, Lord Clare declined; and a considerable body of gentlemen, who had wished that the city of Bristol should, at this critical season, be represented by some gentleman of tried abilities and known commercial knowledge, immediately put Mr. Burke in nomination. Some of them set off express for London to apprise that gentleman of this event; but he was gone to Malton, in Yorkshire. The spirit and active zeal of these gentlemen followed him to Malton. They arrived there just after Mr. Burke's election for that place, and invited him to Bristol.

Mr. Burke, as he tells us in his first speech, acquainted his constituents with the honorable offer that was made him, and, with their consent, he immediately set off for Bristol, on the Tuesday, at six in the evening; he arrived at Bristol at half past two in the afternoon, on Thursday, the 13th of October, being the sixth day of the poll.

He drove directly to the mayor's house, who not being at home, he proceeded to the Guildhall, where he ascended the hustings, and having saluted the electors, the sheriffs, and the two candidates, he reposed himself for a few minutes, and then addressed the electors in a speech which was received with great and universal applause and approbation.

SPEECH
AT
HIS ARRIVAL AT BRISTOL.

Gentlemen, — I am come hither to solicit in person that favor which my friends have hitherto endeavored to procure for me, by the most obliging, and to me the most honorable exertions.

I have so high an opinion of the great trust which you have to confer on this occasion, and, by long experience, so just a diffidence in my abilities to fill it in a manner adequate even to my own ideas, that I should never have ventured of myself to intrude into that awful situation. But since I am called upon by the desire of several respectable fellow subjects, as I have done at other times, I give up my fears to their wishes. Whatever my other deficiencies may be, I do not know what it is to be wanting to my friends.

I am not fond of attempting to raise public expectations by great promises. At this time, there is much cause to consider, and very little to presume. We seem to be approaching to a great crisis in our affairs, which calls for the whole wisdom of the wisest among us, without being able to assure ourselves that any wisdom can preserve us from many and great inconveniences. You know I speak of our unhappy contest with America. I confess, it is a matter on which I look down as from a precipice. It is difficult in itself, and it is rendered more intricate by a great variety of plans of conduct. I do not mean to enter into them. I will not suspect a want of good intention in framing them. But however pure the intentions of their authors may have been, we all know that the event has been unfortunate. The means of recovering our affairs are not obvious. So many great questions of commerce, of finance, of constitution, and of policy are involved in this American deliberation, that I dare engage for nothing, but that I shall give it, without any predilection to former opinions, or any sinister bias whatsoever, the most honest and impartial consideration of which I am capable. The public has a full right to it; and this great city, a main pillar in the commercial interest of Great Britain, must totter on its base by the slightest mistake with regard to our American measures.

Thus much, however, I think it not amiss to lay before you, — that I am not, I hope, apt to take up or lay down my opinions lightly. I have held, and ever shall maintain, to the best of my power, unimpaired and undiminished, the just, wise, and necessary constitutional superiority of Great Britain. This is necessary for America as well as for us. I never mean to depart from it. Whatever may be lost by it, I avow it. The forfeiture even of your favor, if by such a declaration I could

forfeit it, though the first object of my ambition, never will make me disguise my sentiments on this subject.

But — I have ever had a clear opinion, and have ever held a constant correspondent conduct, that this superiority is consistent with all the liberties a sober and spirited American ought to desire. I never mean to put any colonist, or any human creature, in a situation not becoming a free man. To reconcile British superiority with American liberty shall be my great object, as far as my little faculties extend. I am far from thinking that both, even yet, may not be preserved.

When I first devoted myself to the public service, I considered how I should render myself fit for it; and this I did by endeavoring to discover what it was that gave this country the rank it holds in the world. I found that our prosperity and dignity arose principally, if not solely, from two sources: our Constitution, and commerce. Both these I have spared no study to understand, and no endeavor to support.

The distinguishing part of our Constitution is its liberty. To preserve that liberty inviolate seems the particular duty and proper trust of a member of the House of Commons. But the liberty, the only liberty, I mean is a liberty connected with order: that not only exists along with order and virtue, but which cannot exist at all without them. It inheres in good and steady government, as in its substance and vital principle.

The other source of our power is commerce, of which you are so large a part, and which cannot exist, no more than your liberty, without a connection with many virtues. It has ever been a very particular and a very favorite object of my study, in its principles, and in its details. I think many here are acquainted with the truth of what I say. This I know, — that I have ever had my house open, and my poor services ready, for traders and manufacturers of every denomination. My favorite ambition is, to have those services acknowledged. I now appear before you to make trial, whether my earnest endeavors have been so wholly oppressed by the weakness of my abilities as to be rendered insignificant in the eyes of a great trading city; or whether you choose to give a weight to humble abilities, for the sake of the honest exertions with which they are accompanied. This is my trial to-day. My industry is not on trial. Of my industry I am sure, as far as my constitution of mind and body admitted.

When I was invited by many respectable merchants, freeholders, and freemen of this city to offer them my services, I had just received the honor of an election at another place, at a very great distance from this. I immediately opened the matter to those of my worthy constituents who were with me, and they unanimously advised me not to decline it. They told me that they had elected me with a view to the public service; and as great questions relative to our commerce and colonies were imminent that in such matters I might derive authority and support from the representation of this great commercial city: they desired me, therefore, to set off

without delay, very well persuaded that I never could forget my obligations to them or to my friends, for the choice they had made of me. From that time to this instant I have not slept; and if I should have the honor of being freely chosen by you, I hope I shall be as far from slumbering or sleeping, when your service requires me to be awake, as I have been in coming to offer myself a candidate for your favor.

SPEECH
TO THE
ELECTORS OF BRISTOL,
ON HIS BEING DECLARED BY THE SHERIFFS DULY ELECTED
ONE OF THE REPRESENTATIVES IN PARLIAMENT FOR THAT CITY,
ON THURSDAY, THE 3D OF NOVEMBER, 1774.

Gentlemen, — I cannot avoid sympathizing strongly with the feelings of the gentleman who has received the same honor that you have conferred on me. If he, who was bred and passed his whole life amongst you, — if he, who, through the easy gradations of acquaintance, friendship, and esteem, has obtained the honor which seems of itself, naturally and almost insensibly, to meet with those who, by the even tenor of pleasing manners and social virtues, slide into the love and confidence of their fellow-citizens, — if he cannot speak but with great emotion on this subject, surrounded as he is on all sides with his old friends, — you will have the goodness to excuse me, if my real, unaffected embarrassment prevents me from expressing my gratitude to you as I ought.

I was brought hither under the disadvantage of being unknown, even by sight, to any of you. No previous canvass was made for me. I was put in nomination after the poll was opened. I did not appear until it was far advanced. If, under all these accumulated disadvantages, your good opinion has carried me to this happy point of success, you will pardon me, if I can only say to you collectively, as I said to you individually, simply and plainly, I thank you, — I am obliged to you, — I am not insensible of your kindness.

This is all that I am able to say for the inestimable favor you have conferred upon me. But I cannot be satisfied without saying a little more in defence of the right you have to confer such a favor. The person that appeared here as counsel for the candidate who so long and so earnestly solicited your votes thinks proper to deny that a very great part of you have any votes to give. He fixes a standard period of time in his own imagination, (not what the law defines, but merely what the

convenience of his client suggests,) by which he would cut off at one stroke all those freedoms which are the dearest privileges of your corporation, — which the Common Law authorizes, — which your magistrates are compelled to grant, — which come duly authenticated into this court, — and are saved in the clearest words, and with the most religious care and tenderness, in that very act of Parliament which was made to regulate the elections by freemen, and to prevent all possible abuses in making them.

I do not intend to argue the matter here. My learned counsel has supported your cause with his usual ability; the worthy sheriffs have acted with their usual equity; and I have no doubt that the same equity which dictates the return will guide the final determination. I had the honor, in conjunction with many far wiser men, to contribute a very small assistance, but, however, some assistance, to the forming the judicature which is to try such questions. It would be unnatural in me to doubt the justice of that court, in the trial of my own cause, to which I have been so active to give jurisdiction over every other.

I assure the worthy freemen, and this corporation, that, if the gentleman perseveres in the intentions which his present warmth dictates to him, I will attend their cause with diligence, and I hope with effect. For, if I know anything of myself, it is not my own interest in it, but my full conviction, that induces me to tell you, *I think there is not a shadow of doubt in the case.*

I do not imagine that you find me rash in declaring myself, or very forward in troubling you. From the beginning to the end of the election, I have kept silence in all matters of discussion. I have never asked a question of a voter on the other side, or supported a doubtful vote on my own. I respected the abilities of my managers; I relied on the candor of the court. I think the worthy sheriffs will bear me witness that I have never once made an attempt to impose upon their reason, to surprise their justice, or to ruffle their temper. I stood on the hustings (except when I gave my thanks to those who favored me with their votes) less like a candidate than an unconcerned spectator of a public proceeding. But here the face of things is altered. Here is an attempt for a general *massacre* of suffrages, — an attempt, by a promiscuous carnage of *friends* and *foes*, to exterminate above two thousand votes, including *seven hundred polled for the gentleman himself who now complains*, and who would destroy the friends whom he has obtained, only because he cannot obtain as many of them as he wishes.

How he will be permitted, in another place, to stultify and disable himself, and to plead against his own acts, is another question. The law will decide it. I shall only speak of it as it concerns the propriety of public conduct in this city. I do not pretend to lay down rules of decorum for other gentlemen. They are best judges of the mode of proceeding that will recommend them to the favor of their fellow-citizens. But I confess I should look rather awkward, if I had been *the very first to produce the new copies of freedom*, — if I had persisted in producing them to the

last, — if I had ransacked, with the most unremitting industry and the most penetrating research, the remotest corners of the kingdom to discover them, — if I were then, all at once, to turn short, and declare that I had been sporting all this while with the right of election, and that I had been drawing out a poll, upon no sort of rational grounds, which disturbed the peace of my fellow-citizens for a month together; — I really, for my part, should appear awkward under such circumstances.

It would be still more awkward in me, if I were gravely to look the sheriffs in the face, and to tell them they were not to determine my cause on my own principles, nor to make the return upon those votes upon which I had rested my election. Such would be my appearance to the court and magistrates.

But how should I appear to the *voters* themselves? If I had gone round to the citizens entitled to freedom, and squeezed them by the hand,— “Sir, I humbly beg your vote, — I shall be eternally thankful, — may I hope for the honor of your support? — Well! — come, — we shall see you at the Council-House.” — If I were then to deliver them to my managers, pack them into tallies, vote them off in court, and when I heard from the bar,— “Such a one only! and such a one forever! — he’s my man!”— “Thank you, good Sir, — Hah! my worthy friend! thank you kindly, — that’s an honest fellow, — how is your good family?” — Whilst these words were hardly out of my mouth, if I should have wheeled round at once, and told them,— “Get you gone, you pack of worthless fellows! you have no votes, — you are usurpers! you are intruders on the rights of real freemen! I will have nothing to do with you! you ought never to have been produced at this election, and the sheriffs ought not to have admitted you to poll!” —

Gentlemen, I should make a strange figure, if my conduct had been of this sort. I am not so old an acquaintance of yours as the worthy gentleman. Indeed, I could not have ventured on such kind of freedoms with you. But I am bound, and I will endeavor, to have justice done to the rights of freemen, — even though I should at the same time be obliged to vindicate the former part of my antagonist’s conduct against his own present inclinations.

I owe myself, in all things, to *all* the freemen of this city. My particular friends have a demand on me that I should not deceive their expectations. Never was cause or man supported with more constancy, more activity, more spirit. I have been supported with a zeal, indeed, and heartiness in my friends, which (if their object had been at all proportioned to their endeavors) could never be sufficiently commended. They supported me upon the most liberal principles. They wished that the members for Bristol should be chosen for the city, and for their country at large, and not for themselves.

So far they are not disappointed. If I possess nothing else, I am sure I possess the temper that is fit for your service. I know nothing of Bristol, but by the favors I have received, and the virtues I have seen exerted in it.

I shall ever retain, what I now feel, the most perfect and grateful attachment to my friends, — and I have no enmities, no resentments. I never can consider fidelity to engagements and constancy in friendships but with the highest approbation, even when those noble qualities are employed against my own pretensions. The gentleman who is not so fortunate as I have been in this contest enjoys, in this respect, a consolation full of honor both to himself and to his friends. They have certainly left nothing undone for his service.

As for the trifling petulance which the rage of party stirs up in little minds, though it should show itself even in this court, it has not made the slightest impression on me. The highest flight of such clamorous birds is winged in an inferior region of the air. We hear them, and we look upon them, just as you, Gentlemen, when you enjoy the serene air on your lofty rocks, look down upon the gulls that skim the mud of your river, when it is exhausted of its tide.

I am sorry I cannot conclude without saying a word on a topic touched upon by my worthy colleague. I wish that topic had been passed by at a time when I have so little leisure to discuss it. But since he has thought proper to throw it out, I owe you a clear explanation of my poor sentiments on that subject.

He tells you that “the topic of instructions has occasioned much altercation and uneasiness in this city”; and he expresses himself (if I understand him rightly) in favor of the coercive authority of such instructions.

Certainly, Gentlemen, it ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him; their opinions high respect; their business unremitted attention. It is his duty to sacrifice his repose, his *pleasure*, his *satisfactions*, to *theirs*, — and above all, ever, and in all cases, to prefer their interest to his own.

But his unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. These he does not derive from your pleasure, — no, nor from the law and the Constitution. They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion.

My worthy colleague says, his will ought to be subservient to yours. If that be all, the thing is innocent. If government were a matter of will upon any side, yours, without question, ought to be superior. But government and legislation are matters of reason and judgment, and not of inclination; and what sort of reason is that in which the determination precedes the discussion, in which one set of men deliberate and another decide, and where those who form the conclusion are perhaps three hundred miles distant from those who hear the arguments?

To deliver an opinion is the right of all men; that of constituents is a weighty and respectable opinion, which a representative ought always to rejoice to hear, and

which he ought always most seriously to consider. But *authoritative* instructions, *mandates* issued, which the member is bound blindly and implicitly to obey, to vote, and to argue for, though contrary to the clearest conviction of his judgment and conscience, — these are things utterly unknown to the laws of this land, and which arise from a fundamental mistake of the whole order and tenor of our Constitution.

Parliament is not a *congress* of ambassadors from different and hostile interests, which interests each must maintain, as an agent and advocate, against other agents and advocates; but Parliament is a *deliberative* assembly of *one* nation, with *one* interest, that of the whole — where not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole. You choose a member, indeed; but when you have chosen him, he is not member of Bristol, but he is a member of *Parliament*. If the local constituent should have an interest or should form an hasty opinion evidently opposite to the real good of the rest of the community, the member for that place ought to be as far as any other from any endeavor to give it effect. I beg pardon for saying so much on this subject; I have been unwillingly drawn into it; but I shall ever use a respectful frankness of communication with you. Your faithful friend, your devoted servant, I shall be to the end of my life: a flatterer you do not wish for. On this point of instructions, however, I think it scarcely possible we ever can have any sort of difference. Perhaps I may give you too much, rather than too little trouble.

From the first hour I was encouraged to court your favor, to this happy day of obtaining it, I have never promised you anything but humble and persevering endeavors to do my duty. The weight of that duty, I confess, makes me tremble; and whoever well considers what it is, of all things in the world, will fly from what has the least likeness to a positive and precipitate engagement. To be a good member of Parliament is, let me tell you, no easy task, — especially at this time, when there is so strong a disposition to run into the perilous extremes of servile compliance or wild popularity. To unite circumspection with vigor is absolutely necessary, but it is extremely difficult. We are now members for a rich commercial *city*; this city, however, is but a part of a rich commercial *nation*, the interests of which are various, multiform, and intricate. We are members for that great nation, which, however, is itself but part of a great *empire*, extended by our virtue and our fortune to the farthest limits of the East and of the West. All these wide-spread interests must be considered, — must be compared, — must be reconciled, if possible. We are members for a *free* country; and surely we all know that the machine of a free constitution is no simple thing, but as intricate and as delicate as it is valuable. We are members in a great and ancient *monarchy*; and we must preserve religiously the true, legal rights of the sovereign, which form the keystone that binds together the noble and well-constructed arch of our empire and our Constitution. A constitution made up of balanced powers must ever be a critical thing. As such I mean to touch that part of it which comes within my reach. I know my inability, and I wish for

support from every quarter. In particular I shall aim at the friendship, and shall cultivate the best correspondence, of the worthy colleague you have given me.

I trouble you no farther than once more to thank you all: you, Gentlemen, for your favors; the candidates, for their temperate and polite behavior; and the sheriffs, for a conduct which may give a model for all who are in public stations.

SPEECH ON MOVING HIS RESOLUTIONS FOR CONCILIATION WITH THE COLONIES. MARCH 22, 1775.

I hope, Sir, that, notwithstanding the austerity of the Chair, your good-nature will incline you to some degree of indulgence towards human frailty. You will not think it unnatural, that those who have an object depending, which strongly engages their hopes and fears, should be somewhat inclined to superstition. As I came into the House, full of anxiety about the event of my motion, I found, to my infinite surprise, that the grand penal bill by which we had passed sentence on the trade and sustenance of America is to be returned to us from the other House. I do confess, I could not help looking on this event as a fortunate omen. I look upon it as a sort of Providential favor, by which we are put once more in possession of our deliberative capacity, upon a business so very questionable in its nature, so very uncertain in its issue. By the return of this bill, which seemed to have taken its flight forever, we are at this very instant nearly as free to choose a plan for our American government as we were on the first day of the session. If, Sir, we incline to the side of conciliation, we are not at all embarrassed (unless we please to make ourselves so) by any incongruous mixture of coercion and restraint. We are therefore called upon, as it were by a superior warning voice, again to attend to America, — to attend to the whole of it together, — and to review the subject with an unusual degree of care and calmness.

Surely it is an awful subject, — or there is none so on this side of the grave. When I first had the honor of a seat in this House, the affairs of that continent pressed themselves upon us as the most important and most delicate object of Parliamentary attention. My little share in this great deliberation oppressed me. I found myself a partaker in a very high trust; and having no sort of reason to rely on the strength of my natural abilities for the proper execution of that trust, I was obliged to take more than common pains to instruct myself in everything which relates to our colonies. I was not less under the necessity of forming some fixed ideas concerning the general policy of the British empire. Something of this sort seemed to be indispensable, in order, amidst so vast a fluctuation of passions and opinions, to concentrate my thoughts, to ballast my conduct, to preserve me from being blown about by every wind of fashionable doctrine. I really did not think it safe or manly to have fresh principles to seek upon every fresh mail which should arrive from America.

At that period I had the fortune to find myself in perfect concurrence with a large majority in this House. Bowing under that high authority, and penetrated with the sharpness and strength of that early impression, I have continued ever since, without the least deviation, in my original sentiments. Whether this be owing to an obstinate

perseverance in error, or to a religious adherence to what appears to me truth and reason, it is in your equity to judge.

Sir, Parliament, having an enlarged view of objects, made, during this interval, more frequent changes in their sentiments and their conduct than could be justified in a particular person upon the contracted scale of private information. But though I do not hazard anything approaching to a censure on the motives of former Parliaments to all those alterations, one fact is undoubted, — that under them the state of America has been kept in continual agitation. Everything administered as remedy to the public complaint, if it did not produce, was at least followed by, an heightening of the distemper, until, by a variety of experiments, that important country has been brought into her present situation, — a situation which I will not miscall, which I dare not name, which I scarcely know how to comprehend in the terms of any description.

In this posture, Sir, things stood at the beginning of the session. About that time, a worthy member, of great Parliamentary experience, who in the year 1766 filled the chair of the American Committee with much ability, took me aside, and, lamenting the present aspect of our politics, told me, things were come to such a pass that our former methods of proceeding in the House would be no longer tolerated, — that the public tribunal (never too indulgent to a long and unsuccessful opposition) would now scrutinize our conduct with unusual severity, — that the very vicissitudes and shiftings of ministerial measures, instead of convicting their authors of inconstancy and want of system, would be taken as an occasion of charging us with a predetermined discontent which nothing could satisfy, whilst we accused every measure of vigor as cruel and every proposal of lenity as weak and irresolute. The public, he said, would not have patience to see us play the game out with our adversaries; we must produce our hand: it would be expected that those who for many years had been active in such affairs should show that they had formed some clear and decided idea of the principles of colony government, and were capable of drawing out something like a platform of the ground which might be laid for future and permanent tranquillity.

I felt the truth of what my honorable friend represented; but I felt my situation, too. His application might have been made with far greater propriety to many other gentlemen. No man was, indeed, ever better disposed, or worse qualified, for such an undertaking, than myself. Though I gave so far into his opinion, that I immediately threw my thoughts into a sort of Parliamentary form, I was by no means equally ready to produce them. It generally argues some degree of natural impotence of mind, or some want of knowledge of the world, to hazard plans of government, except from a seat of authority. Propositions are made, not only ineffectually, but somewhat disreputably, when the minds of men are not properly disposed for their reception; and for my part, I am not ambitious of ridicule, not absolutely a candidate for disgrace.

Besides, Sir, to speak the plain truth, I have in general no very exalted opinion of the virtue of paper government, nor of any politics in which the plan is to be wholly separated from the execution. But when I saw that anger and violence prevailed every day more and more, and that things were hastening towards an incurable alienation of our colonies, I confess my caution gave way. I felt this as one of those few moments in which decorum yields to an higher duty. Public calamity is a mighty leveller; and there are occasions when any, even the slightest, chance of doing good must be laid hold on, even by the most inconsiderable person.

To restore order and repose to an empire so great and so distracted as ours is, merely in the attempt, an undertaking that would ennoble the flights of the highest genius, and obtain pardon for the efforts of the meanest understanding. Struggling a good while with these thoughts, by degrees I felt myself more firm. I derived, at length, some confidence from what in other circumstances usually produces timidity. I grew less anxious, even from the idea of my own insignificance. For, judging of what you are by what you ought to be, I persuaded myself that you would not reject a reasonable proposition because it had nothing but its reason to recommend it. On the other hand, being totally destitute of all shadow of influence, natural or adventitious, I was very sure, that, if my proposition were futile or dangerous, if it were weakly conceived or improperly timed, there was nothing exterior to it of power to awe, dazzle, or delude you. You will see it just as it is, and you will treat it just as it deserves.

The proposition is peace. Not peace through the medium of war; not peace to be hunted through the labyrinth of intricate and endless negotiations; not peace to arise out of universal discord, fomented from principle, in all parts of the empire; not peace to depend on the juridical determination of perplexing questions, or the precise marking the shadowy boundaries of a complex government. It is simple peace, sought in its natural course and in its ordinary haunts. It is peace sought in the spirit of peace, and laid in principles purely pacific. I propose, by removing the ground of the difference, and by restoring the *former unsuspecting confidence of the colonies in the mother country*, to give permanent satisfaction to your people, — and (far from a scheme of ruling by discord) to reconcile them to each other in the same act and by the bond of the very same interest which reconciles them to British government.

My idea is nothing more. Refined policy ever has been the parent of confusion, — and ever will be so, as long as the world endures. Plain good intention, which is as easily discovered at the first view as fraud is surely detected at last, is, let me say, of no mean force in the government of mankind. Genuine simplicity of heart is an healing and cementing principle. My plan, therefore, being formed upon the most simple grounds imaginable, may disappoint some people, when they hear it. It has nothing to recommend it to the pruriency of curious ears. There is nothing at all new and captivating in it. It has nothing of the splendor of the project which has

been lately laid upon your table by the noble lord in the blue riband. It does not propose to fill your lobby with squabbling colony agents, who will require the interposition of your mace at every instant to keep the peace amongst them. It does not institute a magnificent auction of finance, where captivated provinces come to general ransom by bidding against each other, until you knock down the hammer, and determine a proportion of payments beyond all the powers of algebra to equalize and settle.

The plan which I shall presume to suggest derives, however, one great advantage from the proposition and registry of that noble lord's project. The idea of conciliation is admissible. First, the House, in accepting the resolution moved by the noble lord, has admitted, notwithstanding the menacing front of our address, notwithstanding our heavy bill of pains and penalties, that we do not think ourselves precluded from all ideas of free grace and bounty.

The House has gone farther: it has declared conciliation admissible *previous* to any submission on the part of America. It has even shot a good deal beyond that mark, and has admitted that the complaints of our former mode of exerting the right of taxation were not wholly unfounded. That right thus exerted is allowed to have had something reprehensible in it, — something unwise, or something grievous; since, in the midst of our heat and resentment, we, of ourselves, have proposed a capital alteration, and, in order to get rid of what seemed so very exceptionable, have instituted a mode that is altogether new, — one that is, indeed, wholly alien from all the ancient methods and forms of Parliament.

The *principle* of this proceeding is large enough for my purpose. The means proposed by the noble lord for carrying his ideas into execution, I think, indeed, are very indifferently suited to the end; and this I shall endeavor to show you before I sit down. But, for the present, I take my ground on the admitted principle. I mean to give peace. Peace implies reconciliation; and where there has been a material dispute, reconciliation does in a manner always imply concession on the one part or on the other. In this state of things I make no difficulty in affirming that the proposal ought to originate from us. Great and acknowledged force is not impaired, either in effect or in opinion, by an unwillingness to exert itself. The superior power may offer peace with honor and with safety. Such an offer from such a power will be attributed to magnanimity. But the concessions of the weak are the concessions of fear. When such a one is disarmed, he is wholly at the mercy of his superior; and he loses forever that time and those chances which, as they happen to all men, are the strength and resources of all inferior power.

The capital leading questions on which you must this day decide are these two: First, whether you ought to concede; and secondly, what your concession ought to be. On the first of these questions we have gained (as I have just taken the liberty of observing to you) some ground. But I am sensible that a good deal more is still to be done. Indeed, Sir, to enable us to determine both on the one and the other of

these great questions with a firm and precise judgment, I think it may be necessary to consider distinctly the true nature and the peculiar circumstances of the object which we have before us: because, after all our struggle, whether we will or not, we must govern America according to that nature and to those circumstances, and not according to our own imaginations, not according to abstract ideas of right, by no means according to mere general theories of government, the resort to which appears to me, in our present situation, no better than arrant trifling. I shall therefore endeavor, with your leave, to lay before you some of the most material of these circumstances in as full and as clear a manner as I am able to state them.

The first thing that we have to consider with regard to the nature of the object is the number of people in the colonies. I have taken for some years a good deal of pains on that point. I can by no calculation justify myself in placing the number below two millions of inhabitants of our own European blood and color, — besides at least 500,000 others, who form no inconsiderable part of the strength and opulence of the whole. This, Sir, is, I believe, about the true number. There is no occasion to exaggerate, where plain truth is of so much weight and importance. But whether I put the present numbers too high or too low is a matter of little moment. Such is the strength with which population shoots in that part of the world, that, state the numbers as high as we will, whilst the dispute continues, the exaggeration ends. Whilst we are discussing any given magnitude, they are grown to it. Whilst we spend our time in deliberating on the mode of governing two millions, we shall find we have millions more to manage. Your children do not grow faster from infancy to manhood than they spread from families to communities, and from villages to nations.

I put this consideration of the present and the growing numbers in the front of our deliberation, because, Sir, this consideration will make it evident to a blunter discernment than yours, that no partial, narrow, contracted, pinched, occasional system will be at all suitable to such an object. It will show you that it is not to be considered as one of those *minima* which are out of the eye and consideration of the law, — not a paltry excrescence of the state, — not a mean dependant, who may be neglected with little damage and provoked with little danger. It will prove that some degree of care and caution is required in the handling such an object; it will show that you ought not, in reason, to trifle with so large a mass of the interests and feelings of the human race. You could at no time do so without guilt; and be assured you will not be able to do it long with impunity.

But the population of this country, the great and growing population, though a very important consideration, will lose much of its weight, if not combined with other circumstances. The commerce of your colonies is out of all proportion beyond the numbers of the people. This ground of their commerce, indeed, has been trod some days ago, and with great ability, by a distinguished person, at your bar. This gentleman, after thirty-five years, — it is so long since he first appeared at the same

place to plead for the commerce of Great Britain, — has come again before you to plead the same cause, without any other effect of time than that to the fire of imagination and extent of erudition, which even then marked him as one of the first literary characters of his age, he has added a consummate knowledge in the commercial interest of his country, formed by a long course of enlightened and discriminating experience.

Sir, I should be inexcusable in coming after such a person with any detail, if a great part of the members who now fill the House had not the misfortune to be absent when he appeared at your bar. Besides, Sir, I propose to take the matter at periods of time somewhat different from his. There is, if I mistake not, a point of view from whence, if you will look at this subject, it is impossible that it should not make an impression upon you.

I have in my hand two accounts: one a comparative state of the export trade of England to its colonies, as it stood in the year 1704, and as it stood in the year 1772; the other a state of the export trade of this country to its colonies alone, as it stood in 1772, compared with the whole trade of England to all parts of the world (the colonies included) in the year 1704. They are from good vouchers: the latter period from the accounts on your table; the earlier from an original manuscript of Davenant, who first established the Inspector-General's office, which has been ever since his time so abundant a source of Parliamentary information.

The export trade to the colonies consists of three great branches: the African, which, terminating almost wholly in the colonies, must be put to the account of their commerce; the West Indian; and the North American. All these are so interwoven, that the attempt to separate them would tear to pieces the contexture of the whole, and, if not entirely destroy, would very much depreciate, the value of all the parts. I therefore consider these three denominations to be, what in effect they are, one trade.

The trade to the colonies, taken on the export side, at the beginning of this century, that is, in the year 1704, stood thus: —

Exports to North America and the West Indies

£ 483,265

To Africa

86,665

£ 569,930

In the year 1772, which I take as a middle year between the highest and lowest of those lately laid on your table, the account was as follows: —

To North America and the West Indies

£ 4,791,734

To Africa
866,398

To which if you add the export trade from Scotland, which had in 1704 no
existence
364,000

£6,024,171

From five hundred and odd thousand, it has grown to six millions. It has increased no less than twelve-fold. This is the state of the colony trade, as compared with itself at these two periods, within this century; — and this is matter for meditation. But this is not all. Examine my second account. See how the export trade to the colonies alone in 1772 stood in the other point of view, that is, as compared to the whole trade of England in 1704.

The whole export trade of England, including that to the colonies, in 1704
£6,509,000

Export to the colonies alone, in 1772
6,024,000

Difference
£485,000

The trade with America alone is now within less than 500,000*l.* of being equal to what this great commercial nation, England, carried on at the beginning of this century with the whole world! If I had taken the largest year of those on your table, it would rather have exceeded. But, it will be said, is not this American trade an unnatural protuberance, that has drawn the juices from the rest of the body? The reverse. It is the very food that has nourished every other part into its present magnitude. Our general trade has been greatly augmented, and augmented more or less in almost every part to which it ever extended, but with this material difference: that of the six millions which in the beginning of the century constituted the whole mass of our export commerce the colony trade was but one twelfth part; it is now (as a part of sixteen millions) considerably more than a third of the whole. This is the relative proportion of the importance of the colonies at these two periods: and all reasoning concerning our mode of treating them must have this proportion as its basis, or it is a reasoning weak, rotten, and sophistical.

Mr. Speaker, I cannot prevail on myself to hurry over this great consideration. It is good for us to be here. We stand where we have an immense view of what is, and what is past. Clouds indeed, and darkness, rest upon the future. Let us, however, before we descend from this noble eminence, reflect that this growth of our national prosperity has happened within the short period of the life of man. It has happened within sixty-eight years. There are those alive whose memory might touch the two extremities. For instance, my Lord Bathurst might remember all the stages of the progress. He was in 1704 of an age at least to be made to comprehend such things. He was then old enough *acta parentum jam legere, et quæ sit poterit cognoscere virtus*. Suppose, Sir, that the angel of this auspicious youth, foreseeing the many virtues which made him one of the most amiable, as he is one of the most fortunate men of his age, had opened to him in vision, that, when, in the fourth generation, the third prince of the House of Brunswick had sat twelve years on the throne of that nation which (by the happy issue of moderate and healing councils) was to be made Great Britain, he should see his son, Lord Chancellor of England, turn back the current of hereditary dignity to its fountain, and raise him to an higher rank of peerage, whilst he enriched the family with a new one, — if, amidst these bright and happy scenes of domestic honor and prosperity, that angel should have drawn up the curtain, and unfolded the rising glories of his country, and whilst he was gazing with admiration on the then commercial grandeur of England, the genius should point out to him a little speck, scarce visible in the mass of the national interest, a small seminal principle rather than a formed body, and should tell him,—“Young man, there is America, — which at this day serves for little more than to amuse you with stories of savage men and uncouth manners, yet shall, before you taste of death, show itself equal to the whole of that commerce which now attracts the envy of the world. Whatever England has been growing to by a progressive increase of improvement, brought in by varieties of people, by succession of civilizing conquests and civilizing settlements in a series of seventeen hundred years, you shall see as much added to her by America in the course of a single life!” If this state of his country had been foretold to him, would it not require all the sanguine credulity of youth, and all the fervid glow of enthusiasm, to make him believe it? Fortunate man, he has lived to see it! Fortunate indeed, if he lives to see nothing that shall vary the prospect, and cloud the setting of his day!

Excuse me, Sir, if, turning from such thoughts, I resume this comparative view once more. You have seen it on a large scale; look at it on a small one. I will point out to your attention a particular instance of it in the single province of Pennsylvania. In the year 1704, that province called for 11,459*l.* in value of your commodities, native and foreign. This was the whole. What did it demand in 1772! Why, nearly fifty times as much; for in that year the export to Pennsylvania was 507,909*l.*, nearly equal to the export to all the colonies together in the first period.

I choose, Sir, to enter into these minute and particular details; because generalities, which in all other cases are apt to heighten and raise the subject, have here a tendency to sink it. When we speak of the commerce with our colonies, fiction lags after truth, invention is unfruitful, and imagination cold and barren.

So far, Sir, as to the importance of the object in the view of its commerce, as concerned in the exports from England. If I were to detail the imports, I could show how many enjoyments they procure which deceive the burden of life, how many materials which invigorate the springs of national industry and extend and animate every part of our foreign and domestic commerce. This would be a curious subject indeed, — but I must prescribe bounds to myself in a matter so vast and various.

I pass, therefore, to the colonies in another point of view, — their agriculture. This they have prosecuted with such a spirit, that, besides feeding plentifully their own growing multitude, their annual export of grain, comprehending rice, has some years ago exceeded a million in value. Of their last harvest, I am persuaded, they will export much more. At the beginning of the century some of these colonies imported corn from the mother country. For some time past the Old World has been fed from the New. The scarcity which you have felt would have been a desolating famine, if this child of your old age, with a true filial piety, with a Roman charity, had not put the full breast of its youthful exuberance to the mouth of its exhausted parent.

As to the wealth which the colonies have drawn from the sea by their fisheries, you had all that matter fully opened at your bar. You surely thought those acquisitions of value, for they seemed even to excite your envy; and yet the spirit by which that enterprising employment has been exercised ought rather, in my opinion, to have raised your esteem and admiration. And pray, Sir, what in the world is equal to it? Pass by the other parts, and look at the manner in which the people of New England have of late carried on the whale-fishery. Whilst we follow them among the tumbling mountains of ice, and behold them penetrating into the deepest frozen recesses of Hudson's Bay and Davis's Straits, whilst we are looking for them beneath the arctic circle, we hear that they have pierced into the opposite region of polar cold, that they are at the antipodes, and engaged under the frozen serpent of the South. Falkland Island, which seemed too remote and romantic an object for the grasp of national ambition, is but a stage and resting-place in the progress of their victorious industry. Nor is the equinoctial heat more discouraging to them than the accumulated winter of both the poles. We know, that, whilst some of them draw the line and strike the harpoon on the coast of Africa, others run the longitude, and pursue their gigantic game along the coast of Brazil. No sea but what is vexed by their fisheries. No climate that is not witness to their toils. Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprise, ever carried this most perilous mode of hardy industry to the extent to which it has been pushed by this recent people, — a people who are still,

as it were, but in the gristle, and not yet hardened into the bone of manhood. When I contemplate these things, — when I know that the colonies in general owe little or nothing to any care of ours, and that they are not squeezed into this happy form by the constraints of watchful and suspicious government, but that, through a wise and salutary neglect, a generous nature has been suffered to take her own way to perfection, — when I reflect upon these effects, when I see how profitable they have been to us, I feel all the pride of power sink, and all presumption in the wisdom of human contrivances melt and die away within me, — my rigor relents, — I pardon something to the spirit of liberty.

I am sensible, Sir, that all which I have asserted in my detail is admitted in the gross, but that quite a different conclusion is drawn from it. America, gentlemen say, is a noble object, — it is an object well worth fighting for. Certainly it is, if fighting a people be the best way of gaining them. Gentlemen in this respect will be led to their choice of means by their complexions and their habits. Those who understand the military art will of course have some predilection for it. Those who wield the thunder of the state may have more confidence in the efficacy of arms. But I confess, possibly for want of this knowledge, my opinion is much more in favor of prudent management than of force, — considering force not as an odious, but a feeble instrument, for preserving a people so numerous, so active, so growing, so spirited as this, in a profitable and subordinate connection with us.

First, Sir, permit me to observe, that the use of force alone is but *temporary*. It may subdue for a moment; but it does not remove the necessity of subduing again: and a nation is not governed which is perpetually to be conquered.

My next objection is its *uncertainty*. Terror is not always the effect of force, and an armament is not a victory. If you do not succeed, you are without resource: for, conciliation failing, force remains; but, force failing, no further hope of reconciliation is left. Power and authority are sometimes bought by kindness; but they can never be begged as alms by an impoverished and defeated violence.

A further objection to force is, that you *impair the object* by your very endeavors to preserve it. The thing you fought for is not the thing which you recover, but depreciated, sunk, wasted, and consumed in the contest. Nothing less will content me than *whole America*. I do not choose to consume its strength along with our own; because in all parts it is the British strength that I consume. I do not choose to be caught by a foreign enemy at the end of this exhausting conflict, and still less in the midst of it. I may escape, but I can make no insurance against such an event. Let me add, that I do not choose wholly to break the American spirit; because it is the spirit that has made the country.

Lastly, we have no sort of *experience* in favor of force as an instrument in the rule of our colonies. Their growth and their utility has been owing to methods altogether different. Our ancient indulgence has been said to be pursued to a fault. It may be

so; but we know, if feeling is evidence, that our fault was more tolerable than our attempt to mend it, and our sin far more salutary than our penitence.

These, Sir, are my reasons for not entertaining that high opinion of untried force by which many gentlemen, for whose sentiments in other particulars I have great respect, seem to be so greatly captivated. But there is still behind a third consideration concerning this object, which serves to determine my opinion on the sort of policy which ought to be pursued in the management of America, even more than its population and its commerce: I mean its *temper and character*.

In this character of the Americans a love of freedom is the predominating feature which marks and distinguishes the whole: and as an ardent is always a jealous affection, your colonies become suspicious, restive, and untractable, whenever they see the least attempt to wrest from them by force, or shuffle from them by chicane, what they think the only advantage worth living for. This fierce spirit of liberty is stronger in the English colonies, probably, than in any other people of the earth, and this from a great variety of powerful causes; which, to understand the true temper of their minds, and the direction which this spirit takes, it will not be amiss to lay open somewhat more largely.

First, the people of the colonies are descendants of Englishmen. England, Sir, is a nation which still, I hope, respects, and formerly adored, her freedom. The colonists emigrated from you when this part of your character was most predominant; and they took this bias and direction the moment they parted from your hands. They are therefore not only devoted to liberty, but to liberty according to English ideas and on English principles. Abstract liberty, like other mere abstractions, is not to be found. Liberty inheres in some sensible object; and every nation has formed to itself some favorite point, which by way of eminence becomes the criterion of their happiness. It happened, you know, Sir, that the great contests for freedom in this country were from the earliest times chiefly upon the question of taxing. Most of the contests in the ancient commonwealths turned primarily on the right of election of magistrates, or on the balance among the several orders of the state. The question of money was not with them so immediate. But in England it was otherwise. On this point of taxes the ablest pens and most eloquent tongues have been exercised, the greatest spirits have acted and suffered. In order to give the fullest satisfaction concerning the importance of this point, it was not only necessary for those who in argument defended the excellence of the English Constitution to insist on this privilege of granting money as a dry point of fact, and to prove that the right had been acknowledged in ancient parchments and blind usages to reside in a certain body called an House of Commons: they went much further: they attempted to prove, and they succeeded, that in theory it ought to be so, from the particular nature of a House of Commons, as an immediate representative of the people, whether the old records had delivered this oracle or not. They took infinite pains to inculcate, as a fundamental principle, that in all

monarchies the people must in effect themselves, mediately or immediately, possess the power of granting their own money, or no shadow of liberty could subsist. The colonies draw from you, as with their life-blood, these ideas and principles. Their love of liberty, as with you, fixed and attached on this specific point of taxing. Liberty might be safe or might be endangered in twenty other particulars without their being much pleased or alarmed. Here they felt its pulse; and as they found that beat, they thought themselves sick or sound. I do not say whether they were right or wrong in applying your general arguments to their own case. It is not easy, indeed, to make a monopoly of theorems and corollaries. The fact is, that they did thus apply those general arguments; and your mode of governing them, whether through lenity or indolence, through wisdom or mistake, confirmed them in the imagination, that they, as well as you, had an interest in these common principles.

They were further confirmed in this pleasing error by the form of their provincial legislative assemblies. Their governments are popular in an high degree: some are merely popular; in all, the popular representative is the most weighty; and this share of the people in their ordinary government never fails to inspire them with lofty sentiments, and with a strong aversion from whatever tends to deprive them of their chief importance.

If anything were wanting to this necessary operation of the form of government, religion would have given it a complete effect. Religion, always a principle of energy, in this new people is no way worn out or impaired; and their mode of professing it is also one main cause of this free spirit. The people are Protestants, and of that kind which is the most adverse to all implicit submission of mind and opinion. This is a persuasion not only favorable to liberty, but built upon it. I do not think, Sir, that the reason of this averseness in the dissenting churches from all that looks like absolute government is so much to be sought in their religious tenets as in their history. Every one knows that the Roman Catholic religion is at least coeval with most of the governments where it prevails, that it has generally gone hand in hand with them, and received great favor and every kind of support from authority. The Church of England, too, was formed from her cradle under the nursing care of regular government. But the dissenting interests have sprung up in direct opposition to all the ordinary powers of the world, and could justify that opposition only on a strong claim to natural liberty. Their very existence depended on the powerful and unremitted assertion of that claim. All Protestantism, even the most cold and passive, is a sort of dissent. But the religion most prevalent in our northern colonies is a refinement on the principle of resistance: it is the dissidence of dissent, and the protestantism of the Protestant religion. This religion, under a variety of denominations agreeing in nothing but in the communion of the spirit of liberty, is predominant in most of the northern provinces, where the Church of England, notwithstanding its legal rights, is in reality no more than a sort of private sect, not composing, most probably, the tenth of the people. The colonists left England when

this spirit was high, and in the emigrants was the highest of all; and even that stream of foreigners which has been constantly flowing into these colonies has, for the greatest part, been composed of dissenters from the establishments of their several countries, and have brought with them a temper and character far from alien to that of the people with whom they mixed.

Sir, I can perceive, by their manner, that some gentlemen object to the latitude of this description, because in the southern colonies the Church of England forms a large body, and has a regular establishment. It is certainly true. There is, however, a circumstance attending these colonies, which, in my opinion, fully counterbalances this difference, and makes the spirit of liberty still more high and haughty than in those to the northward. It is, that in Virginia and the Carolinas they have a vast multitude of slaves. Where this is the case in any part of the world, those who are free are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing there, that freedom, as in countries where it is a common blessing, and as broad and general as the air, may be united with much abject toil, with great misery, with all the exterior of servitude, liberty looks, amongst them, like something that is more noble and liberal. I do not mean, Sir, to commend the superior morality of this sentiment, which has at least as much pride as virtue in it; but I cannot alter the nature of man. The fact is so; and these people of the southern colonies are much more strongly, and with an higher and more stubborn spirit, attached to liberty, than those to the northward. Such were all the ancient commonwealths; such were our Gothic ancestors; such in our days were the Poles; and such will be all masters of slaves, who are not slaves themselves. In such a people, the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it invincible.

Permit me, Sir, to add another circumstance in our colonies, which contributes no mean part towards the growth and effect of this untractable spirit: I mean their education. In no country, perhaps, in the world is the law so general a study. The profession itself is numerous and powerful, and in most provinces it takes the lead. The greater number of the deputies sent to the Congress were lawyers. But all who read, and most do read, endeavor to obtain some smattering in that science. I have been told by an eminent bookseller, that in no branch of his business, after tracts of popular devotion, were so many books as those on the law exported to the plantations. The colonists have now fallen into the way of printing them for their own use. I hear that they have sold nearly as many of Blackstone's "Commentaries" in America as in England. General Gage marks out this disposition very particularly in a letter on your table. He states, that all the people in his government are lawyers, or smatterers in law, — and that in Boston they have been enabled, by successful chicane, wholly to evade many parts of one of your capital penal constitutions. The smartness of debate will say, that this knowledge ought to teach them more clearly the rights of legislature, their obligations to obedience, and the penalties of

rebellion. All this is mighty well. But my honorable and learned friend on the floor, who condescends to mark what I say for animadversion, will disdain that ground. He has heard, as well as I, that, when great honors and great emoluments do not win over this knowledge to the service of the state, it is a formidable adversary to government. If the spirit be not tamed and broken by these happy methods, it is stubborn and litigious. *Abeunt studia in mores*. This study renders men acute, inquisitive, dexterous, prompt in attack, ready in defence, full of resources. In other countries, the people, more simple, and of a less mercurial cast, judge of an ill principle in government only by an actual grievance; here they anticipate the evil, and judge of the pressure of the grievance by the badness of the principle. They augur misgovernment at a distance, and snuff the approach of tyranny in every tainted breeze.

The last cause of this disobedient spirit in the colonies is hardly less powerful than the rest, as it is not merely moral, but laid deep in the natural constitution of things. Three thousand miles of ocean lie between you and them. No contrivance can prevent the effect of this distance in weakening government. Seas roll, and months pass, between the order and the execution; and the want of a speedy explanation of a single point is enough to defeat an whole system. You have, indeed, winged ministers of vengeance, who carry your bolts in their pounces to the remotest verge of the sea: but there a power steps in, that limits the arrogance of raging passions and furious elements, and says, "So far shalt thou go, and no farther." Who are you, that should fret and rage, and bite the chains of Nature? Nothing worse happens to you than does to all nations who have extensive empire; and it happens in all the forms into which empire can be thrown. In large bodies, the circulation of power must be less vigorous at the extremities. Nature has said it. The Turk cannot govern Egypt, and Arabia, and Kurdistan, as he governs Thrace; nor has he the same dominion in Crimea and Algiers which he has at Brusa and Smyrna. Despotism itself is obliged to truck and huckster. The Sultan gets such obedience as he can. He governs with a loose rein, that he may govern at all; and the whole of the force and vigor of his authority in his centre is derived from a prudent relaxation in all his borders. Spain, in her provinces, is perhaps not so well obeyed as you are in yours. She complies, too; she submits; she watches times. This is the immutable condition, the eternal law, of extensive and detached empire.

Then, Sir, from these six capital sources, of descent, of form of government, of religion in the northern provinces, of manners in the southern, of education, of the remoteness of situation from the first mover of government, — from all these causes a fierce spirit of liberty has grown up. It has grown with the growth of the people in your colonies, and increased with the increase of their wealth: a spirit, that, unhappily meeting with an exercise of power in England, which, however lawful, is not reconcilable to any ideas of liberty, much less with theirs, has kindled this flame that is ready to consume us.

I do not mean to commend either the spirit in this excess, or the moral causes which produce it. Perhaps a more smooth and accommodating spirit of freedom in them would be more acceptable to us. Perhaps ideas of liberty might be desired more reconcilable with an arbitrary and boundless authority. Perhaps we might wish the colonists to be persuaded that their liberty is more secure when held in trust for them by us (as their guardians during a perpetual minority) than with any part of it in their own hands. But the question is not, whether their spirit deserves praise or blame, — what, in the name of God, shall we do with it? You have before you the object, such as it is, — with all its glories, with all its imperfections on its head. You see the magnitude, the importance, the temper, the habits, the disorders. By all these considerations we are strongly urged to determine something concerning it. We are called upon to fix some rule and line for our future conduct, which may give a little stability to our politics, and prevent the return of such unhappy deliberations as the present. Every such return will bring the matter before us in a still more untractable form. For what astonishing and incredible things have we not seen already! What monsters have not been generated from this unnatural contention! Whilst every principle of authority and resistance has been pushed, upon both sides, as far as it would go, there is nothing so solid and certain, either in reasoning or in practice, that has not been shaken. Until very lately, all authority in America seemed to be nothing but an emanation from yours. Even the popular part of the colony constitution derived all its activity, and its first vital movement, from the pleasure of the crown. We thought, Sir, that the utmost which the discontented colonists could do was to disturb authority; we never dreamt they could of themselves supply it, knowing in general what an operose business it is to establish a government absolutely new. But having, for our purposes in this contention, resolved that none but an obedient assembly should sit, the humors of the people there, finding all passage through the legal channel stopped, with great violence broke out another way. Some provinces have tried their experiment, as we have tried ours; and theirs has succeeded. They have formed a government sufficient for its purposes, without the bustle of a revolution, or the troublesome formality of an election. Evident necessity and tacit consent have done the business in an instant. So well they have done it, that Lord Dunmore (the account is among the fragments on your table) tells you that the new institution is infinitely better obeyed than the ancient government ever was in its most fortunate periods. Obedience is what makes government, and not the names by which it is called: not the name of Governor, as formerly, or Committee, as at present. This new government has originated directly from the people, and was not transmitted through any of the ordinary artificial media of a positive constitution. It was not a manufacture ready formed, and transmitted to them in that condition from England. The evil arising from hence is this: that the colonists having once found the possibility of enjoying the advantages of order in the midst of a struggle for liberty, such struggles will not

henceforward seem so terrible to the settled and sober part of mankind as they had appeared before the trial.

Pursuing the same plan of punishing by the denial of the exercise of government to still greater lengths, we wholly abrogated the ancient government of Massachusetts. We were confident that the first feeling, if not the very prospect of anarchy, would instantly enforce a complete submission. The experiment was tried. A new, strange, unexpected face of things appeared. Anarchy is found tolerable. A vast province has now subsisted, and subsisted in a considerable degree of health and vigor, for near a twelvemonth, without governor, without public council, without judges, without executive magistrates. How long it will continue in this state, or what may arise out of this unheard-of situation, how can the wisest of us conjecture? Our late experience has taught us that many of those fundamental principles formerly believed infallible are either not of the importance they were imagined to be, or that we have not at all adverted to some other far more important and far more powerful principles which entirely overrule those we had considered as omnipotent. I am much against any further experiments which tend to put to the proof any more of these allowed opinions which contribute so much to the public tranquillity. In effect, we suffer as much at home by this loosening of all ties, and this concussion of all established opinions, as we do abroad. For, in order to prove that the Americans have no right to their liberties, we are every day endeavoring to subvert the maxims which preserve the whole spirit of our own. To prove that the Americans ought not to be free, we are obliged to depreciate the value of freedom itself; and we never seem to gain a paltry advantage over them in debate, without attacking some of those principles, or deriding some of those feelings, for which our ancestors have shed their blood.

But, Sir, in wishing to put an end to pernicious experiments, I do not mean to preclude the fullest inquiry. Far from it. Far from deciding on a sudden or partial view, I would patiently go round and round the subject, and survey it minutely in every possible aspect. Sir, if I were capable of engaging you to an equal attention, I would state, that, as far as I am capable of discerning, there are but three ways of proceeding relative to this stubborn spirit which prevails in your colonies and disturbs your government. These are, — to change that spirit, as inconvenient, by removing the causes, — to prosecute it, as criminal, — or to comply with it, as necessary. I would not be guilty of an imperfect enumeration; I can think of but these three. Another has, indeed, been started, — that of giving up the colonies; but it met so slight a reception that I do not think myself obliged to dwell a great while upon it. It is nothing but a little sally of anger, like the frowardness of peevish children, who, when they cannot get all they would have, are resolved to take nothing.

The first of these plans — to change the spirit, as inconvenient, by removing the causes — I think is the most like a systematic proceeding. It is radical in its

principle; but it is attended with great difficulties: some of them little short, as I conceive, of impossibilities. This will appear by examining into the plans which have been proposed.

As the growing population of the colonies is evidently one cause of their resistance, it was last session mentioned in both Houses, by men of weight, and received not without applause, that, in order to check this evil, it would be proper for the crown to make no further grants of land. But to this scheme there are two objections. The first, that there is already so much unsettled land in private hands as to afford room for an immense future population, although the crown not only withheld its grants, but annihilated its soil. If this be the case, then the only effect of this avarice of desolation, this hoarding of a royal wilderness, would be to raise the value of the possessions in the hands of the great private monopolists, without any adequate check to the growing and alarming mischief of population.

But if you stopped your grants, what would be the consequence? The people would occupy without grants. They have already so occupied in many places. You cannot station garrisons in every part of these deserts. If you drive the people from one place, they will carry on their annual tillage, and remove with their flocks and herds to another. Many of the people in the back settlements are already little attached to particular situations. Already they have topped the Appalachian mountains. From thence they behold before them an immense plain, one vast, rich, level meadow: a square of five hundred miles. Over this they would wander without a possibility of restraint; they would change their manners with the habits of their life; would soon forget a government by which they were disowned; would become hordes of English Tartars, and, pouring down upon your unfortified frontiers a fierce and irresistible cavalry, become masters of your governors and your counsellors, your collectors and comptrollers, and of all the slaves that adhered to them. Such would, and, in no long time, must be, the effect of attempting to forbid as a crime, and to suppress as an evil, the command and blessing of Providence, "Increase and multiply." Such would be the happy result of an endeavor to keep as a lair of wild beasts that earth which God by an express charter has given to the children of men. Far different, and surely much wiser, has been our policy hitherto. Hitherto we have invited our people, by every kind of bounty, to fixed establishments. We have invited the husbandman to look to authority for his title. We have taught him piously to believe in the mysterious virtue of wax and parchment. We have thrown each tract of land, as it was peopled, into districts, that the ruling power should never be wholly out of sight. We have settled all we could; and we have carefully attended every settlement with government.

Adhering, Sir, as I do, to this policy, as well as for the reasons I have just given, I think this new project of hedging in population to be neither prudent nor practicable.

To impoverish the colonies in general, and in particular to arrest the noble course of their marine enterprises, would be a more easy task. I freely confess it. We have shown a disposition to a system of this kind, — a disposition even to continue the restraint after the offence, — looking on ourselves as rivals to our colonies, and persuaded that of course we must gain all that they shall lose. Much mischief we may certainly do. The power inadequate to all other things is often more than sufficient for this. I do not look on the direct and immediate power of the colonies to resist our violence as very formidable. In this, however, I may be mistaken. But when I consider that we have colonies for no purpose but to be serviceable to us, it seems to my poor understanding a little preposterous to make them unserviceable, in order to keep them obedient. It is, in truth, nothing more than the old, and, as I thought, exploded problem of tyranny, which proposes to beggar its subjects into submission. But remember, when you have completed your system of impoverishment, that Nature still proceeds in her ordinary course; that discontent will increase with misery; and that there are critical moments in the fortune of all states, when they who are too weak to contribute to your prosperity may be strong enough to complete your ruin. *Spoliatis arma supersunt.*

The temper and character which prevail in our colonies are, I am afraid, unalterable by any human art. We cannot, I fear, falsify the pedigree of this fierce people, and persuade them that they are not sprung from a nation in whose veins the blood of freedom circulates. The language in which they would hear you tell them this tale would detect the imposition; your speech would betray you. An Englishman is the unfittest person on earth to argue another Englishman into slavery.

I think it is nearly as little in our power to change their republican religion as their free descent, or to substitute the Roman Catholic as a penalty, or the Church of England as an improvement. The mode of inquisition and dragooning is going out of fashion in the Old World, and I should not confide much to their efficacy in the New. The education of the Americans is also on the same unalterable bottom with their religion. You cannot persuade them to burn their books of curious science, to banish their lawyers from their courts of law, or to quench the lights of their assemblies by refusing to choose those persons who are best read in their privileges. It would be no less impracticable to think of wholly annihilating the popular assemblies in which these lawyers sit. The army, by which we must govern in their place, would be far more chargeable to us, not quite so effectual, and perhaps, in the end, full as difficult to be kept in obedience.

With regard to the high aristocratic spirit of Virginia and the southern colonies, it has been proposed, I know, to reduce it by declaring a general enfranchisement of their slaves. This project has had its advocates and panegyrists; yet I never could argue myself into any opinion of it. Slaves are often much attached to their masters. A general wild offer of liberty would not always be accepted. History furnishes few instances of it. It is sometimes as hard to persuade slaves to be free as it is to

compel freemen to be slaves; and in this auspicious scheme we should have both these pleasing tasks on our hands at once. But when we talk of enfranchisement, do we not perceive that the American master may enfranchise, too, and arm servile hands in defence of freedom? — a measure to which other people have had recourse more than once, and not without success, in a desperate situation of their affairs.

Slaves as these unfortunate black people are, and dull as all men are from slavery, must they not a little suspect the offer of freedom from that very nation which has sold them to their present masters, — from that nation, one of whose causes of quarrel with those masters is their refusal to deal any more in that inhuman traffic? An offer of freedom from England would come rather oddly, shipped to them in an African vessel, which is refused an entry into the ports of Virginia or Carolina, with a cargo of three hundred Angola negroes. It would be curious to see the Guinea captain attempting at the same instant to publish his proclamation of liberty and to advertise his sale of slaves.

But let us suppose all these moral difficulties got over. The ocean remains. You cannot pump this dry; and as long as it continues in its present bed, so long all the causes which weaken authority by distance will continue.

“Ye Gods! annihilate but space and time,
And make two lovers happy,”

was a pious and passionate prayer, — but just as reasonable as many of the serious wishes of very grave and solemn politicians.

If, then, Sir, it seems almost desperate to think of any alterative course for changing the moral causes (and not quite easy to remove the natural) which produce prejudices irreconcilable to the late exercise of our authority, but that the spirit infallibly will continue, and, continuing, will produce such effects as now embarrass us, — the second mode under consideration is, to prosecute that spirit in its overt acts, as *criminal*.

At this proposition I must pause a moment. The thing seems a great deal too big for my ideas of jurisprudence. It should seem, to my way of conceiving such matters, that there is a very wide difference, in reason and policy, between the mode of proceeding on the irregular conduct of scattered individuals, or even of bands of men, who disturb order within the state, and the civil dissensions which may, from time to time, on great questions, agitate the several communities which compose a great empire. It looks to me to be narrow and pedantic to apply the ordinary ideas of criminal justice to this great public contest. I do not know the method of drawing up an indictment against an whole people. I cannot insult and ridicule the feelings of millions of my fellow-creatures as Sir Edward Coke insulted one excellent individual (Sir Walter Raleigh) at the bar. I am not ripe to pass sentence on the

gravest public bodies, intrusted with magistracies of great authority and dignity, and charged with the safety of their fellow-citizens, upon the very same title that I am. I really think that for wise men this is not judicious, for sober men not decent, for minds tinctured with humanity not mild and merciful.

Perhaps, Sir, I am mistaken in my idea of an empire, as distinguished from a single state or kingdom. But my idea of it is this: that an empire is the aggregate of many states under one common head, whether this head be a monarch or a presiding republic. It does, in such constitutions, frequently happen (and nothing but the dismal, cold, dead uniformity of servitude can prevent its happening) that the subordinate parts have many local privileges and immunities. Between these privileges and the supreme common authority the line may be extremely nice. Of course disputes, often, too, very bitter disputes, and much ill blood, will arise. But though every privilege is an exemption (in the case) from the ordinary exercise of the supreme authority, it is no denial of it. The claim of a privilege seems rather, *ex vi termini*, to imply a superior power: for to talk of the privileges of a state or of a person who has no superior is hardly any better than speaking nonsense. Now in such unfortunate quarrels among the component parts of a great political union of communities, I can scarcely conceive anything more completely imprudent than for the head of the empire to insist, that if any privilege is pleaded against his will or his acts, that his whole authority is denied, — instantly to proclaim rebellion, to beat to arms, and to put the offending provinces under the ban. Will not this, Sir, very soon teach the provinces to make no distinctions on their part? Will it not teach them that the government against which a claim of liberty is tantamount to high treason is a government to which submission is equivalent to slavery? It may not always be quite convenient to impress dependent communities with such an idea.

We are, indeed, in all disputes with the colonies, by the necessity of things, the judge. It is true, Sir. But I confess that the character of judge in my own cause is a thing that frightens me. Instead of filling me with pride, I am exceedingly humbled by it. I cannot proceed with a stern, assured judicial confidence, until I find myself in something more like a judicial character. I must have these hesitations as long as I am compelled to recollect, that, in my little reading upon such contests as these, the sense of mankind has at least as often decided against the superior as the subordinate power. Sir, let me add, too, that the opinion of my having some abstract right in my favor would not put me much at my ease in passing sentence, unless I could be sure that there were no rights which, in their exercise under certain circumstances, were not the most odious of all wrongs and the most vexatious of all injustice. Sir, these considerations have great weight with me, when I find things so circumstanced that I see the same party at once a civil litigant against me in a point of right and a culprit before me, while I sit as criminal judge on acts of his whose moral quality is to be decided upon the merits of that very litigation. Men are every

now and then put, by the complexity of human affairs, into strange situations; but justice is the same, let the judge be in what situation he will.

There is, Sir, also a circumstance which convinces me that this mode of criminal proceeding is not (at least in the present stage of our contest) altogether expedient, — which is nothing less than the conduct of those very persons who have seemed to adopt that mode, by lately declaring a rebellion in Massachusetts Bay, as they had formerly addressed to have traitors brought hither, under an act of Henry the Eighth, for trial. For, though rebellion is declared, it is not proceeded against as such; nor have any steps been taken towards the apprehension or conviction of any individual offender, either on our late or our former address; but modes of public coercion have been adopted, and such as have much more resemblance to a sort of qualified hostility towards an independent power than the punishment of rebellious subjects. All this seems rather inconsistent; but it shows how difficult it is to apply these juridical ideas to our present case.

In this situation, let us seriously and coolly ponder. What is it we have got by all our menaces, which have been many and ferocious? What advantage have we derived from the penal laws we have passed, and which, for the time, have been severe and numerous? What advances have we made towards our object, by the sending of a force, which, by land and sea, is no contemptible strength? Has the disorder abated? Nothing less. — When I see things in this situation, after such confident hopes, bold promises, and active exertions, I cannot, for my life, avoid a suspicion that the plan itself is not correctly right.

If, then, the removal of the causes of this spirit of American liberty be, for the greater part, or rather entirely, impracticable, — if the ideas of criminal process be inapplicable, or, if applicable, are in the highest degree inexpedient, what way yet remains? No way is open, but the third and last, — to comply with the American spirit as necessary, or, if you please, to submit, to it as a necessary evil.

If we adopt this mode, if we mean to conciliate and concede, let us see of what nature the concession ought to be. To ascertain the nature of our concession, we must look at their complaint. The colonies complain that they have not the characteristic mark and seal of British freedom. They complain that they are taxed in a Parliament in which they are not represented. If you mean to satisfy them at all, you must satisfy them with regard to this complaint. If you mean to please any people, you must give them the boon which they ask, — not what you may think better for them, but of a kind totally different. Such an act may be a wise regulation, but it is no concession; whereas our present theme is the mode of giving satisfaction.

Sir, I think you must perceive that I am resolved this day to have nothing at all to do with the question of the right of taxation. Some gentlemen startle, — but it is true: I put it totally out of the question. It is less than nothing in my consideration. I do not indeed wonder, nor will you, Sir, that gentlemen of profound learning are

fond of displaying it on this profound subject. But my consideration is narrow, confined, and wholly limited to the policy of the question. I do not examine whether the giving away a man's money be a power excepted and reserved out of the general trust of government, and how far all mankind, in all forms of polity, are entitled to an exercise of that right by the charter of Nature, — or whether, on the contrary, a right of taxation is necessarily involved in the general principle of legislation, and inseparable from the ordinary supreme power. These are deep questions, where great names militate against each other, where reason is perplexed, and an appeal to authorities only thickens the confusion: for high and reverend authorities lift up their heads on both sides, and there is no sure footing in the middle. This point is the *great Serbonian bog, betwixt Damietta and Mount Casius old, where armies whole have sunk*. I do not intend to be overwhelmed in that bog, though in such respectable company. The question with me is, not whether you have a right to render your people miserable, but whether it is not your interest to make them happy. It is not what a lawyer tells me I *may* do, but what humanity, reason, and justice tell me I ought to do. Is a politic act the worse for being a generous one? Is no concession proper, but that which is made from your want of right to keep what you grant? Or does it lessen the grace or dignity of relaxing in the exercise of an odious claim, because you have your evidence-room full of titles, and your magazines stuffed with arms to enforce them? What signify all those titles and all those arms? Of what avail are they, when the reason of the thing tells me that the assertion of my title is the loss of my suit, and that I could do nothing but wound myself by the use of my own weapons?

Such is steadfastly my opinion of the absolute necessity of keeping up the concord of this empire by a unity of spirit, though in a diversity of operations, that, if I were sure the colonists had, at their leaving this country, sealed a regular compact of servitude, that they had solemnly abjured all the rights of citizens, that they had made a vow to renounce all ideas of liberty for them and their posterity to all generations, yet I should hold myself obliged to conform to the temper I found universally prevalent in my own day, and to govern two million of men, impatient of servitude, on the principles of freedom. I am not determining a point of law; I am restoring tranquillity: and the general character and situation of a people must determine what sort of government is fitted for them. That point nothing else can or ought to determine.

My idea, therefore, without considering whether we yield as matter of right or grant as matter of favor, is, *to admit the people of our colonies into an interest in the Constitution*, and, by recording that admission in the journals of Parliament, to give them as strong an assurance as the nature of the thing will admit that we mean forever to adhere to that solemn declaration of systematic indulgence.

Some years ago, the repeal of a revenue act, upon its understood principle, might have served to show that we intended an unconditional abatement of the exercise of

a taxing power. Such a measure was then sufficient to remove all suspicion and to give perfect content. But unfortunate events since that time may make something further necessary, — and not more necessary for the satisfaction of the colonies than for the dignity and consistency of our own future proceedings.

I have taken a very incorrect measure of the disposition of the House, if this proposal in itself would be received with dislike. I think, Sir, we have few American financiers. But our misfortune is, we are too acute, we are too exquisite in our conjectures of the future, for men oppressed with such great and present evils. The more moderate among the opposers of Parliamentary concession freely confess that they hope no good from taxation; but they apprehend the colonists have further views, and if this point were conceded, they would instantly attack the trade laws. These gentlemen are convinced that this was the intention from the beginning, and the quarrel of the Americans with taxation was no more than a cloak and cover to this design. Such has been the language even of a gentleman of real moderation, and of a natural temper well adjusted to fair and equal government. I am, however, Sir, not a little surprised at this kind of discourse, whenever I hear it; and I am the more surprised on account of the arguments which I constantly find in company with it, and which are often urged from the same mouths and on the same day.

For instance, when we allege that it is against reason to tax a people under so many restraints in trade as the Americans, the noble lord in the blue riband shall tell you that the restraints on trade are futile and useless, of no advantage to us, and of no burden to those on whom they are imposed, — that the trade to America is not secured by the Acts of Navigation, but by the natural and irresistible advantage of a commercial preference.

Such is the merit of the trade laws in this posture of the debate. But when strong internal circumstances are urged against the taxes, — when the scheme is dissected, — when experience and the nature of things are brought to prove, and do prove, the utter impossibility of obtaining an effective revenue from the colonies, — when these things are pressed, or rather press themselves, so as to drive the advocates of colony taxes to a clear admission of the futility of the scheme, — then, Sir, the sleeping trade laws revive from their trance, and this useless taxation is to be kept sacred, not for its own sake, but as a counter-guard and security of the laws of trade.

Then, Sir, you keep up revenue laws which are mischievous in order to preserve trade laws that are useless. Such is the wisdom of our plan in both its members. They are separately given up as of no value; and yet one is always to be defended for the sake of the other. But I cannot agree with the noble lord, nor with the pamphlet from whence he seems to have borrowed these ideas concerning the inutility of the trade laws. For, without idolizing them, I am sure they are still, in many ways, of great use to us; and in former times they have been of the greatest. They do confine, and they do greatly narrow, the market for the Americans. But my

perfect conviction of this does not help me in the least to discern how the revenue laws form any security whatsoever to the commercial regulations, — or that these commercial regulations are the true ground of the quarrel, — or that the giving way, in any one instance, of authority is to lose all that may remain unconceded.

One fact is clear and indisputable: the public and avowed origin of this quarrel was on taxation. This quarrel has, indeed, brought on new disputes on new questions, but certainly the least bitter, and the fewest of all, on the trade laws. To judge which of the two be the real, radical cause of quarrel, we have to see whether the commercial dispute did, in order of time, precede the dispute on taxation. There is not a shadow of evidence for it. Next, to enable us to judge whether at this moment a dislike to the trade laws be the real cause of quarrel, it is absolutely necessary to put the taxes out of the question by a repeal. See how the Americans act in this position, and then you will be able to discern correctly what is the true object of the controversy, or whether any controversy at all will remain. Unless you consent to remove this cause of difference, it is impossible, with decency, to assert that the dispute is not upon what it is avowed to be. And I would, Sir, recommend to your serious consideration, whether it be prudent to form a rule for punishing people, not on their own acts, but on your conjectures. Surely it is preposterous, at the very best. It is not justifying your anger by their misconduct, but it is converting your ill-will into their delinquency.

But the colonies will go further. — Alas! alas! when will this speculating against fact and reason end? What will quiet these panic fears which we entertain of the hostile effect of a conciliatory conduct? Is it true that no case can exist in which it is proper for the sovereign to accede to the desires of his discontented subjects? Is there anything peculiar in this case, to make a rule for itself? Is all authority of course lost, when it is not pushed to the extreme? Is it a certain maxim, that, the fewer causes of dissatisfaction are left by government, the more the subject will be inclined to resist and rebel?

All these objections being in fact no more than suspicions, conjectures, divinations, formed in defiance of fact and experience, they did not, Sir, discourage me from entertaining the idea of a conciliatory concession, founded on the principles which I have just stated.

In forming a plan for this purpose, I endeavored to put myself in that frame of mind which was the most natural and the most reasonable, and which was certainly the most probable means of securing me from all error. I set out with a perfect distrust of my own abilities, a total renunciation of every speculation of my own, and with a profound reverence for the wisdom of our ancestors, who have left us the inheritance of so happy a Constitution and so flourishing an empire, and, what is a thousand times more valuable, the treasury of the maxims and principles which formed the one and obtained the other.

During the reigns of the kings of Spain of the Austrian family, whenever they were at a loss in the Spanish councils, it was common for their statesmen to say that they ought to consult the genius of Philip the Second. The genius of Philip the Second might mislead them; and the issue of their affairs showed that they had not chosen the most perfect standard. But, Sir, I am sure that I shall not be misled, when, in a case of constitutional difficulty, I consult the genius of the English Constitution. Consulting at that oracle, (it was with all due humility and piety,) I found four capital examples in a similar case before me: those of Ireland, Wales, Chester, and Durham.

Ireland, before the English conquest, though never governed by a despotic power, had no Parliament. How far the English Parliament itself was at that time modelled according to the present form is disputed among antiquarians. But we have all the reason in the world to be assured, that a form of Parliament, such as England then enjoyed, she instantly communicated to Ireland; and we are equally sure that almost every successive improvement in constitutional liberty, as fast as it was made here, was transmitted thither. The feudal baronage, and the feudal knighthood, the roots of our primitive Constitution, were early transplanted into that soil, and grew and flourished there. Magna Charta, if it did not give us originally the House of Commons, gave us at least an House of Commons of weight and consequence. But your ancestors did not churlishly sit down alone to the feast of Magna Charta. Ireland was made immediately a partaker. This benefit of English laws and liberties, I confess, was not at first extended to *all* Ireland. Mark the consequence. English authority and English liberty had exactly the same boundaries. Your standard could never be advanced an inch before your privileges. Sir John Davies shows beyond a doubt, that the refusal of a general communication of these rights was the true cause why Ireland was five hundred years in subduing; and after the vain projects of a military government, attempted in the reign of Queen Elizabeth, it was soon discovered that nothing could make that country English, in civility and allegiance, but your laws and your forms of legislature. It was not English arms, but the English Constitution, that conquered Ireland. From that time, Ireland has ever had a general Parliament, as she had before a partial Parliament. You changed the people, you altered the religion, but you never touched the form or the vital substance of free government in that kingdom. You deposed kings; you restored them; you altered the succession to theirs, as well as to your own crown; but you never altered their Constitution, the principle of which was respected by usurpation, restored with the restoration of monarchy, and established, I trust, forever by the glorious Revolution. This has made Ireland the great and flourishing kingdom that it is, and, from a disgrace and a burden intolerable to this nation, has rendered her a principal part of our strength and ornament. This country cannot be said to have ever formally taxed her. The irregular things done in the confusion of mighty troubles, and on the hinge of great revolutions, even if all were done that is said to have been done, form no

example. If they have any effect in argument, they make an exception to prove the rule. None of your own liberties could stand a moment, if the casual deviations from them, at such times, were suffered to be used as proofs of their nullity. By the lucrative amount of such casual breaches in the Constitution, judge what the stated and fixed rule of supply has been in that kingdom. Your Irish pensioners would starve, if they had no other fund to live on than taxes granted by English authority. Turn your eyes to those popular grants from whence all your great supplies are come, and learn to respect that only source of public wealth in the British empire.

My next example is Wales. This country was said to be reduced by Henry the Third. It was said more truly to be so by Edward the First. But though then conquered, it was not looked upon as any part of the realm of England. Its old Constitution, whatever that might have been, was destroyed; and no good one was substituted in its place. The care of that tract was put into the hands of Lords Marchers: a form of government of a very singular kind; a strange, heterogeneous monster, something between hostility and government: perhaps it has a sort of resemblance, according to the modes of those times, to that of commander-in-chief at present, to whom all civil power is granted as secondary. The manners of the Welsh nation followed the genius of the government: the people were ferocious, restive, savage, and uncultivated; sometimes composed, never pacified. Wales, within itself, was in perpetual disorder; and it kept the frontier of England in perpetual alarm. Benefits from it to the state there were none. Wales was only known to England by incursion and invasion.

Sir, during that state of things, Parliament was not idle. They attempted to subdue the fierce spirit of the Welsh by all sorts of rigorous laws. They prohibited by statute the sending all sorts of arms into Wales, as you prohibit by proclamation (with something more of doubt on the legality) the sending arms to America. They disarmed the Welsh by statute, as you attempted (but still with more question on the legality) to disarm New England by an instruction. They made an act to drag offenders from Wales into England for trial, as you have done (but with more hardship) with regard to America. By another act, where one of the parties was an Englishman, they ordained that his trial should be always by English. They made acts to restrain trade, as you do; and they prevented the Welsh from the use of fairs and markets, as you do the Americans from fisheries and foreign ports. In short, when the statute-book was not quite so much swelled as it is now, you find no less than fifteen acts of penal regulation on the subject of Wales.

Here we rub our hands, — A fine body of precedents for the authority of Parliament and the use of it! — I admit it fully; and pray add likewise to these precedents, that all the while Wales rid this kingdom like an *incubus*; that it was an unprofitable and oppressive burden; and that an Englishman travelling in that country could not go six yards from the highroad without being murdered.

The march of the human mind is slow. Sir, it was not until after two hundred years discovered, that, by an eternal law, Providence had decreed vexation to violence, and poverty to rapine. Your ancestors did, however, at length open their eyes to the ill husbandry of injustice. They found that the tyranny of a free people could of all tyrannies the least be endured, and that laws made against an whole nation were not the most effectual methods for securing its obedience. Accordingly, in the twenty-seventh year of Henry the Eighth the course was entirely altered. With a preamble stating the entire and perfect rights of the crown of England, it gave to the Welsh all the rights and privileges of English subjects. A political order was established; the military power gave way to the civil; the marches were turned into counties. But that a nation should have a right to English liberties, and yet no share at all in the fundamental security of these liberties, — the grant of their own property, — seemed a thing so incongruous, that eight years after, that is, in the thirty-fifth of that reign, a complete and not ill-proportioned representation by counties and boroughs was bestowed upon Wales by act of Parliament. From that moment, as by a charm, the tumults subsided; obedience was restored; peace, order, and civilization followed in the train of liberty. When the day-star of the English Constitution had arisen in their hearts, all was harmony within and without: —

Simul alba nautis
Stella refulsit,
Defluit saxis agitatus humor,
Concidunt venti, fugiuntque nubes,
Et minax (quod sic voluere) ponto
Unda recumbit.

The very same year the County Palatine of Chester received the same relief from its oppressions, and the same remedy to its disorders. Before this time Chester was little less distempered than Wales. The inhabitants, without rights themselves, were the fittest to destroy the rights of others; and from thence Richard the Second drew the standing army of archers with which for a time he oppressed England. The people of Chester applied to Parliament in a petition penned as I shall read to you.

“To the king our sovereign lord, in most humble wise shown unto your most excellent Majesty, the inhabitants of your Grace’s County Palatine of Chester: That where the said County Palatine of Chester is and hath been alway hitherto exempt, excluded, and separated out and from your high court of Parliament, to have any knights and burgesses within the said court; by reason whereof the said inhabitants have hitherto sustained manifold disherisons, losses, and damages, as well in their lands, goods, and bodies, as in the good, civil, and politic governance and maintenance of the common wealth of their said country: And forasmuch as the said inhabitants have always hitherto been bound by the acts and statutes made and

ordained by your said Highness, and your most noble progenitors, by authority of the said court, as far forth as other counties, cities, and boroughs have been, that have had their knights and burgesses within your said court of Parliament, and yet have had neither knight no burgess there for the said County Palatine; the said inhabitants, for lack thereof, have been oftentimes touched and grieved with acts and statutes made within the said court, as well derogatory unto the most ancient jurisdictions, liberties, and privileges of your said County Palatine, as prejudicial unto the common wealth, quietness, rest, and peace of your Grace's most bounden subjects inhabiting within the same."

What did Parliament with this audacious address? — Reject it as a libel? Treat it as an affront to government? Spurn it as a derogation from the rights of legislature? Did they toss it over the table? Did they burn it by the hands of the common hangman? — They took the petition of grievance, all rugged as it was, without softening or temperament, unpurged of the original bitterness and indignation of complaint; they made it the very preamble to their act of redress, and consecrated its principle to all ages in the sanctuary of legislation.

Here is my third example. It was attended with the success of the two former. Chester, civilized as well as Wales, has demonstrated that freedom, and not servitude, is the cure of anarchy; as religion, and not atheism, is the true remedy for superstition. Sir, this pattern of Chester was followed in the reign of Charles the Second with regard to the County Palatine of Durham, which is my fourth example. This county had long lain out of the pale of free legislation. So scrupulously was the example of Chester followed, that the style of the preamble is nearly the same with that of the Chester act; and, without affecting the abstract extent of the authority of Parliament, it recognizes the equity of not suffering any considerable district, in which the British subjects may act as a body, to be taxed without their own voice in the grant.

Now if the doctrines of policy contained in these preambles, and the force of these examples in the acts of Parliament, avail anything, what can be said against applying them with regard to America? Are not the people of America as much Englishmen as the Welsh? The preamble of the act of Henry the Eighth says, the Welsh speak a language no way resembling that of his Majesty's English subjects. Are the Americana not as numerous? If we may trust the learned and accurate Judge Barrington's account of North Wales, and take that as a standard to measure the rest, there is no comparison. The people cannot amount to above 200,000: not a tenth part of the number in the colonies. Is America in rebellion? Wales was hardly ever free from it. Have you attempted to govern America by penal statutes? You made fifteen for Wales. But your legislative authority is perfect with regard to America: was it less perfect in Wales, Chester, and Durham? But America is virtually represented. What! does the electric force of virtual representation more easily pass over the Atlantic than pervade Wales, which lies in your neighborhood?

or than Chester and Durham, surrounded by abundance of representation that is actual and palpable? But, Sir, your ancestors thought this sort of virtual representation, however ample, to be totally insufficient for the freedom of the inhabitants of territories that are so near, and comparatively so inconsiderable. How, then, can I think it sufficient for those which are infinitely greater, and infinitely more remote?

You will now, Sir, perhaps imagine that I am on the point of proposing to you a scheme for a representation of the colonies in Parliament. Perhaps I might be inclined to entertain some such thought; but a great flood stops me in my course. *Opposuit Natura*. I cannot remove the eternal barriers of the creation. The thing, in that mode, I do not know to be possible. As I meddle with no theory, I do not absolutely assert the impracticability of such a representation; but I do not see my way to it; and those who have been more confident have not been more successful. However, the arm of public benevolence is not shortened; and there are often several means to the same end. What Nature has disjoined in one way wisdom may unite in another. When we cannot give the benefit as we would wish, let us not refuse it altogether. If we cannot give the principal, let us find a substitute. But how? where? what substitute?

Fortunately, I am not obliged, for the ways and means of this substitute, to tax my own unproductive invention. I am not even obliged to go to the rich treasury of the fertile framers of imaginary commonwealths: not to the Republic of Plato, not to the Utopia of More, not to the Oceana of Harrington. It is before me, — it is at my feet, —

“And the rude swain
Treads daily on it with his clouted shoon.”

I only wish you to recognize, for the theory, the ancient constitutional policy of this kingdom with regard to representation, as that policy has been declared in acts of Parliament, — and as to the practice, to return to that mode which an uniform experience has marked out to you as best, and in which you walked with security, advantage, and honor, until the year 1763.

My resolutions, therefore, mean to establish the equity and justice of a taxation of America by *grant*, and not by *imposition*; to mark the *legal competency* of the colony assemblies for the support of their government in peace, and for public aids in time of war; to acknowledge that this legal competency has had a *dutiful and beneficial exercise*, and that experience has shown *the benefit of their grants*, and *the futility of Parliamentary taxation, as a method of supply*.

These solid truths compose six fundamental propositions. There are three more resolutions corollary to these. If you admit the first set, you can hardly reject the others. But if you admit the first, I shall be far from solicitous whether you accept

or refuse the last. I think these six massive pillars will be of strength sufficient to support the temple of British concord. I have no more doubt than I entertain of my existence, that, if you admitted these, you would command an immediate peace, and, with but tolerable future management, a lasting obedience in America. I am not arrogant in this confident assurance. The propositions are all mere matters of fact; and if they are such facts as draw irresistible conclusions even in the stating, this is the power of truth, and not any management of mine.

Sir, I shall open the whole plan to you together, with such observations on the motions as may tend to illustrate them, where they may want explanation.

The first is a resolution,— “That the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses, or others, to represent them in the high court of Parliament.”

This is a plain matter of fact, necessary to be laid down, and (excepting the description) it is laid down in the language of the Constitution; it is taken nearly *verbatim* from acts of Parliament.

The second is like unto the first,— “That the said colonies and plantations have been made liable to, and bounden by, several subsidies, payments, rates, and taxes, given and granted by Parliament, though the said colonies and plantations have not their knights and burgesses in the said high court of Parliament, of their own election, to represent the condition of their country; by lack whereof they have been oftentimes touched and grieved by subsidies, given, granted, and assented to, in the said court, in a manner prejudicial to the common wealth, quietness, rest, and peace of the subjects inhabiting within the same.”

Is this description too hot or too cold, too strong or too weak? Does it arrogate too much to the supreme legislature? Does it lean too much to the claims of the people? If it runs into any of these errors, the fault is not mine. It is the language of your own ancient acts of Parliament.

Non meus hic sermo, sed quæ præcepit Ofellus
Rusticus, abnormis sapiens.

It is the genuine produce of the ancient, rustic, manly, home-bred sense of this country. I did not dare to rub off a particle of the venerable rust that rather adorns and preserves than destroys the metal. It would be a profanation to touch with a tool the stones which construct the sacred altar of peace. I would not violate with modern polish the ingenuous and noble roughness of these truly constitutional materials. Above all things, I was resolved not to be guilty of tampering, — the odious vice of restless and unstable minds. I put my foot in the tracks of our forefathers, where I can neither wander nor stumble. Determining to fix articles of

peace, I was resolved not to be wise beyond what was written; I was resolved to use nothing else than the form of sound words, to let others abound in their own sense, and carefully to abstain from all expressions of my own. What the law has said, I say. In all things else I am silent. I have no organ but for her words. This, if it be not ingenious, I am sure is safe.

There are, indeed, words expressive of grievance in this second resolution, which those who are resolved always to be in the right will deny to contain matter of fact, as applied to the present case; although Parliament thought them true with regard to the Counties of Chester and Durham. They will deny that the Americans were ever “touched and grieved” with the taxes. If they consider nothing in taxes but their weight as pecuniary impositions, there might be some pretence for this denial. But men may be sorely touched and deeply grieved in their privileges, as well as in their purses. Men may lose little in property by the act which takes away all their freedom. When a man is robbed of a trifle on the highway, it is not the twopence lost that constitutes the capital outrage. This is not confined to privileges. Even ancient indulgences withdrawn, without offence on the part of those who enjoyed such favors, operate as grievances. But were the Americans, then, not touched and grieved by the taxes, in some measure, merely as taxes? If so, why were they almost all either wholly repealed or exceedingly reduced? Were they not touched and grieved even by the regulating duties of the sixth of George the Second? Else why were the duties first reduced to one third in 1764, and afterwards to a third of that third in the year 1766? Were they not touched and grieved by the Stamp Act? I shall say they were, until that tax is revived. Were they not touched and grieved by the duties of 1767, which were likewise repealed, and which Lord Hillsborough tells you (for the ministry) were laid contrary to the true principle of commerce? Is not the assurance given by that noble person to the colonies of a resolution to lay no more taxes on them an admission that taxes would touch and grieve them? Is not the resolution of the noble lord in the blue riband, now standing on your journals, the strongest of all proofs that Parliamentary subsidies really touched and grieved them? Else why all these changes, modifications, repeals, assurances, and resolutions?

The next proposition is,— “That, from the distance of the said colonies, and from other circumstances, no method hath hitherto been devised for procuring a representation in Parliament for the said colonies.”

This is an assertion of a fact. I go no further on the paper; though, in my private judgment, an useful representation is impossible; I am sure it is not desired by them, nor ought it, perhaps, by us: but I abstain from opinions.

The fourth resolution is,— “That each of the said colonies hath within itself a body, chosen, in part or in the whole, by the freemen, freeholders, or other free inhabitants thereof, commonly called the General Assembly, or General Court, with

powers legally to raise, levy, and assess, according to the several usages of such colonies, duties and taxes towards defraying all sorts of public services.”

This competence in the colony assemblies is certain. It is proved by the whole tenor of their acts of supply in all the assemblies, in which the constant style of granting is, “An aid to his Majesty”; and acts granting to the crown have regularly, for near a century, passed the public offices without dispute. Those who have been pleased paradoxically to deny this right, holding that none but the British Parliament can grant to the crown, are wished to look to what is done, not only in the colonies, but in Ireland, in one uniform, unbroken tenor, every session. Sir, I am surprised that this doctrine should come from Rome of the law servants of the crown. I say, that, if the crown could be responsible, his Majesty, — but certainly the ministers, and even these law officers themselves, through whose hands the acts pass biennially in Ireland, or annually in the colonies, are in an habitual course of committing impeachable offences. What habitual offenders have been all Presidents of the Council, all Secretaries of State, all First Lords of Trade, all Attorneys and all Solicitors General! However, they are safe, as no one impeaches them; and there is no ground of charge against them, except in their own unfounded theories.

The fifth resolution is also a resolution of fact,— “That the said general assemblies, general courts, or other bodies legally qualified as aforesaid, have at sundry times freely granted several large subsidies and public aids for his Majesty’s service, according to their abilities, when required thereto by letter from one of his Majesty’s principal Secretaries of State; and that their right to grant the same, and their cheerfulness and sufficiency in the said grants, have been at sundry times acknowledged by Parliament.”

To say nothing of their great expenses in the Indian wars, and not to take their exertion in foreign ones, so high as the supplies in the year 1695, not to go back to their public contributions in the year 1710, I shall begin to travel only where the journals give me light, — resolving to deal in nothing but fact authenticated by Parliamentary record, and to build myself wholly on that solid basis.

On the 4th of April, 1748, a committee of this House came to the following resolution: —

“*Resolved*, That it is the opinion of this committee, *that it is just and reasonable*, that the several provinces and colonies of Massachusetts Bay, New Hampshire, Connecticut, and Rhode Island be reimbursed the expenses they have been at in taking and securing to the crown of Great Britain the island of Caps Breton and its dependencies.”

These expenses were immense for such colonies. They were above 200,000*l.* sterling: money first raised and advanced on their public credit.

On the 28th of January, 1756, a message from the king came to us, to this effect: — “His Majesty, being sensible of the zeal and vigor with which his faithful subjects of certain colonies in North America have exerted themselves in defence of

his Majesty's just rights and possessions, recommends it to this House to take the same into their consideration, and to enable his Majesty to give them such assistance as may be *proper reward and encouragement*."

On the 3d of February, 1756, the House came to a suitable resolution, expressed in words nearly the same as those of the message; but with the further addition, that the money then voted was as an *encouragement* to the colonies to exert themselves with vigor. It will not be necessary to go through all the testimonies which your own records have given to the truth of my resolutions. I will only refer you to the places in the journals: —

Vol. XXVII — 16th and 19th May, 1757.

Vol. XXVIII. — June 1st, 1758, — April 26th and 30th, 1759, — March 26th and 31st, and April 28th, 1760, — Jan. 9th and 20th, 1761.

Vol. XXIX. — Jan. 22d and 26th, 1762, — March 14th and 17th, 1763.

Sir, here is the repeated acknowledgment of Parliament, that the colonies not only gave, but gave to satiety. This nation has formally acknowledged two things: first, that the colonies had gone beyond their abilities, Parliament having thought it necessary to reimburse them; secondly, that they had acted legally and laudably in their grants of money, and their maintenance of troops, since the compensation is expressly given as reward and encouragement. Reward is not bestowed for acts that are unlawful; and encouragement is not held out to things that deserve reprehension. My resolution, therefore, does nothing more than collect into one proposition what is scattered through your journals. I give you nothing but your own; and you cannot refuse in the gross what you have so often acknowledged in detail. The admission of this, which will be so honorable to them and to you, will, indeed, be mortal to all the miserable stories by which the passions of the misguided people have been engaged in an unhappy system. The people heard, indeed, from the beginning of these disputes, one thing continually dinned in their ears: that reason and justice demanded, that the Americans, who paid no taxes, should be compelled to contribute. How did that fact, of their paying nothing, stand, when the taxing system began? When Mr. Grenville began to form his system of American revenue, he stated in this House that the colonies were then in debt two million six hundred thousand pounds sterling money, and was of opinion they would discharge that debt in four years. On this state, those untaxed people were actually subject to the payment of taxes to the amount of six hundred and fifty thousand a year. In fact, however, Mr. Grenville was mistaken. The funds given for sinking the debt did not prove quite so ample as both the colonies and he expected. The calculation was too sanguine: the reduction was not completed till some years after, and at different times in different colonies. However, the taxes after the war continued too great to bear any addition, with prudence or propriety; and when the burdens imposed in consequence of former requisitions were discharged, our tone became too high to

resort again to requisition. No colony, since that time, ever has had any requisition whatsoever made to it.

We see the sense of the crown, and the sense of Parliament, on the productive nature of a *revenue by grant*. Now search the same journals for the produce of the *revenue by imposition*. Where is it? — let us know the volume and the page. What is the gross, what is the net produce? To what service is it applied? How have you appropriated its surplus? — What! can none of the many skilful index-makers that we are now employing find any trace of it? — Well, let them and that rest together. — But are the journals, which say nothing of the revenue, as silent on the discontent? — Oh, no! a child may find it. It is the melancholy burden and blot of every page.

I think, then, I am, from those journals, justified in the sixth and last resolution, which is,— “That it hath been found by experience, that the manner of granting the said supplies and aids by the said general assemblies hath been more agreeable to the inhabitants of the said colonies, and more beneficial and conducive to the public service, than the mode of giving and granting aids and subsidies in Parliament, to be raised and paid in the said colonies.”

This makes the whole of the fundamental part of the plan. The conclusion is irresistible. You cannot say that you were driven by any necessity to an exercise of the utmost rights of legislature. You cannot assert that you took on yourselves the task of imposing colony taxes, from the want of another legal body that is competent to the purpose of supplying the exigencies of the state without wounding the prejudices of the people. Neither is it true, that the body so qualified, and having that competence, had neglected the duty.

The question now, on all this accumulated matter, is, — Whether you will choose to abide by a profitable experience or a mischievous theory? whether you choose to build on imagination or fact? whether you prefer enjoyment or hope? satisfaction in your subjects, or discontent?

If these propositions are accepted, everything which has been made to enforce a contrary system must, I take it for granted, fall along with it. On that ground, I have drawn the following resolution, which, when it comes to be moved, will naturally be divided in a proper manner:— “That it may be proper to repeal an act, made in the seventh year of the reign of his present Majesty, intituled, ‘An act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs, upon the exportation from this kingdom, of coffee and cocoa-nuts, of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on China earthen ware exported to America; and for more effectually preventing the clandestine running of goods in the said colonies and plantations.’ — And also, that it may be proper to repeal an act, made in the fourteenth year of the reign of his present Majesty, intituled, ‘An act to discontinue, in such manner and for such time as are therein mentioned, the landing

and discharging, lading or shipping, of goods, wares, and merchandise, at the town and within the harbor of Boston, in the province of Massachusetts Bay, in North America.’ — And also, that it may be proper to repeal an act, made in the fourteenth year of the reign of his present Majesty, intituled, ‘An act for the impartial administration of justice, in the cases of persons questioned for any acts done by them, in the execution of the law, or for the suppression of riots and tumults, in the province of the Massachusetts Bay, in New England.’ — And also, that it may be proper to repeal an act, made in the fourteenth year of the reign of his present Majesty, intituled,’ An act for the better regulating the government of the province of the Massachusetts Bay, in New England.’ — And also, that it may be proper to explain and amend an act, made in the thirty-fifth year of the reign of King Henry the Eighth, intituled, ‘An act for the trial of treasons committed out of the king’s dominions.’”

I wish, Sir, to repeal the Boston Port Bill, because (independently of the dangerous precedent of suspending the rights of the subject during the king’s pleasure) it was passed, as I apprehend, with less regularity, and on more partial principles, than it ought. The corporation of Boston was not heard before it was condemned. Other towns, full as guilty as she was, have not had their ports blocked up. Even the Restraining Bill of the present session does not go to the length of the Boston Port Act. The same ideas of prudence, which induced you not to extend equal punishment to equal guilt, even when you were punishing, induce me, who mean not to chastise, but to reconcile, to be satisfied with the punishment already partially inflicted.

Ideas of prudence and accommodation to circumstances prevent you from taking away the charters of Connecticut and Rhode Island, as you have taken away that of Massachusetts Colony, though the crown has far less power in the two former provinces than it enjoyed in the latter, and though the abuses have been full as great and as flagrant in the exempted as in the punished. The same reasons of prudence and accommodation have weight with me in restoring the charter of Massachusetts Bay. Besides, Sir, the act which changes the charter of Massachusetts is in many particulars so exceptionable, that, if I did not wish absolutely to repeal, I would by all means desire to alter it; as several of its provisions tend to the subversion of all public and private justice. Such, among others, is the power in the governor to change the sheriff at his pleasure, and to make a new returning officer for every special cause. It is shameful to behold such a regulation standing among English laws.

The act for bringing persons accused of committing murder under the orders of government to England for trial is but temporary. That act has calculated the probable duration of our quarrel with the colonies, and is accommodated to that supposed duration. I would hasten the happy moment of reconciliation, and therefore must, on my principle, get rid of that most justly obnoxious act.

The act of Henry the Eighth for the trial of treasons I do not mean to take away, but to confine it to its proper bounds and original intention: to make it expressly for trial of treasons (and the greatest treasons may be committed) in places where the jurisdiction of the crown does not extend.

Having guarded the privileges of local legislature, I would next secure to the colonies a fair and unbiased judicature; for which purpose, Sir, I propose the following resolution:— “That, from the time when the general assembly, or general court, of any colony or plantation in North America shall have appointed, by act of assembly duly confirmed, a settled salary to the offices of the chief justice and other judges of the superior courts, it may be proper that the said chief justice and other judges of the superior courts of such colony shall hold his and their office and offices during their good behavior, and shall not be removed therefrom, but when the said removal shall be adjudged by his Majesty in council, upon a hearing on complaint from the general assembly, or on a complaint from the governor, or the council, or the house of representatives, severally, of the colony in which the said chief justice and other judges have exercised the said offices.”

The next resolution relates to the courts of admiralty. It is this:— “That it may be proper to regulate the courts of admiralty or vice-admiralty, authorized by the 15th chapter of the 4th George the Third, in such a manner as to make the same more commodious to those who sue or are sued in the said courts, and to provide for the more decent maintenance of the judges of the same.”

These courts I do not wish to take away: they are in themselves proper establishments. This court is one of the capital securities of the Act of Navigation. The extent of its jurisdiction, indeed, has been increased; but this is altogether as proper, and is, indeed, on many accounts, more eligible, where new powers were wanted, than a court absolutely new. But courts incommodiously situated, in effect, deny justice; and a court partaking in the fruits of its own condemnation is a robber. The Congress complain, and complain justly, of this grievance.

These are the three consequential propositions. I have thought of two or three more; but they come rather too near detail, and to the province of executive government, which I wish Parliament always to superintend, never to assume. If the first six are granted, congruity will carry the latter three. If not, the things that remain unrepealed will be, I hope, rather unseemly incumbrances on the building than very materially detrimental to its strength and stability.

Here, Sir, I should close, but that I plainly perceive some objections remain, which I ought, if possible, to remove. The first will be, that, in resorting to the doctrine of our ancestors, as contained in the preamble to the Chester act, I prove too much: that the grievance from a want of representation, stated in that preamble, goes to the whole of legislation as well as to taxation; and that the colonies, grounding themselves upon that doctrine, will apply it to all parts of legislative authority.

To this objection, with all possible deference and humility, and wishing as little as any man living to impair the smallest particle of our supreme authority, I answer, that *the words are the words of Parliament, and not mine*; and that all false and inconclusive inferences drawn from them are not mine; for I heartily disclaim any such inference. I have chosen the words of an act of Parliament, which Mr. Grenville, surely a tolerably zealous and very judicious advocate for the sovereignty of Parliament, formerly moved to have read at your table in confirmation of his tenets. It is true that Lord Chatham considered these preambles as declaring strongly in favor of his opinions. He was a no less powerful advocate for the privileges of the Americans. Ought I not from hence to presume that these preambles are as favorable as possible to both, when properly understood: favorable both to the rights of Parliament, and to the privilege of the dependencies of this crown? But, Sir, the object of grievance in my resolution I have not taken from the Chester, but from the Durham act, which confines the hardship of want of representation to the case of subsidies, and which therefore falls in exactly with the case of the colonies. But whether the unrepresented counties were *de jure* or *de facto* bound the preambles do not accurately distinguish; nor, indeed, was it necessary: for, whether *de jure* or *de facto*, the legislature thought the exercise of the power of taxing, as of right, or as of fact without right, equally a grievance, and equally oppressive.

I do not know that the colonies have, in any general way, or in any cool hour, gone much beyond the demand of immunity in relation to taxes. It is not fair to judge of the temper or dispositions of any man or any set of men, when they are composed and at rest, from their conduct or their expressions in a state of disturbance and irritation. It is, besides, a very great mistake to imagine that mankind follow up practically any speculative principle, either of government or of freedom, as far as it will go in argument and logical illation. We Englishmen stop very short of the principles upon which we support any given part of our Constitution, or even the whole of it together. I could easily, if I had not already tired you, give you very striking and convincing instances of it. This is nothing but what is natural and proper. All government, indeed every human benefit and enjoyment, every virtue and every prudent act, is founded on compromise and barter. We balance inconveniences; we give and take; we remit some rights, that we may enjoy others; and we choose rather to be happy citizens than subtle disputants. As we must give away some natural liberty, to enjoy civil advantages, so we must sacrifice some civil liberties, for the advantages to be derived from the communion and fellowship of a great empire. But, in all fair dealings, the thing bought must bear some proportion to the purchase paid. None will barter away the immediate jewel of his soul. Though a great house is apt to make slaves haughty, yet it is purchasing a part of the artificial importance of a great empire too dear, to pay for it all essential rights, and all the intrinsic dignity of human nature. None of us who

would not risk his life rather than fall under a government purely arbitrary. But although there are some amongst us who think our Constitution wants many improvements to make it a complete system of liberty, perhaps none who are of that opinion would think it right to aim at such improvement by disturbing his country and risking everything that is dear to him. In every arduous enterprise, we consider what we are to lose, as well as what we are to gain; and the more and better stake of liberty every people possess, the less they will hazard in a vain attempt to make it more. These are *the cords of man*. Man acts from adequate motives relative to his interest, and not on metaphysical speculations. Aristotle, the great master of reasoning, cautions us, and with great weight and propriety, against this species of delusive geometrical accuracy in moral arguments, as the most fallacious of all sophistry.

The Americans will have no interest contrary to the grandeur and glory of England, when they are not oppressed by the weight of it; and they will rather be inclined to respect the acts of a superintending legislature, when they see them the acts of that power which is itself the security, not the rival, of their secondary importance. In this assurance my mind most perfectly acquiesces, and I confess I feel not the least alarm from the discontents which are to arise from putting people at their ease; nor do I apprehend the destruction of this empire from giving, by an act of free grace and indulgence, to two millions of my fellow-citizens some share of those rights upon which I have always been taught to value myself.

It is said, indeed, that this power of granting, vested in American assemblies, would dissolve the unity of the empire, — which was preserved entire, although Wales, and Chester, and Durham were added to it. Truly, Mr. Speaker, I do not know what this unity means; nor has it ever been heard of, that I know, in the constitutional policy of this country. The very idea of subordination of parts excludes this notion of simple and undivided unity. England is the head; but she is not the head and the members too. Ireland has ever had from the beginning a separate, but not an independent legislature, which, far from distracting, promoted the union of the whole. Everything was sweetly and harmoniously disposed through both islands for the conservation of English dominion and the communication of English liberties. I do not see that the same principles might not be carried into twenty islands, and with the same good effect. This is my model with regard to America, as far as the internal circumstances of the two countries are the same. I know no other unity of this empire than I can draw from its example during these periods, when it seemed to my poor understanding more united than it is now, or than it is likely to be by the present methods.

But since I speak of these methods, I recollect, Mr. Speaker, almost too late, that I promised, before I finished, to say something of the proposition of the noble lord on the floor, which has been so lately received, and stands on your journals. I must be deeply concerned, whenever it is my misfortune to continue a difference with the

majority of this House. But as the reasons for that difference are my apology for thus troubling you, suffer me to state them in a very few words. I shall compress them into as small a body as I possibly can, having already debated that matter at large, when the question was before the committee.

First, then, I cannot admit that proposition of a ransom by auction, — because it is a mere project. It is a thing new, unheard of, supported by no experience, justified by no analogy, without example of our ancestors, or root in the Constitution. It is neither regular Parliamentary taxation nor colony grant. *Experimentum in corpore vili* is a good rule, which will ever make me adverse to any trial of experiments on what is certainly the most valuable of all subjects, the peace of this empire.

Secondly, it is an experiment which must be fatal in the end to our Constitution. For what is it but a scheme for taxing the colonies in the antechamber of the noble lord and his successors? To settle the quotas and proportions in this House is clearly impossible. You, Sir, may flatter yourself you shall sit a state auctioneer, with your hammer in your hand, and knock down to each colony as it bids. But to settle (on the plan laid down by the noble lord) the true proportional payment for four or five and twenty governments, according to the absolute and the relative wealth of each, and according to the British proportion of wealth and burden, is a wild and chimerical notion. This new taxation must therefore come in by the back-door of the Constitution. Each quota must be brought to this House ready formed. You can neither add nor alter. You must register it. You can do nothing further. For on what grounds can you deliberate either before or after the proposition? You cannot hear the counsel for all these provinces, quarrelling each on its own quantity of payment, and its proportion to others. If you should attempt it, the Committee of Provincial Ways and Means, or by whatever other name it will delight to be called, must swallow up all the time of Parliament.

Thirdly, it does not give satisfaction to the complaint of the colonies. They complain that they are taxed without their consent. You answer, that you will fix the sum at which they shall be taxed. That is, you give them the very grievance for the remedy. You tell them, indeed, that you will leave the mode to themselves. I really beg pardon; it gives me pain to mention it; but you must be sensible that you will not perform this part of the compact. For suppose the colonies were to lay the duties which furnished their contingent upon the importation of your manufactures; you know you would never suffer such a tax to be laid. You know, too, that you would not suffer many other modes of taxation. So that, when you come to explain yourself, it will be found that you will neither leave to themselves the quantum nor the mode, nor indeed anything. The whole is delusion, from one end to the other.

Fourthly, this method of ransom by auction, unless it be *universally* accepted, will plunge you into great and inextricable difficulties. In what year of our Lord are the proportions of payments to be settled? To say nothing of the impossibility that

colony agents should have general powers of taxing the colonies at their discretion, consider, I implore you, that the communication by special messages and orders between these agents and their constituents on each variation of the case, when the parties come to contend together, and to dispute on their relative proportions, will be a matter of delay, perplexity, and confusion, that never can have an end.

If all the colonies do not appear at the outcry, what is the condition of those assemblies who offer, by themselves or their agents, to tax themselves up to your ideas of their proportion? The refractory colonies, who refuse all composition, will remain taxed only to your old impositions, which, however grievous in principle, are trifling as to production. The obedient colonies in this scheme are heavily taxed; the refractory remain unburdened. What will you do? Will you lay new and heavier taxes by Parliament on the disobedient? Pray consider in what way you can do it. You are perfectly convinced, that, in the way of taxing, you can do nothing but at the ports. Now suppose it is Virginia that refuses to appear at your auction, while Maryland and North Carolina bid handsomely for their ransom, and are taxed to your quota, how will you put these colonies on a par? Will you tax the tobacco of Virginia? If you do, you give its death-wound to your English revenue at home, and to one of the very greatest articles of your own foreign trade. If you tax the import of that rebellious colony, what do you tax but your own manufactures, or the goods of some other obedient and already well-taxed colony? Who has said one word on this labyrinth of detail, which bewilders you more and more as you enter into it? Who has presented, who can present, you with a clew to lead you out of it? I think, Sir, it is impossible that you should not recollect that the colony bounds are so implicated in one another (you know it by your other experiments in the bill for prohibiting the New England fishery) that you can lay no possible restraints on almost any of them which may not be presently eluded, if you do not confound the innocent with the guilty, and burden those whom upon every principle you ought to exonerate. He must be grossly ignorant of America, who thinks, that, without falling into this confusion of all rules of equity and policy, you can restrain any single colony, especially Virginia and Maryland, the central, and most important of them all.

Let it also be considered, that either in the present confusion you settle a permanent contingent, which will and must be trifling, and then you have no effectual revenue, — or you change the quota at every exigency, and then on every new repartition you will have a new quarrel.

Reflect besides, that, when you have fixed a quota for every colony, you have not provided for prompt and punctual payment. Suppose one, two, five, ten years' arrears. You cannot issue a Treasury extent against the failing colony. You must make new Boston port bills, new restraining laws, new acts for dragging men to England for trial. You must send out new fleets, new armies. All is to begin again. From this day forward the empire is never to know an hour's tranquillity. An

intestine fire will be kept alive in the bowels of the colonies, which one time or other must consume this whole empire. I allow, indeed, that the Empire of Germany raises her revenue and her troops by quotas and contingents; but the revenue of the Empire and the army of the Empire is the worst revenue and the worst army in the world.

Instead of a standing revenue, you will therefore have a perpetual quarrel. Indeed, the noble lord who proposed this project of a ransom by auction seemed himself to be of that opinion. His project was rather designed for breaking the union of the colonies than for establishing a revenue. He confessed he apprehended that his proposal would not be to *their taste*. I say, this scheme of disunion seems to be at the bottom of the project; for I will not suspect that the noble lord meant nothing but merely to delude the nation by an airy phantom which he never intended to realize. But whatever his views may be, as I propose the peace and union of the colonies as the very foundation of my plan, it cannot accord with one whose foundation is perpetual discord.

Compare the two. This I offer to give you is plain and simple: the other full of perplexed and intricate mazes. This is mild: that harsh. This is found by experience effectual for its purposes: the other is a new project. This is universal: the other calculated for certain colonies only. This is immediate in its conciliatory operation: the other remote, contingent, full of hazard. Mine is what becomes the dignity of a ruling people: gratuitous, unconditional, and not held out as matter of bargain and sale. I have done my duty in proposing it to you. I have, indeed, tired you by a long discourse; but this is the misfortune of those to whose influence nothing will be conceded, and who must win every inch of their ground by argument. You have heard me with goodness. May you decide with wisdom! For my part, I feel my mind greatly disburdened by what I have done to-day. I have been the less fearful of trying your patience, because on this subject I mean to spare it altogether in future. I have this comfort, — that, in every stage of the American affairs, I have steadily opposed the measures that have produced the confusion, and may bring on the destruction, of this empire. I now go so far as to risk a proposal of my own. If I cannot give peace to my country, I give it to my conscience.

But what (says the financier) is peace to us without money? Your plan gives us no revenue. — No! But it does: for it secures to the subject the power of REFUSAL, — the first of all revenues. Experience is a cheat, and fact a liar, if this power in the subject, of proportioning his grant, or of not granting at all, has not been found the richest mine of revenue ever discovered by the skill or by the fortune of man. It does not, indeed, vote you £152,750: 11: 2-3/4ths, nor any other paltry limited sum; but it gives the strong-box itself, the fund, the bank, from whence only revenues can arise amongst a people sensible of freedom: *Posita luditur arca*. Cannot you in England, cannot you at this time of day, cannot you, an House of Commons, trust to the principle which has raised so mighty a revenue, and accumulated a debt of

near 140 millions in this country? Is this principle to be true in England and false everywhere else? Is it not true in Ireland? Has it not hitherto been true in the colonies? Why should you presume, that, in any country, a body duly constituted for any function will neglect to perform its duty, and abdicate its trust? Such a presumption would go against all government in all modes. But, in truth, this dread of penury of supply from a free assembly has no foundation in Nature. For first, observe, that, besides the desire which all men have naturally of supporting the honor of their own government, that sense of dignity, and that security to property, which ever attends freedom, has a tendency to increase the stock of the free community. Most may be taken where most is accumulated. And what is the soil or climate where experience has not uniformly proved that the voluntary flow of heaped-up plenty, bursting from the weight of its own rich luxuriance, has ever run with a more copious stream of revenue than could be squeezed from the dry husks of oppressed indigence by the straining of all the politic machinery in the world?

Next, we know that parties must ever exist in a free country. We know, too, that the emulations of such parties, their contradictions, their reciprocal necessities, their hopes, and their fears, must send them all in their turns to him that holds the balance of the state. The parties are the gamesters; but government keeps the table, and is sure to be the winner in the end. When this game is played, I really think it is more to be feared that the people will be exhausted than that government will not be supplied. Whereas whatever is got by acts of absolute power ill obeyed because odious, or by contracts ill kept because constrained, will be narrow, feeble, uncertain, and precarious.

“Ease would retract
Vows made in pain, as violent and void.”

I, for one, protest against compounding our demands: I declare against compounding, for a poor limited sum, the immense, ever-growing, eternal debt which is due to generous government from protected freedom. And so may I speed in the great object I propose to you, as I think it would not only be an act of injustice, but would be the worst economy in the world, to compel the colonies to a sum certain, either in the way of ransom, or in the way of compulsory compact.

But to clear up my ideas on this subject, — a revenue from America transmitted hither. Do not delude yourselves: you can never receive it, — no, not a shilling. We have experience that from remote countries it is not to be expected. If, when you attempted to extract revenue from Bengal, you were obliged to return in loan what you had taken in imposition, what can you expect from North America? For, certainly, if ever there was a country qualified to produce wealth, it is India; or an institution fit for the transmission, it is the East India Company. America has none of these aptitudes. If America gives you taxable objects on which you lay your

duties here, and gives you at the same time a surplus by a foreign sale of her commodities to pay the duties on these objects which you tax at home, she has performed her part to the British revenue. But with regard to her own internal establishments, she may, I doubt not she will, contribute in moderation. I say in moderation; for she ought not to be permitted to exhaust herself. She ought to be reserved to a war; the weight of which, with the enemies that we are most likely to have, must be considerable in her quarter of the globe. There she may serve you, and serve you essentially.

For that service, for all service, whether of revenue, trade, or empire, my trust is in her interest in the British Constitution. My hold of the colonies is in the close affection which grows from common names, from kindred blood, from similar privileges, and equal protection. These are ties which, though light as air, are as strong as links of iron. Let the colonies always keep the idea of their civil rights associated with your government, — they will cling and grapple to you, and no force under heaven will be of power to tear them from their allegiance. But let it be once understood that your government may be one thing and their privileges another, that these two things may exist without any mutual relation, — the cement is gone, the cohesion is loosened, and everything hastens to decay and dissolution. As long as you have the wisdom to keep the sovereign authority of this country as the sanctuary of liberty, the sacred temple consecrated to our common faith, wherever the chosen race and sons of England worship freedom, they will turn their faces towards you. The more they multiply, the more friends you will have; the more ardently they love liberty, the more perfect will be their obedience. Slavery they can have anywhere. It is a weed that grows in every soil. They may have it from Spain, they may have it from Prussia. But, until you become lost to all feeling of your true interest and your natural dignity, freedom they can have from none but you. This is the commodity of price, of which you have the monopoly. This is the true Act of Navigation, which binds to you the commerce of the colonies, and through them secures to you the wealth of the world. Deny them this participation of freedom, and you break that sole bond which originally made, and must still preserve, the unity of the empire. Do not entertain so weak an imagination as that your registers and your bonds, your affidavits and your sufferances, your cockets and your clearances, are what form the great securities of your commerce. Do not dream that your letters of office, and your instructions, and your suspending clauses are the things that hold together the great contexture of this mysterious whole. These things do not make your government. Dead instruments, passive tools as they are, it is the spirit of the English communion that gives all their life and efficacy to them. It is the spirit of the English Constitution, which, infused through the mighty mass, pervades, feeds, unites, invigorates, vivifies every part of the empire, even down to the minutest member.

Is it not the same virtue which does everything for us here in England? Do you imagine, then, that it is the Land-Tax Act which raises your revenue? that it is the annual vote in the Committee of Supply which gives you your army? or that it is the Mutiny Bill which inspires it with bravery and discipline? No! surely, no! It is the love of the people; it is their attachment to their government, from the sense of the deep stake they have in such a glorious institution, which gives you your army and your navy, and infuses into both that liberal obedience without which your army would be a base rabble and your navy nothing but rotten timber.

All this, I know well enough, will sound wild and chimerical to the profane herd of those vulgar and mechanical politicians who have no place among us: a sort of people who think that nothing exists but what is gross and material, — and who, therefore, far from being qualified to be directors of the great movement of empire, are not fit to turn a wheel in the machine. But to men truly initiated and rightly taught, these ruling and master principles, which in the opinion of such men as I have mentioned have no substantial existence, are in truth everything, and all in all. Magnanimity in politics is not seldom the truest wisdom; and a great empire and little minds go ill together. If we are conscious of our situation, and glow with zeal to fill our place as becomes our station and ourselves, we ought to auspicate all our public proceedings on America with the old warning of the Church, *Sursum corda!* We ought to elevate our minds to the greatness of that trust to which the order of Providence has called us. By adverting to the dignity of this high calling our ancestors have turned a savage wilderness into a glorious empire, and have made the most extensive and the only honorable conquests, not by destroying, but by promoting the wealth, the number, the happiness of the human race. Let us get an American revenue as we have got an American empire. English privileges have made it all that it is; English privileges alone will make it all it can be.

In full confidence of this unalterable truth, I now (*quod felix faustumque sit!*) lay the first stone of the Temple of Peace; and I move you, —

“That the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses, or others, to represent them in the high court of Parliament.”

Upon this resolution the previous question was put and carried: for the previous question, 270; against it, 78.

As the propositions were opened separately in the body of the speech, the reader perhaps may wish to see the whole of them together, in the form in which they were moved for.

“MOVED,

“That the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upwards of free

inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses, or others, to represent them in the high court of Parliament.”

“That the said colonies and plantations have been made liable to, and bounden by, several subsidies, payments, rates, and taxes, given and granted by Parliament, though the said colonies and plantations have not their knights and burgesses in the said high court of Parliament, of their own election, to represent the condition of their country; *by lack whereof they have been oftentimes touched and grieved by subsidies, given, granted, and amended to, in the said, court, in a manner prejudicial to the common wealth, quietness, rest, and peace of the subjects inhabiting within the same.*”

“That, from the distance of the said colonies, and from other circumstances, no method hath hitherto been devised for procuring a representation in Parliament for the said colonies.”

“That each of the said colonies hath within itself a body, chosen, in part or in the whole, by the freemen, freeholders, or other free inhabitants thereof, commonly called the General Assembly, or General Court, with powers legally to raise, levy, and assess, according to the several usages of such colonies, duties and taxes towards defraying all sorts of public services.”

“That the said general assemblies, general courts, or other bodies legally qualified as aforesaid, have at sundry times freely granted several large subsidies and public aids for his Majesty’s service, according to their abilities, when required thereto by letter from one of his Majesty’s principal Secretaries of State; and that their right to grant the same, and their cheerfulness and sufficiency in the said grants, have been at sundry times acknowledged by Parliament.”

“That it hath been found by experience, that the manner of granting the said supplies and aids by the said general assemblies hath been more agreeable to the inhabitants of the said colonies, and more beneficial and conducive to the public service, than the mode of giving and granting aids and subsidies in Parliament, to be raised and paid in the said colonies.”

“That it may be proper to repeal an act, made in the seventh year of the reign of his present Majesty, intituled, ‘An act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs, upon the exportation from this kingdom, of coffee and cocoa-nuts, of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on China earthen ware exported to America; and for more effectually preventing the clandestine running of goods in the said colonies and plantations.’”

“That it may be proper to repeal an act, made in the fourteenth year of the reign of his present Majesty, intituled, ‘An act to discontinue, in such manner and for such time as are therein mentioned, the landing and discharging, lading or chipping, of goods, wares, and merchandise, at the town and within the harbor of Boston, in the province of Massachusetts Bay, in North America.’”

“That it may be proper to repeal an act, made in the fourteenth year of the reign of his present Majesty, intituled, ‘An act for the impartial administration of justice, in the cases of persons questioned for any acts done by them, in the execution of the law, or for the suppression of riots and tumults, in the province of the Massachusetts Bay, in New England.’”

“That it may be proper to repeal an act, made in the fourteenth year of the reign of his present Majesty, intituled, ‘An act for the better regulating the government of the province of the Massachusetts Bay, in New England.’”

“That it may be proper to explain and amend an act, made in the thirty-fifth year of the reign of King Henry the Eighth, intituled, ‘An act for the trial of treasons committed out of the king’s dominions.’”

“That, from the time when the general assembly, or general court, of any colony or plantation in North America, shall have appointed, by act of assembly duly confirmed, a settled salary to the offices of the chief justice and other judges of the superior courts, it may be proper that the said chief justice and other judges of the superior courts of such colony shall hold his and their office and offices during their good behavior, and shall not be removed therefrom, but when the said removal shall be adjudged by his Majesty in council, upon a hearing on complaint from the general assembly, or on a complaint from the governor, or the council, or the house of representatives, severally, of the colony in which the said chief justice and other judges have exercised the said offices.”

“That it may be proper to regulate the courts of admiralty or vice-admiralty, authorized by the 15th chapter of the 4th George the Third, in such a manner as to make the same more commodious to those who sue or are sued in the said courts; *and to provide for the mere decent maintenance of the judges of the same.*”

**SPEECH ON PRESENTING TO THE HOUSE OF COMMONS
(ON THE 11TH FEBRUARY, 1780)**

A PLAN

FOR

**THE BETTER SECURITY OF THE INDEPENDENCE OF
PARLIAMENT, AND THE ECONOMICAL REFORMATION OF THE
CIVIL AND OTHER ESTABLISHMENTS**

Mr. Speaker, — I rise, in acquittal of my engagement to the House, in obedience to the strong and just requisition of my constituents, and, I am persuaded, in conformity to the unanimous wishes of the whole nation, to submit to the wisdom of Parliament “A Plan of Reform in the Constitution of Several Parts of the Public Economy.”

I have endeavored that this plan should include, in its execution, a considerable reduction of improper expense; that it should effect a conversion of unprofitable titles into a productive estate; that it should lead to, and indeed almost compel, a provident administration of such sums of public money as must remain under discretionary trusts; that it should render the incurring debts on the civil establishment (which must ultimately affect national strength and national credit) so very difficult as to become next to impracticable.

But what, I confess, was uppermost with me, what I bent the whole force of my mind to, was the reduction of that corrupt influence which is itself the perennial spring of all prodigality and of all disorder, — which loads us more than millions of debt, — which takes away vigor from our arms, wisdom from our councils, and every shadow of authority and credit from the most venerable parts of our Constitution.

Sir, I assure you very solemnly, and with a very clear conscience, that nothing in the world has led me to such an undertaking but my zeal for the honor of this House, and the settled, habitual, systematic affection I bear to the cause and to the principles of government.

I enter perfectly into the nature and consequences of my attempt, and I advance to it with a tremor that shakes me to the inmost fibre of my frame. I feel that I engage in a business, in itself most ungracious, totally wide of the course of prudent conduct, and, I really think, the most completely adverse that can be imagined to the natural turn and temper of my own mind. I know that all parsimony is of a quality approaching to unkindness, and that (on some person or other) every reform must operate as a sort of punishment. Indeed, the whole class of the severe and

restrictive virtues are at a market almost too high for humanity. What is worse, there are very few of those virtues which are not capable of being imitated, and even outdone in many of their most striking effects, by the worst of vices. Malignity and envy will carve much more deeply, and finish much more sharply, in the work of retrenchment, than frugality and providence. I do not, therefore, wonder that gentlemen have kept away from such a task, as well from good-nature as from prudence. Private feeling might, indeed, be overborne by legislative reason; and a man of a long-sighted and a strong-nerved humanity might bring himself not so much to consider from whom he takes a superfluous enjoyment as for whom in the end he may preserve the absolute necessities of life.

But it is much more easy to reconcile this measure in humanity than to bring it to any agreement with prudence. I do not mean that little, selfish, pitiful, bastard thing which sometimes goes by the name of a family in which it is not legitimate and to which it is a disgrace; — I mean even that public and enlarged prudence, which, apprehensive of being disabled from rendering acceptable services to the world, withholds itself from those that are invidious. Gentlemen who are, with me, verging towards the decline of life, and are apt to form their ideas of kings from kings of former times, might dread the anger of a reigning prince; — they who are more provident of the future, or by being young are more interested in it, might tremble at the resentment of the successor; they might see a long, dull, dreary, unvaried vista of despair and exclusion, for half a century, before them. This is no pleasant prospect at the outset of a political journey.

Besides this, Sir, the private enemies to be made in all attempts of this kind are innumerable; and their enmity will be the more bitter, and the more dangerous too, because a sense of dignity will oblige them to conceal the cause of their resentment. Very few men of great families and extensive connections but will feel the smart of a cutting reform, in some close relation, some bosom friend, some pleasant acquaintance, some dear, protected dependant. Emolument is taken from some; patronage from others; objects of pursuit from all. Men forced into an involuntary independence will abhor the authors of a blessing which in their eyes has so very near a resemblance to a curse. When officers are removed, and the offices remain, you may set the gratitude of some against the anger of others, you may oppose the friends you oblige against the enemies you provoke. But services of the present sort create no attachments. The individual good felt in a public benefit is comparatively so small, comes round through such an involved labyrinth of intricate and tedious revolutions, whilst a present personal detriment is so heavy, where it falls, and so instant in its operation, that the cold commendation of a public advantage never was and never will be a match for the quick sensibility of a private loss; and you may depend upon it, Sir, that, when many people have an interest in railing, sooner or later, they will bring a considerable degree of unpopularity upon any measure. So

that, for the present at least, the reformation will operate against the reformers; and revenge (as against them at the least) will produce all the effects of corruption.

This, Sir, is almost always the case, where the plan has complete success. But how stands the matter in the mere attempt? Nothing, you know, is more common than for men to wish, and call loudly too, for a reformation, who, when it arrives, do by no means like the severity of its aspect. Reformation is one of those pieces which must be put at some distance in order to please. Its greatest favorers love it better in the abstract than in the substance. When any old prejudice of their own, or any interest that they value, is touched, they become scrupulous, they become captious; and every man has his separate exception. Some pluck out the black hairs, some the gray; one point must be given up to one, another point must be yielded to another; nothing is suffered to prevail upon its own principle; the whole is so frittered down and disjointed, that scarcely a trace of the original scheme remains. Thus, between the resistance of power, and the unsystematical process of popularity, the undertaker and the undertaking are both exposed, and the poor reformer is hissed off the stage both by friends and foes.

Observe, Sir, that the apology for my undertaking (an apology which, though long, is no longer than necessary) is not grounded on my want of the fullest sense of the difficult and invidious nature of the task I undertake. I risk odium, if I succeed, and contempt, if I fail. My excuse must rest in mine and your conviction of the absolute, urgent *necessity* there is that something of the kind should be done. If there is any sacrifice to be made, either of estimation or of fortune, the smallest is the best. Commanders-in-chief are not to be put upon the forlorn hope. But, indeed, it is necessary that the attempt should be made. It is necessary from our own political circumstances; it is necessary from the operations of the enemy; it is necessary from the demands of the people, whose desires, when they do not militate with the stable and eternal rules of justice and reason, (rules which are above us and above them,) ought to be as a law to a House of Commons.

As to our circumstances, I do not mean to aggravate the difficulties of them by the strength of any coloring whatsoever. On the contrary, I observe, and observe with pleasure, that our affairs rather wear a more promising aspect than they did on the opening of this session. We have had some leading successes. But those who rate them at the highest (higher a great deal, indeed, than I dare to do) are of opinion, that, upon the ground of such advantages, we cannot at this time hope to make any treaty of peace which would not be ruinous and completely disgraceful. In such an anxious state of things, if dawnings of success serve to animate our diligence, they are good; if they tend to increase our presumption, they are worse than defeats. The state of our affairs shall, then, be as promising as any one may choose to conceive it: it is, however, but promising. We must recollect, that, with but half of our natural strength, we are at war against confederated powers who have singly threatened us with ruin; we must recollect, that, whilst we are left naked

on one side, our other flank is uncovered by any alliance; that, whilst we are weighing and balancing our successes against our losses, we are accumulating debt to the amount of at least fourteen millions in the year. That loss is certain.

I have no wish to deny that our successes are as brilliant as any one chooses to make them; our resources, too, may, for me, be as unfathomable as they are represented. Indeed, they are just whatever the people possess and will submit to pay. Taxing is an easy business. Any projector can contrive new impositions; any bungler can add to the old. But is it altogether wise to have no other bounds to your impositions than the patience of those who are to bear them?

All I claim upon the subject of your resources is this: that they are not likely to be increased by wasting them. I think I shall be permitted to assume that a system of frugality will not lessen your riches, whatever they may be. I believe it will not be hotly disputed, that those resources which lie heavy on the subject ought not to be objects of preference, — that they ought not to be the *very first choice*, to an honest representative of the people.

This is all, Sir, that I shall say upon our circumstances and our resources: I mean to say a little more on the operations of the enemy, because this matter seems to me very natural in our present deliberation. When I look to the other side of the water, I cannot help recollecting what Pyrrhus said, on reconnoitring the Roman camp:—“These barbarians have nothing barbarous in their discipline.” When I look, as I have pretty carefully looked, into the proceedings of the French king, I am sorry to say it, I see nothing of the character and genius of arbitrary finance, none of the bold frauds of bankrupt power, none of the wild struggles and plunges of despotism in distress, — no lopping off from the capital of debt, no suspension of interest, no robbery under the name of loan, no raising the value, no debasing the substance of the coin. I see neither Louis the Fourteenth nor Louis the Fifteenth. On the contrary, I behold, with astonishment, rising before me, by the very hands of arbitrary power, and in the very midst of war and confusion, a regular, methodical system of public credit; I behold a fabric laid on the natural and solid foundations of trust and confidence among men, and rising, by fair gradations, order over order, according to the just rules of symmetry and art. What a reverse of things! Principle, method, regularity, economy, frugality, justice to individuals, and care of the people are the resources with which France makes war upon Great Britain. God avert the omen! But if we should see any genius in war and politics arise in France to second what is done in the bureau! — I turn my eyes from the consequences.

The noble lord in the blue ribbon, last year, treated all this with contempt. He never could conceive it possible that the French minister of finance could go through that year with a loan of but seventeen hundred thousand pounds, and that he should be able to fund that loan without any tax. The second year, however, opens the very same scene. A small loan, a loan of no more than two millions five hundred thousand pounds, is to carry our enemies through the service of this year

also. No tax is raised to fund that debt; no tax is raised for the current services. I am credibly informed that there is no anticipation whatsoever. Compensations are correctly made. Old debts continue to be sunk as in the time of profound peace. Even payments which their treasury had been authorized to suspend during the time of war are not suspended.

A general reform, executed through every *department of the revenue*, creates an annual income of more than half a million, whilst it facilitates and simplifies all the functions of administration. The king's *household* — at the remotest avenues to which all reformation has been hitherto stopped, that household which has been the stronghold of prodigality, the virgin fortress which was never before attacked — has been not only not defended, but it has, even in the forms, been surrendered by the king to the economy of his minister. No capitulation; no reserve. Economy has entered in triumph into the public splendor of the monarch, into his private amusements, into the appointments of his nearest and highest relations. Economy and public spirit have made a beneficent and an honest spoil: they have plundered from extravagance and luxury, for the use of substantial service, a revenue of near four hundred thousand pounds. The reform of the finances, joined to this reform of the court, gives to the public nine hundred thousand pounds a year, and upwards.

The minister who does these things is a great man; but the king who desires that they should be done is a far greater. We must do justice to our enemies: these are the acts of a patriot king. I am not in dread of the vast armies of France; I am not in dread of the gallant spirit of its brave and numerous nobility; I am not alarmed even at the great navy which has been so miraculously created. All these things Louis the Fourteenth had before. With all these things, the French monarchy has more than once fallen prostrate at the feet of the public faith of Great Britain. It was the want of public credit which disabled France from recovering after her defeats, or recovering even from her victories and triumphs. It was a prodigal court, it was an ill-ordered revenue, that sapped the foundations of all her greatness. Credit cannot exist under the arm of necessity. Necessity strikes at credit, I allow, with a heavier and quicker blow under an arbitrary monarchy than under a limited and balanced government; but still necessity and credit are natural enemies, and cannot be long reconciled in any situation. From necessity and corruption, a free state may lose the spirit of that complex constitution which is the foundation of confidence. On the other hand, I am far from being sure that a monarchy, when once it is properly regulated, may not for a long time furnish a foundation for credit upon the solidity of its maxims, though it affords no ground of trust in its institutions. I am afraid I see in England, and in France, something like a beginning of both these things. I wish I may be found in a mistake.

This very short and very imperfect state of what is now going on in France (the last circumstances of which I received in about eight days after the registry of the edict) I do not, Sir, lay before you for any invidious purpose. It is in order to excite

in us the spirit of a noble emulation. Let the nations make war upon each other, (since we must make war,) not with a low and vulgar malignity, but by a competition of virtues. This is the only way by which both parties can gain by war. The French have imitated us: let us, through them, imitate ourselves, — ourselves in our better and happier days. If public frugality, under whatever men, or in whatever mode of government, is national strength, it is a strength which our enemies are in possession of before us.

Sir, I am well aware that the state and the result of the French economy which I have laid before you are even now lightly treated by some who ought never to speak but from information. Pains have not been spared to represent them as impositions on the public. Let me tell you, Sir, that the creation of a navy, and a two years' war without taxing, are a very singular species of imposture. But be it so. For what end does Necker carry on this delusion? Is it to lower the estimation of the crown he serves, and to render his own administration contemptible? No! No! He is conscious that the sense of mankind is so clear and decided in favor of economy, and of the weight and value of its resources, that he turns himself to every species of fraud and artifice to obtain the mere reputation of it. Men do not affect a conduct that tends to their discredit. Let us, then, get the better of Monsieur Necker in his own way; let us do in reality what he does only in pretence; let us turn his French tinsel into English gold. Is, then, the mere opinion and appearance of frugality and good management of such use to France, and is the substance to be so mischievous to England? Is the very constitution of Nature so altered by a sea of twenty miles, that economy should give power on the Continent, and that profusion should give it here? For God's sake, let not this be the only fashion of France which we refuse to copy!

To the last kind of necessity, the desires of the people, I have but a very few words to say. The ministers seem to contest this point, and affect to doubt whether the people do really desire a plan of economy in the civil government. Sir, this is too ridiculous. It is impossible that they should not desire it. It is impossible that a prodigality which draws its resources from their indigence should be pleasing to them. Little factions of pensioners, and their dependants, may talk another language. But the voice of Nature is against them, and it will be heard. The people of England will not, they cannot, take it kindly, that representatives should refuse to their constituents what an absolute sovereign voluntarily offers to his subjects. The expression of the petitions is, that, *“before any new burdens are laid upon this country, effectual measures be taken by this House to inquire into and correct the gross abuses in the expenditure of public money.”*

This has been treated by the noble lord in the blue ribbon as a wild, factious language. It happens, however, that the people, in their address to us, use, almost word for word, the same terms as the king of France uses in addressing himself to his people; and it differs only as it falls short of the French king's idea of what is

due to his subjects. “To convince,” says he, “our faithful subjects of *the desire we entertain not to recur to new impositions*, until we have first exhausted all the resources which order and economy can possibly supply,” &c., &c.

These desires of the people of England, which come far short of the voluntary concessions of the king of France, are moderate indeed. They only contend that we should interweave some economy with the taxes with which we have chosen to begin the war. They request, not that you should rely upon economy exclusively, but that you should give it rank and precedence, in the order of the ways and means of this single session.

But if it were possible that the desires of our constituents, desires which are at once so natural and so very much tempered and subdued, should have no weight with an House of Commons which has its eye elsewhere, I would turn my eyes to the very quarter to which theirs are directed. I would reason this matter with the House on the mere policy of the question; and I would undertake to prove that an early dereliction of abuse is the direct interest of government, — of government taken abstractedly from its duties, and considered merely as a system intending its own conservation.

If there is any one eminent criterion which above all the rest distinguishes a wise government from an administration weak and improvident, it is this: “well to know the best time and manner of yielding what it is impossible to keep.” There have been, Sir, and there are, many who choose to chicanery with their situation rather than be instructed by it. Those gentlemen argue against every desire of reformation upon the principles of a criminal prosecution. It is enough for them to justify their adherence to a pernicious system, that it is not of their contrivance, — that it is an inheritance of absurdity, derived to them from their ancestors, — that they can make out a long and unbroken pedigree of mismanagers that have gone before them. They are proud of the antiquity of their house; and they defend their errors as if they were defending their inheritance, afraid of derogating from their nobility, and carefully avoiding a sort of blot in their scutcheon, which they think would degrade them forever.

It was thus that the unfortunate Charles the First defended himself on the practice of the Stuart who went before him, and of all the Tudors. His partisans might have gone to the Plantagenets. They might have found bad examples enough, both abroad and at home, that could have shown an ancient and illustrious descent. But there is a time when men will not suffer bad things because their ancestors have suffered worse. There is a time when the hoary head of inveterate abuse will neither draw reverence nor obtain protection. If the noble lord in the blue ribbon pleads, “*Not guilty*,” to the charges brought against the present system of public economy, it is not possible to give a fair verdict by which he will not stand acquitted. But pleading is not our present business. His plea or his traverse may be allowed as an answer to a charge, when a charge is made. But if he puts himself in the way to

obstruct reformation, then the faults of his office instantly become his own. Instead of a public officer in an abusive department, whose province is an object to be regulated, he becomes a criminal who is to be punished. I do most seriously put it to administration to consider the wisdom of a timely reform. Early reformations are amicable arrangements with a friend in power; late reformations are terms imposed upon a conquered enemy: early reformations are made in cool blood; late reformations are made under a state of inflammation. In that state of things the people behold in government nothing that is respectable. They see the abuse, and they will see nothing else. They fall into the temper of a furious populace provoked at the disorder of a house of ill-fame; they never attempt to correct or regulate; they go to work by the shortest way: they abate the nuisance, they pull down the house.

This is my opinion with regard to the true interest of government. But as it is the interest of government that reformation should be early, it is the interest of the people that it should be temperate. It is their interest, because a temperate reform is permanent, and because it has a principle of growth. Whenever we improve, it is right to leave room for a further improvement. It is right to consider, to look about us, to examine the effect of what we have done. Then we can proceed with confidence, because we can proceed with intelligence. Whereas in hot reformations, in what men more zealous than considerate call *making clear work*, the whole is generally so crude, so harsh, so indigested, mixed with so much imprudence and so much injustice, so contrary to the whole course of human nature and human institutions, that the very people who are most eager for it are among the first to grow disgusted at what they have done. Then some part of the abdicated grievance is recalled from its exile in order to become a corrective of the correction. Then the abuse assumes all the credit and popularity of a reform. The very idea of purity and disinterestedness in politics falls into disrepute, and is considered as a vision of hot and inexperienced men; and thus disorders become incurable, not by the virulence of their own quality, but by the unapt and violent nature of the remedies. A great part, therefore, of my idea of reform is meant to operate gradually: some benefits will come at a nearer, some at a more remote period. We must no more make haste to be rich by parsimony than by intemperate acquisition.

In my opinion, it is our duty, when we have the desires of the people before us, to pursue them, not in the spirit of literal obedience, which may militate with their very principle, — much less to treat them with a peevish and contentious litigation, as if we were adverse parties in a suit. It would, Sir, be most dishonorable for a faithful representative of the Commons to take advantage of any inartificial expression of the people's wishes, in order to frustrate their attainment of what they have an undoubted right to expect. We are under infinite obligations to our constituents, who have raised us to so distinguished a trust, and have imparted such a degree of sanctity to common characters. We ought to walk before them with purity, plainness, and integrity of heart, — with filial love, and not with slavish fear,

which is always a low and tricking thing. For my own part, in what I have meditated upon that subject, I cannot, indeed, take upon me to say I have the honor *to follow* the sense of the people. The truth is, *I met it on the way*, while I was pursuing their interest according to my own ideas. I am happy beyond expression to find that my intentions have so far coincided with theirs, that I have not had, cause to be in the least scrupulous to sign their petition, conceiving it to express my own opinions, as nearly as general terms can express the object of particular arrangements.

I am therefore satisfied to act as a fair mediator between government and the people, endeavoring to form a plan which should have both an early and a temperate operation. I mean, that it should be substantial, that it should be systematic, that it should rather strike at the first cause of prodigality and corrupt influence than attempt to follow them in all their effects.

It was to fulfil the first of these objects (the proposal of something substantial) that I found myself obliged, at the outset, to reject a plan proposed by an honorable and attentive member of Parliament, with very good intentions on his part, about a year or two ago. Sir, the plan I speak of was the tax of twenty-five per cent moved upon places and pensions during the continuance of the American war. Nothing, Sir, could have met my ideas more than such a tax, if it was considered as a practical satire on that war, and as a penalty upon those who led us into it; but in any other view it appeared to me very liable to objections. I considered the scheme as neither substantial, nor permanent, nor systematical, nor likely to be a corrective of evil influence. I have always thought employments a very proper subject of regulation, but a very ill-chosen subject for a tax. An equal tax upon property is reasonable; because the object is of the same quality throughout. The species is the same; it differs only in its quantity. But a tax upon salaries is totally of a different nature; there can be no equality, and consequently no justice, in taxing them by the hundred in the gross.

We have, Sir, on our establishment several offices which perform real service: we have also places that provide large rewards for no service at all. We have stations which are made for the public decorum, made for preserving the grace and majesty of a great people: we have likewise expensive formalities, which tend rather to the disgrace than the ornament of the state and the court. This, Sir, is the real condition of our establishments. To fall with the same severity on objects so perfectly dissimilar is the very reverse of a reformation, — I mean a reformation framed, as all serious things ought to be, in number, weight, and measure. — Suppose, for instance, that two men receive a salary of 800*l.* a year each. In the office of one there is nothing at all to be done; in the other, the occupier is oppressed by its duties. Strike off twenty-five per cent from these two offices, you take from one man 200*l.* which in justice he ought to have, and you give in effect to the other 600*l.* which he ought not to receive. The public robs the former, and the latter robs the

public; and this mode of mutual robbery is the only way in which the office and the public can make up their accounts.

But the balance, in settling the account of this double injustice, is much against the state. The result is short. You purchase a saving of two hundred pounds by a profusion of six. Besides, Sir, whilst you leave a supply of unsecured money behind, wholly at the discretion of ministers, they make up the tax to such places as they wish to favor, or in such new places as they may choose to create. Thus the civil list becomes oppressed with debt; and the public is obliged to repay, and to repay with an heavy interest, what it has taken by an injudicious tax. Such has been the effect of the taxes hitherto laid on pensions and employments, and it is no encouragement to recur again to the same expedient.

In effect, such a scheme is not calculated to produce, but to prevent reformation. It holds out a shadow of present gain to a greedy and necessitous public, to divert their attention from those abuses which in reality are the great causes of their wants. It is a composition to stay inquiry; it is a fine paid by mismanagement for the renewal of its lease; what is worse, it is a fine paid by industry and merit for an indemnity to the idle and the worthless. But I shall say no more upon this topic, because (whatever may be given out to the contrary) I know that the noble lord in the blue ribbon perfectly agrees with me in these sentiments.

After all that I have said on this subject, I am so sensible that it is our duty to try everything which may contribute to the relief of the nation, that I do not attempt wholly to reprobate the idea even of a tax. Whenever, Sir, the incumbrance of useless office (which lies no less a dead weight upon the service of the state than upon its revenues) shall be removed, — when the remaining offices shall be classed according to the just proportion of their rewards and services, so as to admit the application of an equal rule to their taxation, — when the discretionary power over the civil list cash shall be so regulated that a minister shall no longer have the means of repaying with a private what is taken by a public hand, — if, after all these preliminary regulations, it should be thought that a tax on places is an object worthy of the public attention, I shall be very ready to lend my hand to a reduction of their emoluments.

Having thus, Sir, not so much absolutely rejected as postponed the plan of a taxation of office, my next business was to find something which might be really substantial and effectual. I am quite clear, that, if we do not go to the very origin and first ruling cause of grievances, we do nothing. What does it signify to turn abuses out of one door, if we are to let them in at another? What does it signify to promote economy upon a measure, and to suffer it to be subverted in the principle? Our ministers are far from being wholly to blame for the present ill order which prevails. Whilst institutions directly repugnant to good management are suffered to remain, no effectual or lasting reform *can* be introduced.

I therefore thought it necessary, as soon as I conceived thoughts of submitting to you some plan of reform, to take a comprehensive view of the state of this country, — to make a sort of survey of its jurisdictions, its estates, and its establishments. Something in every one of them seemed to me to stand in the way of all economy in their administration, and prevented every possibility of methodizing the system. But being, as I ought to be, doubtful of myself, I was resolved not to proceed in an *arbitrary* manner in any particular which tended to change the settled state of things, or in any degree to affect the fortune or situation, the interest or the importance, of any individual. By an arbitrary proceeding I mean one conducted by the private opinions, tastes, or feelings of the man who attempts to regulate. These private measures are not standards of the exchequer, nor balances of the sanctuary. General principles cannot be debauched or corrupted by interest or caprice; and by those principles I was resolved to work.

Sir, before I proceed further, I will lay these principles fairly before you, that afterwards you may be in a condition to judge whether every object of regulation, as I propose it, comes fairly under its rule. This will exceedingly shorten all discussion between us, if we are perfectly in earnest in establishing a system of good management. I therefore lay down to myself seven fundamental rules: they might, indeed, be reduced to two or three simple maxims; but they would be too general, and their application to the several heads of the business before us would not be so distinct and visible. I conceive, then,

First, That all jurisdictions which furnish more matter of expense, more temptation to oppression, or more means and instruments of corrupt influence, than advantage to justice or political administration, ought to be abolished.

Secondly, That all public estates which are more subservient to the purposes of vexing, overawing, and influencing those who hold under them, and to the expense of perception and management, than of benefit to the revenue, ought, upon every principle both of revenue and of freedom, to be disposed of.

Thirdly, That all offices which bring more charge than proportional advantage to the state, that all offices which may be engrafted on others, uniting and simplifying their duties, ought, in the first case, to be taken away, and, in the second, to be consolidated.

Fourthly, That all such offices ought to be abolished as obstruct the prospect of the general superintendent of finance, which destroy his superintendency, which disable him from foreseeing and providing for charges as they may occur, from preventing expense in its origin, checking it in its progress, or securing its application to its proper purposes. A minister, under whom expenses can be made without his knowledge, can never say what it is that he can spend, or what it is that he can save.

Fifthly, That it is proper to establish an invariable order in all payments, which will prevent partiality, which will give preference to services, not according to the

importunity of the demandant, but the rank and order of their utility or their justice.

Sixthly, That it is right to reduce every establishment and every part of an establishment (as nearly as possible) to certainty, the life of all order and good management.

Seventhly, That all subordinate treasuries, as the nurseries of mismanagement, and as naturally drawing to themselves as much money as they can, keeping it as long as they can, and accounting for it as late as they can, ought to be dissolved. They have a tendency to perplex and distract the public accounts, and to excite a suspicion of government even beyond the extent of their abuse.

Under the authority and with the guidance of those principles I proceed, — wishing that nothing in any establishment may be changed, where I am not able to make a strong, direct, and solid application of those principles, or of some one of them. An economical constitution is a necessary basis for an economical administration.

First, with regard to the sovereign jurisdictions, I must observe, Sir, that whoever takes a view of this kingdom in a cursory manner will imagine that he beholds a solid, compacted, uniform system of monarchy, in which all inferior jurisdictions are but as rays diverging from one centre. But on examining it more nearly, you find much eccentricity and confusion. It is not a *monarchy* in strictness. But, as in the Saxon times this country was an heptarchy, it is now a strange sort of *pentarchy*. It is divided into five several distinct principalities, besides the supreme. There is, indeed, this difference from the Saxon times, — that, as in the itinerant exhibitions of the stage, for want of a complete company, they are obliged to throw a variety of parts on their chief performer, so our sovereign condescends himself to act not only the principal, but all the subordinate parts in the play. He condescends to dissipate the royal character, and to trifle with those light, subordinate, lacquered sceptres in those hands that sustain the ball representing the world, or which wield the trident that commands the ocean. Cross a brook, and you lose the King of England; but you have some comfort in coming again under his Majesty, though “shorn of his beams,” and no more than Prince of Wales. Go to the north, and you find him dwindled to a Duke of Lancaster; turn to the west of that north, and he pops upon you in the humble character of Earl of Chester. Travel a few miles on, the Earl of Chester disappears, and the king surprises you again as Count Palatine of Lancaster. If you travel beyond Mount Edgecombe, you find him ones more in his incognito, and he is Duke of Cornwall. So that, quite fatigued and satiated with this dull variety, you are infinitely refreshed when you return to the sphere of his proper splendor, and behold your amiable sovereign in his true, simple, undisguised, native character of Majesty.

In every one of these five principalities, duchies, palatinates, there is a regular establishment of considerable expense and most domineering influence. As his

Majesty submits to appear in this state of subordination to himself, his loyal peers and faithful commons attend his royal transformations, and are not so nice as to refuse to nibble at those crumbs of emoluments which console their petty metamorphoses. Thus every one of those principalities has the apparatus of a kingdom for the jurisdiction over a few private estates, and the formality and charge of the Exchequer of Great Britain for collecting the rents of a country squire. Cornwall is the best of them; but when you compare the charge with the receipt, you will find that it furnishes no exception to the general rule. The Duchy and County Palatine of Lancaster do not yield, as I have reason to believe, on an average of twenty years, four thousand pounds a year clear to the crown. As to Wales, and the County Palatine of Chester, I have my doubts whether their productive exchequer yields any returns at all. Yet one may say, that this revenue is more faithfully applied to its purposes than any of the rest; as it exists for the sole purpose of multiplying offices and extending influence.

An attempt was lately made to improve this branch of local influence, and to transfer it to the fund of general corruption. I have on the seat behind me the constitution of Mr. John Probert, a knight-errant dubbed by the noble lord in the blue ribbon, and sent to search for revenues and adventures upon the mountains of Wales. The commission is remarkable, and the event not less so. The commission sets forth, that, “upon a report of the *deputy-auditor*” (for there is a deputy-auditor) “of the Principality of Wales, it appeared that his Majesty’s land revenues in the said principality *are greatly diminished*”; — and “that upon a *report* of the *surveyor-general* of his Majesty’s land revenues, upon a *memorial* of the auditor of his Majesty’s revenues, *within the said principality*, that his mines and forests have produced very *little profit either to the public revenue or to individuals*”; — and therefore they appoint Mr. Probert, with a pension of three hundred pounds a year from the said principality, to try whether he can make anything more of that very *little* which is stated to be so *greatly* diminished. “A *beggarly account of empty boxes*.” And yet, Sir, you will remark, that this diminution from littleness (which serves only to prove the infinite divisibility of matter) was not for want of the tender and officious care (as we see) of surveyors general and surveyors particular, of auditors and deputy-auditors, — not for want of memorials, and remonstrances, and reports, and commissions, and constitutions, and inquisitions, and pensions.

Probert, thus armed, and accoutred, — and paid, — proceeded on his adventure; but he was no sooner arrived on the confines of Wales than all Wales was in arms to meet him. That nation is brave and full of spirit. Since the invasion of King Edward, and the massacre of the bards, there never was such a tumult and alarm and uproar through the region of Prestatyn. Snowdon shook to its base; Cader-Idris was loosened from its foundations. The fury of litigious war blew her horn on the mountains. The rocks poured down their goatherds, and the deep caverns vomited

out their miners. Everything above ground and everything under ground was in arms.

In short, Sir, to alight from my Welsh Pegasus, and to come to level ground, the *Preux Chevalier* Probert went to look for revenue, like his masters upon other occasions, and, like his masters, he found rebellion. But we were grown cautious by experience. A civil war of paper might end in a more serious war; for now remonstrance met remonstrance, and memorial was opposed to memorial. The wise Britons thought it more reasonable that the poor, wasted, decrepit revenue of the principality should die a natural than a violent death. In truth, Sir, the attempt was no less an affront upon the understanding of that respectable people than it was an attack on their property. They chose rather that their ancient, moss-grown castles should moulder into decay, under the silent touches of time, and the slow formality of an oblivious and drowsy exchequer, than that they should be battered down all at once by the lively efforts of a pensioned engineer. As it is the fortune of the noble lord to whom the auspices of this campaign belonged frequently to provoke resistance, so it is his rule and nature to yield to that resistance *in all cases whatsoever*. He was true to himself on this occasion. He submitted with spirit to the spirited remonstrances of the Welsh. Mr. Probert gave up his adventure, and keeps his pension; and so ends “the famous history of the revenue adventures of the bold Baron North and the good Knight Probert upon the mountains of Venodotia.”

In such a state is the exchequer of Wales at present, that, upon the report of the Treasury itself, its *little* revenue is *greatly* diminished; and we see, by the whole of this strange transaction, that an attempt to improve it produces resistance, the resistance produces submission, and the whole ends in pension.

It is nearly the same with the revenues of the Duchy of Lancaster. To do nothing with them is extinction; to improve them is oppression. Indeed, the whole of the estates which support these minor principalities is made up, not of revenues, and rents, and profitable fines, but of claims, of pretensions, of vexations, of litigations. They are exchequers of unfrequent receipt and constant charge: a system of finances not fit for an economist who would be rich, not fit for a prince who would govern his subjects with equity and justice.

It is not only between prince and subject that these mock jurisdictions and mimic revenues produce great mischief. They excite among the people a spirit of informing and delating, a spirit of supplanting and undermining one another: so that many, in such circumstances, conceive it advantageous to them rather to continue subject to vexation themselves than to give up the means and chance of vexing others. It is exceedingly common for men to contract their love to their country into an attachment to its petty subdivisions; and they sometimes even cling to their provincial abuses, as if they were franchises and local privileges. Accordingly, in places where there is much of this kind of estate, persons will be always found who would rather trust to their talents in recommending themselves to power for the

renewal of their interests, than to incumber their purses, though never so lightly, in order to transmit independence to their posterity. It is a great mistake, that the desire of securing property is universal among mankind. Gaming is a principle inherent in human nature. It belongs to us all. I would therefore break those tables; I would furnish no evil occupation for that spirit. I would make every man look everywhere, except to the intrigue of a court, for the improvement of his circumstances or the security of his fortune. I have in my eye a very strong case in the Duchy of Lancaster (which lately occupied Westminster Hall and the House of Lords) as my voucher for many of these reflections.

For what plausible reason are these principalities suffered to exist? When a government is rendered complex, (which in itself is no desirable thing,) it ought to be for some political end which cannot be answered otherwise. Subdivisions in government are only admissible in favor of the dignity of inferior princes and high nobility, or for the support of an aristocratic confederacy under some head, or for the conservation of the franchises of the people in some privileged province. For the two former of these ends, such are the subdivisions in favor of the electoral and other princes in the Empire; for the latter of these purposes are the jurisdictions of the Imperial cities and the Hanse towns. For the latter of these ends are also the countries of the States (*Pays d'États*) and certain cities and orders in France. These are all regulations with an object, and some of them with a very good object. But how are the principles of any of these subdivisions applicable in the case before us?

Do they answer any purpose to the king? The Principality of Wales was given by patent to Edward the Black Prince on the ground on which it has since stood. Lord Coke sagaciously observes upon it, "That in the charter of creating the Black Prince Edward Prince of Wales there is a *great mystery*: for *less* than an estate of inheritance so *great* a prince *could* not have, and an *absolute estate of inheritance* in so *great* a principality as Wales (this principality being *so dear* to him) he *should* not have; and therefore it was made *sibi et heredibus suis regibus Angliæ*, that by his decease, or attaining to the crown, it might be extinguished in the crown."

For the sake of this foolish *mystery*, of what a great prince *could* not have *less* and *should* not have *so much*, of a principality which was too *dear* to be given and too *great* to be kept, — and for no other cause that ever I could find, — this form and shadow of a principality, without any substance, has been maintained. That you may judge in this instance (and it serves for the rest) of the difference between a great and a little economy, you will please to recollect, Sir, that Wales may be about the tenth part of England in size and population, and certainly not a hundredth part in opulence. Twelve judges perform the whole of the business, both of the stationary and the itinerant justice of this kingdom; but for Wales there are eight judges. There is in Wales an exchequer, as well as in all the duchies, according to the very best and most authentic absurdity of form. There are in all of them a hundred more

difficult trifles and laborious fooleries, which serve no other purpose than to keep alive corrupt hope and servile dependence.

These principalities are so far from contributing to the ease of the king, to his wealth, or his dignity, that they render both his supreme and his subordinate authority perfectly ridiculous. It was but the other day, that that pert, factious fellow, the Duke of Lancaster, presumed to fly in the face of his liege lord, our gracious sovereign, and, *associating* with a parcel of lawyers as factious as himself, to the destruction of *all law and order*, and *in committees leading directly to rebellion*, presumed to go to law with the king. The object is neither your business nor mine. Which of the parties got the better I really forget. I think it was (as it ought to be) the king. The material point is, that the suit cost about fifteen thousand pounds. But as the Duke of Lancaster is but a sort of *Duke Humphrey*, and not worth a groat, our sovereign was obliged to pay the costs of both. Indeed, this art of converting a great monarch into a little prince, this royal masquerading, is a very dangerous and expensive amusement, and one of the king's *menus plaisirs*, which ought to be reformed. This duchy, which is not worth four thousand pounds a year at best to *revenue*, is worth forty or fifty thousand to *influence*.

The Duchy of Lancaster and the County Palatine of Lancaster answered, I admit, some purpose in their original creation. They tended to make a subject imitate a prince. When Henry the Fourth from that stair ascended the throne, high-minded as he was, he was not willing to kick away the ladder. To prevent that principality from being extinguished in the crown, he severed it by act of Parliament. He had a motive, such as it was: he thought his title to the crown unsound, and his possession insecure. He therefore managed a retreat in his duchy, which Lord Coke calls (I do not know why) "*par multis regnis*." He flattered himself that it was practicable to make a projecting point half way down, to break his fall from the precipice of royalty; as if it were possible for one who had lost a kingdom to keep anything else. However, it is evident that he thought so. When Henry the Fifth united, by act of Parliament, the estates of his mother to the duchy, he had the same predilection with his father to the root of his family honors, and the same policy in enlarging the sphere of a possible retreat from the slippery royalty of the two great crowns he held. All this was changed by Edward the Fourth. He had no such family partialities, and his policy was the reverse of that of Henry the Fourth and Henry the Fifth. He accordingly again united the Duchy of Lancaster to the crown. But when Henry the Seventh, who chose to consider himself as of the House of Lancaster, came to the throne, he brought with him the old pretensions and the old politics of that house. A new act of Parliament, a second time, dissevered the Duchy of Lancaster from the crown; and in that line tilings continued until the subversion of the monarchy, when principalities and powers fell along with the throne. The Duchy of Lancaster must have been extinguished, if Cromwell, who began to form ideas of aggrandizing his house and raising the several branches of it,

had not caused the duchy to be again separated from the commonwealth, by an act of the Parliament of those times.

What partiality, what objects of the politics of the House of Lancaster, or of Cromwell, has his present Majesty, or his Majesty's family? What power have they within any of these principalities, which they have not within their kingdom? In what manner is the dignity of the nobility concerned in these principalities? What rights have the subject there, which they have not at least equally in every other part of the nation? These distinctions exist for no good end to the king, to the nobility, or to the people. They ought not to exist at all. If the crown (contrary to its nature, but most conformably to the whole tenor of the advice that has been lately given) should so far forget its dignity as to contend that these jurisdictions and revenues are estates of private property, I am rather for acting as if that groundless claim were of some weight than for giving up that essential part of the reform. I would value the clear income, and give a clear annuity to the crown, taken on the medium produce for twenty years.

If the crown has any favorite name or title, if the subject has any matter of local accommodation within any of these jurisdictions, it is meant to preserve them, — and to improve them, if any improvement can be suggested. As to the crown reversions or titles upon the property of the people there, it is proposed to convert them from a snare to their independence into a relief from their burdens. I propose, therefore, to unite all the five principalities to the crown, and to its ordinary jurisdiction, — to abolish all those offices that produce an useless and chargeable separation from the body of the people, — to compensate those who do not hold their offices (if any such there are) at the pleasure of the crown, — to extinguish vexatious titles by an act of short limitation, — to sell those unprofitable estates which support useless jurisdictions, — and to turn the tenant-right into a fee, on such moderate terms as will be better for the state than its present right, and which it is impossible for any rational tenant to refuse.

As to the duchies, their judicial economy may be provided for without charge. They have only to fall of course into the common county administration. A commission more or less, made or omitted, settles the matter fully. As to Wales, it has been proposed to add a judge to the several courts of Westminster Hall; and it has been considered as an improvement in itself. For my part, I cannot pretend to speak upon it with clearness or with decision; but certainly this arrangement would be more than sufficient for Wales. My original thought was, to suppress five of the eight judges; and to leave the chief-justice of Chester, with the two senior judges; and, to facilitate the business, to throw the twelve counties into six districts, holding the sessions alternately in the counties of which each district shall be composed. But on this I shall be more clear, when I come to the particular bill.

Sir, the House will now see, whether, in praying for judgment against the minor principalities, I do not act in conformity to the laws that I had laid to myself: of

getting rid of every jurisdiction more subservient to oppression and expense than to any end of justice or honest policy; of abolishing offices more expensive than useful; of combining duties improperly separated; of changing revenues more vexatious than productive into ready money; of suppressing offices which stand in the way of economy; and of cutting off lurking subordinate treasuries. Dispute the rules, controvert the application, or give your hands to this salutary measure.

Most of the same rules will be found applicable to my second object, — *the landed estate of the crown*. A landed estate is certainly the very worst which the crown can possess. All minute and dispersed possessions, possessions that are often of indeterminate value, and which require a continued personal attendance, are of a nature more proper for private management than public administration. They are fitter for the care of a frugal land-steward than of an office in the state. Whatever they may possibly have been in other times or in other countries, they are not of magnitude enough with us to occupy a public department, nor to provide for a public object. They are already given up to Parliament, and the gift is not of great value. Common prudence dictates, even in the management of private affairs, that all dispersed and chargeable estates should be sacrificed to the relief of estates more compact and better circumstanced.

If it be objected, that these lands at present would sell at a low market, this is answered by showing that money is at a high price. The one balances the other. Lands sell at the current rate; and nothing can sell for more. But be the price what it may, a great object is always answered, whenever any property is transferred from hands that are not fit for that property to those that are. The buyer and seller must mutually profit by such a bargain; and, what rarely happens in matters of revenue, the relief of the subject will go hand in hand with the profit of the Exchequer.

As to the *forest lands*, in which the crown has (where they are not granted or prescriptively held) the *dominion* of the *soil*, and the *vert* and *venison*, that is to say, the timber and the game, and in which the people have a variety of rights, in common of herbage, and other commons, according to the usage of the several forests, — I propose to have those rights of the crown valued as manorial rights are valued on an inclosure, and a defined portion of land to be given for them, which land is to be sold for the public benefit.

As to the timber, I propose a survey of the whole. What is useless for the naval purposes of the kingdom I would condemn and dispose of for the security of what may be useful, and to inclose such other parts as may be most fit to furnish a perpetual supply, — wholly extinguishing, for a very obvious reason, all right of *venison* in those parts.

The forest *rights* which extend over the lands and possessions of others, being of no profit to the crown, and a grievance, as far as it goes, to the subject, — these I propose to extinguish without charge to the proprietors. The several commons are to be allotted and compensated for, upon ideas which I shall hereafter explain. They

are nearly the same with the principles upon which you have acted in private inclosures. I shall never quit precedents, where I find them applicable. For those regulations and compensations, and for every other part of the detail, you will be so indulgent as to give me credit for the present.

The revenue to be obtained from the sale of the forest lands and rights will not be so considerable, I believe, as many people have imagined; and I conceive it would be unwise to screw it up to the utmost, or even to suffer bidders to enhance, according to their eagerness, the purchase of objects wherein the expense of that purchase may weaken the capital to be employed in their cultivation. This, I am well aware, might give room for partiality in the disposal. In my opinion it would be the lesser evil of the two. But I really conceive that a rule of fair preference might be established, which would take away all sort of unjust and corrupt partiality. The principal revenue which I propose to draw from these uncultivated wastes is to spring from the improvement and population of the kingdom, — which never can happen without producing an improvement more advantageous to the revenues of the crown than the rents of the best landed estate which it can hold. I believe, Sir, it will hardly be necessary for me to add, that in this sale I naturally except all the houses, gardens, and parks belonging to the crown, and such one forest as shall be chosen by his Majesty as best accommodated to his pleasures.

By means of this part of the reform will fall the expensive office of *surveyor-general*, with all the influence that attends it. By this will fall *two chief-justices in Eyre*, with all their train of dependants. You need be under no apprehension, Sir, that your office is to be touched in its emoluments. They are yours by law; and they are but a moderate part of the compensation which is given to you for the ability with which you execute an office of quite another sort of importance: it is far from overpaying your diligence, or more than sufficient for sustaining the high rank you stand in as the first gentleman of England. As to the duties of your chief-justiceship, they are very different from those for which you have received the office. Your dignity is too high for a jurisdiction over wild beasts, and your learning and talents too valuable to be wasted as chief-justice of a desert. I cannot reconcile it to myself, that you, Sir, should be stuck up as a useless piece of antiquity.

I have now disposed of the unprofitable landed estates of the crown, and thrown them into the mass of private property; by which they will come, through the course of circulation, and through the political secretions of the state, into our better understood and better ordered revenues.

I come next to the great supreme body of the civil government itself. I approach it with that awe and reverence with which a young physician approaches to the cure of the disorders of his parent. Disorders, Sir, and infirmities, there are, — such disorders, that all attempts towards method, prudence, and frugality will be perfectly vain, whilst a system of confusion remains, which is not only alien, but

adverse to all economy; a system which is not only prodigal in its very essence, but causes everything else which belongs to it to be prodigally conducted.

It is impossible, Sir, for any person to be an economist, where no order in payments is established; it is impossible for a man to be an economist, who is not able to take a comparative view of his means and of his expenses for the year which lies before him; it is impossible for a man to be an economist, under whom various officers in their several departments may spend — even just what they please, — and often with an emulation of expense, as contributing to the importance, if not profit of their several departments. Thus much is certain: that neither the present nor any other First Lord of the Treasury has been ever able to take a survey, or to make even a tolerable guess, of the expenses of government for any one year, so as to enable him with the least degree of certainty, or even probability, to bring his affairs within compass. Whatever scheme may be formed upon them must be made on a calculation of chances. As things are circumstanced, the First Lord of the Treasury cannot make an estimate. I am sure I serve the king, and I am sure I assist administration, by putting economy at least in their power. We must *class services*; we must (as far as their nature admits) *appropriate* funds; or everything, however reformed, will fall again into the old confusion.

Coming upon this ground of the civil list, the first thing in dignity and charge that attracts our notice is the *royal household*. This establishment, in my opinion, is exceedingly abusive in its constitution. It is formed upon manners and customs that have long since expired. In the first place, it is formed, in many respects, upon *feudal principles*. In the feudal times, it was not uncommon, even among subjects, for the lowest offices to be held by considerable persons, — persons as unfit by their incapacity as improper from their rank to occupy such employments. They were held by patent, sometimes for life, and sometimes by inheritance. If my memory does not deceive me, a person of no slight consideration held the office of patent hereditary cook to an Earl of Warwick: the Earl of Warwick's soups, I fear, were not the better for the dignity of his kitchen. I think it was an Earl of Gloucester who officiated as steward of the household to the Archbishops of Canterbury. Instances of the same kind may in some degree be found in the Northumberland house-book, and other family records. There was some reason in ancient necessities for these ancient customs. Protection was wanted; and the domestic tie, though not the highest, was the closest.

The king's household has not only several strong traces of this *feudality*, but it is formed also upon the principles of a *body corporate*: it has its own magistrates, courts, and by-laws. This might be necessary in the ancient times, in order to have a government within itself, capable of regulating the vast and often unruly multitude which composed and attended it. This was the origin of the ancient court called the *Green Cloth*, — composed of the marshal, treasurer, and other great officers of the household, with certain clerks. The rich subjects of the kingdom, who had formerly

the same establishments, (only on a reduced scale,) have since altered their economy, and turned the course of their expense from the maintenance of vast establishments within their walls to the employment of a great variety of independent trades abroad. Their influence is lessened; but a mode of accommodation and a style of splendor suited to the manners of the times has been increased. Royalty itself has insensibly followed, and the royal household has been carried away by the resistless tide of manners, but with this very material difference: private men have got rid of the establishments along with the reasons of them; whereas the royal household has lost all that was stately and venerable in the antique manners, without retrenching anything of the cumbrous charge of a Gothic establishment. It is shrunk into the polished littleness of modern elegance and personal accommodation; it has evaporated from the gross concrete into an essence and rectified spirit of expense, where you have tuns of ancient pomp in a vial of modern luxury.

But when the reason of old establishments is gone, it is absurd to preserve nothing but the burden of them. This is superstitiously to embalm a carcass not worth an ounce of the gums that are used to preserve it. It is to burn precious oils in the tomb; it is to offer meat and drink to the dead: not so much an honor to the deceased as a disgrace to the survivors. Our palaces are vast inhospitable halls. There the bleak winds, there “Boreas, and Eurus, and Caurus, and Argestes loud,” howling through the vacant lobbies, and clattering the doors of deserted guardrooms, appall the imagination, and conjure up the grim spectres of departed tyrants, — the Saxon, the Norman, and the Dane, — the stern Edwards and fierce Henrys, — who stalk from desolation to desolation, through the dreary vacuity and melancholy succession of chill and comfortless chambers. When this tumult subsides, a dead and still more frightful silence would reign in this desert, if every now and then the tacking of hammers did not announce that those constant attendants upon all courts in all ages, jobs, were still alive, — for whose sake alone it is that any trace of ancient grandeur is suffered to remain. These palaces are a true emblem of some governments: the inhabitants are decayed, but the governors and magistrates still flourish. They put me in mind of Old Sarum, where the representatives, more in number than the constituents, only serve to inform us that this was once a place of trade, and sounding with “the busy hum of men,” though now you can only trace the streets by the color of the corn, and its sole manufacture is in members of Parliament.

These old establishments were formed also on a third principle, still more adverse to the living economy of the age. They were formed, Sir, on the principle of *purveyance* and *receipt in kind*. In former days, when the household was vast, and the supply scanty and precarious, the royal purveyors, sallying forth from under the Gothic portcullis to purchase provision with power and prerogative instead of money, brought home the plunder of an hundred markets, and all that could be

seized from a flying and hiding country, and deposited their spoil in an hundred caverns, with each its keeper. There, every commodity, received in its rawest condition, went through all the process which fitted it for use. This inconvenient receipt produced an economy suited only to itself. It multiplied offices beyond all measure, — buttery, pantry, and all that rabble of places, which, though profitable to the holders, and expensive to the state, are almost too mean to mention.

All this might be, and I believe was, necessary at first; for it is remarkable, that *purveyance*, after its regulation had been the subject of a long line of statutes, (not fewer, I think, than twenty-six,) was wholly taken away by the 12th of Charles the Second; yet in the next year of the same reign it was found necessary to revive it by a special act of Parliament, for the sake of the king's journeys. This, Sir, is curious, and what would hardly be expected in so reduced a court as that of Charles the Second and in so improved a country as England might then be thought. But so it was. In our time, one well-filled and well-covered stage-coach requires more accommodation than a royal progress, and every district, at an hour's warning, can supply an army.

I do not say, Sir, that all these establishments, whose principle is gone, have been systematically kept up for influence solely: neglect had its share. But this I am sure of: that a consideration of influence has hindered any one from attempting to pull them down. For the purposes of influence, and for those purposes only, are retained half at least of the household establishments. No revenue, no, not a royal revenue, can exist under the accumulated charge of ancient establishment, modern luxury, and Parliamentary political corruption.

If, therefore, we aim at regulating this household, the question will be, whether we ought to economize by *detail* or by *principle*. The example we have had of the success of an attempt to economize by detail, and under establishments adverse to the attempt, may tend to decide this question.

At the beginning of his Majesty's reign, Lord Talbot came to the administration of a great department in the household. I believe no man ever entered into his Majesty's service, or into the service of any prince, with a more clear integrity, or with more zeal and affection for the interest of his master, and, I must add, with abilities for a still higher service. Economy was then announced as a maxim of the reign. This noble lord, therefore, made several attempts towards a reform. In the year 1777, when the king's civil list debts came last to be paid, he explained very fully the success of his undertaking. He told the House of Lords that he had attempted to reduce the charges of the king's tables and his kitchen. The thing, Sir, was not below him. He knew that there is nothing interesting in the concerns of men whom we love and honor, that is beneath our attention. "Love," says one of our old poets, "esteems no office mean," — and with still more spirit, "Entire affection scorneth nicer hands." Frugality, Sir, is founded on the principle, that all riches have limits. A royal household, grown enormous, even in the meanest departments, may

weaken and perhaps destroy all energy in the highest offices of the state. The gorging a royal kitchen may stint and famish the negotiations of a kingdom. Therefore the object was worthy of his, was worthy of any man's attention.

In consequence of this noble lord's resolution, (as he told the other House,) he reduced several tables, and put the persons entitled to them upon board wages, much to their own satisfaction. But, unluckily, subsequent duties requiring constant attendance, it was not possible to prevent their being fed where they were employed: and thus this first step towards economy doubled the expense.

There was another disaster far more doleful than this. I shall state it, as the cause of that misfortune lies at the bottom of almost all our prodigality. Lord Talbot attempted to reform the kitchen; but such, as he well observed, is the consequence of having duty done by one person whilst another enjoys the emoluments, that he found himself frustrated in all his designs. On that rock his whole adventure split, his whole scheme of economy was dashed to pieces. His department became more expensive than ever; the civil list debt accumulated. Why? It was truly from a cause which, though perfectly adequate to the effect, one would not have instantly guessed. It was because *the turnspit in the king's kitchen was a member of Parliament!* The king's domestic servants were all undone, his tradesmen remained unpaid and became bankrupt, — *because the turnspit of the king's kitchen was a member of Parliament.* His Majesty's slumbers were interrupted, his pillow was stuffed with thorns, and his peace of mind entirely broken, — *because the king's turnspit was a member of Parliament.* The judges were unpaid, the justice of the kingdom bent and gave way, the foreign ministers remained inactive and unprovided, the system of Europe was dissolved, the chain of our alliances was broken, all the wheels of government at home and abroad were stopped, — *because the king's turnspit was a member of Parliament.*

Such, Sir, was the situation of affairs, and such the cause of that situation, when his Majesty came a second time to Parliament to desire the payment of those debts which the employment of its members in various offices, visible and invisible, had occasioned. I believe that a like fate will attend every attempt at economy by detail, under similar, circumstances, and in every department. A complex, operose office of account and control is, in itself, and even if members of Parliament had nothing to do with it, the most prodigal of all things. The most audacious robberies or the most subtle frauds would never venture upon such a waste as an over-careful detailed guard against them will infallibly produce. In our establishments, we frequently see an office of account of an hundred pounds a year expense, and another office of an equal expense to control that office, and the whole upon a matter that is not worth twenty shillings.

To avoid, therefore, this minute care, which produces the consequences of the most extensive neglect, and to oblige members of Parliament to attend to public cares, and not to the servile offices of domestic management, I propose, Sir, to

economize by principle: that is, I propose to put affairs into that train which experience points out as the most effectual, from the nature of things, and from the constitution of the human mind. In all dealings, where it is possible, the principles of radical economy prescribe three things: first, undertaking by the great; secondly, engaging with persons of skill in the subject-matter; thirdly, engaging with those who shall have an immediate and direct interest in the proper execution of the business.

To avoid frittering and crumbling down the attention by a blind, unsystematic observance of every trifle, it has ever been found the best way to do all things which are great in the total amount and minute in the component parts by a *general contrast*. The principles of trade have so pervaded every species of dealing, from the highest to the lowest objects, all transactions are got so much into system, that we may, at a moment's warning, and to a farthing value, be informed at what rate any service may be supplied. No dealing is exempt from the possibility of fraud. But by a contract on a matter certain you have this advantage: you are sure to know the utmost *extent* of the fraud to which you are subject. By a contract with a person in *his own trade* you are sure you shall not suffer by *want of skill*. By a *short* contract you are sure of making it the *interest* of the contractor to exert that skill for the satisfaction of his employers.

I mean to derogate nothing from the diligence or integrity of the present, or of any former board of Green Cloth. But what skill can members of Parliament obtain in that low kind of province? What pleasure can they have in the execution of that kind of duty? And if they should neglect it, how does it affect their interest, when we know that it is their vote in Parliament, and not their diligence in cookery or catering, that recommends them to their office, or keeps them in it?

I therefore propose that the king's tables (to whatever number of tables, or covers to each, he shall think proper to command) should be classed by the steward of the household, and should be contracted for, according to their rank, by the head or cover; that the estimate and circumstance of the contract should be carried to the Treasury to be approved; and that its faithful and satisfactory performance should be reported there previous to any payment; that there, and there only, should the payment be made. I propose that men should be contracted with only in their proper trade; and that no member of Parliament should be capable of such contract. By this plan, almost all the infinite offices under the lord steward may be spared, — to the extreme simplification, and to the far better execution, of every one of his functions. The king of Prussia is so served. He is a great and eminent (though, indeed, a very rare) instance of the possibility of uniting, in a mind of vigor and compass, an attention to minute objects with the largest views and the most complicated plans. His tables are served by contract, and by the head. Let me say, that no prince can be ashamed to imitate the king of Prussia, and particularly to learn in his school, when the problem is, "The best manner of reconciling the state

of a court with the support of war.” Other courts, I understand, have followed his with effect, and to their satisfaction.

The same clew of principle leads us through the labyrinth of the other departments. What, Sir, is there in the office of *the great wardrobe* (which has the care of the king’s furniture) that may not be executed by the lord chamberlain himself? He has an honorable appointment; he has time sufficient to attend to the duty; and he has the vice-chamberlain to assist him. Why should not he deal also by contract for all things belonging to this office, and carry his estimates first, and his report of the execution in its proper time, for payment, directly to the Board of Treasury itself? By a simple operation, (containing in it a treble control,) the expenses of a department which for naked walls, or walls hung with cobwebs, has in a few years cost the crown 150,000*l.*, may at length hope for regulation. But, Sir, the office and its business are at variance. As it stands, it serves, not to furnish the palace with its hangings, but the Parliament with its dependent members.

To what end, Sir, does the office of *removing wardrobe* serve at all? Why should a *jewel office* exist for the sole purpose of taxing the king’s gifts of plate? Its object falls naturally within the chamberlain’s province, and ought to be under his care and inspection without any fee. Why should an office of the *robes* exist, when that of *groom, of the stole* is a sinecure, and that this is a proper object of his department?

All these incumbrances, which are themselves nuisances, produce other incumbrances and other nuisances. For the payment of these useless establishments there are no less than *three useless treasurers*: two to hold a purse, and one to play with a stick. The treasurer of the household is a mere name. The cofferer and the treasurer of the chamber receive and pay great sums, which it is not at all necessary *they* should either receive or pay. All the proper officers, servants, and tradesmen may be enrolled in their several departments, and paid in proper classes and times with great simplicity and order, at the Exchequer, and by direction from the Treasury.

The *Board of Works*, which in the seven years preceding 1777 has cost towards 400,000*l.*, and (if I recollect rightly) has not cost less in proportion from the beginning of the reign, is under the very same description of all the other ill-contrived establishments, and calls for the very same reform. We are to seek for the visible signs of all this expense. For all this expense, we do not see a building of the size and importance of a pigeon-house. Buckingham House was reprinted by a bargain with the public for one hundred thousand pounds; and the small house at Windsor has been, if I mistake not, undertaken since that account was brought before us. The good works of that Board of Works are as carefully concealed as other good works ought to be: they are perfectly invisible. But though it is the perfection of charity to be concealed, it is, Sir, the property and glory of magnificence to appear and stand forward to the eye.

That board, which ought to be a concern of builders and such like, and of none else, is turned into a junto of members of Parliament. That office, too, has a treasury and a paymaster of its own; and lest the arduous affairs of that important exchequer should be too fatiguing, that paymaster has a deputy to partake his profits and relieve his cares. I do not believe, that, either now or in former times, the chief managers of that board have made any profit of its abuse. It is, however, no good reason that an abusive establishment should subsist, because it is of as little private as of public advantage. But this establishment has the grand radical fault, the original sin, that pervades and perverts all our establishments: the apparatus is not fitted to the object, nor the workmen to the work. Expenses are incurred on the private opinion of an inferior establishment, without consulting the principal, who can alone determine the proportion which it ought to bear to the other establishments of the state, in the order of their relative importance.

I propose, therefore, along with the rest, to pull down this whole ill-contrived scaffolding, which obstructs, rather than forwards, our public works; to take away its treasury; to put the whole into the hands of a real builder, who shall not be a member of Parliament; and to oblige him, by a previous estimate and final payment, to appear twice at the Treasury before the public can be loaded. The king's gardens are to come under a similar regulation.

The *Mint*, though not a department of the household, has the same vices. It is a great expense to the nation, chiefly for the sake of members of Parliament. It has its officers of parade and dignity. It has its treasury, too. It is a sort of corporate body, and formerly was a body of great importance, — as much so, on the then scale of things, and the then order of business, as the Bank is at this day. It was the great centre of money transactions and remittances for our own and for other nations, until King Charles the First, among other arbitrary projects dictated by despotic necessity, made it withhold the money that lay there for remittance. That blow (and happily, too) the Mint never recovered. Now it is no bank, no remittance-shop. The Mint, Sir, is a *manufacture*, and it is nothing else; and it ought to be undertaken upon the principles of a manufacture, — that is, for the best and cheapest execution, by a contract upon proper securities and under proper regulations.

The *artillery* is a far greater object; it is a military concern; but having an affinity and kindred in its defects with the establishments I am now speaking of, I think it best to speak of it along with them. It is, I conceive, an establishment not well suited to its martial, though exceedingly well calculated for its Parliamentary purposes. Here there is a treasury, as in all the other inferior departments of government. Here the military is subordinate to the civil, and the naval confounded with the land service. The object, indeed, is much the same in both. But, when the detail is examined, it will be found that they had better be separated. For a reform of this office, I propose to restore things to what (all considerations taken together) is their natural order: to restore them to their just proportion, and to their just distribution.

I propose, in this military concern, to render the civil subordinate to the military; and this will annihilate the greatest part of the expense, and all the influence belonging to the office. I propose to send the military branch to the army, and the naval to the Admiralty; and I intend to perfect and accomplish the whole detail (where it becomes too minute and complicated for legislature, and requires exact, official, military, and mechanical knowledge) by a commission of competent officers in both departments. I propose to execute by contract what by contract can be executed, and to bring, as much as possible, all estimates to be previously approved and finally to be paid by the Treasury.

Thus, by following the course of Nature, and not the purposes of politics, or the accumulated patchwork of occasional accommodation, this vast, expensive department may be methodized, its service proportioned to its necessities, and its payments subjected to the inspection of the superior minister of finance, who is to judge of it on the result of the total collective exigencies of the state. This last is a reigning principle through my whole plan; and it is a principle which I hope may hereafter be applied to other plans.

By these regulations taken together, besides the three subordinate treasuries in the lesser principalities, five other subordinate treasuries are suppressed. There is taken away the whole *establishment of detail* in the household: the *treasurer*; the *comptroller* (for a comptroller is hardly necessary where there is no treasurer); the *cofferer of the household*; the *treasurer of the chamber*; the *master of the household*; the whole *board of green cloth*; — and a vast number of subordinate offices in the department of the *steward of the household*, — the whole establishment of the *great wardrobe*, — the *removing wardrobe*, — the *jewel office*, — the *robes*, — the *Board of Works*, — almost the whole charge of the *civil branch* of the *Board of Ordnance*, are taken away. All these arrangements together will be found to relieve the nation from a vast weight of influence, without distressing, but rather by forwarding every public service. When something of this kind is done, then the public may begin to breathe. Under other governments, a question of expense is only a question of economy, and it is nothing more: with us, in every question of expense there is always a mixture of constitutional considerations.

It is, Sir, because I wish to keep this business of subordinate treasuries as much as I can together, that I brought the *ordnance office* before you, though it is properly a military department. For the same reason I will now trouble you with my thoughts and propositions upon two of the greatest *under-treasuries*: I mean the office of *paymaster of the land forces*, or *treasurer of the army*, and that of the *treasurer of the navy*. The former of these has long been a great object of public suspicion and uneasiness. Envy, too, has had its share in the obloquy which is cast upon this office. But I am sure that it has no share at all in the reflections I shall make upon it, or in the reformatations that I shall propose. I do not grudge to the honorable gentleman who at present holds the office any of the effects of his talents, his merit, or his

fortune. He is respectable in all these particulars. I follow the constitution of the office without persecuting its holder. It is necessary in all matters of public complaint, where men frequently feel right and argue wrong, to separate prejudice from reason, and to be very sure, in attempting the redress of a grievance, that we hit upon its real seat and its true nature. Where there is an abuse in office, the first thing that occurs in heat is to censure the officer. Our natural disposition leads all our inquiries rather to persons than to things. But this prejudice is to be corrected by maturer thinking.

Sir, the profits of the *pay office* (as an office) are not too great, in my opinion, for its duties, and for the rank of the person who has generally held it. He has been generally a person of the highest rank, — that is to say, a person of eminence and consideration in this House. The great and the invidious profits of the pay office are from the *bank* that is held in it. According to the present course of the office, and according to the present mode of accounting there, this bank must necessarily exist somewhere. Money is a productive thing; and when the usual time of its demand can be tolerably calculated, it may with prudence be safely laid out to the profit of the holder. It is on this calculation that the business of banking proceeds. But no profit can be derived from the use of money which does not make it the interest of the holder to delay his account. The process of the Exchequer colludes with this interest. Is this collusion from its want of rigor and strictness and great regularity of form? The reverse is true. They have in the Exchequer brought rigor and formalism to their ultimate perfection. The process against accountants is so rigorous, and in a manner so unjust, that correctives must from time to time be applied to it. These correctives being discretionary, upon the case, and generally remitted by the Barons to the Lords of the Treasury, as the test judges of the reasons for respite, hearings are had, delays are produced, and thus the extreme of rigor in office (as usual in all human affairs) leads to the extreme of laxity. What with the interested delay of the officer, the ill-conceived exactness of the court, the applications for dispensations from that exactness, the revival of rigorous process after the expiration of the time, and the new rigors producing new applications and new enlargements of time, such delays happen in the public accounts that they can scarcely ever be closed.

Besides, Sir, they have a rule in the Exchequer, which, I believe, they have founded upon a very ancient statute, that of the 51st of Henry the Third, by which it is provided, that, “when a sheriff or bailiff hath begun his account, none other shall be received to account, until he that was first appointed hath clearly accounted, and that the sum has been received.” Whether this clause of that statute be the ground of that absurd practice I am not quite able to ascertain. But it has very generally prevailed, though I am told that of late they have began to relax from it. In consequence of forms adverse to substantial account, we have a long succession of paymasters and their representatives who have never been admitted to account, although perfectly ready to do so.

As the extent of our wars has scattered the accountants under the paymaster into every part of the globe, the grand and sure paymaster, Death, in all his shapes, calls these accountants to another reckoning. Death, indeed, domineers over everything but the forms of the Exchequer. Over these he has no power. They are impassive and immortal. The audit of the Exchequer, more severe than the audit to which the accountants are gone, demands proofs which in the nature of things are difficult, sometimes impossible, to be had. In this respect, too, rigor, as usual, defeats itself. Then the Exchequer never gives a particular receipt, or clears a man of his account as far as it goes. A final acquittance (or a *quietus*, as they term it) is scarcely ever to be obtained. Terrors and ghosts of unlaid accountants haunt the houses of their children from generation to generation. Families, in the course of succession, fall into minorities; the inheritance comes into the hands of females; and very perplexed affairs are often delivered over into the hands of negligent guardians and faithless stewards. So that the demand remains, when the advantage of the money is gone, — if ever any advantage at all has been made of it. This is a cause of infinite distress to families, and becomes a source of influence to an extent that can scarcely be imagined, but by those who have taken some pains to trace it. The mildness of government, in the employment of useless and dangerous powers, furnishes no reason for their continuance.

As things stand, can you in justice (except perhaps in that over-perfect kind of justice which has obtained by its merits the title of the opposite vice) insist that any man should, by the course of his office, keep a *bank* from whence he is to derive no advantage? that a man should be subject to demands below and be in a manner refused an acquittance above, that he should transmit an original sin and inheritance of vexation to his posterity, without a power of compensating himself in some way or other for so perilous a situation? We know, that, if the paymaster should deny himself the advantages of his bank, the public, as things stand, is not the richer for it by a single shilling. This I thought it necessary to say as to the offensive magnitude of the profits of this office, that we may proceed in reformation on the principles of reason, and not on the feelings of envy.

The treasurer of the navy is, *mutatis mutandis*, in the same circumstances. Indeed, all accountants are. Instead of the present mode, which is troublesome to the officer and unprofitable to the public, I propose to substitute something more effectual than rigor, which is the worst exactor in the world. I mean to remove the very temptations to delay; to facilitate the account; and to transfer this bank, now of private emolument, to the public. The crown will suffer no wrong at least from the pay offices; and its terrors will no longer reign over the families of those who hold or have held them. I propose that these offices should be no longer *banks* or *treasuries*, but mere *offices of administration*. I propose, first, that the present paymaster and the treasurer of the navy should carry into the Exchequer the whole body of the vouchers for what they have paid over to deputy-paymasters, to

regimental agents, or to any of those to whom they have and ought to have paid money. I propose that those vouchers shall be admitted as actual payments in their accounts, and that the persons to whom the money has been paid shall then stand charged in the Exchequer in their place. After this process, they shall be debited or charged for nothing but the money-balance that remains in their hands.

I am conscious, Sir, that, if this balance (which they could not expect to be so suddenly demanded by any usual process of the Exchequer) should now be exacted all at once, not only their ruin, but a ruin of others to an extent which I do not like to think of, but which I can well conceive, and which you may well conceive, might be the consequence. I told you, Sir, when I promised before the holidays to bring in this plan, that I never would suffer any man or description of men to suffer from errors that naturally have grown out of the abusive constitution of those offices which I propose to regulate. If I cannot reform with equity, I will not reform at all.

For the regulation of past accounts, I shall therefore propose such a mode, as men, temperate and prudent, make use of in the management of their private affairs, when their accounts are various, perplexed, and of long standing. I would therefore, after their example, divide the public debts into three sorts, — good, bad, and doubtful. In looking over the public accounts, I should never dream of the blind mode of the Exchequer, which regards things in the abstract, and knows no difference in the quality of its debts or the circumstances of its debtors. By this means it fatigues itself, it vexes others, it often crushes the poor, it lets escape the rich, or, in a fit of mercy or carelessness, declines all means of recovering its just demands. Content with the eternity of its claims, it enjoys its Epicurean divinity with Epicurean languor. But it is proper that all sorts of accounts should be closed some time or other, — by payment, by composition, or by oblivion. *Expedit reipublicæ ut sit finis litium*. Constantly taking along with me, that an extreme rigor is sure to arm everything against it, and at length to relax into a supine neglect, I propose, Sir, that even the best, soundest, and the most recent debts should be put into instalments, for the mutual benefit of the accountant and the public.

In proportion, however, as I am tender of the past, I would be provident of the future. All money that was formerly imprested to the two great *pay offices* I would have imprested in future to the *Bank of England*. These offices should in future receive no more than cash sufficient for small payments. Their other payments ought to be made by drafts on the Bank, expressing the service. A check account from both offices, of drafts and receipts, should be annually made up in the Exchequer, — charging the Bank in account with the cash balance, but not demanding the payment until there is an order from the Treasury, in consequence of a vote of Parliament.

As I did not, Sir, deny to the paymaster the natural profits of the bank that was in his hands, so neither would I to the Bank of England. A share of that profit might be derived to the public in various ways. My favorite mode is this: that, in

compensation for the use of this money, the bank may take upon themselves, first, *the charge of the Mint*, to which they are already, by their charter, obliged to bring in a great deal of bullion annually to be coined. In the next place, I mean that they should take upon themselves the charge of *remittances to our troops abroad*. This is a species of dealing from which, by the same charter, they are not debarred. One and a quarter per cent will be saved instantly thereby to the public on very large sums of money. This will be at once a matter of economy and a considerable reduction of influence, by taking away a private contract of an expensive nature. If the Bank, which is a great corporation, and of course receives the least profits from the money in their custody, should of itself refuse or be persuaded to refuse this offer upon those terms, I can speak with some confidence that one at least, if not both parts of the condition would be received, and gratefully received, by several bankers of eminence. There is no banker who will not be at least as good security as any paymaster of the forces, or any treasurer of the navy, that have ever been bankers to the public: as rich at least as my Lord Chatham, or my Lord Holland, or either of the honorable gentlemen who now hold the offices, were at the time that they entered into them; or as ever the whole establishment of the Mint has been at any period.

These, Sir, are the outlines of the plan I mean to follow, in suppressing these two large subordinate treasuries. I now come to another subordinate treasury, — I mean that of the *paymaster of the pensions*; for which purpose I reënter the limits of the civil establishment: I departed from those limits in pursuit of a principle; and, following the same game in its doubles, I am brought into those limits again. That treasury and that office I mean to take away, and to transfer the payment of every name, mode, and denomination of pensions to the Exchequer. The present course of diversifying the same object can answer no good purpose, whatever its use may be to purposes of another kind. There are also other lists of pensions; and I mean that they should all be hereafter paid at one and the same place. The whole of the new consolidated list I mean to reduce to 60,000*l.* a year, which sum I intend it shall never exceed. I think that sum will fully answer as a reward to all real merit and a provision for all real public charity that is ever like to be placed upon the list. If any merit of an extraordinary nature should emerge before that reduction is completed, I have left it open for an address of either House of Parliament to provide for the case. To all other demands it must be answered, with regret, but with firmness, “The public is poor.”

I do not propose, as I told you before Christmas, to take away any pension. I know that the public seem to call for a reduction of such of them as shall appear unmerited. As a censorial act, and punishment of an abuse, it might answer some purpose. But this can make no part of *my* plan. I mean to proceed by bill; and I cannot stop for such an inquiry. I know some gentlemen may blame me. It is with great submission to better judgments that I recommend it to consideration, that a

critical retrospective examination of the pension list, upon the principle of merit, can never serve for my basis. It cannot answer, according to my plan, any effectual purpose of economy, or of future, permanent reformation. The process in any way will be entangled and difficult, and it will be infinitely slow: there is a danger, that, if we turn our line of march, now directed towards the grand object, into this more laborious than useful detail of operations, we shall never arrive at our end.

The king, Sir, has been by the Constitution appointed sole judge of the merit for which a pension is to be given. We have a right, undoubtedly, to canvass this, as we have to canvass every act of government. But there is a material difference between an office to be reformed and a pension taken away for demerit. In the former case, no charge is implied against the holder; in the latter, his character is slurred, as well as his lawful emolument affected. The former process is against the thing; the second, against the person. The pensioner certainly, if he pleases, has a right to stand on his own defence, to plead his possession, and to bottom his title in the competency of the crown to give him what he holds. Possessed and on the defensive as he is, he will not be obliged to prove his special merit, in order to justify the act of legal discretion, now turned into his property, according to his tenure. The very act, he will contend, is a legal presumption, and an implication of his merit. If this be so, from the natural force of all legal presumption, he would put us to the difficult proof that he has no merit at all. But other questions would arise in the course of such an inquiry, — that is, questions of the merit when weighed against the proportion of the reward; then the difficulty will be much greater.

The difficulty will not, Sir, I am afraid, be much less, if we pass to the person really guilty in the question of an unmerited pension: the minister himself. I admit, that, when called to account for the execution of a trust, he might fairly be obliged to prove the affirmative, and to state the merit for which the pension is given, though on the pensioner himself such a process would be hard. If in this examination we proceed methodically, and so as to avoid all suspicion of partiality and prejudice, we must take the pensions in order of time, or merely alphabetically. The very first pension to which we come, in either of these ways, may appear the most grossly unmerited of any. But the minister may very possibly show that he knows nothing of the putting on this pension; that it was prior in time to his administration; that the minister who laid it on is dead: and then we are thrown back upon the pensioner himself, and plunged into all our former difficulties. Abuses, and gross ones, I doubt not, would appear, and to the correction of which I would readily give my hand: but when I consider that pensions have not generally been affected by the revolutions of ministry; as I know not where such inquiries would stop; and as an absence of merit is a negative and loose thing; — one might be led to derange the order of families founded on the probable continuance of their kind of income; I might hurt children; I might injure creditors; — I really think it the more prudent course not to follow the letter of the petitions. If we fix this mode

of inquiry as a basis, we shall, I fear, end as Parliament has often ended under similar circumstances. There will be great delay, much confusion, much inequality in our proceedings. But what presses me most of all is this: that, though we should strike off all the unmerited pensions, while the power of the crown remains unlimited, the very same undeserving persons might afterwards return to the very same list; or, if they did not, other persons, meriting as little as they do, might be put upon it to an undefinable amount. This, I think, is the pinch of the grievance.

For these reasons, Sir, I am obliged to waive this mode of proceeding as any part of my plan. In a plan of reformation, it would be one of my maxims, that, when I know of an establishment which may be subservient to useful purposes, and which at the same time, from its discretionary nature, is liable to a very great perversion from those purposes, *I would limit the quantity of the power that might be so abused*. For I am sure that in all such cases the rewards of merit will have very narrow bounds, and that partial or corrupt favor will be infinite. This principle is not arbitrary, but the limitation of the specific quantity must be so in some measure. I therefore state 60,000*l.*, leaving it open to the House to enlarge or contract the sum as they shall see, on examination, that the discretion I use is scanty or liberal. The whole amount of the pensions of all denominations which have been laid before us amount, for a period of seven years, to considerably more than 100,000*l.* a year. To what the other lists amount I know not. That will be seen hereafter. But from those that do appear, a saving will accrue to the public, at one time or other, of 40,000*l.* a year; and we had better, in my opinion, to let it fall in naturally than to tear it crude and unripe from the stalk.

There is a great deal of uneasiness among the people upon an article which I must class under the head of pensions: I mean the *great patent offices in the Exchequer*. They are in reality and substance no other than pensions, and in no other light shall I consider them. They are sinecures; they are always executed by deputy; the duty of the principal is as nothing. They differ, however, from the pensions on the list in some particulars. They are held for life. I think, with the public, that the profits of those places are grown enormous; the magnitude of those profits, and the nature of them, both call for reformation. The nature of their profits, which grow out of the public distress, is itself invidious and grievous. But I fear that reform cannot be immediate. I find myself under a restriction. These places, and others of the same kind, which are held for life, have been considered as property. They have been given as a provision for children; they have been the subject of family settlements; they have been the security of creditors. What the law respects shall be sacred to me. If the barriers of law should be broken down, upon ideas of convenience, even of public convenience, we shall have no longer anything certain among us. If the discretion of power is once let loose upon property, we can be at no loss to determine whose power and what discretion it is that will prevail at last. It would be wise to attend upon the order of things, and not to attempt to outrun the

slow, but smooth and even course of Nature. There are occasions, I admit, of public necessity, so vast, so clear, so evident, that they supersede all laws. Law, being only made for the benefit of the community, cannot in any one of its parts resist a demand which may comprehend the total of the public interest. To be sure, no law can set itself up against the cause and reason of all law; but such a case very rarely happens, and this most certainly is not such a case. The mere time of the reform is by no means worth the sacrifice of a principle of law. Individuals pass like shadows; but the commonwealth is fixed and stable. The difference, therefore, of to-day and to-morrow, which to private people is immense, to the state is nothing. At any rate, it is better, if possible, to reconcile our economy with our laws than to set them at variance, — a quarrel which in the end must be destructive to both.

My idea, therefore, is, to reduce those offices to fixed salaries, as the present lives and reversions shall successively fall. I mean, that the office of the great auditor (the auditor of the receipt) shall be reduced to 3000*l.* a year; and the auditors of the imprest, and the rest of the principal officers, to fixed appointments of 1,500*l.* a year each. It will not be difficult to calculate the value of this fall of lives to the public, when we shall have obtained a just account of the present income of those places; and we shall obtain that account with great facility, if the present possessors are not alarmed with any apprehension of danger to their freehold office.

I know, too, that it will be demanded of me, how it comes, that, since I admit these offices to be no better than pensions, I chose, after the principle of law had been satisfied, to retain them at all. To this, Sir, I answer, that, conceiving it to be a fundamental part of the Constitution of this country, and of the reason of state in every country, that there must be means of rewarding public service, those means will be incomplete, and indeed wholly insufficient for that purpose, if there should be no further reward for that service than the daily wages it receives during the pleasure of the crown.

Whoever seriously considers the excellent argument of Lord Somers, in the Bankers' Case, will see he bottoms himself upon the very same maxim which I do; and one of his principal grounds of doctrine for the alienability of the domain in England, contrary to the maxim of the law in France, he lays in the constitutional policy of furnishing a permanent reward to public service, of making that reward the origin of families, and the foundation of wealth as well as of honors. It is, indeed, the only genuine, unadulterated origin of nobility. It is a great principle in government, a principle at the very foundation of the whole structure. The other judges who held the same doctrine went beyond Lord Somers with regard to the remedy which they thought was given by law against the crown upon the grant of pensions. Indeed, no man knows, when he cuts off the incitements to a virtuous ambition, and the just rewards of public service, what infinite mischief he may do his country through all generations. Such saving to the public may prove the worst mode of robbing it. The crown, which has in its hands the trust of the daily pay for

national service, ought to have in its hands also the means for the repose of public labor and the fixed settlement of acknowledged merit. There is a time when the weather-beaten, vessels of the state ought to come into harbor. They must at length have a retreat from the malice of rivals, from the perfidy of political friends, and the inconstancy of the people. Many of the persons who in all times have filled the great offices of state have been younger brothers, who had originally little, if any fortune. These offices do not furnish the means of amassing wealth. There ought to be some power in the crown of granting pensions out of the reach of its own caprices. An entail of dependence is a bad reward of merit.

I would therefore leave to the crown the possibility of conferring some favors, which, whilst they are received as a reward, do not operate as corruption. When men receive obligations from the crown, through the pious hands of fathers, or of connections as venerable as the paternal, the dependences which arise from thence are the obligations of gratitude, and not the fetters of servility. Such ties originate in virtue, and they promote it. They continue men in those habitudes of friendship, those political connections, and those political principles, in which they began life. They are antidotes against a corrupt levity, instead of causes of it. What an unseemly spectacle would it afford, what a disgrace would it be to the commonwealth that suffered such things, to see the hopeful son of a meritorious minister begging his bread at the door of that Treasury from whence his father dispensed the economy of an empire, and promoted the happiness and glory of his country! Why should he be obliged to prostrate his honor and to submit his principles at the levee of some proud favorite, shouldered and thrust aside by every impudent pretender on the very spot where a few days before he saw himself adored, — obliged to cringe to the author of the calamities of his house, and to kiss the hands that are red with his father's blood? — No, Sir, these things are unfit, — they are intolerable.

Sir, I shall be asked, why I do not choose to destroy those offices which are pensions, and appoint pensions under the direct title in their stead. I allow that in some cases it leads to abuse, to have things appointed for one purpose and applied to another. I have no great objection to such a change; but I do not think it quite prudent for me to propose it. If I should take away the present establishment, the burden of proof rests upon me, that so many pensions, and no more, and to such an amount each, and no more, are necessary for the public service. This is what I can never prove; for it is a thing incapable of definition. I do not like to take away an object that I think answers my purpose, in hopes of getting it back again in a better shape. People will bear an old establishment, when its excess is corrected, who will revolt at a new one. I do not think these office-pensions to be more in number than sufficient: but on that point the House will exercise its discretion. As to abuse, I am convinced that very few trusts in the ordinary course of administration have admitted less abuse than this. Efficient ministers have been their own paymasters, it

is true; but their very partiality has operated as a kind of justice, and still it was service that was paid. When we look over this Exchequer list, we find it filled with the descendants of the Walpoles, of the Pelhams, of the Townshends, — names to whom this country owes its liberties, and to whom his Majesty owes his crown. It was in one of these lines that the immense and envied employment he now holds came to a certain duke, who is now probably sitting quietly at a very good dinner directly under us, and acting *high life below stairs*, whilst we, his masters, are filling our mouths with unsubstantial sounds, and talking of hungry economy over his head. But he is the elder branch of an ancient and decayed house, joined to and repaired by the reward of services done by another. I respect the original title, and the first purchase of merited wealth and honor through all its descents, through all its transfers, and all its assignments. May such fountains never be dried up! May they ever flow with their original purity, and refresh and fructify the commonwealth for ages!

Sir, I think myself bound to give you my reasons as clearly and as fully for stopping in the course of reformation as for proceeding in it. My limits are the rules of law, the rules of policy, and the service of the state. This is the reason why I am not able to intermeddle with another article, which seems to be a specific object in several of the petitions: I mean the reduction of exorbitant emoluments to efficient offices. If I knew of any real efficient office which did possess exorbitant emoluments, I should be extremely desirous of reducing them. Others may know of them: I do not. I am not possessed of an exact common measure between real service and its reward. I am very sure that states do sometimes receive services which is hardly in their power to reward according to their worth. If I were to give my judgment with regard to this country, I do not think the great efficient offices of the state to be overpaid. The service of the public is a thing which cannot be put to auction and struck down to those who will agree to execute it the cheapest. When the proportion between reward and service is our object, we must always consider of what nature the service is, and what sort of men they are that must perform it. What is just payment for one kind of labor, and full encouragement for one kind of talents, is fraud and discouragement to others. Many of the great offices have much duty to do, and much expense of representation to maintain. A Secretary of State, for instance, must not appear sordid in the eyes of the ministers of other nations; neither ought our ministers abroad to appear contemptible in the courts where they reside. In all offices of duty, there is almost necessarily a great neglect of all domestic affairs. A person in high office can rarely take a view of his family-house. If he sees that the state takes no detriment, the state must see that his affairs should take as little.

I will even go so far as to affirm, that, if men were willing to serve in such situations without salary, they ought not to be permitted to do it. Ordinary service must be secured by the motives to ordinary integrity. I do not hesitate to say that

that state which lays its foundation in rare and heroic virtues will be sure to have its superstructure in the basest profligacy and corruption. An honorable and fair profit is the best security against avarice and rapacity; as in all things else, a lawful and regulated enjoyment is the best security against debauchery and excess. For as wealth is power, so all power will infallibly draw wealth to itself by some means or other; and when men are left no way of ascertaining their profits but by their means of obtaining them, those means will be increased to infinity. This is true in all the parts of administration, as well as in the whole. If any individual were to decline his appointments, it might give an unfair advantage to ostentatious ambition over unpretending service; it might breed invidious comparisons; it might tend to destroy whatever little unity and agreement may be found among ministers. And, after all, when an ambitious man had run down his competitors by a fallacious show of disinterestedness, and fixed himself in power by that means, what security is there that he would not change his course, and claim as an indemnity ten times more than he has given up?

This rule, like every other, may admit its exceptions. When a great man has some one great object in view to be achieved in a given time, it may be absolutely necessary for him to walk out of all the common roads, and, if his fortune permits it, to hold himself out as a splendid example. I am told that something of this kind is now doing in a country near us. But this is for a short race, the training for a heat or two, and not the proper preparation for the regular stages of a methodical journey. I am speaking of establishments, and not of men.

It may be expected, Sir, that, when I am giving my reasons why I limit myself in the reduction of employments, or of their profits, I should say something of those which seem of eminent inutility in the state: I mean the number of officers who, by their places, are attendant on the person of the king. Considering the commonwealth merely as such, and considering those officers only as relative to the direct purposes of the state, I admit that they are of no use at all. But there are many things in the constitution of establishments, which appear of little value on the first view, which in a secondary and oblique manner produce very material advantages. It was on full consideration that I determined not to lessen any of the offices of honor about the crown, in their number or their emoluments. These emoluments, except in one or two cases, do not much more than answer the charge of attendance. Men of condition naturally love to be about a court; and women of condition love it much more. But there is in all regular attendance so much of constraint, that, if it wore a mere charge, without any compensation, you would soon have the court deserted by all the nobility of the kingdom.

Sir, the most serious mischiefs would follow from such a desertion. Kings are naturally lovers of low company. They are so elevated above all the rest of mankind that they must look upon all their subjects as on a level. They are rather apt to hate than to love their nobility, on account of the occasional resistance to their will

which will be made by their virtue, their petulance, or their pride. It must, indeed, be admitted that many of the nobility are as perfectly willing to act the part of flatterers, tale-bearers, parasites, pimps, and buffoons, as any of the lowest and vilest of mankind can possibly be. But they are not properly qualified for this object of their ambition. The want of a regular education, and early habits, and some lurking remains of their dignity, will never permit them to become a match for an Italian eunuch, a mountebank, a fiddler, a player, or any regular practitioner of that tribe. The Roman emperors, almost from the beginning, threw themselves into such hands; and the mischief increased every day till the decline and final ruin of the empire. It is therefore of very great importance (provided the thing is not overdone) to contrive such an establishment as must, almost whether a prince will or not, bring into daily and hourly offices about his person a great number of his first nobility; and it is rather an useful prejudice that gives them a pride in such a servitude. Though they are not much the better for a court, a court will be much the better for them. I have therefore not attempted to reform any of the offices of honor about the king's person.

There are, indeed, two offices in his stables which are sinecures: by the change of manners, and indeed by the nature of the thing, they must be so: I mean the several keepers of buck-hounds, stag-hounds, foxhounds, and harriers. They answer no purpose of utility or of splendor. These I propose to abolish. It is not proper that great noblemen should be keepers of dogs, though they were the king's dogs.

In every part of the scheme, I have endeavored that no primary, and that even no secondary, service of the state should suffer by its frugality. I mean to touch no offices but such as I am perfectly sure are either of no use at all, or not of any use in the least assignable proportion to the burden with which they load the revenues of the kingdom, and to the influence with which they oppress the freedom of Parliamentary deliberation; for which reason there are but two offices, which are properly state offices, that I have a desire to reform.

The first of them is the new office of *Third Secretary of State*, which is commonly called *Secretary of State for the Colonies*.

We know that all the correspondence of the colonies had been, until within a few years, carried on by the Southern Secretary of State, and that this department has not been shunned upon account of the weight of its duties, but, on the contrary, much sought on account of its patronage. Indeed, he must be poorly acquainted with the history of office who does not know how very lightly the American functions have always leaned on the shoulders of the ministerial *Atlas* who has upheld that side of the sphere. Undoubtedly, great temper and judgment was requisite in the management of the colony politics; but the official detail was a trifle. Since the new appointment, a train of unfortunate accidents has brought before us almost the whole correspondence of this favorite secretary's office since the first day of its establishment. I will say nothing of its auspicious foundation, of the quality of

its correspondence, or of the effects that have ensued from it. I speak merely of its *quantity*, which we know would have been little or no addition to the trouble of whatever office had its hands the fullest. But what has been the real condition of the old office of Secretary of State? Have their velvet bags and their red boxes been so full that nothing more could possibly be crammed into them?

A correspondence of a curious nature has been lately published. In that correspondence, Sir, we find the opinion of a noble person who is thought to be the grand manufacturer of administrations, and therefore the best judge of the quality of his work. He was of opinion that there was but one man of diligence and industry in the whole administration: it was the late Earl of Suffolk. The noble lord lamented very justly, that this statesman, of so much mental vigor, was almost wholly disabled from the exertion of it by his bodily infirmities. Lord Suffolk, dead to the state long before he was dead to Nature, at last paid his tribute to the common treasury to which we must all be taxed. But so little want was found even of his intentional industry, that the office, vacant in reality to its duties long before, continued vacant even in nomination and appointment for a year after his death. The whole of the laborious and arduous correspondence of this empire rested solely upon the activity and energy of Lord Weymouth.

It is therefore demonstrable, since one diligent man was fully equal to the duties of the two offices, that two diligent men will be equal to the duty of three. The business of the new office, which I shall propose to you to suppress, is by no means too much to be returned to either of the secretaries which remain. If this dust in the balance should be thought too heavy, it may be divided between them both, — North America (whether free or reduced) to the Northern Secretary, the West Indies to the Southern. It is not necessary that I should say more upon the inutility of this office. It is burning daylight. But before I have done, I shall just remark that the history of this office is too recent to suffer us to forget that it was made for the mere convenience of the arrangements of political intrigue, and not for the service of the state, — that it was made in order to give a color to an exorbitant increase of the civil list, and in the same act to bring a new accession to the loaded compost-heap of corrupt influence.

There is, Sir, another office which was not long since closely connected with this of the American Secretary, but has been lately separated from it for the very same purpose for which it had been conjoined: I mean the sole purpose of all the separations and all the conjunctions that have been lately made, — a job. I speak, Sir, of the *Board of Trade and Plantations*. This board is a sort of temperate bed of influence, a sort of gently ripening hothouse, where eight members of Parliament receive salaries of a thousand a year for a certain given time, in order to mature, at a proper season, a claim to two thousand, granted for doing less, and on the credit of having toiled so long in that inferior, laborious department.

I have known that board, off and on, for a great number of years. Both of its pretended objects have been much the objects of my study, if I have a right to call any pursuits of mine by so respectable a name. I can assure the House, (and I hope they will not think that I risk my little credit lightly,) that, without meaning to convey the least reflection upon any one of its members, past or present, it is a board which, if not mischievous, is of no use at all.

You will be convinced, Sir, that I am not mistaken, if you reflect how generally it is true, that commerce, the principal object of that office, flourishes most when it is left to itself. Interest, the great guide of commerce, is not a blind one. It is very well able to find its own way; and its necessities are its best laws. But if it were possible, in the nature of things, that the young should direct the old, and the inexperienced instruct the knowing, — if a board in the state was the best tutor for the counting-house, — if the desk ought to read lectures to the anvil, and the pen to usurp the place of the shuttle, — yet in any matter of regulation we know that board must act with as little authority as skill. The prerogative of the crown is utterly inadequate to the object; because all regulations are, in their nature, restrictive of some liberty. In the reign, indeed, of Charles the First, the Council, or Committees of Council, were never a moment unoccupied with affairs of trade. But even where they had no ill intention, (which was sometimes the case,) trade and manufacture suffered infinitely from their injudicious tampering. But since that period, whenever regulation is wanting, (for I do not deny that sometimes it may be wanting,) Parliament constantly sits; and Parliament alone is competent to such regulation. We want no instruction from boards of trade, or from any other board; and God forbid we should give the least attention to their reports! Parliamentary inquiry is the only mode of obtaining Parliamentary information. There is more real knowledge to be obtained by attending the detail of business in the committees above stairs than ever did come, or ever will come, from any board in this kingdom, or from all of them together. An assiduous member of Parliament will not be the worse instructed there for not being paid a thousand a year for learning his lesson. And now that I speak of the committees above stairs, I must say, that, having till lately attended them a good deal, I have observed that no description of members give so little attendance, either to communicate or to obtain instruction upon matters of commerce, as the honorable members of the grave Board of Trade. I really do not recollect that I have ever seen one of them in that sort of business. Possibly some members may have better memories, and may call to mind some job that may have accidentally brought one or other of them, at one time or other, to attend a matter of commerce.

This board, Sir, has had both its original formation and its regeneration in a job. In a job it was conceived, and in a job its mother brought it forth. It made one among those showy and specious impositions which one of the experiment-making administrations of Charles the Second held out to delude the people, and to be substituted in the place of the real service which they might expect from a

Parliament annually sitting. It was intended, also, to corrupt that body, whenever it should be permitted to sit. It was projected in the year 1668, and it continued in a tottering and rickety childhood for about three or four years: for it died in the year 1673, a babe of as little hopes as ever swelled the bills of mortality in the article of convulsed or overlaid children who have hardly stepped over the threshold of life.

It was buried with little ceremony, and never more thought of until the reign of King William, when, in the strange vicissitude of neglect and vigor, of good and ill success that attended his wars, in the year 1695, the trade was distressed beyond all example of former sufferings by the piracies of the French cruisers. This suffering incensed, and, as it should seem, very justly incensed, the House of Commons. In this ferment, they struck, not only at the administration, but at the very constitution of the executive government. They attempted to form in Parliament a board for the protection of trade, which, as they planned it, was to draw to itself a great part, if not the whole, of the functions and powers both of the Admiralty and of the Treasury; and thus, by a Parliamentary delegation of office and officers, they threatened absolutely to separate these departments from the whole system of the executive government, and of course to vest the most leading and essential of its attributes in this board. As the executive government was in a manner convicted of a dereliction of its functions, it was with infinite difficulty that this blow was warded off in that session. There was a threat to renew the same attempt in the next. To prevent the effect of this manoeuvre, the court opposed another manoeuvre to it, and, in the year 1696, called into life this Board of Trade, which had slept since 1673.

This, in a few words, is the history of the regeneration of the Board of Trade. It has perfectly answered its purposes. It was intended to quiet the minds of the people, and to compose the ferment that was then strongly working in Parliament. The courtiers were too happy to be able to substitute a board which they knew would be useless in the place of one that they feared would be dangerous. Thus the Board of Trade was reproduced in a job; and perhaps it is the only instance of a public body which has never degenerated, but to this hour preserves all the health and vigor of its primitive institution.

This Board of Trade and Plantations has not been of any use to the colonies, as colonies: so little of use, that the flourishing settlements of New England, of Virginia, and of Maryland, and all our wealthy colonies in the West Indies, were of a date prior to the first board of Charles the Second. Pennsylvania and Carolina were settled during its dark quarter, in the interval between the extinction of the first and the formation of the second board. Two colonies alone owe their origin to that board. Georgia, which, till lately, has made a very slow progress, — and never did make any progress at all, until it had wholly got rid of all the regulations which the Board of Trade had moulded into its original constitution. That colony has cost the nation very great sums of money; whereas the colonies which have had the

fortune of not being godfathered by the Board of Trade never cost the nation a shilling, except what has been so properly spent in losing them. But the colony of Georgia, weak as it was, carried with it to the last hour, and carries, even in its present dead, pallid visage, the perfect resemblance of its parents. It always had, and it now has, an *establishment*, paid by the public of England, for the sake of the influence of the crown: that colony having never been able or willing to take upon itself the expense of its proper government or its own appropriated jobs.

The province of Nova Scotia was the youngest and the favorite child of the Board. Good God! what sums the nursing of that ill-thriven, hard-visaged, and ill-favored brat has cost to this wittol nation! Sir, this colony has stood us in a sum of not less than seven hundred thousand pounds. To this day it has made no repayment, — it does not even support those offices of expense which are miscalled its government; the whole of that job still lies upon the patient, callous shoulders of the people of England.

Sir, I am going to state a fact to you that will serve to set in full sunshine the real value of formality and official superintendence. There was in the province of Nova Scotia one little neglected corner, the country of the *neutral French*; which, having the good-fortune to escape the fostering care of both France and England, and to have been shut out from the protection and regulation of councils of commerce and of boards of trade, did, in silence, without notice, and without assistance, increase to a considerable degree. But it seems our nation had more skill and ability in destroying than in settling a colony. In the last war, we did, in my opinion, most inhumanly, and upon pretences that in the eye of an honest man are not worth a farthing, root out this poor, innocent, deserving people, whom our utter inability to govern, or to reconcile, gave us no sort of right to extirpate. Whatever the merits of that extirpation might have been, it was on the footsteps of a neglected people, it was on the fund of unconstrained poverty, it was on the acquisitions of unregulated industry, that anything which deserves the name of a colony in that province has been formed. It has been formed by overflowings from the exuberant population of New England, and by emigration from other parts of Nova Scotia of fugitives from the protection of the Board of Trade.

But if all of these things were not more than sufficient to prove to you the inutility of that expensive establishment, I would desire you to recollect, Sir, that those who may be very ready to defend it are very cautious how they employ it, — cautious how they employ it even in appearance and pretence. They are afraid they should lose the benefit of its influence in Parliament, if they deemed to keep it up for any other purpose. If ever there were commercial points of great weight, and most closely connected with our dependencies, they are those which have been agitated and decided in Parliament since I came into it. Which of the innumerable regulations since made had their origin or their improvement in the Board of Trade? Did any of the several East India bills which have been successively

produced since 1767 originate there? Did any one dream of referring them, or any part of them, thither? Was anybody so ridiculous as even to think of it? If ever there was an occasion on which the Board was fit to be consulted, it was with regard to the acts that were preludes to the American war, or attendant on its commencement. Those acts were full of commercial regulations, such as they were: the Intercourse Bill; the Prohibitory Bill; the Fishery Bill. If the Board was not concerned in such things, in what particular was it thought fit that it should be concerned? In the course of all these bills through the House, I observed the members of that board to be remarkably cautious of intermeddling. They understood decorum better; they know that matters of trade and plantations are no business of theirs.

There were two very recent occasions, which, if the idea of any use for the Board had not been extinguished by prescription, appeared loudly to call for their interference.

When commissioners were sent to pay his Majesty's and our dutiful respects to the Congress of the United States, a part of their powers under the commission were, it seems, of a commercial nature. They were authorized, in the most ample and undefined manner, to form a commercial treaty with America on the spot. This was no trivial object. As the formation of such a treaty would necessarily have been no less than the breaking up of our whole commercial system, and the giving it an entire new form, one would imagine that the Board of Trade would have sat day and night to model propositions, which, on our side, might serve as a basis to that treaty. No such thing. Their learned leisure was not in the least interrupted, though one of the members of the Board was a commissioner, and might, in mere compliment to his office, have been supposed to make a show of deliberation on the subject. But he knew that his colleagues would have thought he laughed in their faces, had he attempted to bring anything the most distantly relating to commerce or colonies before *them*. A noble person, engaged in the same commission, and sent to learn his commercial rudiments in New York, (then under the operation of an act for the universal prohibition of trade,) was soon after put at the head of that board. This contempt from the present ministers of all the pretended functions of that board, and their manner of breathing into its very soul, of inspiring it with its animating and presiding principle, puts an end to all dispute concerning their opinion of the clay it was made of. But I will give them heaped measure.

It was but the other day, that the noble lord in the blue ribbon carried up to the House of Peers two acts, altering, I think much for the better, but altering in a great degree, our whole commercial system: those acts, I mean, for giving a free trade to Ireland in woollens, and in all things else, with independent nations, and giving them an equal trade to our own colonies. Here, too, the novelty of this great, but arduous and critical improvement of system, would make you conceive that the anxious solicitude of the noble lord in the blue ribbon would have wholly destroyed

the plan of summer recreation of that board, by references to examine, compare, and digest matters for Parliament. You would imagine that Irish commissioners of customs, and English commissioners of customs, and commissioners of excise, that merchants and manufacturers of every denomination, had daily crowded their outer rooms. *Nil horum*. The perpetual virtual adjournment, and the unbroken sitting vacation of that board, was no more disturbed by the Irish than by the plantation commerce, or any other commerce. The same matter made a large part of the business which occupied the House for two sessions before; and as our ministers were not then mellowed by the mild, emollient, and engaging blandishments of our dear sister into all the tenderness of unqualified surrender, the bounds and limits of a restrained benefit naturally required much detailed management and positive regulation. But neither the qualified propositions which were received, nor those other qualified propositions which were rejected by ministers, were the least concern of theirs, or were they ever thought of in the business.

It is therefore, Sir, on the opinion of Parliament, on the opinion of the ministers, and even on their own opinion of their inutility, that I shall propose to you to *suppress the Board of Trade and Plantations*, and to recommit all its business to the Council, from whence it was very improvidently taken; and which business (whatever it might be) was much better done, and without any expense; and, indeed, where in effect it may all come at last. Almost all that deserves the name of business there is the reference of the plantation acts to the opinion of gentlemen of the law. But all this may be done, as the Irish business of the same nature has always been done, by the Council, and with a reference to the Attorney and Solicitor General.

There are some regulations in the household, relative to the officers of the yeomen of the guards, and the officers and band of gentlemen pensioners, which I shall likewise submit to your consideration, for the purpose of regulating establishments which at present are much abused.

I have now finished all that for the present I shall trouble you with on the *plan of reduction*. I mean next to propose to you the *plan of arrangement*, by which I mean to appropriate and fix the civil list money to its several services according to their nature: for I am thoroughly sensible, that, if a discretion wholly arbitrary can be exercised over the civil list revenue, although the most effectual methods may be taken to prevent the inferior departments from exceeding their bounds, the plan of reformation will still be left very imperfect. It will not, in my opinion, be safe to permit an entirely arbitrary discretion even in the First Lord of the Treasury himself; it will not be safe to leave with him a power of diverting the public money from its proper objects, of paying it in an irregular course, or of inverting perhaps the order of time, dictated by the proportion of value, which ought to regulate his application of payment to service.

I am sensible, too, that the very operation of a plan of economy which tends to exonerate the civil list of expensive establishments may in some sort defeat the

capital end we have in view, — the independence of Parliament; and that, in removing the public and ostensible means of influence, we may increase the fund of private corruption. I have thought of some methods to prevent an abuse of surplus cash under discretionary application, — I mean the heads of *secret service*, *special service*, *various payments*, and the like, — which I hope will answer, and which in due time I shall lay before you. Where I am unable to limit the quantity of the sums to be applied, by reason of the uncertain quantity of the service, I endeavor to confine it to its *line*, to secure an indefinite application to the definite service to which it belongs, — not to stop the progress of expense in its line, but to confine it to that line in which it professes to move.

But that part of my plan, Sir, upon which I principally rest, that on which I rely for the purpose of binding up and securing the whole, is to establish a fixed and invariable order in all its payments, which it shall not be permitted to the First Lord of the Treasury, upon any pretence whatsoever, to depart from. I therefore divide the civil list payments into *nine* classes, putting each class forward according to the importance or justice of the demand, and to the inability of the persons entitled to enforce their pretensions: that is, to put those first who have the most efficient offices, or claim the justest debts, and at the same time, from the character of that description of men, from the retiredness or the remoteness of their situation, or from their want of weight and power to enforce their pretensions, or from their being entirely subject to the power of a minister, without any reciprocal power of awing, ought to be the most considered, and are the most likely to be neglected, — all these I place in the highest classes; I place in the lowest those whose functions are of the least importance, but whose persons or rank are often of the greatest power and influence.

In the first class I place the *judges*, as of the first importance. It is the public justice that holds the community together; the ease, therefore, and independence of the judges ought to supersede all other considerations, and they ought to be the very last to feel the necessities of the state, or to be obliged either to court or bully a minister for their right; they ought to be as *weak solicitors on their own demands* as strenuous assertors of the rights and liberties of others. The judges are, or ought to be, of a *reserved* and retired character, and wholly unconnected with the political world.

In the second class I place the foreign ministers. The judges are the links of our connections with one another; the foreign ministers are the links of our connection with other nations. They are not upon the spot to demand payment, and are therefore the most likely to be, as in fact they have sometimes been, entirely neglected, to the great disgrace and perhaps the great detriment of the nation.

In the third class I would bring all the tradesmen who supply the crown by contract or otherwise.

In the fourth class I place all the domestic servants of the king, and all persons in efficient offices whose salaries do not exceed two hundred pounds a year.

In the fifth, upon account of honor, which ought to give place to nothing but charity and rigid justice, I would place the pensions and allowances of his Majesty's royal family, comprehending of course the queen, together with the stated allowance of the privy purse.

In the sixth class I place those efficient offices of duty whose salaries may exceed the sum of two hundred pounds a year.

In the seventh class, that mixed mass, the whole pension list.

In the eighth, the offices of honor about the king.

In the ninth, and the last of all, the salaries and pensions of the First Lord of the Treasury himself, the Chancellor of the Exchequer, and the other Commissioners of the Treasury.

If, by any possible mismanagement of that part of the revenue which is left at discretion, or by any other mode of prodigality, cash should be deficient for the payment of the lowest classes, I propose that the amount of those salaries where the deficiency may happen to fall shall not be carried as debt to the account of the succeeding year, but that it shall be entirely lapsed, sunk, and lost; so that government will be enabled to start in the race of every new year wholly unloaded, fresh in wind and in vigor. Hereafter no civil list debt can ever come upon the public. And those who do not consider this as saving, because it is not a certain sum, do not ground their calculations of the future on their experience of the past.

I know of no mode of preserving the effectual execution of any duty, but to make it the direct interest of the executive officer that it shall be faithfully performed. Assuming, then, that the present vast allowance to the civil list is perfectly adequate to all its purposes, if there should be any failure, it must be from the mismanagement or neglect of the First Commissioner of the Treasury; since, upon the proposed plan, there can be no expense of any consequence which he is not himself previously to authorize and finally to control. It is therefore just, as well as politic, that the loss should attach upon the delinquency.

If the failure from the delinquency should be very considerable, it will fall on the class directly above the First Lord of the Treasury, as well as upon himself and his board. It will fall, as it ought to fall, upon offices of no primary importance in the state; but then it will fall upon persons whom it will be a matter of no slight importance for a minister to provoke: it will fall upon persons of the first rank and consequence in the kingdom, — upon those who are nearest to the king, and frequently have a more interior credit with him than the minister himself. It will fall upon masters of the horse, upon lord chamberlains, upon lord stewards, upon grooms of the stole, and lords of the bedchamber. The household troops form an army, who will be ready to mutiny for want of pay, and whose mutiny will be *really* dreadful to a commander-in-chief. A rebellion of the thirteen lords of the

bedchamber would be far more terrible to a minister, and would probably affect his power more to the quick, than a revolt of thirteen colonies. What an uproar such an event would create at court! What *petitions*, and *committees*, and *associations*, would it not produce! Bless me! what a clattering of white sticks and yellow sticks would be about his head! what a storm of gold keys would fly about the ears of the minister! what a shower of Georges, and thistles, and medals, and collars of S.S. would assail him at his first entrance into the antechamber, after an insolvent Christmas quarter! — a tumult which could not be appeased by all the harmony of the new year's ode. Rebellion it is certain there would be; and rebellion may not now, indeed, be so critical an event to those who engage in it, since its price is so correctly ascertained at just a thousand pound.

Sir, this classing, in my opinion, is a serious and solid security for the performance of a minister's duty. Lord Coke says, that the staff was put into the Treasurer's hand to enable him to support himself when there was no money in the Exchequer, and to beat away importunate solicitors. The method which I propose would hinder him from the necessity of such a broken staff to lean on, or such a miserable weapon for repulsing the demands of worthless suitors, who, the noble lord in the blue ribbon knows, will bear many hard blows on the head, and many other indignities, before they are driven from the Treasury. In this plan, he is furnished with an answer to all their importunity, — an answer far more conclusive than if he had knocked them down with his staff:— “Sir, (or my Lord,) you are calling for my own salary, — Sir, you are calling for the appointments of my colleagues who sit about me in office, — Sir, you are going to excite a mutiny at court against me, — you are going to estrange his Majesty's confidence from me, through the chamberlain, or the master of the horse, or the groom of the stole.”

As things now stand, every man, in proportion to his consequence at court, tends to add to the expenses of the civil list, by all manner of jobs, if not for himself, yet for his dependants. When the new plan is established, those who are now suitors for jobs will become the most strenuous opposers of them. They will have a common interest with the minister in public economy. Every class, as it stands low, will become security for the payment of the preceding class; and thus the persons whose insignificant services defraud those that are useful would then become interested in their payment. Then the powerful, instead of oppressing, would be obliged to support the weak; and idleness would become concerned in the reward of industry. The whole fabric of the civil economy would become compact and connected in all its parts; it would be formed into a well-organized body, where every member contributes to the support of the whole, and where even the lazy stomach secures the vigor of the active arm.

This plan, I really flatter myself, is laid, not in official formality, nor in airy speculation, but in real life, and in human nature, in what “comes home” (as Bacon says) “to the business and bosoms of men.” You have now, Sir, before you, the

whole of my scheme, as far as I have digested it into a form that might be in any respect worthy of your consideration. I intend to lay it before you in five bills. The plan consists, indeed, of many parts; but they stand upon a few plain principles. It is a plan which takes nothing from the civil list without discharging it of a burden equal to the sum carried to the public service. It weakens no one function necessary to government; but, on the contrary, by appropriating supply to service, it gives it greater vigor. It provides the means of order and foresight to a minister of finance, which may always keep all the objects of his office, and their state, condition, and relations, distinctly before him. It brings forward accounts without hurrying and distressing the accountants: whilst it provides for public convenience, it regards private rights. It extinguishes secret corruption almost to the possibility of its existence. It destroys direct and visible influence equal to the offices of at least fifty members of Parliament. Lastly, it prevents the provision for his Majesty's children from being diverted to the political purposes of his minister.

These are the points on which I rely for the merit of the plan. I pursue economy in a secondary view, and only as it is connected with these great objects. I am persuaded, that even for supply this scheme will be far from unfruitful, if it be executed to the extent I propose it. I think it will give to the public, at its periods, two or three hundred thousand pounds a year; if not, it will give them a system of economy, which is itself a great revenue. It gives me no little pride and satisfaction to find that the principles of my proceedings are in many respects the very same with those which are now pursued in the plans of the French minister of finance. I am sure that I lay before you a scheme easy and practicable in all its parts. I know it is common at once to applaud and to reject all attempts of this nature. I know it is common for men to say, that such and such things are perfectly right, very desirable, — but that, unfortunately, they are not practicable. Oh, no, Sir! no! Those things-which are not practicable are not desirable. There is nothing in the world really beneficial that does not lie within the reach of an informed understanding and a well-directed pursuit. There is nothing that God has judged good for us that He has not given us the means to accomplish, both in the natural and the moral world. If we cry, like children, for the moon, like children we must cry on.

We must follow the nature of our affairs, and conform ourselves to our situation. If we do, our objects are plain and compassable. Why should we resolve to do nothing, because what I propose to you may not be the exact demand of the petition, when we are far from resolved to comply even with what evidently is so? Does this sort of chicanery become us? The people are the masters. They have only to express their wants at large and in gross. We are the expert artists, we are the skilful workmen, to shape their desires into perfect form, and to fit the utensil to the use. They are the sufferers, they tell the symptoms of the complaint; but we know the exact seat of the disease, and how to apply the remedy according to the rules of

art. How shocking would it be to see us pervert our skill into a sinister and servile dexterity, for the purpose of evading our duty, and defrauding our employers, who are our natural lords, of the object of their just expectations! I think the whole not only practicable, but practicable in a very short time. If we are in earnest about it, and if we exert that industry and those talents in forwarding the work, which, I am afraid, may be exerted in impeding it, I engage that the whole may be put in complete execution within a year. For my own part, I have very little to recommend me for this or for any task, but a kind of earnest and anxious perseverance of mind, which, with all its good and all its evil effects, is moulded into my constitution. I faithfully engage to the House, if they choose to appoint me to any part in the execution of this work, (which, when they have made it theirs by the improvements of their wisdom, will be worthy of the able assistance they may give me,) that by night and by day, in town or in country, at the desk or in the forest, I will, without regard to convenience, ease, or pleasure, devote myself to their service, not expecting or admitting any reward whatsoever. I owe to this country my labor, which is my all; and I owe to it ten times more industry, if ten times more I could exert. After all, I shall be an unprofitable servant.

At the same time, if I am able, and if I shall be permitted, I will lend an humble helping hand to any other good work which is going on. I have not, Sir, the frantic presumption to suppose that this plan contains in it the whole of what the public has a right to expect in the great work of reformation they call for. Indeed, it falls infinitely short of it. It falls short even of my own ideas. I have some thoughts, not yet fully ripened, relative to a reform in the customs and excise, as well as in some other branches of financial administration. There are other things, too, which form essential parts in a great plan for the purpose of restoring the independence of Parliament. The contractors' bill of last year it is fit to revive; and I rejoice that it is in better hands than mine. The bill for suspending the votes of custom-house officers, brought into Parliament several years ago by one of our worthiest and wisest members, — would to God we could along with the plan revive the person who designed it! but a man of very real integrity, honor, and ability will be found to take his place, and to carry his idea into full execution. You all see how necessary it is to review our military expenses for some years past, and, if possible, to bind up and close that bleeding artery of profusion; but that business also, I have reason to hope, will be undertaken by abilities that are fully adequate to it. Something must be devised (if possible) to check the ruinous expense of elections.

Sir, all or most of these things must be done. Every one must take his part. If we should be able, by dexterity, or power, or intrigue, to disappoint the expectations of our constituents, what will it avail us? We shall never be strong or artful enough to parry, or to put by, the irresistible demands of our situation. That situation calls upon us, and upon our constituents too, with a voice which *will* be heard. I am sure no man is more zealously attached than I am to the privileges of this House,

particularly in regard to the exclusive management of money. The Lords have no right to the disposition, in any sense, of the public purse; but they have gone further in self-denial than our utmost jealousy could have required. A power of examining accounts, to censure, correct, and punish, we never, that I know of, have thought of denying to the House of Lords. It is something more than a century since we voted that body useless: they have now voted themselves so. The whole hope of reformation is at length cast upon *us*; and let us not deceive the nation, which does us the honor to hope everything from our virtue. If *all* the nation are not equally forward to press this duty upon us, yet be assured that they all equally expect we should perform it. The respectful silence of those who wait upon your pleasure ought to be as powerful with you as the call of those who require your service as their right. Some, without doors, affect to feel hurt for your dignity, because they suppose that menaces are held out to you. Justify their good opinion by showing that no menaces are necessary to stimulate you to your duty. But, Sir, whilst we may sympathize with them in one point who sympathize with us in another, we ought to attend no less to those who approach us like men, and who, in the guise of petitioners, speak to us in the tone of a concealed authority. It is not wise to force them to speak out more plainly what they plainly mean. — But the petitioners are violent. Be it so. Those who are least anxious about your conduct are not those that love you most. Moderate affection and satiated enjoyment are cold and respectful; but an ardent and injured passion is tempered up with wrath, and grief, and shame, and conscious worth, and the maddening sense of violated right. A jealous love lights his torch from the firebrands of the furies. They who call upon you to belong *wholly* to the people are those who wish you to return to your *proper* home, — to the sphere of your duty, to the post of your honor, to the mansion-house of all genuine, serene, and solid satisfaction. We have furnished to the people of England (indeed we have) some real cause of jealousy. Let us leave that sort of company which, if it does not destroy our innocence, pollutes our honor; let us free ourselves at once from everything that can increase their suspicions and inflame their just resentment; let us cast away from us, with a generous scorn, all the love-tokens and symbols that we have been vain and light enough to accept, — all the bracelets, and snuff-boxes, and miniature pictures, and hair devices, and all the other adulterous trinkets that are the pledges of our alienation and the monuments of our shame. Let us return to our legitimate home, and all jars and all quarrels will be lost in embraces. Let the commons in Parliament assembled be one and the same thing with the commons at large. The distinctions that are made to separate us are unnatural and wicked contrivances. Let us identify, let us incorporate ourselves with the people. Let us cut all the cables and snap the chains which tie us to an unfaithful shore, and enter the friendly harbor that shoots far out into the main its moles and jetties to receive us. “War with the world, and peace with our constituents.” Be this our motto, and our principle. Then, indeed, we shall be truly great. Respecting

ourselves, we shall be respected by the world. At present all is troubled, and cloudy, and distracted, and full of anger and turbulence, both abroad and at home; but the air may be cleared by this storm, and light and fertility may follow it. Let us give a faithful pledge to the people, that we honor, indeed, the crown, but that we *belong* to them; that we are their auxiliaries, and not their task-masters, — the fellow-laborers in the same vineyard, not lording over their rights, but helpers of their joy; that to tax them is a grievance to ourselves, but to cut off from our enjoyments to forward theirs is the highest gratification we are capable of receiving. I feel, with comfort, that we are all warmed with these sentiments, and while we are thus warm, I wish we may go directly and with a cheerful heart to this salutary work.

Sir, I move for leave to bring in a bill, “For the better regulation of his Majesty’s civil establishments, and of certain public offices; for the limitation of pensions, and the suppression of sundry useless, expensive, and inconvenient places, and for applying the moneys saved thereby to the public service.”

Lord North stated, that there was a difference between this bill for regulating the establishments and some of the others, as they affected the ancient patrimony of the crown, and therefore wished them to be postponed till the king’s consent could be obtained. This distinction was strongly controverted; but when it was insisted on as a point of decorum *only*, it was agreed to postpone them to another day. Accordingly, on the Monday following, viz. Feb. 14, leave was given, on the motion of Mr. Burke, without opposition, to bring in —

1st, “A bill for the sale of the forest and other crown lands, rents, and hereditaments, with certain exceptions, *and for applying the produce thereof to the public service*; and for securing, ascertaining, and satisfying *tenant rights*, and common and other rights.”

2nd, “A bill for the more perfectly uniting to the crown the Principality of Wales and the County Palatine of Chester, and for the more commodious administration of justice within the same; as also for abolishing certain offices now appertaining thereto, *for quieting dormant claims, ascertaining and securing tenant rights*, and for the sale of all forest lands, and other lands, tenements, and hereditaments, held by his Majesty in right of the said Principality, or County Palatine of Chester, *and for applying the produce thereof to the public service*.”

3rd, “A bill for uniting to the crown the Duchy and County Palatine of Lancaster, for the suppression of unnecessary offices now belonging thereto, for the *ascertainment and security of tenant and other rights*, and for the sale of all rents, lands, tenements, and hereditaments, and forests, within the said Duchy and County Palatine, or either of them, *and for applying the produce thereof to the public service*.”

And it was ordered that Mr. Burke, Mr. Fox, Lord John Cavendish, Sir George Savile, Colonel Barré, Mr. Thomas Townshend, Mr. Byng, Mr. Dunning, Sir Joseph

Mawbey, Mr. Recorder of London, Sir Robert Clayton, Mr. Frederick Montagu, the Earl of Upper Ossory, Sir William Guise, and Mr. Gilbert do prepare and bring in the same.

At the same time, Mr. Burke moved for leave to bring in —

4th, “A bill for uniting the Duchy of Cornwall to the crown; for the suppression of certain unnecessary offices now belonging thereto; for the *ascertainment and security of tenant and other rights*; and for the sale of certain rents, lands, and tenements, within or belonging to the said Duchy; *and for applying the produce thereof to the public service.*”

But some objections being made by the Surveyor-General of the Duchy concerning the rights of the Prince of Wales, now in his minority, and Lord North remaining perfectly silent, Mr. Burke, at length, though he strongly contended against the principle of the objection, consented to withdraw this last motion *for the present*, to be renewed upon an early occasion.

**SPEECH AT THE GUILDHALL IN BRISTOL, PREVIOUS TO
THE LATE ELECTION IN THAT CITY, UPON CERTAIN
POINTS RELATIVE TO HIS PARLIAMENTARY CONDUCT.
1780.**

Mr. Mayor, and Gentlemen, — I am extremely pleased at the appearance of this large and respectable meeting. The steps I may be obliged to take will want the sanction of a considerable authority; and in explaining anything which may appear doubtful in my public conduct, I must naturally desire a very full audience.

I have been backward to begin my canvass. The dissolution of the Parliament was uncertain; and it did not become me, by an unseasonable importunity, to appear diffident of the effect of my six years' endeavors to please you. I had served the city of Bristol honorably, and the city of Bristol had no reason to think that the means of honorable service to the public were become indifferent to me.

I found, on my arrival here, that three gentlemen had been long in eager pursuit of an object which but two of us can obtain. I found that they had all met with encouragement. A contested election in such a city as this is no light thing. I paused on the brink of the precipice. These three gentlemen, by various merits, and on various titles, I made no doubt were worthy of your favor. I shall never attempt to raise myself by depreciating the merits of my competitors. In the complexity and confusion of these cross pursuits, I wished to take the authentic public sense of my friends upon a business of so much delicacy. I wished to take your opinion along with me, that, if I should give up the contest at the very beginning, my surrender of my post may not seem the effect of inconstancy, or timidity, or anger, or disgust, or indolence, or any other temper unbecoming a man who has engaged in the public service. If, on the contrary, I should undertake the election, and fail of success, I was full as anxious that it should be manifest to the whole world that the peace of the city had not been broken by my rashness, presumption, or fond conceit of my own merit.

I am not come, by a false and counterfeit show of deference to your judgment, to seduce it in my favor. I ask it seriously and unaffectedly. If you wish that I should retire, I shall not consider that advice as a censure upon my conduct, or an alteration in your sentiments, but as a rational submission to the circumstances of affairs. If, on the contrary, you should think it proper for me to proceed on my canvass, if you will risk the trouble on your part, I will risk it on mine. My pretensions are such as you cannot be ashamed of, whether they succeed or fail.

If you call upon me, I shall solicit the favor of the city upon manly ground. I come before you with the plain confidence of an honest servant in the equity of a candid and discerning master. I come to claim your approbation, not to amuse you

with vain apologies, or with professions still more vain and senseless. I have lived too long to be served by apologies, or to stand in need of them. The part I have acted has been in open day; and to hold out to a conduct which stands in that clear and steady light for all its good and all its evil, to hold out to that conduct the paltry winking tapers of excuses and promises, — I never will do it. They may obscure it with their smoke, but they never can illumine sunshine by such a flame as theirs.

I am sensible that no endeavors have been left untried to injure me in your opinion. But the use of character is to be a shield against calumny. I could wish, undoubtedly, (if idle wishes were not the most idle of all things,) to make every part of my conduct agreeable to every one of my constituents; but in so great a city, and so greatly divided as this, it is weak to expect it.

In such a discordancy of sentiments it is better to look to the nature of things than to the humors of men. The very attempt towards pleasing everybody discovers a temper always flashy, and often false and insincere. Therefore, as I have proceeded straight onward in my conduct, so I will proceed in my account of those parts of it which have been most excepted to. But I must first beg leave just to hint to you that we may suffer very great detriment by being open to every talker. It is not to be imagined how much of service is lost from spirits full of activity and full of energy, who are pressing, who are rushing forward, to great and capital objects, when you oblige them to be continually looking back. Whilst they are defending one service, they defraud you of an hundred. Applaud us when we run, console us when we fall, cheer us when we recover; but let us pass on, — for God's sake, let us pass on!

Do you think, Gentlemen, that every public act in the six years since I stood in this place before you, that all the arduous things which have been done in this eventful period which has crowded into a few years' space the revolutions of an age, can be opened to you on their fair grounds in half an hour's conversation?

But it is no reason, because there is a bad mode of inquiry, that there should be no examination at all. Most certainly it is our duty to examine; it is our interest, too: but it must be with discretion, with an attention to all the circumstances and to all the motives; like sound judges, and not like cavilling pettifoggers and quibbling pleaders, prying into flaws and hunting for exceptions. Look, Gentlemen, to the *whole tenor* of your member's conduct. Try whether his ambition or his avarice have justled him out of the straight line of duty, — or whether that grand foe of the offices of active life, that master vice in men of business, a degenerate and inglorious sloth, has made him flag and languish in his course. This is the object of our inquiry. If our member's conduct can bear this touch, mark it for sterling. He may have fallen into errors, he must have faults; but our error is greater, and our fault is radically ruinous to ourselves, if we do not bear, if we do not even applaud, the whole compound and mixed mass of such a character. Not to act thus is folly; I

had almost said it is impiety. He censures God who quarrels with the imperfections of man.

Gentlemen, we must not be peevish with those who serve the people; for none will serve us, whilst there is a court to serve, but those who are of a nice and jealous honor. They who think everything, in comparison of that honor, to be dust and ashes, will not bear to have it soiled and impaired by those for whose sake they make a thousand sacrifices to preserve it immaculate and whole. We shall either drive such men from the public stage, or we shall send them to the court for protection, where, if they must sacrifice their reputation, they will at least secure their interest. Depend upon it, that the lovers of freedom will be free. None will violate their conscience to please us, in order afterwards to discharge that conscience, which they have violated, by doing us faithful and affectionate service. If we degrade and deprave their minds by servility, it will be absurd to expect that they who are creeping and abject towards us will ever be bold and incorruptible assertors of our freedom against the most seducing and the most formidable of all powers. No! human nature is not so formed: nor shall we improve the faculties or better the morals of public men by our possession of the most infallible receipt in the world for making cheats and hypocrites.

Let me say, with plainness, I who am no longer in a public character, that, if, by a fair, by an indulgent, by a gentlemanly behavior to our representatives, we do not give confidence to their minds and a liberal scope to their understandings, if we do not permit our members to act upon a *very* enlarged view of things, we shall at length infallibly degrade our national representation into a confused and scuffling bustle of local agency. When the popular member is narrowed in his ideas and rendered timid in his proceedings, the service of the crown will be the sole nursery of statesmen. Among the frolics of the court, it may at length take that of attending to its business. Then the monopoly of mental power will be added to the power of all other kinds it possesses. On the side of the people there will be nothing but impotence: for ignorance is impotence; narrowness of mind is impotence; timidity is itself impotence, and makes all other qualities that go along with it impotent and useless.

At present it is the plan of the court to make its servants insignificant. If the people should fall into the same humor, and should choose their servants on the same principles of mere obsequiousness and flexibility and total vacancy or indifference of opinion in all public matters, then no part of the state will be sound, and it will be in vain to think of saving it.

I thought it very expedient at this time to give you this candid counsel; and with this counsel I would willingly close, if the matters which at various times have been objected to me in this city concerned only myself and my own election. These charges, I think, are four in number: my neglect of a due attention to my constituents, the not paying more frequent visits here; my conduct on the affairs of

the first Irish Trade Acts; my opinion and mode of proceeding on Lord Beauchamp's Debtors' Bills; and my votes on the late affairs of the Roman Catholics. All of these (except perhaps the first) relate to matters of very considerable public concern; and it is not lest you should censure me improperly, but lest you should form improper opinions on matters of some moment to you, that I trouble you at all upon the subject. My conduct is of small importance.

With regard to the first charge, my friends have spoken to me of it in the style of amicable expostulation, — not so much blaming the thing as lamenting the effects. Others, less partial to me, were less kind in assigning the motives. I admit, there is a decorum and propriety in a member of Parliament's paying a respectful court to his constituents. If I were conscious to myself that pleasure, or dissipation, or low, unworthy occupations had detained me from personal attendance on you, I would readily admit my fault, and quietly submit to the penalty. But, Gentlemen, I live at an hundred miles' distance from Bristol; and at the end of a session I come to my own house, fatigued in body and in mind, to a little repose, and to a very little attention to my family and my private concerns. A visit to Bristol is always a sort of canvass, else it will do more harm than good. To pass from the toils of a session to the toils of a canvass is the furthest thing in the world from repose. I could hardly serve you *as I have done*, and court you too. Most of you have heard that I do not very remarkably spare myself in *public* business; and in the *private* business of my constituents I have done very near as much as those who have nothing else to do. My canvass of you was not on the 'change, nor in the county meetings, nor in the clubs of this city: it was in the House of Commons; it was at the Custom-House; it was at the Council; it was at the Treasury; it was at the Admiralty. I canvassed you through your affairs, and not your persons. I was not only your representative as a body; I was the agent, the solicitor of individuals; I ran about wherever your affairs could call me; and in acting for you, I often appeared rather as a ship-broker than as a member of Parliament. There was nothing too laborious or too low for me to undertake. The meanness of the business was raised by the dignity of the object. If some lesser matters have slipped through my fingers, it was because I filled my hands too full, and, in my eagerness to serve you, took in more than any hands could grasp. Several gentlemen stand round me who are my willing witnesses; and there are others who, if they were here, would be still better, because they would be unwilling witnesses to the same truth. It was in the middle of a summer residence in London, and in the middle of a negotiation at the Admiralty for your trade, that I was called to Bristol; and this late visit, at this late day, has been possibly in prejudice to your affairs.

Since I have touched upon this matter, let me say, Gentlemen, that, if I had a disposition or a right to complain, I have some cause of complaint on my side. With a petition of this city in my hand, passed through the corporation without a dissenting voice, a petition in unison with almost the whole voice of the kingdom,

(with whose formal thanks I was covered over,) whilst I labored on no less than five bills for a public reform, and fought, against the opposition of great abilities and of the greatest power, every clause and every word of the largest of those bills, almost to the very last day of a very long session, — all this time a canvass in Bristol was as calmly carried on as if I were dead. I was considered as a man wholly out of the question. Whilst I watched and fasted and sweated in the House of Commons, by the most easy and ordinary arts of election, by dinners and visits, by “How do you dos,” and “My worthy friends,” I was to be quietly moved out of my seat, — and promises were made, and engagements entered into, without any exception or reserve, as if my laborious zeal in my duty had been a regular abdication of my trust.

To open my whole heart to you on this subject, I do confess, however, that there were other times, besides the two years in which I did visit you, when I was not wholly without leisure for repeating that mark of my respect. But I could not bring my mind to see you. You remember that in the beginning of this American war (that era of calamity, disgrace, and downfall, an era which no feeling mind will ever mention without a tear for England) you were greatly divided, — and a very strong body, if not the strongest, opposed itself to the madness which every art and every power were employed to render popular, in order that the errors of the rulers might be lost in the general blindness of the nation. This opposition continued until after our great, but most unfortunate victory at Long Island. Then all the mounds and banks of our constancy were borne down, at once, and the frenzy of the American war broke in upon us like a deluge. This victory, which seemed to put an immediate end to all difficulties, perfected us in that spirit of domination which our unparalleled prosperity had but too long nurtured. We had been so very powerful, and so very prosperous, that even the humblest of us were degraded into the vices and follies of kings. We lost all measure between means and ends; and our headlong desires became our politics and our morals. All men who wished for peace, or retained any sentiments of moderation, were overborne or silenced; and this city was led by every artifice (and probably with the more management because I was one of your members) to distinguish itself by its zeal for that fatal cause. In this temper of yours and of my mind, I should sooner have fled to the extremities of the earth than hate shown myself here. I, who saw in every American victory (for you have had a long series of these misfortunes) the germ and seed of the naval power of France and Spain, which all our heat and warmth against America was only hatching into life, — I should not have been a welcome visitant, with the brow and the language of such feelings. When afterwards the other face of your calamity was turned upon you, and showed itself in defeat and distress, I shunned you full as much. I felt sorely this variety in our wretchedness; and I did not wish to have the least appearance of insulting you with that show of superiority, which, though it may not be assumed, is generally suspected, in a time of calamity, from those

whose previous warnings have been despised. I could not bear to show you a representative whose face did not reflect that of his constituents, — a face that could not joy in your joys, and sorrow in your sorrows. But time at length has made us all of one opinion, and we have all opened our eyes on the true nature of the American war, — to the true nature of all its successes and all its failures.

In that public storm, too, I had my private feelings. I had seen blown down and prostrate on the ground several of those houses to whom I was chiefly indebted for the honor this city has done me. I confess, that, whilst the wounds of those I loved were yet green, I could not bear to show myself in pride and triumph in that place into which their partiality had brought me, and to appear at feasts and rejoicings in the midst of the grief and calamity of my warm friends, my zealous supporters, my generous benefactors. This is a true, unvarnished, undisguised state of the affair. You will judge of it.

This is the only one of the charges in which I am personally concerned. As to the other matters objected against me, which in their turn I shall mention to you, remember once more I do not mean to extenuate or excuse. Why should I, when the things charged are among those upon which I found all my reputation? What would be left to me, if I myself was the man who softened and blended and diluted and weakened all the distinguishing colors of my life, so as to leave nothing distinct and determinate in my whole conduct?

It has been said, and it is the second charge, that in the questions of the Irish trade I did not consult the interest of my constituents, — or, to speak out strongly, that I rather acted as a native of Ireland than as an English member of Parliament.

I certainly have very warm good wishes for the place of my birth. But the sphere of my duties is my true country. It was as a man attached to your interests, and zealous for the conservation of your power and dignity, that I acted on that occasion, and on all occasions. You were involved in the American war. A new world of policy was opened, to which it was necessary we should conform, whether we would or not; and my only thought was how to conform to our situation in such a manner as to unite to this kingdom, in prosperity and in affection, whatever remained of the empire. I was true to my old, standing, invariable principle, that all things which came from Great Britain should issue as a gift of her bounty and beneficence, rather than as claims recovered against a struggling litigant, — or at least, that, if your beneficence obtained no credit in your concessions, yet that they should appear the salutary provisions of your wisdom and foresight, not as things wrung from you with your blood by the cruel gripe of a rigid necessity. The first concessions, by being (much against my will) mangled and stripped of the parts which were necessary to make out their just correspondence and connection in trade, were of no use. The next year a feeble attempt was made to bring the thing into better shape. This attempt, (countenanced by the minister,) on the very first

appearance of some popular uneasiness, was, after a considerable progress through the House, thrown out by *him*.

What was the consequence? The whole kingdom of Ireland was instantly in a flame. Threatened by foreigners, and, as they thought, insulted by England, they resolved at once to resist the power of France and to cast off yours. As for us, we were able neither to protect nor to restrain them. Forty thousand men were raised and disciplined without commission from the crown. Two illegal armies were seen with banners displayed at the same time and in the same country. No executive magistrate, no judicature, in Ireland, would acknowledge the legality of the army which bore the king's commission; and no law, or appearance of law, authorized the army commissioned by itself. In this unexampled state of things, which the least error, the least trespass on the right or left, would have hurried down the precipice into an abyss of blood and confusion, the people of Ireland demand a freedom of trade with arms in their hands. They interdict all commerce between the two nations. They deny all new supply in the House of Commons, although in time of war. They stint the trust of the old revenue, given for two years to all the king's predecessors, to six months. The British Parliament, in a former session, frightened into a limited concession by the menaces of Ireland, frightened out of it by the menaces of England, was now frightened back again, and made an universal surrender of all that had been thought the peculiar, reserved, uncommunicable rights of England: the exclusive commerce of America, of Africa, of the West Indies, — all the enumerations of the Acts of Navigation, — all the manufactures, — iron, glass, even the last pledge of jealousy and pride, the interest hid in the secret of our hearts, the inveterate prejudice moulded into the constitution of our frame, even the sacred fleece itself, all went together. No reserve, no exception; no debate, no discussion. A sudden light broke in upon us all. It broke in, not through well-contrived and well-disposed windows, but through flaws and breaches, — through the yawning chasms of our ruin. We were taught wisdom by humiliation. No town in England presumed to have a prejudice, or dared to mutter a petition. What was worse, the whole Parliament of England, which retained authority for nothing but surrenders, was despoiled of every shadow of its superintendence. It was, without any qualification, denied in theory, as it had been trampled upon in practice. This scene of shame and disgrace has, in a manner, whilst I am speaking, ended by the perpetual establishment of a military power in the dominions of this crown, without consent of the British legislature, contrary to the policy of the Constitution, contrary to the Declaration of Right; and by this your liberties are swept away along with your supreme authority, — and both, linked together from the beginning, have, I am afraid, both together perished forever.

What! Gentlemen, was I not to foresee, or foreseeing, was I not to endeavor to save you from all these multiplied mischiefs and disgraces? Would the little, silly, canvass prattle of obeying instructions, and having no opinions but yours, and such

idle, senseless tales, which amuse the vacant ears of unthinking men, have saved you from “the pelting of that pitiless storm,” to which the loose improvidence, the cowardly rashness, of those who dare not look danger in the face so as to provide against it in time, and therefore throw themselves headlong into the midst of it, have exposed this degraded nation, beat down and prostrate on the earth, unsheltered, unarmed, unresisting? Was I an Irishman on that day that I boldly withstood our pride? or on the day that I hung down my head, and wept in shame and silence over the humiliation of Great Britain? I became unpopular in England for the one, and in Ireland for the other. What then? What obligation lay on me to be popular? I was bound to serve both kingdoms. To be pleased with my service was their affair, not mine.

I was an Irishman in the Irish business, just as much as I was an American, when, on the same principles, I wished you to concede to America at a time when she prayed concession at our feet. Just as much was I an American, when I wished Parliament to offer terms in victory, and not to wait the well-chosen hour of defeat, for making good by weakness and by supplication a claim of prerogative, preëminence, and authority.

Instead of requiring it from me, as a point of duty, to kindle with your passions, had you all been as cool as I was, you would have been saved disgraces and distresses that are unutterable. Do you remember our commission? We sent out a solemn embassy across the Atlantic Ocean, to lay the crown, the peerage, the commons of Great Britain at the feet of the American Congress. That our disgrace might want no sort of brightening and burnishing, observe who they were that composed this famous embassy. My Lord Carlisle is among the first ranks of our nobility. He is the identical man who, but two years before, had been put forward, at the opening of a session, in the House of Lords, as the mover of an haughty and rigorous address against America. He was put in the front of the embassy of submission. Mr. Eden was taken from the office of Lord Suffolk, to whom he was then Under-Secretary of State, — from the office of that Lord Suffolk who but a few weeks before, in his place in Parliament, did not deign to inquire where a congress of vagrants was to be found. This Lord Suffolk sent Mr. Eden to find these vagrants, without knowing where his king’s generals were to be found who were joined in the same commission of supplicating those whom they were sent to subdue. They enter the capital of America only to abandon it; and these assertors and representatives of the dignity of England, at the tail of a flying army, let fly their Parthian shafts of memorials and remonstrances at random behind them. Their promises and their offers, their flatteries and their menaces, were all despised; and we were saved the disgrace of their formal reception only because the Congress scorned to receive them; whilst the State-house of independent Philadelphia opened her doors to the public entry of the ambassador of France. From war and blood we went to submission, and from submission plunged back again to war and blood, to

desolate and be desolated, without measure, hope, or end. I am a Royalist: I blushed for this degradation of the crown. I am a Whig: I blushed for the dishonor of Parliament. I am a true Englishman: I felt to the quick for the disgrace of England. I am a man: I felt for the melancholy reverse of human affairs in the fall of the first power in the world.

To read what was approaching in Ireland, in the black and bloody characters of the American war, was a painful, but it was a necessary part of my public duty. For, Gentlemen, it is not your fond desires or mine that can alter the nature of things; by contending against which, what have we got, or shall ever get, but defeat and shame? I did not obey your instructions. No. I conformed to the instructions of truth and Nature, and maintained your interest, against your opinions, with a constancy that became me. A representative worthy of you ought to be a person of stability. I am to look, indeed, to your opinions, — but to such opinions as you and I *must* have five years hence. I was not to look to the flash of the day. I knew that you chose me, in my place, along with others, to be a pillar of the state, and not a weathercock on the top of the edifice, exalted for my levity and versatility, and of no use but to indicate the shiftings of every fashionable gale. Would to God the value of my sentiments on Ireland and on America had been at this day a subject of doubt and discussion! No matter what my sufferings had been, so that this kingdom had kept the authority I wished it to maintain, by a grave foresight, and by an equitable temperance in the use of its power.

The next article of charge on my public conduct, and that which I find rather the most prevalent of all, is Lord Beauchamp's bill: I mean his bill of last session, for reforming the law-process concerning imprisonment. It is said, to aggravate the offence, that I treated the petition of this city with contempt even in presenting it to the House, and expressed myself in terms of marked disrespect. Had this latter part of the charge been true, no merits on the side of the question which I took could possibly excuse me. But I am incapable of treating this city with disrespect. Very fortunately, at this minute, (if my bad eyesight does not deceive me,) the worthy gentleman deputed on this business stands directly before me. To him I appeal, whether I did not, though it militated with my oldest and my most recent public opinions, deliver the petition with a strong and more than usual recommendation to the consideration of the House, on account of the character and consequence of those who signed it. I believe the worthy gentleman will tell you, that, the very day I received it, I applied to the Solicitor, now the Attorney General, to give it an immediate consideration; and he most obligingly and instantly consented to employ a great deal of his very valuable time to write an explanation of the bill. I attended the committee with all possible care and diligence, in order that every objection of yours might meet with a solution, or produce an alteration. I entreated your learned recorder (always ready in business in which you take a concern) to attend. But what will you say to those who blame me for supporting Lord Beauchamp's bill, as a

disrespectful treatment of your petition, when you hear, that, out of respect to you, I myself was the cause of the loss of that very bill? For the noble lord who brought it in, and who, I must say, has much merit for this and some other measures, at my request consented to put it off for a week, which the Speaker's illness lengthened to a fortnight; and then the frantic tumult about Popery drove that and every rational business from the House. So that, if I chose to make a defence of myself, on the little principles of a culprit, pleading in his exculpation, I might not only secure my acquittal, but make merit with the opposers of the bill. But I shall do no such thing. The truth is, that I did occasion the loss of the bill, and by a delay caused by my respect to you. But such an event was never in my contemplation. And I am so far from taking credit for the defeat of that measure, that I cannot sufficiently lament my misfortune, if but one man, who ought to be at large, has passed a year in prison by my means. I am a debtor to the debtors. I confess judgment. I owe what, if ever it be in my power, I shall most certainly pay, — ample atonement and usurious amends to liberty and humanity for my unhappy lapse. For, Gentlemen, Lord Beauchamp's bill was a law of justice and policy, as far as it went: I say, as far as it went; for its fault was its being in the remedial part miserably defective.

There are two capital faults in our law with relation to civil debts. One is, that every man is presumed solvent: a presumption, in innumerable cases, directly against truth. Therefore the debtor is ordered, on a supposition of ability and fraud, to be coerced his liberty until he makes payment. By this means, in all cases of civil insolvency, without a pardon from his creditor, he is to be imprisoned for life; and thus a miserable mistaken invention of artificial science operates to change a civil into a criminal judgment, and to scourge misfortune or indiscretion with a punishment which the law does not inflict on the greatest crimes.

The next fault is, that the inflicting of that punishment is not on the opinion of an equal and public judge, but is referred to the arbitrary discretion of a private, nay, interested, and irritated, individual. He, who formally is, and substantially ought to be, the judge, is in reality no more than ministerial, a mere executive instrument of a private man, who is at once judge and party. Every idea of judicial order is subverted by this procedure. If the insolvency be no crime, why is it punished with arbitrary imprisonment? If it be a crime, why is it delivered into private hands to pardon without discretion, or to punish without mercy and without measure?

To these faults, gross and cruel faults in our law, the excellent principle of Lord Beauchamp's bill applied some sort of remedy. I know that credit must be preserved: but equity must be preserved, too; and it is impossible that anything should be necessary to commerce which is inconsistent with justice. The principle of credit was not weakened by that bill. God forbid! The enforcement of that credit was only put into the same public judicial hands on which we depend for our lives and all that makes life dear to us. But, indeed, this business was taken up too warmly, both here and elsewhere. The bill was extremely mistaken. It was supposed

to enact what it never enacted; and complaints were made of clauses in it, as novelties, which existed before the noble lord that brought in the bill was born. There was a fallacy that ran through the whole of the objections. The gentlemen who opposed the bill always argued as if the option lay between that bill and the ancient law. But this is a grand mistake. For, practically, the option is between not that bill and the old law, but between that bill and those occasional laws called acts of grace. For the operation of the old law is so savage, and so inconvenient to society, that for a long time past, once in every Parliament, and lately twice, the legislature has been obliged to make a general arbitrary jail-delivery, and at once to set open, by its sovereign authority, all the prisons in England.

Gentlemen, I never relished acts of grace, nor ever submitted to them but from despair of better. They are a dishonorable invention, by which, not from humanity, not from policy, but merely because we have not room enough to hold these victims of the absurdity of our laws, we turn loose upon the public three or four thousand naked wretches, corrupted by the habits, debased by the ignominy of a prison. If the creditor had a right to those carcasses as a natural security for his property, I am sure we have no right to deprive him of that security. But if the few pounds of flesh were not necessary to his security, we had not a right to detain the unfortunate debtor, without any benefit at all to the person who confined him. Take it as you will, we commit injustice. Now Lord Beauchamp's bill intended to do deliberately, and with great caution and circumspection, upon each several case, and with all attention to the just claimant, what acts of grace do in a much greater measure, and with very little care, caution, or deliberation.

I suspect that here, too, if we contrive to oppose this bill, we shall be found in a struggle against the nature of things. For, as we grow enlightened, the public will not bear, for any length of time, to pay for the maintenance of whole armies of prisoners, nor, at their own expense, submit to keep jails as a sort of garrisons, merely to fortify the absurd principle of making men judges in their own cause. For credit has little or no concern in this cruelty. I speak in a commercial assembly. You know that credit is given because capital *must* be employed; that men calculate the chances of insolvency; and they either withhold the credit, or make the debtor pay the risk in the price. The counting-house has no alliance with the jail. Holland understands trade as well as we, and she has done much more than this obnoxious bill intended to do. There was not, when Mr. Howard visited Holland, more than one prisoner for debt in the great city of Rotterdam. Although Lord Beauchamp's act (which was previous to this bill, and intended to feel the way for it) has already preserved liberty to thousands, and though it is not three years since the last act of grace passed, yet, by Mr. Howard's last account, there were near three thousand again in jail. I cannot name this gentleman without remarking that his labors and writings have done much to open the eyes and hearts of mankind. He has visited all Europe, — not to survey the sumptuousness of palaces or the stateliness of temples,

not to make accurate measurements of the remains of ancient grandeur nor to form a scale of the curiosity of modern art, not to collect medals or collate manuscripts, — but to dive into the depths of dungeons, to plunge into the infection of hospitals, to survey the mansions of sorrow and pain, to take the gauge and dimensions of misery, depression, and contempt, to remember the forgotten, to attend to the neglected, to visit the forsaken, and to compare and collate the distresses of all men in all countries. His plan is original; and it is as full of genius as it is of humanity. It was a voyage of discovery, a circumnavigation of charity. Already the benefit of his labor is felt more or less in every country; I hope he will anticipate his final reward by seeing all its effects fully realized in his own. He will receive, not by retail, but in gross, the reward of those who visit the prisoner; and he has so forestalled and monopolized this branch of charity, that there will be, I trust, little room to merit by such acts of benevolence hereafter.

Nothing now remains to trouble you with but the fourth charge against me, — the business of the Roman Catholics. It is a business closely connected with the rest. They are all on one and the same principle. My little scheme of conduct, such as it is, is all arranged. I could do nothing but what I have done on this subject, without confounding the whole train of my ideas and disturbing the whole order of my life. Gentlemen, I ought to apologize to you for seeming to think anything at all necessary to be said upon this matter. The calumny is fitter to be scrawled with the midnight chalk of incendiaries, with “No Popery,” on walls and doors of devoted houses, than to be mentioned in any civilized company. I had heard that the spirit of discontent on that subject was very prevalent here. With pleasure I find that I have been grossly misinformed. If it exists at all in this city, the laws have crushed its exertions, and our morals have shamed its appearance in daylight. I have pursued this spirit wherever I could trace it; but it still fled from me. It was a ghost which all had heard of, but none had seen. None would acknowledge that he thought the public proceeding with regard to our Catholic dissenters to be blamable; but several were sorry it had made an ill impression upon others, and that my interest was hurt by my share in the business. I find with satisfaction and pride, that not above four or five in this city (and I dare say these misled by some gross misrepresentation) have signed that symbol of delusion and bond of sedition, that libel on the national religion and English character, the Protestant Association. It is, therefore, Gentlemen, not by way of cure, but of prevention, and lest the arts of wicked men may prevail over the integrity of any one amongst us, that I think it necessary to open to you the merits of this transaction pretty much at large; and I beg your patience upon it: for, although the reasonings that have been used to depreciate the act are of little force, and though the authority of the men concerned in this ill design is not very imposing, yet the audaciousness of these conspirators against the national honor, and the extensive wickedness of their attempts, have raised persons

of little importance to a degree of evil eminence, and imparted a sort of sinister dignity to proceedings that had their origin in only the meanest and blindest malice.

In explaining to you the proceedings of Parliament which have been complained of, I will state to you, — first, the thing that was done, — next, the persons who did it, — and lastly, the grounds and reasons upon which the legislature proceeded in this deliberate act of public justice and public prudence.

Gentlemen, the condition of our nature is such that we buy our blessings at a price. The Reformation, one of the greatest periods of human improvement, was a time of trouble and confusion. The vast structure of superstition and tyranny which had been for ages in rearing, and which was combined with the interest of the great and of the many, which was moulded into the laws, the manners, and civil institutions of nations, and blended with the frame and policy of states, could not be brought to the ground without a fearful struggle; nor could it fall without a violent concussion of itself and all about it. When this great revolution was attempted in a more regular mode by government, it was opposed by plots and seditions of the people; when by popular efforts, it was repressed as rebellion by the hand of power; and bloody executions (often bloodily returned) marked the whole of its progress through all its stages. The affairs of religion, which are no longer heard of in the tumult of our present contentions, made a principal ingredient in the wars and politics of that time: the enthusiasm of religion threw a gloom over the politics; and political interests poisoned and perverted the spirit of religion upon all sides. The Protestant religion, in that violent struggle, infected, as the Popish had been before, by worldly interests and worldly passions, became a persecutor in its turn, sometimes of the new sects, which carried their own principles further than it was convenient to the original reformers, and always of the body from whom they parted: and this persecuting spirit arose, not only from the bitterness of retaliation, but from the merciless policy of fear.

It was long before the spirit of true piety and true wisdom, involved in the principles of the Reformation, could be depurated from the dregs and feculence of the contention with which it was carried through. However, until this be done, the Reformation is not complete: and those who think themselves good Protestants, from their animosity to others, are in that respect no Protestants at all. It was at first thought necessary, perhaps, to oppose to Popery another Popery, to get the better of it. Whatever was the cause, laws were made in many countries, and in this kingdom in particular, against Papists, which are as bloody as any of those which had been enacted by the Popish princes and states: and where those laws were not bloody, in my opinion, they were worse; as they were slow, cruel outrages on our nature, and kept men alive only to insult in their persons every one of the rights and feelings of humanity. I pass those statutes, because I would spare your pious ears the repetition of such shocking things; and I come to that particular law the repeal of which has produced so many unnatural and unexpected consequences.

A statute was fabricated in the year 1699, by which the saying mass (a church service in the Latin tongue, not exactly the same as our liturgy, but very near it, and containing no offence whatsoever against the laws, or against good morals) was forged into a crime, punishable with perpetual imprisonment. The teaching school, an useful and virtuous occupation, even the teaching in a private family, was in every Catholic subjected to the same unproportioned punishment. Your industry, and the bread of your children, was taxed for a pecuniary reward to stimulate avarice to do what Nature refused, to inform and prosecute on this law. Every Roman Catholic was, under the same act, to forfeit his estate to his nearest Protestant relation, until, through a profession of what he did not believe, he redeemed by his hypocrisy what the law had transferred to the kinsman as the recompense of his profligacy. When thus turned out of doors from his paternal estate, he was disabled from acquiring any other by any industry, donation, or charity; but was rendered a foreigner in his native land, only because he retained the religion, along with the property, handed down to him from those who had been the old inhabitants of that land before him.

Does any one who hears me approve this scheme of things, or think there is common justice, common sense, or common honesty in any part of it? If any does, let him say it, and I am ready to discuss the point with temper and candor. But instead of approving, I perceive a virtuous indignation beginning to rise in your minds on the mere cold stating of the statute.

But what will you feel, when you know from history how this statute passed, and what were the motives, and what the mode of making it? A party in this nation, enemies to the system of the Revolution, were in opposition to the government of King William. They knew that our glorious deliverer was an enemy to all persecution. They knew that he came to free us from slavery and Popery, out of a country where a third of the people are contented Catholics under a Protestant government. He came with a part of his army composed of those very Catholics, to upset the power of a Popish prince. Such is the effect of a tolerating spirit; and so much is liberty served in every way, and by all persons, by a manly adherence to its own principles. Whilst freedom is true to itself, everything becomes subject to it, and its very adversaries are an instrument in its hands.

The party I speak of (like some amongst us who would disparage the best friends of their country) resolved to make the king either violate his principles of toleration or incur the odium of protecting Papists. They therefore brought in this bill, and made it purposely wicked and absurd that it might be rejected. The then court party, discovering their game, turned the tables on them, and returned their bill to them stuffed with still greater absurdities, that its loss might lie upon its original authors. They, finding their own ball thrown back to them, kicked it back again to their adversaries. And thus this act, loaded with the double injustice of two parties, neither of whom intended to pass what they hoped the other would be persuaded to

reject, went through the legislature, contrary to the real wish of all parts of it, and of all the parties that composed it. In this manner these insolent and profligate factions, as if they were playing with balls and counters, made a sport of the fortunes and the liberties of their fellow-creatures. Other acts of persecution have been acts of malice. This was a subversion of justice from wantonness and petulance. Look into the history of Bishop Burnet. He is a witness without exception.

The effects of the act have been as mischievous as its origin was ludicrous and shameful. From that time, every person of that communion, lay and ecclesiastic, has been obliged to fly from the face of day. The clergy, concealed in garrets of private houses, or obliged to take a shelter (hardly safe to themselves, but infinitely dangerous to their country) under the privileges of foreign ministers, officiated as their servants and under their protection. The whole body of the Catholics, condemned to beggary and to ignorance in their native land, have been obliged to learn the principles of letters, at the hazard of all their other principles, from the charity of your enemies. They have been taxed to their ruin at the pleasure of necessitous and profligate relations, and according to the measure of their necessity and profligacy. Examples of this are many and affecting. Some of them are known by a friend who stands near me in this hall. It is but six or seven years since a clergyman, of the name of Malony, a man of morals, neither guilty nor accused of anything noxious to the state, was condemned to perpetual imprisonment for exercising the functions of his religion; and after lying in jail two or three years, was relieved by the mercy of government from perpetual imprisonment, on condition of perpetual banishment. A brother of the Earl of Shrewsbury, a Talbot, a name respectable in this country whilst its glory is any part of its concern, was hauled to the bar of the Old Bailey, among common felons, and only escaped the same doom, either by some error in the process, or that the wretch who brought him there could not correctly describe his person, — I now forget which. In short, the persecution would never have relented for a moment, if the judges, superseding (though with an ambiguous example) the strict rule of their artificial duty by the higher obligation of their conscience, did not constantly throw every difficulty in the way of such informers. But so ineffectual is the power of legal evasion against legal iniquity, that it was but the other day that a lady of condition, beyond the middle of life, was on the point of being stripped of her whole fortune by a near relation to whom she had been a friend and benefactor; and she must have been totally ruined, without a power of redress or mitigation from the courts of law, had not the legislature itself rushed in, and by a special act of Parliament rescued her from the injustice of its own statutes. One of the acts authorizing such things was that which we in part repealed, knowing what our duty was, and doing that duty as men of honor and virtue, as good Protestants, and as good citizens. Let him stand forth that disapproves what we have done!

Gentlemen, bad laws are the worst sort of tyranny. In such a country as this they are of all bad things the worst, — worse by far than anywhere else; and they derive a particular malignity even from the wisdom and soundness of the rest of our institutions. For very obvious reasons you cannot trust the crown with a dispensing power over any of your laws. However, a government, be it as bad as it may, will, in the exercise of a discretionary power, discriminate times and persons, and will not ordinarily pursue any man, when its own safety is not concerned. A mercenary informer knows no distinction. Under such a system, the obnoxious people are slaves not only to the government, but they live at the mercy of every individual; they are at once the slaves of the whole community and of every part of it; and the worst and most unmerciful men are those on whose goodness they most depend.

In this situation, men not only shrink from the frowns of a stern magistrate, but they are obliged to fly from their very species. The seeds of destruction are sown in civil intercourse, in social habitudes. The blood of wholesome kindred is infected. Their tables and beds are surrounded with snares. All the means given by Providence to make life safe and comfortable are perverted into instruments of terror and torment. This species of universal subserviency, that makes the very servant who waits behind your chair the arbiter of your life and fortune, has such a tendency to degrade and abase mankind, and to deprive them of that assured and liberal state of mind which alone can make us what we ought to be, that I vow to God I would sooner bring myself to put a man to immediate death for opinions I disliked, and so to get rid of the man and his opinions at once, than to fret him with a feverish being, tainted with the jail-distemper of a contagious servitude, to keep him above ground an animated mass of putrefaction, corrupted himself, and corrupting all about him.

The act repealed was of this direct tendency; and it was made in the manner which I have related to you. I will now tell you by whom the bill of repeal was brought into Parliament. I find it has been industriously given out in this city (from kindness to me, unquestionably) that I was the mover or the seconder. The fact is, I did not once open my lips on the subject during the whole progress of the bill. I do not say this as disclaiming my share in that measure. Very far from it. I inform you of this fact, lest I should seem to arrogate to myself the merits which belong to others. To have been the man chosen out to redeem our fellow-citizens from slavery, to purify our laws from absurdity and injustice, and to cleanse our religion from the blot and stain of persecution, would be an honor and happiness to which my wishes would undoubtedly aspire, but to which nothing but my wishes could possibly have entitled me. That great work was in hands in every respect far better qualified than mine. The mover of the bill was Sir George Savile.

When an act of great and signal humanity was to be done, and done with all the weight and authority that belonged to it, the world could cast its eyes upon none but him. I hope that few things which have a tendency to bless or to adorn life have

wholly escaped my observation in my passage through it. I have sought the acquaintance of that gentleman, and have seen him in all situations. He is a true genius; with an understanding vigorous, and acute, and refined, and distinguishing even to excess; and illuminated with a most unbounded, peculiar, and original cast of imagination. With these he possesses many external and instrumental advantages; and he makes use of them all. His fortune is among the largest, — a fortune which, wholly unincumbered as it is with one single charge from luxury, vanity, or excess, sinks under the benevolence of its dispenser. This private benevolence, expanding itself into patriotism, renders his whole being the estate of the public, in which he has not reserved a *peculium* for himself of profit, diversion, or relaxation. During the session the first in and the last out of the House of Commons, he passes from the senate to the camp; and seldom seeing the seat of his ancestors, he is always in Parliament to serve his country or in the field to defend it. But in all well-wrought compositions some particulars stand out more eminently than the rest; and the things which will carry his name to posterity are his two bills: I mean that for a limitation of the claims of the crown upon landed estates, and this for the relief of the Roman Catholics. By the former he has emancipated property; by the latter he has quieted conscience; and by both he has taught that grand lesson to government and subject, — no longer to regard each other as adverse parties.

Such was the mover of the act that is complained of by men who are not quite so good as he is, — an act most assuredly not brought in by him from any partiality to that sect which is the object of it. For among his faults I really cannot help reckoning a greater degree of prejudice against that people than becomes so wise a man. I know that he inclines to a sort of disgust, mixed with a considerable degree of asperity, to the system; and he has few, or rather no habits with any of its professors. What he has done was on quite other motives. The motives were these, which he declared in his excellent speech on his motion for the bill: namely, his extreme zeal to the Protestant religion, which he thought utterly disgraced by the act of 1699; and his rooted hatred to all kind of oppression, under any color, or upon any pretence whatsoever.

The seconder was worthy of the mover and the motion. I was not the seconder; it was Mr. Dunning, recorder of this city. I shall say the less of him because his near relation to you makes you more particularly acquainted with his merits. But I should appear little acquainted with them, or little sensible of them, if I could utter his name on this occasion without expressing my esteem for his character. I am not afraid of offending a most learned body, and most jealous of its reputation for that learning, when I say he is the first of his profession. It is a point settled by those who settle everything else; and I must add (what I am enabled to say from my own long and close observation) that there is not a man, of any profession, or in any situation, of a more erect and independent spirit, of a more proud honor, a more manly mind, a more firm and determined integrity. Assure yourselves, that the

names of two such men will bear a great load of prejudice in the other scale before they can be entirely outweighed.

With this mover and this seconder agreed the *whole* House of Commons, the *whole* House of Lords, the *whole* Bench of Bishops, the king, the ministry, the opposition, all the distinguished clergy of the Establishment, all the eminent lights (for they were consulted) of the dissenting churches. This according voice of national wisdom ought to be listened to with reverence. To say that all these descriptions of Englishmen unanimously concurred in a scheme for introducing the Catholic religion, or that none of them understood the nature and effects of what they were doing so well as a few obscure clubs of people whose names you never heard of, is shamelessly absurd. Surely it is paying a miserable compliment to the religion we profess, to suggest that everything eminent in the kingdom is indifferent or even adverse to that religion, and that its security is wholly abandoned to the zeal of those who have nothing but their zeal to distinguish them. In weighing this unanimous concurrence of whatever the nation has to boast of, I hope you will recollect that all these concurring parties do by no means love one another enough to agree in any point which was not both evidently and importantly right.

To prove this, to prove that the measure was both clearly and materially proper, I will next lay before you (as I promised) the political grounds and reasons for the repeal of that penal statute, and the motives to its repeal at that particular time.

Gentlemen, America — When the English nation seemed to be dangerously, if not irrecoverably divided, — when one, and that the most growing branch, was torn from the parent stock, and ingrafted on the power of France, a great terror fell upon this kingdom. On a sudden we awakened from our dreams of conquest, and saw ourselves threatened with an immediate invasion, which we were at that time very ill prepared to resist. You remember the cloud that gloomed over us all. In that hour of our dismay, from the bottom of the hiding-places into which the indiscriminate rigor of our statutes had driven them, came out the body of the Roman Catholics. They appeared before the steps of a tottering throne, with one of the most sober, measured, steady, and dutiful addresses that was ever presented to the crown. It was no holiday ceremony, no anniversary compliment of parade and show. It was signed by almost every gentleman of that persuasion, of note or property, in England. At such a crisis, nothing but a decided resolution to stand or fall with their country could have dictated such an address, the direct tendency of which was to cut off all retreat, and to render them peculiarly obnoxious to an invader of their own communion. The address showed what I long languished to see, that all the subjects of England had cast off all foreign views and connections, and that every man looked for his relief from every grievance at the hands only of his own natural government.

It was necessary, on our part, that the natural government should show itself worthy of that name. It was necessary, at the crisis I speak of, that the supreme

power of the state should meet the conciliatory dispositions of the subject. To delay protection would be to reject allegiance. And why should it be rejected, or even coldly and suspiciously received? If any independent Catholic state should choose to take part with this kingdom in a war with France and Spain, that bigot (if such a bigot could be found) would be heard with little respect, who could dream of objecting his religion to an ally whom the nation would not only receive with its freest thanks, but purchase with the last remains of its exhausted treasure. To such an ally we should not dare to whisper a single syllable of those base and invidious topics upon which some unhappy men would persuade the state to reject the duty and allegiance of its own members. Is it, then, because foreigners are in a condition to set our malice at defiance, that with *them* we are willing to contract engagements of friendship, and to keep them with fidelity and honor, but that, because we conceive some descriptions of our countrymen are not powerful enough to punish our malignity, we will not permit them to support our common interest? Is it on that ground that our anger is to be kindled by their offered kindness? Is it on that ground that they are to be subjected to penalties, because they are willing by actual merit to purge themselves from imputed crimes? Lest by an adherence to the cause of their country they should acquire a title to fair and equitable treatment, are we resolved to furnish them with causes of eternal enmity, and rather supply them with just and founded motives to disaffection than not to have that disaffection in existence to justify an oppression which, not from policy, but disposition, we have predetermined to exercise?

What shadow of reason could be assigned, why, at a time when the most Protestant part of this Protestant empire found it for its advantage to unite with the two principal Popish states, to unite itself in the closest bonds with France and Spain, for our destruction, that we should refuse to unite with our own Catholic countrymen for our own preservation? Ought we, like madmen, to tear off the plasters that the lenient hand of prudence had spread over the wounds and gashes which in our delirium of ambition we had given to our own body? No person ever reprobated the American war more than I did, and do, and ever shall. But I never will consent that we should lay additional, voluntary penalties on ourselves, for a fault which carries but too much of its own punishment in its own nature. For one, I was delighted with the proposal of internal peace. I accepted the blessing with thankfulness and transport. I was truly happy to find *one* good effect of our civil distractions: that they had put an end to all religious strife and heart-burning in our own bowels. What must be the sentiments of a man who would wish to perpetuate domestic hostility when the causes of dispute are at an end, and who, crying out for peace with one part of the nation on the most humiliating terms, should deny it to those who offer friendship without any terms at all?

But if I was unable to reconcile such a denial to the contracted principles of local duty, what answer could I give to the broad claims of general humanity? I confess

to you freely, that the sufferings and distresses of the people of America in this cruel war have at times affected me more deeply than I can express. I felt every gazette of triumph as a blow upon my heart, which has an hundred times sunk and fainted within me at all the mischiefs brought upon those who bear the whole brunt of war in the heart of their country. Yet the Americans are utter strangers to me; a nation among whom I am not sure that I have a single acquaintance. Was I to suffer my mind to be so unaccountably warped, was I to keep such iniquitous weights and measures of temper and of reason, as to sympathize with those who are in open rebellion against an authority which I respect, at war with a country which by every title ought to be, and is, most dear to me, — and yet to have no feeling at all for the hardships and indignities suffered by men who by their very vicinity are bound up in a nearer relation to us, who contribute their share, and more than their share, to the common prosperity, who perform the common offices of social life, and who obey the laws, to the full as well as I do? Gentlemen, the danger to the state being out of the question, (of which, let me tell you, statesmen themselves are apt to have but too exquisite a sense,) I could assign no one reason of justice, policy, or feeling, for not concurring most cordially, as most cordially I did concur, in softening some part of that shameful servitude under which several of my worthy fellow-citizens were groaning.

Important effects followed this act of wisdom. They appeared at home and abroad, to the great benefit of this kingdom, and, let me hope, to the advantage of mankind at large. It betokened union among ourselves. It showed soundness, even on the part of the persecuted, which generally is the weak side of every community. But its most essential operation was not in England. The act was immediately, though very imperfectly, copied in Ireland; and this imperfect transcript of an imperfect act, this first faint sketch of toleration, which did little more than disclose a principle and mark out a disposition, completed in a most wonderful manner the reunion to the state of all the Catholics of that country. It made us what we ought always to have been, one family, one body, one heart and soul, against the family combination and all other combinations of our enemies. We have, indeed, obligations to that people, who received such small benefits with so much gratitude, and for which gratitude and attachment to us I am afraid they have suffered not a little in other places.

I dare say you have all hoard of the privileges indulged to the Irish Catholics residing in Spain. You have likewise heard with what circumstances of severity they have been lately expelled from the seaports of that kingdom, driven into the inland cities, and there detained as a sort of prisoners of state. I have good reason to believe that it was the zeal to our government and our cause (somewhat indiscreetly expressed in one of the addresses of the Catholics of Ireland) which has thus drawn down on their heads the indignation of the court of Madrid, to the inexpressible loss of several individuals, and, in future, perhaps to the great detriment of the whole of

their body. Now that our people should be persecuted in Spain for their attachment to this country, and persecuted in this country for their supposed enmity to us, is such a jarring reconciliation of contradictory distresses, is a thing at once so dreadful and ridiculous, that no malice short of diabolical would wish to continue any human creatures in such a situation. But honest men will not forget either their merit or their sufferings. There are men (and many, I trust, there are) who, out of love to their country and their kind, would torture their invention to find excuses for the mistakes of their brethren, and who, to stifle dissension, would construe even doubtful appearances with the utmost favor: such men will never persuade themselves to be ingenious and refined in discovering disaffection and treason in the manifest, palpable signs of suffering loyalty. Persecution is so unnatural to them, that they gladly snatch the very first opportunity of laying aside all the tricks and devices of penal politics, and of returning home, after all their irksome and vexatious wanderings, to our natural family mansion, to the grand social principle that unites all men, in all descriptions, under the shadow of an equal and impartial justice.

Men of another sort, I mean the bigoted enemies to liberty, may, perhaps, in their politics, make no account of the good or ill affection of the Catholics of England, who are but an handful of people, (enough to torment, but not enough to fear,) perhaps not so many, of both sexes and of all ages, as fifty thousand. But, Gentlemen, it is possible you may not know that the people of that persuasion in Ireland amount at least to sixteen or seventeen hundred thousand souls. I do not at all exaggerate the number. A *nation* to be persecuted! Whilst we were masters of the sea, embodied with America, and in alliance with half the powers of the Continent, we might, perhaps, in that remote corner of Europe, afford to tyrannize with impunity. But there is a revolution in our affairs, which makes it prudent to be just. In our late awkward contest with Ireland about trade, had religion been thrown in, to ferment and embitter the mass of discontents, the consequences might have been truly dreadful. But, very happily, that cause of quarrel was previously quieted by the wisdom of the acts I am commending.

Even in England, where I admit the danger from the discontent of that persuasion to be less than in Ireland, yet even here, had we listened to the counsels of fanaticism and folly, we might have wounded ourselves very deeply, and wounded ourselves in a very tender part. You are apprised that the Catholics of England consist mostly of our best manufacturers. Had the legislature chosen, instead of returning their declarations of duty with correspondent good-will, to drive them to despair, there is a country at their very door to which they would be invited, — a country in all respects as good as ours, and with the finest cities in the world ready built to receive them. And thus the bigotry of a free country, and in an enlightened age, would have re-peopled the cities of Flanders, which, in the darkness of two hundred years ago, had been desolated by the superstition of a cruel tyrant. Oar

manufactures were the growth of the persecutions in the Low Countries. What a spectacle would it be to Europe, to see us at this time of day balancing the account of tyranny with those very countries, and by our persecutions driving back trade and manufacture, as a sort of vagabonds, to their original settlement! But I trust we shall be saved this last of disgraces.

So far as to the effect of the act on the interests of this nation. With regard to the interests of mankind at large, I am sure the benefit was very considerable. Long before this act, indeed, the spirit of toleration began to gain ground in Europe. In Holland the third part of the people are Catholics; they live at ease, and are a sound part of the state. In many parts of Germany, Protestants and Papists partake the same cities, the same councils, and even the same churches. The unbounded liberality of the king of Prussia's conduct on this occasion is known to all the world; and it is of a piece with the other grand maxims of his reign. The magnanimity of the Imperial court, breaking through the narrow principles of its predecessors, has indulged its Protestant subjects, not only with property, with worship, with liberal education, but with honors and trusts, both civil and military. A worthy Protestant gentleman of this country now fills, and fills with credit, an high office in the Austrian Netherlands. Even the Lutheran obstinacy of Sweden has thawed at length, and opened a toleration to all religions. I know, myself, that in France the Protestants begin to be at rest. The army, which in that country is everything, is open to them; and some of the military rewards and decorations which the laws deny are supplied by others, to make the service acceptable and honorable. The first minister of finance in that country is a Protestant. Two years' war without a tax is among the first fruits of their liberality. Tarnished as the glory of this nation is, and far as it has waded into the shades of an eclipse, some beams of its former illumination still play upon its surface; and what is done in England is still looked to, as argument, and as example. It is certainly true, that no law of this country ever met with such universal applause abroad, or was so likely to produce the perfection of that tolerating spirit which, as I observed, has been long gaining ground in Europe: for abroad it was universally thought that we had done what I am sorry to say we had not; they thought we had granted a full toleration. That opinion was, however, so far from hurting the Protestant cause, that I declare, with the most serious solemnity, my firm belief that no one thing done for these fifty years past was so likely to prove deeply beneficial to our religion at large as Sir George Savile's act. In its effects it was "an act for tolerating and protecting Protestantism throughout Europe"; and I hope that those who were taking steps for the quiet and settlement of our Protestant brethren in other countries will, even yet, rather consider the steady equity of the greater and better part of the people of Great Britain than the vanity and violence of a few.

I perceive, Gentlemen, by the manner of all about me, that you look with horror on the wicked clamor which has been raised on this subject, and that, instead of an

apology for what was done, you rather demand from me an account, why the execution of the scheme of toleration was not made more answerable to the large and liberal grounds on which it was taken up. The question is natural and proper; and I remember that a great and learned magistrate, distinguished for his strong and systematic understanding, and who at that time was a member of the House of Commons, made the same objection to the proceeding. The statutes, as they now stand, are, without doubt, perfectly absurd. But I beg leave to explain the cause of this gross imperfection in the tolerating plan, as well and as shortly as I am able. It was universally thought that the session ought not to pass over without doing *something* in this business. To revise the whole body of the penal statutes was conceived to be an object too big for the time. The penal statute, therefore, which was chosen for repeal (chosen to show our disposition to conciliate, not to perfect a toleration) was this act of ludicrous cruelty of which I have just given you the history. It is an act which, though not by a great deal so fierce and bloody as some of the rest, was infinitely more ready in the execution. It was the act which gave the greatest encouragement to those pests of society, mercenary informers and interested disturbers of household peace; and it was observed with truth, that the prosecutions, either carried to conviction or compounded, for many years, had been all commenced upon that act. It was said, that, whilst we were deliberating on a more perfect scheme, the spirit of the age would never come up to the execution of the statutes which remained, especially as more steps, and a coöperation of more minds and powers, were required towards a mischievous use of them, than for the execution of the act to be repealed: that it was better to unravel this texture from below than from above, beginning with the latest, which, in general practice, is the severest evil. It was alleged, that this slow proceeding would be attended with the advantage of a progressive experience, — and that the people would grow reconciled to toleration, when they should find, by the effects, that justice was not so irreconcilable an enemy to convenience as they had imagined.

These, Gentlemen, were the reasons why we left this good work in the rude, unfinished state in which good works are commonly left, through the tame circumspection with which a timid prudence so frequently enervates beneficence. In doing good, we are generally cold, and languid, and sluggish, and of all things afraid of being too much in the right. But the works of malice and injustice are quite in another style. They are finished with a bold, masterly hand, touched as they are with the spirit of those vehement passions that call forth all our energies, whenever we oppress and persecute.

Thus this matter was left for the time, with a full determination in Parliament not to suffer other and worse statutes to remain for the purpose of counteracting the benefits proposed by the repeal of one penal law: for nobody then dreamed of defending what was done as a benefit, on the ground of its being no benefit at all. We were not then ripe for so mean a subterfuge.

I do not wish to go over the horrid scene that was afterwards acted. Would to God it could be expunged forever from the annals of this country! But since it must subsist for our shame, let it subsist for our instruction. In the year 1780 there were found in this nation men deluded enough, (for I give the whole to their delusion,) on pretences of zeal and piety, without any sort of provocation whatsoever, real or pretended, to make a desperate attempt, which would have consumed all the glory and power of this country in the flames of London, and buried all law, order, and religion under the ruins of the metropolis of the Protestant world. Whether all this mischief done, or in the direct train of doing, was in their original scheme, I cannot say; I hope it was not: but this would have been the unavoidable consequence of their proceedings, had not the flames they had lighted up in their fury been extinguished in their blood.

All the time that this horrid scene was acting, or avenging, as well as for some time before, and ever since, the wicked instigators of this unhappy multitude, guilty, with every aggravation, of all their crimes, and screened in a cowardly darkness from their punishment, continued, without interruption, pity, or remorse, to blow up the blind rage of the populace with a continued blast of pestilential libels, which infected and poisoned the very air we breathed in.

The main drift of all the libels and all the riots was, to force Parliament (to persuade us was hopeless) into an act of national perfidy which has no example. For, Gentlemen, it is proper you should all know what infamy we escaped by refusing that repeal, for a refusal of which, it seems, I, among others, stand somewhere or other accused. When we took away, on the motives which I had the honor of stating to you, a few of the innumerable penalties upon an oppressed and injured people, the relief was not absolute, but given on a stipulation and compact between them and us: for we bound down the Roman Catholics with the most solemn oaths to bear true allegiance to this government, to abjure all sort of temporal power in any other, and to renounce, under the same solemn obligations, the doctrines of systematic perfidy with which they stood (I conceive very unjustly) charged. Now our modest petitioners came up to us, most humbly praying nothing more than that we should break our faith, without any one cause whatsoever of forfeiture assigned; and when the subjects of this kingdom had, on their part, fully performed their engagement, we should refuse, on our part, the benefit we had stipulated on the performance of those very conditions that were prescribed by our own authority, and taken on the sanction of our public faith: that is to say, when we had inveigled them with fair promises within our door, we were to shut it on them, and, adding mockery to outrage, to tell them,— “Now we have got you fast: your consciences are bound to a power resolved on your destruction. We have made you swear that your religion obliges you to keep your faith: fools as you are! we will now let you see that our religion enjoins us to keep no faith with you.” They who would advisedly call upon us to do such things must certainly have thought us not only a

convention of treacherous tyrants, but a gang of the lowest and dirtiest wretches that ever disgraced humanity. Had we done this, we should have indeed proved that there were *some* in the world whom no faith could bind; and we should have *convicted* ourselves of that odious principle of which Papists stood *accused* by those very savages who wished us, on that accusation, to deliver them over to their fury.

In this audacious tumult, when our very name and character as gentlemen was to be cancelled forever, along with the faith and honor of the nation, I, who had exerted myself very little on the quiet passing of the bill, thought it necessary then to come forward. I was not alone; but though some distinguished members on all sides, and particularly on ours, added much to their high reputation by the part they took on that day, (a part which will be remembered as long as honor, spirit, and eloquence have estimation in the world,) I may and will value myself so far, that, yielding in abilities to many, I yielded in zeal to none. With warmth and with vigor, and animated with a just and natural indignation, I called forth every faculty that I possessed, and I directed it in every way in which I could possibly employ it. I labored night and day. I labored in Parliament; I labored out of Parliament. If, therefore, the resolution of the House of Commons, refusing to commit this act of unmatched turpitude, be a crime, I am guilty among the foremost. But, indeed, whatever the faults of that House may have been, no one member was found hardy enough to propose so infamous a thing; and on full debate we passed the resolution against the petitions with as much unanimity as we had formerly passed the law of which these petitions demanded the repeal.

There was a circumstance (justice will not suffer me to pass it over) which, if anything could enforce the reasons I have given, would fully justify the act of relief, and render a repeal, or anything like a repeal, unnatural, impossible. It was the behavior of the persecuted Roman Catholics under the acts of violence and brutal insolence which they suffered. I suppose there are not in London less than four or five thousand of that persuasion from my country, who do a great deal of the most laborious works in the metropolis; and they chiefly inhabit those quarters which were the principal theatre of the fury of the bigoted multitude. They are known to be men of strong arms and quick feelings, and more remarkable for a determined resolution than clear ideas or much foresight. But, though provoked by everything that can stir the blood of men, their houses and chapels in flames, and with the most atrocious profanations of everything which they hold sacred before their eyes, not a hand was moved to retaliate, or even to defend. Had a conflict once begun, the rage of their persecutors would have redoubled. Thus fury increasing by the reverberation of outrages, house being fired for house, and church for chapel, I am convinced that no power under heaven could have prevented a general conflagration, and at this day London would have been a tale. But I am well informed, and the thing speaks it, that their clergy exerted their whole influence to keep their people in such a state of forbearance and quiet, as, when I look back, fills me with

astonishment, — but not with astonishment only. Their merits on that occasion ought not to be forgotten; nor will they, when Englishmen come to recollect themselves. I am sure it were far more proper to have called them forth, and given them the thanks of both Houses of Parliament, than to have suffered those worthy clergymen and excellent citizens to be hunted into holes and corners, whilst we are making low-minded inquisitions into the number of their people; as if a tolerating principle was never to prevail, unless we were very sure that only a few could possibly take advantage of it. But, indeed, we are not yet well recovered of our fright. Our reason, I trust, will return with our security, and this unfortunate temper will pass over like a cloud.

Gentlemen, I have now laid before you a few of the reasons for taking away the penalties of the act of 1699, and for refusing to establish them on the riotous requisition of 1780. Because I would not suffer anything which may be for your satisfaction to escape, permit me just to touch on the objections urged against our act and our resolves, and intended as a justification of the violence offered to both Houses. “Parliament,” they assert, “was too hasty, and they ought, in so essential and alarming a change, to have proceeded with a far greater degree of deliberation.” The direct contrary. Parliament was too slow. They took fourscore years to deliberate on the repeal of an act which ought not to have survived a second session. When at length, after a procrastination of near a century, the business was taken up, it proceeded in the most public manner, by the ordinary stages, and as slowly as a law so evidently right as to be resisted by none would naturally advance. Had it been read three times in one day, we should have shown only a becoming readiness to recognize, by protection, the undoubted dutiful behavior of those whom we had but too long punished for offences of presumption or conjecture. But for what end was that bill to linger beyond the usual period of an unopposed measure? Was it to be delayed until a rabble in Edinburgh should dictate to the Church of England what measure of persecution was fitting for her safety? Was it to be adjourned until a fanatical force could be collected in London, sufficient to frighten us out of all our ideas of policy and justice? Were we to wait for the profound lectures on the reason of state, ecclesiastical and political, which the Protestant Association have since condescended to read to us? Or were we, seven hundred peers and commoners, the only persons ignorant of the ribald invectives which occupy the place of argument in those remonstrances, which every man of common observation had heard a thousand times over, and a thousand times over had despised? All men had before heard what they dare to say, and all men at this day know what they dare to do; and I trust all honest men are equally influenced by the one and by the other.

But they tell us, that those our fellow-citizens whose chains we have a little relaxed are enemies to liberty and our free Constitution. — Not enemies, I presume, to their *own* liberty. And as to the Constitution, until we give them some share in it, I do not know on what pretence we can examine into their opinions

about a business in which they have no interest or concern. But, after all, are we equally sure that they are adverse to our Constitution as that our statutes are hostile and destructive to them? For my part, I have reason to believe their opinions and inclinations in that respect are various, exactly like those of other men; and if they lean more to the crown than I and than many of you think *we* ought, we must remember that he who aims at another's life is not to be surprised, if he flies into any sanctuary that will receive him. The tenderness of the executive power is the natural asylum of those upon whom the laws have declared war; and to complain that men are inclined to favor the means of their own safety is so absurd, that one forgets the injustice in the ridicule.

I must fairly tell you, that so far as my principles are concerned, (principles that I hope will only depart with my last breath,) that I have no idea of a liberty unconnected with honesty and justice. Nor do I believe that any good constitutions of government, or of freedom, can find it necessary for their security to doom any part of the people to a permanent slavery. Such a constitution of freedom, if such can be, is in effect no more than another name for the tyranny of the strongest faction; and factions in republics have been, and are, full as capable as monarchs of the most cruel oppression and injustice. It is but too true, that the love, and even the very idea, of genuine liberty is extremely rare. It is but too true that there are many whose whole scheme of freedom is made up of pride, perverseness, and insolence. They feel themselves in a state of thralldom, they imagine that their souls are cooped and cabined in, unless they have some man or some body of men dependent on their mercy. This desire of having some one below them descends to those who are the very lowest of all; and a Protestant cobbler, debased by his poverty, but exalted by his share of the ruling church, feels a pride in knowing it is by his generosity alone that the peer whose footman's instep he measures is able to keep his chaplain from a jail. This disposition is the true source of the passion which many men in very humble life have taken to the American war. *Our* subjects in America; *our* colonies; *our* dependants. This lust of party power is the liberty they hunger and thirst for; and this Siren song of ambition has charmed ears that one would have thought were never organized to that sort of music.

This way of *proscribing the citizens by denominations and general descriptions*, dignified by the name of reason of state, and security for constitutions and commonwealths, is nothing better at bottom than the miserable invention of an ungenerous ambition which would fain hold the sacred trust of power, without any of the virtues or any of the energies that give a title to it, — a receipt of policy, made up of a detestable compound of malice, cowardice, and sloth. They would govern men against their will; but in that government they would be discharged from the exercise of vigilance, providence, and fortitude; and therefore, that they may sleep on their watch, they consent to take some one division of the society into partnership of the tyranny over the rest. But let government, in what form it may

be, comprehend the whole in its justice, and restrain the suspicious by its vigilance, — let it keep watch and ward, — let it discover by its sagacity, and punish by its firmness, all delinquency against its power, whenever delinquency exists in the overt acts, — and then it will be as safe as ever God and Nature intended it should be. Crimes are the acts of individuals, and not of denominations: and therefore arbitrarily to class men under general descriptions, in order to proscribe and punish them in the lump for a presumed delinquency, of which perhaps but a part, perhaps none at all, are guilty, is indeed a compendious method, and saves a world of trouble about proof; but such a method, instead of being law, is an act of unnatural rebellion against the legal dominion of reason and justice; and this vice, in any constitution that entertains it, at one time or other will certainly bring on its ruin.

We are told that this is not a religious persecution; and its abettors are loud in disclaiming all severities on account of conscience. Very fine indeed! Then, let it be so: they are not persecutors; they are only tyrants. With all my heart. I am perfectly indifferent concerning the pretexts upon which we torment one another, — or whether it be for the constitution of the Church of England, or for the constitution of the State of England, that people choose to make their fellow-creatures wretched. When we were sent into a place of authority, you that sent us had yourselves but one commission to give. You could give us none to wrong or oppress, or even to suffer any kind of oppression or wrong, on any grounds whatsoever: not on political, as in the affairs of America; not on commercial, as in those of Ireland; not in civil, as in the laws for debt; not in religious, as in the statutes against Protestant or Catholic dissenters. The diversified, but connected, fabric of universal justice is well cramped and bolted together in all its parts; and depend upon it, I never have employed, and I never shall employ, any engine of power which may come into my hands to wrench it asunder. All shall stand, if I can help it, and all shall stand connected. After all, to complete this work, much remains to be done: much in the East, much in the West. But, great as the work is, if our will be ready, our powers are not deficient.

Since you have suffered me to trouble you so much on this subject, permit me, Gentlemen, to detain you a little longer. I am, indeed, most solicitous to give you perfect satisfaction. I find there are some of a better and softer nature than the persons with whom I have supposed myself in debate, who neither think ill of the act of relief, nor by any means desire the repeal, — yet who, not accusing, but lamenting, what was done, on account of the consequences, have frequently expressed their wish that the late act had never been made. Some of this description, and persons of worth, I have met with in this city. They conceive that the prejudices, whatever they might be, of a large part of the people, ought not to have been shocked, — that their opinions ought to have been previously taken, and much attended to, — and that thereby the late horrid scenes might have been prevented.

I confess, my notions are widely different; and I never was less sorry for any action of my life. I like the bill the better on account of the events of all kinds that followed it. It relieved the real sufferers; it strengthened the state; and, by the disorders that ensued, we had clear evidence that there lurked a temper somewhere which ought not to be fostered by the laws. No ill consequences whatever could be attributed to the act itself. We knew beforehand, or we were poorly instructed, that toleration is odious to the intolerant, freedom to oppressors, property to robbers, and all kinds and degrees of prosperity to the envious. We knew that all these kinds of men would gladly gratify their evil dispositions under the sanction of law and religion, if they could: if they could not, yet, to make way to their objects, they would do their utmost to subvert all religion and all law. This we certainly knew. But, knowing this, is there any reason, because thieves break in and steal, and thus bring detriment to you, and draw ruin on themselves, that I am to be sorry that you are in possession of shops, and of warehouses, and of wholesome laws to protect them? Are you to build no houses, because desperate men may pull them down upon their own heads? Or, if a malignant wretch will cut his own throat, because he sees you give alms to the necessitous and deserving, shall his destruction be attributed to your charity, and not to his own deplorable madness? If we repent of our good actions, what, I pray you, is left for our faults and follies? It is not the beneficence of the laws, it is the unnatural temper which beneficence can fret and sour, that is to be lamented. It is this temper which, by all rational means, ought to be sweetened and corrected. If froward men should refuse this cure, can they vitiate anything but themselves? Does evil so react upon good, as not only to retard its motion, but to change its nature? If it can so operate, then good men will always be in the power of the bad, — and virtue, by a dreadful reverse of order, must lie under perpetual subjection and bondage to vice.

As to the opinion of the people, which some think, in such cases, is to be implicitly obeyed, — near two years' tranquillity, which follows the act, and its instant imitation in Ireland, proved abundantly that the late horrible spirit was in a great measure the effect of insidious art, and perverse industry, and gross misrepresentation. But suppose that the dislike had been much more deliberate and much more general than I am persuaded it was, — when we know that the opinions of even the greatest multitudes are the standard of rectitude, I shall think myself obliged to make those opinions the masters of my conscience. But if it may be doubted whether Omnipotence itself is competent to alter the essential constitution of right and wrong, sure I am that such *things* as they and I are possessed of no such power. No man carries further than I do the policy of making government pleasing to the people. But the widest range of this politic complaisance is confined within the limits of justice. I would not only consult the interest of the people, but I would cheerfully gratify their humors. We are all a sort of children that must be soothed and managed. I think I am not austere or formal in my nature. I would bear, I would

even play my part in, any innocent buffooneries, to divert them. But I never will act the tyrant for their amusement. If they will mix malice in their sports, I shall never consent to throw them any living, sentient creature whatsoever, no, not so much as a kitling, to torment.

“But if I profess all this impolitic stubbornness, I may chance never to be elected into Parliament.” — It is certainly not pleasing to be put out of the public service. But I wish to be a member of Parliament to have my share of doing good and resisting evil. It would therefore be absurd to renounce my objects in order to obtain my seat. I deceive myself, indeed, most grossly, if I had not much rather pass the remainder of my life hidden in the recesses of the deepest obscurity, feeding my mind even with the visions and imaginations of such things, than to be placed on the most splendid throne of the universe, tantalized with a denial of the practice of all which can make the greatest situation any other than the greatest curse. Gentlemen, I have had my day. I can never sufficiently express my gratitude to you for having set me in a place wherein I could lend the slightest help to great and laudable designs. If I have had my share in any measure giving quiet to private property and private conscience, — if by my vote I have aided in securing to families the best possession, peace, — if I have joined in reconciling kings to their subjects, and subjects to their prince, — if I have assisted to loosen the foreign holdings of the citizen, and taught him to look for his protection to the laws of his country, and for his comfort to the good-will of his countrymen, — if I have thus taken my part with the best of men in the best of their actions, I can shut the book: I might wish to read a page or two more, but this is enough for my measure. I have not lived in vain.

And now, Gentlemen, on this serious day, when I come, as it were, to make up my account with you, let me take to myself some degree of honest pride on the nature of the charges that are against me. I do not here stand before you accused of venality, or of neglect of duty. It is not said, that, in the long period of my service, I have, in a single instance, sacrificed the slightest of your interests to my ambition or to my fortune. It is not alleged, that, to gratify any anger or revenge of my own, or of my party, I have had a share in wronging or oppressing any description of men, or any one man in any description. No! the charges against me are all of one kind: that I have pushed the principles of general justice and benevolence too far, — further than a cautious policy would warrant, and further than the opinions of many would go along with me. In every accident which may happen through life, in pain, in sorrow, in depression, and distress, I will call to mind this accusation, and be comforted.

Gentlemen, I submit the whole to your judgment. Mr. Mayor, I thank you for the trouble you have taken on this occasion: in your state of health it is particularly obliging. If this company should think it advisable for me to withdraw, I shall

respectfully retire; if you think otherwise, I shall go directly to the Council-House and to the 'Change, and without a moment's delay begin my canvass.

BRISTOL, September 6, 1780.

At a great and respectable meeting of the friends of EDMUND BURKE, Esq., held at the Guildhall this day, the Right Worshipful the Mayor in the chair: — Resolved, That Mr. Burke, as a representative for this city, has done all possible honor to himself as a senator and a man, and that we do heartily and honestly approve of his conduct, as the result of an enlightened loyalty to his sovereign, a warm and zealous love to his country through its widely extended empire, a jealous and watchful care of the liberties of his fellow-subjects, an enlarged and liberal understanding of our commercial interest, a humane attention to the circumstances of even the lowest ranks of the community, and a truly wise, politic, and tolerant spirit, in supporting the national church, with a reasonable indulgence to all who dissent from it; and we wish to express the most marked abhorrence of the base arts which have been employed, without regard to truth and reason, to misrepresent his eminent services to his country.

Resolved, That this resolution be copied out, and signed by the chairman, and be by him presented to Mr. Burke, as the fullest expression of the respectful and grateful sense we entertain of his merits and services, public and private, to the citizens of Bristol, as a man and a representative.

Resolved, That the thanks of this meeting be given to the Right Worshipful the Mayor, who so ably and worthily presided in this meeting.

Resolved, That it is the earnest request of this meeting to Mr. Burke, that he should again offer himself a candidate to represent this city in Parliament; assuring him of that full and strenuous support which is due to the merits of so excellent a representative.

This business being over, Mr. Burke went to the Exchange, and offered himself as a candidate in the usual manner. He was accompanied to the Council-House, and from thence to the Exchange, by a large body of most respectable gentlemen, amongst whom were the following members of the corporation, viz.: Mr. Mayor, Mr. Alderman Smith, Mr. Alderman Deane, Mr. Alderman Gordon, William Weare, Samuel Munckley, John Merlott, John Crofts, Levy Ames, John Fisher Weare, Benjamin Loscombe, Philip Protheroe, Samuel Span, Joseph Smith, Richard Bright and John Noble, Esquires.

SPEECH AT BRISTOL, ON DECLINING THE POLL. 1780.

BRISTOL, Saturday, 9th Sept, 1780.

This morning the sheriff and candidates assembled as usual at the Council-House, and from thence proceeded to Guildhall. Proclamation being made for the electors to appear and give their votes, Mr. BURKE stood forward on the hustings, surrounded by a great number of the corporation and other principal citizens, and addressed himself to the whole assembly as follows.

Gentlemen, — I decline the election. It has ever been my rule through life to observe a proportion between my efforts and my objects. I have never been remarkable for a bold, active, and sanguine pursuit of advantages that are personal to myself.

I have not canvassed the whole of this city in form, but I have taken such a view of it as satisfies my own mind that your choice will not ultimately fall upon me. Your city, Gentlemen, is in a state of miserable distraction, and I am resolved to withdraw whatever share my pretensions may have had in its unhappy divisions. I have not been in haste; I have tried all prudent means; I have waited for the effect of all contingencies. If I were fond of a contest, by the partiality of my numerous friends (whom you know to be among the most weighty and respectable people of the city) I have the means of a sharp one in my hands. But I thought it far better, with my strength unspent, and my reputation unimpaired, to do, early and from foresight, that which I might be obliged to do from necessity at last.

I am not in the least surprised nor in the least angry at this view of things. I have read the book of life for a long time, and I have read other books a little. Nothing has happened to me, but what has happened to men much better than me, and in times and in nations full as good as the age and country that we live in. To say that I am no way concerned would be neither decent nor true. The representation of *Bristol* was an object on many accounts dear to me; and I certainly should very far prefer it to any other in the kingdom. My habits are made to it; and it is in general more unpleasant to be rejected after long trial than not to be chosen at all.

But, Gentlemen, I will see nothing except your former kindness, and I will give way to no other sentiments than those of gratitude. From the bottom of my heart I thank you for what you have done for me. You have given me a long term, which is now expired. I have performed the conditions, and enjoyed all the profits to the full; and I now surrender your estate into your hands, without being in a single tile or a single stone impaired or wasted by my use. I have served the public for fifteen years. I have served you in particular for six. What is past is well stored; it is safe, and out of the power of fortune. What is to come is in wiser hands than ours; and He in whose hands it is best knows whether it is best for you and me that I should be in Parliament, or even in the world.

Gentlemen, the melancholy event of yesterday reads to us an awful lesson against being too much troubled about any of the objects of ordinary ambition. The worthy gentleman who has been snatched from us at the moment of the election, and in the middle of the contest, whilst his desires were as warm and his hopes as eager as ours, has feelingly told us what shadows we are and what shadows we pursue.

It has been usual for a candidate who declines to take his leave by a letter to the sheriffs: but I received your trust in the face of day, and in the face of day I accept your dismissal. I am not — I am not at all ashamed to look upon you; nor can my presence discompose the order of business here. I humbly and respectfully take my leave of the sheriffs, the candidates, and the electors, wishing heartily that the choice may be for the best, at a time which calls, if ever time did call, for service that is not nominal. It is no plaything you are about. I tremble, when I consider the trust I have presumed to ask. I confided, perhaps, too much in my intentions. They were really fair and upright; and I am bold to say that I ask no ill thing for you, when, on parting from this place, I pray, that, whomever you choose to succeed me, he may resemble me exactly in all things, except in my abilities to serve, and my fortune to please you.

**SPEECH UPON THE QUESTION FOR THE SPEAKER'S
LEAVING THE CHAIR IN ORDER FOR THE HOUSE TO
RESOLVE ITSELF INTO A COMMITTEE ON MR. FOX'S EAST
INDIA BILL. (DECEMBER 1, 1783)**

Mr. Speaker, — I thank you for pointing to me. I really wished much to engage your attention in an early stage of the debate. I have been long very deeply, though perhaps ineffectually, engaged in the preliminary inquiries, which have continued without intermission for some years. Though I have felt, with some degree of sensibility, the natural and inevitable impressions of the several matters of fact, as they have been successively disclosed, I have not at any time attempted to trouble you on the merits of the subject, and very little on any of the points which incidentally arose in the course of our proceedings. But I should be sorry to be found totally silent upon this day. Our inquiries are now come to their final issue. It is now to be determined whether the three years of laborious Parliamentary research, whether the twenty years of patient Indian suffering, are to produce a substantial reform in our Eastern administration; or whether our knowledge of the grievances has abated our zeal for the correction of them, and our very inquiry into the evil was only a pretext to elude the remedy which is demanded from us by humanity, by justice, and by every principle of true policy. Depend upon it, this business cannot be indifferent to our fame. It will turn out a matter of great disgrace or great glory to the whole British nation. We are on a conspicuous stage, and the world marks our demeanor.

I am therefore a little concerned to perceive the spirit and temper in which the debate has been all along pursued upon one side of the House. The declamation of the gentlemen who oppose the bill has been abundant and vehement; but they have been reserved and even silent about the fitness or unfitness of the plan to attain the direct object it has in view. By some gentlemen it is taken up (by way of exercise, I presume) as a point of law, on a question of private property and corporate franchise; by others it is regarded as the petty intrigue of a faction at court, and argued merely as it tends to set this man a little higher or that a little lower in situation and power. All the void has been filled up with invectives against coalition, with allusions to the loss of America, with the activity and inactivity of ministers. The total silence of these gentlemen concerning the interest and well-being of the people of India, and concerning the interest which this nation has in the commerce and revenues of that country, is a strong indication of the value which they set upon these objects.

It has been a little painful to me to observe the intrusion into this important debate of such company as *quo warranto*, and *mandamus*, and *certiorari*: as if we

were on a trial about mayors and aldermen and capital burgesses, or engaged in a suit concerning the borough of Penryn, or Saltash, or St. Ives, or St. Mawes. Gentlemen have argued with as much heat and passion as if the first things in the world were at stake; and their topics are such as belong only to matter of the lowest and meanest litigation. It is not right, it is not worthy of us, in this manner to depreciate the value, to degrade the majesty, of this grave deliberation of policy and empire.

For my part, I have thought myself bound, when a matter of this extraordinary weight came before me, not to consider (as some gentlemen are so fond of doing) whether the bill originated from a Secretary of State for the Home Department or from a Secretary for the Foreign, from a minister of influence or a minister of the people, from Jacob or from Esau. I asked myself, and I asked myself nothing else, what part it was fit for a member of Parliament, who has supplied a mediocrity of talents by the extreme of diligence, and who has thought himself obliged by the research of years to wind himself into the inmost recesses and labyrinths of the Indian detail, — what part, I say, it became such a member of Parliament to take, when a minister of state, in conformity to a recommendation from the throne, has brought before us a system for the better government of the territory and commerce of the East. In this light, and in this only, I will trouble you with my sentiments.

It is not only agreed, but demanded, by the right honorable gentleman, and by those who act with him, that a *whole* system ought to be produced; that it ought not to be an *half-measure*; that it ought to be no *palliative*, but a legislative provision, vigorous, substantial, and effective. — I believe that no man who understands the subject can doubt for a moment that those must be the conditions of anything deserving the name of a reform in the Indian government; that anything short of them would not only be delusive, but, in this matter, which admits no medium, noxious in the extreme.

To all the conditions proposed by his adversaries the mover of the bill perfectly agrees; and on his performance of them he rests his cause. On the other hand, not the least objection has been taken with regard to the efficiency, the vigor, or the completeness of the scheme. I am therefore warranted to assume, as a thing admitted, that the bills accomplish what both sides of the House demand as essential. The end is completely answered, so far as the direct and immediate object is concerned.

But though there are no direct, yet there are various collateral objections made: objections from the effects which this plan of reform for Indian administration may have on the privileges of great public bodies in England; from its probable influence on the constitutional rights, or on the freedom and integrity, of the several branches of the legislature.

Before I answer these objections, I must beg leave to observe, that, if we are not able to contrive some method of governing India *well*, which will not of necessity

become the means of governing Great Britain *ill*, a ground is laid for their eternal separation, but none for sacrificing the people of that country to our Constitution. I am, however, far from being persuaded that any such incompatibility of interest does at all exist. On the contrary, I am certain that every means effectual to preserve India from oppression is a guard to preserve the British Constitution from its worst corruption. To show this, I will consider the objections, which, I think, are four.

1st, That the bill is an attack on the chartered rights of men.

2ndly, That it increases the influence of the crown.

3rdly, That it does *not* increase, but diminishes, the influence of the crown, in order to promote the interests of certain ministers and their party.

4thly, That it deeply affects the national credit.

As to the first of these objections, I must observe that the phrase of “the chartered rights *of men*” is full of affectation, and very unusual in the discussion of privileges conferred by charters of the present description. But it is not difficult to discover what end that ambiguous mode of expression, so often reiterated, is meant to answer.

The rights of *men* — that is to say, the natural rights of mankind — are indeed sacred things; and if any public measure is proved mischievously to affect them, the objection ought to be fatal to that measure, even if no charter at all could be set up against it. If these natural rights are further affirmed and declared by express covenants, if they are clearly defined and secured against chicane, against power and authority, by written instruments and positive engagements, they are in a still better condition: they partake not only of the sanctity of the object so secured, but of that solemn public faith itself which secures an object of such importance. Indeed, this formal recognition, by the sovereign power, of an original right in the subject, can never be subverted, but by rooting up the holding radical principles of government, and even of society itself. The charters which we call by distinction *great* are public instruments of this nature: I mean the charters of King John and King Henry the Third. The things secured by these instruments may, without any deceitful ambiguity, be very fitly called *the chartered rights of men*.

These charters have made the very name of a charter dear to the heart of every Englishman. But, Sir, there may be, and there are, charters, not only different in nature, but formed on principles *the very reverse* of those of the Great Charter. Of this kind is the charter of the East India Company. *Magna Charta* is a charter to restrain power and to destroy monopoly. The East India charter is a charter to establish monopoly and to create power. Political power and commercial monopoly are *not* the rights of men; and the rights to them derived from charters it is fallacious and sophistical to call “the chartered rights of men.” These chartered rights (to speak of such charters and of their effects in terms of the greatest possible moderation) do at least suspend the natural rights of mankind at large, and in their very frame and constitution are liable to fall into a direct violation of them.

It is a charter of this latter description (that is to say, a charter of power and monopoly) which is affected by the bill before you. The bill, Sir, does without question affect it: it does affect it essentially and substantially. But, having stated to you of what description the chartered rights are which this bill touches, I feel no difficulty at all in acknowledging the existence of those chartered rights in their fullest extent. They belong to the Company in the surest manner, and they are secured to that body by every sort of public sanction. They are stamped by the faith of the king; they are stamped by the faith of Parliament: they have been bought for money, for money honestly and fairly paid; they have been bought for valuable consideration, over and over again.

I therefore freely admit to the East India Company their claim to exclude their fellow-subjects from the commerce of half the globe. I admit their claim to administer an annual territorial revenue of seven millions sterling, to command an army of sixty thousand men, and to dispose (under the control of a sovereign, imperial discretion, and with the due observance of the natural and local law) of the lives and fortunes of thirty millions of their fellow-creatures. All this they possess by charter, and by Acts of Parliament, (in my opinion,) without a shadow of controversy.

Those who carry the rights and claims of the Company the furthest do not contend for more than this; and all this I freely grant. But, granting all this, they must grant to me, in my turn, that all political power which is set over men, and that all privilege claimed or exercised in exclusion of them, being wholly artificial, and for so much a derogation from the natural equality of mankind at large, ought to be some way or other exercised ultimately for their benefit.

If this is true with regard to every species of political dominion and every description of commercial privilege, none of which can be original, self-derived rights, or grants for the mere private benefit of the holders, then such rights, or privileges, or whatever else you choose to call them, are all in the strictest sense *a trust*: and it is of the very essence of every trust to be rendered *accountable*, — and even totally to *cease*, when it substantially varies from the purposes for which alone it could have a lawful existence.

This I conceive, Sir, to be true of trusts of power vested in the highest hands, and of such, as seem to hold of no human creature. But about the application of this principle to subordinate *derivative* trusts I do not see how a controversy can be maintained. To whom, then, would I make the East India Company accountable? Why, to Parliament, to be sure, — to Parliament, from whom their trust was derived, — to Parliament, which alone is capable of comprehending the magnitude of its object, and its abuse, and alone capable of an effectual legislative remedy. The very charter, which is held out to exclude Parliament from correcting malversation with regard to the high trust vested in the Company, is the very thing which at once gives a title and imposes a duty on us to interfere with effect, wherever power and

authority originating from ourselves are perverted from their purposes, and become instruments of wrong and violence.

If Parliament, Sir, had nothing to do with this charter, we might have some sort of Epicurean excuse to stand aloof, indifferent spectators of what passes in the Company's name in India and in London. But if we are the very cause of the evil, we are in a special manner engaged to the redress; and for us passively to bear with oppressions committed under the sanction of our own authority is in truth and reason for this House to be an active accomplice in the abuse.

That the power, notoriously grossly abused, has been bought from us is very certain. But this circumstance, which is urged against the bill, becomes an additional motive for our interference, lest we should be thought to have sold the blood of millions of men for the base consideration of money. We sold, I admit, all that we had to sell, — that is, our authority, not our control. We had not a right to make a market of our duties.

I ground myself, therefore, on this principle: — that, if the abuse is proved, the contract is broken, and we reënter into all our rights, that is, into the exercise of all our duties. Our own authority is, indeed, as much a trust originally as the Company's authority is a trust derivatively; and it is the use we make of the resumed power that must justify or condemn us in the resumption of it. When we have perfected the plan laid before us by the right honorable mover, the world will then see what it is we destroy, and what it is we create. By that test we stand or fall; and by that test I trust that it will be found, in the issue, that we are going to supersede a charter abused to the full extent of all the powers which it could abuse, and exercised in the plenitude of despotism, tyranny, and corruption, — and that in one and the same plan we provide a real chartered security for *the rights of men*, cruelly violated under that charter.

This bill, and those connected with it, are intended to form the *Magna Charta* of Hindostan. Whatever the Treaty of Westphalia is to the liberty of the princes and free cities of the Empire, and to the three religions there professed, — whatever the Great Charter, the Statute of Tallage, the Petition of Right, and the Declaration of Right are to Great Britain, these bills are to the people of India. Of this benefit I am certain their condition is capable: and when I know that they are capable of more, my vote shall most assuredly be for our giving to the full extent of their capacity of receiving; and no charter of dominion shall stand as a bar in my way to their charter of safety and protection.

The strong admission I have made of the Company's rights (I am conscious of it) binds me to do a great deal. I do not presume to condemn those who argue *a priori* against the propriety of leaving such extensive political powers in the hands of a company of merchants. I know much is, and much more may be, said against such a system. But, with my particular ideas and sentiments, I cannot go that way to work. I feel an insuperable reluctance in giving my hand to destroy any established

institution of government, upon a theory, however plausible it may be. My experience in life teaches me nothing clear upon the subject. I have known merchants with the sentiments and the abilities of great statesmen, and I have seen persons in the rank of statesmen with the conceptions and character of peddlers. Indeed, my observation has furnished me with nothing that is to be found in any habits of life or education, which tends wholly to disqualify men for the functions of government, but that by which the power of exercising those functions is very frequently obtained: I mean a spirit and habits of low cabal and intrigue; which I have never, in one instance, seen united with a capacity for sound and manly policy.

To justify us in taking the administration of their affairs out of the hands of the East India Company, on my principles, I must see several conditions. 1st, The object affected by the abuse should be great and important. 2nd, The abuse affecting this great object ought to be a great abuse. 3d, It ought to be habitual, and not accidental. 4th, It ought to be utterly incurable in the body as it now stands constituted. All this ought to be made as visible to me as the light of the sun, before I should strike off an atom of their charter. A right honorable gentleman has said, and said, I think, but once, and that very slightly, (whatever his original demand for a plan might seem to require,) that “there are abuses in the Company’s government.” If that were all, the scheme of the mover of this bill, the scheme of his learned friend, and his own scheme of reformation, (if he has any,) are all equally needless. There are, and must be, abuses in all governments. It amounts to no more than a nugatory proposition. But before I consider of what nature these abuses are, of which the gentleman speaks so very lightly, permit me to recall to your recollection the map of the country which this abused chartered right affects. This I shall do, that you may judge whether in that map I can discover anything like the first of my conditions: that is, whether the object affected by the abuse of the East India Company’s power be of importance sufficient to justify the measure and means of reform applied to it in this bill.

With very few, and those inconsiderable intervals, the British dominion, either in the Company’s name, or in the names of princes absolutely dependent upon the Company, extends from the mountains that separate India from Tartary to Cape Comorin, that is, one-and-twenty degrees of latitude!

In the northern parts it is a solid mass of land, about eight hundred miles in length, and four or five hundred broad. As you go southward, it becomes narrower for a space. It afterwards dilates; but, narrower or broader, you possess the whole eastern and northeastern coast of that vast country, quite from the borders of Pegu. — Bengal, Bahar, and Orissa, with Benares, (now unfortunately in our immediate possession,) measure 161,978 square English miles: a territory considerably larger than the whole kingdom of France. Oude, with its dependent provinces, is 53,286 square miles: not a great deal less than England. The Carnatic, with Tanjore and the Circars, is 65,948 square miles: very considerably larger than England. And the

whole of the Company's dominions, comprehending Bombay and Salsette, amounts to 281,412 square miles: which forms a territory larger than any European dominion, Russia and Turkey excepted. Through all that vast extent of country there is not a man who eats a mouthful of rice but by permission of the East India Company.

So far with regard to the extent. The population of this great empire is not easy to be calculated. When the countries of which it is composed came into our possession, they were all eminently peopled, and eminently productive, — though at that time considerably declined from their ancient prosperity. But since they are come into our hands! — ! However, if we make the period of our estimate immediately before the utter desolation of the Carnatic, and if we allow for the havoc which our government had even then made in these regions, we cannot, in my opinion, rate the population at much less than thirty millions of souls: more than four times the number of persons in the island of Great Britain.

My next inquiry to that of the number is the quality and description of the inhabitants. This multitude of men does not consist of an abject and barbarous populace; much less of gangs of savages, like the Guaranies and Chiquitos, who wander on the waste borders of the River of Amazons or the Plate; but a people for ages civilized and cultivated, — cultivated by all the arts of polished life, whilst we were yet in the woods. There have been (and still the skeletons remain) princes once of great dignity, authority, and opulence. There are to be found the chiefs of tribes and nations. There is to be found an ancient and venerable priesthood, the depository of their laws, learning, and history, the guides of the people whilst living and their consolation in death; a nobility of great antiquity and renown; a multitude of cities, not exceeded in population and trade by those of the first class in Europe; merchants and bankers, individual houses of whom have once vied in capital with the Bank of England, whose credit had often supported a tottering state, and preserved their governments in the midst of war and desolation; millions of ingenious manufacturers and mechanics; millions of the most diligent, and not the least intelligent, tillers of the earth. Here are to be found almost all the religions professed by men, — the Braminical, the Mussulman, the Eastern and the Western Christian.

If I were to take the whole aggregate of our possessions there, I should compare it, as the nearest parallel I can find, with the Empire of Germany. Our immediate possessions I should compare with the Austrian dominions: and they would not suffer in the comparison. The Nabob of Oude might stand for the King of Prussia; the Nabob of Arcot I would compare, as superior in territory, and equal in revenue, to the Elector of Saxony. Cheit Sing, the Rajah of Benares, might well rank with the Prince of Hesse, at least; and the Rajah of Tanjore (though hardly equal in extent of dominion, superior in revenue) to the Elector of Bavaria. The polygars and the Northern zemindars, and other great chiefs, might well class with the rest of the

princes, dukes, counts, marquises, and bishops in the Empire; all of whom I mention to honor, and surely without disparagement to any or all of those most respectable princes and grandees.

All this vast mass, composed of so many orders and classes of men, is again infinitely diversified by manners, by religion, by hereditary employment, through all their possible combinations. This renders the handling of India a matter in an high degree critical and delicate. But, oh, it has been handled rudely indeed! Even some of the reformers seem to have forgot that they had anything to do but to regulate the tenants of a manor, or the shopkeepers of the next county town.

It is an empire of this extent, of this complicated nature, of this dignity and importance, that I have compared to Germany and the German government, — not for an exact resemblance, but as a sort of a middle term, by which India might be approximated to our understandings, and, if possible, to our feelings, in order to awaken something of sympathy for the unfortunate natives, of which I am afraid we are not perfectly susceptible, whilst we look at this very remote object through a false and cloudy medium.

My second condition necessary to justify me in touching the charter is, whether the Company's abuse of their trust with regard to this great object be an abuse of great atrocity. I shall beg your permission to consider their conduct in two lights: first the political, and then the commercial. Their political conduct (for distinctness) I divide again into two heads: the external, in which I mean to comprehend their conduct in their federal capacity, as it relates to powers and states independent, or that not long since were such; the other internal, — namely, their conduct to the countries, either immediately subject to the Company, or to those who, under the apparent government of native sovereigns, are in a state much lower and much more miserable than common subjection.

The attention, Sir, which I wish to preserve to method will not be considered as unnecessary or affected. Nothing else can help me to selection out of the infinite mass of materials which have passed under my eye, or can keep my mind steady to the great leading points I have in view.

With regard, therefore, to the abuse of the external federal trust, I engage myself to you to make good these three positions. First, I say, that from Mount Imaus, (or whatever else you call that large range of mountains that walls the northern frontier of India,) where it touches us in the latitude of twenty-nine, to Cape Comorin, in the latitude of eight, that there is not a *single* prince, state, or potentate, great or small, in India, with whom they have come into contact, whom they have not sold: I say *sold*, though sometimes they have not been able to deliver according to their bargain. Secondly, I say, that there is not a *single treaty* they have ever made which they have not broken. Thirdly, I say, that there is not a single prince or state, who ever put any trust in the Company, who is not utterly ruined; and that none are in

any degree secure or flourishing, but in the exact proportion to their settled distrust and irreconcilable enmity to this nation.

These assertions are universal: I say, in the full sense, *universal*. They regard the external and political trust only; but I shall produce others fully equivalent in the internal. For the present, I shall content myself with explaining my meaning; and if I am called on for proof, whilst these bills are depending, (which I believe I shall not,) I will put my finger on the appendixes to the Reports, or on papers of record in the House or the Committees, which I have distinctly present to my memory, and which I think I can lay before you at half an hour's warning.

The first potentate sold by the Company for money was the Great Mogul, — the descendant of Tamerlane. This high personage, as high as human veneration can look at, is by every account amiable in his manners, respectable for his piety, according to his mode, and accomplished in all the Oriental literature. All this, and the title derived under his *charter* to all that we hold in India, could not save him from the general *sale*. Money is coined in his name; in his name justice is administered; he is prayed for in every temple through the countries we possess; — but he was sold.

It is impossible, Mr. Speaker, not to pause here for a moment, to reflect on the inconstancy of human greatness, and the stupendous revolutions that have happened in our age of wonders. Could it be believed, when I entered into existence, or when you, a younger man, were born, that on this day, in this House, we should be employed in discussing the conduct of those British subjects who had disposed of the power and person of the Grand Mogul? This is no idle speculation. Awful lessons are taught by it, and by other events, of which it is not yet too late to profit.

This is hardly a digression: but I return to the sale of the Mogul. Two districts, Corah and Allahabad, out of his immense grants, were reserved as a royal demesne to the donor of a kingdom, and the rightful sovereign of so many nations. — After withholding the tribute of 260,000*l.* a year, which the Company was, by the *charter* they had received from this prince, under the most solemn obligation to pay, these districts were sold to his chief minister, Sujah ul Dowlah; and what may appear to some the worst part of the transaction, these two districts were sold for scarcely two years' purchase. The descendant of Tamerlane now stands in need almost of the common necessities of life; and in this situation we do not even allow him, as bounty, the smallest portion of what we owe him in justice.

The next sale was that of the whole nation of the Rohillas, which the grand salesman, without a pretence of quarrel, and contrary to his own declared sense of duty and rectitude, sold to the same Sujah ul Dowlah. He sold the people to utter *extirpation*, for the sum of four hundred thousand pounds. Faithfully was the bargain performed on our side. Hafiz Rhamet, the most eminent of their chiefs, one of the bravest men of his time, and as famous throughout the East for the elegance of his literature and the spirit of his poetical compositions (by which he supported

the name of Hafiz) as for his courage, was invaded with an army of an hundred thousand men, and an English brigade. This man, at the head of inferior forces, was slain valiantly fighting for his country. His head was cut off, and delivered for money to a barbarian. His wife and children, persons of that rank, were seen begging an handful of rice through the English camp. The whole nation, with inconsiderable exceptions, was slaughtered or banished. The country was laid waste with fire and sword; and that land, distinguished above most others by the cheerful face of paternal government and protected labor, the chosen seat of cultivation and plenty, is now almost throughout a dreary desert, covered with rushes, and briers, and jungles full of wild beasts.

The British officer who commanded in the delivery of the people thus sold felt some compunction at his employment. He represented these enormous excesses to the President of Bengal, for which he received a severe reprimand from the civil governor; and I much doubt whether the breach caused by the conflict between the compassion of the military and the firmness of the civil governor be closed at this hour.

In Bengal, Surajah Dowlah was sold to Mir Jaffier; Mir Jaffier was sold to Mir Cossim; and Mir Cossim was sold to Mir Jaffier again. The succession to Mir Jaffier was sold to his eldest son; — another son of Mir Jaffier, Mobarech ul Dowlah, was sold to his step-mother. The Mahratta Empire was sold to Ragobah; and Ragobah was sold and delivered to the Peishwa of the Mahrattas. Both Ragobah and the Peishwa of the Mahrattas were offered to sale to the Rajah of Berar. Scindia, the chief of Malwa, was offered to sale to the same Rajah; and the Subah of the Deccan was sold to the great trader, Mahomet Ali, Nabob of Arcot. To the same Nabob of Arcot they sold Hyder Ali and the kingdom of Mysore. To Mahomet Ali they twice sold the kingdom of Tanjore. To the same Mahomet Ali they sold at least twelve sovereign princes, called the Polygars. But to keep things even, the territory of Tinnevely, belonging to their nabob, they would have sold to the Dutch; and to conclude the account of sales, their great customer, the Nabob of Arcot himself, and his lawful succession, has been sold to his second son, Amir ul Omrah, whose character, views, and conduct are in the accounts upon your table. It remains with you whether they shall finally perfect this last bargain.

All these bargains and sales were regularly attended with the waste and havoc of the country, — always by the buyer, and sometimes by the object of the sale. This was explained to you by the honorable mover, when he stated the mode of paying debts due from the country powers to the Company. An honorable gentleman, who is not now in his place, objected to his jumping near two thousand miles for an example. But the southern example is perfectly applicable to the northern claim, as the northern is to the southern; for, throughout the whole space of these two thousand miles, take your stand where you will, the proceeding is perfectly uniform, and what is done in one part will apply exactly to the other.

My second assertion is, that the Company never has made a treaty which they have not broken. This position is so connected with that of the sales of provinces and kingdoms, with the negotiation of universal distraction in every part of India, that a very minute detail may well be spared on this point. It has not yet been contended, by any enemy to the reform, that they have observed any public agreement. When I hear that they have done so in any one instance, (which hitherto, I confess, I never heard alleged,) I shall speak to the particular treaty. The Governor General has even amused himself and the Court of Directors in a very singular letter to that board, in which he admits he has not been very delicate with regard to public faith; and he goes so far as to state a regular estimate of the sums which the Company would have lost, or never acquired, if the rigid ideas of public faith entertained by his colleagues had been observed. The learned gentleman over against me has, indeed, saved me much trouble. On a former occasion, he obtained no small credit for the clear and forcible manner in which he stated, what we have not forgot, and I hope he has not forgot, that universal, systematic breach of treaties which had made the British faith proverbial in the East.

It only remains, Sir, for me just to recapitulate some heads. — The treaty with the Mogul, by which we stipulated to pay him 260,000*l.* annually, was broken. This treaty they have broken, and not paid him a shilling. They broke their treaty with him, in which they stipulated to pay 400,000*l.* a year to the Subah of Bengal. They agreed with the Mogul, for services admitted to have been performed, to pay Nudjif Cawn a pension. They broke this article with the rest, and stopped also this small pension. They broke their treaties with the Nizam, and with Hyder Ali. As to the Mahrattas, they had so many cross treaties with the states-general of that nation, and with each of the chiefs, that it was notorious that no one of these agreements could be kept without grossly violating the rest. It was observed, that, if the terms of these several treaties had been kept, two British armies would at one and the same time have met in the field to cut each other's throats. The wars which desolate India originated from a most atrocious violation of public faith on our part. In the midst of profound peace, the Company's troops invaded the Mahratta territories, and surprised the island and fortress of Salsette. The Mahrattas nevertheless yielded to a treaty of peace by which solid advantages were procured to the Company. But this treaty, like every other treaty, was soon violated by the Company. Again the Company invaded the Mahratta dominions. The disaster that ensued gave occasion to a new treaty. The whole army of the Company was obliged in effect to surrender to this injured, betrayed, and insulted people. Justly irritated, however, as they were, the terms which they prescribed were reasonable and moderate, and their treatment of their captive invaders of the most distinguished humanity. But the humanity of the Mahrattas was of no power whatsoever to prevail on the Company to attend to the observance of the terms dictated by their moderation. The war was renewed with greater vigor than ever; and such was their insatiable lust of plunder, that they

never would have given ear to any terms of peace, if Hyder Ali had not broke through the Ghauts, and, rushing like a torrent into the Carnatic, swept away everything in his career. This was in consequence of that confederacy which by a sort of miracle united the most discordant powers for our destruction, as a nation in which no other could put any trust, and who were the declared enemies of the human species.

It is very remarkable that the late controversy between the several presidencies, and between them and the Court of Directors, with relation to these wars and treaties, has not been, which of the parties might be defended for his share in them, but on which of the parties the guilt of all this load of perfidy should be fixed. But I am content to admit all these proceedings to be perfectly regular, to be full of honor and good faith; and wish to fix your attention solely to that single transaction which the advocates of this system select for so transcendent a merit as to cancel the guilt of all the rest of their proceedings: I mean the late treaties with the Mahrattas.

I make no observation on the total cession of territory, by which they surrendered all they had obtained by their unhappy successes in war, and almost all they had obtained under the treaty of Poorunder. The restitution was proper, if it had been voluntary and seasonable. I attach on the spirit of the treaty, the dispositions it showed, the provisions it made for a general peace, and the faith kept with allies and confederates, — in order that the House may form a judgment, from this chosen piece, of the use which has been made (and is likely to be made, if things continue in the same hands) of the trust of the federal powers of this country.

It was the wish of almost every Englishman that the Mahratta peace might lead to a general one; because the Mahratta war was only a part of a general confederacy formed against us, on account of the universal abhorrence of our conduct which prevailed in every state, and almost in every house in India. Mr. Hastings was obliged to pretend some sort of acquiescence in this general and rational desire. He therefore consented, in order to satisfy the point of honor of the Mahrattas, that an article should be inserted to admit Hyder Ali to accede to the pacification. But observe, Sir, the spirit of this man, — which, if it were not made manifest by a thousand things, and particularly by his proceedings with regard to Lord Macartney, would be sufficiently manifest by this. What sort of article, think you, does he require this essential head of a solemn treaty of general pacification to be? In his instruction to Mr. Anderson, he desires him to admit “a *vague* article” in favor of Hyder. Evasion and fraud were the declared basis of the treaty. These *vague* articles, intended for a more vague performance, are the things which have damned our reputation in India.

Hardly was this vague article inserted, than, without waiting for any act on the part of Hyder, Mr. Hastings enters into a negotiation with the Mahratta chief, Scindia, for a partition of the territories of the prince who was one of the objects to be secured by the treaty. He was to be parcelled out in three parts: one to Scindia;

one to the Peishwa of the Mahrattas; and the third to the East India Company, or to (the old dealer and chapman) Mahomet Ali.

During the formation of this project, Hyder dies; and before his son could take any one step, either to conform to the tenor of the article or to contravene it, the treaty of partition is renewed on the old footing, and an instruction is sent to Mr. Anderson to conclude it in form.

A circumstance intervened, during the pendency of this negotiation, to set off the good faith of the Company with an additional brilliancy, and to make it sparkle and glow with a variety of splendid faces. General Matthews had reduced that most valuable part of Hyder's dominions called the country of Biddanore. When the news reached Mr. Hastings, he instructed Mr. Anderson to contend for an alteration in the treaty of partition, and to take the Biddanore country out of the common stock which was to be divided, and to keep it for the Company.

The first ground for this variation was its being a separate conquest made before the treaty had actually taken place. Here was a new proof given of the fairness, equity, and moderation of the Company. But the second of Mr. Hastings's reasons for retaining the Biddanore as a separate portion, and his conduct on that second ground, is still more remarkable. He asserted that that country could not be put into the partition stock, because General Matthews had received it on the terms of some convention which might be incompatible with the partition proposed. This was a reason in itself both honorable and solid; and it showed a regard to faith somewhere, and with some persons. But in order to demonstrate his utter contempt of the plighted faith which was alleged on one part as a reason for departing from it on another, and to prove his impetuous desire for sowing a new war even in the prepared soil of a general pacification, he directs Mr. Anderson, if he should find strong difficulties impeding the partition on the score of the subtraction of Biddanore, wholly to abandon that claim, and to conclude the treaty on the original terms. General Matthews's convention was just brought forward sufficiently to demonstrate to the Mahrattas the slippery hold which they had on their new confederate; on the other hand, that convention being instantly abandoned, the people of India were taught that no terms on which they can surrender to the Company are to be regarded, when farther conquests are in view.

Next, Sir, let me bring before you the pious care that was taken of our allies under that treaty which is the subject of the Company's applauses. These allies were Ragonaut Row, for whom we had engaged to find a throne; the Guickwar, (one of the Guzerat princes,) who was to be emancipated from the Mahratta authority, and to grow great by several accessions of dominion; and, lastly, the Rana of Gohud, with whom we had entered into a treaty of partition for eleven sixteenths of our joint conquests. Some of these inestimable securities called *vague* articles were inserted in favor of them all.

As to the first, the unhappy abdicated Peishwa, and pretender to the Mahratta throne, Ragonaut Row, was delivered up to his people, with an article for safety, and some provision. This man, knowing how little vague the hatred of his countrymen was towards him, and well apprised of what black crimes he stood accused, (among which our invasion of his country would not appear the least,) took a mortal alarm at the security we had provided for him. He was thunderstruck at the article in his favor, by which he was surrendered to his enemies. He never had the least notice of the treaty; and it was apprehended that he would fly to the protection of Hyder Ali, or some other, disposed or able to protect him. He was therefore not left without comfort; for Mr. Anderson did him the favor to send a special messenger, desiring him to be of good cheer and to fear nothing. And his old enemy, Scindia, at our request, sent him a message equally well calculated to quiet his apprehensions.

By the same treaty the Guickwar was to come again, with no better security, under the dominion of the Mahratta state. As to the Rana of Gohud, a long negotiation depended for giving him up. At first this was refused by Mr. Hastings with great indignation; at another stage it was admitted as proper, because he had shown himself a most perfidious person. But at length a method of reconciling these extremes was found out, by contriving one of the usual articles in his favor. What I believe will appear beyond all belief, Mr. Anderson exchanged the final ratifications of that treaty by which the Rana was nominally secured in his possessions, in the camp of the Mahratta chief, Scindia, whilst he was (really, and not nominally) battering the castle of Gwalior, which we had given, agreeably to treaty, to this deluded ally. Scindia had already reduced the town, and was at the very time, by various detachments, reducing, one after another, the fortresses of our protected ally, as well as in the act of chastising all the rajahs who had assisted Colonel Camac in his invasion. I have seen in a letter from Calcutta, that the Rana of Gohud's agent would have represented these hostilities (which went hand in hand with the protecting treaty) to Mr. Hastings, but he was not admitted to his presence.

In this manner the Company has acted with their allies in the Mahratta war. But they did not rest here. The Mahrattas were fearful lest the persons delivered to them by that treaty should attempt to escape into the British territories, and thus might elude the punishment intended for them, and, by reclaiming the treaty, might stir up new disturbances. To prevent this, they desired an article to be inserted in the supplemental treaty, to which they had the ready consent of Mr. Hastings, and the rest of the Company's representatives in Bengal. It was this: "That the English and Mahratta governments mutually agree not to afford refuge to any *chiefs, merchants, or other persons*, flying for protection to the territories of the other." This was readily assented to, and assented to without any exception whatever in favor of our surrendered allies. On their part a reciprocity was stipulated which was not unnatural for a government like the Company's to ask, — a government conscious

that many subjects had been, and would in future be, driven to fly from its jurisdiction.

To complete the system of pacific intention and public faith which predominate in those treaties, Mr. Hastings fairly resolved to put all peace, except on the terms of absolute conquest, wholly out of his own power. For, by an article in this second treaty with Scindia, he binds the Company not to make any peace with Tippoo Sahib without the consent of the Peishwa of the Mahrattas, and binds Scindia to him by a reciprocal engagement. The treaty between France and England obliges us mutually to withdraw our forces, if our allies in India do not accede to the peace within four months; Mr. Hastings's treaty obliges us to continue the war as long as the Peishwa thinks fit. We are now in that happy situation, that the breach of the treaty with France, or the violation of that with the Mahrattas, is inevitable; and we have only to take our choice.

My third assertion, relative to the abuse made of the right of war and peace, is, that there are none who have ever confided in us who have not been utterly ruined. The examples I have given of Ragonaut Row, of Guickwar, of the Rana of Gohud, are recent. There is proof more than enough in the condition of the Mogul, — in the slavery and indigence of the Nabob of Oude, — the exile of the Rajah of Benares, — the beggary of the Nabob of Bengal, — the undone and captive condition of the Rajah and kingdom of Tanjore, — the destruction of the Polygars, — and, lastly, in the destruction of the Nabob of Arcot himself, who, when his dominions were invaded, was found entirely destitute of troops, provisions, stores, and (as he asserts) of money, being a million in debt to the Company, and four millions to others: the many millions which he had extorted from so many extirpated princes and their desolated countries having (as he has frequently hinted) been expended for the ground-rent of his mansion-house in an alley in the suburbs of Madras. Compare the condition of all these princes with the power and authority of all the Mahratta states, with the independence and dignity of the Subah of the Deccan, and the mighty strength, the resources, and the manly struggle of Hyder Ali, — and then the House will discover the effects, on every power in India, of an easy confidence or of a rooted distrust in the faith of the Company.

These are some of my reasons, grounded on the abuse of the external political trust of that body, for thinking myself not only justified, but bound, to declare against those chartered rights which produce so many wrongs. I should deem myself the wickedest of men, if any vote of mine could contribute to the continuance of so great an evil.

Now, Sir, according to the plan I proposed, I shall take notice of the Company's internal government, as it is exercised first on the dependent provinces, and then as it affects those under the direct and immediate authority of that body. And here, Sir, before I enter into the spirit of their interior government, permit me to observe to you upon a few of the many lines of difference which are to be found between

the vices of the Company's government and those of the conquerors who preceded us in India, that we may be enabled a little the better to see our way in an attempt to the necessary reformation.

The several irruptions of Arabs, Tartars, and Persians into India were, for the greater part, ferocious, bloody, and wasteful in the extreme: our entrance into the dominion of that country was, as generally, with small comparative effusion of blood, — being introduced by various frauds and delusions, and by taking advantage of the incurable, blind, and senseless animosity which the several country powers bear towards each other, rather than by open force. But the difference in favor of the first conquerors is this. The Asiatic conquerors very soon abated of their ferocity, because they made the conquered country their own. They rose or fell with the rise or fall of the territory they lived in. Fathers there deposited the hopes of their posterity; and children there beheld the monuments of their fathers. Here their lot was finally cast; and it is the natural wish of all that their lot should not be cast in a bad land. Poverty, sterility, and desolation are not a recreating prospect to the eye of man; and there are very few who can bear to grow old among the curses of a whole people. If their passion or their avarice drove the Tartar lords to acts of rapacity or tyranny, there was time enough, even in the short life of man, to bring round the ill effects of an abuse of power upon the power itself. If hoards were made by violence and tyranny, they were still domestic hoards; and domestic profusion, or the rapine of a more powerful and prodigal hand, restored them to the people. With many disorders, and with few political checks upon power, Nature had still fair play; the sources of acquisition were not dried up; and therefore the trade, the manufactures, and the commerce of the country flourished. Even avarice and usury itself operated both for the preservation and the employment of national wealth. The husbandman and manufacturer paid heavy interest, but then they augmented the fund from whence they were again to borrow. Their resources were dearly bought, but they were sure; and the general stock of the community grew by the general effort.

But under the English government all this order is reversed. The Tartar invasion was mischievous; but it is our protection that destroys India. It was their enmity; but it is our friendship. Our conquest there, after twenty years, is as crude as it was the first day. The natives scarcely know what it is to see the gray head of an Englishman. Young men (boys almost) govern there, without society and without sympathy with the natives. They have no more social habits with the people than if they still resided in England, — nor, indeed, any species of intercourse, but that which is necessary to making a sudden fortune, with a view to a remote settlement. Animated with all the avarice of age and all the impetuosity of youth, they roll in one after another, wave after wave; and there is nothing before the eyes of the natives but an endless, hopeless prospect of new flights of birds of prey and passage, with appetites continually renewing for a food that is continually wasting. Every

rupee of profit made by an Englishman is lost forever to India. With us are no retributory superstitions, by which a foundation of charity compensates, through ages, to the poor, for the rapine and injustice of a day. With us no pride erects stately monuments which repair the mischiefs which pride had produced, and which adorn a country out of its own spoils. England has erected no churches, no hospitals, no palaces, no schools; England has built no bridges, made no high-roads, cut no navigations, dug out no reservoirs. Every other conqueror of every other description has left some monument, either of state or beneficence, behind him. Were we to be driven out of India this day, nothing would remain to tell that it had been possessed, during the inglorious period of our dominion, by anything better than the orang-outang or the tiger.

There is nothing in the boys we send to India worse than in the boys whom we are whipping at school, or that we see trailing a pike or bending over a desk at home. But as English youth in India drink the intoxicating draught of authority and dominion before their heads are able to bear it, and as they are full grown in fortune long before they are ripe in principle, neither Nature nor reason have any opportunity to exert themselves for remedy of the excesses of their premature power. The consequences of their conduct, which in good minds (and many of theirs are probably such) might produce penitence or amendment, are unable to pursue the rapidity of their flight. Their prey is lodged in England; and the cries of India are given to seas and winds, to be blown about, in every breaking up of the monsoon, over a remote and unhearing ocean. In India all the vices operate by which sudden fortune is acquired: in England are often displayed, by the same persons, the virtues which dispense hereditary wealth. Arrived in England, the destroyers of the nobility and gentry of a whole kingdom will find the best company in this nation at a board of elegance and hospitality. Here the manufacturer and husbandman will bless the just and punctual hand that in India has torn the cloth from the loom, or wrested the scanty portion of rice and salt from the peasant of Bengal, or wrung from him the very opium in which he forgot his oppressions and his oppressor. They marry into your families; they enter into your senate; they ease your estates by loans; they raise their value by demand; they cherish and protect your relations which lie heavy on your patronage; and there is scarcely an house in the kingdom that does not feel some concern and interest that makes all reform of our Eastern government appear officious and disgusting, and, on the whole, a most discouraging attempt. In such an attempt you hurt those who are able to return kindness or to resent injury. If you succeed, you save those who cannot so much as give you thanks. All these things show the difficulty of the work we have on hand: but they show its necessity, too. Our Indian government is in its best state a grievance. It is necessary that the correctives should be uncommonly vigorous, and the work of men sanguine, warm, and even impassioned in the cause. But it is an

arduous thing to plead against abuses of a power which originates from your own country, and affects those whom we are used to consider as strangers.

I shall certainly endeavor to modulate myself to this temper; though I am sensible that a cold style of describing actions, which appear to me in a very affecting light, is equally contrary to the justice due to the people and to all genuine human feelings about them. I ask pardon of truth and Nature for this compliance. But I shall be very sparing of epithets either to persons or things. It has been said, (and, with regard to one of them, with truth,) that Tacitus and Machiavel, by their cold way of relating enormous crimes, have in some sort appeared not to disapprove them; that they seem a sort of professors of the art of tyranny; and that they corrupt the minds of their readers by not expressing the detestation and horror that naturally belong to horrible and detestable proceedings. But we are in general, Sir, so little acquainted with Indian details, the instruments of oppression under which the people suffer are so hard to be understood, and even the very names of the sufferers are so uncouth and strange to our ears, that it is very difficult for our sympathy to fix upon these objects. I am sure that some of us have come down stairs from the committee-room with impressions on our minds which to us were the inevitable results of our discoveries, yet, if we should venture to express ourselves in the proper language of our sentiments to other gentlemen not at all prepared to enter into the cause of them, nothing could appear more harsh and dissonant, more violent and unaccountable, than our language and behavior. All these circumstances are not, I confess, very favorable to the idea of our attempting to govern India at all. But there we are; there we are placed by the Sovereign Disposer; and we must do the best we can in our situation. The situation of man is the preceptor of his duty.

Upon the plan which I laid down, and to which I beg leave to return, I was considering the conduct of the Company to those nations which are indirectly subject to their authority. The most considerable of the dependent princes is the Nabob of Oude. My right honorable friend, to whom we owe the remedial bills on your table, has already pointed out to you, in one of the reports, the condition of that prince, and as it stood in the time he alluded to. I shall only add a few circumstances that may tend to awaken some sense of the manner in which the condition of the people is affected by that of the prince, and involved in it, — and to show you, that, when we talk of the sufferings of princes, we do not lament the oppression of individuals, — and that in these cases the high and the low suffer together.

In the year 1779, the Nabob of Oude represented, through the British resident at his court, that the number of Company's troops stationed in his dominions was a main cause of his distress, — and that all those which he was not bound by treaty to maintain should be withdrawn, as they had greatly diminished his revenue and impoverished his country. I will read you, if you please, a few extracts from these representations.

He states, “that the country and cultivation are abandoned, and this year in particular, from the excessive drought of the season, deductions of many lacs having been allowed to the farmers, who are still left unsatisfied”; and then he proceeds with a long detail of his own distress, and that of his family and all his dependants; and adds, “that the new-raised brigade is not only quite useless to my government, but is, moreover, the cause of much loss both in revenues and customs. The detached body of troops under European officers bring nothing *but confusion to the affairs of my government, and are entirely their own masters.*” Mr. Middleton, Mr. Hastings’s confidential resident, vouches for the truth of this representation in its fullest extent. “I am concerned to confess that there is too good ground for this plea. *The misfortune has been general throughout the whole of the vizier’s [the Nabob of Oude] dominions*, obvious to everybody; and so *fatal* have been its consequences, that no person of either credit or character would enter into engagements with government for farming the country.” He then proceeds to give strong instances of the general calamity, and its effects.

It was now to be seen what steps the Governor-General and Council took for the relief of this distressed country, long laboring under the vexations of men, and now stricken by the hand of God. The case of a general famine is known to relax the severity even of the most rigorous government. — Mr. Hastings does not deny or show the least doubt of the fact. The representation is humble, and almost abject. On this representation from a great prince of the distress of his subjects, Mr. Hastings falls into a violent passion, — such as (it seems) would be unjustifiable in any one who speaks of any part of *his* conduct. He declares “that the *demands*, the *tone* in which they were asserted, and the *season* in which they were made, are all equally alarming, and appear to him to require an adequate degree of firmness in this board in *opposition* to them.” He proceeds to deal out very unreserved language on the person and character of the Nabob and his ministers. He declares, that, in a division between him and the Nabob, “*the strongest must decide.*” With regard to the urgent and instant necessity from the failure of the crops, he says, “that *perhaps* expedients *may be found* for affording a *gradual* relief from the burden of which he so heavily complains, and it shall be my endeavor to seek them out”: and lest he should be suspected of too much haste to alleviate sufferings and to remove violence, he says, “that these must be *gradually* applied, and their complete *effect* may be *distant*; and this, I conceive, *is all* he can claim of right.”

This complete effect of his lenity is distant indeed. Rejecting this demand, (as he calls the Nabob’s abject supplication,) he attributes it, as he usually does all things of the kind, to the division in their government, and says, “This is a powerful motive with *me* (however inclined I might be, *upon any other occasion*, to yield to somepart of his demand) to give them an *absolute and unconditional refusal* upon the present, — and even *to bring to punishment, if my influence can produce that effect, those*

incendiaries who have endeavored to make themselves the instruments of division between us."

Here, Sir, is much heat and passion, — but no more consideration of the distress of the country, from a failure of the means of subsistence, and (if possible) the worse evil of an useless and licentious soldiery, than if they were the most contemptible of all trifles. A letter is written, in consequence, in such a style of lofty despotism as I believe has hitherto been unexampled and unheard of in the records of the East. The troops were continued. The *gradual* relief, whose effect was to be so *distant*, has *never* been substantially and beneficially applied, — and the country is ruined.

Mr. Hastings, two years after, when it was too late, saw the absolute necessity of a removal of the intolerable grievance of this licentious soldiery, which, under pretence of defending it, held the country under military execution. A new treaty and arrangement, according to the pleasure of Mr. Hastings, took place; and this new treaty was broken in the old manner, in every essential article. The soldiery were again sent, and again set loose. The effect of all his manoeuvres, from which it seems he was sanguine enough to entertain hopes, upon the state of the country, he himself informs us,— “The event has proved the *reverse* of these hopes, and *accumulation of distress, debasement, and dissatisfaction* to the Nabob, and *disappointment and disgrace to me*. — Every measure [which he had himself proposed] has been *so conducted* as to give him cause of displeasure. There are no officers established by which his affairs could be regularly conducted: mean, incapable, and indigent men have been appointed. A number of the districts without authority, and without the means of personal protection; some of them have been murdered by the zemindars, and those zemindars, instead of punishment, have been permitted to retain their zemindaries, with independent authority; *all* the other zemindars suffered to rise up in rebellion, and to insult the authority of the sircar, without any attempt made to suppress them; and the Company’s debt, instead of being discharged by the assignments and extraordinary sources of money provided for that *purpose, is likely to exceed even the amount at which it stood at the time in which the arrangement with his Excellency was concluded.*” The House will smile at the resource on which the Directors take credit as such a certainty in their curious account.

This is Mr. Hastings’s own narrative of the effects of his own settlement. This is the state of the country which we have been told is in perfect peace and order; and, what is curious, he informs us, that *every part of this was foretold to him in the order and manner in which it happened*, at the very time he made his arrangement of men and measures.

The invariable course of the Company’s policy is this: either they set up some prince too odious to maintain himself without the necessity of their assistance, or they soon render him odious by making him the instrument of their government. In

that case troops are bountifully sent to him to maintain his authority. That he should have no want of assistance, a civil gentleman, called a Resident, is kept at his court, who, under pretence of providing duly for the pay of these troops, gets assignments on the revenue into his hands. Under his provident management, debts soon accumulate; new assignments are made for these debts; until, step by step, the whole revenue, and with it the whole power of the country, is delivered into his hands. The military do not behold without a virtuous emulation the moderate gains of the civil department. They feel that in a country driven to habitual rebellion by the civil government the military is necessary; and they will not permit their services to go unrewarded. Tracts of country are delivered over to their discretion. Then it is found proper to convert their commanding officers into farmers of revenue. Thus, between the well-paid civil and well-rewarded military establishment, the situation of the natives may be easily conjectured. The authority of the regular and lawful government is everywhere and in every point extinguished. Disorders and violences arise; they are repressed by other disorders and other violences. Wherever the collectors of the revenue and the farming colonels and majors move, ruin is about them, rebellion before and behind them. The people in crowds fly out of the country; and the frontier is guarded by lines of troops, not to exclude an enemy, but to prevent the escape of the inhabitants.

By these means, in the course of not more than four or five years, this once opulent and flourishing country, which, by the accounts given in the Bengal consultations, yielded more than three crore of sicca rupees, that is, above three millions sterling, annually, is reduced, as far as I can discover, in a matter purposely involved in the utmost perplexity, to less than one million three hundred thousand pounds, and that exacted by every mode of rigor that can be devised. To complete the business, most of the wretched remnants of this revenue are mortgaged, and delivered into the hands of the usurers at Benares (for there alone are to be found some lingering remains of the ancient wealth of these regions) at an interest of near *thirty per cent per annum*.

The revenues in this manner failing, they seized upon the estates of every person of eminence in the country, and, under the name of *resumption*, confiscated their property. I wish, Sir, to be understood universally and literally, when I assert that there is not left one man of property and substance for his rank in the whole of these provinces, in provinces which are nearly the extent of England and Wales taken together: not one landholder, not one banker, not one merchant, not one even of those who usually perish last, the *ultimum moriens* in a ruined state, not one farmer of revenue.

One country for a while remained, which stood as an island in the midst of the grand waste of the Company's dominion. My right honorable friend, in his admirable speech on moving the bill, just touched the situation, the offences, and the punishment of a native prince, called Fizulla Khân. This man, by policy and

force, had protected himself from the general extirpation of the Rohilla chiefs. He was secured (if that were any security) by a treaty. It was stated to you, as it was stated by the enemies of that unfortunate man, “that the whole of his country *is* what the whole country of the Rohillas *was*, cultivated like a garden, without one neglected spot in it.” Another accuser says,— “Fyzoolah Khan, though a bad soldier, [that is the true source of his misfortune,] has approved himself a good aumil, — having, it is supposed, in the course of a few years, at least *doubled* the population and revenue of his country.” In another part of the correspondence he is charged with making his country an asylum for the oppressed peasants who fly from the territories of Oude. The improvement of his revenue, arising from this single crime, (which Mr. Hastings considers as tantamount to treason,) is stated at an hundred and fifty thousand pounds a year.

Dr. Swift somewhere says, that he who could make two blades of grass grow where but one grew before was a greater benefactor to the human race than all the politicians that ever existed. This prince, who would have been deified by antiquity, who would have been ranked with Osiris, and Bacchus, and Ceres, and the divinities most propitious to men, was, for those very merits, by name attacked by the Company’s government, as a cheat, a robber, a traitor. In the same breath in which he was accused as a rebel, he was ordered at once to furnish five thousand horse. On delay, or (according to the technical phrase, when any remonstrance is made to them) “*on evasion*,” he was declared a violator of treaties, and everything he had was to be taken from him. Not one word, however, of horse in this treaty.

The territory of this Fizulla Khân, Mr. Speaker, is less than the County of Norfolk. It is an inland country, full seven hundred miles from any seaport, and not distinguished for any one considerable branch of manufacture whatsoever. From this territory several very considerable sums had at several times been paid to the British resident. The demand of cavalry, without a shadow or decent pretext of right, amounted to three hundred thousand a year more, at the lowest computation; and it is stated, by the last person sent to negotiate, as a demand of little use, if it could be complied with, — but that the compliance was impossible, as it amounted to more than his territories could supply, if there had been no other demand upon him. Three hundred thousand pounds a year from an inland country not so large as Norfolk!

The thing most extraordinary was to hear the culprit defend himself from the imputation of his virtues, as if they had been the blackest offences. He extenuated the superior cultivation of his country. He denied its population. He endeavored to prove that he had often sent back the poor peasant that sought shelter with him. — I can make no observation on this.

After a variety of extortions and vexations, too fatiguing to you, too disgusting to me, to go through with, they found “that they ought to be in a better state to warrant forcible means”; they therefore contented themselves with a gross sum of one

hundred and fifty thousand pounds for their present demand. They offered him, indeed, an indemnity from their exactions in future for three hundred thousand pounds more. But he refused to buy their securities, — pleading (probably with truth) his poverty; but if the plea were not founded, in my opinion very wisely: not choosing to deal any more in that dangerous commodity of the Company's faith; and thinking it better to oppose distress and unarmed obstinacy to uncolored exaction than to subject himself to be considered as a cheat, if he should make a treaty in the least beneficial to himself.

Thus they executed an exemplary punishment on Fizulla Khân for the culture of his country. But, conscious that the prevention of evils is the great object of all good regulation, they deprived him of the means of increasing that criminal cultivation in future, by exhausting his coffers; and that the population of his country should no more be a standing reproach and libel on the Company's government, they bound him by a positive engagement not to afford any shelter whatsoever to the farmers and laborers who should seek refuge in his territories from the exactions of the British residents in Oude. When they had done all this effectually, they gave him a full and complete acquittance from all charges of rebellion, or of any intention to rebel, or of his having originally had any interest in, or any means of, rebellion.

These intended rebellions are one of the Company's standing resources. When money has been thought to be heaped up anywhere, its owners are universally accused of rebellion, until they are acquitted of their money and their treasons at once. The money once taken, all accusation, trial, and punishment ends. It is so settled a resource, that I rather wonder how it comes to be omitted in the Directors' account; but I take it for granted this omission will be supplied in their next edition.

The Company stretched this resource to the full extent, when they accused two old women, in the remotest corner of India, (who could have no possible view or motive to raise disturbances,) of being engaged in rebellion, with an intent to drive out the English nation, in whose protection, purchased by money and secured by treaty, rested the sole hope of their existence. But the Company wanted money, and the old women *must* be guilty of a plot. They were accused of rebellion, and they were convicted of wealth. Twice had great sums been extorted from them, and as often had the British faith guarantied the remainder. A body of British troops, with one of the military farmers-general at their head, was sent to seize upon the castle in which these helpless women resided. Their chief eunuchs, who were their agents, their guardians, protectors, persons of high rank according to the Eastern manners, and of great trust, were thrown into dungeons, to make them discover their hidden treasures; and there they lie at present. The lands assigned for the maintenance of the women were seized and confiscated. Their jewels and effects were taken, and set up to a pretended auction in an obscure place, and bought at such a price as the gentlemen thought proper to give. No account has ever been transmitted of the articles or produce of this sale. What money was obtained is unknown, or what

terms were stipulated for the maintenance of these despoiled and forlorn creatures: for by some particulars it appears as if an engagement of the kind was made.

Let me here remark, once for all, that though the act of 1773 requires that an account of all proceedings should be diligently transmitted, that this, like all the other injunctions of the law, is totally despised, and that half at least of the most important papers are intentionally withheld.

I wish you, Sir, to advert particularly, in this transaction, to the quality and the numbers of the persons spoiled, and the instrument by whom that spoil was made. These ancient matrons, called the Begums, or Princesses, were of the first birth and quality in India: the one mother, the other wife, of the late Nabob of Oude, Sujah Dowlah, a prince possessed of extensive and flourishing dominions, and the second man in the Mogul Empire. This prince (suspicious, and not unjustly suspicious, of his son and successor) at his death committed his treasures and his family to the British faith. That family and household consisted of *two thousand women*, to which were added two other seraglios of near kindred, and said to be extremely numerous, and (as I am well informed) of about fourscore of the Nabob's children, with all the eunuchs, the ancient servants, and a multitude of the dependants of his splendid court. These were all to be provided, for present maintenance and future establishment, from the lands assigned as dower, and from the treasures which he left to these matrons, in trust for the whole family.

So far as to the objects of the spoil. The *instrument* chosen by Mr. Hastings to despoil the relict of Sujah Dowlah was *her own son*, the reigning Nabob of Oude. It was the pious hand of a son that was selected to tear from his mother and grandmother the provision of their age, the maintenance of his brethren, and of all the ancient household of his father. [*Here a laugh, from some young members.*] The laugh is *seasonable*, and the occasion decent and proper.

By the last advices, something of the sum extorted remained unpaid. The women, in despair, refuse to deliver more, unless their lands are restored, and their ministers released from prison; but Mr. Hastings and his council, steady to their point, and consistent to the last in their conduct, write to the resident to stimulate the son to accomplish the filial acts he had brought so near to their perfection. "We desire," say they in their letter to the resident, (written so late as March last,) "that you will inform us if any, and what means, have been taken for recovering the balance due from the Begum [Princess] at Fyzabad; and that, if necessary, you *recommend* it to the vizier to enforce *the most effectual means* for that purpose."

What their effectual means of enforcing demands on women of high rank and condition are I shall show you, Sir, in a few minutes, when I represent to you another of these plots and rebellions, which *always* in India, though so *rarely* anywhere else, are the offspring of an easy condition and hoarded riches.

Benares is the capital city of the Indian religion. It is regarded as holy by a particular and distinguished sanctity; and the Gentoos in general think themselves as

much obliged to visit it once in their lives as the Mahometans to perform their pilgrimage to Mecca. By this means that city grew great in commerce and opulence; and so effectually was it secured by the pious veneration of that people, that in all wars and in all violences of power there was so sure an asylum both for poverty and wealth, (as it were under a divine protection,) that the wisest laws and best assured free constitution could not better provide for the relief of the one or the safety of the other; and this tranquillity influenced to the greatest degree the prosperity of all the country, and the territory of which it was the capital. The interest of money there was not more than half the usual rate in which it stood in all other places. The reports have fully informed you of the means and of the terms in which this city and the territory called Ghazipoor, of which it was the head, came under the sovereignty of the East India Company.

If ever there was a subordinate dominion pleasantly circumstanced to the superior power, it was this. A large rent or tribute, to the amount of two hundred and sixty thousand pounds a year, was paid in monthly instalments with the punctuality of a dividend at the Bank. If ever there was a prince who could not have an interest in disturbances, it was its sovereign, the Rajah Cheit Sing. He was in possession of the capital of his religion, and a willing revenue was paid by the devout people who resorted to him from all parts. His sovereignty and his independence, except his tribute, was secured by every tie. His territory was not much less than half of Ireland, and displayed in all parts a degree of cultivation, ease, and plenty, under his frugal and paternal management, which left him nothing to desire, either for honor or satisfaction.

This was the light in which this country appeared to almost every eye. But Mr. Hastings beheld it askance. Mr. Hastings tells us that it was *reported* of this Cheit Sing, that his father left him a million sterling, and that he made annual accessions to the hoard. Nothing could be so obnoxious to indigent power. So much wealth could not be innocent. The House is fully acquainted with the unfounded and unjust requisitions which were made upon this prince. The question has been most ably and conclusively cleared up in one of the reports of the select committee, and in an answer of the Court of Directors to an extraordinary publication against them by their servant, Mr. Hastings. But I mean to pass by these exactions as if they were perfectly just and regular; and having admitted them, I take what I shall now trouble you with only as it serves to show the spirit of the Company's government, the mode in which it is carried on, and the maxims on which it proceeds.

Mr. Hastings, from whom I take the doctrine, endeavors to prove that Cheit Sing was no sovereign prince, but a mere zemindar, or common subject, holding land by rent. If this be granted to him, it is next to be seen under what terms he is of opinion such a landholder, that is a British subject, holds his life and property under the Company's government. It is proper to understand well the doctrines of the person whose administration has lately received such distinguished approbation

from the Company. His doctrine is,— “That the Company, or the *person delegated by it*, holds *an absolute* authority over such zemindars; — that he [such a subject] owes *an implicit* and *unreserved* obedience to its authority, at the *forfeiture* even of his *life* and *property*, at the DISCRETION of those who held *or fully represented* the sovereign authority; — and that *these* rights are *fully delegated to him*, Mr. Hastings.”

Such is a British governor’s idea of the condition of a great zemindar holding under a British authority; and this kind of authority he supposes fully delegated to *him*, — though no such delegation appears in any commission, instruction, or act of Parliament. At his *discretion* he may demand of the substance of any zemindar, over and above his rent or tribute, even, what he pleases, with a sovereign authority; and if he does not yield an *implicit, unreserved* obedience to all his commands, he forfeits his lands, his life, and his property, at Mr. Hastings’s *discretion*. But, extravagant, and even frantic, as these positions appear, they are less so than what I shall now read to you; for he asserts, that, if any one should urge an exemption from more than a stated payment, or should consider the deeds which passed between him and the Board “as bearing *the quality and force* of a treaty between equal states,” he says, “that such an opinion is itself criminal to the state of which he is a subject; and that he was himself amenable to its justice, if he gave *countenance* to such a *belief*.” Here is a new species of crime invented, that of countenancing a belief, — but a belief of what? A belief of that which the Court of Directors, Hastings’s masters, and a committee of this House, have decided as this prince’s indisputable right.

But supposing the Rajah of Benares to be a mere subject, and that subject a criminal of the highest form; let us see what course was taken by an upright English magistrate. Did he cite this culprit before his tribunal? Did he make a charge? Did he produce witnesses? These are not forms; they are parts of substantial and eternal justice. No, not a word of all this. Mr. Hastings concludes him, *in his own mind*, to be guilty: he makes this conclusion on reports, on hearsays, on appearances, on rumors, on conjectures, on presumptions; and even these never once hinted to the party, nor publicly to any human being, till the whole business was done.

But the Governor tells you his motive for this extraordinary proceeding, so contrary to every mode of justice towards either a prince or a subject, fairly and without disguise; and he puts into your hands the key of his whole conduct:— “I will suppose, for a moment, that I have acted with unwarrantable rigor towards Cheit Sing, and even with injustice. — Let my MOTIVE be consulted. I left Calcutta, impressed with a belief that *extraordinary means* were necessary, and those exerted with a *steady hand*, to preserve the Company’s *interests from sinking under the accumulated weight which oppressed them*. I saw a *political necessity* for curbing the *overgrown* power of a great member of their dominion, and *for making it contribute to the relief of their pressing exigencies*.” This is plain speaking; after

this, it is no wonder that the Rajah's wealth and his offence, the necessities of the judge and the opulence of the delinquent, are never separated, through the whole of Mr. Hastings's apology. "The justice and *policy* of exacting a *large pecuniary mulct*." The resolution "*to draw from his guilt the means of relief to the Company's distresses*." His determination "to make him *pay largely* for his pardon, or to execute a severe vengeance for past delinquency." That "as his *wealth was great*, and the *Company's exigencies* pressing, he thought it a measure of justice and policy to exact from him a large pecuniary mulct *for their relief*."—"The sum" (says Mr. Wheler, bearing evidence, at his desire, to his intentions) "to which the Governor declared his resolution to extend his fine was forty or fifty lacs, *that is, four or five hundred thousand pounds*; and that, if he refused, he was to be removed from his zemindary entirely; or by taking possession of his forts, to obtain, *out of the treasure deposited in them*, the above sum for the Company."

Crimes so convenient, crimes so politic, crimes so necessary, crimes so alleviating of distress, can never be wanting to those who use no process, and who produce no proofs.

But there is another serious part (what is not so?) in this affair. Let us suppose that the power for which Mr. Hastings contends, a power which no sovereign ever did or ever can vest in any of his subjects, namely, his own sovereign authority, to be conveyed by the act of Parliament to any man or body of men whatsoever; it certainly was never given to Mr. Hastings. The powers given by the act of 1773 were formal and official; they were given, not to the Governor-General, but to the major vote of the board, as a board, on discussion amongst themselves, in their public character and capacity; and their acts in that character and capacity were to be ascertained by records and minutes of council. The despotic acts exercised by Mr. Hastings were done merely in his *private* character; and, if they had been moderate and just, would still be the acts of an usurped authority, and without any one of the legal modes of proceeding which could give him competence for the most trivial exertion of power. There was no proposition or deliberation whatsoever in council, no minute on record, by circulation or otherwise, to authorize his proceedings; no delegation of power to impose a fine, or to take any step to deprive the Rajah of Benares of his government, his property, or his liberty. The minutes of consultation assign to his journey a totally different object, duty, and destination. Mr. Wheler, at his desire, tells us long after, that he had a confidential conversation with him on various subjects, of which this was the principal, in which Mr. Hastings notified to him his secret intentions; "and that he *bespoke* his support of the measures which he intended to pursue towards him (the Rajah)." This confidential discourse, and *bespeaking* of support, could give him no power, in opposition to an express act of Parliament, and the whole tenor of the orders of the Court of Directors.

In what manner the powers thus usurped were employed is known to the whole world. All the House knows that the design on the Rajah proved as unfruitful as it was violent. The unhappy prince was expelled, and his more unhappy country was enslaved and ruined; but not a rupee was acquired. Instead of treasure to recruit the Company's finances, wasted by their wanton wars and corrupt jobs, they were plunged into a new war, which shook their power in India to its foundation, and, to use the Governor's own happy simile, might have dissolved it like a magic structure, if the talisman had been broken.

But the success is no part of my consideration, who should think just the same of this business, if the spoil of one rajah had been fully acquired, and faithfully applied to the destruction of twenty other rajahs. Not only the arrest of the Rajah in his palace was unnecessary and unwarrantable, and calculated to stir up any manly blood which remained in his subjects, but the despotic style and the extreme insolence of language and demeanor, used to a person of great condition among the politest people in the world, was intolerable. Nothing aggravates tyranny so much as contumely. *Quicquid superbia in contumeliis* was charged by a great man of antiquity, as a principal head of offence against the Governor-General of that day. The unhappy people were still more insulted. A relation, but an *enemy* to the family, a notorious robber and villain, called Ussaun Sing, kept as a hawk in a mew, to fly upon this nation, was set up to govern there, instead of a prince honored and beloved. But when the business of insult was accomplished, the revenue was too serious a concern to be intrusted to such hands. Another was set up in his place, as guardian to an infant.

But here, Sir, mark the effect of all these *extraordinary* means, of all this policy and justice. The revenues, which had been hitherto paid with such astonishing punctuality, fell into arrear. The new prince guardian was deposed without ceremony, — and with as little, cast into prison. The government of that once happy country has been in the utmost confusion ever since such good order was taken about it. But, to complete the contumely offered to this undone people, and to make them feel their servitude in all its degradation and all its bitterness, the government of their sacred city, the government of that Benares which had been so respected by Persian and Tartar conquerors, though of the Mussulman persuasion, that, even in the plenitude of their pride, power, and bigotry, no magistrate of that sect entered the place, was now delivered over by English hands to a Mahometan; and an Ali Ibrahim Khân was introduced, under the Company's authority, with power of life and death, into the sanctuary of the Gentoo religion. After this, the taking off a slight payment, cheerfully made by pilgrims to a chief of their own rites, was represented as a mighty benefit.

It remains only to show, through the conduct in this business, the spirit of the Company's government, and the respect they pay towards other prejudices, not less regarded in the East than those of religion: I mean the reverence paid to the female

sex in general, and particularly to women of high rank and condition. During the general confusion of the country of Ghazipoor, Panna, the mother of Cheit Sing, was lodged with her train in a castle called Bidge Gur, in which were likewise deposited a large portion of the treasures of her son, or more probably her own. To whomsoever they belonged was indifferent: for, though no charge of rebellion was made on this woman, (which was rather singular, as it would have cost nothing,) they were resolved to secure her with her fortune. The castle was besieged by Major Popham.

There was no great reason to apprehend that soldiers ill paid, that soldiers who thought they had been defrauded of their plunder on former services of the same kind, would not have been sufficiently attentive to the spoil they were expressly come for; but the gallantry and generosity of the profession was justly suspected, as being likely to set bounds to military rapaciousness. The Company's first civil magistrate discovered the greatest uneasiness lest the women should have anything preserved to them. Terms tending to put some restraint on military violence were granted. He writes a letter to Mr. Popham, referring to some letter written before to the same effect, which I do not remember to have seen; but it shows his anxiety on this subject. Hear himself:— "I think *every* demand she has made on you, except that of safety and respect to her person, is unreasonable. If the reports brought to me are true, your rejecting her offers, or *any negotiation*, would soon obtain you the fort upon your own terms. I apprehend she will attempt to *defraud the captors of a considerable part of their booty, by being suffered to retire without examination*. But this is your concern, not mine. I should *be very sorry* that your officers and soldiers lost *any* part of the reward to which they are so well entitled; but you must be the best judge of the *promised* indulgence to the Ranny: what you have engaged for I will certainly ratify; but as to suffering the Ranny to hold the purgunna of Hurlich, or any other zemindary, without being subject to the authority of the zemindar, *or any lands whatsoever*, or indeed making *any* condition with her for a *provision*, I will *never consent*."

Here your Governor stimulates a rapacious and licentious soldiery to the personal search of women, lest these unhappy creatures should avail themselves of the protection of their sex to secure any supply for their necessities; and he positively orders that no stipulation should be made for any provision for them. The widow and mother of a prince, well informed of her miserable situation, and the cause of it, a woman of this rank became a suppliant to the domestic servant of Mr. Hastings, (they are his own words that I read,) "imploring his intercession that she may be relieved *from the hardships and dangers of her present situation*, and offering to surrender the fort, and the *treasure and valuable effects* contained in it, provided she can be assured of *safety and protection to her person and honor*, and to that of her family and attendants." He is so good as to consent to this, "provided she surrenders everything of value, with the reserve *only* of such articles as *you* shall

think *necessary* to her condition, or as you *yourself* shall be disposed to indulge her with. — But should she refuse to execute the promise she has made, or delay it beyond the term of twenty-four hours, it is *my positive* injunction that you immediately put a stop to any further intercourse or negotiation with her, and on no pretext renew it. If she disappoints or *trifles* with me, after I have subjected *my duan* to the disgrace of returning ineffectually, and of course myself to discredit, I shall consider it as a *wanton* affront and indignity *which I can never forgive*; nor will I grant her *any* conditions whatever, but leave her exposed *to those* dangers which she has chosen to risk, rather than trust to the clemency and generosity of our government. I think she cannot be ignorant of these consequences, and will not venture to incur them; and it is for this reason I place a dependence on her offers, and have consented to send my duan to her.” The dreadful secret hinted at by the merciful Governor in the latter part of the letter is well understood in India, where those who suffer corporeal indignities generally expiate the offences of others with their own blood. However, in spite of all these, the temper of the military did, some way or other, operate. They came to terms which have never been transmitted. It appears that a fifteenth per cent of the plunder was reserved to the captives, of which the unhappy mother of the Prince of Benares was to have a share. This ancient matron, born to better things [*A laugh from certain young gentlemen*] — I see no cause for this mirth. A good author of antiquity reckons among the calamities of his time “*nobilissimarum fœminarum exilia et fugas.*” I say, Sir, this ancient lady was compelled to quit her house, with three hundred helpless women and a multitude of children in her train. But the lower sort in the camp, it seems, could not be restrained. They did not forget the good lessons of the Governor-General. They were unwilling “to be defrauded of a considerable part of their booty by suffering them to pass without examination.” — They examined them, Sir, with a vengeance; and the sacred protection of that awful character, Mr. Hastings’s *maître d’hôtel*, could not secure them from insult and plunder. Here is Popham’s narrative of the affair: —

“The Ranny came out of the fort, with her family and dependants, the tenth, at night, owing to which such attention was not paid to her as I wished; and I am exceedingly sorry to inform you that *the licentiousness of our followers was beyond the bounds of control; for, notwithstanding all I could do, her people were plundered on the road of most of the things which they brought out of the fort, by which means one of the articles of surrender has been much infringed.* The distress I have felt upon this occasion cannot be expressed, and can only be allayed by a firm performance of the other articles of the treaty, which I shall make it my business to enforce. — The suspicions which the officers had of treachery, and the delay made to our getting possession, had enraged them, as well as the troops, so much, that the treaty was at first regarded as void; but this determination was soon succeeded by pity and compassion for the unfortunate besieged.” — After this comes, in his due

order, Mr. Hastings; who is full of sorrow and indignation, &c., &c., &c., according to the best and most authentic precedents established upon such occasions.

The women being thus disposed of, that is, completely despoiled, and pathetically lamented, Mr. Hastings at length recollected the great object of his enterprise, which, during his zeal lest the officers and soldiers should lose any part of their reward, he seems to have forgot, — that is to say, “to draw from the Rajah’s guilt the means of relief to the Company’s distresses.” This was to be the stronghold of his defence. This compassion to the Company, he knew by experience, would sanctify a great deal of rigor towards the natives. But the military had distresses of their own, which they considered first. Neither Mr. Hastings’s authority, nor his supplications, could prevail on them to assign a shilling to the claim he made on the part of the Company. They divided the booty amongst themselves. Driven from his claim, he was reduced to petition for the spoil as a loan. But the soldiers were too wise to venture as a loan what the borrower claimed as a right. In defiance of all authority, they shared among themselves about two hundred thousand pounds sterling, besides what had been taken from the women.

In all this there is nothing wonderful. We may rest assured, that, when the maxims of any government establish among its resources extraordinary means, and those exerted with a strong hand, that strong hand will provide those extraordinary means for *itself*. Whether the soldiers had reason or not, (perhaps much might be said for them,) certain it is, the military discipline of India was ruined from that moment; and the same rage for plunder, the same contempt of subordination, which blasted all the hopes of extraordinary means from your strong hand at Benares, have very lately lost you an army in Mysore. This is visible enough from the accounts in the last gazette.

There is no doubt but that the country and city of Benares, now brought into the same order, will very soon exhibit, if it does not already display, the same appearance with those countries and cities which are under better subjection. A great master, Mr. Hastings, has himself been at the pains of drawing a picture of one of these countries: I mean the province and city of Furruckabad. There is no reason to question his knowledge of the facts; and his authority (on this point at least) is above all exception, as well for the state of the country as for the cause. In his minute of consultation, Mr. Hastings describes forcibly the consequences which arise from the degradation into which we have sunk the native government. “The total want (says he) of all order, regularity, or authority, in his (the Nabob of Furruckabad’s) government, and to which, among other obvious causes, it may no doubt be owing that the country of Furruckabad is become *almost an entire waste, without cultivation or inhabitants*, — that the capital, which but a very short time ago was distinguished as one of the most populous and opulent commercial cities in Hindostan, at present exhibits nothing but *scenes of the most wretched poverty, desolation, and misery*, — and that the *Nabob himself*, though in the possession of a

tract of country which, with only common care, is notoriously capable of yielding an annual revenue of between thirty and forty lacs, (three or four hundred thousand pounds,) with *no military establishment* to maintain, scarcely commands *the means of a bare subsistence*.”

This is a true and unexaggerated picture, not only of Furruckabad, but of at least three fourths of the country which we possess, or rather lay waste, in India. Now, Sir, the House will be desirous to know for what purpose this picture was drawn. It was for a purpose, I will not say laudable, but necessary: that of taking the unfortunate prince and his country out of the hands of a sequestrator sent thither by the Nabob of Oude, the mortal enemy of the prince thus ruined, and to protect him by means of a British resident, who might carry his complaints to the superior resident at Oude, or transmit them to Calcutta. But mark how the reformer persisted in his reformation. The effect of the measure was better than was probably expected. The prince began to be at ease; the country began to recover; and the revenue began to be collected. These were alarming circumstances. Mr. Hastings not only recalled the resident, but he entered into a formal stipulation with the Nabob of Oude never to send an English subject again to Furruckabad; and thus the country, described as you have heard by Mr. Hastings, is given up forever to the very persons to whom he had attributed its ruin, — that is, to the sezawals or sequestrators of the Nabob of Oude.

Such was the issue of the first attempt to relieve the distresses of the dependent provinces. I shall close what I have to say on the condition of the northern dependencies with the effect of the last of these attempts. You will recollect, Sir, the account I have not long ago stated to you, as given by Mr. Hastings, of the ruined condition of the destroyer of others, the Nabob of Oude, and of the recall, in consequence, of Hannay, Middleton, and Johnson. When the first little sudden gust of passion against these gentlemen was spent, the sentiments of old friendship began to revive. Some healing conferences were held between them and the superior government. Mr. Hannay was permitted to return to Oude; but death prevented the further advantages intended for him, and the future benefits proposed for the country by the provident cars of the Council-General.

One of these gentlemen was accused of the grossest peculations; two of them by Mr. Hastings himself, of what he considered as very gross offences. The Court of Directors were informed, by the Governor-General and Council, that a severe inquiry would be instituted against the two survivors; and they requested that court to suspend its judgment, and to wait the event of their proceedings. A mock inquiry has been instituted, by which the parties could not be said to be either acquitted or condemned. By means of the bland and conciliatory dispositions of the charter-governors, and proper private explanations, the public inquiry has in effect died away; the supposed speculators and destroyers of Oude repose in all security in the

bosoms of their accusers; whilst others succeed to them to be instructed by their example.

It is only to complete the view I proposed of the conduct of the Company with regard to the dependent provinces, that I shall say *any* thing at all of the Carnatic, which is the scene, if possible, of greater disorder than the northern provinces. Perhaps it were better to say of this centre and metropolis of abuse, whence all the rest in India and in England diverge, from whence they are fed and methodized, what was said of Carthage,— “*De Carthagine satius est silere quam parum dicere.*” This country, in all its denominations, is about 46,000 square miles. It may be affirmed universally, that not one person of substance or property, landed, commercial, or moneyed, excepting two or three bankers, who are necessary deposits and distributors of the general spoil, is left in all that region. In that country, the moisture, the bounty of Heaven, is given but at a certain season. Before the era of our influence, the industry of man carefully husbanded that gift of God. The Gentoos preserved, with a provident and religious care, the precious deposit of the periodical rain in reservoirs, many of them works of royal grandeur; and from these, as occasion demanded, they fructified the whole country. To maintain these reservoirs, and to keep up an annual advance to the cultivators for seed and cattle, formed a principal object of the piety and policy of the priests and rulers of the Gentoo religion.

This object required a command of money; and there was no pollam, or castle, which in the happy days of the Carnatic was without some hoard of treasure, by which the governors were enabled to combat with the irregularity of the seasons, and to resist or to buy off the invasion of an enemy. In all the cities were multitudes of merchants and bankers, for all occasions of moneyed assistance; and on the other hand, the native princes were in condition to obtain credit from them. The manufacturer was paid by the return of commodities, or by imported money, and not, as at present, in the taxes that had been originally exacted from his industry. In aid of casual distress, the country was full of choultries, which were inns and hospitals, where the traveller and the poor were relieved. All ranks of people had their place in the public concern, and their share in the common stock and common prosperity. But *the chartered rights of men*, and the right which it was thought proper to set up in the Nabob of Arcot, introduced a new system. It was their policy to consider hoards of money as crimes, — to regard moderate rents as frauds on the sovereign, — and to view, in the lesser princes, any claim of exemption from more than settled tribute as an act of rebellion. Accordingly, all the castles were, one after the other, plundered and destroyed; the native princes were expelled; the hospitals fell to ruin; the reservoirs of water went to decay; the merchants, bankers, and manufacturers disappeared; and sterility, indigence, and depopulation overspread the face of these once flourishing provinces.

The Company was very early sensible of these mischiefs, and of their true cause. They gave precise orders, “that the native princes, called polygars, should *not be extirpated*.” “The rebellion” (so they choose to call it) “of the polygars may, they fear, *with, too much justice*, be attributed to the maladministration of the Nabob’s collectors.” “They observe with concern, that their troops have been put to *disagreeable* services.” They might have used a stronger expression without impropriety. But they make amends in another place. Speaking of the polygars, the Directors say that “it was repugnant to humanity to *force* them to such dreadful extremities *as they underwent*”; that some examples of severity *might* be necessary, “when they fell into the Nabob’s hands,” *and not by the destruction of the country*; “that *they fear* his government is *none of the mildest*, and that there is *great oppression* in collecting his revenues.” They state, that the wars in which he has involved the Carnatic had been a cause of its distresses; “that those distresses have been certainly great, but those by *the Nabob’s oppressions* they believe *to be greater than all*.” Pray, Sir, attend to the reason for their opinion that the government of this their instrument is more calamitous to the country than the ravages of war: — Because, say they, his oppressions are “*without intermission*; the others are temporary; — by all which *oppressions* we believe the Nabob has great wealth in store.” From this store neither he nor they could derive any advantage whatsoever, upon the invasion of Hyder Ali, in the hour of their greatest calamity and dismay.

It is now proper to compare these declarations with the Company’s conduct. The principal reason which they assigned against the *extirpation* of the polygars was, that the *weavers* were protected in their fortresses. They might have added, that the Company itself, which stung them to death, had been warmed in the bosom of these unfortunate princes: for, on the taking of Madras by the French, it was in their hospitable pollams that most of the inhabitants found refuge and protection. But notwithstanding all these orders, reasons, and declarations, they at length gave an indirect sanction, and permitted the use of a very direct and irresistible force, to measures which they had over and over again declared to be false policy, cruel, inhuman, and oppressive. Having, however, forgot all attention to the princes and the people, they remembered that they had some sort of interest in the trade of the country; and it is matter of curiosity to observe the protection which they afforded to this their natural object.

Full of anxious cares on this head, they direct, “that, in reducing the polygars, they [their servants] were to be *cautious* not to deprive the *weavers and manufacturers* of the protection they often met with in the strongholds of the polygar countries”; and they write to their instrument, the Nabob of Arcot, concerning these poor people in a most pathetic strain. “We *entreat* your Excellency,” (say they,) “in particular, to make the manufacturers the object of your *tenderest care*; particularly when you *root out* the polygars, you do not deprive the *weavers of the protection they enjoyed under them*.” When they root out the

protectors in favor of the oppressor, they show themselves religiously cautious of the rights of the protected. When they extirpate the shepherd and the shepherd's dog, they piously recommend the helpless flock to the mercy, and even to the *tenderest care*, of the wolf. This is the uniform strain of their policy, — strictly forbidding, and at the same time strenuously encouraging and enforcing, every measure that can ruin and desolate the country committed to their charge. After giving the Company's idea of the government of this their instrument, it may appear singular, but it is perfectly consistent with their system, that, besides wasting for him, at two different times, the most exquisite spot upon the earth, Tanjore, and all the adjacent countries, they have even voluntarily put their own territory, that is, a large and fine country adjacent to Madras, called their jaghire, wholly out of their protection, — and have continued to farm their subjects, and their duties towards these subjects, to that very Nabob whom they themselves constantly represent as an habitual oppressor and a relentless tyrant. This they have done without any pretence of ignorance of the objects of oppression for which this prince has thought fit to become their renter; for he has again and again told them that it is for the sole purpose of exercising authority he holds the jaghire lands; and he affirms (and I believe with truth) that he pays more for that territory than the revenues yield. This deficiency he must make up from his other territories; and thus, in order to furnish the means of oppressing one part of the Carnatic, he is led to oppress all the rest.

The House perceives that the livery of the Company's government is uniform. I have described the condition of the countries indirectly, but most substantially, under the Company's authority. And now I ask, whether, with this map of misgovernment before me, I can suppose myself bound by my vote to continue, upon any principles of pretended public faith, the management of these countries in those hands. If I kept such a faith (which in reality is no better than a *fides latronum*) with what is called the Company, I must break the faith, the covenant, the solemn, original, indispensable oath, in which I am bound, by the eternal frame and constitution of things, to the whole human race.

As I have dwelt so long on these who are indirectly under the Company's administration, I will endeavor to be a little shorter upon the countries immediately under this charter-government. These are the Bengal provinces. The condition of these provinces is pretty fully detailed in the Sixth and Ninth Reports, and in their Appendixes. I will select only such principles and instances as are broad and general. To your own thoughts I shall leave it to furnish the detail of oppressions involved in them. I shall state to you, as shortly as I am able, the conduct of the Company: — 1st, towards the landed interests; — next, the commercial interests; — 3rdly, the native government; — and lastly, to their own government.

Bengal, and the provinces that are united to it, are larger than the kingdom of France, and once contained, as France does contain, a great and independent landed interest, composed of princes, of great lords, of a numerous nobility and gentry, of

freeholders, of lower tenants, of religious communities, and public foundations. So early as 1769, the Company's servants perceived the decay into which these provinces had fallen under English administration, and they made a strong representation upon this decay, and what they apprehended to be the causes of it. Soon after this representation, Mr. Hastings became President of Bengal. Instead of administering a remedy to this melancholy disorder, upon the heels of a dreadful famine, in the year 1772, the succor which the new President and the Council lent to this afflicted nation was — shall I be believed in relating it? — the landed interest of a whole kingdom, of a kingdom to be compared to France, was set up to public auction! They set up (Mr. Hastings set up) the whole nobility, gentry, and freeholders to the highest bidder. No preference was given to the ancient proprietors. They must bid against every usurer, every temporary adventurer, every jobber and schemer, every servant of every European, — or they were obliged to content themselves, in lieu of their extensive domains, with their house, and such a pension as the state auctioneers thought fit to assign. In this general calamity, several of the first nobility thought (and in all appearance justly) that they had better submit to the necessity of this pension, than continue, under the name of zemindars, the objects and instruments of a system by which they ruined their tenants and were ruined themselves. Another reform has since come upon the back of the first; and a pension having been assigned to these unhappy persons, in lieu of their hereditary lands, a new scheme of economy has taken place, and deprived them of that pension.

The menial servants of Englishmen, persons (to use the emphatical phrase of a ruined and patient Eastern chief) "*whose fathers they would not have set with the dogs of their flock*" entered into their patrimonial lands. Mr. Hastings's banian was, after this auction, found possessed of territories yielding a rent of one hundred and forty thousand pounds a year.

Such an universal proscription, upon any pretence, has few examples. Such a proscription, without even a pretence of delinquency, has none. It stands by itself. It stands as a monument to astonish the imagination, to confound the reason of mankind. I confess to you, when I first came to know this business in its true nature and extent, my surprise did a little suspend my indignation. I was in a manner stupefied by the desperate boldness of a few obscure young men, who, having obtained, by ways which they could not comprehend, a power of which they saw neither the purposes nor the limits, tossed about, subverted, and tore to pieces, as if it were in the gambols of a boyish unluckiness and malice, the most established rights, and the most ancient and most revered institutions, of ages and nations. Sir, I will not now trouble you with any detail with regard to what they have since done with these same lands and landholders, only to inform you that nothing has been suffered to settle for two seasons together upon any basis, and that the levity and inconstancy of these mock legislators were not the least afflicting parts of the

oppressions suffered under their usurpation; nor will anything give stability to the property of the natives, but an administration in England at once protecting and stable. The country sustains, almost every year, the miseries of a revolution. At present, all is uncertainty, misery, and confusion. There is to be found through these vast regions no longer one landed man who is a resource for voluntary aid or an object for particular rapine. Some of them were not long since great princes; they possessed treasures, they levied armies. There was a zemindar in Bengal, (I forget his name,) that, on the threat of an invasion, supplied the subah of these provinces with the loan of a million sterling. The family at this day wants credit for a breakfast at the bazaar.

I shall now say a word or two on the Company's care of the commercial interest of those kingdoms. As it appears in the Reports that persons in the highest stations in Bengal have adopted, as a fixed plan of policy, the destruction of all intermediate dealers between the Company and the manufacturer, native merchants have disappeared of course. The spoil of the revenues is the sole capital which purchases the produce and manufactures, and through three or four foreign companies transmits the official gains of individuals to Europe. No other commerce has an existence in Bengal. The transport of its plunder is the only traffic of the country. I wish to refer you to the Appendix to the Ninth Report for a full account of the manner in which the Company have protected the commercial interests of their dominions in the East.

As to the native government and the administration of justice, it subsisted in a poor, tottering manner for some years. In the year 1781 a total revolution took place in that establishment. In one of the usual freaks of legislation of the Council of Bengal, the whole criminal jurisdiction of these courts, called the Phoujdary Judicature, exercised till then by the principal Mussulmen, was in one day, without notice, without consultation with the magistrates or the people there, and without communication with the Directors or Ministers here, totally subverted. A new institution took place, by which this jurisdiction was divided between certain English servants of the Company and the Gentoo zemindars of the country, the latter of whom never petitioned for it, nor, for aught that appears, ever desired this boon. But its natural use was made of it: it was made a pretence for new extortions of money.

The natives had, however, one consolation in the ruin of their judicature: they soon saw that it fared no better with the English government itself. That, too, after destroying every other, came to its period. This revolution may well be rated for a most daring act, even among the extraordinary things that have been doing in Bengal since our unhappy acquisition of the means of so much mischief.

An establishment of English government for civil justice, and for the collection of revenue, was planned and executed by the President and Council of Bengal, subject to the pleasure of the Directors, in the year 1772. According to this plan,

the country was divided into six districts, or provinces. In each of these was established a provincial council, which administered the revenue; and of that council, one member, by monthly rotation, presided in the courts of civil resort, with an appeal to the council of the province, and thence to Calcutta. In this system (whether in other respects good or evil) there were some capital advantages. There was, in the very number of persons in each provincial council, authority, communication, mutual check, and control. They were obliged, on their minutes of consultation, to enter their reasons and dissents; so that a man of diligence, of research, and tolerable sagacity, sitting in London, might, from these materials, be enabled to form some judgment of the spirit of what was going on on the furthest banks of the Ganges and Burrampooter.

The Court of Directors so far ratified this establishment, (which was consonant enough to their general plan of government,) that they gave precise orders that no alteration should be made in it without their consent. So far from being apprised of any design against this constitution, they had reason to conceive that on trial it had been more and more approved by their Council-General, at least by the Governor-General, who had planned it. At the time of the revolution, the Council-General was nominally in two persons, virtually in one. At that time measures of an arduous and critical nature ought to have been forborne, even if, to the fullest council, this specific measure had not been prohibited by the superior authority. It was in this very situation that one man had the hardiness to conceive and the temerity to execute a total revolution in the form and the persons composing the government of a great kingdom. Without any previous step, at one stroke, the whole constitution, of Bengal, civil and criminal, was swept away. The counsellors were recalled from their provinces; upwards of fifty of the principal officers of government were turned out of employ, and rendered dependent on Mr. Hastings for their immediate subsistence, and for all hope of future provision. The chief of each council, and one European collector of revenue, was left in each province.

But here, Sir, you may imagine a new government, of some permanent description, was established in the place of that which had been thus suddenly overturned. No such thing. Lest these chiefs, without councils, should be conceived to form the ground-plan of some future government, it was publicly declared that their continuance was only temporary and permissive. The whole subordinate British administration of revenue was then vested in a committee in Calcutta, all creatures of the Governor-General; and the provincial management, under the permissive chief, was delivered over to native officers.

But that the revolution and the purposes of the revolution might be complete, to this committee were delegated, not only the functions of all the inferior, but, what will surprise the House, those of the supreme administration of revenue also. Hitherto the Governor-General and Council had, in their revenue department,

administered the finances of those kingdoms. By the new scheme they are delegated to this committee, who are only to report their proceedings for approbation.

The key to the whole transaction is given in one of the instructions to the committee,— “that it is not necessary that they should enter dissents.” By this means the ancient plan of the Company’s administration was destroyed; but the plan of concealment was perfected. To that moment the accounts of the revenues were tolerably clear, — or at least means were furnished for inquiries, by which they might be rendered satisfactory. In the obscure and silent gulf of this committee everything is now buried. The thickest shades of night surround all their transactions. No effectual means of detecting fraud, mismanagement, or misrepresentation exist. The Directors, who have dared to talk with such confidence on their revenues, know nothing about them. What used to fill volumes is now comprised under a few dry heads on a sheet of paper. The natives, a people habitually made to concealment, are the chief managers of the revenue throughout the provinces. I mean by natives such wretches as your rulers select out of them as most fitted for their purposes. As a proper keystone to bind the arch, a native, one Gunga Govind Sing, a man turned out of his employment by Sir John Clavering for malversation in office, is made the corresponding secretary, and, indeed, the great moving principle of their new board.

As the whole revenue and civil administration was thus subverted, and a clandestine government substituted in the place of it, the judicial institution underwent a like revolution. In 1772 there had been six courts, formed out of the six provincial councils. Eighteen new ones are appointed in their place, with each a judge, taken from the *junior* servants of the Company. To maintain these eighteen courts, a tax is levied on the sums in litigation, of two and one half per cent on the great, and of five per cent on the less. This money is all drawn from the provinces to Calcutta. The chief justice (the same who stays in defiance of a vote of this House, and of his Majesty’s recall) is appointed at once the treasurer and disposer of these taxes, levied without any sort of authority from the Company, from the Crown, or from Parliament.

In effect, Sir, every legal, regular authority, in matters of revenue, of political administration, of criminal law, of civil law, in many of the most essential parts of military discipline, is laid level with the ground; and an oppressive, irregular, capricious, unsteady, rapacious, and peculating despotism, with a direct disavowal of obedience to any authority at home, and without any fixed maxim, principle, or rule of proceeding to guide them in India, is at present the state of your charter-government over great kingdoms.

As the Company has made this use of their trust, I should ill discharge mine, if I refused to give my most cheerful vote for the redress of these abuses, by putting the affairs of so large and valuable a part of the interests of this nation and of mankind

into some steady hands, possessing the confidence and assured of the support of this House, until they can be restored to regularity, order, and consistency.

I have touched the heads of some of the grievances of the people and the abuses of government. But I hope and trust you will give me credit, when I faithfully assure you that I have not mentioned one fourth part of what has come to my knowledge in your committee; and further, I have full reason to believe that not one fourth part of the abuses are come to my knowledge, by that or by any other means. Pray consider what I have said only as an index to direct you in your inquiries.

If this, then, Sir, has been the use made of the trust of political powers, internal and external, given by you in the charter, the next thing to be seen is the conduct of the Company with regard to the commercial trust. And here I will make a fair offer: — If it can be proved that they have acted wisely, prudently, and frugally, as merchants, I shall pass by the whole mass of their enormities as statesmen. That they have not done this their present condition is proof sufficient. Their distresses are said to be owing to their wars. This is not wholly true. But if it were, is not that readiness to engage in wars, which distinguishes them, and for which the Committee of Secrecy has so branded their politics, founded on the falsest principles of mercantile speculation?

The principle of buying cheap and selling dear is the first, the great foundation of mercantile dealing. Have they ever attended to this principle? Nay, for years have they not actually authorized in their servants a total indifference as to the prices they were to pay?

A great deal of strictness in driving bargains for whatever we contract is another of the principles of mercantile policy. Try the Company by that test. Look at the contracts that are made for them. Is the Company so much as a good commissary to their own armies? I engage to select for you, out of the innumerable mass of their dealings, all conducted very nearly alike, one contract only the excessive profits on which during a short term would pay the whole of their year's dividend. I shall undertake to show that upon two others the inordinate profits given, with the losses incurred in order to secure those profits, would pay a year's dividend more.

It is a third property of trading-men to see that their clerks do not divert the dealings of the master to their own benefit. It was the other day only, when their Governor and Council taxed the Company's investment with a sum of fifty thousand pounds, as an inducement to persuade only seven members of their Board of Trade to give their *honor* that they would abstain from such profits upon that investment, as they must have violated their *oaths*, if they had made at all.

It is a fourth quality of a merchant to be exact in his accounts. What will be thought, when you have fully before you the mode of accounting made use of in the Treasury of Bengal? I hope you will have it soon. With regard to one of their agencies, when it came to the material part, the prime cost of the goods on which a commission of fifteen per cent was allowed, to the astonishment of the factory to

whom the commodities were sent, the Accountant-General reports that he did not think himself authorized to call for *vouchers* relative to this and other particulars, — because the agent was upon his *honor* with regard to them. A new principle of account upon honor seems to be regularly established in their dealings and their treasury, which in reality amounts to an entire annihilation of the principle of all accounts.

It is a fifth property of a merchant, who does not meditate a fraudulent bankruptcy, to calculate his probable profits upon the money he takes up to vest in business. Did the Company, when they bought goods on bonds bearing eight per cent interest, at ten and even twenty per cent discount, even ask themselves a question concerning the possibility of advantage from dealing on these terms?

The last quality of a merchant I shall advert to is the taking care to be properly prepared, in cash or goods in the ordinary course of sale, for the bills which are drawn on them. Now I ask, whether they have ever calculated the clear produce of any given sales, to make them tally with the four million of bills which are come and coming upon them, so as at the proper periods to enable the one to liquidate the other. No, they have not. They are now obliged to borrow money of their own servants to purchase their investment. The servants stipulate five per cent on the capital they advance, if their bills should not be paid at the time when they become due; and the value of the rupee on which they charge this interest is taken at two shillings and a penny. Has the Company ever troubled themselves to inquire whether their sales can bear the payment of that interest, and at that rate of exchange? Have they once considered the dilemma in which they are placed, — the ruin of their credit in the East Indies, if they refuse the bills, — the ruin of their credit and existence in England, if they accept them?

Indeed, no trace of equitable government is found in their politics, not one trace of commercial principle in their mercantile dealing: and hence is the deepest and maturest wisdom of Parliament demanded, and the best resources of this kingdom must be strained, to restore them, — that is, to restore the countries destroyed by the misconduct of the Company, and to restore the Company itself, ruined by the consequences of their plans for destroying what they were bound to preserve.

I required, if you remember, at my outset, a proof that these abuses were habitual. But surely this is not necessary for me to consider as a separate head; because I trust I have made it evident beyond a doubt, in considering the abuses themselves, that they are regular, permanent, and systematical.

I am now come to my last condition, without which, for one, I will never readily lend my hand to the destruction of any established government, which is, — that, in its present state, the government of the East India Company is absolutely incorrigible.

Of this great truth I think there can be little doubt, after all that has appeared in this House. It is so very clear, that I must consider the leaving any power in their

hands, and the determined resolution to continue and countenance every mode and every degree of speculation, oppression, and tyranny, to be one and the same thing. I look upon that body incorrigible, from the fullest consideration both of their uniform conduct and their present real and virtual constitution.

If they had not constantly been apprised of all the enormities committed in India under their authority, if this state of things had been as much a discovery to them as it was to many of us, we might flatter ourselves that the detection of the abuses would lead to their reformation. I will go further. If the Court of Directors had not uniformly condemned every act which this House or any of its committees had condemned, if the language in which they expressed their disapprobation against enormities and their authors had not been much more vehement and indignant than any ever used in this House, I should entertain some hopes. If they had not, on the other hand, as uniformly commended all their servants who had done their duty and obeyed their orders as they had heavily censured those who rebelled, I might say, These people have been in an error, and when they are sensible of it they will mend. But when I reflect on the uniformity of their support to the objects of their uniform censure, and the state of insignificance and disgrace to which all of those have been reduced whom they approved, and that even utter ruin and premature death have been among the fruits of their favor, I must be convinced, that in this case, as in all others, hypocrisy is the only vice that never can be cured.

Attend, I pray you, to the situation and prosperity of Benfield, Hastings, and others of that sort. The last of these has been treated by the Company with an asperity of reprehension that has no parallel. They lament "that the power of disposing of their property for perpetuity should fall into such hands." Yet for fourteen years, with little interruption, he has governed all their affairs, of every description, with an absolute sway. He has had himself the means of heaping up immense wealth; and during that whole period, the fortunes of hundreds have depended on his smiles and frowns. He himself tells you he is incumbered with two hundred and fifty young gentlemen, some of them of the best families in England, all of whom aim at returning with vast fortunes to Europe in the prime of life. He has, then, two hundred and fifty of your children as his hostages for your good behavior; and loaded for years, as he has been, with the execrations of the natives, with the censures of the Court of Directors, and struck and blasted with resolutions of this House, he still maintains the most despotic power ever known in India. He domineers with an overbearing sway in the assemblies of his pretended masters; and it is thought in a degree rash to venture to name his offences in this House, even as grounds of a legislative remedy.

On the other hand, consider the fate of those who have met with the applauses of the Directors. Colonel Monson, one of the best of men, had his days shortened by the applauses, destitute of the support, of the Company. General Clavering, whose panegyric was made in every dispatch from England, whose hearse was bedewed

with the tears and hung round with the eulogies of the Court of Directors, burst an honest and indignant heart at the treachery of those who ruined him by their praises. Uncommon patience and temper supported Mr. Francis a while longer under the baneful influence of the commendation of the Court of Directors. His health, however, gave way at length; and in utter despair, he returned to Europe. At his return, the doors of the India House were shut to this man who had been the object of their constant admiration. He has, indeed, escaped with life; but he has forfeited all expectation of credit, consequence, party, and following. He may well say, "*Me nemo ministro fur erit, atque ideo nulli comes exeo.*" This man, whose deep reach of thought, whose large legislative conceptions, and whose grand plans of policy make the most shining part of our Reports, from whence we have all learned our lessons, if we have learned any good ones, — this man, from whose materials those gentlemen who have least acknowledged it have yet spoken as from a brief, — this man, driven from his employment, discountenanced by the Directors, has had no other reward, and no other distinction, but that inward "sunshine of the soul" which a good conscience can always bestow upon itself. He has not yet had so much as a good word, but from a person too insignificant to make any other return for the means with which he has been furnished for performing his share of a duty which is equally urgent on us all.

Add to this, that, from the highest in place to the lowest, every British subject, who, in obedience to the Company's orders, has been active in the discovery of peculations, has been ruined. They have been driven from India. When they made their appeal at home, they were not heard; when they attempted to return, they were stopped. No artifice of fraud, no violence of power, has been omitted to destroy them in character as well as in fortune.

Worse, far worse, has been the fate of the poor creatures, the natives of India, whom the hypocrisy of the Company has betrayed into complaint of oppression and discovery of peculation. The first women in Bengal, the Ranny of Rajeshahi, the Ranny of Burdwan, the Ranny of Ambooah, by their weak and thoughtless trust in the Company's honor and protection, are utterly ruined: the first of these women, a person of princely rank, and once of correspondent fortune, who paid above two hundred thousand a year quit-rent to the state, is, according to very credible information, so completely beggared as to stand in need of the relief of alms. Mahomed Reza Khân, the second Mussulman in Bengal, for having been distinguished by the ill-omened honor of the countenance and protection of the Court of Directors, was, without the pretence of any inquiry whatsoever into his conduct, stripped of all his employments, and reduced to the lowest condition. His ancient rival for power, the Rajah Nundcomar, was, by an insult on everything which India holds respectable and sacred, hanged in the face of all his nation by the judges you sent to protect that people: hanged for a pretended crime, upon an *ex post facto* British act of Parliament, in the midst of his evidence against Mr.

Hastings. The accuser they saw hanged. The culprit, without acquittal or inquiry, triumphs on the ground of that murder: a murder, not of Nundcomar only, but of all living testimony, and even of evidence yet unborn. From that time not a complaint has been heard from the natives against their governors. All the grievances of India have found a complete remedy.

Men will not look to acts of Parliament, to regulations, to declarations, to votes, and resolutions. No, they are not such fools. They will ask, What is the road to power, credit, wealth, and honors? They will ask, What conduct ends in neglect, disgrace, poverty, exile, prison, and gibbet? These will teach them the course which they are to follow. It is your distribution of these that will give the character and tone to your government. All the rest is miserable grimace.

When I accuse the Court of Directors of this habitual treachery in the use of reward and punishment, I do not mean to include all the individuals in that court. There have been, Sir, very frequently men of the greatest integrity and virtue amongst them; and the contrariety in the declarations and conduct of that court has arisen, I take it, from this, — that the honest Directors have, by the force of matter of fact on the records, carried the reprobation of the evil measures of the servants in India. This could not be prevented, whilst these records stared them in the face; nor were the delinquents, either here or there, very solicitous about their reputation, as long as they were able to secure their power. The agreement of their partisans to censure them blunted for a while the edge of a severe proceeding. It obtained for them a character of impartiality, which enabled them to recommend with some sort of grace, what will always carry a plausible appearance, those treacherous expedients called moderate measures. Whilst these were under discussion, new matter of complaint came over, which seemed to antiquate the first. The same circle was here trod round once more; and thus through years they proceeded in a compromise of censure for punishment, until, by shame and despair, one after another, almost every man who preferred his duty to the Company to the interest of their servants has been driven from that court.

This, Sir, has been their conduct: and it has been the result of the alteration which was insensibly made in their constitution. The change was made insensibly; but it is now strong and adult, and as public and declared as it is fixed beyond all power of reformation: so that there is none who hears me that is not as certain as I am, that the Company, in the sense in which it was formerly understood, has no existence.

The question is not, what injury you may do to the proprietors of India stock; for there are no such men to be injured. If the active, ruling part of the Company, who form the General Court, who fill the offices and direct the measures, (the rest tell for nothing,) were persons who held their stock as a means of their subsistence, who in the part they took were only concerned in the government of India for the rise or fall of their dividend, it would be indeed a defective plan of policy. The interest of

the people who are governed by them would not be their primary object, — perhaps a very small part of their consideration at all. But then they might well be depended on, and perhaps more than persons in other respects preferable, for preventing the peculations of their servants to their own prejudice. Such a body would not easily have left their trade as a spoil to the avarice of those who received their wages. But now things are totally reversed. The stock is of no value, whether it be the qualification of a Director or Proprietor; and it is impossible that it should. A Director's qualification may be worth about two thousand five hundred pounds, — and the interest, at eight per cent, is about one hundred and sixty pounds a year. Of what value is that, whether it rise to ten, or fall to six, or to nothing; to him whose son, before he is in Bengal two months, and before he descends the steps of the Council-Chamber, sells the grant of a single contract for forty thousand pounds? Accordingly, the stock is bought up in qualifications. The vote is not to protect the stock, but the stock is bought to acquire the vote; and the end of the vote is to cover and support, against justice, some man of power who has made an obnoxious fortune in India, or to maintain in power those who are actually employing it in the acquisition of such a fortune, — and to avail themselves, in return, of his patronage, that he may shower the spoils of the East, “barbaric pearl and gold,” on them, their families, and dependants. So that all the relations of the Company are not only changed, but inverted. The servants in India are not appointed by the Directors, but the Directors are chosen by them. The trade is carried on with their capitals. To them the revenues of the country are mortgaged. The seat of the supreme power is in Calcutta. The house in Leadenhall Street is nothing more than a ‘change for their agents, factors, and deputies to meet in, to take care of their affairs and support their interests, — and this so avowedly, that we see the known agents of the delinquent servants marshalling and disciplining their forces, and the prime spokesmen in all their assemblies.

Everything has followed in this order, and according to the natural train of events. I will close what I have to say on the incorrigible condition of the Company, by stating to you a few facts that will leave no doubt of the obstinacy of that corporation, and of their strength too, in resisting the reformation of their servants. By these facts you will be enabled to discover the sole grounds upon which they are tenacious of their charter.

It is now more than two years, that upon account of the gross abuses and ruinous situation of the Company's affairs, (which occasioned the cry of the whole world long before it was taken up here,) that we instituted two committees to inquire into the mismanagements by which the Company's affairs had been brought to the brink of ruin. These inquiries had been pursued with unremitting diligence, and a great body of facts was collected and printed for general information. In the result of those inquiries, although the committees consisted of very different descriptions, they were unanimous. They joined in censuring the conduct of the Indian

administration, and enforcing the responsibility upon two men, whom this House, in consequence of these reports, declared it to be the duty of the Directors to remove from their stations, and recall to Great Britain,— *“because they had acted in a manner repugnant to the honor and policy of this nation, and thereby brought great calamities on India and enormous expenses on the East India Company.”*

Here was no attempt on the charter. Here was no question of their privileges. To vindicate their own honor, to support their own interests, to enforce obedience to their own orders, — these were the sole object of the monitory resolution of this House. But as soon as the General Court could assemble, they assembled to demonstrate who they really were. Regardless of the proceedings of this House, they ordered the Directors not to carry into effect any resolution they might come to for the removal of Mr. Hastings and Mr. Hornby. The Directors, still retaining some shadow of respect to this House, instituted an inquiry themselves, which continued from June to October, and, after an attentive perusal and full consideration of papers, resolved to take steps for removing the persons who had been the objects of our resolution, but not without a violent struggle against evidence. Seven Directors went so far as to enter a protest against the vote of their court. Upon this the General Court takes the alarm: it reassembles; it orders the Directors to rescind their resolution, that is, not to recall Mr. Hastings and Mr. Hornby, and to despise the resolution of the House of Commons. Without so much as the pretence of looking into a single paper, without the formality of instituting any committee of inquiry, they superseded all the labors of their own Directors and of this House.

It will naturally occur to ask, how it was possible that they should not attempt some sort of examination into facts, as a color for their resistance to a public authority proceeding so very deliberately, and exerted, apparently at least, in favor of their own. The answer, and the only answer which can be given, is, that they were afraid that their true relation should be mistaken. They were afraid that their patrons and masters in India should attribute their support of them to an opinion of their cause, and not to an attachment to their power. They were afraid it should be suspected that they did not mean blindly to support them in the use they made of that power. They determined to show that they at least were set against reformation: that they were firmly resolved to bring the territories, the trade, and the stock of the Company to ruin, rather than be wanting in fidelity to their nominal servants and real masters, in the ways they took to their private fortunes.

Even since the beginning of this session, the same act of audacity was repeated, with the same circumstances of contempt of all the decorum of inquiry on their part, and of all the proceedings of this House. They again made it a request to their favorite, and your culprit, to keep his post, — and thanked and applauded him, without calling for a paper which could afford light into the merit or demerit of the transaction, and without giving themselves a moment's time to consider, or even to understand, the articles of the Mahratta peace. The fact is, that for a long time there

was a struggle, a faint one indeed, between the Company and their servants. But it is a struggle no longer. For some time the superiority has been decided. The interests abroad are become the settled preponderating weight both in the Court of Proprietors and the Court of Directors. Even the attempt you have made to inquire into their practices and to reform abuses has raised and piqued them to a far more regular and steady support. The Company has made a common cause and identified themselves with the destroyers of India. They have taken on themselves all that mass of enormity; they are supporting what you have reprobated; those you condemn they applaud, those you order home to answer for their conduct they request to stay, and thereby encourage to proceed in their practices. Thus the servants of the East India Company triumph, and the representatives of the people of Great Britain are defeated.

I therefore conclude, what you all conclude, that this body, being totally perverted from the purposes of its institution, is utterly incorrigible; and because they are incorrigible, both in conduct and constitution, power ought to be taken out of their hands, — just on the same principles on which have been made all the just changes and revolutions of government that have taken place since the beginning of the world.

I will now say a few words to the general principle of the plan which is set up against that of my right honorable friend. It is to recommit the government of India to the Court of Directors. Those who would commit the reformation of India to the destroyers of it are the enemies to that reformation. They would make a distinction between Directors and Proprietors, which, in the present state of things, does not, cannot exist. But a right honorable gentleman says, he would keep the present government of India in the Court of Directors, and would, to curb them, provide salutary regulations. Wonderful! That is, he would appoint the old offenders to correct the old offences; and he would render the vicious and the foolish wise and virtuous by salutary regulations. He would appoint the wolf as guardian of the sheep; but he has invented a curious muzzle, by which this protecting wolf shall not be able to open his jaws above an inch or two at the utmost. Thus his work is finished. But I tell the right honorable gentleman, that controlled depravity is not innocence, and that it is not the labor of delinquency in chains that will correct abuses. Will these gentlemen of the direction animadvert on the partners of their own guilt? Never did a serious plan of amending of any old tyrannical establishment propose the authors and abettors of the abuses as the reformers of them. If the undone people of India see their old oppressors in confirmed power, even by the reformation, they will expect nothing but what they will certainly feel, — continuance, or rather an aggravation, of all their former sufferings. They look to the seat of power, and to the persons who fill it; and they despise those gentlemen's regulations as much as the gentlemen do who talk of them.

But there is a cure for everything. Take away, say they, the Court of Proprietors, and the Court of Directors will do their duty. Yes, — as they have done it hitherto. That the evils in India have solely arisen from the Court of Proprietors is grossly false. In many of them the Directors were heartily concurring; in most of them they were encouraging, and sometimes commanding; in all they were conniving.

But who are to choose this well-regulated and reforming Court of Directors? — Why, the very Proprietors who are excluded from all management, for the abuse of their power. They will choose, undoubtedly, out of themselves, men like themselves; and those who are most forward in resisting your authority, those who are most engaged in faction or interest with the delinquents abroad, will be the objects of their selection. But gentlemen say, that, when this choice is made, the Proprietors are not to interfere in the measures of the Directors, whilst those Directors are busy in the control of their common patrons and masters in India. No, indeed, I believe they will not desire to interfere. They will choose those whom they know may be trusted, safely trusted, to act in strict conformity to their common principles, manners, measures, interests, and connections. They will want neither monitor nor control. It is not easy to choose men to act in conformity to a public interest against their private; but a sure dependence may be had on those who are chosen to forward their private interest at the expense of the public. But if the Directors should slip, and deviate into rectitude, the punishment is in the hands of the General Court, and it will surely be remembered to them at their next election.

If the government of India wants no reformation, but gentlemen are amusing themselves with a theory, conceiving a more democratic or aristocratic mode of government for these dependencies, or if they are in a dispute only about patronage, the dispute is with me of so little concern that I should not take the pains to utter an affirmative or negative to any proposition in it. If it be only for a theoretical amusement that they are to propose a bill, the thing is at best frivolous and unnecessary. But if the Company's government is not only full of abuse, but is one of the most corrupt and destructive tyrannies that probably ever existed in the world, (as I am sure it is,) what a cruel mockery would it be in me, and in those who think like me, to propose this kind of remedy for this kind of evil!

I now come to the third objection, — that this bill will increase the influence of the crown. An honorable gentleman has demanded of me, whether I was in earnest when I proposed to this House a plan for the reduction of that influence. Indeed, Sir, I was much, very much, in earnest my heart was deeply concerned in it; and I hope the public has not lost the effect of it. How far my judgment was right, for what concerned personal favor and consequence to myself, I shall not presume to determine; nor is its effect upon *me*, of any moment. But as to this bill, whether it increases the influence of the crown, or not, is a question I should be ashamed to ask. If I am not able to correct a system of oppression and tyranny, that goes to the utter ruin of thirty millions of my fellow-creatures and fellow-subjects, but by some

increase to the influence of the crown, I am ready here to declare that I, who have been active to reduce it, shall be at least as active and strenuous to restore it again. I am no lover of names; I contend for the substance of good and protecting government, let it come from what quarter it will.

But I am not obliged to have recourse to this expedient. Much, very much, the contrary. I am sure that the influence of the crown will by no means aid a reformation of this kind, which can neither be originated nor supported but by the uncorrupt public virtue of the representatives of the people of England. Let it once get into the ordinary course of administration, and to me all hopes of reformation are gone. I am far from knowing or believing that this bill will increase the influence of the crown. We all know that the crown has ever had some influence in the Court of Directors, and that it has been extremely increased by the acts of 1773 and 1780. The gentlemen who, as part of their reformation, propose “a more active control on the part of the crown,” which is to put the Directors under a Secretary of State specially named for that purpose, must know that their project will increase it further. But that old influence has had, and the new will have, incurable inconveniences, which cannot happen under the Parliamentary establishment proposed in this bill. An honorable gentleman, not now in his place, but who is well acquainted with the India Company, and by no means a friend to this bill, has told you that a ministerial influence has always been predominant in that body, — and that to make the Directors pliant to their purposes, ministers generally caused persons meanly qualified to be chosen Directors. According to his idea, to secure subserviency, they submitted the Company’s affairs to the direction of incapacity. This was to ruin the Company in order to govern it. This was certainly influence in the very worst form in which it could appear. At best it was clandestine and irresponsible. Whether this was done so much upon system as that gentleman supposes, I greatly doubt. But such in effect the operation of government on that court unquestionably was; and such, under a similar constitution, it will be forever. Ministers must be wholly removed from the management of the affairs of India, or they will have an influence in its patronage. The thing is inevitable. Their scheme of a new Secretary of State, “with a more vigorous control,” is not much better than a repetition of the measure which we know by experience will not do. Since the year 1773 and the year 1780, the Company has been under the control of the Secretary of State’s office, and we had then three Secretaries of State. If more than this is done, then they annihilate the direction which they pretend to support; and they augment the influence of the crown, of whose growth they affect so great an horror. But in truth this scheme of reconciling a direction really and truly deliberative with an office really and substantially controlling is a sort of machinery that can be kept in order but a very short time. Either the Directors will dwindle into clerks, or the Secretary of State, as hitherto has been the course, will leave everything to them,

often through design, often through neglect. If both should affect activity, collision, procrastination, delay, and, in the end, utter confusion, must ensue.

But, Sir, there is one kind of influence far greater than that of the nomination to office. This gentlemen in opposition have totally overlooked, although it now exists in its full vigor; and it will do so, upon their scheme, in at least as much force as it does now. That influence this bill cuts up by the roots. I mean the *influence of protection*. I shall explain myself. — The office given to a young man going to India is of trifling consequence. But he that goes out an insignificant boy in a few years returns a great nabob. Mr. Hastings says he has two hundred and fifty of that kind of raw materials, who expect to be speedily manufactured into the merchantable quality I mention. One of these gentlemen, suppose, returns hither laden with odium and with riches. When he comes to England, he comes as to a prison, or as to a sanctuary; and either is ready for him, according to his demeanor. What is the influence in the grant of any place in India, to that which is acquired by the protection or compromise with such guilt, and with the command of such riches, under the dominion of the hopes and fears which power is able to hold out to every man in that condition? That man's whole fortune, half a million perhaps, becomes an instrument of influence, without a shilling of charge to the civil list: and the influx of fortunes which stand in need of this protection is continual. It works both ways: it influences the delinquent, and it may corrupt the minister. Compare the influence acquired by appointing, for instance, even a Governor-General, and that obtained by protecting him. I shall push this no further. But I wish gentlemen to roll it a little in their own minds.

The bill before you cuts off this source of influence. Its design and main scope is, to regulate the administration of India upon the principles of a court of judicature, — and to exclude, as far as human prudence can exclude, all possibility of a corrupt partiality, in appointing to office, or supporting in office, or covering from inquiry and punishment, any person who has abused or shall abuse his authority. At the board, as appointed and regulated by this bill, reward and punishment cannot be shifted and reversed by a whisper. That commission becomes fatal to cabal, to intrigue, and to secret representation, those instruments of the ruin of India. He that cuts off the means of premature fortune, and the power of protecting it when acquired, strikes a deadly blow at the great fund, the bank, the capital stock of Indian influence, which cannot be vested anywhere, or in any hands, without most dangerous consequences to the public.

The third and contradictory objection is, that this bill does not increase the influence of the crown; on the contrary, that the just power of the crown will be lessened, and transferred to the use of a party, by giving the patronage of India to a commission nominated by Parliament and independent of the crown. The contradiction is glaring, and it has been too well exposed to make it necessary for me to insist upon it. But passing the contradiction, and taking it without any

relation, of all objections that is the most extraordinary. Do not gentlemen know that the crown has not at present the grant of a single office under the Company, civil or military, at home or abroad? So far as the crown is concerned, it is certainly rather a gainer; for the vacant offices in the new commission are to be filled up by the king.

It is argued, as a part of the bill derogatory to the prerogatives of the crown, that the commissioners named in the bill are to continue for a short term of years, too short in my opinion, — and because, during that time, they are not at the mercy of every predominant faction of the court. Does not this objection lie against the present Directors, — none of whom are named by the crown, and a proportion of whom hold for this very term of four years? Did it not lie against the Governor-General and Council named in the act of 1773, — who were invested by name, as the present commissioners are to be appointed in the body of the act of Parliament, who were to hold their places for a term of years, and were not removable at the discretion of the crown? Did it not lie against the reappointment, in the year 1780, upon the very same terms? Yet at none of these times, whatever other objections the scheme might be liable to, was it supposed to be a derogation to the just prerogative of the crown, that a commission created by act of Parliament should have its members named by the authority which called it into existence. This is not the disposal by Parliament of any office derived from the authority of the crown, or now disposable by that authority. It is so far from being anything new, violent, or alarming, that I do not recollect, in any Parliamentary commission, down to the commissioners of the land-tax, that it has ever been otherwise.

The objection of the tenure for four years is an objection to all places that are not held during pleasure; but in that objection I pronounce the gentlemen, from my knowledge of their complexion and of their principles, to be perfectly in earnest. The party (say these gentlemen) of the minister who proposes this scheme will be rendered powerful by it; for he will name his party friends to the commission. This objection against party is a party objection; and in this, too, these gentlemen are perfectly serious. They see, that, if, by any intrigue, they should succeed to office, they will lose the *clandestine* patronage, the true instrument of clandestine influence, enjoyed in the name of subservient Directors, and of wealthy, trembling Indian delinquents. But as often as they are beaten off this ground, they return to it again. The minister will name his friends, and persons of his own party. Whom should he name? Should he name his adversaries? Should he name those whom he cannot trust? Should he name those to execute his plans who are the declared enemies to the principles of his reform? His character is here at stake. If he proposes for his own ends (but he never will propose) such names as, from their want of rank, fortune, character, ability, or knowledge, are likely to betray or to fall short of their trust, he is in an independent House of Commons, — in an House of Commons which has, by its own virtue, destroyed the instruments of Parliamentary

subservience. This House of Commons would not endure the sound of such names. He would perish by the means which he is supposed to pursue for the security of his power. The first pledge he must give of his sincerity in this great reform will be in the confidence which ought to be reposed in those names.

For my part, Sir, in this business I put all indirect considerations wholly out of my mind. My sole question, on each clause of the bill, amounts to this: — Is the measure proposed required by the necessities of India? I cannot consent totally to lose sight of the real wants of the people who are the objects of it, and to hunt after every matter of party squabble that may be started on the several provisions. On the question of the duration of the commission I am clear and decided. Can I, can any one who has taken the smallest trouble to be informed concerning the affairs of India, amuse himself with so strange an imagination as that the habitual despotism and oppression, that the monopolies, the peculations, the universal destruction of all the legal authority of this kingdom, which have been for twenty years maturing to their present enormity, combined with the distance of the scene, the boldness and artifice of delinquents, their combination, their excessive wealth, and the faction they have made in England, can be fully corrected in a shorter term than four years? None has hazarded such an assertion; none who has a regard for his reputation will hazard it.

Sir, the gentlemen, whoever they are, who shall be appointed to this commission, have an undertaking of magnitude on their hands, and their stability must not only be, but it must be thought, real; and who is it will believe that anything short of an establishment made, supported, and fixed in its duration, with all the authority of Parliament, can be thought secure of a reasonable stability? The plan of my honorable friend is the reverse of that of reforming by the authors of the abuse. The best we could expect from them is, that they should not continue their ancient, pernicious activity. To those we could think of nothing but applying *control*; as we are sure that even a regard to their reputation (if any such thing exists in them) would oblige them to cover, to conceal, to suppress, and consequently to prevent all cure of the grievances of India. For what can be discovered which is not to their disgrace? Every attempt to correct an abuse would be a satire on their former administration. Every man they should pretend to call to an account would be found their instrument, or their accomplice. They can never see a beneficial regulation, but with a view to defeat it. The shorter the tenure of such persons, the better would be the chance of some amendment.

But the system of the bill is different. It calls in persons in no wise concerned with any act censured by Parliament, — persons generated with, and for, the reform, of which they are themselves the most essential part. To these the chief regulations in the bill are helps, not fetters: they are authorities to support, not regulations to restrain them. From these we look for much more than innocence. From these we expect zeal, firmness, and unremitted activity. Their duty, their

character, binds them to proceedings of vigor; and they ought to have a tenure in their office which precludes all fear, whilst they are acting up to the purposes of their trust, — a tenure without which none will undertake plans that require a series and system of acts. When they know that they cannot be whispered out of their duty, that their public conduct cannot be censured without a public discussion, that the schemes which they have begun will not be committed to those who will have an interest and credit in defeating and disgracing them, then we may entertain hopes. The tenure is for four years, or during their good behavior. That good behavior is as long as they are true to the principles of the bill; and the judgment is in either House of Parliament. This is the tenure of your judges; and the valuable principle of the bill is to make a judicial administration for India. It is to give confidence in the execution of a duty which requires as much perseverance and fortitude as can fall to the lot of any that is born of woman.

As to the gain by party from the right honorable gentleman's bill, let it be shown that this supposed party advantage is pernicious to its object, and the objection is of weight; but until this is done, (and this has not been attempted,) I shall consider the sole objection from its tendency to promote the interest of a party as altogether contemptible. The kingdom is divided into parties, and it ever has been so divided, and it ever will be so divided; and if no system for relieving the subjects of this kingdom from oppression, and snatching its affairs from ruin, can be adopted, until it is demonstrated that no party can derive an advantage from it, no good can ever be done in this country. If party is to derive an advantage from the reform of India, (which is more than I know or believe,) it ought to be that party which alone in this kingdom has its reputation, nay, its very being, pledged to the protection and preservation of that part of the empire. Great fear is expressed that the commissioners named in this bill will show some regard to a minister out of place. To men made like the objectors this must appear criminal. Let it, however, be remembered by others, that, if the commissioners should be his friends, they cannot be his slaves. But dependants are not in a condition to adhere to friends, nor to principles, nor to any uniform line of conduct. They may begin censors, and be obliged to end accomplices. They may be even put under the direction of those whom they were appointed to punish.

The fourth and last objection is, that the bill will hurt public credit. I do not know whether this requires an answer. But if it does, look to your foundations. The sinking fund is the pillar of credit in this country; and let it not be forgot, that the distresses, owing to the mismanagement, of the East India Company, have already taken a million from that fund by the non-payment of duties. The bills drawn upon the Company, which are about four millions, cannot be accepted without the consent of the Treasury. The Treasury, acting under a Parliamentary trust and authority, pledges the public for these millions. If they pledge the public, the public must have a security in its hands for the management of this interest, or the national

credit is gone. For otherwise it is not only the East India Company, which is a great interest, that is undone, but, clinging to the security of all your funds, it drags down the rest, and the whole fabric perishes in one ruin. If this bill does not provide a direction of integrity and of ability competent to that trust, the objection is fatal; if it does, public credit must depend on the support of the bill.

It has been said, If you violate this charter, what security has the charter of the Bank, in which public credit is so deeply concerned, and even the charter of London, in which the rights of so many subjects are involved? I answer, In the like case they have no security at all, — no, no security at all. If the Bank should, by every species of mismanagement, fall into a state similar to that of the East India Company, — if it should be oppressed with demands it could not answer, engagements which it could not perform, and with bills for which it could not procure payment, — no charter should protect the mismanagement from correction, and such public grievances from redress. If the city of London had the means and will of destroying an empire, and of cruelly oppressing and tyrannizing over millions of men as good as themselves, the charter of the city of London should prove no sanction to such tyranny and such oppression. Charters are kept, when their purposes are maintained: they are violated, when the privilege is supported against its end and its object.

Now, Sir, I have finished all I proposed to say, as my reasons for giving my vote to this bill. If I am wrong, it is not for want of pains to know what is right. This pledge, at least, of my rectitude I have given to my country.

And now, having done my duty to the bill, let me say a word to the author. I should leave him to his own noble sentiments, if the unworthy and illiberal language with which he has been treated, beyond all example of Parliamentary liberty, did not make a few words necessary, — not so much in justice to him as to my own feelings. I must say, then, that it will be a distinction honorable to the age, that the rescue of the greatest number of the human race that ever were so grievously oppressed from the greatest tyranny that was ever exercised has fallen to the lot of abilities and dispositions equal to the task, — that it has fallen to one who has the enlargement to comprehend, the spirit to undertake, and the eloquence to support so great a measure of hazardous benevolence. His spirit is not owing to his ignorance of the state of men and things: he well knows what snares are spread about his path, from personal animosity, from court intrigues, and possibly from popular delusion. But he has put to hazard his ease, his security, his interest, his power, even his darling popularity, for the benefit of a people whom he has never seen. This is the road that all heroes have trod before him. He is traduced and abused for his supposed motives. He will remember that obloquy is a necessary ingredient in the composition of all true glory: he will remember that it was not only in the Roman customs, but it is in the nature and constitution of things, that calumny and abuse are essential parts of triumph. These thoughts will support a mind which only exists

for honor under the burden of temporary reproach. He is doing, indeed, a great good, — such as rarely falls to the lot, and almost as rarely coincides with the desires, of any man. Let him use his time. Let him give the whole length of the reins to his benevolence. He is now on a great eminence, where the eyes of mankind are turned to him. He may live long, he may do much; but here is the summit: he never can exceed what he does this day.

He has faults; but they are faults that, though they may in a small degree tarnish the lustre and sometimes impede the march of his abilities, have nothing in them to extinguish the fire of great virtues. In those faults there is no mixture of deceit, of hypocrisy, of pride, of ferocity, of complexional despotism, or want of feeling for the distresses of mankind. His are faults which might exist in a descendant of Henry the Fourth of France, as they did exist in that father of his country. Henry the Fourth wished that he might live to see a fowl in the pot of every peasant in his kingdom. That sentiment of homely benevolence was worth all the splendid sayings that are recorded of kings. But he wished perhaps for more than could be obtained, and the goodness of the man exceeded the power of the king. But this gentleman, a subject, may this day say this at least with truth, — that he secures the rice in his pot to every man in India. A poet of antiquity thought it one of the first distinctions to a prince whom he meant to celebrate, that through a long succession of generations he had been the progenitor of an able and virtuous citizen who by force of the arts of peace had corrected governments of oppression and suppressed wars of rapine.

Indole proh quanta juvenis, quantumque daturus
Ausoniæ populis ventura in sæcula civem!
Ille super Gangem, super exauditus et Indos,
Implebit terras voce, et furialia bella
Fulmine compescet linguæ. —

This was what was said of the predecessor of the only person to whose eloquence it does not wrong that of the mover of this bill to be compared. But the Ganges and the Indus are the patrimony of the fame of my honorable friend, and not of Cicero. I confess I anticipate with joy the reward of those whose whole consequence, power, and authority exist only for the benefit of mankind; and I carry my mind to all the people, and all the names and descriptions, that, relieved by this bill, will bless the labors of this Parliament, and the confidence which the best House of Commons has given to him who the best deserves it. The little cavils of party will not be heard where freedom and happiness will be felt. There is not a tongue, a nation, or religion in India, which will not bless the presiding care and manly beneficence of this House, and of him who proposes to you this great work. Your names will never be separated before the throne of the Divine Goodness, in

whatever language, or with whatever rites, pardon is asked for sin, and reward for those who imitate the Godhead in His universal bounty to His creatures. These honors you deserve, and they will surely be paid, when all the jargon of influence and party and patronage are swept into oblivion.

I have spoken what I think, and what I feel, of the mover of this bill. An honorable friend of mine, speaking of his merits, was charged with having made a studied panegyric. I don't know what his was. Mine, I am sure, is a studied panegyric, — the fruit of much meditation, the result of the observation of near twenty years. For my own part, I am happy that I have lived to see this day; I feel myself overpaid for the labors of eighteen years, when, at this late period, I am able to take my share, by one humble vote, in destroying a tyranny that exists to the disgrace of this nation and the destruction of so large a part of the human species.

SPEECH ON THE MOTION MADE FOR PAPERS RELATIVE TO THE DIRECTIONS FOR CHARGING THE NABOB OF ARCOT'S PRIVATE DEBTS TO EUROPEANS ON THE REVENUES OF THE CARNATIC, FEBRUARY 28, 1785. WITH AN APPENDIX, CONTAINING SEVERAL DOCUMENTS.

*Ἐνταῦθα τί πράττειν ἰσχυρὸν ἄνδρα τῶν Πλάτωνος καὶ Ἀριστοτέλους ζηλωτῆν δογμάτων; ἄρα περιορᾷ ἀνθρώπους ἀθλίους τοῖς κλίπταις ἰκαδόμενους, ἢ κατὰ δύναμιν αὐτοῖς ἀμύνειν, οἶμαι, ὥς ἤδη τὸ κένκιον ἰσάδουσι διὰ τὸ θεομισίς ἰργαστήριον τῶν τοιούτων; Ἐμοὶ μὲν οὖν αἰσχρὸν εἶναι δοκεῖ τοὺς μὲν χυλιάρχους, ὅταν λείπωσι τὴν τάξιν, καταδικάζειν τὴν δὲ ἐπὶ ἀθλίων ἀνθρώπων ὑπολείπειν τάξιν, ὅταν δὲ πρὸς κλίπτας ἀγωνίζεσθαι τοιοῦτους· καὶ ταῦτα τοῦ Θεοῦ σωμα-
χούτος ἡμῖν, ὥσπερ οὖν ἰταλιν.*

JULIANI Epist. 17.

ADVERTISEMENT.

That the least informed reader of this speech may be enabled to enter fully into the spirit of the transaction on occasion of which it was delivered, it may be proper to acquaint him, that, among the princes dependent on this nation in the southern part of India, the most considerable at present is commonly known by the title of the Nabob of Arcot.

This prince owed the establishment of his government, against the claims of his elder brother, as well as those of other competitors, to the arms and influence of the British East India Company. Being thus established in a considerable part of the dominions he now possesses, he began, about the year 1765, to form, at the instigation (as he asserts) of the servants of the East India Company, a variety of designs for the further extension of his territories. Some years after, he carried his views to certain objects of interior arrangement, of a very pernicious nature. None of these designs could be compassed without the aid of the Company's arms; nor could those arms be employed consistently with an obedience to the Company's orders. He was therefore advised to form a more secret, but an equally powerful, interest among the servants of that Company, and among others both at home and abroad. By engaging them in his interests, the use of the Company's power might be obtained without their ostensible authority; the power might even be employed in defiance of the authority, if the case should require, as in truth it often did require, a proceeding of that degree of boldness.

The Company had put him into possession of several great cities and magnificent castles. The good order of his affairs, his sense of personal dignity, his ideas of Oriental splendor, and the habits of an Asiatic life, (to which, being a native of India, and a Mahometan, he had from his infancy been inured,) would naturally have led him to fix the seat of his government within his own dominions. Instead of this, he totally sequestered himself from his country, and, abandoning all appearance of state, he took up his residence in an ordinary house, which he purchased in the suburbs of the Company's factory at Madras. In that place he has lived, without removing one day

from thence, for several years past. He has there continued a constant cabal with the Company's servants, from the highest to the lowest, — creating, out of the ruins of the country, brilliant fortunes for those who will, and entirely destroying those who will not, be subservient to his purposes.

An opinion prevailed, strongly confirmed by several passages in his own letters, as well as by a combination of circumstances forming a body of evidence which cannot be resisted, that very great sums have been by him distributed, through a long course of years, to some of the Company's servants. Besides these presumed payments in ready money, (of which, from the nature of the thing, the direct proof is very difficult,) debts have at several periods been acknowledged to those gentlemen, to an immense amount, — that is, to some millions of sterling money. There is strong reason to suspect that the body of these debts is wholly fictitious, and was never created by money *bonâ fide* lent. But even on a supposition that this vast sum was really advanced, it was impossible that the very reality of such an astonishing transaction should not cause some degree of alarm and incite to some sort of inquiry.

It was not at all seemly, at a moment when the Company itself was so distressed as to require a suspension, by act of Parliament, of the payment of bills drawn on them from India, — and also a direct tax upon every house in England, in order to facilitate the vent of their goods, and to avoid instant insolvency, — at that very moment, that their servants should appear in so flourishing a condition, as, besides ten millions of other demands on their masters, to be entitled to claim a debt of three or four millions more from the territorial revenue of one of their dependent princes.

The ostensible pecuniary transactions of the Nabob of Arcot with very private persons are so enormous, that they evidently set aside every pretence of policy which might induce a prudent government in some instances to wink at ordinary loose practice in ill-managed departments. No caution could be too great in handling this matter, no scrutiny too exact. It was evidently the interest, and as evidently at least in the power, of the creditors, by admitting secret participation in this dark and undefined concern, to spread corruption to the greatest and the most alarming extent.

These facts relative to the debts were so notorious, the opinion of their being a principal source of the disorders of the British government in India was so undisputed and universal, that there was no party, no description of men in Parliament, who did not think themselves bound, if not in honor and conscience, at least in common decency, to institute a vigorous inquiry into the very bottom of the business, before they admitted any part of that vast and suspicious charge to be laid upon an exhausted country. Every plan concurred in directing such an inquiry, in order that whatever was discovered to be corrupt, fraudulent, or oppressive should lead to a due animadversion on the offenders, and, if anything fair and equitable in its origin should be found, (nobody suspected that much, comparatively speaking, would be so found,) it might be provided for, — in due subordination, however, to the ease of the subject and the service of the state.

These were the alleged grounds for an inquiry, settled in all the bills brought into Parliament relative to India, — and there were, I think, no less than four of them. By the bill commonly called Mr. Pitt's bill, the inquiry was specially, and by express words, committed to the Court of Directors, without any reserve for the interference of any other person or persons whatsoever. It was ordered that *they* should make the inquiry into the origin and justice of these debts, as far as the materials in *their* possession enabled them to proceed; and where *they* found those materials deficient, *they* should order the Presidency of Fort St. George (Madras) to complete the inquiry.

The Court of Directors applied themselves to the execution of the trust reposed in them. They first examined into the amount of the debt, which they computed, at compound interest, to be 2,945,600*l.* sterling. Whether their mode of computation, either of the original sums or the amount on compound interest, was exact, that is, whether they took the interest too high or the several capitals too low, is not material. On whatever principle any of the calculations were made up, none of them found the debt to differ from the recital of the act, which asserted that the sums claimed were “*very large.*” The last head of these debts the Directors compute at 2,465,680*l.* sterling. Of the existence of this debt the Directors heard nothing until 1776, and they say, that, “although they had *repeatedly* written to the Nabob of Arcot, and to their servants, respecting the debt, yet they *had never been able to trace the origin thereof, or to obtain any satisfactory information on the subject.*”

The Court of Directors, after stating the circumstances under which the debts appeared to them to have been contracted, add as follows:— “For these reasons we should have thought it our duty to inquire *very minutely* into those debts, even if the act of Parliament had been silent on the subject, before we concurred in any measure for their payment. But with the positive injunctions of the act before us to examine into their nature and origin, we are indispensably bound to direct such an inquiry to be instituted.” They then order the President and Council of Madras to enter into a full examination, &c., &c.

The Directors, having drawn up their order to the Presidency on these principles, communicated the draught of the general letter in which those orders were contained to the board of his Majesty's ministers, and other servants lately constituted by Mr. Pitt's East India Act. These ministers, who had just carried through Parliament the bill ordering a specific inquiry, immediately drew up another letter, on a principle directly opposite to that which was prescribed by the act of Parliament and followed by the Directors. In these second orders, all idea of an inquiry into the justice and origin of the pretended debts, particularly of the last, the greatest, and the most obnoxious to suspicion, is abandoned. They are all admitted and established without any investigation whatsoever, (except some private conference with the agents of the claimants is to pass for an investigation,) and a fund for their discharge is assigned and set apart out of the revenues of the Carnatic. To this arrangement in favor of their servants, servants suspected of corruption and convicted of disobedience, the Directors of the East India Company were ordered to set their hands, asserting it to

arise from their own conviction and opinion, in flat contradiction to their recorded sentiments, their strong remonstrance, and their declared sense of their duty, as well under their general trust and their oath as Directors, as under the express injunctions of an act of Parliament.

The principles upon which this summary proceeding was adopted by the ministerial board are stated by themselves in a number in the appendix to this speech.

By another section of the same act, the same Court of Directors were ordered to take into consideration and to decide on the indeterminate rights of the Rajah of Tanjore and the Nabob of Arcot; and in this, as in the former case, no power of appeal, revision, or alteration was reserved to any other. It was a jurisdiction, in a cause between party and party, given to the Court of Directors specifically. It was known that the territories of the former of these princes had been twice invaded and pillaged, and the prince deposed and imprisoned, by the Company's servants, influenced by the intrigues of the latter, and for the purpose of paying his pretended debts. The Company had, in the year 1775, ordered a restoration of the Rajah to his government, under certain conditions. The Rajah complained, that his territories had not been completely restored to him, and that no part of his goods, money, revenues, or records, unjustly taken and withheld from him, were ever returned. The Nabob, on the other hand, never ceased to claim the country itself, and carried on a continued train of negotiation, that it should again be given up to him, in violation of the Company's public faith.

The Directors, in obedience to this part of the act, ordered an inquiry, and came to a determination to restore certain of his territories to the Rajah. The ministers, proceeding as in the former case, without hearing any party, rescinded the decision of the Directors, refused the restitution of the territory, and, without regard to the condition of the country of Tanjore, which had been within a few years four times plundered, (twice by the Nabob of Arcot, and twice by enemies brought upon it solely by the politics of the same Nabob, the declared enemy of that people,) and without discounting a shilling for their sufferings, they accumulate an arrear of about four hundred thousand pounds of pretended tribute to this enemy; and then they order the Directors to put their hands to a new adjudication, directly contrary to a judgment in a judicial character and trust solemnly given by them and entered on their records.

These proceedings naturally called for some inquiry. On the 28th of February, 1785, Mr. Fox made the following motion in the House of Commons, after moving that the clauses of the act should be read:— "That the proper officer do lay before this House copies or extracts of all letters and orders of the Court of Directors of the United East India Company, in pursuance of the injunctions contained in the 37th and 38th clauses of the said act"; and the question being put, it passed in the negative by a very great majority.

The last speech in the debate was the following; which is given to the public, not as being more worthy of its attention than others, (some of which were of consummate ability,) but as entering more into the detail of the subject.

SPEECH.

The times we live in, Mr. Speaker, have been distinguished by extraordinary events. Habituated, however, as we are, to uncommon combinations of men and of affairs, I believe nobody recollects anything more surprising than the spectacle of this day. The right honorable gentleman whose conduct is now in question formerly stood forth in this House, the prosecutor of the worthy baronet who spoke after him. He charged him with several grievous acts of malversation in office, with abuses of a public trust of a great and heinous nature. In less than two years we see the situation of the parties reversed; and a singular revolution puts the worthy baronet in a fair way of returning the prosecution in a recriminatory bill of pains and penalties, grounded on a breach of public trust relative to the government of the very same part of India. If he should undertake a bill of that kind, he will find no difficulty in conducting it with a degree of skill and vigor fully equal to all that have been exerted against him.

But the change of relation between these two gentlemen is not so striking as the total difference of their deportment under the same unhappy circumstances. Whatever the merits of the worthy baronet's defence might have been, he did not shrink from the charge. He met it with manliness of spirit and decency of behavior. What would have been thought of him, if he had held the present language of his old accuser? When articles were exhibited against him by that right honorable gentleman, he did not think proper to tell the House that we ought to institute no inquiry, to inspect no paper, to examine no witness. He did not tell us (what at that time he might have told us with some show of reason) that our concerns in India were matters of delicacy, that to divulge anything relative to them would be mischievous to the state. He did not tell us that those who would inquire into his proceedings were disposed to dismember the empire. He had not the presumption to say, that, for his part, having obtained, in his Indian presidency, the ultimate object of his ambition, his honor was concerned in executing with integrity the trust which had been legally committed to his charge: that others, not having been so fortunate, could not be so disinterested; and therefore their accusations could spring from no other source than faction, and envy to his fortune.

Had he been frontless enough to hold such vain, vaporing language in the face of a grave, a detailed, a specified matter of accusation, whilst he violently resisted everything which could bring the merits of his cause to the test, — had he been wild enough to anticipate the absurdities of this day, — that is, had he inferred, as his late accuser has thought proper to do, that he could not have been guilty of malversation in office, for this sole and curious reason, that he had been in office, — had he argued the impossibility of his abusing his power on this sole principle, that he had power to abuse, — he would have left but one impression on the mind of every man who heard him, and who believed him in his senses: that in the utmost extent he was guilty of the charge.

But, Sir, leaving these two gentlemen to alternate as criminal and accuser upon what principles they think expedient, it is for us to consider whether the Chancellor of the Exchequer and the Treasurer of the Navy, acting as a Board of Control, are justified by law or policy in suspending the legal arrangements made by the Court of Directors, in order to transfer the public revenues to the private emolument of certain servants of the East India Company, without the inquiry into the origin and justice of their claims prescribed by an act of Parliament.

It is not contended that the act of Parliament did not expressly ordain an inquiry. It is not asserted that this inquiry was not, with equal precision of terms, specially committed, under particular regulations, to the Court of Directors. I conceive, therefore, the Board of Control had no right whatsoever to intermeddle in that business. There is nothing certain in the principles of jurisprudence, if this be not undeniably true, that when, a special authority is given to any persons by name to do some particular act, that no others, by virtue of general powers, can obtain a legal title to intrude themselves into that trust, and to exercise those special functions in their place. I therefore consider the intermeddling of ministers in this affair as a downright usurpation. But if the strained construction by which they have forced themselves into a suspicious office (which every man delicate with regard to character would rather have sought constructions to avoid) were perfectly sound and perfectly legal, of this I am certain, that they cannot be justified in declining the inquiry which had been prescribed to the Court of Directors. If the Board of Control did lawfully possess the right of executing the special trust given to that court, they must take it as they found it, subject to the very same regulations which bound the Court of Directors. It will be allowed that the Court of Directors had no authority to dispense with either the substance or the mode of inquiry prescribed by the act of Parliament. If they had not, where in the act did the Board of Control acquire that capacity? Indeed, it was impossible they should acquire it. What must we think of the fabric and texture of an act of Parliament which should find it necessary to prescribe a strict inquisition, that should descend into minute regulations for the conduct of that inquisition, that should commit this trust to a particular description of men, and in the very same breath should enable another body, at their own pleasure, to supersede all the provisions the legislature had made, and to defeat the whole purpose, end, and object of the law? This cannot be supposed even of an act of Parliament conceived by the ministers themselves, and brought forth during the delirium of the last session.

My honorable friend has told you in the speech which introduced his motion, that fortunately this question is not a great deal involved in the labyrinths of Indian detail. Certainly not. But if it were, I beg leave to assure you that there is nothing in the Indian detail which is more difficult than in the detail of any other business. I admit, because I have some experience of the fact, that for the interior regulation of India a minute knowledge of India is requisite. But on any specific matter of delinquency in its government you are as capable of judging as if the same thing were done at your door. Fraud, injustice, oppression, speculation, engendered in India, are crimes of the

same blood, family, and cast with those that are born and bred in England. To go no farther than the case before us: you are just as competent to judge whether the sum of four millions sterling ought or ought not to be passed from the public treasury into a private pocket without any title except the claim of the parties, when the issue of fact is laid in Madras, as when it is laid in Westminster. Terms of art, indeed, are different in different places; but they are generally understood in none. The technical style of an Indian treasury is not one jot more remote than the jargon of our own Exchequer from the train of our ordinary ideas or the idiom of our common language. The difference, therefore, in the two cases is not in the comparative difficulty or facility of the two subjects, but in our attention to the one and our total neglect of the other. Had this attention and neglect been regulated by the value of the several objects, there would be nothing to complain of. But the reverse of that supposition is true. The scene of the Indian abuse is distant, indeed; but we must not infer that the value of our interest in it is decreased in proportion as it recedes from our view. In our politics, as in our common conduct, we shall be worse than infants, if we do not put our senses under the tuition of our judgment, and effectually cure ourselves of that optical illusion which makes a brier at our nose of greater magnitude than an oak at five hundred yards' distance.

I think I can trace all the calamities of this country to the single source of our not having had steadily before our eyes a general, comprehensive, well-connected, and well-proportioned view of the whole of our dominions, and a just sense of their true bearings and relations. After all its reductions, the British empire is still vast and various. After all the reductions of the House of Commons, (stripped as we are of our brightest ornaments and of our most important privileges,) enough are yet left to furnish us, if we please, with means of showing to the world that we deserve the superintendence of as large an empire as this kingdom ever held, and the continuance of as ample privileges as the House of Commons, in the plenitude of its power, had been habituated to assert. But if we make ourselves too little for the sphere of our duty, if, on the contrary, we do not stretch and expand our minds to the compass of their object, be well assured that everything about us will dwindle by degrees, until at length our concerns are shrunk to the dimensions of our minds. It is not a predilection to mean, sordid, home-bred cares that will avert the consequences of a false estimation of our interest, or prevent the shameful dilapidation into which a great empire must fall by mean reparations upon mighty ruins.

I confess I feel a degree of disgust, almost leading to despair, at the manner in which we are acting in the great exigencies of our country. There is now a bill in this House appointing a rigid inquisition into the minutest detail of our offices at home. The collection of sixteen millions annually, a collection on which the public greatness, safety, and credit have their reliance, the whole order of criminal jurisprudence, which holds together society itself, have at no time obliged us to call forth such powers, — no, nor anything like them. There is not a principle of the law and Constitution of this country that is not subverted to favor the execution of that project. And for what is all

this apparatus of bustle and terror? Is it because anything substantial is expected from it? No. The stir and bustle itself is the end proposed. The eye-servants of a short-sighted master will employ themselves, not on what is most essential to his affairs, but on what is nearest to his ken. Great difficulties have given a just value to economy; and our minister of the day must be an economist, whatever it may cost us. But where is he to exert his talents? At home, to be sure; for where else can he obtain a profitable credit for their exertion? It is nothing to him, whether the object on which he works under our eye be promising or not. If he does not obtain any public benefit, he may make regulations without end. Those are sure to pay in present expectation, whilst the effect is at a distance, and may be the concern of other times and other men. On these principles, he chooses to suppose (for he does not pretend more than to suppose) a naked possibility that he shall draw some resource out of crumbs dropped from the trenchers of penury; that something shall be laid in store from the short allowance of revenue-officers overloaded with duty and famished for want of bread, — by a reduction from officers who are at this very hour ready to batter the Treasury with what breaks through stone walls for an *increase* of their appointments. From the marrowless bones of these skeleton establishments, by the use of every sort of cutting and of every sort of fretting tool, he flatters himself that he may chip and rasp an empirical alimentary powder, to diet into some similitude of health and substance the languishing chimeras of fraudulent reformation.

Whilst he is thus employed according to his policy and to his taste, he has not leisure to inquire into those abuses in India that are drawing off money by millions from the treasures of this country, which are exhausting the vital juices from members of the state, where the public inanition is far more sorely felt than in the local exchequer of England. Not content with winking at these abuses, whilst he attempts to squeeze the laborious, ill-paid drudges of English revenue, he lavishes, in one act of corrupt prodigality, upon those who never served the public in any honest occupation at all, an annual income equal to two thirds of the whole collection of the revenues of this kingdom.

Actuated by the same principle of choice, he has now on the anvil another scheme, full of difficulty and desperate hazard, which totally alters the commercial relation of two kingdoms, and, what end soever it shall have, may bequeath a legacy of heartburning and discontent to one of the countries, perhaps to both, to be perpetuated to the latest posterity. This project is also undertaken on the hope of profit. It is provided, that, out of some (I know not what) remains of the Irish hereditary revenue, a fund, at some time, and of some sort, should be applied to the protection of the Irish trade. Here we are commanded again to task our faith, and to persuade ourselves, that, out of the surplus of deficiency, out of the savings of habitual and systematic prodigality, the minister of wonders will provide support for this nation, sinking under the mountainous load of two hundred and thirty millions of debt. But whilst we look with pain at his desperate and laborious trifling, whilst we are apprehensive that he will break his back in stooping to pick up chaff and straws, he

recovers himself at an elastic bound, and with a broadcast swing of his arm he squanders over his Indian field a sum far greater than the clear produce of the whole hereditary revenue of the kingdom of Ireland.

Strange as this scheme of conduct in ministry is, and inconsistent with all just policy, it is still true to itself, and faithful to its own perverted order. Those who are bountiful to crimes will be rigid to merit and penurious to service. Their penury is even held out as a blind and cover to their prodigality. The economy of injustice is to furnish resources for the fund of corruption. Then they pay off their protection to great crimes and great criminals by being inexorable to the paltry frailties of little men; and these modern flagellants are sure, with a rigid fidelity, to whip their own enormities on the vicarious back of every small offender.

It is to draw your attention to economy of quite another order, it is to animadvert on offences of a far different description, that my honorable friend has brought before you the motion of this day. It is to perpetuate the abuses which are subverting the fabric of your empire, that the motion is opposed. It is, therefore, with reason (and if he has power to carry himself through, I commend his prudence) that the right honorable gentleman makes his stand at the very outset, and boldly refuses all Parliamentary information. Let him admit but one step towards inquiry, and he is undone. You must be ignorant, or he cannot be safe. But before his curtain is let down, and the shades of eternal night shall veil our Eastern dominions from our view, permit me, Sir, to avail myself of the means which were furnished in anxious and inquisitive times to demonstrate out of this single act of the present minister what advantages you are to derive from permitting the greatest concern of this nation to be separated from the cognizance, and exempted even out of the competence, of Parliament. The greatest body of your revenue, your most numerous armies, your most important commerce, the richest sources of your public credit, (contrary to every idea of the known, settled policy of England,) are on the point of being converted into a mystery of state. You are going to have one half of the globe hid even from the common liberal curiosity of an English gentleman. Here a grand revolution commences. Mark the period, and mark the circumstances. In most of the capital changes that are recorded in the principles and system of any government, a public benefit of some kind or other has been pretended. The revolution commenced in something plausible, in something which carried the appearance at least of punishment of delinquency or correction of abuse. But here, in the very moment of the conversion of a department of British government into an Indian mystery, and in the very act in which the change commences, a corrupt private interest is set up in direct opposition to the necessities of the nation. A diversion is made of millions of the public money from the public treasury to a private purse. It is not into secret negotiations for war, peace, or alliance that the House of Commons is forbidden to inquire. It is a matter of account; it is a pecuniary transaction; it is the demand of a suspected steward upon ruined tenants and an embarrassed master that the Commons of Great Britain are commanded not to inspect. The whole tenor of the right honorable gentleman's argument is consonant to

the nature of his policy. The system of concealment is fostered by a system of falsehood. False facts, false colors, false names of persons and things, are its whole support.

Sir, I mean to follow the right honorable gentleman over that field of deception, clearing what he has purposely obscured, and fairly stating what it was necessary for him to misrepresent. For this purpose, it is necessary you should know, with some degree of distinctness, a little of the locality, the nature, the circumstances, the magnitude of the pretended debts on which this marvellous donation is founded, as well as of the persons from whom and by whom it is claimed.

Madras, with its dependencies, is the second (but with a long interval, the second) member of the British empire in the East. The trade of that city, and of the adjacent territory, was not very long ago among the most flourishing in Asia. But since the establishment of the British power it has wasted away under an uniform gradual decline, insomuch that in the year 1779 not one merchant of eminence was to be found in the whole country. During this period of decay, about six hundred thousand sterling pounds a year have been drawn off by English gentlemen on their private account, by the way of China alone. If we add four hundred thousand, as probably remitted through other channels, and in other mediums, that is, in jewels, gold, and silver, directly brought to Europe, and in bills upon the British and foreign companies, you will scarcely think the matter overrated. If we fix the commencement of this extraction of money from the Carnatic at a period no earlier than the year 1760, and close it in the year 1780, it probably will not amount to a great deal less than twenty millions of money.

During the deep, silent flow of this steady stream of wealth which set from India into Europe, it generally passed on with no adequate observation; but happening at some periods to meet rifts of rocks that checked its course, it grew more noisy and attracted more notice. The pecuniary discussions caused by an accumulation of part of the fortunes of their servants in a debt from the Nabob of Arcot was the first thing which very particularly called for, and long engaged, the attention of the Court of Directors. This debt amounted to eight hundred and eighty thousand pounds sterling, and was claimed, for the greater part, by English gentlemen residing at Madras. This grand capital, settled at length by order at ten per cent, afforded an annuity of eighty-eight thousand pounds.

Whilst the Directors were digesting their astonishment at this information, a memorial was presented to them from three gentlemen, informing them that their friends had lent, likewise, to merchants of Canton in China, a sum of not more than one million sterling. In this memorial they called upon the Company for their assistance and interposition with the Chinese government for the recovery of the debt. This sum lent to Chinese merchants was at twenty-four per cent, which would yield, if paid, an annuity of two hundred and forty thousand pounds.

Perplexed as the Directors were with these demands, you may conceive, Sir, that they did not find themselves very much disembarassed by being made acquainted that

they must again exert their influence for a new reserve of the happy parsimony of their servants, collected into a second debt from the Nabob of Arcot, amounting to two millions four hundred thousand pounds, settled at an interest of twelve per cent. This is known by the name of the Consolidation of 1777, as the former of the Nabob's debts was by the title of the Consolidation of 1767. To this was added, in a separate parcel, a little reserve, called the Cavalry Debt, of one hundred and sixty thousand pounds, at the same interest. The whole of these four capitals, amounting to four millions four hundred and forty thousand pounds, produced at their several rates, annuities amounting to six hundred and twenty-three thousand pounds a year: a good deal more than one third of the clear land-tax of England, at four shillings in the pound; a good deal more than double the whole annual dividend of the East India Company, the nominal masters to the proprietors in these funds. Of this interest, three hundred and eighty-three thousand two hundred pounds a year stood chargeable on the public revenues of the Carnatic.

Sir, at this moment, it will not be necessary to consider the various operations which the capital and interest of this debt have successively undergone. I shall speak to these operations when I come particularly to answer the right honorable gentleman on each of the heads, as he has thought proper to divide them. But this was the exact view in which these debts first appeared to the Court of Directors, and to the world. It varied afterwards. But it never appeared in any other than a most questionable shape. When this gigantic phantom of debt first appeared before a young minister, it naturally would have justified some degree of doubt and apprehension. Such a prodigy would have filled any common man with superstitious fears. He would exorcise that shapeless, nameless form, and by everything sacred would have adjured it to tell by what means a small number of slight individuals, of no consequence or situation, possessed of no lucrative offices, without the command of armies or the known administration of revenues, without profession of any kind, without any sort of trade sufficient to employ a peddler, could have, in a few years, (as to some, even in a few months,) amassed treasures equal to the revenues of a respectable kingdom? Was it not enough to put these gentlemen, in the novitiate of their administration, on their guard, and to call upon them for a strict inquiry, (if not to justify them in a reprobation of those demands without any inquiry at all,) that, when all England, Scotland, and Ireland had for years been witness to the immense sums laid out by the servants of the Company in stocks of all denominations, in the purchase of lands, in the buying and building of houses, in the securing quiet seats in Parliament or in the tumultuous riot of contested elections, in wandering throughout the whole range of those variegated modes of inventive prodigality which sometimes have excited our wonder, sometimes roused our indignation, that, after all, India was four millions still in debt to *them*? India in debt to *them*! For what? Every debt, for which an equivalent of some kind or other is not given, is, on the face of it, a fraud. What is the equivalent they have given? What equivalent had they to give? What are the articles of commerce, or the branches of manufacture, which those gentlemen have carried

hence to enrich India? What are the sciences they beamed out to enlighten it? What are the arts they introduced to cheer and to adorn it? What are the religious, what the moral institutions they have taught among that people, as a guide to life, or as a consolation when life is to be no more, that there is an eternal debt, a debt “still paying, still to owe,” which must be bound on the present generation in India, and entailed on their mortgaged posterity forever? A debt of millions, in favor of a set of men whose names, with few exceptions, are either buried in the obscurity of their origin and talents or dragged into light by the enormity of their crimes!

In my opinion the courage of the minister was the most wonderful part of the transaction, especially as he must have read, or rather the right honorable gentleman says he has read for him, whole volumes upon the subject. The volumes, by the way, are not by one tenth part so numerous as the right honorable gentleman has thought proper to pretend, in order to frighten you from inquiry; but in these volumes, such as they are, the minister must have found a full authority for a suspicion (at the very least) of everything relative to the great fortunes made at Madras. What is that authority? Why, no other than the standing authority for all the claims which the ministry has thought fit to provide for, — the grand debtor, — the Nabob of Arcot himself. Hear that prince, in the letter written to the Court of Directors, at the precise period whilst the main body of these debts were contracting. In his letter he states himself to be, what undoubtedly he is, a most competent witness to this point. After speaking of the war with Hyder Ali in 1768 and 1769, and of other measures which he censures, (whether right or wrong it signifies nothing,) and into which he says he had been led by the Company’s servants, he proceeds in this manner:— “If all these things were against the real interests of the Company, they are ten thousand times more against mine, and against the prosperity of my country and the happiness of my people; for your interests and mine are the same. *What were they owing to, then? To the private views of a few individuals, who have enriched themselves at the expense of your influence and of my country: for your servants HAVE NO TRADE IN THIS COUNTRY, neither do you pay them high wages; yet in a few years they return to England with many lacs of pagodas. How can you or I account for such immense fortunes acquired in so short a time, without any visible means of getting them?*”

When he asked this question, which involves its answer, it is extraordinary that curiosity did not prompt the Chancellor of the Exchequer to that inquiry which might come in vain recommended to him by his own act of Parliament. Does not the Nabob of Arcot tell us, in so many words, that there was no fair way of making the enormous sums sent by the Company’s servants to England? And do you imagine that there was or could be more honesty and good faith in the demands for what remained behind in India? Of what nature were the transactions with himself? If you follow the train of his information, you must see, that, if these great sums were at all lent, it was not property, but spoil, that was lent; if not lent, the transaction was not a contract, but a fraud. Either way, if light enough could not be furnished to authorize a full condemnation of these demands, they ought to have been left to the parties, who best

knew and understood each other's proceedings. It was not necessary that the authority of government should interpose in favor of claims whose very foundation was a defiance of that authority, and whose object and end was its entire subversion.

It may be said that this letter was written by the Nabob of Arcot in a moody humor, under the influence of some chagrin. Certainly it was; but it is in such humors that truth comes out. And when he tells you, from his own knowledge, what every one must presume, from the extreme probability of the thing, whether he told it or not, one such testimony is worth a thousand that contradict that probability, when the parties have a better understanding with each other, and when they have a point to carry that may unite them in a common deceit.

If this body of private claims of debt, real or devised, were a question, as it is falsely pretended, between the Nabob of Arcot, as debtor, and Paul Benfield and his associates, as creditors, I am sure I should give myself but little trouble about it. If the hoards of oppression were the fund for satisfying the claims of bribery and peculation, who would wish to interfere between such litigants? If the demands were confined to what might be drawn from the treasures which the Company's records uniformly assert that the Nabob is in possession of, or if he had mines of gold or silver or diamonds, (as we know that he has none,) these gentlemen might break open his hoards or dig in his mines without any disturbance from me. But the gentlemen on the other side of the House know as well as I do, and they dare not contradict me, that the Nabob of Arcot and his creditors are not adversaries, but collusive parties, and that the whole transaction is under a false color and false names. The litigation is not, nor ever has been, between their rapacity and his hoarded riches. No: it is between him and them combining and confederating, on one side, and the public revenues, and the miserable inhabitants of a ruined country, on the other. These are the real plaintiffs and the real defendants in the suit. Refusing a shilling from his hoards for the satisfaction of any demand, the Nabob of Arcot is always ready, nay, he earnestly, and with eagerness and passion, contends for delivering up to these pretended creditors his territory and his subjects. It is, therefore, not from treasuries and mines, but from the food of your unpaid armies, from the blood withheld from the veins and whipped out of the backs of the most miserable of men, that we are to pamper extortion, usury, and peculation, under the false names of debtors and creditors of state.

The great patron of these creditors, (to whose honor they ought to erect statues,) the right honorable gentleman, in stating the merits which recommended them to his favor, has ranked them under three grand divisions. The first, the creditors of 1767; then the creditors of the cavalry loan; and lastly, the creditors of the loan in 1777. Let us examine them, one by one, as they pass in review before us.

The first of these loans, that of 1767, he insists, has an indisputable claim upon the public justice. The creditors, he affirms, lent their money publicly; they advanced it with the express knowledge and approbation of the Company; and it was contracted at the moderate interest of ten per cent. In this loan, the demand is, according to him, not only just, but meritorious in a very high degree: and one would be inclined to

believe he thought so, because he has put it last in the provision he has made for these claims.

I readily admit this debt to stand the fairest of the whole; for, whatever may be my suspicions concerning a part of it, I can convict it of nothing worse than the most enormous usury. But I can convict, upon the spot, the right honorable gentleman of the most daring misrepresentation in every one fact, without any exception, that he has alleged in defence of this loan, and of his own conduct with regard to it. I will show you that this debt was never contracted with the knowledge of the Company; that it had not their approbation; that they received the first intelligence of it with the utmost possible surprise, indignation, and alarm.

So far from being previously apprised of the transaction from its origin, it was two years before the Court of Directors obtained any official intelligence of it. "The dealings of the servants with the Nabob were concealed from the first, until they were found out" (says Mr. Sayer, the Company's counsel) "by the report of the country." The Presidency, however, at last thought proper to send an official account. On this the Directors tell them, "To your great reproach, it has been *concealed from us*. We cannot but suspect this debt to have had its weight in *your proposed aggrandizement of Mahomed Ali* [the Nabob of Arcot]; but whether it has or has not, certain it is you are guilty of an high breach of duty in *concealing* it from us."

These expressions, concerning the ground of the transaction, its effect, and its clandestine nature, are in the letters bearing date March 17, 1769. After receiving a more full account, on the 23d March, 1770, they state, that "Messrs. John Pybus, John Call, and James Bouchier, as trustees for themselves and others of the Nabob's private creditors, had proved a deed of assignment upon the Nabob and his son of FIFTEEN districts of the Nabob's country, the revenues of which yielded, in time of peace, eight lacs of pagodas [320,000*l.* sterling] annually; and likewise an assignment of the yearly tribute paid the Nabob from the Rajah of Tanjore, amounting to four lacs of rupees [40,000*l.*]." The territorial revenue at that time possessed by these gentlemen, without the knowledge or consent of their masters, amounted to three hundred and sixty thousand pounds sterling annually. They were making rapid strides to the entire possession of the country, when the Directors, whom the right honorable gentleman states as having authorized these proceedings, were kept in such profound ignorance of this royal acquisition of territorial revenue by their servants, that in the same letter they say, "This assignment was obtained by *three of the members of your board* in January, 1767; yet we do not find the *least trace* of it upon your Consultations until August, 1768, nor do any of your letters to us afford any information relative to such transactions till the 1st of November, 1768. By your last letters of the 8th of May, 1769, you bring the whole proceedings to light in one view."

As to the previous knowledge of the Company, and its sanction to the debts, you see that this assertion of that knowledge is utterly unfounded. But did the Directors approve of it, and ratify the transaction, when it was known? The very reverse. On the same 3d of March, the Directors declare, "upon an *impartial examination* of the whole

conduct of our late Governor and Council of Fort George [Madras], and on the fullest consideration, that the said Governor and Council have, *in notorious violation of the trust* reposed in them, manifestly *preferred the interest of private individuals to that of the Company*, in permitting the assignment of the revenues of certain valuable districts, to a very large amount, from the Nabob to individuals"; and then, highly aggravating their crimes, they add,— "We order and direct that you do examine, in the most impartial manner, all the above-mentioned transactions, and that you *punish*, by suspension, degradation, dismissal, or otherwise, as to you shall seem meet, all and every such servant or servants of the Company who may by you be found guilty of any of the above offences." "We had" (say the Directors) "the mortification to find that the servants of the Company, who had been *raised, supported, and owed their present opulence to the advantages* gained in such service, have in this instance most *unfaithfully betrayed* their trust, *abandoned* the Company's interest, and *prostituted* its influence to accomplish the *purposes of individuals, whilst the interest of the Company is almost wholly neglected*, and payment to us rendered extremely precarious." Here, then, is the rock of approbation of the Court of Directors, on which the right honorable gentleman says this debt was founded. Any member, Mr. Speaker, who should come into the House, on my reading this sentence of condemnation of the Court of Directors against their unfaithful servants, might well imagine that he had heard an harsh, severe, unqualified invective against the present ministerial Board of Control. So exactly do the proceedings of the patrons of this abuse tally with those of the actors in it, that the expressions used in the condemnation of the one may serve for the reprobation of the other, without the change of a word.

To read you all the expressions of wrath and indignation fulminated in this dispatch against the meritorious creditors of the right honorable gentleman, who according to him have been so fully approved by the Company, would be to read the whole.

The right honorable gentleman, with an address peculiar to himself, every now and then slides in the Presidency of Madras, as synonymous to the Company. That the Presidency did approve the debt is certain. But the right honorable gentleman, as prudent in suppressing as skilful in bringing forward his matter, has not chosen to tell you that the Presidency were the very persons guilty of contracting this loan, — creditors themselves, and agents and trustees for all the other creditors. For this the Court of Directors accuse them of breach of trust; and for this the right honorable gentleman considers them as perfectly good authority for those claims. It is pleasant to hear a gentleman of the law quote the approbation of creditors as an authority for their own debt.

How they came to contract the debt to themselves, how they came to act as agents for those whom they ought to have controlled, is for your inquiry. The policy of this debt was announced to the Court of Directors by the very persons concerned in creating it. "Till very lately," say the Presidency, "the Nabob placed his dependence on the Company. Now he has been taught by ill advisers that an interest out of doors may stand him in good stead. He has been made to believe that *his private creditors have*

power and interest to overrule the Court of Directors." The Nabob was not misinformed. The private creditors instantly qualified a vast number of votes; and having made themselves masters of the Court of Proprietors, as well as extending a powerful cabal in other places as important, they so completely overturned the authority of the Court of Directors at home and abroad, that this poor, baffled government was soon obliged to lower its tone. It was glad to be admitted into partnership with its own servants. The Court of Directors, establishing the debt which they had reprobated as a breach of trust, and which was planned for the subversion of their authority, settled its payments on a par with those of the public; and even so were not able to obtain peace, or even equality in their demands. All the consequences lay in a regular and irresistible train. By employing their influence for the recovery of this debt, their orders, issued in the same breath, against creating new debts, only animated the strong desires of their servants to this prohibited prolific sport, and it soon produced a swarm of sons and daughters, not in the least degenerated from the virtue of their parents.

From that moment the authority of the Court of Directors expired in the Carnatic, and everywhere else. "Every man," says the Presidency, "who opposes the government and its measures, finds an immediate countenance from the Nabob; even our discarded officers, however unworthy, are received into the Nabob's service." It was, indeed, a matter of no wonderful sagacity to determine whether the Court of Directors, with their miserable salaries to their servants, of four or five hundred pounds a year, or the distributor of millions, was most likely to be obeyed. It was an invention beyond the imagination of all the speculatists of our speculating age, to see a government quietly settled in one and the same town, composed of two distinct members: one to pay scantily for obedience, and the other to bribe high for rebellion and revolt.

The next thing which recommends this particular debt to the right honorable gentleman is, it seems, the moderate interest of ten per cent. It would be lost labor to observe on this assertion. The Nabob, in a long apologetic letter for the transaction between him and the body of the creditors, states the fact as I shall state it to you. In the accumulation of this debt, the first interest paid was from thirty to thirty-six per cent; it was then brought down to twenty-five per cent; at length it was reduced to twenty; and there it found its rest. During the whole process, as often as any of these monstrous interests fell into an arrear, (into which they were continually falling,) the arrear, formed into a new capital, was added to the old, and the same interest of twenty per cent accrued upon both. The Company, having got some scent of the enormous usury which prevailed at Madras, thought it necessary to interfere, and to order all interests to be lowered to ten per cent. This order, which contained no exception, though it by no means pointed particularly to this class of debts, came like a thunderclap on the Nabob. He considered his political credit as ruined; but to find a remedy to this unexpected evil, he again added to the old principal twenty per cent interest accruing for the last year. Thus a new fund was formed; and it was on that accumulation of various principals, and interests heaped upon interests, not on the

sum originally lent, as the right honorable gentleman would make you believe, that ten per cent was settled on the whole.

When you consider the enormity of the interest at which these debts were contracted, and the several interests added to the principal, I believe you will not think me so skeptical, if I should doubt whether for this debt of 880,000*l.* the Nabob ever saw 100,000*l.* in real money. The right honorable gentleman suspecting, with all his absolute dominion over fact, that he never will be able to defend even this venerable patriarchal job, though sanctified by its numerous issue, and hoary with prescriptive years, has recourse to recrimination, the last resource of guilt. He says that this loan of 1767 was provided for in Mr. Fox's India bill; and judging of others by his own nature and principles, he more than insinuates that this provision was made, not from any sense of merit in the claim, but from partiality to General Smith, a proprietor, and an agent for that debt. If partiality could have had any weight against justice and policy with the then ministers and their friends, General Smith had titles to it. But the right honorable gentleman knows as well as I do, that General Smith was very far from looking on himself as partially treated in the arrangements of that time; indeed, what man dared to hope for private partiality in that sacred plan for relief to nations?

It is not necessary that the right honorable gentleman should sarcastically call that time to our recollection. Well do I remember every circumstance of that memorable period. God forbid I should forget it! O illustrious disgrace! O victorious defeat! May your memorial be fresh and new to the latest generations! May the day of that generous conflict be stamped in characters never to be cancelled or worn out from the records of time! Let no man hear of us, who shall not hear, that, in a struggle against the intrigues of courts and the perfidious levity of the multitude, we fell in the cause of honor, in the cause of our country, in the cause of human nature itself! But if fortune should be as powerful over fame as she has been prevalent over virtue, at least our conscience is beyond her jurisdiction. My poor share in the support of that great measure no man shall ravish from me. It shall be safely lodged in the sanctuary of my heart, — never, never to be torn from thence, but with those holds that grapple it to life.

I say, I well remember that bill, and every one of its honest and its wise provisions. It is not true that this debt was ever protected or enforced, or any revenue whatsoever set apart for it. It was left in that bill just where it stood: to be paid or not to be paid out of the Nabob's private treasures, according to his own discretion. The Company had actually given it their sanction, though always relying for its validity on the sole security of the faith of him who without their knowledge or consent entered into the original obligation. It had no other sanction; it ought to have had no other. So far was Mr. Fox's bill from providing *funds* for it, as this ministry have wickedly done for this, and for ten times worse transactions, out of the public estate, that an express clause immediately preceded, positively forbidding any British subject from receiving assignments upon any part of the territorial revenue, on any pretence whatsoever.

You recollect, Mr. Speaker, that the Chancellor of the Exchequer strongly professed to retain every part of Mr. Fox's bill which was intended to prevent abuse; but in *his* India bill, which (let me do justice) is as able and skilful a performance, for its own purposes, as ever issued from the wit of man, premeditating this iniquity, —

Hoc ipsum ut strueret, Trojamque aperiret Achivis, —

expunged this essential clause, broke down the fence which was raised to cover the public property against the rapacity of his partisans, and thus levelling every obstruction, he made a firm, broad highway for sin and death, for usury and oppression, to renew their ravages throughout the devoted revenues of the Carnatic.

The tenor, the policy, and the consequences of this debt of 1767 are in the eyes of ministry so excellent, that its merits are irresistible; and it takes the lead to give credit and countenance to all the rest. Along with this chosen body of heavy-armed infantry, and to support it in the line, the right honorable gentleman has stationed his corps of black cavalry. If there be any advantage between this debt and that of 1769, according to him the cavalry debt has it. It is not a subject of defence: it is a theme of panegyric. Listen to the right honorable gentleman, and you will find it was contracted to save the country, — to prevent mutiny in armies, — to introduce economy in revenues; and for all these honorable purposes, it originated at the express desire and by the representative authority of the Company itself.

First let me say a word to the authority. This debt was contracted, not by the authority of the Company, not by its representatives, (as the right honorable gentleman has the unparalleled confidence to assert,) but in the ever-memorable period of 1777, by the usurped power of those who rebelliously, in conjunction with the Nabob of Arcot, had overturned the lawful government of Madras. For that rebellion this House unanimously directed a public prosecution. The delinquents, after they had subverted government, in order to make to themselves a party to support them in their power, are universally known to have dealt jobs about to the right and to the left, and to any who were willing to receive them. This usurpation, which the right honorable gentleman well knows was brought about by and for the great mass of these pretended debts, is the authority which is set up by him to represent the Company, — to represent that Company which, from the first moment of their hearing of this corrupt and fraudulent transaction to this hour, have uniformly disowned and disavowed it.

So much for the authority. As to the facts, partly true, and partly colorable, as they stand recorded, they are in substance these. The Nabob of Arcot, as soon as he had thrown off the superiority of this country by means of these creditors, kept up a great army which he never paid. Of course his soldiers were generally in a state of mutiny. The usurping Council say that they labored hard with their master, the Nabob, to persuade him to reduce these mutinous and useless troops. He consented; but, as usual, pleaded inability to pay them their arrears. Here was a difficulty. The Nabob had no money; the Company had no money; every public supply was empty. But there was one resource which no season has ever yet dried up in that climate. The *soucars* were at hand: that is, private English money-jobbers offered their assistance.

Messieurs Taylor, Majendie, and Call proposed to advance the small sum of 160,000*l.* to pay off the Nabob's black cavalry, provided the Company's authority was given for their loan. This was the great point of policy always aimed at, and pursued through a hundred devices by the servants at Madras. The Presidency, who themselves had no authority for the functions they presumed to exercise, very readily gave the sanction of the Company to those servants who knew that the Company, whose sanction was demanded, had positively prohibited all such transactions.

However, so far as the reality of the dealing goes, all is hitherto fair and plausible; and here the right honorable gentleman concludes, with commendable prudence, his account of the business. But here it is I shall beg leave to commence my supplement: for the gentleman's discreet modesty has led him to cut the thread of the story somewhat abruptly. One of the most essential parties is quite forgotten. Why should the episode of the poor Nabob be omitted? When that prince chooses it, nobody can tell his story better. Excuse me, if I apply again to my book, and give it you from the first hand: from the Nabob himself.

"Mr. Stratton became acquainted with this, and got Mr. Taylor and others to lend me four lacs of pagodas towards discharging the arrears of pay of my troops. Upon this, I wrote a letter of thanks to Mr. Stratton; and upon the faith of this money being paid immediately, I ordered many of my troops to be discharged by a certain day, and lessened the number of my servants. Mr. Taylor, &c., some time after acquainted me, that they had no ready money, but they would grant teeps payable in four months. This astonished me; for I did not know what might happen, when the sepoys were dismissed from my service. I begged of Mr. Taylor and the others to pay this sum to the officers of my regiments at the time they mentioned; and desired the officers, at the same time, to pacify and persuade the men belonging to them that their pay would be given to them *at the end of four months*, and that, till those arrears were discharged, their pay should be continued to them. *Two years* are nearly expired since that time, but Mr. Taylor has not yet entirely discharged the arrears of those troops, and I am obliged to continue their pay from that time till this. I hoped to have been able, by this expedient, to have lessened the number of my troops, and discharged the arrears due to them, considering the trifle of interest to Mr. Taylor and the others as no great matter; but instead of this, *I am oppressed with the burden of pay due to those troops, and the interest, which is going on to Mr. Taylor from the day the teeps were granted to him.*" What I have read to you is an extract of a letter from the Nabob of the Carnatic to Governor Rumbold, dated the 22d, and received the 24th of March, 1779.

Suppose his Highness not to be well broken in to things of this kind, it must, indeed, surprise so known and established a bond-vender as the Nabob of Arcot, one who keeps himself the largest bond-warehouse in the world, to find that he was now to receive in kind: not to take money for his obligations, but to give his bond in exchange for the bond of Messieurs Taylor, Majendie, and Call, and to pay, besides, a good, smart interest, legally twelve per cent, (in reality, perhaps, twenty or twenty-four per

cent,) for this exchange of paper. But his troops were not to be so paid, or so disbanded. They wanted bread, and could not live by cutting and shuffling of bonds. The Nabob still kept the troops in service, and was obliged to continue, as you have seen, the whole expense to exonerate himself from which he became indebted to the soucars.

Had it stood here, the transaction would have been of the most audacious strain of fraud and usury perhaps ever before discovered, whatever might have been practised and concealed. But the same authority (I mean the Nabob's) brings before you something, if possible, more striking. He states, that, for this their paper, he immediately handed over to these gentlemen something very different from paper, — that is, the receipt of a territorial revenue, of which, it seems, they continued as long in possession as the Nabob himself continued in possession of anything. Their payments, therefore, not being to commence before the end of four months, and not being completed in two years, it must be presumed (unless they prove the contrary) that their payments to the Nabob were made out of the revenues they had received from his assignment. Thus they condescended to accumulate a debt of 160,000*l.* with an interest of twelve per cent, in compensation for a lingering payment to the Nabob of 160,000*l.* of his own money.

Still we have not the whole. About two years after the assignment of those territorial revenues to these gentlemen, the Nabob receives a remonstrance from his chief manager in a principal province, of which this is the tenor. “The *entire* revenue of those districts is by your Highness's order set apart to discharge the tunkaws [assignments] granted to the Europeans. The gomastahs [agents] of Mr. Taylor to Mr. De Fries are there in order to collect those tunkaws; and as they receive *all* the revenue that is collected, your Highness's troops have *seven or eight months' pay due*, which they cannot receive, and are thereby reduced to the greatest *distress*. *In such times* it is highly necessary to provide for the sustenance of the troops, that they may be ready to exert themselves in the service of your Highness.”

Here, Sir, you see how these causes and effects act upon one another. One body of troops mutinies for want of pay; a debt is contracted to pay them; and they still remain unpaid. A territory destined to pay other troops is assigned for this debt; and these other troops fall into the same state of indigence and mutiny with the first. Bond is paid by bond; arrear is turned into new arrear; usury engenders new usury; mutiny, suspended in one quarter, starts up in another; until all the revenues and all the establishments are entangled into one inextricable knot of confusion, from which they are only disengaged by being entirely destroyed. In that state of confusion, in a very few months after the date of the memorial I have just read to you, things were found, when the Nabob's troops, famished to feed English soucars, instead of defending the country, joined the invaders, and deserted in entire bodies to Hyder Ali.

The manner in which this transaction was carried on shows that good examples are not easily forgot, especially by those who are bred in a great school. One of those splendid examples give me leave to mention, at a somewhat more early period;

because one fraud furnishes light to the discovery of another, and so on, until the whole secret of mysterious iniquity bursts upon you in a blaze of detection. The paper I shall read you is not on record. If you please, you may take it on my word. It is a letter written from one of undoubted information in Madras to Sir John Clavering, describing the practice that prevailed there, whilst the Company's allies were under sale, during the time of Governor Winch's administration.

"One mode," says Clavering's correspondent, "of amassing money at the Nabob's cost is curious. He is generally in arrears to the Company. Here the Governor, being cash-keeper, is generally on good terms with the banker, who manages matters thus. The Governor presses the Nabob for the balance due from him; the Nabob flies to his banker for relief; the banker engages to pay the money, and grants his notes accordingly, which he puts in the cash-book as ready money; the Nabob pays him an interest for it at two and three per cent *per mensem*, till the tunkaws he grants on the particular districts for it are paid. Matters in the mean time are so managed that there is no call for this money for the Company's service till the tunkaws become due. By this means not a cash is advanced by the banker, though he receives a heavy interest from the Nabob, which is divided as lawful spoil."

Here, Mr. Speaker, you have the whole art and mystery, the true free-mason secret, of the profession of *soucaring*; by which a few innocent, inexperienced young Englishmen, such as Mr. Paul Benfield, for instance, without property upon which any one would lend to themselves a single shilling, are enabled at once to take provinces in mortgage, to make princes their debtors, and to become creditors for millions.

But it seems the right honorable gentleman's favorite soucar cavalry have proved the payment before the Mayor's Court at Madras! Have they so? Why, then, defraud our anxiety and their characters of that proof? Is it not enough that the charges which I have laid before you have stood on record against these poor injured gentlemen for eight years? Is it not enough that they are in print by the orders of the East India Company for five years? After these gentlemen have borne all the odium of this publication and all the indignation of the Directors with such unexampled equanimity, now that they are at length stimulated into feeling are you to deny them their just relief? But will the right honorable gentleman be pleased to tell us how they came not to give this satisfaction to the Court of Directors, their lawful masters, during all the eight years of this litigated claim? Were they not bound, by every tie that can bind man, to give them this satisfaction? This day, for the first time, we hear of the proofs. But when were these proofs offered? In what cause? Who were the parties? Who inspected, who contested this belated account? Let us see something to oppose to the body of record which appears against them. The Mayor's Court! the Mayor's Court! Pleasant! Does not the honorable gentleman know that the first corps of creditors (the creditors of 1767) stated it as a sort of hardship to them, that they could not have justice at Madras, from the impossibility of their supporting their claims in the Mayor's Court? Why? Because, say they, the members of that court were themselves creditors, and therefore could not sit as judges. Are we ripe to say that no creditor

under similar circumstances was member of the court, when the payment which is the ground of this cavalry debt was put in proof? Nay, are we not in a manner compelled to conclude that the court was so constituted, when we know there is scarcely a man in Madras who has not some participation in these transactions? It is a shame to hear such proofs mentioned, instead of the honest, vigorous scrutiny which the circumstances of such an affair so indispensably call for.

But his Majesty's ministers, indulgent enough to other scrutinies, have not been satisfied with authorizing the payment of this demand without such inquiry as the act has prescribed; but they have added the arrear of twelve per cent interest, from the year 1777 to the year 1784, to make a new capital, raising thereby 160 to 294,000*l*. Then they charge a new twelve per cent on the whole from that period, for a transaction in which it will be a miracle if a single penny will be ever found really advanced from the private stock of the pretended creditors.

In this manner, and at such an interest, the ministers have thought proper to dispose of 294,000*l*. of the public revenues, for what is called the Cavalry Loan. After dispatching this, the right honorable gentleman leads to battle his last grand division, the consolidated debt of 1777. But having exhausted all his panegyric on the two first, he has nothing at all to say in favor of the last. On the contrary, he admits that it was contracted in defiance of the Company's orders, without even the pretended sanction of any pretended representatives. Nobody, indeed, has yet been found hardy enough to stand forth avowedly in its defence. But it is little to the credit of the age, that what has not plausibility enough to find an advocate has influence enough to obtain a protector. Could any man expect to find that protector anywhere? But what must every man think, when he finds that protector in the chairman of the Committee of Secrecy, who had published to the House, and to the world, the facts that condemn these debts, the orders that forbid the incurring of them, the dreadful consequences which attended them? Even in his official letter, when he tramples on his Parliamentary report, yet his general language is the same. Read the preface to this part of the ministerial arrangement, and you would imagine that this debt was to be crushed, with all the weight of indignation which could fall from a vigilant guardian of the public treasury upon those who attempted to rob it. What must be felt by every man who has feeling, when, after such a thundering preamble of condemnation, this debt is ordered to be paid without any sort of inquiry into its authenticity, — without a single step taken to settle even the amount of the demand, — without an attempt so much as to ascertain the real persons claiming a sum which rises in the accounts from one million three hundred thousand pound sterling to two million four hundred thousand pound, principal money, — without an attempt made to ascertain the proprietors, of whom no list has ever yet been laid before the Court of Directors, — of proprietors who are known to be in a collusive shuffle, by which they never appear to be the same in any two lists handed about for their own particular purposes?

My honorable friend who made you the motion has sufficiently exposed the nature of this debt. He has stated to you, that *its own agents*, in the year 1781, in the

arrangement *they proposed* to make at Calcutta, were satisfied to have twenty-five per cent at once struck off from the capital of a great part of this debt, and prayed to have a provision made for this reduced principal, without any interest at all. This was an arrangement of *their own*, an arrangement made by those who best knew the true constitution of their own debt, who knew how little favor it merited, and how little hopes they had to find any persons in authority abandoned enough to support it as it stood.

But what corrupt men, in the fond imaginations of a sanguine avarice, had not the confidence to propose, they have found a Chancellor of the Exchequer in England hardy enough to undertake for them. He has cheered their drooping spirits. He has thanked the speculators for not despairing of their commonwealth. He has told them they were too modest. He has replaced the twenty-five per cent which, in order to lighten themselves, they had abandoned in their conscious terror. Instead of cutting off the interest, as they had themselves consented to do, with the fourth of the capital, he has added the whole growth of four years' usury of twelve per cent to the first overgrown principal; and has again grafted on this meliorated stock a perpetual annuity of six per cent, to take place from the year 1781. Let no man hereafter talk of the decaying energies of Nature. All the acts and monuments in the records of speculation, the consolidated corruption of ages, the patterns of exemplary plunder in the heroic times of Roman iniquity, never equalled the gigantic corruption of this single act. Never did Nero, in all the insolent prodigality of despotism, deal out to his prætorian guards a donation fit to be named with the largess showered down by the bounty of our Chancellor of the Exchequer on the faithful band of his Indian sepoys.

The right honorable gentleman lets you freely and voluntarily into the whole transaction. So perfectly has his conduct confounded his understanding, that he fairly tells you that through the course of the whole business he has never conferred with any but the agents of the pretended creditors. After this, do you want more to establish a secret understanding with the parties, — to fix, beyond a doubt, their collusion and participation in a common fraud?

If this were not enough, he has furnished you with other presumptions that are not to be shaken. It is one of the known indications of guilt to stagger and prevaricate in a story, and to vary in the motives that are assigned to conduct. Try these ministers by this rule. In their official dispatch, they tell the Presidency of Madras that they have established the debt for two reasons: first, because the Nabob (the party indebted) does not dispute it; secondly, because it is mischievous to keep it longer afloat, and that the payment of the European creditors will promote circulation in the country. These two motives (for the plainest reasons in the world) the right honorable gentleman has this day thought fit totally to abandon. In the first place, he rejects the authority of the Nabob of Arcot. It would, indeed, be pleasant to see him adhere to this exploded testimony. He next, upon grounds equally solid, abandons the benefits of that circulation which was to be produced by drawing out all the juices of the body. Laying aside, or forgetting, these pretences of his dispatch, he has just now assumed a

principle totally different, but to the full as extraordinary. He proceeds upon a supposition that many of the claims may be fictitious. He then finds, that, in a case where many valid and many fraudulent claims are blended together, the best course for their discrimination is indiscriminately to establish them all. He trusts, (I suppose,) as there may not be a fund sufficient for every description of creditors, that the best warranted claimants will exert themselves in bringing to light those debts which will not bear an inquiry. What he will not do himself he is persuaded will be done by others; and for this purpose he leaves to any person a general power of excepting to the debt. This total change of language and prevarication in principle is enough, if it stood alone, to fix the presumption of unfair dealing. His dispatch assigns motives of policy, concord, trade, and circulation: his speech proclaims discord and litigations, and proposes, as the ultimate end, detection.

But he may shift his reasons, and wind and turn as he will, confusion waits him at all his doubles. Who will undertake this detection? Will the Nabob? But the right honorable gentleman has himself this moment told us that no prince of the country can by any motive be prevailed upon to discover any fraud that is practised upon him by the Company's servants. He says what (with the exception of the complaint against the Cavalry Loan) all the world knows to be true: and without that prince's concurrence, what evidence can be had of the fraud of any the smallest of these demands? The ministers never authorized any person to enter into his exchequer and to search his records. Why, then, this shameful and insulting mockery of a pretended contest? Already contests for a preference have arisen among these rival bond-creditors. Has not the Company itself struggled for a preference for years, without any attempt at detection of the nature of those debts with which they contended? Well is the Nabob of Arcot attended to in the only specific complaint he has ever made. He complained of unfair dealing in the Cavalry Loan. It is fixed upon him with interest on interest; and this loan is excepted from all power of litigation.

This day, and not before, the right honorable gentleman thinks that the general establishment of all claims is the surest way of laying open the fraud of some of them. In India this is a reach of deep policy. But what would be thought of this mode of acting on a demand upon the Treasury in England? Instead of all this cunning, is there not one plain way open, — that is, to put the burden of the proof on those who make the demand? Ought not ministry to have said to the creditors, "The person who admits your debt stands excepted to as evidence; he stands charged as a collusive party, to hand over the public revenues to you for sinister purposes. You say, you have a demand of some millions on the Indian Treasury; prove that you have acted by lawful authority; prove, at least, that your money has been *bonâ fide* advanced; entitle yourself to my protection by the fairness and fulness of the communications you make"? Did an honest creditor ever refuse that reasonable and honest test?

There is little doubt that several individuals have been seduced by the purveyors to the Nabob of Arcot to put their money (perhaps the whole of honest and laborious earnings) into their hands, and that at such high interest as, being condemned at law,

leaves them at the mercy of the great managers whom they trusted. These seduced creditors are probably persons of no power or interest either in England or India, and may be just objects of compassion. By taking, in this arrangement, no measures for discrimination and discovery, the fraudulent and the fair are in the first instance confounded in one mass. The subsequent selection and distribution is left to the Nabob. With him the agents and instruments of his corruption, whom he sees to be omnipotent in England, and who may serve him in future, as they have done in times past, will have precedence, if not an exclusive preference. These leading interests domineer, and have always domineered, over the whole. By this arrangement, the persons seduced are made dependent on their seducers; honesty (comparative honesty at least) must become of the party of fraud, and must quit its proper character and its just claims, to entitle itself to the alms of bribery and speculation.

But be these English creditors what they may, the creditors most certainly not fraudulent are the natives, who are numerous and wretched indeed: by exhausting the whole revenues of the Carnatic, nothing is left for them. They lent *bonâ fide*; in all probability they were even forced to lend, or to give goods and service for the Nabob's obligations. They had no trusts to carry to his market. They had no faith of alliances to sell. They had no nations to betray to robbery and ruin. They had no lawful government seditiously to overturn; nor had they a governor, to whom it is owing that you exist in India, to deliver over to captivity, and to death in a shameful prison.

These were the merits of the principal part of the debt of 1777, and the universally conceived causes of its growth; and thus the unhappy natives are deprived of every hope of payment for their real debts, to make provision for the arrears of unsatisfied bribery and treason. You see in this instance that the presumption of guilt is not only no exception to the demands on the public treasury, but with these ministers it is a necessary condition to their support. But that you may not think this preference solely owing to their known contempt of the natives, who ought with every generous mind to claim their first charities, you will find the same rule religiously observed with Europeans too. Attend, Sir, to this decisive case. Since the beginning of the war, besides arrears of every kind, a bond-debt has been contracted at Madras, uncertain in its amount, but represented from four hundred thousand pound to a million sterling. It stands only at the low interest of eight per cent. Of the legal authority on which this debt was contracted, of its purposes for the very being of the state, of its publicity and fairness, no doubt has been entertained for a moment. For this debt no sort of provision whatever has been made. It is rejected as an outcast, whilst the whole undissipated attention of the minister has been employed for the discharge of claims entitled to his favor by the merits we have seen.

I have endeavored to find out, if possible, the amount of the whole of those demands, in order to see how much, supposing the country in a condition to furnish the fund, may remain to satisfy the public debt and the necessary establishments. But I have been foiled in my attempt.

About one fourth, that is, about 220,000*l.*, of the loan of 1767 remains unpaid. How much interest is in arrear I could never discover: seven or eight years' at least, which would make the whole of that debt about 396,000*l.* This stock, which the ministers in their instructions to the Governor of Madras state as the least exceptionable, they have thought proper to distinguish by a marked severity, leaving it the only one on which the interest is not added to the principal to beget a new interest.

The Cavalry Loan, by the operation of the same authority, is made up to 294,000*l.*; and this 294,000*l.*, made up of principal and interest, is crowned with a new interest of twelve per cent.

What the grand loan, the bribery loan of 1777, may be is amongst the deepest mysteries of state. It is probably the first debt ever assuming the title of Consolidation that did not express what the amount of the sum consolidated was. It is little less than a contradiction in terms. In the debt of the year 1767 the sum was stated in the act of consolidation, and made to amount to 880,000*l.* capital. When this consolidation of 1777 was first announced at the Durbar, it was represented authentically at 2,400,000*l.* In that, or rather in a higher state, Sir Thomas Rumbold found and condemned it. It afterwards fell into such a terror as to sweat away a million of its weight at once; and it sunk to 1,400,000*l.* However, it never was without a resource for recruiting it to its old plumpness. There was a sort of floating debt of about four or five hundred thousand pounds more ready to be added, as occasion should require.

In short, when you pressed this sensitive-plant, it always contracted its dimensions. When the rude hand of inquiry was withdrawn, it expanded in all the luxuriant vigor of its original vegetation. In the treaty of 1781, the whole of the Nabob's debt to private Europeans is by Mr. Sullivan, agent to the Nabob and his creditors, stated at 2,800,000*l.*, which, if the Cavalry Loan and the remains of the debt of 1767 be subtracted, leaves it nearly at the amount originally declared at the Durbar in 1777: but then there is a private instruction to Mr. Sullivan, which, it seems, will reduce it again to the lower standard of 1,400,000*l.*

Failing in all my attempts, by a direct account, to ascertain the extent of the capital claimed, (where in all probability no capital was ever advanced,) I endeavored, if possible, to discover it by the interest which was to be paid. For that purpose, I looked to the several agreements for assigning the territories of the Carnatic to secure the principal and interest of this debt. In one of them, I found, in a sort of postscript, by way of an additional remark, (not in the body of the obligation,) the debt represented at 1,400,000*l.*: but when I computed the sums to be paid for interest by instalments in another paper, I found they produced an interest of two millions, at twelve per cent; and the assignment supposed, that, if these instalments might exceed, they might also fall short of, the real provision for that interest. Another instalment-bond was afterwards granted: in that bond the interest exactly tallies with a capital of 1,400,000*l.*: but pursuing this capital through the correspondence, I lost sight of it again, and it was asserted that this instalment-bond was considerably short of the interest that ought to be computed to the time mentioned.

Here are, therefore, two statements of equal authority, differing at least a million from each other; and as neither persons claiming, nor any special sum as belonging to each particular claimant, is ascertained in the instruments of consolidation, or in the installment-bonds, a large scope was left to throw in any sums for any persons, as their merits in advancing the interest of that loan might require; a power was also left for reduction, in case a harder hand, or more scanty funds, might be found to require it. Stronger grounds for a presumption of fraud never appeared in any transaction. But the ministers, faithful to the plan of the interested persons, whom alone they thought fit to confer with on this occasion, have ordered the payment of the whole mass of these unknown, unliquidated sums, without an attempt to ascertain them. On this conduct, Sir, I leave you to make your own reflections.

It is impossible (at least I have found it impossible) to fix on the real amount of the pretended debts with which your ministers have thought proper to load the Carnatic. They are obscure; they shun inquiry; they are enormous. That is all you know of them.

That you may judge what chance any honorable and useful end of government has for a provision that comes in for the leavings of these gluttonous demands, I must take it on myself to bring before you the real condition of that abused, insulted, racked, and ruined country; though in truth my mind revolts from it, though you will hear it with horror, and I confess I tremble when I think on these awful and confounding dispensations of Providence. I shall first trouble you with a few words as to the cause.

The great fortunes made in India, in the beginnings of conquest, naturally excited an emulation in all the parts and through the whole succession of the Company's service. But in the Company it gave rise to other sentiments. They did not find the new channels of acquisition flow with equal riches to them. On the contrary, the high flood-tide of private emolument was generally in the lowest ebb of their affairs. They began also to fear that the fortune of war might take away what the fortune of war had given. Wars were accordingly discouraged by repeated injunctions and menaces: and that the servants might not be bribed into them by the native princes, they were strictly forbidden to take any money whatsoever from their hands. But vehement passion is ingenious in resources. The Company's servants were not only stimulated, but better instructed by the prohibition. They soon fell upon a contrivance which answered their purposes far better than the methods which were forbidden: though in this also they violated an ancient, but they thought, an abrogated order. They reversed their proceedings. Instead of receiving presents, they made loans. Instead of carrying on wars in their own name, they contrived an authority, at once irresistible and irresponsible, in whose name they might ravage at pleasure; and being thus freed from all restraint, they indulged themselves in the most extravagant speculations of plunder. The cabal of creditors who have been the object of the late bountiful grant from his Majesty's ministers, in order to possess themselves, under the name of creditors and assignees, of every country in India, as fast as it should be conquered, inspired into the mind of the Nabob of Arcot (then a dependant on the Company of the humblest order) a scheme of the most wild and desperate ambition that I believe ever was

admitted into the thoughts of a man so situated. First, they persuaded him to consider himself as a principal member in the political system of Europe. In the next place, they held out to him, and he readily imbibed, the idea of the general empire of Hindostan. As a preliminary to this undertaking, they prevailed on him to propose a tripartite division of that vast country: one part to the Company; another to the Mahrattas; and the third to himself. To himself he reserved all the southern part of the great peninsula, comprehended under the general name of the Deccan.

On this scheme of their servants, the Company was to appear in the Carnatic in no other light than as a contractor for the provision of armies, and the hire of mercenaries for his use and under his direction. This disposition was to be secured by the Nabob's putting himself under the guaranty of France, and, by the means of that rival nation, preventing the English forever from assuming an equality, much less a superiority, in the Carnatic. In pursuance of this treasonable project, (treasonable on the part of the English,) they extinguished the Company as a sovereign power in that part of India; they withdrew the Company's garrisons out of all the forts and strongholds of the Carnatic; they declined to receive the ambassadors from foreign courts, and remitted them to the Nabob of Arcot; they fell upon, and totally destroyed, the oldest ally of the Company, the king of Tanjore, and plundered the country to the amount of near five millions sterling; one after another, in the Nabob's name, but with English force, they brought into a miserable servitude all the princes and great independent nobility of a vast country. In proportion to these treasons and violences, which ruined the people, the fund of the Nabob's debt grew and flourished.

Among the victims to this magnificent plan of universal plunder, worthy of the heroic avarice of the projectors, you have all heard (and he has made himself to be well remembered) of an Indian chief called Hyder Ali Khan. This man possessed the western, as the Company, under the name of the Nabob of Arcot, does the eastern division of the Carnatic. It was among the leading measures in the design of this cabal (according to their own emphatic language) to *extirpate* this Hyder Ali. They declared the Nabob of Arcot to be his sovereign, and himself to be a rebel, and publicly invested their instrument with the sovereignty of the kingdom of Mysore. But their victim was not of the passive kind. They were soon obliged to conclude a treaty of peace and close alliance with this rebel, at the gates of Madras. Both before and since that treaty, every principle of policy pointed out this power as a natural alliance; and on his part it was courted by every sort of amicable office. But the cabinet council of English creditors would not suffer their Nabob of Arcot to sign the treaty, nor even to give to a prince at least his equal the ordinary titles of respect and courtesy. From that time forward, a continued plot was carried on within the divan, black and white, of the Nabob of Arcot, for the destruction of Hyder Ali. As to the outward members of the double, or rather treble government of Madras, which had signed the treaty, they were always prevented by some overruling influence (which they do not describe, but which cannot be misunderstood) from performing what justice and interest combined so evidently to enforce.

When at length Hyder Ali found that he had to do with men who either would sign no convention, or whom no treaty and no signature could bind, and who were the determined enemies of human intercourse itself, he decreed to make the country possessed by these incorrigible and predestinated criminals a memorable example to mankind. He resolved, in the gloomy recesses of a mind capacious of such things, to leave the whole Carnatic an everlasting monument of vengeance, and to put perpetual desolation as a barrier between him and those against whom the faith which holds the moral elements of the world together was no protection. He became at length so confident of his force, so collected in his might, that he made no secret whatsoever of his dreadful resolution. Having terminated his disputes with every enemy and every rival, who buried their mutual animosities in their common detestation against the creditors of the Nabob of Arcot, he drew from every quarter whatever a savage ferocity could add to his new rudiments in the arts of destruction; and compounding all the materials of fury, havoc, and desolation into one black cloud, he hung for a while on the declivities of the mountains. Whilst the authors of all these evils were idly and stupidly gazing on this menacing meteor, which blackened all their horizon, it suddenly burst, and poured down the whole of its contents upon the plains of the Carnatic. Then ensued a scene of woe, the like of which no eye had seen, no heart conceived, and which no tongue can adequately tell. All the horrors of war before known or heard of were mercy to that new havoc. A storm of universal fire blasted every field, consumed every house, destroyed every temple. The miserable inhabitants, flying from their flaming villages, in part were slaughtered; others, without regard to sex, to age, to the respect of rank or sacredness of function, fathers torn from children, husbands from wives, enveloped in a whirlwind of cavalry, and amidst the goading spears of drivers, and the trampling of pursuing horses, were swept into captivity in an unknown and hostile land. Those who were able to evade this tempest fled to the walled cities; but escaping from fire, sword, and exile, they fell into the jaws of famine.

The alms of the settlement, in this dreadful exigency, were certainly liberal; and all was done by charity that private charity could do: but it was a people in beggary; it was a nation which stretched out its hands for food. For months together, these creatures of sufferance, whose very excess and luxury in their most plenteous days had fallen short of the allowance of our austere fasts, silent, patient, resigned, without sedition or disturbance, almost without complaint, perished by an hundred a day in the streets of Madras; every day seventy at least laid their bodies in the streets or on the glacis of Tanjore, and expired of famine in the granary of India. I was going to awake your justice towards this unhappy part of our fellow-citizens, by bringing before you some of the circumstances of this plague of hunger: of all the calamities which beset and waylay the life of man, this comes the nearest to our heart, and is that wherein the proudest of us all feels himself to be nothing more than he is: but I find myself unable to manage it with decorum; these details are of a species of horror so nauseous and disgusting, they are so degrading to the sufferers and to the hearers, they are so

humiliating to human nature itself, that, on better thoughts, I find it more advisable to throw a pall over this hideous object, and to leave it to your general conceptions.

For eighteen months, without intermission, this destruction raged from the gates of Madras to the gates of Tanjore; and so completely did these masters in their art, Hyder Ali and his more ferocious son, absolve themselves of their impious vow, that, when the British armies traversed, as they did, the Carnatic for hundreds of miles in all directions, through the whole line of their march they did not see one man, not one woman, not one child, not one four-footed beast of any description whatever. One dead, uniform silence reigned over the whole region. With the inconsiderable exceptions of the narrow vicinage of some few forts, I wish to be understood as speaking literally. I mean to produce to you more than three witnesses, above all exception, who will support this assertion in its full extent. That hurricane of war passed through every part of the central provinces of the Carnatic. Six or seven districts to the north and to the south (and these not wholly untouched) escaped the general ravage.

The Carnatic is a country not much inferior in extent to England. Figure to yourself, Mr. Speaker, the land in whose representative chair you sit; figure to yourself the form and fashion of your sweet and cheerful country from Thames to Trent, north and south, and from the Irish to the German Sea, east and west, emptied and embowelled (may God avert the omen of our crimes!) by so accomplished a desolation. Extend your imagination a little further, and then suppose your ministers taking a survey of this scene of waste and desolation. What would be your thoughts, if you should be informed that they were computing how much had been the amount of the excises, how much the customs, how much the land and malt tax, in order that they should charge (take it in the most favorable light) for public service, upon the relics of the satiated vengeance of relentless enemies, the whole of what England had yielded in the most exuberant seasons of peace and abundance? What would you call it? To call it tyranny sublimed into madness would be too faint an image; yet this very madness is the principle upon which the ministers at your right hand have proceeded in their estimate of the revenues of the Carnatic, when they were providing, not supply for the establishments of its protection, but rewards for the authors of its ruin.

Every day you are fatigued and disgusted with this cant, "The Carnatic is a country that will soon recover, and become instantly as prosperous as ever." They think they are talking to innocents, who will believe, that, by sowing of dragons' teeth, men may come up ready grown and ready armed. They who will give themselves the trouble of considering (for it requires no great reach of thought, no very profound knowledge) the manner in which mankind are increased, and countries cultivated, will regard all this raving as it ought to be regarded. In order that the people, after a long period of vexation and plunder, may be in a condition to maintain government, government must begin by maintaining them. Here the road to economy lies not through receipt, but through expense; and in that country Nature has given no short cut to your object. Men must propagate, like other animals, by the mouth. Never did oppression light the

nuptial torch; never did extortion and usury spread out the genial bed. Does any of you think that England, so wasted, would, under such a nursing attendance, so rapidly and cheaply recover? But he is meanly acquainted with either England or India who does not know that England would a thousand times sooner resume population, fertility, and what ought to be the ultimate secretion from both, revenue, than such a country as the Carnatic.

The Carnatic is not by the bounty of Nature a fertile soil. The general size of its cattle is proof enough that it is much otherwise. It is some days since I moved that a curious and interesting map, kept in the India House, should be laid before you. The India House is not yet in readiness to send it; I have therefore brought down my own copy, and there it lies for the use of any gentleman who may think such a matter worthy of his attention. It is, indeed, a noble map, and of noble things; but it is decisive against the golden dreams and sanguine speculations of avarice run mad. In addition to what you know must be the case in every part of the world, (the necessity of a previous provision of habitation, seed, stock, capital,) that map will show you that the uses of the influences of Heaven itself are in that country a work of art. The Carnatic is refreshed by few or no living brooks or running streams, and it has rain only at a season; but its product of rice exacts the use of water subject to perpetual command. This is the national bank of the Carnatic, on which it must have a perpetual credit, or it perishes irretrievably. For that reason, in the happier times of India, a number, almost incredible, of reservoirs have been made in chosen places throughout the whole country: they are formed, for the greater part, of mounds of earth and stones, with sluices of solid masonry; the whole constructed with admirable skill and labor, and maintained at a mighty charge. In the territory contained in that map alone, I have been at the trouble of reckoning the reservoirs, and they amount to upwards of eleven hundred, from the extent of two or three acres to five miles in circuit. From these reservoirs currents are occasionally drawn over the fields, and these watercourses again call for a considerable expense to keep them properly scoured and duly levelled. Taking the district in that map as a measure, there cannot be in the Carnatic and Tanjore fewer than ten thousand of these reservoirs of the larger and middling dimensions, to say nothing of those for domestic services, and the use of religious purification. These are not the enterprises of your power, nor in a style of magnificence suited to the taste of your minister. These are the monuments of real kings, who were the fathers of their people, — testators to a posterity which they embraced as their own. These are the grand sepulchres built by ambition, — but by the ambition of an insatiable benevolence, which, not contented with reigning in the dispensation of happiness during the contracted term of human life, had strained, with all the reachings and graspings of a vivacious mind, to extend the dominion of their bounty beyond the limits of Nature, and to perpetuate themselves through generations of generations, the guardians, the protectors, the nourishers of mankind.

Long before the late invasion, the persons who are objects of the grant of public money now before you had so diverted the supply of the pious funds of culture and

population, that everywhere the reservoirs were fallen into a miserable decay. But after those domestic enemies had provoked the entry of a cruel foreign foe into the country, he did not leave it, until his revenge had completed the destruction begun by their avarice. Few, very few indeed, of these magazines of water that are not either totally destroyed, or cut through with such gaps as to require a serious attention and much cost to reëstablish them, as the means of present subsistence to the people and of future revenue to the state.

What, Sir, would a virtuous and enlightened ministry do, on the view of the ruins of such works before them? — on the view of such a chasm of desolation as that which yawned in the midst of those countries, to the north and south, which still bore some vestiges of cultivation? They would have reduced all their most necessary establishments; they would have suspended the justest payments; they would have employed every shilling derived from the producing to reanimate the powers of the unproductive parts. While they were performing this fundamental duty, whilst they were celebrating these mysteries of justice and humanity, they would have told the corps of fictitious creditors, whose crimes were their claims, that they must keep an awful distance, — that they must silence their inauspicious tongues, — that they must hold off their profane, unhallowed paws from this holy work; they would have proclaimed, with a voice that should make itself heard, that on every country the first creditor is the plough, — that this original, indefeasible claim supersedes every other demand.

This is what a wise and virtuous ministry would have done and said. This, therefore, is what our minister could never think of saying or doing. A ministry of another kind would have first improved the country, and have thus laid a solid foundation for future opulence and future force. But on this grand point of the restoration of the country there is not one syllable to be found in the correspondence of our ministers, from the first to the last; they felt nothing for a land desolated by fire, sword, and famine: their sympathies took another direction; they were touched with pity for bribery, so long tormented with a fruitless itching of its palms; their bowels yearned for usury, that had long missed the harvest of its returning months; they felt for speculation, which had been for so many years raking in the dust of an empty treasury; they were melted into compassion for rapine and oppression, licking their dry, parched, unbloody jaws. These were the objects of their solicitude. These were the necessities for which they were studious to provide.

To state the country and its revenues in their real condition, and to provide for those fictitious claims, consistently with the support of an army and a civil establishment, would have been impossible; therefore the ministers are silent on that head, and rest themselves on the authority of Lord Macartney, who, in a letter to the Court of Directors, written in the year 1781, speculating on what might be the result of a wise management of the countries assigned by the Nabob of Arcot, rates the revenue, as in time of peace, at twelve hundred thousand pounds a year, as he does those of the king of Tanjore (which had not been assigned) at four hundred and fifty. On this Lord

Macartney grounds his calculations, and on this they choose to ground theirs. It was on this calculation that the ministry, in direct opposition to the remonstrances of the Court of Directors, have compelled that miserable enslaved body to put their hands to an order for appropriating the enormous sum of 480,000*l.* annually, as a fund for paying to their rebellious servants a debt contracted in defiance of their clearest and most positive injunctions.

The authority and information of Lord Macartney is held high on this occasion, though it is totally rejected in every other particular of this business. I believe I have the honor of being almost as old an acquaintance as any Lord Macartney has. A constant and unbroken friendship has subsisted between us from a very early period; and I trust he thinks, that, as I respect his character, and in general admire his conduct, I am one of those who feel no common interest in his reputation. Yet I do not hesitate wholly to disallow the calculation of 1781, without any apprehension that I shall appear to distrust his veracity or his judgment. This peace estimate of revenue was not grounded on the state of the Carnatic, as it then, or as it had recently, stood. It was a statement of former and better times. There is no doubt that a period did exist, when the large portion of the Carnatic held by the Nabob of Arcot might be fairly reputed to produce a revenue to that, or to a greater amount. But the whole had so melted away by the slow and silent hostility of oppression and mismanagement, that the revenues, sinking with the prosperity of the country, had fallen to about 800,000*l.* a year, even before an enemy's horse had imprinted his hoof on the soil of the Carnatic. From that view, and independently of the decisive effects of the war which ensued, Sir Eyre Coote conceived that years must pass before the country could be restored to its former prosperity, and production. It was that state of revenue (namely, the actual state before the war) which the Directors have opposed to Lord Macartney's speculation. They refused to take the revenues for more than 800,000*l.* In this they are justified by Lord Macartney himself, who, in a subsequent letter, informs the court that his sketch is a matter of speculation; it supposes the country restored to its ancient prosperity, and the revenue to be in a course of effective and honest collection. If, therefore, the ministers have gone wrong, they were not deceived by Lord Macartney: they were deceived by no man. The estimate of the Directors is nearly the very estimate furnished by the right honorable gentleman himself, and published to the world in one of the printed reports of his own committee; but as soon as he obtained his power, he chose to abandon his account. No part of his official conduct can be defended on the ground of his Parliamentary information.

In this clashing of accounts and estimates, ought not the ministry, if they wished to preserve even appearances, to have waited for information of the actual result of these speculations, before they laid a charge, and such a charge, not conditionally and eventually, but positively and authoritatively, upon a country which they all knew, and which one of them had registered on the records of this House, to be wasted, beyond all example, by every oppression of an abusive government, and every ravage of a desolating war? But that you may discern in what manner they use the correspondence

of office, and that thereby you may enter into the true spirit of the ministerial Board of Control, I desire you, Mr. Speaker, to remark, that, through their whole controversy with the Court of Directors, they do not so much as hint at their ever having seen any other paper from Lord Macartney, or any other estimate of revenue than this of 1781. To this they hold. Here they take post; here they intrench themselves.

When I first read this curious controversy between the ministerial board and the Court of Directors, common candor obliged me to attribute their tenacious adherence to the estimate of 1781 to a total ignorance of what had appeared upon the records. But the right honorable gentleman has chosen to come forward with an uncalled-for declaration; he boastingly tells you, that he has seen, read, digested, compared everything, — and that, if he has sinned, he has sinned with his eyes broad open. Since, then, the ministers will obstinately shut the gates of mercy on themselves, let them add to their crimes what aggravations they please. They have, then, (since it must be so,) wilfully and corruptly suppressed the information which they ought to have produced, and, for the support of peculation, have made themselves guilty of spoliation and suppression of evidence. The paper I hold in my hand, which totally overturns (for the present, at least) the estimate of 1781, they have no more taken notice of, in their controversy with the Court of Directors, than if it had no existence. It is the report made by a committee appointed at Madras to manage the whole of the six countries assigned to the Company by the Nabob of Arcot. This committee was wisely instituted by Lord Macartney, to remove from himself the suspicion of all improper management in so invidious a trust; and it seems to have been well chosen. This committee has made a comparative estimate of the only six districts which were in a condition to be let to farm. In one set of columns they state the gross and net produce of the districts as let by the Nabob. To that statement they oppose the terms on which the same districts were rented for five years under their authority. Under the Nabob, the gross farm was so high as 570,000*l.* sterling. What was the clear produce? Why, no more than about 250,000*l.*; and this was the whole profit of the Nabob's treasury, under his own management of all the districts which were in a condition to be let to farm on the 27th of May, 1782. Lord Macartney's leases stipulated a gross produce of no more than about 530,000*l.*; but then the estimated net amount was nearly double the Nabob's. It, however, did not then exceed 480,000*l.*; and Lord Macartney's commissioners take credit for an annual revenue amounting to this clear sum. Here is no speculation; here is no inaccurate account clandestinely obtained from those who might wish, and were enabled, to deceive. It is the authorized, recorded state of a real, recent transaction. Here is not twelve hundred thousand pound, — not eight hundred. The whole revenue of the Carnatic yielded no more, in May, 1782, than four hundred and eighty thousand pounds: nearly the very precise sum which your minister, who is so careful of the public security, has carried from all descriptions of establishment to form a fund for the private emolument of his creatures.

In this estimate, we see, as I have just observed, the Nabob's farms rated so high as 570,000*l*. Hitherto all is well: but follow on to the effective net revenue; there the illusion vanishes; and you will not find nearly so much as half the produce. It is with reason, therefore, Lord Macartney invariably, throughout the whole correspondence, qualifies all his views and expectations of revenue, and all his plans for its application, with this indispensable condition, that the management is not in the hands of the Nabob of Arcot. Should that fatal measure take place, he has over and over again told you that he has no prospect of realizing anything whatsoever for any public purpose. With these weighty declarations, confirmed by such a state of indisputable fact before them, what has been done by the Chancellor of the Exchequer and his accomplices? Shall I be believed? They have delivered over those very territories, on the keeping of which in the hands of the committee the defence of our dominions, and, what was more dear to them, possibly, their own job, depended, — they have delivered back again, without condition, without arrangement, without stipulation of any sort for the natives of any rank, the whole of those vast countries, to many of which he had no just claim, into the ruinous mismanagement of the Nabob of Arcot. To crown all, according to their miserable practice, whenever they do anything transcendently absurd, they preface this their abdication of their trust by a solemn declaration that they were not obliged to it by any principle of policy or any demand of justice whatsoever.

I have stated to you the estimated produce of the territories of the Carnatic in a condition to be farmed in 1782, according to the different managements into which they might fall; and this estimate the ministers have thought proper to suppress. Since that, two other accounts have been received. The first informs us, that there has been a recovery of what is called arrear, as well as of an improvement of the revenue of one of the six provinces which were let in 1782. It was brought about by making a new war. After some sharp actions, by the resolution and skill of Colonel Fullarton several of the petty princes of the most southerly of the unwasted provinces were compelled to pay very heavy rents and tributes, who for a long time before had not paid any acknowledgment. After this reduction, by the care of Mr. Irwin, one of the committee, that province was divided into twelve farms. This operation raised the income of that particular province; the others remain as they were first farmed. So that, instead of producing only their original rent of 480,000*l*., they netted, in about two years and a quarter, 1,320,000*l*. sterling, which would be about 660,000*l*. a year, if the recovered arrear was not included. What deduction is to be made on account of that arrear I cannot determine, but certainly what would reduce the annual income considerably below the rate I have allowed.

The second account received is the letting of the wasted provinces of the Carnatic. This I understand is at a growing rent, which may or may not realize what it promises; but if it should answer, it will raise the whole, at some future time, to 1,200,000*l*.

You must here remark, Mr. Speaker, that this revenue is the produce of *all* the Nabob's dominions. During the assignment, the Nabob paid nothing, because the

Company had all. Supposing the whole of the lately assigned territory to yield up to the most sanguine expectations of the right honorable gentleman, and suppose 1,200,000*l.* to be annually realized, (of which we actually know of no more than the realizing of six hundred thousand,) out of this you must deduct the subsidy and rent which the Nabob paid before the assignment, — namely, 340,000*l.* a year. This reduces back the revenue applicable to the new distribution made by his Majesty's ministers to about 800,000*l.* Of that sum five eighths are by them surrendered to the debts. The remaining three are the only fund left for all the purposes so magnificently displayed in the letter of the Board of Control: that is, for a new-cast peace establishment, a now fund for ordnance and fortifications, and a large allowance for what they call "the splendor of the Durbar."

You have heard the account of these territories as they stood in 1782. You have seen the *actual* receipt since the assignment in 1781, of which I reckon about two years and a quarter productive. I have stated to you the expectation from the wasted part. For realizing all this you may value yourselves on the vigor and diligence of a governor and committee that have done so much. If these hopes from the committee are rational, remember that the committee is no more. Your ministers, who have formed their fund for these debts on the presumed effect of the committee's management, have put a complete end to that committee. Their acts are rescinded; their leases are broken; their renters are dispersed. Your ministers knew, when they signed the death-warrant of the Carnatic, that the Nabob would not only turn all these unfortunate farmers of revenue out of employment, but that he has denounced his severest vengeance against them, for acting under British authority. With a knowledge of this disposition, a British Chancellor of the Exchequer and Treasurer of the Navy, incited by no public advantage, impelled by no public necessity, in a strain of the most wanton perfidy which has ever stained the annals of mankind, have delivered over to plunder, imprisonment, exile, and death itself, according to the mercy of such execrable tyrants as Amir-ul-Omrah and Paul Benfield, the unhappy and deluded souls who, untaught by uniform example, were still weak enough to put their trust in English faith. They have gone farther: they have thought proper to mock and outrage their misery by ordering them protection and compensation. From what power is this protection to be derived, and from what fund is this compensation to arise? The revenues are delivered over to their oppressor; the territorial jurisdiction, from whence that revenue is to arise, and under which they live, is surrendered to the same iron hands: and that they shall be deprived of all refuge and all hope, the minister has made a solemn, voluntary declaration that he never will interfere with the Nabob's internal government.

The last thing considered by the Board of Control among the debts of the Carnatic was that arising to the East India Company, which, after the provision for the cavalry, and the consolidation of 1777, was to divide the residue of the fund of 480,000*l.* a year with the lenders of 1767. This debt the worthy chairman, who sits opposite to me, contends to be three millions sterling. Lord Macartney's account of 1781 states it

to be at that period 1,200,000*l*. The first account of the Court of Directors makes it 900,000*l*. This, like the private debt, being without any solid existence, is incapable of any distinct limits. Whatever its amount or its validity may be, one thing is clear: it is of the nature and quality of a public debt. In that light nothing is provided for it, but an eventual surplus to be divided with one class of the private demands, after satisfying the two first classes. Never was a more shameful postponing a public demand, which, by the reason of the thing, and the uniform practice of all nations, supersedes every private claim.

Those who gave this preference to private claims consider the Company's as a lawful demand; else why did they pretend to provide for it? On their own principles they are condemned.

But I, Sir, who profess to speak to your understanding and to your conscience, and to brush away from this business all false colors, all false appellations, as well as false facts, do positively deny that the Carnatic owes a shilling to the Company, — whatever the Company may be indebted to that undone country. It owes nothing to the Company, for this plain and simple reason: the territory charged with the debt is their own. To say that their revenues fall short, and owe them money, is to say they are in debt to themselves, which is only talking nonsense. The fact is, that, by the invasion of an enemy, and the ruin of the country, the Company, either in its own name, or in the names of the Nabob of Arcot and Rajah of Tanjore, has lost for several years what it might have looked to receive from its own estate. If men were allowed to credit themselves upon such principles, any one might soon grow rich by this mode of accounting. A flood comes down upon a man's estate in the Bedford Level of a thousand pounds a year, and drowns his rents for ten years. The Chancellor would put that man into the hands of a trustee, who would gravely make up his books, and for this loss credit himself in his account for a debt due to him of 10,000*l*. It is, however, on this principle the Company makes up its demands on the Carnatic. In peace they go the full length, and indeed more than the full length, of what the people can bear for current establishments; then they are absurd enough to consolidate all the calamities of war into debts, — to metamorphose the devastations of the country into demands upon its future production. What is this but to avow a resolution utterly to destroy their own country, and to force the people to pay for their sufferings to a government which has proved unable to protect either the share of the husbandman or their own? In every lease of a farm, the invasion of an enemy, instead of forming a demand for arrear, is a release of rent: nor for that release is it at all necessary to show that the invasion has left nothing to the occupier of the soil; though in the present case it would be too easy to prove that melancholy fact. I therefore applauded my right honorable friend, who, when he canvassed the Company's accounts, as a preliminary to a bill that ought not to stand on falsehood of any kind, fixed his discerning eye and his deciding hand on these debts of the Company from the Nabob of Arcot and Rajah of Tanjore, and at one stroke expunged them all, as utterly irrecoverable: he might have added, as utterly unfounded.

On these grounds I do not blame the arrangement this day in question, as a preference given to the debt of individuals over the Company's debt. In my eye it is no more than the preference of a fiction over a chimera; but I blame the preference given to those fictitious private debts over the standing defence and the standing government. It is there the public is robbed. It is robbed in its army; it is robbed in its civil administration; it is robbed in its credit; it is robbed in its investment, which forms the commercial connection between that country and Europe. There is the robbery.

But my principal objection lies a good deal deeper. That debt to the Company is the pretext under which all the other debts lurk and cover themselves. That debt forms the foul, putrid mucus in which are engendered the whole brood of creeping ascarides, all the endless involutions, the eternal knot, added to a knot of those inexpugnable tape-worms which devour the nutriment and eat up the bowels of India. It is necessary, Sir, you should recollect two things. First, that the Nabob's debt to the Company carries no interest. In the next place, you will observe, that, whenever the Company has occasion to borrow, she has always commanded whatever she thought fit at eight per cent. Carrying in your mind these two facts, attend to the process with regard to the public and private debt, and with what little appearance of decency they play into each other's hands a game of utter perdition to the unhappy natives of India. The Nabob falls into an arrear to the Company. The Presidency presses for payment. The Nabob's answer is, "I have no money." Good! But there are soucars who will supply you on the mortgage of your territories. Then steps forward some Paul Benfield, and, from his grateful compassion to the Nabob, and his filial regard to the Company, he unlocks the treasures of his virtuous industry, and, for a consideration of twenty-four or thirty-six per cent on a mortgage of the territorial revenue, becomes security to the Company for the Nabob's arrear.

All this intermediate usury thus becomes sanctified by the ultimate view to the Company's payment. In this case, would not a plain man ask this plain question of the Company: If you know that the Nabob must annually mortgage his territories to your servants to pay his annual arrear to you, why is not the assignment or mortgage made directly to the Company itself? By this simple, obvious operation, the Company would be relieved and the debt paid, without the charge of a shilling interest to that prince. But if that course should be thought too indulgent, why do they not take that assignment with such interest to themselves as they pay to others, that is, eight per cent? Or if it were thought more advisable (why it should I know not) that he must borrow, why do not the Company lend their own credit to the Nabob for their own payment? That credit would not be weakened by the collateral security of his territorial mortgage. The money might still be had at eight per cent. Instead of any of these honest and obvious methods, the Company has for years kept up a show of disinterestedness and moderation, by suffering a debt to accumulate to them from the country powers without any interest at all; and at the same time have seen before their eyes, on a pretext of borrowing to pay that debt, the revenues of the country charged

with an usury of twenty, twenty-four, thirty-six, and even eight-and-forty per cent, with compound interest, for the benefit of their servants. All this time they know that by having a debt subsisting without any interest, which is to be paid by contracting a debt on the highest interest, they manifestly render it necessary to the Nabob of Arcot to give the private demand a preference to the public; and, by binding him and their servants together in a common cause, they enable him to form a party to the utter ruin of their own authority and their own affairs. Thus their false moderation, and their affected purity, by the natural operation of everything false and everything affected, becomes pander and bawd to the unbridled debauchery and licentious lewdness of usury and extortion.

In consequence of this double game, all the territorial revenues have at one time or other been covered by those locusts, the English soucars. Not one single foot of the Carnatic has escaped them: a territory as large as England. During these operations what a scene has that country presented! The usurious European assignee supersedes the Nabob's native farmer of the revenue; the farmer flies to the Nabob's presence to claim his bargain; whilst his servants murmur for wages, and his soldiers mutiny for pay. The mortgage to the European assignee is then resumed, and the native farmer replaced, — replaced, again to be removed on the new clamor of the European assignee. Every man of rank and landed fortune being long since extinguished, the remaining miserable last cultivator, who grows to the soil, after having his back scored by the farmer, has it again flayed by the whip of the assignee, and is thus, by a ravenous, because a short-lived succession of claimants, lashed from oppressor to oppressor, whilst a single drop of blood is left as the means of extorting a single grain of corn. Do not think I paint. Far, very far, from it: I do not reach the fact, nor approach to it. Men of respectable condition, men equal to your substantial English yeomen, are daily tied up and scourged to answer the multiplied demands of various contending and contradictory titles, all issuing from one and the same source. Tyrannous exaction brings on servile concealment; and that again calls forth tyrannous coercion. They move in a circle, mutually producing and produced; till at length nothing of humanity is left in the government, no trace of integrity, spirit, or manliness in the people, who drag out a precarious and degraded existence under this system of outrage upon human nature. Such is the effect of the establishment of a debt to the Company, as it has hitherto been managed, and as it ever will remain, until ideas are adopted totally different from those which prevail at this time.

Your worthy ministers, supporting what they are obliged to condemn, have thought fit to renew the Company's old order against contracting private debts in future. They begin by rewarding the violation of the ancient law; and then they gravely reenact provisions, of which they have given bounties for the breach. This inconsistency has been well exposed. But what will you say to their having gone the length of giving positive directions for contracting the debt which they positively forbid?

I will explain myself. They order the Nabob, out of the revenues of the Carnatic, to allot four hundred and eighty thousand pounds a year, as a fund for the debts before

us. For the punctual payment of this annuity, they order him to give soucar security. When a soucar, that is, a money-dealer, becomes security for any native prince, the course is for the native prince to counter-secure the money-dealer, by making over to him in mortgage a portion of his territory equal to the sum annually to be paid, with an interest of at least twenty-four per cent. The point fit for the House to know is, who are these soucars to whom this security on the revenues in favor of the Nabob's creditors is to be given? The majority of the House, unaccustomed to these transactions, will hear with astonishment that these soucars are no other than the creditors themselves. The minister, not content with authorizing these transactions in a manner and to an extent un hoped for by the rapacious expectations of usury itself, loads the broken back of the Indian revenues, in favor of his worthy friends, the soucars, with an additional twenty-four per cent for being security to themselves for their own claims, for condescending to take the country in mortgage to pay to themselves the fruits of their own extortions.

The interest to be paid for this security, according to the most moderate strain of soucar demand, comes to 118,000*l.* a year, which, added to the 480,000*l.* on which it is to accrue, will make the whole charge amount to 598,000*l.* a year, — as much as even a long peace will enable those revenues to produce. Can any one reflect for a moment on all those claims of debt, which the minister exhausts himself in contrivances to augment with new usuries, without lifting up his hands and eyes in astonishment at the impudence both of the claim and of the adjudication? Services of some kind or other these servants of the Company must have done, so great and eminent that the Chancellor of the Exchequer cannot think that all they have brought home is half enough. He hallooos after them, “Gentlemen, you have forgot a large packet behind you, in your hurry; you have not sufficiently recovered yourselves; you ought to have, and you shall have, interest upon interest upon a prohibited debt that is made up of interest upon interest. Even this is too little. I have thought of another character for you, by which you may add something to your gains: you shall be security to yourselves; and hence will arise a new usury, which shall efface the memory of all the usuries suggested to you by your own dull inventions.”

I have done with the arrangement relative to the Carnatic. After this it is to little purpose to observe on what the ministers have done to Tanjore. Your ministers have not observed even form and ceremony in their outrageous and insulting robbery of that country, whose only crime has been its early and constant adherence to the power of this, and the suffering of an uniform pillage in consequence of it. The debt of the Company from the Rajah of Tanjore is just of the same stuff with that of the Nabob of Arcot.

The subsidy from Tanjore, on the arrear of which this pretended debt (if any there be) has accrued to the Company, is not, like that paid by the Nabob of Arcot, a compensation for vast countries obtained, augmented, and preserved for him; not the price of pillaged treasuries, ransacked houses, and plundered territories: it is a large grant, from a small kingdom not obtained by our arms; robbed, not protected, by our

power; a grant for which no equivalent was ever given, or pretended to be given. The right honorable gentleman, however, bears witness in his reports to the punctuality of the payments of this grant of bounty, or, if you please, of fear. It amounts to one hundred and sixty thousand pounds sterling net annual subsidy. He bears witness to a further grant of a town and port, with an annexed district of thirty thousand pound a year, surrendered to the Company since the first donation. He has not borne witness, but the fact is, (he will not deny it,) that in the midst of war, and during the ruin and desolation of a considerable part of his territories, this prince made many very large payments. Notwithstanding these merits and services, the first regulation of ministry is to force from him a territory of an extent which they have not yet thought proper to ascertain, for a military peace establishment the particulars of which they have not yet been pleased to settle.

The next part of their arrangement is with regard to war. As confessedly this prince had no share in stirring up any of the former wars, so all future wars are completely out of his power; for he has no troops whatever, and is under a stipulation not so much as to correspond with any foreign state, except through the Company. Yet, in case the Company's servants should be again involved in war, or should think proper again to provoke any enemy, as in times past they have wantonly provoked all India, he is to be subjected to a new penalty. To what penalty? Why, to no less than the confiscation of all his revenues. But this is to end with the war, and they are to be faithfully returned? Oh, no! nothing like it. The country is to remain under confiscation until all the debt which the Company shall think fit to incur in such war shall be discharged: that is to say, forever. His sole comfort is, to find his old enemy, the Nabob of Arcot, placed in the very same condition.

The revenues of that miserable country were, before the invasion of Hyder, reduced to a *gross* annual receipt of three hundred and sixty thousand pound. From this receipt the subsidy I have just stated is taken. This again, by payments in advance, by extorting deposits of additional sums to a vast amount for the benefit of their soucars, and by an endless variety of other extortions, public and private, is loaded with a debt, the amount of which I never could ascertain, but which is large undoubtedly, generating an usury the most completely ruinous that probably was ever heard of: *that is, forty-eight per cent, payable monthly, with compound interest.*

Such is the state to which the Company's servants have reduced that country. Now come the reformers, restorers, and comforters of India. What have they done? In addition to all these tyrannous exactions, with all these ruinous debts in their train, looking to one side of an agreement whilst they wilfully shut their eyes to the other, they withdraw from Tanjore all the benefits of the treaty of 1762, and they subject that nation to a perpetual tribute of forty thousand a year to the Nabob of Arcot: a tribute never due, or pretended to be due, to *him*, even when he appeared to be something; a tribute, as things now stand, not to a real potentate, but to a shadow, a dream, an incubus of oppression. After the Company has accepted in subsidy, in grant of territory, in remission of rent, as a compensation for their own protection, at least two

hundred thousand pound a year, without discounting a shilling for that receipt, the ministers condemn this harassed nation to be tributary to a person who is himself, by their own arrangement, deprived of the right of war or peace, deprived of the power of the sword, forbid to keep up a single regiment of soldiers, and is therefore wholly disabled from all protection of the country which is the object of the pretended tribute. Tribute hangs on the sword. It is an incident inseparable from real, sovereign power. In the present case, to suppose its existence is as absurd as it is cruel and oppressive. And here, Mr. Speaker, you have a clear exemplification of the use of those false names and false colors which the gentlemen who have lately taken possession of India choose to lay on for the purpose of disguising their plan of oppression. The Nabob of Arcot and Rajah of Tanjore have, in truth and substance, no more than a merely civil authority, held in the most entire dependence on the Company. The Nabob, without military, without federal capacity, is extinguished as a potentate; but then he is carefully kept alive as an independent and sovereign power, for the purpose of rapine and extortion, — for the purpose of perpetuating the old intrigues, animosities, usuries, and corruptions.

It was not enough that this mockery of tribute was to be continued without the correspondent protection, or any of the stipulated equivalents, but ten years of arrear, to the amount of 400,000*l.* sterling, is added to all the debts to the Company and to individuals, in order to create a new debt, to be paid (if at all possible to be paid in whole or in part) only by new usuries, — and all this for the Nabob of Arcot, or rather for Mr. Benfield and the corps of the Nabob's creditors and their soucars. Thus these miserable Indian princes are continued in their seats for no other purpose than to render them, in the first instance, objects of every species of extortion, and, in the second, to force them to become, for the sake of a momentary shadow of reduced authority, a sort of subordinate tyrants, the ruin and calamity, not the fathers and cherishers, of their people.

But take this tribute only as a mere charge (without title, cause, or equivalent) on this people; what one step has been taken to furnish grounds for a just calculation and estimate of the proportion of the burden and the ability? None, — not an attempt at it. They do not adapt the burden to the strength, but they estimate the strength of the bearers by the burden they impose. Then what care is taken to leave a fund sufficient to the future reproduction of the revenues that are to bear all these loads? Every one, but tolerably conversant in Indian affairs, must know that the existence of this little kingdom depends on its control over the river Cavery. The benefits of Heaven to any community ought never to be connected with political arrangements, or made to depend on the personal conduct of princes, in which the mistake, or error, or neglect, or distress, or passion of a moment, on either side, may bring famine on millions, and ruin an innocent nation perhaps for ages. The means of the subsistence of mankind should be as immutable as the laws of Nature, let power and dominion take what course they may. — Observe what has been done with regard to this important concern. The use of this river is, indeed, at length given to the Rajah, and a power

provided for its enjoyment *at his own charge*; but the means of furnishing that charge (and a mighty one it is) are wholly out of the way. This use of the water, which ought to have no more connection than clouds and rains and sunshine with the politics of the Rajah, the Nabob, or the Company, is expressly contrived as a means of enforcing demands and arrears of tribute. This horrid and unnatural instrument of extortion had been a distinguishing feature in the enormities of the Carnatic politics, that loudly called for reformation. But the food of a whole people is by the reformers of India conditioned on payments from its prince, at a moment that he is overpowered with a swarm of their demands, without regard to the ability of either prince or people. In fine, by opening an avenue to the irruption of the Nabob of Arcot's creditors and soucars, whom every man, who did not fall in love with oppression and corruption on an experience of the calamities they produced, would have raised wall before wall and mound before mound to keep from a possibility of entrance, a more destructive enemy than Hyder Ali is introduced into that kingdom. By this part of their arrangement, in which they establish a debt to the Nabob of Arcot, in effect and substance, they deliver over Tanjore, bound hand and foot, to Paul Benfield, the old betrayer, insulter, oppressor, and scourge of a country which has for years been an object of an unremitted, but, unhappily, an unequal struggle, between the bounties of Providence to renovate and the wickedness of mankind to destroy.

The right honorable gentleman talks of his fairness in determining the territorial dispute between the Nabob of Arcot and the prince of that country, when he superseded the determination of the Directors, in whom the law had vested the decision of that controversy. He is in this just as feeble as he is in every other part. But it is not necessary to say a word in refutation of any part of his argument. The mode of the proceeding sufficiently speaks the spirit of it. It is enough to fix his character as a judge, that he *never heard the Directors in defence of their adjudication, nor either of the parties in support of their respective claims*. It is sufficient for me that he takes from the Rajah of Tanjore by this pretended adjudication, or rather from his unhappy subjects, 40,000*l.* a year of his and their revenue, and leaves upon his and their shoulders all the charges that can be made on the part of the Nabob, on the part of his creditors, and on the part of the Company, without so much as hearing him as to right or to ability. But what principally induces me to leave the affair of the territorial dispute between the Nabob and the Rajah to another day is this, — that, both the parties being stripped of their all, it little signifies under which of their names the unhappy, undone people are delivered over to the merciless soucars, the allies of that right honorable gentleman and the Chancellor of the Exchequer. In them ends the account of this long dispute of the Nabob of Arcot and the Rajah of Tanjore.

The right honorable gentleman is of opinion that his judgment in this case can be censured by none but those who seem to act as if they were paid agents to one of the parties. What does he think of his Court of Directors? If they are paid by either of the parties, by which of them does he think they are paid? He knows that their decision has been directly contrary to his. Shall I believe that it does not enter into his heart to

conceive that any person can steadily and actively interest himself in the protection of the injured and oppressed without being well paid for his service? I have taken notice of this sort of discourse some days ago, so far as it may be supposed to relate to me. I then contented myself, as I shall now do, with giving it a cold, though a very direct contradiction. Thus much I do from respect to truth. If I did more, it might be supposed, by my anxiety to clear myself, that I had imbibed the ideas which, for obvious reasons, the right honorable gentleman wishes to have received concerning all attempts to plead the cause of the natives of India, as if it were a disreputable employment. If he had not forgot, in his present occupation, every principle which ought to have guided him, and I hope did guide him, in his late profession, he would have known that he who takes a fee for pleading the cause of distress against power, and manfully performs the duty he has assumed, receives an honorable recompense for a virtuous service. But if the right honorable gentleman will have no regard to fact in his insinuations or to reason in his opinions, I wish him at least to consider, that, if taking an earnest part with regard to the oppressions exercised in India, and with regard to this most oppressive case of Tanjore in particular, can ground a presumption of interested motives, he is himself the most mercenary man I know. His conduct, indeed, is such that he is on all occasions the standing testimony against himself. He it was that first called to that case the attention of the House; the reports of his own committee are ample and affecting upon that subject; and as many of us as have escaped his massacre must remember the very pathetic picture he made of the sufferings of the Tanjore country, on the day when he moved the unwieldy code of his Indian resolutions. Has he not stated over and over again, in his reports, the ill treatment of the Rajah of Tanjore (a branch of the royal house of the Mahrattas, every injury to whom the Mahrattas felt as offered to themselves) as a main cause of the alienation of that people from the British power? And does he now think that to betray his principles, to contradict his declarations, and to become himself an active instrument in those oppressions which he had so tragically lamented, is the way to clear himself of having been actuated by a pecuniary interest at the time when he chose to appear full of tenderness to that ruined nation?

The right honorable gentleman is fond of parading on the motives of others, and on his own. As to himself, he despises the imputations of those who suppose that anything corrupt could influence him in this his unexampled liberality of the public treasure. I do not know that I am obliged to speak to the motives of ministry, in the arrangements they have made of the pretended debts of Arcot and Tanjore. If I prove fraud and collusion with regard to public money on those right honorable gentlemen, I am not obliged to assign their motives; because no good motives can be pleaded in favor of their conduct. Upon that case I stand; we are at issue; and I desire to go to trial. This, I am sure, is not loose railing, or mean insinuation, according to their low and degenerate fashion, when they make attacks on the measures of their adversaries. It is a regular and juridical course; and unless I choose it, nothing can compel me to go further.

But since these unhappy gentlemen have dared to hold a lofty tone about their motives, and affect to despise suspicion, instead of being careful not to give cause for it, I shall beg leave to lay before you some general observations on what I conceive was their duty in so delicate a business.

If I were worthy to suggest any line of prudence to that right honorable gentleman, I would tell him that the way to avoid suspicion in the settlement of pecuniary transactions, in which great frauds have been very strongly presumed, is, to attend to these few plain principles: — First, to hear all parties equally, and not the managers for the suspected claimants only; not to proceed in the dark, but to act with as much publicity as possible; not to precipitate decision; to be religious in following the rules prescribed in the commission under which we act; and, lastly, and above all, not to be fond of straining constructions, to force a jurisdiction, and to draw to ourselves the management of a trust in its nature invidious and obnoxious to suspicion, where the plainest letter of the law does not compel it. If these few plain rules are observed, no corruption ought to be suspected; if any of them are violated, suspicion will attach in proportion; if all of them are violated, a corrupt motive of some kind or other will not only be suspected, but must be violently presumed.

The persons in whose favor all these rules have been violated, and the conduct of ministers towards them, will naturally call for your consideration, and will serve to lead you through a series and combination of facts and characters, if I do not mistake, into the very inmost recesses of this mysterious business. You will then be in possession of all the materials on which the principles of sound jurisprudence will found, or will reject, the presumption of corrupt motives, or, if such motives are indicated, will point out to you of what particular nature the corruption is.

Our wonderful minister, as you all know, formed a new plan, a plan *insigne, recens, indictum ore alio*, a plan for supporting the freedom of our Constitution by court intrigues, and for removing its corruptions by Indian delinquency. To carry that bold, paradoxical design into execution, sufficient funds and apt instruments became necessary. You are perfectly sensible that a Parliamentary reform occupies his thoughts day and night, as an essential member in this extraordinary project. In his anxious researches upon this subject, natural instinct, as well as sound policy, would direct his eyes and settle his choice on Paul Benfield. Paul Benfield is the grand Parliamentary reformer, the reformer to whom the whole choir of reformers bow, and to whom even the right honorable gentleman himself must yield the palm: for what region in the empire, what city, what borough, what county, what tribunal in this kingdom is not full of his labors? Others have been only speculators; he is the grand practical reformer; and whilst the Chancellor of the Exchequer pledges in vain the man and the minister, to increase the provincial members, Mr. Benfield has auspiciously and practically begun it. Leaving far behind him even Lord Camelford's generous design of bestowing Old Sarum on the Bank of England, Mr. Benfield has thrown in the borough of Cricklade to reinforce the county representation. Not content with this, in order to station a steady phalanx for all future reforms, this

public-spirited usurer, amidst his charitable toils for the relief of India, did not forget the poor, rotten Constitution of his native country. For her, he did not disdain to stoop to the trade of a wholesale upholsterer for this House, — to furnish it, not with the faded tapestry figures of antiquated merit, such as decorate, and may reproach, some other houses, but with real, solid, living patterns of true modern virtue. Paul Benfield made (reckoning himself) no fewer than eight members in the last Parliament. What copious streams of pure blood must he not have transfused into the veins of the present!

But what is even more striking than the real services of this new-imported patriot is his modesty. As soon as he had conferred this benefit on the Constitution, he withdrew himself from our applause. He conceived that the duties of a member of Parliament (which with the elect faithful, the true believers, the *Islam* of Parliamentary reform, are of little or no merit, perhaps not much better than specious sins) might be as well attended to in India as in England, and the means of reformation to Parliament itself be far better provided. Mr. Benfield was therefore no sooner elected than he set off for Madras, and defrauded the longing eyes of Parliament. We have never enjoyed in this House the luxury of beholding that minion of the human race, and contemplating that visage which has so long reflected the happiness of nations.

It was therefore not possible for the minister to consult personally with this great man. What, then, was he to do? Through a sagacity that never failed him in these pursuits, he found out, in Mr. Benfield's representative, his exact resemblance. A specific attraction, by which he gravitates towards all such characters, soon brought our minister into a close connection with Mr. Benfield's agent and attorney, that is, with the grand contractor, (whom I name to honor,) Mr. Richard Atkinson, — a name that will be well remembered as long as the records of this House, as long as the records of the British Treasury, as long as the monumental debt of England, shall endure.

This gentleman, Sir, acts as attorney for Mr. Paul Benfield. Every one who hears me is well acquainted with the sacred friendship and the steady mutual attachment that subsists between him and the present minister. As many members as chose to attend in the first session of this Parliament can best tell their own feelings at the scenes which were then acted. How much that honorable gentleman was consulted in the original frame and fabric of the bill, commonly called Mr. Pitt's India Bill, is matter only of conjecture, though by no means difficult to divine. But the public was an indignant witness of the ostentation with which the measure was made his own, and the authority with which he brought up clause after clause, to stuff and fatten the rankness of that corrupt act. As fast as the clauses were brought up to the table, they were accepted. No hesitation, no discussion. They were received by the new minister, not with approbation, but with implicit submission. The reformation may be estimated by seeing who was the reformer. Paul Benfield's associate and agent was held up to the world as legislator of Hindostan. But it was necessary to authenticate the coalition

between the men of intrigue in India and the minister of intrigue in England by a studied display of the power of this their connecting link. Every trust, every honor, every distinction, was to be heaped upon him. He was at once made a Director of the India Company, made an alderman of London, and to be made, if ministry could prevail, (and I am sorry to say how near, how very near, they were prevailing,) representative of the capital of this kingdom. But to secure his services against all risk, he was brought in for a ministerial borough. On his part, he was not wanting in zeal for the common cause. His advertisements show his motives, and the merits upon which he stood. For your minister, this worn-out veteran submitted to enter into the dusty field of the London contest; and you all remember that in the same virtuous cause he submitted to keep a sort of public office or counting-house, where the whole business of the last general election was managed. It was openly managed by the direct agent and attorney of Benfield. It was managed upon Indian principles and for an Indian interest. This was the golden cup of abominations, — this the chalice of the fornications of rapine, usury, and oppression, which was held out by the gorgeous Eastern harlot, — which so many of the people, so many of the nobles of this land had drained to the very dregs. Do you think that no reckoning was to follow this lewd debauch? that no payment was to be demanded for this riot of public drunkenness and national prostitution? Here, you have it here before you! The principal of the grand election-manager must be indemnified; accordingly, the claims of Benfield and his crew must be put above all inquiry.

For several years Benfield appeared as the chief proprietor, as well as the chief agent, director, and controller of this system of debt. The worthy chairman of the Company has stated the claims of this single gentleman on the Nabob of Arcot as amounting to five hundred thousand pound. Possibly at the time of the chairman's state they might have been as high. Eight hundred thousand pound had been mentioned some time before; and, according to the practice of shifting the names of creditors in these transactions, and reducing or raising the debt itself at pleasure, I think it not impossible that at one period the name of Benfield might have stood before those frightful figures. But my best information goes to fix his share no higher than four hundred thousand pounds. By the scheme of the present ministry for adding to the principal twelve per cent from the year 1777 to the year 1781, four hundred thousand pounds, that smallest of the sums ever mentioned for Mr. Benfield, will form a capital of 592,000*l.* at six per cent. Thus, besides the arrears of three years, amounting to 106,500*l.*, (which, as fast as received, may be legally lent out at twelve per cent,) Benfield has received, by the ministerial grant before you, an annuity of 35,520*l.* a year, charged on the public revenues.

Our mirror of ministers of finance did not think this enough for the services of such a friend as Benfield. He found that Lord Macartney, in order to frighten the Court of Directors from the project of obliging the Nabob to give soucar security for his debt, assured them, that, if they should take that step, Benfield would infallibly be the soucar, and would thereby become the entire master of the Carnatic. What Lord

Macartney thought sufficient to deter the very agents and partakers with Benfield in his iniquities was the inducement to the two right honorable gentlemen to order this very soucar security to be given, and to recall Benfield to the city of Madras from the sort of decent exile into which he had been relegated by Lord Macartney. You must therefore consider Benfield as soucar security for 480,000*l.* a year, which, at twenty-four per cent, (supposing him contented with that profit,) will, with the interest of his old debt, produce an annual income of 149,520*l.* a year.

Here is a specimen of the new and pure aristocracy created by the right honorable gentleman, as the support of the crown and Constitution against the old, corrupt, refractory, natural interests of this kingdom; and this is the grand counterpoise against all odious coalitions of these interests. A single Benfield outweighs them all: a criminal, who long since ought to have fattened the region kites with his offal, is by his Majesty's ministers enthroned in the government of a great kingdom, and enfeoffed with an estate which in the comparison effaces the splendor of all the nobility of Europe. To bring a little more distinctly into view the true secret of this dark transaction, I beg you particularly to advert to the circumstances which I am going to place before you.

The general corps of creditors, as well as Mr. Benfield himself, not looking well into futurity, nor presaging the minister of this day, thought it not expedient for their common interest that such a name as his should stand at the head of their list. It was therefore agreed amongst them that Mr. Benfield should disappear, by making over his debt to Messrs. Taylor, Majendie, and Call, and should in return be secured by their bond.

The debt thus exonerated of so great a weight of its odium, and otherwise reduced from its alarming bulk, the agents thought they might venture to print a list of the creditors. This was done for the first time in the year 1783, during the Duke of Portland's administration. In this list the name of Benfield was not to be seen. To this strong negative testimony was added the further testimony of the Nabob of Arcot. That prince (or rather Mr. Benfield for him) writes to the Court of Directors a letter full of complaints and accusations against Lord Macartney, conveyed in such terms as were natural for one of Mr. Benfield's habits and education to employ. Amongst the rest he is made to complain of his Lordship's endeavoring to prevent an intercourse of politeness and sentiment between him and Mr. Benfield; and to aggravate the affront, he expressly declares Mr. Benfield's visits to be only on account of respect and of gratitude, as no pecuniary transaction subsisted between them.

Such, for a considerable space of time, was the outward form of the loan of 1777, in which Mr. Benfield had no sort of concern. At length intelligence arrived at Madras, that this debt, which had always been renounced by the Court of Directors, was rather like to become the subject of something more like a criminal inquiry than of any patronage or sanction from Parliament. Every ship brought accounts, one stronger than the other, of the prevalence of the determined enemies of the Indian system. The public revenues became an object desperate to the hopes of Mr. Benfield;

he therefore resolved to fall upon his associates, and, in violation of that faith which subsists among those who have abandoned all other, commences a suit in the Mayor's Court against Taylor, Majendie, and Call, for the bond given to him, when he agreed to disappear for his own benefit as well as that of the common concern. The assignees of his debt, who little expected the springing of this mine, even from such an engineer as Mr. Benfield, after recovering their first alarm, thought it best to take ground on the real state of the transaction. They divulged the whole mystery, and were prepared to plead that they had never received from Mr. Benfield any other consideration for the bond than a transfer, in trust for himself, of his demand on the Nabob of Arcot. An universal indignation arose against the perfidy of Mr. Benfield's proceeding; the event of the suit was looked upon as so certain, that Benfield was compelled to retreat as precipitately as he had advanced boldly; he gave up his bond, and was reinstated in his original demand, to wait the fortune of other claimants. At that time, and at Madras, this hope was dull indeed; but at home another scene was preparing.

It was long before any public account of this discovery at Madras had arrived in England, that the present minister and his Board of Control thought fit to determine on the debt of 1777. The recorded proceedings at this time knew nothing of any debt to Benfield. There was his own testimony, there was the testimony of the list, there was the testimony of the Nabob of Arcot, against it. Yet such was the ministers' feeling of the true secret of this transaction, that they thought proper, in the teeth of all these testimonies, to give him license to return to Madras. Here the ministers were under some embarrassment. Confounded between their resolution of rewarding the good services of Benfield's friends and associates in England, and the shame of sending that notorious incendiary to the court of the Nabob of Arcot, to renew his intrigues against the British government, at the time they authorize his return, they forbid him, under the severest penalties, from any conversation with the Nabob or his ministers: that is, they forbid his communication with the very person on account of his dealings with whom they permit his return to that city. To overtop this contradiction, there is not a word restraining him from the freest intercourse with the Nabob's second son, the real author of all that is done in the Nabob's name; who, in conjunction with this very Benfield, has acquired an absolute dominion over that unhappy man, is able to persuade him to put his signature to whatever paper they please, and often without any communication of the contents. This management was detailed to them at full length by Lord Macartney, and they cannot pretend ignorance of it.

I believe, after this exposure of facts, no man can entertain a doubt of the collusion of ministers with the corrupt interest of the delinquents in India. Whenever those in authority provide for the interest of any person, on the real, but concealed state of his affairs, without regard to his avowed, public, and ostensible pretences, it must be presumed that they are in confederacy with him, because they act for him on the same fraudulent principles on which he acts for himself. It is plain that the ministers were fully apprised of Benfield's real situation, which he had used means to conceal, whilst

concealment answered his purposes. They were, or the person on whom they relied was, of the cabinet council of Benfield, in the very depth of all his mysteries. An honest magistrate compels men to abide by one story. An equitable judge would not hear of the claim of a man who had himself thought proper to renounce it. With such a judge his shuffling and prevarication would have damned his claims; such a judge never would have known, but in order to animadvert upon, proceedings of that character.

I have thus laid before you, Mr. Speaker, I think with sufficient clearness, the connection of the ministers with Mr. Atkinson at the general election; I have laid open to you the connection of Atkinson with Benfield; I have shown Benfield's employment of his wealth in creating a Parliamentary interest to procure a ministerial protection; I have set before your eyes his large concern in the debt, his practices to hide that concern from the public eye, and the liberal protection which he has received from the minister. If this chain of circumstances does not lead you necessarily to conclude that the minister has paid to the avarice of Benfield the services done by Benfield's connections to his ambition, I do not know anything short of the confession of the party that can persuade you of his guilt. Clandestine and collusive practice can only be traced by combination and comparison of circumstances. To reject such combination and comparison is to reject the only means of detecting fraud; it is, indeed, to give it a patent and free license to cheat with impunity.

I confine myself to the connection of ministers, mediately or immediately, with only two persons concerned in this debt. How many others, who support their power and greatness within and without doors, are concerned originally, or by transfers of these debts, must be left to general opinion. I refer to the reports of the Select Committee for the proceedings of some of the agents in these affairs, and their attempts, at least, to furnish ministers with the means of buying General Courts, and even whole Parliaments, in the gross.

I know that the ministers will think it little less than acquittal, that they are not charged with having taken to themselves some part of the money of which they have made so liberal a donation to their partisans, though the charge may be indisputably fixed upon the corruption of their politics. For my part, I follow their crimes to that point to which legal presumptions and natural indications lead me, without considering what species of evil motive tends most to aggravate or to extenuate the guilt of their conduct. But if I am to speak my private sentiments, I think that in a thousand cases for one it would be far less mischievous to the public, and full as little dishonorable to themselves, to be polluted with direct bribery, than thus to become a standing auxiliary to the oppression, usury, and peculation of multitudes, in order to obtain a corrupt support to their power. It is by bribing, not so often by being bribed, that wicked politicians bring rum on mankind. Avarice is a rival to the pursuits of many. It finds a multitude of checks, and many opposers, in every walk of life. But the objects of ambition are for the few; and every person who aims at indirect profit, and therefore wants other protection than innocence and law, instead of its rival, becomes

its instrument. There is a natural allegiance and fealty due to this domineering, paramount evil, from all the vassal vices, which acknowledge its superiority, and readily militate under its banners; and it is under that discipline alone that avarice is able to spread to any considerable extent, or to render itself a general, public mischief. It is therefore no apology for ministers, that they have not been bought by the East India delinquents, but that they have only formed an alliance with them for screening each other from justice, according to the exigence of their several necessities. That they have done so is evident; and the junction of the power of office in England with the abuse of authority in the East has not only prevented even the appearance of redress to the grievances of India, but I wish it may not be found to have dulled, if not extinguished, the honor, the candor, the generosity, the good-nature, which used formerly to characterize the people of England. I confess, I wish that some more feeling than I have yet observed for the sufferings of our fellow-creatures and fellow-subjects in that oppressed part of the world had manifested itself in any one quarter of the kingdom, or in any one large description of men.

That these oppressions exist is a fact no more denied than it is resented as it ought to be. Much evil has been done in India under the British authority. What has been done to redress it? We are no longer surprised at anything. We are above the unlearned and vulgar passion of admiration. But it will astonish posterity, when they read our opinions in our actions, that, after years of inquiry, we have found out that the sole grievance of India consisted in this, that the servants of the Company there had not profited enough of their opportunities, nor drained it sufficiently of its treasures, — when they shall hear that the very first and only important act of a commission specially named by act of Parliament is, to charge upon an undone country, in favor of a handful of men in the humblest ranks of the public service, the enormous sum of perhaps four millions of sterling money.

It is difficult for the most wise and upright government to correct the abuses of remote, delegated power, productive of unmeasured wealth, and protected by the boldness and strength of the same ill-got riches. These abuses, full of their own wild native vigor, will grow and flourish under mere neglect. But where the supreme authority, not content with winking at the rapacity of its inferior instruments, is so shameless and corrupt as openly to give bounties and premiums for disobedience to its laws, — when it will not trust to the activity of avarice in the pursuit of its own gains, — when it secures public robbery by all the careful jealousy and attention with which it ought to protect property from such violence, — the commonwealth then is become totally perverted from its purposes; neither God nor man will long endure it; nor will it long endure itself. In that case, there is an unnatural infection, a pestilential taint, fermenting in the constitution of society, which fever and convulsions of some kind or other must throw off, or in which the vital powers, worsted in an unequal struggle, are pushed back upon themselves, and, by a reversal of their whole functions, fester to gangrene, to death, — and instead of what was but just now the delight and boast of

the creation, there will be cast out in the face of the sun a bloated, putrid, noisome carcass, full of stench and poison, an offence, a horror, a lesson to the world.

In my opinion, we ought not to wait for the fruitless instruction of calamity to inquire into the abuses which bring upon us ruin in the worst of its forms, in the loss of our fame and virtue. But the right honorable gentleman says, in answer to all the powerful arguments of my honorable friend, “that this inquiry is of a delicate nature, and that the state will suffer detriment by the exposure of this transaction.” But it is exposed; it is perfectly known in every member, in every particle, and in every way, except that which may lead to a remedy. He knows that the papers of correspondence are printed, and that they are in every hand.

He and delicacy are a rare and a singular coalition. He thinks that to divulge our Indian politics may be highly dangerous. He! the mover, the chairman, the reporter of the Committee of Secrecy! he, that brought forth in the utmost detail, in several vast, printed folios, the most recondite parts of the politics, the military, the revenues of the British empire in India! With six great chopping bastards, each as lusty as an infant Hercules, this delicate creature blushes at the sight of his new bridegroom, assumes a virgin delicacy; or, to use a more fit, as well as a more poetic comparison, the person so squeamish, so timid, so trembling lest the winds of heaven should visit too roughly, is expanded to broad sunshine, exposed like the sow of imperial augury, lying in the mud with all the prodigies of her fertility about her, as evidence of her delicate amours, —

Triginta capitum foetus enixa jacebat,
Alba, solo recubans, albi circum ubera nati.

Whilst discovery of the misgovernment of others led to his own power, it was wise to inquire, it was safe to publish: there was then no delicacy; there was then no danger. But when his object is obtained, and in his imitation he has outdone the crimes that he had reprobated in volumes of reports and in sheets of bills of pains and penalties, then concealment becomes prudence, and it concerns the safety of the state that we should not know, in a mode of Parliamentary cognizance, what all the world knows but too well, that is, in what manner he chooses to dispose of the public revenues to the creatures of his politics.

The debate has been long, and as much so on my part, at least, as on the part of those who have spoken before me. But long as it is, the more material half of the subject has hardly been touched on: that is, the corrupt and destructive system to which this debt has been rendered subservient, and which seems to be pursued with at least as much vigor and regularity as ever. If I considered your ease or my own, rather than the weight and importance of this question, I ought to make some apology to you, perhaps some apology to myself, for having detained your attention so long. I know on what ground I tread. This subject, at one time taken up with so much fervor and zeal, is no longer a favorite in this House. The House itself has undergone a great and signal

revolution. To some the subject is strange and uncouth; to several, harsh and distasteful; to the relics of the last Parliament it is a matter of fear and apprehension. It is natural for those who have seen their friends sink in the tornado which raged during the late shift of the monsoon, and have hardly escaped on the planks of the general wreck, it is but too natural for them, as soon as they make the rocks and quicksands of their former disasters, to put about their new-built barks, and, as much as possible, to keep aloof from this perilous lee shore.

But let us do what we please to put India from our thoughts, we can do nothing to separate it from our public interest and our national reputation. Our attempts to banish this importunate duty will only make it return upon us again and again, and every time in a shape more unpleasant than the former. A government has been fabricated for that great province; the right honorable gentleman says that therefore you ought not to examine into its conduct. Heavens! what an argument is this! We are not to examine into the conduct of the Direction, because it is an old government; we are not to examine into this Board of Control, because it is a new one. Then we are only to examine into the conduct of those who have no conduct to account for. Unfortunately, the basis of this new government has been laid on old, condemned delinquents, and its superstructure is raised out of prosecutors turned into protectors. The event has been such as might be expected. But if it had been otherwise constituted, had it been constituted even as I wished, and as the mover of this question had planned, the better part of the proposed establishment was in the publicity of its proceedings, in its perpetual responsibility to Parliament. Without this check, what is our government at home, even awed, as every European government is, by an audience formed of the other states of Europe, by the applause or condemnation of the discerning and critical company before which it acts? But if the scene on the other side of the globe, which tempts, invites, almost compels, to tyranny and rapine, be not inspected with the eye of a severe and unremitting vigilance, shame and destruction must ensue. For one, the worst event of this day, though it may deject, shall not break or subdue me. The call upon us is authoritative. Let who will shrink back, I shall be found at my post. Baffled, discountenanced, subdued, discredited, as the cause of justice and humanity is, it will be only the dearer to me. Whoever, therefore, shall at any time bring before you anything towards the relief of our distressed fellow-citizens in India, and towards a subversion of the present most corrupt and oppressive system for its government, in me shall find a weak, I am afraid, but a steady, earnest, and faithful assistant.

APPENDIX.

No. 1.

CLAUSES OF MR PITT'S BILL.

Referred to from .

Appointing Commissioners to inquire into the Fees, Gratuities, Perquisites, Emoluments, which are, or have been lately, received in the several Public Offices therein mentioned; to examine into any Abuses which may exist in the same, &c.

And be it further enacted, that it shall and may be lawful to and for the said commissioners, or any two of them, and they are hereby empowered, authorized, and required, *to examine upon oath* (which oath they, or any two of them, are hereby authorized to administer) the several persons, of *all* descriptions, belonging to any of the offices or departments before mentioned, and *all other persons* whom the said commissioners, or any two of them, shall think fit to examine, touching *the business* of each office or department, and *the fees, gratuities, perquisites, and emoluments taken therein*, and touching all other matters and things necessary for the execution of the powers vested in the said commissioners by this act; *all which persons* are hereby required and directed punctually to attend the said commissioners, *at such time and place as they, or any two of them, shall appoint, and also to observe and execute such orders and directions* as the said commissioners, or any two of them, shall make or give for the purposes before mentioned.

And be it enacted by the authority aforesaid, that the said commissioners, or any two of them, shall be and are hereby empowered to examine into any corrupt and fraudulent practices, or other misconduct, committed by any person or persons concerned in the management of any of the offices or departments hereinbefore mentioned; and for the better execution of this present act, the said commissioners, or *any two of them, are hereby authorized to meet and sit, from time to time, in such place or places as they shall find most convenient, with, or without adjournment, and to send their precept or precepts, under their hands and seals, for any person or persons whatsoever, and for such books, papers, writings, or records, as they shall judge necessary for their information, relating to any of the offices or departments hereinbefore mentioned; and all bailiffs, constables, sheriffs, and other his Majesty's officers, are hereby required to obey and execute such orders and precepts aforesaid as shall be sent to them, or any of them, by the said commissioners, or any two of them, touching the premises.*

No. 2.

Referred to from .

NABOB OF ARCOT'S DEBTS.

Mr. George Smith being asked, Whether the debts of the Nabob of Arcot have increased since he knew Madras? he said, Yes, they have. He distinguishes his debts into two sorts: those contracted before the year 1766, and those contracted from that year to the year in which he left Madras. — Being asked, What he thinks is the

original amount of the old debts? he said, Between twenty-three and twenty-four lacs of pagodas, as well as he can recollect. — Being asked, What was the amount of that debt when he left Madras? he said, Between four and five lacs of pagodas, as he understood. — Being asked, What was the amount of the new debt when he left Madras? he said, In November, 1777, that debt amounted, according to the Nabob's own account, and published at Chepauk, his place of residence, to sixty lacs of pagodas, independent of the old debt, on which debt of sixty lacs of pagodas the Nabob did agree to pay an interest of twelve per cent per annum. — Being asked, Whether this debt was approved of by the Court of Directors? he said, He does not know it was. — Being asked, Whether the old debt was recognized by the Court of Directors? he said, Yes, it has been; and the Court of Directors have sent out repeated orders to the President and Council of Madras to enforce its recovery and payment. — Being asked, If the interest upon the new debt is punctually paid? he said, It was not during his residence at Madras, from 1777 to 1779, in which period he thinks no more than five per cent interest was paid, in different dividends of two and one per cent. — Being asked, What is the usual course taken by the Nabob concerning the arrears of interest? he said, Not having ever lent him moneys himself, he cannot fully answer as to the mode of settling the interest with him.

Being asked, Whether he has reason to believe the sixty lacs of pagodas was all principal money really and truly advanced to the Nabob of Arcot, or a fictitious capital, made up of obligations given by him, where no money or goods were received, or which was increased by the uniting into it a greater interest than the twelve per cent expressed to be due on the capital? he said, He has no reason to believe that the sum of sixty lacs of pagodas was lent in money or goods to the Nabob, because that sum he thinks is of more value than all the money, goods, and chattels in the settlement; but he does not know in what mode or manner this debt of the Nabob's was incurred or accumulated. — Being asked, Whether it was not a general and well-grounded opinion at Madras, that a great part of this sum was accumulated by obligations, and was for services performed or to be performed for the Nabob? he said, He has heard that a part of this debt was given for the purposes mentioned in the above question, but he does not know that it was so. — Being asked, Whether it was the general opinion of the settlement? he said, He cannot say that it was the general opinion, but it was the opinion of a considerable part of the settlement. — Being asked, Whether it was the declared opinion of those that were concerned in the debt, or those that were not? he said, It was the opinion of both parties, at least such of them as he conversed with. — Being asked, Whether he has reason to believe that the interest really paid by the Nabob, upon obligations given, or money lent, did not frequently exceed twelve per cent? he said, Prior to the 1st of August, 1774, he had had reason to believe that a higher interest than twelve per cent was paid by the Nabob on moneys lent to him; but from and after that period, when the last act of Parliament took place in India, he does not know that more than twelve per cent had been paid by the Nabob, or received from him. — Being asked, Whether it is not his opinion that the Nabob has paid more

than twelve per cent for money due since the 1st of August, 1774? he said, He has heard that he has, but he does not know it. — Being asked, Whether he has been told so by any considerable and weighty authority, that was like to know? he said, He has been so informed by persons who he believes had a very good opportunity of knowing it. — Being asked, Whether he was ever told so by the Nabob of Arcot himself? he said, He does not recollect that the Nabob of Arcot directly told him so, but from what he said he did infer that he paid a higher interest than twelve per cent.

Mr. Smith being asked, Whether, in the course of trade, he ever sold anything to the Nabob of Arcot? he said, In the year 1775 he did sell to the Nabob of Arcot pearls to the amount of 32,500 pagodas, for which the Nabob gave him an order or tankah on the country of Tanjore, payable in six months, without interest. — Being asked, Whether, at the time he asked the Nabob his price for the pearls, the Nabob beat down that price, as dealers commonly do? he said, No; so far from it, he offered him more than he asked by 1000 pagodas, and which he rejected. — Being asked, Whether, in settling a transaction of discount with the Nabob's agent, he was not offered a greater discount than 12*l.* per cent? he said, In discounting a soucar's bill for 180,000 pagodas, the Nabob's agent did offer him a discount of twenty-four per cent per annum, saving that it was the usual rate of discount paid by the Nabob; but which he would not accept of, thinking himself confined by the act of Parliament limiting the interest of moneys to twelve per cent, and accordingly he discounted the bill at twelve per cent per annum only. — Being asked, Whether he does not think those offers were made him because the Nabob thought he was a person of some consequence in the settlement? he said, Being only a private merchant, he apprehends that the offer was made to him more from its being a general practice than from any opinion of his importance.

No. 3.

Referred to from .

A Bill for the Better Government of the Territorial Possessions and Dependencies in India.

[ONE OF MR FOX'S INDIA BILLS.]

And be it further enacted by the authority aforesaid, that the Nabob of Arcot, the Rajah of Tanjore, or any other native protected prince in India, shall not assign, mortgage, or pledge any territory or land whatsoever, or the produce or revenue thereof, to any British subject whatsoever; neither shall it be lawful to and for any British subject whatsoever to take or receive any such assignment, mortgage, or pledge; and the same are hereby declared to be null and void; and all payments or

deliveries of produce or revenue, under any such assignment, shall and may be recovered back, by such native prince paying or delivering the same, from the person or persons receiving the same, or his or their representatives.

No. 4.

Referred to from p and 73.

(COPY.)

27th May, 1782.

Letter from the Committee of Assigned Revenue, to the President and Select Committee, dated 27th May, 1782; with Comparative Statement, and Minute thereon.

To the Right Honorable LORD MACARTNEY, K.B., President, and Governor, &c., Select Committee of Fort St. George.

MY LORD, AND GENTLEMEN, —

Although we have, in obedience to your commands of the 5th January, regularly laid before you our proceedings at large, and have occasionally addressed you upon such points as required your resolutions or orders for our guidance, we still think it necessary to collect and digest in a summary report those transactions in the management of the assigned revenue which have principally engaged our attention, and which, upon the proceeding, are too much intermixed with ordinary occurrences to be readily traced and understood.

Such a report may be formed with the greater propriety at this time, when your Lordship, &c., have been pleased to conclude your arrangements for the rent of several of the Nabob's districts. Our aim in it is briefly to explain the state of the Carnatic at the period of the Nabob's assignment, — the particular causes which existed to the prejudice of that assignment, after it was made, — and the measures which your Lordship, &c., have, upon our recommendation, adopted for removing those causes, and introducing a more regular and beneficial system of management in the country.

Hyder Ali having entered the Carnatic with his whole force, about the middle of July, 1780, and employed fire and sword in its destruction for near eighteen months before the Nabob's assignment took place, it will not be difficult to conceive the state of the country at that period. In those provinces which were fully exposed to the ravages of horse, scarce a vestige remained either of population or agriculture: such of the miserable inhabitants as escaped the fury of the sword were either carried into the Mysore country or left to struggle under the horrors of famine. The Arcot and Trichinopoly districts began early to feel the effects of this desolating war. Tinnevely, Madura, and Ramnadaporum, though little infested with Hyder's troops, became a prey to the incursions of the Polygars, who stripped them of the greatest part of the

revenues. Ongole, Nellore, and Palnaud, the only remaining districts, had suffered, but in a small degree.

The misfortunes of war, however, were not the only evils which the Carnatic experienced. The Nabob's aumildars, and other servants, appear to have taken advantage of the general confusion to enrich themselves. A very small part of the revenue was accounted for; and so high were the ordinary expenses of every district, that double the apparent produce of the whole country would not have satisfied them.

In this state, which we believe is no way exaggerated, the Company took charge of the assigned countries. Their prospect of relief from the heavy burdens of the war was, indeed, but little advanced by the Nabob's concession; and the revenues of the Carnatic seemed in danger of being irrecoverably lost, unless a speedy and entire change of system could be adopted.

On our minutes of the 21st January we treated the subject of the assignment at some length, and pointed out the mischiefs which, in addition to the effects of the war, had arisen from what we conceived to be wrong and oppressive management. We used the freedom to suggest an entire alteration in the mode of realizing the revenues. We proposed a considerable and immediate reduction of expenses, and a total change of the principal aumildars who had been employed under the Nabob.

Our ideas had the good fortune to receive your approbation; but the removal of the Nabob's servants being thought improper at that particular period of the collections, we employed our attention chiefly in preserving what revenue was left the country, and acquiring such materials as might lead to a more perfect knowledge of its former and present state.

These pursuits, as we apprehended, met with great obstructions from the conduct of the Nabob's servants. The orders they received were evaded under various pretexts; no attention was paid to the strong and repeated applications made to them for the accounts of their management; and their attachment to the Company's interest appeared, in every instance, so feeble, that we saw no prospect whatever of success, but in the appointment of renters under the Company's sole authority.

Upon this principle, we judged it expedient to recommend that such of the Nabob's districts as were in a state to be farmed out might be immediately let by a public advertisement, issued in the Company's name, and circulated through every province of the Carnatic; and, with the view of encouraging bidders, we proposed that the countries might be advertised for the whole period of the Nabob's assignment, and the security of the Company's protection promised in the fullest manner to such persons as might become renters.

This plan had the desired effect; and the attempts which were secretly made to counteract it afforded an unequivocal proof of its necessity: but the advantages resulting from it were more pleasingly evinced by the number of proposals that were delivered, and by the terms which were in general offered for the districts intended to be farmed out.

Having so far attained the purposes of the assignment, our attention was next turned to the heavy expenses entailed upon the different provinces; and here, we confess, our astonishment was raised to the highest pitch. In the Trichinopoly country the standing disbursements appeared, by the Nabob's own accounts, to be one lac of rupees more than the receipts. In other districts the charges were not in so high a proportion, but still rated on a most extravagant scale; and we saw, by every account that was brought before us, the absolute necessity of retrenching considerably in all the articles of expense.

Our own reason, aided by such inquiries as we were able to make, suggested the alterations we have recommended to your Lordship, &c., under this head. You will observe that we have not acted sparingly, but we chose rather, in cases of doubt, to incur the hazard of retrenching too much than too little; because it would be easier, after any stated allowance for expenses, to add what might be necessary than to diminish. We hope, however, there will be no material increase in the articles, as they now stand.

One considerable charge upon the Nabob's country was for extraordinary sibbendies, sepoy, and horsemen, who appeared to us to be a very unnecessary incumbrance on the revenue. Your Lordship, &c., have determined to receive such of these people as will enlist into the Company's service, and discharge the rest. This measure will not only relieve the country of a heavy burden, but tend greatly to fix in the Company that kind of authority which is requisite for the due collection of the revenues.

In consequence of your determination respecting the Nabob's sepoy, &c., every charge under that head has been struck out of our account of expenses. If the whole number of these people be enlisted by the Company, there will probably be no more than sufficient to complete their ordinary military establishment. But should the present reduction of the Nabob's artillery render it expedient, after the war, to make any addition to the Company's establishment for the purposes of the assigned countries, the expense of such addition, whatever it be, must be deducted from the present account of savings.

In considering the charges of the several districts, in order to establish better regulations, we were careful to discriminate those incurred for troops, kept or supposed to be kept up for the defence of the country, from those of the sibbendy, servants, &c., for the cultivation of the lands and the collection of the revenues, as well as to pay attention, to such of the established customs of the country, ancient privileges of the inhabitants, and public charities, as were necessarily allowed, and appeared proper to be continued, but which, under the Nabob's government, were not only rated much higher, but had been blended under one confused and almost unintelligible title of expenses of the districts: so joined, perhaps, to afford pleas and means of secreting and appropriating great part of the revenues to other purposes than fairly appeared; and certainly betraying the utmost neglect and mismanagement, as giving latitude for every species of fraud and oppression. Such a system has, in the few

latter years of the Nabob's necessities, brought all his countries into that situation from which nothing but the most rigid economy, strict observance of the conduct of managers, and the most conciliating attention to the rights of the inhabitants can possibly recover them.

It now only remains for us to lay before your Lordship, &c., the inclosed statement of the sums at which the districts lately advertised have been let, compared with the accounts of their produce delivered by the Nabob, and entered on our proceedings of the 21st January, — likewise a comparative view of the former and present expenses.

The Nabob's accounts of the produce of these districts state, as we have some reason to think, the sums which former renters engaged to pay to him, (and which were seldom, if ever, made good,) and not the sums actually produced by the districts; yet we have the satisfaction to observe that the present aggregate rents, upon an average, are equal to those accounts. Your Lordship, &c., cannot, indeed, expect, that, in the midst of the danger, invasion, and distress which assail the Carnatic on every side, the renters now appointed will be able at present to fulfil the terms of their leases; but we trust, from the measures we have taken, that very little, if any, of the actual collections will be lost, even during the war, — and that, on the return of peace and tranquillity, the renters will have it in their power fully to perform their respective agreements.

We much regret that the situation of the Arcot province will not admit of the same settlement which has been made for the other districts; but the enemy being in possession of the capital, together with several other strongholds, and having entirely desolated the country, there is little room to hope for more from it than a bare subsistence to the few garrisons we have left there.

We shall not fail to give our attention towards obtaining every information respecting this province that the present times will permit, and to take the first opportunity to propose such arrangements for the management as we may think eligible.

We have the honor to be

Your most obedient humble servants,

CHARLES OAKLEY,
EYLES IRWIN,
HALL PLUMER,
DAVID HALIBURTON,
GEORGE MOUBRAY.

FORT ST. GEORGE, 27th May, 1782.

A true copy.

J. HUDLESTON, Sec.

COMPARATIVE STATEMENT *of the Revenues and Expenses of the Nellore, Ongole, Palnaud, Trichinopoly, Madura, and Tinnevelly Countries, while in the Hands*

of the Nabob, with those of the same Countries on the Terms of the Leases lately granted for Four Years, to commence with the Beginning of the Phazeley, 1192, or the 12th July, 1782. Abstracted from the Accounts received from the Nabob, and from the Rents stipulated for and Expenses allowed by the present Leases.

GROSS REVENUE.

EXPENSES.

NET REVENUE.

Annual Gross Rent by the Nabob's Account.

Average of the Four Years immediately preceding the present War.

Annual Rent by the present Leases, at an Average of Four Years.

Annual Expenses by the Nabob's Accounts.

Annual Expenses allowed by the present Leases at an Estimate.

Reduction in the Annual Expenses.

Net Revenue by the Nabob's Accounts.

Net Revenue by the present Leases.

Increase of Net Revenue.

Star Pagodas.

Star Pagodas.

Star Pagodas.

Star Pagodas.

Star Pagodas.

Star Pagodas.

Star Pagodas.

Star Pagodas.

Nellore and Sarapilly

3,22,830

3,61,900

1,98,794

33,000

1,65,794

1,24,036

3,28,900
2,04,864

Ongole
1,10,967
55,000
88,254

...
88,254
22,713
55,000
32,287

Palnaud
51,355
53,500
25,721
5,698
20,023
25,634
47,802
22,168

Trichinopoly
2,89,993
2,73,214
2,82,148
13,143
2,63,005
7,845
2,54,071
2,46,226

Madura
1,02,756
60,290
63,710
12,037
51,673
39,046
48,253
9,207

Tinnevely

5,65,537

5,79,713

1,64,098

70,368

93,730

4,01,439

5,09,345

1,07,906

Total

14,43,438

13,83,617

8,22,725

1,40,246

6,82,479

6,20,713

12,43,371

6,22,658

N.B. In this statement, Madras Pagodas are calculated at 10 per cent Batta; Chuckrums at two thirds of a Porto Novo Pagoda, which are reckoned at 115 per 100 Star Pagodas; and Rupees at 350 per 100 Star Pagodas. To avoid fractions, the nearest integral numbers have been taken.

Signed,

CHARLES OAKLEY,
EYLES IRWIN,
HALL PLUMER,

DAVID HALIBURTON,
GEORGE MOUBRAY.

FORT ST. GEORGE, 27th May, 1782.

No. 5.

Referred to from .

Case of certain Persons renting the Assigned Lands wider the Authority of the East India Company.

Extract of a Letter from the President and Council of Fort St. George, 25th May, 1783.

One of them [the renters], Ram Chunder Raus, was, indeed, one of those unfortunate rajahs whose country, *by being near to the territories of the Nabob*, forfeited its title to independence, and became the prey of ambition and cupidity. This man, though not able to resist the Company's arms, *employed in such a deed at the Nabob's instigation*, had industry and ability. He acquired, *by a series of services*, even the confidence of the Nabob, who suffered him to *rent apart of the country of which he had deprived him of the property*. This man had afforded no motive for his rejection by the Nabob, but that of being ready to engage with the Company: a motive most powerful, indeed, but not to be avowed.

[This is the person whom the English instruments of the Nabob of Arcot have had the audacity to charge with a corrupt transaction with Lord Macartney, and, in support of that charge, to produce a forged letter from his Lordship's steward. The charge and letter the reader may see in this Appendix, under the proper head. It is asserted by the unfortunate prince above mentioned, that the Company first settled on the coast of Coromandel under the protection of one of his ancestors. If this be true, (and it is far from unlikely,) the world must judge of the return the descendant has met with. The case of another of the victims given up by the ministry, though not altogether so striking as the former, is worthy of attention. It is that of the renter of the Province of Nellore.]

It is, with a wantonness of falsehood, and indifference to detection, asserted to you, in proof of the validity of the Nabob's objections, that this man's failures had already forced us to remove him: though in fact he has continued invariably in office; though our *greatest supplies have been received from him*; and that, in the disappointment of your remittances [the remittances from Bengal] and of other resources, the specie sent us *from Nellore alone* has sometimes enabled us to carry on the public business; and

that the *present expedition against the French* must, without *this* assistance from the assignment, have been laid aside, or delayed until it might have become too late.

[This man is by the ministry given over to the mercy of persons capable of making charges on him “*with a wantonness of falsehood, and indifference to detection.*” What is likely to happen to him and the rest of the victims may appear by the following.]

Letter to the Governor-General and Council, March 13th, 1782.

The speedy termination, to which the people were taught to look, of the Company’s interference in the revenues, and the vengeance denounced against those who, contrary to the mandate of the Durbar, should be connected with them, as reported by Mr. Sullivan, may, as much as the former exactions and oppressions of the Nabob in the revenue, as reported by the commander-in-chief, have deterred some of the fittest men from offering to be concerned in it.

The timid disposition of the Hindoo natives of this country was not likely to be insensible to the specimen of that vengeance given by his Excellency the Amir, who, upon the mere rumor, that a Bramin, of the name of Appagee Row, had given proposals to the Company for the rentership of Vellore, had the temerity to send for him, and to put him in confinement.

A man thus seized by the Nabob’s sepoys within the walls of Madras gave a general alarm, and government found it necessary to promise the protection of the Company, in order to calm the apprehensions of the people.

No. 6.

Referred to from p and 105.

Extract of a Letter from the Council and Select Committee at Fort St. George, to the Governor-General and Council, dated 25th May, 1783.

In the prosecution of our duty, we beseech you to consider, as an act of strict and necessary justice, previous to reiteration of your orders for the surrender of the assignment, how far it would be likely to affect third persons who do not appear to have committed any breach of their engagements. You command us to compel our aumils to deliver over their respective charges as shall be appointed by the Nabob, or to retain their trust under his sole authority, if he shall choose to confirm them. These aumils are really renters; they were appointed in the room of the Nabob’s aumils, and contrary to his wishes; they have already been rejected by him, and are therefore not likely to be confirmed by him. They applied to this government, in consequence of public advertisements in our name, as possessing in this instance the joint authority of

the Nabob and the Company, and have entered into mutual and strict covenants with us, and we with them, relative to the certain districts not actually in the possession of the enemy; by which covenants, as they are bound to the punctual payment of their rents and due management of the country, so we, and our constituents, and the public faith, are in like manner bound to maintain them in the enjoyment of their leases, during the continuance of the term. That term was for five years, agreeably to the words of the assignment, which declare that the time of renting shall be for three or five years, as the Governor shall settle with the renters. — Their leases cannot be legally torn from them. Nothing but their previous breach of a part could justify our breach of the whole. Such a stretch and abuse of power would, indeed, not only savor of the assumption of sovereignty, but of arbitrary and oppressive despotism. In the present contest, whether the Nabob be guilty, or we be guilty, the renters are not guilty. Whichever of the contending parties has broken the condition of the assignment, the renters have not broken the condition of their leases. These men, in conducting the business of the assignment, have acted in opposition to the designs of the Nabob, in despite of the menaces denounced against all who should dare to oppose the mandates of the Durbar justice. Gratitude and humanity require that provision should be made by you, before you set the Nabob's ministers loose on the country, for the protection of the victims devoted to their vengeance.

Mr. Benfield, to secure the permanency of his power, and the perfection of his schemes, thought it necessary to render the Nabob an absolute stranger to the state of his affairs. He assured his Highness that full justice was not done to the strength of his sentiments and the keenness of his attacks, in the translations that were made by the Company's servants from the original Persian of his letters. He therefore proposed to him that they should for the future be transmitted in English. — Of the English language or writing his Highness or the Amir cannot read one word, though the latter can converse in it with sufficient fluency. The Persian language, as the language of the Mahomedan conquerors, and of the court of Delhi, as an appendage or signal of authority, was at all times particularly affected by the Nabob. It is the language of all acts of state, and all public transactions, among the Mussulman chiefs of Hindostan. The Nabob thought to have gained no inconsiderable point, in procuring the correspondence from our predecessors to the Rajah of Tanjore to be changed from the Mahratta language, which that Hindoo prince understands, to the Persian, which he disclaims understanding. To force the Rajah to the Nabob's language was gratifying the latter with a new species of subserviency. He had formerly contended with considerable anxiety, and, it was thought, no inconsiderable cost, for particular forms of address to be used towards him in that language. But all of a sudden, in favor of Mr. Benfield, he quits his former affections, his habits, his knowledge, his curiosity, the increasing mistrust of age, to throw himself upon the generous candor, the faithful interpretation, the grateful return, and eloquent organ of Mr. Benfield! — *Mr. Benfield relates and reads what he pleases to his Excellency the Amir-ul-Omrah; his Excellency communicates with the Nabob, his father, in the language the latter understands.*

Through two channels so pure, the truth must arrive at the Nabob in perfect refinement; through this double trust, his Highness receives whatever impression it may be convenient to make on him: he abandons his signature to whatever paper they tell him contains, in the English language, the sentiments with which they had inspired him. He thus is surrounded on every side. He is totally at their mercy, to believe what is not true, and to subscribe to what he does not mean. There is no system so new, so foreign to his intentions, that they may not pursue in his name, without possibility of detection: for they are cautious of who approach him, and have thought prudent to decline, for him, the visits of the Governor, even upon the usual solemn and acceptable occasion of delivering to his Highness the Company's letters. Such is the complete ascendancy gained by Mr. Benfield. It may be partly explained by the facts observed already, some years ago, by Mr. Benfield himself, in regard to the Nabob, of the infirmities natural to his advanced age, joined to the decays of his constitution. To this ascendancy, in proportion as it grew, must chiefly be ascribed, if not the origin, at least the continuance and increase, of the Nabob's disunion with this Presidency: a disunion which creates the importance and subserves the resentments of Mr. Benfield; and an ascendancy which, if you effect the surrender of the assignment, will entirely leave the exercise of power and accumulation of fortune at his boundless discretion: to him, and to the Amir-ul-Omrah, and to Seyd Assam Cawn, the assignment would in fact be surrendered. HE WILL (IF ANY) BE THE SOUCAR SECURITY; and security in this country is counter-secured by possession. You would not choose to take the assignment from the Company, to give it to individuals. Of the impropriety of its returning to the Nabob, Mr. Benfield would now again argue from his former observations, that, under his Highness's management, his country declined, his people emigrated, his revenues decreased, and his country was rapidly approaching to a state of political insolvency. Of Seyd Assam Cawn we judge only from the observations this letter already contains. But of the other two persons [Amir-ul-Omrah and Mr. Benfield] we undertake to declare, not as parties in a cause, or even as voluntary witnesses, but as executive officers, reporting to you, in the discharge of our duty, and under the impression of the sacred obligation which binds us to truth, as well as to justice, that, from every observation of their principles and dispositions, and every information of their character and conduct, they have prosecuted projects to the injury and danger of the Company and individuals; that it would be improper to trust, and dangerous to employ them, in any public or important situation; that the tranquillity of the Carnatic requires a restraint to the power of the Amir; and that the Company, whose service and protection Mr. Benfield has repeatedly and recently forfeited, would be more secure against danger and confusion, if he were removed from their several Presidencies.

[After the above solemn declaration from so weighty an authority, the principal object of that awful and deliberate warning, instead of being "removed from the several Presidencies," is licensed to return to one of the principal of those Presidencies, and the grand theatre of the operations on account of which the Presidency recommends his total removal. The reason given is, for the

accommodation of that very debt which has been the chief instrument of his dangerous practices, and the main cause of all the confusions in the Company's government.]

No. 7.

Referred to from p, 88, and 89.

Extracts from the Evidence of Mr. Petrie, late Resident for the Company at Tanjore, given to the Select Committee, relative to the Revenues and State of the Country, &c., &c.

9th May, 1782.

William Petrie, Esq., attending according to order, was asked, In what station he was in the Company's service? he said, He went to India in the year 1765, a writer upon the Madras establishment: he was employed, during the former war with Hyder Ali, in the capacity of paymaster and commissary to part of the army, and was afterwards paymaster and commissary to the army in the first siege of Tanjore, and the subsequent campaigns; then secretary to the Secret Department from 1772 to 1775; he came to England in 1775, and returned again to Madras the beginning of 1778; he was resident at the durbar of the Rajah of Tanjore from that time to the month of May; and from that time to January, 1780, was chief of Nagore and Carrical, the first of which was received from the Rajah of Tanjore, and the second was taken from the French. — Being asked, Who sent him to Tanjore? he said, Sir Thomas Rumbold, and the Secret Committee. — Being then asked, Upon what errand? he said, He went first up with a letter from the Company to the Rajah of Tanjore: he was directed to give the Rajah the strongest assurances that he should be kept in possession of his country, and every privilege to which he had been restored; he was likewise directed to negotiate with the Rajah of Tanjore for the cession of the seaport and district of Nagore in lieu of the town and district of Devicotta, which he had promised to Lord Pigot: these were the principal, and, to the best of his recollection at present, the only objects in view, when he was first sent up to Tanjore. In the course of his stay at Tanjore, other matters of business occurred between the Company and the Rajah, which came under his management as resident at that durbar. — Being asked, Whether the Rajah did deliver up to him the town and the annexed districts of Nagore voluntarily, or whether he was forced to it? he said, When he made the first proposition to the Rajah, agreeable to the directions he had received from the Secret Committee at Madras, in the most free, open, and liberal manner, the Rajah told him the seaport of Nagore was entirely at the service of his benefactors, the Company, and that he was happy in having that opportunity of testifying his gratitude to them. These may be supposed to be words of course; but, from every experience

which he had of the Rajah's mind and conduct, whilst he was at Tanjore, he has reason to believe that his declarations of gratitude to the Company were perfectly sincere. He speaks to the town of Nagore at present, and a certain district, — not of the districts to the amount of which they afterwards received. The Rajah asked him, To what amount he expected a jaghire to the Company? And the witness further said, That he acknowledged to the committee that he was not instructed upon that head; that he wrote for orders to Madras, and was directed to ask the Rajah for a jaghire to a certain amount; that this gave rise to a long negotiation, the Rajah representing to him his inability to make such a gift to the Company as the Secret Committee at Madras seemed to expect; while he (the witness) on the other hand, was directed to make as good a bargain as he could for the Company. From the view that he then took of the Rajah's finances, from the situation of his country, and from the load of debt which pressed hard upon him, he believes he at different times, in his correspondence with the government, represented the necessity of their being moderate in their demands, and it was at last agreed to accept of the town of Nagore, valued at a certain annual revenue, and a jaghire annexed to the town, the whole amounting to 250,000 rupees. — Being asked, Whether it did turn out so valuable? he said, He had not a doubt but it would turn out more, as it was let for more than that to farmers at Madras, if they had managed the districts properly; *but they were strangers to the manners and customs of the people; when they came down, they oppressed the inhabitants, and threw the whole district into confusion; the inhabitants, many of them, left the country, and deserted the cultivation of their lands; of course the farmers were disappointed of their collections, and they have since failed, and the Company have lost a considerable part of what the farmers were to pay for the jaghire.* — Being asked, Who these farmers were? he said, One of them was the renter of the St. Thomé district, near Madras, and the other, and the most responsible, was a Madras dubash. — Being asked, Whom he was dubash to? he said, To Mr. Cass-major.

Being asked, Whether the lease was made upon higher terms than the district was rated to him by the Rajah? he said, It was. — Being then asked, What reason was assigned why the district was not kept under the former management by aumildars, or let to persons in the Tanjore country acquainted with the district? he said, No reasons were assigned: he was directed from Madras to advertise them to be let to persons of the country; but before he received any proposal, he received accounts that they were let at Madras, in consequence of public advertisements which had been made there: he believes, indeed, there were very few men in those districts responsible enough to have been intrusted with the management of those lands. — Being asked, Whether, at the time he was authorized to negotiate for Nagore in the place of Devicotta, Devicotta was given up to the Rajah? he said, No. — Being asked, Whether the Rajah of Tanjore did not frequently desire that the districts of Arnee and Hanamantagoody should be restored to him, agreeable to treaty, and the Company's orders to Lord Pigot? he said, Many a time; and he transmitted his representations regularly to

Madras. — Being then asked, Whether those places were restored to him? he said, Not while he was in India.

Being asked, Whether he was not authorized and required by the Presidency at Madras to demand a large sum of money over and above the four lacs of pagodas that were to be annually paid by a grant of the Rajah, made in the time of Lord Pigot? he said, He was: to the amount, he believes, of four lacs of pagodas, commonly known by the name of deposit-money. — Being asked, Whether the Rajah did not frequently plead his inability to pay that money? he said, He did every time he mentioned it, and complained loudly of the demand. — Being asked, Whether he thinks those complaints were well founded? he says, He thinks the Rajah of Tanjore was not only not in a state of ability to pay the deposit-money, but that the annual payment of four lacs of pagodas was more than his revenues could afford. — Being asked, Whether he was not frequently obliged to borrow money, in order to pay the instalments of the annual payments, and such parts as he paid of the deposit? he said, Yes, he was. — Being asked, Where he borrowed the money? he said, He believes principally from soucars or native bankers, and some at Madras, as he told him. — Being asked, Whether he told him that his credit was very good, and that he borrowed upon moderate interest? he said, That he told him he found great difficulties in raising money, and was obliged to borrow at a most exorbitant interest, even some of it at forty-eight per cent, and he believes not a great deal under it. *He desired him (the witness) to speak to one of the soucars or bankers at Tanjore to accommodate him with a loan of money: that man showed him an account between him and the Rajah, from which it appeared that he charged forty-eight per cent, besides compound interest.* — Being asked, Whether the sums duo were large? he said, Yes, they were considerable; though he does not recollect the amount. — Being asked, Whether the banker lent the money? he said, He would not, unless the witness could procure him payment of his old arrears.

Being asked, What notice did the government of Madras take of the king of Tanjore's representations of the state of his affairs, and his inability to pay? he said, He does not recollect, that, in their correspondence with him, there was any reasoning upon the subject; and in his correspondence with Sir Thomas Rumbold, upon the amount of the jaghire, he seemed very desirous of adapting the demand of government to the Rajah's circumstances; but, whilst he stayed at Tanjore, the Rajah was not exonerated from any part of his burdens. — Being asked, Whether they ever desired the Rajah to make up a statement of his accounts, disbursements, debts, and payments to the Company, in order to ascertain whether the country was able to pay the increasing demands upon it? he said, Through him he is certain they never did. — Being then asked, If he ever heard whether they did through any one else? he said, He never did.

Being asked, Whether the Rajah is not bound to furnish the cultivators of land with seed for their crops, according to the custom of the country? he said, *The king of Tanjore, as proprietor of the land, always makes advances of money for seed for the cultivation of the land.* — Being then asked, If money beyond his power of furnishing should be extorted from him, might it not prevent, in the first instance, the means of cultivating the country? he said, *It certainly does; he knows it for a fact; and he knows, that, when he left the country, there were several districts which were uncultivated from that cause.* — Being asked, Whether it is not necessary to be at a considerable expense in order to keep up the mounds and watercourses? he said, *A very considerable one annually.* — Being asked, What would be the consequence, if money should fail for that? he said, *In the first instance, the country would be partially supplied with water, some districts would be overflowed, and others would be parched.* — Being asked, Whether there is not a considerable dam called the Anicut, on the keeping up of which the prosperity of the country greatly depends, and which requires a great expense? he said, *Yes, there is: the whole of the Tanjore country is admirably well supplied with water, nor can he conceive any method could be fallen upon more happily adapted to the cultivation and prosperity of the country; but, as the Anicut is the source of that prosperity, any injury done to that must essentially affect all the other works in the country: it is a most stupendous piece of masonry, but, from the very great floods, frequently requiring repairs, which if neglected, not only the expense of repairing must be greatly increased, but a general injury done to the whole country.* — Being asked, Whether that dam has been kept in as good preservation since the prevalence of the English government as before? he said, *From his own knowledge he cannot tell, but from everything he has read or heard of the former prosperity and opulence of the kings of Tanjore, he should suppose not.* — Being asked, Whether he does not know of several attempts that have been made to prevent the repair, and even to damage the work? he said, *The Rajah himself frequently complained of that to him, and he has likewise heard it from others at Tanjore.* — Being asked, Who it was that attempted those acts of violence? he said, *He was told it was the inhabitants of the Nabob's country adjoining to the Anicut.* — Being asked, Whether they were not set on or instigated by the Nabob? he answered, *The Rajah said so.* — And being asked, What steps the President and Council took to punish the authors and prevent those violences? he said, *To the best of his recollection, the Governor told him he would make inquiries into it, but he does not know that any inquiries were made; that Sir Thomas Rumbold, the Governor, informed him that he had laid his representations with respect to the Anicut before the Nabob, who denied that his people had given any interruption to the repairs of that work.*

10th May.

Being asked, What he thinks the real clear receipt of the revenues of Tanjore were worth when he left it? he said, He cannot say what was the net amount, as he does not know the expense of the Rajah's collection; but while he was at Tanjore, he understood from the Rajah himself, and from his ministers, that the gross collection did not exceed nine lacs of pagodas (360,000*l.*). — Being asked, Whether he thinks the country could pay the eight lacs of pagodas which had been demanded to be paid in the course of one year? he said, Clearly not. — Being asked, Whether there was not an attempt made to remove the Rajah's minister, upon some delay in payment of the deposit? he said, The Governor of Madras wrote to that effect, which he represented to the Rajah. — Being asked, Who was mentioned to succeed to the minister that then was, in case he should be removed? he said, When Sir Hector Munro came afterwards to Tanjore, the old daubiere was mentioned, and recommended to the Rajah as successor to his then dewan. — Being asked, Of what age was the daubiere at that time? he said, Of a very great age: upwards of fourscore. — Being asked, Whether a person called Kanonga Saba Pilla was not likewise named? he said, Yes, he was: he was recommended by Sir Thomas Rumbold; and one recommendation, as well as I can recollect, went through me. — Being asked, What was the reason of his being recommended? he said, He undertook to pay off the Rajah's debts, and to give security for the regular payment of the Rajah's instalments to the Company. — Being asked, Whether he offered to give any security for preserving the country from oppression, and for supporting the dignity of the Rajah and his people? he said, He does not know that he did, or that it was asked of him. — Being asked, Whether he was a person agreeable to the Rajah? he said, He was not. — Being asked, Whether he was not a person who had fled out of the country to avoid the resentment of the Rajah? he said, He was. — Being asked, Whether he was not charged by the Rajah with malpractices, and breach of trust relative to his effects? he said, He was; but he told the Governor that he would account for his conduct, and explain everything to the satisfaction of the Rajah. — Being asked, Whether the Rajah did not consider this man as in the interest of his enemies, and particularly of the Nabob of Arcot and Mr. Benfield? he said, He does not recollect that he did mention that to him: he remembers to have heard him complain of a transaction between Kanonga Saba Pilla and Mr. Benfield; but he told him he had been guilty of a variety of malpractices in his administration, that he had oppressed the people, and defrauded him. — Being asked, In what branch of business the Rajah had formerly employed him? he said, He was at one time, he believes, renter of the whole country, was supposed to have great influence with the Rajah, and was in fact dewan some time. — Being asked, Whether the nomination of that man was not particularly odious to the Rajah? he said, He found the Rajah's mind so exceedingly averse to that man, that he believes he would almost as soon have submitted to his being deposed as to submit to the nomination of that man to be his prime-minister.

13th May.

Mr. Petrie being asked, Whether he was informed by the Rajah, or by others, at Tanjore or Madras, that Mr. Benfield, whilst he managed the revenues at Tanjore, during the usurpation of the Nabob, did not treat the inhabitants with great rigor? he said, He did hear from the Rajah that Mr. Benfield did treat the inhabitants with rigor during the time he had anything to do with the administration of the revenues of Tanjore. — Being asked, If he recollects in what particulars? he said, The Rajah particularly complained that grain had been delivered out to the inhabitants, for the purposes of cultivation, at a higher price than the market price of grain in the country; he cannot say the actual difference of price, but it struck him at the time as something very considerable. — Being asked, Whether that money was all recovered from the inhabitants? he said, The Rajah of Tanjore told him that the money was all recovered from the inhabitants. — Being asked, Whether he did not hear that the Nabob exacted from the country of Tanjore, whilst he was in possession of it? he said, From the accounts which he received at Tanjore of the revenues for a number of years past, it appeared that the Nabob collected from the country, while he was in possession, rather more than sixteen lacs of pagodas annually; whereas, when he was at Tanjore, it did not yield more than nine lacs. — Being asked, From whence that difference arose? he said, When Tanjore was conquered for the Nabob, he has been told that many thousand of the native inhabitants fled from the country, some into the country of Mysore, and others into the dominions of the Mahrattas; he understood from the same authority, that, while the Nabob was in possession of the country, many inhabitants from the Carnatic, allured by the superior fertility and opulence of Tanjore, and encouraged by the Nabob, took up their residence there, which enabled the Nabob to cultivate the whole country; and upon the restoration of the Rajah, he has heard that the Carnatic inhabitants were carried back to their own country, which left a considerable blank in the population, which was not replaced while he was there, principally owing to an opinion which prevailed through the country that the Rajah's government was not to be permanent, but that another revolution was fast approaching. During the Nabob's government, the price of grain was considerably higher (owing to a very unusual scarcity in the Carnatic) than when he was in Tanjore. — Being asked, Whether he was ever in the Marawar country? he said, Yes; he was commissary to the army in that expedition. — Being asked, Whether that country was much wasted by the war? he said, Plunder was not permitted to the army, nor did the country suffer from its operations, except in causing many thousands of the inhabitants, who had been employed in the cultivation of the country, to leave it. — Being asked, Whether he knows what is done with the palace and inhabitants of Ramnaut? he said, The town was taken by storm, but not plundered by the troops; it was immediately delivered up to the Nabob's eldest son. — Being asked, Whether

great riches were not supposed to be in that palace and temple? he said, It was universally believed so. — Being asked, What account was given of them? he said, He cannot tell; everything remained in the possession of the Nabob. — Being asked, What became of the children and women of the family of the prince of that country? he said, The Rajah was a minor; the government was in the hands of the Ranny, his mother: from general report he has heard they were carried to Trichinopoly, and placed in confinement there. — Being asked, Whether he perceived any difference in the face of the Carnatic when he first knew it and when he last knew it? he said, He thinks he did, particularly in its population. — Being asked, Whether it was better or worse? he said, It was not so populous. — Being asked, What is the condition of the Nabob's eldest son? he said, He was in the Black Town of Madras, when he left the country. — Being asked, Whether he was entertained there in a manner suitable to his birth and expectations? he said, No: he lived there without any of those exterior marks of splendor which princes of his rank in India are particularly fond of. — Being asked, Whether he has not heard that his appointments were poor and mean? he said, He has heard that they were not equal to his rank and expectations. — Being asked, Whether he had any share in the government? he said, He believes none: for some years past the Nabob has delegated most of the powers of government to his second son. — Being asked, Whether the Rajah did not complain to him of the behavior of Mr. Benfield to himself personally; and what were the particulars? he said, He did so, and related to him the following particulars. About fifteen days after Lord Pigot's confinement, Mr. Benfield came to Tanjore, and delivered the Rajah two letters from the then Governor, Mr. Stratton, — one public, and the other private. He demanded an immediate account of the presents which had been made to Lord Pigot, payment of the tunkahs which he (Mr. Benfield) had received from the Nabob upon the country, and that the Rajah should only write such letters to the Madras government as Mr. Benfield should approve and give to him. The Rajah answered, that he did not acknowledge the validity of any demands made by the Nabob upon the country; that those tunkahs related to accounts which he (the Rajah) had no concern with; that he never had given Lord Pigot any presents, but Lord Pigot had given him many; and that as to his correspondence with the Madras government, he would not trouble Mr. Benfield, because he would write his letters himself. That the Rajah told the witness, that by reason of this answer he was much threatened, in consequence of which he desired Colonel Harper, who then commanded at Tanjore, to be present at his next interview with Mr. Benfield; when Mr. Benfield denied many parts of the preceding conversation, and threw the blame upon his interpreter, Comroo. When Mr. Benfield found (as the Rajah informed him) that he could not carry these points which had brought him to Tanjore, he prepared to set off for Madras; that the Rajah sent him a letter which he had drawn out in answer to one which Mr. Benfield had brought him; that Mr. Benfield disapproved of the answer,

and returned it by Comroo to the durbar, who did not deliver it into the Rajah's hands, but threw it upon the ground, and expressed himself improperly to him.

Being asked, Whether it was at the king of Tanjore's desire, that such persons as Mr. Benfield and Comroo had been brought into his presence? he said, The Rajah told him, that, when Lord Pigot came to Tanjore, to restore him to his dominions, Comroo, without being sent for, or desired to come to the palace, had found means to get access to his person: he made an offer of introducing Mr. Benfield to the Rajah, which he declined. — Being asked, Whether the military officer commanding there protected the Rajah from the intrusion of such people? he said, The Rajah did not tell him that he called upon the military officer to prevent these intrusions, but that he desired Colonel Harper to be present as a witness to what might pass between him and Mr. Benfield. — Being asked, If it is usual for persons of the conditions and occupations of Mr. Benfield and Comroo to intrude themselves into the presence of the princes of the country, and to treat them with such freedom? he said, Certainly it is not: less there than in any other country. — Being asked, Whether the king of Tanjore has no ministers to whom application might be made to transact such business as Mr. Benfield and Comroo had to do in the country? he said, Undoubtedly: his minister is the person whose province it is to transact that business. — Being asked, Before the invasion of the British troops into Tanjore, what would have been the consequence, if Mr. Benfield had intruded himself into the Rajah's presence, and behaved in that manner? he said, He could not say what would have been the consequence; but the attempt would have been madness, and could not have happened. — Being asked, Whether the Rajah had not particular exceptions to Comroo, and thought he had betrayed him in very essential points? he said, Yes, he had. — Being asked, Whether the Rajah has not been apprised that the Company have made stipulations that their servants should not interfere in the concerns of his government? he said, He signified it to the Rajah, that it was the Company's positive orders, and that any of their servants so interfering would incur their highest displeasure.

No. 8.

Referred to from , &c.

Commissioners' Amended Clauses for the Fort St. George Dispatch, relative to the Indeterminate Rights and Pretensions of the Nabob of Arcot and Rajah of Tanjore.

In our letter of the 28th January last we stated the reasonableness of our expectation that certain contributions towards the expenses of the war should be

made by the Rajah of Tanjore. Since writing that letter, we have received one from the Rajah, of the 15th of October last, which contains at length his representations of his inability to make such further payment. We think it unnecessary here to discuss whether these representations are or are not exaggerated, because, from the explanations we have given of our wishes for a new arrangement in future, both with the Nabob of Arcot and the Rajah of Tanjore, and the directions we have given you to carry that arrangement into execution, we think it impolitic to insist upon any demands upon the Rajah for the expenses of the late war, beyond the sum of four lacs of pagodas annually: such a demand might tend to interrupt the harmony which should prevail between the Company and the Rajah, and impede the great objects of the general system we have already so fully explained to you.

But although it is not our opinion that any further claim should be made on the Rajah for his share of the extraordinary expenses of the late war, it is by no means our intention in any manner to affect the just claim which the Nabob has on the Rajah for the arrears due to him on account of peshcush, for the regular payment of which we became guaranty by the treaty of 1762; but we have already expressed to you our hopes that the Nabob may be induced to allow these arrears and the growing payments, when due, to be received by the Company, and carried in discharge of his debt to us. You are at the same time to use every means to convince him, that, when this debt shall be discharged, it is our intention, as we are bound by the above treaty, to exert ourselves to the utmost of our power to insure the constant and regular payment of it into his own hands.

We observe, by the plan sent to us by our Governor of Fort St. George, on the 30th October, 1781, that an arrangement is there proposed for the receipt of those arrears from the Rajah in three years.

We are unable to decide how far this proposal may be consistent with the present state of the Rajah's resources; but we direct you to use all proper means to bring these arrears to account as soon as possible, consistently with a due attention to this consideration.

CLAUSES H.

You will observe, that, by the 38th section of the late act of Parliament, it is enacted, that, for settling upon a permanent foundation the present indeterminate rights of the Nabob of Arcot and the Rajah of Tanjore with respect to each other, we should take into our immediate consideration the said indeterminate rights and pretensions, and take and pursue such measures as in our judgment and discretion shall be best calculated to ascertain and settle the same, according to the principles and the terms and stipulations contained in the treaty of 1762 between the said Nabob and the said Rajah.

On a retrospect of the proceedings transmitted to us from your Presidency, on the subject of the disputes which have heretofore arisen between the Nabob and the Rajah, we find the following points remain unadjusted, viz.

1st, Whether the jaghire of Arnee shall be enjoyed by the Nabob, or delivered up, either to the Rajah, or the descendants of Tremaul Row, the late jaghiredar.

2d, Whether the fort and district of Hanamantagoody, which is admitted by both parties to be within the Marawar, ought to be possessed by the Nabob, or to be delivered up by him to the Rajah.

3rd, To whom the government share of the crop of the Tanjore country, of the year 1775-6, properly belongs.

Lastly, Whether the Rajah has a right, by usage and custom, or ought, from the necessity of the case, to be permitted to repair such part of the Anicut, or dam and banks of the Cavery, as lie within the district of Trichinopoly, and to take earth and sand in the Trichinopoly territory for the repairs of the dam and banks within either or both of those districts.

In order to obtain a complete knowledge of the facts and circumstances relative to the several points in dispute, and how far they are connected with the treaty of 1762, we have with great circumspection examined into all the materials before us on these subjects, and will proceed to state to you the result of our inquiries and deliberations.

The objects of the treaty of 1762 appear to be restricted to the arrears of tribute to be paid to the Nabob for his past claims, and to the quantum of the Rajah's future tribute or peshcush; the cancelling of a certain bond given by the Rajah's father to the father of the Nabob; the confirmation to the Rajah of the districts of Coveladdy and Elangaud, and the restoration of Tremaul Row to his jaghire of Arnee, in condescension to the Rajah's request, upon certain stipulations, viz., that the fort of Arnee and Doby Gudy should be retained by the Nabob; that Tremaul Row should not erect any fortress, walled pagoda, or other stronghold, nor any wall round his dwelling-house exceeding eight feet high or two feet thick, and should in all things behave himself with due obedience to the government; and that he should pay yearly, in the month of July, unto the Nabob or his successors, the sum of ten thousand rupees: the Rajah thereby becoming the security for Tremaul Row, that he should in all things demean and behave himself accordingly, and pay yearly the stipulated sum.

Upon a review of this treaty, the only point now in dispute, which appears to us to be so immediately connected with it as to bring it within the strict line of our duty to ascertain and settle according to the terms and stipulations of the treaty, is that respecting Arnee. For, although the other points enumerated may in some respects have a relation to that treaty, yet, as they are foreign to the purposes expressed in it, and could not be in the contemplation of the contracting parties at the time of making it, those disputes cannot in our comprehension fall within the

line of description of rights and pretensions to be now ascertained and settled by us, according to any of the terms and stipulations of it.

In respect to the jaghire of Arnee, we do not find that our records afford us any satisfactory information by what title the Rajah claims it, or what degree of relationship or connection has subsisted between the Rajah and the Killadar of Arnee, save only that by the treaty of 1762 the former became the surety for Tremaul Row's performance of his engagements specified therein, as the conditions for his restoration to that jaghire; on the death of Tremaul Row, we perceive that he was succeeded by his widow, and after her death, by his grandson Seneewasarow, both of whom were admitted to the jaghire by the Nabob.

From your Minutes of Consultation of the 31st October, 1770, and the Nabob's letter to the President of the 21st March, 1771, and the two letters from Rajah Beerbur Atchenur Punt (who we presume was then the Nabob's manager at Arcot) of the 16th and 18th March, referred to in the Nabob's letter, and transmitted therewith to the President, we observe, that, previous to the treaty of 1762, Mr. Pigot concurred in the expediency of the Nabob's taking possession of this jaghire, on account of the troublesome and refractory behavior of the Arnee braminees, by their affording protection to all disturbers, who, by reason of the little distance between Arnee and Arcot, fled to the former, and were there protected, and not given up, though demanded; — that, though the jaghire was restored in 1762, it was done under such conditions and restrictions as were thought best calculated to preserve the peace and good order of the place and due obedience to government; — that, nevertheless, the braminees (quarrelling among themselves) did afterwards, in express violation of the treaty, enlist and assemble many thousand sepoys, and other troops; that they erected gaddies and other small forts, provided themselves with wall-pieces, small guns, and other warlike stores, and raised troubles and disturbances in the neighborhood of the city of Arcot and the forts of Arnee and Shaw Gaddy; and that, finally, they imprisoned the hircarrahs of the Nabob, sent with his letters and instructions, in pursuance of the advice of your board, to require certain of the braminees to repair to the Nabob at Chepauk, and, though peremptorily required to repair thither, paid no regard to those, or to any other orders from the circar.

By the 13th article contained in the instructions given by the Nabob to Mr. Dupré, as the basis for negotiating the treaty made with the Rajah in 1771, the Nabob required that the Arnee district should be delivered up to the circar, because the braminees had broken the conditions which they were to have observed. In the answers given by the Rajah to these propositions, he says, "I am to give up to the circar the jaghire district of Arnee"; and on the 7th of November, 1771, the Rajah, by letter to Seneewasarow, who appears by your Consultations and country correspondence to have been the grandson of Tremaul Row, and to have been put in possession of the jaghire at your recommendation, (on the death of his

grandmother,) writes, acquainting him that he had given the Arnee country, then in his (Seneewasarow's) possession, to the Nabob, to whose aumildars Seneewasarow was to deliver up the possession of the country. And in your letter to us of the 28th February, 1772, you certified the district of Arnee to be one of the countries acquired by this treaty, and to be of the estimated value of two lacs of rupees per annum.

In our orders dated the 12th of April, 1775, we declared our determination to replace the Rajah upon the throne of his ancestors, upon certain terms and conditions, to be agreed upon for the mutual benefit of himself and the Company, without infringing the rights of the Nabob. We declared that our faith stood pledged by the treaty of 1762 to obtain payment of the Rajah's tribute to the Nabob, and that for the insuring such payment the fort of Tanjore should be garrisoned by our troops. We directed that you should pay no regard to the article of the treaty of 1771 which respected the alienation of part of the Rajah's dominions; and we declared, that, if the Nabob had not a just title to those territories before the conclusion of the treaty, we denied that he obtained any right thereby, except such temporary sovereignty, for securing the payment of his expenses, as is therein mentioned.

These instructions appear to have been executed in the month of April, 1776; and by your letter of the 14th May following you certified to us that the Rajah had been put into the possession of the whole country his father held in 1762, when the treaty was concluded with the Nabob; but we do not find that you came to any resolution, either antecedent or subsequent to this advice, either for questioning or impeaching the right of the Nabob to the sovereignty of Arnee, or expressive of any doubt of his title to it. Nevertheless, we find, that, although the Board passed no such resolution, yet your President, in his letter to the Nabob of the 30th July and 24th August, called upon his Highness to give up the possession of Arnee to the Rajah; and the Rajah himself, in several letters to us, particularly in those of 21st October, 1776, and the 7th of June, 1777, expressed his expectation of our orders for delivering up that fort and district to him; and so recently as the 15th of October, 1783, he reminds us of his former application, and states, that the country of Arnee being guarantied to him by the Company, it of course is his right, but that it has not been given up to him, and he therefore earnestly entreats our orders for putting him into the possession of it. We also observe by your letter of the 14th of October, 1779, that the Rajah had not then accounted for the Nabob's peshcush since his restoration, but had assigned as a reason for his withdrawing it, that the Nabob had retained from him the district of Arnee, with a certain other district, (Hanamantagoody,) which is made the subject of another part of our present dispatches.

We have thus stated to you the result of our inquiry into the grounds of the dispute relative to Arnee; and as the research has offered no evidence in support of

the Rajah's claim, nor even any lights whereby we can discover in what degree of relationship, by consanguinity, caste, or other circumstances, the Rajah now stands, or formerly stood, with the Killadar of Arnee, or the nature of his connection with or command over that district, or the authority he exercised or assumed previous to the treaty of 1771, we should think ourselves highly reprehensible in complying with the Rajah's request, — and the more so, as it is expressly stated, in the treaty of 1762, that this fort and district were then in the possession of the Nabob, as well as the person of the jaghiredar, on account of his disobedience, and were restored him by the Nabob, in condescension to the Rajah's request, upon such terms and stipulations as could not, in our judgment, have been imposed by the one or submitted to by the other, if the sovereignty of the one or the dependency of the other had been at that time a matter of doubt.

Although these materials have not furnished us with evidence in support of the Rajah's claim, they are far from satisfactory to evince the justice of or the political necessity for the Nabob's continuing to withhold the jaghire from the descendants of Tremaul Row; his hereditary right to that jaghire seems to us to have been fully recognized by the stipulations of the treaty of 1762, and so little doubted, that, on his death, his widow was admitted by the Nabob to hold it, on account, as may be presumed, of the nonage of his grandson and heir, Seneewasarow, who appears to have been confirmed in the jaghire, on her death, by the Nabob, as the lineal heir and successor to his grandfather.

With respect to Seneewasarow, it does not appear, by any of the Proceedings in our possession, that he was concerned in the misconduct of the braminees, complained of by the Nabob in the year 1770, which rendered it necessary for his Highness to take the jaghire into his own hands, or that he was privy to or could have prevented those disturbances.

We therefore direct, that, if the heir of Tremaul Row is not at present in possession of the jaghire, and has not, by any violation of the treaty, or act of disobedience, incurred a forfeiture thereof, he be forthwith restored to the possession of it, according to the terms and stipulations of the treaty of 1762. But if any powerful motive of regard to the peace and tranquillity of the Carnatic shall in your judgment render it expedient to suspend the execution of these orders, in that case you are with all convenient speed to transmit to us your proceedings thereupon, with the full state of the facts, and of the reasons which have actuated your conduct.

We have before given it as our opinion that the stipulations of the treaty of 1762 do not apply to the points remaining to be decided. But the late act of Parliament having, from the nature of our connection with the two powers in the Carnatic, pointed out the expediency, and even necessity, of settling the several matters in dispute between them by a speedy and permanent arrangement, we now proceed to

give you our instructions upon, the several other heads of disputes before enumerated.

With respect to the fort and district of Hanamantagoody, we observe, that, on the restoration of the Rajah in 1776, you informed us in your letter of the 14th of May, That the Rajah had been put into possession of the whole of the country his father held in 1762, when the treaty was concluded with the Nabob; and on the 25th of June you came to the resolution of putting the Rajah into possession of Hanamantagoody, on the ground of its appearing, on reference to the Nabob's instructions to Mr. Dupré in June, 1762, to his reply, and to the Rajah's representations of 25th March, 1771, that Hanamantagoody was actually in the hands of the late Rajah at the time of making the treaty of 1762. We have referred as well to those papers as to all the other proceedings on this subject, and must confess they fall very short of demonstrating to us the truth of that fact. And we find, by the Secret Consultations of Fort William of the 7th of August, 1776, that the same doubt was entertained by our Governor-General and Council.

But whether, in point of fact, the late Rajah was or was not in possession of Hanamantagoody in 1762, it is notorious that the Nabob had always claimed the dominion of the countries of which this fort and district are a part.

We observe that the Nabob is now in the actual possession of this fort and district; and we are not warranted, by any document we have seen, to concur with the wishes of the Rajah to dispossess him.

With regard to the government share of the crop of 1775-6, we observe by the dobeer's memorandum, recited in your Consultations of the 13th of May, 1776, that it was the established custom of the Tanjore country to gather in the harvest and complete the collections within the month of March, but that, for the causes therein particularly stated, the harvest (and of course the collection of the government share of the crop) was delayed till the month of March was over. We also observe that the Rajah was not restored to his kingdom until the 11th of April, 1776; and from hence we infer, that, if the harvest and collection had been finished at the usual time, the Nabob (being then sovereign of the country) would have received the full benefit of that year's crop.

Although the harvest and collection were delayed beyond the usual time, yet we find by the Proceedings of your government, and particularly by Mr. Mackay's Minute of the 29th of May, 1776, and also by the dobeer's account, that the greatest part of the grain was cut down whilst the Nabob remained in the government of the country.

It is difficult, from the contradictory allegations on the subject, to ascertain what was the precise amount of the collections made after the Nabob ceased to have the possession of the country. But whatever it was, it appears from General Stuart's letter of the 2d of April, 1777, that it had been asserted with good authority that the

far greater part of the government share of the crop was plundered by individuals, and never came to account in the Rajah's treasury.

Under all the circumstances of this case, we must be of opinion that the government share of the crop of 1776 belonged to the Nabob, as the then reigning sovereign of the kingdom of Tanjore, he being, *de facto*, in the full and absolute possession of the government thereof; and consequently that the assignments made by him of the government share of the crop were valid.

Nevertheless, we would by no means be understood by this opinion to suggest that any further demands ought to be made upon the Rajah, in respect of such parts of the government share of the crop as were collected by his people.

For, on the contrary, after so great a length of time as hath elapsed, we should think it highly unjust that the Rajah should be now compelled either to pay the supposed balances, whatever they may be, or be called upon to render a specific account of the collection made by his people.

The Rajah has already, in his letter to Governor Stratton of the 21st of April, 1777, given his assurance, that the produce of the preceding year, accounted for to him, was little more than one lac of pagodas; and as you have acquainted us, by your letter of the 14th of October, 1779, that the Rajah has actually paid into our treasury one lac of pagodas, by way of deposit, on account of the Nabob's claims to the crop, till our sentiments should be known, we direct you to surcease any further demands from the Rajah on that account.

We learn by the Proceedings, and particularly by the Nabob's letter to Lord Pigot of the 6th of July, 1776, that the Nabob, previous to the restoration of the Rajah, actually made assignments or granted tunkaws of the whole of his share of the crop to his creditors and troops; and that your government, (entertaining the same opinion as we do upon the question of right to that share,) by letter to the Rajah of the 20th of August, 1776, recommended to him "to restore to Mr. Benfield (one of the principal assignees or tunkaw-holders of the Nabob) the grain of the last year, which was in possession of his people, and said to be forcibly taken from them, — and farther, to give Mr. Benfield all reasonable assistance in recovering such debts as should appear to have been justly due to him from the inhabitants; and acquainted the Rajah that it had been judged by a majority of the Council that it was the Company's intention to let the Nabob have the produce of the crop of 1776, but that you had no intention that the Rajah should be accountable for more than the government share, whatever that might be; and that you did not mean to do more than recommend to him to see justice done, leaving the manner and time to himself." Subsequent representations appear to have been made to the Rajah by your government on the same subject, in favor of the Nabob's mortgages.

In answer to these applications, the Rajah, in his letter to Mr. Stratton of the 12th January, 1777, acquainted you "that he had given orders respecting the grain which Mr. Benfield had heaped up in his country; and with regard to the money due to

him by the farmers, that he had desired Mr. Benfield to bring accounts of it, that he might limit a time for the payment of it proportionably to their ability, and that the necessary orders for stopping this money out of the inhabitants' share of the crop had been sent to the ryots and aumildars; that Mr. Benfield's gomastah was then present there, and oversaw his affairs; and that in everything that was just he (the Rajah) willingly obeyed our Governor and Council."

Our opinion being that the Rajah ought to be answerable for no more than the amount of what he admits was collected by his people for the government share of the crop; and the Proceedings before us not sufficiently explaining whether, in the sum which the Rajah, by his before-mentioned letter of the 21st April, 1777, admits to have collected, are included those parts of the government share of the crop which were taken by his people from Mr. Benfield, or from any other of the assignees or tunkaw-holders; and uninformed, as we also are, what compensation the Rajah has or has not made to Mr. Benfield, or any other of the parties from whom the grain was taken by the Rajah's people; or whether, by means of the Rajah's refusal so to do, or from any other circumstance, any of the persons dispossessed of their grain may have had recourse to the Nabob for satisfaction: we are, for these reasons, incompetent to form a proper judgment what disposition ought in justice to be made of the one lac of pagodas deposited by the Rajah. But as our sentiments and intentions are so fully expressed upon the whole subject, we presume you, who are upon the spot, can have no doubt or difficulty in making such an application of the deposit as will be consistent with those principles of justice whereon our sentiments are founded. But should any such difficulty suggest itself, you will suspend any application of the deposit, until you have fully explained the same to us, and have received our further orders.

With respect to the repairs of the Anicut and banks of the Cavery we have upon various occasions fully expressed to you our sentiments, and in particular in our general letter of the 4th July, 1777, we referred you to the investigation and correspondence on that subject of the year 1764, and to the report made by Mr. James Bouchier, on his personal survey of the waters, and to several letters of the year 1765 and 1767; we also, by our said general letter, acquainted you that it appeared to us perfectly reasonable that the Rajah should be permitted to repair those banks, and the Anicut, in the same manner as had been practised in times past; and we directed you to establish such regulations, by reference to former usage, for keeping the said banks in repair, as would be effectual, and remove all cause of complaint in future.

Notwithstanding such our instructions, the Rajah, in his letter to us of the 15th October, 1783, complains of the destruction of the Anicut; and as the cultivation of the Tanjore country appears, by all the surveys and reports of our engineers employed on that service, to depend altogether on a supply of water by the Cavery, which can only be secured by keeping the Anicut and banks in repair, we think it

necessary to repeat to you our orders of the 4th July, 1777, on the subject of those repairs.

And further, as it appears by the survey and report of Mr. Pringle, that those repairs are attended with a much heavier expense, when done with materials taken from the Tanjore district, than with those of Trichinopoly, and that the last-mentioned materials are far preferable to the other, it is our order, that, if any occurrences should make it necessary or expedient, you apply to the Nabob, in our name, to desire that his Highness will permit proper spots of ground to be set out, and bounded by proper marks on the Trichinopoly side, where the Rajah and his people may at all times take sand and earth sufficient for these repairs; and that his Highness will grant his lease of such spots of land for a certain term of years to the Company, at a reasonable annual rent, to the intent that through you the cultivation of the Tanjore country may be secured, without infringing or impairing the rights of the Nabob.

If any attempts have been or shall be hereafter made to divert the water from the Cavery into the Coleroon, by contracting the current of the Upper or Lower Cavery, by planting long grass, as mentioned in Mr. Pringle's report, or by any other means, we have no doubt his Highness, on a proper representation to him in our name, will prevent his people from taking any measures detrimental to the Tanjore country, in the prosperity of which his Highness, as well as the Company, is materially interested.

Should you succeed in reconciling the Nabob to this measure, we think it but just that the proposed lease shall remain no longer in force than whilst the Rajah shall be punctual in the payment of the annual peshcush to the Nabob, as well as the rent to be reserved for the spots of ground. And in order effectually to remove all future occasions of jealousy and complaint between the parties, — that the Rajah, on the one hand, may be satisfied that all necessary works for the cultivation of his country will be made and kept in repair, and that the Nabob, on the other hand, may be satisfied that no encroachment on his rights can be made, nor any works detrimental to the fertility of his country erected, — we think it proper that it should be recommended to the parties, as a part of the adjustment of this very important point, that skilful engineers, appointed by the Company, be employed at the Rajah's expense to conduct all the necessary works, with the strictest attention to the respective rights and interests of both parties. This will remove every probability of injury or dispute. But should either party unexpectedly conceive themselves to be injured, immediate redress might be obtained by application to the government of Madras, under whose appointment the engineer will act, without any discussion between the parties, which might disturb that harmony which it is so much the wish of the Company to establish and preserve, as essential to the prosperity and peace of the Carnatic.

Having now, in obedience to the directions of the act of Parliament, upon the fullest consideration of the indeterminate rights and pretensions of the Nabob and Rajah, pointed out such measures and arrangements as in our judgment and discretion will be best calculated to ascertain and settle the same, we hope, that, upon a candid consideration of the whole system, although each of the parties may feel disappointed in our decision on particular points, they will be convinced that we have been guided in our investigation by principles of strict justice and impartiality, and that the most anxious attention has been paid to the substantial interests of both parties, and such a general and comprehensive plan of arrangement proposed as will most effectually prevent all future dissatisfaction.

Approved by the Board.

HENRY DUNDAS,
WALSINGHAM,
W.W. GRENVILLE,
MULGRAVE.

WHITEHALL, October 27, 1784.

No. 9.

Referred to from p and 85.

Extract of a Letter from the Court of Directors to the President and Council of Fort St. George, as amended and approved by the Board of Control.

We have taken into our consideration the several advices and papers received from India, relative to the assignment of the revenues of the Carnatic, from the conclusion of the Bengal treaty to the date of your letter in October, 1783, together with the representations of the Nabob of the Carnatic upon that subject; and although we might contend that the agreement should subsist till we are fully reimbursed his Highness's proportion of the expenses of the war, yet, from a principle of moderation, and personal attachment to our old ally, his Highness the Nabob of the Carnatic, for whose dignity and happiness we are ever solicitous, and to cement more strongly, if possible, that mutual harmony and confidence which our connection makes so essentially necessary for our reciprocal safety and welfare, *and for removing from his mind every idea of secret design on our part to lessen his authority over the internal government of the Carnatic*, and the collection and

administration of its revenues, we have resolved that the assignment shall be surrendered; and we do accordingly direct our President, in whose name the assignment was taken, *without delay*, to surrender the same to his Highness. But while we have adopted this resolution, we repose entire confidence in his Highness, that, actuated by the same motives of liberality, and feelings of old friendship and alliance, he will cheerfully and instantly accede to such arrangements as are necessary to be adopted for our common safety, and for preserving the respect, rights, and interests we enjoy in the Carnatic. The following are the heads and principles of such an arrangement as we are decisively of opinion must be adopted for these purposes, viz.

That, for making a provision for discharging the Nabob's just debts to the Company and individuals, (for the payment of which his Highness has so frequently expressed the greatest solicitude,) *the Nabob shall give soucar security for the punctual payment, by instalments*, into the Company's treasury, of twelve lacs of pagodas per annum, (as voluntarily proposed by his Highness,) until those debts, with interest, shall be discharged; and shall also consent that the equitable provision lately made by the British legislature for the liquidation of those debts, *and such resolutions and determinations as we shall hereafter make*, under the authority of that provision for the liquidation and adjustment of the said debts, *bonâ fide* incurred, shall be carried into full force and effect.

Should any difficulty arise between his Highness and our government of Fort St. George, in respect to *the responsibility of the soucar security*, or the times and terms of the instalments, it is our pleasure that you pay obedience to the orders and resolutions of our Governor-General and Council of Bengal in respect thereto, not doubting but the Nabob will in such case consent to abide by the determination of our said supreme government.

Although, from the great confidence we repose in the honor and integrity of the Nabob, and from an earnest desire not to subject him to any embarrassment on this occasion, we have not proposed any specific assignment of territory or revenue for securing the payments aforesaid, we nevertheless think it our duty, as well to the private creditors, whose interests in this respect have been so solemnly intrusted to us by the late act of Parliament, as from regard to the debt due to the Company, to insist on a declaration, that, in the event of the failure of the security proposed, or in default of payment at the stipulated periods, we reserve to ourselves full right to demand of the Nabob such *additional security*, by assignment on his country, as shall be effectual for answering the purposes of the agreement.

After having conciliated the mind of the Nabob to this measure, and adjusted the particulars, you are to carry the same into execution by a formal deed between his Highness and the Company, according to the tenor of these instructions.

As the administration of the British interests and connections in India has in some respects assumed a new shape by the late act of Parliament, and a general

peace in India has been happily accomplished, the present appears to us to be the proper period, and which cannot without great imprudence be omitted, to settle and arrange, by a just and equitable treaty, a plan for the future defence and protection of the Carnatic, both in time of peace and war, on a solid and lasting foundation.

For the accomplishment of this great and necessary object, we direct you, in the name of the Company, to use your utmost endeavors to impress the expediency of, and the good effects to be derived from this measure, so strongly upon the minds of the Nabob and the Rajah of Tanjore, as to prevail upon them, jointly or separately, to enter into one or more treaty or treaties with the Company, grounded on this principle of equity: That all the contracting parties shall be bound to contribute jointly to the support of the military force and garrisons, as well in peace as in war.

That the military peace establishment shall be forthwith settled and adjusted by the Company, in pursuance of the authority and directions given to them by the late act of Parliament.

As the payment of the troops and garrisons, occasional expenses in the repairs and improvements of fortifications, and other services incidental to a military establishment, must of necessity be punctual and accurate, no latitude of personal assurance or reciprocal confidence of either of the parties on the other must be accepted or required; but the Nabob and Rajah must of necessity specify particular districts and revenues for securing the due and regular payment of their contributions into the treasury of the Company, with whom the charge of the defence of the coast, and of course the power of the sword, must be exclusively intrusted, with power for the Company, in case of failure or default of such payments at the stipulated times and seasons, to enter upon and possess such districts, and to let the same to renters, to be confirmed by the Nabob and the Rajah respectively; but, trusting that in the execution of this part of the arrangement no undue obstruction will be given by either of those powers, we direct that this part of the treaty be coupled with a most positive assurance, on our part, of our determination to support the dignity and authority of the Nabob and Rajah in the exclusive administration of the civil government and revenues of their respective countries; — and further, that, in case of *any* hostility committed against the territories of either of the contracting parties on the coast of Coromandel, the whole revenues of their respective territories shall be considered as one common stock, to be appropriated in the common cause of their defence; that the Company, on their part, shall engage to refrain, *during the war*, from the application of any part of their revenues to any commercial purposes whatsoever, but apply the whole, save only the ordinary charges of their civil government, to the purposes of the war; that the Nabob and the Rajah shall in like manner engage, on their parts, to refrain, during the war, from the application of any part of their revenues, save only what shall be actually necessary for the support of themselves and the civil government of their respective countries, to any other purposes than that of defraying the expenses

of such military operations as the Company may find it necessary to carry on for the common safety of their interests on the coast of Coromandel.

And to obviate any difficulties or misunderstanding which might arise from leaving indeterminate the sum necessary to be appropriated for the civil establishment of each of the respective powers, that the sum be now ascertained which is indispensably necessary to be applied to those purposes, and which is to be held sacred under every emergency, and set apart previous to the application of the rest of the revenues, as hereby stipulated, for the purposes of mutual or common defence against any enemy, for *clearing* the incumbrance which may have become necessarily incurred in addition to the expenditure of those revenues *which must be always deemed part of the war establishment*. This we think absolutely necessary; as nothing can tend so much to the preservation of peace, and to prevent the renewal of hostilities, as the early putting the finances of the several powers upon a clear footing, and the showing to all other powers that the Company, the Nabob, and the Rajah are firmly united in one common cause, and combined in one system of permanent and vigorous defence, for the preservation of their respective territories and the general tranquillity.

That the whole aggregate revenue of the contracting parties shall, during the war, be under the application of the Company, and shall continue as long after the war *as shall be necessary, to discharge the burdens contracted by it*; but it must be declared that this provision shall in no respect extend to deprive either the Nabob or the Rajah of the substantial authority necessary to the collection of the revenues of their respective countries. But it is meant that they shall faithfully perform the conditions of this arrangement; and if a division of any part of the revenues to any other than the stipulated purposes shall take place, the Company shall be entitled to take upon themselves the collection of the revenue.

The Company are to engage, during the time they shall administer the revenues, to produce to the other contracting parties regular accounts of the application thereof to the purposes stipulated by the treaty, and faithfully apply them in support of the war.

And, lastly, as the defence of the Carnatic is thus to rest with the Company, the Nabob shall be satisfied of the propriety of avoiding all unnecessary expense, and will therefore agree not to maintain a greater number of troops than shall be necessary for the support of his dignity and the splendor of the durbar, which number shall be specified in the treaty; and if any military aid is requisite for the security and collection of his revenues, other than the fixed establishment employed to enforce the ordinary collections and preserve the police of the country, the Company must be bound to furnish him with such aid: the Rajah of Tanjore must likewise become bound by similar engagements, and be entitled to similar aid.

As, in virtue of the powers vested in Lord Macartney by the agreement of December, 1781, sundry leases, of various periods, have been granted to renters,

we direct that you apply to the Nabob, in our name, for his consent that they may be *permitted* to hold their leases to the end of the stipulated term; and we have great reliance on the liberality and spirit of accommodation manifested by the Nabob on so many occasions, that he will be disposed to acquiesce in a proposition so *just and reasonable*. But if, contrary to our expectations, his Highness should be impressed with any particular aversion to comply with this proposition, we do not desire you to insist upon it as an essential part of the arrangement to take place between us; but, in that event, you must take especial care to give such indemnification to the renters for any loss they may sustain as you judge to be reasonable.

It equally concerns the honor of our government, that such natives as may have been put in any degree of authority over the collections, in consequence of the deed of assignment, and who have proved faithful to their trust, shall not suffer inconvenience on account of their fidelity.

Having thus given our sentiments at large, as well for the surrender of the assignment as with regard to those arrangements which we think necessary to adopt in consequence thereof, we cannot dismiss this subject without expressing our highest approbation of *the ability, moderation, and command of temper* with which our President at Madras has conducted himself in the management of a very delicate and embarrassing situation. His conduct, and that of the Select Committee of Fort St. George, in the execution of the trust delegated to Lord Macartney by the Nabob Mahomed Ali, has been vigorous and effectual, for the purpose of realizing as great a revenue, at a crisis of necessity, as the nature of the case admitted; and the imputation of corruption, suggested in some of the Proceedings, appears to be totally groundless and unwarranted.

While we find so much to applaud, it is with regret we are induced to advert to anything which may appear worthy of blame: as the step of issuing the Torana Chits in Lord Macartney's own name can only be justified upon the ground of absolute necessity; and as his Lordship had every reason to believe that the demand, when made, would be irksome and disagreeable to the feelings of Mahomed Ali, every precaution ought to have been used and more time allowed for proving that necessity, by previous acts of address, civility, and conciliation, applied for the purposes of obtaining his authority to such a measure. It appears to us that more of this might have been used; and therefore we cannot consider the omission of it as blameless, consistent with our wishes of sanctifying no act contrary to the spirit of the agreement, or derogatory to the authority of the Nabob of the Carnatic, in the exercise of any of his just rights in the government of the people under his authority.

We likewise observe, the Nabob has complained that no official communication was made to him of the peace, for near a month after the cessation of arms took place. This, and every other mark of disrespect to the Nabob, will ever appear

highly reprehensible in our eyes; and we direct that you do, upon all occasions, pay the highest attention to him and his family.

Lord Macartney, in his Minute of the 9th of September last, has been fully under our consideration. We shall ever applaud the prudence and foresight of our servants which induces them to collect and communicate to us every opinion, or even ground of suspicion they may entertain, relative to any of the powers in India with whose conduct our interest and the safety of our settlements is essentially connected. At the same time we earnestly recommend that those opinions and speculations be communicated to us with prudence, discretion, and all possible secrecy, *and the terms in which they are conveyed be expressed in a manner as little offensive as possible to the powers whom they may concern and into whose hands they may fall.*

We next proceed to give you our sentiments respecting the private debts of the Nabob; *and we cannot but acknowledge* that the origin and justice, both of the loan of 1767, and the loan of 1777, commonly called the Cavalry Loan, appear to us clear and indisputable, agreeable to the true sense and spirit of the late act of Parliament.

In speaking of the loan of 1767, we are to be understood as speaking of the debt as constituted by the original bonds of that year, bearing interest at 10*l.* per cent; and therefore, if any of the Nabob's creditors, under a pretence that their debts made part of the consolidated debt of 1767, although secured by bonds of a subsequent date, carrying an interest exceeding 10*l.* per cent, shall claim the benefit of the following orders, we direct that you pay no regard to such claims, without further especial instructions for that purpose.

With respect to the consolidated debt of 1777, it certainly stands upon a less favorable footing. So early as the 27th March, 1769, it was ordered by our then President and Council of Fort St. George, that, for the preventing all persons living under the Company's protection from having any dealings with any of the country powers or their ministers without the knowledge or consent of the Board, an advertisement should be published, by fixing it up at the sea-gate, and sending round a copy to the Company's servants and inhabitants, and to the different subordinates, and our garrisons, and giving it out in general orders, stating therein that the President and Council did consider the irreversible order of the Court of Directors of the year 1714 (whereby their people were prohibited from having any dealings with the country governments in money matters) to be in full force and vigor, and thereby expressly forbidding all servants of the Company, and other Europeans under their jurisdiction, to make loans or have any money transactions with any of the princes or states in India, without special license and permission of the President and Council for the time being, except only in the particular cases there mentioned, and declaring that any wilful deviation therefrom should be deemed a breach of orders, and treated as such. And on the 4th of March, 1778, it was resolved by our President and Council of Fort St George, that the consolidated debt

of 1777 was not, on any respect whatever, conducted under the auspices or protection of that government; and on the circumstance of the consolidation of the said debt being made known to us, we did, on the 23rd of December, 1778, write to you in the following terms: “Your account of the Nabob’s private debts is very alarming; but from whatever cause or causes those debts have been contracted or increased, we hereby repeat our orders, that the sanction of the Company be on no account given to any kind of security for the payment or liquidation of any part thereof, (except by the express authority of the Court of Directors,) on any account or pretence whatever.”

The loan of 1777, therefore, has no sanction or authority from us; and in considering the situation and circumstances of this loan, we cannot omit to observe, that the creditors could not be ignorant how greatly the affairs of the Nabob were at that time deranged, and that his debt to the Company was then very considerable, — the payment of which the parties took the most effectual means to postpone, by procuring an assignment of such specific revenues for the discharge of their own debts as alone could have enabled the Nabob to have discharged that of the Company.

Under all these circumstances, we should be warranted to refuse our aid or protection in the recovery of this loan. But when we consider the inexpediency of keeping the subject of the Nabob’s debts longer afloat than is absolutely necessary, — when we consider how much the final conclusion of this business will tend to promote tranquillity, credit, and circulation of property in the Carnatic, — and when we consider that the debtor concurs with the creditor in establishing the justice of those debts consolidated in 1777 into gross sums, for which bonds were given, liable to be transferred to persons different from the original creditors, and having no share or knowledge of the transactions in which the debts originated, and of course how little ground there is to expect any substantial good to result from an unlimited investigation into them, we have resolved so far to recognize the justice of those debts as to extend to them that protection which, upon *more* forcible grounds, we have seen cause to allow to the other two classes of debts. But although we so far adopt the general presumption in their favor as to admit them to a participation in the manner hereafter directed, we do not mean to debar you from receiving any complaints against those debts of 1777, at the instance either of the Nabob himself, or of other creditors injured by their being so admitted, or by any other persons having a proper interest, or stating reasonable grounds of objection; and if any complaints are offered, we order that the grounds of all such be attentively examined by you, and be transmitted to us, together with the evidence adduced in support of them, for our final decision; and as we have before directed that the sum of twelve lacs of pagodas, to be received annually from the Nabob, should be paid into our treasury, it is our order that the same be distributed according to the following arrangement.

That the debt be made up in the following manner, viz.

The debt consolidated in 1767 to be made up to the end of the year 1784, with the current interest at ten per cent.

The Cavalry Loan to be made up to the same period, with the current interest at twelve per cent.

The debt consolidated in 1777 to be made up to the same period, with the current interest at twelve per cent, to November, 1781, and from thence with the current interest at six per cent.

The twelve lacs annually to be received are then to be applied, —

1. To the growing interest on the Cavalry Loan, at twelve per cent.

2. To the growing interest on the debt of 1777, at six per cent.

The remainder to be equally divided: one half to be applied to the extinction of the Company's debt; the other half to be applied to the payment of growing interest at 10 $\frac{1}{2}$. per cent, and towards the discharge of the principal of the debt of 1767.

This arrangement to continue till the principal of the debt 1767 is discharged.

The application of the twelve lacs is, then, to be, —

1. To the interest of the debt of 1777, as above. The remainder to be then equally divided, — one half towards the discharge of the current interest and principal of the Cavalry Loan, and the other half towards the discharge of the Company's debt.

When the Cavalry Loan shall be thus discharged, there shall then be paid towards the discharge of the Company's debt seven lacs.

To the growing interest and capital of the 1777 loan, five lacs.

When the Company's debt shall be discharged, the whole is then to be applied in discharge of the debt 1777.

If the Nabob shall be prevailed upon to apply the arrears and growing payments of the Tanjore peshcush in further discharge of his debts, over and above the twelve lacs of pagodas, we direct that the whole of that payment, when made, shall be applied towards the reduction of the Company's debt.

We have laid down these general rules of distribution, as appearing to us founded on justice, and the relative circumstances of the different debts; and therefore we give our authority and protection to them only on the supposition that they who ask our protection acquiesce in the condition upon which it is given; and therefore we expressly order, that, if any creditor of the Nabob, a servant of the Company, or being under our protection, shall refuse to express his acquiescence in these arrangements, he shall not only be excluded from receiving any share of the fund under your distribution, but shall be prohibited from taking any separate measures to recover his debt from the Nabob: it being one great inducement to our adopting this arrangement, that the Nabob shall be relieved from all further disquietude by the importunities of his individual creditors, and be left at liberty to pursue those measures for the prosperity of his country which the embarrassments of his situation have hitherto deprived him of the means of exerting. And we further

direct, that, if any creditor shall be found refractory, or disposed to disturb the arrangement we have suggested, he shall be dismissed the service, and sent home to England.

The directions we have given only apply to the three classes of debts which have come under our observation. It has been surmised that the Nabob has of late contracted further debts: if any of these are due to British subjects, we forbid any countenance or protection whatever to be given to them, until the debt is fully investigated, the nature of it reported home, and our special instructions upon it received.

We cannot conclude this subject without adverting in the strongest terms to the prohibitions which have from time to time issued under the authority of different Courts of Directors against any of our servants, or of those under our protection, having any money transactions with any of the country powers, without the knowledge and previous consent of our respective governments abroad. We are happy to find that the Nabob, sensible of the great embarrassments, both to his own and the Company's affairs, which the enormous amount of their private claims have occasioned, is willing to engage not to incur any new debts with individuals, and we think little difficulty will be found in persuading his Highness into a positive stipulation for that purpose. And though the legislature has thus humanely interfered in behalf of such individuals as might otherwise have been reduced to great distress by the past transactions, we hereby, in the most pointed and positive terms, repeat our prohibition upon this subject, and direct that no person, being a servant of the Company, or being under our protection, shall, on any pretence whatever, be concerned in any loan or other money transaction with any of the country powers, unless with the knowledge and express permission of our respective governments. And if any of our servants, or others, being under our protection, shall be discovered in any respect counteracting these orders, we strictly enjoin you to take the first opportunity of sending them home to England, to be punished as guilty of disobedience of orders, and no protection or assistance of the Company shall be given for the recovery of any loans connected with such transactions. Your particular attention to this subject is strictly enjoined; and any connivance on your parts to a breach of our orders upon it will incur our highest displeasure. In order to put an end to those intrigues which have been so successfully carried on at the Nabob's durbar, we repeat our prohibition in the strongest terms respecting any intercourse between British subjects and the Nabob and his family; as we are convinced that such an intercourse has been carried on greatly to the detriment and expense of the Nabob, and merely to the advantage of individuals. We therefore direct that all persons who shall offend against the letter and spirit of this necessary order, whether in the Company's service or under their protection, be forthwith sent to England.

Approved by the Board.
HENRY DUNDAS,
WALSINGHAM,
W.W. GRENVILLE,
MULGRAVE.
WHITEHALL, 15th Oct. 1784.

Extract from the Representation of the Court of Directors of the East India Company.

MY LORDS AND GENTLEMEN, —

It is with extreme concern that we express a difference of opinion with your right honorable board, in this early exercise of your controlling power; but in so novel an institution, it can scarce be thought extraordinary, if the exact boundaries of our respective functions and duties should not at once, on either side, be precisely and familiarly understood, and therefore confide in your justice and candor for believing that we have no wish to invade or frustrate the salutary purposes of your institution, as we on our part are thoroughly satisfied that you have no wish to encroach on the legal powers of the East India Company. We shall proceed to state our objections to such of the amendments as appear to us to be either insufficient, inexpedient, or unwarranted.

6th. Concerning the private debts of the Nabob of Arcot, and the application of the fund of twelve lacs of pagodas per annum.

Under this head you are pleased, in lieu of our paragraphs, to substantiate at once the justice of all those demands which the act requires us to investigate, subject only to a right reserved to the Nabob, or any other party concerned, to question the justice of any debt falling within the last of the three classes. We submit, that at least the opportunity of questioning, within the limited time, the justice of any of the debts, ought to have been fully preserved; and supposing the first and second classes to stand free from imputation, (as we incline to believe they do,) no injury can result to individuals from such discussion: and we further submit to your consideration, how far the express direction of the act to examine the nature and origin of the debts has been by the amended paragraphs complied with; and whether at least the rate of interest, according to which the debts arising from soucar assignment of the land-revenues to the servants of the Company, acting in the capacity of native bankers, have been accumulated, ought not to be inquired into, as well as the reasonableness of the deduction of twenty-five per cent which the Bengal government directed to be made from a great part of the debts on certain conditions. But to your appropriation of the fund our duty requires that we should state our strongest dissent. Our right to be paid the arrears of those expenses

by which, almost to our own ruin, we have preserved the country and all the property connected with it from falling a prey to a foreign conqueror, surely stands paramount to all claims for former debts upon the revenues of a country so preserved, even if the legislature had not expressly limited the assistance to be given the private creditors to be such as should be consistent with our own rights. The Nabob had, long before passing the act, by treaty with our Bengal government, agreed to pay us seven lacs of pagodas, as part of the twelve lacs, in liquidation of those arrears; of which seven lacs the arrangement you have been pleased to lay down would take away from us more than the half, and give it to private creditors, of whose demands there are only about a sixth part which do not stand in a predicament that you declare would not entitle them to any aid or protection from us in the recovery thereof, were it not upon grounds of expediency, as will more particularly appear by the annexed estimate. Until our debt shall be discharged, we can by no means consent to give up any part of the seven lacs to the private creditors; and we humbly apprehend that in this declaration we do not exceed the limits of the authority and rights vested in us.

**THE RIGHT HONORABLE THE COMMISSIONERS FOR THE
AFFAIRS OF INDIA.**

The Representation of the Court of Directors of the East India Company.

My Lords and Gentlemen, —

The Court, having duly attended to your reasonings and decisions on the subjects of Arnee and Hanamantagoody, beg leave to observe, with due deference to your judgment, that the directions we had given in these paragraphs which did not obtain your approbation still appear to us to have been consistent with justice, and agreeable to the late act of Parliament, which pointed out to us, as we apprehended, the treaty of 1762 as our guide.

Signed by order of the said Court,

THO. MORTON, *Sec.*

EAST INDIA HOUSE, the 3rd November, 1784.

Extract of a Letter from the Commissioners for the Affairs of India, to the Court of Directors, dated 3rd November, 1784, in Answer to their Remonstrance.

SIXTH ARTICLE.

We think it proper, considering the particular nature of the subject, to state to you the following remarks on that part of your representation which relates to the plan for the discharging of the Nabob's debts.

1st. You compute the revenue which the Carnatic may be expected to produce only at twenty lacs of pagodas. If we concurred with you in this opinion, we should certainly feel our hopes of advantage to all the parties from this arrangement considerably diminished. But we trust that we are not too sanguine on this head, when we place the greatest reliance on the estimate transmitted to you by your President of Fort St. George, having there the best means of information upon the fact, and stating it with a particular view to the subject matter of these paragraphs. Some allowance, we are sensible, must be made for the difference of collection in the Nabob's hands, but, we trust, not such as to reduce the receipt nearly to what you suppose.

2ndly. In making up the amount of the private debts, you take in compound interest at the different rates specified in our paragraph. This it was not our intention to allow; and lest any misconception should arise on the spot, we have added an express direction that the debts be made up with simple interest only, from the time of their respective consolidation. Clause F f.

3rdly. We have also the strongest grounds to believe that the debts will be in other respects considerably less than they are now computed by you; and consequently, the Company's annual proportion of the twelve lacs will be larger than it appears on your estimate. But even on your own statement of it, if we add to the 150,000*l.*, or 3,75,000 pagodas, (which you take as the annual proportion to be received by the Company for five years to the end of 1789,) the annual amount of the Tanjore peshcush for the same period, and the arrears on the peshcush, (proposed by Lord Macartney to be received in three years,) the whole will make a sum not falling very short of pagodas 35,00,000, the amount of pagodas 7,00,000 per annum for the same period. And if we carry our calculations farther, it will appear, that, both by the plan proposed by the Nabob and adopted in your paragraphs, and by that which we transmitted to you, the debt from the Nabob, if taken at 3,000,000*l.*, will be discharged nearly at the same period, viz., in the course of the eleventh year. We cannot, therefore, be of opinion that there is the smallest ground for objecting to this arrangement, as injurious to the interests of the Company, even if the measure were to be considered on the mere ground of expediency, and with a view only to the wisdom of reëstablishing credit and circulation in a commercial settlement, without any consideration of those motives of attention to the feelings and honor of the Nabob, of humanity to individuals, and of justice to persons in your service and living under your protection, which have actuated the legislature, and which afford not only justifiable, but commendable grounds for your conduct.

Impressed with this conviction, we have not made any alteration in the general outlines of the arrangement which we had before transmitted to you. But, as the amount of the Nabob's revenue is matter of uncertain conjecture, and as it does not appear just to us that any deficiency should fall wholly on any one class of these debts, we have added a direction to your government of Fort St. George, that, if, notwithstanding the provisions contained in our former paragraphs, any deficiency should arise, the payments of what shall be received shall be made in the same proportion which would have obtained in the division of the whole twelve lacs, had they been paid.

No. 10.

Referred to from .

[The following extracts are subjoined, to show the matter and the style of representation employed by those who have obtained that ascendancy over the Nabob of Arcot which is described in the letter marked No. 6 of the present Appendix, and which is so totally destructive of the authority and credit of the lawful British government at Madras. The charges made by these persons have been solemnly denied by Lord Macartney; and to judge from the character of the parties accused and accusing, they are probably void of all foundation. But as the letters are in the name and under the signature of a person of great rank and consequence among the natives, — as they contain matter of the most serious nature, — as they charge the most enormous crimes, and corruptions of the grossest kind, on a British governor, — and as they refer to the Nabob's minister in Great Britain for proof and further elucidation of the matters complained of, — common decency and common policy demanded an inquiry into their truth or falsehood. The writing is obviously the product of some English pen. If, on inquiry, these charges should be made good, (a thing very unlikely,) the party accused would become a just object of animadversion. If they should be found (as in all probability they would be found) false and calumnious, and supported by *forgery*, then the censure would fall on the accuser; at the same time the necessity would be manifest for proper measures towards the security of government against such infamous accusations. It is as necessary to protect the honest fame of virtuous governors as it is to punish the corrupt and tyrannical. But neither the Court of Directors nor the Board of Control have made any inquiry into the truth or falsehood of these charges. They have covered over the accusers and accused with abundance of compliments; they have insinuated some oblique censures; and they have recommended perfect harmony between the chargers of corruption and peculation and the persons charged with these crimes.]

13th October, 1782. *Extract of a Translation of a Letter from the Nabob of Arcot to the Chairman of the Court of Directors of the East India Company.*

Fatally for me, and for the public interest, the Company's favor and my unbounded confidence have been lavished on a man totally unfit for the exalted station in which he has been placed, and unworthy of the trusts that have been reposed in him. When I speak of one who has so deeply stabbed my honor, my wounds bleed afresh, and I must be allowed that freedom of expression which the galling reflection of my injuries and my misfortunes naturally draws from me. Shall your servants, unchecked, unrestrained, and unpunished, gratify their private views and ambition at the expense of my honor, my peace, and my happiness, and to the ruin of my country, as well as of all your affairs? No sooner had Lord Macartney obtained the favorite object of his ambition than he betrayed the greatest insolence towards me, the most glaring neglect of the common civilities and attentions paid me by all former governors in the worst of times, and even by the most inveterate of my enemies. He insulted my servants, endeavored to defame my character by unjustly censuring my administration, and extended his boundless usurpation to the whole government of my dominions, in all the branches of judicature and police; and, in violation of the express articles of the agreements, proceeded to send renters into the countries, unapproved of by me, men of bad character, and unequal to my management or responsibility. Though he is chargeable with the greatest acts of cruelty, even to the shedding the blood and cutting off the noses and ears of my subjects, by those exercising his authority in the countries, and that even the duties of religion and public worship have been interrupted or prevented, and though he carries on all his business by the arbitrary exertion of military force, yet does he not collect from the countries one fourth of the revenue that should be produced. The statement he pretends to hold forth of expected revenue is totally fallacious, and can never be realized under the management of his Lordship, in the appointment of renters totally disqualified, rapacious, and irresponsible, who are actually embezzling and dissipating the public revenues that should assist in the support of the war. Totally occupied by his private views, and governed by his passions, he has neglected or sacrificed all the essential objects of public good, and by want of coöperation with Sir Eyre Coote, and refusal to furnish the army with the necessary supplies, has rendered the glorious and repeated victories of the gallant general ineffectual to the expulsion of our cruel enemy. To cover his insufficiency, and veil the discredit attendant on his failure in every measure, he throws out the most illiberal expressions, and institutes unjust accusations against me; and in aggravation of all the distresses imposed upon me, he has abetted the meanest calumniators to bring forward false charges against me and my son, Amir-ul-Omrah, in order to create embarrassment, and for the distress of my mind. My papers and writings sent to you must testify to the whole world the malevolence of his designs, and the

means that have been used to forward them. He has violently seized and opened all letters addressed to me and my servants, on my public and private affairs. My vackeel, that attended him according to ancient custom, has been ignominiously dismissed from his presence, and not suffered to approach the Government-House. He has in the meanest manner, and as he thought in secret, been tampering and intriguing with my family and relations for the worst of purposes. And if I express the agonies of my mind under these most pointed injuries and oppressions, and complain of the violence and injustice of Lord Macartney, I am insulted by his affected construction that my communications are dictated by the insinuations of others, at the same time that his conscious apprehensions for his misconduct have produced the most abject applications to me to smother my feelings, and entreaties to write in his Lordship's favor to England, and to submit all my affairs to his direction. When his submissions have failed to mould me to his will, he has endeavored to effect his purposes by menaces of his secret influence with those in power in England, which he pretends to assert shall be effectual to confirm his usurpation, and to deprive me, and my family, in succession, of my rights of sovereignty and government forever. To such a length have his passions and violences carried him, that all my family, my dependants, and even my friends and visitors, are persecuted with the strongest marks of his displeasure. Every shadow of authority in my person is taken from me, and respect to my name discouraged throughout the whole country. When an officer of high rank in his Majesty's service was some time since introduced to me by Lord Macartney, his Lordship took occasion to show a personal derision and contempt of me. Mr. Richard Sullivan, who has attended my durbar under the commission of the Governor-General and Council of Bengal, has experienced his resentment; and Mr. Benfield, *with whom I have no business*, and who, as he has been accustomed to do for many years, has continued to pay me his visits of respect, has felt the weight of his Lordship's displeasure, and has had every unmerited insinuation thrown out against him, to prejudice him, and deter him from paying me his compliments as usual.

Thus, Gentlemen, have you delivered me over to a stranger; to a man unacquainted with government and business, and too opinionated to learn; to a man whose ignorance and prejudices operate to the neglect of every good measure, or the liberal coöperation with any that wish well to the public interests; to a man who, to pursue his own passions, plans, and designs, will certainly ruin all mine, as well as the Company's affairs. His mismanagement and obstinacy have caused the loss of many lacs of my revenues, dissipated and embezzled, and every public consideration sacrificed to his vanity and private views. I beg to offer an instance in proof of my assertions, and to justify the hope I have that you will cause to be made good to me all the losses I have sustained by the maladministration and bad practices of your servants, according to all the account of receipts of former years, and which I made known to Lord Macartney, amongst other papers of information,

in the beginning of his management in the collections. The district of Ongole produced annually, upon a medium of many years, 90,000 pagodas; but Lord Macartney, *upon receiving a sum of money from Ramchundry* let it out to him, in April last, for the inadequate rent of 50,000 pagodas per annum, diminishing, in this district alone, near half the accustomed revenues. After this manner hath he exercised his powers over the countries, to suit his own purposes and designs; and this secret mode has he taken to reduce the collections.

1st November, 1782. *Copy of a Letter from the Nabob of Arcot to the Court of Directors, &c.* Received 7th April, 1783.

The distresses which I have set forth in my former letters are now increased to such an alarming pitch by the imprudent measures of your Governor, and by the arbitrary and impolitic conduct pursued with the merchants and importers of grain, that the very existence of the Fort of Madras seems at stake, and that of the inhabitants of the settlement appears to have been totally overlooked: many thousands have died, and continue hourly to perish of famine, though the capacity of one of your youngest servants, with diligence and attention, by doing justice, and giving reasonable encouragement to the merchants, and by drawing the supplies of grain which the northern countries would have afforded, might have secured us against all those dreadful calamities. I had with much difficulty procured and purchased a small quantity of rice, for the use of myself, my family, and attendants, and with a view of sending off the greatest part of the latter to the northern countries, with a little subsistence in their hands. But what must your surprise be, when you learn that even this rice was seized by Lord Macartney, with a military force! and thus am I unable to provide for the few people I have about me, who are driven to such extremity and misery that it gives me pain to behold them. I have desired permission to get a little rice from the northern countries for the subsistence of my people, without its being liable to seizure by your sepoys: this even has been refused me by Lord Macartney. What must your feelings be, on such wanton cruelty exercised towards me, when you consider, that, of thousands of villages belonging to me, a single one would have sufficed for my subsistence!

22d March, 1783. *Translation of a Letter from the Nabob of Arcot to the Chairman and Directors of the East India Company.* Received from Mr. James Macpherson, 1st January, 1784.

I am willing to attribute this continued usurpation to the fear of detection in Lord Macartney: he dreads the awful day when the scene of his enormities will be laid

open, at my restoration to my country, and when the tongues of my oppressed subjects will be unloosed, and proclaim aloud the cruel tyrannies they have sustained. These sentiments of his Lordship's designs are corroborated by his sending, on the 10th instant, two gentlemen to me and my son, Amir-ul-Omrah; and these gentlemen from Lord Macartney especially set forth to me, and to my son, that all dependence on the power of the superior government of Bengal to enforce the intentions of the Company to restore my country was vain and groundless, — that the Company confided in his Lordship's judgment and discretion, and upon his representations, and that if I, and my son, Amir-ul-Omrah, would enter into friendship with Lord Macartney, and sign a paper declaring all my charges and complaints against him to be false, that his Lordship might be induced to write to England that all his allegations against me and my son were not well founded, and, notwithstanding his declarations to withhold my country, yet, on these considerations, it might be still restored to me.

What must be your feelings for your ancient and faithful friend, on his receiving such insults to his honor and understanding from your principal servant, armed with your authority! From these manoeuvres, amongst thousands I have experienced, the truth must evidently appear to you, that I have not been loaded with those injuries and oppressions from motives of public service, but to answer the private views and interests of his Lordship and his secret agents: *some papers to this point are inclosed*; others, almost without number, must be submitted to your justice, when time and circumstances shall enable me fully to investigate those transactions. This opportunity will not permit the full representation of my load of injuries and distresses: I beg leave to refer you to my minister, Mr. Macpherson, for the papers, according to the inclosed list, which accompanied my last dispatches by the Rodney, which I fear have failed; and my correspondence with Lord Macartney subsequent to that period, such as I have been able to prepare for this opportunity, are inclosed.

Notwithstanding all the violent acts and declarations of Lord Macartney, yet a consciousness of his own misconduct was the sole incentive to the menaces and overtures he has held out in various shapes. He has been insultingly lavish in his expressions of high respect for my person; has had the insolence to say that all his measures flowed from his affectionate regard alone; has presumed to say that all his enmity and oppression were levelled at my son, Amir-ul-Omrah, to whom he before acknowledged every aid and assistance; and his Lordship being without any just cause or foundation for complaint against us, or a veil to cover his own violences, he has now had recourse to the meanness and has dared to intimate of my son, in order to intimidate me and to strengthen his own wicked purposes, to be in league with our enemies the French. You must doubtless be astonished, no less at the assurance than at the absurdity of such a wicked suggestion.

IN THE NABOB'S OWN HAND.

P.S. In my own handwriting I acquainted Mr. Hastings, as I now do my ancient friends the Company, with the insult offered to my honor and understanding, in the extraordinary propositions sent to me by Lord Macartney, through two gentlemen, on the 10th instant, so artfully veiled with menaces, hopes, and promises. But how can Lord Macartney add to his enormities, after his wicked and calumniating insinuations, so evidently directed against me and my family, through my faithful, my dutiful, and beloved son, Amir-ul-Omrah, who, you well know, has been ever born and bred amongst the English, whom I have studiously brought up in the warmest sentiments of affection and attachment to them, — sentiments that in his maturity have been his highest ambition to improve, insomuch that he knows no happiness but in the faithful support of our alliance and connection with the English nation?

12th August, and Postscript of the 16th August, 1783. *Translation of a Letter to the Chairman and Directors of the East India Company.* Received from Mr. James Macpherson, 14th January, 1784.

Your astonishment and indignation will be equally raised with mine, when you hear that your President *has dared*, contrary to your intention, to continue to usurp the privileges and hereditary powers of the Nabob of the Carnatic, your old and unshaken friend, and the declared ally of the king of Great Britain.

I will not take up your time by enumerating the particular acts of Lord Macartney's violence, cruelty, and injustice: *they, indeed, occur too frequently, and fall upon me and my devoted subjects and country too thick, to be regularly related.* I refer you to my minister, Mr. James Macpherson, *for a more circumstantial account of the oppressions and enormities by which he has brought both mine and the Company's affairs to the brink of destruction.* I trust that such flagrant violations of all justice, honor, and the faith of treaties will receive the severest marks of your displeasure, and that Lord Macartney's conduct, in making use of your name and authority as a sanction for the continuance of his usurpation, will be disclaimed with the utmost indignation, and followed with the severest punishment. I conceive that his Lordship's arbitrary retention of my country and government can only originate in his *insatiable cravings*, in his implacable malevolence against me, and through fear of detection, which must follow the surrender of the Carnatic into my hands, of those nefarious proceedings which are now suppressed by the arm of violence and power.

I did not fail to represent to the supreme government of Bengal the deplorable situation to which I was reduced, and the unmerited persecutions I have unremittingly sustained from Lord Macartney; and I earnestly implored them to

stretch forth a saving arm, and interpose that controlling power which was vested in them, to check *rapacity and presumption*, and preserve the honor and faith of the Company from violation. The Governor-General and Council not only felt the cruelty and injustice I had suffered, but were greatly alarmed for the fatal consequences that might result from the distrust of the country powers in the professions of the English, when they saw the Nabob of the Carnatic, the friend of the Company, and the ally of Great Britain, thus stripped of his rights, his dominions, and his dignity, by the most fraudulent means, and under the mask of friendship. The Bengal government had already heard both the Mahrattas and the Nizam urge, as an objection to an alliance with the English, the faithless behavior of Lord Macartney to a prince whose life had been devoted and whose treasures had been exhausted in their service and support; and they did not hesitate to give positive orders to Lord Macartney for the restitution of my government and authority, on such terms as were not only strictly honorable, but equally advantageous to my friends the Company: for they justly thought that my honor and dignity and *sovereign rights* were the first objects of my wishes and ambition. But how can I paint my astonishment at Lord Macartney's presumption in continuing his usurpation after their positive and reiterated mandates, and, as if nettled by their interference, which he disdained, in redoubling the fury of his violence, and sacrificing the public and myself to his malice and ungovernable passions?

I am, Gentlemen, at a loss to conceive where his usurpation will stop and have an end. Has he not solemnly declared that the assignment was only made for the support of war? and if neither your instructions nor the orders of his superiors at Bengal were to be considered as effectual, has not the treaty of peace virtually determined the period of his tyrannical administration? But so far from surrendering the Carnatic into my hands, he has, since that event, affixed advertisements to the walls and gates of the Black Town for letting to the best bidder the various districts for the term of three years, — and has continued the Committee of Revenue, which you positively ordered to be abolished, to whom he has allowed enormous salaries, from 6000 to 4000 pagodas per annum, which each member has received from the time of his appointment, though his Lordship well knows that most of them are by your orders disqualified by being my principal creditors.

If those acts of violence and outrage had been productive of public advantage, I conceive his Lordship might have held them forward in extenuation of his conduct; but whilst he cloaks his justification under the veil of your records, it is impossible to refute his assertions or to expose to you their fallacy; and when he is no longer able to support his conduct by argument, he refers to those records, where, I understand, he has exercised all his sophistry and malicious insinuations to render me and my family obnoxious in the eyes of the Company and the British nation. And when the glorious victories of Sir Eyre Coote have been rendered abortive by a

constant deficiency of supplies, — and when, since the departure of that excellent general to Bengal, whose loss I must ever regret, a dreadful famine, at the close of last year, occasioned by his Lordship's neglect to lay up a sufficient stock of grain at a proper season, and from his prohibitory orders to private merchants, — and when no exertion has been made, nor advantage gained over the enemy, — when Hyder's death and Tippoo's return to his own dominions operated in no degree for the benefit of our affairs, — in short, when all has been a continued series of disappointment and disgrace under Lord Macartney's management, (and in him alone has the management been vested,) — I want words to convey those ideas of his insufficiency, ignorance, and obstinacy which I am convinced you would entertain, had you been spectators of his ruinous and destructive conduct.

But against me, and my son, Amir-ul-Omrah, has his Lordship's vengeance chiefly been exerted: even the Company's own subordinate zemindars have found better treatment, probably because they were more rich; those of Nizanagoram have been permitted, contrary to your pointed orders, to hold their rich zemindaries at the old disproportionate rate of little more than a sixth part of the real revenue; and my zemindar of Tanjore, though he should have regarded himself equally concerned with us in the event of the war, and from whose fertile country many valuable harvests have been gathered in, which have sold at a vast price, has, I understand, only contributed, last year, towards the public exigencies, the very inconsiderable sum of one lac of pagodas, and a few thousand pagodas' worth of grain.

I am much concerned to acquaint you that ever since the peace a dreadful famine has swept away many thousands of the followers and sepoys' families of the army, from Lord Macartney's neglect to send down grain to the camp, though the roads are crowded with vessels: but his Lordship has been too intent upon his own disgraceful schemes to attend to the wants of the army. The negotiation with Tippoo, which he has set on foot through the mediation of Monsieur Bussy, has employed all his thoughts, and to the attainment of that object he will sacrifice the dearest interests of the Company to gratify his malevolence against me, and for his own private advantages. The endeavor to treat with Tippoo, through the means of the French, must strike you, Gentlemen, as highly improper and impolitic; but it must raise your utmost indignation to hear, that, by intercepted letters from Bussy to Tippoo, as well as from their respective vakeels, and from various accounts from Cuddalore, we have every reason to conclude that his Lordship's secretary, Mr. Staunton, when at Cuddalore, as his agent to settle the cessation of arms with the French, was informed of all their operations and projects, and *consequently that Lord Macartney has secretly connived at Monsieur Bussy's recommendation to Tippoo to return into the Carnatic, as the means of procuring the most advantageous terms, and furnishing Lord Macartney with the plea of necessity for concluding a peace after his own manner:* and what further confirms the truth of this fact is, that

repeated reports, as well as the alarms of the inhabitants to the westward, leave us no reason to doubt that Tippoo is approaching towards us. His Lordship has issued public orders that the garrison store of rice, for which we are indebted to the exertions of the Bengal government, should be immediately disposed of, and has strictly forbid all private grain to be sold; by which act he effectually prohibits all private importation of grain, and may eventually cause as horrid a famine as that which we experienced at the close of last year from the same shortsighted policy and destructive prohibitions of Lord Macartney.

But as he has the fabrication of the records in his own hands, he trusts to those partial representations of his character and conduct, because the signatures of those members of government whom he seldom consults are affixed, as a public sanction; but you may form a just idea of their correctness and propriety, when you are informed that his Lordship, *upon my noticing the heavy disbursements made for secret service money, ordered the sums to be struck off, and the accounts to be erased from the cash-book of the Company*; and I think I cannot give you a better proof of his management of my country and revenues than by calling your attention to his conduct in the Ongole province, and by referring you to his Lordship's administration of your own jaghire, from whence he has brought to the public account the sum of twelve hundred pagodas for the last year's revenue, yet blazons forth his vast merits and exertions, and expects to receive the thanks of his Committee and Council.

I will beg leave to refer you to my minister, James Macpherson, Esq., for a more particular account of my sufferings and miseries, to whom I have transmitted copies of all papers that passed with his Lordship.

I cannot conclude without calling your attention to *the situation of my different creditors*, whose claims are the claims of justice, and whose demands I am bound by honor and every moral obligation to discharge; it is not, therefore, without great concern I have heard insinuations tending to question the legality of their right to the payment of those just debts: they proceeded from advances made by them openly and honorably for the support of my own and the public affairs. But I hope the tongue of calumny will never drown the voice of truth and justice; and while that is heard, the wisdom of the English nation cannot fail to accede to an effectual remedy for their distresses, by any arrangement in which their claims may be duly considered and equitably provided for: and for this purpose, my minister, *Mr. Macpherson, will readily subscribe, in my name, to any agreement you may think proper to adopt, founded on the same principles* with either of the engagements I entered into with the supreme government of Bengal for our mutual interest and advantage.

I always pray for your happiness and prosperity.

6th September, and Postscript of 7th September, 1783. *Translation of a Letter from the Nabob of Arcot to the Chairman and Directors of the East India Company.* Received from Mr. James Macpherson, 14th January, 1784.

I refer you, Gentlemen, to my inclosed duplicate, as well as to my minister, Mr. Macpherson, for the particulars of my sufferings. There is no word or action of mine that is not perverted; and though it was my intention to have sent my son, Amir-ul-Omrah, who is well versed in my affairs, to Bengal, to impress those gentlemen with a full sense of my situation, yet I find myself obliged to lay it aside, from the insinuations of the calumniating tongue of Lord Macartney, that takes every license to traduce every action of my life and that of my son. I am informed that Lord Macartney, at this late moment, intends to write a letter: I am ignorant of the subject, but fully perceive, that, by delaying to send it till the very eve of the dispatch, he means to deprive me of all possibility of communicating my reply, and forwarding it for the information of my friends in England. Conscious of the weak ground on which he stands, he is obliged to have recourse to these artifices to mislead the judgment, and support for a time his unjustifiable measures by deceit and imposition. I wish only to meet and combat his charges and allegations fairly and openly, and I have repeatedly and urgently demanded to be furnished with copies of those parts of his *fabricated* records relative to myself; but as he well knows I should refute his sophistry, I cannot be surprised at his refusal, though I lament that it prevents you, Gentlemen, from a clear investigation of his conduct towards me.

Inclosed you have a translation of an arzee from the Killidar of Vellore. *I have thousands of the same kind*; but this, just now received, will serve to give you some idea of the miseries brought upon this my devoted country, and the wretched inhabitants that remain in it, by the oppressive hand of Lord Macartney's management: nor will the *embezzlements of collections* thus obtained, when brought before you in *proof*, appear less extraordinary, — which *shall certainly be done in due time*.

Translation of an Arzee, in the Persian Language, from Uzzim-ul-Doen Cawn, the Killidar of Vellore, to the Nabob, dated 1st September, 1783. Inclosed in the Nabob's Letter to the Court of Directors, September, 1783.

I have repeatedly represented to your Highness the violences and oppressions exercised by the present aumildar [collector of revenue], of Lord Macartney's appointment, over the few remaining inhabitants of the districts of Vellore, Amboor, Saulguda, &c.

The outrages and violences now committed are of that astonishing nature as were never known or heard of during the administration of the Circar. Hyder Naik, the cruellest of tyrants, used every kind of oppression in the Circar countries; but even his measures were not like those now pursued. Such of the inhabitants as had

escaped the sword and pillage of Hyder Naik, by taking refuge in the woods, and within the walls of Vellore, &c., on the arrival of Lord Macartney's aumildar to Vellore, and in consequence of his cowl of protection and support, most cheerfully returned to the villages, set about the cultivation of the lands, and with great pains rebuilt their cottages. — But now the aumildar has imprisoned the wives and children of the inhabitants, seized the few jewels that were on the bodies of the women, and then, before the faces of their husbands, flogged them, in order to make them produce other jewels and effects, which he said they had buried somewhere under ground, and to make the inhabitants bring him money, notwithstanding there was yet no cultivation in the country. Terrified with the flagellations, some of them produced their jewels and wearing-apparel of their women, to the amount of ten or fifteen pagodas, which they had hidden; others, who declared they had none, the aumildar flogged their women severely, tied cords around their breasts, and tore the sucking children from their teats, and exposed them to the scorching heat of the sun. Those children died, as did the wife of Ramsoamy, an inhabitant of Bringpoor. Even this could not stir up compassion in the breast of the aumildar. Some of the children that were somewhat large he exposed to sale. In short, the violences of the aumildar are so astonishing, that the people, on seeing the present situation, remember the loss of Hyder with regret. With whomsoever the aumildar finds a single measure of natchinee or rice, he takes it away from him, and appropriates it to the expenses of the sibindy that he keeps up. No revenues are collected from the countries, but from the effects of the poor, wretched inhabitants. Those ryots [yeomen] who intended to return to their habitations, hearing of those violences, have fled for refuge, with their wives and children, into Hyder's country. Every day is ushered in and closed with these violences and disturbances. I have no power to do anything; and who will hear what I have to say? My business is to inform your Highness, who are my master. The people bring their complaints to me, and I tell them I will write to your Highness.

Translation of a Tellinga Letter from Veira Permaul, Head Dubash to Lord Macartney, in his own Handwriting, to Rajah Ramchunda, the Renter of Ongole. Dated 25th of the Hindoo month Mausay, in the year Plavanamal, corresponding to 5th March, 1782.

I present my respects to you, and am very well here, wishing to hear frequently of your welfare.

Your peasher Vancatroylloo has brought the Visseel Bakees, and delivered them to me, as *also what you sent him for me to deliver to my master, which I have done. My master at first refused to take it, because he is unacquainted with your disposition, or what kind of a person you are. But after I made encomiums on your goodness and greatness of mind, and took my oath to the same, and that it would not become public, but be held as precious as our lives, my master accepted it.* You may remain satisfied that I will get the Ongole business settled in your name; I will cause the

jamaubundee to be settled agreeable to your desire. It was formerly the Nabob's intention to give this business to you, as the Governor knows full well, but did not at that time agree to it, which you must be well acquainted with.

Your peasher Vancatroyloo is a very careful, good man; he is well experienced in business; *he has bound me by an oath to keep all this business secret, and that his own, yours, and my lives are responsible for it.* I write this letter to you with the greatest reluctance, and I signified the same to your peasher, and declared that I would not write to you by any means. To this the peasher urged, that, *if I did not write to his master, how could he know to whom he (the peasher) delivered the money,* and what must his master think of it? Therefore I write you this letter, and send it by my servant Ramanah, accompanied by the peasher's servant, and it will come safe to your hands. After perusal, you will send it back to me immediately: until I receive it, I don't like to eat my victuals or take any sleep. Your peasher took his oath, and urged me to write this for your satisfaction, and has engaged to me that I shall have this letter returned to me in the space of twelve days.

The present Governor is not like the former Governors: he is a very great man in Europe; and all the great men of Europe are much obliged, to him for his condescension in accepting the government of this place. It is his custom, when he makes friendship with any one, to continue it always; and if *he is at enmity with any one, he never will desist till he has worked his destruction.* He is now exceedingly displeased with the Nabob, and you will understand by-and-by that the Nabob's business cannot be carried on; he (the Nabob) will have no power to do anything in his own affairs: *you have, therefore, no room to fear him;* you may remain with a contented mind. I desired the Governor to write you a letter for your satisfaction: the Governor said he would do so, when the business was settled. This letter you must peruse as soon as possible, and send it back with all speed by the bearer, Ramadoo, accompanied by three or four of your people, to the end that no accident may happen on the road. These people must be ordered to march in the night only, and to arrive here with the greatest dispatch. You sent ten mangoes for my master and two for me, all of which I have delivered to my master, thinking that ten was not sufficient to present him with. I write this for your information, and salute you with ten thousand respects.

I, Muttu Kistnah, of Madras Patnam, dubash, declare that I perfectly understand the Gentoo language, and do most solemnly affirm that the foregoing is a true translation of the annexed paper writing from the Gentoo language.

(Signed)

Muttu Kistnah.

**SUBSTANCE OF THE SPEECH IN THE DEBATE ON THE
ARMY ESTIMATES IN THE HOUSE OF COMMONS, ON
TUESDAY, FEBRUARY 9, 1790 COMPREHENDING A
DISCUSSION OF THE PRESENT SITUATION OF AFFAIRS IN
FRANCE.**

Mr. Burke's speech on the report of the army estimates has not been correctly stated in some of the public papers. It is of consequence to him not to be misunderstood. The matter which incidentally came into discussion is of the most serious importance. It is thought that the heads and substance of the speech will answer the purpose sufficiently. If, in making the abstract, through defect of memory in the person who now gives it, any difference at all should be perceived from the speech as it was spoken, it will not, the editor imagines, be found in anything which may amount to a retraction of the opinions he then maintained, or to any softening in the expressions in which they were conveyed.

Mr. Burke spoke a considerable time in answer to various arguments, which had been insisted upon by Mr. Grenville and Mr. Pitt, for keeping an increased peace establishment, and against an improper jealousy of the ministers, in whom a full confidence, subject to responsibility, ought to be placed, on account of their knowledge of the real situation of affairs, the exact state of which it frequently happened that they could not disclose without violating the constitutional and political secrecy necessary to the well-being of their country.

Mr. Burke said in substance, That confidence might become a vice, and jealousy a virtue, according to circumstances. That confidence, of all public virtues, was the most dangerous, and jealousy in an House of Commons, of all public vices, the most tolerable, — especially where the number and the charge of standing armies in time of peace was the question.

That in the annual Mutiny Bill the annual army was declared to be for the purpose of preserving the balance of power in Europe. The propriety of its being larger or smaller depended, therefore, upon the true state of that balance. If the increase of peace establishments demanded of Parliament agreed with the manifest appearance of the balance, confidence in ministers as to the particulars would be very proper. If the increase was not at all supported by any such appearance, he thought great jealousy might be, and ought to be, entertained on that subject.

That he did not find, on a review of all Europe, that, politically, we stood in the smallest degree of danger from any one state or kingdom it contained, nor that any other foreign powers than our own allies were likely to obtain a considerable preponderance in the scale.

That France had hitherto been our first object in all considerations concerning the balance of power. The presence or absence of France totally varied every sort of speculation relative to that balance.

That France is at this time, in a political light, to be considered as expunged out of the system of Europe. Whether she could ever appear in it again, as a leading power, was not easy to determine; but at present be considered France as not politically existing; and most assuredly it would take up much time to restore her to her former active existence: *Gallos quoque in bellis floruisse audivimus* might possibly be the language of the rising generation. He did not mean to deny that it was our duty to keep our eye on that nation, and to regulate our preparation by the symptoms of her recovery.

That it was to her *strength*, not to her *form of government*, which we were to attend; because republics, as well as monarchies, were susceptible of ambition, jealousy, and anger, the usual causes of war.

But if, while France continued in this swoon, we should go on increasing our expenses, we should certainly make ourselves less a match for her when it became our concern to arm.

It was said, that, as she had speedily fallen, she might speedily rise again. He doubted this. That the fall from an height was with an accelerated velocity; but to lift a weight up to that height again was difficult, and opposed by the laws of physical and political gravitation.

In a political view, France was low indeed. She had lost everything, even to her name.

Jacet ingens littore truncus,
Avolsunque humeris *caput*, et sine *nomine* corpus.

He was astonished at it; he was alarmed at it; he trembled at the uncertainty of all human greatness.

Since the House had been prorogued in the summer much work was done in France. The French had shown themselves the ablest architects of ruin that had hitherto existed in the world. In that very short space of time they had completely pulled down to the ground their monarchy, their church, their nobility, their law, their revenue, their army, their navy, their commerce, their arts, and their manufactures. They had done their business for us as rivals in a way in which twenty Ramillies or Blenheims could never have done it. Were we absolute conquerors, and France to lie prostrate at our feet, we should be ashamed to send a commission to settle their affairs which could impose so hard a law upon the French, and so destructive of all their consequence as a nation, as that they had imposed upon themselves.

France, by the mere circumstance of its vicinity, had been, and in a degree always must be, an object of our vigilance, either with regard to her actual power or to her influence and example. As to the former he had spoken; as to the latter (her example) he should say a few words: for by this example our friendship and our intercourse with that nation had once been, and might again become, more dangerous to us than their worst hostility.

In the last century, Louis the Fourteenth had established a greater and better disciplined military force than ever had been before seen in Europe, and with it a perfect despotism. Though that despotism was proudly arrayed in manners, gallantry, splendor, magnificence, and even covered over with the imposing robes of science, literature, and arts, it was, in government, nothing better than a painted and gilded tyranny, — in religion, a hard, stern intolerance, the fit companion and auxiliary to the despotic tyranny which prevailed in its government. The same character of despotism insinuated itself into every court of Europe, — the same spirit of disproportioned magnificence, — the same love of standing armies, above the ability of the people. In particular, our then sovereigns, King Charles and King James, fell in love with the government of their neighbor, so flattering to the pride of kings. A similarity of sentiments brought on connections equally dangerous to the interests and liberties of their country. It were well that the infection had gone no farther than the throne. The admiration of a government flourishing and successful, unchecked in its operations, and seeming, therefore, to compass its objects more speedily and effectually, gained something upon all ranks of people. The good patriots of that day, however, struggled against it. They sought nothing more anxiously than to break off all communication with France, and to beget a total alienation from its councils and its example, — which, by the animosity prevalent between the abettors of their religious system and the assertors of ours, was in some degree effected.

This day the evil is totally changed in France: but there is an evil there. The disease is altered; but the vicinity of the two countries remains, and must remain; and the natural mental habits of mankind are such, that the present distemper of France is far more likely to be contagious than the old one: for it is not quite easy to spread a passion for servitude among the people; but in all evils of the opposite kind our natural inclinations are flattered. In the case of despotism, there is the *fædum crimen servitutis*: in the last, the *falsa SPECIES libertatis*; and accordingly, as the historian says, *pronis auribus accipitur*.

In the last age we were in danger of being entangled by the example of France in the net of a relentless despotism. It is not necessary to say anything upon that example. It exists no longer. Our present danger from the example of a people whose character knows no medium is, with regard to government, a danger from anarchy: a danger of being led, through an admiration of successful fraud and violence, to an imitation of the excesses of an irrational, unprincipled, proscribing,

confiscating, plundering, ferocious, bloody, and tyrannical democracy. On the side of religion, the danger of their example is no longer from intolerance, but from atheism: a foul, unnatural vice, foe to all the dignity and consolation of mankind; which seems in France, for a long time, to have been embodied into a faction, accredited, and almost avowed.

These are our present dangers from France. But, in his opinion, the very worst part of the example set is in the late assumption of citizenship by the army, and the whole of the arrangement, or rather disarrangement, of their military.

He was sorry that his right honorable friend (Mr. Fox) had dropped even a word expressive of exultation on that circumstance, or that he seemed of opinion that the objection from standing armies was at all lessened by it. He attributed this opinion of Mr. Fox entirely to his known zeal for the best of all causes, liberty. That it was with a pain inexpressible he was obliged to have even the shadow of a difference with his friend, whose authority would always be great with him, and with all thinking people, — *Quæ maxima semper censetur nobis, et ERIT quæ maxima semper*; — his confidence in Mr. Fox was such, and so ample, as to be almost implicit. That he was not ashamed to avow that degree of docility. That, when the choice is well made, it strengthens, instead of oppressing our intellect. That he who calls in the aid of an equal understanding doubles his own. He who profits of a superior understanding raises his powers to a level with the height of the superior understanding he unites with. He had found the benefit of such a junction, and would not lightly depart from it. He wished almost, on all occasions, that his sentiments were understood to be conveyed in Mr. Fox's words. And that he wished, as amongst the greatest benefits he could wish the country, an eminent share of power to that right honorable gentleman; because he knew that to his great and masterly understanding he had joined the greatest possible degree of that natural moderation which is the best corrective of power: that he was of the most artless, candid, open, and benevolent disposition; disinterested in the extreme; of a temper mild and placable even to a fault; without one drop of gall in his whole constitution.

That the House must perceive, from his coming forward to mark an expression or two of his best friend, how anxious he was to keep the distemper of France from the least countenance in England, where he was sure some wicked persons had shown a strong disposition to recommend an imitation of the French spirit of reform. He was so strongly opposed to any the least tendency towards the *means* of introducing a democracy like theirs, as well as to the *end* itself, that, much as it would afflict him, if such a thing could be attempted, and that any friend of his could concur in such measures, (he was far, very far, from believing they could,) he would abandon his best friends, and join with his worst enemies, to oppose either the means or the end, — and to resist all violent exertions of the spirit of

innovation, so distant from all principles of true and safe reformation: a spirit well calculated to overturn states, but perfectly unfit to amend them.

That he was no enemy to reformation. Almost every business in which he was much concerned, from the first day he sat in that House to that hour, was a business of reformation; and when he had not been employed in correcting, he had been employed in resisting abuses. Some traces of this spirit in him now stand on their statute-book. In his opinion, anything which unnecessarily tore to pieces the contexture of the state not only prevented all real reformation, but introduced evils which would call, but perhaps call in vain, for new reformation.

That he thought the French nation very unwise. What they valued themselves on was a disgrace to them. They had gloried (and some people in England had thought fit to take share in that glory) in making a Revolution, as if revolutions were good things in themselves. All the horrors and all the crimes of the anarchy which led to their Revolution, which attend its progress, and which may virtually attend it in its establishment, pass for nothing with the lovers of revolutions. The French have made their way, through the destruction of their country, to a bad constitution, when they were absolutely in possession of a good one. They were in possession of it the day the states met in separate orders. Their business, had they been either virtuous or wise, or had been left to their own judgment, was to secure the stability and independence of the states, according to those orders, under the monarch on the throne. It was then their duty to redress grievances.

Instead of redressing grievances, and improving the fabric of their state, to which they were called by their monarch and sent by their country, they were made to take a very different course. They first destroyed all the balances and counterpoises which serve to fix the state and to give it a steady direction, and which furnish sure correctives to any violent spirit which may prevail in any of the orders. These balances existed in their oldest constitution, and in the constitution of this country, and in the constitution of all the countries in Europe. These they rashly destroyed, and then they melted down the whole into one incongruous, ill-connected mass.

When they had done this, they instantly, and with the most atrocious perfidy and breach of all faith among men, laid the axe to the root of all property, and consequently of all national prosperity, by the principles they established and the example they set, in confiscating all the possessions of the Church. They made and recorded a sort of *institute* and *digest* of anarchy, called the Rights of Man, in such a pedantic abuse of elementary principles as would have disgraced boys at school: but this declaration of rights was worse than trifling and pedantic in them; as by their name and authority they systematically destroyed every hold of authority by opinion, religious or civil, on the minds of the people. By this mad declaration they subverted the state, and brought on such calamities as no country, without a long war, has ever been known to suffer, and which may in the end produce such a war, and perhaps many such.

With them the question was not between despotism and liberty. The sacrifice they made of the peace and power of their country was not made on the altar of freedom. Freedom, and a better security for freedom than that they have taken, they might have had without any sacrifice at all. They brought themselves into all the calamities they suffer, not that through them they might obtain a British constitution; they plunged themselves headlong into those calamities to prevent themselves from settling into that constitution, or into anything resembling it.

That, if they should perfectly succeed in what they propose, as they are likely enough to do, and establish a democracy, or a mob of democracies, in a country circumstanced like France, they will establish a very bad government, — a very bad species of tyranny.

That the worst effect of all their proceeding was on their military, which was rendered an army for every purpose but that of defence. That, if the question was, whether soldiers were to forget they were citizens, as an abstract proposition, he could have no difference about it; though, as it is usual, when abstract principles are to be applied, much was to be thought on the manner of uniting the character of citizen and soldier. But as applied to the events which had happened in France, where the abstract principle was clothed with its circumstances, he thought that his friend would agree with him, that what was done there furnished no matter of exultation, either in the act or the example. These soldiers were not citizens, but base, hireling mutineers, and mercenary, sordid deserters, wholly destitute of any honorable principle. Their conduct was one of the fruits of that anarchic spirit from the evils of which a democracy itself was to be resorted to, by those who were the least disposed to that form, as a sort of refuge. It was not an army in corps and with discipline, and embodied under the respectable patriot citizens of the state in resisting tyranny. Nothing like it. It was the case of common soldiers deserting from their officers, to join a furious, licentious populace. It was a desertion to a cause the real object of which was to level all those institutions, and to break all those connections, natural and civil, that regulate and hold together the community by a chain of subordination: to raise soldiers against their officers, servants against their masters, tradesmen against their customers, artificers against their employers, tenants against their landlords, curates against their bishops, and children against their parents. That this cause of theirs was not an enemy to servitude, but to society.

He wished the House to consider how the members would like to have their mansions pulled down and pillaged, their persons abused, insulted, and destroyed, their title-deeds brought out and burned before their faces, and themselves and their families driven to seek refuge in every nation throughout Europe, for no other reason than this, that, without any fault of theirs, they were born gentlemen and men of property, and were suspected of a desire to preserve their consideration and their estates. The desertion in France was to aid an abominable sedition, the very professed principle of which was an implacable hostility to nobility and gentry, and

whose savage war-whoop was, "*A l'Aristocrate!*" — by which senseless, bloody cry they animated one another to rapine and murder; whilst abetted by ambitious men of another class, they were crushing everything respectable and virtuous in their nation, and to their power disgracing almost every name by which we formerly knew there was such a country in the world as France.

He knew too well, and he felt as much as any man, how difficult it was to accommodate a standing army to a free constitution, or to any constitution. An armed disciplined body is, in its essence, dangerous to liberty; undisciplined, it is ruinous to society. Its component parts are in the latter case neither good citizens nor good soldiers. What have they thought of in France, under such a difficulty as almost puts the human faculties to a stand? They have put their army under such a variety of principles of duty, that it is more likely to breed litigants, pettifoggers, and mutineers than soldiers. They have set up, to balance their crown army, another army, deriving under another authority, called a municipal army, — a balance of armies, not of orders. These latter they have destroyed with every mark of insult and oppression. States may, and they will best, exist with a partition of civil powers. Armies cannot exist under a divided command. This state of things he thought in effect a state of war, or at best but a truce, instead of peace, in the country.

What a dreadful thing is a standing army for the conduct of the whole or any part of which no man is responsible! In the present state of the French crown army, is the crown responsible for the whole of it? Is there any general who can be responsible for the obedience of a brigade, any colonel for that of a regiment, any captain for that of a company? And as to the municipal army, reinforced as it is by the new citizen deserters, under whose command are they? Have we not seen them, not led by, but dragging, their nominal commander, with a rope about his neck, when they, or those whom they accompanied, proceeded to the most atrocious acts of treason and murder? Are any of these armies? Are any of these citizens?

We have in such a difficulty as that of fitting a standing army to the state, he conceived, done much better. We have not distracted our army by divided principles of obedience. We have put them under a single authority, with a simple (our common) oath of fidelity; and we keep the whole under our annual inspection. This was doing all that could be safely done.

He felt some concern that this strange thing called a Revolution in France should be compared with the glorious event commonly called the Revolution in England, and the conduct of the soldiery on that occasion compared with the behavior of some of the troops of France in the present instance. At that period, the Prince of Orange, a prince of the blood-royal in England, was called in by the flower of the English aristocracy to defend its ancient Constitution, and not to level all distinctions. To this prince, so invited, the aristocratic leaders who commanded the troops went over with their several corps, in bodies, to the deliverer of their country. Aristocratic leaders brought up the corps of citizens who newly enlisted in

this cause. Military obedience changed its object; but military discipline was not for a moment interrupted in its principle. The troops were ready for war, but indisposed to mutiny.

But as the conduct of the English armies was different, so was that of the whole English nation at that time. In truth, the circumstances of our Revolution (as it is called) and that of France are just the reverse of each other in almost every particular, and in the whole spirit of the transaction. With us it was the case of a legal monarch attempting arbitrary power; in France it is the case of an arbitrary monarch beginning, from whatever cause, to legalize his authority. The one was to be resisted, the other was to be managed and directed; but in neither case was the order of the state to be changed, lest government might be ruined, which ought only to be corrected and legalized. With us we got rid of the man, and preserved the constituent parts of the state. There they get rid of the constituent parts of the state, and keep the man. What we did was in truth and substance, and in a constitutional light, a revolution, not made, but prevented. We took solid securities; we settled doubtful questions; we corrected anomalies in our law. In the stable, fundamental parts of our Constitution we made no revolution, — no, nor any alteration at all. We did not impair the monarchy. Perhaps it might be shown that we strengthened it very considerably. The nation kept the same ranks, the same orders, the same privileges, the same franchises, the same rules for property, the same subordinations, the same order in the law, in the revenue, and in the magistracy, — the same lords, the same commons, the same corporations, the same electors.

The Church was not impaired. Her estates, her majesty, her splendor, her orders and gradations, continued the same. She was preserved in her full efficiency, and cleared only of a certain intolerance, which was her weakness and disgrace. The Church and the State were the same after the Revolution that they were before, but better secured in every part.

Was little done because a revolution was not made in the Constitution? No! Everything was done; because we commenced with reparation, not with ruin. Accordingly, the state flourished. Instead of lying as dead, in a sort of trance, or exposed, as some others, in an epileptic fit, to the pity or derision of the world, for her wild, ridiculous, convulsive movements, impotent to every purpose but that of dashing out her brains against the pavement, Great Britain rose above the standard even of her former self. An era of a more improved domestic prosperity then commenced, and still continues, not only unimpaired, but growing, under the wasting hand of time. All the energies of the country were awakened. England never preserved a firmer countenance or a more vigorous arm to all her enemies and to all her rivals. Europe under her respired and revived. Everywhere she appeared as the protector, assertor, or avenger of liberty. A war was made and supported against fortune itself. The treaty of Ryswick, which first limited the power of France, was soon after made; the grand alliance very shortly followed, which shook to the

foundations the dreadful power which menaced the independence of mankind. The states of Europe lay happy under the shade of a great and free monarchy, which knew how to be great without endangering its own peace at home or the internal or external peace of any of its neighbors.

Mr. Burke said he should have felt very unpleasantly, if he had not delivered these sentiments. He was near the end of his natural, probably still nearer the end of his political career. That he was weak and weary, and wished for rest. That he was little disposed to controversies, or what is called a detailed opposition. That at his time of life, if he could not do something by some sort of weight of opinion, natural or acquired, it was useless and indecorous to attempt anything by mere struggle. *Turpe senex miles*. That he had for that reason little attended the army business, or that of the revenue, or almost any other matter of detail, for some years past. That he had, however, his task. He was far from condemning such opposition; on the contrary, he most highly applauded it, where a just occasion existed for it, and gentlemen had vigor and capacity to pursue it. Where a great occasion occurred, he was, and, while he continued in Parliament, would be, amongst the most active and the most earnest, — as he hoped he had shown on a late event. With respect to the Constitution itself, he wished few alterations in it, — happy if he left it not the worse for any share he had taken in its service.

Mr. Fox then rose, and declared, in substance, that, so far as regarded the French army, he went no farther than the general principle, by which that army showed itself indisposed to be an instrument in the servitude of their fellow-citizens, but did not enter into the particulars of their conduct. He declared that he did not affect a democracy: that he always thought any of the simple, unbalanced governments bad: simple monarchy, simple aristocracy, simple democracy, — he held them all imperfect or vicious; all were bad by themselves; the composition alone was good. That these had been always his principles, in which he had agreed with his friend Mr. Burke, — of whom he had said many kind and flattering things, which Mr. Burke, I take it for granted, will know himself too well to think he merits from anything but Mr. Fox's acknowledged good-nature. Mr. Fox thought, however, that, in many cases, Mr. Burke was rather carried too far by his hatred to innovation.

Mr. Burke said, he well knew that these had been Mr. Fox's invariable opinions; that they were a sure ground for the confidence of his country. But he had been fearful that cabals of very different intentions would be ready to make use of his great name, against his character and sentiments, in order to derive a credit to their destructive machinations.

Mr. Sheridan then rose, and made a lively and eloquent speech against Mr. Burke; in which, among other things, he said that Mr. Burke had libelled the National Assembly of France, and had cast out reflections on such characters as those of the Marquis de La Fayette and Mr. Bailly.

Mr. Burke said, that he did not libel the National Assembly of France, whom he considered very little in the discussion of these matters. That he thought all the substantial power resided in the republic of Paris, whose authority guided, or whose example was followed by, all the republics of France. The republic of Paris had an army under their orders, and not under those of the National Assembly.

N.B. As to the particular gentlemen, I do not remember that Mr. Burke mentioned either of them, — certainly not Mr. Bailly. He alluded, undoubtedly, to the case of the Marquis de La Fayette; but whether what he asserted of him be a libel on him must be left to those who are acquainted with the business.

Mr. Pitt concluded the debate with becoming gravity and dignity, and a reserve on both sides of the question, as related to France, fit for a person in a ministerial situation. He said, that what he had spoken only regarded France when she should unite, which he rather thought she soon might, with the liberty she had acquired, the blessings of law and order. He, too, said several civil things concerning the sentiments of Mr. Burke, as applied to this country.

SPEECH ON THE ACTS OF UNIFORMITY FEBRUARY 6, 1772.

NOTE.

The following Speech was occasioned by a petition to the House of Commons from certain clergymen of the Church of England, and certain of the two professions of Civil Law and Physic, and others, praying to be relieved from subscription to the Thirty-Nine Articles, as required by the Acts of Uniformity. The persona associated for this purpose were distinguished at the time by the name of "The Feathers Tavern Association," from the place where their meetings were usually held. Their petition was presented on the 6th of February, 1772; and on a motion that it should be brought up, the same was negatived on a division, in which Mr. Burke voted in the majority, by 217 against 71.

SPEECH.

Mr. Speaker, — I should not trouble the House upon this question, if I could at all acquiesce in many of the arguments, or justify the vote I shall give upon several of the reasons which have been urged in favor of it. I should, indeed, be very much concerned, if I were thought to be influenced to that vote by those arguments.

In particular, I do most exceedingly condemn all such arguments as involve any kind of reflection on the personal character of the gentlemen who have brought in a petition so decent in the style of it, and so constitutional in the mode. Besides the unimpeachable integrity and piety of many of the promoters of this petition, which render those aspersions as idle as they are unjust, such a way of treating the subject can have no other effect than to turn the attention of the House from the merits of the petition, the only thing properly before us, and which we are sufficiently competent to decide upon, to the motives of the petitioners, which belong exclusively to the Great Searcher of Hearts.

We all know that those who loll at their ease in high dignities, whether of the Church or of the State, are commonly averse to all reformation. It is hard to persuade them that there can be anything amiss in establishments which by feeling experience they find to be so very comfortable. It is as true, that, from the same selfish motives, those who are struggling upwards are apt to find everything wrong and out of order. These are truths upon one side and on the other; and neither on the one side or the other in argument are they worth a single farthing. I wish, therefore, so much had not been said upon these ill-chosen, and worse than ill-chosen, these very invidious topics.

I wish still more that the dissensions and animosities which had slept for a century had not been just now most unseasonably revived. But if we must be driven, whether we will or not, to recollect these unhappy transactions, let our memory be complete and equitable, let us recollect the whole of them together. If the Dissenters, as an honorable gentleman has described them, have formerly risen from a “whining, canting, snivelling generation,” to be a body dreadful and ruinous to all our establishments, let him call to mind the follies, the violences, the outrages, and persecutions, that conjured up, very blamably, but very naturally, that same spirit of retaliation. Let him recollect, along with the injuries, the services which Dissenters have done to our Church and to our State. If they have once destroyed, more than once they have saved them. This is but common justice, which they and all mankind have a right to.

There are, Mr. Speaker, besides these prejudices and animosities, which I would have wholly removed from the debate, things more regularly and argumentatively urged against the petition, which, however, do not at all appear to me conclusive.

First, two honorable gentlemen, one near me, the other, I think, on the other side of the House, assert, that, if you alter her symbols, you destroy the being of the Church of England. This, for the sake of the liberty of that Church, I must absolutely deny. The Church, like every body corporate, may alter her laws without changing her identity. As an independent church, professing fallibility, she has claimed a right of acting without the consent of any other; as a church, she claims, and has always exercised, a right of reforming whatever appeared amiss in her doctrine, her discipline, or her rites. She did so, when she shook off the Papal supremacy in the reign of Henry the Eighth, which was an act of the body of the English Church, as well as of the State (I don’t inquire how obtained). She did so, when she twice changed the Liturgy in the reign of King Edward, when she then established Articles, which were themselves a variation from former professions. She did so, when she cut off three articles from her original forty-two, and reduced them to the present thirty-nine; and she certainly would not lose her corporate identity, nor subvert her fundamental principles, though she were to leave ten of the thirty-nine which remain out of any future confession of her faith. She would limit her corporate powers, on the contrary, and she would oppose her fundamental principles, if she were to deny herself the prudential exercise of such capacity of reformation. This, therefore, can be no objection to your receiving the petition.

In the next place, Sir, I am clear, that the Act of Union, reciting and ratifying one Scotch and one English act of Parliament, has not rendered any change whatsoever in our Church impossible, but by a dissolution of the union between the two kingdoms.

The honorable gentleman who has last touched upon that point has not gone quite so far as the gentlemen who first insisted upon it. However, as none of them wholly abandon that post, it will not be safe to leave it behind me unattacked. I believe no

one will wish their interpretation of that act to be considered as authentic. What shall we think of the wisdom (to say nothing of the competence) of that legislature which should ordain to itself such a fundamental law, at its outset, as to disable itself from executing its own functions, — which should prevent it from making any further laws, however wanted, and that, too, on the most interesting subject that belongs to human society, and where she most frequently wants its interposition, — which should fix those fundamental laws that are forever to prevent it from adapting itself to its opinions, however clear, or to its own necessities, however urgent? Such an act, Mr. Speaker, would forever put the Church out of its own power; it certainly would put it far above the State, and erect it into that species of independency which it has been the great principle of our policy to prevent.

The act never meant, I am sure, any such unnatural restraint on the joint legislature it was then forming. History shows us what it meant, and all that it could mean with any degree of common sense.

In the reign of Charles the First a violent and ill-considered attempt was made unjustly to establish the platform of the government and the rites of the Church of England in Scotland, contrary to the genius and desires of far the majority of that nation. This usurpation excited a most mutinous spirit in that country. It produced that shocking fanatical Covenant (I mean the Covenant of '36) for forcing their ideas of religion on England, and indeed on all mankind. This became the occasion, at length, of other covenants, and of a Scotch army marching into England to fulfil them; and the Parliament of England (for its own purposes) adopted their scheme, took their last covenant, and destroyed the Church of England. The Parliament, in their ordinance of 1648, expressly assign their desire of conforming to the Church of Scotland as a motive for their alteration.

To prevent such violent enterprises on the one side or on the other, since each Church was going to be disarmed of a legislature wholly and peculiarly affected to it, and lest this new uniformity in the State should be urged as a reason and ground of ecclesiastical uniformity, the Act of Union provided that presbytery should continue the Scotch, as episcopacy the English establishment, and that this separate and mutually independent Church-government was to be considered as a part of the Union, without aiming at putting the regulation within each Church out of its own power, without putting both Churches out of the power of the State. It could not mean to forbid us to set anything ecclesiastical in order, but at the expense of tearing up all foundations, and forfeiting the inestimable benefits (for inestimable they are) which we derive from the happy union of the two kingdoms. To suppose otherwise is to suppose that the act intended we could not meddle at all with the Church, but we must as a preliminary destroy the State.

Well, then, Sir, this is, I hope, satisfactory. The Act of Union does not stand in our way. But, Sir, gentlemen think we are not competent to the reformation desired, chiefly from our want of theological learning. If we were the legal assembly....

If ever there was anything to which, from reason, nature, habit, and principle, I am totally averse, it is persecution for conscientious difference in opinion. If these gentlemen complained justly of any compulsion upon them on that article, I would hardly wait for their petitions; as soon as I knew the evil, I would haste to the cure; I would even run before their complaints.

I will not enter into the abstract merits of our Articles and Liturgy. Perhaps there are some things in them which one would wish had not been there. They are not without the marks and characters of human frailty.

But it is not human frailty and imperfection, and even a considerable degree of them, that becomes a ground for your alteration; for by no alteration will you get rid of those errors, however you may delight yourselves in varying to infinity the fashion of them. But the ground for a legislative alteration of a legal establishment is this, and this only, — that you find the inclinations of the majority of the people, concurring with your own sense of the intolerable nature of the abuse, are in favor of a change.

If this be the case in the present instance, certainly you ought to make the alteration that is proposed, to satisfy your own consciences, and to give content to your people. But if you have no evidence of this nature, it ill becomes your gravity, on the petition of a few gentlemen, to listen to anything that tends to shake one of the capital pillars of the state, and alarm the body of your people upon that one ground, in which every hope and fear, every interest, passion, prejudice, everything which can affect the human breast, are all involved together. If you make this a season for religious alterations, depend upon it, you will soon find it a season of religious tumults and religious wars.

These gentlemen complain of hardship. No considerable number shows discontent; but, in order to give satisfaction to any number of respectable men, who come in so decent and constitutional a mode before us, let us examine a little what that hardship is. They want to be preferred clergymen in the Church of England as by law established; but their consciences will not suffer them to conform to the doctrines and practices of that Church: that is, they want to be teachers in a church to which they do not belong; and it is an odd sort of hardship. They want to receive the emoluments appropriated for teaching one set of doctrines, whilst they are teaching another. A church, in any legal sense, is only a certain system of religious doctrines and practices fixed and ascertained by some law, — by the difference of which laws different churches (as different commonwealths) are made in various parts of the world; and the establishment is a tax laid by the same sovereign authority for payment of those who so teach and so practise: for no legislature was ever so absurd as to tax its people to support men for teaching and acting as they please, but by some prescribed rule.

The hardship amounts to this, — that the people of England are not taxed two shillings in the pound to pay them for teaching, as divine truths, their own particular

fancies. For the state has so taxed the people; and by way of relieving these gentlemen, it would be a cruel hardship on the people to be compelled to pay, from the sweat of their brow, the most heavy of all taxes to men, to condemn as heretical the doctrines which they repute to be orthodox, and to reprobate as superstitious the practices which they use as pious and holy. If a man leaves by will an establishment for preaching, such as Boyle's Lectures, or for charity sermons, or funeral sermons, shall any one complain of an hardship, because he has an excellent sermon upon matrimony, or on the martyrdom of King Charles, or on the Restoration, which I, the trustee of the establishment, will not pay him for preaching? — S. Jenyns, *Origin of Evil*. — Such is the hardship which they complain of under the present Church establishment, that they have not the power of taxing the people of England for the maintenance of their private opinions.

The laws of toleration provide for every real grievance that these gentlemen can rationally complain of. Are they hindered from professing their belief of what they think to be truth? If they do not like the Establishment, there are an hundred different modes of Dissent in which they may teach. But even if they are so unfortunately circumstanced that of all that variety none will please them, they have free liberty to assemble a congregation of their own; and if any persons think their fancies (they may be brilliant imaginations) worth paying for, they are at liberty to maintain them as their clergy: nothing hinders it. But if they cannot get an hundred people together who will pay for their reading a liturgy after their form, with what face can they insist upon the nation's conforming to their ideas, for no other visible purpose than the enabling them to receive with a good conscience the tenth part of the produce of your lands?

Therefore, beforehand, the Constitution has thought proper to take a security that the tax raised on the people shall be applied only to those who profess such doctrines and follow such a mode of worship as the legislature, representing the people, has thought most agreeable to their general sense, — binding, as usual, the minority, not to an assent to the doctrines, but to a payment of the tax.

But how do you ease and relieve? How do you know, that, in making a new door into the Church for these gentlemen, you do not drive ten times their number out of it? Supposing the contents and not-contents strictly equal in numbers and consequence, the possession, to avoid disturbance, ought to carry it. You displease all the clergy of England now actually in office, for the chance of obliging a score or two, perhaps, of gentlemen, who are, or want to be, beneficed clergymen: and do you oblige? Alter your Liturgy, — will it please all even, of those who wish, an alteration? will they agree in what ought to be altered? And after it is altered to the mind of every one, you are no further advanced than if you had not taken a single step; because a large body of men will then say you ought to have no liturgy at all: and then these men, who now complain so bitterly that they are shut out, will

themselves bar the door against thousands of others. Dissent, not satisfied with toleration, is not conscience, but ambition.

You altered the Liturgy for the Directory. This was settled by a set of most learned divines and learned laymen: Selden sat amongst them. Did this please? It was considered upon both sides as a most unchristian imposition. Well, at the Restoration they rejected the Directory, and reformed the Common Prayer, — which, by the way, had been three times reformed before. Were they then contented? Two thousand (or some great number) of clergy resigned their livings in one day rather than read it: and truly, rather than raise that second idol, I should have adhered to the Directory, as I now adhere to the Common Prayer. Nor can you content other men's conscience, real or pretended, by any concessions: follow your own; seek peace and ensue it. You have no symptoms of discontent in the people to their Establishment. The churches are too small for their congregations. The livings are too few for their candidates. The spirit of religious controversy has slackened by the nature of things: by act you may revive it. I will not enter into the question, how much truth is preferable to peace. Perhaps truth may be far better. But as we have scarcely ever the same certainty in the one that we have in the other, I would, unless the truth were evident indeed, hold fast to peace, which has in her company charity, the highest of the virtues.

This business appears in two points of view: 1st, Whether it is a matter of grievance; 2nd, Whether it is within our province to redress it with propriety and prudence. Whether it comes properly before us on a petition upon matter of grievance I would not inquire too curiously. I know, technically speaking, that nothing agreeable to law can be considered as a grievance. But an over-attention to the rules of any act does sometimes defeat the ends of it; and I think it does so in this Parliamentary act, as much at least as in any other. I know many gentlemen think that the very essence of liberty consists in being governed according to law, as if grievances had nothing real and intrinsic; but I cannot be of that opinion. Grievances may subsist by law. Nay, I do not know whether any grievance can be considered as intolerable, until it is established and sanctified by law. If the Act of Toleration were not perfect, if there were a complaint of it, I would gladly consent to amend it. But when I heard a complaint of a pressure on religious liberty, to my astonishment I find that there was no complaint whatsoever of the insufficiency of the act of King William, nor any attempt to make it more sufficient. The matter, therefore, does not concern toleration, but establishment; and it is not the rights of private conscience that are in question, but the propriety of the terms which are proposed by law as a title to public emoluments: so that the complaint is not, that there is not toleration of diversity in opinion, but that diversity in opinion is not rewarded by bishoprics, rectories, and collegiate stalls. When gentlemen complain of the subscription as matter of grievance, the complaint arises from confounding private judgment, whose rights are anterior to law, and the qualifications which the

law creates for its own magistracies, whether civil or religious. To take away from men their lives, their liberty, or their property, those things for the protection of which society was introduced, is great hardship and intolerable tyranny; but to annex any condition you please to benefits artificially created is the most just, natural, and proper thing in the world. When *e nova* you form an arbitrary benefit, an advantage, preëminence, or emolument, not by Nature, but institution, you order and modify it with all the power of a creator over his creature. Such benefits of institution are royalty, nobility, priesthood, all of which you may limit to birth; you might prescribe even shape and stature. The Jewish priesthood was hereditary. Founders' kinsmen have a preference in the election of fellows in many colleges of our universities: the qualifications at All Souls are, that they should be *optime nati, bene vestiti, mediocriter docti*.

By contending for liberty in the candidate for orders, you take away the liberty of the elector, which is the people, that is, the state. If they can choose, they may assign a reason for their choice; if they can assign a reason, they may do it in writing, and prescribe it as a condition; they may transfer their authority to their representatives, and enable them to exercise the same. In all human institutions, a great part, almost all regulations, are made from the mere necessity of the case, let the theoretical merits of the question be what they will. For nothing happened at the Reformation but what will happen in all such revolutions. When tyranny is extreme, and abuses of government intolerable, men resort to the rights of Nature to shake it off. When they have done so, the very same principle of necessity of human affairs to establish some other authority, which shall preserve the order of this new institution, must be obeyed, until they grow intolerable; and you shall not be suffered to plead original liberty against such an institution. See Holland, Switzerland.

If you will have religion publicly practised and publicly taught, you must have a power to say what that religion will be which you will protect and encourage, and to distinguish it by such marks and characteristics as you in your wisdom shall think fit. As I said before, your determination may be unwise in this as in other matters; but it cannot be unjust, hard, or oppressive, or contrary to the liberty of any man, or in the least degree exceeding your province. It is, therefore, as a grievance, fairly none at all, — nothing but what is essential, not only to the order, but to the liberty, of the whole community.

The petitioners are so sensible of the force of these arguments, that they do admit of one subscription, — that is, to the Scripture. I shall not consider how forcibly this argument militates with their whole principle against subscription as an usurpation on the rights of Providence: I content myself with submitting to the consideration of the House, that, if that rule were once established, it must have some authority to enforce the obedience; because, you well know, a law without a sanction will be ridiculous. Somebody must sit in judgment on his conformity; he

must judge on the charge; if he judges, he must ordain execution. These things are necessary consequences one of the other; and then, this judgment is an equal and a superior violation of private judgment; the right of private judgment is violated in a much greater degree than it can be by any previous subscription. You come round again to subscription, as the best and easiest method; men must judge of his doctrine, and judge definitively: so that either his test is nugatory, or men must first or last prescribe his public interpretation of it.

If the Church be, as Mr. Locke defines it, *a voluntary society*, &c., then it is essential to this voluntary society to exclude from her voluntary society any member she thinks fit, or to oppose the entrance of any upon such conditions as she thinks proper. For, otherwise, it would be a voluntary society acting contrary to her will, which is a contradiction in terms. And this is Mr. Locke's opinion, the advocate for the largest scheme of ecclesiastical and civil toleration to Protestants (for to Papists he allows no toleration at all).

They dispute only the extent of the subscription; they therefore tacitly admit the equity of the principle itself. Here they do not resort to the original rights of Nature, because it is manifest that those rights give as large a power of controverting every part of Scripture, or even the authority of the whole, as they do to the controverting any articles whatsoever. When a man requires you to sign an assent to Scripture, he requires you to assent to a doctrine as contrary to your natural understanding, and to your rights of free inquiry, as those who require your conformity to any one article whatsoever.

The subscription to Scripture is the most astonishing idea I ever heard, and will amount to just nothing at all. Gentlemen so acute have not, that I have heard, ever thought of answering a plain, obvious question: What is that Scripture to which they are content to subscribe? They do not think that a book becomes of divine authority because it is bound in blue morocco, and is printed by John Baskett and his assigns. The Bible is a vast collection of different treatises: a man who holds the divine authority of one may consider the other as merely human. What is his Canon? The Jewish? St. Jerome's? that of the Thirty-Nine Articles? Luther's? There are some who reject the Canticles; others, six of the Epistles; the Apocalypse has been suspected even as heretical, and was doubted of for many ages, and by many great men. As these narrow the Canon, others have enlarged it by admitting St. Barnabas's Epistles, the Apostolic Constitutions, to say nothing of many other Gospels. Therefore, to ascertain. Scripture, you must have one article more; and you must define what that Scripture is which, you mean to teach. There are, I believe, very few who, when Scripture is so ascertained, do not see the absolute necessity of knowing what general doctrine a man draws from it, before he is sent down authorized by the state to teach, it as pure doctrine, and receive a tenth of the produce of our lands.

The Scripture is no one summary of doctrines regularly digested, in which, a man could not mistake his way. It is a most venerable, but most multifarious, collection of the records of the divine economy: a collection of an infinite variety, — of cosmogony, theology, history, prophecy, psalmody, morality, apologue, allegory, legislation, ethics, carried through different books, by different authors, at different ages, for different ends and purposes. It is necessary to sort out what is intended for example, what only as narrative, — what to be understood literally, what figuratively, — where one precept is to be controlled and modified by another, — what is used directly, and what only as an argument *ad hominem*, — what is temporary, and what of perpetual obligation, — what appropriated to one state and to one set of men, and what the general duty of all Christians. If we do not get some security for this, we not only permit, but we actually pay for, all the dangerous fanaticism which, can be produced to corrupt our people, and to derange the public worship of the country. We owe the best we can (not infallibility, but prudence) to the subject, — first sound doctrine, then ability to use it.

SPEECH ON A BILL FOR THE RELIEF OF PROTESTANT DISSENTERS. MARCH 17, 1773.

NOTE.

This speech is given partly from the manuscript papers of Mr. Burke, and partly from a very imperfect short-hand note taken at the time by a member of the House of Commons. The bill under discussion was opposed by petitions from several congregations calling themselves "Protestant Dissenters," who appear to have been principally composed of the people who are generally known under the denomination of "Methodists," and particularly by a petition from a congregation of that description residing in the town of Chatham.

SPEECH.

I assure you, Sir, that the honorable gentleman who spoke last but one need not be in the least fear that I should make a war of particles upon his opinion, whether the Church of England *should*, *would*, or *ought* to be alarmed. I am very clear that this House has no one reason in the world to think she is alarmed by the bill brought before you. It is something extraordinary that the only symptom of alarm in the Church of England should appear in the petition of some Dissenters, with whom, I believe very few in this House are yet acquainted, and of whom you know no more than that you are assured by the honorable gentleman that they are not Mahometans. Of the Church we know they are not, by the name that they assume. They are, then, Dissenters. The first symptom of an alarm, comes from some Dissenters assembled round the lines of Chatham: these lines become the security of the Church of England! The honorable gentleman, in speaking of the lines of Chatham, tells us that they serve not only for the security of the wooden walls of England, but for the defence of the Church of England. I suspect the wooden walls of England secure the lines of Chatham, rather than the lines of Chatham secure the wooden walls of England.

Sir, the Church of England, if only defended by this miserable petition upon your table, must, I am afraid, upon the principles of true fortification, be soon destroyed. But, fortunately, her walls, bulwarks, and bastions are constructed of other materials than of stubble and straw, — are built up with the strong and stable matter of the gospel of liberty, and founded on a true, constitutional, legal establishment. But, Sir, she has other securities: she has the security of her own doctrines; she has the security of the piety, the sanctity, of her own professors, — their learning is a

bulwark to defend her; she has the security of the two universities, not shook in any single battlement, in any single pinnacle.

But the honorable gentleman has mentioned, indeed, principles which astonish me rather more than ever. The honorable gentleman thinks that the Dissenters enjoy a large share of liberty under a connivance; and he thinks that the establishing toleration by law is an attack upon Christianity.

The first of these is a contradiction in terms. Liberty under a connivance! Connivance is a relaxation from slavery, not a definition of liberty. What is connivance, but a state under which all slaves live? If I was to describe slavery, I would say, with those who *hate* it, it is living under will, not under law; if as it is stated by its advocates, I would say, that, like earthquakes, like thunder, or other wars the elements make upon mankind, it happens rarely, it occasionally comes now and then upon people, who, upon ordinary occasions, enjoy the same legal government of liberty. Take it under the description of those who would soften those features, the state of slavery and connivance is the same thing. If the liberty enjoyed be a liberty not of toleration, but of connivance, the only question is, whether establishing such by law is an attack upon Christianity. Toleration an attack upon Christianity! What, then! are we come to this pass, to suppose that nothing can support Christianity but the principles of persecution? Is that, then, the idea of establishment? Is it, then, the idea of Christianity itself, that it ought to have establishments, that it ought to have laws against Dissenters, but the breach of which laws is to be connived at? What a picture of toleration! what a picture of laws, of establishments! what a picture of religious and civil liberty! I am persuaded the honorable gentleman, does not see it in this light. But these very terms become the strongest reasons for my support of the bill: for I am persuaded that toleration, so far from being an attack upon Christianity, becomes the best and surest support that possibly can be given, to it. The Christian religion itself arose without establishment, — it arose even without toleration; and whilst its own principles were not tolerated, it conquered all the powers of darkness, it conquered all the powers of the world. The moment it began to depart from these principles, it converted the establishment into tyranny; it subverted its foundations from that very hour. Zealous as I am for the principle of an establishment, so just an abhorrence do I conceive against whatever may shake it. I know nothing but the supposed necessity of persecution that can make an establishment disgusting. I would have toleration a part of establishment, as a principle favorable to Christianity, and as a part of Christianity.

All seem agreed that the law, as it stands, inflicting penalties on all-religious teachers and on schoolmasters who do not sign the Thirty-Nine Articles of Religion, ought not to be executed. We are all agreed that *the law is not good*: for that, I presume, is undoubtedly the idea of a law that ought not to be executed. The question, therefore, is, whether in a well-constituted commonwealth, which we

desire ours to be thought, and I trust intend that it should be, whether in such a commonwealth it is wise to retain those laws which it is not proper to execute. A penal law not ordinarily put in execution seems to me to be a very absurd and a very dangerous thing. For if its principle be right, if the object of its prohibitions and penalties be a real evil, then you do in effect permit that very evil, which not only the reason of the thing, but your very law, declares ought not to be permitted; and thus it reflects exceedingly on the wisdom, and consequently derogates not a little from the authority, of a legislature who can at once forbid and suffer, and in the same breath promulgate penalty and indemnity to the same persons and for the very same actions. But if the object of the law be no moral or political evil, then you ought not to hold even a terror to those whom you ought certainly not to punish: for if it is not right to hurt, it is neither right nor wise to menace. Such laws, therefore, as they must be defective either in justice or wisdom or both, so they cannot exist without a considerable degree of danger. Take them which way you will, they are pressed with ugly alternatives.

1st. All penal laws are either upon popular prosecution, or on the part of the crown. Now if they may be roused from their sleep, whenever a minister thinks proper, as instruments of oppression, then they put vast bodies of men into a state of slavery and court dependence; since their liberty of conscience and their power of executing their functions depend entirely on his will. I would have no man derive his means of continuing any function, or his being restrained from it, but from the laws only: they should be his only superior and sovereign lords.

2nd. They put statesmen and magistrates into an habit of playing fast and loose with the laws, straining or relaxing them as may best suit their political purposes, — and in that light tend to corrupt the executive power through all its offices.

3rd. If they are taken up on popular actions, their operation in that light also is exceedingly evil. They become the instruments of private malice, private avarice, and not of public regulation; they nourish the worst of men to the prejudice of the best, punishing tender consciences, and rewarding informers.

Shall we, as the honorable gentleman tells us we may with perfect security, trust to the manners of the age? I am well pleased with the general manners of the times; but the desultory execution of penal laws, the thing I condemn, does not depend on the manners of the times. I would, however, have the laws tuned in unison with the manners. Very dissonant are a gentle country and cruel laws; very dissonant, that your reason is furious, but your passions moderate, and that you are always equitable except in your courts of justice.

I will beg leave to state to the House one argument which has been much relied upon: that the Dissenters are not unanimous upon this business; that many persons are alarmed; that it will create a disunion among the Dissenters.

When any Dissenters, or any body of people, come here with a petition, it is not the number of people, but the reasonableness of the request, that should weigh with

the House. A body of Dissenters come to this House, and say, "Tolerate us: we desire neither the parochial advantage of tithes, nor dignities, nor the stalls of your cathedrals: no! let the venerable orders of the hierarchy exist with all their advantages." And shall I tell them, "I reject your just and reasonable petition, not because it shakes the Church, but because there are others, while you lie grovelling upon the earth, that will kick and bite you"? Judge which of these descriptions of men comes with a fair request: that which says, "Sir, I desire liberty for my own, because I trespass on no man's conscience," — or the other, which says, "I desire that these men should not be suffered to act according to their consciences, though I am tolerated to act according to mine. But I sign a body of Articles, which is my title to toleration; I sign no more, because more are against my conscience. But I desire that you will not tolerate these men, because they will not go so far as I, though I desire to be tolerated, who will not go as far as you. No, imprison them, if they come within five miles of a corporate town, because they do not believe what I do in point of doctrines." Shall I not say to these men, *Arrangez-vous, canaille*? You, who are not the predominant power, will not give to others the relaxation under which you are yourself suffered to live. I have as high an opinion of the doctrines of the Church as you. I receive them implicitly, or I put my own explanation on them, or take that which seems to me to come best recommended by authority. There are those of the Dissenters who think more rigidly of the doctrine of the Articles relative to Predestination than others do. They sign the Article relative to it *ex animo*, and literally. Others allow a latitude of construction. These two parties are in the Church, as well as among the Dissenters; yet in the Church we live quietly under the same roof. I do not see why, as long as Providence gives us no further light into this great mystery, we should not leave things as the Divine Wisdom has left them. But suppose all these things to me to be clear, (which Providence, however, seems to have left obscure,) yet, whilst Dissenters claim a toleration in things which, seeming clear to me, are obscure to them, without entering into the merit of the Articles, with what face can these men say, "Tolerate us, but do not tolerate them"? Toleration is good for all, or it is good for none.

The discussion this day is not between establishment on one hand and toleration on the other, but between those who, being tolerated themselves, refuse toleration to others. That power should be puffed up with pride, that authority should degenerate into rigor, if not laudable, is but too natural. But this proceeding of theirs is much beyond the usual allowance to human weakness: it not only is shocking to our reason, but it provokes our indignation. *Quid domini facient, audent cum talia fures*? It is not the proud prelate thundering in his Commission Court, but a pack of manumitted slaves, with the lash of the beadle flagrant on their backs, and their legs still galled with their fetters, that would drive their brethren into that prison-house from whence they have just been permitted to escape. If, instead of puzzling themselves in the depths of the Divine counsels, they would turn, to the mild

morality of the Gospel, they would read their own condemnation:— “O thou wicked servant, I forgave thee all that debt because thou desiredst me: shouldest not thou also have compassion on thy fellow-servant, even as I had pity on thee?”

In my opinion, Sir, a magistrate, whenever he goes to put any restraint upon religious freedom, can only do it upon this ground, — that the person dissenting does not dissent from the scruples of ill-informed conscience, but from a party ground of dissension, in order to raise a faction in the state. We give, with regard to rites and ceremonies, an indulgence to tender consciences. But if dissent is at all punished in any country, if at all it can be punished upon any pretence, it is upon a presumption, not that a man is supposed to differ conscientiously from the establishment, but that he resists truth for the sake of faction, — that he abets diversity of opinions in religion to distract the state, and to destroy the peace of his country. This is the only plausible, — for there is no true ground of persecution. As the laws stand, therefore, let us see how we have thought fit to act.

If there is any one thing within the competency of a magistrate with regard to religion, it is this: that he has a right to direct the exterior ceremonies of religion; that, whilst interior religion is within the jurisdiction of God alone, the external part, bodily action, is within the province of the chief governor. Hooker, and all the great lights of the Church, have constantly argued this to be a part within the province of the civil magistrate. But look at the Act of Toleration of William and Mary: there you will see the civil magistrate has not only dispensed with those things which are more particularly within his province, with those things which faction might be supposed to take up for the sake of making visible and external divisions and raising a standard of revolt, but has also from sound politic considerations relaxed on those points which are confessedly without his province.

The honorable gentleman, speaking of the heathens, certainly could not mean to recommend anything that is derived from that impure source. But he has praised the tolerating spirit of the heathens. Well! but the honorable gentleman will recollect that heathens, that polytheists, must permit a number of divinities. It is the very essence of its constitution. But was it ever heard that polytheism tolerated a dissent from a polytheistic establishment, — the belief of one God only? Never! never! Sir, they constantly carried on persecution against that doctrine. I will not give heathens the glory of a doctrine which I consider the best part of Christianity. The honorable gentleman must recollect the Roman law, that was clearly against the introduction of any foreign rites in matters of religion. You have it at large in Livy, how they persecuted in the first introduction the rites of Bacchus; and even before Christ, to say nothing of their subsequent persecutions, they persecuted the Druids and others. Heathenism, therefore, as in other respects erroneous, was erroneous in point of persecution. I do not say every heathen who persecuted was therefore an impious man: I only say he was mistaken, as such a man is now. But, says the honorable gentleman, they did not persecute Epicureans. No: the Epicureans had no

quarrel with their religious establishment, nor desired any religion for themselves. It would have been very extraordinary, if irreligious heathens had desired either a religious establishment or toleration. But, says the honorable gentleman, the Epicureans entered, as others, into the temples. They did so; they defied all subscription; they defied all sorts of conformity; there was no subscription to which they were not ready to set their hands, no ceremonies they refused to practise; they made it a principle of their irreligion outwardly to conform to any religion. These atheists eluded all that you could do: so will all freethinkers forever. Then you suffer, or the weakness of your law has suffered, those great dangerous animals to escape notice, whilst you have nets that entangle the poor fluttering silken wings of a tender conscience.

The honorable gentleman insists much upon this circumstance of objection, — namely, the division amongst the Dissenters. Why, Sir, the Dissenters, by the nature of the term, are open to have a division among themselves. They are Dissenters because they differ from the Church of England: not that they agree among themselves. There are Presbyterians, there are Independents, — some that do not agree to infant baptism, others that do not agree to the baptism of adults, or any baptism. All these are, however, tolerated under the acts of King William, and subsequent acts; and their diversity of sentiments with one another did not and could not furnish an argument against their toleration, when their difference with ourselves furnished none.

But, says the honorable gentleman, if you suffer them to go on, they will shake the fundamental principles of Christianity. Let it be considered, that this argument goes as strongly against connivance, which you allow, as against toleration, which you reject. The gentleman sets out with a principle of perfect liberty, or, as he describes it, connivance. But, for fear of dangerous opinions, you leave it in your power to vex a man who has not held any one dangerous opinion whatsoever. If one man is a professed atheist, another man the best Christian, but dissents from two of the Thirty-Nine Articles, I may let escape the atheist, because I know him to be an atheist, because I am, perhaps, so inclined myself, and because I may connive where I think proper; but the conscientious Dissenter, on account of his attachment to that general religion which perhaps I hate, I shall take care to punish, because I may punish when I think proper. Therefore, connivance being an engine of private malice or private favor, not of good government, — an engine which totally fails of suppressing atheism, but oppresses conscience, — I say that principle becomes, not serviceable, but dangerous to Christianity; that it is not toleration, but contrary to it, even contrary to peace; that the penal system to which it belongs is a dangerous principle in the economy either of religion or government. The honorable gentleman (and in him I comprehend all those who oppose the bill) bestowed in support of their side of the question as much argument as it could bear, and much more of learning and decoration than it deserved. He thinks connivance consistent, but legal

toleration inconsistent, with the interests of Christianity. Perhaps I would go as far as that honorable gentleman, if I thought toleration inconsistent with those interests. God forbid! I may be mistaken, but I take toleration to be a part of religion. I do not know which I would sacrifice: I would keep them both: it is not necessary I should sacrifice either. I do not like the idea of tolerating the doctrines of Epicurus: but nothing in the world propagates them so much as the oppression of the poor, of the honest and candid disciples of the religion we profess in common, — I mean revealed religion; nothing sooner makes them take a short cut out of the bondage of sectarian vexation into open and direct infidelity than tormenting men for every difference. My opinion is, that, in establishing the Christian religion wherever you find it, curiosity or research is its best security; and in this way a man is a great deal better justified in saying, Tolerate all kinds of consciences, than in imitating the heathens, whom the honorable gentleman quotes, in tolerating those who have none. I am not over-fond of calling for the secular arm upon these misguided or misguiding men; but if ever it ought to be raised, it ought surely to be raised against these very men, not against others, whose liberty of religion you make a pretext for proceedings which drive them into the bondage of impiety. What figure do I make in saying, I do not attack the works of these atheistical writers, but I will keep a rod hanging over the conscientious man, their bitterest enemy, because these atheists may take advantage of the liberty of their foes to introduce irreligion? The best book that ever, perhaps, has been written against these people is that in which the author has collected in a body the whole of the infidel code, and has brought the writers into one body to cut them all off together. This was done by a Dissenter, who never did subscribe the Thirty-Nine Articles, — Dr. Leland. But if, after all this, danger is to be apprehended, if you are really fearful that Christianity will indirectly suffer by this liberty, you have my free consent: go directly, and by the straight way, and not by a circuit in which, in your road you may destroy your friends; point your arms against these men who do the mischief you fear promoting; point your arms against men who, not contented with endeavoring to turn your eyes from the blaze and effulgence of light by which life and immortality is so gloriously demonstrated by the Gospel, would even extinguish that faint glimmering of Nature, that only comfort supplied to ignorant man before this great illumination, — them, who, by attacking even the possibility of all revelation, arraign all the dispensations of Providence to man. These are the wicked Dissenters you ought to fear; these are the people against whom you ought to aim the shaft of the law; these are the men to whom, arrayed in all the terrors of government, I would say, You shall not degrade us into brutes! These men, these factious men, as the honorable gentleman properly called them, are the just objects of vengeance, not the conscientious Dissenter, — these men, who would take away whatever ennobles the rank or consoles the misfortunes of human nature, by breaking off that connection of observances, of affections, of hopes and fears, which bind us to the Divinity, and constitute the

glorious and distinguishing prerogative of humanity, that of being a religious creature: against these I would have the laws rise in all their majesty of terrors, to fulminate such vain and impious wretches, and to awe them into impotence by the only dread they can fear or believe, to learn that eternal lesson, *Discite justitiam moniti, et non temnere Divos!*

At the same time that I would cut up the very root of atheism, I would respect all conscience, — all conscience that is really such, and which perhaps its very tenderness proves to be sincere. I wish to see the Established Church of England great and powerful; I wish to see her foundations laid low and deep, that she may crush the giant powers of rebellious darkness; I would have her head raised up to that heaven to which she conducts us. I would have her open wide her hospitable gates by a noble and liberal comprehension, but I would have no breaches in her wall; I would have her cherish all those who are within, and pity all those who are without; I would have her a common blessing to the world, an example, if not an instructor, to those who have not the happiness to belong to her; I would have her give a lesson of peace to mankind, that a vexed and wandering generation might be taught to seek for repose and toleration in the maternal bosom of Christian charity, and not in the harlot lap of infidelity and indifference. Nothing has driven people more into that house of seduction than the mutual hatred of Christian congregations. Long may we enjoy our church under a learned and edifying episcopacy! But episcopacy may fail, and religion exist. The most horrid and cruel blow that can be offered to civil society is through atheism. Do not promote diversity; when you have it, bear it; have as many sorts of religion as you find in your country; there is a reasonable worship in them all. The others, the infidels, are outlaws of the constitution, not of this country, but of the human race. They are never, never to be supported, never to be tolerated. Under the systematic attacks of these people, I see some of the props of good government already begin to fail; I see propagated principles which will not leave to religion even a toleration. I see myself sinking every day under the attacks of these wretched people. How shall I arm myself against them? By uniting all those in affection, who are united in the belief of the great principles of the Godhead that made and sustains the world. They who hold revelation give double assurance to their country. Even the man who does not hold revelation, yet who wishes that it were proved to him, who observes a pious silence with regard to it, such a man, though not a Christian, is governed by religious principles. Let him be tolerated in this country. Let it be but a serious religion, natural or revealed, take what you can get. Cherish, blow up the slightest spark: one day it may be a pure and holy flame. By this proceeding you form an alliance offensive and defensive against those great ministers of darkness in the world who are endeavoring to shake all the works of God established in order and beauty.

Perhaps I am carried too far; but it is in the road into which the honorable gentleman has led me. The honorable gentleman would have us fight this confederacy of the powers of darkness with the single arm of the Church of England, — would have us not only fight against infidelity, but fight at the same time with all the faith in the world except our own. In the moment we make a front against the common enemy, we have to combat with all those who are the natural friends of our cause. Strong as we are, we are not equal to this. The cause of the Church of England is included in that of religion, not that of religion in the Church of England. I will stand up at all times for the rights of conscience, as it is such, — not for its particular modes against its general principles. One may be right, another mistaken; but if I have more strength than my brother, it shall be employed to support, not to oppress his weakness; if I have more light, it shall be used to guide, not to dazzle him....

**SPEECH ON A MOTION MADE IN THE HOUSE OF
COMMONS BY THE RIGHT HON. C.J. FOX, MAY 11, 1793, FOR
LEAVE TO BRING IN A BILL TO REPEAL AND ALTER
CERTAIN ACTS RESPECTING RELIGIOUS OPINIONS, UPON
THE OCCASION OF A PETITION OF THE UNITARIAN
SOCIETY**

I never govern myself, no rational man ever did govern himself, by abstractions and universals. I do not put abstract ideas wholly out of any question; because I well know that under that name I should dismiss principles, and that without the guide and light of sound, well-understood principles, all reasonings in politics, as in everything else, would be only a confused jumble of particular facts and details, without the means of drawing out any sort of theoretical or practical conclusion. A statesman differs from a professor in an university: the latter has only the general view of society; the former, the statesman, has a number of circumstances to combine with those general ideas, and to take into his consideration. Circumstances are infinite, are infinitely combined, are variable and transient: he who does not take them into consideration is not erroneous, but stark mad; *dat operam ut cum ratione insaniat*; he is metaphysically mad. A statesman, never losing sight of principles, is to be guided by circumstances; and judging contrary to the exigencies of the moment, he may ruin his country forever.

I go on this ground, — that government, representing the society, has a general superintending control over all the actions and over all the publicly propagated doctrines of men, without which it never could provide adequately for all the wants of society: but then it is to use this power with an equitable discretion, the only bond of sovereign authority. For it is not, perhaps, so much by the assumption of unlawful powers as by the unwise or unwarrantable use of those which are most legal, that governments oppose their true end and object: for there is such a thing as tyranny, as well as usurpation. You can hardly state to me a case to which legislature is the most confessedly competent, in which, if the rules of benignity and prudence are not observed, the most mischievous and oppressive things may not be done. So that, after all, it is a moral and virtuous discretion, and not any abstract theory of right, which keeps governments faithful to their ends. Crude, unconnected truths are in the world of practice what falsehoods are in theory. A reasonable, prudent, provident, and moderate coercion may be a means of preventing acts of extreme ferocity and rigor: for by propagating excessive and extravagant doctrines, such extravagant disorders take place as require the most perilous and fierce corrections to oppose them.

It is not morally true that we are bound to establish in every country that form of religion which in *our* minds is most agreeable to truth, and conduces most to the eternal happiness of mankind. In the same manner, it is not true that we are, against the conviction of our own judgment, to establish a system of opinions and practices directly contrary to those ends, only because some majority of the people, told by the head, may prefer it. No conscientious man would willingly establish what he knew to be false and mischievous in religion, or in anything else. No wise man, on the contrary, would tyrannically set up his own sense so as to reprobate that of the great prevailing body of the community, and pay no regard to the established opinions and prejudices of mankind, or refuse to them the means of securing a religious instruction suitable to these prejudices. A great deal depends on the state in which you find men....

An alliance between Church and State in a Christian commonwealth is, in my opinion, an idle and a fanciful speculation. An alliance is between two things that are in their nature distinct and independent, such as between two sovereign states. But in a Christian commonwealth the Church and the State are one and the same thing, being different integral parts of the same whole. For the Church has been always divided into two parts, the clergy and the laity, — of which the laity is as much an essential integral part, and has as much its duties and privileges, as the clerical member, and in the rule, order, and government of the Church has its share. Religion is so far, in my opinion, from being out of the province or the duty of a Christian magistrate, that it is, and it ought to be, not only his care, but the principal thing in his care; because it is one of the great bonds of human society, and its object the supreme good, the ultimate end and object of man himself. The magistrate, who is a man, and charged with the concerns of men, and to whom very specially nothing human is remote and indifferent, has a right and a duty to watch over it with an unceasing vigilance, to protect, to promote, to forward it by every rational, just, and prudent means. It is principally his duty to prevent the abuses which grow out of every strong and efficient principle that actuates the human mind. As religion is one of the bonds of society, he ought not to suffer it to be made the pretext of destroying its peace, order, liberty, and its security. Above all, he ought strictly to look to it, when men begin to form new combinations, to be distinguished by new names, and especially when they mingle a political system with their religious opinions, true or false, plausible or implausible.

It is the interest, and it is the duty, and because it is the interest and the duty, it is the right of government to attend much to opinions; because, as opinions soon combine with passions, even when they do not produce them, they have much influence on actions. Factions are formed upon opinions, which factions become in effect bodies corporate in the state; nay, factions generate opinions, in order to become a centre of union, and to furnish watchwords to parties; and this may make it expedient for government to forbid things in themselves innocent and neutral. I

am not fond of defining with precision what the ultimate rights of the sovereign supreme power, in providing for the safety of the commonwealth, may be, or may not extend to. It will signify very little what my notions or what their own notions on the subject may be; because, according to the exigence, they will take, in fact, the steps which seem to them necessary for the preservation of the whole: for as self-preservation in individuals is the first law of Nature, the same will prevail in societies, who will, right or wrong, make that an object paramount to all other rights whatsoever. There are ways and means by which a good man would not even save the commonwealth.... All things founded on the idea of danger ought in a great degree to be temporary. All policy is very suspicious that sacrifices any part to the ideal good of the whole. The object of the state is (as far as may be) the happiness of the whole. Whatever makes multitudes of men utterly miserable can never answer that object; indeed, it contradicts it wholly and entirely; and the happiness or misery of mankind, estimated by their feelings and sentiments, and not by any theories of their rights, is, and ought to be, the standard for the conduct of legislators towards the people. This naturally and necessarily conducts us to the peculiar and characteristic situation of a people, and to a knowledge of their opinions, prejudices, habits, and all the circumstances that diversify and color life. The first question a good statesman would ask himself, therefore, would be, How and in what circumstances do you find the society? and to act upon them.

To the other laws relating to other sects I have nothing to say: I only look to the petition which has given rise to this proceeding. I confine myself to that, because in my opinion its merits have little or no relation to that of the other laws which the right honorable gentleman has with so much ability blended with it. With the Catholics, with the Presbyterians, with the Anabaptists, with the Independents, with the Quakers, I have nothing at all to do. They are in *possession*, — a great title in all human affairs. The tenor and spirit of our laws, whether they were restraining or whether they were relaxing, have hitherto taken another course. The spirit of our laws has applied their penalty or their relief to the supposed abuse to be repressed or the grievance to be relieved; and the provision for a Catholic and a Quaker has been totally different, according to his exigence: you did not give a Catholic liberty to be freed from an oath, or a Quaker power of saying mass with impunity. You have done this, because you never have laid it down as an universal proposition, as a maxim, that nothing relative to religion was your concern, but the direct contrary; and therefore you have always examined whether there was a grievance. It has been so at all times: the legislature, whether right or wrong, went no other way to work but by circumstances, times, and necessities. My mind marches the same road; my school is the practice and usage of Parliament.

Old religious factions are volcanoes burnt out; on the lava and ashes and squalid scorix of old eruptions grow the peaceful olive, the cheering vine, and the sustaining corn. Such was the first, such the second condition of Vesuvius. But when

a now fire bursts out, a face of desolations comes on, not to be rectified in ages. Therefore, when men come before us, and rise up like an exhalation from the ground, they come in a questionable shape, and we must *exorcise* them, and try whether their intents be wicked or charitable, whether they bring airs from heaven or blasts from hell. This is the first time that our records of Parliament have heard, or our experience or history given us an account of any religious congregation or association known by the name which these petitioners have assumed. We are now to see by what people, of what character, and under what temporary circumstances, this business is brought before you. We are to see whether there be any and what mixture of political dogmas and political practices with their religious tenets, of what nature they are, and how far they are at present practically separable from them. This faction (the authors of the petition) are not confined to a *theological* sect, but are also a *political* faction. 1st, As theological, we are to show that they do not aim at the quiet enjoyment of their own liberty, but are *associated* for the express purpose of proselytism. In proof of this first proposition, read their primary association. 2nd, That their purpose of proselytism is to collect a multitude sufficient by force and violence to overturn the Church. In proof of the second proposition, see the letter of Priestley to Mr. Pitt, and extracts from his works. 3rd, That the designs against the Church are concurrent with a design to subvert the State. In proof of the third proposition, read the advertisement of the Unitarian Society for celebrating the 14th of July. 4th, On what *model* they intend to build, — that it is the *French*. In proof of the fourth proposition, read the correspondence of the Revolution Society with the clubs of France, read Priestley's adherence to their opinions. 5th, What the *French* is with regard to religious toleration, and with regard to, 1. Religion, — 2. Civil happiness, — 3. Virtue, order, and real liberty, — 4. Commercial opulence, — 5. National defence. In proof of the fifth proposition, read the representation of the French minister of the Home Department, and the report of the committee upon it.

Formerly, when the superiority of two parties contending for dogmas and an establishment was the question, we knew in such a contest the whole of the evil. We knew, for instance, that Calvinism would prevail according to the Westminster Catechism with regard to *tenets*. We knew that Presbytery would prevail in *church government*. But we do not know what opinions would prevail, if the present Dissenters should become masters. They will not tell us their present opinions; and one principle of modern Dissent is, not to discover them. Next, as their religion, is in a continual fluctuation, and is so by principle and in profession, it is impossible for us to know what it will be. If religion only related to the individual, and was a question between God and the conscience, it would not be wise, nor in my opinion equitable, for human authority to step in. But when religion is embodied into faction, and factions have objects to pursue, it will and must, more or less, become a question of power between them. If even, when embodied into congregations, they

limited their principle to their own congregations, and were satisfied themselves to abstain from what they thought unlawful, it would be cruel, in my opinion, to molest them in that tenet, and a consequent practice. But we know that they not only entertain these opinions, but entertain them with a zeal for propagating them by force, and employing the power of law and place to destroy establishments, if ever they should come to power sufficient to effect their purpose: that is, in other words, they declare they would persecute the heads of our Church; and the question is, whether you should keep them within the bounds of toleration, or subject yourself to their persecution.

A bad and very censurable practice it is to warp doubtful and ambiguous expressions to a perverted sense, which makes the charge not the crime of others, but the construction of your own malice; nor is it allowed to draw conclusions from allowed premises, which those who lay down the premises utterly deny, and disown as their conclusions. For this, though it may possibly be good logic, cannot by any possibility whatsoever be a fair or charitable representation of any man or any set of men. It may show the erroneous nature of principles, but it argues nothing as to dispositions and intentions. Far be such a mode from me! A mean and unworthy jealousy it would be to do anything upon, the mere speculative apprehension of what men will do. But let us pass by *our* opinions concerning the danger of the Church. What do the gentlemen themselves think of that danger? They from, whom the danger is apprehended, what do they declare to be their own designs? What do they conceive to be their own forces? And what do they proclaim to be their means? Their designs they declare to be to destroy the Established Church; and not to set up a new one of their own. See Priestley. If they should find the State stick to the Church, the question is, whether they love the constitution in *State* so well as that they would not destroy the constitution of the State in order to destroy that of the Church. Most certainly they do not.

The foundations on which obedience to governments is founded are not to be constantly discussed. That we are here supposes the discussion already made and the dispute settled. We must assume the rights of what represents the public to control the individual, to make his will and his acts to submit to their will, until some intolerable grievance shall make us know that it does not answer its end, and will submit neither to reformation nor restraint. Otherwise we should dispute all the points of morality, before we can punish a murderer, robber, and adulterer; we should analyze all society. Dangers by being despised grow great; so they do by absurd provision against them. *Stulti est dixisse, Non putâram*. Whether an early discovery of evil designs, an early declaration, and an early precaution against them be more wise than to stifle all inquiry about them, for fear they should declare themselves more early than otherwise they would, and therefore precipitate the evil, — all this depends on the reality of the danger. Is it only an unbookish jealousy, as Shakspeare calls it? It is a question of fact. Does a design against the Constitution of

this country exist? If it does, and if it is carried on with increasing vigor and activity by a restless faction, and if it receives countenance by the most ardent and enthusiastic applauses of its object in the great council of this kingdom, by men of the first parts which this kingdom produces, perhaps by the first it has ever produced, can I think that there is no danger? If there be danger, must there be no precaution at all against it? If you ask whether I think the danger urgent and immediate, I answer, Thank God, I do not. The body of the people is yet sound, the Constitution is in their hearts, while wicked men are endeavoring to put another into their heads. But if I see the very same beginnings which have commonly ended in great calamities, I ought to act as if they might produce the very same effects. Early and provident fear is the mother of safety; because in that state of things the mind is firm and collected, and the judgment unembarrassed. But when the fear and the evil feared come on together, and press at once upon us, deliberation itself is ruinous, which saves upon all other occasions; because, when perils are instant, it delays decision: the man is in a flutter, and in a hurry, and his judgment is gone, — as the judgment of the deposed King of France and his ministers was gone, if the latter did not premeditatedly betray him. He was just come from his usual amusement of hunting, when the head of the column of treason and assassination was arrived at his house. Let not the king, let not the Prince of Wales, be surprised in this manner. Let not both Houses of Parliament be led in triumph along with him, and have law dictated to them, by the Constitutional, the Revolution, and the Unitarian Societies. These insect reptiles, whilst they go on only caballing and toasting, only fill us with disgust; if they get above their natural size, and increase the quantity whilst they keep the quality of their venom, they become objects of the greatest terror. A spider in his natural size is only a spider, ugly and loathsome; and his flimsy net is only fit for catching flies. But, good God! suppose a spider as large as an ox, and that he spread cables about us, all the wilds of Africa would not produce anything so dreadful: —

Quale portentum neque militaris
Daunia in latis alit esculetis,
Nec Jubæ tellus generat, leonum
Arida nutrix.

Think of them who dare menace in the way they do in their present state, what would they do, if they had power commensurate to their malice? God forbid I ever should have a despotic master! — but if I must, my choice is made. I will have Louis the Sixteenth rather than Monsieur Bailly, or Brissot, or Chabot, — rather George the Third, or George the Fourth, than. Dr. Priestley, or Dr. Kippis, — persons who would not load a tyrannous power by the poisoned taunts of a vulgar,

low-bred insolence. I hope we have still spirit enough to keep us from the one or the other. The contumelies of tyranny are the worst parts of it.

But if the danger be existing in reality, and silently maturing itself to our destruction, what! is it not better to take *treason* unprepared than that *treason* should come by surprise upon us and take us unprepared? If we must have a conflict, let us have it with all our forces fresh about us, with our government in full function and full strength, our troops uncorrupted, our revenues in the legal hands, our arsenals filled and possessed by government, — and not wait till the conspirators met to commemorate the 14th of July shall seize on the Tower of London and the magazines it contains, murder the governor, and the mayor of London, seize upon the king's person, drive out the House of Lords, occupy your gallery, and thence, as from an high tribunal, dictate to you. The degree of danger is not only from the circumstances which threaten, but from the value of the objects which are threatened. A small danger menacing an inestimable object is of more importance than the greatest perils which regard one that is indifferent to us. The whole question of the danger depends upon facts. The first fact is, whether those who sway in France at present confine themselves to the regulation of their internal affairs, — or whether upon system they nourish cabals in all other countries, to extend their power by producing revolutions similar to their own. 2. The next is, whether we have any cabals formed or forming within these kingdoms, to coöperate with them for the destruction of our Constitution. On the solution of these two questions, joined with our opinion of the value of the object to be affected by their machinations, the justness of our alarm and the necessity of our vigilance must depend. Every private conspiracy, every open attack upon the laws, is dangerous. One robbery is an alarm to all property; else I am sure we exceed measure in our punishment. As robberies increase in number and audacity, the alarm increases. These wretches are at war with us upon principle. They hold this government to be an usurpation. See the language of the Department.

The whole question is on the *reality* of the danger. Is it such a danger as would justify that fear *qui cadere potest in hominem constantem et non metuentem*? This is the fear which the principles of jurisprudence declare to be a lawful and justifiable fear. When a man threatens my life openly and publicly, I may demand from him securities of the peace. When every act of a man's life manifests such a design stronger than by words, even though he does not make such a declaration, I am justified in being on my guard. They are of opinion that they are already one fifth of the kingdom. If so, their force is naturally not contemptible. To say that in all contests the decision will of course be in favor of the greater number is by no means true in fact. For, first, the greater number is generally composed of men of sluggish tempers, slow to act, and unwilling to attempt, and, by being in possession, are so disposed to peace that they are unwilling to take early and vigorous measures for their defence, and they are almost always caught unprepared: —

Nec coïere pares: alter vergentibus annis
In senium, longoque togæ tranquillior usu.
Dedidicit jam pace ducem;...
Nec reparare novas vires, multumque priori
Credere fortunæ: stat magni nominis umbra.

A smaller number, more expedite, awakened, active, vigorous, and courageous, who make amends for what they want in weight by their superabundance of velocity, will create an acting power of the greatest possible strength. When men are furiously and fanatically fond of an object, they will prefer it, as is well known, to their own peace, to their own property, and to their own lives: and can there be a doubt, in such a case, that they would prefer it to the peace of their country? Is it to be doubted, that, if they have not strength enough at home, they will call in foreign force to aid them?

Would you deny them *what is reasonable*, for fear they should? Certainly not. It would be barbarous to pretend to look into the minds of men. I would go further: it would not be just even to trace consequences from principles which, though evident to me, were denied by them. Let them disband as a faction, and let them act as individuals, and when I see them with no other views than to enjoy their own conscience in peace, I, for one, shall most cheerfully vote for their relief.

A tender conscience, of all things, ought to be tenderly handled; for if you do not, you injure not only the conscience, but the whole moral frame and constitution is injured, recurring at times to remorse, and seeking refuge only in making the conscience callous. But the conscience of faction, — the conscience of sedition, — the conscience of conspiracy, war, and confusion....

Whether anything be proper to be denied, which is right in itself, because it may lead to the demand of others which it is improper to grant? Abstractedly speaking, there can be no doubt that this question ought to be decided in the negative. But as no moral questions are ever abstract questions, this, before I judge upon any abstract proposition, must be embodied in circumstances; for, since things are right or wrong, morally speaking, only by their relation and connection with other things, this very question of what it is politically right to grant depends upon this relation to its effects. It is the direct office of wisdom to look to the consequences of the acts we do: if it be not this, it is worth nothing, it is out of place and of function, and a downright fool is as capable of government as Charles Fox. A man desires a sword: why should he be refused? A sword is a means of defence, and defence is the natural right of man, — nay, the first of all his rights, and which comprehends them all. But if I know that the sword desired is to be employed to cut my own throat, common sense, and my own self-defence, dictate to me to keep out of his hands this natural right of the sword. But whether this denial be wise or foolish, just or unjust, prudent or cowardly, depends entirely on the state of the man's means. A

man may have very ill dispositions, and yet be so very weak as to make all precaution foolish. See whether this be the case of these Dissenters, as to their designs, as to their means, numbers, activity, zeal, foreign assistance.

The first question, to be decided, when we talk of the Church's being in danger from any particular measure, is, whether the danger to the Church is a public evil: for to those who think that the national Church Establishment is itself a national grievance, to desire them to forward or to resist any measure, upon account of its conducing to the safety of the Church or averting its danger, would be to the last degree absurd. If you have reason to think thus of it, take the reformation instantly into your own hands, whilst you are yet cool, and can do it in measure and proportion, and not under the influence of election tests and popular fury. But here I assume that by far the greater number of those who compose the House are of opinion that this national Church Establishment is a great national benefit, a great public blessing, and that its existence or its non-existence of course is a thing by no means indifferent to the public welfare: then to them its danger or its safety must enter deeply into every question which has a relation to it. It is not because ungrounded alarms have been given that there never can exist a real danger: perhaps the worst effect of an ungrounded alarm is to make people insensible to the approach of a real peril. Quakerism is strict, methodical, in its nature highly aristocratical, and so regular that it has brought the whole community to the condition of one family; but it does not actually interfere with the government. The principle of your petitioners is no passive conscientious dissent, on account of an over-scrupulous habit of mind: the dissent on their part is fundamental, goes to the very root; and it is at issue not upon this rite or that ceremony, on this or that school opinion, but upon this one question of an Establishment, as unchristian, unlawful, contrary to the Gospel and to natural right, Popish and idolatrous. These are the principles violently and fanatically held and pursued, — taught to their children, who are sworn at the altar like Hannibal. The war is with the Establishment itself, — no quarter, no compromise. As a party, they are infinitely mischievous: see the declarations of Priestley and Price, — declarations, you will say, of *hot* men. Likely enough: but who are the *cool* men who have disclaimed them? Not one, — no, not one. Which of them has ever told you that they do not mean to *destroy the Church*, if ever it should be in their power? Which of them has told you that this would not be the first and favorite use of any power they should get? Not one, — no, not one. Declarations of hot men! The danger is thence, that they are under the *conduct* of hot men: *falsos in amore odia non fingere*.

They say they are well affected to the State, and mean only to destroy the Church. If this be the utmost of their meaning, you must first consider whether you wish your Church Establishment to be destroyed. If you do, you had much better do it now in temper, in a grave, moderate, and parliamentary way. But if you think otherwise, and that you think it to be an invaluable blessing, a way fully sufficient to

nourish a manly, rational, solid, and at the same time humble piety, — if you find it well fitted to the frame and pattern of your civil constitution, — if you find it a barrier against fanaticism, infidelity, and atheism, — if you find that it furnishes support to the human mind in the afflictions and distresses of the world, consolation in sickness, pain, poverty, and death, — if it dignifies our nature with the hope of immortality, leaves inquiry free, whilst it preserves an authority to teach, where authority only can teach, *communia altaria, æque ac patriam, diligite, colite, fovete*.

In the discussion of this subject which took place in the year 1790, Mr. Burke declared his intention, in case the motion for repealing the Test Acts had been agreed to, of proposing to substitute the following test in the room of what was intended to be repealed: —

“I, A.B., do, in the presence of God, sincerely profess and believe that a religious establishment in this state is not contrary to the law of God, or disagreeable to the law of Nature, or to the true principles of the Christian religion, or that it is noxious to the community; and I do sincerely promise and engage, before God, that I never will, by any conspiracy, contrivance, or political device whatever, attempt, or abet others in any attempt, to subvert the constitution of the Church of England, as the same is now by law established, and that I will not employ any power or influence which I may derive from any office corporate, or any other office which I hold or shall hold under his Majesty, his heirs and successors, to destroy and subvert the same, or to cause members to be elected into any corporation or into Parliament, give my vote in the election of any member or members of Parliament, or into any office, for or on account of their attachment to any other or different religious opinions or establishments, or with any hope that they may promote the same to the prejudice of the Established Church, but will dutifully and peaceably content myself with my private liberty of conscience, as the same is allowed by law. So help me God.”

SPEECH ON THE MOTION MADE IN THE HOUSE OF COMMONS, FEBRUARY 7, 1771, RELATIVE TO THE MIDDLESEX ELECTION.

NOTE.

The motion supported in the following Speech, which was for leave to bring in a bill to ascertain the rights of the electors in respect to the eligibility of persons to serve in Parliament, was rejected by a majority of 167 against 103.

SPEECH.

In every complicated constitution (and every free constitution is complicated) cases will arise when the several orders of the state will clash with one another, and disputes will arise about the limits of their several rights and privileges. It may be almost impossible to reconcile them....

Carry the principle on by which you expelled Mr. Wilkes, there is not a man in the House, hardly a man in the nation, who may not be disqualified. That this House should have no power of expulsion is an hard saying: that this House should have a general discretionary power of disqualification is a dangerous saying. That the people should not choose their own representative is a saying that shakes the Constitution: that this House should name the representative is a saying which, followed by practice, subverts the Constitution. They have the right of electing; you have a right of expelling: they of choosing; you of judging, and only of judging, of the choice. What bounds shall be set to the freedom of that choice? Their right is prior to ours: we all originate there. They are the mortal enemies of the House of Commons who would persuade them to think or to act as if they were a self-originated magistracy, independent of the people, and unconnected with their opinions and feelings. Under a pretence of exalting the dignity, they undermine the very foundations of this House. When the question is asked *here*, What disturbs the people? whence all this clamor? we apply to the Treasury bench, and they tell us it is from the efforts of libellers, and the wickedness of the people: a worn-out ministerial pretence. If abroad the people are deceived by popular, within we are deluded by ministerial cant.

The question amounts to this: Whether you mean to be a legal tribunal, or an arbitrary and despotic assembly? I see and I feel the delicacy and difficulty of the ground upon which we stand in this question. I could wish, indeed, that they who advise the crown had not left Parliament in this very ungraceful distress, in which

they can neither retract with dignity nor persist with justice. Another Parliament might have satisfied the people without lowering themselves. But our situation is not in our own choice: our conduct in that situation is all that is in our own option. The substance of the question is, to put bounds to your own power by the rules and principles of law. This is, I am sensible, a difficult thing to the corrupt, grasping, and ambitious part of human nature. But the very difficulty argues and enforces the necessity of it. First, because the greater the power, the more dangerous the abuse. Since the Revolution, at least, the power of the nation has all flowed with a full tide into the House of Commons. Secondly, because the House of Commons, as it is the most powerful, is the most corruptible part of the whole Constitution. Our public wounds cannot be concealed; to be cured, they must be laid open. The public does think we are a corrupt body. In our *legislative capacity*, we are, in most instances, esteemed a very wise body; in our judicial, we have no credit, no character at all. Our judgments stink in the nostrils of the people. They think us to be not only without virtue, but without shame. Therefore the greatness of our power, and the great and just opinion of our corruptibility and our corruption, render it necessary to fix some bound, to plant some landmark, which we are never to exceed. This is what the bill proposes.

First, on this head, I lay it down as a fundamental rule in the law and Constitution of this country, that this House has not by itself alone a legislative authority in any case whatsoever. I know that the contrary was the doctrine of the usurping House of Commons, which threw down the fences and bulwarks of law, which annihilated first the lords, then the crown, then its constituents. But the first thing that was done on the restoration of the Constitution was to settle this point. Secondly, I lay it down as a rule, that the power of occasional incapacitation, on discretionary grounds, is a legislative power. In order to establish this principle, if it should not be sufficiently proved by being stated, tell me what are the criteria, the characteristics, by which you distinguish between a legislative and a juridical act. It will be necessary to state, shortly, the difference between a legislative and a juridical act.

A legislative act has no reference to any rule but these two, — original justice, and discretionary application. Therefore it can give rights, — rights where no rights existed before; and it can take away rights where they were before established. For the law, which binds all others, does not and cannot bind the law-maker: he, and he alone, is above the law. But a judge, a person exercising a judicial capacity, is neither to apply to original justice nor to a discretionary application of it. He goes to justice and discretion only at second hand, and through the medium of some superiors. He is to work neither upon his opinion of the one nor of the other, but upon a fixed rule, of which he has not the making, but singly and solely the *application* to the case.

The power assumed by the House neither is nor can be judicial power exercised according to known law. The properties of law are, first, that it should be known;

secondly, that it should be fixed, and not occasional. First, this power cannot be according to the first property of law; because no man does or can know it, nor do you yourselves know upon what grounds you will vote the incapacity of any man. No man in Westminster Hall, or in any court upon earth, will say that is law, upon which, if a man going to his counsel should say to him, "What is my tenure in law of this estate?" he would answer, "Truly, Sir, I know not; the court has no rule but its own discretion; they will determine." It is not a fixed law; because you profess you vary it according to the occasion, exercise it according to your discretion, no man can call for it as a right. It is argued, that the incapacity is not originally voted, but a consequence of a power of expulsion. But if you expel, not upon legal, but upon arbitrary, that is, upon discretionary grounds, and the incapacity is *ex vi termini* and inclusively comprehended in the expulsion, is not the incapacity voted in the expulsion? Are they not convertible terms? And if incapacity is voted to be inherent in expulsion, if expulsion be arbitrary, incapacity is arbitrary also. I have therefore shown that the power of incapacitation is a legislative power; I have shown that legislative power does not belong to the House of Commons; and therefore it follows that the House of Commons has not a power of incapacitation.

I know not the origin of the House of Commons, but am very sure that it did not create itself; the electors were prior to the elected, whose rights originated either from the people at large, or from some other form of legislature, which never could intend for the chosen a power of superseding the choosers.

If you have not a power of declaring an incapacity simply by the mere act of declaring it, it is evident to the most ordinary reason you cannot have a right of expulsion, inferring, or rather including, an incapacity. For as the law, when it gives any direct right, gives also as necessary incidents all the means of acquiring the possession of that right, so, where it does not give a right directly, it refuses all the means by which such a right may by any mediums be exercised, or in effect be indirectly acquired. Else it is very obvious that the intention of the law in refusing that right might be entirely frustrated, and the whole power of the legislature baffled. If there be no certain, invariable rule of eligibility, it were better to get simplicity, if certainty is not to be had, and to resolve all the franchises of the subject into this one short proposition, — the will and pleasure of the House of Commons.

The argument drawn from the courts of law applying the principles of law to new cases as they emerge is altogether frivolous, inapplicable, and arises from a total ignorance of the bounds between civil and criminal jurisdiction, and of the separate maxims that govern these two provinces of law, that are eternally separate. Undoubtedly the courts of law, where a new case comes before them, as they do every hour, then, that there may be no defect in justice, call in similar principles, and the example of the nearest determination, and do everything to draw the law to as near a conformity to general equity and right reason as they can bring it with its

being a fixed principle. *Boni judicis est ampliare justitiam*, — that is, to make open and liberal justice. But in criminal matters this parity of reason and these analogies ever have been and ever ought to be shunned.

Whatever is incident to a court of judicature is necessary to the House of Commons as judging in elections. But a power of making incapacities is not necessary to a court of judicature: therefore a power of making incapacities is not necessary to the House of Commons.

Incapacity, declared by whatever authority, stands upon two principles: first, an incapacity arising from the supposed incongruity of two duties in the commonwealth; secondly, an incapacity arising from unfitness by infirmity of nature or the criminality of conduct. As to the first class of incapacities, they have no *hardship* annexed to them. The persons so incapacitated are paid by one dignity for what they abandon in another, and for the most part the situation arises from their own choice. But as to the second, arising from an unfitness not fixed by Nature, but superinduced by some positive acts, or arising from honorable motives, such as an occasional personal disability, of all things it ought to be defined by the fixed rule of law, what Lord Coke calls the golden metwand of the law, and not by the crooked cord of discretion. Whatever is general is better borne. We take our common lot with men of the same description. But to be selected and marked out by a particular brand of unworthiness among our fellow-citizens is a lot of all others the hardest to be borne, and consequently is of all others that act which ought only to be trusted to the legislature, as not only *legislative* in its nature, but of all parts of legislature the most odious. The question is over, if this is shown not to be a legislative act.

But what is very usual and natural is, to corrupt judicature into legislature. On this point it is proper to inquire whether a court of judicature which decides without appeal has it as a necessary incident of such judicature, that whatever it decides is *de jure* law. Nobody will, I hope, assert this; because the direct consequence would be the entire extinction of the difference between true and false judgments. For if the judgment makes the law, and not the law directs the judgment, it is impossible there should be such a thing as an illegal judgment given.

But instead of standing upon this ground, they introduce another question wholly foreign to it: Whether it ought not to be submitted to as if it were law? And then the question is, — By the Constitution of this country, what degree of submission is due to the authoritative acts of a limited power? This question of submission, determine it how you please, has nothing to do in this discussion and in this House. Here it is not, how long the people are bound to tolerate the illegality of our judgments, but whether we have a right to substitute our occasional opinion in the place of law, so as to deprive the citizen of his franchise....

SPEECH ON A BILL FOR SHORTENING THE DURATION OF PARLIAMENTS. MAY 8, 1780.

It is always to be lamented, when men are driven to search into the foundations of the commonwealth. It is certainly necessary to resort to the theory of your government, whenever you propose any alteration in the frame of it, — whether that alteration means the revival of some former antiquated and forsaken constitution of state, or the introduction of some new improvement in the commonwealth. The object of our deliberation is, to promote the good purposes for which elections have been instituted, and to prevent their inconveniences. If we thought frequent elections attended with no inconvenience, or with but a trifling inconvenience, the strong overruling principle of the Constitution would sweep us like a torrent towards them. But your remedy is to be suited to your disease, your present disease, and to your whole disease. That man thinks much too highly, and therefore he thinks weakly and delusively, of any contrivance of human wisdom, who believes that it can make any sort of approach to perfection. There is not, there never was, a principle of government under heaven, that does not, in the very pursuit of the good it proposes, naturally and inevitably lead into some inconvenience which makes it absolutely necessary to counterwork and weaken the application of that first principle itself, and to abandon something of the extent of the advantage you proposed by it, in order to prevent also the inconveniences which have arisen from the instrument of all the good you had in view.

To govern according to the sense and agreeably to the interests of the people is a great and glorious object of government. This object cannot be obtained but through the medium of popular election; and popular election is a mighty evil. It is such and so great an evil, that, though there are few nations whose monarchs were not originally elective, very few are now elected. They are the distempers of elections that have destroyed all free states. To cure these distempers is difficult, if not impossible; the only thing, therefore, left to save the commonwealth is, to prevent their return too frequently. The objects in view are, to have Parliaments as frequent as they can be without distracting them in the prosecution of public business: on one hand, to secure their dependence upon the people; on the other, to give them that quiet in their minds and that ease in their fortunes as to enable them to perform the most arduous and most painful duty in the world with spirit, with efficiency, with independency, and with experience, as real public counsellors, not as the canvassers at a perpetual election. It is wise to compass as many good ends as possibly you can, and, seeing there are inconveniences on both sides, with benefits on both, to give up a part of the benefit to soften the inconvenience. The perfect cure is impracticable; because the disorder is dear to those from whom alone the

cure can possibly be derived. The utmost to be done is to palliate, to mitigate, to respite, to put off the evil day of the Constitution to its latest possible hour, — and may it be a very late one!

This bill, I fear, would precipitate one of two consequences, — I know not which most likely, or which most dangerous: either that the crown, by its constant, stated power, influence, and revenue, would wear out all opposition in elections, or that a violent and furious popular spirit would arise. I must see, to satisfy me, the remedies; I must see, from their operation in the cure of the old evil, and in the cure of those new evils which are inseparable from all remedies, how they balance each other, and what is the total result. The excellence of mathematics and metaphysics is, to have but one thing before you; but he forms the best judgment in all moral disquisitions who has the greatest number and variety of considerations in one view before him, and can take them in with the best possible consideration of the middle results of all.

We of the opposition, who are not friends to the bill, give this pledge at least of our integrity and sincerity to the people, — that in our situation of systematic opposition to the present ministers, in which all our hope of rendering it effectual depends upon popular interest and favor, we will not flatter them by a surrender of our uninfluenced judgment and opinion; we give a security, that, if ever we should be in another situation, no flattery to any other sort of power and influence would induce us to act against the true interests of the people.

All are agreed that Parliaments should not be perpetual; the only question is, What is the most convenient time for their duration? — on which there are three opinions. We are agreed, too, that the term ought not to be chosen most likely in its operation to spread corruption, and to augment the already overgrown influence of the crown. On these principles I mean to debate the question. It is easy to pretend a zeal for liberty. Those who think themselves not likely to be incumbered with the performance of their promises, either from their known inability or total indifference about the performance, never fail to entertain the most lofty ideas. They are certainly the most specious; and they cost them neither reflection to frame, nor pains to modify, nor management to support. The task is of another nature to those who mean to promise nothing that it is not in their intention, or may possibly be in their power to perform, — to those who are bound and principled no more to delude the understandings than to violate the liberty of their fellow-subjects. Faithful watchmen we ought to be over the rights and privileges of the people. But our duty, if we are qualified for it as we ought, is to give them information, and not to receive it from them: we are not to go to school to them, to learn the principles of law and government. In doing so, we should not dutifully serve, but we should basely and scandalously betray the people, who are not capable of this service by nature, nor in any instance called to it by the Constitution. I reverentially look up to the opinion of the people, and with an awe that is almost superstitious. I should be

ashamed to show my face before them, if I changed my ground as they cried up or cried down men or things or opinions, — if I wavered and shifted about with every change, and joined in it or opposed as best answered any low interest or passion, — if I held them up hopes which I knew I never intended, or promised what I well knew I could not perform. Of all these things they are perfect sovereign judges without appeal; but as to the detail of particular measures, or to any general schemes of policy, they have neither enough of speculation in the closet nor of experience in business to decide upon it. They can well see whether we are tools of a court or their honest servants. Of that they can well judge, — and I wish that they always exercised their judgment; but of the particular merits of a measure I have other standards....

That the frequency of elections proposed by this bill has a tendency to increase the power and consideration of the electors, not lessen corruptibility, I do most readily allow: so far it is desirable. This is what it has: I will tell you now what it has not. 1st. It has no sort of tendency to increase their integrity and public spirit, unless an increase of power has an operation upon voters in elections, that it has in no other situation in the world, and upon no other part of mankind. 2nd. This bill has no tendency to limit the quantity of influence in the crown, to render its operation more difficult, or to counteract that operation which it cannot prevent in any way whatsoever. It has its full weight, its full range, and its uncontrolled operation on the electors exactly as it had before. 3rd. Nor, thirdly, does it abate the interest or inclination of ministers to apply that influence to the electors: on the contrary, it renders it much more necessary to them, if they seek to have a majority in Parliament, to increase the means of that influence, and redouble their diligence, and to sharpen dexterity in the application. The whole effect of the bill is, therefore, the removing the application of some part of the influence from the elected to the electors, and further to strengthen and extend a court interest already great and powerful in boroughs: here to fix their magazines and places of arms, and thus to make them the principal, not the secondary, theatre of their manœuvres for securing a determined majority in Parliament.

I believe nobody will deny that the electors are corruptible. They are men, — it is saying nothing worse of them; many of them are but ill informed in their minds, many feeble in their circumstances, easily overreached, easily seduced. If they are many, the wages of corruption are the lower; and would to God it were not rather a contemptible and hypocritical adulation than a charitable sentiment, to say that there is already no debauchery, no corruption, no bribery, no perjury, no blind fury and interested faction among the electors in many parts of this kingdom! — nor is it surprising, or at all blamable, in that class of private men, when they see their neighbors aggrandized, and themselves poor and virtuous without that *éclat* or dignity which attends men in higher situations.

But admit it were true that the great mass of the electors were too vast an object for court influence to grasp or extend to, and that in despair they must abandon it; he must be very ignorant of the state of every popular interest, who does not know that in all the corporations, all the open boroughs, indeed in every district of the kingdom, there is some leading man, some agitator, some wealthy merchant or considerable manufacturer, some active attorney, some popular preacher, some money-lender, &c., &c., who is followed by the whole flock. This is the style of all free countries.

Multum in Fabiâ valet hic, valet ille Velinâ;
Cuilibet hic fasces dabit, eripietque curule.

These spirits, each of which informs and governs his own little orb, are neither so many, nor so little powerful, nor so incorruptible, but that a minister may, as he does frequently, find means of gaining them, and through, them all their followers. To establish, therefore, a very general influence among electors will no more be found an impracticable project than to gain an undue influence over members of Parliament. Therefore I am apprehensive that this bill, though it shifts the place of the disorder, does by no means relieve the Constitution. I went through almost every contested election in the beginning of this Parliament, and acted as a manager in very many of them; by which, though as at a school of pretty severe and rugged discipline, I came to have some degree of instruction concerning the means by which Parliamentary interests are in general procured and supported.

Theory, I know, would suppose that every general election is to the representative a day of judgment, in which he appears before his constituents to account for the use of the talent with which they intrusted him, and for the improvement he has made of it for the public advantage. It would be so, if every corruptible representative were to find an enlightened and incorruptible constituent. But the practice and knowledge of the world will not suffer us to be ignorant that the Constitution on paper is one thing, and in fact and experience is another. We must know that the candidate, instead of trusting at his election to the testimony of his behavior in Parliament, must bring the testimony of a large sum of money, the capacity of liberal expense in entertainments, the power of serving and obliging the rulers of corporations, of winning over the popular leaders of political clubs, associations, and neighborhoods. It is ten thousand times more necessary to show himself a man of power than a man of integrity, in almost all the elections with which I have been acquainted. Elections, therefore, become a matter of heavy expense; and if contests are frequent, to many they will become a matter of an expense totally ruinous, which no fortunes can bear, but least of all the landed fortunes, incumbered as they often, indeed as they mostly are, with debts, with portions, with jointures, and tied up in the hands of the possessor by the limitations

of settlement. It is a material, it is in my opinion a lasting consideration, in all the questions concerning election. Let no one think the charges of elections a trivial matter.

The charge, therefore, of elections ought never to be lost sight of in a question concerning their frequency; because the grand object you seek is independence. Independence of mind will ever be more or less influenced by independence of fortune; and if every three years the exhausting sluices of entertainments, drinkings, open houses, to say nothing of bribery, are to be periodically drawn up and renewed, — if government favors, for which now, in some shape or other, the whole race of men are candidates, are to be called for upon every occasion, I see that private fortunes will be washed away, and every, even to the least, trace of independence borne down by the torrent. I do not seriously think this Constitution, even to the wrecks of it, could survive five triennial elections. If you are to fight the battle, you must put on the armor of the ministry, you must call in the public to the aid of private money. The expense of the last election has been computed (and I am persuaded that it has not been overrated) at 1,500,000*l.*, — three shillings in the pound more in [than?] the land-tax. About the close of the last Parliament and the beginning of this, several agents for boroughs went about, and I remember well that it was in every one of their mouths, “Sir, your election will cost you three thousand pounds, if you are independent; but if the ministry supports you, it may be done for two, and perhaps for less.” And, indeed, the thing spoke itself. Where a living was to be got for one, a commission in the army for another, a lift in the navy for a third, and custom-house offices scattered about without measure or number, who doubts but money may be saved? The Treasury may even add money: but, indeed, it is superfluous. A gentleman of two thousand a year, who meets another of the same fortune, fights with equal arms; but if to one of the candidates you add a thousand a year in places for himself, and a power of giving away as much among others, one must, or there is no truth in arithmetical demonstration, ruin his adversary, if he is to meet him and to fight with him every third year. It will be said I do not allow for the operation of character: but I do; and I know it will have its weight in most elections, — perhaps it may be decisive in some; but there are few in which it will prevent great expenses. The destruction of independent fortunes will be the consequence on the part of the candidate. What will be the consequence of triennial corruption, triennial drunkenness, triennial idleness, triennial lawsuits, litigations, prosecutions, triennial frenzy, — of society dissolved, industry interrupted, ruined, — of those personal hatreds that will never be suffered to soften, those animosities and feuds which will be rendered immortal, those quarrels which are never to be appeased, — morals vitiated and gangrened to the vitals? I think no stable and useful advantages were ever made by the money got at elections by the voter, but all he gets is doubly lost to the public: it is money given to diminish the general stock of the community, which is in the industry of the subject. I am sure that it is a good

while before he or his family settle again to their business. Their heads will never cool; the temptations of elections will be forever glittering before their eyes. They will all grow politicians; every one, quitting his business, will choose to enrich himself by his vote. They will all take the gauging-rod; new places will be made for them; they will run to the custom-house quay; their looms and ploughs will be deserted.

So was Rome destroyed by the disorders of continual elections, though those of Rome were sober disorders. They had nothing but faction, bribery, bread, and stage-plays, to debauch them: we have the inflammation of liquor superadded, a fury hotter than any of them. There the contest was only between citizen and citizen: here you have the contests of ambitious citizens of one side supported by the crown to oppose to the efforts (let it be so) of private and unsupported ambition on the other. Yet Rome was destroyed by the frequency and charge of elections, and the monstrous expense of an unremitted courtship to the people. I think, therefore, the independent candidate and elector may each be destroyed by it, the whole body of the community be an infinite sufferer, and a vicious ministry the only gainer.

Gentlemen, I know, feel the weight of this argument; they agree, that this would be the consequence of more frequent elections, if things were to continue as they are. But they think the greatness and frequency of the evil would itself be, a remedy for it, — that, sitting but for a short time, the member would not find it worth while to make such vast expenses, while the fear of their constituents will hold them the more effectually to their duty.

To this I answer, that experience is full against them. This is no new thing; we have had triennial Parliaments; at no period of time were seats more eagerly contested. The expenses of elections ran higher, taking the state of all charges, than they do now. The expense of entertainments was such, that an act, equally, severe and ineffectual, was made against it; every monument of the time bears witness of the expense, and most of the acts against corruption in elections were then made; all the writers talked of it and lamented it. Will any one think that a corporation will be contented with a bowl of punch or a piece of beef the less, because elections are every three, instead of every seven years? Will they change their wine for ale, because they are to get more ale three years hence? Don't think it. Will they make fewer demands for the advantages of patronage in favors and offices, because their member is brought more under their power? We have not only our own historical experience in England upon this subject, but we have the experience coexisting with us in Ireland, where, since their Parliament has been shortened, the expense of elections has been so far from being lowered, that it has been very near doubled. Formerly they sat for the king's life; the ordinary charge of a seat in Parliament was then fifteen hundred pounds. They now sit eight years, four sessions; it is now twenty-five hundred pounds, and upwards. The spirit of *emulation* has also been extremely increased, and all who are acquainted with the tone of that country have

no doubt that the spirit is still growing, that new candidates will take the field, that the contests will be more violent, and the expenses of elections larger than ever.

It never can be otherwise. A seat in this House, for good purposes, for bad purposes, for no purposes at all, (except the mere consideration derived from being concerned in the public counsels,) will ever be a first-rate object of ambition in England. Ambition is no exact calculator. Avarice itself does not calculate strictly, when it games. One thing is certain, — that in this political game the great lottery of power is that into which men will purchase with millions of chances against them. In Turkey, where the place, where the fortune, where the head itself are so insecure that scarcely any have died in their beds for ages, so that the bowstring is the natural death of bashaws, yet in no country is power and distinction (precarious enough, God knows, in all) sought for with such boundless avidity, — as if the value of place was enhanced by the danger and insecurity of its tenure. Nothing will ever make a seat in this House not an object of desire to numbers by any means or at any charge, but the depriving it of all power and all dignity. This would do it. This is the true and only nostrum for that purpose. But an House of Commons without power and without dignity, either in itself or in its members, is no House of Commons for the purposes of this Constitution.

But they will be afraid to act ill, if they know that the day of their account is always near. I wish it were true; but it is not: here again we have experience, and experience is against us. The distemper of this age is a poverty of spirit and of genius: it is trifling, it is futile, worse than ignorant, superficially taught, with the politics and morals of girls at a boarding-school rather than of men and statesmen: but it is not yet desperately wicked, or so scandalously venal as in former times. Did not a triennial Parliament give up the national dignity, approve the peace of Utrecht, and almost give up everything else, in taking every step to defeat the Protestant succession? Was not the Constitution saved by those who had no election at all to go to, the Lords, because the court applied to electors, and by various means carried them from their true interests, so that the Tory ministry had a majority without an application to a single member? Now as to the conduct of the members, it was then far from pure and independent. Bribery was infinitely more flagrant. A predecessor of yours, Mr. Speaker, put the question of his own expulsion for bribery. Sir William Musgrave was a wise man, a grave man, an independent man, a man of good fortune and good family; however, he carried on, while in opposition, a traffic, a shameful traffic, with the ministry. Bishop Burnet knew of six thousand pounds which he had received at one payment. I believe the payment of sums in hard money, plain, naked bribery, is rare amongst us. It was then far from uncommon.

A triennial was near ruining, a septennial Parliament saved your Constitution; nor, perhaps, have you ever known a more flourishing period, for the union of national prosperity, dignity, and liberty, than the sixty years you have passed under that constitution of Parliament.

The shortness of time in which they are to reap the profits of iniquity is far from checking the avidity of corrupt men; it renders them infinitely more ravenous. They rush violently and precipitately on their object; they lose all regard to decorum. The moments of profits are precious; never are men so wicked as during a general mortality. It was so in the great plague at Athens, every symptom of which (and this its worse symptom amongst the rest) is so finely related by a great historian of antiquity. It was so in the plague of London in 1665. It appears in soldiers, sailors, &c. Whoever would contrive to render the life of man much shorter than it is would, I am satisfied, find the surest receipt for increasing the wickedness of our nature.

Thus, in my opinion, the shortness of a triennial sitting would have the following ill effects: It would make the member more shamelessly and shockingly corrupt; it would increase his dependence on those who could best support him at his election; it would wrack and tear to pieces the fortunes of those who stood upon their own fortunes and their private interest; it would make the electors infinitely more venal; and it would make the whole body of the people, who are, whether they have votes or not, concerned in elections, more lawless, more idle, more debauched; it would utterly destroy the sobriety, the industry, the integrity, the simplicity of all the people, and undermine, I am much afraid, the deepest and best-laid foundations of the commonwealth.

Those who have spoken and written upon this subject without doors do not so much deny the probable existence of these inconveniences in their measure as they trust for their prevention to remedies of various sorts which they propose. First, a place bill. But if this will not do, as they fear it will not, then, they say, We will have a rotation, and a certain number of you shall be rendered incapable of being elected for ten years. Then for the electors, they shall ballot. The members of Parliament also shall decide by ballot. A fifth project is the change of the present legal representation of the kingdom. On all this I shall observe, that it will be very unsuitable to your wisdom to adopt the project of a bill to which there are objections insuperable by anything in the bill itself, upon the hope that those objections may be removed by subsequent projects, every one of which is full of difficulties of its own, and which are all of them very essential alterations in the Constitution. This seems very irregular and unusual. If anything should make this a very doubtful measure, what can make it more so than that in the opinion of its advocates it would aggravate all our old inconveniences in such a manner as to require a total alteration in the Constitution of the kingdom? If the remedies are proper in triennial, they will not be less so in septennial elections. Let us try them first, — see how the House relishes them, — see how they will operate in the nation, — and then, having felt your way, and prepared against these inconveniences....

The honorable gentleman sees that I respect the principle upon which he goes, as well as his intentions and his abilities. He will believe that I do not differ from him wantonly and on trivial grounds. He is very sure that it was not his embracing one way which determined me to take the other. *I* have not in newspapers, to derogate from his fair fame with the nation, printed the first rude sketch of his bill with ungenerous and invidious comments. *I* have not, in conversations industriously circulated about the town, and talked on the benches of this House, attributed his conduct to motives low and unworthy, and as groundless as they are injurious. *I* do not affect to be frightened with this proposition, as if some hideous spectre had started from hell, which was to be sent back again by every form of exorcism and every kind of incantation. *I* invoke no Acheron to overwhelm him in the whirlpools of its muddy gulf. *I* do not tell the respectable mover and seconder, by a perversion of their sense and expressions, that their proposition halts between the ridiculous and the dangerous. *I* am not one of those who start up, three at a time, and fall upon and strike at him with so much eagerness that our daggers hack one another in his sides. My honorable friend has not brought down a spirited imp of chivalry to win the first achievement and blazon of arms on his milk-white shield in a field listed against him, — nor brought out the generous offspring of lions, and said to them, — “Not against that side of the forest! beware of that! — here is the prey, where you are to fasten your paws!” — and seasoning his unpractised jaws with blood, tell him, — “This is the milk for which you are to thirst hereafter!” We furnish at his expense no holiday, — nor suspend hell, that a crafty Ixion may have rest from his wheel, — nor give the common adversary (if he be a common adversary) reason to say, — “I would have put in my word to oppose, but the eagerness of your allies in your social war was such that I could not break in upon you.” I hope he sees and feels, and that every member sees and feels along with him, the difference between amicable dissent and civil discord.

SPEECH ON A MOTION MADE IN THE HOUSE OF COMMONS, MAY 7, 1782, FOR A COMMITTEE TO INQUIRE INTO THE STATE OF THE REPRESENTATION OF THE COMMONS IN PARLIAMENT.

Mr. Speaker, — We have now discovered, at the close of the eighteenth century, that the Constitution of England, which for a series of ages had been the proud distinction of this country, always the admiration and sometimes the envy of the wise and learned in every other nation, — we have discovered that this boasted Constitution, in the most boasted part of it, is a gross imposition upon the understanding of mankind, an insult to their feelings, and acting by contrivances destructive to the best and most valuable interests of the people. Our political architects have taken a survey of the fabric of the British Constitution. It is singular that they report nothing against the crown, nothing against the lords: but in the House of Commons everything is unsound; it is ruinous in every part; it is infested by the dry rot, and ready to tumble about our ears without their immediate help. You know by the faults they find what are their ideas of the alteration. As all government stands upon opinion, they know that the way utterly to destroy it is to remove that opinion, to take away all reverence, all confidence from it; and then, at the first blast of public discontent and popular tumult, it tumbles to the ground.

In considering this question, they who oppose it oppose it on different grounds. One is in the nature of a previous question: that some alterations may be expedient, but that this is not the time for making them. The other is, that no essential alterations are at all wanting, and that neither *now* nor at *any* time is it prudent or safe to be meddling with the fundamental principles and ancient tried usages of our Constitution, — that our representation is as nearly perfect as the necessary imperfection of human affairs and of human creatures will suffer it to be, — and that it is a subject of prudent and honest use and thankful enjoyment, and not of captious criticism and rash experiment.

On the other side there are two parties, who proceed on two grounds, in my opinion, as they state them, utterly irreconcilable. The one is juridical, the other political. The one is in the nature of a claim of right, on the supposed rights of man as man: this party desire the decision of a suit. The other ground, as far as I can divine what it directly means, is, that the representation is not so politically framed as to answer the theory of its institution. As to the claim of *right*, the meanest petitioner, the most gross and ignorant, is as good as the best: in some respects his claim is more favorable, on account of his ignorance; his weakness, his poverty, and distress only add to his titles; he sues *in forma pauperis*; he ought to be a favorite of the court. But when the *other* ground is taken, when the question is political, when a

new constitution is to be made on a sound theory of government, then the presumptuous pride of didactic ignorance is to be excluded from the counsel in this high and arduous matter, which often bids defiance to the experience of the wisest. The first claims a personal representation; the latter rejects it with scorn and fervor. The language of the first party is plain and intelligible; they who plead an absolute right cannot be satisfied with anything short of personal representation, because all *natural* rights must be the rights of individuals, as by *nature* there is no such thing as politic or corporate personality: all these ideas are mere fictions of law, they are creatures of voluntary institution; men as men are individuals, and nothing else. They, therefore, who reject the principle of natural and personal representation are essentially and eternally at variance with those who claim it. As to the first sort of reformers, it is ridiculous to talk to them of the British Constitution upon any or upon all of its bases: for they lay it down, that every man ought to govern, himself, and that, where he cannot go, himself, he must send his representative; that all other government is usurpation, and is so far from having a claim to our obedience, it is not only our right, but our duty, to resist it. Nine tenths of the reformers argue thus, — that is, on the natural right.

It is impossible not to make some reflection on the nature of this claim, or avoid a comparison between the extent of the principle and the present object of the demand. If this claim be founded, it is clear to what it goes. The House of Commons, in that light, undoubtedly, is no representative of the people, as a collection of individuals. Nobody pretends it, nobody can justify such an assertion. When you come to examine into this claim of right, founded on the right of self-government in each individual, you find the thing demanded infinitely short of the principle of the demand. What! *one third* only of the legislature, and of the government no share at all? What sort of treaty of partition is this for those who have an inherent right to the whole? Give them all they ask, and your grant is still a cheat: for how comes only a third to be their younger-children's fortune in this settlement? How came they neither to have the choice of kings, or lords, or judges, or generals, or admirals, or bishops, or priests, or ministers, or justices of peace? Why, what have you to answer in favor of the prior rights of the crown and peerage but this: Our Constitution is a prescriptive constitution; it is a constitution whose sole authority is, that it has existed time out of mind? It is settled in these *two* portions against one, legislatively, — and in the whole of the judicature, the whole of the federal capacity, of the executive, the prudential, and the financial administration, in one alone. Nor was your House of Lords and the prerogatives of the crown settled on any adjudication in favor of natural rights: for they could never be so partitioned. Your king, your lords, your judges, your juries, grand and little, all are prescriptive; and what proves it is the disputes, not yet concluded, and never near becoming so, when any of them first originated. Prescription is the most solid of all titles, not only to property, but, which is to secure that property, to

government. They harmonize with each other, and give mutual aid to one another. It is accompanied with another ground of authority in the constitution of the human mind, presumption. It is a presumption in favor of any settled scheme of government against any untried project, that a nation has long existed and flourished under it. It is a better presumption even of the *choice* of a nation, — far better than any sudden and temporary arrangement by actual election. Because a nation is not an idea only of local extent and individual momentary aggregation, but it is an idea of continuity which extends in time as well as in numbers and in space. And this is a choice not of one day or one set of people, not a tumultuary and giddy choice; it is a deliberate election of ages and of generations; it is a constitution, made by what is ten thousand times better than choice; it is made by the peculiar circumstances, occasions, tempers, dispositions, and moral, civil, and social habitudes of the people, which, disclose themselves only in a long space of time. It is a vestment which accommodates itself to the body. Nor is prescription of government formed upon blind, unmeaning prejudices. For man is a most unwise and a most wise being. The individual is foolish; the multitude, for the moment, is foolish, when they act without deliberation; but the species is wise, and, when time is given to it, as a species, it almost always acts right.

The reason for the crown as it is, for the lords as they are, is my reason for the commons as they are, the electors as they are. Now if the crown, and the lords, and the judicatures are all prescriptive, so is the House of Commons of the very same origin, and of no other. We and our electors have their powers and privileges both made and circumscribed by prescription, as much to the full as the other parts; and as such we have always claimed them, and on no other title. The House of Commons is a legislative body corporate by prescription, not made upon any given theory, but existing prescriptively, — just like the rest. This proscription has made it essentially what it is, an aggregate collection of three parts, knights, citizens, burgesses. The question is, whether this has been always so, since the House of Commons has taken its present shape and circumstances, and has been an essential operative part of the Constitution, — which, I take it, it has been for at least five hundred years.

This I resolve to myself in the affirmative: and then another question arises: — Whether this House stands firm upon its ancient foundations, and is not, by time and accidents, so declined from its perpendicular as to want the hand of the wise and experienced architects of the day to set it upright again, and to prop and buttress it up for duration; — whether it continues true to the principles upon which it has hitherto stood; — whether this be *de facto* the constitution of the House of Commons, as it has been since the time that the House of Commons has without dispute become a necessary and an efficient part of the British Constitution. To ask whether a thing which has always been the same stands to its usual principle seems to me to be perfectly absurd: for how do you know the principles, but from the

construction? and if that remains the same, the principles remain the same. It is true that to say your Constitution is what it has been is no sufficient defence for those who say it is a bad constitution. It is an answer to those who say that it is a degenerate constitution. To those who say it is a bad one, I answer, Look to its effects. In all moral machinery, the moral results are its test.

On what grounds do we go to restore our Constitution to what it has been at some given period, or to reform and reconstruct it upon principles more conformable to a sound theory of government? A prescriptive government, such as ours, never was the work of any legislator, never was made upon any foregone theory. It seems to me a preposterous way of reasoning, and a perfect confusion of ideas, to take the theories which learned and speculative men have made from that government, and then, supposing it made on those theories which were made from it, to accuse the government as not corresponding with them. I do not vilify theory and speculation: no, because that would be to vilify reason itself, *Neque decipitur ratio, neque decipit unquam*. No, — whenever I speak against theory, I mean always a weak, erroneous, fallacious, unfounded, or imperfect theory; and one of the ways of discovering that it is a false theory is by comparing it with practice. This is the true touchstone of all theories which regard man and the affairs of men, — Does it suit his nature in general? — does it suit his nature as modified by his habits?

The more frequently this affair is discussed, the stronger the case appears to the sense and the feelings of mankind. I have no more doubt than I entertain of my existence, that this very thing, which is stated as an horrible thing, is the means of the preservation of our Constitution whilst it lasts, — of curing it of many of the disorders which, attending every species of institution, would attend the principle of an exact local representation, or a representation on the principle of numbers. If you reject personal representation, you are pushed upon expedience; and, then what they wish us to do is, to prefer their speculations on that subject to the happy experience of this country, of a growing liberty and a growing prosperity for five hundred years. Whatever respect I have for their talents, this, for one, I will not do. Then what is the standard of expedience? Expedience is that which is good for the community, and good for every individual in it. Now this expedience is the *desideratum*, to be sought either without the experience of means or with that experience. If without, as in case of the fabrication of a new commonwealth, I will hear the learned arguing what promises to be expedient; but if we are to judge of a commonwealth actually existing, the first thing I inquire is, What has been *found* expedient or inexpedient? And I will not take their *promise* rather than the *performance* of the Constitution.

.... But no, this was not the cause of the discontents. I went through most of the northern parts, — the Yorkshire election was then raging; the year before, through most of the western counties, — Bath, Bristol, Gloucester: not one word, either in the towns or country, on the subject of representation; much on the receipt tax,

something on Mr. Fox's ambition; much greater apprehension of danger from thence than from want of representation. One would think that the ballast of the ship was shifted with us, and that our Constitution had the gunwale under water. But can you fairly and distinctly point out what one evil or grievance has happened which you can refer to the representative not following the opinion of his constituents? What one symptom do we find of this inequality? But it is not an arithmetical inequality with which we ought to trouble ourselves. If there be a moral, a political equality, this is the *desideratum* in our Constitution, and in every constitution in the world. Moral inequality is as between places and between classes. Now, I ask, what advantage do you find that the places which abound in representation possess over others in which it is more scanty, in security for freedom, in security for justice, or in any one of those means of procuring temporal prosperity and eternal happiness the ends for which society was formed? Are the local interests of Cornwall and Wiltshire, for instance, their roads, canals, their prisons, their police, better than Yorkshire, Warwickshire, or Staffordshire? Warwick has members: is Warwick or Stafford more opulent, happy, or free than Newcastle, or than Birmingham? Is Wiltshire the pampered favorite, whilst Yorkshire, like the child of the bondwoman, is turned out to the desert? This is like the unhappy persons who live, if they can be said to live, in the statical chair, — who are ever feeling their pulse, and who do not judge of health by the aptitude of the body to perform its functions, but by their ideas of what ought to be the true balance between the several secretions. Is a committee of Cornwall, &c., thronged, and the others deserted? No. You have an equal representation, because you have men equally interested in the prosperity of the whole, who are involved in the general interest and the general sympathy; and, perhaps, these places furnishing a superfluity of public agents and administrators, (whether in strictness they are representatives or not I do not mean to inquire, but they are agents and administrators,) they will stand clearer of local interests, passions, prejudices, and cabals than the others, and therefore preserve the balance of the parts, and with a more general view and a more steady hand than the rest....

In every political proposal we must not leave out of the question the political views and object of the proposer; and these we discover, not by what he says, but by the principles he lays down. "I mean," says he, "a moderate and temperate reform: that is, I mean to do as little good as possible." If the Constitution be what you represent it, and there be no danger in the change, you do wrong not to make the reform commensurate to the abuse. Fine reformer, indeed! generous donor! What is the cause of this parsimony of the liberty which you dole out to the people? Why all this limitation in giving blessings and benefits to mankind? You admit that there is an extreme in liberty, which may be infinitely noxious to those who are to receive it, and which in the end will leave them no liberty at all. I think so, too. They know it, and they feel it. The question is, then, What is the standard of that extreme? What

that gentleman, and the associations, or some parts of their phalanxes, think proper? Then our liberties are in their pleasure; it depends on their arbitrary will how far I shall be free. I will have none of that freedom. If, therefore, the standard of moderation be sought for, I will seek for it. Where? Not in their fancies, nor in my own: I will seek for it where I know it is to be found, — in the Constitution I actually enjoy. Here it says to an encroaching prerogative,— “Your sceptre has its length; you cannot add an hair to your head, or a gem to your crown, but what an eternal law has given to it.” Here it says to an overweening peerage,— “Your pride finds banks that it cannot overflow”: here to a tumultuous and giddy people,— “There is a bound to the raging of the sea.” Our Constitution is like our island, which uses and restrains its subject sea; in vain the waves roar. In that Constitution, I know, and exultingly I feel, both that I am free, and that I am not free dangerously to myself or to others. I know that no power on earth, acting as I ought to do, can touch my life, my liberty, or my property. I have that inward and dignified consciousness of my own security and independence, which constitutes, and is the only thing which, does constitute, the proud and comfortable sentiment of freedom in the human breast. I know, too, and I bless God for, my safe mediocrity: I know, that, if I possessed all the talents of the gentlemen on the side of the House I sit, and on the other, I cannot, by royal favor, or by popular delusion, or by oligarchical cabal, elevate myself above a certain very limited point, so as to endanger my own fall, or the ruin of my country. I know there is an order that keeps things fast in their place: it is made to us, and we are made to it. Why not ask another wife, other children, another body, another mind?

The great object of most of these reformers is, to prepare the destruction of the Constitution, by disgracing and discrediting the House of Commons. For they think, (prudently, in my opinion,) that, if they can persuade the nation that the House of Commons is so constituted as not to secure the public liberty, not to have a proper connection with the public interests, so constituted as not either actually or virtually to be the representative of the people, it will be easy to prove that a government composed of a monarchy, an oligarchy chosen by the crown, and such a House of Commons, whatever good can be in such a system, can by no means be a system of free government.

The Constitution of England is never to have a quietus; it is to be continually vilified, attacked, reproached, resisted; instead of being the hope and sure anchor in all storms, instead of being the means of redress to all grievances, itself is the grand grievance of the nation, our shame instead of our glory. If the only specific plan proposed, individual personal representation, is directly rejected by the person who is looked on as the great support of this business, then the only way of considering it is a question of convenience. An honorable gentleman prefers the individual to the present. He therefore himself sees no middle term whatsoever, and therefore prefers, of what he sees, the individual: this is the only thing distinct and sensible

that has been advocated. He has, then, a scheme, which is the individual representation, — he is not at a loss, not inconsistent, — which scheme the other right honorable gentleman reprobates. Now what does this go to, but to lead directly to anarchy? For to discredit the only government which he either possesses or can project, what is this but to destroy all government? and this is anarchy. My right honorable friend, in supporting this motion, disgraces his friends and justifies his enemies in order to blacken the Constitution of his country, even of that House of Commons which supported him. There is a difference between a moral or political exposure of a public evil relative to the administration of government, whether in men or systems, and a declaration of defects, real or supposed, in the fundamental constitution of your country. The first may be cured in the individual by the motives of religion, virtue, honor, fear, shame, or interest. Men may be made to abandon also false systems, by exposing their absurdity or mischievous tendency to their own better thoughts, or to the contempt or indignation of the public; and after all, if they should exist, and exist uncorrected, they only disgrace individuals as fugitive opinions. But it is quite otherwise with the frame and constitution of the state: if that is disgraced, patriotism is destroyed in its very source. No man has ever willingly obeyed, much less was desirous of defending with his blood, a mischievous and absurd scheme of government. Our first, our dearest, most comprehensive relation, our country, is gone.

It suggests melancholy reflections, in consequence of the strange course we have long held, that we are now no longer quarrelling about the character, or about the conduct of men, or the tenor of measures, but we are grown out of humor with the English Constitution itself: this is become the object of the animosity of Englishmen. This Constitution in former days used to be the admiration and the envy of the world: it was the pattern for politicians, the theme of the eloquent, the meditation of the philosopher, in every part of the world. As to Englishmen, it was their pride, their consolation. By it they lived, for it they were ready to die. Its defects, if it had any, were partly covered by partiality, and partly borne by prudence. Now all its excellencies are forgot, its faults are now forcibly dragged into day, exaggerated by every artifice of representation. It is despised and rejected of men, and every device and invention of ingenuity or idleness set up in opposition or in preference to it. It is to this humor, and it is to the measures growing out of it, that I set myself (I hope not alone) in the most determined opposition. Never before did we at any time in this country meet upon the theory of our frame of government, to sit in judgment on the Constitution of our country, to call it as a delinquent before us, and to accuse it of every defect and every vice, — to see whether it, an object of our veneration, even our adoration, did or did not accord with a preconceived scheme in the minds of certain gentlemen. Cast your eyes on the journals of Parliament. It is for fear of losing the inestimable treasure we have that I do not venture to game it out of my hands for the vain hope of improving it. I

look with filial reverence on the Constitution of my country, and never will cut it in pieces, and put it into the kettle of any magician, in order to boil it, with the puddle of their compounds, into youth and vigor. On the contrary, I will drive away such pretenders; I will nurse its venerable age, and with lenient arts extend a parent's breath.

**SPEECH ON A MOTION, MADE BY THE RIGHT HON.
WILLIAM DOWDESWELL, MARCH 7, 1771, FOR LEAVE TO
BRING IN A BILL FOR EXPLAINING THE POWERS OF
JURIES IN PROSECUTIONS FOR LIBELS. TOGETHER WITH
A LETTER IN VINDICATION OF THAT MEASURE, AND A
COPY OF THE PROPOSED BILL.**

I have always understood that a superintendence over the doctrines as well as the proceedings of the courts of justice was a principal object of the constitution of this House, — that you were to watch at once over the lawyer and the law, — that there should be an orthodox faith, as well as proper works: and I have always looked with a degree of reverence and admiration on this mode of superintendence. For, being totally disengaged from the detail of juridical practice, we come something perhaps the better qualified, and certainly much the better disposed, to assert the genuine principle of the laws, in which we can, as a body, have no other than an enlarged and a public interest. We have no common cause of a professional attachment or professional emulations to bias our minds; we have no foregone opinions which from obstinacy and false point of honor we think ourselves at all events obliged to support. So that, with our own minds perfectly disengaged from the exercise, we may superintend the execution of the national justice, which from this circumstance is better secured to the people than in any other country under heaven it can be. As our situation puts us in a proper condition, our power enables us to execute this trust. We may, when we see cause of complaint, administer a remedy: it is in our choice by an address to remove an improper judge, by impeachment before the peers to pursue to destruction a corrupt judge, or by bill to assert, to explain, to enforce, or to reform the law, just as the occasion and necessity of the case shall guide us. We stand in a situation very honorable to ourselves and very useful to our country, if we do not abuse or abandon the trust that is placed in us.

The question now before you is upon the power of juries in prosecuting for libels. There are four opinions: — 1. That the doctrine as held by the courts is proper and constitutional, and therefore should not be altered; 2. That it is neither proper nor constitutional, but that it will be rendered worse by your interference; 3. That it is wrong, but that the only remedy is a bill of retrospect; 4. The opinion of those who bring in the bill, that the thing is wrong, but that it is enough to direct the judgment of the court in future.

The bill brought in is for the purpose of asserting and securing a great object in the juridical constitution of this kingdom, which, from a long series of practices and

opinions in our judges, has *in one point*, and in one very essential point, deviated from the true principle.

It is the very ancient privilege of the people of England, that they shall be tried, except in the known exceptions, not by judges appointed by the crown, but by their own fellow-subjects, the peers of that county court at which they owe their suit and service; and out of this principle the trial by juries has grown. This principle has not, that I can find, been contested in any case by any authority whatsoever; but there is one case in which, without directly contesting the principle, the whole substance, energy, and virtue of the privilege is taken out of it, — that is, in the case of a trial by indictment or information for a libel. The doctrine in that case, laid down by several judges, amounts to this: that the jury have no competence, where a libel is alleged, except to find the gross corporeal facts of the writing and the publication, together with the identity of the things and persons to which it refers; but that the intent and the tendency of the work, in which intent and tendency the whole criminality consists, is the sole and exclusive province of the judge. Thus having reduced the jury to the cognizance of facts not in themselves presumptively criminal, but actions neutral and indifferent, the whole matter in which the subject has any concern or interest is taken out of the hands of the jury: and if the jury take more upon themselves, what they so take is contrary to their duty; it is no *moral*, but a merely *natural* power, — the same by which they may do any other improper act, the same by which they may even prejudice themselves with regard to any other part of the issue before them. Such is the matter, as it now stands in possession of your highest criminal courts, handed down to them from very respectable legal ancestors. If this can once be established in this case, the application in principle to other cases will be easy, and the practice will run upon a descent, until the progress of an encroaching jurisdiction (for it is in its nature to encroach, when once it has passed its limits) coming to confine the juries, case after case, to the corporeal fact, and to that alone, and excluding the intention of mind, the only source of merit and demerit, of reward or punishment, juries become a dead letter in the Constitution.

For which reason it is high time to take this matter into the consideration of Parliament: and for that purpose it will be necessary to examine, first, whether there is anything in the peculiar nature of this crime that makes it necessary to exclude the jury from considering the intention in it, more than in others. So far from it, that I take it to be much less so from the analogy of other criminal cases, where no such restraint is ordinarily put upon them. The act of homicide is *primâ facie* criminal; the intention is afterwards to appear, for the jury to acquit or condemn. In burglary do they insist that the jury have nothing to do but to find the taking of goods, and that, if they do, they must necessarily find the party guilty, and leave the rest to the judge, and that they have nothing to do with the word *felonice* in the indictment?

The next point is, to consider it as a question of constitutional policy: that is, whether the decision of the question of libel ought to be left to the judges as a presumption of law, rather than to the jury as matter of popular judgment, — as the malice in the case of murder, the felony in the case of stealing. If the intent and tendency are not matters within the province of popular judgment, but legal and technical conclusions formed upon general principles of law, let us see what they are. Certainly they are most unfavorable, indeed totally adverse, to the Constitution of this country.

Here we must have recourse to analogies; for we cannot argue on ruled cases one way or the other. See the history. The old books, deficient in general in crown cases, furnish us with little on this head. As to the crime, in the very early Saxon law I see an offence of this species, called folk-leasing, made a capital offence, but no very precise definition of the crime, and no trial at all. See the statute of 3rd Edward I. ca. The law of libels could not have arrived at a very early period in this country. It is no wonder that we find no vestige of any constitution from authority, or of any deductions from legal science, in our old books and records, upon that subject. The statute of *Scandalum Magnatum* is the oldest that I know, and this goes but a little way in this sort of learning. Libelling is not the crime of an illiterate people. When they were thought no mean clerks who could read and write, when he who could read and write was presumptively a person in holy orders, libels could not be general or dangerous; and scandals merely *oral* could *spread* little and must *perish* soon. It is writing, it is printing more emphatically, that imparts calumny with those eagle-wings on which, as the poet says, “immortal slanders fly.” By the press they spread, they last, they leave the sting in the wound. Printing was not known in England much earlier than the reign of Henry the Seventh, and in the third year of that reign the court of Star-Chamber was established. The press and its enemy are nearly coeval. As no positive law against libels existed, they fell under the indefinite class of misdemeanors. For the trial of misdemeanors that court was instituted. Their tendency to produce riots and disorders was a main part of the charge, and was laid in order to give the court jurisdiction chiefly against libels. The offence was new. Learning of their own upon the subject they had none; and they were obliged to resort to the only emporium where it was to be had, the Roman law. After the Star-Chamber was abolished in the 10th of Charles I., its authority indeed ceased, but its maxims subsisted and survived it. The spirit of the Star-Chamber has transmigrated and lived again; and Westminster Hall was obliged to borrow from the Star-Chamber, for the same reasons as the Star-Chamber had borrowed from the Roman Forum, because they had no law, statute, or tradition of their own. Thus the Roman law took possession of our courts, — I mean its doctrine, not its sanctions: the severity of capital punishment was omitted, all the rest remained. The grounds of these laws are just and equitable. Undoubtedly the good fame of every man ought to be under the protection of the laws, as well as his life and liberty and

property. Good fame is an outwork that defends them all and renders them all valuable. The law forbids you to revenge; when it ties up the hands of some, it ought to restrain the tongues of others. The good fame of government is the same; it ought not to be traduced. This is necessary in all government; and if opinion be support, what takes away this destroys that support: but the liberty of the press is necessary to this government.

The wisdom, however, of government is of more importance than the laws. I should study the temper of the people, before I ventured on actions of this kind. I would consider the whole of the prosecution of a libel of such importance as Junius, as one piece, as one consistent plan of operations: and I would contrive it so, that, if I were defeated, I should not be disgraced, — that even my victory should not be more ignominious than my defeat; I would so manage, that the lowest in the predicament of guilt should not be the only one in punishment. I would not inform against the mere vender of a collection of pamphlets. I would not put him to trial first, if I could possibly avoid it. I would rather stand the consequences of my first error than carry it to a judgment that must disgrace my prosecution or the court. We ought to examine these things in a manner which becomes ourselves, and becomes the object of the inquiry, — not to examine into the most important consideration which can come before us with minds heated with prejudice and filled with passions, with vain popular opinions and humors, and, when we propose to examine into the justice of others, to be unjust ourselves.

An inquiry is wished, as the most effectual way of putting an end to the clamors and libels which are the disorder and disgrace of the times. For people remain quiet, they sleep secure, when they imagine that the vigilant eye of a censorial magistrate watches over all the proceedings of judicature, and that the sacred fire of an eternal constitutional jealousy, which, is the guardian of liberty, law, and justice, is alive night and day, and burning in this House. But when the magistrate gives up his office and his duty, the people assume it, and they inquire too much and too irreverently, because they think their representatives do not inquire at all.

We have in a libel, 1st, the writing; 2nd, the communication, called by the lawyers the publication; 3rd, the application to persons and facts; 4th, the intent and tendency; 5th, the matter, — diminution of fame. The law presumpstions on all these are in the communication. No intent can make a defamatory publication good, nothing can make it have a good tendency; truth is not pleadable. Taken *juridically*, the foundation of these law presumpstions is not unjust; taken *constitutionally*, they are ruinous, and tend to the total suppression of all publication. If juries are confined to the fact, no writing which censures, however justly or however temperately, the conduct of administration, can be unpunished. Therefore, if the intent and tendency be left to the judge, as legal conclusions growing from the fact, you may depend upon it you can have no public discussion of a public measure;

which is a point which even those who are most offended with the licentiousness of the press (and it is very exorbitant, very provoking) will hardly contend for.

So far as to the first opinion, — that the doctrine is right, and needs no alteration. 2nd. The next is, that it is wrong, but that we are not in a condition to help it. I admit it is true that there are cases of a nature so delicate and complicated that an act of Parliament on the subject may become a matter of great difficulty. It sometimes cannot define with exactness, because the subject-matter will not bear an exact definition. It may seem to *take away* everything which it does not positively *establish*, and this might be inconvenient; or it may seem, *vice versâ*, to *establish* everything which it does not *expressly take away*. It may be more advisable to leave such matters to the enlightened discretion of a judge, awed by a censorial House of Commons. But then it rests upon those who object to a legislative interposition to prove these inconveniences in the particular case before them. For it would be a most dangerous, as it is a most idle and most groundless conceit, to assume as a general principle, that the rights and liberties of the subject are impaired by the care and attention of the legislature to secure them. If so, very ill would the purchase of Magna Charta have merited the deluge of blood which was shed in order to have the body of English privileges defined by a positive written law. This charter, the inestimable monument of English freedom, so long the boast and glory of this nation, would have been at once an instrument of our servitude and a monument of our folly, if this principle were true. The thirty-four confirmations would have been only so many repetitions of their absurdity, so many new links in the chain, and so many invalidations of their right.

You cannot open your statute-book without seeing positive provisions relative to every right of the subject. This business of juries is the subject of not fewer than a dozen. To suppose that juries are something innate in the Constitution of Great Britain, that they have jumped, like Minerva, out of the head of Jove in complete armor, is a weak fancy, supported neither by precedent nor by reason. Whatever is most ancient and venerable in our Constitution, royal prerogative, privileges of Parliament, rights of elections, authority of courts, juries, must have been modelled according to the occasion. I spare your patience, and I pay a compliment to your understanding, in not attempting to prove that anything so elaborate and artificial as a jury was not the work of *chance*, but a matter of institution, brought to its present state by the joint efforts of legislative authority and juridical prudence. It need not be ashamed of being (what in many parts of it, at least, it is) the offspring of an act of Parliament, unless it is a shame for our laws to be the results of our legislature. Juries, which sensitively shrink from the rude touch of Parliamentary remedy, have been the subject of not fewer than, I think, forty-three acts of Parliament, in which they have been changed with all the authority of a creator over its creature, from Magna Charta to the great alterations which were made in the 29th of George II.

To talk of this matter in any other way is to turn a rational principle into an idle and vulgar superstition, — like the antiquary, Dr. Woodward, who trembled to have his shield scoured, for fear it should be discovered to be no better than an old pot-lid. This species of tenderness to a jury puts me in mind of a gentleman of good condition, who had been reduced to great poverty and distress: application was made to some rich fellows in his neighborhood to give him some assistance; but they begged to be excused, for fear of affronting a person of his high birth; and so the poor gentleman was left to starve, out of pure respect to the antiquity of his family. From this principle has arisen an opinion, that I find current amongst gentlemen, that this distemper ought to be left to cure itself: — that the judges, having been well exposed, and something terrified on account of these clamors, will entirely change, if not very much relax from their rigor; — if the present race should not change, that the chances of succession may put other more constitutional judges in their place; — lastly, if neither should happen, yet that the spirit of an English jury will always be sufficient for the vindication of its own rights, and will not suffer itself to be overborne by the bench. I confess that I totally dissent from all these opinions. These suppositions become the strongest reasons with me to evince the necessity of some clear and positive settlement of this question of contested jurisdiction. If judges are so full of levity, so full of timidity, if they are influenced by such mean and unworthy passions that a popular clamor is sufficient to shake the resolution they build upon the solid basis of a legal principle, I would endeavor to fix that mercury by a positive law. If to please an administration the judges can go one way to-day, and to please the crowd they can go another to-morrow, if they will oscillate backward and forward between power and popularity, it is high time to fix the law in such a manner as to resemble, as it ought, the great Author of all law, in whom there is no variableness nor shadow of turning.

As to their succession I have just the same opinion. I would not leave it to the chances of promotion, or to the characters of lawyers, what the law of the land, what the rights of juries, or what the liberty of the press should be. My law should not depend upon the fluctuation of the closet or the complexion of men. Whether a black-haired man or a fair-haired man presided in the Court of King's Bench, I would have the law the same; the same, whether he was born *in domo regnatrice* and sucked from his infancy the milk of courts, or was nurtured in the rugged discipline of a popular opposition. This law of court cabal and of party, this *mens quædam nullo perturbata affectu*, this law of complexion, ought not to be endured for a moment in a country whose being depends upon the certainty, clearness, and stability of institutions.

Now I come to the last substitute for the proposed bill, — the spirit of juries operating their own jurisdiction. This I confess I think the worst of all, for the same reasons on which I objected to the others, — and for other weighty reasons besides, which are separate and distinct. First, because juries, being taken at random out of

a mass of men infinitely large, must be of characters as various as the body they arise from is large in its extent. If the judges differ in their complexions, much more will a jury. A timid jury will give way to an awful judge delivering oracularly the law, and charging them on their oaths, and putting it home to their consciences to beware of judging, where the law had given them no competence. We know that they will do so, they have done so in an hundred instances. A respectable member of your own House, no vulgar man, tells you, that, on the authority of a judge, he found a man guilty in whom at the same time he could find no guilt. But supposing them full of knowledge and full of manly confidence in themselves, how will their knowledge or their confidence inform or inspirit others? They give no reason for their verdict, they can but condemn or acquit; and no man can tell the motives on which they have acquitted or condemned. So that this hope of the power of juries to assert their own jurisdiction must be a principle blind, as being without reason, and as changeable as the complexion of men and the temper of the times.

But, after all, is it fit that this dishonorable contention between the court and juries should subsist any longer? On what principle is it that a jury [juror?] refuses to be directed by the court as to his *competence*? Whether a libel or no libel be a question of law or of fact may be doubtful; but a question of jurisdiction and competence is certainly a question of law: on this the court ought undoubtedly to judge, and to judge solely and exclusively. If they judge wrong from excusable error, you ought to correct it, as to-day it is proposed, by an explanatory bill, — or if by corruption, by bill of *penalties* declaratory, and by punishment. What does a juror say to a judge, when he refuses his opinion upon a question of judicature? “You are so corrupt, that I should consider myself a partaker of your crime, were I to be guided by your opinion”; or, “You are so grossly ignorant, that I, fresh from my hounds, from my plough, my counter, or my loom, am fit to direct you in your own profession.” This is an unfitting, it is a dangerous state of things. The spirit of any sort of men is not a fit *rule* for deciding on the bounds of their jurisdiction: first, because it is different in different men, and even different in the same at different times, and can never become the proper directing line of law; next, because it is not reason, but feeling, and, when once it is irritated, it is not apt to confine itself within its proper limits. If it becomes not difference in opinion upon law, but a trial of spirit between parties, our courts of law are no longer the temple of justice, but the amphitheatre for gladiators. No, — God forbid! Juries ought to take their law from the bench only; but it is *our* business that they should hear nothing from the bench but what is agreeable to the principles of the Constitution. The jury are to hear the judge: the judge is to hear the law, where it speaks plain; where it does not, he is to hear the legislature. As I do not think these opinions of the judges to be agreeable to those principles, I wish to take the only method in which they can or ought to be corrected, — by bill.

Next, my opinion is, that it ought to be rather by a bill for removing controversies than by a bill in the state of manifest and express declaration and in words *de præterito*. I do this upon reasons of equity and constitutional policy. I do not want to censure the present judges. I think them to be excused for their error. Ignorance is no excuse for a judge; it is changing the nature of his crime; it is not absolving. It must be such error as a wise and conscientious judge may possibly fall into, and must arise from one or both these causes: — 1. A plausible principle of law; 2. The precedents of respectable authorities, and in good times. In the first, the principle of law, that the judge is to decide on law, the jury to decide on fact, is an ancient and venerable principle and maxim of the law; and if supported in this application by precedents of good times and of good men, the judge, if wrong, ought to be corrected, — he ought not to be reprov'd or to be disgraced, or the authority or respect to your tribunals to be impaired. In cases in which declaratory bills have been made, where by violence and corruption some fundamental part of the Constitution has been struck at, where they would damn the principle, censure the persons, and annul the acts, — but where the law has been by the accident of human frailty deprav'd or in a particular instance misunderstood, where you neither mean to rescind the acts nor to censure the persons, in such cases you have taken the explanatory mode, and, without condemning what is done, you direct the future judgment of the court.

All bills for the reformation of the law must be according to the subject-matter, the circumstances, and the occasion, and are of four kinds: — 1. Either the law is totally wanting, and then a new enacting statute must be made to supply that want; or, 2. it is *defective*, then a new law must be made to enforce it; 3. or it is opposed by power or fraud, and then an act must be made to declare it; 4. or it is rendered doubtful and controverted, and then a law must be made to explain it. These must be applied according to the exigence of the case: one is just as good as another of them. Miserable indeed would be the resources, poor and unfurnished the stores and magazines of legislation, if we were bound up to a little narrow form, and not able to frame our acts of Parliament according to every disposition of our own minds and to every possible emergency of the commonwealth, — to make them declaratory, enforcing, explanatory, repealing, just in what mode or in what degree we please.

Those who think that the judges living and dead are to be condemned, that your tribunals of justice are to be dishonored, that their acts and judgments on this business are to be rescinded, — they will undoubtedly vote against this bill, and for another sort.

I am not of the opinion of those gentlemen who are against disturbing the public repose: I like a clamor, whenever there is an abuse. The fire-bell at midnight disturbs your sleep, but it keeps you from being burned in your bed. The hue-and-cry alarms the county, but it preserves all the property of the province. All these

clamors aim at *redress*. But a clamor made merely for the purpose of rendering the people discontented with their situation, without an endeavor to give them a practical remedy, is indeed one of the worst acts of sedition.

I have read and heard much upon the conduct of our courts in the business of libels. I was extremely willing to enter into, and very free to act as facts should turn out on that inquiry, aiming constantly at remedy as the end of all clamor, all debate, all writing, and all inquiry; for which reason I did embrace, and do now with joy, this method of giving quiet to the courts, jurisdiction to juries, liberty to the press, and satisfaction to the people. I thank my friends for what they have done; I hope the public will one day reap the benefit of their pious and judicious endeavors. They have now sown the seed; I hope they will live to see the flourishing harvest. Their bill is sown in weakness; it will, I trust, be reaped in power. And then, however, we shall have reason to apply to them what my Lord Coke says was an aphorism continually in the mouth of a great sage of the law,— “Blessed be not the complaining tongue, but *blessed be the amending hand*.”

SPEECH ON A BILL FOR THE REPEAL OF THE MARRIAGE ACT. JUNE 15, 1781.

This act [*the Marriage Act*] stands upon *two* principles: one, that the power of marrying without consent of parents should not take place till twenty-one years of age; the other, that all marriages should be *public*.

The proposition of the honorable mover goes to the first; and undoubtedly his motives are fair and honorable; and even, in that measure by which he would take away paternal power, he is influenced to it by filial piety; and he is led into it by a natural, and to him inevitable, but real mistake, — that the ordinary race of mankind advance as fast towards maturity of judgment and understanding as he does.

The question is not now, whether the law ought to acknowledge and protect such a state of life as minority, nor whether the continuance which is fixed for that state be not improperly prolonged in the law of England. Neither of these in general are questioned. The only question, is, whether matrimony is to be taken out of the general rule, and whether the minors of both sexes, without the consent of their parents, ought to have a capacity of contracting the matrimonial, whilst they have not the capacity of contracting any other engagement. Now it appears to me very clear that they ought not. It is a great mistake to think that mere *animal* propagation is the sole end of matrimony. Matrimony is instituted not only for the propagation of men, but for their nutrition, their education, their establishment, and for the answering of all the purposes of a rational and moral being; and it is not the duty of the community to consider alone of how many, but how useful citizens it shall be composed.

It is most certain that men are well qualified for propagation long before they are sufficiently qualified even by bodily strength, much less by mental prudence, and by acquired skill in trades and professions, for the maintenance of a family. Therefore to enable and authorize any man to introduce citizens into the commonwealth, before a rational security can be given that he may provide for them and educate them as citizens ought to be provided for and educated, is totally incongruous with the whole order of society. Nay, it is fundamentally unjust; for a man that breeds a family without competent means of maintenance incumbers other men with his children, and disables them so far from maintaining their own. The improvident marriage of one man becomes a tax upon the orderly and regular marriage of all the rest. Therefore those laws are wisely constituted that give a man the use of all his faculties at one time, that they may be mutually subservient, aiding and assisting to each other: that the time of his completing his bodily strength, the time of mental discretion, the time of his having learned his trade, and the time at which he has the

disposition of his fortune, should be likewise the time in which he is permitted to introduce citizens into the state, and to charge the community with their maintenance. To give a man a family during his apprenticeship, whilst his very labor belongs to another, — to give him a family, when you do not give him a fortune to maintain it, — to give him a family before he can contract any one of those engagements without which no business can be carried on, would be to burden the state with families without any security for their maintenance. When parents themselves marry their children, they become in some sort security to prevent the ill consequences. You have this security in parental consent; the state takes its security in the knowledge of human nature. Parents ordinarily consider little the passion of their children and their present gratification. Don't fear the power of a father: it is kind to passion to give it time to cool. But their censures sometimes make me smile, — sometimes, for I am very infirm, make me angry: *sæpe bilem, sæpe jocum movent*.

It gives me pain to differ on this occasion from many, if not most, of those whom I honor and esteem. To suffer the grave animadversion and censorial rebuke of the honorable gentleman who made the motion, of him whose good-nature and good sense the House look upon with a particular partiality, whose approbation would have been one of the highest objects of my ambition, — this hurts me. It is said the Marriage Act is aristocratic. I am accused, I am told abroad, of being a man of aristocratic principles. If by aristocracy they mean the peers, I have no vulgar admiration, nor any vulgar antipathy towards them; I hold their order in cold and decent respect. I hold them to be of an absolute necessity in the Constitution; but I think they are only good when kept within their proper bounds. I trust, whenever there has been a dispute between these Houses, the part I have taken has not been equivocal. If by the aristocracy (which, indeed, comes nearer to the point) they mean an adherence to the rich and powerful against the poor and weak, this would, indeed, be a very extraordinary part. I have incurred the odium of gentlemen in this House for not paying sufficient regard to men of ample property. When, indeed, the smallest rights of the poorest people in the kingdom are in question, I would set my face against any act of pride and power countenanced by the highest that are in it; and if it should come to the last extremity, and to a contest of blood, — God forbid! God forbid! — my part is taken: I would take my fate with the poor and low and feeble. But if these people came to turn their liberty into a cloak for maliciousness, and to seek a privilege of exemption, not from power, but from the rules of morality and virtuous discipline, then I would join my hand to make them feel the force which a few united in a good cause have over a multitude of the profligate and ferocious.

I wish the nature of the ground of repeal were considered with a little attention. It is said the act tends to accumulate, to keep up the power of great families, and to add wealth to wealth. It may be that it does so. It is impossible that any principle of

law or government useful to the community should be established without an advantage to those who have the greatest stake in the country. Even some vices arise from it. The same laws which secure property encourage avarice; and the fences made about honest acquisition are the strong bars which secure the hoards of the miser. The dignities of magistracy are encouragements to ambition, with all the black train of villanies which attend that wicked passion. But still we must have laws to secure property, and still we must have ranks and distinctions and magistracy in the state, notwithstanding their manifest tendency to encourage avarice and ambition.

By affirming the parental authority throughout the state, parents in high rank will generally aim at, and will sometimes have the means, too, of preserving their minor children from any but wealthy or splendid matches. But this authority preserves from a thousand misfortunes which embitter every part of every man's domestic life, and tear to pieces the dearest ties in human society.

I am no peer, nor like to be, — but am in middle life, in the mass of citizens; yet I should feel for a son who married a prostituted woman, or a daughter who married a dishonorable and prostituted man, as much as any peer in the realm.

You are afraid of the avaricious principle of fathers. But observe that the avaricious principle is here mitigated very considerably. It is avarice by proxy; it is avarice not working by itself or for itself, but through the medium of parental affection, meaning to procure good to its offspring. But the contest is not between love and avarice.

While you would guard against the possible operation of this species of benevolent avarice, the avarice of the father, you let loose another species of avarice, — that of the fortune-hunter, unmitigated, unqualified. To show the motives, who has heard of a man running away with a woman not worth sixpence? Do not call this by the name of the sweet and best passion, — love. It is robbery, — not a jot better than any other.

Would you suffer the sworn enemy of his family, his life, and his honor, possibly the shame and scandal and blot of human society, to debauch from his care and protection the dearest pledge that he has on earth, the sole comfort of his declining years, almost in infantine imbecility, — and with it to carry into the hands of his enemy, and the disgrace of Nature, the dear-earned substance of a careful and laborious life? Think of the daughter of an honest, virtuous parent allied to vice and infamy. Think of the hopeful son tied for life by the meretricious arts of the refuse of mercenary and promiscuous lewdness. Have mercy on the youth of both sexes; protect them from their ignorance and inexperience; protect one part of life by the wisdom of another; protect them by the wisdom of laws and the care of Nature.

**SPEECH ON A MOTION MADE IN THE HOUSE OF
COMMONS, FEBRUARY 17, 1772, FOR LEAVE TO BRING IN A
BILL TO QUIET THE POSSESSIONS OF THE SUBJECT
AGAINST DORMANT CLAIMS OF THE CHURCH.**

If I considered this bill as an attack upon the Church, brought in for the purpose of impoverishing and weakening the clergy, I should be one of the foremost in an early and vigorous opposition to it.

I admit, the same reasons do not press for limiting the claims of the Church that existed for limiting the crown, by that wisest of all laws which, has secured the property, the peace, and the freedom of this country from the most dangerous mode of attack which could be made upon them all.

I am very sensible of the propriety of maintaining that venerable body with decency, — and with more than mere decency. I would maintain it according to the ranks wisely established in it, with that sober and temperate splendor that is suitable to a sacred character invested with high dignity.

There ought to be a symmetry between all the parts and orders of a state. A *poor* clergy in an *opulent* nation can have little correspondence with the body it is to instruct, and it is a disgrace to the public sentiments of religion. Such irreligious frugality is even bad economy, as the little that is given is entirely thrown away. Such an impoverished and degraded clergy in quiet tunes could never execute their duty, and in time of disorder would infinitely aggravate the public confusions.

That the property of the Church is a favored and privileged property I readily admit. It is made with great wisdom; since a perpetual body, with a perpetual duty, ought to have a perpetual provision.

The question is not, the property of the Church, or its security. The question is, whether you will render the principle of prescription a principle of the law of this land, and incorporate it with the whole of your jurisprudence, — whether, having given it first against the laity, then against the crown, you will now extend it to the Church.

The acts which were made, giving limitation against the laity, were not acts against the property of those who might be precluded by limitations. The act of quiet against the crown was not against the interests of the crown, but against a power of vexation.

If the principle of prescription be not a constitution of positive law, but a principle of natural equity, then to hold it out against any man is not doing him injustice.

That *tithes* are due of common right is readily granted; and if this principle had been kept in its original straitness, it might, indeed, be supposed that to plead an

exemption was to plead a long-continued *fraud*, and that no man could *be deceived* in such a title, — as the moment he bought land, he must know that he bought land tithed: prescription could not aid him, for prescription can only attach on a supposed *bonâ fide* possession. But the fact is, that the principle has been broken in upon.

Here it is necessary to distinguish two sorts of property.

1. Land carries no *mark* on it to distinguish it as ecclesiastical, as tithes do, which are a *charge* on land; therefore, though it had been made *inalienable*, it ought perhaps to be subject to limitation. It might *bonâ fide* be held.

But, first, it was not originally inalienable, no, not by the Canon Law, until the restraining act of the 11th of Elizabeth. But the great revolution of the dissolution of monasteries, by the 31st Hen., ch. 13, has so mixed and confounded ecclesiastical with lay property, that a man may by every rule of good faith be possessed of it. The statute of Queen Elizabeth, ann. 1, ch. 1, [?] gave away the bishop's lands.

So far as to *lands*.

As to *tithes*, they are not things in their own nature subject to be barred by prescription upon the general principle. But tithes and Church lands, by the statutes of Henry VIII. and the 11th Eliz., have become objects *in commercio*: for by coming to the crown they became grantable in that way to the subject, and a great part of the Church lands passed through the crown to the people.

By passing to the king, tithes became property to a mixed party; by passing from the king, they became absolutely *lay* property: the partition-wall was broken down, and tithes and Church possession became no longer synonymous terms. No [A?] man, therefore, might become a fair purchaser of tithes, and of exemption from tithes.

By the statute of Elizabeth, the lands took the same course, (I will not inquire by what justice, good policy, and decency,) but they passed into lay lands, became the object of purchases for valuable consideration, and of marriage settlements.

Now, if tithes might come to a layman, land in the hands of a layman might be also tithe-free. So that there was an object which a layman might become seized of equitably and *bonâ fide*; there was something on which a prescription might attach, the end of which is, to secure the natural well-meaning ignorance of men, and to secure property by the best of all principles, continuance.

I have therefore shown that a layman may be equitably seized of Church lands, — 2. of tithes, — 3. of exemption from tithes; and you will not contend that there should be no prescription. Will you say that the alienations made before the 11th of Elizabeth shall not stand good?

I do not mean anything against the Church, her dignities, her honors, her privileges, or her possessions. I should wish even to enlarge them all: not that the Church of England is incompetently endowed. This is to take nothing from her but

the power of making herself odious. If she be secure herself, she can have no objection to the security of others. For I hope she is secure from lay-bigotry and anti-priestcraft, for certainly such things there are. I heartily wish to see the Church secure in such possessions as will not only enable her ministers to preach the Gospel with ease, but of such a kind as will enable them to preach it with its full effect, so that the pastor shall not have the inauspicious appearance of a tax-gatherer, — such a maintenance as is compatible with the civil prosperity and improvement of their country.

**SPEECHES IN THE IMPEACHMENT OF WARREN
HASTINGS, ESQUIRE, LATE GOVERNOR-GENERAL OF
BENGAL. SPEECH IN OPENING. FEBRUARY, 1788.**

SPEECH

IN

OPENING THE IMPEACHMENT.

FIRST DAY: FRIDAY, FEBRUARY 15, 1788.

My Lords, — The gentlemen who have it in command to support the impeachment against Mr. Hastings have directed me to open the cause with a general view of the grounds upon which the Commons have proceeded in their charge against him. They have directed me to accompany this with another general view of the extent, the magnitude, the nature, the tendency, and the effect of the crimes which they allege to have been by him committed. They have also directed me to give an explanation (with their aid I may be enabled to give it) of such circumstances, preceding the crimes charged on Mr. Hastings, or concomitant with them, as may tend to elucidate whatever may be found obscure in the articles as they stand. To these they wished me to add a few illustrative remarks on the laws, customs, opinions, and manners of the people concerned, and who are the objects of the crimes we charge on Mr. Hastings. The several articles, as they appear before you, will be opened by other gentlemen with more particularity, with more distinctness, and, without doubt, with infinitely more ability, when they come to apply the evidence which naturally belongs to each article of this accusation. This, my Lords, is the plan which we mean to pursue on the great charge which is now to abide your judgment.

My Lords, I must look upon it as an auspicious circumstance to this cause, in which the honor of the kingdom and the fate of many nations are involved, that, from the first commencement of our Parliamentary process to this the hour of solemn trial, not the smallest difference of opinion has arisen between the two Houses.

My Lords, there are persons who, looking rather upon what was to be found in our records and histories than what was to be expected from the public justice, had formed hopes consolatory to themselves and dishonorable to us. They flattered themselves that the corruptions of India would escape amidst the dissensions of Parliament. They are disappointed. They will be disappointed in all the rest of their

expectations which they have formed upon everything, except the merits of their cause. The Commons will not have the melancholy unsocial glory of having acted a solitary part in a noble, but imperfect work. What the greatest inquest of the nation has begun its highest tribunal will accomplish. At length justice will be done to India. It is true that your Lordships will have your full share in this great achievement; but the Commons have always considered that whatever honor is divided with you is doubled on themselves.

My Lords, I must confess, that, amidst these encouraging prospects, the Commons do not approach your bar without awe and anxiety. The magnitude of the interests which we have in charge will reconcile some degree of solicitude for the event with the undoubting confidence with which we repose ourselves upon your Lordships' justice. For we are men, my Lords; and men are so made, that it is not only the greatness of danger, but the value of the adventure, which measures the degree of our concern in every undertaking. I solemnly assure your Lordships that no standard is sufficient to estimate the value which the Commons set upon the event of the cause they now bring before you. My Lords, the business of this day is not the business of this man, it is not solely whether the prisoner at the bar be found innocent or guilty, but whether millions of mankind shall be made miserable or happy.

Your Lordships will see, in the progress of this cause, that there is not only a long, connected, systematic series of misdemeanors, but an equally connected system of maxims and principles invented to justify them. Upon both of these you must judge. According to the judgment that you shall give upon the past transactions in India, inseparably connected as they are with the principles which support them, the whole character of your future government in that distant empire is to be unalterably decided. It will take its perpetual tenor, it will receive its final impression, from the stamp of this very hour.

It is not only the interest of India, now the most considerable part of the British empire, which is concerned, but the credit and honor of the British nation itself will be decided by this decision. We are to decide by this judgment, whether the crimes of individuals are to be turned into public guilt and national ignominy, or whether this nation will convert the very offences which have thrown a transient shade upon its government into something that will reflect a permanent lustre upon the honor, justice, and humanity of this kingdom.

My Lords, there is another consideration, which augments the solicitude of the Commons, equal to those other two great interests I have stated, those of our empire and our national character, — something that, if possible, comes more home to the hearts and feelings of every Englishman: I mean, the interests of our Constitution itself, which is deeply involved in the event of this cause. The future use and the whole effect, if not the very existence, of the process of an impeachment of high crimes and misdemeanors before the peers of this kingdom

upon the charge of the Commons will very much be decided by your judgment in this cause. This tribunal will be found (I hope it will always be found) too great for petty causes: if it should at the same time be found incompetent to one of the greatest, — that is, if little offences, from their minuteness, escape you, and the greatest, from their magnitude, oppress you, — it is impossible that this form of trial should not in the end vanish out of the Constitution. For we must not deceive ourselves: whatever does not stand with credit cannot stand long. And if the Constitution should be deprived, I do not mean in form, but virtually, of this resource, it is virtually deprived of everything else that is valuable in it. For this process is the cement which binds the whole together; this is the individuating principle that makes England what England is. In this court it is that no subject, in no part of the empire, can fail of competent and proportionable justice; here it is that we provide for that which is the substantial excellence of our Constitution, — I mean, the great circulation of responsibility, by which (excepting the supreme power) no man, in no circumstance, can escape the account which he owes to the laws of his country. It is by this process that magistracy, which tries and controls all other things, is itself tried and controlled. Other constitutions are satisfied with making good subjects; this is a security for good governors. It is by this tribunal that statesmen who abuse their power are accused by statesmen and tried by statesmen, not upon the niceties of a narrow jurisprudence, but upon the enlarged and solid principles of state morality. It is here that those who by the abuse of power have violated the spirit of law can never hope for protection from any of its forms; it is here that those who have refused to conform themselves to its perfections can never hope to escape through any of its defects. It ought, therefore, my Lords, to become our common care to guard this your precious deposit, rare in its use, but powerful in its effect, with a religious vigilance, and never to suffer it to be either discredited or antiquated. For this great end your Lordships are invested with great and plenary powers: but you do not suspend, you do not supersede, you do not annihilate any subordinate jurisdiction; on the contrary, you are auxiliary and supplemental to them all.

Whether it is owing to the felicity of our times, less fertile in great offences than those which have gone before us, or whether it is from a sluggish apathy which has dulled and enervated the public justice, I am not called upon to determine, — but, whatever may be the cause, it is now sixty-three years since any impeachment, grounded upon abuse of authority and misdemeanor in office, has come before this tribunal. The last is that of Lord Macclesfield, which happened in the year 1725. So that the oldest process known to the Constitution of this country has, upon its revival, some appearance of novelty. At this time, when all Europe is in a state of, perhaps, contagious fermentation, when antiquity has lost all its reverence and all its effect on the minds of men, at the same time that novelty is still attended with the suspicions that always will be attached to whatever is new, we have been anxiously

careful, in a business which seems to combine the objections both to what is antiquated and what is novel, so to conduct ourselves that nothing in the revival of this great Parliamentary process shall afford a pretext for its future disuse.

My Lords, strongly impressed as they are with these sentiments, the Commons have conducted themselves with singular care and caution. Without losing the spirit and zeal of a public prosecution, they have comported themselves with such moderation, temper, and decorum as would not have ill become the final judgment, if with them rested the final judgment, of this great cause.

With very few intermissions, the affairs of India have constantly engaged the attention of the Commons for more than fourteen years. We may safely affirm we have tried every mode of legislative provision before we had recourse to anything of penal process. It was in the year 1774 [1773?] we framed an act of Parliament for remedy to the then existing disorders in India, such as the then information before us enabled us to enact. Finding that the act of Parliament did not answer all the ends that were expected from it, we had, in the year 1782, recourse to a body of monitory resolutions. Neither had we the expected fruit from them. When, therefore, we found that our inquiries and our reports, our laws and our admonitions, were alike despised, that enormities increased in proportion as they were forbidden, detected, and exposed, — when we found that guilt stalked with an erect and upright front, and that legal authority seemed to skulk and hide its head like outlawed guilt, — when we found that some of those very persons who were appointed by Parliament to assert the authority of the laws of this kingdom were the most forward, the most bold, and the most active in the conspiracy for their destruction, — then it was time for the justice of the nation to recollect itself. To have forborne longer would not have been patience, but collusion; it would have been participation with guilt; it would have been to make ourselves accomplices with the criminal.

We found it was impossible to evade painful duty without betraying a sacred trust. Having, therefore, resolved upon the last and only resource, a penal prosecution, it was our next business to act in a manner worthy of our long deliberation. In all points we proceeded with selection. We have chosen (we trust it will so appear to your Lordships) such a crime, and such a criminal, and such a body of evidence, and such a mode of process, as would have recommended this course of justice to posterity, even if it had not been supported by any example in the practice of our forefathers.

First, to speak of the process: we are to inform your Lordships, that, besides that long previous deliberation of fourteen years, we examined, as a preliminary to this proceeding, every circumstance which could prove favorable to parties apparently delinquent, before we finally resolved to prosecute. There was no precedent to be found in the Journals, favorable to persons in Mr. Hastings's circumstances, that was not applied to. Many measures utterly unknown to former Parliamentary

proceedings, and which, indeed, seemed in some degree to enfeeble them, but which were all to the advantage of those that were to be prosecuted, were adopted, for the first time, upon this occasion. In an early stage of the proceeding, the criminal desired to be heard. He was heard; and he produced before the bar of the House that insolent and unbecoming paper which lies upon our table. It was deliberately given in by his own hand, and signed with his own name. The Commons, however, passed by everything offensive in that paper with a magnanimity that became them. They considered nothing in it but the facts that the defendant alleged, and the principles he maintained; and after a deliberation not short of judicial, we proceeded with confidence to your bar.

So far as to the process; which, though I mentioned last in the line and order in which I stated the objects of our selection, I thought it best to dispatch first.

As to the crime which we chose, we first considered well what it was in its nature, under all the circumstances which attended it. We weighed it with all its extenuations and with all its aggravations. On that review, we are warranted to assert that the crimes with which we charge the prisoner at the bar are substantial crimes, — that they are no errors or mistakes, such as wise and good men might possibly fall into, which may even produce very pernicious effects without being in fact great offences. The Commons are too liberal not to allow for the difficulties of a great and arduous public situation. They know too well the domineering necessities which frequently occur in all great affairs. They know the exigency of a pressing occasion, which, in its precipitate career, bears everything down before it, — which does not give time to the mind to recollect its faculties, to reinforce its reason, and to have recourse to fixed principles, but, by compelling an instant and tumultuous decision, too often obliges men to decide in a manner that calm judgment would certainly have rejected. We know, as we are to be served by men, that the persons who serve us must be tried as men, and with a very large allowance indeed to human infirmity and human error. This, my Lords, we knew and we weighed before we came before you. But the crimes which we charge in these articles are not lapses, defects, errors of common human frailty, which, as we know and feel, we can allow for. We charge this offender with no crimes that have not arisen from passions which it is criminal to harbor, — with no offences that have not their root in avarice, rapacity, pride, insolence, ferocity, treachery, cruelty, malignity of temper, — in short, in [with?] nothing that does not argue a total extinction of all moral principle, that does not manifest an inveterate blackness of heart, dyed in grain with malice, vitiated, corrupted, gangrened to the very core. If we do not plant his crimes in those vices which the breast of man is made to abhor, and the spirit of all laws, human and divine, to interdict, we desire no longer to be heard upon this occasion. Let everything that can be pleaded on the ground of surprise or error, upon those grounds be pleaded with success: we give up the whole of those predicaments. We urge no crimes that were not crimes of forethought. We charge

him with nothing that he did not commit upon deliberation, — that he did not commit against advice, supplication, and remonstrance, — that he did not commit against the direct command of lawful authority, — that he did not commit after reproof and reprimand, the reproof and reprimand of those who were authorized by the laws to reprove and reprimand him. The crimes of Mr. Hastings are crimes not only in themselves, but aggravated by being crimes of contumacy. They were crimes, not against forms, but against those eternal laws of justice which are our rule and our birthright. His offences are, not in formal, technical language, but in reality, in substance and effect, *high* crimes and high misdemeanors.

So far as to the crimes. As to the criminal, we have chosen him on the same principle on which we selected the crimes. We have not chosen to bring before you a poor, puny, trembling delinquent, misled, perhaps, by those who ought to have taught him better, but who have afterwards oppressed him by their power, as they had first corrupted him by their example. Instances there have been many, wherein the punishment of minor offences, in inferior persons, has been made the means of screening crimes of an high order, and in men of high description. Our course is different. We have not brought before you an obscure offender, who, when his insignificance and weakness are weighed against the power of the prosecution, gives even to public justice something of the appearance of oppression: no, my Lords, we have brought before you the first man of India, in rank, authority, and station. We have brought before you the chief of the tribe, the head of the whole body of Eastern offenders, a captain-general of iniquity, under whom all the fraud, all the peculation, all the tyranny in India are embodied, disciplined, arrayed, and paid. This is the person, my Lords, that we bring before you. We have brought before you such a person, that, if you strike at him with the firm and decided arm of justice, you will not have need of a great many more examples. You strike at the whole corps, if you strike at the head.

So far as to the crime: so far as to the criminal. Now, my Lords, I shall say a few words relative to the evidence which we have brought to support such a charge, and which ought to be equal in weight to the charge itself. It is chiefly evidence of record, officially signed by the criminal himself in many instances. We have brought before you his own letters, authenticated by his own hand. On these we chiefly rely. But we shall likewise bring before you living witnesses, competent to speak to the points to which they are brought.

When you consider the late enormous power of the prisoner, — when you consider his criminal, indefatigable assiduity in the destruction of all recorded evidence, — when you consider the influence he has over almost all living testimony, — when you consider the distance of the scene of action, — I believe your Lordships, and I believe the world, will be astonished that so much, so clear, so solid, and so conclusive evidence of all kinds has been obtained against him. I have no doubt that in nine instances in ten the evidence is such as would satisfy the

narrow precision supposed to prevail, and to a degree rightly to prevail, in all subordinate power and delegated jurisdiction. But your Lordships will maintain, what we assert and claim as the right of the subjects of Great Britain, that you are not bound by any rules of evidence, or any other rules whatever, except those of natural, immutable, and substantial justice.

God forbid the Commons should desire that anything should be received as proof from them which is not by nature adapted to prove the thing in question! If they should make such a request, they would aim at overturning the very principles of that justice to which they resort; they would give the nation an evil example that would rebound back on themselves, and bring destruction upon their own heads, and on those of all their posterity.

On the other hand, I have too much confidence in the learning with which you will be advised, and the liberality and nobleness of the sentiments with which you are born, to suspect that you would, by any abuse of the forms, and a technical course of proceeding, deny justice to so great a part of the world that claims it at your hands. Your Lordships always had an ample power, and almost unlimited jurisdiction; you have now a boundless object. It is not from this district or from that parish, not from this city or the other province, that relief is now applied for: exiled and undone princes, extensive tribes, suffering nations, infinite descriptions of men, different in language, in manners, and in rites, men separated by every barrier of Nature from you, by the Providence of God are blended in one common cause, and are now become suppliants at your bar. For the honor of this nation, in vindication of this mysterious Providence, let it be known that no rule formed upon municipal maxims (if any such rule exists) will prevent the course of that imperial justice which you owe to the people that call to you from all parts of a great disjointed world. For, situated as this kingdom is, an object, thank God, of envy to the rest of the nations, its conduct in that high and elevated situation will undoubtedly be scrutinized with a severity as great as its power is invidious.

It is well known that enormous wealth has poured into this country from India through a thousand channels, public and concealed; and it is no particular derogation from our honor to suppose a possibility of being corrupted by that by which other empires have been corrupted, and assemblies almost as respectable and venerable as your Lordships' have been directly or indirectly vitiated. Forty millions of money, at least, have within our memory been brought from India into England. In this case the most sacred judicature ought to look to its reputation. Without offence we may venture to suggest that the best way to secure reputation is, not by a proud defiance of public opinion, but by guiding our actions in such a manner as that public opinion may in the end be securely defied, by having been previously respected and dreaded. No direct false judgment is apprehended from the tribunals of this country; but it is feared that partiality may lurk and nestle in the abuse of our forms of proceeding. It is necessary, therefore, that nothing in that proceeding

should appear to mark the slightest trace, should betray the faintest odor of chicane. God forbid, that, when you try the most serious of all causes, that, when you try the cause of Asia in the presence of Europe, there should be the least suspicion that a narrow partiality, utterly destructive of justice, should so guide us that a British subject in power should appear in substance to possess rights which are denied to the humble allies, to the attached dependants of this kingdom, who by their distance have a double demand upon your protection, and who, by an implicit (I hope not a weak and useless) trust in you, have stripped themselves of every other resource under heaven!

I do not say this from any fear, doubt, or hesitation concerning what your Lordships will finally do, — none in the world; but I cannot shut my ears to the rumors which you all know to be disseminated abroad. The abusers of power may have a chance to cover themselves by those fences and intrenchments which were made to secure the liberties of the people against men of that very description. But God forbid it should be bruited from Pekin to Paris, that the laws of England are for the rich and the powerful, but to the poor, the miserable, and defenceless they afford no resource at all! God forbid it should be said, no nation is equal to the English in *substantial* violence and in *formal* justice, — that in this kingdom we feel ourselves competent to confer the most extravagant and inordinate powers upon public ministers, but that we are deficient, poor, helpless, lame, and impotent in the means of calling them to account for their use of them! An opinion has been insidiously circulated through this kingdom, and through foreign nations too, that, in order to cover our participation in guilt, and our common interest in the plunder of the East, we have invented a set of scholastic distinctions, abhorrent to the common sense and unpropitious to the common necessities of mankind, by which we are to deny ourselves the knowledge of what the rest of the world knows, and what so great a part of the world both knows and feels. I do not deprecate any appearance which may give countenance to this aspersion from suspicion that any corrupt motive can influence this court; I deprecate it from knowing that hitherto we have moved within the narrow circle of municipal justice. I am afraid, that, from the habits acquired by moving within a circumscribed sphere, we may be induced rather to endeavor at forcing Nature into that municipal circle than to enlarge the circle of national justice to the necessities of the empire we have obtained.

This is the only thing which does create any doubt or difficulty in the minds of sober people. But there are those who will not judge so equitably. Where two motives, neither of them perfectly justifiable, may be assigned, the worst has the chance of being preferred. If, from any appearance of chicane in the court, justice should fail, all men will say, better there were no tribunals at all. In my humble opinion, it would be better a thousand times to give all complainants the short answer the Dey of Algiers gave a British ambassador, representing certain grievances suffered by the British merchants,— “My friend,” (as the story is related

by Dr. Shaw,) “do not you know that my subjects are a band of robbers, and that I am their captain?” — better it would be a thousand times, and a thousand thousand times more manly, than an hypocritical process, which, under a pretended reverence to punctilious ceremonies and observances of law, abandons mankind without help and resource to all the desolating consequences of arbitrary power. The conduct and event of this cause will put an end to such doubts, wherever they may be entertained. Your Lordships will exercise the great plenary powers with which you are invested in a manner that will do honor to the protecting justice of this kingdom, that will completely avenge the great people who are subjected to it. You will not suffer your proceedings to be squared by any rules but by their necessities, and by that law of a common nature which cements them to us and us to them. The reports to the contrary have been spread abroad with uncommon industry; but they will be speedily refuted by the humanity, simplicity, dignity, and nobleness of your Lordships’ justice.

Having said all that I am instructed to say concerning the process which the House of Commons has used, concerning the crimes which they have chosen, concerning the criminal upon whom they attach the crimes, and concerning the evidence which they mean to produce, I am now to proceed to open that part of the business which falls to my share. It is rather an explanation of the circumstances than an enforcement of the crimes.

Your Lordships of course will be apprised that this cause is not what occurs every day, in the ordinary round of municipal affairs, — that it has a relation to many things, that it touches many points in many places, which are wholly removed from the ordinary beaten orbit of our English affairs. In other affairs, every allusion immediately meets its point of reference; nothing can be started that does not immediately awaken your attention to something in your own laws and usages which you meet with every day in the ordinary transactions of life. But here you are caught, as it were, into another world; you are to have the way pioneered before you. As the subject is new, it must be explained; as it is intricate as well as new, that explanation can be only comparatively short: and therefore, knowing your Lordships to be possessed, along with all other judicial virtues, of the first and foundation of them all, judicial patience, I hope that you will not grudge a few hours to the explanation of that which has cost the Commons fourteen years’ assiduous application to acquire, — that your Lordships will not disdain to grant a few hours to what has cost the people of India upwards of thirty years of their innate, inveterate, hereditary patience to endure.

My Lords, the powers which Mr. Hastings is charged with having abused are the powers delegated to him by the East India Company. The East India Company itself acts under two very dissimilar sorts of powers, derived from two sources very

remote from each other. The first source of its power is under charters which the crown of Great Britain was authorized by act of Parliament to grant; the other is from several charters derived from the Emperor of the Moguls, the person in whose dominions they were chiefly conversant, — particularly that great charter by which, in the year 1765, they acquired the high-stewardship of the kingdoms of Bengal, Bahar, and Orissa. Under those two bodies of charters, the East India Company, and all their servants, are authorized to act.

As to those of the first description, it is from the British charters that they derive the capacity by which they are considered as a public body, or at all capable of any public function. It is from thence they acquire the capacity to take from any power whatsoever any other charter, to acquire any other offices, or to hold any other possessions. This, being the root and origin of their power, renders them responsible to the party from whom all their immediate and consequential powers are derived. As they have emanated from the supreme power of this kingdom, the whole body and the whole train of their servants, the corporate body as a corporate body, individuals as individuals, are responsible to the high justice of this kingdom. In delegating great power to the East India Company, this kingdom has not released its sovereignty; on the contrary, the responsibility of the Company is increased by the greatness and sacredness of the powers that have been intrusted to it. Attempts have been made abroad to circulate a notion that the acts of the East India Company and their servants are not cognizable here. I hope on this occasion your Lordships will show that this nation never did give a power without annexing to it a proportionable degree of responsibility.

As to their other powers, the Company derives them from the Mogul empire by various charters from that crown, and from the great magistrates of that crown, and particularly by the Mogul charter of 1765, by which they obtained the *dewanny*, that is, the office of lord high-steward, of the kingdoms of Bengal, Bahar, and Orissa. By that charter they bound themselves (and bound inclusively all their servants) to perform all the duties belonging to that new office, and to be held by all the ties belonging to that new relation. If the Mogul empire had existed in its vigor, they would have been bound, under that responsibility, to observe the laws, rights, usages, and customs of the natives, and to pursue their benefit in all things: for this duty was inherent in the nature, institution, and purpose of the office which they received. If the power of the sovereign from whom they derived these powers should by any revolution in human affairs be annihilated or suspended, their duty to the people below them, which was created under the Mogul charter, is not annihilated, is not even suspended; and for their responsibility in the performance of that duty, they are thrown back upon that country (thank God, not annihilated) from whence their original power, and all subsequent derivative powers, have flowed. When the Company acquired that high office in India, an English corporation became an integral part of the Mogul empire. When Great Britain

virtually assented to that grant of office, and afterwards took advantage of it, Great Britain guaranteed the performance of all its duties. Great Britain entered into a virtual act of union with that country, by which we bound ourselves as securities to preserve the people in all the rights, laws, and liberties which their natural, original sovereign was bound to support, if he had been in condition to support them. By the disposition of events, the two duties, flowing from two different sources, are now united in one. The people of India, therefore, come in the name of the Commons of Great Britain, but in their own right, to the bar of this House, before the supreme royal justice of this kingdom, from whence originally all the powers under which they have suffered were derived.

It may be a little necessary, when we are stating the powers the Company have derived from their charter, and which we state Mr. Hastings to have abused, to state in as short and as comprehensive words as I can (for the matter is large indeed) what the constitution of that Company is, — I mean chiefly, what it is in reference to its Indian service, the great theatre of the abuse. Your Lordships will naturally conceive that it is not to inform you, but to revive circumstances in your memory, that I enter into this detail.

You will therefore recollect, that the East India Company had its origin about the latter end of the reign of Elizabeth, a period of projects, when all sorts of commercial adventures, companies, and monopolies were in fashion. At that time the Company was constituted with extensive powers for increasing the commerce and the honor of this country; because increasing its commerce, without increasing its honor and reputation, would have been thought at that time, and will be thought now, a bad bargain for the country. The powers of the Company were, under that charter, merely commercial. By degrees, as the theatre of operation was distant, as its intercourse was with many great, some barbarous, and all of them armed nations, nations in which not only the sovereign, but the subjects, were armed, it was found necessary to enlarge their powers. The first power they obtained was a power of naval discipline in their ships, — a power which has been since dropped; the next was a power of law martial; the next was a power of civil, and, to a degree, of criminal jurisdiction, within their own factories, upon their own people and their own servants; the next was (and here was a stride indeed) the power of peace and war. Those high and almost incommunicable prerogatives of sovereignty, which were hardly ever known before to be parted with to any subjects, and which in several states were not wholly intrusted to the prince or head of the commonwealth himself, were given to the East India Company. That Company acquired these powers about the end of the reign of Charles the Second; and they were afterwards more fully, as well as more legally, given by Parliament after the Revolution. From this time, the East India Company was no longer merely a mercantile company, formed for the extension of the British commerce: it more nearly resembled a delegation of the whole power and sovereignty of this kingdom sent into the East.

From that time the Company ought to be considered as a subordinate sovereign power: that is, sovereign with regard to the objects which it touched; subordinate with regard to the power from whence its great trust was derived.

Under these successive arrangements things took a course very different from their usual order. A new disposition took place, not dreamt of in the theories of speculative politicians, and of which few examples in the least resembling it have been seen in the modern world, none at all in the ancient. In other instances, a political body that acts as a commonwealth was first settled, and trade followed as a consequence of the protection obtained by political power; but here the course of affairs was reversed. The constitution of the Company began in commerce and ended in empire. Indeed, wherever the sovereign powers of peace and war are given, there wants but time and circumstance to make these powers supersede every other. The affairs of commerce will fall at last into their proper rank and situation. However primary in their original intention, they will become secondary. The possession, therefore, and the power of assertion of these great authorities coinciding with the improved state of Europe, with the improved state of arts in Europe, with the improved state of laws, and, what is much more material, the improved state of military discipline, more and more perfected every day with us, — universal improvement in Europe coinciding with the general decay of Asia, (for the proud day of Asia is passed,) this improvement coinciding with the relaxation and dissolution of the Mogul government, with the decline of its warlike spirit, with the total disuse of the ancient strictness of the military discipline established by Tamerlane, the India Company came to be what it is, a great empire, carrying on, subordinately, a great commerce; it became that thing which was supposed by the Roman law irreconcilable to reason and propriety, — *eundem negotiatorem et dominum*: the same power became the general trader, the same power became the supreme lord.

In this exalted situation, the India Company, however, still preserves traces of its original mercantile character. The whole exterior order of its political service is carried on upon a mercantile plan and mercantile principles. In fact, the East India Company in Asia is a state in the disguise of a merchant. Its whole service is a system of public offices in the disguise of a counting-house. Accordingly, the whole external order and series of the service, as I observed, is commercial; the principal, the inward, the real, is almost entirely political.

This system of the Company's service, its order and discipline, is necessary to be explained to your Lordships, that you may see in what manner the abuses have affected it. In the first place, all the persons who go abroad in the Company's civil service enter as clerks in the counting-house, and are called by a name to correspond to it, — *writers*. In that condition they are obliged to serve five years. The second step is that of a *factor*, in which they are obliged to serve three years. The third step they take is that of a *junior merchant*, in which they are obliged to

serve three years more. At that period they become *senior merchants*, which is the highest stage of advance in the Company's service, — a rank by which they had pretensions, before the year 1774, to the Council, to the succession of the Presidency, and to whatever other honors the Company has to bestow.

The Company had, in its early times, established factories in certain places; which factories by degrees grew to the name of Presidencies and Council, in proportion as the power and influence of the Company increased, and as the political began first to struggle with, and at length to predominate over, the mercantile. In this form it continued till the year 1773, when the legislature broke in, for proper reasons urging them to it, upon that order of the service, and appointed to the superior department persons who had no title to that place under the ordinary usage of the service. Mr. Hastings and Mr. Harwell, whatever other titles they might have had, held solely under the act of Parliament nominating them to that authority; but in all other respects, except where the act and other subsequent acts have not broken in upon it, the whole course of the service remains upon the ancient footing, that is, the commercial footing, as to the gradation and order of service.

Your Lordships see here a regular series of gradation, which requires eleven years before any persons can arrive at the highest trusts and situations. You will therefore be astonished, when so long a probationary service was required, that effects very different from those to be expected from long probation have happened, and that in a much shorter time than those eleven years you have seen persons returning into this kingdom with affluent, with overbearing fortunes. It will be a great part of your inquiry, when we come before your Lordships to substantiate evidence against Mr. Hastings, to discover how that order came to be so completely broken down and erased that scarce a trace of it for any good purpose remains. Though I will not deny that that order, or that any order in a state, may be superseded by the ruling power, when great talents, upon pressing exigencies, are to be called forth, yet I must say the order itself was formed upon wise principles. It furnished the persons who were put in that course of probation with an opportunity (if circumstances enabled them) of acquiring experience in business of revenue, trade, and policy. It gave to those who watched them a constant inspection of their conduct through all their progress. On the expectants of office it imposed the necessity of acquiring a character in proportion to their standing, in order that all which they had gained by the good behavior of years should not be lost by the misconduct of an hour. It was a great substantial regulation. But scarce a trace of the true spirit of it remains to be discovered in Mr. Hastings's government; for Mr. Hastings established offices, nay, whole systems of offices, and especially a system of offices in 1781, which being altogether new, none of the rules of gradation applied to them; and he filled those offices in such a manner as suited best, not the constitution nor the spirit of the service, but his own particular views and purposes.

The consequence has been, that persons in the most immature stages of life have been appointed to conduct affairs which required the greatest maturity of judgment, the greatest possible temper and moderation. Effects naturally consequent have followed upon it. — I shall not trouble your Lordships with any further observations on this system of gradation.

I must, however, remark, before I go further, that there is something in the representation of the East India Company in their Oriental territory different from that, perhaps, of any other nation that has ever transported any part of its power from one country to another. The East India Company in India is not properly a branch of the British nation: it is only a deputation of individuals. When the Tartars entered into China, when the Arabs and Tartars successively entered into Hindostan, when the Goths and Vandals penetrated into Europe, when the Normans forced their way into England, indeed, in all conquests, migrations, settlements, and colonizations, the new people came as the offset of a nation. The Company in India does not exist as a national colony. In effect and substance nobody can go thither that does not go in its service. The English in India are nothing but a seminary for the succession of officers. They are a nation of placemen; they are a commonwealth without a people; they are a state made up wholly of magistrates. There is nothing to be in propriety called people, to watch, to inspect, to balance against the power of office. The power of office, so far as the English nation is concerned, is the sole power in the country: the consequence of which is, that, being a kingdom of magistrates, what is commonly called the *esprit du corps* is strong in it. This spirit of the body predominates equally in all its parts; by which the members must consider themselves as having a common interest, and that common interest separated both from that of the country which sent them out and from that of the country in which they act. No control upon them exists, — none, I mean, in persons who understand their language, who understand their manners, or can apply their conduct to the laws. Therefore, in a body so constituted, confederacy is easy, and has been general. Your Lordships are not to expect that that should happen in such a body which never happened in any body or corporation, — that is, that they should, in any instance, be a proper check and control upon themselves. It is not in the nature of things. The fundamental principle of the whole of the East India Company's system is monopoly, in some sense or other. The same principle predominates in the service abroad and the service at home; and both systems are united into one, animated with the same spirit, that is, with the corporate spirit. The whole, taken together, is such as has not been seen in the examples of the Moors, the Portuguese, the Spaniards, the Romans, — in no old, in no recent examples. The Dutch may resemble it, but they have not an empire properly so denominated. By means of this peculiar circumstance it has not been difficult for Mr. Hastings to embody abuse, and to put himself at the head of a regular system of corruption.

Another circumstance in that service is deserving of notice. Except in the highest parts of all, the emoluments of office do not in any degree correspond with the trust, nor the nature of the office with its name. In other official systems, the style, in general, is above the function; here it is the reverse. Under the name of junior merchant, senior merchant, writer, and other petty appellations of the counting-house, you have magistrates of high dignity, you have administrators of revenues truly royal, you have judges, civil, and in some respects criminal, who pass judgment upon the greatest properties of a great country. The legal public emoluments that belong to them are very often so inadequate to the real dignity of the character, that it is impossible, almost absolutely impossible, for the subordinate parts of it, which, though subordinate, are stations of power, to exist, as Englishmen, who look at a fortune to be enjoyed at home as their ultimate object, and to exist in a state of perfect incorruption in that service.

In some parts of Europe, it is true that the greatest situations are often attended with but little emolument; yet still they are filled. Why? Because reputation, glory, fame, the esteem, the love, the tears of joy which flow from happy sensibility, the honest applauses of a grateful country, sometimes pay the cares, anxieties, and toils which wait on great situations in the commonwealth; and in these they pay in money what cannot be paid in fame and reputation. It is the reverse in the service of the India Company. Glory is not the lot of subordinated merit, — and all the subordinate parts of the gradation are officers who, in comparison with the offices and duties intrusted to them, are miserably provided for; whereas the chief of each great Presidency has emoluments securing him against every mode of temptation. But if this has not secured the head, we may easily judge how the members are to be coerced. Mr. Hastings, at the head of the service, with high legal emoluments, has fouled his hands and sullied his government with bribes. He has substituted oppression and tyranny in the place of legal government. With all that unbounded, licentious power which he has assumed over the public revenues, instead of endeavoring to find a series of gradual, progressive, honorable, and adequate rewards for the persons who serve the public in the subordinate, but powerful situations, he has left them to prey upon the people without the smallest degree of control. In default of honest emolument, there is the unbounded license of power; and, as one of the honestest and ablest servants of the Company said to me in conversation, the civil service of the Company resembled the military service of the Mahrattas, — little pay, but unbounded license to plunder. I do not say that some of the salaries given in India would not sound well here; but when you consider the nature of the trusts, the dignity of the situation, whatever the name of them may be, the powers that are granted, the hopes that every man has of establishing himself at home, I repeat, it is a source of infinite grievance, of infinite abuse: of which source of corrupt power we charge Mr. Hastings with having availed himself, in filling up the void of direct pay by finding out and countenancing every kind of oblique and

unjust emolument; though it must be confessed that he is far from being solely guilty of this offence.

Another circumstance which distinguishes the East India Company is the youth of the persons who are employed in the system of that service. The servants have almost universally been sent out to begin their progress and career in active occupation, and in the exercise of high authority, at that period of life which, in all other places, has been employed in the course of a rigid education. To put the matter in a few words, — they are transferred from slippery youth to perilous independence, from perilous independence to inordinate expectations, from inordinate expectations to boundless power. School-boys without tutors, minors without guardians, the world is let loose upon them with all its temptations, and they are let loose upon the world with all the powers that despotism involves.

It is further remarkable, these servants exercise what your Lordships are now exercising, high judicial powers, and they exercise them without the smallest study of any law, either general or municipal. It is made a sort of rule in the service, a rule confirmed even by the attempts that were made to correct it, (I mean confirmed by Sir Elijah Impey, when, under the auspices of Mr. Hastings, he undertook to be legislator for India,) that the judicial character, the last in the order of legal progress, that to which all professional men look up as the crown of their labors, that ultimate hope of men grown gray in professional practice, is among the first experimental situations of a Company's servant. It is expressly said in that body of regulations to which I allude, that the office and situation of a judge of the Dewanny Courts of Adawlut is to be filled by the *junior* servants of the Company; and as the judicial emolument is not substantially equal to that of other situations, the office of a judge is to be taken, as it were, *in transitu*, as a passage to other offices not of a judicial nature. As soon, therefore, as a young man has supplied the defects of his education by the advantage of some experience, he is immediately translated to a totally different office; and another young man is substituted, to learn, at the expense of the property of India, to fill a situation which, when he may be qualified to fill, he is no longer to hold.

It is in a great measure the same with regard to the other situations. They are the situations of great statesmen, which, according to the practice of the world, require, to fill properly, rather a large converse with men and much intercourse in life than deep study of books, — though that, too, has its eminent service. We know that in the habits of civilized life, in cultivated society, there is imbibed by men a good deal of the solid practice of government, of the true maxims of state, and everything that enables a man to serve his country. But these men are sent over to exercise functions at which a statesman here would tremble, without any theoretical study, and without any of that sort of experience which, in mixed societies of business and converse, form men gradually and insensibly to great affairs. Low cunning, intrigue, and stratagem are soon acquired; but manly, durable policy,

which never sacrifices the general interest to a partial or momentary advantage, is not so cheaply formed in the human understanding.

Mr. Hastings, in his defence before the House of Commons, and in the defences he has made before your Lordships, has lamented his own situation in this particular. It was much to be lamented, indeed. How far it will furnish justification, extenuation, or palliation of his conduct, when we come to examine that conduct, will be seen.

These circumstances in the system have in a great degree vitiated and perverted what is in reality (and many things are in reality) excellent in it. They have rendered the application of all correctives and remedies to abuse, at best, precarious in their operation. The laws that we have made, the covenants which the Company has obliged its servants to enter into, the occasional orders that have been given, at least ostensibly good, all have proved noxious to the country, instead of beneficial.

To illustrate this point, I beg leave to observe to your Lordships, that the servants of the Company are obliged to enter into that service not only with an impression of the general duty which attaches upon all servants, but are obliged to engage in a specific covenant with their masters to perform all the duties described in that covenant (which are all the duties of their relation) under heavy penalties. They are bound to a repetition of these covenants at every step of their progress, from writer to factor, from factor to junior merchant, and from junior merchant to senior merchant. They ought, according to the rule, to renew these covenants at these times by something (I speak without offence) which may be said to resemble confirmation in the Church. They are obliged to renew their obligation in particular to receive no gifts, gratuities, or presents whatsoever.

This scheme of covenants would have been wise and proper, if it had belonged to a judicious order, and rational, consistent scheme of discipline. The orders of the Company have forbidden their servants to take any extraneous emoluments. The act of Parliament has fulminated against them. Clear, positive laws, and clear, positive private engagements, have no exception of circumstances in them, no difference *quoad majus et minus*; but every one who offends against the law is liable to the law. The consequence is this: he who has deviated but an inch from the straight line, he who has taken but one penny of unlawful emolument, (and all have taken many pennies of unlawful emolument,) does not dare to complain of the most abandoned extortion and cruel oppression in any of his fellow-servants. He who has taken a trifle, perhaps as the reward of a good action, is obliged to be silent, when he sees whole nations desolated around him. The great criminal at the head of the service has the laws in his hand; he is always able to prove the small offence, and crush the person who has committed it. This is one grand source of Mr. Hastings's power. After he had got the better of the Parliamentary commission, no complaint from any part of the service has appeared against Mr. Hastings. He is bold enough to state it as one presumption of his merit, that there has been no such complaint. No

such complaint, indeed, can exist. The spirit of the corps would of itself almost forbid it, — to which spirit an informer is the most odious and detestable of all characters, and is hunted down, and has always been hunted down, as a common enemy. But here is a new security. Who can complain, or dares to accuse? The whole service is irregular: nobody is free from small offences; and, as I have said, the great offender can always crush the small one.

If you examine the correspondence of Mr. Hastings, you would imagine, from many expressions very deliberately used by him, that the Company's service was made out of the very filth and dregs of human corruption; but if you examine his conduct towards the corrupt body he describes, you would imagine he had lived in the speculative schemes of visionary perfection. He was fourteen years at the head of that service; and there is not an instance, no, not one single instance, in which he endeavored to detect corruption, or that he ever, in any one single instance, attempted to punish it; but the whole service, with that whole mass of enormity which he attributes to it, slept, as it were, at once, under his terror and his protection: under his protection, if they did not dare to move against him; under terror, from his power to pluck out individuals and make a public example of them, whenever he thought fit. And therefore that service, under his guidance and influence, was, beyond even what its own nature disposed it to, a service of confederacy, a service of connivance, a service composed of various systems of guilt, of which Mr. Hastings was the head and the protector. But this general connivance he did not think sufficient to secure to him the general support of the Indian interest. He went further. We shall prove to your Lordships, that, when the Company were driven by shame, not by inclination, to order several prosecutions against delinquents in their service, Mr. Hastings, directly contrary to the duty of his office, directly contrary to the express and positive law of the Court of Directors, which law Parliament had bound upon him as his rule of action, not satisfied with his long tacit connivance, ventured, before he left his government, and among his last acts, to pass a general act of pardon and indemnity, and at once ordered the whole body of the prosecutions directed by his masters, the Company, to be discharged.

Having had fourteen years' lease of connivance to bestow, and giving at the end a general release of all suits and actions, he now puts himself at the head of a vast body enriched by his bounties, connivances, and indemnities, and expects the support of those whom he had thus fully rewarded and discharged from the pursuit of the laws. You will find, in the course of this business, that, when charges have been brought against him of any bribery, corruption, or other malversation, his course has been to answer little or nothing to that specific bribery, corruption, or malversation: his way has been to call on the Court of Directors to inquire of every servant who comes to Europe, and to say whether there was any one man in it that will give him an ill word. He has put himself into a situation in which he may

always safely call to his character, and will always find himself utterly incapable of justifying his conduct.

So far I have troubled your Lordships with the system of confederacy and connivance, which, under his auspices, was the vital principle of almost the whole service. There is one member of the service which I have omitted: but whether I ought to have put it first, or, as I do now, last, I must confess I am at some loss; because, though it appears to be the lowest (if any regular) part of the service, it is by far the most considerable and the most efficient, without a full consideration and explanation of which hardly any part of the conduct of Mr. Hastings, and of many others that may be in his situation, can be fully understood.

I have given your Lordships an account of writers, factors, merchants, who exercise the office of judges, lord chancellors, chancellors of the exchequer, ministers of state, and managers of great revenues. But there is another description of men, of more importance than them all, a description you have often heard of, but which has not been sufficiently explained: I mean the *banian*. When the Company's service was no more than mercantile, and the servants were generally unacquainted with the country, they used the intervention of certain factors among the natives, which were called *banians*: we called them so, because they were of the tribe or caste of the banians or merchants, — the Indians being generally distributed into trades according to their tribes. The name still continues, when the functions of the banians are totally altered. The banian is known by other appellations. He is called *dewan*, or steward; and, indeed, this is a term with more propriety applied to him in several of his functions. He is, by his name of office, the steward of the household of the European gentleman: he has the management of his affairs, and the ordering of his servants. He is himself a domestic servant, and generally chosen out of that class of natives who, by being habituated to misery and subjection, can submit to any orders, and are fit for any of the basest services. Trained under oppression, (it is the true education,) they are fit to oppress others. They serve an apprenticeship of servitude to qualify them for the trade of tyranny. They know all the devices, all the little frauds, all the artifices and contrivances, the whole panoply of the defensive armor by which ingenious slavery secures itself against the violence of power. They know all the lurking-holes, all the winding recesses, of the unfortunate; and they hunt out distress and misery even to their last retreats. They have suffered themselves; but, far from being taught by those sufferings to abstain from rigor, they have only learned the methods of afflicting their fellow-slaves. They have the best intelligence of what is done in England. The moment a Company's servant arrives in India, and his English connections are known to be powerful, some of that class of people immediately take possession of him, as if he were their inheritance. They have knowledge of the country and its affairs; they have money; they have the arts of making money. The gentleman who comes from England has none of these; he enters into that world, as he enters into

the world at large, naked. His portion is great simplicity, great indigence, and a strong disposition to relieve himself. The banian, once in possession, employs his tyranny, not only over the native people of his country, but often over the master himself, who has little other share in the proceedings of his servant but in giving him the ticket of his name to mark that he is connected with and supported by an European who is himself well connected and supported at home. This is a commission which nothing can resist. From that moment forward it is not the Englishman, it is the black banian, that is the master. The nominal master often lives from his hand. We know how young men are sent out of this country; we know how happy we are to hear soon that they are no longer a burden to their friends and parents. The banian knows it, too. He supplies the young servant with money. He has him under his power: first, from the necessity of employing such a man; and next, (and this is the more important of the two,) he has that dreadful power over his master which every creditor has over his debtor. Actions the most abhorrent to his nature he must see done before his face, and thousands and thousands worse are done in his absence, and he dare not complain. The banian extorts, robs, plunders, and then gives him just what proportion of the spoil he pleases. If the master should murmur, the very power that was sent over to protect the people of India from these very abuses, (the best things being perverted, when applied to unknown objects and put into unsuitable situations,) the very laws of England, by making the recovery of debts more easy, infinitely increase the power of the banian over his master. Thus the Supreme Court of Justice, the destined corrector of all abuses, becomes a collateral security for that abominable tyranny exercised by the moneyed banians over Europeans as well as the natives. So that, while we are here boasting of the British power in the East, we are in perhaps more than half our service nothing but the inferior, miserable instruments of the tyranny which the lowest part of the natives of India exercise, to the disgrace of the British authority, and to the ruin of all that is respectable among their own countrymen. They have subverted the first houses, totally ruined and undone the country, cheated and defrauded the revenue, — the master a silent, sometimes a melancholy spectator, until some office of high emolument has emancipated him. This has often been the true reason that the Company's servants in India, in order to free themselves from this horrid and atrocious servitude, are obliged to become instruments of another tyranny, and must prostitute themselves to men in power, in order to obtain some office that may enable them to escape the servitudes below, and enable them to pay their debts. And thus many have become the instruments of Mr. Hastings.

These banians, or dewans, were originally among the lower castes in the country. But now, it is true, that, after seeing the power and profits of these men, — that there is neither power, profession, nor occupation to be had, which a reputable person can exercise, but through that channel, — men of higher castes, and born to better things, have thrown themselves into that disgraceful servitude, have become

menial servants to Englishmen, that they might rise by their degradation. But whoever they are, or of whatever birth, they have equally prostituted their integrity, they have equally lost their character; and, once entered into that course of life, there is no difference between the best castes and the worst. That system Mr. Hastings confirmed, established, increased, and made the instrument of the most austere tyranny, of the basest peculations, and the most scandalous and iniquitous extortions.

In the description I have given of banians a distinction is to be made. Your Lordships must distinguish the banians of the British servants in subordinate situations and the banians who are such to persons in higher authority. In the latter case the banian is in strict subordination, because he may always be ruined by his superior; whereas in the former it is always in his power to ruin his nominal superior. It was not through fear, but voluntarily, and not for the banian's purposes, but his own, Mr. Hastings has brought forward his banian. He seated him in the houses of the principal nobility, and invested him with farms of the revenue; he has given him enormous jobs; he has put him over the heads of a nobility which, for their grandeur, antiquity, and dignity, might almost be matched with your Lordships. He has made him supreme ecclesiastical judge, judge even of the very castes, in the preservation of the separate rules and separate privileges of which that people exists. He who has dominion over the caste has an absolute power over something more than life and fortune.

Such is that first, or last, (I know not which to call it,) order in the Company's service called a banian. The *mutseddies*, clerks, accountants, of Calcutta, generally fall under this description. Your Lordships will see hereafter the necessity of giving you, in the opening the case, an idea of the situation of a banian. You will see, as no Englishman, properly speaking, acts by himself, that he must be made responsible for that person called his banian, — for the power he either uses under him, or the power he has acquired over him. The banian escapes, in the night of his complexion and situation, the inquiry that a white man cannot stand before in this country. Through the banians, or other black natives, a bad servant of the Company receives his bribes. Through them he decides falsely against the titles of litigants in the court of castes, or in the offices of public registry. Through them Mr. Hastings has exercised oppressions which, I will venture to say, in his own name, in his own character, daring as he is, (and he is the most daring criminal that ever existed,) he never would dare to practise. Many, if not most, of the iniquities of his interior bad administration have been perpetrated through these banians, or other native agents and confidants; and we shall show you that he is not satisfied with one of them, confiding few of his secrets to Europeans, and hardly any of his instruments, either native or European, knowing the secrets of each other. This is the system of banianism, and of concealment, which Mr. Hastings, instead of eradicating out of

the service, has propagated by example and by support, and enlarged by converting even Europeans into that dark and insidious character.

I have explained, or endeavored to explain, to your Lordships these circumstances of the true spirit, genius, and character, more than the ostensible institutions of the Company's service: I now shall beg leave to bring before you one institution, taken from the mercantile constitution of the Company, so excellent, that I will venture to say that human wisdom has never exceeded it. In this excellent institution the counting-house gave lessons to the state. The active, awakened, and enlightened principle of self-interest will provide a better system for the guard of that interest than the cold, drowsy wisdom of those who provide for a good out of themselves ever contrived for the public. The plans sketched by private prudence for private interest, the regulations by mercantile men for their mercantile purposes, when they can be applied to the discipline and order of the state, produce a discipline and order which no state should be ashamed to copy. The Company's mercantile regulations are admirably fitted for the government of a remote, large, disjointed empire. As merchants, having factors abroad in distant parts of the world, they have obliged them to a minuteness and strictness of register, and to a regularity of correspondence, which no state has ever used in the same degree with regard to its public ministers. The Company has made it a fundamental part of their constitution, that almost their whole government shall be a written government. Your Lordships will observe, in the course of the proceeding, the propriety of opening fully to you this circumstance in the government of India, — that is, that the Company's government is a government of writing, a government of record. The strictest court of justice, in its proceeding, is not more, perhaps not so much a court of record as the India Company's executive service is, or ought to be, in all its proceedings.

In the first place, they oblige their servants to keep a journal or diary of all their transactions, public and private: they are bound to do this by an express covenant. They oblige them, as a corrective upon that diary, to keep a letter-book, in which all their letters are to be regularly entered. And they are bound by the same covenant to produce all those books upon requisition, although they should be mixed with affairs concerning their own private negotiations and transactions of commerce, or their closest and most retired concerns in private life. But as the great corrective of all, they have contrived that every proceeding in public council shall be written, — no debates merely verbal. The arguments, first or last, are to be in writing, and recorded. All other bodies, the Houses of Lords, Commons, Privy Council, Cabinet Councils for secret state deliberations, enter only resolves, decisions, and final resolutions of affairs: the argument, the discussion, the dissent, does very rarely, if at all, appear. But the Company has proceeded much further, and done much more wisely, because they proceeded upon mercantile principles; and they have provided, either by orders or course of office, that all shall be written, — the proposition, the

argument, the dissent. This is not confined to their great Council; but this order ought to be observed, as I conceive, (and I see considerable traces of it in practice,) in every Provincial Council, whilst the Provincial Councils existed, and even down to the minutest ramification of their service. These books, in a progression from the lowest Councils to the highest Presidency, are ordered to be transmitted, duplicate and triplicate, by every ship that sails to Europe. On this system an able servant of the Company, and high in their service, has recorded his opinion, and strongly expressed his sentiments. Writing to the Court of Directors, he says, "It ought to be remembered, that the basis upon which you rose to power, and have been able to stand the shock of repeated convulsions, has been the accuracy and simplicity of mercantile method, which makes every transaction in your service and every expenditure a matter of record."

My Lords, this method not only must produce to them, if strictly observed, a more accurate idea of the nature of their affairs and the nature of their expenditures, but it must afford them no trivial opportunity and means of knowing the true characters of their servants, their capacities, their ways of thinking, the turn and bias of their minds. If well employed, and but a little improved, the East India Company possessed an advantage unknown before to the chief of a remote government. In the most remote parts of the world, and in the minutest parts of a remote service, everything came before the principal with a domestic accuracy and local familiarity. It was, in the power of a Director, sitting in London, to form an accurate judgment of every incident that happened upon the Ganges and the Gogra.

The use of this recorded system did not consist only in the facility of discovering what the nature of their affairs and the character and capacity of their servants was, but it furnished the means of detecting their misconduct, frequently of proving it too, and of producing the evidence of it judicially under their own hands. For your Lordships must have observed that it is rare indeed, that, in a continued course of evil practices, any uniform method of proceeding will serve the purposes of the delinquent. Innocence is plain, direct, and simple: guilt is a crooked, intricate, inconstant, and various thing. The iniquitous job of to-day may be covered by specious reasons; but when the job of iniquity of to-morrow succeeds, the reasons that have colored the first crime may expose the second malversation. The man of fraud falls into contradiction, prevarication, confusion. This hastens, this facilitates, conviction. Besides, time is not allowed for corrupting the records. They are flown out of their hands, they are in Europe, they are safe in the registers of the Company, perhaps they are under the eye of Parliament, before the writers of them have time to invent an excuse for a direct contrary conduct to that to which their former pretended principles applied. This is a great, a material part of the constitution of the Company. My Lords, I do not think it to be much apologized for, if I repeat, that this is the fundamental regulation of that service, and which, if preserved in the first instance, as it ought to be, in official practice in India, and then

used as it ought to be in England, would afford such a mode of governing a great, foreign, dispersed empire, as, I will venture to say, few countries ever possessed, even in governing the most limited and narrow jurisdiction.

It was the great business of Mr. Hastings's policy to subvert this great political edifice. His first mode of subverting it was by commanding the public ministers, paid by the Company, to deliver their correspondence upon the most critical and momentous affairs to him, in order to be suppressed and destroyed at his pleasure. To support him in this plan of spoliation, he has made a mischievous distinction in public business between public and private correspondence. The Company's orders and covenants made none. There are, readily I admit, thousands of occasions in which it is not proper to divulge promiscuously a private correspondence, though on public affairs, to the world; but there is no occasion in which it is not a necessary duty, on requisition, to communicate your correspondence to those who form the paramount government, on whose interests and on whose concerns and under whose authority this correspondence has been carried on. The very same reasons which require secrecy with regard to others demand the freest communication to them. But Mr. Hastings has established principles of confidence and secrecy towards himself which have cut off all confidence between the Directors and their ministers, and effectually kept them at least out of the secret of their own affairs.

Without entering into all the practices by which he has attempted to maim the Company's records, I shall state one more to your Lordships, — that is, his avowed appointment of spies and under-agents, who shall carry on the real state business, while there are public and ostensible agents who are not in the secret. The correspondence of those private agents he holds in his own hands, communicates as he thinks proper, but most commonly withholds. There remains nothing for the Directors but the shell and husk of a dry, formal, official correspondence, which neither means anything nor was intended to mean anything.

These are some of the methods by which he has defeated the purposes of the excellent institution of a recorded administration. But there are cases to be brought before this court in which he has laid the axe at once to the root, — which was, by delegating out of his own hands a great department of the powers of the Company, which he was himself bound to execute, to a board which was not bound to record their deliberations with the same strictness as he himself was bound. He appointed of his own usurped authority a board for the administration of the revenue, the members of which were expressly dispensed from recording their dissents, until they chose it; and in that office, as in a great gulf, a most important part of the Company's transactions has been buried.

Notwithstanding his unwearied pains in the work of spoliation, some precious fragments are left, which we ought infinitely to value, — by which we may learn, and lament, the loss of what he has destroyed. If it were not for those inestimable fragments and wrecks of the recorded government which have been saved from the

destruction which Mr. Hastings intended for them all, the most shameful enormities that have ever disgraced a government or harassed a people would only be known in this country by secret whispers and unauthenticated anecdotes; the disgracer's of government, the vexers and afflictors of mankind, instead of being brought before an awful public tribunal, might have been honored with the highest distinctions and rewards their country has to bestow; and sordid bribery, base peculation, iron-handed extortion, fierce, unrelenting tyranny, might themselves have been invested with those sacred robes of justice before which this day they have cause to tremble.

Mr. Hastings, sensible of what he suffers from this register of acts and opinions, has endeavored to discredit and ruin what remains of it. He refuses, in his defence to the House of Commons, in letters to the Court of Directors, in various writings and declarations, he refuses to be tried by his own recorded declarations; he refuses to be bound by his own opinions, delivered under his own hand. He knows that he and the record cannot exist together. He knows that what remains of the written constitution which he has not destroyed is enough to destroy him. He claims a privilege of systematic inconstancy, a privilege of prevarication, a privilege of contradiction, — a privilege of not only changing his conduct, but the principles of his conduct, whenever it suits his occasions. But I hope your Lordships will show the destroyers of that wise constitution, and the destroyers of those records which are to be the securities against malversation in office, the discoverers and avengers of it, that whoever destroys the discoverer establishes the iniquity; that, therefore, your Lordships will bind him to his own declarations, given on record under his own hand; that you will say to this unfaithful servant of the Company, what was said to another unfaithful person upon a far less occasion by a far greater authority, “Out of thy own mouth will I judge thee, thou wicked servant.”

Having gone through what I have been instructed might be necessary to state to your Lordships concerning the Company's constitution, (I mean the real inside, and not the shell of its constitution,) — having stated the abuses that existed in it, — having stated how Mr. Hastings endeavored to perpetuate and to increase and to profit of the abuse, and how he has systematically endeavored to destroy, and has in some instances in fact destroyed, many things truly excellent in that constitution, — if I have not wasted your time in explanation of matters that you are already well acquainted with, I shall next beg leave to state to you the abuse in some particulars of the other part of the public authority which the Company acquired over the natives of India, in virtue of the royal charter of the present Mogul emperor, in the year 1766 [1765?].

My Lords, that you may the better judge of the abuse Mr. Hastings has made of the powers vested in him, it will be expedient to consider a little who the people are to whose prejudice he has abused these powers. I shall explain this point with as much brevity as is consistent with the distinctness with which I mean to bring the

whole before your Lordships; and I beg to observe to you that this previous discourse, rather explanatory than accusatorial, (if I may use the expression,) is meant rather to elucidate the nature of the matter to come before you in regular charges than as proof of the charges themselves.

I know that a good deal of latitude is allowed to advocates, when opening a cause in a private court, to indulge themselves in their narratives leading to the charges they intend to bring. They are not always called to the strictest account for such prefatory matter, because the court, when it comes to judge, sifts and distinguishes it from the points to be strictly proved, and on whose merits the cause relies. But I wish your Lordships to know, that, with the high opinion I have of your gravity, (and it is impossible for a man to conceive a higher,) and sensible of the weight of those I represent at this place, namely, the Commons of Great Britain, I should be sorry that any one substantial fact, even in this explanatory opening, or even the color of the fact, should be alleged, which, when called upon, I should not be ready to make good to you by proof, — I mean, by proof adapted to its nature: public opinion, by evidence of public opinion; by record, that to which record is applicable; by oral testimony, things to which oral testimony alone can be produced; and, last of all, that which is matter of historic proof, by historic evidence. This I hope to do with the usual allowance to errors and mistakes, which is the claim of human infirmity.

Then, my Lords, two distinct people inhabit India. Two sorts of people inhabit the same country, as totally distinct from each other, in characters, lives, opinions, prejudices, and manners, as the inhabitants of countries most remote from each other. For both of these descriptions Mr. Hastings was bound to provide equally, agreeable to the terms of the charter which the Company received from the lawful governing power of that country: a charter received at its own solicitation; a charter not forced upon us by a superior power, but given at the immediate solicitation of the principal servants belonging to the Company; a charter solemnly accepted by the Company, and by them, I am very sorry to say, little regarded, — or, at least, little regarded by their principal servants.

My Lords, the first description of people who are subjected virtually to the British empire through those mediums which I have described to you are the original inhabitants of Hindostan, who have in all time, and beyond all the eras which we use, (I mean always the two grand eras excepted,) been the aboriginal inhabitants and proprietors of that country, — with manners, religion, customs, and usages appropriated to themselves, and little resembling those of the rest of mankind. This description of men is commonly called Gentoos. The system and principle of that government is locality. Their laws, their manners, their religion are all local.

Their legislator, whoever he was, (for who he was is a matter lost in the mists of a most obscure antiquity,) had it as a great leading principle of his policy to connect

the people with their soil. Accordingly, by one of those anomalies which a larger acquaintance with our species daily discovers, and which perhaps an attentive reflection might explain in the nature of man, this aboriginal people of India, — who are the softest in their manners of any of our race, approaching almost to feminine tenderness, — who are formed constitutionally benevolent, and, in many particulars, made to fill a larger circle of benevolence than our morals take in, — who extend their good-will to the whole animal creation, — these people are, of all nations, the most unalliable to any other part of mankind. They cannot, the highest orders of them, at least, cannot, come into contact with any other. That bond which is one of the chief instruments of society, and which, supporting the individual, connects the species, can have no existence with them: I mean the convivial bond. That race can be held to no other by that great link of life. No Hindoo can mix at meals even with those on whom he depends for the meat he eats. This circumstance renders it difficult for us to enter with due sympathy into their concerns, or for them to enter into ours, even when we meet on the same ground. But there are other circumstances which render our intercourse, in our mutual relation, very full of difficulty. The sea is between us. The mass of that element, which, by appearing to disconnect, unites mankind, is to them a forbidden road. It is a great gulf fixed between you and them, — not so much that elementary gulf, but that gulf which manners, opinions, and laws have radicated in the very nature of the people. None of their high castes, without great danger to his situation, religion, rank, and estimation, can ever pass the sea; and this forbids, forever, all direct communication between that country and this. That material and affecting circumstance, my Lords, makes it ten times more necessary, since they cannot come to us, to keep a strict eye upon all persons who go to them. It imposes upon us a stricter duty to guard with a firm and powerful vigilance those whose principles of conscience weaken their principles of self-defence. If we undertake to govern the inhabitants of such a country, we must govern them upon their own principles and maxims, and not upon ours. We must not think to force them into the narrow circle of our ideas; we must extend ours to take in their system of opinions and rites, and the necessities which result from both: all change on their part is absolutely impracticable. We have more versatility of character and manners, and it is we who must conform. We know what the empire of opinion is in human nature. I had almost said that the law of opinion was human nature itself. It is, however, the strongest principle in the composition of the frame of the human mind; and more of the happiness and unhappiness of mankind resides in that inward principle than in all external circumstances put together. But if such is the empire of opinion even amongst us, it has a pure, unrestrained, complete, and despotic power amongst them. The variety of balanced opinions in our minds weakens the force of each: for in Europe, sometimes, the laws of religion differ from the laws of the land; sometimes the laws of the land differ from our laws of honor; our laws of honor are full of caprice,

differing from those other laws, and sometimes differing from themselves: but there the laws of religion, the laws of the land, and the laws of honor are all united and consolidated in one invariable system, and bind men by eternal and indissoluble bonds to the rules of what, amongst them, is called his *caste*.

It may be necessary just to state to your Lordships what a *caste* is. The Gentoo people, from the oldest time, have been distributed into various orders, all of them hereditary: these family orders are called castes; these castes are the fundamental part of the constitution of the Gentoo commonwealth, both in their church and in their state.

Your Lordships are born to hereditary honors in the chief of your houses; the rest mix with the people. With the Gentoos, they who are born noble can never fall into any second rank. They are divided into four orders, — the Brahmins, the Chittery, the Bice, and the Soodur, with many subdivisions in each. An eternal barrier is placed between them. The higher cannot pass into the lower; the lower cannot rise into the higher. They have all their appropriated rank, place, and situation, and their appropriated religion too, which is essentially different in its rites and ceremonies, sometimes in its object, in each of those castes. A man who is born in the highest caste, which at once unites what would be tantamount in this country to the dignity of the peerage and the ennobled sanctity of the episcopal character, — the Brahmin, who sustains these characters, if he loses his caste, does not fall into an inferior order, the Chittery, the Bice, or the Soodur, but he is thrown at once out of all ranks of society. He is precipitated from the proudest elevation of respect and honor to a bottomless abyss of contempt, — from glory to infamy, — from purity to pollution, — from sanctity to profanation. No honest occupation is open to him; his children are no longer his children; their parent loses that name; the conjugal bond is dissolved. Few survive this most terrible of all calamities. To speak to an Indian of his caste is to speak to him of his all.

But the rule of caste has, with them, given one power more to fortune than the manners of any other nation were ever known to do. For it is singular, the caste may be lost, not only by certain voluntary crimes, but by certain involuntary sufferings, disgraces, and pollutions, that are utterly out of their power to prevent. Those who have patiently submitted to imprisonment, — those who have not flinched from the scourge, — those who have been as unmoved as marble under torture, — those who have laughed at the menaces of death itself, — have instantly given way, when it has been attempted to subject them to any of those pollutions by which they lose caste. To this caste they are bound by all laws of all descriptions, human and divine; and inveterate usage has radicated it in them to a depth and with an adhesion with which no other known prejudice has been known to exist. Tyranny is therefore armed against them with a greater variety of weapons than are found in its ordinary stores.

This, amongst a thousand other considerations, speaks to us in very authoritative language with what care and circumspection we ought to handle people so delicate. In the course of this trial your Lordships will see with horror the use which Mr. Hastings made, through several of his wicked and abominable instruments, chosen from the natives themselves, of these superadded means of oppression. I shall prove, in the course of this trial, that he has put his own menial domestic servant, — a wretch totally dependent, — a wretch grossly ignorant, — the common instrument of his bribery and peculation, — he has enthroned him, I say, on the first seat of ecclesiastical jurisdiction, which was to decide upon the castes of all those people, including their rank, their family, their honor, and their happiness here, and, in their judgment, their salvation hereafter. Under the awe of this power, no man dared to breathe a murmur against his tyranny. Fortified in this security, he says, “Who complains of me!” — “No, none of us dare complain of you,” says the trembling Gentoo. “No! your menial servant has my caste in his power.” — I shall not trouble your Lordships with mentioning others; it was enough that Cantoo Baboo, and Ginga Govind Sing, names to which your Lordships are to be familiarized hereafter, — it is enough that those persons had the caste and character of all the people of Bengal in their hands. Through them he has taken effectual security against all complaint. Your Lordships will hence discern how very necessary it is become that some other personage should intervene, should take upon him their representation, and by his freedom and his power should supply the defects arising from their servitude and their impotence. The Commons of Great Britain charge themselves with this character.

My Lords, these Gentoo people are the original people of Hindostan. They are still, beyond comparison, the most numerous. Faults this nation may have; but God forbid we should pass judgment upon people who framed their laws and institutions prior to our insect origin of yesterday! With all the faults of their nature and errors of their institutions, their institutions, which act so powerfully on their natures, have two material characteristics which entitle them to respect: first, great force and stability; and next, excellent moral and civil effects.

Their stability has been proved by their holding on an uniform tenor for a duration commensurate to all the empires with which history has made us acquainted; and they still exist in a green old age, with all the reverence of antiquity, and with all the passion that people have to novelty and change. They have stood firm on their ancient base; they have cast their roots deep in their native soil, — perhaps because they have never spread them anywhere else than in their native soil. Their blood, their opinions, and the soil of their country make one consistent piece, admitting no mixture, no adulteration, no improvement: accordingly, their religion has made no converts, their dominion has made no conquests; but in proportion as their laws and opinions were concentrated within themselves, and hindered from spreading abroad, they have doubled their force at home. They have existed in spite

of Mahomedan and Portuguese bigotry, — in spite of Tartarian and Arabian tyranny, — in spite of all the fury of successive foreign conquest, — in spite of a more formidable foe, the avarice of the English dominion.

I have spoken now, my Lords, of what their principles are, their laws and religious institutions, in point of force and stability; I have given instances of their force in the very circumstance in which all the institutions of mankind in other respects show their weakness. They have existed, when the country has been otherwise subdued. This alone furnishes full proof that there must be some powerful influence resulting from them beyond all our little fashionable theories upon such subjects.

The second consideration in the Gentoo institutions is their beneficial effects, moral and civil. The policy, civil or religious, or, as theirs is, composed of both, that makes a people happy and a state flourishing, (putting further and higher considerations out of the way, which are not now before us,) must undoubtedly, so far as human considerations prevail, be a policy wisely conceived in any scheme of government. It is confirmed by all observation, that, where the Hindoo religion has been established, that country has been flourishing. We have seen some patterns remaining to this day. The very country which is to be the subject of your Lordships' judicial inquiry is an instance, by an entire change of government, of the different effects resulting from the rapacity of a foreign hand, and the paternal, lenient, protecting arm of a native government, formed on the long connection of prejudice and power. I shall give you its state under the Hindoo government from a book written by a very old servant of the Company, whose authority is of the greater weight, as the very destruction of all this scheme of government is the great object of the author.

The author, Mr. Holwell, divides the country of Bengal into its different provinces. He supposes what they then paid to the supreme government; he supposes what the country is capable of yielding; and his project is, to change entirely the application of the revenues of the country, and to secure the whole into the hands of government. In enumerating these provinces, at last he comes to the province of Burdwan.

“In truth,” (says this author,) “it would be almost cruelty to molest this happy people; for in this district are the only vestiges of the beauty, purity, piety, regularity, equity, and strictness of the ancient Hindostan government. Here the property as well as the liberty of the people are inviolate. Here no robberies are heard of, either public or private. The traveller, either with or without merchandise, becomes the immediate care of the government, which allots him guards, without any expense, to conduct him from stage to stage; and these are accountable for the safety and accommodation of his person and effects. At the end of the first stage he is delivered over, with certain benevolent formalities, to the guards of the next, who, after interrogating the traveller as to the usage he had received in his journey,

dismiss the first guard with a written certificate of their behavior, and a receipt for the traveller and his effects; which certificate and receipt are returnable to the commanding officer of the first stage, who registers the same, and regularly reports it to the rajah.

“In this form the traveller is passed through the country; and if he only passes, he is not suffered to be at any expense for food, accommodation, or carriage for his merchandise or baggage: but it is otherwise, if he is permitted to make any residence in one place above three days, unless occasioned by sickness, or any unavoidable accident. If anything is lost in this district, — for instance, a bag of money or other valuables, — the person who finds it hangs it upon the next tree, and gives notice to the nearest *chowkey*, or place of guard, the officer of which orders immediate publication of the same by beat of *tomtom*, or drum.”

These, my Lords, are the effects universally produced by the Hindoo polity throughout that vast region, before it was distorted and put out of frame by the barbarism of foreign conquests. Some choice, reserved spots continued to flourish under it to the year 1756. Some remained till Mr. Hastings obtained the means of utterly defacing them. Such was the prospect of Benares under the happy government of Bulwant Sing. Such was the happy state of the same Benares in the happy days of Cheyt Sing, until, in the year 1781, Mr. Hastings introduced *his* reform into that country.

Having stated the general outline of the manners of the original people of Hindostan, having stated the general principles of their policy, which either prohibit connection, or oblige us to a connection very different from what we have hitherto used towards them, I shall leave it to your Lordships’ judgment whether you will suffer such fair monuments of wisdom and benevolence to be defaced by the rapacity of your governors. I hope I have not gone out of my way to bring before you any circumstance relative to the Gentoo religion and manners, further than as they relate to the spirit of our government over them; for though there never was such food for the curiosity of the human mind as is found in the manners of this people, I pass it totally over.

I wish to divide this preliminary view into six periods; and your Lordships will consider that of the Hindoos, which I have now mentioned, as the first era.

The second era is an era of great misfortune to that country, and to the world in general: I mean, the time of the prophet Mahomed. The enthusiasm which animated his first followers, the despotic power which religion obtained through that enthusiasm, and the advantages derived from both over the enervated great empires, and broken, disunited, lesser governments of the world, extended the influence of that proud and domineering sect from the banks of the Ganges to the banks of the Loire.

This second period is the era of the Arabs. These people made a great and lasting impression on India. They established, very early, Mahomedan sovereigns in all parts of it, particularly in the kingdom of Bengal, which is the principal object of our present inquiry. They held that kingdom for a long series of years, under a dynasty of thirty-three kings, — having begun their conquest and founded their dominion in Bengal not very long after the time of their prophet.

These people, when they first settled in India, attempted, with the ferocious arm of their prophetic sword, to change the religion and manners of that country; but at length perceiving that their cruelty wearied out itself, and never could touch the constancy of the sufferers, they permitted the native people of the country to remain in quiet, and left the Mahomedan religion to operate upon them as it could, by appealing to the ambition or avarice of the great, or by taking the lower people, who had lost their castes, into this new sect, and thus, from the refuse of the Gentoo, increasing the bounds of the Mahomedan religion. They left many of the ancient rajahs of the country possessed of an inferior sovereignty; and where the strength of the country, or other circumstances, would not permit this subordination, they suffered them to continue in a separate state, approaching to independence, if not wholly independent.

The Mahomedans, during the period of the Arabs, never expelled or destroyed the native Gentoo nobility, zemindars, or landholders of the country. They all, or almost all, remained fixed in their places, properties, and dignities; and the shadows of several of them remain under our jurisdiction.

The next, which is the third era, is an era the more necessary to observe upon, because Mr. Hastings has made many applications to it in his defence before the Commons: namely, the invasion of the Tartars, or the era of Tamerlane. These Tartars did not establish themselves on the ruins of the Hindoos. Their conquests were over the other Mahomedans: for Tamerlane invaded Hindostan, as he invaded other countries, in the character of the great reformer of the Mahomedan religion. He came as a sort of successor to the rights of the Prophet, upon a divine title. He struck at all the Mahomedan princes who reigned at that time. He considered them as apostates, or at least as degenerated from the faith, and as tyrants abusing their power. To facilitate his conquests over these, he was often obliged to come to a sort of a composition with the people of the country he invaded. Tamerlane had neither time nor means nor inclination to dispossess the ancient rajahs of the country.

Your Lordships will observe that I propose nothing more than to give you an idea of the principles of policy which prevailed in these several revolutions, and not an history of the furious military achievements of a barbarous invader. Historians, indeed, are generally very liberal of their information concerning everything but what we ought to be very anxious to know. They tell us that India was conquered by Tamerlane, and conquered in such a year. The year will be found to coincide somewhere, I believe, with the end of the fourteenth century. Thinking the mere

fact as of little moment, and its chronology as nothing, but thinking the policy very material, which, indeed, is to be collected only here and there, in various books written with various views, I shall beg leave to lay before you a very remarkable circumstance relative to that policy, and taken from the same book to which I formerly referred, Mr. Holwell's.

“When the Hindoo rajahs, or princes of Hindostan, submitted to Tamerlane, it was on these capital stipulations: that the emperor should marry a daughter of Rajah Cheyt Sing's house; that the head of this house should be in perpetuity governors of the citadel of Agra, and anoint the king at his coronation; and that the emperors should never impose the *jessera* (or poll-tax) upon the Hindoos.”

Here was a conqueror, as he is called, coming in upon terms; mixing his blood with that of the native nobility of the country he conquered, and, in consequence of this mixture, placing them in succession upon the throne of the country he subdued; making one of them even hereditary constable of the capital of his kingdom, and thereby putting his posterity as a pledge into their hands. What is full as remarkable, he freed the Hindoos forever from that tax which the Mahomedans have laid upon every country over which the sword of Mahomet prevailed, — namely, a capitation tax upon all who do not profess the religion of the Mahomedans. But the Hindoos, by express charter, were exempted from that mark of servitude, and thereby declared not to be a conquered people. The native princes, in all their transactions with the Mogul government, carried the evident marks of this free condition in a noble independency of spirit. Within their own districts the authority of many of them seemed entire. We are often led into mistakes concerning the government of Hindostan, by comparing it with those governments where the prince is armed with a full, speculative, entire authority, and where the great people have, with great titles, no privileges at all, or, having privileges, have those privileges only as subjects. But in Hindostan the modes, the degrees, the circumstances of subjection varied infinitely. In some places hardly a trace at all of subjection was to be discerned; in some the rajahs were almost assessors of the throne, as in this case of the Rajah Cheyt Sing. These circumstances mark, that Tamerlane, however he may be indicated by the odious names of Tartar and Conqueror, was no barbarian; that the people who submitted to him did not submit with the abject submission of slaves to the sword of a conqueror, but admitted a great supreme emperor, who was just, prudent, and politic, instead of the ferocious, oppressive, lesser Mahomedan sovereigns, who had before forced their way by the sword into the country.

That country resembled more a republic of princes with a great chief at their head than a territory in absolute, uniform, systematic subjection from one end to the other, — in which light Mr. Hastings and others of late have thought proper to consider it. According to them, if a subordinate prince, like Cheyt Sing, was not ready to pay any exorbitant sum on instant demand, or submit to any extent of fine

which should be inflicted upon him by the mere will of the person who called *robbery a fine*, and who took the measure of that fine without either considering the means of paying or the degree of delinquency that justified it, their properties, liberties, and lives were instantly forfeited. The rajahs of that country were armed; they had fortresses for their security; they had troops. In the receipt of both their own and the imperial revenue, their securities for justice were in their own hands: but the policy of the Mogul princes very rarely led them to push that people to such extremity as it is supposed that on every slight occasion we have a right to push those who are the subjects of our pretended conquest.

Mr. Holwell throws much light on this policy, which became the standing law of the empire.

In the unfortunate wars which followed the death of Mauz-o-Din, “Sevajee Cheyt Sing,” (the great rajah we have just mentioned,) “with a select body of Rajpoots, by a well-conducted retreat recovered Agra, and was soon after reconciled to the king [the Mogul] and admitted to his favor, — conformable to the steady policy of this government, in keeping a good understanding with the principal rajahs, and more especially with the head of this house, who is ever capable of raising and fomenting a very formidable party upon any intended revolution in this despotic and precarious monarchy.”

You see that it was the monarchy that was precarious, not the rights of the subordinate chiefs. Your Lordships see, that, notwithstanding our ideas of Oriental despotism, under the successors of Tamerlane, these principal rajahs, instead of being called wretches, and treated as such, as Mr. Hastings has thought it becoming to call and treat them, when they were in arms against their sovereign, were regarded with respect, and were admitted to easy reconciliations; because, in reality, in their occasional hostilities, they were not properly rebellious subjects, but princes often asserting their natural rights and the just constitution of the country.

This view of the policy which prevailed during the dynasty of Tamerlane naturally conducts me to the next, which is the fourth era in this history: I mean the era of the Emperor Akbar. He was the first of the successors of Tamerlane who obtained possession of Bengal. It is easy to show of what nature his conquest was. It was over the last Mahomedan dynasty. He, too, like his predecessor, Tamerlane, conquered the prince, not the country. It is a certain mark that it was not a conquered country in the sense in which we commonly call a country conquered, that the natives, great men and landholders, continued in every part in the possession of their estates, and of the jurisdictions annexed to them. It is true, that, in the several wars for the succession to the Mogul empire, and in other of their internal wars, severe revenges were taken, which bore resemblance to those taken in the wars of the Roses in this country, where it was the common course, in the heat of blood,— “Off with his head! — so much for Buckingham!” Yet, where the country again recovered its form and settlement, it recovered the spirit of a mild

government. Whatever rigor was used with regard to the Mahomedan adventurers from Persia, Turkey, and other parts, who filled the places of servile grandeur in the Mogul court, the Hindoos were a favored, protected, gently treated people.

The next, which is the fifth era, is a troubled and vexatious period, — the era of the independent Subahs of Bengal. Five of these subahs, or viceroys, governed from about the year 1717, or thereabouts. They grew into independence partly by the calamities and concussions of that empire, which happened during the disputes for the succession of Tamerlane, and partly, and indeed principally, by the great shock which the empire received when Thamas Kouli Khân broke into that country, carried off its revenues, overturned the throne, and massacred not only many of the chief nobility, but almost all the inhabitants of the capital city. This rude shock, which that empire was never able to recover, enabled the viceroys to become independent; but their independence led to their ruin. Those who had usurped upon their masters had servants who usurped upon them. Aliverdy Khân murdered his master, and opened a way into Bengal for a body of foreign invaders, the Mahrattas, who cruelly harassed the country for several years. Their retreat was at length purchased, and by a sum which is supposed to amount to five millions sterling. By this purchase he secured the exhausted remains of an exhausted kingdom, and left it to his grandson, Surajah Dowlah, in peace and poverty. On the fall of Surajah Dowlah, in 1756, commenced the last, which is the sixth, — the era of the British empire.

On the fifth dynasty I have only to remark to your Lordships, that at its close the Hindoo chiefs were almost everywhere found in possession of the country; that, although Aliverdy Khân was a cruel tyrant, though he was an untitled usurper, though he racked and tormented the people under his government, urged, however, by an apparent necessity from an invading army of one hundred thousand horse in his dominions, — yet, under him, the rajahs still preserved their rank, their dignity, their castles, their houses, their seigniories, all the insignia of their situation, and always the right, sometimes also the means, of protecting their subordinate people, till the last and unfortunate era of 1756.

Through the whole of this sketch of history I wish to impress but one great and important truth upon your minds: namely, that, through all these revolutions in government and changes in power, an Hindoo polity, and the spirit of an Hindoo government, did more or less exist in that province with which he was concerned, until it was finally to be destroyed by Mr. Hastings.

My Lords, I have gone through all the eras precedent to those of the British power in India, and am come to the first of those eras. Mr. Hastings existed in India, and was a servant of the Company before that era, and had his education between both. He is an antediluvian with regard to the British dominion in Bengal. He was coexistent with all the acts and monuments of that revolution, and had no

small share in all the abuses of that abusive period which preceded his actual government. But as it was during that transit from Eastern to Western power that most of the abuses had their origin, it will not be perfectly easy for your Lordships thoroughly to enter into the nature and circumstances of them without an explanation of the principal events that happened from the year 1756 until the commencement of Mr. Hastings's government, — during a good part of which time we do not often lose sight of him. If I find it agreeable to your Lordships, if I find that you wish to know these annals of Indian suffering and British delinquency, if you desire that I should unfold the series of the transactions from 1756 to the period of Mr. Hastings's government in 1771, that you may know how far he promoted what was good, how far he rectified what was evil, how far he abstained from innovation in tyranny, and contented himself with the old stock of abuse, your Lordships will have the goodness to consult the strength which from late indisposition, begins almost to fail me. And if you think the explanation is not time lost in this new world and in this new business, I shall venture to sketch out, as briefly and with as much perspicuity as I can give them, the leading events of that obscure and perplexed period which intervened between the British settlement in 1757 and Mr. Hastings's government. If I should be so happy as to succeed in that attempt, your Lordships' minds will be prepared for hearing this cause. Then your Lordships will have a clear view of the origin and nature of the abuses which prevailed in that government before Mr. Hastings obtained his greatest power, and since that time; and then we shall be able to enter fully and explicitly into the nature of the cause: and I should hope that it will pave the way and make everything easy for your subsequent justice.

I therefore wish to stop at this period, in which Mr. Hastings became active in the service, pretty near the time when he began his political career: and here, my Lords, I pause, wishing your indulgence at such time as will suit your convenience for pursuing the rest of this eventful history.

SPEECH

IN

OPENING THE IMPEACHMENT.

SECOND DAY: SATURDAY, FEBRUARY 16, 1788.

My Lords, — In what I had the honor of laying before your Lordships yesterday, and in what I may further trouble you with to-day, I wish to observe a distinction,

which if I did not lay down so perfectly as I ought, I hope I shall now be able to mark it out with sufficient exactness and perspicuity.

First, I beg leave to observe that what I shall think necessary to state, as matter of preliminary explanation, in order to give your Lordships a true idea of the scene of action, of the instruments which Mr. Hastings employed, and the effects which they produced, — all this I wish to be distinguished from matter brought to criminate. Even the matter, as stated by me, which may be hereafter brought to criminate, so far as it falls to my share at present, is only to be considered, in this stage of the business, as merely illustrative. Your Lordships are to expect, as undoubtedly you will require, substantial matter of crimination to be laid open for that purpose at the moment when the evidence to each charge is ready to be produced to you. Thus your Lordships will easily separate historical illustration from criminal opening. For instance, if I stated yesterday to your Lordships, as I did, the tyranny and cruelty of one of the usurping viceroys, whose usurpation and whose vices led the way to the destruction of his country and the introduction of a foreign power, I do not mean to charge Mr. Hastings with any part of that guilt: what bears upon Mr. Hastings is his having avowedly looked to such a tyrant and such a usurper as his model, and followed that pernicious example with a servile fidelity. When I have endeavored to lay open to your Lordships anything abusive, or leading to abuse, from defects or errors in the constitution of the Company's service, I did not mean to criminate Mr. Hastings on any part of those defects and errors: I state them to show that he took advantage of the imperfections of the institution to lot in his abuse of the power with which he was intrusted. If, for a further instance, I have stated that in general the service of the India Company was insufficient in legal pay or emolument and abundant in the means of illegal profit, I do not state that defect as owing to Mr. Hastings; but I state it as a fact, to show in what manner and on what pretences he did, fraudulently, corruptly, and for the purposes of his own ambition, take advantage of that defect, and, under color of reformation, make an illegal, partial, corrupt rise of emoluments to certain favored persons without regard to the interests of the service at large, — increasing rather than lessening the means of illicit emolument, as well as loading the Company with many heavy and ruinous expenses in avowed salaries and allowances.

Having requested your Lordships to keep in mind, which I trust you would do even without my taking the liberty of suggesting it to you, these necessary distinctions, I shall revert to the period at which I closed yesterday, that great and memorable period which has remotely given occasion to the trial of this day.

My Lords, to obtain empire is common; to govern it well has been rare indeed. To chastise the guilt of those who have been instruments of imperial sway over other nations by the high superintending justice of the sovereign state has not many striking examples among any people. Hitherto we have not furnished our contingent

to the records of honor. We have been confounded with the herd of conquerors. Our dominion has been a vulgar thing. But we begin to emerge; and I hope that a severe inspection of ourselves, a purification of our own offences, a lustration of the exorbitances of our own power, is a glory reserved to this time, to this nation, and to this august tribunal.

The year 1756 is a memorable era in the history of the world: it introduced a new nation from the remotest verge of the Western world, with new manners, new customs, new institutions, new opinions, new laws, into the heart of Asia.

My Lords, if, in that part of Asia whose native regular government was then broken up, — if, at the moment when it had fallen into darkness and confusion from having become the prey and almost the sport of the ambition of its home-born grandees, — if, in that gloomy season, a star had risen from the West, that would prognosticate a better generation, and would shed down the sweet influences of order, peace, science, and security to the natives of that vexed and harassed country, we should have been covered with genuine honor. It would have been a beautiful and noble spectacle to mankind.

Indeed, something might have been expected of the kind, when a new dominion emanated from a learned and enlightened part of the world in the most enlightened period of its existence. Still more might it have been expected, when that dominion was found to issue from the bosom of a free country, that it would have carried with it the full benefit of the vital principle of the British liberty and Constitution, though its municipal forms were not communicable, or at least the advantage of the liberty and spirit of the British Constitution. Had this been the case, (alas! it was not,) you would have been saved the trouble of this day. It might have been expected, too, that, in that enlightened state of the world, influenced by the best religion, and from an improved description of that best religion, (I mean the Christian reformed religion,) that we should have done honor to Europe, to letters, to laws, to religion, — done honor to all the circumstances of which in this island we boast ourselves, at the great and critical moment of that revolution.

My Lords, it has happened otherwise. It is now left for us to repair our former errors. Resuming the history where I broke off yesterday by your indulgence to my weakness, — Surajah Dowlah was the adopted grandson of Aliverdy Khân, a cruel and ferocious tyrant, the manner of whose acquisition of power I have already stated. He came too young and unexperienced to that throne of usurpation. It was a usurpation yet green in the country, and the country felt uneasy under it. It had not the advantage of that prescriptive usage, that inveterate habit, that traditionary opinion, which a long continuance of any system of government secures to it. The only real security which Surajah Dowlah's government could possess was the security of an army. But the great aim of this prince and his predecessor was to supply the weakness of his government by the strength of his purse; he therefore amassed treasures by all ways and on all hands. But as the Indian princes, in

general, are as unwisely tenacious of their treasure as they are rapacious in getting it, the more money he amassed, the more he felt the effects of poverty. The consequence was, that their armies were unpaid, and, being unpaid or irregularly paid, were undisciplined, disorderly, unfaithful. In this situation, a young prince, confiding more in the appearances than examining into the reality of things, undertook (from motives which the House of Commons, with all their industry to discover the circumstances, have found it difficult to make out) to attack a little miserable trading fort that we had erected at Calcutta. He succeeded in that attempt only because success in that attempt was easy. A close imprisonment of the whole settlement followed, — not owing, I believe, to the direct will of the prince, but, what will always happen when the will of the prince is but too much the law, to a gross abuse of his power by his lowest servants, — by which one hundred and twenty or more of our countrymen perished miserably in a dungeon, by a fate too tragical for me to be desirous to relate, and too well known to stand in need of it.

At the time that this event happened, there was at the same time a concurrence of other events, which, from this partial and momentary weakness, displayed the strength of Great Britain in Asia. For some years before, the French and English troops began, on the coast of Coromandel, to exhibit the power, force, and efficacy of European discipline. As we daily looked for a war with France, our settlements on that coast were in some degree armed. Lord Pigot, then Governor of Madras, — Lord Pigot, the preserver and the victim of the British dominion in Asia, — detached such of the Company's force as could be collected and spared, and such of his Majesty's ships as were on that station, to the assistance of Calcutta. And — to hasten this history to its conclusion — the daring and commanding genius of Clive, the patient and firm ability of Watson, the treachery of Mir Jaffier, and the battle of Plassey gave us at once the patronage of a kingdom and the command of all its treasures. We negotiated with Mir Jaffier for the viceroyal throne of his master. On that throne we seated him. And we obtained, on our part, immense sums of money. We obtained a million sterling for the Company, upwards of a million for individuals, in the whole a sum of about two millions two hundred and thirty thousand pounds for various purposes, from the prince whom we had set up. We obtained, too, the town of Calcutta more completely than we had before possessed it, and the twenty-four districts adjoining. This was the first small seminal principle of the immense territorial acquisitions we have since made in India.

Many circumstances of this acquisition I pass by. There is a sacred veil to be drawn over the beginnings of all governments. Ours in India had an origin like those which time has sanctified by obscurity. Time, in the origin of most governments, has thrown this mysterious veil over them; prudence and discretion make it necessary to throw something of the same drapery over more recent foundations, in which otherwise the fortune, the genius, the talents, and military virtue of this nation never shone more conspicuously. But whatever necessity might hide or

excuse or palliate, in the acquisition of power, a wise nation, when it has once made a revolution upon its own principles and for its own ends, rests there. The first step to empire is revolution, by which power is conferred; the next is good laws, good order, good institutions, to give that power stability. I am sorry to say that the reverse of this policy was the principle on which the gentlemen in India acted. It was such as tended to make the new government as unstable as the old. By the vast sums of money acquired by individuals upon this occasion, by the immense sudden prodigies of fortune, it was discovered that a revolution in Bengal was a mine much more easily worked and infinitely more productive than the mines of Potosi and Mexico. It was found that the work was not only very lucrative, but not at all difficult. Where Clive forded a deep water upon an unknown bottom, he left a bridge for his successors, over which the lame could hobble and the blind might grope their way. There was not at that time a knot of clerks in a counting-house, there was not a captain of a band of ragged *topasses*, that looked for anything less than the deposition of subahs and the sale of kingdoms. Accordingly, this revolution, which ought to have precluded other revolutions, unfortunately became fruitful of them; and when Lord Clive returned to Europe, to enjoy his fame and fortune in his own country, there arose another description of men, who thought that a revolution might be made upon his revolution, and as lucrative to them as his was to the first projectors. Scarcely was Mir Jaffier, Lord Clive's nabob, seated on his *musnud*, than they immediately, or in a short time, projected another revolution, a revolution which was to unsettle all the former had settled, a revolution to make way for new disturbances and new wars, and which led to that long chain of speculation which ever since has afflicted and oppressed Bengal.

If ever there was a time when Bengal should have had respite from internal revolutions, it was this. The governor forced upon the natives was now upon the throne. All the great lords of the country, both Gentoos and Mahomedans, were uneasy, discontented, and disobedient, and some absolutely in arms, and refusing to recognize the prince we had set up. An imminent invasion of the Mahrattas, an actual invasion headed by the son of the Mogul, the revenues on account of the late shock very ill collected even where the country was in some apparent quiet, an hungry treasury at Calcutta, an empty treasury at Moorshedabad, — everything demanded tranquillity, and with it order and economy. In this situation it was resolved to make a new and entirely mercenary revolution, and to set up to sale the government, secured to its present possessor by every tie of public faith and every sacred obligation which could bind or influence mankind. This second revolution forms that period in the Bengal history which had the most direct influence upon all the subsequent transactions. It introduces some of the persons who were most active in the succeeding scenes, and from that time to this has given its tone and character to the British affairs and government. It marks and specifies the origin and true principle of all the abuses which Mr. Hastings was afterwards appointed to correct,

and which the Commons charge that he continued and aggravated: namely, the venal depositions and venal exaltations of the country powers; the taking of bribes and corrupt presents from all parties in those changes; the vitiating and maiming the Company's records; the suppression of public correspondence; corrupt combinations and conspiracies; perfidy in negotiation established into principle; acts of the most atrocious wickedness justified upon purity of intention; mock-trials and collusive acquittals among the parties in common guilt; and in the end, the Court of Directors supporting the scandalous breach of their own orders. I shall state the particulars of this second revolution more at large.

Soon after the revolution which had seated Mir Jaffier on the vicerojal throne, the spirit of the Mogul empire began, as it were, to make one faint struggle before it finally expired. The then heir to that throne, escaping from the hands of those who had held his father prisoner, had put himself at the head of several chiefs collected under the standard of his house, and appeared in force on the frontiers of the provinces of Bengal and Bahar, upon both which he made some impression. This alarmed the new powers, the Nabob Mir Jaffier, and the Presidency of Calcutta; and as in a common cause, and by the terms of their mutual alliance, they took the field against him. The Nabob's eldest son and heir-apparent commanded in chief. Major Calliaud commanded the English forces under the government of Calcutta. Mr. Holwell was in the temporary possession of the Presidency. Mr. Vansittart was hourly expected to supersede him. Mr. Warren Hastings, a young gentleman about twenty-seven years of age, was Resident for the Company at the durbar, or court, of Mir Jaffier, our new-created Nabob of Bengal, allied to this country by the most solemn treaties that can bind men; for which treaties he had paid, and was then paying, immense sums of money. Mr. Warren Hastings was the pledge in his hands for the honor of the British nation, and their fidelity to their engagements.

In this situation, Mr. Holwell, whom the terrible example of the Black Hole at Calcutta had not cured of ambition, thought an hour was not to be lost in accomplishing a revolution and selling the reigning Nabob.

My Lords, there was in the house of Mir Jaffier, in his court, and in his family, a man of an intriguing, crafty, subtle, and at the same time bold, daring, desperate, bloody, and ferocious character, called Cossim Ali Khân. He was the son-in-law of Mir Jaffier; and he made no other use of this affinity than to find some means to dethrone and to murder him. This was the person in whose school of politics Mr. Hastings made his first studies, and whose conduct he quotes as his example, and for whose friends, agents, and favorites he has always shown a marked predilection. This dangerous man was not long without finding persons who observed his talents with admiration, and who thought fit to employ him.

The Council at Calcutta was divided into two departments: one, the Council in general; the other a Select Committee, which they had arranged for the better carrying on their political affairs. But the Select Committee had no power of acting

wholly without the Council at large, — at least, finally and conclusively. The Select Committee thought otherwise. Between these litigant parties for power I shall not determine on the merits, — thinking of nothing but the use that was made of the power, to whomsoever it belonged. This Secret Committee, then, without communicating with the rest of the Council, formed the plan for a second revolution. But the concurrence of Major Calliaud, who commanded the British troops, was essential to the purpose, as it could not be accomplished without force. Mr. Hastings's assistance was necessary, as it could not be accomplished without treachery.

These are the parties concerned in the intended revolution. Mr. Holwell, who considered himself in possession only of temporary power, was urged to precipitate the business; for if Mr. Vansittart should arrive before his plot could be finally put into execution, he would have all the leading advantages of it, and Mr. Holwell would be considered only as a secondary instrument. But whilst Mr. Holwell, who originally conceived this plot, urged forward the execution of it, in order that the chief share of the profits might fall to him, the Major, and possibly the Resident, held back, till they might receive the sanction of the permanent governor, who was hourly expected, with whom one of them was connected, and who was to carry with him the whole weight of the authority of this kingdom. This difference produced discussions. Holwell endeavored by his correspondence to stimulate Calliaud to this enterprise, which without him could not be undertaken at all. But Major Calliaud had different views. He concurred inwardly, as he tells us himself, in all the principles of this intended revolution, in the propriety and necessity of it. He only wished delay. But he gave such powerful, solid, and satisfactory reasons, not against the delay, but the very merits of the design itself, exposing the injustice and the danger of it, and the impossibility of mending by it their condition in any respect, as must have damned it in the minds of all rational men: at least it ought to have damned it forever in his own. But you will see that Holwell persevered in his plan, and that Major Calliaud thought two things necessary: first, not wholly to destroy the scheme, which he tells us he always approved, but to postpone the execution, — and in the mean time to delude the Nabob by the most strong, direct, and sanguine assurances of friendship and protection that it was possible to give to man.

Whilst the projected revolution stood suspended, — whilst Mr. Holwell urged it forward, and Mr. Vansittart was expected every day to give it effect, — whilst Major Calliaud, with this design of ruining the Nabob lodged in his breast, suspended in execution, and condemned in principle, kept the fairest face and the most confidential interviews with that unfortunate prince and his son, — as the operations of the campaign relaxed, the army drew near to Moorshedabad, the capital, when a truly extraordinary scene happened, such I am sure the English annals before that time had furnished no example of, nor will, I trust, in future. I shall state it as one piece from beginning to end, reserving the events which

intervened; because, as I do not produce any part of this series for the gratification of historical curiosity, the con-texture is necessary to demonstrate to your Lordships the spirit of our Bengal politics, and the necessity of some other sort of judicial inquiries than those which that government institute for themselves. The transaction so manifestly marks the character of the whole proceeding that I hope I shall not be blamed for suspending for a moment the narrative of the steps taken towards the revolution, that you may see the whole of this episode together, — that by it you may judge of the causes which led progressively to the state in which the Company's affairs stood, when Mr. Hastings was sent for the express purpose of reforming it.

The business I am going to enter into is commonly known by the name of the Story of the Three Seals. It is to be found in the Appendix, No. 10, to the First Report of the state and condition of the East India Company, made in 1773. The word *Report*, my Lords, is sometimes a little equivocal, and may signify sometimes, not what is made known, but what remains in obscurity: the detail and evidence of many facts referred to in the Report being usually thrown into the Appendix. Many people, and I among the rest, (I take shame to myself for it,) may not have fully examined that Appendix. I was not a member of either of the India committees of 1773. It is not, indeed, till within this year that I have been thoroughly acquainted with that memorable history of the Three Seals.

The history is this. In the year 1760 the allies were in the course of operations against the son of the Mogul, now the present Mogul, who, as I have already stated, had made an irruption into the kingdom of Bahar, in order to reduce the lower provinces to his obedience. The parties opposing him were the Nabob of Bengal and the Company's troops under Major Calliaud. It was whilst they faced the common enemy as one body, this negotiation for the destruction of the Nabob of Bengal by his faithful allies of the Company was going on with diligence. At that time the Nabob's son, Meeran, a youth in the flower of his age, bold, vigorous, active, full of the politics in which those who are versed in usurpation are never wanting, commanded the army under his father, but was in reality the efficient person in all things.

About the 15th of April, 1760, as I have it from Major Calliaud's letter of that date, the Nabob came into his tent, and, with looks of the utmost embarrassment, big with some design which swelled his bosom, something that was too large and burdensome to conceal, and yet too critical to be told, appeared to be in a state of great distraction. The Major, seeing him in this condition, kindly, gently, like a fast and sure friend, employed (to use his own expression) *some of those assurances that tend to make men fully open their hearts*; and accordingly, fortified by his assurances, and willing to disburden himself of the secret that oppressed him, he opens his heart to the commanding officer of his new friends, allies, and protectors. The Nabob, thus assured, did open himself, and informed Major Calliaud that he

had just received a message from the Prince, or his principal minister, informing him that the Prince Royal, now the Mogul, had an intention (as, indeed, he rationally might, supposing that we were as well disposed to him as we showed ourselves afterwards) to surrender himself into the hands of him, the Nabob, but at the same time wished, as a guaranty, that the commander-in-chief of the English forces should give him security for his life and his honor, when he should in that manner surrender himself to the Nabob. I do not mean, my Lords, by surrendering, that it was supposed he intended to surrender himself prisoner of war, but as a sovereign dubious of the fidelity of those about him would put himself into the hands of his faithful subjects, of those who claimed to derive all their power, as both we and the Nabob did, under his authority. The Nabob stated to the English general, that without this English security the Prince would not deliver himself into his hands. Here he confessed he found a difficulty. For the giving this faith, if it were kept, would defeat his ultimate view, which was, when the Prince had delivered himself into his hands, in plain terms to murder him. This grand act could not be accomplished without the English general. In the first place, the Prince, without the English security, would not deliver himself into the Nabob's hands; and afterwards, without the English concurrence, he could not be murdered. These were difficulties that pressed upon the mind of the Nabob.

The English commander heard this astonishing proposition without any apparent emotion. Being a man habituated to great affairs, versed in revolutions, and with a mind fortified against extraordinary events, he heard it and answered it without showing any signs of abhorrence or detestation, — at the same time with a protestation that he would indeed serve him, the Nabob, but it should be upon such terms as honor and justice could support: informing him, that an assurance for the Prince's safety could not be given by him, until he had consulted Mr. Holwell, who was Governor, and his superior.

This conversation passed in the morning. On that very morning, and whilst the transaction was hot, Major Calliaud writes to Mr. Holwell an account of it. In his letter he informs him that he made an inquiry, without stating from whom, but that he did inquire the probability of the Nabob's getting possession of the Prince from some persons, who assured him that there was no probability of the Prince's intention to deliver himself to the Nabob on any terms. Be that as it may, it is impossible not to remark that the whole transaction of the morning of the 15th of April was not very discouraging to the Nabob, — not such as would induce him to consider this most detestable of all projects as a thing utterly unfeasible, and as such to abandon it. The evening came on without anything to alter his opinion. Major Calliaud that evening came to the Nabob's tent to arrange some matters relative to the approaching campaign. The business soon ended with regard to the campaign; but the proposal of the morning to Major Calliaud, as might be expected to happen,

was in effect renewed. Indeed, the form was a little different; but the substantial part remained the same. Your Lordships will see what these alterations were.

In the evening scene the persons were more numerous. On the part of the Company, Major Calliaud, Mr. Lushington, Mr. Knox, and the ambassador at the Nabob's court, Mr. Warren Hastings. On the part of the Moorish government, the Nabob himself, his son Meeran, a Persian secretary, and the Nabob's head spy, an officer well known in that part of the world, and of some rank. These were the persons of the drama in the evening scene. The Nabob and his son did not wait for the Prince's committing himself to their faith, which, it seems, Major Calliaud did not think likely to happen; so that one act of treachery is saved: but another opened of as extraordinary a nature. Intent and eager on the execution, and the more certain, of their design, they accepted the plan of a wicked wretch, principal servant of the then prime-minister to the Mogul, or themselves suggested it to him. A person called Conery, dewan or principal steward to Camgar Khân, a great chief in the service of the Shahzada, or Prince, (now the Great Mogul, the sovereign under whom the Company holds their charter,) had, it seems, made a proposal to the Nabob, that, if a considerable territory then held by his master was assured to him, and a reward of a lac of rupees (ten or twelve thousand, pounds) secured to him, he would for that consideration deliver the Prince, the eldest son of the Mogul, alive into the hands of the Nabob; or if that could not be effected, he engaged to murder him for the same reward. But as the assassin could not rely on the Nabob and his son for his reward for this meritorious action, and thought better of English honor and fidelity in such delicate cases, he required that Major Calliaud should set his seal to the agreement. This proposition was made to an English commander: what discourse happened upon it is uncertain. Mr. Hastings is stated by some evidence to have acted as interpreter in this memorable congress. But Major Calliaud agreed to it without any difficulty. Accordingly, an instrument was drawn, an indenture tripartite prepared by the Persian secretary, securing to the party the reward of this infamous, perfidious, murderous act. First, the Nabob put his own seal to the murder. The Nabob's son, Meeran, affixed *his* seal. A third seal, the most important of all, was yet wanting. A pause ensued: Major Calliaud's seal was not at hand; but Mr. Lushington was sent near half a mile to bring it. It was brought at length; and the instrument of blood and treachery was completely executed. Three seals were set to it.

This business of the three seals, by some means not quite fully explained, but (as suspected by the parties) by means of the information of Mr. Holwell, who soon after came home, was conveyed to the ears of the Court of Directors. The Court of Directors wrote out, under date of the 7th of October, 1761, within a little more than a year after this extraordinary transaction, to this effect: — that, in conjunction with the Nabob, Major Calliaud had signed a paper offering a reward of a lac of rupees, or some such sum, to several black persons, for the assassination of the

Shahzada, or Prince heir-apparent, — which paper was offered to the then Chief of Patna to sign, but which he refused on account of the infamy of the measure. As it appeared in the same light to them, the Directors, they ordered a strict inquiry into it. The India Company, who here did their duty with apparent manliness and vigor, were resolved, however, to do it with gentleness, and to proceed in a manner that could not produce any serious mischief to the parties charged; for they directed the commission of inquiry to the very clan and set of people who, from a participation in their common offences, stood in awe of one another, — in effect, to the parties in the transaction. Without a prosecutor, without an impartial director of the inquiry, they left it substantially to those persons to try one another for their common acts.

Here I come upon the principle which I wish most strongly to mark to your Lordships: I mean collusive trials and collusive acquittals. When this matter came to be examined, according to the orders of the Court, which was on the 4th of October, 1762, the Council consisted of Peter Maguire, Warren Hastings, and Hugh Watts. Mr. Hastings had by this time accomplished the business of Resident with the Nabob, and had taken the seat to which his seniority entitled him in Council. Here a difficulty arose *in limine*. Mr. Hastings was represented to have acted as interpreter in this business; he was therefore himself an object of the inquisition; he was doubtful as evidence; he was disqualified as a judge. It likewise appeared that there might be some objection to others whose evidence was wanting, but who were themselves concerned in the guilt. Mr. Lushington's evidence would be useful, but there were two circumstances rather unlucky. First, he had put the seal to the instrument of murder; and, secondly, and what was most material, he had made an affidavit at Patna, whilst the affair was green and recent, that he had done so; and in the same affidavit had deposed that Warren Hastings was interpreter in that transaction. Here were difficulties both on him and Mr. Hastings. The question was, how to get Mr. Hastings, the interpreter, out of his interpretation, and to put him upon the seat of judgment. It was effected, however, and the manner in which it was effected was something curious. Mr. Lushington, who by this time was got completely over, himself tells you that in conferences with Major Calliaud, and by arguments and reasons by him delivered, he was persuaded to unsay his swearing, and to declare that he believed that the affidavit which he made at Patna, and while the transaction was recent or nearly recent, must be a mistake: that he *believed* (what is amazing indeed for any belief) that not Mr. Hastings, but he himself, interpreted. Mr. Lushington completely loses his own memory, and he accepts an offered, a given memory, a memory supplied to him by a party in the transaction. By this operation all difficulties are removed: Mr. Hastings is at once put into the capacity of a judge. He is declared by Mr. Lushington not to have been an interpreter in the transaction. After this, Mr. Hastings is himself examined. Your Lordships will look at the transaction at your leisure, and I think you will consider it as a pattern for inquiries of this kind. Mr. Hastings is examined: he does not

recollect. His memory also fails on a business in which it is not easy to suppose a man could be doubtful, — whether he was present or not: he thinks he was not there, — for that, if he had been there, and acted as interpreter, he could not have forgot it.

I think it is pretty nearly as I state it: if I have fallen into any error or inaccuracy, it is easily rectified; for here is the state of the transaction given by the parties themselves. On this inaccurate memory of Mr. Hastings, not venturing, however, to say positively that he was not the interpreter, or that he was not present, he is discharged from being an accomplice, — he is removed from the bar, and leaps upon the seat of justice. The court thus completed, Major Calliaud comes manfully forward to make his defence. Mr. Lushington is taken off his back in the manner we have seen, and no one person remains but Captain Knox. Now, if Captain Knox was there and assenting, he is an accomplice too. Captain Knox asserts, that, at the consultation about the murder, he said it was a pity to cut off so fine a young fellow in such a manner, — meaning that fine young fellow the Prince, the descendant of Tamerlane, the present reigning Mogul, from whom the Company derive their present charter. The purpose to be served by this declaration, if it had any purpose, was, that Captain Knox did not assent to the murder, and that therefore his evidence might be valid.

The defence set up by Major Calliaud was to this effect. He was apprehensive, he said, that the Nabob was alarmed at the violent designs that were formed against him by Mr. Holwell, and that therefore, to quiet his mind, (to quiet it by a proposition compounded of murder and treason, — an odd kind of mind he had that was to be quieted by such means!) — but to quiet his mind, and to show that the English were willing to go all lengths with him, to sell body and soul to him, he did put his seal to this extraordinary agreement, he put his seal to this wonderful paper. He likewise stated, that he was of opinion at the time that nothing at all sinister could happen from it, that no such murder was likely to take place, whatever might be the intention of the parties. In fact, he had very luckily said in a letter of his, written a day after the setting the seal, “I think nothing will come of this matter, but it is no harm to try.” This experimental treachery, and these essays of conditional murder, appeared to him good enough to make a trial of; but at the same time he was afraid nothing would come of it. In general, the whole gist of his defence comes to one point, in which he persists, — that, whatever the act might be, his mind is clear: “My hands are guilty, but my heart is free.” He conceived that it would be very improper, undoubtedly, to do such an act, if he suspected anything could happen from it: he, however, let the thing out of his own hands; he put, it into the hands of others; he put the commission into the hands of a murderer. The fact was not denied; it was fully before these severe judges. The extenuation was the purity of his heart, and the bad situation of the Company’s affairs, — the perpetual plea, which your Lordships will hear of forever, and which if it will justify evil

actions, they will take good care that the most nefarious of their deeds shall never want a sufficient justification. But then he calls upon his life and his character to oppose to his seal; and though he has declared that Mr. Holwell had intended ill to the Nabob, and that he approved of those measures, and only postponed them, yet he thought it necessary, he says, to quiet the fears of the Nabob; and from this motive he did an act abhorrent to his nature, and which, he says, he expressed his abhorrence of the morning after he signed it: not that he did so; but if he had, I believe it would only have made the thing so many degrees worse. Your Lordships will observe, that, in this conference, as stated by himself, these reasons and apologies for it did not appear, nor did they appear in the letter, nor anywhere else, till next year, when he came upon his trial. Then it was immediately recollected that Mr. Holwell's designs were so wicked they certainly must be known to the Nabob, though he never mentioned them in the conference of the morning or the evening of the 15th; yet such was now the weight and prevalence of them upon the Major's mind, that he calls upon Mr. Hastings to know whether the Nabob was not informed of these designs of Mr. Holwell against him. Mr. Hastings's memory was not quite correct upon the occasion. He does not recollect anything of the matter. He certainly seems not to think that he ever mentioned it to the Nabob, or the Nabob to him; but he does recollect, he thinks, speaking something to some of the Nabob's attendants upon it, and further this deponent sayeth not. On this state of things, namely, the purity of intention, the necessities of the Company, the propriety of keeping the Nabob in perfect good-humor and removing suspicions from his mind, which suspicions he had never expressed, they came to the resolution I shall have the honor to read to you: "That the representation, given in the said defence, of the state of the affairs of the country at that time" (that is, about the month of April, 1760) "is true and just" (that is, the bad state of the country, which we shall consider hereafter); "that, in such circumstances, the Nabob's urgent account of his own distresses, the Colonel's desire of making him easy," (for here is a recapitulation of the whole defence,) "as the first thing necessary for the good of the service, and the suddenness of the thing proposed, might deprive him for a moment of his recollection, and surprise him into a measure which, as to the measure itself, he could not approve. That such only were the motives which did or could influence Colonel Calliaud to assent to the proposal is fully evinced by the deposition of Captain Knox and Mr. Lushington, that *his [Calliaud's] conscience, at the time, never reproached him with a bad design.*"

Your Lordships have heard of the testimony of a person to his own conscience; but the testimony of another man to any one's conscience — this is the first time, I believe, it ever appeared in a judicial proceeding. It is natural to say, "My conscience acquits me of it"; but *they* declare, that "*his conscience never reproached him with a bad design, and therefore, upon the whole, they are satisfied that his intention was good, though he erred in the measure.*"

I beg leave to state one thing that escaped me: that the Nabob, who was one of the parties to the design, was, at the time of the inquiry, a sort of prisoner or an exile at Calcutta; that his *moonshee* was there, or might have been had; and that his spy was likewise there; and that they, though parties to this transaction, were never called to account for it in any sense or in any degree, or to show how far it was *necessary* to quiet the Nabob's mind.

The accomplices, by acquitting him upon *their* testimony to *his conscience*, did their business nobly. But the good Court of Directors, who were so easily satisfied, so ready to condemn at the first proposition and so ready afterwards to acquit, put the last finishing hand of a master to it. For the accomplices acquit him of evil intentions and excuse his act. The Court of Directors, disapproving indeed the measure, but receiving the testimony of his conscience in justification of his conduct, and taking up the whole ground, honorably acquit him, and commend this action as an instance of heroic zeal in their service.

The great end and purpose for which I produce this to your Lordships is to show you the necessity there is for other inquiries, other trials, other acquittals of parties, than those made by a collusive clan abroad, or by the Directors at home, who had required the parties to inquire of themselves, and to take the testimony of the judges at second-hand, as to the conscience of the party accused, respecting acts which neither they nor any man living can look upon but with horror.

I have troubled your Lordships with the story of the Three Seals, as a specimen of the then state of the service, and the politics of the servants, civil and military, in the horrid abuses which then prevailed, and which render at length the most rigorous reformation necessary. I close this episode to resume the proceedings at the second revolution.

This affair of the three seals was, we have seen, to quiet the fears of the Nabob. His fears it was indeed necessary to quiet; for your Lordships will see that the man whose fears were to be set asleep by Major Calliaud's offering him, in a scheme for murdering his sovereign, an odd sort of opiate, made up of blood and treason, was now in a fair way of being murdered himself by the machinations of him whose seal was set to his murderous security of peace, and by those his accomplices, Holwell and Hastings: at least they resolved to put him in a situation in which his murder was in a manner inevitable, as you will see in the sequel of the transaction. Now the plan proceeds. The parties continued in the camp; but there was another *remora*. To remove a nabob and to create a revolution is not easy: houses are strong who have sons grown up with vigor and fitness for the command of armies. They are not easily overturned by removing the principal, unless the secondary is got rid of: and if this *remora* could be removed, everything was going on in a happy way in the business. This plan, which now (that is, about the month of July) began to get into great ripeness and forwardness, Mr. Holwell urged forward, Mr. Vansittart being hourly expected.

I do not know whether I am going to state a thing, though it is upon the records, which will not have too theatrical an appearance for the grave state in which we are. But here it is, — the difficulty, the knot, and the solution, as recorded by the parties themselves. It was the object of this bold, desperate, designing man, Cossim All Khân, who aimed at everything, and who scrupled not to do anything in attaining what he aimed at, to be appointed the lieutenant of the Nabob Jaffier Ali, and thus to get possession of his office during his lifetime under that name, with a design of murdering him: for that office, according to many usages of that country, totally supersedes the authority of the first magistrate, renders him a cipher in his hand, gives the administration of his affairs and command of his troops to the lieutenant. It was a part of his plan, that he was, after his appointment to the lieutenancy, to be named to the succession of the Nabob, who had several other children; but the eldest son stood in the way.

But as things hastened to a crisis, this difficulty was removed in the most extraordinary and providential unheard-of manner, by the most extraordinary event that, I believe, is recorded in history. Just in the nick of time, in the moment of projection, on the 3d of July, this Prince Meeran, in the flower of his age, bold, active, enterprising, lying asleep in his tent, is suddenly, without any one's knowing it, without any alarm or menace in the heavens that ever was heard of or mentioned, without any one whatever being hurt or even alarmed in the camp, killed with a flash of lightning. My Lords, thus was the Gordian knot cut. This prince dies of a flash of lightning, and Mr. Lushington (of whom you have heard) comes in the morning with his hair standing erect, comes frightened into the presence of Major Calliaud, and, with the utmost alarm, tells him of a circumstance that was afterwards to give them so much pleasure. The alarm was immediately communicated to the Major, who was seized with a fright; and fearing lest the army should mutiny upon the death of their chief, it was contrived, in a manner that I believe was most difficult to contrive, that what might have excited a general mutiny was concealed by the ability, the good conduct, and dexterity of Major Calliaud for seven days together, till he led the army out of the place of danger. Thus a judgment fell upon one of the (innocent) murderers in the scene of the Three Seals. This man, who was probably guilty in his conscience as well as in act, thus fell by that most lucky, providential, and most useful flash of lightning.

There were at that time, it seems, in Calcutta, a wicked, skeptical set of people, who somehow or other believed that *human* agency was concerned in this elective flash, which came so very opportunely, and which was a favor so thankfully acknowledged. These wicked, ill-natured skeptics disseminated reports (which I am sure I do not mean to charge or prove, leaving the effect of them to you) very dishonorable, I believe, to Cossim Ali Khân in the business, and to some Englishmen who were concerned.

The difficulty of getting rid of Meeran being thus removed, Mr. Vansittart comes upon the scene. I verily believe he was a man of good intentions, and rather debauched by that amazing flood of iniquity which prevailed at that time, or hurried and carried away with it. In a few days he sent for Major Calliaud. All his objections vanish in *an instant*: like that flash of lightning, everything is *instant*. The Major agrees to perform his part. They send for Cossim Ali Khân and Mr. Hastings; they open a treaty and conclude it with him, leaving the management of it to two persons, Mr. Holwell and another person, whom we have heard of, an Armenian, called Coja Petrus, who afterwards played his part in another illustrious scene. By this Petrus and Mr. Holwell the matter is settled. The moment Mr. Holwell is raised to be a Secretary of State, the revolution is accomplished. By it Cossim Ali Khân is to have the lieutenancy at present, and the succession. Everything is put into his hands, and he is to make for it large concessions, which you will hear of afterwards, to the Company. Cossim Ali Khân proposed to Mr. Holwell, what would have been no bad supplement to the flash of lightning, the murder of the Nabob; but Mr. Holwell was a man of too much honor and conscience to suffer that. He instantly flew out at it, and declared the whole business should stop, unless the affair of the murder was given up. Accordingly things were so settled. But if he gave the Nabob over to an intended murderer, and delivered his person, treasure, and everything into his hands, Cossim Ali Khân might have had no great reason to complain of being left to the execution of his own projects in his own way. The treaty was made, and amounted to this, — that the Company was to receive three great provinces: for here, as we proceed, you will have an opportunity of observing, with the progress of these plots, one thing which has constantly and uniformly pervaded the whole of these projects, and which the persons concerned in them have avowed as a principle of their actions, — that they were first to take care of the Company's interest, then of their own; that is, first to secure to the Company an enormous bribe, and under the shadow of that bribe to take all the little emoluments they could to themselves. Three great, rich, southern provinces, maritime, or nearly maritime, Burdwan, Midnapoor, and Chittagong, were to be dissevered from the Subah and to be ceded to the Company. There were other minor stipulations, which it is not necessary at present to trouble you with, signed, sealed, and executed at Calcutta between these parties with the greatest possible secrecy. The lieutenancy and the succession were secured to Cossim Ali, and he was likewise to give somewhere about the sum of 200,000*l.* to the gentlemen who were concerned, as a reward for serving him so effectually, and for serving their country so well. Accordingly, these stipulations, actual or understood, (for they were eventually carried into effect,) being settled, a commission of delegation, consisting chiefly of Mr. Vansittart and Major Calliaud, was sent up to Moorshedabad: the new Governor taking this opportunity of paying the usual visit of respect to the Nabob, and in a manner which a new Governor coming into place

would do, with the detail of which it is not necessary to trouble you. Mr. Hastings was at this time at the durbar; and having everything prepared, and the ground smoothed, they first endeavored to persuade the Nabob to deliver over the power negotiated for into the hands of their friend Cossim Ali Khân. But when the old man, frightened out of his wits, asked, “What is it he has bid for me?” and added, “I will give half as much again to save myself; pray let me know what my price is,” — he entreated in vain. They were true, firm, and faithful to their word and their engagement. When he saw they were resolved that he should be delivered into the hands of Cossim Ali Khân, he at once surrenders the whole to him. They instantly grasp it. He throws himself into a boat, and will not remain at home an hour, but hurries down to Calcutta to leave his blood at our door, if we should have a mind to take it. But the life of the Nabob was too great a stake (partly as a security for the good behavior of Cossim Ali Khân, and still more for the future use that might be made of him) to be thrown away, or left in the hands of a man who would certainly murder him, and who was very angry at being refused the murder of his father-in-law. The price of this second revolution was, according to their shares in it, (I believe I have it here,) somewhere about 200,000*l*. This little effusion to private interest settled the matter, and here ended the second revolution in the country: effected, indeed, without bloodshed, but with infinite treachery, with infinite mischief, consequent to the dismemberment of the country, and which had nearly become fatal to our concerns there, like everything else in which Mr. Hastings had any share.

This prince, Cossim Ali Khân, the friend of Mr. Hastings, knew that those who could give could take away dominion. He had scarcely got upon the throne, procured for him by our public spirit and his own iniquities, than he began directly and instantly to fortify himself, and to bend all his politics against those who were or could be the donors of such fatal gifts. He began with the natives who were in their interest, and cruelly put to death, under the eye of Mr. Hastings and his clan, all those who, by their moneyed wealth or landed consideration, could give any effect to their dispositions in favor of those ambitious strangers. He removed from Moorshedabad higher up into the country, to Monghir, in order to be more out of our view. He kept his word pretty well, but not altogether faithfully, with the gentlemen; and though he had no money, for his treasury was empty, he gave obligations which are known by the name of *jeeps* — (the Indian vocabulary will by degrees become familiar to your Lordships, as we develop the modes and customs of the country). As soon as he had done this, he began to rack and tear the provinces that were left to him, to get as much from them as should compensate him for the revenues of those great provinces he had lost; and accordingly he began a scene of extortion, horrible, nefarious, without precedent or example, upon almost all the landed interest of that country. I mention this, because he is one of those persons whose governments Mr. Hastings, in a paper called his Defence, delivered

in to the House of Commons, has produced as precedents and examples which he has thought fit to follow, and which he thought would justify him in the conduct he has pursued. This Cossim Ali Khân, after he had acted the tyrant on the landed interest, fell upon the moneyed interest. In that country there was a person called Juggut Seit. There were several of the family, who were bankers to such a magnitude as was never heard of in the world. Receivers of the public revenue, their correspondence extended all over Asia; and there are those who are of opinion that the house of Juggut Seit, including all its branches, was not worth less than six or seven millions sterling. This house became the prey of Cossim Ali Khân; but Mr. Holwell had predicted that *it should be delivered over to Satan to be buffeted* (his own pious expression). He predicted the misfortunes that should befall them; and we chose a Satan to buffet them, and who did so buffet them, by the murder of the principal persons of the house, and by robbing them of great sums of their wealth, that I believe such a scene of nefarious tyranny, destroying and cutting up the root of public credit in that country, was scarce ever known. In the mean time Cossim was extending his tyranny over all who were obnoxious to him; and the persons he first sought were those traitors who had been friends to the English. Several of the principal of these he murdered. There was in the province of Bahar a man named Ramarain; he had got the most positive assurances of English faith; but Mr. Macguire, a member of the Council, on the receipt of five thousand gold mohurs, or something more than 8,000*l.* sterling, delivered him up to be first imprisoned, then tortured, then robbed in consequence of the torture, and finally murdered, by Cossim Ali Khân. In this way Cossim Ali Khân acted, while our government looked on. I hardly choose to mention to you the fate of a certain native in consequence of a dispute with Mr. Mott, a friend of Mr. Hastings, which is in the Company's records, — records which are almost buried by their own magnitude from the knowledge of this country. In a contest with this native for his house and property, some scuffle having happened between the parties, the one attempting to seize and the other to defend, the latter made a complaint to the Nabob, who was in an entire subjection at that time to the English, and who ordered this unfortunate man, on account of this very scuffle, arising from defending his property, to be blown off from the mouth of a cannon. In short, I am not able to tell your Lordships of all the nefarious transactions of this man, whom the intrigues of Mr. Holwell and Mr. Hastings had set upon the throne of Bengal. But there is a circumstance in this business that comes across here, and will tend to show another grievance that vexed that country, which vexed it long, and is one of the causes of its chief disasters, and which, I fear, is not so perfectly extirpated but that some part of its roots may remain in the ground at this moment.

Commerce, which enriches every other country in the world, was bringing Bengal to total ruin. The Company, in former times, when it had no sovereignty or power in the country, had large privileges under their *dustuck*, or permit: their

goods passed, without paying duties, through the country. The servants of the Company made use of this dustuck for their own private trade, which, while it was used with moderation, the native government winked at in some degree; but when it got wholly into private hands, it was more like robbery than trade. These traders appeared everywhere; they sold at their own prices, and forced the people to sell to them at their own prices also. It appeared more like an army going to pillage the people, under pretence of commerce, than anything else. In vain the people claimed the protection of their own country courts. This English army of traders in their march ravaged worse than a Tartarian conqueror. The trade they carried on, and which more resembled robbery than commerce, anticipated the resources of the tyrant, and threatened to leave him no materials for imposition or confiscation. Thus this miserable country was torn to pieces by the horrible rapaciousness of a double tyranny. This appeared to be so strong a case, that a deputation was sent to him at his new capital, Monghir, to form a treaty for the purpose of giving some relief against this cruel, cursed, and oppressive trade, which was worse even than the tyranny of the sovereign. This trade Mr. Vansittart, the President about this time, that is, in 1763, who succeeded to Mr. Holwell, and was in close union of interests with the tyrant Cossim Ali Khân, by a treaty known by the name of the treaty of Monghir, agreed very much to suppress and to confine within something like reasonable bounds. There never was a doubt on the face of that treaty, that it was a just, proper, fair transaction. But as nobody in Bengal did then believe that rapine was ever forborne but in favor of bribery, the persons who lost every advantage by the treaty of Monghir, when they thought they saw corrupt negotiation carrying away the prizes of unlawful commerce, and were likely to see their trade crippled by Cossim Ali Khân, fell into a most violent fury at this treaty; and as the treaty was made without the concurrence of the rest of the Council, the Company's servants grew divided: one part were the advocates of the treaty, the other of the trade. The latter were universally of opinion that the treaty was bought for a great sum of money. The evidence we have on our records of the sums of money that are stated to have been paid on this occasion has never been investigated to the bottom; but we have it on record, that a great sum (70,000*l.*) was paid to persons concerned in that negotiation. The rest were exceedingly wroth to see themselves not profiting by the negotiation, and losing the trade, or likely to be excluded from it; and they were the more so, because, as we have it upon our journals, during all that time the trade of the negotiators was not proscribed, but a purwannah was issued by Cossim Ali Khân, that the trade of his friends Mr. Vansittart and Mr. Hastings should not be subject to the general regulations. This filled the whole settlement with ill blood; but in the regulation itself (I put the motive and the secret history out of the case) undoubtedly Mr. Hastings and Mr. Vansittart were on the right side. They had shown to a demonstration the mischief of this trade. However, as the other party were strong, and did not readily let go their hold of this great advantage, first,

dissensions, murmurs, various kinds of complaints, and ill blood arose. Cossim Ali was driven to the wall; and having at the same time made what he thought good preparations, a war broke out at last. And how did it break out? This Cossim Ali Khân signalized his first acts of hostility by an atrocity committed against the faith of treaties, against the rules of war, against every principle of honor. This intended murderer of his father-in-law, whom Mr. Hastings had assisted to raise to the throne of Bengal, well knowing his character and his disposition, and well knowing what such a man was capable of doing, — this man massacred the English wherever he met them. There were two hundred, or thereabouts, of the Company's servants, or their dependants, slaughtered at Patna with every circumstance of the most abominable cruelty. Their limbs were cut to pieces. The tyrant whom Mr. Hastings set up cut and hacked the limbs of British subjects in the most cruel and perfidious manner, threw them into wells, and polluted the waters of the country with British blood. Immediately war is declared against him in form. That war sets the whole country in a blaze; and then other parties begin to appear upon the scene, whose transactions you will find yourselves deeply concerned in hereafter.

As soon as war was declared against Cossim, it was necessary to resolve to put up another Nabob, and to have another revolution: and where do they resort, but to the man whom, for his alleged tyranny, for his incapacity, for the numberless iniquities he was said to have committed, and for his total unfitness and disinclination to all the duties of government, they had dethroned? This very man they take up again, to place on the throne from which they had about two years before removed him, and for the effecting of which they had committed so many iniquities. Even this revolution was not made without being paid for. According to the usual order of procession, in which the youngest walk first, first comes the Company; and the Company had secured to it in perpetuity those provinces which Cossim Ali Khân had ceded, as it was thought, rather in the way of mortgage than anything else. Then, under the name of compensation for sufferings to the people concerned in the trade, and in the name of donation to an army and a navy which had little to do in this affair, they tax him — what sum do you think? They tax that empty and undone treasury of that miserable and undone country 500,000*l.* for a private emolument to themselves, — for the compensation for this iniquitous trade, — for the compensation for abuses of which he was neither the author nor the abettor, they tax this miserable prince 500,000*l.* That sum was given to individuals. Now comes the Company at home, which, on hearing this news, was all inflamed. The Directors were on fire. They were shocked at it, and particularly at this donation to the army and navy. They resolved they would give it no countenance and support. In the mean time the gentlemen did not trouble their heads upon that subject, but meant to exact and get their 500,000*l.* as they could.

Here was a third revolution, bought at this amazing sum, and this poor, miserable prince first dragged from Moorshedabad to Calcutta, then dragged back from

Calcutta to Moorshedabad, the sport of fortune and the plaything of avarice. This poor man is again set up, but is left with no authority: his troops limited, — his person, everything about him, in a manner subjugated, — a British Resident the master of his court: he is set up as a pageant on this throne, with no other authority but what would be sufficient to give a countenance to presents, gifts, and donations. That authority was always left, when all the rest was taken away. One would have thought that this revolution might have satisfied these gentlemen, and that the money gained by it would have been sufficient. No. The partisans of Cossim Ali wanted another revolution. The partisans of the other side wished to have something more done in the present. They now began to think that to depose Cossim instantly, and to sell him to another, was too much at one time, — especially as Cossim Ali was a man of vigor and resolution, carrying on a fierce war against them. But what do you think they did? They began to see, from the example of Cossim Ali, that the lieutenancy, the ministry of the king, was a good thing to be sold, and the sale of that might turn out as good a thing as the sale of the prince.

For this office there were two rival candidates, persons of great consideration, in Bengal: one, a principal Mahomedan, called Mahomed Reza Khân, a man of high authority, great piety in his own religion, great learning in the law, of the very first class of Mahomedan nobility; but at the same time, on all these accounts, he was abhorred and dreaded by the Nabob, who necessarily feared that a man of Mahomed Reza Khân's description would be considered as better entitled and fitter for his seat, as Nabob of the provinces. To balance him, there was another man, known by the name of the Great Rajah Nundcomar. This man was accounted the highest of his caste, and held the same rank among the Gentoos that Mahomed Reza Khân obtained among the Mahomedans. The prince on the throne had no jealousy of Nundcomar, because he knew, that, as a Gentoo, he could not aspire to the office of Subahdar. For that reason he was firmly attached to him; he might depend completely on his services; he was *his* against Mahomed Reza Khân, and against the whole world. There was, however, a flaw in the Nabob's title, which it was necessary should be hid. And perhaps it lay against Mahomed Reza Khân as well as him. But it was a source of apprehension to the Nabob, and contributed to make him wish to keep all Mahomedan influence at a distance. For he was a Syed, that is to say, a descendant of Mahomet, and as such, though of the only acknowledged nobility among Mussulmen, would be by that circumstance excluded, by the known laws of the Mogul empire, from being Subahdar in any of the Mogul provinces, in case the revival of the constitution of that empire should ever again take place.

An auction was now opened before the English Council at Calcutta. Mahomed Reza Khân bid largely; Nundcomar bid largely. The circumstances of these two rivals at the Nabob court were equally favorable to the pretensions of each. But the preponderating merits of Mahomed Reza Khân, arising from the subjection in

which he was likely to keep the Nabob, and make him fitter for the purpose of continued exactions, induced the Council to take his money, which amounted to about 220,000*l*. Be the sum paid what it may, it was certainly a large one; in consequence of which the Council attempted to invest Mahomed Reza Khân with the office of Naib Subah, or Deputy Viceroy. As to Nundcomar, they fell upon him with a vengeful fury. He fought his battle as well as he could; he opposed bribe to bribe, eagle to eagle; but at length he was driven to the wall. Some received his money, but did him no service in return; others, more conscientious, refused to receive it; and in this battle of bribes he was vanquished. A deputation was sent from Calcutta to the miserable Nabob, to tear Nundcomar, his only support, from his side, and to put the object of all his terrors, Mahomed Reza Khân, in his place.

Thus began a new division that split the Presidency into violent factions; but the faction which adhered to Nundcomar was undoubtedly the weakest. That most miserable of men, Mir Jaffier Ali Khân, clinging, as to the last pillar, to Nundcomar, trembling at Mahomed Reza Khân, died in the struggle, a miserable victim to all the revolutions, to all the successive changes and versatile politics at Calcutta. Like all the rest of the great personages whom we have degraded and brutalized by insult and oppression, he betook himself to the usual destructive resources of unprincipled misery, — sensuality, opium, and wine. His gigantic frame of constitution soon gave way under the oppression of this relief, and he died, leaving children and grandchildren by wives and concubines. On the old Nabob's death, Mahomed Reza Khân was acknowledged Deputy Nabob, the money paid, and this revolution completed.

Here, my Lords, opened a new source of plunder, peculation, and bribery, which was not neglected. Revolutions were no longer necessary; succession supplied their places: and well the object agreed with the policy. Rules of succession could not be very well ascertained to an office like that of the Nabob, which was hereditary only by the appointment of the Mogul. The issue by lawful wives would naturally be preferred by those who meant the quiet of the country. But a more doubtful title was preferred, as better adapted to the purposes of extortion and peculation. This miserable succession was sold, and the eldest of the issue of Munny Begum, an harlot, brought in to pollute the harem of the seraglio, of whom you will hear much hereafter, was chosen. He soon succeeded to the grave. Another son of the same prostitute succeeded to the same unhappy throne, and followed to the same untimely grave. Every succession was sold; and between venal successions and venal revolutions, in a very few years seven princes and six sales were seen successively in Bengal. The last was a minor, the issue of a legitimate wife, admitted to succeed because a minor, and because there was none illegitimate left. He was instantly stripped of the allowance of his progenitors, and reduced to a pension of 160,000 a year. He still exists, and continued to the end of Mr. Hastings's government to furnish constant sources of bribery and plunder to him and his creatures.

The offspring of Munny Begum clinging, as his father did, to Nundcomar, they tore Nundcomar from his side, as they had done from the side of his father, and carried him down as a sort of prisoner to Calcutta; where, having had the weakness to become the first informer, he was made the first example. This person, pushed to the wall, and knowing that the man he had to deal with was desperate and cruel in his resentments, resolves on the first blow, and enters before the Council a regular information in writing of bribery against Mr. Hastings. In his preface to that charge he excuses himself for what is considered to be an act equally insane and wicked, and as the one inexpressible crime of an Indian, the discovery of the money he gives, — that Mr. Hastings had declaredly determined on his ruin, and to accomplish it had newly associated himself with one Mohun Persaud, a name I wish your Lordships to remember, a bitter enemy of his, an infamous person, whom Mr. Hastings knew to be such, and as such had turned him out of his house, — that Mr. Hastings had lately recalled, and held frequent communications with this Mohun Persaud, the subject of which he had no doubt was his ruin. In the year 1775 he was hanged by those incorrupt English judges who were sent to India by Parliament to protect the natives from oppression.

Your Lordships will observe that this new sale of the office of ministers succeeded to the sale of that of nabobs. All these varied and successive sales shook the country to pieces. As if those miserable exhausted provinces were to be cured of inanition by phlebotomy, while Cossim Ali was racking it above, the Company were drawing off all its nutriment below. A dreadful, an extensive, and most chargeable war followed. Half the northern force of India poured down like a torrent on Bengal, endangered our existence, and exhausted all our resources. The war was the fruit of Mr. Hastings's cabals. Its termination, as usual, was the result of the military merit and the fortune of this nation. Cossim Ali, after having been defeated by the military genius and spirit of England, (for the Adamases, Monroes, and others of that period, I believe, showed as much skill and bravery as any of their predecessors,) in his flight swept away above three millions in money, jewels, or effects, out of a country which he had plundered and exhausted by his unheard-of exactions. However, he fought his way like a retiring lion, turning his face to his pursuers. He still fought along his frontier. His ability and his money drew to his cause the Subahdar of Oude, the famous Sujah ul Dowlah. The Mogul entered into these wars, and penetrated into the lower provinces on one side, whilst Bulwant Sing, the Rajah of Benares, entered them on another. After various changes of party and changes of fortune, the loss which began in the treachery of the civil service was, as I have before remarked, redeemed by military merit. Many examples of the same sort have since been seen.

Whilst these things were transacted in India, the Court of Directors in London, hearing of so many changes, hearing of such an incredible mass of perfidy and venality, knowing that there was a general market made of the country and of the

Company, that the flame of war spread from province to province, that, in proportion as it spread, the fire glowed with augmented fierceness, and that the rapacity which originally gave rise to it was following it in all its progress, — the Company, my Lords, alarmed not only for their acquisitions, but their existence, and finding themselves sinking lower and lower by every victory they obtained, thought it necessary at length to come to some system and some settlement. After composing their differences with Lord Clive, they sent him out to that country about the year 1765, in order, by his name, weight, authority, and vigor of mind, to give some sort of form and stability to government, and to rectify the innumerable abuses which prevailed there, and particularly that great source of disorders, that fundamental abuse, presents: for the bribes by which all these revolutions were bought had not the name of conditions, stipulations, or rewards; they even had the free and gratuitous style of presents. The receivers contended that they were mere gratuities given for service done, or mere tokens of affection and gratitude to the parties. They may give them what names they please, and your Lordships will think of them what you please; but they were the donations of misery to power, the gifts of sufferers to the oppressors; and consequently, where they prevailed, they left no certain property or fixed situation to any man in India, from the highest to the lowest.

The Court of Directors sent out orders to enlarge the servants' covenants with new and severe clauses, strongly prohibiting the practice of receiving presents. Lord Clive himself had been a large receiver of them. Yet, as it was in the moment of a revolution which gave them all they possessed, the Company would hear no more of it. They sent him out to reform: whether they chose well or ill does not signify. I think, upon the whole, they chose well; because his name and authority could do much. They sent him out to redress the grievances of that country, and it was necessary he should be well armed for that service. They sent him out with such powers as no servant of the Company ever held before. I would not be understood here in my own character, much less in the delegated character in which I stand, to contend for any man in the totality of his conduct. Perhaps in some of his measures he was mistaken, and in some of his acts reprehensible; but justice obliges me to say, that the plan which he formed and the course which he pursued were in general great and well imagined, — that he laid great foundations, if they had been properly built upon. For, in the first place, he composed all the neighboring countries torn to pieces by the wars of Cossim Ali, and quieted the apprehensions raised by the opinion of the boundless ambition of England. He took strong measures to put an end to a great many of the abuses that prevailed in the country subject to the Company. He then proceeded to the upper provinces, and formed a plan which, for a military man, has great civil and political merit. He put a bound to the aspiring spirit of the Company's servants; he limited its conquests; he prescribed bounds to

its ambition. "First" (says he) "quiet the minds of the country; what you have obtained regulate; make it known to India that you resolve to acquire no more."

On this solid plan he fixed every prince that was concerned in the preceding wars, on the one side and on the other, in an happy and easy settlement. He restored Sujah ul Dowlah, who had been driven from his dominions by the military arm of Great Britain, to the rank of Vizier, and to the dominion of the territories of Oude. With a generosity that astonished all Asia, he reinstated this expelled enemy of his nation peaceably upon his throne. And this act of politic generosity did more towards quieting the minds of the people of Asia than all the terror, great as it was, of the English arms. At the same time, Lord Clive, generous to all, took peculiar care of our friends and allies. He took care of Bulwant Sing, the great Rajah of Benares, who had taken our part in the war. He secured him from the revenge of Sujah ul Dowlah. The Mogul had granted us the superiority over Bulwant Sing. Lord Clive reëstablished him in a secure, easy independency. He confirmed him, under the British guaranty, in the rich principality which he held.

The Mogul, the head of the Mussulman religion in India, and of the Indian empire, a head honored and esteemed even in its ruins, he procured to be recognized by all the persons that were connected with his empire. The rents that ought to be paid to the Vizier of the Empire he gave to the Vizierate. Thus our alliances were cemented, our enemies were reconciled, all Asia was conciliated by our settlement with the king. To that unhappy fugitive king, driven from place to place, the sport of fortune, now an emperor and now a prisoner, prayed for in every mosque in which his authority was conspired against, one day opposed by the coin struck in his name and the other day sold for it, — to this descendant of Tamerlane he allotted, with a decent share of royal dignity, an honorable fixed residence, where he might be useful and could not be dangerous.

As to the Bengal provinces, he did not take for the Company the viceroyalty, as Mr. Holwell would have persuaded, almost forced, the Company to do; but, to satisfy the prejudices of the Mahomedans, the country was left in the hands nominally of the Subah, or viceroy, who was to administer the criminal justice and the exterior forms of royalty. He obtained from the sovereign the *dewanny*. This is the great act of the constitutional entrance of the Company into the body politic of India. It gave to the settlement of Bengal a fixed constitutional form, with a legal title, acknowledged and recognized now for the first time by all the natural powers of the country, because it arose from the charter of the undoubted sovereign. The *dewanny*, or high-stewardship, gave to the Company the collection and management of the revenue; and in this modest and civil character they appeared, not the oppressors, but the protectors of the people. This scheme had all the real power, without any invidious appearance of it; it gave them the revenue, without the parade of sovereignty. On this double foundation the government was happily settled. The minds of the natives were quieted. The Company's territories and views were

circumscribed. The arm of force was put out of sight. The imperial name covered everything. The power of the purse was in the hand of the Company. The power of the sword was in effect so, as they contracted for the maintenance of the army. The Company had a revenue of a million and a half. The Nabob had, indeed, fallen from any real and effective power, yet the dignity of the court was maintained. The prejudices and interests of the Mahomedans, and particularly of their nobility, who had suffered more by this great revolution even than the old inhabitants of the country, were consulted; for by this plan a revenue of 500,000*l.* was settled on the viceroyalty, which was thus enabled to provide in some measure for those great families. The Company likewise, by this plan, in order to enjoy their revenues securely, and to avoid envy and murmur, put them into the hands of Mahomed Reza Khân, whom Lord Clive found in the management of affairs, and did not displace; and he was now made deputy-steward to the Company, as he had been before lieutenant-viceroy to the Nabob. A British Resident at Moorshedabad was established as a control. The Company exercised their power over the revenue in the first instance through the natives, but the British Resident was in reality the great mover.

If ever this nation stood in a situation of glory throughout Asia, it was in that moment. But, as I have said, some material errors and mistakes were committed. After the formation of this plan, Lord Clive unfortunately did not stay long enough in the country to give consistency to the measures of reformation he had undertaken, but rapidly returned to England; and after his departure, the government that continued had not vigor or authority to support the settlement then made, and considerable abuses began to prevail in every quarter. Another capital period in our history here commences. Those who succeeded (though I believe one of them was one of the honestest men that ever served the Company, I mean Governor Verelst) had not weight enough to poise the system of the service, and consequently many abuses and grievances again prevailed. Supervisors were appointed to every district, as a check on the native collectors, and to report every abuse as it should arise. But they who were appointed to redress grievances were themselves accused of being guilty of them. However, the disorders were not of that violent kind which preceded Mr. Hastings's departure, nor such as followed his return: no mercenary wars, no mercenary revolutions, no extirpation of nations, no violent convulsions in the revenue, no subversion of ancient houses, no general sales of any descriptions of men, — none of these, but certainly such grievances as made it necessary for the Company to send out another commission in 1769, with instructions pointing out the chief abuses. It was composed of Mr. Vansittart, Mr. Ford, and Mr. Scrafton. The unfortunate end of that commission is known to all the world; but I mention it in order to state that the receipt of presents was considered as one of the grievances which then prevailed in India, and that the supervisors under that commission were ordered upon no account whatever to take presents.

Upon the unfortunate catastrophe which happened, the Company was preparing to send out another for the rectification of these grievances, when Parliament thought it necessary to supersede that commission, to take the matter into their own hands, and to appoint another commission in a Parliamentary way (of which Mr. Hastings was one) for the better government of that country. Mr. Hastings, as I must mention to your Lordships, soon after the deposition and restoration of Jaffier Ali Khân, and before Lord Clive arrived, quitted for a while the scene in which he had been so mischievously employed, and returned to England to strengthen himself by those cabals which again sent him out with new authority to pursue the courses which were the natural sequel to his former proceedings. He returned to India with great power, indeed, — first to a seat in Council at Fort St. George, and from thence to succeed to the Presidency of Fort William. On him the Company placed their chief reliance. Happy had it been for them, happy for India and for England, if his conduct had been such as to spare your Lordships and the Commons the exhibition of this day!

When this government, with Mr. Hastings at the head of it, was settled, Moorshedabad did still continue the seat of the native government, and of all the collections. Here the Company was not satisfied with placing a Resident at the durbar, which was the first step to our assuming the government in that country. These steps must be traced by your Lordships; for I should never have given you this trouble, if it was not necessary to possess you clearly of the several progressive steps by which the Company's government came to be established and to supersede the native. The next step was the appointment of supervisors in every province, to oversee the native collector. The third was to establish a general Council of Revenue at Moorshedabad, to superintend the great steward, Mahomed Reza Khân. In 1772 that Council by Mr. Hastings was overturned, and the whole management of the revenue brought to Calcutta. Mahomed Reza Khân, by orders of the Company, was turned out of all his offices, and turned out for reasons and principles which your Lordships will hereafter see; and at last the dewanny was entirely taken out of the native hands, and settled in the Supreme Council and Presidency itself in Calcutta; and so it remained until the year 1781, when Mr. Hastings made another revolution, took it out of the hands of the Supreme Council, in which the orders of the Company, an act of Parliament, and their own act had vested it, and put it into a subordinate council: that is, it was entirely vested in himself.

Now your Lordships see the whole of the revolutions. I have stated them, I trust, with perspicuity, — stated the grounds and principles upon which they were made, — stated the abuses that grew upon them, — and that every revolution produced its abuse. You saw the native government vanish by degrees, until it was reduced to a situation fit for nothing but to become a private perquisite, as it has been, to Mr.

Hastings, and to be granted to whom he pleased. The English government succeeded, at the head of which Mr. Hastings was placed by an act of Parliament, having before held the office of President of the Council, — the express object of both these appointments being to redress grievances; and within these two periods of his power, as President and Governor-General, were those crimes committed of which he now stands accused. All this history is merely by way of illustration: his crimination begins from his nomination to the Presidency; and we are to consider how he comported himself in that station, and in his office of Governor-General.

The first thing, in considering the merits or demerits of any governor, is to have some test by which they are to be tried. And here, my Lords, we conceive, that, when a British governor is sent abroad, he is sent to pursue the good of the people as much as possible in the spirit of the laws of this country, which in all respects intend their conservation, their happiness, and their prosperity. This is the principle upon which Mr. Hastings was bound to govern, and upon which he is to account for his conduct here. His rule was, what a British governor, intrusted with the power of this country, was bound to do or to forbear. If he has performed and if he has abstained as he ought, dismiss him honorably acquitted from your bar; otherwise condemn him. He may resort to other principles and to other maxims; but this country will force him to be tried by its laws. The law of this country recognizes that well-known crime called misconduct in office; it is a head of the law of England, and, so far as inferior courts are competent to try it, may be tried in them. Here your Lordships' competence is plenary: you are fully competent both to inquire into and to punish the offence.

And, first, I am to state to your Lordships, by the direction of those whom I am bound to obey, the principles on which Mr. Hastings declares he has conducted his government, — principles which he has avowed, first in several letters written to the East India Company, next in a paper of defence delivered to the House of Commons explicitly, and more explicitly in his defence before your Lordships. Nothing in Mr. Hastings's proceedings is so curious as his several defences; and nothing in the defences is so singular as the principles upon which he proceeds. Your Lordships will have to decide not only upon a large, connected, systematic train of misdemeanors, but an equally connected system of principles and maxims of government, invented to justify those misdemeanors. He has brought them forward and avowed them in the face of day. He has boldly and insultingly thrown them in the face of the representatives of a free people, and we cannot pass them by without adopting them. I am directed to protest against those grounds and principles upon which he frames his defence; for, if those grounds are good and valid, they carry off a great deal at least, if not entirely, the foundation of our charge.

My Lords, we contend that Mr. Hastings, as a British governor, ought to govern on British principles, not by British forms, — God forbid! — for if ever there was a case in which the letter kills and the spirit gives life, it would be an attempt to

introduce British forms and the substance of despotic principles together into any country. No! We call for that spirit of equity, that spirit of justice, that spirit of protection, that spirit of lenity, which ought to characterize every British subject in power; and on these, and these principles only, he will be tried.

But he has told your Lordships, in his defence, that actions in Asia do not bear the same moral qualities which the same actions would bear in Europe.

My Lords, we positively deny that principle. I am authorized and called upon to deny it. And having stated at large what he means by saying that the same actions have not the same qualities in Asia and in Europe, we are to let your Lordships know that these gentlemen have formed a plan of *geographical morality*, by which the duties of men, in public and in private situations, are not to be governed by their relation to the great Governor of the Universe, or by their relation to mankind, but by climates, degrees of longitude, parallels, not of life, but of latitudes: as if, when you have crossed the equinoctial, all the virtues die, as they say some insects die when they cross the line; as if there were a kind of baptism, like that practised by seamen, by which they unbaptize themselves of all that they learned in Europe, and after which a new order and system of things commenced.

This geographical morality we do protest against; Mr. Hastings shall not screen himself under it; and on this point I hope and trust many words will not be necessary to satisfy your Lordships. But we think it necessary, in justification of ourselves, to declare that the laws of morality are the same everywhere, and that there is no action which would pass for an act of extortion, of peculation, of bribery, and of oppression in England, that is not an act of extortion, of peculation, of bribery, and oppression in Europe, Asia, Africa, and all the world over. This I contend for not in the technical forms of it, but I contend for it in the substance.

Mr. Hastings comes before your Lordships not as a British governor answering to a British tribunal, but as a subahdar, as a bashaw of three tails. He says, "I had an arbitrary power to exercise: I exercised it. Slaves I found the people: slaves they are, — they are so by their constitution; and if they are, I did not make it for them. I was unfortunately bound to exercise this arbitrary power, and accordingly I did exercise it. It was disagreeable to me, but I did exercise it; and no other power can be exercised in that country." This, if it be true, is a plea in bar. But I trust and hope your Lordships will not judge by laws and institutions which you do not know, against those laws and institutions which you do know, and under whose power and authority Mr. Hastings went out to India. Can your Lordships patiently hear what *we* have heard with indignation enough, and what, if there were nothing else, would call these principles, as well as the actions which are justified on such principles, to your Lordships' bar, that it may be known whether the peers of England do not sympathize with the Commons in their detestation of such doctrine? Think of an English governor tried before you as a British subject, and yet declaring that he governed on the principles of arbitrary power! His plea is, that he did govern there

on arbitrary and despotic, and, as he supposes, Oriental principles. And as this plea is boldly avowed and maintained, and as, no doubt, all his conduct was perfectly correspondent to these principles, the principles and the conduct must be tried together.

If your Lordships will now permit me, I will state one of the many places in which he has avowed these principles as the basis and foundation of all his conduct. “The sovereignty which they assumed, it fell to my lot, very unexpectedly, to exert; and whether or not such power, or powers of that nature, were delegated to me by any provisions of any act of Parliament, I confess myself too little of a lawyer to pronounce. I only know that the acceptance of the sovereignty of Benares, &c., is not acknowledged or admitted by any act of Parliament; and yet, by the particular interference of the majority of the Council, the Company is clearly and indisputably seized of that sovereignty.” So that this gentleman, because he is not a lawyer, nor clothed with those robes which distinguish, and well distinguish, the learning of this country, is not to know anything of his duty; and whether he was bound by any, or what act of Parliament, is a thing he is not lawyer enough to know! Now, if your Lordships will suffer the laws to be broken by those who are not of the long robe, I am afraid those of the long robe will have none to punish but those of their own profession. He therefore goes to a law he is better acquainted with, — that is, the law of arbitrary power and force, if it deserves to be called by the name of law. “If, therefore,” says he, “the *sovereignty* of Benares, as ceded to us by the Vizier, have *any rights whatever* annexed to it, and be not a mere empty word without meaning, those rights must be such as are held, countenanced, and established by the law, custom, and usage of the Mogul empire, and not by the provisions of any British act of Parliament hitherto enacted. *Those rights*, and none other, I have been the involuntary instrument of enforcing. And if any future act of Parliament shall positively or by implication tend to annihilate those very rights, or their exertion as I have exerted them, I much fear that the boasted sovereignty of Benares, which was held up as an acquisition, almost obtruded on the Company against my consent and opinion, (for I acknowledge that even then I foresaw many difficulties and inconveniences in its future exercise,) — I fear, I say, that this sovereignty will be found a burden instead of a benefit, a heavy clog rather than a precious gem to its present possessors: I mean, unless the whole of our territory in that quarter shall be rounded and made an uniform compact body by one grand and systematic arrangement. — such an arrangement as shall do away all the mischiefs, doubts, and inconveniences (both to the governors and the governed) arising from the variety of tenures, rights, and claims in all cases of landed property and feudal jurisdiction in India, from the informality, invalidity, and instability of all engagements in so divided and unsettled a state of society, and from the unavoidable anarchy and confusion of different laws, religions, and prejudices, moral, civil, and political, all jumbled together in one unnatural and discordant mass.

“Every part of Hindostan has been constantly exposed to these and similar disadvantages ever since the Mahomedan conquests. The Hindoos, who never incorporated with their conquerors, were kept in order only by the strong hand of power. The constant necessity of similar exertions would increase at once their energy and extent; so that rebellion itself is the parent and promoter of despotism. Sovereignty in India implies nothing else. For I know not how we can form an estimate of its powers, but from its visible effects; and those are everywhere the same, from Cabool to Assam. The whole history of Asia is nothing more than precedents to prove the invariable exercise of arbitrary power. To all this I strongly alluded in the minutes I delivered in Council, when the treaty with the new Vizier was on foot in 1775; and I wished to make Cheyt Sing independent, because in India dependence included a thousand evils, many of which I enumerated at that time, and they are entered in the ninth clause of the first section of this charge. I knew the powers with which an Indian sovereignty is armed, and the dangers to which tributaries are exposed. I knew, that, from the history of Asia, and from the very nature of mankind, the subjects of a despotic empire are always vigilant for the moment to rebel, and the sovereign is ever jealous of rebellious intentions. A zemindar is an Indian subject, and as such exposed to the common lot of his fellows. *The mean and depraved state of a mere zemindar* is therefore this very dependence above mentioned on a despotic government, this very proneness to shake off his allegiance, and this very exposure to continual danger from his sovereign’s jealousy, which are consequent on the political state of Hindostanic governments. Bulwant Sing, if he had been, and Cheyt Sing, as long as he was a zemindar, stood exactly in this *mean and depraved state* by the constitution of his country. I did not make it for him, but would have secured him from it. Those who made him a zemindar entailed upon him the consequences of so mean and depraved a tenure. Aliverdy Khân and Cossim Ali fined all their zemindars on the necessities of war, and on every pretence either of court necessity or court extravagance.”

My Lords, you have now heard the principles on which Mr. Hastings governs the part of Asia subjected to the British empire. You have heard his opinion of the mean and depraved state of those who are subject to it. You have heard his lecture upon arbitrary power, which he states to be the constitution of Asia. You hear the application he makes of it; and you hear the practices which he employs to justify it, and who the persons were on whose authority he relies, and whose example he professes to follow. In the first place, your Lordships will be astonished at the audacity with which he speaks of his own administration, as if he was reading a speculative lecture on the evils attendant upon some vicious system of foreign government in which he had no sort of concern whatsoever. And then, when in this speculative way he has established, or thinks he has, the vices of the government, he conceives he has found a sufficient apology for his own crimes. And if he violates

the most solemn engagements, if he oppresses, extorts, and robs, if he imprisons, confiscates, banishes at his sole will and pleasure, when we accuse him for his ill-treatment of the people committed to him as a sacred trust, his defence is,— “To be robbed, violated, oppressed, is their privilege. Let the constitution of their country answer for it. I did not make it for them. Slaves I found them, and as slaves I have treated them. I was a despotic prince. Despotic governments are jealous, and the subjects prone to rebellion. This very proneness of the subject to shake off his allegiance exposes him to continual danger from his sovereign’s jealousy, and this is consequent on the political state of Hindostanic governments.” He lays it down as a rule, that despotism is the genuine constitution of India, that a disposition to rebellion in the subject or dependent prince is the necessary effect of this despotism, and that jealousy and its consequences naturally arise on the part of the sovereign, — that the government is everything, and the subject nothing, — that the great landed men are in a mean and depraved state, and subject to many evils.

Such a state of things, if true, would warrant conclusions directly opposite to those which Mr. Hastings means to draw from them, both argumentatively and practically, first to influence his conduct, and then to bottom his defence of it.

Perhaps you will imagine that the man who avows these principles of arbitrary government, and pleads them as the justification of acts which nothing else can justify, is of opinion that they are on the whole good for the people over whom they are exercised. The very reverse. He mentions them as horrible things, tending to inflict on the people a thousand evils, and to bring on the ruler a continual train of dangers. Yet he states, that your acquisitions in India will be a detriment instead of an advantage, if you destroy arbitrary power, unless you can reduce all the religious establishments, all the civil institutions, and tenures of land, into one uniform mass, — that is, unless by acts of arbitrary power you extinguish all the laws, rights, and religious principles of the people, and force them to an uniformity, and on that uniformity build a system of arbitrary power.

But nothing is more false than that despotism is the constitution of any country in Asia that we are acquainted with. It is certainly not true of any Mahomedan constitution. But if it were, do your Lordships really think that the nation would bear, that any human creature would bear, to hear an English governor defend himself on such principles? or, if he can defend himself on such principles, is it possible to deny the conclusion, that no man in India has a security for anything, but by being totally independent of the British government? Here he has declared his opinion, that he is a despotic prince, that he is to use arbitrary power; and of course all his acts are covered with that shield. “*I know,*” says he, “*the constitution of Asia only from its practice.*” Will your Lordships submit to hear the corrupt practices of mankind made the principles of government? No! it will be your pride and glory to teach men intrusted with power, that, in their use of it, they are to conform to principles, and not to draw their principles from the corrupt practice of any man

whatever. Was there ever heard, or could it be conceived, that a governor would dare to heap up all the evil practices, all the cruelties, oppressions, extortions, corruptions, briberies, of all the ferocious usurpers, desperate robbers, thieves, cheats, and jugglers, that ever had office, from one end of Asia to another, and, consolidating all this mass of the crimes and absurdities of barbarous domination into one code, establish it as the whole duty of an English governor? I believe that till this time so audacious a thing was never attempted by man.

He have arbitrary power! My Lords, the East India Company have not arbitrary power to give him; the king has no arbitrary power to give him; your Lordships have not; nor the Commons, nor the whole legislature. We have no arbitrary power to give, because arbitrary power is a thing which neither any man can hold nor any man can give. No man can lawfully govern himself according to his own will; much less can one person be governed by the will of another. We are all born in subjection, — all born equally, high and low, governors and governed, in subjection to one great, immutable, preëxistent law, prior to all our devices and prior to all our contrivances, paramount to all our ideas and all our sensations, antecedent to our very existence, by which we are knit and connected in the eternal frame of the universe, out of which we cannot stir.

This great law does not arise from our conventions or compacts; on the contrary, it gives to our conventions and compacts all the force and sanction they can have. It does not arise from our vain institutions. Every good gift is of God; all power is of God; and He who has given the power, and from whom alone it originates, will never suffer the exercise of it to be practised upon any less solid foundation than the power itself. If, then, all dominion of man over man is the effect of the Divine disposition, it is bound by the eternal laws of Him that gave it, with which no human authority can dispense, — neither he that exercises it, nor even those who are subject to it; and if they were mad enough to make an express compact that should release their magistrate from his duty, and should declare their lives, liberties, and properties dependent upon, not rules and laws, but his mere capricious will, that covenant would be void. The acceptor of it has not his authority increased, but he has his crime doubled. Therefore can it be imagined, if this be true, that He will suffer this great gift of government, the greatest, the best, that was ever given by God to mankind, to be the plaything and the sport of the feeble will of a man, who, by a blasphemous, absurd, and petulant usurpation, would place his own feeble, contemptible, ridiculous will in the place of the Divine wisdom and justice?

The title of conquest makes no difference at all. No conquest can give such a right; for conquest, that is, force, cannot convert its own injustice into a just title, by which it may rule others at its pleasure. By conquest, which is a more immediate designation of the hand of God, the conqueror succeeds to all the painful duties and subordination to the power of God which belonged to the sovereign whom he has displaced, just as if he had come in by the positive law of some descent or some

election. To this at least he is strictly bound: he ought to govern them as he governs his own subjects. But every wise conqueror has gone much further than he was bound to go. It has been his ambition and his policy to reconcile the vanquished to his fortune, to show that they had gained by the change, to convert their momentary suffering into a long benefit, and to draw from the humiliation of his enemies an accession to his own glory. This has been so constant a practice, that it is to repeat the histories of all politic conquerors in all nations and in all times; and I will not so much distrust your Lordships' enlightened and discriminating studies and correct memories as to allude to one of them. I will only show you that the Court of Directors, under whom he served, has adopted that idea, — that they constantly inculcated it to him, and to all the servants, — that they run a parallel between their own and the native government, and, supposing it to be very evil, did not hold it up as an example to be followed, but as an abuse to be corrected, — that they never made it a question, whether India is to be improved by English law and liberty, or English law and liberty vitiated by Indian corruption.

No, my Lords, this arbitrary power is not to be had by conquest. Nor can any sovereign have it by succession; for no man can succeed to fraud, rapine, and violence. Neither by compact, covenant, or submission, — for men cannot covenant themselves out of their rights and their duties, — nor by any other means, can arbitrary power be conveyed to any man. Those who give to others such rights perform acts that are void as they are given, — good indeed and valid only as tending to subject themselves, and those who act with them, to the Divine displeasure; because morally there can be no such power. Those who give and those who receive arbitrary power are alike criminal; and there is no man but is bound to resist it to the best of his power, wherever it shall show its face to the world. It is a crime to bear it, when it can be rationally shaken off. Nothing but absolute impotence can justify men in not resisting it to the utmost of their ability.

Law and arbitrary power are in eternal enmity. Name me a magistrate, and I will name property; name me power, and I will name protection. It is a contradiction in terms, it is blasphemy in religion, it is wickedness in politics, to say that any man can have arbitrary power. In every patent of office the duty is included. For what else does a magistrate exist? To suppose for power is an absurdity in idea. Judges are guided and governed by the eternal laws of justice, to which we are all subject. We may bite our chains, if we will, but we shall be made to know ourselves, and be taught that man is born to be governed by law; and he that will substitute *will* in the place of it is an enemy to GOD.

Despotism does not in the smallest degree abrogate, alter, or lessen any one duty of any one relation of life, or weaken the force or obligation of any one engagement or contract whatsoever. Despotism, if it means anything that is at all defensible, means a mode of government bound by no written rules, and coerced by no controlling magistracies or well-settled orders in the state. But if it has no written

law, it neither does nor can cancel the primeval, indefeasible, unalterable law of Nature and of nations; and if no magistracies control its exertions, those exertions must derive their limitation and direction either from the equity and moderation of the ruler, or from downright revolt on the part of the subject by rebellion, divested of all its criminal qualities. The moment a sovereign removes the idea of security and protection from his subjects, and declares that he is everything and they nothing, when he declares that no contract he makes with them can or ought to bind him, he then declares war upon them: he is no longer sovereign; they are no longer subjects.

No man, therefore, has a right to arbitrary power. But the thought which is suggested by the depravity of him who brings it forward is supported by a gross confusion of ideas and principles, which your Lordships well know how to discern and separate. It is manifest, that, in the Eastern governments, and the Western, and in all governments, the supreme power in the state cannot, whilst that state subsists, be rendered criminally responsible for its actions: otherwise it would not be the supreme power. It is certainly true: but the actions do not change their nature by losing their responsibility. The arbitrary acts which are unpunished are not the less vicious, though none but God, the conscience, and the opinions of mankind take cognizance of them.

It is not merely so in this or that government, but in all countries. The king in this country is undoubtedly unaccountable for his actions. The House of Lords, if it should ever exercise, (God forbid I should suspect it would ever do what it has never done!) — but if it should ever abuse its judicial power, and give such a judgment as it ought not to give, whether from fear of popular clamor on the one hand, or predilection to the prisoner on the other, — if they abuse their judgments, there is no calling them to an account for it. And so, if the Commons should abuse their power, nay, if they should have been so greatly delinquent as not to have prosecuted this offender, they could not be accountable for it; there is no punishing them for their acts, because we exercise a part of the supreme power. But are they less criminal, less rebellious against the Divine Majesty? are they less hateful to man, whose opinions they ought to cultivate as far as they are just? No: till society fall into a state of dissolution, they cannot be accountable for their acts. But it is from confounding the unaccountable character inherent in the supreme power with arbitrary power, that all this confusion of ideas has arisen.

Even upon a supposition that arbitrary power can exist anywhere, which we deny totally, and which your Lordships will be the first and proudest to deny, still, absolute supreme dominion was never conferred or delegated by you, — much less, arbitrary power, which never did in any case, nor ever will in any case, time, or country, produce any one of the ends of just government.

It is true that the supreme power in every constitution of government must be absolute, and this may be corrupted into the arbitrary. But all good constitutions have established certain fixed rules for the exercise of their functions, which they rarely or ever depart from, and which rules form the security against that worst of evils, the government of will and force instead of wisdom and justice.

But though the supreme power is in a situation resembling arbitrary, yet never was there heard of in the history of the world, that is, in that mixed chaos of human wisdom and folly, such a thing as an *intermediate* arbitrary power, — that is, of an officer of government who is to exert authority over the people without any law at all, and who is to have the benefit of all laws, and all forms of law, when he is called to an account. For that is to let a wild beast (for such is a man without law) loose upon the people to prey on them at his pleasure, whilst all the laws which ought to secure the people against the abuse of power are employed to screen that abuse against the cries of the people.

This is *de facto* the state of our Indian government. But to establish it so in right as well as in fact is a thing left for us to begin with, the first of mankind. For a subordinate arbitrary or even despotic power never was heard of in right, claim, or authorized practice; least of all has it been heard of in the Eastern governments, where all the instances of severity and cruelty fall upon governors and persons intrusted with power. This would be a gross contradiction. Before Mr. Hastings,

none ever came before his superiors to claim it; because, if any such thing could exist, he claims the very power of that sovereign who calls him to account.

But suppose a man to come before us, denying all the benefits of law to the people under him, — and yet, when he is called to account, to claim all the benefits of that law which was made to screen mankind from the excesses of power: such a claim, I will venture to say, is a monster that never existed, except in the wild imagination of some theorist. It cannot be admitted, because it is a perversion of the fundamental principle, that every power given for the protection of the people below should be responsible to the power above. It is to suppose that the people shall have no laws with regard to *him*, yet, when *he* comes to be tried, he shall claim the protection of those laws which were made to secure the people from his violence, — that he shall claim a fair trial, an equitable hearing, every advantage of counsel, (God forbid he should not have them!) yet that the people under him shall have none of those advantages. The reverse is the principle of every just and rational procedure. For the people, who have nothing to use but their natural faculties, ought to be gently dealt with; but those who are intrusted with an artificial and instituted authority have in their hands a great deal of the force of other people; and as their temptations to injustice are greater, so their moans are infinitely more effectual for mischief by turning the powers given for the preservation of society to its destruction: so that, if an arbitrary procedure be justifiable, (a strong one I am sure is,) it is when used against those who pretend to use it against others.

My Lords, I will venture to say of the governments of Asia, that none of them ever had an arbitrary power; and if any governments had an arbitrary power, they cannot delegate it to any persons under them: that is, they cannot so delegate it to others as not to leave them accountable on the principles upon which it was given. As this is a contradiction in terms, a gross absurdity, as well as a monstrous wickedness, let me say, for the honor of human nature, that, although undoubtedly we may speak it with the pride of England that we have better institutions for the preservation of the rights of men than any other country in the world, yet I will venture to say that no country has wholly meant, or ever meant, to give this power.

As it cannot exist in right on any rational and solid principles of government, so neither does it exist in the constitution of Oriental governments, — and I do insist upon it, that Oriental governments know nothing of arbitrary power. I have taken as much pains as I could to examine into the constitutions of them. I have been endeavoring to inform myself at all times on this subject; of late my duty has led me to a more minute inspection of them; and I do challenge the whole race of man to show me any of the Oriental governors claiming to themselves a right to act by arbitrary will.

The greatest part of Asia is under Mahomedan governments. To name a Mahomedan government is to name a government by law. It is a law enforced by stronger sanctions than any law that can bind a Christian sovereign. Their law is

believed to be given by God; and it has the double sanction of law and of religion, with which the prince is no more authorized to dispense than any one else. And if any man will produce the Koran to me, and will but show me one text in it that authorizes in any degree an arbitrary power in the government, I will confess that I have read that book, and been conversant in the affairs of Asia, in vain. There is not such a syllable in it; but, on the contrary, against oppressors by name every letter of that law is fulminated. There are interpreters established throughout all Asia to explain that law, an order of priesthood, whom they call *men of the law*. These men are conservators of the law; and to enable them to preserve it in its perfection, they are secured from the resentment of the sovereign: for he cannot touch them. Even their kings are not always vested with a real supreme power, but the government is in some degree republican.

To bring this point a little nearer home, — since we are challenged thus, since we are led into Asia, since we are called upon to make good our charge on the principles of the governments there, rather than on those of our own country, (which I trust your Lordships will oblige him finally to be governed by, puffed up as he is with the insolence of Asia,) — the nearest to us of the governments he appeals to is that of the Grand Seignior, the Emperor of the Turks. — *He* an arbitrary power! Why, he has not the supreme power of his own country. Every one knows that the Grand Seignior is exalted high in *titles*, as our prerogative lawyers exalt an abstract sovereign, — and he cannot be exalted higher in our books. I say he is destitute of the first character of sovereign power: he cannot lay a tax upon his people. The next part in which he misses of a sovereign power is, that he cannot dispose of the life, of the property, or of the liberty of any of his subjects, but by what is called the *fetwah*, or sentence of the law. He cannot declare peace or war without the same sentence of the law: so much is *he*, more than European sovereigns, a subject of strict law, that he cannot declare war or peace without it. Then, if he can neither touch life nor property, if he cannot lay a tax on his subjects, or declare peace or war, I leave it to your Lordships' judgment, whether he can be called, according to the principles of that constitution, an arbitrary power. A Turkish sovereign, if he should be judged by the body of that law to have acted against its principles, (unless he happens to be secured by a faction of the soldiery,) is liable to be deposed on the sentence of that law, and his successor comes in under the strict limitations of the ancient law of that country: neither can he hold his place, dispose of his succession, or take any one step whatever, without being bound by law. Thus much may be said, when gentlemen talk of the affairs of Asia, as to the nearest of Asiatic sovereigns: and he is more Asiatic than European, he is a Mahomedan sovereign; and no Mahomedan is born who can exercise any arbitrary power at all, consistently with their constitution; insomuch that this chief magistrate, who is the highest executive power among them, is the very person who, by the constitution of the country, is the most fettered by law.

Corruption is the true cause of the loss of all the benefits of the constitution of that country. The *practice of Asia*, as the gentleman at your bar has thought fit to say, is what he holds to; the constitution he flies away from. The question is, whether you will take the constitution of the country as your rule, or the base practices of those usurpers, robbers, and tyrants who have subverted it. Undoubtedly, much blood, murder, false imprisonment, much peculation, cruelty, and robbery are to be found in Asia; and if, instead of going to the sacred laws of the country, he chooses to resort to the iniquitous practices of it, and practices authorized only by public tumult, contention, war, and riot, he may indeed find as clear an acquittal in the practices as he would find condemnation in the institutions of it. He has rejected the law of England. Your Lordships will not suffer it. God forbid! For my part, I should have no sort of objection to let him choose his law, — Mahomedan, Tartarian, Gentoo. But if he disputes, as he does, the authority of an act of Parliament, let him state to me that law to which he means to be subject, or any law which he knows that will justify his actions. I am not authorized to say that I shall, even in that case, give up what is not in me to give up, because I represent an authority of which I must stand in awe; but, for myself, I shall confess that I am brought to public shame, and am not fit to manage the great interests committed to my charge. I therefore again repeat of that Asiatic government with which we are best acquainted, which has been constituted more in obedience to the laws of Mahomet than any other, that the sovereign cannot, agreeably to that constitution, exercise any arbitrary power whatever.

The next point for us to consider is, whether or no the Mahomedan constitution of India authorizes that power. The gentleman at your Lordships' bar has thought proper to say, that it will be happy for India, (though soon after he tells you it is an happiness they can never enjoy,) "when the despotic institutes of Genghiz Khân or Tamerlane shall give place to the liberal spirit of a British legislature; and," says he, "I shall be amply satisfied in my present prosecution, if it shall tend to hasten the approach of an event so beneficial to the great interests of mankind."

My Lords, you have seen what he says about an act of Parliament. Do you not now think it rather an extraordinary thing, that any British subject should, in vindication of the authority which he has exercised, here quote the names and institutes, as he calls them, of fierce conquerors, of men who were the scourges of mankind, whose power was a power which they held by force only?

As to the institutes of Genghiz Khân, which he calls arbitrary institutes, I never saw them. If he has that book, he will oblige the public by producing it. I have seen a book existing, called Yassa of Genghiz Khân; the other I never saw. If there be any part of it to justify arbitrary power, he will produce it. But if we may judge by those ten precepts of Genghiz Khân which we have, there is not a shadow of arbitrary power to be found in any one of them. Institutes of arbitrary power! Why, if there is arbitrary power, there can be no institutes.

As to the institutes of Tamerlane, here they are in their original, and here is a translation. I have carefully read every part of these institutes; and if any one shows me one word in them in which the prince claims in himself arbitrary power, I again repeat, that I shall for my own part confess that I have brought myself to great shame. There is no book in the world, I believe, which contains nobler, more just, more manly, more pious principles of government than this book, called the Institutions of Tamerlane. Nor is there one word of arbitrary power in it, much less of that arbitrary power which Mr. Hastings supposes himself justified by, — namely, a delegated, subordinate, arbitrary power. So far was that great prince from permitting this gross, violent, intermediate arbitrary power, that I will venture to say the chief thing by which he has recommended himself to posterity was a most direct declaration of all the wrath and indignation of the supreme government against it. But here is the book. It contains the institutes of the founder of the Mogul empire, left as a sacred legacy to his posterity, as a rule for their conduct, and as a means of preserving their power.

“Be it known to my fortunate sons, the conquerors of kingdoms, to my mighty descendants, the lords of the earth, that, since I have hope in Almighty God that many of my children, descendants, and posterity shall sit upon the throne of power and regal authority, upon this account, having established laws and regulations for the well governing of my dominions, I have collected together those regulations and laws as a model for others, to the end that, every one of my children, descendants, and posterity acting agreeably thereto, my power and empire, which I acquired through hardships and difficulties and perils and bloodshed, by the Divine favor, and by the influence of the holy religion of Mahomet, (God’s peace be up on him!) and with the assistance of the powerful descendants and illustrious followers of that prophet, may be by them preserved. And let them make these regulations the rule of their conduct in the affairs of their empire, that the fortune and the power which shall descend from me to them may be safe from discord and dissolution.

“Now, therefore, be it known to my sons, the fortunate and the illustrious, to my descendants, the mighty subduers of kingdoms, that, in like manner as I by twelve maxims, which I established as the rule of my conduct, attained to regal dignity, and with the assistance of these maxims conquered and governed kingdoms, and decorated and adorned the throne of my empire, let them also act according to these regulations, and preserve the splendor of mine and their dominions.

“And among the rules which I established for the support of my glory and empire, the *first* was this, — that I promoted the worship of Almighty God, and propagated the religion of the sacred Mahomet throughout the world, and at all times and in all places supported the true faith.

“*Secondly*. With the people of the twelve classes and tribes I conquered and governed kingdoms, and with them I strengthened the pillars of my fortune, and

from them I formed my assembly.

“Thirdly. By consultation and deliberation and provident measures, by caution and by vigilance, I vanquished armies, and I reduced kingdoms to my authority. And I carried on the business of my empire by complying with times and occasions, and by generosity, and by patience, and by policy; and I acted with courteousness towards my friends and towards my enemies.

“Fourthly. By order and by discipline I regulated the concerns of my government; and by discipline and by order I so firmly established my authority, that the emirs and the viziers and the soldiers and the subjects could not aspire beyond their respective degrees; and every one of them was the keeper of his own station.

“Fifthly. I gave encouragement to my emirs and to my soldiers, and with money and with jewels I made them glad of heart; and I permitted them to come into the banquet; and in the field of blood they hazarded their lives. And I withheld not from them my gold nor my silver. And I educated and trained them to arms; and to alleviate their sufferings, I myself shared in their labors and in their hardships, until with the arm of fortitude and resolution, and with the unanimity of my chiefs and my generals and my warriors, by the edge of the sword, I obtained possession of the thrones of seven-and-twenty kings, and became the king and the ruler of the kingdoms of Eraun, and of Tooraun, and of Room, and of Mughrib, and of Shaum, and of Missur, and of Erauk-a-Arrub, and of Ajjum, and of Mauzinduraun, and of Kylaunaut, and of Shurvaunaut, and of Azzurbauejaun, and of Fauris, and of Khorausau, and of the Dusht of Jitteh, and the Dusht of Kipchak, and of Khauruzm, and Khuttun, and of Kauboolistaun, and of Hindostaun, and of Bauktur Zemeen.

“And when I clothed myself in the robe of empire, I shut my eyes to safety, and to the repose which is found on the bed of ease. And from the twelfth year of my age I travelled over countries, and combated difficulties, and formed enterprises, and vanquished armies, and experienced mutinies amongst my officers and my soldiers, and was familiarized to the language of disobedience; and I opposed them with policy and with fortitude, and I hazarded my person in the hour of danger; until in the end I vanquished kingdoms and empires, and established the glory of my name.

“Sixthly. By justice and equity I gained the affections of the people of God; and I extended my clemency to the guilty as well as to the innocent; and I passed that sentence which truth required; and by benevolence I gained a place in the hearts of men; and by rewards and punishments I kept both my troops and my subjects divided between hope and fear. And I compassionated the lower ranks of my people, and those who were distressed. And I gave gifts to the soldiers.

“And I delivered the oppressed from the hand of the oppressor; and after proof of the oppression, whether on the property or the person, the decision which I

passed between them was agreeable to the sacred law. And I did not cause any one person to suffer for the guilt of another.

“Those who had done me injuries, who had attacked my person in battle, and had counteracted my schemes and enterprises, when they threw themselves on my mercy, I received them with kindness, I conferred on them additional honors, and I drew the pen of oblivion over their evil actions; and I treated them in such sort, that, if suspicion remained in their hearts, it was plucked out entirely.

“*Seventhly*, I selected out, and treated with esteem and veneration, the posterity of the Prophet, and the theologians, and the teachers of the true faith, and the philosophers, and the historians. And I loved men of courage and valor; for God Almighty loveth the brave. And I associated with good and learned men; and I gained their affections, and I entreated their support, and I sought success from their holy prayers. And I loved the dervishes and the poor; and I oppressed them not, neither did I exclude them from my favor. And I permitted not the evil and the malevolent to enter into my council; and I acted not by their advice; and I listened not to their insinuations to the prejudice of others.

“*Eighthly*. I acted with resolution; and on whatever undertaking I resolved, I made that undertaking the only object of my attention; and I withdrew not my hand from that enterprise, until I had brought it to a conclusion. And I acted according to that which I said. And I dealt not with severity towards any one, and I was not oppressive in any of my actions; that God Almighty might not deal severely towards me, nor render my own actions oppressive unto me.

“And I inquired of learned men into the laws and regulations of ancient princes, from the days of Adam to those of the Prophet, and from the days of the Prophet down to this time. And I weighed their institutions and their actions and their opinions, one by one. And from their approved manners and their good qualities I selected models. And I inquired into the causes of the subversion of their power, and I shunned those actions which tend to the destruction and overthrow of regal authority. And from cruelty and from oppression, which are the destroyers of posterity and the bringers of famine and of plagues, I found it was good to abstain.

“*Ninthly*. The situation of my people was known unto me. And those who were great among them I considered as my brethren; and I regarded the poor as my children. And I made myself acquainted with the tempers and the dispositions of the people of every country and of every city. And I contracted intimacies with the citizens and the chiefs and the nobles; and I appointed over them governors adapted to their manners and their dispositions and their wishes. And I knew the circumstances of the inhabitants of every province. And in every kingdom I appointed writers of intelligence, men of truth and integrity, that they might send me information of the conduct and the behavior and the actions and the manners of the troops and of the inhabitants, and of every occurrence that might come to pass amongst them. And if I discovered aught contrary to their information, I inflicted

punishment on the intelligencer; and every circumstance of cruelty and oppression in the governors and in the troops and in the inhabitants, which reached my ears, I chastised agreeably to justice and equity.

“Tenthly. Whatever tribe, and whatever horde, whether Toork, or Taucheek, or Arrub, or Ajjum, came in unto me, I received their chiefs with distinction and respect, and their followers I honored according to their degrees and their stations; and to the good among them I did good, and the evil I delivered over to their evil actions.

“And whoever attached himself unto me, I forgot not the merit of his attachment, and I acted towards him with kindness and generosity; and whoever had rendered me services, I repaid the value of those services unto him. And whoever had been my enemy, and was ashamed thereof, and, flying to me for protection, humbled himself before me, I forgot his enmity, and I purchased him with liberality and kindness.

“In such manner Share Behraum, the chief of a tribe, was along with me. And he left me in the hour of action, and he united with the enemy, and he drew forth his sword against me. And at length my salt, which he had eaten, seized upon him; and he again fled to me for refuge, and humbled himself before me. As he was a man of illustrious descent, and of bravery, and of experience, I covered my eyes from his evil actions; and I magnified him, and I exalted him to a superior rank, and I pardoned his disloyalty in consideration of his valor.

“Eleventhly. My children, and my relations, and my associates, and my neighbors, and such as had been connected with me, all these I distinguished in the days of my fortune and prosperity, and I paid unto them their due. And with respect to my family, I rent not asunder the bands of consanguinity and mercy; and I issued not commands to slay them, or to bind them with chains.

“And I dealt with every man, whatever the judgment I had formed of him, according to my own opinion of his worth. As I had seen much of prosperity and adversity, and had acquired knowledge and experience, I conducted myself with caution and with policy towards my friends and towards my enemies.

“Twelfthly. Soldiers, whether associates or adversaries, I held in esteem, — those who sell their permanent happiness to perishable honor, and throw themselves into the field of slaughter and battle, and hazard their lives in the hour of danger.

“And the man who drew his sword on the side of my enemy, and committed hostilities against me, and preserved his fidelity to his master, him I greatly honored; and when such a man came unto me, knowing his worth, I classed him with my faithful associates; and I respected and valued his fidelity and his attachment.

“And the soldier who forgot his duty and his honor, and in the hour of action turned his face from his master, and came in unto me, I considered as the most detestable of men.

“And in the war between Touktummish Khaun, his emirs forgot their duty to Touktummish, who was their master and my foe, and sent proposals and wrote letters unto me. And I uttered execrations upon them, because, unmindful of that which they owed to their lord, they had thrown aside their honor and their duty, and came in unto me. I said unto myself, ‘What fidelity have they observed to their liege lord? what fidelity will they show unto me?’

“And, behold, it was known unto me by experience, that every empire which is not established in morality and religion, nor strengthened by regulations and laws, from that empire all order, grandeur, and power shall pass away. And that empire may be likened unto a naked man, who, when exposed to view, commandeth the eye of modesty to be covered; and it is like unto a house which hath neither roof nor gates nor defences, into which whoever willeth may enter unmolested.

“THEREFORE I established the foundation of my empire on the morality and the religion of Islaum; and by regulations and laws I gave it stability. And by laws and by regulations I executed every business and every transaction that came before me in the course of my government.”

I need not read any further, or I might show your Lordships the noble principles, the grand, bold, and manly maxims, the resolution to abstain from oppression himself, and to crush it in the governors under him, to be found in this book, which Mr. Hastings has thought proper to resort to as containing what he calls arbitrary principles.

But it is not in this instance only that I must do justice to the East. I assert that their morality is equal to ours, in whatever regards the duties of governors, fathers, and superiors; and I challenge the world to show in any modern European book more true morality and wisdom than is to be found in the writings of Asiatic men in high trust, and who have been counsellors to princes. If this be the true morality of Asia, as I affirm and can prove that it is, the plea founded on Mr. Hastings’s geographical morality is annihilated.

I little regard the theories of travellers, where they do not relate the facts on which they are founded. I have two instances of facts attested by Tavernier, a traveller of power and consequence, which are very material to be mentioned here, because they show that in some of the instances recorded, in which the princes of the country have used any of those cruel and barbarous executions which make us execrate them, it has been upon governors who have abused their trust, — and that this very Oriental authority to which Mr. Hastings appeals would have condemned him to a dreadful punishment. I thank God, and I say it from my heart, that even for his enormous offences there neither is nor can be anything like such punishments. God forbid that we should not as much detest out-of-the-way, mad, furious, and unequal punishments as we detest enormous and abominable crimes! because a severe and cruel penalty for a crime of a light nature is as bad and iniquitous as the

crime which it pretends to punish. As the instances I allude to are curious, and as they go to the principles of Mr. Hastings's defence, I shall beg to quote them.

The first is upon a governor who did what Mr. Hastings says he has a power delegated to him to do: he levied a tax without the consent of his master. "Some years after my departure from Com," says Tavernier, "the governor had, of his own accord, and without any communication with the king, laid a small impost upon every pannier of fruit brought into the city, for the purpose of making some necessary reparations in the walls and bridges of the town. It was towards the end of the year 1632 that the event I am going to relate happened. The king, being informed of the impost which the governor had laid upon the fruit, ordered him to be brought in chains to court. The king ordered him to be exposed to the people at one of the gates of the palace; then he commanded the son to pluck off the mustachios of his father, to cut off his nose and ears, to put out his eyes, and then cut off his head. The king then told the son to go and take possession of the government of his father, saying, *See that you govern better than this deceased dog, or thy doom shall be a death more exquisitely tormenting.*"

My Lords, you are struck with horror, I am struck with horror, at this punishment. I do not relate it to approve of such a barbarous act, but to prove to your Lordships, that, whatever power the princes of that country have, they are jealous of it to such a degree, that, if any of their governors should levy a tax, even the most insignificant, and for the best purposes, he meets with a cruel punishment. I do not justify the punishment; but the severity of it shows how little of their power the princes of that country mean to delegate to their servants, the whole of which the gentleman at your bar says was delegated to him.

There is another case, a very strong one, and that is the case of presents, which I understand is a custom admitted throughout Asia in all their governments. It was of a person who was raised to a high office; no business was suffered to come before him without a previous present. "One morning, the king being at this time on a hunting party, the *nazar* came to the tent of the king, but was denied entrance by the *meter*, or master of the wardrobe. About the same time the king came forth, and, seeing the *nazar*, commanded his officers to take off the bonnet from the head of that dog that took gifts from his people, and that he should sit three days bareheaded in the heat of the sun, and as many nights in the air. Afterwards he caused him to be chained about the neck and arms, and condemned him to perpetual imprisonment, with a *mamoudy* a day for his maintenance; but he died for grief within eight days after he was put in prison."

Do I mean, by reading this to your Lordships, to express or intimate an approbation either of the cruelty of the punishment or of the coarse barbarism of the language? Neither one nor the other. I produce it to your Lordships to prove to you, from this dreadful example, the horror which that government felt, when any person subject to it assumed to himself a privilege to receive presents. The cruelty

and severity exercised by these princes is not levelled at the poor unfortunate people who complain at their gates, but, to use their own barbarous expression, *to dogs that impose taxes and take presents*. God forbid I should use that language! The people, when they complain, are not called dogs and sent away, but the governors, who do these things against the people: they are called dogs, and treated in that cruel manner. I quote them to show that no governors in the East, upon any principle of their constitution or any good practice of their government, can lay arbitrary imposts or receive presents. When they escape, it is probably by bribery, by corruption, by creating factions for themselves in the seraglio, in the country, in the army, in the divan. But how they escape such punishments is not my business to inquire; it is enough for me that the constitution disavows them, that the princes of the country disavow them, — that they revile them with the most horrible expressions, and inflict dreadful punishments on them, when they are called to answer for these offences. Thus much concerning the Mahomedan laws of Asia. That the people of Asia have no laws, rights, or liberty, is a doctrine that wickedly is to be disseminated through this country. But I again assert, every Mahomedan government is, by its principles, a government of law.

I shall now state, from what is known of the government of India, that it does not and cannot delegate, as Mr. Hastings has frequently declared, the whole of its powers and authority to him. If they are absolute, as they must be in the supreme power, they ought to be arbitrary in none; they were, however, never absolute in any of their subordinate parts, and I will prove it by the known provincial constitutions of Hindostan, which are all Mahomedan, the laws of which are as clear, as explicit, and as learned as ours.

The first foundation of their law is the *Koran*. The next part is the *Fetwah*, or adjudged cases by proper authority, well known there. The next, the written interpretations of the principles of jurisprudence: and their books are as numerous upon the principles of jurisprudence as in any country in Europe. The next part of their law is what they call the *Kanon*, — that is, a positive rule equivalent to acts of Parliament, the law of the several powers of the country, taken from the Greek word *Κανών*, which was brought into their country, and is well known. The next is the *Rawaj-ul-Mulk*, or common law and custom of the kingdom, equivalent to our common law. Therefore they have laws from more sources than we have, exactly in the same order, grounded upon the same authority, fundamentally fixed to be administered to the people upon these principles.

The next thing is to show that in India there is a partition of the powers of the government, which proves that there is no absolute power delegated.

In every province the first person is the *Subahdar* or *Nazim*, or Viceroy: he has the power of the sword, and the administration of criminal justice only. Then there is the *Dewan*, or High Steward: he has the revenue and all exchequer causes under him, to be governed according to the law and custom and institutions of the

kingdom. The law of inheritances, successions, and everything that relates to them, is under the *Cadi*, in whose court these matters are tried. But this, too, was subdivided. The Cadi could not judge, but by the advice of his assessors. Properly in the Mahomedan law there is no appeal, only a removal of the cause; but when there is no judgment, as none can be when the court is not unanimous, it goes to the general assembly of all the men of the law. There are, I will venture to say, other divisions and subdivisions; for there are the *Kanongoes*, who hold their places for life, to be the conservators of the canons, customs, and good usages of the country: all these, as well as the Cadi and the Mufti, hold their places and situations, not during the wanton pleasure of the prince, but on permanent and fixed terms for life. All these powers of magistracy, revenue, and law are all different, consequently not delegated in the whole to any one person.

This is the provincial constitution, and these the laws of Bengal; which proves, if there were no other proof, by the division of the functions and authorities, that the supreme power of the state in the Mogul empire did by no means delegate to any of its officers the supreme power in its fulness. Whether or no we have delegated to Mr. Hastings the supreme power of King and Parliament, that he should act with the plenitude of authority of the British legislature, you are to judge.

Mr. Hastings has no refuge here. Let him run from law to law; let him fly from the common law and the sacred institutions of the country in which he was born; let him fly from acts of Parliament, from which his power originated; let him plead his ignorance of them, or fly in the face of them. Will he fly to the Mahomedan law? That condemns him. Will he fly to the high magistracy of Asia to defend taking of presents? Padishah and the Sultan would condemn him to a cruel death. Will he fly to the Sophis, to the laws of Persia, or to the practice of those monarchs? I cannot utter the pains, the tortures, that would be inflicted on him, if he were to govern there as he has done in a British province. Let him fly where he will, from law to law; law, I thank God, meets him everywhere, and enforced, too, by the practice of the most impious tyrants, which he quotes as if it would justify his conduct. I would as willingly have him tried by the law of the Koran, or the Institutes of Tamerlane, as on the common law or statute law of this kingdom.

The next question is, whether the Gentoo laws justify arbitrary power: and if he finds any sanctuary there, let him take it, with the cow in the pagoda. The Gentoos have a law which positively proscribes in magistrates any idea of will, — a law with which, or rather with extracts of it, that gentleman himself has furnished us. These people in many points are governed by their own ancient written law, called the *Shaster*. Its interpreters and judges are the *Pundits*. This law is comprehensive, extending to all the concerns of life, affording principles and maxims and legal theories applicable to all cases, drawn from the sources of natural equity, modified by their institutions, full of refinement and subtilty of distinction equal to that of any

other law, and has the grand test of all law, that, wherever it has prevailed, the country has been populous, flourishing, and happy.

Upon the whole, then, follow him where you will, let him have Eastern or Western law, you find everywhere arbitrary power and peculation of governors proscribed and horribly punished, — more so than I should ever wish to punish any, the most guilty, human creature. And if this be the case, as I hope and trust it has been proved to your Lordships, that there is law in these countries, that there is no delegation of power which exempts a governor from the law, then I say at any rate a British governor is to answer for his conduct, and cannot be justified by wicked examples and profligate practices.

But another thing which he says is, that he was left to himself, to govern himself by his own practice: that is to say, when he had taken one bribe, he might take another; when he had robbed one man of his property, he might rob another; when he had imprisoned one man arbitrarily, and extorted money from him, he might do so by another. He resorts at first to the practice of barbarians and usurpers; at last he comes to his own. Now, if your Lordships will try him by such maxims and principles, he is certainly clear: for there is no manner of doubt that there is nothing he has practised once which he has not practised again; and then the repetition of crimes becomes the means of his indemnity.

The next pleas he urges are not so much in bar of the impeachment as in extenuation. The first are to be laid by as claims to be made on motion for arrest of judgment, the others as an extenuation or mitigation of his fine. He says, and with a kind of triumph, “The ministry of this country have great legal assistance, — commercial lights of the greatest commercial city in the world, — the greatest generals and officers to guide and direct them in military affairs: whereas I, poor man, was sent almost a school-boy from England, or at least little better, — sent to find my way in that new world as well as I could. I had no men of the law, no legal assistance, to supply my deficiencies.” *At Sphingem habebas domi*. Had he not the chief-justice, the tamed and domesticated chief-justice, who waited on him like a familiar spirit, whom he takes from province to province, his amanuensis at home, his postilion and riding express abroad?

Such a declaration would in some measure suit persons who had acted much otherwise than Mr. Hastings. When a man pleads ignorance in justification of his conduct, it ought to be an humble, modest, unpresuming ignorance, an ignorance which may have made him lax and timid in the exercise of his duty; but an assuming, rash, presumptuous, confident, daring, desperate, and disobedient ignorance heightens every crime that it accompanies. Mr. Hastings, if through ignorance he left some of the Company’s orders unexecuted, because he did not understand them, might well say, “I was an ignorant man, and these things were above my capacity.” But when he understands them, and when he declares he will not obey them, positively and dogmatically, — when he says, as he has said, and we

shall prove it, *that he never succeeds better than when he acts in an utter defiance of those orders*, and sets at nought the laws of his country, — I believe this will not be thought the language of an ignorant man. But I beg your Lordships' pardon: it is the language of an ignorant man; for no man who was not full of a bold, determined, profligate ignorance could ever think of such a system of defence. He quitted Westminster School almost a boy. We have reason to regret that he did not finish his education in that noble seminary, which has given so many luminaries to the Church and ornaments to the State. Greatly it is to be lamented that he did not go to those Universities where arbitrary power will I hope never be heard of, but the true principles of religion, of liberty, and law will ever be inculcated, instead of studying in the school of Cossim Ali Khân.

If he had lived with us, he would have quoted the example of Cicero in his government, he would have quoted several of the sacred and holy prophets, and made *them* his example. His want of learning, profane as well as sacred, reduces him to the necessity of appealing to every name and authority of barbarism, tyranny, and usurpation that are to be found; and from these he says, "From the practice of one part of Asia or other I have taken my rule." But your Lordships will show him that in Asia as well as in Europe the same law of nations prevails, the same principles are continually resorted to, and the same maxims sacredly held and strenuously maintained, and, however disobeyed, no man suffers from the breach of them who does not know how and where to complain of that breach, — that Asia is enlightened in that respect as well as Europe; but if it were totally blinded, that England would send out governors to teach them better, and that he must justify himself to the piety, the truth, the faith of England, and not by having recourse to the crimes and criminals of other countries, to the barbarous tyranny of Asia, or any other part of the world.

I will go further with Mr. Hastings, and admit, that, if there be a boy in the fourth form of Westminster School, or any school in England, who does not know, when these articles are read to him, that he has been guilty of gross and enormous crimes, he may have the shelter of his present plea, as far as it will serve him. There are none of us, thank God, so uninstructed, who have learned our catechisms or the first elements of Christianity, who do not know that such conduct is not to be justified, and least of all by examples.

There is another topic he takes up more seriously, and as a general rebutter to the charge. Says he, "After a great many of these practices with which I am charged, Parliament appointed me to my trust, and consequently has acquitted me." — Has it, my Lords? I am bold to say that the Commons are wholly guiltless of this charge. I will admit, if Parliament, on a full state of his offences before them, and full examination of those offences, had appointed him to the government, that then the people of India and England would have just reason to exclaim against so flagitious a proceeding. A sense of propriety and decorum might have restrained us from

prosecuting. They might have been restrained by some sort of decorum from pursuing him criminally. But the Commons stand before your Lordships without shame. First, in their name we solemnly assure your Lordships that we had not in our Parliamentary capacity (and most of us, myself I can say surely, heard very little, and that in confused rumors) the slightest knowledge of any one of the acts charged upon this criminal at either of the times of his being appointed to office, and that we were not guilty of the nefarious act of collusion and flagitious breach of trust with which he presumes obliquely to charge us; but from the moment we knew them, we never ceased to condemn them by reports, by votes, by resolutions, and that we admonished and declared it to be the duty of the Court of Directors to take measures for his recall, and when frustrated in the way known to that court we then proceeded to an inquiry. Your Lordships know whether you were better informed. We are, therefore, neither guilty of the precedent crime of colluding with the criminal, nor the subsequent indecorum of prosecuting what we had virtually and practically approved.

Secondly, several of his worst crimes have been committed since the last Parliamentary renewal of his trust, as appears by the dates in the charge.

But I believe, my Lords, the judges — judges to others, grave and weighty counsellors and assistants to your Lordships — will not, on reference, assert to your Lordships, (which God forbid, and we cannot conceive, or hardly state in argument, if but for argument,) that, if one of the judges had received bribes before his appointment to an higher judiciary office, he would not still be open to prosecution.

So far from admitting it as a plea in bar, we charge, and we hope your Lordships will find it an extreme aggravation of his offences, that no favors heaped upon him could make him grateful, no renewed and repeated trusts could make him faithful and honest.

We have now gone through most of the general topics.

But he is not responsible, as being thanked by the Court of Directors. He has had the thanks and approbation of the India Company for his services. — We know too well here, I trust the world knows, and you will always assert, that a pardon from the crown is not pleadable here, that it cannot bar the impeachment of the Commons, — much less a pardon of the East India Company, though it may involve them in guilt which might induce us to punish them for such a pardon. If any corporation by collusion with criminals refuse to do their duty in coercing them, the magistrates are answerable.

It is the use, virtue, and efficacy of Parliamentary judicial procedure, that it puts an end to this dominion of faction, intrigue, cabal, and clandestine intelligences. The acts of men are put to their proper test, and the works of darkness tried in the face of day, — not the corrupted opinions of others on them, but their own intrinsic merits. We charge it as his crime, that he bribed the Court of Directors to thank him for what they had condemned as breaches of his duty.

The East India Company, it is true, have thanked him. They ought not to have done it; and it is a reflection upon their character that they did it. But the Directors praise him in the gross, after having condemned each act in detail. His actions are *all*, every one, censured one by one as they arise. I do not recollect any one transaction, few there are, I am sure, in the whole body of that succession of crimes now brought before you for your judgment, in which the India Company have not censured him. Nay, in one instance he pleads their censure in bar of this trial; for he says, "In that censure I have already received my punishment." If, for any other reasons, they come and say, "We thank you, Sir, for all your services," to that I answer, Yes; and *I* would thank him for his services, too, if I knew them. But *I* do not; — perhaps *they* do. Let them thank him for those services. I am ordered to prosecute him for these crimes. Here, therefore, we are on a balance with the India Company; and your Lordships may perhaps think it some addition to his crimes, that he has found means to obtain the thanks of the India Company for the whole of his conduct, at the same time that their records are full of constant, uniform, particular censure and reprobation of every one of those acts for which he now stands accused.

He says, there is the testimony of Indian princes in his favor. But do we not know how seals are obtained in that country? Do we not know how those princes are imposed upon? Do we not know the subjection and thralldom in which they are held, and that they are obliged to return thanks for the sufferings which they have felt? I believe your Lordships will think that there is not, with regard to some of these princes, a more dreadful thing that can be said of them than that he has obtained their thanks.

I understand he has obtained the thanks of the miserable Princesses of Oude, whom he has cruelly imprisoned, whose treasure he has seized, and whose eunuchs he has tortured. They thank him for going away; they thank him for leaving them the smallest trifle of their subsistence; and I venture to say, if he wanted a hundred more panegyrics, provided he never came again among them, he might have them. I understand that Mahdajee Sindia has made his panegyric, too. Mahdajee Sindia has not made his panegyric for nothing; for, if your Lordships will suffer him to enter into such a justification, we shall prove that he has sacrificed the dignity of this country and the interests of all its allies to that prince. We appear here neither with panegyric nor with satire; it is for substantial crimes we bring him before you, and amongst others for cruelly using persons of the highest rank and consideration in India; and when we prove he has cruelly injured them, you will think the panegyrics either gross forgeries or most miserable aggravations of his offences, since they show the abject and dreadful state into which he has driven those people. For let it be proved that I have cruelly robbed and maltreated any persons, if I produce a certificate from them of my good behavior, would it not be a corroborative proof of the terror into which those persons are thrown by my misconduct?

My Lords, these are, I believe, the general grounds of our charge. I have now closed completely, and I hope to your Lordships' satisfaction, the whole body of history of which I wished to put your Lordships in possession. I do not mean that many of your Lordships may not have known it more perfectly by your own previous inquiries; but, bringing to your remembrance the state of the circumstances of the persons with whom he acted, the persons and power he has abused, I have gone to the principles he maintains, the precedents he quotes, the laws and authorities which he refuses to abide by, and those on which he relies; and at last I have refuted all those pleas in bar on which he depends, and for the effect of which he presumes on the indulgence and patience of this country, or on the corruption of some persons in it. And here I close what I had to say upon this subject, — wishing and hoping, that, when I open before your Lordships the case more particularly, so as to state rather a plan of the proceeding than the direct proof of the crimes, your Lordships will hear me with the same goodness and indulgence I have hitherto experienced, — that you will consider, if I have detained you long, it was not with a view of exhausting my own strength, or putting your patience to too severe a trial, but from the sense I feel that it is the most difficult and the most complicated cause that was ever brought before any human tribunal. Therefore I was resolved to bring the whole substantially before you. And now, if your Lordships will permit me, I will state the method of my future proceeding, and the future proceeding of the gentlemen assisting me.

I mean first to bring before you the crimes as they are classed, and are of the same species and genus, and how they mutually arose from one another. I shall first show that Mr. Hastings's crimes had root in that which is the root of all evil, I mean avarice; that avarice and rapacity were the groundwork and foundation of all his other vicious system; that he showed it in setting to sale the native government of the country, in setting to sale the whole landed interest of the country, in setting to sale the British government and his own fellow-servants, to the basest and wickedest of mankind.

I shall then show your Lordships, that, when, in consequence of such a body of corruption and peculation, he justly dreaded the indignation of his country and the vengeance of its laws, in order to raise himself a faction embodied by the same guilt and rewarded in the same manner, he has, with a most abandoned profusion, thrown away the revenues of the country to form such a faction here.

I shall next show your Lordships, that, having exhausted the resources of the Company, and brought it to extreme difficulties within, he has looked to his *external* resources, as he calls them; he has gone up into the country. I will show that he has plundered, or attempted to plunder, every person dependent upon, connected, or allied with this country.

We shall afterwards show what infinite mischief has followed in the case of Benares, upon which he first laid his hands; next, in the case of the Begums of Oude.

We shall then lay before you the profligate system by which he endeavored to oppress that country: first by Residents; next by spies under the name of British Agents; and lastly, that, pursuing his way up to the mountains, he has found out one miserable chief, whose crimes were the prosperity of his country, — that him he endeavored to torture and destroy, — I do not mean in his body, but by exhausting the treasures which he kept for the benefit of his people.

In short, having shown your Lordships that no man who is in his power is safe from his arbitrary will, — that no man, within or without, friend, ally, rival, has been safe from him, — having brought it to this point, if I am not able in my own person immediately to go up into the country and show the ramifications of the system, (I hope and trust I shall be spared to take my part in pursuing him through both,) if I am not, I shall go at least to the root of it, and some other gentleman, with a thousand times more ability than I possess, will take up each separate part in its proper order. And I believe it is proposed by the managers that one of them shall as soon as possible begin with the affair of Benares.

The point I now mean first to bring before your Lordships is the corruption of Mr. Hastings, his system of peculation and bribery, and to show your Lordships the horrible consequences which resulted from it: for, at first sight, bribery and peculation do not seem to be so horrid a matter; they may seem to be only the transferring a little money out of one pocket into another; but I shall show that by such a system of bribery the country is undone.

I shall inform your Lordships in the best manner I can, and afterwards submit the whole, as I do with a cheerful heart and with an easy and assured security, to that justice which is the security for all the other justice in the kingdom.

**SPEECHES IN THE IMPEACHMENT OF WARREN
HASTINGS, ESQUIRE LATE GOVERNOR-GENERAL OF
BENGAL. SPEECH IN OPENING. (CONTINUED.) FEBRUARY,
1788.**

SPEECH

IN

OPENING THE IMPEACHMENT.

THIRD DAY: MONDAY, FEBRUARY 18, 1788.

My Lords, — The gentlemen who are appointed by the Commons to manage this prosecution, have directed me to inform your Lordships, that they have very carefully and attentively weighed the magnitude of the subject which they bring before you with the time which the nature and circumstances of affairs allow for their conducting it.

My Lords, on that comparison, they are very apprehensive, that, if I should go very largely into a preliminary explanation of the several matters in charge, it might be to the prejudice of an early trial of the substantial merits of each article. We have weighed and considered this maturely. We have compared exactly the time with the matter, and we have found that we are obliged to do as all men must do who would manage their affairs practicably, to make our opinion of what might be most advantageous to the business conform to the time that is left to perform it in. We must, as all men must, submit affairs to time, and not think of making time conform to our wishes; and therefore, my Lords, I very willingly fall in with the inclinations of the gentlemen with whom I have the honor to act, to come as soon as possible to close fighting, and to grapple immediately and directly with the corruptions of India, — to bring before your Lordships the direct articles, to apply the evidence to the articles, and to bring the matter forward for your Lordships' decision in that manner which the confidence we have in the justice of our cause demands from the Commons of Great Britain.

My Lords, these are the opinions of those with whom I have the honor to act, and in their opinions I readily acquiesce. For I am far from wishing to waste any of your Lordships' time upon any matter merely through any opinion I have of the nature of the business, when at the same time I find that in the opinion of others it might militate against the production of its full, proper, and (if I may so say) its immediate effect.

It was my design to class the crimes of the late Governor of Bengal, — to show their mutual bearings, — how they were mutually aided and grew and were formed out of each other. I proposed first of all to show your Lordships that they have their root in that which is the origin of all evil, avarice and rapacity, — to show how that led to prodigality of the public money, — and how prodigality of the public money, by wasting the treasures of the East India Company, furnished an excuse to the Governor-General to break its faith, to violate all its most solemn engagements, and to fall with a hand of stern, ferocious, and unrelenting rapacity upon all the allies and dependencies of the Company. But I shall be obliged in some measure to abridge this plan; and as your Lordships already possess, from what I had the honor to state on Saturday, a general view of this matter, you will be in a condition to pursue it when the several articles are presented.

My Lords, I have to state to-day the root of all these misdemeanors, — namely, the pecuniary corruption and avarice which gave rise and primary motion to all the rest of the delinquencies charged to be committed by the Governor-General.

My Lords, pecuniary corruption forms not only, as your Lordships will observe in the charges before you, an article of charge by itself, but likewise so intermixes with the whole, that it is necessary to give, in the best manner I am able, a history of that corrupt system which brought on all the subsequent acts of corruption. I will venture to say there is no one act, in which tyranny, malice, cruelty, and oppression can be charged, that does not at the same time carry evident marks of pecuniary corruption.

I stated to your Lordships on Saturday last the principles upon which Mr. Hastings governed his conduct in India, and upon which he grounds his defence. These may all be reduced to one short word, — *arbitrary power*. My Lords, if Mr. Hastings had contended, as other men have often done, that the system of government which he patronizes, and on which he acted, was a system tending on the whole to the blessing and benefit of mankind, possibly something might be said for him for setting up so wild, absurd, irrational, and wicked a system, — something might be said to qualify the act from the intention; but it is singular in this man, that, at the time he tells you he acted on the principles of arbitrary power, he takes care to inform you that he was not blind to the consequences. Mr. Hastings foresaw that the consequences of this system was corruption. An arbitrary system, indeed, must always be a corrupt one. My Lords, there never was a man who thought he had no law but his own will, who did not soon find that he had no end but his own profit. Corruption and arbitrary power are of natural unequivocal generation, necessarily producing one another. Mr. Hastings foresees the abusive and corrupt consequences, and then he justifies his conduct upon the necessities of that system. These are things which are new in the world; for there never was a man, I believe, who contended for arbitrary power, (and there have been persons wicked and foolish enough to contend for it,) that did not pretend, either that the

system was good in itself, or that by their conduct they had mitigated or had purified it, and that the poison, by passing through their constitution, had acquired salutary properties. But if you look at his defence before the House of Commons, you will see that that very system upon which he governed, and under which he now justifies his actions, did appear to himself a system pregnant with a thousand evils and a thousand mischiefs.

The next thing that is remarkable and singular in the principles upon which the Governor-General acted is, that, when he is engaged in a vicious system which clearly leads to evil consequences, he thinks himself bound to realize all the evil consequences involved in that system. All other men have taken a directly contrary course: they have said, "I have been engaged in an evil system, that led, indeed, to mischievous consequences, but I have taken care, by my own virtues, to prevent the evils of the system under which I acted."

We say, then, not only that he governed arbitrarily, but corruptly, — that is to say, that he was a giver and receiver of bribes, and formed a system for the purpose of giving and receiving them. We wish your Lordships distinctly to consider that he did not only give and receive bribes accidentally, as it happened, without any system and design, merely as the opportunity or momentary temptation of profit urged him to it, but that he has formed plans and systems of government for the very purpose of accumulating bribes and presents to himself. This system of Mr. Hastings's government is such a one, I believe, as the British nation in particular will disown; for I will venture to say, that, if there is any one thing which distinguishes this nation eminently above another, it is, that in its offices at home, both judicial and in the state, there is less suspicion of pecuniary corruption attaching to them than to any similar offices in any part of the globe, or that have existed at any time: so that he who would set up a system of corruption, and attempt to justify it upon the principle of utility, that man is staining not only the nature and character of office, but that which is the peculiar glory of the official and judicial character of this country; and therefore, in this House, which is eminently the guardian of the purity of all the offices of this kingdom, he ought to be called eminently and peculiarly to account. There are many things, undoubtedly, in crimes, which make them frightful and odious; but bribery, filthy hands, a chief governor of a great empire receiving bribes from poor, miserable, indigent people, this is what makes government itself base, contemptible, and odious in the eyes of mankind.

My Lords, it is certain that even tyranny itself may find some specious color, and appear as a more severe and rigid execution of justice. Religious persecution may shield itself under the guise of a mistaken and over-zealous piety. Conquest may cover its baldness with its own laurels, and the ambition of the conqueror may be hid in the secrets of his own heart under a veil of benevolence, and make him imagine he is bringing temporary desolation upon a country only to promote its ultimate advantage and his own glory. But in the principles of that governor who

makes nothing but money his object there can be nothing of this. There are here none of those specious delusions that look like virtues, to veil either the governed or the governor. If you look at Mr. Hastings's merits, as he calls them, what are they? Did he improve the internal state of the government by great reforms? No such thing. Or by a wise and incorrupt administration of justice? No. Has he enlarged the boundary of our government? No: there are but too strong proofs of his lessening it. But his pretensions to merit are, that he squeezed more money out of the inhabitants of the country than other persons could have done, — money got by oppression, violence, extortion from the poor, or the heavy hand of power upon the rich and great.

These are his merits. What we charge as his demerits are all of the same nature; for, though there is undoubtedly oppression, breach of faith, cruelty, perfidy, charged upon him, yet the great ruling principle of the whole, and that from which you can never have an act free, is money, — it is the vice of base avarice, which never is, nor ever appears even to the prejudices of mankind to be, anything like a virtue. Our desire of acquiring sovereignty in India undoubtedly originated first in ideas of safety and necessity; its next step was a step of ambition. That ambition, as generally happens in conquest, was followed by gains of money; but afterwards there was no mixture at all; it was, during Mr. Hastings's time, altogether a business of money. If he has extirpated a nation, I will not say whether properly or improperly, it is because (says he) you have all the benefit of conquest without expense; you have got a large sum of money from the people, and you may leave them to be governed by whom and as they will. This is directly contrary to the principles of conquerors. If he has at any time taken any money from the dependencies of the Company, he does not pretend that it was obtained from their zeal and affection to our cause, or that it made their submission more complete: very far from it. He says they ought to be independent, and all that you have to do is to squeeze money from them. In short, money is the beginning, the middle, and the end of every kind of act done by Mr. Hastings: pretendedly for the Company, but really for himself.

Having said so much about the origin, the first principle, both of that which he makes his merit and which we charge as his demerit, the next step is, that I should lay open to your Lordships, as clearly as I can, what the sense of his employers, the East India Company, and what the sense of the legislature itself, has been upon those merits and demerits of money.

My Lords, the Company, knowing that these money transactions were likely to subvert that empire which was first established upon them, did, in the year 1765, send out a body of the strongest and most solemn covenants to their servants, that they should take no presents from the country powers, under any name or description, except those things which were publicly and openly taken for the use of the Company, — namely, *territories* or *sums of money* which might be obtained by

treaty. They distinguished such presents as were taken from any persons privately, and unknown to them, and without their authority, from subsidies: and that this is the true nature and construction of their order I shall contend and explain afterwards to your Lordships. They have said, nothing shall be taken for their private use; for though in that and in every state there may be subsidiary treaties by which sums of money may be received, yet they forbid their servants, their governors, whatever application they might pretend to make of them, to receive, under any other name or pretence, more than a certain, marked, simple sum of money, and this not without the consent and permission of the Presidency to which they belong. This is the substance, the principle, and the spirit of the covenants, and will show your Lordships how radicated an evil this of bribery and presents was judged to be.

When these covenants arrived in India, the servants refused at first to execute them, — and suspended the execution of them, till they had enriched themselves with presents. Eleven months elapsed, and it was not till Lord Clive reached the place of his destination that the covenants were executed: and they were not executed then without some degree of force. Soon afterwards the treaty was made with the country powers by which Sujah ul Dowlah was reëstablished in the province of Oude, and paid a sum of 500,000*l.* to the Company for it. It was a public payment, and there was not a suspicion that a single shilling of private emolument attended it. But whether Mr. Hastings had the example of others or not, their example could not justify his briberies. He was sent there to put an end to all those examples. The Company did expressly vest him with that power. They declared at that time, that the whole of their service was totally corrupted by bribes and presents, and by extravagance and luxury, which partly gave rise to them, and these, in their turn, enabled them to pursue those excesses. They not only reposed trust in the integrity of Mr. Hastings, but reposed trust in his remarkable frugality and order in his affairs, which they considered as things that distinguished his character. But in his defence we have him quite in another character, — no longer the frugal, attentive servant, bred to business, bred to book-keeping, as all the Company's servants are; he now knows nothing of his own affairs, knows not whether he is rich or poor, knows not what he has in the world. Nay, people are brought forward to say that they know better than he does what his affairs are. He is not like a careful man bred in a counting-house, and by the Directors put into an office of the highest trust on account of the regularity of his affairs; he is like one buried in the contemplation of the stars, and knows nothing of the things in this world. It was, then, on account of an idea of his great integrity that the Company put him into this situation. Since that he has thought proper to justify himself, not by clearing himself of receiving bribes, but by saying that no bad consequences resulted from it, and that, if any such evil consequences did arise from it, they arose rather from his inattention to money than from his desire of acquiring it.

I have stated to your Lordships the nature of the covenants which the East India Company sent out. Afterwards, when they found their servants had refused to execute these covenants, they not only very severely reprehended even a moment's delay in their execution, and threatened the exacting the most strict and rigorous performance of them, but they sent a commission to enforce the observance of them more strongly; and that commission had it specially in charge never to receive presents. They never sent out a person to India without recognizing the grievance, and without ordering that presents should not be received, as the main fundamental part of their duty, and upon which all the rest depended, as it certainly must: for persons at the head of government should not encourage that by example which they ought by precept, authority, and force to restrain in all below them. That commission failing, another commission was preparing to be sent out with the same instructions, when an act of Parliament took it up; and that act, which gave Mr. Hastings power, did mould in the very first stamina of his power this principle, in words the most clear and forcible that an act of Parliament could possibly devise upon the subject. And that act was made not only upon a general knowledge of the grievance, but your Lordships will see in the reports of that time that Parliament had directly in view before them the whole of that monstrous head of corruption under the name of presents, and all the monstrous consequences that followed it.

Now, my Lords, every office of trust, in its very nature, forbids the receipt of bribes. But Mr. Hastings was forbidden it, first, by his official situation, — next, by covenant, — and lastly, by act of Parliament: that is to say, by all the things that bind mankind, or that can bind them, — first, moral obligation inherent in the duty of their office, — next, the positive injunctions of the legislature of the country, — and lastly, a man's own private, particular, voluntary act and covenant. These three, the great and only obligations that bind mankind, all united in the focus of this single point, — that they should take no presents.

I am to mark to your Lordships, that this law and this covenant did consider indirect ways of taking presents — taking them by others, and such like — directly in the very same light as they considered taking them by themselves. It is perhaps a much more dangerous way; because it adds to the crime a false, prevaricating mode of concealing it, and makes it much more mischievous by admitting others into the participation of it. Mr. Hastings has said, (and it is one of the general complaints of Mr. Hastings,) that he is made answerable for the acts of other men. It is a thing inherent in the nature of his situation. All those who enjoy a great superintending trust, which is to regulate the whole affairs of an empire, are responsible for the acts and conduct of other men, so far as they had anything to do with appointing them, or holding them in their places, or having any sort of inspection into their conduct. But when a Governor presumes to remove from their situations those persons whom the public authority and sanction of the Company have appointed, and obtrudes upon them by violence other persons, superseding the orders of his masters, he

becomes doubly responsible for their conduct. If the persons he names should be of notorious evil character and evil principles, and if this should be perfectly known to himself, and of public notoriety to the rest of the world, then another strong responsibility attaches on him for the acts of those persons.

Governors, we know very well, cannot with their own hands be continually receiving bribes, — for then they must have as many hands as one of the idols in an Indian temple, in order to receive all the bribes which a Governor-General may receive, — but they have them vicariously. As there are many offices, so he has had various officers for receiving and distributing his bribes; he has a great many, some white and some black agents. The white men are loose and licentious; they are apt to have resentments, and to be bold in revenging them. The black men are very secret and mysterious; they are not apt to have very quick resentments, they have not the same liberty and boldness of language which characterize Europeans; and they have fears, too, for themselves, which makes it more likely that they will conceal anything committed to them by Europeans. Therefore Mr. Hastings had his black agents, not one, two, three, but many, disseminated through the country: no two of them, hardly, appear to be in the secret of any one bribe. He has had likewise his white agents, — they were necessary, — a Mr. Larkins and a Mr. Croftes. Mr. Croftes was sub-treasurer, and Mr. Larkins accountant-general. These were the last persons of all others that should have had anything to do with bribes; yet these were some of his agents in bribery. There are few instances, in comparison of the whole number of bribes, but there are some, where two men are in the secret of the same bribe. Nay, it appears that there was one bribe divided into different payments at different times, — that one part was committed to one black secretary, another part to another black secretary. So that it is almost impossible to make up a complete body of all his bribery: you may find the scattered limbs, some here and others there; and while you are employed in picking them up, he may escape entirely in a prosecution for the whole.

The first act of his government in Bengal was the most bold and extraordinary that I believe ever entered into the head of any man, — I will say, of any tyrant. It was no more or less than a general, almost exceptless confiscation, in time of profound peace, of all the landed property in Bengal, upon most extraordinary pretences. Strange as this may appear, he did so confiscate it; he put it up to a pretended public, in reality to a private corrupt auction; and such favored landholders as came to it were obliged to consider themselves as not any longer proprietors of the estates, but to recognize themselves as farmers under government: and even those few that were permitted to remain on their estates had their payments raised at his arbitrary discretion; and the rest of the lands were given to farmers-general, appointed by him and his committee, at a price fixed by the same arbitrary discretion.

It is necessary to inform your Lordships that the revenues of Bengal are, for the most part, territorial revenues, great quit-rents issuing out of lands. I shall say nothing either of the nature of this property, of the rights of the people to it, or of the mode of exacting the rents, till that great question of revenues, one of the greatest which we shall have to lay before you, shall be brought before your Lordships particularly and specially as an article of charge. I only mention it now as an exemplification of the great principle of corruption which guided Mr. Hastings's conduct.

When the ancient nobility, the great princes, (for such I may call them,) a nobility, perhaps, as ancient as that of your Lordships, (and a more truly noble body never existed in that character,) — my Lords, when all the nobility, some of whom have borne the rank and port of princes, all the gentry, all the freeholders of the country, had their estates in that manner confiscated, — that is, either given to themselves to hold on the footing of farmers, or totally confiscated, — when such an act of tyranny was done, no doubt some good was pretended. This confiscation was made by Mr. Hastings, and the lands let to these farmers for five years, upon an idea which always accompanies his acts of oppression, the idea of *moneyed merit*. He adopted this mode of confiscating the estates, and letting them to farmers, for the avowed purpose of seeing how much it was possible to take out of them. Accordingly, he set them up to this wild and wicked auction, as it would have been, if it had been a real one, — corrupt and treacherous, as it was, — he set these lands up for the purpose of making that discovery, and pretended that the discovery would yield a most amazing increase of rent. And for some time it appeared so to do, till it came to the touchstone of experience; and then it was found that there was a defalcation from these monstrous raised revenues which were to cancel in the minds of the Directors the wickedness of so atrocious, flagitious, and horrid an act of treachery. At the end of five years what do you think was the failure? No less than 2,050,000*l*. Then a new source of corruption was opened, — that is, how to deal with the balances: for every man who had engaged in these transactions was a debtor to government, and the remission of that debt depended upon the discretion of the Governor-General. Then the persons who were to settle the composition of that immense debt, who were to see how much was recoverable and how much not, were able to favor, or to exact to the last shilling; and there never existed a doubt but that not only upon the original cruel exaction, but upon the remission afterwards, immense gains were derived. This will account for the manner in which those stupendous fortunes which astonish the world have been made. They have been made, first by a tyrannous exaction from the people who were suffered to remain in possession of their own land as farmers, — then by selling the rest to farmers at rents and under hopes which could never be realized, and then getting money for the relaxation of their debts. But whatever excuse, and however wicked, there might have been for this wicked act, namely, that it carried upon the face of it

some sort of appearance of public good, — that is to say, that sort of public good which Mr. Hastings so often professed, of ruining the country for the benefit of the Company, — yet, in fact, this business of balances is that *nidus* in which have been nuzzled and bred and born all the corruptions of India, first by making extravagant demands, and afterwards by making corrupt relaxations of them.

Besides this monstrous failure, in consequence of a miserable exaction by which more was attempted to be forced from the country than it was capable of yielding, and this by way of experiment, when your Lordships come to inquire who the farmers-general of the revenue were, you would naturally expect to find them to be the men in the several countries who had the most interest, the greatest wealth, the best knowledge of the revenue and resources of the country in which they lived. Those would be thought the natural, proper farmers-general of each district. No such thing, my Lords. They are found in the body of people whom I have mentioned to your Lordships. They were almost all let to Calcutta banians. Calcutta banians were the farmers of almost the whole. They sub-delegated to others, who sometimes had sub-delegates under them *ad infinitum*. The whole formed a system together, through the succession of black tyrants scattered through the country, in which you at last find the European at the end, sometimes indeed not hid very deep, not above one between him and the farmer, namely, his banian directly, or some other black person to represent him. But some have so managed the affair, that, when you inquire who the farmer is, — Was such a one farmer? No. Cantoo Baboo? No. Another? No, — at last you find three deep of fictitious farmers, and you find the European gentlemen, high in place and authority, the real farmers of the settlement. So that the zemindars were dispossessed, the country racked and ruined, for the benefit of an European, under the name of a farmer: for you will easily judge whether these gentlemen had fallen so deeply in love with the banians, and thought so highly of their merits and services, as to reward *them* with all the possessions of the great landed interest of the country. Your Lordships are too grave, wise, and discerning, to make it necessary for me to say more upon that subject. Tell me that the banians of English gentlemen, dependants on them at Calcutta, were the farmers throughout, and I believe I need not tell your Lordships for whose benefit they were farmers.

But there is one of these who comes so nearly, indeed so precisely, within this observation, that it is impossible for me to pass him by. Whoever has heard of Mr. Hastings's name, with any knowledge of Indian connections, has heard of his banian, Cantoo Baboo. This man is well known in the records of the Company, as his agent for receiving secret gifts, confiscations, and presents. You would have imagined that he would at least have kept *him* out of these farms, in order to give the measure a color at least of disinterestedness, and to show that this whole system of corruption and pecuniary oppression was carried on for the benefit of the Company. The Governor-General and Council made an ostensible order by which

no collector, or person concerned in the revenue, should have any connection with these farms. This order did not include the Governor-General in the words of it, but more than included him in the spirit of it; because his power to protect a farmer-general in the person of his own servant was infinitely greater than that of any subordinate person. Mr. Hastings, in breach of this order, gave farms to his own banian. You find him the farmer of great, of vast and extensive farms. Another regulation that was made on that occasion was, that no farmer should have, except in particular cases, which were marked, described, and accurately distinguished, a greater farm than what paid 10,000*l.* a year to government. Mr. Hastings, who had broken the first regulation by giving any farm at all to his banian, finding himself bolder, broke the second too, and, instead of 10,000*l.*, gave him farms paying a revenue of 130,000*l.* a year to government. Men undoubtedly have been known to be under the dominion of their domestics; such things have happened to great men: they never have happened justifiably in my opinion. They have never happened excusably; but we are acquainted sufficiently with the weakness of human nature to know that a domestic who has served you in a near office long, and in your opinion faithfully, does become a kind of relation; it brings on a great affection and regard for his interest. Now was this the case with Mr. Hastings and Cantoo Baboo? Mr. Hastings was just arrived at his government, and Cantoo Baboo had been but a year in his service; so that he could not in that time have contracted any great degree of friendship for him. These people do not live in your house; the Hindoo servants never sleep in it; they cannot eat with your servants; they have no second table, in which they can be continually about you, to be domesticated with yourself, a part of your being, as people's servants are to a certain degree. These persons live all abroad; they come at stated hours upon matters of business, and nothing more. But if it had been otherwise, Mr. Hastings's connection with Cantoo Baboo had been but of a year's standing; he had before served in that capacity Mr. Sykes, who recommended him to Mr. Hastings. Your Lordships, then, are to judge whether such outrageous violations of all the principles by which Mr. Hastings pretended to be guided in the settlement of these farms were for the benefit of this old, decayed, affectionate servant of one year's standing: your Lordships will judge of that.

I have here spoken only of the beginning of a great, notorious system of corruption, which branched out so many ways and into such a variety of abuses, and has afflicted that kingdom with such horrible evils from that day to this, that I will venture to say it will make one of the greatest, weightiest, and most material parts of the charge that is now before you; as I believe I need not tell your Lordships that an attempt to set up the whole landed interest of a kingdom to auction must be attended, not only in that act, but every consequential act, with most grievous and terrible consequences.

My Lords, I will now come to a scene of peculation of another kind: namely, a peculation by the direct sale of offices of justice, — by the direct sale of the

successions of families, — by the sale of guardianships and trusts, held most sacred among the people of India: by the sale of them, not, as before, to farmers, not, as you might imagine, to near relations of the families, but a sale of them to the unfaithful servants of those families, their own perfidious servants, who had ruined their estates, who, if any balances had accrued to the government, had been the cause of those debts. Those very servants were put in power over their estates, their persons, and their families, by Mr. Hastings, for a shameful price. It will be proved to your Lordships, in the course of this business, that Mr. Hastings has done this in another sacred trust, the most sacred trust a man can have, — that is, in the case of those *vakeels*, (as they call them,) agents, or attorneys, who had been sent to assert and support the rights of their miserable masters before the Council-General. It will be proved that these vakeels were by Mr. Hastings, for a price to be paid for it, put in possession of the very power, situation, and estates of those masters who sent them to Calcutta to defend them from wrong and violence. The selling offices of justice, the sale of succession in families, of guardianships and other sacred trusts, the selling masters to their servants, and principals to the attorneys they employed to defend themselves, were all parts of the same system; and these were the horrid ways in which he received bribes beyond any common rate.

When Mr. Hastings was appointed in the year 1773 to be Governor-General of Bengal, together with Mr. Barwell, General Clavering, Colonel Monson, and Mr. Francis, the Company, knowing the former corrupt state of their service, (but the whole corrupt system of Mr. Hastings at that time not being known or even suspected at home,) did order them, in discharge of the spirit of the act of Parliament, to make an inquiry into all manner of corruptions and malversations in office, without the exception of any persons whatever. Your Lordships are to know that the act did expressly authorize the Court of Directors to frame a body of instructions, and to give orders to their new servants appointed under the act of Parliament, lest it should be supposed that they, by their appointment under the act, could supersede the authority of the Directors. The Directors, sensible of the power left in them over their servants by the act of Parliament, though their nomination was taken from them, did, agreeably to the spirit and power of that act, give this order.

The Council consisted of two parties: Mr. Hastings and Mr. Barwell, who were chosen and kept there upon the idea of their local knowledge; and the other three, who were appointed on account of their great parts and known integrity. And I will venture to say that those three gentlemen did so execute their duty in India, in all the substantial parts of it, that they will serve as a shield to cover the honor of England, whenever this country is upbraided in India.

They found a rumor running through the country of great peculations and oppressions. Soon after, when it was known what their instructions were, and that the Council was ready, as is the first duty of all governors, even when there is no

express order, to receive complaints against the oppressions and corruptions of government in any part of it, they found such a body (and that body shall be produced to your Lordships) of corruption and speculation in every walk, in every department, in every situation of life, in the sale of the most sacred trusts, and in the destruction of the most ancient families of the country, as I believe in so short a time never was unveiled since the world began.

Your Lordships would imagine that Mr. Hastings would at least ostensibly have taken some part in endeavoring to bring these corruptions before the public, or that he would at least have acted with some little management in his opposition. But, alas! it was not in his power; there was not one, I think, but I am sure very few, of these general articles of corruption, in which the most eminent figure in the crowd, the principal figure as it were in the piece, was not Mr. Hastings himself. There were a great many others involved; for all departments were corrupted and vitiated. But you could not open a page in which you did not see Mr. Hastings, or in which you did not see Cantoo Baboo. Either the black or white side of Mr. Hastings constantly was visible to the world in every part of these transactions.

With the other gentlemen, who were visible too, I have at present no dealing. Mr. Hastings, instead of using any management on that occasion, instantly set up his power and authority, directly against the majority of the Council, directly against his colleagues, directly against the authority of the East India Company and the authority of the act of Parliament, to put a dead stop to all these inquiries. He broke up the Council, the moment they attempted to perform this part of their duty. As the evidence multiplied upon him, the daring exertions of his power in stopping all inquiries increased continually. But he gave a credit and authority to the evidence by these attempts to suppress it.

Your Lordships have heard that among the body of the accusers of this corruption there was a principal man in the country, a man of the first rank and authority in it, called Nundcomar, who had the management of revenues amounting to 150,000*l.* a year, and who had, if really inclined to play the small game with which he has been charged by his accusers, abundant means to gratify himself in playing great ones; but Mr. Hastings has himself given him, upon the records of the Company, a character which would at least justify the Council in making some inquiry into charges made by him.

First, he was perfectly competent to make them, because he was in the management of those affairs from which Mr. Hastings is supposed to have received corrupt emolument. He and his son were the chief managers in those transactions. He was therefore perfectly competent to it. — Mr. Hastings has cleared his character; for though it is true, in the contradictions in which Mr. Hastings has entangled himself, he has abused and insulted him, and particularly after his appearance as an accuser, yet before this he has given this testimony of him, that the hatred that had been drawn upon him, and the general obloquy of the English

nation, was on account of his attachment to his own prince and the liberties of his country. Be he what he might, I am not disposed, nor have I the least occasion, to defend either his conduct or his memory.

It is to no purpose for Mr. Hastings to spend time in idle objections to the character of Nundcomar. Let him be as bad as Mr. Hastings represents him. I suppose he was a caballing, bribing, intriguing politician, like others in that country, both black and white. We know associates in dark and evil actions are not generally the best of men; but be that as it will, it generally happens that they are the best of all discoverers. If Mr. Hastings were the accuser of Nundcomar, I should think the presumptions equally strong against Nundcomar, if he had acted as Mr. Hastings has acted. — He was not only competent, but the most competent of all men to be Mr. Hastings's accuser. But Mr. Hastings has himself established both his character and his competency by employing him against Mahomed Reza Khân. He shall not blow hot and cold. In what respect was Mr. Hastings better than Mahomed Reza Khân, that the whole rule, principle, and system of accusation and inquiry should be totally reversed in general, nay, reversed in the particular instance, the moment he became accuser against Mr. Hastings? — Such was the accuser. He was the man that gave the bribes, and, in addition to his own evidence, offers proof by other witnesses.

What was the accusation? Was the accusation improbable, either on account of the subject-matter or the actor in it? Does such an appointment as that of Munny Begum, in the most barefaced evasion of his orders, appear to your Lordships a matter that contains no just presumptions of guilt, so that, when a charge of bribery comes upon it, you are prepared to reject it, as if the action were so clear and proper that no man could attribute it to an improper motive? And as to the man, — is Mr. Hastings a man against whom a charge of bribery is improbable? Why, he owns it. He is a professor of it. He reduces it into scheme and system. He glories in it. He turns it to merit, and declares it is the best way of supplying the exigencies of the Company. Why, therefore, should it be held improbable? — But I cannot mention this proceeding without shame and horror.

My Lords, when this man appeared as an accuser of Mr. Hastings, if he was a man of bad character, it was a great advantage to Mr. Hastings to be accused by a man of that description. There was no likelihood of any great credit being given to him.

This person, who, in one of those sales of which I have already given you some account in the history of the last period of the revolutions of Bengal, had been, or thought he had been, cheated of his money, had made some discoveries, and been guilty of that great irremissible sin in India, the disclosure of peculation. He afterwards came with a second disclosure, and was likely to have odium enough upon the occasion. He directly charged Mr. Hastings with the receipt of bribes, amounting together to about 40,000*l.* sterling, given by himself, on his own account

and that of Munny Begum. The charge was accompanied with every particular which could facilitate proof or detection, — time, place, persons, species, to whom paid, by whom received. Here was a fair opportunity for Mr. Hastings at once to defeat the malice of his enemies and to clear his character to the world. His course was different. He railed much at the accuser, but did not attempt to refute the accusation. He refuses to permit the inquiry to go on, attempts to dissolve the Council, commands his banian not to attend. The Council, however, goes on, examines to the bottom, and resolves that the charge was proved, and that the money ought to go to the Company. Mr. Hastings then broke up the Council, — I will not say whether legally or illegally. The Company's law counsel thought he might legally do it; but he corruptly did it, and left mankind no room to judge but that it was done for the screening of his own guilt: for a man may use a legal power corruptly, and for the most shameful and detestable purposes. And thus matters continued, till he commenced a criminal prosecution against this man, — this man whom he dared not meet as a defendant.

Mr. Hastings, instead of answering the charge, attacks the accuser. Instead of meeting the man in front, he endeavored to go round, to come upon his flanks and rear, but never to meet him in the face, upon the ground of his accusation, as he was bound by the express authority of law and the express injunctions of the Directors to do. If the bribery is not admitted on the evidence of Nundcomar, yet his suppressing it is a crime, a violation of the orders of the Court of Directors. He disobeyed those instructions; and if it be only for disobedience, for rebellion against his masters, (putting the corrupt motive out of the question,) I charge him for this disobedience, and especially on account of the principles upon which he proceeded in it.

Then he took another step: he accused Nundcomar of a conspiracy, — which was a way he then and ever since has used, whenever means were taken to detect any of his own iniquities.

And here it becomes necessary to mention another circumstance of history: that the legislature, not trusting entirely to the Governor-General and Council, had sent out a court of justice to be a counter security against these corruptions, and to detect and punish any such misdemeanors as might appear. And this court I take for granted has done great services.

Mr. Hastings flew to this court, which was meant to protect in their situations informers against bribery and corruption, rather than to protect the accused from any of the preliminary methods which must indispensably be used for the purpose of detecting their guilt, — he flew to this court, charging this Nundcomar and others with being conspirators.

A man might be convicted as a conspirator, and yet afterwards live; he might put the matter into other hands, and go on with his information; nothing less than *stone-dead* would do the business. And here happened an odd concurrence of

circumstances. Long before Nundcomar preferred his charge, he knew that Mr. Hastings was plotting his ruin, and that for this purpose he had used a man whom he, Nundcomar, had turned out of doors, called Mohun Persaud. Mr. Hastings had seen papers put upon the board, charging him with this previous plot for the destruction of Nundcomar; and this identical person, Mohun Persaud, whom Nundcomar had charged as Mr. Hastings's associate in plotting his ruin, was now again brought forward as the principal evidence against him. I will not enter (God forbid I should!) into the particulars of the subsequent trial of Nundcomar; but you will find the marks and characters of it to be these. You will find a close connection between Mr. Hastings and the chief-justice, which we shall prove. We shall prove that one of the witnesses who appeared there was a person who had been before, or has since been, concerned with Mr. Hastings in his most iniquitous transactions. You will find, what is very odd, that in this trial for forgery with which this man stood charged, forgery in a private transaction, all the persons who were witnesses or parties to it had been, before or since, the particular friends of Mr. Hastings, — in short, persons from that rabble with whom Mr. Hastings was concerned, both before and since, in various transactions and negotiations of the most criminal kind. But the law took its course. I have nothing more to say than that the man is gone, — hanged justly, if you please; and that it did so happen, — luckily for Mr. Hastings, — it so happened, that the relief of Mr. Hastings, and the justice of the court, and the resolution never to relax its rigor, did all concur just at a happy nick of time and moment; and Mr. Hastings, accordingly, had the full benefit of them all.

His accuser was supposed to be what men may be, and yet very competent for accusers, namely, one of his accomplices in guilty actions, — one of those persons who may have a great deal to say of bribes. All that I contend for is, that he was in the closest intimacy with Mr. Hastings, was in a situation for giving bribes, — and that Mr. Hastings was proved afterwards to have received a sum of money from him, which may be well referred to bribes.

This example had its use in the way in which it was intended to operate, and in which alone it could operate. It did not discourage forgeries: they went on at their usual rate, neither more nor less: but it put an end to all accusations against all persons in power for any corrupt practice. Mr. Hastings observes, that no man in India complains of him. It is generally true. The voice of all India is stopped. All complaint was strangled with the same cord that strangled Nundcomar. This murdered not only that accuser, but all future accusation; and not only defeated, but totally vitiated and reversed all the ends for which this country, to its eternal and indelible dishonor, had sent out a pompous embassy of justice to the remotest parts of the globe.

But though Nundcomar was put out of the way by the means by which *he* was removed, a part of the charge was not strangled with him. Whilst the process against Nundcomar was carrying on before Sir Elijah Impey, the process was

continuing against Mr. Hastings in other modes; the receipt of a part of those bribes from Munny Begum, to the amount of 15,000*l.*, was proved against him, and that a sum to the same amount was to be paid to his associate, Mr. Middleton. As it was proved at Calcutta, so it will be proved at your Lordships' bar to your entire satisfaction by records and living testimony now in England. It was, indeed, obliquely admitted by Mr. Hastings himself.

The excuse for this bribe, fabricated by Mr. Hastings, and taught to Munny Begum, when he found that she was obliged to prove it against him, was, that it was given to him for his entertainment, according to some pretended custom, at the rate of 200*l.* sterling a day, whilst he remained at Moorshedabad. My Lords, this leads me to a few reflections on the apology or defence of this bribe. We shall certainly, I hope, render it clear to your Lordships that it was not paid in this manner as a daily allowance, but given in a gross sum. But take it in his own way, it was no less illegal, and no less contrary to his covenant; but if true under the circumstances, it was an horrible aggravation of his crime. The first thing that strikes is, that visits from Mr. Hastings are pretty severe things, and hospitality at Moorshedabad is an expensive virtue, though for provision it is one of the cheapest countries in the universe. No wonder that Mr. Hastings lengthened his visit, and made it extend near three months. Such hosts and such guests cannot be soon parted. Two hundred pounds a day for a visit! It is at the rate of 78,000*l.* a year for himself; and as I find his companion was put on the same allowance, it will be 146,000*l.* a year for hospitality to two English gentlemen. I believe that there is not a prince in Europe who goes to such expensive hospitality of splendor.

But that you may judge of the true nature of this hospitality of corruption, I must bring before you the business of the visitor and the condition of the host, as stated by Mr. Hastings himself, who best knows what he was doing. He was, then, at the old capital of Bengal at the time of this expensive entertainment, on a business of retrenchment, and for the establishment of a most harsh, rigorous, and oppressive economy. He wishes the task were assigned to spirits of a less gentle kind. By Mr. Hastings's account, he was giving daily and hourly wounds to his humanity in depriving of their sustenance hundreds of persons of the ancient nobility of a great fallen kingdom. Yet it was in the midst of this galling duty, it was at that very moment of his tender sensibility, that, from the collected morsels plucked from the famished mouths of hundreds of decayed, indigent, and starving nobility, he gorged his ravenous maw with 200*l.* a day for his entertainment. In the course of all this proceeding your Lordships will not fail to observe he is never corrupt, but he is cruel; he never dines with comfort, but where he is sure to create a famine. He never robs from the loose superfluity of standing greatness; he devours the fallen, the indigent, the necessitous. His extortion is not like the generous rapacity of the princely eagle, who snatches away the living, struggling prey; he is a vulture, who feeds upon the prostrate, the dying, and the dead. As his cruelty is more shocking

than his corruption, so his hypocrisy has something more frightful than his cruelty; for whilst his bloody and rapacious hand signs proscriptions, and now sweeps away the food of the widow and the orphan, his eyes overflow with tears, and he converts the healing balm that bleeds from wounded humanity into a rancorous and deadly poison to the race of man.

Well, there was an end to this tragic entertainment, this feast of Tantalus. The few left on the pension-list, the poor remnants that had escaped, were they paid by his administratrix and deputy, Munny Begum? Not a shilling. No fewer than forty-nine petitions, mostly from the widows of the greatest and most splendid houses of Bengal, came before the Council, praying in the most deplorable manner for some sort of relief out of the pittance assigned them. His colleagues, General Clavering, Colonel Monson, and Mr. Francis, men who, when England is reproached for the government of India, will, I repeat it, as a shield be held up between this nation and infamy, did, in conformity to the strict orders of the Directors, appoint Mahomed Reza Khân to his old offices, that is, to the general superintendency of the household and the administration of justice, a person who by his authority might keep some order in the ruling family and in the state. The Court of Directors authorized them to assure those offices to him, with a salary reduced indeed to 30,000*l.* a year, during his good behavior. But Mr. Hastings, as soon as he obtained a majority by the death of the two best men ever sent to India, notwithstanding the orders of the Court of Directors, in spite of the public faith solemnly pledged to Mahomed Reza Khân, without a shadow of complaint, had the audacity to dispossess him of all his offices, and appoint his bribing patroness, the old dancing-girl, Munny Begum, once more to the viceroyalty and all its attendant honors and functions.

The pretence was more insolent and shameless than the act. Modesty does not long survive innocence. He brings forward the miserable pageant of the Nabob, as he called him, to be the instrument of his own disgrace, and the scandal of his family and government. He makes him to pass by his mother, and to petition us to appoint Munny Begum once more to the administration of the viceroyalty. He distributed Mahomed Reza Khân's salary as a spoil.

When the orders of the Court to restore Mahomed Reza Khân, with their opinion on the corrupt cause of his removal, and a second time to pledge to him the public faith for his continuance, were received, Mr. Hastings, who had been just before a pattern of obedience, when the despoiling, oppressing, imprisoning, and persecuting this man was the object, yet, when the order was of a beneficial nature, and pleasant to a well-formed mind, he at once loses all his old principles, he grows stubborn and refractory, and refuses obedience. And in this sullen, uncomplying mood he continues, until, to gratify Mr. Francis, in an agreement on some of their differences, he consented to his proposition of obedience to the appointment of the Court of Directors. He grants to his arrangement of convenience what he had

refused to his duty, and replaces that magistrate. But mark the double character of the man, never true to anything but fraud and duplicity. At the same time that he publicly replaces this magistrate, pretending compliance with his colleague and obedience to his masters, he did, in defiance of his own and the public faith, privately send an assurance to the Nabob, that is, to Munny Begum, — informs her that he was compelled by necessity to the present arrangement in favor of Mahomed Reza Khân, but that on the first opportunity he would certainly displace him again. And he kept faith with his corruption; and to show how vainly any one sought protection in the lawful authority of this kingdom, he displaced Mahomed Reza Khân from the lieutenancy and controllership, leaving him only the judicial department miserably curtailed.

But does he adhere to his old pretence of freedom to the Nabob? No such thing. He appoints an absolute master to him under the name of Resident, a creature of his personal favor, Sir John D'Oyly, from whom there is not one syllable of correspondence and not one item of account. How grievous this yoke was to that miserable captive appears by a paper of Mr. Hastings, in which he acknowledges that the Nabob had offered, out of the 160,000*l.* payable to him yearly, to give up to the Company no less than 40,000*l.* a year, in order to have the free disposal of the rest. On this all comment is superfluous. Your Lordships are furnished with a standard by which you may estimate his real receipt from the revenue assigned to him, the nature of the pretended Residency, and its predatory effects. It will give full credit to what was generally rumored and believed, that substantially and beneficially the Nabob never received fifty out of the one hundred and sixty thousand pounds; which will account for his known poverty and wretchedness, and that of all about him.

Thus by his corrupt traffic of bribes with one scandalous woman he disgraced and enfeebled the native Mahomedan government, captivated the person of the sovereign, and ruined and subverted the justice of the country. What is worse, the steps taken for the murder of Nundcomar, his accuser, have confirmed and given sanction not only to the corruptions then practised by the Governor-General, but to all of which he has since been guilty. This will furnish your Lordships with some general idea which will enable you to judge of the bribe for which he sold the country government.

Under this head you will have produced to you full proof of his sale of a judicial office to a person called Khân Jehan Khân, and the modes he took to frustrate all inquiry on that subject, upon a wicked and false pretence, that, according to his religious scruples, he could not be sworn.

The great end and object I have in view is to show the criminal tendency, the mischievous nature of these crimes, and the means taken to elude their discovery. I am now giving your Lordships that general view which may serve to characterize Mr. Hastings's administration in all the other parts of it.

It was not true in fact, as Mr. Hastings gives out, that there was nothing now against him, and that, when he had got rid of Nundcomar and his charge, he got rid of the whole. No such thing. An immense load of charges of bribery remained. They were coming afterwards from every part of the province; and there was no office in the execution of justice which he was not accused of having sold in the most flagitious manner.

After all this thundering the sky grew calm and clear, and Mr. Hastings sat with recorded peculation, with peculation proved upon oath on the minutes of that very Council, — he sat at the head of that Council and that board where his peculations were proved against him. These were afterwards transmitted and recorded in the registers of his masters, as an eternal monument of his corruption, and of his high disobedience, and flagitious attempts to prevent a discovery of the various peculations of which he had been guilty, to the disgrace and ruin of the country committed to his care.

Mr. Hastings, after the execution of Nundcomar, if he had intended to make even a decent and commonly sensible use of it, would naturally have said, “This man is justly taken away who has accused me of these crimes; but as there are other witnesses, as there are other means of a further inquiry, as the man is gone of whose perjuries I might have reason to be afraid, let us now go into the inquiry.” I think he did very ill not to go into the inquiry when the man was alive; but be it so, that he was afraid of him, and waited till he was removed, why not afterwards go into such an inquiry? Why not go into an inquiry of all the other peculations and charges upon him, which were innumerable, one of which I have just mentioned in particular, the charge of Munny Begum, of having received from her, or her adopted son, a bribe of 40,000*l*.?

Is it fit for a governor to say, will Mr. Hastings say before this august assembly, “I may be accused in a court of justice, — I am upon my defence, — let all charges remain against me, — I will not give you an account”? Is it fit that a governor should sit with recorded bribery upon him at the head of a public board and the government of a great kingdom, when it is in his power by inquiry to do it away? No: the chastity of character of a man in that situation ought to be as dear to him as his innocence. Nay, more depended upon it. His innocence regarded himself; his character regarded the public justice, regarded his authority, and the respect due to the English in that country. I charge it upon him, that not only did he suppress the inquiry to the best of his power, (and it shall be proved,) but he did not in any one instance endeavor to clear off that imputation and reproach from the English government. He went further; he never denied hardly any of those charges at the time. They are so numerous that I cannot be positive; some of them he might meet with some sort of denial, but the most part he did not.

The first thing a man under such an accusation owes to the world is to deny the charge; next, to put it to the proof; and lastly, to let inquiry freely go on. He did not

permit this, but stopped it all in his power. I am to mention some exceptions, perhaps, hereafter, which will tend to fortify the principle tenfold.

He promised, indeed, the Court of Directors (to whom he never denied the facts) a full and liberal explanation of these transactions; which full and liberal explanation he never gave. Many years passed; even Parliament took notice of it; and he never gave them a liberal explanation, or any explanation at all of them. A man may say, "I am threatened with a suit in a court, and it may be very disadvantageous to me, if I disclose my defence." That is a proper answer for a man in common life, who has no particular character to sustain; but is that a proper answer for a governor accused of bribery, that accusation transmitted to his masters, and his masters giving credit to it? Good God! is that a state in which a man is to say, "I am upon the defensive — I am on my guard, — I will give you no satisfaction, — I have promised it, but I have already deferred it for seven or eight years"? Is not this tantamount to a denial?

Mr. Hastings, with this great body of bribery against him, was providentially freed from Nundcomar, one of his accusers, and, as good events do not come alone, (I think there is some such proverb,) it did so happen that all the rest, or a great many of them, ran away. But, however, the recorded evidence of the former charges continued; no new evidence came in; and Mr. Hastings enjoyed that happy repose which branded peculation, fixed and eternized upon the records of the Company, must leave upon a mind conscious of its own integrity.

My Lords, I will venture to say, there is no man but owes something to his character. It is the grace, undoubtedly, of a virtuous, firm mind often to despise common, vulgar calumny; but if ever there is an occasion in which it does become such a mind to disprove it, it is the case of being charged in high office with pecuniary malversation, pecuniary corruption. There is no case in which it becomes an honest man, much less a great man, to leave upon record specific charges against him of corruption in his government, without taking any one step whatever to refute them.

Though Mr. Hastings took no step to refute the charges, he took many steps to punish the authors of them; and those miserable people who had the folly to make complaints against Mr. Hastings, to make them under the authority of an act of Parliament, under every sanction of public faith, yet, in consequence of those charges, every person concerned in them has been, as your Lordships will see, since his restoration to power, absolutely undone, brought from the highest situation to the lowest misery, so that they may have good reason to repent they ever trusted an English Council, that they ever trusted a Court of Directors, that they ever trusted an English act of Parliament, that they ever dared to make their complaints.

And here I charge upon Mr. Hastings, that, by never taking a single step to defeat or detect the falsehood of any of those charges against him, and by punishing the authors of them, he has been guilty of such a subversion of all the principles of

British government as will deserve, and will I dare say meet, your Lordships' most severe animadversion.

In the course of this inquiry we find a sort of pause in his peculations, a sort of gap in the history, as if pages were torn out. No longer we meet with the same activity in taking money that was before found; not even a trace of complimentary presents is to be found in the records during the time whilst General Clavering, Colonel Monson, and Mr. Francis formed the majority of the Council. There seems to have been a kind of truce with that sort of conduct for a while, and Mr. Hastings rested upon his arms. However, the very moment Mr. Hastings returned to power, peculation began again just at the same instant; the moment we find him free from the compulsion and terror of a majority of persons otherwise disposed than himself, we find him at his peculation again.

My Lords, at this time very serious inquiries had begun in the House of Commons concerning peculation. They did not go directly to Bengal, but they began upon the coast of Coromandel, and with the principal governors there. There was, however, an universal opinion (and justly founded) that these inquiries would go to far greater lengths. Mr. Hastings was resolved, then, to change the whole course and order of his proceeding. Nothing could persuade him, upon any account, to lay aside his system of bribery: that he was resolved to persevere in. The point was now to reconcile it with his safety. The first thing he did was to attempt to conceal it; and accordingly we find him depositing very great sums of money in the public treasury through the means of the two persons I have already mentioned, namely, the deputy-treasurer and the accountant, — paying them in and taking bonds for them as money of his own, and bearing legal interest. This was his method of endeavoring to conceal some at least of his bribes: for I would not suggest, nor have your Lordships to think, that I believe that these were his only bribes, — for there is reason to think there was an infinite number besides; but it did so happen that they were those bribes which he thought might be discovered, some of which he knew were discovered, and all of which he knew might become the subject of a Parliamentary inquiry.

Mr. Hastings said he might have concealed them forever. Every one knows the facility of concealing corrupt transactions everywhere, in India particularly. But this is by himself proved not to be universally true, at least not to be true in his own opinion; for he tells you, in his letter from Cheltenham, that he *would* have concealed the Nabob's 100,000*l.*, but that the magnitude rendered it easy of discovery. He, therefore, avows an intention of concealment.

But it happens here, very singularly, that this sum, which his fears of discovery by *others* obliged him to discover *himself*, happens to be one of those of which no trace whatsoever appears, except merely from the operation of his own apprehensions. There is no collateral testimony: Middleton knew nothing of it; Anderson knew nothing of it; it was not directly communicated to the faithful

Larkins or the trusty Croftes; — which proves, indeed, the facility of concealment. The fact is, you find the application always upon the discovery. But concealment or discovery is a thing of accident.

The bribes which I have hitherto brought before your Lordships belong to the first period of his bribery, before he thought of the doctrine on which he has since defended it. There are many other bribes which we charge him with having received during this first period, before an improving conversation and close virtuous connection with great lawyers had taught him how to practise bribes in such a manner as to defy detection, and instead of punishment to plead merit. I am not bound to find order and consistency in guilt: it is the reign of disorder. The order of the proceeding, as far as I am able to trace such a scene of prevarication, direct fraud, falsehood, and falsification of the public accounts, was this. From bribes he knew he could never abstain; and his then precarious situation made him the more rapacious. He knew that a few of his former bribes had been discovered, declared, recorded, — that for the moment, indeed, he was secure, because all informers had been punished and all concealers rewarded. He expected hourly a total change in the Council, and that men like Clavering and Monson might be again joined to Francis, that some great avenger should arise from their ashes,— “*Exoriare, aliquis nostris ex ossibus ultor*,” — and that a more severe investigation and an infinitely more full display would be made of his robbery than hitherto had been done. He therefore began, in the agony of his guilt, to cast about for some device by which he might continue his offence, if possible, with impunity, — and possibly make a merit of it. He therefore first carefully perused the act of Parliament forbidding bribery, and his old covenant engaging him not to receive presents. And here he was more successful than upon former occasions. If ever an act was studiously and carefully framed to prevent bribery, it is that law of the 13th of the King, which he well observes admits no latitudes of construction, no subterfuge, no escape, no evasion. Yet has he found a defence of his crimes even in the very provisions which were made for their prevention and their punishment. Besides the penalty which belongs to every informer, the East India Company was invested with a fiction of property in all such bribes, in order to drag them with more facility out of the corrupt hands which held them. The covenant, with an exception of one hundred pounds, and the act of Parliament, without any exception, declared that the Governor-General and Council should receive no presents *for their own use*. He therefore concluded that the system of bribery and extortion might be clandestinely and safely carried on, provided the party taking the bribes had an inward intention and mental reservation that they should be privately applied to the Company’s service in any way the briber should think fit, and that on many occasions this would prove the best method of supply for the exigencies of their service.

He accordingly formed, or pretended to form, a private bribe exchequer, collateral with and independent of the Company’s public exchequer, though in some

cases administered by those whom for his purposes he had placed in the regular official department. It is no wonder that he has taken to himself an extraordinary degree of merit. For surely such an invention of finance, I believe, never was heard of, — an exchequer wherein extortion was the assessor, fraud the cashier, confusion the accountant, concealment the reporter, and oblivion the remembrancer: in short, such as I believe no man, but one driven by guilt into frenzy, could ever have dreamed of.

He treats the official and regular Directors with just contempt, as a parcel of mean, mechanical book-keepers. He is an eccentric book-keeper, a Pindaric accountant. I have heard of “the poet’s eye in a fine frenzy rolling.” Here was a revenue exacted from whom he pleased, at what times he pleased, in what proportions he pleased, through what persons he pleased, by what means he pleased, to be accounted for or not, at his discretion, and to be applied to what service he thought proper. I do believe your Lordships stand astonished at this scheme; and indeed I should be very loath to venture to state such a scheme at all, however I might have credited it myself, to any sober ears, if, in his defence before the House of Commons, and before the Lords, he had not directly admitted the fact of taking the bribes or forbidden presents, and had not in those defences, and much more fully in his correspondence with the Directors, admitted the fact, and justified it upon these very principles.

As this is a thing so unheard-of and unexampled in the world, I shall first endeavor to account as well as I can for his motives to it, which your Lordships will receive or reject, just as you shall find them tally with the evidence before you: I say, his motives to it; because I contend that public valid reasons for it he could have none; and the idea of making the corruption of the Governor-General a resource to the Company never did or could for a moment enter into his thoughts. I shall then take notice of the juridical constructions upon which he justifies his acting in this extraordinary manner; and lastly, show you the concealments, prevarications, and falsehoods with which he endeavors to cover it. Because wherever you find a concealment you make a discovery. Accounts of money received and paid ought to be regular and official.

He wrote over to the Court of Directors, that there were certain sums of money he had received and which were not his own, but that he had received them for their use. By this time his intercourse with gentlemen of the law became more considerable than it had been before. When first attacked for presents, he never denied the receipt of them, or pretended to say they were for public purposes; but upon looking more into the covenants, and probably with better legal advice, he found that no money could be legally received for his own use; but as these bribes were directly given and received as for his own use, yet (says he) “there was an inward destination of them in my own mind to your benefit, and to your benefit have I applied them.”

Now here is a new system of bribery, contrary to law, very ingenious in the contrivance, but, I believe, as unlikely to produce its intended effect upon the mind of man as any pretence that was ever used. Here Mr. Hastings changes his ground. Before, he was accused as a peculator; he did not deny the fact; he did not refund the money; he fought it off; he stood upon the defensive, and used all the means in his power to prevent the inquiry. That was the first era of his corruption, — a bold, ferocious, plain, downright use of power. In the second, he is grown a little more careful and guarded, — the effect of subtilty. He appears no longer as a defendant; he holds himself up with a firm, dignified, and erect countenance, and says, “I am not here any longer as a delinquent, a receiver of bribes, to be punished for what I have done wrong, or at least to suffer in my character for it. No: I am a great inventive genius, who have gone out of all the ordinary roads of finance, have made great discoveries in the unknown regions of that science, and have for the first time established the corruption of the supreme magistrate as a principle of resource for government.”

There are crimes, undoubtedly, of great magnitude, naturally fitted to create horror, and that loudly call for punishment, that have yet no idea of *turpitude* annexed to them; but unclean hands, bribery, venality, and peculation are offences of turpitude, such as, in a governor, at once debase the person and degrade the government itself, making it not only *horrible*, but vile and contemptible in the eyes of all mankind. In this humiliation and abjectness of guilt, he comes here not as a criminal on his defence, but as a vast fertile genius who has made astonishing discoveries in the art of government,— “*Dicam insigne, recens, alio indictum ore*” — who, by his flaming zeal and the prolific ardor and energy of his mind, has boldly dashed out of the common path, and served his country by new and untrodden ways; and now he generously communicates, for the benefit of all future governors and all future governments, the grand arcanum of his long and toilsome researches. He is the first, but, if we do not take good care, he will not be the last, that has established the corruption of the supreme magistrate among the settled resources of the state; and he leaves this principle as a bountiful donation, as the richest deposit that ever was made in the treasury of Bengal. He claims glory and renown from that by which every other person since the beginning of time has been dishonored and disgraced. It has been said of an ambassador, that he is a person employed to tell lies for the advantage of the court that sends him. His is patriotic bribery, and public-spirited corruption. He is a peculator for the good of his country. It has been said that private vices are public benefits. He goes the full length of that position, and turns his private peculation into a public good. This is what you are to thank him for. You are to consider him as a great inventor upon this occasion. Mr. Hastings improves on this principle. He is a robber in gross, and a thief in detail, — he steals, he filches, he plunders, he oppresses, he extorts, — all for the good of the dear East India Company, — all for the advantage of his

honored masters, the Proprietors, — all in gratitude to the dear perfidious Court of Directors, who have been in a practice to heap “insults on his person, slanders on his character, and indignities on his station, — who never had the confidence in him that they had in the meanest of his predecessors.”

If you sanction this practice, if, after all you have exacted from the people by your taxes and public imposts, you are to let loose your servants upon them, to extort by bribery and peculation what they can from them, for the purpose of applying it to the public service only whenever they please, this shocking consequence will follow from it. If your Governor is discovered in taking a bribe, he will say, “What is that to you? mind your business; I intend it for the public service.” The man who dares to accuse him loses the favor of the Governor-General and the India Company. They will say, “The Governor has been doing a meritorious action, extorting bribes for our benefit, and you have the impudence to think of prosecuting him.” So that the moment the bribe is detected, it is instantly turned into a merit: and we shall prove that this is the case with Mr. Hastings, whenever a bribe has been discovered.

I am now to inform your Lordships, that, when he made these great discoveries to the Court of Directors, he never tells them who gave him the money, upon what occasion he received it, by what hands, or to what purposes he applied it.

When he can himself give no account of his motives, and even declares that he cannot assign any cause, I am authorized and required to find motives for him, — corrupt motives for a corrupt act. There is no one capital act of his administration that did not strongly imply corruption. When a man is known to be free from all imputation of taking money, and it becomes an established part of his character, the errors or even crimes of his administration ought to be, and are in general, traced to other sources. You know it is a maxim. But once convict a man of bribery in any instance, and once by direct evidence, and you are furnished with a rule of irresistible presumption that every other irregular act by which unlawful gain may arise is done upon the same corrupt motive. *Semel malus præsimitur semper malus.* As for good acts candor, charity, justice oblige me not to assign evil motives, unless they serve some scandalous purpose or terminate in some manifest evil end, so justice, reason, and common sense compel me to suppose that wicked acts have been done upon motives correspondent to their nature: otherwise I reverse all the principles of judgment which can guide the human mind, and accept even the symptoms, the marks and criteria of guilt, as presumptions of innocence. One that confounds good and evil is an enemy to the good.

His conduct upon these occasions may be thought irrational. But, thank God, guilt was never a rational thing: it distorts all the faculties of the mind; it perverts them; it leaves a man no longer in the free use of his reason; it puts him into confusion. He has recourse to such miserable and absurd expedients for covering his guilt as all those who are used to sit in the seat of judgment know have been the

cause of detection of half the villainies in the world. To argue that these could not be his reasons, because they were not wise, sound, and substantial, would be to suppose, what is not true, that bad men were always discreet and able. But I can very well from the circumstances discover motives which may affect a giddy, superficial, shattered, guilty, anxious, restless mind, full of the weak resources of fraud, craft, and intrigue, that might induce him to make these discoveries, and to make them in the manner he has done. Not rational, and well-fitted for their purposes, I am very ready to admit. For God forbid that guilt should ever leave a man the free, undisturbed use of his faculties! For as guilt never rose from a true use of our rational faculties, so it is very frequently subversive of them. God forbid that prudence, the first of all the virtues, as well as the supreme director of them all, should ever be employed in the service of any of the vices! No: it takes the lead, and is never found where justice does not accompany it; and if ever it is attempted to bring it into the service of the vices, it immediately subverts their cause. It tends to their discovery, and, I hope and trust, finally to their utter ruin and destruction.

In the first place, I am to remark to your Lordships, that the accounts he has given of one of these sums of money are totally false and contradictory. Now there is not a stronger presumption, nor can one want more reason to judge a transaction fraudulent, than that the accounts given of it are contradictory; and he has given three accounts utterly irreconcilable with each other. He is asked, “How came you to take bonds for this money, if it was not your own? How came you to vitiate and corrupt the state of the Company’s records, and to state yourself a lender to the Company, when in reality you were their debtor?” His answer was, “I really cannot tell; I have forgot my reasons; the distance of time is so great,” (namely, a time of about two years, or not so long,) “I cannot give an account of the matter; perhaps I had this motive, perhaps I had another,” (but what is the most curious,) “perhaps I had none at all which I can now recollect.” You shall hear the account which Mr. Hastings himself gives, his own fraudulent representation, of these corrupt transactions. “For my motives for withholding the several receipts from the knowledge of the Council, or of the Court of Directors, and for taking bonds for part of these sums and paying others into the treasury as deposits on my own account, I have generally accounted in my letter to the Honorable the Court of Directors of the 22d of May, 1782, — namely, that I either chose to conceal the first receipts from public curiosity by receiving bonds for the amount, or possibly acted without any studied design which my memory at that distance of time could verify, and that I did not think it worth my care to observe the same means with the rest. It will not be expected that I should be able to give a more correct explanation of my intentions after a lapse of three years, having declared at the time that many particulars had escaped my remembrance; neither shall I attempt to add more than the clearer affirmation of the facts implied in that report of them, and such inferences as necessarily, or with a strong probability, follow them.”

My Lords, you see, as to any direct explanation, that he fairly gives it up: he has used artifice and stratagem, which he knows will not do; and at last attempts to cover the treachery of his conduct by the treachery of his memory. Frequent applications were made to Mr. Hastings upon this article from the Company, — gentle hints, *gemitus columbæ*, — rather, little amorous complaints that he was not more open and communicative; but all these gentle insinuations were never able to draw from him any further account till he came to England. When he came here, he left not only his memory, but all his notes and references, behind in India. When in India the Company could get no account of them, because he himself was not in England; and when he was in England, they could get no account, because his papers were in India. He then sends over to Mr. Larkins to give that account of his affairs which he was not able to give himself. Observe, here is a man taking money privately, corruptly, and which was to be sanctified by the future application of it, taking false securities to cover it, and who, when called upon to tell whom he got the money from, for what ends, and on what occasion, neither will tell in India nor can tell in England, but sends for such an account as he has thought proper to furnish.

I am now to bring before you an account of what I think much the most serious part of the effects of his system of bribery, corruption, and peculation. My Lords, I am to state to you the astonishing and almost incredible means he made use of to lay all the country under contribution, to bring the whole into such dejection as should put his bribes out of the way of discovery. Such another example of boldness and contrivance I believe the world cannot furnish.

I have already shown, amongst the mass of his corruptions, that he let the whole of the lands to farm to the banians; next, that he sold the whole Mahomedan government of that country to a woman. This was bold enough, one should think; but without entering into the circumstances of the revenue change in 1772, I am to tell your Lordships that he had appointed six Provincial Councils, each consisting of many members, who had the ordinary administration of civil justice in that country, and the whole business of the collection of the revenues.

These Provincial Councils accounted to the Governor-General and Council, who in the revenue department had the whole management, control, and regulation of the revenue. Mr. Hastings did in several papers to the Court of Directors declare, that the establishment of these Provincial Councils, which at first he stated only as experimental, had proved useful in the experiment, — and on that use, and upon that experiment, he had sent even the plan of an act of Parliament, to have it confirmed with the last and most sacred authority of this country. The Court of Directors desired, that, if he thought any other method more proper, he would send it to them for their approbation.

Thus the whole face of the British government, the whole of its order and constitution, remained from 1772 to 1781. He had got rid, some time before this

period, by death, of General Clavering, by death, of Colonel Monson, and by vexation and persecution, and his consequent dereliction of authority, he had shaken off Mr. Francis. The whole Council consisting only of himself and Mr. Wheler, he, having the casting vote, was in effect the whole Council; and if ever there was a time when principle, decency, and decorum rendered it improper for him to do any extraordinary acts without the sanction of the Court of Directors, that was the time. Mr. Wheler was taken off, — despair perhaps rendering the man, who had been in opposition futilely before, compliable. The man is dead. He certainly did not oppose him; if he had, it would have been in vain. But those very circumstances which rendered it atrocious in Mr. Hastings to make any change induced him to make this. He thought that a moment's time was not to be lost, — that other colleagues might come, where he might be overpowered by a majority again, and not able to pursue his corrupt plans. Therefore he was resolved, — your Lordships will remark the whole of this most daring and systematic plan of bribery and peculation, — he resolved to put it out of the power of his Council in future to check or control him in any of his evil practices.

The first thing he did was to form an ostensible council at Calcutta for the management of the revenues, which was not effectually bound, except it thought fit, to make any reference to the Supreme Council. He delegated to them — that is, to four covenanted servants — those functions which by act of Parliament and the Company's orders were to be exercised by the Council-General; he delegated to four gentlemen, creatures of his own, his own powers, but he laid them out to good interest. It appears odd that one of the first acts to a Governor-General, so jealous of his power as he is known to be, as soon as he had all the power in his own hands, should be to put all the revenues out of his own control. This upon the first view is an extraordinary proceeding. His next step was, without apprising the Court of Directors of his intention, or without having given an idea of any such intention to his colleagues while alive, either those who died in India, or those who afterwards returned to Europe, in one day, in a moment, to annihilate the whole authority of the Provincial Councils, and delegate the whole power to these four gentlemen.

These four gentlemen had for their secretary an agent given them by Mr. Hastings: a name that you will often hear of; a name at the sound of which all India turns pale; the most wicked, the most atrocious, the boldest, the most dexterous villain that ever the rank servitude of that country has produced. My Lords, I am speaking with the most assured freedom, because there never was a friend of Mr. Hastings, there never was a foe of Mr. Hastings, there never was any human person, that ever differed on this occasion, or expressed any other idea of Gunga Govind Sing, the friend of Mr. Hastings, whom he intrusted with this important post. But you shall hear, from the account given by themselves, what the Council thought of their functions, of their efficiency for the charge, and in whose hands that efficiency really was. I beg, hope, and trust, that your Lordships will learn from the persons

themselves who were appointed to execute the office their opinion of the real execution of it, in order that you may judge of the plan for which he destroyed the whole English administration in India.

“The Committee must have a dewan, or executive officer, call him by what name you please. This man, in fact, has all the revenue paid at the Presidency at his disposal, and can, if he has any abilities, bring all the renters under contribution. It is little advantage to restrain the Committee themselves from bribery or corruption, when their executive officer has the power of practising both undetected. To display the arts employed by a native on such occasions would fill a volume. He discovers the secret resources of the zemindars and renters, their enemies and competitors; and by the engines of hope and fear, raised upon these foundations, he can work them to his purpose. The Committee, with the best intentions, best abilities, and steadiest application, must after all be a tool in the hands of their dewan.”

Your Lordships see what the opinion of the Council was of their own constitution. You see for what it was made. You see for what purposes the great revenue trust was taken from the Council-General, from the supreme government. You see for what purposes the executive power was destroyed. You have it from one of the gentlemen of this commission, at first four in number, and afterwards five, who was the most active, efficient member of it. You see it was made for the purpose of being a tool in the hands of Gunga Govind Sing; that integrity, ability, and vigilance could avail nothing; that the whole country might be laid under contribution by this man, and that he could thus practise bribery with impunity. Thus your Lordships see the delegation of all the authority of the country, above and below, is given by Mr. Hastings to this Gunga Govind Sing. The screen, the veil, spread before this transaction, is torn open by the very people themselves who are the tools in it. They confess they can do nothing; they know they are instruments in the hands of Gunga Govind Sing; and Mr. Hastings uses his name and authority to make them such in the hands of the basest, the wickedest, the corruptest, the most audacious and atrocious villain ever heard of. It is to him all the English authority is sacrificed, and four gentlemen are appointed to be his tools and instruments. Tools and instruments for what? They themselves state, that, if he has the inclination, he has the power and ability to lay the whole country under contribution, that he enters into the most minute secrets of every individual in it, gets into the bottom of their family affairs, and has a power totally to subvert and destroy them; and we shall show upon that head, that he well fulfilled the purposes for which he was appointed. Did Mr. Hastings pretend to say that he destroyed the Provincial Councils for their corruptness or insufficiency, when he dissolved them? No: he says he has no objection to their competency, no charge to make against their conduct, but that he has destroyed them for his new arrangement. And what is his new arrangement? Gunga Govind Sing. Forty English gentlemen were removed from their offices by that change. Mr. Hastings did it, however, very economically;

for all these gentlemen were instantly put upon pensions, and consequently burdened the establishment with a new charge. Well, but the new Council was formed and constituted upon a very economical principle also. These five gentlemen, you will have it in proof, with the necessary expenses of their office, were a charge of 62,000*l.* a year upon the establishment. But for great, eminent, capital services, 62,000*l.*, though a much larger sum than what was thought fit to be allowed for the members of the Supreme Council itself, may be admitted. I will pass it. It shall be granted to Mr. Hastings, that these pensions, though they created a new burden on the establishment, were all well disposed, provided the Council did their duty. But you have heard what they say themselves: they are not there put to do any duty; they can do no duty; their abilities, their integrity, avail them nothing; they are tools in the hands of Gunga Govind Sing. Mr. Hastings, then, has loaded the revenue with 62,000*l.* a year to make Gunga Govind Sing master of the kingdoms of Bengal, Bahar, and Orissa. What must the thing to be moved be, when the machinery, when the necessary tools, for Gunga Govind Sing have cost 62,000*l.* a year to the Company? There it is; it is not my representation, not the representation of observant strangers, of good and decent people, that understand the nature of that service, but the opinion of the tools themselves.

Now did Mr. Hastings employ Gunga Govind Sing without a knowledge of his character? His character was known to Mr. Hastings: it was recorded long before, when he was turned out of another office. "During my long residence," says he, "in this country, this is the first time I heard of the character of Gunga Govind Sing being infamous. No information I have received, though I have heard *many* people speak ill of him, ever pointed to any particular *act* of infamy committed by Gunga Govind Sing. I have no intimate knowledge of Gunga Govind Sing. What I understand of his character has been from Europeans as well as natives." After,— "He had many enemies at the time he was proposed to be employed in the Company's service, and not *one advocate* among the natives who had immediate access to myself. I think, therefore, if his character had been such as has been described, the knowledge of it could hardly have failed to have been ascertained to me by the *specific* facts. I have heard him loaded, as I have many others, with general reproaches, but have never heard any one express a doubt of *his abilities*." Now, if anything in the world should induce you to put the whole trust of the revenues of Bengal, both above and below, into the hands of a single man, and to delegate to him the whole jurisdiction of the country, it must be that he either was, or at least was reputed to be, a man of integrity. Mr. Hastings does not pretend that he is reputed to be a man of integrity. He knew that he was not able to contradict the charge brought against him, and that he had been turned out of office by his colleagues, for reasons assigned upon record, and approved by the Directors, for malversation in office. He had, indeed, crept again into the Calcutta Committee; and they were upon the point of turning him out for malversation, when Mr.

Hastings saved them the trouble by turning out the whole Committee, consisting of a president and five members. So that in all times, in all characters, in all places, he stood as a man of a bad character and evil repute, though supposed to be a man of great abilities.

My Lords, permit me for one moment to drop my representative character here, and to speak to your Lordships only as a man of some experience in the world, and conversant with the affairs of men and with the characters of men.

I do, then, declare my conviction, and wish it may stand recorded to posterity, that there never was a *bad man* that had ability for *good service*. It is not in the nature of such men; their minds are so distorted to selfish purposes, to knavish, artificial, and crafty means of accomplishing those selfish ends, that, if put to any good service, they are poor, dull, helpless. Their natural faculties never have that direction; they are paralytic on that side; the muscles, if I may use the expression, that ought to move it, are all dead. They know nothing, but how to pursue selfish ends by wicked and indirect means. No man ever knowingly employed a bad man on account of his abilities, but for evil ends. Mr. Hastings knew this man to be bad; all the world knew him to be bad; and how did he employ him? In such a manner as that he might be controlled by others? A great deal might be said for him, if this had been the case. There might be circumstances in which such a man might be used in a subordinate capacity. But who ever thought of putting such a man virtually in possession of the whole authority both of the Committee and the Council-General, and of the revenues of the whole country?

As soon as we find Gunga Govind Sing here, we find him employed in the way in which he was meant to be employed: that is to say, we find him employed in taking corrupt bribes and corrupt presents for Mr. Hastings. Though the Committee were tools in his hands, he was a tool in the hands of Mr. Hastings; for he had, as we shall prove, constant, uniform, and close communications with Mr. Hastings. And, indeed, we may be saved a good deal of the trouble of proof; for Mr. Hastings himself, by acknowledging him to be his bribe-broker, has pretty well authenticated a secret correspondence between them. For the next great bribe as yet discovered to be taken by Mr. Hastings, about the time of his great operation of 1781, was the bribe of 40,000*l.*, which we charge to have been privately taken from one of two persons, but from which is not yet ascertained, but paid to him through this flagitious black agent of his iniquities, Gunga Govind Sing. The discovery is made by another agent of his, called Mr. Larkins, one of his white bribe-confidants, and by him made Accountant-General to the Supreme Presidency. For this sum, so clandestinely and corruptly taken, he received a bond to himself, on his own account, as for money lent to the Company. For, upon the frequent, pressing, tender solicitations of the Court of Directors, always insinuated to him in a very delicate manner, Mr. Hastings had written to Mr. Larkins to find out, if he could, some of his own bribes; and accordingly Mr. Larkins sent over an account of various bribes,

— an account which, even before it comes directly in evidence before you, it will be pleasant to your Lordships to read. In this account, under the head, “*Dinagepore, No. 1,*” I find “*Duplicate copy of the particulars of debts, in which the component parts of sundry sums received on the account of the Honorable Company of Merchants trading to the East Indies were received by Mr. Hastings and paid to the Sub-Treasurer.*” We find here, “*Dinagepore peshcush, four lacs of rupees, cabooleat*”: that is, an agreement to pay four lacs of rupees, of which three were received and one remained in balance at the time this account was made out. All that we can learn from this account, after all our researches, after all the Court of Directors could do to squeeze it out of him, is, that he received from Dinagepore, at twelve monthly payments, a sum of about three lacs of rupees, upon an engagement to pay him four; that is, he received about 30,000*l.* out of 40,000*l.* which was to be paid him: and we are told that he received this sum through the hands of Gunga Govind Sing; and that he was exceedingly angry with Gunga Govind Sing for having kept back or defrauded him of the sum of 10,000*l.* out of the 40,000*l.* To keep back from him the fourth part of the whole bribe was very reprehensible behavior in Gunga Govind Sing, certainly very unworthy of the great and high trust which Mr. Hastings reposed in his integrity. My Lords, this letter tells us Mr. Hastings was much irritated at Gunga Govind Sing. You will hereafter see how Mr. Hastings behaves to persons against whom he is irritated for their frauds upon him in their joint concerns. In the mean time Gunga Govind Sing rests with you as a person with whom Mr. Hastings is displeased on account of infidelity in the honorable trust of bribe undertaker and manager.

My Lords, you are not very much enlightened, I believe, by seeing these words, *Dinagepore peshcush*. We find a province, we find a sum of money, we find an agent, and we find a receiver. The *province* is *Dinagepore*, the *agent* is *Gunga Govind Sing*, the *sum* agreed on is 40,000*l.*, and the *receiver* of a part of that is *Mr. Hastings*. This is all that can be seen. Who it was that gave this sum of money to Mr. Hastings in this manner does no way appear; it is *murder by persons unknown*: and this is the way in which Mr. Hastings, after all the reiterated solicitations of Parliament, of the Company, and the public, has left the account of this bribe.

Let us, however, now see what was the state of transactions at Dinagepore at that period. For, if Mr. Hastings in the transactions at that period did anything for that country, it must be presumed this money was given for those acts; for Mr. Hastings confesses it was a sum of money corruptly received, but honestly applied. It does not signify much, at first view, from whom he received it; it is enough to fix upon him that he did receive it. But because the consequences of his bribes make the main part of what I intend to bring before your Lordships, I shall beg to state to you, with your indulgence, what I have been able to discover by a very close investigation of the records respecting this business of Dinagepore.

Dinagapore, Rungpore, and Edrackpore make a country, I believe, pretty nearly as large as all the northern counties of England, Yorkshire included. It is no mean country, and it has a prince of great, ancient, illustrious descent at the head of it, called the Rajah of Dinagapore.

I find, that, about the month of July, 1780, the Rajah of Dinagapore, after a long and lingering illness, died, leaving an half-brother and an adopted son. A litigation respecting the succession instantly arose in the family; and this litigation was of course referred to, and was finally to be decided by, the Governor-General in Council, — being the ultimate authority to which the decision of all these questions was to be referred. This cause came before Mr. Hastings, and I find that he decided the question in favor of the adopted son of the Rajah against his half-brother. I find that upon that decision a rent was settled, and a peshcush, or fine, paid. So that all that is in this transaction is fair and above-board: there is a dispute settled; there is a fine paid; there is a rent reserved to the Company; and the whole is a fair settlement. But I find along with it very extraordinary acts; for I find Mr. Hastings taking part in favor of the minor, agreeably to the principles of others, and contrary to his own. I find that he gave the guardianship of this adopted son to the brother of the Ranny, as she is called, or the widow of the deceased Rajah; and though the hearing and settling of this business was actually a part of the duty of his office, yet I find, that, when the steward of the province of Dinagapore was coming down to represent this case to Mr. Hastings, Mr. Hastings, on pretence that it would only tend to increase the family dissensions, so far from hearing fully all the parties in this business, not only sent him back, but ordered him to be actually turned out of his office. If, then, the 40,000*l.* be the same with the money taken from the Rajah in 1780, to which account it seems to refer, (for it was taken in regular payments, beginning July, 1780, and ending at the same period in 1781,) it was a sum of money corruptly taken by him as a judge in a litigation of inheritance between two great parties. So that he received the sum of 40,000*l.* for a judgment; which, whether that judgment was right or wrong, true or false, he corruptly received.

This sum was received, as your Lordships will observe, through Gunga Govind Sing. He was the broker of the agreement: he was the person who was to receive it by monthly instalments, and he was to pay it to Mr. Hastings. His son was in the office of Register-General of the whole country, who had in his custody all the papers, documents, and everything which could tend to settle a litigation among the parties. If Mr. Hastings took this bribe from the Rajah of Dinagapore, he took a bribe from an infant of five years old through the hands of the Register. That is, the judge receives a bribe through the hands of the keeper of the genealogies of the family, the records and other documents, which must have had the principal share in settling the question.

This history of this Dinagapore peshcush is the public one received by the Company, and which is entered upon the record, — but not the private, and

probably the true history of this corrupt transaction.

Very soon after this decision, very soon after this peshcush was given, we find all the officers of the young Rajah, who was supposed to have given it, turned out of their employment by Gunga Govind Sing, — by the very man who received the peshcush for Mr. Hastings. We find them all turned out of their employments; we find them all accused, without any appearance or trace in the records of any proof of embezzlement, of neglect in the education of the minor Rajah, of the mismanagement of his affairs, or the allotment of an unsuitable allowance. And accordingly, to prevent the relations of his adopted mother, to prevent those who might be supposed to have an immediate interest in the family, from abusing the trust of his education and the trust of the management of his fortune, Gunga Govind Sing, (for I trust your Lordships would not suffer me, if I had a mind, to quote that tool of a thing, the Committee of Revenue, bought at 62,000*l.* a year, — you would not suffer me to name it, especially when you know all the secret agency of bribes in the hand of Gunga Govind Sing,) — this Gunga Govind Sing produces soon after another character, to whom he consigns the custody of the whole family and the whole province.

I will do Mr. Hastings the justice to say, that, if he had known there was another man more accomplished in all iniquity than Gunga Govind Sing, he would not have given him the first place in his confidence. But there is another next to him in the country, whom you are to hear of by-and-by, called Debi Sing. This person, in the universal opinion of all Bengal, is ranked next to Gunga Govind Sing; and, what is very curious, they have been recorded by Mr. Hastings as rivals in the same virtues.

Arcades ambo,
Et cantare pares, et respondere parati.

But Mr. Hastings has the happiest modes in the world: these rivals were reconciled on this occasion, and Gunga Govind Sing appoints Debi Sing, superseding all the other officers for no reason whatever upon record. And because, like champions, they ought to go in pairs, there is an English gentleman, one Mr. Goodlad, whom you will hear of presently, appointed along with him. Absolute strangers to the Rajah's family, the first act they do is to cut off a thousand out of sixteen hundred a month from his allowance. They state (though there was a great number of dependants to maintain) that six hundred would be enough to maintain him. There appears in the account of these proceedings to be such a flutter about the care of the Rajah, and the management of his household: in short, that there never was such a tender guardianship as, always with the knowledge of Mr. Hastings, is exercised over this poor Rajah, who had just given (if he did give) 40,000*l.* for *his own* inheritance, if it was his due, — for the inheritance of *others*, if it was not his due. One would think he was entitled to some mercy; but, probably

because the money could not otherwise be supplied, his establishment was cut down by Debi Sing and Mr. Goodlad a thousand a month, which is just twelve thousand a year.

When Mr. Hastings had appointed those persons to the guardianship who had an interest in the management of the Rajah's education and fortune, one should have thought, before they were turned out, he would at least have examined whether such a step was proper or not. No: they were turned out without any such examination; and when I come to inquire into the proceedings of Gunga Govind Sing's Committee, I do not find that the new guardians have brought to account one single shilling they received, appointed as they were by that council newly made to superintend all the affairs of the Rajah. There is not one word to be found of an account: Debi Sing's honor, fidelity, and disinterestedness, and that of Mr. Goodlad, is sufficient; and that is the way in which the management and superintendence of one of the greatest houses in that country is given to the guardianship of strangers. And how is it managed? We find Debi Sing in possession of the Rajah's family, in possession of his affairs, in the management of his whole zemindary; and in the course of the next year he is to give him in farm the whole of the revenues of these three provinces. Now whether the peshcush was received for the nomination of the Rajah as a bribe in judgment, or whether Mr. Hastings got it from Debi Sing as a bribe in office, for appointing him to the guardianship of a family that did not belong to him, and for the dominion of three great and once wealthy provinces, — (which is best or worst I shall not pretend to determine,) — you find the Rajah in his possession; you find his education, his household, in his possession; the public revenues are in his possession; they are given over to him.

If we look at the records, the letting of these provinces appears to have been carried on by the new Committee of Revenue, as the course and order of business required it should. But by the investigation into Mr. Hastings's money transactions, the insufficiency and fallacy of these records is manifest beyond a doubt. From this investigation it is discovered that it was in reality a bargain secretly struck between the Governor-General and Debi Sing, and that the Committee were only employed in the mere official forms. From the time that Mr. Hastings new-modelled the revenue system, nothing is seen in its true shape. We now know, in spite of the fallacy of these records, who the true grantor was: it will not be amiss to go a little further in supplying their defects, and to inquire a little concerning the grantee. This makes it necessary for me to inform your Lordships who Debi Sing is.

[Mr. Burke read the Committee's recommendation of Debi Sing to the Governor-General and Council; but the copy of the paper alluded to is wanting.]

Here is a choice; here is Debi Sing presented for his knowledge in business, his trust and fidelity, and that he is a person against whom no objection can be made. This is presented to Mr. Hastings, by him recorded in the Council Books, and by

him transmitted to the Court of Directors. Mr. Hastings has since recorded, that he knew this Debi Sing, (though he here publicly authorizes the nomination of him to all that great body of trusts,) — that he knew him to be a man completely capable of the most atrocious iniquities that were ever charged upon man. Debi Sing is appointed to all those great trusts, through the means of Gunga Govind Sing, from whom he (Mr. Hastings) had received 30,000*l.* as a part of a bribe.

Now, though it is a large field, though it is a thing that I must confess I feel a reluctance almost in venturing to undertake, exhausted as I am, yet such is the magnitude of the affair, such the evil consequences that followed from a system of bribery, such the horrible consequences of superseding all the persons in office in the country to give it into the hands of Debi Sing, that, though it is the public opinion, and though no man that has ever heard the name of Debi Sing does not know that he was only second to Gunga Govind Sing, yet it is not to my purpose, unless I prove that Mr. Hastings knew his character at the very time he accepts him as a person against whom no exception could be made.

It is necessary to inform your Lordships who this Debi Sing was, to whom these great trusts were committed, and those great provinces given.

It may be thought, and not unnaturally, that, in this sort of corrupt and venal appointment to high trust and office, Mr. Hastings has no other consideration than the money he received. But whoever thinks so will be deceived. Mr. Hastings was very far from indifferent to the character of the persons he dealt with. On the contrary, he made a most careful selection; he had a very scrupulous regard to the aptitude of the men for the purposes for which he employed them, and was much guided by his experience of their conduct in those offices which had been sold to them upon former occasions.

Except Gunga Govind Sing, (whom, as justice required, Mr. Hastings distinguished by the highest marks of his confidence,) there was not a man in Bengal, perhaps not upon earth, a match for this Debi Sing. He was not an unknown subject, not one rashly taken up as an experiment. He was a tried man; and if there had been one more desperately and abandonedly corrupt, more wildly and flagitiously oppressive, to be found unemployed in India, large as his offers were, Mr. Hastings would not have taken this money from Debi Sing.

Debi Sing was one of those who in the early stages of the English power in Bengal attached himself to those natives who then stood high in office. He courted Mahomed Reza Khân, a Mussulman of the highest rank, of the tribe of Koreish, whom I have already mentioned, then at the head of the revenue, and now at the head of the criminal justice of Bengal, with all the supple assiduity of which those who possess no valuable art or useful talent are commonly complete masters. Possessing large funds, acquired by his apprenticeship and novitiate in the lowest frauds, he was enabled to lend to this then powerful man, in the several emergencies of his variable fortune, very large sums of money. This great man had been brought

down by Mr. Hastings, under the orders of the Court of Directors, upon a cruel charge, to Calcutta. He was accused of many crimes, and acquitted, 220,000*l.* in debt: that is to say, as soon as he was a great debtor, he ceased to be a great criminal.

Debi Sing obtained by his services no slight influence over Mahomed Reza Khân, a person of a character very different from his.

From that connection he was appointed to the farm of the revenue, and inclusively of the government of Purneah, a province of very great extent, and then in a state of no inconsiderable opulence. In this office he exerted his talents with so much vigor and industry that in a very short time the province was half depopulated and totally ruined.

The farm, on the expiration of his lease, was taken by a set of adventurers in this kind of traffic from Calcutta. But when the new undertakers came to survey the object of their future operations and future profits, they were so shocked at the hideous and squalid scenes of misery and desolation that glared upon them in every quarter, that they instantly fled out of the country, and thought themselves but too happy to be permitted, on the payment of a penalty of twelve thousand pounds, to be released from their engagements.

To give in a few words as clear an idea as I am able to give of the immense volume which might be composed of the vexations, violence, and rapine of that tyrannical administration, the territorial revenue of Purneah, which had been let to Debi Sing at the rate of 160,000*l.* sterling a year, was with difficulty leased for a yearly sum under 90,000*l.*, and with all rigor of exaction produced in effect little more than 60,000*l.*, falling greatly below one half of its original estimate: so entirely did the administration of Debi Sing exhaust all the resources of the province; so totally did his baleful influence blast the very hope and spring of all future revenue.

The administration of Debi Sing was too notoriously destructive not to cause a general clamor. It was impossible that it should be passed over without animadversion. Accordingly, in the month of September, 1772, Mr. Hastings, then at the head of the Committee of Circuit, removed him for maladministration; and he has since publicly declared on record that he knew him to be capable of all the most horrid and atrocious crimes that can be imputed to man.

This brand, however, was only a mark for Mr. Hastings to find him out hereafter in the crowd, to identify him for his own, and to call him forth into action, when his virtues should be sufficiently matured for the services in which he afterwards employed him, through his instruments, Mr. Anderson and Gunga Govind Sing. In the mean time he left Debi Sing to the direction of his own good genius.

Debi Sing was stigmatized in the Company's records, his reputation was gone, but his funds were safe. In the arrangement made by Mr. Hastings, in the year 1773, by which Provincial Councils were formed, Debi Sing became deputy-steward, or secretary, (soon in effect and influence principal steward,) to the

Provincial Council of Moorshedabad, the seat of the old government, and the first province of the kingdom; and to his charge were committed various extensive and populous provinces, yielding an annual revenue of one hundred and twenty lacs of rupees, or 1,500,000*l*. This division of Provincial Council included Rungpore, Edrackpore, and others, where he obtained such a knowledge of their resources as subsequently to get possession of them.

Debi Sing found this administration composed mostly of young men, dissipated and fond of pleasure, as is usual at that time of life, but desirous of reconciling those pleasures, which usually consume wealth, with the means of making a great and speedy fortune, — at once eager candidates for opulence, and perfect novices in all the roads that lead to it. Debi Sing commiserated their youth and inexperience, and took upon him to be their guide.

There is a revenue in that country, raised by a tax more productive than laudable. It is an imposition on public prostitutes, a duty upon the societies of dancing-girls, — those seminaries from which Mr. Hastings has selected an administrator of justice and governor of kingdoms. Debi Sing thought it expedient to farm this tax, — not only because he neglected no sort of gain, but because he regarded it as no contemptible means of power and influence. Accordingly, in plain terms, he opened a legal brothel, out of which he carefully reserved (you may be sure) the very flower of his collection for the entertainment of his young superiors: ladies recommended not only by personal merit, but, according to the Eastern custom, by sweet and enticing names which he had given them. For, if they were to be translated, they would sound, — Riches of my Life, Wealth of my Soul, Treasure of Perfection, Diamond of Splendor, Pearl of Price, Ruby of Pure Blood, and other metaphorical descriptions, that, calling up dissonant passions to enhance the value of the general harmony, heightened the attractions of love with the allurements of avarice. A moving seraglio of these ladies always attended his progress, and were always brought to the splendid and multiplied entertainments with which he regaled his Council. In these festivities, whilst his guests were engaged with the seductions of beauty, the intoxications of the most delicious wines of France, and the voluptuous vapor of perfumed India smoke, uniting the vivid satisfactions of Europe with the torpid blandishments of Asia, the great magician himself, chaste in the midst of dissoluteness, sober in the centre of debauch, vigilant in the lap of negligence and oblivion, attended with an eagle's eye the moment for thrusting in business, and at such times was able to carry without difficulty points of shameful enormity, which at other hours he would not so much as have dared to mention to his employers, young men rather careless and inexperienced than intentionally corrupt. Not satisfied with being pander to their pleasures, he anticipated and was purveyor to their wants, and supplied them with a constant command of money; and by these means he reigned with an uncontrolled dominion over the province and over its governors.

For you are to understand that in many things we are very much misinformed with regard to the true seat of power in India. Whilst we were proudly calling India a British government, it was in substance a government of the lowest, basest, and most flagitious of the native rabble, to whom the far greater part of the English who figured in employment and station had from their earliest youth been slaves and instruments. Banians had anticipated the period of their power in premature advances of money, and have ever after obtained the entire dominion over their nominal masters.

By these various ways and means Debi Sing contrived to add job to job, employment to employment, and to hold, besides the farms of two very considerable districts, various trusts in the revenue, — sometimes openly appearing, sometimes hid two or three deep in false names, emerging into light or shrouding himself in darkness, as successful or defeated crimes rendered him bold or cautious. Every one of these trusts was marked with its own fraud; and for one of those frauds, committed by him in another name, by which he became deeply in balance to the revenue, he was publicly whipped *by proxy*.

All this while Mr. Hastings kept his eye upon him, and attended to his progress. But as he rose in Mr. Hastings's opinion, he fell in that of his immediate employers. By degrees, as reason prevailed, and the fumes of pleasure evaporated, the Provincial Council emerged from their first dependence, and, finding nothing but infamy attending the councils and services of such a man, resolved to dismiss him. In this strait and crisis of his power the artist turned himself into all shapes. He offered great sums individually, he offered them collectively, and at last put a *carte blanche* on the table, — all to no purpose. "What are you? — stones? Have I not men to deal with? Will flesh and blood refuse me?"

When Debi Sing found that the Council had entirely escaped, and were proof against his offers, he left them with a sullen and menacing silence. He applied where he had good intelligence that these offers would be well received, and that he should at once be revenged of the Council, and obtain all the ends which through them he had sought in vain.

Without hesitation or scruple Mr. Hastings sold a set of innocent officers, — sold his fellow-servants of the Company, entitled by every duty to his protection, — sold English subjects, recommended by every tie of national sympathy, — sold the honor of the British government itself, — without charge, without complaint, without allegation of crime in conduct, or of insufficiency in talents: he sold them to the most known and abandoned character which the rank servitude of that clime produces. For *him* he entirely broke and quashed the Council of Moorshedabad, which had been the settled government for twelve years, (a long period in the changeful history of India,) — at a time, too, when it had acquired a great degree of consistency, an official experience, a knowledge and habit of business, and was making full amends for early errors.

For now Mr. Hastings, having buried Colonel Monson and General Clavering, and having shaken off Mr. Francis, who retired half dead from office, began at length to respire; he found elbow-room once more to display his genuine nature and disposition, and to make amends in a riot and debauch of peculation for the forced abstinence to which he was reduced during the usurped dominion of honor and integrity.

It was not enough that the English were thus sacrificed to the revenge of Debi Sing. It was necessary to deliver over the natives to his avarice. By the intervention of bribe-brokerage he united the two great rivals in iniquity, who before, from an emulation of crimes, were enemies to each other, — Gunga Govind Sing and Debi Sing. He negotiated the bribe and the farm of the latter through the former; and Debi Sing was invested in farm for two years with the three provinces of Dinagepore, Edrackpore, and Rungpore, — territories making together a tract of land superior in dimensions to the northern counties of England, Yorkshire included.

To prevent anything which might prove an obstacle on the full swing of his genius, he removed all the restraints which had been framed to give an ostensible credit, to give some show of official order, to the plans of revenue administration framed from time to time in Bengal. An officer, called a *dewan*, had been established in the provinces, expressly as a check on the person who should act as farmer-general. This office he conferred along with that of farmer-general on Debi Sing, in order that Debi might become an effectual check upon Sing; and thus these provinces, without inspection, without control, without law, and without magistrates, were delivered over by Mr. Hastings, bound hand and foot, to the discretion of the man whom he had before recorded as the destroyer of Purneah, and capable of every the most atrocious wickedness that could be imputed to man.

Fatally for the natives of India, every wild project and every corrupt sale of Mr. Hastings, and those whose example he followed, is covered with a pretended increase of revenue to the Company. Mr. Hastings would not pocket his bribe of 40,000*l.* for himself without letting the Company in as a sharer and accomplice. For the province of Rungpore, the object to which I mean in this instance to confine your attention, 7,000*l.* a year was added. But lest this avowed increase of rent should seem to lead to oppression, great and religious care was taken in the covenant so stipulated with Debi Sing, that *this* increase should not arise from any additional assessment whatsoever on the country, but solely from improvements in the cultivation, and the encouragement to be given to the landholder and husbandman. But as Mr. Hastings's bribe, of a far greater sum, was not guarded by any such provision, it was left to the discretion of the donor in what manner he was to indemnify himself for it.

Debi Sing fixed the seat of his authority at Dinagepore, where, as soon as he arrived, he did not lose a moment in doing his duty. If Mr. Hastings can forget his

covenant, you may easily believe that Debi Sing had not a more correct memory; and accordingly, as soon as he came into the province, he instantly broke every covenant which he had entered into as a restraint on his avarice, rapacity, and tyranny, which, from the highest of the nobility and gentry to the lowest husbandmen, were afterwards exercised, with a stern and unrelenting impartiality, upon the whole people. For, notwithstanding the province before Debi Sing's lease was, from various causes, in a state of declension, and in balance for the revenue of the preceding year, at his very first entrance into office he forced from the zemindars or landed gentry an enormous increase of their tribute. They refused compliance. On this refusal he threw the whole body of zemindars into prison, and thus in bonds and fetters compelled them to sign their own ruin by an increase of rent which they knew they could never realize. Having thus gotten them under, he added exaction to exaction, so that every day announced some new and varied demand, until, exhausted by these oppressions, they were brought to the extremity to which he meant to drive them, the sale of their lands.

The lands held by the zemindars of that country are of many descriptions. The first and most general are those that pay revenue; the others are of the nature of demesne lands, which are free, and pay no rent to government. The latter are for the immediate support of the zemindars and their families, — as from the former they derive their influence, authority, and the means of upholding their dignity. The lands of the former description were immediately attached, sequestered, and sold for the most trifling consideration. The rent-free lands, the best and richest lands of the whole province, were sold, — sold for — what do your Lordships think? They were sold for less than one year's purchase, — at less than one year's purchase, at the most underrated value; so that the fee-simple of an English acre of rent-free land sold at the rate of seven or eight shillings. Such a sale, on such terms, strongly indicated the purchaser. And how did it turn out in fact? The purchaser was the very agent and instrument of Mr. Hastings, Debi Sing himself. He made the exaction; he forced the sale; he reduced the rate; and he became the purchaser at less than one year's purchase, and paid with the very money which he had extorted from the miserable vendors.

When he had thus sold and separated these lands, he united the whole body of them, amounting to about 7,000*l.* sterling a year (but, according to the rate of money and living in that country, equivalent to a rental in England of 30,000*l.* a year); and then having raised in the new letting, as on the sale he had fraudulently reduced those lands, he reserved them as an estate for himself, or to whomsoever resembling himself Mr. Hastings should order them to be disposed.

The lands, thus sold for next to nothing, left of course the late landholder still in debt. The failure of fund, the rigorous exaction of debt, and the multiplication of new arbitrary taxes next carried off the goods.

There is a circumstance attending this business which will call for your Lordships' pity. Most of the landholders or zemindars in that country happened at that time to be women. The sex there is in a state certainly resembling imprisonment, but guarded as a sacred treasure with all possible attention and respect. None of the coarse male hands of the law can reach them; but they have a custom, very cautiously used in all good governments there, of employing female bailiffs or sergeants in the execution of the law, where that sex is concerned. Guards, therefore, surrounded the houses; and then female sergeants and bailiffs entered into the habitations of these female zemindars, and held their goods and persons in execution, — nothing being left but what was daily threatened, their life and honor. The landholders, even women of eminent rank and condition, (for such the greatest part of the zemindars then were,) fled from the ancient seats of their ancestors, and left their miserable followers and servants, who in that country are infinitely numerous, without protection and without bread. The monthly instalment of Mr. Hastings's bribe was become due, and his rapacity must be fed from the vitals of the people.

The zemindars, before their own flight, had the mortification to see all the lands assigned to charitable and to religious uses, the humane and pious foundations of themselves and their ancestors, made to support infirmity and decrepitude, to give feet to the lame and eyes to the blind, and to effect which they had deprived themselves of many of the enjoyments of life, cruelly sequestered and sold at the same market of violence and fraud where their demesne possessions and their goods had been before made away with. Even the lands and funds set aside for their funeral ceremonies, in which they hoped to find an end to their miseries, and some indemnity of imagination for all the substantial sufferings of their lives, — even the very feeble consolations of death, were, by the same rigid hand of tyranny, — a tyranny more consuming than the funeral pile, more greedy than the grave, and more inexorable than death itself, — seized and taken to make good the honor of corruption and the faith of bribery pledged to Mr. Hastings or his instruments.

Thus it fared with the better and middling orders of the people. Were the lower, the more industrious, spared? Alas! as their situation was far more helpless, their oppression was infinitely more sore and grievous, the exactions yet more excessive, the demand yet more vexatious, more capricious, more arbitrary. To afford your Lordships some idea of the condition of those who were served up to satisfy Mr. Hastings's hunger and thirst for bribes, I shall read it to you in the very words of the representative tyrant himself, Rajah Debi Sing. Debi Sing, when he was charged with a fraudulent sale of the ornaments of gold and silver of women, who, according to the modes of that country, had starved themselves to decorate their unhappy persons, argued on the improbability of this part of the charge in these very words.

“It is notorious,” says he, “that poverty generally prevails amongst the husbandmen of Rungpore, more perhaps than in any other parts of the country. They are seldom possessed of any property, except at the time they reap their harvest; and at others barely procure their subsistence. And this is the cause that such numbers of them were swept away by the famine. Their effects are only a little earthen-ware, and their houses only a handful of straw, the sale of a *thousand* of which would not perhaps produce twenty shillings.”

These were the opulent people from whose superfluities Mr. Hastings was to obtain a gift of 40,000*l.*, over and above a large increase of rent, over and above the exactions by which the farmer must reimburse himself for the advance of the money by which he must obtain the natural profit of the farm as well as supply the peculium of his own avarice.

Therefore your Lordships will not be surprised at the consequences. All this unhappy race of little farmers and tillers of the soil were driven like a herd of cattle by his extortioners, and compelled by imprisonments, by fetters, and by cruel whippings, to engage for more than the whole of their substance or possible acquisition.

Over and above this, there was no mode of extortion, which the inventive imagination of rapacity could contrive, that was not contrived, and was not put in practice. On its own day your Lordships will hear, with astonishment, detestation, and horror, the detail of these tyrannous inventions; and it will appear that the aggregate of these superadded demands amounted to as great a sum as the whole of the compulsory rent on which they were piled.

The country being in many parts left wholly waste and in all parts considerably depopulated by the first rigors, the full rate of the district was exacted from the miserable survivors. Their burdens were increased, as their fellow-laborers, to whose joint efforts they were to owe the means of payment, diminished. Driven to make payments beyond all possible calculation, previous to receipts and above their means, in a very short time they fell into the hands of usurers.

The usurers, who under such a government held their own funds by a precarious tenure, and were to lend to those whose substance was still more precarious, to the natural hardness and austerity of that race of men had additional motives to extortion, and made their terms accordingly. And what were the terms these poor people were obliged to consent to, to answer the bribes and peshcush paid to Mr. Hastings? — five, ten, twenty, forty per cent? No! at an interest of six hundred per cent per annum, payable by the day! A tiller of land to pay six hundred per cent to discharge the demands of government! What exhaustless fund of opulence could supply this destructive resource of wretchedness and misery? Accordingly, the husbandman ground to powder between the usurer below and the oppressor above, the whole crop of the country was forced at once to market; and the market glutted, overcharged, and suffocated, the price of grain fell to the fifth part of its usual

value. The crop was then gone, but the debt remained. An universal treasury extent and process of execution followed on the cattle and stock, and was enforced with more or less rigor in every quarter. We have it in evidence, that in those sales five cows were sold for not more than seven or eight shillings. All other things were depreciated in the same proportion. The sale of the instruments of husbandry succeeded to that of the corn and stock. Instances there are, where, all other things failing, the farmers were dragged from the court to their houses, in order to see them first plundered, and then burnt down before their faces. It was not a rigorous collection of revenue, it was a savage war made upon the country.

The peasants were left little else than their families and their bodies. The families were disposed of. It is a known observation, that those who have the fewest of all other worldly enjoyments are the most tenderly attached to their children and wives. The most tender of parents sold their children at market. The most fondly jealous of husbands sold their wives. The tyranny of Mr. Hastings extinguished every sentiment of father, son, brother, and husband!

I come now to the last stage of their miseries. Everything visible and vendible was seized and sold. Nothing but the bodies remained.

It is the nature of tyranny and rapacity never to learn moderation from the ill-success of first oppressions; on the contrary, all oppressors, all men thinking highly of the methods dictated by their nature, attribute the frustration of their desires to the want of sufficient rigor. Then they redouble the efforts of their impotent cruelty, which producing, as they must ever produce, new disappointments, they grow irritated against the objects of their rapacity; and then rage, fury, and malice, implacable because unprovoked, recruiting and reinforcing their avarice, their vices are no longer human. From cruel men they are transformed into savage beasts, with no other vestiges of reason left but what serves to furnish the inventions and refinements of ferocious subtlety, for purposes of which beasts are incapable and at which fiends would blush.

Debi Sing and his instruments suspected, and in a few cases they suspected justly, that the country people had purloined from their own estates, and had hidden in secret places in the circumjacent deserts, some small reserve of their own grain to maintain themselves during the unproductive months of the year, and to leave some hope for a future season. But the under-tyrants knew that the demands of Mr. Hastings would admit no plea for delay, much less for subtraction of his bribe, and that he would not abate a shilling of it to the wants of the whole human race. These hoards, real or supposed, not being discovered by menaces and imprisonment, they fell upon the last resource, the naked bodies of the people. And here, my Lords, began such a scene of cruelties and tortures as I believe no history has ever presented to the indignation of the world, — such as I am sure, in the most barbarous ages, no politic tyranny, no fanatic persecution, has ever yet exceeded. Mr. Paterson, the commissioner appointed to inquire into the state of the country,

makes his own apology and mine for opening this scene of horrors to you in the following words: "That the punishments inflicted upon the ryots, both of Rungpore and Dinagepore, for non-payment, were in many instances of such a nature that I would rather wish to draw a veil over them than shock your feelings by the detail, but that, however disagreeable the task may be to myself, it is absolutely necessary, for the sake of justice, humanity, and the honor of government, that they should be exposed, to be prevented in future."

My Lords, they began by winding cords round the fingers of the unhappy freeholders of those provinces, until they clung to and were almost incorporated with one another; and then they hammered wedges of iron between them, until, regardless of the cries of the sufferers, they had bruised to pieces and forever crippled those poor, honest, innocent, laborious hands, which had never been raised to their mouths but with a penurious and scanty proportion of the fruits of their own soil; but those fruits (denied to the wants of their own children) have for more than fifteen years past furnished the investment for our trade with China, and been sent annually out, and without recompense, to purchase for us that delicate meal with which your Lordships, and all this auditory, and all this country, have begun every day for these fifteen years at their expense. To those beneficent hands that labor for our benefit the return of the British government has been cords and hammers and wedges. But there is a place where these crippled and disabled hands will act with resistless power. What is it that they will not pull down, when they are lifted to heaven against their oppressors? Then what can withstand such hands? Can the power that crushed and destroyed them? Powerful in prayer, let us at least deprecate and thus endeavor to secure ourselves from the vengeance which these mashed and disabled hands may pull down upon us. My Lords, it is an awful consideration: let us think of it.

But to pursue this melancholy, but necessary detail. I am next to open to your Lordships, what I am hereafter to prove, that the most substantial and leading yeomen, the responsible farmers, the parochial magistrates and chiefs of villages, were tied two and two by the legs together; and their tormentors, throwing them with their heads downwards, over a bar, beat them on the soles of the feet with rattans, until the nails fell from the toes; and then attacking them at their heads, as they hung downward, as before at their feet, they beat them with sticks and other instruments of blind fury, until the blood gushed out at their eyes, mouths, and noses. Not thinking that the ordinary whips and cudgels, even so administered, were sufficient, to others (and often also to the same who had suffered as I have stated) they applied, instead of rattan and bamboo, whips made of the branches of the bale tree, — a tree full of sharp and strong thorns, which tear the skin and lacerate the flesh far worse than ordinary scourges. For others, exploring with a searching and inquisitive malice, stimulated by an insatiate rapacity, all the devious paths of Nature for whatever is most unfriendly to man, they made rods of a plant highly

caustic and poisonous, called *Bechettea*, every wound of which festers and gangrenes, adds double and treble to the present torture, leaves a crust of leprous sores upon the body, and often ends in the destruction of life itself. At night, these poor innocent sufferers, these martyrs of avarice and extortion, were brought into dungeons; and in the season when nature takes refuge in insensibility from all the miseries and cares which wait on life, they were three times scourged, and made to reckon the watches of the night by periods and intervals of torment. They were then led out, in the severe depth of winter, which there at certain seasons would be severe to any, to the Indians is most severe and almost intolerable, — they were led out before break of day, and, stiff and sore as they were with the bruises and wounds of the night, were plunged into water; and whilst their jaws clung together with the cold, and their bodies were rendered infinitely more sensible, the blows and stripes were renewed upon their backs; and then, delivering them over to soldiers, they were sent into their farms and villages to discover where a few handfuls of grain might be found concealed, or to extract some loan from the remnants of compassion and courage not subdued in those who had reason to fear that their own turn of torment would be next, that they should succeed them in the same punishment, and that their very humanity, being taken as a proof of their wealth, would subject them (as it did in many cases subject them) to the same inhuman tortures. After this circuit of the day through their plundered and ruined villages, they were remanded at night to the same prison, whipped, as before, at their return to the dungeon, and at morning whipped at their leaving it, and then sent, as before, to purchase, by begging in the day, the reiteration of the torture in the night. Days of menace, insult, and extortion, nights of bolts, fetters, and flagellation, succeeded to each other in the same round, and for a long time made up all the vicissitude of life to these miserable people.

But there are persons whose fortitude could bear their own suffering; there are men who are hardened by their very pains, and the mind, strengthened even by the torments of the body, rises with a strong defiance against its oppressor. They were assaulted on the side of their sympathy. Children were scourged almost to death in the presence of their parents. This was not enough. The son and father were bound close together, face to face and body to body, and in that situation cruelly lashed together, so that the blow which escaped the father fell upon the son, and the blow which missed the son wound over the back of the parent. The circumstances were combined by so subtle a cruelty that every stroke which did not excruciate the sense should wound and lacerate the sentiments and affections of nature.

On the same principle, and for the same ends, virgins, who had never seen the sun, were dragged from the inmost sanctuaries of their houses, and in the open court of justice, in the very place where security was to be sought against all wrong and all violence, (but where no judge or lawful magistrate had long sat, but in their place the ruffians and hangmen of Warren Hastings occupied the bench,) these

virgins, vainly invoking heaven and earth, in the presence of their parents, and whilst their shrieks were mingled with the indignant cries and groans of all the people, publicly were violated by the lowest and wickedest of the human race. Wives were torn from the arms of their husbands, and suffered the same flagitious wrongs, which were indeed hid in the bottoms of the dungeons in which their honor and their liberty were buried together. Often they were taken out of the refuge of this consoling gloom, stripped naked, and thus exposed to the world, and then cruelly scourged; and in order that cruelty might riot in all the circumstances that melt into tenderness the fiercest natures, the nipples of their breasts were put between the sharp and elastic sides of cleft bamboos. Here in my hand is my authority; for otherwise one would think it incredible. But it did not end there. Growing from crime to crime, ripened by cruelty for cruelty, these fiends, at length outraging sex, decency, nature, applied lighted torches and slow fire — (I cannot proceed for shame and horror!) — these infernal furies planted death in the source of life, and where that modesty, which, more than reason, distinguishes men from beasts, retires from the view, and even shrinks from the expression, there they exercised and glutted their unnatural, monstrous, and nefarious cruelty, — there, where the reverence of nature and the sanctity of justice dares not to pursue, nor venture to describe their practices.

These, my Lords, were sufferings which we feel all in common, in India and in England, by the general sympathy of our common nature. But there were in that province (sold to the tormentors by Mr. Hastings) things done, which, from the peculiar manners of India, were even worse than all I have laid before you; as the dominion of manners and the law of opinion contribute more to their happiness and misery than anything in mere sensitive nature can do.

The women thus treated lost their caste. My Lords, we are not here to commend or blame the institutions and prejudices of a whole race of people, radicated in them by a long succession of ages, on which no reason or argument, on which no vicissitudes of things, no mixtures of men, or foreign conquest, have been able to make the smallest impression. The aboriginal Gentoo inhabitants are all dispersed into tribes or castes, — each caste born to an invariable rank, rights, and descriptions of employment, so that one caste cannot by any means pass into another. With the Gentoos, certain impurities or disgraces, though without any guilt of the party, infer loss of caste; and when the highest caste, that of Brahmin, which is not only noble, but sacred, is lost, the person who loses it does not slide down into one lower, but reputable, — he is wholly driven from all honest society. All the relations of life are at once dissolved. His parents are no longer his parents; his wife is no longer his wife; his children, no longer his, are no longer to regard him as their father. It is something far worse than complete outlawry, complete attainder, and universal excommunication. It is a pollution even to touch him; and if he touches any of his old caste, they are justified in putting him to death. Contagion, leprosy,

plague, are not so much shunned. No honest occupation can be followed. He becomes an *halicore*, if (which is rare) he survives that miserable degradation.

Upon those whom all the shocking catalogue of tortures I have mentioned could not make to flinch one of the modes of losing caste for Brahmins and other principal tribes was practised. It was to harness a bullock at the court-door, and to put the Brahmin on his back, and to lead him through the towns, with drums beating before him. To intimidate others, this bullock, with drums, (the instrument, according to their ideas, of outrage, disgrace, and utter loss of caste,) was led through the country; and as it advanced, the country fled before it. When any Brahmin was seized, he was threatened with this pillory, and for the most part he submitted in a moment to whatever was ordered. What it was may be thence judged. But when no possibility existed of complying with the demand, the people by their cries sometimes prevailed on the tyrants to have it commuted for cruel scourging, which was accepted as mercy. To some Brahmins this mercy was denied, and the act of indelible infamy executed. Of these men one came to the Company's commissioner with the tale, and ended with these melancholy words: "I have suffered this indignity; my caste is lost; my life is a burden to me: I call for justice." He called in vain.

Your Lordships will not wonder that these monstrous and oppressive demands, exacted with such tortures, threw the whole province into despair. They abandoned their crops on the ground. The people, in a body, would have fled out of its confines; but bands of soldiers invested the avenues of the province, and, making a line of circumvallation, drove back those wretches, who sought exile as a relief, into the prison of their native soil. Not suffered to quit the district, they fled to the many wild thickets which oppression had scattered through it, and sought amongst the jungles, and dens of tigers, a refuge from the tyranny of Warren Hastings. Not able long to exist here, pressed at once by wild beasts and famine, the same despair drove them back; and seeking their last resource in arms, the most quiet, the most passive, the most timid of the human race rose up in an universal insurrection; and, what will always happen in popular tumults, the effects of the fury of the people fell on the meaner and sometimes the reluctant instruments of the tyranny, who in several places were massacred. The insurrection began in Rungpore, and soon spread its fire to the neighboring provinces, which had been harassed by the same person with the same oppressions. The English Chief in that province had been the silent witness, most probably the abettor and accomplice, of all these horrors. He called in first irregular, and then regular troops, who by dreadful and universal military execution got the better of the impotent resistance of unarmed and undisciplined despair. I am tired with the detail of the cruelties of peace. I spare you those of a cruel and inhuman war, and of the executions which, without law or process, or even the shadow of authority, were ordered by the English Revenue Chief in that province.

In our Indian government, whatever grievance is borne is denied to exist, and all mute despair and sullen patience is construed into content and satisfaction. But this general insurrection, which at every moment threatened to blaze out afresh, and to involve all the provinces in its flames, rent in pieces that veil of fraud and mystery that covers all the miseries of all the provinces. Calcutta rung with it; and it was feared it would go to England. The English Chief in the province, Mr. Goodlad, represented it to Mr. Hastings's Revenue Committee to be (what it was) the greatest and most serious disturbance that ever happened in Bengal. But, good easy man, he was utterly unable to guess to what cause it was to be attributed. He thought there was some irregularity in the collection, but on the whole judged that it had little other cause than a general conspiracy of the husbandmen and landholders, who, as Debi Sing's lease was near expiring, had determined not to pay any more revenue.

Mr. Hastings's Committee of Revenue, whilst these wounds were yet bleeding, and whilst a total failure was threatened in the rents of these provinces, thought themselves obliged to make an inquiry with some sort of appearance of seriousness into the causes of it. They looked, therefore, about them carefully, and chose what they judged would be most plausible and least effective. They thought that it was necessary to send a special commissioner into the province, and one, too, whose character would not instantly blast the credit of his mission. They cast their eyes on a Mr. Paterson, a servant of the Company, a man of fair character, and long standing in the service. Mr. Paterson was a person known to be of a very cool temper, placid manners, moderate and middle opinions, unconnected with parties; and from such a character they looked for (what sometimes is to be expected from it) a compromising, balanced, neutralized, equivocal, colorless, confused report, in which the blame was to be impartially divided between the sufferer and the oppressor, and in which, according to the standing manners of Bengal, he would recommend oblivion as the best remedy, and would end by remarking, that retrospect could have no advantage, and could serve only to irritate and keep alive animosities; and by this kind of equitable, candid, and judge-like proceeding, they hoped the whole complaint would calmly fade away, the sufferers remain in the possession of their patience, and the tyrant of his plunder. In confidence of this event from this presumed character, Mr. Hastings's Committee, in appointing Mr. Paterson their commissioner, were not deficient in arming him with powers equal to the object of his commission. He was enabled to call before him all accountants, to compel the production of all accounts, to examine all persons, — not only to inquire and to report, but to decide and to redress.

Such is the imperfection of human wisdom that the Committee totally failed in their well-laid project. They were totally mistaken in their man. Under that cold outside the commissioner, Paterson, concealed a firm, manly, and fixed principle, a deciding intellect, and a feeling heart. My Lords, he is the son of a gentleman of a venerable age and excellent character in this country, who long filled the seat of

chairman of the Committee of Supply in the House of Commons, and who is now enjoying repose from his long labors in an honorable age. The son, as soon as he was appointed to this commission, was awed by and dreaded the consequences. He knew to what temptation he should be exposed, from the known character of Debi Sing, to suppress or to misrepresent facts. He therefore took out a letter he had from his father, which letter was the preservation of his character and destruction of his fortune. This letter he always resorted to in all trying exigencies of his life. He laid the letter before him, and there was enjoined such a line of integrity, incorruptness, of bearing every degree of persecution rather than disguising truth, that he went up into the country in a proper frame of mind for doing his duty.

He went to Rungpore strongly impressed with a sense of the great trust that was placed in him; and he had not the least reason to doubt of full support in the execution of it, — as he, with every other white man in Bengal, probably, and every black, except two, was ignorant of the fact, that the Governor-General, under whose delegated authority he was sent, had been bribed by the farmer-general of those provinces, and had sold them to his discretion for a great sum of money. If Paterson had known this fact, no human consideration would have induced him, or any other man of common prudence, to undertake an inquiry into the conduct of Debi Sing. Pity, my Lords, the condition of an honest servant in Bengal.

But Paterson was ignorant of this dark transaction, and went simply to perform a duty. He had hardly set his foot in the province, when the universal, unquestioned, uncontradicted testimony of the whole people, concurring with the manifest evidence of things which could not lie, with the face of an utterly ruined, undone, depopulated country, and saved from literal and exceptionless depopulation only by the exhibition of scattered bands of wild, naked, meagre, half-famished wretches, who rent heaven with their cries and howlings, left him no sort of doubt of the real cause of the late tumults. In his first letters he conveyed his sentiments to the Committee with these memorable words. “In my two reports I have set forth in a general manner the oppressions which provoked the ryots to rise. I shall, therefore, not enumerate them now. Every day of my inquiry serves but to confirm the facts. The wonder would have been, if they had not risen. It was not collection, but real robbery, aggravated by corporal punishment and every insult of disgrace, — and this not confined to a few, but extended over every individual. Let the mind of man be ever so much inured to servitude, still there is a point where oppressions will rouse it to resistance. Conceive to yourselves what must be the situation of a ryot, when he sees everything he has in the world seized, to answer an exaggerated demand, and sold at so low a price as not to answer one half of that demand, — when he finds himself so far from being released, that he remains still subject to corporal punishment. But what must be his feelings, when his tyrant, seeing that kind of severity of no avail, adds family disgrace and loss of caste! You, Gentlemen, who know the reserve of the natives in whatever concerns their women,

and their attachment to their castes, must allow the full effect of these prejudices under such circumstances.”

He, however, proceeded with steadiness and method, and in spite of every discouragement which could be thrown in his way by the power, craft, fraud, and corruption of the farmer-general, Debi Sing, by the collusion of the Provincial Chief, and by the decay of support from his employers, which gradually faded away and forsook him, as his occasions for it increased. Under all these, and under many more discouragements and difficulties, he made a series of able, clear, and well-digested reports, attended with such evidence as never before, and, I believe, never will again appear, of the internal provincial administration of Bengal, — of evils universally understood, which no one was ever so absurd as to contradict, and whose existence was never denied, except in those places where they ought to be rectified, although none before Paterson had the courage to display the particulars. By these reports, carefully collated with the evidence, I have been enabled to lay before you some of the effects, in one province and part of another, of Governor Hastings’s general system of bribery.

But now appeared, in the most striking light, the good policy of Mr. Hastings’s system of 1780, in placing this screen of a Committee between him and his crimes. The Committee had their lesson. Whilst Paterson is left collecting his evidence and casting up his accounts in Rungpore, Debi Sing is called up, in seeming wrath, to the capital, where he is received as those who have robbed and desolated provinces, and filled their coffers with seven hundred thousand pounds sterling, have been usually received at Calcutta, and sometimes in Great Britain. Debi Sing made good his ground in Calcutta, and when he had well prepared his Committee, in due time Paterson returns, appears, and reports.

Persons even less informed than your Lordships are well apprised that all officers representing government, and making in that character an authorized inquiry, are entitled to a presumptive credit for all their proceedings, and that their reports of facts (where there is no evidence of corruption or malice) are in the first instance to be taken for truth, especially by those who have authorized the inquiry; and it is their duty to put the burden of proof to the contrary on those who would impeach or shake the report.

Other principles of policy, and other rules of government, and other maxims of office prevailed in the Committee of Mr. Hastings’s devising. In order to destroy that just and natural credit of the officer, and the protection and support they were bound to afford him, they in an instant shift and reverse all the relations in which the parties stood.

This executive board, instituted for the protection of the revenue and of the people, and which was no court of justice in fact or name, turned their own representative officer, reporting facts according to his duty, into a voluntary accuser who is to make good his charge at his peril; the farmer-general, whose conduct was

not criminally attacked, but appeared as one of the grounds of a public inquiry, is turned into a culprit before a court of justice, against whom everything is to be juridically made out or not admitted; and the members of an executive board, by usurpation and fraud, erect themselves into judges bound to proceed by strict rules of law.

By this infamous juggle they took away, as far as in them lay, the credit due to the proceedings of government. They changed the natural situation of proofs. They rejected the depositions of Paterson's witnesses, as not on oath, though they had never ordered or authorized them so to be taken.

They went further, and disabled, in a body, all the deponents themselves, whether on oath or not on oath by discrediting the whole province as a set of criminals who gave evidence to palliate their own rebellion. They administered interrogatories to the commissioner instead of the culprit. They took a base fellow, whom they had themselves ordered their commissioner to imprison for crimes, (crimes charged on him, not by the commissioner, but by themselves,) and made him a complainant and a witness against him in the stupidest and most improbable of all accusations, — namely, that Paterson had menaced him with punishment, if he did not, in so many words, slander and calumniate Debi Sing; and then the Committee, seating this wretch as an assessor at their own board, who a few days before would have trembled like a whipped slave at the look of an European, encouraged him to interrogate their own commissioner.

[Here Mr. Burke was taken ill, and obliged to sit down. After some time Mr. Burke again addressed the House.]

My Lords, I am sorry to break the attention of your Lordships in such a way. It is a subject that agitates me. It is long, difficult, and arduous; but with the blessing of God, if I can, to save you any further trouble, I will go through it this day.

I am to tell your Lordships, that the next step they took was, after putting Mr. Paterson as an accuser to make good a charge which he made out but too much to their satisfaction, they changed their battery.

[Mr. Burke's illness increased; upon which the House, on the motion of His Royal Highness the Prince of Wales, adjourned.]

SPEECH IN OPENING THE IMPEACHMENT. FOURTH DAY: TUESDAY, FEBRUARY 19, 1788.

My Lords, — In any great undertaking, a failure in the midst of it, even from infirmity, though to be regarded principally as a misfortune, is attended with some slight shadow of disgrace; but your Lordships' humanity, and your love of justice, have remedied everything, and I therefore proceed with confidence this day.

My Lords, I think (to the best of my remembrance) the House adjourned at the period of time in which I was endeavoring to illustrate the mischiefs that happened from Mr. Hastings's throwing off his responsibility, by delegating his power to a nominal Council, and in reality to a black bad man, a native of the country, of the worst character that could be found in it, — and the consequence of it, in preventing the detection and the punishment of the grossest abuses that ever were known to be committed in India, or any other part of the world.

My Lords, I stated to you that Mr. Commissioner Paterson was sent into that country. I stated that he was sent into it with all the authority of government, with power to hear, and not only to hear and to report, but to redress, the grievances which he should find in the country. In short, there was nothing wanting to his power but an honest support. Your Lordships will be convinced that the road to fortune was easy to him. Debi Sing for a favorable report would have given a large sum of money. Your Lordships will be convinced that the Committee would not have received such a report as a proof of bribery. They would rather consider him as a man whose conduct tended to conciliate, and to soften troublesome and difficult matters, and to settle the order of government as soon as possible.

Some of the things contained in his reports I have taken the liberty of laying before your Lordships, but very faintly, very imperfectly, and far short of my materials. I have stated, that the criminal, against whom the commissioner had made his report, instead of being punished by that strong hand of power which Mr. Hastings has thought proper to use upon other occasions, when he has endeavored to make princes, or persons in the rank and with the attributes of sovereign princes, feel whenever they have incurred his private resentments, — that this man was put into every situation of offence or defence which the most litigious and prevaricating laws that ever were invented in the very bosom of arbitrary power could afford him, or by which peculation and power were to be screened from the cries of an oppressed people.

Mr. Paterson, I stated, from being a commissioner directed to report, under the authority of government, to that government, was considered as a voluntary accuser, obliged to make good the articles of his charge. But I believe I stated that he did not long remain in that condition.

I shall now proceed to state to your Lordships, that this Debi Sing, fortified by this protection, which was extended even to the lowest of his instruments, thought it high time to assume the superiority that belonged to a personage who had the Governor-General for his *pensioner*. No longer the sneaking tone of apology; no longer the modest allegations that the commissioner was misinformed; — he boldly accuses the representative of English government of forgery in order to destroy him; he criminales and recriminales, and lays about him without mercy.

Things were now in a proper train; the Committee find the cause growing and ripening to their wishes; — answers, replies, objections, and interrogatories, — accounts opposed to accounts, — balances now on the one side, now on the other, — now debtor becomes creditor, and creditor debtor, — until the proceedings were grown to the size of volumes, and the whole well fitted to perplex the most simple facts, and to darken the meridian sunshine of public notoriety. They prepared a report for the Governor-General and Council suitable to the whole tenor of their proceedings. Here the man whom they had employed and betrayed appeared in a new character. Observe their course with him. First he was made a commissioner. Then he was changed from a commissioner to be a voluntary accuser. He now undergoes another metamorphosis: he appears as a culprit before Mr. Hastings, on the accusation of the donor of Mr. Hastings's bribes. He is to answer to the accusations of Debi Sing. He is permitted to find materials for his own defence; and he, an old Company's servant, is to acknowledge it as a favor to be again suffered to go into the province, without authority, without station, without public character, under the discountenance and frowns, and in a manner under prosecution, of the government. As a favor, he is suffered to go again into Rungpore, in hopes of finding among the dejected, harassed, and enslaved race of Hindoos, and in that undone province, men bold enough to stand forward, against all temptations of emolument, and at the risk of their lives, with a firm adherence to their original charge, — and at a time when they saw *him* an abandoned and persecuted private individual, whom they had just before looked upon as a protecting angel, carrying with him the whole power of a beneficent government, and whom they had applied to, as a magistrate of high and sacred authority, to hear the complaints and to redress the grievances of a whole people.

A new commission of junior servants was at the same time sent out to review and reëxamine the cause, to inquire into the inquiry, to examine into the examination, to control the report, to be commissioners upon the commission of Mr. Paterson. Before these commissioners he was made to appear as an accused person, and was put upon his defence, but without the authority and without the favor which ought to go with an accused person for the purpose of enabling him to make out such defence.

These persons went down into that country, and, after spending a long time in mere matters of form, found they could not do without a representative of Debi

Sing, and accordingly they ordered Debi Sing to send up his *vakeel*.

I forgot to state to your Lordships what the condition of Debi Sing was during this proceeding. This man had been ordered to Calcutta on two grounds: one, on the matter of his flagitious misconduct at Rungpore; and the other, for a great failure in the payment of his stipulated revenue. Under this double accusation, he was to be considered, according to the usual mode of proceeding in such cases, as a prisoner; and he was kept, not in the common gaol of Calcutta, not in the prison of the fort, not in that gaol in which Rajah Nundcomar, who had been prime-minister of the empire, was confined, but, according to the mild ways of that country, where they choose to be mild, and the persons are protected by the official influence of power, under a free custody. He was put under a guard of sepoy, but not confined to his house; he was permitted to go abroad, where he was daily in conference with those who were to judge him; and having an address which seldom fails, and a dexterity never wanting to a man possessed of 700,000*l.*, he converted this guard into a retinue of honor: their bayonets were lowered, their muskets laid aside; they attended him with their side-arms, and many with silver verges in their hands, to mark him out rather as a great magistrate attended by a retinue than a prisoner under guard.

When he was ordered to send a *vakeel* to defend his conduct, he refused to send him. Upon which the commissioners, instead of saying, "If you will not send your agent, we will proceed in our inquiry without him," (and, indeed, it was not made necessary by the commission that he should be there either by *vakeel* or otherwise,) condescendingly admitted his refusal, and suffered him to come up in person. He accordingly enters the province, attended with his guard, in the manner I have before mentioned, more as a person returning in triumph from a great victory than as a man under the load of all those enormous charges which I have stated. He enters the province in this manner; and Mr. Paterson, who saw himself lately the representative of the India Company, (an old servant of the Company is a great man in that country,) was now left naked, destitute, without any mark of official situation or dignity. He was present, and saw all the marks of imprisonment turned into marks of respect and dignity to this consummate villain whom I have the misfortune of being obliged to introduce to your Lordships' notice. Mr. Paterson, seeing the effect of the proceeding everywhere, seeing the minds of the people broken, subdued, and prostrate under it, and that, so far from having the means of detecting the villanies of this insolent criminal, appearing as a magistrate, he had not the means of defending even his own innocence, because every kind of information fled and was annihilated before him, represented to these young commissioners that this appearance of authority tended to strike terror into the hearts of the natives, and to prevent his receiving justice. The Council of Calcutta took this representation into their deliberate consideration; they found that it was true, that, if he had such an attendance any longer in this situation, (and a large

attendance it was, such as the Chancellor of this kingdom or the Speaker of the House of Commons does not appear with,) it would have an evil appearance. On the other hand, say they, "*If he should be left under a guard, the people would consider him as under disgrace.*" They therefore took a middle way, and ordered the guard not to attend him with fixed bayonets, which had the appearance of the custody of a prisoner, but to lower their muskets and unfix their bayonets.

The next step of these commissioners is to exclude Mr. Paterson from all their deliberations; and in order that both parties might be put on an equality, one would naturally conclude that the culprit, Debi Sing, was likewise excluded. Far from it: he sat upon the bench. Need I say any more upon this subject? The protection followed.

In this situation Mr. Paterson wrote one of the most pathetic memorials that ever was penned to the Council of Calcutta, submitting to his hard fate, but standing inflexibly to his virtue that brought it upon him. To do the man justice, he bore the whole of this persecution like an hero. He never tottered in his principles, nor swerved to the right or to the left from the noble cause of justice and humanity in which he had been engaged; and when your Lordships come to see his memorials, you will have reason to observe that his abilities are answerable to the dignity of his cause, and make him worthy of everything that he had the honor to suffer for it.

To cut short the thread of this shocking series of corruption, oppression, fraud, and chicanery, which lasted for upwards of four years: Paterson remains without employment; the inhabitants of great provinces, whose substance and whose blood was sold by Mr. Hastings, remain without redress; and the purchaser, Debi Sing, that corrupt, iniquitous, and bloody tyrant, instead of being proceeded against by the Committee in a civil suit for retribution to the sufferers, is handed over to the false semblance of a trial, on a criminal charge, before a Mahometan judge, — an equal judge, however. The judge was Mahomed Reza Khân, his original patron, and the author of all his fortunes, — a judge who depends on him, as a debtor depends upon his creditor. To that judge is he sent, without a distinct charge, without a prosecutor, and without evidence. The next ships will bring you an account of his honorable acquittal.

I have stated before that I considered Mr. Hastings as responsible for the characters of the people he employed, — doubly responsible, if he *knew* them to be bad. I therefore charge him with putting in situations in which any evil may be committed persons of known evil characters.

My Lords, I charge him, as chief governor, with destroying the institutions of the country, which were designed to be, and ought to have been, controls upon such a person as Debi Sing.

An officer, called dewan, or steward of the country, had always been placed as a control on the farmer; but that no such control should in fact exist, that he, Debi Sing, should be let loose to rapine, slaughter, and plunder in the country, both

offices were conferred on him. Did Mr. Hastings vest these offices in him? No: but if Mr. Hastings had kept firm to the duties which the act of Parliament appointed him to execute, all the revenue appointments must have been made by him; but, instead of making them himself, he appointed Gunga Govind Sing to make them; and for that appointment, and for the whole train of subordinate villany which followed the placing iniquity in the chief seat of government, Mr. Hastings is answerable. He is answerable, I say, first, for destroying his own legal capacity, and, next, for destroying the legal capacity of the Council, not one of whom ever had, or could have, any true knowledge of the state of the country, from the moment he buried it in the gulf of mystery and of darkness, under that collected heap of villany, Gunga Govind Sing. From that moment he destroyed the power of government, and put everything into his hands: for this he is answerable.

The Provincial Councils consisted of many members, who, though they might unite in some small iniquities perhaps, could not possibly have concealed from the public eye the commission of such acts as these. Their very numbers, their natural competitions, the contentions that must have arisen among them, must have put a check, at least, to such a business. And therefore, Mr. Hastings having destroyed every check and control above and below, having delivered the whole into the hands of Gunga Govind Sing, for all the iniquities of Gunga Govind Sing he is responsible.

But he did not know Debi Sing, whom he employed. I read, yesterday, and trust it is fresh in your Lordships' remembrance, that Debi Sing was presented to him by that set of tools, as they call themselves, who acted, as they themselves tell us they must act, entirely and implicitly under Gunga Govind Sing, — that is to say, by Gunga Govind Sing himself, the confidential agent of Mr. Hastings.

Mr. Hastings is further responsible, because he took a bribe of 40,000*l.* from some person in power in Dinagepore and Rungpore, the countries which were ravaged in this manner, through the hands of Gunga Govind Sing, — through the medium of that very person whom he had appointed to exercise all the authorities of the Supreme Council above and of all subordinate Councils below. Having, therefore, thus appointed a Council of tools in the hands of Gunga Govind Sing, at the expense of 62,000*l.* a year, to supersede all the English provincial authorities, — having appointed them for the purpose of establishing a bribe-factor general, a general receiver and agent of bribes through all that country, Mr. Hastings is responsible for all the consequences of it.

I have thought it necessary, and absolutely necessary it is, to state what the consequence of this clandestine mode of supplying the Company's exigencies was. Your Lordships will see that their exigencies are to be supplied by the ruin of the landed interest of a province, the destruction of the husbandmen, and the ruin of all the people in it. This is the consequence of a general bribe-broker, an agent like Gunga Govind Sing, superseding all the powers and controls of government.

But Mr. Hastings has not only reduced bribery to a system of government practically, but theoretically. For when he despaired any longer of concealing his bribes from the penetrating eye of Parliament, then he took another mode, and declared, as your Lordships will see, that it was the best way of supplying the necessities of the East India Company in the pressing exigencies of their affairs; that thus a relief to the Company's affairs might be yielded, which, in the common, ostensible mode, and under the ordinary forms of government, and publicly, never would be yielded to them. So that bribery with him became a supplement to exaction.

The best way of showing that a theoretical system is bad is to show the practical mischiefs that it produces: because a thing may look specious in theory, and yet be ruinous in practice; a thing may look evil in theory, and yet be in its practice excellent. Here a thing in theory, stated by Mr. Hastings to be productive of much good, is in reality productive of all those horrible mischiefs I have stated. That Mr. Hastings well knew this appears from an extract of the Bengal Revenue Consultations, 21st January, 1785, a little before he came away.

Mr. Hastings says,— “I entirely acquit Mr. Goodlad of all the charges: he has disproved them. It was the duty of the accuser to prove them. Whatever crimes may be established against Rajah Debi Sing, it does not follow that Mr. Goodlad was responsible for them; and I so well know the character and abilities of Rajah Debi Sing, that I can easily conceive that it was in his power both to commit the enormities which are laid to his charge, and to conceal the grounds of them from Mr. Goodlad, who had no authority but that of receiving the accounts and rents of the district from Rajah Debi Sing, and occasionally to be the channel of communication between him and the Committee.”

We shall now see what things Mr. Hastings did, what course he was in, a little before his departure, — with what propriety and consistency of character he has behaved from the year of the commencement of his corrupt system, in 1773, to the end of it, when he closed it in 1785, when the bribes not only mounted the chariot, but boarded the barge, and, as I shall show, followed him down the Ganges, and even to the sea, and that he never quitted his system of iniquity, but that it survived his political life itself.

One of his last political acts was this.

Your Lordships will remember that Mr. Goodlad was sent up into the country, whose conduct was terrible indeed: for that he could not be in place and authority in that country, and be innocent, while such things were doing, I shall prove. But that is not now my consideration.

The Governor-General's minute, just read, is this. “I entirely acquit Mr. Goodlad of all the charges: he has disproved them. It was the duty of the accuser to prove them” (the accuser, namely, the commissioner). “Whatever crimes may be

established against Rajah Debi Sing, it does not follow that Mr. Goodlad was responsible for them; and I so well know the character," &c., &c., &c.

Now your Lordships perceive he has acquitted Mr. Goodlad. He is clear. Be it that he is fairly and conscientiously acquitted. But what is Mr. Hastings's account of Rajah Debi Sing? He is presented to him in 1781, by Gunga Govind Sing, as a person against whose character there could be no exception, and by him accepted in that light. Upon the occasion I have mentioned, Mr. Hastings's opinion of him is this: "I so well know the character and abilities of Rajah Debi Sing, that I can easily conceive that it was in his power both to commit the enormities which are laid to his charge, and to conceal the grounds of them from Mr. Goodlad, who had no authority but that of receiving the accounts and rents of the district from Rajah Debi Sing, and occasionally to be the channel of communication between him and the Committee."

Thus your Lordships see what Mr. Hastings's opinion of Debi Sing was. We shall prove it at another time, by abundance of clear and demonstrative evidence, that, whether he was bad or no, (but we shall prove that bad he was indeed,) *even he* could hardly be so bad as he was in the opinion which Mr. Hastings entertained of him; who, notwithstanding, now disowns this mock Committee, instituted by himself, but, in reality, entirely managed by Gunga Govind Sing. This Debi Sing was accepted as an unexceptionable man; and yet Mr. Hastings knows both his power of doing mischief and his artifice in concealing it. If, then, Mr. Goodlad is to be acquitted, does it not show the evil of Mr. Hastings's conduct in destroying those Provincial Councils which, as I have already stated, were obliged to book everything, to minute all the circumstances which came before them, together with all the consultations respecting them? He strikes at the whole system at once, and, instead of it, he leaves an Englishman, under pretence of controlling Gunga Govind Sing's agent, appointed for the very purpose of giving him bribes, in a province where Mr. Hastings says that agent had the power of committing such enormities, and which nobody doubts his disposition to commit, — he leaves him, I say, in such a state of inefficiency, that these iniquities could be concealed (though every one true) from the person appointed there to inspect his conduct! What, then, could be his business there? Was it only to receive such sums of money as Debi Sing might put into his hands, and which might have been easily sent to Calcutta? Was he to be of use as a communication between Debi Sing and the Committee, and in no other way? Here, then, we have that English authority which Mr. Hastings left in the country, — here the native authority which he settled, and the establishment of native iniquity in a regular system under Gunga Govind Sing, — here the destruction of all English inspection. I hope I need say no more to prove to your Lordships that this system, taken nakedly as it thus stands, founded in mystery and obscurity, founded for the very express purpose of conveying bribes, as the best mode of collecting the revenue and supplying the Company's exigencies through

Gunga Govind Sing, would be iniquitous upon the face and the statement of it. But when your Lordships consider what horrid effects it produced, you will easily see what the mischief and abomination of Mr. Hastings's destroying these Provincial Councils and protecting these persons must necessarily be. If you had not known in theory, you must have seen it in practice.

But when both practice and theory concur, there can be no doubt that a system of private bribery for a revenue, and of private agency for a constitutional government, must ruin the country where it prevails, must disgrace the country that uses it, and finally end in the destruction of the revenue. For what says Mr. Hastings? "I was to have received 40,000*l.* in bribes, and 30,000*l.* was actually applied to the use of the Company." Now I hope I shall demonstrate, if not, it will be by some one abler than me demonstrated, in the course of this business, that there never was a bribe received by Mr. Hastings that was not instantly followed with a deficiency in the revenue, — this is clear, and what we undertake to prove, — and that Debi Sing himself was, at the time Mr. Hastings came away, between twenty and thirty thousand pounds debtor to the Company. So that, in truth, you always find a deficiency of revenue nearly equal, and in some instances I shall show double, to all the bribes Mr. Hastings received: from whence it will be evident that he never could nor did receive them under that absurd and strange idea of a resource to government.

I must re-state to your Lordships, because I wish you never to forget, that this Committee of Revenue was, in their own opinion, and from their own certain knowledge and mere motion, if motion can be attributed originally to instruments, mere tools; that they knew that they were tools in the hands of Gunga Govind Sing. There were two persons principal in it, — Mr. Shore, who was the acting President, and Mr. Anderson, who was President in rank, and President in emolument, but absent for a great part of the time upon a foreign embassy. It is the recorded opinion of the former, (for I must beg leave to read again a part of the paper which has already been read to your Lordships,) that "the Committee, with the best intentions, best abilities, and steadiest application, must, after all, be a tool in the hands of their dewan."

Now do you believe, in the first place, that men will long have abilities, will long have good intentions, and will long, above all, have steady application, when they know they are but tools in the hands of another, — when they know they are tools for his own corrupt purposes?

In the next place, I must beg leave to state to you, that, on the constitution of this Committee, Mr. Hastings made them all take a solemn oath that they would never receive any present whatever. It was not enough to trust to a general covenant; it was not enough to trust to the penal act of 1773: he bound the Committee by a new oath, and forced them to declare that they would not receive any bribes. As soon as he had so secured them against receiving bribes, he was resolved to make them

inefficient, — a good way to secure them against bribes, by taking from them the power of bribe-worthy service. This was a good counter-security to their oath. But Mr. Hastings put a dewan there, against whom there was no security; he let loose this dewan to frustrate their intentions, their application, their abilities, and oath: that is, there was a person at that board who was more than the board itself, who might riot in peculation and plunder from one end of the country to the other. He was there to receive bribes for Mr. Hastings; the Committee were to be pure with impotent hands; and then came a person with ample power for Mr. Hastings himself. And lest this person should not have power enough in this Committee, he is made the general bribe-broker to Mr. Hastings. This secret under-current, as your Lordships will see, is to counteract everything, and, as fast as one part is rendered pure, totally to corrupt all the rest.

But, my Lords, this was not the private opinion of Mr. Shore only, a man of great abilities, and intimately acquainted with the revenue, who must know when he was in a situation to do good and when not. The other gentleman whom I have mentioned, Mr. Hastings's confidant in everything but his bribes, and supposed to be in his closest secrets, is Mr. Anderson. I should remark to your Lordships, that Mr. Anderson is a man apparently of weak nerves, of modest and very guarded demeanor, as we have seen him in the House of Commons; it is in that way only I have the honor of knowing him. Mr. Anderson being asked whether he agreed in the opinion and admitted the truth of his friend Mr. Shore's statement relative to the dewan of the Committee, his answer was this: "I do not think that I should have written it quite so strong, but I do in a great measure agree to it: that is, I think there is a great deal of truth in the observation; I think, in particular, that it would require great exertion in the Committee, and great abilities on the part of the President, to restrain effectually the conduct of the dewan; I think it would be difficult for the Committee to interpose a sufficient control to guard against all the abuses of the dewan."

There is the real President of the Committee, — there the most active, efficient member of it. They are both of one opinion concerning their situation: and I think this opinion of Mr. Anderson is still more strong; for, as he thinks he should have written it with a little more guard, but should have agreed in substance, you must naturally think the strongest expression the truest representation of the circumstance.

There is another circumstance that must strike your Lordships relative to this institution. It is where the President says that the use of the President would be to exert his best abilities, his greatest application, his constant guard, — for what? — to prevent his dewan from being guilty of bribery and being guilty of oppressions. So here is an executive constitution in which the chief executive minister is to be in such a situation and of such a disposition that the chief employment of the presiding person in the Committee is to guard against him and to prevent his doing mischief.

Here is a man appointed, of the greatest possible power, of the greatest possible wickedness, in a situation to exert that power and wickedness for the destruction of the country, and without doubt it would require the greatest ability and diligence in the person at the head of that Council to prevent it. Such a constitution, allowed and alleged by the persons themselves who composed it, was, I believe, never heard of in the world.

Now that I have done with this part of the system of bribery, your Lordships will permit me to follow Mr. Hastings to his last parting scene. He parted with his power, he parted with his situation, he parted with everything, but he never could part with Gunga Govind Sing. He was on his voyage, he had embarked, he was upon the Ganges, he had quitted his government; and his last dying sigh, his last parting voice, was “Gunga Govind Sing!” It ran upon the banks of the Ganges, as another plaintive voice ran upon the banks of another river (I forget whose); his last accents were, “Gunga, Gunga Govind Sing!” It demonstrates the power of friendship.

It is said by some idle, absurd moralists, that friendship is a thing that cannot subsist between bad men; but I will show your Lordships the direct contrary; and, after having shown you what Gunga Govind Sing was, I shall bring before you Mr. Hastings’s last act of friendship for him. Not that I have quite shown you everything, but pretty well, I think, respecting this man. There is a great deal concerning his character and conduct that is laid by, and I do believe, that, whatever time I should take up in expatiating upon these things, there would be “in the lowest deep still a lower deep”; for there is not a day of the inquiry that does not bring to light more and more of this evil against Mr. Hastings.

But before I open the papers relative to this act of Mr. Hastings’s friendship for Gunga Govind Sing, I must re-state some circumstances, that your Lordships may understand thoroughly the nature of it. Your Lordships may recollect, that, about the time of the succession of the minor Rajah of Dinagepore, who was then but five or six years of age, and when Mr. Hastings left Bengal eight or nine, Mr. Hastings had received from that country a bribe of about 40,000*l*. There is a fidelity even in bribery; there is a truth and observance even in corruption; there is a justice, that, if money is to be paid for protection, protection should be given. My Lords, Mr. Hastings received this bribe through Gunga Govind Sing; then, at least, through Gunga Govind Sing he ought to take care that that Rajah should not be robbed, — that he should not be robbed, if Gunga Govind Sing could help it, — that, above all, he should not be robbed by Gunga Govind Sing himself. But your Lordships will find that the last act of Mr. Hastings’s life was to be an accomplice in the most cruel and perfidious breach of faith, in the most iniquitous transaction, that I do believe ever was held out to the indignation of the world with regard to private persons. When he departed, on the 16th of February, 1785, when he was on board, in the mouth of the Ganges, and preparing to visit his native country, let us see what the

last act of his life then was. Hear the last tender accents of the dying swan upon the Ganges.

“The regret which I cannot but feel in relinquishing the service of my honorable employers would be much embittered, were it accompanied by the reflection that I have neglected the merits of a man who deserves no less of them than of myself, Gunga Govind Sing, who from his earliest youth had been employed in the collection of the revenues, and was about eleven years ago selected for his superior talents to fill the office of dewan to the Calcutta Committee. He has from that time, with a short intermission, been the principal native agent in the collection of the Company’s revenues; and I can take upon myself to say that he has performed the duties of his office with fidelity, diligence, and ability. To myself he has given proofs of a constancy and attachment which neither the fears nor expectations excited by the prevalence of a different influence could shake, — and at a time, too, when these qualities were so dangerous, that, far from finding them amongst the generality of his countrymen, I did not invariably meet with them amongst my own. With such a sense of his merits, it is natural that I should feel a desire of rewarding him, — for justice, gratitude, generosity, and even policy, demand it; and I resort to the board for the means of performing so necessary a duty, in full confidence, that, as those which I shall point out are neither incompatible with the Company’s interest nor prejudicial to the rights of others, they will not be withheld from me. At the request, therefore, of Gunga Govind Sing, I deliver the accompanying *durkhausts*, or petitions, for grants of lands lying in different districts, the total *jumma*, or rent, of which amount to Rupees 2,38,061. 12. 1.”

Your Lordships recollect that Mr. Larkins was one of the bribe-agents of Mr. Hastings, — one, I mean, of a corporation, but not corporate in their acts. My Lords, Mr. Larkins has told you, he has told us, and he has told the Court of Directors, that Mr. Hastings parted in a quarrel with Gunga Govind Sing, because he had not faithfully kept his engagement with regard to his bribe, and that, instead of 40,000*l.* from Dinagepore, he had only paid him 30,000*l.* My Lords, that iniquitous men will defraud one another I can conceive; but you will perceive by Mr. Hastings’s behavior at parting, that he either had in fact received this money from Gunga Govind Sing, or in some way or other had abundant reason to be satisfied, — that he totally forgot his anger upon this occasion, and that at parting his last act was to ratify *grants of lands* (so described by Mr. Hastings) to Gunga Govind Sing. Your Lordships will recollect the tender and forgiving temper of Mr. Hastings. Whatever little bickerings there might have been between them about their small money concerns, the purifying waters of the Ganges had washed away all sins, enmities, and discontent. By some of those arts which Gunga Govind Sing knows how to practise, (I mean conciliatory, honest arts,) he had fairly wiped away all resentment out of Mr. Hastings’s mind; and he, who so long remembered the affront offered him by Cheyt Sing, totally forgets Gunga Govind Sing’s fraud of

10,000*l.*, and attempts to make others the instruments of giving him what he calls his reward.

Mr. Hastings states, among Gunga Govind's merits, that he had, from the time of its institution, and with a very short intermission, served the office of dewan to the Calcutta Committee. That short intermission was when he was turned out of office upon proof of peculation and embezzlement of public money; but of this cause of the intermission in the political life and political merits of Gunga Govind Sing Mr. Hastings does not tell you.

Your Lordships shall now hear what opinion a member of the Provincial Council at Calcutta, in which he had also served, had of him.

"Who is Gunga Govind Sing?" The answer is, "He was, when I left Bengal, dewan to the Committee of Revenue. — What was his office and power during Mr. Hastings's administration since 1780? — He was formerly dewan to the Provincial Council stationed at Calcutta, of which I was a member. His conduct then was licentious and unwarrantable, oppressive and extortionary. He was stationed under us to be an humble and submissive servant, and to be of use to us in the discharge of our duty. His conduct was everything the reverse. We endeavored to correct the mischiefs he was guilty of as much as possible. In one attempt to release fifteen persons illegally confined by him, we were dismissed our offices: a different pretence was held out for our dismissal, but it was only a pretence. Since his appointment as dewan to the present Committee of Revenue, his line of conduct has only been a continuance of what I have described, but upon a larger scale. — What was the general opinion of the natives of the use he made of his power? He was looked up to by the natives as the second person in the government, if not the first. He was considered as the only channel for obtaining favor and employment from the Governor. There is hardly a native family of rank or credit within the three provinces whom he has not some time or other distressed and afflicted; scarce a zemindary that he has not dismembered and plundered. — Were you in a situation to know this to be true? — I certainly was. — What was the general opinion, and your own, concerning his wealth? — It is almost impossible to form a competent judgment, his means of acquiring it have been so extensive. I had an account shown to me, about July, 1785, stating his acquisitions at three hundred and twenty lacs of rupees, — that is, 3,200,000*l.*"

My Lords, I have only to add, that, from the best inquiries I have been able to make, those who speak highest of his wealth are those who obtain the greatest credit. The estimate of any man's wealth is uncertain; but the enormity of his wealth is universally believed. Yet Mr. Hastings seemed to act as if he needed a reward; and it is therefore necessary to inquire what recommended him particularly to Mr. Hastings. Your Lordships have seen that he was on the point of being dismissed for misbehavior and oppression by that Calcutta Committee his services to which Mr. Hastings gives as one proof of his constant and uniform good

behavior. "He had executed," he says, "the duties of his office with fidelity, diligence, and ability." These are his public merits; but he has private merits. "To myself," says he, "he has given proofs of constancy and attachment."

Now we, who have been used to look very diligently over the Company's records, and to compare one part with another, ask what those services were, which have so strongly recommended him to Mr. Hastings, and induced him to speak so favorably of his public services. What those services are does not appear; we have searched the records for them, (and those records are very busy and loquacious,) about that period of time during which Mr. Hastings was laboring under an eclipse, and near the dragon's mouth, and all the drums of Bengal beating to free him from this dangerous eclipse. During this time there is nothing publicly done, there is nothing publicly said, by Gunga Govind Sing. There were, then, some services of Gunga Govind Sing that lie undiscovered, which he takes as proofs of attachment. What could they be? They were not public; nobody knows anything of them; they must, by reference to the time, as far as we can judge of them, be services of concealment: otherwise, in the course of this business, it will be necessary, and Mr. Hastings will find occasion, to show what those personal services of Gunga Govind Sing to him were. *His* services to Gunga Govind Sing were pretty conspicuous: for, after he was turned out for peculation, Mr. Hastings restored him to his office; and when he had imprisoned fifteen persons illegally and oppressively, and when the Council were about to set them at liberty, they were set at liberty themselves, they were dismissed their offices. Your Lordships see, then, what his public services were. His private services are unknown: they must be, as we conceive from their being unknown, of a suspicious nature; and I do not go further than suspicion, because I never heard, and I have not been without attempts to make the discovery, what those services were that recommended him to Mr. Hastings.

Having looked at his public services, which are well-known scenes of wickedness, barbarity, and corruption, we next come to see what his reward is. Your Lordships hear what reward he thought proper to secure for himself; and I believe a man who has power like Gunga Govind Sing, and a disposition like Gunga Govind Sing, can hardly want the means of rewarding himself; and if every virtue rewards itself, and virtue is said to be its own reward, the virtue of Gunga Govind Sing was in a good way of seeking its own reward. Mr. Hastings, however, thought it was not right that such a man should reward himself, but that it was necessary for the honor and justice of government to find him a reward. Then the next thing is, what that reward shall be. It is a grant of lands. Your Lordships will observe, that Mr. Hastings declares some of these lands to be unoccupied, others occupied, but not by the just owners. Now these were the very lands of the Rajah of Dinagepore from whence he had taken the bribe of 40,000*l*. My Lords, this was a monstrous thing. Mr. Hastings had the audacity, as his parting act, when he was coming to England, and ought to have expected (whatever he did expect) the responsibility of

this day, — he was, I say, shameless enough not only to give this recommendation, but to perpetuate the mischiefs of his reign, as he has done, to his successors: for he has really done so, by making it impossible, almost, to know anything of the true state of that country; and he has thereby made them much less responsible and criminal than before in any ill acts they may have done since his time. But Mr. Hastings not only recommends and backs the petition of Gunga Govind Sing with his parting authority, which authority he made the people there believe would be greater in England than it was in India, but he is an evidence; he declares, that, “to his own knowledge, these lands are vacant, and confessedly, therefore, by the laws of this as well as of most other countries, in the absolute gift of government.”

My Lords, as I said, Mr. Hastings becomes a witness, and I believe in the course of the proceedings you will find a false witness, for Gunga Govind Sing. “To my own knowledge,” says he, “they are vacant.” Why, I cannot find that Mr. Hastings had ever been in Dinagepore; or if he had, it must have been only as a passenger. He had not the supervision of the district, in any other sense than with that kind of eagle eye which he must have had over all Bengal, and which he had for no other purposes than those for which eagles’ eyes are commonly used. He becomes, you see, a witness for Gunga Govind Sing, and orders to be given him, as a recompense for all the iniquitous acts this man committed, the lands of that very Rajah who through the hands of Gunga Govind Sing had given an enormous bribe to Mr. Hastings. These lands were not without an ownership, but were lands in the hands of the Rajah, and were to be severed from the zemindary, and given to Gunga Govind Sing. The manner of obtaining them is something so shocking, and contains such a number of enormities completed in one act, that one can scarce imagine how such a compound could exist.

This man, besides his office of dewan to the Calcutta Committee, which gave him the whole management and power of the revenue, was, as I have stated, at the head of all the registers in the kingdom, whose duty it was to be a control upon him as dewan. As Mr. Hastings destroyed every other constitutional settlement of the country, so the office which was to be a check upon Gunga Govind Sing, namely, the register of the country, had been superseded, and revived in another shape, and given to the own son of this very man. God forbid that a son should not be under a certain and reasonable subordination! But though in this country we know a son may possibly be free from the control of his father, yet the meanest slave is not in a more abject condition of slavery than a son is in that country to his father; for it extends to the power of a Roman parent. The office of register is to take care that a full and fair rent is secured to government; and above all, it is his business to take care of the body of laws, the *Rawaj-ul-Mulk*, or custom of the country, of which he is the guardian as the head of the law. It was his business to secure that fundamental law of the government, and fundamental law of the country, that a zemindary cannot be split, or any portion of it separated, without the consent of the

government. This man betrayed his trust, and did privately, contrary to the duty of his office, get this minor Rajah, who was but an infant, who was but nine years old at the time, to make over to him a part of his zemindary, to a large amount, under color of a fraudulent and fictitious sale. By the laws of that country, by the common laws of Nature, the act of this child was void. The act was void as against the government, by giving a zemindary without the consent of the government to the very man who ought to have prevented such an act. He has the same sacred guardianship of minors that the Chancellor of England has. This man got to himself those lands by a fraudulent, and probably forged deed, — for that is charged too; but whether it was forged or not, this miserable minor was obliged to give the lands to him: he did not dare to quarrel with him upon such an article; because he who would purchase could take. The next step was to get one of his nearest relations to seem to give a consent; because taking it of the minor was too gross. The relation, who could no more consent by the law of that country than the law of this, gave apparently his consent. And these were the very lands that Mr. Hastings speaks of as “lands entirely at the disposal of government.”

All this came before the Council. The moment Mr. Hastings was gone, India seemed a little to respire; there was a vast, oppressive weight taken off it, there was a mountain removed from its breast; and persons did dare then, for the first time, to breathe their complaints. And accordingly, this minor Rajah got some person kind enough to tell him that he was a minor, that he could not part with his estate; and this, with the other shocking and illegal parts of the process, was stated by him to the Council, who had Mr. Hastings’s recommendation of Gunga Govind Sing before them. The Council, shocked to see a minor attempted to be dispossessed in such a manner by him who was the natural guardian of all minors, shocked at such an enormous, daring piece of iniquity, began to inquire further, and to ask, “How came this his near relation to consent?” He was apparently partner in the fraud. Partner in the fraud he was, but not partner in the profit; for he was to do it without getting anything for it: the wickedness was in him, and the profit in Gunga Govind Sing. In consequence of this inquiry, the man comes down to account for his conduct, and declares another atrocious iniquity, that shows you the powers which Gunga Govind Sing possessed. “Gunga Govind Sing,” says he, “is master of the country; he had made a great festival for the burial of his mother; all those of that caste ought to be invited to the funeral festival; he would have disgraced me forever, if I had not been invited to that funeral festival.” These funeral festivals, you should know, are great things in that country, and celebrated in this manner, and, you may depend upon it, in a royal manner by him, upon burying his mother: any person left out was marked, despised, and disgraced. “But he had it in his power, and I was threatened to be deprived of my caste by his register, who had the caste in his absolute disposition.” Says he, “I was under terror, I was under duress, and I did it.”

Gunga Govind Sing was fortified by the opinion, that the Governor, though departed, virtually resided in that country. God grant that his power may be extirpated out of it now! I doubt it; but, most assuredly, it was residing in its plenitude when he departed from thence; and there was not a man in India who was not of opinion, either that he was actually to return to govern India again, or that his power is such in England as that he might govern it here. And such were the hopes of those who had intentions against the estates of others. Gunga Govind Sing, therefore, being pressed to the wall by this declaration of the Rajah's relation, when he could say nothing against it, when it was clear and manifest, and there were only impudent barefaced denials, and asseverations against facts which carried truth with themselves, did not in his answer pretend to say that a zemindary might be parted without the consent of the government, that a minor might be deprived of it, that the next relation had a power of disposing of it. He did indeed say, but nobody believed him, that he had used no force upon this relation; but as every one knew the act would be void, he was driven to Mr. Hastings's great refuge, — he was driven to say, "The government in this country has arbitrary power; the power of government is everything, the right of the subject nothing; they have at all times separated zemindaries from their lawful proprietors. Give me what Mr. Hastings has constantly given to other people without any right, or shadow or semblance of right at all." God knows, it is well that I walk with my authority in my hand; for there are such crimes, such portentous, incredible crimes, to be brought before your Lordships, that it would hardly be believed, were it not that I am constantly, as I hope I shall constantly be, guarded with evidence, and that the strongest that can be, even the evidence of the parties themselves.

"From your inquiry," Gunga Govind Sing says to the Council, "every circumstance will appear in its true colors. With respect to the alienation of parts of zemindaries, the extent and consequence of the great zemindars depend in a great measure on the favor and countenance of the ruling powers. By what means did this zemindar of Dinagepore get possession of Purgunnah Buttassim after the death of Rycobad Chowdry in 1158, of Purgunnah Coolygong after the death of Sahebrance Chowderanne in the same year, notwithstanding his heirs existed, and of Purgunnah Suntoe, &c., during the lifetime of Sumboonant, the zemindar, in 1167, all without right, title, or pecuniary consideration? This has been the case with many purgunnahs in his zemindary, and indeed exists in many other zemindaries besides since the Company's accession. Ramkissen, in 1172, got possession of Nurrulloor, the zemindary of Mahomed Ali. The purgunnah of Ichanguipore, &c., was in three divisions in 1173. The petition of Govind Deo Sheopersaud was made over to the son of Bousser Chowdry, possessor of the third share. Purgunnah Baharbund belonged to the zemindary of Ranny Bhowanny, and in 1180 was made over to Lucknaut Nundy. All these changes took place in the lifetime of the rightful possessors, without right, title, or purchase."

Your Lordships have not heard before of Lucknaut Nundy. He was the son of a person of whom your Lordships have heard before, called Cantoo Baboo, the banian of Mr. Hastings. Mr. Hastings has proved in abundance of other cases that a grant to father and son is the same thing. The fathers generally take out grants in the names of their sons: and the Ranny Bhowanny, possessing the zemindary of Radshi, an old lady of the first rank and family in India, was stripped of part of her zemindary, and it was given to Lucknaut Nundy, the son of Mr. Hastings's banian; and then (you see the consequence of good examples) comes Gunga Govind Sing, and says, "I am as good a man as he; there is a zemindary given; then do as much for Gunga Govind Sing as you have done for Cantoo Baboo." Here is an argument drawn from the practice of Mr. Hastings. And this shows your Lordships the necessity of suppressing such iniquities by punishing the author of them. You will punish Mr. Hastings, and no man will hereafter dare to rob minors, no man will hereafter dare to rob widows, to give to the vilest of mankind, their own base instruments for their own nefarious purposes, the lands of others, without right, title, or purchase.

My Lords, I will not after this state to you the false representation of the value of these lands which this man gave in to government. He represented it to be much less than it was, when he desired the grant of them, — as shall be stated, when it comes before your Lordships, at the proper time. But at present I am only touching upon principles, and bringing examples so far as they illustrate principles, and to show how precedents spread.

I believe your Lordships will conceive better of the spirit of these transactions by my intermixing with them, as I shall endeavor to do, as much as possible of the grounds of them. I will venture to say, that no description that I can give, no painting, if I was either able or willing to paint, could make these transactions appear to your Lordships with the strength which they have in themselves; and your Lordships will be convinced of this, when you see, what nobody could hardly believe, that a man can say, "It was given to others without right, title, or purchase, — give it to me without right, title, or purchase; give me the estates of minors without right, title, or purchase, because Mr. Hastings gave the estates of widows without right, title, or purchase."

Of this exemplary grant, of this pattern for future proceedings, I will show your Lordships the consequence. I will read to your Lordships part of the examination of a witness, taken from a report of a committee of the House of Commons.

"Are you acquainted with the situation of the zemindary of Baharbund? — It lies to the eastward of Dinagepore and Rungpore. I was stationed in that neighborhood. — To whom did it originally belong? — I believe, to the zemindary of Radshi, belonging to Ranny Bhowanny. — For what reason was it taken from the Ranny of Radshi and given to Cantoo Baboo? — I do not exactly recollect: I believe, on some plea of incapacity or insufficiency in her to manage it, or some pretended decline in

the revenue, owing to mismanagement. — On what terms was it granted to Cantoo Baboo or his son? — I believe it was a grant in perpetuity, at the revenue of Rupees 82,000 or 83,000 per annum. — What amount did he collect from the country? — I cannot tell. The year I was in that neighborhood, the settlement with his under-tenants was something above 3,53,000 rupees. The inhabitants of the country objected to it. They assembled in a body of about five thousand, and were proceeding to Calcutta to make known their grievances to the Committee of Revenue. They were stopped at Cossimbazar by Noor Sing Baboo, the brother of Cantoo Baboo, and there the matter was compromised, — in what manner I cannot say.”

Your Lordships see, Mr. Hastings’s banian got this zemindary belonging to this venerable lady; unable to protect herself; that it was granted to him without right, title, or purchase. To show you that Mr. Hastings had been in a constant course of such proceeding, here is a petition from a person called —— for some favor from government which it is not necessary now to state. In order to make good his claim, he states what nobody denied, but which is universally known in fact. Says he, “I have never entertained any such intention or idea,” that is, of seizing upon other people’s zemindaries; “neither am I at all desirous of acquiring any other person’s zemindary in this country,” &c....

[*The document read here is wanting, ending*] “as several Calcutta banians have done,” &c.

He states it as a kind of constant practice, by which the country had been robbed under Mr. Hastings, known and acknowledged to be so, to seize upon the inheritance of the widow and the fatherless. In this manner did Gunga Govind Sing govern himself, upon the direct precedent of Cantoo Baboo, the banian of Mr. Hastings; and this other instrument of his in like manner calls upon government for favor of some kind or other, upon the same principle and the same precedent.

Your Lordships now see how necessary it was to say something about arbitrary power. For, first, the wicked people of that country (Mr. Hastings’s instruments, I mean) pretend right, title, purchase, grant; and when their frauds in all these legal means are discovered, then they fly off, and have recourse to arbitrary power, and say, “It is true I can make out no right, title, grant, or purchase; the parties are minors; I am bound to take care of their right: but you have arbitrary power; you have exercised it upon other occasions; exercise it upon this; give me the rights of other people.” This was the last act, and I hope will be the last act, of Mr. Hastings’s wicked power, done by the wickedest man in favor of the wickedest man, and by the wickedest means, which failed upon his own testimony.

To bring your Lordships to the end of this business, which I hope will lead me very near to the end of what I have to trouble your Lordships with, I will now state the conduct of the Council, and the resolution about Gunga Govind Sing. I am to inform your Lordships that there was a reference made by the Council to the

Committee of Revenue, namely, to Gunga Govind Sing himself, — a reference with regard to the right, title, mode, and proceeding, and many other circumstances; upon which the Committee, being such as I have described, very naturally were silent. Gunga Govind Sing *loquitur solus*, — in the manner you have just heard; the Committee were the chorus, — they sometimes talk, fill up a vacant part, — but Gunga Govind Sing was the great actor, the sole one. The report of this Committee being laid before the Council, Mr. Stables, one of the board, entered the following minute on the 15th of May, 1785.

“I have perused the several papers upon this subject, and am sorry to observe that the Committee of Revenue are totally silent on the most material points therein, and sending the petition to them has only been so much time thrown away: I mean, on the actual value of the lands in question, what the amount derived from them has been in the last year, and what advantages or disadvantages to government by the sale, and whether, in their opinion, the supposed sale was compulsive or not. But it is not necessary for the discussion of the question respecting the regularity or irregularity of the pretended sale of Salbarry to Gunga Govind Sing, the dewan, to enter into the particular assertions of each party.

“The representations of the Rajah’s agent, confirmed by the petitions of his principal, positively assert the sale to have been compulsive and violent; and the dewan as positively denies it, though the fears he expresses, ‘that their common enemies would set aside the act before it was complete,’ show clearly that they were sensible the act was unjustifiable, if they do not tend to falsify his denial.

“But it is clearly established and admitted by the language and writings of both parties, that there has been a most unwarrantable collusion in endeavoring to alienate the rights of government, contrary to the most positive original laws of the constitution of these provinces, ‘that no zemindar and other landholder, paying revenue to government, shall be permitted to alienate his lands without the express authority of that government.’

“The defence set up by Gunga Govind Sing does not go to disavow the transaction; for, if it did, the deed of sale, &c., produced by himself, and the petition to the board for its confirmation, would detect him: on the contrary, he openly admits its existence, and only strives to show that it was a voluntary one on the part of the Ranny and the servants of the Rajah. Whether voluntary or not, it was equally criminal in Gunga Govind Sing, as the public officer of government: because diametrically opposite to the positive and repeated standing orders of that government for the rule of his conduct, as dewan, and native guardian of the public rights intrusted especially to his care; because it was his duty, not only not to be guilty of a breach of those rules himself, but, as dewan, and exercising the efficient office of *kanungo*, to prevent, detect, expose, and apprise his employers of every instance attempted to the contrary; because it was his duty to prevent the government being defrauded, and the Rajah, a child of nine years old, robbed of his

hereditary possessions, as he would have been, if this transaction had not been detected: whereas, on the contrary, the dewan is himself the principal mover and sole instrument in that fraud and robbery, if I am rightly informed, to the amount of 42,474 rupees in perpetuity, by which he alone was to benefit; and because he has even dared to stand forward in an attempt to obtain our sanction, and thereby make us parties to (in my opinion) a false deed and fraudulent transaction, as his own defence now shows the bill of sale and all its collateral papers to be.

“If offences of this dark tendency and magnitude were not to be punished in a public manner, the high example here set the natives employed under the government by their first native officer would very soon render our authority contemptible, and operate to the destruction of the public revenues. I will not dwell further on the contradictions in these papers before us on this subject.

“But I beg leave to point out how tenacious the government have been of insuring implicit obedience to their rules on this subject in particular, and in prohibiting conduct like that here exhibited against their public officer, and how sacredly they have viewed the public institutes on this subject, which have been violated and trampled on; and it will suffice to show their public orders on a similar instance which happened some time ago, and which the dewan, from his official situation, must have been a party in detecting.

“I desire the board’s letter to the Committee on this subject, dated the 31st May, 1782, may be read, and a copy be annexed to this minute.

“I therefore move the board that Gunga Govind Sing may be forthwith required to surrender the original deeds produced by him as a title to the grant of Salbarry, in order that they may be returned to the Rajah’s agents, to be made null and void.

“I further move the board, that the dewan, Gunga Govind Sing, together with his naib, Prawn Kishin Sing, his son, and all his dependants, be removed from their offices, and that the Roy Royan, Rajah Rajebullub, whose duty only Gunga Govind Sing virtually is to perform, be reinstated in the exercise of the duties of his department; and that Gunga Govind Sing be ordered to deliver up all official papers of the circar to the Committee of Revenue and the Roy Royan, and that they be ordered accordingly to take charge of them, and finally settle all accounts.”

This motion was overruled, and no final proceeding appears.

My Lords, you have heard the proceedings of the court before which Gunga Govind Sing thought proper to appeal, in consequence of the power and protection of Mr. Hastings being understood to exist after he left India, and authenticated by his last parting deed. Your Lordships will judge by that last act of Mr. Hastings what the rest of his whole life was.

My Lords, I do not mean now to go further than just to remind your Lordships of this, that Mr. Hastings’s government was one whole system of oppression, of robbery of individuals, of destruction of the public, and of suppression of the whole system of the English government, in order to vest in the worst of the natives all the

powers that could possibly exist in any government, — in order to defeat the ends which all governments ought in common to have in view. Thus, my Lords, I show you at one point of view what you are to expect from him in all the rest. I have, I think, made out as clear as can be to your Lordships, so far as it was necessary to go, that his bribery and peculation was not occasional, but habitual, — that it was not urged upon him at the moment, but was regular and systematic. I have shown to your Lordships the operation of such a system on the revenues.

My Lords, Mr. Hastings pleads one constant merit to justify those acts, — namely, that they produce an increase of the public revenue; and accordingly he never sells to any of those wicked agents any trusts whatever in the country, that you do not hear that it will considerably tend to the increase of the revenue. Your Lordships will see, when he sold to wicked men the province of Bahar in the same way in which Debi Sing had this province of Dinagepore, that consequences of a horrid and atrocious nature, though not to so great an extent, followed from it. I will just beg leave to state to your Lordships, that the kingdom of Bahar is annexed to the kingdom of Bengal; that this kingdom was governed by another Provincial Council; that he turned out that Provincial Council, and sold that government to two wicked men: one of no fortune at all, and the other of a very suspicious fortune; one a total bankrupt, the other justly excommunicated for his wickedness in his country, and then in prison for misdemeanors in a subordinate situation of government. Mr. Hastings destroyed the Council that imprisoned him; and, instead of putting one of the best and most reputable of the natives to govern it, he takes out of prison this excommunicated wretch, hated by God and man, — this bankrupt, this man of evil and desperate character, this mismanager of the public revenue in an inferior station; and, as he had given Bengal to Gunga Govind Sing, he gave this province to Rajahs Kellaram and Cullian Sing. It was done upon this principle, that they would increase and very much better the revenue. These men seemed to be as strange instruments for improving a revenue as ever were chosen, I suppose, since the world began. Perhaps their merit was giving a bribe of 40,000*l.* to Mr. Hastings. How he disposed of it I don't know. He says, "I disposed of it to the public, and it was in a case of emergency." You will see in the course of this business the falsehood of that pretence; for you will see, though the obligation is given for it as a round sum of money, that the payment was not accomplished till a year after; that therefore it could not answer any immediate exigence of the Company. Did it answer in an increase of the revenue? The very reverse. Those persons who had given this bribe of 40,000*l.* at the end of that year were found 80,000*l.* in debt to the Company. The Company always loses, when Mr. Hastings takes a bribe; and when he proposes an increase of the revenue, the Company loses often double. But I hope and trust your Lordships will consider this idea of a monstrous rise of rent, given by men of desperate fortunes and characters, to be one of the grievances instead of one of the advantages of this system.

It has been necessary to lay these facts before you, (and I have stated them to your Lordships far short of their reality, partly through my infirmity, and partly on account of the odiousness of the task of going through things that disgrace human nature,) that you may be enabled fully to enter into the dreadful consequences which attend a system of bribery and corruption in a Governor-General. On a transient view, bribery is rather a subject of disgust than horror, — the sordid practice of a venal, mean, and abject mind; and the effect of the crime seems to end with the act. It looks to be no more than the corrupt transfer of property from one person to another, — at worst a theft. But it will appear in a very different light, when you regard the consideration for which the bribe is given, — namely, that a Governor-General, claiming an arbitrary power in himself, for that consideration delivers up the properties, the liberties, and the lives of an whole people to the arbitrary discretion of any wicked and rapacious person, who will be sure to make good from their blood the purchase he has paid for his power over them. It is possible that a man may pay a bribe merely to redeem himself from some evil. It is bad, however, to live under a power whose violence has no restraint except in its avarice. But no man ever paid a bribe for a power to charge and tax others, but with a view to oppress them. No man ever paid a bribe for the handling of the public money, but to peculate from it. When once such offices become thus privately and corruptly venal, the very worst men will be chosen (as Mr. Hastings has in fact constantly chosen the very worst); because none but those who do not scruple the use of any means are capable, consistently with profit, to discharge at once the rigid demands of a severe public revenue and the private bribes of a rapacious chief magistrate. Not only the worst men will be thus chosen, but they will be restrained by no dread whatsoever in the execution of their worst oppressions. Their protection is sure. The authority that is to restrain, to control, to punish them is previously engaged; he has his retaining fee for the support of their crimes. Mr. Hastings never dared, because he could not, arrest oppression in its course, without drying up the source of his own corrupt emolument. Mr. Hastings never dared, after the fact, to punish extortion in others, because he could not, without risking the discovery of bribery in himself. The same corruption, the same oppression, and the same impunity will reign through all the subordinate gradations.

A fair revenue may be collected without the aid of wicked, violent, and unjust instruments. But when once the line of just and legal demand is transgressed, such instruments are of absolute necessity; and they comport themselves accordingly. When we know that men must be well paid (and they ought to be well paid) for the performance of honorable duty, can we think that men will be found to commit wicked, rapacious, and oppressive acts with fidelity and disinterestedness for the sole emolument of dishonest employers? No: they must have their full share of the prey, and the greater share, as they are the nearer and more necessary instruments of the general extortion. We must not, therefore, flatter ourselves, when Mr.

Hastings takes 40,000*l.* in bribes for Dinagepore and its annexed provinces, that from the people nothing more than 40,000*l.* is extorted. I speak within compass, four times forty must be levied on the people; and these violent sales, fraudulent purchases, confiscations, inhuman and unutterable tortures, imprisonment, irons, whips, fines, general despair, general insurrection, the massacre of the officers of revenue by the people, the massacre of the people by the soldiery, and the total waste and destruction of the finest provinces in India, are things of course, — and all a necessary consequence involved in the very substance of Mr. Hastings's bribery.

I therefore charge Mr. Hastings with having destroyed, for private purposes, the whole system of government by the six Provincial Councils, which he had no right to destroy.

I charge him with having delegated to others that power which the act of Parliament had directed him to preserve unalienably in himself.

I charge him with having formed a committee to be mere instruments and tools, at the enormous expense of 62,000*l.* per annum.

I charge him with having appointed a person their dewan to whom these Englishmen were to be subservient tools, — whose name, to his own knowledge, was, by the general voice of India, by the general recorded voice of the Company, by recorded official transactions, by everything that can make a man known, abhorred, and detested, stamped with infamy; and with giving him the whole power which he had thus separated from the Council-General, and from the Provincial Councils.

I charge him with taking bribes of Gunga Govind Sing.

I charge him with not having done that bribe-service which fidelity even in iniquity requires at the hands of the worst of men.

I charge him with having robbed those people of whom he took the bribes.

I charge him with having fraudulently alienated the fortunes of widows.

I charge him with having, without right, title, or purchase, taken the lands of orphans, and given them to wicked persons under him.

I charge him with having removed the natural guardians of a minor Rajah, and with having given that trust to a stranger, Debi Sing, whose wickedness was known to himself and all the world, and by whom the Rajah, his family, and dependants were cruelly oppressed.

I charge him with having committed to the management of Debi Sing three great provinces; and thereby with having wasted the country, ruined the landed interest, cruelly harassed the peasants, burnt their houses, seized their crops, tortured and degraded their persons, and destroyed the honor of the whole female race of that country.

In the name of the Commons of England, I charge all this villany upon Warren Hastings, in this last moment of my application to you.

My Lords, what is it that we want here to a great act of national justice? Do we want a cause, my Lords? You have the cause of oppressed princes, of undone women of the first rank, of desolated provinces, and of wasted kingdoms.

Do you want a criminal, my Lords? When was there so much iniquity ever laid to the charge of any one? No, my Lords, you must not look to punish any other such delinquent from India. Warren Hastings has not left substance enough in India to nourish such another delinquent.

My Lords, is it a prosecutor you want? You have before you the Commons of Great Britain as prosecutors; and I believe, my Lords, that the sun, in his beneficent progress round the world, does not behold a more glorious sight than that of men, separated from a remote people by the material bounds and barriers of Nature, united by the bond of a social and moral community, — all the Commons of England resenting, as their own, the indignities and cruelties that are offered to all the people of India.

Do we want a tribunal? My Lords, no example of antiquity, nothing in the modern world, nothing in the range of human imagination, can supply us with a tribunal like this. My Lords, here we see virtually, in the mind's eye, that sacred majesty of the crown, under whose authority you sit, and whose power you exercise. We see in that invisible authority, what we all feel in reality and life, the beneficent powers and protecting justice of his Majesty. We have here the heir-apparent to the crown, such as the fond wishes of the people of England wish an heir-apparent of the crown to be. We have here all the branches of the royal family, in a situation between majesty and subjection, between the sovereign and the subject, — offering a pledge in that situation for the support of the rights of the crown and the liberties of the people, both which extremities they touch. My Lords, we have a great hereditary peerage here, — those who have their own honor, the honor of their ancestors and of their posterity to guard, and who will justify, as they have always justified, that provision in the Constitution by which justice is made an hereditary office. My Lords, we have here a new nobility, who have risen and exalted themselves by various merits, — by great military services which have extended the fame of this country from the rising to the setting sun. We have those who, by various civil merits and various civil talents, have been exalted to a situation which they well deserve, and in which they will justify the favor of their sovereign, and the good opinion of their fellow-subjects, and make them rejoice to see those virtuous characters that were the other day upon a level with them now exalted above them in rank, but feeling with them in sympathy what they felt in common with them before. We have persons exalted from the practice of the law, from the place in which they administered high, though subordinate, justice, to a seat here, to enlighten with their knowledge and to strengthen with their votes those principles which have distinguished the courts in which they have presided.

My Lords, you have here also the lights of our religion, you have the bishops of England. My Lords, you have that true image of the primitive Church, in its ancient form, in its ancient ordinances, purified from the superstitions and the vices which a long succession of ages will bring upon the best institutions. You have the representatives of that religion which says that their God is love, that the very vital spirit of their institution is charity, — a religion which so much hates oppression, that, when the God whom we adore appeared in human form, He did not appear in a form of greatness and majesty, but in sympathy with the lowest of the people, and thereby made it a firm and ruling principle that their welfare was the object of all government, since the Person who was the Master of Nature chose to appear Himself in a subordinate situation. These are the considerations which influence them, which animate them, and will animate them, against all oppression, — knowing that He who is called first among them, and first among us all, both of the flock that is fed and of those who feed it, made Himself “the servant of all.”

My Lords, these are the securities which we have in all the constituent parts of the body of this House. We know them, we reckon, we rest upon them, and commit safely the interests of India and of humanity into your hands. Therefore it is with confidence, that, ordered by the Commons,

I impeach Warren Hastings, Esquire, of high crimes and misdemeanors.

I impeach him in the name of the Commons of Great Britain in Parliament assembled, whose Parliamentary trust he has betrayed.

I impeach him in the name of all the Commons of Great Britain, whose national character he has dishonored.

I impeach him in the name of the people of India, whose laws, rights, and liberties he has subverted, whose properties he has destroyed, whose country he has laid waste and desolate.

I impeach him in the name and by virtue of those eternal laws of justice which he has violated.

I impeach him in the name of human nature itself, which he has cruelly outraged, injured, and oppressed, in both sexes, in every age, rank, situation, and condition of life.

**SPEECHES IN THE IMPEACHMENT OF WARREN
HASTINGS, ESQUIRE, LATE GOVERNOR-GENERAL OF
BENGAL.**

SPEECH ON THE SIXTH ARTICLE OF CHARGE.

April and May, 1789.

NOTE.

After Mr. Burke had concluded the opening speeches, the first article of the impeachment was brought forward, on the 22d of February, 1788, by Mr. Fox, and supported by Mr. Grey on the 25th. After the evidence upon this article had been adduced, it was summed up and enforced by Mr. Anstruther, on the 11th day of April following.

The next article with which the Commons proceeded was brought forward on the 15th of April, 1788, by Mr. Adam, and supported by Mr. Pelham; and the evidence, in part upon the second article of charge, was summed up and enforced, on the 3d of June, by Mr. Sheridan.

On the 21st of April, 1789, Mr. Burke opened the sixth charge, bribery and corruption, in the following speech, which was continued on the 25th of April, and on the 6th and 7th May, in the same session.

SPEECH

ON

THE SIXTH ARTICLE OF CHARGE.

FIRST DAY: TUESDAY, APRIL 21, 1789.

My Lords, — An event which had spread for a considerable time an universal grief and consternation through this kingdom, and which in its issue diffused as universal and transcendent a joy, has in the circumstances both of our depression and of our exaltation produced a considerable delay, if not a total suspension, of the most important functions of government.

My Lords, we now resume our office, — and we resume it with new and redoubled alacrity, and, we trust, under not less propitious omens than when we left

it, in this House, at the end of the preceding session. We come to this duty with a greater degree of earnestness and zeal, because we are urged to it by many and very peculiar circumstances. This day we come from an House where the last steps were taken (and I suppose something has happened similar in this) to prepare our way to attend with the utmost solemnity, in another place, a great national thanksgiving for having restored the sovereign to his Parliament and the Parliament to its sovereign.

But, my Lords, it is not only in the house of prayer that we offer to the First Cause the acceptable homage of our rational nature, — my Lords, in this House, at this bar, in this place, in every place where His commands are obeyed, His worship is performed. And, my Lords, I must boldly say, (and I think I shall hardly be contradicted by your Lordships, or by any persons versed in the law which guides us all,) that the highest act of religion, and the highest homage which we can and ought to pay, is an imitation of the Divine perfections, as far as such a nature can imitate such perfections, and that by this means alone we can make our homage acceptable to Him.

My Lords, in His temple we shall not forget that His most distinguished attribute is justice, and that the first link in the chain by which we are held to the Supreme Judge of All is justice; and that it is in this solemn temple of representative justice we may best give Him praise, because we can here best imitate His divine attributes. If ever there was a cause in which justice and mercy are not only combined and reconciled, but incorporated, it is in this cause of suffering nations, which we now bring before your Lordships this second session of Parliament, unwearied and unfatigued in our persevering pursuit; and we feel it to be a necessary preliminary, a necessary fact, a necessary attendant and concomitant of every public thanksgiving, that we should express our gratitude by our virtues, and not merely with our mouths, and that, when we are giving thanks for acts of mercy, we should render ourselves worthy of them by doing acts of mercy ourselves. My Lords, these considerations, independent of those which were our first movers in this business, strongly urge us at present to pursue with all zeal and perseverance the great cause we have now in hand. And we feel this to be the more necessary, because we cannot but be sensible that light, unstable, variable, capricious, inconstant, fastidious minds soon tire in any pursuit that requires strength, steadiness, and perseverance. Such persons, who we trust are but few, and who certainly do not resemble your Lordships nor us, begin already to say, How long is this business to continue? Our answer is, It is to continue till its ends are obtained.

We know, that, by a mysterious dispensation of Providence, injury is quick and rapid, and justice slow; and we may say that those who have not patience and vigor of mind to attend the tardy pace of justice counteract the order of Providence, and are resolved not to be just at all. We, therefore, instead of bending the order of Nature to the laxity of our characters and tempers, must rather confirm ourselves by a manly fortitude and virtuous perseverance to continue within those forms, and to

wrestle with injustice, until we have shown that those virtues which sometimes wickedness debauches into its cause, such as vigor, energy, activity, fortitude of spirit, are called back and brought to their true and natural service, — and that in the pursuit of wickedness, in the following it through all the winding recesses and mazes of its artifices, we shall show as much vigor, as much constancy, as much diligence, energy, and perseverance, as any others can do in endeavoring to elude the laws and triumph over the justice of their country. My Lords, we have thought it the more necessary to say this, because it has been given out that we might faint in this business. No: we follow, and trust we shall always follow, that great emblem of antiquity, in which the person who held out to the end of a long line of labors found the reward of all the eleven in the twelfth. Our labor, therefore, will be our reward; and we will go on, we will pursue with vigor and diligence, in a manner suitable to the Commons of Great Britain, every mode of corruption, till we have thoroughly eradicated it.

I think it necessary to say a word, too, upon another circumstance, of which there is some complaint, as if some injustice had arisen from voluntary delay on our part.

I have already alluded to, first, the melancholy, then the joyful occasion of this delay; and I shall now make one remark on another part of the complaint, which I understand was formally made to your Lordships soon after we had announced our resolution to proceed in this great cause of suffering nations before you. It has been alleged, that the length of the pursuit had already very much distressed the person who is the object of it, — that it leaned upon a fortune unequal to support it, — and that 30,000*l.* had been already spent in the preliminary preparations for the defence.

My Lords, I do admit that all true, genuine, and unadulterated justice considers with a certain degree of tenderness the person whom it is called to punish, and never oppresses those by the process who ought not to be oppressed but by the sentence of the court before which they are brought. The Commons have heard, indeed, with some degree of astonishment, that 30,000*l.* hath been laid out by Mr. Hastings in this business. We, who have some experience in the conduct of affairs of this nature, we, who profess to proceed with regard not to the economy so much as to the rigor of this prosecution, (and we are justified by our country in so doing,) upon a collation and comparison of the public expenses with those which the defendant is supposed to have incurred, are much surprised to hear it. We suppose that his solicitors can give a good account to him of those expenses, — that the thing is true, — and that he has actually, through them, incurred this expense. We have nothing to do with this: but we shall remove any degree of uneasiness from your Lordships' minds, and from our own, when we show you in the charge which we shall bring before you this day, that one bribe only received by Mr. Hastings, the smallest of his bribes, or nearly the smallest, the bribe received from Rajah Nobkissin, is alone more than equal to have paid all the charges Mr. Hastings is stated to have incurred; and if this be the case, your Lordships will not be made

very uneasy in a case of bribery by finding that you press upon the sources of speculation.

It has also been said that we weary out the public patience in this cause. The House of Commons do not call upon your Lordships to do anything of which they do not set the example. They have very lately sat in the Colchester Committee as many, within one or two, days successively as have been spent in this trial interruptedly in the course of two years. Every cause deserves that it should be tried according to its nature and circumstances; and in the case of the Colchester Committee, in the trial of paltry briberies of odd pounds, shillings, and pence, in the corruption of a returning officer, who is but a miller, they spent nearly the same number of days that we have been inquiring into the ruin of kingdoms by the speculation and bribery of the chief governor of the provinces of Bengal, Bahar, and Orissa. Therefore God forbid that we should faint at thrice thirty days, if the proceedings should be drawn into such a length, when for a small crime as much time has been spent as has yet been spent in this great cause!

Having now cleared the way with regard to the local and temporary circumstances of this case, — having shown your Lordships that too much time has not been spent in it, — having no reason to think, from the time which has hitherto been spent, that time will be unnecessarily spent in future, — I trust your Lordships will think that time ought neither to be spared nor squandered in this business: we will therefore proceed, article by article, as far as the discretion of the House of Commons shall think fit, for the justice of the case, to limit the inquiry, or to extend it.

We are now going to bring before your Lordships the sixth article. It is an article of charge of bribery and corruption against Mr. Hastings; but yet we must confess that we feel some little difficulty *in limine*. We here appear in the name and character not only of representatives of the Commons of Great Britain, but representatives of the inhabitants of Bengal: and yet we have had lately come into our hands such ample certificates, such full testimonials, from every person in whose cause we complain, that we shall appear to be in the strangest situation in the world, — the situation of persons complaining, who are disavowed by the persons in whose name and character they complain. This would have been a very great difficulty in the beginning, especially as it is come before us in a flood-tide of panegyric. No encomium can be more exalted or more beautifully expressed. No language can more strongly paint the perfect satisfaction, the entire acquiescence, of all the nations of Bengal, and their wonderful admiration of the character of the person whom we have brought as a criminal to your bar upon their part. I do admit that it is a very awkward circumstance; but yet, at the same time, the same candor which has induced the House of Commons to bring before you the bosom friends and confidants of Mr. Hastings as their evidence will not suffer them to suppress or withhold for a moment from your Lordships this universal voice of Bengal, as an

attestation in Mr. Hastings's favor, and we shall produce it as a part of our evidence. Oh, my Lords, consider the situation of a people who are forced to mix their praises with their groans, who are forced to sign, with hands which have been in torture, and with the thumb-screws but just taken from them, an attestation in favor of the person from whom all their sufferings have been derived! When we prove to you the things that we shall prove, this will, I hope, give your Lordships a full, conclusive, and satisfactory proof of the misery to which these people have been reduced. You will see before you, what is so well expressed by one of our poets as the homage of tyrants, "that homage with the mouth which the heart would fain deny, but dares not." Mr. Hastings has received that homage, and that homage we mean to present to your Lordships: we mean to present it, because it will show your Lordships clearly, that, after Mr. Hastings has ransacked Bengal from one end to the other, and has used all the power which he derives from having every friend and every dependant of his in every office from one end of that government to the other, he has not, in all those panegyrics, those fine high-flown Eastern encomiums, got one word of refutation or one word of evidence against any charge whatever which we produce against him. Every one knows, that, in the course of criminal trials, when no evidence of *alibi* can be brought, when all the arts of the Old Bailey are exhausted, the last thing produced is evidence to character. His cause, therefore, is gone, when, having ransacked Bengal, he has nothing to say for his conduct, and at length appeals to his character. In those little papers which are given us of our proceedings in our criminal courts, it is always an omen of what is to follow: after the evidence of a murder, a forgery, or robbery, it ends in his character: "He has an admirable character; I have known him from a boy; he is wonderfully good; he is the best of men; I would trust him with untold gold": and immediately follows, "Guilty, — Death." This is the way in which, in our courts, character is generally followed by sentence. The practice is not modern. Undoubtedly Mr. Hastings has the example of criminals of high antiquity; for Caius Verres, Antonius, and every other man who has been famous for the pillage and destruction of provinces, never failed to bring before their judges the attestations of the injured to their character. Voltaire says, "*Les bons mots sont toujours redits.*" A similar occasion has here produced a similar conduct. He has got just the same character as Caius Verres got in another cause; and the *laudationes*, which your Lordships know always followed, to save trouble, we mean ourselves to give your Lordships; we mean to give them with this strong presumption of guilt, that in all this panegyric there is not one word of defence to a single article of charge; they are mere lip-honors: but we think we derive from those panegyrics, which Mr. Hastings has had sent over as evidence to supply the total want of it, an indication of the impossibility of attaining it. Mr. Hastings has brought them here, and I must say we are under some difficulty about them, and the difficulty is this. We think we can produce before your Lordships proofs of barbarity and peculation by Mr. Hastings; we have the proofs of them in

specific provinces, where those proofs may be met by contrary proofs, or may lose their weight from a variety of circumstances. We thought we had got the matter sure, that everything was settled, that he could not escape us, after he had himself confessed the bribes he had taken from the specific provinces. But in what condition are we now? We have from those specific provinces the strongest attestations that there is not any credit to be paid to his own acknowledgments. In short, we have the complaints, concerning these crimes of Mr. Hastings, of the injured persons themselves; we have his own confessions; we shall produce both to your Lordships. But these persons now declare, that not only their own complaints are totally unfounded, but that Mr. Hastings's confessions are not true, and not to be credited. These are circumstances which your Lordships will consider in the view you take of this wonderful body of attestation.

It is a pleasant thing to see in these addresses the different character and modes of eloquence of different countries. In those that will be brought before your Lordships you will see the beauty of chaste European panegyric improved by degrees into high, Oriental, exaggerated, and inflated metaphor. You will see how the language is first written in English, then translated into Persian, and then retranslated into English. There may be something amusing to your Lordships in this, and the beauty of these styles may, in this heavy investigation, tend to give a little gayety and pleasure. We shall bring before you the European and Asiatic incense. You will have the perfume-shops of the two countries.

One of the accusations which we mean to bring against Mr. Hastings is upon the part of the Zemindar Radanaut, of the country of Dinagepore. Now hear what the Zemindar says himself. "As it has been learned by me, the mutsuddies, and the respectable officers of my zemindary, that the ministers of England are displeased with the late Governor, Warren Hastings, Esquire, upon the suspicion that he oppressed us, took money from us by deceit and force, and ruined the country, therefore we, upon the strength of our religion, which we think it incumbent on and necessary for us to abide by, following the rules laid down in giving evidence, declare the particulars of the acts and deeds of Warren Hastings, Esquire, full of circumspection and caution, civility and justice, superior to the conduct of the most learned, and, by representing what is fact, wipe away the doubts that have possessed the minds of the ministers of England; that Mr. Hastings is possessed of fidelity and confidence, and yielding protection to us; that he is clear of the contamination of mistrust and wrong, and his mind is free of covetousness or avarice. During the time of his administration no one saw other conduct than that of protection to the husbandman, and justice. No inhabitant ever experienced afflictions, no one ever felt oppression from him; our reputations have always been guarded from attacks by his prudence, and our families have always been protected by his justice. He never omitted the smallest instance of kindness towards us, but healed the wounds of despair with the salve of consolation by means of his benevolent and kind behavior,

never permitting one of us to sink in the pit of despondence. He supported every one by his goodness, overset the designs of evil-minded men by his authority, tied the hand of oppression with the strong bandage of justice, and by these means expanded the pleasing appearance of happiness and joy over us. He reëstablished justice and impartiality. We were during his government in the enjoyment of perfect happiness and ease, and many of us are thankful and satisfied. As Mr. Hastings was well acquainted with our manners and customs, he was always desirous, in every respect, of doing whatever would preserve our religious rites, and guard them against every kind of accident and injury, and at all times protected us. Whatever we have experienced from him, and whatever happened from him, we have written without deceit or exaggeration.”

My Lords, here is a panegyric; and, directly contrary to the usual mode of other accusers, we begin by producing the panegyrics made upon the person whom we accuse. We shall produce along with the charge, and give as evidence, the panegyric and certificate of the persons whom we suppose to have suffered these wrongs. We suffer ourselves even to abandon, what might be our last resource, his own confession, by showing that one of the princes from whom he confesses that he took bribes has given a certificate of the direct contrary.

All these things will have their weight upon your Lordships’ minds; and when we have put ourselves under this disadvantage, (what disadvantage it is your Lordships will judge,) at least we shall stand acquitted of unfairness in charging him with crimes directly contrary to the panegyrics in this paper contained. Indeed, I will say this for him, that general charge and loose accusation may be answered by loose and general panegyric, and that, if ours were of that nature, this panegyric would be sufficient to overset our accusation. But we come before your Lordships in a different manner and upon different grounds. I am ordered by the Commons of Great Britain to support the charge that they have made, and persevere in making, against Warren Hastings, Esquire, late Governor-General of Bengal, and now a culprit at your bar: First, for having taken corruptly several bribes, and extorted by force, or under the power and color of his office, several sums of money from the unhappy natives of Bengal. The next article which we shall bring before you is, that he is not only personally corrupted, but that he has personally corrupted all the other servants of the Company, — those under him, whose corruptions he ought to have controlled, and those above him, whose business it was to control his corruptions.

We purpose to make good to your Lordships the first of these, by submitting to you, that part of those sums which are specified in the charge were taken by him with his own hand and in his own person, but that much the greater part have been taken from the natives by the instrumentality of his black agents, banians, and other dependants, — whose confidential connection with him, and whose agency on his part in corrupt transactions, if his counsel should be bold enough to challenge us to

the proof, we shall fully prove before you. The next part, and the second branch of his corruption, namely, what is commonly called his active corruption, distinguishing the personal under the name of passive, will appear from his having given, under color of contracts, a number of corrupt and lucrative advantages from a number of unauthorized and unreasonable grants, pensions, and allowances, by which he corrupted actively the whole service of the Company. And, lastly, we shall show, that, by establishing a universal connivance from one end of the service to the other, he has not only corrupted and contaminated it in all its parts, but bound it in a common league of iniquity to support mutually each other against the inquiry that should detect and the justice that should punish their offences. These two charges, namely, of his active and passive corruption, we shall bring one after the other, as strongly and clearly illustrating and as powerfully confirming each other.

The first which we shall bring before you is his own passive corruption, — so we commonly call it. Bribes are so little known in this country that we can hardly get clear and specific technical names to distinguish them; but in future, I am afraid, the conduct of Mr. Hastings will improve our law vocabulary. The first, then, of these offences with which Mr. Hastings stands charged here is receiving bribes himself, or through his banians. Every one of these are overt acts of the general charge of bribery, and they are every one of them, separately taken, substantive crimes. But whatever the criminal nature of these acts was, (and the nature was very criminal, and the consequences to the country very dreadful,) yet we mean to prove to your Lordships that they were not single acts, that they were not acts committed as opportunity offered, or as necessity tempted or urged upon the occasion, but that they are parts of a general systematic plan of corruption, for advancing his fortune at the expense of his integrity; that he has, for that purpose, not only taken the opportunity of his own power, but made whole establishments, altered and perverted others, and created complete revolutions in the country's government, for the purpose of making the power which ought to be subservient to legal government subservient to corruption; that, when he could no longer cover these fraudulent proceedings by artifice, he endeavored to justify them by principle. These artifices we mean to detect; these principles we mean to attack, and, with your Lordships' aid, to demolish, destroy, and subvert forever.

My Lords, I must say, that in this business, which is a matter of collusion, concealment, and deceit, your Lordships will, perhaps, not feel the same degree of interest as in the others. Hitherto you have had before you crimes of dignity: you have had before you the ruin and expulsion of great and illustrious families, the breach of solemn public treaties, the merciless pillage and total subversion of the first houses in Asia. But the crimes which are the most striking to the imagination are not always the most pernicious in their effects: in these high, eminent acts of domineering tyranny, their very magnitude proves a sort of corrective to their virulence. The occasions on which they can be exercised are rare; the persons upon

whom they can be exercised few; the persons who can exercise them, in the nature of things, are not many. These high tragic acts of superior, overbearing tyranny are privileged crimes; they are the unhappy, dreadful prerogative, they are the distinguished and incommunicable attributes, of superior wickedness in eminent station.

But, my Lords, when the vices of low, sordid, and illiberal minds infect that high situation, — when theft, bribery, and peculation, attended with fraud, prevarication, falsehood, misrepresentation, and forgery — when all these follow in one train, — when these vices, which gender and spawn in dirt, and are nursed in dunghills, come and pollute with their slime that throne which ought to be a seat of dignity and purity, the evil is much greater; it may operate daily and hourly; it is not only imitable, but improvable, and it will be imitated, and will be improved, from the highest to the lowest, through all the gradations of a corrupt government. They are reptile vices. There are situations in which the acts of the individual are of some moment, the example comparatively of little importance. In the other, the mischief of the example is infinite.

My Lords, when once a Governor-General receives bribes, he gives a signal to universal pillage to all the inferior parts of the service. The bridles upon hard-mouthed passion are removed; they are taken away; they are broken. Fear and shame, the great guards to virtue next to conscience, are gone. Shame! how can it exist? — it will soon blush away its awkward sensibility. Shame, my Lords, cannot exist long, when it is seen that crimes which naturally bring disgrace are attended with all the outward symbols, characteristics, and rewards of honor and of virtue, — when it is seen that high station, great rank, general applause, vast wealth follow the commission of peculation and bribery. Is it to be believed that men can long be ashamed of that which they see to be the road to honor? As to fear, let a Governor-General once take bribes, there is an end of all fear in the service. What have they to fear? Is it the man whose example they follow that is to bring them before a tribunal for their punishment? Can he open any inquiry? He cannot: he that opens a channel of inquiry under these circumstances opens a high-road to his own detection. Can he make any laws to prevent it? None: for he can make no laws to restrain that practice without the breach of his own laws immediately in his own conduct. If we once can admit, for a single instant, in a Governor-General, a principle, however defended, upon any pretence whatever, to receive bribes in consequence of his office, there is an end of all virtue, an end of the laws, and no hope left in the supreme justice of the country. We are sensible of all these difficulties; we have felt them; and perhaps it has required no small degree of exertion for us to get the better of these difficulties which are thrown in our way by a Governor-General accepting bribes, and thereby screening and protecting the whole service in such iniquitous proceedings.

With regard to this matter, we are to state to your Lordships, in order to bring it fully and distinctly before you, what the nature of this distemper of bribery is in the Indian government. We are to state what the laws and rules are which have been opposed to prevent it, and the utter insufficiency of all that have been proposed: to state the grievance, the instructions of the Company and government, the acts of Parliament, the constructions upon the acts of Parliament. We are to state to your Lordships the particular situation of Mr. Hastings; we are to state the trust the Company had in him for the prevention of all those evils; and then we are to prove that every evil, that all those grievances which the law intended to prevent, which there were covenants to restrain, and with respect to which there were encouragements to smooth and make easy the path of duty, Mr. Hastings was invested with a special, direct, and immediate trust to prevent. We are to prove to your Lordships that he is the man who, in his own person collectively, has done more mischief than all those persons whose evil practices have produced all those laws, those regulations, and even his own appointment.

The first thing that we shall do is to state, and which we shall prove in evidence, that this vice of bribery was the ancient, radical, endemical, and ruinous distemper of the Company's affairs in India, from the time of their first establishment there. Very often there are no words nor any description which can adequately convey the state of a thing like the direct evidence of the thing itself: because the former might be suspected of exaggeration; you might think that which was really fact to be nothing but the coloring of the person that explained it; and therefore I think that it will be much better to give to your Lordships here a direct state of the Presidency at the time when the Company enacted those covenants which Mr. Hastings entered into, and when they took those measures to prevent the very evils from persons placed in those very stations and in those very circumstances in which we charge Mr. Hastings with having committed the offences we now bring before you.

I wish your Lordships to know that we are going to read a consultation of Lord Clive's, who was sent out for the express purpose of reforming the state of the Company, in order to show the magnitude of the pecuniary corruptions that prevailed in it.

"It is from a due sense of the regard we owe and profess to your interests and to our own honor, that we think it indispensably necessary to lay open to your view a series of transactions too notoriously known to be suppressed, and too affecting to your interest, to the national character, and to the existence of the Company in Bengal, to escape unnoticed and uncensured, — transactions which seem to demonstrate that every spring of this government was smeared with corruption, that principles of rapacity and oppression universally prevailed, and that every spark of sentiment and public spirit was lost and extinguished in the unbounded lust of unmerited wealth.

“To illustrate these positions, we must exhibit to your view a most unpleasing variety of complaints, inquiries, accusations, and vindications, the particulars of which are entered in our Proceedings and the Appendix, — assuring you that we undertake this task with peculiar reluctance, from the personal regard we entertain for some of the gentlemen whose characters will appear to be deeply affected.

“At Fort St. George we received the first advices of the demise of Mir Jaffier and of Sujah Dowlah’s defeat. It was there firmly imagined that no definite measures would be taken, either in respect to a peace or filling the vacancy in the nizamat, before our arrival, — as the ‘Lapwing’ arrived in the month of January with your general letter, and the appointment of a committee with express powers to that purpose, for the successful exertion of which the happiest occasion now offered. However, a contrary resolution prevailed in the Council. The opportunity of acquiring immense fortunes was too inviting to be neglected, and the temptation too powerful to be resisted. A treaty was hastily drawn up by the board, or rather transcribed, with few unimportant additions, from that concluded with Mir Jaffier, — and a deputation, consisting of Messrs. Johnstone, senior, Middleton, and Leycester, appointed to raise the natural son of the deceased Nabob to the subahdarry, in prejudice of the claim of the grandson; and for this measure such reasons are assigned as ought to have dictated a diametrically opposite resolution. Meeran’s son was a minor, which circumstance alone would have naturally brought the whole administration into our hands, at a juncture when it became indispensably necessary we should realize that shadow of power and influence which, having no solid foundation, was exposed to the danger of being annihilated by the first stroke of adverse fortune. But this inconsistency was not regarded; nor was it material to the views for precipitating the treaty, which was pressed on the young Nabob at the first interview, in so earnest and indelicate a manner as highly disgusted him and chagrined his ministers; while not a single rupee was stipulated for the Company, whose interests were sacrificed, that their servants might revel in the spoils of a treasury before impoverished, but now totally exhausted.

“This scene of corruption was first disclosed, at a visit the Nabob was paid, to Lord Clive and the gentlemen of the Committee, a few days after our arrival. He there delivered to his Lordship a letter filled with bitter complaints of the insults and indignities he had been exposed to, and the embezzlement of near twenty lacs of rupees, issued from his treasury for purposes unknown, during the late negotiations. So public a complaint could not be disregarded, and it soon produced an inquiry. We referred the letter to the board, in expectation of obtaining a satisfactory account of the application of this money, and were answered only by a warm remonstrance entered by Mr. Leycester against that very Nabob in whose elevation he boasts of having been a principal agent.

“Mahomed Reza Khân, the Naib Subah, was then called upon to account for this large disbursement from the treasury; and he soon delivered to the Committee the

very extraordinary narrative entered in our Proceedings the 6th of June, wherein he specifies the several names and sums, by whom paid, and to whom, whether in cash, bills, or obligations. So precise, so accurate an account as this of money for secret and venal services was never, we believe, before this period, exhibited to the Honorable Court of Directors, — at least, never vouched by such undeniable testimony and authentic documents: by Juggut Seet, who himself was obliged to contribute largely to the sums demanded; by Muley Ram, who was employed by Mr. Johnstone in all those pecuniary transactions; by the Nabob and Mahomed Reza Khân, who were the heaviest sufferers; and, lastly, by the confession of the gentlemen themselves whose names are specified in the distribution list.

“Juggut Seet expressly declared in his narrative, that the sum which he agreed to pay the deputation, amounting to 125,000 rupees, was extorted by menaces; and since the close of our inquiry, and the opinions we delivered in the Proceedings of the 21st June, it fully appears that the presents from the Nabob and Mahomed Reza Khân, exceeding the immense sum of seventeen lacs, were not the voluntary offerings of gratitude, but contributions levied on the weakness of the government, and violently exacted from the dependent state and timid disposition of the minister. The charge, indeed, is denied on the one hand, as well as affirmed on the other. Your honorable board must therefore determine how far the circumstance of extortion may aggravate the crime of disobedience to your positive orders, the exposing the government in a manner to sale, and receiving the infamous wages of corruption from opposite parties and contending interests. We speak with boldness, because we speak from conviction founded upon indubitable facts, that, besides the above sums specified in the distribution account to the amount of 228,125 pounds sterling, there was likewise to the value of several lacs of rupees procured from Nundcomar and Roydullub, each of whom aspired at and obtained a promise of that very employment it was predetermined to bestow on Mahomed Reza Khân.

(Signed at the end)

“CLIVE.

W^M B. SUMNER.

JOHN CARNAC.

H. VERELST.

FRA^S SYKES.”

This paper cannot be denied to be a paper of weight and authenticity, because it is signed by a gentleman now in this House, who sits on one side of the gentleman at your bar, as his bail. This grievance, therefore, so authenticated, so great, and described in so many circumstances, I think it might be sufficient for me, in this part of the business, to show was, when Mr. Hastings was sent to India, a prevalent evil.

But, my Lords, it is necessary that I should show to you something more, because, *prima fronte*, this is some exculpation of Mr. Hastings: for, if he was only a partaker in a general misconduct, it was rather *vitium loci et vitium temporis* than *vitium hominis*. This might be said in his exculpation. But I am next to show your Lordships the means which the Company took for removing this grievance; and that Mr. Hastings's peculiar trust, the great specific ground of his appointment, was a confidence that he would eradicate this very evil, of which we are going to prove that he has been one of the principal promoters. I wish your Lordships to advert to one particular circumstance, — namely, that the two persons who were bidders at this time, and at this auction of government, for the favor and countenance of the Presidency at Calcutta, were Mahomed Reza Khân and Rajah Nundcomar. I wish your Lordships to recollect this by-and-by, when we shall bring before you the very same two persons, who, in the same sort of transaction, and in circumstances exactly similar, or very nearly so, were candidates for the favor of Mr. Hastings.

My Lords, our next step will be to show you that the Company in 1768 had made a covenant expressly forbidding the taking of presents of above 400*l.* value in each present by the Governor-General. I take it for granted, this will not be much litigated. They renewed and enforced that with other covenants and other instructions; and at last came an act of Parliament, in the clearest, the most definite, the most specific words that all the wisdom of the legislature, intent upon the eradication of this evil, could use, to prevent the receiving of presents.

My Lords, I think it is necessary to state, that there has been some little difficulty concerning this word, *presents*. Bribery and extortion have been covered by the name of presents, and the authority and practice of the East has been adduced as a palliation of the crime. My Lords, no authority of the East will be a palliation of the breach of laws enacted in the West: and to those laws of the West, and not the vicious customs of the East, we insist upon making Mr. Hastings liable. But do not your Lordships see that this is an entire mistake? that there never was any custom of the East for it? I do not mean vicious practices and customs, which it is the business of good laws and good customs to eradicate. There are three species of presents known in the East, — two of them payments of money known to be legal, and the other perfectly illegal, and which has a name exactly expressing it in the manner our language does. It is necessary that your Lordships should see that Mr. Hastings has made use of a perversion of the names of authorized gifts to cover the most abominable and prostituted bribery. The first of those presents is known in the country by the name of *peshcush*: this *peshcush* is a fine paid, upon the grant of lands, to the sovereign, or whoever grants them. The second is the *nuzzer*, or *nuzzerana*, which is a tribute of acknowledgment from an inferior to a superior. The last is called *reshwat*, in the Persian language, — that is to say, a bribe, or sum of money clandestinely and corruptly taken, — and is as much distinguished from the others as, in the English language, a fine or acknowledgment is distinguished from a

bribe. To show your Lordships this, we shall give in evidence, that, whenever a peshcush or fine is paid, it is a sum of money publicly paid, and paid in proportion to the grant, — and that the sum is entered upon the very grant itself. We shall prove the nuzzer is in the same manner entered, and that all legal fees are indorsed upon the body of the grant for which they are taken: and that they are no more in the East than in the West any kind of color or pretence for corrupt acts, which are known by the circumstance of their being clandestinely taken, and which are acknowledged and confessed to be illegal and corrupt. Having stated that Mr. Hastings, in some of the evidence that we shall produce, endeavors to confound these three things, I am only to remark that the nuzzer is generally a very small sum of money, that it sometimes amounts to one gold mohur, that sometimes it is less, and that, in all the records of the Company, I have never known it exceed one gold mohur, or about thirty-five shillings, — passing by the fifty gold mohurs which were given to Mr. Hastings by Cheyt Sing, and a hundred gold mohurs which were given to the Mogul, as a nuzzer, by Mahomed Ali, Nabob of Arcot.

The Company, seeing that this nuzzer, though small in each sum, might amount at last to a large tax upon the country, (and it did so in fact,) thought proper to prohibit any sum of money to be taken upon any pretext whatever; and the Company in the year 1775 did expressly explode the whole doctrine of peshcush, nuzzer, and every other private lucrative emolument, under whatever name, to be taken by the Governor-General, and did expressly send out an order that that was the construction of the act, and that he was not even to take a nuzzer. Thus we shall show that that act had totally cut up the whole system of bribery and corruption, and that Mr. Hastings had no sort of color whatever for taking the money which we shall prove he has taken.

I know that positive prohibitions, that acts of Parliament, that covenants, are things of very little validity indeed, as long as all the means of corruption are left in power, and all the temptations to corrupt profit are left in poverty. I should really think that the Company deserved to be ill served, if they had not annexed such appointments to great trusts as might secure the persons intrusted from the temptations of unlawful emolument, and, what in all cases is the greatest security, given a lawful gratification to the natural passions of men. Matrimony is to be used, as a true remedy against a vicious course of profligate manners; fair and lawful emoluments, and the just profits of office, are opposed to the unlawful means which might be made use of to supply them. For, in truth, I am ready to agree, that for any man to expect a series of sacrifices without a return in blessings, to expect labor without a prospect of reward, and fatigue without any means of securing rest, is an unreasonable demand in any human creature from another. Those who trust that they shall find in men uncommon and heroic virtues are themselves endeavoring to have nothing paid them but the common returns of the worst parts of human infirmity. And therefore I shall show your Lordships that the Company did provide

large, ample, abundant means for supporting the Governor-General, — that Lord Clive, in the year 1765, and the Council with him, of which Mr. Sumner, I am glad and proud to say, was one, did fix such an allowance as they thought a sufficient security to the Governor-General against the temptations attendant upon his situation; and therefore, after they had fixed this sum, they say, “that, although by this means the Governor will not be able to amass a million or half a million in the space of two or three years, yet he will acquire a very handsome independency, and be in that very situation which a man of honor and true zeal for the service would wish to possess. Thus situated, he may defy all opposition in Council; he will have nothing to ask, nothing to propose, but what he wishes for the advantage of his employers; he may defy the law, because there can be no foundation for a bill of discovery; and he may defy the obloquy of the world, because there can be nothing censurable in his conduct. In short, if stability can be insured to such a government as this, where riches have been acquired in abundance in a small space of time, by all ways and means, and by men with or without capacities, it must be effected by a Governor thus restricted,” — that is, a Governor restricted from every emolument but that of his salary. I must remark, that this salary and these emoluments were not settled upon the vague speculations of men taking the measure of their necessities for India from the manners of England; but it was fixed by the Council themselves, — fixed in India, — fixed by those who knew and were in the situation of the Governor-General, and who knew what was necessary to support his dignity and to preserve him from the temptation of corruption: and they have laid open to you such a body of advantages arising from it as would lead any man, who had a regard to his honor or conscience, to think himself happy in having such a provision made for him, and at the same time every temptation to act corruptly removed far from him.

The emoluments of the office, though reduced from the original plan which Lord Clive had proposed, may be computed at near 30,000*l.* a year, when Mr. Hastings was President: 22,000*l.* in certain money, and the rest in other advantages. Whatever it was, I have shown that it was thought sufficient by those who were the best judges, and who, in carving for others, were carving for themselves their own allowance at the time. But, my Lords, I am to give a better opinion of the sufficiency of that provision to guard against the temptation, out of Mr. Hastings’s own mouth. He says, in his letter to the Court of Directors, “Although I disclaim the consideration of my own interest in these speculations, and flatter myself that I proceed upon more liberal grounds, yet I am proud to avow the feelings of an honest ambition that stimulates me to aspire at the possession of my present station for years to come. Those who know my natural turn of mind will not ascribe this to sordid views. A very few years’ possession of the government would undoubtedly enable me to retire with a fortune amply fitted to the measure of my desires, were I

to consult only my ease: but in my present situation I feel my mind expand to something greater; I have caught the desire of applause in public life.”

Here Mr. Hastings confesses that the emoluments affixed to office were not only sufficient for the purposes and ends which the nature of his office demanded, and the support of present dignity, but that they were sufficient to secure him, in a very few years, a comfortable retreat; but his object in wishing to hold his office long was *to catch applause in public life*. What an unfortunate man is he, who has so often told us, in so many places, and through so many mouths, that, after fourteen years’ possession of an office which was to make him a comfortable fortune in a few years, he is at length bankrupt in fortune, and for his applause in public life is now at your Lordships’ bar, and his accuser is his country! This, my Lords, is to be unfortunate: but there are some misfortunes that never do or ever can arrive but through crimes. He was a deserter from the path of honor. At the turning of the two ways he made a glorious choice, — he caught at the applause of ambition: which though I am ready to consent is not virtue, yet surely a generous ambition for applause for public services in life is one of the best counterfeits of virtue, and supplies its place in some degree; and it adds a lustre to real virtue, where it exists as the substratum of it. Human nature, while it is made as it is, never can wholly repudiate it for its imperfection, because there is something yet more perfect. But what shall we say to the deserter of that cause, who, having glory and honor before him, has chosen to plunge himself into the downward road to sordid riches?

My Lords, I have shown the grievances that existed. I have shown the means that existed to put Mr. Hastings beyond a temptation to those practices of which we accuse him, even in his own opinion, — if he will not follow his example in the House of Commons, and disavow this letter, as he has done his defence before them, and say he never wrote it. That situation which was to afford him a comfortable fortune in a few years he has held for many years, and therefore he has not one excuse to make for himself; but I shall show your Lordships much greater and stronger proofs, that will lean heavy upon him in the day of your sentence. The first, the peculiar, trust that was put in him, was to redress all those grievances.

My Lords, I have stated to you the condition of India in 1765. You may suppose that the means that were taken, the regulations that were made by the Company at that period of time, had operated their effect, and that by the beginning of the year 1772, when Mr. Hastings came first to his government, these evils did not then require, perhaps, so vigorous an example, or so much diligence in putting an end to them; but, my Lords, I have to show you a very melancholy truth, that, notwithstanding all these means, the Company was of opinion that all these disorders had increased, and accordingly they say, without entering into all the grievous circumstances of this letter, which was wrote on the 10th of April, 1773, “We wish we could refute the observation, that almost every attempt made by us and our administration at your Presidency for reforming abuses has rather increased

them, and added to the misery of a country we are so anxious to protect and cherish.” They say, that, “when oppression pervades the whole country, when youths have been suffered with impunity to exercise sovereign jurisdiction over the natives, and to acquire rapid fortunes by monopolizing of commerce, it cannot be a wonder to us or yourselves that Dadney merchants do not come forward to contract with the Company, that the manufactures find their way through foreign channels, or that our investments are at once enormously dear and of a debased quality. It is evident, then, that the evils which have been so destructive to us lie too deep for any partial plans to reach or correct; it is therefore our resolution to aim at the root of those evils, and we are happy in having reason to believe that in every just and necessary regulation we shall meet with the approbation and support of the legislature, who consider the public as materially interested in the Company’s prosperity.”

This is to show your Lordships that Mr. Hastings was armed with great powers to correct great abuses, and that there was reposed in him a special trust for that purpose. And now I shall show, by the twenty-fifth paragraph of the same letter, that they intrusted Mr. Hastings with this very great power from some particular hope they had, not only of his abstaining himself, which is a thing taken for granted, but of his restraining abuses through every part of the service; and therefore they say, “that, in order to effectuate this great end, the first step must be to restore perfect obedience and due subordination to your administration. Our Governor and Council must reassume and exercise their delegated powers upon every just occasion, — punish delinquents, cherish the meritorious, discountenance that luxury and dissipation which, to the reproach of government, prevailed in Bengal. Our President, Mr. Hastings, we trust, will set the example of temperance, economy, and application; and upon this, we are sensible, much will depend. And here we take occasion to indulge the pleasure we have in acknowledging Mr. Hastings’s services upon the coast of Coromandel, in constructing with equal labor and ability the plan which has so much improved our investments there; and as we are persuaded he will persevere in the same laudable pursuit through every branch of our affairs in Bengal, he, in return, may depend on the steady support and favor of his employers.” Here are not only laws to restrain abuse, here are not only salaries to prevent the temptation to it, but here are praises to animate and encourage him, here is what very few men, even bad in other respects, have resisted, — here is a great trust put in him, to call upon him with particular vigor and exertion to prevent all abuses through the settlement, and particularly these abuses of corruption. Much trust is put in his frugality, his order, his management of his private affairs; and from thence they hope that he would not ruin his own fortune, but improve it by honorable means, and teach the Company’s servants the same order and management, in order to free them from temptation to rapacity in their own particular situations. There have been known to be men, otherwise

corrupt and vicious, who, when great trust was put in them, have called forth principles of honor latent in their minds; and men who were nursed, in a manner, in corruption have been not only great reformers by institution, but greater reformers by the example of their own conduct. Then I am to show, that, soon after his coming to that government, there were means given him instantly of realizing those hopes and expectations, by putting into his hands several arduous and several difficult commissions.

My Lords, in the year 1772 the Company had received alarming advices of many disorders throughout the country: there were likewise, at the same time, circumstances in the state of the government upon which they thought it necessary to make new regulations. The famine which prevailed in and devastated Bengal, and the ill use that was made of that calamity to aggravate the distress for the advantage of individuals, produced a great many complaints, some true, some exaggerated, but universally spread, as I believe is in the memory of those who are not very young among us. This obliged the Company to a very serious consideration of an affair which dishonored and disgraced their government, not only at home, but through all the countries in Europe, much more than perhaps even more grievous and real oppressions that were exercised under them. It had alarmed their feelings, it had been marked, and had called the attention of the public upon them in an eminent manner.

Your Lordships remember the death of Jaffier Ali Khân, the first of those subahs who introduced the English power into Bengal. He died about four or five years before this period. He was succeeded by two of his sons, who succeeded to one another in a very rapid succession. The first was the person of whom we have read an account to you. He was the natural son of the Nabob by a person called Munny Begum, who, for the corrupt gifts the circumstances of which we have recited, had, in prejudice of the lawful issue of the Nabob, been raised to the *musnud*; but as bastard slips, it is said in King Richard, (an abuse of a Scripture phrase,) do not take deep root, this bastard slip, Nujim ul Dowlah, shortly died, and the legitimate son, Syef ul Dowlah, succeeded him. After him another legitimate son, Mobarek ul Dowlah, succeeded in a minority. When I say *succeeded*, I wish your Lordships to understand that there is no regular succession in the office of subah or viceroy of the kingdom; but, in general, succession has been considered, and persons have been put in that place upon some principles resembling a regular succession. That regular succession had been broken in favor of a natural son, and the mother of that natural son did obtain the superiority in the female part of the family for a time.

In consequence of these two circumstances, namely, the famine, and the abuses that were supposed to arise from it, and from the circumstance of the minority of Mobarek ul Dowlah, who now reigns or appears to reign, — in consequence of these two circumstances, the Company gave two sets of orders.

The first order related to Mahomed Reza Khân, who was (as your Lordships remember I took, in the beginning of this affair, means of explaining) lord-deputy of the province under the native government, the English holding the dewanny, — and deputy dewan, or high-steward, under the name of the English, and had the command of the whole revenue; and who was accused before the Company (the channel of which accusation we now learn) of having aggravated that famine by a monopoly for his own benefit. The Company, upon these loose and general charges, ordered that he should be divested of his office, that he should be brought down to Calcutta, and there be obliged to render an account of his conduct.

The next regulation they made was concerning the effective government of the country, which was become vacant by the removal of Mahomed Reza Khân. The offices which he held were in effect these: he was guardian to the Nabob by the appointment of the Company; he had the care and management of his family; he had the care of the public justice; and he represented that shadow of government to foreign nations which it was the policy of the Company, at that time, to keep up. This was the person whom Mr. Hastings was ordered to remove; in consequence of which removal all these offices were to be supplied, — of guardian of the Nabob's person and manager of his family, of chief magistrate, and of representative of the fallen dignity of the native government to the foreign nations which traded to Bengal.

To these orders was added an instruction of a very remarkable nature, which was a third trust that was given to Mr. Hastings: that during the Nabob's minority he should reduce the annual allowance, which was thirty-two lacs, to sixteen; and that to prevent the abuse of this restricted sum, and to prevent its being directed by the minister's authority to other purposes than that for which the Company allowed it, (that is to say, allowed him out of what was his own,) of these sixteen lacs an account was to be regularly kept, as a check upon the person so appointed, which account was ordered to be transmitted to Calcutta, and to be sent to England.

Now we are to show your Lordships what Mr. Hastings's conduct was upon all these occasions; and for this we mean to produce testimony recorded in the Company's books, and authentic documents taken from the public offices of that country. At the same time I do admit that there never was a positive testimony that did not stand something in need of the support of presumption: for, as we know that witnesses may be perjured, and as we know that documents can be forged, we have recourse to a known principle in the laws of all countries, that circumstances cannot lie; and therefore, if the testimony that is given was ever so clear and positive, yet, if it is contrary to the circumstances of the country, if it is contrary to the circumstances of the facts to which it alludes, if the deposition is totally adverse and alien to the characters of the persons, then I will say, that, though the testimonies should be many, though they should be consistent, and though they should be clear, yet they will still leave some degree of hesitation and doubt upon every mind

timorous in the execution of justice, as every mind ought to be. If, for instance, ten witnesses were to swear that the Chief-Justice of England, that the Lord High-Chancellor, or the Archbishop of Canterbury, was seen, in the robes of his function, at noonday, robbing upon the highway, it is not the clearness, the weight, the authority of testimonies, that could make me believe it; I should attribute it to any cause, either corruption, mistake, error, or madness, rather than believe that fact. Why? Because it is totally alien to the character of the persons, the situation, the circumstances, and to all the rules of probability. But if, on the contrary, the crime charged has a perfect relation with the person, with his known conduct, with his known habits, with the situation and circumstances of the place that he is in, and with the very corrupt inherent nature of the act that he does, then much less proof than we are able to produce will serve; and according to the nature and strength of the presumptions arising from the inherent nature of a vicious principle and vicious motives in the act, will be strengthened the weakest evidence, or, if it comes to a sufficient height, the whole burden of proof will be turned upon the party accused. And thus we shall think ourselves bound to show your Lordships, in every step of this proceeding, that there is an inherent presumption of corruption in every act. We shall show the presumptions which preceded, we shall show the presumptions which accompanied the proof; and these, with the subsequent presumptions, will make it impossible to disbelieve them. Such a body of proof was never given upon any such occasion: and it is such proof as will prevail against the whole voice of corruption, that amazing, active, diligent, spreading voice, which has been made, by buzzing in every part of this country, sometimes to sound like the public voice; it will put it to silence, by showing that your Lordships have proceeded upon the strongest evidence, active and passive.

First, Mr. Hastings received a positive order to seize upon Mahomed Reza Khân. That order he executed with a military promptitude of obedience, which will show your Lordships what are the services which are congenial to his own mind, and which find in him always a ready acquiescence, a faithful agent, and a spirited instrument in the execution. The very day after he received the order, he sent up, privately, without communicating with the Council, from whom he was not ordered to keep this proceeding a secret, — he sent up, and found that great and respectable man and respectable magistrate, who was in all those high offices which I have stated: and if I was to compare them to circumstances and situations in this country, I should say he had united in himself the character of First Lord of the Treasury, the character of Chief-Justice, the character of Lord High-Chancellor, and the character of Archbishop of Canterbury: a man of great gravity, dignity, and authority, and advanced in years; had once 100,000*l.* a year for the support of his dignity, and had at that time 50,000*l.* This man, sitting in his garden, reposing himself after the toils of his situation, (for he was one of the most laborious men in the world,) was suddenly arrested, and, without a moment's respite, dragged down

to Calcutta, and there by Mr. Hastings (exceeding the orders of the Company) confined near two years under a guard of soldiers. Mr. Hastings kept this great man for several months without even attempting the trial upon him. How he tried him afterwards your Lordships may probably in the course of this business inquire; and you will then judge, from the circumstances of that trial, that, as he was not tried for his crime, so neither was he acquitted for his innocence; — but at present I leave him in that situation. Mr. Hastings, unknown to the Council, having executed the orders of the Company in the last degree of rigor to this unhappy man, keeps him in that situation, without a trial, under a guard, separated from his country, disgraced and dishonored, and by Mr. Hastings's express order not suffered either to make a visit or receive a visitor.

There was another commission for Mr. Hastings contained in these orders. The Company, because they were of opinion that justice could not be easily obtained while the first situations of the country were filled with this man's adherents, desired Mr. Hastings to displace them: leaving him a very large power, and confiding in his justice, prudence, and impartiality not to abuse a trust of such delicacy. But we shall prove to your Lordships that Mr. Hastings thought it necessary to turn out, from the highest to the lowest, several hundreds of people, for no other reason than that they had been put in their employments by that very man whom the English government had formerly placed there. If *we* were to insist that we could not possibly try Mr. Hastings, or come at his wickedness, until we had eradicated his influence in Bengal, and left not one man in it who was during his government in any place or office whatever, yet, though we should readily admit that we could not do the whole without it, at the same time, rather than make a general massacre of every person presumed to be under his influence, we would leave some of his crimes unproved. He did avow and declare, that, unless he turned all these persons out of their offices, he could never hope to come at the truth of any charges against Mahomed Reza Khân, against whom no specific charge had been made. Yet, upon loose and general charges, did he seize upon this man, confine him in this manner, and every person who derived any place or authority from him, high or low, was turned out. Mr. Hastings had in the Company's orders something to justify him in rigor, but he had likewise a prudential power over that rigor; and he not only treated this man in the manner described, but every human creature connected with him, as if they had been all guilty, without any charge whatever against them. These are his reasons for taking this extraordinary step.

“I pretend not to enter into the views of others. My own were these. Mahomed Reza Khân's influence still prevailed generally throughout the country. In the Nabob's household, and at the capital, it was scarce affected by his present disgrace. His favor was still courted, and his anger dreaded. Who, under such discouragements, would give information or evidence against him? His agents and creatures filled every office of the nizamat and dewanny. How was the truth of his

conduct to be investigated by these? It would be superfluous to add other arguments to show the necessity of prefacing the inquiry by breaking his influence, removing his dependants, and putting the direction of all the affairs which had been committed to his care into the hands of the most powerful or active of his enemies.”

My Lords, if *we* of the House of Commons were to desire and to compel the East India Company, or to address the crown, to remove, according to their several situations and several capacities, every creature that had been put into office by Mr. Hastings, because we could otherwise make no inquiry into his conduct, should we not be justified by his own example in insisting upon the removal of every creature of the reigning power before we could inquire into his conduct? We have not done that, though we feel, as he felt, great disadvantages in proceeding in the inquiry while every situation in Bengal is notoriously held by his creatures, — always excepting the first of all, but which we could show is nothing under such circumstances. Then what do I infer from this, — from his obedience to the orders of the Company, carried so much beyond necessity, and prosecuted with so much rigor, — from the inquiry being suspended for so long a time, — from every person in office being removed from his situation, — from all these precautions being used as prefatory to the inquiry, when he himself says, that, after he had used all these means, he found not the least benefit and advantage from them? The use I mean to make of this is, to let your Lordships see the great probability and presumption that Mr. Hastings, finding himself in the very selfsame situation that had occurred the year before, when Nundcomar was sold to Mahomed Reza Khân, of selling Mahomed Reza Khân to Nundcomar, made a corrupt use of it, and that, as Mahomed Reza Khân was not treated with severity for his crimes, so neither was he acquitted for his innocence. The Company had given Mr. Hastings severe orders, and very severely had he executed them. The Company gave him no orders not to institute a present inquiry; but he, under pretence of business, neglected that inquiry, and suffered this man to languish in prison to the utter ruin of his fortune.

We have in part shown your Lordships what Mr. Hastings’s own manner of proceeding with regard to a public delinquent is; but at present we leave Mahomed Reza Khân where he was. Do your Lordships think that there is no presumption of Mr. Hastings having a corrupt view in this business, and of his having put this great man, who was supposed to be of immense wealth, under contributions? Mr. Hastings never trusted his colleagues in this proceeding; and what reason does he give? Why, he supposed that they must be bribed by Mahomed Reza Khân. “For,” says he, “as I did not know their characters at that time, I did not know whether Mahomed Reza Khân had not secured them to his interest by the known ways in which great men in the East secure men to their interest.” He never trusted his colleagues with the secret; and the person that he employed to prosecute Mahomed Reza Khân was his bitter enemy, Nundcomar. I will not go the length of saying that the circumstance of enmity disables a person from being a prosecutor; under some

circumstances it renders a man incompetent to be a witness; but this I know, that the circumstance of having no other person to rely upon in a charge against any man but his enemy, and of having no other principle to go upon than what is supposed to be derived out of that enmity, must form some considerable suspicion against the proceeding. But in this he was justified by the Company; for Nundcomar, the great rival of Mahomed Reza Khân, was in the worst situation with the Company as to his credit. This Nundcomar's politics in the country had been by Mr. Hastings himself, and by several persons joined with him, cruelly represented to the Company; and accordingly he stood so ill with them, by reason of Mr. Hastings's representations and those of his predecessors, that the Company ordered and directed, that, if he could be of any use in the inquiry into Mahomed Reza Khân's conduct, some reward should be given him suitable to his services; but they cautioned Mr. Hastings at the same time against giving him any trust which he might employ to the disadvantage of the Company. Now Mr. Hastings began, before he could experience any service from him, by giving him his reward, and not the base reward of a base service, *money*, but every trust and power which he was prohibited from giving him. Having turned out every one of Mahomed Reza Khân's dependants, he filled every office, as he avows, with the creatures of Nundcomar. Now when he uses a cruel and rigorous obedience in the case of Mahomed Reza Khân, when he breaks through the principles of his former conduct with regard to Nundcomar, when he gives *him*, Nundcomar, trust, whom he was cautioned not to trust, and when he gives him that reward before any service could be done, — I say, when he does this, in violation of the Company's orders and his own principles, it is the strongest evidence that he now found them in the situation in which they were in 1765, when bribes were notoriously taken, and that each party was mutually sold to the other, and faith kept with neither. The situation in which Mr. Hastings thus placed himself should have been dreaded by him of all things, because he knew it was a situation in which the most outrageous corruption had taken place before.

There is another circumstance which serves to show that in the persecution of these great men, and the persons employed by them, he could have no other view than to extort money from them. There was a person of the name of Shitab Roy, who had a great share in the conduct of the revenues of Bahar. Mr. Hastings, in the letter to the Company, complaining of the state of their affairs, and saying that there were great and suspicious balances in the kingdom of Bahar, does not even name the name of Shitab Roy. There was an English counsellor, a particular friend of Mr. Hastings's, there, under whose control Shitab Roy acted. Without any charges, without any orders from the Company, Mr. Hastings dragged down that same Shitab Roy, and in the same ignominious prison he kept him the same length of time, that is, one year and three months, without trial; and when the trial came on, there was as much appearance of collusion in the trial as there was of rigor in

the previous process. This is the manner in which Mr. Hastings executed the command of the Company for removing Mahomed Reza Khân.

When a successor to Mahomed Reza Khân was to be appointed, your Lordships naturally expect, from the character I have given of him, and from the nature of his functions, that Mr. Hastings would be particularly precise, would use the utmost possible care in nominating a person to succeed him, who might fulfil the ends and objects of his employment, and be at the same time beyond all doubt and suspicion of corruption in any way whatever. Let us now see how he fills up that office thus vacant. When the Company ordered Mahomed Reza Khân to be dispossessed of his office, they ordered at the same time that the salary of his successor should be reduced: that 30,000*l.* was a sufficient recompense for that office. Your Lordships will see by the allowance for the office, even reduced as it was, that they expected some man of great eminence, of great consequence, and fit for those great and various trusts. They cut off the dewanny from it, that is, the collection of the revenues; and having lessened his labors, they lessened his reward. — They ordered that this person, who was to be guardian of the Nabob in his minority, and who was to represent the government, should have but 30,000*l.* The order they give is this.

“And that as Mahomed Reza Khân can no longer be considered by us as one to whom such a power can safely be committed, we trust to your local knowledge the selection of some person well qualified for the affairs of government, and of whose attachment to the Company you shall be well assured. Such person you will recommend to the Nabob, to succeed Mahomed Reza, as minister of the government, and guardian of the Nabob’s minority; and we persuade ourselves that the Nabob will pay such regard to your recommendation as to invest him with the necessary power and authority.

“As the advantages which the Company may receive from the appointment of such minister will depend on his readiness to promote our views and advance our interest, we are willing to allow him so liberal a gratification as may excite his zeal and insure his attachment to the Company; we therefore empower you to grant to the person whom you shall think worthy of this trust an annual allowance not exceeding three lacs of rupees, which we consider not only as a munificent reward for any services he shall render the Company, but sufficient to enable him to support his station with suitable rank and dignity. And here we must add, that, in the choice you shall make of a person to be the active minister of the Nabob’s government, we hope and trust that you will show yourselves worthy of the confidence we have placed in you by being actuated therein by no other motives than those of the public good and the safety and interest of the Company.”

My Lords, here they have given a reward, and they have described a person fit to succeed in all capacities the man whom they had thought fit to depose. Now, as we have seen how Mr. Hastings obeyed the Company’s orders in the manner of removing Mahomed Reza Khân from his office, let us see how he obeyed their

order for filling it up. Your Lordships will naturally suppose that he made all the orders of Mahometan and Hindoo princes to pass in strict review before him; that he had considered their age, authority, dignity, the goodness of their manners; and upon the collation of all these circumstances had chosen a person fit to be a regent to guard the Nabob's minority from all rapacity whatever, and fit to instruct him in everything. I will give your Lordships Mr. Hastings's own idea of the person necessary to fill such offices.

"That his rank ought to be such as at least ought not to wound the Nabob's honor, or lessen his credit in the estimation of the people, by the magisterial command which the new guardian must exercise over him, — with abilities and vigor of mind equal to the support of that authority; and the world will expect that the guardian be especially qualified by his own acquired endowments to discharge the duties of that relation in the education of his young pupil, to inspire him with sentiments suitable to his birth, and to instruct him in the principles of his religion."

This, upon another occasion, is Mr. Hastings's sense of the man who ought to be placed in that situation of trust in which the Company ordered him to place him. Did Mr. Hastings obey that order? No, my Lords, he appointed no man to fill that office. What, no man at all? No, he appointed no person at all in the sense which is mentioned there, which constantly describes a person at least of the male sex: he appointed a woman to fill that office; he appointed a woman, in a country where no woman can be seen, where no woman can be spoken to by any one without a curtain between them; for all these various duties, requiring all these qualifications described by himself, he appointed a woman. Do you want more proof than this violent transgression of the Company's orders upon that occasion that some corrupt motive must have influenced him?

My Lords, it is necessary for me to state the situation of the family, that you may judge from thence of the corrupt motives of Mr. Hastings's proceedings. The Nabob Jaffier Ali Khân had among the women of his seraglio a person called Munny Begum. She was a dancing-girl, whom he had seen at some entertainment; and as he was of a licentious turn, this dancing-girl, in the course of her profession as a prostitute, so far inveigled the Nabob, that, having a child or pretending to have had a child by him, he brought her into the seraglio; and the Company's servants sold to that son the succession of that father. This woman had been sold as a slave, — her profession a dancer, her occupation a prostitute. And, my Lords, this woman having put her natural son, as we state, and shall prove, in the place of the legitimate offspring of the Nabob, having got him placed by the Company's servants on the musnud, she came to be at the head of that part of the household which relates to the women: which is a large and considerable trust in a country where polygamy is admitted, and where women of great rank may possibly be attended by two thousand of the same sex in inferior situations. As soon as the legitimate son of the Nabob came to the musnud, there was no ground for keeping this woman any

longer in that situation; and upon an application of the Company to Mahomed Reza Khân to know who ought to have the right of superiority, he answered, as he ought to have done, that, though all the women of the seraglio ought to have honor, yet the mother of the Nabob ought to have the superiority of it. Therefore this woman was removed, and the mother of the Nabob was placed in her situation. In that situation Mr. Hastings found the seraglio. If his duties had gone no further than the regulation of an Eastern household, he ought to have kept the Nabob's mother there by the rules of that country.

What did he do? Not satisfied with giving to this prostitute every favor that she could desire, (and money must be the natural object of such a person,) Mr. Hastings deposes the Nabob's own mother, turns her out of the employment, and puts at the head of the seraglio this prostitute, who at the best, in relation to him, could only be a step-mother. If you heard no more, do your Lordships want anything further to convince you that this must be a violent, atrocious, and corrupt act, — suppose it had gone no further than the seraglio? But when I call this woman a dancing-girl, I state something lower than Europeans have an idea of respecting that situation. She was born a slave, bred a dancing-girl. Her dancing was not any of those noble and majestic movements which make part of the entertainment of the most wise, of the education of the most virtuous, which improve the manners without corrupting the morals of all civilized people, and of which, among uncivilized people, the professors have their due share of admiration; but these dances were not decent to be seen nor fit to be related. I shall pass them by. Your Lordships are to suppose the lowest degree of infamy in occupation and situation, when I tell you that Munny Begum was a slave and a dancing-girl.

The history of the Munny Begum is this. "At a village called Balkonda, near Sekundra, there lived a widow, who, from her great poverty, not being able to bring up her daughter Munny, gave her to a slave-girl belonging to Summin Ali Khân, whose name was Bissoo. During the space of five years she lived at Shahjehanabad, and was educated by Bissoo after the manner of a dancing-girl. Afterwards the Nabob Shamut Jung, upon the marriage of Ikram ul Dowlah, brother to the Nabob Surajah ul Dowlah, sent for Bissoo Beg's set of dancing-girls from Shahjehanabad, of which Munny Begum was one, and allowed them ten thousand rupees for their expenses, to dance at the wedding. While the ceremony was celebrating, they were kept by the Nabob; but some months afterwards he dismissed them, and they took up their residence in this city. Mir Mahomed Jaffier Khân then took them into keeping, and allowed Munny and her set five hundred rupees per month, till at length, finding that Munny was pregnant, he took her into his own house. She gave birth to the Nabob Nujim ul Dowlah, and in this manner has she remained in the Nabob's family ever since."

Now it required a very peculiar mode of selection to take such a woman, so circumstanced, (resembling whom there was not just such another,) to depose the

Nabob's own mother from the superiority of the household, and to substitute this woman. It would have been an abominable abuse, and would have implied corruption in the grossest degree, if Mr. Hastings had stopped there. He not only did this, but he put *her*, this woman, in the very place of Mahomed Reza Khân: he made her guardian, he made her regent, he made her viceroy, he made her the representative of the native government of the country in the eyes of strangers. There was not a trust, not a dignity in the country, which he did not put, during the minority of this unhappy person, her step-son, into the hands of this woman.

Reject, if you please, the strong presumption of corruption in disobeying the order of the Company directing him to select a *man* fit to supply the place of Mahomed Reza Khân, to exercise all the great and arduous functions of government and of justice, as well as the regulation of the Nabob's household; and then I will venture to say, that neither your Lordships, nor any man living, when he hears of this appointment, does or can hesitate a moment in concluding that it is the result of corruption, and that you only want to be informed what the corruption was. Here is such an arrangement as I believe never was before heard of: a secluded woman in the place of a man of the world; a fantastic dancing-girl in the place of a grave magistrate; a slave in the place of a woman of quality; a common prostitute made to superintend the education of a young prince; and a step-mother, a name of horror in all countries, made to supersede the natural mother from whose body the Nabob had sprung.

These are circumstances that leave no doubt of the grossest and most flagrant corruption. But was there no application made to Mr. Hastings upon that occasion? The Nabob's uncle, whom Mr. Hastings declares to be a man of no dangerous ambition, no alarming parts, no one quality that could possibly exclude him from that situation, makes an application to Mr. Hastings for that place, and was by Mr. Hastings rejected. The reason he gives for his rejection is, because he cannot put any man in it without danger to the Company, who had ordered him to put a man into it. One would imagine the trust to be placed in him was such as enabled him to overturn the Company in a moment. Now the situation in which the Nabob's uncle, Yeteram ul Dowlah, would have been placed was this: he would have had no troops, he would have had no treasury, he would have had no collections of revenue, nothing, in short, that could have made him dangerous, but he would have been an absolute pensioner and dependant upon the Company, though in high office; and the least attempt to disturb the Company, instead of increasing, would have been subversive of his own power. If Mr. Hastings should still insist that there might be danger from the appointment of a man, we shall prove that he was of opinion that there could be no danger from any one, — that the Nabob himself was a mere shadow, a cipher, and was kept there only to soften the English government in the eyes and opinion of the natives.

My Lords, I will detail these circumstances no further, but will bring some collateral proofs to show that Mr. Hastings was at that very time conscious of the wicked and corrupt act he was doing. For, besides this foolish principle of policy, which he gives as a reason for defying the orders of the Company, and for insulting the country, that had never before seen a woman in that situation, and *his* declaration to the Company, that their government cannot be supported by private justice, (a favorite maxim, which he holds upon all occasions,) besides these reasons which he gave for his politic injustice, he gives the following. The Company had ordered that 30,000*l.* should be given to the person appointed. He knew that the Company could never dream of giving this woman 30,000*l.* a year, and he makes use of that circumstance to justify him in putting her in that place: for he says, the Company, in the distressed state of its affairs, could never mean to give 30,000*l.* a year for the office which they order to be filled; and accordingly, upon principles of economy, as well as upon principles of prudence, he sees there could be no occasion for giving this salary, and that it will be saved to the Company. But no sooner had he given her the appointment than that appointment became a ground for giving her that money. The moment he had appointed her, he overturns the very principle upon which he had appointed her, and gives the 30,000*l.* to her, and the officers under her, saving not one shilling to the Company by this infamous measure, which he justified only upon the principle of economy. The 30,000*l.* was given, the principle of economy vanished, a shocking arrangement was made, and Bengal saw a dancing-girl administering its justice, presiding over all its remaining power, wealth, and influence, exhibiting to the natives of the country their miserable state of degradation, and the miserable dishonor of the English Company in Mr. Hastings's abandonment of all his own pretences.

But there is a still stronger presumption. The Company ordered that this person, who was to have the management of the Nabob's revenue, and who was to be his guardian, should keep a strict account, which account should be annually transmitted to the Presidency, and by the Presidency to Europe; and the purpose of it was, to keep a control upon the reduced expenses of the sixteen lac which were ordered in the manner I mentioned. Your Lordships will naturally imagine that that control was kept safe. No, here is the order of the Directors, and you will see how Mr. Hastings obeyed it.

"As the disbursement of the sums allotted to the Nabob for the maintenance of his household and family and the support of his dignity will pass through the hands of the minister who shall be selected by you, conformable to our preceding orders, we expect that you will require such minister to deliver annually to your board a regular and exact account of the application of the several sums paid by the Company to the Nabob. This you will strictly examine; and we trust that you will not suffer any part of the Nabob's stipend to be appropriated to the minister's own

use, or wasted among the unnecessary dependants of the court, but that the whole amount be applied to the purposes for which it was assigned by us.”

One would have imagined, that, after Mr. Hastings had made so suspicious an arrangement, (I will not call it by any worse name,) he would have removed all suspicion with regard to money, — that he would have obeyed the Company by constituting the control which they had ordered to be placed over a man, even a fit man, and a man worthy of the trust committed to him. But what is his answer, when three years after he is desired to produce this account? His answer is,— “I can save the board the trouble of this reference by acquainting them that no such accounts have ever been transmitted, nor, as I can affirm with most certain knowledge, any orders given for that purpose, either to Gourdas, to whose office it did not properly belong, nor to the Begum, who had the actual charge and responsibility of those disbursements.”

He has given to this woman the charge of all the disbursements of the Company; the officer whom you would imagine would be responsible was not responsible, but to this prostitute and dancing-girl the whole of the revenue was given; when he was ordered to transmit that account, he not only did not produce that account, but had given no order that it should be kept: so that no doubt can be left upon your Lordships’ minds, that the sixteen lac, which were reserved for the support of the dignity of the government of that country, were employed for the purpose of Mr. Hastings’s having a constant bank, from which he should draw every corrupt emolument he should think fit for himself and his associates. Thus your Lordships see that he appointed an improper person to the trust without any control, and that the very accounts which were to be the guardians of his purity, and which were to remove suspicion from him, he never so much as directed or ordered. If any one can doubt that that transaction was in itself corrupt, I can only say that his mind must be constituted in a manner totally different from that which prevails in any of the higher or lower branches of judicature in any country in the world. The suppression of an account is a proof of corruption.

When Mr. Hastings committed these acts of violence against Mahomed Reza Khân, when he proceeded to make arrangements in the Company’s affairs of the same kind with those in which corruption had been before exercised, he was bound by a particular responsibility that there should be nothing mysterious in his own conduct, and that at least all the accounts should be well kept. He appointed a person nominally for that situation, — namely, the Rajah Gourdas. Who was he? A person acting, he says, under the influence of Rajah Nundcomar, whom he had declared was not fit to be employed or trusted: all the offices were filled by him. But had Rajah Gourdas, whose character is that of an excellent man, against whom there could lie no reasonable objection on account of his personal character, and whose want of talents was to be supplied by those of Nundcomar, (and of *his* parts

Mr. Hastings spoke as highly as possible,) — had he, I say, the management? No: but Munny Begum. Did she keep any accounts? No.

Mr. Hastings was ordered, and a very disagreeable and harsh order it was, to take away one half of the Nabob's allowance which he had by treaty. I do not charge Mr. Hastings with this reduction: he had nothing to do with that. Sixteen lac were cut off, and sixteen left; these two sums had been distributed, one for the support of the seraglio and the dignity of the state, the other for the court establishment and the household. The sixteen lac which was left, therefore, required to be well economized, and well administered. There was a rigor in the Company's order relative to it, which was, that it should take place from an antedated time, that is, a whole year prior to the communication of their order to the Nabob. The order was, that the Nabob's stipend should be reduced to sixteen lac a year from the month of January. Mr. Hastings makes this reflection upon it, in order to leave no doubt upon your mind of his integrity in administering that great trust: he says, —

“Your order for the reduction of the Nabob's stipend was communicated to him in the month of December, 1771. He remonstrated against it, and desired it might be again referred to the Company. The board entirely acquiesced in his remonstrance, and the subsequent payments of his stipend were paid as before. I might easily have availed myself of this plea. I might have treated it as an act of the past government, with which I had no cause to interfere, and joined in asserting the impossibility of his defraying the vast expense of his court and household without it, which I could have proved by plausible arguments, drawn from the actual amount of the nizamat and bhela establishments; and both the Nabob and Begum would have liberally purchased my forbearance. Instead of pursuing this plan, I carried your orders rigidly and literally into execution. I undertook myself the laborious and reproachful task of limiting his charges, from an excess of his former stipend, to the sum of his reduced allowance.”

He says in another place,— “The stoppage of the king's tribute was an act of mine, and I have been often reproached with it. It was certainly in my power to have continued the payment of it, and to have made my terms with the king for any part of it which I might have chosen to reserve for my own use. He would have thanked me for the remainder.”

My Lords, I believe it is a singular thing, and what your Lordships have been very little used to, to see a man in the situation of Mr. Hastings, or in any situation like it, so ready in knowing all the resources by which sinister emolument may be made and concealed, and which, under pretences of public good, may be transferred into the pocket of him who uses those pretences. He is resolved, if he is innocent, that his innocence shall not proceed from ignorance. He well knows the ways of falsifying the Company's accounts; he well knows the necessities of the natives, and he knows that by paying a part of their dues they will be ready to give

an acquittance of the whole. These are parts of Mr. Hastings's knowledge of which your Lordships will see he also well knows how to avail himself.

But you would expect, when he reduced the allowance to sixteen lac, and took credit to himself as if he had done the thing which he professed, and had argued from his rigor and cruelty his strict and literal obedience to the Company, that he had in reality done it. The very reverse: for it will be in proof, that, after he had pretended to reduce the Company's allowance, he continued it a twelvemonth from the day in which he said he had entirely executed it, to the amount of 90,000*l.*, and entered a false account of the suppression in the Company's accounts; and when he has taken a credit as under pretence of reducing that allowance, he paid 90,000*l.* more than he ought. Can you, then, have a doubt, after all these false pretences, after all this fraud, fabrication, and suppression which he made use of, that that 90,000*l.*, of which he kept no account and transmitted no account, was money given to himself for his own private use and advantage?

This is all that I think necessary to state to your Lordships upon this monstrous part of the arrangement; and therefore, from his rigorous obedience in cases of cruelty, and, where control was directed, from his total disobedience, and from his choice of persons, from his suppression of the accounts that ought to have been produced, and falsifying the accounts that were kept, there arises a strong inference of corruption. When your Lordships see all this in proof, your Lordships will justify me in saying that there never was (taking every part of the arrangement) such a direct, open violation of any trust. — I shall say no more with regard to the appointment of Munny Begum.

My Lords, here ended the first scene, and here ends that body of presumption arising from the transaction and inherent in it. My Lords, the next scene that I am to bring before you is the positive proof of corruption in this transaction, in which I am sure you already see that corruption must exist. The charge was brought by a person in the highest trust and confidence with Mr. Hastings, a person employed in the management of the whole transaction, a person to whom the management, subordinate to Munny Begum, of all the pecuniary transactions, and all the arrangements made upon that occasion, was intrusted.

On the 11th day of March, 1775, Nundcomar gives to Mr. Francis, a member of the Council, a charge against Mr. Hastings, consisting of two parts. The first of these charges was a vast number of corrupt dealings, with respect to which he was the informer, not the witness, but to which he indicated the modes of inquiry; and they are corrupt dealings, as Mr. Hastings himself states them, amounting to millions of rupees, and in transactions every one of which implies in it the strongest degree of corruption. The next part was of those to which he was not only an informer, but a witness, in having been the person who himself transmitted the money to Mr. Hastings and the agents of Mr. Hastings; and accordingly, upon this part, which is the only part we charge, his evidence is clear and full, that he gave the

money to Mr. Hastings, — he and the Begum (for I put them together). He states, that Mr. Hastings received for the appointment of Munny Begum to the rajahship two lacs of rupees, or about 22,000*l.*, and that he received in another gross sum one lac and a half of rupees: in all making three lac and a half, or about 36,000*l.* This charge was signed by the man, and accompanied with the account.

Mr. Hastings, on that day, made no reflection or observation whatever upon this charge, except that he attempted to excite some suspicion that Mr. Francis, who had produced it, was concerned in the charge, and was the principal mover in it. He asks Mr. Francis that day this question: —

“The Governor-General observes, as Mr. Francis has been pleased to inform the board that he was unacquainted with the contents of the letter sent in to the board by Nundcomar, that he thinks himself justified in carrying his curiosity further than he should have permitted himself without such a previous intimation, and therefore begs leave to ask Mr. Francis whether he was before this acquainted with Nundcomar’s intention of bringing such charges against him before the board.

“*Mr. Francis.* — As a member of this Council, I do not deem myself obliged to answer any question of mere curiosity. I am willing, however, to inform the Governor-General, that, though I was totally unacquainted with the contents of the paper I have now delivered in to the board till I heard it read, I did apprehend in general that it contained some charge against him. It was this apprehension that made me so particularly cautious in the manner of receiving the Rajah’s letter. I was not acquainted with Rajah Nundcomar’s intention of bringing in such charges as are mentioned in the letter.

“WARREN HASTINGS.

J. CLAVERING.

GEO. MONSON.

P. FRANCIS.”

Now what the duty of Mr. Hastings and the Council was, upon receiving such information, I shall beg leave to state to your Lordships from the Company’s orders; but, before I read them, I must observe, that, in pursuance of an act of Parliament, which was supposed to be made upon account of the neglect of the Company, as well as the neglects of their servants, and for which general neglects responsibility was fixed upon the Company for the future, while for the present their authority was suspended, and a Parliamentary commission sent out to regulate their affairs, the Company did, upon that occasion, send out a general code and body of instructions to be observed by their servants, in the 35th paragraph of which it is said, —

“We direct that you immediately cause the strictest inquiry to be made into all oppressions which may have been committed either against the natives or Europeans, and into all abuses that may have prevailed in the collection of the

revenues, or any part of the civil government of the Presidency: and that you communicate to us all information which you may be able to learn relative thereto, or to any dissipation or embezzlement of the Company's money."

Your Lordships see here that there is a direct duty fixed upon them to forward, to promote, to set on foot, without exception of any persons whatever, an inquiry into all manner of corruption, peculation, and oppression. Therefore this charge of Nundcomar's was a case exactly within the Company's orders; such a charge was not sought out, but was actually laid before them; but if it had not been actually laid before them, if they had any reason to suspect that such corruptions existed, they were bound by this order to make an active inquiry into them.

Upon that day (11th March, 1775) nothing further passed; and, on the part of Mr. Hastings, that charge, as far as we can find, might have stood upon the records forever, without his making the smallest observation upon it, or taking any one step to clear his own character. But Nundcomar was not so inattentive to his duties as an accuser as Mr. Hastings was to his duties as an inquirer; for, without a moment's delay, upon the first board-day, two days after, Nundcomar came and delivered the following letter.

"I had the honor to lay before you, in a letter of the 11th instant, an abstracted, but true account of the Honorable Governor in the course of his administration. What is there written I mean not the least to alter: far from it. I have the strongest written vouchers to produce in support of what I have advanced; and I wish and entreat, for my honor's sake, that you will suffer me to appear before you, to establish the fact by an additional, incontestable evidence."

My Lords, I will venture to say, if ever there was an accuser that appeared well and with weight before any court, it was this man. He does not shrink from his charge; he offered to meet the person he charged face to face, and to make good his charge by his own evidence, and further evidence that he should produce. Your Lordships have also seen the conduct of Mr. Hastings on the first day; you have seen his acquiescence under it; you have seen the suspicion he endeavored to raise. Now, before I proceed to what Mr. Hastings thought of it, I must remark upon this accusation, that it is a specific accusation, coming from a person knowing the very transaction, and known to be concerned in it, — that it was an accusation in writing, that it was an accusation with a signature, that it was an accusation with a person to make it good, that it was made before a competent authority, and made before an authority bound to inquire into such accusation. When he comes to produce his evidence, he tells you, first, the sums of money given, the species in which they were given, the very bags in which they were put, the exchange that was made by reducing them to the standard money of the country; he names all the persons through whose hands the whole transaction went, eight in number, besides himself, Munny Begum, and Gourdas, being eleven, all referred to in this transaction. I do believe that since the beginning of the world there never was an accusation which

was more deserving of inquiry, because there never was an accusation which put a false accuser in a worse situation, and that put an honest defendant in a better; for there was every means of collation, every means of comparison, every means of cross-examining, every means of control. There was every way of sifting evidence, in which evidence could be sifted. Eleven witnesses to the transaction are referred to; all the particulars of the payment, every circumstance that could give the person accused the advantage of showing the falsehood of the accusation, were specified. General accusations may be treated as calumnies; but particular accusations, like these, afford the defendant, if innocent, every possible means for making his defence: therefore the very making no defence at all would prove, beyond all doubt, a consciousness of guilt.

The next thing for your Lordships' consideration is the conduct of Mr. Hastings upon this occasion. You would imagine that he would have treated the accusation with a cold and manly disdain; that he would have challenged and defied inquiry, and desired to see his accuser face to face. This is what any man would do in such a situation. I can conceive very well that a man composed, firm, and collected in himself, conscious of not only integrity, but known integrity, conscious of a whole life beyond the reach of suspicion, — that a man placed in such a situation might oppose general character to general accusation, and stand collected in himself, poised on his own base, and defying all the calumnies in the world. But as it shows a great and is a proof of a virtuous mind to despise calumny, it is the proof of a guilty mind to despise a specific accusation, when made before a competent authority, and with competent means to prove it. As Mr. Hastings's conduct was what no man living expected, I will venture to say that no expression can do it justice but his own. Upon reading the letter, and a motion being made that Rajah Nundcomar be brought before the board to prove the charge against the Governor-General, the Governor-General enters the following minute.

“Before the question is put, I declare that I will not suffer Nundcomar to appear before the board as my accuser. I know what belongs to the dignity and character of the first member of this administration. I will not sit at this board in the character of a criminal, nor do I acknowledge the members of this board to be my judges. I am reduced on this occasion to make the declaration, that I look upon General Clavering, Colonel Monson, and Mr. Francis as my accusers. I cannot prove this in the direct letter of the law, but in my conscience I regard them as such, and I will give my reasons for it. On their arrival at this place, and on the first formation of the Council, they thought proper to take immediate and decisive measures in contradiction and for the repeal of those which were formed by me in conjunction with the last administration. I appealed to the Court of Directors from their acts. Many subsequent letters have been transmitted both by them and by me to the Court of Directors: by me, in protestation against their conduct; by them, in justification of it. Quitting this ground, they since appear to me to have chosen

other modes of attack, apparently calculated to divert my attention and to withdraw that of the public from the subject of our first differences, which regarded only the measures that were necessary for the good of the service, to attacks directly and personally levelled at me for matters which tend to draw a personal and popular odium upon me: and fit instruments they have found for their purpose, — Mr. Joseph Fowke, Mahrajah Nundcomar, Roopnarain Chowdry, and the Ranny of Burdwan.

“It appears incontestably upon the records that the charges preferred by the Ranny against me proceeded from the office of Mr. Fowke. All the papers transmitted by her came in their original form written in the English language, — some with Persian papers, of which they were supposed to be translations, but all strongly marked with the character and idiom of the English language. I applied on Saturday last for Persian originals of some of the papers sent by her, and I was refused: I am justified in declaring my firm belief that no such originals exist.

“With respect to Nundcomar’s accusations, they were delivered by the hands of Mr. Francis, who has declared that he was called upon by Rajah Nundcomar, as a duty belonging to his office as a councillor of this state, to lay the packet which contained them before the board, — that he conceived that he could not, consistent with his duty, refuse such a letter at the instance of a person of the Rajah’s rank, and did accordingly receive it, and laid it before the board, — declaring at the same time that he was unacquainted with the contents of it. I believe that the Court of Directors, and those to whom those proceedings shall be made known, will think differently of this action of Mr. Francis: that Nundcomar was guilty of great insolence and disrespect in the demand which he made of Mr. Francis; and that it was not a duty belonging to the office of a councillor of this state to make himself the carrier of a letter, which would have been much more properly committed to the hands of a peon or hircarra, or delivered by the writer of it to the secretary himself.

“Mr. Francis has acknowledged that he apprehended in general that it contained some charge against me. If the charge was false, it was a libel. It might have been false for anything that Mr. Francis could know to the contrary, since he was unacquainted with the contents of it. In this instance, therefore, he incurred the hazard of presenting a libel to the board: this was not a duty belonging to his office as a councillor of this state. I must further inform the board that I have been long since acquainted with Nundcomar’s intentions of making this attack upon me. Happily, Nundcomar, among whose talents for intrigue that of secrecy is not the first, has been ever too ready to make the first publication of his own intentions. I was shown a paper containing many accusations against me, which I was told was carried by Nundcomar to Colonel Monson, and that he himself was employed for some hours in private with Colonel Monson, explaining the nature of those charges.

“I mention only what I was told; but as the rest of the report which was made to me corresponds exactly with what has happened since, I hope I shall stand acquitted to my superiors and to the world in having given so much credit to it as to bring the circumstance upon record. I cannot recollect the precise time in which this is said to have happened, but I believe it was either before or at the time of the dispatch of the ‘Bute’ and ‘Pacific.’ The charge has since undergone some alteration; but of the copy of the paper which was delivered to me, containing the original charge, I caused a translation to be made; when, suspecting the renewal of the subject in this day’s consultation, I brought it with me, and I desire it may be recorded, that, when our superiors, or the world, if the world is to be made the judge of my conduct, shall be possessed of these materials, they may, by comparing the supposed original and amended list of accusations preferred against me by Nundcomar, judge how far I am justified in the credit which I give to the reports above mentioned. I do not mean to infer from what I have said that it makes any alteration in the nature of the charges, whether they were delivered immediately from my ostensible accusers, or whether they came to the board through the channel of patronage; but it is sufficient to authorize the conviction which I feel in my own mind, that those gentlemen are parties in the accusations of which they assert the right of being the judges.

“From the first commencement of this administration, every means have been tried both to deprive me of the legal authority with which I have been trusted, and to proclaim the annihilation of it to the world; but no instance has yet appeared of this in so extraordinary a degree as in the question now before the board. The chief of the administration, your superior, Gentlemen, appointed by the legislature itself, shall I sit at this board to be arraigned in the presence of a wretch whom you all know to be one of the basest of mankind? I believe I need not mention his name; but it is Nundcomar. Shall I sit here to hear men collected from the dregs of the people give evidence, at his dictating, against my character and conduct? I will not. You may, if you please, form yourselves into a committee for the investigation of these matters in any manner which you may think proper; but I will repeat, that I will not meet Nundcomar at the board, nor suffer Nundcomar to be examined at the board; nor have you a right to it, nor can it answer any other purpose than that of vilifying and insulting me to insist upon it.

“I am sorry to have found it necessary to deliver my sentiments on a subject of so important a nature in an unpremeditated minute, drawn from me at the board, which I should have wished to have had leisure and retirement to have enabled me to express myself with that degree of caution and exactness which the subject requires. I have said nothing but what I believe and am morally certain I shall stand justified for in the eyes of my superiors and the eyes of the world; but I reserve to myself the liberty of adding my further sentiments in such a manner and form as I shall hereafter judge necessary.”

My Lords, you see here the picture of Nundcomar drawn by Mr. Hastings himself; you see the hurry, the passion, the precipitation, the confusion, into which Mr. Hastings is thrown by the perplexity of detected guilt; you see, my Lords, that, instead of defending himself, he rails at his accuser in the most indecent language, calling him a wretch whom they all knew to be the basest of mankind, — that he rails at the Council, by attributing their conduct to the worst of motives, — that he rails at everybody, and declares the accusation to be a libel: in short, you see plainly that the man's head is turned. You see there is not a word he says upon this occasion which has common sense in it; you see one great leading principle in it, — that he does not once attempt to deny the charge. He attempts to vilify the witness, he attempts to vilify those he supposes to be his accusers, he attempts to vilify the Council; he lags upon the accusation, he mixes it with other accusations, which had nothing to do with it, and out of the whole he collects a resolution — to do what? To meet his adversary and defy him? No, — that he will not suffer him to appear before him: he says, “I will not sit at this board in the character of a criminal, nor do I acknowledge the board to be my judges.”

He was not called upon to acknowledge them to be his judges. Both he and they were called upon to inquire into all corruptions without exception. It was his duty not merely [not?] to traverse and oppose them while inquiring into acts of corruption, but he was bound to take an active part in it, — that if they had a mind to let such a thing sleep upon their records, it was his duty to have brought forward the inquiry. They were not his judges, they were not his accusers; they were his fellow-laborers in the inquiry ordered by the Court of Directors, their masters, and by which inquiry he might be purged of that corruption with which he stood charged.

He says, “Nundcomar is a wretch whom you all know to be the basest of mankind.” I believe they did not know the man to be a wretch, or the basest of mankind; but if he was a wretch, and if he was the basest of mankind, if he was guilty of all the crimes with which we charge Mr. Hastings, (not one of which was ever proved against him,) — if any of your Lordships were to have the misfortune to be before this tribunal, before any inquest of the House of Commons, or any other inquest of this nation, would you not say that it was the greatest possible advantage to you that the man who accused you was a miscreant, the vilest and basest of mankind, by the confession of all the world? Do mankind really, then, think that to be accused by men of honor, of weight, of character, upon probable charges, is an advantage to them, and that to be accused by the basest of mankind is a disadvantage? No: give me, if ever I am to have accusers, miscreants, as he calls him, — wretches, the basest and vilest of mankind. “The board,” says he, “are my accusers.” If they were, it was their duty; but they were not his accusers, but were inquiring into matters which it was equally his duty to inquire into. He would not suffer Nundcomar to be produced; he would not suffer Nundcomar to be examined;

he rather suffered such an accusation to stand against his name and character than permit it to be inquired into. Do I want any other presumption of his guilt, upon such an occasion, than such conduct as this?

This man, whom he calls a wretch, the basest and vilest of mankind, was undoubtedly, by himself, in the records of the Company, declared to be one of the first men of that country, everything that a subject could be, a person illustrious for his birth, sacred with regard to his caste, opulent in fortune, eminent in situation, who had filled the very first offices in that country; and that he was, added to all this, a man of most acknowledged talents, and of such a superiority as made the whole people of Bengal appear to be an inferior race of beings compared to him, — a man whose outward appearance and demeanor used to cause reverence and awe, and who at that time was near seventy years of age, which, without any other title, generally demands respect from mankind. And yet this man he calls the basest of mankind, a name which no man is entitled to call another till he has proved something to justify him in so doing; and notwithstanding his opulence, his high rank, station, and birth, he despises him, and will not suffer him to be heard as an accuser before him. I will venture to say that Mr. Hastings, in so doing, whether elevated by philosophy or inflated by pride, is not like the rest of mankind. We do know, that, in all accusations, a great part of their weight and authority comes from the character, the situation, the name, the description, the office, the dignity of the persons who bring them; mankind are so made, we cannot resist this prejudice; and it has weight, and ever will have *primâ facie* weight, in all the tribunals in the world. If, therefore, Rajah Nundcomar was a man who (it is not degrading to your Lordships to say) was equal in rank, according to the idea of his country, to any peer in this House, as sacred as a bishop, of as much gravity and authority as a judge, and who was prime-minister in the country in which he lived, with what face can Mr. Hastings call this man a wretch, and say that he will not suffer him to be brought before him? If, indeed, joined with such circumstances, the accuser be a person of bad morals, then, I admit, those bad morals take away from their weight; but for a proof of that you must have some other grounds than the charges and the railing of the culprit against him.

I might say that his passion is a proof of his guilt; and there is an action which is more odious than the crimes he attempts to cover, — *for he has murdered this man by the hands of Sir Elijah Impey*; and if his counsel should be unwise enough to endeavor to detract from the credit of this man by the pretended punishment to which he was brought, we will open that dreadful scene to your Lordships, and you will see that it does not detract from his credit, but brings an eternal stain and dishonor upon the justice of Great Britain: I say nothing further of it. As he stood there, as he gave that evidence that day, the evidence was to be received; it stands good, and is a record against Mr. Hastings, — with this addition, that he would not suffer it to be examined. He railed at his colleagues. He says, if the charge was

false, they were guilty of a libel. No: it might have been the effect of conspiracy, it might be punished in another way; but if it was false, it was no libel. And all this is done to discountenance inquiry, to bring odium upon his colleagues for doing their duty, and to prevent that inquiry which could alone clear his character.

Mr. Hastings had himself forgotten the character which he had given of Nundcomar; but he says that his colleagues were perfectly well acquainted with him, and knew that he was a wretch, the basest of mankind. But before I read to you the character which Mr. Hastings gave of him, when he recommended him to the Presidency, (to succeed Mahomed Reza Khân,) I am to let your Lordships understand fully the purpose for which Mr. Hastings gave it. Upon that occasion, all the Council, whom he stated to lie under suspicion of being bought by Mahomed Reza Khân, all those persons with one voice cried out against Nundcomar; and as Mr. Hastings was known to be of the faction the most opposite to Nundcomar, they charged him with direct inconsistency in raising Nundcomar to that exalted trust, — a charge which Mr. Hastings could not repel any other way than by defending Nundcomar. The weight of their objections chiefly lay to Nundcomar's political character; his moral character was not discussed in that proceeding. Mr. Hastings says, —

“The President does not take upon him to vindicate the moral character of Nundcomar; his sentiments of this man's former political conduct are not unknown to the Court of Directors, who, he is persuaded, will be more inclined to attribute his present countenance of him to motives of zeal and fidelity to the service, in repugnance perhaps to his own inclinations, than to any predilection in his favor. He is very well acquainted with most of the facts alluded to in the minute of the majority, having been a principal instrument in detecting them: nevertheless he thinks it but justice to make a distinction between the violation of a trust and an offence committed against our government by a man who owed it no allegiance, nor was indebted to it for protection, but, on the contrary, was the minister and actual servant of a master whose interest naturally suggested that kind of policy which sought, by foreign aids, and the diminution of the power of the Company, to raise his own consequence, and to reëstablish his authority. He has never been charged with any instance of infidelity to the Nabob Mir Jaffier, the constant tenor of whose politics, from his first accession to the nizamat till his death, corresponded in all points so exactly with the artifices which were detected in his minister that they may be as fairly ascribed to the one as to the other: their immediate object was beyond question the aggrandizement of the former, though the latter had ultimately an equal interest in their success. The opinion which the Nabob himself entertained of the services and of the fidelity of Nundcomar evidently appeared in the distinguished marks which he continued to show him of his favor and confidence to the latest hour of his life.

“His conduct in the succeeding administration appears not only to have been dictated by the same principles, but, if we may be allowed to speak favorably of any measures which opposed the views of our own government and aimed at the support of an adverse interest, surely it was not only not culpable, but even praiseworthy. He endeavored, as appears by the abstracts before us, to give consequence to his master, and to pave the way to his independence, by obtaining a firman from the king for his appointment to the subahship; and he opposed the promotion of Mahomed Reza Khân, because he looked upon it as a supersession of the rights and authority of the Nabob. He is now an absolute dependant and subject of the Company, on whose favor he must rest all his hopes of future advancement.”

The character here given of him is that of an excellent patriot, a character which all your Lordships, in the several situations which you enjoy or to which you may be called, will envy, — the character of a servant who stuck to his master against all foreign encroachments, who stuck to him to the last hour of his life, and had the dying testimony of his master to his services.

Could Sir John Clavering, could Colonel Monson, could Mr. Francis know that this man, of whom Mr. Hastings had given that exalted character upon the records of the Company, was the basest and vilest of mankind? No, they ought to have esteemed him the contrary: they knew him to be a man of rank, they knew him to be a man perhaps of the first capacity in the world, and they knew that Mr. Hastings had given this honorable testimony of him on the records of the Company but a very little time before; and there was no reason why they should think or know, as he expresses it, that he was the basest and vilest of mankind. From the account, therefore, of Mr. Hastings himself, he was a person competent to accuse, a witness fit to be heard; and that is all I contend for. Mr. Hastings would not hear him, he would not suffer the charge he had produced to be examined into.

It has been shown to your Lordships that Mr. Hastings employed Nundcomar to inquire into the conduct and to be the principal manager of a prosecution against Mahomed Reza Khân. Will you suffer this man to qualify and disqualify witnesses and prosecutors agreeably to the purposes which his own vengeance and corruption may dictate in one case, and which the defence of those corruptions may dictate in another? Was Nundcomar a person fit to be employed in the greatest and most sacred trusts in the country, and yet not fit to be a witness to the sums of money which he paid Mr. Hastings for those trusts? Was Nundcomar a fit witness to be employed and a fit person to be used in the prosecution of Mahomed Reza Khân, and yet not fit to be employed against Mr. Hastings, who himself had employed him in the very prosecution of Mahomed Reza Khân?

If Nundcomar was an enemy to Mr. Hastings, he was an enemy to Mahomed Reza Khân; and Mr. Hastings employed him, avowedly and professedly on the records of the Company, on account of the very qualification of that enmity. Was he a wretch, the basest of mankind, when opposed to Mr. Hastings? Was he not as

much a wretch, and as much the basest of mankind, when Mr. Hastings employed him in the prosecution of the first magistrate and Mahometan of the first descent in Asia? Mr. Hastings shall not qualify and disqualify men at his pleasure; he must accept them such as they are; and it is a presumption of his guilt accompanying the charge, (which I never will separate from it,) that he would not suffer the man to be produced who made the accusation. And I therefore contend, that, as the accusation was so made, so witnessed, so detailed, so specific, so entered upon record, and so entered upon record in consequence of the inquiries ordered by the Company, his refusal and rejection of inquiry into it is a presumption of his guilt.

He is full of his idea of dignity. It is right for every man to preserve his dignity. There is a dignity of station, which a man has in trust to preserve; there is a dignity of personal character, which every man by being made man is bound to preserve. But you see Mr. Hastings's idea of dignity has no connection with integrity; it has no connection with honest fame; it has no connection with the reputation which he is bound to preserve. What, my Lords, did he owe nothing to the Company that had appointed him? Did he owe nothing to the legislature, — did he owe nothing to your Lordships, and to the House of Commons, who had appointed him? Did he owe nothing to himself? to the country that bore him? Did he owe nothing to the world, as to its opinion, to which every public man owes a reputation? What an example was here held out to the Company's servants!

Mr. Hastings says, "This may come into a court of justice; it will come into a court of justice: I reserve my defence on the occasion till it comes into a court of justice, and here I make no opposition to it." To this I answer, that the Company did not order him so to reserve himself, but ordered him to be an inquirer into those things. Is it a lesson to be taught to the inferior servants of the Company, that, provided they can escape out of a court of justice by the back-doors and sally-ports of the law, by artifice of pleading, by those strict and rigorous rules of evidence which have been established for the protection of innocence, but which by them might be turned to the protection and support of guilt, that such an escape is enough for them? that an Old Bailey acquittal is enough to establish a fitness for trust? and if a man shall go acquitted out of such a court, because the judges are bound to acquit him against the conviction of their own opinion, when every man in the market-place knows that he is guilty, that he is fit for a trust? Is it a lesson to be held out to the servants of the Company, that, upon the first inquiry which is made into corruption, and that in the highest trust, by the persons authorized to inquire into it, he uses all the powers of that trust to quash it, — vilifying his colleagues, vilifying his accuser, abusing everybody, but never denying the charge? His associates and colleagues, astonished at this conduct, so wholly unlike everything that had ever appeared of innocence, request him to consider a little better. They declare they are not his accusers; they tell him they are not his judges; that they, under the orders of the Company, are making an inquiry which he ought to make.

He declares he will not make it. Being thus driven to the wall, he says, "Why do you not form yourselves into a committee? I won't suffer these proceedings to go on as long as I am present." Mr. Hastings plainly had in view, that, if the proceedings had been before a committee, there would have been a doubt of their authenticity, as not being before a regular board; and he contended that there could be no regular board without his own presence in it: a poor, miserable scheme for eluding this inquiry; partly by saying that it was carried on when he was not present, and partly by denying the authority of this board.

I will have nothing to do with the great question that arose upon the Governor-General's resolution to dissolve a board, whether the board have a right to sit afterwards; it is enough that Mr. Hastings would not suffer them, as a Council, to examine into what, as a Council, they were bound to examine into. He absolutely declared the Council dissolved, when they did not accept his committee, for which they had many good reasons, as I shall show in reply, if necessary, and which he could have no one good reason for proposing; — he then declares the Council dissolved. The Council, who did not think Mr. Hastings had a power to dissolve them while proceeding in the discharge of their duty, went on as a Council. They called in Nundcomar to support his charge: Mr. Hastings withdrew. Nundcomar was asked what he had to say further in support of his own evidence. Upon which he produces a letter from Munny Begum, the dancing-girl that I have spoken of, in which she gives him directions and instructions relative to his conduct in every part of those bribes; by which it appears that the corrupt agreement for her office was made with Mr. Hastings through Nundcomar, before he had quitted Calcutta. It points out the execution of it, and the manner in which every part of the sum was paid: one lac by herself in Calcutta; one lac, which she ordered Nundcomar to borrow, and which he did borrow; and a lac and a half which were given to him, Mr. Hastings, besides this purchase money, under color of an entertainment. This letter was produced, translated, examined, criticized, proved to be sealed with the seal of the Begum, acknowledged to have no marks but those of authenticity upon it, and as such was entered upon the Company's records, confirming and supporting the evidence of Nundcomar, part by part, and circumstance by circumstance. And I am to remark, that, since this document, so delivered in, has never been litigated or controverted in the truth of it, from that day to this, by Mr. Hastings, so, if there was no more testimony, here is enough, upon this business. Your Lordships will remark that this charge consisted of two parts: two lacs that were given explicitly for the corrupt purchase of the office; and one lac and a half given in reality for the same purpose, but under the color of what is called an entertainment.

Now in the course of these proceedings it was thought necessary that Mr. Hastings's banian, Cantoo Baboo, (a name your Lordships will be well acquainted with, and who was the minister in this and all the other transactions of Mr. Hastings,) should be called before the board to explain some circumstances in the

proceedings. Mr. Hastings ordered his banian, a native, not to attend the sovereign board appointed by Parliament for the government of that country, and directed to inquire into transactions of this nature. He thus taught the natives not only to disobey the orders of the Court of Directors, enforced by an act of Parliament, but he taught his own servant to disobey, and ordered him not to appear before the board. Quarrels, duels, and other mischiefs arose. In short, Mr. Hastings raised every power of heaven and of hell upon this subject: but in vain: the inquiry went on.

Mr. Hastings does not meet Nundcomar: he was afraid of him. But he was not negligent of his own defence; for he flies to the Supreme Court of Justice. He there prosecuted an inquiry against Nundcomar for a conspiracy. Failing in that, he made other attempts, and disabled Nundcomar from appearing before the board by having him imprisoned, and thus utterly crippled that part of the prosecution against him. But as guilt is never able thoroughly to escape, it did so happen, that the Council, finding monstrous deficiencies in the Begum's affairs, finding the Nabob's allowance totally squandered, that the most sacred pensions were left unpaid, that nothing but disorder and confusion reigned in all his affairs, that the Nabob's education was neglected, that he could scarcely read or write, that there was scarcely any mark of a man left in him except those which Nature had at first imprinted, — I say, all these abuses being produced in a body before them, they thought it necessary to send up to inquire into them; and a considerable deficiency or embezzlement appearing in the Munny Begum's account of the young Nabob's stipend, she voluntarily declared, by a writing under her seal, that she had given 15,000*l.* to Mr. Hastings for an entertainment.

Mr. Hastings, finding that the charge must come fully against him, contrived a plan which your Lordships will see the effects of presently, and this was, to confound this lac and an half, or 15,000*l.*, with the two lacs given directly and specifically as a bribe, — intending to avail himself of this finesse whenever any payment was to be proved of the two lacs, which he knew would be proved against him, and which he never did deny; and accordingly your Lordships will find some confusion in the proofs of the payment of those sums. The receipt of two lacs is proved by Nundcomar, proved with all the means of detection which I have stated; the receipt of the lac and a half is proved by Munny Begum's letter, the authenticity of which was established, and never denied by Mr. Hastings. In addition to these proofs, Rajah Gourdas, who had the management of the Nabob's treasury, verbally gave an account perfectly corresponding with that of Nundcomar and the Munny Begum's letter; and he afterwards gave in writing an attestation, which in every point agrees correctly with the others. So that there are three witnesses upon this business. And he shall not disqualify Rajah Gourdas, because, whatever character he thought fit to give Nundcomar, he has given the best of characters to Rajah Gourdas, who was employed by Mr. Hastings in occupations of trust, and therefore

any objections to his competency cannot exist. Having got thus far, the only thing that remained was to examine the records of the public offices, and see whether any trace of these transactions was to be found there. These offices had been thrown into confusion in the manner you will hear; but, upon strict inquiry, there was a *shomaster*, or office paper, produced, from which it appears that the officer of the treasury, having brought to the Nabob an account of one lac and a half which he said had been given to Mr. Hastings, desired to know from him under what head of expense it should be entered, and that he, the Nabob, desired him to put it under the head of expenses for entertaining Mr. Hastings. If there had been a head of entertainment established as a regular affair, the officer would never have gone to the Nabob and asked under what name to enter it; but he found an irregular affair, and he did not know what head to put it under. And from the whole of the proceedings it appears that three lacs and a half were paid: two lac by way of bribe, one lac and a half under the color of an entertainment. Mr. Hastings endeavors to invalidate the first obliquely, not directly, for he never directly denied it; and he partly admits the second, in hopes that all the proof of payment of the first charge should be merged and confounded in the second. And therefore your Lordships will see from the beginning of that business till it came into the hands of Mr. Smith, his agent, then appearing in the name and character of agent and solicitor to the Company, that this was done to give some appearance and color to it by a false representation, as your Lordships will see, of every part of the transaction.

The proof, then, of the two lacs rests upon the evidence of Nundcomar, the letter of Munny Begum, and the evidence of Rajah Gourdas. The evidence of the lac and a half, by way of entertainment, was at first the same; and afterwards begins a series of proofs to which Mr. Hastings has himself helped us. For, in the first place, he produces this office paper in support of his attempt to establish the confusion between the payment of the two lacs and of the lac and a half. He did not himself deny that he received a lac and a half, because with respect to that lac and a half he had founded some principle of justification. Accordingly this office paper asserts and proves this lac and a half to have been given, in addition to the other proofs. Then Munny Begum herself is inquired of. There is a commission appointed to go up to her residence; and the fact is proved to the satisfaction of Mr. Goring, the commissioner. The Begum had put a paper of accounts, through her son, into his hands, which shall be given at your Lordships' bar, in which she expressly said that she gave Mr. Hastings a lac and a half for entertainment. But Mr. Hastings objects to Mr. Goring's evidence upon this occasion. He wanted to supersede Mr. Goring in the inquiry; and he accordingly appoints, with the consent of the Council, two creatures of his own to go and assist in that inquiry. The question which he directs these commissioners to put to Munny Begum is this:— "Was the sum of money charged by you to be given to Mr. Hastings given under an idea of entertainment customary, or upon what other ground, or for what other reason?" He also desires

the following questions may be proposed to the Begum:— “Was any application made to you for the account which you have delivered of three lacs and a half of rupees said to have been paid to the Governor and Mr. Middleton? or did you deliver the account of your own free will, and unsolicited?” My Lords, you see that with regard to the whole three lacs and a half of rupees the Begum had given an account which tended to confirm the payment of them; but Mr. Hastings wanted to invalidate that account by supposing she gave it under restraint. The second question is,— “In what manner was the application made to you, and by whom?” But the principal question is this:— “On what account was the one lac and a half given to the Governor-General which you have laid to his account? Was it in consequence of any requisition from him, or of any previous agreement, or of any established usage?” When a man asks concerning a sum of money, charged to be given to him by another person, on what account it was given, he does indirectly admit that that money actually was paid, and wants to derive a justification from the mode of the payment of it; and accordingly that inference was drawn from the question so sent up, and it served as an instruction to Munny Begum; and her answer was, that it was given to him, as an ancient usage and custom, for an entertainment. So that the fact of the gift of the money is ascertained by the question put by Mr. Hastings to her, and her answer. And thus at last comes his accomplice in this business, and gives the fullest testimony to the lac and a half.

I must beg leave, before I go further, to state the circumstances of the several witnesses examined upon this business. They were of two kinds: voluntary witnesses, and accomplices forced by inquiry and examination to discover their own guilt. Of the first kind were Nundcomar and Rajah Gourdas: these were the only two that can be said to be voluntary in the business, and who gave their information without much fear, though the last unwillingly, and with a full sense of the danger of doing it. The other was the evidence of his accomplice, Munny Begum, wrung from her by the force of truth, in which she confessed that she gave the lac and a half, and justifies it upon the ground of its being a customary entertainment. Besides this, there is the evidence of Chittendur, who was one of Mr. Hastings’s instruments, and one of the Begum’s servants. He, being prepared to confound the two lacs with the one lac and a half, says, upon his examination, that a lac and a half was given; but upon examining into the particulars of it, he proves that the sum he gave was two lacs, and not a lac and a half: for he says that there was a dispute about the other half lac; Nundcomar demanded interest, which the Begum was unwilling to allow, and consequently that half lac remained unpaid. Now this half lac can be no part of the lac and a half, which is admitted on all hands, and proved by the whole body of concurrent testimony, to have been given to Mr. Hastings in one lumping sum. When Chittendur endeavors to confound it with the lac and a half, he clearly establishes the fact that it was a parcel of the two lacs, and thus bears evidence, in attempting to prevaricate in favor of Mr. Hastings, that one lac

and a half was paid, which Mr. Hastings is willing to allow; but when he enters into the particulars of it, he proves by the subdivision of the payment, and by the non-payment of part of it, that it accords with the two lacs, and not with the lac and a half.

There are other circumstances in these accounts highly auxiliary to this evidence. The lac and a half was not only attested by Rajah Gourdas, by the Begum, by Chittendur, by the Begum again upon Mr. Hastings's own question, indirectly admitted by Mr. Hastings, proved by the orders for it to be written off to expense, (such a body of proof as perhaps never existed,) but there is one proof still remaining, namely, a paper, which was produced before the Committee, and which we shall produce to your Lordships. It is an authentic paper, delivered in favor of Mr. Hastings by Major Scott, who acted at that time as Mr. Hastings's agent, to a committee of the House of Commons, and authenticated to come from Munny Begum herself. All this body of evidence we mean to produce; and we shall prove, first, that he received the two lacs, — and, secondly, that he received one lac and a half under the name of entertainment. With regard to the lac and a half, Mr. Hastings is so far from controverting it, even indirectly, that he is obliged to establish it by testimonies produced by himself, in order to sink in that, if he can, the two lacs, which he thinks he is not able to justify, but which he fears will be proved against him. The lac and a half, I do believe, he will not be advised to contest; but whether he is or no, we shall load him with it, we shall prove it beyond all doubt. But there are other circumstances further auxiliary in this business, which, from the very attempts to conceal it, prove beyond doubt the fraudulent and wicked nature of the transaction. In the account given by the Begum, a lac, which is for Mr. Hastings's entertainment, is entered in a suspicious neighborhood; for there is there entered a lac of rupees paid for the subahdarry sunnuds to the Mogul through the Rajah Shitab Roy. Upon looking into the account, and comparing it with another paper produced, the first thing we find is, that this woman charges the sum paid to be a sum due; and then she charges this one lac to have been paid when the Mogul was in the hands of the Mahrattas, when all communication with him was stopped, and when Rajah Shitab Roy, who is supposed to have paid it, was under confinement in the hands of Mr. Hastings. Thus she endeavors to conceal the lac of rupees paid to Mr. Hastings.

In order to make this transaction, which, though not in itself intricate, is in some degree made so by Mr. Hastings, clear to your Lordships, we pledge ourselves to give to your Lordships, what must be a great advantage to the culprit himself, a syllabus, the heads of all this charge, and of the proofs themselves, with their references, to show how far the proof goes to the two lacs, and then to the one lac and a half singly. This we shall put in writing, that you may not depend upon the fugitive memory of a thing not so well, perhaps, or powerfully expressed as it ought to be, and in order to give every advantage to the defendant, and to give every

facility to your Lordships' judgment: and this will, I believe, be thought a clear and fair way of proceeding. Your Lordships will then judge whether Mr. Hastings's conduct at the time, his resisting an inquiry, preventing his servant appearing as an evidence, discountenancing and discouraging his colleagues, raising every obstruction to the prosecution, dissolving the Council, preventing evidence and destroying it as far as lay in his power by collateral means, be not also such presumptive proofs as give double force to all the positive proof we produce against him.

The lac and a half, I know, he means to support upon the custom of entertainment; and your Lordships will judge whether or not a man who was ordered and had covenanted never to take more than 400*l.* could take 16,000*l.* under color of an entertainment. That which he intends to produce as a justification we charge, and your Lordships and the world will think, to be the heaviest aggravation of his crime. And after explaining to your Lordships the circumstances under which this justification is made, and leaving a just impression of them upon your minds, I shall beg your Lordships' indulgence to finish this member of the business to-morrow.

It is stated and entered in the account, that an entertainment was provided for Mr. Hastings at the rate of 200*l.* a day. He stayed at Moorshedabad for near three months; and thus you see that visits from Mr. Hastings are pretty expensive things: it is at the rate of 73,000*l.* a year for his entertainment. We find that Mr. Middleton, an English gentleman who was with him, received likewise (whether under the same pretence I know not, and it does not signify) another sum equal to it; and if these two gentlemen had stayed in that country a year, their several allowances would have been 146,000*l.* out of the Nabob's allowance of 160,000*l.* a year: they would have eat up nearly the whole of it. And do you wonder, my Lords, that such guests and such hosts are difficult to be divided? Do you wonder that such visits, when so well paid for and well provided for, were naturally long? There is hardly a prince in Europe who would give to another prince of Europe from his royal hospitality what was given upon this occasion to Mr. Hastings.

Let us now see what was Mr. Hastings's business during this long protracted visit. First, he tells you that he came there to reduce all the state and dignity of the Nabob. He tells you that he felt no compunction in reducing that state; that the elephants, the menagerie, the stables, all went without mercy, and consequently all the persons concerned in them were dismissed also. When he came to the abolition of the pensions, he says,— "I proceeded with great pain, from the reflection that I was the instrument in depriving whole families, all at once, of their bread, and reducing them to a state of penury: convinced of the necessity of the measure, I endeavored to execute it with great impartiality." Here he states the work he was employed in, when he took this two hundred pounds a day for his own pay. "It was necessary to begin with reforming the useless servants of the court, and retrenching

the idle parade of elephants, menageries, &c., which loaded the civil list. This cost little regret in performing; but the Resident, who took upon himself the chief share in this business, acknowledges that he suffered considerably in his feelings, when he came to touch on the pension list. Some hundreds of persons of the ancient nobility of the country, excluded, under our government, from almost all employments, civil or military, had, ever since the revolution, depended on the bounty of the Nabob; and near ten lacs were bestowed that way. It is not that the distribution was always made with judgment or impartial, and much room was left for a reform; but when the question was to cut off entirely the greatest part, it could not fail to be accompanied with circumstances of real distress. The Resident declares, that, even with some of the highest rank, he could not avoid discovering, under all the pride of Eastern manners, the manifest marks of penury and want. There was, however, no room left for hesitation: to confine the Nabob's expenses within the limited sum, it was necessary that pensions should be set aside."

Here, my Lords, is a man sent to execute one of the most dreadful offices that was ever executed by man, — to cut off, as he says himself, with a bleeding heart, the only remaining allowance made for hundreds of the decayed nobility and gentry of a great kingdom, driven by our government from the offices upon which they existed. In this moment of anxiety and affliction, when he says he felt pain and was cut to the heart to do it, — at this very moment, when he was turning over fourteen hundred of the ancient nobility and gentry of this country to downright want of bread, — just at that moment, while he was doing this act, and feeling this act in this manner, from the collected morsels forced from the mouths of that indigent and famished nobility he gorged his own ravenous maw with an allowance of two hundred pounds a day for his entertainment. As we see him in this business, this man is unlike any other: he is also never corrupt but he is cruel; he never dines without creating a famine; he does not take from the loose superfluity of standing greatness, but falls upon the indigent, the oppressed, and ruined; he takes to himself double what would maintain them. His is unlike the generous rapacity of the noble eagle, who preys upon a living, struggling, reluctant, equal victim; his is like that of the ravenous vulture, who falls upon the decayed, the sickly, the dying, and the dead, and only anticipates Nature in the destruction of its object. His cruelty is beyond his corruption: but there is something in his hypocrisy which is more terrible than his cruelty; for, at the very time when with double and unsparing hands he executes a proscription, and sweeps off the food of hundreds of the nobility and gentry of a great country, his eyes overflow with tears, and he turns the precious balm that bleeds from wounded humanity, and is its best medicine, into fatal, rancorous, mortal poison to the human race.

You have seen, that, when he takes two hundred pounds a day for his entertainment, he tells you that in this very act he is starving fourteen hundred of the ancient nobility and gentry. My Lords, you have the blood of nobles, — if not,

you have the blood of men in your veins: you feel as nobles, you feel as men. What would you say to a cruel Mogul exactor, by whom after having been driven from your estates, driven from the noble offices, civil and military, which you hold, driven from your bishoprics, driven from your places at court, driven from your offices as judges, and, after having been reduced to a miserable flock of pensioners, your very pensions were at last wrested from your mouths, and who, though at the very time when those pensions were wrested from you he declares them to have been the only bread of a miserable decayed nobility, takes himself two hundred pounds a day for his entertainment, and continues it till it amounts to sixteen thousand pounds? I do think, that, of all the corruptions which he has not owned, but has not denied, or of those which he does in effect own, and of which he brings forward the evidence himself, the taking and claiming under color of an entertainment is ten times the most nefarious.

I shall this day only further trouble your Lordships to observe that he has never directly denied this transaction. I have tumbled over the records, I have looked at every part, to see whether he denies it. He did not deny it at the time, he did not deny it to the Court of Directors: on the contrary, he did in effect acknowledge it, when, without directly acknowledging it, he promised them a full and liberal explanation of the whole transaction. He never did give that explanation. Parliament took up the business; this matter was reported at the end of the Eleventh Report; but though the House of Commons had thus reported it, and made that public which before was upon the Company's records, he took no notice of it. Then another occasion arises: he comes before the House of Commons; he knows he is about to be prosecuted for those very corruptions; he well knows these charges exist against him; he makes his defence (if he will allow it to be his defence); but, though thus driven, he did not there deny it, because he knew, that, if he had denied it, it could be proved against him. I desire your Lordships will look at that paper which we have given in evidence, and see if you find a word of denial of it: there is much discourse, much folly, much insolence, but not one word of denial. Then, at last, it came before this tribunal against him. I desire to refer your Lordships to that part of his defence to the article in which this bribe is specifically charged: he does not deny it there; the only thing which looks like a denial is one sweeping clause inserted, (in order to put us upon the proof,) that all the charges are to be conceived as denied; but a specific denial to this specific charge in no stage of the business, from beginning to end, has he once made.

And therefore here I close that part of the charge which relates to the business of Nundcomar. Your Lordships will see such a body of presumptive proof and positive proof as never was given yet of any secret corrupt act of bribery; and there I leave it with your Lordships' justice. I beg pardon for having detained you so long; but your Lordships will be so good as to observe that no business ever was covered with more folds of iniquitous artifice than this which is now brought before you.

SPEECH ON THE SIXTH ARTICLE OF CHARGE. SECOND DAY: SATURDAY, APRIL 25, 1789.

My Lords, — When I last had the honor of addressing your Lordships, I endeavored to state with as much perspicuity as the nature of an intricate affair would admit, and as largely as in so intricate an affair was consistent with the brevity which I endeavored to preserve, the proofs which had been adduced against Warren Hastings upon an inquiry instituted by an order of the Court of Directors into the corruption and peculation of persons in authority in India. My Lords, I have endeavored to show you by anterior presumptive proofs, drawn from the nature and circumstances of the acts themselves inferring guilt, that such actions and such conduct could be referable only to one cause, namely, *corruption*; I endeavored to show you afterwards, my Lords, what the specific nature and extent of the corruption was, as far as it could be fully proved; and lastly, the great satisfactory presumption which attended the inquiry with regard to Mr. Hastings, — namely, that, contrary to law, contrary to his duty, contrary to what is owed by innocence to itself, Mr. Hastings resisted that inquiry, and employed all the power of his office to prevent the exercise of it, either in himself or in others. These presumptions and these proofs will be brought before your Lordships, distinctly and in order, at the end of this opening.

The next point on which I thought it necessary to proceed was relative to the presumptions which his subsequent conduct gave with regard to his guilt: because, my Lords, his uniform tenor of conduct, such as must attend guilt, both in the act, at the time of the inquiry, and subsequent to it, will form such a body of satisfactory evidence as I believe the human mind is not made to resist.

My Lords, there is another reason why I choose to enter into the presumptions drawn from his conduct and the fact, taking his conduct in two parts, if it may be so expressed, *omission* and *commission*, in order that your Lordships should more fully enter into the consequences of this system of bribery. But before I say anything upon that, I wish your Lordships to be apprised, that the Commons, in bringing this bribe of three lac and a half before your Lordships, do not wish by any means to have it understood that this is the whole of the bribe that was received by Mr. Hastings in consequence of delivering up the whole management of the government of the country to that improper person whom he nominated for it. My Lords, from the proofs that will be adduced before you, there is great probability that he received very nearly a hundred thousand pounds; there is positive proof of his receiving fifty; and we have chosen only to charge him with that of which there is such an accumulated body of proof as to leave no doubt upon the minds of your Lordships. All this I say, because we are perfectly apprised of the sentiments of the

public upon this point: when they hear of the enormity of Indian peculation, when they see the acts done, and compare them with the bribes received, the acts seem so enormous and the bribes comparatively so small, that they can hardly be got to attribute them to that motive. What I mean to state is this: that, from a collective view of the subject, your Lordships will be able to judge that enormous offences have been committed, and that the bribe which we have given in proof is a specimen of the nature and extent of those enormous bribes which extend to much greater sums than we are able to prove before you in the manner your Lordships would like and expect.

I have already remarked to your Lordships, that, after this charge was brought and recorded before the Council in spite of the resistance made by Mr. Hastings, in which he employed all the power and authority of his station, and the whole body of his partisans and associates in iniquity, dispersed through every part of these provinces, — after he had taken all these steps, finding himself pressed by the proof and pressed by the presumption of his resistance to the inquiry, he did think it necessary to make something like a defence. Accordingly he has made what he calls a justification, which did not consist in the denial of that fact, or any explanation of it. The mode he took for his defence was abuse of his colleagues, abuse of the witnesses, and of every person who in the execution of his duty was inquiring into the fact, and charging them with things which, if true, were by no means sufficient to support him, either in defending the acts themselves, or in the criminal means he used to prevent inquiry into them. His design was to mislead their minds, and to carry them from the accusation and the proof of it. With respect to the passion, violence, and intemperate heat with which he charged them, they were proceeding in an orderly, regular manner; and if on any occasion they seem to break out into warmth, it was in consequence of that resistance which he made to them, in what your Lordships, I believe, will agree with them in thinking was one of the most important parts of their functions. If they had been intemperate in their conduct, if they had been violent, passionate, prejudiced against him, it afforded him only a better means of making his defence; because, though in a rational and judicious mind the intemperate conduct of the accuser certainly proves nothing with regard to the truth or falsehood of his accusation, yet we do know that the minds of men are so constituted that an improper mode of conducting a right thing does form some degree of prejudice against it. Mr. Hastings, therefore, unable to defend himself upon principle, has resorted as much as he possibly could to prejudice. And at the same time that there is not one word of denial, or the least attempt at a refutation of the charge, he has loaded the records with all manner of minutes, proceedings, and letters relative to everything but the fact itself. The great aim of his policy, both then, before, and ever since, has been to divert the mind of the auditory, or the persons to whom he addressed himself, from the nature of his cause, to some collateral circumstance relative to it, — a policy to which he has always had

recourse; but that trick, the last resource of despairing guilt, I trust will now completely fail him.

Mr. Hastings, however, began to be pretty sensible that this way of proceeding had a very unpromising and untoward look; for which reason he next declared that he reserved his defence for fear of a legal prosecution, and that some time or other he would give a large and liberal explanation to the Court of Directors, to whom he was answerable for his conduct, of his refusing to suffer the inquiry to proceed, of his omitting to give them satisfaction at the time, of his omitting to take any one natural step that an innocent man would have taken upon such an occasion. Under this promise he has remained from that time to the time you see him at your bar, and he has neither denied, exculpated, explained, or apologized for his conduct in any one single instance.

While he accuses the intemperance of his adversaries, he shows a degree of temperance in himself which always attends guilt in despair: for struggling guilt may be warm, but guilt that is desperate has nothing to do but to submit to the consequences of it, to bear the infamy annexed to its situation, and to try to find some consolation in the effects of guilt with regard to private fortune for the scandal it brings them into in public reputation. After the business had ended in India, the causes why he should have given the explanation grew stronger and stronger: for not only the charges exhibited against him were weighty, but the manner in which he was called upon to inquire into them was such as would undoubtedly tend to stir the mind of a man of character, to rouse him to some consideration of himself, and to a sense of the necessity of his defence. He was goaded to make this defence by the words I shall read to your Lordships from Sir John Clavering.

“In the late proceedings of the Revenue Board it will appear that there is no species of peculation from which the Honorable Governor-General has thought it reasonable to abstain.” He further says, in answer to Mr. Hastings, “The malicious view with which this innuendo” (an innuendo of Mr. Hastings) “is thrown out is only worthy of a man who, having disgraced himself in the eyes of every man of honor both in Asia and in Europe, and having no imputation to lay to our charge, has dared to attempt in the dark what malice itself could not find grounds to aim at openly.”

These are the charges which were made upon him, — not loosely, in the heat of conversation, but deliberately, in writing, entered upon record, and sent to his employers, the Court of Directors, those whom the law had set over him, and to whose judgment and opinion he was responsible. Do your Lordships believe that it was conscious innocence that made him endure such reproaches, so recorded, from his own colleague? Was it conscious innocence that made him abandon his defence, renounce his explanation, and bear all this calumny, (if it was calumny,) in such a manner, without making any one attempt to refute it? Your Lordships will see by this, and by other minutes with which the books are filled, that Mr. Hastings is

charged quite to the brim with corruptions of all sorts, and covered with every mode of possible disgrace. For there is something so base and contemptible in the crimes of peculation and bribery, that, when they come to be urged home and strongly against a man, as here they are urged, nothing but a consciousness of guilt can possibly make a person so charged support himself under them. Mr. Hastings considered himself, as he has stated, to be under the necessity of bearing them. What is that necessity? Guilt. Could he say that Sir John Clavering (for I say nothing now of Colonel Monson and Mr. Francis, who were joined with him) was a man weak and contemptible? I believe there are those among your Lordships who remember that Sir John Clavering was known before he went abroad, and better known by his conduct after, to be a man of the most distinguished honor that ever served his Majesty; he served his Majesty in a military situation for many years, and afterwards in that high civil situation in India. It is known that through every step and gradation of a high military service, until he arrived at the highest of all, there never was the least blot upon him, or doubt or suspicion of his character; that his temper for the most part, and his manners, were fully answerable to his virtues, and a noble ornament to them; that he was one of the best natured, best bred men, as well as one of the highest principled men to be found in his Majesty's service; that he had passed the middle time of life, and come to an age which makes men wise in general; so that he could be warmed by nothing but that noble indignation at guilt which is the last thing that ever was or will be extinguished in a virtuous mind. He was a man whose voice was not to be despised; but if his character had been personally as contemptible as it was meritorious and honorable in every respect, yet his situation as a commissioner named by an act of Parliament for the express purpose of reforming India gave him a weight and consequence that could not suffer Mr. Hastings, without a general and strong presumption of his guilt, to acquiesce in such recorded minutes from him. But if he had been a weak, if he had been an intemperate man, (in reality he was as cool, steady, temperate, judicious a man as ever was born,) the Court of Directors, to whom Mr. Hastings was responsible by every tie and every principle, and was made responsible at last by a positive act of Parliament obliging him to yield obedience to their commands as the general rule of his duty, — the Court of Directors, I say, perfectly approved of every part of General Clavering's, Colonel Monson's, and Mr. Francis's conduct; they approved of this inquiry which Mr. Hastings rejected; and they have declared, "that the powers and instructions vested in and given to General Clavering and the other gentlemen were such as fully authorized them in every inquiry that seems to have been their object ... Europeans."

Now after the supreme authority, to which they were to appeal in all their disputes, had passed this judgment upon this very inquiry, the matter no longer depended upon Mr. Hastings's opinion; nor could he be longer justified in attributing that to evil motives either of malice or passion in his colleagues. When

the judges who were finally to determine who was malicious, who was passionate, who was or was not justified either in setting on foot the inquiry or resisting it, had passed that judgment, then Mr. Hastings was called upon by all the feelings of a man, and by his duty in Council, to give satisfaction to his masters, the Directors, who approved of the zeal and diligence shown in that very inquiry, the passion of which he only reprobated, and upon which he grounded his justification.

If anything but conscious guilt could have possibly influenced him to such more than patience under this accusation, let us see what was his conduct when the scene was changed. General Clavering, fatigued and broken down by the miseries of his situation, soon afterwards lost a very able and affectionate colleague, Colonel Monson, (whom Mr. Hastings states to be one of the bitterest of his accusers,) a man one of the most loved and honored of his time, a person of your Lordships' noble blood, and a person who did honor to it, and if he had been of the family of a commoner, well deserved to be raised to your distinction. When that man died, — died of a broken heart, to say nothing else, — and General Clavering felt himself in a manner without help, except what he derived from the firmness, assiduity, and patience of Mr. Francis, sinking like himself under the exertion of his own virtues, he was resolved to resign his employment. The Court of Directors were so alarmed at this attempt of his to resign his employment, that they wrote thus: "When you conceived the design of quitting our service, we imagine you could not have heard of the resignation of Mr. Hastings ... your zeal and ability."

My Lords, in this struggle, and before he could resign finally, another kind of resignation, the resignation of Nature, took place, and Sir John Clavering died. The character that was given Sir John Clavering at that time is a seal to the whole of his proceedings, and the use that I shall make of it your Lordships will see presently. "The abilities of General Clavering, the comprehensive knowledge he had attained of our affairs ... to the East India Company."

And never had it a greater loss. There is the concluding funeral oration made by his masters, upon a strict, though by no means partial, view of his conduct. My Lords, here is the man who is the great accuser of Mr. Hastings, as he says. What is he? a slight man, a man of mean situation, a man of mean talents, a man of mean character? No: of the highest character. Was he a person whose conduct was disapproved by their common superiors? No: it was approved when living, and ratified when dead. This was the man, a man equal to him in every respect, upon the supposed evil motives of whom alone was founded the sole justification of Mr. Hastings.

But be it, then, that Sir John Clavering, Colonel Monson, and Mr. Francis were all of them the evil-minded persons that he describes them to be, and that from dislike to them, from a kind of manly resentment, if you please, against such persons, an hatred against malicious proceedings, and a defiance of them, he did not

think proper, as he states, to make his defence during that period of time, and while oppressed by that combination, — yet, when he got rid of the two former persons, and when Mr. Francis was nothing, when the whole majority was in his hand, and he was in full power, there was a large, open, full field for inquiry; and he was bound to re-institute that inquiry, and to clear his character before his judges and before his masters. Mr. Hastings says, “No: they have threatened me with a prosecution, and I reserve myself for a court of justice.”

Mr. Hastings has now at length taken a ground, as you will see from all his writings, which makes all explanation of his conduct in this business absolutely impossible. For, in the first place, he says, “As a prosecution is meditated against me, I will say nothing in explanation of my conduct, because I might disclose my defence, and by that means do myself a prejudice.” On the other hand, when the prosecution is dropped, as we all know it was dropped in this case, then he has a direct contrary reason, but it serves him just as well: “Why, as no prosecution is intended, no defence need be made.” So that, whether a prosecution is intended or a prosecution dropped, there is always cause why Mr. Hastings should not give the Court of Directors the least satisfaction concerning his conduct, notwithstanding, as we shall prove, he has reiteratedly promised, and promised it in the most ample and liberal manner. But let us see if there be any presumption in his favor to rebut the presumption which he knew was irresistible, and which, by making no defence for his conduct, and stopping the inquiry, must necessarily lie upon him. He reserves his defence, but he promises both defence and explanation.

Your Lordships will remark that there is nowhere a clear and positive denial of the fact. Promising a defence, I will admit, does not directly and *ex vi termini* suppose that a man may not deny the fact, because it is just compatible with the defence; but it does by no means exclude the admission of the fact, because the admission of the fact may be attended with a justification: but when a man says that he will explain his conduct with regard to a fact, then he admits that fact, because there can be no explanation of a fact which has no existence. Therefore Mr. Hastings admits the fact by promising an explanation, and he shows he has no explanation nor justification to give by never having given it. Goaded, provoked, and called upon for it, in the manner I have mentioned, he chooses to have a feast of disgrace, (if I may say so,) to have a riot of infamy, served up to him day by day for a course of years, in every species of reproach that could be given by his colleagues, and by the Court of Directors, “from whom,” he says, “I received nothing but opprobrious and disgraceful epithets,” and he says “that his predecessors possessed more of their confidence than he had.” Yet for years he lay down in that sty of disgrace, fattening in it, feeding upon that offal of disgrace and excrement, upon everything that could be disgusting to the human mind, rather than deny the fact and put himself upon a civil justification. Infamy was never incurred for nothing. We know very well what was said formerly: —

“Populus me sibilat; at mihi plaudo
Ipse domi, simul ac nummos contemplor in arca.”

And never did a man submit to infamy for anything but its true reward, *money*. Money he received; the infamy he received along with it: he was glad to take his wife with all her goods; he took her with her full portion, with every species of infamy that belonged to her; and your Lordships cannot resist the opinion that he would not have suffered himself to be disgraced with the Court of Directors, disgraced with his colleagues, disgraced with the world, disgraced upon an eternal record, unless he was absolutely guilty of the fact that was charged upon him.

He frequently expresses that he reserves himself for a court of justice. Does he, my Lords? I am sorry that Mr. Hastings should show that he always mistakes his situation; he has totally mistaken it: he was a servant, bound to give a satisfactory account of his conduct to his masters, and, instead of that, he considers himself and the Court of Directors as litigant parties, — them as the accusers, and himself as the culprit. What would your Lordships, in private life, conceive of a steward who was accused of embezzling the rents, robbing and oppressing the tenants, and committing a thousand misdeeds in his stewardship, and who, upon your wishing to make inquiry into his conduct, and asking an explanation of it, should answer, “I will give no reply: you may intend to prosecute me and convict me as a cheat, and therefore I will not give you any satisfaction”: what would you think of that steward? You could have no doubt that such a steward was a person not fit to be a steward, nor fit to live.

Mr. Hastings reserves himself for a court of justice: that single circumstance, my Lords, proves that he was guilty. It may appear very odd that his guilt should be inferred from his desire of trial in a court in which he could be acquitted or condemned. But I shall prove to you from that circumstance that Mr. Hastings, in desiring to be tried in a court of justice, convicts himself of presumptive guilt.

When Mr. Hastings went to Bengal in the year 1772, he had a direction exactly similar to this which he has resisted in his own case: it was to inquire into grievances and abuses. In consequence of this direction, he proposes a plan for the regulation of the Company’s service, and one part of that plan was just what you would expect from him, — that is, the power of destroying every Company’s servant without the least possibility of his being heard in his own defence or taking any one step to justify himself, and of dismissing him at his own discretion: and the reason he gives for it is this. “I shall forbear to comment upon the above propositions: if just and proper, their utility will be self-apparent. One clause only in the last article may require some explanation, namely, the power proposed for the Governor of recalling any person from his station without assigning a reason for it. In the charge of oppression,” (now here you will find the reason why Mr. Hastings wishes to appeal to a court of justice, rather than to give satisfaction to his

employers,) “though supported by the cries of the people and the most authentic representations, it is yet impossible in most cases to obtain legal proofs of it; and unless the discretionary power which I have recommended be somewhere lodged, the assurance of impunity from any formal inquiry will baffle every order of the board, as, on the other hand, the fear of the consequence will restrain every man within the bounds of his duty, if he knows himself liable to suffer by the effects of a single control.” You see Mr. Hastings himself is of opinion that the cries of oppression, though extorted from a whole people by the iron hand of severity, — that these cries of a whole people, attended even with authentic documents sufficient to satisfy the mind of any man, may be totally insufficient to convict the oppressor in a court; and yet to that court, whose competence he denies, to that very court, he appeals, in that he puts his trust, and upon that ground he refuses to perform the just promise he had given of any explanation to those who had employed him.

Now I put this to your Lordships: if a man is of opinion that no public court can truly and properly bring him to any account for his conduct, that the forms observable in courts are totally adverse to it, that there is a general incompetency with regard to such a court, and yet shuns a tribunal capable and competent, and applies to that which he thinks is incapable and incompetent, does not that man plainly show that he has rejected what he thinks will prove his guilt, and that he has chosen what he thinks will be utterly insufficient to prove it? And if this be the case, as he asserts it to be, with an under servant, think what must be the case of the upper servant of all: for, if an inferior servant is not to be brought to justice, what must be the situation of a Governor-General? It is impossible not to see, that, as he had conceived that a court of justice had not sufficient means to bring his crimes to light and detection, nor sufficient to bring him to proper and adequate punishment, therefore he flew to a court of justice, not as a place to decide upon him, but as a sanctuary to secure his guilt. Most of your Lordships have travelled abroad, and have seen in the unreformed countries of Europe churches filled with persons who take sanctuary in them. You do not presume that a man is innocent because he is in a sanctuary: you know, that, so far from demonstrating his innocence, it demonstrates his guilt. And in this case, Mr. Hastings flies not to a court for trial, but as a sanctuary to secure him from it.

Let us just review the whole of his conduct; let us hear how Mr. Hastings has proceeded with regard to this whole affair. The court of justice dropped; the prosecution in Bengal ended. With Sir Elijah Impey as chief-justice, who, as your Lordships have seen, had a most close and honorable connection with the Governor-General, (all the circumstances of which I need not detail to you, as it must be fresh in your Lordships’ memory,) he had not much to fear from the impartiality of the court. He might be sure the forms of law would not be strained to do him mischief; therefore there was no great terror in it. But whatever terror

there might be in it was overblown, because his colleagues refused to carry him into it, and therefore that opportunity of defence is gone. In Europe he was afraid of making any defence, but the prosecution here was also soon over; and in the House of Commons he takes this ground of justification for not giving any explanation, that the Court of Directors had received perfect satisfaction of his innocence; and he named persons of great and eminent character in the profession, whose names certainly cannot be mentioned without highly imposing upon the prejudices and weighing down almost the reason of mankind. He quotes their opinions in his favor, and argues that the exculpation which they give, or are supposed to give him, should excuse him from any further explanation.

My Lords, I believe I need not say to great men of the profession, many of the first ornaments of which I see before me, that they are very little influenced in the seat of judgment by the opinions which they have given in the chamber, and they are perfectly in the right: because while in the chamber they hear but one part of the cause; it is generally brought before them in a very partial manner, and they have not the lights which they possess when they sit deliberately down upon the tribunal to examine into it; and for this reason they discharge their minds from every prejudice that may have arisen from a foregone partial opinion, and come uninfluenced by it as to a new cause. This, we know, is the glory of the great lawyers who have presided and do preside in the tribunals of this country; but we know, at the same time, that those opinions (which they in their own mind reject, unless supported afterwards by clear and authentic testimony) do weigh upon the rest of mankind at least: for it is impossible to separate the opinion of a great and learned man from some consideration of the person who has delivered that opinion.

Mr. Hastings, being conscious of this, and not fearing the tribunal abroad for the reason that I gave you, namely, his belief that it was not very adverse to him, and also knowing that the prosecution there was dropped, had but one thing left for his consideration, which was, how he should conflict with the tribunal at home: and as the prosecution must originate from the Court of Directors, and be authorized by some great law opinions, the great point with him was, some way or other, by his party, I will not say by what means or circumstances, but by some party means, to secure a strong interest in the executive part of the India House. My Lords, was that interest used properly and fairly? I will not say that friendship and partiality imply injustice; they certainly do not; but they do not imply justice. The Court of Directors took up this affair with great warmth; they committed it to their solicitor, and the solicitor would naturally (as most solicitors do) draw up a case a little favorably for the persons that employed him; and if there was any leaning, which upon my word I do not approve in the management of any cause whatever, yet, if there was a leaning, it must be a leaning for the client.

Now the counsel did not give a decided opinion against the prosecution, but upon the face of the case they expressed great doubts upon it; for, with such a strange,

disorderly, imperfect, and confused case as was laid before them, they could not advise a prosecution; and in my opinion they went no further. And, indeed, upon that case that went before them, I, who am authorized by the Commons to prosecute, do admit that a great doubt might lie upon the most deciding mind, whether, under the circumstances there stated, a prosecution could be or ought to be pursued. I do not say which way my mind would have turned, upon that very imperfect state of the case; but I still allow so much to their very great ability, great minds, and sound judgment, that I am not sure, if it was *res integra*, I would not have rather hesitated myself (who am now here an accuser) what judgment to give.

It does happen that there are very singular circumstances in this business, to which your Lordships will advert; and you will consider what weight they ought to have upon your Lordships' minds. The person who is now the solicitor of the Company is a very respectable man in the profession, — Mr. Smith; he was at that time also the Company's solicitor, and he has since appeared in this cause as Mr. Hastings's solicitor. Now there is something particular in a man's being the solicitor to a party who was prosecuting another, and continuing afterwards in his office, and becoming the solicitor to the party prosecuted. It would be nearly as strange as if our solicitor were to be the solicitor of Mr. Hastings in this prosecution and trial before your Lordships. It is true, that we cannot make out, nor do we attempt to prove, that Mr. Smith was at that time actually Mr. Hastings's solicitor: all that we shall attempt to make out is, that the case he produced was just such a case as a solicitor anxious for the preservation of his client, and not anxious for the prosecution, would have made out.

My Lords, I have next to remark, that the opinion which the counsel gave in this case, namely, a very doubtful opinion, accompanied with strong censure of the manner in which the case was stated, was drawn from them by a case in which I charge that there were *misrepresentation*, *suppression*, and *falsification*.

Now, my Lords, in making this charge I am in a very awkward and unpleasant situation; but it is a situation in which, with all the disagreeable circumstances attending it, I must proceed. I am, in this business, obliged to name many men: I do not name them wantonly, but from the absolute necessity, as your Lordships will see, of the case. I do not mean to reflect upon this gentleman: I believe, at the time when he made this case, and especially the article which I state as a *falsification*, he must have trusted to some of the servants of the Company, who were but young in their service at that time. There was a very great error committed; but by whom, or how, your Lordships in the course of this inquiry will find. What I charge first is, that the case was improperly stated; secondly, that it was partially stated; and that afterwards a further report was made upon reference to the same officer in the committee. Now, my Lords, of the three charges which I have made, the two former, namely, the misrepresentation and suppression, were applicable to the case;

but all the three, misrepresentation, suppression, and falsification, were applicable to the report.

This I say in vindication of the opinions given, and for the satisfaction of the public, who may be imposed upon by them. I wish the word to be understood. When I say *imposed*, I always mean by it the weight and authority carried: a meaning which this word, perhaps, has not got yet thoroughly in the English language; but in a neighboring language *imposing* means, that it weighs upon men's minds with a sovereign authority. To say that the opinions of learned men, though even thus obtained, may not have weight with this court, or with any court, is a kind of compliment I cannot pay to them at the expense of that common nature in which I and all human beings are involved.

He states in the case the covenants and the salary of Mr. Hastings, and his emoluments, very fairly. I do not object to any part of that. He then proceeds to state very partially the business upon which the Committee of Circuit went, and without opening whose conduct we cannot fully bring before you this charge of bribery. He then states, "that, an inquiry having been made by the present Supreme Council of Bengal respecting the conduct of the members of the last administration, several charges have been made, stating moneys very improperly received by Mr. Hastings during the time of the late administration: amongst these is one of his having received 150,000 rupees of Munny Begum, the guardian of the Nabob, who is an infant."

In this statement of the case everything is put out of its true place. Mr. Hastings was not charged with receiving a lac and a half of rupees from Munny Begum, the guardian of the Nabob, — for she was not then his guardian; but he was charged with receiving a lac and a half of rupees for removing the Nabob's own mother, who was his natural guardian, and substituting this step-mother, who was a prostitute, in her place; whereas here it supposes he found her a guardian, and that she had made him a present, which alters the whole nature of the case. The case, in the recital of the charge, sets out with what every one of your Lordships knows now not to be the truth of the fact, nor the thing that in itself implies the criminality: he ought to have stated that in the beginning of the business. The suppressions in the recital are amazing. He states an inquiry having been made by the Supreme Council of Bengal respecting the conduct of the members of the last administration. That inquiry was made in consequence of the charge, and not the charge brought forward, as they would have it believed, in consequence of the inquiry. There is no mention that that inquiry had been expressly ordered by the Court of Directors; but it is stated as though it was a voluntary inquiry. Now there is always something doubtful in voluntary inquiries with regard to the people concerned. He then supposes, upon this inquiry, that to be the charge which is not the charge at all. The crime, as I have stated, consisted of two distinct parts, but both inferring the same corruption: the first, two lac of rupees taken expressly for the nomination of this

woman to this place; and the other, one lac and a half of rupees, in effect for the same purpose, but under the name and color of an entertainment. The drawer of the case, finding that in the one case, namely, the two lac of rupees, the evidence was more weak, but that no justification could be set up, — finding in the other, the lac and a half of rupees, the proof strong and not to be resisted, but that some justification was to be found for it, lays aside the charge of the two lac totally; and the evidence belonging to it, which was considered as rather weak, is applied to the other charge of a lac and a half, the proof of which upon its own evidence was irresistible.

My speech I hope your Lordships consider as only pointing out to your attention these particulars. Your Lordships will see it exemplified throughout the whole, that, when there is evidence (for some evidence is brought) that does belong to the lac and a half, it is entirely passed by, the most material circumstances are weakened, the whole strength and force of them taken away. Every one knows how true it is of evidence, *juncta juvant*: but here everything is broken and smashed to pieces, and nothing but disorder appears through the whole. For your Lordships will observe that the proof that belongs to one thing is put as belonging to another, and the proof of the other brought in a weak and imperfect manner in the rear of the first, and with every kind of observation to rebut and weaken it; and when this evidence is produced, which appears inapplicable almost in all the parts, in many doubtful, confused, and perplexed, and in some even contradictory, (which it will be when the evidence to one thing is brought to apply and bear upon another,) good hopes were entertained in consequence that that would happen which in part did happen, namely, that the counsel, distracted and confused, and finding no satisfaction in the case, could not advise a prosecution.

But what is still more material and weighty, many particulars are suppressed in this case, and still more in the report; and turning from the case to the proceedings of the persons who are supposed to have the management of the inquiry, they bring forward, as an appendix to this case, Mr. Hastings's own invectives and charge against these persons, at the very same time that they suppress and do not bring forward, either in the charge or upon the report, what the other party have said in their own justification. The consequence of this management was, that a body of evidence which would have made this case the clearest in the world, and which I hope we shall make to appear so to your Lordships, was rendered for the most part inapplicable, and the whole puzzled and confused: I say, for the most part, for some parts did apply, but miserably applied, to the case. From their own state of the case they would have it inferred that the fault was not in their way of representing it, but in the infirmity, confusion, and disorder of the proofs themselves; but this, I trust we shall satisfy you, is by no means the case. I rest, however, upon the proof of partiality in this business, of the imposition upon the counsel, whether designed or not, and of the bias given by adding an appendix with Mr. Hastings's own remarks

upon the case, without giving the reasons of the other parties for their conduct. Now, if there was nothing else than the fallacious recital, and afterwards the suppression, I believe any rational and sober man would see perfect, good, and sufficient ground for laying aside any authority that can be derived from the opinions of persons, though of the first character (and I am sure no man living does more homage to their learning, impartiality, and understanding than I do): first, because the statement of the case has thrown the whole into confusion; and secondly, as to the matter added as an appendix, which gives the representation of the delinquent and omits the representation of his prosecutors, it is observed very properly and very wisely by one of the great men before whom this evidence was laid, that “the evidence, as it is here stated, is still more defective, if the appendix is adopted by the Directors and meant to make a part of the case; for that throws discredit upon all the information so collected.” Certainly it does; for, if the delinquent party, who is to be prosecuted, be heard with his own representation of the case, and that of his prosecutors be suppressed, he is master both of the lawyers and of the mind of mankind.

My Lords, I have here attempted to point out the extreme inconsistencies and defects of this proceeding; and I wish your Lordships to consider, with respect to these proceedings of the India House in their prosecutions, that it is in the power of some of their officers to make statements in the manner that I have described, then to obtain the names of great lawyers, and under their sanction to carry the accused through the world as acquitted.

These are the material circumstances which will be submitted to your Lordships’ sober consideration in the course of this inquiry. I have now stated them on these two accounts: first, to rebut the reason which Mr. Hastings has assigned for not giving any satisfaction to the Court of Directors, namely, because they did not want it, having dropped a prosecution upon great authorities and opinions; and next, to show your Lordships how a business begun in bribery is to be supported only by fraud, deceit, and collusion, and how the receiving of bribes by a Governor-General of Bengal tends to taint the whole service from beginning to end, both at home and abroad.

But though upon the partial case that was presented to them these great lawyers did not advise a prosecution, and though even upon a full representation of a case a lawyer might think that a man ought not to be prosecuted, yet he may consider him to be the vilest man upon earth. We know men are acquitted in the great tribunals in which several Lords of this country have presided, and who perhaps ought not to have been brought there and prosecuted before them, and yet about whose delinquency there could be no doubt. But though we have here sufficient reason to justify the great lawyers whose names and authorities are produced, yet Mr. Hastings has extended that authority beyond the length of their opinions. For, being no longer under the terror of the law, which, he said, restrained him from making

his defence, he was then bound to give that satisfaction to his masters and the world which every man in honor is bound to do, when a grave accusation is brought against him. But this business of the law I wish to sleep from this moment, till the time when it shall come before you; though I suspect, and have had reason (sitting in committees in the House of Commons) to believe, that there was in the India House a bond of iniquity, somewhere or other, which was able to impose in the first instance upon the solicitor, the guilt of which, being of another nature, I shall state hereafter, that your Lordships may be able to discover through whose means and whose fraud Mr. Hastings obtained these opinions.

If, however, all the great lawyers had been unanimous upon that occasion, still it would have been necessary for Mr. Hastings to say, "I cannot, according to my opinion, be brought to give an account in a court of justice, and I have got great lawyers to declare, that, upon the case laid before them, they cannot advise a prosecution; but now is the time for me to come forward, and, being no longer in fear that my defence may be turned against me, I will produce my defence for the satisfaction of my masters and the vindication of my own character." But besides this doubtful opinion (for I believe your Lordships will find it no better than a doubtful opinion) given by persons for whom I have the highest honor, and given with a strong censure upon the state of the case, there were also some great lawyers, men of great authority in the kingdom, who gave a full and decided opinion that a prosecution ought to be instituted against him; but the Court of Directors decided otherwise, they overruled those opinions, and acted upon the opinions in favor of Mr. Hastings. When, therefore, he knew that the great men in the law were divided upon the propriety of a prosecution, but that the Directors had decided in his favor, he was the more strongly bound to enter into a justification of his conduct.

But there was another great reason which should have induced him to do this. One great lawyer, known to many of your Lordships, Mr. Sayer, a very honest, intelligent man, who had long served the Company and well knew their affairs, had given an opinion concerning Mr. Hastings's conduct in stopping these prosecutions. There was an abstract question put to Mr. Sayer, and other great lawyers, separated from many of the circumstances of this business, concerning a point which incidentally arose; and this was, whether Mr. Hastings, as Governor-General, had a power so to dissolve the Council, that, if he declared it dissolved, they could not sit and do any legal and regular act. It was a great question with the lawyers at the time, and there was a difference of opinion on it. Mr. Sayer was one of those who were inclined to be of opinion that the Governor-General had a power of dissolving the Council, and that the Council could not legally sit after such dissolution. But what was his remark upon Mr. Hastings's conduct? — and you must suppose his remark of more weight, because, upon the abstract question, he had given his opinion in favor of Mr. Hastings's judgment. "The meeting of the Council depends on the pleasure of the Governor; and I think the duration of it must do so, too. But

it was as great a crime to dissolve the Council upon base and sinister motives as it would be to assume the power of dissolving, if he had it not. I believe he is the first Governor that ever dissolved a Council inquiring into his behavior, when he was innocent. Before he could summon three Councils and dissolve them, he had time fully to consider what would be the result of such conduct, *to convince everybody, beyond a doubt, of his conscious guilt.*”

Mr. Sayer, then, among other learned people, (and if he had not been the man that I have described, yet, from his intimate connection with the Company, his opinion must be supposed to have great weight,) having used expressions as strong as the persons who have ever criminated Mr. Hastings most for the worst of his crimes have ever used to qualify and describe them, and having ascribed his conduct to base and sinister motives, he was bound upon that occasion to justify that strong conduct, allowed to be legal, and charged at the same time to be violent. Mr. Hastings was obliged then to produce something in his justification. He never did. Therefore, for all the reasons assigned by himself, drawn from the circumstances of prosecution and non-prosecution, and from opinions of lawyers and colleagues, the Court of Directors at the same time censuring his conduct, and strongly applauding the conduct of those who were adverse to him, Mr. Hastings was, I say, from those accumulated circumstances, bound to get rid of the infamy of a conduct which could be attributed to nothing but base and sinister motives, and which could have no effect but to convince men of his consciousness that he was guilty. From all these circumstances I infer that no man could have endured this load of infamy, and to this time have given no explanation of his conduct, unless for the reason which this learned counsel gives, and which your Lordships and the world will give, namely, his conscious guilt.

After leaving upon your minds that presumption, not to operate without proof, but to operate along with the proof, (though, I take it, there are some presumptions that go the full length of proof,) I shall not press it to the length to which I think it would go, but use it only as auxiliary, assisting, and compurgatory of all the other evidences that go along with it.

There is another circumstance which must come before your Lordships in this business. If you find that Mr. Hastings has received the two lac of rupees, then you will find that he was guilty, without color or pretext of any kind whatever, of acting in violation of his covenant, of acting in violation of the laws, and all the rules of honor and conscience. If you find that he has taken the lac and a half, which he admits, but which he justifies under the pretence of an entertainment, I shall beg to say something to your Lordships concerning that justification.

The justification set up is, that he went up from Calcutta to Moorshedabad, and paid a visit of three months, and that there an allowance was made to him of two hundred pounds a day in lieu of an entertainment. Now, my Lords, I leave it to you to determine, if there was such a custom, whether or no his covenant justifies his

conformity with it. I remember Lord Coke, talking of the Brehon law in Ireland, says it is no law, but a lewd custom. A governor is to conform himself to the laws of his own country, to the stipulations of those that employ him, and not to the lewd customs of any other country: those customs are more honored in the breach than in the observance. If Mr. Hastings was really feasted and entertained with the magnificence of the country, if there was an entertainment of dancing-girls brought out to amuse him in his leisure hours, if he was feasted with the hookah and every other luxury, there is something to be said for him, though I should not justify a Governor-General wasting his days in that manner. But in fact here was no entertainment that could amount to such a sum; and he has nowhere proved the existence of such a custom.

But if such a custom did exist, which I contend is more honored in the breach than in the observance, that custom is capable of being abused to the grossest extortion; and that it was so abused will strike your Lordships' minds in such a manner that I hardly need detail the circumstances of it. What! two hundred pounds to be given to a man for one day's entertainment? If there is an end of it there, it ruins nobody, and cannot be supposed, to a great degree, to corrupt anybody; but when that entertainment is renewed day after day for three months, it is no longer a compliment to the man, but a great pecuniary advantage, and, on the other hand, to the person giving it, a grievous, an intolerable burden. It then becomes a matter of the most serious and dreadful extortion, tending to hinder the people who give it not only from giving entertainment, but from having bread to eat themselves. Therefore, if any such entertainment was customary, the custom was perverted by the abuse of its being continued for three months together. It was longer than Ahasuerus's feast. There is a feast of reason and a flow of soul; but Mr. Hastings's feast was a feast of avarice and a flow of money. No wonder he was unwilling to rise from such a table: he continued to sit at that table for three months.

In his covenant he is forbidden expressly to take any allowance above 400*l.*, and forbidden to take any allowance above 100*l.*, without the knowledge, consent, and approbation of the Council to which he belongs. Now he takes 16,000*l.*, not only without the consent of the Council, but without their knowledge, — without the knowledge of any other human being: it is kept hid in the darkest and most secret recesses of his own black agents and confidants, and those of Munny Begum. Why is it a secret? Hospitality, generosity, virtues of that kind, are full of display; there is an ostentation, a pomp, in them; they want to be shown to the world, not concealed. The concealment of acts of charity is what makes them acceptable in the eyes of Him with regard to whom there can be no concealment; but acts of corruption are kept secret, not to keep them secret from the eye of Him, whom the person that observes the secrecy does not fear, nor perhaps believe in, but to keep them secret from the eyes of mankind, whose opinions he does fear, in the immediate effect of them, and in their future consequences. Therefore he had but one reason to keep

this so dark and profound a secret, till it was dragged into day in spite of him; he had no reason to keep it a secret, but his knowing it was a proceeding that could not bear the light. Charity is the only virtue that I ever heard of that derives from its retirement any part of its lustre; the others require to be spread abroad in the face of day. Such candles should not be hid under a bushel, and, like the illuminations which men light up when they mean to express great joy and great magnificence for a great event, their very splendor is a part of their excellence. We upon our feasts light up this whole capital city; we in our feasts invite all the world to partake them. Mr. Hastings feasts in the dark; Mr. Hastings feasts alone; Mr. Hastings feasts like a wild beast; he growls in the corner over the dying and the dead, like the tigers of that country, who drag their prey into the jungles. Nobody knows of it, till he is brought into judgment for the flock he has destroyed. His is the entertainment of Tantalus; it is an entertainment from which the sun hid his light.

But was it an entertainment upon a visit? Was Mr. Hastings upon a visit? No: he was executing a commission for the Company in a village in the neighborhood of Moorshedabad, and by no means upon a visit to the Nabob. On the contrary, he was upon something that might be more properly called a *visitation*. He came as a heavy calamity, like a famine or a pestilence on a country; he came there to do the severest act in the world, — as he himself expresses, to take the bread, literally the bread, from above a thousand of the nobles of the country, and to reduce them to a situation which no man can hear of without shuddering. When you consider, that, while he was thus entertained himself, he was famishing fourteen hundred of the nobility and gentry of the country, you will not conceive it to be any extenuation of his crimes, that he was there, not upon a visit, but upon a duty, the harshest that could be executed, both to the persons who executed and the people who suffered from it.

It is mentioned and supposed in the observations upon this case, though no circumstances relative to the persons or the nature of the visit are stated, that this expense was something which he might have charged to the Company and did not. It is first supposed by the learned counsel who made the observation, that it was a public, allowed, and acknowledged thing; then, that he had not charged the Company anything for it. I have looked into that business. In the first place, I see no such custom; and if there was such a custom, there was the most abusive misemployment of it. I find that in that year there was paid from the Company's cash account to the Governor's travelling charges (and he had no other journey at that end of the year) thirty thousand rupees, which is about 3,000*l.*; and when we consider that he was in the receipt of near 30,000*l.*, besides the nuzzers, which amount to several thousand a year, and that he is allowed 3,000*l.* by the Company for his travelling expenses, is it right to charge upon the miserable people whom he was defrauding of their bread 16,000*l.* for his entertainment?

I find that there are also other great sums relative to the expenses of the Committee of Circuit, which he was upon. How much of them is applicable to him I know not. I say, that the allowance of three thousand pounds was noble and liberal; for it is not above a day or two's journey to Moorshedabad, and by his taking his road by Kishenagur he could not be longer. He had a salary to live upon, and he must live somewhere; and he was actually paid three thousand pounds for travelling charges for three months, which was at the rate of twelve thousand pounds a year: a large and abundant sum.

If you once admit that a man for an entertainment shall take sixteen thousand pounds, there never will be any bribe, any corruption, that may not be justified: the corrupt man has nothing to do but to make a visit, and then that very moment he may receive any sum under the name of this entertainment; that moment his covenants are annulled, his bonds and obligations destroyed, the act of Parliament repealed, and it is no longer bribery, it is no longer corruption, it is no longer peculation; it is nothing but thanks for obliging inquiries, and a compliment according to the mode of the country, by which he makes his fortune.

What hinders him from renewing that visit? If you support this distinction, you will teach the Governor-General, instead of attending his business at the capital, to make journeys through the country, putting every great man of that country under the most ruinous contributions; and as this custom is in no manner confined to the Governor-General, but extends, as it must upon that principle, to every servant of the Company in any station whatever, then, if each of them were to receive an entertainment, I will venture to say that the greatest ravage of an hostile army could not, indeed, destroy the country more entirely than the Company's servants by such visits.

Your Lordships will see that there are grounds for suspicion, not supported with the same evidence, but with evidence of great probability, that there was another entertainment given at the expense of another lac of rupees; and there is also great probability that Mr. Hastings received two lac of rupees, and Mr. Middleton another lac. The whole of the Nabob's revenues would have been exhausted by these two men, if they had stayed there a whole year: and they stayed three months. Nothing will be secured from the Company's servants, so long as they can find, under this name, or under pretence of any corrupt custom of the country, a vicious excuse for this corrupt practice. The excuse is worse than the thing itself. I leave it, then, with your judgment to decide whether you will or not, if this justification comes before you, establish a principle which would put all Bengal in a worse situation than an hostile army could do, and ruin all the Company's servants by sending them from their duty to go round robbing the whole country under the name of entertainments.

My Lords, I have now done with this first part, — namely, the presumption arising from his refusal to make any defence, on pretence that the charge brought

against him might be referred to a court of justice, and from the non-performance of his promise to give satisfaction to his employers, — and when that pretence was removed, still refusing to give that satisfaction, though suffering as he did under a load of infamy and obloquy, and though urged to give it by persons of the greatest character. I have stated this to your Lordships as the strongest presumption of guilt, and that this presumption is strengthened by the very excuse which he fabricated for a part of his bribes, when he knew that the proof of them was irresistible, and that this excuse is a high aggravation of his guilt, — that this excuse is not supported by law, that it is not supported by reason, that it does not stand with his covenant, but carries with it a manifest proof of corruption, and that it cannot be justified by any principle, custom, or usage whatever. My Lords, I say I have done with the presumption arising from his conduct as it regarded the fact specifically charged against him, and with respect to the relation he stood in to the Court of Directors, and from the attempt he made to justify that conduct. I believe your Lordships will think both one and the other strong presumptions of his criminality, and of his knowledge that the act he was doing was criminal.

I have another fact to lay before your Lordships, which affords a further presumption of his guilt, and which will show the mischievous consequences of it; and I trust your Lordships will not blame me for going a little into it. Your Lordships know we charge that the appointment of such a woman as Munny Begum to the guardianship of the Nabob, to the superintendency of the civil justice of the country, and to the representation of the whole government, was made for no other purpose than that through this corrupt woman sixteen thousand pounds a year, the whole tattered remains of the Nabob's grandeur, might be a prey to Mr. Hastings: it could be for no other. Now your Lordships would imagine, that, after this, knowing he was already grievously suspected, he would have abstained from giving any further ground for suspicion by a repetition of the same acts through the same person; as no other reason could be furnished for such acts, done directly contrary to the order of his superiors, but that he was actuated by the influence of bribery. Your Lordships would imagine, that, when this Munny Begum was removed upon a charge of corruption, Mr. Hastings would have left her quiet in tranquil obscurity, and that he would no longer have attempted to elevate her into a situation which furnished against himself so much disgrace and obloquy to himself, and concerning which he stood charged with a direct and positive act of bribery. Your Lordships well know, that, upon the deposition of that great magistrate, Mahomed Reza Khân, this woman was appointed to supply his place. The Governor-General and Council (the majority of them being then Sir John Clavering, Colonel Monson, and Mr. Francis) had made a provisional arrangement for the time, until they should be authorized to fill up the place in a proper manner. Soon after, there came from Europe a letter expressing the satisfaction which the Court of Directors had received in the acquittal of Mahomed Reza Khân, expressing a regard for his

character, an high opinion of his abilities, and a great disposition to make him some recompense for his extreme sufferings; and accordingly they ordered that he should be again employed. Having no exact ideas of the state of employments in that country, they made a mistake in the specific employment for which they named him; for, being a Mahometan, and the head of the Mahometans in that country, he was named to an office which must be held by a Gentoo. But the majority I have just named, who never endeavored by any base and delusive means to fly from their duty, or not to execute it at all, because they were desired to execute it in a way in which they could not execute it, followed the spirit of the order; and finding that Mahomed Reza Khân, before his imprisonment and trial, had been in possession of another employment, they followed the spirit of the instructions of the Directors and replaced him in that employment: by which means there was an end put to the government of Munny Begum, the country reverted to its natural state, and men of the first rank in the country were placed in the first situations in it. The seat of judicature was filled with wisdom, gravity, and learning, and Munny Begum sunk into that situation into which a woman who had been engaged in the practices that she had been engaged in naturally would sink at her time of life. Mr. Hastings resisted this appointment. He trifled with the Company's orders on account of the letter of them, and endeavored to disobey the spirit of them. However, the majority overbore him; they put Mahomed Reza Khân into his former situation; and as a proof and seal to the honor and virtue of their character, there was not a breath of suspicion that they had any corrupt motive for this conduct. They were odious to many of the India House here; they were odious to that corrupt influence which had begun and was going on to ruin India; but in the face of all this odium, they gave the appointment to Mahomed Reza Khân, because the act contained in itself its own justification. Mr. Hastings made a violent protest against it, and resisted it to the best of his power, always in favor of Munny Begum, as your Lordships will see. Mr. Hastings sent this protest to the Directors; but the Directors, as soon as the case came before them, acknowledged their error, and praised the majority of the Council, Sir John Clavering, Colonel Monson, and Mr. Francis, for the wise and honorable part they had taken upon the occasion, by obeying the spirit and not the letter, — commended the act they had done, — confirmed Mahomed Reza Khân in his place, — and to prevent that great man from being any longer the sport of fortune, any longer the play of avarice between corrupt governors and dancing-girls, they gave him the pledged faith of the Company that he should remain in that office as long as his conduct deserved their protection: it was a good and an honorable tenure. My Lords, soon afterwards there happened two lamentable deaths, — first of Colonel Monson, afterwards of General Clavering. Thus Mr. Hastings was set loose: there was an inspection and a watch upon his conduct, and no more. He was then just in the same situation in which he had stood in 1772. What does he do? Even just what he did in 1772. He deposes Mahomed Reza Khân, notwithstanding

the Company's orders, notwithstanding their pledged faith; he turns him out, and makes a distribution of two lacs and a half of rupees, the salary of that great magistrate, in the manner I will now show your Lordships. He made an arrangement consisting of three main parts: the first was with regard to the women, the next with regard to the magistracy, the last with regard to the officers of state of the household.

The first person that occurred to Mr. Hastings was Munny Begum; and he gave her, not out of that part of the Nabob's allowance which was to support the seraglio, but out of the allowance of this very magistrate, just as if such a thing had been done here out of the salary of a Lord Chancellor or a Lord Chief-Justice, — out of these two lacs and a half of rupees, that is, about twenty-four or twenty-five thousand pounds a year, he ordered an allowance to be made to Munny Begum of 72,000 rupees per annum, or 7,200*l.* a year; for the Nabob's own mother, whom he thrust, as usual, into a subordinate situation, he made an allowance of 3,000*l.*; to the *Sudder ul Huk Khân*, which is, translated into English, the Lord Chief-Justice, he allowed the same sum that he did to the dancing-girl, (which was very liberal in him, and I am rather astonished to find it,) namely, 7,200*l.* a year. And who do you think was the next public officer he appointed? It was the *Rajah Gourdas*, the son of *Nundcomar*, and whose testimony he has attempted both before and since this occasion to weaken. To him, however, he gave an employment of 6,000*l.* a year, as if to make through the son some compensation to the manes of the father. And in this manner he distributes, with a wild and liberal profusion, between magistrates and dancing-girls, the whole spoil of *Mahomed Reza Khân*, notwithstanding the Company's direct and positive assurance given to him. Everything was done, at the same time, to put, as it was before, into the hands of this dancing-girl the miserable Nabob's whole family; and that the fund for corruption might be large enough, he did not take the money for this dancing-girl out of the Nabob's separate revenue, of which he and the dancing-girl had the private disposal between them.

Now upon what pretence did he do all this? The Nabob had represented to Mr. Hastings that he was now of age, — that he was an independent, sovereign prince, — that, being independent and sovereign in his situation, and being of full age, he had a right to manage his own concerns himself; and therefore he desired to be admitted to that management. And, indeed, my Lords, ostensibly, and supposing him to have been this independent prince, and that the Company had no authority or had never exercised any authority over him through Mr. Hastings, there might be a good deal said in favor of this request. But what was the real state of the case? The Nabob was a puppet in the hands of Mr. Hastings and Munny Begum; and you will find, upon producing the correspondence, that he confesses that she was the ultimate object and end of this request.

I think this correspondence, wherein a son is made to petition, in his own name, for the elevation of a dancing-girl, his step-mother, above himself and everybody

else, will appear to your Lordships such a curiosity as, I believe, is not to be found in the state correspondence of the whole world. The Nabob begins thus:— “The excellency of that policy by which her Highness the Begum” (meaning Munny Begum) “(may her shadow be far extended!) formerly, during the time of her administration, transacted the affairs of the nizamat in the very best and most advantageous manner, was, by means of the delusions of enemies disguised under the appearance of friends, hidden from me. Having lately seriously reflected on my own affairs, I am convinced that it was the effect of maternal affection, was highly proper, and for my interest, — and that, except the said Begum is again invested with the administration, the regulation and prosperity of this family, which is in fact her own, cannot be effected. For this cause, from the time of her suspension until now, I have passed my time, and do so still, in great trouble and uneasiness. As all affairs, and particularly the happiness and prosperity of this family, depend on your pleasure, I now trouble you, in hopes that you, likewise concurring in this point, will be so kind as to write in fit and proper terms to her Highness the Begum, that she will always, as formerly, employ her authority in the administration of the nizamat and the affairs of this family.”

This letter, my Lords, was received upon the 23d of August; and your Lordships may observe two things in it: first, that, some way or other, this Nabob had been (as the fact was) made to express his desire of being released from his subjection to the Munny Begum, but that now he has got new lights, all the mists are gone, and he now finds that Munny Begum is not only the fittest person to govern him, but the whole country. This young man, whose incapacity is stated, and never denied, by Mr. Hastings, and by Lord Cornwallis, and by all the rest of the world who know him, begins to be charmed with the excellency of the policy of Munny Begum. Such is his violent impatience, such the impossibility of his existing an hour but under the government of Munny Begum, that he writes again on the 25th of August, (he had really the impatience of a lover,) and within five days afterwards writes again, — so impatient, so anxious and jealous is this young man to be put under the government of an old dancing-woman. He is afraid lest Mr. Hastings should imagine that some sinister influence had prevailed upon him in so natural and proper a request. He says, “Knowing it for my interest and advantage that the administration of the affairs of the nizamat should be restored to her Highness the Munny Begum, I have already troubled you with my request, that, regarding my situation with an eye of favor, you will approve of this measure. I am credibly informed that some one of my enemies, from selfish views, has, for the purpose of oversetting this measure, written you that the said Begum procured from me by artifice the letter I wrote you on this subject. This causes me the greatest astonishment. Please to consider, that artifice and delusion are confined to cheats and impostors, and can never proceed from a person of such exalted rank, who is the head and patron of all the family of the deceased Nabob, my father, — and that

to be deluded, being a proof of weakness and folly, can have no relation to me, except the inventor of this report considers me as void of understanding, and has represented me to the gentlemen as a blockhead and an idiot. God knows how harshly such expressions appear to me; but, as the truth or falsehood has not yet been fully ascertained, I have therefore suspended my demand of satisfaction. Should it be true, be so kind as to inform me of it, that the person may be made to answer for it.”

My Lords, here is a very proper demand. The Nabob is astonished at the suspicion, that such a woman as Munny Begum, whose trade in youth had been delusion, should be capable of deluding anybody. Astonishing it certainly was, that a woman who had been a deluder in youth should be suspected to be the same in old age, and that he, a young man, should be subject to her artifices. “They must suspect me to be a great blockhead,” he says, “if a man of my rank is to be deluded.” There he forgot that it is the unhappy privilege of great men to be cheated, to be deluded, much more than other persons; but he thought it so impossible in the case of Munny Begum, that he says, “Produce me the traitor that could suppose it possible for me to be deluded, when I call for this woman as the governor of the country. I demand satisfaction.” I rather wonder that Mr. Hastings did not inform him who it was that had reported so gross and improbable a tale, and deliver him up to the fury of the Nabob.

Mr. Hastings is absolutely besieged by him; for he receives another letter upon the 3d of September. Here are four letters following one another quick as post expresses with horns sounding before them. “Oh, I die, I perish, I sink, if Munny Begum is not put into the government of the country! — I therefore desire to have her put into the government of the country, and that you will not keep me longer in this painful suspense, but will be kindly pleased to write immediately to the Munny Begum, that she take on herself the administration of the affairs of the nizamat, which is, in fact, her own family, without the interference of any other person whatever: by this you will give me complete satisfaction.” Here is a correspondence more like an amorous than a state correspondence. What is this man so eager about, what in such a rage about, that he cannot endure the smallest delay of the post with common patience? Why, lest this old woman (who is not his mother, and with whom he had no other tie of blood) should not be made mistress of himself and the whole country! However, in a very few months afterwards he himself is appointed by Mr. Hastings to the government; and you may easily judge by the preceding letters who was to govern. It would be an affront to your Lordships’ judgment to attempt to prove who was to govern, after he had desired to put the whole government of affairs into the hands of Munny Begum.

Now, Munny Begum having obtained this salary, and being invested with this authority, and made in effect the total and entire governor of the country, as I have proved by the Nabob’s letters, let us see the consequences of it; and then I desire to

know whether your Lordships can believe that in all this haste, which, in fact, is Mr. Hastings's haste and impatience, (for we shall prove that the Nabob never did or could take a step but by his immediate orders and directions,) — whether your Lordships can believe that Mr. Hastings would incur all the odium attending such transactions, unless he had some corrupt consideration.

My Lords, very soon after these appointments were made, consisting of Munny Begum at the head of the affairs, the Lord Chief-Justice under her, and under her direction, and Rajah Gourdas as steward of the household, the first thing we hear is, just what your Lordships expect to hear upon such a case, that this unfortunate chief-justice, who was a man undoubtedly of but a poor, low disposition, but, I believe, a perfectly honest, perfectly well-intentioned man, found it absolutely impossible for him to execute his office under the direction of Munny Begum; and accordingly, in the month of September following, he sends a complaint to Mr. Hastings, "that certain bad men had gained an ascendancy over the Nabob's temper, by whose instigation he acts." After complaining of the slights he receives from the Nabob, he adds, "Thus they cause the Nabob to treat me, sometimes with indignity, at others with kindness, just as they think proper to advise him: their view is, that, by compelling me to displeasure at such unworthy treatment, they may force me either to relinquish my station, or to join with them, and act by their advice, and appoint creatures of their recommendation to the different offices, from which they might draw profit to themselves." This is followed by another letter, in which he shows who those corrupt men were that had gained the ascendancy over the Nabob's temper, — namely, the eunuchs of Munny Begum: one of them her direct instrument in bribery with Mr. Hastings. What you would expect from such a state of things accordingly happened. Everything in the course of justice was confounded; all official responsibility destroyed; and nothing but a scene of forgery, speculation, and knavery of every kind and description prevailed through the country, and totally disturbed all order and justice in it. He says, "The Begum's ministers, before my arrival, with the advice of their counsellors, caused the Nabob to sign a receipt, in consequence of which they received at two different times near fifty thousand rupees, in the name of the officers of the Adawlut, Foujdarry, &c., from the Company's circar; and having drawn up an account-current in the manner they wished, they got the Nabob to sign it, and then sent it to me." In the same letter he asserts "that these people have the Nabob entirely in their power."

My Lords, you see here Mr. Hastings enabling the corrupt eunuchs of this wicked old woman to draw upon the Company's treasury at their pleasure, under forged papers of the Nabob, for just such moneys as they please, under the name and pretence of giving it to the officers of justice, but which they distribute among themselves as they think fit. This complaint was soon followed by another, and they furnish, first, the strongest presumptive proof of the corrupt motives of Mr.

Hastings; and, secondly, they show the horrible mischievous effects of his conduct upon the country.

In consequence of the first complaint, Mr. Hastings directs this independent Nabob not to concern himself any longer with the Foujdarry. The Nabob, who had before declared that the superintendence of all the offices belonged to him, and was to be executed by himself, or under his orders, instantly obeys Mr. Hastings, and declares he will not interfere in the business of the courts any more. Your Lordships will observe further that the complaint is not against the Nabob, but against the creatures and the menial servants of Munny Begum: and yet it is the Nabob he forbids to interfere in this business; of the others he takes no notice; and this is a strong proof of the corrupt dealings of Mr. Hastings with this woman. When the whole country was fallen into confusion under the administration of this woman, and under her corrupt ministers, men base-born and employed in the basest offices, (the men of the household train of the women of rank in that country are of that description,) he writes to the Nabob again, and himself confesses the mischiefs that had arisen from his corrupt arrangements.

“At your Excellency’s request, I sent Sudder ul Huk Khân to take on him the administration of the affairs of the Adawlut and Foujdarry, and hoped by that means not only to have given satisfaction to your Excellency, but that through his abilities and experience these affairs would have been conducted in such manner as to have secured the peace of the country and the happiness of the people; and it is with the greatest concern I learn that this measure is so far from being attended with the expected advantages, that the affairs both of the Foujdarry and Adawlut are in the greatest confusion imaginable, and daily robberies and murders are perpetrated throughout the country. This is evidently owing to the want of a proper authority in the person appointed to superintend them. I therefore addressed your Excellency on the importance and delicacy of the affairs in question, and of the necessity of lodging full power in the hands of the person chosen to administer them. In reply to which your Excellency expressed sentiments coincident with mine. Notwithstanding which, your dependants and people, actuated by selfish and avaricious views, have by their interference so impeded the business as to throw the whole country into a state of confusion, from which nothing can retrieve it but an unlimited power lodged in the hands of the superintendent. I therefore request that your Excellency will give the strictest injunctions to all your dependants not to interfere in any manner with any matter relative to the affairs of the Adawlut and Foujdarry, and that you will yourself relinquish all interference therein, and leave them entirely to the management of Sudder ul Huk Khân. This is absolutely necessary to restore the country to a state of tranquillity.”

My Lords, what evidence do we produce to your Lordships of the consequences of Mr. Hastings’s corrupt measures? His own. He here gives you the state into which the country was thrown by the criminal interference of the wicked woman

whom he had established in power, totally superseding the regular judicial authority of the country, and throwing everything into confusion. As usual, there is such irregularity in his conduct, and his crimes are so multiplied, that all the contrivances of ingenuity are unable to cover them. Now and then he comes and betrays himself; and here he confesses you his own weakness, and the effects of his own corruption: he had appointed Munny Begum to this office of power, he dare not say a word to her upon her abuse of it, but he lays the whole upon the Nabob. When the Chief-Justice complains that these crimes were the consequence of Munny Begum's interference, and were committed by her creatures, why did he not say to the Nabob, "The Begum must not interfere; the Begum's eunuchs must not interfere"? He dared not: because that woman had concealed all the bribes but one from public notice to gratify him; she and Yatibar Ali Khân, her minister, who had the principal share in this destruction of justice and perversion of all the principal functions of government, had it in their power to discover the whole. Mr. Hastings was obliged, in consequence of that concealment, to support her and to support him. Every evil principle was at work. He bought a mercenary silence to pay the same back to them. It was a wicked silence, the concealment of their common guilt. There was at once a corrupt gratitude operating mutually by a corrupt influence on both, and a corrupt fear influencing the mind of Mr. Hastings, which did not permit him to put an end to this scene of disorder and confusion, bought at the expense of twenty-four thousand pounds a year to the Company. You will hereafter see what use he makes of the evidence of Yatibar Ali Khân, and of this woman, for concealing their guilt.

Your Lordships will observe that the virtuous majority, whose reign was but short, and two of whom died of grief and vexation under the impediments which they met with from the corruptions and oppositions of Mr. Hastings, (their indirect murderer, — for it is well known to the world that their hearts were thus broken,) put their conduct out of all suspicion. For they ordered an exact account to be kept by Mahomed Reza Khân, — though, certainly, if any person in the country could be trusted, he, upon his character, might; but they did not trust him, because they knew the Company did not suffer them to trust any man: they ordered an exact account to be kept by him of the Nabob's expenses, which finally must be the Company's expenses; they ordered the account to be sent down yearly, to be controlled, if necessary, whilst the means of control existed. — What was Mr. Hastings's conduct? He did not give the persons whom he appointed any order to produce any account, though their character and circumstances were such as made an account ten thousand times more necessary from them than from those from whom it had been in former times by the Company strictly exacted. So that his not ordering any account to be given of the money that was to be expended leaves no doubt that the appointment of Munny Begum was in pursuance of his old system of bribery, and that he maintained her in office, to the subversion of public justice, for the purpose of robbing, and of continuing in the practice of robbing, the country.

But though this continued longer than was for the good of the country, yet it did not continue absolutely and relatively long; because the Court of Directors, as soon as they heard of this iniquitous appointment, which glared upon them in all the light of its infamy, immediately wrote the strongest, the most decided, and the most peremptory censure upon him, attributing his acts, every one of them, to the same causes to which I attribute them. As a proof that the Court of Directors saw the thing in the very light in which I represent it to your Lordships, and indeed in which every one must see it, you will find that they reprobate all his idle excuses, — that they reprobate all the actors in the scene, — that they consider everything to have been done, not by the Nabob, but by himself, — that the object of the appointment of Munny Begum was *money*, and that the consequence of that appointment was the robbery of the Nabob's treasury. "We by no means approve your late proceedings, on the application of the Nabob Mobarek ul Dowlah for the removal of the Naib Subahdar. The requisition of Mobarek ul Dowlah was improper and unfriendly; because he must have known that the late appointment of Mahomed Reza Khân to the office of Naib Subahdar had been marked with the Company's special approbation, and that the Court of Directors had assured him of their favor so long as a firm attachment to the Company's interest and a proper discharge of the duties of his station should render him worthy of their protection. We therefore repeat our declaration, that to require the dismissal of a prime-minister thus circumstanced, without producing the smallest proof of his infidelity to the Company, or venturing to charge him with one instance of maladministration in the discharge of his public duty, was improper and inconsistent with the friendship subsisting between the Nabob of Bengal and the Company." And further on they say,— "The Nabob having intimated that he had repeatedly stated the trouble and uneasiness which he had suffered from the naibship of the nizamat being vested in Mahomed Reza Khân, we observe one of the members of your board desired the Nabob's repeated letters on the subject might be read, but this reasonable request was overruled, on a plea of saving the board's time, which we can by no means admit as a sufficient objection. The Nabob's letters of the 25th and 30th August, of the 3d September and 17th November, leave us no doubt of the true design of this extraordinary business being to bring forward Munny Begum, and again to invest her with improper power and influence, notwithstanding our former declaration, that so great a part of the Nabob's allowance had been embezzled or misapplied under her superintendence."

At present I do not think it necessary, because it would be doing more than enough, it would be slaying the slain, to show your Lordships what Mr. Hastings's motives were in acting against the sense of the East India Company, appointed by an act of Parliament to control him, — that he did it for a corrupt purpose, that all his pretences were false and fraudulent, and that he had his own corrupt views in the whole of the proceeding. But in the statement which I have given of this matter, I

beg your Lordships to observe the instruments with which Mr. Hastings acts. The great men of that country, and particularly the Subahdar himself, the Nabob, are and is in so equivocal a situation, that it afforded him two bolting-holes, by which he is enabled to resist the authority of the Company, and exercise an arbitrary authority of his own: for, though the Nabob has the titles of high sovereignty, he is the lowest of all dependants; he appears to be the master of the country, — he is a pensioner of the Company's government.

When Mr. Hastings wants him to obey and answer his corrupt purposes, he finds him in the character of a pensioner: when he wants his authority to support him in opposition to the authority of the Company, immediately he invests him with high sovereign powers, and he dare not execute the orders of the Company for fear of doing some act that will make him odious in the eyes of God and man. We see how he appointed all officers for him, and forbade his interference in all affairs. When the Company see the impropriety and the guilt of these acts, and order him to rescind them, and appoint again Mahomed Reza Khân, he declares he will not, that he cannot do it in justice, but that he will consent to send him the order of the Company, but without backing it with any order of the board: which, supposing even there had been no private communication, was, in other words, commanding him to disobey it. So this poor man, who a short time before was at the feet of Mr. Hastings, whom Mr. Hastings declared to be a pageant, and swore in a court of justice that he was but a pageant, and followed that affidavit with long declarations in Council that he was a pageant in sovereignty, and ought in policy ever to be held out as such, — this man he sets up in opposition to the Company, and refuses to appoint Mahomed Reza Khân to the office which was guarantied to him by the express faith of the Company, pledged to his support. Will any man tell me that this resistance, under such base, though plausible pretences, could spring from any other cause than a resolution of persisting systematically in his course of corruption and bribery through Munny Begum?

But there is another circumstance that puts this in a stronger light. He opposes the Nabob's mock authority to the authority of the Company, and leaves Mahomed Reza Khân unemployed, because, as he says, he cannot in justice execute orders from the Company (though they are his undoubted masters) contrary to the rights of the Nabob. You see what the rights of the Nabob were: the rights of the Nabob were, to be governed by Munny Begum and her scandalous ministers. But, however, we now see him exalted to be an independent sovereign; he defies the Company at the head of their armies and their treasury; that name that makes all India shake was defied by one of its pensioners. My Lords, human greatness is an unstable thing. This man, so suddenly exalted, was as soon depressed; and the manner of his depression is as curious as that of his exaltation by Mr. Hastings, and will tend to show you the man most clearly.

Mr. Francis, whose conduct all along was directed by no other principles than those which were in conformity with the plan adopted by himself and his virtuous colleagues, namely, an entire obedience to the laws of his country, and who constantly had opposed Mr. Hastings, upon principles of honor, and principles of obedience to the authority of the Company under which he acted, had never contended for any one thing, in any way, or in any instance, but obedience to them, and had constantly asserted that Mahomed Reza Khân ought to be put into employment. Mr. Hastings as constantly opposed him; and the reason he gave for it was, that it was against the direct rights of the Nabob, and that they were rights so sacred that they could not be infringed even by the sovereign authority of the Company ordering him to do it. He had so great an aversion to the least subtraction of the Nabob's right, that, though expressly commanded by the Court of Directors, he would not suffer Mahomed Reza Khân to be invested with his office under the Company's authority. The Nabob was too sovereign, too supreme, for him to do it. But such is the fate of human grandeur, that a whimsical event reduced the Nabob to his state of pageant again, and made him the mere subject of — you will see whom. Mr. Hastings found he was so embarrassed by his disobedience to the spirit of the orders of the Company, and by the various wild projects he had formed, as to make it necessary for him, even though he had a majority in the Council, to gain over at any price Mr. Francis. Mr. Francis, frightened by the same miserable situation of affairs, (for this happened at a most dangerous period, — the height of the Mahratta war,) was willing likewise to give up his opposition to Mr. Hastings, to suspend the execution of many rightful things, and to concede them to the public necessity. Accordingly he agreed to terms with Mr. Hastings. But what was the price of that concession? Any base purpose, any desertion of public duty? No: all that he desired of Mr. Hastings was, that he should obey the orders of the Company; and among other acts of the obedience required was this, that Mahomed Reza Khân should be put into his office.

You have heard how Mr. Hastings opposed the order of the Company, and on what account he opposed it. On the 1st of September he sent an order to the Nabob, now become his subject, to give up this office to Mahomed Reza Khân: an act which he had before represented as a dethroning of the Nabob. The order went on the 1st of September, and on the 3d this great and mighty prince, whom all earth could not move from the assertion of his rights, gives them all up, and Mahomed Reza Khân is invested with them. So there all his pretences were gone. It is plain that what had been done before was for Munny Begum, and that what he now gave up was from necessity: and it shows that the Nabob was the meanest of his servants; for in truth he ate his daily bread out of the hands of Mr. Hastings, through Munny Begum.

Mahomed Reza Khân was now invested again with his office; but such was the treachery of Mr. Hastings, that, though he wrote to the Nabob that this was done in

consequence of the orders of the Company, he did clandestinely, according to his usual mode, assure the Nabob that Mahomed Reza Khân should not hold the place longer than till he heard from England. He then wrote him another letter, that he should hold it no longer than while he submitted to his present necessity, (thus giving up to his colleague what he refused to the Company,) and engaged, privately, that he would dismiss Mahomed Reza Khân again. And accordingly, the moment he thought Mr. Francis was not in a condition to give him trouble any longer, that moment he again turned out Mahomed Reza Khân from that general superintendence of affairs which the Company gave him, and deposed him as a minister, leaving him only a very confined authority as a magistrate.

All these changes, no less than four great revolutions, if I may so call them, were made by Mr. Hastings for his own corrupt purposes. This is the manner in which Mr. Hastings has played with the most sacred objects that man ever had a dealing with: with the government, with the justice, with the order, with the dignity, with the nobility of a great country: he played with them to satisfy his own wicked and corrupt purposes through the basest instrument.

Now, my Lords, I have done with these presumptions of corruption with Munny Begum, and have shown that it is not a slight crime, but that it is attended with a breach of public faith, with a breach of his orders, with a breach of the whole English government, and the destruction of the native government, of the police, the order, the safety, the security, and the justice of the country, — and that all these are much concerned in this cause. Therefore the Commons stand before the face of the world, and say, We have brought a cause, a great cause, a cause worthy the Commons of England to prosecute, and worthy the Lords to judge and determine upon.

I have now nothing further to state than what the consequences are of Mr. Hastings taking bribes, — that Mr. Hastings's taking of bribes is not only his own corruption, but the incurable corruption of the whole service. I will show, first, that he was named in 1773 to put an end to that corruption. I will show that he did not, — that he knowingly and willingly connived at it, — and that that connivance was the principal cause of all the disorders that have hitherto prevailed in that country. I will show you that he positively refused to obey the Company's order to inquire into and to correct the corruptions that prevailed in that country; next, that he established an avowed system of connivance, in order to gain over everything that was corrupt in the country; and that, lastly, to secure it, he gave up all the prosecutions, and enervated and took away the sole arm left to the Company for the assertion of authority and the preservation of good morals and purity in their service.

My Lords, here is a letter, in the year 1773, in which the Court of Directors had, upon his own representation, approved some part of his conduct. He is charmed with their approbation; he promises the greatest things; but I believe your Lordships

will see, from the manner in which he proceeds at that very instant, that a more deliberate system, for not only being corrupt himself, but supporting corruption in others, never was exhibited in any public paper.

“While I indulge the pleasure which I receive from the past successes of my endeavors, I own I cannot refrain from looking back with a mixture of anxiety on the omissions by which I am sensible I may since have hazarded the diminution of your esteem. All my letters addressed to your Honorable Court, and to the Secret Committee, repeat the strongest promises of prosecuting the inquiries into the conduct of your servants which you had been pleased to commit particularly to my charge. You will readily perceive that I must have been sincere in those declarations; since it would have argued great indiscretion to have made them, had I foreseen my inability to perform them. I find myself now under the disagreeable necessity of avowing that inability; at the same time I will boldly take upon me to affirm, that, on whomsoever you might have delegated that charge, and by whatever powers it might have been accompanied, it would have been sufficient to occupy the entire attention of those who were intrusted with it, and, even with all the aids of leisure and authority, would have proved ineffectual. I dare appeal to the public records, to the testimony of those who have opportunities of knowing me, and even to the detail which the public voice can report of the past acts of this government, that my time has been neither idly nor uselessly employed: yet such are the cares and embarrassments of this various state, that, although much may be done, much more, even in matters of moment, must necessarily remain neglected. To select from the miscellaneous heap which each day’s exigencies present to our choice those points on which the general welfare of your affairs most essentially depends, to provide expedients for future advantages and guard against probable evils, are all that your administration can faithfully promise to perform for your service with their united labors most diligently exerted. They cannot look back without sacrificing the objects of their immediate duty, which are those of your interests, to endless researches, which can produce no real good, and may expose your affairs to all the ruinous consequences of personal malevolence, both here and at home.”

My Lords, this is the first man, I believe, that ever took credit for his sincerity from his breach of his promises. “I could not,” he says, “have made these promises, if I had not thought that I could perform them. Now I find I cannot perform them, and you have in that non-performance and in that profession a security for my sincerity when I promised them.” Upon this principle, any man who makes a promise has nothing to do afterwards, but to say that he finds himself (without assigning any particular cause for it) unable to perform it, — not only to justify himself for his non-performance, but to justify himself and claim credit for sincerity in his original profession. The charge was given him specially, and he promised obedience, over and over, upon the spot, and in the country, in which he was no novice, for he had been bred in it: it was his native country in one sense, it

was the place of his renewed nativity and regeneration. Yet this very man, as if he was a novice in it, now says, "I promised you what I now find I cannot perform." Nay, what is worse, he declares no man could perform it, if he gave up his whole time to it. And lastly, he says, that the inquiry into these corruptions, even if you succeeded in it, would do more harm than good. Now was there ever an instance of a man so basely deserting a duty, and giving so base a reason for it? His duty was to put an end to corruption in every channel of government. It cannot be done. Why? Because it would expose our affairs to malignity and enmity, and end, perhaps, to our disadvantage. Not only will he connive himself, but he advises the Company to do it. For fear of what? For fear that their service was so abandoned and corrupt, that the display of the evil would tend more to their disreputation than all their attempts to reform it would tend to their service.

Mr. Hastings should naturally have imagined that the law was a resource in this desperate case of bribery. He tells you, that in "that charge of oppression, though they were supported by the cries of the people and the most authentic representations, it is yet impossible in most cases to obtain legal proofs." Here is a system of total despair upon the business, which I hope and believe is not a desperate one, and has not proved a desperate one, whenever a rational attempt has been made to pursue it. Here you find him corrupt, and you find, in consequence of that corruption, that he screens the whole body of corruption in India, and states an absolute despair of any possibility, by any art or address, of putting an end to it. Nay, he tells you, that, if corruption did not exist, if it was not connived at, that the India Company could not exist. Whether that be a truth or not I cannot tell; but this I know, that it is the most horrible picture that ever was made of any country. It might be said that these were excuses for omissions, — sins of omission he calls them. I will show that they were systematic, that Mr. Hastings did uniformly profess that he would connive at abuses, and contend that abuses ought to be connived at. When the whole mystery of the iniquity, in which he himself was deeply concerned, came to light, — when it appeared that all the Company's orders were contravened, — that contracts were given directly contrary to their orders, and upon principles subversive of their government, leading to all manner of oppression and ruin to the country, — what was Mr. Hastings's answer? "I must here remark, that the majority ... I had not the power of establishing it." Then he goes on and states other cases of corruption, at every one of which he winks. Here he states another reason for his connivance. "Suppose again," (for he puts another supposition, and these suppositions are not hypotheses laid down for argument, but real facts then existing before the Council examining into grievances,) — "suppose again, that any person had benefited himself ... unprofitable discussion."

Here is a direct avowal of his refusing to examine into the conduct of persons in the Council, even in the highest departments of government, and the best paid, for fear he should dissatisfy them, and should lose their votes, by discovering those

peculations and corruptions, though he perfectly knew them. Was there ever, since the world began, any man who would dare to avow such sentiments, until driven to the wall? If he could show that he himself abhorred bribes, and kept at a distance from them, then he might say, "I connive at the bribes of others"; but when he acknowledges that he takes bribes, how can you doubt that he buys a corrupt confederacy, and puts an end to any hope through him of reformation of the abuses at Bengal? But your Lordships will see that he not only connived at abuse, but patronized it and supported it for his own political purposes; since he here confesses, that, if inquiry into it created him ill-humor, and produced him an opposition in Council, he sacrificed it to the power of the Company, and the constitution of their government. Did he so? The Company ordered him to prosecute those people, and their constitution required that they should be prosecuted. "No," says Mr. Hastings, "the conniving at it procures a majority of votes." The very thing that he bought was not worth half the price he paid for it. He was sent to reform corruptions, and, in order that he might reform corruptions, he winked at, countenanced, and patronized them, to get a majority of votes; and what was, in fact, a sacrifice to his own interest, ambition, and corruption, he calls a sacrifice to the Company. He puts, then, this alternative: "Either give everything into my hand, suffer me to go on, and have no control, or else I wink at every species of corruption." It is a remarkable and stupendous thing, that, when all the world was alarmed at the disorders of the Company, when that alarm occasioned his being sent out, and when, in consequence of that alarm, Parliament suspended the constitution of the Company, and appointed another government, Mr. Hastings should tell that Company that Parliament had done wrong, and that the person put at the head of that government was to wink at those abuses. Nay, what is more, not only does Mr. Hastings declare, upon general principles, that it was impossible to pursue all the delinquencies of India, and that, if possible to pursue them, mischief would happen from it, but your Lordships will observe that Mr. Hastings, in this business, during the whole period of the administration of that body which was sent out to inquire into and reform the corruptions of India, did not call one person to an account; nor, except Mr. Hastings, this day, has any one been called to an account, or punished for delinquency. Whether he will be punished or no, time will show. I have no doubt of your Lordships' justice, and of the goodness of our cause.

The table of the House of Commons groaned under complaints of the evils growing in India under this systematic connivance of Mr. Hastings. The Directors had set on foot prosecutions, to be conducted God knows how; but, such as they were, they were their only remedy; and they began to consider at last that these prosecutions had taken a long oblivious nap of many years; and at last, knowing that they were likely, in the year 1782, to be called to a strict account about their own conduct, the Court of Directors began to rouse themselves, and they write thus: "Having in several of our letters to you very attentively perused all the proceedings

referred to in these paragraphs, relative to the various forgeries on the Company's treasuries, we lament exceedingly that the parties should have been so long in confinement without being brought to trial."

Here, my Lords, after justice had been asleep awhile, it revived. They directed two things: first, that those suits should be pursued; but whether pursued or not, that an account of the state of them should be given, that they might give orders concerning them.

Your Lordships see the orders of the Company. Did they not want to pursue and to revive those dormant prosecutions? They want to have a state of them, that they may know how to direct the future conduct of them with more effect and vigor than they had yet been pursued with. You will naturally imagine that Mr. Hastings did not obey their orders, or obeyed them languidly. No, he took another part. He says, "Having attentively read and weighed the arguments ... for withdrawing them."

Thus he begins with the general principle of connivance; he directly avows he does it for a political purpose; and when the Company directs he shall proceed in the suits, instead of deferring to their judgment, he takes the judgment on himself, and says theirs is untenable; he directly discharges the prosecutions of the Company, supersedes the authority of his masters, and gives a general release to all the persons who were still suffering by the feeble footsteps of justice in that country. He gave them an act of indemnity, and that was the last of his acts.

Now, when I show the consequence of his bribery, the presumptions that arise from his own bribes, his attention to secure others from the punishment of theirs, and, when ordered to carry on a suit, his discharging it, — when we see all this, can we avoid judging and forming our opinions upon two grand points: first, that no man would proceed in that universal patronage of guilt, unless he was guilty himself; next, that, by a universal connivance for fourteen years, he is himself the cause and mainspring of all the evils, calamities, extortion, and bribery, that have prevailed and ravaged that country for so long a time? There is, indeed, no doubt either of his guilt, or of the consequences of it, by which he has extinguished the last expiring hope and glimpse that remained of procuring a remedy for India of the evils that exist in it.

I would mention, that, as a sort of postscript, when he could no longer put the government into the hands of that infamous woman, Munny Begum, he sent an amorous, sentimental letter to the Company, describing her miserable situation, and advising the Company to give her a pension of seventy-two thousand rupees a year, to maintain her. He describes her situation in such a moving way as must melt every heart. He supposes her to be reduced to want by the cruel orders of the Company, who retain from her money which they were never obliged to give her. This representation, which he makes with as much fairness as he represents himself to be in a state of the most miserable poverty and distress, he alone made to the Company, because his colleagues would not countenance him in it; and we find,

upon looking over Lord Cornwallis's last examination into the whole state of this unhappy family, that this woman was able to lend to Mobarek ul Dowlah twenty thousand pounds. Mr. Hastings, however, could not avoid making this representation; because he knew, that, if he quitted the country without securing that woman, by giving her a hope that she could procure by his credit here that money which by his authority he had before procured for her, she might then make a discovery of all the corruption that had been carried on between them; and therefore he squanders away the treasures of the Company, in order to secure himself from any such detection, and to procure for himself *razinamas* and all those fine things. He knew that Munny Begum, that the whole seraglio, that all the country, whom he had put under the dominion of Sir John D'Oyly, that all those people might have made a discovery of all his corrupt proceedings; he therefore gets the Nabob to appoint Sir John D'Oyly his agent here, with a view of stopping his mouth, and by the hope of another 160,000*l.* a year to prevent his giving an account of the dilapidation and robbery that was made of the 160,000*l.* which had been left him.

I have now finished what I proposed to say relative to his great fund of bribery, in the first instance of it, — namely, the administration of justice in the country. There is another system of bribery which I shall state before my friends produce the evidence. He put up all the great offices of the country to sale; he makes use of the trust he had of the revenues in order to destroy the whole system of those revenues, and to bind them and make them subservient to his system of bribery: and this will make it necessary for your Lordships to couple the consideration of the charge of the revenues, in some instances, with that of bribery.

The next day your Lordships meet (when I hope I shall not detain you so long) I mean to open the second stage of his bribery, the period of discovery: for the first stage was the period of concealment. When he found his bribes could no longer be concealed, he next took upon him to discover them himself, and to take merit from them.

When I shall have opened the second scene of his peculation, and his new principles of it, when you see him either treading in old corruptions, and excelling the examples he imitated, or exhibiting new ones of his own, in which of the two his conduct is the most iniquitous, and attended with most evil to the Company, I must leave your Lordships to judge.

SPEECH ON THE SIXTH ARTICLE OF CHARGE. THIRD DAY: TUESDAY, MAY 5, 1789.

My Lords, — Agreeably to your Lordships' proclamation, which I have just heard, and the duty enjoined me by the House of Commons, I come forward to make good their charge of high crimes and misdemeanors against Warren Hastings, Esquire, late Governor-General of Bengal, and now a prisoner at your bar.

My Lords, since I had last the honor of standing in this place before your Lordships, an event has happened upon which it is difficult to speak and impossible to be silent. My Lords, I have been disavowed by those who sent me here to represent them. My Lords, I have been disavowed in a material part of that engagement which I had pledged myself to this House to perform. My Lords, that disavowal has been followed by a censure. And yet, my Lords, so censured and so disavowed, and by such an authority, I am sent here again, to this the place of my offence, under the same commission, by the same authority, to make good the same charge, against the same delinquent.

My Lords, the situation is new and awful: the situation is such as, I believe, and I am sure, has nothing like it on the records of Parliament, nor, probably, in the history of mankind. My Lords, it is not only new and singular, but, I believe, to many persons, who do not look into the true interior nature of affairs, it may appear that it would be to me as mortifying as it is unprecedented. But, my Lords, I have in this situation, and upon the consideration of all the circumstances, something more to feed my mind with than mere consolation; because, my Lords, I look upon the whole of these circumstances, considered together, as the strongest, the most decisive, and the least equivocal proof which the Commons of Great Britain can give of their sincerity and their zeal in this prosecution. My Lords, is it from a mistaken tenderness or a blind partiality to me, that, thus censured, they have sent me to this place? No, my Lords, it is because they feel, and recognize in their own breasts, that active principle of justice, that zeal for the relief of the people of India, that zeal for the honor of Great Britain, which characterizes me and my excellent associates, that, in spite of any defects, in consequence of that zeal which they applaud, and while they censure its mistakes, and, because they censure its mistakes, do but more applaud, they have sent me to this place, instructed, but not dismayed, to pursue this prosecution against Warren Hastings, Esquire. Your Lordships will therefore be pleased to consider this, as I consider it, not as a thing honorable to me, in the first place, but as honorable to the Commons of Great Britain, in whose honor the national glory is deeply concerned; and I shall suffer myself with pleasure to be sacrificed, perhaps, in what is dearer to me than my life, my reputation, rather than let it be supposed that the Commons should for one

moment have faltered in their duty. I, my Lords, on the one hand, feeling myself supported and encouraged, feeling protection and countenance from this admonition and warning which has been given to me, will show myself, on the other hand, not unworthy so great and distinguished a mark of the favor of the Commons, — a mark of favor not the consequence of flattery, but of opinion. I shall feel animated and encouraged by so noble a reward as I shall always consider the confidence of the Commons to be: the only reward, but a rich reward, which I have received for the toils and labors of a long life.

The Commons, then, thus vindicated, and myself thus encouraged, I shall proceed to make good the charge in which the honor of the Commons, that is, the national honor, is so deeply concerned. For, my Lords, if any circumstance of weakness, if any feebleness of nerve, if any yielding to weak and popular opinions and delusions were to shake us, consider what the situation of this country would be. This prosecution, if weakly conceived, ill digested, or intemperately pursued, ought never to have been brought to your Lordships' bar: but being brought to your Lordships' bar, the nation is committed to it, and the least appearance of uncertainty in our minds would disgrace us forever. *Esto perpetua*, has been said. To the glory of this nation, much more be it said, *Esto perpetua*; and I will say, that, as we have raised and exhibited a theatre of justice which has excited the admiration of all Europe, there would be a sort of lustre in our infamy, and a splendor in the disgrace that we should bring upon ourselves, if we should, just at that moment, turn that theatre of our glory into a spectacle of dishonor beyond what has ever happened to any country of the world.

The Commons of Great Britain, whilst willing to keep a strong and firm hand over all those who represent them in any business, do at the same time encourage them in the prosecution of it, by allowing them a just discretion and latitude wherever their own orders have not marked a distinction. I shall therefore go on with the more cheerful confidence, not only for the reasons that I have stated, but for another and material reason. I know and am satisfied, that, in the nobleness of your judgment, you will always make a distinction between the person that gives the order and the organ that is to execute it. The House of Commons know no such thing as indiscretion, imprudence, or impropriety: it is otherwise with their instruments. Your Lordships very well know, that, if you hear anything that shall appear to you to be regular, apt to bring forward the charge, just, prudent, cogent, you are to give it to the Commons of Great Britain in Parliament assembled; if you should hear from me (and it must be from me alone, and not from any other member of the Committee) anything that is unworthy of that situation, that comes feeble, weak, indigested, or ill-prepared, you are to attribute that to the instrument. Your Lordships' judgment would do this without my saying it. But whilst I claim it on the part of the Commons for their dignity, I claim for myself the necessary indulgence that must be given to all weakness. Your Lordships, then, will impute it

where you would have imputed it without my desire. It is a distinction you would naturally have made, and the rather because what is alleged by us at the bar is not the ground upon which you are to give judgment. If not only I, but the whole body of managers, had made use of any such expressions as I made use of, — even if the Commons of Great Britain in Parliament assembled, if the collective body of Parliament, if the voice of Europe, had used them, — if we had spoken with the tongues of men and angels, you, in the seat of judicature, are not to regard what we say, but what we prove; you are to consider whether the charge is well substantiated, and proof brought out by legal inference and argument. You know, and I am sure the habits of judging which your Lordships have acquired by sitting in judgment must better inform you than any other men, that the duties of life, in order to be well performed, must be methodized, separated, arranged, and harmonized in such a manner that they shall not clash with one another, but each have a department assigned and separated to itself. My Lords, in that manner it is that we, the prosecutors, have nothing to do with the principles which are to guide the judgment, that we have nothing to do with the defence of the prisoner. Your Lordships well know, that, when we come before you, you hear a party; that, when the accused come before you, you hear a party: that it is for you to doubt, and wait till you come to the close, before you decide; that it is for us, the prosecutors, to have decided before we came here. To act as prosecutors, we ought to have no doubt or hesitation, nothing trembling or quivering in our minds upon the occasion. We ought to be fully convinced of guilt, before we come to you. It is, then, our business to bring forward the proofs, — to enforce them with all the clearness, illustration, example, that we can bring forward, — that we are to show the circumstances that can aggravate the guilt, — that we are to go further, show the mischievous consequences and tendency of those crimes to society, — and that we are, if able so to do, to arouse and awaken in the minds of all that hear us those generous and noble sympathies which Providence has planted in the breasts of all men, to be the true guardians of the common rights of humanity. Your Lordships know that this is the duty of the prosecutors, and that therefore we are not to consider the defence of the party, which is wisely and properly left to himself; but we are to press the accusation with all the energy of which it is capable, and to come with minds perfectly convinced before an august and awful tribunal which at once tries the accuser and the accused.

Having stated thus much with respect to the Commons, I am to read to your Lordships the resolution which the Commons have come to upon this great occasion, and upon which I shall take the liberty to say a very few words.

My Lords, the Commons have resolved last night, and I did not see the resolution till this morning, “that no direction or authority was given by this House to the committee appointed to manage the impeachment against Warren Hastings, Esquire, to make any charge or allegation against the said Warren Hastings

respecting the condemnation or execution of Nundcomar; and that the words spoken by the Right Honorable Edmund Burke, one of the said managers, *videlicet*, that he (meaning Mr. Hastings) murdered that man (meaning Nundcomar) by the hands of Sir Elijah Impey, ought not to have been spoken.”

My Lords, this is the resolution of the House of Commons. Your Lordships well know and remember my having used such or similar words, and the end and purpose for which I used them. I owe a few words of explanation to the Commons of Great Britain, who attend in a committee of the whole House to be the observers and spectators of my conduct. I owe it to your Lordships, I owe it to this great auditory, I owe it to the present times and to posterity, to make some apology for a proceeding which has drawn upon me the disavowal of the House which I represent. Your Lordships will remember that this charge which I have opened to your Lordships is primarily a charge founded upon the evidence of the Rajah Nundcomar; and consequently I thought myself obliged, I thought it a part of my duty, to support the credit of that person, who is the principal evidence to support the direct charge that is brought before your Lordships. I knew that Mr. Hastings, in his anticipated defence before the House of Commons, had attempted to shake the credit of that witness. I therefore thought myself justified in informing your Lordships, and in warning him, that, if he did attempt to shake the credit of an important witness against him by an allegation of his having been condemned and executed for a forgery, I would endeavor to support his credit by attacking that very prosecution which brought on that condemnation and that execution; and that I did consider it, and would lay grounds before your Lordships to prove it, to be a murder committed, instead of a justification set up, or that ought to be set up.

Now, my Lords, I am ordered by the Commons no longer to persist in that declaration; and I, who know nothing in this place, and ought to know nothing in this place, but obedience to the Commons, do mean, when Mr. Hastings makes that objection (if he shall be advised to make it) against the credit of Rajah Nundcomar, not thus to support that credit; and therefore that objection to the credit of the witness must go unrefuted by me. My Lords, I must admit, perhaps against my private judgment, (but that is of no consideration for your Lordships, when opposed to the judgment of the House of Commons,) or, at least, not contest, that a first minister of state, in a great kingdom, who had the benefit of the administration, and of the entire and absolute command of a revenue of fifteen hundred thousand pounds a year, had been guilty of a paltry forgery in Calcutta; that this man, who had been guilty of this paltry forgery, had waited for his sentence and his punishment, till a body of English judges, armed with an English statute, came to Calcutta; and that this happened at the very happy nick and moment when he was accusing Mr. Hastings of the bribery with which we now in the name of the Commons charge him; that it was owing to an entirely fortuitous concurrence of circumstances, in which Mr. Hastings had no share, or that it was owing to

something beyond this, something that is rather pious than fortuitous, namely, that, as Mr. Hastings tells you himself, “all persuasions of men were impressed with a superstitious belief that a fortunate influence directed all my actions to their destined ends.” I, not being at that time infected with the superstition, and considering what I thought Mr. Hastings’s guilt to be, and what I must prove it to be as well as I can, did not believe that Providence did watch over Mr. Hastings, so as in the nick of time, like a god in a machine, to come down to save him in the moment of his imminent peril and distress: I did not think so, but I must not say so.

But now, to show that it was not weakly, loosely, or idly, that I took up this business, or that I anticipated a defence which it was not probable for Mr. Hastings to make, (and I wish to speak to your Lordships in the first instance, but to the Commons in the next,) I will read part of Mr. Hastings’s defence before the House of Commons: it is in evidence before your Lordships. He says,— “My accuser” (meaning myself, then acting as a private member of Parliament) “charges me with ‘the receipt of large sums of money, corruptly taken before the promulgation of the Regulating Act of 1773, contrary to my covenants with the Company, and with the receipt of very large sums taken since, in defiance of that law, and contrary to my declared sense of its provisions.’ And he ushers in this charge in the following pompous diction: ‘That in March, 1775, the late Rajah Nundcomar, a native Hindoo of the highest caste in his religion, and of the highest rank in society, by the offices which he had held under the country government, did lay before the Council an account of various sums of money,’ &c. It would naturally strike every person ignorant of the character of Nundcomar, that an accusation made by a person of the highest caste in his religion and of the highest rank by his offices demanded particular notice, and acquired a considerable degree of credit, from a prevalent association of ideas that a nice sense of honor is connected with an elevated rank of life: but when this honorable House is informed that my accuser knew (though he suppressed the facts) that this person, of high rank and high caste, had forfeited every pretension to honor, veracity, and credit, — that there are facts recorded on the very Proceedings which my accuser partially quotes, proving this man to have been guilty of a most flagrant forgery of letters from Munny Begum and the Nabob Yeteram ul Dowlah, (independent of the forgery for which he suffered death,) of the most deliberate treachery to the state, for which he was confined, by the orders of the Court of Directors, to the limits of the town of Calcutta, in order to prevent his dangerous intrigues, and of having violated every principle of common honesty in private life, — I say, when this honorable House is acquainted it is from mutilated and garbled assertions, founded on the testimony of such an evidence, without the whole matter being fairly stated, I do hope and trust it will be sufficient for them to reject *now* these vague and unsupported charges, in like manner as they were *before* rejected by the Court of Directors and his Majesty’s ministers, when they were first made by General Clavering, Colonel Monson, and Mr. Francis. — I

must here interrupt the course of my defence to explain on what grounds I employed or had any connection with a man of so flagitious a character as Nundcomar.”

My Lords, I hope this was a good and reasonable ground for me to anticipate the defence which Mr. Hastings would make in this House, — namely, on the known, recognized, infamous character of Nundcomar, with regard to certain proceedings there charged at large, with regard to one forgery for which he suffered and two other forgeries with which Mr. Hastings charged him. I, who found that the Commons of Great Britain had received that very identical charge of Nundcomar, and given it to me in trust to make it good, did naturally, I hope excusably, (for that is the only ground upon which I stand,) endeavor to support that credit upon which the House acted. I hope I did so; and I hope that the goodness of that intention may excuse me, if I went a little too far on that occasion. I would have endeavored to support that credit, which it was much Mr. Hastings’s interest to shake, and which he had before attempted to shake.

Your Lordships will have the goodness to suppose me now making my apology, and by no manner of means intending to persist either in this, or in anything which the House of Commons shall desire me not to declare in their name. But the House of Commons has not denied me the liberty to make you this just apology: God forbid they should! for they would be guilty of great injustice, if they did. The House of Commons, whom I represent, will likewise excuse me, their representative, whilst I have been endeavoring to support their characters in the face of the world, and to make an apology, and only an humble apology, for my conduct, for having considered that act in the light that I represented it, — and which I did merely from my private opinion, without any formal instruction from the House. For there is no doubt that the House is perfectly right, inasmuch as the House did neither formally instruct me nor at all forbid my making use of such an argument; and therefore I have given your Lordships the reason why it was fit to make use of such argument, — if it was right to make use of it. I am in the memory of your Lordships that I did conceive it to be relevant, and it was by the poverty of the language I was led to express my private feelings under the name of a *murder*. For, if the language had furnished me, under the impression of those feelings, with a word sufficient to convey the complicated atrocity of that act, as I felt it in my mind, I would not have made use of the word *murder*. It was on account of the language furnishing me with no other I was obliged to use that word. Your Lordships do not imagine, I hope, that I used that word in any other than a moral and popular sense, or that I used it in the legal and technical sense of the word *murder*. Your Lordships know that I could not bring before this bar any commoner of Great Britain on a charge for murder. I am not so ignorant of the laws and constitution of my country. I expressed an act which I conceived to be of an atrocious and evil nature, and

partaking of some of the moral evil consequences of that crime. What led me into that error? Nine years' meditation upon that subject.

My Lords, the prisoner at the bar in the year 1780 sent a petition to the House of Commons complaining of that very chief-justice, Sir Elijah Impey. The House of Commons, who then had some trust in me, as they have some trust still, did order me, along with persons more wise and judicious than myself, several of whom stand near me, to make an inquiry into the state of the justice of that country. The consequence of that inquiry was, that we began to conceive a very bad opinion both of the complainant and defendant in that business, — that we found the English justice to be, as we thought it, and reported it to the House, a grievance, instead of a redress, to the people of India. I could bring before your Lordships, if I did not spare your patience, whole volumes of reports, whole bodies of evidence, which, in the progress we have made in the course of eight or nine years, brought to my mind such a conviction as will never be torn from my heart but with my life; and I should have no heart that was fit to lodge any honest sentiment, if I departed from my opinion upon that occasion. But when I declare my own firm opinion upon it, — when I declare the reasons that led me to it, — when I mention the long meditation that preceded my founding a judgment upon it, the strict inquiry, the many hours and days spent in consideration, collation, and comparison, — I trust that infirmity which could be actuated by no malice to one party or the other may be excused; I trust that I shall meet with this indulgence, when your Lordships consider, that, as far as you know me, as far as my public services for many years account for me, I am a man of a slow, laborious, inquisitive temper, that I do seldom leave a pursuit without leaving marks, perhaps of my weakness, but leaving marks of that labor, and that, in consequence of that labor, I made that affirmation, and thought the nature of the cause obliged me to support and substantiate it. It is true that those who sent me here have sagacity to decide upon the subject in a week; they can in one week discover the errors of my labors for nine years.

Now that I have made this apology to you, I assure you, you shall never hear me, either in my own name here, much less in the name of the Commons, urge one thing to you in support of the credit of Nundcomar grounded upon that judgment, until the House shall instruct and order me otherwise; because I know, that, when I can discover their sentiments, I ought to know nothing here but what is in strict and literal obedience to them.

My Lords, another thing might make me, perhaps, a little willing to be admitted to the proof of what I advanced, and that is, the very answer of Mr. Hastings to this charge, which the House of Commons, however, have adopted, and therefore in some degree purified. “To the malicious part of this charge, which is the condemnation of Nundcomar for a forgery, I do declare, in the most solemn and unreserved manner, that I had no concern, either directly or indirectly, in the apprehending, prosecuting, or executing of Nundcomar. He suffered for a crime of

forgery which he had committed in a private trust that was delegated to him, and for which he had been prosecuted in the dewanny courts of the country before the institution of the Supreme Court of Judicature. To adduce this circumstance, therefore, as a confirmation of what was before suspicious from his general depravity of character, is just as reasonable as to assert that the accusations of Empson and Dudley were confirmed because they suffered death for their atrocious acts.”

My Lords, this was Mr. Hastings’s defence before the House of Commons, and it is now in evidence before your Lordships. In this defence, he supposes the charge which was made originally before the Commons, and which the Commons voted, (though afterwards, for the convenience of shortening it, the affair was brought before your Lordships in the way in which it is,) — he supposes, I say, the whole to proceed from a malicious intention; and I hope your Lordships will not think, and I hope the Commons, reconsidering this matter, will not think, that, when such an imputation of malice was made for the purpose of repelling this corroborating argument which was used in the House of Commons to prove his guilt, I was wrong in attempting to support the House of Commons against his imputation of malice.

I must observe where I am limited and where I am not. I am limited, strictly, fully, (and your Lordships and my country, who hear me, will judge how faithfully I shall adhere to that limitation,) not to support the credit of Nundcomar by any allegation against Mr. Hastings respecting his condemnation or execution; but I am not at all limited from endeavoring to support his credit against Mr. Hastings’s charges of other forgeries, and from showing you, what I hope to show you clearly in a few words, that Nundcomar cannot be presumed guilty of forgery with more probability than Mr. Hastings is guilty of bringing forward a light and dangerous (for I use no other words than a light and dangerous) charge of forgery, when it serves his purpose. Mr. Hastings charges Nundcomar with two other forgeries. “These two forgeries,” he says, “are facts recorded in the very Proceedings which my accuser partially quotes, proving this man to have been guilty of a most flagrant forgery of a letter from Munny Begum, and of a letter from the Nabob Yeteram ul Dowlah”; and therefore he infers malice in those who impute anything improper to him, knowing that the proof stood so. Here he asserts that there are records before the House of Commons, and on the Company’s Proceedings and Consultations, proving Nundcomar to have been guilty of these two forgeries. Turn over the next page of his printed defence, and you find a very extraordinary thing. You would have imagined that this forgery of a letter from Munny Begum, which, he says, is recognized and proved on the Journals, was a forgery charged by Munny Begum herself, or by somebody on her part, or some person concerned in this business. There is no other charge of it whatever, but the charge of Warren Hastings himself. He wants you to discredit a man for forgery upon no evidence under heaven but that of his own, who thinks proper, without any sort of authority, without any sort of

reference, without any sort of collateral evidence, to charge a man with that very direct forgery. "You are," he says, "well informed of the reasons which first induced me to give any share of my confidence to Nundcomar, with whose character I was acquainted by an experience of many years. The means which he himself took to acquire it were peculiar to himself. He sent a messenger to me at Madras, on the first news of my appointment to this Presidency, with pretended letters from Munny Begum and the Nabob Yeteram ul Dowlah, the brother of the Nabob Jaffier Ali Khân, filled with bitter invectives against Mahomed Reza Khân, and of as warm recommendations, as I recollect, of Nundcomar. I have been since informed by the Begum that the letter which bore her seal was a complete forgery, and that she was totally unacquainted with the use which had been made of her name till I informed her of it. Juggut Chund, Nundcomar's son-in-law, was sent to her expressly to entreat her not to divulge it. Mr. Middleton, whom she consulted on the occasion, can attest the truth of this story."

Mr. Middleton is dead, my Lords. This is not the Mr. Middleton whom your Lordships have heard and know well in this House, but a brother of that Mr. Middleton, who is since dead. Your Lordships find, when we refer to the records of the Company for the proof of this forgery, that there is no other than the unsupported assertion of Mr. Hastings himself that he was guilty of it. Now that was bad enough; but then hear the rest. Mr. Hastings has charged this unhappy man, whom we must not defend, with another forgery; he has charged him with a forgery of a letter from Yeteram ul Dowlah to Mr. Hastings. Now you would imagine that he would have given his own authority at least for that assertion, which he says was proved. He goes on and says, "I have not yet had the curiosity to inquire of the Nabob Yeteram ul Dowlah whether his letter was of the same stamp; but I cannot doubt it."

Now here he begins, in this very defence which is before your Lordships, to charge a forgery upon the credit of Munny Begum, without supporting it even by his own testimony, — and another forgery in the name of Yeteram ul Dowlah, which he said he had not even the curiosity to inquire into, and yet desires you, at the same time, to believe it to be proved. Good God! in what condition do men of the first character and situation in that country stand, when we have here delivered to us, as a record of the Company, Mr. Hastings's own assertions, saying that these forgeries were proved, though you have for the first nothing but his own unsupported assertion, and for the second his declaration only that he had not the curiosity to inquire into it! I am not forbidden by the Commons to state how and on what slight grounds Warren Hastings charges the natives of the country with forgery; neither am I forbidden to bring forward the accusation which Mr. Hastings made against Nundcomar for a conspiracy, nor the event of it, nor any circumstance relative to it. I shall therefore proceed in the best manner I can. There was a period, among the revolutions of philosophy, when there was an opinion, that, if a man lost

one limb or organ, the strength of that which was lost retired into what was left. My Lords, if we are straitened in this, then our vigor will be redoubled in the rest, and we shall use it with double force. If the top and point of the sword is broken off, we shall take the hilt in our hand, and fight with whatever remains of the weapon against bribery, corruption, and peculation; and we shall use double diligence under any restraint which the wisdom of the Commons may lay upon us, or your Lordships' wisdom may oblige us to submit to.

Having gone through this business, and shown in what manner I am restrained, where I am not to repel Mr. Hastings's defence, and where I am left at large to do it, I shall submit to the strict injunction with the utmost possible humility, and enjoy the liberty which is left to me with vigor, with propriety, and with discretion, I trust.

My Lords, when the circumstance happened which has given occasion to the long parenthesis by which my discourse has been interrupted, I remember I was beginning to open to your Lordships the second period of Mr. Hastings's scheme and system of bribery. My Lords, his bribery is so extensive, and has had such a variety in it, that it must be distinguished not only with regard to its kind, but must be likewise distinguished according to the periods of bribery and the epochas of peculation committed by him. In the first of those periods we shall prove to your Lordships, I believe, without the aids that we hoped for, (your Lordships allowing, as I trust you will do, a good deal for our situation,) — we shall be able, I say, to prove that Mr. Hastings took, as a bribe for appointing Munny Begum, three lac and an half of rupees; we shall prove the taking at the same time the Rajeshaye bribes. Mr. Hastings at that time followed bribery in a natural manner: he took a bribe; he took it as large as he could; he concealed it as well as he could; and he got out of it by artifice or boldness, by use of trick or use of power, just as he was enabled: he acted like a wild, natural man, void of instruction, discipline, and art.

The second period opened another system of bribery. About this time he began to think (from what communication your Lordships may guess) of other means by which, when he could no longer conceal any bribe that he had received, he not only might exempt himself from the charge and the punishment of guilt, but might convert it into a kind of merit, and, instead of a breaker of laws, a violator of his trust, a receiver of scandalous bribes, a peculator of the first magnitude, might make himself to be considered as a great, distinguishing, eminent financier, a collector of revenue in new and extraordinary ways, and that we should thus at once praise his diligence, industry, and ingenuity. The scheme he set on foot was this: he pretended that the Company could not exist upon principles of strict justice, (for so he expresses it,) and that their affairs, in many cases, could not be so well accommodated by a regular revenue as by privately taking money, which was to be applied to their service by the person who took it, at his discretion. This was the principle he laid down. It would hardly be believed, I imagine, unless strong proof

appeared, that any man could be so daring as to hold up such a resource to a regular government, which had three million of known, avowed, a great part of it territorial, revenue. But it is necessary, it seems, to piece out the lion's skin with a fox's tail, — to tack on a little piece of bribery and a little piece of peculation, in order to help out the resources of a great and flourishing state; that they should have in the knavery of their servants, in the breach of their laws, and in the entire defiance of their covenants, a real resource applicable to their necessities, of which they were not to judge, but the persons who were to take the bribes; and that the bribes thus taken were, by a mental reservation, a private intention in the mind of the taker, unknown to the giver, to be some time or other, in some way or other, applied to the public service. The taking such bribes was to become a justifiable act, in consequence of that reservation in the mind of the person who took them; and he was not to be called to account for them in any other way than as he thought fit.

My Lords, an act of Parliament passed in the year 1773, the whole drift of which, I may say, was to prevent bribery, peculation, and extortion in the Company's servants; and the act was penned, I think, with as much strictness and rigor as ever act was penned. The 24th clause of Cha, 13 Geo. III., has the following enactment: "And be it further enacted by the authority aforesaid, that, from and after the first day of August, 1774, no person holding or exercising any civil or military office under the crown, or the said United Company, in the East Indies, shall accept, receive, or take, directly or indirectly, by himself, or any other person or persons on his behalf, or for his use or benefit, of and from any of the Indian princes or powers, or their ministers or agents, or any of the natives of Asia, any present, gift, donation, gratuity, or reward, pecuniary or otherwise, upon any account, or on any pretence whatsoever, or any promise or engagement for any present, gift, donation, gratuity, or reward: and if any person, holding or exercising any such civil or military office, shall be guilty of any such offence, and shall be thereof legally convicted," &c., &c. It then imposes the penalties: and your Lordships see that human wisdom cannot pen an act more strongly directed against taking bribes upon any pretence whatever.

This act of Parliament was in affirmance of the covenant entered into by the servants of the Company, and of the explicit orders of the Company, which forbid any person whatever in trust, "directly or indirectly, to accept, take, or receive, or agree to accept, take, or receive, any gift, reward, gratuity, allowance, donation, or compensation, in money, effects, jewels, *or otherwise howsoever*, from any of the Indian princes, sovereigns, subahs, or nabobs, or any of their ministers, servants, or agents, exceeding the value of four thousand rupees, &c., &c. And that he, the said Warren Hastings, shall and will convey, assign, and make over to the said United Company, for their sole and proper use and benefit, all and every such gifts, rewards, gratuities, allowances, donations, or compensations whatsoever, which, contrary to the true intent and meaning of these presents, shall come into the hands,

possession, or power of the said Warren Hastings, or any other person or persons in trust for him or for his use.”

The nature of the covenant, the act of Parliament, and the Company’s orders are clear. First, they have not forbidden their Governor-General, nor any of their Governors, to take and accept from the princes of the country, openly and publicly, for their use, any territories, lands, sums of money, or other donations, which may be offered in consequence of treaty or otherwise. It was necessary to distinguish this from every other species of acceptance, because many occasions occurred in which fines were paid to the Company in consequence of treaties; and it was necessary to authorize the receipt of the same in the Company’s treasury, as an open and known proceeding. It was never dreamed that this should justify the taking of bribes, privately and clandestinely, by the Governor, or any other servant of the Company, for the purpose of its future application to the Company’s use. It is declared that all such bribes and money received should be the property of the Company. And why? As a means of recovering them out of the corrupt hands that had taken them. And therefore this was not a license for bribery, but a prohibitory and penal clause, providing the means of coercion, and making the prohibition stronger. Now Mr. Hastings has found out that this very coercive clause, which was made in order to enable his superiors to get at him and punish him for bribery, is a license for him to receive bribes. He is not only a practitioner of bribery, but a professor, a doctor upon the subject. His opinion is, that he might take presents or bribes to himself; he considers the penal clause which the Company attached to their prohibition, and by which all such bribes are constructively declared to be theirs, in order to recover them out of his hands, as a license to receive bribes, to extort money; and he goes with the very prohibition in his hand, the very means by which he was to be restrained, to exercise an unlimited bribery, speculation, and extortion over the unhappy natives of the country.

The moment he finds that the Company has got a scent of any one of his bribes, he comes forward and says, “To be sure, I took it as a bribe; I admit the party gave me it as a bribe: I concealed it for a time, because I thought it was for the interest of the Company to conceal it; but I had a secret intention, in my own mind, of applying it to their service: you shall have it; but you shall have it as I please, and when I please; and this bribe becomes sanctified the moment I think fit to apply it to your service.” Now can it be supposed that the India Company, or that the act of Parliament, meant, by declaring that the property taken by a corrupt servant, contrary to the true intent of his covenant, was theirs, to give a license to take such property, — and that one mode of obtaining a revenue was by the breach of the very covenants which were meant to prevent extortion, speculation, and corruption? What sort of body is the India Company, which, coming to the verge of bankruptcy by the robbery of half the world, is afterwards to subsist upon the alms of speculation and bribery, to have its strength recruited by the violation of the

covenants imposed upon its own servants? It is an odd sort of body to be so fed and so supported. This new constitution of revenue that he has made is indeed a very singular contrivance. It is a revenue to be collected by any officer of the Company, (for they are all alike forbidden, and all alike permitted,) — to be collected by any person, from any person, at any time, in any proportion, by any means, and in any way he pleases; and to be accounted for, or not to be accounted for, at the pleasure of the collector, and, if applied to their use, to be applied at his discretion, and not at the discretion of his employers. I will venture to say that such a system of revenue never was before thought of. The next part is an exchequer, which he has formed, corresponding with it. You will find the board of exchequer made up of officers ostensibly in the Company's service, of their public accountant and public treasurer, whom Mr. Hastings uses as an accountant and treasurer of bribes, accountable, not to the Company, but to himself, acting in no public manner, and never acting but upon his requisition, concealing all his frauds and artifices to prevent detection and discovery. In short, it is an exchequer in which, if I may be permitted to repeat the words I made use of on a former occasion, extortion is the assessor, in which fraud is the treasurer, confusion the accountant, oblivion the remembrancer. That these are not mere words, I will exemplify as I go through the detail: I will show you that every one of the things I have stated are truths, in fact, and that these men are bound by the condition of their recognized fidelity to Mr. Hastings to keep back his secrets, to change the accounts, to alter the items, to make him debtor or creditor at pleasure, and by that means to throw the whole system of the Company's accounts into confusion.

I have shown the impossibility of the Company's having intended to authorize such a revenue, much less such a constitution of it as Mr. Hastings has drawn from the very prohibitions of bribery, and such an exchequer as he has formed upon the principles I have stated. You will not dishonor the legislature or the Company, be it what it may, by thinking that either of them could give any sanction to it. Indeed, you will not think that such a device could ever enter into the head of any rational man. You are, then, to judge whether it is not a device to cover guilt, to prevent detection by destroying the means of it; and at the same time your Lordships will judge whether the evidence we bring you to prove that revenue is a mere pretext be not stronger than the strange, absurd reasons which he has produced for forming this new plan of an exchequer of bribery.

My Lords, I am now going to read to you a letter in which Mr. Hastings declares his opinion upon the operation of the act, which he now has found the means, as he thinks, of evading. My Lords, I will tell you, to save you a good deal of reading, that there was certain prize-money given by Sujah ul Dowlah to a body of the Company's troops serving in the field, — that this prize-money was to be distributed among them; but upon application being made to Mr. Hastings for his opinion and sanction in the distribution, Mr. Hastings at first seemed inclined to

give way to it, but afterwards, upon reading and considering the act of Parliament, before he allowed the soldiery to receive this public donation, he thus describes his opinion of the operation of the act.

Extract of a Letter from Mr. Hastings to Colonel Champion, 31 August, 1774.

“Upon a reference to the new act of Parliament, I was much disappointed and sorry to find that our intentions were entirely defeated by a clause in the act, (to be in force after the 1st of August, 1774,) which divests us of the power to grant, and expressly prohibits the army to receive, the Nabob’s intended donation. Agreeable to the positive sense of this clause, notwithstanding it is expressed individually, there is not a doubt but the army is included with all other persons in the prohibition from receiving presents or donations; a confirmation of which is, that in the clause of exceptions, wherein ‘counsellors-at-law, physicians, surgeons, and chaplains are permitted to receive the fees annexed to their profession,’ no mention whatever is made of any latitude given to the army, or any circumstances wherein it would be allowable for them to receive presents.... This unlucky discovery of an exclusion by act of Parliament, which admits of no abatement or evasion wherever its authority extends, renders a revisal of our proceedings necessary, and leaves no option to our decision. It is not like the ordinances of the Court of Directors, where a favorable construction may be put, and some room is left for the interposition of the authority vested in ourselves, — but positive and decisive, admitting neither of refinement nor misconstruction. I should be happy, if in this instance a method could be devised of setting the act aside, which I should most willingly embrace; but, in my opinion, an opposition would be to incur the penalty.”

Your Lordships see, Mr. Hastings considered this act to be a most unlucky discovery: indeed, as long as it remained in force, it would have been unlucky for him, because it would have destroyed one of the principal sources of his illegal profits. Why does he consider it unlucky? Because it admits of no reservation, no exception, no refinement whatever, but is clear, positive, decisive. Now in what case was it that Mr. Hastings made this determination? In the case of a donation publicly offered to an army serving in the field by a prince then independent of the Company. If ever there was a circumstance in which any refinement, any favorable construction of the act could be used, it was in favor of a body of men serving in the field, fighting for their country, spilling their blood for it, suffering all the inconveniences of that climate. It was undoubtedly voluntarily offered to them by the party, in the height of victory, and enriched by the plunder of whole provinces. I believe your Lordships will agree with me, that, if any relaxation, any evasion, of an act of Parliament could be allowed, if the intention of the legislature could for a moment be trifled with, or supposed for a moment doubtful, it was in this instance;

and yet, upon the rigor of the act, Mr. Hastings refuses that army the price of their blood, money won solely almost by their arms for a prince who had acquired millions by their bravery, fidelity, and sufferings. This was the case in which Mr. Hastings refused a public donation to the army; and from that day to this they have never received it.

If the receipt of this public donation could be thus forbidden, whence has Mr. Hastings since learned that he may privately take money, and take it not only from princes, and persons in power, and abounding in wealth, but, as we shall prove, from persons in a comparative degree of penury and distress? that he could take it from persons in office and trust, whose power gave them the means of ruining the people for the purpose of enabling themselves to pay it? Consider in what a situation the Company must be, if the Governor-General can form such a secret exchequer of direct bribes, given *eo nomine* as bribes, and accepted as such, by the parties concerned in the transaction, to be discovered only by himself, and with only the inward reservation that I have spoken of.

In the first place, if Mr. Hastings should die without having made a discovery of all his bribes, or if any other servant of the Company should imitate his example without his heroic good intentions in doing such villanous acts, how is the Company to recover the bribe-money? The receivers need not divulge it till they think fit; and the moment an informer comes, that informer is ruined. He comes, for instance, to the Governor-General and Council, and charges, say, not Mr. Hastings, but the head of the Board of Revenue, with receiving a bribe. "Receive a bribe? So I did; but it was with an intention of applying it to the Company's service. There I nick the informer: I am beforehand with him: the bribe is sanctified by my inward jesuitical intention. I will make a merit of it with the Company. I have received 40,000*l.* as a bribe; there it is for you: I am acquitted; I am a meritorious servant: let the informer go and seek his remedy as he can." Now, if an informer is once instructed that a person who receives bribes can turn them into merit, and take away his action from him, do you think that you ever will or can discover any one bribe? But what is still worse, by this method disclose but one bribe, and you secure all the rest that you possibly can receive upon any occasion. For instance, strong report prevails that a bribe of 40,000*l.* has been given, and the receiver expects that information will be laid against him. He acknowledges that he has received a bribe of 40,000*l.*, but says that it was for the service of the Company, and that it is carried to their account. And thus, by stating that he has taken some money which he has accounted for, but concealing from whom that money came, which is exactly Mr. Hastings's case, if at last an information should be laid before the Company of a specific bribe having been received of 40,000*l.*, it is said by the receiver, "Lord! this is the 40,000*l.* I told you of: it is broken into fragments, paid by instalments; and you have taken it and put it into your own coffers."

Again, suppose him to take it through the hand of an agent, such as Gunga Govind Sing, and that this agent, who, as we have lately discovered, out of a bribe of 40,000*l.*, which Mr. Hastings was to have received, kept back half of it, falls into their debt like him: I desire to know what the Company can do in such a case. Gunga Govind Sing has entered into no covenants with the Company. There is no trace of his having this money, except what Mr. Hastings chooses to tell. If he is called upon to refund it to the Company, he may say he never received it, that he was never ordered to extort this money from the people; or if he was under any covenant not to take money, he may set up this defence: "I am forbidden to receive money; and I will not make a declaration which will subject me to penalties": or he may say in India, before the Supreme Court, "I have paid the bribe all to Mr. Hastings"; and then there must be a bill and suit there, a bill and suit here, and by that means, having one party on one side the water and the other party on the other, the Company may never come to a discovery of it. And that in fact this is the way in which one of his great bribe-agents has acted I shall prove to your Lordships by evidence.

Mr. Hastings had squeezed out of a miserable country a bribe of 40,000*l.*, of which he was enabled to bring to the account of the Company only 20,000*l.*, and of which we should not even have known the existence, if the inquiries pursued with great diligence by the House of Commons had not extorted the discovery: and even now that we know the fact, we can never get at the money; the Company can never receive it; and before the House had squeezed out of him that some such money had been received, he never once told the Court of Directors that his black bribe-agent, whom he recommended to their service, had cheated both them and him of 20,000*l.* out of the fund of the bribe-revenue. If it be asked, Where is the record of this? Record there is none. In what office is it entered? It is entered in no office; it is mentioned as privately received for the Company's benefit: and you shall now further see what a charming office of receipt and account this new exchequer of Mr. Hastings's is.

For there is another and a more serious circumstance attending this business. Every one knows, that, by the law of this, and, I believe, of every country, any money which is taken illegally from any person, as every bribe or sum of money extorted or paid without consideration is, belongs to the person who paid it, and he may bring his action for it, and recover it. Then see how the Company stands. The Company receives a bribe of 40,000*l.* by Mr. Hastings; it is carried to its account; it turns bribery into a revenue; it sanctifies it. In the mean time, the man from whom this money is illegally taken sues Mr. Hastings. Must not he recover of Mr. Hastings? Then, if so, must not Mr. Hastings recover it again from the Company? The Company undoubtedly is answerable for it. And here is a revenue which every man who has paid it may drag out of the treasury again. Mr. Hastings's donations of his bribes to the treasury are liable to be torn from it at pleasure by every man who

gives the money. First it may be torn from him who receives it; and then he may recover it from the treasury, to which he has given it.

But admitting that the taking of bribes can be sanctified by their becoming the property of the Company, it may still be asked, For what end and purpose has the Company covenanted with Mr. Hastings that money taken extorsively shall belong to the Company? Is it that satisfaction and reparation may be awarded against the said Warren Hastings to the said Company for their own benefit? No: it is for the benefit of the injured persons; and it is to be carried to the Company's account, "but in trust, nevertheless, and to the intent that the said Company may and do render and pay over the moneys received or recovered by them to the parties injured or defrauded, which the said Company accordingly hereby agree and covenant to do." Now here is a revenue to be received by Mr. Hastings for the Company's use, applied at his discretion to that use, and which the Company has previously covenanted to restore to the persons that are injured and damaged. This is a revenue which is to be torn away by the action of any person, — a revenue which they must return back to the person complaining, as they in justice ought to do: for no nation ever avowed making a revenue out of bribery and peculation. They are, then, to restore it back again. But how can they restore it? Mr. Hastings has applied it: he has given it in presents to princes, — laid it out in budgeros, — in pen, ink, and wax, — in salaries to secretaries: he has laid it out just in any way he pleased: and the India Company, who have covenanted to restore all this money to the persons from whom it came, are deprived of all means of performing so just a duty. Therefore I dismiss the idea that any man so acting could have had a good intention in his mind: the supposition is too weak, senseless, and absurd. It was only in a desperate cause that he made a desperate attempt: for we shall prove that he never made a disclosure without thinking that a discovery had been previously made or was likely to be made, together with an exposure of all the circumstances of his wicked and abominable concealment.

You will see the history of this new scheme of bribery, by which Mr. Hastings contrived by avowing some bribes to cover others, attempted to outface his delinquency, and, if possible, to reconcile a weak breach of the laws with a sort of spirited observance of them, and to become infamous for the good of his country.

The first appearance of this practice of bribery was in a letter of the 29th of November, 1780. The cause which led to the discovery was a dispute between him and Mr. Francis at the board, in consequence of a very handsome offer made by Mr. Hastings to the board relative to a measure proposed by him, to which he found one objection to be the money that it would cost. He made the most generous and handsome offer, as it stands upon record, that perhaps any man ever made, — namely, that he would defray the expense out of his own private cash, and that he had deposited with the treasurer two lac of rupees. This was in June, 1780, and Mr. Francis soon after returned to Europe. I need not inform your Lordships, that Mr.

Hastings had before this time been charged with bribery and speculation by General Clavering, Colonel Monson, and Mr. Francis. He suspected that Mr. Francis, then going to Europe, would confirm this charge by the suspicious nature and circumstances of this generous offer; and this suspicion was increased by the connection which he supposed, and which we can prove he thought, Mr. Francis had with Cheyt Sing. Apprehending, therefore, that he might discover and bring the bribe to light some way or other, he resolved to anticipate any such discovery by declaring, upon the 29th of November, that this money was not his own. I will mention to your Lordships hereafter the circumstances of this money. He says, “My present reason for adverting to my conduct,” (that is, his offer of two lac of rupees out of his own private cash for the Company’s service, upon the 26th of June, 1780,) “on the occasion I have mentioned, is to obviate the false conclusions or purposed misrepresentations which may be made of it, either as an artifice of ostentation or as the effect of corrupt influence, by assuring you that the money, by whatever means it came into your possession, was not my own, — that I had myself no right to it, nor would or could have received it, but for the occasion, which prompted me to avail myself of the accidental means which were at that instant afforded me of accepting and converting it to the property and use of the Company: and with this brief apology I shall dismiss the subject.”

My Lords, you see what an account Mr. Hastings has given of some obscure transaction by which he contradicts the record. For, on the 26th of June, he generously, nobly, full of enthusiasm for their service, offers to the Company money of his own. On the 29th of November he tells the Court of Directors that the money he offered on the former day was not his own, — that his assertion was totally false, — that the money was not his, — that he had no right to receive it, — and that he would not have received it, but for the occasion, which prompted him to avail himself of the accidental means which at that instant offered.

Such is the account sent by their Governor in India, acting as an accountant, to the Company, — a company with whom everything is matter of account. He tells them, indeed, that the sum he had offered was not his own, — that he had no right to it, — and that he would not have taken it, if he had not been greatly tempted by the occasion; but he never tells them by what means he came at it, the person from whom he received it, the occasion upon which he received it, (whether justifiable or not,) or any one circumstance under heaven relative to it. This is a very extraordinary account to give to the public of a sum which we find to be somewhere above twenty thousand pounds, taken by Mr. Hastings in some way or other. He set the Company blindly groping in the dark by the very pretended light, the *ignis-fatuus*, which he held out to them: for at that time all was in the dark, and in a cloud: and this is what Mr. Hastings calls *information* communicated to the Company on the subject of these bribes.

You have heard of obscurity illustrated by a further obscurity, — *obscurum per obscurius*. He continues to tell them,— “Something of affinity to this anecdote may appear in the first aspect of another transaction, which I shall proceed to relate, and of which it is more immediately my duty to inform you.” He then tells them that he had contrived to give a sum of money to the Rajah of Berar, and the account he gives of that proceeding is this. “We had neither money to spare, nor, in the apparent state of that government in its relation to ours, would it have been either prudent or consistent with our public credit to have afforded it. It was, nevertheless, my decided opinion that some aid should be given, not less as a necessary relief than as an indication of confidence, and a return for the many instances of substantial kindness which we had within the course of the two last years experienced from the government of Berar. I had an assurance that such a proposal would receive the acquiescence of the board; but I knew that it would not pass without opposition, and it would have become public, which might have defeated its purpose. Convinced of the necessity of the expedient, and assured of the sincerity of the government of Berar, from evidences of stronger proof to me than I could make them appear to the other members of the board, I resolved to adopt it and take the entire responsibility of it upon myself. In this mode a less considerable sum would suffice. I accordingly caused three lac of rupees to be delivered to the minister of the Rajah of Berar resident in Calcutta. He has transmitted it to Cuttack. Two thirds of this sum I have raised by my own credit, and shall charge it in my official accounts; the other third I have supplied from the cash in my hands belonging to the Honorable Company.”

Your Lordships see in this business another mode which he has of accounting with the Company, and informing them of his bribe. He begins his account of this transaction by saying that it has something of affinity to the last anecdote, — meaning the account of the first bribe. An anecdote is made a head of an account; and this, I believe, is what none of your Lordships ever have heard of before, — and I believe it is yet to be learned in this commercial nation, a nation of accurate commercial account. The account he gives of the first is an anecdote; and what is his account of the second? A relation of an anecdote: not a near relation, but something of affinity, — a remote relation, cousin three or four times removed, of the half-blood, or something of that kind, to this anecdote: and he never tells them any circumstance of it whatever of any kind, but that it has some affinity to the former anecdote. But, my Lords, the thing which comes to some degree of clearness is this, that he did give money to the Rajah of Berar. And your Lordships will be so good as to advert carefully to the proportions in which he gave it. He did give him two lac of rupees of money raised by his own credit, his own money; and the third he advanced out of the Company’s money in his hands. He might have taken the Company’s money undoubtedly, fairly, openly, and held it in his hands, for a hundred purposes; and therefore he does not tell them that even that third was

money he had obtained by bribery and corruption. No: he says it is money of the Company's, which he had in his hand. So that you must get through a long train of construction before you ascertain that this sum was what it turns out to be, a bribe, which he retained for the Company. Your Lordships will please to observe, as I proceed, the nature of this pretended generosity in Mr. Hastings. He is always generous in the same way. As he offered the whole of his first bribe as his own money, and afterward acknowledged that no part of it was his own, so he is now generous again in this latter transaction, — in which, however, he shows that he is neither generous nor just. He took the first money without right, and he did not apply it to the very service for which it was pretended to be taken. He then tells you of another anecdote, which, he says, has an affinity to that anecdote, and here he is generous again. In the first he appears to be generous and just, because he appears to give his own money, which he had a right to dispose of; then he tells you he is neither generous nor just, for he had taken money he had no right to, and did not apply it to the service for which he pretended to have received it. And now he is generous again, because he gives two lac of his own money, — and just, because he gives one lac which belonged to the Company; but there is not an idea suggested from whom he took it.

But to proceed, my Lords. In this letter he tells you he had given two thirds his own money and one third the Company's money. So it stood upon the 29th of November, 1780. On the 5th of January following we see the business take a totally different turn; and then Mr. Hastings calls for three Company's bonds, upon two different securities, antedated to the 1st and 2d of October, for the three lac, which he before told them was two thirds his own money and one third the Company's. He now declares the whole of it to be his own, and he thus applies by letter to the board, of which he himself was a majority.

“Honorable Sir and Sirs, — Having had occasion to disburse the sum of three lacs of sicca rupees on account of secret services, which having been advanced from my own private cash, I request that the same may be repaid to me in the following manner.

“A bond to be granted me upon the terms of the second loan, bearing date from 1st October, for one lac of sicca rupees.

“A bond to be granted me upon the terms of the first loan, bearing date from 1st October, for one lac of sicca rupees.”

“A bond to be granted me upon the terms of the first loan, bearing date from the 2d October, for one lac of sicca rupees.”

Here are two accounts, one of which must be directly and flatly false: for he could not have given two thirds his own, and have supplied the other third from money of the Company's, and at the same time have advanced the whole as his own. He here goes the full length of the fraud: he declares that it is all his own, — so much his own that he does not trust the Company with it, and actually takes their

bonds as a security for it, bearing an interest to be paid to him when he thinks proper.

Thus it remained from the 5th of January, 1781, till 16th December, 1782, when this business takes another turn, and in a letter of his to the Company these bonds become all their own. All the money advanced is now, all of it, the Company's money. First he says two thirds were his own; next, that the whole is his own; and the third account is, that the whole is the Company's, and he will account to them for it.

Now he has accompanied this account with another very curious one. For when you come to look into the particulars of it, you will find there are three bonds declared to be the Company's bonds, and which refer to the former transactions, namely, the money for which he had taken the bonds; but when you come to look at the numbers of them, you will find that one of the three bonds which he had taken as his own disappears, and another bond, of another date, and for a much larger sum, is substituted in its place, of which he had never mentioned anything whatever. So that, taking his first account, that two thirds is his own money, then that it is all his own, in the third that it is all the Company's money, by a fourth account, given in a paper describing the three bonds, you will find that there is one lac which he does not account for, but substitutes in its place a bond before taken as his own. He sinks and suppresses one bond, he gives two bonds to the Company, and to supply the want of the third, which he suppresses, he brings forward a bond for another sum, of another date, which he had never mentioned before. Here, then, you have four different accounts: if any one of them is true, every one of the other three is totally false. Such a system of cogging, such a system of fraud, such a system of prevarication, such a system of falsehood, never was, I believe, before exhibited in the world.

In the first place, why did he take bonds at all from the Company for the money that was their own? I must be cautious how I charge a legal crime. I will not charge it to be forgery, to take a bond from the Company for money which was their own. He was employed to make out bonds for the Company, to raise money on their credit. He pretends he lent them a sum of money, which was not his to lend: but he gives their own money to them as his own, and takes a security for it. I will not say that it is a forgery, but I am sure it is an offence as grievous, because it is as much a cheat as a forgery, with this addition to it, that the person so cheating is in a trust; he violates that trust, and in so doing he defrauds and falsifies the whole system of the Company's accounts.

I have only to show what his own explanation of all these actions was, because it supersedes all observation of mine. Hear what prevaricating guilt says for the falsehood and delusion which had been used to cover it; and see how he plunges deeper and deeper upon every occasion. This explanation arose out of another memorable bribe, which I must now beg leave to state to your Lordships.

About the time of the receipt of the former bribes, good fortune, as good things seldom come singly, is kind to him; and when he went up and had nearly ruined the Company's affairs in Oude and Benares, he received a present of 100,000*l.* sterling, or thereabouts. He received bills for it in September, 1781, and he gives the Company an account of it in January, 1782. Remark in what manner the account of this money was given, and the purposes for which he intends to apply it. He says, in this letter, "I received the offer of a considerable sum of money, both on the Nabob's part and that of his ministers, as a present to myself, not to the Company: I accepted it without hesitation, and gladly, being entirely destitute both of means and credit, whether for your service or the relief of my own necessities." My Lords, upon this you shall hear a comment, made by some abler persons than me. This donation was not made in species, but in bills upon the house of Gopaul Doss, who was then a prisoner in the hands of Cheyt Sing. After mentioning that he took this present for the Company, and for their exigencies, and partly for his own necessities, and in consequence of the distress of both, he desires the Company, in the moment of this their greatest distress, to award it to him, and therefore he ends, "If you should adjudge the deposit to me, I shall consider it as the most honorable approbation and reward of my labors: and I wish to owe my fortune to your bounty. I am now in the fiftieth year of my life: I have passed thirty-one years in the service of the Company, and the greatest part of that time in employments of the highest trust. My conscience allows me boldly to claim the merit of zeal and integrity; nor has fortune been unpropitious to their exertions. To these qualities I bound my pretensions. I shall not repine, if you shall deem otherwise of my services; nor ought your decision, however it may disappoint my hope of a retreat adequate to the consequence and elevation of the office which I now possess, to lessen my gratitude for having been so long permitted to hold it, since it has at least enabled me to lay up a provision with which I can be contented in a more humble station."

And here your Lordships will be pleased incidentally to remark the circumstance of his condition of life and his fortune, to which he appeals, and upon account of which he desires this money. Your Lordships will remember that in 1773 he said, (and this I stated to you from himself,) that, if he held his then office for a very few years, he should be enabled to lay by an ample provision for his retreat. About nine years after that time, namely, in the month of January, 1782, he finds himself rather pinched with want, but, however, not in so bad a way but that the holding of his office had enabled him to lay up a provision with which he could be contented in a more humble station. He wishes to have affluence; he wishes to have dignity; he wishes to have consequence and rank: but he allows that he has competence. Your Lordships will see afterwards how miserably his hopes were disappointed: for the Court of Directors, receiving this letter from Mr. Hastings, did declare, that they could not give it to him, because the act had ordered that "no fees of office, perquisites, emoluments, or advantages whatsoever, should be accepted, received, or

taken by such Governor-General and Council, or any of them, in any manner or on any account or pretence whatsoever”; “and as the same act further directs, ‘that no Governor-General, or any of the Council, shall directly take, accept, or receive, of or from any person or persons, in any manner or on any account whatsoever, any present, gift, donation, gratuity, or reward, pecuniary or otherwise, or any promise or engagement for any present, gift, donation, gratuity, or reward,’ we cannot, were we so inclined, decree the amount of this present to the Governor-General. And it is further enacted, ‘that any such present, gift, gratuity, donation, or reward, accepted, taken, or received, shall be deemed and construed to have been received to and for the sole use of the Company.’” And therefore they resolved, most unjustly and most wickedly, to keep it to themselves. The act made it in the first instance the property of the Company, and they would not give it him. And one should think this, with his own former construction of the act, would have made him cautious of taking bribes. You have seen what weight it had with him to stop the course of bribes which he was in such a career of taking in every place and with both hands.

Your Lordships have now before you this hundred thousand pounds, disclosed in a letter from Patna, dated the 20th January, 1782. You find mystery and concealment in every one of Mr. Hastings’s discoveries. For (which is a curious part of it) this letter was not sent to the Court of Directors in their packet regularly, but transmitted by Major Fairfax, one of his agents, to Major Scott, another of his agents, to be delivered to the Company. Why was this done? Your Lordships will judge, from that circuitous mode of transmission, whether he did not thereby intend to leave some discretion in his agent to divulge it or not. We are told he did not; but your Lordships will believe that or not, according to the nature of the fact. If he had been anxious to make this discovery to the Directors, the regular way would have been to send his letter to the Directors immediately in the packet: but he sent it in a box to an agent; and that agent, upon due discretion, conveyed it to the Court of Directors. Here, however, he tells you nothing about the persons from whom he received this money, any more than he had done respecting the two former sums.

On the 2d of May following the date of this Patna letter he came down to Calcutta with a mind, as he himself describes it, greatly agitated. All his hope of plundering Benares had totally failed. The produce of the robbing of the Begums, in the manner your Lordships have heard, was all dissipated to pay the arrears of the armies: there was no fund left. He felt himself agitated and full of dread, knowing that he had been threatened with having his place taken from him several times, and that he might be called home to render an account. He had heard that inquiries had begun in a menacing form in Parliament; and though at that time Bengal was not struck at, there was a charge of bribery and peculation brought against the Governor of Madras. With this dread, with a mind full of anxiety and perturbation, he writes a letter, as he pretends, on the 22d of May, 1782. Your Lordships will remark, that,

when he came down to Calcutta from his expedition up the country, he did not till the 22d of May give any account whatever of these transactions, — and that this letter, or pretended letter, of the 22d of May was not sent till the 16th of December following. We shall clearly prove that he had abundant means of sending it, and by various ways, before the 16th of December, 1782, when he inclosed in another letter that of the 22d of May. This is the letter of discovery; this is the letter by which his breast was to be laid open to his employers, and all the obscurity of his transactions to be elucidated. Here are indeed new discoveries, but they are like many new-discovered lands, exceedingly inhospitable, very thinly inhabited, and producing nothing to gratify the curiosity of the human mind.

This letter is addressed to the Honorable the Court of Directors, dated Fort William, 22d May, 1782. He tells them he had promised to account for the ten lacs of rupees which he had received, and this promise, he says, he now performs, and that he takes that opportunity of accounting with them likewise for several other sums which he had received. His words are, —

“This promise I now perform, and, deeming it consistent with the spirit of it, I have added such other sums as have been occasionally converted to the Company’s property through my means, in consequence of the like original destination. Of the second of these sums you have already been advised in a letter which I had the honor to address the Honorable Court of Directors, dated 29th November, 1780. Both this and the third article were paid immediately to the treasury, by my order to the sub-treasurer to receive them on the Company’s account, but never passed through my hands. The three sums for which bonds were granted were in like manner paid to the Company’s treasury, without passing through my hands, but their *application* was not specified. The sum of 50,000 current rupees was received while I was on my journey to Benares, and applied as expressed in the account.

“As to the manner in which these sums have been expended, the reference which I have made of it in the accompanying account, to the several accounts in which they are credited, renders any other specification of it unnecessary, — *besides* that these accounts either have or will have received a much stronger authentication than any that I could give to mine.”

I wish your Lordships to attend to the next paragraph, which is meant by him to explain why he took bribes at all, — why he took bonds for some of them, as moneys of his own, and not moneys of the Company, — why he entered some upon the Company’s accounts, and why of the others he renders no account at all. Light, however, will beam upon you as we proceed.

“Why these sums were taken by me, — why they were, except the second, quietly transferred to the Company’s use, — why bonds were taken for the first, and not for the rest, — might, were this matter exposed to the view of the public, furnish a variety of conjectures, to which it would be of little use to reply. Were your Honorable Court to question me on these points, I would answer, that the sums

were taken for the Company's benefit, at times when the Company very much needed them, — that I either chose to conceal the first receipts from public curiosity by receiving bonds for the amount, or possibly acted without any studied design which my memory could at this distance of time verify, and that I did not think it worth my care to observe the same means with the rest. I trust, Honorable Sirs, to your breasts for a candid interpretation of my actions, — and assume the freedom to add, that I think myself, on such a subject, on such *an occasion*, entitled to it."

Lofty, my Lords! You see, that, after the Directors had expected an explanation for so long a time, he says, "Why these sums were taken by me, and, except the second, quietly transferred to the Company's use, I cannot tell; why bonds were taken for the first, and not for the rest, I cannot tell: if this matter were exposed to view, it would furnish a variety of conjectures." Here is an account which is to explain the most obscure, the most mysterious, the most evidently fraudulent transactions. When asked how he came to take these bonds, how he came to use these frauds, he tells you he really does not know, — that he might have this motive for it, that he might have another motive for it, — that he wished to conceal it from public curiosity, — but, which is the most extraordinary, he is not quite sure that he had any motive for it at all, which his memory can trace. The whole of this is a period of a year and a half; and here is a man who keeps his account upon principles of whim and vagary. One would imagine he was guessing at some motive of a stranger. Why he came to take bonds for money not due to him, and why he enters some and not others, — he knows nothing of these things: he begs them not to ask about it, because it will be of no use. "You foolish Court of Directors may conjecture and conjecture on. You are asking me why I took bonds to myself for money of yours, why I have cheated you, why I have falsified my account in such a manner. I will not tell you."

In the satisfaction which he had promised to give them he neither mentions the persons, the times, the occasions, or motives for any of his actions. He adds, "I did not think it worth my care to observe the same means with the rest." For some purposes, he thought it necessary to use the most complicated and artful concealments; for some, he could not tell what his motives were; and for others, that it was mere carelessness. Here is the exchequer of bribery! — have I falsified any part of my original stating of it? — an exchequer in which the man who ought to pay receives, the man who ought to give security takes it, the man who ought to keep an account says he has forgotten; an exchequer in which oblivion was the remembrancer; and, to sum up the whole, an exchequer into the accounts of which it was useless to inquire. This is the manner in which the account of near two hundred thousand pounds is given to the Court of Directors. You can learn nothing in this business that is any way distinct, except a premeditated design of a concealment of his transactions. That is avowed.

But there is a more serious thing behind. Who were the instruments of his concealment? No other, my Lords, than the Company's public accountant. That very accountant takes the money, knowing it to be the Company's, and that it was only pretended to be advanced by Mr. Hastings for the Company's use. He sees Mr. Hastings make out bonds to himself for it, and Mr. Hastings makes him enter him as creditor, when in fact he was debtor. Thus he debauches the Company's accountant, and makes him his confederate. These fraudulent and corrupt acts, covered by false representations, are proved to be false not by collation with anything else, but false by a collation with themselves. This, then, is the account, and his explanation of it; and in this insolent, saucy, careless, negligent manner, a public accountant like Mr. Hastings, a man bred up a book-keeper in the Company's service, who ought to be exact, physically exact, in his account, has not only been vicious in his own account, but made the public accounts vicious and of no value.

But there is in this account another curious circumstance with regard to the deposit of this sum of money, to which he referred in his first paragraph of his letter of the 29th of November, 1780. He states that this deposit was made and passed into the hands of Mr. Larkins on the 1st of June. It did so; but it is not entered in the Company's accounts till November following. Now in all that intermediate space where was it? what account was there of it? It was entirely a secret between Mr. Larkins and Mr. Hastings, without a possibility of any one discovering any particular relative to it. Here is an account of two hundred thousand pounds received, juggled between the accountant and him, without a trace of it appearing in the Company's books. Some of those committees, to whom, for their diligence at least, I must say the public have some obligation, and in return for which they ought to meet with some indulgence, examining into all these circumstances, and having heard that Mr. Hastings had deposited a sum of money in the hands of the Company's sub-treasurer in the month of June, sent for the Company's books. They looked over those books, but they did not find the least trace of any such sum of money, and not any account of it: nor could there be, because it was not paid to the Company's account till the November following. The accountant had received the money, but never entered it from June till November. Then, at last, have we an account of it. But was it even then entered regularly upon the Company's accounts? No such thing: it is a deposit carried to the Governor-General's credit.

[The entry of the several species in which this deposit was made was here read from the Company's General Journal of 1780 and 1781.]

My Lords, when this account appears at last, when this money does emerge in the public accounts, whose is it? Is it the Company's? No: Mr. Hastings's. And thus, if, notwithstanding this obscure account in November, the Directors had claimed and called for this affinity to an anecdote, — if they had called for this anecdote and examined the account, — if they had said, "We observe here entered two lac

and upwards; come, Mr. Hastings, let us see where this money is,” — they would find that it is Mr. Hastings’s money, not the Company’s; they would find that it is carried to his credit. In this manner he hands over this sum, telling them, on the 22d of May, 1782, that not only the bonds were a fraud, but the deposit was a fraud, and that neither bonds nor deposit did in reality belong to him. Why did he enter it at all? Then, afterwards, why did he not enter it as the Company’s? Why make a false entry, to enter it as his own? And how came he, two years after, when he does tell you that it was the Company’s and not his own, to alter the public accounts? But why did he not tell them at that time, when he pretends to be opening his breast to the Directors, from whom he received it, or say anything to give light to the Company respecting it? who, supposing they had the power of dispensing with an act of Parliament, or licensing bribery at their pleasure, might have been thereby enabled to say, “Here you ought to have received it, — there it might be oppressive and of dreadful example.”

I have only to state, that, in this letter, which was pretended to be written on the 22d of May, 1782, your Lordships will observe that he thinks it his absolute duty (and I wish to press this upon your Lordships, because it will be necessary in a comparison which I shall have hereafter to make) to lay open all their affairs to them, to give them a full and candid explanation of his conduct, which he afterwards confesses he is not able to do. The paragraph has been just read to you. It amounts to this: “I have taken many bribes, — have falsified your accounts, — have reversed the principle of them in my own favor; I now discover to you all these my frauds, and think myself entitled to your confidence upon this occasion.” Now all the principles of diffidence, all the principles of distrust, nay, more, all the principles upon which a man may be convicted of premeditated fraud, and deserve the severest punishment, are to be found in this case, in which he says he holds himself to be entitled to their confidence and trust. If any of your Lordships had a steward who told you he had lent you your own money, and had taken bonds from you for it, and if he afterwards told you that that money was neither yours nor his, but extorted from your tenants by some scandalous means, I should be glad to know what your Lordships would think of such a steward, who should say, “I will take the freedom to add, that I think myself, on such a subject, on such an occasion, entitled to your confidence and trust.” You will observe his cavalier mode of expression. Instead of his exhibiting the rigor and severity of an accountant and a book-keeper, you would think that he had been a reader of sentimental letters; there is such an air of a novel running through the whole, that it adds to the ridicule and nausea of it: it is an oxymel of squills; there is something to strike you with horror for the villany of it, something to strike you with contempt for the fraud of it, and something to strike you with utter disgust for the vile and bad taste with which all these base ingredients are assorted.

Your Lordships will see, when the account which is subjoined to this unaccountable letter comes before you, that, though the Company had desired to know the channels through which he got those sums, there is not (except by a reference that appears in another place to one of the articles) one single syllable of explanation given from one end to the other, there is not the least glimpse of light thrown upon these transactions. But we have since discovered from whom he got these bribes; and your Lordships will be struck with horror, when you hear it.

I have already remarked to you, that, though this letter is dated upon the 22d of May, it was not dispatched for Europe till December following; and he gets Mr. Larkins, who was his agent and instrument in falsifying the Company's accounts, to swear that this letter was written upon the 22d of May, and that he had no opportunity to send it, but by the "Lively" in December. On the 16th of that month he writes to the Directors, and tells them that he is quite shocked to find he had no earlier opportunity of making this discovery, which he thought himself bound to make; though this discovery, respecting some articles of it, had now been delayed nearly two years, and though it since appears that there were many opportunities, and particularly by the "Resolution," of sending it. He was much distressed, and found himself in an awkward situation, from an apprehension that the Parliamentary inquiry, which he knew was at this time in progress, might have forced from him this notable discovery. He says, "I do not fear the consequences of any Parliamentary process." Indeed, he needed not to fear any Parliamentary inquiry, if it produced no further discovery than that which your Lordships have in the letter of the 22d of May, and in the accounts subjoined to it. He says, that "the delay is of no public consequence; but it has produced a situation which, with respect to myself, I regard as unfortunate, because it exposes me to the meanest imputation, from the occasion which the late Parliamentary inquiries have since furnished."

Now here is a very curious letter, that I wish to have read for some other reasons, which will afterwards appear, but principally at present for the purpose of showing you that he held it to be his duty and thought it to the last degree dishonorable not to give the Company an account of those secret bribes: he thought it would reflect upon him, and ruin his character forever, if this account did not come voluntarily from him, but was extorted by terror of Parliamentary inquiry. In this letter of the 16th December, 1782, he thus writes.

"The delay is of no public consequence, but it has produced a situation which, with respect to myself, I regard as unfortunate; because it exposes me to the meanest imputation, from the occasion which the late Parliamentary inquiries have since furnished, but which were unknown when my letter was written, and written in the necessary consequence of a promise made to that effect in a former letter to your Honorable Committee, dated 20th January last. However, to preclude the possibility of such reflections from affecting me, I have desired Mr. Larkins, who was privy to the whole transaction, to affix to the letter his affidavit of the date in

which it was written. I own I feel most sensibly the mortification of being reduced to the necessity of using such precautions to guard my reputation from dishonor. If I had at any time possessed that degree of confidence from my immediate employers which they never withheld from the meanest of my predecessors, I should have disdained to use these attentions. How I have drawn on me a different treatment I know not; it is sufficient that I have not merited it. And in the course of a service of thirty-two years, and ten of these employed in maintaining the powers and discharging the duties of the first office of the British government in India, that honorable court ought to know whether I possess the integrity and honor which are the first requisites of such a station. If I wanted these, they have afforded me but too powerful incentives to suppress the information which I now convey to them through you, and to appropriate to my own use the sums which I have already passed to their credit, by the unworthy and, pardon me, if I add, dangerous, reflections which they have passed upon me for the first communication of this kind: and your own experience will suggest to you, that there are persons who would profit by such a warning.

“Upon the whole of these transactions, which to you, who are accustomed to view business in an official and regular light, may appear unprecedented, if not improper, I have but a few short remarks to suggest to your consideration.

“If I appear in any unfavorable light by these transactions, I resign the common and legal security of those who commit crimes or errors. I am ready to answer every particular question that may be put against myself, upon honor or upon oath.

“The sources from which these reliefs to the public service have come would never have yielded them to the Company publicly; and the exigencies of your service (exigencies created by the exposition of your affairs, and faction in your councils) required those supplies.

“I could have concealed them, had I had a wrong motive, from yours and the public eye forever; and I know that the difficulties to which a spirit of injustice may subject me for my candor and avowal are greater than any possible inconvenience that could have attended the concealment, except the dissatisfaction of my own mind. These difficulties are but a few of those which I have suffered in your service. The applause of my own breast is my surest reward, and was the support of my mind in meeting them. Your applause, and that of my country, are my next wish in life.”

Your Lordships will observe at the end of this letter, that this man declares his first applause to be from his own breast, and that he next wishes to have the applause of his employers. But reversing this, and taking their applause first, let us see on what does he ground his hope of their applause? Was it on his former conduct? No: for he says that conduct had repeatedly met with their disapprobation. Was it upon the confidence which he knew they had in him? No: for he says they gave more of their confidence to the meanest of his predecessors. Observe, my

Lords, the style of insolence he constantly uses with regard to all mankind. Lord Clive was his predecessor, Governor Cartier was his predecessor, Governor Verelst was his predecessor: every man of them as good as himself: and yet he says the Directors had given “more of their confidence to the *meanest* of his predecessors.” But what was to entitle him to their applause? A clear and full explanation of the bribes he had taken. Bribes was to be the foundation of their confidence in him, and the clear explanation of them was to entitle him to their applause! Strange grounds to build confidence upon! — the rotten ground of corruption, accompanied with the infamy of its avowal! Strange ground to expect applause! — a discovery which was no discovery at all! Your Lordships have heard this discovery, which I have not taken upon me to state, but have read his own letter on the occasion. Has there, at this moment, any light broken in upon you concerning this matter?

But what does he say to the Directors? He says, “Upon the whole of these transactions, which to you, who are accustomed to view business in an official and regular light, may appear unprecedented, if not improper, I have but a few short remarks to suggest to your consideration.” He looks upon them and treats them as a set of low mechanical men, a set of low-born book-keepers, as base souls, who in an account call for explanation and precision. If there is no precision in accounts, there is nothing of worth in them. You see he himself is an eccentric accountant, a Pindaric book-keeper, an arithmetician in the clouds. “I know,” he says, “what the Directors desire: but they are mean people; they are not of elevated sentiments; they are modest; they avoid ostentation in taking of bribes: I therefore am playing cups and balls with them, letting them see a little glimpse of the bribes, then carrying them fairly away.” Upon this he founds the applause of his own breast.

Populus me sibilat; at mihi plaudo
Ipsæ domi, simul ac nummos contemplor in arca.

That private *ipse plaudo* he may have in this business, which is a business of money; but the applause of no other human creature will he have for giving such an account as he admits this to be, — irregular, uncertain, problematical, and of which no one can make either head or tail. He despises us also, who are representatives of the people, and have amongst us all the regular officers of finance, for expecting anything like a regular account from him. He is hurt at it; he considers it as a cruel treatment of him; he says, “Have I deserved this treatment?” Observe, my Lords, he had met with no treatment, if treatment it may be called, from us, of the kind of which he complains. The Court of Directors had, however, in a way shameful, abject, low, and pusillanimous, begged of him, as if they were his dependants, and not his masters, to give them some light into the account; they desire a receiver of money to tell from whom he received it, and how he applied it. He answers, They may be hanged for a parcel of mean, contemptible book-keepers, and that he will

give them no account at all. He says, "If you sue me" — There is the point: he always takes security in a court of law. He considers his being called upon by these people, to whom he ought as a faithful servant to give an account, and to do which he was bound by an act of Parliament specially intrusting him with the administration of the revenues, as a gross affront. He adds, that he is ready to resign his defence, and to answer upon honor or upon oath. Answering upon honor is a strange way they have got in India, as your Lordships may see in the course of this inquiry. But he forgets, that, being the Company's servant, the Company may bring a bill in Chancery against him, and force him upon oath to give an account. He has not, however, given them light enough or afforded them sufficient ground for a fishing bill in Chancery. Yet he says, "If you call upon me in a Chancery way, or by Common Law, I really will abdicate all forms, and give you some account." In consequence of this the Company did demand from him an account, regularly, and as fully and formally as if they had demanded it in a court of justice. He positively refused to give them any account whatever; and they have never, to this very day in which we speak, had any account that is at all clear or satisfactory. Your Lordships will see, as I go through this scene of fraud, falsification, iniquity, and prevarication, that, in defiance of his promise, which promise they quote upon him over and over again, he has never given them any account of this matter.

He goes on to say (and the threat is indeed alarming) that by calling him to account they may provoke him — to what? "To appropriate," he says, "to my own use the sums which I have already passed to your credit, by the unworthy and, pardon me, if I add, dangerous, reflections which you have passed upon me for the first communication of this kind." They passed no reflections: they said they would neither praise nor blame him, but pressed him for an account of a matter which they could not understand: and I believe your Lordships understand it no more than they, for it is not in the compass of human understanding to conceive or comprehend it. Instead of an account of it, he dares to threaten them: "I may be tempted, if you should provoke me, not to be an honest man, — to falsify your account a second time, and to reclaim those sums which I have passed to your credit, — to alter the account again, by the assistance of Mr. Larkins." What a dreadful declaration is this of his dominion over the public accounts, and of his power of altering them! a declaration, that, having first falsified those accounts in order to deceive them, and afterwards having told them of this falsification in order to gain credit with them, if they provoke him, he shall take back the money he had carried to their account, and make them his debtors for it! He fairly avows the dominion he has over the Company's accounts; and therefore, when he shall hereafter plead the accounts, we shall be able to rebut that evidence, and say, "The Company's accounts are corrupted by you, through your agent, Mr. Larkins; and we give no credit to them, because you not only told the Company you could do so, but we can prove that you have actually done it." What a strange medley of evasion,

pretended discovery, real concealment, fraud, and prevarication appears in every part of this letter!

But admitting this letter to have been written upon the 22d of May, and kept back to the 16th of December, you would imagine that during all that interval of time he would have prepared himself to give some light, some illustration of these dark and mysterious transactions, which carried fraud upon the very face of them. Did he do so? Not at all. Upon the 16th of December, instead of giving them some such clear accounts as might have been expected, he falls into a violent passion for their expecting them; he tells them it would be dangerous; and he tells them they knew who had profited by these transactions: thus, in order to strike terror into their breasts, hinting at some frauds which they had practised or protected. What weight this may have had with them I know not; but your Lordships will expect in vain, that Mr. Hastings, after giving four accounts, if any one of which is true, the other three must necessarily be false, — after having thrown the Company's accounts into confusion, and being unable to tell, as he says himself, why he did so, — will at last give some satisfaction to the Directors, who continued, in a humble, meek way, giving him hints that he ought to do it. — You have heard nothing yet but the consequences of their refusing to give him the present of a hundred thousand pounds, which he had taken from the Nabob. They did right to refuse it to him; they did wrong to take it to themselves.

We now find Mr. Hastings on the river Ganges, in September, 1784, — that Ganges whose purifying water expiates so many sins of the Gentoos, and which, one would think, would have washed Mr. Hastings's hands a little clean of bribery, and would have rolled down its golden sands like another Pactolus. Here we find him discovering another of his bribes. This was a bribe taken upon totally a different principle, according to his own avowal: it is a bribe not pretended to be received for the use of the Company, — a bribe taken absolutely entirely for himself. He tells them that he had taken between thirty and forty thousand pounds. This bribe, which, like the former, he had taken without right, he tells them that he intends to apply to his own purposes, and he insists upon their sanction for so doing. He says, he had in vain, upon a former occasion, appealed to their honor, liberality, and generosity, — that he now appeals to their justice; and insists upon their decreeing this bribe — which he had taken without telling them from whom, where, or on what account — to his own use.

Your Lordships remember, that in the letter which he wrote from Patna, on the 20th of January, 1782, he there states that he was in tolerable good circumstances, and that this had arisen from his having continued long in their service. Now, he has continued two years longer in their service, and he is reduced to beggary! "This," he says, "is a single example of a life spent in the accumulation of crores for your benefit, and doomed in its close to suffer the extremity of private want, and to sink in obscurity."

So far back as in 1773 he thought that he could save an exceeding good fortune out of his place. In 1782 he says, with gratitude, that he has made a decent private competency; but in two years after he sunk to the extremity of private want. And how does he seek to relieve that want? By taking a bribe: bribes are no longer taken by him for the Company's service, but for his own. He takes the bribe with an express intention of keeping it for his own use, and he calls upon the Company for their sanction. If the money was taken without right, no claim of his could justify its being appropriated to himself: nor could the Company so appropriate it; for no man has a right to be generous out of another's goods. When he calls upon their justice and generosity, they might answer, "If you have a just demand upon our treasury, state it, and we will pay it; if it is a demand upon our generosity, state your merits, and we will consider them." "But I have paid myself by a bribe; I have taken another man's money; and I call upon your justice — to do what? to restore it to its owner? no — to allow me to keep it myself." Think, my Lords, in what a situation the Company stands! "I have done a great deal for you; this is the jackal's portion; you have been the lion; I have been endeavoring to prog for you; I am your bribe-pander, your factor of corruption, exposing myself to every kind of scorn and ignominy, to insults even from you. I have been preying and plundering for you; I have gone through every stage of licentiousness and lewdness, wading through every species of dirt and corruption, for your advantage. I am now sinking into the extremity of private want; do give me this — what? money? no, this bribe; rob me the man who gave me this bribe; vote me — what? money of your own? that would be generous: money you owe me? that would be just: no, money which I have extorted from another man; and I call upon your justice to give it me." This is his idea of justice. He says, "I am compelled to depart from that liberal plan which I originally adopted, and to claim from your justice (for you have forbid me to appeal to your generosity) the discharge of a debt which I can with the most scrupulous integrity aver to be justly due, and which I cannot sustain." Now, if any of the Company's servants may say, "I have been extravagant, profuse, — it was all meant for your good, — let me prey upon the country at my pleasure, — license my bribes, frauds, and peculations, and then you do me justice," — what country are we in, where these ideas are ideas of generosity and justice?

It might naturally be expected that in this letter he would have given some account of the person from whom he had taken this bribe. But here, as in the other cases, he had a most effectual oblivion; the Ganges, like Lethe, causes a drowsiness, as you saw in Mr. Middleton; they recollect nothing, they know nothing. He has not stated, from that day to this, from whom he took that money. But we have made the discovery. And such is the use of Parliamentary inquiries, such, too, both to the present age and posterity, will be their use, that, if we pursue them with the vigor which the great trust justly imposed upon us demands, and if your Lordships do firmly administer justice upon this man's frauds, you will at once put an end to

those frauds and prevarications forever. Your Lordships will see, that, in this inquiry, it is the diligence of the House of Commons, which he has the audacity to call *malice*, that has discovered and brought to light the frauds which we shall be able to prove against him.

I will now read to your Lordships an extract from that stuff, called a defence, which he has either written himself or somebody else has written for him, and which he owns or disclaims, just as he pleases, when, under the slow tortures of a Parliamentary impeachment, he discovered at length from whom he got this last bribe.

“The last part of the charge states, that, in my letter to the Court of Directors of the 21st February, 1784, I have confessed to have received another sum of money, the amount of which is not declared, but which, from the application of it, could not be less than thirty-four thousand pounds sterling, &c. In the year 1783, when I was actually in want of a sum of money for my private expenses, owing to the Company not having at that time sufficient cash in their treasury to pay my salary, I borrowed three lacs of rupees of Rajah Nobkissin, an inhabitant of Calcutta, whom I desired to call upon me with a bond properly filled up. He did so; but at the time I was going to execute it he entreated I would rather accept the money than execute the bond. I neither accepted the offer nor refused it; and my determination upon it remained suspended between the alternative of keeping the money, as a loan to be repaid, and of taking it, and applying it, as I had done other sums, to the Company’s use. And there the matter rested till I undertook my journey to Lucknow, when I determined to accept the money for the Company’s use; and these were my motives. Having made disbursements from my own cash for services, which, though required to enable me to execute the duties of my station, I had hitherto omitted to enter into my public accounts, I resolved to reimburse myself in a mode most suitable to the situation of the Company’s affairs, by charging these disbursements in my durbar accounts of the present year, and crediting them by a sum privately received, which was this of Nobkissin’s. If my claim on the Company were not founded in justice, and *bonâ fide* due, my acceptance of three lacs of rupees from Nobkissin by no means precludes them from recovering that sum from me. No member of this Honorable House suspects me, I hope, of the meanness and guilt of presenting false accounts.”

We do not *suspect* him of presenting false accounts: we can prove, we are now radically proving, that he presents false accounts. We suspect no man who does not give ground for suspicion; we accuse no man who has not given ground for accusation; and we do not attempt to bring before a court of justice any charges which we shall not be able decisively to prove. This will put an end to all idle prattle of malice, of groundless suspicions of guilt, and of ill-founded charges. We come here to bring the matter to the test, and here it shall be brought to the test, between the Commons of Great Britain and this East India delinquent. In his letter of the

21st of February, 1784, he says he has never benefited himself by contingent accounts; and as an excuse for taking this bribe from Nobkissin, which he did not discover at the time, but many years afterwards, at the bar of the House of Commons, he declares that he wanted to apply it to the contingent account for his expenses, that is, for what he pretended to have laid out for the Company, during a great number of years. He proceeds: —

“If it should be objected, that the allowance of these demands would furnish a precedent for others of the like kind, I have to remark, that in their whole amount they are but the aggregate of a contingent account of twelve years; and if it were to become the practice of those who have passed their prime of life in your service, and filled, as I have filled it, the first office of your dominion, to glean from their past accounts all the articles of expense which their inaccuracy or indifference hath overlooked, your interests would suffer infinitely less by the precedent than by a single example of a life spent in the accumulation of crores for your benefit and doomed in its close to suffer the extremity of private want and to sink in obscurity.”

Here is the man that has told us at the bar of the House of Commons that he never made up any contingent accounts; and yet, as a set-off against this bribe, which he received for himself, and never intended to apply to the current use of the Company, he feigns and invents a claim upon them, namely, that he had, without any authority of the Company, squandered away in stationery and budgeros, and other idle services, a sum amounting to 34,000*l*. But was it for the Company’s service? Is this language to be listened to? “Everything I thought fit to expend I have expended for the Company’s service. I intended, indeed, at that time, to have been generous. I intended out of my own pocket to have paid for a translation of the code of Gentoo laws. I was then in the prime of my life, flowing in money, and had great expectations: I am now old; I cannot afford to be generous: I will look back into all my former accounts, pen, ink, wax, everything that I generously or prodigally spent as my own humor might suggest; and though, at the same time, I know you have given me a noble allowance, I now make a charge upon you for this sum of money, and intend to take a bribe in discharge of it.” Now suppose Lord Cornwallis, who sits in the seat, and I hope will long, and honorably and worthily, fill the seat, which that gentleman possessed, — suppose Lord Cornwallis, after never having complained of the insufficiency of his salary, and after having but two years ago said he had saved a sufficient competency out of it, should now tell you that 30,00*l*. a year was not enough for him, and that he was sinking into want and distress, and should justify upon that alleged want taking a bribe, and then make out a bill of contingent expenses to cover it, would your Lordships bear this?

Mr. Hastings has told you that he wanted to borrow money for his own use, and that he applied to Rajah Nobkissin, who generously pressed it upon him as a gift. Rajah Nobkissin is a banian: you will be astonished to hear of generosity in a banian; there never was a banian and generosity united together: but Nobkissin loses

his banian qualities at once, the moment the light of Mr. Hastings's face beams upon him. "Here," says Mr. Hastings, "I have prepared bonds for you." "Astonishing! how can you think of the meanness of bonds? You call upon me to lend you 34,000*l.*, and propose bonds? No, you shall have it: you are the Governor-General, who have a large and ample salary; but I know you are a generous man, and I emulate your generosity: I give you all this money." Nobkissin was quite shocked at Mr. Hastings's offering him a bond. My Lords, a Gentoo banian is a person a little lower, a little more penurious, a little more exacting, a little more cunning, a little more money-making, than a Jew. There is not a Jew in the meanest corner of Duke's Place in London that is so crafty, so much a usurer, so skilful how to turn money to profit, and so resolved not to give any money but for profit, as a Gentoo broker of the class I have mentioned. But this man, however, at once grows generous, and will not suffer a bond to be given to him; and Mr. Hastings, accordingly, is thrown into very great distress. You see sentiment always prevailing in Mr. Hastings. The sentimental dialogue which must have passed between him and a Gentoo broker would have charmed every one that has a taste for pathos and sentiment. Mr. Hastings was pressed to receive the money as a gift. He really does not know what to do: whether to insist upon giving a bond or not, — whether he shall take the money for his own use, or whether he shall take it for the Company's use. But it may be said of man as it is said of woman: the woman who deliberates is lost: the man that deliberates about receiving bribes is gone. The moment he deliberates, that moment his reason, the fortress, is lost, the walls shake, down it comes, — and at the same moment enters Nobkissin into the citadel of his honor and integrity, with colors flying, with drums beating, and Mr. Hastings's garrison goes out, very handsomely indeed, with the honors of war, all for the benefit of the Company. Mr. Hastings consents to take the money from Nobkissin; Nobkissin gives the money, and is perfectly satisfied.

Mr. Hastings took the money with a view to apply it to the Company's service. How? To pay his own contingent bills. "Everything that I do," says he, "and all the money I squander, is all for the Company's benefit. As to particulars of accounts, never look into them; they are given you upon honor. Let me take this bribe: it costs you nothing to be just or generous. I take the bribe: you sanctify it." But in every transaction of Mr. Hastings, where we have got a name, there we have got a crime. Nobkissin gave him the money, and did not take his bond, I believe, for it; but Nobkissin, we find, immediately afterwards enters upon the stewardship or management of one of the most considerable districts in Bengal. We know very well, and shall prove to your Lordships, in what manner such men rack such districts, and exact from the inhabitants the money to repay themselves for the bribes which had been taken from them. These bribes are taken under a pretence of the Company's service, but sooner or later they fall upon the Company's treasury. And we shall prove that Nobkissin, within a year from the time when he gave this

bribe, had fallen into arrears to the Company, as their steward, to the amount of a sum the very interest of which, according to the rate of interest in that country, amounted to more than this bribe, taken, as was pretended, for the Company's service. Such are the consequences of a banian's generosity, and of Mr. Hastings's gratitude, so far as the interest of the country is concerned; and this is a good way to pay Mr. Hastings's contingent accounts. But this is not all: a most detestable villain is sent up into the country to take the management of it, and the fortunes of all the great families in it are given entirely into his power. This is the way by which the Company are to keep their own servants from falling into "the extremity of private want." And the Company itself, in this pretended saving to their treasury by the taking of bribes, lose more than the amount of the bribes received. Wherever a bribe is given on one hand, there is a balance accruing on the other. No man, who had any share in the management of the Company's revenues, ever gave a bribe, who did not either extort the full amount of it from the country, or else fall in balance to the Company to that amount, and frequently both. In short, Mr. Hastings never was guilty of corruption, that blood and rapine did not follow; he never took a bribe, pretended to be for their benefit, but the Company's treasury was proportionably exhausted by it.

And now was this scandalous and ruinous traffic in bribes brought to light by the Court of Directors? No: we got it in the House of Commons. These bribes appear to have been taken at various times and upon various occasions; and it was not till his return from Patna, in February, 1782, that the first communication of any of them was made to the Court of Directors. Upon the receipt of this letter, the Court of Directors wrote back to him, requiring some further explanation upon the subject. No explanation was given, but a communication of other bribes was made in his letter, said to be written in May of the same year, but not dispatched to Europe till the December following. This produced another requisition from the Directors for explanation. And here your Lordships are to observe that this correspondence is never in the way of letters written and answers given; but he and the Directors are perpetually playing at hide-and-seek with each other, and writing to each other at random: Mr. Hastings making a communication one day, the Directors requiring an explanation the next; Mr. Hastings giving an account of another bribe on the third day, without giving any explanation of the former. Still, however, the Directors are pursuing their chase. But it was not till they learned that the committees of the House of Commons (for committees of the House of Commons had then some weight) were frowning upon them for this collusion with Mr. Hastings, that at last some honest men in the Direction were permitted to have some ascendancy, and that a proper letter was prepared, which I shall show your Lordships, demanding from Mr. Hastings an exact account of all the bribes that he had received, and painting to him, in colors as strong at least as those I use, his bribery, his frauds, and peculations, — and what does them great honor for that

moment, they particularly direct that the money which was taken from the Nabob of Oude should be carried to his account. These paragraphs were prepared by the Committee of Correspondence, and, as I understand, approved by the Court of Directors, but never were sent out to India. However, something was sent, but miserably weak and lame of its kind; and Mr. Hastings never answered it, or gave them any explanation whatever. He now, being prepared for his departure from Calcutta, and having finished all his other business, went up to Oude upon a chase in which just now we cannot follow him. He returned in great disgust to Calcutta, and soon after set sail for England, without ever giving the Directors one word of the explanation which he had so often promised, and they had repeatedly asked.

We have now got Mr. Hastings in England, where you will suppose some satisfactory account of all these matters would be obtained from him. One would suppose, that, on his arrival in London, he would have been a little quickened by a menace, as he expresses it, which had been thrown out against him in the House of Commons, that an inquiry would be made into his conduct; and the Directors, apprehensive of the same thing, thought it good gently to insinuate to him by a letter, written by whom and how we do not know, that he ought to give some explanation of these accounts. This produced a letter which I believe in the business of the whole world cannot be paralleled: not even himself could be his parallel in this. Never did inventive folly, working upon conscious guilt, and throwing each other totally in confusion, ever produce such a false, fraudulent, prevaricating letter as this, which is now to be given to you.

You have seen him at Patna, at Calcutta, in the country, on the Ganges: now you see him at the waters at Cheltenham; and you will find his letter from that place to comprehend the substance of all his former letters, and to be a digest of all the falsity, fraud, and nonsense contained in the whole of them. Here it is, and your Lordships will suffer it to be read. I must beg your patience; I must acknowledge that it has been the most difficult of all things to explain, but much more difficult to make pleasant and not wearisome, falsity and fraud pursued through all its artifices; and therefore, as it has been the most painful work to us to unravel fraud and prevarication, so there is nothing that more calls for the attention, the patience, the vigilance, and the scrutiny of an exact court of justice. But as you have already had almost the whole of the man, do not think it too much to hear the rest in this letter from Cheltenham. It is dated, Cheltenham, 11th of July, 1785, addressed to William Devaynes, Esquire; and it begins thus: —

“Sir, — The Honorable Court of Directors, in their general letter to Bengal by the ‘Surprise,’ dated the 16th of March, 1784, were pleased to express their desire that I should inform them of the periods when each sum of the presents mentioned in my address of the 22d May, 1782, was received, — what were my motives for withholding the several receipts from the knowledge of the Council, or of the Court

of Directors, — and what were my reasons for taking bonds for part of these sums, and for paying other sums into the treasury as deposits, on my own account.”

I wish your Lordships to pause a moment. Here is a letter written in July, 1785. You see that from the 29th of December [November?], 1780, till that time, during which interval, though convinced in his own conscience and though he had declared his own opinion of the necessity of giving a full explanation of these money transactions, he had been imposing upon the Directors false and prevaricating accounts of them, they were never able to obtain a full disclosure from him.

He goes on:— “I have been kindly apprised that the information required as above is yet expected from me. I hope that the circumstances of my past situation, when considered, will plead my excuse for having thus long withheld it. The fact is, that I was not at the Presidency when the ‘Surprise’ arrived; and when I returned to it, my time and attention were so entirely engrossed, to the day of my final departure from it, by a variety of other more important occupations, of which, Sir, I may safely appeal to your testimony, grounded on the large portion contributed by myself of the volumes which compose our Consultations of that period,” —

These Consultations, my Lords, to which he appeals, form matter of one of the charges that the Commons have brought against Mr. Hastings, — namely, a fraudulent attempt to ruin certain persons employed in subordinate situations under him, for the purpose, by intruding himself into their place, of secretly carrying on his own transactions. These volumes of Consultations were written to justify that act.

He next says,— “The submission which my respect would have enjoined me to pay to the command imposed on me was lost to my recollection, perhaps from the stronger impression which the first and distant perusal of it had left on my mind, that it was rather intended as a reprehension for something which had given offence in my report of the original transaction than an expression of any want of a further elucidation of it.”

Permit me to make a few remarks upon this extraordinary passage. A letter is written to him, containing a repetition of the request which had been made a thousand times before, and with which he had as often promised to comply. And here he says, “It was lost to my recollection.” Observe his memory: he can forget the command, but he has an obscure recollection that he thought it a reprehension rather than a demand! Now a reprehension is a stronger mode of demand. When I say to a servant, “Why have you not given me the account which I have so often asked for?” is he to answer, “The reason I have not given it is because I thought you were railing at and abusing me”?

He goes on:— “I will now endeavor to reply to the different questions which have been stated to me, in as explicit a manner as I am able. To such information as I can give the Honorable Court is fully entitled; and where that shall prove defective, I will point out the only means by which it may be rendered more complete.”

In order that your Lordships may thoroughly enter into the spirit of this letter, I must request that you will observe how handsomely and kindly these tools of Directors have expressed themselves to him, and that even their baseness and subserviency to him were not able to draw from him anything that could be satisfactory to his enemies: for as to these his friends, he cares but little about satisfying them, though they call upon him in consequence of his own promise; and this he calls a reprehension. They thus express themselves:— “Although it is not our intention to express any doubt of the integrity of the Governor-General, — on the contrary, after having received the presents, we cannot avoid expressing our approbation of his conduct in bringing them to the credit of the Company, — yet we must confess the statement of those transactions appears to us in many points so unintelligible, that we feel ourselves under the necessity of calling on the Governor-General for an explanation, agreeable to his promise voluntarily made to us. We therefore desire to be informed of the different periods when each sum was received, and what were the Governor-General’s motives for withholding the several receipts from the knowledge of the Council and of the Court of Directors, and what were his reasons for taking bonds for part of these sums and paying other sums into the treasury as deposits upon his own account.” Such is their demand, and this is what his memory furnishes as nothing but a reprehension.

He then proceeds:— “First, I believe I can affirm with certainty that the several sums mentioned in the account transmitted with my letter above mentioned were received at or within a very few days of the dates which are affixed to them in the account. But as this contains only the gross sums, and each of these was received in different payments, though at no great distance of time, I cannot therefore assign a great degree of accuracy to the account.” — Your Lordships see, that, after all, he declares he cannot make his account accurate. He further adds, “Perhaps the Honorable Court will judge this sufficient” — that is, this explanation, namely, that he can give none— “for any purpose to which their inquiry was directed; but if it should not be so, I will beg leave to refer, for a more minute information, and for the means of making any investigation which they may think it proper to direct, respecting the particulars of this transaction, to Mr. Larkins, your accountant-general, who was privy to every process of it, and possesses, as I believe, the original paper, which contained the only account that I ever kept of it.”

Here is a man who of his bribe accounts cannot give an account in the country where they are carried on. When you call upon him in Bengal, he cannot give the account, because he is in Bengal; when he comes to England, he cannot give the account here, because his accounts are left in Bengal. Again, he keeps no accounts himself, but his accounts are in Bengal, in the hands of somebody else: to him he refers, and we shall see what that reference produced.

“In this, each receipt was, as I recollect, specifically inserted, with the name of the person by whom it was made; and I shall write to him to desire that he will

furnish you with the paper itself, if it is still in being and in his hands, or with whatever he can distinctly recollect concerning it.” — Here are accounts kept for the Company, and yet he does not know whether they are in existence anywhere.

“For my motives for withholding the several receipts from the knowledge of the Council or of the Court of Directors, and for taking bonds for part of these sums, and paying others into the treasury as deposits on my own account, I have generally accounted in my letter to the Honorable the Court of Directors of the 22d of May, 1782, — namely, that I either chose to conceal the first receipts from public curiosity by receiving bonds for the amount, or possibly acted without any studied design which my memory at that distance of time could verify, and that I did not think it worth my care to observe the same means with the rest. It will not be expected that I should be able to give a more correct explanation of my intentions after a lapse of three years, having declared at the time that many particulars had escaped my remembrance; neither shall I attempt to add more than the clearer affirmation of the facts implied in that report of them, and such inferences as necessarily or with a strong probability follow them.”

You have heard of that Oriental figure called, in the banian language, a *painche*, in English, a *screw*. It is a puzzled and studied involution of a period, framed in order to prevent the discovery of truth and the detection of fraud; and surely it cannot be better exemplified than in this sentence: “Neither shall I attempt to add more than the clearer affirmation of the facts implied in that report of them, and such inferences as necessarily or with a strong probability follow them.” Observe, that he says, not *facts stated*, but *facts implied in the report*. And of what was this to be a report? Of things which the Directors declared they did not understand. And then the inferences which are to follow these implied facts are to follow them — But how? *With a strong probability*. If you have a mind to study this Oriental figure of rhetoric, the *painche*, here it is for you in its most complete perfection. No rhetorician ever gave an example of any figure of oratory that can match this.

But let us endeavor to unravel the whole passage. First he states, that, in May, 1782, he had forgotten his motives for falsifying the Company’s accounts; but he affirms the facts contained in the report, and afterwards, very rationally, draws such inferences as necessarily or with a strong probability follow them. And if I understand it at all, which God knows I no more pretend to do than Don Quixote did those sentences of lovers in romance-writers of which he said it made him run mad to attempt to discover the meaning, the inference is, “Why do you call upon me for accounts now, three years after the time when I could not give you them? I cannot give them you. And as to the papers relating to them, I do not know whether they exist; and if they do, perhaps you may learn something from them, perhaps you may not: I will write to Mr. Larkins for those papers, if you please.” Now, comparing this with his other accounts, you will see what a monstrous scheme he has laid of fraud and concealment to cover his speculation. He tells them,— “I have

said that the three first sums of the account were paid into the Company's treasury without passing through my hands. The second of these was forced into notice by its destination and application to the expense of a detachment which was formed and employed against Mahdajee Sindia, under the command of Lieutenant-Colonel Camac, as I particularly apprised the Court of Directors in my letter of the 29th December [November?], 1780." He does not yet tell the Directors from whom he received it: we have found it out by other collateral means.— "The other two were certainly not intended, when I received them, to be made public, though intended for public service, and actually applied to it. The exigencies of government were at that time my own, and every pressure upon it rested with its full weight upon my mind. Wherever I could find allowable means of relieving those wants, I eagerly seized them." — Allowable means of receiving bribes! for such I shall prove them to be in the particular instances.— "But neither could it occur to me as necessary to state on our Proceedings every little aid that I could thus procure; nor do I know how I could have stated it without appearing to court favor by an ostentation which I disdained, nor without the chance of exciting the jealousy of my colleagues by the constructive assertion of a separate and unparticipated merit, derived from the influence of my station, to which they might have had an equal claim."

Now we see, that, after hammering his brains for many years, he does find out his motive, which he could not verify at the time, — namely, that, if he let his colleagues know that he was receiving bribes, and gaining the glory of receiving them, they might take it into their heads likewise to have their share in the same glory, as they were joined in the same commission, enjoyed the same powers, and were subject to the same restrictions. It was, indeed, scandalous in Mr. Hastings, not behaving like a good, fair colleague in office, not to let them know that he was going on in this career of receiving bribes, and to deprive them of their share in the glory of it: but they were grovelling creatures, who thought that keeping clean hands was some virtue.— "Well, but you have applied some of these bribes to your own benefit: why did you give no account of those bribes?" "I did not," he says, "because it might have excited the envy of my colleagues." To be sure, if he was receiving bribes for his own benefit, and they not receiving such bribes, and if they had a liking to that kind of traffic, it is a good ground of envy, that a matter which ought to be in common among them should be confined to Mr. Hastings, and he therefore did well to conceal it; and on the other hand, if we suppose him to have taken them, as he pretends, for the Company's use, in order not to excite a jealousy in his colleagues for being left out of this meritorious service, to which they had an equal claim, he did well to take bonds for what ought to be brought to the Company's account. These are reasons applicable to his colleagues, who sat with him at the same board, — Mr. Macpherson, Mr. Stables, Mr. Wheler, General Clavering, Colonel Monson, and Mr. Francis: he was afraid of exciting their envy or their jealousy.

You will next see another reason, and an extraordinary one it is, which he gives for concealing these bribes from his inferiors. But I must first tell your Lordships, what, till the proof is brought before you, you will take on credit, — indeed, it is on his credit, — that, when he formed the Committee of Revenue, he bound them by a solemn oath, “not, under any name or pretence whatever, to take from any zemindar, farmer, person concerned in the revenue, or any other, any gift, gratuity, allowance, or reward whatever, or anything beyond their salary”; and this is the oath to which he alludes. Now his reason for concealing his bribes from his inferiors, this Committee, under these false and fraudulent bonds, he states thus:— “I should have deemed it particularly dishonorable to receive for my own use money tendered by men of a certain class, from whom I had interdicted the receipt of presents to my inferiors, and bound them by oath not to receive them: I was therefore more than ordinarily cautious to avoid the suspicion of it, which would scarcely have failed to light upon me, had I suffered the money to be brought to my own house, or that of any person known to be in trust for me.”

My Lords, here he comes before you, avowing that he knew the practice of taking money from these people was a thing dishonorable in itself. “I should have deemed it particularly dishonorable to receive for my own use money tendered by men of a certain class, from whom I had interdicted the receipt of presents to my inferiors, and bound them by oath not to receive them.” He held it particularly dishonorable to receive them; he had bound others by an oath not to receive them: but he received them himself; and why does he conceal it? “Why, because,” says he, “if the suspicion came upon me, the dishonor would fall upon my pate.” Why did he, by an oath, bind his inferiors not to take these bribes? “Why, because it was base and dishonorable so to do; and because it would be mischievous and ruinous to the Company’s affairs to suffer them to take bribes.” Why, then, did he take them himself? It was ten times more ruinous, that he, who was at the head of the Company’s government, and had bound up others so strictly, should practise the same himself; and “therefore,” says he, “I was more than ordinarily cautious.” What! to avoid it? “No; to carry it on in so clandestine and private a manner as might secure me from the suspicion of that which I know to be detestable, and bound others up from practising.”

We shall prove that the kind of men from whom he interdicted his Committee to receive bribes were the identical men from whom he received them himself. If it was good for him, it was good for them to be permitted these means of extorting; and if it ought at all to be practised, they ought to be admitted to extort for the good of the Company. Rajah Nobkissin was one of the men from whom he interdicted them to receive bribes, and from whom he received a bribe for his own use. But he says he concealed it from them, because he thought great mischief might happen even from their suspicion of it, and lest they should thereby be inclined themselves to practise it, and to break their oaths.

You take it, then, for granted that he really concealed it from them? No such thing. His principal confidant in receiving these bribes was Mr. Croftes, who was a principal person in this Board of Revenue, and whom he had made to swear not to take bribes: he is the confidant, and the very receiver, as we shall prove to your Lordships. What will your Lordships think of his affirming and averring a direct falsehood, that he did it to conceal it from these men, when one of them was his principal confidant and agent in the transaction? What will you think of his being more than ordinarily cautious to avoid the suspicion of it? He ought to have avoided the crime, and the suspicion would take care of itself.

“For these reasons,” he says, “I caused it to be transported immediately to the treasury. There I well knew, Sir, it could not be received, without being passed to some credit; and this could only be done by entering it as a loan or as a deposit. The first was the least liable to reflection, and therefore I had obviously recourse to it. Why the second sum was entered as a deposit I am utterly ignorant. Possibly it was done without any special direction from me; possibly because it was the simplest mode of entry, and therefore preferred, as the transaction itself did not require concealment, having been already avowed.”

My Lords, in fact, every word of this is either false or groundless: it is completely fallacious in every part. The first sum, he says, was entered as a loan, the second as a deposit. Why was this done? Because, when you enter moneys of this kind, you must enter them under some name, some head of account; “and I entered them,” he says, “under these, because otherwise there was no entering them at all.” Is this true? Will he stick to this? I shall desire to know from his learned counsel, some time or other, whether that is a point he will take issue upon. Your Lordships will see there were other bribes of his which he brought under a regular official head, namely, *darbar charges*; and there is no reason why he should not have brought these under the same head. Therefore what he says, that there is no other way of entering them but as loans and deposits, is not true. He next says, that in the second sum there was no reason for concealment, because it was avowed. But that false deposit was as much concealment as the false loan, for he entered that money as his own; whereas, when he had a mind to carry any money to the Company’s account, he knew how to do it, for he had been accustomed to enter it under a general name, called *darbar charges*, — a name which, in its extent at least, was very much his own invention, and which, as he gives no account of those charges, is as large and sufficient to cover any fraudulent expenditure in the account as, one would think, any person could wish. You see him, then, first guessing one thing, then another, — first giving this reason, then another; at last, however, he seems to be satisfied that he has hit upon the true reason of his conduct.

Now let us open the next paragraph, and see what it is.— “Although I am firmly persuaded that these were my sentiments on the occasion, yet I will not affirm that they were. Though I feel their impression as the remains of a series of thoughts

retained on my memory, I am not certain that they may not have been produced by subsequent reflection on the principal fact, combining with it the probable motives of it. Of this I am certain, that it was my design originally to have concealed the receipt of all the sums, except the second, even from the knowledge of the Court of Directors. They had answered my purpose of public utility, and I had almost dismissed them from my remembrance.”

My Lords, you will observe in this most astonishing account which he gives here, that several of these sums he meant to conceal forever, even from the knowledge of the Directors. Look back to his letter of 22d May, 1782, and his letter of the 16th of December, and in them he tells you that he might have concealed them, but that he was resolved not to conceal them; that he thought it highly dishonorable so to do; that his conscience would have been wounded, if he had done it; and that he was afraid it would be thought that this discovery was brought from him in consequence of the Parliamentary inquiries. Here he says of a discovery which he values himself upon making voluntarily, that he is afraid it should be attributed to arise from motives of fear. Now, at last, he tells you, from Cheltenham, at a time when he had just cause to dread the strict account to which he is called this day, first, that he cannot tell whether any one motive which he assigns, either in this letter or in the former, were his real motive or not; that he does not know whether he has not invented them since, in consequence of a train of meditation upon what he might have done or might have said; and, lastly, he says, contrary to all his former declarations, “that he had never meant nor could give the Directors the least notice of them at all, as they had answered his purpose, and he had dismissed them from his remembrance.” “I intended,” he says, “always to keep them secret, though I have declared to you solemnly, over and over again, that I did not. I do not care how you discovered them; I have forgotten them; I have dismissed them from my remembrance.” Is this the way in which money is to be received and accounted for?

He then proceeds thus:— “But when fortune threw a sum of money in my way of a magnitude which could not be concealed, and the peculiar delicacy of my situation at the time I received it made me more circumspect of appearances, I chose to apprise my employers of it, which I did hastily and generally: hastily, perhaps, to prevent the vigilance and activity of secret calumny; and generally, because I knew not the exact amount of which I was in the receipt, but not in the full possession. I promised to acquaint them with the result as soon as I should be in possession of it; and, in the performance of my promise, I thought it consistent with it to add to the amount all the former appropriations of the same kind: my good genius then suggesting to me, with a spirit of caution which might have spared me the trouble of this apology, had I universally attended to it, that, if I had suppressed them, and they were afterwards known, I might be asked what were my motives for withholding a part of these receipts from the knowledge of the Court of Directors and informing them of the rest, it being my wish to clear up every doubt.”

I am almost ashamed to remark upon the tergiversations and prevarications perpetually ringing the changes in this declaration. He would not have discovered this hundred thousand pounds, if he could have concealed it: he would have discovered it, lest malicious persons should be telling tales of it. He has a system of concealment: he never discovers anything, but when he thinks it can be forced from him. He says, indeed, "I could conceal these things forever, but my conscience would not give me leave": but it is guilt, and not honesty of conscience, that always prompts him. At one time it is the malice of people and the fear of misrepresentation which induced him to make the disclosure; and he values himself on the precaution which this fear had suggested to him. At another time it is the magnitude of the sum which produced this effect: nothing but the impossibility of concealing it could possibly have made him discover it. This hundred thousand pounds he declares he would have concealed, if he could; and yet he values himself upon the discovery of it. Oh, my Lords, I am afraid that sums of much greater magnitude have not been discovered at all! Your Lordships now see some of the artifices of this letter. You see the variety of styles he adopts, and how he turns himself into every shape and every form. But, after all, do you find any clear discovery? do you find any satisfactory answer to the Directors' letter? does he once tell you from whom he received the money? does he tell you for what he received it, what the circumstances of the persons giving it were, or any explanation whatever of his mode of accounting for it? No: and here, at last, after so many years' litigation, he is called to account for his prevaricating, false accounts in Calcutta, and cannot give them to you.

His explanation of his conduct relative to the bonds now only remains for your Lordships' consideration. Before he left Calcutta, in July, 1784 [1781?], he says, when he was going upon a service which he thought a service of danger, he indorsed the false bonds which he had taken from the Company, declaring them to be none of his. You will observe that these bonds had been in his hands from the 9th or 15th of January (I am not quite sure of the exact date) to the day when he went upon this service, some time in the month of July, 1784 [1781?]. This service he had formerly declared he did not apprehend to be a service of danger; but he found it to be so after: it was in anticipation of that danger that he made this attestation and certificate upon the bonds. But who ever saw them? Mr. Larkins saw them, says he: "I gave them Mr. Larkins." We will show you hereafter that Mr. Larkins deserves no credit in this business, — that honor binds him not to discover the secrets of Mr. Hastings. But why did he not deliver them up entirely, when he was going upon that service? for all pretence of concealment in the business was now at an end, as we shall prove. Why did he not cancel these bonds? Why keep them at all? Why not enter truly the state of the account in the Company's records? "But I indorsed them," he says. "Did you deliver them so indorsed into the treasury?" "No, I delivered them indorsed into the hands of my bribe-broker and

agent.” “But why not destroy them, or give them up to the Company, and say you were paid, which would have been the only truth in this transaction? Why did you not indorse them before? Why not, during the long period of so many years, cancel them?” No, he kept them to the very day when he was going from Calcutta, and had made a declaration that they were not his. Never before, upon any account, had they appeared; and though the Committee of the House of Commons, in the Eleventh Report, had remarked upon all these scandalous proceedings and prevarications, yet he was not stimulated, even then, to give up these bonds. He held them in his hands till the time when he was preparing for his departure from Calcutta, in spite of the Directors, in spite of the Parliament, in spite of the cries of his own conscience, in a matter which was now grown public, and would knock doubly upon his reputation and conduct. He then declares they are not for his own use, but for the Company’s service. But were they then cancelled? I do not find a trace of their being cancelled. In this letter of the 17th of January, 1785, he says with regard to these bonds, “The following sums were paid into the treasury, and bonds granted for the same in the name of the Governor-General, in whose possession the bonds remain, with a declaration upon each, indorsed and signed by him, that he has no claim on the Company for the amount either of principal or interest, no part of the latter having been received.”

To the account of the 22d of May, of the indorsement, is added the declaration upon oath. But why any man need to declare upon oath that the money which he has fraudulently taken and concealed from another person is not his is the most extraordinary thing in the world. If he had a mind to have it placed to his credit as his own, then an oath would be necessary; but in this case any one would believe him upon his word. He comes, however, and says, “This is indorsed upon oath.” Oath! before what magistrate? In whose possession were the bonds? Were they given up? There is no trace of that upon the record, and it stands for him to prove that they were ever given up, and in any hands but Mr. Larkins’s and his own. So here are the bonds, begun in obscurity and ending in obscurity, ashes to ashes, dust to dust, corruption to corruption, and fraud to fraud. This is all we see of these bonds, till Mr. Larkins, to whom he writes some letter concerning them which does not appear, is called to read a funeral sermon over them.

My Lords, I am come now near the period of this class of Mr. Hastings’s bribes. I am a little exhausted. There are many circumstances that might make me wish not to delay this business by taking up another day at your Lordships’ bar, in order to go through this long, intricate scene of corruption. But my strength now fails me. I hope within a very short time, to-morrow or the next court-day, to finish it, and to go directly into evidence, as I long much to do, to substantiate the charge; but it was necessary that the evidence should be explained. You have heard as much of the drama as I could go through: bear with my weakness a little: Mr. Larkins’s letter

will be the epilogue to it. I have already incurred the censure of the prisoner; I mean to increase it, by bringing home to him the proof of his crimes, and to display them in all their force and turpitude. It is my duty to do it; I feel it an obligation nearest to my heart.

SPEECH ON THE SIXTH ARTICLE OF CHARGE. FOURTH DAY: THURSDAY, MAY 7, 1789.

My Lords, — When I had the honor last to address you from this place, I endeavored to press this position upon your minds, and to fortify it by the example of the proceedings of Mr. Hastings, — that obscurity and inaccuracies in a matter of account constituted a just presumption of fraud. I showed, from his own letters, that his accounts were confused and inaccurate. I am ready, my Lords, to admit that there are situations in which a minister in high office may use concealment: it may be his duty to use concealment from the enemies of his masters; it may be prudent to use concealment from his inferiors in the service. It will always be suspicious to use concealment from his colleagues and coördinates in office; but when, in a money transaction, any man uses concealment with regard to them to whom the money belongs, he is guilty of a fraud. My Lords, I have shown you that Mr. Hastings kept no account, by his own confession, of the moneys that he had privately taken, as he pretends, for the Company's service, and we have but too much reason to presume for his own. We have shown you, my Lords, that he has not only no accounts, but no memory; we have shown that he does not even understand his own motives; that, when called upon to recollect them, he begs to guess at them; and that as his memory is to be supplied by his guess, so he has no confidence in his guesses. He at first finds, after a lapse of about a year and a half, or somewhat less, that he cannot recollect what his motives were to certain actions which upon the very face of them appeared fraudulent. He is called to an account some years after, to explain what they were, and he makes a just reflection upon it, — namely, that, as his memory did not enable him to find out his own motive at the former time, it is not to be expected that it would be clearer a year after. Your Lordships will, however, recollect, that in the Cheltenham letter, which is made of no perishable stuff, he begins again to guess; but after he has guessed and guessed again, and after he has gone through all the motives he can possibly assign for the action, he tells you he does not know whether those were his real motives, or whether he has not invented them since.

In that situation the accounts of the Company were left with regard to very great sums which passed through Mr. Hastings's hands, and for which he, instead of giving his masters credit, took credit to himself, and, being their debtor, as he confesses himself to be at that time, took a security for that debt as if he had been their creditor. This required explanation. Explanation he was called upon for, over and over again; explanation he did not give, and declared he could not give. He was called upon for it when in India: he had not leisure to attend to it there. He was called upon for it when in Europe: he then says he must send for it to India. With

much prevarication, and much insolence too, he confesses himself guilty of falsifying the Company's accounts by making himself their creditor when he was their debtor, and giving false accounts of this false transaction. The Court of Directors was slow to believe him guilty; Parliament expressed a strong suspicion of his guilt, and wished for further information. Mr. Hastings about this time began to imagine his conscience to be a faithful and true monitor, — which it were well he had attended to upon many occasions, as it would have saved him his appearance here, — and it told him that he was in great danger from the Parliamentary inquiries that were going on. It was now to be expected that he would have been in haste to fulfil the promise which he had made in the Patna letter of the 20th of January, 1782; and accordingly we find that about this time his first agent, Major Fairfax, was sent over to Europe, which agent entered himself at the India House, and appeared before the Committee of the House of Commons, as an agent expressly sent over to explain whatever might appear doubtful in his conduct. Major Fairfax, notwithstanding the character in which Mr. Hastings employed him, appeared to be but a letter-carrier: he had nothing to say: he gave them no information in the India House at all: to the Committee (I can speak with the clearness of a witness) he gave no satisfaction whatever. However, this agent vanished in a moment, in order to make way for another, more substantial, more efficient agent, — an agent perfectly known in this country, — an agent known by the name given to him by Mr. Hastings, who, like the princes of the East, gives titles: he calls him an incomparable agent; and by that name he is very well known to your Lordships and the world. This agent, Major Scott, who I believe was here prior to the time of Major Fairfax's arrival in the character of an agent, and for the very same purposes, was called before the Committee, and examined, point by point, article by article, upon all that obscure enumeration of bribes which the Court of Directors declare they did not understand; but he declared that he could speak nothing with regard to any of these transactions, and that he had got no instructions to explain any part of them. There was but one circumstance which in the course of his examination we drew from him, — namely, that one of these articles, entered in the account of the 22d of May as a deposit, had been received from Mr. Hastings as a bribe from Cheyt Sing. He produced an extract of a letter relative to it, which your Lordships in the course of this trial may see, and which will lead us into a further and more minute inquiry on that head; but when that committee made their report in 1783, not one single article had been explained to Parliament, not one explained to the Company, except this bribe of Cheyt Sing, which Mr. Hastings had never thought proper to communicate to the East India Company, either by himself, nor, as far as we could find out, by his agent; nor was it at last otherwise discovered than as it was drawn out from him by a long examination in the Committee of the House of Commons. And thus, notwithstanding the letters he had written and the agents he employed, he seemed

absolutely and firmly resolved to give his employers no satisfaction at all. What is curious in this proceeding is, that Mr. Hastings, all the time he conceals, endeavors to get himself the credit of a discovery. Your Lordships have seen what his discovery is; but Mr. Hastings, among his other very extraordinary acquisitions, has found an effectual method of concealment through discovery. I will venture to say, that, whatever suspicions there might have been of Mr. Hastings's bribes, there was more effectual concealment in regard to every circumstance respecting them in that discovery than if he had kept a total silence. Other means of discovery might have been found, but this, standing in the way, prevented the employment of those means.

Things continued in this state till the time of the letter from Cheltenham. The Cheltenham letter declared that Mr. Hastings knew nothing of the matter, — that he had brought with him no accounts to England upon the subject; and though it appears by this very letter that he had with him at Cheltenham (if he wrote the letter at Cheltenham) a great deal of his other correspondence, that he had his letter of the 22d of May with him, yet any account that could elucidate that letter he declared that he had not; but he hinted that a Mr. Larkins, in India, whom your Lordships will be better acquainted with, was perfectly apprised of all that transaction. Your Lordships will observe that Mr. Hastings has all his faculties, some way or other, in deposit: one person can speak to his motives; another knows his fortune better than himself; to others he commits the sentimental parts of his defence; to Mr. Larkins he commits his memory. We shall see what a trustee of memory Mr. Larkins is, and how far he answers the purpose which might be expected, when appealed to by a man who has no memory himself, or who has left it on the other side of the water, and who leaves it to another to explain for him accounts which he ought to have kept himself, and circumstances which ought to be deposited in his own memory.

This Cheltenham letter, I believe, originally became known, as far as I can recollect, to the House of Commons, upon a motion of Mr. Hastings's own agent: I do not like to be positive upon that point, but I think that was the first appearance of it. It appeared likewise in public: for it was thought so extraordinary and laborious a performance, by the writer or his friends, (as indeed it is,) that it might serve to open a new source of eloquence in the kingdom, and consequently was printed, I believe, at the desire of the parties themselves. But however it became known, it raised an extreme curiosity in the public to hear, when Mr. Hastings could say nothing, after so many years, of his own concerns and his own affairs, what satisfaction Mr. Larkins at last would give concerning them. This letter was directed to Mr. Devaynes, Chairman of the Court of Directors. It does not appear that the Court of Directors wrote anything to India in consequence of it, or that they directed this satisfactory account of the business should be given them; but some private communications passed between Mr. Hastings, or his agents, and Mr.

Larkins. There was a general expectation upon this occasion, I believe, in the House of Commons and in the nation at large, to know what would become of the portentous inquiry. Mr. Hastings has always contrived to have half the globe between question and answer: when he was in India, the question went to him, and then he adjourned his answer till he came to England; and when he came to England, it was necessary his answer should arrive from India; so that there is no manner of doubt that all time was given for digesting, comparing, collating, and making up a perfect memory upon the occasion.

But, my Lords, Mr. Larkins, who has in custody Mr. Hastings's memory, no small part of his conscience, and all his accounts, did, at last, in compliance with Mr. Hastings's desire, think proper to send an account. Then, at last, we may expect light. Where are we to look for accounts, but from an accountant-general? Where are they to be met with, unless from him? And accordingly, in that night of perplexity into which Mr. Hastings's correspondence had plunged them, men looked up to the dawning of the day which was to follow that star, the little Lucifer, which with his lamp was to dispel the shades of night, and give us some sort of light into this dark, mysterious transaction. At last the little lamp appeared, and was laid on the table of this House of Commons, on the motion of Mr. Hastings's friends: for we did not know of its arrival. It arrives, with all the intelligence, all the memory, accuracy, and clearness which Mr. Larkins can furnish for Mr. Hastings upon a business that before was nothing but mystery and confusion. The account is called, —

"Copy of the particulars of the dates on which the component parts of sundry sums included in the account of sums received on the account of the Honorable Company by the Governor-General, or paid to their Treasury by his order, and applied to their service, were received for Mr. Hastings, and paid to the Sub-Treasurer."

The letter from Mr. Larkins consisted of two parts: first, what was so much wanted, an account; next, what was wanted most of all to such an account as he sent, a comment and explanation. The account consisted of two members: one gave an account of several detached bribes that Mr. Hastings had received within the course of about a year and a half; and the other, of a great bribe which he had received in one gross sum of one hundred thousand pounds from the Nabob of Oude. It appeared to us, upon looking into these accounts, that there was some geography, a little bad chronology, but nothing else in the first: neither the persons who took the money, nor the persons from whom it was taken, nor the ends for which it was given, nor any other circumstances are mentioned.

The first thing we saw was *Dinagepore*. I believe you know this piece of geography, — that it is one of the provinces of the kingdom of Bengal. We then have a long series of months, with a number of sums added to them; and in the end it is said, that on the 18th and 19th of Asin, (meaning part of September and part of October,) were paid to Mr. Croftes two lac of rupees; and then remains one lac,

which was taken from a sum of three lac six thousand nine hundred and seventy-three rupees. After we had waited for Mr. Hastings's own account, after it had been pursued through a series of correspondence in vain, after his agents had come to England to explain it, this is the explanation that your Lordships have got of this first article, Dinagepore. Not the person paid to, not the person paying, are mentioned, nor any other circumstance, except the signature, *G.G.S.*: this might serve for *George Gilbert Sanders*, or any other name you please; and seeing *Croftes* above it, you might imagine it was an Englishman. And this, which I call a geographical and a chronological account, is the only account we have. Mr. Larkins, upon the mere face of the account, sadly disappoints us; and I will venture to say that in matters of account Bengal book-keeping is as remote from good book-keeping as the Bengal *painches* are remote from all the rules of good composition. We have, however, got some light: namely, that one *G.G.S.* has paid some money to Mr. Croftes for some purpose, but from whom we know not, nor where; that there is a place called Dinagepore; and that Mr. Hastings received some money from somebody in Dinagepore.

The next article is *Patna*. Your Lordships are not so ill acquainted with the geography of India as not to know that there is such a place as Patna, nor so ill acquainted with the chronology of it as not to know that there are three months called Baisakh, Asin, Chait. Here was paid to Mr. Croftes two lac of rupees, and there was left a balance of about two more. But though you learn with regard to the province of Dinagepore that there is a balance to be discharged by *G.G.S.*, yet with regard to Patna we have not even a *G.G.S.*: we have no sort of light whatever to know through whose hands the money passed, nor any glimpse of light whatever respecting it.

You may expect to be made amends in the other province, called *Nuddea*, where Mr. Hastings had received a considerable sum of money. There is the very same darkness: not a word from whom received, by whom received, or any other circumstance, but that it was paid into the hands of Mr. Hastings's *white banian*, as he was commonly called in that country, into the hands of Mr. Croftes, who is his white agent in receiving bribes: for he was very far from having but one.

After all this inquiry, after so many severe animadversions from the House of Commons, after all those reiterated letters from the Directors, after an application to Mr. Hastings himself, when you are hunting to get at some explanation of the proceedings mentioned in the letter of the month of May, 1782, you receive here by Mr. Larkins's letter, which is dated the 5th of August, 1786, this account, which, to be sure, gives an amazing light into this business: it is a letter for which it was worth sending to Bengal, worth waiting for with all that anxious expectation with which men wait for great events. Upon the face of the account there is not one single word which can tend to illustrate the matter: he sums up the whole, and makes out that

there was received five lac and fifty thousand rupees, that is to say, 55,000*l.*, out of the sum of nine lac and fifty thousand engaged to be paid: namely, —

From Dinagepore
4,00,000

From Nuddea
1,50,000

And from Patna
4,00,000

9,50,000

Or
£95,000

Now you have got full light! *Cabooleat* signifies a contract, or an agreement; and this agreement was, to pay Mr. Hastings, as one should think, certain sums of money, — it does not say from whom, but only that such a sum of money was paid, and that there remains such a balance. When you come and compare the money received by Mr. Croftes with these cabooleats, you find that the cabooleats amount to 95,000*l.*, and that the receipt has been about 55,000*l.*, and that upon the face of this account there is 40,000*l.* somewhere or other unaccounted for. There never was such a mode of account-keeping, except in the new system of this bribe exchequer.

Your Lordships will now see, from this luminous, satisfactory, and clear account, which could come from no other than a great accountant and a great financier, establishing some new system of finance, and recommending it to the world as superior to those old-fashioned foolish establishments, the Exchequer and Bank of England, what lights are received from Mr. Hastings.

However, it does so happen that from these obscure hints we have been able to institute examinations which have discovered such a mass of fraud, guilt, corruption, and oppression as probably never before existed since the beginning of the world; and in that darkness we hope and trust the diligence and zeal of the House of Commons will find light sufficient to make a full discovery of his base crimes. We hope and trust, that, after all his concealments, and though he appear resolved to die in the last dike of prevarication, all his artifices will not be able to secure him from the siege which the diligence of the House of Commons has laid to his corruptions.

Your Lordships will remark, in a paragraph, which, though it stands last, is the first in principle, in Mr. Larkins's letter, that, having before given his comment, he

perorates, as is natural upon such an occasion. This peroration, as is usual in perorations, is in favor of the parties speaking it, and *ad conciliandum auditorem*. “Conscious,” he says, “that the concern which I have had in these transactions needs neither an apology nor an excuse,” — that is rather extraordinary, too! — “and that I have in no action of my life sacrificed the duty and fidelity which I owed to my honorable employers either to the regard which I felt for another or to the advancement of my own fortune, I shall conclude this address, firmly relying upon the candor of those before whom it may be submitted for its being deemed a satisfactory as well as a circumstantial compliance with the requisition in conformity to which the information it affords has been furnished,” — meaning, as your Lordships will see in the whole course of the letter, that he had written it in compliance with the requisition and in conformity to the information he had been furnished with by Mr. Hastings,— “without which it would have been as base as dishonorable for me spontaneously to have afforded it: for, though the duty which every man owes to himself should render him incapable of making an assertion not strictly true, no man actuated either by virtuous or honorable sentiments could mistakenly apprehend, that, unless he betrayed the confidence reposed in him by another, he might be deemed deficient in fidelity to his employers.”

My Lords, here is, in my opinion, a discovery very well worthy your Lordships’ attention; here is the accountant-general of the Company, who declares, and fixes it as a point of honor, that he would not have made a discovery so important to them, if Mr. Hastings himself had not authorized him to make it: a point to which he considers himself bound by his honor to adhere. Let us see what becomes of us, when the principle of honor is so debauched and perverted. A principle of honor, as long as it is connected with virtue, adds no small efficacy to its operation, and no small brilliancy and lustre to its appearance: but honor, the moment that it becomes unconnected with the duties of official function, with the relations of life, and the eternal and immutable rules of morality, and appears in its substance alien to them, changes its nature, and, instead of justifying a breach of duty, aggravates all its mischiefs to an almost infinite degree; by the apparent lustre of the surface, it hides from you the baseness and deformity of the ground. Here is Mr. Hastings’s agent, Mr. Larkins, the Company’s general accountant, prefers his attachment to Mr. Hastings to his duty to the Company. Instead of the account which he ought to give to them in consequence of the trust reposed in him, he thinks himself bound by honor to Mr. Hastings, if Mr. Hastings had not called for that explanation, not to have given it: so that, whatever obscurity is in this explanation, it is because Mr. Hastings did not authorize or require him to give a clearer. Here is a principle of treacherous fidelity, of perfidious honor, of the faith of conspirators against their masters, the faith of robbers against the public, held up against the duty of an officer in a public situation. You see how they are bound to one another, and how they give their fidelity to keep the secrets of one another, to prevent the Directors having a

true knowledge of their affairs; and I am sure, if you do not destroy this honor of conspirators and this faith of robbers, that there will be no other honor and no other fidelity among the servants in India. Mr. Larkins, your Lordships see, adheres to the principle of secrecy.

You will next remark that Mr. Hastings had as many bribe-factors as bribes. There was confidence to be reposed in each of them, and not one of these men appears to be in the confidence of another. You will find in this letter the policy, the frame, and constitution of this new exchequer. Mr. Croftes seems to have known things which Mr. Larkins did not; Mr. Larkins knew things which Gunga Govind Sing did not; Gunga Govind Sing knew things which none of the rest of the confederates knew. Cantoo Baboo, who appears in this letter as a principal actor, was in a secret which Mr. Larkins did not know; it appears likewise, that there was a Persian moonshee in a secret of which Cantoo Baboo was ignorant; and it appears that Mr. Palmer was in the secret of a transaction not intrusted to any of the rest. Such is the labyrinth of this practical *painche*, or screw, that, if, for instance, you were endeavoring to trace backwards some transaction through Major Palmer, you would be stopped there, and must go back again; for it had begun with Cantoo Baboo. If in another you were to penetrate into the dark recess of the black breast of Cantoo Baboo, you could not go further; for it began with Gunga Govind Sing. If you pierce the breast of Gunga Govind Sing, you are again stopped; a Persian moonshee was the confidential agent. If you get beyond this, you find Mr. Larkins knew something which the others did not; and at last you find Mr. Hastings did not put entire confidence in any of them. You will see, by this letter, that he kept his accounts in all colors, black, white, and mezzotinto; that he kept them in all languages, — in Persian, in Bengalee, and in a language which, I believe, is neither Persian nor Bengalee, nor any other known in the world, but a language in which Mr. Hastings found it proper to keep his accounts and to transact his business. The persons carrying on the accounts are Mr. Larkins, an Englishman, Cantoo Baboo, a Gentoo, and a Persian moonshee, probably a Mahometan. So all languages, all religions, all descriptions of men are to keep the account of these bribes, and to make out this valuable account which Mr. Larkins gave you!

Let us now see how far the memory, observation, and knowledge of the persons referred to can supply the want of them in Mr. Hastings. These accounts come at last, though late, from Mr. Larkins, who, I will venture to say, let the banians boast what they will, has skill perhaps equal to the best of them: he begins by explaining to you something concerning the present of the ten lac. I wish your Lordships always to take Mr. Hastings's word, where it can be had, — or Mr. Larkins's, who was the representative of and memory-keeper to Mr. Hastings; and then I may perhaps take the liberty of making some observations upon it.

Extract of a Letter from William Larkins, Accountant-General of Bengal, to the Chairman of the East India Company, dated 5th August, 1786.

“Mr. Hastings returned from Benares to Calcutta on the 5th February, 1782. At that time I was wholly ignorant of the letter which on the 20th January he wrote from Patna to the Secret Committee of the Honorable the Court of Directors. The rough draught of this letter, in the handwriting of Major Palmer, is now in my possession. Soon after his arrival at the Presidency, he requested me to form the account of his receipts and disbursements, which you will find journalized in the 280th, &c., and 307th pages of the Honorable Company’s general books of the year 1781-2. My official situation as accountant-general had previously convinced me that Mr. Hastings could not have made the issues which were acknowledged as received from him by some of the paymasters of the army, unless he had obtained some such supply as that which he afterwards, viz., on the 22d May, 1782, made known to me, when I immediately suggested to him the necessity of his transmitting that account which accompanied his letter of that date, till when the promise contained in his letter of 20th January had entirely escaped his recollection.”

The first thing I would remark on this (and I believe your Lordships have rather gone before me in the remark) is, that Mr. Hastings came down to Calcutta on the 5th of February; that then, or a few days after, he calls to him his confidential and faithful friend, (not his official secretary, for he trusted none of his regular secretaries with these transactions,) — he calls him to help him to make out his accounts during his absence. You would imagine that at that time he trusted this man with his account. No such thing: he goes on with the accountant-general, accounting with him for money expended, without ever explaining to that accountant-general how that money came into his hands. Here, then, we have the accountant making out the account, and the person accounting. The accountant does not in any manner make an objection, and say, “Here you are giving me an account by which it appears that you have expended money, but you have not told me where you received it: how shall I make out a fair account of debtor and creditor between you and the Company?” He does no such thing. There lies a suspicion in his breast that Mr. Hastings must have taken some money in some irregular way, or he could not have made those payments. Mr. Larkins begins to suspect him. “Where did you lose this bodkin?” said one lady to another, upon a certain occasion. “Pray, Madam, where did you find it?” Mr. Hastings, at the very moment of his life when confidence was required, even when making up his accounts with his accountant, never told him one word of the matter. You see he had no confidence in Mr. Larkins. This makes out one of the propositions I want to impress upon your Lordships’ minds, that no one man did he let into every part of his transactions: a material circumstance, which will help to lead your Lordships’ judgment in forming your opinion upon many parts of this cause.

You see that Mr. Larkins suspected him. Probably in consequence of those suspicions, or from some other cause, he at last told him, upon the 22d of May, 1782, (but why at that time, rather than at any other time, does not appear; and this we shall find very difficult to be accounted for,) — he told him that he had received a bribe from the Nabob of Oude, of 100,000*l*. He informs him of this on the 22d of May, which, when the accounts were making up, he conceals from him. And he communicates to him the rough draught of his letter to the Court of Directors, informing them that this business was not transacted by any known secretary of the Company, nor with the intervention of any interpreter of the Company, nor passed through any official channel whatever, but through a gentleman much in his confidence, his military secretary; and, as if receiving bribes, and receiving letters concerning them, and carrying on correspondence relative to them, was a part of military duty, the rough draught of this letter was in the hands of this military secretary. Upon the communication of the letter, it rushes all at once into the mind of Mr. Larkins, who knows Mr. Hastings's recollection, who knows what does and what does not escape it, and who had a memory ready to explode at Mr. Hastings's desire, "Good God!" says he, "you have promised the Directors an account of this business!" — a promise which Mr. Larkins assures the Directors, upon his word, had entirely escaped Mr. Hastings's recollection. Mr. Hastings, it seems, had totally forgotten the promise relative to the paltry sum of 100,000*l*. which he had made to the Court of Directors in the January before; he never once thought of it, no, not even when he was making up his accounts of that very identical sum, till the 22d of May. So that these persons answer for one another's bad memory: and you will see they have good reason. Mr. Hastings's want of recollection appears in things of some moment. However lightly he may regard the sum of 100,000*l*., which, considering the enormous sums he has received, I dare say he does, — for he totally forgot it, he knew nothing about it, — observe what sort of memory this registrar and accountant of such sums as 100,000*l*. has. In what confusion of millions must it be, that such sums can be lost to Mr. Hastings's recollection! However, at last it was brought to his recollection, and he thought that it was necessary to give some account of it. And who is the accountant whom he produces? His own memory is no accountant. He had dismissed the matter (as he happily expresses it in the Cheltenham letter) from his memory. Major Palmer is not the accountant. One is astonished that a man who had had 100,000*l*. in his hands, and laid it out, as he pretends, in the public service, has not a scrap of paper to show for it. No ordinary or extraordinary account is given of it. Well, what is to be done in such circumstances? He sends for a person whose name you have heard and will often hear of, the faithful Cantoo Baboo. This man comes to Mr. Larkins, and he reads to him (be so good as to remark the words) from a Bengal paper the account of the detached bribes. Your Lordships will observe that I have stated the receipt of a number of detached bribes, and a bribe in one great body: one, the great *corps*

d'armée; the other, flying scouting bodies, which were only to be collected together by a skilful man who knew how to manage them, and regulate the motions of those wild and disorderly troops. When No. 2 was to be explained, Cantoo Baboo failed him; he was not worth a farthing as to any transaction that happened when Mr. Hastings was in the Upper Provinces, where though he was his faithful and constant attendant through the whole, yet he could give no account of it. Mr. Hastings's moonshee then reads three lines from a paper to Mr. Larkins. Now it is no way even insinuated that both the Bengal and Persian papers did not contain the account of other immense sums; and, indeed, from the circumstance of only three lines being read from the Persian paper, your Lordships will be able, in your own minds, to form some judgment upon this business.

I shall now proceed with his letter of explanation. "The particulars," he goes on to say, "of the paper No. 1 were read to me from a Bengal paper by Mr. Hastings's banian, Cantoo Baboo; and if I am not mistaken, the three first lines of that No. 2 were read over to me from a Persian paper by his moonshee. The translation of these particulars, made by me, was, as I verily believe, the first complete memorandum that he ever possessed of them in the English language; and I am confident, that, if I had not suggested to him the necessity of his taking this precaution, he would at this moment have been unable to have afforded any such information concerning them."

Now, my Lords, if he had not got, on the intimation of Mr. Larkins, some scraps of paper, your Lordships might have at this day wanted that valuable information which Mr. Larkins has laid before you. These, however, contain, Mr. Larkins says, "the first complete" — what? — account, do you imagine? — no, "the first complete *memorandum*." You would imagine that he would himself, for his own use, have notched down, somewhere or other, in short-hand, in Persian characters, short without vowels, or in some other way, *memorandums*. But he had not himself even a memorandum of this business; and consequently, when he was at Cheltenham, and even here at your bar, he could never have had any account of a sum of 200,000*l.*, but by this account of Mr. Larkins, taken, as people read them, from detached pieces of paper.

One would have expected that Mr. Larkins, being warned that day, and cautioned by the strange memory of Mr. Hastings, and the dangerous situation, therefore, in which he himself stood, would at least have been very guarded and cautious. Hear what he next says upon this subject. "As neither of the other sums passed through his hands, these" (meaning the scraps) "contained no such specification, and consequently could not enable him to afford the information with which he has requested me to furnish you; and it is more than probable, that, if the affidavit which I took on the 16th December, 1782, had not exposed my character to the suspicion of my being capable of committing one of the basest trespasses upon the confidence of mankind, I should, at this distance of time, have been equally unable

to have complied with this request: but after I became acquainted with the insinuation suggested in the Eleventh Report of the Select Committee of the House of Commons, I thought it but too probable, that, unless I was possessed of the original memorandum which I had made of these transactions, I might not at some distant period be able to prove that I had not descended to commit so base an action. I have therefore always most carefully preserved every paper which I possessed regarding these transactions.”

You see that Mr. Hastings had no memorandums of his accounts; you see, that, after Mr. Larkins had made his memorandums of them, he had no design of guarding or keeping them; and you will commend those wicked and malicious committees who by their reports have told an accountant-general and first public officer of revenue, that, in order to guard his character from their suspicions, it was necessary that he should keep some paper or other of an account. We have heard of the base, wicked, and mercenary license that has been used by these gentlemen of India towards the House of Commons: a license to libel and traduce the diligence of the House of Commons, the purity of their motives, and the fidelity of their actions, by which the very means of informing the people are attempted to be used for the purpose of leaving them in darkness and delusion. But, my Lords, when the accountant-general declares, that, if the House of Commons had not expressed, as they ought to express, much diffidence and distrust respecting these transactions, and even suspected him of perjury, this very day that man would not have produced a scrap of those papers to you, but might have turned them to the basest and most infamous of uses. If, I say, we have saved these valuable fragments by suspecting his integrity, your Lordships will see suspicion is of some use: and I hope the world will learn that punishment will be of use, too, in preventing such transactions.

Your Lordships have seen that no two persons knew anything of these transactions; you see that even memorandums of transactions of very great moment, some of which had passed in the year 1779, were not even so much as put in the shape of complete memoranda until May, 1782; you see that Mr. Hastings never kept them: and there is no reason to imagine that a black banian and a Persian moonshee would have been careful of what Mr. Hastings himself, who did not seem to stimulate his accountants to a vast deal of exactness and a vast deal of fidelity, was negligent. You see that Mr. Larkins, our last, our only hope, if he had not been suspected by the House of Commons, probably would never have kept these papers; and that you could not have had this valuable cargo, such as it is, if it had not been for the circumstance Mr. Larkins thinks proper to mention.

From the specimen which we have given of Mr. Hastings’s mode of accounts, of its vouchers, checks, and counter-checks, your Lordships will have observed that the mode itself is past describing, and that the checks and counter-checks, instead of being put upon one another to prevent abuse, are put upon each other to prevent discovery and to fortify abuse. When you hear that one man has an account of

receipt, another of expenditure, another of control, you say that office is well constituted: but here is an office constituted by different persons without the smallest connection with each other; for the only purpose which they have ever answered is the purpose of base concealment.

We shall now proceed a little further with Mr. Larkins. The first of the papers from which he took the memoranda was a paper of Cantoo Baboo. It contained detached payments, amounting in the whole, with the cabooleat, or agreement, to about 95,000*l.* sterling, and of which it appears that there was received by Mr. Croftes 55,000*l.*, and no more.

Now will your Lordships be so good as to let it rest in your memory what sort of an exchequer this is, even with regard to its receipts? As your Lordships have seen the economy and constitution of this office, so now see the receipt. It appears that in the month of May, 1782, out of the sums beginning to be received in the month of Shawal, that is in July, 1779, there was, during that interval, 40,000*l.* out of 95,000*l.* sunk somewhere, in some of the turnings over upon the gridiron, through some of those agents and panders of corruption which Mr. Hastings uses. Here is the *valuable* revenue of the Company, *which is to supply them in their exigencies, which is to come from sources which otherwise never would have yielded it*, — which, though small in proportion to the other revenue, yet is a diamond, something that by its value makes amends for its want of bulk, — falling short by 40,000*l.* out of 95,000*l.* Here is a system made for fraud, and producing all the effects of it.

Upon the face of this account, the agreement was to yield to Mr. Hastings, some way or other, to be paid to Mr. Croftes, 95,000*l.*, and there was a deficiency of 40,000*l.* Would any man, even with no more sense than Mr. Hastings, who wants all the faculties of the human mind, who has neither memory nor judgment, any man who was that poor half-idiot creature that Mr. Hastings pretends to be, engage in a dealing that was to extort from some one or other an agreement to pay 95,000*l.* which was not to produce more than 55,000*l.*? What, then, is become of it? Is it in the hands of Mr. Hastings's wicked bribe-brokers, or in his own hands? Is it in arrear? Do you know anything about it? Whom are you to apply to for information? Why, to G.G.S. — G.G.S. I find to be, what indeed I suspected him to be, a person that I have mentioned frequently to your Lordships, and that you will often hear of, commonly called Gunga Govind Sing, — in a short word, the wickedest of the whole race of banians: the consolidated wickedness of the whole body is to be found in this man.

Of the deficiency which appears in this agreement with somebody or other on the part of Mr. Hastings through Gunga Govind Sing you will expect to hear some explanation. Of the first sum, which is said to have been paid through Gunga Govind Sing, amounting on the cabooleat to four lac, and of which no more than two lac was actually received, — that is to say, half of it was sunk, — we have this memorandum only: “Although Mr. Hastings was extremely dissatisfied with the

excuses Gunga Govind Sing assigned for not paying Mr. Croftes the sum stated by the paper No. 1 to be in his charge, he never could obtain from him any further payments on this account.” Mr. Hastings is exceedingly dissatisfied with those excuses, and this is the whole account of the transaction. This is the only thing said of Gunga Govind Sing in the account: he neither states how he came to be employed, or for what he was employed. It appears, however, from the transaction, as far as we can make our way through this darkness, that he had actually received 10,000*l.* of the money, which he did not account for, and that he pretended that there was an arrear of the rest. So here Mr. Hastings’s bribe-agent admits that he had received 10,000*l.*, but he will not account for it; he says there is an arrear of another 10,000*l.*; and thus it appears that he was enabled to take from somebody at Dinagepore, by a caboodle, 40,000*l.*, of which Mr. Hastings can get but 20,000*l.*: there is cent per cent loss upon it. Mr. Hastings was so exceedingly dissatisfied with this conduct of Gunga Govind Sing, that you would imagine a breach would have immediately ensued between them. I shall not anticipate what some of my honorable friends will bring before your Lordships; but I tell you, that, so far from quarrelling with Gunga Govind Sing, or being really angry with him, it is only a little pettish love quarrel with Gunga Govind Sing: *amantium iræ amoris integratio est*. For Gunga Govind Sing, without having paid him one shilling of this money, attended him to the Ganges; and one of the last acts of Mr. Hastings’s government was to represent this man, who was unfaithful even to fraud, who did not keep the common faith of thieves and robbers, this very man he recommends to the Company as a person who ought to be rewarded, as one of their best and most faithful servants. And how does he recommend him to be rewarded? By giving him the estate of another person, — the way in which Mr. Hastings desires to be always rewarded himself: for, in calling upon the Company’s justice to give him some money for expenses with which he never charged them, he desires them to assign him the money upon some person of the country. So here Mr. Hastings recommends Gunga Govind Sing not only to trust, confidence, and employment, which he does very fully, but to a reward taken out of the substance of other people. This is what Mr. Hastings has done with Gunga Govind Sing; and if such are the effects of his anger, what must be the effect of his pleasure and satisfaction? Now I say that Mr. Hastings, who, in fact, saw this man amongst the very last with whom he had any communication in India, could not have so recommended him after this known fraud, in one business only, of 20,000*l.*, — he could not so have supported him, he could not so have caressed him, he could not so have employed him, he could not have done all this, unless he had paid to Mr. Hastings privately that sum of money which never was brought into any even of these miserable accounts, without some payment or other with which Mr. Hastings was and ought to be satisfied, or unless Gunga Govind Sing had some dishonorable secret to tell of him which he did not dare to provoke him to give a just account of, or, lastly, unless the

original agreement was that half or a third of the bribe should go to Gunga Govind Sing.

Such is this patriotic scheme of bribery, this public-spirited corruption which Mr. Hastings has invented upon this occasion, and by which he thinks out of the vices of mankind to draw a better revenue than out of any legal source whatever; and therefore he has resolved to become the most corrupt of all Governors-General, in order to be the most useful servant to the finances of the Company.

So much as to the first article of Dinagepore peshcush. All you have is, that G.G.S is Gunga Govind Sing; that he has cheated the public of half of it; that Mr. Hastings was angry with him, and yet went away from Bengal, rewarding, praising, and caressing him. Are these things to pass as matters of course? They cannot so pass with your Lordships' sagacity: I will venture to say that no court, even of *pie-poudre*, could help finding him guilty upon such a matter, if such a court had to inquire into it.

The next article is *Patna*. Here, too, he was to receive 40,000*l.*; but from whom this deponent saith not. At this circumstance Mr. Larkins, who is a famous deponent, never hints once. You may look through his whole letter, which is a pretty long one, (and which I will save your Lordships the trouble of hearing read at length now, because you will have it before you when you come to the Patna business,) and you will only find that somebody had engaged to pay him 40,000*l.*, and that but half of this sum was received. You want an explanation of this. You have seen the kind of explanation given in the former case, a conjectural explanation of G.G.S. But when you come to the present case, who the person paying was, why the money was not paid, what the cause of failure was, you are not told: you only learn that there was that sum deficient; and Mr. Larkins, who is our last resort and final hope of elucidation in this transaction, throws not the smallest glimpse of light upon it. We of the House of Commons have been reduced to form the best legitimate conjectures we could upon this business, and those conjectures have led us to further evidence, which will enable us to fix one of the most scandalous and most mischievous bribes, in all the circumstances of it, upon Mr. Hastings, that was ever known. If he extorted 40,000*l.* under pretence of the Company's service, here is again another failure of half the money. Oh, my Lords, you will find that even the remaining part was purchased with the loss of one of the best revenues in India, and with the grievous distress of a country that deserved well your protection, instead of being robbed to give 20,000*l.* to the Company, and another 20,000*l.* to some robber or other, black or white. When I say, given to some other robber, black or white, I do not suppose that either generosity, friendship, or even communion, can exist in that country between white men and black: no, their colors are not more adverse than their characters and tempers. There is not that *idem velle et idem nolle*, there are none of those habits of life, nothing, that can bind men together even in the most ordinary society: the mutual means of such an union do not exist between

them. It is a money-dealing, and a money-dealing only, which can exist between them; and when you hear that a black man is favored, and that 20,000*l.* is pretended to be left in his hands, do not believe it: indeed, you cannot believe it; for we will bring evidence to show that there is no friendship between those people, — and that, when black men give money to a white man, it is a bribe, — and that, when money is given to a black man, he is only a sharer with the white man in their infamous profits. We find, however, somebody, anonymous, with 20,000*l.* left in his hands; and when we come to discover who the man is, and the final balance which appears against him in his account with the Company, we find that for this 20,000*l.*, which was received for the Company, they paid such a compound interest as was never before paid for money advanced: the most violently griping usurer, in dealing with the most extravagant heir, never made such a bargain as Mr. Hastings has made for the Company by this bribe. Therefore it could be nothing but fraud that could have got him to have undertaken such a revenue. This evidently shows the whole to be a pretence to cover fraud, and not a weak attempt to raise a revenue, — and that Mr. Hastings was not that idiot he represents himself to be, a man forgetting all his offices, all his duties, all his own affairs, and all the public affairs. He does not, however, forget how to make a bargain to get money; but when the money is to be recovered for the Company, (as he says,) he forgets to recover it: so that the accuracy with which he begins a bribe, *acribus initiis et soporosâ fine*, and the carelessness with which he ends it, are things that characterize, not weakness and stupidity, but fraud.

The next article we proceed to is *Nuddea*. Here we have more light; but does Mr. Larkins anywhere tell you anything about *Nuddea*? No it appears as if the account had been paid up, and that the cabooleat and the payments answer and tally with each other; yet, when we come to produce the evidence upon these parts, you will see most abundant reason to be assured that there is much more concealed than is given in this account, — that it is an account current, and not an account closed, — and that the agreement was for some other and greater sum than appears. It might be expected that the Company would inquire of Mr. Hastings, and ask, “From whom did he get it? Who has received it? Who is to answer for it?” But he knew that they were not likely to make any inquiry at all, — they are not that kind of people. You would imagine that a mercantile body would have some of the mercantile excellencies, and even you would allow them perhaps some of the mercantile faults. But they have, like Mr. Hastings, forgotten totally the mercantile character; and, accordingly, neither accuracy nor fidelity of account do they ever require of Mr. Hastings. They have too much confidence in him; and he, accordingly, acts like a man in whom such confidence, without reason, is reposed.

Your Lordships may perhaps suppose that the payment of this money was an act of friendship and generosity in the people of the country. No: we have found out, and shall prove, from whom he got it; at least we shall produce such a conjecture

upon it as your Lordships will think us bound to do, when we have such an account before us. Here on the face of the account there is no deficiency; but when we look into it, we find skulking in a corner a person called Nundulol, from whom there is received 58,000 rupees. You will find that he, who appears to have paid up this money, and which Mr. Hastings spent as he pleased in his journey to Benares, and who consequently must have had some trust reposed in him, was the wickedest of men, next to those I have mentioned, — always giving the first rank to Gunga Govind Sing, *primus inter pares*, the second to Debi Sing, the third to Cantoo Baboo: this man is fit to be one next on a par with them. Mr. Larkins, when he comes to explain this article, says, “I believe it is for a part of the Dinagepore peshcush, which would reduce the balance to about 5,000*l*.”: but he does not pretend to know what it is given for; he gives several guesses at it; “but,” he says, “as I do not know, I shall not pretend to give more than my conjecture upon it.” He is in the right; because we shall prove Nundulol never did have any thing to do with the Dinagepore peshcush. These are very extraordinary proceedings. It is my business simply to state them to your Lordships now; we will give them in afterwards in evidence, and I will leave that evidence to be confirmed and fortified by further observations.

One of the objects of Mr. Larkins’s letter is to illustrate the bonds. He says, “The two first stated sums” (namely, Dinagepore and Patna, in the paper marked No. 1, I suppose, for he seems to explain it to be such) “are sums for a part of which Mr. Hastings took two bonds: viz., No. 1539, dated 1st October, 1780, and No. 1540, dated 2d October, 1780, each for the sum of current rupees 1,16,000, or sicca rupees one lac. The remainder of that amount was carried to the credit of the head, *Four per Cent Remittance Loan*: Mr. Hastings having taken a bond for it, (No. 89,) which has been since completely liquidated, conformable to the law.” But before I proceed with the bonds, I will beg leave to recall to your Lordships’ recollection that Mr. Larkins states in his letter that these sums were received in November. How does this agree with another state of the transaction given by Mr. Hastings, namely, that the time of his taking the bonds was the 1st and 2d of October? Mr. Larkins, therefore, who has thought proper to say that the money was received in the month of November, has here given as extraordinary an instance either of fraudulent accuracy or shameful official inaccuracy as was ever perhaps discovered. The first sums are asserted to be paid to Mr. Croftes on the 18th and 19th of Asin, 1187. The month of Asin corresponds with the month of September and part of October, and not with November; and it is the more extraordinary that Mr. Larkins should mistake this, because he is in an office which requires monthly payments, and consequently great monthly exactness, and a continual transfer from one month to another: we cannot suppose any accountant in England can be more accurately acquainted with the succession of months than Mr. Larkins must have been with the comparative state of Bengal and English months. How are we to account for this

gross inaccuracy? If you have a poet, if you have a politician, if you have a moralist inaccurate, you know that these are cases which, from the narrow bounds of our weak faculties, do not perhaps admit of accuracy. But what is an inaccurate *accountant* good for? “Silly man, that dost not know thy own silly trade!” was once well said: but the trade here is not silly. You do not even praise an accountant for being accurate, because you have thousands of them; but you justly blame a public accountant who is guilty of a gross inaccuracy. But what end could his being inaccurate answer? Why not name October as well as November? I know no reason for it; but here is certainly a gross mistake: and from the nature of the thing, it is hardly possible to suppose it to be a mere mistake. But take it that it is a mistake, and to have nothing of fraud, but mere carelessness; this, in a man valued by Mr. Hastings for being very punctilious and accurate, is extraordinary.

But to return to the bonds. We find a bond taken in the month of Shawal, 1186, or 1779, but the receipt is said to be in Asin, 1780: that is to say, there was a year and about three months between the collection and the receipt; and during all that period of time an enormous sum of money had lain in the hands of Gunga Govind Sing, to be employed when Mr. Hastings should think fit. He employed it, he says, for the Mahratta expedition. Now he began that letter on the 29th of November by telling you that the bribe would not have been taken from Cheyt Sing, if it had not been at the instigation of an exigency which it seems required a supply of money, to be procured lawfully or unlawfully. But in fact there was no exigency for it before the Berar army came upon the borders of the country, — that army which he invited by his careless conduct towards the Rajah of Berar, and whose hostility he was obliged to buy off by a sum of money; and yet this bribe was taken from Cheyt Sing long before he had this occasion for it. The fund lay in Gunga Govind Sing’s hands; and he afterwards applied to that purpose a part of this fund, which he must have taken without any view whatever to the Company’s interest. This pretence of the exigency of the Company’s affairs is the more extraordinary, because the first receipt of these moneys was some time in the year 1779 (I have not got the exact date of the agreement); and it was but a year before that the Company was so far from being in distress, that he declared he should have, at very nearly the period when this bribe became payable, a very large sum (I do not recollect the precise amount) in their treasury. I cannot certainly tell when the cabooleat, or agreement, was made; yet I shall lay open something very extraordinary upon that subject, and will lead you, step by step, to the bloody scenes of Debi Sing. Whilst, therefore, Mr. Hastings was carrying on these transactions, he was carrying them on without any reference to the pretended object to which he afterwards applied them. It was an old, premeditated plan; and the money to be received could not have been designed for an exigency, because it was to be paid by monthly instalments. The case is the same with respect to the other cabooleats: it could not have been any momentary

exigence which he had to provide for by these sums of money; they were paid regularly, period by period, as a constant, uniform income, to Mr. Hastings.

You find, then, Mr. Hastings first leaving this sum of money for a year and three months in the hands of Gunga Govind Sing; you find, that, when an exigence pressed him by the Mahrattas suddenly invading Bengal, and he was obliged to refer to his bribe-fund, he finds that fund empty, and that, in supplying money for this exigence, he takes a bond for two thirds of his own money and one third of the Company's. For, as I stated before, Mr. Larkins proves of one of these accounts, that he took, in the month of January, for this bribe-money, which, according to the principles he lays down, was the Company's money, three bonds as for money advanced from his own cash. Now this sum of three lacs, instead of being all his own, as it should appear to be in the month of January, when he took the bonds, or two thirds his own and one third the Company's, as he said in his letter of the 29th of November, turns out, by Mr. Larkins's account, paragraph 9, which I wish to mark to your Lordships, to be two thirds the Company's money and one third his own; and yet it is all confounded under bonds, as if the money had been his own. What can you say to this heroic sharper disguised under the name of a patriot, when you find him to be nothing but a downright cheat, first taking money under the Company's name, then taking their securities to him for their own money, and afterwards entering a false account of them, contradicting that by another account? — and God knows whether the third be true or false. These are not things that I am to make out by any conclusion of mine; here they are, made out by himself and Mr. Larkins, and, comparing them with his letter of the 27th, you find a gross fraud covered by a direct falsehood.

We have now done with Mr. Larkins's account of the bonds, and are come to the other species of Mr. Hastings's frauds, (for there is a great variety in them,) and first to Cheyt Sing's bribe. Mr. Larkins came to the knowledge of the bond-money through Gunga Govind Sing and through Cantoo Baboo. Of this bribe he was not in the secret originally, but was afterwards made a confidant in it; it was carried to him; and the account he gives of it I will state to your Lordships.

"The fourth sum stated in Mr. Hastings's account was the produce of sundry payments made to me by Sadamund, Cheyt Sing's buckshee, who either brought or sent the gold mohurs to my house, from whence they were taken by me to Mr. Croftes, either on the same night or early in the morning after: they were made at different times, and I well remember that the same people never came twice. On the 21st June, 1780, Mr. Hastings sent for me, and desired that I would take charge of a present that had been offered to him by Cheyt Sing's buckshee, under the plea of atoning for the opposition which he had made towards the payment of the extra subsidy for defraying part of the expenses of the war, but really in the hope of its inducing Mr. Hastings to give up that claim; with which view the present had first been offered. Mr. Hastings declared, that, although he would not take this for his

own use, he would apply it to that of the Company, in removing Mr. Francis's objections to the want of a fund for defraying the extra expenses of Colonel Camac's detachment. On my return to the office, I wrote down the substance of what Mr. Hastings had said to me, and requested Mr. James Miller, my deputy, to seal it up with his own seal, and write upon it, that he had then done so at my request. He was no further informed of my motive for this than merely that it contained the substance of a conversation which had passed between me and another gentleman, which, in case that conversation should hereafter become the subject of inquiry, I wished to be able to adduce the memorandum then made of it, in corroboration of my own testimony; and although that paper has remained unopened to this hour, and notwithstanding that I kept no memorandum whatever of the substance thereof, yet, as I have wrote this representation under the most scrupulous adherence to what I conceived to be truth, should it ever become necessary to refer to this paper, I am confident that it will not be found to differ materially from the substance of this representation."

I forgot to mention, that, besides these two bonds, which Mr. Hastings declared to be the Company's, and one bond his own, that he slipped into the place of the bond of his own a much better, namely, a bond of November, which he never mentioned to the Company till the 22d of May; and this bond for current rupees 1,74,000, or sicca rupees 1,50,000, was taken for the payment stated in the paper No. 1 to have been made to Mr. Croftes on the 11th Aghan, 1187, which corresponds to the 23d of November, 1780. This is the Nuddea money, and this is all that you know of it; you know that this money, for which he had taken this other bond from the Company, was not his own neither, but bribes taken from the other provinces.

I am ashamed to be troublesome to your Lordships in this dry affair, but the detection of fraud requires a good deal of patience and assiduity, and we cannot wander into anything that can relieve the mind: if it was in my power to do it, I would do it. I wish, however, to call your Lordships' attention to this last bribe before I quit these bonds. Such is the confusion, so complicated, so intricate are these bribe accounts, that there is always something left behind, glean never so much from the paragraphs of Mr. Hastings and Mr. Larkins. "I could not bring them to account," says Mr. Larkins. "They were received before the 1st and 2d of October." Why does not the running treasury account give an account of them? The Committee of the House of Commons examined whether the running treasury account had any such account of sums deposited. No such thing. They are said by Mr. Hastings to be deposited in June: they were not deposited in October, nor any account of them given till the January following. "These bonds," says he, "I could not enter as regular money, to be entered on the Company's account, or in any public way, until I had had an order of the Governor-General and Council." But why had not you an order of the Governor-General and Council? We are not calling

on you, Mr. Larkins, for an account of your conduct: we are calling upon Mr. Hastings for an account of his conduct, and which he refers to you to explain. Why did not Mr. Hastings order you to carry them to the public account? "Because," says he, "there was no other way." Every one who knows anything of a treasury or public banking-place knows, that if any person brings money as belonging to the public, that the public accountant is bound, no doubt, to receive it and enter it as such. "But," says he, "I could not do it until the account could be settled, as between debtor and creditor: I did not do it till I could put on one side durbar charges, secret service, to such an amount, and balance that again with bonds to Mr. Hastings." That is, he could not make an entry regularly in the Company's books until Mr. Hastings had enabled him to commit one of the grossest frauds and violations of a public trust that ever was committed, by ordering that money of the Company's to be considered as his own, and a bond to be taken as a security for it from the Company, as if it was his own.

But to proceed with this deposit. What is the substance of Mr. Larkins's explanation of it? The substance of this explanation is, that here was a bribe received by Mr. Hastings from Cheyt Sing, guarded with such scrupulous secrecy, that it was not carried to the house of Mr. Croftes, who was to receive it finally, but to the house of Mr. Larkins, as a less suspected place; and that it was conveyed in various sums, no two people ever returning twice with the various payments which made up that sum of 23,000*l.* or thereabouts. Now do you want an instance of prevarication and trickery in an account? If any person should inquire whether 23,000*l.* had been paid by Cheyt Sing to Mr. Hastings, there was not any one man living, or any person concerned in the transaction, except Mr. Larkins, who received it, that could give an account of how much he received, or who brought it. As no two people are ever his confidants in the same transaction in Mr. Hastings's accounts, so here no two people are permitted to have any share whatever in bringing the several fragments that make up this sum. This bribe, you might imagine, would have been entered by Mr. Larkins to some public account, at least to the fraudulent account of Mr. Hastings. No such thing. It was never entered till the November following. It was not entered till Mr. Francis had left Calcutta. All these corrupt transactions were carried on privately by Mr. Hastings alone, without any signification to his colleagues of his carrying on this patriotic traffic, as he called it. Your Lordships will also consider both the person who employs such a fraudulent accountant, and his ideas of his duty in his office. These are matters for your Lordships' grave determination; but I appeal to you, upon the face of these accounts, whether you ever saw anything so gross, — and whether any man could be daring enough to attempt to impose upon the credulity of the weakest of mankind, much more to impose upon such a court as this, such accounts as these are.

If the Company had a mind to inquire what is become of all the debts due to them, and where is the cabooleat, he refers them to Gunga Govind Sing. "Give us," say they, "an account of this balance that remains in your hands." "I know," says he, "of no balance." "Why, is there not a cabooleat?" "Where is it? What are the date and circumstances of it? There is no such cabooleat existing." This is the case even where you have the name of the person through whose hands the money passed. But suppose the inquiry went to the payments of the Patna cabooleat. "Here," they say, "we find half the money due: out of forty thousand pounds there is only twenty thousand received: give us some account of it." Who is to give an account of it? Here there is no mention made of the name of the person who had the cabooleat: whom can they call upon? Mr. Hastings does not remember; Mr. Larkins does not tell; they can learn nothing about it. If the Directors had a disposition, and were honest enough to the Proprietors and the nation to inquire into it, there is not a hint given, by either of those persons, who received the Nuddea, who received the Patna, who received the Dinagepore peshcush.

But in what court can a suit be instituted, and against whom, for the recovery of this balance of 40,000*l.* out of 95,000*l.*? I wish your Lordships to examine strictly this account, — to examine strictly every part, both of the account itself, and Mr. Larkins's explanation: compare them together, and divine, if you can, what remedy the Company could have for their loss. Can your Lordships believe that this can be any other than a systematical, deliberate fraud, grossly conducted? I will not allow Mr. Hastings to be the man he represents himself to be: he was supposed to be a man of parts; I will only suppose him to be a man of mere common sense. Are these the accounts we should expect from such a man? And yet he and Mr. Larkins are to be magnified to heaven for great financiers; and this is to be called book-keeping! This is the Bengal account saved so miraculously on the 22d of May.

Next comes the Persian account. You have heard of a present to which it refers. It has been already stated, but it must be a good deal farther explained. Mr. Larkins states that this account was taken from a paper, of which three lines, and only three lines, were read to him by a Persian moonshee; and it is not pretended that this was the whole of it. The three lines read are as follows.

"From the Nabob" (meaning the Nabob of Oude) "to the Governor-General, six lac

£60,000

From Hussein Reza Khân and Hyder Beg Khân to ditto, three lac
30,000

And ditto to Mrs. Hastings, one lac
10,000.

"

Here, I say, are the three lines that were read by a Persian moonshee. Is he a man you can call to account for these particulars? No: he is an anonymous moonshee; his name is not so much as mentioned by Mr. Larkins, nor hinted at by Mr. Hastings; and you find these sums, which Mr. Hastings mentions as a sum in gross given to himself, are not so. They were given by three persons: one, six lacs, was given by the Nabob to the Governor; another, of three lacs more, by Hussein Reza Khân [and Hyder Beg Khân?]; and a third, one lac, by both of them clubbing, as a present to Mrs. Hastings. This is the first discovery that appears of Mrs. Hastings having been concerned in receiving presents for the Governor-General and others, in addition to Gunga Govind Sing, Cantoo Baboo, and Mr. Croftes. Now, if this money was not received for the Company, is it proper and right to take it from Mrs. Hastings? Is there honor and justice in taking from a lady a gratuitous present made to her? Yet Mr. Hastings says he has applied it all to the Company's service. He has done ill, in suffering it to be received at all, if she has not justly and properly received it. Whether, in fact, she ever received this money at all, she not being upon the spot, as I can find, at the time, (though, to be sure, a present might be sent her,) I neither affirm nor deny, farther than that, as Mr. Larkins says, there was a sum of 10,000*l.* from these ministers to Mrs. Hastings. Whether she ever received any other money than this, I also neither affirm nor deny. But in whatever manner Mrs. Hastings received this or any other money, I must say, in this grave place in which I stand, that, if the wives of Governors-General, the wives of Presidents of Council, the wives of the principal officers of the India Company, through all the various departments, can receive presents, there is an end of the covenants, there is an end of the act of Parliament, there is an end to every power of restraint. Let a man be but married, and if his wife may take presents, that moment the acts of Parliament, the covenants, and all the rest expire. There is something, too, in the manners of the East that makes this a much more dangerous practice. The people of the East, it is well known, have their zenanah, the apartment for their wives, as a sanctuary which nobody can enter, — a kind of holy of holies, a consecrated place, safe from the rage of war, safe from the fury of tyranny. The rapacity of man has here its bounds: here you shall come, and no farther. But if English ladies can go into these zenanahs and there receive presents, the natives of Hindostan cannot be said to have anything left of their own. Every one knows that in the wisest and best time of the Commonwealth of Rome, towards the latter end of it, (I do not mean the best time for morals, but the best for its knowledge how to correct evil government, and to choose the proper means for it,) it was an established rule, that no governor of a province should take his wife along with him into his province, — wives not being subject to the laws in the same manner as their husbands; and though I do not impute to any one any criminality here, I should think myself guilty of a scandalous dereliction of my duty, if I did not mention the fact to your Lordships. But I press it

no further: here are the accounts, delivered in by Mr. Larkins at Mr. Hastings's own requisition.

The three lines which were read out of a Persian paper are followed by a long account of the several species in which this present was received, and converted by exchange into one common standard. Now, as these three lines of paper, which are said to have been read out of a Persian paper, contain an account of bribes to the amount of 100,000*l.*, and as it is not even insinuated that this was the whole of the paper, but rather the contrary indirectly implied, I shall leave it for your Lordships, in your serious consideration, to judge what mines of bribery that paper might contain. For why did not Mr. Larkins get the whole of that paper read and translated? The moment any man stops in the midst of an account, he is stopping in the midst of a fraud.

My Lords, I have one farther remark to make upon these accounts. The cabooleats, or agreements for the payments of these bribes, amount, in the three specified provinces, to 95,000*l.* Do you believe that these provinces were thus particularly favored? Do you think that they were chosen as a little demesne for Mr. Hastings? that they were the only provinces honored with his protection, so far as to take bribes from them? Do you perceive anything in their local situation that should distinguish them from other provinces of Bengal? What is the reason why Dinagepore, Patna, Nuddea, should have the post of honor assigned them? What reason can be given for not taking bribes also from Burdwan, from Bissunpore, in short, from all the sixty-eight collections which comprise the revenues of Bengal, and for selecting only three? How came he, I say, to be so wicked a servant, that, out of sixty-eight divisions, he chose only three to supply the exigencies of the Company? He did not do his duty in making this distinction, if he thought that bribery was the best way of supplying the Company's treasury, and that it formed the most useful and effectual resource for them, — which he has declared over and over again. Was it right to lay the whole weight of bribery, extortion, and oppression upon those three provinces, and neglect the rest? No: you know, and must know, that he who extorts from three provinces will extort from twenty, if there are twenty. You have a standard, a measure of extortion, and that is all: *ex pede Herculem*: guess from thence what was extorted from all Bengal. Do you believe he could be so cruel to these provinces, so partial to the rest, as to charge them with that load, with 95,000*l.*, knowing the heavy oppression they were sinking under, and leave all the rest untouched? You will judge of what is concealed from us by what we have discovered through various means that have occurred, in consequence both of the guilty conscience of the person who confesses the fact with respect to these provinces, and of the vigor, perseverance and sagacity of those who have forced from him that discovery. It is not, therefore, for me to say that the 100,000*l.* and 95,000*l.* only were taken. Where the circumstances entitle me to go on, I must not be stopped, but at the boundary where human nature has fixed a barrier.

You have now before you the true reason why he did not choose that this affair should come before a court of justice. Rather than this exposure should be made, he to-day would call for the mountains to cover him: he would prefer an inquiry into the business of the three seals, into anything foreign to the subject I am now discussing, in order to keep you from the discovery of that gross bribery, that shameful speculation, that abandoned prostitution and corruption, which he has practised with indemnity and impunity to this day, from one end of India to the other.

At the head of the only account we have of these transactions stands Dinagepore; and it now only remains for me to make some observations upon Mr. Hastings's proceedings in that province. Its name, then, and that money was taken from it, is all that appears; but from whom, by what hands, by what means, under what pretence it was taken, he has not told you, he has not told his employers. I believe, however, I can tell from whom it was taken, and I believe it will appear to your Lordships that it must have been taken from the unhappy Rajah of Dinagepore; and I shall in a very few words state the circumstances attending, and the service performed for it: from these you will be able to form a just opinion concerning this bribe.

Dinagepore, a large province, was possessed by an ancient family, the last of which, about the year 1184 of their era, the Rajah Bija Naut, had no legitimate issue. When he was at the point of death, he wished to exclude from the succession to the zemindary his half-brother, Cantoo Naut, with whom he had lived upon ill terms for many years, by adopting a son. Such an adoption, when a person has a half-brother, as he had, in my poor judgment is not countenanced by the Gentoo laws. But Gunga Govind Sing, who was placed, by the office he held, at the head of the registry, where the records were kept by which the rules of succession according to the custom of the country are ascertained, became master of these Gentoo laws; and through his means Mr. Hastings decreed in favor of the adoption. We find that immediately after this decree Gunga Govind Sing received a cabooleat on Dinagepore for the sum of 40,000*l.*, of which it appears that he has actually exacted 30,000*l.*, though he has paid to Mr. Hastings only 20,000*l.* We find, before the young Rajah had been in possession a year, his natural guardians and relations, on one pretence or another, all turned out of their offices. The peshcush, or fixed annual rent, payable to the Company for his zemindary, fell into arrear, as might naturally be expected, from the Rajah's inability to pay both his rent and this exorbitant bribe, extorted from a ruined family. Instantly, under pretext of this arrearage, Gunga Govind Sing, and the fictitious Committee which Mr. Hastings had made for his wicked purposes, composed of Mr. Anderson, Mr. Shore, and Mr. Croftes, who were but the tools, as they tell us themselves, of Gunga Govind Sing, gave that monster of iniquity, Debi Sing, the government of this family. They put this noble infant, this miserable Rajah, together with the management of the

provinces of Dinagepore and Rungpore, into his wicked and abominable hands, where the ravages he committed excited what was called a rebellion, that forced him to fly from the country, and into which I do not wonder he should be desirous that a political and not a juridical inquiry should be made. The savage barbarities which were there perpetrated I have already, in the execution of my duty, brought before this House and my country; and it will be seen, when we come to the proof, whether what I have asserted was the effect either of a deluded judgment or disordered imagination, and whether the facts I state cannot be substantiated by authentic reports, and were none of my invention, and, lastly, whether the means that were taken to discredit them do not infinitely aggravate the guilt of the offenders. Mr. Hastings wanted to fly from judicial inquiry; he wanted to put Debi Sing anywhere but in a court of justice. A court of justice, where a direct assertion is brought forward, and a direct proof applied to it, is an element in which he cannot live for a moment. He would seek refuge anywhere, even in the very sanctuary of his accusers, rather than abide a trial with him in a court of justice. But the House of Commons was too just not to send him to this tribunal, whose justice they cannot doubt, whose penetration he cannot elude, and whose decision will justify those managers whose characters he attempted to defame.

But this is not all. We find, that, after the cruel sale of this infant, who was properly and directly under the guardianship of the Company, (for the Company acts as steward and dewan of the province, which office has the guardianship of minors,) after he had been robbed of 40,000*l.* by the hands of Gunga Govind Sing, and afterwards, under pretence of his being in debt to the Company, delivered into the hands of that monster, Debi Sing, Mr. Hastings, by way of anticipation of these charges, and in answer to them, has thought proper to produce the certificate from this unfortunate boy which I will now again read to you.

“I, Radanaut, Zemindar of Purgunnah Havelly Punjera, commonly called Dinagepore: — As it has been learnt by me, the mutsuddies, and the respectable officers of my zemindary, that the ministers of England are displeased with the late Governor, Warren Hastings, Esquire, upon the suspicion that he oppressed us, took money from us by deceit and force, and ruined the country; therefore we, upon the strength of our religion, which we think it incumbent on and necessary for us to abide by, following the rules laid down in giving evidence, declare the particulars of the acts and deeds of Warren Hastings, Esquire, full of circumspection and caution, civility and justice, superior to the caution of the most learned, and, by representing what is fact, wipe away the doubts that have possessed the minds of the ministers of England: that Mr. Hastings is possessed of fidelity and confidence, and yielding protection to us; that he is clear of the contamination of mistrust and wrong, and his mind is free of covetousness or avarice. During the time of his administration, no one saw other conduct than that of protection to the husbandmen, and justice; no inhabitant ever experienced afflictions, no one ever felt oppression from him. Our

reputations have always been guarded from attacks by his prudence, and our families have always been protected by his justice. He never omitted the smallest instance of kindness towards us, but healed the wounds of despair with the salve of consolation, by means of his benevolent and kind behavior, never permitting one of us to sink in the pit of despondence. He supported every one by his goodness, overset the designs of evil-minded men by his authority, tied the hands of oppression with the strong bandage of justice, and by these means expanded the pleasing appearance of happiness and joy over us. He reestablished justice and impartiality. We were, during his government, in the enjoyment of perfect happiness and ease, and many of us are thankful and satisfied. As Mr. Hastings was well acquainted with our manners and customs, he was always desirous, in every respect, of doing whatever would preserve our religious rites, and guard them against every kind of accident and injury, and at all times protected us. Whatever we have experienced from him, and whatever happened from him, we have written without deceit or exaggeration.”

My Lords, this Radanaut, zemindar of the purgunnah, who, as your Lordships hear, bears evidence upon oath to all the great and good qualities of the Governor, and particularly to his absolute freedom from covetousness, — this person, to whom Mr. Hastings appeals, was, as the Committee state, a boy between five and six years old at the time when he was given into the hands of Debi Sing, and when Mr. Hastings left Bengal, which was in 1786 [1785?], was between eleven and twelve years old. This is the sort of testimony that Mr. Hastings produces, to prove that he was clear from all sort of extortion, oppression, and covetousness, in this very zemindary of Dinagepore. This boy, who is so observant, who is so penetrating, who is so accurate in his knowledge of the whole government of Mr. Hastings, was, I say, when he left his government, at the utmost, but eleven years and a half old. Now to what an extremity is this unhappy man at your bar driven, when, oppressed by this accumulative load of corruption charged upon him, and seeing his bribery, his prevarication, his fraudulent bonds brought before you, he gives the testimony of this child, who for the greatest part of his time lived three hundred miles from the seat of Mr. Hastings’s government! Consider the miserable situation of this poor, unfortunate boy, made to swear, with all the solemnities of his religion, that Mr. Hastings was never guilty in his province of any act of rapacity! Such are the testimonies, which are there called *razinamas*, in favor of Mr. Hastings, with which all India is said to sound. Do we attempt to conceal them from your Lordships? No, we bring them forth, to show you the wickedness of the man, who, after he has robbed innocence, after he has divided the spoil between Gunga Govind Sing and himself, gets the party robbed to perjure himself for his sake, — if such a creature is capable of being guilty of perjury. We have another *razinama* sent from Nuddea, by a person nearly under the same circumstances with Radanaut, namely, Maha Rajah Dirauje Seo Chund Behadre, only made to differ in

some expressions from the former, that it might not appear to originate from the same hand. These miserable razinamas he delivers to you as the collected voice of the country, to show how ill-founded the impressions are which committees of the House of Commons (for to them they allude, I suppose) have taken concerning this man, during their inquiries into the management of the affairs of the Company in India.

Before I quit this subject, I have only to give you the opinion of Sir Elijah Impey, a name consecrated to respect forever, (your Lordships know him in this House as well as I do,) respecting these petitions and certificates of good behavior.

“From the reasons and sentiments that they contain,” &c.

The moment an Englishman appears, as this gentleman does, in the province of Dinagepore, to collect certificates for Mr. Hastings, it is a command for them, the people, to say what he pleases.

And here, my Lords, I would wish to say something of the miserable situation of the people of that country; but it is not in my commission, and I must be silent, and shall only request your Lordships to observe how this crime of bribery grows in its magnitude. First, the bribe is taken, through Gunga Govind Sing, from this infant, for his succession to the zemindary. Next follows the removal from their offices, and consequent ruin, of all his nearest natural relations. Then the delivery of the province to Debi Sing, upon the pretence of the arrears due to the Company, with all the subsequent horrors committed under the management of that atrocious villain. And lastly, the gross subornation of perjury, in making this wretched minor, under twelve years of age, bear testimony upon oath to the good qualities of Mr. Hastings and of his government, — this minor, I say, who lived three hundred miles from the seat of his government, and who, if he knew anything at all of his own affairs, must have known that Mr. Hastings was the cause of all his sufferings.

My Lords, I have now gone through the whole of what I have in charge. I have laid before you the covenants by which the Company have thought fit to guard against the avarice and rapacity of their Governors. I have shown that they positively forbid the taking of all sorts of bribes and presents; and I have stated the means adopted by them for preventing the evasion of their orders, by directing, in all money transactions, the publicity of them. I have farther shown, that, in order to remove every temptation to a breach of their orders, the next step was the framing a legal fiction, by which presents and money, under whatever pretence taken, were made the legal property of the Company, in order to enable them to recover them out of any rapacious hands that might violate the new act of Parliament. I have also stated this act of Parliament. I have stated Mr. Hastings’s sense of it. I have stated the violation of it by his taking bribes from all quarters. I have stated the fraudulent bonds by which he claimed a security for money as his own which belonged to the Company. I have stated the series of frauds, prevarications, concealments, and all

that mystery of iniquity, which I waded through with pain to myself, I am sure, and with infinite pain, I fear, to your Lordships. I have shown your Lordships that his evasions of the clear words of his covenant and the clear words of an act of Parliament were such as did not arise from an erroneous judgment, but from a corrupt intention; and I believe you will find that his attempt to evade the law aggravates infinitely his guilt in breaking it. In all this I have only *opened* to you the package of this business; I have opened it to ventilate it, and give air to it; I have opened it, that a quarantine might be performed, — that the sweet air of heaven, which is polluted by the poison it contains, might be let loose upon it, and that it may be aired and ventilated before your Lordships touch it. Those who follow me will endeavor to explain to your Lordships what Mr. Hastings has endeavored to involve in mystery, by bringing proof after proof that every bribe that was here concealed was taken with corrupt purposes and followed with the most pernicious consequences. These are things which will be brought to you in proof. I have only regarded the system of bribery; I have endeavored to show that it is a system of mystery and concealment, and consequently a system of fraud.

You now see some of the means by which fortunes have been made by certain persons in India; you see the confederacies they have formed with one another for their mutual concealment and mutual support; you will see how they reply to their own deceitful inquiries by fraudulent answers; you will see that Cheltenham calls upon Calcutta, as one deep calls upon another, and that the call which is made for explanation is answered in mystery; in short, you will see the very constitution of their minds here developed.

And now, my Lords, in what a situation are we all placed! This prosecution of the Commons, I wish to have it understood, and I am sure I shall not be disclaimed in it, is a prosecution not only for the punishing a delinquent, a prosecution not merely for preventing this and that offence, but it is a great censorial prosecution, for the purpose of preserving the manners, characters, and virtues that characterize the people of England. The situation in which we stand is dreadful. These people pour in upon us every day. They not only bring with them the wealth which they have acquired, but they bring with them into our country the vices by which it was acquired. Formerly the people of England were censured, and perhaps properly, with being a sullen, unsocial, cold, unpleasant race of men, and as inconstant as the climate in which they are born. These are the vices which the enemies of the kingdom charged them with: and people are seldom charged with vices of which they do not in some measure partake. But nobody refused them the character of being an open-hearted, candid, liberal, plain, sincere people, — qualities which would cancel a thousand faults, if they had them. But if, by conniving at these frauds, you once teach the people of England a concealing, narrow, suspicious, guarded conduct, — if you teach them qualities directly the contrary to those by which they have hitherto been distinguished, — if you make them a nation of

concealers, a nation of dissemblers, a nation of liars, a nation of forgers, — my Lords, if you, in one word, turn them into a people of *banians*, the character of England, that character which, more than our arms, and more than our commerce, has made us a great nation, the character of England will be gone and lost.

Our liberty is as much in danger as our honor and our national character. We, who here appear representing the Commons of England, are not wild enough not to tremble both for ourselves and for our constituents at the effect of riches. *Opum metuenda potestas*. We dread the operation of money. Do we not know that there are many men who wait, and who indeed hardly wait, the event of this prosecution, to let loose all the corrupt wealth of India, acquired by the oppression of that country, for the corruption of all the liberties of this, and to fill the Parliament with men who are now the object of its indignation? To-day the Commons of Great Britain prosecute the delinquents of India: to-morrow the delinquents of India may be the Commons of Great Britain. We know, I say, and feel the force of money; and we now call upon your Lordships for justice in this cause of money. We call upon you for the preservation of our manners, of our virtues. We call upon you for our national character. We call upon you for our liberties; and hope that the freedom of the Commons will be preserved by the justice of the Lords.

**SPEECHES IN THE IMPEACHMENT OF WARREN
HASTINGS, ESQUIRE, LATE GOVERNOR-GENERAL OF
BENGAL. SPEECH IN GENERAL REPLY. MAY AND JUNE,
1794.**

SPEECH

IN

GENERAL REPLY.

FIRST DAY: WEDNESDAY, MAY 28, 1794

My Lords, — This business, which has so long employed the public councils of this kingdom, so long employed the greatest and most august of its tribunals, now approaches to a close. The wreck and fragments of our cause (which has been dashed to pieces upon rules by which your Lordships have thought fit to regulate its progress) await your final determination. Enough, however, of the matter is left to call for the most exemplary punishment that any tribunal ever inflicted upon any criminal. And yet, my Lords, the prisoner, by the plan of his defence, demands not only an escape, but a triumph. It is not enough for him to be acquitted: the Commons of Great Britain must be condemned; and your Lordships must be the instruments of his glory and of our disgrace. This is the issue upon which he has put this cause, and the issue upon which we are obliged to take it now, and to provide for it hereafter.

My Lords, I confess that at this critical moment I feel myself oppressed with an anxiety that no words can adequately express. The effect of all our labors, the result of all our inquiries, is now to be ascertained. You, my Lords, are now to determine, not only whether all these labors have been vain and fruitless, but whether we have abused so long the public patience of our country, and so long oppressed merit, instead of avenging crime. I confess I tremble, when I consider that your judgment is now going to be passed, not on the culprit at your bar, but upon the House of Commons itself, and upon the public justice of this kingdom, as represented in this great tribunal. It is not that culprit who is upon trial; it is the House of Commons that is upon its trial, it is the House of Lords that is upon its trial, it is the British nation that is upon its trial before all other nations, before the present generation, and before a long, long posterity.

My Lords, I should be ashamed, if at this moment I attempted to use any sort of rhetorical blandishments whatever. Such artifices would neither be suitable to the

body that I represent, to the cause which I sustain, or to my own individual disposition, upon such an occasion. My Lords, we know very well what these fallacious blandishments too frequently are. We know that they are used to captivate the benevolence of the court, and to conciliate the affections of the tribunal rather to the person than to the cause. We know that they are used to stifle the remonstrances of conscience in the judge, and to reconcile it to the violation of his duty. We likewise know that they are too often used in great and important causes (and more particularly in causes like this) to reconcile the prosecutor to the powerful factions of a protected criminal, and to the injury of those who have suffered by his crimes, — thus inducing all parties to separate in a kind of good humor, as if they had nothing more than a verbal dispute to settle, or a slight quarrel over a table to compromise. All this may now be done at the expense of the persons whose cause we pretend to espouse. We may all part, my Lords, with the most perfect complacency and entire good humor towards one another, while nations, whole suffering nations, are left to beat the empty air with cries of misery and anguish, and to cast forth to an offended heaven the imprecations of disappointment and despair.

One of the counsel for the prisoner (I think it was one who has comported himself in this cause with decency) has told your Lordships that we have come here on account of *some doubts* entertained in the House of Commons concerning the conduct of the prisoner at your bar, — that we shall be extremely delighted, when his defence and your Lordships' judgment shall have set him free, and shall have discovered to us our error, — that we shall then mutually congratulate one another, — and that the Commons, and the Managers who represent them here, will be the first to rejoice in so happy an event and so fortunate a discovery.

Far, far from the Commons of Great Britain be all manner of real vice; but ten thousand times further from them, as far as from pole to pole, be the whole tribe of false, spurious, affected, counterfeit, hypocritical virtues! These are the things which are ten times more at war with real virtue, these are the things which are ten times more at war with real duty, than any vice known by its name and distinguished by its proper character. My Lords, far from us, I will add, be that false and affected candor that is eternally in treaty with crime, — that half virtue, which, like the ambiguous animal that flies about in the twilight of a compromise between day and night, is to a just man's eye an odious and disgusting thing! There is no middle point in which the Commons of Great Britain can meet tyranny and oppression. No, we never shall (nor can we conceive that we ever should) pass from this bar, without indignation, without rage and despair, if the House of Commons should, upon such a defence as has here been made against such a charge as they have produced, be foiled, baffled, and defeated. No, my Lords, we never could forget it; a long, lasting, deep, bitter memory of it would sink into our minds.

My Lords, the Commons of Great Britain have no doubt upon this subject. We came hither to call for justice, not to solve a problem; and if justice be denied us, the accused is not acquitted, but the tribunal is condemned. We know that this man is guilty of all the crimes which he stands accused of by us. We have not come here to you, in the rash heat of a day, with that fervor which sometimes prevails in popular assemblies, and frequently misleads them. No: if we have been guilty of error in this cause, it is a deliberate error, the fruit of long, laborious inquiry, — an error founded on a procedure in Parliament before we came here, the most minute, the most circumstantial, and the most cautious that ever was instituted. Instead of coming, as we did in Lord Strafford's case, and in some others, voting the impeachment and bringing it up on the same day, this impeachment was voted from a general sense prevailing in the House of Mr. Hastings's criminality after an investigation begun in the year 1780, and which produced in 1782 a body of resolutions condemnatory of almost the whole of his conduct. Those resolutions were formed by the Lord Advocate of Scotland, and carried in our House by the unanimous consent of all parties: I mean the then Lord Advocate of Scotland, — now one of his Majesty's principal Secretaries of State, and at the head of this very Indian department. Afterwards, when this defendant came home, in the year 1785, we re-instituted our inquiry. We instituted it, as your Lordships and the world know, at his own request, made to us by his agent, then a member of our House. We entered into it at large; we deliberately moved for every paper which promised information on the subject. These papers were not only produced on the part of the prosecution, as is the case before grand juries, but the friends of the prisoner produced every document which they could produce for his justification. We called all the witnesses which could enlighten us in the cause, and the friends of the prisoner likewise called every witness that could possibly throw any light in his favor. After all these long deliberations, we referred the whole to a committee. When it had gone through that committee, and we thought it in a fit state to be digested into these charges, we referred the matter to another committee; and the result of that long examination and the labor of these committees is the impeachment now at your bar.

If, therefore, we are defeated here, we cannot plead for ourselves that we have done this from a sudden gust of passion, which sometimes agitates and sometimes misleads the most grave popular assemblies. No: it is either the fair result of twenty-two years' deliberation that we bring before you, or what the prisoner says is just and true, — that nothing but malice in the Commons of Great Britain could possibly produce such an accusation as the fruit of such an inquiry. My Lords, we admit this statement, we are at issue upon this point; and we are now before your Lordships, who are to determine whether this man has abused his power in India for fourteen years, or whether the Commons has abused their power of inquiry, made a mock of their inquisitorial authority, and turned it to purposes of private

malice and revenge. We are not come here to compromise matters; we do not admit [do admit?] that our fame, our honors, nay, the very inquisitorial power of the House of Commons is gone, if this man be not guilty.

My Lords, great and powerful as the House of Commons is, (and great and powerful I hope it always will remain,) yet we cannot be insensible to the effects produced by the introduction of forty millions of money into this country from India. We know that the private fortunes which have been made there pervade this kingdom so universally that there is not a single parish in it unoccupied by the partisans of the defendant. We should fear that the faction which he has thus formed by the oppression of the people of India would be too strong for the House of Commons itself, with all its power and reputation, did we not know that we have brought before you a cause which nothing can resist.

I shall now, my Lords, proceed to state what has been already done in this cause, and in what condition it now stands for your judgment.

An immense mass of criminality was digested by a committee of the House of Commons; but although this mass had been taken from another mass still greater, the House found it expedient to select twenty specific charges, which they afterwards directed us, their Managers, to bring to your Lordships' bar. Whether that which has been brought forward on these occasions or that which was left behind be more highly criminal, I for one, as a person most concerned in this inquiry, do assure, your Lordships that it is impossible for me to determine.

After we had brought forward this cause, (the greatest in extent that ever was tried before any human tribunal, to say nothing of the magnitude of its consequences,) we soon found, whatever the reasons might be, without at present blaming the prisoner, without blaming your Lordships, and far are we from imputing blame to ourselves, we soon found that this trial was likely to be protracted to an unusual length. The Managers of the Commons, feeling this, went up to their constituents to procure from them the means of reducing it within a compass fitter for their management and for your Lordships' judgment. Being furnished with this power, a second selection was made upon the principles of the first: not upon the idea that what we left could be less clearly sustained, but because we thought a selection should be made upon some juridical principle. With this impression on our minds, we reduced the whole cause to four great heads of guilt and criminality. Two of them, namely, Benares and the Begums, show the effects of his open violence and injustice; the other two expose the principles of pecuniary corruption upon which the prisoner proceeded: one of these displays his passive corruption in receiving bribes, and the other his active corruption, in which he has endeavored to defend his passive corruption by forming a most formidable faction both abroad and at home. There is hardly any one act of the prisoner's corruption in which there is not presumptive violence, nor any acts of his violence in which there

are not presumptive proofs of corruption. These practices are so intimately blended with each other, that we thought the distribution which we have adopted would best bring before you the spirit and genius of his government; and we were convinced, that, if upon these four great heads of charge your Lordships should not find him guilty, nothing could be added to them which would persuade you so to do.

In this way and in this state the matter now comes before your Lordships. I need not tread over the ground which has been trod with such extraordinary abilities by my brother Managers, of whom I shall say nothing more than that the cause has been supported by abilities equal to it; and, my Lords, no abilities are beyond it. As to the part which I have sustained in this procedure, a sense of my own abilities, weighed with the importance of the cause, would have made me desirous of being left out of it; but I had a duty to perform which superseded every personal consideration, and that duty was obedience to the House of which I have the honor of being a member. This is all the apology I shall make. We are the Commons of Great Britain, and therefore cannot make apologies. I can make none for my obedience; they want none for their commands. They gave me this office, not from any confidence in my ability, but from a confidence in the abilities of those who were to assist me, and from a confidence in my zeal, — a quality, my Lords, which oftentimes supplies the want of great abilities.

In considering what relates to the prisoner and to his defence, I find the whole resolves itself into four heads: first, his demeanor, and his defence in general; secondly, the principles of his defence; thirdly, the means of that defence; and, fourthly, the testimonies which he brings forward to fortify those means, to support those principles, and to justify that demeanor.

As to his demeanor, my Lords, I will venture to say, that, if we fully examine the conduct of all prisoners brought before this high tribunal, from the time that the Duke of Suffolk appeared before it down to the time of the appearance of my Lord Macclesfield, if we fully examine the conduct of prisoners in every station of life, from my Lord Bacon, down to the smugglers who were impeached in the reign of King William, I say, my Lords, that we shall not, in the whole history of Parliamentary trials, find anything similar to the demeanor of the prisoner at your bar. What could have encouraged that demeanor your Lordships will, when you reflect seriously upon this matter, consider. God forbid that the authority either of the prosecutor or of the judge should dishearten the prisoner so as to circumscribe the means or enervate the vigor of his defence! God forbid that such a thing should even appear to be desired by anybody in any British tribunal! But, my Lords, there is a behavior which broadly displays a want of sense, a want of feeling, a want of decorum, — a behavior which indicates an habitual depravity of mind, that has no sentiments of propriety, no feeling for the relations of life, no conformity to the circumstances of human affairs. This behavior does not indicate the spirit of injured innocence, but the audacity of hardened, habitual, shameless guilt, — affording

legitimate grounds for inferring a very defective education, very evil society, or very vicious habits of life. There is, my Lords, a nobleness in modesty, while insolence is always base and servile. A man who is under the accusation of his country is under a very great misfortune. His innocence, indeed, may at length shine out like the sun, yet for a moment it is under a cloud; his honor is in abeyance, his estimation is suspended, and he stands, as it were, a doubtful person in the eyes of all human society. In that situation, not a timid, not an abject, but undoubtedly a modest behavior, would become a person even of the most exalted dignity and of the firmest fortitude.

The Romans (who were a people that understood the decorum of life as well as we do) considered a person accused to stand in such a doubtful situation that from the moment of accusation he assumed either a mourning or some squalid garb, although, by the nature of their constitution, accusations were brought forward by one of their lowest magistrates. The spirit of that decent usage has continued from the time of the Romans till this very day. No man was ever brought before your Lordships that did not carry the outward as well as inward demeanor of modesty, of fear, of apprehension, of a sense of his situation, of a sense of our accusation, and a sense of your Lordships' dignity.

These, however, are but outward things; they are, as Hamlet says, "things which a man may play." But, my Lords, this prisoner has gone a great deal further than being merely deficient in decent humility. Instead of defending himself, he has, with a degree of insolence unparalleled in the history of pride and guilt, cast out a recriminatory accusation upon the House of Commons. Instead of considering himself as a person already under the condemnation of his country, and uncertain whether or not that condemnation shall receive the sanction of your verdict, he ranks himself with the suffering heroes of antiquity. Joining with them, he accuses us, the representatives of his country, of the blackest ingratitude, of the basest motives, of the most abominable oppression, not only of an innocent, but of a most meritorious individual, who, in your and in our service, has sacrificed his health, his fortune, and even suffered his fame and character to be called in question from one end of the world to the other. This, I say, he charges upon the Commons of Great Britain; and he charges it before the Court of Peers of the same kingdom. Had I not heard this language from the prisoner, and afterwards from his counsel, I must confess I could hardly have believed that any man could so comport himself at your Lordships' bar.

After stating in his defence the wonderful things he did for us, he says,— "I maintained the wars which were of your formation, or that of others, *not of mine*. I won one member of the great Indian confederacy from it by an act of seasonable restitution; with another I maintained a secret intercourse, and converted him into a friend; a third I drew off by diversion and negotiation, and employed him as the instrument of peace. When *you* cried out for peace, and your cries were heard by

those who were the objects of it, I resisted this and every other species of counteraction by rising in my demands, and accomplished a peace, and I hope an everlasting one, with one great state; and I at least afforded the efficient means by which a peace, if not so durable, more seasonable at least, was accomplished with another. I gave you *all*; and you have rewarded me with *confiscation, disgrace, and a life of impeachment.*”

Comparing our conduct with that of the people of India, he says,— “*They* manifested a generosity of which we have no example in the European world. Their conduct was the effect of their sense of gratitude for the benefits they had received from my administration. I wish I could say as much of my own countrymen.”

My Lords, here, then, we have the prisoner at your bar in his demeanor not defending himself, but recriminating upon his country, charging it with perfidy, ingratitude, and oppression, and making a comparison of it with the banians of India, whom he prefers to the Commons of Great Britain.

My Lords, what shall we say to this demeanor? With regard to the charge of using him with ingratitude, there are two points to be considered. First, the charge implies that he had rendered great services; and, secondly, that he has been falsely accused.

My Lords, as to the great services, they have not, they cannot, come in evidence before you. If you have received such evidence, you have received it obliquely; for there is no other direct proof before your Lordships of such services than that of there having been great distresses and great calamities in India during his government. Upon these distresses and calamities he has, indeed, attempted to justify obliquely the corruption that has been charged upon him; but you have not properly in issue these services. You cannot admit the evidence of any such services received directly from him, as a matter of recriminatory charge upon the House of Commons, because you have not suffered that House to examine into the validity and merit of this plea. We have not been heard upon this recriminatory charge, which makes a considerable part of the demeanor of the prisoner; we cannot be heard upon it; and therefore I demand, on the part of the Commons of Great Britain, that it be dismissed from your consideration: and this I demand, whether you take it as an attempt to render odious the conduct of the Commons, whether you take it in mitigation of the punishment due to the prisoner for his crimes, or whether it be adduced as a presumption that so virtuous a servant never could be guilty of the offences with which we charge him. In whichever of these lights you may be inclined to consider this matter, I say you have it not in evidence before you; and therefore you must expunge it from your thoughts, and separate it entirely from your judgment. I shall hereafter have occasion, to say a few words on this subject of *merits*. I have said thus much at present in order to remove extraneous impressions from your minds. For, admitting that your Lordships are the best judges, as I well know that you are, yet I cannot say that you are not men, and that matter of this

kind, however irrelevant, may not make an impression upon you. It does, therefore, become us to take some occasional notice of these supposed services, not in the way of argument, but with a view by one sort of prejudice to destroy another prejudice. If there is anything in evidence which tends to destroy this plea of merits, we shall recur to that evidence; if there is nothing to destroy it but argument, we shall have recourse to that argument; and if we support that argument by authority and document not in your Lordships' minutes, I hope it will not be the less considered as good argument because it is so supported.

I must now call your Lordships' attention from the vaunted services of the prisoner, which have been urged to convict us of ingratitude, to another part of his recriminatory defence. He says, my Lords, that we have not only oppressed him with unjust charges, (which is a matter for your Lordships to judge, and is now the point at issue between us,) but that, instead of attacking him by fair judicial modes of proceeding, by stating crimes clearly and plainly, and by proving those crimes, and showing their necessary consequences, we have oppressed him with all sorts of foul and abusive language, — so much so, that every part of our proceeding has, in the eye of the world, more the appearance of private revenge than of public justice.

Against this impudent and calumnious recriminatory accusation, which your Lordships have thought good to suffer him to utter here, at a time, too, when all dignity is in danger of being trodden under foot, we will say nothing by way of defence. The Commons of Great Britain, my Lords, are a rustic people: a tone of rusticity is therefore the proper accent of their Managers. We are not acquainted with the urbanity and politeness of extortion and oppression; nor do we know anything of the sentimental delicacies of bribery and corruption. We speak the language of truth, and we speak it in the plain, simple terms in which truth ought to be spoken. Even if we have anything to answer for on this head, we can only answer to the body which we represent and to that body which hears us: to any others we owe no apology whatever.

The prisoner at your bar admits that the crimes which we charge him with are of that atrocity, that, if brought home to him, he merits death. Yet, when, in pursuance of our duty, we come to state these crimes with their proper criminatory epithets, when we state in strong and direct terms the circumstances which heighten and aggravate them, when we dwell on the immoral and heinous nature of the acts, and the terrible effects which such acts produce, and when we offer to prove both the principal facts and the aggravatory ones by evidence, and to show their nature and quality by the rules of law, morality, and policy, then this criminal, then his counsel, then his accomplices and hirelings, posted in newspapers and dispersed in circles through every part of the kingdom, represent him as an object of great compassion, because he is treated, say they, with, nothing but opprobrious names and scurrilous invectives.

To all this the Managers of the Commons will say nothing by way of defence: it would be to betray their trust, if they did. No, my Lords, they have another and a very different duty to perform on this occasion. They are bound not to suffer public opinion, which often prevents judgment and often defeats its effects, to be debauched and corrupted. Much less is this to be suffered in the presence of our coördinate branch of legislature, and as it were with your and our own tacit acquiescence. Whenever the public mind is misled, it becomes the duty of the Commons of Great Britain to give it a more proper tone and a juster way of thinking. When ignorance and corruption have usurped the professor's chair, and placed themselves in the seats of science and of virtue, it is high time for us to speak out. We know that the doctrines of folly are of great use to the professors of vice. We know that it is one of the signs of a corrupt and degenerate age, and one of the means of insuring its further corruption and degeneracy, to give mild and lenient epithets to vices and to crimes. The world is much influenced by names. And as terms are the representatives of sentiments, when persons who exercise any censorial magistracy seem in their language to compromise with crimes and criminals by expressing no horror of the one or detestation of the other, the world will naturally think that they act merely to acquit themselves in its sight in form, but in reality to evade their duty. Yes, my Lords, the world must think that such persons palter with their sacred trust, and are tender to crimes because they look forward to the future possession of the same power which they now prosecute, and purpose to abuse it in the manner it has been abused by the criminal of whom they are so tender.

To remove such an imputation from us, we assert that the Commons of Great Britain are not to receive instructions about the language which they ought to hold from the gentlemen who have made profitable studies in the academies of Benares and of Oude. We know, and therefore do not want to learn, how to comport ourselves in prosecuting the haughty and overgrown delinquents of the East. We cannot require to be instructed by them in what words we shall express just indignation at enormous crimes; for we have the example of our great ancestors to teach us: we tread in their steps, and we speak in their language.

Your Lordships well know, for you must be conversant in this kind of reading, that you once had before you a man of the highest rank in this country, one of the greatest men of the law and one of the greatest men of the state, a peer of your own body, Lord Macclesfield. Yet, my Lords, when that peer did but just modestly hint that he had received hard measure from the Commons and their Managers, those Managers thought themselves bound *seriatim*, one after another, to express the utmost indignation at the charge, in the harshest language that could be used. Why did they do so? They knew it was the language that became them. They lived in an age in which politeness was as well understood and as much cultivated as it is at present; but they knew what they were doing, and they were resolved to use no

language but what their ancestors had used, and to suffer no insolence which their ancestors would not have suffered. We tread in their steps; we pursue their method; we learn of them: and we shall never learn at any other school.

We know from history and the records of this House, that a Lord Bacon has been before you. Who is there, that, upon hearing this name, does not instantly recognize everything of genius the most profound, everything of literature the most extensive, everything of discovery the most penetrating, everything of observation on human life the most distinguishing and refined? All these must be instantly recognized, for they are all inseparably associated with the name of Lord Verulam. Yet, when this prodigy was brought before your Lordships by the Commons of Great Britain for having permitted his menial servant to receive presents, what was his demeanor? Did he require his counsel not “to let down the dignity of his defence”? No. That Lord Bacon, whose least distinction was, that he was a peer of England, a Lord High Chancellor, and the son of a Lord Keeper, behaved like a man who knew himself, like a man who was conscious of merits of the highest kind, but who was at the same time conscious of having fallen into guilt. The House of Commons did not spare him. They brought him to your bar. They found spots in that sun. And what, I again ask, was his behavior? That of contrition, that of humility, that of repentance, that which belongs to the greatest men lapsed and fallen through human infirmity into error. He did not hurl defiance at the accusations of his country; he bowed himself before it. Yet, with all his penitence, he could not escape the pursuit of the House of Commons, and the inflexible justice of this Court. Your Lordships fined him forty thousand pounds, notwithstanding all his merits, notwithstanding his humility, notwithstanding his contrition, notwithstanding the decorum of his behavior, so well suited to a man under the prosecution of the Commons of England before the Peers of England. You fined him in a sum fully equal to one hundred thousand pounds of the present day; you imprisoned him during the King’s pleasure; and you disqualified him forever from having a seat in this House and any office in this kingdom. This is the way in which the Commons behaved formerly, and in which your Lordships acted formerly, when no culprit at this bar dared to hurl a recriminatory accusation against his prosecutors, or dared to censure the language in which they expressed their indignation at his crimes.

The Commons of Great Britain, following these examples and fortified by them, abhor all compromise with guilt either in act or in language. They will not disclaim any one word that they have spoken, because, my Lords, they have said nothing abusive or illiberal. It has been said that we have used such language as was used to Sir Walter Raleigh, when he was called, not by the Commons, but by a certain person of a learned profession, “a spider of hell.” My Lords, Sir Walter was a great soldier, a great mariner, and one of the first scholars of his age. To call him a spider of hell was not only indecent in itself, but perfectly foolish, from the term being totally inapplicable to the object, and fit only for the very pedantic eloquence of the

person who used it. But if Sir Walter Raleigh had been guilty of numberless frauds and prevarications, if he had clandestinely picked up other men's money, concealed his peculation by false bonds, and afterwards attempted to cover it by the cobwebs of the law, then my Lord Coke would have trespassed a great deal more against decorum than against propriety of similitude and metaphor.

My Lords, the Managers for the Commons have not used any *inapplicable* language. We have indeed used, and will again use, such expressions as are proper to portray guilt. After describing the magnitude of the crime, we describe the magnitude of the criminal. We have declared him to be not only a public robber himself, but the head of a system of robbery, the captain-general of the gang, the chief under whom a whole predatory band was arrayed, disciplined, and paid. This, my Lords, is what we offered to prove fully to you, what in part we have proved, and the whole of which I believe we could prove. In developing such a mass of criminality and in describing a criminal of such magnitude as we have now brought before you, we could not use lenient epithets without compromising with crime. We therefore shall not relax in our pursuits nor in our language. No, my Lords, no! we shall not fail to feel indignation, wherever our moral nature has taught us to feel it; nor shall we hesitate to speak the language which is dictated by that indignation. Whenever men are oppressed where they ought to be protected, we called [call?] it tyranny, and we call the actor a tyrant. Whenever goods are taken by violence from the possessor, we call it a robbery, and the person who takes it we call a robber. Money clandestinely taken from the proprietor we call theft, and the person who takes it we call a thief. When a false paper is made out to obtain money, we call the act a forgery. That steward who takes bribes from his master's tenants, and then, pretending the money to be his own, lends it to that master and takes bonds for it to himself, we consider guilty of a breach of trust; and the person who commits such crimes we call a cheat, a swindler, and a forger of bonds. All these offences, without the least softening, under all these names, we charge upon this man. We have so charged in our record, we have so charged in our speeches; and we are sorry that our language does not furnish terms of sufficient force and compass to mark the multitude, the magnitude, and the atrocity of his crimes.

How came it, then, that the Commons of Great Britain should be calumniated for the course which they have taken? Why should it ever have been supposed that we are actuated by revenge? I answer, There are two very sufficient causes: corruption and ignorance. The first disposes an innumerable multitude of people to a fellow-feeling with the prisoner. Under the shadow of his crimes thousands of fortunes have been made; and therefore thousands of tongues are employed to justify the means by which these fortunes were made. When they cannot deny the facts, they attack the accusers, — they attack their conduct, they attack their persons, they attack their language, in every possible manner. I have said, my Lords, that ignorance is the other cause of this calumny by which the House of Commons is

assailed. Ignorance produces a confusion of ideas concerning the decorum of life, by confounding the rules of private society with those of public function. To talk, as we here talk, to persons in a mixed company of men and women, would violate the law of such societies; because they meet for the sole purpose of social intercourse, and not for the exposure, the censure, the punishment of crimes: to all which things private societies are altogether incompetent. In them crimes can never be regularly stated, proved, or refuted. The law has therefore appointed special places for such inquiries; and if in any of those places we were to apply the emollient language of drawing-rooms to the exposure of great crimes, it would be as false and vicious in taste and in morals as to use the criminary language of this hall in drawing and assembling rooms would be misplaced and ridiculous. Every one knows that in common society palliating names are given to vices. Adultery in a lady is called gallantry; the gentleman is commonly called a man of good fortune, sometimes in French and sometimes in English. But is this the tone which would become a person in a court of justice, calling these people to an account for that horrible crime which destroys the basis of society? No, my Lords, this is not the tone of such proceedings. Your Lordships know that it is not; the Commons know that it is not; and because we have acted on that knowledge, and stigmatized crimes with becoming indignation, we are said to be actuated rather by revenge than justice.

If it should still be asked why we show sufficient acrimony to excite a suspicion of being in any manner influenced by malice or a desire of revenge, to this, my Lords, I answer, Because we would be thought to know our duty, and to have all the world know how resolutely we are resolved to perform it. The Commons of Great Britain are not disposed to quarrel with the Divine Wisdom and Goodness, which has moulded up revenge into the frame and constitution of man. He that has made us what we are has made us at once resentful and reasonable. Instinct tells a man that he ought to revenge an injury; reason tells him that he ought not to be a judge in his own cause. From that moment revenge passes from the private to the public hand; but in being transferred it is far from being extinguished. My Lords, it is transferred as a sacred trust to be exercised for the injured, in measure and proportion, by persons who, feeling as he feels, are in a temper to reason better than he can reason. Revenge is taken out of the hands of the original injured proprietor, lest it should be carried beyond the bounds of moderation and justice. But, my Lords, it is in its transfer exposed to a danger of an opposite description. The delegate of vengeance may not feel the wrong sufficiently: he may be cold and languid in the performance of his sacred duty. It is for these reasons that good men are taught to tremble even at the first emotions of anger and resentment for their own particular wrongs; but they are likewise taught, if they are well taught, to give the loosest possible rein to their resentment and indignation, whenever their parents, their friends, their country, or their brethren of the common family of mankind are injured. Those

who have not such feelings, under such circumstances, are base and degenerate. These, my Lords, are the sentiments of the Commons of Great Britain.

Lord Bacon has very well said, that “revenge is a kind of wild justice.” It is so, and without this wild austere stock there would be no justice in the world. But when, by the skilful hand of morality and wise jurisprudence, a foreign scion, but of the very same species, is grafted upon it, its harsh quality becomes changed, it submits to culture, and, laying aside its savage nature, it bears fruits and flowers, sweet to the world, and not ungrateful even to heaven itself, to which it elevates its exalted head. The fruit of this wild stock is revenge regulated, but not extinguished, — revenge transferred from the suffering party to the communion and sympathy of mankind. This is the revenge by which we are actuated, and which we should be sorry, if the false, idle, girlish, novel-like morality of the world should extinguish in the breast of us who have a great public duty to perform.

This sympathetic revenge, which is condemned by clamorous imbecility, is so far from being a vice, that it is the greatest of all possible virtues, — a virtue which the uncorrupted judgment of mankind has in all ages exalted to the rank of heroism. To give up all the repose and pleasures of life, to pass sleepless nights and laborious days, and, what is ten times more irksome to an ingenuous mind, to offer oneself to calumny and all its herd of hissing tongues and poisoned fangs, in order to free the world from fraudulent prevaricators, from cruel oppressors, from robbers and tyrants, has, I say, the test of heroic virtue, and well deserves such a distinction. The Commons, despairing to attain the heights of this virtue, never lose sight of it for a moment. For seventeen years they have, almost without intermission, pursued, by every sort of inquiry, by legislative and by judicial remedy, the cure of this Indian malady, worse ten thousand times than the leprosy which our forefathers brought from the East. Could they have done this, if they had not been actuated by some strong, some vehement, some perennial passion, which, burning like the Vestal fire, chaste and eternal, never suffers generous sympathy to grow cold in maintaining the rights of the injured or in denouncing the crimes of the oppressor?

My Lords, the Managers for the Commons have been actuated by this passion; my Lords, they feel its influence at this moment; and so far from softening either their measures or their tone, they do here, in the presence of their Creator, of this House, and of the world, make this solemn declaration, and nuncupate this deliberate vow: that they will ever glow with the most determined and unextinguishable animosity against tyranny, oppression, and speculation in all, but more particularly as practised by this man in India; that they never will relent, but will pursue and prosecute him and it, till they see corrupt pride prostrate under the feet of justice. We call upon your Lordships to join us; and we have no doubt that you will feel the same sympathy that we feel, or (what I cannot persuade my soul to think or my mouth to utter) you will be identified with the criminal whose crimes you excuse, and rolled with him in all the pollution of Indian guilt, from generation

to generation. Let those who feel with me upon this occasion join with me in this vow: if they will not, I have it all to myself.

It is not to defend ourselves that I have addressed your Lordships at such length on this subject. No, my Lords, I have said what I considered necessary to instruct the public upon the principles which induced the House of Commons to persevere in this business with a generous warmth, and in the indignant language which Nature prompts, when great crimes are brought before men who feel as they ought to feel upon such occasions.

I now proceed, my Lords, to the next recriminatory charge, which is *delay*. I confess I am not astonished at this charge. From the first records of human impatience down to the present time, it has been complained that the march of violence and oppression is rapid, but that the progress of remedial and vindictive justice, even the divine, has almost always favored the appearance of being languid and sluggish. Something of this is owing to the very nature and constitution of human affairs; because, as justice is a circumspect, cautious, scrutinizing, balancing principle, full of doubt even of itself, and fearful of doing wrong even to the greatest wrong-doers, in the nature of things its movements must be slow in comparison with the headlong rapidity with which avarice, ambition, and revenge pounce down upon the devoted prey of those violent and destructive passions. And indeed, my Lords, the disproportion between crime and justice, when seen in the particular acts of either, would be so much to the advantage of crimes and criminals, that we should find it difficult to defend laws and tribunals, (especially in great and arduous cases like this,) if we did not look, not to the *immediate*, not to the *retrospective*, but to the *provident* operation of justice. Its chief operation is in its future example; and this turns the balance, upon the total effect, in favor of vindictive justice, and in some measure reconciles a pious and humble mind to this great mysterious dispensation of the world.

Upon the charge of delay in this particular cause, my Lords, I have only to say that the business before you is of immense magnitude. The prisoner himself says that all the acts of his life are committed in it. With a due sense of this magnitude, we know that the investigation could not be short to us, nor short to your Lordships; but when we are called upon, as we have been daily, to sympathize with the prisoner in that delay, my Lords, we must tell you that we have no sympathy with him. Rejecting, as we have done, all false, spurious, and hypocritical virtues, we should hold it to be the greatest of all crimes to bestow upon the oppressors that pity which belongs to the oppressed. The unhappy persons who are wronged, robbed, and despoiled have no remedy but in the sympathies of mankind; and when these sympathies are suffered to be debauched, when they are perversely carried from the victim to the oppressor, then we commit a robbery still greater than that which was committed by the criminal accused.

My Lords, we do think this process long; we lament it in every sense in which it ought to be lamented; but we lament still more that the Begums have been so long without having a just punishment inflicted upon their spoiler. We lament that Cheyt Sing has so long been a wanderer, while the man who drove him from his dominions is still unpunished. We are sorry that Nobkissin has been cheated of his money for fourteen years, without obtaining redress. These are our sympathies, my Lords; and thus we reply to this part of the charge.

My Lords, there are some matters of fact in this charge of delay which I must beg your Lordships will look into. On the 19th of February, 1789, the prisoner presented a petition to your Lordships, in which he states, after many other complaints, that a great number of his witnesses were obliged to go to India, by which he has lost the benefit of their testimony, and that a great number of your Lordships' body were dead, by which he has lost the benefit of their judgment. As to the hand of God, though some members of your House may have departed this life since the commencement of this trial, yet the body always remains entire. The evidence before you is the same; and therefore there is no reason to presume that your final judgment will be affected by these afflicting dispensations of Providence. With regard to his witnesses, I must beg to remind your Lordships of one extraordinary fact. This prisoner has sent to India, and obtained, not testimonies, but testimonials to his general good behavior. He has never once applied, by commission or otherwise, to falsify any one fact that is charged upon, him, — no, my Lords, not one. Therefore that part of his petition which states the injury he has received from the Commons of Great Britain is totally false and groundless. For if he had any witnesses to examine, he would not have failed to examine them; if he had asked for a commission to receive their depositions, a commission would have been granted; if, without a commission, he had brought affidavits to facts, or regular recorded testimony, the Commons of Great Britain would never have rejected such evidence, even though they could not have cross-examined it.

Another complaint is, that many of his witnesses were obliged to leave England before he could make use of their evidence. My Lords, no delay in the trial has prevented him from producing any evidence; for we were willing that any of his witnesses should be examined at any time most convenient to himself. If many persons connected with his measures are gone to India, during the course of his trial, many others have returned to England. Mr. Larkins returned. Was the prisoner willing to examine him? No: and it was nothing but downright shame, and the presumptions which he knew would be drawn against him, if he did not call this witness, which finally induced him to make use of his evidence. We examined Mr. Larkins, my Lords; we examined all the prisoner's witnesses; your Lordships have their testimony; and down to this very hour he has not put his hand upon any one whom he thought a proper and essential witness to the facts, or to any part of the cause, whose examination has been denied him; nor has he even stated that any

man, if brought here, would prove such and such points. No, not one word to this effect has ever been stated by the prisoner.

There is, my Lords, another case, which was noticed by my honorable fellow Manager yesterday. Mr. Belli, the confidential secretary of the prisoner, was agent and contractor for stores; and this raised a suspicion that the contracts were held by him for the prisoner's advantage. Mr. Belli was here during the whole time of the trial, and six weeks after we had closed our evidence. We had then no longer the arrangement of the order of witnesses, and he might have called whom he pleased. With the full knowledge of these circumstances, that witness did he suffer to depart for India, if he did not even encourage his departure. This, my Lords, is the kind of damage which he has suffered by the want of witnesses, through the protraction of this trial.

But the great and serious evil which he complains of, as being occasioned by our delay, is of so extraordinary a nature that I must request your Lordships to examine it with extraordinary strictness and attention. In the petition before your Lordships, the prisoner asserts that he was under the necessity, through his counsel and solicitors, "of collecting and collating from the voluminous records of the Company the whole history of his public life, in order to form a complete defence to every allegation which the Honorable House of Commons had preferred against him, and that he has expended upwards of thirty thousand pounds in preparing the materials of his defence."

It is evident, my Lords, that the expenditure of this thirty thousand pounds is not properly connected with the delay of which he complains; for he states that he had incurred this loss merely in collecting and collating materials, previous to his defence before your Lordships. If this were true, and your Lordships were to admit the amount as a rule and estimate by which the aggregate of his loss could be ascertained, the application of the rule of three to the sum and time given would bring out an enormous expenditure in the long period which has elapsed since the commencement of the trial, — so enormous, that, if this monstrous load of oppression has been laid upon him by the delay of the Commons, I believe no man living can stand up in our justification. But, my Lords, I am to tell your Lordships some facts, into which we trust *you*, will inquire: for this business is not in our hands, nor can we lay it as a charge before you. Your own Journals have recorded the document, in which the prisoner complains bitterly of the House of Commons, and indeed of the whole judicature of the country, — a complaint which your Lordships will do well to examine.

When we first came to a knowledge of this petition, which was not till some time after it was presented, I happened to have conversation with a noble lord, — I know not whether he be in his place in the House or not, but I think I am not irregular in mentioning his name. When I mention Lord Suffolk, I name a peer whom honor, justice, veracity, and every virtue that distinguishes the man and the peer would

claim for their own. My Lord Suffolk told me, that, in a conversation with the late Lord Dover, who brought the prisoner's petition into your House, he could not refrain from expressing his astonishment at that part of the petition which related to the expense Mr. Hastings had been at; and particularly as a complaint had been made in the House of the enormous expense of the prosecution, which at that time had only amounted to fourteen thousand pounds, although the expense of the prosecutor is generally greater than that of the defendant, and public proceedings more expensive than private ones. Lord Dover said, that, before he presented the petition, he had felt exactly in the same manner; but that Mr. Hastings assured him that six thousand pounds had been paid to copying clerks in the India House, and that from this circumstance he might judge of the other expenses. Lord Dover was satisfied with this assurance, and presented the petition, which otherwise he should have declined to do, on account of the apparent enormity of the allegation it contained. At the time when Lord Suffolk informed me of these particulars, (with a good deal of surprise and astonishment,) I had not leisure to go down to the India House in order to make inquiries concerning them, but I afterwards asked the Secretary, Mr. Hudson, to whom *we* had given a handsome reward, what sums he had received from Mr. Hastings for his services upon this occasion, and the answer was, "Not one shilling." Not one shilling had Mr. Hudson received from Mr. Hastings. The clerks of the Company informed us that the Court of Directors had ordered that every paper which Mr. Hastings wanted should be copied for him gratuitously, — and that, if any additional clerks were wanting for the effectual execution of his wishes, the expense would be defrayed by the Directors. Hearing this account, I next inquired what *expedition money* might have been given to the clerks: for we know something of this kind is usually done. In reply to this question, Mr. Hudson told me that at various times they had received in little dribblets to the amount of ninety-five pounds, or thereabouts. In this way the account stood when I made this inquiry, which was at least half a year after the petition had been presented to your Lordships. Thus the whole story of the six thousand pounds was absolutely false. At that time there was not one word of truth in it, whatever be the amount of the sums which he has paid since. Your Lordships will now judge whether you have been abused by false allegations or not, — allegations which could scarcely admit of being true, and which upon the best inquiry I found absolutely false; and I appeal to the testimony of the noble lord, who is now living, for the truth of the account he received from the worthy and respectable peer whose loss the nation has to bewail.

There are many other circumstances of fraud and falsehood attending this petition, (we must call things by their proper names, my Lords,) — there are, I say, many circumstances of fraud and falsehood. We know it to have been impossible, at the time of presenting this petition, that this man should have expended thirty thousand pounds in the preparation of materials for his defence; and your

Lordships' justice, together with the credit of the House of Commons, are concerned in the discovery of the truth. There is, indeed, an ambiguous word in the petition. He asserts that he is *engaged* for the payment of that sum. We asked the clerks of the India House whether he had given them any bond, note, security, or promise of payment: they assured us that he had not: they will be ready to make the same assurance to your Lordships, when you come to inquire into this matter, which before you give judgment we desire and claim that you will do. All is concealment and mystery on the side of the prisoner; all is open and direct with us. We are desirous that everything which is concealed may be brought to light.

In contradiction, then, to this charge of oppression and of an attempt to ruin his fortune, your Lordships will see that at the time when he made this charge he had not been, in fact, nor was for a long time after, one shilling out of pocket. But some other person had become security to his attorney for him. What, then, are we to think of these men of business, of these friends of Mr. Hastings, who, when he is possessed of nothing, are contented to become responsible for thirty thousand pounds, (was it thirty thousand pounds out of the bullock contracts?) — responsible, I say, for this sum, in order to maintain this suit previous to its actual commencement, and who consequently must be so engaged for every article of expense that has followed from that time to this?

Thus much we have thought it necessary to say upon this part of the recriminatory charge of delay. With respect to the delay in general, we are at present under an account to our constituents upon that subject. To them we shall give it. We shall not give any further account of it to your Lordships. The means belong to us as well as to you of removing these charges. Your Lordships may inquire upon oath, as we have done in our committee, into all the circumstances of these allegations. I hope your Lordships will do so, and will give the Commons an opportunity of attending and assisting at this most momentous and important inquiry.

The next recriminatory charge made upon us by the prisoner is, that, merely to throw an odium upon him, we have brought forward a great deal of irrelevant matter, which could not be proved regularly in the course of examination at your bar, and particularly in the opening speech, which I had the honor of making on the subject.

Your Lordships know very well that we stated in our charge that great abuses had prevailed in India, that the Company had entered into covenants with their servants respecting those abuses, that an act of Parliament was made to prevent their recurrence, and that Mr. Hastings still continued in their practice. Now, my Lords, having stated this, nothing could be more regular, more proper, and more pertinent, than for us to justify both the covenants required by the Company and the act made to prevent the abuses which existed in India. We therefore went through those

abuses; we stated them, and were ready to prove every material word and article in them. Whether they were personally relevant or irrelevant to the prisoner we cared nothing. We were to make out from the records of the House (which records I can produce, whenever I am called upon for them) all these articles of abuse and grievance; and we have stated these abuses as the grounds of the Company's provisional covenants with its servants, and of the act of Parliament. We have stated them under two heads, violence and corruption: for these crimes will be found, my Lords, in almost every transaction with the native powers; and the prisoner is directly or indirectly involved in every part of them. If it be still objected, that these crimes are irrelevant to the charge, we answer, that we did not introduce them as matter of charge. We say they were not irrelevant to the proof of the preamble of our charge, which preamble is perfectly relevant in all its parts. That the matters stated in it are perfectly true we vouch the House of Commons, we vouch the very persons themselves who were concerned in the transactions. When Arabic authors are quoted, and Oriental tales told about *flashes of lightning* and *three seals*, we quote the very parties themselves giving this account of their own conduct to a committee of the House of Commons.

Your Lordships will remember that a most reverend prelate, who cannot be named without every mark of respect and attention, conveyed a petition to your Lordships from a gentleman concerned in one of those narratives. Upon your Lordships' table that petition still lies. For the production of this narrative we are not answerable to this House; your Lordships could not make us answerable to him; but we are answerable to our own House, we are answerable to our own honor, we are answerable to all the Commons of Great Britain for whatever we have asserted in their name. Accordingly, General Burgoyne, then a member of this Committee of Managers, and myself, went down into the House of Commons; we there restated the whole affair; we desired that an inquiry should be made into it, at the request of the parties concerned. But, my Lords, they have never asked for inquiry from that day to this. Whenever he or they who are criminated (not by us, but in this volume of Reports that is in my hand) desire it, the House will give them all possible satisfaction upon the subject.

A similar complaint was made to the House of Commons by the prisoner, that matters irrelevant to the charge were brought up hither. Was it not open to him, and has he had no friends in the House of Commons, to call upon the House, during the whole period of this proceeding, to examine into the particulars adduced in justification of the preamble of the charge against him, in justification of the covenants of the Company, in justification of the act of Parliament? It was in his power to do it; it is in his power still; and if it be brought before that tribunal, to which I and my fellow Managers are alone accountable, we will lay before that tribunal such matters as will sufficiently justify our mode of proceeding, and the resolution of the House of Commons. I will not, therefore, enter into the particulars

(because they cannot be entered into by your Lordships) any further than to say, that, if we had ever been called upon to prove the allegations which we have made, not in the nature of a charge, but as bound in duty to this Court, and in justice to ourselves, we should have been ready to enter into proof. We offered to do so, and we now repeat the offer.

There was another complaint in the prisoner's petition, which did not apply to the words of the preamble, but to an allegation in the charge concerning abuses in the revenue, and the ill consequences which arose from them. I allude to those shocking transactions, which nobody can mention without horror, in Rampore and Dinagepore, during the government of Mr. Hastings, and which we attempted to bring home to him. What did he do in this case? Did he endeavor to meet these charges fairly, as he might have done? No, my Lords: what he said merely amounted to this:— "Examination into these charges would vindicate my reputation before the world; but I, who am the guardian of my own honor and my own interests, choose to avail myself of the rules and orders of this House, and I will not suffer you to enter upon that examination."

My Lords, we admit, you are the interpreters of your own rules and orders. We likewise admit that our own honor may be affected by the character of the evidence which we produce to you. But, my Lords, they who withhold their defence, who suffer themselves, as they say, to be cruelly criminated by unjust accusation, and yet will not permit the evidence of their guilt or innocence to be produced, are themselves the causes of the irrelevancy of all these matters. It cannot justly be charged on us; for we have never offered any matter here which we did not declare our readiness upon the spot to prove. Your Lordships did not think fit to receive that proof. We do not now censure your Lordships for your determination: that is not the business of this day. We refer to your determination for the purpose of showing the falsehood of the imputation which the prisoner has cast upon us, of having oppressed him by delay and irrelevant matter. We refer to it in order to show that the oppression rests with himself, that it is all his own.

Well, but Mr. Hastings complained also to the House of Commons. Has he pursued the complaint? No, he has not; and yet this prisoner, and these gentlemen, his learned counsel, have dared to reiterate their complaints of us at your Lordships' bar, while we have always been, and still are, ready to prove both the atrocious nature of the facts, and that they are *referable* to the prisoner at your bar. To this, as I have said before, the prisoner has objected; this we are not permitted to do by your Lordships: and therefore, without presuming to blame your determination, I repeat, that we throw the blame directly upon himself, when he complains that his private character suffers without the means of defence, since he objects to the use of means of defence which are at his disposal.

Having gone through this part of the prisoner's recriminatory charge, I shall close my observations on his demeanor, and defer my remarks on his complaint of our ingratitude until we come to consider his set-off of services.

The next subject for your Lordships' consideration is the principle of the prisoner's defence. And here we must observe, that, either by confession or conviction, we are possessed of the facts, and perfectly agreed upon the matter at issue between us. In taking a view of the laws by which you are to judge, I shall beg leave to state to you upon what principles of law the House of Commons has criminated him, and upon what principles of law, or pretended law, he justifies himself: for these are the matters at issue between us; the matters of fact, as I have just said, being determined either by confession on his part or by proof on ours.

My Lords, we acknowledge that Mr. Hastings was invested with discretionary power; but we assert that he was bound to use that power according to the established rules of political morality, humanity, and equity. In all questions relating to foreign powers he was bound to act under the Law of Nature and under the Law of Nations, as it is recognized by the wisest authorities in public jurisprudence; in his relation to this country he was bound to act according to the laws and statutes of Great Britain, either in their letter or in their spirit; and we affirm, that in his relation to the people of India he was bound to act according to the largest and most liberal construction of their laws, rights, usages, institutions, and good customs; and we furthermore assert, that he was under an express obligation to yield implicit obedience to the Court of Directors. It is upon these rules and principles the Commons contend that Mr. Hastings ought to have regulated his government; and not only Mr. Hastings, but all other governors. It is upon these rules that he is responsible; and upon these rules, and these rules only, your Lordships are to judge.

My Lords, long before the Committee had resolved upon this impeachment, we had come, as I have told your Lordships, to forty-five resolutions, every one criminatory of this man, every one of them bottomed upon the principles which I have stated. We never will nor can we abandon them; and we therefore do not supplicate your Lordships upon this head, but claim and demand of right, that you will judge him upon those principles, and upon no other. If once they are evaded, you can have no rule for your judgment but your caprices and partialities.

Having thus stated the principles upon which the Commons hold him and all governors responsible, and upon which we have grounded our impeachment, and which must be the grounds of your judgment, (and your Lordships will not suffer any other ground to be mentioned to you,) we will now tell you what are the grounds of his defence.

He first asserts, that he was possessed of an arbitrary and despotic power, restrained by no laws but his own will. He next says, that "the rights of the people he governed in India are nothing, and that the rights of the government are

everything.” The people, he asserts, have no liberty, no laws, no inheritance, no fixed property, no descendable estate, no subordinations in society, no sense of honor or of shame, and that they are only affected by punishment so far as punishment is a corporal infliction, being totally insensible of any difference between the punishment of man and beast. These are the principles of his Indian government, which Mr. Hastings has avowed in their full extent. Whenever precedents are required, he cites and follows the example of avowed tyrants, of Aliverdy Khân, Cossim Ali Khân, and Sujah Dowlah. With an avowal of these principles he was pleased first to entertain the House of Commons, the *active* assertors and conservators of the rights, liberties, and laws of his country; and then to insist upon them more largely and in a fuller detail before this awful tribunal, the *passive* judicial conservator of the same great interests. He has brought out these blasphemous doctrines in this great temple of justice, consecrated to law and equity for a long series of ages. He has brought them forth in Westminster Hall, in presence of all the Judges of the land, who are to execute the law, and of the House of Lords, who are bound as its guardians not to suffer the words “arbitrary power” to be mentioned before them. For I am not again to tell your Lordships, that arbitrary power is treason in the law, — that to mention it with law is to commit a contradiction in terms. They cannot exist in concert; they cannot hold together for a moment.

Let us now hear what the prisoner says. “The sovereignty which they [the subahdars, or viceroys of the Mogul empire] assumed, it fell to my lot, very unexpectedly, to exert; and whether or not such power, or powers of that nature, were delegated to me by any provisions of any act of Parliament I confess myself too little of a lawyer to pronounce. I only know that the acceptance of the sovereignty of Benares, &c., is not acknowledged or admitted by any act of Parliament; and yet, by the particular interference of the majority of the Council, the Company is clearly and indisputably seized of that sovereignty. If, therefore, the *sovereignty* of Benares, as ceded to us by the Vizier, have *any rights whatever* annexed to it, and be not a mere empty word without meaning, those rights must be such as are held, countenanced, and established by the law, custom, and usage of the Mogul empire, and not by the provisions of any British act of Parliament hitherto enacted. *Those rights*, and none other, I have been the involuntary instrument of enforcing. And if any future act of Parliament shall positively or by implication tend to annihilate those very rights, or their exertion, as I have exerted them, I much fear that the boasted sovereignty of Benares, which was held up as an acquisition almost obtruded on the Company against my consent and opinion, (for I acknowledge that even then I foresaw many difficulties and inconveniences in its future exercise,) — I fear, I say, that this sovereignty will be found a burden instead of a benefit, a heavy clog rather than a precious gem to its present possessors: I mean, unless the whole of our territory in that quarter shall be rounded and made

an uniform compact body by one grand and systematic arrangement, — such an arrangement as shall do away all the mischiefs, doubts, and inconveniences (both to the governors and the governed) arising from the variety of tenures, rights, and claims in all cases of landed property and feudal jurisdiction in India, from the informality, invalidity, and instability of all engagements in so divided and unsettled a state of society, and from the unavoidable anarchy and confusion of different laws, religions, and prejudices, moral, civil, and political, all jumbled together in one unnatural and discordant mass. Every part of Hindostan has been constantly exposed to these and similar disadvantages ever since the Mahometan conquests. The Hindoos, who never incorporated with their conquerors, were kept in order only by the strong hand of power. The constant necessity of similar exertions would increase at once their energy and extent. So that rebellion itself is the parent and promoter of *despotism*. Sovereignty in India implies nothing else. For I know not how we can form an estimate of its powers, but from its visible effects; and those are everywhere the same from Cabool to Assam. The whole history of Asia is nothing more than precedents to prove the invariable exercise of arbitrary power. To all this I strongly alluded in the minutes I delivered in Council, when the treaty with the new Vizier was on foot in 1775; and I wished to make Cheyt Sing independent, because in India dependence included a thousand evils, many of which I enumerated at that time, and they are entered in the ninth clause of the first section of this charge. I knew the powers with which an Indian sovereignty is armed, and the dangers to which tributaries are exposed. I knew, that, from the history of Asia, and from the very nature of mankind, the subjects of a despotic empire are always vigilant for the moment to rebel, and the sovereign is ever jealous of rebellious intentions. A zemindar is an Indian subject, and as such exposed to the common lot of his fellows. *The mean and depraved state of a mere zemindar* is therefore this very dependence above mentioned on a despotic government, this very proneness to shake off his allegiance, and this very exposure to continual danger from his sovereign's jealousy, which are consequent on the political state of Hindostanic governments. Bulwant Sing, if he had been, and Cheyt Sing, as long as he was, a zemindar, stood exactly in this *mean and depraved state* by the constitution of his country. I did not make it for him, but would have secured him from it. Those who made him a zemindar entailed upon him the consequences of so mean and depraved a tenure. Aliverdy Khân and Cossim Ali fined all their zemindars on the necessities of war, and on every pretence either of court necessity or court extravagance."

I beseech your Lordships seriously to look upon the whole nature of the principles upon which the prisoner defends himself. He appeals to the custom and usage of the Mogul empire; and the constitution of that empire is, he says, arbitrary power. He says, that he does not know whether any act of Parliament bound him not to exercise this arbitrary power, and that, if any such act should in future be

made, it would be mischievous and ruinous to our empire in India. Thus he has at once repealed all preceding acts, he has annulled by prospect every future act you can make; and it is not in the power of the Parliament of Great Britain, without ruining the empire, to hinder his exercising this despotic authority. All Asia is by him disfranchised at a stroke. Its inhabitants have no rights, no laws, no liberties; their state is mean and depraved; they may be fined for any purpose of court extravagance or prodigality, — or as Cheyt Sing was fined by him, not only upon every war, but upon every pretence of war.

This is the account he gives of his power, and of the people subject to the British government in India. We deny that the act of Parliament gave him any such power; we deny that the India Company gave him any such power, or that they had ever any such power to give; we even deny that there exists in all the human race a power to make the government of any state dependent upon individual will. We disclaim, we reject all such doctrines with disdain and indignation; and we have brought them up to your Lordships to be tried at your bar.

What must be the condition of the people of India, governed, as they have been, by persons who maintain these principles as maxims of government, and not as occasional deviations caused by the irregular will of man, — principles by which the whole system of society is to be controlled, not by law, reason, or justice, but by the will of one man?

Your Lordships will remark, that not only the whole of the laws, rights, and usages, but the very being of the people, are exposed to ruin: for Mr. Hastings says, that the people may be fined, that they may be exiled, that they may be imprisoned, and that even their lives are dependent upon the mere will of their foreign master; and that he, the Company's Governor, exercised that will under the authority of this country. Remark, my Lords, his application of this doctrine. "I would," he says, "have kept Cheyt Sing from the consequences of this dependence, by making him independent, and not in any manner subjecting him to our government. The moment he came into a state of dependence upon the British government, all these evils attached upon him. — It is," he adds, "disagreeable to me to exert such powers; but I know they must be exerted; and I declare there is no security from this arbitrary power, but by having nothing to do with the British government."

My Lords, the House of Commons has already well considered what may be our future moral and political condition, when the persons who come from that school of pride, insolence, corruption, and tyranny are more intimately mixed up with us of purer morals. Nothing but contamination can be the result, nothing but corruption can exist in this country, unless we expunge this doctrine out of the very hearts and souls of the people. It is not to the gang of plunderers and robbers of which I say this man is at the head, that we are only, or indeed principally, to look. Every man in Great Britain will be contaminated and must be corrupted, if you let loose among us whole legions of men, generation after generation, tainted with

these abominable vices, and avowing these detestable principles. It is, therefore, to preserve the integrity and honor of the Commons of Great Britain, that we have brought this man to your Lordships' bar.

When these matters were first explained to your Lordships, and strongly enforced by abilities greater than I can exert, there was something like compunction shown by the prisoner: but he took the most strange mode to cover his guilt. Upon the cross-examination of Major Scott, he discovered all the engines of this Indian corruption. Mr. Hastings got that witness to swear that this defence of his, from which the passages I have read to your Lordships are extracted, was not his, but that it was the work of his whole Council, composed of Mr. Middleton, Mr. Shore, Mr. Halhed, Mr. Baber, — the whole body of his Indian Cabinet Council; that this was their work, and not his; and that he disclaimed it, and therefore that it would be wrong to press it upon him. Good God! my Lords, what shall we say in this stage of the business? The prisoner put in an elaborate defence: he now disclaims that defence. He told us that it was of his own writing, that he had been able to compose it in five days; and he now gets five persons to contradict his own assertions, and to disprove on oath his most solemn declarations.

My Lords, this business appears still more alarming, when we find not only Mr. Hastings, but his whole Council, engaged in it. I pray your Lordships to observe, that Mr. Halhed, a person concerned with Mr. Hastings in compiling a code of Gentoo laws, is now found to be one of the persons to whom this very defence is attributed which contains such detestable and abominable doctrines. But are we to consider the contents of this paper as the defence of the prisoner or not? Will any one say, that, when an answer is sworn to in Chancery, when an answer is given here to an impeachment of the Commons, or when a plea is made to an indictment, that it is drawn by the defendant's counsel, and therefore is not his? Did we not all hear him read this defence in part at our bar? — did we not see him hand it to his secretary to have it read by his son? — did he not then hear it read from end to end? — did not he himself desire it to be printed, (for it was no act of ours,) and did he not superintend and revise the press? — and has any breath but his own breathed upon it? No, my Lords, the whole composition is his, by writing or adoption; and never, till he found it pressed him in this House, never, till your Lordships began to entertain the same abhorrence of it that we did, did he disclaim it.

But mark another stage of the propagation of these horrible principles. After having grounded upon them the defence of his conduct against our charge, and after he had got a person to forswear them for him, and to prove him to have told falsehoods of the grossest kind to the House of Commons, he again adheres to this defence. The dog returned to his vomit. After having vomited out his vile, bilious stuff of arbitrary power, and afterwards denied it to be his, he gets his counsel in this place to resort to the loathsome mess again. They have thought proper, my

Lords, to enter into an extended series of quotations from books of travellers, for the purpose of showing that despotism was the only principle of government acknowledged in India, — that the people have no laws, no rights, no property movable or immovable, no distinction of ranks, nor any sense of disgrace. After citing a long line of travellers to this effect, they quote Montesquieu as asserting the same facts, declaring that the people of India had no sense of honor, and were only sensible of the whip as far as it produced corporal pain. They then proceed to state that it was a government of misrule, productive of no happiness to the people, and that it so continued until subverted by the free government of Britain, — namely, the government that Mr. Hastings describes as having himself exercised there.

My Lords, if the prisoner can succeed in persuading us that these people have no laws, no rights, not even the common sentiments and feeling of men, he hopes your interest in them will be considerably lessened. He would persuade you that their sufferings are much assuaged by their being nothing new, — and that, having no right to property, to liberty, to honor, or to life, they must be more pleased with the little that is left to them than grieved for the much that has been ravished from them by his cruelty and his avarice. This inference makes it very necessary for me, before I proceed further, to make a few remarks upon this part of the prisoner's conduct, which your Lordships must have already felt with astonishment, perhaps with indignation. This man, who passed twenty-five years in India, who was fourteen years at the head of his government, master of all the offices, master of all the registers and records, master of all the lawyers and priests of all this empire, from the highest to the lowest, instead of producing to you the fruits of so many years' local and official knowledge upon that subject, has called out a long line of the rabble of travellers to inform you concerning the objects of his own government. That his learned counsel should be ignorant of those things is a matter of course. That, if left to himself, the person who has produced all this stuff should, in pursuit of his darling arbitrary power, wander without a guide, or with false guides, is quite natural. But your Lordships must have heard with astonishment, that, upon points of law relative to the tenure of lands, instead of producing any law document or authority on the usages and local customs of the country, he has referred to officers in the army, colonels of artillery and engineers, to young gentlemen just come from school, not above three or four years in the country. Good God! would not one rather have expected to hear him put all these travellers to shame by the authority of a man who had resided so long in the supreme situation of government, — to set aside all these wild, loose, casual, and silly observations of travellers and theorists? On the contrary, as if he was ignorant of everything, as if he knew nothing of India, as if he had dropped from the clouds, he cites the observations of every stranger who had been hurried in a palanquin through the country, capable or incapable of observation, to prove to you the nature of the government, and of the power he had to exercise.

My Lords, the Commons of Great Britain are not disposed to resort to the ridiculous relations of travellers, or to the wild systems which ingenious men have thought proper to build on their authority. We will take another mode. We will undertake to prove the direct contrary of his assertions in every point and particular. We undertake to do this, because your Lordships know, and because the world knows, that, if you go into a country where you suppose man to be in a servile state, — where, the despot excepted, there is no one person who can lift up his head above another, — where all are a set of vile, miserable slaves, prostrate and confounded in a common servitude, having no descendible lands, no inheritance, nothing that makes man feel proud of himself, or that gives him honor and distinction with others, — this abject degradation will take from you that kind of sympathy which naturally attaches you to men feeling like yourselves, to men who have hereditary dignities to support, and lands of inheritance to maintain, as you peers have; you will, I say, no longer have that feeling which you ought to have for the sufferings of a people whom you suppose to be habituated to their sufferings and familiar with degradation. This makes it absolutely necessary for me to refute every one of these misrepresentations; and whilst I am endeavoring to establish the rights of these people, in order to show in what manner and degree they have been violated, I trust that your Lordships will not think that the time is lost: certainly I do not think that my labor will be misspent in endeavoring to bring these matters fully before you.

In determining to treat this subject at length, I am also influenced by a strong sense of the evils that have attended the propagation of these wild, groundless, and pernicious opinions. A young man goes to India before he knows much of his own country; but he cherishes in his breast, as I hope every man will, a just and laudable partiality for the laws, liberties, rights, and institutions of his own nation. We all do this; and God forbid we should not prefer our own to every other country in the world! but if we go to India with an idea of the mean, degraded state of the people that we are to govern, and especially if we go with these impressions at an immature age, we know, that, according to the ordinary course of human nature, we shall not treat persons well whom we have learnt to despise. We know that people whom we suppose to have neither laws or rights will not be treated by us as a people who have laws and rights. This error, therefore, for our sake, for your sake, for the sake of the Indian public, and for the sake of all those who shall hereafter go in any station to India, I think it necessary to disprove in every point.

I mean to prove the direct contrary of everything that has been said on this subject by the prisoner's counsel, or by himself. I mean to prove that the people of India have laws, rights, and immunities; that they have property, movable and immovable, descendible as well as occasional; that they have property held for life, and that they have it as well secured to them by the laws of their country as any property is secured in this country; that they feel for honor, not only as much as

your Lordships can feel, but with a *more* exquisite and poignant sense than any people upon earth; and that, when punishments are inflicted, it is not the lash they feel, but the disgrace: in short, I mean to prove that every word which Montesquieu has taken from idle and inconsiderate travellers is absolutely false.

The people of India are divided into three kinds: the original natives of the country, commonly called Gentoos; the descendants of the Persians and Arabians, who are Mahometans; and the descendants of the Moguls, who originally had a religion of their own, but are now blended with the other inhabitants.

The primeval law of that country is the Gentoo law; and I refer your Lordships to Mr. Halhed's translation of that singular code, — a work which I have read with all the care that such an extraordinary view of human affairs and human constitutions deserves. I do not know whether Mr. Halhed's compilation is in evidence before your Lordships, but I do know that it is good authority on the Gentoo law. Mr. Hastings, who instructed his counsel to assert that the people have “no rights, no law,” ought to be well acquainted with this work, because he claimed for a while the glory of the compilation, although Nobkissin, as your Lordships remember, was obliged to pay the expense. This book, a compilation of probably the most ancient laws in the world, if we except the Mosaic, has in it the duty of the magistrate and the duty of all ranks of subjects most clearly and distinctly ascertained; and I will give up the whole cause, if there is, from one end to the other of this code, any sort of arbitrary power claimed or asserted on the part of the magistrate, or any declaration that the people have no rights of property. No: it asserts the direct contrary.

First, the people are divided into classes and ranks, with more accuracy of distinction than is used in this country, or in any other country under heaven. Every class is divided into families, some of whom are more distinguished and more honorable than others; and they all have rights, privileges, and immunities belonging to them. Even in cases of conquest, no confiscation is to take place. A Brahmin's estate comes by descent to him; it is forever descendible to his heirs, if he has heirs; and if he has none, it belongs to his disciples, and those connected with him in the Brahminical caste. There are other immunities declared to belong to this caste, in direct contradiction to what has been asserted by the prisoner. In no case shall a Brahmin suffer death; in no case shall the property of a Brahmin, male or female, be confiscated for crime, or escheat for want of heirs. The law then goes on to other castes, and gives to each its property, and distinguishes them with great accuracy of discrimination.

Mr. Hastings says that there is no inheritable property among them. Now you have only to look at page 27, chapter the second, the title of which, is, *Of the Division of Inheritable Property*. There, after going through all the nicety of pedigree, it is declared, that, “when a father, or grandfather, a great-grandfather, or any relations of that nature, decease, or lose their caste, or renounce the world, or

are desirous to give up their property, their sons, grandsons, great-grandsons, and other natural heirs, may divide and assume their glebe-lands, orchards, jewels, corals, clothes, furniture, cattle, and birds, and all the estate, real and personal.” My Lords, this law recognizes this kind of property; it regulates it with the nicest accuracy of distinction; it settles the descent of it in every part and circumstance. It nowhere asserts (but the direct contrary is positively asserted) that the magistrate has any power whatever over property. It states that it is the magistrate’s duty to protect it; that he is bound to govern by law; that he must have a council of Brahmins to assist him in every material act that he does: in short, my Lords, there is not even a trace of arbitrary power in the whole system.

My Lords, I will mention one article, to let you see, in a very few words, that these Gentoos not only have an inheritance, but that the law has established a right of *acquiring* possession in the property of another by prescription. The passage stands thus:— “If there be a person who is not a minor,” (a man ceases to be a minor at fifteen years of age,) “nor impotent, nor diseased, nor an idiot, nor so lame as not to have power to walk, nor blind, nor one who, on going before a magistrate, is found incapable of distinguishing and attending to his own concerns, and who has not given to another person power to employ and to use his property, — if, in the face of any such person, another man has applied to his own use, during the space of twenty years, the glebe-land or houses or orchards of that person, without let or molestation from him, from the twenty-first year the property becomes invested in the person so applying such things to his own use; and any claim of the first person above mentioned upon such glebe-[land or?] houses or orchards shall by no means stand good: but if the person before mentioned comes under any of the circumstances herein before described, his claim in that case shall stand good.” Here you see, my Lords, that possession shall by prescription stand good against the claims of all persons who are not disqualified from making their claims.

I might, if necessary, show your Lordships that the highest magistrate is subject to the law; that there is a case in which he is finable; that they have established rules of evidence and of pleading, and, in short, all the rules which have been formed in other countries to prevent this very arbitrary power. Notwithstanding all this, the prisoner at the bar, and his counsel, have dared to assert, in this sacred temple of justice, in the presence of this great assembly, of all the bishops, of all the peers, and of all the judges of this land, that the people of India have no laws whatever.

I do not mean to trouble your Lordships with more extracts from this book. I recommend it to your Lordships’ reading, — when you will find, that, so far from the magistrate having any power either to imprison arbitrarily or to fine arbitrarily, the rules of fines are laid down with ten thousand times more exactness than with us. If you here find that the magistrate has any power to punish the people with arbitrary punishment, to seize their property, or to disfranchise them of any rights or privileges, I will readily admit that Mr. Hastings has laid down good, sound

doctrine upon this subject. There is his own book, a compilation of their laws, which has in it not only good and excellent positive rules, but a system of as enlightened jurisprudence, with regard to the body and substance of it, as perhaps any nation ever possessed, — a system which must have been composed by men of highly cultivated understandings.

As to the travellers that have been quoted, absurd as they are in the ground of their argument, they are not less absurd in their reasonings. For, having first laid it down that there is no property, and that the government is the proprietor of everything, they argue, inferentially, that they have no laws. But if ever there were a people that seem to be protected with care and circumspection from all arbitrary power, both in the executive and judicial department, these are the people that seem to be so protected.

I could show your Lordships that they are so sensible of honor, that fines are levied and punishment inflicted according to the rank of the culprit, and that the very authority of the magistrate is dependent on their rank. That the learned counsel should be ignorant of these things is natural enough. They are concerned in the gainful part of their profession. If they know the laws of their own country, which I dare say they do, it is not to be expected that they should know the laws of any other. But, my Lords, it is to be expected that the prisoner should know the Gentoo laws: for he not only cheated Nobkissin of his money to get these laws translated, but he took credit for the publication of the work as an act of public spirit, after shifting the payment from himself by fraud and peculation. All this has been proved by the testimonies of Mr. Auriol and Mr. Halhed before your Lordships.

We do not bring forward this book as evidence of guilt or innocence, but to show the laws and usages of the country, and to prove the prisoner's knowledge of them.

From the Gentoo we will proceed to the Tartarian government of India, a government established by conquest, and therefore not likely to be distinguished by any marks of extraordinary mildness towards the conquered. The book before me will prove to your Lordships that the head of this government (who is falsely supposed to have a despotic authority) is absolutely elected to his office. Tamerlane was elected; and Genghis Khân particularly valued himself on improving the laws and institutions of his own country. These laws we only have imperfectly in this book; but we are told in it, and I believe the fact, that he forbade, under pain of death, any prince or other person to presume to cause himself to be proclaimed Great Khân or Emperor, without being first duly elected by the princes lawfully assembled in general diet. He then established the privileges and immunities granted to the Tunkawns, — that is, to the nobility and gentry of the country, — and afterwards published most severe ordinances against governors who failed in doing their duty, but principally against those who commanded in far distant provinces. This prince was in this case, what I hope your Lordships will be, a very severe judge of the governors of countries remote from the seat of the government.

My Lords, we have in this book sufficient proof that a Tartarian sovereign could not obtain the recognition of ancient laws, or establish new ones, without the consent of his parliament; that he could not ascend the throne without being duly elected; and that, when so elected, he was bound to preserve the great in all their immunities, and the people in all their rights, liberties, privileges, and properties. We find these great princes restrained by laws, and even making wise and salutary regulations for the countries which they conquered. We find Genghis Khân establishing one of his sons in a particular office, — namely, conservator of those laws; and he has ordered that they should not only be observed in his time, but by all posterity; and accordingly they are venerated at this time in Asia. If, then, this very Genghis Khân, if Tamerlane, did not assume arbitrary power, what are you to think of this man, so bloated with corruption, so bloated with the insolence of unmerited power, declaring that the people of India have no rights, no property, no laws, — that he could not be bound even by an English act of Parliament, — that he was an arbitrary sovereign in India, and could exact what penalties he pleased from the people, at the expense of liberty, property, and even life itself? Compare this man, this compound of pride and presumption, with Genghis Khân, whose conquests were more considerable than Alexander's, and yet who made the laws the rule of his conduct; compare him with Tamerlane, whose Institutes I have before me. I wish to save your Lordships' time, or I could show you in the life of this prince, that he, violent as his conquests were, bloody as all conquests are, ferocious as a Mahometan making his crusades for the propagation of his religion, he yet knew how to govern his unjust acquisitions with equity and moderation. If any man could be entitled to claim arbitrary power, if such a claim could be justified by extent of conquest, by splendid personal qualities, by great learning and eloquence, Tamerlane was the man who could have made and justified the claim. This prince gave up all his time not employed in conquests to the conversation of learned men. He gave himself to all studies that might accomplish a great man. Such a man, I say, might, if any may, claim arbitrary power. But the very things that made him great made him sensible that he was but a man. Even in the midst of all his conquests, his tone was a tone of humility; he spoke of laws as every man must who knows what laws are; and though he was proud, ferocious, and violent in the achievement of his conquests, I will venture to say no prince ever established institutes of civil government more honorable to himself than the Institutes of Timour. I shall be content to be brought to shame before your Lordships, if the prisoner at your bar can show me one passage where the assumption of arbitrary power is even hinted at by this great conqueror. He declares that the nobility of every country shall be considered as his brethren, that the people shall be acknowledged as his children, and that the learned and the dervishes shall be particularly protected. But, my Lords, what he particularly valued himself upon I shall give your Lordships in his own words:— “I delivered the oppressed from the hand of the oppressor; and after

proof of the oppression, whether on the property or the person, the decision which I passed between them was agreeable to the sacred law; and I did not cause any one person to suffer for the guilt of another.”

My Lords, I have only further to inform your Lordships that these Institutes of Timour ought to be very well known to Mr. Hastings. He ought to have known that this prince never claimed arbitrary power; that the principles he adopted were to govern by law, to repress the oppressions of his inferior governors, to recognize in the nobility the respect due to their rank, and in the people the protection to which they were by law entitled. This book was published by Major Davy, and revised by Mr. White. The Major was an excellent Orientalist; he was secretary to Mr. Hastings, to whom, I believe, he dedicated this book. I have inquired of persons the most conversant with the Arabic and Oriental languages, and they are clearly of opinion that there is internal evidence to prove it of the age of Tamerlane; and he must be the most miserable of critics, who, reading this work with attention, does not see, that, if it was not written by this very great monarch himself, it was at least written by some person in his court and under his immediate inspection. Whether, therefore, this work be the composition of Tamerlane, or whether it was written by some persons of learning near him, through whom he meant to give the world a just idea of his manners, maxims, and government, it is certainly as good authority as Mr. Hastings’s *Defence*, which he has acknowledged to have been written by other people.

From the Tartarian I shall now proceed to the later Mahometan conquerors of Hindostan: for it is fit that I should show your Lordships the wickedness of pretending that the people of India have no laws or rights. A great proportion of the people are Mahometans; and Mahometans are so far from having no laws or rights, that, when you name a Mahometan, you name a man governed by law and entitled to protection. Mr. Hastings caused to be published, and I am obliged to him for it, a book called “The Hedaya”: it is true that he has himself taken credit for the work, and robbed Nobkissin of the money to pay for it; but the value of a book is not lessened because a man stole it. Will you believe, my Lords, that a people having no laws, no rights, no property, no honor, would be at the trouble of having so many writers on jurisprudence? And yet there are, I am sure, at least a thousand eminent Mahometan writers upon law, who have written far more voluminous works than are known in the Common Law of England, and I verily believe more voluminous than the writings of the Civilians themselves. That this should be done by a people who have no property is so perfectly ridiculous as scarcely to require refutation; but I shall endeavor to refute it, and without troubling you a great deal.

First, then, I am to tell you that the Mahometans are a people amongst whom the science of jurisprudence is much studied and cultivated; that they distinguish it into the law of the *Koran* and its authorized commentaries, — into the *Fetwah*, which is the judicial judgments and reports of adjudged cases, — into the *Canon*, which is

the regulations made by the emperor for the sovereign authority in the government of their dominions, — and, lastly, into the *Rawaj-ul-Mulk*, or custom and usage, the common law of the country, which prevails independent of any of the former.

In regard to punishments being arbitrary, I will, with your Lordships' permission, read a passage which will show you that the magistrate is a responsible person. "If a supreme ruler, such as the Caliph for the time being, commit any offence punishable by law, such as whoredom, theft, or drunkenness, he is not subject to any punishment; but yet if he commit murder, he is subject to the law of retaliation, and he is also accountable in matters of property: because *punishment* is a right of God, the infliction of which is committed to the Caliph, or other supreme magistrate, and to none else; and he cannot inflict punishment upon himself, as in this there is no advantage, because the good proposed in punishment is that it may operate as a warning to deter mankind from sin, and this is not obtained by a person's inflicting punishment upon himself, contrary to the rights of the *individual*, such as the laws of *retaliation* and of *property*, the penalties of which may be exacted of the Caliph, as the claimant of right may obtain satisfaction, either by the Caliph empowering him to exact his right from himself, or by the claimant appealing for assistance to the collective body of Mussulmans."

Here your Lordships see that the Caliph, who is a magistrate of the highest authority which can exist among the Mahometans, where property or life is concerned has no arbitrary power, but is responsible just as much as any other man.

I am now to inform your Lordships that the sovereign can raise no taxes. The imposing of a tribute upon a Mussulman, without his previous consent, is impracticable. And so far from all property belonging to the sovereign, the public treasure does not belong to him. It is declared to be the common property of all Mahometans. This doctrine is laid down in many places, but particularly in the 95th page of the second volume of Hamilton's Hedaya.

Mr. Hastings has told you what a sovereign is, and what sovereignty is, all over India; and I wish your Lordships to pay particular attention to this part of his defence, and to compare Mr. Hastings's idea of sovereignty with the declaration of the Mahometan law. The tenth chapter of these laws treats of rebellion, which is defined an act of warfare against the sovereign. You are there told who the sovereign is, and how many kinds of rebels there are. The author then proceeds to say,— "The word *bâghee* (rebellion), in its literal sense, means prevarication, also, injustice and tyranny; in the language of the law it is particularly applied to injustice, namely, withdrawing from obedience to the rightful Imaum (as appears in the *Fattahal-Kadeen*). By the rightful Imaum is understood a person in whom all the qualities essential to magistracy are united, such as Islamism, freedom, sanity of intellect, and maturity of age, — and who has been elected into his office by any tribe of Mussulmans, with their general consent; whose view and intention is the advancement of the true religion and the strengthening of the Mussulmans, and

under whom the Mussulmans enjoy security in person and property; one who levies tithe and tribute according to law; who out of the public treasury pays what is due to learned men, preachers, kâzees, muftis, philosophers, public teachers, and so forth; and who is just in all his dealings with Mussulmans: for whoever does not answer this description is not the right Imaum; whence it is not incumbent to support such a one; but rather it is incumbent to oppose him and make war upon him, until such time as he either adopt a proper mode of conduct or be slain.”

My Lords, is this a magistrate of the same description as the sovereign delineated by Mr. Hastings? This man must be elected by the general consent of Mussulmans; he must be a protector of the person and property of his subjects; a right of resistance is directly established by law against him, and even the duty of resistance is insisted upon. Am I, in praising this Mahometan law, applauding the principle of elective sovereignty? No, my Lords, I know the mischiefs which have attended it; I know that it has shaken the thrones of most of the sovereigns of the Mussulman religion; but I produce the law as the clearest proof that such a sovereign cannot be supposed to have an arbitrary power over the property and persons of those who elect him, and who have an acknowledged right to resist and dethrone him, if he does not afford them protection.

I have now gone through what I undertook to prove, — that Mr. Hastings, with all his Indian Council, who have made up this volume of arbitrary power, are not supported by the laws of the Moguls, by the laws of the Gentoos, by the Mahometan laws, or by any law, custom, or usage which has ever been recognized as legal and valid.

But, my Lords, the prisoner defends himself by example; and, good God! what are the examples which he has chosen? Not the local usages and constitutions of Oude or of any other province; not the general practice of a respectable emperor, like Akbar, which, if it would not fatigue your Lordships, I could show to be the very reverse of this man’s. No, my Lords, the prisoner, his learned counsel here, and his unlearned Cabinet Council, who wrote this defence, have ransacked the tales of travellers for examples, and have selected materials from that mass of loose remarks and crude conceptions, to prove that the natives of India have neither rights, laws, orders, or distinction.

I shall now proceed to show your Lordships that the people of India have a keen sense and feeling of disgrace and dishonor. In proof of this I appeal to well-known facts. There have been women tried in India for offences, and acquitted, who would not survive the disgrace even of acquittal. There have been Hindoo soldiers, condemned at a court-martial, who have desired to be blown from the mouth of a cannon, and have claimed rank and precedence at the last moment of their existence. And yet these people are said to have no sense of dishonor! Good God! that we should be under the necessity of proving, in this place, all these things, and of disproving that all India was given in slavery to this man!

But, my Lords, they will show you, they say, that Genghis Khân, Kouli Khân, and Tamerlane destroyed ten thousand times more people in battle than this man did. Good God! have they run mad? Have they lost their senses in their guilt? Did they ever expect that we meant to compare this man to Tamerlane, Genghis Khân, or Kouli Khân? — to compare a clerk at a bureau, to compare a fraudulent bullock-contractor, (for we could show that his first elementary malversations were in carrying on fraudulent bullock-contracts; which contracts were taken from him with shame and disgrace, and restored with greater shame and disgrace,) to compare him with the conquerors of the world? We never said he was a tiger and a lion: no, we have said he was a weasel and a rat. We have said that he has desolated countries by the same means that plagues of his description have produced similar desolations. We have said that he, a fraudulent bullock-contractor, exalted to great and unmerited powers, can do more mischief than even all the tigers and lions in the world. We know that a swarm of locusts, although individually despicable, can render a country more desolate than Genghis Khân or Tamerlane. When God Almighty chose to humble the pride and presumption of Pharaoh, and to bring him to shame, He did not effect His purpose with tigers and lions; but He sent lice, mice, frogs, and everything loathsome and contemptible, to pollute and destroy the country. Think of this, my Lords, and of your listening here to these people's long account of Tamerlane's camp of two hundred thousand persons, and of his building a pyramid at Bagdad with the heads of ninety thousand of his prisoners!

We have not accused Mr. Hastings of being a great general, and abusing his military powers: we know that he was nothing, at the best, but a creature of the bureau, raised by peculiar circumstances to the possession of a power by which incredible mischief might be done. We have not accused him of the vices of conquerors: when we see him signalized by any conquests, we may then make such an accusation; at present we say that he has been trusted with power much beyond his deserts, and that trust he has grossly abused. — But to proceed.

His counsel, according to their usual audacious manner, (I suppose they imagine that they are counsel for Tamerlane, or for Genghis Khân,) have thought proper to accuse the Managers for the Commons of wandering [wantoning?] in all the fabulous regions of Indian mythology. My Lords, the Managers are sensible of the dignity of their place; they have never offered anything to you without reason. We are not persons of an age, of a disposition, of a character, representative or natural, to *wanton*, as these counsel call it, — that is, to invent fables concerning Indian antiquity. That they are not ashamed of making this charge I do not wonder. But we are not to be thus diverted from our course.

I have already stated to your Lordships a material circumstance of this case, which I hope will never be lost sight of, — namely, the different situation in which India stood under the government of its native princes and its own original laws, and even under the *dominion* of Mahometan conquerors, from that in which it has stood

under the government of a series of tyrants, foreign and domestic, particularly of Mr. Hastings, by whom it has latterly been oppressed and desolated. One of the books which I have quoted was written by Mr. Halhed; and I shall not be accused of wantoning in fabulous antiquity, when I refer to another living author, who wrote from what he saw and what he well knew. This author says,— “In truth, it would be almost cruelty to molest these happy people” (speaking of the inhabitants of one of the provinces near Calcutta); “for in this district are the only vestiges of the beauty, purity, piety, regularity, equity, and strictness of the ancient Hindostan government: here the property as well as the liberty of the people is inviolate.” My Lords, I do not refer you to this writer because I think it necessary to our justification, nor from any fear that your Lordships will not do us the justice to believe that we have good authority for the facts which we state, and do not (as persons with their licentious tongues dare to say) wanton in fabulous antiquity. I quote the works of this author, because his observations and opinions could not be unknown to Mr. Hastings, whose associate he was in some acts, and whose adviser he appears to have been in that dreadful transaction, the deposition of Cossim Ali Khân. This writer was connected with the prisoner at your bar in bribery, and has charged him with detaining his bribe. To this Mr. Hastings has answered, that he had paid him long ago. How they have settled that corrupt transaction I know not. I merely state all this to prove that we have not dealt in fabulous history, and that, if anybody has dealt in falsehood, it is Mr. Hastings’s companion and associate in guilt, who must have known the country, and who, however faulty he was in other respects, had in this case no interest whatever in misrepresentation.

I might refer your Lordships, if it were necessary, to Scrafton’s account of that ancient government, in order to prove to you the happy comparative state of that country, even under its former usurpers. Our design, my Lords, in making such references, is not merely to disprove the prisoner’s defence, but to vindicate the rights and privileges of the people of India. We wish to reinstate them in your sympathy. We wish you to respect a people as respectable as yourselves, — a people who know as well as you what is rank, what is law, what is property, — a people who know how to feel disgrace, who know what equity, what reason, what proportion in punishments, what security of property is, just as well as any of your Lordships; for these are things which are secured to them by laws, by religion, by declarations of all their sovereigns. And what, my Lords, is opposed to all this? The practice of tyrants and usurpers, which Mr. Hastings takes for his rule and guidance. He endeavors to find deviations from legal government, and then instructs his counsel to say that I have asserted there is no such thing as arbitrary power in the East. Good God! if there was no such thing in any other part of the world, Mr. Hastings’s conduct might have convinced me of the existence of arbitrary power, and have taught me much of its mischief.

But, my Lords, we all know that there has been arbitrary power in India, — that tyrants have usurped it, — and that, in some instances, princes otherwise meritorious have violated the liberties of the people, and have been lawfully deposed for such violation. I do not deny that there are robberies on Hounslow Heath, — that there are such things as forgeries, burglaries, and murders; but I say that these acts are against law, and that whoever commit them commit illegal acts. When a man is to defend himself against a charge of crime, it is not instances of similar violation of law that is to be the standard of his defence. A man may as well say, “I robbed upon Hounslow Heath, but hundreds robbed there before me”: to which I answer, “The law has forbidden you to rob there; and I will hang you for having violated the law, notwithstanding the long list of similar violations which you have produced as precedents.” No doubt princes have violated the law of this country: they have suffered for it. Nobles have violated the law: their privileges have not protected them from punishment. Common people have violated the law: they have been hanged for it. I know no human being exempt from the law. The law is the security of the people of England; it is the security of the people of India; it is the security of every person that is governed, and of every person that governs. There is but one law for all, namely, that law which governs all law, the law of our Creator, the law of humanity, justice, equity, — the Law of Nature and of Nations. So far as any laws fortify this primeval law, and give it more precision, more energy, more effect by their declarations, such laws enter into the sanctuary, and participate in the sacredness of its character. But the man who quotes as precedents the abuses of tyrants and robbers pollutes the very fountain of justice, destroys the foundations of all law, and thereby removes the only safeguard against evil men, whether governors or governed, — the guard which prevents governors from becoming tyrants, and the governed from becoming rebels.

I hope your Lordships will not think that I have unnecessarily occupied your time in disproving the plea of arbitrary power, which has been brought forward at our bar, has been repeated at your Lordships’ bar, and has been put upon the records of both Houses. I hope your Lordships will not think that such monstrous doctrine should be passed over, without all possible pains being taken to demonstrate its falsehood and to reprobate its tendency. I have not spared myself in exposing the principles avowed by the prisoner. At another time I will endeavor to show you the manner in which he acted upon these principles. I cannot command strength to proceed further at present; and you, my Lords, cannot give me greater bodily strength than I have.

SPEECH IN GENERAL REPLY. SECOND DAY: FRIDAY, MAY 30, 1794.

My lords, — On the last day of the sitting of this court, when I had the honor of appearing before you by the order of my fellow Managers, I stated to you their observations and my own upon two great points: one the demeanor of the prisoner at the bar during his trial, and the other the principles of his defence. I compared that demeanor with the behavior of some of the greatest men in this kingdom, who have, on account of their offences, been brought to your bar, and who have seldom escaped your Lordships' justice. I put the decency, humility, and propriety of the most distinguished men's behavior in contrast with the shameless effrontery of this prisoner, who has presumptuously made a recriminatory charge against the House of Commons, and answered their impeachment by a counter impeachment, explicitly accusing them of malice, oppression, and the blackest ingratitude.

My Lords, I next stated that this recriminatory charge consisted of two distinct parts, — injustice and delay. To the injustice we are to answer by the nature and proof of the charges which we have brought before you; and to the delay, my Lords, we have answered in another place. Into one of the consequences of the delay, the ruinous expense which the prisoner complains of, we have desired your Lordships to make an inquiry, and have referred you to facts and witnesses which will remove this part of the charge.

With regard to ingratitude, there will be a proper time for animadversion on this charge. For in considering the merits that are intended to be set off against his crimes, we shall have to examine into the nature of those merits, and to ascertain how far they are to operate, either as the prisoner designs they shall operate in his favor, as presumptive proofs that a man of such merits could not be guilty of such crimes, or as a sort of set-off to be pleaded in mitigation of his offences. In both of these lights we shall consider his services, and in this consideration we shall determine the justice of his charge of ingratitude.

My Lords, we have brought the demeanor of the prisoner before you for another reason. We are desirous that your Lordships may be enabled to estimate, from the proud presumption and audacity of the criminal at your bar, when he stands before the most awful tribunal in the world, accused by a body representing no less than the sacred voice of his country, what he must have been when placed in the seat of pride and power. What must have been the insolence of that man towards the natives of India, who, when called here to answer for enormous crimes, presumes to behave, not with the firmness of innocence, but with the audacity and hardness of guilt!

It may be necessary that I should recall to your Lordships' recollection the principles of the accusation and of the defence. Your Lordships will bear in mind that the matters of fact are all either settled by confession or conviction, and that the question now before you is no longer an issue of fact, but an issue of law. The question is, what degree of merit or demerit you are to assign by law to actions which have been laid before you, and their truth acknowledged.

The principle being established that you are to decide upon an issue at law, we examined by what law the prisoner ought to be tried; and we preferred a claim which we do now solemnly prefer, and which we trust your Lordships will concur with us in a laudable emulation to establish, — a claim founded upon the great truths, that all power is limited by law, and ought to be guided by discretion, and not by arbitrary will, — that all discretion must be referred to the conservation and benefit of those over whom power is exercised, and therefore must be guided by rules of sound political morality.

We next contended, that, wherever existing laws were applicable, the prisoner at your bar was bound by the laws and statutes of this kingdom, as a British subject; and that, whenever he exercised authority in the name of the Company, or in the name of his Majesty, or under any other name, he was bound by the laws and statutes of this kingdom, both in letter and spirit, so far as they were applicable to him and to his case; and above all, that he was bound by the act to which he owed his appointment, in all transactions with foreign powers, to act according to the known recognized rules of the Law of Nations, whether these powers were really or nominally sovereign, whether they were dependent or independent.

The next point which we established, and which we now call to your Lordships' recollection, is, that he was bound to proceed according to the laws, rights, laudable customs, privileges, and franchises of the country that he governed; and we contended that to such laws, rights, privileges, and franchises the people of the country had a clear and just claim.

Having established these points as the basis of Mr. Hastings's general power, we contended that he was obliged by the nature of his relation, as a servant to the Company, to be obedient to their orders at all times, and particularly where he had entered into special covenants regarding special articles of obedience.

These are the principles by which we have examined the conduct of this man, and upon which we have brought him to your Lordships' bar for judgment. This is our table of the law. Your Lordships shall now be shown the table by which he claims to be judged. But I will first beg your Lordships to take notice of the utter contempt with which he treats all our acts of Parliament.

Speaking of the absolute sovereignty which he would have you believe is exercised by the princes of India, he says, "The sovereignty which they assumed it fell to my lot, very unexpectedly, to exert; and whether or not such power, or powers of that nature, were delegated to me by any provisions of any act of

Parliament I confess myself too little of a lawyer to pronounce,” and so on. This is the manner in which he treats an act of Parliament! In the place of acts of Parliament he substitutes his own arbitrary will. This he contends is the sole law of the country he governed, as laid down in what he calls the arbitrary Institutes of Genghis Khân and Tamerlane. This arbitrary will he claims, to the exclusion of the Gentoo law, the Mahometan law, and the law of his own country. He claims the right of making his own will the sole rule of his government, and justifies the exercise of this power by the examples of Aliverdy Khân, Cossim Ali Khân, Sujah Dowlah Khân, and all those Khâns who have rebelled against their masters, and desolated the countries subjected to their rule. This, my Lords, is the law which he has laid down for himself, and these are the examples which he has expressly told the House of Commons he is resolved to follow. These examples, my Lords, and the principles with which they are connected, without any softening or mitigation, he has prescribed to you as the rule by which his conduct is to be judged.

Another principle of the prisoner is, that, whenever the Company’s affairs are in distress, even when that distress proceeds from his own prodigality, mismanagement, or corruption, he has a right to take for the Company’s benefit privately in his own name, with the future application of it to their use reserved in his own breast, every kind of bribe or corrupt present whatever.

I have now restated to your Lordships the maxims by which the prisoner persists in defending himself, and the principles upon which we claim to have him judged. The issue before your Lordships is a hundred times more important than the cause itself, for it is to determine by what law or maxims of law the conduct of governors is to be judged.

On one side, your Lordships have the prisoner declaring that the people have no laws, no rights, no usages, no distinctions of rank, no sense of honor, no property, — in short, that they are nothing but a herd of slaves, to be governed by the arbitrary will of a master. On the other side, we assert that the direct contrary of this is true. And to prove our assertion we have referred you to the Institutes of Genghis Khân and of Tamerlane; we have referred you to the Mahometan law, which is binding upon all, from the crowned head to the meanest subject, — a law interwoven with a system of the wisest, the most learned, and most enlightened jurisprudence that perhaps ever existed in the world. We have shown you, that, if these parties are to be compared together, it is not the rights of the people which are nothing, but rather the rights of the sovereign which are so. The rights of the people are everything, as they ought to be, in the true and natural order of things. God forbid that these maxims should trench upon sovereignty, and its true, just, and lawful prerogative! — on the contrary, they ought to support and establish them. The sovereign’s rights are undoubtedly sacred rights, and ought to be so held in every country in the world, because exercised for the benefit of the people, and in subordination to that great end for which alone God has vested power in any man or

any set of men. This is the law that we insist upon, and these are the principles upon which your Lordships are to try the prisoner at your bar.

Let me remind your Lordships that these people lived under the laws to which I have referred you, and that these laws were formed whilst we, I may say, were in the forest, certainly before we knew what technical jurisprudence was. These laws are allowed to be the basis and substratum of the manners, customs, and opinions of the people of India; and we contend that Mr. Hastings is bound to know them and to act by them; and I shall prove that the very condition upon which he received power in India was to protect the people in their laws and known rights. But whether Mr. Hastings did know these laws, or whether, content with credit gained by as base a fraud as was ever practised, he did not read the books which Nobkissin paid for, we take the benefit of them: we know and speak after knowledge of them. And although I believe his Council have never read them, I should be sorry to stand in this place, if there was one word and tittle in these books that I had not read over.

We therefore come here and declare to you that he is not borne out by these Institutes, either in their general spirit or in any particular passage to which he has had the impudence to appeal, in the assumption of the arbitrary power which he has exercised. We claim, that, as our own government and every person exercising authority in Great Britain is bound by the laws of Great Britain, so every person exercising authority in another country shall be subject to the laws of that country; since otherwise they break the very covenant by which we hold our power there. Even if these Institutes had been arbitrary, which they are not, they might have been excused as the acts of conquerors. But, my Lords, he is no conqueror, nor anything but what you see him, — a bad scribbler of absurd papers, in which he can put no two sentences together without contradiction. We know him in no other character than that of having been a bullock-contractor for some years, of having acted fraudulently in that capacity, and afterwards giving fraudulent contracts to others; and yet I will maintain that the first conquerors of the world would have been base and abandoned, if they had assumed such a right as he dares to claim. It is the glory of all such great men to have for their motto, *Parcere subjectis et debellare superbos*. These were men that said they would recompense the countries which they had obtained through torrents of blood, through carnage and violence, by the justice of their institutions, the mildness of their laws, and the equity of their government. Even if these conquerors had promulgated arbitrary institutes instead of disclaiming them in every point, you, my Lords, would never suffer such principles of defence to be urged here; still less will you suffer the examples of men acting by violence, of men acting by wrong, the example of a man who has become a rebel to his sovereign in order that he should become the tyrant of his people, to be examples for a British governor, or for any governor. We here confidently protest against this mode of justification, and we maintain that his pretending to follow these examples is in itself a crime. The prisoner has ransacked all Asia for

principles of despotism; he has ransacked all the bad and corrupted part of it for tyrannical examples to justify himself: and certainly in no other way can he be justified.

Having established the falsehood of the first principle of the prisoner's defence, that sovereignty, wherever it exists in India, implies in its nature and essence a power of exacting anything from the subject, and disposing of his person and property, we now come to his second assertion, that he was the true, full, and perfect representative of that sovereignty in India.

In opposition to this assertion we first do positively deny that he or the Company are the perfect representative of any sovereign power whatever. They have certain rights by their charter, and by acts of Parliament, but they have no other. They have their legal rights only, and these do not imply any such thing as sovereign power. The sovereignty of Great Britain is in the King; he is the sovereign of the Lords and the sovereign of the Commons, individually and collectively; and as he has his prerogative established by law, he must exercise it, and all persons claiming and deriving under him, whether by act of Parliament, whether by charter of the Crown, or by any other mode whatever, all are alike bound by law, and responsible to it. No one can assume or receive any power of sovereignty, because the sovereignty is in the Crown, and cannot be delegated away from the Crown; no such delegation ever took place, or ever was intended, as any one may see in the act by which Mr. Hastings was nominated Governor. He cannot, therefore, exercise that high supreme sovereignty which is vested by the law, with the consent of both Houses of Parliament, in the King, and in the King only. It is a violent, rebellious assumption of power, when Mr. Hastings pretends fully, perfectly, and entirely to represent the sovereign of this country, and to exercise legislative, executive, and judicial authority, with as large and broad a sway as his Majesty, acting with the consent of the two Houses of Parliament, and agreeably to the laws of this kingdom. I say, my Lords, this is a traitorous and rebellious assumption, which he has no right to make, and which we charge against him, and therefore it cannot be urged in justification of his conduct in any respect.

He next alleges, with reference to one particular case, that he received this sovereignty from the Vizier Sujah Dowlah, who he pretends was sovereign, with an unlimited power over the life, goods, and property of Cheyt Sing. This we positively deny. Whatever power the supreme sovereign of the empire had, we deny that it was delegated to Sujah Dowlah. He never was in possession of it. He was a vizier of the empire; he had a grant of certain lands for the support of that dignity: and we refer you to the Institutes of Timour, to the Institutes of Akbar, to the institutes of the Mahometan law, for the powers of delegated governors and viceroys. You will find that there is not a trace of sovereignty in them, but that they are, to all intents and purposes, mere subjects; and consequently, as Sujah Dowlah had not these powers, he could not transfer them to the India Company. His master, the Mogul

emperor, had them not. I defy any man to show an instance of that emperor's claiming any such thing as arbitrary power; much less can it be claimed by a rebellious viceroy who had broken loose from his sovereign's authority, just as this man broke loose from the authority of Parliament. The one had not a right to give, nor the other to receive such powers. But whatever rights were vested in the Mogul, they cannot belong either to Sujah Dowlah, to Mr. Hastings, or to the Company. These latter are expressly bound by their compact to take care of the subjects of the empire, and to govern them according to law, reason, and equity; and when they do otherwise, they are guilty of tyranny, of a violation of the rights of the people, and of rebellion against their sovereign.

We have taken these pains to ascertain and fix principles, because your Lordships are not called upon to judge of facts. A jury may find facts, but no jury can form a judgment of law; it is an application of the law to the fact that makes the act criminal or laudable. You must find a fixed standard of some kind or other; for if there is no standard but the immediate momentary purpose of the day, guided and governed by the man who uses it, fixed not only for the disposition of all the wealth and strength of the state, but for the life, fortune, and property of every individual, your Lordships are left without a principle to direct your judgment. This high court, this supreme court of appeal from all the courts of the kingdom, this highest court of criminal jurisdiction, exercised upon the requisition of the House of Commons, if left without a rule, would be as lawless as the wild savage, and as unprincipled as the prisoner that stands at your bar. Our whole issue is upon principles, and what I shall say to you will be in perpetual reference to them; because it is better to have no principles at all than to have false principles of government and of morality. Leave a man to his passions, and you leave a wild beast to a savage and capricious nature. A wild beast, indeed, when its stomach is full, will caress you, and may lick your hands; in like manner, when a tyrant is pleased or his passion satiated, you may have a happy and serene day under an arbitrary government. But when the principle founded on solid reason, which ought to restrain passion, is perverted from its proper end, the false principle will be substituted for it, and then man becomes ten times worse than a wild beast. The evil principle, grown solid and perennial, goads him on and takes entire possession of his mind; and then perhaps the best refuge that you can have from that diabolical principle is in the natural wild passions and unbridled appetites of mankind. This is a dreadful state of things; and therefore we have thought it necessary to say a great deal upon his principles.

My Lords, we come next to apply these principles to facts which cannot otherwise be judged, as we have contended and do now contend. I will not go over facts which have been opened to you by my fellow Managers: if I did so, I should appear to have a distrust, which I am sure no other man has, of the greatest abilities displayed in the greatest of all causes. I should be guilty of a presumption which I

hope I shall not dream of, but leave to those who exercise arbitrary power, in supposing that I could go over the ground which my fellow Managers have once trodden, and make anything more clear and forcible than they have done. In my humble opinion, human ability cannot go farther than they have gone; and if I ever allude to anything which they have already touched, it will be to show it in another light, — to mark more particularly its departure from the principles upon which we contend you ought to judge, or to supply those parts which through bodily infirmity, and I am sure nothing else, one of my excellent fellow Managers has left untouched. I am here alluding to the case of Cheyt Sing.

My honorable fellow Manager, Mr. Grey, has stated to you all the circumstances requisite to prove two things: first, that the demands made by Mr. Hastings upon Cheyt Sing were contrary to fundamental treaties between the Company and that Rajah; and next, that they were the result and effect of private malice and corruption. This having been stated and proved to you, I shall take up the subject where it was left.

My Lords, in the first place, I have to remark to you, that the whole of the charge originally brought by Mr. Hastings against Cheyt Sing, in justification of his wicked and tyrannical proceedings, is, that he had been dilatory, evasive, shuffling, and unwilling to pay that which, however unwilling, evasive, and shuffling, he did pay; and that, with regard to the business of furnishing cavalry, the Rajah has asserted, and his assertion has not been denied, that, when he was desired by the Council to furnish these troopers, the purpose for which this application was made was not mentioned or alluded to, nor was there any place of muster pointed out. We therefore contended, that the demand was not made for the service of the state, but for the oppression of the individual that suffered by it.

But admitting the Rajah to have been guilty of delay and unwillingness, what is the nature of the offence? If you strip it of the epithets by which it has been disguised, it merely amounts to an unwillingness in the Rajah to pay more than the sums stipulated by the mutual agreement existing between him and the Company. This is the whole of it, the whole front and head of the offence; and for this offence, such as it is, and admitting that he could be legally fined for it, he was subjected to the secret punishment of giving a bribe to Mr. Hastings, by which he was to buy off the fine, and which was consequently a commutation for it.

That your Lordships may be enabled to judge more fully of the nature of this offence, let us see in what relation Cheyt Sing stood with the Company. He was, my Lords, a person clothed with every one of the attributes of sovereignty, under a direct stipulation that the Company should not interfere in his internal government. The military and civil authority, the power of life and death, the whole revenue, and the whole administration of the law, rested in him. Such was the sovereignty he possessed within Benares: but he was a subordinate sovereign dependent upon a superior, according to the tenor of his compact, expressed or implied. Now, having

contended, as we still contend, that the Law of Nations is the law of India as well as of Europe, because it is the law of reason and the law of Nature, drawn from the pure sources of morality, of public good, and of natural equity, and recognized and digested into order by the labor of learned men, I will refer your Lordships to Vattel, Book I. Ca, where he treats of the breach of such agreements, by the protector refusing to give protection, or the protected refusing to perform his part of the engagement. My design in referring you to this author is to prove that Cheyt Sing, so far from being blamable in raising objections to the unauthorized demand made upon him by Mr. Hastings, was absolutely bound to do so; nor could he have done otherwise, without hazarding the whole benefit of the agreement upon which his subjection and protection were founded. The law is the same with respect to both contracting parties: if the protected or protector does not fulfil with fidelity *each his separate stipulation*, the protected may resist the unauthorized demand of the protector, or the protector is discharged from his engagement; he may refuse protection, and declare the treaty broken.

We contend in favor of Cheyt Sing, in support of the principles of natural equity, and of the Law of Nations, which is the birthright of us all, — we contend, I say, that Cheyt Sing would have established, in the opinions of the best writers on the Law of Nations, a precedent against himself for any future violation of the engagement, if he submitted to any new demand, without what our laws call a continual claim or perpetual remonstrance against the imposition. Instead, therefore, of doing that which was criminal, he did that which his safety and his duty bound him to do; and for doing this he was considered by Mr. Hastings as being guilty of a great crime. In a paper which was published by the prisoner in justification of this act, he considers the Rajah to have been guilty of rebellious intentions; and he represents these acts of contumacy, as he calls them, not as proofs of contumacy merely, but as proofs of a settled design to rebel, and to throw off the authority of that nation by which he was protected. This belief he declares on oath to be the ground of his conduct towards Cheyt Sing.

Now, my Lords, we do contend, that, if any subject, under any name, or of any description, be not engaged in public, open rebellion, but continues to acknowledge the authority of his sovereign, and, if tributary, to pay tribute conformably to agreement, such a subject, in case of being suspected of having formed traitorous designs, ought to be treated in a manner totally different from that which was adopted by Mr. Hastings. If the Rajah of Benares had formed a secret conspiracy, Mr. Hastings had a state duty and a judicial duty to perform. He was bound, as Governor, knowing of such a conspiracy, to provide for the public safety; and as a judge, he was bound to convene a criminal court, and to lay before it a detailed accusation of the offence. He was bound to proceed publicly and legally against the accused, and to convict him of his crime, previous to his inflicting, or forming any intention of inflicting, punishment. I say, my Lords, that Mr. Hastings, as a

magistrate, was bound to proceed against the Rajah either by English law, by Mahometan law, or by the Gentoo law; and that, by all or any of these laws, he was bound to make the accused acquainted with the crime alleged, to hear his answer to the charge, and to produce evidence against him, in an open, clear, and judicial manner. And here, my Lords, we have again to remark, that the Mahometan law is a great discriminator of persons, and that it prescribes the mode of proceeding against those who are accused of any delinquency requiring punishment, with a reference to the distinction and rank which the accused held in society. The proceedings are exceedingly sober, regular, and respectful, even to criminals charged with the highest crimes; and every magistrate is required to exercise his office in the prescribed manner. In the Hedaya, after declaring and discussing the propriety of the Kâzi's sitting openly in the execution of his office, it is added, that there is no impropriety in the Kâzi sitting in his own house to pass judgment, but it is requisite that he give orders for a free access to the people. It then proceeds thus: — "It is requisite that such people sit along with the Kâzi as were used to sit with him, prior to his appointment to the office; because, if he were to sit alone in his house, he would thereby give rise to suspicion."

My Lords, having thus seen what the duty of a judge is in such a case, let us examine whether Mr. Hastings observed any part of the prescribed rules. First, with regard to the publicity of the matter. Did he ever give any notice to the Supreme Council of the charges which he says he had received against Cheyt Sing? Did he accuse the Rajah in the Council, even when it was reduced to himself and his poor, worn, down, cowed, and I am afraid bribed colleague, Mr. Wheler? Did he even then, I ask, produce any one charge against this man? He sat in Council as a judge, — as an English judge, — as a Mahometan judge, — as a judge by the Gentoo law, and by the Law of Nature. He should have summoned the party to appear in person, or by his attorney, before him, and should have there informed him of the charge against him. But, my Lords, he did not act thus. He kept the accusation secret in his own bosom. And why? Because he did not believe it to be true. This may at least be inferred from his having never informed the Council of the matter. He never informed the Rajah of Benares of the suspicions entertained against him, during the discussions which took place respecting the multiplied demands that were made upon him. He never told this victim, as he has had the audacity to tell us and all this kingdom in the paper that is before your Lordships, that he looked upon these refusals to comply with his demands to be overt acts of rebellion; nor did he ever call upon him to answer or to justify himself with regard to that imputed conspiracy or rebellion. Did he tell Sadanund, the Rajah's agent, when that agent was giving him a bribe or a present in secret, and was thus endeavoring to deprecate his wrath, that he accepted that bribe because his master was in rebellion? Never, my Lords; nor did he, when he first reached Benares, and had the Rajah in his power, suggest one word concerning this rebellion. Did he, when he met Mr. Markham at

Boglipore, where they consulted about the destruction of this unhappy man, did he tell Mr. Markham, or did Mr. Markham insinuate to him, any one thing about this conspiracy and rebellion? No, not a word there, or in his whole progress up the country. While at Boglipore, he wrote a letter to Lord Macartney upon the state of the empire, giving him much and various advice. Did he insinuate in that letter that he was going up to Benares to suppress a rebellion of the Rajah Cheyt Sing or to punish him? No, not a word. Did he, my Lords, at the eve of his departure from Calcutta, when he communicated his intention of taking 500,000*l.*, which he calls a fine or penalty, from the Rajah, did he inform Mr. Wheler of it? No, not a word of his rebellion, nor anything like it. Did he inform his secret confidants, Mr. Anderson and Major Palmer, upon that subject? Not a word, there was not a word dropped from him of any such rebellion, or of any intention in the Rajah Cheyt Sing to rebel. Did he, when he had vakeels in every part of the Mahratta empire and in the country of Sujah Dowlah, when he had in most of those courts English ambassadors and native spies, did he either from ambassadors or spies receive anything like authentic intelligence upon this subject? While he was at Benares, he had in his hands Benaram Pundit, the vakeel of the Rajah of Berar, his own confidential friend, a person whom he took out of the service of his master, and to whom he gave a jaghire in this very zemindary of Benares. This man, so attached to Mr. Hastings, so knowing in all the transactions of India, neither accused Cheyt Sing of rebellious intentions, or furnished Mr. Hastings with one single proof that any conspiracy with any foreign power existed.

In this absence of evidence, My Lords, let us have recourse to probability. Is it to be believed that the Zemindar of Benares, a person whom Mr. Hastings describes as being of a timid, weak, irresolute, and feeble nature, should venture to make war alone with the whole power of the Company in India, aided by all the powers which Great Britain could bring to the protection of its Indian empire? Could that poor man, in his comparatively small district, possibly have formed such an intention, without giving Mr. Hastings access to the knowledge of the fact from one or other of the numerous correspondents which he had in that country?

As to the Rajah's supposed intrigues with the Nabob of Oude: this man was an actual prisoner of Mr. Hastings, and nothing else, — a mere vassal, as he says himself, in effect and substance, though not in name. Can any one believe or think that Mr. Hastings would not have received from the English Resident, or from some one of that tribe of English gentlemen and English military collectors who were placed in that country in the exercise of the most arbitrary powers, some intelligence which he could trust, if any rebellious designs had really existed previous to the rebellion which did actually break out upon his arresting Cheyt Sing?

There was an ancient Roman lawyer, of great fame in the history of Roman jurisprudence, whom they called *Cui Bono*, from his having first introduced into

juridical proceedings the argument, *What end or object could the party have had in the art with which he is accused?* Surely it may be here asked, Why should Cheyt Sing wish to rebel, who held on easy and moderate terms (for such I admit they were) a very considerable territory, with every attribute of royalty attached? The tribute was paid for protection, which he had a right to claim, and which he actually received. What reason under heaven could he have to go and seek another master, to place himself under the protection of Sujah Dowlah, in whose hands Mr. Hastings tells you, in so many direct and plain words, that neither the Rajah's property, his honor, or his life could be safe? Was he to seek refuge with the Mahrattas, who, though Gentoos like himself, had reduced every nation which they subdued, except those who were originally of their own empire, to a severe servitude? Can any one believe that he wished either for the one or the other of these charges [changes?], or that he was desirous to quit the happy independent situation in which he stood under the protection of the British empire, from any loose, wild, improbable notion of mending his condition? My Lords, it is impossible. There is not one particle of evidence, not one word of this charge on record, prior to the publication of Mr. Hastings's Narrative; and all the presumptive evidence in the world would scarcely be sufficient to prove the fact, because it is almost impossible that it should be true.

But, my Lords, although Mr. Hastings swore to the truth of this charge, when he came before the House of Commons, yet in his Narrative he thus fairly and candidly avowed that he entertained no such opinion at the time. "Every step," says he, "which I had taken before that fatal moment, namely, the flight of Cheyt Sing, is an incontrovertible proof that I had formed no design of seizing upon the Rajah's treasures or of deposing him. And certainly, at the time when I did form the design of making the punishment that his former ill conduct deserved subservient to the exigencies of the state by a large fine, I did not believe him guilty of that premeditated project for driving the English out of India with which I afterwards charged him." Thus, then, he declares upon oath that the Rajah's contumacy was the ground of his suspecting him of rebellion, and yet, when he comes to make his defence before the House of Commons, he simply and candidly declares, that, long after these alleged acts of contumacy had taken place, he did not believe him to be guilty of any such thing as rebellion, and that the fine imposed upon him was for another reason and another purpose.

In page 28 of your printed Minutes he thus declares the purpose for which the fine was imposed:— "I can answer only to this formidable dilemma, that, so long as I conceived Cheyt Sing's misconduct and contumacy to have me rather than the Company for its object, at least to be merely the effect of pernicious advice or misguided folly, without any formal design of openly resisting our authority or disclaiming our sovereignty, I looked upon a considerable fine as sufficient both for his immediate punishment and for binding him to future good behavior."

Here, my Lords, the secret comes out. He declares it was not for a rebellion or a suspicion of rebellion that he resolved, over and above all his exorbitant demands, to take from the Rajah 500,000*l.*, (a good stout sum to be taken from a tributary power!) — that it was not for misconduct of this kind that he took this sum, but for personal ill behavior towards himself. I must again beg your Lordships to note that he then considered the Rajah's contumacy as having for its object, not the Company, but Warren Hastings, and that he afterwards declared publicly to the House of Commons, and now before your Lordships he declares finally and conclusively, that he did believe Cheyt Sing to have had the criminal intention imputed to him.

“So long,” says he, “as I conceived Cheyt Sing's misconduct and contumacy to have *me*” (in Italics, as he ordered it to be printed,) “rather than the Company, for its object, so long I was satisfied with a fine: I therefore entertained no serious thoughts of expelling him, or proceeding otherwise to violence. But when he and his people broke out into the most atrocious acts of rebellion and murder, when the *jus fortioris et lex ultima regum* were appealed to on his part, and without any sufficient plea afforded him on mine, I from that moment considered him as the traitor and criminal described in the charge, and no concessions, no humiliations, could ever after induce me to settle on him the zemindary of Benares, or any other territory, upon any footing whatever.”

Thus, then, my Lords, he has confessed that the era and the only era of rebellion was when the tumult broke out upon the act of violence offered by himself to Cheyt Sing; and upon the ground of that tumult, or rebellion as he calls it, he says he never would suffer him to enjoy any territory or any right whatever. We have fixed the period of the rebellion for which he is supposed to have exacted this fine; this period of rebellion was after the exaction of the fine itself: so that the fine was not laid for the rebellion, but the rebellion broke out in consequence of the fine, and the violent measure accompanying it. We have established this, and the whole human race cannot shake it. He went up the country through malice, to revenge his own private wrongs, not those of the Company. He fixed 500,000*l.* as a mulct for an insult offered to himself, and then a rebellion broke out in consequence of his violence. This was the rebellion, and the only rebellion; it was Warren Hastings's rebellion, — a rebellion which arose from his own dreadful exaction, from his pride, from his malice and insatiable avarice, — a rebellion which arose from his abominable tyranny, from his lust of arbitrary power, and from his determination to follow the examples of Sujah Dowlah, Asoph ul Dowlah, Cossim Ali Khân, Aliverdy Khân, and all the gang of rebels who are the objects of his imitation.

“*My patience,*” says he, “*was exhausted.*” Your Lordships have, and ought to have, a judicial patience. Mr. Hastings has none of any kind. I hold that patience is one of the great virtues of a governor; it was said of Moses, that he governed by patience, and that he was the meekest man upon earth. Patience is also the

distinguishing character of a judge; and I think your Lordships, both with regard to us and with regard to him, have shown a great deal of it: we shall ever honor the quality, and if we pretend to say that we have had great patience in going through this trial, so your Lordships must have had great patience in hearing it. But this man's patience, as he himself tells you, was soon exhausted. "I considered," he says, "the light in which such behavior would have been viewed by his native sovereign, and I resolved he should feel the power he had so long insulted. Forty or fifty lacs of rupees would have been a moderate fine for Sujah ul Dowlah to exact, — he who had demanded twenty-five lacs for the mere fine of succession, and received twenty in hand, and an increased rent tantamount to considerably above thirty lacs more; and therefore I rejected the offer of twenty, with which the Rajah would have compromised for his guilt when it was too late."

Now, my Lords, observe who his models were, when he intended to punish this man for an insult on himself. Did he consult the laws? Did he look to the Institutes of Timour, or to those of Genghis Khân? Did he look to the Hedaya, or to any of the approved authorities in this country? No, my Lords, he exactly followed the advice which Longinus gives to a great writer:— "Whenever you have a mind to elevate your mind, to raise it to its highest pitch, and even to exceed yourself, upon any subject, think how Homer would have described it, how Plato would have imagined it, and how Demosthenes would have expressed it; and when you have so done, you will then, no doubt, have a standard which will raise you up to the dignity of anything that human genius can aspire to." Mr. Hastings was calling upon himself, and raising his mind to the dignity of what tyranny could do, what unrighteous exaction could perform. He considered, he says, how much Sujah Dowlah would have exacted, and that he thinks would not be too much for him to exact. He boldly avows,— "I raised my mind to the elevation of Sujah Dowlah; I considered what Cossim Ali Khân would have done, or Aliverdy Khân, who murdered and robbed so many, I had all this line of great examples before me, and I asked myself what fine they would have exacted upon such an occasion. But," says he, "Sujah Dowlah levied a fine of twenty lacs for a right of succession."

Good God! my Lords, if you are not appalled with the violent injustice of arbitrary proceedings, you must feel something humiliating at the gross ignorance of men who are in this manner playing with the rights of mankind. This man confounds a fine upon succession with a fine of penalty. He takes advantage of a defect in the technical language of our law, which, I am sorry to say, is not, in many parts, as correct in its distinctions and as wise in its provisions as the Mahometan law. We use the word *fine* in three senses: first, as a punishment and penalty; secondly, as a formal means of cutting off by one form the ties of another form, which we call levying a fine; and, thirdly, we use the word to signify a sum of money payable upon renewal of a lease or copyhold. The word has in each case a totally different sense; but such is the stupidity and barbarism of the prisoner, that

he confounds these senses, and tells you Sujah Dowlah took twenty-five lacs as a fine from Cheyt Sing for the renewal of his zemindary, and therefore, as a punishment for his offences, he shall take fifty. Suppose any one of your Lordships, or of us, were to be fined for assault and battery, or for anything else, and it should be said, "You paid such a fine for a bishop's lease, you paid such a fine on the purchase of an estate, and therefore, now that you are going to be fined for a punishment, we will take the measure of the fine, not from the nature and quality of your offence, not from the law upon the subject, or from your ability to pay, but the amount of a fine you paid some years ago for an estate shall be the measure of your punishment." My Lords, what should we say of such brutish ignorance, and such shocking confusion of ideas?

When this man had elevated his mind according to the rules of art, and stimulated himself to great things by great examples, he goes on to tell you that he rejected the offer of twenty lacs with which the Rajah would have compounded for his guilt when it was too late.

Permit me, my Lords, to say a few words here, by way of referring back all this monstrous heap of violence and absurdity to some degree of principle. Mr. Hastings having completely acquitted the Rajah of any other fault than contumacy, and having supposed even that to be only personal to himself, he thought a fine of 500,000*l.* would be a proper punishment. Now, when any man goes to exact a fine, it presupposes inquiry, charge, defence, and judgment. It does so in the Mahometan law; it does so in the Gentoo law; it does so in the law of England, in the Roman law, and in the law, I believe, of every nation under heaven, except in that law which resides in the arbitrary breast of Mr. Hastings, poisoned by the principles and stimulated by the examples of those wicked traitors and rebels whom I have before described. He mentions his intention of levying a fine; but does he make any mention of having charged the Rajah with his offences? It appears that he held an incredible quantity of private correspondence through the various Residents, through Mr. Graham, Mr. Fowke, Mr. Markham, Mr. Benn, concerning the affairs of that country. Did he ever, upon this alleged contumacy, (for at present I put the rebellion out of the question,) inquire the progress of this personal affront offered to the Governor-General of Bengal? Did he ever state it to the Rajah, or did he call his vakeel before the Council to answer the charge? Did he examine any one person, or particularize a single fact, in any manner whatever? No. What, then, did he do? Why, my Lords, he declared himself the person injured, stood forward as the accuser, assumed the office of judge, and proceeded to judgment without a party before him, without trial, without examination, without proof. He thus directly reversed the order of justice. He determined to fine the Rajah when his own patience, as he says, was exhausted, not when justice demanded the punishment. He resolved to fine him in the enormous sum of 500,000*l.* Does he inform the Council of this determination? No. The Court of Directors? No. Any one of his confidants?

No, not one of them, — not Mr. Palmer, not Mr. Middleton, nor any of that legion of secretaries that he had; nor did he even inform Mr. Malcolm [Markham?] of his intentions, until he met him at Boglipore.

In regard to the object of his malice, we only know that many letters came from Cheyt Sing to Mr. Hastings, in which the unfortunate man endeavored to appease his wrath, and to none of which he ever gave an answer. He is an accuser preferring a charge and receiving apologies, without giving the party an answer, although he had a crowd of secretaries about him, maintained at the expense of the miserable people of Benares, and paid by sums of money drawn fraudulently from their pockets. Still not one word of answer was given, till he had formed the resolution of exacting a fine, and had actually by torture made his victim's servant discover where his master's treasures lay, in order that he might rob him of all his family possessed. Are these the proceedings of a British judge? or are they not rather such as are described by Lord Coke (and these learned gentlemen, I dare say, will remember the passage; it is too striking not to be remembered) as "*the damned and damnable proceedings of a judge in hell*"? Such a judge has the prisoner at your bar proved himself to be. First he determines upon the punishment, then he prepares the accusation, and then by torture and violence endeavors to extort the fine.

My Lords, I must again beg leave to call your attention to his mode of proceeding in this business. He never entered any charge. He never answered any letter. Not that he was idle. He was carrying on a wicked and clandestine plot for the destruction of the Rajah, under the pretence of this fine; although the plot was not known, I verily believe, to any European at the time. He does not pretend that he told any one of the Company's servants of his intentions of fining the Rajah; but that some hostile project against him had been formed by Mr. Hastings was perfectly well known to the natives. Mr. Hastings tells you, that Cheyt Sing had a vakeel at Calcutta, whose business it was to learn the general transactions of our government, and the most minute particulars which could in any manner affect the interest of his employer.

I must here tell your Lordships, that there is no court in Asia, from the highest to the lowest, no petty sovereign, that does not both employ and receive what they call *hircarrahs*, or, in other words, persons to collect and to communicate political intelligence. These men are received with the state and in the rank of ambassadors; they have their place in the durbar; and their business, as authorized spies, is as well known there as that of ambassadors extraordinary and ordinary in the courts of Europe. Mr. Hastings had a public spy, in the person of the Resident, at Benares, and he had a private spy there in another person. The spies employed by the native powers had by some means come to the knowledge of Mr. Hastings's clandestine and wicked intentions towards this unhappy man, Cheyt Sing, and his unhappy country, and of his designs for the destruction and the utter ruin of both. He has himself told you, and he has got Mr. Anderson to vouch it, that he had received

proposals for the sale of this miserable man and his country. And from whom did he receive these proposals, my Lords? Why, from the Nabob Asoph ul Dowlah, to whom he threatened to transfer both the person of the Rajah and his zemindary, if he did not redeem himself by some pecuniary sacrifice. Now Asoph ul Dowlah, as appears by the minutes on your Lordships' table, was at that time a bankrupt. He was in debt to the Company tenfold more than he could pay, and all his revenues were sequestered for that debt. He was a person of the last degree of indolence with the last degree of rapacity, — a man of whom Mr. Hastings declared, that he had wasted and destroyed by his misgovernment the fairest provinces upon earth, that not a person in his dominions was secure from his violence, and that even his own father could not enjoy his life and honor in safety under him. This avaricious bankrupt tyrant, who had beggared and destroyed his own subjects, and could not pay his debts to the English government, was the man with whom Mr. Hastings was in treaty to deliver up Cheyt Sing and his country, under pretence of his not having paid regularly to the Company those customary payments which the tyrant would probably have never paid at all, if he had been put in possession of the country. This I mention to illustrate Mr. Hastings's plans of economy and finance, without considering the injustice and cruelty of delivering up a man to the hereditary enemy of his family.

It is known, my Lords, that Mr. Hastings, besides having received proposals for delivering up the beautiful country of Benares, that garden of God, as it is styled in India, to that monster, that rapacious tyrant, Asoph ul Dowlah, who with his gang of mercenary troops had desolated his own country like a swarm of locusts, had purposed likewise to seize Cheyt Sing's own patrimonial forts, which was nothing less than to take from him the residence of his women and his children, the seat of his honor, the place in which the remaining treasures and last hopes of his family were centred. By the Gentoo law, every lord or supreme magistrate is bound to construct and to live in such a fort. It is the usage of India, and is a matter of state and dignity, as well as of propriety, reason, and defence. It was probably an apprehension of being injured in this tender point, as well as a knowledge of the proposal made by the Nabob, which induced Cheyt Sing to offer to buy himself off; although it does not appear from any part of the evidence that he assigned any other reason than that of Mr. Hastings intending to exact from him six lacs of rupees over and above his other exactions.

Mr. Hastings, indeed, almost acknowledges the existence of this plot against the Rajah, and his being the author of it. He says, without any denial of the fact, that the Rajah suspected some strong acts to be intended against him, and therefore asked Mr. Markham whether he could not buy them off and obtain Mr. Hastings's favor by the payment of 200,000*l*. Mr. Markham gave as his opinion, that 200,000*l*. was not sufficient; and the next day the Rajah offered 20,000*l*. more, in all 220,000*l*. The negotiation, however, broke off; and why? Not, as Mr. Markham says he

conjectured, because the Rajah had learned that Mr. Hastings had no longer an intention of imposing these six lacs, or something to that effect, and therefore retracted his offer, but because that offer had been rejected by Mr. Hastings.

Let us hear what reason the man who was in the true secret gives for not accepting the Rajah's offer. "I rejected," says Mr. Hastings, "the offer of twenty lacs, with which the Rajah would have compromised for his guilt when it was too late." My Lords, he best knows what the motives of his own actions were. He says, the offer was made "when it was too late." Had he previously told the Rajah what sum of money he would be required to pay in order to buy himself off, or had he required him to name any sum which he was willing to pay? Did he, after having refused the offer made by the Rajah, say, "Come and make me a better offer, or upon such a day I shall declare that your offers are inadmissible"? No such thing appears. Your Lordships will further remark, that Mr. Hastings refused the 200,000*l.* at a time when the exigencies of the Company were so pressing that he was obliged to rob, pilfer, and steal upon every side, — at a time when he was borrowing 40,000*l.* from Mr. Sullivan in one morning, and raising by other under-jobs 27,000*l.* more. In the distress [in?] which his own extravagance and prodigality had involved him, 200,000*l.* would have been a weighty benefit, although derived from his villany; but this relief he positively refused, because, says he, "the offer came too late." From these words, my Lords, we may infer that there was a time when the offer would not have been "too late," — a period at which it would have been readily accepted. No such thing appears. There is not a trace upon your minutes, not a trace in the correspondence of the Company, to prove that the Rajah would at any time have been permitted to buy himself off from this complicated tyranny.

I have already stated a curious circumstance in this proceeding, to which I must again beg leave to direct your Lordships' attention. Does it anywhere appear in that correspondence, or in the testimony of Mr. Benn, of Mr. Markham, or of any human being, that Mr. Hastings had ever told Cheyt Sing with what sum he should be satisfied? There is evidence before you directly in proof that they did not know the amount. Not one person knew what his intention was, when he refused this 200,000*l.* For when he met Mr. Markham at Boglipore, and for the first time mentioned the sum of 500,000*l.* as the fine he meant to exact, Mr. Markham was astonished and confounded at its magnitude. He tells you this himself. It appears, then, that neither Cheyt Sing nor the Resident at Benares (who ought to have been in the secret, if upon such an occasion secrecy is allowable) ever knew what the terms were. The Rajah was in the dark; he was left to feel, blindfold, how much money could relieve him from the iniquitous intentions of Mr. Hastings; and at last he is told that his offer comes too late, without having ever been told the period at which it would have been well-timed, or the amount it was proposed to take from him. Is this, my Lords, the proper way to adjudge a fine?

Your Lordships will now be pleased to advert to the manner in which he defends himself and these proceedings. He says, “I rejected this offer of twenty lacs, with which the Rajah would have compromised for his guilt when it was too late.” If by these words he means too late to answer the purpose for which he has said the fine was designed, namely, the relief of the Company, the ground of his defence is absolutely false; for it is notorious that at the time referred to the Company’s affairs were in the greatest distress.

I will next call your Lordships’ attention to the projected sale of Benares to the Nabob of Oude. “If,” says Mr. Hastings, “I ever talked of selling the Company’s sovereignty over Benares to the Nabob of Oude, it was but *in terrorem*; and no subsequent act of mine warrants the supposition of my having seriously intended it.” And in another place he says, “If I ever threatened” (your Lordships will remark, that he puts hypothetically a matter the reality of which he has got to be solemnly declared on an affidavit, and in a narrative to the truth of which he has deposed upon oath)—“if I ever threatened,” says he, “to dispossess the Rajah of his territories, it is no more than what my predecessors, without rebuke from their superiors, or notice taken of the expression, had wished and intended to have done to his father, even when the Company had no pretensions to the sovereignty of the country. It is no more than such a legal act of sovereignty as his behavior justified, and as I was justified in by the intentions of my predecessors. If I pretended to seize upon his forts, it was in full conviction that a dependant on the Company, guaranteed, maintained, and protected in his country by the Company’s arms, had no occasion for forts, had no right to them, and could hold them for no other than suspected and rebellious purposes. None of the Company’s other zemindars are permitted to maintain them; and even our ally, the Nabob of the Carnatic, has the Company’s troops in all his garrisons. Policy and public safety absolutely require it. What state could exist that allowed its inferior members to hold forts and garrisons independent of the superior administration? It is a solecism in government to suppose it.”

Here, then, my Lords, he first declares that this was merely done *in terrorem*; that he never intended to execute the abominable act. And will your Lordships patiently endure that such terrific threats as these shall be hung by your Governor in India over the unhappy people that are subject to him and protected by British faith? Will you permit, that, for the purpose of extorting money, a Governor shall hold out the terrible threat of delivering a tributary prince and his people, bound hand and foot, into the power of their perfidious enemies?

The terror occasioned by threatening to take from him his forts can only be estimated by considering, that, agreeably to the religion and prejudices of Hindoos, the forts are the places in which their women are lodged, in which, according to their notions, their honor is deposited, and in which is lodged all the wealth that they can save against an evil day to purchase off the vengeance of an enemy. These

forts Mr. Hastings says he intended to take, because the Rajah could hold them for no other than rebellious and suspected purposes. Now I will show your Lordships that the man who has the horrible audacity to make this declaration did himself assign to the Rajah these very forts. He put him in possession of them, and, when there was a dispute about the Nabob's rights to them on the one side and the Company's on the other, did confirm them to this man. The paper shall be produced, that you may have before your eyes the gross contradictions into which his rapacity and acts of arbitrary power have betrayed him. Thank God, my Lords, men that are greatly guilty are never wise. I repeat it, men that are greatly guilty are never wise. In their defence of one crime they are sure to meet the ghost of some former defence, which, like the spectre in Virgil, drives them back. The prisoner at your bar, like the hero of the poet, when he attempts to make his escape by one evasion, is stopped by the appearance of some former contradictory averment. If he attempts to escape by one door, there his criminal allegations of one kind stop him; if he attempts to escape at another, the facts and allegations intended for some other wicked purpose stare him full in the face.

Quacunqve viam sibi fraude petivit,
Successum Dea dira negat.

The paper I hold in my hand contains Nundcomar's accusation of Mr. Hastings. It consists of a variety of charges; and I will first read to you what is said by Nundcomar of these forts, which it is pretended could be held for none but suspicious and rebellious purposes.

"At the time Mr. Hastings was going to Benares, he desired me to give him an account in writing of any lands which, though properly belonging to the Subah of Bahar, might have come under the dominion of Bulwant Sing, that they might be recovered from his son, Rajah Cheyt Sing. The purgunnahs of Kera, Mungrora, and Bidjegur were exactly in this situation, having been usurped by Bulwant Sing from the Subah of Bahar. I accordingly delivered to Mr. Hastings the accounts of them, from the entrance of the Company upon the dewanny to the year 1179 of the Fusseli era, stated at twenty-four lacs. Mr. Hastings said, 'Give a copy of this to Roy Rada Churn, that, if Cheyt Sing is backward in acknowledging this claim, Rada Churn may answer and confute him.' Why Mr. Hastings, when he arrived at Benares, and had called Rajah Cheyt Sing before him, left these countries still in the Rajah's usurpations it remains with Mr. Hastings to explain."

This is Nundcomar's charge. Here follows Mr. Hastings's reply.

"I recollect an information given me by Nundcomar concerning the pretended usurpations made by the Rajah of Benares, of the purgunnahs of Kera, Mungrora, and Bidjegur." (Your Lordships will recollect that Bidjegur is one of those very forts which he declares could not be held but for suspicious and rebellious

purposes.) “I do not recollect his mentioning it again, when I set out for Benares; neither did I ever intimate the subject, either to Cheyt Sing or his ministers, because I knew I could not support the claim; and to have made it and dropped it would have been in every sense dishonorable. Not that I passed by it with indifference or inattention. I took pains to investigate the foundation of this title, and recommended it to the particular inquiry of Mr. Vansittart, who was the Chief of Patna, at the time in which I received the first intimation. The following letter and voucher, which I received from him, contain a complete statement of this pretended usurpation.”

These vouchers will answer our purpose, fully to establish that in his opinion the claim of the English government upon those forts was at that time totally unfounded, and so absurd that he did not even dare to mention it. This fort of Bidjegur, the most considerable in the country, and of which we shall have much to say hereafter, is the place in which Cheyt Sing had deposited his women and family. That fortress did Mr. Hastings himself give to this very man, deciding in his favor as a judge, upon an examination and after an inquiry: and yet he now declares that he had no right to it, and that he could not hold it but for wicked and rebellious purposes. But, my Lords, when he changed this language, he had resolved to take away these forts, — to destroy them, — to root the Rajah out of every place of refuge, out of every secure place in which he could hide his head, or screen himself from the rancor, revenge, avarice, and malice of his ruthless foe. He was resolved to have them, although he had, upon the fullest conviction of the Rajah’s right, given them to this very man, and put him into the absolute possession of them.

Again, my Lords, did he, when Cheyt Sing, in 1775, was put in possession by the *pottah* of the Governor-General and Council, which contains an enumeration of the names of all the places which were given up to him, and consequently of this among the rest, — did he, either before he put the question in Council upon that pottah, or afterwards, tell the Council they were going to put forts into the man’s hands to which he had no right, and which could be held only for rebellious and suspected purposes? We refer your Lordships to the places in which all these transactions are mentioned, and you will there find Mr. Hastings took no one exception whatever against them; nor, till he was resolved upon the destruction of this unhappy man, did he ever so much as mention them. It was not till then that he discovers the possession of these forts by the Rajah to be *a solecism in government*.

After quoting the noble examples of Sujah Dowlah, and the other persons whom I have mentioned to you, he proceeds to say, that some of his predecessors, without any pretensions to sovereign authority, endeavored to get these forts into their possession; and “I was justified,” says he, “by the intention of my predecessors.” Merciful God! if anything can surpass what he has said before, it is this: “My predecessors, without any title of sovereignty, without any right whatever, wished to get these forts into their power; I therefore have a right to do what they wished to

do; and I am justified, not by the acts, but by the *intentions* of my predecessors.” At the same time he knows that these predecessors had been reprobated by the Company for this part of their proceedings; he knew that he was sent there to introduce a better system, and to put an end to this state of rapacity. Still, whatever his predecessors *wished*, however unjust and violent it might be, when the sovereignty came into his hands, he maintains that he had a right to do all which they were desirous of accomplishing. Thus the enormities formerly practised, which the Company sent him to correct, became a sacred standard for his imitation.

Your Lordships will observe that he slips in the word *sovereignty* and forgets compact; because it is plain, and your Lordships must perceive it, that, wherever he uses the word sovereignty, he uses it to destroy the authority of all compacts; and accordingly in the passage now before us he declares that there is an invalidity in all compacts entered into in India, from the nature, state, and constitution of that empire. “From the disorderly form of its government,” says he, “there is an invalidity in all compacts and treaties whatever.” “Persons who had no treaty with the Rajah wished,” says he, “to rob him: therefore I, who have a treaty with him, and call myself his sovereign, have a right to realize all their wishes.”

But the fact is, my Lords, that his predecessors never did propose to deprive Bulwant Sing, the father of Cheyt Sing, of his zemindary. They, indeed, wished to have had the dewanny transferred to them, in the manner it has since been transferred to the Company. They wished to receive his rents, and to be made an intermediate party between him and the Mogul emperor, his sovereign. These predecessors had entered into no compact with the man: they were negotiating with his sovereign for the transfer of the dewanny or stewardship of the country, which transfer was afterwards actually executed; but they were obliged to give the country itself back again to Bulwant Sing, with a guaranty against all the pretensions of Sujah Dowlah, who had tyrannically assumed an arbitrary power over it. This power the predecessors of Mr. Hastings might also have wished to assume; and he may therefore say, according to the mode of reasoning which he has adopted,—“Whatever they wished to do, but never succeeded in doing, I may and ought to do of my own will. Whatever fine Sujah Dowlah would have exacted I will exact. I will penetrate into that tiger’s bosom, and discover the latent seeds of rapacity and injustice which lurk there, and I will make him the subject of my imitation.”

These are the principles upon which, without accuser, without judge, without inquiry, he resolved to lay a fine of 500,000*l.* on Cheyt Sing!

In order to bind himself to a strict fulfilment of this resolution, he has laid down another very extraordinary doctrine. He has laid it down as a sort of canon, (in injustice and corruption,) that, whatever demand, whether just or unjust, a man declares his intention of making upon another, he should exact the precise sum which he has determined upon, and that, if he takes anything less, it is a proof of corruption. “I have,” says he, “shown by this testimony that I never intended to

make any communication to Cheyt Sing of taking less than the fifty lacs which in my own mind I had resolved to exact." And he adds,— "I shall make my last and solemn appeal to the breast of every man who shall read this, whether it is likely, or morally possible, that I should have tied down my own future conduct to so decided a process and series of acts, if I had secretly intended to threaten, or to use a degree of violence, for no other purpose than to draw from the object of it a mercenary atonement for my own private emolument, and suffer all this tumult to terminate in an ostensible and unsubstantial submission to the authority which I represented."

He had just before said, "If I ever talked of selling the Company's sovereignty to the Nabob of Oude, it was only *in terrorem*." In the face of this assertion, he here gives you to understand he never held out anything *in terrorem*, but what he intended to execute. But we will show you that in fact he had reserved to himself a power of acting *pro re nata*, and that he intended to compound or not, just as answered his purposes upon this occasion. "I admit," he says, "that I did not enter it [the intention of fining Cheyt Sing] on the Consultations, because it was not necessary; even this plan itself of the fine was not a fixed plan, but to be regulated by circumstances, both as to the substantial execution of it and the mode." Now here is a man who has given it in a sworn narrative, that he did not intend to have a farthing less. Why? "Because I should have menaced and done as in former times has been done, — made great and violent demands which I reduce afterwards for my own corrupt purposes." Yet he tells you in the course of the same defence, but in another paper, that he had no fixed plan, that he did not know whether he should exact a fine at all, or what should be his mode of executing it.

My Lords, what shall we say to this man, who declares that it would be a proof of corruption not to exact the full sum which he had threatened to exact, but who, finding that this doctrine would press hard upon him, and be considered as a proof of cruelty and injustice, turns round and declares he had no intention of exacting anything? What shall we say to a man who thus reserves his determination, who threatens to sell a tributary prince to a tyrant, and cannot decide whether he should take from him his forts and pillage him of all he had, whether he should raise 500,000*l.* upon him, whether he should accept the 220,000*l.* offered, (which, by the way, we never knew of till long after the whole transaction,) whether he should do any or all of those things, and then, by his own account, going up to Benares without having resolved anything upon this important subject?

My Lords, I will now assume the hypothesis that he at last discovered sufficient proof of rebellious practices; still even this gave him no right to adduce such rebellion in justification of resolutions which he had taken, of acts which he had done, before he knew anything of its existence. To such a plea we answer, and your Lordships will every one of you answer,— "You shall not by a subsequent discovery of rebellious practices, which you did not know at the time, and which you did not even believe, as you have expressly told us here, justify your conduct prior to that

discovery.” If the conspiracy which he falsely imputes to Cheyt Sing, if that wild scheme of driving the English out of India, had existed, think in what miserable circumstances we stand as prosecutors, and your Lordships as judges, if we admit a discovery to be pleaded in justification of antecedent acts founded upon the assumed existence of that which he had no sort of proof, knowledge, or belief of!

My Lords, we shall now proceed to another circumstance, not less culpable in itself, though less shocking to your feelings, than those to which I have already called your attention: a circumstance which throws a strong presumption of guilt upon every part of the prisoner’s conduct. Having formed all these infernal plots in his mind, but uncertain which of them he should execute, uncertain what sums of money he should extort, whether he should deliver up the Rajah to his enemy or pillage his forts, he goes up to Benares; but he first delegates to himself all the powers of government, both civil and military, in the countries which he was going to visit.

My Lords, we have asserted in our charge that this delegation and division of power was illegal. He invested *himself* with this authority; for *he* was the majority in the Council: Mr. Wheler’s consent or dissent signifying nothing. He gave himself powers which the act of Parliament did not give him. He went up to Benares with an illegal commission, civil and military; and to prove this I shall beg leave to read the provisions of the act of Parliament. I shall show what the creature ought to be, by showing the law of the creator: what the legislature of Great Britain meant that Governor Hastings should be, not what he made himself.

[*Mr. Burke then read the seventh section of the act.*]

Now we do deny that there is by this act given, or that under this act there can be given, to the government of India, a power of dividing its unity into two parts, each of which shall separately be a unity and possess the power given to the whole. Yet, my Lords, an agreement was made between him and Mr. Wheler, that he (Mr. Hastings) should have every power, civil and military, in the upper provinces, and that Mr. Wheler should enjoy equal authority in the lower ones.

Now, to show you that it is impossible for such an agreement to be legal, we must refer you to the constitution of the Company’s government. The whole power is vested in the Council, where all questions are to be decided by a majority of voices, and the members are directed to record in the minutes of their proceedings not only the questions decided, but the grounds upon which each individual member founds his vote. Now, although the Council is competent to delegate its authority for any *specific* purpose to any servant of the Company, yet to admit that it can delegate its authority *generally*, without reserving the means of deliberation and control, would be to change the whole constitution. By such a proceeding the government may be divided into a number of independent governments, without a common deliberative Council and control. This deliberative capacity, which is so strictly guarded by the obligation of recording its consultations, would be totally annihilated, if the Council

divided itself into independent parts, each acting according to its own discretion. There is no similar instance in law, there is no similar instance in policy. The conduct of these men implies a direct contradiction; and you will see, by the agreement they made to support each other, that they were themselves conscious of the illegality of this proceeding.

After Mr. Hastings had conferred absolute power upon himself during his stay in the upper provinces by an order of Council, (of which Council he was himself a majority,) he entered the following minute in the Consultations. "The Governor-General delivers in the following minute. In my minute which I laid before the court on the 21st May, I expressed the satisfaction with which I could at this juncture leave the Presidency, from the mutual confidence which was happily established between Mr. Wheler and me. I now readily repeat that sentiment, and observe with pleasure that Mr. Wheler confirms it. Before my departure, it is probable that we shall in concert have provided at the board for almost every important circumstance that can eventually happen during my absence; but if any should occur for which no previous provision shall have been made in the resolutions of the board, Mr. Wheler may act with immediate decision, and with the fullest confidence of my support, in all such emergencies, as well as in conducting the ordinary business of the Presidency, and in general in all matters of this government, excepting those which may specially or generally be intrusted to me. Mr. Wheler during my absence may consider himself as possessed of the full powers of the Governor-General and Council of this government, as in effect he is by the constitution; and he may be assured, that, so far as my sanction and concurrence shall be, or be deemed, necessary to the confirmation of his measures, he shall receive them."

Now here is a compact of iniquity between these two duumvirs. They each give to the other the full, complete, and perfect powers of the government; and in order to secure themselves against any obstacles that might arise, they mutually engage to ratify each other's acts: and they say this is not illegal, because Lord Cornwallis has had such a deputation. I must first beg leave to observe that no man can justify himself in doing any illegal act by its having been done by another; much less can he justify his own illegal act by pleading an act of the same kind done subsequently to his act, because the latter may have been done in consequence of his bad example. Men justify their acts in two ways, — by law and by precedent; the former asserts the right, the latter presumes it from the example of others. But can any man justify an act, because ten or a dozen years after another man has done the same thing? Good heavens! was there ever such a doctrine before heard? Suppose Lord Cornwallis to have done wrong; suppose him to have acted illegally; does that clear the prisoner at your bar? No: on the contrary, it aggravates his offence; because he has afforded others an example of corrupt and illegal conduct. But if even Lord Cornwallis had preceded, instead of following him, the example would not have furnished a justification. There is no resemblance in the cases. Lord Cornwallis does

not hold his government by the act of 1773, but by a special act made afterwards; and therefore to attempt to justify acts done under one form of appointment by acts done under another form is to the last degree wild and absurd. Lord Cornwallis was going to conduct a war of great magnitude, and was consequently trusted with extraordinary powers. He went in the two characters of governor and commander-in-chief; and yet the legislature was sensible of the doubtful validity of a Governor-General's carrying with him the whole powers of the Council. But Mr. Hastings was not commander-in-chief, when he assumed the whole military as well as civil power. Lord Cornwallis, as I have just said, was not only commander-in-chief, but was going to a great war, where he might have occasion to treat with the country powers in a civil capacity; and yet so doubtful was the legislature upon this point, that they passed a special act to confirm that delegation, and to give him a power of acting under it.

My Lords, we do further contend that Mr. Hastings had no right to assume the character of commander-in-chief; for he was no military man, nor was he appointed by the Company to that trust. His assumption of the military authority was a gross usurpation. It was an authority to which he would have had no right, if the whole powers of government were vested in him, and he had carried his Council with him on his horse. If, I say, Mr. Hastings had his Council on his crupper, he could neither have given those powers to himself nor made a partition of them with Mr. Wheler. Could Lord Cornwallis, for instance, who carried with him the power of commander-in-chief, and authority to conclude treaties with all the native powers, could he, I ask, have left a Council behind him in Calcutta with equal powers, who might have concluded treaties in direct contradiction to those in which he was engaged? Clearly he could not; therefore I contend that this partition of power, which supposes an integral authority in each counsellor, is a monster that cannot exist. This the parties themselves felt so strongly that they were obliged to have recourse to a stratagem scarcely less absurd than their divided assumption of power. They entered into a compact to confirm each other's acts, and to support each other in whatever they did: thus attempting to give their separate acts a legal form.

I have further to remark to your Lordships, what has just been suggested to me, that it was for the express purpose of legalizing Lord Cornwallis's delegation that he was made commander-in-chief as well as Governor-General by the act.

The next plea urged by Mr. Hastings is conveniency. "It was *convenient*," he says, "for me to do this." I answer, No person acting with delegated power can delegate that power to another. *Delegatus non potest delegare* is a maxim of law. Much less has he a right to supersede the law, and the principle of his own delegation and appointment, upon any idea of convenience. But what was the conveniency? There was no one professed object connected with Mr. Hastings's going up to Benares which might not as well have been attained in Calcutta. The only difference would have been, that in the latter case he must have entered some part of his proceedings

upon the Consultations, whether he wished it or not. If he had a mind to negotiate with the Vizier, he had a resident at his court, and the Vizier had a resident in Calcutta. The most solemn treaties had often been made without any Governor-General carrying up a delegation of civil and military power. If it had been his object to break treaties, he might have broken them at Calcutta, as he broke the treaty of Chunar. Is there an article in that treaty that he might not as well have made at Calcutta? Is there an article that he broke (for he broke them all) that he could not have broken at Calcutta? So that, whether pledging or breaking the faith of the Company, he might have done both or either without ever stirring from the Presidency.

I can conceive a necessity so urgent as to supersede all laws; but I have no conception of a necessity that can require two governors-general, each forming separately a *supreme* council. Nay, to bring the point home to him, — if he had a mind to make Cheyt Sing to pay a fine, as he called it, he could have made him do that at Calcutta as well as at Benares. He had before contrived to make him pay all the extra demands that were imposed upon him; and he well knew that he could send Colonel Camac, or somebody else, to Benares, with a body of troops to enforce the payment. Why, then, did he go to try experiments there in his own person? For this plain reason: that he might be enabled to put such sums in his own pocket as he thought fit. It was not and could not be for any other purpose; and I defy the wit of man to find out any other.

He says, my Lords, that Cheyt Sing might have resisted, and that, if he had not been there, the Rajah might have fled with his money, or raised a rebellion for the purpose of avoiding payment. Why, then, we ask, did he not send an army? We ask, whether Mr. Markham, with an army under the command of Colonel Popham, or Mr. Fowke, or any other Resident, was not much more likely to exact a great sum of money than Mr. Hastings without an army? My Lords, the answer must be in the affirmative; it is therefore evident that no necessity could exist for his presence, and that his presence and conduct occasioned his being defeated in this matter.

We find this man, armed with an illegal commission, undertaking an enterprise which he has since said was perilous, which proved to be perilous, and in which, as he has told us himself, the existence of the British empire in India was involved. The talisman, (your Lordships will remember his use of the word,) that charm which kept all India in order, which kept mighty and warlike nations under the government of a few Englishmen, would, I verily believe, have been broken forever, if he, or any other Governor-General, good or bad, had been killed. Infinite mischiefs would have followed such an event. The situation in which he placed himself, by his own misconduct, was pregnant with danger; and he put himself in the way of that danger without having any armed force worth mentioning, although he has acknowledged that Cheyt Sing had then an immense force. In fact, the demand of two thousand cavalry proves that he considered the Rajah's army to be

formidable; yet, notwithstanding this, with four companies of sepoy, poorly armed and ill provisioned, he went to invade that fine country, and to force from its sovereign a sum of money, the payment of which he had reason to think would be resisted. He thus rashly hazarded his own being and the being of all his people.

“But,” says he, “I did not imagine the Rajah intended to go into rebellion, and therefore went unarmed.” Why, then, was his presence necessary? Why did he not send an order from Calcutta for the payment of the money? But what did he do, when he got there? “I was alarmed,” says he; “for the Rajah surrounded my budgero with two thousand men: that indicated a hostile disposition.” Well, if he did so, what precaution did Mr. Hastings take for his own safety? Why, none, my Lords, none. He must therefore have been either a madman, a fool, or a determined declarer of falsehood. Either he thought there was no danger, and therefore no occasion for providing against it, or he was the worst of governors, the most culpably improvident of his personal safety, of the lives of his officers and men, and of his country’s honor.

The demand of 500,000*l.* was a thing likely to irritate the Rajah and to create resistance. In fact, he confesses this. Mr. Markham and he had a discourse upon that subject, and agreed to arrest the Rajah, because they thought the enforcing this demand might drive him to his forts, and excite a rebellion in the country. He therefore knew there was danger to be apprehended from this act of violence. And yet, knowing this, he sent one unarmed Resident to give the orders, and four unarmed companies of sepoy to support him. He provokes the people, he goads them with every kind of insult added to every kind of injury, and then rushes into the very jaws of danger, provoking a formidable foe by the display of a puny, insignificant force.

In expectation of danger, he seized the person of the Rajah, and he pretends that the Rajah suffered no disgrace from his arrest. But, my Lords, we have proved, what was stated by the Rajah, and was well known to Mr. Hastings, that to imprison a person of elevated station, in that country, is to subject him to the highest dishonor and disgrace, and would make the person so imprisoned utterly unfit to execute the functions of government ever after.

I have now to state to your Lordships a transaction which is worse than his wantonly playing with the safety of the Company, worse than his exacting sums of money by fraud and violence. My Lords, the history of this transaction must be prefaced by describing to your Lordships the duty and privileges attached to the office of *Naib*. A *Naib* is an officer well known in India, as the administrator of the affairs of any government, whenever the authority of the regular holder is suspended. But, although the *Naib* acts only as a deputy, yet, when the power of the principal is totally superseded, as by imprisonment or otherwise, and that of the *Naib* is substituted, he becomes the actual sovereign, and the principal is reduced to

a mere pensioner. I am now to show your Lordships whom Mr. Hastings appointed as Naib to the government of the country, after he had imprisoned the Rajah.

Cheynt Sing had given him to understand through Mr. Markham, that he was aware of the design of suspending him, and of placing his government in the hands of a Naib whom he greatly dreaded. This person was called Ussaun Sing; he was a remote relation of the family, and an object of their peculiar suspicion and terror. The moment Cheynt Sing was arrested, he found that his prophetic soul spoke truly; for Mr. Hastings actually appointed this very man to be his master. And who was this man? We are told by Mr. Markham, in his evidence here, that he was a man who had dishonored his family, — he was the disgrace of his house, — that he was a person who could not be trusted; and Mr. Hastings, in giving Mr. Markham full power afterwards to appoint Naibs, expressly excepted this Ussaun Sing from all trust whatever, as a person totally unworthy of it. Yet this Ussaun Sing, the disgrace and calamity of his family, an incestuous adulterer, and a supposed issue of a guilty connection, was declared Naib. Yes, my Lords, this degraded, this wicked and flagitious character, the Rajah's avowed enemy, was, in order to heighten the Rajah's disgrace, to embitter his ruin, to make destruction itself dishonorable as well as destructive, appointed this [his?] Naib. Thus, when Mr. Hastings had imprisoned the Rajah, in the face of his subjects, and in the face of all India, without fixing any term for the duration of his imprisonment, he delivered up the country to a man whom he knew to be utterly undeserving, a man whom he kept in view for the purpose of frightening the Rajah, and whom he was obliged to depose on account of his misconduct almost as soon as he had named him, and to exclude specially from all kind of trust. We have heard of much tyranny, avarice, and insult in the world; but such an instance of tyranny, avarice, and insult combined has never before been exhibited.

We are now come to the last scene of this flagitious transaction. When Mr. Hastings imprisoned the Rajah, he did not renew his demand for the 500,000*l.*, but he exhibited a regular charge of various pretended delinquencies against him, digested into heads, and he called on him, in a dilatory, irregular way of proceeding, for an answer. The man, under every difficulty and every distress, gave an answer to every particular of the charge, as exact and punctilious as could have been made to articles of impeachment in this House.

I must here request your Lordships to consider the order of these proceedings. Mr. Hastings, having determined upon the utter ruin and destruction of this unfortunate prince, endeavored, by the arrest of his person, by a contemptuous disregard to his submissive applications, by the appointment of a deputy who was personally odious to him, and by the terror of still greater insults, he endeavored, I say, to goad him on to the commission of some acts of resistance sufficient to give a color of justice to that last dreadful extremity to which he had resolved to carry his malignant rapacity. Failing in this wicked project, and studiously avoiding the

declaration of any terms upon which the Rajah might redeem himself from these violent proceedings, he next declared his intention of seizing his forts, the depository of his victim's honor, and of the means of his subsistence. He required him to deliver up his accounts and accountants, together with all persons who were acquainted with the particulars of his effects and treasures, for the purpose of transferring those effects to such persons as he (Mr. Hastings) chose to nominate.

It was at this crisis of aggravated insult and brutality that the indignation which these proceedings had occasioned in the breasts of the Rajah's subjects burst out into an open flame. The Rajah had retired to the last refuge of the afflicted, to offer up prayers to his God and our God, when a vile *chubdar*, or tipstaff, came to interrupt and insult him. His alarmed and loyal subjects felt for a beloved sovereign that deep interest which we should all feel, if our sovereign were so treated. What man with a spark of loyalty in his breast, what man regardful of the honor of his country, when he saw his sovereign imprisoned, and so notorious a wretch appointed his deputy, could be a patient witness of such wrongs? The subjects of this unfortunate prince did what we should have done, — what all who love their country, who love their liberty, who love their laws, who love their property, who love their sovereign, would have done on such an occasion. They looked upon him as their sovereign, although degraded. They were unacquainted with any authority superior to his, and the phantom of tyranny which performed these oppressive acts was unaccompanied by that force which justifies submission by affording the plea of necessity. An unseen tyrant and four miserable companies of sepoys executed all the horrible things that we have mentioned. The spirit of the Rajah's subjects was roused by their wrongs, and encouraged by the contemptible weakness of their oppressors. The whole country rose up in rebellion, and surely in justifiable rebellion. Every writer on the Law of Nations, every man that has written, thought, or felt upon the affairs of government, must write, know, think, and feel, that a people so cruelly scourged and oppressed, both in the person of their chief and in their own persons, were justified in their resistance. They were roused to vengeance, and a short, but most bloody war followed.

We charge the prisoner at your bar with all the consequences of this war. We charge him with the murder of our sepoys, whom he sent unarmed to such a dangerous enterprise. We charge him with the blood of every man that was shed in that place; and we call him, as we have called him, a tyrant, an oppressor, and a murderer. We call him murderer in the largest and fullest sense of the word; because he was the cause of the murder of our English officers and sepoys, whom he kept unarmed, and unacquainted with the danger to which they would be exposed by the violence of his transactions. He sacrificed to his own nefarious views every one of those lives, as well as the lives of the innocent natives of Benares, whom he designedly drove to resistance by the weakness of the force opposed to

them, after inciting them by tyranny and insult to that display of affection towards their sovereign which is the duty of all good subjects.

My Lords, these are the iniquities which we have charged upon the prisoner at your bar; and I will next call your Lordships' attention to the manner in which these iniquities have been pretended to be justified. You will perceive a great difference in the manner in which this prisoner is tried, and of which he so much complains, and the manner in which he dealt with the unfortunate object of his oppression. The latter thus openly appeals to his accuser. "You are," says he, "upon the spot. It is happy for me that you are so. You can now inquire into my conduct." Did Mr. Hastings so inquire? No, my Lords, we have not a word of any inquiry; he even found fresh matter of charge in the answer of the Rajah, although, if there is any fault in this answer, it is its extremely humble and submissive tone. If there was anything faulty in his manner, it was his extreme humility and submission. It is plain he would have almost submitted to anything. He offered, in fact, 220,000*l.* to redeem himself from greater suffering. Surely no man going into rebellion would offer 220,000*l.* of the treasure which would be so essential to his success; nor would any government that was really apprehensive of rebellion call upon the suspected person to arm and discipline two thousand horse. My Lords, it is evident no such apprehensions were entertained; nor was any such charge made until punishment had commenced. A vague accusation was then brought forward, which was answered by a clear and a natural defence, denying some parts of the charge, evading and apologizing for others, and desiring the whole to be inquired into. To this request the answer of the Governor-General was, "That won't do; you shall have no inquiries." And why? "Because I have arbitrary power, you have no rights, and I can and will punish you without inquiry." I admit, that, if his will is the law, he may take [make?] the charge before punishment or the punishment before the charge, or he may punish without making any charge. If his will is the law, all I have been saying amounts to nothing. But I have endeavored to let your Lordships see that in no country upon the earth is the will of a despot law. It may produce wicked, flagitious, tyrannical acts; but in no country is it law.

The duty of a sovereign in cases of rebellion, as laid down in the Hedaya, agrees with the general practice in India. It was usual, except in cases of notorious injustice and oppression, whenever a rebellion or a suspicion of a rebellion existed, to admonish the rebellious party and persuade him to return to his duty. Causes of complaint were removed and misunderstandings explained, and, to save the effusion of blood, severe measures were not adopted until they were rendered indispensable. This wise and provident law is or ought to be the law in all countries: it was in fact the law in that country, but Mr. Hastings did not attend to it. His unfortunate victim was goaded to revolt and driven from his subjects, although he endeavored by message after message to reconcile this cruel tyrant to him. He is told in reply, "You have shed the blood of Englishmen, and I will never be reconciled to you."

Your Lordships will observe that the reason he gives for such an infernal determination (for it cannot be justly qualified by any other word) is of a nature to make tyranny the very foundation of our government. I do not say here upon what occasion people may or may not resist; but surely, if ever there was an occasion on which people, from love to their sovereign and regard to their country, might take up arms, it was this. They saw a tyrant violent in his demands and weak in his power. They saw their prince imprisoned and insulted, after he had made every offer of submission, and had laid his turban three times in the lap of his oppressor. They saw him, instead of availing himself of the means he possessed of cutting off his adversary, (for the life of Mr. Hastings was entirely in his power,) betaking himself to flight. They then thronged round him, took up arms in his defence, and shed the blood of some of his insulters. Is this resistance, so excited, so provoked, a plea for irreconcilable vengeance?

I must beg pardon for having omitted to lay before your Lordships in its proper place a most extraordinary paper, which will show you in what manner judicial inquiries are conducted, upon what grounds charges are made, by what sort of evidence they are supported, and, in short, to what perils the lives and fortunes of men are subjected in that country. This paper is in the printed Minutes, page 1608. It was given in agreeably to the retrograde order which they have established in their judicial proceedings. It was produced to prove the truth of a charge of rebellion which was made some months before the paper in evidence was known to the accuser.

“To the Honorable Warren Hastings.

“Sir, — About the month of November last, I communicated to Mr. Markham the substance of a conversation said to have passed between Rajah Cheyt Sing and Saadut Ali, and which was reported to me by a person in whom I had some confidence. The mode of communicating this intelligence to you I left entirely to Mr. Markham. In this conversation, which was private, the Rajah and Saadut Ali were said to have talked of Hyder Ali’s victory over Colonel Baillie’s detachment, to have agreed that they ought to seize this opportunity of consulting their own interest, and to have determined to watch the success of Hyder’s arms. Some days after this conversation was said to have happened, I was informed by the same person that the Rajah had received a message from one of the Begums at Fyzabad, (I think it was from Sujah ul Dowlah’s widow,) advising him not to comply with the demands of government, and encouraging him to expect support in case of his resisting. This also, I believe, I communicated to Mr. Markham; but not being perfectly certain, I now think it my duty to remove the possibility of your remaining unacquainted with a circumstance which may not be unconnected with the present conduct of the Rajah.”

Here, then, is evidence of evidence given to Mr. Markham by Mr. Balfour, from Lucknow, in the month of November, 1781, long after the transaction at Benares.

But what was this evidence? “I communicated,” he says, “the substance of a conversation said to have passed.” Observe, *said*: not a conversation that had passed to his knowledge or recollection, but what his informant said had passed. He adds, this conversation was reported to him by a person whom he won’t name, but in whom, he says, he had some confidence. This anonymous person, in whom he had put some confidence, was not himself present at the conversation; he only reports to him that it was *said* by somebody else that such a conversation had taken place. This conversation, which somebody told Colonel Balfour he had heard was said by somebody to have taken place, if true, related to matters of great importance; still the mode of its communication was left to Mr. Markham, and that gentleman did not bring it forward till some months after. Colonel Balfour proceeds to say,—“Some days after this conversation was said to have happened,” (your Lordships will observe it is always, “was said to have happened,”) “I was informed by the same person that the Rajah had received a message from one of the Begums at Fyzabad, (I think it was from Sujah ul Dowlah’s widow,) advising him not to comply with the demands of government, and encouraging him to expect support in case of his resisting.” He next adds,—“This also, I believe,” (observe, he says he is not quite sure of it,) “I communicated to Mr. Markham; but not being perfectly certain,” (of a matter the immediate knowledge of which, if true, was of the highest importance to his country,) “I now think it my duty to remove the possibility of your remaining unacquainted with, a circumstance which may not be unconnected with the present conduct of the Rajah.”

Here is a man that comes with information long after the fact deposed to, and, after having left to another the communication of his intelligence to the proper authority, that other neglects the matter. No letter of Mr. Markham’s appears, communicating any such conversation to Mr. Hastings: and, indeed, why he did not do so must appear very obvious to your Lordships; for a more contemptible, ridiculous, and absurd story never was invented. Does Mr. Balfour come forward and tell him who his informant was? No. Does he say, “He was an informant whom I dare not name, upon account of his great consequence, and the great confidence I had in him”? No. He only says slightly, “I have some confidence in him.” It is upon this evidence of a reporter of what another is *said* to have *said*, that Mr. Hastings and his Council rely for proof, and have thought proper to charge the Rajah, with having conceived rebellious designs soon after the time when Mr. Hastings had declared his belief that no such designs had been formed.

Mr. Hastings has done with his charge of rebellion what he did with his declaration of arbitrary power: after he had vomited it up in one place, he returns to it in another. He here declares (after he had recorded his belief that no rebellion was ever intended) that Mr. Markham was in possession of information which he might have believed, if it had been communicated to him. Good heavens! when you review all these circumstances, and consider the principles upon which this man was

tried and punished, what must you think of the miserable situation of persons of the highest rank in that country, under the government of men who are disposed to disgrace and ruin them in this iniquitous manner!

Mr. Balfour is in Europe, I believe. How comes it that he is not produced here to tell your Lordships who was his informer, and what he knows of the transaction? They have not produced him, but have thought fit to rely upon this miserable, beggarly semblance of evidence, the very production of which was a crime, when brought forward for the purpose of giving color to acts of injustice and oppression. If you ask, Who is this Mr. Balfour? He is a person who was a military collector of revenue in the province of Rohilcund: a country now ruined and desolated, but once the garden of the world. It was from the depth of that horrible devastating system that he gave this ridiculous, contemptible evidence, which if it can be equalled, I shall admit that there is not one word we have said that you ought to attend to.

Your Lordships are now enabled to sum up the amount and estimate the result of all this iniquity. The Rajah himself is punished, he is ruined and undone; but the 500,000*l.* is not gained. He has fled his country; but he carried his treasures with him. His forts are taken possession of; but there was nothing found in them. It is the report of the country, and is so stated by Mr. Hastings, that he carried away with him in gold and silver to the value of about 400,000*l.*; and thus that sum was totally lost, even as an object of plunder, to the Company. The author of the mischief lost his favorite object by his cruelty and violence. If Mr. Hastings had listened to Cheyt Sing at first, — if he had answered his letters, and dealt civilly with him, — if he had endeavored afterwards to compromise matters, — if he had *told* him what his demands were, — if, even after the rebellion had broken out, he had demanded and exacted a fine, — the Company would have gained 220,000*l.* at least, and perhaps a much larger sum, without difficulty. They would not then have had 400,000*l.* carried out of the country by a tributary chief, to become, as we know that sum has become, the plunder of the Mahrattas and our other enemies. I state to you the account of the profit and loss of tyranny: take it as an account of profit and loss; forget the morality, forget the law, forget the policy; take it, I say, as a matter of profit and loss. Mr. Hastings lost the subsidy; Mr. Hastings lost the 220,000*l.* which was offered him, and more that he might have got. Mr. Hastings lost it all; and the Company lost the 400,000*l.* which he meant to exact. It was carried from the British dominions to enrich its enemies forever.

This man, my Lords, has not only acted thus vindictively himself, but he has avowed the principle of revenge as a general rule of policy, connected with the security of the British government in India. He has dared to declare, that, if a native once draws his sword, he is not to be pardoned; that you never are to forgive any man who has killed an English soldier. You are to be implacable and resentful; and there is no maxim of tyrants, which, upon account of the supposed weakness of your government, you are not to pursue. Was this the conduct of the Mogul

conquerors of India? and must this *necessarily* be the policy of their Christian successors? I pledge myself, if called upon, to prove the contrary. I pledge myself to produce, in the history of the Mogul empire, a series of pardons and amnesties for rebellions, from its earliest establishments, and in its most distant provinces.

I need not state to your Lordships what you know to be the true principles of British policy in matters of this nature. When there has been provocation, you ought to be ready to listen to terms of reconciliation, even after war has been made. This you ought to do, to show that you are placable; such policy as this would doubtless be of the greatest benefit and advantage to you. Look to the case of Sujah Dowlah. You had, in the course of a war with him, driven him from his country; you had not left him in possession of a foot of earth in the world. The Mogul was his sovereign, and, by his authority, it was in your power to dispose of the vizierate, and of every office of state which Sujah Dowlah held under the emperor: for he hated him mortally, and was desirous of dispossessing him of everything. What did you do? Though he had shed much English blood, you reëstablished him in all his power, you gave him more than he before possessed; and you had no reason to repent your generosity. Your magnanimity and justice proved to be the best policy, and was the subject of admiration from one end of India to the other. But Mr. Hastings had other maxims and other principles. You are weak, he says, and therefore you ought never to forgive. Indeed, Mr. Hastings never does forgive. The Rajah was weak, and he persecuted him; Mr. Hastings was weak, and he lost his prey. He went up the country with the rapacity, but not with the talons and beak, of a vulture. He went to look for plunder; but he was himself plundered, the country was ravaged, and the prey escaped.

After the escape of Cheyt Sing, there still existed in one corner of the country some further food for Mr. Hastings's rapacity. There was a place called Bidjegur, one of those forts which Mr. Hastings declared could not be safely left in the possession of the Rajah; measures were therefore taken to obtain possession of this place, soon after the flight of its unfortunate proprietor. And what did he find in it? A great and powerful garrison? No, my Lords: he found in it the wives and family of the Rajah; he found it inhabited by two hundred women, and defended by a garrison of eunuchs and a few feeble militia-men. This fortress was supposed by him to contain some money, which he hoped to lay hold of when all other means of rapacity had escaped him. He first sends (and you have it on your minutes) a most cruel, most atrocious, and most insulting message to these unfortunate women; one of whom, a principal personage of the family, we find him in the subsequent negotiation scandalizing in one minute, and declaring to be a woman of respectable character in the next, — treating her by turns as a prostitute and as an amiable woman, as best suited the purposes of the hour. This woman, with two hundred of her sex, he found in Bidjegur. Whatever money they had was their own property; and as such Cheyt Sing, who had visited the place before his flight, had left it for

their support, thinking that it would be secure to them as their property, because they were persons wholly void of guilt, as they must needs have been. This money the Rajah might have carried off with him; but he left it them, and we must presume that it was their property; and no attempt was ever made by Mr. Hastings to prove otherwise. They had no other property that could be found. It was the only means of subsistence for themselves, their children, their domestics, and dependants, and for the whole female part of that once illustrious and next to royal family.

But to proceed. A detachment of soldiers was sent to seize the forts [fort?]. Soldiers are habitually men of some generosity; even when they are acting in a bad cause, they do not wholly lose the military spirit. But Mr. Hastings, fearing that they might not be animated with the same lust of plunder as himself, stimulated them to demand the plunder of the place, and expresses his hopes that no composition would be made with these women, and that not one shilling of the booty would be allowed them. He does not trust to their acting as soldiers who have their fortunes to make; but he stimulates and urges them not to give way to the generous passions and feelings of men.

He thus writes from Benares, the 22d of October, 1781, ten o'clock in the morning. "I am this instant favored with yours of yesterday; mine to you of the same date has before this time acquainted you with my resolutions and sentiments respecting the Ranny. I think every demand she has made to you, except that of safety and respect for her person, is unreasonable. If the reports brought to me are true, your rejecting her offers, or any negotiation with her, would soon obtain you possession of the fort upon your own terms. I apprehend that she will contrive to defraud the captors of a considerable part of the booty by being suffered to retire without examination; but this is your consideration, and not mine. I should be sorry that your officers and soldiers lost any part of the reward to which they are so well entitled; but I cannot make any objection, as you must be the best judge of the expediency of the promised indulgence to the Ranny. What you have engaged for I will certainly ratify; but as to permitting the Ranny to hold the purgunnah of Hurluk, or any other in the zemindary, without being subject to the authority of the zemindar, or any lands whatever, or indeed making any conditions with her for a provision, I will never consent to it."

My Lords, you have seen the principles upon which this man justifies his conduct. Here his real nature, character, and disposition break out. These women had been guilty of no rebellion; he never charged them with any crime but that of having wealth; and yet you see with what ferocity he pursues everything that belonged to the destined object of his cruel, inhuman, and more than tragic revenge. "If," says he, "you have made an agreement with them, and will insist upon it, I will keep it; but if you have not, I beseech you not to make any. Don't give them anything; suffer no stipulations whatever of a provision for them. The capitulation I will ratify, provided it contains no article of future provision for them." This he

positively forbade; so that his bloodthirsty vengeance would have sent out these two hundred innocent women to starve naked in the world.

But he not only declares that the money found in the fort is the soldiers', he adds, that he should be sorry, if they lost a shilling of it. So that you have here a man not only declaring that the money was theirs, directly contrary to the Company's positive orders upon other similar occasions, and after he had himself declared that prize-money was poison to soldiers, but directly inciting them to insist upon their right to it.

A month had been allowed by proclamation for the submission of all persons who had been in rebellion, which submission was to entitle them to indemnity. But, my Lords, he endeavored to break the public faith with these women, by inciting the soldiers to make no capitulation with them, and thus depriving them of the benefit of the proclamation, by preventing their voluntary surrender.

[Mr. Burke here read the proclamation.]

From the date of this proclamation it appears that the surrender of the fort was clearly within the time given to those who had been guilty of the most atrocious acts of rebellion to repair to their homes and enjoy an indemnity. These women had never quitted their homes, nor had they been charged with rebellion, and yet they were cruelly excluded from the general indemnity; and after the army had taken unconditional possession of the fort, they were turned out of it, and ordered to the quarters of the commanding officer, Major Popham. This officer had received from Mr. Hastings a power to rob them, a power to plunder them, a power to distribute the plunder, but no power to give them any allowance, nor any authority even to receive them.

In this disgraceful affair the soldiers showed a generosity which Mr. Hastings neither showed nor would have suffered, if he could have prevented it. They agreed amongst themselves to give to these women three lacs of rupees, and some trifle more; and the rest was divided as a prey among the army. The sum found in the fort was about 238,000*l.*, not the smallest part of which was in any way proved to be Cheyt Sing's property, or the property of any person but the unfortunate women who were found in the possession of it.

The plunder of the fort being thus given to the soldiers, what does Mr. Hastings next do? He is astonished and stupefied to find so much unprofitable violence, so much tyranny, and so little pecuniary advantage, — so much bloodshed, without any profit to the Company. He therefore breaks his faith with the soldiers; declares, that, having no right to the money, they must refund it to the Company; and on their refusal, he instituted a suit against them. With respect to the three lacs of rupees, or 30,000*l.*, which was to be given to these women, have we a scrap of paper to prove its payment? is there a single receipt or voucher to verify their having received one sixpence of it? I am rather inclined to think that they did receive it, or some part of it; but I don't know a greater crime in public officers than to have no kind of

vouchers for the disposal of any large sums of money which pass through their hands: but this, my Lords, is the great vice of Mr. Hastings's government.

I have briefly taken notice of the claim which Mr. Hastings thought proper to make, on the part of the Company, to the treasure found in the fort of Bidjegur, after he had instigated the army to claim it as the right of the captors. Your Lordships will not be at a loss to account for this strange and barefaced inconsistency. This excellent Governor foresaw that he would have a bad account of this business to give to the contractors in Leadenhall Street, who consider laws, religion, morality, and the principles of state policy of empires as mere questions of profit and loss. Finding that he had dismal accounts to give of great sums expended without any returns, he had recourse to the only expedient that was left him. He had broken his faith with the ladies in the fort, by not suffering his officers to grant them that indemnity which his proclamation offered. Then, finding that the soldiers had taken him at his word, and appropriated the treasure to their own use, he next broke his faith with them. A constant breach of faith is a maxim with him. He claims the treasure for the Company, and institutes a suit before Sir Elijah Impey, who gives the money to the Company, and not to the soldiers. The soldiers appeal; and since the beginning of this trial, I believe even very lately, it has been decided by the Council that the letter of Mr. Hastings was not, as Sir Elijah Impey pretended, a mere private letter, because it had "Dear Sir," in it, but a public order, authorizing the soldiers to divide the money among themselves.

Thus 200,000*l.* was distributed among the soldiers; 400,000*l.* was taken away by Cheyt Sing, to be pillaged by all the Company's enemies through whose countries he passed; and so ended one of the great sources from which this great financier intended to supply the exigencies of the Company, and recruit their exhausted finances.

By this proceeding, my Lords, the national honor is disgraced, all the rules of justice are violated, and every sanction, human and divine, trampled upon. We have, on one side, a country ruined, a noble family destroyed, a rebellion raised by outrage and quelled by bloodshed, the national faith pledged to indemnity, and that indemnity faithlessly withheld from helpless, defenceless women; while the other side of the picture is equally unfavorable. The East India Company have had their treasure wasted, their credit weakened, their honor polluted, and their troops employed against their own subjects, when their services were required against foreign enemies.

My Lords, it only remains for me, at this time, to make a few observations upon some proceedings of the prisoner respecting the revenue of Benares. I must first state to your Lordships that in the year 1780 he made a demand upon that country, which, by his own account, if it had been complied with, would only have left 23,000*l.* a year for the maintenance of the Rajah and his family. I wish to have this

account read, for the purpose of verifying the observations which I shall have to make to your Lordships.

[Here the account was read.]

I must now observe to your Lordships, that Mr. Markham and Mr. Hastings have stated the Rajah's net revenue at forty-six lacs: but the accounts before you state it at forty lacs only. Mr. Hastings had himself declared that he did not think the country could safely yield more, and that any attempt to extract more would be ruinous.

Your Lordships will observe that the first of these estimates is unaccompanied with any document whatever, and that it is contradicted by the papers of receipt and the articles of account, from all of which it appears that the country never yielded more than forty lacs during the time that Mr. Hastings had it in his possession; and you may be sure he squeezed as much out of it as he could. He had his own Residents, — first Mr. Markham, then Mr. Fowke, then Mr. Grant; they all went up with a design to make the most of it. They endeavored to do so; but they never could screw it up to more than forty lacs by all the violent means which they employed. The ordinary subsidy, as paid at Calcutta by the Rajah, amounted to twenty-two lacs; and it is therefore clearly proved by this paper, that Mr. Hastings's demand of fifty lacs (500,000*l.*), joined to the subsidies, was more than the whole revenue which the country could yield. What hoarded treasure the Rajah possessed, and which Mr. Hastings says he carried off with him, does not appear. That it was any considerable sum is more than Mr. Hastings knows, more than can be proved, more than is probable. He had not, in his precipitate flight, any means, I think, of carrying away a great sum. It further appears from these accounts, that, after the payment of the subsidy, there would only have been left 18,000*l.* a year for the support of the Rajah's family and establishments.

Your Lordships have now a standard, not a visionary one, but a standard verified by accurate calculation and authentic accounts. You may now fairly estimate the avarice and rapacity of this man, who describes countries to be enormously rich in order that he may be justified in pillaging them. But however insatiable the prisoner's avarice may be, he has other objects in view, other passions rankling in his heart, besides the lust of money. He was not ignorant, and we have proved it by his own confession, that his pretended expectation of benefit to the Company could not be realized; but he well knew that by enforcing his demands he should utterly and effectually ruin a man whom he mortally hated and abhorred, — a man who could not, by any sacrifices offered to the avarice, avert the cruelty of his implacable enemy. As long as truth remains, as long as figures stand, as long as two and two are four, as long as there is mathematical and arithmetical demonstration, so long shall his cruelty, rage, ravage, and oppression remain evident to an astonished posterity.

I shall undertake, my Lords, when this court meets again, to develop the consequences of this wicked proceeding. I shall then show you that that part of the

Rajah's family which he left behind him, and which Mr. Hastings pretended to take under his protection, was also ruined, undone, and destroyed; and that the once beautiful country of Benares, which he has had the impudence to represent as being still in a prosperous condition, was left by him in such a state as would move pity in any tyrant in the world except the one who now stands before you.

**SPEECH IN GENERAL REPLY. THIRD DAY: TUESDAY,
JUNE 3, 1794.**

My Lords, — We are called, with an awful voice, to come forth and make good our charge against the prisoner at your bar; but as a long time has elapsed since your Lordships heard that charge, I shall take the liberty of requesting my worthy fellow Manager near me to read that part to your Lordships which I am just now going to observe upon, that you may be the better able to apply my observations to the letter of the charge.

[*Mr. Wyndham reads.*]

“That the said Warren Hastings, having, as aforesaid, expelled the said Cheyt Sing from his dominions, did, of his own usurped authority, and without any communication with or any approbation given by the other members of the Council, nominate and appoint Rajah Mehip Narrain to the government of the provinces of Benares, and did appoint his father, Durbege Sing, as administrator of his authority, and did give to the British Resident, William Markham, a controlling authority over both; and did farther abrogate and set aside all treaties and agreements which subsisted between the state of Benares and the British nation; and did arbitrarily and tyrannically, of his mere authority, raise the tribute to the sum of four hundred thousand pounds sterling, or thereabouts; did further wantonly and illegally impose certain oppressive duties upon goods and merchandise, to the great injury of trade and ruin of the provinces; and did farther dispose of, as his own, the property within the said provinces, by granting the same, or parts, thereof, in pensions to such persons as he thought fit.

“That the said Warren Hastings did, some time in the year 1782, enter into a clandestine correspondence with William Markham, Esquire, the then Resident at Benares, which said Markham had been by him, the said Warren Hastings, obtruded into the said office, contrary to the positive orders of the Court of Directors; and, in consequence of the representations of the said Markham, did, under pretence that the new excessive rent or tribute was in arrear, and that the affairs of the provinces were likely to fall into confusion, authorize and empower him, by his own private authority, to remove the said Durbege Sing from his office and deprive him of his estate.

“That the said Durbege Sing was, by the private orders and authorities given by the said Warren Hastings, and in consequence of the representations aforesaid, violently thrown into prison, and cruelly confined therein, under pretence of the non-payment of the arrears of the tribute aforesaid.

“That the widow of Bulwant Sing, and the Rajah Mehip Narrain, did pointedly accuse the said Markham of being the sole cause of any delay in the payment of the

tribute aforesaid, and did offer to prove the innocence of the said Durbege Sing, and also to prove that the faults ascribed to him were solely the faults of the said Markham; yet the said Warren Hastings did pay no regard whatever to the said representations, nor make any inquiry into the truth of the same, but did accuse the said widow of Bulwant Sing and the Rajah aforesaid of gross presumption for the same; and, listening to the representations of the person accused, (viz., the Resident Markham,) did continue to confine the said Durbege Sing in prison, and did invest the Resident Markham with authority to bestow his office upon whomsoever he pleased.

“That the said Markham did bestow the said office of administrator of the provinces of Benares upon a certain person named Jagher Deo Seo, who, in order to gratify the arbitrary demands of the said Warren Hastings, was obliged greatly to distress and harass the unfortunate inhabitants of the said provinces.

“That the said Warren Hastings did, some time in the year 1784, remove the said Jagher Deo Seo from the said office, under pretence of certain irregularities and oppressions; which irregularities and oppressions are solely imputable to him, the said Warren Hastings.

“That the consequences of all these violent changes and arbitrary acts were the total ruin and desolation of the country, and the flight of the inhabitants: the said Warren Hastings having found every place abandoned at his approach, even by the officers of the very government which he established, and seeing nothing but traces of devastation in every village, the provinces in effect without a government, the administration misconducted, the people oppressed, trade discouraged, and the revenue in danger of a rapid decline.

“All which destruction, devastation, oppression, and ruin are solely imputable to the abovementioned and other arbitrary, illegal, unjust, and tyrannical acts of him, the said Warren Hastings, who, by all and every one of the same, was and is guilty of high crimes and misdemeanors.”

[Mr. Burke proceeded.]

My Lords, you have heard the charge; and you are now going to see the prisoner at your bar in a new point of view. I will now endeavor to display him in his character of a legislator in a foreign land, not augmenting the territory, honor, and power of Great Britain, and bringing the acquisition under the dominion of law and liberty, but desolating a flourishing country, that to all intents and purposes was our own, — a country which we had conquered from freedom, from tranquillity, order, and prosperity, and submitted, through him, to arbitrary power, misrule, anarchy, and ruin. We now see the object of his corrupt vengeance utterly destroyed, his family driven from their home, his people butchered, his wife and all the females of his family robbed and dishonored in their persons, and the effects which husband and parents had laid up in store for the subsistence of their families, all the savings of provident economy, distributed amongst a rapacious soldiery. His malice is

victorious. He has well avenged, in the destruction of this unfortunate family, the Rajah's intended visit to General Clavering; he has well avenged the suspected discovery of his bribe to Mr. Francis.

"Thou hast it now, King, Cawdor, Glamis, all!"

Let us see, my Lords, what use he makes of this power, — how he justifies the bounty of Fortune, bestowing on him this strange and anomalous conquest. Anomalous I call it, my Lords, because it was the result of no plan in the cabinet, no operation in the field. No act or direction proceeded from him, the responsible chief, except the merciless orders, and the grant to the soldiery. He lay skulking and trembling in the fort of Chunar, while the British soldiery entitled themselves to the plunder which he held out to them. Nevertheless, my Lords, he conquers; the country is his own; he treats it as his own. Let us, therefore, see how this successor of Tamerlane, this emulator of Genghis Khân, governs a country conquered by the talents and courage of others, without assistance, guide, direction, or counsel given by himself.

My Lords, I will introduce his first act to your Lordships' notice in the words of the charge.

"The said Warren Hastings did, some time in the year 1782, enter into a clandestine correspondence with William Markham, Esquire, the then Resident at Benares; which said Markham had been by him, the said Warren Hastings, obtruded into the said office, contrary to the positive orders of the Court of Directors."

This unjustifiable obtrusion, this illegal appointment, shows you at the very outset that he defies the laws of his country, — most positively and pointedly defies them. In attempting to give a reason for this defiance, he has chosen to tell a branch of the legislature from which originated the act which wisely and prudently ordered him to pay implicit obedience to the Court of Directors, that he removed Mr. Fowke from Benares, contrary to the orders of the Court, on political grounds; because, says he, "I thought it necessary the Resident there should be a man of my own nomination and confidence. I avow the principle, and think no government can subsist without it. The punishment of the Rajah made no part of my design in Mr. Fowke's removal or Mr. Markham's appointment, nor was his punishment an object of my contemplation at the time I removed Mr. Fowke to appoint Mr. Markham: an appointment of my own choice, and a signal to notify the restoration of my own authority; as I had before removed Mr. Fowke and appointed Mr. Graham for the same purpose."

Here, my Lords, he does not even pretend that he had any view whatever, in this appointment of Mr. Markham, but to defy the laws of his country. "I must," says he, "have a man of my own nomination, because it is a signal to notify the restoration of my own authority, as I had before removed Mr. Fowke for the same purpose."

I must beg your Lordships to keep in mind that the greater part of the observations with which I shall trouble you have a reference to the *principles* upon which this man acts; and I beseech you to remember always that you have before you a question and an issue of law; I beseech you to consider what it is that you are disposing of, — that you are not merely disposing of this man and his cause, but that you are disposing of the laws of your country.

You, my Lords, have made, and we have made, an act of Parliament in which the Council at Calcutta is vested with a special power, distinctly limited and defined. He says, “My authority is absolute. I defy the orders of the Court of Directors, because it is necessary for me to show that I can disregard them, as a signal of my own authority.” He supposes his authority gone while he obeys the laws; but, says he, “the moment I got rid of the bonds and barriers of the laws,” (as if there had been some act of violence and usurpation that had deprived him of his rightful powers,) “I was restored to my own authority.” What is this authority to which he is restored? Not an authority vested in him by the East India Company; not an authority sanctioned by the laws of this kingdom. It is neither of these, but the authority of Warren Hastings; an inherent divine right, I suppose, which he has thought proper to claim as belonging to himself; something independent of the laws, something independent of the Court of Directors, something independent of his brethren of the Council. It is “my own authority.”

And what is the signal by which you are to know when this authority is restored? By his obedience to the Court of Directors? — by his attention to the laws of his country? — by his regard to the rights of the people? No, my Lords, no: the notification of the restoration of this authority is a formal disobedience of the orders of the Court of Directors. When you find the laws of the land trampled upon, and their appointed authority despised, then you may be sure that the authority of the prisoner is reëstablished.

There is, my Lords, always a close connection between vices of every description. The man who is a tyrant would, under some other circumstances, be a rebel; and he that is a rebel would become a tyrant. They are things which originally proceed from the same source. They owe their birth to the wild, unbridled lewdness of arbitrary power. They arise from a contempt of public order, and of the laws and institutions which curb mankind. They arise from a harsh, cruel, and ferocious disposition, impatient of the rules of law, order, and morality: and accordingly, as their relation varies, the man is a tyrant, if a superior, a rebel, if an inferior. But this man, standing in a middle point between the two relations, the superior and inferior, declares himself at once both a rebel and a tyrant. We therefore naturally expect, that, when he has thrown off the laws of his country, he will throw off all other authority. Accordingly, in defiance of that authority to which he owes his situation, he nominates Mr. Markham to the Residency at Benares, and therefore every act of Mr. Markham is his. He is responsible, — doubly responsible to what he would

have been, if in the ordinary course of office he had named this agent. Every governor is responsible for the misdemeanors committed under his legal authority for which he does not punish the delinquent; but the prisoner is doubly responsible in this case, because he assumed an illegal authority, which can be justified only, if at all, by the good resulting from the assumption.

Having now chosen his principal instrument and his confidential and sole counsellor, having the country entirely in his hand, and every obstacle that could impede his course swept out of the arena, what does he do under these auspicious circumstances? You would imagine, that, in the first place, he would have sent down to the Council at Calcutta a general view of his proceedings, and of their consequences, together with a complete statement of the revenue; that he would have recommended the fittest persons for public trusts, with such other measures as he might judge to be most essential to the interest and honor of his employers. One would have imagined he would have done this, in order that the Council and the Court of Directors might have a clear view of the whole existing system, before he attempted to make a permanent arrangement for the administration of the country. But, on the contrary, the whole of his proceedings is clandestinely conducted; there is not the slightest communication with the Council upon the business, till he had determined and settled the whole. Thus the Council was placed in a complete dilemma, — either to confirm all his wicked and arbitrary acts, (for such we have proved them to be,) or to derange the whole administration of the country again, and to make another revolution as complete and dreadful as that which he had made.

The task which the Governor-General had imposed upon himself was, I admit, a difficult one; but those who pull down important ancient establishments, who wantonly destroy modes of administration and public institutions under which a country has prospered, are the most mischievous, and therefore the wickedest of men. It is not a reverse of fortune, it is not the fall of an individual, that we are here talking of. We are, indeed, sorry for Cheyt Sing and Durbege Sing, as we should be sorry for any individual under similar circumstances.

It is wisely provided in the constitution of our heart, that we should interest ourselves in the fate of great personages. They are therefore made everywhere the objects of tragedy, which addresses itself directly to our passions and our feelings. And why? Because men of great place, men of great rank, men of great hereditary authority, cannot fall without a horrible crash upon all about them. Such towers cannot tumble without ruining their dependent cottages.

The prosperity of a country, that has been distressed by a revolution which has swept off its principal men, cannot be reëstablished without extreme difficulty. This man, therefore, who wantonly and wickedly destroyed the existing government of Benares, was doubly bound to use all possible care and caution in supplying the loss

of those institutions which he had destroyed, and of the men whom he had driven into exile. This, I say, he ought to have done. Let us now see what he really did do.

He set out by disposing of all the property of the country as if it was his own. He first confiscated the whole estates of the *Baboos*, the great nobility of the country, to the amount of six lacs of rupees. He then distributed the lands and revenue of the country according to his own pleasure; and as he had seized the lands without our knowing why or wherefore, so the portion which he took away from some persons he gave to others, in the same arbitrary manner, and without any assignable reason.

When we were inquiring what jaghires Mr. Hastings had thought proper to grant, we found, to our astonishment, (though it is natural that his mind should take this turn,) that he endowed several charities with jaghires. He gave a jaghire to some Brahmins to pray for the perpetual prosperity of the Company, and others to procure the prayers of the same class of men for himself. I do not blame his Gentoo piety, when I find no Christian piety in the man: let him take refuge in any superstition he pleases. The crime we charge is his having distributed the lands of others at his own pleasure. Whether this proceeded from piety, from ostentation, or from any other motive, it matters not. We contend that he ought not to have distributed such land at all, — that he had no right to do so; and consequently, the gift of a single acre of land, by his own private will, was an act of robbery, either from the public or some individual.

When he had thus disturbed the landed property of Benares, and distributed it according to his own will, he thought it would be proper to fix upon a person to govern the country; and of this person he himself made the choice. It does not appear that the people could have lost, even by the revolt of Cheyt Sing, the right which was inherent in them to be governed by the lawful successor of his family. We find, however, that this man, by his own authority, by the arbitrary exercise of his own will and fancy, did think proper to nominate a person to succeed the Rajah who had no legal claims to the succession. He made choice of a boy about nineteen years old; and he says he made that choice upon the principle of this boy's being descended from Bulwant Sing by the female line. But he does not pretend to say that he was the proper and natural heir to Cheyt Sing; and we will show you the direct contrary. Indeed, he confesses the contrary himself; for he argues, in his defence, that, when a new system was to be formed with the successor of Cheyt Sing who was not his heir, such successor had no claim of right.

But perhaps the want of right was supplied by the capacity and fitness of the person who was chosen. I do not say that this does or can for one moment supersede the positive right of another person; but it would palliate the injustice in some degree. Was there in this case any palliative matter? Who was the person chosen by Mr. Hastings to succeed Cheyt Sing? My Lords, the person chosen was a minor: for we find the prisoner at your bar immediately proceeded to appoint him a guardian. This guardian he also chose by his own will and pleasure, as he himself

declares, without referring to any particular claim or usage, — without calling the Pundits to instruct him, upon whom, by the Gentoo laws, the guardianship devolved.

I admit, that, in selecting a guardian, he did not, in one respect, act improperly; for he chose the boy's father, and he could not have chosen a better guardian for his person. But for the administration of his government qualities were required which this man did not possess. He should have chosen a man of vigor, capacity, and diligence, a man fit to meet the great difficulties of the situation in which he was to be placed.

Mr. Hastings, my Lords, plainly tells you that he did not think the man's talents to be extraordinary, and he soon afterwards says that he had a great many incapacities. He tells you that he has a doubt whether he was capable of realizing those hopes of revenue which he (Mr. Hastings) had formed. Nor can this be matter of wonder, when we consider that he had ruined and destroyed the ancient system, the whole scheme and tenor of public offices, and had substituted nothing for them but his own arbitrary will. He had formed a plan of an entire new system, in which the practical details had no reference to the experience and wisdom of past ages. He did not take the government as he found it; he did not take the system of offices as it was arranged to his hand; but he dared to make the wicked and flagitious experiment which I have stated, — an experiment upon the happiness of a numerous people, whose property he had usurped and distributed in the manner which has been laid before your Lordships. The attempt failed, and he is responsible for the consequences.

How dared he to make these experiments? In what manner can he be justified for playing fast and loose with the dearest interests, and perhaps with the very existence, of a nation? Attend to the manner in which he justifies himself, and you will find the whole secret let out. "The easy accumulation of too much wealth," he says, "had been Cheyt Sing's ruin; it had buoyed him up with extravagant and ill-founded notions of independence, which I very much wished to discourage in the future Rajah. Some part, therefore, of the superabundant produce in the country I turned into the coffers of the sovereign by an augmentation of the tribute." — Who authorized him to make any augmentation of the tribute? But above all, who authorized him to augment it upon this principle? — "I must take care the tributary prince does not grow too rich; if he gets rich, he will get proud." — This prisoner has got a scale like that in the almanac, — "War begets poverty, poverty peace," and so on. The first rule that he lays down is, that he will keep the new Rajah in a state of poverty; because, if he grows rich, he will become proud, and behave as Cheyt Sing did. You see the ground, foundation, and spirit of the whole proceeding. Cheyt Sing was to be robbed. Why? Because he is too rich. His successor is to be reduced to a miserable condition. Why? Lest he should grow rich and become troublesome. The whole of his system is to prevent men from growing rich, lest, if they should

grow rich, they should grow proud, and seek independence. Your Lordships see that in this man's opinion riches must beget pride. I hope your Lordships will never be so poor as to cease to be proud; for, ceasing to be proud, you will cease to be independent.

Having resolved that the Rajah should not grow rich, for fear he should grow proud and independent, he orders him to pay forty lacs of rupees, or 400,000*l.*, annually to the Company. The tribute had before been 250,000*l.*, and he all at once raised it to 400,000*l.* Did he previously inform the Council of these intentions? Did he inform them of the amount of the gross collections of the country, from any properly authenticated accounts procured from any public office?

I need not inform your Lordships, that it is a serious thing to draw out of a country, instead of 250,000*l.*, an annual tribute of 400,000*l.* There were other persons besides the Rajah concerned in this enormous increase of revenue. The whole country is interested in its resources being fairly estimated and assessed; for, if you overrate the revenue which it is supposed to yield to the great general collector, you necessitate him to overrate every under-collector, and thereby instigate them to harass and oppress the people. It is upon these grounds that we have charged the prisoner at your bar with having acted arbitrarily, illegally, unjustly, and tyrannically: and your Lordships will bear in mind that these acts were done by his sole authority, which authority we have shown to have been illegally assumed.

My Lords, before he took the important steps which I have just stated, he consulted no one but Mr. Markham, whom he placed over the new Rajah. The Rajah was only nineteen years old: but Mr. Markham undoubtedly had the advantage of him in this respect, for he was twenty-one. He had also the benefit of five months' experience of the country: an abundant experience, to be sure, my Lords, in a country where it is well known, from the peculiar character of its inhabitants, that a man cannot anywhere put his foot without placing it upon some trap or mine, until he is perfectly acquainted with its localities. Nevertheless, he puts the whole country and a prince of nineteen, as appears from the evidence, into the hands of Mr. Markham, a man of twenty-one. We have no doubt of Mr. Markham's capacity; but he could have no experience in a country over which he possessed a general controlling power. Under these circumstances, we surely shall not wonder, if this young man fell into error. I do not like to treat harshly the errors into which a very young person may fall: but the man who employs him, and puts him into a situation for which he has neither capacity nor experience, is responsible for the consequences of such an appointment; and Mr. Hastings is doubly responsible in this case, because he placed Mr. Markham as Resident merely to show that he defied the authority of the Court of Directors.

But, my Lords, let us proceed. We find Mr. Hastings resolved to exact forty lacs from the country, although he had no proof that such a tribute could be fairly

collected. He next assigns to this boy, the Rajah, emoluments amounting to about 60,000*l.* a year. Let us now see upon what grounds he can justify the assignment of these emoluments. I can perceive none but such as are founded upon the opinion of its being necessary to the support of the Rajah's dignity. Now, when Mr. Markham, who is the sole ostensible actor in the management of the new Rajah, as he had been a witness to the deposition of the former, comes before you to give an account of what he thought of Cheyt Sing, who appears to have properly supported the dignity of his situation, he tells you that about a lac or a lac and a half (10,000*l.* or 15,000*l.*) a year was as much as Cheyt Sing could spend. And yet this young creature, settled in the same country, and who was to pay 400,000*l.* a year, instead of 250,000*l.*, tribute to the Company, was authorized by Mr. Hastings to collect and reserve to his own use 60,000*l.* out of the revenue. That is to say, he was to receive four times as much as was stated by Mr. Hastings, on Mr. Markham's evidence, to have been necessary to support him.

Your Lordships tread upon corruption everywhere. Why was such a large revenue given to the young Rajah to support his dignity, when, as they say, Cheyt Sing did not spend above a lac and half in support of his, — though it is known he had great establishments to maintain, that he had erected considerable buildings adorned with fine gardens, and, according to them, had made great preparations for war?

We must at length imagine that they knew the country could bear the impost imposed upon it. I ask, How did they know this? We have proved to you, by a paper presented here by Mr. Markham, that the net amount of the collections was about 360,000*l.* This is their own account, and was made up, as Mr. Markham says, by one of the clerks of Durbege Sing, together with his Persian moonshee, (a very fine council to settle the revenues of the kingdom!) in his private house. And with this account before them, they have dared to impose upon the necks of that unhappy people a tribute of 400,000*l.*, together with an income for the Rajah of 60,000*l.* These sums the Naib, Durbege Sing, was bound to furnish, and left to get them as he could. Your Lordships will observe that I speak of the net proceeds of the collections. We have nothing to do with the gross amount. We are speaking of what came to the public treasury, which was no more than I have stated; and it was out of the public treasury that these payments were to be made, because there could be no other honest way of getting the money.

But let us now come to the main point, which is to ascertain what sums the country could really bear. Mr. Hastings maintains (whether in the speech of his counsel or otherwise I do not recollect) that the revenue of the country was 400,000*l.*, that it constantly paid that sum, and flourished under the payment. In answer to this, I refer your Lordships, first, to Mr. Markham's declaration, and the Wassil Baakee, which is in page 1750 of the printed Minutes. I next refer your Lordships to Mr. Duncan's Reports, in page 2493. According to Mr. Duncan's public estimate of the revenue of Benares, the net collections of the very year we

are speaking of, when Durbege Sing had the management, and when Mr. Markham, his Persian moonshee, and a clerk in his private house, made their estimates without any documents, or with whatever documents, or God only knows, for nothing appears on the record of the transaction, — the collections yielded in that year but 340,000*l.*, that is, 20,000*l.* less than Mr. Markham's estimate. But take it which way you will, whether you take it at Mr. Markham's 360,000*l.*, or at Mr. Duncan's 340,000*l.*, your Lordships will see, that, after reserving 60,000*l.* for his own private expenses, the Rajah could not realize a sum nearly equal to the tribute demanded.

Your Lordships have also in evidence before you an account of the produce of the country for I believe full five years after this period, from which it appears that it never realized the forty lacs, or anything like it, — yielding only thirty-seven and thirty-nine lacs, or thereabouts, which is 20,000*l.* short of Mr. Markham's estimate, and 160,000*l.* short of Mr. Hastings's. On what data could the prisoner at your bar have formed this estimate? Where were all the clerks and mutsuddies, where were all the men of business in Benares, who could have given him complete information upon the subject? We do not find the trace of any of them; all our information is Mr. Markham's moonshee, and some clerk of Durbege Sing's employed in Mr. Markham's private counting-house, in estimating revenues of a country.

The disposable revenue was still further reduced by the jaghires which Mr. Hastings granted, but to what amount does not appear. He mentions the increase in the revenue by the confiscation of the estates of the Baboos, who had been in rebellion. This he rates at six lacs. But we have inspected the accounts, we have examined them with that sedulous attention which belongs to that branch of the legislature that has the care of the public revenues, and we have not found one trace of this addition. Whether these confiscations were ever actually made remains doubtful; but if they were made, the application or the receipt of the money they yielded does not appear in any account whatever. I leave your Lordships to judge of this.

But it may be said that Hastings might have been in an error. If he was in an error, my Lords, his error continued an extraordinary length of time. The error itself was also extraordinary in a man of business: it was an error of account. If his confidential agent, Mr. Markham, had originally contributed to lead him into the error, he soon perceived it. He soon informed Mr. Hastings that his expectations were erroneous, and that he had overrated the country. What, then, are we to think of his persevering in this error? Mr. Hastings might have formed extravagant and wild expectations, when he was going up the country to plunder; for we allow that avarice may often overcalculate the hoards that it is going to rob. If a thief is going to plunder a banker's shop, his avarice, when running the risk of his life, may lead him to imagine there is more money in the shop than there really is. But when this man was in possession of the country, how came he not to know and understand the

condition of it better? In fact, he was well acquainted with it; for he has declared it to be his opinion that forty lacs was an overrated calculation, and that the country could not continue to pay this tribute at the very time he was imposing it. You have this admission in page 294 of the printed Minutes; but in the very face of it he says, if the Rajah will exert himself, and continue for some years the regular payment, he will then grant him a remission. Thus the Rajah was told, what he well knew, that he was overrated, but that at some time or another he was to expect a remission. And what, my Lords, was the condition upon which he was to obtain this promised indulgence? The punctual payment of that which Mr. Hastings declares he was not able to pay, — and which he could not pay without ruining the country, betraying his own honor and character, and acting directly contrary to the duties of the station in which Mr. Hastings had placed him. Thus this unfortunate man was compelled to have recourse to the most rigorous exaction, that he might be enabled to satisfy the exorbitant demand which had been made upon him.

But let us suppose that the country was able to afford the sum at which it was assessed, and that nothing was required but vigor and activity in the Rajah. Did Mr. Hastings endeavor to make his strength equal to the task imposed on him? No: the direct contrary. In proportion as he augmented the burdens of this man, in just that proportion he took away his strength and power of supporting these burdens. There was not one of the external marks of honor which attended the government of Cheyt Sing that he did not take away from the new Rajah; and still, when this new man came to his new authority, deprived of all external marks of consequence, and degraded in the opinion of his subjects, he was to extort from his people an additional revenue, payable to the Company, of fifteen lacs of rupees more than was paid by the late Rajah in all the plenitude of undivided authority. To increase this difficulty still more, the father and guardian of this inexperienced youth was a man who had no credit or reputation in the country. This circumstance alone was a sufficient drawback from the weight of his authority; but Mr. Hastings took care that he should be divested of it altogether; for, as our charge states, he placed him under the immediate direction of Mr. Markham, and consequently Mr. Markham was the governor of the country. Could a man with a reduced, divided, contemptible authority venture to strike such bold and hardy strokes as would be efficient without being oppressive? Could he or any other man, thus bound and shackled, execute such vigorous and energetic measures as were necessary to realize such an enormous tribute as was imposed upon this unhappy country?

My Lords, I must now call your attention to another circumstance, not mentioned in the charge, but connected with the appointment of the new Rajah, and of his Naib, Durbege Sing, and demonstrative of the unjust and cruel treatment to which they were exposed. It appears from a letter produced here by Mr. Markham, (upon which kind of correspondence I shall take the liberty to remark hereafter,) that the Rajah lived in perpetual apprehension of being removed, and that a person called

Ussaun Sing was intended as his successor. Mr. Markham, in one part of his correspondence, tells you that the Rajah did not intend to hold the government any longer. Why? Upon a point of right, namely, that he did not possess it upon the same advantageous terms as Cheyt Sing; but he tells you in another letter, (and this is a much better key to the whole transaction,) that he was in dread of that Ussaun Sing whom I have just mentioned. This man Mr. Hastings kept ready to terrify the Rajah; and you will, in the course of these transactions, see that there is not a man in India, of any consideration, against whom Mr. Hastings did not keep a kind of pretender, to keep him in continual awe. This Ussaun Sing, whom Mr. Hastings brought up with him to Benares, was dreaded by Cheyt Sing not less than by his successor. We find that he was at first nominated Naib or acting governor of the country, but had never been put in actual possession of this high office, and Durbege Sing was appointed to it. Although Ussaun Sing was thus removed, he continued his pretensions, and constantly solicited the office. Thus the poor man appointed by Mr. Hastings, and actually in possession, was not only called upon to perform tasks beyond his strength, but was overawed by Mr. Markham, and terrified by Ussaun Sing, (the mortal enemy of the family,) who, like an accusing fiend, was continually at his post, and unceasingly reiterating his accusations. This Ussaun Sing was, as Mr. Markham tells you, one of the causes of the Rajah's continued dejection and despondency. But it does not appear that any of these circumstances were ever laid before the Council; the whole passed between Mr. Hastings and Mr. Markham.

Mr. Hastings having by his arbitrary will thus disposed of the revenue and of the landed property of Benares, we will now trace his further proceedings and their effects. He found the country most flourishing in agriculture and in trade; but not satisfied with the experiment he had made upon the government, upon the revenues, upon the reigning family, and upon all the landed property, he resolved to make as bold and as novel an experiment upon the commercial interests of the country. Accordingly he entirely changed that part of the revenue system which affects trade and commerce, the life and soul of a state. Without any advice that we know of, except Mr. Markham's, he sat down to change in every point the whole commercial system of that country; and he effected the change upon the same arbitrary principles which he had before acted upon, namely, his own arbitrary will. We are told, indeed, that he consulted bankers and merchants; but when your Lordships shall have learned what has happened from this experiment, you will easily see whether he did resort to proper sources of information or not. You will see that the mischief which has happened has proceeded from the exercise of arbitrary power. Arbitrary power, my Lords, is always a miserable creature. When a man once adopts it as the principle of his actions, no one dares to tell him a truth, no one dares to give him any information that is disagreeable to him; for all know that their life and fortune depend upon his caprice. Thus the man who lives in the exercise of

arbitrary power condemns himself to eternal ignorance. Of this the prisoner at your bar affords us a striking example. This man, without advice, without assistance, and without resource, except in his own arbitrary power, stupidly ignorant in himself, and puffed up with the constant companion of ignorance, a blind presumption, alters the system of commercial imposts, and thereby ruined the whole trade of the country, leaving no one part of it undestroyed.

Let me now call your Lordships' attention to his assumption of power, without one word of communication with the Council at Calcutta, where the whole of these trading regulations might and ought to have been considered, and where they could have been deliberately examined and determined upon. By this assumption the Council was placed in the situation which I have before described: it must either confirm his acts, or again undo everything which had been done. He had provided not only against resistance, but almost against any inquiry into his wild projects. He had by his opium contracts put all vigilance asleep, and by his bullock and other contracts he had secured a variety of concealed interests, both abroad and at home. He was sure of the ratification of his acts by the Council, whenever he should please to inform them of his measures; and to his secret influence he trusted for impunity in his career of tyranny and oppression.

In bringing before you his arbitrary mode of imposing duties, I beg to remind your Lordships, that, when I examined Mr. Markham concerning the imposing of a duty of five per cent instead of the former duty of two, I asked him whether that five per cent was not laid on in such a manner as utterly to extinguish the trade, and whether it was not in effect and substance five times as much as had been paid before. What was his answer? Why, that many plans, which, when considered in the closet, look specious and plausible, will not hold when they come to be tried in practice, and that this plan was one of them. The additional duties, said he, have never since been exacted. But, my Lords, the very attempt to exact them utterly ruined the trade of the country. They were imposed upon a visionary theory, formed in his own closet, and the result was exactly what might have been anticipated. Was it not an abominable thing in Mr. Hastings to withhold from the Council the means of ascertaining the real operation of his taxes? He had no knowledge of trade himself; he cannot keep an account; he has no memory. In fact, we find him a man possessed of no one quality fit for any kind of business whatever. We find him pursuing his own visionary projects, without knowing anything of the nature or [of?] the circumstances under which the trade of the country was carried on. These projects might have looked very plausible: but when you come to examine the actual state of the trade, it is not merely a difference between five and two per cent, but it becomes a different mode of estimating the commodity, and it amounts to five times as much as was paid before. We bring this as an exemplification of this cursed mode of arbitrary proceeding, and to show you his total ignorance of the subject, and his total indifference about the event of the

measure he was pursuing. When he began to perceive his blunders, he never took any means whatever to put the new regulations which these blunders had made necessary into execution, but he left all this mischievous project to rage in its full extent.

I have shown your Lordships how he managed the private property of the country, how he managed the government, and how he managed the trade. I am now to call your Lordships' attention to some of the consequences which have resulted from the instances of management, or rather gross mismanagement, which have been brought before you. Your Lordships will recollect that none of these violent and arbitrary measures, either in their conception or in the progress of their execution, were officially made known to the Council; and you will observe, as we proved, that the same criminal concealment existed with respect to the fatal consequences of these acts.

After the flight of Cheyt Sing, the revenues were punctually paid by the Naib, Durbege Sing, month by month, kist by kist, until the month of July, and then, as the country had suffered some distress, the Naib wished this kist, or instalment, to be thrown on the next month. You will ask why he wished to burden this month beyond the rest. I reply, The reason was obvious: the month of August is the last of the year, and he would, at its expiration, have the advantage of viewing the receipts of the whole year, and ascertaining the claim of the country to the remission of a part of the annual tribute which Mr. Hastings had promised, provided the instalments were paid regularly. It was well known to everybody that the country had suffered very considerably by the revolt, and by a drought which prevailed that year. The Rajah, therefore, expected to avail himself of Mr. Hastings's flattering promise, and to save by the delay the payment of one of the two kists. But mark the course that was taken. The two kists were at once demanded at the end of the year, and no remission of tribute was allowed. By the promise of remission Mr. Hastings tacitly acknowledged that the Rajah was overburdened; and he admits that the payment of the July kist was postponed at the Rajah's own desire. He must have seen the Rajah's motive for desiring delay, and he ought to have taken care that this poor man should not be oppressed and ruined by this compliance with requests founded on such motives.

So passed the year 1781. No complaints of arrears in Durbege Sing's payments appear on record before the month of April, 1782; and I wish your Lordships seriously to advert to the circumstances attending the evidence respecting these arrears, which has been produced for the first time by the prisoner in his defence here at your bar. This evidence does not appear in the Company's records; it does not appear in the book of the Benares correspondence; it does not appear in any documents to which the Commons could have access; it was unknown to the Directors, unknown to the Council, unknown to the Residents, Mr. Markham's successors, at Benares, unknown to the searching and inquisitive eye of the

Commons of Great Britain. This important evidence was drawn out of Mr. Markham's pocket, in the presence of your Lordships. It consists of a private correspondence which he carried on with Mr. Hastings, unknown to the Council, after Durbege Sing had been appointed Naib, after the new government had been established, after Mr. Hastings had quitted that province, and had apparently wholly abandoned it, and when there was no reason whatever why the correspondence should not be public. This private correspondence of Mr. Markham's, now produced for the first time, is full of the bitterest complaints against Durbege Sing. These clandestine complaints, these underhand means of accomplishing the ruin of a man, without the knowledge of his true and proper judges, we produce to your Lordships as a heavy aggravation of our charge, and as a proof of a wicked conspiracy to destroy the man. For if there was any danger of his falling into arrears when the heavy accumulated kists came upon him, the Council ought to have known that danger; they ought to have known every particular of these complaints: for Mr. Hastings had then carried into effect his own plans.

I ought to have particularly marked for your Lordships' attention this second era of clandestine correspondence between Mr. Hastings and Mr. Markham. It commenced after Mr. Hastings had quitted Benares, and had nothing to do with it but as Governor-General: even after his extraordinary, and, as we contend, illegal, power had completely expired, the same clandestine correspondence was carried on. He apparently considered Benares as his private property; and just as a man acts with his private steward about his private estate, so he acted with the Resident at Benares. He receives from him and answers letters containing a series of complaints against Durbege Sing, which began in April and continued to the month of November, without making any public communication of them. He never laid one word of this correspondence before the Council until the 29th of November, and he had then completely settled the fate of this Durbege Sing.

This clandestine correspondence we charge against him as an act of rebellion; for he was bound to lay before the Council the whole of his correspondence relative to the revenue and all the other affairs of the country. We charge it not only as rebellion against the orders of the Company and the laws of the land, but as a wicked plot to destroy this man, by depriving him of any opportunity of defending himself before the Council, his lawful judges. I wish to impress it strongly on your Lordships' minds, that neither the complaints of Mr. Markham nor the exculpations of Durbege Sing were ever made known till Mr. Markham was examined in this hall.

The first intimation afforded the Council of what had been going on at Benares from April, 1782, at which time, Mr. Markham says, the complaints against Durbege Sing had risen to serious importance, was in a letter dated the 27th of November following. This letter was sent to the Council from Nia Serai, in the Ganges, where Mr. Hastings had retired for the benefit of the air. During the whole

time he was in Calcutta, it does not appear upon the records that he had ever held any communication with the Council upon the subject. The letter is in the printed Minutes, page 298, and is as follows.

“The Governor-General. — I desire the Secretary to lay the accompanying letters from Mr. Markham before the board, and request that orders may be immediately sent to him concerning the subjects contained in them. It may be necessary to inform the board, that, on repeated information from Mr. Markham, which indeed was confirmed to me beyond a doubt by other channels, and by private assurances which I could trust, that the affairs of that province were likely to fall into the greatest confusion from the misconduct of Baboo Durbege Sing, whom I had appointed the Naib, fearing the dangerous consequences of a delay, and being at too great a distance to consult the members of the board, who I knew could repose that confidence in my local knowledge as to admit of this occasional exercise of my own separate authority, I wrote to Mr. Markham the letter to which he alludes, dated the 29th of September last, of which I now lay before the board a copy. The first of the accompanying letters from Mr. Markham arrived at a time when a severe return of my late illness obliged me, by the advice of my physicians, to leave Calcutta for the benefit of the country air, and prevented me from bringing it earlier before the notice of the board.”

I have to remark upon this part of the letter, that he claims for himself an exercise of his own authority. He had now no delegation, and therefore no claim to separate authority. He was only a member of the board, obliged to do everything according to the decision of the majority, and yet he speaks of his own separate authority; and after complimenting himself, he requests its confirmation. The complaints of Mr. Markham had been increasing, growing, and multiplying upon him, from the month of April preceding, and he had never given the least intimation of it to the board until he wrote this letter. This was at so late a period that he then says, “The time won’t wait for a remedy; I am obliged to use my own separate authority”; although he had had abundant time for laying the whole matter before the Council.

He next goes on to say,— “It had, indeed, been my intention, but for the same cause, to have requested the instructions of the board for the conduct of Mr. Markham in the difficulties which he had to encounter immediately after the date of my letter to him, and to have recommended the substance of it for an order to the board.” He seems to have promised Mr. Markham, that, if the violent act which Mr. Markham proposed, and which he, Mr. Hastings, ordered, was carried into execution, an authority should be procured from the board. He, however, did not get Mr. Markham such an authority. Why? Because he was resolved, as he has told you, to act by his own separate authority; and because, as he has likewise told you, that he disobeys the orders of the Court of Directors, and defies the laws of his country, as a signal of his authority.

Now what does he recommend to the board? That it will be pleased to confirm the appointment which Mr. Markham made in obedience to his individual orders, as well as the directions which he had given him to exact from Baboo Durbege Sing with the utmost rigor every rupee of the collections, and either to confine him at Benares or send him to Chunar and imprison him there until the whole of his arrears were paid up. Here, then, my Lords, you have, what plainly appears in every act of Mr. Hastings, a feeling of resentment for some personal injury. “I feel myself,” says he, “and may be allowed on such an occasion to acknowledge it, personally hurt at the ingratitude of this man, and the discredit which his ill conduct has thrown on my appointment of him. The Rajah himself, scarcely arrived at the verge of manhood, was in understanding but little advanced beyond the term of childhood; and it had been the policy of Cheyt Sing to keep him equally secluded from the world and from business.” This is the character Mr. Hastings gives of a man whom he appointed to govern the country. He goes on to say of Durbege Sing, — “As he was allowed a jaghire of a very liberal amount, to enable him to maintain a state and consequence suitable both to the relation in which he stood to the Rajah and the high office which had been assigned to him, and sufficient also to free him from the temptation of little and mean peculations, it is therefore my opinion, and I recommend, that Mr. Markham be ordered to divest him of his jaghire, and reunite it to the *malguzaree*, or the land paying its revenue through the Rajah to the Company. The opposition made by the Rajah and the old Ranny, both equally incapable of judging for themselves, do certainly originate from some secret influence which ought to be checked by a decided and peremptory declaration of the authority of the board, and a denunciation of their displeasure at their presumption. If they can be induced to yield the appearance of a cheerful acquiescence in the new arrangement, and to adopt it as a measure formed with their participation, it would be better than that it should be done by a declared act of compulsion; but at all events it ought to be done.” My Lords, it had been already done: the Naib was dismissed; he was imprisoned; his jaghire was confiscated: all these things were done by Mr. Hastings’s orders. He had resolved to take the whole upon himself; he had acted upon that resolution before he addressed this letter to the board.

Thus, my Lords, was this unhappy man punished without any previous trial, or any charges, except the complaints of Mr. Markham, and some other private information which Mr. Hastings said he had received. Before the poor object of these complaints could make up his accounts, before a single step was taken, judicially or officially, to convict him of any crime, he was sent to prison, and his private estates confiscated.

My Lords, the Commons of Great Britain claim from you, that no man shall be imprisoned till a regular charge is made against him, and the accused fairly heard in his defence. They claim from you, that no man shall be imprisoned on a matter of

account, until the account is settled between the parties. And claiming this, we do say that the prisoner's conduct towards Durbege Sing was illegal, unjust, violent, and oppressive. The imprisonment of this man was clearly illegal on the part of Mr. Hastings, as he acted without the authority of the Council, and doubly oppressive, as the imprisoned man was thereby disabled from settling his account with the numberless sub-accountants whom he had to deal with in the collection of the revenue.

Having now done with these wicked, flagitious, abandoned, and abominable acts, I shall proceed to the extraordinary powers given by Mr. Hastings to his instrument, Mr. Markham, who was employed in perpetrating these acts, and to the very extraordinary instructions which he gave this instrument for his conduct in the execution of the power intrusted to him. In a letter to Mr. Markham, he says, —

“I need not tell you, my dear Sir, that I possess a very high opinion of your abilities, and that I repose the utmost confidence in your integrity.” He might have had reason for both, but he scarcely left to Mr Markham the use of either. He arbitrarily imposed upon him the tasks which he wished him to execute, and he engaged to bear out his acts by his own power. “From your long residence at Benares,” says he, “and from the part you have had in the business of that zemindary, you must certainly best know the men who are most capable and deserving of public employment. From among these I authorize you to nominate a Naib to the Rajah, in the room of Durbege Sing, whom, on account of his ill conduct, I think it necessary to dismiss from that office. It will be hardly necessary to except Ussaun Sing from the description of men to whom I have limited your choice, yet it may not be improper to apprise you that I will on no terms consent to his being Naib. In forming the arrangements consequent upon this new appointment, I request you will, as far as you can with propriety, adopt those which were in use during the life of Bulwant Sing, — so far, at least, as to have distinct offices for distinct purposes, independent of each other, and with proper men at the head of each; so that one office may detect or prevent any abuses or irregularities in the others, and together form a system of reciprocal checks. Upon that principle, I desire you will in particular establish, under whatever names, one office of receipts, and another of treasury. The officers of both must be responsible for the truth and regularity of their respective accounts, but not subject in the statement of them to the control or interference of the Rajah or Naib; nor should they be removable at pleasure, but for manifest misconduct only. At the head of one or other of these offices I could wish to see the late Buckshee, Rogoober Dyall. His conduct in his former office, his behavior on the revolt of Cheyt Sing, and particularly at the fall of Bidjegur, together with his general character, prove him worthy of employment, and of the notice of our government. It is possible that he may have objections to holding an office under the present Rajah: offer him one, however, and let him know that you do so by my directions.” He then goes on to say,— “Do not wholly neglect

the Rajah; consult with him in appearance, but in appearance only. His situation requires that you should do that much; but his youth and inexperience forbid that you should do more.”

You see, my Lords, he has completely put the whole government into the hands of a man who had no name, character, or official situation, but that of the Company’s Resident at that place. Let us now see what is the office of a Resident. It is to reside at the court of the native prince, to give the Council notice of the transactions that are going on there, and to take care that the tribute be regularly paid, kist by kist. But we have seen that Mr. Markham, the Resident at Benares, was invested by Mr. Hastings with supreme authority in this unhappy country. He was to name whoever he pleased to its government, with the exception of Ussaun Sing, and to drive out the person who had possessed it under an authority which could only be revoked by the Council. Thus Mr. Hastings delegated to Mr. Markham an authority which he himself did not really possess, and which could only be legally exercised through the medium of the Council.

With respect to Durbege Sing, he adds,— “He has dishonored my choice of him.” *My choice of him!* “It now only remains to guard against the ill effects of his misconduct, to detect and punish it. To this end I desire that the officers to be appointed in consequence of these instructions do, with as much accuracy and expedition as possible, make out an account of the receipts, disbursements, and transactions of Durbege Sing, during the time he has acted as Naib of the zemindary of Benares; and I desire you will, in my name, assure him, that, unless he pays at the limited time every rupee of the revenue due to the Company, his life shall answer for the default. I need not caution you to provide against his flight, and the removal of his effects.” He here says, my Lords, that he will detect and punish him; but the first thing he does, without any detection, even before the accounts he talks of are made up, and without knowing whether he has got the money or not, he declares that he will have every rupee paid at the time, or otherwise the Naib’s life shall pay for it.

Is this the language of a British governor, — of a person appointed to govern *by law* nations subject to the dominion and under the protection of this kingdom? Is he to order a man to be first imprisoned and deprived of his property, then, for an inquiry to be made, and to declare, during that inquiry, that, if every rupee of a presumed embezzlement be not paid up, the life of his victim shall answer for it? And accordingly this man’s life did answer for it, — as I have already had occasion to mention to your Lordships.

I will now read Mr. Markham’s letter to the Council, in which he enters into the charges against Durbege Sing, after this unhappy man had been imprisoned.

Benares, 24th of October, 1782.— “I am sorry that my duty obliges me to mention to your Honorable Board my apprehensions of a severe loss accruing to the Honorable Company, if Baboo Durbege Sing is continued in the Naibut during the

present year. I ground my fears on the knowledge I have had of his mismanagement, the bad choice he has made of his aumils, the mistrust which they have of him, and the several complaints which have been preferred to me by the ryots of almost every purgunnah in the zemindary. I did not choose to waste the time of your Honorable Board in listening to my representations of his inattention to the complaints of oppression which were made to him by his ryots, as I hoped that a letter he received from the Honorable Governor-General would have had weight sufficient to have made him more regular in his business, and more careful of his son's interest."

My Lords, think of the condition of your government in India! Here is a Resident at Benares exercising power not given to him by virtue of his office, but given only by the private orders of the prisoner at your bar. And what is it he does? He says, he did not choose to trouble the Council with a particular account of his reasons for removing a man who possessed an high office under their immediate appointment. The Council was not to know them: he did not choose to waste the time of their honorable board in listening to the complaints of the people. No: the honorable board is not to have its time wasted in that improper manner; therefore, without the least inquiry or inquisition, the man must be imprisoned, and deprived of his office; he must have all his property confiscated, and be threatened with the loss of his life.

These are crimes, my Lords, for which the Commons of Great Britain knock at the breasts of your consciences, and call for justice. They would think themselves dishonored forever, if they had not brought these crimes before your Lordships, and with the utmost energy demanded your vindictive justice, to the fullest extent in which it can be rendered.

But there are some aggravating circumstances in these crimes, which I have not yet stated. It appears that this unhappy and injured man was, without any solicitation of his own, placed in a situation the duties of which even Mr. Hastings considered it impossible for him to execute. Instead of supporting him with the countenance of the supreme government, Mr. Hastings did everything to lessen his weight, his consequence, and authority. And when the business of the collection became embarrassed, without any fault of his, that has ever yet been proved, Mr. Markham instituted an inquiry. What kind of inquiry it was that would or could be made your Lordships will judge. While this was going on, Mr. Markham tells you, that, in consequence of orders which he had received, he first put him into a gentle confinement. Your Lordships know what that confinement was; and you know what it is for a man of his rank to be put into any confinement. We have shown he was thereby incapable of transacting business. His life had been threatened, if he should not pay in the balance of his accounts within a short limited time; still he was subjected to confinement, while he had money accounts to settle with the whole country. Could a man in gaol, dishonored and reprobated, take effectual means to recover the arrears which he was called upon to pay? Could he, in such a situation,

recover the money which was unpaid to him, in such an extensive district as Benares? Yet Mr. Markham tells the Council he thought proper “that Durbege Sing should be put under a gentle confinement, until I shall receive your Honorable Board’s orders for any future measures.” Thus Mr. Markham, without any orders from the Council, assumed an authority to do that which we assert a Resident at Benares had no right to do, but to which he was instigated by Mr. Hastings’s recommendation that Durbege Sing should be prevented from flight.

Now, my Lords, was it to be expected that a man of Durbege Sing’s rank should suffer these hardships and indignities, and at the same time kiss the rod and say, “I have deserved it all”? We know that all mankind revolts at oppression, if it be real; we know that men do not willingly submit to punishment, just or unjust; and we find that Durbege Sing had near relatives, who used for his relief all the power which was left them, — that of remonstrating with his oppressors. Two *arzees*, or petitions, were presented to the Council, of which we shall first call your Lordships’ attention to one from the dowager princess of Benares, in favor of her child and of her family.

From the Ranny, widow of Bulwant Sing. Received the 15th of December, 1782.

“I and my children have no hopes but from your Highness, and our honor and rank are bestowed by you. Mr. Markham, from the advice of my enemies, having protected the farmers, would not permit the balances to be collected. Baboo Durbege Sing frequently before desired that gentleman to show his resentment against the people who owed balances, that the balances might be collected, and to give ease to his mind for the present year, conformably to the requests signed by the presence, that he might complete the *bundobust*. But that gentleman would not listen to him, and, having appointed a *mutsuddy* and *tahsildar*, employs them in the collections of the year, and sent two companies of sepoy and arrested Baboo Durbege Sing upon this charge, that he had secreted in his house many lacs of rupees from the collections, and he carried the mutsuddies and treasurer with their papers to his own presence. He neither ascertained this matter by proofs, nor does he complete the balance of the sircar from the *jaidads* of the balances: right or wrong, he is resolved to destroy our lives. As we have no asylum or hope except from your Highness, and as the Almighty has formed your mind to be a distributor of justice in these times, I therefore hope from the benignity of your Highness, that you will inquire and do justice in this matter, and that an *aumeen* may be appointed from the presence, that, having discovered the crimes or innocence of Baboo Durbege Sing, he may report to the presence. Further particulars will be made known to your Highness by the arzee of my son Rajah Mehip Narrain Bahadur.”

Arzee from Rajah Mehip Narrain Bahadur. Received 15th December, 1782.

“I before this had the honor of addressing several arzees to your presence; but, from my unfortunate state, not one of them has been perused by your Highness, that my situation might be fully learnt by you. The case is this. Mr. Markham, from

the advice of my enemies, having occasioned several kinds of losses, and given protection to those who owed balances, prevented the balance from being collected, — for this reason, that, the money not being paid in time, the Baboo might be convicted of inability. From this reason, all the owers of balances refused to pay the *malwajib* of the sircar. Before this, the Baboo had frequently desired that gentleman to show his resentment against the persons who owed the balances, that the balances might be paid, and that his mind might be at ease for the present year, so that the *bundobust* of the present year might be completed, — adding, that, if, next year, such kinds of injuries, and protection of the farmers, were to happen, he should not be able to support it.”

I am here to remark to your Lordships, that the last of these petitions begins by stating, “I before this have had the honor of addressing several arzees to your presence; but, from my unfortunate state, not one of them has been perused by your Highness.” My Lords, if there is any one right secured to the subject, it is that of presenting a petition and having that petition noticed. This right grows in importance in proportion to the power and despotic nature of the governments to which the petitioner is subject: for where there is no sort of remedy from any fixed laws, nothing remains but complaint, and prayers, and petitions. This was the case in Benares: for Mr. Hastings had destroyed every trace of law, leaving only the police of the single city of Benares. Still we find this complaint, prayer, and petition was not the first, but only one of many, which Mr. Hastings took no notice of, entirely despised, and never would suffer to be produced to the Council; which never knew anything, until this bundle of papers came before them, of the complaint of Mr. Markham against Durbege Sing, or of the complaint of Durbege Sing against Mr. Markham.

Observe, my Lords, the person that put Durbege Sing in prison was Mr. Markham; while the complaint in the arzee is, that Mr. Markham was himself the cause of the very failure for which he imprisoned him. Now what was the conduct of Mr. Hastings as judge? He has two persons before him: the one in the ostensible care of the revenue of the country; the other his own agent, acting under his authority. The first is accused by the second of default in his payments; the latter is complained of by the former, who says that the occasion of the accusation had been furnished by him, the accuser. The judge, instead of granting redress, dismisses the complaints against Mr. Markham with reprehension, and sends the complainant to rot in prison, without making one inquiry, or giving himself the trouble of stating to Mr. Markham the complaints against him, and desiring him to clear himself from them. My Lords, if there were nothing but this to mark the treacherous and perfidious nature of his conduct, this would be sufficient.

In this state of things, Mr. Hastings thus writes.

“To Mr. Markham. The measures which you have taken with Baboo Durbege Sing are perfectly right and proper, so far as they go; and we now direct that you

exact from him, with the utmost rigor, every rupee of the collections which it shall appear that he has made and not brought to account, and either confine him at Benares, or send him prisoner to Chunar, and keep him in confinement until he shall have discharged the whole of the amount due from him.”

He here employs the very person against whom the complaint is made to imprison the complainant. He approves the conduct of his agent without having heard his defence, and leaves him, at his option, to keep his victim a prisoner at Benares, or to imprison him in the fortress of Chunar, the infernal place to which he sends the persons whom he has a mind to extort money from.

Your Lordships will be curious to know how this debt of Durbege Sing stood at the time of his imprisonment. I will state the matter to your Lordships briefly, and in plain language, referring you for the particulars of the account to the papers which are in your Minutes. It appears from them, that, towards the end of the yearly account in 1782, a kist or payment of eight lacs (about 80,000*l.*), the balance of the annual tribute, was due. In part of this kist, Durbege Sing paid two lacs (20,000*l.*). Of the remaining six lacs (60,000*l.*), the outstanding debts in the country due to the revenue, but not collected by the Naib, amounted to four lacs (40,000*l.*). Thus far the account is not controverted by the accusing party. But Mr. Markham asserts that he *shall* be able to prove that the Naib had also actually received the other two lacs (20,000*l.*), and consequently was an actual defaulter to that amount, and had, upon the whole, suffered the annual tribute to fall six lacs in arrear. The Naib denies the receipt of the two lacs just mentioned, and challenges inquiry; but no inquiries appear to have been made, and to this hour Mr. Markham has produced no proof of the fact. With respect to the arrear of the tribute money which appeared on the balance of the whole account, the Naib defended himself by alleging the distresses of the country, the diminution of his authority, and the want of support from the supreme government in the collection of the revenues; and he asserts that he has assets sufficient, if time and power be allowed him for collecting them, to discharge the whole balance due to the Company. The immediate payment of the whole balance was demanded, and Durbege Sing, unable to comply with the demand, was sent to prison. Thus stood the business, when Mr. Markham, soon after he had sent the Naib to prison, quitted the Residency. He was succeeded by Mr. Benn, who acted exactly upon the same principle. He declares that the six lacs demanded were not demanded upon the principle of its having been actually collected by him, but upon the principle of his having agreed to pay it. “We have,” say Mr. Hastings’s agents to the Naib, “we have a Jew’s bond. If it is in your bond, we will have it, or we will have a pound of your flesh: whether you have received it or not is no business of ours.” About this time some hopes were entertained by the Resident that the Naib’s personal exertions in collecting the arrears of the tribute might be useful. These hopes procured him a short liberation from his confinement. He was let out of prison, and appears to have made another payment of half a lac of rupees.

Still the terms of the bond were insisted on, although Mr. Hastings had allowed that these terms were extravagant, and only one lac and a half of the money which had been actually received remained unpaid. One would think that common charity, that common decency, that common regard to the decorum of life would, under such circumstances, have hindered Mr. Hastings from imprisoning him again. But, my Lords, he was imprisoned again; he continued in prison till Mr. Hastings quitted the country; and there he soon after died, — a victim to the enormous oppression which has been detailed to your Lordships.

It appears that in the mean time the Residents had been using other means for recovering the balance due to the Company. The family of the Rajah had not been paid one shilling of the 60,000*l.*, allowed for their maintenance. They were obliged to mortgage their own hereditary estates for their support, while the Residents confiscated all the property of Durbege Sing. Of the money thus obtained what account has been given? None, my Lords, none. It must therefore have been disposed of in some abominably corrupt way or other, while this miserable victim of Mr. Hastings was left to perish in a prison, after he had been elevated to the highest rank in the country.

But, without doubt, they found abundance of effects after his death? No, my Lords, they did not find anything. They ransacked his house; they examined all his accounts, every paper that he had, in and out of prison. They searched and scrutinized everything. They had every penny of his fortune, and I believe, though I cannot with certainty know, that the man died insolvent; and it was not pretended that he had ever applied to his own use any part of the Company's money.

Thus Durbege Sing is gone; this tragedy is finished; a second Rajah of Benares has been destroyed. I do not speak of that miserable puppet who was said by Mr. Hastings to be in a state of childhood when arrived at manhood, but of the person who represented the dignity of the family. He is gone; he is swept away; and in his name, in the name of this devoted Durbege Sing, in the name of his afflicted family, in the name of the people of the country thus oppressed by an usurped authority, in the name of all these, respecting whom justice has been thus outraged, we call upon your Lordships for justice.

We are now at the commencement of a new order of things. Mr. Markham had been authorized to appoint whoever he pleased as Naib, with the exception of Ussaun Sing. He accordingly exercises this power, and chooses a person called Jagher Deo Seo. From the time of the confinement of Durbege Sing to the time of this man's being put into the government, in whose hands were the revenues of the country? Mr. Markham himself has told you, at your bar, that they were in his hands, — that he was the person who not only named this man, but that he had the sole management of the revenues; and he was, of course, answerable for them all that time. The nominal title of Zemindar was still left to the miserable pageant who held it; but even the very name soon fell entirely out of use. It is in evidence before

your Lordships that his name is not even so much as mentioned in the proceedings of the government; and that the person who really governed was not the ostensible Jagher Deo Seo, but Mr. Markham. The government, therefore, was taken completely and entirely out of the hands of the person who had a legal right to administer it, — out of the hands of his guardians, — out of the hands of his mother, — out of the hands of his nearest relations, — and, in short, of all those who, in the common course of things, ought to have been intrusted with it. From all such persons, I say, it was taken: and where, my Lords, was it deposited? Why, in the hands of a man of whom we know nothing, and of whom we never heard anything, before we heard that Mr. Markham, of his own usurped authority, authorized by the usurped authority of Mr. Hastings, without the least communication with the Council, had put him in possession of that country.

Mr. Markham himself, as I have just said, administered the revenues alone, without the smallest authority for so doing, without the least knowledge of the Council, till Jagher Deo Seo was appointed Naib. Did he then give up his authority? No such thing. All the measures of Jagher Deo Seo's government were taken with the concurrence and joint management of Mr. Markham. He conducted the whole; the settlements were made, the leases and agreements with farmers all regulated by him. I need not tell you, I believe, that Jagher Deo Seo was not a person of very much authority in the case: your Lordships would laugh at me, if I said he was. The revenue arrangements were, I firmly believe, regulated and made by Mr. Markham. But whether they were or were not, it comes to the same thing. If they were improperly made and improperly conducted, Mr. Hastings is responsible for the whole of the mismanagement; for he gave the entire control to a person who had little experience, who was young in the world (and this is the excuse I wish to make for a gentleman of that age). He appointed him, and gave him at large a discretionary authority to name whom he pleased to be the ostensible Naib; but we know that he took the principal part himself in all his settlements and in all his proceedings.

Soon after the Naib had been thus appointed and instructed by Mr. Markham, he settled, under his directions, the administration of the country. Mr. Markham then desires leave from Mr. Hastings to go down to Calcutta. I imagine he never returned to Benares; he comes to Europe; and here end the acts of this viceroy and delegate.

Let us now begin the reign of Mr. Benn and Mr. Fowke. These gentlemen had just the same power delegated to them that Mr. Markham possessed, — not one jot less, that I know of; and they were therefore responsible, and ought to have been called to an account by Mr. Hastings for every part of their proceedings. I will not give you my own account of the reign of these gentlemen; but I will read to you what Mr. Hastings has thought proper to represent the state of the people to be under their government. This course will save your Lordships time and trouble; for it will nearly supersede all observations of mine upon the subject. I hold in my hand

Mr. Hastings's representation of the effects produced by a government which was conceived by himself, carried into effect by himself, and illegally invested by him with illegal powers, without any security or responsibility of any kind. Hear, I say, what an account Mr. Hastings gave, when he afterwards went up to Benares upon another wicked project, and think what ought to have been his feelings as he looked upon the ruin he had occasioned. Think of the condition in which he saw Benares the first day he entered it. He then saw it beautiful, ornamented, rich, — an object that envy would have shed tears over for its prosperity, that humanity would have beheld with eyes glistening with joy for the comfort and happiness which were there enjoyed by man: a country flourishing in cultivation to such a degree that the soldiers were obliged to march in single files through the fields of corn, to avoid damaging them; a country in which Mr. Stables has stated that the villages were thick beyond all expression; a country where the people pressed round their sovereign, as Mr. Stables also told you, with joy, triumph, and satisfaction. Such was the country; and in such a state and under such a master was it, when he first saw it. See what it now is under Warren Hastings; see what it is under the British government; and then judge whether the Commons are or are not right in pressing the subject upon your Lordships for your decision, and letting you and all this great auditory know what sort of a criminal you have before you, who has had the impudence to represent to your Lordships at your bar that Benares is in a flourishing condition, in defiance of the evidence which we have under his own hands, and who, in all the false papers that have been circulated to debauch the public opinion, has stated that we, the Commons, have given a false representation as to the state of the country under the English government.

Lucknow, the 2d of April, 1784. Addressed to the Honorable Edward Wheler, Esq., &c. Signed Warren Hastings. It is in page 306 of the printed Minutes.

“Gentlemen, — Having contrived, by making forced stages, while the troops of my escort marched at the ordinary rate, to make a stay of five days at Benares, I was thereby furnished with the means of acquiring some knowledge of the state of the province, which I am anxious to communicate to you: indeed, the inquiry, which was in a great degree obtruded upon me, affected me with very mortifying reflections on my own inability to apply it to any useful purpose.

“From the confines of Buxar to Benares I was followed and fatigued by the clamors of the discontented inhabitants. It was what I expected in a degree, because it is rare that the exercise of authority should prove satisfactory to all who are the objects of it. The distresses which were produced by the long continued drought unavoidably tended to heighten the general discontent; yet I have reason to fear that the cause existed principally in a defective, if not a corrupt and oppressive administration. Of a multitude of petitions which were presented to me, and of which I took minutes, every one that did not relate to a personal grievance contained the representation of one and the same species of oppression, which is in

its nature of an influence most fatal to the future cultivation. The practice to which I allude is this. It is affirmed that the aumils and renters exact from the proprietors of the actual harvest a large increase in kind on their stipulated rent: that is, from those who hold their pottahs by the tenure of paying one half of the produce of their crops, either the whole without a subterfuge, or a large proportion of it by false measurement or other pretexts; and from those whose engagements are for a fixed rent in money the half or a greater proportion is taken in kind. This is in effect a tax upon the industry of the inhabitants; since there is scarcely a field of grain in the province, I might say not one, which has not been preserved by the incessant labor of the cultivator, by digging wells for their supply, or watering them from the wells of masonry with which this country abounds, or from the neighboring tanks, rivers, and nullahs. The people who imposed on themselves this voluntary and extraordinary labor, and not unattended with expense, did it in the expectation of reaping the profits of it; and it is certain that they would not have done it, if they had known that their rulers, from whom they were entitled to an indemnification, would take from them what they had so hardly earned. If the same administration continues, and the country shall again labor under a want of the natural rains, every field will be abandoned, the revenue fail, and thousands perish, through the want of subsistence: for who will labor for the sole benefit of others, and to make himself the subject of vexation? These practices are not to be imputed to the aumils employed in the districts, but to the Naib himself. The avowed principle on which he acts, and which he acknowledged to myself, is, that the whole sum fixed for the revenue of the province must be collected, and that for this purpose the deficiency arising in places where the crops have failed, or which have been left uncultivated, must be supplied from the resources of others, where the soil has been better suited to the season, or the industry of the cultivators more successfully exerted: a principle which, however specious and plausible it may at first appear, certainly tends to the most pernicious and destructive consequences. If this declaration of the Naib had been made only to myself, I might have doubted my construction of it; but it was repeated by him to Mr. Anderson, who understood it exactly in the same sense. In the management of the customs, the conduct of the Naib, or of the officers under him, was forced also upon my attention. The exorbitant rates exacted by an arbitrary valuation of the goods, the practice of exacting duties twice on the same goods, first from the seller and afterwards from the buyer, and the vexatious disputes and delays drawn on the merchants by these oppressions, were loudly complained of; and some instances of this kind were said to exist at the very time when I was in Benares. Under such circumstances, we are not to wonder, if the merchants of foreign countries are discouraged from resorting to Benares, and if the commerce of that province should annually decay.

“Other evils, or imputed evils, have accidentally come to my knowledge, which I will not now particularize, as I hope that with the assistance of the Resident they

may be in part corrected: one, however, I must mention, because it has been verified by my own observation, and is of that kind which reflects an unmerited reproach on our general and national character. When I was at Buxar, the Resident at my desire enjoined the Naib to appoint creditable people to every town through which our route lay, to persuade and encourage the inhabitants to remain in their houses, promising to give them guards as I approached, and they required it for their protection; and that he might perceive how earnest I was for his observance of this precaution, (which I am certain was faithfully delivered,) I repeated it to him in person, and dismissed him, that he might precede me for that purpose: but, to my great disappointment, I found every place through which I passed abandoned; nor had there been a man left in any of them for their protection. I am sorry to add, that, from Buxar to the opposite boundary, I have seen nothing but the traces of complete devastation in every village, whether caused by the followers of the troops which have lately passed, for their natural relief, (and I know not whether my own may not have had their share,) or from the apprehension of the inhabitants left to themselves, and of themselves deserting their houses. I wish to acquit my own countrymen of the blame of these unfavorable appearances, and in my own heart I do acquit them: for at one encampment, near a large village called Derrara, in the purgunnah of Zemaneea, a crowd of people came to me, complaining that their former aumil, who was a native of the place, and had long been established in authority over them, and whose custom it had been, whenever any troops passed, to remain in person on the spot for their protection, having been removed, the new aumil, on the approach of any military detachment, himself first fled from the place, and the inhabitants, having no one to whom they could apply for redress, or for the representation of their grievances, and being thus remediless, fled also; so that their houses and effects became a prey to any person who chose to plunder them. The general conclusion appeared to me an inevitable consequence from such a state of facts, — and my own senses bore testimony to it in this specific instance; nor do I know how it is possible for any officer commanding a military party, how attentive soever he may be to the discipline and forbearance of his people, to prevent disorders, when there is neither opposition to hinder nor evidence to detect them. These and many other irregularities I impute solely to the Naib; and I think it my duty to recommend his instant removal. I would myself have dismissed him, had the control of this province come within the line of my powers, and have established such regulations and checks as would have been most likely to prevent the like irregularities. I have said checks, because, unless there is some visible influence, and a powerful and able one, impended over the head of the manager, no system can avail. The next appointed may prove, from some defect, as unfit for the office as the present; for the choice is limited to few, without experience to guide it. The first was of my own nomination; his merits and qualifications stood in equal balance with my knowledge of those who might have been the candidates for the office; but

he was the father of the Rajah, and the affinity sunk the scale wholly in his favor: for who could be so fit to be intrusted with the charge of his son's interest, and the new credit of the rising family? He deceived my expectations. Another was recommended by the Resident, and at my instance the board appointed him. This was Jagher Deo Seo, the present Naib. I knew him not, and the other members of the board as little. While Mr. Markham remained in office, of whom, as his immediate patron, he may have stood in awe, I am told that he restrained his natural disposition, which has been described to me as rapacious, unfeeling, haughty, and to an extreme vindictive.

"I cannot avoid remarking, that, excepting the city of Benares itself, the province depending upon it is in effect without a government, the Naib exercising only a dependent jurisdiction without a principal. The Rajah is without authority, and even his name disused in the official instruments issued or taken by the manager. The representation of his situation shall be the subject of another letter; I have made this already too long, and shall confine it to the single subject for the communication of which it was begun. This permit me to recapitulate. The administration of the province is misconducted, and the people oppressed; trade discouraged, and the revenue, though said to be exceeded in the actual collections by many lacs, (for I have a minute account of it, which states the net amount, including jaghires, as something more than fifty-one lacs,) in danger of a rapid decline, from the violent appropriation of its means; the Naib or manager is unfit for his office; a new manager is required, and a system of official control, — in a word, a constitution: for neither can the board extend its superintending powers to a district so remote from its observation, nor has it delegated that authority to the Resident, who is merely the representative of government, and the receiver of its revenue in the last process of it; nor, indeed, would it be possible to render him wholly so, for reasons which I may hereafter detail."

My Lords, you have now heard — not from the Managers, not from records of office, not from witnesses at your bar, but from the prisoner himself — the state of the country of Benares, from the time that Mr. Hastings and his delegated Residents had taken the management of it. My Lords, it is a proof, beyond all other proof, of the melancholy state of the country, in which, by attempting to exercise usurped and arbitrary power, all power and all authority become extinguished, complete anarchy takes place, and nothing of government appears but the means of robbing and ravaging, with an utter indisposition to take one step for the protection of the people.

Think, my Lords, what a triumphal progress it was for a British governor, from one extremity of the province to the other, (for so he has stated it,) to be pursued by the cries of an oppressed and ruined people, where they dared to appear before him, — and when they did not dare to appear, flying from every place, even the very magistrates being the first to fly! Think, my Lords, that, when these unhappy

people saw the appearance of a British soldier, they fled as from a pestilence; and then think, that these were the people who labored in the manner which you have just heard, who dug their own wells, whose country would not produce anything but from the indefatigable industry of its inhabitants; and that such a meritorious, such an industrious people, should be subjected to such a cursed anarchy under pretence of revenue, to such a cursed tyranny under the pretence of government!

“But Jagher Deo Seo was unfit for his office.”— “How dared you to appoint a man unfit for his office?”— “Oh, it signified little, without their having a constitution.”— “Why did you destroy the official constitution that existed before? How dared you to destroy those establishments which enabled the people to dig wells and to cultivate the country like a garden, and then to leave the whole in the hands of your arbitrary and wicked Residents and their instruments, chosen without the least idea of government and without the least idea of protection?”

God has sometimes converted wickedness into madness; and it is to the credit of human reason, that men who are not in some degree mad are never capable of being in the highest degree wicked. The human faculties and reason are in such cases deranged; and therefore this man has been dragged by the just vengeance of Providence to make his own madness the discoverer of his own wicked, perfidious, and cursed machinations in that devoted country.

Think, my Lords, of what he says respecting the military. He says there is no restraining them, — that they pillage the country wherever they go. But had not Mr. Hastings himself just before encouraged the military to pillage the country? Did he not make the people’s resistance, when the soldiers attempted to pillage them, one of the crimes of Cheyt Sing? And who would dare to obstruct the military in their abominable ravages, when they knew that one of the articles of Cheyt Sing’s impeachment was his having suffered the people of the country, when plundered by these wicked soldiers, to return injury for injury and blow for blow? When they saw, I say, that these were the things for which Cheyt Sing was sacrificed, there was manifestly nothing left for them but flight. — What! fly from a Governor-General? You would expect he was bearing to the country, upon his balmy and healing wings, the cure of all its disorders and of all its distress. No: they knew him too well; they knew him to be the destroyer of the country; they knew him to be the destroyer of their sovereign, the destroyer of the persons whom he had appointed to govern under him; they knew that neither governor, sub-governor, nor subject could enjoy a moment’s security while he possessed supreme power. This was the state of the country; and this the Commons of England call upon your Lordships to avenge.

Let us now see what is next done by the prisoner at your bar. He is satisfied with simply removing from his office Jagher Deo Seo, who is accused by him of all these corruptions and oppressions. The other poor, unfortunate man, who was not even accused of malversations in such a degree, and against whom not one of the accusations of oppression was regularly proved, but who had, in Mr. Hastings’s eye,

the one unpardonable fault of not having been made richer by his crimes, was twice imprisoned, and finally perished in prison. But we have never heard one word of the imprisonment of Jagher Deo Seo, who, I believe, after some mock inquiry, was acquitted.

Here, my Lords, I must beg you to recollect Mr. Hastings's proceeding with Gunga Govind Sing, and to contrast his conduct towards these two speculators with his proceeding towards Durbege Sing. Such a comparison will let your Lordships into the secret of one of the prisoner's motives of conduct upon such occasions. When you will find a man pillaging and desolating a country, in the manner Jagher Deo Seo is described by Mr. Hastings to have done, but who takes care to secure to himself the spoil, you will likewise find that such a man is safe, secure, unpunished. Your Lordships will recollect the desolation of Dinagepore. You will recollect that the rapacious Gunga Govind Sing, (the coadjutor of Mr. Hastings in speculation,) out of 80,000*l.* which he had received on the Company's account, retained 40,000*l.* for his own use, and that, instead of being turned out of his employment and treated with rigor and cruelty, he was elevated in Mr. Hastings's grace and favor, and never called upon for the restoration of a penny. Observe, my Lords, the difference in his treatment of men who have wealth to purchase impunity, or who have secrets to reveal, and of another who has no such merit, and is poor and insolvent.

We have shown your Lordships the effects of Mr. Hastings's government upon the country and its inhabitants; and although I have before suggested to you some of its effects upon the army of the Company, I will now call your attention to a few other observations on that subject. Your Lordships will, in the first place, be pleased to attend to the character which he gives of this army. You have heard what he tells you of the state of the country in which it was stationed, and of the terror which it struck into the inhabitants. The appearance of an English soldier was enough to strike the country people with affright and dismay: they everywhere, he tells you, fled before them. And yet they are the officers of this very army who are brought here as witnesses to express the general satisfaction of the people of India. To be sure, a man who never calls Englishmen to an account for any robbery or injury whatever, who acquits them, upon their good intentions, without any inquiry, will in return for this indemnity have their good words. We are not surprised to find them coming with emulation to your bar to declare him possessed of all virtues, and that nobody has or can have a right to complain of him. But we, my Lords, protest against these indemnities; we protest against their good words; we protest against their testimonials; and we insist upon your Lordships trying him, not upon what this or that officer says of his good conduct, but upon the proved result of the actions tried before you. Without ascribing, perhaps, much guilt to men who must naturally wish to favor the person who covers their excesses, who suffers their fortunes to be made, you will know what value to set upon their testimony. The Commons look on those testimonies with the greatest slight, and they consider as nothing all evidence

given by persons who are interested in the very cause, — persons who derive their fortunes from the ruin of the very people of the country, and who have divided the spoils with the man whom we accuse. Undoubtedly these officers will give him their good word. Undoubtedly the Residents will give him their good word. Mr. Markham, and Mr. Benn, and Mr. Fowke, if he had been called, every servant of the Company, except some few, will give him the same good word, every one of them; because, my Lords, they have made their fortunes under him, and their conduct has not been inquired into.

But to return to the observations we were making upon the ruinous effects in general of the successive governments which had been established at Benares by the prisoner at your bar. These effects, he would have you believe, arose from the want of a constitution. Why, I again ask, did he destroy the constitution which he found established there, or suffer it to be destroyed? But he had actually authorized Mr. Markham to make a new, a regular, an official constitution. Did Mr. Markham make it? No: though he professed to do it; it never was done: and so far from there being any regular, able, efficient constitution, you see there was an absolute and complete anarchy in the country. The native inhabitants, deprived of their ancient government, were so far from looking up to their new masters for protection, that, the moment they saw the face of a soldier or of a British person in authority, they fled in dismay, and thought it more eligible to abandon their houses to robbery than to remain exposed to the tyranny of a British governor. Is this what they call British dominion? Will you sanction by your judicial authority transactions done in direct defiance of your legislative authority? Are they so injuriously mad as to suppose your Lordships can be corrupted to betray in your judicial capacity (the most sacred of the two) what you have ordained in your legislative character?

My Lords, I am next to remind you what this man has had the insolence and audacity to state at your bar. “In fact,” says he, “I can adduce very many gentlemen now in London to confirm my assertions, that the countries of Benares and Gazipore were never within the memory of Englishmen so well protected, so peaceably governed, or more industriously cultivated than at the present moment.”

Your Lordships know that this report of Mr. Hastings which has been read was made in the year 1784. Your Lordships know that no step was taken, while Mr. Hastings remained in India, for the regulation and management of the country. If there was, let it be shown. There was no constitution framed, nor any other means taken for the settlement of the country, except the appointment of Ajeet Sing in the room of Durbege Sing, to reign like him, and like him to be turned out. Mr. Hastings left India in February, 1785; he arrived here, as I believe, in June or July following. Our proceedings against him commenced in the sessions of 1786; and this defence was given, I believe, in the year 1787. Yet at that time, when he could hardly have received any account from India, he was ready, he says, to produce the evidence (and no doubt might have done so) of many gentlemen whose depositions

would have directly contradicted what he had himself deposed of the state in which he, so short a time before, had left the country. Your Lordships cannot suppose that it could have recovered its prosperity within that time. We know you may destroy that in a day which will take up years to build; we know a tyrant can in a moment ruin and oppress: but you cannot restore the dead to life; you cannot in a moment restore fields to cultivation; you cannot, as you please, make the people in a moment restore old or dig new wells: and yet Mr. Hastings has dared to say to the Commons that he would produce persons to refute the account which we had fresh from himself. We will, however, undertake to show you that the direct contrary was the fact.

I will first refer you to Mr. Barlow's account of the state of trade. Your Lordships will there find a full exposure of the total falsehood of the prisoner's assertions. You will find that Mr. Hastings himself had been obliged to give orders for the change of almost every one of the regulations he had made. Your Lordships may there see the madness and folly of tyranny attempting to regulate trade. In the printed Minutes, page 2830, your Lordships will see how completely Mr. Hastings had ruined the trade of the country. You will find, that, wherever he pretended to redress the grievances which he had occasioned, he did not take care to have any one part of his pretended redress executed. When you consider the anarchy in which he states the country through which he passed to have been, you may easily conceive that regulations for the protection of trade, without the means of enforcing them, must be nugatory.

Mr. Barlow was sent, in the years 1786 and 1787, to examine into the state of the country. He has stated the effect of all those regulations, which Mr. Hastings has had the assurance to represent here as prodigies of wisdom. At the very time when our charge was brought to this House, (it is a remarkable period, and we desire your Lordships to advert to it,) at that time, I do not know whether it was not on the very same day that we brought our charge to your bar, Mr. Duncan was sent by Lord Cornwallis to examine into the state of that province. Now, my Lords, you have Mr. Duncan's report before you, and you will judge whether or not, by any regulation which Mr. Hastings had made, or whether through *any* means used by him, that country had recovered or was recovering. Your Lordships will there find other proofs of the audacious falsehood of his representation, that all which he had done had operated on the minds of the inhabitants very greatly in favor of British integrity and good government. Mr. Duncan's report will not only enable you to decide upon what he has said himself, it will likewise enable you to judge of the credit which is due to the gentlemen now in London whom he can produce to confirm his assertions, that the country of Benares and Gazipore were never, within the memory of Englishmen, so well protected and cultivated as at the present moment.

Instead, therefore, of a speech from me, you shall hear what the country says itself, by the report of the last commissioner who was sent to examine it by Lord Cornwallis. The perfect credibility of his testimony Mr. Hastings has established out of Lord Cornwallis's mouth, who, being asked the character of Mr. Jonathan Duncan, has declared that there is nothing he can report of the state of the country to which you ought not to give credit. Your Lordships will now see how deep the wounds are which tyranny and arbitrary power must make in a country where their existence is suffered; and you will be pleased to observe that this statement was made at a time when Mr. Hastings was amusing us with *his* account of Benares.

Extract of the Proceedings of the Resident at Benares, under date the 16th February, 1788, at the Purgunnah of Gurrah Dehmah, &c. Printed Minutes, page 2610.

“The Resident, having arrived in this purgunnah of Gurrah Dehmah from that of Mohammedabad, is very sorry to observe that it seems about one third at least uncultivated, owing to the mismanagement of the few last years. The Rajah, however, promises that it shall be by next year in a complete state of cultivation; and Tobarck Hossaine, his aumeen, aumil, or agent, professes his confidence of the same happy effects, saying, that he has already brought a great proportion of the land, that lay fallow when he came into the purgunnah in the beginning of the year, into cultivation, and that, it being equally the Rajah's directions and his own wish, he does not doubt of being successful in regard to the remaining part of the waste land.”

Report, dated the 18th of February, at the Purgunnah of Bulleah.

“The Resident, having come yesterday into this purgunnah from that of Gurrah Dehmah, finds its appearance much superior to that purgunnah in point of cultivation; yet it is on the decline so far that its collectible jumma will not be so much this year as it was last, notwithstanding all the efforts of Reazel Husn, the agent of Khulb Ali Khân, who has farmed this purgunnah upon a three years' lease, (of which the present is the last,) during which his, that is, the head farmer's, management cannot be applauded, as the funds of the purgunnah are very considerably declined in his hands: indeed, Reazel Husn declares that this year there was little or no *khareef*, or first harvest, in the purgunnah, and that it has been merely by the greatest exertions that he has prevailed on the ryots to cultivate the *rubby* crop, which is now on the ground and seems plentiful.”

Report, dated the 20th of February, at the Purgunnah of Khereed.

“The Resident, having this day come into the purgunnah of Khereed, finds that part of it laying between the frontiers of Bulleah, the present station, and Bansdeah, (which is one of the *tuppahs*, or subdivisions, of Khereed,) exceedingly wasted and uncultivated. The said tuppah is sub-farmed by Gobind Ram from Kulub Ali Bey, and Gobind Ram has again under-rented it to the zemindars.”

Report, dated the 23d February, at the Purgunnah of Sekunderpoor.

“The Resident is set out for Sekunderpoor, and is sorry to observe, that, for about six or seven coss that he had further to pass through the purgunnah of Kereeb, the whole appeared one continued waste, as far as the eye could reach, on both sides of the road. The purgunnah Sekunderpoor, beginning about a coss before he reached the village, an old fort of that name, appeared to a little more advantage; but even here the crops seem very scanty, and the ground more than half fallow.”

Extract of the Proceedings of the Resident at Benares, under date the 26th February, at the Purgunnah of Sekunderpoor.

“The Resident now leaves Sekunderpoor to proceed to Nurgurah, the head cutchery of the purgunnah. He is sorry to observe, that, during the whole way between these two places, which are at the distance of six coss, or twelve miles, from each other, not above twenty fields of cultivated ground are to be seen; all the rest being, as far as the eye can reach, except just in the vicinity of Nuggeha, one general waste of long grass, with here and there some straggling jungly trees. This falling off in the cultivation is said to have happened in the course of but a few years, — that is, since the late Rajah’s expulsion.”

Your Lordships will observe, the date of the ruin of this country is the expulsion of Cheyt Sing.

Extract of the Proceedings of the Resident at Benares, under date the 27th February, at the Purgunnah Sekunderpoor.

“The Resident meant to have proceeded from this place to Cossimabad; but understanding that the village of Ressenda, the capital of the purgunnah of Susknesser, is situated at three coss’ distance, and that many *rahdarry* collections are there exacted, the zemindars and ryots being, it seems, all one body of Rajpoots, who affect to hold themselves in some sort independent of the Rajah’s government, paying only a *mokurrery*, or fixed jumma, (which it may be supposed is not overrated,) and managing their interior concerns as they think fit, the Resident thought it proper on this report to deviate a little from his intended route, by proceeding this day to Ressenda, where he accordingly arrived in the afternoon; and the remaining part of the country near the road through Sekunderpoor, from Nuggurha to Seundah, appearing nearly equally waste with the former part, as already noticed in the proceedings of the 26th instant.

“The Rajah is therefore desired to appoint a person to bring those waste lands into cultivation, in like manner as he has done in Khereed, with this difference or addition in his instructions, — that he subjoin in those to the Aband Kar, or manager, of the re-cultivation of Sekunderpoor, the rates at which he is authorized to grant pottahs for the various kinds of land; and it is recommended to him to make these rates even somewhat lower than he may himself think strictly conformable to justice, reporting the particulars to the Resident.

“The Rajah is also desired to prepare and transmit a table of similar rates to the Aband Kar of purgunnah Khereed.

(Signed) “JON^N DUNCAN, *Resident*.
“BENARES, the 12th September, 1788.”

Here your Lordships find, in spite of Mr. Hastings himself, in spite of all the testimonies which he has called, and of all the other testimonies which he would have called, that his own account of the matter is confirmed against his own pretended evidence; you find his own written account confirmed in a manner not to be doubted: and the only difference between his account and this is, that the people did not fly from Mr. Duncan, when he approached, as they fled from Mr. Hastings. They did not feel any of that terror at the approach of a person from the beneficent government of Lord Cornwallis with which they had been entirely filled at the appearance of the prisoner at your bar. From him they fled in dismay. They fled from his very presence, as from a consuming pestilence, as from something far worse than drought and famine; they fled from him as a cruel, corrupt, and arbitrary governor, which is worse than any other evil that ever afflicted mankind.

You see, my Lords, in what manner the country has been wasted and destroyed; and you have seen, by the date of these measures, that they have happened within a few years, namely, since the expulsion of Rajah Cheyt Sing. There begins the era of calamity. Ask yourselves, then, whether you will or can countenance the acts which led directly and necessarily to such consequences. Your Lordships will mark what it is to oppress and expel a cherished individual from his government, and finally to subvert it. Nothing stands after him; down go all order and authority with him; ruin and desolation fall upon the country; the fields are uncultivated, the wells are dried up. The people, says Mr. Duncan, promised, indeed, some time or other, under some other government, to do something. They will again cultivate the lands, when they can get an assurance of security. My Lords, judge, I pray you, whether the House of Commons, when they had read the account which Mr. Hastings has himself given of the dreadful consequences of his proceedings, when they had read the account given by Mr. Duncan of an uncultivated country as far as the eye could reach, would not have shown themselves unworthy to represent not only the Commons of Great Britain, but the meanest village in it, if they had not brought this great criminal before you, and called upon your Lordships to punish him. This ruined country, its desolate fields and its undone inhabitants, all call aloud for British justice, all call for vengeance upon the head of this execrable criminal.

Oh! but we ought to be tender towards his personal character, — extremely cautious in our speech; we ought not to let indignation loose. — My Lords, we do let our indignation loose; we cannot bear with patience this affliction of mankind. We will neither abate our energy, relax in our feelings, nor in the expressions which those feelings dictate. Nothing but corruption like his own could enable any man to see such a scene of desolation and ruin unmoved. We feel pity for the works of God

and man; we feel horror for the debasement of human nature; and feeling thus, we give a loose to our indignation, and call upon your Lordships for justice.

Strange as it may appear to your Lordships, there remains to be stated an aggravation of his crimes, and of his victims' misery. Would you consider it possible, my Lords, that there could be an aggravation of such a case as you have heard? Would you think it possible for a people to suffer more than the inhabitants of Benares have suffered, from the noble possessor of the splendid mansion down to the miserable tenants of the cottage and the hut? Yes, there is a state of misery, a state of degradation, far below all that you have yet heard. It is, my Lords, that these miserable people should come to your Lordships' bar, and declare that they have never felt one of those grievances of which they complain; that not one of those petitions with which they pursued Mr. Hastings had a word of truth in it; that they felt nothing under his government but ease, tranquillity, joy, and happiness; that every day during his government was a festival, and every night an illumination and rejoicing. The addresses which contain these expressions of satisfaction have been produced at your bar, and have been read to your Lordships. You must have heard with disgust, at least, these flowers of Oriental rhetoric, penned at ease by dirty hireling moonshees at Calcutta, who make these people put their seals, not to declarations of their ruin, but to expressions of their satisfaction. You have heard what he himself says of the country; you have heard what Mr. Duncan says of it; you have heard the cries of the country itself calling for justice upon him: and now, my Lords, hear what he has made these people say. "We have heard that the gentlemen in England are displeased with Mr. Hastings, on suspicion that he oppressed us, the inhabitants of this place, took our money by deceit and force, and ruined the country." They then declare solemnly before God, according to their different religions, that Mr. Hastings "distributed protection and security to religion, and kindness and peace to all. He is free," say they, "from the charge of embezzlement and fraud, and his heart is void of covetousness and avidity. During the period of his government no one ever experienced from him other than protection and justice, never having felt hardships from him; nor did the poor ever know the weight of an oppressive hand from him. Our characters and reputation have been always guarded in quiet from attack, by the vigilance of his prudence and foresight, and by the terror of his justice."

Upon my word, my Lords, the paragraphs are delightful. Observe, in this translation from the Persian there is all the fluency of an English paragraph well preserved. All I can say is, that these people of Benares feel their joy, comfort, and satisfaction in swearing to the falseness of Mr. Hastings's representation against himself. In spite of his own testimony, they say, "He secured happiness and joy to us; he reestablished the foundation of justice; and we at all times, during his government, lived in comfort and passed our days in peace." The shame of England and of the English government is here put upon your Lordships' records. Here you

have, just following that afflicting report of Mr. Duncan's, and that account of Mr. Hastings himself, in which he said the inhabitants fled before his face, the addresses of these miserable people. He dares to impose upon your eyesight, upon your common sense, upon the plain faculties of mankind. He dares, in contradiction to all his own assertions, to make these people come forward and swear that they have enjoyed nothing but complete satisfaction and pleasure during the whole time of his government.

My Lords, I have done with this business, for I have now reached the climax of degradation and suffering, after moving step by step through the several stages of tyranny and oppression. I have done with it, and have only to ask, In what country do we live, where such a scene can by any possibility be offered to the public eye?

Let us here, my Lords, make a pause. — You have seen what Benares was under its native government. You have seen the condition in which it was left by Cheyt Sing, and you have seen the state in which Mr. Hastings left it. The rankling wounds which he has inflicted upon the country, and the degradation to which the inhabitants have been subjected, have been shown to your Lordships. You have now to consider whether or not you will fortify with your sanction any of the detestable principles upon which the prisoner justifies his enormities.

My Lords, we shall next come to another dependent province, when I shall illustrate to your Lordships still further the effects of Mr. Hastings's principles. I allude to the province of Oude, — a country which, before our acquaintance with it, was in the same happy and flourishing condition with Benares, and which dates its period of decline and misery from the time of our intermeddling with it. The Nabob of Oude was reduced, as Cheyt Sing was, to be a dependant on the Company, and to be a greater dependant than Cheyt Sing, because it was reserved in Cheyt Sing's agreement that we should not interfere in his government. We interfered in every part of the Nabob's government; we reduced his authority to nothing; we introduced a perfect scene of anarchy and confusion into the country, where there was no authority but to rob and destroy.

I have not strength at present to proceed; but I hope I shall soon be enabled to do so. Your Lordships cannot, I am sure, calculate from your own youth and strength; for I have done the best I can, and find myself incapable just at this moment of going any further.

SPEECH IN GENERAL REPLY. FOURTH DAY: THURSDAY, JUNE 5, 1794.

My Lords, — When I last had the honor of addressing your Lordships from this place, my want of strength obliged me to conclude where the patience of a people and the prosperity of a country subjected by solemn treaties to British government had concluded. We have left behind us the inhabitants of Benares, after having seen them driven into rebellion by tyranny and oppression, and their country desolated by our misrule. Your Lordships, I am sure, have had the map of India before you, and know that the country so destroyed and so desolated was about one fifth of the size of England and Wales in geographical extent, and equal in population to about a fourth. Upon this scale you will judge of the mischief which has been done.

My Lords, we are now come to another devoted province: we march from desolation to desolation; because we follow the steps of Warren Hastings, Esquire, Governor-General of Bengal. You will here find the range of his atrocities widely extended; but before I enter into a detail of them, I have one reflection to make, which I beseech your Lordships to bear in mind throughout the whole of this deliberation. It is this: you ought never to conclude that a man must necessarily be innoxious because he is in other respects insignificant. You will see that a man bred in obscure, vulgar, and ignoble occupations, and trained in sordid, base, and mercenary habits, is not incapable of doing extensive mischief, because he is little, and because his vices are of a mean nature. My Lords, we have shown to you already, and we shall demonstrate to you more clearly in future, that such minds placed in authority can do more mischief to a country, can treat all ranks and distinctions with more pride, insolence, and arrogance, than those who have been born under canopies of state and swaddled in purple: you will see that they can waste a country more effectually than the proudest and most mighty conquerors, who, by the greatness of their military talents, have first subdued and afterwards plundered nations.

The prisoner's counsel have thought proper to entertain your Lordships, and to defend their client, by comparing him with the men who are said to have erected a pyramid of ninety thousand human heads. Now look back, my Lords, to Benares; consider the extent of country laid waste and desolated, and its immense population; and then see whether famine may not destroy as well as the sword, and whether this man is not as well entitled to erect his pyramid of ninety thousand heads as any terrific tyrant of the East. We follow him now to another theatre, the territories of the Nabob of Oude.

My Lords, Oude, (together with the additions made to it by Sujah Dowlah,) in point of geographical extent, is about the size of England. Sujah Dowlah, who

possessed this country as Nabob, was a prince of a haughty character, — ferocious in a high degree towards his enemies, and towards all those who resisted his will. He was magnificent in his expenses, yet economical with regard to his resources, — maintaining his court in a pomp and splendor which is perhaps unknown to the sovereigns of Europe. At the same time he was such an economist, that from an inconsiderable revenue, at the beginning of his reign, he was annually enabled to make great savings. He thus preserved, towards the end of it, his people in peace, tranquillity, and order; and though he was an arbitrary prince, he never strained his revenue to such a degree as to lose their affections while he filled his exchequer. Such appears to have been the true character of Sujah Dowlah: your Lordships have heard what is the character which the prisoner at your bar and his counsel have thought proper to give you of him.

Surely, my Lords, the situation of the great, as well as of the lower ranks in that country, must be a subject of melancholy reflection to every man. Your Lordships' compassion will, I presume, lead you to feel for the lowest; and I hope that your sympathetic dignity will make you consider in what manner the princes of this country are treated. They have not only been treated at your Lordships' bar with indignity by the prisoner, but his counsel do not leave their ancestors to rest quietly in their graves. They have slandered their families, and have gone into scandalous history that has no foundation in facts whatever.

Your Lordships have seen how he attempted to slander the ancestors of Cheyt Sing, to deny that they were zemindars; and yet he must have known from printed books, taken from the Company's records, the utter falsity of his declaration. You need only look into Mr. Verelst's Appendix, and there you will see that that country has always been called the Zemindary of Bulwant Sing. You will find him always called the Zemindar; it was the known, acknowledged name, till this gentleman thought proper at the bar of the House of Commons to deny that he was a zemindar, and to assert that he was only an aumil. He slanders the pedigree of this man as mean and base, yet he was not ashamed to take from him twenty-three thousand pounds. In like manner he takes from Asoph ul Dowlah a hundred thousand pounds, which he would have appropriated to himself, and then directs his counsel to rake up the slander of Dow's History, a book of no authority, a book that no man values in any respect or degree. In this book they find that romantic, absurd, and ridiculous story upon which an honorable fellow Manager of mine, who is much more capable than I am of doing justice to the subject, has commented with his usual ability: I allude to that story of spitting on the beard, — the mutual compact to poison one another. That Arabian tale, fit only to form a ridiculous tragedy, has been gravely mentioned to your Lordships for the purpose of slandering the pedigree of this Vizier of Oude, and making him vile in your Lordships' eyes. My honorable friend has exposed to you the absurdity of these stories, but he has not shown you the malice of their propagators. The prisoner and

his counsel have referred to Dow's History, who calls this Nabob "the more infamous son of an infamous Persian peddler." They wish that your Lordships should consider him as a person vilely born, ignominiously educated, and practising a mean trade, in order that, when it shall be proved that he and his family were treated with every kind of indignity and contempt by the prisoner at your bar, the sympathy of mankind should be weakened. Consider, my Lords, the monstrous perfidy and ingratitude of this man, who, after receiving great favors from the Nabob, is not satisfied with oppressing his offspring, but goes back to his ancestors, tears them out of their graves, and vilifies them with slanderous aspersions. My Lords, the ancestor of Sujah Dowlah was a great prince, — certainly a subordinate prince, because he was a servant of the Great Mogul, who was well called King of Kings, for he had in his service persons of high degree. He was born in Persia; but was not, as is falsely said, *the more infamous son of an infamous Persian peddler*. Your Lordships are not unacquainted with the state and history of India; you therefore know that Persia has been the nursery of all the Mahometan nobility of India: almost everything in that country which is not of Gentoo origin is of Persian; so much so, that the Persian language is the language of the court, and of every office from the highest to the lowest. Among these noble Persians, the family of the Nabob stands in the highest degree. His father's ancestors were of noble descent, and those of his mother, Munny Begum, more eminently and more illustriously so. This distinguished family, on no better authority than that of the historian Dow, has been slandered by the prisoner at your bar, in order to destroy the character of those whom he had already robbed of their substance. Your Lordships will have observed with disgust how the Dows and the Hastings, and the whole of that tribe, treat their superiors, — in what insolent language they speak of them, and with what pride and indignity they trample upon the first names and the first characters in that devoted country.

But supposing it perfectly true that this man was "the more infamous son of an infamous Persian peddler," he had risen to be the secondary sovereign of that country. He had a revenue of three millions six hundred thousand pounds sterling: a vast and immense revenue; equal, perhaps, to the clear revenue of the King of England. He maintained an army of one hundred and twenty thousand men. He had a splendid court; and his country was prosperous and happy. Such was the situation of Sujah Dowlah, the Nabob of Oude, and such the condition of Oude under his government. With his pedigree, I believe, your Lordships will think we have nothing to do in the cause now before us. It has been pressed upon us; and this marks the indecency, the rancor, the insolence, the pride and tyranny which the Dows and the Hastings, and the people of that class and character, are in the habit of exercising over the great in India.

My Lords, I shall be saved a great deal of trouble in proving to you the flourishing state of Oude, because the prisoner admits it as largely as I could wish to

state it; and what is more, he admits, too, the truth of our statement of the condition to which it is now reduced, — but I shall not let him off so easily upon this point. He admits, too, that it was left in this reduced and ruined state at the close of his administration. In his Defence he attributes the whole mischief generally to a faulty system of government. My Lords, systems never make mankind happy or unhappy, any further than as they give occasions for wicked men to exercise their own abominable talents, subservient to their own more abominable dispositions. “The system,” says Mr. Hastings, “was bad; but I was not the maker of it.” Your Lordships have seen him apply this mode of reasoning to Benares, and you will now see that he applies it to Oude. “I came,” says he, “into a bad system; that system was not of my making, but I was obliged to act according to the spirit of it.”

Now every honest man would say,— “I came to a bad system: I had every facility of abusing my power, I had every temptation to peculate, I had every incitement to oppress, I had every means of concealment, by the defects of the system; but I corrected that evil system by the goodness of my administration, by the prudence, the energy, the virtue of my conduct.” This is what all the rest of the world would say: but what says Mr. Hastings? “A bad system was made to my hands; I had nothing to do in making it. I was altogether an involuntary instrument, and obliged to execute every evil which that system contained.” This is the line of conduct your Lordships are called to decide upon. And I must here again remind you that we are at an issue of law. Mr. Hastings has avowed a certain set of principles upon which he acts; and your Lordships are therefore to judge whether his acts are justifiable because he found an evil system to act upon, or whether he and all governors upon earth have not a general good system upon which they ought to act.

The prisoner tells you, my Lords, that it was in consequence of this evil system, that the Nabob, from being a powerful prince, became reduced to a wretched dependant on the Company, and subject to all the evils of that degraded state, — subject to extortion, to indignity, to oppression. All these your Lordships are called upon to sanction; and because they may be connected with an existing system, you are to declare them to be an allowable part of a code for the government of British India.

In the year 1775, that powerful, magnificent, and illustrious prince, Sujah Dowlah, died in possession of the country of Oude. He had long governed a happy and contented people, and, if we except the portion of tyranny which we admit he really did exercise towards some few individuals who resisted his power, he was a wise and beneficent governor. This prince died in the midst of his power and fortune, leaving somewhere about fourscore children. Your Lordships know that the princes of the East have a great number of wives; and we know that these women, though reputed of a secondary rank, are yet of a very high degree, and honorably maintained according to the customs of the East. Sujah Dowlah had but one lawful wife: he had by her but one lawful child, Asoph ul Dowlah. He had about twenty-

one male children, the eldest of whom was a person whom you have heard of very often in these proceedings, called Saadut Ali. Asoph ul Dowlah, being the sole legitimate son, had all the pretensions to succeed his father, as Subahdar of Oude, which could belong to any person under the Mogul government.

Your Lordships will distinguish between a Zemindar, who is a perpetual landholder, the hereditary proprietor of an estate, and a Subahdar, who derives from his master's will and pleasure all his employments, and who, instead of having the jaghiredars subject to his supposed arbitrary will, is himself a subject, and must have his sovereign's patent for his place. Therefore, strictly and properly speaking, there is no succession in the office of Subahdar. At this time the Company, who alone could obtain the *sunnuds* [*sunnud?*], or patent, from the Great Mogul, upon account of the power they possessed in India, thought, and thought rightly, that with an officer who had no hereditary power there could be no hereditary engagements, — and that in their treaty with Asoph ul Dowlah, for whom they had procured the sunnud from the Great Mogul, they were at liberty to propose their own terms, which, if honorable and mutually advantageous to the new Subahdar and to the Company, they had a right to insist upon. A treaty was therefore concluded between the Company and Asoph ul Dowlah, in which the latter stipulated to pay a fixed subsidy for the maintenance of a certain number of troops, by which the Company's finances were greatly relieved and their military strength greatly increased.

This treaty did not contain one word which could justify any interference in the Nabob's government. That evil system, as Mr. Hastings calls it, is not even mentioned or alluded to; nor is there, I again say, one word which authorized Warren Hastings, or any other person whatever, to interfere in the interior affairs of his country. He was legally constituted Viceroy of Oude; his dignity of Vizier of the Empire, with all the power which that office gave him, derived from and held under the Mogul government, he legally possessed; and this evil system, which Mr. Hastings says led him to commit the enormities of which you shall hear by-and-by, was neither more nor less than what I have now stated.

But, my Lords, the prisoner thinks, that, when, under any pretence, any sort of means could be furnished of interfering in the government of the country, he has a right to avail himself of them, to use them at his pleasure, and to govern by his own arbitrary will. The Vizier, he says, by this treaty was reduced to a state of vassalage; and he makes this curious distinction in proof of it. It was, he says, an optional vassalage: for, if he chose to get rid of our troops, he might do so and be free; if he had not a mind to do that, and found a benefit in it, then he was a vassal. But there is nothing less true. Here is a person who keeps a subsidiary body of your troops, which he is to pay for you; and in consequence of this Mr. Hastings maintains that he becomes a vassal. I shall not dispute whether vassalage is optional or by force, or in what way Mr. Hastings considered this prince as a vassal of the Company. Let it be as he pleased. I only think it necessary that your Lordships should truly know the

actual state of that country, and the ground upon which Mr. Hastings stood. Your Lordships will find it a fairy land, in which there is a perpetual masquerade, where no one thing appears as it really is, — where the person who seems to have the authority is a slave, while the person who seems to be the slave has the authority. In that ambiguous government everything favors fraud, everything favors speculation, everything favors violence, everything favors concealment. You will therefore permit me to show to you what were the principles upon which Mr. Hastings appears, according to the evidence before you, to have acted, — what the state of the country was, according to his conceptions of it; and then you will see how he applied those principles to that state.

“The means by which our government acquired this influence,” says Mr. Hastings, “and its right to exercise it, will require a previous explanation.” He then proceeds,— “With his death [Sujah Dowlah’s] a new political system commenced, and Mr. Bristow was constituted the instrument of its formation, and the trustee for the management of it. The Nabob Asoph ul Dowlah was deprived of a large part of his inheritance, — I mean the province of Benares, attached by a very feeble and precarious tenure to our dominions; the army fixed to a permanent station in a remote line of his frontier, with an augmented and perpetual subsidy; a new army, amphibiously composed of troops in his service and pay, commanded by English officers of our own nomination, for the defence of his new conquests; and his own natural troops annihilated, or alienated by the insufficiency of his revenue for all his disbursements, and the prior claims of those which our authority or influence commanded: in a word, he became a vassal of the government; but he still possessed an ostensible sovereignty. His titular rank of Vizier of the Empire rendered him a conspicuous object of view to all the states and chiefs of India; and on the moderation and justice with which the British government in Bengal exercised its influence over him many points most essential to its political strength and to the honor of the British name depended.”

Your Lordships see that the system which is supposed to have reduced him to vassalage did not make, as he contends, a violent exercise of our power necessary or proper; but possessing, as the Nabob did, that high nominal dignity, and being in that state of vassalage, as Mr. Hastings thought proper to term it, though there is no vassalage mentioned in the treaty, — being, I say, in that situation of honor, credit, and character, sovereign of a country as large as England, yielding an immense revenue, and flourishing in trade, certainly our honor depended upon the use we made of that influence which our power gave us over him; and we therefore press it upon your Lordships, that the conduct of Mr. Hastings was such as dishonored this nation.

He proceeds,— “This is not a place, nor have I room in it, to prove, what I shall here content myself with affirming, that, by a sacred and undeviating observance of every principle of public faith, the British dominion might have by this time

acquired the means of its extension, through a virtual submission to its authority, to every region of Hindostan and Deccan. I am not sure that I should advise such a design, were it practicable, which at this time it certainly is not; and I very much fear that the limited formation of such equal alliances as might be useful to our present condition, and conduce to its improvement, is become liable to almost insurmountable difficulties: every power in India must wish for the support of ours, but they all dread the connection. The subjection of Bengal, and the deprivation of the family of Jaffier Ali Khân, though an effect of inevitable necessity, the present usurpations of the rights of the Nabob Wallau Jau in the Carnatic, and the licentious violations of the treaty existing between the Company and the Nabob Nizam ul Dowlah, though checked by the remedial interposition of this government, stand as terrible precedents against us; the effects of our connection with the Nabob Asoph ul Dowlah had a rapid tendency to the same consequences, and it has been my invariable study to prevent it.”

Your Lordships will remember that the counsel at the bar have said that they undertook the defence of Warren Hastings, not in order to defend him, but to rescue the British character from the imputations which have been laid upon it by the Commons of Great Britain. They have said that the Commons of Great Britain have slandered their country, and have misrepresented its character; while, on the contrary, the servants of the Company have sustained and maintained the dignity of the English character, have kept its public faith inviolate, preserved the people from oppression, reconciled every government to it in India, and have made every person under it prosperous and happy.

My Lords, you see what this man says himself, when endeavoring to prove his own innocence. Instead of proving it by the facts alleged by his counsel, he declares that by preserving good faith you might have conquered India, the most glorious conquest that was ever made in the world; that all the people want our assistance, but dread our connection. Why? Because our whole conduct has been one perpetual tissue of perfidy and breach of faith with every person who has been in alliance with us, in any mode whatever. Here is the man himself who says it. Can we bear that this man should now stand up in this place as the assertor of the honor of the British nation against us, who charge this dishonor to have fallen upon us by him, through him, and during his government?

But all the mischief, he goes on to assert, was in the previous system, in the formation of which he had no share, — the system of 1775, when the first treaty with the Nabob was made. “That system,” says he, “is not mine; it was made by General Clavering, Colonel Monson, and Mr. Francis.” So it was, my Lords. It did them very great honor, and I believe it ever will do them honor, in the eyes of the British nation, that they took an opportunity, without the violation of faith, without the breach of any one treaty, and without injury to any person, to do great and eminent services to the Company. But Mr. Hastings disclaims it, unnecessarily

disclaims it, for no one charges him with it. What we charge him with is the abuse of that system. To one of these abuses I will now call your Lordships' attention. Finding, soon after his appointment to the office of Governor-General, that the Nabob was likely to get into debt, he turns him into a vassal, and resolves to treat him as such. You will observe that this is not the only instance in which, upon a failure of payment, the defaulter becomes directly a vassal. You remember how Durbege Sing, the moment he fell into an arrear of tribute, became a vassal, and was thrown into prison, without any inquiry into the causes which occasioned that arrear. With respect to the Nabob of Oude, we assert, and can prove, that his revenue was 3,600,000*l.* at the day of his father's death; and if the revenue fell off afterwards, there was abundant reason to believe that he possessed in abundance the means of paying the Company every farthing.

Before I quit this subject, your Lordships will again permit me to reprobate the malicious insinuations by which Mr. Hastings has thought proper to slander the virtuous persons who are the authors of that system which he complains of. They are men whose characters this country will ever respect, honor, and revere, both the living and the dead, — the dead for the living, and the living for the dead. They will altogether be revered for a conduct honorable and glorious to Great Britain, whilst their names stand as they now do, unspotted by the least imputation of oppression, breach of faith, perjury, bribery, or any other fraud whatever. I know there was a faction formed against them upon that very account. Be corrupt, you have friends; stem the torrent of corruption, you open a thousand venal mouths against you. Men resolved to do their duty must be content to suffer such opprobrium, and I am content; in the name of the living and of the dead, and in the name of the Commons, I glory in our having appointed some good servants at least to India.

But to proceed. "This system was not," says he, "of my making." You would, then, naturally imagine that the persons who made this abominable system had also made some tyrannous use of it. Let us see what use they made of it during the time of their majority in the Council. There was an arrear of subsidy due from the Nabob. How it came into arrear we shall consider hereafter. The Nabob proposed to pay it by taxing the jaghires of his family, and taking some money from the Begum. This was consented to by Mr. Bristow, at that time Resident for the Company in Oude; and to this arrangement Asoph ul Dowlah and his advisers lent a willing ear. What did Mr. Hastings then say of this transaction? He called it a violent assumption of power on the part of the Council. He did not, you see, then allow that a bad system justified any persons whatever in an abuse of it. He contended that it was a violent attack upon the rights and property of the parties from whom the money was to be taken, that it had no ground or foundation in justice whatever, and that it was contrary to every principle of right and equity.

Your Lordships will please to bear in mind, that afterwards, by his own consent, and the consent of the rest of the Council, this business was compromised between

the son, the mother, and their relations. A very great sum of money, which was most useful to the Company at that period, was raised by a family compact and arrangement among themselves. This proceeding was sanctioned by the Company, Mr. Hastings himself consenting; and a pledge was given to the Begums and family of the Nabob, that this should be the last demand made upon them, — that it should be considered, not as taken compulsively, but as a friendly and amicable donation. They never admitted, nor did the Nabob ever contend, that he had any right at all to take this money from them. At that time it was not Mr. Hastings's opinion that the badness of the system would justify any violence as a consequence of it; and when the advancement of the money was agreed to between the parties, as a family and amicable compact, he was as ready as anybody to propose and sanction a regular treaty between the parties, that all claims on one side and all kind of uneasiness on the other should cease forever, under the guardianship of British faith.

Mr. Hastings, as your Lordships remember, has conceded that British faith is the support of the British empire; that, if that empire is to be maintained, it is to be maintained by good faith; that, if it is to be propagated, it is to be propagated by public faith; and that, if the British empire falls, it will be through perfidy and violence. These are the principles which he assumes, when he chooses to reproach others. But when he has to defend his own perfidy and breaches of faith, then, as your Lordships will find set forth in his defence before the House of Commons on the Benares charge, he denies, or at least questions, the validity of any treaty that can at present be made with India. He declares that he considers all treaties as being weakened by a considerable degree of doubt respecting their validity and their binding force, in such a state of things as exists in India.

Whatever was done, during that period of time to which I have alluded, by the majority of the Council, Mr. Hastings considered himself as having nothing to do with, on the plea of his being a dissentient member: a principle which, like other principles, I shall take some notice of by-and-by. Colonel Monson and General Clavering died soon after, and Mr. Hastings obtained a majority in the Council, and was then, as he calls it, restored to his authority; so that any evil that could be done by evil men under that evil system could have lasted but for a very short time indeed. From that moment, Mr. Hastings, in my opinion, became responsible for every act done in Council, while he was there, which he did not resist, and for every engagement which he did not oppose. For your Lordships will not bear that miserable jargon which you have heard, shameful to office and to official authority, that a man, when, he happens not to find himself in a majority upon any measure, may think himself excusable for the total neglect of his duty; that in such a situation he is not bound to propose anything that it might be proper to propose, or to resist anything that it might be proper to resist. What would be the inference from such an assumption? That he can never act in a commission; that, unless a man has the supreme power, he is not responsible for anything he does or neglects to do. This is

another principle which your Lordships will see constantly asserted and constantly referred to by Mr. Hastings. Now I do contend, that, notwithstanding his having been in a minority, if there was anything to be done that could prevent oppressive consequences, he was bound to do that thing; and that he was bound to propose every possible remedial measure. This proud, rebellious proposition against the law, that any one individual in the Council may say that he is responsible for nothing, because he is not the whole Council, calls for your Lordships' strongest reprobation.

I must now beg leave to observe to you, that the treaty was made (and I wish your Lordships to advert to dates) in the year 1775; Mr. Hastings acquired the majority in something more than a year afterwards; and therefore, supposing the acts of the former majority to have been ever so iniquitous, their power lasted but a short time. From the year 1776 to 1784 Mr. Hastings had the whole government of Oude in himself, by having the majority in the Council. My Lords, it is no offence that a Governor-General, or anybody else, has the majority in the Council. To have the government in himself is no offence. Neither was it any offence, if you please, that the Nabob was virtually a vassal to the Company, as he contends he was. For the question is not, what a Governor-General *may* do, but what Warren Hastings did do. He who has a majority in Council, and records his own acts there, may justify these acts as legal: I mean the mode is legal. But as he executes whatever he proposes as Governor-General, he is solely responsible for the *nature* of the acts themselves.

I shall now show your Lordships that Mr. Hastings, finding, as he states, the Nabob to be made by the treaty in 1775 eventually a vassal to the Company, has thought proper to make him a vassal to himself, for his own private purposes. Your Lordships will see what corrupt and iniquitous purposes they were. In the first place, in order to annihilate in effect the Council, and to take wholly from them their control in the affairs of Oude, he suppressed (your Lordships will find the fact proved in your minutes) the Persian correspondence, which was the whole correspondence of Oude. This whole correspondence was secreted by him, and kept from the Council. It was never communicated to the Persian translator of the Company, Mr. Colebrooke, who had a salary for executing that office. It was secreted, and kept in the private cabinet of Mr. Hastings; from the period of 1781 to 1785 no part of it was communicated to the Council. There is nothing, as your Lordships have often found in this trial, that speaks for the man like himself; there is nothing will speak for his conduct like the records of the Company.

"Fort William, 19th February, 1785.

"At a Council: present, the Honorable John Macpherson, Esquire, Governor-General, President, and John Stables, Esquire.

"The Persian Translator, attending in obedience to the Board's orders, reports, that, since the end of the year 1781, there have been no books of correspondence kept in his office, because, from that time until the late Governor-General's

departure, he was employed but once by the Governor-General to manage the correspondence, during a short visit which Major Davy, the military Persian interpreter, paid by the Governor's order to Lucknow; that, during that whole period of three years, he remained entirely ignorant of the correspondence, as he was applied to on no occasion, except for a few papers sometimes sent to him by the secretaries, which he always returned to them as soon as translated.

"The Persian Translator has received from Mr. Scott, since the late Governor-General's departure, a trunk containing English draughts and translations and the Persian originals of letters and papers, with three books in the Persian language containing copies of letters written between August, 1782, and January, 1785; and if the Board should please to order the secretaries of the general department to furnish him with copies of all translations and draughts recorded in their Consultations between the 1st of January, 1782, and the 31st of January, 1785, he thinks that he should be able, with what he has found in Captain Scott's trunk, to make up the correspondence for that period.

(Signed) "EDWARD COLEBROOKE,
"Persian Translator."

Hear, then, my Lords, what becomes of the records of the Company, which were to be the vouchers for every public act, — which were to show whether, in the Company's transactions, agreements, and treaties with the native powers, the public faith was kept or not. You see them all crammed into Mr. Scott's trunk: a trunk into which they put what they please, take out what they please, suppress what they please, or thrust in whatever will answer their purpose. The records of the Governor-General and Council of Bengal are kept in Captain Jonathan Scott's trunk; this trunk is to be considered as the real and true channel of intelligence between the Company and the country powers. But even this channel was not open to any member of the Council, except Mr. Hastings; and when the Council, for the first time, daring to think for themselves, call upon the Persian Translator, he knows nothing about it. We find that it is given into the hands of a person nominated by Mr. Hastings, — Major Davy. What do the Company know of him? Why, he was Mr. Hastings's private secretary. In this manner the Council have been annihilated during all these transactions, and have no other knowledge of them than just what Mr. Hastings and his trunk-keeper thought proper to give them. All, then, that we know of these transactions is from the miserable, imperfect, garbled correspondence.

But even if these papers contained a full and faithful account of the correspondence, what we charge is its not being delivered to the Council as it occurred from time to time. Mr. Hastings kept the whole government of Oude in his own hands; so that the Council had no power of judging his acts, of checking,

controlling, advising, or remonstrating. It was totally annihilated by him; and we charge, as an act of treason and rebellion against the act of Parliament by which he held his office, his depriving the Council of their legitimate authority, by shutting them out from the knowledge of all affairs, — except, indeed, when he thought it expedient, for his own justification, to have their nominal concurrence or subsequent acquiescence in any of his more violent measures.

Your Lordships see Mr. Hastings's system, a system of concealment, a system of turning the vassals of the Company into his own vassals, to make them contributory, not to the Company, but to himself. He has avowed this system in Benares; he has avowed it in Oude. It was his constant practice. Your Lordships see in Oude he kept a correspondence with Mr. Markham for years, and did alone all the material acts which ought to have been done in Council. He delegated a power to Mr. Markham which he had not to delegate; and you will see he has done the same in every part of India.

We first charge him not only with acting without authority, but with a strong presumption, founded on his concealment, of intending to act mischievously. We next charge his concealing and withdrawing correspondence, as being directly contrary to the orders of the Court of Directors, the practice of his office, and the very nature and existence of the Council in which he was appointed to preside. We charge this as a substantive crime, and as the forerunner of the oppression, desolation, and ruin of that miserable country.

Mr. Hastings having thus rendered the Council blind and ignorant, and consequently fit for subserviency, what does he next do? I am speaking, not with regard to the time of his particular acts, but with regard to the general spirit of the proceedings. He next flies in the face of the Company upon the same principle on which he removed Mr. Fowke from Benares. "I removed *him* on political grounds," says he, "against the orders of the Court of Directors, because I thought it necessary that the Resident should be a man of my own nomination and confidence." At Oude he proceeds on the same principle. Mr. Bristow had been nominated to the office of Resident by the Court of Directors. Mr. Hastings, by an act of Parliament, was ordered to obey the Court of Directors. He positively refuses to receive Mr. Bristow, for no other reason that we know of but because he was nominated by the Court of Directors; he defies the Court, and declares in effect that they shall not govern that province, but that he will govern it by a Resident of his own.

Your Lordships will mark his progress in the establishment of that new system, which, he says, he had been obliged to adopt by the evil system of his predecessors. First, he annihilates the Council, formed by an act of Parliament, and by order of the Court of Directors. In the second place, he defies the order of the Court, who had the undoubted nomination of all their own servants, and who ordered him, under the severest injunction, to appoint Mr. Bristow to the office of Resident in Oude. He for some time refused to nominate Mr. Bristow to that office; and even

when he was forced, against his will, to permit him for a while to be there, he sent Mr. Middleton and Mr. Johnson, who annihilated Mr. Bristow's authority so completely that no one public act passed through his hands.

After he had ended this conflict with the Directors, and had entirely shook off their authority, he resolved that the native powers should know that they were not to look to the Court of Directors, but to look to his arbitrary will in all things; and therefore, to the astonishment of the world, and as if it were designedly to expose the nakedness of the Parliament of Great Britain, to expose the nakedness of the laws of Great Britain, and the nakedness of the authority of the Court of Directors to the country powers, he wrote a letter, which your Lordships will find in page 795 of the printed Minutes. In this letter the secret of his government is discovered to the country powers. They are given to understand, that, whatever exaction, whatever oppression or ruin they may suffer, they are to look nowhere for relief but to him: not to the Council, not to the Court of Directors, not to the sovereign authority of Great Britain, but to him, and him only.

Before we proceed to this letter, we will first read to you the Minute of Council by which he dismissed Mr. Bristow upon a former occasion, (it is in page 507 of the printed Minutes,) that your Lordships may see his audacious defiance of the laws of the country. We wish, I say, before we show you the horrible and fatal effects of this his defiance, to impress continually upon your Lordships' minds that this man is to be tried by the laws of the country, and that it is not in his power to annihilate their authority and the authority of his masters. We insist upon it, that every man under the authority of this country is bound to obey its laws. This minute relates to his first removal of Mr. Bristow: I read it in order to show that he dared to defy the Court of Directors so early as the year 1776.

"Resolved, That Mr. John Bristow be recalled to the Presidency from the court of the Nabob of Oude, and that Mr. Nathaniel Middleton be restored to the appointment of Resident at that court, subject to the orders and authority of the Governor-General and Council, conformably to the motion of the Governor-General."

I will next read to your Lordships the orders of the Directors for his reinstatement, on the 4th of July, 1777.

"Upon the most careful perusal of your proceedings upon the 2d of December, 1776, relative to the recall of Mr. Bristow from the court of the Nabob of Oude, and the appointment of Mr. Nathaniel Middleton to that station, we must declare our strongest disapprobation of the whole of that transaction. We observe that the Governor-General's motion for the recall of Mr. Bristow includes that for the restoration of Mr. Nathaniel Middleton; but as neither of those measures appear to us necessary, or even justifiable, they cannot receive our approbation. With respect to Mr. Bristow, we find no shadow of charge against him. It appears that he has executed his trust to the entire satisfaction even of those members of the Council

who did not concur in his appointment. You have unanimously recommended him to our notice; attention to your recommendation has induced us to afford him marks of our favor, and to reannex the emoluments affixed by you to his appointment, which had been discontinued by our order; and as we must be of opinion that a person of acknowledged abilities, whose conduct has thus gained him the esteem of his superiors, ought not to be degraded without just cause, we do not hesitate to interpose in his behalf, and therefore direct that Mr. Bristow do forthwith return to his station of Resident at Oude, from which he has been so improperly removed.”

Upon the receipt of these orders by the Council, Mr. Francis, then a member of the Council, moves, “That, in obedience to the Company’s orders, Mr. Bristow be forthwith appointed and directed to return to his station of Resident at Oude, and that Mr. Purling be ordered to deliver over charge of the office to Mr. Bristow immediately on his arrival, and return himself forthwith to the Presidency; also that the Governor-General be requested to furnish Mr. Bristow with the usual letter of credence to the Nabob Vizier.”

Upon this motion being made, Mr. Hastings entered the following minute.

“I will ask, who is Mr. Bristow, that a member of the administration should at such a time hold him forth as an instrument for the degradation of the first executive member of this government? What are the professed objects of his appointment? What are the merits and services, or what the qualifications, which entitle him to such an uncommon distinction? Is it for his superior integrity, or from his eminent abilities, that he is to be dignified, at such hazards of every consideration that ought to influence members of this administration? Of the former I know no proofs; I am sure that it is not an evidence of it, that he has been enabled to make himself the principal in such a competition; and for the test of his abilities, I appeal to the letter which he has dared to write to this board, and which, I am ashamed to say, we have suffered. I desire that a copy of it may be inserted in this day’s proceedings, that it may stand before the eyes of every member of the board, when he shall give his vote upon a question for giving their confidence to a man, their servant, who has publicly insulted them, his masters, and the members of the government, to whom he owes his obedience; who, assuming an association with the Court of Directors, and erecting himself into a tribunal, has arraigned them for disobedience of orders, passed judgment upon them, and condemned or acquitted them as their magistrate and superior. Let the board consider whether a man possessed of so independent a spirit, who has already shown such a contempt of their authority, who has shown himself so wretched an advocate for his own cause and negotiator for his own interest, is fit to be trusted with the guardianship of their honor, the execution of their measures, and as their confidential manager and negotiator with the princes of India.”

My Lords, you here see an instance of what I have before stated to your Lordships, and what I shall take the liberty of recommending to your constant

consideration. You see that a tyrant and a rebel is one and the same thing. You see this man, at the very time that he is a direct rebel to the Company, arbitrarily and tyrannically displacing Mr. Bristow, although he had previously joined in the approbation of his conduct, and in voting him a pecuniary reward. He is ordered by the Court of Directors to restore that person, who desires, in a suppliant, decent, proper tone, that the Company's orders should produce their effect, and that the Council would have the goodness to restore him to his situation.

My Lords, you have seen the audacious insolence, the tyrannical pride, with which he dares to treat this order. You have seen the recorded minute which he has dared to send to the Court of Directors; and in this you see, that, when he cannot directly asperse a man's conduct, and has nothing to say against it, he maliciously, I should perhaps rather say enviously, insinuates that he had unjustly made his fortune. "You are," says he, "to judge from the independence of his manner and style, whether he could or no have got that without some unjust means." God forbid I should ever be able to invent anything that can equal the impudence of what this man dares to write to his superiors, or the insolent style in which he dares to treat persons who are not his servants!

Who made the servants of the Company the master of the servants of the Company? The Court of Directors are their fellow-servants; they are all the servants of this kingdom. Still the claim of a fellow-servant to hold an office which the Court of Directors had legally appointed him to is considered by this audacious tyrant as an insult to him. By this you may judge how he treats not only the servants of the Company, but the natives of the country, and by what means he has brought them into that abject state of servitude in which they are ready to do anything he wishes and to sign anything he dictates. I must again beg your Lordships to remark what this man has had the folly and impudence to place upon the records of the Council of which he was President; and I will venture to assert that so extraordinary a performance never before appeared on the records of any court, Eastern or European. Because Mr. Bristow claims an office which is his right and his freehold as long as the Company chooses, Mr. Hastings accuses him of being an accomplice with the Court of Directors in a conspiracy against him; and because, after long delays, he had presented an humble petition to have the Court of Directors' orders in his favor carried into execution, he says "he has erected himself into a tribunal of justice; that he has arraigned the Council for disobedience of orders, passed judgment upon them, and condemned or acquitted them as their magistrate and superior."

Let us suppose his Majesty to have been pleased to appoint any one to an office in the gift of the crown, what should we think of the person whose business it was to execute the King's commands, if he should say to the person appointed, when he claimed his office, "You shall not have it, you assume to be my superior, and you disgrace and dishonor me"? Good God! my Lords, where was this language

learned? in what country, and in what barbarous nation of Hottentots was this jargon picked up? For there is no Eastern court that I ever heard of (and I believe I have been as conversant with the manners and customs of the East as most persons whose business has not directly led them into that country) where such conduct would have been tolerated. A bashaw, if he should be ordered by the Grand Seignior to invest another with his office, puts the letter upon his head, and obedience immediately follows.

But the obedience of a barbarous magistrate should not be compared to the obedience which a British subject owes to the laws of his country. Mr. Hastings receives an order which he should have instantly obeyed. He is reminded of this by the person who suffers from his disobedience; and this proves that person to be possessed of too independent a spirit. Ay, my Lords, here is the grievance; — no man can dare show in India an independent spirit. It is this, and not his having shown such a contempt of their authority, not his having shown himself so wretched an advocate for his own cause and so had a negotiator for his own interest, that makes him unfit to be trusted with the guardianship of their honor, the execution of their measures, and to be their confidential manager and negotiator with the princes of India.

But, my Lords, what is this want of skill which Mr. Bristow has shown in negotiating his own affairs? Mr. Hastings will inform us. “He should have pocketed the letter of the Court of Directors; he should never have made the least mention of it. He should have come to my banian, Cantoo Baboo; he should have offered him a bribe upon the occasion. That would have been the way to succeed with me, who am a public-spirited taker of bribes and nuzzers. But this base fool, this man, who is but a vile negotiator for his own interest, has dared to accept the patronage of the Court of Directors. He should have secured the protection of Cantoo Baboo, their more efficient rival. This would have been the skilful mode of doing the business.” But this man, it seems, had not only shown himself an unskilful negotiator, he had likewise afforded evidence of his want of integrity. And what is this evidence? His having “enabled himself to become the *principal* in such a competition.” That is to say, he had, by his meritorious conduct in the service of his masters, the Directors, obtained their approbation and favor. Mr. Hastings then contemptuously adds, “And for the test of his abilities, I appeal to the letter which he has dared to write to the board, and which I am ashamed to say we have suffered.” Whatever that letter may be, I will venture to say there is not a word or syllable in it that tastes of such insolence and arbitrariness with regard to the servants of the Company, his fellow-servants, of such audacious rebellion with regard to the laws of his country, as are contained in this minute of Mr. Hastings.

But, my Lords, why did he choose to have Mr. Middleton appointed Resident? Your Lordships have not seen Mr. Bristow: you have only heard of him as a humble suppliant to have the orders of the Company obeyed. But you have seen Mr.

Middleton. You know that Mr. Middleton is a good man to keep a secret: I describe him no further. You know what qualifications Mr. Hastings requires in a favorite. You also know why he was turned out of his employment, with the approbation of the Court of Directors: that it was principally because, when Resident in Oude, he positively, audaciously, and rebelliously refused to lay before the Council the correspondence with the country powers. He says he gave it up to Mr. Hastings. Whether he has or has not destroyed it we know not; all we know of it is, that it is not found to this hour. We cannot even find Mr. Middleton's trunk, though Mr. Jonathan Scott did at last produce his. The whole of the Persian correspondence, during Mr. Middleton's Residence, was refused, as I have said, to the board at Calcutta and to the Court of Directors, — was refused to the legal authorities; and Mr. Middleton, for that very refusal, was again appointed by Mr. Hastings to supersede Mr. Bristow, removed without a pretence of offence; he received, I say, this appointment from Mr. Hastings, as a reward for that servile compliance by which he dissolved every tie between himself and his legal masters.

The matter being now brought to a simple issue, whether the Governor-General is or is not bound to obey his superiors, I shall here leave it with your Lordships; and I have only to beg your Lordships will remark the course of events as they follow each other, — keeping in mind that the prisoner at your bar declared Mr. Bristow to be a man of suspected integrity, on account of his independence, and deficient in ability, because he did not know how best to promote his own interest.

I must here state to your Lordships, that it was the duty of the Resident to transact the money concerns of the Company, as well as its political negotiations. You will now see how Mr. Hastings divided that duty, after he became apprehensive that the Court of Directors might be inclined to assert their own authority, and to assert it in a proper manner, which they so rarely did. When, therefore, his passion had cooled, when his resentment of those violent indignities which had been offered to him, namely, the indignity of being put in mind that he had any superior under heaven, (for I know of no other,) he adopts the expedient of dividing the Residency into two offices; he makes a fair compromise between himself and the Directors; he appoints Mr. Middleton to the management of the money concerns, and Mr. Bristow to that of the political affairs. Your Lordships see that Mr. Bristow, upon whom he had fixed the disqualification for political affairs, was the very person appointed to that department; and to Mr. Middleton, the man of his confidence, he gives the management of the money transactions. He discovers plainly where his heart was: for where your treasure is, there will your heart be also. This private agent, this stifler of correspondence, a man whose costive retention discovers no secret committed to him, and whose slippery memory is subject to a diarrhoea which permits everything he did know to escape, — this very man he places in a situation where his talents could only be useful for concealment, and where concealment could only be used to cover fraud; while Mr. Bristow, who was by his

official engagement responsible to the Company for fair and clear accounts, was appointed superintendent of political affairs, an office for which Mr. Hastings declared he was totally unfit.

My Lords, you will judge of the designs which the prisoner had in contemplation, when he dared to commit this act of rebellion against the Company; you will see that it could not have been any other than getting the money transactions of Oude into his own hands. The presumption of a corrupt motive is here as strong as, I believe, it possibly can be.

The next point to which I have to direct your Lordships' attention is that part of the prisoner's conduct, in this matter, by which he exposed the nakedness of the Company's authority to the native powers. You would imagine, that, after the first dismissal of Mr. Bristow, Mr. Hastings would have done with him forever; that nothing could have induced him again to bring forward a man who had dared to insult him, a man who had shown an independent spirit, a man who had dishonored the Council and insulted his masters, a man of doubtful integrity and convicted unfitness for office. But, my Lords, in the face of all this, he afterwards sends this very man, with undivided authority, into the country as sole Resident. And now your Lordships shall hear in what manner he accounts for this appointment to Gobind Ram, the *vakeel*, or ambassador, of the Nabob Asoph ul Dowlah at Calcutta. It is in page 795 of the printed Minutes.

Extract of an Arzee sent by Rajah Gobind Ram to the Vizier, by the Governor-General's directions, and written the 27th of August, 1782.

"This day the Governor-General sent for me in private. After recapitulating the various informations he had received respecting the anarchy and confusion said to reign throughout your Highness's country, and complains that neither your Highness, or Hyder Beg Khân, or Mr. Middleton, or Mr. Johnson, ever wrote to him on the state of your affairs, or, if he ever received a letter from your presence, it always contained assertions contrary to the above informations, the Governor-General proceeded as follows.

"That it was his intention to have appointed Mr. David Anderson to attend upon your Highness, but that he was still with Sindia, and there was no prospect of his speedy return from his camp; therefore it was now his wish to appoint Mr. John Bristow, who was well experienced in business, to Lucknow. That, when Mr. Bristow formerly held the office of Resident there, he was not appointed by him; and that, notwithstanding he had not shown any instances of disobedience, yet he had deemed it necessary to recall him, because he had been patronized and appointed by gentlemen who were in opposition to him, and had counteracted and thwarted all his measures; that this had been his reason for recalling Mr. Bristow. That, since Mr. Francis's return to Europe, and the arrival of information there of the deaths of the other gentlemen, the King and the Company had declared their approbation of his, the Governor-General's, conduct, and had conferred upon him

the most ample powers; that they had sent out Mr. Macpherson, who was his old and particular friend; and that Mr. Stables, that was on his way here as a member of the Supreme Council, was also his particular friend; that Mr. Wheler had received letters from Europe, informing him that the members of the Council were enjoined all of them to coöperate and act in conjunction with him, in every measure which should be agreeable to him; and that there was no one in Council now who was not united with him, and consequently that his authority was perfect and complete. That Mr. Bristow, as it was known to me, had returned to Europe; but that during his stay there he had never said anything disrespectful of him or endeavored to injure him; on the contrary, he had received accounts from Europe that Mr. Bristow had spoken much in his praise, so that Mr. Bristow's friends had become his friends; that Mr. Bristow had lately been introduced to him by Mr. Macpherson, had explained his past conduct perfectly to his satisfaction, and had requested from him the appointment to Lucknow, and had declared, in the event of his obtaining the appointment, that he should show every mark of attention and obedience to the pleasure of your Highness, and his, the Governor's, saying, that your Highness was well pleased with him, and that he knew what you had written formerly was at the instigation of Mr. Middleton. That, in consequence of the foregoing, he, the Governor, had determined to have appointed Mr. Bristow to Lucknow, but had postponed his dismissal to his office for the following reasons, *videlicet*, people at Lucknow might think that Mr. Bristow had obtained his appointment in consequence of orders from Europe, and contrary to the Governor's inclination; but as the contrary was the case, and as he now considered Mr. Bristow as the object of his own particular patronage, therefore he directed me to forward Mr. Bristow's arzee to the presence; and that it was the Governor's wish that your Highness, on the receipt thereof, would write a letter to him, and, as from yourself, request of him that Mr. Bristow may be appointed to Lucknow, and that you would write an answer to this arzee, expressive of your personal satisfaction, on the subject. The Governor concluded with injunctions, that, until the arrival of your Highness's letter requesting the appointment of Mr. Bristow, and your answer to this arzee, that I should keep the particulars of this conversation a profound secret; for that the communication of it to any person whatever would not only cause his displeasure, but would throw affairs at Lucknow into great confusion.

"The preceding is the substance of the Governor's directions to me. He afterwards went to Mr. Macpherson's, and I attended him. Mr. Bristow was there; the Governor took Mr. Bristow's arzee from his hand and delivered it into mine, and thence proceeded to Council. Mr. Bristow's arzee, and the following particulars, I transmit and communicate by the Governor's directions; and I request that I may be favored with the answer to the arzee and the letter to the Governor as soon as possible, as his injunctions to me were very particular on the subject."

My Lords, I have to observe upon this very extraordinary transaction, that you will see many things in this letter that are curious, and worthy of being taken out of that abyss of secrets, Mr. Scott's trunk, in which this arzee was found. It contains, as far as the prisoner thinks proper to reveal it, the true secret of the transaction.

He confesses, first, the state of the Vizier's country, as communicated to him in various accounts of the anarchy and confusion said to reign throughout his territories. This was in the year 1782, during the time that the Oude correspondence was not communicated to the Council.

He next stated, that neither the Vizier, nor his minister, nor Mr. Middleton, nor Mr. Johnson, ever wrote to him on the state of affairs. Here, then, are three or four persons, all nominated by himself, every one of them supposed to be in his strictest confidence, — the Nabob and his vassal, Hyder Beg Khân, being, as we shall show afterwards, entirely his dependants, — and yet Mr. Hastings declares, that not one of them had done their duty, or had written him one word concerning the state of the country, and the anarchy and confusion that prevailed in it, and that, when the Nabob did write, his assertions were contrary to the real state of things. Now this irregular correspondence, which he carried on at Lucknow, and which gave him, as he pretends, this contradictory information, was, as your Lordships will see, nothing more or less than a complete fraud.

Your Lordships will next observe, that he tells the vakeel his reason for turning him out was, that he had been patronized by other gentlemen. This was true: but they had a right to patronize him; and they did not patronize him from private motives, but in direct obedience to the order of the Court of Directors. He then adds the assurance which he had received from Mr. Bristow, that he would be perfectly obedient to him, Mr. Hastings, in future; and he goes on to tell the vakeel that he knew the Vizier was once well pleased with him, (Mr. Bristow,) and that his formal complaints against him were written at the instigation of Mr. Middleton.

Here is another discovery, my Lords. When he recalled Mr. Bristow, he did it under the pretence of its being desired by the Nabob of Oude; and that, consequently, he would not keep at the Nabob's court a man that was disagreeable to him. Yet, when the thing comes to be opened, it appears that Mr. Middleton had made the Nabob, unwillingly, write a false letter. This subornation of falsehood appears also to have been known to Mr. Hastings. Did he, either as the natural guardian and protector of the reputation of his fellow-servants, or as the official administrator of the laws of his country, or as a faithful servant of the Company, ever call Mr. Middleton to an account for it? No, never. To everybody, therefore, acquainted with the characters and circumstances of the parties concerned, the conclusion will appear evident that he was himself the author of it. But your Lordships will find there is no end of his insolence and duplicity.

He next tells the vakeel, that the reason why he postponed the mission of Mr. Bristow to Lucknow was lest the people of Lucknow should think he had obtained

his appointment in consequence of orders from Europe, and contrary to the Governor's inclination. You see, my Lords, he would have the people of the country believe that they are to receive the person appointed Resident not as appointed by the Company, but in consequence of his being under Mr. Hastings's particular patronage; and to remove from them any suspicion that the Resident would obey the orders of the Court of Directors, or any orders but his own, he proceeds in the manner I have read to your Lordships.

You here see the whole machinery of the business. He removes Mr. Bristow, contrary to the orders of the Court of Directors. Why? Because, says he to the Court of Directors, the Nabob complained of him, and desired it. He here says, that he knew the Nabob did not desire it, but that the letter of complaint really and substantially was Mr. Middleton's. Lastly, as he recalls Mr. Bristow, so he wishes him to be called back in the same fictitious and fraudulent manner. This system of fraud proves that there is not one letter from that country, not one act of this Vizier, not one act of his ministers, not one act of his ambassadors, but what is false and fraudulent. And now think, my Lords, first, of the slavery of the Company's servants, subjected in this manner to the arbitrary will and corrupt frauds of Mr. Hastings! Next think of the situation of the princes of the country, obliged to complain without matter of complaint, to approve without [ground?] of satisfaction, and to have all their correspondence fabricated by Mr. Hastings at Calcutta!

But, my Lords, it was not indignities of this kind alone that the native princes suffered from this system of fraud and duplicity. Their more essential interests, and those of the people, were involved in it; it pervaded and poisoned the whole mass of their internal government.

Who was the instrument employed in all this double-dealing? Gobind Ram, the Vizier's diplomatic minister at Calcutta. Suspicions perpetually arise in his mind whether he is not cheated and imposed upon. He could never tell when he had Mr. Hastings fixed upon any point. He now finds him recommending Mr. Middleton, and then declaring that Mr. Middleton neglects the duty of his office, and gives him, Gobind Ram, information that is fraudulent and directly contrary to the truth. He is let into various contradictory secrets, and becomes acquainted with innumerable frauds, falsehoods, and prevarications. He knew that the whole pretended government of Oude was from beginning to end a deception; that it was an imposture for the purpose of corruption and peculation. Such was the situation of the Nabob's vakeel. The Nabob himself was really at a loss to know who had and who had not the Governor's confidence; whether he was acting in obedience to the orders of the Court of Directors, or whether their orders were not always to be disobeyed. He thus writes to Gobind Ram, who was exactly in the same uncertainty.

"As to the commands of Mr. Hastings which you write on the subject of the distraction of the country and the want of information from me, and his wishes, that, as Mr. John Bristow has shown sincere wishes and attachment to Mr. Hastings,

I should write for him to send Mr. John Bristow, it would have been proper and necessary for you privately to have understood what were Mr. Hastings's real intentions, whether the choice of sending Mr. John Bristow was his own desire, or whether it was in compliance with Mr. Macpherson's, that I might then have written conformably thereto. Writings are now sent to you for both cases; having privately understood the wishes of Mr. Hastings, deliver whichever of the writings he should order you; for I study Mr. Hastings's satisfaction; whoever is his friend is mine, and whoever is his enemy is mine. But in both these cases, my wishes are the same; that having consented to the paper of questions which Major Davy carried with him, and having given me the authority of the country, whomever he may afterwards appoint, I am satisfied. I am now brought to great distress by these gentlemen, who ruin me; in case of consent, I am contented with Majors Davy and Palmer. Hereafter, whatever may be Mr. Hastings's desire, it is best."

Here is a poor, miserable instrument, confessing himself to be such, ruined by Mr. Hastings's public agents, Mr. Middleton and Mr. Johnson; ruined by his private agents, Major Davy and Major Palmer; ruined equally by them all; and at last declaring in a tone of despair, "If you have a mind really to keep Major Davy and Major Palmer here, why, I must consent to it. Do what you please with me, I am your creature; for God's sake, let me have a little rest."

Your Lordships shall next hear what account Hyder Beg Khân, the Vizier's prime-minister, gives of the situation in which he and his master were placed.

Extract of a Letter from Hyder Beg Khân, received 21st April, 1785.

"I hope that such orders and commands as relate to the friendship between his Highness and the Company's governments and to your will may be sent through Major Palmer, in your own private letters, or in your letters to the Major, who is appointed from you at the presence of his Highness, that, in obedience to your orders, he may properly explain your commands, and, whatever affair may be settled, he may first secretly inform you of it, and afterwards his Highness may, conformably thereto, write an answer, and I also may represent it. By this system, your pleasure will always be fully made known to his Highness; and his Highness and we will execute whatever may be your orders, without deviating a hair's-breadth: and let not the representations of interested persons be approved of, because his Highness makes no opposition to your will; and I, your servant, am ready in obedience and service, and I make no excuses."

Now, my Lords, was there ever such a discovery made of the arcana of any public theatre? You see here, behind the ostensible scenery, all the crooked working of the machinery developed and laid open to the world. You now see by what secret movement the master of the mechanism has conducted the great Indian opera, — an opera of fraud, deceptions, and harlequin tricks. You have it all laid open before you. The ostensible scene is drawn aside; it has vanished from your sight. All the strutting signors, and all the soft signoras are gone; and instead of a brilliant

spectacle of descending chariots, gods, goddesses, sun, moon, and stars, you have nothing to gaze on but sticks, wire, ropes, and machinery. You find the appearance all false and fraudulent; and you see the whole trick at once. All this, my Lords, we owe to Major Scott's trunk, which, by admitting us behind the scene, has enabled us to discover the real state of Mr. Hastings's government in India. And can your Lordships believe that all this mechanism of fraud, prevarication, and falsehood could have been intended for any purpose but to forward that robbery, corruption, and speculation by which Mr. Hastings has destroyed one of the finest countries upon earth? Is it necessary, after this, for me to tell you that you are not to believe one word of the correspondence stated by him to have been received from India? This discovery goes to the whole matter of the whole government of the country. You have seen what that government was, and by-and-by you shall see the effects of it.

Your Lordships have now seen this trunk of Mr. Scott's producing the effects of Aladdin's lamp, — of which your Lordships may read in books much more worthy of credit than Mr. Hastings's correspondence. I have given all the credit of this precious discovery to Mr. Scott's trunk; but, my Lords, I find that I have to ask pardon for a mistake in supposing the letter of Hyder Beg Khân to be a part of Mr. Hastings's correspondence. It comes from another quarter, not much less singular, and equally authentic and unimpeachable. But though it is not from the trunk, it smells of the trunk, it smells of the leather. I was as proud of my imaginary discovery as Sancho Panza was that one of his ancestors had discovered a taste of iron in some wine, and another a taste of leather in the same wine, and that afterwards there was found in the cask a little key tied to a thong of leather, which had given to the wine a taste of both. Now, whether this letter tasted of the leather of the trunk or of the iron of Mr. Macpherson, I confess I was a little out in my suggestion and my taste. The letter in question was written by Hyder Beg Khân, after Mr. Hastings's departure, to Mr. Macpherson, when he succeeded to the government. That gentleman thus got possession of a key to the trunk; and it appears to have been his intentions to follow the steps of his predecessor, to act exactly in the same manner, and in the same manner to make the Nabob the instrument of his own ruin. This letter was written by the Nabob's minister to Sir John Macpherson, newly inaugurated into his government, and who might be supposed not to be acquainted with all the best of Mr. Hastings's secrets, nor to have had all the trunk correspondence put into his hands. However, here is a trunk extraordinary, and its contents are much in the manner of the other. The Nabob's minister acquaints him with the whole secret of the system. It is plain that the Nabob considered it as a system not to be altered: that there was to be nothing true, nothing aboveboard, nothing open in the government of his affairs. When you thus see that there can be little doubt of the true nature of the government, I am sure that

hereafter, when we come to consider the effects of that government, it will clear up and bring home to the prisoner at your bar all we shall have to say upon this subject.

Mr. Hastings, having thrown off completely the authority of the Company, as you have seen, — having trampled upon those of their servants who had manifested any symptom of independence, or who considered the orders of the Directors as a rule of their conduct, — having brought every Englishman under his yoke, and made them supple and fit instruments for all his designs, — then gave it to be understood that such alone were fit persons to be employed in important affairs of state. Consider, my Lords, the effect of this upon the whole service. Not one man that appears to pay any regard to the authority of the Directors is to expect that any regard will be paid to himself. So that this man not only rebels himself, in his own person, against the authority of the Company, but he makes all their servants join him in this very rebellion. Think, my Lords, of this state of things, — and I wish it never to pass from your minds that I have called him the captain-general of the whole host of actors in Indian iniquity, under whom that host was arrayed, disciplined, and paid. This language which I used was not, as fools have thought proper to call it, offensive and abusive; it is in a proper criminary tone, justified by the facts that I have stated to you, and in every step we take it is justified more and more. I take it as a text upon which I mean to preach; I take it as a text which I wish to have in your Lordships' memory from the beginning to the end of this proceeding. He is not only guilty of iniquity himself, but is at the head of a system of iniquity and rebellion, and will not suffer with impunity any one honest man to exist in India, if he can help it. Every mark of obedience to the legal authority of the Company is by him condemned; and if there is any virtue remaining in India, as I think there is, it is not his fault that it still exists there.

We have shown you the servile obedience of the natives of the country; we have shown you the miserable situation to which a great prince, at least a person who was the other day a great prince, was reduced by Mr. Hastings's system. We shall next show you that this prince, who, unfortunately for himself, became a dependant on the Company, and thereby subjected to the will of an arbitrary government, is made by him the instrument of his own degradation, the instrument of his (the Governor's) falsehoods, the instrument of his peculations; and that he had been subjected to all this degradation for the purposes of the most odious tyranny, violence, and corruption.

Mr. Hastings, having assumed the government to himself, soon made Oude a private domain. It had, to be sure, a public name, but it was to all practical intents and purposes his park, or his warren, — a place, as it were, for game, whence he drew out or killed, at an earlier or later season, as he thought fit, anything he liked, and brought it to his table according as it served his purpose. Before I proceed, it will not be improper for me to remind your Lordships of the legitimate ends to which all controlling and superintending power ought to be directed. Whether a

man acquires this power by law or by usurpation, there are certain duties attached to his station. Let us now see what these duties are.

The first is, to take care of that vital principle of every state, its revenue. The next is, to preserve the magistracy and legal authorities in honor, respect, and force. And the third, to preserve the property, movable and immovable, of all the people committed to his charge.

In regard to his first duty, the protection of the revenue, your Lordships will find, that, from three millions and upwards which I stated to be the revenue of Oude, and which Mr. Hastings, I believe, or anybody for him, has never thought proper to deny, it sunk under his management to about one million four hundred and forty thousand pounds: and even this, Mr. Middleton says, (as you may see in your minutes,) was not completely realized. Thus, my Lords, you see that one half of the whole revenue of the country was lost after it came into Mr. Hastings's management. Well, but it may perhaps be said this was owing to the Nabob's own imprudence. No such thing, my Lords; it could not be so; for the whole *real* administration and government of the country was in the hands of Mr. Hastings's agents, public or private.

To let you see how provident Mr. Hastings's management of it was, I shall produce to your Lordships one of the principal manoeuvres that he adopted for the improvement of the revenue, and for the happiness and prosperity of the country, the latter of which will always go along, more or less, with the first.

The Nabob, whose acts your Lordships have now learned to appreciate as no other than the acts of Mr. Hastings, writes to the Council to have a body of British officers, for the purposes of improving the discipline of his troops, collecting his revenues, and repressing disorder and outrage among his subjects. This proposal was ostensibly fair and proper; and if I had been in the Council at that time, and the Nabob had really and *bonâ fide* made such a request, I should have said he had taken a very reasonable and judicious step, and that the Company ought to aid him in his design.

Among the officers sent to Oude, in consequence of this requisition, was the well-known Colonel Hannay: a man whose name will be bitterly and long remembered in India. This person, we understand, had been recommended to Mr. Hastings by Sir Elijah Impey: and his appointment was the natural consequence of such patronage. I say the natural consequence, because Sir Elijah Impey appears on your minutes to have been Mr. Hastings's private agent and negotiator in Oude. In that light, and in that light only, I consider Colonel Hannay in this business. We cannot prove that he was not of Mr. Hastings's own nomination originally and primarily; but whether we take him in this way, or as recommended by Sir Elijah Impey, or anybody else, Mr. Hastings is equally responsible.

Colonel Hannay is sent up by Mr. Hastings, and has the command of a brigade, of two regiments I think, given to him. Thus far all is apparently fair and easily

understood. But in this country we find everything in masquerade and disguise. We find this man, instead of being an officer, farmed the revenue of the country, as is proved by Colonel Lumsden and other gentlemen, who were his sub-farmers and his assistants. Here, my Lords, we have a man who appeared to have been sent up the country as a commander of troops, agreeably to the Nabob's request, and who, upon our inquiry, we discover to have been farmer-general of the country! We discover this with surprise; and I believe, till our inquiries began, it was unknown in Europe. We have, however, proved upon your Lordships' minutes, by an evidence produced by Mr. Hastings himself, that Colonel Hannay was actually farmer-general of the countries of Baraitch and Goruckpore. We have proved upon your minutes that Colonel Hannay was the only person possessed of power in the country; that there was no magistrate in it, nor any administration of the law whatever. We have proved to your Lordships that in his character of farmer-general he availed himself of the influence derived from commanding a battalion of soldiers. In short, we have proved that the whole power, civil, military, municipal, and financial, resided in him; and we further refer your Lordships to Mr. Lumsden and Mr. Halhed for the authority which he possessed in that country. Your Lordships, I am sure, will supply with your diligence what is defective in my statement; I have therefore taken the liberty of indicating to you where you are to find the evidence to which I refer. You will there, my Lords, find this Colonel Hannay in a false character: he is ostensibly given to the Nabob as a commander of his troops, while in reality he is forced upon that prince as his farmer-general. He is invested with the whole command of the country, while the sovereign is unable to control him, or to prevent his extorting from the people whatever he pleases.

If we are asked what the terms of his farm were, we cannot discover that he farmed the country at any certain sum. We cannot discover that he was subjected to any terms, or confined by any limitations. Armed with arbitrary power, and exercising that power under a false title, his exactions from the poor natives were only limited by his own pleasure. Under these circumstances, we are now to ask what there was to prevent him from robbing and ruining the people, and what security against his robbing the exchequer of the person whose revenue he farmed.

You are told by the witnesses in the clearest manner, (and, after what you have heard of the state of Oude, you cannot doubt the fact,) that nobody, not even the Nabob, dared to complain against him, — that he was considered as a man authorized and supported by the power of the British government; and it is proved in the evidence before you that he vexed and harassed the country to the utmost extent which we have stated in our article of charge, and which you would naturally expect from a man acting under such false names with such real powers. We have proved that from some of the principal zemindars in that country, who held farms let to them for twenty-seven thousand rupees a year, a rent of sixty thousand was

demanded, and in some cases enforced, — and that upon the refusal of one of them to comply with this demand, he was driven out of the country.

Your Lordships will find in the evidence before you that the inhabitants of the country were not only harassed in their fortunes, but cruelly treated in their persons. You have it upon Mr. Halhed's evidence, and it is not attempted, that I know of, to be contradicted, that the people were confined in open cages, exposed to the scorching heat of the sun, for pretended or real arrears of rent: it is indifferent which, because I consider all confinement of the person to support an arbitrary exaction to be an abomination not to be tolerated. They have endeavored, indeed, to weaken this evidence by an attempt to prove that a man day and night in confinement in an open cage suffers no inconvenience. And here I must beg your Lordships to observe the extreme unwillingness that appears in these witnesses. Their testimony is drawn from them drop by drop, their answers to our questions are never more than yes or no; but when they are examined by the counsel on the other side, it flows as freely as if drawn from a perennial spring: and such a spring we have in Indian corruption. We have, however, proved that in these cages the renters were confined till they could be lodged in the dungeons or mud forts. We have proved that some of them were obliged to sell their children, that others fled the country, and that these practices were carried to such an awful extent that Colonel Hannay was under the necessity of issuing orders against the unnatural sale and flight which his rapacity had occasioned.

The prisoner's counsel have attempted to prove that this had been a common practice in that country. And though possibly some person as wicked as Colonel Hannay might have been there before at some time or other, no man ever sold his children but under the pressure of some cruel exaction. Nature calls out against it. The love that God has implanted in the heart of parents towards their children is the first germ of that second conjunction which He has ordered to subsist between them and the rest of mankind. It is the first formation and first bond of society. It is stronger than all laws; for it is the law of Nature, which is the law of God. Never did a man sell his children who was able to maintain them. It is, therefore, not only a proof of his exactions, but a decisive proof that these exactions were intolerable.

Next to the love of parents for their children, the strongest instinct, both natural and moral, that exists in man, is the love of his country: an instinct, indeed, which extends even to the brute creation. All creatures love their offspring; next to that they love their homes: they have a fondness for the place where they have been bred, for the habitations they have dwelt in, for the stalls in which they have been fed, the pastures they have browsed in, and the wilds in which they have roamed. We all know that the natal soil has a sweetness in it beyond the harmony of verse. This instinct, I say, that binds all creatures to their country, never becomes inert in us, nor ever suffers us to want a memory of it. Those, therefore, who seek to fly their country can only wish to fly from oppression: and what other proof can you

want of this oppression, when, as a witness has told you, Colonel Hannay was obliged to put bars and guards to confine the inhabitants within the country?

We have seen, therefore, Nature violated in its strongest principles. We have seen unlimited and arbitrary exaction avowed, on no pretence of any law, rule, or any fixed mode by which these people were to be dealt with. All these facts have been proved before your Lordships by costive and unwilling witnesses. In consequence of these violent and cruel oppressions, a general rebellion breaks out in the country, as was naturally to be expected. The inhabitants rise as if by common consent; every farmer, every proprietor of land, every man who loved his family and his country, and had not fled for refuge, rose in rebellion, as they call it. My Lords, they did rebel; it was a just rebellion. Insurrection was there just and legal, inasmuch as Colonel Hannay, in defiance of the laws and rights of the people, exercised a clandestine, illegal authority, against which there can be no rebellion in its proper sense.

As a rebellion, however, and as a rebellion of the most unprovoked kind, it was treated by Colonel Hannay; and to one instance of the means taken for suppressing it, as proved by evidence before your Lordships, I will just beg leave to call your attention. One hundred and fifty of the inhabitants had been shut up in one of the mud forts I have mentioned. The people of the country, in their rage, attacked the fort, and demanded the prisoners; they called for their brothers, their fathers, their husbands, who were confined there. It was attacked by the joint assault of men and women. The man who commanded in the fort immediately cut off the heads of eighteen of the principal prisoners, and tossed them over the battlements to the assailants. There happened to be a prisoner in the fort, a man loved and respected in his country, and who, whether justly or unjustly, was honored and much esteemed by all the people. "Give us our Rajah, Mustapha Khân!" (that was the name of the man confined,) cried out the assailants. We asked the witness at your bar what he was confined for. He did not know; but he said that Colonel Hannay had confined him, and added, that he was sentenced to death. We desired to see the *fetwah*, or decree, of the judge who sentenced him. No, — no such thing, nor any evidence of its having ever existed, could be produced. We desired to know whether he could give any account of the process, any account of the magistrate, any account of the accuser, any account of the defence, — in short, whether he could give any account whatever of this man's being condemned to death. He could give no account of it, but the orders of Colonel Hannay, who seems to have imprisoned and condemned him by his own arbitrary will. Upon the demand of Rajah Mustapha by the insurgents being made known to Colonel Hannay, he sends an order to the commander of the fort, a man already stained with the blood of all the people who were murdered there, that, if he had not executed Mustapha Khân, he should execute him immediately. The man is staggered at the order, and refuses to execute it, as not being directly addressed to him. Colonel Hannay then sends a Captain

Williams, who has appeared here as an evidence at your bar, and who, together with Captain Gordon and Major Macdonald, both witnesses also here, were all sub-farmers and actors under Colonel Hannay. This Captain Williams, I say, goes there, and, without asking one of those questions which I put to the witness at your bar, and desiring nothing but Colonel Hannay's word, orders the man to be beheaded; and accordingly he was beheaded, agreeably to the orders of Colonel Hannay. Upon this, the rebellion blazed out with tenfold fury, and the people declared they would be revenged for the destruction of their zemindar.

Your Lordships have now seen this Mustapha Khân imprisoned and sentenced to death by Colonel Hannay, without judge and without accuser, without any evidence, without the *fetwah*, or any sentence of the law. This man is thus put to death by an arbitrary villain, by a more than cruel tyrant, Colonel Hannay, the substitute of a ten thousand times more cruel tyrant, Mr. Hastings.

In this situation was the country of Oude, under Colonel Hannay, when he was removed from it. The knowledge of his misconduct had before induced the miserable Nabob to make an effort to get rid of him; but Mr. Hastings had repressed that effort by a civil reprimand, — telling him, indeed, at the same time, “I do not force you to receive him.” (Indeed, the Nabob's situation had in it force enough.) The Nabob, I say, was forced to receive him; and again he ravages and destroys that devoted country, till the time of which I have been just speaking, when he was driven out of it finally by the rebellion, and, as you may imagine, departed like a leech full of blood.

It is stated in evidence upon your minutes that this bloated leech went back to Calcutta; that he was supposed, from a state of debt, (in which he was known to have been when he left that city,) to have returned from Oude with the handsome sum of 300,000*l.*, of which 80,000*l.* was in gold mohurs. This is declared to be the universal opinion in India, and no man has ever contradicted it. Ten persons have given evidence to that effect; not one has contradicted it, from that hour to this, that I ever heard of. The man is now no more. Whether his family have the whole of the plunder or not, — what partnership there was in this business, — what shares, what dividends were made, and who got them, — about all this public opinion varied, and we can with certainty affirm nothing; but there ended the life and exploits of Colonel Hannay, farmer-general, civil officer, and military commander of Baraich and Goruckpore. But not so ended Mr. Hastings's proceedings.

Soon after the return of Colonel Hannay to Calcutta, this miserable Nabob received intelligence, which concurrent public fame supported, that Mr. Hastings meant to send him up into the country again, on a second expedition, probably with some such order as this:— “You have sucked blood enough for yourself, now try what you can do for your neighbors.” The Nabob was not likely to be misinformed. His friend and agent, Gobind Ram, was at Calcutta, and had constant access to all Mr. Hastings's people. Mr. Hastings himself tells you what instructions these

vakeels always have to search into and discover all his transactions. This Gobind Ram, alarmed with strong apprehensions, and struck with horror at the very idea of such an event, apprised his master of his belief that Mr. Hastings meant to send Colonel Hannay again into the country. Judge now, my lords, what Colonel Hannay must have been, from the declaration which I will now read to you, extorted from that miserable slave, the Nabob, who thus addresses Mr. Hastings.

“My country and house belong to you; there is no difference. I hope that you desire in your heart the good of my concerns. Colonel Hannay is inclined to request your permission to be employed in the affairs of this quarter. If by any means any matter of this country dependent on me should be intrusted to the Colonel, I swear by the Holy Prophet, that I will not remain here, but will go from hence to you. From your kindness let no concern dependent on me be intrusted to the Colonel, and oblige me by a speedy answer which may set my mind at ease.”

We know very well that the prisoner at your bar denied his having any intention to send him up. We cannot prove them, but we maintain that there were grounds for the strongest suspicions that he entertained such intentions. He cannot deny the reality of this terror which existed in the minds of the Nabob and his people, under the apprehension that he was to be sent up, which plainly showed that they at least considered there was ground enough for charging him with that intention. What reason was there to think that he should not be sent a third time, who had been sent twice before? Certainly, none; because every circumstance of Mr. Hastings’s proceedings was systematical, and perfectly well known at Oude.

But suppose it to have been a false report; it shows all that the Managers wish to show, the extreme terror which these creatures and tools of Mr. Hastings struck into the people of that country. His denial of any intention of again sending Colonel Hannay does not disprove either the justness of their suspicions or the existence of the terror which his very name excited.

My Lords, I shall now call your attention to a part of the evidence which we have produced to prove the terrible effects of Colonel Hannay’s operations. Captain Edwards, an untainted man, who tells you that he had passed through that country again and again, describes it as bearing all the marks of savage desolation. Mr. Holt says it has fallen from its former state, — that whole towns and villages were no longer peopled, and that the country carried evident marks of famine. One would have thought that Colonel Hannay’s cruelty and depredations would have satiated Mr. Hastings. No: he finds another military collector, a Major Osborne, who, having suffered in his preferment by the sentence of a court-martial, whether justly or unjustly I neither know nor care, was appointed to the command of a thousand men in the provinces of Oude, but really to the administration of the revenues of the country. He administered them much in the same manner as Colonel Hannay had done. He, however, transmitted to the government at Calcutta a partial representation of the state of the provinces, the substance of which was, that the

natives were exposed to every kind of speculation, and that the country was in a horrible state of confusion and disorder. This is upon the Company's records; and although not produced in evidence, your Lordships may find it, for it has been printed over and over again. This man went up to the Vizier; in consequence of whose complaint, and the renewed cries of the people, Mr. Hastings was soon obliged to recall him.

But, my Lords, let us go from Major Osborne to the rest of these military purveyors of revenue. Your Lordships shall hear the Vizier's own account of what he suffered from British officers, and into what a state Mr. Hastings brought that country by the agency of officers who, under the pretence of defending it, were invested with powers which enabled them to commit most horrible abuses in the administration of the revenue, the collection of customs, and the monopoly of the markets.

Copy of a Letter from the Nabob Vizier to the Governor-General.

"All the officers stationed with the brigade at Cawnpore, Futtighur, Darunghur, and Furruckabad, and other places, write purwannahs, and give positive orders to the aumils of these places, respecting the grain, &c.; from which conduct the country will become depopulate. I am hopeful from your friendship that you will write to all these gentlemen not to issue orders, &c., to the aumils, and not to send troops into the mahals of the sircar; and for whatever quantity of grain, &c., they may want, they will inform me and the Resident, and we will write it to the aumils, who shall cause it to be sent them every month, and I will deduct the price of them from the tuncaws: this will be agreeable both to me and to the ryots."

A Copy of a subsequent Letter from the Vizier to Rajah Gobind Ram.

"I some time ago wrote you the particulars of the conduct of the officers, and now write them again. The officers and gentlemen who are at Cawnpore, and Futtighur, and Darunghur, and other places, by different means act very tyrannically and oppressively towards the aumils and ryots and inhabitants; and to whomsoever that requires a dustuck they give it, with their own seal affixed, and send for the aumils and punish them. If they say anything, the gentlemen make use of but two words: one, — *That is for the brigade*; and the second, — *That is to administer justice*. The particulars of it is this, — that the byparees will bring their grain from all quarters, and sell for their livelihood. There is at present no war to occasion a necessity for sending for it. If none comes, whatever quantity will be necessary every month I will mention to the aumils, that they may bring it for sale: but there is no deficiency of grain. The gentlemen have established gunges for their own advantage, called Colonel Gunge, at Darunghur, Futtighur, &c. The collection of the customs from all quarters they have stopped, and collected them at their own gunges. Each gunge is rented out at 30,000-40,000 rupees, and their collections paid to the gentlemen. They have established gunges where there never were any, and where they were, those they have abolished; 30,000 or 40,000 rupees is the sum

they are rented at; the collections, to the amount of a lac of rupees, are stopped. Major Briscoe, who is at Darunghur, has established a gunge which rented out for 45,000 rupees, and has stopped the ghauts round about the byparees; and merchants coming from Cashmere, from Shahjehanabad, and bringing shawls and other goods and spices, &c., from all quarters, he orders to his gunge, and collects the duty from the aumils, gives them a chit, and a guard, who conducts them about five hundred coss: the former duties are not collected. From the conduct at Cawnpore, Futtighur, Furruckabad, &c., the duties from the lilla of Gora and Thlawa are destroyed, and occasion a loss of three lacs of rupees to the duties; and the losses that are sustained in Furruckabad may be ascertained by the Nabob Muzuffer Jung, to whom every day complaints are made: exclusive of the aumils and collectors, others lodge complaints. Whatever I do, I desire no benefit from it; I am remediless and silent; from what happens to me, I know that worse will happen in other places; the second word, I know, is from their mouths only. This is the case. In this country formerly, and even now, whatever is to be received or paid among the zemindars, ryots, and inhabitants of the cities, and poor people, neither those who can pay or those who cannot pay ever make any excuse to the shroffs; but when they could pay, they did. In old debts of fifty years, whoever complain to the gentlemen, they agree that they shall pay one fourth, and send dustucks and sepoy to all the aumils, the chowdries, and canongoes, and inhabitants of all the towns; they send for everybody, to do them justice, confine them, and say they will settle the business. So many and numerous are these calamities, that I know not how much room it will take up to mention them. Mr. Briscoe is at Darunghur; and the complaints of the aumils arrive daily. I am silent. Now Mr. Middleton is coming here, let the Nabob appoint him for settling all these affairs, that whatever he shall order those gentlemen they will do. From this everything will be settled, and the particulars of this quarter will be made known to the Nabob. I have written this, which you will deliver to the Governor, that everything may be settled; and when he has understood it, whatever is his inclination, he will favor me with it. The Nabob is master in this country, and is my friend; there is no distinction."

Copy of another Letter, entered upon the Consultation of the 4th of June, 1781.

"I have received your letter, requesting leave for a battalion to be raised by Captain Clark on the same footing as Major Osborne's was, agreeable to the requests and complaints of Ishmael Beg, the aumil of Allahabad, &c., and in compliance with the directions of the Council. You are well acquainted with the particulars and negotiation of Ishmael Beg, and the nature of Mr. Osborne's battalion. At the beginning of the year 1186 (1779) the affairs of Allahabad were given on a lease of three years to Ishmael Beg, together with the purgunnahs Arreel and Parra; and I gave orders for troops to be stationed and raised, conformable to his request. Ishmael Beg accordingly collected twelve hundred peons, which were not allowed to the aumil of that place in the year 1185. The reason why I gave

permission for the additional expense of twelve hundred peons was, that he might be enabled to manage the country with ease, and pay the money to government regularly. I besides sent Mr. Osborne there to command in the mahals belonging to Allahabad, which were in the possession of Rajah Ajeet Sing; and he accordingly took charge. Afterwards, in obedience to the orders of the Governor-General, Mr. Hastings, Jelladut Jung, he was recalled, and the mahals placed, as before, under Rajah Ajeet Sing. I never sent Mr. Osborne to settle the concerns of Allahabad, for there was no occasion for him; but Mr. Osborne, of himself, committed depredations and rapines within Ishmael Beg's jurisdiction. Last year, the battalion, which, by permission of General Sir Eyre Coote, was sent, received orders to secure and defend Ishmael Beg against the encroachments of Mr. Osborne; for the complaints of Ishmael Beg against the violences of Mr. Osborne had reached the General and Mr. Purling; and the Governor and gentlemen of Council, at my request, recalled Mr. Osborne. This year, as before, the collections of Arreel and Parra remain under Ishmael Beg. In those places, some of the talookdars and zemindars, who had been oppressed and ill-treated by Mr. Osborne, had conceived ideas of rebellion."

Here, my Lords, you have an account of the condition of Darunghur, Futtighur, Furruckabad, and of the whole line of our military stations in the Nabob's dominions. You see the whole was one universal scene of plunder and rapine. You see all this was known to Mr. Hastings, who never inflicted any punishments for all this horrible outrage. You see the utmost he has done is merely to recall one man, Major Osborne, who was by no means the only person deeply involved in these charges. He nominated all these people; he has never called any of them to an account. Shall I not, then, call him their captain-general? Shall not your Lordships call him so? And shall any man in the kingdom call him by any other name? We see all the executive, all the civil and criminal justice of the country seized on by him. We see the trade and all the duties seized upon by his creatures. We see them destroying established markets, and creating others at their pleasure. We see them, in the country of an ally and in a time of peace, producing all the consequences of rapine and of war. We see the country ruined and depopulated by men who attempt to exculpate themselves by charging their unhappy victims with rebellion.

And now, my Lords, who is it that has brought to light all these outrages and complaints, the existence of which has never been denied, and for which no redress was ever obtained, and no punishment ever inflicted? Why, Mr. Hastings himself has brought them before you; they are found in papers which he has transmitted. God, who inflicts blindness upon great criminals, in order that they should meet with the punishment they deserve, has made him the means of bringing forward this scene, which we are maliciously said to have falsely and maliciously devised. If any one of the ravages [charges?] contained in that long catalogue of grievances is false, Warren Hastings is the person who must answer for that individual falsehood. If

they are generally false, he is to answer for the false and calumniating accusation; and if they are true, my Lords, he only is answerable, for he appointed those ministers of outrage, and never called them to account for their misconduct.

Let me now show your Lordships the character that Mr. Hastings gives of all the British officers. It is to be found in an extract from the Appendix to that part of his Benares Narrative in which he comments upon the treaty of Chunar. Mark, my Lords, what the man himself says of the whole military service.

“Notwithstanding the great benefit which the Company would have derived from such an augmentation of their military force as these troops constituted, ready to act on any emergency, prepared and disciplined without any charge on the Company, as the institution professed, until their actual services should be required, I have observed some evils growing out of the system, which, in my opinion, more than counterbalanced those advantages, had they been realized in their fullest effect. The remote stations of these troops, placing the commanding officers beyond the notice and control of the board, afforded too much opportunity and temptation for unwarrantable emoluments, and excited the contagion of speculation and rapacity throughout the whole army. A most remarkable and incontrovertible proof of the prevalence of this spirit has been seen in the court-martial upon Captain Erskine, where the court, composed of officers of rank and respectable characters, unanimously and honorably, most honorably, acquitted him upon an acknowledged fact which in times of stricter discipline would have been deemed a crime deserving the severest punishment.”

I will now call your Lordships’ attention to another extract from the same comment of Mr. Hastings, with respect to the removal of the Company’s servants, civil and military, from the court and service of the Vizier.

“I was actuated solely by motives of justice to him and a regard to the honor of our national character. In removing those gentlemen I diminish my own influence, as well as that of my colleagues, by narrowing the line of patronage; and I expose myself to obloquy and resentment from those who are immediately affected by the arrangement, and the long train of their friends and powerful patrons. But their numbers, their influence, and the enormous amount of their salaries, pensions, and emoluments, were an intolerable burden on the revenues and authority of the Vizier, and exposed us to the envy and resentment of the whole country, by excluding the native servants and adherents of the Vizier from the rewards of their services and attachment.”

My Lords, you have here Mr. Hastings’s opinion of the whole military service. You have here the authority and documents by which he supports his opinion. He states that the contagion of speculation had tainted all the frontier stations, which contain much the largest part of the Company’s army. He states that this contagion had tainted the whole army, *everywhere*: so that, according to him, there was, throughout the Indian army, an universal taint of speculation. My Lords, speculation

is not a military vice. Insubordination, want of attention to duty, want of order, want of obedience and regularity, are military vices; but who ever before heard of peculation being a military vice? In the case before you, it became so by employing military men as farmers of revenue, as masters of markets and of gunges. This departure from the military character and from military duties introduced that peculation which tainted the army, and desolated the dominions of the Nabob Vizier.

I declare, when I first read the passage which has been just read to your Lordships, in the infancy of this inquiry, it struck me with astonishment that peculation should *at all* exist as a military vice; but I was still more astonished at finding Warren Hastings charging the *whole* British army with being corrupted by this base and depraved spirit, to a degree which tainted even their judicial character. This, my Lords, is a most serious matter. The judicial functions of military men are of vast importance in themselves; and, generally speaking, there is not any tribunal whose members are more honorable in their conduct and more just in their decisions than those of a court-martial. Perhaps there is not a tribunal in this country whose reputation is really more untainted than that of a court-martial. It stands as fair, in the opinion both of the army and of the public, as any tribunal, in a country where *all* tribunals stand fair. But in India, this unnatural vice of peculation, which has no more to do with the vices of a military character than with its virtues, this venomous spirit, has pervaded the members of military tribunals to such an extent, that they acquit, honorably acquit, *most* honorably acquit a man, “upon an acknowledged fact which in times of stricter discipline would have been deemed a crime deserving the severest punishment.”

Who says all this, my Lords? Do I say it? No: it is Warren Hastings who says it. He records it. He gives you his vouchers and his evidence, and he draws the conclusion. He is the criminal accuser of the British army. He who sits in that box accuses the whole British army in India. He has declared them to be so tainted with peculation, from head to foot, as to have been induced to commit the most wicked perjuries, for the purpose of bearing one another out in their abominable peculations. In this unnatural state of things, and whilst there is not one military man on these stations of whom Mr. Hastings does not give this abominably flagitious character, yet every one of them have joined to give him the benefit of their testimony for his honorable intentions and conduct.

In this tremendous scene, which he himself exposes, are there no signs of this captain-generalship which I have alluded to? Are there no signs of this man's being a captain-general of iniquity, under whom all the spoilers of India were paid, disciplined, and supported? I not only charge him with being guilty of a thousand crimes, but I assert that there is not a soldier or a civil servant in India whose culpable acts are not owing to this man's example, connivance, and protection. Everything which goes to criminate them goes directly against the prisoner. He puts

them in a condition to plunder; he suffered no native authority or government to restrain them; and he never called a man to an account for these flagitious acts which he has thought proper to bring before his country in the most solemn manner and upon the most solemn occasion.

I verily believe, in my conscience, his accusation is not true, in the excess, in the generality and extravagance in which he charges it. That it is true in a great measure we cannot deny; and in that measure we, in our turn, charge him with being the author of all the crimes which he denounces; and if there is anything in the charge beyond the truth, it is he who is to answer for the falsehood.

I will now refer your Lordships to his opinion of the civil service, as it is declared and recorded in his remarks upon the removal of the Company's civil servants by him from the service of the Vizier.— "I was," says he, "actuated solely by motives of justice to him [the Nabob of Oude], and a regard to the honor of our national character." — Here, you see, he declares his opinion that in Oude the civil servants of the Company had destroyed the national character, and that therefore they ought to be recalled.— "By removing these people," he adds, "I diminish my patronage." — But I ask, How came they there? Why, through this patronage. He sent them there to suck the blood which the military had spared. He sent these civil servants to do ten times more mischief than the military ravagers could do, because they were invested with greater authority.— "If," says he, "I recall them from thence, I lessen my patronage." — But who, my Lords, authorized him to become a patron? What laws of his country justified him in forcing upon the Vizier the civil servants of the Company? What treaty authorized him to do it? What system of policy, except his own wicked, arbitrary system, authorized him to act thus?

He proceeds to say, "I expose myself to obloquy and resentment from those who are immediately affected by the arrangement, and the long train of their friends and powerful patrons." — My Lords, it is the constant burden of his song, that he cannot do his duty, that he is fettered in everything, that he fears a thousand mischiefs to happen to him, — not from his acting with carefulness, economy, frugality, and in obedience to the laws of his country, but from the very reverse of all this. Says he, "I am afraid I shall forfeit the favor of the powerful patrons of those servants in England, namely, the Lords and Commons of England, if I do justice to the suffering people of this country."

In the House of Commons there are undoubtedly powerful people who may be supposed to be influenced by patronage; but the higher and more powerful part of the country is more directly represented by your Lordships than by us, although we have of the first blood of England in the House of Commons. We do, indeed, represent, by the knights of the shires, the landed interest; by our city and borough members we represent the trading interest; we represent the whole people of England collectively. But neither blood nor power is represented so fully in the House of Commons as that order which composes the great body of the people, —

the protection of which is our peculiar duty, and to which it is our glory to adhere. But the dignities of the country, the great and powerful, are represented eminently by your Lordships. As we, therefore, would keep the lowest of the people from the contagion and dishonor of peculation and corruption, and above all from exercising that vice which, among commoners, is unnatural as well as abominable, the vice of tyranny and oppression, so we trust that your Lordships will clear yourselves and the higher and more powerful ranks from giving the smallest countenance to the system which we have done our duty in denouncing and bringing before you.

My Lords, you have heard the account of the civil service. Think of their numbers, think of their influence, and the enormous amount of their salaries, pensions, and emoluments! They were, you have heard, an intolerable burden on the revenues and authority of the Vizier; and they exposed us to the envy and resentment of the whole country, by excluding the native servants and adherents of the prince from the just reward of their services and attachments. Here, my Lords, is the whole civil service brought before you. They usurp the country, they destroy the revenues, they overload the prince, and they exclude all the nobility and eminent persons of the country from the just reward of their service.

Did Mr. Francis, whom I saw here a little while ago, send these people into that country? Did General Clavering, or Colonel Monson, whom he charges with this system, send them there? No, they were sent by himself; and if one was sent by anybody else for a time, he was soon recalled: so that he is himself answerable for all the peculation which he attributes to the civil service. You see the character given of that service; you there see their accuser, you there see their defender, who, after having defamed both services, military and civil, never punished the guilty in either, and now receives the prodigal praises of both.

I defy the ingenuity of man to show that Mr. Hastings is not the defamer of the service. I defy the ingenuity of man to show that the honor of Great Britain has not been tarnished under his patronage. He engaged to remove all these bloodsuckers by the treaty of Chunar; but he never executed that treaty. He proposed to take away the temporary brigade; but he again established it. He redressed no grievance; he formed no improvements in the government; he never attempted to provide a remedy without increasing the evil tenfold. He was the primary and sole cause of all the grievances, civil and military, to which the unhappy natives of that country were exposed; and he was the accuser of all the immediate authors of those grievances, without having punished any one of them. He is the accuser of them all. But the only person whom he attempted to punish was that man who dared to assert the authority of the Court of Directors, and to claim an office assigned to him by them.

I will now read to your Lordships the protest of General Clavering against the military brigade.— “Taking the army from the Nabob is an infringement of the rights of an independent prince, leaving only the name and title of it without the

power. It is taking his subjects from him, against every law of Nature and of nations.”

I will next read to your Lordships a minute of Mr. Francis’s.— “By the foregoing letter from Mr. Middleton it appears that he has taken the government of the Nabob’s dominions directly upon himself. I was not a party to the resolutions which preceded that measure, and will not be answerable for the consequences of it.”

The next paper I will read is one introduced by the Managers, to prove that a representation was made by the Nabob respecting the expenses of the gentlemen resident at his court, and written after the removal before mentioned.

Extract of a Letter from the Vizier to Mr. Macpherson, received the 21st April, 1785.

“With respect to the expenses of the gentlemen who are here, I have before written in a covered manner; I now write plainly, that I have no ability to give money to the gentlemen, because I am indebted many lacs of rupees to the bankers for the payment of the Company’s debt. At the time of Mr. Hastings’s departure, I represented to him that I had no resources for the expenses of the gentlemen. Mr. Hastings, having ascertained my distressed situation, told me that after his arrival in Calcutta he would consult with the Council, and remove from hence the expenses of the gentlemen, and recall every person except the gentlemen in office here. At this time that all the concerns are dependent upon you, and you have in every point given ease to my mind, according to Mr. Hastings’s agreement, I hope that the expenses of the gentlemen maybe removed from me, and that you may recall every person residing here beyond the gentlemen in office. Although Major Palmer does not at this time demand anything for the gentlemen, and I have no ability to give them anything, yet the custom of the English gentlemen is, when they remain here, they will in the end ask for something. This is best, that they should be recalled.”

I think so, too; and your Lordships will think so with me; but Mr. Hastings, who says that he himself thought thus in September, 1781, and engaged to recall these gentlemen, was so afraid of their powerful friends and patrons here, that he left India, and left all that load of obloquy upon his successors. He left a Major Palmer there, in the place of a Resident: a Resident of his own, as your Lordships must see; for Major Palmer was no Resident of the Company’s. This man received a salary of about 23,000*l.* a year, which he declared to be less than his expenses; by which we may easily judge of the enormous salaries of those who make their fortunes there. He was left by Mr. Hastings as his representative of peculation, his representative of tyranny. He was the second agent appointed to control all power ostensible and unostensible, and to head these gentlemen whose “custom,” the Nabob says, “was in the end to ask for money.” Money they must have; and there, my Lords, is the whole secret.

I have this day shown your Lordships the entire dependence of Oude on the British empire. I have shown you how Mr. Hastings usurped all power, reduced the prince to a cipher, and made of his minister a mere creature of his own, — how he made the servants of the Company dependent on his own arbitrary will, and considered independence a proof of corruption. It has been likewise proved to your Lordships that he suffered the army to become an instrument of robbery and oppression, and one of its officers to be metamorphosed into a farmer-general to waste the country and embezzle its revenues. You have seen a clandestine and fraudulent system, occasioning violence and rapine; and you have seen the prisoner at the bar acknowledging and denouncing an abandoned spirit of rapacity without bringing its ministers to justice, and pleading as his excuse the fear of offending your Lordships and the House of Commons. We have shown you the government, revenue, commerce, and agriculture of Oude ruined and destroyed by Mr. Hastings and his creatures. And to wind up all, we have shown you an army so corrupted as to pervert the fundamental principles of justice, which are the elements and basis of military discipline. All this, I say, we have shown you; and I cannot believe that your Lordships will consider that we have trifled with your time, or strained our comments one jot beyond the strict measure of the text. We have shown you a horrible scene, arising from an astonishing combination of horrible circumstances. The order in which you will consider these circumstances must be left to your Lordships.

At present I am not able to proceed further. My next attempt will be to bring before you the manner in which Mr. Hastings treated movable and immovable property in Oude, and by which he has left nothing undestroyed in that devoted country.

SPEECH IN GENERAL REPLY. FIFTH DAY: SATURDAY, JUNE 7, 1794.

My Lords, — We will now resume the consideration of the remaining part of our charge, and of the prisoner's attempts to defend himself against it.

Mr. Hastings, well knowing (what your Lordships must also by this time be perfectly satisfied was the case) that this unfortunate Nabob had no will of his own, draws down his poor victim to Chunar by an order to attend the Governor-General. If the Nabob ever wrote to Mr. Hastings, expressing a request or desire for this meeting, his letter was unquestionably dictated to him by the prisoner. We have laid a ground of direct proof before you, that the Nabob's being at Chunar, that his proceedings there, and that all his acts were so dictated, and consequently must be so construed.

I shall now proceed to lay before your Lordships the acts of oppression committed by Mr. Hastings through his two miserable instruments: the one, his passive instrument, the Nabob; the other, Mr. Middleton, his active instrument, in his subsequent plans for the entire destruction of that country. In page 513 of the printed Minutes you have Mr. Middleton's declaration of his promptitude to represent everything agreeably to Mr. Hastings's wishes.

"My dear Sir, — I have this day answered your public letter in the form you seemed to expect. I hope there is nothing in it that may to you appear too pointed. If you wish the matter to be otherwise understood than I have taken up and stated it, I need not say I shall be ready to conform to whatever you may prescribe, and to take upon myself any share of the blame of the hitherto non-performance of the stipulations made on behalf of the Nabob; though I do assure you I myself represented to his Excellency and the ministers, conceiving it to be your desire, that the apparent assumption of the reins of his government, (for in that light he undoubtedly considered it at the first view,) as specified in the agreement executed by him, was not meant to be fully and literally enforced, but that it was necessary you should have something to show on your side, as the Company were deprived of a benefit without a requital; and upon the faith of this assurance alone, I believe I may safely affirm, his Excellency's objections to signing the treaty were given up. If I have understood the matter wrong, or misconceived your design, I am truly sorry for it. However, it is not too late to correct the error; and I am ready to undertake, and, God willing, to carry through, whatever you may, on the receipt of my public letter, tell me is your final resolve.

"If you determine, at all events, that the measures of reducing the Nabob's army, &c., shall be immediately undertaken, I shall take it as a particular favor, if you will

indulge me with a line at Fyzabad, that I may make the necessary previous arrangements with respect to the disposal of my family, which I would not wish to retain here, in the event either of a rupture with the Nabob, or the necessity of employing our forces on the reduction of his aumils and troops. This done, I can begin the work in three days after my return from Fyzabad.”

Besides this letter, which I think is sufficiently clear upon the subject, there is also another much more clear upon your Lordships’ minutes, much more distinct and much more pointed, expressive of his being resolved to make such representations of every matter as the Governor-General may wish. Now a man who is master of the manner in which facts are represented, and whose subsequent conduct is to be justified by such representations, is not simply accountable for his conduct; he is accountable for culpably attempting to form, on false premises, the judgment of others upon that conduct. This species of delinquency must therefore be added to the rest; and I wish your Lordships to carry generally in your minds, that there is not one single syllable of representation made by any of those parties, except where truth may happen to break out in spite of all the means of concealment, which is not to be considered as the representation of Mr. Hastings himself in justification of his own conduct.

The letter which I have just now read was written preparatory to the transaction which I am now going to state, called *the treaty of Chunar*. Having brought his miserable victim thither, he forced him to sign a paper called a treaty: but such was the fraud in every part of this treaty, that Mr. Middleton himself, who was the instrument and the chief agent in it, acknowledges that the Nabob was persuaded to sign it by the assurance given to him that it never was to be executed. Here, then, your Lordships have a prince first compelled to enter into a negotiation, and then induced to accede to a treaty by false assurances that it should not be executed, which he declares nothing but force should otherwise have compelled him to accede to.

The first circumstance in this transaction that I shall lay before your Lordships is that the treaty is declared to have for its objects two modes of relieving the Nabob from his distresses, — from distresses which we have stated, and which Mr. Hastings has not only fully admitted, but has himself proved in the clearest manner to your Lordships. The first was by taking away that *wicked rabble*, the British troops, represented by Mr. Hastings as totally ruinous to the Nabob’s affairs, and particularly by removing that part of them which was called the new brigade. Another remedial part of the treaty regarded the British pensioners. It is in proof before your Lordships that Mr. Hastings agreed to recall from Oude that body of pensioners, whose conduct there is described in such strong terms as being ruinous to the Vizier and to all his affairs. These pensioners Mr. Hastings engaged to recall; but he never did recall them. We refer your Lordships to the evidence before you, in proof that these odious pensioners, so distressing to the Nabob, so ruinous to his

affairs, and so disgraceful to our government, were not only *not* recalled by Mr. Hastings, but that, both afterwards, and upon the very day of signing the treaty, (as Mr. Middleton himself tells you,) upon that very day, I say, he recommended to the Nabob that these pensioners might remain upon that very establishment which, by a solemn treaty of his own making and his own dictating, he had agreed to relieve from this intolerable burden.

Mr. Hastings, your Lordships will remember, had departed from Benares, frustrated in his designs of extorting 500,000*l.* from the Rajah for the Company's use. He had ravaged the country, without obtaining any benefit for his masters: the British soldiers having divided the only spoil, and nothing remaining for the share of his employers but disgrace. He was therefore afraid to return without having something of a lucrative pecuniary nature to exhibit to the Company. Having this object in view, Oude appears to have first presented itself to his notice, as a country from which some advantage of a pecuniary kind might be derived; and accordingly he turned in his head a vast variety of stratagems for effecting his purpose.

The first article that occurs in the treaty of Chunar is a power given to the Nabob to resume all the jaghires not guarantied by the Company, and to give pensions to all those persons who should be removed from their jaghires.

Now the first thing which would naturally occur to a man, who was going to raise a revenue through the intervention of the prince of the country, would be to recommend to that prince a better economy in his affairs, and a rational and equal assessment upon his subjects, in order to furnish the amount of the demand which he was about to make upon him. I need not tell your Lordships, trained and formed as your minds are to the rules and orders of good government, that there is no way by which a prince can justly assess his subjects but by assessing them all in proportion to their respective abilities, and that, if a prince should make such a body as the House of Lords in this kingdom (which comes near the case I am going to state) separately the subject of assessment, such a thing would be contrary to all the principles of regular and just taxation in any country in the universe. Some men may possibly, by locality or privileges, be excepted from certain taxes, but no taxation ever can be just that is thrown upon some particular class only; and if that class happen to be small and the demand great, the injustice done is directly proportionable to the greatness of the exaction, and inversely to the number of the persons who are the objects of it: these are clear, irrefragable, and eternal principles. But if, instead of exacting a part by a proportionable rate, the prince should go further and attempt to shake the whole mass of property itself, a mass perhaps not much less than that which is possessed by the whole peers of Great Britain, by confiscating the whole of the estates at once, as a government resource, without the charge or pretence of any crime, I say that such an act would be oppressive, cruel, and wicked in the highest degree. Yet this is what Mr. Hastings projected, and actually did accomplish.

My Lords, at the treaty of Chunar, as it is called, Mr. Hastings (for he always artfully feels his way as he proceeds) first says, that the Nabob shall be permitted to do this act, if he pleases. He does not assume the government. He does not compel the Nabob to do anything. He does not force upon him this abandoned and wicked confiscation of the property of the whole nobility of a great country. All that he says is this,— “The Nabob *may be permitted* to resume these jaghires.” Why permitted? If the act had been legal, proper, and justifiable, he did not want our permission; he was a sovereign in his own dominions. But Mr. Hastings recollected that some of these jaghires (as they are called, and on which I shall say a very few words to your Lordships) were guarantied by the Company. The jaghires of his own house, of his mother and grandmother, were guarantied by us. I must inform your Lordships, that, upon some of our other exactions at an earlier period, the Nabob had endeavored to levy a forced loan upon the jaghiredars. This forced loan was made and submitted to by those people upon a direct assurance of their rights in the jaghires, which right was guarantied by the British Resident, not only to the Begums, and to the whole family of the Nabob, but also to all the other objects of the tax.

Before I proceed, I will beg leave to state to you briefly the nature of these jaghires. The jaghiredars, the holders of jaghires, form the body of the principal Mahometan nobility. The great nobility of that country are divided into two parts. One part consists of the zemindars, who are the ancient proprietors of land, and the hereditary nobility of the country: these are mostly Gentoos. The Mahometans form the other part, whose whole interest in the land consists in the jaghires: for very few indeed of them are zemindars anywhere, in some of the provinces none of them are so; the whole of them are jaghiredars.

We have heard, my Lords, much discussion about jaghires. It is in proof before your Lordships that they are of two sorts: that a jaghire signifies exactly what the word *fee* does in the English language, or *feodum* in the barbarous Latin of the Feudists; that it is a word which signifies a salary or a maintenance, as did originally the English word *fee*, derived from the word *feod* and *feodum*. These jaghires, like other fees and like other feods, were given in land, as a maintenance: some with the condition of service, some without any condition; some were annexed to an office, some were granted as the support of a dignity, and none were granted for a less term than life, except those that were immediately annexed to a lease. We have shown your Lordships (and in this we have followed the example of Mr. Hastings) that some of them are fees granted actually in perpetuity; and in fact many of them are so granted. We are farther to tell your Lordships, that by the custom of the empire they are almost all grown, as the feods in Europe are grown, by use, into something which is at least virtually an inheritance. This is the state of the jaghires and jaghiredars.

Among these jaghires we find, what your Lordships would expect to find, an ample provision for all the nobility of that illustrious family of which the Nabob is the head: a prince whose family, both by father and mother, notwithstanding the slander of the prisoner against his benefactor, was undoubtedly of the first and most distinguished nobility of the Mahometan empire. Accordingly, his uncles, all his near relations, his mother, grandmother, all possessed jaghires, some of very long standing, and most of them not given by the Nabob.

I take some pains in explaining this business, because I trust your Lordships will have a strong feeling against any confiscation for the purpose of revenue. Believe me, my Lords, if there is anything which will root the present order of things out of Europe, it will begin, as we see it has already begun in a neighboring country, by confiscating, for the purposes of the state, grants made to classes of men, let them be held by what names or be supposed susceptible of what abuses soever. I will venture to say that Jacobinism never can strike a more deadly blow against property, rank, and dignity than your Lordships, if you were to acquit this man, would strike against your own dignity, and the very being of the society in which we live.

Your Lordships will find in your printed Minutes who the jaghiredars were, and what was the amount of their estates. The jaghires of which Mr. Hastings authorized the confiscation, or what he calls a *resumption*, appear from Mr. Purling's account, when first the forced loan was levied upon them under his Residency, to amount to 285,000*l.* sterling per annum; which 285,000*l.*, if rated and valued according to the different value of provisions and other necessities of life in that country and in England, will amount, as near as may be, to about 600,000*l.* a year. I am within compass. Everybody conversant with India will say it is equivalent at least to 600,000*l.* a year in England; and what a blow such a confiscation as this would be on the fortunes of the peers of Great Britain your Lordships will judge. I like to see your estates as great as they are; I wish they were greater than they are; but whatever they are, I wish, above all that they should be perpetual. For dignity and property in this country, *Esto perpetua* shall be my prayer this day, and the last prayer of my life. The Commons, therefore, of Great Britain, those guardians of property, who will not suffer the monarch they love, the government which they adore, to levy one shilling upon the subject in any other way than the law and statutes of this kingdom prescribe, will not suffer, nor can they bear the idea, that any single class of people should be chosen to be the objects of a contrary conduct, nor that even the Nabob of Oude should be permitted to act upon such a flagitious principle. When an English governor has substituted a power of his own instead of the legal government of the country, as I have proved this man to have done, if he found the prince going to do an act which would shake the property of all the nobility of the country, he surely ought to raise his hand and say, "You shall not make my name your sanction for such an atrocious and abominable act as this confiscation would be."

Mr. Hastings, however, whilst he gives, with an urbanity for which he is so much praised, his consent to this confiscation, adds, there must be pensions secured for all persons losing their estates, who had the security of our guaranty. Your Lordships know that Mr. Hastings, by his guaranty, had secured their jaghires to the Nabob's own relations and family. One would have imagined, that, if the estates of those who were without any security were to be confiscated at his pleasure, those at least who were guarantied by the Company, such as the Begums of Oude and several of the principal nobility of the Nabob's family, would have been secure. He, indeed, says that pensions shall be given them; for at this time he had not got the length of violating, without shame or remorse, all the guaranties of the Company. "There shall," says he, "be pensions given." If pensions were to be given to the value of the estate, I ask, What has this violent act done? You shake the security of property, and, instead of suffering a man to gather his own profits with his own hands, you turn him into a pensioner upon the public treasury. I can conceive that such a measure will render these persons miserable dependants instead of independent nobility; but I cannot conceive what financial object can be answered by paying that in pension which you are to receive in revenue. This is directly contrary to financial economy. For when you stipulate to pay out of the treasury of government a certain pension, and take upon you the receipts of an estate, you adopt a measure by which government is almost sure of being a loser. You charge it with a certain fixed sum, and, even upon a supposition that under the management of the public the estate will be as productive as it was under the management of its private owner, (a thing highly improbable,) you take your chance of a reimbursement subject to all the extra expense, and to all the accidents that may happen to a public revenue. This confiscation could not, therefore, be justified as a measure of economy; it must have been designed merely for the sake of shaking and destroying the property of the country.

The whole transaction, my Lords, was an act of gross violence, ushered in by a gross fraud. It appears that no pensions were ever intended to be paid; and this you will naturally guess would be the event, when such a strange metamorphosis was to be made as that of turning a great landed interest into a pensionary payment. As it could answer no other purpose, so it could be intended for no other, than that of getting possession of these jaghires by fraud. This man, my Lords, cannot commit a robbery without indulging himself at the same time in the practice of his favorite arts of fraud and falsehood.

And here I must again remind your Lordships, that at the time of the treaty of Chunar the jaghires were held in the following manner. Of the 285,000*l.* a year which was to be confiscated, the old grants of Sujah Dowlah, [and?] the grandfather of the Nabob, amounted to near two thirds of the whole, as you will find in the

paper to which we refer you. By this confiscation, therefore, the Nabob was authorized to *resume* grants of which he had not been the grantor.

[*Mr. Burke here read the list of the jaghires.*]

Now, my Lords, you see that all these estates, except 25,782*l.* a year, were either jaghires for the Nabob's own immediate family, settled by his father upon his mother, and by his father's father upon his grandmother, and upon Salar Jung, his uncle, or were the property of the most considerable nobility, to the gross amount of 285,000*l.* Mr. Hastings confesses that the Nabob reluctantly made the confiscation to the extent proposed. Why? "Because," says he, "the orderlies, namely, certain persons so called, subservient to his debaucheries, were persons whom he wished to spare." Now I am to show you that this man, whatever faults he may have in his private morals, (with which we have nothing at all to do,) has been slandered throughout by Mr. Hastings. Take his own account of the matter. "The Nabob," says he, "would have confiscated all the rest, except his orderlies, whom he would have spared; but I, finding where his partiality lay, compelled him to sacrifice the whole; for otherwise he would have sacrificed the good to save the bad: whereas," says Mr. Hastings, "in effect my principle was to sacrifice the good, and at the same time to punish the bad." Now compare the account he gives of the proceedings of Asoph ul Dowlah with his own. Asoph ul Dowlah, to save some unworthy persons who had jaghires, would, if left to his own discretion, have confiscated those only of the deserving; while Mr. Hastings, to effect the inclusion of the worthless in the confiscation, confiscates the jaghires of the innocent and the virtuous men of high rank, and of those who had all the ties of Nature to plead for the Nabob's forbearance, and reduced them to a state of dependency and degradation.

Now, supposing these two villanous plans, neither of which your Lordships can bear to hear the sound of, to stand equal in point of morality, let us see how they stand in point of calculation. The unexceptionable part of the 285,000*l.* amounted to 260,000*l.* a year; whereas, supposing every part of the new grants had been made to the most unworthy persons, it only amounted to 25,000*l.* a year. Therefore, by his own account, given to you and to the Company, upon this occasion he has confiscated 260,000*l.* a year, the property of innocent, if not of meritorious individuals, in order to punish by confiscation those who had 25,000*l.* a year only. This is the account he gives you himself of his honor, his justice, and his policy in these proceedings.

But, my Lords, he shall not escape so. It is in your minutes, that so far was the Nabob from wishing to save the new exceptionable grants, that, at the time of the forced loan I have mentioned, and also when the resumption was proposed, he was perfectly willing to give up every one of them, and desired only that his mother, his uncles, and his relations, with other individuals, the prime of the Mahometan nobility of that country, should be spared. Is it not enough that this poor Nabob, this

wretched prince, is made a slave to the man now standing at your bar, that he is made by him a shame and a scandal to his family, his race, and his country, but he must be cruelly aspersed, and have faults and crimes attributed to him that do not belong to him? I know nothing of his private character and conduct: Mr. Hastings, who deals in scandalous anecdotes, knows them: but I take it upon the face of Mr. Purling's assertion, and I say, that the Nabob would have consented to an arbitrary taxation of the jaghires, and would have given up to absolute confiscation every man except those honorable persons I have mentioned.

The prisoner himself has called Mr. Wombwell to prove the names of those infamous persons with a partiality for whom Mr. Hastings has aspersed the Nabob, in order to lay the ground for the destruction of his family. They amount to only six in number; and when we come to examine these six, we find that their jaghires were perfectly contemptible. The list of the other jaghiredars, your Lordships see, fills up pages; and the amount of their incomes I have already stated. Your Lordships now see how inconsiderable, both in number and amount, were the culpable jaghires, in the destruction of which he has involved the greater number and the meritorious. You see that the Nabob never did propose any exemption of the former at any time; that this was a slander and a calumny on that unhappy man, in order to defend the violent acts of the prisoner, who has recourse to slander and calumny as a proper way to defend violence, outrage, and wrongs.

We have now gone through the first stage of Mr. Hastings's confiscation of the estates of these unhappy people. When it came to be put in execution, Mr. Middleton finds the Nabob reluctant in the greatest degree to make this sacrifice of his family and of all his nobility. It touched him in every way in which shame and sympathy can affect a man. He falls at the feet of Mr. Middleton; he says, "I signed the treaty of Chunar upon an assurance that it was never meant to be put in force." Mr. Middleton nevertheless proceeds; he sends the family of the Nabob out of the country; but he entertains fears of a general revolt as the consequence of this tyrannical act, and refers the case back to Mr. Hastings, who insists upon its being executed in its utmost extent. The Nabob again remonstrates in the strongest manner; he begs, he prays, he dissembles, he delays. One day he pretends to be willing to submit, the next he hangs back, just as the violence of Mr. Hastings or his own natural feelings and principles of justice dragged him one way or dragged him another. Mr. Middleton, trembling, and under the awe of that *dreadful responsibility* under which your Lordships may remember Mr. Hastings had expressly laid him upon that occasion, ventures at once to usurp the Nabob's government. He usurped it openly and avowedly. He declared that he himself would issue his purwannahs as governor of the country, for the purpose of executing this abominable confiscation. He assumed, I say, to himself the government of the country, and Mr. Hastings had armed him with a strong military force for that purpose; he declared he would order

those troops to march for his support; he at last got this reluctant, struggling Nabob to consent in the manner we have described.

I shall now read to your Lordships Mr. Middleton's letters, that you may hear these men with their own mouths describing their own acts, and that your Lordships may then judge whether the highest tone and language of crimination comes up to their own description of their own proceedings.

"Lucknow, the 6th of Dec., 1781.

"Finding the Nabob wavering in his determination about the resumption of the jaghires, I this day, in presence of, and with the minister's concurrence, ordered the necessary purwannahs to be written to the several aumils for that purpose, and it was my firm resolution to have dispatched them this evening, with proper people to see them punctually and implicitly carried into execution; but before they were all transcribed, I received a message from the Nabob, who had been informed by the minister of the resolution I had taken, entreating that I would withhold the purwannahs till to-morrow morning, when he would attend me, and afford me satisfaction on this point. As the loss of a few hours in the dispatch of the purwannahs appeared of little moment, and as it is possible the Nabob, seeing that the business will at all events be done, may make it an act of his own, I have consented to indulge him in his request; but, be the result of our interview whatever it may, nothing shall prevent the orders being issued to-morrow, either by him or myself, with the concurrence of the ministers. Your pleasure respecting the Begums I have learnt from Sir Elijah, and the measure heretofore proposed will soon follow the resumption of the jaghires; from both, or, indeed, from the former alone, I have no doubt of the complete liquidation of the Company's balance."

"Lucknow, the 7th Dec., 1781.

"My dear Sir, — I had the honor to address you yesterday, informing you of the steps I had taken in regard to the resumption of the jaghires. This morning the Vizier came to me, according to his agreement, but seemingly without any intention or desire to yield me satisfaction on the subject under discussion; for, after a great deal of conversation, consisting on his part of trifling evasion and puerile excuses for withholding his assent to the measure, though at the same time professing the most implicit submission to your wishes, I found myself without any other resource than the one of employing that exclusive authority with which I consider your instructions to vest me. I therefore declared to the Nabob, in presence of the minister and Mr. Johnson, who I desired might bear witness of the conversation, that I construed his rejection of the measure proposed as a breach of his solemn promise to you, and an unwillingness to yield that assistance which was evidently in his power towards liquidating his heavy accumulated debt to the Company, and that I must in consequence determine, in my own justification, to issue immediately the purwannahs, which had only been withheld in the sanguine hope that he would be prevailed upon to make that his own act, which nothing but the most urgent

necessity could force me to make mine. He left me without any reply, but afterwards sent for his minister, and authorized him to give me hopes that my requisition would be complied with; on which I expressed my satisfaction, but declared that I could admit of no further delays, and, unless I received his Excellency's formal acquiescence before the evening, I should then most assuredly issue my purwannahs: which I have accordingly done, not having had any assurances from his Excellency that could justify a further suspension. I shall as soon as possible inform you of the effect of the purwannahs, which in many parts I am apprehensive it will be found necessary to enforce with military aid; I am not, however, entirely without hopes that the Nabob, when he sees the inefficacy of further opposition, may alter his conduct, and prevent the confusion and disagreeable consequences which would be too likely to result from the prosecution of a measure of such importance without his concurrence. His Excellency talks of going to Fyzabad, for the purpose heretofore mentioned, in three or four days; I wish he may be serious in this intention, and you may rest assured I shall spare no pains to keep him to it."

"Lucknow, 28th December, 1781.

"If your new demand is to be insisted upon, which your letter seems to portend, I must beg your precise orders upon it; as, from the difficulties I have within these few days experienced in carrying the points you had enjoined with the Nabob, I have the best grounds for believing that he would consider it a direct breach of the late agreement, and totally reject the proposal as such; and I must own to you, that, in his present fermented state of mind, I could expect nothing less than despair and a declared rupture.

"He has by no means been yet able to furnish me with means of paying off the arrears due to the temporary brigade, to the stipulated term of its continuance in his service. The funds necessary for paying off and discharging his own military establishment under British officers, and his pension list, have been raised, on the private credit of Mr. Johnson and myself, from the shroffs of this place, to whom we are at this moment pledged for many lacs of rupees; and without such aid, which I freely and at all hazards yielded, because I conceived it was your anxious desire to relieve the Nabob as soon as possible of this heavy burden, the establishment must have been at his charge to this time, and probably for months to come, while his resources were strained to the utmost to furnish jaidads for its maintenance to this period. I therefore hesitate not to declare it utterly impossible for him, under any circumstances whatever, to provide funds for the payment of the troops you now propose to send him.

"The wresting Furruckabad, Kyraghur, and Fyzoola Khân's country from his government, (for in that light, my dear Sir, I can faithfully assure you, he views the measures adopted in respect to those countries,) together with the resumption of all the jaghires, so much against his inclination, have already brought the Nabob to a

persuasion that nothing less than his destruction, or the annihilation of every shadow of his power, is meant; and all my labors to convince him to the contrary have proved abortive. A settled melancholy has seized him, and his health is reduced beyond conception; and I do most humbly believe that the march of four regiments of sepoys towards Lucknow, under whatever circumstances it might be represented, would be considered by him as a force ultimately to be used in securing his person. In short, my dear Sir, it is a matter of such immediate moment, and involving, apparently, such very serious and important consequences, that I have not only taken upon me to suspend the communication of it to the Nabob until I should be honored with your further commands, but have also ventured to write the inclosed letter to Colonel Morgan: liberties which I confidently trust you will excuse, when you consider that I can be actuated by no other motive than a zeal for the public service, and that, if, after all, you determine that the measure shall be insisted on, it will be only the loss of six or at most eight days in proposing it. But in the last event, I earnestly entreat your orders may be explicit and positive, that I may clearly know what lengths you would wish me to proceed in carrying them into execution. I again declare it is my firm belief, and assure yourself, my dear Mr. Hastings, I am not influenced in this declaration by any considerations but my public duty and my personal attachment to you, that the enforcing the measure you have proposed would be productive of an open rupture between us and the Nabob; nay, that the first necessary step towards carrying it into effect must be, on our part, a declaration of hostility.”

Your Lordships have now before your eyes proofs, furnished by Mr. Hastings himself from his correspondence with Mr. Middleton, irrefragable proofs, that this Nabob, who is stated to have made the proposition himself, was dragged to the signature of it; and that the troops which are supposed, and fraudulently stated, (and I wish your Lordships particularly to observe this,) to have been sent to assist him in this measure, were considered by him as a body of troops sent to imprison him, and to free him from all the troubles and pains of government.

When Mr. Hastings sent the troops for the purpose, as he pretended, of assisting the Nabob in the execution of a measure which was really adopted in direct opposition to the wishes of that prince, what other conclusion could be drawn, but that they were sent to overawe, not to assist him? The march of alien troops into a country upon that occasion could have no object but hostility; they could have been sent with no other design but that of bringing disgrace upon the Nabob, by making him the instrument of his family’s ruin, and of the destruction of his nobility. Your Lordships, therefore, will not wonder that this miserable man should have sunk into despair, and that he should have felt the weight of his oppression doubly aggravated by its coming from such a man as Mr. Hastings, and by its being enforced by such a man as Mr. Middleton.

And here I must press one observation upon your Lordships: I do not know a greater insult that can be offered to a man born to command than to find himself made the tool of a set of obscure men, come from an unknown country, without anything to distinguish them but an usurped power. Never shall I, out of compliment to any persons, because they happen to be my own countrymen, disguise my feelings, or renounce the dictates of Nature and of humanity. If we send out obscure people, unknowing and unknown, to exercise such acts as these, I must say it is a bitter aggravation of the victim's suffering. Oppression and robbery are at all times evils; but they are more bearable, when exercised by persons whom we have been habituated to regard with awe, and to whom mankind for ages have been accustomed to bow.

Now does the history of tyranny furnish, does the history of popular violence deposing kings furnish, anything like the dreadful deposition of this prince, and the cruel and abominable tyranny that has been exercised over him? Consider, too, my Lords, for what object all this was done. Was Mr. Hastings endeavoring, by his arbitrary interference and the use of his superior power, to screen a people from the usurpation and power of a tyrant, — from any strong and violent acts against property, against dignity, against nobility, against the freedom of his people? No: you see here a monarch deposed, in effect, by persons pretending to be his allies, and assigning what are pretended to be his wishes as the motive for using his usurped authority in the execution of these acts of violence against his own family and his subjects. You see him struggling against this violent prostitution of his authority. He refuses the sanction of his name, which before he had given up to Mr. Hastings to be used as he pleased, and only begs not to be made an instrument of wrong which his soul abhors, and which would make him infamous throughout the world. Mr. Middleton, however, assumes the sovereignty of the country. "I," he says, "am Nabob of Oude: the jaghires shall be confiscated: I have given my orders, and they shall be supported by a military force."

I am ashamed to have so far distrusted your Lordships' honorable and generous feelings as to have offered you, upon this occasion, any remarks which you must have run before me in making. Those feelings which you have, and ought to have, feelings born in the breasts of all men, and much more in men of your Lordships' elevated rank, render my remarks unnecessary. I need not, therefore, ask what you feel, when a foreign resident at a prince's court takes upon himself to force that prince to act the part of a tyrant, and, upon his resistance, openly and avowedly assumes the sovereignty of the country. You have it in proof that Mr. Middleton did this. He not only put his own name to the orders for this horrible confiscation, but he actually proceeded to dispossess the jaghiredars of their lands, and to send them out of the country. And whom does he send, in the place of this plundered body of nobility, to take possession of the country? Why, the usurers of Benares. Yes, my Lords, he immediately mortgages the whole country to the usurers of Benares, for

the purpose of raising money upon it: giving it up to those bloodsuckers, dispossessed of that nobility, whose interest, whose duty, whose feelings, and whose habits made them the natural protectors of the people.

My Lords, we here see a body of usurers put into possession of all the estates of the nobility: let us now see if this act was necessary, even for the avowed purposes of its agents, — the relief of the Nabob's financial difficulties, and the payment of his debts to the Company. Mr. Middleton has told your Lordships that these jaghires would pay the Company's debt completely in two years. Then would it not have been better to have left these estates in the hands of their owners, and to have oppressed them in some moderate, decent way? Might they not have left the jaghiredars to raise the sums required by some settlement with the bankers of Benares, in which the repayment of the money within five or six years might have been secured, and the jaghiredars have had in the mean time something to subsist upon? Oh, no! these victims must have nothing to live upon. They must be turned out. And why? Mr. Hastings commands it.

Here I must come in aid of Mr. Middleton a little; for one cannot but pity the miserable instruments that have to act under Mr. Hastings. I do not mean to apologize for Mr. Middleton, but to pity the situation of persons who, being servants of the Company, were converted, by the usurpation of this man, into his subjects and his slaves. The mind of Mr. Middleton revolts. You see him reluctant to proceed. The Nabob begs a respite. You find in the Resident a willingness to comply. Even Mr. Middleton is placable. Mr. Hastings alone is obdurate. His resolution to rob and to destroy was not to be moved, and the estates of the whole Mahometan nobility of a great kingdom were confiscated in a moment. Your Lordships will observe that his orders to Mr. Middleton allow no forbearance. He writes thus to him.

“Sir, — My mind has been for some days suspended between two opposite impulses: one arising from the necessity of my return to Calcutta; the other, from the apprehension of my presence being more necessary and more urgently wanted at Lucknow. Your answer to this shall decide my choice.

“I have waited thus long in the hopes of hearing that some progress had been made in the execution of the plan which I concluded with the Nabob in September last. I do not find that any step towards it has been yet taken, though three months are elapsed, and little more than that period did appear to me requisite to have accomplished the most essential parts of it, and to have brought the whole into train. This tardiness, and the opposition prepared to the only decided act yet undertaken, have a bad appearance. I approve the Nabob's resolutions to deprive the Begums of their ill-employed treasures. In both services, it must be your care to prevent an abuse of the powers given to those that are employed in them. You yourself ought to be personally present. You must not allow any negotiation or forbearance, but must prosecute both services, until the Begums are at the entire

mercy of the Nabob, their jaghires in the quiet possession of his aumils, and their wealth in such charge as may secure it against private embezzlement. You will have a force more than sufficient to effect both these purposes.

“The reformation of his army and the new settlement of his revenues are also points of immediate concern, and ought to be immediately concluded. Has anything been done in either?

“I now demand and require you most solemnly to answer me. Are you confident in your own ability to accomplish all these purposes, and the other points of my instructions? If you reply that you are, I will depart with a quiet and assured mind to the Presidency, but leave you a dreadful responsibility, if you disappoint me. If you tell me that you cannot rely upon your power, and the other means which you possess for performing these services, I will free you from the charge. I will proceed myself to Lucknow, and I will myself undertake them; and in that case, I desire that you will immediately order bearers to be stationed, for myself and two other gentlemen, between Lucknow and Allahabad, and I will set out from hence in three days after the receipt of your letter.

“I am sorry that I am under the necessity of writing in this pressing manner. I trust implicitly to your integrity, I am certain of your attachment to myself, and I know that your capacity is equal to any service; but I must express my doubts of your firmness and activity, and above all of your recollection of my instructions, and of their importance. My conduct in the late arrangements will be arraigned with all the rancor of disappointed rapacity, and my reputation and influence will suffer a mortal wound from the failure of them. They have already failed in a degree, since no part of them has yet taken place, but the removal of our forces from the Dooab and Rohilcund, and of the British officers and pensioners from the service of the Nabob, and the expenses of the former thrown without any compensation on the Company.

“I expect a supply of money equal to the discharge of all the Nabob’s arrears, and am much disappointed and mortified that I am not now able to return with it.

“Give me an immediate answer to the question which I have herein proposed, that I may lose no more time in fruitless inaction.”

About this time Mr. Hastings had received information of our inquiries in the House of Commons into his conduct; and this is the manner in which he prepares to meet them. “I must get money. I must carry with me that great excuse for everything, that salve for every sore, that expiation for every crime: let me provide that, all is well. You, Mr. Middleton, try your nerves: are you equal to these services? Examine yourself; see what is in you: are you man enough to come up to it?” says the great robber to the little robber, says Roland the Great to his puny accomplice. “Are you equal to it? Do you feel yourself a man? If not, send messengers and dawks to me, and I, the great master tyrant, will come myself, and

put to shame all the paltry delegate tools of despotism, that have not edge enough to cut their way through and do the services I have ordained for them.”

I have already stated to your Lordships his reason and motives for this violence, and they are such as aggravated his crime by attempting to implicate his country in it. He says he was afraid to go home without having provided for the payment of the Nabob's debt. Afraid of what? Was he afraid of coming before a British tribunal, and saying, “Through justice, through a regard for the rights of an allied sovereign, through a regard to the rights of his people, I have not got so much as I expected”? Of this no man could be afraid. The prisoner's fear had another origin. “I have failed,” says he to himself, “in my first project. I went to Benares to rob; I have lost by my violence the fruits of that robbery. I must get the money somewhere, or I dare not appear before a British House of Commons, a British House of Lords, or any other tribunal in the kingdom; but let me get money enough, and they won't care how I get it. The estates of whole bodies of nobility may be confiscated; a people who had lived under their protection may be given up into the hands of foreign usurers: they will care for none of these things; they will suffer me to do all this, and to employ in it the force of British troops, whom I have described as a set of robbers, provided I can get money.” These were Mr. Hastings's views; and, in accordance with them, the jaghires were all confiscated, the jaghiredars with their families were all turned out, the possessions delivered up to the usurer, in order that Mr. Hastings might have the excuse of money to plead at the bar of the House of Commons, and afterwards at the bar of the House of Lords. If your Lordships, in your sacred character of the first tribunal in the world, should by your judgment justify those proceedings, you will sanction the greatest wrongs that have been ever known in history.

But to proceed. The next thing to be asked is, Were the promised pensions given to the jaghiredars? I suppose your Lordships are not idle enough to put that question to us. No compensation, no consideration, was given or stipulated for them. If there had been any such thing, the prisoner could have proved it, — he would have proved it. The means were easy to him. But we have saved him the trouble of the attempt. We have proved the contrary, and, if called upon, we will show you the place where this is proved.

I have now shown your Lordships how Mr. Hastings, having with such violent and atrocious circumstances usurped the government of Oude, (I hope I need not use any farther proof that the Nabob was in effect non-existent in the country,) treated all the landed property. The next question will be, How has he treated whatever moneyed property was left in the country? My Lords, he looked over that immense waste of his own creating, not as Satan viewed the kingdoms of the world and saw the power and glory of them, — but he looked over the waste of Oude with a diabolical malice which one could hardly suppose existed in the prototype himself. He saw nowhere above-ground one single shilling that he could attach, —

no, not one; every place had been ravaged; no money remained in sight. But possibly some might be buried in vaults, hid from the gripe of tyranny and rapacity. "It must be so," says he. "Where can I find it? how can I get at it? There is one illustrious family that is thought to have accumulated a vast body of treasures, through a course of three or four successive reigns. It does not appear openly; but we have good information that very great sums of money are bricked up and kept in vaults under ground, and secured under the guard and within the walls of a fortress": the residence of the females of the family, a guard, as your Lordships know, rendered doubly and trebly secure by the manners of the country, which make everything that is in the hands of women sacred. It is said that nothing is proof against gold, — that the strongest tower will not be impregnable, if Jupiter makes love in a golden shower. This Jupiter commences making love; but he does not come to the ladies with gold for their persons, he comes to their persons for their gold. This impetuous lover, Mr. Hastings, who is not to be stayed from the objects of his passion, would annihilate space and time between him and his beloved object, the jaghires of these ladies, had now, first, their treasure's affection.

Your Lordships have already had a peep behind the curtain, in the first orders sent to Mr. Middleton. In the treaty of Chunar you see a desire, obliquely expressed, to get the landed estates of all these great families. But even while he was meeting with such reluctance in the Nabob upon this point, and though he also met with some resistance upon the part even of Mr. Middleton, Mr. Hastings appears to have given him in charge some other still more obnoxious and dreadful acts. "While I was meditating," says Mr. Middleton, in one of his letters, "upon this [the resumption of the jaghires], your orders came to me through Sir Elijah Impey." What these orders were is left obscure in the letter: it is yet but as in a mist or cloud. But it is evident that Sir Elijah Impey did convey to him some project for getting at more wealth by some other service, which was not to supersede the first, but to be concurrent with that upon which Mr. Hastings had before given him such dreadful charges and had loaded him with such horrible responsibility. It could not have been anything but the seizure of the Begum's treasures. He thus goaded on two reluctant victims, — first the reluctant Nabob, then the reluctant Mr. Middleton, — forcing them with the bayonet behind them, and urging on the former, as at last appears, to violate the sanctity of his mother's house.

Your Lordships have been already told by one of my able fellow Managers, that Sir Elijah Impey is the person who carried up the message alluded to in Mr. Middleton's letter. We have charged it, as an aggravation of the offences of the prisoner at your bar, that the Chief-Justice, who, by the sacred nature of his office, and by the express provisions of the act of Parliament under which he was sent out to India to redress the wrongs of the natives, should be made an instrument for destroying the property, real and personal, of this people. When it first came to our

knowledge that all this private intrigue for the destruction of these high women was carried on through the intrigue of a Chief-Justice, we felt such shame and such horror, both for the instrument and the principal, as I think it impossible to describe, or for anything but complete and perfect silence to express.

But by Sir Elijah Impey was that order carried up to seize and confiscate the treasures of the Begums. We know that neither the Company nor the Nabob had any claim whatever upon these treasures. On the contrary, we know that two treaties had been made for the protection of them. We know that the Nabob, while he was contesting about some elephants and carriages, and some other things that he said were in the hands of their steward, did allow that the treasures in the custody of his grandmother and of his mother's principal servants were their property. This is the Nabob who is now represented by Mr. Hastings and his counsel to have become the instrument of destroying his mother and grandmother, and everything else that ought to be dear to mankind, throughout the whole train of his family.

Mr. Hastings, having resolved to seize upon the treasures of the Begums, is at a loss for some pretence of justifying the act. His first justification of it is on grounds which all tyrants have ready at their hands. He begins to discover a legal title to that of which he wished to be the possessor, and on this title sets up a claim to these treasures. I say Mr. Hastings set up this claim, because by this time I suppose your Lordships will not bear to hear the Nabob's name on such an occasion. The prisoner pretended, that, by the Mahometan law, these goods did belong to the Nabob; but whether they did or did not, he had himself been an active instrument in the treaty for securing their possession to the Begums, — a security which he attempts to unlock by his constructions of the Mahometan law. Having set up this title, the guaranty still remained; and how is he to get rid of that? In his usual way. "You have rebelled, you have taken up arms against your own son," (for that is the pretext,) "and therefore my guaranty is gone, and your goods, whether you have a title to them or not, are to be confiscated for your rebellion." This is his second expedient by way of justification.

Your Lordships will observe the strange situation in which we are here placed. If the fact of the rebellion can be proved, the discussion of the title to the property in question will be totally useless; for, if the ladies had actually taken up arms to cut the Nabob's throat, it would require no person to come from the dead to prove to us that the Nabob, but not Mr. Hastings, had a right, for his own security and for his own indemnification, to take those treasures, which, whether they belonged to him or not, were employed in hostilities against him. The law of self-defence is above every other law; and if any persons draw the sword against you, violence on your part is justified, and you may use your sword to take from them that property by which they have been enabled to draw their sword against you.

But the prisoner's counsel do not trust to this justification; they set up a title of right to these treasures: but how entirely they have failed in their attempts to

substantiate either the one or the other of these his alleged justifications your Lordships will now judge. And first with regard to the title. The treasure, they say, belonged to the state. The grandmother and mother have robbed the son, and kept him out of his rightful inheritance. They then produce the Hedaya to show you what proportion of the goods of a Mussulman, when he dies, goes to his family; and here, certainly, there is a question of law to be tried. But Mr. Hastings is a great eccentric genius, and has a course of proceeding of his own: he first seizes upon the property, and then produces some Mahometan writers to prove that it did not belong to the persons who were in possession of it. You would naturally expect, that, when he was going to seize upon those goods, he would have consulted his Chief-Justice, (for, as Sir Elijah Impey went with him, he might have consulted him,) and have thus learnt what was the Mahometan law: for, though Sir Elijah had not taken his degree at a Mahometan college, though he was not a mufti or a moulavy, yet he had always muftis and moulavies near him, and he might have consulted them. But Mr. Hastings does not even pretend that such consultations or conferences were ever had. If he ever consulted Sir Elijah Impey, where is the report of the case? When were the parties before him? Where are the opinions of the moulavies? Where is the judgment of the Chief-Justice? Was he fit for nothing but to be employed as a messenger, as a common tipstaff? Was he not fit to try these rights, or to decide upon them? He has told you here, indeed, negatively, that he did not know any title Mr. Hastings had to seize upon the property of the Begums, except upon his hypothesis of the rebellion. He was asked if he knew any other. He answered, No. It consequently appears that Mr. Hastings, though he had before him his doctors of all laws, who could unravel for him all the enigmas of all the laws in the world, and who had himself shone upon questions of Mahometan law, in the case of the Nuddea Begum, did not dare to put this case to Sir Elijah Impey, and ask what was his opinion concerning the rights of these people. He was tender, I suppose, of the reputation of the Chief-Justice. For Sir Elijah Impey, though a very good man to write a letter, or take an affidavit in a corner, or run on a message, to do the business of an under-sheriff, tipstaff, or bum-bailiff, was not fit to give an opinion on a question of Mahometan law.

You have heard Ali Ibrahim Khân referred to. This Mahometan lawyer was carried by Mr. Hastings up to Benares, to be a witness of the vast good he had done in that province, and was made Chief-Justice there. All, indeed, that we know of him, except the high character given of him by Mr. Hastings, is, I believe, that he is the Ali Ibrahim Khân whom in the Company's records I find mentioned as a person giving bribes upon some former occasion to Mr. Hastings; but whatever he was besides, he was a doctor of the Mahometan law, he was a mufti, and was made by Mr. Hastings the principal judge in a criminal court, exercising, as I believe, likewise a considerable civil jurisdiction, and therefore he was qualified as a lawyer; and Mr. Hastings cannot object to his qualifications either of integrity or of

knowledge. This man was with him. Why did not he consult him upon this law? Why did he not make him out a case of John Doe and Richard Roe, of John Stokes and John à Nokes? Why not say, "Sinub possesses such things, under such and such circumstances: give me your opinion upon the legality of the possession"? No, he did no such thing.

Your Lordships, I am sure, will think it a little extraordinary, that neither this chief-justice made by himself, nor that other chief-justice whom he led about with him in a string, — the one an English chief-justice, with a Mahometan suit in his court, the other a Mahometan chief-justice of the country, — that neither of them was consulted as lawyers by the prisoner. Both of them were, indeed, otherwise employed by him. For we find Ali Ibrahim Khân employed in the same subservient capacity in which Sir Elijah Impey was, — in order, I suppose, to keep the law of England and the law of Mahomet upon a just par: for upon this equality Mr. Hastings always values himself. Neither of these two chief-justices, I say, was ever consulted, nor one opinion taken; but they were both employed in the correspondence and private execution of this abominable project, when the prisoner himself had not either leisure or perhaps courage to give his public order in it till things got to greater ripeness.

To Sir Elijah Impey, indeed, he did put a question; and, upon my word, it did not require an Œdipus or a Sphinx to answer it. Says he, "I asked Sir Elijah Impey." What? a question on the title between the Nabob and his mother? No such thing. He puts an hypothetical question. "Supposing," says he, "a rebellion to exist in that country; will the Nabob be justified in seizing the goods of the rebels?" That is a question decided in a moment; and I must have a malice to Sir Elijah Impey of which I am incapable, to deny the propriety of his answer. But observe, I pray you, my Lords, there is something peculiarly good and correct in it. He does not take upon him to say one word of the actual existence of a rebellion, though he was at the time in the country, and, if there had been any, he must have been a witness to it; but, so chaste was his character as a judge, that he would not touch upon the juries' office. "I am chief-justice here," says he, "though a little wandering out of my orbit; yet still the sacred office of justice is in me. Do you take upon you the fact; I find the law." Were it not for this sacred attention to separate jurisdictions, he might have been a tolerable judge of the fact, — just as good a judge as Mr. Hastings: for neither of them knew it any other way, as it appears afterwards, but by rumor and reports, — reports, I believe, of Mr. Hastings's own raising; for I do not know that Sir Elijah Impey had anything to do with them.

But to proceed. With regard to the title of these ladies, according to the Mahometan law, you have nothing laid before you by the prisoner's counsel but a quotation cut out with the scissors from a Mahometan law-book, (which I suspect very much the learned gentlemen have never read through,) declaring how a Mahometan's effects are to be distributed. But Mr. Hastings could not at the time

have consulted that learned counsel who now defends him upon the principles of the Hedaya, the Hedaya not having been then published in English; and I will venture to say, that neither Sir Elijah Impey nor Ali Ibrahim Khân, nor any other person, high or low, in India, ever suggested this defence, and that it was never thought of till lately found by the learned counsel in the English translation of the Hedaya. “God bless me!” now says Mr. Hastings, “what ignorance have I been in all this time! I thought I was seizing this unjustly, and that the pretence of rebellion was necessary; but my counsel have found out a book, since published, and from it they produce the law upon that subject, and show that the Nabob had a right to seize upon the treasures of his mother.” But are your Lordships so ignorant — (your Lordships are not ignorant of anything) — are any men so ignorant as not to know that in every country the common law of distribution of the estate of an intestate amongst private individuals is no rule with regard to the family arrangements of great princes? Is any one ignorant, that, from the days of the first origin of the Persian monarchy, the laws of which have become rules ever since for almost all the monarchs of the East, the wives of great men have had, independent of the common distribution of their goods, great sums of money and great estates in land, one for their girdle, one for their veil, and so on, going through the rest of their ornaments and attire, — and that they held great estates and other effects over which the reigning monarch or his successor had no control whatever? Indeed, my Lords, a more curious and extraordinary species of trial than this of a question of right never was heard of since the world began. Mr. Hastings begins with seizing the goods of the Begums at Fyzabad, nine thousand miles from you, and fourteen years after tries the title in an English court, without having one person to appear for these miserable ladies. I trust you will not suffer this mockery; I hope this last and ultimate shame will be spared us: for I declare to God, that the defence, and the principles of it, appear to me ten thousand times worse than the act itself.

Now, my Lords, this criminal, through his counsel, chooses, with their usual flippancy, to say that the Commons have been *cautious* in stating this part of the charge, knowing that they were on tender ground, and therefore did not venture to say *entitled*, but *possessed of* only. A notable discovery indeed! We are as far from being taken in by such miserable distinctions as we are incapable of making them. We certainly have not said that the Begums were entitled to, but only that they were possessed of, certain property. And we have so said because we were not competent to decide upon their title, because your Lordships are not competent to decide upon their title, because no part of this tribunal is competent to decide upon their title. You have not the parties before you; you have not the cause before you, — but are getting it by oblique, improper, and indecent means. You are not a court of justice to try that question. The parties are at a distance from you; they are neither present themselves, nor represented by any counsel, advocate, or attorney: and I hope no House of Lords will ever judge and decide upon the title of any human being, much

less upon the title of the first women in Asia, sequestered, shut up from you, at nine thousand miles' distance.

I believe, my Lords, that the Emperor of Hindostan little thought, while Delhi stood, that an English subject of Mr. Hastings's description should domineer over the Vizier of his empire, and give the law to the first persons in his dominions. He as little dreamed of it as any of your Lordships now dream that you shall have your property seized by a delegate from Lucknow, and have it tried by what tenure a peer or peeress of Great Britain hold, the one his estate, and the other her jointure, dower, or her share of goods, her paraphernalia, in any court of Adawlut in Hindostan. If any such thing should happen, (for we know not what may happen; we live in an age of strange revolutions, and I doubt whether any more strange than this,) the Commons of Great Britain would shed their best blood sooner than suffer that a tribunal at Lucknow should decide upon any of your titles, for the purpose of justifying a robber that has taken your property. We should do the best we could, if such a strange circumstance occurred.

The House of Commons, who are virtually the representatives of Lucknow, and who lately took 500,000*l.* of their money, will not suffer the natives first to be robbed of their property, and then the titles, which by the laws of their own country they have to the goods they possess, to be tried by any tribunal in Great Britain. Why was it not tried in India before Mr. Hastings? One would suppose that an English governor, if called to decide upon such a claim of the Nabob's, would doubtless be attended by judges, muftis, lawyers, and all the apparatus of legal justice. No such thing. This man marches into the country, not with moulavies, not with muftis, not with the solemn apparatus of Oriental justice, — no: he goes with colonels, and captains, and majors, — these are his lawyers: and when he gets there, he demands from the parties, not their title, — no: "Give me your money!" is his cry. It is a shame (and I will venture to say, that these gentlemen, upon recollection, will feel ashamed) to see the bar justify what the sword is ashamed of. In reading this correspondence, I have found these great muftis and lawyers, these great chief-justices, attorneys-general, and solicitors-general, called colonels and captains, ashamed of these proceedings, and endeavoring to mitigate their cruelty; yet we see British lawyers in a British tribunal supporting and justifying these acts, on the plea of defective titles.

The learned counsel asks, with an air of triumph, whether these ladies possessed these treasures by jointure, dower, will, or settlement. What was the title? Was it a deed of gift? — was it a devise? — was it *donatio causâ mortis*? — was it dower? — was it jointure? — what was it? To all which senseless and absurd questions we answer, You asked none of these questions of the parties, when you guarantied to them, by a solemn treaty, the possession of their goods. Then was the time to have asked these questions: but you asked none of them. You supposed their right, and you guarantied it, though you might then have asked what was their right. But

besides the force and virtue of the guaranty, these unhappy princesses had ransomed themselves from any claim upon their property. They paid a sum of money, applied to your use, for that guaranty. They had a treble title, — by possession, by guaranty, by purchase.

Again, did you ask these questions, when you went to rob them of their landed estates, their money, their ornaments, and even their wearing-apparel? When you sent those great lawyers, Major ——, Major ——, and the other majors, and colonels, and captains, did you call on them to exhibit their title-deeds? No: with a pistol at their breast, you demanded their money. Instead of forging a charge of rebellion against these unhappy persons, why did you not then call on them for their vouchers? No rebellion was necessary to give validity to a civil claim. What you could get by an ordinary judgment did not want confiscation called to its aid. When you had their eunuchs, their ministers, their treasurers, their agents and attorneys in irons, did you then ask any of these questions? No. “Discover the money you have in trust, or *you* go to corporal punishment, — *you* go to the castle of Chunar, — here is another pair of irons!” — this was the only language used.

When the Court of Directors, alarmed at the proceedings against these ancient ladies, ordered their Indian government to make an inquiry into their conduct, the prisoner had then an opportunity and a duty imposed upon him of entering into a complete justification of his conduct: he might have justified it by every civil, and by every criminal mode of process. Did he do this? No. Your Lordships have in evidence the manner, equally despotic, *rebellious*, insolent, fraudulent, tricking, and evasive, by which he positively refused all inquiry into the matter. How stands it now, more than twelve years after the seizure of their goods, at ten thousand miles’ distance? You ask of these women, buried in the depths of Asia, secluded from human commerce, what is their title to their estate. Have you the parties before you? Have you summoned them? Where is their attorney? Where is their agent? Where is their counsel? Is this law? Is this a legal process? Is this a tribunal, — the highest tribunal of all, — that which is to furnish the example for, and to be a control on all the rest? But what is worse, you do not come *directly* to the trial of this right to property. You are desired to surround and circumvent it; you are desired obliquely to steal an iniquitous judgment, which you dare not boldly ravish. At this judgment you can only arrive by a side wind. You have before you a criminal process against an offender. One of the charges against him is, that he has robbed matrons of high and reverend place. His defence is, that they had not the apt deeds to entitle them in law to this property. *In* this cause, with only the delinquent party before you, you are called upon to try their title on his allegations of its invalidity, and by acquitting him to divest them not only of their goods, but of their honor, — to call them disseizors, wrong-doers, cheats, defrauders of their own son. No hearing for them, — no pleading, — all appeal cut off. Was ever a man indicted for a robbery, that is, for the forcible taking of the goods possessed by another,

suffered to desire the prosecutor to show the deeds or other instruments by which he acquired those goods? The idea is contemptible and ridiculous. Do these men dream? Do they conceive, in their confused imaginations, that you can be here trying such a question, and venturing to decide upon it? Your Lordships will never do that, which if you did do, you would be unfit to subsist as a tribunal for a single hour; and if we, on our part, did not bring before you this attempt, as the heaviest aggravation of the prisoner's crimes, we should betray our trust as representatives of the Commons of Great Britain. Having made this protest in favor of law, of justice, and good policy, permit me to take a single step more.

I will now show your Lordships that it is very possible, nay, very probable, and almost certain, that a great part of what these ladies possessed was a saving of their own, and independent of any grant. It appears in the papers before you, that these unfortunate ladies had about 70,000*l.* a year, landed property. Mr. Bristow states in evidence before your Lordships, that their annual expenses did not exceed a lac and a half, and that their income was about seven lacs; that they had possessed this for twenty years before the death of Sujah Dowlah, and from the death of that prince to the day of the robbery. Now, if your Lordships will calculate what the savings from an income of 70,000*l.* a year will amount to, when the party spends about 15,000*l.* a year, you will see that by a regular and strict economy these people may have saved considerable property of their own, independent of their titles to any other property: and this is a rational way of accounting for their being extremely rich. It may be supposed, likewise, that they had all those advantages which ladies of high rank usually have in that country, — gifts at marriage, &c. We know that there are deeds of gift by husbands to their wives during their lifetime, and many other legal means, by which women in Asia become possessed of very great property. But Mr. Hastings has taught them the danger of much wealth, and the danger of economy. He has shown them that they are saving, not for their families, for those who may possibly stand in the utmost need of it, but for tyrants, robbers, and oppressors.

My Lords, I am really ashamed to have said so much upon the subject of their titles. And yet there is one observation more to be made, and then I shall have done with this part of the prisoner's defence. It is, that the Nabob himself never has made a claim on this ground; even Mr. Hastings, his despotic master, could never get him regularly and systematically to make such a claim; the very reverse of this is the truth. When urged on to the commission of these acts of violence by Mr. Middleton, you have seen with what horror and how reluctantly he lends his name; and when he does so, he is dragged like a victim to the stake. At the beginning of this affair, where do we find that he entered this claim, as the foundation of it? Upon one occasion only, when dragged to join in this wicked act, something dropped from his lips which seemed rather to have been forced into his mouth, and which he was obliged to spit out again, about the possibility that he might have had some right to the effects of the Begums.

We next come to consider the manner in which these acts of violence were executed. They forced the Nabob himself to accompany their troops, and their Resident, Mr. Middleton, to attack the city and to storm the fort in which these ladies lived, and consequently to outrage their persons, to insult their character, and to degrade their dignity, as well as to rob them of all they had.

That your Lordships may learn something of one of these ladies, called the Munny Begum, I will refer you to Major Browne's evidence, — a man who was at Delhi, the fountain-head of all the nobility of India, and must have known who this lady was that has been treated with such indignity by the prisoner at your bar. Major Browne was asked, "What was the opinion at Delhi respecting the rank, quality, and character of the Princesses of Oude, or of either of them?" — "The elder, or Munny Begum, was," says he, "a woman of high rank: she was, I believe, the daughter of Saadut Ali Khân, a person of high rank in the time of Mahommed Shah." — "Do you know whether any woman in all Hindostan was considered of superior rank or birth?" — He answers, "I believe not, except those of the royal family. She was a near relation to Mirza Shaffee Khân, who was a noble of nobles, the first person at that day in the empire." In answer to another question put by a noble Lord, in the same examination, respecting the conversation which he had with Mirza Shaffee Khân, and of which he had given an account, he says, "He [Mirza Shaffee Khân] spoke of the attempt to seize the treasures of the Begums, which was then suspected, in terms of resentment, and as a disgrace in which he participated, as being related by blood to the house of Sufdar Jung, who was the husband of the old Begum." He says afterwards, in the same examination, that he, the Begum's husband, was the second man, and that her father was the first man, in the Mogul empire. Now the Mogul empire, when this woman came into the world, was an empire of that dignity that kings were its subjects; and this very Mirza Shaffee Khân, that we speak of, her near relation, was then a prince with a million a year revenue, and a man of the first rank, after the Great Mogul, in the whole empire.

My Lords, these were people that ought to have been treated with a little decorum. When we consider the high rank of their husbands, their fathers, and their children, a rank so high that we have nothing in Great Britain to compare with theirs, we cannot be surprised that they were left in possession of great revenues, great landed estates, and great moneyed property. All the female parts of these families, whose alliance was, doubtless, much courted, could not be proffered in marriage, and endowed in a manner agreeably to the dignity of such persons, but with great sums of money; and your Lordships must also consider the multitude of children of which these families frequently consisted. The consequences of this robbery were such as might naturally be expected. It is said that not one of the females of this family has since been given in marriage.

But all this has nothing to do with the rebellion. If they had, indeed, rebelled to cut their own son's throat, there is an end of the business. But what evidence have

you of this fact? and if none can be produced, does not the prisoner's defence aggravate infinitely his crime and that of his agents? Did they ever once state to these unfortunate women that any such rebellion existed? Did they ever charge them with it? Did they ever set the charge down in writing, or make it verbally, that they had conspired to destroy their son, a son whom Mr. Hastings had brought there to rob them? No, this was what neither Mr. Hastings nor his agent ever did: for as they never made a civil demand upon them, so they never made a criminal charge against them, or against any person belonging to them.

I save your Lordships the trouble of listening to the manner in which they seized upon these people, and dispersed their guard. Mr. Middleton states, that they found great difficulties in getting at their treasures, — that they stormed their forts successively, but found great reluctance in the sepoys to make their way into the inner inclosures of the women's apartments. Being at a loss what to do, their only resource, he says, was to threaten that they would seize their eunuchs. These are generally persons who have been bought slaves, and who, not having any connections in the country where they are settled, are supposed to guard both the honor of the women, and their treasures, with more fidelity than other persons would do. We know that in Constantinople, and in many other places, these persons enjoy offices of the highest trust, and are of great rank and dignity; and this dignity and rank they possess for the purpose of enabling them to fulfil their great trusts more effectually. The two principal eunuchs of the Begums were Jewar and Behar Ali Khân, persons of as high rank and estimation as any people in the country. These persons, however, were seized, not, says Mr. Hastings, for the purpose of extorting money, as assumed in the charge, but as agents and principal instruments of exciting the insurrection before alluded to, &c. Mr. Hastings declares that they were not seized for the purpose of extorting money, but that they were seized in order to be punished for their crimes, and, *eo nomine*, for this crime of rebellion. Now this crime could not have been committed immediately by [the?] women themselves; for no woman can come forward and head her own troops. We have not heard that any woman has done so since the time of Zenobia, in another part of the East; and we know that in Persia no person can behold the face of a woman of rank, or speak to females of condition, but through a curtain: therefore they could not go out themselves, and be active in a rebellion. But, I own, it would be some sort of presumption against them, if Jewar Ali Khân and Behar Ali Khân had headed troops, and been concerned in acts of rebellion; and the prisoner's counsel have taken abundance of pains to show that such persons do sometimes head armies and command legions in the East. This we acknowledge that they sometimes do. If these eunuchs had behaved in this way, if they had headed armies and commanded legions for the purposes of rebellion, it would have been a fair presumption that their mistresses were concerned in it. But instead of any proof of such facts, Mr. Hastings simply says, "We do not arrest them for the purpose of extorting money,

but as a punishment for their crimes.” By Mr. Middleton’s account you will see the utter falsity of this assertion. God knows what he has said that is true. It would, indeed, be singular not to detect him in a falsity, but in a truth. I will now show your Lordships the utter falsity of this wicked allegation.

There is a letter from Mr. Middleton to Sir Elijah Impey, dated Fyzabad, the 25th of January, 1782, to which I will call your Lordships’ attention.

“Dear Sir Elijah, — I have the satisfaction to inform you that we have at length so far obtained the great object of our expedition to this place as to commence on the receipt of money, of which, in the course of this day, we have got about six lacs. I know not yet what amount we shall actually realize, but I think I may safely venture to pronounce it will be equal to the liquidation of the Company’s balance. It has been at once the most important and the most difficult point of duty which has ever occurred in my office; and the anxiety, the hopes and fears, which have alternately agitated my mind, cannot be described or conceived but by those who have been witness to what has passed in the course of this long contest. The [Nabob’s] ministers have supported me nobly, and deserve much commendation. Without the shrewd discernment and knowledge of the finesse and tricks of the country which Hyder Beg Khân possesses, I believe we should have succeeded but indifferently; for I soon found that no real advantage was to be obtained by proceeding at once to violent extremities with the Begum, and that she was only to be attacked through the medium of her confidential servants, who it required considerable address to get hold of. However, we at last effected it; and by using some few severities with them, we at length came at the secret hoards of this old lady. I will write you more particulars hereafter.

“I am sorry to inform you my little boy still continues in a very precarious way, though somewhat better than when I had last the honor to address you. My respects to Lady Impey. And believe me, with great regard, my dear Sir Elijah, your faithful, obliged, and most affectionate humble servant,

“NATHANIEL MIDDLETON.”

My Lords, we produce this letter to your Lordships, because it is a letter which begins with “*Dear Sir Elijah,*” and alludes to some family matters, and is therefore more likely to discover the real truth, the true genius of a proceeding, than all the formal and official stuff that ever was produced. You see the tenderness and affection in which they proceed. You see it is his *dear Sir Elijah*. You see that he does not tell the dear Sir Elijah, the Chief-Justice of India, the pillar of the law, the great conservator of personal liberty and private property, — he does not tell him that he has been able to convict these eunuchs of any crime; he does not tell him he has the pleasure of informing him what matter he has got upon which a decision at law may be grounded; he does not tell him that he has got the least proof of the want of title in those ladies: not a word of the kind. You cannot help observing the soft language used in this tender billet-doux between Mr. Middleton and Sir Elijah

Impey. You would imagine that they were making love, and that you heard the voice of the turtle in the land. You hear the soft cooing, the gentle addresses,—“Oh, my hopes!” to-day, “My fears!” to-morrow, — all the language of friendship, almost heightened into love; and it comes at last to “*I have got at the secret hoards of these ladies*. — Let us rejoice, my dear Sir Elijah; this is a day of rejoicing, a day of triumph; and this triumph we have obtained by seizing upon the old lady’s eunuchs, — in doing which, however, we found a great deal of difficulty.” You would imagine, from this last expression, that it was not two eunuchs, with a few miserable women clinging about them, that they had to seize, but that they had to break through all the guards which we see lovers sometimes breaking through, when they want to get at their ladies. Hardly ever did the beauty of a young lady excite such rapture; I defy all the charms this country can furnish to produce a more wonderful effect than was produced by the hoards of these two old women, in the bosoms of Sir Elijah Impey and Mr. Middleton. “We have got,” he exultingly says, “we have got to the secret hoards of this old lady!” And I verily believe there never was a passion less dissembled; there Nature spoke; there was truth triumphant, honest truth. Others may feign a passion; but nobody can doubt the raptures of Mr. Hastings, Sir Elijah Impey, and Mr. Middleton.

My Lords, one would have expected to have found here something of their crimes, something of their rebellion, for he talks of a few “necessary severities.” But no: you find the real criminal, the real object, was the secret hoards of the old ladies. It is true, *a few severities* were necessary to obtain that object: however, they did obtain it. How then did they proceed? First, they themselves took and received, in weight and tale, all the money that was in the place. I say *all*; for whether there was any more they never have discovered, with all their search, from that day to this. Therefore we fairly presume that they had discovered all that there was to discover with regard to money. They next took from these unfortunate people an engagement for the amount of treasure at a definite sum, without knowing whether they had it or not, whether they could procure it or not. The Bhow Begum has told us, as your Lordships have it in evidence, that they demanded from her a million of money; that she, of course, denied having any such sums; but Mr. Middleton forced her unfortunate eunuchs or treasurers, by some *few severities*, to give their bond for 600,000*l*.

You would imagine, that, when these eunuchs had given up all that was in their power, when they had given a bond for what they had not, (for they were only the treasurers of other people,) that the bond would not have been rigidly exacted. But what do Mr. Hastings and Mr. Middleton, as soon as they get their plunder? They went to their own assay-table, by which they measured the rate of exchange between the coins in currency at Oude and those at Calcutta, and add the difference to the sum for which the bond was given. Thus they seize the secret hoards, they examine it as if they were receiving a debt, and they determine what this money

would and ought to produce at Calcutta: not considering it as coming from people who gave all they had to give, but as what it would produce at the mint at Calcutta, according to a custom made for the profit of the Residents; even though Mr. Hastings, upon another occasion, charged upon Mr. Bristow as a crime that he had made that profit. This money, my Lords, was taken to that assay-table, which they had invented for their own profit, and they made their victims pay a rupee and a half batta, or exchange of money, upon each gold mohur; by which and other charges they brought them 60,000*l.* more in debt, and forced them to give a bond for that 60,000*l.*

Your Lordships have seen in what manner these debts were contracted, — and that they were contracted by persons engaging, not for themselves, for they had nothing; all their property was apparently their mistresses'. You will now see in what manner the payment of them was exacted; and we shall beg leave to read to you their own accounts of their own proceedings. Your Lordships will then judge whether they were proceeding against rebels as rebels, or against wealthy people as wealthy people, punishing them, under pretence of crimes, for their own profit.

In a letter from Mr. Middleton to Mr. Hastings, after two other paragraphs, he goes on thus.

“It remained only to get possession of her wealth; and to effect this, it was then and is still my firm and unalterable opinion that it was indispensably necessary to employ temporizing expedients, and to work upon the hopes and fears of the Begum herself, and more especially upon those of her principal agents, through whose means alone there appeared any probable chance of our getting access to the hidden treasures of the late Vizier; and when I acquaint you that by far the greatest part of the treasure which has been delivered to the Nabob was taken from the most secret recesses in the houses of the two eunuchs, whence, of course, it could not have been extracted without the adoption of those means which could induce the discovery, I shall hope for your approbation of what I did. I must also observe, that no further rigor than that which I exerted could have been used against females in this country, to whom there can be no access. The Nabob and Salar Jung were the only two that could enter the zenanah: the first was a son, who was to address a parent, and, of course, could use no language or action but that of earnest and reiterated solicitation; and the other was, in all appearance, a traitor to our cause. Where force could be employed, it was not spared: the troops of the Begum were driven away and dispersed; their guns taken; her fort, and the outward walls of her house seized and occupied by our troops, at the Nabob's requisition; and her chief agents imprisoned and put in irons. No further step was left. And in this situation they still remain, and are to continue (excepting only a remission of the irons) until the final liquidation of the payment; and if then you deem it proper, no possible means of offence being left in her hands or those of her agents, all her lands and property having been taken, I mean, with your sanction, to restore her house and

servants to her, and hope to be favored with your early reply, as I expect that a few days will complete the final surrender of all that is further expected from the Begum."

There are some things in this letter which I shall beg your Lordships to remark. There is mention made of a few preliminary severities used by Mr. Middleton, in order to get at their money. Well, he did get at the money, and he got a bond for the payment of an additional sum, which they thought proper to fix at about six hundred thousand pounds, to which was added another usurious bond for sixty thousand; and in order to extort these forced bonds, and to make up their aggravated crimes of usury, violence, and oppression, they put these eunuchs into prison, without food and water, and loaded their limbs with fetters. This was their second imprisonment; and what followed these few severities your Lordships will remark, — still more severities. They continued to persecute, to oppress, to work upon these men by torture and by the fear of torture, till at last, having found that all their proceedings were totally ineffectual, they desire the women to surrender their house; though it is in evidence before you, that to remove a woman from her own house to another house without her consent is an outrage of the greatest atrocity, on account of which many women have not only threatened, but have actually put themselves to death. Mr. Hastings himself, in the case of Munny Begum, had considered such a proposition as the last degree of outrage that could be offered. These women offered to go from house to house while their residence was searched; but "No," say their tormentors, "the treasure may be bricked up, in so large a house, in such a manner that we cannot find it."

But to proceed with the treatment of these unfortunate men. I will read to your Lordships a letter of Mr. Middleton to Captain Leonard Jaques, commanding at Fyzabad, 18th March, 1782.

"Sir, — I have received your letter of the 13th instant. The two prisoners, Behar and Jewar Ali Khân, having violated their written solemn engagement with me for the payment of the balance due to the Honorable Company on the Nabob's assignments accepted by them, and declining giving me any satisfactory assurances on that head, I am under the disagreeable necessity of recurring to severities to enforce the said payment. This is, therefore, to desire that you immediately cause them to be put in irons, and kept so until I shall arrive at Fyzabad, to take further measures, as may be necessary."

Here is the answer of Captain Jaques to Mr. Middleton.

"April 23d, 1782.

"Sir, — Allow me the honor of informing you that the place the prisoners Behar Ali Khân and Jewar Ali Khân are confined in is become so very unhealthy, by the number obliged to be on duty in so confined a place at this hot season of the year, and so situated, that no reduction can with propriety be made from their guard, it being at such a distance from the battalion."

You see, my Lords, what a condition these unfortunate persons were in at that period; you see they were put in irons, in a place highly unhealthy; and from this you will judge of the treatment which followed the *few severities*. The first yielded a bond for 600,000*l.*; the second, a bond for 60,000*l.*; the third was intended to extort the payment of these bonds, and completed their series.

I will now read a letter from Captain Jaques to Mr. Middleton, from the printed Minutes, dated *Palace, Fyzabad, May 18th, 1782*, consequently written nearly a month after the former.

“Sir, — The prisoners Behar and Jewar Ali Khân, who seem to be very sickly, have requested their irons might be taken off for a few days, that they might take medicine, and walk about the garden of the place where they are confined, to assist the medicine in its operation. Now, as I am sure they would be equally as secure without their irons as with them, I think it my duty to inform you of this request, and desire to know your pleasure concerning it.

(Signed) “LEONARD JQUES.”

On the 22d May, 1782, Captain Jaques’s humane proposal is thus replied to by Mr. Middleton.

“I am sorry it is not in my power to comply with your proposal of easing the prisoners for a few days of their fetters. Much as my humanity may be touched by their sufferings, I should think it inexpedient to afford them any alleviation while they persist in a breach of their contract with me; and, indeed, no indulgence could be shown them without the authority of the Nabob, who, instead of consenting to moderate the rigors of their situation, would be most willing to multiply them.

(Signed) “NATHANIEL MIDDLETON.”

I will now call your Lordships’ attention to other letters connected with this transaction.

Letter from Major Gilpin to Mr. Middleton, June 5th, 1782.

“Sir, — Agreeably to your instructions, I went to the prisoners, Behar and Jewar Ali Khân, accompanied by Hoolas Roy, who read the papers respecting the balance now due, &c., &c.

“In general terms they expressed concern at not being able to discharge the same without the assistance of the Begum, and requested indulgence to send a message to her on that subject, and in the evening they would give an answer.

“I went at the time appointed for the answer, but did not receive a satisfactory one; in consequence of which I desired them to be ready, at the shortest notice, to proceed to Lucknow, and explained to them every particular contained in your letter of the 1st instant respecting them.

“Yesterday morning I sent for Letafit Ali Khân, and desired him to go to the Bhow Begum, and deliver the substance of my instructions to her, which he did, and returned with the inclosed letter from her. From some circumstances which I have heard to-day, I am hopeful the prisoners will soon think seriously of their removal,

and pay the balance rather than submit themselves to an inconvenient journey to Lucknow.”

To Major Gilpin, commanding at Fyzabad, from Mr. Middleton.

“Sir, — I have been favored with your letter of the 5th instant, informing me of the steps you had taken in consequence of my instructions of the 1st, and covering a letter from the Bhow Begum, which is so unsatisfactory that I cannot think of returning an answer to it. Indeed, as all correspondence between the Begum and me has long been stopped, I request you will be pleased to inform her that I by no means wish to resume it, or maintain any friendly intercourse with her, until she has made good my claim upon her for the balance due.

“I have now, in conformity to my former instructions, to desire that the two prisoners, Behar and Jewar Ali Khân, may be immediately sent, under a sufficient guard, to Lucknow, unless, upon your imparting to them this intimation, either they or the Begum should actually pay the balance, or give you such assurances or security for the assets to be immediately forthcoming as you think can be relied upon; in which case you will of course suspend the execution of this order.”

Mr. Richard Johnson to Major Gilpin. Lucknow, 24th June, 1782.

“Sir, — I have received the honor of your letter of the 20th. The prisoners arrived here this morning. Lieutenant Crow has delivered them over to Captain Waugh, and returns to you in a day or two.

“I think their hint to you a very good one, and worth improving upon. Was the Bhow Begum to think that she must go to Allahabad, or any other place, while her palace is searched for the hidden treasure of the late Vizier, it might go further than any other step that can be immediately taken towards procuring payment of the balance outstanding.

“The prisoners are to be threatened with severities to-morrow, to make them discover where the balance may be procurable, the fear of which may possibly have a good effect; and the apprehensions of the Begum lest they should discover the hidden treasure may induce her to make you tenders of payment, which you may give any reasonable encouragement to promote that may occur to you.

“The jaghire cannot be released to her on any other terms, nor even to the Nabob, until the five lacs for which it was granted be paid up; and the prisoners must also be detained until the full fifty lacs be liquidated: consequently nothing but the fear of an increase of demand, upon breach of the first engagement on her part, will induce her to prompt payment.”

Letter from Mr. Richard Johnson to the Commanding Officer of the Guard. Lucknow, 23d July, 1782.

“Sir, — Some violent demands having been made for the release of the prisoners, it is necessary that every possible precaution be taken for their security. You will

therefore be pleased to be very strict in guarding them; and I herewith send another pair of fetters, to be added to those now upon the prisoners.”

Letter from Robert Steere Allen to Richard Johnson, Esq., Acting Resident. Lucknow, 23d July, 1782.

“Sir, — I have received your instructions, and ordered the fetters to be added; but they are by much too small for their feet. The utmost regard shall be paid to the security of the prisoners. I have sent back the fetters, that you may have them altered, if you think proper.”

Letter from Mr. Johnson to the Officer commanding the Guard. Lucknow, 28th June, 1782.

“Sir, — The Nabob having determined to inflict corporal punishment upon the prisoners under your guard, this is to desire that his officers, when they shall come, may have free access to the prisoners, and be permitted to do with them as they shall see proper, only taking care that they leave them always under your charge.”

I will now trouble your Lordships with the following passages from Mr. Holt’s evidence.

“*Q.* Did you ever see the two ministers of the Begum? — *A.* I saw them brought into Lucknow. — *Q.* In what situation were they, when you saw them brought into Lucknow? — *A.* They were brought in their palanquins, attended by a guard of sepoys. — *Q.* Under whose command were the sepoys? — *A.* That they were brought in by? — *Q.* Yes. — *A.* I do not recollect. — *Q.* Were those sepoys that brought in the prisoners part of the Nabob’s army, or were they any British troops? — *A.* To the best of my recollection, they were detached from a regiment then stationed at Fyzabad. — *Q.* In whose service was that regiment? — *A.* In the Company’s. — *Q.* Were they imprisoned in any house near that in which you resided? — *A.* They were imprisoned immediately under the window of the house in which I resided, close to it. — *Q.* Did you or did you not ever see any preparations made for any corporal punishment? — *A.* I saw something of a scaffolding. — *Q.* For what purpose? — *A.* I heard it was for the purpose of tying them up. — *Q.* Whose prisoners did you consider these men to be? — *A.* I considered them as prisoners of the Resident; they were close to his house, and under an European officer.”

Your Lordships have now seen the whole process, except one dreadful part of it, which was the threatening to send the Begum to the castle at Chunar. After all these cruelties, after all these menaces of further cruelties, after erecting a scaffold for actually exercising the last degree of criminal punishment, namely, by whipping these miserable persons in public, — after everything has been done but execution, our inability to prove by evidence this part of their proceedings has secured to your Lordships a circumstance of decorum observed on the stage where murders, executions, whippings, and cruelties are performed behind the scenes. I know as

certainly as a man can know such a thing, from a document which I cannot produce in evidence here, but I have it in the handwriting of the Resident, Mr. Bristow, that Behar Ali Khân was actually scourged in the manner that we speak of. I had it in writing in the man's hand; I put the question to him, but he refused to answer it, because he thought it might criminate himself, and criminate us all; but if your Lordships saw the scaffold erected for the purpose, (and of this we have evidence,) would you not necessarily believe that the scourging did follow? All this was done in the name of the Nabob; but if the Nabob is the person claiming his father's effects, if the Nabob is the person vindicating a rebellion against himself upon his nearest relations, why did he not in person take a single step in this matter? why do we see nothing but his abused name in it? We see no order under his own hand. We see all the orders given by the cool Mr. Middleton, by the outrageous Mr. Johnson, by all that gang of persons that the prisoner used to disgrace the British name. Who are the officers that stormed their fort? who put on the irons? who sent them? who supplied them? They are all, all, English officers. There is not an appearance, even, of a minister of the Nabob's in the whole transaction. The actors are all Englishmen; and we, as Englishmen, call for punishment upon those who have thus degraded and dishonored the English name.

We do not use torture or cruelties, even for the greatest crimes, but have banished them from our courts of justice; we never suffer them in any case. Yet those men, in order to force others to break their most sacred trust, inflict tortures upon them. They drag their poor victims from dungeon to dungeon, from one place of punishment to another, and wholly on account of an extorted bond, — for they owed no money, they could not owe any, — but to get this miserable balance of 60,000*l.*, founded upon their tables of exchange: after they had plundered these ladies of 500,000*l.* in money, and 70,000*l.* a year in land, they could not be satisfied without putting usury and extortion upon tyranny and oppression. To enforce this unjust demand, the miserable victims were imprisoned, ironed, scourged, and at last threatened to be sent prisoners to Chunar. This menace succeeded. The persons who had resisted irons, who had been, as the Begums say, refused food and water, stowed in an unwholesome, stinking, pestilential prison, these persons withstood everything till the fort of Chunar was mentioned to them; and then their fortitude gave way: and why? The fort of Chunar was not in the dominions of the Nabob, whose rights they pretended to be vindicating: to name a British fort, in their circumstances, was to name everything that is most horrible in tyranny; so, at least, it appeared to them. They gave way; and thus were committed acts of oppression and cruelty unknown, I will venture to say, in the history of India. The women, indeed, could not be brought forward and scourged, but their ministers were tortured, till, for their redemption, these princesses gave up all their clothes, all the ornaments of their persons, all their jewels, all the memorials of their husbands and fathers, — all were delivered up, and valued by merchants at 50,000*l.*; and they also

gave up 5,000*l.* in money, or thereabouts: so that, in reality, only about 5,000*l.*, a mere nothing, a sum not worth mentioning, even in the calculations of extortion and usury, remained unpaid.

But, my Lords, what became of all this money? When you examine these witnesses here, they tell you it was paid to Hyder Beg Khân. Now they had themselves received the money in tale at their own assay-table. And when an account is demanded of the produce of the goods, they shrink from it, and say it was Hyder Beg Khân who received the things and sold them. Where is Hyder Beg Khân's receipt? The Begums say (and the thing speaks for itself) that even gold and jewels coming from them lost their value; that part of the goods were spoilt, being kept long unsold in damp and bad warehouses; and that the rest of the goods were sold, as thieves sell their spoil, for little or nothing. In all this business Mr. Hastings and Mr. Middleton were themselves the actors, chief actors; but now, when they are called to account, they substitute Hyder Beg Khân in their place, a man that is dead and gone, and you hear nothing more of this part of the business.

But the sufferings of these eunuchs did not end here; they were, on account of this odd 5,000*l.*, confined for twelve months, — not prisoners at large, like this prisoner who thrusts his sore leg into your Lordships' faces every day, but in harsh and cruel confinement. These are the persons that I feel for. It is their dungeon, it is their unrevenged wrongs that move me. It is for these innocent, miserable, unhappy men, who were guilty of no offence but fidelity to their mistresses, in order to vex and torture whom (the first women in Asia) in the persons of their ministers these cruelties were exercised, — these are they for whom I feel, and not for the miserable sore leg or whining cant of this prisoner. He has been the author of all these wrongs; and if you transfer to him any of the sympathy you owe to these sufferers, you do wrong, you violate compassion. Think of their irons. Has not this criminal, who put on these irons, been without one iron? Has he been threatened with torture? Has he been locked up without food and water? Have his sufferings been aggravated as the sufferings of these poor men were aggravated? What punishment has been inflicted, and what can be inflicted upon him, in any manner commensurate with the atrocity of his crimes?

At last, my Lords, these unhappy men were released. Mr. Bristow, who had been sent to Lucknow, writes to Mr. Hastings, and informs him that severities could do no more, that imprisonments and menaces could get no more money. I believe not, for I doubt much whether any more was to be got. But whether there was or not, all the arts of extortion, fortified by all the arts of tyranny, of every name and species, had failed, and therefore Mr. Bristow released the prisoners, — but without any warrant for so doing from Mr. Hastings, who, after having received this letter from Mr. Bristow, gets the Supreme Council to order these very severities to be continued till the last farthing was paid. In order to induce the Council to sanction this measure, he suppressed Mr. Bristow's declaration, that severities could do

nothing more in exacting further payments; and the Resident, I find, was afterwards obliquely punished for his humanity by Mr. Hastings.

Mr. Bristow's letter is dated the 12th of December, and he thus writes.

"The battalion at Fyzabad" (where the Begums and their ministers had been confined) "is recalled, and my letter to the board of the 1st instant has explained my conduct to the Begum. The letter I addressed her, a translation of which I beg leave to inclose, (No. 2,) was with a view of convincing her that you readily assented to her being freed from the restraints which had been imposed upon her, and that your acquiescence in her sufferings was a measure of necessity, to which you were forced by her extraordinary conduct. I wished to make it appear this was a matter on which you directed me to consult the Vizier's pleasure, that it might be known you were the spring from whence she was restored to her dignity and consequence."

On the 3d of March following, the Council agree to send the following order to Mr. Bristow.

"We desire you will inform us if any and what means have been taken for recovering the balance due from the Begum at Fyzabad, and, if necessary, that you recommend it to the Vizier to enforce the most effectual means for that purpose."

My Lords, you see the fraud he has put upon the Council. You will find that Mr. Bristow's letters, up to the 3d of March, had been suppressed; and though then communicated, yet he instigated his cat's-paw, that blind and ignorant Council, to demand from the Vizier the renewal of these very severities and cruelties, the continuance of which the letters in his pocket had shown him were of no effect. Here you have an instance of his implacable cruelty; you see that it never relaxes, never remits, and that, finding all the resources of tyranny useless and ineffective, he is still willing to use them, and for that purpose he makes a fraudulent concealment of the utter inefficacy of all the means that had been used.

But, you will ask, what could make him persevere in these acts of cruelty, after his avarice had been more than satiated? You will find it is this. He had had some quarrel with these women. He believed that they had done him some personal injury or other, of which he nowhere informs you. But, as you find that in the case of Cheyt Sing he considered his visit to General Clavering as an horrid outrage against himself, which he never forgave, and revenged to the ruin of that miserable person, so you find that he has avowed the same malicious disposition towards the Begums, arising from some similar cause. In page 367 of your printed Minutes, he says,— "I am sorry that I must in truth add, that a part of the resentment of the Begums was, as I had too much reason to suspect, directed to myself personally. The incidents which gave rise to it are too light to be mixed with the professed subject and occasion of this detail; and as they want the authenticity of recorded evidence, I could lay no claim to credit in my relation of them. At some period I may be induced to offer them to the world, my ultimate and unerring judges, both of that and of every other trait in my political character."

My Lords, you have an anecdote here handed to you which is the key of a great part of this transaction. He had determined upon some deep and desperate revenge for some injury or affront of some kind or other that he thought he had received from these people. He accuses them of a personal quarrel with himself; and yet he has not the honor or honesty to tell you what it was, — what it was that could induce them to entertain such a personal resentment against him as to ruin themselves and their country by their supposed rebellion. He says, that some time or other he will tell it to the world. Why did he not tell his counsel, and authorize them to tell a story which could not be unimportant, as it was connected with a rebellion which shook the British power in India to its foundation? And if it be true that this rebellion had its rise in some wicked act of this man, who had offended these women, and made them, as he says, his mortal enemies, you will then see that you never can go so deep with this prisoner that you do not find in every criminal act of his some other criminal act. In the lowest deep there is still a lower deep. In every act of his cruelty there is some hidden, dark motive, worse than the act itself, of which he just gives you a hint, without exposing it to that open light which truth courts and falsehood basely slinks from.

But cruelly as they have suffered, dreadfully as they have been robbed, insulted as they have been, in every mode of insult that could be offered to women of their rank, all this must have been highly aggravated by coming from such a man as Mr. Middleton. You have heard the audacious and insulting language he has held to them, his declining to correspond with them, and the mode of his doing it. There are, my Lords, things that embitter the bitterness of oppression itself: contumelious acts and language, coming from persons who the other day would have licked the dust under the feet of the lowest servants of these ladies, must have embittered their wrongs, and poisoned the very cup of malice itself.

Oh! but they deserved it. They were concerned in a wicked, outrageous rebellion: first, for expelling their own son from his dominions; and, secondly, for expelling and extirpating the English nation out of India. — Good God Almighty! my Lords, do you hear this? Do you understand that the English nation had made themselves so odious, so particularly hateful, even to women the most secluded from the world, that there was no crime, no mischief, no family destruction, through which they would not wade, for our extermination? Is this a pleasant thing to hear of? Rebellion is, in all parts of the world, undoubtedly considered as a great misfortune: in some countries it must be considered as a presumption of some fault in government: *nowhere is it boasted of as supplying the means of justifying acts of cruelty and insult, but with us.*

We have, indeed, seen that a rebellion did exist in Baraich and Goruckpore. It was an universal insurrection of the people: an insurrection for the very extermination of Englishmen, — for the extermination of Colonel Hannay, — for the extermination of Captain Gordon, — for the extermination of Captain

Williams, and of all the other captains and colonels exercising the office of farmer-general and sub-farmer-general in the manner that we have described. We know that there did exist in that country such a rebellion. But mark, my Lords, against whom! — against these mild and gracious sovereigns, Colonel Hannay, Captain Gordon, Captain Williams. Oh, unnatural and abominable rebellion! — But will any one pretend to say that the Nabob himself was ever attacked by any of these rebels? No: the attacks were levelled against the English. The people rose in favor of their lawful sovereign, against a rebellion headed by Mr. Middleton, who, you see, usurped his authority, — headed by Colonel Hannay, — headed by Captain Gordon, — headed by all those abominable persons exercising, under the Nabob's name, an authority destructive to himself and his subjects. Against them there was a rebellion. But was this an unnatural rebellion, — a rebellion against usurped authority, to save the prince, his children, and state, from a set of vile usurpers?

My Lords, I shall soon close our proceeding for this day, because I wish to leave this part of our charge strongly and distinctly impressed upon your Lordships' memory, and because nothing can aggravate it. I shall next proceed, in the farther examination of the prisoner's defence, to dissipate, as I trust we have done, and as I hope we shall do, all the miserable stuff they have given by way of defence. I shall often have occasion to repeat and press upon your Lordships that that miserable defence is a heavy aggravation of his crime. At present, I shall conclude, leaving this part of our charge with the impression upon your Lordships' minds that this pretended rebellion was merely an insurrection against the English, excited by their oppression.

If the rebellion was against the Nabob, or if he was the author of the oppression which caused it, why do the English only appear to be concerned in both of them? How comes it that the Nabob never appears to have expressed any resentment against the rebels? We shall prove beyond a doubt, that the Begums had nothing to do with it. There was, indeed, as I have already said, what may be called a rebellion; but it was a rebellion against — not the Nabob, but in favor of the lawful prince of the country, — against the usurpers of his authority and the destroyers of his country. With this, as a rebellion, Mr. Hastings has charged these women; he has charged them with a war against their son, for the purpose of exterminating the English. Look, I pray you, at the whole business, consider all the circumstances of it, and ask yourselves whether this is not a charge, not only so grossly improbable, but so perfectly impossible, that there is not any evidence which can make it even plausible. Consider next, my Lords, on the other side, the evidence of their innocence, and then ask yourselves whether any additional matter could make its probability in the least degree more probable. My Lords, the evidence we have produced is neither more nor less than that of almost all the persons who have had a share in exciting that rebellion, and who, to justify their own horrible cruelty, have

attempted to charge the natural consequences of that cruelty upon these unhappy women.

But where, all this time, is the Nabob, against whom this rebellion is pretended to be directed? Was it ever even insinuated to him that his mother had raised a rebellion against him? When were the proofs shown to him? Did he ever charge her with it? He surely must have been most anxious to prevent and suppress a rebellion against himself: but not one word on that subject has ever come out of his mouth; nor has any one person been produced to show that he was informed of the existence of such a rebellion. The persons said to be rebels are his mother and grandmother; and I again ask, Was there the least intimation given to him by Mr. Middleton, or by any other person, of their being even suspected of rebellion against him? There was, indeed, a hint of some rebellion, which the creatures of Mr. Hastings got at obliquely; but neither the person against whom the rebellion is supposed to exist, nor the persons who were said to be guilty of it, were ever either informed of or charged with it. I defy the prisoner and his whole gang to produce one word ever uttered by any one of them, from which the Nabob or Begums could learn that they were supposed to be concerned in the rebellion: so that none of those who were said to be the principal actors in the scene ever heard of the parts they were acting from the actual authors and managers of the business. Not one word was uttered of a charge made, much less of proof given. Nothing was heard but “Give me the money!” — irons, — new irons, — new imprisonment, — and at last the castle of Chunar.

And here I beg leave to pause, and to leave upon your minds the impression, first, of the wrong that was done, the violence, and the robbery, — and, secondly, of the pretences, both civil and criminal, by which they have attempted to justify their proceedings.

SPEECH IN GENERAL REPLY. SIXTH DAY, WEDNESDAY, JUNE 11, 1794.

My Lords, — Your Lordships will recollect that we closed the last day of your proceeding in this trial at a most interesting part of our charge, or rather of our observations upon that charge. We closed at that awful moment when we found the first women of Oude pillaged of all their landed and of all their moneyed property, in short, of all they possessed. We closed by reciting to you the false pretence on which this pillage was defended, namely, that it was the work of the Nabob. Now we had before proved to you, from evidence adduced by the prisoner himself, that this Nabob was a mere tool in his hands; and therefore, if this pretence be true, it aggravates his guilt: for surely the forcing a son to violate the property of his mother must everywhere be considered a crime most portentous and enormous. At this point we closed; and after the detail which has been given you already of these horrible and iniquitous proceedings, some apology may perhaps be necessary for entering again into the refutation of this iniquitous pretence.

My honorable fellow Manager who preceded me in this business did, in his remarks upon the inference drawn by the prisoner's counsel from the seizure of the Begums' treasures by the Nabob, as evidence of their guilt, as he ought to do, — he treated it with proper contempt. I consider it, indeed, to be as little an evidence of their guilt as he does, and as little a defence of that seizure as he does. But I consider it in another and in a new light, namely, as a heavy aggravation of the prisoner's crimes, and as a matter that will let you into the whole spirit of his government; and I warn your Lordships against being imposed on by evasions, of which if it were possible for you to be the dupes, you would be unfit to be judges of the smallest matters in the world, civil or criminal.

The first observation which I shall beg leave to make to your Lordships is this, that the whole of the proceedings, from beginning to end, has been a mystery of iniquity, and that in no part of them have the orders of the Company been regarded, but, on the contrary, the whole has been carried on in a secret and clandestine manner.

It is necessary that your Lordships should be acquainted with the manner in which the correspondence of the Company's servants ought to be carried on and their proceedings regulated; your Lordships, therefore, will please to hear read the orders given concerning correspondence of every kind with the country powers. You will remember the period when these orders were issued, namely, the period at which the act passed for the better direction of the servants of the Company. By this act Mr. Hastings was appointed to be Governor-General, and the Court of Directors was required by that act to prepare orders and instructions, which Mr.

Hastings was required by the same act to comply with. You will see what these instructions and orders were, and in what manner he has complied with them.

Extract of General Instructions to the Governor-General and Council, 29th of March, 1774.

“We direct that you assemble in Council twice every week, and that all the members be duly summoned; that the correspondence with the princes or country powers in India be carried on by the Governor-General only, but that all letters sent by him be first approved in Council, and that he lay before the Council, at their next meeting, all letters received by him in the course of such correspondence, for their information. We likewise direct that a copy of such parts of the country correspondence be communicated to our Board of Trade: (to be constituted as hereinafter mentioned) as may in any way relate to the business of their department.”

You will observe, my Lords, two important circumstances in these instructions: first, that, after the board had regularly met, the Persian correspondence, kept by the Governor only, was to be communicated to the Council; and, secondly, that he should write no answer to any part of the business until he had previously consulted the Council upon it. Here is the law of the land, — an order given in pursuance of an act of Parliament. Your Lordships will consider how Mr. Hastings comported himself with regard to those orders: for we charge it as a substantive crime, independent of the criminal presumptions arising from it, that he violated an act of Parliament which imposed direct instructions upon him as to the manner in which he was to conduct all matters of business with the native powers.

My Lords, we contend strongly that all the positive rules and injunctions of the law, though they are merely positive, and do not contain anything but mere matters of regulation, shall be strictly observed. The reason is this, and a serious reason it is: official tyranny and oppression, corruption, peculation, and bribery are crimes so secret in their nature that we can hardly ever get to the proof of them without the assistance of rules, orders, and regulations of a positive nature, intended to prevent the perpetration of these crimes, and to detect the offender in case the crimes should be actually perpetrated. You ought, therefore, to presume, that, whenever such rules or laws are broken, these crimes are intended to be committed; for you have no means of security against the commission of secret crimes but by enforcing positive laws, the breach of which must be always plain, open, and direct. Such, for instance, is the spirit of the laws, that, although you cannot directly prove bribery or smuggling in a hundred cases where they have been committed, you can prove whether the proper documents, proper cockets, proper entries in regular offices have been observed and performed, or not. By these means you lock the door against bribery, you lock the door against corruption, against smuggling and contraband trade. But how? By falling upon and attacking the offence? No, by falling upon and attacking the breach of the regulation. You prove that the man broke the regulation, and, as he could have no other motive or interest in breaking it, you presume that he

broke it fraudulently, and you punish the man not for the crime the regulation was meant to prevent, but you punish him for the breach of the regulation itself.

Next to the breach of these positive instructions, your Lordships will attend to the consequent concealment and mystery by which it was accompanied. All government must, to preserve its authority, be sincere in its declarations and authentic in its acts. Whenever in any matter of policy there is a mystery, you must presume a fraud; whenever in any matter of money there is concealment, you must presume misconduct: you must therefore affix your punishment to the breach of the rule; otherwise the conviction of public delinquents would be unattainable.

I have therefore put before you that rule which he has violated; and we, the Commons, call upon your Lordships to enforce that rule, and to avenge the breach of it. You have seen the consequences of breaking the rule; and we have charged and do charge it as a heavy aggravation of those consequences, that, instead of consulting the Council, instead of laying the whole correspondence before them, instead of consulting them upon his answers, he went himself up into the country, took his Majesty's chief-justice along with him, and made that person the instrument of those wrongs, violences, robberies, and concealments which we call upon your Lordships to punish.

My Lords, an extraordinary circumstance occurred in the course of our proceedings in another place, which I must state, to show you in what a horrible manner your laws have been trampled upon and despised. None of the proceedings which have been last stated to your Lordships respecting the seizure of the treasures of the Begums appear upon any public record whatever. From the manner in which they came to our knowledge, your Lordships will perceive what must have been the prisoner's own opinion of the horrible nature of proceedings which he thought so necessary to be concealed.

Whilst we were inquiring into the violences committed against the Begums, in breach of the treaty entered into with them, there came into my hands an anonymous letter containing a full account of all the matter which has lately been stated to you. It came anonymously; and I did not know from what quarter it came. I do not even know with certainty at this hour: I say, not with certainty, for I can only form a conjecture. This anonymous communication enabled us to produce all the correspondence with Mr. Middleton respecting the cruelties exercised towards the Begums and their eunuchs in order to extort money. We found the names of Major Gilpin and several other persons in these letters. We also found in them a strong fox smell of a Sir Elijah Impey, that his brush and crime had left behind him; we traced him by that scent; and as we proceeded, we discovered the footsteps of as many of the wolves as Mr. Hastings thought proper to leave there. We sent for and examined Mr. Middleton, and Major Gilpin produced his correspondence. When we applied to Mr. Middleton, we found that all this part of his correspondence had been torn out of his book; but having come at it by means of our anonymous

communication, we subsequently proved and established it, in the manner we have done before your Lordships. Here, then, you have important matter which this anonymous letter has brought to light; and otherwise the whole of this correspondence, so essential to the interests and justice of Great Britain, would have been concealed by this wicked man. Thus, I say, his violation of a positive law would have remained undiscovered, if mere accident had not enabled us to trace this iniquity to its source. Therefore I begin our proceedings this day by stating to your Lordships this fact, and by calling upon your justice to punish him for this violation of the laws of his country.

We have told you who the instruments were by which all this wickedness was committed, Mr. Middleton and Mr. Johnson, persons who were sent as ambassadors to represent the interests of the Company at the court of an independent prince. Over this prince they usurped an absolute power; they even made use of British officers in his own service and receiving his pay, to enslave his person, and to force him to rob his kindred. These agents were aided by an English chief-justice, sent under the authority of an act of Parliament to represent the sovereign majesty of English justice, and to be a restraint upon the misconduct of the Company's servants. These are the instruments with which this man works. We have shown you his system; we have shown you his instruments: we will now proceed with the examination of the pretences upon which this horrid and nefarious act is attempted to be justified. We have not entered into this examination for the sake of refuting things that want no refutation, but for the purpose of showing you the spirit of the whole proceeding, and making it appear to your Lordships, as I trust it will appear, that the wicked act done there is not half so bad as the wicked defence made here.

The first part of Sir Elijah Impey's commission, as your Lordships will remember, was to seize upon the Begums' treasures. He had likewise another budget of instructions, which has been discovered in the trunks of which your Lordships have heard, — secret instructions to be given by him to Mr. Middleton for the furtherance of this business. And that his office of Chief-Justice should not lie dormant, he was commissioned to seek for affidavits or written testimony from any persons, for the purpose of convicting these women of a design of atrociously revolting against their son, and deposing him from the government, with a view of getting rid of the English inhabitants. This was the accusation; and the evidence to support it Sir Elijah Impey was sent to collect.

My Lords, I must here observe to your Lordships that there is no act of violence which, merely as an act of violence, may not in some sort be borne: because an act of violence infers no principle; it infers nothing but a momentary impulse of a bad mind, proceeding, without law or justice, to the execution of its object. For at the same time that it pays no regard to law, it does not debase it, it does not wrest it to

its purposes: the law disregarded still exists; and hope still exists in the sufferer, that, when law shall be resorted to, violence will cease, and wrongs will be redressed. But whenever the law itself is debauched, and enters into a corrupt coalition with violence, robbery, and wrong, then all hope is gone; and then it is not only private persons that suffer, but the law itself, when so corrupted, is often perverted into the worst instrument of fraud and violence; it then becomes most odious to mankind, and an infinite aggravation of every injury they suffer.

We have therefore in our charge strongly reprobated Sir Elijah Impey's going to take such affidavits. "Oh! but," they say, "a judge may take an affidavit in his chamber privately; and he may take an affidavit, though not exactly in the place of his jurisdiction, to authenticate a bond, or the like." — We are not to be cheated by words. It is not dirty shreds of worn-out parchments, the sweepings of Westminster Hall, that shall serve us in place of that justice upon, which the world stands. Affidavits! We know that in the language of our courts affidavits do not signify a body of evidence to sustain a criminal charge, but are generally relative to matter [matters?] in process collateral to the charge, which, not coming before the jury, are made known to the judge by way of affidavit.

But was it ever heard, or will it be borne, that a person exercising a judicial office under his Majesty should walk beyond the sphere of his jurisdiction, — that he should desert the station in which he was placed for the protection of the natives, and should march to such a place as Lucknow in order to take depositions for criminating persons in that country, without so much as letting these poor victims know one article in the depositions so taken? These depositions, my Lords, were made to criminate, they were meant to justify a forfeiture, and are not in the nature of those voluntary affidavits which, whether made within jurisdiction or without, whether made publicly or privately, signify comparatively nothing to the cause. I do not mean, to say that any process of any court has not its weight, when the matter is within it in the ordinary course of proceedings: it is the extraordinary course, the extrajudicial conduct, which divests it of that just weight it otherwise would have.

This chief-justice goes to Lucknow, where he holds his court, such as it was. He is ready to authenticate any process by the signature of the English chief-justice, in a court which he holds by night, in a court which he holds in darkness and secrecy. He holds his court in Fyzabad; he holds it, unknown to the Nabob of Oude, in his own capital, and without giving him the least knowledge of or any notice of what he was proceeding to do. He holds it at the lodgings of Colonel Morgan, a pensioner of the Nabob; and the person assisting him is Mr. Middleton, who is likewise, as we have proved to you, one of the Nabob's pensioners, a monopolizer of trade in the country, and a person who received much the major part of his emoluments from the Nabob's hands.

In that clandestine manner, in the Nabob's own house, in his own capital city, in the lodging of his dependant and pensioner, Colonel Morgan, with no other witness that we know of than Mr. Middleton, was this iniquitous, dark procedure held, to criminate the mother of the Nabob. We here see a scene of dark, mysterious contrivance: let us now see what is brought out in the face of open day. The attestations themselves, which you have seen on the record before you. They were brought out — where? there? No: they were brought out in another place; they were brought out at Calcutta, — but were never communicated to the Nabob. He never knew anything of the matter. Let us now see what those attestations were. Your Lordships will bear in mind that I do not advert to this thing, which they bring as evidence, in the way of imputation of its being weak, improper, and insufficient evidence, but as an incontrovertible proof of crimes, and of a systematic design to ruin the accused party, by force there and by chicane here: these are the principles upon which I am going to talk to you upon this abominable subject, — of which, I am sorry to say, I have no words sufficient to express my horror. No words can express it; nor can anything but the severity of your Lordships' judgments find an adequate expression of it. It is not to be expressed in words, but in punishment.

Having stated before whom the evidence collected in this body of affidavits was taken, I shall now state who the persons were that gave it. They were those very persons who were guilty of robbing and ruining the whole country: yes, my Lords, the very persons who had been accused of this in the mass by Mr. Hastings himself. They were nothing less than the whole body of those English officers who were usurping the office of farmers-general, and other lucrative offices in the Nabob's government, and whose pillage and peculations had raised a revolt of the whole kingdom against themselves. These persons are here brought in a mass to clear themselves of this charge by criminating other persons, and clandestinely imputing to them the effect of their own iniquity.

But supposing these witnesses to be good for anything, supposing it fit that the least attention should be paid them, the matter of their testimony may very possibly be true without criminating the Begum. It criminales Saadut Ali Khân, the brother of the Nabob; the word Begum is never mentioned in the crimination but in conjunction with his; and much the greater part of it criminales the Nabob himself. Now, my Lords, I will say, that the matter of these affidavits, forgetting who the deponents were, may possibly be true, as far as respects Saadut Ali Khân, but that it is utterly as improbable, which is the main point and the stress of the thing, with respect to the Begums, as it is impossible with respect to the Nabob. That Saadut Ali, being a military man, a man ambitious and aspiring to greatness, should take advantage of the abuses of the English government and of the discontent of the country, that he should, I say, raise a revolt against his brother is very possible; but it is scarcely within possibility that the mother of the Nabob should have joined with the illegitimate son against her legitimate son. I can only say that in human

affairs there is the possibility of truth in this. It is possible she might wish to depose her legitimate son, her only legitimate son, and to depose him for the sake of a bastard son of her husband's, — to exalt him at the expense of the former, and to exalt, of course, the mother of that bastard at her own expense, and to her own wrong. But I say, that this, though possible, is grossly improbable. The reason why the Begum is implicated in this charge with Saadut Ali by the affidavits cannot escape your notice. Their own acquittal might be the only object of the deponents in their crimination of the latter; but the treasures of the former were the objects of their employers, and these treasures could not be come at but by the destruction of the Begums.

But, my Lords, there are other affidavits, or whatever your Lordships may call them, that go much further. In order to give a color to the accusation, and make it less improbable, they say that the Nabob himself was at the bottom of it, and that he joined with his brother and his mother to extirpate out of his dominions that horrible grievance, the English brigade officers, — those English officers who were the farmers-general, and who, as we have proved by Mr. Hastings's own evidence, had ruined the country. Nothing is more natural than that a man, sensible of his duty to himself and his subjects, should form a scheme to get rid of a band of robbers that were destroying his country and degrading and ruining his family. Thus you see a family compact naturally accounted for: the Nabob at the head of it, his mother joining her own son, and a natural brother joining in the general interests of the family. This is a possible case. But is this the case pressed by them? No: they pass lightly over the legitimate son; they scarcely touch upon Saadut Ali Khân; they sink the only two persons that could give probability or possibility to this business, and endeavor to throw the whole design upon these two unfortunate women.

Your Lordships see the wickedness and baseness of the contrivance. They first, in order to keep the whole family in terror, accuse the whole family; then, having possessed themselves of the treasures of the Begums upon another pretence, they endeavor to fix upon them that improbable guilt which they had with some degree of probability charged upon the whole family, as a farther justification of that spoliation. Your Lordships will see what an insult is offered to the Peers of Great Britain, in producing before you, by way of defence, such gross, scandalous, and fraudulent proceedings.

Who the first set of witnesses were which they produced before their knight-errant chief-justice, Sir Elijah Impey, who wandered in search of a law adventure, I have laid open to your Lordships. You have now had an account of the scandalous manufacture of that batch of affidavits which was in the budget of Sir Elijah Impey, — that Pandora's box which I have opened, and out of which has issued every kind of evil. This chief-justice went up there with the death-warrant of the Begums' treasures, and, for aught he knew, the death-warrant of their persons. At the same time that he took these affidavits he became himself a witness in this business; he

appears as a witness. How? Did he know any one circumstance of the rebellion? No, he does not even pretend to do so. "But," says he, "in my travels I was obliged to avoid Fyzabad, upon account of the suspected rebellion there." Another chief-justice would have gone fifty miles about to avoid Lucknow, for everybody knows that Lucknow was the focus and centre of extortion, corruption, and peculation, and that a worse air for the lungs of a chief-justice could not be found in the world. If his lungs wanted the benefit of pure air, he would even have put himself in the focus of a rebellion, to have kept at a distance from the smell of carrion and putrid corruption of every kind that was at Lucknow. A chief-justice may go to a place where a rebellion is raging, he may die a martyr to his honor; but a chief-justice who puts himself into the focus of peculation, into the focus of bribery, into the focus of everything that is base and corrupt, — what can we expect from him but that he will be engaged in clandestine jobs there? The former might kill Sir Elijah Impey, the knight-errant, but the chief-justice would remain pure and entire; whereas Sir Elijah Impey has escaped from Lucknow, and the chief-justice is left by Mr. Hastings to shift for himself.

After mentioning this violation of the laws of hospitality by Sir Elijah Impey, I would ask, Was any notice given by him, or by any of Mr. Hastings's agents, to the Nabob, who was so immediately interested in this matter? Was any notice given to the Begums that any such charge was entertained against them? Not a word. Was it notified to the eunuchs? Was it to Saadut Ali Khân? Not a word. They were all within their power. The eunuchs were a year in irons, and they were subjected to the want of food and water for a part of that year. They were dragged from Fyzabad to Lucknow, and from Lucknow to Fyzabad. During all that time was there a word mentioned to them by any one person on the part of Mr. Hastings, that they were accused of this matter? Not a word.

We now submit to your Lordships' vindictive justice and condemnation this recriminatory defence, in which every principle of justice has been violated. And now I will ask your Lordships whether you would have suffered such a procedure in the case of the prisoner at your bar. It was asked by a person of great authority in this House, when we were going to produce certain evidence against Mr. Hastings, (we do not say whether we offered to produce it properly or improperly, — that is another matter,) — we were asked, I say, whether our intentions of producing that evidence had been communicated to Mr. Hastings. Had he had an opportunity of cross-examining the witnesses who had given that evidence? No, he added, that evidence must be rejected. Now I say to your Lordships, upon the same ground, deal with the Begums as you dealt with Mr. Hastings. Do not keep two weights and measures for different persons in the same cause. You would not suffer such evidence to be produced against him; you will not assuredly suffer such evidence to be produced to you in his favor and against them.

My Lords, the cause between this man and these unfortunate women is at last come into Westminster Hall; the cause is come to a solemn trial; and we demand other witnesses and other kinds of proof than what these affidavits furnish. My Lords, the persons who have been examined here are almost all of them the same persons who made these affidavits; but there is this material difference in their evidence: at your Lordships' bar they sunk all those parts of their former evidence which criminated the Nabob and Saadut Ali, and confined their testimony wholly to what related to the Begums. We were obliged, by a cross-examination, to squeeze out of them the disavowal of what they had deposed on the former occasion. The whole of their evidence we leave to the judgment of your Lordships, with these summary remarks: first, that they are the persons who were to profit by their own wrong; they are the persons who had seven months' arrears paid to them out of the money of these unfortunate ladies; they are the persons who, to justify the revolt which they had caused in the country by their robbery, charge their own guilt upon others. The credibility of their evidence is therefore gone. But if it were not affected by these circumstances, Mr. Hastings has put an end to it by telling you that there is not one of them who is to be credited upon his oath, — no, not in a court-martial; and can it, therefore, be expected that in a case of peculation they will do otherwise than acquit the party accused? He has himself laid before you the horrible state of the whole service; your Lordships have it fresh in your memories, and ringing in your ears. You have also heard from witnesses brought by Mr. Hastings himself, that these soldiers committed misdemeanors of the very same kind with those which we have stated. They ought not, therefore, to be listened to for a moment; and we aver that it is an aggravation of the prisoner's crimes, that he has brought the instruments of his guilt, the persons of whom he has complained as having ruined and destroyed that country, and whom he had engaged, at the Nabob's desire, in the treaty of Chunar, to send out of the country, as being a nuisance in it, — to bring, I say, these people here, to criminate, at a distance of nine thousand miles, these unfortunate women, where they have neither attorney or agent who can from local knowledge cross-examine them. He has the audacity to bring these people here; and in what manner they comport themselves, when they come here, your Lordships have seen.

There is one of them whom we cannot pass by: that is, Captain Gordon. The other witnesses, who appeared here as evidences to criminate the Begums, did it by rumors and hearsays. They had heard some person say that the Begums had encouraged rebellion, always coupling them with Saadut Ali Khân, and sometimes with the Nabob, because there might have been some probability for their charge in the transactions with Saadut Ali Khân, which, though impossible with regard to the Begums, they thought would implicate him [them?] in his designs. But Captain Gordon is to give a different account of the proceedings.

Captain Gordon was one of Colonel Hannay's under-farmers. He was hunted out of the country and, as one of the Begums says, pursued by a thousand of the zemindars, for robbing the whole country. This woman, through respect to the British name, that name which guaranteed her possessions to her, receives this Captain Gordon and Captain Williams with every mark of kindness, hospitality, and protection, that could be given them. She conveys them from the borders to the city of Fyzabad, and from Fyzabad, her capital, supposed to be the nest of her rebellion, on to their place of destination. They both write her letters full of expressions of gratitude and kindness for the services that they had received. They then pass on to Lucknow to Sir Elijah Impey, and there they sink every word of kindness, of any service or protection that they had received, or of any acknowledgment that they had ever made of it. They sink all this: not one word of it appears in their affidavits.

How, then, did we come to the knowledge of it? We got it from Major Gilpin, who was examined in the course of these proceedings; and we used it in our charge, from the papers that we hold in our hands. Mr. Hastings has confessed the fact; and Mr. Middleton has endeavored to slur it over, but could not completely conceal it. We have established the fact, and it is in evidence before your Lordships.

You have now, then, in this manner, got these testimonials given by English officers in favor of these women; and by the same means the letters of the latter accusing the former are come to your hands: and now these same English officers come here with their recriminatory accusation. Now why did they not make it at Lucknow? Why did not Mr. Hastings, when Mr. Middleton had such papers for him in his hands, why, I ask, did not Mr. Hastings procure some explanation of the circumstances whilst he was in India? I will read your Lordships the letter, that you may not only know, but feel, the iniquity of this business.

Letter from the Mother of the Vizier to Mr. Hastings; received the 6th of January, 1782.

"Our situation is pretty well, and your good health is constantly prayed for. I had sent Behar Ali Khân to you. Accordingly people invented a falsehood, that Behar Ali Khân was gone to get the deputyship of the Subah; and some persons here were saying, 'Wherefore has she sent Behar Ali Khân to Calcutta to the Nabob Amaud ul Dowlah? We will never permit the affair to succeed.' And accordingly it has so happened. For they say that you also have not put your seal to the treaty: and the people here say, 'Why does the noble lady correspond with the English gentlemen?' On this account, I did not send a letter at the time when you came this way. Now the state of affairs here is thus. On the 27th Zehedja, Asoph ul Dowlah Banadur, without my knowledge, sent his own aumils into my jaghires. I accordingly wrote several times to Mr. Middleton on this business: that his seal was to the treaty and writing of discharge; why did he not negotiate in my favor? Mr. Middleton replied, 'The Nabob is the master.' I wrote frequently, but without effect. Being helpless, I

represent to you the state of my affairs, that, notwithstanding the existence of this treaty, I have been treated in this manner. It is useless for me to stay here. Whatever is is a compact; whenever any one deviates from his compact, he meets with no credit for the future; and the light of mine eyes, Asoph ul Dowlah, wrote to me that he had sent his own aumils into my jaghires, and would pay ready money from his treasury. Reflect on my security for his adhering to his future engagements, from the consideration of his conduct under his past promises. I do not agree to his ready money. Let me have my jaghires as formerly; otherwise, leaving this place, I will wait on you at Benares, and thence will go towards Shahjehanabad, because he has not adhered to his engagement. Send letters to Asoph ul Dowlah, and to Mr. Middleton, and Hussein Reza Khân, and Hyder Beg Khân, not to molest the Begum's jaghires, and to let them remain, as formerly, with the Begum's aumils. And it is here suspected of me that my aumil plundered the property of Mr. John Gordon. The case is this. Mr. John Gordon arrived at Taunda, a jaghire of mine, fighting with the zemindars of Acberpore, which belongs to the Khalseh. Accordingly, Mr. John Gordon having come to Taunda, my aumil performed whatever appertained to his duty. Afterwards Mr. John Gordon wrote to me to send my people, that he might come with them to Fyzabad. I sent people accordingly to bring Mr. John Gordon, and the said gentleman arrived here in complete safety; and Mr. John Gordon is now present. Ask him yourself of these matters. Mr. John Gordon will represent matters in detail; the truth will then become known, how ill-founded the calumny is. Should you come here for a few days, it will be very well, and if not, I will wait on you; and your coming here is very necessary, that all my affairs may become arranged. And send a speedy answer to my letters, and a letter to Asoph ul Dowlah, and Mr. Middleton, and Hussein Reza Khân, and Hyder Beg Khân, on the subject of ceasing to molest my jaghires. And send me constantly news of your health, for my peace of mind depends thereon."

This letter was transmitted to Mr. Hastings. I desire your Lordships will remark upon this letter, for it is a most important one indeed. It is hardly worth observing that all this correspondence came out of the various trunks of which your Lordships have already heard, and that this letter is out of the trunk of Mr. Hastings's private Persian secretary and interpreter, Mr. Jonathan Scott. Now, my Lords, in this letter there are several things worthy of your Lordships' observation. The first is, that this woman is not conscious of having ever been accused of any rebellion: the only accusation that ever came to her ears was, that Captain Gordon said that his baggage had been robbed by one of her aumils. She denies the truth of this charge; and she produces testimonials of their good behavior to him; and, what is the essential point of all, she desires Mr. Hastings to apply to this Mr. John Gordon, and to know from him what truth or falsehood there is in that accusation, and what weight there is in the attestation she produces. "Mr. Gordon is now present," says she; "ask him yourself of these matters." This reasonable request was not complied

with. Mr. Gordon swears before Sir Elijah Impey to the robbery; but he never mentions the paper he had written, in which he confessed that he owed his life to this very lady. No inquiry was made into this matter. Colonel Hannay was then alive. Captain Gordon was alive, and she refers to him: yet that very man was sworn before Sir Elijah Impey, and accuses his prisoner. Did the prisoner at your bar make that attestation known to the Begum, whose letter at that very time was in his possession, in Mr. Scott's trunk, — that very letter in which he is desired to make the inquiry from Captain Gordon?

Mr. Hastings is acquainted with the facts stated by the Begum, and with Captain Gordon's accusation. Did he afterwards inform her of this accusation? or did he ask this Captain Gordon one question in India, where the matter might be ventilated? Not one word, my Lords. Therefore we fix upon him fraud, deceit, and the production of false evidence, after the woman had desired to have the man who was the evidence against her examined upon the spot. This he does not do, but with much more prudence he brings him here. And for what? To discredit his own testimony, and the written evidence. And how does he discredit them? There are two of these papers, which I beg leave to read to your Lordships.

Copy of a Letter to Jewar and Behar Ali Khân, from Mr. Gordon.

"Sirs, my indulgent friends, remain under, &c., &c., &c. After compliments, I have the pleasure to inform you, that yesterday, having taken leave of you, I passed the night at Noorgunge, and next morning about ten or eleven o'clock, through your favor and benevolence, arrived safe at Goondah. Mir Aboo Buksh Zemindar and Mir Rustum Ali accompanied me.

"To what extent can I prolong the praises of you, my beneficent friends? May the Supreme Being, for this benign, compassionate, humane action, have you in His keeping, and increase your property, and speedily grant me the pleasure of an interview; until which time continue to favor me with friendly letters, and oblige me by any commands in my power to execute. May your wishes be ever crowned with success! My compliments," &c., &c., &c.

Copy of an Address from Mr. Gordon to the Begum.

"Begum Saib of exalted dignity and generosity, whom God preserve! After presenting the usual professions of servitude, &c., in the customary manner, my address is presented.

"Your gracious letter, in answer to the petition of your servant from Goondah, exalted me. From the contents, I became unspeakably impressed with the honor it conferred. May the Almighty protect that royal purity, and bestow happiness, increase of wealth, and prosperity! The welfare of your servant is entirely owing to your favor and benevolence; a few days have elapsed since I arrived at Goondah, with the Colonel Saib.

“This is presented for your Highness’s information. I cherish hopes from your generosity, that, considering me in the light of one of your servants, you will always continue to exalt and honor me with your gracious letters. May the sun of prosperity continually shine!”

These acknowledgments of the Begum’s friendly disposition and services were concealed, when the charge was made against this woman at Lucknow before Sir Elijah Impey: I wish to impress this upon your Lordships’ mind; and that before Mr. Hastings left Bengal, in the trunk of Major Scott, his private Persian interpreter, was this letter. Did he make that inquiry of Captain Gordon? No. Did he make that inquiry of Colonel Hannay? Did he make any inquiry into the matter, after his perusal of these letters? Or did he give this poor woman any opportunity of obtaining justice against this Captain Gordon, who, after acknowledging that he owed his life to her favor, calumniates and traduces her to her utter destruction? No, he never did; and therefore he is chargeable, and I charge him, with everything that is wrongful in Captain Gordon’s evidence.

These papers, which carry with them a clear refutation of all the charges against the Begum, are never once produced, though Captain Gordon was referred to expressly for inquiry and explanation of the whole transaction by the woman herself. You hear nothing of them; there is no appearance of them in the affidavits; no such papers were laid before the Supreme Council; none were transmitted to the Court of Directors: but at last the House of Commons having come at the truth of this matter, Mr. Hastings, not daring to deny the existence of these papers, brings Captain Gordon to be examined here, in order to prove that papers which he had himself written were false. Is this to be tolerated? What will your Lordships think of a man that comes to attest his own infamy, — to declare that he has written papers containing falsehoods, and to invalidate the false testimony which he had before given? Is he to be suffered, I say, to come here, and endeavor to prove the absolute falsity of his own deeds by his own evidence?

The next point for your Lordships’ consideration is the evidence which he produces to prove the falsity of a paper written by himself. Why, he himself is the sole evidence. And how does he prove it? Why, says he, “The reason of my writing that letter was this: she had sent a person with me as an escort, and this person was desirous of receiving some proof that he had done his duty; and therefore I wrote a complaisant letter. I meant nothing by it. It was written merely to satisfy the mind of the man.” Now is that the way in which formal and solemn letters, written upon great occasions to great people, are to be explained away? If he had said nothing but “Your servant, such a one, has done his duty,” this explanation might pass. But you see it has another complexion. It speaks of his owing his life to her. But if you admit that it is possible (for possibilities have an unknown extent) that he wrote such a letter at such a time and for such a purpose, and that the letter he wrote was

false, and that the falsity of the letter is proved by his own testimony given in an affidavit which we have also reason to believe is false, your Lordships must at the same time admit that it is one of the most complex pieces of fraud and falsehood that, I believe, ever existed in the world. But it is worse than all this. There is another letter, written some days after, which I will read to you, and which he has not pretended to say was written only to testify that a messenger had executed his commission properly.

“Your gracious letter,” (he thus writes,) “in answer to the petition of your servant from Goondah, exalted me. From the contents, I became unspeakably impressed with the honor it conferred.”

My Lords, this letter was not sent back by a messenger, in acknowledgment of his having done his duty, but was written in consequence of a correspondence in the nature of a petition for something or other which he made to the Begum. That petition they have suppressed and sunk. It is plain, however, that the petition had been sent, and was granted; and therefore the apology that is made for the former letter does not apply to this letter, which was written afterwards.

How, then, do they attempt to get rid of this difficulty? Why, says Captain Gordon, “*The Colonel Saib* (by whom was meant Colonel Hannay) was not at Goondah, as stated in the letter, but at Succara, about eighteen miles from it, and therefore you ought not to pay much regard to this paper.” But he does not deny the letter, nor was it possible for him to deny it. He says Colonel Hannay was not there. But how do we know whether Colonel Hannay was there or not? We have only his own word for it. But supposing he was not there, and that it was clearly proved that he was eighteen miles distant from it, Major Naylor was certainly with Captain Gordon at the time. Might not his Persian scribe (for he does not pretend to say he wrote the letter himself) take Major Naylor for a colonel, (for he was the superior officer to Captain Gordon,) and think him the Colonel Saib? For errors of that kind may be committed in our own country. Every day we may take a major for a lieutenant-colonel. This was an error that might easily have happened in such a case. He was in as high rank as Colonel Hannay; for Colonel Hannay at that time was only a major. I do not believe either of them was properly entitled to the name of Colonel Saib. I am ashamed, my Lords, to be obliged to remark upon this prevarication. Their own endeavors to get rid of their own written acts by contradictory evidence and false constructions sufficiently clear these women of the crimes of which they were accused; and I may now ask the prisoner at your bar how he dares to produce Captain Gordon here, how he dares thus to insult the Peers, how he dares thus to insult the public justice of his country, after not having dared to inquire, upon the spot, of this man, to whom he was referred by the Begums for an account of this very transaction?

I hope your Lordships have got enough of this kind of evidence. All the rest is of the same batch, and of the same description, — made up of nothing but hearsays, except in one particular only. This I shall now mention to your Lordships. Colonel Popham and another gentleman have told you, that, in a battle with Cheyt Sing's forces, they took prisoners two wounded nudjeeves or swordsmen, and that these men told them that they were sent there by the Begums, — that they had got two rupees and two wounds, but that they thought two rupees a bad compensation for two wounds. These two men, with their two wounds and two rupees, had, however, been dismissed. It does not appear that this accident was considered by these officers to be of consequence enough to make them ever tell one word of it to Mr. Hastings, though they knew he was collecting evidence of the disaffection of the Begums, of all kinds, good, bad, and indifferent, from all sorts of persons.

My Lords, I must beg leave to say a few words upon this matter; because I consider it as one of the most outrageous violations of your Lordships' dignity, and the greatest insult that was ever offered to a court of justice. A nudjeeve is a soldier armed with a sword. It appears in evidence that the Nabob had several corps of nudjeeves in his service; that the Begums had some nudjeeves; and that Colonel Hannay had a corps of nudjeeves. It is well known that every prince in Hindostan has soldiers of that description, — in like manner, probably, as the princes of Europe have their guards. The whole, then, amounts to this: that a story told by two men who were wounded in an action far from the place from which they were supposed to come, who were not regularly examined, not cross-examined, not even kept for examination, and whose evidence was never reported, is to be a reason why you are to believe that these Begums were concerned in a rebellion against their son, and deserved to forfeit all their lands and goods, and to suffer the indignities that we have stated.

My Lords, I am really ashamed to mention so scandalous a thing; but let us put a case: let us suppose that we had accused Mr. Hastings of instigating the Rajah of Berar to fall upon some of the country powers, and that the evidence we produced at your bar to prove it was, that an officer had taken two nudjeeves, who declared they were instigated by Mr. Hastings to go into the service of that Rajah: could you bear such a thing? would you suffer such evidence to be produced? or do you think that we should have so little regard for our own reputation as to venture to produce such evidence before you? Again, we have charged Mr. Hastings with committing several acts of violence against the Begums. Let us suppose our proof to be, that two persons who never appeared before nor since, that two grenadiers in English uniforms, (which would be a great deal stronger than the case of the nudjeeves, because they have no particular uniform belonging to them,) that two English grenadiers, I say, had been taken prisoners in some action and let go again, who said that Mr. Hastings had instigated them to make war upon the Begums: would your Lordships suffer such evidence to be produced before you? No. And yet two of the

first women in India are to be stripped of all they have in the world upon no better evidence than that which you would utterly reject. You would not disgrace the British peerage, you would not disgrace this court of justice, you would not disgrace human reason itself, by confiscating, on such evidence, the meanest property of the meanest wretch. You would not subject to the smallest fine for the smallest delinquency, upon such evidence. I will venture to say, that, in an action of assault and battery, or in an action for the smallest sum, such evidence would be scouted as odious and contemptible, even supposing that a perfect reliance might be placed upon its truth. And yet this is the sort of evidence upon which the property, the dignity, and the rank of some of the first persons in Asia are to be destroyed, — by which a British guaranty, and the honor and dignity of the crown of Great Britain, and of the Parliament itself, which sent out this man, are to be forfeited.

Observe, besides, my Lords, that the two swordsmen said they were sent by the Begums. Now they could not be sent by the Begums in their own person. This was a thing in India impossible. They might, indeed, have been sent by Jewar and Behar Ali Khân: and then we ask again, How came these ministers not to be called to an account at the time? Why were they not called upon for their muster-rolls of these nudjeeves? No, these men and women suffer the penalty, but they never hear the accusation nor the evidence.

But to proceed with the evidence of this pretended rebellion. Captain Williams has told your Lordships that he once had a great number of letters and papers to prove this rebellion of the Begums. But he declares that he has lost all these letters. A search was ordered to be made in Mr. Hastings's record-office, called a trunk; and accordingly in the trunk is found a paper worthy of such a place and such a cause. This letter, which has been made use of to criminate the Begums, has not their names mentioned, nor is there any possibility of their being included in it. By this paper which is preserved you may judge of the whole of the papers that are lost. Such a letter, I believe, was never before brought as evidence in a court of justice. It is a letter said to have been intercepted, and is as follows.

“To the most noble * * * * *, whose prosperity be everlasting!

“It is represented, that the august purwannah [command], having completed his honorable arrival on the 16th of the month in the evening, highly exalted me. It is ordered that I should charge Medeporee, and the other enrolled sepoyes belonging to my district, and take bonds from them that none of them go for service to the Rajah; and that, when four or five hundred men, nudjeeves and others, are collected, I should send them to the presence. According to the order, I have written to Brejunekar Shah Rehemet Ullah, who is in Bhooaparah, charging him to take bonds from them, and that whatever sepoyes fit for service are collected he should send to the presence. As at this time the wind is contrary, the sepoyes will not * * * * without travelling charges; for I have learnt from a letter previously received from Brejunekar Shah Rehemet Ullah, that the people there also are badly inclined. By

the grace of God, the unalterable glory shall be * * * * *. Zehan Beg and the nudjeeves who were in the fort of Aneelah have gone off to Goruckpore.”

This is a letter of somebody or other employed by somebody or other for the recruiting service, — it should seem, by the word “presence,” somebody employed in enlisting forces for the Nabob. The charge against the Begum was, that she had joined with the rebellious Rajahs to exterminate her son’s government and the English influence in that country. In this very paper you see that the soldiers entering into that service, and officers who are to contract for soldiers, are expressly bound not to join the Rajahs; and this they produce as proof that the Begums had joined the Rajahs, and had joined them in a rebellion, for the purpose of exterminating their son, in the first instance, and the English afterwards.

There is another circumstance which makes their own acts the refutation of their false pretences. This letter says that the country is disaffected, and it mentions the ill-disposed parts of the country. Now we all know that the country was ill-disposed; and we may therefore conclude this paper was written by, and addressed to, some person who was employed against the persons so ill-disposed, — namely, the very Rajahs so mentioned before. The prisoner’s counsel, after producing this paper, had the candor to declare that they did not see what use could be made of it. No, to be sure, they do not see what use can be made of it for their cause; but I see the use that can be made of it against their cause. I say that the lost papers, upon which they do so much insist, deserve no consideration, when the only paper that they have preserved operates directly against them; and that therefore we may safely infer, that, if we had the rest of the contents of this trunk, we should probably find them make as strongly against them as this paper does. You have no reason to judge of them otherwise than by the specimen: for how can you judge of what is lost but from what remains?

The man who hid these papers in his trunk never understood one word of the Persian language, and consequently was liable to every kind of mistake, even though he meant well. But who is this man? Why, it is Captain Williams, — the man who in his affidavits never mentioned the Begums without mentioning Saadut Ali. It is Captain Williams, — whom we charge to have murdered a principal man of the country by his own hand, without law or legal process. It is Captain Williams, — one of those British officers whom Mr. Hastings states to be the pests of the country. This is the man who comes here as evidence against these women, and produces this monstrous paper.

All the evidence they had produced to you amounts to no more than that such a man *believes* such a man *heard of something*; and to close the whole of this hearsay account, Sir Elijah Impey, who always comes in as a supplement, declares that no man doubted of the existence of this rebellion, and of the guilt of the Begums, any more than of the rebellion of 1745: a comparison which, I must say, is, by way of evidence, a little indecorous in a chief-justice of India. Your Lordships are

sufficiently acquainted with the history of that rebellion to know, that, when Lord Lovat was tried at this bar, the proceedings against him were not founded on second-hand hearsay. The existence of the rebellion of 1745 was proved, notwithstanding its notoriety; but neither notoriety nor proof would have signified anything, if Lord Lovat's participation in it had not been brought home to him directly, personally, and particularly. Yet a chief-justice, sent to India to represent the sacred majesty of the crown of England, has gone so far as to say at your bar that no more doubt could be entertained of the existence either of the rebellion or the guilt of the Begums than of the rebellion in 1745. Besides, he forgets that he himself carried the order to confiscate these people's property without any trial whatever. But this is the way of proceeding by an English chief-justice in India, — a chief-justice who had rendered himself the instrument, the letter-carrier, the messenger, I had almost said the executioner of Mr. Hastings.

From this view of the whole matter your Lordships will form an estimate of the spirit of Indian government and Indian justice. But to blow away and to put an end to all their false pretences, their hearsays, and talk of nudjeeves, and wounds, and the like, I ask, Who is the first witness that we have produced upon this occasion? It is the Nabob himself, negating all these pretences. Did he believe them? Not a word from him of any rebellion, actual or suspected. Sir Elijah Impey, indeed, said that he was obliged to wheel round, and to avoid that dangerous place, Fyzabad. His friends urged him to this. "For God's sake," say they, "have a reverend care of your sacred person! What will become of the justice of India, what will become of the natives, if you, their legitimate protector, should fall into the hands of these wicked, rebellious women at Fyzabad?" But although the Chief-Justice does this, the Nabob, whose deposition is said to be the first object of this rebellion, takes leave of Mr. Hastings at the very moment when it is raging in the highest possible degree, and gallops into its very focus.

And under what circumstances does he do this? He had brought some considerable forces with him. No man of his rank in that country ever goes without them. He left a part of these forces with Mr. Hastings, notwithstanding he was going into the centre of the rebellion. He then went on with a corps of about a thousand horse. He even left a part of these with Mr. Middleton, and galloped, attended by a few horse, into the very capital, where the Begums, we are told, had ten thousand armed men. He put himself into their power, and, not satisfied with this, the very first thing we hear of him after his arrival is, that he paid his mother a friendly visit, — thus rushing into the den of a lioness who was going to destroy her own whelp. Is it to be credited, my Lords, that a prince would act thus who believed that a conspiracy was formed against him by his own mother? Is it to be credited that any man would trust a mother who, contrary to all the rules of Nature and policy, had conspired to destroy her own son?

Upon this matter your Lordships have the evidence of Captain Edwards, who was aide-de-camp to the Nabob, who was about his person, his attendant at Chunar, and his attendant back again. I am not producing this to exculpate the Begums, — for I say you cannot try them here, you have not the parties before you, they ought to have been tried on the spot, — but I am going to demonstrate the iniquity of this abominable plot beyond all doubt: for it is necessary your Lordships should know the length, breadth, and depth of this mystery of iniquity.

Captain Edwards being asked,— “Whether he ever heard any native of credit and authority in the Nabob’s dominions, who appeared to believe the rebellion of the Begums? — A. No, I never did. — *Q.* Have you any reason to believe that the Nabob gave credit to it? — A. I really cannot rightly presume to say whether the Nabob did or did not; but I am apt to believe that he did not. — *Q.* Have you any reason, and what, to form a belief about it? — A. I have. I think, if he supposed the rebellion, ever existed at Fyzabad, he would have been the first person to take and give the alarm to the British troops. — *Q.* And no such alarm was taken or given to the British troops? — A. No, I think not: as I was always about his person, and in the camp, I think I certainly must have known it or heard of it; but I never did.”

We assure your Lordships, you will find upon your printed Minutes, that Captain Edwards says he was credibly informed that the Nabob left behind him a part of his guard of horse; and that, so desirous was he to go into the power of this cruel lioness, his mother, that he advanced, as he is a vigorous man, and a bold and spirited rider, leaving all his guards behind him, and rode before them into the middle of Fyzabad. There is some more evidence to the same purpose in answer to the question put next to that which I read before.

“*Q.* When you did hear of the rebellion, did not you understand it to have been alleged that one object of it was to dethrone the Nabob himself, as well as to extirpate the English? — A. I understood that the intention of the princesses, the Begums, was to extirpate the English troops out of the country and out of those dominions, and likewise to depose her son, and set another son, who seems to have been a greater favorite of that family, upon the throne, in the room of the present Nabob; and that son’s name is Saadut Ali. I have only heard this from report. I have no other knowledge but mere report. I understood from the report, she was to extirpate the English, and depose her son who is now upon the throne. — *Q.* Was it after or before the seizing of the treasures, that you heard a circumstantial account of the supposed object of the rebellion? — A. The report was more general after the seizing of the treasures; but yet there were reports prevailing in the neighborhood that our troops were sent there in consequence of the charge that was made by Colonel Hannay and some of his officers of rebellion existing then at Fyzabad, or having existed, I cannot rightly say which. — *Q.* Was that report after the order for the troops to march to Fyzabad? — A. It was more general, it was very general then when the troops did march there, and more general after the seizing of

the treasures. — *Q.* When did the troops first march? — *A.* It was some time in the month of January, I believe, in the year 1782. — *Q.* While you was with the Nabob in passing from Lucknow to Chunar, and while you was with him or the army returning from Chunar, did you then, out of the whole army, regular or irregular, ever hear of any report of the Begums being in rebellion? — *A.* No, I do not recollect I ever did. — *Q.* (*Upon cross-examination.*) Do you recollect at what time in August, 1781, you left Lucknow to proceed with the Nabob to Chunar? — *A.* No, I cannot rightly mention the date: all that I know is this, that I accompanied the Nabob, Mr. Middleton, and his attendants, all the way from Lucknow to Chunargur. I really cannot recollect; I have no notes, and it is so distant a time since that I do not recollect the particulars of the month or the day; but I recollect perfectly I accompanied the Nabob all the way from Lucknow to Chunar, and returned again with him until he struck off on the road for Fyzabad.”

Your Lordships see plainly the whole of this matter. When they had resolved to seize the Begums’ treasures, they propagated this report just in proportion to their acts. As they proceeded, the report grew hotter and hotter. This man tells you when it was that the propagation of this report first began, when it grew hot, and when it was in its greatest heat. He tells you that not one native of credit in the country believed it, — that he did not think the Nabob himself believed it; and he gives a reason that speaks for itself, namely, that he, the Nabob, would have been the first man to give the alarm, if he believed in a rebellion, as he was to be the object of it. He says the English were the principal spreaders of the report. It was, in fact, a wicked report, propagated by Mr. Middleton and the English agents for the purpose of justifying their iniquitous spoliation of the Begums.

This is the manner in which the matter stands upon the ground of rebellion, with the exception of Major Gilpin’s and Hyder Beg Khân’s testimony. This last man we have proved to have been kept in his office by Mr. Hastings’s influence, and to have been entirely under his government. When this dependant comes to give his attestation, he gives a long account of all the proceedings of Cheyt Sing’s rebellion, with which the rebellion charged on the Begums was supposed to be coincident; and he ends it very remarkably, — that he tells the whole truth, and nothing but the truth. But it is also remarkable, that even this Hyder Beg Khân never mentions by name the rebellion of the Begums, nor says that he ever heard a word about it: a strong proof that he did not dare, in the face of his country, to give countenance to such a falsehood.

Major Gilpin’s evidence leaves not even the shadow of a pretence for this charge. He had the Begums and their eunuchs under his custody for a full year; he was strictly ordered to watch them and to guard them; and during all that time he lived at Fyzabad. He was the man who commanded the troops, who had all the witnesses in his power, who had daily access to all parties at Fyzabad, and who, moreover,

was a person attached to Mr. Hastings in the strongest manner. Your Lordships will now be pleased to hear read to you this part of Major Gilpin's evidence.

“*Q.* Had you any opportunity of knowing the character of the Begums, and whether they were disaffected to our government? — *A.* I had a very good opportunity of knowing, from the circumstance of my having commanded so long there. The elder Begum, it was generally understood, (and I have reason to believe,) was disaffected to our government; and my sentiments of her conduct stand recorded in my correspondence to the court of Lucknow to that effect; but with respect to the Bhow Begum, I acquit her entirely of any disaffection to our government, so far as comes to my knowledge: appearances were for some time against her; but, on cool, deliberate inquiry, I found there was no ground for supposing her guilty of any rebellious principles, at the time of Cheyt Sing's rebellion. — *Q.* Whether that, according to your belief, is not your present opinion? — *A.* I think I have answered that very fully, that it was upon those very principles that I did form an opinion of her innocence; how far they are justifiable or right I will not take upon me to say upon oath; there was no one circumstance that came to my knowledge, during my residence at Fyzabad or my residence in India, that I would wish to withhold from your Lordships. — *Q.* You state here, ‘upon cool, deliberate inquiry’: what was that cool, deliberate inquiry? — *A.* That cool, deliberate inquiry was the conversations I had with the ministers and the people of Fyzabad, and the letters from herself expressing her innocence; and it appeared to me from those letters that she really was our friend and ally.”

The same witness goes on afterwards to say: —

“*Q.* I understood you to say, that originally the report prevailed with respect to both the Begums, but that you was induced to alter that opinion with respect to the younger Begum, in consequence of Mr. Gordon's letters, and the intelligence of some of her ministers and other persons: were not those other persons in the interest of the younger Begum? — *A.* In general the town of Fyzabad were in her interest. — *Q.* In what sense do you mean generally in her interest? Were the persons you conversed with merely those who were in her service and household, or the inhabitants of Fyzabad in general? — *A.* Both: I held conversations with both her own body-servants and the inhabitants of the city.”

A little lower down, in the same page: —

“*Q.* What do you mean by the word rebellion, as applied to the Begums? In what sense do you use it? — *A.* In raising troops, and in other acts of rebellion, in the common acceptation of the word. — *Q.* Against whom? — *A.* Against the Nabob's government and the British government jointly: but I beg to know the particular time and circumstance the question alludes to. — *Q.* I understand you to have said you understood the elder Begum was in a constant state of rebellion. In what sense do you use the word rebellion? Did you say the elder Begum was in a constant state of rebellion? — *A.* I always understood her to be disaffected to the English

government: it might not be a proper expression of mine, the word rebellion. — *Q.* Do you know of any act by the elder Begum against the Vizier? — *A.* I cannot state any. — *Q.* Do you know of any act which you call rebellion, committed by the elder Begum against the Company? — *A.* I do not know of any particular circumstance, only it was generally supposed that she was disaffected to the Company. — *Q.* What acts of disaffection or hostility towards the English do you allude to, when you speak of the conversation of the world at the time? — *A.* I have answered that question as fully as I can, — that it was nothing but conversation, — that I knew of no particular act or deed myself.”

This man, then, declares, as your Lordships have heard, that, upon cool, deliberate inquiry made at Fyzabad from all the inhabitants, he did not believe in the existence of any rebellion; — that as to the Bhow Begum, the grandmother, who was a person that could only be charged with it in a secondary degree, and as conspiring with the other, he says he knows no facts against her, except that at the battle of Buxar, in the year 1764, she had used some odd expressions concerning the English, who were then at war with her son Sujah Dowlah. This was long before we had any empire or pretence to empire in that part of India: therefore the expression of a rebellion, which he had used with regard to her, was, he acknowledged, improper, and that he only meant he had formed some opinion of her disaffection to the English.

As to the Begum, he positively acquits her of any rebellion. If he, therefore, did not know it, who was an active officer in the very centre of the alleged rebellion, and who was in possession of all the persons from whom information was to be got, who had the eunuchs in prison, and might have charged them with this rebellion, and might have examined and cross-examined them at his pleasure, — if this man knew nothing about it, your Lordships will judge of the falsehood of this wicked rumor, spread about from hand to hand, and which was circulated by persons who at the same time have declared that they never heard of it before Sir Elijah Impey went up into the country, the messenger of Mr. Hastings’s orders to seize the treasures of the Begums, and commissioned to procure evidence in justification of that violence and robbery.

I now go to another part of this evidence. There is a person they call Hoolas Roy, — a man in the employment of the Resident, Mr. Middleton. The gentlemen who are counsel for the prisoner have exclaimed, “Oh! he was nothing but a news-writer. What! do you take any notice of him?” Your Lordships would imagine that the man whom they treat in this manner, and whose negative evidence they think fit to despise, was no better than the writers of those scandalous paragraphs which are published in our daily papers, to misrepresent the proceedings of this court to the public. But who in fact is this Hoolas Roy, whom they represent, for the convenience of the day, to be nothing but a news-writer? I will read to your

Lordships a letter from Major Naylor to Colonel Jaques, commanding the second battalion, twentieth regiment.

“Sir, — Hoolas Roy, the person appointed by the Nabob for transacting the business for which the troops are required here, will hold constant communication and intercourse with you; and as he is instructed and acquainted with the best method to accomplish this business, Mr. Middleton requests implicit attention to be paid to what he may from time to time represent respecting the prisoners or the business on which he is employed; in short, as he is the person nominated by the Nabob, he wishes Hoolas Roy to be considered in the same light as if he himself was present.”

Mr. Middleton, in a letter to Lieutenant Francis Rutledge, writes thus of him: —

“Sir, — When, this note is delivered to you by Hoolas Roy, I have to desire that you order the two prisoners to be put in irons, keeping them from all food, &c., agreeable to my instructions of yesterday.”

You will first see in how confidential a manner Hoolas Roy was employed, and in what light he was held: that he was employed to carry some instructions which do not indeed appear, but were accompanied by an order from Mr. Middleton. “When these instructions shall come to you, to put these prisoners in irons and keep them without food, &c.” The Begums say, without food and water. *Et cetera* are words of large import; but he was “to keep them without food, &c., agreeable to my instructions of yesterday.” This was a pretty general warrant for sufferings. This Hoolas Roy, this mere news-writer, was not only intrusted with this warrant, but Mr. Middleton declares him to be a person who was to be received there, and to represent the Nabob, and very justly too; for he, Mr. Middleton, was undoubtedly the real nabob of the country. The man, therefore, whom they talk of in this contemptuous manner in order to make slight of an observation we made, and which I shall make again, and whom they affect to consider as a mere paragraph-monger in some scandalous newspaper, was a man vested by Mr. Middleton with authority equal to that of the Nabob himself.

Mr. Hastings not only thought him of consequence enough to be a witness to the severities used on the ministers of the Begums, but he considered that he would afterwards be a fit witness to the rebellion. I pray your Lordships to mark this: he sent for this Hoolas Roy, (who is now nothing but a mere paragraph-monger,) — he sent for him from Fyzabad to Benares, — a pretty long journey; and at last caused him to be examined before Sir Elijah Impey. He has, however, sunk his evidence: a suppression which is strongly in favor of the Begums, and equally strong against their accuser. Here we have a man who was intrusted with all their orders, — who represented the English government, — who represented the Nabob’s government: this man is sent for by Mr. Hastings; he gives his deposition before Sir Elijah Impey; and the deposition so given is not to be found either upon the Company’s

record, in Sir Elijah Impey's trunk, in Jonathan Scott's trunk, nor in any other place whatever. The evidence of a witness who could speak most clearly, as probably he did, and most decisively, upon this subject, is sunk. They suppress, and dare not produce, the affidavit of the man who was at the bottom of every secret of both governments. They had the folly to let you know, obliquely, that he had been sent for by Mr. Hastings, but they conceal the information obtained from him: a silence more damning than any positive evidence could be. You have here a proof of their practice of producing such evidence only as they thought most favorable to their wicked purposes, in the destruction of this great and ancient family.

But all the English, they say, believed in the existence of this rebellion. This we deny. Mr. Purling, who was Resident the year before its pretended explosion, has told you that he never knew of anything like a plot carrying on by these women. We were almost ashamed to put the question to him. Did Mr. Bristow, the next Resident, know or believe in this plot? He seems, indeed, to have been induced to give some oblique hints to Mr. Hastings of improper conduct on the part of the Begums, but without stating what it was. In a letter to Mr. Hastings, he appears to endeavor to soften the cruel temper of this inflexible man by going a little way with him, by admitting that he thought they had behaved improperly. When Mr. Wombwell, another Resident, is asked whether any Englishman doubted of it, he says Mr. Bristow doubted of it. No one, indeed, who reads these papers, can avoid seeing that Mr. Bristow did not believe one word of it, — no more, in fact, than did Mr. Hastings, or anybody else.

But, my Lords, let us go from these inferior agents and servants of the Company to their higher officers. Did Mr. Stables believe it? This gentleman was Mr. Hastings's colleague in the Council, — a man of as much honor, I really believe, as ever went to India, — a faithful old servant of the Company, and very worthy of credit. I believe there is not a spot upon him during all his long service under the Company: if any, it is his being a little too obsequious, sometimes, to Mr. Hastings. Did he believe it? No, he did not: and yet he was one of the persons authorized to investigate it coolly, and most able to do so.

Upon the whole, then, the persons who best knew the state of the country did not believe it; the Nabob did not believe it; the Begums were never charged with it; no ground of suspicion is suggested, except loose rumors and the story of two nudjeeves. Under these circumstances the treasures of these ancient ladies were seized, their property confiscated, and the Nabob dragged most reluctantly to this act. Yes, my Lords, this poor, miserable victim was forced to violate all the laws of Nature, all decency, all property, to rob his own mother, for the benefit of Mr. Hastings. All this he was forced to do: he was made the reluctant instrument of punishing his mother and grandmother for a plot of which even their accusers do not pretend to say that the parties accused had ever received any intimation.

My Lords, in forming your judgment upon this nefarious proceeding, your Lordships will not fail to advert to the fundamental principles, the acknowledged maxims and established rules, of all judgment and justice, — that conviction ought to precede execution, that trial ought to precede conviction, and that a prosecutor's information and evidence ought to be the preliminary step and substance of the trial. Here everything was reversed: Sir Elijah Impey goes up with the order for execution; the party accused is neither arraigned nor tried; this same Sir Elijah then proceeds to seek for witnesses and to take affidavits; and in the mean time neither the Nabob, the ostensible prosecutor, nor his mother and grandmother, the parties accused, knew one word of the matter.

But possibly some peculiarity in the circumstances of the case rendered such a proceeding necessary, and may justify it. No such peculiarity has been proved or even alleged; nay, it is in the highest degree improbable that it could have existed. Mr. Hastings had another opportunity of doing himself justice. When an account of this business was transmitted to the Court of Directors, they ordered him to inquire into it: and your Lordships will see what he did in consequence of this order. Your Lordships will then judge of the extreme audacity of the defence which he has made of this act at your bar, after having refused to institute any inquiry into it, although, he had the positive order of the Court of Directors, and was in the place where that inquiry could be made effectually, and in the place where the unfortunate women could have an opportunity of clearing themselves.

I will first read to your Lordships an extract from the letter of the Court of Directors to the board at Calcutta, dated the 14th of February, 1783.

“4. By the second article of the treaty [of Chunar] the Nabob is permitted to resume such jaghires as he shall think proper, with a reserve, that all such jaghiredars, for the amount of whose jaghires the Company are guaranties, shall, in case of a resumption of their lands, be paid the amount of the net collections through the Resident.

“5. We do not see how the Governor-General could consent to the resumption of such lands as the Company had engaged should remain in the hands of those who possessed them previous to the execution of the late treaty, without stronger proofs of the Begums' defection than have been laid before us; neither can we allow it to be good policy to reduce the several jaghiredars, and thus uniting the territory, and the troops maintained for the protection of that territory, under one head, who, by that means, at some future period, may become a very powerful enemy to the Company.

“6. With respect to the resumption of the jaghires possessed by the Begums in particular, and the subsequent seizure of the treasure deposited with the Vizier's mother, which the Governor-General, in his letter to the board, 23d January, 1782, has declared he strenuously encouraged and supported, we hope and trust, for the honor of the British nation, that the measure appeared to be fully justified in the

eyes of all Hindostan. The Governor-General has informed us that it can be well attested, that the Begums principally excited and supported the late commotions, and that they carried their inveteracy to the English nation so far as to aim at our utter extirpation.

“7. It must have been publicly known that in 1775 the Resident at the Vizier’s court not only obtained from the Begum, widow of the late Sujah Dowlah, on the Nabob’s account, thirty lacs of rupees, half of which was to be paid to the Company, but also the forbearance of twenty-six lacs, for the repayment of which she had security in land, on the Nabob’s agreeing to renounce all further claims upon her, and that to this agreement the Company were guaranties.

“8. We find that on the 21st December, 1775, the Begum complained of a breach of engagements on the part of the Nabob, soliciting your protection for herself, her mother, and for all the women belonging to the seraglio of the late Nabob, from the distresses to which they were reduced; in consequence whereof it was agreed in consultation, 3d January, 1776, to remonstrate with the Vizier, — the Governor-General remarking, that, as the representative of our government has become an agent in this business, and has pledged the honor and faith of the Company for the punctual observance of the conditions under which the treaty was concluded, you had a right to interfere, and justice demanded it, if it should appear that those engagements have been violated. And the board at the same time resolved, that, as soon as the Begum’s engagements with the Nabob, to which Mr. Bristow is a party, shall be fulfilled on her part, this government will think themselves bound to protect her against any further demand or molestation.

“9. If, therefore, the disaffection of the Begums was not a matter of public notoriety, we cannot but be alarmed for the effects which these subsequent transactions must have had on the minds of the natives of India. The only consolation we feel upon this occasion is, that the amount of those jaghires for which the Company were guaranties is to be paid through our Resident at the court of the Vizier; and it very materially concerns the credit of your government on no account to suffer such payments to be evaded.

“10. If it shall hereafter be found that the Begums did not take that hostile part against the Company which has been represented, as well in the Governor-General’s Narrative as in several documents therein referred to, — and as it nowhere appears, from the papers at present in our possession, that they excited any commotion previous to the imprisonment of Rajah Cheyt Sing, but only armed themselves in consequence of that transaction, — and as it is probable that such a conduct proceeded entirely from motives of self-defence, under an apprehension that they themselves might likewise be laid under unwarrantable contributions, — we direct that you use your influence with the Vizier that their jaghires may be restored to them; but if they should be under apprehensions respecting the future conduct of the Vizier, and wish our further protection, it is our pleasure that you afford those

ladies an asylum within the Company's territories, and there be paid the amount of the net collections of their jaghires, agreeably to the second article of the late treaty, through the medium of our Resident, as may be ascertained upon an average estimate of some years back."

You see, my Lords, the Directors had received every one of his false impressions. They had conceived an idea, that, after the rebellion of Cheyt Sing, (but not before, upon his own showing,) the Begums had shown a disposition to arm. They here assume a false fact, which Mr. Hastings stated in his representation of the business to them. They assume a variety of other false facts: they assume that the amount of the jaghires of the Begums were to be paid them in regular pensions; whereas they were totally confiscated, without any compensation at all. And yet, upon Mr. Hastings's own showing, they found the transaction to be so dishonorable to the British government, that they desire him to make inquiry into it, and give redress accordingly.

Here, then, is another order of the Company, another call upon Mr. Hastings to examine to the bottom of this affair. The Directors, after giving him credit for that enormous mass of falsehoods which we have proved him to have stated in his Narrative, found themselves so utterly dissatisfied, that they gave this conditional order to restore the Begums to their jaghires. Your Lordships will find it in evidence upon your minutes, that he contumaciously disobeyed this order, — that he would not consent to the propositions of the Council for inquiring into the conduct of these injured women, but stifled every attempt that was made by others to do them justice. And yet he here has the effrontery to propose that your Lordships should inquire into the business at your bar, — that you should investigate a matter here which he refused to inquire into on the spot, though expressly ordered by his masters so to do.

I will now read to your Lordships a short extract from his own narrative of his own proceedings. It begins with reciting part of a note entered by Mr. Macpherson in the Consultations of the Council, at the time when the orders of the Court of Directors which I have just alluded to were taken into consideration.

"What the Court of Directors seem to have most at heart are, first, that the engagement of the second article of the Benares treaty should be faithfully fulfilled, — and, secondly, to guard against the future misconduct of the Vizier, if he should be disposed to oppress the Begums; that we should therefore ascertain whether the amount of the jaghires of the Begums is regularly paid to them through the Company's Resident, and give them notice that no future demands shall be made upon them. This the Governor-General might, I think, do in a letter that would make the Begums sensible of their past misconduct, yet inform them of the lenity and gracious intentions of the Company, in ordering them an asylum in Bengal, in case of future distress."

In consequence of the foregoing opinion from Mr. Macpherson, the following minute was delivered by the Governor-General.

“I should gladly acquiesce in the motion made by Mr. Macpherson, if I thought it possible to frame a letter to the Begums in any terms which should at the same time convey the intimation proposed by it and not defeat the purpose of it, or be productive of evils greater than any which exist in consequence of the proceedings which have already taken place, and which time has almost obliterated. The orders of the Court of Directors are conditional; they require nothing, but in the event of discoveries made subsequent to the advices which were before you on the 14th February last, in alleviation of the former conduct of the Begums. Nothing has since appeared in relation to them, but their refusal, or rather that of one, to fulfil her engagements for the payment of the remainder of the sum exacted from her by the Nabob Vizier in the beginning of last year. Whatever obedience may be due to the clear ascertained spirit of the orders of the Court of Directors, this obligation cannot extend to points to which neither the letter nor evident spirit of their orders apply. If I am rightly informed, the Nabob Vizier and the Begums are on terms of mutual good-will. It would ill become this government to interpose its influence by any act which might tend to revive their animosities: and a very slight occasion would be sufficient to effect it. It will be to little purpose to tell them that their conduct has, in our estimation of it, been very wrong, and at the same time to announce to them the orders of our superiors, which more than indicate the reverse. They will instantly take fire on such a declaration, proclaim the judgment of the Company in their favor, demand a reparation of the acts which they will construe wrongs with such a sentence warranting that construction, — and either accept the invitation, to the proclaimed scandal of the Vizier, which will not add to the credit of our government, or remain in his dominions, but not under his authority, to add to his vexations and the disorders of the country, by continual intrigues and seditions. Enough already exists to affect his peace, and the quiet of his people; if we cannot heal, let us not inflame the wounds which have been inflicted.

“If the Begums think themselves aggrieved to such a degree as to justify them in an appeal to a foreign jurisdiction, — to appeal to it against a man standing in the relation of son and grandson to them, — to appeal to the justice of those who have been the abettors and instruments of their imputed wrongs, — let us at least permit them to be the judges of their own feelings, and prefer their complaints before we offer to redress them: they will not need to be prompted. I hope I shall not depart from the simplicity of official language, in saying, that the majesty of justice ought to be approached with solicitation, not descend to provoke or invite it, much less to debase itself by the suggestion of wrongs and the promise of redress, with the denunciation of punishment before trial, and even before accusation.”

My Lords, if, since the beginning of the world, such a paper as this was ever before written by a person standing in the relation of a servant to his master, I shall

allow that every word we have said to your Lordships upon this occasion to mark his guilt ought to be expunged from your minutes and from our charges.

Before I proceed to make any observations upon this act of open rebellion against his superiors, I must beg your Lordships to remark the cruelty of purpose, the hostile feeling, towards these injured women, which were displayed in this daring defiance. Your Lordships will find that he never is a rebel to one party without being a tyrant to some others; that *rebel* and *tyrant* are correlative terms, when applied to him, and that they constantly go together.

It is suggested by the Directors, that the Nabob is the persecutor, the oppressor, and that Mr. Hastings is the person who is to redress the wrong. But here they have mistaken the matter totally. For we have proved to your Lordships that Mr. Hastings was the principal in the persecution, and that the Nabob was only an instrument. "If I am rightly informed," he says, "the Nabob and the Begums are on terms of mutual good-will. It would ill become this government to interpose its influence by any act which might tend to revive their animosities: and a very slight occasion would be sufficient to effect it." What animosities had they towards each other? None that we know of. Mr. Hastings gets the Nabob to rob his mother; and then he supposes, contrary to truth, contrary to fact, contrary to everything your Lordships have heard, that the Nabob would fall into a fury, if his mother was to obtain any redress, — and that, if the least inquiry into this business was made, it would create a flame in the Nabob's mind, on account of the active, energetic, spirited part he had taken in these transactions. "Therefore," says he, "oh, for God's sake, soothe the matter! It is a green wound; don't uncover it; do nothing to irritate. It will be to little purpose to tell them that their conduct has in our estimation of it been very wrong, and at the same time announce to them the orders of our superiors, which more than indicate the reverse." Now, my Lords, to what does all this amount? "First," says he, "I will not do them justice, — I will not enter upon an inquiry into their wrongs." Why? "Because they charge us with having inflicted them." Then, surely, for that reason, you ought to commence an inquiry. "No," says he, "that would be telling them that our superiors suspect we are in the wrong." But when his superiors more than indicated suspicions, was he not bound tenfold to make that inquiry, for his honor and for their satisfaction, which they direct him to make? No, he will not do it, "because," says he, "the Begums would either accept the offer of an asylum in the Company's territories, to the proclaimed scandal of the Vizier, which would not add to the credit of our government, or they would remain in his dominions, but not under his authority, to add to his vexations, and the disorders of the country, by continual intrigues and seditions."

You see, my Lords, this man is constantly thrusting this peaceable Nabob before him; goading and pushing him on, as if with a bayonet behind, to the commission of everything that is base and dishonorable. You have him here declaring that he will not satisfy the Directors, his masters, in their inquiries about those acts, for fear

of the Nabob's taking umbrage, and getting into a flame with his mother, — and for fear the mother, supported by the opinion of the Directors, should be induced to resent her wrongs. What, I say, does all this amount to? It amounts to this:— “The Begums accuse me of doing them injustice; the Directors indicate a suspicion that they have been injured; therefore I will not inquire into the matter.” Why? “Because it may raise disturbances.” But what disturbance could it raise? The mother is disarmed, and could not hurt the Nabob. All her landed estates he knew were confiscated; he knew all her money was in his own possession; he knew she had not the means, if she had been disposed, to create intrigues and cabals; — what disturbance, then, could be created by his sending a letter to know what she had to say upon the subject of her wrongs?

“If” says he, “*the Begums think themselves aggrieved.*” Observe, my Lords, that the institution of an inquiry is no measure of the Begums; it is an order of the Court of Directors, made by them upon his own representation of his own case, and upon nothing else. The Begums did not dare to murmur; they did not dare to ask for redress, God knows the poor creatures were, at or about the time, his prisoners, — robbed, — stripped of everything, — without hope and without resource. But the Directors, doing their duty upon that occasion, did condemn him upon his own false representations contained in that bundle of affidavits upon which his counsel now contend that your Lordships should acquit him.— “But,” says he, “are they to *appeal to a foreign jurisdiction?*” When these women were to be robbed, we were not foreigners to them; on the contrary, we adjudged them guilty of rebellion. We sent an English chief-justice to collect materials of accusation against them. We sent English officers to take their money. The whole was an English transaction. When wrong is to be done, we have then an interest in the country to justify our acting in it; but when the question is of redressing wrongs, when the question is of doing justice, when the question is of inquiry, when the question is of hearing complaints, then it is a foreign jurisdiction. You are to suffer Mr. Hastings — to make it foreign, or to make it domestic, just as it answers his purposes. — But they are “*to appeal against a man standing in the relation of son and grandson to them, and to appeal to the justice of those who have been the abettors and instruments of their imputed wrongs.*” Why, my Lords, if he allows that he is the abettor of, and the instrument to which the Directors impute these wrongs, why, I ask, does he, with those charges lying upon him, object to all inquiry in the manner you have seen?

But the Company's Governor is, it seems, all at once transformed into a great sovereign;— “*the majesty of justice ought to be approached with solicitation.*” Here, my Lords, he forgets at once the Court of Directors, he forgets the laws of England, he forgets the act of Parliament, he forgets that any obedience is due to his superiors. The Begums were to approach him by the orders of the Court of Directors; he sets at nought these orders, and asserts that he must be approached with solicitations.

"Time," says he, *"has obliterated their sufferings."* Oh, what a balm of oblivion time spreads over the wrongs, wounds, and afflictions of others, in the mind of the person who inflicts those wrongs and oppressions! The oppressor soon forgets. This robbery took place in 17; it was in the year 1783 when he asserted that the waters of Lethe had been poured over all their wrongs and oppressions. Your Lordships will mark this insulting language, when he says that both the order of the Directors and the application of the Begums for redress must be *solicitations to him*.

[Here Mr. Burke was interrupted by Mr. Hastings, who said, "My Lords, there was no order. I find a man's patience may be exhausted. I hear so many falsehoods, that I must declare there was no order of the Court of Directors. Forgive me, my Lords. He may say what he pleases; I will not again controvert it. But there is no order; if there is, read it." Mr. Burke then proceeded.]

Judge you, my Lords, what the insolence, audacity, and cruelty of this man must have been, from his want of patience in his present situation, and when he dares to hold this language here. Your Lordships will reckon with him for it, or the world will reckon with you.

[Mr. Hastings here again interrupted Mr. Burke, and said, "There was no order for inquiry."]

Mr. Burke. — Your Lordships have heard the letter read, — I mean the letter from the Directors, which I read just now. You will judge whether it is an order or not. I did hope within these two days to put an end to this business; but when your Lordships hear us charged with direct falsehood at your bar, when you hear this wicked wretch who is before you —

[*From a Lord.* — Order! order! order!]

Mr. Burke. — Order, my Lords, we call for, in the name of the Commons! Your Lordships have heard us accused at your bar of falsehood, after we had read the order upon which our assertion was founded. This man, whom we have described as the scourge and terror of India, this man gets up, and charges us, not with a mistake, an error, a wrong construction, but a direct falsehood, — and adds, that his patience is worn out with the falsehood he hears. This is not an English court of justice, if such a thing is permitted. We beg leave to retire, and take instructions from our constituents. He ought to be sent to Bridewell for going on in this manner.

[*Mr. Wyndham here read the letter again.*]

Mr. Burke. — With regard to the ravings of this unhappy man, I am sure, if I were only considering what passed from him to the Managers in this box, and knowing what allowance is due to a wounded conscience, brought before an awful tribunal, and smarting under the impressions of its own guilt, I would pass them over. But, my Lords, we have the honor of the Commons, we have the honor of this court to sustain. [Your Lordships, the other day, for an offence committed against a constable, who was keeping the way under your orders, did, very justly, and to the great satisfaction of the public, commit the party to Bridewell, for a much slighter

insult against the honor and dignity of your court.] And I leave it, therefore, for the present, till your Lordships can seriously consider what the mode of proceeding in this matter ought to be. — I now proceed.

We have read to your Lordships the orders of the Court of Directors: I again say we consider them as orders: your Lordships are as good judges of the propriety of the term as we are. You have heard them read; you have also heard that the Council at Calcutta considered them as orders, for resolutions were moved upon them; and Mr. Stables, in evidence before you here, who was one of the Council, so considered them: and yet this man has the frantic audacity in this place to assert that they were not orders, and to declare that he cannot stand the repetition of such abominable falsehoods as are perpetually urged against him. We cannot conceive that your Lordships will suffer this; and if you do, I promise you the Commons will not suffer the justice of the country to be trifled with and insulted in this manner: because, if such conduct be suffered by your Lordships, they must say that very disagreeable consequences will ensue, and very disagreeable inferences will be drawn by the public concerning it. You will forgive, and we know how to forgive, the ravings of people smarting under a conscious sense of their guilt. But when we are reading documents given in evidence, and are commenting upon them, the use of this kind of language really deserves your Lordships' consideration. As for us, we regard it no more than we should other noise and brawlings of criminals who in irons may be led through the streets, raving at the magistrate that has committed them. We consider him as a poor, miserable man, railing at his accusers: it is natural he should fall into all these frantic ravings, but it is not fit or natural that the Court should indulge him in them. Your Lordships shall now hear in what sense Mr. Wheler and Mr. Stables, two other members of the Council, understood this letter.

Mr. Wheler thus writes.— “It always has been and always will be my wish to conform implicitly to the orders of the Court of Directors, and I trust that the opinion which I shall give upon that part of the Court's letter which is now before us will not be taken up against its meaning, as going to a breach of them. The orders at present under the board's consideration are entirely provisional. Nothing has passed since the conclusion of the agreement made by the Governor-General with the Vizier at Chunar which induces me to alter the opinion which I before held, as well from the Governor-General's reports to this board as the opinions which I have heard of many individuals totally unconcerned in the subject, that the Begums at Fyzabad did take a hostile part against the Company during the disturbances in Benares; and I am impressed with a conviction that the conduct of the Begums did not proceed entirely from motives of self-defence. But as the Court of Directors appear to be of a different opinion, and conceive that there ought to be stronger proofs of the defection of the Begums than have been laid before them, I think, that, before we decide on their orders, the late and present Resident at the Vizier's

court, and the commanding officers in the Vizier's country, ought to be required to collect and lay before the board all the information they can obtain with respect to the defection of the Begums during the troubles in Benares, and their present disposition to the Company."

Mr. Stables, September 9th, 1783, writes thus.— "The Court of Directors, by their letter of the 14th February, 1783, seem not to be satisfied that the disaffection of the Begums to this government is sufficiently proved by the evidence before them. I therefore think that the late and present Resident and commanding officers in the Vizier's country at the time should be called upon to collect what further information they can on this subject, in which the honor and dignity of this government is so materially concerned, that such information may be immediately transmitted to the Court of Directors."

When questioned upon this subject at your Lordships' bar, he gives this evidence. — "*Q.* What was your motive for proposing that investigation? — *A.* A letter from the Court of Directors; I conceived it to be ordered by them. — *Q.* Did you conceive the letter of the Court of Directors positively to direct that inquiry? — *A.* I did so certainly at the time, and I beg to refer to the minutes which expressed it." — A question was put to the same witness by a noble lord. "*Q.* The witness has stated, that at the time he has mentioned he conceived the letter from the Court of Directors to order an inquiry, and that it was upon that opinion that he regulated his conduct, and his proposal for such inquiry. I wish to know whether the expression, '*at the time,*' was merely casual, or am I to understand from it that the witness has altered his opinion of the intention of this letter since that time? — *A.* I certainly retain that opinion, and I wished the inquiry to go on."

My Lords, you see that his colleagues so understood it; you see that we so understood it; and still you have heard the prisoner, after charging us with falsehood, insultingly tell us we may go on as we please, we may go on in our own way. If your Lordships think that it was not a positive order, which Mr. Hastings was bound to obey, you will acquit him of the breach of it. But it is a most singular thing, among all the astonishing circumstances of this case, that this man, who has heard from the beginning to the end of his trial breaches of the Company's orders constantly charged upon him, — (nay, I will venture to say, that there is not a single step that we have taken in this prosecution, or in observations upon evidence, in which we have not charged him with an avowed direct breach of the Company's order, — you have heard it ten times this day, — in his defence before the Commons he declares he did intentionally, in naming Mr. Markham, break the Company's orders,) — it is singular, I say, that this man should now pretend to be so sore upon this point. What is it now that makes him break through all the rules of common decency and common propriety, and show all the burnings of guilt, upon being accused of the breach of one of the innumerable orders which he has

broken, of which he has avowed the breaking, and attempted to justify himself a thousand times in the Company's books for having broken?

My Lords, one of his own body, one of the Council, has sworn at your bar what he repeatedly declared to be his sense of it. We consider it as one of the strongest orders that can be given, because the reason of the order is added to it: the Directors declaring, that, if it should not be found upon inquiry, (you see, my Lords, it puts the very case,)— “if you do not find such and such things, we shall consider the English honor wounded and stained, and we direct you to make reparation.” There are, in fact, two orders contained in this letter, which we take to be equally strong and positive, — and we charge him with the breach of both: namely, the order for inquiry, and the conditional order of restoring to the Begums their jaghires, or making satisfaction for them; and in case of any apprehension of reluctance in the Nabob, to bring them for security into the Company's territories. The two last positive orders are preceded by the supposition of an inquiry which was to justify him either in the acts he had done or to justify him in making restitution. He did neither the one nor the other. We aver that he disobeyed all these orders. And now let his impatience break out again.

Your Lordships have seen, amongst the various pretences by which this man has endeavored to justify his various delinquencies, that of fearing to offend the Nabob by the restoration of their jaghires to the Begums is one. Your Lordships will form your own judgment of the truth or falsehood of this pretence, when you shall have heard the letter which I shall now read to you, written to Mr. Hastings by the Nabob himself.

Letter from the Nabob Vizier to Mr. Hastings, 25th February, 1782.

“You performed on every occasion towards me whatever was becoming of friendship: I, too, have done whatever affection required and you commanded; and in future also, whatever may be your pleasure, there shall be no deviation therefrom, because whatever you direct is altogether for my benefit. The business for which I came to Fyzabad is become settled by your favor: particulars will become known to your wisdom from the writings of Mr. Middleton. I am grateful for your favors. If in these matters you sincerely approve me, communicate it, for it will be a comfort to me. Having appointed my own aumils to the jaghire of the lady mother, I have engaged to pay her cash. She has complied with my views. Her pleasure is, that, after receiving an engagement, he should deliver up the jaghires. What is your pleasure in this matter? If you command, it will comfort the lady mother giving her back the jaghire after I have obtained my views; or I will have it under my aumil. I am obedient to your pleasure.”

Your Lordships here see the Begum a suppliant to have her jaghire restored, (after entering into some engagement that might have been required of her,) and the Nabob, in a tone equally suppliant, expressing his consent, at least, that her request should be complied with, if the command of Mr. Hastings could be procured.

My Lords, in order to save your Lordships' time, and that I might not overload this business, I did not intend to have troubled you with any observations upon this part of it; but the charge of falsehood which the prisoner at your bar has had the audacity to bring against us has induced me to lay it more particularly before, you. We have now done with it; but before we retire, your Lordships will permit me to recapitulate briefly the substance of what has now been urged respecting his conduct towards these miserable women. We accuse him of reiterated breaches of the orders of the Court of Directors, both in the letter and spirit of them, and of his contempt of the opinions which his colleagues in office had formed of them. We charge him with the aggravation of these delinquencies, by the oppression and ruin which they brought upon the family of the Nabob, by the infraction of treaties, and by the disrepute which in his person was sustained by the government he represented, and by the stain left upon the justice, honor, and good faith of the English nation. We charge him with their farther aggravation by sundry false pretences alleged by him in justification of this conduct, the pretended reluctance of the Nabob, the fear of offending him, the suggestion of the Begums having forgotten and forgiven the wrongs they had suffered, and of the danger of reviving their discontent by any attempt to redress them, and by his insolent language, that the majesty of justice with which he impudently invests himself was only to be approached with solicitation. We have farther stated, that the pretence that he was only concerned in this business as an accessory is equally false; it being, on the contrary, notorious, that the Nabob was the accessory, forced into the service, and a mere instrument in his hands, and that he and Sir Elijah Impey (whose employment in this business we stated as a farther aggravation) were the authors and principal agents. And we farther contend, that each of these aggravations and pretences is itself, in fact and in its principle, a substantive crime.

Your Lordships witnessed the insolence with which this man, stung to the quick by the recital of his crime, interrupted me; and you heard his recrimination of falsehood against us. We again avouch the truth of all and every word we have uttered, and the validity of every proof with which we have supported them. Let his impatience, I say, now again burst forth, — he who feels so sensibly everything that touches him, and yet seeks for an act of indemnity for his own atrocities, by endeavoring to make you believe that the wrongs of a desolated family are within one year forgotten by them, and buried in oblivion.

I trust, my Lords, that both his prosecutors and his judges will evince that patience which the criminal wants. Justice is not to wait to have its majesty approached with solicitation. We see that throne in which resides invisibly, but virtually, the majesty of England; we see your Lordships representing, in succession, the juridical authority in the highest court in this kingdom: but we do not approach you with solicitation; we make it a petition of right; we claim it; we

demand it. The right of seeking redress is not suppliant, even before the majesty of England; it comes boldly forward, and never thinks it offends its sovereign by claiming what is the right of all his people.

We have now done with this business: a business as atrocious as any that is known in the history of mankind; a business that has stained, throughout all Asia, the British character, and by which our fame for honor, integrity, and public faith has been forfeited; a business which has introduced us throughout that country as breakers of faith, destroyers of treaties, plunderers of the weak and unprotected, and has dishonored and will forever dishonor the British name. Your Lordships have had all this in evidence. You have seen in what manner the Nabob, his country, his revenues, his subjects, his mother, his family, his nobility, and all their fortunes, real and personal, have been disposed of by the prisoner at your bar; and having seen this, you will by the impatience of this criminal estimate the patience of the unfortunate women into whose injuries he refused to inquire. What he would not do the Commons have done. They know that you have a feeling different from that which he manifested on this occasion; they do not approach you suppliantly, but demand justice; they insist, that, as the Commons have done their part, your Lordships will perform yours.

We shall next proceed to show your Lordships how he acted towards another set of women, the women of the late Sujah Dowlah, and for whom the Directors had ordered a maintenance to be secured by an express treaty. You will see that he is cruel towards the weak sex, and to all others in proportion as they are weak and powerless to resist him. You will see, I say, when he had usurped the whole government of Oude, and brought it into a servile dependence on himself, how these women fared; and then your Lordships will judge whether or not, and in what degree, he is criminal.

SPEECH IN GENERAL REPLY. SEVENTH DAY. THURSDAY, JUNE 12, 1794.

My Lords, — When I had last the honor of addressing your Lordships from this place, my observations were principally directed to the unjust confiscation and seizure of the jaghires and treasures of the Begums, without previous accusation, or trial, or subsequent inquiry into their conduct, in violation of a treaty made with them and guaranteed by the East India Company, — to the long imprisonment and cruel treatment of their ministers, and to the false pretences and abominable principles by which the prisoner at your bar has attempted to justify his conduct. The several acts of violence and of oppression were, as we have shown your Lordships, committed with circumstances of aggravated atrocity highly disgraceful to the British name and character, — and particularly by his forcing the Nabob to become the means and instrument of reducing his mother and grandmother and their families to absolute want and distress.

I have now to call your attention to his treatment of another branch of this miserable family, — the women and children of the late Nabob Sujah ul Dowlah. These persons were dependent upon the Begums, and by the confiscation of their property, and by the ruin of various persons who would otherwise have contributed to their maintenance, were reduced to the last extremity of indigence and want. Being left without the common necessities of life, they were driven to the necessity of breaking through all those local principles of decorum which constitute the character of the female sex in that part of the world; and after fruitless supplications and shrieks of famine, they endeavored to break the inclosure of the palace, and to force their way to the market-place, in order to beg for bread. When they had thus been forced to submit to the extremity of disgrace and degradation, by exposing themselves to public view with the starving children of their late sovereign, the brothers and sisters of the reigning prince, they were, in this attempt, attacked by the sepoys armed with bludgeons, and driven back by blows into the palace.

My Lords, we have first laid before you the sufferings and disgraces of women of the first distinction in Asia, protected by their rank, protected by their sex, protected by their near relation to the prince of the country, protected by two guaranties of the representative of the British government in India. We now come to another class of women, who suffered by the violent misappropriation of the revenues of the Nabob, by which their regular allowance was taken from them; and your Lordships will find that this man's crimes, at every step we take, ripen in guilt, his acts of positive injustice are always aggravated by his conduct with regard to the consequences of them, and form but a small part in the mass of oppression and tyranny which we have brought before you.

My Lords, the unjust seizure of the jaghires and treasures of the Begums, out of which those women were maintained, reduced them to a state of indigence, and exposed them not only to the sufferings which belong to the physical nature of man, but also to the indignities which particularly affected their sex and condition. But before I proceed, I will beg leave to restate to your Lordships and recall to your memory who these women were.

The Nabob Sujah Dowlah had but one legitimate wife. Though the Mahometan law admits of this number's being extended in certain cases even to four, yet it is for the most part held disreputable, especially when a person is married to a woman of the first distinction, to have more than one legitimate wife. Upon looking into the Hedaya, your Lordships will see with what extreme rigor fornication is forbidden; but we know that persons of high rank, by customs that supersede both religion and laws, add to the number of their wives, or substitute in their room wives of a subordinate description, and indulge themselves in this license to an unlimited degree. You will find in Chardin's Travels, where he treats of the subject of marriage, that such is the custom of all the princes of the East. The wives of this subordinate class, though they are in reality no better than concubines, and are subject to the power and caprices of their lords, are yet allowed, in the eye of the severest moralists, to have some excuse for their frailty and their weakness; and they accordingly always do find a degree of favor in this world, and become the object of particular protection.

We know that Sujah ul Dowlah was a man unquestionably in his manners very licentious with regard to women, that he had a great number of these women in his family, and that his women and the women attendant upon the persons of his favorites had increased to a very great number. We know that his sons amounted to twenty, — or, according to Mr. Hastings's own account, to nineteen. Montesquieu supposes that there are more females born in the East than in the West. But he says this upon no good ground. We know by better and more regular information concerning this matter, that the birth of males and females in that country is in the same proportion as it is here; and therefore, if you suppose that he had twenty sons, you may suppose he had about nineteen daughters. By the customs of that country, all these sons and daughters were considered as persons of eminent distinction, though inferior to the legitimate children, — assuming the rank of their father, without considering the rank which their mother held. All these wives with their children, and all their female servants and attendants, amounting in the whole to about eight hundred persons, were shut up in what they call the *Khord Mohul*, or Lesser Palace. This place is described by one of the witnesses to be about as large as St. James's Square. Your Lordships have been told, that, in other circumstances as well as this, these women were considered as objects of a great degree of respect,

and of the greatest degree of protection. I refer your Lordships to the treaty by which their maintenance was guarantied by the English government.

In order to let your Lordships see that I state nothing to you but what is supported not only by general history, which is enough to support an account of general manners, but by the particular and peculiar opinions of a person best informed of the nature of the case, I will refer you to the Nabob himself: for, undoubtedly, the Nabob of Oude, the Vizier of the Empire, the Subahdar of the country, was most likely to be the best judge of what respect was due to the women of his father's family. I will therefore read to your Lordships, from his own letters, what the Nabob's opinion was upon this subject.

Extract of a Letter from the Vizier, received 23d of August, 1782.

"I never found resource equal to the necessary expenses. Every year, by taking from the ministers, and selling the articles of my harkhanna, I with great distress transacted the business. But I could not take care of my dependants: so that some of my brothers, from their difficulties, arose and departed; and the people of the Khord Mohul of the late Nabob, who are all my mothers, from their distresses are reduced to poverty and involved in difficulties. No man of rank is deficient in the care of his dependants, in proportion to his ability."

Another Letter from the Vizier, received the 31st July, 1784.

"My brother, dear as life, Saadut Ali Khân, has requested that I would permit his mother to go and reside with him. My friend, all the mothers of my brothers, and the women of the late Nabob, whom I respect as my own mothers, are here, and it is incumbent upon me to support them: accordingly I do it; and it is improper that they should be separated, nor do I approve it. By God's blessing and your kindness, I hope that all the women of the late Nabob may remain here; it is the wish also of my grandmother and my mother that they should."

Your Lordships now see in what degree of estimation the Nabob held these women. He regarded the wives of his father as his honorary mothers; he considers their children as his brethren; he thinks it would be highly dishonorable to his government, if one of them was taken out of the sanctuary in which they are placed, and in which, he says, the great of the country are obliged to maintain their dependants. This is the account given by the person best acquainted with the usages of the country, best acquainted with his own duties, best acquainted with his own wishes.

Now, my Lords, you will see in what light another person, the agent of a trading company, who designates himself under the name of Majesty, and assumes other great distinctions, presumes also to consider these persons, — and in what contempt he is pleased to hold what is respected and what is held sacred in that country. What I am now going to quote is from the prisoner's second defence. For I must remind your Lordships that Mr. Hastings has made three defences, — one in the House of Commons, another in the lobby of the House of Commons, and a third at your

Lordships' bar. The second defence, though delivered without name, to the members in the lobby of the House of Commons, has been proved at your Lordships' bar to be written by himself. This lobby, this out-of-door defence, militates in some respects, as your Lordships will find, with the in-door defence; but it probably contains the real sentiments of Mr. Hastings himself, delivered with a little more freeness when he gets into the open air, — like the man who was so vain of some silly plot he had hatched, that he told it to the hackney-coachman, and every man he met in the streets.

He says,— “Begums are the ladies of an Eastern prince; but these women are also styled the ladies of the late Vizier, and their sufferings are painted in such strong colors that the unsuspecting reader is led to mix the subjects together, and to suppose that these latter, too, were princesses of Oude, that all their sufferings proceeded from some act of mine, or had the sanction of my authority or permission. The fact is, that the persons of the Khord Mohul (or Little Seraglio) were young creatures picked up wherever youth and beauty could be found, and mostly purchased from amongst the most necessitous and meanest ranks of the people, for the Nabob's pleasures.” In the in-door defence, he says, “The said women, who were mostly persons of low condition, and the said children, if any such there were, lived in the Khord Mohul, on an establishment entirely distinct from the said Begums'.”

My Lords, you have seen what was the opinion of the Nabob, who ought to know the nature and circumstances of his father's palace, respecting these women; you hear what Mr. Hastings's opinion is: and now the question is, whether your Lordships will consider these women in the same light in which the person does who is most nearly connected with them and most likely to know them, or in the way in which Mr. Hastings has thought proper, within doors and without doors, to describe them. Your Lordships will be pleased to observe that he has brought no proof whatever of facts which are so boldly asserted by him in defiance of proof to the contrary, totally at variance with the letter of the son of the man to whom these women belonged. Your Lordships, I say, will remark that he has produced not one word of evidence, either within the House of Commons or the House of Peers, or in the lobby, or anywhere else, to verify any one word he has said. He slanders these women in order to lessen that compassion which your Lordships might have for the sufferings he inflicted upon them. But admitting that some of these women were of a meaner condition, and that they derived nothing from their connection with the dignity of the person by whom they had children, (and we know that in the whole they amounted to about fourscore children, the Nabob having a race like the patriarchs of old, as many great persons in that part of the world still have,) — supposing, I say, all this to be true, yet, when persons are reduced from ease and affluence to misery and distress, they naturally excite in the mind a greater degree of compassion by comparing the circumstances in which they once stood with those

into which they are fallen: for famine, degradation, and oppression were famine, degradation, and oppression to those persons, even though they were as mean as Mr. Hastings chooses to represent them. But I hope, as you will sympathize with the great on account of their condition, that you will sympathize with all mankind on the ground of the common condition of humanity which belongs to us all; therefore I hope your Lordships will not consider the calumny of Mr. Hastings against those women as any other than as an aggravation of his offence against them. That is the light in which the House of Commons considered it; for they had heard both his in-door and out-door defence, and they still persevered in making the charge, and do persevere in making it still.

We have first stated what these women were, — in what light they stood with the Nabob, — in what light they stood with the country at large. I have now to state in what light they stood with the British government, previous to this invasion of their rights; and we will prove they were the actual subjects of a guaranty by the Company.

Extract from an Agreement made by Mr. Middleton, to all the Particulars of which he engages to procure a Treaty from the Nabob Asoph ul Dowlah, after his Arrival, and that he will also sign it, as follows.

“First, That, whenever the Begum shall choose to go to Mecca, she shall be permitted to go.

“Second, That, when the Nabob shall arrive, I [Mr. Middleton] will procure suitable allowances to be made to the ladies of the zenanah and the children of the late Nabob Sujah ul Dowlah, and take care that they are paid.

“Third, That the festivals (*shadee*) and marriages of the children of the late Nabob Sujah ul Dowlah shall be at the disposal of the Begum: whenever she thinks proper, she shall marry them; and whatever money shall be necessary for these expenses shall be paid by the Nabob.

“Fourth, That the syer of Coda Gunge and Ali Gunge shall be retained by the Begum as heretofore.

“Fifth, That I [Mr. Middleton] will, upon the arrival of the Nabob, procure Vizier Gunge and the garden of Sepoy Dand Khân, or their equivalent, for the Begum.

“Sixth, That I [Mr. Middleton] will endeavor to obtain from the Nabob the sum of 1,150,000 rupees on account of the purchase of Metchee Bohaun, and the house of Sahebjee, and the fort of the Gossim, with the land and garden and the barraderry on the banks of Goomply [Goomty?], and bazaar and garden of the house of Mahnarain and the house of Beng Peofand at Lucknow: all of which the Nabob Asoph ul Dowlah has assumed possession of.

“Seventh, That I will settle with the Nabob the allowances to be made in ready money to the ladies of the zenanah and others specified, in the following amount:

Total, 17 lacs 250 rupees per month.

“Eighth, Upon the arrival of the Nabob Asoph ul Dowlah Bahadur, I will endeavor with all my influence to settle the monthly allowances of Mohrum Ali Khân and Mahmud Eltifant Khân, &c., the attendants of the Begums.

“Ninth, That, if the Begum shall go to Mecca, she shall leave her mahals and jaghires to the Begum, the mother of Asoph ul Dowlah, who shall remit the revenues thereof to the Burree Begum: no one shall prevent her enjoying her jaghires.”

Now, my Lords, we will read the copy of an engagement under the seal of the Nabob Asoph ul Dowlah, and under the seal and signature, in English, of Mr. Middleton, as follows.

“First, I, who am the Nabob Asoph ul Dowlah Bahadur, do agree that the jaghires and the gunges and monthly allowance of the officers and servants, and of the ladies of the zenanah, and of those specified in the accounts annexed, shall be at the disposal and under the management and authority of the Begum, and no one shall oppose or prevent it: this I will punctually observe. In this agreement Mr. Middleton and the English are engaged.

“Second, Whenever the Begum may choose to go to Mecca, I will not oppose it.

“Third, Whenever the Begum should go to Mecca, she shall leave her lands, jaghires, &c., either in the care of my mother or of me; and I will procure bills for the amount of their revenues, and send them to her: no one shall oppose this.

“Fourth, The Begum shall have authority over all the ladies of her zenanah; she shall let them remain with me, and not let them go anywhere without my permission, or keep them with her.

“Fifth, The jaghires Coda Gunge and Ali Gunge, &c., with the mahal and syer belonging to the Begum and made over, shall remain as heretofore in her possession: Total, 14,460 rupees per month.

“Eighth, The Begum has authority over the ladies and attendants of the zenanah; neither myself nor any one else will oppose it.

“Ninth, The Begum, my grandmother, shall have the authority in all festivals, and in the marriage of the children of the late Nabob Sujah ul Dowlah, and, with the consent of my mother and myself, shall regulate them: excepting in the festivals (*shadee*), the authority is mine.

“The English are guaranties to the above engagements, so long as the Begum shall exist.”

Your Lordships will observe something here worthy of your notice. You will first perceive, that the very treaty in which Mr. Hastings, by his representative, Mr. Middleton, was a party concerned, supposes that the Nabob Sujah ul Dowlah had other children besides the reigning prince by his sole legitimate wife; and yet Mr. Hastings, in his defence, has thought proper, with a full knowledge of that

circumstance, to doubt whether there were any other children. You next see that these women have Mr. Middleton's (that is, Mr. Hastings's) guaranty for the allowances which are made and settled upon them, and for the maintenance of their attendants, for the security and enjoyment of their own possessions, for their having a law officer of high rank, a moulavy, of their own. In short, there is a regular establishment formed for all these women: they are not separated as a part distinct from the Begums, but they are put by this very guaranty entirely under their management; the maintenance of the children is secured; the whole order and economy of their establishment is delivered entirely to the Begum, the grandmother, and the Begum, the mother, of the Nabob.

My Lords, you see that all these arrangements have the solemn guaranty of the Company, and that these women form a very considerable part of that guaranty; and therefore your Lordships will not treat their sufferings, inflicted in violation of the Company's own settlement and guaranty, as a matter of no consideration for you.

But to proceed. — We have proved to your Lordships that the Nabob was reduced to a state of the greatest possible misery and distress; that his whole revenue was sequestered into the hands of Mr. Hastings's agents; that by the treaty of Chunar he was to be relieved from the expense of a body of troops with which he had been burdened without his own voluntary consent, — nay, more, the temporary brigade, which Mr. Hastings proposed to take off, but kept on, which he considers not only as a great distress to his finances, but a dreadful scourge and calamity to his country, — there was a whole pension-list upon it, with such enormous pensions as 18,000*l.* a year to Sir Eyre Coote, and other pensions, that Mr. Hastings proposed to take off, but did not; that, in proportion as the Nabob's distress increased, Mr. Hastings's demands increased too; he was not satisfied, with taking from him for the Company, but he took from him for himself; he demanded six hundred thousand pounds as a loan, when he knew he had neither money nor credit.

The consequence of these acts of violence was, that these people, besieged by the English troops, and deprived of every resource, even of the funds of charity, by which the protectors of the family, male and female, might have relieved them, but which the cruel rapacity of Mr. Hastings had either entirely taken away or greatly diminished, were reduced to the last extremity of distress.

After the length of time which has elapsed since we first brought these matters with their proofs, I shall beg leave, before you go to judgment, to refresh your memory with a recital of a part of that evidence, in order that your Lordships may again fully and distinctly comprehend the nature and extent of the oppression, cruelty, and injustice committed by Mr. Hastings, and by which you may estimate the punishment you will inflict upon him.

Letter from Captain Leonard Jaques to Richard Johnson, Esq., Resident at the Vizier's Court; March 6th, 1782.

"Sir, — The women belonging to the Khord Mohul complain of their being in want of every necessary of life, and are at last drove to that desperation, that they at night get on the top of the zenanah, make a great disturbance, and last night not only abused the sentinels posted in the gardens, but threw dirt at them; they threatened to throw themselves from the walls of the zenanah, and also to break out of it. Humanity obliges me to acquaint you of this matter, and to request to know if you have any direction to give me concerning it. I also beg leave to acquaint you, I sent for Letafit Ali Khân, the cojah who has the charge of them, who informs me their complaint is well grounded, — that they have sold everything they had, even to the clothes from their backs, and now have no means of existing. Inclosed, I transmit you a letter from Mandall on the subject."

Letter from Captain Jaques to Richard Johnson, Esq., March 7th, 1782.

"Sir, — I beg leave to address you again concerning the women in the Khord Mohul. Their behavior last night was so furious that there seemed the greatest probability of their proceeding to the utmost extremities, and that they would either throw themselves from the walls or force the doors of the zenanah. I have made every inquiry concerning the cause of their complaints, and find from Letafit Ali Khân that they are in a starving condition, having sold all their clothes and necessities, and now have not wherewithal to support nature. And as my instructions are quite silent upon this head, should be glad to know how to proceed in case they were to force the doors of the zenanah; as I suspect it will happen, should no subsistence be very quickly sent to them."

Letter from Major Gilpin to John Bristow, Esq., Resident at the Court of Lucknow; 30th October, 1782.

"Last night, about eight o'clock, the women in the Khord Mohul Zenanah, under the charge of Letafit Ali Khân, assembled on the tops of the buildings, crying in a most lamentable manner for food, — that for the last four days they had got but a very scanty allowance, and that yesterday they had got none. The melancholy cries of famine are more easily imagined than described; and from their representations, I fear that the Nabob's agents for that business are very inattentive. I therefore think it requisite to make you acquainted with the circumstance, that his Excellency the Nabob may cause his agents to be more circumspect in their conduct to these poor, unhappy women."

Letter from Mr. Bristow to Major Gilpin; Fyzabad, 4th November, 1782.

"Sir, — I have received your letters of the 12th, 19th, 27th, and 30th ultimo. I communicated the contents of that of the 30th to the minister, who promised me to issue orders for the payment of a sum of money to relieve the distress of the Khord Mohul. I shall also forward a bill for 10,000 rupees to you in the course of three or

four days; and if in the mean time you may find means to supply to the amount of that sum, I will become personally responsible to you for the repayment.”

Letter from Major Gilpin to John Bristow, Esq., at the Court of Lucknow; Fyzabad, 15th November, 1782.

“Sir, — The repeated cries of the women in the Khord Mohul Zenanah for subsistence have been truly melancholy. They beg most piteously for liberty, that they may earn their daily bread by laborious servitude, or be relieved from their misery by immediate death. In consequence of their unhappy situation, I have this day taken the liberty of drawing on you in favor of Ramnarain at ten days’ sight, for twenty son Kerah rupees, ten thousand of which I have paid to Cojah Letafit Ali Khân, under whose charge that zenanah is.”

These, my Lords, are the state of the distresses in the year 1782, and your Lordships will see that they continued almost, with only occasional reliefs, during the period of that whole year. Now we enter into the year 1783, to show you that it continued during the whole time; and then I shall make a very few remarks upon it.

I will now read to your Lordships a part of Mr. Holt’s evidence, by which it is proved that Mr. Hastings was duly advertised of all these miserable and calamitous circumstances.

“Q. Whether you saw a letter of intelligence from Fyzabad containing a relation of the treatment of the women in the Khord Mohul? — A. Yes, I did, and translated it. — Q. From whom did it come? — A. Hoolas Roy. — Q. Who was he? — A. An agent of the Resident at Fyzabad, employed for the purpose of transmitting information to the Resident. — Q. Was that paper transmitted to Mr. Hastings? — A. To the best of my recollection, it was transmitted to the Board, after I had attested it. — Q. Do you remember at what distance of time after the receipt of the intelligence respecting the distresses of the Khord Mohul that paper was transmitted to Calcutta? — A. I cannot say. — Q. Do you believe it was transmitted within ten months after the time it was received? — A. I understood it to be a letter received just before it was transmitted. — Q. Then you understand it was transmitted as soon as received? — A. Yes, in the course of three days. — Q. Can you bring to your mind the time at which the translation was made? — A. To the best of my recollection, it was in January, 1784. — Q. Whether the distresses that had been complained of had ceased for above a twelvemonth before the distresses of the Khord Mohul? — A. I understood they were new distresses. — Q. Then you state that that account transmitted in 1784 was, as you understand, an account of new distresses? — A. Yes.”

I shall now refer your Lordships to page 899 of your printed Minutes.

[The Managers for the Commons acquainted the House, that they would next read the paper of intelligence which had been authenticated by Mr. Holt, in his evidence at the bar, relative to the miserable situation of these women, which they meant to bring home to Mr. Hastings.]

An Extract of a Consultation of the 17th February, 1784.

“At a Council: present, the Honorable Warren Hastings, Esq., Governor-General, President, Edward Wheler and John Stables, Esqrs.; Mr. Macpherson absent from the Presidency for the benefit of his health: the following letter and its inclosures were received from Mr. Bristow on the 8th instant, and circulated.

“Honorable Sir, and Gentlemen, — I have the honor to forward, for your further information, the inclosure No. 3; it contains a relation of the hardships endured by the ladies of the late Vizier’s zenanah.’

(Signed) ‘JOHN BRISTOW.’

“Translation of a Paper of Intelligence from Fyzabad.

“The ladies, their attendants, and servants were still as clamorous as last night. Letafit, the darogah, went to them, and remonstrated with them on the impropriety of their conduct, at the same time assuring them that in a few days all their allowances would be paid, and should that not be the case, he would advance them ten days’ subsistence, upon condition that they returned to their habitations. None of them, however, consented to his proposal, but were still intent upon making their escape through the bazaar, and in consequence formed themselves in the following order, — the children in the front, behind them the ladies of the seraglio, and behind them again their attendants; but their intentions were frustrated by the opposition which they met with from Letafit’s sepoys. The next day Letafit went twice to the women, and used his endeavors to make them return into the zenanah, promising to advance them ten thousand rupees, which, upon the money being paid down, they agreed to comply with; but night coming on, nothing transpired.

“On the day following, their clamors were more violent than usual. Letafit went to confer with them on the business of yesterday, offering the same terms. Depending upon the fidelity of his promises, they consented to return to their apartments, which they accordingly did, except two or three of the ladies, and most of their attendants. Letafit went then to Hossmund Ali Khân, to consult with him about what means they should take. They came to a resolution of driving them in by force, and gave orders to their sepoys to beat any one of the women who should attempt to move forward; the sepoys accordingly assembled, and each one being provided with a bludgeon, they drove them, by dint of beating, into the zenanah. The women, seeing the treachery of Letafit, proceeded to throw stones and bricks at the sepoys, and again attempted to get out; but finding that impossible, from the gates being shut, they kept up a continual discharge till about twelve o’clock, when, finding their situation desperate, they returned into the Rung Mohul, and forced their way from thence into the palace, and dispersed themselves about the house and gardens. After this they were desirous of getting into the Begum’s apartments; but she, being apprised of their intentions, ordered the doors to be shut. In the mean time Letafit and Hossmund Ali Khân posted sentries to secure the gates of the

Lesser Mohul. During the whole of this conflict, the ladies and women remained exposed to the view of the sepoys.

“The Begum then sent for Letafit and Hossmund Ali Khân, whom she severely reprimanded, and insisted upon knowing the cause of this infamous behavior. They pleaded in their defence the impossibility of helping it, as the treatment the women had met with had only been conformable to his Excellency the Vizier’s orders. The Begum alleged, that, even admitting that the Nabob had given these orders, they were by no means authorized in this manner to disgrace the family of Sujah Dowlah, and should they not receive their allowances for a day or two, it could be of no great moment; what had passed was now at an end, but that the Vizier should certainly be acquainted with the whole of the affair, and that whatever he directed she should implicitly comply with. The Begum then sent for two of the children who were wounded in the affray of last night, and after endeavoring to soothe them, she again sent to Letafit and Hossmund Ali Khân, and in the presence of the children again expressed her disapprobation of their conduct, and the improbability of Asoph ul Dowlah’s suffering the ladies and children of Sujah Dowlah to be disgraced by being exposed to the view of the sepoys. Upon which Letafit produced the letter from the Nabob, representing that he was amenable only to the order of his Excellency, and that whatever he ordered it was his duty to obey; and that, had the ladies thought proper to have retired quietly to their apartments, he would not have used the means he had taken to compel them. The Begum again observed, that what had passed was now over. She then gave the children four hundred rupees and dismissed them, and sent word by Sumrud and the other eunuchs, that, if the ladies would peaceably retire to their apartments, Letafit would supply them with three or four thousand rupees for their present expenses, and recommended them not to incur any further disgrace, and that, if they did not think proper to act agreeably to her directions, they would do wrong. The ladies followed her advice, and about ten at night went back to the zenanah. The next morning the Begum waited upon the mother of Sujah Dowlah, and related to her all the circumstances of the disturbance. The mother of Sujah Dowlah returned for answer, that, after there being no accounts kept by crores of revenue, she was not surprised that the family of Sujah Dowlah, in their endeavors to procure subsistence, should be obliged to expose themselves to the meanest of the people. After bewailing their misfortunes and shedding many tears, the Begum took her leave and returned home.”

As a proof of the extremity of the distress which reigned in the Khord Mohul, your Lordships have been told that these women must have perished through famine, if their gaolers, Captain Jaques and Major Gilpin, had not raised money upon their own credit, and supplied them with an occasional relief. And therefore, when they talk of his peculation, of his taking but a bribe here and a bribe there, see the consequences of his system of peculation, see the consequences of a usurpation which extinguishes the natural authority of the country, see the

consequences of a clandestine correspondence that does not let the injuries of the country come regularly before the authorities in Oude to relieve it, consider the whole mass of crimes, and then consider the sufferings that have arisen in consequence of it.

My Lords, it was not corporal pain alone that these miserable women suffered. The unsatisfied cravings of hunger and the blows of the sepoys' bludgeons could touch only the physical part of their nature. But, my Lords, men are made of two parts, — the physical part, and the moral. The former he has in common with the brute creation. Like theirs, our corporeal pains are very limited and temporary. But the sufferings which touch our moral nature have a wider range, and are infinitely more acute, driving the sufferer sometimes to the extremities of despair and distraction. Man, in his moral nature, becomes, in his progress through life, a creature of prejudice, a creature of opinions, a creature of habits, and of sentiments growing out of them. These form our second nature, as inhabitants of the country and members of the society in which Providence has placed us. This sensibility of our moral nature is far more acute in that sex which, I may say without any compliment, forms the better and more virtuous part of mankind, and which is at the same time the least protected from the insults and outrages to which this sensibility exposes them. This is a new source of feelings, that often make corporal distress doubly felt; and it has a whole class of distresses of its own. These are the things that have gone to the heart of the Commons.

We have stated, first, the sufferings of the Begum, and, secondly, the sufferings of the two thousand women (I believe they are not fewer in number) that belong to them, and are dependent upon them, and dependent upon their well-being. We have stated to you that the Court of Directors were shocked and astonished, when they received the account of the first, before they had heard the second. We have proved they desired him to redress the former, if, upon inquiry, he found that his original suspicions concerning their conduct were ill-founded. He has declared here that he did not consider these as orders. Whether they were orders or not, could anything have been more pressing upon all the duties and all the sentiments of man than at least to do what was just, — that is, to make such an inquiry as in the result might justify his acts, or have entitled them to redress? Not one trace of inquiry or redress do we find, except we suppose, as we hear nothing after this of the famine, that Mr. Bristow, who seems to be a man of humanity, did so effectually interpose, that they should no longer depend for the safety of their honor on the bludgeons of the sepoys, by which alone it seems they were defended from the profane view of the vulgar, and which we must state as a matter of great aggravation in this case.

The counsel on the other side say that all this intelligence comes in an anonymous paper without date, transmitted from a newspaper-writer at Fyzabad. This is the contempt with which they treat this serious paper, sent to Mr. Hastings himself by official authority, — by Hoolas Roy, who was the news-writer at Fyzabad, — the

person appointed to convey authentic intelligence concerning the state of it to the Resident at Lucknow. The Resident received it as such; he transmitted it to Mr. Hastings; and it was not till this hour, till the counsel were instructed (God forgive them for obeying such instructions!) to treat these things with ridicule, that we have heard this Hoolas Roy called a common news-writer of anonymous information, and the like. If the information had come in any way the least authentic, instead of coming in a manner the most authentic in which it was possible to come to Mr. Hastings, he was bound by every feeling of humanity, every principle of regard to his own honor and his employers', to see whether it was true or false; if false, to refute it; if true, to afford redress: he has done neither. Therefore we charge him with being the cause; we charge upon him the consequences, with all the aggravations attending them; and we call both upon justice and humanity for redress, as far as it can be afforded to these people, and for the severest punishments which your Lordships can inflict upon the author of these evils. If, instead of the mass of crimes that we have brought before you, this singly had been charged upon the prisoner, I will say that it is a greater crime than any man has ever been impeached for before the House of Lords, from the first records of Parliament to this hour.

I need not remind your Lordships of one particular circumstance in this cruel outrage. No excuse or pretence whatever is brought forward in its justification. With respect to the Begums, they have been charged with rebellion; but who has accused the miserable inhabitants of the Khord Mohul of rebellion, or rebellious designs? What hearsay is there, even, against them of it? No: even the persons permitted by Mr. Hastings to rob and destroy the country, and who are stated by him to have been so employed, — not one of that legion of locusts which he had sent into the country to eat up and devour the bread of its inhabitants, and who had been the cause both of the famine itself and of the inability of the Begums to struggle with it, — none of these people, I say, ventured even a hearsay about these women.

Were the sufferers few? There were eight hundred of them, besides children. Were they persons of any rank and consequence? We are told that they were persons of considerable rank and distinction, connected with and living under the protection of women of the first rank in Asia. Were they persons not deserving pity? We know that they were innocent women and children, not accused, and unsuspected, of any crime. He has taken into his head to speak contemptuously of these women of the Khord Mohul: but your Lordships will consider both descriptions generally with some respect; and where they are not objects of the highest respect, they will be objects of your compassion. Your Lordships, by your avenging justice, will rescue the name of the British government from the foulest disgrace which this man has brought upon it.

An account of these transactions, as we have proved by Mr. Holt's evidence, was regularly transmitted and made known to him. But why do I say made known to him? Do not your Lordships know that Oude was his, — that he treated it like his private estate, — that he managed it in all its concerns as if it were his private demesne, — that the Nabob dared not do a single act without him, — that he had a Resident there, nominated by himself, and forced upon the Nabob, in defiance of the Company's orders? Yet, notwithstanding all this, we do not find a trace of anything done to relieve the aggravated distresses of these unfortunate people.

These are some of the consequences of that abominable system which, in defiance of the laws of his country, Mr. Hastings established in Oude. He knew everything there; he had spies upon his regular agents, and spies again upon them. We can prove, (indeed, he has himself proved,) that, besides his correspondence with his avowed agents, Major Palmer and Major Davy, he had secret correspondence with a whole host of agents and pensioners, who did and must have informed him of every circumstance of these affairs. But if he had never been informed of it at all, the Commons contend, and very well and justly contend, that he who usurps the government of a country, who extinguishes the authority of its native sovereign, and places in it instruments of his own, and that in defiance of those whose orders he was bound to obey, is responsible for everything that was done in the country. We do charge him with these acts of delinquencies and omissions, we declare him responsible for them; and we call for your Lordships' judgment upon these outrages against humanity, as cruel perhaps as ever were suffered in any country.

My Lords, if there is a spark of manhood, if there is in your breasts the least feeling for our common humanity, and especially for the sufferings and distresses of that part of human nature which is made by its peculiar constitution more quick and sensible, — if, I say, there is a trace of this in your breasts, if you are yet alive to such feelings, it is impossible that you should not join with the Commons of Great Britain in feeling the utmost degree of indignation against the man who was the guilty cause of this accumulated distress. You see women, whom we have proved to be of respectable rank and condition, exposed to what is held to be the last of indignities in that country, — the view of a base, insulting, ridiculing, or perhaps vainly pitying populace. You have before you the first women in Asia, who consider their honor as joined with that of these people, weeping and bewailing the calamities of their house. You have seen that in this misery and distress the sons of the Nabob were involved, and that two of them were wounded in an attempt to escape: and yet this man has had the impudence to declare his doubts of the Nabob's having had any children in the place, though the account of what was going on had been regularly transmitted to him. After this, what is there in his conduct that we can wonder at?

My Lords, the maintenance of these women had been guarantied by the Company; but it was doubly guarantied under the great seal of humanity. The conscience of every man, and more especially of the great and powerful, is the keeper of that great seal, and knows what is due to its authority. For the violation of both these guaranties, without even the vain and frivolous pretence of a rebellion, and for all its consequences, Mr. Hastings is answerable; and he will not escape your justice by those miserable excuses which he has produced to the Court of Directors, and which he has produced here in his justification. My Lords, that justification we leave with your Lordships.

We now proceed to another part of our charge, which Mr. Hastings has not thought proper to deny, but upon which we shall beg leave to make a few observations. You will first hear read to you, from the 17th article of our charge, the subject-matter to which we now wish to call your attention.

“That in or about the month of March, 1783, three of the said brothers of the Nabob, namely, Mirza Hyder Ali, Mirza Imayut Ali, and Mirza Syef Ali, did represent to the said Bristow that they were in distress for dry bread and clothes, and in consequence of such representation were relieved by the intervention of the said Bristow, but soon after the deputation of the said Warren Hastings to Oude, in the year 1784, that is to say, some time in or about the month of September, in the said year 1784, the said Mirza Hyder Ali, one of the three princes aforesaid, did fly to the province of Benares, and did remain there in great distress; and that, although the said Warren Hastings did write to the said Nabob an account of the aforesaid circumstances, in certain loose, light, and disrespectful expressions concerning the said Mirza Hyder Ali, he did not, as he was in duty bound to do, in any wise exert that influence which he actually and notoriously possessed over the mind of the said Nabob, for the relief of the said prince, the brother of the said Nabob, but, without obtaining any satisfactory and specific assurances, either from the said Nabob or the said minister, the said Warren Hastings did content himself with advising the said prince to return to his brother, the said Nabob.”

The answer of Mr. Hastings to that part of the 17th article states: —

“And the said Warren Hastings says, that in or about the month of July, in the year 1783, a paper was received, inclosed in a letter to the Governor-General and Council, from Mr. Bristow, purporting to be a translation of a letter from three brothers of the said Vizier, in which they did represent themselves to be in distress for dry bread and clothes; but whether such distress actually existed, and was relieved by the said Bristow, the said Warren Hastings cannot set forth.

“And the said Warren Hastings further says, that some time in the month of September, 1784, the said Warren Hastings, being then at Benares, did receive information that Mirza Hyder Ali was arrived there, and the said Warren Hastings, not knowing before that time that there was any such person, did write to the Nabob

Vizier, to the purport or effect following:— ‘A few days since I learnt that a person called Mirza Hyder Ali was arrived at Benares, and calls himself a son of the deceased Nabob Sujah ul Dowlah, and I was also told that he came from Fyzabad; as I did not know whether he left Fyzabad with or without your consent, I therefore did not pay him much attention, and I now trouble you to give me every information on this subject, how he came here, and what your intentions are about him; he remains here in great distress, and I therefore wish to know your sentiments.’

“And the said Warren Hastings further says, that, having received an answer from the said Vizier, he did, on or about the 13th of October, 1784, inclose the same in a letter to the said Mirza, of which letter the following is a copy:— ‘An answer is arrived to what I wrote on your account to the Nabob Vizier, which I inclose to you: having read it, you will send it back. I conceive you had better go to the Nabob Vizier’s presence, who will certainly afford you protection and assistance. I will write what is proper to carry with you to the Nabob, and it will in every respect be for your good; whatever may be your intention on this head, you will write to me.’

“And the said Warren Hastings submits, that it was no part of his duty as Governor-General to interfere with the said Vizier on behalf of the said Mirza, or to obtain from the said Vizier any specific assurances on the subject.”

Continuation of the 17th article of the charge: —

“That, in order to avoid famine at home, another of the said Nabob’s brothers, by name Mirza Jungli, was under the necessity of flying from his native country, and did seek protection from a certain Mahometan lord called Mirza Shuffee Khân, then prime-minister of the Mogul, from whom he did go to the camp of the Mahratta chief Mahdajee Sindia, where he did solicit and obtain a military command, together with a grant of lands, or jaghire, for the subsistence of himself, his family, and followers; but wishing again to be received under the protection of the British government, the said Mirza Jungli, in 1783, did apply to the said Resident Bristow, through David Anderson, Esquire, then on an embassy in the camp of the said Sindia; and in consequence of such application, the said Bristow, sensible of the disgrace which the exile of the said Mirza Jungli reflected both on the said Nabob of Oude and the British nation, did negotiate with the said Nabob and his ministers for the return of the said Mirza Jungli, and for the settlement and regular payment of some proper allowance for the maintenance of the said Mirza Jungli; but the allowance required was ultimately refused; and although the whole of the transactions aforesaid were duly represented to the said Warren Hastings by the said Anderson and by the said Bristow, and although he had himself received, so early as the 23d of August, 1782, a letter from the Vizier, grievously complaining of the cruel and extortious demands made upon him by the said Warren Hastings, in which letter he did expressly mention the flight of his brothers, and the distresses of the women of his late father, who he said were all as his mothers, and that his said

brothers, from the resumption of their jaghires, were reduced to great affliction and distress, and he did attribute the said flight of some of his brethren, and the distresses of the rest, and of the women who stood in a species of maternal relation to him, as owing to the aforesaid oppressive demands, yet he, the said Warren Hastings, did cruelly, inhumanly, and corruptly decline to make any order for the better provision of any of the said eminent family, or for the return of the said prince, who had fled from his brother's court to avoid the danger of perishing by famine."

Answer of Mr. Hastings to that part of the charge: —

"And the said Warren Hastings further says, that he was informed that Mirza Jungli, in the said article also mentioned, did leave his native country in distress, and did go to Mirza Shuffee Khân, in the said article also mentioned; and the said Warren Hastings likewise admits he was informed that the said Mirza Jungli did afterwards leave the said Mirza Shuffee Khân, and repair to the camp of Mahdajee Sindia, with a view of obtaining some establishment for himself and followers.

"And the said Warren Hastings further says, that in certain letters written by David Anderson, Esquire, and John Bristow, Esquire, it was represented that the said Mirza Jungli did apply to the said Bristow, through the said Anderson, then on an embassy in the camp of the said Sindia, and that in consequence thereof the said Bristow did, amongst other things, apply to the said Nabob Vizier for a certain allowance to be made for the said Mirza, and for the regular payment thereof, and that a certain allowance was accordingly settled by the said Vizier on the said Mirza; and the said Warren Hastings says, that information of the above transactions was transmitted to the Board of Council, and that a letter from the said Vizier was received on the 23d of August, 1782, containing certain representations of the distresses of himself and his family; and he admits that no order was made by him, the said Warren Hastings, for the provision of any of the said family, or for the return of the said Mirza; but the said Warren Hastings denies that he was guilty of any cruelty, inhumanity, or corruption, or of any misconduct whatsoever, in the matters aforesaid."

Continuation of the charge: —

"That some time in or about the month of December, 1783, the Nabob Bahadur, another of the brothers of the said Nabob of Oude, did represent to the said Bristow, that he, the said Nabob Bahadur, had not received a farthing of his allowance for the current year, and was without food; and being wounded by an assassin, who had also murdered his aunt in the very capital of Oude, the said Nabob Bahadur had not a daum to pay the surgeon, who attended him for the love of God alone. That at or about the period of this said representation the said Bristow was recalled, and the said Warren Hastings proceeded up to Lucknow, but did not inquire into the said representations transmitted by the said Bristow to Calcutta, nor did order any relief."

Mr. Hastings's answer to the part of the charge last read: —

“And the said Warren Hastings further says, that on the 29th of January, 1784, after the recall of the said Bristow, he, the said Bristow, did transmit to the Governor-General and Council two letters, one dated 28th of December, 1783, the other 7th of January, 1784, purporting to be written by the said Nabob Bahadur, addressed to him, the said Bristow, to the effect in the said article stated; and the said Warren Hastings admits, that, when at Lucknow, he did not institute any inquiry into the supposed transaction in the said 17th article stated, or make any order concerning the said Bahadur, and he denies that it was his duty so to do.”

Here is the name of this Nabob from a list of the jaghiredars stated by Mr. Purling, page 485 printed Minutes. Amongst the names of jaghiredars, the times when granted, and the amount of the jaghires, there occurs that of the Nabob Bahadur, with a grant of a jaghire of the amount of 20,000 rupees.

[The *Lord Chancellor* here remarked, that what had been just read was matter of the 17th article of the charge and parts of the answer to it, and that, upon looking back to the former proceedings, it has escaped his attention, if any matter contained in the 17th article had been made matter of the charge; that it therefore seemed to him that it could not be brought in upon a reply, not having been made matter of the charge originally.

Mr. Burke. My Lords, I have to say to this, that I believe you have heard these facts made matter of charge by the House of Commons, that I conceive they have been admitted by the prisoner, and that the Commons have nothing to do with the proofs of anything in their charge which is fully and in terms admitted. The proofs which they have produced to your Lordships were upon matters which were contested; but here the facts are admitted in the fullest manner. We neither have abandoned them, intended to abandon them, or ever shall abandon them; we have made them, as a charge, upon record; the answers to them have been recorded, which answers are complete admissions of every fact in the charge.

Lord Chancellor. I do not make myself understood. The objection is not that there has not been evidence given upon the 17th article, but at the close of the case on the part of the Managers for the House of Commons no mention having been made of the matter contained in the 17th article, that therefore, although it may all have been admitted by the answer to be true, yet in justice, if from that answer you ground the charge, it is necessary the defendant should be heard upon it.

Mr. Burke. If your Lordships choose that the defendant shall be heard upon it, we have no kind of objection, nor ever had, or proposed an objection to the defendant being heard upon it. Your Lordships know that the defendant's counsel value themselves upon having abandoned their defence against certain parts of the charge; your Lordships know that they declared that they broke off thus in the middle of their defence in order to expedite this business.

Lord Chancellor. Referring to the proceedings, I think it a matter perfectly clear, that, in the course of the charge, after certain articles had been gone through, the Managers for the Commons closed the case there, leaving therefore all the other articles, excepting those that had been discussed, as matters standing with the answers against them, but not insisted upon in making out the charge. Of course, therefore, if the defendant had gone into any of those articles, the defendant must have been stopped upon them, because he would then have been making a case in defence to that which had not been made a case in the prosecution. The objection, therefore, is not at all that no evidence has been examined. To be sure, it would be an answer to that to say, you are now proceeding upon an admission; but even upon those facts that are admitted, (if the facts are admitted that are insisted upon as matter in charge,) that should come in the original state of the cause, and the defendant in common justice must be heard upon that, and then, and then only, come the observations in reply.

Mr. Burke. We do not know, nor are informed, that any charge, information, or indictment, that is before the court, and upon record, and is not denied by the defendant, does not stand in full force against him. We conceive it to be so; we conceive it to be agreeable to the analogy of all proceedings; and the reason why we did not go into and insist upon it was, that, having a very long cause before us, and having the most full and complete admission upon this subject, we did not proceed further in it. The defendant defends himself by averring that *it was not his duty*. It was not our business to prove that it was his duty. It was he that admitted the facts assumed to be the foundation of his duty; the negative he was bound to prove, and he never offered to prove it. All that I can say upon this point is, that his delinquency in the matter in question appeared to us to be a clear, distinct case, — to be a great offence, — an offence charged upon the record, admitted upon the record, and never by us abandoned. As to his defence having been abandoned, we refer your Lordships to the last petition laid by him upon your table, (that libellous petition, which we speak of as a libel upon the House of Commons,) and which has no validity but as it asserts a matter of fact from the petitioner; and there you will find that he has declared explicitly, that, for the accommodation and ease of this business, and for its expedition, he did abandon his defence at a certain period.

Lord Chancellor. A charge consisting of a variety of articles in their nature (however connected with each other in their subject, but in their nature) distinct and specific, if only certain articles are pressed in the charge, to those articles only can a defence be applied; and all the other articles, that are not made matter of charge *originally*, have never, in the course of any proceeding whatever, been taken up *originally* in reply.

Mr. Burke. With great respect to your Lordship's judgment, we conceive that the objection taken from our not having at a certain period argued or observed upon the

prisoner's answer to the articles not insisted upon is not conclusive; inasmuch as the record still stands, and as our charge still stands. It was never abandoned; and the defendant might have made a justification to it, if he had thought fit: he never did think fit so to do. If your Lordships think that we ought not to argue upon it here in our reply, because we did not argue upon it before, — well and good; but we have argued and do argue in our reply many things to which he never gave any answer at all. I shall beg leave, if your Lordships please, to retire with my fellow Managers for a moment, to consult whether we shall press this point or not. We shall not detain your Lordships many minutes.

(The Managers withdrew: in a few minutes the Managers returned, again into the Hall.)

Mr. Burke. My Lords, the Managers have consulted among themselves upon this business; they first referred to your printed proceedings, in order to see the particular circumstance on which the observation of your Lordship is founded; we find it thus stated:— “Then the Managers for the Commons informed the Lords, that, saving to themselves their undoubted rights and privileges, the Commons were content to rest their charge here.” We rested our charge there, not because we meant to efface any precedent matter of the charge which had been made by us, and of which the facts had been admitted by the defendant, but, simply saving our rights and privileges, that is, to resume, (and to make new matter, if we thought fit,) the Commons were content to rest the charge there.

I have further to remark to your Lordships, that the counsel for the defendant have opened a vast variety of matter that is not upon record, either on our part or on theirs, in order to illustrate and to support their cause; and they have spoken day after day upon the principles on which their defence was made. My great object now is an examination of those principles, and to illustrate the effects of these principles by examples which are not the less cogent, the less weighty, and the less known, because they are articles in this charge. Most assuredly they are not. If your Lordships recollect the speeches that were made here, you know that great merit was given to Mr. Hastings for matters that were not at all in the charge, and which would put us under the greatest difficulties, if we were to take no notice of them in our reply. For instance, his merits in the Mahratta war, and a great mass of matter upon that subject, were obliquely, and for other purposes, brought before you, upon which they argued. That immense mass of matter, containing an immense mass of principles, and which was sometimes supported by alleged facts, sometimes by none, they have opened and argued upon, as matter relative to principle. In answer to their argument, we propose to show the mischiefs that have happened from the mischievous principles laid down by Mr. Hastings, and the mischievous consequences of them.

If, however, after this explanation, your Lordships are of opinion that we ought not to be allowed to take this course, wishing to fall in with your Lordships'

sentiments, we shall abandon it. But we will remind your Lordships that such things stand upon your records; that they stand unanswered and admitted on your records; and consequently they cannot be destroyed by any act of ours, but by a renunciation of the charge, which renunciation we cannot make, because the defendant has clearly and fully admitted it to be founded in fact. We cannot plead error; we cannot retract it. And why? Because he has admitted it. We therefore only remind your Lordships that the charge stands uncontradicted; and that the observation we intended to make upon it was to show your Lordships that the principles upon which he defends all such conduct are totally false and groundless. But though your Lordships should be of opinion that we cannot press it, yet we cannot abandon it; it is not in your power, it is not in our power, it is not in his power to abandon that charge. You cannot acquit him of that charge; it is impossible. If, however, your Lordships, for the accommodation of business, method of proceedings, or any circumstance of that kind, wish we should say no more upon the subject, we close the subject there. Your Lordships are in possession both of the charge and the admission; and we wish, and we cannot wish better than, to leave it as it is upon the record.

The *Lord Chancellor* here said, — The opinion of the Lords can only be with me matter of conjecture. I certainly was not commanded by the House to state the observation that had occurred to me; but in the position in which it now stands, I feel no difficulty in saying, as my own judgment, that nothing can be matter in reply that does not relate to those articles that were pressed in the original charge; and therefore, in this position of the business of reply, you cannot go into new matter arising out of other articles that were not originally insisted upon.

Mr. Burke. We were aware of the objection that might be made to admitting our observations, if considered as observations upon the 17th article, but not when considered with reference to facts on the record before you, for the purpose of disproving the principles upon which the defendant and his counsel had relied: that was the purpose for which we proposed chiefly to make them. But your Lordship's [the Lord Chancellor's] own personal authority will have great weight with us, and, unless we perceive some other peer differ from you, we will take it in the course we have constantly done. We never have sent your Lordships out of the hall to consent [consult?] upon a matter upon which that noble lord appeared to have formed a decision in his own mind; we take for granted that what is delivered from the woolsack, to which no peer expresses a dissent, is the sense of the House; as such we take it, and as such we submit to it in this instance.

Therefore, leaving this upon the record as it stands, without observing upon it, and submitting to your Lordships' decision, that we cannot, according to order, observe in reply upon what was not declared by us to be a part of the charges we meant to insist upon, we proceed to another business.]

We have already stated to your Lordships, and we beg to remind you of it, the state and condition of the country of Oude when Mr. Hastings first came to it, — his subsequent and immediate usurpation of all the powers of government, and the use he made of them, — the tyranny he exercised over the Nabob himself, — the tyranny he exercised upon his mother and grandmother, and all the other females of his family, and their dependants of every description, to the number of about eight hundred persons, — the tyranny exercised (though we are not at liberty to press it now) upon his brethren. We have shown you how he confiscated the property of all the jaghiredars, the nobility of the country. We have proved to your Lordships that he was well acquainted with all the misery and distress occasioned by these proceedings, and that he afforded the sufferers no relief. We now proceed to review the effect of this general mass of usurpation, tyranny, and oppression upon the revenues and the prosperity of the country.

Your Lordships will first be pleased to advert to the state in which Mr. Hastings found the country, — in what state he found its revenues, — who were the executive ministers of the government, — what their conduct was, and by whom they were recommended and supported. For the evidence of these facts we refer your Lordships to your printed Minutes: there, my Lords, they stand recorded: they never can be expunged out of your record, and the memory of mankind, whether we be permitted to press them at this time upon your Lordships or not. Your Lordships will there find in what manner the government was carried on in Oude in 1775, before the period of Mr. Hastings's usurpation. Mr. Hastings, you will find, has himself there stated that the minister was recommended by the Begums; and you will remark this, because Mr. Hastings afterwards makes her interference in the government of her son a part of his crimination of the Begum.

The Resident at the court of Oude thus writes on the 2d of March, 1775.

“Notwithstanding the confidence the Nabob reposes in Murtezza Khân, the Begums are much dissatisfied with his elevation. They recommended to his Excellency to encourage the old servants of the government, whose influence in the country, and experience, might have strengthened his own authority, and seated him firmly on the musnud. In some measure this, too, may appear consistent with the interests of the Company; for, as Elija Khân and the old ministers have by frequent instances within their own knowledge experienced the power of our government, such men, I should conceive, are much more likely to pay deference to the Company than a person who at present can have but a very imperfect idea of the degree of attention which ought to be paid to our connection with the Nabob.”

Your Lordships see that the Begums recommended the old servants, contrary to the maxims of Rehoboam, — those who had served his father and had served the country, and who were strongly inclined to support the English interest there. Your Lordships will remark the effects of the Begum's influence upon the state of things

in 1775, that the Nabob had been advised by his mother to employ the confidential servants of his father, — persons conversant in the affairs of the country, persons interested in it, and persons who were well disposed to support the English connection. Your Lordships will now attend to a letter from Mr. Bristow, at Lucknow, to the board, dated 28th November, 1775.

“I also neglected no part of my duty on the spot, but advised the minister, even at Lucknow, according to my letter of the 3d instant, to recommend it to the Nabob to dismiss his useless and mutinous troops, which measure seems by present appearances to have succeeded beyond expectation: as the rest of the army do now pay the greatest attention to his Excellency’s orders; already the complaints of the violences the troops used to commit are greatly decreased; they profess obedience; and, by the best intelligence I can obtain of their disposition, there seems to be little doubt that the example made by disbanding Bussunt’s corps has every good effect we could wish, which had crossed the river and voluntarily surrendered their arms the day before yesterday to the Nabob.”

His next letter is dated 13th June, 1776.

“Honorable Sir and Sirs, — It is Elija Khân’s first object to regulate the Vizier’s revenue; and I must do him the justice to say, that the short time he has been in office he has been indefatigable, and already settled the greater part of the province of Oude, and fixed on the districts for the assignments of the army subsidy; Corah and Allahabad he has disposed of, and called for the Dooab and Rohilcund accounts, in order to adjust them as soon as possible. This activity will, I hope, produce the most salutary effects, — as, the present juncture being the commencement of the season for the cultivation, the aumils, by being thus early placed in their offices, have the opportunity of advancing *tukavy*, encouraging the ryots, and making their agreements in their several districts, in letting under-farms, or disposing of the lands in such a manner as they may judge most expedient. If, though similar to the late minister’s conduct, a delay of two or three months should occur in the settlement of the lands, the people throughout the country would be disheartened, and inevitably a very heavy balance accrue on the revenue. I have troubled the honorable board with this detail, in the first place, to show the propriety of Elija Khân’s conduct, and, in the next, the essential service that will be rendered to the Vizier by continuing Colonel Parker’s detachment during the whole rains in Corah, if required by the Vizier.”

My Lords, you have now had a view of the state of Oude, previous to the first period of our connection with it. Your Lordships have seen and understand that part of the middle period, with which we do not mean to trouble you again. You will now be pleased to attend to a letter from Fyzoola Khân to the Governor-General, received the 13th of February, 1778.

“This country of Cuttah, which formerly depended on the Rohilla States, and which I consider as now appertaining to the Company, was very populous and

flourishing; but since the commencement of the Nabob Vizier's government, the farmers appointed by his ministers have desolated the country. Its situation is at present very ruinous; thousands of villages, formerly populous, are now utterly deserted, and no trace left of them. I have already written to Roy Buckstowr Sing a full account of the tyranny and oppression exercised by the farmers, to be communicated to you: the constant revenue of a country depends on the care of its rulers to preserve it in a flourishing state. I have been induced to make the representation by my attachment to the interest of the Company; for otherwise it is no concern of mine. Should these oppressions continue one or two years longer, and the rulers take no measures to put a stop to them, the whole country will be a desert."

My Lords, upon these statements I have only to make this remark, — that you have seen the first state of this country, and that the period when it had fallen into the state last described was about two years after Mr. Hastings had obtained the majority in the Council and began to govern this country by his lieutenants. We know that the country was put by him under military collectors: you see the consequences. The person who makes this representation to Mr. Hastings of the state of the country, of its distress and calamity, and of the desolation of a thousand of the villages formerly flourishing in it, is no less a person than a prince of a neighboring country, a person of whom you have often heard, and to whom the cause of humanity is much indebted, namely, Fyzoola Khân, — a prince whose country the English Resident, travelling through, declares to be cultivated like a garden. That this was the state of the Rohilla country is owing to its having very fortunately been one of those that escaped the dominion of Mr. Hastings.

We will now read to your Lordships a letter from Sir Eyre Coote to the board at Calcutta, dated the 11th of September, 1779.

"Honorable Sir and Sirs, — The day before yesterday I encamped near Allahabad, where the Vizier did me the honor of a visit; and yesterday morning, in my way hither, I returned it, and was received by his Excellency with every mark of respect and distinction. This morning he called here, and we had some general conversation, which principally turned upon the subject of his attachment to the English, and his readiness to show the sincerity of it upon all occasions. It is to be wished we had employed the influence which such favorable sentiments must have given us more to the benefit of the country and ourselves; but I fear the distresses which evidently appear on the face of the one, and the failure of the revenues to the other, are not to be wholly ascribed to the Vizier's mismanagement."

This is the testimony of Mr. Hastings's own pensioner, Sir Eyre Coote, respecting the known state of the country during the time of this horrible usurpation, which Sir Eyre Coote mentions under the soft name of our *influence*. But there could be but one voice upon the subject, and that your Lordships shall now hear from Mr. Hastings himself. We refer your Lordships to the Minute of the Governor-General's

Consultation, Fort William, 21st May, 1781: he is here giving his reasons for going into the upper provinces.

“The province of Oude having fallen into a state of great disorder and confusion, its resources being in an extraordinary degree diminished, and the Nabob Asoph ul Dowlah having earnestly entreated the presence of the Governor-General, and declared, that, unless some effectual measures are taken for his relief, he must be under the necessity of leaving his country, and coming down to Calcutta, to present his situation to this government, — the Governor-General therefore proposes, with the concurrence of Mr. Wheler, to visit the province of Oude as speedily as the affairs of the Presidency will admit, in hopes that, from a minute and personal observation of the circumstances of that country, the system of management which has been adopted, and the characters and conduct of the persons employed, he may possibly be able to concert and establish some plan by which the province of Oude may in time be restored to its former state of affluence, good order, and prosperity.”

Your Lordships have now the whole chain of the evidence complete, with regard to the state of the country, up to the period of Mr. Hastings’s journey into the country. You see that Mr. Hastings himself admits it to have been formerly in a most flourishing, orderly, and prosperous state. Its condition in 1781 he describes to you in words than which no enemy of his can use stronger, in order to paint the state in which it then was. In this state he found it, when he went up in the year 1781; and he left it, with regard to any substantial regulation that was executed or could be executed, in the state in which he found it, — after having increased every one of those grievances which he pretended to redress, and taken from it all the little resources that remained in it.

We now come to a subsequent period, at which time the state of the country is thus described by Mr. Bristow, on the 12th December, 1782.

“Despotism is the principle upon which every measure is founded, and the people in the interior parts of the country are ruled at the discretion of the aumil or fowjdar for the time being. They exercise, within the limits of their jurisdiction, the powers of life and death, and decisions in civil and other cases, in the same extent as the sovereign at the capital. The forms prescribed by the ancient institutions of the Mogul empire are unattended to, and the will of the provincial magistrate is the sole law of the people. The total relaxation of the Vizier’s authority, his inattention and dislike to business, leave the aumils in possession of this dangerous power, unawed, uncontrolled by any apprehension of retrospection, or the interference of justice. I can hardly quote an instance, since the Vizier’s accession to the musnud, of an aumil having been punished for oppression, though the complaints of the people and the state of the country are notorious proofs of the violences daily committed: it is even become unsafe for travellers to pass, except in large bodies; murders, thefts, and other enormities shocking to humanity, are committed in open day.”

In another paragraph of the same letter, he says, —

“Such has been the system of this government, that the oppressions have generally originated with the aumils. They have been rarely selected for their abilities or integrity, but from favor, or the means to advance a large sum upon being appointed to their office. The aumil enters upon his trust ruined in reputation and fortune; and unless he accomplishes his engagements, which is seldom the case, disgrace and punishment follow. Though the balance of revenue may be rigorously demanded of him, it has not been usual to institute any inquiry for oppression. The zemindars, thus left at the mercy of the aumils, are often driven to rebellion. The weak are obliged to submit to his exactions, or fly the country; and the aumil, unable to reduce the more powerful, is compelled to enter into a disgraceful compromise. Every zemindar looks to his fort for protection, and the country is crowded with them: Almas Ali Khân asserts there are not less than seven hundred in his districts. Hence it has become a general custom to seize the brother, son, or some near relation or dependant of the different zemindars, as hostages for the security of the revenue: a great aumil will sometimes have three or four hundred of these hostages, whom he is obliged to confine in places of security. A few men like Almas Ali Khân and Coja Ain ul Din have, from their regularity in the performance of pecuniary engagements, rendered themselves useful to the Vizier. A strict scrutiny into his affairs was at all times irksome to his Excellency, and none of the ministers or officers about his person possessing the active, persevering spirit requisite to conduct the detail of engagements for a number of small farms, it became convenient to receive a large sum from a great farmer without trouble or deficiency. This system was followed by the most pernicious consequences; these men were above all control, they exacted their own terms, and the districts they farmed were most cruelly oppressed. The revenue of Rohilcund is reduced above a third, and Almas Ali Khân’s administration is well known to have been extremely violent.”

We will next read to your Lordships an extract from Captain Edwards’s evidence.

“Q. Had you any opportunity of observing the general face of the country in the time of Sujah Dowlah? — A. I had. — Q. Did you remark any difference in the general state of the country at that time and the period when you made your latter observation? — did you observe any difference between the condition of the country at that time, that of Sujah Dowlah in the year 1774, and the latter period you have mentioned? — A. I did, — a very material difference. — Q. In what respect? — A. In the general aspect that the country bore, and the cultivation of the country, — that it was infinitely better cultivated in 1774 than it was in 1783. — Q. You said you had no opportunity of observing the face of the country till you was appointed aide-de-camp to the Nabob? — A. No, — except by marching and countermarching. I marched in the year 1774 through the Nabob Sujah ul Dowlah’s provinces into Rohilcund. — Q. Had you those opportunities from the time of your going there in 1774? — A. I had; but not so much as I had after being appointed

aide-de-camp to the Vizier, because I was always before in a subordinate situation: I marched in a direct line before, with the troops; but afterwards, when I was aide-de-camp to his Excellency, I was my own master, and made frequent excursions into the different parts of the country. — *Q.* Had you an opportunity of observing the difference in the general happiness and disposition of the people? — *A.* I had. — *Q.* Did you observe a difference in that respect also between your first coming and the year 1783? — *A.* Yes, a very sensible difference: in Sujah ul Dowlah's time the country was in a very flourishing state, in merchandise, cultivation, and every article of commerce, and the people then seemed to be very happy under his government, which latterly was not the case; because the country in reality appeared in the year 1774 in a flourishing state, and in the year 1783 it appeared comparatively forlorn and desolate. — *Q.* Was the court of Asoph ul Dowlah, when you left India, equal in point of splendor to what it was in the time of Sujah ul Dowlah? — *A.* By no means: it was not equally splendid, but far inferior. — *Q.* Were the dependants and officers belonging to the court paid in the same punctual manner? — *A.* No: I really cannot say whether they were paid more regularly in Sujah Dowlah's time, only they appeared more wealthy and more able to live in a splendid style in his time than they ever have done since his death."

Here, then, your Lordships see the state of the country in 1783. Your Lordships may trace the whole progress of these evils, step by step, from the death of Sujah ul Dowlah to the time of Mr. Hastings's obtaining a majority in the Council, after which he possessed the sole and uncontrolled management of the country; you have seen also the consequences that immediately followed till the year 1784, when he went up a second time into the country.

I do not know, my Lords, that it is necessary to make any observation upon this state of things. You see that the native authority was, as we have proved, utterly extinguished by Mr. Hastings, and that there was no superintendent power but his. You have heard of the oppressions of the farmers of the revenues; and we have shown you that these farmers generally were English officers. We have shown you in what manner Colonel Hannay, one of these farmers sent by Mr. Hastings, acted, and particularly the accumulation of hostages which were made by him. We have shown you, that by their arbitrary and tyrannical proceedings all regular government was subverted, and that the country experienced the last and most dreadful effects of anarchy. We have shown you that no other security was left to any human being, but to intrench themselves in such forts as they could make, and that these forts, in one district only of the country, had increased in number to the amount of seven hundred. Your Lordships also know, that, when the prisons and mud forts in which Colonel Hannay kept his hostages confined were full, he kept them in uncovered cages in the open air. You know that all these farmers of revenue were either English and military men, or natives under an abject submission to them; you know that they had the whole country in assignments, that the jaghires were all

confiscated for their benefits; and you find that the whole system had its origin at the time when Mr. Hastings alone formed in effect the authority of the Supreme Council. The weakness of the Nabob, as Sir Eyre Coote tells you, could not have been alone the cause of these evils, and that our influence over him, if not actually the cause of the utter ruin, desolation, and anarchy of that country, might have been successfully exerted in preventing.

When your Lordships shall proceed to judgment upon these accumulated wrongs, arising out of the usurped power of the prisoner at your bar, and redressed by him in no one instance whatever, let not the usurpation itself of the Nabob's power be considered as a trivial matter. When any prince at the head of a great country is entirely stripped of everything in his government, civil or military, by which his rank may be distinguished or his virtues exercised, he is in danger of becoming a mere animal, and of abandoning himself wholly to sensual gratifications. Feeling no personal interest in the institutions or in the general welfare of the country, he suffers the former (and many wise and laudable institutions existed in the provinces of the Nabob, for their good order and government) to fall into disuse, and he leaves the country itself to persons in inferior situations, to be wasted and destroyed by them. You find that in Oude, the very appearance of justice had been banished out of it, and that every aumil exercised an arbitrary power over the lives and fortunes of the people. My Lords, we have the proofs of all these facts in our hands; they are in your Lordships' minutes; and though we can state nothing stronger than is stated in the papers themselves, yet we do not so far forget our duty as not to point out to your Lordships such observations as arise out of them.

To close the whole, your Lordships shall now hear read an extract from a most curious and extraordinary letter, sent by him to the Court of Directors, preparatory to his return to England.

"My only remaining fear is, that the members of the Council, seeing affairs through a different medium from that through which I view them, may be disposed, if not to counteract the system which I have formed, to withhold from it their countenance and active support. While I myself remain, it will be sufficient if they permit it to operate without interruption; and I almost hope, in the event of a new administration of your affairs which shall confine itself to the same forbearance, and manifest no symptoms of intended interference, the objects of my arrangements will be effectually attained; for I leave them in the charge of agents whose interests, ambition, and every prospect of life are interwoven with their success, and the hand of Heaven has visibly blest the soil with every elementary source of progressive vegetation: but if a different policy shall be adopted, if new agents are sent into the country and armed with authority for the purpose of vengeance or corruption, to no other will they be applied. If new demands are raised on the Nabob Vizier, and accounts overcharged on one side with a wide latitude taken on the other to swell his debt beyond the means of payment, — if political dangers are portended, to

ground on them the pleas of burdening his country with unnecessary defences and enormous subsidies, — or if, even abstaining from direct encroachment on the Nabob's rights, your government shall show but a degree of personal kindness to the partisans of the late usurpation, or by any constructive indication of partiality and disaffection furnish ground for the expectation of an approaching change of system, I am sorry to say that all my labors will prove abortive; for the slightest causes will be sufficient to deject minds sore with the remembrance of past conflicts, and to elevate those whose only dependence is placed in the renewal of the confusion which I have labored with such zeal to eradicate, and will of course debilitate the authority which can alone insure future success. I almost fear that this denunciation of effects from causes so incompetent, as they will appear to those who have not had the experience which I have had of the quick sensibility which influences the habits of men placed in a state of polity so loose, and subject to the continual variations of capricious and despotic authority, will be deemed overcharged, or perhaps void of foundation; nor, if they should come to pass, will it be easy to trace them with any positive evidence to their connection: yet it is my duty to apprise you of what I apprehend, on grounds which I deem of absolute certainty, may come to pass; and I rely on your candor for a fair interpretation of my intention.”

Here, my Lords, the prisoner at your bar has done exactly what his bitterest accuser would do: he goes through, head by head, every one of the measures which he had himself pursued in the destruction of the country; and he foretells, that, if any one of those measures should again be pursued, or even if good cause should be given to suspect they would be renewed, the country must fall into a state of inevitable destruction. This supersedes all observation. This paper is a recapitulated, minute condemnation of every step which he took in that country, and which steps, are every one of them upon your Lordships' minutes.

But, my Lords, we know very well the design of these pretended apprehensions, and why he wished to have that country left in the state he speaks of. He had left a secret agent of his own to control that ostensible government, and to enable him, sitting in the place where he now sits, to continue to govern those provinces in the way in which he now governs them.

[*A murmur having arisen here, Mr. Burke proceeded.*]

If I am called upon to reword what I have just said, I shall repeat my words, and show strong grounds and reasons to indicate that he governs Oude now as much as he ever did.

You see, my Lords, that the reform which he pretended to make in 1781 produced the calamities which he states to have existed in 1784. We shall now show that the reform which he pretended to make in 1784 brought on the calamities which Lord Cornwallis states in his evidence to have existed in 1787.

We will now read two letters from Lord Cornwallis: the first is dated the 16th November, 1787.

“I was received at Allahabad and attended to Lucknow by the Nabob and his ministers with every mark of friendship and respect. I cannot, however, express how much I was concerned, during my short residence at his capital, and my progress through his dominions, to be witness of the disordered state of his finances and government, and of the desolate appearances of his country. The evils were too alarming to admit of palliation, and I thought it my duty to exhort him, in the most friendly manner, to endeavor to apply effectual remedies to them. He began with urging as apology, that, whilst he was not certain of the expense [extent?] of our demands upon him, he had no real interest in being economical in his expenses, and that, while we interfered in the internal management of his affairs, his own authority and that of his ministers were despised by his own subjects. It would have been useless to discuss these topics with him; but while I repeated my former declarations of our being determined to give no ground in future for similar complaints, he gave me the strongest assurances of his being resolved to apply himself earnestly to the encouragement of agriculture, and to endeavor to revive the commerce of his country.”

The second is dated the 25th April, 1788.

“Till I saw the Vizier’s troops, I was not without hope that upon an emergency he would have been able to have furnished us with some useful cavalry; but I have no reason to believe that he has any in his service upon which it would be prudent to place any dependence; and I think it right to add, that his country appears to be in so ruined a state, and his finances in so much disorder, that even in case of war we ought not to depend upon any material support from him.”

My Lords, I have only to remark upon these letters, that, so far as they go, they prove the effects of Mr. Hastings’s reformation, from which he was pleased to promise the Company such great things. But when your Lordships know that he had left his dependant and minister, Hyder Beg Khân, there, whose character, as your Lordships will find by a reference to your minutes he has represented as black as hell, to be the real governor there, and to carry on private correspondence with him here, and that he had left Major Palmer, his private agent, for a considerable time in that country to carry on his affairs, your Lordships will easily see how it has come to pass that the Vizier, such a man as you have heard him described to be, was not alone able to restore prosperity to his country.

My Lords, you have now seen what was the situation of the country in Sujah Dowlah’s time, prior to Mr. Hastings’s interference with the government of it, what it was during his government, and what situation it was in when Lord Cornwallis left it. Nothing now remains but to call your Lordships’ attention to perhaps the most extraordinary part of these transactions. But before we proceed, we will beg leave to go back and read to your Lordships the Nabob’s letter of the 24th February, 1780.

“I have received your letter, and understand the contents. I cannot describe the solidity of your friendship and brotherly affection which subsisted between you and my late father. From the friendship of the Company he received numberless advantages; and I, notwithstanding I was left an orphan, from your favor and that of the Company was perfectly at ease, being satisfied that everything would be well, and that I should continue in the same security that I was during my father’s lifetime, from your protection. I accordingly, from the day of his death, have never omitted to cultivate your favor, and the protection of the Company; and whatever was the desire and directions of the Council at that time I have ever since conformed to, and obeyed with readiness. Thanks be given to God that I have never as yet been backward in performing the will of the English Company, of the Council, and of you, and have always been from my heart ready to obey them, and have never given you any trouble from my difficulties or wishes. This I have done simply from my own knowledge of your favor towards me, and from my being certain that you would learn the particulars of my distresses and difficulties from other quarters, and would then show your friendship and good-will in whatever was for my advantage. But when the knife had penetrated to the bone, and I was surrounded with such heavy distresses that I could no longer live in expectations, I then wrote an account of my difficulties. The answer which I have received to it is such, that it has given me inexpressible grief and affliction. I never had the least idea or expectation from you and the Council that you would ever have given your orders in so afflicting a manner, in which you never before wrote, and which I could not have imagined. As I am resolved to obey your orders, and directions of the Council, without any delay, as long as I live, I have, agreeably to those orders, delivered up all my private papers to him [the Resident], that, when he shall have examined my receipts and expenses, he may take whatever remains. As I know it to be my duty to satisfy you, the Company, and Council, I have not failed to obey in any instance, but requested of him that it might be done so as not to distress me in my necessary expenses: there being no other funds but those for the expenses of my mutsuddies, household expenses, and servants, &c. He demanded these in such a manner, that, being remediless, I was obliged to comply with what he required. He has accordingly stopped the pensions of my old servants for thirty years, whether sepoy, mutsuddies, or household servants, and the expenses of my family and kitchen, together with the jaghires of my grandmother, mother, and aunts, and of my brothers and dependants, which were for their support. I had raised fifteen hundred horse and three battalions of sepoy to attend upon me; but, as I have no resources to support them, I have been obliged to remove the people stationed in the mahals, and to send his people into the mahals, so that I have not now one single servant about me. Should I mention what further difficulties I have been reduced to, it would lay me open to contempt. Although I have willingly assented to this which brings such distress on me, and have in a manner altogether ruined myself, yet I

failed not to do it for this reason, because it was for your satisfaction, and that of the Council; and I am patient, and even thankful, in this condition; but I cannot imagine from what cause you have conceived displeasure against me. From the commencement of my administration, in every circumstance, I received strength and security from your favor, and that of the Council; and in every instance you and the Council have shown your friendship and affection for me; but at present, that you have sent these orders, I am greatly perplexed.”

We will not trouble your Lordships with the remainder of the letter, which is all in the same style of distress and affliction, and of the abject dependence of a man who considers himself as insulted, robbed, and ruined in that state of dependence.

In addition to the evidence contained in this letter, your Lordships will be pleased to recollect the Nabob’s letter which we read to your Lordships yesterday, the humble and abject style of which you will never forget. Oh, consider, my Lords, this instance of the fate of human greatness! You must remember that there is not a trace anywhere, in any of the various trunks of Mr. Hastings, that he ever condescended so much as to give an answer to the suppliant letters of that unhappy man. There was no mode of indignity with which he did not treat his family; there was no mode of indignity with which he did not treat his person; there was no mode of indignity with which he did not treat his minister, Hyder Beg Khân, — this man whom he represents to be the most infamous and scandalous of mankind, and of whom he, nevertheless, at the same time declares, that his only support with the Vizier was the support which he, Warren Hastings, as representative of the English government, gave him.

We will now read a paper which perhaps ought not to have been received in evidence, but which we were willing to enter in your minutes as evidence, in order that everything should come before you. Your Lordships have heard the Nabob speak of his misery, distress, and oppression; but here he makes a complete defeasance, as it were, of the whole charge, a direct disavowal of every one of the complaints, and particularly that of having never received an answer to these complaints. Oh, think, I say, my Lords, of the degraded, miserable, and unhappy state to which human nature may be reduced, when you hear this unhappy man declare that all the charges which we have made upon this subject relative to him, and which are all either admitted by him or taken from his own representation, are now stated by him in a paper before you to be all false, and that there is not a word of the representation which he had made of Mr. Hastings that has the least truth in it! Your Lordships will find this in that collection of various papers which ought to be preserved and put into every museum in Europe, as one of the most extraordinary productions that was ever exhibited to the world.

Papers received the 8th of March, 1788, and translated pursuant to an Order of the Governor-General in Council, dated the 21th of April, 1788, under the Seal of His Excellency the Nabob Asoph ul Dowlah, Asoph Jah Bahadur, Vizier ul Momalik.

“I have at this time learnt that the gentlemen in power in England, upon the suspicion that Mr. Hastings, during his administration, acted contrary to the rules of justice and impartiality, and, actuated by motives of avidity, was inimical towards men without cause; that he broke such engagements and treaties as had been made between the Company and other chiefs; that he extended the hand of oppression over the properties of men, tore up the roots of security and prosperity from the land, and rendered the ryots and subjects destitute by force and extortion. — As this accusation, in fact, is destitute of uprightness and void of truth, therefore, with a view to show the truth in its true colors, I have written upon this sheet with truth and sincerity, to serve as an evidence, and to represent real facts, — to serve also as information and communication, that Mr. Hastings, from the commencement of his administration until his departure for England, whether during the lifetime of the deceased Nabob, of blessed memory, Vizier ul Moolk, Sujah ul Dowlah Bahadur, my father, or during my government, did not at any time transact contrary to justice any matter which took place from the great friendship between me and the Company, nor in any business depart from the path of truth and uprightness, but cultivated friendship with integrity and sincerity, and in every respect engaged himself in the duties of friendship with me, my ministers and confidants. I am at all times, and in every way, pleased with and thankful for his friendly manners and qualities; and my ministers and confidants, who have always, every one of them, been satisfied with his conduct, are forever grateful for his friendship and thankful for his virtues. As these matters are real facts, and according to truth, I have written these lines as an evidence, and transmit this paper to England, through the government of Calcutta, for the information of the gentlemen of power and rank in England.”

Observe, my Lords, the candor of the Commons. We produce this evidence, which accuses us, as Mr. Hastings does, of uttering everything that is false; we choose to bring our shame before the world, and to admit that this man, on whose behalf and on the behalf of whose country we have accused Mr. Hastings, has declared that this accusation (namely, this impeachment) is destitute of uprightness and without truth. But, my Lords, this is not only a direct contradiction to all he has ever said, to all that has been proved to you by us, but a direct contradiction to all the representations of Mr. Hastings himself. Your Lordships will hence see what credit is to be given to these papers.

Your Lordships shall now hear what Hyder Beg Khân says: that Hyder Beg Khân who stands recorded in your minutes as the worst of mankind; who is represented as writing letters without the Nabob’s consent, and in defiance of him; the man of whom Mr. Hastings says, that the Nabob is nothing but a tool in his hands, and that the Nabob is and ever must be a tool of somebody or other. Now, as we have heard the tool speak, let us hear how the workman employed to work with this tool speaks.

Extract from Hyder Beg Khân's Letter to the Governor and Council.

“It is at this time learnt by the Nabob Vizier, and us, his ministers, that the gentlemen of power in England are displeased with Mr. Hastings, on the suspicion that during his administration in this country, from motives of avidity, he committed oppressions contrary to the rules of justice, took the properties of men by deceit and force, injured the ryots and subjects, and rendered the country destitute and ruined. As the true and upright disposition of Mr. Hastings is in every respect free of this suspicion, we therefore with truth and sincerity declare by these lines, written according to fact, that Mr. Hastings, from the first of his appointment to the government of this country until his departure for Europe, during his authority in the management of the affairs of the country, whether in the lifetime of the Nabob Sujah ul Dowlah Bahadur, deceased, or whether during the present reign, did not, in any matters which took place from the great friendship between this government and the Company, act in any wise upon motives of avidity, and, not having, in any respect, other than justice and propriety in intention, did not swerve from their rules. He kept his Excellency the Vizier always pleased and satisfied” (you will remember, my Lords, the last expressions of his pleasure and satisfaction) “by his friendship and attention in every matter. He at all times showed favor and kindness towards us, the ministers of this government; and under his protection having enjoyed perfect happiness and comfort, we are from our hearts satisfied with and grateful for his benevolence and goodness.”

Here, my Lords, you have the character which Hyder Beg Khân gives of Mr. Hastings, — of the man who he knew had loaded him, as he had done, with every kind of indignity, reproach, and outrage with which a man can be loaded. Your Lordships will see that this testimony repeats, almost word for word, the testimony of the Vizier Nabob, — which shows who the real writer is.

My Lords, it is said, that there is no word in the Persian language to express gratitude. With these signal instances of gratitude before us, I think we may venture to put one into their dictionary. Mr. Hastings has said he has had the pleasure to find from the people of India that gratitude which he has not met with from his own countrymen, the House of Commons. Certainly, if he has done us services, we have been ungrateful indeed; if he has committed enormous crimes, we are just. Of the miserable, dependent situation to which these people are reduced, that they are not ashamed to come forward and deny everything they have given under their own hand, — all these things show the portentous nature of this government, they show the portentous nature of that phalanx with which the House of Commons is at present at war, the power of that captain-general of every species of Indian iniquity, which, under him, is embodied, arrayed, and paid, from Leadenhall Street to the furthestmost part of India.

We have but one observation more to offer upon this collection of *razinamas*, upon these miserable testimonials given by these wretched people in contradiction

to all their own previous representations, — directly in contradiction to those of Mr. Hastings himself, — directly in contradiction to those of Lord Cornwallis, — directly in contradiction to truth itself. It is this. Here is Mr. Hastings with his agents canvassing the country, with all that minuteness with which a county is canvassed at an election; and yet in this whole book of razinamas not one fact adduced by us is attempted to be disproved, not one fact upon which Mr. Hastings's defence can be founded is attempted to be proved. There is nothing but bare vile panegyrics, directly belied by the state of facts, directly belied by the persons themselves, directly belied by Mr. Hastings at your bar, and by all the whole course of the correspondence of the country.

We here leave to your Lordships' judgment the consideration of the elevated rank of the persons aggrieved and degraded to the lowest state of dependence and actual distress, — the consideration of the condition of the country gentlemen, who were obliged to hide their heads, wherever they could, from the plunderers and robbers established under his authority in every part of the country, and that of the miserable common people, who have been obliged to sell their children through want of food to feed them, — the consideration, I say, of the manner in which this country, in the highest, in the middle, and in the lowest classes of its inhabitants, nay, in physical works of God, was desolated and destroyed by this man.

Having now done with the province of Oude, we will proceed to the province of Bengal, and consider what was the kind of government which he exercised there, and in what manner it affected the people that were subjected to it.

Bengal, like every part of India subject to the British empire, contains (as I have already had occasion to mention) three distinct classes of people, forming three distinct social systems. The first is the Mahometans, which, about seven hundred years ago, obtained a footing in that country, and ever since has in a great degree retained its authority there. For the Mahometans had settled there long before the foundation of the Bengal empire, which was overturned by Tamerlane: so that this people, who are represented sometimes loosely as strangers, are people of ancient and considerable settlement in that country; and though, like Mahometan settlers in many other countries, they have fallen into decay, yet, being continually recruited from various parts of Tartary under the Mogul empire, and from various parts of Persia, they continue to be the leading and most powerful people throughout the peninsula; and so we found them there. These people, for the most part, follow no trades or occupation, their religion and laws forbidding them in the strictest manner to take usury or profit arising from money that is in any way lent; they have, therefore, no other means for their support but what arises from their adherence to and connection with the Mogul government and its viceroys. They enjoy under them various offices, civil and military, — various employments in the courts of law, and stations in the army. Accordingly a prodigious number of people, almost all of them

persons of the most ancient and respectable families in the country, are dependent upon and cling to the subahdars or viceroys of the several provinces. They, therefore, who oppress, plunder, and destroy the subahdars, oppress, rob, and destroy an immense mass of people. It is true that a supervening government, established upon another, always reduces a certain portion of the dependants upon the latter to want. You must distress, by the very nature of the circumstances of the case, a great number of people; but then it is your business, when, by the superiority which you have acquired, however you may have acquired it, (for I am not now considering whether you have acquired it by fraud or force, or whether by a mixture of both,) when, I say, you have acquired it, it is your business not to oppress those people with new and additional difficulties, but rather to console them in the state to which they are reduced, and to give them all the assistance and protection in your power.

The next system is composed of the descendants of the people who were found in the country by the Mahometan invaders. The system before mentioned comprehends the official interest, the judicial interest, the court interest, and the military interest. This latter body includes almost the whole landed interest, commercial interest, and moneyed interest of the country. For the Hindoos not being forbidden by their laws or religious tenets, as laid down in the Shaster, many of them became the principal money-lenders and bankers; and thus the Hindoos form the greatest part both of the landed and moneyed interest in that country.

The third and last system is formed of the English interest; which in reality, whether it appears directly or indirectly, is the governing interest of the whole country, — of its civil and military interest, of its landed, moneyed, and revenue interest; and what to us is the greatest concern of all, it is this system which is responsible for the government of that country to the government of Great Britain. It is divided into two parts: one emanating from the Company, and afterwards regulated by act of Parliament; the other a judicial body, sent out by and acting under the authority of the crown itself. The persons composing that interest are those whom we usually call the servants of the Company. They enter into that service, as your Lordships know, at an early period of life, and they are promoted accordingly as their merit or their interest may provide for them. This body of men, with respect to its number, is so small as scarcely to deserve mentioning; but, from certain circumstances, the government of the whole country is fallen into their hands. Amongst these circumstances, the most important and essential are their having the public revenues and the public purse entirely in their own hands, and their having an army maintained by that purse, and disciplined in the European manner.

Such was the state of that country when Mr. Hastings was appointed Governor in 1772. Your Lordships are now to decide upon the manner in which he has comported himself with regard to all these three interests: first, whether he has

made the ancient Mahometan families as easy as he could; secondly, whether he has made the Hindoo inhabitants, the zemindars and their tenants, as secure in their property and as easy in their tenure as he could; and lastly, whether he has made the English interest a blessing to the country, and, whilst it provided moderate, safe, and proper emoluments to the persons that were concerned in it, it kept them from oppression and rapine, and a general waste and ravage of the country: whether, in short, he made all these three interests pursue that one object which all interests and all governments ought to pursue, the advantage and welfare of the people under them.

My Lords, in support of our charge against the prisoner at your bar, that he acted in a manner directly the reverse of this, we have proved to you that his first acts of oppression were directed against the Mahometan government, — that government which had been before, not only in name, but in effect, to the very time of his appointment, the real government of the country. After the Company had acquired its right over it, some shadow still remained of the ancient government. An allowance was settled for the Nabob of Bengal, to support the dignity of his court, which amounted to between four and five hundred thousand pounds a year. In this was comprehended the support of the whole mass of nobility, — the soldiers, serving or retired, — all the officers of the court, and all the women that were dependent upon them, — the whole of the criminal jurisdiction of the country, and a very considerable part of the civil law and the civil government. These establishments formed the constitutional basis of their political government.

The Company never had (and it is a thing that we can never too often repeat to your Lordships) — the Company never had of right despotic power in that country, to overturn any of these establishments. The Mogul, who gave them their charters, could not give them such a power, — he did not *de facto* give them such a power; the government of this country did not by act of Parliament, and the Company did not and could not by their delegation, give him such a power; the act by which he was appointed Governor did not give him such a power. If he exercised it, he usurped it; and therefore, every step we take in the examination of his conduct in Bengal, as in every step we take upon the same subject everywhere else, we look for the justification of his conduct to laws, — the Law of Nations, the laws of this country, and the laws of the country he was sent to govern.

The government of that country, by the ancient constitution of the Mogul empire, besides the numberless individual checks and counter-checks in the inferior officers [offices?], is divided into the viceroyal part and the subahdarry part. The viceroyal part takes in all criminal justice and political government. Mr. Hastings found the country under a viceroy, governing according to law, acting by proper judges and magistrates under him: he himself not being the judicial, but executive power of the country, — that which sets the other in action, and does not supersede it or supply its place. The other, the subahdarry power, which was by the grant of the dewanny

conferred upon the Company, had under its care the revenues, as much of the civil government as is concerned with the revenues, and many other matters growing out of it. These two offices are coördinate and dependent on each other. The Company, after contracting to maintain the army out of it, got the whole revenue into their power. The army being thus within their power, the subahdar by degrees vanished into an empty name.

When we thus undertook the government of the country, conscious that we had undertaken a task which by any personal exertion of our own we were unable to perform in any proper or rational way, the Company appointed a native of the country, Mahomed Reza Khân, who stands upon the records of the Company, I venture to say, with such a character as no man perhaps ever did stand, to execute the duties of both offices. Upon the expulsion of Cossim Ali Khân, the Nabob of Bengal, all his children were left in a young, feeble, and unprotected state; and in that state of things, Lord Clive, Mr. Sumner, who sits near Mr. Hastings, and the rest of the Council, wisely appointed Mahomed Reza Khân to fulfil the two offices of deputy-vice-roy and deputy-dewan, for which he had immense allowances, and great jaghires and revenues, I allow. He was a man of that dignity, rank, and consideration, added to his knowledge of law and experience in business, that Lord Clive and Mr. Sumner, who examined strictly his conduct at that time, did not think that 112,000*l.* a year, the amount of the emoluments which had been allowed him, was a great deal too much; but at his own desire, and in order that these emoluments might be brought to stated and fixed sums, they reduced it to 90,000*l.*, — an allowance which they thought was not more than sufficient to preserve the state of so great a magistrate, and a man of such rank, exercising such great employments. The whole revenue of the Company depended upon his talents and fidelity; and you will find, that, on the day in which he surrendered the revenues into our hands, the dewanny, under his management, was a million more than it produced on the day Mr. Hastings left it. For the truth of this I refer your Lordships to a letter of the Company sent to the Board of Control. This letter is not in evidence before your Lordships, and what I am stating is merely historical. But I state the facts, and with the power of referring for their proof to documents as authentic as if they were absolutely in evidence before you. Assuming, therefore, that all these facts may be verified by the records of the Company, I have now to state that this man, by some rumors true or false, was supposed to have misconducted himself in a time of great calamity in that country. A great famine had about this time grievously afflicted the whole province of Bengal. — I must remark by the way, that these countries are liable to this calamity; but it is greatly blessed by Nature with resources which afford the means of speedy recovery, if their government does not counteract them. Nature, that inflicts the calamity, soon heals the wound; it is in ordinary seasons the most fertile country, inhabited by the most industrious people, and the most disposed to marriage and settlement,

probably, that exists in the whole world; so that population and fertility are soon restored, and the inhabitants quickly resume their former industrious occupations.

During the agitation excited in the country by the calamity I have just mentioned, Mahomed Reza Khân, through the intrigues of Rajah Nundcomar, one of his political rivals, and of some English faction that supported him, was accused of being one of the causes of the famine. In answer to this charge, he alleged, what was certainly a sufficient justification, that he had acted under the direction of the English board, to which his conduct throughout this business was fully known. The Company, however, sent an order from England to have him tried; but though he frequently supplicated the government at Calcutta that his trial should be proceeded in, in order that he might be either acquitted and discharged or condemned, Mr. Hastings kept him in prison two years, under pretence (as he wrote word to the Directors) that Mahomed Reza Khân himself was not very desirous to hasten the matter. In the mean time the Court of Directors, having removed him from his great offices, authorized and commanded Mr. Hastings (and here we come within the sphere of your minutes) to appoint a successor to Mahomed Reza Khân, fit to fulfil the duties of his station. Now I shall first show your Lordships what sort of person the Court of Directors described to him as most fit to fill the office of Mahomed Reza Khân, what sort of person he did appoint, and then we will trace out to you the consequences of that appointment.

Letter from the Court of Directors to the President and Council at Fort William, dated 28th August, 1771.

“Though we have not a doubt but that, by the exertion of your abilities, and the care and assiduity of our servants in the superintendency of the revenues, the collections will be conducted with more advantage to the Company and ease to the natives than by means of a naib dewan, we are fully sensible of the expediency of supporting some ostensible minister in the Company’s interest at the Nabob’s court, to transact the political affairs of the sircar, and interpose between the Company and the subjects of any European power, in all cases wherein they may thwart our interest or encroach on our authority; and as Mahomed Reza Khân can no longer be considered by us as one to whom such a power can be safely committed, we trust to your local knowledge the selection of some person well qualified for the affairs of government, and of whose attachment to the Company you shall be well assured: such person you will recommend to the Nabob to succeed Mahomed Reza as minister of the government, and guardian of the Nabob’s minority; and we persuade ourselves that the Nabob will pay such regard to your recommendation as to invest him with the necessary power and authority.

“As the advantages which the Company may receive from the appointment of such minister will depend on his readiness to promote our views and advance our interest, we are willing to allow him so liberal a gratification as may excite his zeal and secure his attachment to the Company; we therefore empower you to grant to

the person whom you shall think worthy of this trust an annual allowance not exceeding three lacs of rupees, (thirty thousand pounds,) which we consider not only as a munificent reward for any services he shall render the Company, but sufficient to enable him to support his station with suitable rank and dignity. And here we must add, that, in the choice you shall make of a person to be the active minister of the Nabob's government, we hope and trust that you will show yourselves worthy of the confidence we have placed in you, by being actuated therein, by no other motives than those of the public good and the safety and interest of the Company."

Here, my Lords, a person was to be named fit to fill the office and supply the place of Mahomed Reza Khân, who was deputy-vice-roy of Bengal, at the head of the criminal justice of the country, and, in short, at the head of the whole ostensible Mahometan government; he was also to supply the place of Mahomed Reza Khân as naib dewan, from which Reza Khân was to be removed: for you will observe, the Directors always speak of a man fit to perform all the duties of Mahomed Reza Khân; and amongst these he was to be as the guardian of the Nabob's person, and the representative of his authority and government.

Mr. Hastings, having received these orders from the Court of Directors, did — what? He alleges in his defence, that no positive commands were given him. But a very sufficient description was given of the person who ought to succeed Mahomed Reza Khân, in whom the Company had before recognized all the necessary qualities; and they therefore desire him to name a similar person. But what does Mr. Hastings do in consequence of this authority? He names no man at all. He searches into the seraglio of the Nabob, and names a woman to be the vice-roy of the province, to be the head of the ostensible government, to be the guardian of the Nabob's person, the conservator of his authority, and a proper representative of the remaining majesty of that government.

Well, my Lords, he searched the seraglio. When you have to take into consideration the guardianship of a person of great dignity, there are two circumstances to be attended to: one, a faithful and affectionate guardianship of his person; and the other, a strong interest in his authority, and the means of exercising that authority in a proper and competent manner. Mr. Hastings, when he was looking for a woman in the seraglio, (for he could find women only there,) must have found actually in authority there the Nabob's own mother: certainly a person who by nature was most fit to be his guardian; and there is no manner of doubt of her being sufficiently competent to that duty. Here, then, was a legitimate wife of the Nabob Jaffier Ali Khân, a woman of rank and distinction, fittest to take care of the person and interests, as far as a woman could take care of them, of her own son. In this situation she had been placed before, during the administration of Mahomed Reza Khân, by the direct orders of the Governor, Sir John Cartier. She had, I say, been put in possession of that trust which it was natural and proper to give to such a

woman. But what does Mr. Hastings do? He deposes this woman. He strips her of her authority with which he found her invested under the sanction of the English government. He finds out a woman in the seraglio, called Munny Begum, who was bound to the Nabob by no tie whatever of natural affection. He makes this woman the guardian of the young Nabob's person. She had a son who had been placed upon the musnud after the death of his father, Sujah Dowlah, and had been appointed his guardian. This young Nabob died soon afterwards, and was succeeded by Nujim ul Dowlah, another natural son of Sujah Dowlah. This prince being left without a mother, this woman was suffered to retain the guardianship of the Nabob till his death. When Mobarek ul Dowlah, a legitimate son of Sujah Dowlah, succeeded him, Sir John Cartier did what his duty was: he put the Nabob's own mother into the place which she was naturally entitled to hold, the guardianship of her own son, and displaced Munny Begum. The whole of the arrangement by which Munny Begum was appointed guardian of the two preceding Nabobs stands in the Company's records stigmatized as a transaction base, wicked, and corrupt. We will read to your Lordships an extract from a letter which has the signature of Mr. Sumner, the gentleman who sits here by the side of Mr. Hastings, and from which you will learn what the Company and the Council thought of the original nomination of Munny Begum and of her son. You will find that they considered her as a great agent and instrument of all the corruption there; and that this whole transaction, by which the bastard son of Munny Begum was brought forward to the prejudice of the legitimate son of the Nabob, was considered to be, what it upon the very face of it speaks itself to be, corrupt and scandalous.

Extract of a General Letter from the President and Council at Calcutta, Bengal, to the Select Committee of the Directors.

Paragraph 5.—“At Fort St. George we received the first advices of the demise of Mir Jaffier, and of Sujah Dowlah's defeat. It was there firmly imagined that no definitive measures would be taken, either with respect to a peace or filling the vacancy in the nizamat, before our arrival, — as the ‘Lapwing’ arrived in the month of January with your general letter, and the appointment of a committee with express powers to that purpose, for the successful exertion of which the happiest occasion now offered. However, a contrary resolution prevailed in the Council. The opportunity of acquiring immense fortunes was too inviting to be neglected, and the temptation too powerful to be resisted. A treaty was hastily drawn up by the board, — or rather, transcribed, with few unimportant additions, from that concluded with Mir Jaffier, — and a deputation, consisting of Messrs. Johnstone, senior, Middleton, and Leycester, appointed to raise the natural son of the deceased Nabob to the subahdarry, in prejudice of the claim of the grandson; and for this measure such reasons assigned as ought to have dictated a diametrically opposite resolution. Meeran's son was a minor, which circumstance alone would have naturally brought the whole administration into our hands at a juncture when it became indispensably

necessary we should realize the shadow of power and influence, which, having no solid foundation, was exposed to the danger of being annihilated by the first stroke of adverse fortune. But this inconsistency was not regarded, nor was it material to the views for precipitating the treaty, which was pressed on the young Nabob at the first interview, in so earnest and indelicate a manner as highly disgusted him and chagrined his ministers, while not a single rupee was stipulated for the Company, whose interests were sacrificed that their servants might revel in the spoils of a treasury, before impoverished, but now totally exhausted.

“6. This scene of corruption was first disclosed at a visit the Nabob paid to Lord Clive and the gentlemen of the Committee a few days after our arrival. He there delivered to his Lordship a letter filled with bitter complaints of the insults and indignity he had been exposed to, and the embezzlement of near twenty lacs of rupees issued from his treasury for purposes unknown during the late negotiations. So public a complaint could not be disregarded, and it soon produced an inquiry. We referred the letter to the board in expectation of obtaining a satisfactory account of the application of this money, and were answered only by a warm remonstrance entered by Mr. Leycester against that very Nabob in whose elevation he boasts of having been a principal agent.

“7. Mahomed Reza Khân, the naib subah, was then called upon to account for this large disbursement from the treasury; and he soon delivered to the Committee the very extraordinary narrative entered in our Proceedings the 6th of June, wherein he specifies the several names and sums, by whom paid, and to whom, whether in cash, bills, or obligations. So precise, so accurate an account as this of money for secret and venal services was never, we believe, before this period, exhibited to the Honorable Court of Directors, at least never vouched by undeniable testimony and authentic documents: by Juggut Seet, who himself was obliged to contribute largely to the sums demanded; by Muley Ram, who was employed by Mr. Johnstone in all these pecuniary transactions; by the Nabob and Mahomed Reza Khân, who were the heaviest sufferers; and, lastly, by the confession of the gentlemen themselves whose names are specified in the distribution list.

“8. Juggut Seet expressly declared in his narrative, that the sum which he agreed to pay the deputation, amounting to 125,000 rupees, was extorted by menaces; and since the close of our inquiry, and the opinions we delivered in the Proceedings of the 21st of June, it fully appears that the presents from the Nabob and Mahomed Reza Khân, exceeding the immense sum of seventeen lacs, were not the voluntary offerings of gratitude, but contributions levied on the weakness of the government, and violently exacted from the dependent state and timid disposition of the minister. The charge, indeed, is denied on the one hand, as well as affirmed on the other. Your honorable board must therefore determine how far the circumstance of extortion may aggravate the crime of disobedience to your positive orders, — the exposing the government in a manner to sale, and receiving the infamous wages of

corruption from opposite parties and contending interests. We speak with boldness, because we speak from conviction founded upon indubitable evidence, that, besides the above sums specified in the distribution account, to the amount of 228,125*l.* sterling, there was likewise to the value of several lacs of rupees procured from Nundcomar and Roy Dullub, each of whom aspired at and obtained a promise of that very employment it was predetermined to bestow on Mahomed Reza Khân.

(Signed at the end,)

“CLIVE.

W^M B. SUMNER.

JOHN CARNAC.

H. VERELST.

FRA^S SYKES.”

My Lords, the persons who sign this letter are mostly the friends, and one of them is the gentleman who is bail for and sits near Mr. Hastings. They state to you this horrible and venal transaction, by which the government was set to sale, by which a bastard son was elevated to the wrong of the natural and legitimate heir, and in which a prostitute, his mother, was put in the place of the honorable and legitimate mother of the representative of the family.

Now, if there was one thing more than another under heaven, which Mr. Hastings ought to have shunned, it was the suspicion of being concerned in any such infamous transaction as that which is here recorded to be so, — a transaction in which the country government had before been sold to this very woman and her offspring, and in which two great candidates for power in that country fought against each other, and perhaps the largest offerer carried it.

When a Governor-General sees the traces of corruption in the conduct of his predecessors, the traces of injustice following that corruption, the traces of notorious irregularity in setting aside the just claimants in favor of those that have no claim at all, he has that before his eyes which ought to have made him the more scrupulously avoid, and to keep at the farthest distance possible from, the contagion and even the suspicion of being corrupted by it. Moreover, my Lords, it was in consequence of these very transactions that the new covenants were made, which bind the servants of the Company never to take a present of above two hundred pounds, or some such sum of money, from any native in circumstances there described. This covenant I shall reserve for consideration in another part of this business. It was in pursuance of this idea, and to prevent the abuse of the prevailing custom of visiting the governing powers of that country with a view of receiving presents from them, that the House of Commons afterwards, in its inquiries, took up this matter and passed the Regulating Act in 1773.

But to return to Munny Begum. — This very person, that had got into power by the means already mentioned, did Mr. Hastings resort to, knowing her to be well skilled in the trade of bribery, — knowing her skilful practice in business of this sort, — knowing the fitness of her eunuchs, instruments, and agents, to be dealers in this kind of traffic. This very woman did Mr. Hastings select, stigmatized as she was in the Company's record, stigmatized by the very gentleman who sits next to him, and whose name you have heard read to you as one of those members of the Council that reprobated the horrible iniquity of the transaction in which this woman was a principal agent. For though neither the young Nabob nor his mother ought to have been raised to the stations in which they were placed, and were placed there for the purpose of facilitating the receipt of bribes, yet the order of Nature was preserved, and the mother was made the guardian of her own son: for though she was a prostitute and he a bastard, yet still she was a mother and he a son; and both Nature and legitimate disposition with regard to the guardianship of a son went together.

But what did Mr. Hastings do? Improving upon the preceding transaction, improving on it by a kind of refinement in corruption, he drives away the lawful mother from her lawful guardianship; the mother of nature he turns out, and he delivers her son to the stepmother to be the guardian of his person. That your Lordships may see who this woman was, we shall read to you a paper from your Lordships' minutes, produced before Mr. Hastings's face, and never contradicted by him from that day to this.

At a Consultation, 24th July, 1775.— “Shah Chanim, deceased, was sister to the Nabob Mahub ul Jung by the same father, but different mothers; she married Mir Mahomed Jaffier Khân, by whom she had a son and a daughter; the name of the former was Mir Mahomed Sadduc Ali Khân, and the latter was married to Mir Mahomed Cossim Khân Sadduc. Ali Khân had two sons and two daughters; the sons' names are Mir Sydoc and Mir Sobeem, who are now living; the daughters were married to Sultan Mirza Daood.

“Baboo Begum, the mother of the Nabob Mobarek ul Dowlah, was the daughter of Summin Ali Khân, and married Mir Mahomed Jaffier Khân. The history of Munny Begum is this. At a village called Balkonda, near Sekundra, there lived a widow, who, from her great poverty, not being able to bring up her daughter Munny, gave her to a slave girl belonging to Summin Ali Khân, whose name was Bissoo. During the space of five years she lived at Shahjehanabad, and was educated by Bissoo after the manner of a dancing-girl. Afterwards the Nabob Shamut Jung, upon the marriage of Ikram ul Dowlah, brother to the Nabob Surajah ul Dowlah, sent for Bissoo Beg's set of dancing-girls from Shahjehanabad, of which Munny Begum was one, and allowed them ten thousand rupees for their expenses, to dance at the wedding. While this ceremony was celebrating, they were kept by the Nabob; but some months afterwards he dismissed them, and they took up their

residence in this city. Mir Mahomed Jaffier Khân then took them into keeping, and allowed Munny and her set five hundred rupees per month, till at length, finding that Munny was pregnant, he took her into his own house. She gave birth to the Nabob Nujim ul Dowlah, and in this manner she has remained in the Nabob's family ever since."

My Lords, I do not mean to detain you long upon this part of the business, but I have thought it necessary to advert to these particulars. As to all the rest, the honorable and able Manager who preceded me has sufficiently impressed upon your Lordships' minds the monstrous nature of the deposing of the Nabob's mother from the guardianship of her son, for the purpose of placing this woman there at the head of all his family and of his domestic concerns in the seraglio within doors, and at the head of the state without, together with the disposal of the whole of the revenue that was allowed him. Mr. Hastings pretends, indeed, to have appointed at the same time a trusty mutsuddy to keep the accounts of the revenue; but he has since declared that no account had been kept, and that it was in vain to desire it or to call for it. This is the state of the case with respect to the appointment of Munny Begum.

With regard to the reappointment of Mahomed Reza Khân, you have heard from my worthy fellow Manager that he was acquitted of the charges that had been brought against him by Mr. Hastings, after a long and lingering trial. The Company was perfectly satisfied with the acquittal, and declared that he was not only acquitted, but honorably acquitted; and they also declared that he had a fair claim to a compensation for his sufferings. They not only declared him innocent, but meritorious. They gave orders that he should be considered as a person who was to be placed in office again upon the first occasion, and that he had entitled himself to this favor by his conduct in the place which he had before filled.

The Council of the year 1775, (whom I can never mention nor shall mention without honor,) who complied faithfully with the act of Parliament, who never disobeyed the orders of the Company, and to whom no man has imputed even the shadow of corruption, found that this Munny Begum had acted in the manner which my honorable fellow Manager has stated: that she had dissipated the revenue, that she had neglected the education of the Nabob, and had thrown the whole judicature of the country into confusion. They ordered that she should be removed from her situation; that the Nabob's own mother should be placed at the head of the seraglio, a situation to which she was entitled; and with regard to the rest of the offices, that Mahomed Reza Khân should be employed to fill them.

Mr. Hastings resisted these propositions with all his might; but they were by that happy momentary majority carried against him, and Mahomed Reza Khân was placed in his former situation. But Mr. Hastings, though thus defeated, was only waiting for what he considered to be the fortunate moment for returning again to his corrupt, vicious, tyrannical, and disobedient habits. The reappointment of

Mahomed Reza Khân had met with the fullest approbation of the Company; and they directed, that, as long as his good behavior entitled him to it, he should continue in the office. Mr. Hastings, however, without alleging any ill behavior, and for no reason that can be assigned, but his corrupt engagement with Munny Begum, overturned (upon the pretence of restoring the Nabob to his rights) the whole of the Company's arrangement, as settled by the late majority, and approved by the Court of Directors.

I have now to show you what sort of a man the Nabob was, who was thus set up in defiance of the Company's authority; what Mr. Hastings himself thought of him; what the judges thought of him; and what all the world thought of him.

I must first make your Lordships acquainted with a little preliminary matter. A man named Roy Rada Churn had been appointed vakeel, or agent, to manage the Nabob's affairs at Calcutta. One of this man's creditors attached him there. Roy Rada Churn pleaded his privilege as the vakeel or representative of a sovereign prince. The question came to be tried in the Supreme Court, and the issue was, Whether the Nabob was a sovereign prince or not. I think the court did exceedingly wrong in entertaining such a question; because, in my opinion, whether he was or was not a sovereign prince, any person representing him ought to be left free, and to have a proper and secure means of concerting his affairs with the Council. It was, however, taken otherwise; the question was brought to trial, whether the Nabob was a sovereign prince sufficient to appoint and protect a person to manage his affairs, under the name of an ambassador. In that cause did Mr. Hastings come forward to prove, by a voluntary affidavit, that he had no pretensions, no power, no authority at all, — that he was a mere pageant, a thing of straw, — and that the Company exercised every species of authority over him, in every particular, and in every respect; and that, therefore, to talk of him as an efficient person was an affront to the common sense of mankind: and this you will find the judges afterwards declared to be their opinion.

I will here press again one remark, which perhaps you may recollect that I have made before, that the chief and most usual mode in which all the villanies perpetrated in India, by Mr. Hastings and his co-partners in iniquity, has been through the medium and instrumentality of persons whom they pretended to have rights of their own, and to be acting for themselves; whereas such persons were, in fact, totally dependent upon him, Mr. Hastings, and did no one act that was not prescribed by him. In order, therefore, to let you see the utter falsehood, fraud, prevarication, and deceit of the pretences by which the native powers of India are represented to be independent, and are held up as the instruments of defying the laws of this kingdom, under pretext of their being absolute princes, I will read the affidavit of Warren Hastings, Esquire, Governor-General of Bengal, made the 31st July, 1775.

“This deponent maketh oath, and saith, That the late President and Council did, in or about the month of August, 1772, by their own authority appoint Munny Begum, relict of the late Nabob, Mir Jaffier Ali Khân, to be guardian to the present Nabob, Mobarek ul Dowlah, and Rajah Gourdas, son of Maha Rajah Nundcomar, to be dewan of the said Nabob’s household, allowing to the said Munny Begum a salary of 140,000 rupees per annum, and to the said Rajah Gourdas, for himself and officers, a salary of 100,000 rupees per annum: That the said late President and Council did, in or about the month of August, 1772, plan and constitute regular and distinct courts of justice, civil and criminal, by their own authority, for administration of justice to the inhabitants throughout Bengal, without consulting the said Nabob or requiring his concurrence, and that the said civil courts were made solely dependent on the Presidency of Calcutta; and the said criminal courts were put under the inspection and control of the Company’s servants, although ostensibly under the name of the Nazim, as appears from the following extracts from the plan for the administration of justice, constituted by the President and Council as aforesaid.”

My Lords, we need not go through all the circumstances of this affidavit, which is in your minutes, and, to save time, I will refer your Lordships to them. This affidavit, as I have already said, was put into the court to prove that the Nabob had no power or authority at all; but what is very singular in it, and which I recommend to the particular notice of your Lordships, when you are scrutinizing this matter, is, that there is not a single point stated, to prove the nullity of this Nabob’s authority, that was not Mr. Hastings’s on particular act. Well, the Governor-General swears; the judge of the court refers to him in his decision; he builds and bottoms it upon the Governor-General’s affidavit; — he swears, I say, that the Council, by their own authority, appointed Munny Begum to be guardian to the Nabob.

“By what authority,” the Governor-General asks, “did the Council erect courts of law and superintend the administration of justice, without any communication with the Nabob? Had the Nabob himself any idea that he was a sovereign? Does he complain of the reduction of his stipend or the infringement of treaties? No; he appears to consider himself to be, what in fact he really is, absolutely dependent on the Company, and to be willing to accept any pittance they would allow him for his maintenance: he claims no rights. Does he complain that the administration of justice is taken into the hands of the Company? No: by the treaty, the protection of his subjects is delivered up to the Company; and he well knew, that, whoever may be held up as the ostensible prince, the administration of justice must be in the hands of those who have power to enforce it.” He goes on,— “The Governor-General, who, I suppose, had a delicacy to state more than what had before been made public, closes his affidavit with saying that all he has deposed to he believes to be publicly known, as it is particularly set forth in the printed book entitled ‘Reports of the Committee of the House of Commons.’ I knew,” he adds, “it was there, and

was therefore surprised at this application; it is so notorious, that everybody in the settlement must have known it: when I say everybody, I mean with an exception to the gentlemen who have applied to the court. The only reason I can give for their applying is the little time they have been in the country.” The judge (I think it is Chief-Justice Impey) then goes on,— “Perhaps this question might have been determined merely on the dates of the letters to the Governor-General; but as the Council have made the other a serious question, I should not have thought that I had done my duty, if I had not given a full and determinate opinion upon it: I should have been sorry, if I had left it doubtful whether the empty name of a Nabob should be thrust between a delinquent and the laws, so as effectually to protect him from the hand of justice.”

My Lords, the court, as you see, bottoms its determination on what we stand upon here, Mr. Hastings’s evidence, that the empty name of a pretended sovereign should not be thrust forth between a delinquent and justice.

What does Mr. Le Maistre, the other judge, say upon this occasion? “With regard to this phantom, that man of straw, Mobarek ul Dowlah, it is an insult on the understanding of the court to have made the question of his sovereignty. But as it came from the Governor-General and Council, I have too much respect for that body to treat it ludicrously, and I confess I cannot consider it seriously, and we always shall consider a letter of business from the Nabob the same as a letter from the Governor-General and Council.”

This is the unanimous opinion of all the judges concerning the state and condition of the Nabob. We have thus established the point we mean to establish: that any use which shall be made of the Nabob’s name for the purpose of justifying any disobedience to the orders of the Company, or of bringing forward corrupt and unfit persons for the government, could be considered as no other than the act of the persons who shall make such a use of it; and that no letter that the Nabob writes to any one in power was or could be considered as any other than the letter of that person himself. This we wish to impress upon your Lordships, because, as you have before seen the use that has been made in this way of the Nabob of Oude, you may judge of the use that has been made of the name of Hyder Beg Khân, and of the names of all the eminent persons of the country.

One word more and I have done. If, whilst you remark the use that is made of this man’s name, your Lordships shall find that this use has ever been made of his name for his benefit, or for the purpose of giving him any useful or substantial authority, or of meliorating his condition in any way whatever; forgive the fraud, forgive the disobedience. But if we have shown your Lordships that it was for no other purpose than to disobey the orders of the Company, to trample upon the laws of his country, to introduce back again, and to force into power, those very corrupt and wicked instruments which had formerly done so much mischief, and for which mischief they were removed, then we shall not have passed our time in vain, in

endeavoring to prove that this man, in the opinion of a court of justice, and by public notoriety, and by Mr. Hastings's own opinion, was held to be fit for nothing but to be made a tool in his hands.

Having stated to your Lordships generally the effects produced upon the Mahometan interest of Bengal by the misconduct of the prisoner at your bar with respect to the appointment of the guardian of the Nabob or Subahdar of that province, and of the ministers of his government, I shall have the honor of attending your Lordships another day, and shall show you the use that has been made of this government and of the authority of the Nabob, who, as your Lordships have seen, was the mere phantom of power; and I shall show how much a phantom he was for every good purpose, and how effectual an instrument he was made for every bad one.

SPEECH IN GENERAL REPLY. EIGHTH DAY: SATURDAY, JUNE 14, 1794.

My Lords, — Your Lordships heard, upon the last day of the meeting of this high court, the distribution of the several matters which I should have occasion to lay before you, and by which I resolved to guide myself in the examination of the conduct of Mr. Hastings with regard to Bengal. I stated that I should first show the manner in which he comported himself with regard to the people who were found in possession of the government when we first entered into Bengal. We have shown to your Lordships the progressive steps by which the native government was brought into a state of annihilation. We have stated the manner in which that government was solemnly declared by a court of justice to be depraved, and incompetent to act, and dead in law. We have shown to your Lordships (and we have referred you to the document) that its death was declared upon a certificate of the principal attending physician of the state, namely, Mr. Warren Hastings himself. This was declared in an affidavit made by him, wherein he has gone through all the powers of government, of which he had regularly despoiled the Nabob Mobarek ul Dowlah, part by part, exactly according to the ancient formula by which a degraded knight was despoiled of his knighthood: they took, I say, from him all the powers of government, article by article, — his helmet, his shield, his cuirass; at last they hacked off his spurs, and left him nothing. Mr. Hastings laid down all the premises, and left the judges to draw the conclusion.

Your Lordships will remark (for you will find it on your minutes) that the judges have declared this affidavit of Mr. Hastings to be a *delicate* affidavit. We have heard of affidavits that were true; we have heard of affidavits that were perjured; but this is the first instance that has come to our knowledge (and we receive it as a proof of Indian refinement) of a delicate affidavit. This affidavit of Mr. Hastings we shall show to your Lordships is not entitled to the description of a good affidavit, however it might be entitled, in the opinion of those judges, to the description of a delicate affidavit, — a phrase by which they appear to have meant that he had furnished all the proofs of the Nabob's deposition, but had delicately avoided to declare him expressly deposed. The judges drew, however, this indelicate conclusion; the conclusion they drew was founded upon the premises; it was very just and logical; for they declared that he was a mere cipher. They commended Mr. Hastings's delicacy, though they did not imitate it; but they pronounced sentence of deposition upon the said Nabob, and they declared that any letter or paper that was produced from him could not be considered as an act of government. So effectually was he removed by the judges out of the way, that no minority, no insanity, no physical circumstances, not even death itself, could put a man more completely out

of sight. They declare that they would consider his letters in no other light than as the letters of the Company, represented by the Governor-General and Council. Thus, then, we find the Nabob legally dead.

We find next, that he was politically dead. Mr. Hastings, not satisfied with the affidavit he made in court, has thought proper upon record to inform the Company and the world of what he considered him to be civilly and politically.

Minute entered by the Governor-General.

“The Governor-General. — I object to this motion,” (a motion relative to the trial above alluded to,) “because I do not apprehend that the declaration of the judges respecting the Nabob’s sovereignty will involve this government in any difficulties with the French or other foreign nations.” (Mark, my Lords, these political effects.) “How little the screen of the Nabob’s name has hitherto availed will appear in the frequent and inconclusive correspondence which has been maintained with the foreign settlements, the French especially, since the Company have thought proper to stand forth in their real character in the exercise of the dewanny. From that period the government of these provinces has been wholly theirs; nor can all the subtleties and distinctions of political sophistry conceal the possession of power, where the exercise of it is openly practised and universally felt in its operation. In deference to the commands of the Company, we have generally endeavored, in all our correspondence with foreigners, to evade the direct avowal of our possessing the actual rule of the country, — employing the unapplied term government, for the power to which we exacted their submission; but I do not remember any instance, and I hope none will be found, of our having been so disingenuous as to disclaim our own power, or to affirm that the Nabob was the real sovereign of these provinces. In effect, I do not hesitate to say that I look upon this state of indecision to have been productive of all the embarrassments which we have experienced with the foreign settlements. None of them have ever owned any dominion but that of the British government in these provinces. Mr. Chevalier has repeatedly declared, that he will not acknowledge any other, but will look to that only for the support of the privileges possessed by his nation, and shall protest against that alone as responsible for any act of power by which their privileges may be violated or their property disturbed. The Dutch, the Danes, have severally applied to this government, as to the ruling power, for the grant of indulgences and the redress of their grievances. In our replies to all, we have constantly assumed the prerogatives of that character, but eluded the direct avowal of it; under the name of influence we have offered them protection, and we have granted them the indulgences of government under elusive expressions, sometimes applied to our treaties with the Nabobs, sometimes to our own rights as the dewan; sometimes openly declaring the virtual rule which we held of these provinces, we have contended with them for the rights of government, and threatened to repel with force the encroachments on it; we in one or two instances have actually put these threats into execution, by orders

directly issued to the officers of government and enforced by detachments from our own military forces; the Nabob was never consulted, nor was the pretence ever made that his orders or concurrence were necessary: in a word, we have always allowed ourselves to be treated as principals, we have treated as principals, but we have contented ourselves with letting our actions insinuate the character which we effectually possessed, without asserting it.

“For my own part, I have ever considered the reserve which has been enjoined us in this respect as a consequence of the doubts which have long prevailed, and which are still suffered to subsist, respecting the rights of the British government and the Company to the property and dominion of these provinces, not as inferring a doubt with respect to any foreign power. It has, however, been productive of great inconveniences; it has prevented our acting with vigor in our disputes with the Dutch and French. The former refuse to this day the payment of the *bahor peshcush*, although the right is incontestably against them, and we have threatened to enforce it. Both nations refuse to be bound by our decrees, or to submit to our regulations; they refuse to submit to the payment of the duties on the foreign commerce but in their own way, which amounts almost to a total exemption; they refuse to submit to the duty of ten per cent which is levied upon foreign salt, by which, unless a stop can be put to it by a more decisive rule, they will draw the whole of that important trade into their own colonies; and even in the single instance in which they have allowed us to prescribe to them, namely, the embargo on grain, on the apprehension of a dearth, I am generally persuaded that they acquiesced from the secret design of taking advantage of the general suspension, by exporting grain clandestinely under cover of their colors, which they knew would screen them from the rigorous examination of our officers. We are precluded from forming many arrangements of general utility, because of the want of control over the European settlements; and a great part of the defects which subsist in the government and commercial state of the country are ultimately derived from this source. I have not the slightest suspicion that a more open and decided conduct would expose us to worse consequences from the European nations; on the contrary, we have the worst of the argument while we contend with them under false colors, while they know us under the disguise, and we have not the confidence to disown it. What we have done and may do under an assumed character is full as likely to involve us in a war with France, a nation not much influenced by logical weapons, (if such can be supposed to be the likely consequence of our own trifling disagreements with them,) as if we stood forth their avowed opponents. To conclude, instead of regretting, with Mr. Francis, the occasion which deprives us of so useless and hurtful a disguise, I should rather rejoice, were it really the case, and consider it as a crisis which freed the constitution of our government from one of its greatest defects.”

Now, my Lords, the delicacy of the affidavit is no more; the great arcanum of the state is avowed: it is avowed that the government is ours, — that the Nabob is nothing. It is avowed to foreign nations; and the disguise which we have put on, Mr. Hastings states, in his opinion, to be hurtful to the affairs of the Company. Here we perceive the exact and the perfect agreement between his character as a delicate affidavit-maker in a court of justice and his indelicate declarations upon the records of the Company for the information of the whole world concerning the real arcanum of the Bengal government.

Now I cannot help praising his consistency upon this occasion, whether his policy was right or wrong. Hitherto we find the whole consistent, we find the affidavit perfectly supported. The inferences which delicacy at first prevented him from producing better recollection and more perfect policy made him here avow. In this state things continued. The Nabob, your Lordships see, is dead, — dead in law, dead in politics, dead in a court of justice, dead upon the records of the Company. Except in mere animal existence, it is all over with him.

I have now to state to your Lordships, that Mr. Hastings, who has the power of putting even to death in this way, possesses likewise the art of restoring to life. But what is the medicine that revives them? Your Lordships, I am sure, will be glad to know what nostrum, not hitherto pretended to by quacks in physic, by quacks in politics, nor by quacks in law, will serve to revive this man, to cover his dead bones with flesh, and to give him life, activity, and vigor. My Lords, I am about to tell you an instance of a recipe of such infallible efficacy as was never before discovered. His cure for all disorders is disobedience to the commands of his lawful superiors. When the orders of the Court of Directors are contrary to his own opinions, he forgets them all. Let the Court of Directors but declare in favor of his own system and his own positions, and that very moment, merely for the purpose of declaring his right of rebellion against the laws of his country, he counteracts them. Then these dead bones arise, — or, to use a language more suitable to the dignity of the thing, Bayes's men are all revived. "Are these men dead?" asks Mr. Bayes's friend. "No," says he, "they shall all get up and dance immediately." But in this ludicrous view of Mr. Hastings's conduct, your Lordships must not lose sight of its great importance. You cannot have in an abstract, as it were, any one thing that better develops the principles of the man, that more fully develops all the sources of his conduct, and of all the frauds and iniquities which he has committed, in order at one and the same time to evade his duty to the Court of Directors, that is to say, to the laws of his country, and to oppress, crush, rob, and ill-treat the people that are under him.

My Lords, you have had an account of the person who represented the Nabob's dignity, Mahomed Reza Khân; you have heard of the rank he bore, the sufferings that he went through, his trial and honorable acquittal, and the Company's order that the first opportunity should be taken to appoint him Naib Subah, or deputy of

the Nabob, and more especially to represent him in the administering of justice. Your Lordships are also acquainted with what was done in consequence of those orders by the Council-General, in the restoration and reëstablishment of the executive power in this person, — not in the poor Nabob, a poor, helpless, ill-bred, ill-educated boy, but in the first Mussulman of the country, who had before exercised the office of Naib Subah, or deputy viceroy, — in order to give some degree of support to the expiring honor and justice of that country. The majority, namely, General Clavering, Colonel Monson, and Mr. Francis, whose names, as I have before said, will, for obedience to the Company, fidelity to the laws, honor to themselves, and a purity untouched and unimpeached, stand distinguished and honored, in spite of all the corrupt and barking virulence of India against them, — these men, I say, obeyed the Company: they had no secret or fraudulent connection with Mahomed Reza Khân; but they reinstated him in his office.

The moment that real death had carried away two of the most virtuous of this community, and that Mr. Hastings was thereby reëstablished in his power, he returned to his former state of rebellion to the Company, and of fraud and oppression upon the people. And here we come to the revivifying medicine. I forgot to tell your Lordships, that this Nabob, whose letters were declared by a court of law, with his own approbation, to be in effect letters of the Governor-General and Council, concludes a formal application transmitted to them, and dated 17th November, 1777, with a demand of the restoration of his rights. Mr. Hastings upon this enters the following minute: —

“The Nabob’s demands are grounded upon positive rights, which will not admit of a discussion; he has an incontestable right to the management of his own household; he has an incontestable right to the *nizamut*.”

My Lords, you have heard his affidavit, you have heard his avowed and recorded opinion. In direct defiance of both, because he wishes to make doubtful the orders of the Company and to evade his duty, he here makes without any delicacy a declaration, which if it be true, the affidavit is a gross perjury, let it be managed with what delicacy he pleases. The word *nizamut*, which he uses, may be unfamiliar to your Lordships. In India it signifies the whole executive government, though the word strictly means vicereignty: all the princes of that country holding their dominions as representatives of the Mogul, the great nominal sovereign of the empire. To convince you that it does so, take his own explanation of it.

“It is his by inheritance: the *adawlut* and the *foujdarry* having been repeatedly declared by the Company and by this government to appertain to the *nizamut*. The *adawlut*, namely, the distribution of civil justice, and the *foujdarry*, namely, the executive criminal justice of that country, that is to say, the whole sovereign government of the courts of justice, have been declared by the Company to appertain to the *nizamut*.”

I beg of your Lordships to recollect, when you take into your consideration the charges of the House of Commons, that the person they accuse, and persons suborned by him, have never scrupled to be guilty, without sense of shame, of the most notorious falsehoods, the most glaring inconsistencies, and even of perjury itself; and that it is thus they make the power of the Company dead or alive, as best suits their own wicked, clandestine, and fraudulent purposes, and the great end of all their actions and all their politics plunder and peculation.

I must here refer your Lordships to a minute of Mr. Francis's, which I recommend to your reading at large, and to your very serious recollection, in page 1086; because it contains a complete history of Mr. Hastings's conduct, and of its effects upon this occasion.

And now to proceed. — The Nabob, in a subsequent application to the Company's government at Calcutta, desires that Munny Begum may be allowed to take on herself the whole administration of the affairs of the nizamat, (not the superiority in the administration of the affairs of the seraglio only, though this would have been a tyrannical usurpation of the power belonging to the legitimate mother of the Nabob,) without the interference of any person whatever; and he adds, that by this the Governor will give him complete satisfaction. In all fraudulent correspondence you are sure to find the true secret of it at last. It has been said by somebody, that the true sense of a letter is to be learnt from its postscript. But this matter is so clumsily managed, that, in contempt of all decency, the first thing the Nabob does is to desire he may be put into the hands of Munny Begum, and that without the interference of anybody whatever.

The next letter, immediately following on the heels of the former, was received by the Council on the 12th of February, 1778. In this letter he desires that Mahomed Reza Khân may be removed from his office in the government; and he expresses his hopes, that, as he himself is now come to years of maturity, and by the blessing of God is not so devoid of understanding as to be incapable of conducting his affairs, he says, "I am therefore hopeful, from your favor and regard to justice, that you will deliver me from the authority of the aforesaid Mahomed Reza Khân, and give your permission that I take on myself the management of the adawlut and foudarry." There is no doubt of this latter application, in contradiction to the former, having arisen from a suspicion that the appointment of Munny Begum would be too gross, and would shock the Council; and Mr. Hastings therefore orders the second letter to be written from the Nabob, in which he claims the powers of government for himself. Then follows a letter from the Governor-General, informing the Nabob that it had been agreed, that, his Excellency being now arrived at years of maturity, the control of his own household, and the courts dependent on the nizamat and foudarry, should be placed in his hands; and

Mahomed Reza Khân was directed at the same time to resign his authority to the Nabob.

Here your Lordships see Munny Begum in effect completely invested with, and you will see how she has used her power: for I suppose your Lordships are sick of the name of Nabob, as a real actor in the government. You now see the true parties in the transaction, — namely, the lover, Warren Hastings, Esquire, and Munny Begum, the object of his passion and flame, to which he sacrifices as much as Antony ever did to Cleopatra. You see the object of his love and affection placed in the administration of the viceroyalty; you see placed at her disposal the administration of the civil judicature, and of the executory justice, — together with the salary which was intended for Mahomed Reza Khân.

Your Lordships will be pleased to remember that this distribution of the Nabob's government was made in direct defiance of the orders of the Company. And as a further proof of this defiance, it will not escape your Lordships, that, before this measure was carried into execution, Mr. Barwell being one day absent from the Council, Mr. Hastings fell into a minority; and it was agreed, upon that occasion, that the whole affair should be referred home to the Court of Directors, and that no arrangement should be made till the Directors had given their opinion. Mr. Hastings, the very moment after Mr. Barwell's return to his seat in the Council, rescinds this resolution, which subjected the orders of the Court of Directors to their own reconsideration; and he hurries headlong and precipitately into the execution of his first determination. Your Lordships will also see in this act what sort of use Mr. Hastings made of the Council; and I have therefore insisted upon all these practices of the prisoner at your bar, because there is not one of them in which some principle of government is not wounded, if not mortally wounded.

My Lords, we have laid before you the consequences of this proceeding. We have shown what passed within the walls of the seraglio, and what tyranny was exercised by this woman over the multitude of women there. I shall now show your Lordships in what manner she made use of her power over the *supreme judicature*, to peculate, and to destroy the country; and I shall adduce, as proofs of this abuse of her authority, the facts I am about to relate, and of which there is evidence before your Lordships.

There was an ostensible man, named Sudder ul Huk Khân, placed there at the head of the administration of justice, with a salary of seven thousand pounds a year of the Company's money. This man, in a letter to the Governor-General and Council, received the 1st of September, 1778, says,— “His Highness himself [the Nabob] is not deficient in regard for me, but certain bad men have gained an ascendancy over his temper, by whose instigation he acts.” You will see, my Lords, how this poor man was crippled in the execution of his duty, and dishonored by the corruption of this woman and her eunuchs, to whom Mr. Hastings had given the supreme government, and with it an uncontrolled influence over all the dependent

parts. After thus complaining of the slights he receives from the Nabob, he adds,— “Thus they cause the Nabob to treat me, sometimes with indignity, at others with kindness, just as they think proper to advise him: their view is, that, by compelling me to displeasure at such unworthy treatment, they may force me either to relinquish my station, or to join with them and act with their advice, and appoint creatures of their recommendation to the different offices, from which they might draw profit to themselves.” In a subsequent letter to the Governor, Sudder ul Huk Khân says,— “The Begum’s ministers, before my arrival, with the advice of their counsellors, caused the Nabob to sign a receipt, in consequence of which they received, at two different times, near fifty thousand rupees, in the name of the officers of the adawlut, foudarry, &c., from the Company’s sircar; and having drawn up an account current in the manner they wished, they got the Nabob to sign it, and then sent it to me.” In the same letter he asserts that these people have the Nabob entirely in their power.

Now I have only to remark to your Lordships, that the first and immediate operation of Mr. Hastings’s regulation, which put everything into the hands of this wicked woman for her corrupt purposes, was, that the office of chief-justice was trampled upon and depraved, and made use of to plunder the Company of money, which was appropriated to their own uses, — and that the person ostensibly holding this office was forced to become the instrument in the hands of this wicked woman and her two wicked eunuchs. This, then, was the representation which the chief-justice made to Mr. Hastings, as one of the very first fruits of his new arrangement. I am now to tell you what his next step was. This same Mr. Hastings, who had made the Nabob master of everything and placed everything at his disposal, who had maintained that the Nabob was not to act a secondary part and to be a mere instrument in the hands of the Company, who had, as you have seen, revived the Nabob, now puts him to death again. He pretends to be shocked at these proceedings of the Nabob, and, not being able to prevent their coming before the Council of the Directors at home, he immediately took Sudder ul Huk Khân under his protection.

Now your Lordships see Mr. Hastings appearing in his own character again, — exercising the power he had pretended to abdicate, whilst the Nabob sinks and subsides under him. He becomes the supporter of Sudder ul Huk Khân, now that the infamy of the treatment he received could no longer be concealed from the Council. On the 1st of September, 1778, the Governor informs the Nabob, “that it is highly expedient that Sudder ul Huk Khân should have full control in all matters relative to his office, and the sole appointment and dismissal of the sudder and mofussil officers; and that his seal and signature should be authentic to all papers having relation to the business intrusted to him: I therefore intimate to you, that he should appoint and dismiss all the officers under him, and that your Excellency should not interfere in any one [way?].”

The Nabob, in a letter to the Governor, received the 3d of September, 1778, says,— “Agreeably to your pleasure, I have relinquished all concern with the affairs of the foudarry and adawlut, leaving the entire management in Sudder ul Huk Khân’s hands.” Here you see the Nabob again reduced to his former state of subordination. This chief-justiceship, which was declared to be his inherent right, he is obliged to submit to the control of Mr. Hastings, and to declare that he will not interfere at all in a matter which Mr. Hastings had declared to be his incommunicable attribute. I do not say that Mr. Hastings interfered improperly. Certainly it was not fit that the highest court of justice in all Bengal should be made the instrument of the rapacity of a set of villains with a prostitute at their head: just as if a gang of thieves in England, with their prostitutes at their head, should seize the judge which ought to punish them, and endeavor to make use of his name in their iniquitous transactions. But your Lordships will find that Mr. Hastings is here acting a merely ostensible part, and that he has always a means of defeating privately what he declares publicly to be his intention. Your Lordships will see soon how this ended. Mr. Hastings gets the Nabob to give up all his authority over the chief-justice; but he says not one word of Munny Begum, the person who had the real authority in her hands, and who was not forbidden to interfere with him. Mr. Hastings’s order is dated the 1st September, 1778. On the 3d of September, the Nabob is said to have relinquished all concern with Sudder ul Huk Khân. In a letter received the 30th of September, (that is, about twenty-seven days after the date of Mr. Hastings’s order,) you will see how this pretended order was managed. Sudder ul Huk Khân thus writes, in a letter received the 30th of September.

“Yatibar Ali Khân,” (Munny Begum’s chief eunuch,) “from the amount of salaries of the officers of the adawlut and foudarry, which before my arrival he had received for two months from the sircar, made disbursements according to his own pleasure. He had before caused the sum of 7,400 rupees, on account of the price of mine and my peshcar’s khelauts, to be carried to account, and now continually sends a man to demand from me 4,300 and odd rupees, as a balance of the price of khelauts, and constantly presses me to take it from the amount of the salaries of the officers of the adawlut and foudarry and send it to him; and I shall be under the necessity of complying. I mention this for your information.”

My Lords, you see again how Mr. Hastings’s pretended orders were obeyed. They were orders addressed to the Nabob, whom he knew to be nothing, and who could neither control or take the least share in the execution of them; but he leaves the thing loose as to Manny Begum and her eunuchs, who he knew could alone carry them into effect. Your Lordships see that the first use made of the restored authority of the Nabob was, under various pretences, to leave the salaries of the officers of government unprovided for, to rob the public treasury, and to give the Company’s money to the eunuchs, who were acting in the manner I have stated to you.

Information of these proceedings reaches Calcutta; a regular complaint from a person in the highest situation in the government is made, and the Governor-General is obliged again to take up the matter; and I shall now read to your Lordships a letter of the 10th of October, 1778, which contains a representation so pointed and so very just of the fatal effects which his interference in the administration of justice had produced as not to stand in need of any comment from me. It speaks too plainly to require any.

The Governor-General's Letter to the Nabob.

“At your Excellency’s request I sent Sudder ul Huk Khân to take on him the administration of the affairs of the adawlut and foudarry, and hoped by that means not only to have given satisfaction to your Excellency, but that, through his abilities and experience, these affairs would have been conducted in such manner as to have secured the peace of the country and the happiness of the people; and it is with the greatest concern I learn that this measure is so far from being attended with the expected advantages, that the affairs both of the foudarry and adawlut are in the greatest confusion imaginable, and daily robberies and murders are perpetrated throughout the country. This is evidently owing to the want of a proper authority in the person appointed to superintend them. I therefore addressed your Excellency on the importance and delicacy of the affairs in question, and of the necessity of lodging full power in the hands of the person chosen to administer them, in reply to which your Excellency expressed sentiments coincident with mine; notwithstanding which, your dependants and people, actuated by selfish and avaricious views, have by their interference so impeded the business as to throw the whole country into a state of confusion, from which nothing can retrieve it but an unlimited power lodged in the hands of the superintendent. I therefore request that your Excellency will give the strictest injunctions to all your dependants not to interfere in any manner with any matter relative to the affairs of the adawlut and foudarry, and that you will yourself relinquish all interference therein, and leave them entirely to the management of Sudder ul Huk Khân. This is absolutely necessary to restore the country to a state of tranquillity; and if your Excellency has any plan to propose for the management of the affairs in future, be pleased to communicate it to me, and every attention shall be paid to give your Excellency satisfaction.”

My Lords, I think I have read enough to you for our present purpose, — referring your Lordships for fuller information to your Minutes, page 1086, which I beg you to read with the greatest attention.

I must again beg your Lordships to remark, that, though Mr. Hastings has the impudence still to pretend that he wishes for the restoration of order and justice in the country, yet, instead of writing to Munny Begum upon the business, whom he knew to be the very object complained of, and whose eunuchs are expressly mentioned in the complaint, he writes to the Nabob, whom he knew to be a pageant in his own court and government, and whose name was not even mentioned in this

last complaint. Not one word is said, even in this letter to the Nabob, of Munny Begum or of her eunuchs. My Lords, when you consider his tacit support of the authors of the grievance, and his ostensible application for redress to the man who he knew never authorized and could not redress the grievance, you must conclude that he meant to keep the country in the same state for his own corrupt purposes. In this state the country in fact continued; Munny Begum and her eunuchs continued to administer and squander the Company's money, as well as the Nabob's; robberies and murders continued to prevail throughout the country. No appearance was left of order, law, or justice, from one end of Bengal to the other.

The account of this state of things was received by the Court of Directors with horror and indignation. On the 27th of May, 1779, they write, as you will find in page 1063 of your printed Minutes, a letter to their government at Calcutta, condemning their proceedings and the removal of Mahomed Reza Khân, and they order that Munny Begum shall be displaced, and Mahomed Reza Khân restored again to the seat of justice.

Mr. Francis, upon the arrival of these reiterated orders, moved in Council for an obedience to them. Mr. Hastings, notwithstanding he had before his eyes all the horrible consequences that attended his new arrangement, still resists that proposition. By his casting voice in the Council he counter-orders the orders of the Court of Directors, and sanctions a direct disobedience to their authority, by a resolution that Mahomed Reza Khân should not be restored to his employment, but that this Sudder ul Huk Khân, who still continued in the condition already described, should remain in the possession of his office. I say nothing of Sudder ul Huk Khân; he seems to be very well disposed to do his duty, if Mr. Hastings's arrangements had suffered him to do it; and indeed, if Mahomed Reza Khân had been reinstated, and no better supported by Mr. Hastings than Sudder ul Huk Khân, he could probably have kept the country in no better order, though, perhaps, his name, and the authority and weight which still adhered to him in some degree, might have had some influence.

My Lords, you have seen his defiance of the Company; you have seen his defiance of all decency; you see his open protection of prostitutes and robbers of every kind ravaging Bengal; you have seen this defiance of the authority of the Court of Directors flatly, directly, and peremptorily persisted in to the last. Order after order was reiterated, but his disobedience arose with an elastic spring in proportion to the pressure that was upon it.

My Lords, here there was a pause. The Directors had been disobeyed; and you might suppose that he would have been satisfied with this act of disobedience. My Lords, he was resolved to let the native governments of the country know that he despised the orders of the Court of Directors, and that, whenever he pretended to obey them, in reality he was resolved upon the most actual disobedience. An event now happened, the particulars of which we are not to repeat here. Disputes,

conducted, on Mr. Francis's side, upon no other principle, that we can discover, but a desire to obey the Company's orders, and to execute his duty with fidelity and disinterestedness, had arisen between him and Mr. Hastings. Mr. Francis, about the time we have been speaking of, finding resistance was vain, reconciles himself to him, — but on the most honorable terms as a public man, namely, that he should continue to follow and obey the laws, and to respect the authority of the Court of Directors. Upon this reconciliation, it was agreed that Mahomed Reza Khân should be restored to his office. For this purpose Mr. Hastings enters a minute, and writes to the Nabob an ostensible letter. But your Lordships will here see an instance of what I said respecting a double current in all Mr. Hastings's proceedings. Even when he obeys or pretends to obey the Company's orders, there is always a private channel through which he defeats them all.

Letter from Mr. Hastings to the Nabob Mobarek ul Dowlah, written the 10th of February, 1780.

“The Company, whose orders are peremptory, have directed that Mahomed Reza Khân shall be restored to the offices he held in January, 1778. It is my duty to represent this to your Excellency, and to recommend your compliance with their request, that Mahomed Reza Khân may be invested with the offices assigned to him under the nizamut by the Company.”

Your Lordships see here that Mr. Hastings informs the Nabob, that, having received peremptory orders from the Company, he restores and replaces Mahomed Reza Khân. Mahomed Reza Khân, then, is in possession, — and in possession by the best of all titles, the orders of the Company. But you will also see the manner in which he evades his duty, and vilifies in the eyes of these miserable country powers the authority of the Directors. He is prepared, as usual, with a defeasance of his own act; and the manner in which that defeasance came to our knowledge is this. We knew nothing of this private affair, till Mr. Hastings, in his answer before the House of Commons, finding it necessary to destroy the validity of some of his own acts, brought forward Sir John D'Oyly. He was brought forward before us, not as a witness in his own person for the defence of Mr. Hastings, but as a narrator who had been employed by Mr. Hastings as a member of that Council which, as you have heard, drew up his defence. My Lords, you have already seen the public agency of this business, you have heard read the public letter sent to the Nabob: there you see the ostensible part of the transaction. Now hear the banian, Sir John D'Oyly, give an account of his part in it, extracted from Mr. Hastings's defence before the House of Commons.

“I was appointed Resident [at the Court of the Nabob] on the resignation of Mr. Byam Martin, in the month of January, 1780, and took charge about the beginning of February of the same year. The substance of the instructions I received was, to endeavor, by every means in my power, to conciliate the good opinion and regard of the Nabob and his family, that I might be able to persuade him to adopt effectual

measures for the better regulation of his expenses, which were understood to have greatly exceeded his income; that I might prevent his forming improper connections, or taking any steps derogatory to his rank, and by every means in my power support his credit and dignify in the eyes of the world; and with respect to the various branches of his family, I was instructed to endeavor to put a stop to the dissensions which had too frequently prevailed amongst them. The Nabob, on his part, was recommended to pay the same attention to my advice as he would have done to that of the Governor-General in person. Some time, I think, in the month of February of the same year, I received a letter from Mr. Hastings, purporting that the critical situation of affairs requiring the union and utmost exertion of every member of the government to give vigor to the acts necessary for its relief, he had agreed to an accommodation with Mr. Francis; but to effect this point he had been under the necessity of making some painful sacrifices, and particularly that of the restoration of Mahomed Reza Khân to the office of Naib Subah, a measure which he knew must be highly disagreeable to the Nabob, and which nothing but the urgent necessity of the case should have led him to acquiesce in; that he relied on me to state all these circumstances in the most forcible manner to the Nabob, and to urge his compliance, assuring him that it should not continue longer than until the next advices were received from the Court of Directors.”

Here Mr. Hastings himself lets us into the secrets of his government. He writes an ostensible letter to the Nabob, declaring that what he does is in conformity to the orders of the Company. He writes a private letter, in which he directs his agent to assure the Nabob that what he had done was not in compliance with the orders of the Company, but in consequence of the arrangement he had made with Mr. Francis, which arrangement he thought necessary for the support of his own personal power. His design, in thus explaining the transaction to the Nabob, was in order to prevent the native powers from looking to any other authority than his, and from having the least hopes of redress of their complaints from the justice of this country or from any legal power in it. He therefore tells him that Mahomed Reza Khân was replaced, not in obedience to the orders of the Company, but to gratify Mr. Francis. If he quarrels with Mr. Francis, he makes that a reason for disobeying the orders of his masters; if he agrees with him, he informs the people concerned in the transaction, privately, that he acts, not in consequence of the orders that he has received, but from other motives. But that is not all. He promises that he will take the first opportunity to remove Mahomed Reza Khân from his office again. Thus the country is to be re-plunged into the same distracted and ruined state in which it was before. And all this is laid open fully and distinctly before you. You have it on the authority of Sir John D'Oyly. Sir John D'Oyly is a person in the secret; and one man who is in the secret is worth a thousand ostensible persons.

Mahomed Reza Khân, I must now tell you, was accordingly reinstated in all his offices, and the Nabob was reduced to the situation, as Mr. Hastings upon another

occasion describes it, of a mere cipher. But mark what followed, — mark what this Sir John D'Oyly is made to tell you, or what Mr. Hastings tells you for him: for whether Sir John D'Oyly has written this for Mr. Hastings, or Mr. Hastings for Sir John D'Oyly, I do not know; because they seem, as somebody said of two great friends, that they had but one will, one bed, and one hat between them. These gentlemen who compose Mr. Hastings's Council have but one style of writing among them; so that it is impossible for you to determine by which of the masters of this Roman school any paper was written, — whether by D'Oyly, by Shore, or by Hastings, or any other of them. They have a style in common, a kind of bank upon which they have a general credit; and you cannot tell to whose account anything is to be placed.

But to proceed. — Sir John D'Oyly says there, that the Nabob is reduced again to a cipher. Now hear what he afterwards says. “About the month of June, 1781, Mr. Hastings, being then at Moorshedabad, communicated to me his intention of performing his promise to the Nabob, by restoring him to the management of his own affairs,” — that is to say, by restoring Munny Begum again, and by turning out Mahomed Reza Khân. Your Lordships see that he communicated privately his intentions to Sir John D'Oyly, without communicating one word of them to his colleagues in the Supreme Council, and without entering any minute in the records of the Council, by which it could be known to the Directors.

Lastly, in order to show you in what manner the Nabob was to be restored to his power, I refer your Lordships to the order he gave to Sir John D'Oyly for investigating the Nabob's accounts, and for drawing up articles of instructions for the Nabob's conduct in the management of his affairs. You will there see clearly how he was restored: that is to say, that he was taken out of the hands of the first Mussulman in that country, the man most capable of administering justice, and whom the Company had expressly ordered to be invested with that authority, and to put him into the hands of Sir John D'Oyly. Is Sir John D'Oyly a Mussulman? Is Sir John D'Oyly fit to be at the head of such a government? What was there that any person could see about him, that entitled him to or made him a fit person to be intrusted with this power, in defiance of the Company's orders? And yet Mahomed Reza Khân, who was to have the management of the Nabob's affairs, was himself put under the most complete and perfect subjection to this Sir John D'Oyly. But, in fact, Munny Begum had the real influence in everything. Sir John D'Oyly himself was only Mr. Hastings's instrument there to preserve it, and between them they pillaged the Nabob in the most shocking manner, and must have done so to the knowledge of Mr. Hastings. A letter written at this time by Mr. Hastings to the Nabob discovers the secret beyond all power of evasion.

Instructions from the Governor-General to the Nabob Mobarek ul Dowlah, respecting his Conduct in the Management of his Affairs.

“9th. These I make the conditions of the compliance which the Governor-General and Council have yielded to your late requisition. It is but just that you should possess what is your acknowledged right; but their intention would be defeated, and you would be in a worse situation, if you were to be left a prey, without a guide, until you have acquired experience, (which, to the strength and goodness of your understanding, will be the work but of a short period,) to the rapacity, frauds, and artifices of mankind. You have offered to give up the sum of four lacs of rupees to be allowed the free use of the remainder of your stipend. This we have refused, because it would be contrary to justice. You should consider this as a proof of the sincerity of the above arrangements which have been recommended to you, and of their expediency to your real interests; and your attention to them will be a means of reconciling the Company to the resolution which we have taken, and which will be reported to them in a light very hurtful both to you and to us, if an improper effect should attend it. These I have ordered Sir John D'Oyly to read in your presence, and to explain them to you, that no part of them may escape your notice; and he has my positive orders to remonstrate to you against every departure from them. Upon all these occasions, I hope and expect that you will give him a particular and cordial attention, and regard what he shall say as if said by myself; for I know him to be a person of the strictest honor and integrity. I have a perfect reliance on him; and you cannot have a more attached or more disinterested counsellor. Although I desire to receive your letters frequently, yet, as many matters will occur which cannot so easily be explained by letter as by conversation, I desire that you will on such occasions give your orders to him respecting such points as you may desire to have imparted to me; and I, postponing every other concern, will give you an immediate and the most satisfactory reply concerning them.”

My Lords, here is a man who is to administer his own affairs, who has arrived at sufficient age to supersede the counsel and advice of the great Mahometan doctors and the great nobility of the country, and he is put under the most absolute guardianship of Sir John D'Oyly. But Mr. Hastings has given Sir John D'Oyly a great character. I cannot confirm it, because I can confirm the character of none of Mr. Hastings's instruments. They must stand forth here, and defend their own character before you.

Your Lordships will now be pleased to advert to another circumstance in this transaction. You see here 40,000*l.* a year offered by this man for his redemption. “I will give you,” he says, “40,000*l.* a year to have the management of my own affairs.” Good heavens! Here is a man, who, according to Mr. Hastings's assertion, had an indisputable right to the management of his own affairs, but at the same time was notoriously so little fit to have the management of them as to be always under some corrupt tyranny or other, offers 40,000*l.* a year out of his own revenues to be left his own master, and to be permitted to have the disposal of the remainder.

Judge you of the bribery, rapine, and speculation which here stare you in the face. Judge of the nature and character of that government for the management of which 40,000*l.*, out of 160,000*l.* a year of its revenue, is offered by a subordinate to the supreme authority of the country. This offer shows that at this time the Nabob had it not himself. Who had it? Sir John D'Oyly; he is brought forward as the person to whom is given the management of the whole. Munny Begum had the management before. But, whether it be an Englishman, a Mussulman, a white man or a black man, a white woman or a black woman, it is all Warren Hastings.

With respect to the four lacs of rupees, he gets Sir John D'Oyly, in the narrative that he makes before the House of Commons, positively to deny in the strongest manner, and he says the Nabob would give oath of it, that the Nabob never gave a commission to any one to make such an offer. That such an offer was made had been long published and long in print, with the remarks such as I have made upon it in the Ninth Report of the Select Committee; that the Committee had so done was well known to Mr. Hastings and Sir John D'Oyly; not one word on the part of Mr. Hastings, not one word on the part of Sir John D'Oyly was said to contradict it, until the appearance of the latter before the House of Commons. But, my Lords, there is something much more serious in this transaction. It is this, — that the evidence produced by Mr. Hastings is the evidence of witnesses who are mere phantoms; they are persons who could not, under Mr. Hastings's government, eat a bit of bread but upon his own terms, and they are brought forward to give such evidence as may answer his purposes.

You would naturally have imagined, that, in the House of Commons, where clouds of witnesses had been before produced by the friends and agents of Mr. Hastings, he would then have brought forward Sir John to contradict this reported offer; but not a word from Sir John D'Oyly. At last he is examined before the Committee of Managers. He refuses to answer. Why? Because his answers might criminate himself. My Lords, every answer that most of them have been required to make they are sensible they cannot make without danger of criminating themselves, being all involved in the crimes of the prisoner. He has corrupted and ruined the whole service; there is not one of them that dares appear and give a fair and full answer in any case, as you have seen in Mr. Middleton, and many others at your bar. "I will not answer this question," they say, "because it tends to criminate myself." How comes it that the Company's servants are not able to give evidence in the affairs of Mr. Hastings, without its tending to criminate themselves?

Well, — Sir John D'Oyly is in England, — why is he not called now? I have not the honor of being intimately acquainted with him, but he is a man of a reputable and honorable family. Why is he not called by Mr. Hastings to verify the assertion, and why do they suffer this black record to stand before your Lordships to be urged by us, and to press it as we do against him? If he knows that Sir John D'Oyly can acquit him of this part of our accusation, he would certainly bring him as a witness

to your bar; but he knows he cannot. When, therefore, I see upon your records that Sir John D'Oyly and Mr. Hastings received such an offer for the redemption of the Nabob's affairs out of their hands, I conclude, first, that at the time of this offer the Nabob had not the disposal of his own affairs, — and, secondly, that those who had the disposal of them disposed of them so corruptly and prodigally that he thought they could hardly be redeemed at too high a price. What explanation of this matter has been attempted? There is no explanation given of it at all. It stands clear, full, bare in all its nakedness before you. They have not attempted to produce the least evidence against it. Therefore in that state I leave it with you; and I shall only add, that Mr. Hastings continued to make Munny Begum the first object of his attention, and that, though he could not entirely remove Mahomed Reza Khân from the seat of justice, he was made a cipher in it. All his other offices were taken out of his hands and put into the hands of Sir John D'Oyly, directly contrary to the orders of the Company, which certainly implied the restitution of Mahomed Reza Khân to all the offices which he had before held. He was stripped of everything but a feeble administration of justice, which, I take for granted, could not, under the circumstances, have been much better in his hands than it had been in Sudder ul Huk Khân's.

Mr. Hastings's protection of this woman continued to the last; and when he was going away, on the 3d of November, 1783, he wrote a sentimental letter to the Court of Directors in her praise. This letter was transmitted without having been communicated to the Council. You have heard of delicate affidavits; here you have a sentimental official despatch: your Lordships will find it in page 1092 and 1093 of your printed Minutes. He writes in such a delicate, sentimental strain of this woman, that I will venture to say you will not find in all the "Arcadia," in all the novels and romances that ever were published, an instance of a greater, a more constant, and more ardent affection, defying time, ugliness, and old age, did ever exist, than existed in Mr. Hastings towards this old woman, Munny Begum. As cases of this kind, cases of gallantry abounding in sentimental expressions, are rare in the Company's records, I recommend it as a curiosity to your Lordships' reading, as well as a proof of what is the great spring and movement of all the prisoner's actions. On this occasion he thus speaks of Munny Begum.

"She, too, became the victim of your policy, and of the resentments which succeeded. Something, too, she owed of the source of her misfortunes to the belief of the personal gratitude which she might entertain for the public attention which I had shown to her. Yet, exposed as she was to a treatment which a ruffian would have shuddered at committing, and which no recollection of past enmities shall compel me to believe, even for a moment, proceeded from any commission of authority, she still maintained the decorum of her character; nor even then, nor before, nor since that period, has the malice of calumny ever dared to breathe on her reputation." — Delicate! sentimental! — "Pardon, honorable Sirs, this freedom

of expostulation. I must in honest truth repeat, that your commands laid the first foundation of her misfortunes; to your equity she has now recourse through me for their alleviation, that she may pass the remainder of her life in a state which may at least efface the remembrance of the years of her affliction; and to your humanity she and an unseen multitude of the most helpless of her sex cry for subsistence.”

Moving and pathetic! — I wish to recommend every word of this letter to your Lordships’ consideration, as a model and pattern of perfection. Observe his pity for a woman who had suffered such treatment from the servants of the Company (a parcel of ruffians!) — treatment that a ruffian would be ashamed of! Your Lordships have seen, in the evidence, what this ruffianism was. It was neither more nor less than what was necessary in order to get at the accounts, which she concealed, as his own corrupt transactions. She was told, indeed, that she must privately remove to another house whilst her papers were examining. Mr. Hastings can never forget this. He cannot believe that anybody dare send such an order; and he calls upon you to consider the helplessness of their sex, and the affronts offered to women.

For Heaven’s sake, my Lords, recollect the manner in which Mr. Hastings and his creatures treated the Begums of Oude, and consider that this woman was only threatened (for the threat was never attempted to be executed) that she must, if she did not deliver up the accounts, probably be removed to another house, and leave the accounts behind her. This blot can never be effaced; and for this he desires the Court of Directors to make her a large allowance to comfort her in her old age. In this situation Mr. Hastings leaves her. He leaves in the situation I have described the justice of the country. The only concern he has at parting is, that this woman may have a large allowance.

But I have yet to tell your Lordships, and it appears upon your printed Minutes, that this woman had a way of comforting herself: — for old ladies of that description, who have passed their youth in amusements, in dancing, and in gallantries, in their old age are apt to take comfort in brandy. This lady was a smuggler, and had influence enough to avoid payment of the duty on spirits, in which article she is the largest dealer in the district, — as, indeed, she is in almost every species of trade. Thus your Lordships see that this sentimental lady, whom Mr. Hastings recommends to the Directors, had ways of comforting herself. She carried on, notwithstanding her dignity, a trade in spirits. Now a Mahometan of distinction never carries on any trade at all, — it is an unknown thing, — very few Mahometans of any rank carry on any trade at all; but that a Mahometan should carry on a trade in spirits is a prodigy never heard of before; for a woman of quality, for a woman of sentiment, to become a dealer in spirits is, my Lords, a thing reserved for the sentimental age of Mr. Hastings; and I will venture to say that no man or woman could attempt any such a trade in India, without being dishonored, ruined in character, and disgraced by it. But she appears not only to

have been a dealer in it, but, through the influence which Mr. Hastings gave her, to have monopolized the trade in brandy, and to have evaded the duties. This, then, is the state in which we leave the two sentimental lovers, — the one consoling herself with brandy, the other wheedling and whining; and, as Swift describes the progress of an intrigue in some respects similar, which he calls “The Progress of Love,” whereas this is the Progress of Sentiment,

“They keep at Staines the Old Blue Boar,
Are cat and dog, and rogue and whore.”

Here they set up the sign of the Old Blue Boar. Munny Begum monopolizes the trade in spirits; and hence she and Mr. Hastings commence their sentimental correspondence. — And now, having done with this progress of love, we return to the progress of justice.

We have seen how Sudder ul Huk Khân, the chief-justice of Mr. Hastings’s own nomination, was treated. Now you shall see how justice was left to shift for herself under Mahomed Reza Khân. In page 1280 of your Lordships’ Minutes you will see the progress of all these enormities, — of Munny Begum’s dealing in spirits, of her engrossing the trade, of her evading duties, — and, lastly, the extinction of all order in that country, and the funeral of justice itself. Mr. Shore’s evidence respecting this state of the country will admit of no doubt.

Mr. Shore’s Remarks accompanying the Governor-General’s Minutes of the 18th May, 1785.

“Foujdarry jurisdiction. — Of the foujdarry jurisdiction nothing has yet been said. In this department criminal justice is administered, and it is the only office left to the Nabob. I do not see any particular reason for changing the system itself, and perhaps it would on many accounts be improper; but some regulations are highly necessary. Mahomed Reza is at the head of this department, and is the only person I know in the country qualified for it. If he were left to himself, I have not a doubt but he would conduct it well; but he is so circumscribed by recommendations of particular persons, and by the protection held out to his officers by Europeans, that to my knowledge he has not been able to punish them, even when they have been convicted of the greatest enormities; and he has often on this account been blamed, where his hands were tied up.”

My Lords, you now see in this minute of Sir John Shore, now Governor-General of Bengal, one of Mr. Hastings’s own committee for drawing up his defence, the review which he had just then taken of the ruins of the government which had been left to him by Mr. Hastings. You see here not the little paltry things which might deserve in their causes the animadversion of a rough satirist like Doctor Swift, whom I have just quoted, but you see things ten thousand times more serious,

things that deserve the thunderbolt of vindictive justice upon the head of the prisoner at your bar. For you see, that, after he had ostensibly restored Mahomed Reza Khân, the man who could and would have executed his office with fidelity and effect, the man who was fit for and disposed to do his duty, there was still neither law, order, nor justice in the country. Why? Because of the interposition of Europeans, and men who must have been patronized and supported by Europeans. All this happened before Mr. Hastings's departure: so that the whole effect of the new arrangement of government was known to him before he left Calcutta. The same pretended remedy was applied. But in fact he left this woman in the full possession of her power. His last thoughts were for her; for the justice of the country, for the peace and security of the people of Bengal, he took no kind of care; these great interests were left to the mercy of the woman and her European associates.

My Lords, I have taken some pains in giving you this history. I have shown you his open acts and secret stratagems, in direct rebellion to the Court of Directors, — his double government, his false pretences of restoring the Nabob's independence, leading in effect to a most servile dependence, even to the prohibition of the approach of any one, native or European, near him, but through the intervention of Sir John D'Oyly. I therefore again repeat it, that Sir John D'Oyly, and the English gentlemen who were patronized and countenanced by Mr. Hastings, had wrought all that havoc in the country before Mr. Hastings left it.

I have particularly dwelt upon the administration of justice, because I consider it as the source of all good, and the maladministration of it as the source of all evil in the country. Your Lordships have heard how it was totally destroyed by Mr. Hastings through Sir John D'Oyly, who was sent there by him for the purpose of forming a clandestine government of corruption and peculation. This part of our charge speaks for itself, and I shall dismiss it with a single observation, — that not the least trace of an account of all these vast sums of money delivered into the hands of Sir John D'Oyly for the use of the Nabob appears in any part of the Company's records. The undeniable inferences to be drawn from this fact are, first, that, wherever we find concealment of money, and the ceasing of an account, there has been fraud, — and, secondly, that, if we find this concealment accompanied with the devastation of a country, and the extinction of justice in it, that devastation of the country and that extinction of justice have been the result of that fraudulent peculation.

I am sure your Lordships will not think that a charge of the annihilation of administrative justice, in which the happiness and prosperity of a great body of nobility, of numerous ancient and respectable families, and of the inhabitants in general of extensive and populous provinces are concerned, can, if it stood single and alone, be a matter of trifling moment. And in favor of whom do all these

sacrifices appear to have been made? In favor of an old prostitute, who, if shown to your Lordships here, like Helen to the counsellors of Troy, would not, I think, be admitted to have charms that could palliate this man's abominable conduct; you would not cry out with them, —

Οὐ νέμεσις, ...

Τοιῇδ' ἀμφὶ γυναικὶ πολὺν χρόνον ἄλγεα πάσχειν.

For I will fairly say that there are some passions that have their excuses; but the passion towards this woman was the passion of avarice and rapacity only, — a passion, indeed, which lasted to the end of his government, and for which he defied the orders of the Court of Directors, rebelled against his masters, and finally subverted the justice of a great country.

My Lords, I have done with this business. I come next to the third division of the natives, those who form the landed interest of the country. A few words only will be necessary upon this part of the subject. The fact is, that Mr. Hastings, at one stroke, put up the property of all the nobility and gentry, and of all the freeholders, in short, the whole landed interest of Bengal, to a public auction, and let it to the highest bidder. I will make no observations upon the nature of this measure to your Lordships, who represent so large a part of the dignity, together with so large a part of the landed interest of this kingdom: though I think, that, even under your Lordships' restrictive order, I am entitled so to do; because we have examined some witnesses upon this point, in the revenue charge. Suffice it to say, that it is in evidence before your Lordships that this sale was ordered. Mr. Hastings does not deny it. He says, indeed, he did it not with an ill intention. My answer is, that it could have been done with no other than a bad intention. The owners of the land had no way left to save themselves but to become farmers of their own estates; and from the competition which naturally took place, (and he himself declared, that the persons, whether owners or strangers, to whom he let the lands, had agreed to rents which surpassed their abilities to pay,) I need not tell you what must have been the consequence, when it got into such rapacious hands, and was taken out of the hands of its natural proprietors: that the public revenue had sunk and lost by it, and that the country was wasted and destroyed. I leave it to your Lordships' own meditation and reflection; and I shall not press it one step further than just to remind you of what has been so well opened and pressed by my fellow Managers. He, Mr. Hastings, confesses that he let the lands to his own banians; he took his own domestic servants and put them in the houses of the nobility of the country; and this he did in direct violation of an express order made by himself, that no banian of a collector (the spirit of which order implied ten thousand times more strongly the exclusion of any banians of a Governor-General) should have any one of those

farms. We also find that he made a regulation that no farmers should rent more than a lac of rupees; but at the same time we find his banians holding several farms to more than that amount. In short, we find that in every instance, where, under some plausible pretence or other, the fixed regulations are violated, it touches him so closely as to make it absolutely impossible not to suppose that he himself had the advantage of it.

For, in the first place, you have proof that he does take bribes, and that he has corrupt dealings. This is what he admits; but he says that he has done it from public-spirited motives. Now there is a rule, formed upon a just, solid presumption of law, that, if you find a man guilty of one offence contrary to known law, whenever there is a suspicious case against him of the same nature, the *onus probandi* that he is not guilty is turned upon him. Therefore, when I find the regulations broken, — when I find farms given of more than a lac of rupees, — when I find them given to the Governor-General's own banian, contrary to the principle of the regulation, contrary, I say, in the strongest way to it, — when I find that he accumulates farms beyond the regulated number, — when I find all these things done, and besides that the banian has great balances of account against him, — then, by the presumption of law, I am bound to believe that all this was done, not for the servants, but for the master.

It is possible Mr. Hastings might really be in love with Munny Begum; be it so, — many great men have played the fool for prostitutes, from Mark Antony's days downwards; but no man ever fell in love with his own banian. The persons for whom Mr. Hastings was guilty of all this rapine and oppression have neither relations nor kindred whom they own, nor does any trace of friendship exist among them; they do not live in habits of intimacy with any one; they are good fellows and bottle-companions.

I must now proceed to observe upon another matter which has been stated to your Lordships, — namely, that, as soon as he obtained the majority in the Council, (that beginning of all evils, that opening of Pandora's box,) by the death of General Clavering and Colonel Monson, the first thing he did was to appoint a commission, called an *aumeeny*, to go through the whole country, to enter every man's house, to examine his title-deeds, and to demand his papers of accounts of every kind, for the purpose of enabling himself to take advantage of the hopes and fears of all the parties concerned, and thus to ravage and destroy all their property.

And whom does he place at the head of this commission, to be the manager of the whole affair? Gunga Govind Sing, another banian of his, and one of his own domestic servants. This we have discovered lately, and not without some surprise; for though I knew he kept a rogue in his house, yet I did not think that it was a common receptacle of thieves and robbers. I did not know till lately that this Gunga Govind Sing was his domestic servant; but Mr. Hastings, in a letter to the Court of

Directors, calls him his faithful domestic servant, and as such calls upon the Company to reward him. To this banian all the Company's servants are made subject; they are bound to obey all his orders, and those of his committee. I hope I need not tell your Lordships what sort of stuff this committee was made of, by which Gunga Govind Sing was enabled to ravage the whole country.

But, say his counsel, Mr. Hastings thought that the value of the lands was thoroughly known; they had been investigated three times over, and they were all let by public auction to the highest bidder. — This may or may not be a true test of their value; but it is a test which, as it led to the almost entire confiscation of the landed interest of Bengal, Bahar, and Orissa, three great kingdoms, by a dash of that man's pen, into the hands of his banians and creatures, I can never think of it, or of its author, without horror.

Some people say, you ought to hate the crime and love the criminal. No, that is the language of false morality; you ought to hate the crime and the criminal, if the crime is of magnitude. If the crime is a small one, then you ought to be angry with the crime and reluctant to punish the criminal; but when there are great crimes, then you may hate them together. What! am I to love Nero? to fall in love with Heliogabalus? is Domitian to be the subject of my affection? No, we hate the crime, and we hate the criminal ten times more; and if I use indignant language, if I use the language of scorn and horror with respect to the criminal, I use the language that becomes me.

But, says one of the counsel, the Company might possess a knowledge of the country in general, but they could not know every *bega*, of it, (about the third part of an acre of land,) without such a commission. That is to say, you could not squeeze everything out of the people, without ordering such a villain as Gunga Govind Sing, (I call things, by their names,) that most atrocious and wicked instrument of the most atrocious and wicked tyranny, to examine every man's papers, to oblige every man to produce his titles and accounts upon pain of criminal punishment, to be inflicted at the discretion of this commissioner, this Gunga Govind Sing. For an account of these acts, and for a description of an aumeeny, I refer your Lordships to the evidence in your Minutes, from page 1287 to 1301; and I pass on, expressing only my horror and detestation at it, and wishing to kindle in your Lordships' minds the same horror and detestation of it.

Thus you see that Mr. Hastings was not satisfied with confiscation only. He comes just afterwards with a blister upon the sore. He lets loose another set of ravagers and inquisitors upon them, under Gunga Govind Sing, and these poor people are ravaged by the whole tribe of Calcutta banians.

Mr. Hastings has himself defined an aumeen in page 1022, where he states that Nundcomar desired him to make his son an aumeen. "The promise which he [Nundcomar] says I made him, that he should be constituted aumeen, that is,

inquisitor-general over the whole country, and that I would delegate to him my whole power and influence, is something more than a negative falsehood.” He justly and naturally reprobates the proposition of appointing an inquisitor-general over the whole country; and yet we see him afterwards appointing Gunga Govind Sing such an inquisitor-general over the whole country, in order that a bega of land should not escape him.

Let us see how all this ended, and what it is that leads me directly to the presumption of corruption against him in this wicked *aumeeny* scheme. Now I will admit the whole scheme to have been well intended, I will forgive the letting all the lands of Bengal by public auction, I will forgive all he has done with regard to his banians, I shall forgive him even this commission itself, if he will show your Lordships that there was the smallest use made of it with regard to the settlement of the revenues of the Company. If there was not, then there is obviously one use only that could be made of it, namely, to put all the people of the whole country under obedience to Gunga Govind Sing. What, then, was done? Titles and accounts were exacted; the estimate was made, acre by acre; but we have not been able to find one word on their records of any return that was made to the Company of this investigation, or of any settlement or assessment of the country founded upon it, or of any regulation that was established upon it. Therefore, as an honest man, and as a man who is standing here for the Commons of Great Britain, I must not give way to any idle doubts and ridiculous suppositions. I cannot, I say, entertain any doubts that the only purpose it was designed to answer was to subject the whole landed interest of the country to the cruel inquisition of Gunga Govind Sing, and to the cruel purposes of Mr. Hastings. Show me another purpose and I will give up the argument: for if there are two ways of accounting for the same act, it is possible it may be attributed to the better motive; but when we see that a bad thing was done under pretence of some good, we must attach a bad motive to it, if the pretence be never fulfilled.

I have now done with the landed interest of Bengal. I have omitted much which might have been pressed upon your Lordships, not from any indisposition to remark upon the matter more fully, but because it has been done already by abler persons; I only wished to make some practical inferences, which, perhaps, in the hurry of my brother Managers, might possibly have escaped them; I wished to show you that one system of known or justly presumed corruption pervades the whole of this business, from one end to the other. Having thus disposed of the native landed interest, and the native zemindars or landholders of the country, I pass to the English government.

My Lords, when we have shown plainly the utter extinction of the native Mahometan government, when we have shown the extinction of the native landed

interest, what hope can there be for that afflicted country but in the servants of the Company? When we have shown the corrupt state of that service, what hope but from the Court of Directors, what hope but in the superintending control of British tribunals? I think as well of the body of my countrymen as any man can do. I do not think that any man sent out to India is sent with an ill purpose, or goes out with bad dispositions. No: I think the young men who go there are fair and faithful representatives of the people of the same age, — uncorrupted, but corruptible from their age, as we all are. They are sent there young. There is but one thing held out to them,— “You are going to make your fortune.” The Company’s service is to be the restoration of decayed noble families; it is to be the renovation of old, and the making of new ones. Now, when such a set of young men are sent out with these hopes and views, and with little education, or a very imperfect one, — when these people, from whatever rank of life selected, many from the best, most from the middling, very few from the lowest, but, high, middling, or low, they are sent out to make two things coincide which the wit of man was never able to unite, to make their fortune and form their education at once. What is the education of the generality of the world? Reading a parcel of books? No. Restraint of discipline, emulation, examples of virtues and of justice, form the education of the world. If the Company’s servants have not that education, and are left to give loose to their natural passions, some would be corrupt of course, and some would be uncorrupt; but probably the majority of them would be inclined to pursue moderate courses between these two. Now I am to show you that Mr. Hastings left these servants but this alternative: “Be starved, be depressed, be ruined, disappoint the hopes of your families, or be my slaves, be ready to be subservient to me in every iniquity I shall order you to commit, and to conceal everything I shall wish you to conceal.” This was the state of the service. Therefore the Commons did well and wisely, when they sent us here, not to attack this or that servant who may have peculated, but to punish the man who was sent to reform abuses, and to make Bengal furnish to the world a brilliant example of British justice.

I shall now proceed to state briefly the abuses of the Company’s government, — to show you what Mr. Hastings was expected to do for their reformation, and what he actually did do; I shall then show your Lordships the effects of the whole.

I shall begin by reading to your Lordships an extract from the Directors’ letter to Bengal, of the 10th April, 1773.

“We wish we could refute the observation, that almost every attempt made by us and our administrations at your Presidency for the reforming of abuses has rather increased them, and added to the miseries of the country we are so anxious to protect and cherish. The truth of this observation appears fully in the late appointment of supervisors and chiefs. Instituted as they were, to give relief to the industrious tenants, to improve and enlarge our investments, to destroy monopolies and retrench expenses, the end has by no means been answerable to the institution.

Are not the tenants more than ever oppressed and wretched? Are our investments improved? Have not the raw silk and cocoons been raised upon us fifty per cent in price? We can hardly say what has not been made a monopoly. And as to the expenses of your Presidency, they are at length swelled to a degree we are no longer able to support. These facts (for such they are) should have been stated to us as capital reasons why neither our orders of 1771, nor indeed any regulations whatever, could be carried into execution. But, perhaps, as this would have proved too much, it was not suggested to us; for nothing could more plainly indicate a state of anarchy, and that there was no government existing in our servants in Bengal.”

“And therefore, when oppression pervades the whole country, when youths have been suffered with impunity to exercise sovereign jurisdiction over the natives, and to acquire rapid fortunes by monopolizing of commerce, it cannot be a wonder to us or yourselves, that bad merchants do not come forward to contract with the Company, that the manufactures find their way through foreign channels, or that our investments are at once enormously dear and of a debased quality.

“It is evident that the evils which have been so destructive to us lie too deep for any partial plans to reach or correct; it is therefore our resolution to aim at the root of these evils: and we are happy in having reason to believe that in every just and necessary regulation we shall meet with the approbation and support of the legislature, who consider the public as materially interested in the Company’s prosperity.

“In order to effectuate this great end, the first step must be to restore perfect obedience and due subordination to your administration. Our Governor and Council must reassume and exercise their delegated powers upon every just occasion, — punish delinquents, cherish the meritorious, discountenance that luxury and dissipation which, to the reproach of government, prevailed in Bengal. Our President, Mr. Hastings, we trust, will set the example of temperance, economy, and application; and upon this, we are sensible, much will depend. And here we take occasion, to indulge the pleasure we have in acknowledging Mr. Hastings’s services upon the coast of Coromandel, in constructing, with equal labor and ability, the plan which has so much improved our investments there; and as we are persuaded he will persevere in the same laudable pursuit through every branch of our affairs in Bengal, he, in return, may depend on the steady support and favor of his employers.

“Your settlement being thus put into a train of reform, (without which, indeed, all regulations will prove ineffectual,) you are next to revert to the old system, when the business of your Presidency was principally performed by our own servants, who then had knowledge of our investments, and every other department of our concerns: you will therefore fill the several offices with the factors and writers upon your establishment, (for, with our present appointments, we are assured there will be sufficient for this purpose,) and thus you will banish idleness, and its attendants,

extravagance and dissipation. And here we enjoin you to transmit to us a faithful and minute state of the pay and every known emolument of all below Council: for, as it is notorious that even youths in our service expend in equipage, servants, dress, and living infinitely more than our stated allowances can afford, we cannot but be anxious to discover the means by which they are enabled to proceed in this manner; and, indeed, so obnoxious is this conduct to us, and so injurious in its consequences, that we expect and require you to show your displeasure to all such as shall transgress in this respect, contrasting it at the same time with instances of kindness towards the sober, frugal, and industrious.”

My Lords, you see the state in which the Directors conceived the country to be. That it was in this state is not denied by Mr. Hastings, who was sent out for the purpose of reforming it. The Directors had swept away almost the whole body of their Bengal servants for supposed corruption; and they appointed a set of new ones, to regenerate, as it were, the government of that country.

Mr. Hastings says, “I was brought to India like other people.” This, indeed, is true; and I hope it will prove an example and instruction to all mankind never to employ a man who has been bred in base and corrupt practices, from any hope that his local knowledge may make him the fittest person to correct such practices. Mr. Hastings goes on to say, that you could not expect more from him than could be done by a man bred up, as he was, in the common habits of the country. This is also true. My Lords, you might as well expect a man to be fit for a perfumer’s shop, who has lain a month in a pig’s sty, as to expect that a man who has been a contractor with the Company for a length of time is a fit person for reforming abuses. Mr. Hastings has stated in general his history, his merits, and his services. We have looked over with care the records relative to his proceedings, and we find that in 1760 and 1761 he was in possession of a contract for bullocks and a contract for provisions. It is no way wrong for any man to take a contract, provided he does not do what Mr. Hastings has condemned in his regulations, — become a contractor with his masters. But though I do not bear upon Mr. Hastings for having spent his time in being a bullock-contractor, yet I say that he ought to have laid aside all the habits of a bullock-contractor when he was made a great minister for the reformation of a great service full of abuses. I will show your Lordships that he never did so; that, on the contrary, being bred in those bad habits, and having had the education that I speak of, he persevered in the habits which had been formed in him to the very last.

I understand it has been imputed as a sort of a crime in me, that I stated something of the obscurity of Mr. Hastings’s birth. The imputation has no foundation. Can it be believed that any man could be so absurd as to attack a man’s birth, when he is accusing his actions? No, I have always spoken of the low, sordid, and mercenary habits in which he was bred; I said nothing of his birth. But, my Lords, I was a good deal surprised when a friend of his and mine yesterday morning

put into my hands, who had been attacking Mr. Hastings's life and conduct, a pedigree. I was appealing to the records of the Company; they answer by sending me to the Herald's Office. Many of your Lordships' pedigrees are obscure in comparison with that of Mr. Hastings; and I only wonder how he came to derogate from such a line of nobles by becoming a contractor for bullocks.

A man may be an honest bullock-contractor, (God forbid that many of them in this country should not be very honest!) but I find his terms were nearly four times as high as those which the House of Commons had condemned as exorbitant. They were not only unusually high, but the bullocks were badly supplied, and the contract had not been fairly advertised. It was therefore agreed to declare the same void at the expiration of twelve months, on the 1st December, 1763. I say again, that I do not condemn him for being a bullock-contractor; but I am suspicious of his honesty, because he has been nursed in bad and vicious habits. That of contracting with his masters is a bad habit, as he himself has stated in a record which is printed by the House of Commons. I condemn him for being a fraudulent bullock-contractor: for he was turned out of that contract for fraudulent practices; it was declared void, and given to another at a lower price. After it was so disposed of, Mr. Hastings himself, condemning his own original contract, which was at twelve rupees for a certain species of bullocks, took the contract again at seven; and on these terms it continued. What I therefore contend for is this, that he carried with him the spirit of a fraudulent bullock-contractor through the whole of the Company's service, in its greatest and most important parts.

My Lords, the wading through all these corruptions is an unpleasant employment for me; but what am I to think of a man who holds up his head so high, that, when a matter of account is in discussion, such as appears in this very defence that I have in my hand, he declares he does not know anything about it? He cannot keep accounts: that is beneath him. We trace him throughout the whole of his career engaged in a great variety of mercantile employments; and yet, when he comes before you, you would imagine that he had been bred in the study of the sublimest sciences, and had no concern in anything else, — that he had been engaged in writing a poem, an Iliad, or some work that might revive fallen literature. There is but one exception to his abhorrence of accounts: he always contrives to make up a good account for himself.

My Lords, we have read to you a letter in which the Court of Directors have described the disorders of their service, the utter ruin of it, the corruption that prevailed in it, and the destruction of the country by it. When we are said to exaggerate, we use no stronger words than they do. We cannot mince the matter; your Lordships should not mince it; no little paltry delicacies should hinder you, when there is a country expiring under all these things, from calling the authors to a strict account. The Court of Directors sent him that statement; they recommended to him a radical reformation. What does he do? We will read his letter of 1773, in

which you will find seeds sown for the propagation of all those future abuses which terminated in the utter and irremediable destruction of the whole service. After he has praised the Directors for the trust that they had placed in him, after expressing his highest gratitude, and so on, he says, —

“While I indulge the pleasure which I receive from the past successes of my endeavors, I own I cannot refrain from looking back with a mixture of anxiety on the omissions by which I am sensible I may since have hazarded the diminution of your esteem. All my letters addressed to your Honorable Court, and to the Secret Committee, repeat the strongest promises of prosecuting the inquiries into the conduct of your servants, which you have been pleased to commit particularly to my charge. You will readily perceive that I must have been sincere in those declarations; since it would have argued great indiscretion to have made them, had I foreseen my inability to perform them. I find myself now under the disagreeable necessity of avowing that inability; at the same time I will boldly take upon me to affirm, that, on whomsoever you might have delegated that charge, and by whatever powers it might have been accompanied, it would have been sufficient to occupy the entire attention of those who were intrusted with it, and, even with all the aids of leisure and authority, would have proved ineffectual. I dare appeal to the public records, to the testimony of those who have opportunities of knowing me, and even to the detail which the public voice can report of the past acts of this government, that my time has been neither idly nor uselessly employed; yet such are the cares and embarrassments of this various state, that, although much may be done, much more, even in matters of moment, must necessarily remain neglected. To select from the miscellaneous heap which each day’s exigencies present to our choice those points on which the general welfare of your affairs most essentially depends, to provide expedients for future advantages, and guard against probable evils, are all that your administration can faithfully promise to perform for your service, with their united labors most diligently exerted. They cannot look back without sacrificing the objects of their immediate duty, which are those of your interest, to endless researches, which can produce no real good, and may expose your affairs to all the ruinous consequences of personal malevolence, both here and at home.”

My Lords, you see here, that, after admitting that he has promised to the Court of Directors to do what they ordered him to do, (and he had promised to make a radical reform in their whole service, and to cure those abuses which they have stated,) he declares that he will not execute them; he pleads a variety of other occupations; but as to that great fundamental grievance he was appointed to eradicate, he declares he will not even attempt it. “Why did you promise?” — it naturally occurs to ask him that question. “Why,” says he, “you will readily perceive that I must have been sincere in those declarations; since it would have argued great indiscretion to have made them, had I known my inability to perform them.” This is

a kind of argument that belongs to Mr. Hastings exclusively. Most other people would say, "You may judge of the sincerity of my promises by my zeal in the performance"; but he says, "You may judge of the sincerity of my promises, because I would not promise, if I had not thought I should be able to perform." It runs in this ridiculous circle: "I promised to obey the Court of Directors; therefore I knew that I could obey them: but I could not obey them; therefore I was absolved from my promise, and did not attempt to obey them." In fact, there is not so much as one grievance or abuse in the country, that he reformed. And this was systematical in Mr. Hastings's conduct, — that he was resolved to connive at the whole of the iniquities of the service, because he was resolved that every one of those existing iniquities should be practised by himself. "But," says he, "the reformation required can produce no real good, and may expose your affairs to all the ruinous consequences of personal malevolence, both here and at home." This he gives you as a reason why he will not prosecute the inquiry into abuses abroad, — because he is afraid that you should punish him at home for doing his duty abroad, — that it will expose him to malevolence at home; and therefore, to avoid being subject to malevolence at home, he would not do his duty abroad.

He follows this with something that is perfectly extraordinary: he desires, instead of doing his duty, which he declares it is impossible to do, that he may be invested with an arbitrary power. I refer your Lordships to pages 2827, 2828, and 2829 of the printed Minutes, where you will find the system of his government to be formed upon a resolution not to use any one legal means of punishing corruption, or for the prevention of corruption; all that he desires is, to have an absolute arbitrary power over the servants of the Company. There you will see that arbitrary power for corrupt purposes over the servants of the Company is the foundation of every part of his whole conduct. Remark what he says here, and then judge whether these inferences are to be eluded by any chicane.

"In the charge of oppression, although supported by the cries of the people and the most authentic representations, it is yet impossible, in most cases, to obtain legal proofs of it; and unless the discretionary power which I have recommended be somewhere lodged, the assurance of impunity from any formal inquiry will baffle every order of the board; as, on the other hand, the fear of the consequences will restrain every man within the bounds of his duty, if he knows himself liable to suffer by the effects of a single control."

My Lords, you see two things most material for you to consider in the judgment of this great cause, which is the cause of nations. The first thing for you to consider is the declaration of the culprit at your bar, that a person may be pursued by the cries of a whole people, — that documents the most authentic and satisfactory, but deficient in technical form, may be produced against him, — in short, that he may be guilty of the most enormous crimes, — and yet that legal proofs may be wanting.

This shows you how seriously you ought to consider, before you reject any proof upon the idea that it is not technical legal proof. To this assertion of Mr. Hastings I oppose, however, the opinion of a gentleman who sits near his side, Mr. Sumner, which is much more probable.

Mr. Hastings says, that the power of the Council is not effectual against the inferior servants, that [it?] is too weak to coerce them. With much more truth Mr. Sumner has said, in his minute, you might easily coerce the inferior servants, but that the dread of falling upon persons in high stations discourages and puts an end to complaint. I quote the recorded authority of the gentleman near him, as being of great weight in the affairs of the Company, to prove what is infinitely more probable, the falsehood of Mr. Hastings's assertion, that an inferior servant cannot be coerced, and that they must riot with impunity in the spoils of the people.

But we will go to a much more serious part of the business. After desiring arbitrary power in this letter, he desires a perpetuation of it. And here he has given you a description of a bad Governor, to which I must call your attention, as your Lordships will find it, in every part of his proceeding, to be exactly applicable to himself and to his own government.

“The first command of a state so extensive as that of Bengal is not without opportunities of private emoluments; and although the allowance which your bounty has liberally provided for your servants may be reasonably expected to fix the bounds of their desires, yet you will find it extremely difficult to restrain men from profiting by other means, who look upon their appointment as the measure of a day, and who, from the uncertainty of their condition, see no room for any acquisition but of wealth, since reputation and the consequences which follow the successful conduct of great affairs are only to be attained in a course of years. Under such circumstances, however rigid your orders may be, or however supported, I am afraid that in most instances they will produce no other fruits than either avowed disobedience or the worst extreme of falsehood and hypocrisy. These are not the principles which should rule the conduct of men whom you have constituted the guardians of your property, and checks on the morals and fidelity of others. The care of self-preservation will naturally suggest the necessity of seizing the opportunity of present power, when the duration of it is considered as limited to the usual term of three years, and of applying it to the provision of a future independency; therefore every renewal of this term is liable to prove a reiterated oppression. It is perhaps owing to the causes which I have described, and a proof of their existence, that this appointment has been for some years past so eagerly solicited and so easily resigned. There are yet other inconveniences attendant on this habit, and perhaps an investigation of them all would lead to endless discoveries. Every man whom your choice has honored with so distinguished a trust seeks to merit approbation and acquire an *éclat* by innovations, for which the wild scene before him affords ample and justifiable occasion.”

You see, my Lords, he has stated, that, if a Governor is appointed to hold his office only for a short time, the consequence would be either an avowed disobedience, or, what is worse, extreme falsehood and hypocrisy. Your Lordships know that this man has held his office for a long time, and yet his disobedience has been avowed, and his hypocrisy and his falsehood have been discovered, and have been proved to your Lordships in the course of this trial. You see this man has declared what are the principles which should rule the conduct of men whom you have constituted the guardians of your property, and checks upon the morals and fidelity of others. Mr. Hastings tells you himself directly what his duty was; he tells you himself, and he pronounces his own condemnation, what was expected from him, namely, that he should give a great example himself, and be a check and guardian of the fidelity of all that are under him. He declares, at the end of this letter, that a very short continuance in their service would enable him to make a fortune up to the height of his desire. He has since thought proper to declare to you that he is a beggar and undone, notwithstanding all his irregular resources in that very service.

I have read this letter to your Lordships, that you may contrast it with the conduct of the prisoner, as stated by us, and proved by the evidence we have adduced. We have stated and proved that Mr. Hastings did enter upon a systematic connivance at the peculation of the Company's servants, that he refused to institute any check whatever for the purpose of preventing corruption, and that he carried into execution no one measure of government agreeably to the positive and solemn engagements into which he had entered with the Directors. We therefore charge him, not only with his own corruptions, but with a systematic, premeditated corruption of the whole service, from the time when he was appointed, in the beginning of the year 1772, down to the year 1785, when he left it. He never attempted to detect any one single abuse whatever; he never endeavored once to put a stop to any corruption in any man, black or white, in any way whatever. And thus he has acted in a government of which he himself declares the nature to be such that it is almost impossible so to detect misconduct as to give legal evidence of it, though a man should be declared by the cries of the whole people to be guilty.

My Lords, he desires an arbitrary power over the Company's servants to be given to him. God forbid arbitrary power should be given into the hands of any man! At the same time, God forbid, if by power be meant the ability to discover, to reach, to check, and to punish subordinate corruption, that he should not be enabled so to do, and to get at, to prosecute, and punish delinquency by law! But honesty only, and not arbitrary power, is necessary for that purpose. We well know, indeed, that a government requiring arbitrary power has been the situation in which this man has attempted to place us.

We know, also, my Lords, that there are cases in which the act of the delinquent may be of consequence, while the example of the criminal, from the obscurity of

his situation, is of little importance: in other cases, the act of the delinquent may be of no great importance, but the consequences of the example dreadful. We know that crimes of great magnitude, that acts of great tyranny, can but seldom be exercised, and only by a few persons. They are privileged crimes. They are the dreadful prerogatives of greatness, and of the highest situations only. But when a Governor-General descends into the muck and filth of speculation and corruption, when he receives bribes and extorts money, he does acts that are imitable by everybody. There is not a single man, black or white, from the highest to the lowest, that is possessed in the smallest degree of momentary authority, that cannot imitate the acts of such a Governor-General. Consider, then, what the consequences will be, when it is laid down as a principle of the service, that no man is to be called to account according to the existing laws, and that you must either give, as he says, arbitrary power, or suffer your government to be destroyed.

We asked Mr. Anderson, whether the covenant of every farmer of the revenue did not forbid him from giving any presents to any persons, or taking any. He answered, he did not exactly remember, (for the memory of this gentleman is very indifferent, though the matter was in his own particular province,) but he thought it did; and he referred us to the record of it. I cannot get at the record; and therefore you must take it as it stands from Mr. Anderson, without a reference to the record, — that the farmers were forbidden to take or give any money to any person whatever, beyond their engagements. Now, if a Governor-General comes to that farmer, and says, “You must give a certain sum beyond your engagements,” he lets him loose to prey upon the landholders and cultivators; and thus a way is prepared for the final desolation of the whole country, by the malversation of the Governor, and by the consequent oppressive conduct of the farmers.

Mr. Hastings being now put over the whole country to regulate it, let us see what he has done. He says, “Let me have an arbitrary power, and I will regulate it.” He assumed arbitrary power, and turned in and out every servant at his pleasure. But did he by that arbitrary power correct any one corruption? Indeed, how could he? He does not say he did. For when a man gives ill examples in himself, when he cannot set on foot an inquiry that does not terminate in his own corruption, of course he cannot institute any inquiry into the corruption of the other servants.

But again, my Lords, the subordinate servant will say, “I cannot rise” (properly here, as Mr. Hastings has well observed) “to the height of greatness, power, distinction, rank, or honor in the government; but I can make my fortune, according to my degree, my measure, and my place.” His views will be then directed so to make it. And when he sees that the Governor-General is actuated by no other views, — when he himself, as a farmer, is confidently assured of the corruptions of his superior, — when he knows it to be laid down as a principle by the Governor-General, that no corruption is to be inquired into, and that, if it be not expressly laid

down, yet that his conduct is such as to make it the same as if he had actually so laid it down, — then, I say, every part of the service is instantly and totally corrupted.

I shall next refer your Lordships to the article of contracts. Five contracts have been laid before you, the extravagant and corrupt profits of which have been proved to amount to 500,000*l*. We have shown you, by the strongest presumptive evidence, that these contracts were given for the purpose of corrupting the Company's servants in India, and of corrupting the Company itself in England. You will recollect that 40,000*l*. was given in one morning for a contract which the contractor was never to execute: I speak of Mr. Sullivan's contract. You will also recollect that he was the son of the principal person in the Indian direction, and who, in or out of office, was known to govern it, and to be supported by the whole Indian interest of Mr. Hastings. You have seen the corruption of Sir Eyre Coote, in giving to Mr. Croftes the bullock contract. You have seen the bullock contracts stated to Mr. Hastings's face, and not denied, to have been made for concealing a number of corrupt interests. You have seen Mr. Auriol's contract, given to the secretary of the Company by Mr. Hastings in order that he might have the whole records and registers of the Company under his control. You have seen that the contract and commission for the purchase of stores and provisions, an enormous job, was given to Mr. Belli, an obscure man, for whom Mr. Hastings offers himself as security, under circumstances that went to prove that Mr. Belli held this commission for Mr. Hastings. These, my Lords, are things that cannot be slurred over. The Governor-General is corrupt; he corrupts all about him; he does it upon system; he will make no inquiry.

My Lords, I have stated the amount of the sums which he has squandered away in these contracts; but you will observe that we have brought forward but five of them. Good God! when you consider the magnitude and multiplicity of the Company's dealings, judge you what must be the enormous mass of that corruption of which he has been the cause, and in the profits of which he has partaken. When your Lordships shall have considered this document, his defence, which I have read in part to you, see whether you are not bound, when he imputes to us and throws upon us the cause of all his corruption, to throw back the charge by your decision, and hurl it with indignation upon himself.

But there is another shameless and most iniquitous circumstance, which I have forgotten to mention, respecting these contracts. He not only considered them as means of present power, and therefore protected his favorites without the least inquiry into their conduct, and with flagrant suspicion of a corrupt participation in their delinquency, but he goes still farther: he declares, that, if he should be removed from his government, he will give them a lease in these exorbitant profits, for the purpose of securing a corrupt party to support and bear him out by their

evidence, upon the event of any inquiry into his conduct, — to give him a *razinama*, to give him a flourishing character, whenever he should come upon his trial. Hear what his principles are; hear what the man himself avows.

“Fort William, October 4, 1779.

“In answer to Mr. Francis’s insinuation, that it is natural enough for the agent to wish to secure himself before the expiration of the present government, I avow the fact as to myself as well as the agent. When I see a systematic opposition to every measure proposed by me for the service of the public, by which an individual may eventually benefit, I cannot hesitate a moment to declare it to be my firm belief, that, should the government of this country be placed in the hands of the present minority, they would seek the ruin of every man connected with me; it is therefore only an act of common justice in me to wish to secure them, as far as I legally can, from the apprehension of future oppression.”

Here is the principle avowed. He takes for granted, and he gives it the name of oppression, that the person who should succeed him would take away those unlawful and wicked emoluments, and give them to some other. “But,” says he, “I will put out of the Company’s power the very means of redress.”

The document which I am now going to read to your Lordships contains a declaration by Mr. Hastings of another mean which he used of corrupting the whole Company’s service.

Minute of the Governor-General. — Extract from that Minute.

“Called upon continually by persons of high rank and station, both in national and in the Company’s councils, to protect and prefer their friends in the army, and by the merits and services which have come under my personal knowledge and observation, I suffer both pain and humiliation at the want of power to reward the meritorious, or to show a proper attention to the wishes of my superiors, without having recourse to means which must be considered as incompatible with the dignity of my station. The slender relief which I entreat of the board from this state of mortification is the authority to augment the number of my staff, which will enable me to show a marked and particular attention in circumstances such as above stated, and will be no considerable burden to the Company.”

My Lords, you here see what he has been endeavoring to effect, for the express purpose of enabling him to secure himself a corrupt influence in England. But there is another point much more material, which brings the matter directly home to this court, and puts it to you either to punish him or to declare yourselves to be accomplices in the corruption of the whole service. Hear what the man himself says. I am first to mention to your Lordships the occasion upon which the passage which I shall read to you was written. It was when he was making his enormous and shameful establishment of a Revenue Board, in the year 1781, — of which I shall say a few words hereafter, as being a gross abuse in itself: he then felt that the world

would be so much shocked at the enormous prodigality and corrupt profusion of what he was doing, that he at last spoke out plainly.

A Minute of Mr. Hastings, transmitted in a Letter by Mr. Wheeler.

“In this, as it must be the case in every reformation, the interest of individuals has been our principal, if not our only impediment. We could not at once deprive so large a body of our fellow-servants of their bread, without feeling that reluctance which humanity must dictate, — not unaccompanied, perhaps, with some concern for the consequence which our own credit might suffer by an act which involved the fortunes of many, and extended its influence to all their connections. This, added to the justice which was due to your servants, who were removed for no fault of theirs, but for the public convenience, induced us to continue their allowances until other offices could be provided for them, and the more cheerfully to submit to the expediency of leaving others in a temporary or partial charge of the internal collections. In effect, the civil officers [offices?] of this government might be reduced to a very scanty number, were their exigency alone to determine the list of your covenanted servants, which at this time consist of no less a number than two hundred and fifty-two, — many of them the sons of the first families in the kingdom of Great Britain, and every one aspiring to the rapid acquisition of lacs, and to return to pass the prime of their lives at home, as multitudes have done before them. Neither will the revenues of this country suffice for such boundless pretensions, nor are they compatible with yours and the national interests, which may eventually suffer as certain a ruin from the effects of private competition and the claims of patronage as from the more dreaded calamities of war, or the other ordinary causes which lead to the decline of dominion.”

My Lords, you have here his declaration, that patronage, which he avows to be one of the principles of his government, and to be the principle of the last of his acts, is worse than war, pestilence, and famine, — and that all these calamities together might not be so effectual as this patronage in wasting and destroying the country. And at what time does he tell you this? He tells it you when he himself had just wantonly destroyed an old regular establishment for the purpose of creating a new one, in which he says he was under the necessity of pensioning the members of the old establishment from motives of mere humanity. He here confesses himself to be the author of the whole mischief. “I could,” says he, “have acted better; I might have avoided desolating the country by peculation; but,” says he, “I had sons of the first families in the kingdom of Great Britain, every one aspiring to the rapid acquisition of lacs, and this would not suffer me to do my duty.” I hope your Lordships will stigmatize the falsehood of this assertion. Consider, my Lords, what he has said, — two hundred and fifty men at once, and in succession, aspiring to come home in the prime of their youth with *lacs*. You cannot take *lacs* to be less than two; we cannot make a plural less than two. Two lacs make 20,000*l*. Then multiply that, by 252, and you will find more than 2,500,000*l*. to be provided for

that set of gentlemen, and for the claims of patronage. Undoubtedly such a patronage is worse than the most dreadful calamities of war, and all the other causes which lead to decline of dominion.

My Lords, I beseech you to consider this plan of corrupting the Company's servants, beginning with systematical corruption, and ending with an avowed declaration that he will persist in this iniquitous proceeding, and to the utmost of his power entail it upon the Company, for the purpose of securing his accomplices against all the consequences of any change in the Company's government. "I dare not," says he, "be honest: if I make their fortunes, you will judge favorably of me; if I do not make their fortunes, I shall find myself crushed with a load of reproach and obloquy, from which I cannot escape in any other way than by bribing the House of Peers." What a shameful avowal this to be made in the face of the world! Your Lordships' judgment upon this great cause will obliterate it from the memory of man.

But his apprehension of some change in the Company's government is not his only pretext for some of these corrupt proceedings; he adverts also to the opposition which he had to encounter with his colleagues, as another circumstance which drove him to adopt others of these scandalous expediences. Now there was a period when he had no longer to contend with, or to fear, that opposition.

When he had got rid of the majority in the Council, which thwarted him, what did he do? Did he himself correct any of the evils and disorders which had prevailed in the service, and which his hostile majority had purposed to reform? No, not one, — notwithstanding the Court of Directors had supported the majority in all their declarations, and had accused him of corruption and rebellion in every part of his opposition to them. Now that he was free from the yoke of all the mischief of that cursed majority which he deprecates, and which I have heard certain persons consider as a great calamity, (a calamity indeed it was to patronage,) — as soon, I say, as he was free from this, you would imagine he had undertaken some great and capital reformation; for all the power which the Company could give was in his hands, — total, absolute, and unconfined.

I must here remind your Lordships, that the Provincial Councils was an establishment made by Mr. Hastings. So confident was he in his own opinion of the expediency of them, that he transmitted to the Court of Directors a draught of an act of Parliament to confirm them. By this act it was his intention to place them beyond the possibility of mutation. Whatever opinion others might entertain of their weakness, inefficacy, or other defects, Mr. Hastings found no such things in them. He had declared in the beginning that he considered them as a sort of experiment, but that in the progress he found them answer so perfectly well that he proposed even an act of Parliament to support them. The Court of Directors, knowing the mischiefs that innovation had produced in their service, and the desolations which it had brought on the country, commanded him not to take any step for changing

them, without their orders. Contrary, however, to his own declarations, contrary to the sketch of an act of Parliament, which, for aught he knew, the legislature might then have passed, (I know that it was in contemplation to pass, about that time, several acts for regulating the Company's affairs, and, for one, I should have been, as I always have been, a good deal concerned in whatever tended to fix some kind of permanent and settled government in Bengal,) — in violation, I say, of his duty, and in contradiction to his own opinion, he at that time, without giving the parties notice, turns out of their employments, situations, and bread, the Provincial Councils.

And who were the members of those Provincial Councils? They were of high rank in the Company's service; they were not junior servants, boys of a day, but persons who had gone through some probation, who knew something of the country, who were conversant in its revenues and in the course of its business; they were, in short, men of considerable rank in the Company's service. What did he do with these people? Without any regard to their rank in the service, — no more than he had regarded the rank of the nobility of the country, — he sweeps them all, in one day, from their independent situations, without reference to the Directors, and turns them all into pensioners upon the Company. And for what purpose was this done? It was done in order to reduce the Company's servants, who, in their independent situations, were too great a mass and volume for him to corrupt, to an abject dependence upon his absolute power. It was, that he might tell them, "You have lost your situations; you have nothing but small alimentary pensions, nothing more than a maintenance; and you must depend upon me whether you are to have anything more or not." Thus at one stroke a large division of the Company's servants, and one of the highest orders of them, were reduced, for their next bread, to an absolute, submissive dependence upon his will; and the Company was loaded with the pensions of all these discarded servants. Thus were persons in an honorable, independent situation, earned by long service in that country, and who were subject to punishment for their crimes, if proved against them, all deprived, unheard, of their employments. You would imagine that Mr. Hastings had at least charged them with corruption. No, you will see upon your minutes, that, when he abolished the Provincial Councils, he declared at the same time that he found no fault with the persons concerned in them.

Thus, then, he has got rid, as your Lordships see, of one whole body of the Company's servants; he has systematically corrupted the rest, and provided, as far as lay in his power, for the perpetuation of their corruption; he has connived at all their delinquencies, and has destroyed the independence of all the superior orders of them.

Now hear what he does with regard to the Council-General itself. They had, by the act that made Mr. Hastings Governor, the management of the revenues vested in them. You have been shown by an honorable and able fellow Manager of mine, that

he took the business of this department wholly out of the hand of the Council; that he named a committee for the management of it, at an enormous expense, — committee made up of his own creatures and dependants; and that, after destroying the Provincial Councils, he brought down the whole management of the revenue to Calcutta. This committee took this important business entirely out of the hands of the Council, in which the act had vested it, and this committee he formed without the orders of the Court of Directors, and directly contrary to the act, which put the superintendence in the hands of the Council.

Oh, but he reserved a superintendence over them. — You shall hear what the superintendence was; you shall see, feel, smell, touch; it shall enter into every avenue and pore of your soul. It will show you what was the real principle of Mr. Hastings's government. We will read to you what Sir John Shore says of that institution, and of the only ends and purposes which it could answer; your Lordships will then see how far he was justifiable in violating an act of Parliament, and giving out of the Council's hands the great trust which the laws of his country had vested in them. It is part of a paper written in 1785 by Mr. Shore, who was sole acting president of this committee to which all Bengal was delivered. He was an old servant of the Company, and he is now at the head of the government of that country. He was Mr. Hastings's particular friend, and therefore you cannot doubt either of his being a competent evidence, or that he is a favorable evidence for Mr. Hastings, and that he would not say one word against the establishment of which he himself was at the head, that was not perfectly true, and forced out of him by the truth of the case. There is not a single part of it that does not point out some abuse.

“In the actual collection of the revenues, nothing is more necessary than to give immediate attention to all complaints, which are preferred daily without number, and to dispatch them in a summary manner. This cannot be done where the control is remote. In every *purgunnah* throughout Bengal there are some distinct usages, which cannot be clearly known at a distance; yet in all complaints of oppression or extortion, these must be known before a decision can be pronounced. But to learn at Calcutta the particular customs of a district of *Rajeshahye* or *Dacca* is almost impossible; and considering the channel through which an explanation must pass, and through which the complaint is made, any coloring may be given to it, and oppression and extortion, to the ruin of a district, may be practised with impunity. This is a continual source of embarrassment to the Committee of Revenue in Calcutta.

“One object of their institution was to bring the revenues without the expenses of agency to the Presidency, and to remove all local control over the farmers, who were to pay their rents at Calcutta. When complaints are made against farmers by the occupiers of the lands, it is almost impossible to discriminate truth from falsehood; but to prevent a failure in the revenue, it is found necessary, in all doubtful cases, to support the farmer, — a circumstance which may give rise to and

confirm the most cruel acts of oppression. The real state of any district cannot be known by the Committee. An occupier or zemindar may plead, that an inundation has ruined him, or that his country is a desert through want of rain. An aumeen is sent to examine the complaint. He returns with an exaggerated account of losses, proved in volumes of intricate accounts, which the Committee have no time to read, and for which the aumeen is well paid. Possibly, however, the whole account is false. Suppose no aumeen is employed, and the renter is held to the tenor of his engagement, the loss, if real, must occasion his ruin, unless his assessment is very moderate indeed.

“I may venture to pronounce that the real state of the districts is now less known, and the revenue less understood, than in the year 1774. Since the natives have had the disposal of accounts, since they have been introduced as agents and trusted with authority, intricacy and confusion have taken place. The records and accounts which have been compiled are numerous, yet, when any particular account is wanted, it cannot be found. It is the business of all, from the ryots to the dewan, to conceal and deceive. The simplest matters of fact are designedly covered with a veil through which no human understanding can penetrate.

“With respect to the present Committee of Revenue, it is morally impossible for them to execute the business they are intrusted with. They are invested with a general control, and they have an executive authority larger than ever was before given to any board or body of men. They may and must get through the business; but to pretend to assert that they really execute it would be folly and falsehood.

“The grand object of the native dewannies was to acquire independent control, and for many years they have pursued this with wonderful art. The farmers and zemindars under the Committee prosecute the same plan, and have already objections to anything that has the least appearance of restriction. All control removed, they can plunder as they please.

“The Committee must have a dewan, or executive officer, call him by what name you please. This man, in fact, has all the revenues paid at the Presidency at his disposal, and can, if he has any abilities, bring all the renters under contribution. It is of little advantage to restrain the Committee themselves from bribery or corruption, when their executive officer has the power of protecting [practising?] both undetected.

“To display the arts employed by a native on such an occasion would fill a volume. He discovers the secret resources of the zemindars and renters, their enemies and competitors, and by the engines of hope and fear raised upon these foundations he can work them to his purpose. The Committee, with the best intentions, best abilities, and steadiest application, must, after all, be a tool in the hand of their dewan.”

Here is the account of Mr. Hastings’s new Committee of Revenue, substituted in the place of an establishment made by act of Parliament. Here is what he has

substituted for Provincial Councils. Here is what he has substituted in the room of the whole regular order of the service, which he totally subverted. Can we add anything to this picture? Can we heighten it? Can we do anything more than to recommend it to your Lordships' serious consideration?

But before I finally dismiss this part of our charge, I must request your Lordships' most earnest attention to the true character of these atrocious proceedings, as they now stand proved before you, by direct or the strongest presumptive evidence, upon the Company's records, and by his own confessions and declarations, and those of his most intimate friends and avowed agents.

Your Lordships will recollect, that, previously to the appointment of Mr. Hastings to be the Governor-General, in 1772, the collection of the revenues was committed to a naib dewan, or native collector, under the control of the Supreme Council, — and that Mr. Hastings did at that time, and upon various occasions afterwards, declare it to be his decided and fixed opinion, that nothing would be so detrimental to the interests of the Company, and to the happiness and welfare of the inhabitants of their provinces, as changes, and more especially sudden changes, in the collection of their revenues. His opinion was also most strongly and reiteratedly pressed upon him by his masters, the Court of Directors. The first step taken after his appointment was to abolish the office of naib dewan, and to send a committee through the provinces, at the expense of 50,000*l.* a year, to make a settlement of rents to be paid by the natives for five years. At the same time he appointed one of the Company's servants to be the collector in each province, and he abolished the General Board of Revenue, which had been established at Moorshedabad, chiefly for the following reasons: that, by its exercising a separate control, the members of the Supreme Council at Calcutta were prevented from acquiring that intimate acquaintance with the revenues which was necessary to persons in their station; and because many of the powers necessary for the collection of the revenues could not be delegated to a subordinate council. In consideration of these opinions, orders, and declarations, he, in 1773, abolished the office of collector, and transferred the management of the revenues to several councils of revenue, called Provincial Councils, and recommended their perpetual establishment by act of Parliament. In the year 1774, in contradiction of his former opinion respecting the necessity of the Supreme Council possessing all possible means of becoming acquainted with the details of the revenue, he again recommended the continuance of the Provincial Councils in all their parts. This he again declared to be his deliberate opinion in 1775 and in 1776.

In the mean time a majority of the Supreme Council, consisting of members who had generally differed in opinion from Mr. Hastings, had transmitted their advice to the Court of Directors, recommending some changes in the system of Provincial Councils. The Directors, in their reply to this recommendation, did in 1777 order

the Supreme Council to form a new plan for the collection of the revenues, and to transmit it to them for their consideration.

No such plan was transmitted; but in the year 1781, Mr. Hastings having obtained a majority in the Council, he again changed the whole system, both of collection of the revenue and of the executive administration of civil and criminal justice. And who were the persons substituted in the place of those whom he removed? Names, my Lords, with which you are already but too well acquainted. At their head stands Munny Begum; then comes his own domestic, and private bribe-agent, Gunga Govind Sing; then his banian, Cantoo Baboo; then that instrument of all evil, Debi Sing; then the whole tribe of his dependants, white and black, whom he made farmers of the revenue, with Colonel Hannay at their head; and, lastly, his confidential Residents, secret agents, and private secretaries, Mr. Middleton, Major Palmer, &c., &c. Can your Lordships doubt, for a single instant, of the real spirit of these proceedings? Can you doubt of the whole design having originated and ended in corruption and peculation?

We have fully stated to you, from the authority of these parties themselves, the effects and consequences of these proceedings, — namely, the dilapidation of the revenues, and the ruin and desolation of the provinces. And, my Lords, what else could have been expected or designed by this sweeping subversion of the control of the Company's servants over the collections of the revenue, and the vesting of it in a black dewan, but fraud and peculation? What else, I say, was to be expected, in the inextricable turnings and windings of that black mystery of iniquity, but the concealment of every species of wrong, violence, outrage, and oppression?

Your Lordships, then, have seen that the whole country was put into the hands of Gunga Govind Sing; and when you remember who this Gunga Govind Sing was, and how effectually Mr. Hastings had secured him against detection, in every part of his malpractices and atrocities, can you for a moment hesitate to believe that the whole project was planned and executed for the purpose of putting all Bengal under contribution to Mr. Hastings? But if you are resolved, after all this, to entertain a good opinion of Mr. Hastings, — if you have taken it into your heads, for reasons best known to yourselves, to imagine that he has some hidden virtues, which in the government of Bengal he has not displayed, and which, to us of the House of Commons, have not been discernible in any one single instance, — these virtues may be fit subjects for paragraphs in newspapers, they may be pleaded for him by the partisans of his Indian *faction*, but your Lordships will do well to remember that it is not to Mr. Hastings himself that you are trusting, but to Gunga Govind Sing. If the Committee were tools in his hands, must not Mr. Hastings have also been a tool in his hands? If they with whom he daily and hourly had to transact business, and whose office it was to control and restrain him, were unable so to do, is this control and restraint to be expected from Mr. Hastings, who was his confidant, and whose corrupt transactions he could at any time discover to the world? My worthy

colleague has traced the whole of Mr. Hastings's bribe account, in the most clear and satisfactory manner, to Gunga Govind Sing, — him first, him last, him midst, and without end. If we fail of the conviction of the prisoner at your bar, your Lordships will not have acquitted Mr. Hastings merely, but you will confirm all the robberies and rapines of Gunga Govind Sing. You will recognize him as a faithful governor of India. Yes, my Lords, let us rejoice in this man! Let us adopt him as our own! Let our country, let this House, be proud of him! If Mr. Hastings can be acquitted, we must admit Gunga Govind Sing's government to be the greatest blessing that ever happened to mankind. But if Gunga Govind Sing's government be the greatest curse that ever befell suffering humanity, as we assert it to have been, there is the man that placed him in it; there is his father, his godfather, the first author and origin of all these evils and, calamities. My Lords, remember Dinagepore; remember the bribe of 40,000*l.* which Gunga Govind Sing procured for Mr. Hastings in that province, and the subsequent horror of that scene.

But, my Lords, do you extend your confidence to Gunga Govind Sing? Not even the face of this man, to whom the revenues of the Company, together with the estates, fortunes, reputations, and lives of the inhabitants of that country were delivered over, is known in those provinces. He resides at Calcutta, and is represented by a variety of under-agents. Do you know Govind Ghose? Do you know Nundulol? Do you know the whole tribe of peculators, whom Mr. Hastings calls his faithful domestic servants? Do you know all the persons that Gunga Govind Sing must employ in the various ramifications of the revenues throughout all the provinces? Are you prepared to trust all these? The Board of Revenue has confessed that it could not control them. Mr. Hastings himself could not control them. The establishment of this system was like Sin's opening the gates of Hell: like her, he could open the gate, — but to shut, as Milton says, exceeded his power. The former establishments, if defective, or if abuses were found in them, might have been corrected. There was at least the means of detecting and punishing abuse. But Mr. Hastings destroyed the means of doing either, by putting the whole country into the hands of Gunga Govind Sing.

Now, having seen all these things done, look to the account. Your Lordships will now be pleased to look at this business as a mere account of revenue. You will find, on comparing the three years in which Mr. Hastings was in the minority with the three years after the appointment of this Committee, that the assessment upon the country increased, but that the revenue was diminished; and you will also find, which is a matter that ought to astonish you, that the expenses of the collections were increased by no less a sum than 500,000*l.* You may judge from this what riot there was in rapacity and ravage, both amongst the European and native agents, but chiefly amongst the natives: for Mr. Hastings did not divide the greatest part of this spoil among the Company's servants, but among this gang of black dependants. These accounts are in pages 1273 and 1274 of your Minutes.

My Lords, weighty indeed would have been the charge brought before your Lordships by the Commons of Great Britain against the prisoner at your bar, if they had fixed upon no other crime or misdemeanor than that which I am now pressing upon you, — his throwing off the allegiance of the Company, his putting a black master over himself, and his subjecting the whole of Bengal, Bahar, and Orissa, the whole of the Company's servants, the Company's revenues, the Company's farms, to Gunga Govind Sing. But, my Lords, it is a very curious and remarkable thing, that we have traced this man as Mr. Hastings's bribe-broker up to the time of the nomination of this Committee; we have traced him through a regular series of bribery; he is Mr. Hastings's bribe-broker at Patna; he is Mr. Hastings's bribe-broker at Nuddea; he is his bribe-broker at Dinagepore; we find him his bribe-broker in all these places; but from the moment that this Committee was constituted, it became a gulf in which the prevention, the detection, and the correction of all kind of abuses were sunk and lost forever. From the time when this Committee and Gunga Govind Sing were appointed, you do not find one word more of Mr. Hastings's bribes. Had he then ceased to receive any? or where are you to look for them? You are to look for them in that 500,000*l.* excess of expense in the revenue department, and in the rest of all that corrupt traffic of Gunga Govind Sing of which we gave you specimens at the time we proved his known bribes to you. These are nothing but index-hands to point out to you the immense mass of corruption which had its origin, and was daily accumulating in these provinces, under the protection of Mr. Hastings. And can you think, and can we talk of such transactions, without feeling emotions of indignation and horror not to be described? Can we contemplate such scenes as these, — can we look upon those desolated provinces, upon a country so ravaged, a people so subdued, — Mahometans, Gentoos, our own countrymen, all trampled under foot by this tyrant, — can we do this; without giving expression to those feelings which, after animating us in this life, will comfort us when we die, and will form our best part in another?

My Lords, I am now at the last day of my endeavors to inspire your Lordships with a just sense of these unexampled atrocities. I have had a great encyclopedia of crimes to deal with; I will get through them as soon as I can; and I pray your Lordships to believe, that, if I omit anything, it is to time I sacrifice it, — that it is to want of strength I sacrifice it, — that it is to necessity, and not from any despair of making, from the records and from the evidence, matter so omitted as black as anything that I have yet brought before you.

The next thing of which I have to remind your Lordships respecting these black agents of the prisoner is, that we find him, just before his departure from India, recommending three of them, Gunga Govind Sing, Gunga Ghose, and Nundulol, as persons fit and necessary to be rewarded for their services by the Company. Now your Lordships will find, that, of these faithful domestic servants, there is not one of

them who was not concerned in these enormous briberies, and in betraying their own native and natural master. If I had time for it, I believe I could trace every person to be, in proportion to Mr. Hastings's confidence in him, the author of some great villany. These persons he thinks had not been sufficiently rewarded, and accordingly he recommends to the board, as his dying legacy, provision for these faithful attached servants of his, and particularly for Gunga Govind Sing. The manner in which this man was to be rewarded makes a part of the history of these transactions, as curious, perhaps, as was ever exhibited to the world. Your Lordships will find it in page 2841 of your Minutes.

The Rajah of Dinagore was a child at that time about eleven years old, and had succeeded to the Rajahship (by what means I shall say nothing) when he was about five years old. He is made to apply to Mr. Hastings for leave to grant a very considerable part of his estate to Gunga Govind Sing, as a reward for his services. These services could only be known to the Rajah's family by having robbed it of at least 40,000*l.*, the bribe given to Mr. Hastings. But the Rajah's family is so little satisfied with this bountiful and liberal donation to Gunga Govind Sing, that they desire that several purgunnahs, or farms, that are mentioned in the application made to the Council, should be separated from the family estate and given to this man. Such was this extraordinary gratitude: gratitude, not for money received, but for money taken away, — a species of gratitude unknown in any part of the world but in India; gratitude pervading every branch of the family; his mother coming forward and petitioning likewise that her son should be disinherited; his uncle, the natural protector and guardian of his minority, coming forward and petitioning most earnestly that his nephew should be disinherited: all the family join in one voice of supplication to Mr. Hastings, that Gunga Govind Sing may have a very large and considerable part of their family estate given to him. Mr. Hastings, after declaring that certain circumstances respecting this property, which are mentioned in his minutes, were to his knowledge true, but which your Lordships, upon examination, will find to be false, and falsified in every particular, recommends, in the strongest manner, to the board, a compliance with this application. He was at this time on the eve of his departure from India, in haste to provide for his faithful servants; and he well knew that this his last act would be held binding upon his successors, who were devoted to him.

Here, indeed, is genuine and heroic gratitude, — gratitude for money received, not for money taken away; and yet this gratitude was towards a person who had paid himself out of the benefit which had been conferred, at the expense of a third party. For Gunga Govind Sing had kept for himself 20,000*l.* out of 40,000*l.* taken from the Rajah. For this cheat, stated by Mr. Larkins to be such, and allowed by Mr. Hastings himself to be such, he, with a perfect knowledge of that fraud and cheat committed upon the public, (for he pretends that the money was meant for the Company,) makes this supplication to his colleagues, and departs.

After his departure, Gunga Govind Sing, relying upon the continuance of the corrupt influence which he had gained, had the impudence to come forward and demand the confirmation of this grant by the Council-General. The Council, though willing to accede to Mr. Hastings's proposition, were stopped in a moment by petitions much more natural, but of a direct contrary tenor. The poor infant Rajah raises his cries not to be deprived of his inheritance; his mother comes forward and conjures the Council not to oppress her son and wrong her family; the uncle comes and supplicates the board to save from ruin these devoted victims which were under his protection. All these counter-petitions come before the Council while the ink is hardly dry upon the petitions which Mr. Hastings had left behind him, as proofs of the desire of this family to be disinherited in favor of Gunga Govind Sing. Upon the receipt of these remonstrances, the board could not proceed in the business, and accordingly Gunga Govind Sing was defeated.

But Gunga Govind Sing was unwilling to quit his prey. And what does he do? I desire your Lordships to consider seriously the reply of Gunga Govind Sing, as it appears upon your minutes. It is a bold answer. He denies the right of the Rajah to these estates. "Why," says he, "all property in this country depends upon the will of your government. How came this Rajah's family into possession of this great zemindary? Why, they got it at first by the mere favor of government. The whole was an iniquitous transaction. This is a family that in some former age has robbed others; and now let me rob them." In support of this claim, he adds the existence of other precedents, namely, "that many clerks or mutsuddies and banians at Calcutta had," as he says, "got possession of the lands of other people without any pretence of right; — why should not I?" Good God! what precedents are these!

Your Lordships shall now hear the razinama, or testimonial, which, since Mr. Hastings's arrival in England, this Rajah has been induced to send to the Company from India, and you will judge then of the state in which Mr. Hastings has left that country. Harken, my Lords, I pray you, to the razinama of this man, from whom 40,000*l.* was taken by Mr. Hastings and Gunga Govind Sing, and against whom an attempt was made by the same persons to deprive him of his inheritance. Listen to this razinama, and then judge of all the other testimonials which have been produced on the part of the prisoner at your bar. His counsel rest upon them, they glory in them, and we shall not abate them one of these precious testimonials. They put the voice of grateful India against the voice of ungrateful England. Now hear what grateful India says, after our having told you for what it was so grateful.

"I, Radanaut, Zemindar of Purgunnah Havelly Punjera, commonly called Dinagepore: — As it has been learnt by me, the mutsuddies and respectable officers of my zemindary, that the ministers of England are displeased with the late Governor, Warren Hastings, Esquire, upon the suspicion that he oppressed us, took money from us by deceit and force, and ruined the country, therefore we, upon the strength of our religion, which we think it incumbent on and necessary for us to

abide by, following the rules laid down in giving evidence, declare the particulars of the acts and deeds of Warren Hastings, Esquire, full of circumspection and caution, civility and justice, superior to the conduct of the most learned, and by representing what is fact wipe away the doubts that have possessed the minds of the ministers of England; that Mr. Hastings is possessed of fidelity and confidence, and yielding protection to us; that he is clear from the contamination of mistrust and wrong, and his mind is free of covetousness and avarice. During the time of his administration, no one saw other conduct than that of protection to the husbandmen, and justice; no inhabitant ever experienced affliction, no one ever felt oppression from him. Our reputations have always been guarded from attacks by his prudence, and our families have always been protected by his justice.”

Good God! my Lords, “*our families protected by his justice*”! What! after Gunga Govind Sing, in concert with Mr. Hastings, had first robbed him of 40,000*l.*, and then had attempted to snatch, as it were, out of the mouths of babes and sucklings the inheritance of their fathers, and to deprive this infant of a great part of his family estate? Here is a child, eleven years old, who never could have seen Mr. Hastings, who could know nothing of him but from the heavy hand of oppression, affliction, wrong, and robbery, brought to bear testimony to the virtues of Mr. Hastings before a British Parliament! Such is the confidence they repose in their hope of having bribed the English nation by the millions and millions of money, the countless lacs of rupees, poured into it from India, that they had dared to bring this poor robbed infant to bear testimony to the character of Mr. Hastings! These are the things which are to be opposed to the mass of evidence which the House of Commons bring against this man, — evidence which they bring from his own acts, his own writing, and his own records, — a cloud of testimony furnished by himself in support of charges brought forward and urged by us agreeably to the magnitude of his crimes, with the horror which is inspired by them, and with the contempt due to this paltry attempt towards his defence, which they had dared to produce from the hands of an infant but eleven years old when Mr. Hastings quitted that country!

But to proceed with the *razinama*.

“He never omitted the smallest instance of kindness towards us, but healed the wounds of despair with the salve of consolation, by means of his benevolent and kind behavior, never permitting one of us to sink in the pit of despondence. He supported every one by his goodness, overset the designs of evil-minded men by his authority, tied the hand of oppression with the strong bandage of justice, and by these means expanded the pleasing appearance of happiness and joy over us. He reestablished justice and impartiality. We were during his government in the enjoyment of perfect happiness and ease, and many of us are thankful and satisfied. As Mr. Hastings was well acquainted with our manners and customs, he was always desirous in every respect of doing whatever would preserve our religious rites, and guard them against every kind of accident and injury, and at all times protected us.

Whatever we have experienced from him, and whatever happened from him, we have written without deceit or exaggeration.”

My Lords, before I take leave of this affair of bribes and of the great bribe-broker, let me just offer a remark to your Lordships upon one curious transaction. My Lords, we have charged a bribe taken from the Nabob of Oude, and we have stated the corrupt and scandalous proceeding which attended it. I thought I had done with Oude; but as there is a golden chain between all the virtues, so there is a golden chain which links together all the vices. Mr. Hastings, as you have seen, and as my honorable colleague has fully opened it to you, received a bribe or corrupt present from the Nabob of Oude in September, 1781. We heard no more of this bribe than what we had stated, (no other trace of it ever appearing in the Company’s records, except in a private letter written by Mr. Hastings to the Court of Directors, and afterwards in a communication such as you have heard through Mr. Larkins,) till October, 1783.

But, my Lords, we have since discovered, through and in consequence of the violent disputes which took place between Mr. Hastings and the clan of Residents that were in Oude, — the Resident of the Company, Mr. Bristow, the two Residents of Mr. Hastings, Mr. Middleton and Mr. Johnson, and the two Residents sent by him to watch over all the rest, Major Palmer and Major Davy, — upon quarrels, I say, between them, we discovered that Mr. Middleton had received the offer of a present of 100,000*l.* in February, 1782. This circumstance is mentioned in a letter of Mr. Middleton’s, in which he informs Mr. Hastings that the Nabob had destined such a sum for him.

Now the first thing that will occur to your Lordships upon such an affair will be a desire to know what it was that induced the Nabob to make this offer. It was but in the September preceding that Mr. Hastings had received, for his private use, as the Nabob conceived, so bountiful a present as 100,000*l.*; what motive, then, could he have had in February to offer him another 100,000*l.*? This man, at the time, was piercing heaven itself with the cries of despondency, despair, beggary, and ruin. You have seen that he was forced to rob his own family, in order to satisfy the Company’s demands upon him; and yet this is precisely the time when he thinks proper to offer 100,000*l.* to Mr. Hastings. Does not the mind of every man revolt, whilst he exclaims, and say, “What! another 100,000*l.* to Mr. Hastings?” What reason had the Nabob to think Mr. Hastings so monstrously insatiable, that, having but the September before received 100,000*l.*, he must give him another in February? My Lords, he must, in the interval, have threatened the Nabob with some horrible catastrophe, from which he was to redeem himself by this second present. You can assign no other motive for his giving it. We know not what answer Mr. Hastings made to Mr. Middleton upon that occasion, but we find that in the year 1783 Mr. Hastings asserts that he sent up Major Palmer and Major Davy to persuade the Nabob to transfer this present, which the Nabob intended for him, to

the Company's service. Remark, my Lords, the progress of this affair. In a formal accusation preferred against Mr. Middleton, he charges him with obstructing this design of his. In this accusation, my Lords, you find him at once in the curious character of prosecutor, witness, and judge.

Let us see how he comports himself. I shall only state to you one of the articles of his impeachment; it is the third charge; it is in page 1267 of your Lordships' Minutes.

"For sending repeatedly to the Vizier, and to his minister, Hyder Beg Khân, to advise them against transferring the ten lacs of rupees intended as a present to the Governor-General to the Company's account; as it would be a precedent for further demands, which if the Vizier did not refuse in the first instance, the government would never cease to harass him for money."

The first thing that will occur to your Lordships is an assertion of the accuser's: — "I am morally certain, that jaidads or assets for ten lacs, either in assignment of land or in bills, had been prepared, and were in the charge or possession of Mr. Middleton, before Major Palmer's arrival, and left with Mr. Johnson on Mr. Middleton's departure."

My Lords, here is an accusation that Mr. Middleton had actually received money, either in bills or assets of some kind or other, — and that, upon quitting his Residency, he had handed it over to his successor, Mr. Johnson. Here are, then, facts asserted, and we must suppose substantiated. Here is a sum of money to be accounted for, in which there is a gross malversation directly charged as to these particulars, in Mr. Hastings's opinion. Mr. Macpherson, another member of the Council, has declared, that he understood at the time that the ten lacs were actually deposited in bills, and that it was not a mere offer made by the Nabob to pay such a sum from the future revenue of the country. Mr. Hastings has these facts disclosed to him. He declares that he was "*morally* certain" of it, — that is, as certain as a man can be of anything; because physical certitude does not belong to such matters. The first thing you will naturally ask is, "Why does he not ask Mr. Johnson how he had disposed of that money which Mr. Middleton had put in his hands?" He does no such thing; he passes over it totally, as if it were no part of the matter in question, and the accusation against Mr. Middleton terminates in the manner you will there find stated. When Mr. Johnson is asked, "Why was not that money applied to the Company's service?" he boldly steps forward, and says, "I prevented it from being so applied. It never was, it never ought to have been, so applied; such an appropriation of money to be taken from the Nabob would have been enormous upon that occasion."

What, then, does Mr. Hastings do? Does he examine Mr. Middleton upon the subject, who charges himself with having received the money? Mr. Middleton was at that very time in Calcutta, called down thither by Mr. Hastings himself. One would naturally expect that he would call upon him to explain for what purpose he

left the money with Mr. Johnson. He did no such thing. Did he examine Mr. Johnson himself, who was charged with having received the money from Mr. Middleton? Did he ask him what he had done with that money? Not one word. Did he send for Major Palmer and Major Davy to account for it? No. Did he call any shroff, any banker, any one person concerned in the payment of the money, or any one person in the management of the revenue? No, not one. Directly in the face of his own assertions, directly contrary to his moral conviction of the fact that the money had been actually deposited, he tries Mr. Johnson collusively and obliquely, not upon the account of what was done with the money, but why it was prevented from being applied to the Company's service; and he acquits him in a manner that (taking the whole of it together) will give your Lordships the finest idea possible of a Bengal judicature, as exercised by Mr. Hastings.

"I am not sorry," says he, "that Mr. Johnson chose to defeat my intentions; since it would have added to the Nabob's distresses, but with no immediate relief to the Company. If, in his own breast, he can view the secret motives of this transaction, and on their testimony approve it, I also acquit him."

Merciful God! Here is a man accused by regular articles of impeachment. The accuser declares he is morally certain that the money had been received, but was prevented from being applied to its destination by the person accused; and he acquits him. Does he acquit him from his own knowledge, or from any evidence? No: but he applies to the man's conscience, and says, "If you in your conscience can acquit yourself, I acquit you."

Here, then, is a proceeding the most astonishing and shameless that perhaps was ever witnessed: a court trying a man for a delinquency and misapplication of money, destined, in the first instance, for the use of the judge, but which he declares ought, in his own opinion, to be set apart for the public use, and which he was desirous of applying to the Company's service, without regard to his own interest, and then the judge declaring he is not sorry that his purpose had been defeated by the party accused. Instead, however, of censuring the accused, he applies to the man's own conscience. "Does your conscience," says he, "acquit you of having acted wrong?" The accused makes no reply; and then Mr. Hastings, by an hypotheticalal conclusion, acquits him.

Mr. Hastings is accused by the Commons for that, having a moral certainty of the money's being intended for his use, he would not have ceased to inquire into the actual application of it but from some corrupt motive and intention. With this he is charged. He comes before you to make his defence. Mr. Middleton is in England. Does he call Mr. Middleton to explain it here? Does he call upon Mr. Johnson, who was the other day in this court, to account for it? Why did he not, when he sent for these curious papers and testimonials to Major Palmer, (the person authorized, as he pretends, by him, to resign all his pretensions to the money procured,) send for

Major Palmer, who is the person that accused him in this business, — why not send for him to bear some testimony respecting it? No: he had time enough, but at no one time and in no place did he do this; therefore the imputation of the foulest corruption attaches upon him, joined with the infamy of a collusive prosecution, instituted for the sake of a collusive acquittal.

Having explained to your Lordships the nature, and detailed the circumstances, as far as we are acquainted with them, of this fraudulent transaction, we have only further to remind you, that, though Mr. Middleton was declared guilty of five of the six charges brought against him by Mr. Hastings, yet the next thing you hear is, that Mr. Hastings, after declaring that this conduct of Mr. Middleton had been very bad, and that the conduct of the other servants of the Company concerned with him had been ten times worse, he directly appoints him to one of the most honorable and confidential offices the Company had to dispose of: he sends him ambassador to the Nizam, — to give to all the courts of India a specimen of the justice, honor, and decency of the British government.

My Lords, with regard to the bribe for the *entertainment*, I only beg leave to make one observation to you upon that article. I could say, if the time would admit it, a great deal upon that subject; but I wish to compress it, and I shall therefore only recommend it in general to your Lordships' deliberate consideration. The covenant subsisting between the Company and its servants was made for the express purpose of putting an end to all such entertainments. By this convention it is ordered that no presents exceeding 200*l.* [400*l.*?] shall be accepted upon any pretence for an entertainment. The covenant was intended to put an end to the custom of receiving money for entertainments, even when visiting an independent Oriental prince. But your Lordships know that the Nabob was no prince, but a poor, miserable, undone dependant upon, the Company. The present was also taken by Mr. Hastings at a time when he went upon the cruel commission of cutting down the Nabob's allowance from 400,000*l.* to 260,000*l.* [160,000*l.*?], and when he was reducing to beggary thousands of persons who were dependent for bread upon the Nabob, and ruining, perhaps, forty thousand others. I shall say no more upon that subject, though, in truth, it is a thing upon which much observation might be made.

I shall now pass on to another article connected with, though not making a direct part of, that of corrupt bribery: I mean the swindling subterfuges by which he has attempted to justify his corrupt practices. At one time, he defends them by pleading the necessities of his own affairs, — as when he takes presents and entertainments avowedly for his own profits. At another time he defends them by pleading the goodness of his intentions: he intended, he says, to give the money to the Company. His last plea has something in it (which shall I say?) of a more awful or of a more abandoned character, or of both. In the settlement of his public account, before he left India, he takes credit for a bond which he had received from Nobkissin upon

some account or other. He then, returns to England, and what does he do? Pay off? No. Give up the bond to the Company? No. He says, "I will account to the Company for this money." And when he comes to give this account of the expenditure of this money, your Lordships will not be a little astonished at the items of it. One is for founding a Mahometan college. It is a very strange thing that Rajah Nobkissin, who is a Gentoo, should be employed by Mr. Hastings to found a Mahometan college. We will allow Mr. Hastings, who is a Christian, or would be thought a Christian, to grow pious at last, and, as many others have done, who have spent their lives in fraud, rapacity, and speculation, to seek amends and to expiate his crimes by charitable foundations. Nay, we will suppose Mr. Hastings to have taken it into his head to turn Mahometan, (Gentoo he could not,) and to have designed by a Mahometan foundation to expiate his offences. Be it so; but why should Nobkissin pay for it? We will pass over this also. But when your Lordships shall hear of what nature that foundation was, I believe you will allow that a more extraordinary history never did appear in the world.

In the first place, he stated to the Council, on the 18th of April, 1781, that in the month of November, 1780, a petition was presented to him by a considerable number of Mussulmen, in compliance with which this Mahometan college appears to have been founded. It next appears from his statement, that in the April following, (that is, within about six months after the foundation,) many students had finished their education. You see what a hot-bed bribery and corruption is. Our universities cannot furnish an education in six years: in India they have completed it within six months, and have taken their degrees.

Mr. Hastings says, "I have supported this establishment to this time at my own expense; I desire the Company will now defray the charge of it." He then calculates what the expenses were; he calculates that the building would cost about 6,000*l.*, and he gets from the Company a bond to raise money for paying this 6,000*l.* You apparently have the building now at the public expense, and Mr. Hastings still stands charged with the expense of the college for six months. He then proposes that a tract of land should be given for the college, to the value of about three thousand odd pounds a year, — and that in the mean time there should be a certain sum allotted for its expenses. After this Mr. Hastings writes a letter from the Ganges to the Company, in which he says not a word about the expense of the building, but says that the college was founded and maintained at his own expense, though it was thought to be maintained by the Company; and he fixes the commencement of the expense in September, 1779. But, after all, we find that the very professor who was to be settled there never so much as arrived in Calcutta, or showed his face there, till some time afterwards. And look at Mr. Larkins's private accounts, and you will find that he charges the expense to have commenced not until October, 1781. It is no error, because it runs through and is so accounted in

the whole: and it thus appears that he has charged, falsely and fraudulently, a year more for that establishment than it cost him.

At last, then, when he was coming away, (for I hasten to the conclusion of an affair ludicrous indeed in some respects, but not unworthy of your Lordships' consideration,) "after remarking that he had experienced for three years the utility of this institution, he recommends that they will establish a fund for 3,000*l.* a year for it, and give it to the master." He had left Gunga Govind Sing as a Gentoo legacy, and he now leaves the Mussulman as a Mahometan legacy to the Company.

Your Lordships shall now hear what was the upshot of the whole. The Company soon afterwards hearing that this college was become the greatest nuisance in Calcutta, and that it had raised the cries of all the inhabitants against it, one of their servants, a Mr. Chapman, was deputed by the Governor, Sir John Shore, to examine into it, and your Lordships will find the account he gives of it in your minutes. In short, my Lords, we find that this was a seminary of robbers, housebreakers, and every nuisance to society; so that the Company was obliged to turn out the master, and to remodel the whole. Your Lordships will now judge of the merits and value of this, one of the sets-off brought forward by the prisoner against the charges which we have brought forward against him: it began in injustice and peculation, and ended in a seminary for robbers and housebreakers.

Nothing now remains to be pressed by me upon your Lordships' consideration, but the account given by the late Governor-General, Earl Cornwallis, of the state in which he found the country left by his predecessor, Mr. Hastings, the prisoner at your bar. But, patient as I know your Lordships to be, I also know that your strength is not inexhaustible; and though what I have farther to add will not consume much of your Lordships' time, yet I conceive that there is a necessity for deferring it to another day.

SPEECH IN GENERAL REPLY. NINTH DAY: MONDAY, JUNE 16, 1794.

My Lords, — I should think it necessary to make an apology to your Lordships for appearing before you one day more, if I were inclined to measure this business either by the standard of my own ability, or by my own impatience, or by any supposed impatience of yours. I know no measure, in such a case, but the nature of the subject, and the duty which we owe to it. You will therefore, my Lords, permit me, in a few words, to lead you back to what we did yesterday, that you may the better comprehend the manner in which I mean to conclude the business to-day.

My Lords, we took the liberty of stating to you the condition of Bengal before our taking possession of it, and of the several classes of its inhabitants. We first brought before you the Mahometan inhabitants, who had the judicial authority of the country in their hands; and we proved to you the utter ruin of that body of people, and with them of the justice of the country, by their being, both one and the other, sold to an infamous woman called Munny Begum. We next showed you, that the whole landed interest, the zemindars, or Hindoo gentry of the country, was likewise ruined by its being given over, by letting it on a five years' lease, to infamous farmers, and giving it up to their merciless exactions, — and afterwards by subjecting the rank of those zemindars, their title-deeds, and all their pecuniary affairs, to the minutest scrutiny, under pain of criminal punishment, by a commission granted to a nefarious villain called Gunga Govind Sing. We lastly showed you that the remaining third class, that of the English, was partly corrupted, or had its authority dissolved, and that the whole superintending English control was subverted or subdued, — that the products of the country were diminished, and that the revenues of the Company were dilapidated, by an overcharge of expenses, in four years, to the amount of 500,000*l.*, in consequence of these corrupt, dangerous, and mischievous projects.

We have farther stated, that the Company's servants were corrupted by contracts and jobs; we proved that those that were not so corrupted were removed from their stations or reduced to a state of abject dependence; we showed you the destruction of the Provincial Councils, the destruction of the Council-General, and the formation of a committee for no other ends whatever but for the purposes of bribery, concealment, and corruption. We next stated some of the most monstrous instances of that bribery; and though we were of opinion that in none of them any satisfactory defence worth mentioning had been made, yet we have thought that this should not hinder us from recalling to your Lordships' recollection the peculiar nature and circumstances of one of those proceedings.

The proceedings to which we wish to call your attention are those belonging to the second bribe given by the Nabob of Oude to Mr. Hastings. Mr. Hastings's own knowledge and opinion that that money was set apart for his use, either in bills or assets, I have before stated; and I now wish to call your Lordships' minute recollection to the manner in which the fraudulent impeachment of Mr. Middleton, for the purpose of stifling an inquiry into that business, was carried on. Your Lordships will remember that I proved to you, upon the face of that proceeding, the collusive nature of the accusation, and that the real state of the case was not charged, — and that Mr. Hastings acquitted the party accused of one article of the charge, not upon the evidence of the case, contrary to his own avowed, declared, moral certainty of his guilt, but upon a pretended appeal to the conscience of the man accused. He did not, however, give him a complete, formal, official acquittal, but referred the matter to the Court of Directors, who could not possibly know anything of the matter, without one article of evidence whatever produced at the time or transmitted. We lastly proved to you, that, after finding him guilty of five charges, and leaving the other to the Court of Directors, Mr. Hastings, without any reason assigned, appointed him to a great office in the Company's service.

These proceedings were brought before you for two purposes: first, to show the corrupt principle of the whole proceeding; next, to show the manner in which the Company's servants are treated. They are accused and persecuted, until they are brought to submit to whatever terms it may be thought proper to impose upon them; they are then formally, indeed, acquitted of the most atrocious crimes charged against them, but virtually condemned upon some articles, with the scourge hung over them, — and in some instances rewarded by the greatest, most honorable, and most lucrative situations in the Company's service. My Lords, it is on the same ground of the wicked, pernicious, and ruinous principles of Mr. Hastings's government, that I have charged this with everything that is chargeable against him, namely, that, if your Lordships should ratify those principles by your acquittal of him, they become principles of government, — rejected, indeed, by the Commons, but adopted by the Peerage of Great Britain.

There is another article which I have just touched, but which I must do more than barely notice, upon account of the evil example of it: I mean the taking great sums of money, under pretence of an entertainment. Your Lordships will recollect, that, when this business was charged against him in India, Mr. Hastings neither affirmed nor denied the fact. Confession could not be there extorted from him. He next appeared before the House of Commons, and he still evaded a denial or a confession of it. He lastly appeared before your Lordships, and in his answer to our charge he in the same manner evaded either a confession or a denial. He forced us to employ a great part of a session in endeavoring to establish what we have at last established, the receipt of the sums first charged, and of seven lacs more, by him. At length the proof could not be evaded; and after we had fought through all the

difficulties which the law could interpose in his defence, and of which he availed himself with a degree of effrontery that has, I believe, no example in the world, he confesses, avows, and justifies his conduct. If the custom alleged be well founded, and be an honorable and a proper and just practice, why did he not avow it in every part and progress of our proceedings here? Why should he have put us to the necessity of wasting so many months in the proof of the fact? And why, after we have proved it, and not before, did he confess it, avow it, and even glory in it?

I must remind your Lordships that the sum charged to be so taken by way of entertainment made only a part, a single article, of the bribes charged by Nundcomar to have been received by Mr. Hastings; and when we find him confessing, what he could not deny, that single article, and evading all explanation respecting the others, and not giving any reason whatever why one was received and the others rejected, your Lordships will judge of the strong presumption of his having taken them all, even if we had given no other proofs of it. We think, however, that we have proved the whole very satisfactorily. But whether we have or not, the proof of a single present received is sufficient; because the principle to be established respecting these bribes is this, — whether or not a Governor-General, paying a visit to any of the poor, miserable, dependent creatures called sovereign princes in that country, (men whom Mr. Hastings has himself declared to be nothing but phantoms, and that they had no one attribute of sovereignty about them,) whether, I say, he can consider them to be such sovereign princes as to justify his taking from them great sums of money by way of a present. The Nabob, in fact, was not a sovereign prince, nor a country power, in any sense but that which the Company meant to exempt from the custom of making presents. It was their design to prevent their servants from availing themselves of the real dependence of the nominal native powers to extort money from them under the pretence of their sovereignty. Such presents, so far from being voluntary, were in reality obtained from their weakness, their hopeless and unprotected condition; and you are to decide whether or not this custom, which is insisted upon by the prisoner's counsel, with great triumph, to be a thing which he could not evade, without breaking through all the usages of the country, and violating principles established by the most clear law of India, is to be admitted as his justification.

It was on this very account, namely, the extortion suffered by these people, under the name or pretence of presents, that the Company first bound their servants by a covenant, which your Lordships shall now hear read.

“That they shall not take any grant of lands, or rents or revenues issuing out of lands, or any territorial possession, jurisdiction, dominion, power, or authority whatsoever, from any of the Indian princes, sovereigns, subahs, or nabobs, or any of their ministers, servants, or agents, for any service or services, or upon any account or pretence whatsoever, without the license or consent of the Court of Directors.”

This clause in the covenant had doubtless a regard to Lord Clive, and to Sir Hector Munro, and to some others, who had received gifts, and grants of jaghires, and other territorial revenues, that were confirmed by the Company. But though this confirmation might be justifiable at a time when we had no real sovereignty in the country, yet the Company very wisely provided afterwards, that under no pretence whatever should their servants have the means of extorting from the sovereigns or pretended sovereigns of the country any of their lands or possessions. Afterwards it appeared that there existed abuses of a similar nature, and particularly (as was proved before us in the year 1773, and reported to our House, upon the evidence of Mahomed Reza Khân) the practice of frequently visiting the princes, and of extorting, under pretence of such visits, great sums of money. All their servants, and the Governor-General particularly, were therefore obliged to enter into the following covenant: —

“That they shall not, directly or indirectly, accept, take, or receive, or agree to accept, take, or receive, any gift, reward, gratuity, allowance, donation, or compensation, in money, effects, jewels, or otherwise howsoever, from any of the Indian princes, sovereigns, subahs, or nabobs, or any of their ministers, servants, or agents, exceeding the value of four thousand rupees, for any service or services performed or to be performed by them in India, or upon any other account or pretence whatsoever.”

By this covenant, my Lords, Mr. Hastings is forbidden to accept, upon any pretence and under any name whatsoever, any sum above four thousand rupees, — that is to say, any sum above four hundred pounds. Now the sum that was here received is eighteen thousand pounds sterling, by way of a present, under the name of an allowance for an entertainment, which is the precise thing which his covenant was made to prevent. The covenant suffered him to receive four hundred pounds: if he received more than that money, he became a criminal, he had broken his covenant, and forfeited the obligation he had made with his masters. Think with yourselves, my Lords, what you will do, if you acquit the prisoner of this charge. You will avow the validity, you will sanction the principle of his defence: for, as the fact is avowed, there is an end of that.

Good God! my Lords, where are we? If they conceal their gifts and presents, they are safe by their concealment; if they avow them, they are still safer. They plead the customs of the country, or rather, the customs which we have introduced into the country, — customs which have been declared to have their foundation in a system of the most abominable corruption, the most flagitious extortion, the most dreadful oppression, — those very customs which their covenant is made to abolish. Think where your Lordships are. You have before you a covenant declaring that he should take under no name whatever (I do not know how words could be selected in the English language more expressive) any sum more than four hundred pounds. He says, “I have taken eighteen thousand pounds.” He makes his counsel declare, and

he desires your Lordships to confirm their declaration, that he is not only justifiable in so doing, but that he ought to do so, — that he ought to break his covenant, and act in direct contradiction to it. He does not even pretend to say that this money was intended, either inwardly or outwardly, avowedly or covertly, for the Company's service. He put absolutely into his own pocket eighteen thousand pounds, besides his salary.

Consider, my Lords, the consequences of this species of iniquity. If any servant of the Company, high in station, chooses to make a visit from Calcutta to Moorshedabad, which Moorshedabad was then the residence of our principal revenue government, — if he should choose to take an airing for his health, if he has a fancy to make a little voyage for pleasure as far as Moorshedabad, in one of those handsome barges or budgeros of which you have heard so much in his charge against Nundcomar, he can put twenty thousand pounds into his pocket any day he pleases, in defiance of all our acts of Parliament, covenants, and regulations.

Do you make your laws, do you make your covenants, for the very purpose of their being evaded? Is this the purpose for which a British tribunal sits here, to furnish a subject for an epigram, or a tale for the laughter of the world? Believe me, my Lords, the world is not to be thus trifled with. But, my Lords, you will never trifle with your duty. You have a gross, horrid piece of corruption before you, — impudently confessed, and more impudently defended. But you will not suffer Mr. Hastings to say, "I have only to go to Moorshedabad, or to order the Nabob to meet me half way, and I can set aside and laugh at all your covenants and acts of Parliament." Is this all the force and power of the covenant by which you would prevent the servants of the Company from committing acts of fraud and oppression, that they have nothing to do but to amuse themselves with a tour of pleasure to Moorshedabad in order to put any sum of money in their pocket that they please?

But they justify themselves by saying, such things have been practised before. No doubt they have; and these covenants were made that they should not be practised any more. But your Lordships are desired to say, that the very custom which the covenant is made to destroy, the very grievance itself, may be pleaded; the abuse shall be admitted to destroy the law made to prevent it. It is impossible, I venture to say, that your Lordships should act thus. The conduct of the criminal is not half so abhorrent as the justification is affronting to justice, whilst it tends to vilify and degrade the dignity of the Peerage and the character of the Commons of Great Britain, before the former and against the latter of which such a justification is produced in the face of the world.

At the same time that we call for your justice upon this man, we beseech you to remember the severest justice upon him is the tenderest pity towards the innocent victims of his crimes. Consider what was at that time the state of the people from whom, in direct defiance of his covenant, he took this sum of money. Were they at this time richer, were they more opulent, was the state of the country more

flourishing than when Mr. Sumner, when Mr. Vansittart, in short, than when the long line of Mr. Hastings's predecessors visited that country? No, they were not. Mr. Hastings at this very time had reduced the Nabob's income from 450,000*l.* [400,000*l.*?] sterling a year, exclusive of other considerable domains and revenues, to 160,000*l.* He was, indeed, an object of compassion. His revenues had not only been reduced during his state of minority, but they were reduced when he afterwards continued in a state in which he could do no one valid act; and yet, in this state, he was made competent to give away, under the name of compensation for entertainments, the sum of 18,000*l.*, — perhaps at that time nearly all he had in the world.

Look at your minutes, and you will find Mr. Hastings had just before this time said that the bread of ten thousand persons, many of them of high rank, depended upon the means possessed by the Nabob for their support, — that his heart was cut and afflicted to see himself obliged to ruin and starve so many of the Mahometan nobility, the greatest part of whose yet remaining miserable allowances were now taken away. You know, and you will forgive me again remarking, that it is the nature of the eagles and more generous birds of prey to fall upon living, healthy victims, but that vultures and carrion crows, and birds of that base and degenerate kind, always prey upon dead or dying carcasses. It is upon ruined houses, it is upon decayed families, it is upon extinguished nobility, that Mr. Hastings chooses to prey, and to justify his making them his prey.

But again we hear, my Lords, that it is a custom, upon ceremonial and complimentary visits, to receive these presents. Do not let us deceive ourselves. Mr. Hastings was there upon no visit either of ceremony or politics. He was a member, at that time, of the Committee of Circuit, which went to Moorshedabad for the purpose of establishing a system of revenue in the country. He went up upon that business only, as a member of the Committee of Circuit, for which business he was, like other members of the Committee of Circuit, amply paid, in addition to his emoluments as Governor, which amounted to about 30,000*l.* a year. Not satisfied with those emoluments, and without incurring new known expense of any kind or sort, he was paid for the extra expenses of his journey, as appears in your minutes, like other members of the Committee of Circuit. In fact, he was on no visit there at all. He was merely executing his duty in the settlement of the revenue, as a member of the Committee of Circuit. I do not mean to praise the Committee of Circuit in anyway: God forbid I should! — for we know that it was a committee of robbers. He was there as one of that committee, which I am pretty well justified in describing as I have done, because the Court of Directors, together with the Board of Control, did, in the year 1786, declare that the five years' settlement (which originated in that committee) was a thing bought and sold: your Lordships may read it whenever you please, in the 80th paragraph of their letter.

Your Lordships are now fully in possession of all the facts upon which we charge the prisoner with peculation, by extorting or receiving large sums of money, upon pretence of visits, or in compensation of entertainments. I appeal to your Lordships' consciences for a serious and impartial consideration of our charge. This is a business not to be hurried over in the mass, as amongst the acts of a great man, who may have his little errors among his great services; no, you cannot, as a judicial body, huddle all this into a hotchpotch, and decide upon it in a heap. You will have to ask yourselves, — Is this justifiable by his covenant? Is this justifiable by law? Is this justifiable, under the circumstances of the case, by an enlarged discretion? Is it to be justified under any principles of humanity? Would it be justifiable by local customs, if such were applicable to the case in question? and even if it were, is it a practice fit for an English Governor-General to follow?

I dwell the longer upon this, because the fact is avowed; the whole is an issue of law between us, — whether a Governor-General, in such a case, ought to take such money; and therefore, before I finally dismiss it, I beg leave to restate it briefly once more for your Lordships' consideration.

First I wish to leave fixed in your Lordships' minds, what is distinctly fixed, and shall never go out of ours, that his covenant did not allow him to take above four hundred pounds as a present, upon any pretence whatsoever.

Your Lordships will observe we contend, that, if there was a custom, this covenant puts an end to that custom. It was declared and intended so to do. The fact is, that, if such custom existed at all, it was a custom applicable only to an ambassador or public minister sent on a necessary complimentary visit to a sovereign prince. We deny, positively, that there is any such general custom. We say, that he never was any such minister or that he ever went upon any such complimentary visit. We affirm, that, when he took this money, he was doing an act of quite another nature, and came upon that business only to Moorshedabad, the residence of the prince of the country. Now do you call a man who is going to execute a commission, a commission more severe than those issued against bankrupts, a commission to take away half a man's income, and to starve a whole body of people dependent upon that income, — do you call this a complimentary visit? Is this a visit for which a man is to have great entertainments given him? No, the pretence for taking this money is worse than the act itself. When a man is going to execute upon another such harsh cruelty, when he is going upon a service at which he himself says his mind must revolt, is that precisely the time when he is to take from his undone host a present, as if he was upon a visit of compliment, or about to confer some honor or benefit upon him, — to augment his revenues, to add to his territories, or to conclude some valuable treaty with him? Was this a proper time to take at all from an helpless minor so large a sum of money?

And here I shall leave this matter for your Lordships' consideration, after reminding you that this poor Nabob is still at Moorshedabad, and at the mercy of

any English gentleman who may choose to take 18,000*l.*, or any other given sum of money from him, after the example of the prisoner at your bar, if it should be sanctioned by your connivance. Far different was the example set him by General Clavering. In page 1269 your Lordships will find the most honorable testimony to the uprightness and fidelity of this meritorious servant of the Company. It runs thus: “Conceiving it to be the intention of the legislature that the Governor-General and members of the Council should receive no presents, either from the Indian powers or any persons whatever, he [General Clavering] has strictly complied, since his arrival here, both with the spirit and the letter of the act of Parliament, and has accordingly returned all the presents which have been made to him.” I have dwelt thus long upon this subject, not merely upon account of its own corrupt character, which has been sufficiently stigmatized by my honorable colleague, but upon account of the principle that is laid down by the prisoner, in his defence of his conduct, — a principle directly leading to a continuance of the same iniquitous practice, and subversive of every attempt to check or control it.

I must beg leave to recall your Lordships’ attention to another, but similar instance of his peculation, another and new mode of taking presents: I mean, the present which Mr. Hastings took, through Gunga Govind Sing, from those farmers of the revenues amongst whom he had distributed the pillage of the whole country. This scandalous breach of his covenant he attempts to justify by the inward intention of his own mind to apply the money so taken to the public service. Upon this, my Lords, I shall only observe, that this plea of an inward intention in his own mind may, if admitted, justify any evil act whatever of this kind. You have seen how presents from the Nabob are justified; you have seen how the taking a sum of money or allowance for entertainment, directly contrary to the covenant, how that is attempted to be justified; you see in what manner he justifies this last-mentioned act of peculation; and your Lordships will now have to decide upon the validity of these pleas.

There still remains, unobserved upon, an instance of his malversation, wholly new in its kind, to which I will venture to desire your Lordships very seriously to turn your attention. In all the causes of peculation or malversation in office that ever have been tried before this high court, or before any lower court of judicature, in all the judicial records of modern crimes, or of antiquity, you will not find anything in any degree like it. We have all, in our early education, read the Verrine Orations. We read them not merely to instruct us, as they will do, in the principles of eloquence, and to acquaint us with the manners, customs, and laws of the ancient Romans, of which they are an abundant repository, but we may read them from a much higher motive. We may read them from a motive which the great author had doubtless in his view, when by publishing them he left to the world and to the latest posterity a monument by which it might be seen what course a great public accuser in a great public cause ought to pursue, and, as connected with it, what course

judges ought to pursue in deciding upon such a cause. In these orations you will find almost every instance of rapacity and peculation which we charge upon Mr. Hastings. Undoubtedly, many Roman and English governors have received corrupt gifts and bribes, under various pretences. But in the cause before your Lordships there is one species of disgrace, in the conduct of the party accused, which I defy you to find in Verres, or in the whole tribe of Roman peculators, in any governor-general, proconsul, or viceroy. I desire you to consider it not included in any other class of crimes, but as a species apart by itself. It is an individual, a single case; but it is like the phoenix, — it makes a class or species by itself: I mean the business of Nobkissin. The money taken from him was not money pretended to be received in lieu of entertainment; it was not money taken from a farmer-general of revenue, out of an idea that his profits were unreasonable, and greater than government ought to allow; it was not a donation from a great man, as an act of his bounty. No, it was a sum of money taken from a private individual, — or rather, as has been proved to you by Mr. Larkins, his own book-keeper, money borrowed, for which he had engaged to give his bond. That he had actually deposited his bond for this money Mr. Larkins has proved to you, — and that the bond was carried to Nobkissin's credit, in his account with the government. But Mr. Hastings, when he was called upon for the money, withdraws the bond; he will not pay the money; he refused to pay it upon the applications made to him both in India and here at home; and he now comes to your Lordships and says, "I borrowed this money, I intended to give my bond for it, as has been proved before you; but I must have it for my own use." We have heard of governors being everything that is bad and wicked; but a governor putting himself in the situation of a common cheat, of a common swindler, never was, I believe, heard of since the creation of the world to this day. This does not taste of the common oppressions of power; this does not taste of the common abuses of office; but it in no way differs from one of those base swindling cases that come to be tried and heavily punished in the King's Bench every day. This is neither more nor less than a plain, barefaced cheat.

Now, my Lords, let us see how it is justified. To justify openly and directly a cheat, to justify a fraud upon an individual, is reserved for our times. But, good Heavens, what a justification have we here! Oh, my Lords, consider into what a state Indian corruption has brought us in this country, when any person can be found to come to the bar of the House of Lords and say, "I did cheat, I did defraud; I did promise, and gave my bond; I have now withdrawn it, but I will account for it to you as to a gang of robbers concerned with me in the transaction. I confess I robbed this man; but I have acted as trustee for the gang. Observe what I have done for the gang. Come forward, Mr. Auriol, and prove what handsome budgeros I gave the company: were not they elegantly painted, beautifully gilt, charming and commodious? I made use of them as long as I had occasion; and though they are little worse for wear, and would hardly suffer the least percentage deduction from

prime cost upon them, I gave them to the company. Oh, I did not put the money into my own pocket. I provided for myself and wore a suit of lace clothes, when I was Jew bail for some of this company: it will turn, for it is hardly the worse for wear, though I appeared two or three times, in different characters, as bail for you on such and such an occasion. I therefore set off these items against this money which I gained by swindling on your account. It is true I also picked such a one's pocket of a watch; here it is; I have worn it as long as it was convenient; now I give the watch to the company, and let them send it to the pawnbroker for what it will bring. Besides all this, I maintained aide-de-camps for you, and gave them house-rent." (By the way, my Lords, what sort of aide-de-camps were these? Who made him a military man, and to have such a legion of aide-de-camps?) "But," says he, "I paid house-rent for them; that is, in other words, I paid, at night-cellars and houses in Saint Giles's, sixpence a week for some of the gang." (This, my Lords, is the real spirit of the whole proceeding, and more especially of the last item in it.) "Then," says he, "I was the gang's schoolmaster, and taught lessons on their account. I founded a Mahometan school." (Your Lordships have already heard something of this shameful affair, of this scene of iniquity, — I think of such iniquity as the world never yet had to blush at.) "I founded a Mahometan college for your use; and I bore the expense of it from September, 1780, when I placed a professor there, called Mudjed-o-Din." — This Mudjed-o-Din was to perfect men, by contract, in all the arts and sciences, in about six months; and the chief purpose of the school was, as Mr. Hastings himself tells you, to breed theologians, magistrates, and moulavies, that is to say, judges and doctors of law, who were to be something like our masters in chancery, the assessors of judges, to assist them in their judgments. Such was the college founded by Mr. Hastings, and he soon afterwards appropriated one of the Company's estates, (I am speaking of matters of public notoriety,) worth 3,000*l.* a year, for its support. Heaven be praised, that Mr. Hastings, when he was resolved to be pious and munificent, and to be a great founder, chose a Mahometan rather than a Christian foundation, so that our religion was not disgraced by such a foundation!

Observe how he charges the expense of the foundation to the Company twice over. He first makes them set aside an estate of 3,000*l.* a year for its support. In what manner this income was applied during Mr. Hastings's stay in India no man living knows; but we know, that, at his departure, one of the last acts he did was to desire it should be put into the hands of Mudjed-o-Din. He afterwards, as you have seen, takes credit to himself with the Company for the expenses relative to this college.

I must now introduce your Lordships to the last visitation that was made of this college. It was visited by order of Lord Cornwallis in the year 1788, upon the complaints made against it which I have already mentioned to your Lordships, — that it was a sink of filth, vermin, and misery. Mr. Chapman, who was the visitor,

and the friend of Mr. Hastings, declares that he could not sit in it even for a few minutes; his words are,— “The wretched, squalid figures that from every part ran out upon me appeared to be more like anything else than students.” In fact, a universal outcry was raised by the whole city against it, not only as a receptacle of every kind of abuse, not only of filth and excrements which made it stink in the natural nostrils, but of worse filth, which made it insufferably offensive to the moral nostrils of every inhabitant. Such is the account given of a college supported at an expense of 3,000*l.* a year, (a handsome foundation for a college,) and for building which the Company was charged 5,000*l.*: though no vouchers of its expenditure were ever given by Mr. Hastings. But this is not all. When Lord Cornwallis came to inquire into it, he found that Mudjed-o-Din had sunk the income of the estate from 3,000*l.* to 2,000*l.* a year, — in short, that it had been a scene of peculation, both by the masters and scholars, as well as of abandonment to every kind of vicious and licentious courses; and all this without the shadow of any benefit having been derived from it. The visitors expressly inquired whether there was any good mixed with all this evil; and they found it was all bad and mischievous, from one end to the other. Your Lordships will remark, that the greatest part of this disgusting business must have been known to Mr. Hastings when he gave to Mudjed-o-Din the disposal of 3,000*l.* a year. And now, my Lords, can you vote this money, expended in the manner which I have stated to you, to be a set-off in his favor, in an account for money which was itself swindled from a private individual?

But there still remains behind another more serious matter belonging to this affair; and I hope you will not think that I am laying too much stress upon it, when I declare, that, if I were to select from the whole of his conduct one thing more dishonorable than another to the British nation, it would be that which I am now about to mention. I will leave your Lordships to judge of the sincerity of this declaration, when you shall have heard read a paper produced by the prisoner in justification of conduct such as I have stated his to have been. It is the *razinama*, or attestation, of Munny Begum (the woman whom Mr. Hastings placed in the seat of justice in that country) concerning this college, made precisely at the time of this inquisition by Lord Cornwallis into the management of it. Your Lordships will see what sort of things attestations are from that country: that they are attestations procured in diametrical contradiction to the certain knowledge of the party attesting. It is in page 2350 of your Minutes. Indeed, my Lords, these are pages which, unless they are effaced by your judgment, will rise up in judgment against us, some day or other.

“He [Mr. Hastings] respected the learned and wise men, and, in order for the propagation of learning, he built a college, and endowed it with a provision for the maintenance of the students, insomuch that thousands reaping the benefits thereof

offer up their prayers for the prosperity of the King of England, and for the success of the Company.”

I must here remind your Lordships of another attestation of the same character, and to the same effect. It comes from Mahomed Reza Khân, who, as your Lordships will remember, had been reduced by Mr. Hastings from a situation of the highest rank and authority, with an income of suitable magnitude, to one of comparative insignificance, with a small salary annexed. This man is made to disgrace himself, and to abet the disgrace and injury done to his country, by bearing his testimony to the merits of this very college.

I hope your Lordships will never lose sight of this aggravating circumstance of the prisoner’s criminality, — namely, that you never find any wicked, fraudulent, and criminal act, in which you do not find the persons who suffered by it, and must have been well acquainted with it, to be the very persons who are brought to attest in its favor. O Heaven! but let shame for one moment veil its face, let indignation suppress its feelings, whilst I again call upon you to view all this as a mere swindling transaction, in which the prisoner was attempting to defraud the Company.

Mr. Hastings has declared, and you will find it upon the Company’s records, that this institution (which cost the Company not less than 40,000*l.* in one way or other) did not commence before October in the year 1780; and he brings it before the board in April, 1781, — that is, about six months after its foundation. Now look at his other account, in which he makes it to begin in the year 1779, and in which he has therefore overcharged the expenses of it a whole year. — But Mr. Larkins, who kept this latter account for him, may have been inaccurate. — Good Heavens! where are we? Mr. Hastings, who was bred an accountant, who was bred in all sorts of trade and business, declares that he keeps no accounts. Then comes Mr. Larkins, who keeps an account for him; but he keeps a false account. Indeed, all the accounts from India, from one end to another, are nothing but a series of fraud, while Mr. Hastings was concerned in them. Mr. Larkins, who keeps his private account just as his master kept the public accounts, has swindled from the Company a whole year’s expenses of this college. I should not thus repeatedly dwell upon this transaction, but because I wish your Lordships to be cautious how you admit such accounts at all to be given in evidence, into the truth of which you cannot penetrate in any regular way. Upon the face of the two accounts there is a gross fraud. It is no matter which is true or false, as it is an account which you are in no situation to decide upon. I lay down this as a fixed judicial rule, that no judge ought to receive an account (which, is as serious a part of a judicial proceeding as can be) the correctness of which he has no means of ascertaining, but must depend upon the sole word of the accountant.

Having stated, therefore, the nature of the offence, which differs nothing from a common dog-trot fraud, such as we see amongst the meanest of mankind, your Lordships will be cautious how you admit these, or any other of his pretended

services, to be set off against his crimes. These stand on record confessed before you; the former, of which you can form no just estimate, and into which you cannot enter, rest for their truth upon his own assertions, and they all are found, upon the very face of them, to carry marks of fraud as well as of wickedness.

I have only further to observe to your Lordships, that this Mudjed-o-Din, who, under the patronage of Mr. Hastings, was to do all these wonders, Lord Cornwallis turned out of his office with every mark of disgrace, when he attempted to put into some more respectable state that establishment which Mr. Hastings had made a sink of abuse.

I here conclude all that I have to say upon this business, trusting that your Lordships will feel yourselves more offended, and justice more insulted, by the defence than by the criminal acts of the prisoner at your bar; and that your Lordships will concur with us in thinking, that to make this unhappy people make these attestations, knowing the direct contrary of every word which they say to be the truth, is a shocking aggravation of his guilt. I say they must know it; for Lord Cornwallis tells you it is notorious; and if you think fit to inquire into it, you will find that it was unusually notorious.

My Lords, we have now brought to a conclusion our observations upon the effects produced by that mass of oppression which we have stated and proved before your Lordships, — namely, its effects upon the revenues, and upon the public servants of the Company. We have shown you how greatly the former were diminished, and in what manner the latter were reduced to the worst of all bad states, a state of subserviency to the will of the Governor-General. I have shown your Lordships that in this state they were not only rendered incapable of performing their own duty, but were fitted for the worst of all purposes, coöperation with him in the perpetration of his criminal acts, and collusion with him in the concealment of them. I have lastly to speak of these effects as they regard the general state and welfare of the country. And here your Lordships will permit me to read the evidence given by Lord Cornwallis, a witness called by the prisoner at your bar, Mr. Hastings himself.

The Evidence of Lord Cornwallis. Page 2721.

“Q. Whether your Lordship recollects an account that you have given to the Court of Directors, in your letter of the 2d of August, 1789, concerning the state of those provinces? — A. I really could not venture to be particular as to any letter I may have written so long since, as I have brought no copies of my letters with me from India, having left them at Bengal when I went to the coast. — Q. Whether your Lordship recollects, in any letter that you wrote about the 2d of August, 1789, paragraph 18, any expressions to this effect, namely: ‘I am sorry to be obliged to say, that agriculture and internal commerce have for many years been gradually declining, and that at present, excepting the class of shroffs and banians, who reside

almost entirely in great towns, the inhabitants of these provinces are advancing hastily to a general state of poverty and wretchedness': — whether your Lordship recollects that you have written a letter to that effect? — A. I cannot take upon me to recollect the words of a letter that I have written five years ago, but I conclude I must have written to that effect. — Q. Whether your Lordship recollects that in the immediately following paragraph, the 19th, you wrote to this effect: 'In this description' (namely, the foregone description) 'I must even include almost every zemindar in the Company's territories, which, though it may have been partly occasioned by their own indolence and extravagance, I am afraid must also be in a great measure attributed to the defects of our former system of management.' (Paragraph 20.) 'The settlement, in conformity to your orders, will only be made for ten years certain, with the notification of its being your intention to declare it a perpetual, an unalterable assessment of these provinces, if the amount and the principles upon which it has been made should meet with your approbation': — whether your Lordship recollects to have written something to the effect of these two last paragraphs, as well as of the first? — A. I do recollect that I did write it; but in that letter I alluded to the former system of annual assessments. — Q. Whether your Lordship recollects that you wrote, on or about the 18th of September, 1789, in one of your minutes, thus: 'I may safely assert that one third of the Company's territory in Hindostan is now a jungle, inhabited only by wild beasts: will a ten years' lease induce any proprietor to clear away that jungle, and encourage the ryot to come and cultivate his lands, when at the end of that lease he must either submit to be taxed *ad libitum* for the newly cultivated lands, or lose all hopes of deriving any benefit from his labor, for which perhaps by that time he will hardly be repaid?' — whether your Lordship recollects a minute to that effect? — A. I perfectly recollect to have written that minute. — Q. Now with respect to a letter, dated November the 3d, 1788, paragraph 38, containing the following sentiments: 'I shall therefore only remark in general, that, from frequent changes of system or other reasons, much is wanting to establish good order and regulations in the internal business of the country, and that, from various causes, by far the greatest part of the zemindars, and other landholders and renters, are fallen into a state much below that of wealth and affluence. This country, however, when the fertility of its soil, and the industry and ingenuity of its numerous inhabitants are taken into consideration, must unquestionably be admitted to be one of the finest in the world; and, with the uniform attention of government to moderation in exaction, and to a due administration of justice, may long prove a source of great riches both to the Company and to Britain.' (Paragraph 39.) 'I am persuaded, that, by a train of judicious measures, the land revenue of these provinces is capable in time of being increased; but, consistent with the principles of humanity, and even those of your own interest, it is only by adopting measures for the gradual cultivation and improvement of these waste lands, and by a gentle and cautious plan for the

resumption of lands that have been fraudulently alienated, that it ought ever to be attempted to be accomplished. Men of speculative and sanguine dispositions, and others, either from ignorance of the subject, or with views of recommending themselves to your favor, may confidently hold forth specious grounds to encourage you to hope that a great and immediate accession to that branch of your revenue might be practicable. My public duty obliges me to caution you, in the most serious manner, against listening to propositions which recommend this attempt; because I am clearly convinced, that, if carried into execution, they would be attended with the most baneful consequences.’ (Paragraph 40.) ‘Desperate adventurers, without fortune or character, would undoubtedly be found, as has already been too often experienced, to rent the different districts of the country at the highest rates that could be put upon them; that [but?] the delusion would be of a short duration, and the impolicy and inhumanity of the plan would, when perhaps too late for effectual remedy, become apparent by the complaints of the people and the disappointments at the treasury in the payments of the revenue, and would probably terminate in the ruin and depopulation of the unfortunate country’: — whether your Lordship recollects to have written anything to that effect about that time? — A. I perfectly recollect having written the extracts that have been read.”

My Lords, Lord Cornwallis has been called, he has been examined before you. We stopped our proceedings ten days for the purpose of taking his evidence. We do not regret this delay. And he has borne the testimony which you have heard to the effects of Mr. Hastings’s government of a country once the most fertile and cultivated, of a people the most industrious, flourishing, and happy, — that the one was wasted and desolated, the other reduced to a condition of want and misery, and that the zemindars, that is, the nobility and gentry of the country, were so beggared as not to be able to give even a common decent education to their children, notwithstanding the foundation of Mr. Hastings’s colleges. You have heard this noble person, who had been an eye-witness of what he relates, supplicating for their relief, and expressly stating that most of the complicated miseries, and perhaps the cruelest of the afflictions they endured, arose from the management of the country having been taken out of the hands of its natural rulers, and given up to Mr. Hastings’s farmers, namely, the banians of Calcutta. These are the things that ought to go to your Lordships’ hearts. You see a country wasted and desolated. You see a third of it become a jungle for wild beasts. You see the other parts oppressed by persons in the form and shape of men, but with all the character and disposition of beasts of prey. This state of the country is brought before you, and by the most unexceptionable evidence, — being brought forward through Mr. Hastings himself. This evidence, whatever opinion you may entertain of the effrontery or of the impudence of the criminal who has produced it, is of double and treble force. And yet at the very time when Lord Cornwallis is giving this statement of the country and its inhabitants, at the very time when he is calling for pity upon their condition,

are these people brought forward to bear testimony to the benign and auspicious government of Mr. Hastings, directed, as your Lordships know it was, by the merciful and upright Gunga Govind Sing.

My Lords, you have now the evidence of Lord Cornwallis on the one hand, and the razinamas of India on the other. But before I dismiss this part of my subject, I must call your Lordships' attention to another authority, — to a declaration, strictly speaking, *legal*, of the state to which our Indian provinces were reduced, and of the oppressions which they have suffered, during the government of Mr. Hastings: I speak of the act 24 Geo. III. ca, intituled, “An act for the better regulation and management of the affairs of the East India Company, and of the British possessions in India, and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies,” § 39.

My Lords, here is an act of Parliament; here are regulations enacted in consequence of an inquiry which had been directed to be made into the grievances of India, for the redress of them. This act of Parliament declares the existence of oppressions in the country. What oppressions were they? The oppressions which it suffered by being let out to the farmers of the Company's revenues. Who was the person that sold these revenues to the farmers? Warren Hastings. By whom were these oppressions notified to the Court of Directors? By Lord Cornwallis. Upon what occasion were these letters written by my Lord Cornwallis? They were answers to inquiries made by the Court of Directors, and ordered by an act of Parliament to be made. The existence, then, of the grievances, and the cause of them, are expressly declared in an act of Parliament. It orders an inquiry; and Lord Cornwallis, in consequence of that inquiry, transmits to the Court of Directors this very information; he gives you this identical state of the country: so that it is consolidated, mixed, and embodied with an act of Parliament itself, which no power on earth, I trust, but the power that made it, can shake. I trust, I say, that neither we, the Commons, nor you, the Lords, nor his Majesty, the sovereign of this country, can shake one word of this act of Parliament, — can invalidate the truth of its declaration, or the authority of the persons, men of high honor and character, that made that inquiry and this report. Your Lordships must repeal this act in order to acquit Mr. Hastings.

But Mr. Hastings and his counsel have produced evidence against this act of Parliament, against the order of the Court of Directors by which an inquiry and report were made under that act, against Lord Cornwallis's return to that inquiry; and now, once for all, hear what the miserable wretches are themselves made to say, to invalidate the act of Parliament, to invalidate the authority of the Court of Directors, to invalidate the evidence of an official return of Lord Cornwallis under the act. Pray hear what these miserable creatures describe as an elysium, speaking with rapture of their satisfaction, under the government of Mr. Hastings.

“All we zemindars, chowdries, and talookdars of the district of Akbarnagur, commonly called Rajamahall, in the kingdom of Bengal, have heard that the gentlemen in England are displeased with Mr. Hastings, on suspicion that he oppressed us inhabitants of this place, took our money by deceit and force, and ruined the country; therefore we, upon the strength of our religion and religious tenets, which we hold as a duty upon us, and in order to act conformable to the duties of God in delivering evidence, relate the praiseworthy actions, full of prudence and rectitude, friendship and politeness, of Mr. Hastings, possessed of great abilities and understanding, and, by representing facts, remove the doubts that have possessed the minds of the gentlemen in England; — that Mr. Hastings distributed protection and security to religion, and kindness and peace to all; he is free from the charge of embezzlement and fraud, and that his heart is void of covetousness and avidity; during the period of his government, no one experienced from him other than protection and justice, never having felt hardships from him, nor did the poor ever know the weight of an oppressive hand from him; our characters and reputations have always been guarded in quiet from attack by the vigilance of his power and foresight, and preserved by the terror of his justice; he never omitted the smallest instance of kindness and goodness towards us and those entitled to it, but always applied by soothing and mildness the salve of comfort to the wounds of affliction, not allowing a single person to be overwhelmed by despair; he displayed his friendship and kindness to all; he destroyed the power of the enemies and wicked men by the strength of his terror; he tied the hands of tyrants and oppressors by his justice, and by this conduct he secured happiness and joy to us; he reestablished the foundation of justice, and we at all times, during his government, lived in comfort and passed our days in peace; we are many, many of us satisfied and pleased with him. As Mr. Hastings was perfectly well acquainted with the manners and customs of these countries, he was always desirous of performing that which would tend to the preservation of our religion, and of the duties of our sects, and guard the religious customs of each from the effects of misfortune and accidents; in every sense he treated us with attention and respect. We have represented without deceit what we have ourselves seen, and the facts that happened from him.”

This, my Lords, is in page 2374 of the printed Minutes.

My Lords, we spare you the reading of a great number of these attestations; they are all written in the same style; and it must appear to your Lordships a little extraordinary, that, as they are said to be totally voluntary, as the people are represented to be crowding to make these testimonials, there should be such an unison in the heart to produce a language that is so uniform as not to vary so much as in a single tittle, — that every part of the country, every province, every district, men of every caste and of every religion, should all unite in expressing their

sentiments in the very same words and in the very same phrases. I must fairly say it is a kind of miraculous concurrence, a miraculous gratitude. Mr. Hastings says that gratitude is lost in this part of the world. There it blooms and flourishes in a way not to be described. In proportion as you hear of the miseries and distresses of these very people, in the same proportion do they express their comfort and satisfaction, and that they never knew what a grievance was of any sort. Lord Cornwallis finds them aggrieved, the Court of Directors find them aggrieved, the Parliament of Great Britain find them aggrieved, and the court here find them aggrieved; but they never found themselves aggrieved. Their being turned out of house and home, and having all their land given to farmers of revenue for five years to riot in and despoil them of all they had, is what fills them with rapture. They are the only people, I believe, upon the face of the earth, that have no complaints to make of their government, in any instance whatever. Theirs must be something superior to the government of angels; for I verily believe, that, if one out of the choir of the heavenly angels were sent to govern the earth, such is the nature of man, that many would be found discontented with it. But these people have no complaint, they feel no hardships, no sorrow; Mr. Hastings has realized more than the golden age. I am ashamed for human nature, I am ashamed for our government, I am ashamed for this court of justice, that these things are brought before us; but here they are, and we must observe upon them.

My Lords, we have done, on our part; we have made out our case; and it only remains for me to make a few observations upon what Mr. Hastings has thought proper to put forward in his defence. Does he meet our case with anything but these general attestations, upon which I must first remark, that there is not one single matter of fact touched upon in them? Your Lordships will observe, and you may hunt them out through the whole body of your minutes, that you do not find a single fact mentioned in any of them. But there is an abundance of panegyric; and if we were doing nothing but making satires, as the newspapers charge us with doing, against Mr. Hastings, panegyric would be a good answer.

But Mr. Hastings sets up pleas of merit upon this occasion. Now, undoubtedly, no plea of merit can be admitted to extinguish, as your Lordships know very well, a direct charge of crime. Merit cannot extinguish crime. For instance, if Lord Howe, to whom this country owes so much as it owes this day for the great and glorious victory which makes our hearts glad, and I hope will insure the security of this country, — yet if Lord Howe, I say, was charged with embezzling the King's stores, or applying them in any manner unbecoming his situation, to any shameful or scandalous purpose, — if he was accused of taking advantage of his station, to oppress any of the captains of his ships, — if he was stated to have gone into a port of the allies of this country, and to have plundered the inhabitants, to have robbed their women, and broken into the recesses of their apartments, — if he had

committed atrocities like these, his glorious victory could not change the nature and quality of such acts. My Lord Malmesbury has been lately sent to the King of Prussia; we hope and trust that his embassy will be successful, and that this country will derive great benefit from his negotiations; but if Lord Malmesbury, from any subsidy that was to be paid to the King of Prussia, was to put 50,000*l.* in his own pocket, I believe that his making a good and advantageous treaty with the King of Prussia would never be thought a good defence for him. We admit, that, if a man has done great and eminent services, though they cannot be a defence against a charge of crimes, and cannot obliterate them, yet, when sentence comes to be passed upon such a man, you will consider, first, whether his transgressions were common lapses of human frailty, and whether the nature and weight of the grievances resulting from them were light in comparison with the services performed. I say that you cannot acquit him; but your Lordships might think some pity due to him, that might mitigate the severity of your sentence. In the second place, you would consider whether the evidence of the services alleged to be performed was as clear and undoubted as that of the crimes charged. I confess, that, if a man has done great services, it may be some alleviation of lighter faults; but then they ought to be urged as such, — with modesty, with humility, with confession of the faults, and not with a proud and insolent defiance. They should not be stated as proofs that he stands justified in the eye of mankind for committing unexampled and enormous crimes. Indeed, humility, suppliant guilt, always makes impression in our bosoms, so that, when we see it before us, we always remember that we are all frail men; and nothing but a proud defiance of law and justice can make us forget this for one moment. I believe the Commons of Great Britain, and I hope the persons that speak to you, know very well how to allow for the faults and frailties of mankind equitably.

Let us now see what are the merits which Mr. Hastings has set up against the just vengeance of his country, and against his proved delinquencies. From the language of the prisoner, and of his counsel, you would imagine some great, known, acknowledged services had been done by him. Your Lordships recollect that most of these presumed services have been considered, and we are persuaded justly considered, as in themselves crimes. He wishes your Lordships to suppose and believe that these services were put aside either because we could not prove the facts against him or could not make out that they were criminal, and consequently that your Lordships ought to presume them to have been meritorious; and this is one of the grounds upon which he demands to be acquitted of the charges that have been brought forward and proved against him. Finding in our proceedings, and recorded upon our journals, an immense mass of criminality with which he is charged, and finding that we had selected, as we were bound to select, such parts as might be most conveniently brought before your Lordships, (for to have gone through the whole would have been nearly impossible,) he takes all the rest that we

have left behind and have not brought here as charges, and converts them, by a strange metamorphosis, into merits.

My Lords, we must insist, on the part of the House of Commons, we must conjure your Lordships, for the honor of a coördinate branch of the legislature, that, whenever you are called upon to admit what we have condemned as crimes to be merits, you will at least give us an opportunity of being heard upon the matter, — that you will not suffer Mr. Hastings, when attempting to defend himself against our charges, in an indirect and oblique manner to condemn or censure the House of Commons itself, as having misrepresented to be crimes the acts of a meritorious servant of the public. Mr. Hastings has pleaded a variety of merits, and every one of these merits, without the exception of one of them, have been either directly censured by the House of Commons, and censured as a ground for legislative provision, or they remain upon the records of the House of Commons, with the vouchers for them, and proofs; and though we have not actually come to the question upon every one of them, we had come, before the year 1782, to forty-five direct resolutions upon his conduct. These resolutions were moved by a person to whom this country is under many obligations, and whom we must always mention with honor, whenever we are speaking of high situations in this country, and of great talents to support them, and of long public services in the House of Commons: I mean Mr. Dundas, then Lord Advocate of Scotland, and now one of the principal Secretaries of State, and at the head, and worthily and deservedly at the head, of the East Indian department. This distinguished statesman moved forty-five resolutions, the major part of them directly condemning these very acts which Mr. Hastings has pleaded as his merits, as being delinquencies and crimes. All that the House of Commons implore of your Lordships is, that you will not take these things, which we call crimes, to be merits, without hearing the House of Commons upon the subject-matter of them. I am sure you are too noble and too generous, as well as too just and equitable, to act in such a manner.

The first thing that Mr. Hastings brings forward in his defence is, that, whereas the Company were obliged to pay a certain tribute to the Mogul, in consideration of a grant by which the Moguls gave to us the legal title under which we hold the provinces of Bengal, Bahar, and Orissa, he did stop the payment of that tribute, or acknowledgment, small as it was, — that, though bound by a treaty recognized by the Company and recognized by the nation, though bound by the very sunnud by which he held the very office he was exercising, yet he had broken the treaty, and refused to pay the stipulated acknowledgment. Where are we, my Lords? Is this merit? Good God Almighty! the greatest blockhead, the most ignorant, miserable wretch, a person without either virtue or talents, has nothing to do but to order a clerk to strike a pen through such an account, and then to make a merit of it to you. “Oh!” says he, “I have by a mere breach of your faith, by a single dash of my pen, saved you all this money which you were bound to pay. I have exonerated you from

the payment of it. I have gained you 250,000*l.* a year forever. Will you not reward a person who did you such a great and important service, by conniving a little at his delinquencies?"

But the House of Commons will not allow that this was a great and important service; on the contrary, they have declared the act itself to be censurable. There is our resolution, — Resolution the 7th: —

"That the conduct of the Company and their servants in India to the King," (meaning the Mogul king) "and Nudjif Khân, with respect to the tribute payable to the one, and the stipend to the other, and with respect to the transfer of the provinces of Corah, and Allahabad to the Vizier, was contrary to policy and good faith; and that such wise and practicable measures should be adopted in future as may tend to redeem the national honor, and recover the confidence and attachment of the princes of India."

This act of injustice, against which we have fulminated the thunder of our resolutions as a heavy crime, as a crime that dishonored the nation, and which measures ought to be taken to redress, this man has the insolence to bring before your Lordships as a set-off against the crimes we charge him with. This outrageous defiance of the House of Commons, this outrageous defiance of all the laws of his country, I hope your Lordships will not countenance. You will not let it pass for nothing: on the contrary, you will consider it as aggravating heavily his crimes. And, above all, you will not suffer him to set off this, which we have declared to be injurious to our national honor and credit, and which he himself does not deny to be a breach of the public faith, against other breaches of the public faith with which we charge him, — or to justify one class of public crimes by proving that he has committed others.

Your Lordships see that he justifies this crime upon the plea of its being profitable to the Company; but he shall not march off even on this ground with flying colors. My Lords, pray observe in what manner he calculates these profits. Your Lordships will find that he makes up the account of them much in the same manner as he made up the account of Nobkissin's money. There is, indeed, no account which he has ever brought forth that does not carry upon it not only ill faith and national dishonor, but direct proofs of corruption. When Mr. Hastings values himself upon this shocking and outrageous breach of faith, which required nothing but a base and illiberal mind, without either talents, courage, or skill, except that courage which defies all consequences, which defies shame, which defies the judgment and opinion of his country and of mankind, no other talents than may be displayed by the dash of a pen, you will at least expect to see a clear and distinct account of what was gained by it.

In the year 1775, at a period when Mr. Hastings was under an eclipse, when honor and virtue, in the character of General Clavering, Colonel Monson, and Mr.

Francis, sat for a short period at the Council-Board, — during that time, Mr. Hastings's conduct upon this occasion was called into question. They called for an account of the revenues of the country, — what was received, and what had been paid; and in the account returned they found the amount of the tribute due to the Mogul, 250,000*l.*, entered as paid up to October, 1774. Thus far all appeared fair upon the face of it; they took it for granted, as your Lordships would take it for granted, at the first view, that the tribute in reality had been paid up to the time stated. The books were balanced: you find a debtor; you find a creditor; every item posted in as regular a manner as possible. Whilst they were examining this account, a Mr. Croftes, of whom your Lordships have heard very often, as accountant-general, comes forward and declares that there was a little error in the account. And what was the error? That he had entered the Mogul's tribute for one year more than it had actually been paid. Here we have the small error of a payment to the Mogul of 250,000*l.* This appeared strange. "Why," says Mr. Croftes, "I never discovered it; nor was it ever intimated to me that it had been stopped from October, 1773, till the other day, when I was informed that I ought not to have made an entry of the last payments." These were his expressions. You will find the whole relation in the Bengal Appendix, printed by the orders of the Court of Directors. When Mr. Croftes was asked a very natural question, "Who first told you of your mistake? who acquainted you with Mr. Hastings's orders that the payment should be expunged from the account?" what is his answer? It is an answer worthy of Mr. Middleton, an answer worthy of Mr. Larkins, or of any of the other white banians of Mr. Hastings:— "Oh, I have forgotten." Here you have an accountant-general kept in ignorance, or who pretends to be ignorant, of so large a payment as 250,000*l.*; who enters it falsely in his account; and when asked who apprised him of his mistake, says that he has really forgotten.

Oh, my Lords, what resources there are in oblivion! what resources there are in bad memory! No genius ever has done so much for mankind as this mental defect has done for Mr. Hastings's accountants. It was said by one of the ancient philosophers, to a man who proposed to teach people memory,— "I wish you could teach me oblivion; I wish you could teach me to forget." These people have certainly not been taught the art of memory, but they appear perfect masters of the art of forgetting. My Lords, this is not all; and I must request your Lordships' attention to the whole of the account, as it appears in the account of the arrears due to the King, annexed to your minutes. Here is a kind of labyrinth, where fraud runs into fraud. On the credit side you find stated there, eight lacs paid to the Vizier, and to be taken from the Mogul's tribute, for the support of an army, of which he himself had stipulated to bear the whole expenses. These eight lacs are thus fraudulently accounted for upon the face of the thing; and with respect to eighteen lacs, the remainder of the tribute, there is no account given of it at all. This sum Mr. Hastings must, therefore, have pocketed for his own use, or that of his gang of

peculators; and whilst he was pretending to save you eight lacs by one fraud, he committed another fraud of eighteen lacs for himself: and this is the method by which one act of speculation begets another in the economy of fraud.

Thus much of these affairs I think myself bound to state to your Lordships upon this occasion; for, although not one word has been produced by the counsel to support the allegations of the prisoner at your bar, yet, knowing that your Lordships, high as you are, are still but men, knowing also that bold assertions and confident declarations are apt to make some impression upon all men's minds, we oppose his allegations. But how do we oppose them? Not by things of the like nature. We oppose them by showing you that the House of Commons, after diligent investigation, has condemned them, and by stating the grounds upon which the House founded its condemnation. We send you to the records of the Company, if you want to pursue this matter further, to enlighten your own minds upon the subject. Do not think, my Lords, that we are not aware how ridiculous it is for either party, the accuser or the accused, to make here any assertions without producing vouchers for them: we know it; but we are prepared and ready to take upon us the proof; and we should be ashamed to assert anything that we are not able directly to substantiate by an immediate reference to uncontradicted evidence.

With regard to the merits pleaded by the prisoner, we could efface that plea with a single stroke, by saying there is no evidence before your Lordships of any such merits. But we have done more: we have shown you that the things which he has set up as merits are atrocious crimes, and that there is not one of them which does not, in the very nature and circumstances of it, carry evidence of base corruption, as well as of flagrant injustice and notorious breach of public faith.

The next thing that he takes credit for is precisely an act of this description. The Mogul had, by solemn stipulation with the Company, a royal domain insured to him, consisting of two provinces, Corah and Allahabad. Of both these provinces Mr. Hastings deprived the Mogul, upon weak pretences, if proved in point of fact, but which were never proved in any sense, against him. I allude particularly to his alleged alliance with the Mahrattas, — a people, by the way, with whom we were not then at war, and with whom he had as good a right as Nudjif Khân to enter into alliance at that time. He takes these domains, almost the last wrecks of empire left to the descendant of Tamerlane, from the man, I say, to whose voluntary grants we owe it that we have put a foot in Bengal. Surely, we ought, at least, to have kept our faith in leaving this last retreat to that unfortunate prince. The House of Commons was of that opinion, and consequently they resolved, "That the transfer of Corah and Allahabad to the Vizier was contrary to policy and good faith." This is what the Commons think of this business which Mr. Hastings pleads as merits.

But I have not yet done with it. These provinces are estimated as worth twenty-two lacs, or thereabouts, that is, about 220,000*l.*, a year. I believe they were improvable to a good deal more. But what does Mr. Hastings do? Instead of taking

them into the Company's possession for the purpose of preserving them for the Mogul, upon the event of our being better satisfied with his conduct, or of appropriating them to the Company's advantage, he sells them to the Nabob of Oude, who he knew had the art, above all men, of destroying a country which he was to keep, or which he might fear he was not to keep, permanent possession of. And what do you think he sold them for? He sold them at a little more than two years' purchase. Will any man believe that Mr. Hastings, when he sold these provinces to the Vizier for two years' purchase, and when there was no man that would not have given ten years' purchase for them, did not put the difference between the real and pretended value into his own pocket, and that of his associates?

We charge, therefore, first, that this act for which he assumes merit was in itself a breach of faith; next, that the sale of these provinces was scandalously conducted; and thirdly, that this sale, at one fifth of the real value, was effected for corrupt purposes. Thus an act of threefold delinquency is one of the merits stated with great pomp by his counsel.

Another of his merits is the stoppage of the pension which the Company was under an obligation to pay to Nudjif Khân: a matter which, even if admitted to be a merit, is certainly not worth, as a set-off, much consideration.

But there is another set-off of merit upon which he plumes himself, and sets an exceedingly high value: the sale of the Rohilla nation to that worthless tyrant, the Vizier, their cruel and bitter enemy, — the cruelest tyrant, perhaps, that ever existed, and their most implacable enemy, if we except Mr. Hastings, who appears to have had a concealed degree of animosity, public, private, or political, against them. To this man he sold this whole nation, whose country, cultivated like a garden, was soon reduced, as Mr. Hastings, from the character of the Vizier, knew would be the consequence, to a mere desert, for 400,000*l*. He sent a brigade of our troops to assist the Vizier in extirpating these people, who were the bravest, the most honorable, and generous nation upon earth. Those who were not left slaughtered to rot upon the soil of their native country were cruelly expelled from it, and sent to publish the merciless and scandalous behavior of Great Britain from one end of India to the other. I believe there is not an honest, ingenuous, or feeling heart upon the face of the globe, I believe there is no man possessing the least degree of regard to honor and justice, humanity and good policy, that did not reprobate this act. The Court of Directors, when they heard of it, reprobated it in the strongest manner; the Court of Proprietors reprobated it in the strongest manner; by the House of Commons, after the most diligent investigation, it was, in a resolution moved by Mr. Dundas, reprobated in the strongest manner: and this is the act which Mr. Hastings brings forward before your Lordships as a merit.

But, again, I can prove that in this, perhaps the most atrocious of all his demerits, there is a most horrid and nefarious secret corruption lurking. I can tell your Lordships that Sir Robert Barker was offered by this Vizier, for about one half of this very country, namely, the country of the Rohillas, a sum of fifty lacs of rupees, — that is, 500,000*l*. Mr. Hastings was informed of this offer by Sir Robert Barker, in his letter of the 24th March, 1773. Still, in the face of this information, Mr. Hastings took for the Company only forty lacs of rupees. I leave your Lordships to draw your own conclusion from these facts. You will judge what became of the difference between the price offered and the price accounted for as taken. Nothing on earth can hide from mankind why Mr. Hastings made this wicked, corrupt bargain for the extermination of a brave and generous people, — why he took 400,000*l*. for the whole of that, for half of which he was offered and knew he might have had 500,000*l*.

Your Lordships will observe, that for all these facts there is no evidence, on the one side or on the other, directly before you. Their merits have been insisted upon, in long and laborious details and discussions, both by Mr. Hastings himself and by his counsel. We have answered them for that reason; but we answer them with a direct reference to records and papers, from which your Lordships may judge of them as set-offs and merits. I believe your Lordships will now hardly receive them as merits to set off guilt, since in every one of them there is both guilt in the act, and strong ground for presuming that he had corruptly taken money for himself.

The last act of merit that has been insisted upon by his counsel is the Mahratta peace. They have stated to you the distresses of the Company to justify the unhandsome and improper means that he took of making this peace. Mr. Hastings himself has laid hold of the same opportunity of magnifying the difficulties which, during his government, he had to contend with. Here he displays all his tactics. He spreads all his sails, and here catches every gale. He says, “I found all India confederated against you. I found not the Mahrattas alone; I found war through a hundred hostile states fulminated against you; I found the Peshwa, the Nizam, Hyder Ali, the Rajah of Berar, all combined together for your destruction. I stemmed the torrent: fortitude is my character. I faced and overcame all these difficulties, till I landed your affairs safe on shore, till I stood the saviour of India.”

My Lords, we of the House of Commons have before heard all this; but we cannot forget that we examined into every part of it, and that we did not find a single fact stated by him that was not a ground of censure and reprobation. The House of Commons, in the resolutions to which I have alluded, have declared, that Mr. Hastings, the first author of these proceedings, took advantage of an ambiguous letter of the Court of Directors to break and violate the most solemn, the most advantageous, and useful treaty that the Company had ever made in India; and that this conduct of his produced the strange and unnatural junction which he says he found formed against the Company, and with which he had to combat. I should

trouble your Lordships with but a brief statement of the facts; and if I do not enter more at large in observing upon them, it is because I cannot but feel shocked at the indecency and impropriety of your being obliged to hear of that as merit which the House of Commons has condemned in every part. Your Lordships received obliquely evidence from the prisoner at your bar upon this subject; yet, when we came and desired your full inquiry into it, your Lordships, for wise and just reasons, I have no doubt, refused our request. I must, however, again protest on the part of the Commons against your Lordships receiving such evidence at all as relevant to your judgment, unless the House of Commons is fully heard upon it.

But to proceed. — The government of Bombay had offended the Mahratta States by a most violent and scandalous aggression. They afterwards made a treaty of peace with them, honorable and advantageous to the Company. This treaty was made by Colonel Upton, and is called the Treaty of Poorunder. Mr. Hastings broke that treaty, upon his declared principle, that you are to look in war for the resources of your government. All India was at that time in peace. Hyder Ali did not dare to attack us, because he was afraid that his natural enemies, the Mahrattas, would fall upon him. The Nizam could not attack us, because he was also afraid of the Mahrattas. The Mahratta state itself was divided into such discordant branches as to make it impossible for them to unite in any one object; that commonwealth, which, certainly at that time was the terror of India, was so broken, as to render it either totally ineffective or easy to be resisted. There was not one government in India that did not look up to Great Britain as holding the balance of power, and in a position to control and do justice to every individual party in it. At that juncture Mr. Hastings deliberately broke the treaty of Poorunder; and afterwards, by breaking faith with and attacking all the powers, one after another, he produced that very union which one would hardly have expected that the incapacity or ill faith of any Governor could have effected. Your Lordships shall hear the best and most incontrovertible evidence both of his incapacity and ill faith, and of the consequences which they produced. It is the declaration of one of the latest of their allies concerning all these proceedings. It is contained in a letter from the Rajah of Berar, directly and strongly inculcating Mr. Hastings, upon facts which he has never denied and by arguments which he has never refuted, as being himself the cause of that very junction of all the powers of India against us.

Letter from Benaram Pundit.

“As the friendship of the English is, at all events, the first and most necessary consideration, I will therefore exert myself in establishing peace: for the power of making peace with all is the best object; to this all other measures are subservient, and will certainly be done by them, the English. You write, that, after having laid the foundation of peace with the Pundit Purdhaun, it is requisite that some troops should be sent with General Goddard against Hyder Naig, and take possession of his country, when all those engagements and proposals may be assented to. My

reason is confounded in discussing this suggestion, at a time when Hyder Naig is in every respect in alliance with the Peshwa, and has assisted with his soul and life to repel the English. For us to unite our troops with those of the enemy and extirpate him, would not this fix the stamp of infamy upon us forever? Would any prince, for generations to come, ever after assist us, or unite with the Peshwa? Be yourself the judge, and say whether such a conduct would become a prince or not. Why, then, do you mention it? why do you write it?

“The case is as follows. — At first there was the utmost enmity between Hyder Naig and the Pundit Purdhaun, and there was the fullest intention of sending troops into Hyder Naig’s country; and after the conclusion of the war with Bombay and the capture of Ragonaut Row, it was firmly resolved to send troops into that quarter; and a reliance was placed in the treaty which was entered into by the gentlemen of Bombay before the war. But when Ragonaut again went to them, and General Goddard was ready to commence hostilities, — when no regard was paid to the friendly proposals made by us and the Pundit Peshwa, — when they desisted from coming to Poonah, agreeable to their promise, and a categorical answer was given to the deputies from Poonah, — the ministers of Poonah then consulted among themselves, and, having advised with the Nabob Nizam ul Dowlah, they considered that as enemies were appearing on both sides, and it would be difficult to cope with both, what was to be done? Peace must be made with one of them, and war must be carried on with the other. They wished above all things, in their hearts, to make peace with the English gentlemen, and to unite with them to punish Hyder Naig; but these gentlemen had plainly refused to enter into any terms of reconciliation. It was therefore advisable to accommodate matters with Hyder Naig, although he had been long an enemy. What else could be done? Having nothing left for it, they were compelled to enter into an union with Hyder.”

My Lords, this declaration, made to Mr. Hastings himself, was never answered by him. Indeed, answered it could not be; because the thing was manifest, that all the desolation of the Carnatic by Hyder Ali, all these difficulties upon which he has insisted, the whole of that union by which he was pressed, and against which, as he says, he bore up with such fortitude, was his own work, the consequences of his bad faith, and his not listening to any reasonable terms of peace.

But, my Lords, see what sort of peace he afterwards made. I could prove, if I were called upon so to do, from this paper that they have had the folly and madness to produce to you for other purposes, that he might at any time have made a better treaty, and have concluded a more secure and advantageous peace, than that which at last he acceded to; that the treaty he made was both disadvantageous and dishonorable, inasmuch as we gave up every ally we had, and sacrificed them to the resentment of the enemy; that Mahdajee Sindia gained by it an empire of a magnitude dangerous to our very existence in India; that this chief was permitted to exterminate all the many little gallant nations that stood between us and the

Mahrattas, and whose policy led them to guard against the ambitious designs of that government. Almost all these lesser powers, from Central India, quite up to the mountains that divide India from Tartary, almost all these, I say, were exterminated by him, or were brought under a cruel subjection. The peace he made with Mr. Hastings was for the very purpose of doing all this; and Mr. Hastings enabled him, and gave him the means of effecting it.

Advert next, my Lords, to what he did with other allies. By the treaty of Poorunder, made by Colonel Upton, and which he flagitiously broke, we had acquired, what, God knows, we little merited from the Mahrattas, twelve lacs, (112,000*l.*) for the expenses of the war, — and a country of three lacs of annual revenue, the province of Baroach and the isle of Salsette, and other small islands convenient for us upon that coast. This was a great, useful, and momentous accession of territory and of revenue: and we got it with honor; for not one of our allies were sacrificed by this treaty. We had even obtained from the Mahrattas for Ragonaut Row, our support of whom against that government was a principal cause of the war, an establishment of a thousand horse, to be maintained at their expense, and a jaghire for his other expenses of three lacs of rupees per annum, payable monthly, with leave to reside within their territories, with no other condition than that he should not remove from the place fixed for his residence for the purpose of exciting disturbances against their government. They also stipulated for the pardon, of all his adherents except four; and the only condition they required from us was, that we should not assist him in case of any future disturbance. But Mr. Hastings, by his treaty, surrendered that country of three lacs of revenue; he made no stipulation for the expenses of the war, nor indemnity for any of the persons whom he had seduced into the rebellion in favor of Ragonaut Row; he gave them all up to the vengeance of their governments, without a stroke of a pen in their favor, to be banished, confiscated, and undone; and as to Ragonaut Row, instead of getting him this honorable and secure retreat, as he was bound to do, this unfortunate man was ordered to retire to his enemy's (Mahdajee Sindia's) country, or otherwise he was not to receive a shilling for his maintenance.

I will now ask your Lordships, whether any man but Mr. Hastings would claim a merit with his own country for having broken the treaty of Poorunder? Your Lordships know the opinion of the House of Commons respecting it; his colleagues in Council had remonstrated with him upon it, and had stated the mischiefs that would result from it; and Sir Eyre Coote, the commander of the Company's forces, writing at the same time from Madras, states, that he thought it would infallibly bring down upon them Hyder Ali, who, they had reason to think, was bent upon the utter destruction of the power of this country in India, and was only waiting for some crisis in our affairs favorable to his designs. This, my Lords, is to be one of the set-offs against all the crimes, against the multiplied frauds, cruelties, and

oppressions, all the corrupt practices, prevarications, and swindlings, that we have alleged against him.

My Lords, it would be an endless undertaking, and such as, at this hour of the day, we, as well as your Lordships, are little fitted to engage in, if I were to attempt to search into and unveil all the secret motives, or to expose as it deserves the shameless audacity of this man's conduct. None of your Lordships can have observed without astonishment the selection of his merits, as he audaciously calls them, which has been brought before you. The last of this selection, in particular, looks as if he meant to revile and spit upon the legislature of his country, because we and you thought it fit and were resolved to publish to all India that we will not countenance offensive wars, and that you felt this so strongly as to pass the first act of a kind that was ever made, namely, an act to limit the discretionary power of government in making war solely, — and because you have done this solely and upon no other account and for no other reason under heaven than the abuse which that man at your bar has made of it, and for which abuse he now presumes to take merit to himself. I will read this part of the act to your Lordships.

[Mr. Burke here read 24th Geo. III. ca, sect. 34.]

“And whereas to pursue schemes of conquest and extension of dominion in India are measures repugnant to the wish, the honor, and policy of this nation, be it therefore further enacted by the authority aforesaid, that it shall not be lawful for the Governor-General and Council of Port William aforesaid, without the express command and authority of the said Court of Directors, or of the Secret Committee of the said Court of Directors, in any case, (except where hostilities have actually been commenced, or preparations actually made for the commencement of hostilities, against the British nation in India, or against some of the princes or states dependent thereon, or whose territories the said United Company shall be at such time engaged by any subsisting treaty to defend or guaranty,) either to declare war, or commence hostilities, or enter into any treaty for making war, against any of the country princes or states in India, or any treaty for guarantying the possessions of any country princes or states; and that in such case it shall not be lawful for the said Governor-General and Council to declare war, or commence hostilities, or enter into treaty for making war, against any other prince or state than such as shall be actually committing hostilities or making preparations as aforesaid, or to make such treaty for guarantying the possessions of any prince or state, but upon the consideration of such prince or state actually engaging to assist the Company against such hostilities commenced or preparations made as aforesaid; and in all cases where hostilities shall be commenced or treaty made, the said Governor-General and Council shall, by the most expeditious means they can devise, communicate the same unto the said Court of Directors, together with a full state of the information and intelligence upon which they shall have commenced such

hostilities or made such treaties, and their motives and reasons for the same at large.”

It is the first act of the kind that ever was made in this kingdom, the first statute, I believe, that ever was made by the legislature of any nation, upon the subject; and it was made solely upon the resolutions to which we had come against the violent, intemperate, unjust, and perfidious acts of this man at your Lordships’ bar, and which acts are now produced before your Lordships as merits.

To show further to your Lordships how necessary this act was, here is a part of his own correspondence, the last thing I shall beg to read to your Lordships, and upon which I shall make no other comment than that you will learn from it how well British faith was kept by this man, and that it was the violation of British faith which prevented our having the most advantageous peace, and brought on all the calamities of war. It is part of a letter from the minister of the Rajah of Berar, a man called Benaram Pundit, with whom Mr. Hastings was at the time treating for a peace; and he tells him why he might have had peace at that time, and why he had it not, — and that the cause of it was his own ridiculous and even buffoonish perfidiousness, which exposed him to the ridicule of all the princes of India, and with him the whole British nation.

“But afterwards reflecting that it was not advisable for me to be in such haste before I had fully understood all the contents of the papers, I opened them in the presence of the Maha Rajah, when all the kharetas, letters, copies, and treaties were perused with the greatest attention and care. First, they convinced us of your great truth and sincerity, and that you never, from the beginning to this time, were inclined to the present disputes and hostilities; and next, that you have not included in the articles of the treaty any of your wishes or inclinations; and in short, the garden of the treaty appeared to us, in all its parts, green and flourishing: but though the fruit of it was excellent yet they appeared different from those of Colonel Upton’s treaty, (the particulars of which I have frequently written to you,) and, upon tasting them, proved to be bitter and very different, when compared to the former articles. How can any of the old and established obligations be omitted, and new matters agreed to, when it is plain that they will produce losses and damages? Some points which you have mentioned, under the plea of the faith and observance of treaties, are of such a nature that the Poonah ministers can never assent to them. In all engagements and important transactions, in which the words *but*, and *although*, and *besides*, and *whereas*, and *why*, and other such words of doubt, are introduced, it gives an opening to disputes and misunderstandings. A treaty is meant for the entire removal of all differences, not for increase of them. My departure to Poonah has therefore been delayed.”

My Lords, consider to what ironies and insults this nation was exposed, and how necessary it was for us to originate that bill which your Lordships passed into an act of Parliament, with his Majesty’s assent. The words *but*, *although*, *besides*, *whereas*,

and *why*, and such like, are introduced to give an opening, and so on. Then he desires him to send another treaty, fit for him to sign.

“I have therefore kept the treaty with the greatest care and caution in my possession, and, having taken a copy of it, I have added to each article another, which appeared to me proper and advisable, and without any loss or disadvantage to the English, or anything more in favor of the Pundit Purdhaun than what was contained in the former treaties. This I have sent to you, and hope that you will prepare and send a treaty conformable to that, without any *besides*, or *if*, or *why*, or *but*, and *whereas*, that, as soon as it arrives, I may depart for Poonah, and, having united with me Row Mahdajee Sindia, and having brought over the Nabob Nizam ul Dowlah to this business, I may settle and adjust all matters which are in this bad situation. As soon as I have received my dismissal from thence, I would set off for Calcutta, and represent to you everything which for a long while I have had on my mind, and by this transaction erect to the view of all the world the standard of the greatness and goodness of the English and of my master, and extinguish the flames of war with the waters of friendship. The compassing all these advantages and happy prospects depends entirely upon your will and consent; and the power of bringing them to an issue is in your hands alone.”

My Lords, you may here see the necessity there was for passing the act of Parliament which I have just read to you, in order to prevent in future the recurrence of that want of faith of which Mr. Hastings had been so notoriously guilty, and by which he had not only united all India against us, and had hindered us from making, for a long time, any peace at all, but had exposed the British character to the irony, scorn, derision, and insult of the whole people of that vast continent.

My Lords, in the progress of this impeachment, you have heard our charges; you have heard the prisoner's plea of merits; you have heard our observations on them. In the progress of this impeachment, you have seen the condition in which Mr. Hastings received Benares; you have seen the condition in which Mr. Hastings received the country of the Rohillas; you have seen the condition in which he received the country of Oude; you have seen the condition in which he received the provinces of Bengal; you have seen the condition of the country when the native government was succeeded by that of Mr. Hastings; you have seen the happiness and prosperity of all its inhabitants, from those of the highest to those of the lowest rank. My Lords, you have seen the very reverse of all this under the government of Mr. Hastings, — the country itself, all its beauty and glory, ending in a jungle for wild beasts. You have seen flourishing families reduced to implore that pity which the poorest man and the meanest situation might very well call for. You have seen whole nations in the mass reduced to a condition of the same distress. These things in his government at home. Abroad, scorn, contempt, and derision cast upon and

covering the British name, war stirred up, and dishonorable treaties of peace made, by the total prostitution of British faith. Now take, my Lords, together, all the multiplied delinquencies which we have proved, from the highest degree of tyranny to the lowest degree of sharpening and cheating, and then judge, my Lords, whether the House of Commons could rest for one moment, without bringing these matters, which have baffled all legislation at various times, before you, to try at last what judgment will do. Judgment is what gives force, effect, and vigor to laws; laws without judgment are contemptible and ridiculous; we had better have no laws than laws not enforced by judgments and suitable penalties upon delinquents. Revert, my Lords, to all the sentences which have heretofore been passed by this high court; look at the sentence passed upon Lord Bacon, look at the sentence passed upon Lord Macclesfield; and then compare the sentences which your ancestors have given with the delinquencies which were then before them, and you have the measure to be taken in your sentence upon the delinquent now before you. Your sentence, I say, will be measured according to that rule which ought to direct the judgment of all courts in like cases, lessening it for a lesser offence, and aggravating it for a greater, until the measure of justice is completely full.

My Lords, I have done; the part of the Commons is concluded. With a trembling solicitude we consign this product of our long, long labors to your charge. Take it! — take it! It is a sacred trust. Never before was a cause of such magnitude submitted to any human tribunal.

My Lords, at this awful close, in the name of the Commons, and surrounded by them, I attest the retiring, I attest the advancing generations, between which, as a link in the great chain of eternal order, we stand. We call this nation, we call the world to witness, that the Commons have shrunk from no labor, that we have been guilty of no prevarication, that we have made no compromise with crime, that we have not feared any odium whatsoever, in the long warfare which we have carried on with the crimes, with the vices, with the exorbitant wealth, with the enormous and overpowering influence of Eastern corruption. This war, my Lords, we have waged for twenty-two years, and the conflict has been fought at your Lordships' bar for the last seven years. My Lords, twenty-two years is a great space in the scale of the life of man; it is no inconsiderable space in the history of a great nation. A business which has so long occupied the councils and the tribunals of Great Britain cannot possibly be huddled over in the course of vulgar, trite, and transitory events. Nothing but some of those great revolutions that break the traditionary chain of human memory, and alter the very face of Nature itself, can possibly obscure it. My Lords, we are all elevated to a degree of importance by it; the meanest of us will, by means of it, more or less become the concern of posterity, — if we are yet to hope for such a thing, in the present state of the world, as a recording, retrospective,

civilized posterity: but this is in the hands of the great Disposer of events; it is not ours to settle how it shall be.

My Lords, your House yet stands, — it stands as a great edifice; but let me say, that it stands in the midst of ruins, — in the midst of the ruins that have been made by the greatest moral earthquake that ever convulsed and shattered this globe of ours. My Lords, it has pleased Providence to place us in such a state that we appear every moment to be upon the verge of some great mutations. There is one thing, and one thing only, which defies all mutation, — that which existed before the world, and will survive the fabric of the world itself: I mean justice, — that justice which, emanating from the Divinity, has a place in the breast of every one of us, given us for our guide with regard to ourselves and with regard to others, and which will stand, after this globe is burned to ashes, our advocate or our accuser before the great Judge, when He comes to call upon us for the tenor of a well-spent life.

My Lords, the Commons will share in every fate with your Lordships; there is nothing sinister which can happen to you, in which we shall not be involved: and if it should so happen that we shall be subjected to some of those frightful changes which we have seen, — if it should happen that your Lordships, stripped of all the decorous distinctions of human society, should, by hands at once base and cruel, be led to those scaffolds and machines of murder upon which great kings and glorious queens have shed their blood, amidst the prelates, amidst the nobles, amidst the magistrates who supported their thrones, may you in those moments feel that consolation which I am persuaded they felt in the critical moments of their dreadful agony!

My Lords, there is a consolation, and a great consolation it is, which often happens to oppressed virtue and fallen dignity. It often happens that the very oppressors and persecutors themselves are forced to bear testimony in its favor. I do not like to go for instances a great way back into antiquity. I know very well that length of time operates so as to give an air of the fabulous to remote events, which lessens the interest and weakens the application of examples. I wish to come nearer to the present time. Your Lordships know and have heard (for which of us has not known and heard?) of the Parliament of Paris. The Parliament of Paris had an origin very, very similar to that of the great court before which I stand; the Parliament of Paris continued to have a great resemblance to it in its constitution, even to its fall: the Parliament of Paris, my Lords, WAS; it is gone! It has passed away; it has vanished like a dream! It fell, pierced by the sword of the Comte de Mirabeau. And yet I will say, that that man, at the time of his inflicting the death-wound of that Parliament, produced at once the shortest and the grandest funeral oration that ever was or could be made upon the departure of a great court of magistracy. Though he had himself smarted under its lash, as every one knows who knows his history, (and he was elevated to dreadful notoriety in history,) yet, when he pronounced the death sentence upon that Parliament, and inflicted the mortal

wound, he declared that his motives for doing it were merely political, and that their hands were as pure as those of justice itself, which they administered. A great and glorious exit, my Lords, of a great and glorious body! And never was a eulogy pronounced upon a body more deserved. They were persons, in nobility of rank, in amplitude of fortune, in weight of authority, in depth of learning, inferior to few of those that hear me. My Lords, it was but the other day that they submitted their necks to the axe; but their honor was unwounded. Their enemies, the persons who sentenced them to death, were lawyers full of subtlety, they were enemies full of malice; yet lawyers full of subtlety, and enemies full of malice, as they were, they did not dare to reproach them with having supported the wealthy, the great, and powerful, and of having oppressed the weak and feeble, in any of their judgments, or of having perverted justice, in any one instance whatever, through favor, through interest, or cabal.

My Lords, if you must fall, may you so fall! But if you stand, — and stand I trust you will, together with the fortune of this ancient monarchy, together with the ancient laws and liberties of this great and illustrious kingdom, — may you stand as unimpeached in honor as in power! May you stand, not as a substitute for virtue, but as an ornament of virtue, as a security for virtue! May you stand long, and long stand the terror of tyrants! May you stand the refuge of afflicted nations! May you stand a sacred temple, for the perpetual residence of an inviolable justice!

The Letters



The House of Commons in the eighteenth century — in December 1765, Burke entered the British House of Commons as Member for Wendover, a pocket borough in the gift of Lord Fermanagh, later 2nd Earl Verney and a close political ally of Rockingham. After Burke delivered his maiden speech, William Pitt the Elder declared he had “spoken in such a manner as to stop the mouths of all Europe” and that the Commons should congratulate itself on acquiring such a Member.

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A LETTER TO RICHARD BURKE, ESQ., ON PROTESTANT ASCENDENCY IN IRELAND. 1793.

A LETTER ON THE AFFAIRS OF IRELAND. 1797.

LETTER ON MR. DOWDESWELL'S BILL FOR EXPLAINING THE POWERS OF JURIES IN PROSECUTIONS FOR LIBELS.

**A LETTER TO JOHN FARR AND JOHN HARRIS, ESQRS.,
SHERIFFS OF THE CITY OF BRISTOL, ON THE AFFAIRS OF
AMERICA. 1777.**

Gentlemen, — I have the honor of sending you the two last acts which have been passed with regard to the troubles in America. These acts are similar to all the rest which have been made on the same subject. They operate by the same principle, and they are derived from the very same policy. I think they complete the number of this sort of statutes to nine. It affords no matter for very pleasing reflection to observe that our subjects diminish as our laws increase.

If I have the misfortune of differing with some of my fellow-citizens on this great and arduous subject, it is no small consolation to me that I do not differ from you. With you I am perfectly united. We are heartily agreed in our detestation of a civil war. We have ever expressed the most unqualified disapprobation of all the steps which have led to it, and of all those which tend to prolong it. And I have no doubt that we feel exactly the same emotions of grief and shame on all its miserable consequences, whether they appear, on the one side or the other, in the shape of victories or defeats, of captures made from the English on the continent or from the English in these islands, of legislative regulations which subvert the liberties of our brethren or which undermine our own.

Of the first of these statutes (that for the letter of marque) I shall say little. Exceptionable as it may be, and as I think it is in some particulars, it seems the natural, perhaps necessary, result of the measures we have taken and the situation we are in. The other (for a partial suspension of the *Habeas Corpus*) appears to me of a much deeper malignity. During its progress through the House of Commons, it has been amended, so as to express, more distinctly than at first it did, the avowed sentiments of those who framed it; and the main ground of my exception to it is, because it does express, and does carry into execution, purposes which appear to me so contradictory to all the principles, not only of the constitutional policy of Great Britain, but even of that species of hostile justice which no asperity of war wholly extinguishes in the minds of a civilized people.

It seems to have in view two capital objects: the first, to enable administration to confine, as long as it shall think proper, those whom that act is pleased to qualify by the name of *pirates*. Those so qualified I understand to be the commanders and mariners of such privateers and ships of war belonging to the colonies as in the course of this unhappy contest may fall into the hands of the crown. They are therefore to be detained in prison, under the criminal description of piracy, to a future trial and ignominious punishment, whenever circumstances shall make it

convenient to execute vengeance on them, under the color of that odious and infamous offence.

To this first purpose of the law I have no small dislike, because the act does not (as all laws and all equitable transactions ought to do) fairly describe its object. The persons who make a naval war upon us, in consequence of the present troubles, may be rebels; but to call and treat them as pirates is confounding not only the natural distinction of things, but the order of crimes, — which, whether by putting them from a higher part of the scale to the lower or from the lower to the higher, is never done without dangerously disordering the whole frame of jurisprudence. Though piracy may be, in the eye of the law, a *less* offence than treason, yet, as both are, in effect, punished with the same death, the same forfeiture, and the same corruption of blood, I never would take from any fellow-creature whatever any sort of advantage which he may derive to his safety from the pity of mankind, or to his reputation from their general feelings, by degrading his offence, when I cannot soften his punishment. The general sense of mankind tells me that those offences which may possibly arise from mistaken virtue are not in the class of infamous actions. Lord Coke, the oracle of the English law, conforms to that general sense, where he says that “those things which are of the highest criminality may be of the least disgrace.” The act prepares a sort of masked proceeding, not honorable to the justice of the kingdom, and by no means necessary for its safety. I cannot enter into it. If Lord Balmerino, in the last rebellion, had driven off the cattle of twenty clans, I should have thought it would have been a scandalous and low juggle, utterly unworthy of the manliness of an English judicature, to have tried him for felony as a stealer of cows.

Besides, I must honestly tell you that I could not vote for, or countenance in any way, a statute which stigmatizes with the crime of piracy these men whom an act of Parliament had previously put out of the protection of the law. When the legislature of this kingdom had ordered all their ships and goods, for the mere new-created offence of exercising trade, to be divided as a spoil among the seamen, of the navy, — to consider the necessary reprisal of an unhappy, proscribed, interdicted people, as the crime of piracy, would have appeared, in any other legislature than ours, a strain of the most insulting and most unnatural cruelty and injustice. I assure you I never remember to have heard of anything like it in any time or country.

The second professed purpose of the act is to detain in England for trial those who shall commit high treason in America.

That you may be enabled to enter into the true spirit of the present law, it is necessary, Gentlemen, to apprise you that there is an act, made so long ago as in the reign of Henry the Eighth, before the existence or thought of any English colonies in America, for the trial in this kingdom of treasons committed out of the realm. In the year 1769 Parliament thought proper to acquaint the crown with their construction of that act in a formal address, wherein they entreated his Majesty to

cause persons charged with high treason in America to be brought into this kingdom for trial. By this act of Henry the Eighth, *so construed and so applied*, almost all that is substantial and beneficial in a trial by jury is taken away from the subject in the colonies. This is, however, saying too little; for to try a man under that act is, in effect, to condemn him unheard. A person is brought hither in the dungeon of a ship's hold; thence he is vomited into a dungeon on land, loaded with irons, unfurnished with money, unsupported by friends, three thousand miles from all means of calling upon or confronting evidence, where no one local circumstance that tends to detect perjury can possibly be judged of; — such a person may be executed according to form, but he can never be tried according to justice.

I therefore could never reconcile myself to the bill I send you, which is expressly provided to remove all inconveniences from the establishment of a mode of trial which has ever appeared to me most unjust and most unconstitutional. Far from removing the difficulties which impede the execution of so mischievous a project, I would heap new difficulties upon it, if it were in my power. All the ancient, honest, juridical principles and institutions of England are so many clogs to check and retard the headlong course of violence and oppression. They were invented for this one good purpose, that what was not just should not be convenient. Convinced of this, I would leave things as I found them. The old, cool-headed, general law is as good as any deviation dictated by present heat.

I could see no fair, justifiable expedience pleaded to favor this new suspension of the liberty of the subject. If the English in the colonies can support the independency to which they have been unfortunately driven, I suppose nobody has such a fanatical zeal for the criminal justice of Henry the Eighth that he will contend for executions which must be retaliated tenfold on his own friends, or who has conceived so strange an idea of English dignity as to think the defeats in America compensated by the triumphs at Tyburn. If, on the contrary, the colonies are reduced to the obedience of the crown, there must be, under that authority, tribunals in the country itself fully competent to administer justice on all offenders. But if there are not, and that we must suppose a thing so humiliating to our government as that all this vast continent should unanimously concur in thinking that no ill fortune can convert resistance to the royal authority into a criminal act, we may call the effect of our victory peace, or obedience, or what we will, but the war is not ended; the hostile mind continues in full vigor, and it continues under a worse form. If your peace be nothing more than a sullen pause from arms, if their quiet be nothing but the meditation of revenge, where smitten pride smarting from its wounds festers into new rancor, neither the act of Henry the Eighth nor its handmaid of this reign will answer any wise end of policy or justice. For, if the bloody fields which they saw and felt are not sufficient to subdue the reason of America, (to use the expressive phrase of a great lord in office,) it is not the judicial

slaughter which is made in another hemisphere against their universal sense of justice that will ever reconcile them to the British government.

I take it for granted, Gentlemen, that we sympathize in a proper horror of all punishment further than as it serves for an example. To whom, then does the example of an execution in England for this American rebellion apply? Remember, you are told every day, that the present is a contest between the two countries, and that we in England are at war for *our own* dignity against our rebellious children. Is this true? If it be, it is surely among such rebellious children that examples for disobedience should be made, to be in any degree instructive: for who ever thought of teaching parents their duty by an example from the punishment of an undutiful son? As well might the execution of a fugitive negro in the plantations be considered as a lesson to teach masters humanity to their slaves. Such executions may, indeed, satiate our revenge; they may harden our hearts, and puff us up with pride and arrogance. Alas! this is not instruction.

If anything can be drawn from such examples by a parity of the case, it is to show how deep their crime and how heavy their punishment will be, who shall at any time dare to resist a distant power actually disposing of their property without their voice or consent to the disposition, and overturning their franchises without charge or hearing. God forbid that England should ever read this lesson written in the blood of *any* of her offspring!

War is at present carried on between the king's natural and foreign troops, on one side, and the English in America, on the other, upon the usual footing of other wars; and accordingly an exchange of prisoners has been regularly made from the beginning. If, notwithstanding this hitherto equal procedure, upon some prospect of ending the war with success (which, however, may be delusive) administration prepares to act against those as *traitors* who remain in their hands at the end of the troubles, in my opinion we shall exhibit to the world as indecent a piece of injustice as ever civil fury has produced. If the prisoners who have been exchanged have not by that exchange been *virtually pardoned*, the cartel (whether avowed or understood) is a cruel fraud; for you have received the life of a man, and you ought to return a life for it, or there is no parity or fairness in the transaction.

If, on the other hand, we admit that they who are actually exchanged are pardoned, but contend that you may justly reserve for vengeance those who remain unexchanged, then this unpleasant and unhandsome consequence will follow: that you judge of the delinquency of men merely by the time of their guilt, and not by the heinousness of it; and you make fortune and accidents, and not the moral qualities of human action, the rule of your justice.

These strange incongruities must ever perplex those who confound the unhappiness of civil dissension with the crime of treason. Whenever a rebellion really and truly exists, which is as easily known in fact as it is difficult to define in words, government has not entered into such military conventions, but has ever

declined all intermediate treaty which should put rebels in possession of the law of nations with regard to war. Commanders would receive no benefits at their hands, because they could make no return for them. Who has ever heard of capitulation, and parole of honor, and exchange of prisoners in the late rebellions in this kingdom? The answer to all demands of that sort was, "We can engage for nothing; you are at the king's pleasure." We ought to remember, that, if our present enemies be in reality and truth rebels, the king's generals have no right to release them upon any conditions whatsoever; and they are themselves answerable to the law, and as much in want of a pardon, for doing so, as the rebels whom they release.

Lawyers, I know, cannot make the distinction for which I contend; because they have their strict rule to go by. But legislators ought to do what lawyers cannot; for they have no other rules to bind them but the great principles of reason and equity and the general sense of mankind. These they are bound to obey and follow, and rather to enlarge and enlighten law by the liberality of legislative reason than to fetter and bind their higher capacity by the narrow constructions of subordinate, artificial justice. If we had adverted to this, we never could consider the convulsions of a great empire, not disturbed by a little disseminated faction, but divided by whole communities and provinces, and entire legal representatives of a people, as fit matter of discussion under a commission of Oyer and Terminer. It is as opposite to reason and prudence as it is to humanity and justice.

This act, proceeding on these principles, that is, preparing to end the present troubles by a trial of one sort of hostility under the name of piracy, and of another by the name of treason, and executing the act of Henry the Eighth according to a new and unconstitutional interpretation, I have thought evil and dangerous, even though the instruments of effecting such purposes had been merely of a neutral quality.

But it really appears to me that the means which this act employs are at least as exceptionable as the end. Permit me to open myself a little upon this subject; because it is of importance to me, when I am obliged to submit to the power without acquiescing in the reason of an act of legislature, that I should justify my dissent by such arguments as may be supposed to have weight with a sober man.

The main operative regulation of the act is to suspend the Common Law and the statute *Habeas Corpus* (the sole securities either for liberty or justice) with regard to all those who have been out of the realm, or on the high seas, within a given time. The rest of the people, as I understand, are to continue as they stood before.

I confess, Gentlemen, that this appears to me as bad in the principle, and far worse in its consequence, than an universal suspension of the *Habeas Corpus* Act; and the limiting qualification, instead of taking out the sting, does in my humble opinion sharpen and envenom it to a greater degree. Liberty, if I understand it at all, is a *general* principle, and the clear right of all the subjects within the realm, or of none. Partial freedom seems to me a most invidious mode of slavery. But,

unfortunately, it is the kind of slavery the most easily admitted in times of civil discord: for parties are but too apt to forget their own future safety in their desire of sacrificing their enemies. People without much difficulty admit the entrance of that injustice of which they are not to be the immediate victims. In times of high proceeding it is never the faction of the predominant power that is in danger: for no tyranny chastises its own instruments. It is the obnoxious and the suspected who want the protection of law; and there is nothing to bridle the partial violence of state factions but this,— “that, whenever an act is made for a cessation of law and justice, the whole people should be universally subjected to the same suspension of their franchises.” The alarm of such a proceeding would then be universal. It would operate as a sort of *call of the nation*. It would become every man’s immediate and instant concern to be made very sensible of *the absolute necessity* of this total eclipse of liberty. They would more carefully advert to every renewal, and more powerfully resist it. These great determined measures are not commonly so dangerous to freedom. They are marked with too strong lines to slide into use. No plea, nor pretence, of *inconvenience or evil example* (which must in their nature be daily and ordinary incidents) can be admitted as a reason for such mighty operations. But the true danger is when liberty is nibbled away, for expedients, and by parts. The *Habeas Corpus* Act supposes, contrary to the genius of most other laws, that the lawful magistrate may see particular men with a malignant eye, and it provides for that identical case. But when men, in particular descriptions, marked out by the magistrate himself, are delivered over by Parliament to this possible malignity, it is not the *Habeas Corpus* that is occasionally suspended, but its spirit that is mistaken, and its principle that is subverted. Indeed, nothing is security to any individual but the common interest of all.

This act, therefore, has this distinguished evil in it, that it is the first *partial* suspension of the *Habeas Corpus* that has been made. The precedent, which is always of very great importance, is now established. For the first time a distinction is made among the people within this realm. Before this act, every man putting his foot on English ground, every stranger owing only a local and temporary allegiance, even negro slaves who had been sold in the colonies and under an act of Parliament, became as free as every other man who breathed the same air with them. Now a line is drawn, which may be advanced further and further at pleasure, on the same argument of mere expedience on which it was first described. There is no equality among us; we are not fellow-citizens, if the mariner who lands on the quay does not rest on as firm legal ground as the merchant who sits in his counting-house. Other laws may injure the community; this dissolves it. As things now stand, every man in the West Indies, every one inhabitant of three unoffending provinces on the continent, every person coming from the East Indies, every gentleman who has travelled for his health or education, every mariner who has navigated the seas, is, for no other offence, under a temporary proscription. Let any of these facts (now

become presumptions of guilt) be proved against him, and the bare suspicion of the crown puts him out of the law. It is even by no means clear to me whether the negative proof does not lie upon the person apprehended on suspicion, to the subversion of all justice.

I have not debated against this bill in its progress through the House; because it would have been vain to oppose, and impossible to correct it. It is some time since I have been clearly convinced, that, in the present state of things, all opposition to any measures proposed by ministers, where the name of America appears, is vain and frivolous. You may be sure that I do not speak of my opposition, which in all circumstances must be so, but that of men of the greatest wisdom and authority in the nation. Everything proposed against America is supposed of course to be in favor of Great Britain. Good and ill success are equally admitted as reasons for persevering in the present methods. Several very prudent and very well-intentioned persons were of opinion, that, during the prevalence of such dispositions, all struggle rather inflamed than lessened the distemper of the public counsels. Finding such resistance to be considered as factious by most within doors and by very many without, I cannot conscientiously support what is against my opinion, nor prudently contend with what I know is irresistible. Preserving my principles unshaken, I reserve my activity for rational endeavors; and I hope that my past conduct has given sufficient evidence, that, if I am a single day from my place, it is not owing to indolence or love of dissipation. The slightest hope of doing good is sufficient to recall me to what I quitted with regret. In declining for some time my usual strict attendance, I do not in the least condemn the spirit of those gentlemen who, with a just confidence in their abilities, (in which I claim a sort of share from my love and admiration of them,) were of opinion that their exertions in this desperate case might be of some service. They thought that by contracting the sphere of its application they might lessen the malignity of an evil principle. Perhaps they were in the right. But when my opinion was so very clearly to the contrary, for the reasons I have just stated, I am sure *my* attendance would have been ridiculous.

I must add, in further explanation of *my* conduct, that, far from softening the features of such a principle, and thereby removing any part of the popular odium or natural terrors attending it, I should be sorry that anything framed in contradiction to the spirit of our Constitution did not instantly produce, in fact, the grossest of the evils with which it was pregnant in its nature. It is by lying dormant a long time, or being at first very rarely exercised, that arbitrary power steals upon a people. On the next unconstitutional act, all the fashionable world will be ready to say, "Your prophecies are ridiculous, your fears are vain, you see how little of the mischiefs which you formerly foreboded are come to pass." Thus, by degrees, that artful softening of all arbitrary power, the alleged infrequency or narrow extent of its operation, will be received as a sort of aphorism, — and Mr. Hume will not be

singular in telling us, that the felicity of mankind is no more disturbed by it than by earthquakes or thunder, or the other more unusual accidents of Nature.

The act of which I speak is among the fruits of the American war, — a war in my humble opinion productive of many mischiefs, of a kind which distinguish it from all others. Not only our policy is deranged, and our empire distracted, but our laws and our legislative spirit appear to have been totally perverted by it. We have made war on our colonies, not by arms only, but by laws. As hostility and law are not very concordant ideas, every step we have taken in this business has been made by trampling on some maxim of justice or some capital principle of wise government. What precedents were established, and what principles overturned, (I will not say of English privilege, but of general justice,) in the Boston Port, the Massachusetts Charter, the Military Bill, and all that long array of hostile acts of Parliament by which the war with America has been begun and supported! Had the principles of any of these acts been first exerted on English ground, they would probably have expired as soon as they touched it. But by being removed from our persons, they have rooted in our laws, and the latest posterity will taste the fruits of them.

Nor is it the worst effect of this unnatural contention, that our *laws* are corrupted. Whilst *manners* remain entire, they will correct the vices of law, and soften it at length to their own temper. But we have to lament that in most of the late proceedings we see very few traces of that generosity, humanity, and dignity of mind, which formerly characterized this nation. War suspends the rules of moral obligation, and what is long suspended is in danger of being totally abrogated. Civil wars strike deepest of all into the manners of the people. They vitiate their politics; they corrupt their morals; they pervert even the natural taste and relish of equity and justice. By teaching us to consider our fellow-citizens in an hostile light, the whole body of our nation becomes gradually less dear to us. The very names of affection and kindred, which were the bond of charity whilst we agreed, become new incentives to hatred and rage when the communion of our country is dissolved. We may flatter ourselves that we shall not fall into this misfortune. But we have no charter of exemption, that I know of, from the ordinary frailties of our nature.

What but that blindness of heart which arises from the frenzy of civil contention could have made any persons conceive the present situation of the British affairs as an object of triumph to themselves or of congratulation to their sovereign? Nothing surely could be more lamentable to those who remember the flourishing days of this kingdom than to see the insane joy of several unhappy people, amidst the sad spectacle which our affairs and conduct exhibit to the scorn of Europe. We behold (and it seems some people rejoice in beholding) our native land, which used to sit the envied arbiter of all her neighbors, reduced to a servile dependence on their mercy, — acquiescing in assurances of friendship which she does not trust, — complaining of hostilities which she dares not resent, — deficient to her allies, lofty

to her subjects, and submissive to her enemies, — whilst the liberal government of this free nation is supported by the hireling sword of German boors and vassals, and three millions of the subjects of Great Britain are seeking for protection to English privileges in the arms of France!

These circumstances appear to me more like shocking prodigies than natural changes in human affairs. Men of firmer minds may see them without staggering or astonishment. Some may think them matters of congratulation and complimentary addresses; but I trust your candor will be so indulgent to my weakness as not to have the worse opinion of me for my declining to participate in this joy, and my rejecting all share whatsoever in such a triumph. I am too old, too stiff in my inveterate partialities, to be ready at all the fashionable evolutions of opinion. I scarcely know how to adapt my mind to the feelings with which the Court Gazettes mean to impress the people. It is not instantly that I can be brought to rejoice, when I hear of the slaughter and captivity of long lists of those names which have been familiar to my ears from my infancy, and to rejoice that they have fallen under the sword of strangers, whose barbarous appellations I scarcely know how to pronounce. The glory acquired at the White Plains by Colonel Rahl has no charms for me, and I fairly acknowledge that I have not yet learned to delight in finding Fort Kniphausen in the heart of the British dominions.

It might be some consolation for the loss of our old regards, if our reason were enlightened in proportion as our honest prejudices are removed. Wanting feelings for the honor of our country, we might then in cold blood be brought to think a little of our interests as individual citizens and our private conscience as moral agents.

Indeed, our affairs are in a bad condition. I do assure those gentlemen who have prayed for war, and obtained the blessing they have sought, that they are at this instant in very great straits. The abused wealth of this country continues a little longer to feed its distemper. As yet they, and their German allies of twenty hireling states, have contended only with the unprepared strength of our own infant colonies. But America is not subdued. Not one unattacked village which was originally adverse throughout that vast continent has yet submitted from love or terror. You have the ground you encamp on, and you have no more. The cantonments of your troops and your dominions are exactly of the same extent. You spread devastation, but you do not enlarge the sphere of authority.

The events of this war are of so much greater magnitude than those who either wished or feared it ever looked for, that this alone ought to fill every considerate mind with anxiety and diffidence. Wise men often tremble at the very things which fill the thoughtless with security. For many reasons I do not choose to expose to public view all the particulars of the state in which you stood with regard to foreign powers during the whole course of the last year. Whether you are yet wholly out of danger from them is more than I know, or than your rulers can divine. But even if I

were certain of my safety, I could not easily forgive those who had brought me into the most dreadful perils, because by accidents, unforeseen by them or me, I have escaped.

Believe me, Gentlemen, the way still before you is intricate, dark, and full of perplexed and treacherous mazes. Those who think they have the clew may lead us out of this labyrinth. We may trust them as amply as we think proper; but as they have most certainly a call for all the reason which their stock can furnish, why should we think it proper to disturb its operation by inflaming their passions? I may be unable to lend an helping hand to those who direct the state; but I should be ashamed to make myself one of a noisy multitude to halloo and hearten them into doubtful and dangerous courses. A conscientious man would be cautious how he dealt in blood. He would feel some apprehension at being called to a tremendous account for engaging in so deep a play without any sort of knowledge of the game. It is no excuse for presumptuous ignorance, that it is directed by insolent passion. The poorest being that crawls on earth, contending to save itself from injustice and oppression, is an object respectable in the eyes of God and man. But I cannot conceive any existence under heaven (which in the depths of its wisdom tolerates all sorts of things) that is more truly odious and disgusting than an impotent, helpless creature, without civil wisdom or military skill, without a consciousness of any other qualification for power but his servility to it, bloated with pride and arrogance, calling for battles which he is not to fight, contending for a violent dominion which he can never exercise, and satisfied to be himself mean and miserable, in order to render others contemptible and wretched.

If you and I find our talents not of the great and ruling kind, our conduct, at least, is conformable to our faculties. No man's life pays the forfeit of our rashness. No desolate widow weeps tears of blood over our ignorance. Scrupulous and sober in a well-grounded distrust of ourselves, we would keep in the port of peace and security; and perhaps in recommending to others something of the same diffidence, we should show ourselves more charitable to their welfare than injurious to their abilities.

There are many circumstances in the zeal shown for civil war which seem to discover but little of real magnanimity. The addressers offer their own persons, and they are satisfied with hiring Germans. They promise their private fortunes, and they mortgage their country. They have all the merit of volunteers, without risk of person or charge of contribution; and when the unfeeling arm of a foreign soldiery pours out their kindred blood like water, they exult and triumph as if they themselves had performed some notable exploit. I am really ashamed of the fashionable language which has been held for some time past, which, to say the best of it, is full of levity. You know that I allude to the general cry against the cowardice of the Americans, as if we despised them for not making the king's soldiery purchase the advantage they have obtained at a dearer rate. It is not,

Gentlemen, it is not to respect the dispensations of Providence, nor to provide any decent retreat in the mutability of human affairs. It leaves no medium between insolent victory and infamous defeat. It tends to alienate our minds further and further from our natural regards, and to make an eternal rent and schism in the British nation. Those who do not wish for such a separation would not dissolve that cement of reciprocal esteem and regard which can alone bind together the parts of this great fabric. It ought to be our wish, as it is our duty, not only to forbear this style of outrage ourselves, but to make every one as sensible as we can of the impropriety and unworthiness of the tempers which give rise to it, and which designing men are laboring with such malignant industry to diffuse amongst us. It is our business to counteract them, if possible, — if possible, to awake our natural regards, and to revive the old partiality to the English name. Without something of this kind I do not see how it is ever practicable really to reconcile with those whose affection, after all, must be the surest hold of our government, and which is a thousand times more worth to us than the mercenary zeal of all the circles of Germany.

I can well conceive a country completely overrun, and miserably wasted, without approaching in the least to settlement. In my apprehension, as long as English government is attempted to be supported over Englishmen by the sword alone, things will thus continue. I anticipate in my mind the moment of the final triumph of foreign military force. When that hour arrives, (for it may arrive,) then it is that all this mass of weakness and violence will appear in its full light. If we should be expelled from America, the delusion of the partisans of military government might still continue. They might still feed their imaginations with the possible good consequences which might have attended success. Nobody could prove the contrary by facts. But in case the sword should do all that the sword can do, the success of their arms and the defeat of their policy will be one and the same thing. You will never see any revenue from America. Some increase of the means of corruption, without ease of the public burdens, is the very best that can happen. Is it for this that we are at war, — and in such a war?

As to the difficulties of laying once more the foundations of that government which, for the sake of conquering what was our own, has been voluntarily and wantonly pulled down by a court faction here, I tremble to look at them. Has any of these gentlemen who are so eager to govern all mankind shown himself possessed of the first qualification towards government, some knowledge of the object, and of the difficulties which occur in the task they have undertaken?

I assure you, that, on the most prosperous issue of your arms, you will not be where you stood when you called in war to supply the defects of your political establishment. Nor would any disorder or disobedience to government which could arise from the most abject concession on our part ever equal those which will be felt

after the most triumphant violence. You have got all the intermediate evils of war into the bargain.

I think I know America, — if I do not, my ignorance is incurable, for I have spared no pains to understand it, — and I do most solemnly assure those of my constituents who put any sort of confidence in my industry and integrity, that everything that has been done there has arisen from a total misconception of the object: that our means of originally holding America, that our means of reconciling with it after quarrel, of recovering it after separation, of keeping it after victory, did depend, and must depend, in their several stages and periods, upon a total renunciation of that unconditional submission which has taken such possession of the minds of violent men. The whole of those maxims upon which we have made and continued this war must be abandoned. Nothing, indeed, (for I would not deceive you,) can place us in our former situation. That hope must be laid aside. But there is a difference between bad and the worst of all. Terms relative to the cause of the war ought to be offered by the authority of Parliament. An arrangement at home promising some security for them ought to be made. By doing this, without the least impairing of our strength, we add to the credit of our moderation, which, in itself, is always strength more or less.

I know many have been taught to think that moderation in a case like this is a sort of treason, — and that all arguments for it are sufficiently answered by railing at rebels and rebellion, and by charging all the present or future miseries which we may suffer on the resistance of our brethren. But I would wish them, in this grave matter, and if peace is not wholly removed from their hearts, to consider seriously, first, that to criminate and recriminate never yet was the road to reconciliation, in any difference amongst men. In the next place, it would be right to reflect that the American English (whom they may abuse, if they think it honorable to revile the absent) can, as things now stand, neither be provoked at our railing or bettered by our instruction. All communication is cut off between us. But this we know with certainty, that, though we cannot reclaim them, we may reform ourselves. If measures of peace are necessary, they must begin somewhere; and a conciliatory temper must precede and prepare every plan of reconciliation. Nor do I conceive that we suffer anything by thus regulating our own minds. We are not disarmed by being disencumbered of our passions. Declaiming on rebellion never added a bayonet or a charge of powder to your military force; but I am afraid that it has been the means of taking up many muskets against you.

This outrageous language, which has been encouraged and kept alive by every art, has already done incredible mischief. For a long time, even amidst the desolations of war, and the insults of hostile laws daily accumulated on one another, the American leaders seem to have had the greatest difficulty in bringing up their people to a declaration of total independence. But the Court Gazette accomplished what the abettors of independence had attempted in vain. When that disingenuous

compilation and strange medley of railing and flattery was adduced as a proof of the united sentiments of the people of Great Britain, there was a great change throughout all America. The tide of popular affection, which had still set towards the parent country, began immediately to turn, and to flow with great rapidity in a contrary course. Far from concealing these wild declarations of enmity, the author of the celebrated pamphlet which prepared the minds of the people for independence insists largely on the multitude and the spirit of these addresses; and he draws an argument from them, which, if the fact were as he supposes, must be irresistible. For I never knew a writer on the theory of government so partial to authority as not to allow that the hostile mind of the rulers to their people did fully justify a change of government; nor can any reason whatever be given why one people should voluntarily yield any degree of preëminence to another but on a supposition of great affection and benevolence towards them. Unfortunately, your rulers, trusting to other things, took no notice of this great principle of connection. From the beginning of this affair, they have done all they could to alienate your minds from your own kindred; and if they could excite hatred enough in one of the parties towards the other, they seemed to be of opinion that they had gone half the way towards reconciling the quarrel.

I know it is said, that your kindness is only alienated on account of their resistance, and therefore, if the colonies surrender at discretion, all sort of regard, and even much indulgence, is meant towards them in future. But can those who are partisans for continuing a war to enforce such a surrender be responsible (after all that has passed) for such a future use of a power that is bound by no compacts and restrained by no terror? Will they tell us what they call indulgences? Do they not at this instant call the present war and all its horrors a lenient and merciful proceeding?

No conqueror that I ever heard of has *professed* to make a cruel, harsh, and insolent use of his conquest. No! The man of the most declared pride scarcely dares to trust his own heart with this dreadful secret of ambition. But it will appear in its time; and no man who professes to reduce another to the insolent mercy of a foreign arm ever had any sort of good-will towards him. The profession of kindness, with that sword in his hand, and that demand of surrender, is one of the most provoking acts of his hostility. I shall be told that all this is lenient as against rebellious adversaries. But are the leaders of their faction more lenient to those who submit? Lord Howe and General Howe have powers, under an act of Parliament, to restore to the king's peace and to free trade any men or district which shall submit. Is this done? We have been over and over informed by the authorized gazette, that the city of New York and the countries of Staten and Long Island have submitted voluntarily and cheerfully, and that many are very full of zeal to the cause of administration. Were they instantly restored to trade? Are they yet restored to it? Is not the benignity of two commissioners, naturally most humane and generous men,

some way fettered by instructions, equally against their dispositions and the spirit of Parliamentary faith, when Mr. Tryon, vaunting of the fidelity of the city in which he is governor, is obliged to apply to ministry for leave to protect the King's loyal subjects, and to grant to them, not the disputed rights and privileges of freedom, but the common rights of men, by the name of *graces*? Why do not the commissioners restore them on the spot? Were they not named as commissioners for that express purpose? But we see well enough to what the whole leads. The trade of America is to be dealt out in *private indulgences and grants*, — that is, in jobs to recompense the incendiaries of war. They will be informed of the proper time in which to send out their merchandise. From a national, the American trade is to be turned into a personal monopoly, and one set of merchants are to be rewarded for the pretended zeal of which another set are the dupes; and thus, between craft and credulity, the voice of reason is stifled, and all the misconduct, all the calamities of the war are covered and continued.

If I had not lived long enough to be little surprised at anything, I should have been in some degree astonished at the continued rage of several gentlemen, who, not satisfied with carrying fire and sword into America, are animated nearly with the same fury against those neighbors of theirs whose only crime it is, that they have charitably and humanely wished them to entertain more reasonable sentiments, and not always to sacrifice their interest to their passion. All this rage against unresisting dissent convinces me, that, at bottom, they are far from satisfied they are in the right. For what is it they would have? A war? They certainly have at this moment the blessing of something that is very like one; and if the war they enjoy at present be not sufficiently hot and extensive, they may shortly have it as warm and as spreading as their hearts can desire. Is it the force of the kingdom they call for? They have it already; and if they choose to fight their battles in their own person, nobody prevents their setting sail to America in the next transports. Do they think that the service is stinted for want of liberal supplies? Indeed they complain without reason. The table of the House of Commons will glut them, let their appetite for expense be never so keen. And I assure them further, that those who think with them in the House of Commons are full as easy in the control as they are liberal in the vote of these expenses. If this be not supply or confidence sufficient, let them open their own private purse-strings, and give, from what is left to them, as largely and with as little care as they think proper.

Tolerated in their passions, let them learn not to persecute the moderation of their fellow-citizens. If all the world joined them in a full cry against rebellion, and were as hotly inflamed against the whole theory and enjoyment of freedom as those who are the most factious for servitude, it could not, in my opinion, answer any one end whatsoever in this contest. The leaders of this war could not hire (to gratify their friends) one German more than they do, or inspire him with less feeling for the persons or less value for the privileges of their revolted brethren. If we all

adopted their sentiments to a man, their allies, the savage Indians, could not be more ferocious than they are: they could not murder one more helpless woman or child, or with more exquisite refinements of cruelty torment to death one more of their English flesh and blood, than they do already. The public money is given to purchase this alliance; — and they have their bargain.

They are continually boasting of unanimity, or calling for it. But before this unanimity can be matter either of wish or congratulation, we ought to be pretty sure that we are engaged in a rational pursuit. Frenzy does not become a slighter distemper on account of the number of those who may be infected with it. Delusion and weakness produce not one mischief the less because they are universal. I declare that I cannot discern the least advantage which could accrue to us, if we were able to persuade our colonies that they had not a single friend in Great Britain. On the contrary, if the affections and opinions of mankind be not exploded as principles of connection, I conceive it would be happy for us, if they were taught to believe that there was even a formed American party in England, to whom they could always look for support. Happy would it be for us, if, in all tempers, they might turn their eyes to the parent state, so that their very turbulence and sedition should find vent in no other place than this! I believe there is not a man (except those who prefer the interest of some paltry faction to the very being of their country) who would not wish that the Americans should from time to time carry many points, and even some of them not quite reasonable, by the aid of any denomination of men here, rather than they should be driven to seek for protection against the fury of foreign mercenaries and the waste of savages in the arms of France.

When any community is subordinately connected with another, the great danger of the connection is the extreme pride and self-complacency of the superior, which in all matters of controversy will probably decide in its own favor. It is a powerful corrective to such a very rational cause of fear, if the inferior body can be made to believe that the party inclination or political views of several in the principal state will induce them in some degree to counteract this blind and tyrannical partiality. There is no danger that any one acquiring consideration or power in the presiding state should carry this leaning to the inferior too far. The fault of human nature is not of that sort. Power, in whatever hands, is rarely guilty of too strict limitations on itself. But one great advantage to the support of authority attends such an amicable and protecting connection: that those who have conferred favors obtain influence, and from the foresight of future events can persuade men who have received obligations sometimes to return them. Thus, by the mediation of those healing principles, (call them good or evil,) troublesome discussions are brought to some sort of adjustment, and every hot controversy is not a civil war.

But, if the colonies (to bring the general matter home to us) could see that in Great Britain the mass of the people is melted into its government, and that every

dispute with the ministry must of necessity be always a quarrel with the nation, they can stand no longer in the equal and friendly relation of fellow-citizens to the subjects of this kingdom. Humble as this relation may appear to some, when it is once broken, a strong tie is dissolved. Other sort of connections will be sought. For there are very few in the world who will not prefer an useful ally to an insolent master.

Such discord has been the effect of the unanimity into which so many have of late been seduced or bullied, or into the appearance of which they have sunk through mere despair. They have been told that their dissent from violent measures is an encouragement to rebellion. Men of great presumption and little knowledge will hold a language which is contradicted by the whole course of history. *General* rebellions and revolts of an whole people never were *encouraged*, now or at any time. They are always *provoked*. But if this unheard-of doctrine of the encouragement of rebellion were true, if it were true that an assurance of the friendship of numbers in this country towards the colonies could become an encouragement to them to break off all connection with it, what is the inference? Does anybody seriously maintain, that, charged with my share of the public councils, I am obliged not to resist projects which I think mischievous, lest men who suffer should be encouraged to resist? The very tendency of such projects to produce rebellion is one of the chief reasons against them. Shall that reason not be given? Is it, then, a rule, that no man in this nation shall open his mouth in favor of the colonies, shall defend their rights, or complain of their sufferings, — or when war finally breaks out, no man shall express his desires of peace? Has this been the law of our past, or is it to be the terms of our future connection? Even looking no further than ourselves, can it be true loyalty to any government, or true patriotism towards any country, to degrade their solemn councils into servile drawing-rooms, to flatter their pride and passions rather than to enlighten their reason, and to prevent them from being cautioned against violence lest others should be encouraged to resistance? By such acquiescence great kings and mighty nations have been undone; and if any are at this day in a perilous situation from rejecting truth and listening to flattery, it would rather become them to reform the errors under which they suffer than to reproach those who forewarned them of their danger.

But the rebels looked for assistance from this country. — They did so, in the beginning of this controversy, most certainly; and they sought it by earnest supplications to government, which dignity rejected, and by a suspension of commerce, which the wealth of this nation enabled you to despise. When they found that neither prayers nor menaces had any sort of weight, but that a firm resolution was taken to reduce them to unconditional obedience by a military force, they came to the last extremity. Despairing of us, they trusted in themselves. Not strong enough themselves, they sought succor in France. In proportion as all

encouragement here lessened, their distance from this country increased. The encouragement is over; the alienation is complete.

In order to produce this favorite unanimity in delusion, and to prevent all possibility of a return to our ancient happy concord, arguments for our continuance in this course are drawn from the wretched situation itself into which we have been betrayed. It is said, that, being at war with the colonies, whatever our sentiments might have been before, all ties between us are now dissolved, and all the policy we have left is to strengthen the hands of government to reduce them. On the principle of this argument, the more mischiefs we suffer from any administration, the more our trust in it is to be confirmed. Let them but once get us into a war, and then their power is safe, and an act of oblivion passed for all their misconduct.

But is it really true that government is always to be strengthened with the instruments of war, but never furnished with the means of peace? In former times, ministers, I allow, have been sometimes driven by the popular voice to assert by arms the national honor against foreign powers. But the wisdom of the nation has been far more clear, when those ministers have been compelled to consult its interests by treaty. We all know that the sense of the nation obliged the court of Charles the Second to abandon the *Dutch war*: a war, next to the present, the most impolitic which we ever carried on. The good people of England considered Holland as a sort of dependency on this kingdom; they dreaded to drive it to the protection or subject it to the power of France by their own inconsiderate hostility. They paid but little respect to the court jargon of that day; nor were they inflamed by the pretended rivalry of the Dutch in trade, — by the massacre at Amboyna, acted on the stage to provoke the public vengeance, — nor by declamations against the ingratitude of the United Provinces for the benefits England had conferred upon them in their infant state. They were not moved from their evident interest by all these arts; nor was it enough to tell them, they were at war, that they must go through with it, and that the cause of the dispute was lost in the consequences. The people of England were then, as they are now, called upon to make government strong. They thought it a great deal better to make it wise and honest.

When I was amongst my constituents at the last summer assizes, I remember that men of all descriptions did then express a very strong desire for peace, and no slight hopes of attaining it from the commission sent out by my Lord Howe. And it is not a little remarkable, that, in proportion as every person showed a zeal for the court measures, he was then earnest in circulating an opinion of the extent of the supposed powers of that commission. When I told them that Lord Howe had no powers to treat, or to promise satisfaction on any point whatsoever of the controversy, I was hardly credited, — so strong and general was the desire of terminating this war by the method of accommodation. As far as I could discover, this was the temper then prevalent through the kingdom. The king's forces, it must be observed, had at that time been obliged to evacuate Boston. The superiority of

the former campaign rested wholly with the colonists. If such powers of treaty were to be wished whilst success was very doubtful, how came they to be less so, since his Majesty's arms have been crowned with many considerable advantages? Have these successes induced us to alter our mind, as thinking the season of victory not the time for treating with honor or advantage? Whatever changes have happened in the national character, it can scarcely be our wish that terms of accommodation never should be proposed to our enemy, except when they must be attributed solely to our fears. It has happened, let me say unfortunately, that we read of his Majesty's commission for making peace, and his troops evacuating his last town in the Thirteen Colonies, at the same hour and in the same gazette. It was still more unfortunate that no commission went to America to settle the troubles there, until several months after an act had been passed to put the colonies out of the protection of this government, and to divide their trading property, without a possibility of restitution, as spoil among the seamen of the navy. The most abject submission on the part of the colonies could not redeem them. There was no man on that whole continent, or within three thousand miles of it, qualified by law to follow allegiance with protection or submission with pardon. A proceeding of this kind has no example in history. Independency, and independency with an enmity, (which, putting ourselves out of the question, would be called natural and much provoked,) was the inevitable consequence. How this came to pass the nation may be one day in an humor to inquire.

All the attempts made this session to give fuller powers of peace to the commanders in America were stifled by the fatal confidence of victory and the wild hopes of unconditional submission. There was a moment favorable to the king's arms, when, if any powers of concession had existed on the other side of the Atlantic, even after all our errors, peace in all probability might have been restored. But calamity is unhappily the usual season of reflection; and the pride of men will not often suffer reason to have any scope, until it can be no longer of service.

I have always wished, that as the dispute had its apparent origin from things done in Parliament, and as the acts passed there had provoked the war, that the foundations of peace should be laid in Parliament also. I have been astonished to find that those whose zeal for the dignity of our body was so hot as to light up the flames of civil war should even publicly declare that these delicate points ought to be wholly left to the crown. Poorly as I may be thought affected to the authority of Parliament, I shall never admit that our constitutional rights can ever become a matter of ministerial negotiation.

I am charged with being an American. If warm affection towards those over whom I claim any share of authority be a crime, I am guilty of this charge. But I do assure you, (and they who know me publicly and privately will bear witness to me,) that, if ever one man lived more zealous than another for the supremacy of Parliament and the rights of this imperial crown, it was myself. Many others,

indeed, might be more knowing in the extent of the foundation of these rights. I do not pretend to be an antiquary, a lawyer, or qualified for the chair of professor in metaphysics. I never ventured to put your solid interests upon speculative grounds. My having constantly declined to do so has been attributed to my incapacity for such disquisitions; and I am inclined to believe it is partly the cause. I never shall be ashamed to confess, that, where I am ignorant, I am diffident. I am, indeed, not very solicitous to clear myself of this imputed incapacity; because men even less conversant than I am in this kind of subtleties, and placed in stations to which I ought not to aspire, have, by the mere force of civil discretion, often conducted the affairs of great nations with distinguished felicity and glory.

When I first came into a public trust, I found your Parliament in possession of an unlimited legislative power over the colonies. I could not open the statute-book without seeing the actual exercise of it, more or less, in all cases whatsoever. This possession passed with me for a title. It does so in all human affairs. No man examines into the defects of his title to his paternal estate or to his established government. Indeed, common sense taught me that a legislative authority not actually limited by the express terms of its foundation, or by its own subsequent acts, cannot have its powers parcelled out by argumentative distinctions, so as to enable us to say that here they can and there they cannot bind. Nobody was so obliging as to produce to me any record of such distinctions, by compact or otherwise, either at the successive formation of the several colonies or during the existence of any of them. If any gentlemen were able to see how one power could be given up (merely on abstract reasoning) without giving up the rest, I can only say that they saw further than I could. Nor did I ever presume to condemn any one for being clear-sighted when I was blind. I praise their penetration and learning, and hope that their practice has been correspondent to their theory.

I had, indeed, very earnest wishes to keep the whole body of this authority perfect and entire as I found it, — and to keep it so, not for our advantage solely, but principally for the sake of those on whose account all just authority exists: I mean the people to be governed. For I thought I saw that many cases might well happen in which the exercise of every power comprehended in the broadest idea of legislature might become, in its time and circumstances, not a little expedient for the peace and union of the colonies amongst themselves, as well as for their perfect harmony with Great Britain. Thinking so, (perhaps erroneously, but being honestly of that opinion,) I was at the same time very sure that the authority of which I was so jealous could not, under the actual circumstances of our plantations, be at all preserved in any of its members, but by the greatest reserve in its application, particularly in those delicate points in which the feelings of mankind are the most irritable. They who thought otherwise have found a few more difficulties in their work than (I hope) they were thoroughly aware of, when they undertook the present business. I must beg leave to observe, that it is not only the invidious branch of

taxation that will be resisted, but that no other given part of legislative rights can be exercised, without regard to the general opinion of those who are to be governed. That general opinion is the vehicle and organ of legislative omnipotence. Without this, it may be a theory to entertain the mind, but it is nothing in the direction of affairs. The completeness of the legislative authority of Parliament *over this kingdom* is not questioned; and yet many things indubitably included in the abstract idea of that power, and which carry no absolute injustice in themselves, yet being contrary to the opinions and feelings of the people, can as little be exercised as if Parliament in that case had been possessed of no right at all. I see no abstract reason, which can be given, why the same power which made and repealed the High Commission Court and the Star-Chamber might not revive them again; and these courts, warned by their former fate, might possibly exercise their powers with some degree of justice. But the madness would be as unquestionable as the competence of that Parliament which should attempt such things. If anything can be supposed out of the power of human legislature, it is religion; I admit, however, that the established religion of this country has been three or four times altered by act of Parliament, and therefore that a statute binds even in that case. But we may very safely affirm, that, notwithstanding this apparent omnipotence, it would be now found as impossible for King and Parliament to alter the established religion of this country as it was to King James alone, when he attempted to make such an alteration without a Parliament. In effect, to follow, not to force, the public inclination, — to give a direction, a form, a technical dress, and a specific sanction, to the general sense of the community, is the true end of legislature.

It is so with regard to the exercise of all the powers which our Constitution knows in any of its parts, and indeed to the substantial existence of any of the parts themselves. The king's negative to bills is one of the most indisputed of the royal prerogatives; and it extends to all cases whatsoever. I am far from certain, that if several laws, which I know, had fallen under the stroke of that sceptre, that the public would have had a very heavy loss. But it is not the *propriety* of the exercise which is in question. The exercise itself is wisely forborne. Its repose may be the preservation of its existence; and its existence may be the means of saying the Constitution itself, on an occasion worthy of bringing it forth.

As the disputants whose accurate and logical reasonings have brought us into our present condition think it absurd that powers or members of any constitution should exist, rarely, if ever, to be exercised, I hope I shall be excused in mentioning another instance that is material. We know that the Convocation of the Clergy had formerly been called, and sat with nearly as much regularity to business as Parliament itself. It is now called for form only. It sits for the purpose of making some polite ecclesiastical compliments to the king, and, when that grace is said, retires and is heard of no more. It is, however, *a part of the Constitution*, and may be called out into act and energy, whenever there is occasion, and whenever those who

conjure up that spirit will choose to abide the consequences. It is wise to permit its legal existence: it is much wiser to continue it a legal existence only. So truly has prudence (constituted as the god of this lower world) the entire dominion over every exercise of power committed into its hands! And yet I have lived to see prudence and conformity to circumstances wholly set at nought in our late controversies, and treated as if they were the most contemptible and irrational of all things. I have heard it an hundred times very gravely alleged, that, in order to keep power in wind, it was necessary, by preference, to exert it in those very points in which it was most likely to be resisted and the least likely to be productive of any advantage.

These were the considerations, Gentlemen, which led me early to think, that, in the comprehensive dominion which the Divine Providence had put into our hands, instead of troubling our understandings with speculations concerning the unity of empire and the identity or distinction of legislative powers, and inflaming our passions with the heat and pride of controversy, it was our duty, in all soberness, to conform our government to the character and circumstances of the several people who composed this mighty and strangely diversified mass. I never was wild enough to conceive that one method would serve for the whole, that the natives of Hindostan and those of Virginia could be ordered in the same manner, or that the Cutchery court and the grand jury of Salem could be regulated on a similar plan. I was persuaded that government was a practical thing, made for the happiness of mankind, and not to furnish out a spectacle of uniformity to gratify the schemes of visionary politicians. Our business was to rule, not to wrangle; and it would have been a poor compensation that we had triumphed in a dispute, whilst we lost an empire.

If there be one fact in the world perfectly clear, it is this,— “that the disposition of the people of America is wholly averse to any other than a free government”; and this is indication enough to any honest statesman how he ought to adapt whatever power he finds in his hands to their case. If any ask me what a free government is, I answer, that, for any practical purpose, it is what the people think so, — and that they, and not I, are the natural, lawful, and competent judges of this matter. If they practically allow me a greater degree of authority over them than is consistent with any correct ideas of perfect freedom, I ought to thank them for so great a trust, and not to endeavor to prove from thence that they have reasoned amiss, and that, having gone so far, by analogy they must hereafter have no enjoyment but by my pleasure.

If we had seen this done by any others, we should have concluded them far gone in madness. It is melancholy, as well as ridiculous, to observe the kind of reasoning with which the public has been amused, in order to divert our minds from the common sense of our American policy. There are people who have split and anatomized the doctrine of free government, as if it were an abstract question concerning metaphysical liberty and necessity, and not a matter of moral prudence

and natural feeling. They have disputed whether liberty be a positive or a negative idea; whether it does not consist in being governed by laws, without considering what are the laws, or who are the makers; whether man has any rights by Nature; and whether all the property he enjoys be not the alms of his government, and his life itself their favor and indulgence. Others, corrupting religion as these have perverted philosophy, contend that Christians are redeemed into captivity, and the blood of the Saviour of mankind has been shed to make them the slaves of a few proud and insolent sinners. These shocking extremes provoking to extremes of another kind, speculations are let loose as destructive to all authority as the former are to all freedom; and every government is called tyranny and usurpation which is not formed on their fancies. In this manner the stirrers-up of this contention, not satisfied with distracting our dependencies and filling them with blood and slaughter, are corrupting our understandings: they are endeavoring to tear up, along with practical liberty, all the foundations of human society, all equity and justice, religion and order.

Civil freedom, Gentlemen, is not, as many have endeavored to persuade you, a thing that lies hid in the depth of abstruse science. It is a blessing and a benefit, not an abstract speculation; and all the just reasoning that can be upon it is of so coarse a texture as perfectly to suit the ordinary capacities of those who are to enjoy, and of those who are to defend it. Far from any resemblance to those propositions in geometry and metaphysics which admit no medium, but must be true or false in all their latitude, social and civil freedom, like all other things in common life, are variously mixed and modified, enjoyed in very different degrees, and shaped into an infinite diversity of forms, according to the temper and circumstances of every community. The *extreme* of liberty (which is its abstract perfection, but its real fault) obtains nowhere, nor ought to obtain anywhere; because extremes, as we all know, in every point which relates either to our duties or satisfactions in life, are destructive both to virtue and enjoyment. Liberty, too, must be limited in order to be possessed. The degree of restraint it is impossible in any case to settle precisely. But it ought to be the constant aim of every wise public counsel to find out by cautious experiments, and rational, cool endeavors, with how little, not how much, of this restraint the community can subsist: for liberty is a good to be improved, and not an evil to be lessened. It is not only a private blessing of the first order, but the vital spring and energy of the state itself, which has just so much life and vigor as there is liberty in it. But whether liberty be advantageous or not, (for I know it is a fashion to decry the very principle,) none will dispute that peace is a blessing; and peace must, in the course of human affairs, be frequently bought by some indulgence and toleration at least to liberty: for, as the Sabbath (though of divine institution) was made for man, not man for the Sabbath, government, which can claim no higher origin or authority, in its exercise at least, ought to conform to the exigencies of the time, and the temper and character of the people with whom it is

concerned, and not always to attempt violently to bend the people to their theories of subjection. The bulk of mankind, on their part, are not excessively curious concerning any theories whilst they are really happy; and one sure symptom of an ill-conducted state is the propensity of the people to resort to them.

But when subjects, by a long course of such ill conduct, are once thoroughly inflamed, and the state itself violently distempered, the people must have some satisfaction to their feelings more solid than a sophistical speculation on law and government. Such was our situation: and such a satisfaction was necessary to prevent recourse to arms; it was necessary towards laying them down; it will be necessary to prevent the taking them up again and again. Of what nature this satisfaction ought to be I wish it had been the disposition of Parliament seriously to consider. It was certainly a deliberation that called for the exertion of all their wisdom.

I am, and ever have been, deeply sensible of the difficulty of reconciling the strong presiding power, that is so useful towards the conservation of a vast, disconnected, infinitely diversified empire, with that liberty and safety of the provinces which they must enjoy, (in opinion and practice at least,) or they will not be provinces at all. I know, and have long felt, the difficulty of reconciling the unwieldy haughtiness of a great ruling nation, habituated to command, pampered by enormous wealth, and confident from a long course of prosperity and victory, to the high spirit of free dependencies, animated with the first glow and activity of juvenile heat, and assuming to themselves, as their birthright, some part of that very pride which oppresses them. They who perceive no difficulty in reconciling these tempers (which, however, to make peace, must some way or other be reconciled) are much above my capacity, or much below the magnitude of the business. Of one thing I am perfectly clear: that it is not by deciding the suit, but by compromising the difference, that peace can be restored or kept. They who would put an end to such quarrels by declaring roundly in favor of the whole demands of either party have mistaken, in my humble opinion, the office of a mediator.

The war is now of full two years' standing: the controversy of many more. In different periods of the dispute, different methods of reconciliation were to be pursued. I mean to trouble you with a short state of things at the most important of these periods, in order to give you a more distinct idea of our policy with regard to this most delicate of all objects. The colonies were from the beginning subject to the legislature of Great Britain on principles which they never examined; and we permitted to them many local privileges, without asking how they agreed with that legislative authority. Modes of administration were formed in an insensible and very unsystematic manner. But they gradually adapted themselves to the varying condition of things. What was first a single kingdom stretched into an empire; and an imperial superintendence, of some kind or other, became necessary. Parliament, from a mere representative of the people, and a guardian of popular privileges for

its own immediate constituents, grew into a mighty sovereign. Instead of being a control on the crown on its own behalf, it communicated a sort of strength to the royal authority, which was wanted for the conservation of a new object, but which could not be safely trusted to the crown alone. On the other hand, the colonies, advancing by equal steps, and governed by the same necessity, had formed within themselves, either by royal instruction or royal charter, assemblies so exceedingly resembling a parliament, in all their forms, functions, and powers, that it was impossible they should not imbibe some opinion of a similar authority.

At the first designation of these assemblies, they were probably not intended for anything more (nor perhaps did they think themselves much higher) than the municipal corporations within this island, to which some at present love to compare them. But nothing in progression can rest on its original plan. We may as well think of rocking a grown man in the cradle of an infant. Therefore, as the colonies prospered and increased to a numerous and mighty people, spreading over a very great tract of the globe, it was natural that they should attribute to assemblies so respectable in their formal constitution some part of the dignity of the great nations which they represented. No longer tied to by-laws, these assemblies made acts of all sorts and in all cases whatsoever. They levied money, not for parochial purposes, but upon regular grants to the crown, following all the rules and principles of a parliament, to which they approached every day more and more nearly. Those who think themselves wiser than Providence and stronger than the course of Nature may complain of all this variation, on the one side or the other, as their several humors and prejudices may lead them. But things could not be otherwise; and English colonies must be had on these terms, or not had at all. In the mean time neither party felt any inconvenience from this double legislature, to which they had been formed by imperceptible habits, and old custom, the great support of all the governments in the world. Though these two legislatures were sometimes found perhaps performing the very same functions, they did not very grossly or systematically clash. In all likelihood this arose from mere neglect, possibly from the natural operation of things, which, left to themselves, generally fall into their proper order. But whatever was the cause, it is certain that a regular revenue, by the authority of Parliament, for the support of civil and military establishments, seems not to have been thought of until the colonies were too proud to submit, too strong to be forced, too enlightened not to see all the consequences which must arise from such a system.

If ever this scheme of taxation was to be pushed against the inclinations of the people, it was evident that discussions must arise, which would let loose all the elements that composed this double constitution, would show how much each of their members had departed from its original principles, and would discover contradictions in each legislature, as well to its own first principles as to its relation to the other, very difficult, if not absolutely impossible, to be reconciled.

Therefore, at the first fatal opening of this contest, the wisest course seemed to be to put an end as soon as possible to the immediate causes of the dispute, and to quiet a discussion, not easily settled upon clear principles, and arising from claims which pride would permit neither party to abandon, by resorting as nearly as possible to the old, successful course. A mere repeal of the obnoxious tax, with a declaration of the legislative authority of this kingdom, was then fully sufficient to procure peace to *both sides*. Man is a creature of habit, and, the first breach being of very short continuance, the colonies fell back exactly into their ancient state. The Congress has used an expression with regard to this pacification which appears to me truly significant. After the repeal of the Stamp Act, “the colonies fell,” says this assembly, “into their ancient state of *unsuspecting confidence in the mother country*.” This unsuspecting confidence is the true centre of gravity amongst mankind, about which all the parts are at rest. It is this *unsuspecting confidence* that removes all difficulties, and reconciles all the contradictions which occur in the complexity of all ancient puzzled political establishments. Happy are the rulers which have the secret of preserving it!

The whole empire has reason to remember with eternal gratitude the wisdom and temper of that man and his excellent associates, who, to recover this confidence, formed a plan of pacification in 1766. That plan, being built upon the nature of man, and the circumstances and habits of the two countries, and not on any visionary speculations, perfectly answered its end, as long as it was thought proper to adhere to it. Without giving a rude shock to the dignity (well or ill understood) of this Parliament, they gave perfect content to our dependencies. Had it not been for the mediatorial spirit and talents of that great man between such clashing pretensions and passions, we should then have rushed headlong (I know what I say) into the calamities of that civil war in which, by departing from his system, we are at length involved; and we should have been precipitated into that war at a time when circumstances both at home and abroad were far, very far, more unfavorable unto us than they were at the breaking out of the present troubles.

I had the happiness of giving my first votes in Parliament for that pacification. I was one of those almost unanimous members who, in the necessary concessions of Parliament, would as much as possible have preserved its authority and respected its honor. I could not at once tear from my heart prejudices which were dear to me, and which bore a resemblance to virtue. I had then, and I have still, my partialities. What Parliament gave up I wished to be given as of grace and favor and affection, and not as a restitution of stolen goods. High dignity relented as it was soothed; and a benignity from old acknowledged greatness had its full effect on our dependencies. Our unlimited declaration of legislative authority produced not a single murmur. If this undefined power has become odious since that time, and full of horror to the colonies, it is because the *unsuspicious confidence* is lost, and the parental affection,

in the bosom of whose boundless authority they reposed their privileges, is become estranged and hostile.

It will be asked, if such was then my opinion of the mode of pacification, how I came to be the very person who moved, not only for a repeal of all the late coercive statutes, but for mutilating, by a positive law, the entireness of the legislative power of Parliament, and cutting off from it the whole right of taxation. I answer, Because a different state of things requires a different conduct. When the dispute had gone to these last extremities, (which no man labored more to prevent than I did,) the concessions which had satisfied in the beginning could satisfy no longer; because the violation of tacit faith required explicit security. The same cause which has introduced all formal compacts and covenants among men made it necessary: I mean, habits of soreness, jealousy, and distrust. I parted with it as with a limb, but as a limb to save the body: and I would have parted with more, if more had been necessary; anything rather than a fruitless, hopeless, unnatural civil war. This mode of yielding would, it is said, give way to independency without a war. I am persuaded, from the nature of things, and from every information, that it would have had a directly contrary effect. But if it had this effect, I confess that I should prefer independency without war to independency with it; and I have so much trust in the inclinations and prejudices of mankind, and so little in anything else, that I should expect ten times more benefit to this kingdom from the affection of America, though under a separate establishment, than from her perfect submission to the crown and Parliament, accompanied with her terror, disgust, and abhorrence. Bodies tied together by so unnatural a bond of union as mutual hatred are only connected to their ruin.

One hundred and ten respectable members of Parliament voted for that concession. Many not present when the motion was made were of the sentiments of those who voted. I knew it would then have made peace. I am not without hopes that it would do so at present, if it were adopted. No benefit, no revenue, could be lost by it; something might possibly be gained by its consequences. For be fully assured, that, of all the phantoms that ever deluded the fond hopes of a credulous world, a Parliamentary revenue in the colonies is the most perfectly chimerical. Your breaking them to any subjection, far from relieving your burdens, (the pretext for this war,) will never pay that military force which will be kept up to the destruction of their liberties and yours. I risk nothing in this prophecy.

Gentlemen, you have my opinions on the present state of public affairs. Mean as they may be in themselves, your partiality has made them of some importance. Without troubling myself to inquire whether I am under a formal obligation to it, I have a pleasure in accounting for my conduct to my constituents. I feel warmly on this subject, and I express myself as I feel. If I presume to blame any public proceeding, I cannot be supposed to be personal. Would to God I could be

suspected of it! My fault might be greater, but the public calamity would be less extensive. If my conduct has not been able to make any impression on the warm part of that ancient and powerful party with whose support I was not honored at my election, on my side, my respect, regard, and duty to them is not at all lessened. I owe the gentlemen who compose it my most humble service in everything. I hope that whenever any of them were pleased to command me, that they found me perfectly equal in my obedience. But flattery and friendship are very different things; and to mislead is not to serve them. I cannot purchase the favor of any man by concealing from him what I think his ruin.

By the favor of my fellow-citizens, I am the representative of an honest, well-ordered, virtuous city, — of a people who preserve more of the original English simplicity and purity of manners than perhaps any other. You possess among you several men and magistrates of large and cultivated understandings, fit for any employment in any sphere. I do, to the best of my power, act so as to make myself worthy of so honorable a choice. If I were ready, on any call of my own vanity or interest, or to answer any election purpose, to forsake principles (whatever they are) which I had formed at a mature age, on full reflection, and which had been confirmed by long experience, I should forfeit the only thing which makes you pardon so many errors and imperfections in me.

Not that I think it fit for any one to rely too much on his own understanding, or to be filled with a presumption not becoming a Christian man in his own personal stability and rectitude. I hope I am far from that vain confidence which almost always fails in trial. I know my weakness in all respects, as much at least as any enemy I have; and I attempt to take security against it. The only method which has ever been found effectual to preserve any man against the corruption of nature and example is an habit of life and communication of councils with the most virtuous and public-spirited men of the age you live in. Such a society cannot be kept without advantage, or deserted without shame. For this rule of conduct I may be called in reproach a *party man*; but I am little affected with such aspersions. In the way which they call party I worship the Constitution of your fathers; and I shall never blush for my political company. All reverence to honor, all idea of what it is, will be lost out of the world, before it can be imputed as a fault to any man, that he has been closely connected with those incomparable persons, living and dead, with whom for eleven years I have constantly thought and acted. If I have wandered out of the paths of rectitude into those of interested faction, it was in company with the Saviles, the Dowdeswells, the Wentworths, the Bentincks; with the Lenoxes, the Manchesters, the Keppels, the Saunderses; with the temperate, permanent, hereditary virtue of the whole house of Cavendish: names, among which, some have extended your fame and empire in arms, and all have fought the battle of your liberties in fields not less glorious. These, and many more like these, grafting public principles on private honor, have redeemed the present age, and would have

adorned the most splendid period in your history. Where could any man, conscious of his own inability to act alone, and willing to act as he ought to do, have arranged himself better? If any one thinks this kind of society to be taken up as the best method of gratifying low personal pride or ambitious interest, he is mistaken, and knows nothing of the world.

Preferring this connection, I do not mean to detract in the slightest degree from others. There are some of those whom I admire at something of a greater distance, with whom I have had the happiness also perfectly to agree, in almost all the particulars in which I have differed with some successive administrations; and they are such as it never can be reputable to any government to reckon among its enemies.

I hope there are none of you corrupted with the doctrine taught by wicked men for the worst purposes, and received by the malignant credulity of envy and ignorance, which is, that the men who act upon the public stage are all alike, all equally corrupt, all influenced by no other views than the sordid lure of salary and pension. The thing I know by experience to be false. Never expecting to find perfection in men, and not looking for divine attributes in created beings, in my commerce with my contemporaries I have found much human virtue. I have seen not a little public spirit, a real subordination of interest to duty, and a decent and regulated sensibility to honest fame and reputation. The age unquestionably produces (whether in a greater or less number than former times I know not) daring profligates and insidious hypocrites. What then? Am I not to avail myself of whatever good is to be found in the world, because of the mixture of evil that will always be in it? The smallness of the quantity in currency only heightens the value. They who raise suspicions on the good on account of the behavior of ill men are of the party of the latter. The common cant is no justification for taking this party. I have been deceived, say they, by *Titius* and *Mævius*; I have been the dupe of this pretender or of that mountebank; and I can trust appearances no longer. But my credulity and want of discernment cannot, as I conceive, amount to a fair presumption against any man's integrity. A conscientious person would rather doubt his own judgment than condemn his species. He would say, "I have observed without attention, or judged upon erroneous maxims; I trusted to profession, when I ought to have attended to conduct." Such a man will grow wise, not malignant, by his acquaintance with the world. But he that accuses all mankind of corruption ought to remember that he is sure to convict only one. In truth, I should much rather admit those whom at any time I have disrelished the most to be patterns of perfection than seek a consolation to my own unworthiness in a general communion of depravity with all about me.

That this ill-natured doctrine should be preached by the missionaries of a court I do not wonder. It answers their purpose. But that it should be heard among those who pretend to be strong assertors of liberty is not only surprising, but hardly

natural. This moral levelling is a *servile principle*. It leads to practical passive obedience far better than all the doctrines which the pliant accommodation of theology to power has ever produced. It cuts up by the roots, not only all idea of forcible resistance, but even of civil opposition. It disposes men to an abject submission, not by opinion, which may be shaken by argument or altered by passion, but by the strong ties of public and private interest. For, if all men who act in a public situation are equally selfish, corrupt, and venal, what reason can be given for desiring any sort of change, which, besides the evils which must attend all changes, can be productive of no possible advantage? The active men in the state are true samples of the mass. If they are universally depraved, the commonwealth itself is not sound. We may amuse ourselves with talking as much as we please of the virtue of middle or humble life; that is, we may place our confidence in the virtue of those who have never been tried. But if the persons who are continually emerging out of that sphere be no better than those whom birth has placed above it, what hopes are there in the remainder of the body which is to furnish the perpetual succession of the state? All who have ever written on government are unanimous, that among a people generally corrupt liberty cannot long exist. And, indeed, how is it possible, when those who are to make the laws, to guard, to enforce, or to obey them, are, by a tacit confederacy of manners, indisposed to the spirit of all generous and noble institutions?

I am aware that the age is not what we all wish. But I am sure that the only means of checking its precipitate degeneracy is heartily to concur with whatever is the best in our time, and to have some more correct standard of judging what that best is than the transient and uncertain favor of a court. If once we are able to find, and can prevail on ourselves to strengthen an union of such men, whatever accidentally becomes indisposed to ill-exercised power, even by the ordinary operation of human passions, must join with that society, and cannot long be joined without in some degree assimilating to it. Virtue will catch as well as vice by contact; and the public stock of honest, manly principle will daily accumulate. We are not too nicely to scrutinize motives as long as action is irreproachable. It is enough (and for a worthy man perhaps too much) to deal out its infamy to convicted guilt and declared apostasy.

This, Gentlemen, has been from the beginning the rule of my conduct; and I mean to continue it, as long as such a body as I have described can by any possibility be kept together; for I should think it the most dreadful of all offences, not only towards the present generation, but to all the future, if I were to do anything which could make the minutest breach in this great conservatory of free principles. Those who perhaps have the same intentions, but are separated by some little political animosities, will, I hope, discern at last how little conducive it is to any rational purpose to lower its reputation. For my part, Gentlemen, from much experience, from no little thinking, and from comparing a great variety of things, I

am thoroughly persuaded that the last hopes of preserving the spirit of the English Constitution, or of reuniting the dissipated members of the English race upon a common plan of tranquillity and liberty, does entirely depend on their firm and lasting union, and above all on their keeping themselves from that despair which is so very apt to fall on those whom a violence of character and a mixture of ambitious views do not support through a long, painful, and unsuccessful struggle.

There never, Gentlemen, was a period in which the steadfastness of some men has been put to so sore a trial. It is not very difficult for well-formed minds to abandon their interest; but the separation of fame and virtue is an harsh divorce. Liberty is in danger of being made unpopular to Englishmen. Contending for an imaginary power, we begin to acquire the spirit of domination, and to lose the relish of honest equality. The principles of our forefathers become suspected to us, because we see them animating the present opposition of our children. The faults which grow out of the luxuriance of freedom appear much more shocking to us than the base vices which are generated from the rankness of servitude. Accordingly, the least resistance to power appears more inexcusable in our eyes than the greatest abuses of authority. All dread of a standing military force is looked upon as a superstitious panic. All shame of calling in foreigners and savages in a civil contest is worn off. We grow indifferent to the consequences inevitable to ourselves from the plan of ruling half the empire by a mercenary sword. We are taught to believe that a desire of domineering over our countrymen is love to our country, that those who hate civil war abet rebellion, and that the amiable and conciliatory virtues of lenity, moderation, and tenderness to the privileges of those who depend on this kingdom are a sort of treason to the state.

It is impossible that we should remain long in a situation which breeds such notions and dispositions without some great alteration in the national character. Those ingenuous and feeling minds who are so fortified against all other things, and so unarmed to whatever approaches in the shape of disgrace, finding these principles, which they considered as sure means of honor, to be grown into disrepute, will retire disheartened and disgusted. Those of a more robust make, the bold, able, ambitious men, who pay some of their court to power through the people, and substitute the voice of transient opinion in the place of true glory, will give into the general mode; and those superior understandings which ought to correct vulgar prejudice will confirm and aggravate its errors. Many things have been long operating towards a gradual change in our principles; but this American war has done more in a very few years than all the other causes could have effected in a century. It is therefore not on its own separate account, but because of its attendant circumstances, that I consider its continuance, or its ending in any way but that of an honorable and liberal accommodation, as the greatest evils which can befall us. For that reason I have troubled you with this long letter. For that reason I entreat you, again and again, neither to be persuaded, shamed, or frightened out of the

principles that have hitherto led so many of you to abhor the war, its cause, and its consequences. Let us not be amongst the first who renounce the maxims of our forefathers.

I have the honor to be,

Gentlemen,

Your most obedient and faithful humble servant,

EDMUND BURKE.

BEACONSFIELD, April 3, 1777.

P.S. You may communicate this letter in any manner you think proper to my constituents.

**TWO LETTERS TO GENTLEMEN IN THE CITY OF
BRISTOL. ON THE BILLS DEPENDING IN PARLIAMENT
RELATIVE TO THE TRADE OF IRELAND. 1778.**

LETTERS.

**TO SAMUEL SPAN, ESQ., MASTER OF THE SOCIETY OF
MERCHANTS ADVENTURERS OF BRISTOL.**

Sir, — I am honored with your letter of the 13th, in answer to mine, which accompanied the resolutions of the House relative to the trade of Ireland.

You will be so good as to present my best respects to the Society, and to assure them that it was altogether unnecessary to remind me of the interest of the constituents. I have never regarded anything else since I had a seat in Parliament. Having frequently and maturely considered that interest, and stated it to myself in almost every point of view, I am persuaded, that, under the present circumstances, I cannot more effectually pursue it than by giving all the support in my power to the propositions which I lately transmitted to the Hall.

The fault I find in the scheme is, that it falls extremely short of that liberality in the commercial system which I trust will one day be adopted. If I had not considered the present resolutions merely as preparatory to better things, and as a means of showing, experimentally, that justice to others is not always folly to ourselves, I should have contented myself with receiving them in a cold and silent acquiescence. Separately considered, they are matters of no very great importance. But they aim, however imperfectly, at a right principle. I submit to the restraint to appease prejudice; I accept the enlargement, so far as it goes, as the result of reason and of sound policy.

We cannot be insensible of the calamities which have been brought upon this nation by an obstinate adherence to narrow and restrictive plans of government. I confess, I cannot prevail on myself to take them up precisely at a time when the most decisive experience has taught the rest of the world to lay them down. The propositions in question did not originate from me, or from my particular friends. But when things are so right in themselves, I hold it my duty not to inquire from what hands they come. I opposed the American measures upon the very same principle on which I support those that relate to Ireland. I was convinced that the evils which have arisen from the adoption of the former would be infinitely aggravated by the rejection of the latter.

Perhaps gentlemen are not yet fully aware of the situation of their country, and what its exigencies absolutely require. I find that we are still disposed to talk at our

ease, and as if all things were to be regulated by our good pleasure. I should consider it as a fatal symptom, if, in our present distressed and adverse circumstances, we should persist in the errors which are natural only to prosperity. One cannot, indeed, sufficiently lament the continuance of that spirit of delusion, by which, for a long time past, we have thought fit to measure our necessities by our inclinations. Moderation, prudence, and equity are far more suitable to our condition than loftiness, and confidence, and rigor. We are threatened by enemies of no small magnitude, whom, if we think fit, we may despise, as we have despised others; but they are enemies who can only cease to be truly formidable by our entertaining a due respect for their power. Our danger will not be lessened by our shutting our eyes to it; nor will our force abroad be increased by rendering ourselves feeble and divided at home.

There is a dreadful schism in the British nation. Since we are not able to reunite the empire, it is our business to give all possible vigor and soundness to those parts of it which are still content to be governed by our councils. Sir, it is proper to inform you that our measures *must be healing*. Such a degree of strength must be communicated to all the members of the state as may enable them to defend themselves, and to coöperate in the defence of the whole. Their temper, too, must be managed, and their good affections cultivated. They may then be disposed to bear the load with cheerfulness, as a contribution towards what may be called with truth and propriety, and not by an empty form of words, *a common cause*. Too little dependence cannot be had, at this time of day, on names and prejudices. The eyes of mankind are opened, and communities must be held together by an evident and solid interest. God forbid that our conduct should demonstrate to the world that Great Britain can in no instance whatsoever be brought to a sense of rational and equitable policy but by coercion and force of arms!

I wish you to recollect with what powers of concession, relatively to commerce, as well as to legislation, his Majesty's commissioners to the United Colonies have sailed from England within this week. Whether these powers are sufficient for their purposes it is not now my business to examine. But we all know that our resolutions in favor of Ireland are trifling and insignificant, when compared with the concessions to the Americans. At such a juncture, I would implore every man, who retains the least spark of regard to the yet remaining honor and security of this country, not to compel others to an imitation of their conduct, or by passion and violence to force them to seek in the territories of the separation that freedom and those advantages which they are not to look for whilst they remain under the wings of their ancient government.

After all, what are the matters we dispute with so much warmth? Do we in these resolutions *bestow* anything upon Ireland? Not a shilling. We only consent to *leave* to them, in two or three instances, the use of the natural faculties which God has given to them, and to all mankind. Is Ireland united to the crown of Great Britain

for no other purpose than that we should counteract the bounty of Providence in her favor? and in proportion as that bounty has been liberal, that we are to regard it as an evil, which is to be met with in every sort of corrective? To say that Ireland interferes with us, and therefore must be checked, is, in my opinion, a very mistaken, and a very dangerous principle. I must beg leave to repeat, what I took the liberty of suggesting to you in my last letter, that Ireland is a country in the same climate and of the same natural qualities and productions with this, and has consequently no other means of growing wealthy in herself, or, in other words, of being useful to us, but by doing the very same things which we do for the same purposes. I hope that in Great Britain we shall always pursue, without exception, *every* means of prosperity, and, of course, that Ireland *will* interfere with us in something or other: for either, in order to *limit* her, we *must restrain* ourselves, or we must fall into that shocking conclusion, that we are to keep our yet remaining dependency under a general and indiscriminate restraint for the mere purpose of oppression. Indeed, Sir, England and Ireland may flourish together. The world is large enough for us both. Let it be our care not to make ourselves too little for it.

I know it is said, that the people of Ireland do not pay the same taxes, and therefore ought not in equity to enjoy the same benefits with this. I had hopes that the unhappy phantom of a compulsory *equal taxation* had haunted us long enough. I do assure you, that, until it is entirely banished from our imaginations, (where alone it has, or can have, any existence,) we shall never cease to do ourselves the most substantial injuries. To that argument of equal taxation I can only say, that Ireland pays as many taxes as those who are the best judges of her powers are of opinion she can bear. To bear more, she must have more ability; and, in the order of Nature, the advantage must *precede* the charge. This disposition of things being the law of God, neither you nor I *can* alter it. So that, if you will have more help from Ireland, you must *previously* supply her with more means. I believe it will be found, that, if men are suffered freely to cultivate their natural advantages, a virtual equality of contribution will come in its own time, and will flow by an easy descent through its own proper and natural channels. An attempt to disturb that course, and to force Nature, will only bring on universal discontent, distress, and confusion.

You tell me, Sir, that you prefer an union with Ireland to the little regulations which are proposed in Parliament. This union is a great question of state, to which, when it comes properly before me in my Parliamentary capacity, I shall give an honest and unprejudiced consideration. However, it is a settled rule with me, to make the most of my *actual situation*, and not to refuse to do a proper thing because there is something else more proper which I am not able to do. This union is a business of difficulty, and, on the principles of your letter, a business impracticable. Until it can be matured into a feasible and desirable scheme, I wish to have as close an union of interest and affection with Ireland as I can have; and that, I am sure, is a far better thing than any nominal union of government.

France, and indeed most extensive empires, which by various designs and fortunes have grown into one great mass, contain many provinces that are very different from each other in privileges and modes of government; and they raise their supplies in different ways, in different proportions, and under different authorities: yet none of them are for this reason curtailed of their natural rights; but they carry on trade and manufactures with perfect equality. In some way or other the true balance is found; and all of them are properly poised and harmonized. How much have you lost by the participation of Scotland in all your commerce? The external trade of England has more than doubled since that period; and I believe your internal (which is the most advantageous) has been augmented at least fourfold. Such virtue there is in liberality of sentiment, that you have grown richer even by the partnership of poverty.

If you think that this participation was a loss, commercially considered, but that it has been compensated by the share which Scotland has taken in defraying the public charge, I believe you have not very carefully looked at the public accounts. Ireland, Sir, pays a great deal more than Scotland, and is perhaps as much and as effectually united to England as Scotland is. But if Scotland, instead of paying little, had paid nothing at all, we should be gainers, not losers, by acquiring the hearty coöperation of an active, intelligent people towards the increase of the common stock, instead of our being employed in watching and counteracting them, and their being employed in watching and counteracting us, with the peevish and churlish jealousy of rivals and enemies on both sides.

I am sure, Sir, that the commercial experience of the merchants of Bristol will soon disabuse them of the prejudice, that they can trade no longer, if countries more lightly taxed are permitted to deal in the same commodities at the same markets. You know, that, in fact, you trade very largely where you are met by the goods of all nations. You even pay high duties on the import of your goods, and afterwards undersell nations less taxed, at their own markets, and where goods of the same kind are not charged at all. If it were otherwise, you could trade very little. You know that the price of all sorts of manufacture is not a great deal enhanced (except to the domestic consumer) by any taxes paid in this country. This I might very easily prove.

The same consideration will relieve you from the apprehension you express with relation to sugars, and the difference of the duties paid here and in Ireland. Those duties affect the interior consumer only, and for obvious reasons, relative to the interest of revenue itself, they must be proportioned to his ability of payment; but in all cases in which sugar can be an *object of commerce*, and therefore (in this view) of rivalry, you are sensible that you are at least on a par with Ireland. As to your apprehensions concerning the more advantageous situation of Ireland for some branches of commerce, (for it is so but for some,) I trust you will not find them more serious. Milford Haven, which is at your door, may serve to show you that the

mere advantage of ports, is not the thing which shifts the seat of commerce from one part of the world to the other. If I thought you inclined to take up this matter on local considerations, I should state to you, that I do not know any part of the kingdom so well situated for an advantageous commerce with Ireland as Bristol, and that none would be so likely to profit of its prosperity as our city. But your profit and theirs must concur. Beggary and bankruptcy are not the circumstances which invite to an intercourse with that or with any country; and I believe it will be found invariably true, that the superfluities of a rich nation furnish a better object of trade than the necessities of a poor one. It is the interest of the commercial world that wealth should be found everywhere.

The true ground of fear, in my opinion, is this: that Ireland, from the vicious system of its internal polity, will be a long time before it can derive any benefit from the liberty now granted, or from any thing else. But, as I do not vote advantages in hopes that they may not be enjoyed, I will not lay any stress upon this consideration. I rather wish that the Parliament of Ireland may, in its own wisdom, remove these impediments, and put their country in a condition to avail itself of its natural advantages. If they do not, the fault is with them, and not with us.

I have written this long letter in order to give all possible satisfaction to my constituents with regard to the part I have taken in this affair. It gave me inexpressible concern to find that my conduct had been a cause of uneasiness to any of them. Next to my honor and conscience, I have nothing so near and dear to me as their approbation. However, I had much rather run the risk of displeasing than of injuring them, — if I am driven to make such an option. You obligingly lament that you are not to have me for your advocate; but if I had been capable of acting as an advocate in opposition to a plan so perfectly consonant to my known principles, and to the opinions I had publicly declared on an hundred occasions, I should only disgrace myself, without supporting, with the smallest degree of credit or effect, the cause you wished me to undertake. I should have lost the only thing which can make such abilities as mine of any use to the world now or hereafter: I mean that authority which is derived from an opinion that a member speaks the language of truth and sincerity, and that he is not ready to take up or lay down a great political system for the convenience of the hour, that he is in Parliament to support his opinion of the public good, and does not form his opinion in order to get into Parliament, or to continue in it. It is in a great measure for your sake that I wish to preserve this character. Without it, I am sure, I should be ill able to discharge, by any service, the smallest part of that debt of gratitude and affection which I owe you for the great and honorable trust you have reposed in me.

I am, with the highest regard and esteem, Sir,

Your most obedient and humble servant,

E.B.

BEACONSFIELD, 23rd April, 1778.

**COPY OF A LETTER TO MESSRS. * * * * * AND CO.,
BRISTOL.**

Gentlemen, —

It gives me the most sensible concern to find that my vote on the resolutions relative to the trade of Ireland has not been fortunate enough to meet with your approbation. I have explained at large the grounds of my conduct on that occasion in my letters to the Merchants' Hall; but my very sincere regard and esteem for you will not permit me to let the matter pass without an explanation which is particular to yourselves, and which I hope will prove satisfactory to you.

You tell me that the conduct of your late member is not much wondered at; but you seem to be at a loss to account for mine; and you lament that I have taken so decided a part *against* my constituents.

This is rather an heavy imputation. Does it, then, really appear to you that the propositions to which you refer are, on the face of them, so manifestly wrong, and so certainly injurious to the trade and manufactures of Great Britain, and particularly to yours, that no man could think of proposing or supporting them, except from resentment to you, or from some other oblique motive? If you suppose your late member, or if you suppose me, to act upon other reasons than we choose to avow, to what do you attribute the conduct of the *other* members, who in the beginning almost unanimously adopted those resolutions? To what do you attribute the strong part taken by the ministers, and, along with the ministers, by several of their most declared opponents? This does not indicate a ministerial job, a party design, or a provincial or local purpose. It is, therefore, not so absolutely clear that the measure is wrong, or likely to be injurious to the true interests of any place or any person.

The reason, Gentlemen, for taking this step, at this time, is but too obvious and too urgent. I cannot imagine that you forget the great war which has been carried on with so little success (and, as I thought, with so little policy) in America, or that you are not aware of the other great wars which are impending. Ireland has been called upon to repel the attacks of enemies of no small power, brought upon her by councils in which she has had no share. The very purpose and declared object of that original war, which has brought other wars and other enemies on Ireland, was not very flattering to her dignity, her interest, or to the very principle of her liberty. Yet she submitted patiently to the evils she suffered from an attempt to subdue to *your* obedience countries whose very commerce was not open to her. America was to be conquered in order that Ireland should *not* trade thither; whilst the miserable trade which she is permitted to carry on to other places has been torn to pieces in the struggle. In this situation, are we neither to suffer her to have any real interest in

our quarrel, or to be flattered with the hope of any future means of bearing the burdens which she is to incur in defending herself against enemies which we have brought upon her?

I cannot set my face against such arguments. Is it quite fair to suppose that I have no other motive for yielding to them but a desire of acting *against* my constituents? It is for *you*, and for *your* interest, as a dear, cherished, and respected part of a valuable whole, that I have taken my share in this question. You do not, you cannot, suffer by it. If honesty be true policy with regard to the transient interest of individuals, it is much more certainly so with regard to the permanent interests of communities. I know that it is but too natural for us to see our own *certain* ruin in the *possible* prosperity of other people. It is hard to persuade us that everything which is *got* by another is not *taken* from ourselves. But it is fit that We should get the better of these suggestions, which come from what is not the best and soundest part of our nature, and that we should form to ourselves a way of thinking, more rational, more just, and more religious. Trade is not a limited thing: as if the objects of mutual demand and consumption could not stretch beyond the bounds of our jealousies. God has given the earth to the children of men, and He has undoubtedly, in giving it to them, given them what is abundantly sufficient for all their exigencies: not a scanty, but a most liberal, provision for them all. The Author of our nature has written it strongly in that nature, and has promulgated the same law in His written word, that man shall eat his bread by his labor; and I am persuaded that no man, and no combination of men, for their own ideas of their particular profit, can, without great impiety, undertake to say that he *shall not* do so, — that they have no sort of right either to prevent the labor or to withhold the bread. Ireland having received no *compensation*, directly or indirectly, for any restraints on their trade, ought not, in justice or common honesty, to be made subject to such restraints. I do not mean to impeach the right of the Parliament of Great Britain to make laws for the trade of Ireland: I only speak of what laws it is right for Parliament to make.

It is nothing to an oppressed people, to say that in part they are protected at our charge. The military force which shall be kept up in order to cramp the natural faculties of a people, and to prevent their arrival to their utmost prosperity, is the instrument of their servitude, not the means of their protection. To protect men is to forward, and not to restrain, their improvement. Else, what is it more than to avow to them, and to the world, that you guard them from others only to make them a prey to yourself? This fundamental nature of protection does not belong to free, but to all governments, and is as valid in Turkey as in Great Britain. No government ought to own that it exists for the purpose of checking the prosperity of its people, or that there is such a principle involved in its policy.

Under the impression of these sentiments, (and not as wanting every attention to my constituents which affection and gratitude could inspire,) I voted for these bills which give you so much trouble. I voted for them, not as doing complete justice to

Ireland, but as being something less unjust than the general prohibition which has hitherto prevailed. I hear some discourse as if, in one or two paltry duties on materials, Ireland had a preference, and that those who set themselves against this act of scanty justice assert that they are only contending for an *equality*. What equality? Do they forget that the whole woollen manufacture of Ireland, the most extensive and profitable of any, and the natural staple of that kingdom, has been in a manner so destroyed by restrictive laws of ours, and (at our persuasion, and on our promises) by restrictive laws of *their own*, that in a few years, it is probable, they will not be able to wear a coat of their own fabric? Is this equality? Do gentlemen forget that the understood faith upon which they were persuaded to such an unnatural act has not been kept, — but a linen-manufacture has been set up, and highly encouraged, against them? Is this equality? Do they forget the state of the trade of Ireland in beer, so great an article of consumption, and which now stands in so mischievous a position with regard to their revenue, their manufacture, and their agriculture? Do they find any equality in all this? Yet, if the least step is taken towards doing them common justice in the slightest articles for the most limited markets, a cry is raised, as if we were going to be ruined by partiality to Ireland.

Gentlemen, I know that the deficiency in these arguments is made up (not by you, but by others) by the usual resource on such occasions, the confidence in military force and superior power. But that ground of confidence, which at no time was perfectly just, or the avowal of it tolerably decent, is at this time very unseasonable. Late experience has shown that it cannot be altogether relied upon; and many, if not all, of our present difficulties have arisen from putting our trust in what may very possibly fail, and, if it should fail, leaves those who are hurt by such a reliance without pity. Whereas honesty and justice, reason and equity, go a very great way in securing prosperity to those who use them, and, in case of failure, secure the best retreat and the most honorable consolations.

It is very unfortunate that we should consider those as rivals, whom we ought to regard as fellow-laborers in a common cause. Ireland has never made a single step in its progress towards prosperity, by which you have not had a share, and perhaps the greatest share, in the benefit. That progress has been chiefly owing to her own natural advantages, and her own efforts, which, after a long time, and by slow degrees, have prevailed in some measure over the mischievous systems which have been adopted. Far enough she is still from having arrived even at an ordinary state of perfection; and if our jealousies were to be converted into politics as systematically as some would have them, the trade of Ireland would vanish out of the system of commerce. But, believe me, if Ireland is beneficial to you, it is so not from the parts in which it is restrained, but from those in which it is left free, though not left unrivalled. The greater its freedom, the greater must be your advantage. If you should lose in one way, you will gain in twenty.

Whilst I remain under this unalterable and powerful conviction, you will not wonder at the *decided* part I take. It is my custom so to do, when I see my way clearly before me, and when I know that I am not misled by any passion or any personal interest, which in this case I am very sure I am not. I find that disagreeable things are circulated among my constituents; and I wish my sentiments, which form my justification, may be equally general with the circulation against me. I have the honor to be, with the greatest regard and esteem, Gentlemen,

Your most obedient and humble servant,

E.B.

Westminster, May 2, 1778.

I send the bills.

**A LETTER TO A MEMBER OF THE NATIONAL ASSEMBLY,
IN ANSWER TO SOME OBJECTIONS TO HIS BOOK ON
FRENCH AFFAIRS. 1791.**

Sir, — I had the honor to receive your letter of the 17th of November last, in which, with some exceptions, you are pleased to consider favorably the letter I have written on the affairs of France. I shall ever accept any mark of approbation attended with instruction with more pleasure than general and unqualified praises. The latter can serve only to flatter our vanity; the former, whilst it encourages us to proceed, may help to improve us in our progress.

Some of the errors you point out to me in my printed letter are really such. One only I find to be material. It is corrected in the edition which I take the liberty of sending to you. As to the cavils which may be made on some part of my remarks with regard to the *gradations* in your new Constitution, you observe justly that they do not affect the substance of my objections. Whether there be a round more or less in the ladder of representation by which your workmen ascend from their parochial tyranny to their federal anarchy, when the whole scale is false, appears to me of little or no importance.

I published my thoughts on that Constitution, that my countrymen might be enabled to estimate the wisdom of the plans which were held out to their imitation. I conceived that the true character of those plans would be best collected from the committee appointed to prepare them. I thought that the scheme of their building would be better comprehended in the design of the architects than in the execution of the masons. It was not worth my reader's while to occupy himself with the alterations by which bungling practice corrects absurd theory. Such an investigation would be endless: because every day's past experience of impracticability has driven, and every day's future experience will drive, those men to new devices as exceptionable as the old, and which are no otherwise worthy of observation than as they give a daily proof of the delusion of their promises and the falsehood of their professions. Had I followed all these changes, my letter would have been only a gazette of their wanderings, a journal of their march from error to error, through a dry, dreary desert, unguided by the lights of Heaven, or by the contrivance which wisdom has invented to supply their place.

I am unalterably persuaded that the attempt to oppress, degrade, impoverish, confiscate, and extinguish the original gentlemen and landed property of a whole nation cannot be justified under any form it may assume. I am satisfied beyond a doubt, that the project of turning a great empire into a vestry, or into a collection of vestries, and of governing it in the spirit of a parochial administration, is senseless and absurd, in any mode or with any qualifications. I can never be convinced that

the scheme of placing the highest powers of the state in church-wardens and constables and other such officers, guided by the prudence of litigious attorneys and Jew brokers, and set in action by shameless women of the lowest condition, by keepers of hotels, taverns, and brothels, by pert apprentices, by clerks, shop-boys, hair-dressers, fiddlers, and dancers on the stage, (who, in such a commonwealth as yours, will in future overbear, as already they have overborne, the sober incapacity of dull, uninstructed men, of useful, but laborious occupations,) can never be put into any shape that must not be both disgraceful and destructive. The whole of this project, even if it were what it pretends to be, and was not in reality the dominion, through that disgraceful medium, of half a dozen, or perhaps fewer, intriguing politicians, is so mean, so low-minded, so stupid a contrivance, in point of wisdom, as well as so perfectly detestable for its wickedness, that I must always consider the correctives which might make it in any degree practicable to be so many new objections to it.

In that wretched state of things, some are afraid that the authors of your miseries may be led to precipitate their further designs by the hints they may receive from the very arguments used to expose the absurdity of their system, to mark the incongruity of its parts, and its inconsistency with their own principles, — and that your masters may be led to render their schemes more consistent by rendering them more mischievous. Excuse the liberty which your indulgence authorizes me to take, when I observe to you that such apprehensions as these would prevent all exertion of our faculties in this great cause of mankind.

A rash recourse to *force* is not to be justified in a state of real weakness. Such attempts bring on disgrace, and in their failure discountenance and discourage more rational endeavors. But *reason* is to be hazarded, though it may be perverted by craft and sophistry; for reason can suffer no loss nor shame, nor can it impede any useful plan of future policy. In the unavoidable uncertainty as to the effect, which attends on every measure of human prudence, nothing seems a surer antidote to the poison of fraud than its detection. It is true, the fraud may be swallowed after this discovery, and perhaps even swallowed the more greedily for being a detected fraud. Men sometimes make a point of honor not to be disabused; and they had rather fall into an hundred errors than confess one. But, after all, when neither our principles nor our dispositions, nor, perhaps, our talents, enable us to encounter delusion with delusion, we must use our best reason to those that ought to be reasonable creatures, and to take our chance for the event. We cannot act on these anomalies in the minds of men. I do not conceive that the persons who have contrived these things can be made much the better or the worse for anything which can be said to them. *They* are reason-proof. Here and there, some men, who were at first carried away by wild, good intentions, may be led, when their first fervors are abated, to join in a sober survey of the schemes into which they had been deluded. To those only (and I am sorry to say they are not likely to make a large description)

we apply with any hope. I may speak it upon an assurance almost approaching to absolute knowledge, that nothing has been done that has not been contrived from the beginning, even before the States had assembled. *Nulla nova mihi res inopinave surgit.* They are the same men and the same designs that they were from the first, though varied in their appearance. It was the very same animal that at first crawled about in the shape of a caterpillar that you now see rise into the air and expand his wings to the sun.

Proceeding, therefore, as we are obliged to proceed, — that is, upon an hypothesis that we address rational men, — can false political principles be more effectually exposed than by demonstrating that they lead to consequences directly inconsistent with and subversive of the arrangements grounded upon them? If this kind of demonstration is not permitted, the process of reasoning called *deductio ad absurdum*, which even the severity of geometry does not reject, could not be employed at all in legislative discussions. One of our strongest weapons against folly acting with authority would be lost.

You know, Sir, that even the virtuous efforts of your patriots to prevent the ruin of your country have had this very turn given to them. It has been said here, and in France too, that the reigning usurpers would not have carried their tyranny to such destructive lengths, if they had not been stimulated and provoked to it by the acrimony of your opposition. There is a dilemma to which every opposition to successful iniquity must, in the nature of things, be liable. If you lie still, you are considered as an accomplice in the measures in which you silently acquiesce. If you resist, you are accused of provoking irritable power to new excesses. The conduct of a losing party never appears right: at least, it never can possess the only infallible criterion of wisdom to vulgar judgments, — success.

The indulgence of a sort of undefined hope, an obscure confidence, that some lurking remains of virtue, some degree of shame, might exist in the breasts of the oppressors of France, has been among the causes which have helped to bring on the common ruin of king and people. There is no safety for honest men, but by believing all possible evil of evil men, and by acting with promptitude, decision, and steadiness on that belief. I well remember, at every epocha of this wonderful history, in every scene of this tragic business, that, when your sophistic usurpers were laying down mischievous principles, and even applying them in direct resolutions, it was the fashion to say that they never intended to execute those declarations in their rigor. This made men careless in their opposition, and remiss in early precaution. By holding out this fallacious hope, the impostors deluded sometimes one description of men, and sometimes another, so that no means of resistance were provided against them, when they came to execute in cruelty what they had planned in fraud.

There are cases in which a man would be ashamed not to have been imposed on. There is a confidence necessary to human intercourse, and without which men are

often more injured by their own suspicions than they would be by the perfidy of others. But when men whom we *know* to be wicked impose upon us, we are something worse than dupes. When we know them, their fair pretences become new motives for distrust. There is one case, indeed, in which it would be madness not to give the fullest credit to the most deceitful of men, — that is, when they make declarations of hostility against us.

I find that some persons entertain other hopes, which I confess appear more specious than those by which at first so many were deluded and disarmed. They flatter themselves that the extreme misery brought upon the people by their folly will at last open the eyes of the multitude, if not of their leaders. Much the contrary, I fear. As to the leaders in this system of imposture, — you know that cheats and deceivers never can repent. The fraudulent have no resource but in fraud. They have no other goods in their magazine. They have no virtue or wisdom in their minds, to which, in a disappointment concerning the profitable effects of fraud and cunning, they can retreat. The wearing out of an old serves only to put them upon the invention of a new delusion. Unluckily, too, the credulity of dupes is as inexhaustible as the invention of knaves. They never give people possession; but they always keep them in hope. Your state doctors do not so much as pretend that any good whatsoever has hitherto been derived from their operations, or that the public has prospered in any one instance under their management. The nation is sick, very sick, by their medicines. But the charlatan tells them that what is past cannot be helped; — they have taken the draught, and they must wait its operation with patience; — that the first effects, indeed, are unpleasant, but that the very sickness is a proof that the dose is of no sluggish operation; — that sickness is inevitable in all constitutional revolutions; — that the body must pass through pain to ease; — that the prescriber is not an empiric who proceeds by vulgar experience, but one who grounds his practice on the sure rules of art, which cannot possibly fail. You have read, Sir, the last manifesto, or mountebank's bill, of the National Assembly. You see their presumption in their promises is not lessened by all their failures in the performance. Compare this last address of the Assembly and the present state of your affairs with the early engagements of that body, engagements which, not content with declaring, they solemnly deposed upon oath, — swearing lustily, that, if they were supported, they would make their country glorious and happy; and then judge whether those who can write such things, or those who can bear to read them, are of *themselves* to be brought to any reasonable course of thought or action.

As to the people at large, when once these miserable sheep have broken the fold, and have got themselves loose, not from the restraint, but from the protection, of all the principles of natural authority and legitimate subordination, they become the natural prey of impostors. When they have once tasted of the flattery of knaves, they can no longer endure reason, which appears to them only in the form of

censure and reproach. Great distress has never hitherto taught, and whilst the world lasts it never will teach, wise lessons to any part of mankind. Men are as much blinded by the extremes of misery as by the extremes of prosperity. Desperate situations produce desperate councils and desperate measures. The people of France, almost generally, have been taught to look for other resources than those which can be derived from order, frugality, and industry. They are generally armed; and they are made to expect much from the use of arms. *Nihil non arrogant armis*. Besides this, the retrograde order of society has something flattering to the dispositions of mankind. The life of adventurers, gamesters, gypsies, beggars, and robbers is not unpleasant. It requires restraint to keep men from falling into that habit. The shifting tides of fear and hope, the flight and pursuit, the peril and escape, the alternate famine and feast of the savage and the thief, after a time; render all course of slow, steady, progressive, unvaried occupation, and the prospect only of a limited mediocrity at the end of long labor, to the last degree tame, languid, and insipid. Those who have been once intoxicated with power, and have derived any kind of emolument from it, even though but for one year, never can willingly abandon it. They may be distressed in the midst of all their power; but they will never look to anything but power for their relief. When did distress ever oblige a prince to abdicate his authority? And what effect will it have upon those who are made to believe themselves a people of princes?

The more active and stirring part of the lower orders having got government and the distribution of plunder into their hands, they will use its resources in each municipality to form a body of adherents. These rulers and their adherents will be strong enough to overpower the discontents of those who have not been able to assert their share of the spoil. The unfortunate adventurers in the cheating lottery of plunder will probably be the least sagacious or the most inactive and irresolute of the gang. If, on disappointment, they should dare to stir, they will soon be suppressed as rebels and mutineers by their brother rebels. Scantily fed for a while with the offal of plunder, they will drop off by degrees; they will be driven out of sight and out of thought; and they will be left to perish obscurely, like rats, in holes and corners.

From the forced repentance of invalid mutineers and disbanded thieves you can hope for no resource. Government itself, which ought to constrain the more bold and dexterous of these robbers, is their accomplice. Its arms, its treasures, its all are in their hands. Judicature, which above all things should awe them, is their creature and their instrument. Nothing seems to me to render your internal situation more desperate than this one circumstance of the state of your judicature. Many days are not passed since we have seen a set of men brought forth by your rulers for a most critical function. Your rulers brought forth a set of men, steaming from the sweat and drudgery, and all black with the smoke and soot, of the forge of confiscation and robbery, — *ardentis massæ fuligine lippos*, — a set of men brought forth from

the trade of hammering arms of proof, offensive and defensive, in aid of the enterprises, and for the subsequent protection, of housebreakers, murderers, traitors, and malefactors, — men, who had their minds seasoned with theories perfectly conformable to their practice, and who had always laughed at possession and prescription, and defied all the fundamental maxims of jurisprudence. To the horror and stupefaction of all the honest part of this nation, and indeed of all nations who are spectators, we have seen, on the credit of those very practices and principles, and to carry them further into effect, these very men placed on the sacred seat of justice in the capital city of your late kingdom. We see that in future you are to be destroyed with more form and regularity. This is not peace: it is only the introduction of a sort of discipline in their hostility. Their tyranny is complete in their justice; and their *lanterne* is not half so dreadful as their court.

One would think, that, out of common decency, they would have given you men who had not been in the habit of trampling upon law and justice in the Assembly, neutral men, or men apparently neutral, for judges, who are to dispose of your lives and fortunes.

Cromwell, when he attempted to legalize his power, and to settle his conquered country in a state of order, did not look for dispensers of justice in the instruments of his usurpation. Quite the contrary. He sought out, with great solicitude and selection, and even from the party most opposite to his designs, men of weight and decorum of character, — men unstained with the violence of the times, and with hands not fouled with confiscation and sacrilege: for he chose an Hale for his chief justice, though he absolutely refused to take his civic oaths, or to make any acknowledgment whatsoever of the legality of his government. Cromwell told this great lawyer, that, since he did not approve his title, all he required of him was to administer, in a manner agreeable to his pure sentiments and unspotted character, that justice without which human society cannot subsist, — that it was not his particular government, but civil order itself, which, as a judge, he wished him to support. Cromwell knew how to separate the institutions expedient to his usurpation from the administration of the public justice of his country. For Cromwell was a man in whom ambition had not wholly suppressed, but only suspended, the sentiments of religion, and the love (as far as it could consist with his designs) of fair and honorable reputation. Accordingly, we are indebted to this act of his for the preservation of our laws, which some senseless assertors of the rights of men were then on the point of entirely erasing, as relics of feudality and barbarism. Besides, he gave, in the appointment of that man, to that age, and to all posterity, the most brilliant example of sincere and fervent piety, exact justice, and profound jurisprudence. But these are not the things in which your philosophic usurpers choose to follow Cromwell.

One would think, that, after an honest and necessary revolution, (if they had a mind that theirs should pass for such,) your masters would have imitated the

virtuous policy of those who have been at the head of revolutions of that glorious character. Burnet tells us, that nothing tended to reconcile the English nation to the government of King William so much as the care he took to fill the vacant bishoprics with men who had attracted the public esteem by their learning, eloquence, and piety, and above all, by their known moderation in the state. With you, in your purifying revolution, whom have you chosen to regulate the Church? M. Mirabeau is a fine speaker, and a fine writer, and a fine — a very fine man; but, really, nothing gave more surprise to everybody here than to find him the supreme head of your ecclesiastical affairs. The rest is of course. Your Assembly addresses a manifesto to France, in which they tell the people, with an insulting irony, that they have brought the Church to its primitive condition. In one respect their declaration is undoubtedly true: for they have brought it to a state of poverty and persecution. What can be hoped for after this? Have not men, (if they deserve the name,) under this new hope and head of the Church, been made bishops for no other merit than having acted as instruments of atheists? for no other merit than having thrown the children's bread to dogs? and, in order to gorge the whole gang of usurers, peddlers, and itinerant Jew discounters at the corners of streets, starved the poor of their Christian flocks, and their own brother pastors? Have not such men been made bishops to administer in temples in which (if the patriotic donations have not already stripped them of their vessels) the church-wardens ought to take security for the altar plate, and not so much as to trust the chalice in their sacrilegious hands, so long as Jews have assignats on ecclesiastic plunder, to exchange for the silver stolen from churches?

I am told that the very sons of such Jew jobbers have been made bishops: persons not to be suspected of any sort of *Christian* superstition, fit colleagues to the holy prelate of Autun, and bred at the feet of that Gamaliel. We know who it was that drove the money-changers out of the temple. We see, too, who it is that brings them in again. We have in London very respectable persons of the Jewish nation, whom we will keep; but we have of the same tribe others of a very different description, — housebreakers, and receivers of stolen goods, and forgers of paper currency, more than we can conveniently hang. These we can spare to France, to fill the new episcopal thrones: men well versed in swearing; and who will scruple no oath which the fertile genius of any of your reformers can devise.

In matters so ridiculous it is hard to be grave. On a view of their consequences, it is almost inhuman to treat them lightly. To what a state of savage, stupid, servile insensibility must your people be reduced, who can endure such proceedings in their Church, their state, and their judicature, even for a moment! But the deluded people of France are like other madmen, who, to a miracle, bear hunger, and thirst, and cold, and confinement, and the chains and lash of their keeper, whilst all the while they support themselves by the imagination that they are generals of armies, prophets, kings, and emperors. As to a change of mind in those men, who consider

infamy as honor, degradation as preferment, bondage to low tyrants as liberty, and the practical scorn and contumely of their upstart masters as marks of respect and homage, I look upon it as absolutely impracticable. These madmen, to be cured, must first, like other madmen, be subdued. The sound part of the community, which I believe to be large, but by no means the largest part, has been taken by surprise, and is disjointed, terrified, and disarmed. That sound part of the community must first be put into a better condition, before it can do anything in the way of deliberation or persuasion. This must be an act of power, as well as of wisdom: of power in the hands of firm, determined patriots, who can distinguish the misled from traitors, who will regulate the state (if such should be their fortune) with a discriminating, manly, and provident mercy; men who are purged of the surfeit and indigestion of systems, if ever they have been admitted into the habit of their minds; men who will lay the foundation of a real reform in effacing every vestige of that philosophy which pretends to have made discoveries in the *Terra Australia* of morality; men who will fix the state upon these bases of morals and politics, which are our old and immemorial, and, I hope, will be our eternal possession.

This power, to such men, must come from *without*. It may be given to you in pity: for surely no nation ever called so pathetically on the compassion of all its neighbors. It may be given by those neighbors on motives of safety to themselves. Never shall I think any country in Europe to be secure, whilst there is established in the very centre of it a state (if so it may be called) founded on principles of anarchy, and which is in reality a college of armed fanatics, for the propagation of the principles of assassination, robbery, rebellion, fraud, faction, oppression, and impiety. Mahomet, hid, as for a time he was, in the bottom of the sands of Arabia, had his spirit and character been discovered, would have been an object of precaution to provident minds. What if he had erected his fanatic standard for the destruction of the Christian religion *in luce Asiæ*, in the midst of the then noonday splendor of the then civilized world? The princes of Europe, in the beginning of this century, did well not to suffer the monarchy of France to swallow up the others. They ought not now, in my opinion, to suffer all the monarchies and commonwealths to be swallowed up in the gulf of this polluted anarchy. They may be tolerably safe at present, because the comparative power of France for the present is little. But times and occasions make dangers. Intestine troubles may arise in other countries. There is a power always on the watch, qualified and disposed to profit of every conjuncture, to establish its own principles and modes of mischief, wherever it can hope for success. What mercy would these usurpers have on other sovereigns, and on other nations, when they treat their own king with such unparalleled indignities, and so cruelly oppress their own countrymen?

The king of Prussia, in concurrence with us, nobly interfered to save Holland from confusion. The same power, joined with the rescued Holland and with Great

Britain, has put the Emperor in the possession of the Netherlands, and secured, under that prince, from all arbitrary innovation, the ancient, hereditary Constitution of those provinces. The chamber of Wetzlar has restored the Bishop of Liege, unjustly dispossessed by the rebellion of his subjects. The king of Prussia was bound by no treaty nor alliance of blood, nor had any particular reasons for thinking the Emperor's government would be more mischievous or more oppressive to human nature than that of the Turk; yet, on mere motives of policy, that prince has interposed, with the threat of all his force, to snatch even the Turk from the pounces of the Imperial eagle. If this is done in favor of a barbarous nation, with a barbarous neglect of police, fatal to the human race, — in favor of a nation by principle in eternal enmity with the Christian name, a nation which will not so much as give the salutation of peace (*Salam*) to any of us, nor make any pact with any Christian nation beyond a truce, — if this be done in favor of the Turk, shall it be thought either impolitic or unjust or uncharitable to employ the same power to rescue from captivity a virtuous monarch, (by the courtesy of Europe considered as Most Christian,) who, after an intermission of one hundred and seventy-five years, had called together the States of his kingdom to reform abuses, to establish a free government, and to strengthen his throne, — a monarch who, at the very outset, without force, even without solicitation, had given to his people such a Magna Charta of privileges as never was given by any king to any subjects? Is it to be tamely borne by kings who love their subjects, or by subjects who love their kings, that this monarch, in the midst of these gracious acts, was insolently and cruelly torn from his palace by a gang of traitors and assassins, and kept in close prison to this very hour, whilst his royal name and sacred character were used for the total ruin of those whom the laws had appointed him to protect?

The only offence of this unhappy monarch towards his people was his attempt, under a monarchy, to give them a free Constitution. For this, by an example hitherto unheard of in the world, he has been deposed. It might well disgrace sovereigns to take part with a deposed tyrant. It would suppose in them a vicious sympathy. But not to make a common cause with a just prince, dethroned by traitors and rebels, who proscribe, plunder, confiscate, and in every way cruelly oppress their fellow-citizens, in my opinion is to forget what is due to the honor and to the rights of all virtuous and legal government.

I think the king of France to be as much an object both of policy and compassion as the Grand Seignor or his states. I do not conceive that the total annihilation of France (if that could be effected) is a desirable thing to Europe, or even to this its rival nation. Provident patriots did not think it good for Rome that even Carthage should be quite destroyed; and he was a wise Greek, wise for the general Grecian interests, as well as a brave Lacedæmonian enemy and generous conqueror, who did not wish, by the destruction of Athens, to pluck out the other eye of Greece.

However, Sir, what I have here said of the interference of foreign princes is only the opinion of a private individual, who is neither the representative of any state nor the organ of any party, but who thinks himself bound to express his own sentiments with freedom and energy in a crisis of such importance to the whole human race.

I am not apprehensive, that, in speaking freely on the subject of the king and queen of France, I shall accelerate (as you fear) the execution of traitorous designs against them. You are of opinion, Sir, that the usurpers may, and that they will, gladly lay hold of any pretext to throw off the very name of a king: assuredly, I do not wish ill to your king; but better for him not to live (he does not reign) than to live the passive instrument of tyranny and usurpation.

I certainly meant to show, to the best of my power, that the existence of such an executive officer in such a system of republic as theirs is absurd in the highest degree. But in demonstrating this, to *them*, at least, I can have made no discovery. They only held out the royal name to catch those Frenchmen to whom the name of king is still venerable. They calculate the duration of that sentiment; and when they find it nearly expiring, they will not trouble themselves with excuses for extinguishing the name, as they have the thing. They used it as a sort of navel-string to nourish their unnatural offspring from the bowels of royalty itself. Now that the monster can purvey for its own subsistence, it will only carry the mark about it, as a token of its having torn the womb it came from. Tyrants seldom want pretexts. Fraud is the ready minister of injustice; and whilst the currency of false pretence and sophistic reasoning was expedient to their designs, they were under no necessity of drawing upon me to furnish them with that coin. But pretexts and sophisms have had their day, and have done their work. The usurpation no longer seeks plausibility: it trusts to power.

Nothing that I can say, or that you can say, will hasten them, by a single hour, in the execution of a design which they have long since entertained. In spite of their solemn declarations, their soothing addresses, and the multiplied oaths which they have taken and forced others to take, they will assassinate the king when his name will no longer be necessary to their designs, — but not a moment sooner. They will probably first assassinate the queen, whenever the renewed menace of such an assassination loses its effect upon the anxious mind of an affectionate husband. At present, the advantage which they derive from the daily threats against her life is her only security for preserving it. They keep their sovereign alive for the purpose of exhibiting him, like some wild beast at a fair, — as if they had a Bajazet in a cage. They choose to make monarchy contemptible by exposing it to derision in the person of the most benevolent of their kings.

In my opinion their insolence appears more odious even than their crimes. The horrors of the fifth and sixth of October were less detestable than the festival of the fourteenth of July. There are situations (God forbid I should think that of the 5th and 6th of October one of them!) in which the best men may be confounded with

the worst, and in the darkness and confusion, in the press and medley of such extremities, it may not be so easy to discriminate the one from the other. The necessities created even by ill designs have their excuse. They may be forgotten by others, when the guilty themselves do not choose to cherish their recollection, and, by ruminating their offences, nourish themselves, through the example of their past, to the perpetration of future crimes. It is in the relaxation of security, it is in the expansion of prosperity, it is in the hour of dilatation of the heart, and of its softening into festivity and pleasure, that the real character of men is discerned. If there is any good in them, it appears then or never. Even wolves and tigers, when gorged with their prey, are safe and gentle. It is at such times that noble minds give all the reins to their good nature. They indulge their genius even to intemperance, in kindness to the afflicted, in generosity to the conquered, — forbearing insults, forgiving injuries, overpaying benefits. Full of dignity themselves, they respect dignity in all, but they feel it sacred in the unhappy. But it is then, and basking in the sunshine of unmerited fortune, that low, sordid, ungenerous, and reptile souls swell with their hoarded poisons; it is then that they display their odious splendor, and shine out in the full lustre of their native villany and baseness. It is in that season that no man of sense or honor can be mistaken for one of them. It was in such a season, for them of political ease and security, though their people were but just emerged from actual famine, and were ready to be plunged into a gulf of penury and beggary, that your philosophic lords chose, with an ostentatious pomp and luxury, to feast an incredible number of idle and thoughtless people, collected with art and pains from all quarters of the world. They constructed a vast amphitheatre in which they raised a species of pillory. On this pillory they set their lawful king and queen, with an insulting figure over their heads. There they exposed these objects of pity and respect to all good minds to the derision of an unthinking and unprincipled multitude, degenerated even from the versatile tenderness which marks the irregular and capricious feelings of the populace. That their cruel insult might have nothing wanting to complete it, they chose the anniversary of that day in which they exposed the life of their prince to the most imminent dangers and the vilest indignities, just following the instant when the assassins, whom they had hired without owning, first openly took up arms against their king, corrupted his guards, surprised his castle, butchered some of the poor invalids of his garrison, murdered his governor, and, like wild beasts, tore to pieces the chief magistrate of his capital city, on account of his fidelity to his service.

Till the justice of the world is awakened, such as these will go on, without admonition, and without provocation, to every extremity. Those who have made the exhibition of the fourteenth of July are capable of every evil. They do not commit crimes for their designs; but they form designs that they may commit crimes. It is not their necessity, but their nature, that impels them. They are modern

philosophers, which when you say of them, you express everything that is ignoble, savage, and hard-hearted.

Besides the sure tokens which are given by the spirit of their particular arrangements, there are some characteristic lineaments in the general policy of your tumultuous despotism, which, in my opinion, indicate, beyond a doubt, that no revolution whatsoever *in their disposition* is to be expected: I mean their scheme of educating the rising generation, the principles which they intend to instil and the sympathies which they wish to form in the mind at the season in which it is the most susceptible. Instead of forming their young minds to that docility, to that modesty, which are the grace and charm of youth, to an admiration of famous examples, and to an averseness to anything which approaches to pride, petulance, and self-conceit, (distempers to which that time of life is of itself sufficiently liable,) they artificially foment these evil dispositions, and even form them into springs of action. Nothing ought to be more weighed than the nature of books recommended by public authority. So recommended, they soon form the character of the age. Uncertain indeed is the efficacy, limited indeed is the extent, of a virtuous institution. But if education takes in *vice* as any part of its system, there is no doubt but that it will operate with abundant energy, and to an extent indefinite. The magistrate, who in favor of freedom thinks himself obliged to suffer all sorts of publications, is under a stricter duty than any other well to consider what sort of writers he shall authorize, and shall recommend by the strongest of all sanctions, that is, by public honors and rewards. He ought to be cautious how he recommends authors of mixed or ambiguous morality. He ought to be fearful of putting into the hands of youth writers indulgent to the peculiarities of their own complexion, lest they should teach the humors of the professor, rather than the principles of the science. He ought, above all, to be cautious in recommending any writer who has carried marks of a deranged understanding: for where there is no sound reason, there can be no real virtue; and madness is ever vicious and malignant.

The Assembly proceeds on maxims the very reverse of these. The Assembly recommends to its youth a study of the bold experimenters in morality. Everybody knows that there is a great dispute amongst their leaders, which of them is the best resemblance of Rousseau. In truth, they all resemble him. His blood they transfuse into their minds and into their manners. Him they study; him they meditate; him they turn over in all the time they can spare from the laborious mischief of the day or the debauches of the night. Rousseau is their canon of holy writ; in his life he is their canon of Polycletus; he is their standard figure of perfection. To this man and this writer, as a pattern to authors and to Frenchmen, the foundries of Paris are now running for statues, with the kettles of their poor and the bells of their churches. If an author had written like a great genius on geometry, though his practical and speculative morals were vicious in the extreme, it might appear that in voting the statue they honored only the geometrician. But Rousseau is a moralist or he is

nothing. It is impossible, therefore, putting the circumstances together, to mistake their design in choosing the author with whom they have begun to recommend a course of studies.

Their great problem is, to find a substitute for all the principles which hitherto have been employed to regulate the human will and action. They find dispositions in the mind of such force and quality as may fit men, far better than the old morality, for the purposes of such a state as theirs, and may go much further in supporting their power and destroying their enemies. They have therefore chosen a selfish, flattering, seductive, ostentatious vice, in the place of plain duty. True humility, the basis of the Christian system, is the low, but deep and firm foundation of all real virtue. But this, as very painful in the practice, and little imposing in the appearance, they have totally discarded. Their object is to merge all natural and all social sentiment in inordinate vanity. In a small degree, and conversant in little things, vanity is of little moment. When full-grown, it is the worst of vices, and the occasional mimic of them all. It makes the whole man false. It leaves nothing sincere or trustworthy about him. His best qualities are poisoned and perverted by it, and operate exactly as the worst. When your lords had many writers as immoral as the object of their statue (such as Voltaire and others) they chose Rousseau, because in him that peculiar vice which they wished to erect into ruling virtue was by far the most conspicuous.

We have had the great professor and founder of *the philosophy of vanity* in England. As I had good opportunities of knowing his proceedings almost from day to day, he left no doubt on my mind that he entertained no principle, either to influence his heart or to guide his understanding, but *vanity*. With this vice he was possessed to a degree little short of madness. It is from the same deranged, eccentric vanity, that this, the insane Socrates of the National Assembly, was impelled to publish a mad confession of his mad faults, and to attempt a new sort of glory from bringing hardily to light the obscure and vulgar vices which we know may sometimes be blended with eminent talents. He has not observed on the nature of vanity who does not know that it is omnivorous, — that it has no choice in its food, — that it is fond to talk even of its own faults and vices, as what will excite surprise and draw attention, and what will pass at worst for openness and candor.

It was this abuse and perversion, which vanity makes even of hypocrisy, which has driven Rousseau to record a life not so much as checkered or spotted here and there with virtues, or even distinguished by a single good action. It is such a life he chooses to offer to the attention of mankind. It is such a life that, with a wild defiance, he flings in the face of his Creator, whom he acknowledges only to brave. Your Assembly, knowing how much more powerful example is found than precept, has chosen this man (by his own account without a single virtue) for a model. To him they erect their first statue. From him they commence their series of honors and distinctions.

It is that new-invented virtue which your masters canonize that led their moral hero constantly to exhaust the stores of his powerful rhetoric in the expression of universal benevolence, whilst his heart was incapable of harboring one spark of common parental affection. Benevolence to the whole species, and want of feeling for every individual with whom the professors come in contact, form the character of the new philosophy. Setting up for an unsocial independence, this their hero of vanity refuses the just price of common labor, as well as the tribute which opulence owes to genius, and which, when paid, honors the giver and the receiver; and then he pleads his beggary as an excuse for his crimes. He melts with tenderness for those only who touch him by the remotest relation, and then, without one natural pang, casts away, as a sort of offal and excrement, the spawn of his disgustful amours, and sends his children to the hospital of foundlings. The bear loves, licks, and forms her young: but bears are not philosophers. Vanity, however, finds its account in reversing the train of our natural feelings. Thousands admire the sentimental-writer; the affectionate father is hardly known in his parish.

Under this philosophic instructor in *the ethics of vanity*, they have attempted in France a regeneration of the moral constitution of man. Statesmen like your present rulers exist by everything which is spurious, fictitious, and false, — by everything which takes the man from his house, and sets him on a stage, — which makes him up an artificial creature, with painted, theatric sentiments, fit to be seen by the glare of candle-light, and formed to be contemplated at a due distance. Vanity is too apt to prevail in all of us, and in all countries. To the improvement of Frenchmen, it seems not absolutely necessary that it should be taught upon system. But it is plain that the present rebellion was its legitimate offspring, and it is piously fed by that rebellion with a daily dole.

If the system of institution recommended by the Assembly is false and theatric, it is because their system of government is of the same character. To that, and to that alone, it is strictly conformable. To understand either, we must connect the morals with the politics of the legislators. Your practical philosophers, systematic in everything, have wisely began at the source. As the relation between parents and children is the first among the elements of vulgar, natural morality, they erect statues to a wild, ferocious, low-minded, hard-hearted father, of fine general feelings, — a lover of his kind, but a hater of his kindred. Your masters reject the duties of this vulgar relation, as contrary to liberty, as not founded in the social compact, and not binding according to the rights of men; because the relation is not, of course, the result of *free election*, — never so on the side of the children, not always on the part of the parents.

The next relation which they regenerate by their statues to Rousseau is that which is next in sanctity to that of a father. They differ from those old-fashioned thinkers who considered pedagogues as sober and venerable characters, and allied to the parental. The moralists of the dark times *præceptorem sancti voluere parentis esse*

loco. In this age of light they teach the people that preceptors ought to be in the place of gallants. They systematically corrupt a very corruptible race, (for some time a growing nuisance amongst you,) — a set of pert, petulant literators, to whom, instead of their proper, but severe, unostentatious duties, they assign the brilliant part of men of wit and pleasure, of gay, young, military sparks, and dangles at toilets. They call on the rising generation in France to take a sympathy in the adventures and fortunes, and they endeavor to engage their sensibility on the side, of pedagogues who betray the most awful family trusts and vitiate their female pupils. They teach the people that the debauchers of virgins, almost in the arms of their parents, may be safe inmates in their house, and even fit guardians of the honor of those husbands who succeed legally to the office which the young literators had preoccupied without asking leave of law or conscience.

Thus they dispose of all the family relations of parents and children, husbands and wives. Through this same instructor, by whom they corrupt the morals, they corrupt the taste. Taste and elegance, though they are reckoned only among the smaller and secondary morals, yet are of no mean importance in the regulation of life. A moral taste is not of force to turn vice into virtue; but it recommends virtue with something like the blandishments of pleasure, and it infinitely abates the evils of vice. Rousseau, a writer of great force and vivacity, is totally destitute of taste in any sense of the word. Your masters, who are his scholars, conceive that all refinement has an aristocratic character. The last age had exhausted all its powers in giving a grace and nobleness to our natural appetites, and in raising them into a higher class and order than seemed justly to belong to them. Through Rousseau, your masters are resolved to destroy these aristocratic prejudices. The passion called love has so general and powerful an influence, it makes so much of the entertainment, and indeed so much the occupation, of that part of life which decides the character forever, that the mode and the principles on which it engages the sympathy and strikes the imagination become of the utmost importance to the morals and manners of every society. Your rulers were well aware of this; and in their system of changing your manners to accommodate them to their politics, they found nothing so convenient as Rousseau. Through him they teach men to love after the fashion of philosophers: that is, they teach to men, to Frenchmen, a love without gallantry, — a love without anything of that fine flower of youthfulness and gentility which places it, if not among the virtues, among the ornaments of life. Instead of this passion, naturally allied to grace and manners, they infuse into their youth an unfashioned, indelicate, sour, gloomy, ferocious medley of pedantry and lewdness, — of metaphysical speculations blended with the coarsest sensuality. Such is the general morality of the passions to be found in their famous philosopher, in his famous work of philosophic gallantry, the *Nouvelle Éloïse*.

When the fence from the gallantry of preceptors is broken down, and your families are no longer protected by decent pride and salutary domestic prejudice,

there is but one step to a frightful corruption. The rulers in the National Assembly are in good hopes that the females of the first families in France may become an easy prey to dancing-masters, fiddlers, pattern-drawers, friseurs, and valets-de-chambre, and other active citizens of that description, who, having the entry into your houses, and being half domesticated by their situation, may be blended with you by regular and irregular relations. By a law they have made these people their equals. By adopting the sentiments of Rousseau they have made them your rivals. In this manner these great legislators complete their plan of levelling, and establish their rights of men on a sure foundation.

I am certain that the writings of Rousseau lead directly to this kind of shameful evil. I have often wondered how he comes to be so much more admired and followed on the Continent than he is here. Perhaps a secret charm in the language may have its share in this extraordinary difference. We certainly perceive, and to a degree we feel, in this writer, a style glowing, animated, enthusiastic, at the same time that we find it lax, diffuse, and not in the best taste of composition, — all the members of the piece being pretty equally labored and expanded, without any due selection or subordination of parts. He is generally too much on the stretch, and his manner has little variety. We cannot rest upon, any of his works, though they contain observations which occasionally discover a considerable insight into human nature. But his doctrines, on the whole, are so inapplicable to real life and manners, that we never dream of drawing from them any rule for laws or conduct, or for fortifying or illustrating anything by a reference to his opinions. They have with us the fate of older paradoxes: —

Cum ventum ad *verum* est, *sensus moresque* repugnant,
Atque ipsa utilitas, justi prope mater et æqui.

Perhaps bold speculations are more acceptable because more new to you than to us, who have been, long since satiated with them. We continue, as in the two last ages, to read, more generally than I believe is now done on the Continent, the authors of sound antiquity. These occupy our minds; they give us another taste and turn; and will not suffer us to be more than transiently amused with paradoxical morality. It is not that I consider this writer as wholly destitute of just notions. Amongst his irregularities, it must be reckoned that he is sometimes moral, and moral in a very sublime strain. But the *general spirit and tendency* of his works is mischievous, — and the more mischievous for this mixture: for perfect depravity of sentiment is not reconcilable with eloquence; and the mind (though corruptible, not complexionally vicious) would reject and throw off with disgust a lesson of pure and unmixed evil. These writers make even virtue a pander to vice.

However, I less consider the author than the system of the Assembly in perverting morality through his means. This I confess makes me nearly despair of

any attempt upon the minds of their followers, through reason, honor, or conscience. The great object of your tyrants is to destroy the gentlemen of France; and for that purpose they destroy, to the best of their power, all the effect of those relations which may render considerable men powerful or even safe. To destroy that order, they vitiate the whole community. That no means may exist of confederating against their tyranny, by the false sympathies of this *Nouvelle Éloïse* they endeavor to subvert those principles of domestic trust and fidelity which form the discipline of social life. They propagate principles by which every servant may think it, if not his duty, at least his privilege, to betray his master. By these principles, every considerable father of a family loses the sanctuary of his house. *Debet sua cuique domus esse perfugium tutissimum*, says the law, which your legislators have taken so much pains first to decry, then to repeal. They destroy all the tranquillity and security of domestic life: turning the asylum of the house into a gloomy prison, where the father of the family must drag out a miserable existence, endangered in proportion to the apparent means of his safety, — where he is worse than solitary in a crowd of domestics, and more apprehensive from his servants and inmates than from the hired, bloodthirsty mob without doors who are ready to pull him to the *lanterne*.

It is thus, and for the same end, that they endeavor to destroy that tribunal of conscience which exists independently of edicts and decrees. Your despots govern by terror. They know that he who fears God fears nothing else; and therefore they eradicate from the mind, through their Voltaire, their Helvétius, and the rest of that infamous gang, that only sort of fear which generates true courage. Their object is, that their fellow-citizens may be under the dominion of no awe but that of their Committee of Research and of their *lanterne*.

Having found the advantage of assassination in the formation of their tyranny, it is the grand resource in which they trust for the support of it. Whoever opposes any of their proceedings, or is suspected of a design to oppose them, is to answer it with his life, or the lives of his wife and children. This infamous, cruel, and cowardly practice of assassination they have the impudence to call *merciful*. They boast that they operated their usurpation rather by terror than by force, and that a few seasonable murders have prevented the bloodshed of many battles. There is no doubt they will extend these acts of mercy whenever they see an occasion. Dreadful, however, will be the consequences of their attempt to avoid the evils of war by the merciful policy of murder. If, by effectual punishment of the guilty, they do not wholly disavow that practice, and the threat of it too, as any part of their policy, if ever a foreign prince enters into France, he must enter it as into a country of assassins. The mode of civilized war will not be practised: nor are the French who act on the present system entitled to expect it. They whose known policy it is to assassinate every citizen whom they suspect to be discontented by their tyranny, and to corrupt the soldiery of every open enemy, must look for no modified hostility.

All war, which is not battle, will be military execution. This will beget acts of retaliation from you; and every retaliation will beget a new revenge. The hell-hounds of war, on all sides, will be uncoupled and unmuzzled. The new school of murder and barbarism set up in Paris, having destroyed (so far as in it lies) all the other manners and principles which have hitherto civilized Europe, will destroy also the mode of civilized war, which, more than anything else, has distinguished the Christian world. Such is the approaching golden age which the Virgil of your Assembly has sung to his Pollios!

In such a situation of your political, your civil, and your social morals and manners, how can you be hurt by the freedom of any discussion? Caution is for those who have something to lose. What I have said, to justify myself in not apprehending any ill consequence from a free discussion of the absurd consequences which flow from the relation of the lawful king to the usurped Constitution, will apply to my vindication with regard to the exposure I have made of the state of the army under the same sophistic usurpation. The present tyrants want no arguments to prove, what they must daily feel, that no good army can exist on their principles. They are in no want of a monitor to suggest to them the policy of getting rid of the army, as well as of the king, whenever they are in a condition to effect that measure. What hopes may be entertained of your army for the restoration of your liberties I know not. At present, yielding obedience to the pretended orders of a king who, they are perfectly apprised, has no will, and who never can issue a mandate which is not intended, in the first operation, or in its certain consequences, for his own destruction, your army seems to make one of the principal links in the chain of that servitude of anarchy by which a cruel usurpation holds an undone people at once in bondage and confusion.

You ask me what I think of the conduct of General Monk. How this affects your case I cannot tell. I doubt whether you possess in France any persons of a capacity to serve the French monarchy in the same manner in which Monk served the monarchy of England. The army which Monk commanded had been formed by Cromwell to a perfection of discipline which perhaps has never been exceeded. That army was besides of an excellent composition. The soldiers were men of extraordinary piety after their mode; of the greatest regularity, and even severity of manners; brave in the field, but modest, quiet, and orderly in their quarters; men who abhorred the idea of assassinating their officers or any other persons, and who (they at least who served in this island) were firmly attached to those generals by whom they were well treated and ably commanded. Such an army, once gained, might be depended on. I doubt much, if you could now find a Monk, whether a Monk could find in France such an army.

I certainly agree with you, that in all probability we owe our whole Constitution to the restoration of the English monarchy. The state of things from which Monk relieved England was, however, by no means, at that time, so deplorable, in any

sense, as yours is now, and under the present sway is likely to continue. Cromwell had delivered England from anarchy. His government, though military and despotic, had been regular and orderly. Under the iron, and under the yoke, the soil yielded its produce. After his death the evils of anarchy were rather dreaded than felt. Every man was yet safe in his house and in his property. But it must be admitted that Monk freed this nation from great and just apprehensions both of future anarchy and of probable tyranny in some form or other. The king whom he gave us was, indeed, the very reverse of your benignant sovereign, who, in reward for his attempt to bestow liberty on his subjects, languishes himself in prison. The person given to us by Monk was a man without any sense of his duty as a prince, without any regard to the dignity of his crown, without any love to his people, — dissolute, false, venal, and destitute of any positive good quality whatsoever, except a pleasant temper, and the manners of a gentleman. Yet the restoration of our monarchy, even in the person of such a prince, was everything to us; for without monarchy in England, most certainly we never can enjoy either peace or liberty. It was under this conviction that the very first regular step which we took, on the Revolution of 1688, was to fill the throne with a real king; and even before it could be done in due form, the chiefs of the nation did not attempt themselves to exercise authority so much as by *interim*. They instantly requested the Prince of Orange to take the government on himself. The throne was not effectively vacant for an hour.

Your fundamental laws, as well as ours, suppose a monarchy. Your zeal, Sir, in standing so firmly for it as you have done, shows not only a sacred respect for your honor and fidelity, but a well-informed attachment to the real welfare and true liberties of your country. I have expressed myself ill, if I have given you cause to imagine that I prefer the conduct of those who have retired from this warfare to your behavior, who, with a courage and constancy almost supernatural, have struggled against tyranny, and kept the field to the last. You see I have corrected the exceptionable part in the edition which I now send you. Indeed, in such terrible extremities as yours, it is not easy to say, in a political view, what line of conduct is the most advisable. In that state of things, I cannot bring myself severely to condemn persons who are wholly unable to bear so much as the sight of those men in the throne of legislation who are only fit to be the objects of criminal justice. If fatigue, if disgust, if unsurmountable nausea drive them away from such spectacles, *ubi miseriarum pars non minima erat videre et aspici*, I cannot blame them. He must have an heart of adamant who could hear a set of traitors puffed up with unexpected and undeserved power, obtained by an ignoble, unmanly, and perfidious rebellion, treating their honest fellow-citizens as *rebels*, because they refused to bind them selves through their conscience, against the dictates of conscience itself, and had declined to swear an active compliance with their own ruin. How could a man of common flesh and blood endure that those who but the other day had skulked unobserved in their antechambers, scornfully insulting men illustrious in their rank,

sacred in their function, and venerable in their character, now in decline of life, and swimming on the wrecks of their fortunes, — that those miscreants should tell such men scornfully and outrageously, after they had robbed them of all their property, that it is more than enough, if they are allowed what will keep them from absolute famine, and that, for the rest, they must let their gray hairs fall over the plough, to make out a scanty subsistence with the labor of their hands? Last, and, worst, who could endure to hear this unnatural, insolent, and savage despotism called liberty? If, at this distance, sitting quietly by my fire, I cannot read their decrees and speeches without indignation, shall I condemn those who have fled from the actual sight and hearing of all these horrors? No, no! mankind has no title to demand that we should be slaves to their guilt and insolence, or that we should serve them in spite of themselves. Minds sore with the poignant sense of insulted virtue, filled with high disdain against the pride of triumphant baseness, often have it not in their choice to stand their ground. Their complexion (which might defy the rack) cannot go through such a trial. Something very high must fortify men to that proof. But when I am driven to comparison, surely I cannot hesitate for a moment to prefer to such men as are common those heroes who in the midst of despair perform all the tasks of hope, — who subdue their feelings to their duties, — who, in the cause of humanity, liberty, and honor, abandon all the satisfactions of life, and every day incur a fresh risk of life itself. Do me the justice to believe that I never can prefer any fastidious virtue (virtue still) to the unconquered perseverance, to the affectionate patience, of those who watch day and night by the bedside of their delirious country, — who, for their love to that dear and venerable name, bear all the disgusts and all the buffets they receive from their frantic mother. Sir, I do look on you as true martyrs; I regard you as soldiers who act far more in the spirit of our Commander-in-Chief and the Captain of our Salvation than those who have left you: though I must first bolt myself very thoroughly, and know that I could do better, before I can censure them. I assure you, Sir, that, when I consider your unconquerable fidelity to your sovereign and to your country, — the courage, fortitude, magnanimity, and long-suffering of yourself, and the Abbé Maury, and of M. Cazalès, and of many worthy persons of all orders in your Assembly, — I forget, in the lustre of these great qualities, that on your side has been displayed an eloquence so rational, manly, and convincing, that no time or country, perhaps, has ever excelled. But your talents disappear in my admiration of your virtues.

As to M. Mounier and M. Lally, I have always wished to do justice to their parts, and their eloquence, and the general purity of their motives. Indeed, I saw very well, from the beginning, the mischiefs which, with all these talents and good intentions, they would do their country, through their confidence in systems. But their distemper was an epidemic malady. They were young and inexperienced; and when will young and inexperienced men learn caution and distrust of themselves? And when will men, young or old, if suddenly raised to far higher power than that which

absolute kings and emperors commonly enjoy, learn anything like moderation? Monarchs, in general, respect some settled order of things, which they find it difficult to move from its basis, and to which they are obliged to conform, even when there are no positive limitations to their power. These gentlemen conceived that they were chosen to new-model the state, and even the whole order of civil society itself. No wonder that *they* entertained dangerous visions, when the king's ministers, trustees for the sacred deposit of the monarchy, were so infected with the contagion of project and system (I can hardly think it black premeditated treachery) that they publicly advertised for plans and schemes of government, as if they were to provide for the rebuilding of an hospital that had been burned down. What was this, but to unchain the fury of rash speculation amongst a people of itself but too apt to be guided by a heated imagination and a wild spirit of adventure?

The fault of M. Mounier and M. Lally was very great; but it was very general. If those gentlemen stopped, when they came to the brink of the gulf of guilt and public misery that yawned before them in the abyss of these dark and bottomless speculations, I forgive their first error: in that they were involved with many. Their repentance was their own.

They who consider Mounier and Lally as deserters must regard themselves as murderers and as traitors: for from what else than murder and treason did they desert? For my part, I honor them for not having carried mistake into crime. If, indeed, I thought that they were not cured by experience, that they were not made sensible that those who would reform a state ought to assume some actual constitution of government which is to be reformed, — if they are not at length satisfied that it is become a necessary preliminary to liberty in France, to commence by the reëstablishment of order and property of *every* kind, and, through the reëstablishment of their monarchy, of every one of the old habitual distinctions and classes of the state, — if they do not see that these classes are not to be confounded in order to be afterwards revived and separated, — if they are not convinced that the scheme of parochial and club governments takes up the state at the wrong end, and is a low and senseless contrivance, (as making the sole constitution of a supreme power,) — I should then allow that their early rashness ought to be remembered to the last moment of their lives.

You gently reprehend me, because, in holding out the picture of your disastrous situation, I suggest no plan for a remedy. Alas! Sir, the proposition of plans, without an attention to circumstances, is the very cause of all your misfortunes; and never shall you find me aggravating, by the infusion of any speculations of mine, the evils which have arisen from the speculations of others. Your malady, in this respect, is a disorder of repletion. You seem to think that my keeping back my poor ideas may arise from an indifference to the welfare of a foreign and sometimes an hostile nation. No, Sir, I faithfully assure you, my reserve is owing to no such causes. Is this letter, swelled to a second book, a mark of national antipathy, or even of national

indifference? I should act altogether in the spirit of the same caution, in a similar state of our own domestic affairs. If I were to venture any advice, in any case, it would be my best. The sacred duty of an adviser (one of the most inviolable that exists) would lead me, towards a real enemy, to act as if my best friend were the party concerned. But I dare not risk a speculation with no better view of your affairs than at present I can command; my caution is not from disregard, but from solicitude for your welfare. It is suggested solely from my dread of becoming the author of inconsiderate counsel.

It is not, that, as this strange series of actions has passed before my eyes, I have not indulged my mind in a great variety of political speculations concerning them; but, compelled by no such positive duty as does not permit me to evade an opinion, called upon by no ruling power, without authority as I am, and without confidence, I should ill answer my own ideas of what would become myself, or what would be serviceable to others, if I were, as a volunteer, to obtrude any project of mine upon a nation to whose circumstances I could not be sure it might be applicable.

Permit me to say, that, if I were as confident as I ought to be diffident in my own loose, general ideas, I never should venture to broach them, if but at twenty leagues' distance from the centre of your affairs. I must see with my own eyes, I must, in a manner, touch with my own hands, not only the fixed, but the momentary circumstances, before I could venture to suggest any political project whatsoever. I must know the power and disposition to accept, to execute, to persevere. I must see all the aids and all the obstacles. I must see the means of correcting the plan, where correctives would be wanted. I must see the things; I must see the men. Without a concurrence and adaptation of these to the design, the very best speculative projects might become not only useless, but mischievous. Plans must be made for men. We cannot think of making men, and binding Nature to our designs. People at a distance must judge ill of men. They do not always answer to their reputation, when you approach them. Nay, the perspective varies, and shows them quite otherwise than you thought them. At a distance, if we judge uncertainly of men, we must judge worse of *opportunities*, which continually vary their shapes and colors, and pass away like clouds. The Eastern politicians never do anything without the opinion of the astrologers on *the fortunate moment*. They are in the right, if they can do no better; for the opinion of fortune is something towards commanding it. Statesmen of a more judicious prescience look for the fortunate moment too; but they seek it, not in the conjunctions and oppositions of planets, but in the conjunctions and oppositions of men and things. These form their almanac.

To illustrate the mischief of a wise plan, without any attention to means and circumstances, it is not necessary to go farther than to your recent history. In the condition in which France was found three years ago, what better system could be proposed, what less even savoring of wild theory, what fitter to provide for all the exigencies whilst it reformed all the abuses of government, than the convention of

the States-General? I think nothing better could be imagined. But I have censured, and do still presume to censure, your Parliament of Paris for not having suggested to the king that this proper measure was of all measures the most critical and arduous, one in which the utmost circumspection and the greatest number of precautions were the most absolutely necessary. The very confession that a government wants either amendment in its conformation or relief to great distress causes it to lose half its reputation, and as great a proportion of its strength as depends upon that reputation. It was therefore necessary first to put government out of danger, whilst at its own desire it suffered such an operation as a general reform at the hands of those who were much more filled with a sense of the disease than provided with rational means of a cure.

It may be said that this care and these precautions were more naturally the duty of the king's ministers than that of the Parliament. They were so: but every man must answer in his estimation for the advice he gives, when he puts the conduct of his measure into hands who he does not know will execute his plans according to his ideas. Three or four ministers were not to be trusted with the being of the French monarchy, of all the orders, and of all the distinctions, and all the property of the kingdom. What must be the prudence of those who could think, in the then known temper of the people of Paris, of assembling the States at a place situated as Versailles?

The Parliament of Paris did worse than to inspire this blind confidence into the king. For, as if names were things, they took no notice of (indeed, they rather countenanced) the deviations, which were manifest in the execution, from the true ancient principles of the plan which they recommended. These deviations (as guardians of the ancient laws, usages, and Constitution of the kingdom) the Parliament of Paris ought not to have suffered, without the strongest remonstrances to the throne. It ought to have sounded the alarm to the whole nation, as it had often done on things of infinitely less importance. Under pretence of resuscitating the ancient Constitution, the Parliament saw one of the strongest acts of innovation, and the most leading in its consequences, carried into effect before their eyes, — and an innovation through the medium of despotism: that is, they suffered the king's ministers to new-model the whole representation of the *Tiers État*, and, in a great measure, that of the clergy too, and to destroy the ancient proportions of the orders. These changes, unquestionably, the king had no right to make; and here the Parliaments failed in their duty, and, along with their country, have perished by this failure.

What a number of faults have led to this multitude of misfortunes, and almost all from this one source, — that of considering certain general maxims, without attending to circumstances, to times, to places, to conjunctures, and to actors! If we do not attend scrupulously to all these, the medicine of to-day becomes the poison of to-morrow. If any measure was in the abstract better than another, it was to call

the States: *ea visa salus morientibus una*. Certainly it had the appearance. But see the consequences of not attending to critical moments, of not regarding the symptoms which discriminate diseases, and which distinguish constitutions, complexions, and humors.

Mox erat hoc ipsum exitio; furiisque relecti
Ardebant; ipsique suos, jam morte sub ægra,
Discissos nudis laniabant dentibus artus.

Thus the potion which was given to strengthen the Constitution, to heal divisions, and to compose the minds of men, became the source of debility, frenzy, discord, and utter dissolution.

In this, perhaps, I have answered, I think, another of your questions, — Whether the British Constitution is adapted to your circumstances? When I praised the British Constitution, and wished it to be well studied, I did not mean that its exterior form and positive arrangement should become a model for you or for any people servilely to copy. I meant to recommend the *principles* from which it has grown, and the policy on which it has been progressively improved out of elements common to you and to us. I am sure it is no visionary theory of mine. It is not an advice that subjects you to the hazard of any experiment. I believed the ancient principles to be wise in all cases of a large empire that would be free. I thought you possessed our principles in your old forms in as great a perfection as we did originally. If your States agreed (as I think they did) with your circumstances, they were best for you. As you had a Constitution formed upon principles similar to ours, my idea was, that you might have improved them as we have done, conforming them to the state and exigencies of the times, and the condition of property in your country, — having the conservation of that property, and the substantial basis of your monarchy, as principal objects in all your reforms.

I do not advise an House of Lords to you. Your ancient course by representatives of the noblesse (in your circumstances) appears to me rather a better institution. I know, that, with you, a set of men of rank have betrayed their constituents, their honor, their trust, their king, and their country, and levelled themselves with their footmen, that through this degradation they might afterwards put themselves above their natural equals. Some of these persons have entertained a project, that, in reward of this their black perfidy and corruption, they may be chosen to give rise to a new order, and to establish themselves into an House of Lords. Do you think, that, under the name of a British Constitution, I mean to recommend to you such Lords, made of such kind of stuff? I do not, however, include in this description all of those who are fond of this scheme.

If you were now to form such an House of Peers, it would bear, in my opinion, but little resemblance to ours, in its origin, character, or the purposes which it might

answer, at the same time that it would destroy your true natural nobility. But if you are not in a condition to frame a House of Lords, still less are you capable, in my opinion, of framing anything which virtually and substantially could be answerable (for the purposes of a stable, regular government) to our House of Commons. That House is, within itself, a much more subtle and artificial combination of parts and powers than people are generally aware of. What knits it to the other members of the Constitution, what fits it to be at once the great support and the great control of government, what makes it of such admirable service to that monarchy which, if it limits, it secures and strengthens, would require a long discourse, belonging to the leisure of a contemplative man, not to one whose duty it is to join in communicating practically to the people the blessings of such a Constitution.

Your *Tiers État* was not in effect and substance an House of Commons. You stood in absolute need of something else to supply the manifest defects in such a body as your *Tiers État*. On a sober and dispassionate view of your old Constitution, as connected with all the present circumstances, I was fully persuaded that the crown, standing as things have stood, (and are likely to stand, if you are to have any monarchy at all,) was and is incapable, alone and by itself, of holding a just balance between the two orders, and at the same time of effecting the interior and exterior purposes of a protecting government. I, whose leading principle it is, in a reformation of the state, to make use of existing materials, am of opinion that the representation of the clergy, as a separate order, was an institution which touched all the orders more nearly than any of them touched the other; that it was well fitted to connect them, and to hold a place in any wise monarchical commonwealth. If I refer you to your original Constitution, and think it, as I do, substantially a good one, I do not amuse you in this, more than in other things, with any inventions of mine. A certain intemperance of intellect is the disease of the time, and the source of all its other diseases. I will keep myself as untainted by it as I can. Your architects build without a foundation. I would readily lend an helping hand to any superstructure, when once this is effectually secured, — but first I would say, *Êtats*, *Assemblée*.

You think, Sir, (and you might think rightly, upon the first view of the theory,) that to provide for the exigencies of an empire so situated and so related as that of France, its king ought to be invested with powers very much superior to those which the king of England possesses under the letter of our Constitution. Every degree of power necessary to the state, and not destructive to the rational and moral freedom of individuals, to that personal liberty and personal security which contribute so much to the vigor, the prosperity, the happiness, and the dignity of a nation, — every degree of power which does not suppose the total absence of all control and all responsibility on the part of ministers, — a king of France, in common sense, ought to possess. But whether the exact measure of authority assigned by the letter of the law to the king of Great Britain can answer to the

exterior or interior purposes of the French monarchy is a point which I cannot venture to judge upon. Here, both in the power given, and its limitations, we have always cautiously felt our way. The parts of our Constitution have gradually, and almost insensibly, in a long course of time, accommodated themselves to each other, and to their common as well as to their separate purposes. But this adaptation of contending parts, as it has not been in ours, so it can never be in yours, or in any country, the effect of a single instantaneous regulation, and no sound heads could ever think of doing it in that manner.

I believe, Sir, that many on the Continent altogether mistake the condition of a king of Great Britain. He is a real king, and not an executive officer. If he will not trouble himself with contemptible details, nor wish to degrade himself by becoming a party in little squabbles, I am far from sure that a king of Great Britain, in whatever concerns him as a king, or indeed as a rational man, who combines his public interest with his personal satisfaction, does not possess a more real, solid, extensive power than the king of France was possessed of before this miserable revolution. The direct power of the king of England is considerable. His indirect, and far more certain power, is great indeed. He stands in need of nothing towards dignity, — of nothing towards splendor, — of nothing towards authority, — of nothing at all towards consideration abroad. When was it that a king of England wanted wherewithal to make him respected, courted, or perhaps even feared, in every state in Europe?

I am constantly of opinion that your States, in three orders, on the footing on which they stood in 1614, were capable of being brought into a proper and harmonious combination with royal authority. This constitution by Estates was the natural and only just representation of France. It grew out of the habitual conditions, relations, and reciprocal claims of men. It grew out of the circumstances of the country, and out of the state of property. The wretched scheme of your present masters is not to fit the Constitution to the people, but wholly to destroy conditions, to dissolve relations, to change the state of the nation, and to subvert property, in order to fit their country to their theory of a Constitution.

Until you make out practically that great work, a combination of opposing forces, “a work of labor long, and endless praise,” the utmost caution ought to have been used in the reduction of the royal power, which alone was capable of holding together the comparatively heterogeneous mass of your States. But at this day all these considerations are unseasonable. To what end should we discuss the limitations of royal power? Your king is in prison. Why speculate on the measure and standard of liberty? I doubt much, very much indeed, whether France is at all ripe for liberty on any standard. Men are qualified for civil liberty in exact proportion to their disposition to put moral chains upon their own appetites, — in proportion as their love to justice is above their rapacity, — in proportion as their soundness and sobriety of understanding is above their vanity and presumption, —

in proportion as they are more disposed to listen to the counsels of the wise and good, in preference to the flattery of knaves. Society cannot exist, unless a controlling power upon will and appetite be placed somewhere; and the less of it there is within, the more there must be without. It is ordained in the eternal constitution of things, that men of intemperate minds cannot be free. Their passions forge their fetters.

This sentence the prevalent part of your countrymen execute on themselves. They possessed not long since what was next to freedom, a mild, paternal monarchy. They despised it for its weakness. They were offered a well-poised, free Constitution. It did not suit their taste or their temper. They carved for themselves: they flew out, murdered, robbed, and rebelled. They have succeeded, and put over their country an insolent tyranny made up of cruel and inexorable masters, and that, too, of a description hitherto not known in the world. The powers and policies by which they have succeeded are not those of great statesmen or great military commanders, but the practices of incendiaries, assassins, housebreakers, robbers, spreaders of false news, forgers of false orders from authority, and other delinquencies, of which ordinary justice takes cognizance. Accordingly, the spirit of their rule is exactly correspondent to the means by which they obtained it. They act more in the manner of thieves who have got possession of an house than of conquerors who have subdued a nation.

Opposed to these, in appearance, but in appearance only, is another band, who call themselves *the Moderate*. These, if I conceive rightly of their conduct, are a set of men who approve heartily of the whole new Constitution, but wish to lay heavy on the most atrocious of those crimes by which this fine Constitution of theirs has been obtained. They are a sort of people who affect to proceed as if they thought that men may deceive without fraud, rob without injustice, and overturn everything without violence. They are men who would usurp the government of their country with decency and moderation. In fact, they are nothing more or better than men engaged in desperate designs with feeble minds. They are not honest; they are only ineffectual and unsystematic in their iniquity. They are persons who want not the dispositions, but the energy and vigor, that is necessary for great evil machinations. They find that in such designs they fall at best into a secondary rank, and others take the place and lead in usurpation which they are not qualified to obtain or to hold. They envy to their companions the natural fruit of their crimes; they join to run them down with the hue and cry of mankind, which pursues their common offences; and then hope to mount into their places on the credit of the sobriety with which they show themselves disposed to carry on what may seem most plausible in the mischievous projects they pursue in common. But these men are naturally despised by those who have heads to know, and hearts that are able to go through the necessary demands of bold, wicked enterprises. They are naturally classed below the latter description, and will only be used by them as inferior instruments.

They will be only the Fairfaxes of your Cromwells. If they mean honestly, why do they not strengthen the arms of honest men to support their ancient, legal, wise, and free government, given to them in the spring of 1788, against the inventions of craft and the theories of ignorance and folly? If they do not, they must continue the scorn of both parties, — sometimes the tool, sometimes the incumbrance of that whose views they approve, whose conduct they decry. These people are only made to be the sport of tyrants. They never can obtain or communicate freedom.

You ask me, too, whether we have a Committee of Research. No, Sir, — God forbid! It is the necessary instrument of tyranny and usurpation; and therefore I do not wonder that it has had an early establishment under your present lords. We do not want it.

Excuse my length. I have been somewhat occupied since I was honored with your letter; and I should not have been able to answer it at all, but for the holidays, which have given me means of enjoying the leisure of the country. I am called to duties which I am neither able nor willing to evade. I must soon return to my old conflict with the corruptions and oppressions which have prevailed in our Eastern dominions. I must turn myself wholly from those of France.

In England we *cannot* work so hard as Frenchmen. Frequent relaxation is necessary to us. You are naturally more intense in your application. I did not know this part of your national character, until I went into France in 1773. At present, this your disposition to labor is rather increased than lessened. In your Assembly you do not allow yourselves a recess even on Sundays. We have two days in the week, besides the festivals, and besides five or six months of the summer and autumn. This continued, unremitted effort of the members of your Assembly I take to be one among the causes of the mischief they have done. They who always labor can have no true judgment. You never give yourselves time to cool. You can never survey, from its proper point of sight, the work you have finished, before you decree its final execution. You can never plan the future by the past. You never go into the country, soberly and dispassionately to observe the effect of your measures on their objects. You cannot feel distinctly how far the people are rendered better and improved, or more miserable and depraved, by what you have done. You cannot see with your own eyes the sufferings and afflictions you cause. You know them but at a distance, on the statements of those who always flatter the reigning power, and who, amidst their representations of the grievances, inflame your minds against those who are oppressed. These are amongst the effects of unremitted labor, when men exhaust their attention, burn out their candles, and are left in the dark. — *Malo meorum negligentiam, quam istorum obscuram diligentiam.*

I have the honor, &c.,

EDMUND BURKE.

BEACONSFIELD, January 19th, 1791.

**A LETTER TO A PEER OF IRELAND ON THE PENAL LAWS
AGAINST IRISH CATHOLICS, PREVIOUS TO THE LATE
REPEAL OF A PART THEREOF IN THE SESSION OF THE
IRISH PARLIAMENT, HELD A.D. 1782.**

CHARLES STREET, LONDON, Feb. 21, 1782

My Lord, — I am obliged to your Lordship for your communication of the heads of Mr. Gardiner's bill. I had received it, in an earlier stage of its progress, from Mr. Braughall; and I am still in that gentleman's debt, as I have not made him the proper return for the favor he has done me. Business, to which I was more immediately called, and in which my sentiments had the weight of one vote, occupied me every moment since I received his letter. This first morning which I can call my own I give with great cheerfulness to the subject on which your Lordship has done me the honor of desiring my opinion.

I have read the heads of the bill, with the amendments. Your Lordship is too well acquainted with men, and with affairs, to imagine that any true judgment can be formed on the value of a great measure of policy from the perusal of a piece of paper. At present I am much in the dark with regard to the state of the country which the intended law is to be applied to. It is not easy for me to determine whether or no it was wise (for the sake of expunging the black letter of laws which, menacing as they were in the language, were every day fading into disuse) solemnly to reaffirm the principles and to reenact the provisions of a code of statutes by which you are totally excluded from THE PRIVILEGES OF THE COMMONWEALTH, from the highest to the lowest, from the most material of the civil professions, from the army, and even from education, where alone education is to be had.

Whether this scheme of indulgence, grounded at once on contempt and jealousy, has a tendency gradually to produce something better and more liberal, I cannot tell, for want of having the actual map of the country. If this should be the case, it was right in you to accept it, such as it is. But if this should be one of the experiments which have sometimes been made before the temper of the nation was ripe for a real reformation, I think it may possibly have ill effects, by disposing the penal matter in a more systematic order, and thereby fixing a permanent bar against any relief that is truly substantial. The whole merit or demerit of the measure depends upon the plans and dispositions of those by whom the act was made, concurring with the general temper of the Protestants of Ireland, and their aptitude to admit in time of some part of that equality without which you never can be FELLOW-CITIZENS. Of all this I am wholly ignorant. All my correspondence with men of public importance in Ireland has for some time totally ceased. On the

first bill for the relief of the ROMAN CATHOLICS of Ireland, I was, without any call of mine, consulted both on your side of the water and on this. On the present occasion, I have not heard a word from any man in office, and know as little of the intentions of the British government as I know of the temper of the Irish Parliament. I do not find that any opposition was made by the principal persons of the minority in the House of Commons, or that any is apprehended from them in the House of Lords. The whole of the difficulty seems to lie with the principal men in government, under whose protection this bill is supposed to be brought in. This violent opposition and cordial support, coming from one and the same quarter, appears to me something mysterious, and hinders me from being able to make any clear judgment of the merit of the present measure, as compared with the actual state of the country and the general views of government, without which one can say nothing that may not be very erroneous.

To look at the bill in the abstract, it is neither more nor less than a renewed act of UNIVERSAL, UNMITIGATED, INDISPENSABLE, EXCEPTIONLESS DISQUALIFICATION.

One would imagine that a bill inflicting such a multitude of incapacities had followed on the heels of a conquest made by a very fierce enemy, under the impression of recent animosity and resentment. No man, on reading that bill, could imagine he was reading an act of amnesty and indulgence, following a recital of the good behavior of those who are the objects of it, — which recital stood at the head of the bill, as it was first introduced, but, I suppose for its incongruity with the body of the piece, was afterwards omitted. This I say on memory. It, however, still recites the oath, and that Catholics ought to be considered as good and loyal subjects to his Majesty, his crown and government. Then follows an universal exclusion of those GOOD and LOYAL subjects from every (even the lowest) office of trust and profit, — from any vote at an election, — from any privilege in a town corporate, — from being even a freeman of such a corporation, — from serving on grand juries, — from a vote at a vestry, — from having a gun in his house, — from being a barrister, attorney, or solicitor, &c., &c., &c.

This has surely much more the air of a table of proscription than an act of grace. What must we suppose the laws concerning those *good* subjects to have been, of which this is a relaxation? I know well that there is a cant language current, about the difference between an exclusion from employments, even to the most rigorous extent, and an exclusion from the natural benefits arising from a man's own industry. I allow, that, under some circumstances, the difference is very material in point of justice, and that there are considerations which may render it advisable for a wise government to keep the leading parts of every branch of civil and military administration in hands of the best trust; but a total exclusion from the commonwealth is a very different thing. When a government subsists (as governments formerly did) on an estate of its own, with but few and inconsiderable

revenues drawn from the subject, then the few officers which existed in such establishments were naturally at the disposal of that government, which paid the salaries out of its own coffers: there an exclusive preference could hardly merit the name of proscription. Almost the whole produce of a man's industry at that time remained in his own purse to maintain his family. But times alter, and the *whole* estate of government is from private contribution. When a very great portion of the labor of individuals goes to the state, and is by the state again refunded to individuals, through the medium of offices, and in this circuitous progress from the private to the public, and from the public again to the private fund, the families from whom the revenue is taken are indemnified, and an equitable balance between the government and the subject is established. But if a great body of the people who contribute to this state lottery are excluded from all the prizes, the stopping the circulation with regard to them may be a most cruel hardship, amounting in effect to being double and treble taxed; and it will be felt as such to the very quick, by all the families, high and low, of those hundreds of thousands who are denied their chance in the returned fruits of their own industry. This is the thing meant by those who look upon the public revenue only as a spoil, and will naturally wish to have as few as possible concerned in the division of the booty. If a state should be so unhappy as to think it cannot subsist without such a barbarous proscription, the persons so proscribed ought to be indemnified by the remission of a large part of their taxes, by an immunity from the offices of public burden, and by an exemption from being pressed into any military or naval service.

Common sense and common justice dictate this at least, as some sort of compensation to a people for their slavery. How many families are incapable of existing, if the little offices of the revenue and little military commissions are denied them! To deny them at home, and to make the happiness of acquiring some of them somewhere else felony or high treason, is a piece of cruelty, in which, till very lately, I did not suppose this age capable of persisting. Formerly a similarity of religion made a sort of country for a man in some quarter or other. A refugee for religion was a protected character. Now the reception is cold indeed; and therefore, as the asylum abroad is destroyed, the hardship at home is doubled. This hardship is the more intolerable because the professions are shut up. The Church is so of course. Much is to be said on that subject, in regard to them, and to the Protestant Dissenters. But that is a chapter by itself. I am sure I wish well to that Church, and think its ministers among the very best citizens of your country. However, such as it is, a great walk in life is forbidden ground to seventeen hundred thousand of the inhabitants of Ireland. Why are they excluded from the law? Do not they expend money in their suits? Why may not they indemnify themselves, by profiting, in the persons of some, for the losses incurred by others? Why may not they have persons of confidence, whom they may, if they please, employ in the agency of their affairs? The exclusion from the law, from grand juries, from sheriffships and under-

sheriffships, as well as from freedom in any corporation, may subject them to dreadful hardships, as it may exclude them wholly from all that is beneficial and expose them to all that is mischievous in a trial by jury. This was manifestly within my own observation, for I was three times in Ireland from the year 1760 to the year 1767, where I had sufficient means of information concerning the inhuman proceedings (among which were many cruel murders, besides an infinity of outrages and oppressions unknown before in a civilized age) which prevailed during that period, in consequence of a pretended conspiracy among *Roman Catholics* against the king's government. I could dilate upon the mischiefs that may happen, from those which have happened, upon this head of disqualification, if it were at all necessary.

The head of exclusion from votes for members of Parliament is closely connected with the former. When you cast your eye on the statute-book, you will see that no *Catholic*, even in the ferocious acts of Queen Anne, was disabled from voting on account of his religion. The only conditions required for that privilege were the oaths of allegiance and abjuration, — both oaths relative to a civil concern. Parliament has since added another oath of the same kind; and yet a House of Commons, adding to the securities of government in proportion as its danger is confessedly lessened, and professing both confidence and indulgence, in effect takes away the privilege left by an act full of jealousy and professing persecution.

The taking away of a vote is the taking away the shield which the subject has, not only against the oppression of power, but that worst of all oppressions, the persecution of private society and private manners. No candidate for Parliamentary influence is obliged to the least attention towards them, either in cities or counties. On the contrary, if they should become obnoxious to any bigoted or malignant people amongst whom they live, it will become the interest of those who court popular favor to use the numberless means which always reside in magistracy and influence to oppress them. The proceedings in a certain county in Munster, during the unfortunate period I have mentioned, read a strong lecture on the cruelty of depriving men of that shield on account of their speculative opinions. The Protestants of Ireland feel well and naturally on the hardship of being bound by laws in the enacting of which they do not directly or indirectly vote. The bounds of these matters are nice, and hard to be settled in theory, and perhaps they have been pushed too far. But how they can avoid the necessary application of the principles they use in their disputes with others to their disputes with their fellow-citizens, I know not.

It is true, the words of this act do not create a disability; but they clearly and evidently suppose it. There are few *Catholic* freeholders to take the benefit of the privilege, if they were permitted to partake it; but the manner in which this very right in freeholders at large is defended is not on the idea that the freeholders do really and truly represent the people, but that, all people being capable of obtaining

freeholds, all those who by their industry and sobriety merit this privilege have the means of arriving at votes. It is the same with the corporations.

The laws against foreign education are clearly the very worst part of the old code. Besides your laity, you have the succession of about four thousand clergymen to provide for. These, having no lucrative objects in prospect, are taken very much out of the lower orders of the people. At home they have no means whatsoever provided for their attaining a clerical education, or indeed any education at all. When I was in Paris, about seven years ago, I looked at everything, and lived with every kind of people, as well as my time admitted. I saw there the Irish college of the Lombard, which seemed to me a very good place of education, under excellent orders and regulations, and under the government of a very prudent and learned man (the late Dr. Kelly). This college was possessed of an annual fixed revenue of more than a thousand pound a year, the greatest part of which had arisen from the legacies and benefactions of persons educated in that college, and who had obtained promotions in France, from the emolument of which promotions they made this grateful return. One in particular I remember, to the amount of ten thousand livres annually, as it is recorded on the donor's monument in their chapel.

It has been the custom of poor persons in Ireland to pick up such knowledge of the Latin tongue as, under the general discouragements, and occasional pursuits of magistracy, they were able to acquire; and receiving orders at home, were sent abroad to obtain a clerical education. By officiating in petty chaplainships, and performing now and then certain offices of religion for small gratuities, they received the means of maintaining themselves until they were able to complete their education. Through such difficulties and discouragements, many of them have arrived at a very considerable proficiency, so as to be marked and distinguished abroad. These persons afterwards, by being sunk in the most abject poverty, despised and ill-treated by the higher orders among Protestants, and not much better esteemed or treated even by the few persons of fortune of their own persuasion, and contracting the habits and ways of thinking of the poor and uneducated, among whom they were obliged to live, in a few years retained little or no traces of the talents and acquirements which distinguished them in the early periods of their lives. Can we with justice cut them off from the use of places of education founded for the greater part from the economy of poverty and exile, without providing something that is equivalent at home?

Whilst this restraint of foreign and domestic education was part of an horrible and impious system of servitude, the members were well fitted to the body. To render men patient under a deprivation of all the rights of human nature, everything which could give them a knowledge or feeling of those rights was rationally forbidden. To render humanity fit to be insulted, it was fit that it should be degraded. But when we profess to restore men to the capacity for property, it is equally irrational and unjust to deny them the power of improving their minds as

well as their fortunes. Indeed, I have ever thought the prohibition of the means of improving our rational nature to be the worst species of tyranny that the insolence and perverseness of mankind ever dared to exercise. This goes to all men, in all situations, to whom education can be denied.

Your Lordship mentions a proposal which came from my friend, the Provost, whose benevolence and enlarged spirit I am perfectly convinced of, — which is, the proposal of erecting a few sizarships in the college, for the education (I suppose) of Roman Catholic clergymen. He certainly meant it well; but, coming from such a man as he is, it is a strong instance of the danger of suffering any description of men to fall into entire contempt. The charities intended for them are not perceived to be fresh insults; and the true nature of their wants and necessities being unknown, remedies wholly unsuitable to the nature of their complaint are provided for them. It is to feed a sick Gentoo with beef broth, and to foment his wounds with brandy. If the other parts of the university were open to them, as well on the foundation as otherwise, the offering of sizarships would be a proportioned part of a *general* kindness. But when everything *liberal* is withheld, and only that which is *servile* is permitted, it is easy to conceive upon what footing they must be in such a place.

Mr. Hutchinson must well know the regard and honor I have for him; and he cannot think my dissenting from him in this particular arises from a disregard of his opinion: it only shows that I think he has lived in Ireland. To have any respect for the character and person of a Popish priest there — oh, 'tis an uphill work indeed! But until we come to respect what stands in a respectable light with others, we are very deficient in the temper which qualifies us to make any laws and regulations about them: it even disqualifies us from being charitable to them with any effect or judgment.

When we are to provide for the education of any body of men, we ought seriously to consider the particular functions they are to perform in life. A Roman Catholic clergyman is the minister of a very ritual religion, and by his profession subject to many restraints. His life is a life full of strict observances; and his duties are of a laborious nature towards himself, and of the highest possible trust towards others. The duty of confession alone is sufficient to set in the strongest light the necessity of his having an appropriated mode of education. The theological opinions and peculiar rites of one religion never can be properly taught in universities founded for the purposes and on the principles of another which in many points are directly opposite. If a Roman Catholic clergyman, intended for celibacy and the function of confession, is not strictly bred in a seminary where these things are respected, inculcated, and enforced, as sacred, and not made the subject of derision and obloquy, he will be ill fitted for the former, and the latter will be indeed in his hands a terrible instrument.

There is a great resemblance between, the whole frame and constitution of the Greek and Latin Churches. The secular clergy in the former, by being married, living under little restraint, and having no particular education suited to their function, are universally fallen into such contempt that they are never permitted to aspire to the dignities of their own Church. It is not held respectful to call them *Papas*, their true and ancient appellation, but those who wish to address them with civility always call them *Hieromonachi*. In consequence of this disrespect, which I venture to say, in such a Church, must be the consequence of a secular life, a very great degeneracy from reputable Christian manners has taken place throughout almost the whole of that great member of the Christian Church.

It was so with the Latin Church, before the restraint on marriage. Even that restraint gave rise to the greatest disorders before the Council of Trent, which, together with the emulation raised and the good examples given by the Reformed churches, wherever they were in view of each other, has brought on that happy amendment which we see in the Latin communion, both at home and abroad.

The Council of Trent has wisely introduced the discipline of seminaries, by which priests are not trusted for a clerical institution even to the severe discipline of their colleges, but, after they pass through them, are frequently, if not for the greater part, obliged to pass through peculiar methods, having their particular ritual function in view. It is in a great measure to this, and to similar methods used in foreign education, that the Roman Catholic clergy of Ireland, miserably provided for, living among low and ill-regulated people, without any discipline of sufficient force to secure good manners, have been prevented from becoming an intolerable nuisance to the country, instead of being, as I conceive they generally are, a very great service to it.

The ministers of Protestant churches require a different mode of education, more liberal, and more fit for the ordinary intercourse of life. That religion having little hold on the minds of people by external ceremonies and extraordinary observances, or separate habits of living, the clergy make up the deficiency by cultivating their minds with all kinds of ornamental learning, which the liberal provision made in England and Ireland for the parochial clergy, (to say nothing of the ample Church preferments, with little or no duties annexed,) and the comparative lightness of parochial duties, enables the greater part of them in some considerable degree to accomplish.

This learning, which I believe to be pretty general, together with an higher situation, and more chastened by the opinion of mankind, forms a sufficient security for the morals of the established clergy, and for their sustaining their clerical character with dignity. It is not necessary to observe, that all these things are, however, collateral to their function, and that, except in preaching, which may be and is supplied, and often best supplied, out of printed books, little else is necessary for a Protestant minister than to be able to read the English language, — I mean for

the exercise of his function, not to the qualification of his admission to it. But a Popish parson in Ireland may do very well without any considerable classical erudition, or any proficiency in pure or mixed mathematics, or any knowledge of civil history. Even if the Catholic clergy should possess those acquisitions, as at first many of them do, they soon lose them in the painful course of professional and parochial duties: but they must have all the knowledge, and, what is to them more important than the knowledge, the discipline, necessary to those duties. All modes of education conducted by those whose minds are cast in another mould, as I may say, and whose original ways of thinking are formed upon the reverse pattern, must be to them not only useless, but mischievous. Just as I should suppose the education in a Popish ecclesiastical seminary would be ill fitted for a Protestant clergyman. To educate a Catholic priest in a Protestant seminary would be much worse. The Protestant educated amongst Catholics has only something to reject: what he keeps may be useful. But a Catholic parish priest learns little for his peculiar purpose and duty in a Protestant college.

All this, my Lord, I know very well, will pass for nothing with those who wish that the Popish clergy should be illiterate, and in a situation to produce contempt and detestation. Their minds are wholly taken up with party squabbles, and I have neither leisure nor inclination to apply any part of what I have to say to those who never think of religion or of the commonwealth in any other light than as they tend to the prevalence of some faction in either. I speak on a supposition that there is a disposition *to take the state in the condition in which it is found*, and to improve it *in that state* to the best advantage. Hitherto the plan for the government of Ireland has been to sacrifice the civil prosperity of the nation to its religious improvement. But if people in power there are at length come to entertain other ideas, they will consider the good order, decorum, virtue, and morality of every description of men among them as of infinitely greater importance than the struggle (for it is nothing better) to change those descriptions by means which put to hazard objects which, in my poor opinion, are of more importance to religion and to the state than all the polemical matter which has been agitated among men from the beginning of the world to this hour.

On this idea, an education fitted *to each order and division of men, such as they are found*, will be thought an affair rather to be encouraged than discountenanced; and until institutions at home, suitable to the occasions and necessities of the people, are established, and which are armed, as they are abroad, with authority to coerce the young men to be formed in them by a strict and severe discipline, the means they have at present of a cheap and effectual education in other countries should not continue to be prohibited by penalties and modes of inquisition not fit to be mentioned to ears that are organized to the chaste sounds of equity and justice.

Before I had written thus far, I heard of a scheme of giving to the Castle the patronage of the presiding members of the Catholic clergy. At first I could scarcely

credit it; for I believe it is the first time that the presentation to other people's alms has been desired in any country. If the state provides a suitable maintenance and temporality for the governing members of the Irish Roman Catholic Church, and for the clergy under them, I should think the project, however improper in other respects, to be by no means unjust. But to deprive a poor people, who maintain a second set of clergy, out of the miserable remains of what is left after taxing and tithing, to deprive them of the disposition of their own charities among their own communion, would, in my opinion, be an intolerable hardship. Never were the members of one religious sect fit to appoint the pastors to another. Those who have no regard for their welfare, reputation, or internal quiet will not appoint such as are proper. The seraglio of Constantinople is as equitable as we are, whether Catholics or Protestants, — and where their own sect is concerned, full as religious. But the sport which they make of the miserable dignities of the Greek Church, the little factions of the harem to which they make them subservient, the continual sale to which they expose and reëxpose the same dignity, and by which they squeeze all the inferior orders of the clergy, is (for I have had particular means of being acquainted with it) nearly equal to all the other oppressions together, exercised by Mussulmen over the unhappy members of the Oriental Church. It is a great deal to suppose that even the present Castle would nominate bishops for the Roman Church of Ireland with a religious regard for its welfare. Perhaps they cannot, perhaps they dare not do it.

But suppose them to be as well inclined as I know that I am to do the Catholics all kind of justice, I declare I would not, if it were in my power, take that patronage on myself. I know I ought not to do it. I belong to another community, and it would be intolerable usurpation for me to affect such authority, where I conferred no benefit, or even if I did confer (as in some degree the seraglio does) temporal advantages. But allowing that the *present* Castle finds itself fit to administer the government of a church which they solemnly forswear, and forswear with very hard words and many evil epithets, and that as often as they qualify themselves for the power which is to give this very patronage, or to give anything else that they desire, — yet they cannot insure themselves that a man like the late Lord Chesterfield will not succeed to them. This man, while he was duping the credulity of Papists with fine words in private, and commending their good behavior during a rebellion in Great Britain, (as it well deserved to be commended and rewarded,) was capable of urging penal laws against them in a speech from the throne, and of stimulating with provocatives the wearied and half-exhausted bigotry of the then Parliament of Ireland. They set to work, but they were at a loss what to do; for they had already almost gone through every contrivance which could *waste the vigor* of their country: but, after much struggle, they produced a child of their old age, the shocking and unnatural act about marriages, which tended to finish the scheme for making the people not only two distinct parties forever, but keeping them as two distinct species

in the same land. Mr. Gardiner's humanity was shocked at it, as one of the worst parts of that truly barbarous system, if one could well settle the preference, where almost all the parts were outrages on the rights of humanity and the laws of Nature.

Suppose an atheist, playing the part of a bigot, should be in power again in that country, do you believe that he would faithfully and religiously administer the trust of appointing pastors to a church which, wanting every other support, stands in tenfold need of ministers who will be dear to the people committed to their charge, and who will exercise a really paternal authority amongst them? But if the superior power was always in a disposition to dispense conscientiously, and like an upright trustee and guardian of these rights which he holds for those with whom he is at variance, has he the capacity and means of doing it? How can the Lord-Lieutenant form the least judgment of their merits, so as to discern which of the Popish priests is fit to be made a bishop? It cannot be: the idea is ridiculous. He will hand them over to lords-lieutenant of counties, justices of the peace, and other persons, who, for the purpose of vexing and turning to derision this miserable people, will pick out the worst and most obnoxious they can find amongst the clergy to set over the rest. Whoever is complained against by his brother will be considered as persecuted; whoever is censured by his superior will be looked upon as oppressed; whoever is careless in his opinions and loose in his morals will be called a liberal man, and will be supposed to have incurred hatred because he was not a bigot. Informers, tale-bearers, perverse and obstinate men, flatterers, who turn their back upon their flock and court the Protestant gentlemen of the country, will be the objects of preferment. And then I run no risk in foretelling that whatever order, quiet, and morality you have in the country will be lost. A Popish clergy who are not restrained by the most austere subordination will become a nuisance, a real public grievance of the heaviest kind, in any country that entertains them; and instead of the great benefit which Ireland does and has long derived from them, if they are educated without any idea of discipline and obedience, and then put under bishops who do not owe their station to their good opinion, and whom they cannot respect, that nation will see disorders, of which, bad as things are, it has yet no idea. I do not say this, as thinking the leading men in Ireland would exercise this trust worse than others. Not at all. No man, no set of men living are fit to administer the affairs or regulate the interior economy of a church to which they are enemies.

As to government, if I might recommend a prudent caution to them, it would be, to innovate as little as possible, upon speculation, in establishments from which, as they stand, they experience no material inconvenience to the repose of the country, — *quieta non movere*.

I could say a great deal more; but I am tired, and am afraid your Lordship is tired too. I have not sat to this letter a single quarter of an hour without interruption. It has grown long, and probably contains many repetitions, from my total want of leisure to digest and consolidate my thoughts; and as to my expressions, I could wish

to be able perhaps to measure them more exactly. But my intentions are fair, and I certainly mean to offend nobody.

Thinking over this matter more maturely, I see no reason for altering my opinion in any part. The act, as far as it goes, is good undoubtedly. It amounts, I think, very nearly to a *toleration*, with respect to religious ceremonies; but it puts a new bolt on civil rights, and rivets it to the old one in such a manner, that neither, I fear, will be easily loosened. What I could have wished would be, to see the civil advantages take the lead; the other, of a religious toleration, I conceive, would follow, (in a manner,) of course. From what I have observed, it is pride, arrogance, and a spirit of domination, and not a bigoted spirit of religion, that has caused and kept up those oppressive statutes. I am sure I have known those who have oppressed Papists in their civil rights exceedingly indulgent to them in their religious ceremonies, and who really wished them to continue Catholics, in order to furnish pretences for oppression. These persons never saw a man (by converting) escape out of their power, but with grudging and regret. I have known men to whom I am not uncharitable in saying (though they are dead) that they would have become Papists in order to oppress Protestants, if, being Protestants, it was not in their power to oppress Papists. It is injustice, and not a mistaken conscience, that has been the principle of persecution, — at least, as far as it has fallen under my observation. — However, as I began, so I end. I do not know the map of the country. Mr. Gardiner, who conducts this great and difficult work, and those who support him, are better judges of the business than I can pretend to be, who have not set my foot in Ireland these sixteen years. I have been given to understand that I am not considered as a friend to that country; and I know that pains have been taken to lessen the credit that I might have had there.

I am so convinced of the weakness of interfering in any business, without the opinion of the people in whose business I interfere, that I do not know how to acquit myself of what I have now done.

I have the honor to be, with high regard and esteem, my Lord,
Your Lordship's most obedient
And humble servant, &c.
EDMUND BURKE.

**A LETTER TO SIR HERCULES LANGRISHE, BART., M.P.,
ON THE SUBJECT OF THE ROMAN CATHOLICS OF
IRELAND, THE PROPRIETY OF ADMITTING THEM TO THE
ELECTIVE FRANCHISE, CONSISTENTLY WITH THE
PRINCIPLES OF THE CONSTITUTION, AS ESTABLISHED AT
THE REVOLUTION. 1792.**

My Dear Sir, — Your remembrance of me, with sentiments of so much kindness, has given me the most sincere satisfaction. It perfectly agrees with the friendly and hospitable reception which my son and I received from you some time since, when, after an absence of twenty-two years, I had the happiness of embracing you, among my few surviving friends.

I really imagined that I should not again interest myself in any public business. I had, to the best of my moderate faculties, paid my club to the society which I was born in some way or other to serve; and I thought I had a right to put on my night-gown and slippers, and wish a cheerful evening to the good company I must leave behind. But if our resolutions of vigor and exertion are so often broken or procrastinated in the execution, I think we may be excused, if we are not very punctual in fulfilling our engagements to indolence and inactivity. I have, indeed, no power of action, and am almost a cripple even with regard to thinking; but you descend with force into the stagnant pool, and you cause such a fermentation as to cure at least one impotent creature of his lameness, though it cannot enable him either to run or to wrestle.

You see by the paper I take that I am likely to be long, with malice prepense. You have brought under my view a subject always difficult, at present critical. It has filled my thoughts, which I wish to lay open to you with the clearness and simplicity which your friendship demands from me. I thank you for the communication of your ideas. I should be still more pleased, if they had been more your own. What you hint I believe to be the case: that, if you had not deferred to the judgment of others, our opinions would not differ more materially at this day than they did when we used to confer on the same subject so many years ago. If I still persevere in my old opinions, it is no small comfort to me that it is not with regard to doctrines properly yours that I discover my indocility.

The case upon which your letter of the 10th of December turns is hardly before me with precision enough to enable me to form any very certain judgment upon it. It seems to be some plan of further indulgence proposed for the Catholics of Ireland. You observe, that your “general principles are not changed, but that *times and circumstances are altered.*” I perfectly agree with you, that times and

circumstances, considered with reference to the public, ought very much to govern our conduct, — though I am far from slighting, when applied with discretion to those circumstances, general principles and maxims of policy. I cannot help observing, however, that you have said rather less upon the inapplicability of your own old principles to the *circumstances* that are likely to influence your conduct against these principles than of the *general* maxims of state, which I can very readily believe not to have great weight with you personally.

In my present state of imperfect information, you will pardon the errors into which I may easily fall. The principles you lay down are, “that the Roman Catholics should enjoy everything *under* the state, but should not be *the state itself*.” And you add, “that, when you exclude them from being *a part of the state*, you rather conform to the spirit of the age than to any abstract doctrine”; but you consider the Constitution as already established, — that our state is Protestant. “It was declared so at the Revolution. It was so provided in the acts for settling the succession of the crown: — the king’s coronation oath was enjoined in order to keep it so. The king, as first magistrate of the state, is obliged to take the oath of abjuration, and to subscribe the Declaration; and by laws subsequent, every other magistrate and member of the state, legislative and executive, are bound under the same obligation.”

As to the plan to which these maxims are applied, I cannot speak, as I told you, positively about it: because neither from your letter, nor from any information I have been able to collect, do I find anything settled, either on the part of the Roman Catholics themselves, or on that of any persons who may wish to conduct their affairs in Parliament. But if I have leave to conjecture, something is in agitation towards admitting them, under *certain qualifications*, to have *some share* in the election of members of Parliament. This I understand is the scheme of those who are entitled to come within your description of persons of consideration, property, and character, — and firmly attached to the king and Constitution, as by “law established, with a grateful sense of your former concessions, and a patient reliance on the benignity of Parliament for the further mitigation of the laws that still affect them.” — As to the low, thoughtless, wild, and profligate, who have joined themselves with those of other professions, but of the same character, you are not to imagine that for a moment I can suppose them to be met with anything else than the manly and enlightened energy of a firm government, supported by the united efforts of all virtuous men, if ever their proceedings should become so considerable as to demand its notice. I really think that such associations should be crushed in their very commencement.

Setting, therefore, this case out of the question, it becomes an object of very serious consideration, whether, because wicked men of *various* descriptions are engaged in seditious courses, the rational, sober, and valuable part of *one* description should not be indulged in their sober and rational expectations. You,

who have looked deeply into the spirit of the Popery laws, must be perfectly sensible that a great part of the present mischief which we abhor in common (if it at all exists) has arisen from them. Their declared object was, to reduce the Catholics of Ireland to a miserable populace, without property, without estimation, without education. The professed object was, to deprive the few men, who, in spite of those laws, might hold or obtain any property amongst them, of all sort of influence or authority over the rest. They divided the nation into two distinct bodies, without common interest, sympathy, or connection. One of these bodies was to possess *all* the franchises, *all* the property, *all* the education: the other was to be composed of drawers of water and cutters of turf for them. Are we to be astonished, when, by the efforts of so much violence in conquest, and so much policy in regulation, continued without intermission for near an hundred years, we had reduced them to a mob, that, whenever they came to act at all, many of them would act exactly like a mob, without temper, measure, or foresight? Surely it might be just now a matter of temperate discussion, whether you ought not to apply a remedy to the real cause of the evil. If the disorder you speak of be real and considerable, you ought to raise an aristocratic interest, that is, an interest of property and education, amongst them, — and to strengthen, by every prudent means, the authority and influence of men of that description. It will deserve your best thoughts, to examine whether this can be done without giving such persons the means of demonstrating to the rest that something more is to be got by their temperate conduct than can be expected from the wild and senseless projects of those who do not belong to their body, who have no interest in their well-being, and only wish to make them the dupes of their turbulent ambition.

If the absurd persons you mention find no way of providing for liberty, but by overturning this happy Constitution, and introducing a frantic democracy, let us take care how we prevent better people from any rational expectations of partaking in the benefits of that Constitution *as it stands*. The maxims you establish cut the matter short. They have no sort of connection with the good or the ill behavior of the persons who seek relief, or with the proper or improper means by which they seek it. They form a perpetual bar to all pleas and to all expectations.

You begin by asserting, that “the Catholics ought to enjoy all things *under* the state, but that they ought not to *be the state*”: a position which, I believe, in the latter part of it, and in the latitude there expressed, no man of common sense has ever thought proper to dispute; because the contrary implies that the state ought to be in them *exclusively*. But before you have finished the line, you express yourself as if the other member of your proposition, namely, that “they ought not to be a *part* of the state,” were necessarily included in the first, — whereas I conceive it to be as different as a part is from the whole, that is, just as different as possible. I know, indeed, that it is common with those who talk very differently from you, that is, with heat and animosity, to confound those things, and to argue the admission of

the Catholics into any, however minute and subordinate, parts of the state, as a surrender into their hands of the whole government of the kingdom. To them I have nothing at all to say.

Wishing to proceed with a deliberative spirit and temper in so very serious a question, I shall attempt to analyze, as well as I can, the principles you lay down, in order to fit them for the grasp of an understanding so little comprehensive as mine. — “State,” — “Protestant,” — “Revolution.” These are terms which, if not well explained, may lead us into many errors. In the word *State* I conceive there is much ambiguity. The state is sometimes used to signify *the whole commonwealth*, comprehending all its orders, with the several privileges belonging to each. Sometimes it signifies only *the higher and ruling part* of the commonwealth, which we commonly call *the Government*. In the first sense, to be under the state, but not the state itself, *nor any part of it*, that is, to be nothing at all in the commonwealth, is a situation perfectly intelligible, — but to those who fill that situation, not very pleasant, when it is understood. It is a state of *civil servitude*, by the very force of the definition. *Servorum non est respublica* is a very old and a very true maxim. This servitude, which makes men *subject* to a state without being *citizens*, may be more or less tolerable from many circumstances; but these circumstances, more or less favorable, do not alter the nature of the thing. The mildness by which absolute masters exercise their dominion leaves them masters still. We may talk a little presently of the manner in which the majority of the people of Ireland (the Catholics) are affected by this situation, which at present undoubtedly is theirs, and which you are of opinion ought so to continue forever.

In the other sense of the word *State*, by which is understood the *Supreme Government* only, I must observe this upon the question: that to exclude whole classes of men entirely from this *part* of government cannot be considered as *absolute slavery*. It only implies a lower and degraded state of citizenship: such is (with more or less strictness) the condition of all countries in which an hereditary nobility possess the exclusive rule. This may be no bad mode of government, — provided that the personal authority of individual nobles be kept in due bounds, that their cabals and factions are guarded against with a severe vigilance, and that the people (who have no share in granting their own money) are subjected to but light impositions, and are otherwise treated with attention, and with indulgence to their humors and prejudices.

The republic of Venice is one of those which strictly confines all the great functions and offices, such as are truly *state* functions and *state* offices, to those who by hereditary right or admission are noble Venetians. But there are many offices, and some of them not mean nor unprofitable, (that of Chancellor is one,) which are reserved for the *cittadini*. Of these all citizens of Venice are capable. The inhabitants of the *terra firma*, who are mere subjects of conquest, that is, as you express it, under the state, but “not a part of it,” are not, however, subjects in so

very rigorous a sense as not to be capable of numberless subordinate employments. It is, indeed, one of the advantages attending the narrow bottom of their aristocracy, (narrow as compared with their acquired dominions, otherwise broad enough,) that an exclusion from such employments cannot possibly be made amongst their subjects. There are, besides, advantages in states so constituted, by which those who are considered as of an inferior race are indemnified for their exclusion from the government, and from nobler employments. In all these countries, either by express law, or by usage more operative, the noble castes are almost universally, in their turn, excluded from commerce, manufacture, farming of land, and in general from all lucrative civil professions. The nobles have the monopoly of honor; the plebeians a monopoly of all the means of acquiring wealth. Thus some sort of a balance is formed among conditions; a sort of compensation is furnished to those who, in a *limited sense*, are excluded from the government of the state.

Between the extreme of *a total exclusion*, to which your maxim goes, and *an universal unmodified capacity*, to which the fanatics pretend, there are many different degrees and stages, and a great variety of temperaments, upon which prudence may give full scope to its exertions. For you know that the decisions of prudence (contrary to the system of the insane reasoners) differ from those of judicature; and that almost all the former are determined on the more or the less, the earlier or the later, and on a balance of advantage and inconvenience, of good and evil.

In all considerations which turn upon the question of vesting or continuing the state solely and exclusively in some one description of citizens, prudent legislators will consider how far *the general form and principles of their commonwealth render it fit to be cast into an oligarchical shape, or to remain always in it*. We know that the government of Ireland (the same as the British) is not in its constitution *wholly* aristocratical; and as it is not such in its form, so neither is it in its spirit. If it had been inveterately aristocratical, exclusions might be more patiently submitted to. The lot of one plebeian would be the lot of all; and an habitual reverence and admiration of certain families might make the people content to see government wholly in hands to whom it seemed naturally to belong. But our Constitution has *a plebeian member*, which forms an essential integrant part of it. A plebeian oligarchy is a monster; and no people, not absolutely domestic or predial slaves, will long endure it. The Protestants of Ireland are not *alone* sufficiently the people to form a democracy; and they are *too numerous* to answer the ends and purposes of *an aristocracy*. Admiration, that first source of obedience, can be only the claim or the imposture of the few. I hold it to be absolutely impossible for two millions of plebeians, composing certainly a very clear and decided majority in that class, to become so far in love with six or seven hundred thousand of their fellow-citizens (to all outward appearance plebeians like themselves, and many of them tradesmen, servants, and otherwise inferior to some of them) as to see with satisfaction, or even

with patience, an exclusive power vested in them, by which *constitutionally* they become the absolute masters, and, by the *manners* derived from their circumstances, must be capable of exercising upon them, daily and hourly, an insulting and vexatious superiority. Neither are the majority of the Irish indemnified (as in some aristocracies) for this state of humiliating vassalage (often inverting the nature of things and relations) by having the lower walks of industry wholly abandoned to them. They are rivalled, to say the least of the matter, in every laborious and lucrative course of life; while every franchise, every honor, every trust, every place, down to the very lowest and least confidential, (besides whole professions,) is reserved for the master caste.

Our Constitution is not made for great, general, and proscriptive exclusions; sooner or later it will destroy them, or they will destroy the Constitution. In our Constitution there has always been a difference between *a franchise* and *an office*, and between the capacity for the one and for the other. Franchises were supposed to belong to the *subject*, as *a subject*, and not as *a member of the governing part of the state*. The policy of government has considered them as things very different; for, whilst Parliament excluded by the test acts (and for a while these test acts were not a dead letter, as now they are in England) Protestant Dissenters from all civil and military employments, they *never touched their right of voting for members of Parliament or sitting in either House*: a point I state, not as approving or condemning, with regard to them, the measure of exclusion from employments, but to prove that the distinction has been admitted in legislature, as, in truth, it is founded in reason.

I will not here examine whether the principles of the British [the Irish] Constitution be wise or not. I must assume that they are, and that those who partake the franchises which make it partake of a benefit. They who are excluded from votes (under proper qualifications inherent in the Constitution that gives them) are excluded, not from *the state*, but from *the British Constitution*. They cannot by any possibility, whilst they hear its praises continually rung in their ears, and are present at the declaration which is so generally and so bravely made by those who possess the privilege, that the best blood in their veins ought to be shed to preserve their share in it, — they, the disfranchised part, cannot, I say, think themselves in an *happy* state, to be utterly excluded from all its direct and all its consequential advantages. The popular part of the Constitution must be to them by far the most odious part of it. To them it is not an *actual*, and, if possible, still less a *virtual* representation. It is, indeed, the direct contrary. It is power unlimited placed in the hands of *an adverse* description *because it is an adverse description*. And if they who compose the privileged body have not an interest, they must but too frequently have motives of pride, passion, petulance, peevish jealousy, or tyrannic suspicion, to urge them to treat the excluded people with contempt and rigor.

This is not a mere theory; though, whilst men are men, it is a theory that cannot be false. I do not desire to revive all the particulars in my memory; I wish them to sleep forever; but it is impossible I should wholly forget what happened in some parts of Ireland, with very few and short intermissions, from the year 1761 to the year 1766, both inclusive. In a country of miserable police, passing from the extremes of laxity to the extremes of rigor, among a neglected and therefore disorderly populace, if any disturbance or sedition, from any grievance real or imaginary, happened to arise, it was presently perverted from its true nature, often criminal enough in itself to draw upon it a severe, appropriate punishment: it was metamorphosed into a conspiracy against the state, and prosecuted as such. Amongst the Catholics, as being by far the most numerous and the most wretched, all sorts of offenders against the laws must commonly be found. The punishment of low people for the offences usual among low people would warrant no inference against any descriptions of religion or of politics. Men of consideration from their age, their profession, or their character, men of proprietary landed estates, substantial renters, opulent merchants, physicians, and titular bishops, could not easily be suspected of riot in open day, or of nocturnal assemblies for the purpose of pulling down hedges, making breaches in park-walls, firing barns, maiming cattle, and outrages of a similar nature, which characterize the disorders of an oppressed or a licentious populace. But when the evidence given on the trial for such misdemeanors qualified them as overt acts of high treason, and when witnesses were found (such witnesses as they were) to depose to the taking of oaths of allegiance by the rioters to the king of France, to their being paid by his money, and embodied and exercised under his officers, to overturn the state for the purposes of that potentate, — in that case, the rioters might (if the witness was believed) be supposed only the troops, and persons more reputable the leaders and commanders, in such a rebellion. All classes in the obnoxious description, who could not be suspected of the lower crime of riot, might be involved in the odium, in the suspicion, and sometimes in the punishment, of a higher and far more criminal species of offence. These proceedings did not arise from any one of the Popery laws since repealed, but from this circumstance, that, when it answered the purposes of an election party or a malevolent person of influence to forge such plots, the people had no protection. The people of that description have no hold on the gentlemen who aspire to be popular representatives. The candidates neither love nor respect nor fear them, individually or collectively. I do not think this evil (an evil amongst a thousand others) at this day entirely over; for I conceive I have lately seen some indication of a disposition perfectly similar to the old one, — that is, a disposition to carry the imputation of crimes from persons to descriptions, and wholly to alter the character and quality of the offences themselves.

This universal exclusion seems to me a serious evil, — because many collateral oppressions, besides what I have just now stated, have arisen from it. In things of

this nature it would not be either easy or proper to quote chapter and verse; but I have great reason to believe, particularly since the Octennial Act, that several have refused at all to let their lands to Roman Catholics, because it would so far disable them from promoting such interests in counties as they were inclined to favor. They who consider also the state of all sorts of tradesmen, shopkeepers, and particularly publicans in towns, must soon discern the disadvantages under which those labor who have no votes. It cannot be otherwise, whilst the spirit of elections and the tendencies of human nature continue as they are. If property be artificially separated from franchise, the franchise must in some way or other, and in some proportion, naturally attract property to it. Many are the collateral disadvantages, amongst a *privileged* people, which must attend on those who have *no* privileges.

Among the rich, each individual, with or without a franchise, is of importance; the poor and the middling are no otherwise so than as they obtain some collective capacity, and can be aggregated to some corps. If legal ways are not found, illegal will be resorted to; and seditious clubs and confederacies, such as no man living holds in greater horror than I do, will grow and flourish, in spite, I am afraid, of anything which can be done to prevent the evil. Lawful enjoyment is the surest method to prevent unlawful gratification. Where there is property, there will be less theft; where there is marriage, there will always be less fornication.

I have said enough of the question of state, *as it affects the people merely as such*. But it is complicated with a political question relative to religion, to which it is very necessary I should say something, — because the term *Protestant*, which you apply, is too general for the conclusions which one of your accurate understanding would wish to draw from it, and because a great deal of argument will depend on the use that is made of that term.

It is *not* a fundamental part of the settlement at the Revolution that the state should be Protestant *without any qualification of the term*. With a qualification it is unquestionably true; not in all its latitude. With the qualification, it was true before the Revolution. Our predecessors in legislation were not so irrational (not to say impious) as to form an operose ecclesiastical establishment, and even to render the state itself in some degree subservient to it, when their religion (if such it might be called) was nothing but a mere *negation* of some other, — without any positive idea, either of doctrine, discipline, worship, or morals, in the scheme which they professed themselves, and which they imposed upon others, even under penalties and incapacities. No! No! This never could have been done, even by reasonable atheists. They who think religion of no importance to the state have abandoned it to the conscience or caprice of the individual; they make no provision for it whatsoever, but leave every club to make, or not, a voluntary contribution towards its support, according to their fancies. This would be consistent. The other always appeared to me to be a monster of contradiction and absurdity. It was for that reason, that, some years ago, I strenuously opposed the clergy who petitioned, to the

number of about three hundred, to be freed from the subscription to the Thirty-Nine Articles, without proposing to substitute any other in their place. There never has been a religion of the state (the few years of the Parliament only excepted) but that of *the Episcopal Church of England*: the Episcopal Church of England, before the Reformation, connected with the see of Rome; since then, disconnected, and protesting against some of her doctrines, and against the whole of her authority, as binding in our national church: nor did the fundamental laws of this kingdom (in Ireland it has been the same) ever know, at any period, any other church *as an object of establishment*, — or, in that light, any other Protestant religion. Nay, our Protestant *toleration* itself, at the Revolution, and until within a few years, required a signature of thirty-six, and a part of the thirty-seventh, out of the Thirty-Nine Articles. So little idea had they at the Revolution of *establishing* Protestantism indefinitely, that they did not indefinitely *tolerate* it under that name. I do not mean to praise that strictness, where nothing more than merely religious toleration is concerned. Toleration, being a part of moral and political prudence, ought to be tender and large. A tolerant government ought not to be too scrupulous in its investigations, but may bear without blame, not only very ill-grounded doctrines, but even many things that are positively vices, where they are *adulta et prævalida*. The good of the commonwealth is the rule which rides over the rest; and to this every other must completely submit.

The Church of Scotland knows as little of Protestantism *undefined* as the Church of England and Ireland do. She has by the articles of union secured to herself the perpetual establishment of *the Confession of Faith*, and the *Presbyterian* Church government. In England, even during the troubled interregnum, it was not thought fit to establish a *negative* religion; but the Parliament settled the *Presbyterian* as the Church *discipline*, the *Directory* as the rule of public *worship*, and the *Westminster Catechism* as the institute of *faith*. This is to show that at no time was the Protestant religion, *undefined*, established here or anywhere else, as I believe. I am sure, that, when the three religions were established in Germany, they were expressly characterized and declared to be the *Evangelic*, the *Reformed*, and the *Catholic*; each of which has its confession of faith and its settled discipline: so that you always may know the best and the worst of them, to enable you to make the most of what is good, and to correct or to qualify or to guard against whatever may seem evil or dangerous.

As to the coronation oath, to which you allude, as opposite to admitting a Roman Catholic to the use of any franchise whatsoever, I cannot think that the king would be perjured, if he gave his assent to any regulation which Parliament might think fit to make with regard to that affair. The king is bound by law, as clearly specified in several acts of Parliament, to be in communion with the Church of England. It is a part of the tenure by which he holds his crown; and though no provision was made till the Revolution, which could be called positive and valid in law, to ascertain this

great principle, I have always considered it as in fact fundamental, that the king of England should be of the Christian religion, according to the national legal church for the time being. I conceive it was so before the Reformation. Since the Reformation it became doubly necessary; because the king is the head of that church, in some sort an ecclesiastical person, — and it would be incongruous and absurd to have the head of the Church of one faith, and the members of another. The king may *inherit* the crown as a *Protestant*; but he cannot *hold it*, according to law, without being a Protestant *of the Church of England*.

Before we take it for granted that the king is bound by his coronation oath not to admit any of his Catholic subjects to the rights and liberties which ought to belong to them as Englishmen, (not as religionists,) or to settle the conditions or proportions of such admission by an act of Parliament, I wish you to place before your eyes that oath itself, as it is settled in the act of William and Mary.

“Will you to the utmost of your power maintain
1 2 3
the laws of God, the true profession of the Gospel,

4

and the Protestant Reformed Religion *established by*

5

law? And will you preserve unto the *bishops* and clergy of this realm, and to the churches committed to *their* charge, all such rights and privileges as by law do or shall appertain unto them, or any of them? — All this I promise to do.”

Here are the coronation engagements of the king. In them I do not find one word to preclude his Majesty from consenting to any arrangement which Parliament may make with regard to the civil privileges of any part of his subjects.

It may not be amiss, on account of the light which it will throw on this discussion, to look a little more narrowly into the matter of that oath, — in order to discover how far it has hitherto operated, or how far in future it ought to operate, as a bar to any proceedings of the crown and Parliament in favor of those against whom it may be supposed that the king has engaged to support the Protestant Church of England in the two kingdoms in which it is established by law. First, the king swears he will maintain to the utmost of his power “the laws of God.” I suppose it means the natural moral laws. — Secondly, he swears to maintain “the

true profession of the Gospel.” By which I suppose is understood *affirmatively* the Christian religion. — Thirdly, that he will maintain “the Protestant reformed religion.” This leaves me no power of supposition or conjecture; for that Protestant reformed religion is defined and described by the subsequent words, “established by law”; and in this instance, to define it beyond all possibility of doubt, he swears to maintain the “bishops and clergy, and the churches committed to their charge,” in their rights present and future.

The oath as effectually prevents the king from doing anything to the prejudice of the Church, in favor of sectaries, Jews, Mahometans, or plain avowed infidels, as if he should do the same thing in favor of the Catholics. You will see that it is the same Protestant Church, so described, that the king is to maintain and communicate with, according to the Act of Settlement of the 12th and 13th of William the Third. The act of the 5th of Anne, made in prospect of the Union, is entitled, “An act for securing the Church of England as by law established.” It meant to guard the Church implicitly against any other mode of Protestant religion which might creep in by means of the Union. It proves beyond all doubt, that the legislature did not mean to guard the Church on one part only, and to leave it defenceless and exposed upon every other. This church, in that act, is declared to be “fundamental and essential” forever, in the Constitution of the United Kingdom, so far as England is concerned; and I suppose, as the law stands, even since the independence, it is so in Ireland.

All this shows that the religion which the king is bound to maintain has a positive part in it, as well as a negative, — and that the positive part of it (in which we are in perfect agreement with the Catholics and with the Church of Scotland) is infinitely the most valuable and essential. Such an agreement we had with Protestant Dissenters in England, of those descriptions who came under the Toleration Act of King William and Queen Mary: an act coeval with the Revolution; and which ought, on the principles of the gentlemen who oppose the relief to the Catholics, to have been held sacred and unalterable. Whether we agree with the present Protestant Dissenters in the points at the Revolution held essential and fundamental among Christians, or in any other fundamental, at present it is impossible for us to know: because, at their own very earnest desire, we have repealed the Toleration Act of William and Mary, and discharged them from the signature required by that act; and because, for the far greater part, they publicly declare against all manner of confessions of faith, even the *Consensus*.

For reasons forcible enough at all times, but at this time particularly forcible with me, I dwell a little the longer upon this matter, and take the more pains, to put us both in mind that it was not settled at the Revolution that the state should be Protestant, in the latitude of the term, but in a defined and limited sense only, and that in that sense only the king is sworn to maintain it. To suppose that the king has sworn with his utmost power to maintain what it is wholly out of his power to

discover, or which, if he could discover, he might discover to consist of things directly contradictory to each other, some of them perhaps impious, blasphemous, and seditious upon principle, would be not only a gross, but a most mischievous absurdity. If mere dissent from the Church of Rome be a merit, he that dissents the most perfectly is the most meritorious. In many points we hold strongly with that church. He that dissents throughout with that church will dissent with the Church of England, and then it will be a part of his merit that he dissents with ourselves: a whimsical species of merit for any set of men to establish. We quarrel to extremity with those who we know agree with us in many things; but we are to be so malicious even in the principle of our friendships, that we are to cherish in our bosom those who accord with us in nothing, because, whilst they despise ourselves, they abhor, even more than we do, those with whom we have some disagreement. A man is certainly the most perfect Protestant who protests against the whole Christian religion. Whether a person's having no Christian religion be a title to favor, in exclusion to the largest description of Christians, who hold all the doctrines of Christianity, though holding along with them some errors and some superfluities, is rather more than any man, who has not become recreant and apostate from his baptism, will, I believe, choose to affirm. The countenance given from a spirit of controversy to that negative religion may by degrees encourage light and unthinking people to a total indifference to everything positive in matters of doctrine, and, in the end, of practice too. If continued, it would play the game of that sort of active, proselytizing, and persecuting atheism which is the disgrace and calamity of our time, and which we see to be as capable of subverting a government as any mode can be of misguided zeal for better things.

Now let us fairly see what course has been taken relative to those against whom, in part at least, the king has sworn to maintain a church, *positive in its doctrine and its discipline*. The first thing done, even when the oath was fresh in the mouth of the sovereigns, was to give a toleration to Protestant Dissenters *whose doctrines they ascertained*. As to the mere civil privileges which the Dissenters held as subjects before the Revolution, these were not touched at all. The laws have fully permitted, in a qualification for all offices, to such Dissenters, *an occasional conformity*: a thing I believe singular, where tests are admitted. The act, called the Test Act, itself, is, with regard to them, grown to be hardly anything more than a dead letter. Whenever the Dissenters cease by their conduct to give any alarm to the government, in Church and State, I think it very probable that even this matter, rather disgusting than inconvenient to them, may be removed, or at least so modified as to distinguish the qualification to those offices which really *guide the state* from those which are *merely instrumental*, or that some other and better tests may be put in their place.

So far as to England. In Ireland you have outran us. Without waiting for an English example, you have totally, and without any modification whatsoever,

repealed the test as to Protestant Dissenters. Not having the repealing act by me, I ought not to say positively that there is no exception in it; but if it be what I suppose it is, you know very well that a Jew in religion, or a Mahometan, or even *a public, declared atheist* and blasphemer, is perfectly qualified to be Lord-Lieutenant, a lord-justice, or even keeper of the king's conscience, and by virtue of his office (if with you it be as it is with us) administrator to a great part of the ecclesiastical patronage of the crown.

Now let us deal a little fairly. We must admit that Protestant Dissent was one of the quarters from which danger was apprehended at the Revolution, and against which a part of the coronation oath was peculiarly directed. By this unqualified repeal you certainly did not mean to deny that it was the duty of the crown to preserve the Church against Protestant Dissenters; or taking this to be the true sense of the two Revolution acts of King William, and of the previous and subsequent Union acts of Queen Anne, you did not declare by this most unqualified repeal, by which you broke down all the barriers, not invented, indeed, but carefully preserved, at the Revolution, — you did not then and by that proceeding declare that you had advised the king to perjury towards God and perfidy towards the Church. No! far, very far from it! You never would have done it, if you did not think it could be done with perfect repose to the royal conscience, and perfect safety to the national established religion. You did this upon a full consideration of the circumstances of your country. Now, if circumstances required it, why should it be contrary to the king's oath, his Parliament judging on those circumstances, to restore to his Catholic people, in such measure and with such modifications as the public wisdom shall think proper to add, *some part* in these franchises which they formerly had held without any limitation at all, and which, upon no sort of urgent reason at the time, they were deprived of? If such means can with any probability be shown, from circumstances, rather to add strength to our mixed ecclesiastical and secular Constitution than to weaken it, surely they are means infinitely to be preferred to penalties, incapacities, and proscriptions, continued from generation to generation. They are perfectly consistent with the other parts of the coronation oath, in which the king swears to maintain “the laws of God and the true profession of the Gospel, and to govern the people according to the statutes in Parliament agreed upon, and the laws and customs of the realm.” In consenting to such a statute, the crown would act at least as agreeable to the laws of God, and to the true profession of the Gospel, and to the laws and customs of the kingdom, as George the First did, when he passed the statute which took from the body of the people everything which to that hour, and even after the monstrous acts of the 2nd and 8th of Anne, (the objects of our common hatred,) they still enjoyed inviolate.

It is hard to distinguish with the last degree of accuracy what laws are fundamental, and what not. However, there is a distinction between them, authorized by the writers on jurisprudence, and recognized in some of our statutes.

I admit the acts of King William and Queen Anne to be fundamental, but they are not the only fundamental laws. The law called *Magna Charta*, by which it is provided that “no man shall be disseised of his liberties and free customs but by the judgment of his peers or the laws of the land,” (meaning clearly, for some proved crime tried and adjudged,) I take to be *a fundamental law*. Now, although this *Magna Charta*, or some of the statutes establishing it, provide that that law shall be perpetual, and all statutes contrary to it shall be void, yet I cannot go so far as to deny the authority of statutes made in defiance of *Magna Charta* and all its principles. This, however, I will say, — that it is a very venerable law, made by very wise and learned men, and that the legislature, in their attempt to perpetuate it, even against the authority of future Parliaments, have shown their judgment that it is *fundamental*, on the same grounds and in the same manner that the act of the fifth of Anne has considered and declared the establishment of the Church of England to be fundamental. *Magna Charta*, which secured these franchises to the subjects, regarded the rights of freeholders in counties to be as much a fundamental part of the Constitution as the establishment of the Church of England was thought either at that time, or in the act of King William, or in the act of Queen Anne.

The churchmen who led in that transaction certainly took care of the material interest of which they were the natural guardians. It is the first article of *Magna Charta*, “that the Church of England shall be free,” &c., &c. But at that period, churchmen and barons and knights took care of the franchises and free customs of the people, too. Those franchises are part of the Constitution itself, and inseparable from it. It would be a very strange thing, if there should not only exist anomalies in our laws, a thing not easy to prevent, but that the fundamental parts of the Constitution should be perpetually and irreconcilably at variance with each other. I cannot persuade myself that the lovers of our church are not as able to find effectual ways of reconciling its safety with the franchises of the people as the ecclesiastics of the thirteenth century were able to do; I cannot conceive how anything worse can be said of the Protestant religion of the Church of England than this, — that, wherever it is judged proper to give it a legal establishment, it becomes necessary to deprive the body of the people, if they adhere to their old opinions, of “their liberties and of all their free customs,” and to reduce them to a state of *civil servitude*.

There is no man on earth, I believe, more willing than I am to lay it down as a fundamental of the Constitution, that the Church of England should be united and even identified with it; but, allowing this, I cannot allow that all *laws of regulation*, made from time to time, in support of that fundamental law, are of course equally fundamental and equally unchangeable. This would be to confound all the branches of legislation and of jurisprudence. The *crown* and the personal safety of the monarch are *fundamentals* in our Constitution: yet I hope that no man regrets that the rabble of statutes got together during the reign of Henry the Eighth, by which

treasons are multiplied with so prolific an energy, have been all repealed in a body; although they were all, or most of them, made in support of things truly fundamental in our Constitution. So were several of the acts by which the crown exercised its supremacy: such as the act of Elizabeth for making the *high commission courts*, and the like; as well as things made treason in the time of Charles the Second. None of this species of *secondary and subsidiary laws* have been held fundamental. They have yielded to circumstances; particularly where they were thought, even in their consequences, or obliquely, to affect other fundamentals. How much more, certainly, ought they to give way, when, as in our case, they affect, not here and there, in some particular point, or in their consequence, but universally, collectively, and directly, the fundamental franchises of a people equal to the whole inhabitants of several respectable kingdoms and states: equal to the subjects of the kings of Sardinia or of Denmark; equal to those of the United Netherlands; and more than are to be found in all the states of Switzerland. This way of proscribing men by whole nations, as it were, from all the benefits of the Constitution to which they were born, I never can believe to be politic or expedient, much less necessary for the existence of any state or church in the world. Whenever I shall be convinced, which will be late and reluctantly, that the safety of the Church is utterly inconsistent with all the civil rights whatsoever of the far larger part of the inhabitants of our country, I shall be extremely sorry for it; because I shall think the Church to be truly in danger. It is putting things into the position of an ugly alternative, into which I hope in God they never will be put.

I have said most of what occurs to me on the topics you touch upon, relative to the religion of the king, and his coronation oath. I shall conclude the observations which I wished to submit to you on this point by assuring you that I think you the most remote that can be conceived from the metaphysicians of our times, who are the most foolish of men, and who, dealing in universals and essences, see no difference between more and less, — and who of course would think that the reason of the law which obliged the king to be a communicant of the Church of England would be as valid to exclude a Catholic from being an exciseman, or to deprive a man who has five hundred a year, under that description, from voting on a par with a factitious Protestant Dissenting freeholder of forty shillings.

Recollect, my dear friend, that it was a fundamental principle in the French monarchy, whilst it stood, that the state should be Catholic; yet the Edict of Nantes gave, not a full ecclesiastical, but a complete civil *establishment*, with places of which only they were capable, to the Calvinists of France, — and there were very few employments, indeed, of which they were not capable. The world praised the Cardinal de Richelieu, who took the first opportunity to strip them of their fortified places and cautionary towns. The same world held and does hold in execration (so far as that business is concerned) the memory of Louis the Fourteenth, for the total repeal of that favorable edict; though the talk of “fundamental laws, established

religion, religion of the prince, safety to the state,” &c., &c., was then as largely held, and with as bitter a revival of the animosities of the civil confusions during the struggles between the parties, as now they can be in Ireland.

Perhaps there are persons who think that the same reason does not hold, when the religious relation of the sovereign and subject is changed; but they who have their shop full of false weights and measures, and who imagine that the adding or taking away the name of Protestant or Papist, Guelph or Ghibelline, alters all the principles of equity, policy, and prudence, leave us no common data upon which we can reason. I therefore pass by all this, which on you will make no impression, to come to what seems to be a serious consideration in your mind: I mean the dread you express of “reviewing, for the purpose of altering, the *principles of the Revolution*.” This is an interesting topic, on which I will, as fully as your leisure and mine permits, lay before you the ideas I have formed.

First, I cannot possibly confound in my mind all the things which were done at the Revolution with the *principles* of the Revolution. As in most great changes, many things were done from the necessities of the time, well or ill understood, from passion or from vengeance, which were not only not perfectly agreeable to its principles, but in the most direct contradiction to them. I shall not think that the *deprivation of some millions of people of all the rights of citizens, and all interest in the Constitution, in and to which they were born*, was a thing conformable to the *declared principles* of the Revolution. This I am sure is true relatively to England (where the operation of these *anti-principles* comparatively were of little extent); and some of our late laws, in repealing acts made immediately after the Revolution, admit that some things then done were not done in the true spirit of the Revolution. But the Revolution operated differently in England and Ireland, in many, and these essential particulars. Supposing the principles to have been altogether the same in both kingdoms, by the application of those principles to very different objects the whole spirit of the system was changed, not to say reversed. In England it was the struggle of the *great body* of the people for the establishment of their liberties, against the efforts of a very *small faction*, who would have oppressed them. In Ireland it was the establishment of the power of the smaller number, at the expense of the civil liberties and properties of the far greater part, and at the expense of the political liberties of the whole. It was, to say the truth, not a revolution, but a conquest: which is not to say a great deal in its favor. To insist on everything done in Ireland at the Revolution would be to insist on the severe and jealous policy of a conqueror, in the crude settlement of his new acquisition, as a *permanent* rule for its future government. This no power, in no country that ever I heard of, has done or professed to do, — except in Ireland; where it is done, and possibly by some people will be professed. Time has, by degrees, in all other places and periods, blended and coalited the conquered with the conquerors. So, after some time, and after one of the most rigid conquests that we read of in history, the Normans softened into the

English. I wish you to turn your recollection to the fine speech of Cerealis to the Gauls, made to dissuade them from revolt. Speaking of the Romans,— “*Nos quamvis toties lacesiti, jure victoriae id solum vobis addidimus, quo pacem tueremur: nam neque quies gentium sine armis, neque arma sine stipendiis, neque stipendia sine tributis haberi queant. Caetera in communi sita sunt: ipsi plerumque nostris exercitibus praesidentis: ipsi has aliasque provincias regitis: nil separatum clausumve.* Proinde pacem et urbem, quam victores victique eodem jure obtinemus, amate, colite.” You will consider whether the arguments used by that Roman to these Gauls would apply to the case in Ireland, — and whether you could use so plausible a preamble to any severe warning you might think it proper to hold out to those who should resort to sedition, instead of supplication, to obtain any object that they may pursue with the governing power.

For a much longer period than that which had sufficed to blend the Romans with the nation to which of all others they were the most adverse, the Protestants settled in Ireland considered themselves in no other light than that of a sort of a colonial garrison, to keep the natives in subjection to the other state of Great Britain. The whole spirit of the Revolution in Ireland was that of not the mildest conqueror. In truth, the spirit of those proceedings did not commence at that era, nor was religion of any kind their primary object. What was done was not in the spirit of a contest between two religious factions, but between two adverse nations. The statutes of Kilkenny show that the spirit of the Popery laws, and some even of their actual provisions, as applied between Englishry and Irishry, had existed in that harassed country before the words *Protestant* and *Papist* were heard of in the world. If we read Baron Finglas, Spenser, and Sir John Davies, we cannot miss the true genius and policy of the English government there before the Revolution, as well as during the whole reign of Queen Elizabeth. Sir John Davies boasts of the benefits received by the natives, by extending to them the English law, and turning the whole kingdom into shire ground. But the appearance of things alone was changed. The original scheme was never deviated from for a single hour. Unheard-of confiscations were made in the northern parts, upon grounds of plots and conspiracies, never proved upon their supposed authors. The war of chicane succeeded to the war of arms and of hostile statutes; and a regular series of operations was carried on, particularly from Chichester’s time, in the ordinary courts of justice, and by special commissions and inquisitions, — first under pretence of tenures, and then of titles in the crown, for the purpose of the total extirpation of the interest of the natives in their own soil, — until this species of subtle ravage, being carried to the last excess of oppression and insolence under Lord Strafford, it kindled the flames of that rebellion which broke out in 1641. By the issue of that war, by the turn which the Earl of Clarendon gave to things at the Restoration, and by the total reduction of the kingdom of Ireland in 1691, the ruin of the native Irish, and, in a great measure, too, of the first races of the English, was completely accomplished. The new

English interest was settled with as solid a stability as anything in human affairs can look for. All the penal laws of that unparalleled code of oppression, which were made after the last event, were manifestly the effects of national hatred and scorn towards a conquered people, whom the victors delighted to trample upon and were not at all afraid to provoke. They were not the effect of their fears, but of their security. They who carried on this system looked to the irresistible force of Great Britain for their support in their acts of power. They were quite certain that no complaints of the natives would be heard on this side of the water with any other sentiments than those of contempt and indignation. Their cries served only to augment their torture. Machines which could answer their purposes so well must be of an excellent contrivance. Indeed, in England, the double name of the complainants, Irish and Papists, (it would be hard to say which singly was the most odious,) shut up the hearts of every one against them. Whilst that temper prevailed, (and it prevailed in all its force to a time within our memory,) every measure was pleasing and popular just in proportion as it tended to harass and ruin a set of people who were looked upon as enemies to God and man, and, indeed, as a race of bigoted savages who were a disgrace to human nature itself.

However, as the English in Ireland began to be domiciliated, they began also to recollect that they had a country. The *English interest*, at first by faint and almost insensible degrees, but at length openly and avowedly, became an *independent Irish interest*, — full as independent as it could ever have been if it had continued in the persons of the native Irish; and it was maintained with more skill and more consistency than probably it would have been in theirs. With their views, the *Anglo-Irish* changed their maxims: it was necessary to demonstrate to the whole people that there was something, at least, of a common interest, combined with the independency, which was to become the object of common exertions. The mildness of government produced the first relaxation towards the Irish; the necessities, and, in part, too, the temper that predominated at this great change, produced the second and the most important of these relaxations. English government and Irish legislature felt jointly the propriety of this measure. The Irish Parliament and nation became independent.

The true revolution to you, that which most intrinsically and substantially resembled the English Revolution of 1688, was the Irish Revolution of 1782. The Irish Parliament of 1782 bore little resemblance to that which sat in that kingdom after the period of the first of these revolutions. It bore a much nearer resemblance to that which sat under King James. The change of the Parliament in 1782 from the character of the Parliament which, as a token of its indignation, had burned all the journals indiscriminately of the former Parliament in the Council-Chamber, was very visible. The address of King William's Parliament, the Parliament which assembled after the Revolution, amongst other causes of complaint (many of them

sufficiently just) complains of the repeal by their predecessors of Poyning's law, — no absolute idol with the Parliament of 1782.

Great Britain, finding the Anglo-Irish highly animated with a spirit which had indeed shown itself before, though with little energy and many interruptions, and therefore suffered a multitude of uniform precedents to be established against it, acted, in my opinion, with the greatest temperance and wisdom. She saw that the disposition of the *leading part* of the nation would not permit them to act any longer the part of a *garrison*. She saw that true policy did not require that they ever should have appeared in that character; or if it had done so formerly, the reasons had now ceased to operate. She saw that the Irish of her race were resolved to build their Constitution and their politics upon another bottom. With those things under her view, she instantly complied with the whole of your demands, without any reservation whatsoever. She surrendered that boundless superiority, for the preservation of which, and the acquisition, she had supported the English colonies in Ireland for so long a time, and at so vast an expense (according to the standard of those ages) of her blood and treasure.

When we bring before us the matter which history affords for our selection, it is not improper to examine the spirit of the several precedents which are candidates for our choice. Might it not be as well for your statesmen, on the other side of the water, to take an example from this latter and surely more conciliatory revolution, as a pattern for your conduct towards your own fellow-citizens, than from that of 1688, when a paramount sovereignty over both you and them was more loftily claimed and more sternly exerted than at any former or at any subsequent period? Great Britain in 1782 rose above the vulgar ideas of policy, the ordinary jealousies of state, and all the sentiments of national pride and national ambition. If she had been more disposed (than, I thank God for it, she was) to listen to the suggestions of passion than to the dictates of prudence, she might have urged the principles, the maxims, the policy, the practice of the Revolution, against the demands of the leading description in Ireland, with full as much plausibility and full as good a grace as any amongst them can possibly do against the supplications of so vast and extensive a description of their own people.

A good deal, too, if the spirit of domination and exclusion had prevailed in England, might have been excepted against some of the means then employed in Ireland, whilst her claims were in agitation. They were at least as much out of ordinary course as those which are now objected against admitting your people to any of the benefits of an English Constitution. Most certainly, neither with you nor here was any one ignorant of what was at that time said, written, and done. But on all sides we separated the means from the end: and we separated the cause of the moderate and rational from the ill-intentioned and seditious, which on such occasions are so frequently apt to march together. At that time, on your part, you were not afraid to review what was done at the Revolution of 1688, and what had

been continued during the subsequent flourishing period of the British empire. The change then made was a great and fundamental alteration. In the execution, it was an operose business on both sides of the water. It required the repeal of several laws, the modification of many, and a new course to be given to an infinite number of legislative, judicial, and official practices and usages in both kingdoms. This did not frighten any of us. You are now asked to give, in some moderate measure, to your fellow-citizens, what Great Britain gave to you without any measure at all. Yet, notwithstanding all the difficulties at the time, and the apprehensions which some very well-meaning people entertained, through the admirable temper in which this revolution (or restoration in the nature of a revolution) was conducted in both kingdoms, it has hitherto produced no inconvenience to either; and I trust, with the continuance of the same temper, that it never will. I think that this small, inconsiderable change, (relative to an exclusive statute not made at the Revolution,) for restoring the people to the benefits from which the green soreness of a civil war had not excluded them, will be productive of no sort of mischief whatsoever. Compare what was done in 1782 with what is wished in 1792; consider the spirit of what has been done at the several periods of reformation; and weigh maturely whether it be exactly true that conciliatory concessions are of good policy only in discussions between nations, but that among descriptions in the same nation they must always be irrational and dangerous. What have you suffered in your peace, your prosperity, or, in what ought ever to be dear to a nation, your glory, by the last act by which you took the property of that people under the protection of the *laws*? What reasons have you to dread the consequences of admitting the people possessing that property to some share in the protection of the *Constitution*?

I do not mean to trouble you with anything to remove the objections, I will not call them arguments, against this measure, taken from a ferocious hatred to all that numerous description of Christians. It would be to pay a poor compliment to your understanding or your heart. Neither *your* religion nor *your* politics consist “in odd, perverse antipathies.” You are not resolved to persevere in proscribing from the Constitution so many millions of your countrymen, because, in contradiction to experience and to common sense, you think proper to imagine that their principles are subversive of common human society. To that I shall only say, that whoever has a temper which can be gratified by indulging himself in these good-natured fancies ought to do a great deal more. For an exclusion from the privileges of British subjects is not a cure for so terrible a distemper of the human mind as they are pleased to suppose in their countrymen. I rather conceive a participation in those privileges to be itself a remedy for some mental disorders.

As little shall I detain you with matters that can as little obtain admission into a mind like yours: such as the fear, or pretence of fear, that, in spite of your own power and the trifling power of Great Britain, you may be conquered by the Pope; or that this commodious bugbear (who is of infinitely more use to those who

pretend to fear than to those who love him) will absolve his Majesty's subjects from their allegiance, and send over the Cardinal of York to rule you as his viceroy; or that, by the plenitude of his power, he will take that fierce tyrant, the king of the French, out of his jail, and arm that nation (which on all occasions treats his Holiness so very politely) with his bulls and pardons, to invade poor old Ireland, to reduce you to Popery and slavery, and to force the free-born, naked feet of your people into the wooden shoes of that arbitrary monarch. I do not believe that discourses of this kind are held, or that anything like them will be held, by any who walk about without a keeper. Yet I confess, that, on occasions of this nature, I am the most afraid of the weakest reasonings, because they discover the strongest passions. These things will never be brought out in definite propositions. They would not prevent pity towards any persons; they would only cause it for those who were capable of talking in such a strain. But I know, and am sure, that such ideas as no man will distinctly produce to another, or hardly venture to bring in any plain shape to his own mind, he will utter in obscure, ill-explained doubts, jealousies, surmises, fears, and apprehensions, and that in such a fog they will appear to have a good deal of size, and will make an impression, when, if they were clearly brought forth and defined, they would meet with nothing but scorn and derision.

There is another way of taking an objection to this concession, which I admit to be something more plausible, and worthy of a more attentive examination. It is, that this numerous class of people is mutinous, disorderly, prone to sedition, and easy to be wrought upon by the insidious arts of wicked and designing men; that, conscious of this, the sober, rational, and wealthy part of that body, who are totally of another character, do by no means desire any participation for themselves, or for any one else of their description, in the franchises of the British Constitution.

I have great doubt of the exactness of any part of this observation. But let us admit that the body of the Catholics are prone to sedition, (of which, as I have said, I entertain much doubt,) is it possible that any fair observer or fair reasoner can think of confining this description to them only? I believe it to be possible for men to be mutinous and seditious who feel no grievance, but I believe no man will assert seriously, that, when people are of a turbulent spirit, the best way to keep them in order is to furnish them with something substantial to complain of.

You separate, very properly, the sober, rational, and substantial part of their description from the rest. You give, as you ought to do, weight only to the former. What I have always thought of the matter is this, — that the most poor, illiterate, and uninformed creatures upon earth are judges of a *practical* oppression. It is a matter of feeling; and as such persons generally have felt most of it, and are not of an over-lively sensibility, they are the best judges of it. But for *the real cause*, or *the appropriate remedy*, they ought never to be called into council about the one or the other. They ought to be totally shut out: because their reason is weak; because, when once roused, their passions are ungoverned; because they want information;

because the smallness of the property which individually they possess renders them less attentive to the consequence of the measures they adopt in affairs of moment. When I find a great cry amongst the people who speculate little, I think myself called seriously to examine into it, and to separate the real cause from the ill effects of the passion it may excite, and the bad use which artful men may make of an irritation of the popular mind. Here we must be aided by persons of a contrary character; we must not listen to the desperate or the furious: but it is therefore necessary for us to distinguish who are the *really* indigent and the *really* intemperate. As to the persons who desire this part in the Constitution, I have no reason to imagine that they are men who have nothing to lose and much to look for in public confusion. The popular meeting from which apprehensions have been entertained has assembled. I have accidentally had conversation with two friends of mine who know something of the gentleman who was put into the chair upon that occasion: one of them has had money transactions with him; the other, from curiosity, has been to see his concerns: they both tell me he is a man of some property: but you must be the best judge of this, who by your office are likely to know his transactions. Many of the others are certainly persons of fortune; and all, or most, fathers of families, men in respectable ways of life, and some of them far from contemptible, either for their information, or for the abilities which they have shown in the discussion of their interests. What such men think it for their advantage to acquire ought not, *prima facie*, to be considered as rash or heady or incompatible with the public safety or welfare.

I admit, that men of the best fortunes and reputations, and of the best talents and education too, may by accident show themselves furious and intemperate in their desires. This is a great misfortune, when it happens; for the first presumptions are undoubtedly in their favor. We have two standards of judging, in this case, of the sanity and sobriety of any proceedings, — of unequal certainty, indeed, but neither of them to be neglected: the first is by the value of the object sought; the next is by the means through which it is pursued.

The object pursued by the Catholics is, I understand, and have all along reasoned as if it were so, in some degree or measure to be again admitted to the franchises of the Constitution. Men are considered as under some derangement of their intellects, when they see good and evil in a different light from other men, — when they choose nauseous and unwholesome food, and reject such as to the rest of the world seems pleasant and is known to be nutritive. I have always considered the British Constitution not to be a thing in itself so vicious as that none but men of deranged understanding and turbulent tempers could desire a share in it: on the contrary, I should think very indifferently of the understanding and temper of any body of men who did not wish to partake of this great and acknowledged benefit. I cannot think quite so favorably either of the sense or temper of those, if any such there are, who would voluntarily persuade their brethren that the object is not fit for them, or they

for the object. Whatever may be my thoughts concerning them, I am quite sure that they who hold such language must forfeit all credit with the rest. This is infallible, — if they conceive any opinion of their judgment, they cannot possibly think them their friends. There is, indeed, one supposition which would reconcile the conduct of such gentlemen to sound reason, and to the purest affection towards their fellow-sufferers: it is, that they act under the impression of a well-grounded fear for the general interest. If they should be told, and should believe the story, that, if they dare attempt to make their condition better, they will infallibly make it worse, — that, if they aim at obtaining liberty, they will have their slavery doubled, — that their endeavor to put themselves upon anything which approaches towards an equitable footing with their fellow-subjects will be considered as an indication of a seditious and rebellious disposition, — such a view of things ought perfectly to restore the gentlemen, who so anxiously dissuade their countrymen from wishing a participation with the privileged part of the people, to the good opinion of their fellows. But what is to *them* a very full justification is not quite so honorable to that power from whose maxims and temper so good a ground of rational terror is furnished. I think arguments of this kind will never be used by the friends of a government which I greatly respect, or by any of the leaders of an opposition whom I have the honor to know and the sense to admire. I remember Polybius tells us, that, during his captivity in Italy as a Peloponnesian hostage, he solicited old Cato to intercede with the Senate for his release, and that of his countrymen: this old politician told him that he had better continue in his present condition, however irksome, than apply again to that formidable authority for their relief; that he ought to imitate the wisdom of his countryman Ulysses, who, when he was once out of the den of the Cyclops, had too much sense to venture again into the same cavern. But I conceive too high an opinion of the Irish legislature to think that they are to their fellow-citizens what the grand oppressors of mankind were to a people whom the fortune of war had subjected to their power. For though Cato could use such a parallel with regard to his Senate, I should really think it nothing short of impious to compare an Irish Parliament to a den of Cyclops. I hope the people, both here and with you, will always apply to the House of Commons with becoming modesty, but at the same time with minds unembarrassed with any sort of terror.

As to the means which the Catholics employ to obtain this object, so worthy of sober and rational minds, I do admit that such means may be used in the pursuit of it as may make it proper for the legislature, in this case, to defer their compliance until the demandants are brought to a proper sense of their duty. A concession in which the governing power of our country loses its dignity is dearly bought even by him who obtains his object. All the people have a deep interest in the dignity of Parliament. But as the refusal of franchises which are drawn out of the first vital stamina of the British Constitution is a very serious thing, we ought to be very sure that the manner and spirit of the application is offensive and dangerous indeed,

before we ultimately reject all applications of this nature. The mode of application, I hear, is by petition. It is the manner in which all the sovereign powers of the world are approached; and I never heard (except in the case of James the Second) that any prince considered this manner of supplication to be contrary to the humility of a subject or to the respect due to the person or authority of the sovereign. This rule, and a correspondent practice, are observed from the Grand Seignior down to the most petty prince or republic in Europe.

You have sent me several papers, some in print, some in manuscript. I think I had seen all of them, except the formula of association. I confess they appear to me to contain matter mischievous, and capable of giving alarm, if the spirit in which they are written should be found to make any considerable progress. But I am at a loss to know how to apply them as objections to the case now before us. When I find that *the General Committee* which acts for the Roman Catholics in Dublin prefers the association proposed in the written draught you have sent me to a respectful application in Parliament, I shall think the persons who sign such a paper to be unworthy of any privilege which may be thought fit to be granted, and that such men ought, *by name*, to be excepted from any benefit under the Constitution to which they offer this violence. But I do not find that this form of a seditious league has been signed by any person whatsoever, either on the part of the supposed projectors, or on the part of those whom it is calculated to seduce. I do not find, on inquiry, that such a thing was mentioned, or even remotely alluded to, in the general meeting of the Catholics from which so much violence was apprehended. I have considered the other publications, signed by individuals on the part of certain societies, — I may mistake, for I have not the honor of knowing them personally, but I take Mr. Butler and Mr. Tandy not to be Catholics, but members of the Established Church. Not *one* that I recollect of these publications, which you and I equally dislike, appears to be written by persons of that persuasion. Now, if, whilst a man is dutifully soliciting a favor from Parliament, any person should choose in an improper manner to show his inclination towards the cause depending, and if that *must* destroy the cause of the petitioner, then, not only the petitioner, but the legislature itself, is in the power of any weak friend or artful enemy that the supplicant or that the Parliament may have. A man must be judged by his own actions only. Certain Protestant Dissenters make seditious propositions to the Catholics, which it does not appear that they have yet accepted. It would be strange that the tempter should escape all punishment, and that he who, under circumstances full of seduction and full of provocation, has resisted the temptation should incur the penalty. You know, that, with regard to the Dissenters, who are *stated* to be the chief movers in this vile scheme of altering the principles of election to a right of voting by the head, you are not able (if you ought even to wish such a thing) to deprive them of any part of the franchises and privileges which they hold on a footing of perfect equality with yourselves. *They* may do what they please

with constitutional impunity; but the others cannot even listen with civility to an invitation from them to an ill-judged scheme of liberty, without forfeiting forever all hopes of any of those liberties which we admit to be sober and rational.

It is known, I believe, that the greater as well as the sounder part of our excluded countrymen have not adopted the wild ideas and wilder engagements which have been held out to them, but have rather chosen to hope small and safe concessions from the legal power than boundless objects from trouble and confusion. This mode of action seems to me to mark men of sobriety, and to distinguish them from those who are intemperate, from circumstance or from nature. But why do they not instantly disclaim and disavow those who make such advances to them? In this, too, in my opinion, they show themselves no less sober and circumspect. In the present moment nothing short of insanity could induce them to take such a step. Pray consider the circumstances. Disclaim, says somebody, all union with the Dissenters; — right. — But when this your injunction is obeyed, shall I obtain the object which I solicit from *you*? — Oh, no, nothing at all like it! — But, in punishing us, by an exclusion from the Constitution through the great gate, for having been invited to enter into it by a postern, will you punish by deprivation of their privileges, or mulet in any other way, those who have tempted us? — Far from it; — we mean to preserve all *their* liberties and immunities, as *our* life-blood. We mean to cultivate *them*, as brethren whom we love and respect; — with *you* we have no fellowship. We can bear with patience their enmity to ourselves; but their friendship with you we will not endure. But mark it well! All our quarrels with *them* are always to be revenged upon *you*. Formerly, it is notorious that we should have resented with the highest indignation your presuming to show any ill-will to them. You must not suffer them, now, to show any good-will to you. Know — and take it once for all — that it is, and ever has been, and ever will be, a fundamental maxim in our politics, that you are not to have any part or shadow or name of interest whatever in our state; that we look upon you as under an irreversible outlawry from our Constitution, — as perpetual and unalliable aliens.

Such, my dear Sir, is the plain nature of the argument drawn from the Revolution maxims, enforced by a supposed disposition in the Catholics to unite with the Dissenters. Such it is, though it were clothed in never such bland and civil forms, and wrapped up, as a poet says, in a thousand “artful folds of sacred lawn.” For my own part, I do not know in what manner to shape such arguments, so as to obtain admission for them into a rational understanding. Everything of this kind is to be reduced at last to threats of power. I cannot say, *Vae victis!* and then throw the sword into the scale. I have no sword; and if I had, in this case, most certainly, I would not use it as a makeweight in political reasoning.

Observe, on these principles, the difference between the procedure of the Parliament and the Dissenters towards the people in question. One employs courtship, the other force. The Dissenters offer bribes, the Parliament nothing but

the *front négatif* of a stern and forbidding authority. A man may be very wrong in his ideas of what is good for him. But no man affronts me, nor can therefore justify my affronting him, by offering to make me as happy as himself, according to his own ideas of happiness. This the Dissenters do to the Catholics. You are on the different extremes. The Dissenters offer, with regard to constitutional rights and civil advantages of all sorts, *everything*; you refuse *everything*. With them, there is boundless, though not very assured hope; with you, a very sure and very unqualified despair. The terms of alliance from the Dissenters offer a representation of the commons, chosen out of the people by the head. This is absurdly and dangerously large, in my opinion; and that scheme of election is known to have been at all times perfectly odious to me. But I cannot think it right of course to punish the Irish Roman Catholics by an universal exclusion, because others, whom you would not punish at all, propose an universal admission. I cannot dissemble to myself, that, in this very kingdom, many persons who are not in the situation of the Irish Catholics, but who, on the contrary, enjoy the full benefit of the Constitution as it stands, and some of whom, from the effect of their fortunes, enjoy it in a large measure, had some years ago associated to procure great and undefined changes (they considered them as reforms) in the popular part of the Constitution. Our friend, the late Mr. Flood, (no slight man,) proposed in his place, and in my hearing, a representation not much less extensive than this, for England, — in which every house was to be inhabited by a voter, *in addition* to all the actual votes by other titles (some of the corporate) which we know do not require a house or a shed. Can I forget that a person of the very highest rank, of very large fortune, and of the first class of ability, brought a bill into the House of Lords, in the head-quarters of aristocracy, containing identically the same project for the supposed adoption of which by a club or two it is thought right to extinguish all hopes in the Roman Catholics of Ireland? I cannot say it was very eagerly embraced or very warmly pursued. But the Lords neither did disavow the bill, nor treat it with any disregard, nor express any sort of disapprobation of its noble author, who has never lost, with king or people, the least degree of the respect and consideration which so justly belongs to him.

I am not at all enamored, as I have told you, with this plan of representation; as little do I relish any bandings or associations for procuring it. But if the question was to be put to you and me, — *Universal* popular representation, or *none at all for us and ours*, — we should find ourselves in a very awkward position. I do not like this kind of dilemmas, especially when they are practical.

Then, since our oldest fundamental laws follow, or rather couple, freehold with franchise, — since no principle of the Revolution shakes these liberties, — since the oldest and one of the best monuments of the Constitution demands for the Irish the privilege which they supplicate, — since the principles of the Revolution coincide with the declarations of the Great Charter, — since the practice of the Revolution, in this point, did not contradict its principles, — since, from that event,

twenty-five years had elapsed, before a domineering party, on a party principle, had ventured to disfranchise, without any proof whatsoever of abuse, the greater part of the community, — since the king's coronation oath does not stand in his way to the performance of his duty to all his subjects, — since you have given to all other Dissenters these privileges without limit which are hitherto withheld without any limitation whatsoever from the Catholics, — since no nation in the world has ever been known to exclude so great a body of men (not born slaves) from the civil state, and all the benefits of its Constitution, — the whole question comes before Parliament as a matter for its prudence. I do not put the thing on a question of right. That discretion, which in judicature is well said by Lord Coke to be a crooked cord, in legislature is a golden rule. Supplicants ought not to appear too much in the character of litigants. If the subject thinks so highly and reverently of the sovereign authority as not to claim anything of right, so that it may seem to be independent of the power and free choice of its government, — and if the sovereign, on his part, considers the advantages of the subjects as their right, and all their reasonable wishes as so many claims, — in the fortunate conjunction of these mutual dispositions are laid the foundations of a happy and prosperous commonwealth. For my own part, desiring of all things that the authority of the legislature under which I was born, and which I cherish, not only with a dutiful awe, but with a partial and cordial affection, to be maintained in the utmost possible respect, I never will suffer myself to suppose that at bottom their discretion will be found to be at variance with their justice.

The whole being at discretion, I beg leave just to suggest some matters for your consideration: — Whether the government in Church or State is likely to be more secure by continuing causes of grounded discontent to a very great number (say two millions) of the subjects? or whether the Constitution, combined and balanced as it is, will be rendered more solid by depriving so large a part of the people of all concern or interest or share in its representation, actual or *virtual*? I here mean to lay an emphasis on the word *virtual*. Virtual representation is that in which there is a communion of interests and a sympathy in feelings and desires between those who act in the name of any description of people and the people in whose name they act, though the trustees are not actually chosen by them. This is virtual representation. Such a representation I think to be in many cases even better than the actual. It possesses most of its advantages, and is free from many of its inconveniences; it corrects the irregularities in the literal representation, when the shifting current of human affairs or the acting of public interests in different ways carry it obliquely from its first line of direction. The people may err in their choice; but common interest and common sentiment are rarely mistaken. But this sort of virtual representation cannot have a long or sure existence, if it has not a substratum in the actual. The member must have some relation to the constituent. As things stand, the Catholic, as a Catholic, and belonging to a description, has no *virtual* relation to the

representative, — but the *contrary*. There is a relation in mutual obligation. Gratitude may not always have a very lasting power; but the frequent recurrence of an application for favors will revive and refresh it, and will necessarily produce some degree of mutual attention. It will produce, at least, acquaintance. The several descriptions of people will not be kept so much apart as they now are, as if they were not only separate nations, but separate species. The stigma and reproach, the hideous mask will be taken off, and men will see each other as they are. Sure I am that there have been thousands in Ireland who have never conversed with a Roman Catholic in their whole lives, unless they happened to talk to their gardener's workmen, or to ask their way, when they had lost it in their sports, — or, at best, who had known them only as footmen, or other domestics, of the second and third order: and so averse were they, some time ago, to have them near their persons, that they would not employ even those who could never find their way beyond the stable. I well remember a great, and in many respects a good man, who advertised for a blacksmith, but at the same time added, he must be a Protestant. It is impossible that such a state of things, though natural goodness in many persons will undoubtedly make exceptions, must not produce alienation on the one side and pride and insolence on the other.

Reduced to a question of discretion, and that discretion exercised solely upon what will appear best for the conservation of the state on its present basis, I should recommend it to your serious thoughts, whether the narrowing of the foundation is always the best way to secure the building? The body of disfranchised men will not be perfectly satisfied to remain always in that state. If they are not satisfied, you have two millions of subjects in your bosom full of uneasiness: not that they cannot overturn the Act of Settlement, and put themselves and you under an arbitrary master; or that they are not permitted to spawn a hydra of wild republics, on principles of a pretended natural equality in man; but because you will not suffer them to enjoy the ancient, fundamental, tried advantages of a British Constitution, — that you will not permit them to profit of the protection of a common father or the freedom of common citizens, and that the only reason which can be assigned for this disfranchisement has a tendency more deeply to ulcerate their minds than the act of exclusion itself. What the consequence of such feelings must be it is for you to look to. To warn is not to menace.

I am far from asserting that men will not excite disturbances without just cause. I know that such an assertion is not true. But neither is it true that disturbances have never just complaints for their origin. I am sure that it is hardly prudent to furnish them with such causes of complaint as every man who thinks the British Constitution a benefit may think at least colorable and plausible.

Several are in dread of the manœuvres of certain persons among the Dissenters, who turn this ill humor to their own ill purposes. You know, better than I can, how much these proceedings of certain among the Dissenters are to be feared. You are

to weigh, with the temper which is natural to you, whether it may be for the safety of our establishment that the Catholics should be ultimately persuaded that they have no hope to enter into the Constitution but through the Dissenters.

Think whether this be the way to prevent or dissolve factious combinations against the Church or the State. Reflect seriously on the possible consequences of keeping in the heart of your country a bank of discontent, every hour accumulating, upon which every description of seditious men may draw at pleasure. They whose principles of faction will dispose them to the establishment of an arbitrary monarchy will find a nation of men who have no sort of interest in freedom, but who will have an interest in that equality of justice or favor with which a wise despot must view all his subjects who do not attack the foundations of his power. Love of liberty itself may, in such men, become the means of establishing an arbitrary domination. On the other hand, they who wish for a democratic republic will find a set of men who have no choice between civil servitude and the entire ruin of a mixed Constitution.

Suppose the people of Ireland divided into three parts. Of these, (I speak within compass,) two are Catholic; of the remaining third, one half is composed of Dissenters. There is no natural union between those descriptions. It may be produced. If the two parts Catholic be driven into a close confederacy with half the third part of Protestants, with a view to a change in the Constitution in Church or State or both, and you rest the whole of their security on a handful of gentlemen, clergy, and their dependents, — compute the strength *you have in Ireland*, to oppose to grounded discontent, to capricious innovation, to blind popular fury, and to ambitious, turbulent intrigue.

You mention that the minds of some gentlemen are a good deal heated, and that it is often said, that, rather than submit to such persons, having a share in their franchises, they would throw up their independence, and precipitate an union with Great Britain. I have heard a discussion concerning such an union amongst all sorts of men ever since I remember anything. For my own part, I have never been able to bring my mind to anything clear and decisive upon the subject. There cannot be a more arduous question. As far as I can form an opinion, it would not be for the mutual advantage of the two kingdoms. Persons, however, more able than I am think otherwise. But whatever the merits of this union may be, to make it a *menace*, it must be shown to be an *evil*, and an evil more particularly to those who are threatened with it than to those who hold it out as a terror. I really do not see how this threat of an union can operate, or that the Catholics are more likely to be losers by that measure than the churchmen.

The humors of the people, and of politicians too, are so variable in themselves, and are so much under the occasional influence of some leading men, that it is impossible to know what turn the public mind here would take on such an event. There is but one thing certain concerning it. Great divisions and vehement passions

would precede this union, both on the measure itself and on its terms; and particularly, this very question of a share in the representation for the Catholics, from whence the project of an union originated, would form a principal part in the discussion; and in the temper in which some gentlemen seem inclined to throw themselves, by a sort of high, indignant passion, into the scheme, those points would not be deliberated with all possible calmness.

From my best observation, I should greatly doubt, whether, in the end, these gentlemen would obtain their object, so as to make the exclusion of two millions of their countrymen a fundamental article in the union. The demand would be of a nature quite unprecedented. You might obtain the union; and yet a gentleman, who, under the new union establishment, would aspire to the honor of representing his county, might possibly be as much obliged, as he may fear to be under the old separate establishment, to the unsupportable mortification of asking his neighbors, who have a different opinion concerning the elements in the sacrament, for their votes.

I believe, nay, I am sure, that the people of Great Britain, with or without an union, might be depended upon, in oases of any real danger, to aid the government of Ireland, with the same cordiality as they would support their own, against any wicked attempts to shake the security of the happy Constitution in Church and State. But before Great Britain engages in any quarrel, the *cause of the dispute* would certainly be a part of her consideration. If confusions should arise in that kingdom from too steady an attachment to a proscriptive, monopolizing system, and from the resolution of regarding the franchise, and in it the security of the subject, as belonging rather to religious opinions than to civil qualification and civil conduct, I doubt whether you might quite certainly reckon on obtaining an aid of force from hence for the support of that system. We might extend your distractions to this country by taking part in them. England will be indisposed, I suspect, to send an army for the conquest of Ireland. What was done in 1782 is a decisive proof of her sentiments of justice and moderation. She will not be fond of making another American war in Ireland. The principles of such a war would but too much resemble the former one. The well-disposed and the ill-disposed in England would (for different reasons perhaps) be equally averse to such an enterprise. The confiscations, the public auctions, the private grants, the plantations, the transplantations, which formerly animated so many adventurers, even among sober citizens, to such Irish expeditions, and which possibly might have animated some of them to the American, can have no existence in the case that we suppose.

Let us form a supposition, (no foolish or ungrounded supposition,) that, in an age when men are infinitely more disposed to heat themselves with political than religious controversies, the former should entirely prevail, as we see that in some places they have prevailed, over the latter, — and that the Catholics of Ireland, from the courtship paid them on the one hand, and the high tone of refusal on the other,

should, in order to enter into all the rights of subjects, all become Protestant Dissenters, and, as the others do, take all your oaths. They would all obtain their civil objects; and the change, for anything I know to the contrary, (in the dark as I am about the Protestant Dissenting tenets,) might be of use to the health of their souls. But what security our Constitution, in Church or State, could derive from that event, I cannot possibly discern. Depend upon it, it is as true as Nature is true, that, if you force them out of the religion of habit, education, or opinion, it is not to yours they will ever go. Shaken in their minds, they will go to that where the dogmas are fewest, — where they are the most uncertain, — where they lead them the least to a consideration of what they have abandoned. They will go to that uniformly democratic system to whose first movements they owed their emancipation. I recommend you seriously to turn this in your mind. Believe that it requires your best and maturest thoughts. Take what course you please, — union or no union; whether the people remain Catholics or become Protestant Dissenters, sure it is that the present state of monopoly *cannot* continue.

If England were animated, as I think she is not, with her former spirit of domination, and with the strong theological hatred which she once cherished for that description of her fellow-Christians and fellow-subjects, I am yet convinced, that, after the fullest success in a ruinous struggle, you would be obliged to abandon that monopoly. We were obliged to do this, even when everything promised success, in the American business. If you should make this experiment at last, under the pressure of any necessity, you never can do it well. But if, instead of falling into a passion, the leading gentlemen of the country themselves should undertake the business cheerfully, and with hearty affection towards it, great advantages would follow. What is forced cannot be modified: but here you may measure your concessions.

It is a consideration of great moment, that you make the desired admission without altering the system of your representation in the smallest degree or in any part. You may leave that deliberation of a Parliamentary change or reform, if ever you should think fit to engage in it, uncomplicated and unembarrassed with the other question. Whereas, if they are mixed and confounded, as some people attempt to mix and confound them, no one can answer for the effects on the Constitution itself.

There is another advantage in taking up this business singly and by an arrangement for the single object. It is that you may proceed by *degrees*. We must all obey the great law of change. It is the most powerful law of Nature, and the means perhaps of its conservation. All we can do, and that human wisdom can do, is to provide that the change shall proceed by insensible degrees. This has all the benefits which may be in change, without any of the inconveniences of mutation. Everything is provided for as it arrives. This mode will, on the one hand, prevent the *unfixing old interests at once*: a thing which is apt to breed a black and sullen

discontent in those who are at once dispossessed of all their influence and consideration. This gradual course, on the other side, will prevent men long under depression from being intoxicated with a large draught of new power, which they always abuse with a licentious insolence. But, wishing, as I do, the change to be gradual and cautious, I would, in my first steps, lean rather to the side of enlargement than restriction.

It is one excellence of our Constitution, that all our rights of provincial election regard rather property than person. It is another, that the rights which approach more nearly to the personal are most of them corporate, and suppose a restrained and strict education of seven years in some useful occupation. In both cases the practice may have slid from the principle. The standard of qualification in both cases may be so low, or not so judiciously chosen, as in some degree to frustrate the end. But all this is for your prudence in the case before you. You may rise a step or two the qualification of the Catholic voters. But if you were to-morrow to put the Catholic freeholder on the footing of the most favored forty-shilling Protestant Dissenter, you know, that, such is the actual state of Ireland, this would not make a sensible alteration in almost any *one* election in the kingdom. The effect in their favor, even defensively, would be infinitely slow. But it would be healing; it would be satisfactory and protecting. The stigma would be removed. By admitting settled, permanent substance in lieu of the numbers, you would avoid the great danger of our time, that of setting up number against property. The numbers ought never to be neglected, because (besides what is due to them as men) collectively, though not individually, they have great property: they ought to have, therefore, protection; they ought to have security; they ought to have even consideration: but they ought not to predominate.

My dear Sir, I have nearly done. I meant to write you a long letter: I have written a long dissertation. I might have done it earlier and better. I might have been more forcible and more clear, if I had not been interrupted as I have been; and this obliges me not to write to you in my own hand. Though my hand but signs it, my heart goes with what I have written. Since I could think at all, those have been my thoughts. You know that thirty-two years ago they were as fully matured in my mind as they are now. A letter of mine to Lord Kenmare, though not by my desire, and full of lesser mistakes, has been printed in Dublin. It was written ten or twelve years ago, at the time when I began the employment, which I have not yet finished, in favor of another distressed people, injured by those who have vanquished them, or stolen a dominion over them. It contained my sentiments then: you will see how far they accord with my sentiments now. Time has more and more confirmed me in them all. The present circumstances fix them deeper in my mind.

I voted last session, if a particular vote could be distinguished in unanimity, for an establishment of the Church of England *conjointly* with the establishment, which was made some years before by act of Parliament, of the Roman Catholic, in the

French conquered country of Canada. At the time of making this English ecclesiastical establishment, we did not think it necessary for its safety to destroy the former Gallican Church settlement. In our first act we settled a government altogether monarchical, or nearly so. In that system, the Canadian Catholics were far from being deprived of the advantages or distinctions, of any kind, which they enjoyed under their former monarchy. It is true that some people, and amongst them one eminent divine, predicted at that time that by this step we should lose our dominions in America. He foretold that the Pope would send his indulgences hither; that the Canadians would fall in with France, would declare independence, and draw or force our colonies into the same design. The independence happened according to his prediction; but in directly the reverse order. All our English Protestant colonies revolted. They joined themselves to France; and it so happened that Popish Canada was the only place which preserved its fidelity, the only place in which France got no footing, the only peopled colony which now remains to Great Britain. Vain are all the prognostics taken from ideas and passions, which survive the state of things which gave rise to them. When last year we gave a popular representation to the same Canada by the choice of the landholders, and an aristocratic representation at the choice of the crown, neither was the choice of the crown nor the election of the landholders limited by a consideration of religion. We had no dread for the Protestant Church which we settled there, because we permitted the French Catholics, in the utmost latitude of the description, to be free subjects. They are good subjects, I have no doubt; but I will not allow that any French Canadian Catholics are better men or better citizens than the Irish of the same communion. Passing from the extremity of the West to the extremity almost of the East, I have been many years (now entering into the twelfth) employed in supporting the rights, privileges, laws, and immunities of a very remote people. I have not as yet been able to finish my task. I have struggled through much discouragement and much opposition, much obloquy, much calumny, for a people with whom I have no tie but the common bond of mankind. In this I have not been left alone. We did not fly from our undertaking because the people are Mahometans or Pagans, and that a great majority of the Christians amongst them are Papists. Some gentlemen in Ireland, I dare say, have good reasons for what they may do, which do not occur to me. I do not presume to condemn them; but, thinking and acting as I have done towards those remote nations, I should not know how to show my face, here or in Ireland, if I should say that all the Pagans, all the Mussulmen, and even all the Papists, (since they must form the highest stage in the climax of evil,) are worthy of a liberal and honorable condition, except those of one of the descriptions, which forms the majority of the inhabitants of the country in which you and I were born. If such are the Catholics of Ireland, ill-natured and unjust people, from our own data, may be inclined not to think better of the Protestants of

a soil which is supposed to infuse into its sects a kind of venom unknown in other places.

You hated the old system as early as I did. Your first juvenile lance was broken against that giant. I think you were even the first who attacked the grim phantom. You have an exceedingly good understanding, very good humor, and the best heart in the world. The dictates of that temper and that heart, as well as the policy pointed out by that understanding, led you to abhor the old code. You abhorred it, as I did, for its vicious perfection. For I must do it justice: it was a complete system, full of coherence and consistency, well digested and well composed in all its parts. It was a machine of wise and elaborate contrivance, and as well fitted for the oppression, impoverishment, and degradation of a people, and the debasement, in them, of human nature itself, as ever proceeded from the perverted ingenuity of man. It is a thing humiliating enough, that we are doubtful of the effect of the medicines we compound, — we are sure of our poisons. My opinion ever was, (in which I heartily agree with those that admired the old code,) that it was so constructed, that, if there was once a breach in any essential part of it, the ruin of the whole, or nearly of the whole, was, at some time or other, a certainty. For that reason I honor and shall forever honor and love you, and those who first caused it to stagger, crack, and gape. Others may finish; the beginners have the glory; and, take what part you please at this hour, (I think you will take the best,) your first services will never be forgotten by a grateful country. Adieu! Present my best regards to those I know, — and as many as I know in our country I honor. There never was so much ability, nor, I believe, virtue in it. They have a task worthy of both. I doubt not they will perform it, for the stability of the Church and State, and for the union and the separation of the people: for the union of the honest and peaceable of all sects; for their separation from all that is ill-intentioned and seditious in any of them.

BEACONSFIELD, JANUARY 3, 1792.

**A LETTER TO WILLIAM ELLIOT, ESQ., OCCASIONED BY
THE ACCOUNT GIVEN IN A NEWSPAPER OF THE SPEECH
MADE IN THE HOUSE OF LORDS BY THE * * * * OF * * * * *
* IN THE DEBATE CONCERNING LORD FITZWILLIAM. 1795.**

BEACONSFIELD, May 28, 1795.

My dear sir, — I have been told of the voluntary which, for the entertainment of the House of Lords, has been lately played by his Grace the * * * * of * * * * * *, a great deal at my expense, and a little at his own. I confess I should have liked the composition rather better, if it had been quite new. But every man has his taste, and his Grace is an admirer of ancient music.

There may be sometimes too much even of a good thing. A toast is good, and a bumper is not bad: but the best toasts may be so often repeated as to disgust the palate, and ceaseless rounds of bumpers may nauseate and overload the stomach. The ears of the most steady-voting politicians may at last be stunned with “three times three.” I am sure I have been very grateful for the flattering remembrance made of me in the toasts of the Revolution Society, and of other clubs formed on the same laudable plan. After giving the brimming honors to Citizen Thomas Paine and to Citizen Dr. Priestley, the gentlemen of these clubs seldom failed to bring me forth in my turn, and to drink, “Mr. Burke, and thanks to him for the discussion he has provoked.”

I found myself elevated with this honor; for, even by the collision of resistance, to be the means of striking out sparkles of truth, if not merit, is at least felicity.

Here I might have rested. But when I found that the great advocate, Mr. Erskine, condescended to resort to these bumper toasts, as the pure and exuberant fountains of politics and of rhetoric, (as I hear he did, in three or four speeches made in defence of certain worthy citizens,) I was rather let down a little. Though still somewhat proud of myself, I was not quite so proud of my voucher. Though he is no idolater of fame, in some way or other Mr. Erskine will always do himself honor. Methinks, however, in following the precedents of these toasts, he seemed to do more credit to his diligence as a special pleader than to his invention as an orator. To those who did not know the abundance of his resources, both of genius and erudition, there was something in it that indicated the want of a good assortment, with regard to richness and variety, in the magazine of topics and commonplaces which I suppose he keeps by him, in imitation of Cicero and other renowned declaimers of antiquity.

Mr. Erskine supplied something, I allow, from the stores of his imagination, in metamorphosing the jovial toasts of clubs into solemn special arguments at the bar. So far the thing showed talent: however, I must still prefer the bar of the tavern to

the other bar. The toasts at the first hand were better than the arguments at the second. Even when the toasts began to grow old as sarcasms, they were washed down with still older pricked election Port; then the acid of the wine made some amends for the want of anything piquant in the wit. But when his Grace gave them a second transformation, and brought out the vapid stuff which had wearied the clubs and disgusted the courts, the drug made up of the bottoms of rejected bottles, all smelling so wofully of the cork and of the cask, and of everything except the honest old lamp, and when that sad draught had been farther infected with the jail pollution of the Old Bailey, and was dashed and brewed and ineffectually stummed again into a senatorial exordium in the House of Lords, I found all the high flavor and mantling of my honors tasteless, flat, and stale. Unluckily, the new tax on wine is felt even in the greatest fortunes, and his Grace submits to take up with the heel-taps of Mr. Erskine.

I have had the ill or good fortune to provoke two great men of this age to the publication of their opinions: I mean Citizen Thomas Paine, and his Grace the * * * * of * * * * *. I am not so great a leveller as to put these two great men on a par, either in the state, or the republic of letters; but “the field of glory is a field for all.” It is a large one, indeed; and we all may run, God knows where, in chase of glory, over the boundless expanse of that wild heath whose horizon always flies before us. I assure his Grace, (if he will yet give me leave to call him so,) whatever may be said on the authority of the clubs or of the bar, that Citizen Paine (who, they will have it, hunts with me in couples, and who only moves as I drag him along) has a sufficient activity in his own native benevolence to dispose and enable him to take the lead for himself. He is ready to blaspheme his God, to insult his king, and to libel the Constitution of his country, without any provocation from me or any encouragement from his Grace. I assure him that I shall not be guilty of the injustice of charging Mr. Paine’s next work against religion and human society upon his Grace’s excellent speech in the House of Lords. I farther assure this noble Duke that I neither encouraged nor provoked that worthy citizen to seek for plenty, liberty, safety, justice, or lenity, in the famine, in the prisons, in the decrees of Convention, in the revolutionary tribunal, and in the guillotine of Paris, rather than quietly to take up with what he could find in the glutted markets, the unbarricadoed streets, the drowsy Old Bailey judges, or, at worst, the airy, wholesome pillory of Old England. The choice of country was his own taste. The writings were the effects of his own zeal. In spite of his friend Dr. Priestley, he was a free agent. I admit, indeed, that my praises of the British government, loaded with all its incumbrances, clogged with its peers and its beef, its parsons and its pudding, its commons and its beer, and its dull slavish liberty of going about just as one pleases, had something to provoke a jockey of Norfolk, who was inspired with the resolute ambition of becoming a citizen of France, to do something which might render him worthy of naturalization in that grand asylum of persecuted merit, something which

should entitle him to a place in the senate of the adoptive country of all the gallant, generous, and humane. This, I say, was possible. But the truth is, (with great deference to his Grace I say it,) Citizen Paine acted without any provocation at all; he acted solely from the native impulses of his own excellent heart.

His Grace, like an able orator, as he is, begins with giving me a great deal of praise for talents which I do not possess. He does this to entitle himself, on the credit of this gratuitous kindness, to exaggerate my abuse of the parts which his bounty, and not that of Nature, has bestowed upon me. In this, too, he has condescended to copy Mr. Erskine. These priests (I hope they will excuse me, I mean priests of the Rights of Man) begin by crowning me with their flowers and their fillets, and bedewing me with their odors, as a preface to their knocking me on the head with their consecrated axes. I have injured, say they, the Constitution; and I have abandoned the Whig party and the Whig principles that I professed. I do not mean, my dear Sir, to defend myself against his Grace. I have not much interest in what the world shall think or say of me; as little has the world an interest in what I shall think or say of any one in it; and I wish that his Grace had suffered an unhappy man to enjoy, in his retreat, the melancholy privileges of obscurity and sorrow. At any rate, I have spoken and I have written on the subject. If I have written or spoken so poorly as to be quite forgot, a fresh apology will not make a more lasting impression. "I must let the tree lie as it falls." Perhaps I must take some shame to myself. I confess that I have acted on my own principles of government, and not on those of his Grace, which are, I dare say, profound and wise, but which I do not pretend to understand. As to the party to which he alludes, and which has long taken its leave of me, I believe the principles of the book which he condemns are very conformable to the opinions of many of the most considerable and most grave in that description of politicians. A few, indeed, who, I admit, are equally respectable in all points, differ from me, and talk his Grace's language. I am too feeble to contend with them. They have the field to themselves. There are others, very young and very ingenious persons, who form, probably, the largest part of what his Grace, I believe, is pleased to consider as that party. Some of them were not born into the world, and all of them were children, when I entered into that connection. I give due credit to the censorial brow, to the broad phylacteries, and to the imposing gravity of those magisterial rabbins and doctors in the cabala of political science. I admit that "wisdom is as the gray hair to man, and that learning is like honorable old age." But, at a time when liberty is a good deal talked of, perhaps I might be excused, if I caught something of the general indocility. It might not be surprising, if I lengthened my chain a link or two, and, in an age of relaxed discipline, gave a trifling indulgence to my own notions. If that could be allowed, perhaps I might sometimes (by accident, and without an unpardonable crime) trust as much to my own very careful and very laborious, though perhaps somewhat purblind disquisitions, as to their soaring, intuitive, eagle-eyed authority. But the

modern liberty is a precious thing. It must not be profaned by too vulgar an use. It belongs only to the chosen few, who are born to the hereditary representation of the whole democracy, and who leave nothing at all, no, not the offal, to us poor outcasts of the plebeian race.

Amongst those gentlemen who came to authority as soon or sooner than they came of age I do not mean to include his Grace. With all those native titles to empire over our minds which distinguish the others, he has a large share of experience. He certainly ought to understand the British Constitution better than I do. He has studied it in the fundamental part. For one election I have seen, he has been concerned in twenty. Nobody is less of a visionary theorist; nobody has drawn his speculations more from practice. No peer has condescended to superintend with more vigilance the declining franchises of the poor commons. "With thrice great Hermes he has outwatched the Bear." Often have his candles been burned to the snuff, and glimmered and stunk in the sockets, whilst he grew pale at his constitutional studies; long, sleepless nights has he wasted, long, laborious, shiftless journeys has he made, and great sums has he expended, in order to secure the purity, the independence, and the sobriety of elections, and to give a check, if possible, to the ruinous charges that go nearly to the destruction of the right of election itself.

Amidst these his labors, his Grace will be pleased to forgive me, if my zeal, less enlightened, to be sure, than his by midnight lamps and studies, has presumed to talk too favorably of this Constitution, and even to say something sounding like approbation of that body which has the honor to reckon his Grace at the head of it. Those who dislike this partiality, or, if his Grace pleases, this flattery of mine, have a comfort at hand. I may be refuted and brought to shame by the most convincing of all refutations, a practical refutation. Every individual peer for himself may show that I was ridiculously wrong; the whole body of those noble persons may refute me for the whole corps. If they please, they are more powerful advocates against themselves than a thousand scribblers like me can be in their favor. If I were even possessed of those powers which his Grace, in order to heighten my offence, is pleased to attribute to me, there would be little difference. The eloquence of Mr. Erskine might save Mr. * * * * * from the gallows, but no eloquence could save Mr. Jackson from the effects of his own potion.

In that unfortunate book of mine, which is put in the *Index Expurgatorius* of the modern Whigs, I might have spoken too favorably not only of those who wear coronets, but of those who wear crowns. Kings, however, have not only long arms, but strong ones too. A great Northern potentate, for instance, is able in one moment, and with one bold stroke of his diplomatic pen, to efface all the volumes which I could write in a century, or which the most laborious publicists of Germany ever carried to the fair of Leipsic, as an apology for monarchs and monarchy. Whilst I, or any other poor, puny, private sophist, was defending the Declaration of

Pilnitz, his Majesty might refute me by the Treaty of Basle. Such a monarch may destroy one republic because it had a king at its head, and he may balance this extraordinary act by founding another republic that has cut off the head of its king. I defended that great potentate for associating in a grand alliance for the preservation of the old governments of Europe; but he puts me to silence by delivering up all those governments (his own virtually included) to the new system of France. If he is accused before the Parisian tribunal (constituted for the trial of kings) for having polluted the soil of liberty by the tracks of his disciplined slaves, he clears himself by surrendering the finest parts of Germany (with a handsome cut of his own territories) to the offended majesty of the regicides of France. Can I resist this? Am I responsible for it, if, with a torch in his hand, and a rope about his neck, he makes *amende honorable* to the *sans-culotterie* of the Republic one and indivisible? In that humiliating attitude, in spite of my protests, he may supplicate pardon for his menacing proclamations, and, as an expiation to those whom he failed to terrify with his threats, he may abandon those whom he had seduced by his promises. He may sacrifice the royalists of France, whom he had called to his standard, as a salutary example to those who shall adhere to their native sovereign, or shall confide in any other who undertakes the cause of oppressed kings and of loyal subjects.

How can I help it, if this high-minded prince will subscribe to the invectives which the regicides have made against all kings, and particularly against himself? How can I help it, if this royal propagandist will preach the doctrine of the Rights of Men? Is it my fault, if his professors of literature read lectures on that code in all his academies, and if all the pensioned managers of the newspapers in his dominions diffuse it throughout Europe in an hundred journals? Can it be attributed to me, if he will initiate all his grenadiers and all his hussars in these high mysteries? Am I responsible, if he will make *Le Droit de l'Homme*, or *La Souveraineté du Peuple* the favorite parole of his military orders? Now that his troops are to act with the brave legions of freedom, no doubt he will fit them for their fraternity. He will teach the Prussians to think, to feel, and to act like them, and to emulate the glories of the *régiment de l'échafaud*. He will employ the illustrious Citizen Santerre, the general of his new allies, to instruct the dull Germans how they shall conduct themselves towards persons who, like Louis the Sixteenth, (whose cause and person he once took into his protection,) shall dare, without the sanction of the people, or with it, to consider themselves as hereditary kings. Can I arrest this great potentate in his career of glory? Am I blamable in recommending virtue and religion as the true foundation of all monarchies, because the protector of the three religions of the Westphalian arrangement, to ingratiate himself with the Republic of Philosophy, shall abolish all the three? It is not in my power to prevent the grand patron of the Reformed Church, if he chooses it, from annulling the Calvinistic sabbath, and establishing the *décadi* of atheism in all his states. He may

even renounce and abjure his favorite mysticism in the Temple of Reason. In these things, at least, he is truly despotic. He has now shaken hands with everything which at first had inspired him with horror. It would be curious indeed to see (what I shall not, however, travel so far to see) the ingenious devices and the elegant transparencies which, on the restoration of peace and the commencement of Prussian liberty, are to decorate Potsdam and Charlottenburg *festeggianti*. What shades of his armed ancestors of the House of Brandenburg will the committee of *Illuminés* raise up in the opera-house of Berlin, to dance a grand ballet in the rejoicings for this auspicious event? Is it a grand master of the Teutonic order, or is it the great Elector? Is it the first king of Prussia, or the last? or is the whole long line (long, I mean, *a parte ante*) to appear like Banquo's royal procession in the tragedy of Macbeth?

How can I prevent all these arts of royal policy, and all these displays of royal magnificence? How can I prevent the successor of Frederick the Great from aspiring to a new, and, in this age, unexampled kind of glory? Is it in my power to say that he shall not make his confessions in the style of St. Austin or of Rousseau? that he shall not assume the character of the penitent and flagellant, and, grafting monkery on philosophy, strip himself of his regal purple, clothe his gigantic limbs in the sackcloth and the *hair-shirt*, and exercise on his broad shoulders the disciplinary scourge of the holy order of the *Sans-Culottes*? It is not in me to hinder kings from making new orders of religious and martial knighthood. I am not Hercules enough to uphold those orbs which the Atlases of the world are so desirous of shifting from their weary shoulders. What can be done against the magnanimous resolution of the great to accomplish the degradation and the ruin of their own character and situation?

What I say of the German princes, that I say of all the other dignities and all the other institutions of the Holy Roman Empire. If they have a mind to destroy themselves, they may put their advocates to silence and their advisers to shame. I have often praised the Aulic Council. It is very true, I did so. I thought it a tribunal as well formed as human wisdom could form a tribunal for coercing the great, the rich, and the powerful, — for obliging them to submit their necks to the imperial laws, and to those of Nature and of nations: a tribunal well conceived for extirpating speculation, corruption, and oppression from all the parts of that vast, heterogeneous mass, called the Germanic body. I should not be inclined to retract these praises upon any of the ordinary lapses into which human infirmity will fall; they might still stand, though some of their *conclusums* should taste of the prejudices of country or of faction, whether political or religious. Some degree even of corruption should not make me think them guilty of suicide; but if we could suppose that the Aulic Council, not regarding duty or even common decorum, listening neither to the secret admonitions of conscience nor to the public voice of fame, some of the members basely abandoning their post, and others continuing in it only the more

infamously to betray it, should give a judgment so shameless and so prostitute, of such monstrous and even portentous corruption, that no example in the history of human depravity, or even in the fictions of poetic imagination, could possibly match it, — if it should be a judgment which, with cold, unfeeling cruelty, after long deliberations, should condemn millions of innocent people to extortion, to rapine, and to blood, and should devote some of the finest countries upon earth to ravage and desolation, — does any one think that any servile apologies of mine, or any strutting and bullying insolence of their own, can save them from the ruin that must fall on all institutions of dignity or of authority that are perverted from their purport to the oppression of human nature in others and to its disgrace in themselves? As the wisdom of men mates such institutions, the folly of men destroys them. Whatever we may pretend, there is always more in the soundness of the materials than in the fashion of the work. The order of a good building is something. But if it be wholly declined from its perpendicular, if the cement is loose and incoherent, if the stones are scaling with every change of the weather, and the whole toppling on our heads, what matter is it whether we are crushed by a Corinthian or a Doric ruin? The fine form of a vessel is a matter of use and of delight. It is pleasant to see her decorated with cost and art. But what signifies even the mathematical truth of her form, — what signify all the art and cost with which she can be carved, and painted, and gilded, and covered with decorations from stem to stern, — what signify all her rigging and sails, her flags, her pendants, and her streamers, — what signify even her cannon, her stores, and her provisions, if all her planks and timbers be unsound and rotten?

Quamvis Pontica pinus,
Silvæ filia nobilis,
Jactes et genus et nomen inutile.

I have been stimulated, I know not how, to give you this trouble by what very few except myself would think worth any trouble at all. In a speech in the House of Lords, I have been attacked for the defence of a scheme of government in which that body inheres, and in which alone it can exist. Peers of Great Britain may become as penitent as the sovereign of Prussia. They may repent of what they have done in assertion of the honor of their king, and in favor of their own safety. But never the gloom that lowers over the fortune of the cause, nor anything which the great may do towards hastening their own fall, can make me repent of what I have done by pen or voice (the only arms I possess) in favor of the order of things into which I was born and in which I fondly hoped to die.

In the long series of ages which have furnished the matter of history, never was so beautiful and so august a spectacle presented to the moral eye as Europe afforded the day before the Revolution in France. I knew, indeed, that this prosperity

contained in itself the seeds of its own danger. In one part of the society it caused laxity and debility; in the other it produced bold spirits and dark designs. A false philosophy passed from academies into courts; and the great themselves were infected with the theories which conducted to their ruin. Knowledge, which in the two last centuries either did not exist at all, or existed solidly on right principles and in chosen hands, was now diffused, weakened, and perverted. General wealth loosened morals, relaxed vigilance, and increased presumption. Men of talent began to compare, in the partition of the common stock of public prosperity, the proportions of the dividends with the merits of the claimants. As usual, they found their portion not equal to their estimate (or perhaps to the public estimate) of their own worth. When it was once discovered by the Revolution in France that a struggle between establishment and rapacity could be maintained, though but for one year and in one place, I was sure that a practicable breach was made in the whole order of things, and in every country. Religion, that held the materials of the fabric together, was first systematically loosened. All other opinions, under the name of prejudices, must fall along with it; and property, left undefended by principles, became a repository of spoils to tempt cupidity, and not a magazine to furnish arms for defence. I knew, that, attacked on all sides by the infernal energies of talents set in action by vice and disorder, authority could not stand upon authority alone. It wanted some other support than the poise of its own gravity. Situations formerly supported persons. It now became necessary that personal qualities should support situations. Formerly, where authority was found, wisdom and virtue were presumed. But now the veil was torn, and, to keep off sacrilegious intrusion, it was necessary that in the sanctuary of government something should be disclosed not only venerable, but dreadful. Government was at once to show itself full of virtue and full of force. It was to invite partisans, by making it appear to the world that a generous cause was to be asserted, one fit for a generous people to engage in. From passive submission was it to expect resolute defence? No! It must have warm advocates and passionate defenders, which an heavy, discontented acquiescence never could produce. What a base and foolish thing is it for any consolidated body of authority to say, or to act as if it said, "I will put my trust, not in my own virtue, but in your patience; I will indulge in effeminacy, in indolence, in corruption; I will give way to all my perverse and vicious humors, because you cannot punish me without the hazard of ruining yourselves."

I wished to warn the people against the greatest of all evils, — a blind and furious spirit of innovation, under the name of reform. I was, indeed, well aware that power rarely reforms itself. So it is, undoubtedly, when all is quiet about it. But I was in hopes that provident fear might prevent fruitless penitence. I trusted that danger might produce at least circumspection. I flattered myself, in a moment like this, that nothing would be added to make authority top-heavy, — that the very moment of an earthquake would not be the time chosen for adding a story to our houses. I

hoped to see the surest of all reforms, perhaps the only sure reform, — the ceasing to do ill. In the mean time I wished to the people the wisdom of knowing how to tolerate a condition which none of their efforts can render much more than tolerable. It was a condition, however, in which everything was to be found that could enable them to live to Nature, and, if so they pleased, to live to virtue and to honor.

I do not repent that I thought better of those to whom I wished well than they will suffer me long to think that they deserved. Far from repenting, I would to God that new faculties had been called up in me, in favor not of this or that man, or this or that system, but of the general, vital principle, that, whilst it was in its vigor, produced the state of things transmitted to us from our fathers, but which, through the joint operation of the abuses of authority and liberty, may perish in our hands. I am not of opinion that the race of men, and the commonwealths they create, like the bodies of individuals, grow effete and languid and bloodless, and ossify, by the necessities of their own conformation, and the fatal operation of longevity and time. These analogies between bodies natural and politic, though they may sometimes illustrate arguments, furnish no argument of themselves. They are but too often used, under the color of a specious philosophy, to find apologies for the despair of laziness and pusillanimity, and to excuse the want of all manly efforts, when the exigencies of our country call for them the more loudly.

How often has public calamity been arrested on the very brink of ruin by the seasonable energy of a single man! Have we no such man amongst us? I am as sure as I am of my being, that one vigorous mind, without office, without situation, without public functions of any kind, (at a time when the want of such a thing is felt, as I am sure it is,) I say, one such man, confiding in the aid of God, and full of just reliance in his own fortitude, vigor, enterprise, and perseverance, would first draw to him some few like himself, and then that multitudes, hardly thought to be in existence, would appear and troop about him.

If I saw this auspicious beginning, baffled and frustrated as I am, yet on the very verge of a timely grave, abandoned abroad and desolate at home, stripped of my boast, my hope, my consolation, my helper, my counsellor, and my guide, (you know in part what I have lost, and would to God I could clear myself of all neglect and fault in that loss,) yet thus, even thus, I would rake up the fire under all the ashes that oppress it. I am no longer patient of the public eye; nor am I of force to win my way and to jostle and elbow in a crowd. But, even in solitude, something may be done for society. The meditations of the closet have infected senates with a subtle frenzy, and inflamed armies with the brands of the Furies. The cure might come from the same source with the distemper. I would add my part to those who would animate the people (whose hearts are yet right) to new exertions in the old cause.

Novelty is not the only source of zeal. Why should not a Maccabæus and his brethren arise to assert the honor of the ancient law and to defend the temple of their forefathers with as ardent a spirit as can inspire any innovator to destroy the monuments of the piety and the glory of ancient ages? It is not a hazarded assertion, it is a great truth, that, when once things are gone out of their ordinary course, it is by acts out of the ordinary course they can alone be reëstablished. Republican spirit can only be combated by a spirit of the same nature, — of the same nature, but informed with another principle, and pointing to another end. I would persuade a resistance both to the corruption and to the reformation that prevails. It will not be the weaker, but much the stronger, for combating both together. A victory over real corruptions would enable us to baffle the spurious and pretended reformations. I would not wish to excite, or even to tolerate, that kind of evil spirit which evokes the powers of hell to rectify the disorders of the earth. No! I would add my voice with better, and, I trust, more potent charms, to draw down justice and wisdom and fortitude from heaven, for the correction of human vice, and the recalling of human error from the devious ways into which it has been betrayed. I would wish to call the impulses of individuals at once to the aid and to the control of authority. By this, which I call the true republican spirit, paradoxical as it may appear, monarchies alone can be rescued from the imbecility of courts and the madness of the crowd. This republican spirit would not suffer men in high place to bring ruin on their country and on themselves. It would reform, not by destroying, but by saving, the great, the rich, and the powerful. Such a republican spirit we perhaps fondly conceive to have animated the distinguished heroes and patriots of old, who knew no mode of policy but religion and virtue. These they would have paramount to all constitutions; they would not suffer monarchs, or senates, or popular assemblies, under pretences of dignity or authority or freedom, to shake off those moral riders which reason has appointed to govern every sort of rude power. These, in appearance loading them by their weight, do by that pressure augment their essential force. The momentum is increased by the extraneous weight. It is true in moral as it is in mechanical science. It is true, not only in the draught, but in the race. These riders of the great, in effect, hold the reins which guide them in their course, and wear the spur that stimulates them to the goals of honor and of safety. The great must submit to the dominion of prudence and of virtue, or none will long submit to the dominion of the great. *Dîs te minorem quod geris, imperas*. This is the feudal tenure which they cannot alter.

Indeed, my dear Sir, things are in a bad state. I do not deny a good share of diligence, a very great share of ability, and much public virtue to those who direct our affairs. But they are incumbered, not aided, by their very instruments, and by all the apparatus of the state. I think that our ministry (though there are things against them which neither you nor I can dissemble, and which grieve me to the heart) is by

far the most honest and by far the wisest system of administration in Europe. Their fall would be no trivial calamity.

Not meaning to depreciate the minority in Parliament, whose talents are also great, and to whom I do not deny virtues, their system seems to me to be fundamentally wrong. But whether wrong or right, they have not enough of coherence among themselves, nor of estimation with the public, nor of numbers. They cannot make up an administration. Nothing is more visible. Many other things are against them, which I do not charge as faults, but reckon among national misfortunes. Extraordinary things must be done, or one of the parties cannot stand as a ministry, nor the other even as an opposition. They cannot change their situations, nor can any useful coalition be made between them. I do not see the mode of it nor the way to it. This aspect of things I do not contemplate with pleasure.

I well know that everything of the daring kind which I speak of is critical: but the times are critical. New things in a new world! I see no hopes in the common tracks. If men are not to be found who can be got to feel within them some impulse, *quod nequeo monstrare, et sentio tantum*, and which makes them impatient of the present, — if none can be got to feel that private persons may sometimes assume that sort of magistracy which does not depend on the nomination of kings or the election of the people, but has an inherent and self-existent power which both would recognize, I see nothing in the world to hope.

If I saw such a group beginning to cluster, such as they are, they should have (all that I can give) my prayers and my advice. People talk of war or cry for peace: have they to the bottom considered the questions either of war or peace, upon the scale of the existing world? No, I fear they have not.

Why should not you yourself be one of those to enter your name in such a list as I speak of? You are young; you have great talents; you have a clear head; you have a natural, fluent, and unforced elocution; your ideas are just, your sentiments benevolent, open, and enlarged; — but this is too big for your modesty. Oh! this modesty, in time and place, is a charming virtue, and the grace of all other virtues. But it is sometimes the worst enemy they have. Let him whose print I gave you the other day be engraved in your memory! Had it pleased Providence to have spared him for the trying situations that seem to be coming on, notwithstanding that he was sometimes a little dispirited by the disposition which we thought shown to depress him and set him aside, yet he was always buoyed up again; and on one or two occasions he discovered what might be expected from the vigor and elevation of his mind, from his unconquerable fortitude, and from the extent of his resources for every purpose of speculation and of action. Remember him, my friend, who in the highest degree honored and respected you; and remember that great parts are a great trust. Remember, too, that mistaken or misapplied virtues, if they are not as

pernicious as vice, frustrate at least their own natural tendencies, and disappoint the purposes of the Great Giver.

Adieu. My dreams are finished.

**A LETTER TO A NOBLE LORD ON THE ATTACKS MADE
UPON MR. BURKE AND HIS PENSION, IN THE HOUSE OF
LORDS, BY THE DUKE OF BEDFORD AND THE EARL OF
LAUDERDALE, EARLY IN THE PRESENT SESSION OF
PARLIAMENT. 1796.**

My lord, — I could hardly flatter myself with the hope that so very early in the season I should have to acknowledge obligations to the Duke of Bedford and to the Earl of Lauderdale. These noble persons have lost no time in conferring upon me that sort of honor which it is alone within their competence, and which it is certainly most congenial to their nature and their manners, to bestow.

To be ill spoken of, in whatever language they speak, by the zealots of the new sect in philosophy and politics, of which these noble persons think so charitably, and of which others think so justly, to me is no matter of uneasiness or surprise. To have incurred the displeasure of the Duke of Orleans or the Duke of Bedford, to fall under the censure of Citizen Brissot or of his friend the Earl of Lauderdale, I ought to consider as proofs, not the least satisfactory, that I have produced some part of the effect I proposed by my endeavors. I have labored hard to earn what the noble Lords are generous enough to pay. Personal offence I have given them none. The part they take against me is from zeal to the cause. It is well, — it is perfectly well. I have to do homage to their justice. I have to thank the Bedfords and the Lauderdale for having so faithfully and so fully acquitted towards me whatever arrear of debt was left undischarged by the Priestleys and the Paines.

Some, perhaps, may think them executors in their own wrong: I at least have nothing to complain of. They have gone beyond the demands of justice. They have been (a little, perhaps, beyond their intention) favorable to me. They have been the means of bringing out by their invectives the handsome things which Lord Grenville has had the goodness and condescension to say in my behalf. Retired as I am from the world, and from all its affairs and all its pleasures, I confess it does kindle in my nearly extinguished feelings a very vivid satisfaction to be so attacked and so commended. It is soothing to my wounded mind to be commended by an able, vigorous, and well-informed statesman, and at the very moment when he stands forth, with a manliness and resolution worthy of himself and of his cause, for the preservation of the person and government of our sovereign, and therein for the security of the laws, the liberties, the morals, and the lives of his people. To be in any fair way connected with such things is indeed a distinction. No philosophy can make me above it: no melancholy can depress me so low as to make me wholly insensible to such an honor.

Why will they not let me remain in obscurity and inaction? Are they apprehensive, that, if an atom of me remains, the sect has something to fear? Must I be annihilated, lest, like old John Zisca's, my skin might be made into a drum, to animate Europe to eternal battle against a tyranny that threatens to overwhelm all Europe and all the human race?

My Lord, it is a subject of awful meditation. Before this of France, the annals of all time have not furnished an instance of a *complete* revolution. That revolution seems to have extended even to the constitution of the mind of man. It has this of wonderful in it, that it resembles what Lord Verulam says of the operations of Nature: It was perfect, not only in its elements and principles, but in all its members and its organs, from the very beginning. The moral scheme of France furnishes the only pattern ever known which they who admire will *instantly* resemble. It is, indeed, an inexhaustible repertory of one kind of examples. In my wretched condition, though hardly to be classed with the living, I am not safe from them. They have tigers to fall upon animated strength; they have hyenas to prey upon carcasses. The national menagerie is collected by the first physiologists of the time; and it is defective in no description of savage nature. They pursue even such as me into the obscurest retreats, and haul them before their revolutionary tribunals. Neither sex, nor age, nor the sanctuary of the tomb, is sacred to them. They have so determined a hatred to all privileged orders, that they deny even to the departed the sad immunities of the grave. They are not wholly without an object. Their turpitude purveys to their malice; and they unplumb the dead for bullets to assassinate the living. If all revolutionists were not proof against all caution, I should recommend it to their consideration, that no persons were ever known in history, either sacred or profane, to vex the sepulchre, and by their sorceries to call up the prophetic dead, with any other event than the prediction of their own disastrous fate.— “Leave me, oh, leave me to repose!”

In one thing I can excuse the Duke of Bedford for his attack upon me and my mortuary pension: He cannot readily comprehend the transaction he condemns. What I have obtained was the fruit of no bargain, the production of no intrigue, the result of no compromise, the effect of no solicitation. The first suggestion of it never came from me, mediately or immediately, to his Majesty or any of his ministers. It was long known that the instant my engagements would permit it, and before the heaviest of all calamities had forever condemned me to obscurity and sorrow, I had resolved on a total retreat. I had executed that design. I was entirely out of the way of serving or of hurting any statesman or any party, when the ministers so generously and so nobly carried into effect the spontaneous bounty of the crown. Both descriptions have acted as became them. When I could no longer serve them, the ministers have considered my situation. When I could no longer hurt them, the revolutionists have trampled on my infirmity. My gratitude, I trust, is equal to the manner in which the benefit was conferred. It came to me, indeed, at a time of life,

and in a state of mind and body, in which no circumstance of fortune could afford me any real pleasure. But this was no fault in the royal donor, or in his ministers, who were pleased, in acknowledging the merits of an invalid servant of the public, to assuage the sorrows of a desolate old man.

It would ill become me to boast of anything. It would as ill become me, thus called upon, to depreciate the value of a long life spent with unexampled toil in the service of my country. Since the total body of my services, on account of the industry which was shown in them, and the fairness of my intentions, have obtained the acceptance of my sovereign, it would be absurd in me to range myself on the side of the Duke of Bedford and the Corresponding Society, or, as far as in me lies, to permit a dispute on the rate at which the authority appointed by *our* Constitution to estimate such things has been pleased to set them.

Loose libels ought to be passed by in silence and contempt. By me they have been so always. I knew, that, as long as I remained in public, I should live down the calumnies of malice and the judgments of ignorance. If I happened to be now and then in the wrong, (as who is not?) like all other men, I must bear the consequence of my faults and my mistakes. The libels of the present day are just of the same stuff as the libels of the past. But they derive an importance from the rank of the persons they come from, and the gravity of the place where they were uttered. In some way or other I ought to take some notice of them. To assert myself thus traduced is not vanity or arrogance. It is a demand of justice; it is a demonstration of gratitude. If I am unworthy, the ministers are worse than prodigal. On that hypothesis, I perfectly agree with the Duke of Bedford.

For whatever I have been (I am now no more) I put myself on my country. I ought to be allowed a reasonable freedom, because I stand upon my deliverance; and no culprit ought to plead in irons. Even in the utmost latitude of defensive liberty, I wish to preserve all possible decorum. Whatever it may be in the eyes of these noble persons themselves, to me their situation calls for the most profound respect. If I should happen to trespass a little, which I trust I shall not, let it always be supposed that a confusion of characters may produce mistakes, — that, in the masquerades of the grand carnival of our age, whimsical adventures happen, odd things are said and pass off. If I should fail a single point in the high respect I owe to those illustrious persons, I cannot be supposed to mean the Duke of Bedford and the Earl of Lauderdale of the House of Peers, but the Duke of Bedford and the Earl of Lauderdale of Palace Yard, — the Dukes and Earls of Brentford. There they are on the pavement; there they seem to come nearer to my humble level, and, virtually at least, to have waived their high privilege.

Making this protestation, I refuse all revolutionary tribunals, where men have been put to death for no other reason than that they had obtained favors from the crown. I claim, not the letter, but the spirit of the old English law, — that is, to be tried by my peers. I decline his Grace's jurisdiction as a judge. I challenge the Duke

of Bedford as a juror to pass upon the value of my services. Whatever his natural parts may be, I cannot recognize in his few and idle years the competence to judge of my long and laborious life. If I can help it, he shall not be on the inquest of my *quantum meruit*. Poor rich man! he can hardly know anything of public industry in its exertions, or can estimate its compensations when its work is done. I have no doubt of his Grace's readiness in all the calculations of vulgar arithmetic; but I shrewdly suspect that he is little studied in the theory of moral proportions, and has never learned the rule of three in the arithmetic of policy and state.

His Grace thinks I have obtained too much. I answer, that my exertions, whatever they have been, were such as no hopes of pecuniary reward could possibly excite; and no pecuniary compensation can possibly reward them. Between money and such services, if done by abler men than I am, there is no common principle of comparison: they are quantities incommensurable. Money is made for the comfort and convenience of animal life. It cannot be a reward for what mere animal life must, indeed, sustain, but never can inspire. With submission to his Grace, I have not had more than sufficient. As to any noble use, I trust I know how to employ as well as he a much greater fortune than he possesses. In a more confined application, I certainly stand in need of every kind of relief and easement much more than he does. When I say I have not received more than I deserve, is this the language I hold to Majesty? No! Far, very far, from it! Before that presence I claim no merit at all. Everything towards me is favor and bounty. One style to a gracious benefactor; another to a proud and insulting foe.

His Grace is pleased to aggravate my guilt by charging my acceptance of his Majesty's grant as a departure from my ideas and the spirit of my conduct with regard to economy. If it be, my ideas of economy were false and ill-founded. But they are the Duke of Bedford's ideas of economy I have contradicted, and not my own. If he means to allude to certain bills brought in by me on a message from the throne in 1782, I tell him that there is nothing in my conduct that can contradict either the letter or the spirit of those acts. Does he mean the Pay-Office Act? I take it for granted he does not. The act to which he alludes is, I suppose, the Establishment Act. I greatly doubt whether his Grace has ever read the one or the other. The first of these systems cost me, with every assistance which my then situation gave me, pains incredible. I found an opinion common through all the offices, and general in the public at large, that it would prove impossible to reform and methodize the office of pay-master-general. I undertook it, however; and I succeeded in my undertaking. Whether the military service, or whether the general economy of our finances have profited by that act, I leave to those who are acquainted with the army and with the treasury to judge.

An opinion full as general prevailed also, at the same time, that nothing could be done for the regulation of the civil list establishment. The very attempt to introduce method into it, and any limitations to its services, was held absurd. I had not seen

the man who so much as suggested one economical principle or an economical expedient upon that subject. Nothing but coarse amputation or coarser taxation were then talked of, both of them without design, combination, or the least shadow of principle. Blind and headlong zeal or factious fury were the whole contribution brought by the most noisy, on that occasion, towards the satisfaction of the public or the relief of the crown.

Let me tell my youthful censor, that the necessities of that time required something very different from what others then suggested or what his Grace now conceives. Let me inform him, that it was one of the most critical periods in our annals.

Astronomers have supposed, that, if a certain comet, whose path intersected the ecliptic, had met the earth in some (I forgot what) sign, it would have whirled us along with it, in its eccentric course, into God knows what regions of heat and cold. Had the portentous comet of the Rights of Man, (which “from its horrid hair shakes pestilence and war,” and “with fear of change perplexes monarchs,”) had that comet crossed upon us in that internal state of England, nothing human could have prevented our being irresistibly hurried out of the highway of heaven into all the vices, crimes, horrors, and miseries of the French Revolution.

Happily, France was not then Jacobinized. Her hostility was at a good distance. We had a limb cut off, but we preserved the body: we lost our colonies, but we kept our Constitution. There was, indeed, much intestine heat; there was a dreadful fermentation. Wild and savage insurrection quitted the woods, and prowled about our streets in the name of Reform. Such was the distemper of the public mind, that there was no madman, in his maddest ideas and maddest projects, who might not count upon numbers to support his principles and execute his designs.

Many of the changes, by a great misnomer called Parliamentary Reforms, went, not in the intention of all the professors and supporters of them, undoubtedly, but went in their certain, and, in my opinion, not very remote effect, home to the utter destruction of the Constitution of this kingdom. Had they taken place, not France, but England, would have had the honor of leading up the death-dance of democratic revolution. Other projects, exactly coincident in time with those, struck at the very existence of the kingdom under any Constitution. There are who remember the blind fury of some and the lamentable helplessness of others; here, a torpid confusion, from a panic fear of the danger, — there, the same inaction, from a stupid insensibility to it; here, well-wishers to the mischief, — there, indifferent lookers-on. At the same time, a sort of National Convention, dubious in its nature and perilous in its example, nosed Parliament in the very seat of its authority, — sat with a sort of superintendence over it, — and little less than dictated to it, not only laws, but the very form and essence of legislature itself. In Ireland things ran in a still more eccentric course. Government was unnerved, confounded, and in a manner suspended. Its equipoise was totally gone. I do not mean to speak

disrespectfully of Lord North. He was a man of admirable parts, of general knowledge, of a versatile understanding fitted for every sort of business, of infinite wit and pleasantry, of a delightful temper, and with a mind most perfectly disinterested. But it would be only to degrade myself by a weak adulation, and not to honor the memory of a great man, to deny that he wanted something of the vigilance and spirit of command that the time required. Indeed, a darkness next to the fog of this awful day lowered over the whole region. For a little time the helm appeared abandoned.

*Iipse diem noctemque negat discernere cœlo,
Nec meminisse viæ mediâ Palinurus in undâ.*

At that time I was connected with men of high place in the community. They loved liberty as much as the Duke of Bedford can do; and they understood it at least as well. Perhaps their politics, as usual, took a tincture from their character, and they cultivated what they loved. The liberty they pursued was a liberty inseparable from order, from virtue, from morals, and from religion, — and was neither hypocritically nor fanatically followed. They did not wish that liberty, in itself one of the first of blessings, should in its perversion become the greatest curse which could fall upon mankind. To preserve the Constitution entire, and practically equal to all the great ends of its formation, not in one single part, but in all its parts, was to them the first object. Popularity and power they regarded alike. These were with them only different means of obtaining that object, and had no preference over each other in their minds, but as one or the other might afford a surer or a less certain prospect of arriving at that end. It is some consolation to me, in the cheerless gloom which darkens the evening of my life, that with them I commenced my political career, and never for a moment, in reality nor in appearance, for any length of time, was separated from their good wishes and good opinion.

By what accident it matters not, nor upon what desert, but just then, and in the midst of that hunt of obloquy which ever has pursued me with a full cry through life, I had obtained a very considerable degree of public confidence. I know well enough how equivocal a test this kind of popular opinion forms of the merit that obtained it. I am no stranger to the insecurity of its tenure. I do not boast of it. It is mentioned to show, not how highly I prize the thing, but my right to value the use I made of it. I endeavored to turn that short-lived advantage to myself into a permanent benefit to my country. Far am I from detracting from the merit of some gentlemen, out of office or in it, on that occasion. No! It is not my way to refuse a full and heaped measure of justice to the aids that I receive. I have through life been willing to give everything to others, — and to reserve nothing for myself, but the inward conscience that I had omitted no pains to discover, to animate, to discipline, to direct the abilities of the country for its service, and to place them in the best

light to improve their age, or to adorn it. This conscience I have. I have never suppressed any man, never checked him for a moment in his course, by any jealousy, or by any policy. I was always ready, to the height of my means, (and they wore always infinitely below my desires,) to forward those abilities which overpowered my own. He is an ill-furnished undertaker who has no machinery but his own hands to work with. Poor in my own faculties, I ever thought myself rich in theirs. In that period of difficulty and danger, more especially, I consulted and sincerely coöperated with men of all parties who seemed disposed to the same ends, or to any main part of them. Nothing to prevent disorder was omitted: when it appeared, nothing to subdue it was left uncounselled nor unexecuted, as far as I could prevail. At the time I speak of, and having a momentary lead, so aided and so encouraged, and as a feeble instrument in a mighty hand — I do not say I saved my country; I am sure I did my country important service. There were few, indeed, that did not at that time acknowledge it, — and that time was thirteen years ago. It was but one voice, that no man in the kingdom better deserved an honorable provision should be made for him. So much for my general conduct through the whole of the portentous crisis from 1780 to 1782, and the general sense then entertained of that conduct by my country. But my character as a reformer, in the particular instances which the Duke of Bedford refers to, is so connected in principle with my opinions on the hideous changes which have since barbarized France, and, spreading thence, threaten the political and moral order of the whole world, that it seems to demand something of a more detailed discussion.

My economical reforms were not, as his Grace may think, the suppression of a paltry pension or employment, more or less. Economy in my plans was, as it ought to be, secondary, subordinate, instrumental. I acted on state principles. I found a great distemper in the commonwealth, and according to the nature of the evil and of the object I treated it. The malady was deep; it was complicated, in the causes and in the symptoms. Throughout it was full of contra-indicants. On one hand, government, daily growing more invidious from an apparent increase of the means of strength, was every day growing more contemptible by real weakness. Nor was this dissolution confined to government commonly so called. It extended to Parliament, which was losing not a little in its dignity and estimation by an opinion of its not acting on worthy motives. On the other hand, the desires of the people (partly natural and partly infused into them by art) appeared in so wild and inconsiderate a manner with regard to the economical object, (for I set aside for a moment the dreadful tampering with the body of the Constitution itself,) that, if their petitions had literally been complied with, the state would have been convulsed, and a gate would have been opened through which all property might be sacked and ravaged. Nothing could have saved the public from the mischiefs of the false reform but its absurdity, which would soon have brought itself, and with it all real reform, into discredit. This would have left a rankling wound in the hearts of

the people, who would know they had failed in the accomplishment of their wishes, but who, like the rest of mankind in all ages, would impute the blame to anything rather than to their own proceedings. But there were then persons in the world who nourished complaint, and would have been thoroughly disappointed, if the people were ever satisfied. I was not of that humor. I wished that they *should* be satisfied. It was my aim to give to the people the substance of what I knew they desired, and what I thought was right, whether they desired it or not, before it had been modified for them into senseless petitions. I knew that there is a manifest, marked distinction, which ill men with ill designs, or weak men incapable of any design, will constantly be confounding, — that is, a marked distinction between change and reformation. The former alters the substance of the objects themselves, and gets rid of all their essential good as well as of all the accidental evil annexed to them. Change is novelty; and whether it is to operate any one of the effects of reformation at all, or whether it may not contradict the very principle upon which reformation is desired, cannot be certainly known beforehand. Reform is not a change in the substance or in the primary modification of the object, but a direct application of a remedy to the grievance complained of. So far as that is removed, all is sure. It stops there; and if it fails, the substance which underwent the operation, at the very worst, is but where it was.

All this, in effect, I think, but am not sure, I have said elsewhere. It cannot at this time be too often repeated, line upon line, precept upon precept, until it comes into the currency of a proverb, — *To innovate is not to reform*. The French revolutionists complained of everything; they refused to reform anything; and they left nothing, no, nothing at all, *unchanged*. The consequences are *before* us, — not in remote history, not in future prognostication: they are about us; they are upon us. They shake the public security; they menace private enjoyment. They dwarf the growth of the young; they break the quiet of the old. If we travel, they stop our way. They infest us in town; they pursue us to the country. Our business is interrupted, our repose is troubled, our pleasures are saddened, our very studies are poisoned and perverted, and knowledge is rendered worse than ignorance, by the enormous evils of this dreadful innovation. The Revolution harpies of France, sprung from Night and Hell, or from that chaotic Anarchy which generates equivocally “all monstrous, all prodigious things,” cuckoo-like, adulterously lay their eggs, and brood over, and hatch them in the nest of every neighboring state. These obscene harpies, who deck themselves in I know not what divine attributes, but who in reality are foul and ravenous birds of prey, (both mothers and daughters,) flutter over our heads, and souse down upon our tables, and leave nothing unrent, unrifled, unravaged, or unpolluted with the slime of their filthy offal.

If his Grace can contemplate the result of this complete innovation, or, as some friends of his will call it, *reform*, in the whole body of its solidity and compound mass, at which, as Hamlet says, the face of heaven glows with horror and

indignation, and which, in truth, makes every reflecting mind and every feeling heart perfectly thought-sick, without a thorough abhorrence of everything they say and everything they do, I am amazed at the morbid strength or the natural infirmity of his mind.

It was, then, not my love, but my hatred to innovation, that produced my plan of reform. Without troubling myself with the exactness of the logical diagram, I considered them as things substantially opposite. It was to prevent that evil, that I proposed the measures which his Grace is pleased, and I am not sorry he is pleased, to recall to my recollection. I had (what I hope that noble Duke will remember in all his operations) a state to preserve, as well as a state to reform. I had a people to gratify, but not to inflame or to mislead. I do not claim half the credit for what I did as for what I prevented from being done. In that situation of the public mind, I did not undertake, as was then proposed, to new-model the House of Commons or the House of Lords, or to change the authority under which any officer of the crown acted, who was suffered at all to exist. Crown, lords, commons, judicial system, system of administration, existed as they had existed before, and in the mode and manner in which they had always existed. My measures were, what I then truly stated them to the House to be, in their intent, healing and mediatorial. A complaint was made of too much influence in the House of Commons: I reduced it in both Houses; and I gave my reasons, article by article, for every reduction, and showed why I thought it safe for the service of the state. I heaved the lead every inch of way I made. A disposition to expense was complained of: to that I opposed, not mere retrenchment, but a system of economy, which would make a random expense, without plan or foresight, in future, not easily practicable. I proceeded upon principles of research to put me in possession of my matter, on principles of method to regulate it, and on principles in the human mind and in civil affairs to secure and perpetuate the operation. I conceived nothing arbitrarily, nor proposed anything to be done by the will and pleasure of others or my own, — but by reason, and by reason only. I have ever abhorred, since the first dawn of my understanding to this its obscure twilight, all the operations of opinion, fancy, inclination, and will, in the affairs of government, where only a sovereign reason, paramount to all forms of legislation and administration, should dictate. Government is made for the very purpose of opposing that reason to will and to caprice, in the reformers or in the reformed, in the governors or in the governed, in kings, in senates, or in people.

On a careful review, therefore, and analysis of all the component parts of the civil list, and on weighing them against each other, in order to make as much as possible all of them a subject of estimate, (the foundation and corner-stone of all regular, provident economy,) it appeared to me evident that this was impracticable, whilst that part called the pension list was totally discretionary in its amount. For this reason, and for this only, I proposed to reduce it, both in its gross quantity and in its larger individual proportions, to a certainty; lest, if it were left without a *general*

limit, it might eat up the civil list service, — if suffered to be granted in portions too great for the fund, it might defeat its own end, and, by unlimited allowances to some, it might disable the crown in means of providing for others. The pension list was to be kept as a sacred fund; but it could not be kept as a constant, open fund, sufficient for growing demands, if some demands would wholly devour it. The tenor of the act will show that it regarded the civil list *only*, the reduction of which to some sort of estimate was my great object.

No other of the crown funds did I meddle with, because they had not the same relations. This of the four and a half per cents does his Grace imagine had escaped me, or had escaped all the men of business who acted with me in those regulations? I knew that such a fund existed, and that pensions had been always granted on it, before his Grace was born. This fund was full in my eye. It was full in the eyes of those who worked with me. It was left on principle. On principle I did what was then done; and on principle what was left undone was omitted. I did not dare to rob the nation of all funds to reward merit. If I pressed this point too close, I acted contrary to the avowed principles on which I went. Gentlemen are very fond of quoting me; but if any one thinks it worth his while to know the rules that guided me in my plan of reform, he will read my printed speech on that subject, at least what is contained from page 230 to page 241 in the second volume of the collection which a friend has given himself the trouble to make of my publications. Be this as it may, these two bills (though achieved with the greatest labor, and management of every sort, both within and without the House) were only a part, and but a small part, of a very large system, comprehending all the objects I stated in opening my proposition, and, indeed, many more, which I just hinted at in my speech to the electors of Bristol, when I was put out of that representation. All these, in some state or other of forwardness, I have long had by me.

But do I justify his Majesty's grace on these grounds? I think them the least of my services. The time gave them an occasional value. What I have done in the way of political economy was far from confined to this body of measures. I did not come into Parliament to con my lesson. I had earned my pension before I set my foot in St. Stephen's Chapel. I was prepared and disciplined to this political warfare. The first session I sat in Parliament, I found it necessary to analyze the whole commercial, financial, constitutional, and foreign interests of Great Britain and its empire. A great deal was then done; and more, far more, would have been done, if more had been permitted by events. Then, in the vigor of my manhood, my constitution sunk under my labor. Had I then died, (and I seemed to myself very near death,) I had then earned for those who belonged to me more than the Duke of Bedford's ideas of service are of power to estimate. But, in truth, these services I am called to account for are not those on which I value myself the most. If I were to call for a reward, (which I have never done,) it should be for those in which for fourteen years without intermission I showed the most industry and had the least

success: I mean in the affairs of India. They are those on which I value myself the most: most for the importance, most for the labor, most for the judgment, most for constancy and perseverance in the pursuit. Others may value them most for the *intention*. In that, surely, they are not mistaken.

Does his Grace think that they who advised the crown to make my retreat easy considered me only as an economist? That, well understood, however, is a good deal. If I had not deemed it of some value, I should not have made political economy an object of my humble studies from my very early youth to near the end of my service in Parliament, even before (at least to any knowledge of mine) it had employed the thoughts of speculative men in other parts of Europe. At that time it was still in its infancy in England, where, in the last century, it had its origin. Great and learned men thought my studies were not wholly thrown away, and deigned to communicate with me now and then on some particulars of their immortal works. Something of these studies may appear incidentally in some of the earliest things I published. The House has been witness to their effect, and has profited of them, more or less, for above eight-and-twenty years.

To their estimate I leave the matter. I was not, like his Grace of Bedford, swaddled and rocked and dandled into a legislator: "*Nitor in adversum*" is the motto for a man like me. I possessed not one of the qualities nor cultivated one of the arts that recommend men to the favor and protection of the great. I was not made for a minion or a tool. As little did I follow the trade of winning the hearts by imposing on the understandings of the people. At every step of my progress in life, (for in every step was I traversed and opposed,) and at every turnpike I met, I was obliged to show my passport, and again and again to prove my sole title to the honor of being useful to my country, by a proof that I was not wholly unacquainted with its laws and the whole system of its interests both abroad and at home. Otherwise, no rank, no toleration even, for me. I had no arts but manly arts. On them I have stood, and, please God, in spite of the Duke of Bedford and the Earl of Lauderdale, to the last gasp will I stand.

Had his Grace condescended to inquire concerning the person whom he has not thought it below him to reproach, he might have found, that, in the whole course of my life, I have never, on any pretence of economy, or on any other pretence, so much as in a single instance, stood between any man and his reward of service or his encouragement in useful talent and pursuit, from the highest of those services and pursuits to the lowest. On the contrary, I have on an hundred occasions exerted myself with singular zeal to forward every man's even tolerable pretensions. I have more than once had good-natured reprehensions from my friends for carrying the matter to something bordering on abuse. This line of conduct, whatever its merits might be, was partly owing to natural disposition, but I think full as much to reason and principle. I looked on the consideration of public service or public ornament to be real and very justice; and I ever held a scanty and penurious justice to partake of

the nature of a wrong. I held it to be, in its consequences, the worst economy in the world. In saving money I soon can count up all the good I do; but when by a cold penury I blast the abilities of a nation, and stunt the growth of its active energies, the ill I may do is beyond all calculation. Whether it be too much or too little, whatever I have done has been general and systematic. I have never entered into those trifling vexations and oppressive details that have been falsely and most ridiculously laid to my charge.

Did I blame the pensions given to Mr. Barré and Mr. Dunning between the proposition and execution of my plan? No! surely, no! Those pensions were within my principles. I assert it, those gentlemen deserved their pensions, their titles, — all they had; and if more they had, I should have been but pleased the more. They were men of talents; they were men of service. I put the profession of the law out of the question in one of them. It is a service that rewards itself. But their *public service*, though from their abilities unquestionably of more value than mine, in its quantity and in its duration was not to be mentioned with it. But I never could drive a hard bargain in my life, concerning any matter whatever; and least of all do I know how to haggle and huckster with merit. Pension for myself I obtained none; nor did I solicit any. Yet I was loaded with hatred for everything that was withheld, and with obloquy for everything that was given. I was thus left to support the grants of a name ever dear to me and ever venerable to the world in favor of those who were no friends of mine or of his, against the rude attacks of those who were at that time friends to the grantees and their own zealous partisans. I have never heard the Earl of Lauderdale complain of these pensions. He finds nothing wrong till he comes to me. This is impartiality, in the true, modern, revolutionary style.

Whatever I did at that time, so far as it regarded order and economy, is stable and eternal, as all principles must be. A particular order of things may be altered: order itself cannot lose its value. As to other particulars, they are variable by time and by circumstances. Laws of regulation are not fundamental laws. The public exigencies are the masters of all such laws. They rule the laws, and are not to be ruled by them. They who exercise the legislative power at the time must judge.

It may be new to his Grace, but I beg leave to tell him that mere parsimony is not economy. It is separable in theory from it; and in fact it may or it may not be a *part* of economy, according to circumstances. Expense, and great expense, may be an essential part in true economy. If parsimony were to be considered as one of the kinds of that virtue, there is, however, another and an higher economy. Economy is a distributive virtue, and consists, not in saving, but in selection. Parsimony requires no providence, no sagacity, no powers of combination, no comparison, no judgment. Mere instinct, and that not an instinct of the noblest kind, may produce this false economy in perfection. The other economy has larger views. It demands a discriminating judgment, and a firm, sagacious mind. It shuts one door to impudent importunity, only to open another, and a wider, to unassuming merit. If none but

meritorious service or real talent were to be rewarded, this nation has not wanted, and this nation will not want, the means of rewarding all the service it ever will receive, and encouraging all the merit it ever will produce. No state, since the foundation of society, has been impoverished by that species of profusion. Had the economy of selection and proportion been at all times observed, we should not now have had an overgrown Duke of Bedford, to oppress the industry of humble men, and to limit, by the standard of his own conceptions, the justice, the bounty, or, if he pleases, the charity of the crown.

His Grace may think as meanly as he will of my deserts in the far greater part of my conduct in life. It is free for him to do so. There will always be some difference of opinion in the value of political services. But there is one merit of mine which he, of all men living, ought to be the last to call in question. I have supported with very great zeal, and I am told with some degree of success, those opinions, or, if his Grace likes another expression better, those old prejudices, which buoy up the ponderous mass of his nobility, wealth, and titles. I have omitted no exertion to prevent him and them from sinking to that level to which the meretricious French faction his Grace at least coquets with omit no exertion to reduce both. I have done all I could to discountenance their inquiries into the fortunes of those who hold large portions of wealth without any apparent merit of their own. I have strained every nerve to keep the Duke of Bedford in that situation which alone makes him my superior. Your Lordship has been a witness of the use he makes of that preëminence.

But be it that this is virtue; be it that there is virtue in this well-selected rigor: yet all virtues are not equally becoming to all men and at all times. There are crimes, undoubtedly there are crimes, which in all seasons of our existence ought to put a generous antipathy in action, — crimes that provoke an indignant justice, and call forth a warm and animated pursuit. But all things that concern what I may call the preventive police of morality, all things merely rigid, harsh, and censorial, the antiquated moralists at whose feet I was brought up would not have thought these the fittest matter to form the favorite virtues of young men of rank. What might have been well enough, and have been received with a veneration mixed with awe and terror, from an old, severe, crabbed Cato, would have wanted something of propriety in the young Scipios, the ornament of the Roman nobility, in the flower of their life. But the times, the morals, the masters, the scholars, have all undergone a thorough revolution. It is a vile, illiberal school, this new French academy of the *sans-culottes*. There is nothing in it that is fit for a gentleman to learn.

Whatever its vogue may be, I still flatter myself that the parents of the growing generation will be satisfied with what is to be taught to their children in Westminster, in Eton, or in Winchester; I still indulge the hope that no *grown* gentleman or nobleman of our time will think of finishing at Mr. Thelwall's lecture whatever may have been left incomplete at the old universities of his country. I

would give to Lord Grenville and Mr. Pitt for a motto what was said of a Roman censor or prætor (or what was he?) who in virtue of a *Senatusconsultum* shut up certain academies,— “*Cludere ludum impudentiæ jussit.*” Every honest father of a family in the kingdom will rejoice at the breaking-up for the holidays, and will pray that there may be a very long vacation, in all such schools.

The awful state of the time, and not myself, or my own justification, is my true object in what I now write, or in what I shall ever write or say. It little signifies to the world what becomes of such things as me, or even as the Duke of Bedford. What I say about either of us is nothing more than a vehicle, as you, my Lord, will easily perceive, to convey my sentiments on matters far more worthy of your attention. It is when I stick to my apparent first subject that I ought to apologize, not when I depart from it. I therefore must beg your Lordship’s pardon for again resuming it after this very short digression, — assuring you that I shall never altogether lose sight of such matter as persons abler than I am may turn to some profit.

The Duke of Bedford conceives that he is obliged to call the attention of the House of Peers to his Majesty’s grant to me, which he considers as excessive and out of all bounds.

I know not how it has happened, but it really seems, that, whilst his Grace was meditating his well-considered censure upon me, he fell into a sort of sleep. Homer nods, and the Duke of Bedford may dream; and as dreams (even his golden dreams) are apt to be ill-pieced and incongruously put together, his Grace preserved his idea of reproach to *me*, but took the subject-matter from the crown grants to *his own family*. This is “the stuff of which his dreams are made.” In that way of putting things together his Grace is perfectly in the right. The grants to the House of Russell were so enormous as not only to outrage economy, but even to stagger credibility. The Duke of Bedford is the leviathan among all the creatures of the crown. He tumbles about his unwieldy bulk, he plays and frolics in the ocean of the royal bounty. Huge as he is, and whilst “he lies floating many a rood,” he is still a creature. His ribs, his fins, his whalebone, his blubber, the very spiracles through which he spouts a torrent of brine against his origin, and covers me all over with the spray, everything of him and about him is from the throne. Is it for *him* to question the dispensation of the royal favor?

I really am at a loss to draw any sort of parallel between the public merits of his Grace, by which he justifies the grants he holds, and these services of mine, on the favorable construction of which I have obtained what his Grace so much disapproves. In private life I have not at all the honor of acquaintance with the noble Duke; but I ought to presume, and it costs me nothing to do so, that he abundantly deserves the esteem and love of all who live with him. But as to public service, why, truly, it would not be more ridiculous for me to compare myself, in rank, in fortune, in splendid descent, in youth, strength, or figure, with the Duke of Bedford, than to

make a parallel between his services and my attempts to be useful to my country. It would not be gross adulation, but uncivil irony, to say that he has any public merit of his own to keep alive the idea of the services by which his vast landed pensions were obtained. My merits, whatever they are, are original and personal: his are derivative. It is his ancestor, the original pensioner, that has laid up this inexhaustible fund of merit which makes his Grace so very delicate and exceptionous about the merit of all other grantees of the crown. Had he permitted me to remain in quiet, I should have said, "Tis his estate: that's enough. It is his by law: what have I to do with it or its history?" He would naturally have said, on his side, "Tis this man's fortune. He is as good now as my ancestor was two hundred and fifty years ago. I am a young man with very old pensions; he is an old man with very young pensions: that's all."

Why will his Grace, by attacking me, force me reluctantly to compare my little merit with that which obtained from the crown those prodigies of profuse donation by which he tramples on the mediocrity of humble and laborious individuals? I would willingly leave him to the Herald's College, which the philosophy of the *sans-culottes* (prouder by far than all the Garters, and Norroys, and Clarencieux, and Rouge-Dragons that ever pranced in a procession of what his friends call aristocrats and despots) will abolish with contumely and scorn. These historians, recorders, and blazoners of virtues and arms differ wholly from that other description of historians who never assign any act of politicians to a good motive. These gentle historians, on the contrary, dip their pens in nothing but the milk of human kindness. They seek no further for merit than the preamble of a patent or the inscription on a tomb. With them every man created a peer is first an hero ready-made. They judge of every man's capacity for office by the offices he has filled; and the more offices, the more ability. Every general officer with them is a Marlborough, every statesman a Burleigh, every judge a Murray or a Yorke. They who, alive, were laughed at or pitied by all their acquaintance make as good a figure as the best of them in the pages of Guillim, Edmondson, and Collins.

To these recorders, so full of good-nature to the great and prosperous, I would willingly leave the first Baron Russell and Earl of Bedford, and the merits of his grants. But the aulnager, the weigher, the meter of grants will not suffer us to acquiesce in the judgment of the prince reigning at the time when they were made. They are never good to those who earn them. Well, then, since the new grantees have war made on them by the old, and that the word of the sovereign is not to be taken, let us turn our eyes to history, in which great men have always a pleasure in contemplating the heroic origin of their house.

The first peer of the name, the first purchaser of the grants, was a Mr. Russell, a person of an ancient gentleman's family, raised by being a minion of Henry the Eighth. As there generally is some resemblance of character to create these relations, the favorite was in all likelihood much such another as his master. The

first of those immoderate grants was not taken from the ancient demesne of the crown, but from the recent confiscation of the ancient nobility of the land. The lion, having sucked the blood of his prey, threw the offal carcass to the jackal in waiting. Having tasted once the food of confiscation, the favorites became fierce and ravenous. This worthy favorite's first grant was from the lay nobility. The second, infinitely improving on the enormity of the first, was from the plunder of the Church. In truth, his Grace is somewhat excusable for his dislike to a grant like mine, not only in its quantity, but in its kind, so different from his own.

Mine was from a mild and benevolent sovereign: his from Henry the Eighth.

Mine had not its fund in the murder of any innocent person of illustrious rank, or in the pillage of any body of unoffending men. His grants were from the aggregate and consolidated funds of judgments iniquitously legal, and from possessions voluntarily surrendered by the lawful proprietors with the gibbet at their door.

The merit of the grantee whom he derives from was that of being a prompt and greedy instrument of a *levelling* tyrant, who oppressed all descriptions of his people, but who fell with particular fury on everything that was *great and noble*. Mine has been in endeavoring to screen every man, in every class, from oppression, and particularly in defending the high and eminent, who, in the bad times of confiscating princes, confiscating chief governors, or confiscating demagogues, are the most exposed to jealousy, avarice, and envy.

The merit of the original grantee of his Grace's pensions was in giving his hand to the work, and partaking the spoil, with a prince who plundered a part of the national Church of his time and country. Mine was in defending the whole of the national Church of my own time and my own country, and the whole of the national Churches of all countries, from the principles and the examples which lead to ecclesiastical pillage, thence to a contempt of *all* prescriptive titles, thence to the pillage of *all* property, and thence to universal desolation.

The merit of the origin of his Grace's fortune was in being a favorite and chief adviser to a prince who left no liberty to their native country. My endeavor was to obtain liberty for the municipal country in which I was born, and for all descriptions and denominations in it. Mine was to support with unrelaxing vigilance every right, every privilege, every franchise, in this my adopted, my dearer, and more comprehensive country; and not only to preserve those rights in this chief seat of empire, but in every nation, in every land, in every climate, language, and religion, in the vast domain that still is under the protection, and the larger that was once under the protection, of the British crown.

His founder's merits were, by arts in which he served his master and made his fortune, to bring poverty, wretchedness, and depopulation on his country. Mine were under a benevolent prince, in promoting the commerce, manufactures, and agriculture of his kingdom, — in which his Majesty shows an eminent example,

who even in his amusements is a patriot, and in hours of leisure an improver of his native soil.

His founder's merit was the merit of a gentleman raised by the arts of a court and the protection of a Wolsey to the eminence of a great and potent lord. His merit in that eminence was, by instigating a tyrant to injustice, to provoke a people to rebellion. My merit was, to awaken the sober part of the country, that they might put themselves on their guard against any one potent lord, or any greater number of potent lords, or any combination of great leading men of any sort, if ever they should attempt to proceed in the same courses, but in the reverse order, — that is, by instigating a corrupted populace to rebellion, and, through that rebellion, introducing a tyranny yet worse than the tyranny which his Grace's ancestor supported, and of which he profited in the manner we behold in the despotism of Henry the Eighth.

The political merit of the first pensioner of his Grace's house was that of being concerned as a counsellor of state in advising, and in his person executing, the conditions of a dishonorable peace with France, — the surrendering the fortress of Boulogne, then our outguard on the Continent. By that surrender, Calais, the key of France, and the bridle in the mouth of that power, was not many years afterwards finally lost. My merit has been in resisting the power and pride of France, under any form of its rule; but in opposing it with the greatest zeal and earnestness, when that rule appeared in the worst form it could assume, — the worst, indeed, which the prime cause and principle of all evil could possibly give it. It was my endeavor by every means to excite a spirit in the House, where I had the honor of a seat, for carrying on with early vigor and decision the most clearly just and necessary war that this or any nation ever carried on, in order to save my country from the iron yoke of its power, and from the more dreadful contagion of its principles, — to preserve, while they can be preserved, pure and untainted, the ancient, inbred integrity, piety, good-nature, and good-humor of the people of England, from the dreadful pestilence which, beginning in France, threatens to lay waste the whole moral and in a great degree the whole physical world, having done both in the focus of its most intense malignity.

The labors of his Grace's founder merited the "curses, not loud, but deep," of the Commons of England, on whom *he* and his master had effected a *complete Parliamentary Reform*, by making them, in their slavery and humiliation, the true and adequate representatives of a debased, degraded, and undone people. My merits were in having had an active, though not always an ostentatious share, in every one act, without exception, of undisputed constitutional utility in my time, and in having supported, on all occasions, the authority, the efficiency, and the privileges of the Commons of Great Britain. I ended my services by a recorded and fully reasoned assertion on their own journals of their constitutional rights, and a vindication of their constitutional conduct. I labored in all things to merit their inward

approbation, and (along with the assistants of the largest, the greatest, and best of my endeavors) I received their free, unbiased, public, and solemn thanks.

Thus stands the account of the comparative merits of the crown grants which compose the Duke of Bedford's fortune as balanced against mine. In the name of common sense, why should the Duke of Bedford think that none but of the House of Russell are entitled to the favor of the crown? Why should he imagine that no king of England has been capable of judging of merit but King Henry the Eighth? Indeed, he will pardon me, he is a little mistaken: all virtue did not end in the first Earl of Bedford; all discernment did not lose its vision when his creator closed his eyes. Let him remit his rigor on the disproportion between merit and reward in others, and they will make no inquiry into the origin of his fortune. They will regard with much more satisfaction, as he will contemplate with infinitely more advantage, whatever in his pedigree has been dulcified by an exposure to the influence of heaven in a long flow of generations from the hard, acidulous, metallic tincture of the spring. It is little to be doubted that several of his forefathers in that long series have degenerated into honor and virtue. Let the Duke of Bedford (I am sure he will) reject with scorn and horror the counsels of the lecturers, those wicked panders to avarice and ambition, who would tempt him, in the troubles of his country, to seek another enormous fortune from the forfeitures of another nobility and the plunder of another Church. Let him (and I trust that yet he will) employ all the energy of his youth and all the resources of his wealth to crush rebellious principles which have no foundation in morals, and rebellious movements that have no provocation in tyranny.

Then will be forgot the rebellions which, by a doubtful priority in crime, his ancestor had provoked and extinguished. On such a conduct in the noble Duke, many of his countrymen might, and with some excuse might, give way to the enthusiasm of their gratitude, and, in the dashing style of some of the old declaimers, cry out, that, if the Fates had found no other way in which they could give a Duke of Bedford and his opulence as props to a tottering world, then the butchery of the Duke of Buckingham might be tolerated; it might be regarded even with complacency, whilst in the heir of confiscation they saw the sympathizing comforter of the martyrs who suffer under the cruel confiscation of this day, whilst they beheld with admiration his zealous protection of the virtuous and loyal nobility of France, and his manly support of his brethren, the yet standing nobility and gentry of his native land. Then his Grace's merit would be pure and new and sharp, as fresh from the mint of honor. As he pleased, he might reflect honor on his predecessors, or throw it forward on those who were to succeed him. He might be the propagator of the stock of honor, or the root of it, as he thought proper.

Had it pleased God to continue to me the hopes of succession, I should have been, according to my mediocrity and the mediocrity of the age I live in, a sort of founder of a family: I should have left a son, who, in all the points in which personal

merit can be viewed, in science, in erudition, in genius, in taste, in honor, in generosity, in humanity, in every liberal sentiment and every liberal accomplishment, would not have shown himself inferior to the Duke of Bedford, or to any of those whom he traces in his line. His Grace very soon would have wanted all plausibility in his attack upon that provision which belonged more to mine than to me. He would soon have supplied every deficiency, and symmetrized every disproportion. It would not have been for that successor to resort to any stagnant, wasting reservoir of merit in me, or in any ancestry. He had in himself a salient, living spring of generous and manly action. Every day he lived he would have repurchased the bounty of the crown, and ten times more, if ten times more he had received. He was made a public creature, and had no enjoyment whatever but in the performance of some duty. At this exigent moment the loss of a finished man is not easily supplied.

But a Disposer whose power we are little able to resist, and whose wisdom it behoves us not at all to dispute, has ordained it in another manner, and (whatever my querulous weakness might suggest) a far better. The storm has gone over me; and I lie like one of those old oaks which the late hurricane has scattered about me. I am stripped of all my honors, I am torn up by the roots, and lie prostrate on the earth. There, and prostrate there, I most unfeignedly recognize the Divine justice, and in some degree submit to it. But whilst I humble myself before God, I do not know that it is forbidden to repel the attacks of unjust and inconsiderate men. The patience of Job is proverbial. After some of the convulsive struggles of our irritable nature, he submitted himself, and repented in dust and ashes. But even so, I do not find him blamed for reprehending, and with a considerable degree of verbal asperity, those ill-natured neighbors of his who visited his dunghill to read moral, political, and economical lectures on his misery. I am alone. I have none to meet my enemies in the gate. Indeed, my Lord, I greatly deceive myself, if in this hard season I would give a peck of refuse wheat for all that is called fame and honor in the world. This is the appetite but of a few. It is a luxury, it is a privilege, it is an indulgence for those who are at their ease. But we are all of us made to shun disgrace, as we are made to shrink from pain and poverty and disease. It is an instinct; and under the direction of reason, instinct is always in the right. I live in an inverted order. They who ought to have succeeded me are gone before me. They who should have been to me as posterity are in the place of ancestors. I owe to the dearest relation (which ever must subsist in memory) that act of piety which he would have performed to me: I owe it to him to show that he was not descended, as the Duke of Bedford would have it, from an unworthy parent.

The crown has considered me after long service: the crown has paid the Duke of Bedford by advance. He has had a long credit for any service which he may perform hereafter. He is secure, and long may he be secure, in his advance, whether he performs any services or not. But let him take care how he endangers the safety of

that Constitution which secures his own utility or his own insignificance, or how he discourages those who take up even puny arms to defend an order of things which, like the sun of heaven, shines alike on the useful and the worthless. His grants are ingrafted on the public law of Europe, covered with the awful hoar of innumerable ages. They are guarded by the sacred rules of prescription, found in that full treasury of jurisprudence from which the jejuneness and penury of our municipal law has by degrees been enriched and strengthened. This prescription I had my share (a very full share) in bringing to its perfection. The Duke of Bedford will stand as long as prescriptive law endures, — as long as the great, stable laws of property, common to us with all civilized nations, are kept in their integrity, and without the smallest intermixture of the laws, maxims, principles, or precedents of the Grand Revolution. They are secure against all changes but one. The whole Revolutionary system, institutes, digest, code, novels, text, gloss, comment, are not only not the same, but they are the very reverse, and the reverse fundamentally, of all the laws on which civil life has hitherto been upheld in all the governments of the world. The learned professors of the Rights of Man regard prescription not as a title to bar all claim set up against old possession, but they look on prescription as itself a bar against the possessor and proprietor. They hold an immemorial possession to be no more than a long continued and therefore an aggravated injustice.

Such are *their* ideas, such *their* religion, and such *their* law. But as to *our* country and *our* race, as long as the well-compacted structure of our Church and State, the sanctuary, the holy of holies of that ancient law, defended by reverence, defended by power, a fortress at once and a temple, shall stand inviolate on the brow of the British Sion, — as long as the British monarchy, not more limited than fenced by the orders of the state, shall, like the proud Keep of Windsor, rising in the majesty of proportion, and girt with the double belt of its kindred and coëval towers, as long as this awful structure shall oversee and guard the subjected land, — so long the mounds and dikes of the low, fat, Bedford level will have nothing to fear from all the pickaxes of all the levellers of France. As long as our sovereign lord the king, and his faithful subjects, the lords and commons of this realm, — the triple cord which no man can break, — the solemn, sworn, constitutional frank-pledge of this nation, — the firm guaranties of each other's being and each other's rights, — the joint and several securities, each in its place and order, for every kind and every quality of property and of dignity, — as long as these ensure, so long the Duke of Bedford is safe, and we are all safe together, — the high from the blights of envy and the spoliations of rapacity, the low from the iron hand of oppression and the insolent spurn of contempt. Amen! and so be it! and so it will be, —

Dum domus Æneæ Capitolî immobile saxum
Accolet, imperiumque pater Romanus habebit.

But if the rude inroad of Gallic tumult, with its sophistical rights of man to falsify the account, and its sword as a make-weight to throw into the scale, shall be introduced into our city by a misguided populace, set on by proud great men, themselves blinded and intoxicated by a frantic ambition, we shall all of us perish and be overwhelmed in a common ruin. If a great storm blow on our coast, it will cast the whales on the strand, as well as the periwinkles. His Grace will not survive the poor grantee he despises, — no, not for a twelvemonth. If the great look for safety in the services they render to this Gallic cause, it is to be foolish even above the weight of privilege allowed to wealth. If his Grace be one of these whom they endeavor to proselytize, he ought to be aware of the character of the sect whose doctrines he is invited to embrace. With them insurrection is the most sacred of revolutionary duties to the state. Ingratitude to benefactors is the first of revolutionary virtues. Ingratitude is, indeed, their four cardinal virtues compacted and amalgamated into one; and he will find it in everything that has happened since the commencement of the philosophic Revolution to this hour. If he pleads the merit of having performed the duty of insurrection against the order he lives in, (God forbid he ever should!) the merit of others will be to perform the duty of insurrection against him. If he pleads (again God forbid he should, and I do not suspect he will) his ingratitude to the crown for its creation of his family, others will plead their right and duty to pay him in kind. They will laugh, indeed they will laugh, at his parchment and his wax. His deeds will be drawn out with the rest of the lumber of his evidence-room, and burnt to the tune of *Ça, ira* in the courts of Bedford (then Equality) House.

Am I to blame, if I attempt to pay his Grace's hostile reproaches to me with a friendly admonition to himself? Can I be blamed for pointing out to him in what manner he is like to be affected, if the sect of the cannibal philosophers of France should proselytize any considerable part of this people, and, by their joint proselytizing arms, should conquer that government to which his Grace does not seem to me to give all the support his own security demands? Surely it is proper that he, and that others like him, should know the true genius of this sect, — what their opinions are, — what they have done, and to whom, — and what (if a prognostic is to be formed from the dispositions and actions of men) it is certain they will do hereafter. He ought to know that they have sworn assistance, the only engagement they ever will keep, to all in this country who bear a resemblance to themselves, and who think, as such, that *the whole duty of man* consists in destruction. They are a misallied and disparaged branch of the House of Nimrod. They are the Duke of Bedford's natural hunters; and he is their natural game. Because he is not very profoundly reflecting, he sleeps in profound security: they, on the contrary, are always vigilant, active, enterprising, and, though far removed from any knowledge which makes men estimable or useful, in all the instruments and resources of evil their leaders are not meanly instructed or insufficiently

furnished. In the French Revolution everything is new, and, from want of preparation to meet so unlooked-for an evil, everything is dangerous. Never before this time was a set of literary men converted into a gang of robbers and assassins; never before did a den of bravoës and banditti assume the garb and tone of an academy of philosophers.

Let me tell his Grace, that an union of such characters, monstrous as it seems, is not made for producing despicable enemies. But if they are formidable as foes, as friends they are dreadful indeed. The men of property in France, confiding in a force which seemed to be irresistible because it had never been tried, neglected to prepare for a conflict with their enemies at their own weapons. They were found in such a situation as the Mexicans were, when they were attacked by the dogs, the cavalry, the iron, and the gunpowder of an handful of bearded men, whom they did not know to exist in Nature. This is a comparison that some, I think, have made; and it is just. In France they had their enemies within their houses. They were even in the bosoms of many of them. But they had not sagacity to discern their savage character. They seemed tame, and even caressing. They had nothing but *douce humanité* in their mouth. They could not bear the punishment of the mildest laws on the greatest criminals. The slightest severity of justice made their flesh creep. The very idea that war existed in the world disturbed their repose. Military glory was no more, with them, than a splendid infamy. Hardly would they hear of self-defence, which they reduced within such bounds as to leave it no defence at all. All this while they meditated the confiscations and massacres we have seen. Had any one told these unfortunate noblemen and gentlemen how and by whom the grand fabric of the French monarchy under which they flourished would be subverted, they would not have pitied him as a visionary, but would have turned from him as what they call a *mauvais plaisant*. Yet we have seen what has happened. The persons who have suffered from the cannibal philosophy of France are so like the Duke of Bedford, that nothing but his Grace's probably not speaking quite so good French could enable us to find out any difference. A great many of them had as pompous titles as he, and were of full as illustrious a race; some few of them had fortunes as ample; several of them, without meaning the least disparagement to the Duke of Bedford, were as wise, and as virtuous, and as valiant, and as well educated, and as complete in all the lineaments of men of honor, as he is; and to all this they had added the powerful outguard of a military profession, which, in its nature, renders men somewhat more cautious than those who have nothing to attend to but the lazy enjoyment of undisturbed possessions. But security was their ruin. They are dashed to pieces in the storm, and our shores are covered with the wrecks. If they had been aware that such a thing might happen, such a thing never could have happened.

I assure his Grace, that, if I state to him the designs of his enemies in a manner which may appear to him ludicrous and impossible, I tell him nothing that has not exactly happened, point by point, but twenty-four miles from our own shore. I

assure him that the Frenchified faction, more encouraged than others are warned by what has happened in France, look at him and his landed possessions as an object at once of curiosity and rapacity. He is made for them in every part of their double character. As robbers, to them he is a noble booty; as speculatists, he is a glorious subject for their experimental philosophy. He affords matter for an extensive analysis in all the branches of their science, geometrical, physical, civil, and political. These philosophers are fanatics: independent of any interest, which, if it operated alone, would make them much more tractable, they are carried with such an headlong rage towards every desperate trial that they would sacrifice the whole human race to the slightest of their experiments. I am better able to enter into the character of this description of men than the noble Duke can be. I have lived long and variously in the world. Without any considerable pretensions to literature in myself, I have aspired to the love of letters. I have lived for a great many years in habitudes with those who professed them. I can form a tolerable estimate of what is likely to happen from a character chiefly dependent for fame and fortune on knowledge and talent, as well in its morbid and perverted state as in that which is sound and natural. Naturally, men so formed and finished are the first gifts of Providence to the world. But when they have once thrown off the fear of God, which was in all ages too often the case, and the fear of man, which is now the case, and when in that state they come to understand one another, and to act in corps, a more dreadful calamity cannot arise out of hell to scourge mankind. Nothing can be conceived more hard than the heart of a thorough-bred metaphysician. It comes nearer to the cold malignity of a wicked spirit than to the frailty and passion of a man. It is like that of the Principle of Evil himself, incorporeal, pure, unmixed, dephlegmated, defecated evil. It is no easy operation to eradicate humanity from the human breast. What Shakspeare calls the “compunctious visitings of Nature” will sometimes knock at their hearts, and protest against their murderous speculations. But they have a means of compounding with their nature. Their humanity is not dissolved; they only give it a long prorogation. They are ready to declare that they do not think two thousand years too long a period for the good that they pursue. It is remarkable that they never see any way to their projected good but by the road of some evil. Their imagination is not fatigued with the contemplation of human suffering through the wild waste of centuries added to centuries of misery and desolation. Their humanity is at their horizon, — and, like the horizon, it always flies before them. The geometricians and the chemists bring, the one from the dry bones of their diagrams, and the other from the soot of their furnaces, dispositions that make them worse than indifferent about those feelings and habitudes which are the supports of the moral world. Ambition is come upon them suddenly; they are intoxicated with it, and it has rendered them fearless of the danger which may from thence arise to others or to themselves. These philosophers consider men in their experiments no more than they do mice in an air-pump or in a recipient of mephitic

gas. Whatever his Grace may think of himself, they look upon him, and everything that belongs to him, with no more regard than they do upon the whiskers of that little long-tailed animal that has been long the game of the grave, demure, insidious, spring-nailed, velvet-pawed, green-eyed philosophers, whether going upon two legs or upon four.

His Grace's landed possessions are irresistibly inviting to an agrarian experiment. They are a downright insult upon the rights of man. They are more extensive than the territory of many of the Grecian republics; and they are without comparison more fertile than most of them. There are now republics in Italy, in Germany, and in Switzerland, which do not possess anything like so fair and ample a domain. There is scope for seven philosophers to proceed in their analytical experiments upon Harrington's seven different forms of republics, in the acres of this one Duke. Hitherto they have been wholly unproductive to speculation, — fitted for nothing but to fatten bullocks, and to produce grain for beer, still more to stupefy the dull English understanding. Abbé Sieyès has whole nests of pigeon-holes full of constitutions ready-made, ticketed, sorted, and numbered, suited to every season and every fancy: some with the top of the pattern at the bottom, and some with the bottom at the top; some plain, some flowered; some distinguished for their simplicity, others for their complexity; some of blood color, some of *boue de Paris*; some with directories, others without a direction; some with councils of elders and councils of youngsters, some without any council at all; some where the electors choose the representatives, others where the representatives choose the electors; some in long coats, and some in short cloaks; some with pantaloons, some without breeches; some with five-shilling qualifications, some totally unqualified. So that no constitution-fancier may go unsuited from his shop, provided he loves a pattern of pillage, oppression, arbitrary imprisonment, confiscation, exile, revolutionary judgment, and legalized premeditated murder, in any shapes into which they can be put. What a pity it is that the progress of experimental philosophy should be checked by his Grace's monopoly! Such are their sentiments, I assure him; such is their language, when they dare to speak; and such are their proceedings, when they have the means to act.

Their geographers and geometers have been some time out of practice. It is some time since they have divided their own country into squares. That figure has lost the charms of its novelty. They want new lands for new trials. It is not only the geometers of the Republic that find him a good subject: the chemists have bespoke him, after the geometers have done with him. As the first set have an eye on his Grace's lands, the chemists are not less taken with his buildings. They consider mortar as a very anti-revolutionary invention, in its present state, but, properly employed, an admirable material for overturning all establishments. They have found that the gunpowder of *ruins* is far the fittest for making other *ruins*, and so *ad infinitum*. They have calculated what quantity of matter convertible into nitre

is to be found in Bedford House, in Woburn Abbey, and in what his Grace and his trustees have still suffered to stand of that foolish royalist, Inigo Jones, in Covent Garden. Churches, play-houses, coffeehouses, all alike, are destined to be mingled, and equalized, and blended into one common rubbish, — and, well sifted, and lixiviated, to crystallize into true, democratic, explosive, insurrectionary nitre. Their Academy *del Cimento*, (*per antiphrasin*,) with Morveau and Hassenfratz at its head, have computed that the brave *sans-culottes* may make war on all the aristocracy of Europe for a twelvemonth out of the rubbish of the Duke of Bedford's buildings.

While the Morveaux and Priestleys are proceeding with these experiments upon the Duke of Bedford's houses, the Sieyès, and the rest of the analytical legislators and constitution-venders, are quite as busy in their trade of decomposing organization, in forming his Grace's vassals into primary assemblies, national guards, first, second, and third requisitioners, committees of research, conductors of the travelling guillotine, judges of revolutionary tribunals, legislative hangmen, supervisors of domiciliary visitation, exactors of forced loans, and assessors of the maximum.

The din of all this smithery may some time or other possibly wake this noble Duke, and push him to an endeavor to save some little matter from their experimental philosophy. If he pleads his grants from the crown, he is ruined at the outset. If he pleads he has received them from the pillage of superstitious corporations, this indeed will stagger them a little, because they are enemies to all corporations and to all religion. However, they will soon recover themselves, and will tell his Grace, or his learned council, that all such property belongs to the *nation*, — and that it would be more wise for him, if he wishes to live the natural term of a *citizen*, (that is, according to Condorcet's calculation, six months on an average,) not to pass for an usurper upon the national property. This is what the *serjeants-at-law* of the rights of man will say to the puny *apprentices* of the common law of England.

Is the genius of philosophy not yet known? You may as well think the garden of the Tuileries was well protected with the cords of ribbon insultingly stretched by the National Assembly to keep the sovereign *canaille* from intruding on the retirement of the poor King of the French as that such flimsy cobwebs will stand between the savages of the Revolution and their natural prey. Deep philosophers are no triflers; brave *sans-culottes* are no formalists. They will no more regard a Marquis of Tavistock than an Abbot of Tavistock; the Lord of Woburn will not be more respectable in their eyes than the Prior of Woburn; they will make no difference between the superior of a Covent Garden of nuns and of a Covent Garden of another description. They will not care a rush whether his coat is long or short, — whether the color be purple, or blue and buff. They will not trouble *their* heads with what part of *his* head his hair is out from; and they will look with equal respect on a tonsure and a crop. Their only question will be that of their Legendre, or some

oilier of their legislative butchers: How he cuts up; how he tallows in the caul or on the kidneys.

Is it not a singular phenomenon, that, whilst the *sans-culotte* carcass-butchers and the philosophers of the shambles are pricking their dotted lines upon his hide, and, like the print of the poor ox that we see in the shop-windows at Charing Cross, alive as he is, and thinking no harm in the world, he is divided into rumps, and sirloins, and briskets, and into all sorts of pieces for roasting, boiling, and stewing, that, all the while they are measuring *him*, his Grace is measuring *me*, — is invidiously comparing the bounty of the crown with the deserts of the defender of his order, and in the same moment fawning on those who have the knife half out of the sheath? Poor innocent!

“Pleased to the last, he crops the flowery food,
And licks the hand just raised to shed his blood.”

No man lives too long who lives to do with spirit and suffer with resignation what Providence pleases to command or inflict; but, indeed, they are sharp incommodities which beset old age. It was but the other day, that, on putting in order some things which had been brought here, on my taking leave of London forever, I looked over a number of fine portraits, most of them of persons now dead, but whose society, in my better days, made this a proud and happy place. Amongst those was the picture of Lord Keppel. It was painted by an artist worthy of the subject, the excellent friend of that excellent man from their earliest youth, and a common friend of us both, with whom we lived for many years without a moment of coldness, of peevishness, of jealousy, or of jar, to the day of our final separation.

I ever looked on Lord Keppel as one of the greatest and best men of his age, and I loved and cultivated him accordingly. He was much in my heart, and I believe I was in his to the very last beat. It was after his trial at Portsmouth that he gave me this picture. With what zeal and anxious affection I attended him through that his agony of glory, — what part my son, in the early flush and enthusiasm of his virtue, and the pious passion with which he attached himself to all my connections, — with what prodigality we both squandered ourselves in courting almost every sort of enmity for his sake, I believe he felt, just as I should have felt such friendship on such an occasion. I partook, indeed, of this honor with several of the first and best and ablest in the kingdom, but I was behindhand with none of them; and I am sure, that, if, to the eternal disgrace of this nation, and to the total annihilation of every trace of honor and virtue in it, things had taken a different turn from what they did. I should have attended him to the quarter-deck with no less good-will and more pride, though with far other feelings, than I partook of the general flow of national joy that attended the justice that was done to his virtue.

Pardon, my Lord, the feeble garrulity of age, which loves to diffuse itself in discourse of the departed great. At my years we live in retrospect alone; and, wholly unfitted for the society of vigorous life, we enjoy, the best balm to all wounds, the consolation of friendship, in those only whom we have lost forever. Feeling the loss of Lord Keppel at all times, at no time did I feel it so much as on the first day when I was attacked in the House of Lords.

Had he lived, that reverend form would have risen in its place, and, with a mild, parental reprehension to his nephew, the Duke of Bedford, he would have told him that the favor of that gracious prince who had honored his virtues with the government of the navy of Great Britain, and with a seat in the hereditary great council of his kingdom, was not undeservedly shown to the friend of the best portion of his life, and his faithful companion and counsellor under his rudest trials. He would have told him, that, to whomever else these reproaches might be becoming, they were not decorous in his near kindred. He would have told him, that, when men in that rank lose decorum, they lose everything.

On that day I had a loss in Lord Keppel. But the public loss of him in this awful crisis! — I speak from much knowledge of the person: he never would have listened to any compromise with the rabble rout of this *sans-culotterie* of France. His goodness of heart, his reason, his taste, his public duty, his principles, his prejudices, would have repelled him forever from all connection with that horrid medley of madness, vice, impiety, and crime.

Lord Keppel had two countries: one of descent, and one of birth. Their interest and their glory are the same; and his mind was capacious of both. His family was noble, and it was Dutch: that is, he was of the oldest and purest nobility that Europe can boast, among a people renowned above all others for love of their native land. Though it was never shown in insult to any human being, Lord Keppel was something high. It was a wild stock of pride, on which the tenderest of all hearts had grafted the milder virtues. He valued ancient nobility; and he was not disinclined to augment it with new honors. He valued the old nobility and the new, not as an excuse for inglorious sloth, but as an incitement to virtuous activity. He considered it as a sort of cure for selfishness and a narrow mind, — conceiving that a man born in an elevated place in himself was nothing, but everything in what went before and what was to come after him. Without much speculation, but by the sure instinct of ingenuous feelings, and by the dictates of plain, unsophisticated, natural understanding, he felt that no great commonwealth could by any possibility long subsist without a body of some kind or other of nobility decorated with honor and fortified by privilege. This nobility forms the chain that connects the ages of a nation, which otherwise (with Mr. Paine) would soon be taught that no one generation can bind another. He felt that no political fabric could be well made, without some such order of things as might, through a series of time, afford a rational hope of securing unity, coherence, consistency, and stability to the state. He

felt that nothing else can protect it against the levity of courts and the greater levity of the multitude; that to talk of hereditary monarchy, without anything else of hereditary reverence in the commonwealth, was a low-minded absurdity, fit only for those detestable “fools aspiring to be knaves” who began to forge in 1789 the false money of the French Constitution; that it is one fatal objection to all *new* fancied and *new fabricated* republics, (among a people who, once possessing such an advantage, have wickedly and insolently rejected it,) that the *prejudice* of an old nobility is a thing that *cannot* be made. It may be improved, it may be corrected, it may be replenished; men may be taken from it or aggregated to it; but *the thing itself* is matter of *inveterate* opinion, and therefore *cannot* be matter of mere positive institution. He felt that this nobility, in fact, does not exist in wrong of other orders of the state, but by them, and for them.

I knew the man I speak of: and if we can divine the future out of what we collect from the past, no person living would look with more scorn and horror on the impious parricide committed on all their ancestry, and on the desperate attainder passed on all their posterity, by the Orléans, and the Rochefoucaults, and the Fayettes, and the Vicomtes de Noailles, and the false Périgords, and the long *et cetera* of the perfidious *sans-culottes* of the court, who, like demoniacs possessed with a spirit of fallen pride and inverted ambition, abdicated their dignities, disowned their families, betrayed the most sacred of all trusts, and, by breaking to pieces a great link of society and all the cramps and holdings of the state, brought eternal confusion and desolation on their country. For the fate of the miscreant parricides themselves he would have had no pity. Compassion for the myriads of men, of whom the world was not worthy, who by their means have perished in prisons or on scaffolds, or are pining in beggary and exile, would leave no room in his, or in any well-formed mind, for any such sensation. We are not made at once to pity the oppressor and the oppressed.

Looking to his Batavian descent, how could he bear to behold his kindred, the descendants of the brave nobility of Holland, whose blood, prodigally poured out, had, more than all the canals, meres, and inundations of their country, protected their independence, to behold them bowed in the basest servitude to the basest and vilest of the human race, — in servitude to those who in no respect were superior in dignity or could aspire to a better place than that of hangmen to the tyrants to whose sceptred pride they had opposed an elevation of soul that surmounted and overpowered the loftiness of Castile, the haughtiness of Austria, and the overbearing arrogance of France?

Could he with patience bear that the children of that nobility who would have deluged their country and given it to the sea rather than submit to Louis the Fourteenth, who was then in his meridian glory, when his arms were conducted by the Turennes, by the Luxembourgs, by the Boufflers, when his councils were directed by the Colberts and the Louvois, when his tribunals were filled by the

Lamoignons and the D'Aguesseaus, — that these should be given up to the cruel sport of the Pichegrus, the Jourdans, the Santerres, under the Rolands, and Brissots, and Gorsas, and Robespierres, the Reubells, the Carnots, and Talliens, and Dantons, and the whole tribe of regicides, robbers, and revolutionary judges, that from the rotten carcass of their own murdered country have poured out innumerable swarms of the lowest and at once the most destructive of the classes of animated Nature, which like columns of locusts have laid waste the fairest part of the world?

Would Keppel have borne to see the ruin of the virtuous patricians, that happy union of the noble and the burgher, who with signal prudence and integrity had long governed the cities of the confederate republic, the cherishing fathers of their country, who, denying commerce to themselves, made it flourish in a manner unexampled under their protection? Could Keppel have borne that a vile faction should totally destroy this harmonious construction, in favor of a robbing democracy founded on the spurious rights of man?

He was no great clerk, but he was perfectly well versed in the interests of Europe, and he could not have heard with patience that the country of Grotius, the cradle of the law of nations, and one of the richest repositories of all law, should be taught a new code by the ignorant flippancy of Thomas Paine, the presumptuous foppery of La Fayette, with his stolen rights of man in his hand, the wild, profligate intrigue and turbulency of Marat, and the impious sophistry of Condorcet, in his insolent addresses to the Batavian Republic.

Could Keppel, who idolized the House of Nassau, who was himself given to England along with the blessings of the British and Dutch Revolutions, with Revolutions of stability, with Revolutions which consolidated and married the liberties and the interests of the two nations forever, — could he see the fountain of British liberty itself in servitude to France? Could he see with patience a Prince of Orange expelled, as a sort of diminutive despot, with every kind of contumely, from the country which that family of deliverers had so often rescued from slavery, and obliged to live in exile in another country, which owes its liberty to his house?

Would Keppel have heard with patience that the conduct to be held on such occasions was to become short by the knees to the faction of the homicides, to entreat them quietly to retire? or, if the fortune of war should drive them from their first wicked and unprovoked invasion, that no security should be taken, no arrangement made, no barrier formed, no alliance entered into for the security of that which under a foreign name is the most precious part of England? What would he have said, if it was even proposed that the Austrian Netherlands (which ought to be a barrier to Holland, and the tie of an alliance to protect her against any species of rule that might be erected or even be restored in France) should be formed into a republic under her influence and dependent upon her power?

But above all, what would he have said, if he had heard it made a matter of accusation against me, by his nephew, the Duke of Bedford, that I was the author of

the war? Had I a mind to keep that high distinction to myself, (as from pride I might, but from justice I dare not,) he would have snatched his share of it from my hand, and held it with the grasp of a dying convulsion to his end.

It would be a most arrogant presumption in me to assume to myself the glory of what belongs to his Majesty, and to his ministers, and to his Parliament, and to the far greater majority of his faithful people: but had I stood alone to counsel, and that all were determined to be guided by my advice, and to follow it implicitly, then I should have been the sole author of a war. But it should have been a war on my ideas and my principles. However, let his Grace think as he may of my demerits with regard to the war with Regicide, he will find my guilt confined to that alone. He never shall, with the smallest color of reason, accuse me of being the author of a peace with Regicide. — But that is high matter, and ought not to be mixed with anything of so little moment as what may belong to me, or even to the Duke of Bedford.

I have the honor to be, &c.

EDMUND BURKE.

THREE LETTERS ADDRESSED TO A MEMBER OF THE PRESENT PARLIAMENT, ON THE PROPOSALS FOR PEACE WITH THE REGICIDE DIRECTORY OF FRANCE. 1796-7.

LETTER I.

ON THE OVERTURES OF PEACE.

My Dear Sir, — Our last conversation, though not in the tone of absolute despondency, was far from cheerful. We could not easily account for some unpleasant appearances. They were represented to us as indicating the state of the popular mind; and they were not at all what we should have expected from our old ideas even of the faults and vices of the English character. The disastrous events which have followed one upon another in a long, unbroken, funereal train, moving in a procession that seemed to have no end, — these were not the principal causes of our dejection. We feared more from what threatened to fail within than what menaced to oppress us from abroad. To a people who have once been proud and great, and great because they were proud, a change in the national spirit is the most terrible of all revolutions.

I shall not live to behold the unravelling of the intricate plot which saddens and perplexes the awful drama of Providence now acting on the moral theatre of the world. Whether for thought or for action, I am at the end of my career. You are in the middle of yours. In what part of its orbit the nation with which we are carried along moves at this instant it is not easy to conjecture. It may, perhaps, be far advanced in its aphelion, — but when to return?

Not to lose ourselves in the infinite void of the conjectural world, our business is with what is likely to be affected, for the better or the worse, by the wisdom or weakness of our plans. In all speculations upon men and human affairs, it is of no small moment to distinguish things of accident from permanent causes, and from effects that cannot be altered. It is not every irregularity in our movement that is a total deviation from our course. I am not quite of the mind of those speculators who seem assured that necessarily, and by the constitution of things, all states have the same periods of infancy, manhood, and decrepitude that are found in the individuals who compose them. Parallels of this sort rather furnish similitudes to illustrate or to adorn than supply analogies from whence to reason. The objects which are attempted to be forced into an analogy are not found in the same classes of existence. Individuals are physical beings, subject to laws universal and invariable. The immediate cause acting in these laws may be obscure: the general results are subjects of certain calculation. But commonwealths are not physical, but

moral essences. They are artificial combinations, and, in their proximate efficient cause, the arbitrary productions of the human mind. We are not yet acquainted with the laws which necessarily influence the stability of that kind of work made by that kind of agent. There is not in the physical order (with which they do not appear to hold any assignable connection) a distinct cause by which any of those fabrics must necessarily grow, flourish, or decay; nor, in my opinion, does the moral world produce anything more determinate on that subject than what may serve as an amusement (liberal, indeed, and ingenious, but still only an amusement) for speculative men. I doubt whether the history of mankind is yet complete enough, if ever it can be so, to furnish grounds for a sure theory on the internal causes which necessarily affect the fortune of a state. I am far from denying the operation of such causes: but they are infinitely uncertain, and much more obscure, and much more difficult to trace, than the foreign causes that tend to raise, to depress, and sometimes to overwhelm a community.

It is often impossible, in these political inquiries, to find any proportion between the apparent force of any moral causes we may assign and their known operation. We are therefore obliged to deliver up that operation to mere chance, or, more piously, (perhaps more rationally,) to the occasional interposition and irresistible hand of the Great Disposer. We have seen states of considerable duration, which for ages have remained nearly as they have begun, and could hardly be said to ebb or flow. Some appear to have spent their vigor at their commencement. Some have blazed out in their glory a little before their extinction. The meridian of some has been the most splendid. Others, and they the greatest number, have fluctuated, and experienced at different periods of their existence a great variety of fortune. At the very moment when some of them seemed plunged in unfathomable abysses of disgrace and disaster, they have suddenly emerged. They have begun a new course and opened a new reckoning, and even in the depths of their calamity and on the very ruins of their country have laid the foundations of a towering and durable greatness. All this has happened without any apparent previous change in the general circumstances which had brought on their distress. The death of a man at a critical juncture, his disgust, his retreat, his disgrace, have brought innumerable calamities on a whole nation. A common soldier, a child, a girl at the door of an inn, have changed the face of fortune, and almost of Nature.

Such, and often influenced by such causes, has commonly been the fate of monarchies of long duration. They have their ebbs and their flows. This has been eminently the fate of the monarchy of France. There have been times in which no power has ever been brought so low. Few have ever flourished in greater glory. By turns elevated and depressed, that power had been, on the whole, rather on the increase; and it continued not only powerful, but formidable, to the hour of the total ruin of the monarchy. This fall of the monarchy was far from being preceded by any exterior symptoms of decline. The interior were not visible to every eye; and a

thousand accidents might have prevented the operation of what the most clear-sighted were not able to discern nor the most provident to divine. A very little time before its dreadful catastrophe, there was a kind of exterior splendor in the situation of the crown, which usually adds to government strength and authority at home. The crown seemed then to have obtained some of the most splendid objects of state ambition. None of the Continental powers of Europe were the enemies of France. They were all either tacitly disposed to her or publicly connected with her; and in those who kept the most aloof there was little appearance of jealousy, — of animosity there was no appearance at all. The British nation, her great preponderating rival, she had humbled, to all appearance she had weakened, certainly had endangered, by cutting off a very large and by far the most growing part of her empire. In that its acme of human prosperity and greatness, in the high and palmy state of the monarchy of France, it fell to the ground without a struggle. It fell without any of those vices in the monarch which have sometimes been the causes of the fall of kingdoms, but which existed, without any visible effect on the state, in the highest degree in many other princes, and, far from destroying their power, had only left some slight stains on their character. The financial difficulties were only pretexts and instruments of those who accomplished the ruin of that monarchy; they were not the causes of it.

Deprived of the old government, deprived in a manner of all government, France, fallen as a monarchy, to common speculators might have appeared more likely to be an object of pity or insult, according to the disposition of the circumjacent powers, than to be the scourge and terror of them all: but out of the tomb of the murdered monarchy in France has arisen a vast, tremendous, unformed spectre, in a far more terrific guise than any which ever yet have overpowered the imagination and subdued the fortitude of man. Going straight forward to its end, unappalled by peril, unchecked by remorse, despising all common maxims and all common means, that hideous phantom overpowered those who could not believe it was possible she could at all exist, except on the principles which habit rather than Nature had persuaded them were necessary to their own particular welfare and to their own ordinary modes of action. But the constitution of any political being, as well as that of any physical being, ought to be known, before one can venture to say what is fit for its conservation, or what is the proper means of its power. The poison of other states is the food of the new Republic. That bankruptcy, the very apprehension of which is one of the causes assigned for the fall of the monarchy, was the capital on which she opened her traffic with the world.

The Republic of Regicide, with an annihilated revenue, with defaced manufactures, with a ruined commerce, with an uncultivated and half-depopulated country, with a discontented, distressed, enslaved, and famished people, passing, with a rapid, eccentric, incalculable course, from the wildest anarchy to the sternest despotism, has actually conquered the finest parts of Europe, has distressed,

disunited, deranged, and broke to pieces all the rest, and so subdued the minds of the rulers in every nation, that hardly any resource presents itself to them, except that of entitling themselves to a contemptuous mercy by a display of their imbecility and meanness. Even in their greatest military efforts, and the greatest display of their fortitude, they seem not to hope, they do not even appear to wish, the extinction of what subsists to their certain ruin. Their ambition is only to be admitted to a more favored class in the order of servitude under that domineering power.

This seems the temper of the day. At first the French force was too much despised. Now it is too much dreaded. As inconsiderate courage has given way to irrational fear, so it may be hoped, that, through the medium of deliberate, sober apprehension, we may arrive at steady fortitude. Who knows whether indignation may not succeed to terror, and the revival of high sentiment, spurning away the delusion of a safety purchased at the expense of glory, may not yet drive us to that generous despair which has often subdued distempers in the state for which no remedy could be found in the wisest councils?

Other great states having been without any regular, certain course of elevation or decline, we may hope that the British fortune may fluctuate also; because the public mind, which greatly influences that fortune, may have its changes. We are therefore never authorized to abandon our country to its fate, or to act or advise as if it had no resource. There is no reason to apprehend, because ordinary means threaten to fail, that no others can spring up. Whilst our heart is whole, it will find means, or make them. The heart of the citizen is a perennial spring of energy to the state. Because the pulse seems to intermit, we must not presume that it will cease instantly to beat. The public must never be regarded as incurable. I remember, in the beginning of what has lately been called the Seven Years' War, that an eloquent writer and ingenious speculator, Dr. Brown, upon some reverses which happened in the beginning of that war, published an elaborate philosophical discourse to prove that the distinguishing features of the people of England had been totally changed, and that a frivolous effeminacy was become the national character. Nothing could be more popular than that work. It was thought a great consolation to us, the light people of this country, (who were and are light, but who were not and are not effeminate,) that we had found the causes of our misfortunes in our vices. Pythagoras could not be more pleased with his leading discovery. But whilst, in that splenetic mood, we amused ourselves in a sour, critical speculation, of which we were ourselves the objects, and in which every man lost his particular sense of the public disgrace in the epidemic nature of the distemper, — whilst, as in the Alps, goitre kept goitre in countenance, — whilst we were thus abandoning ourselves to a direct confession of our inferiority to France, and whilst many, very many, were ready to act upon a sense of that inferiority, — a few months effected a total change in our variable minds. We emerged from the gulf of that speculative despondency,

and wore buoyed up to the highest point of practical vigor. Never did the masculine spirit of England display itself with more energy, nor ever did its genius soar with a prouder preëminence over France, than at the time when frivolity and effeminacy had been at least tacitly acknowledged as their national character by the good people of this kingdom.

For one, (if they be properly treated,) I despair neither of the public fortune nor of the public mind. There is much to be done, undoubtedly, and much to be retrieved. We must walk in new ways, or we can never encounter our enemy in his devious march. We are not at an end of our struggle, nor near it. Let us not deceive ourselves: we are at the beginning of great troubles. I readily acknowledge that the state of public affairs is infinitely more unpromising than at the period I have just now alluded to; and the position of all the powers of Europe, in relation to us, and in relation to each other, is more intricate and critical beyond all comparison. Difficult indeed is our situation. In all situations of difficulty, men will be influenced in the part they take, not only by the reason of the case, but by the peculiar turn of their own character. The same ways to safety do not present themselves to all men, nor to the same men in different tempers. There is a courageous wisdom: there is also a false, reptile prudence, the result, not of caution, but of fear. Under misfortunes, it often happens that the nerves of the understanding are so relaxed, the pressing peril of the hour so completely confounds all the faculties, that no future danger can be properly provided for, can be justly estimated, can be so much as fully seen. The eye of the mind is dazzled and vanquished. An abject distrust of ourselves, an extravagant admiration of the enemy, present us with no hope but in a compromise with his pride by a submission to his will. This short plan of policy is the only counsel which will obtain a hearing. We plunge into a dark gulf with all the rash precipitation of fear. The nature of courage is, without a question, to be conversant with danger: but in the palpable night of their terrors, men under consternation suppose, not that it is the danger which by a sure instinct calls out the courage to resist it, but that it is the courage which produces the danger. They therefore seek for a refuge from their fears in the fears themselves, and consider a temporizing meanness as the only source of safety.

The rules and definitions of prudence can rarely be exact, never universal. I do not deny, that, in small, truckling states, a timely compromise with power has often been the means, and the only means; of drawing out their puny existence; but a great state is too much envied, too much dreaded, to find safety in humiliation. To be secure, it must be respected. Power and eminence and consideration are things not to be begged; they must be commanded: and they who supplicate for mercy from others can never hope for justice through themselves. What justice they are to obtain, as the alms of an enemy, depends upon his character; and that they ought well to know before they implicitly confide.

Much controversy there has been in Parliament, and not a little amongst us out of doors, about the instrumental means of this nation towards the maintenance of her dignity and the assertion of her rights. On the most elaborate and correct detail of facts, the result seems to be, that at no time has the wealth and power of Great Britain been so considerable as it is at this very perilous moment. We have a vast interest to preserve, and we possess great means of preserving it: but it is to be remembered that the artificer may be incumbered by his tools, and that resources may be among impediments. If wealth is the obedient and laborious slave of virtue and of public honor, then wealth is in its place and has its use; but if this order is changed, and honor is to be sacrificed to the conservation of riches, riches, which have neither eyes nor hands, nor anything truly vital in them, cannot long survive the being of their vivifying powers, their legitimate masters, and their potent protectors. If we command our wealth, we shall be rich and free: if our wealth commands us, we are poor indeed. We are bought by the enemy with the treasure from our own coffers. Too great a sense of the value of a subordinate interest may be the very source of its danger, as well as the certain ruin of interests of a superior order. Often has a man lost his all because he would not submit to hazard all in defending it. A display of our wealth before robbers is not the way to restrain their boldness or to lessen their rapacity. This display is made, I know, to persuade the people of England that thereby we shall awe the enemy and improve the terms of our capitulation: it is made, not that we should fight with more animation, but that we should supplicate with better hopes. We are mistaken. We have an enemy to deal with who never regarded our contest as a measuring and weighing of purses. He is the Gaul that puts his *sword* into the scale. He is more tempted with our wealth as booty than terrified with it as power. But let us be rich or poor, let us be either in what proportion we may, Nature is false or this is true, that, where the essential public force (of which money is but a part) is in any degree upon a par in a conflict between nations, that state which is resolved to hazard its existence rather than to abandon its objects must have an infinite advantage over that which is resolved to yield rather than to carry its resistance beyond a certain point. Humanly speaking, that people which bounds its efforts only with its being must give the law to that nation which will not push its opposition beyond its convenience.

If we look to nothing but our domestic condition, the state of the nation is full even to plethora; but if we imagine that this country can long maintain its blood and its food as disjoined from the community of mankind, such an opinion does not deserve refutation as absurd, but pity as insane.

I do not know that such an improvident and stupid selfishness deserves the discussion which perhaps I may bestow upon it hereafter. We cannot arrange with our enemy, in the present conjuncture, without abandoning the interest of mankind. If we look only to our own petty *peculium* in the war, we have had some advantages, — advantages ambiguous in their nature, and dearly bought. We have not in the

slightest degree impaired the strength of the common enemy in any one of those points in which his particular force consists, — at the same time that new enemies to ourselves, new allies to the Regicide Republic, have been made out of the wrecks and fragments of the general confederacy. So far as to the selfish part. As composing a part of the community of Europe, and interested in its fate, it is not easy to conceive a state of things more doubtful and perplexing. When Louis the Fourteenth had made himself master of one of the largest and most important provinces of Spain, — when he had in a manner overrun Lombardy, and was thundering at the gates of Turin, — when he had mastered almost all Germany on this side the Rhine, — when he was on the point of ruining the august fabric of the Empire, — when, with the Elector of Bavaria in his alliance, hardly anything interposed between him and Vienna, — when the Turk hung with a mighty force over the Empire on the other side, — I do not know that in the beginning of 1704 (that is, in the third year of the renovated war with Louis the Fourteenth) the state of Europe was so truly alarming. To England it certainly was not. Holland (and Holland is a matter to England of value inestimable) was then powerful, was then independent, and, though greatly endangered, was then full of energy and spirit. But the great resource of Europe was in England: not in a sort of England detached from the rest of the world, and amusing herself with the puppet-show of a naval power, (it can be no better, whilst all the sources of that power, and of every sort of power, are precarious,) but in that sort of England who considered herself as embodied with Europe, but in that sort of England who, sympathetic with the adversity or the happiness of mankind, felt that nothing in human affairs was foreign to her. We may consider it as a sure axiom, that, as, on the one hand, no confederacy of the least effect or duration can exist against France, of which England is not only a part, but the head, so neither can England pretend to cope with France but as connected with the body of Christendom.

Our account of the war, *as a war of communion*, to the very point in which we began to throw out lures, oglings, and glances for peace, was a war of disaster, and of little else. The independent advantages obtained by us at the beginning of the war, and which were made at the expense of that common cause, if they deceive us about our largest and our surest interest, are to be reckoned amongst our heaviest losses.

The Allies, and Great Britain amongst the rest, (and perhaps amongst the foremost,) have been miserably deluded by this great, fundamental error: that it was in our power to make peace with this monster of a state, whenever we chose to forget the crimes that made it great and the designs that made it formidable. People imagined that their ceasing to resist was the sure way to be secure. This “pale cast of thought” sicklied over all their enterprises, and turned all their politics awry. They could not, or rather they would not, read, in the most unequivocal declarations of the enemy, and in his uniform conduct, that more safety was to be found in the

most arduous war than in the friendship of that kind of being. Its hostile amity can be obtained on no terms that do not imply an inability hereafter to resist its designs. This great, prolific error (I mean that peace was always in our power) has been the cause that rendered the Allies indifferent about the *direction* of the war, and persuaded them that they might always risk a choice and even a change in its objects. They seldom improved any advantage, — hoping that the enemy, affected by it, would make a proffer of peace. Hence it was that all their early victories have been followed almost immediately with the usual effects of a defeat, whilst all the advantages obtained by the Regicides have been followed by the consequences that were natural. The discomfitures which the Republic of Assassins has suffered have uniformly called forth new exertions, which not only repaired old losses, but prepared new conquests. The losses of the Allies, on the contrary, (no provision having been made on the speculation of such an event,) have been followed by desertion, by dismay, by disunion, by a dereliction of their policy, by a flight from their principles, by an admiration of the enemy, by mutual accusations, by a distrust in every member of the Alliance of its fellow, of its cause, its power, and its courage.

Great difficulties in consequence of our erroneous policy, as I have said, press upon every side of us. Far from desiring to conceal or even to palliate the evil in the representation, I wish to lay it down as my foundation, that never greater existed. In a moment when sudden panic is apprehended, it may be wise for a while to conceal some great public disaster, or to reveal it by degrees, until the minds of the people have time to be re-collected, that their understanding may have leisure to rally, and that more steady councils may prevent their doing something desperate under the first impressions of rage or terror. But with regard to a *general* state of things, growing out of events and causes already known in the gross, there is no piety in the fraud that covers its true nature; because nothing but erroneous resolutions can be the result of false representations. Those measures, which in common distress might be available, in greater are no better than playing with the evil. That the effort may bear a proportion to the exigence, it is fit it should be known, — known in its quality, in its extent, and in all the circumstances which attend it. Great reverses of fortune there have been, and great embarrassments in council: a principled regicide enemy possessed of the most important part of Europe, and struggling for the rest; within ourselves a total relaxation of all authority, whilst a cry is raised against it, as if it were the most ferocious of all despotism. A worse phenomenon: our government disowned by the most efficient member of its tribunals, — ill-supported by any of their constituent parts, — and the highest tribunal of all (from causes not for our present purpose to examine) deprived of all that dignity and all that efficiency which might enforce, or regulate, or, if the case required it, might supply the want of every other court. Public prosecutions are become little better than schools for treason, — of no use but to improve the dexterity of criminals in the

mystery of evasion, or to show with what complete impunity men may conspire against the commonwealth, with what safety assassins may attempt its awful head. Everything is secure, except what the laws have made sacred; everything is tameness and languor that is not fury and faction. Whilst the distempers of a relaxed fibre prognosticate and prepare all the morbid force of convulsion in the body of the state, the steadiness of the physician is overpowered by the very aspect of the disease. The doctor of the Constitution, pretending to underrate what he is not able to contend with, shrinks from his own operation. He doubts and questions the salutary, but critical, terrors of the cautery and the knife. He takes a poor credit even from his defeat, and covers impotence under the mask of lenity. He praises the moderation of the laws, as in his hands he sees them baffled and despised. Is all this because in our day the statutes of the kingdom are not engrossed in as firm a character and imprinted in as black and legible a type as ever? No! the law is a clear, but it is a dead letter. Dead and putrid, it is insufficient to save the state, but potent to infect and to kill. Living law, full of reason, and of equity and justice, (as it is, or it should not exist,) ought to be severe, and awful too, — or the words of menace, whether written on the parchment roll of England or cut into the brazen tablet of Borne, will excite nothing but contempt. How comes it that in all the state prosecutions of magnitude, from the Revolution to within these two or three years, the crown has scarcely ever retired disgraced and defeated from its courts? Whence this alarming change? By a connection easily felt, and not impossible to be traced to its cause, all the parts of the state have their correspondence and consent. They who bow to the enemy abroad will not be of power to subdue the conspirator at home. It is impossible not to observe, that, in proportion as we approximate to the poisonous jaws of anarchy, the fascination grows irresistible. In proportion as we are attracted towards the focus of illegality, irreligion, and desperate enterprise, all the venomous and blighting insects of the state are awakened into life. The promise of the year is blasted and shrivelled and burned up before them. Our most salutary and most beautiful institutions yield nothing but dust and smut; the harvest of our law is no more than stubble. It is in the nature of these eruptive diseases in the state to sink in by fits and reappear. But the fuel of the malady remains, and in my opinion is not in the smallest degree mitigated in its malignity, though it waits the favorable moment of a freer communication with the source of regicide to exert and to increase its force.

Is it that the people are changed, that the commonwealth cannot be protected by its laws? I hardly think it. On the contrary, I conceive that these things happen because men are not changed, but remain always what they always were; they remain what the bulk of us ever must be, when abandoned to our vulgar propensities, without guide, leader, or control: that is, made to be full of a blind elevation in prosperity; to despise untried dangers; to be overpowered with unexpected reverses; to find no clew in a labyrinth of difficulties; to get out of a

present inconvenience with any risk of future ruin; to follow and to bow to fortune; to admire successful, though wicked enterprise, and to imitate what we admire; to condemn the government which announces danger from sacrilege and regicide whilst they are only in their infancy and their struggle, but which finds nothing that can alarm in their adult state, and in the power and triumph of those destructive principles. In a mass we cannot be left to ourselves. We must have leaders. If none will undertake to lead us right, we shall find guides who will contrive to conduct us to shame and ruin.

We are in a war of a *peculiar* nature. It is not with an ordinary community, which is hostile or friendly as passion or as interest may veer about, — not with a state which makes war through wantonness, and abandons it through lassitude. We are at war with a system which by its essence is inimical to all other governments, and which makes peace or war as peace and war may best contribute to their subversion. It is with an *armed doctrine* that we are at war. It has, by its essence, a faction of opinion and of interest and of enthusiasm in every country. To us it is a Colossus which bestrides our Channel. It has one foot on a foreign shore, the other upon the British soil. Thus advantaged, if it can at all exist, it must finally prevail. Nothing can so completely ruin any of the old governments, ours in particular, as the acknowledgment, directly or by implication, of any kind of superiority in this new power. This acknowledgment we make, if, in a bad or doubtful situation of our affairs, we solicit peace, or if we yield to the modes of new humiliation in which alone she is content to give us an hearing. By that means the terms cannot be of our choosing, — no, not in any part.

It is laid in the unalterable constitution of things, — None can aspire to act greatly but those who are of force greatly to suffer. They who make their arrangements in the first run of misadventure, and in a temper of mind the common fruit of disappointment and dismay, put a seal on their calamities. To their power they take a security against any favors which they might hope from the usual inconstancy of fortune. I am therefore, my dear friend, invariably of your opinion, (though full of respect for those who think differently,) that neither the time chosen for it, nor the manner of soliciting a negotiation, were properly considered, — even though I had allowed (I hardly shall allow) that with the horde of Regicides we could by any selection of time or use of means obtain anything at all deserving the name of peace.

In one point we are lucky. The Regicide has received our advances with scorn. We have an enemy to whose virtues we can owe nothing, but on this occasion we are infinitely obliged to one of his vices. We owe more to his insolence than to our own precaution. The haughtiness by which the proud repel us has this of good in it, — that, in making us keep our distance, they must keep their distance too. In the present case, the pride of the Regicide may be our safety. He has given time for our reason to operate, and for British dignity to recover from its surprise. From first to

last he has rejected all our advances. Far as we have gone, he has still left a way open to our retreat.

There is always an augury to be taken of what a peace is likely to be from the preliminary steps that are made to bring it about. We may gather something from the time in which the first overtures are made, from the quarter whence they come, from the manner in which they are received. These discover the temper of the parties. If your enemy offers peace in the moment of success, it indicates that he is satisfied with something. It shows that there are limits to his ambition or his resentment. If he offers nothing under misfortune, it is probable that it is more painful to him to abandon the prospect of advantage than to endure calamity. If he rejects solicitation, and will not give even a nod to the suppliants for peace, until a change in the fortune of the war threatens him with ruin, then I think it evident that he wishes nothing more than to disarm his adversary to gain time. Afterwards a question arises, Which of the parties is likely to obtain the greater advantages by continuing disarmed and by the use of time?

With these few plain indications in our minds, it will not be improper to reconsider the conduct of the enemy together with our own, from the day that a question of peace has been in agitation. In considering this part of the question, I do not proceed on my own hypothesis. I suppose, for a moment, that this body of Regicide, calling itself a Republic, is a politic person, with whom something deserving the name of peace may be made. On that supposition, let us examine our own proceeding. Let us compute the profit it has brought, and the advantage that it is likely to bring hereafter. A peace too eagerly sought is not always the sooner obtained. The discovery of vehement wishes generally frustrates their attainment, and your adversary has gained a great advantage over you when he finds you impatient to conclude a treaty. There is in reserve not only something of dignity, but a great deal of prudence too. A sort of courage belongs to negotiation, as well as to operations of the field. A negotiator must often seem willing to hazard the whole issue of his treaty, if he wishes to secure any one material point.

The Regicides were the first to declare war. We are the first to sue for peace. In proportion to the humility and perseverance we have shown in our addresses has been the obstinacy of their arrogance in rejecting our suit. The patience of their pride seems to have been worn out with the importunity of our courtship. Disgusted as they are with a conduct so different from all the sentiments by which they are themselves filled, they think to put an end to our vexatious solicitation by redoubling their insults.

It happens frequently that pride may reject a public advance, while interest listens to a secret suggestion of advantage. The opportunity has been afforded. At a very early period in the diplomacy of humiliation, a gentleman was sent on an errand, of which, from the motive of it, whatever the event might be, we can never be ashamed. Humanity cannot be degraded by humiliation. It is its very character to

submit to such things. There is a consanguinity between benevolence and humility. They are virtues of the same stock. Dignity is of as good a race; but it belongs to the family of fortitude. In the spirit of that benevolence, we sent a gentleman to beseech the Directory of Regicide not to be quite so prodigal as their republic had been of judicial murder. We solicited them to spare the lives of some unhappy persons of the first distinction, whose safety at other times could not have been an object of solicitation. They had quitted France on the faith of the declaration of the rights of citizens. They never had been in the service of the Regicides, nor at their hands had received any stipend. The very system and constitution of government that now prevails was settled subsequent to their emigration. They were under the protection of Great Britain, and in his Majesty's pay and service. Not an hostile invasion, but the disasters of the sea, had thrown them upon a shore more barbarous and inhospitable than the inclement ocean under the most pitiless of its storms. Here was an opportunity to express a feeling for the miseries of war, and to open some sort of conversation, which, (after our public overtures had glutted their pride,) at a cautious and jealous distance, might lead to something like an accommodation. — What was the event? A strange, uncouth thing, a theatrical figure of the opera, his head shaded with three-colored plumes, his body fantastically habited, strutted from the back scenes, and, after a short speech, in the mock-heroic falsetto of stupid tragedy, delivered the gentleman who came to make the representation into the custody of a guard, with directions not to lose sight of him for a moment, and then ordered him to be sent from Paris in two hours.

Here it is impossible that a sentiment of tenderness should not strike athwart the sternness of politics, and make us recall to painful memory the difference between this insolent and bloody theatre and the temperate, natural majesty of a civilized court, where the afflicted family of Asgill did not in vain solicit the mercy of the highest in rank and the most compassionate of the compassionate sex.

In this intercourse, at least, there was nothing to promise a great deal of success in our future advances. Whilst the fortune of the field was wholly with the Regicides, nothing was thought of but to follow where it led: and it led to everything. Not so much as a talk of treaty. Laws were laid down with arrogance. The most moderate politician in their clan was chosen as the organ, not so much for prescribing limits to their claims as to mark what for the present they are content to leave to others. They made, not laws, not conventions, not late possession, but physical Nature and political convenience the sole foundation of their claims. The Rhine, the Mediterranean, and the ocean were the bounds which, for the time, they assigned to the Empire of Regicide. What was the Chamber of Union of Louis the Fourteenth, which astonished and provoked all Europe, compared to this declaration? In truth, with these limits, and their principle, they would not have left even the shadow of liberty or safety to any nation. This plan of empire was not taken up in the first intoxication of unexpected success. You must recollect that it

was projected, just as the report has stated it, from the very first revolt of the faction against their monarchy; and it has been uniformly pursued, as a standing maxim of national policy, from that time to this. It is generally in the season of prosperity that men discover their real temper, principles, and designs. But this principle, suggested in their first struggles, fully avowed in their prosperity, has, in the most adverse state of their affairs, been tenaciously adhered to. The report, combined with their conduct, forms an infallible criterion of the views of this republic.

In their fortune there has been some fluctuation. We are to see how their minds have been affected with a change. Some impression it made on them, undoubtedly. It produced some oblique notice of the submissions that were made by suppliant nations. The utmost they did was to make some of those cold, formal, general professions of a love of peace which no power has ever refused to make, because they mean little and cost nothing. The first paper I have seen (the publication at Hamburg) making a show of that pacific disposition discovered a rooted animosity against this nation, and an incurable rancor, even more than any one of their hostile acts. In this Hamburg declaration they choose to suppose that the war, on the part of England, *is a war of government, begun and carried on against the sense and interests of the people*, — thus sowing in their very overtures towards peace the seeds of tumult and sedition: for they never have abandoned, and never will they abandon, in peace, in war, in treaty, in any situation, or for one instant, their old, steady maxim of separating the people from their government. Let me add, (and it is with unfeigned anxiety for the character and credit of ministers that I do add,) if our government perseveres in its as uniform course of acting under instruments with such preambles, it pleads guilty to the charges made by our enemies against it, both on its own part and on the part of Parliament itself. The enemy must succeed in his plan for loosening and disconnecting all the internal holdings of the kingdom.

It was not enough that the speech from the throne, in the opening of the session in 1795, threw out oglings and glances of tenderness. Lest this coquetting should seem too cold and ambiguous, without waiting for its effect, the violent passion for a relation to the Regicides produced a direct message from the crown, and its consequences from the two Houses of Parliament. On the part of the Regicides these declarations could not be entirely passed by without notice; but in that notice they discovered still more clearly the bottom of their character. The offer made to them by the message to Parliament was hinted at in their answer, — but in an obscure and oblique manner, as before. They accompanied their notice of the indications manifested on our side with every kind of insolent and taunting reflection. The Regicide Directory, on the day which, in their gypsy jargon, they call the 5th of *Pluviose*, in return for our advances, charge us with eluding our declarations under “evasive formalities and frivolous pretexts.” What these pretexts and evasions were they do not say, and I have never heard. But they do not rest there. They proceed to charge us, and, as it should seem, our allies in the mass, with

direct *perfidy*; they are so conciliatory in their language as to hint that this perfidious character is not new in our proceedings. However, notwithstanding this our habitual perfidy, they will offer peace “on conditions *as moderate*” — as what? as reason and as equity require? No, — as moderate “as are suitable to their *national dignity*.” National dignity in all treaties I do admit is an important consideration: they have given us an useful hint on that subject: but dignity hitherto has belonged to the mode of proceeding, not to the matter of a treaty. Never before has it been mentioned as the standard for rating the conditions of peace, — no, never by the most violent of conquerors. Indemnification is capable of some estimate; dignity has no standard. It is impossible to guess what acquisitions pride and ambition may think fit for their *dignity*. But lest any doubt should remain on what they think for their dignity, the Regicides in the next paragraph tell us “that they will have no peace with their enemies, until they have reduced them to a state which will put them under an *impossibility* of pursuing their wretched projects,” — that is, in plain French or English, until they have accomplished our utter and irretrievable ruin. This is their *pacific* language. It flows from their unalterable principle, in whatever language they speak or whatever steps they take, whether of real war or of pretended pacification. They have never, to do them justice, been at much trouble in concealing their intentions. We were as obstinately resolved to think them not in earnest: but I confess, jests of this sort, whatever their urbanity may be, are not much to my taste.

To this conciliatory and amicable public communication our sole answer, in effect, is this:— “Citizen Regicides! whenever *you* find yourselves in the humor, you may have a peace with *us*. That is a point you may always command. We are constantly in attendance, and nothing you can do shall hinder us from the renewal of our supplications. You may turn us out at the door, but we will jump in at the window.”

To those who do not love to contemplate the fall of human greatness, I do not know a more mortifying spectacle than to see the assembled majesty of the crowned heads of Europe waiting as patient suitors in the antechamber of Regicide. They wait, it seems, until the sanguinary tyrant Carnot shall have snorted away the fumes of the indigested blood of his sovereign. Then, when, sunk on the down of usurped pomp, he shall have sufficiently indulged his meditations with what monarch he shall next glut his ravening maw, he may condescend to signify that it is his pleasure to be awake, and that he is at leisure to receive the proposals of his high and mighty clients for the terms on which he may respite the execution of the sentence he has passed upon them. At the opening of those doors, what a sight it must be to behold the plenipotentiaries of royal impotence, in the precedence which they will intrigue to obtain, and which will be granted to them according to the seniority of their degradation, sneaking into the Regicide presence, and, with the relics of the smile which they had dressed up for the levee of their masters still

flickering on their curled lips, presenting the faded remains of their courtly graces, to meet the scornful, ferocious, sardonic grin of a bloody ruffian, who, whilst he is receiving their homage, is measuring them with his eye, and fitting to their size the slider of his guillotine! These ambassadors may easily return as good courtiers as they went; but can they ever return from that degrading residence loyal and faithful subjects, or with any true affection to their master, or true attachment to the constitution, religion, or laws of their country? There is great danger that they, who enter smiling into this Trophonian cave, will come out of it sad and serious conspirators, and such will continue as long as they live. They will become true conductors of contagion to every country which has had the misfortune to send them to the source of that electricity. At best, they will become totally indifferent to good and evil, to one institution or another. This species of indifference is but too generally distinguishable in those who have been much employed in foreign courts, but in the present case the evil must be aggravated without measure: for they go from their country, not with the pride of the old character, but in a state of the lowest degradation; and what must happen in their place of residence can have no effect in raising them to the level of true dignity or of chaste self-estimation, either as men or as representatives of crowned heads.

Our early proceeding, which has produced these returns of affront, appeared to me totally new, without being adapted to the new circumstances of affairs. I have called to my mind the speeches and messages in former times. I find nothing like these. You will look in the journals to find whether my memory fails me. Before this time, never was a ground of peace laid, (as it were, in a Parliamentary record,) until it had been as good as concluded. This was a wise homage paid to the discretion of the crown. It was known how much a negotiation must suffer by having anything in the train towards it prematurely disclosed. But when those Parliamentary declarations were made, not so much as a step had been taken towards a negotiation in any mode whatever. The measure was an unpleasant and unseasonable discovery.

I conceive that another circumstance in that transaction has been as little authorized by any example, and that it is as little prudent in itself: I mean the formal recognition of the French Republic. Without entering, for the present, into a question on the good faith manifested in that measure, or on its general policy, I doubt, upon mere temporary considerations of prudence, whether it was perfectly advisable. It is not within, the rules of dexterous conduct to make an acknowledgment of a contested title in your enemy before you are morally certain that your recognition will secure his friendship. Otherwise it is a measure worse than thrown away. It adds infinitely to the strength, and consequently to the demands, of the adverse party. He has gained a fundamental point without an equivalent. It has happened as might have been foreseen. No notice whatever was taken of this recognition. In fact, the Directory never gave themselves any concern

about it; and they received our acknowledgment with perfect scorn. With them it is not for the states of Europe to judge of their title: the very reverse. In their eye the title of every other power depends wholly on their pleasure.

Preliminary declarations of this sort, thrown out at random, and sown, as it were, broadcast, were never to be found in the mode of our proceeding with France and Spain, whilst the great monarchies of France and Spain existed. I do not say that a diplomatic measure ought to be, like a parliamentary or a judicial proceeding, according to strict precedent: I hope I am far from that pedantry. But this I know: that a great state ought to have some regard to its ancient maxims, especially where they indicate its dignity, where they concur with the rules of prudence, and, above all, where the circumstances of the time require that a spirit of innovation should be resisted which leads to the humiliation of sovereign powers. It would be ridiculous to assert that those powers have suffered nothing in their estimation. I admit that the greater interests of state will for a moment supersede all other considerations; but if there was a rule, that a sovereign never should let down his dignity without a sure payment to his interest, the dignity of kings would be held high enough. At present, however, fashion governs in more serious things than furniture and dress. It looks as if sovereigns abroad were emulous in bidding against their estimation. It seems as if the preëminence of regicide was acknowledged, — and that kings tacitly ranked themselves below their sacrilegious murderers, as natural magistrates and judges over them. It appears as if dignity were the prerogative of crime, and a temporizing humiliation the proper part for venerable authority. If the vilest of mankind are resolved to be the most wicked, they lose all the baseness of their origin, and take their place above kings. This example in foreign princes I trust will not spread. It is the concern of mankind, that the destruction of order should not, be a claim to rank, that crimes should not be the only title to preëminence and honor.

At this second stage of humiliation, (I mean the insulting declaration in consequence of the message to both Houses of Parliament,) it might not have been amiss to pause, and not to squander away the fund of our submissions, until we knew what final purposes of public interest they might answer. The policy of subjecting ourselves to further insults is not to me quite apparent. It was resolved, however, to hazard a third trial. Citizen Barthélemy had been established, on the part of the new republic, at Basle, — where, with his proconsulate of Switzerland and the adjacent parts of Germany, he was appointed as a sort of factor to deal in the degradation of the crowned heads of Europe. At Basle it was thought proper, in order to keep others, I suppose, in countenance, that Great Britain should appear at this market, and bid with the rest for the mercy of the People-King.

On the 6th of March, 1796, Mr. Wickham, in consequence of authority, was desired to sound France on her disposition towards a general pacification, — to know whether she would consent to send ministers to a congress at such a place as might be hereafter agreed upon, — whether there would be a disposition to

communicate the general grounds of a pacification, such as France (the diplomatic name of the Regicide power) would be willing to propose, as a foundation for a negotiation for peace with his Majesty *and his allies*, or to suggest any other way of arriving at the same end of a general pacification: but he had no authority to enter into any negotiation or discussion with Citizen Barthélemy upon these subjects.

On the part of Great Britain this measure was a voluntary act, wholly uncalled for on the part of Regicide. Suits of this sort are at least strong indications of a desire for accommodation. Any other body of men but the Directory would be somewhat soothed with such advances. They could not, however, begin their answer, which was given without much delay, and communicated on the 28th of the same month, without a preamble of insult and reproach. “They doubt the sincerity of the pacific intentions of this court.” She did not begin, say they, yet to “know her real interests.” “She did not seek peace *with good faith*.” This, or something to this effect, has been the constant preliminary observation (now grown into a sort of office form) on all our overtures to this power: a perpetual charge on the British government of fraud, evasion, and habitual perfidy.

It might be asked, From whence did these opinions of our insincerity and ill faith arise? It was because the British ministry (leaving to the Directory, however, to propose a better mode) proposed a *congress* for the purpose of a general pacification, and this they said “would render negotiation endless.” From hence they immediately inferred a fraudulent intention in the offer. Unquestionably their mode of giving the law would bring matters to a more speedy conclusion. As to any other method more agreeable to them than a congress, an alternative expressly proposed to them, they did not condescend to signify their pleasure.

This refusal of treating conjointly with the powers allied against this republic furnishes matter for a great deal of serious reflection. They have hitherto constantly declined any other than a treaty with a single power. By thus dissociating every state from every other, like deer separated from the herd, each power is treated with on the merit of his being a deserter from the common cause. In that light, the Regicide power, finding each of them insulated and unprotected, with great facility gives the law to them all. By this system, for the present an incurable distrust is sown amongst confederates, and in future all alliance is rendered impracticable. It is thus they have treated with Prussia, with Spain, with Sardinia, with Bavaria, with the Ecclesiastical State, with Saxony; and here we see them refuse to treat with Great Britain in any other mode. They must be worse than blind who do not see with what undeviating regularity of system, in this case and in all cases, they pursue their scheme for the utter destruction of every independent power, — especially the smaller, who cannot find any refuge whatever but in some common cause.

Renewing their taunts and reflections, they tell Mr. Wickham, “that *their* policy has no guides but openness and good faith, and that their conduct shall be conformable to these principles.” They say concerning their government, that,

“yielding to the ardent desire by which it is animated to procure peace for the French Republic and for all nations, it will not *fear to declare itself openly*. Charged by the Constitution with the execution of the *laws*, it cannot *make* or *listen* to any proposal that would be contrary to them. The constitutional act does not permit it to consent to any alienation of that which, according to the existing laws, constitutes the territory of the Republic.”

“With respect to the countries *occupied by the French armies, and which have not been united to France*, they, as well as other interests, political and commercial, may become the subject of a negotiation, which will present to the Directory the means of proving how much it desires to attain speedily to a happy pacification.” That “the Directory is ready to receive, in this respect, any overtures that shall be just, reasonable, and compatible *with the dignity of the Republic*.”

On the head of what is *not* to be the subject of negotiation, the Directory is clear and open. As to what may be a matter of treaty, all this open dealing is gone. She retires into her shell. There she expects overtures from *you*: and you are to guess what she shall judge just, reasonable, and, above all, *compatible with her dignity*.

In the records of pride there does not exist so insulting a declaration. It is insolent in words, in manner; but in substance it is not only insulting, but alarming. It is a specimen of what may be expected from the masters we are preparing for our humbled country. Their openness and candor consist in a direct avowal of their despotism and ambition. We know that their declared resolution had been to surrender no object belonging to France previous to the war. They had resolved that the Republic was entire, and must remain so. As to what she has conquered from the Allies and united to the same indivisible body, it is of the same nature. That is, the Allies are to give up whatever conquests they have made or may make upon France; but all which she has violently ravished from her neighbors, and thought fit to appropriate, are not to become so much as objects of negotiation.

In this unity and indivisibility of possession are sunk ten immense and wealthy provinces, full of strong, flourishing, and opulent cities, (the Austrian Netherlands,) the part of Europe the most necessary to preserve any communication between this kingdom and its natural allies, next to Holland the most interesting to this country, and without which Holland must virtually belong to France. Savoy and Nice, the keys of Italy, and the citadel in her hands to bridle Switzerland, are in that consolidation. The important territory of Liege is torn out of the heart of the Empire. All these are integrant parts of the Republic, not to be subject to any discussion, or to be purchased by any equivalent. Why? Because there is a law which prevents it. What law? The law of nations? The acknowledged public law of Europe? Treaties and conventions of parties? No, — not a pretence of the kind. It is a declaration not made in consequence of any prescription on her side, — not on any cession or dereliction, actual or tacit, of other powers. It is a declaration,

pendente lite, in the middle of a war, one principal object of which was originally the defence, and has since been the recovery, of these very countries.

This strange law is not made for a trivial object, not for a single port or for a single fortress, but for a great kingdom, — for the religion, the morals, the laws, the liberties, the lives and fortunes of millions of human creatures, who, without their consent or that of their lawful government, are, by an arbitrary act of this regicide and homicide government which they call a law, incorporated into their tyranny.

In other words, their will is the law, not only at home, but as to the concerns of every nation. Who has made that law but the Regicide Republic itself, whose laws, like those of the Medes and Persians, they cannot alter or abrogate, or even so much as take into consideration? Without the least ceremony or compliment, they have sent out of the world whole sets of laws and lawgivers. They have swept away the very constitutions under which the legislatures acted and the laws were made. Even the fundamental sacred rights of man they have not scrupled to profane. They have set this holy code at nought with ignominy and scorn. Thus they treat all their domestic laws and constitutions, and even what they had considered as a law of Nature. But whatever they have put their seal on, for the purposes of their ambition, and the ruin of their neighbors, this alone is invulnerable, impassible, immortal. Assuming to be masters of everything human and divine, here, and here alone, it seems, they are limited, “cooped and cabined in,” and this omnipotent legislature finds itself wholly without the power of exercising its favorite attribute, the love of peace. In other words, they are powerful to usurp, impotent to restore; and equally by their power and their impotence they aggrandize themselves, and weaken and impoverish you and all other nations.

Nothing can be more proper or more manly than the state publication, called a *Note*, on this proceeding, dated Downing Street, the 10th of April, 1796. Only that it is better expressed, it perfectly agrees with the opinion I have taken the liberty of submitting to your consideration. I place it below at full length, as my justification in thinking that this astonishing paper from the Directory is not only a direct negative to all treaty, but is a rejection of every principle upon which treaties could be made. To admit it for a moment were to erect this power, usurped at home, into a legislature to govern mankind. It is an authority that on a thousand occasions they have asserted in claim, and, whenever they are able, exerted in practice. The dereliction, of this whole scheme of policy became, therefore, an indispensable previous condition to all renewal of treaty. The remark of the British Cabinet on this arrogant and tyrannical claim is natural and unavoidable. Our ministry state, that, “*while these dispositions shall be persisted in, nothing is left for the king but to prosecute a war that is just and necessary.*”

It was of course that we should wait until the enemy showed some sort of disposition on his part to fulfil this condition. It was hoped, indeed, that our suppliant strains might be suffered to steal into the august ear in a more propitious

season. That season, however, invoked by so many vows, conjurations, and prayers, did not come. Every declaration of hostility renovated, and every act pursued with double animosity, — the overrunning of Lombardy, — the subjugation of Piedmont, — the possession of its impregnable fortresses, — the seizing on all the neutral states of Italy, — our expulsion from Leghorn, — instances forever renewed for our expulsion from Genoa, — Spain rendered subject to them and hostile to us, — Portugal bent under the yoke, — half the Empire overrun and ravaged, — were the only signs which this mild Republic thought proper to manifest of her pacific sentiments. Every demonstration of an implacable rancor and an untamable pride were the only encouragements we received to the renewal of our supplications.

Here, therefore, they and we were fixed. Nothing was left to the British ministry but “to prosecute a war just and necessary,” — a war equally just as at the time of our engaging in it, — a war become ten times more necessary by everything which happened afterwards. This resolution was soon, however, forgot. It felt the heat of the season and melted away. New hopes were entertained from supplication. No expectations, indeed, were then formed from renewing a direct application to the French Regicides through the agent-general for the humiliation of sovereigns. At length a step was taken in degradation which even went lower than all the rest. Deficient in merits of our own, a mediator was to be sought, — and we looked for that mediator at Berlin! The King of Prussia’s merits in abandoning the general cause might have obtained for him some sort of influence in favor of those whom he had deserted; but I have never heard that his Prussian Majesty had lately discovered so marked an affection for the Court of St. James’s, or for the Court of Vienna, as to excite much hope of his interposing a very powerful mediation to deliver them from the distresses into which he had brought them.

If humiliation is the element in which we live, if it is become not only our occasional policy, but our habit, no great objection can be made to the modes in which it may be diversified, — though I confess I cannot be charmed with the idea of our exposing our lazar sores at the door of every proud servitor of the French Republic, where the court dogs will not deign to lick them. We had, if I am not mistaken, a minister at that court, who might try its temper, and recede and advance as he found backwardness or encouragement. But to send a gentleman there on no other errand than this, and with no assurance whatever that he should not find, what he did find, a repulse, seems to me to go far beyond all the demands of a humiliation merely politic. I hope it did not arise from a predilection for that mode of conduct.

The cup of bitterness was not, however, drained to the dregs. Basle and Berlin were not sufficient. After so many and so diversified repulses, we were resolved to make another experiment, and to try another mediator. Among the unhappy gentlemen in whose persons royalty is insulted and degraded at the seat of plebeian pride and upstart insolence, there is a minister from Denmark at Paris. Without any

previous encouragement to that, any more than the other steps, we sent through, this turnpike to demand a passport for a person who on our part was to solicit peace in the metropolis, at the footstool of Regicide itself. It was not to be expected that any one of those degraded beings could have influence enough to settle any part of the terms in favor of the candidates for further degradation; besides, such intervention would be a direct breach in their system, which did not permit one sovereign power to utter a word in the concerns of his equal. — Another repulse. We were desired to apply directly in our persons. We submitted, and made the application.

It might be thought that here, at length, we had touched the bottom of humiliation; our lead was brought up covered with mud. But “in the lowest deep, a lower deep” was to open for us still more profound abysses of disgrace and shame. However, in we leaped. We came forward in our own name. The passport, such a passport and safe-conduct as would be granted to thieves who might come in to betray their accomplices, and no better, was granted to British supplication. To leave no doubt of its spirit, as soon as the rumor of this act of condescension could get abroad, it was formally announced with an explanation from authority, containing an invective against the ministry of Great Britain, their habitual frauds, their proverbial *Punic* perfidy. No such state-paper, as a preliminary to a negotiation for peace, has ever yet appeared. Very few declarations of war have ever shown so much and so unqualified animosity. I place it below, as a diplomatic curiosity, and in order to be the better understood in the few remarks I have to make upon a peace which, indeed, defies all description. “None but itself can be its parallel.”

I pass by all the insolence and contumely of the performance, as it comes from them. The present question is not, how we are to be affected with it in regard to our dignity. That is gone. I shall say no more about it. Light lie the earth on the ashes of English pride! I shall only observe upon it *politically*, and as furnishing a direction for our own conduct in this low business.

The very idea of a negotiation for peace, whatever the inward sentiments of the parties may be, implies some confidence in their faith, some degree of belief in the professions which are made concerning it. A temporary and occasional credit, at least, is granted. Otherwise men stumble on the very threshold. I therefore wish to ask what hope we can have of their good faith, who, as the very basis of the negotiation, assume the ill faith and treachery of those they have to deal with? The terms, as against us, must be such as imply a full security against a treacherous conduct, — that is, such terms as this Directory stated in its first declaration, to place us “in an utter impossibility of executing our wretched projects.” This is the omen, and the sole omen, under which we have consented to open our treaty.

The second observation I have to make upon it (much connected, undoubtedly, with the first) is, that they have informed you of the result they propose from the kind of peace they mean to grant you, — that is to say, the union they propose among nations with the view of rivalling our trade and destroying our naval power;

and this they suppose (and with good reason, too) must be the inevitable effect of their peace. It forms one of their principal grounds for suspecting our ministers could not be in good earnest in their proposition. They make no scruple beforehand to tell you the whole of what they intend; and this is what we call, in the modern style, the acceptance of a proposition for peace! In old language it would be called a most haughty, offensive, and insolent rejection of all treaty.

Thirdly, they tell you what they conceive to be the perfidious policy which dictates your delusive offer: that is, the design of cheating not only them, but the people of England, against whose interest and inclination this war is supposed to be carried on.

If we proceed in this business, under this preliminary declaration, it seems to me that we admit, (now for the third time,) by something a great deal stronger than words, the truth of the charges of every kind which they make upon the British ministry, and the grounds of those foul imputations. The language used by us, which in other circumstances would not be exceptionable, in this case tends very strongly to confirm and realize the suspicion of our enemy: I mean the declaration, that, if we do not obtain such terms of peace as suits our opinion of what our interests require, *then*, and in *that* case, we shall continue the war with vigor. This offer, so reasoned, plainly implies, that, without it, our leaders themselves entertain great doubts of the opinion and good affections of the British people; otherwise there does not appear any cause why we should proceed, under the scandalous construction of our enemy, upon the former offer made by Mr. Wickham, and on the new offer made directly at Paris. It is not, therefore, from a sense of dignity, but from the danger of radicating that false sentiment in the breasts of the enemy, that I think, under the auspices of this declaration, we cannot, with the least hope of a good event, or, indeed, with any regard to the common safety, proceed in the train of this negotiation. I wish ministry would seriously consider the importance of their seeming to confirm the enemy in an opinion that his frequent use of appeals to the people against their government has not been without its effect. If it puts an end to this war, it will render another impracticable.

Whoever goes to the Directorial presence under this passport, with this offensive comment and foul explanation, goes, in the avowed sense of the court to which he is sent, as the instrument of a government dissociated from the interests and wishes of the nation, for the purpose of cheating both the people of France and the people of England. He goes out the declared emissary of a faithless ministry. He has perfidy for his credentials. He has national weakness for his full powers. I yet doubt whether any one can be found to invest himself with that character. If there should, it would be pleasant to read his instructions on the answer which he is to give to the Directory, in case they should repeat to him the substance of the manifesto which he carries with him in his portfolio.

So much for the *first* manifesto of the Regicide Court which went along with the passport. Lest this declaration should seem the effect of haste, or a mere sudden effusion of pride and insolence, on full deliberation, about a week after comes out a second. This manifesto is dated the 5th of October, one day before the speech from the throne, on the vigil of the festive day of cordial unanimity so happily celebrated by all parties in the British Parliament. In this piece the Regicides, our worthy friends, (I call them by advance and by courtesy what by law I shall be obliged to call them hereafter,) our worthy friends, I say, renew and enforce the former declaration concerning our faith and sincerity, which they pinned to our passport. On three other points, which run through all their declarations, they are more explicit than ever.

First, they more directly undertake to be the real representatives of the people of this kingdom: and on a supposition, in which they agree with our Parliamentary reformers, that the House of Commons is not that representative, the function being vacant, they, as our true constitutional organ, inform his Majesty and the world of the sense of the nation. They tell us that “the English people see with regret his Majesty’s government squandering away the funds which had been granted to him.” This astonishing assumption of the public voice of England is but a slight foretaste of the usurpation which, on a peace, we may be assured they will make of all the powers in all the parts of our vassal Constitution. “If they do these things in the green tree, what shall be done in the dry?”

Next they tell us, as a condition to our treaty, that “this government must abjure the unjust hatred it bears to them, and at last open its ears to the voice of humanity.” Truly, this is, even from them, an extraordinary demand. Hitherto, it seems, we have put wax into our ears, to shut them up against the tender, soothing strains, in the *affettuoso* of humanity, warbled from the throats of Reubell, Carnot, Tallien, and the whole chorus of confiscators, domiciliary visitors, committee-men of research, jurors and presidents of revolutionary tribunals, regicides, assassins, massacrers, and Septembrisers. It is not difficult to discern what sort of humanity our government is to learn from these Siren singers. Our government also; I admit, with some reason, as a step towards the proposed fraternity, is required to abjure the unjust hatred which it bears to this body of honor and virtue. I thank God I am neither a minister nor a leader of opposition. I protest I cannot do what they desire. I could not do it, if I were under the guillotine, — or, as they ingeniously and pleasantly express it, “looking out of the little national window.” Even at that opening I could receive none of their light. I am fortified against all such affections by the declaration of the government, which I must yet consider as lawful, made on the 29th of October, 1793, and still ringing in my ears. This Declaration was transmitted not only to all our commanders by sea and land, but to our ministers in every court of Europe. It is the most eloquent and highly finished in the style, the most judicious in the choice of topics, the most orderly in the arrangement, and the

most rich in the coloring, without employing the smallest degree of exaggeration, of any state-paper that has ever yet appeared. An ancient writer (Plutarch, I think it is) quotes some verses on the eloquence of Pericles, who is called “the only orator that left stings in the minds of his hearers.” Like his, the eloquence of the Declaration, not contradicting, but enforcing, sentiments of the truest humanity, has left stings that have penetrated more than skin-deep into my mind and never can they be extracted by all the surgery of murder; never can the throbbings they have created be assuaged by all the emollient cataplasms of robbery and confiscation. I *cannot* love the Republic.

The third point, which they have more clearly expressed than ever, is of equal importance with the rest, and with them furnishes a complete view of the Regicide system. For they demand as a condition, without which our ambassador of obedience cannot be received with any hope of success, that he shall be “provided with full powers to negotiate a peace between the French Republic and Great Britain, and to conclude it *definitively* between the TWO powers.” With their spear they draw a circle about us. They will hear nothing of a joint treaty. We must make a peace separately from our allies. We must, as the very first and preliminary step, be guilty of that perfidy towards our friends and associates with which they reproach us in our transactions with them, our enemies. We are called upon scandalously to betray the fundamental securities to ourselves and to all nations. In my opinion, (it is perhaps but a poor one,) if we are meanly bold enough to send an ambassador such as this official note of the enemy requires, we cannot even dispatch our emissary without danger of being charged with a breach of our alliance. Government now understands the full meaning of the passport.

Strange revolutions have happened in the ways of thinking and in the feelings of men; but it is a very extraordinary coalition of parties indeed, and a kind of unheard-of unanimity in public councils, which can impose this new-discovered system of negotiation, as sound national policy, on the understanding of a spectator of this wonderful scene, who judges on the principles of anything he ever before saw, read, or heard of, and, above all, on the understanding of a person who has in his eye the transactions of the last seven years.

I know it is supposed, that, if good terms of capitulation are not granted, after we have thus so repeatedly hung out the white flag, the national spirit will revive with tenfold ardor. This is an experiment cautiously to be made. *Reculer pour mieux sauter*, according to the French byword, cannot be trusted to as a general rule of conduct. To diet a man into weakness and languor, afterwards to give him the greater strength, has more of the empiric than the rational physician. It is true that some persons have been kicked into courage, — and this is no bad hint to give to those who are too forward and liberal in bestowing insults and outrages on their passive companions; but such a course does not at first view appear a well-chosen discipline to form men to a nice sense of honor or a quick resentment of injuries. A

long habit of humiliation does not seem a very good preparative to manly and vigorous sentiment. It may not leave, perhaps, enough of energy in the mind fairly to discern what are good terms or what are not. Men low and dispirited may regard those terms as not at all amiss which in another state of mind they would think intolerable: if they grow peevish in this state of mind, they may be roused, not against the enemy whom they have been taught to fear, but against the ministry, who are more within their reach, and who have refused conditions that are not unreasonable, from power that they have been taught to consider as irresistible.

If all that for some months I have heard have the least foundation, (I hope it has not,) the ministers are, perhaps, not quite so much to be blamed as their condition is to be lamented. I have been given to understand that these proceedings are not in their origin properly theirs. It is said that there is a secret in the House of Commons. It is said that ministers act, not according to the votes, but according to the dispositions, of the majority. I hear that the minority has long since spoken the general sense of the nation; and that to prevent those who compose it from having the open and avowed lead in that House, or perhaps in both Houses, it was necessary to preoccupy their ground, and to take their propositions out of their mouths, even with the hazard of being afterwards reproached with a compliance which it was foreseen would be fruitless.

If the general disposition of the people be, as I hear it is, for an immediate peace with Regicide, without so much as considering our public and solemn engagements to the party in France whose cause we had espoused, or the engagements expressed in our general alliances, not only without an inquiry into the terms, but with a certain knowledge that none but the worst terms will be offered, it is all over with us. It is strange, but it may be true, that, as the danger from Jacobinism is increased in my eyes and in yours, the fear of it is lessened in the eyes of many people who formerly regarded it with horror. It seems, they act under the impression of terrors of another sort, which have frightened them out of their first apprehensions. But let their fears, or their hopes, or their desires, be what they will, they should recollect that they who would make peace without a previous knowledge of the terms make a surrender. They are conquered. They do not treat; they receive the law. Is this the disposition of the people of England? Then the people of England are contented to seek in the kindness of a foreign, systematic enemy, combined with a dangerous faction at home, a security which they cannot find in their own patriotism and their own courage. They are willing to trust to the sympathy of regicides the guaranty of the British monarchy. They are content to rest their religion on the piety of atheists by establishment. They are satisfied to seek in the clemency of practised murderers the security of their lives. They are pleased to confide their property to the safeguard of those who are robbers by inclination, interest, habit, and system. If this be our deliberate mind, truly we deserve to lose, what it is impossible we should long retain, the name of a nation.

In matters of state, a constitutional competence to act is in many cases the smallest part of the question. Without disputing (God forbid I should dispute!) the sole competence of the king and the Parliament, each in its province, to decide on war and peace, I venture to say no war *can* be long carried on against the will of the people. This war, in particular, cannot be carried on, unless they are enthusiastically in favor of it. Acquiescence will not do. There must be zeal. Universal zeal in such a cause, and at such a time as this is, cannot be looked for; neither is it necessary. Zeal in the larger part carries the force of the whole. Without this, no government, certainly not our government, is capable of a great war. None of the ancient, regular governments have wherewithal to fight abroad with a foreign foe, and at home to overcome repining, reluctance, and chicane. It must be some portentous thing, like Regicide France, that can exhibit such a prodigy. Yet even she, the mother of monsters, more prolific than the country of old called *ferax monstorum*, shows symptoms of being almost effete already; and she will be so, unless the fallow of a peace comes to recruit her fertility. But whatever may be represented concerning the meanness of the popular spirit, I, for one, do not think so desperately of the British nation. Our minds, as I said, are light, but they are not depraved. We are dreadfully open to delusion and to dejection; but we are capable of being animated and undeceived.

It cannot be concealed: we are a divided people. But in divisions, where a part is to be taken, we are to make a muster of our strength. I have often endeavored to compute and to class those who, in any political view, are to be called the people. Without doing something of this sort, we must proceed absurdly. We should not be much wiser, if we pretended to very great accuracy in our estimate; but I think, in the calculation I have made, the error cannot be very material. In England and Scotland, I compute that those of adult age, not declining in life, of tolerable leisure for such discussions, and of some means of information, more or less, and who are above menial dependence, (or what virtually is such,) may amount to about four hundred thousand. There is such a thing as a natural representative of the people. This body is that representative; and on this body, more than on the legal constituent, the artificial representative depends. This is the British public; and it is a public very numerous. The rest, when feeble, are the objects of protection, — when strong, the means of force. They who affect to consider that part of us in any other light insult while they cajole us; they do not want us for counsellors in deliberation, but to list us as soldiers for battle.

Of these four hundred thousand political citizens, I look upon one fifth, or about eighty thousand, to be pure Jacobins, utterly incapable of amendment, objects of eternal vigilance, and, when they break out, of legal constraint. On these, no reason, no argument, no example, no venerable authority, can have the slightest influence. They desire a change; and they will have it, if they can. If they cannot have it by English cabal, they will make no sort of scruple of having it by the cabal of France,

into which already they are virtually incorporated. It is only their assured and confident expectation of the advantages of French fraternity, and the approaching blessings of Regicide intercourse, that skins over their mischievous dispositions with a momentary quiet.

This minority is great and formidable. I do not know whether, if I aimed at the total overthrow of a kingdom, I should wish to be incumbered with a larger body of partisans. They are more easily disciplined and directed than if the number were greater. These, by their spirit of intrigue, and by their restless agitating activity, are of a force far superior to their numbers, and, if times grew the least critical, have the means of debauching or intimidating many of those who are now sound, as well as of adding to their force large bodies of the more passive part of the nation. This minority is numerous enough to make a mighty cry for peace, or for war, or for any object they are led vehemently to desire. By passing from place to place with a velocity incredible, and diversifying their character and description, they are capable of mimicking the general voice. We must not always judge of the generality of the opinion by the noise of the acclamation.

The majority, the other four fifths, is perfectly sound, and of the best possible disposition to religion, to government, to the true and undivided interest of their country. Such men are naturally disposed to peace. They who are in possession of all they wish are languid and improvident. With this fault, (and I admit its existence in all its extent,) they would not endure to hear of a peace that led to the ruin of everything for which peace is dear to them. However, the desire of peace is essentially the weak side of that kind of men. All men that are ruined are ruined on the side of their natural propensities. There they are unguarded. Above all, good men do not suspect that their destruction is attempted through their virtues. This their enemies are perfectly aware of; and accordingly they, the most turbulent of mankind, who never made a scruple to shake the tranquillity of their country to its centre, raise a continual cry for peace with France. "Peace with Regicide, and war with the rest of the world," is their motto. From the beginning, and even whilst the French gave the blows, and we hardly opposed the *vis inertiae* to their efforts, from that day to this hour, like importunate Guinea-fowls, crying one note day and night, they have called for peace.

In this they are, as I confess in all things they are, perfectly consistent. They who wish to unite themselves to your enemies naturally desire that you should disarm yourself by a peace with these enemies. But it passes my conception how they who wish well to their country on its ancient system of laws and manners come not to be doubly alarmed, when they find nothing but a clamor for peace in the mouths of the men on earth the least disposed to it in their natural or in their habitual character.

I have a good opinion of the general abilities of the Jacobins: not that I suppose them better born than others; but strong passions awaken the faculties; they suffer not a particle of the man to be lost. The spirit of enterprise gives to this description

the full use of all their native energies. If I have reason to conceive that my enemy, who, as such, must have an interest in my destruction, is also a person of discernment and sagacity, then I must be quite sure, that, in a contest, the object he violently pursues is the very thing by which my ruin is likely to be the most perfectly accomplished. Why do the Jacobins cry for peace? Because they know, that, this point gained, the rest will follow of course. On our part, why are all the rules of prudence, as sure as the laws of material Nature, to be, at this time reversed? How comes it, that now, for the first time, men think it right to be governed by the counsels of their enemies? Ought they not rather to tremble, when they are persuaded to travel on the same road and to tend to the same place of rest?

The minority I speak of is not susceptible of an impression from the topics of argument to be used to the larger part of the community. I therefore do not address to them any part of what I have to say. The more forcibly I drive my arguments against their system, so as to make an impression where I wish to make it, the more strongly I rivet them in their sentiments. As for us, who compose the far larger, and what I call the far better part of the people, let me say, that we have not been quite fairly dealt with, when called to this deliberation. The Jacobin minority have been abundantly supplied with stores and provisions of all kinds towards their warfare. No sort of argumentative materials, suited to their purposes, have been withheld. False they are, unsound, sophistical; but they are regular in their direction. They all bear one way, and they all go to the support of the substantial merits of their cause. The others have not had the question so much as fairly stated to them.

There has not been in this century any foreign peace or war, in its origin the fruit of popular desire, except the war that was made with Spain in 1739. Sir Robert Walpole was forced into the war by the people, who were inflamed to this measure by the most leading politicians, by the first orators, and the greatest poets of the time. For that war Pope sang his dying notes. For that war Johnson, in more energetic strains, employed the voice of his early genius. For that war Glover distinguished himself in the way in which his muse was the most natural and happy. The crowd readily followed the politicians in the cry for a war which threatened little bloodshed, and which promised victories that were attended with something more solid than glory. A war with Spain was a war of plunder. In the present conflict with Regicide, Mr. Pitt has not hitherto had, nor will perhaps for a few days have, many prizes to hold out in the lottery of war, to tempt the lower part of our character. He can only maintain it by an appeal to the higher; and to those in whom that higher part is the most predominant he must look the most for his support. Whilst he holds out no inducements to the wise nor bribes to the avaricious, he may be forced by a vulgar cry into a peace ten times more ruinous than the most disastrous war. The weaker he is in the fund of motives which apply to our avarice, to our laziness, and to our lassitude, if he means to carry the war to any end at all, the stronger he ought to be in his addresses to our magnanimity and to our reason.

In stating that Walpole was driven by a popular clamor into a measure not to be justified, I do not mean wholly to excuse his conduct. My time of observation did not exactly coincide with that event, but I read much of the controversies then carried on. Several years after the contests of parties had ceased, the people were amused, and in a degree warmed with them. The events of that era seemed then of magnitude, which the revolutions of our time have reduced to parochial importance; and the debates which then shook the nation now appear of no higher moment than a discussion in a vestry. When I was very young, a general fashion told me I was to admire some of the writings against that minister; a little more maturity taught me as much to despise them. I observed one fault in his general proceeding. He never manfully put forward the entire strength of his cause. He temporized, he managed, and, adopting very nearly the sentiments of his adversaries, he opposed their inferences. This, for a political commander, is the choice of a weak post. His adversaries had the better of the argument as he handled it, not as the reason and justice of his cause enabled him to manage it. I say this, after having seen, and with some care examined, the original documents concerning certain important transactions of those times. They perfectly satisfied me of the extreme injustice of that war, and of the falsehood of the colors which, to his own ruin, and guided by a mistaken policy, he suffered to be daubed over that measure. Some years after, it was my fortune to converse with many of the principal actors against that minister, and with those who principally excited that clamor. None of them, no, not one, did in the least defend the measure, or attempt to justify their conduct. They condemned it as freely as they would have done in commenting upon any proceeding in history in which they were totally unconcerned. Thus it will be. They who stir up the people to improper desires, whether of peace or war, will be condemned by themselves. They who weakly yield to them will be condemned by history.

In my opinion, the present ministry are as far from doing full justice to their cause in this war as Walpole was from doing justice to the peace which at that time he was willing to preserve. They throw the light on one side only of their case; though it is impossible they should not observe that the other side, which is kept in the shade, has its importance too. They must know that France is formidable, not only as she is France, but as she is Jacobin France. They knew from the beginning that the Jacobin party was not confined to that country. They knew, they felt, the strong disposition of the same faction in both countries to communicate and to coöperate. For some time past, these two points have been kept, and even industriously kept, out of sight. France is considered as merely a foreign power, and the seditious English only as a domestic faction. The merits of the war with the former have been argued solely on political grounds. To prevent the mischievous doctrines of the latter from corrupting our minds, matter and argument have been supplied abundantly, and even to surfeit, on the excellency of our own government.

But nothing has been done to make us feel in what manner the safety of that government is connected with the principle and with the issue of this war. For anything which in the late discussion has appeared, the war is entirely collateral to the state of Jacobinism, — as truly a foreign war to us and to all our home concerns as the war with Spain in 1739, about *Guardacostas*, the Madrid Convention, and the fable of Captain Jenkins's ears.

Whenever the adverse party has raised a cry for peace with the Regicide, the answer has been little more than this: "That the administration wished for such a peace full as much as the opposition, but that the time was not convenient for making it." Whatever else has been said was much in the same spirit. Reasons of this kind never touched the substantial merits of the war. They were in the nature of dilatory pleas, exceptions of form, previous questions. Accordingly, all the arguments against a compliance with what was represented as the popular desire (urged on with all possible vehemence and earnestness by the Jacobins) have appeared flat and languid, feeble and evasive. They appeared to aim only at gaining time. They never entered into the peculiar and distinctive character of the war. They spoke neither to the understanding nor to the heart. Cold as ice themselves, they never could kindle in our breasts a spark of that zeal which is necessary to a conflict with an adverse zeal; much less were they made to infuse into our minds that stubborn, persevering spirit which alone is capable of bearing up against those vicissitudes of fortune which will probably occur, and those burdens which must be inevitably borne, in a long war. I speak it emphatically, and with a desire that it should be marked, — in a *long* war; because, without such a war, no experience has yet told us that a dangerous power has ever been reduced to measure or to reason. I do not throw back my view to the Peloponnesian War of twenty-seven years; nor to two of the Punic Wars, the first of twenty-four, the second of eighteen; nor to the more recent war concluded by the Treaty of Westphalia, which continued, I think, for thirty. I go to what is but just fallen behind living memory, and immediately touches our own country. Let the portion of our history from the year 1689 to 1713 be brought before us. We shall find that in all that period of twenty-four years there were hardly five that could be called a season of peace; and the interval between the two wars was in reality nothing more than a very active preparation for renovated hostility. During that period, every one of the propositions of peace came from the enemy: the first, when they were accepted, at the Peace of Ryswick; the second, where they were rejected, at the Congress at Gertruydenberg; the last, when the war ended by the Treaty of Utrecht. Even then, a very great part of the nation, and that which contained by far the most intelligent statesmen, was against the conclusion of the war. I do not enter into the merits of that question as between the parties. I only state the existence of that opinion as a fact, from whence you may draw such an inference as you think properly arises from it.

It is for us at present to recollect what we have been, and to consider what, if we please, we may be still. At the period of those wars our principal strength was found in the resolution of the people, and that in the resolution of a part only of the then whole, which bore no proportion to our existing magnitude. England and Scotland were not united at the beginning of that mighty struggle. When, in the course of the contest, they were conjoined, it was in a raw, an ill-cemented, an unproductive, union. For the whole duration of the war, and long after, the names and other outward and visible signs of approximation rather augmented than diminished our insular feuds. They were rather the causes of new discontents and new troubles than promoters of cordiality and affection. The now single and potent Great Britain was then not only two countries, but, from the party heats in both, and the divisions formed in each of them, each of the old kingdoms within itself, in effect, was made up of two hostile nations. Ireland, now so large a source of the common opulence and power, and which, wisely managed, might be made much more beneficial and much more effective, was then the heaviest of the burdens. An army, not much less than forty thousand men, was drawn from the general effort, to keep that kingdom in a poor, unfruitful, and resourceless subjection.

Such was the state of the empire. The state of our finances was worse, if possible. Every branch of the revenue became less productive after the Revolution. Silver, not as now a sort of counter, but the body of the current coin, was reduced so low as not to have above three parts in four of the value in the shilling. In the greater part the value hardly amounted to a fourth. It required a dead expense of three millions sterling to renew the coinage. Public credit, that great, but ambiguous principle, which has so often been predicted as the cause of our certain ruin, but which for a century has been the constant companion, and often the means, of our prosperity and greatness, had its origin, and was cradled, I may say, in bankruptcy and beggary. At this day we have seen parties contending to be admitted, at a moderate premium, to advance eighteen millions to the exchequer. For infinitely smaller loans, the Chancellor of the Exchequer of that day, Montagu, the father of public credit, counter-securing the state by the appearance of the city with the Lord Mayor of London at his side, was obliged, like a solicitor for an hospital, to go cap in hand from shop to shop, to borrow an hundred pound, and even smaller sums. When made up in driblets as they could, their best securities were at an interest of twelve per cent. Even the paper of the Bank (now at par with cash, and generally preferred to it) was often at a discount of twenty per cent. By this the state of the rest may be judged.

As to our commerce, the imports and exports of the nation, now six-and-forty million, did not then amount to ten. The inland trade, which is commonly passed by in this sort of estimates, but which, in part growing out of the foreign, and connected with it, is more advantageous and more substantially nutritive to the state, is not only grown in a proportion of near five to one as the foreign, but has been

augmented at least in a tenfold proportion. When I came to England, I remember but one river navigation, the rate of carriage on which was limited by an act of Parliament. It was made in the reign of William the Third. I mean that of the Aire and Calder. The rate was settled at thirteen pence. So high a price demonstrated the feebleness of these beginnings of our inland intercourse. In my time, one of the longest and sharpest contests I remember in your House, and which rather resembled a violent contention amongst national parties than a local dispute, was, as well as I can recollect, to hold the price up to threepence. Even this, which a very scanty justice to the proprietors required, was done with infinite difficulty. As to private credit, there were not, as I believe, twelve bankers' shops at that time out of London. In this their number, when I first saw the country, I cannot be quite exact; but certainly those machines of domestic credit were then very few. They are now in almost every market-town: and this circumstance (whether the thing be carried to an excess or not) demonstrates the astonishing increase of private confidence, of general circulation, and of internal commerce, — an increase out of all proportion to the growth of the foreign trade. Our naval strength in the time of King William's war was nearly matched by that of France; and though conjoined with Holland, then a maritime power hardly inferior to our own, even with that force we were not always victorious. Though finally superior, the allied fleets experienced many unpleasant reverses on their own element. In two years three thousand vessels were taken from the English trade. On the Continent we lost almost every battle we fought.

In 1697, (it is not quite an hundred years ago,) in that state of things, amidst the general debasement of the coin, the fall of the ordinary revenue, the failure of all the extraordinary supplies, the ruin of commerce, and the almost total extinction of an infant credit, the Chancellor of the Exchequer himself, whom we have just seen begging from door to door, came forward to move a resolution full of vigor, in which, far from being discouraged by the generally adverse fortune and the long continuance of the war, the Commons agreed to address the crown in the following manly, spirited, and truly animating style: —

“This is the EIGHTH year in which your Majesty's most dutiful and loyal subjects, the Commons in Parliament assembled, have assisted your Majesty with large supplies for carrying on a just and necessary war, in defence of our religion, preservation of our laws, and vindication of the rights and liberties of the people of England.”

Afterwards they proceed in this manner: —

“And to show to your Majesty and all Christendom that the Commons of England will not be *amused* or diverted from their firm resolutions of obtaining by WAR a safe and honorable peace, we do, in the name of all those we represent, renew our assurances to your Majesty that this House will support your Majesty and your government against all your enemies, both at home and abroad, and that they

will effectually assist you in the prosecution and carrying on the present war against France.”

The amusement and diversion they speak of was the suggestion of a treaty *proposed by the enemy*, and announced from the throne. Thus the people of England felt in the *eighth*, not in the *fourth* year of the war. No sighing or panting after negotiation; no motions from the opposition to force the ministry into a peace; no messages from ministers to palsy and deaden the resolution of Parliament or the spirit of the nation. They did not so much as advise the king to listen to the propositions of the enemy, nor to seek for peace, but through the mediation of a vigorous war. This address was moved in an hot, a divided, a factious, and, in a great part, disaffected House of Commons; and it was carried, *nemine contradicente*.

While that first war (which was ill smothered by the Treaty of Ryswick) slept in the thin ashes of a seeming peace, a new conflagration was in its immediate causes. A fresh and a far greater war was in preparation. A year had hardly elapsed, when arrangements were made for renewing the contest with tenfold fury. The steps which were taken, at that time, to compose, to reconcile, to unite, and to discipline all Europe against the growth of France, certainly furnish to a statesman the finest and most interesting part in the history of that great period. It formed the masterpiece of King William’s policy, dexterity, and perseverance. Full of the idea of preserving not only a local civil liberty united with order to our country, but to embody it in the political liberty, the order, and the independence of nations united under a natural head, the king called upon his Parliament to put itself into a posture “*to preserve to England the weight and influence it at present had on the councils and affairs ABROAD*. It will be requisite *Europe* Should see you will not be wanting to yourselves.”

Baffled as that monarch was, and almost heartbroken at the disappointment he met with in the mode he first proposed for that great end, he held on his course. He was faithful to his object; and in councils, as in arms, over and over again repulsed, over and over again he returned to the charge. All the mortifications he had suffered from the last Parliament, and the greater he had to apprehend from that newly chosen, were not capable of relaxing the vigor of his mind. He was in Holland when he combined the vast plan of his foreign negotiations. When he came to open his design to his ministers in England, even the sober firmness of Somers, the undaunted resolution of Shrewsbury, and the adventurous spirit of Montagu and Orford were staggered. They were not yet mounted to the elevation of the king. The cabinet, then the regency, met on the subject at Tunbridge Wells, the 28th of August, 1698; and there, Lord Somers holding the pen, after expressing doubts on the state of the Continent, which they ultimately refer to the king, as best informed, they give him a most discouraging portrait of the spirit of this nation. “So far as relates to England,” say these ministers, “it would be want of duty not to give your

Majesty this clear account: that there is *a deadness and want of spirit in the nation universally*, so as not at all to be disposed to *the thought of entering into a new war*; and that they seem to be *tired out with taxes* to a degree beyond what was discerned, till it appeared upon the occasion of *the late elections*. This is the truth of the fact, upon which your Majesty will determine what resolutions are proper to be taken.”

His Majesty did determine, — and did take and pursue his resolution. In all the tottering imbecility of a new government, and with Parliament totally unmanageable, he persevered. He persevered to expel the fears of his people by his fortitude, to steady their fickleness by his constancy, to expand their narrow prudence by his enlarged wisdom, to sink their factious temper in his public spirit. In spite of his people, he resolved to make them great and glorious, — to make England, inclined to shrink into her narrow self, the arbitress of Europe, the tutelary angel of the human race. In spite of the ministers, who staggered under the weight that his mind imposed upon theirs, unsupported as they felt themselves by the popular spirit, he infused into them his own soul, he renewed in them their ancient heart, he rallied them in the same cause.

It required some time to accomplish this work. The people were first gained, and, through them, their distracted representatives. Under the influence of King William, Holland had rejected the allurements of every seduction, and had resisted the terrors of every menace. With Hannibal at her gates, she had nobly and magnanimously refused all separate treaty, or anything which might for a moment appear to divide her affection or her interest or even to distinguish her in identity from England. Having settled the great point of the consolidation (which he hoped would be eternal) of the countries made for a common interest and common sentiment, the king, in his message to both Houses, calls their attention to the affairs of the *States General*. The House of Lords was perfectly sound, and entirely impressed with the wisdom and dignity of the king’s proceedings. In answer to the message, which you will observe was narrowed to a single point, (the danger of the *States General*,) after the usual professions of zeal for his service, the Lords opened themselves at large. They go far beyond the demands of the message. They express themselves as follows.

“We take this occasion *further* to assure your Majesty we are very sensible of *the great and imminent danger to which the States General are at present exposed; and we do perfectly agree with them in believing that their safety and ours are so inseparably united that whatsoever is ruin to the one must be fatal to the other.*

“And we humbly desire your Majesty will be pleased *not only* to make good all the articles of any *former* treaty to the *States General*, but that you will enter into a strict league offensive and defensive with them *for our common preservation; and that you will invite into it all princes and states who are concerned in the present visible danger arising from the union of France and Spain.*

“And we further desire your Majesty, that you will be pleased to enter into such alliances with the *Emperor* as your Majesty shall think fit, pursuant to the ends of the treaty of 1689: towards all which we assure your Majesty of our hearty and sincere assistance; not doubting, but, whenever your Majesty shall be obliged to engage for the defence of your allies, *and for securing the liberty and quiet of Europe*, Almighty God will protect your sacred person in so righteous a cause, and that the unanimity, wealth, and courage of your subjects will carry your Majesty with honor and success *through all the difficulties of a JUST WAR.*”

The House of Commons was more reserved. The late popular disposition was still in a great degree prevalent in the representative, after it had been made to change in the constituent body. The principle of the Grand Alliance was not directly recognized in the resolution of the Commons, nor the war announced, though they were well aware the alliance was formed for the war. However, compelled by the returning sense of the people, they went so far as to fix the three great immovable pillars of the safety and greatness of England, as they were then, as they are now, and as they must ever be to the end of time. They asserted in general terms the necessity of supporting Holland, of keeping united with our allies, and maintaining the liberty of Europe; though they restricted their vote to the succors stipulated by actual treaty. But now they were fairly embarked, they were obliged to go with the course of the vessel; and the whole nation, split before into an hundred adverse factions, with a king at its head evidently declining to his tomb, the whole nation, lords, commons, and people, proceeded as one body informed by one soul. Under the British union, the union of Europe was consolidated; and it long held together with a degree of cohesion, firmness, and fidelity not known before or since in any political combination of that extent.

Just as the last hand was given to this immense and complicated machine, the master workman died. But the work was formed on true mechanical principles, and it was as truly wrought. It went by the impulse it had received from the first mover. The man was dead; but the Grand Alliance survived, in which King William lived and reigned. That heartless and dispirited people, whom Lord Somers had represented about two years before as dead in energy and operation, continued that war, to which it was supposed they were unequal in mind and in means, for near thirteen years.

For what have I entered into all this detail? To what purpose have I recalled your view to the end of the last century? It has been done to show that the British nation was then a great people, — to point out how and by what means they came to be exalted above the vulgar level, and to take that lead which they assumed among mankind. To qualify us for that preëminence, we had then an high mind and a constancy unconquerable; we were then inspired with no flashy passions, but such as were durable as well as warm, such as corresponded to the great interests we had at stake. This force of character was inspired, as all such spirit must ever be, from

above. Government gave the impulse. As well may we fancy that of itself the sea will swell, and that without winds the billows will insult the adverse shore, as that the gross mass of the people will be moved, and elevated, and continue by a steady and permanent direction to bear upon one point, without the influence of superior authority or superior mind.

This impulse ought, in my opinion, to have been given in this war; and it ought to have been continued to it at every instant. It is made, if ever war was made, to touch all the great springs of action in the human breast. It ought not to have been a war of apology. The minister had, in this conflict, wherewithal to glory in success, to be consoled in adversity, to hold high his principle in all fortunes. If it were not given him to support the falling edifice, he ought to bury himself under the ruins of the civilized world. All the art of Greece and all the pride and power of Eastern monarchs never heaped upon their ashes so grand a monument.

There were days when his great mind was up to the crisis of the world he is called to act in. His manly eloquence was equal to the elevated wisdom of such sentiments. But the little have triumphed over the great: an unnatural, (as it should seem,) not an unusual victory. I am sure you cannot forget with how much uneasiness we heard, in conversation, the language of more than one gentleman at the opening of this contest,— “that he was willing to try the war for a year or two, and, if it did not succeed, then to vote for peace.” As if war was a matter of experiment! As if you could take it up or lay it down as an idle frolic! As if the dire goddess that presides over it, with her murderous spear in her hand and her Gorgon at her breast, was a coquette to be flirted with! We ought with reverence to approach that tremendous divinity, that loves courage, but commands counsel. War never leaves where it found a nation. It is never to be entered into without a mature deliberation, — not a deliberation lengthened out into a perplexing indecision, but a deliberation leading to a sure and fixed judgment. When so taken up, it is not to be abandoned without reason as valid, as fully and as extensively considered. Peace may be made as unadvisedly as war. Nothing is so rash as fear; and the counsels of pusillanimity very rarely put off, whilst they are always sure to aggravate, the evils from which they would fly.

In that great war carried on against Louis the Fourteenth for near eighteen years, government spared no pains to satisfy the nation, that, though they were to be animated by a desire of glory, glory was not their ultimate object; but that everything dear to them, in religion, in law, in liberty, everything which as freemen, as Englishmen, and as citizens of the great commonwealth of Christendom, they had at heart, was then at stake. This was to know the true art of gaining the affections and confidence of an high-minded people; this was to understand human nature. A danger to avert a danger, a present inconvenience and suffering to prevent a foreseen future and a worse calamity, — these are the motives that belong to an animal who in his constitution is at once adventurous and provident, circumspect

and daring, — whom his Creator has made, as the poet says, “of large discourse, looking before and after.” But never can a vehement and sustained spirit of fortitude be kindled in a people by a war of calculation. It has nothing that can keep the mind erect under the gusts of adversity. Even where men are willing, as sometimes they are, to barter their blood for lucre, to hazard their safety for the gratification of their avarice, the passion which animates them to that sort of conflict, like all the shortsighted passions, must see its objects distinct and near at hand. The passions of the lower order are hungry and impatient. Speculative plunder, — contingent spoil, — future, long adjourned, uncertain booty, — pillage which must enrich a late posterity, and which possibly may not reach to posterity at all, — these, for any length of time, will never support a mercenary war. The people are in the right. The calculation of profit in all such wars is false. On balancing the account of such wars, ten thousand hogsheads of sugar are purchased at ten thousand times their price. The blood of man should never be shed but to redeem the blood of man. It is well shed for our family, for our friends, for our God, for our country, for our kind. The rest is vanity; the rest is crime.

In the war of the Grand Alliance most of these considerations voluntarily and naturally had their part. Some were pressed into the service. The political interest easily went in the track of the natural sentiment. In the reverse course the carriage does not follow freely. I am sure the natural feeling, as I have just said, is a far more predominant ingredient in this war than in that of any other that ever was waged by this kingdom.

If the war made to prevent the union of two crowns upon one head was a just war, this, which is made to prevent the tearing all crowns from all heads which ought to wear them, and with the crowns to smite off the sacred heads themselves, this is a just war.

If a war to prevent Louis the Fourteenth from imposing his religion was just, a war to prevent the murderers of Louis the Sixteenth from imposing their irreligion upon us is just: a war to prevent the operation of a system which makes life without dignity and death without hope is a just war.

If to preserve political independence and civil freedom to nations was a just ground of war, a war to preserve national independence, property, liberty, life, and honor from certain universal havoc is a war just necessary, manly, pious; and we are bound to persevere in it by every principle, divine and human, as long as the system which menaces them all, and all equally, has an existence in the world.

You, who have looked at this matter with as fair and impartial an eye as can be united with a feeling heart, you will not think it an hardy assertion, when I affirm that it were far better to be conquered by any other nation than to have this faction for a neighbor. Before I felt myself authorized to say this, I considered the state of all the countries in Europe for these last three hundred years, which have been obliged to submit to a foreign law. In most of those I found the condition of the

annexed countries even better, certainly not worse, than the lot of those which were the patrimony of the conqueror. They wanted some blessings, but they were free from many very great evils. They were rich and tranquil. Such was Artois, Flanders, Lorraine, Alsatia, under the old government of France. Such was Silesia under the King of Prussia. They who are to live in the vicinity of this new fabric are to prepare to live in perpetual conspiracies and seditions, and to end at last in being conquered, if not to her dominion, to her resemblance. But when we talk of conquest by other nations, it is only to put a case. This is the only power in Europe by which it is *possible* we should be conquered. To live under the continual dread of such immeasurable evils is itself a grievous calamity. To live without the dread of them is to turn the danger into the disaster. The influence of such a France is equal to a war, its example more wasting than an hostile irruption. The hostility with any other power is separable and accidental: this power, by the very condition of its existence, by its very essential constitution, is in a state of hostility with us, and with all civilized people.

A government of the nature of that set up at our very door has never been hitherto seen or even imagined in Europe. What our relation to it will be cannot be judged by other relations. It is a serious thing to have a connection with a people who live only under positive, arbitrary, and changeable institutions, — and those not perfected nor supplied nor explained by any common, acknowledged rule of moral science. I remember, that, in one of my last conversations with the late Lord Camden, we were struck much in the same manner with the abolition in France of the law as a science of methodized and artificial equity. France, since her Revolution, is under the sway of a sect whose leaders have deliberately, at one stroke, demolished the whole body of that jurisprudence which France had pretty nearly in common with other civilized countries. In that jurisprudence were contained the elements and principles of the law of nations, the great ligament of mankind. With the law they have of course destroyed all seminaries in which jurisprudence was taught, as well as all the corporations established for its conservation. I have not heard of any country, whether in Europe or Asia, or even in Africa on this side of Mount Atlas, which is wholly without some such colleges and such corporations, except France. No man, in a public or private concern, can divine by what rule or principle her judgments are to be directed: nor is there to be found a professor in any university, or a practitioner in any court, who will hazard an opinion of what is or is not law in France, in any case whatever. They have not only annulled all their old treaties, but they have renounced the law of nations, from whence treaties have their force. With a fixed design they have outlawed themselves, and to their power outlawed all other nations.

Instead of the religion and the law by which they were in a great politic communion with the Christian world, they have constructed their republic on three bases, all fundamentally opposite to those on which the communities of Europe are

built. Its foundation is laid in Regicide, in Jacobinism, and in Atheism; and it has joined to those principles a body of systematic manners which secures their operation.

If I am asked how I would be understood in the use of these terms, Regicide, Jacobinism, Atheism, and a system of correspondent manners, and their establishment, I will tell you.

I call a commonwealth *Regicide* which lays it down as a fixed law of Nature and a fundamental right of man, that all government, not being a democracy, is an usurpation, — that all kings, as such, are usurpers, and, for being kings, may and ought to be put to death, with their wives, families, and adherents. The commonwealth which acts uniformly upon those principles, and which, after abolishing every festival of religion, chooses the most flagrant act of a murderous regicide treason for a feast of eternal commemoration, and which forces all her people to observe it, — this I call *Regicide by Establishment*.

Jacobinism is the revolt of the enterprising talents of a country against its property. When private men form themselves into associations for the purpose of destroying the preëxisting laws and institutions of their country, — when they secure to themselves an army by dividing amongst the people of no property the estates of the ancient and lawful proprietors, — when a state recognizes those acts, — when it does not make confiscations for crimes, but makes crimes for confiscations, — when it has its principal strength and all its resources in such a violation of property, — when it stands chiefly upon such a violation, massacring by judgments, or otherwise, those who make any struggle for their old legal government, and their legal, hereditary, or acquired possessions, — I call this *Jacobinism by Establishment*.

I call it *Atheism by Establishment*, when any state, as such, shall not acknowledge the existence of God as a moral governor of the world, — when it shall offer to Him no religious or moral worship, — when it shall abolish the Christian religion by a regular decree, — when it shall persecute, with a cold, unrelenting, steady cruelty, by every mode of confiscation, imprisonment, exile, and death, all its ministers, — when it shall generally shut up or pull down churches, — when the few buildings which remain of this kind shall be opened only for the purpose of making a profane apotheosis of monsters whose vices and crimes have no parallel amongst men, and whom all other men consider as objects of general detestation and the severest animadversion of law. When, in the place of that religion of social benevolence and of individual self-denial, in mockery of all religion, they institute impious, blasphemous, indecent theatric rites, in honor of their vitiated, perverted reason, and erect altars to the personification of their own corrupted and bloody republic, — when schools and seminaries are founded at public expense to poison mankind, from generation to generation, with the horrible maxims of this impiety, — when, wearied out with incessant martyrdom, and the cries of a people hungering and

thirsting for religion, they permit it only as a tolerated evil, — I call this *Atheism by Establishment*.

When to these establishments of Regicide, of Jacobinism, and of Atheism, you add the *correspondent system of manners*, no doubt can be left on the mind of a thinking man concerning their determined hostility to the human race. Manners are of more importance than laws. Upon them, in a great measure, the laws depend. The law touches us but here and there, and now and then. Manners are what vex or soothe, corrupt or purify, exalt or debase, barbarize or refine us, by a constant, steady, uniform, insensible operation, like that of the air we breathe in. They give their whole form and color to our lives. According to their quality, they aid morals, they supply them, or they totally destroy them. Of this the new French legislators were aware; therefore, with the same method, and under the same authority, they settled a system of manners, the most licentious, prostitute, and abandoned that ever has been known, and at the same time the most coarse, rude, savage, and ferocious. Nothing in the Revolution, no, not to a phrase or a gesture, not to the fashion of a hat or a shoe, was left to accident. All has been the result of design; all has been matter of institution. No mechanical means could be devised in favor of this incredible system of wickedness and vice, that has not been employed. The noblest passions, the love of glory, the love of country, have been debauched into means of its preservation and its propagation. All sorts of shows and exhibitions, calculated to inflame and vitiate the imagination and pervert the moral sense, have been contrived. They have sometimes brought forth five or six hundred drunken women calling at the bar of the Assembly for the blood of their own children, as being Royalists or Constitutionalists. Sometimes they have got a body of wretches, calling themselves fathers, to demand the murder of their sons, boasting that Rome had but one Brutus, but that they could show five hundred. There were instances in which they inverted and retaliated the impiety, and produced sons who called for the execution of their parents. The foundation of their republic is laid in moral paradoxes. Their patriotism is always prodigy. All those instances to be found in history, whether real or fabulous, of a doubtful public spirit, at which morality is perplexed, reason is staggered, and from which affrighted Nature recoils, are their chosen and almost sole examples for the instruction of their youth.

The whole drift of their institution is contrary to that of the wise legislators of all countries, who aimed at improving instincts into morals, and at grafting the virtues on the stock of the natural affections. They, on the contrary, have omitted no pains to eradicate every benevolent and noble propensity in the mind of men. In their culture it is a rule always to graft virtues on vices. They think everything unworthy of the name of public virtue, unless it indicates violence on the private. All their new institutions (and with them everything is new) strike at the root of our social nature. Other legislators, knowing that marriage is the origin of all relations, and consequently the first element of all duties, have endeavored by every art to make it

sacred. The Christian religion, by confining it to the pairs, and by rendering that relation indissoluble, has by these two things done more towards the peace, happiness, settlement, and civilization of the world than by any other part in this whole scheme of Divine wisdom. The direct contrary course has been taken in the synagogue of Antichrist, — I mean in that forge and manufactory of all evil, the sect which predominated in the Constituent Assembly of 1789. Those monsters employed the same or greater industry to desecrate and degrade that state, which other legislators have used to render it holy and honorable. By a strange, uncalled-for declaration, they pronounced that marriage was no better than a common civil contract. It was one of their ordinary tricks, to put their sentiments into the mouths of certain personated characters, which they theatrically exhibited at the bar of what ought to be a serious assembly. One of these was brought out in the figure of a prostitute, whom they called by the affected name of “a mother without being a wife.” This creature they made to call for a repeal of the incapacities which in civilized states are put upon bastards. The prostitutes of the Assembly gave to this their puppet the sanction of their greater impudence. In consequence of the principles laid down, and the manners authorized, bastards were not long after put on the footing of the issue of lawful unions. Proceeding in the spirit of the first authors of their Constitution, succeeding Assemblies went the full length of the principle, and gave a license to divorce at the mere pleasure of either party, and at a month’s notice. With them the matrimonial connection is brought into so degraded a state of concubinage, that I believe none of the wretches in London who keep warehouses of infamy would give out one of their victims to private custody on so short and insolent a tenure. There was, indeed, a kind of profligate equity in giving to women the same licentious power. The reason they assigned was as infamous as the act: declaring that women had been too long under the tyranny of parents and of husbands. It is not necessary to observe upon the horrible consequences of taking one half of the species wholly out of the guardianship and protection of the other.

The practice of divorce, though in some countries permitted, has been discouraged in all. In the East, polygamy and divorce are in discredit; and the manners correct the laws. In Rome, whilst Rome was in its integrity, the few causes allowed for divorce amounted in effect to a prohibition. They were only three. The arbitrary was totally excluded; and accordingly some hundreds of years passed without a single example of that kind. When manners were corrupted, the laws were relaxed; as the latter always follow the former, when they are not able to regulate them or to vanquish them. Of this circumstance the legislators of vice and crime were pleased to take notice, as an inducement to adopt their regulation: holding out an hope that the permission would as rarely be made use of. They knew the contrary to be true; and they had taken good care that the laws should be well seconded by the manners. Their law of divorce, like all their laws, had not for its

object the relief of domestic uneasiness, but the total corruption of all morals, the total disconnection of social life.

It is a matter of curiosity to observe the operation of this encouragement to disorder. I have before me the Paris paper correspondent to the usual register of births, marriages, and deaths. Divorce, happily, is no regular head of registry amongst civilized nations. With the Jacobins it is remarkable that divorce is not only a regular head, but it has the post of honor. It occupies the first place in the list. In the three first months of the year 1793 the number of divorces in that city amounted to 562; the marriages were 1785: so that the proportion of divorces to marriages was not much less than one to three: a thing unexampled, I believe, among mankind. I caused an inquiry to be made at Doctors' Commons concerning the number of divorces, and found that all the divorces (which, except by special act of Parliament, are separations, and not proper divorces) did not amount in all those courts, and in an hundred years, to much more than one fifth of those that passed in the single city of Paris in three months. I followed up the inquiry relative to that city through several of the subsequent months, until I was tired, and found the proportions still the same. Since then I have heard that they have declared for a revisal of these laws: but I know of nothing done. It appears as if the contract that renovates the world was under no law at all. From this we may take our estimate of the havoc that has been made through all the relations of life. With the Jacobins of France, vague intercourse is without reproach; marriage is reduced to the vilest concubinage; children are encouraged to cut the throats of their parents; mothers are taught that tenderness is no part of their character, and, to demonstrate their attachment to their party, that they ought to make no scruple to rake with their bloody hands in the bowels of those who came from their own.

To all this let us join the practice of *cannibalism*, with which, in the proper terms, and with the greatest truth, their several factions accuse each other. By cannibalism I mean their devouring, as a nutriment of their ferocity, some part of the bodies of those they have murdered, their drinking the blood of their victims, and forcing the victims themselves to drink the blood of their kindred slaughtered before their faces. By cannibalism I mean also to signify all their nameless, unmanly, and abominable insults on the bodies of those they slaughter.

As to those whom they suffer to die a natural death, they do not permit them to enjoy the last consolations of mankind, or those rights of sepulture which indicate hope, and which mere Nature has taught to mankind, in all countries, to soothe the afflictions and to cover the infirmity of mortal condition. They disgrace men in the entry into life, they vitiate and enslave them through the whole course of it, and they deprive them of all comfort at the conclusion of their dishonored and depraved existence. Endeavoring to persuade the people that they are no better than beasts, the whole body of their institution tends to make them beasts of prey, furious and savage. For this purpose the active part of them is disciplined into a ferocity which

has no parallel. To this ferocity there is joined not one of the rude, unfashioned virtues which accompany the vices, where the whole are left to grow up together in the rankness of uncultivated Nature. But nothing is left to Nature in their systems.

The same discipline which hardens their hearts relaxes their morals. Whilst courts of justice were thrust out by revolutionary tribunals, and silent churches were only the funeral monuments of departed religion, there were no fewer than nineteen or twenty theatres, great and small, most of them kept open at the public expense, and all of them crowded every night. Among the gaunt, haggard forms of famine and nakedness, amidst the yells of murder, the tears of affliction, and the cries of despair, the song, the dance, the mimic scene, the buffoon laughter, went on as regularly as in the gay hour of festive peace. I have it from good authority, that under the scaffold of judicial murder, and the gaping planks that poured down blood on the spectators, the space was hired out for a show of dancing dogs. I think, without concert, we have made the very same remark, on reading some of their pieces, which, being written for other purposes, let us into a view of their social life. It struck us that the habits of Paris had no resemblance to the finished virtues, or to the polished vice, and elegant, though not blameless luxury, of the capital of a great empire. Their society was more like that of a den of outlaws upon a doubtful frontier, — of a lewd tavern for the revels and debauches of banditti, assassins, bravoës, smugglers, and their more desperate paramours, mixed with bombastic players, the refuse and rejected offal of strolling theatres, puffing out ill-sorted verses about virtue, mixed with the licentious and blasphemous songs proper to the brutal and hardened course of life belonging to that sort of wretches. This system of manners in itself is at war with all orderly and moral society, and is in its neighborhood unsafe. If great bodies of that kind were anywhere established in a bordering territory, we should have a right to demand of their governments the suppression of such a nuisance. What are we to do, if the government and the whole community is of the same description? Yet that government has thought proper to invite ours to lay by its unjust hatred, and to listen to the voice of humanity as taught by their example.

The operation of dangerous and delusive first principles obliges us to have recourse to the true ones. In the intercourse between nations, we are apt to rely too much on the instrumental part. We lay too much weight upon the formality of treaties and compacts. We do not act much more wisely, when we trust to the interests of men as guaranties of their engagements. The interests frequently tear to pieces the engagements, and the passions trample upon both. Entirely to trust to either is to disregard our own safety, or not to know mankind. Men are not tied to one another by papers and seals. They are led to associate by resemblances, by conformities, by sympathies. It is with nations as with individuals. Nothing is so strong a tie of amity between nation and nation as correspondence in laws, customs, manners, and habits of life. They have more than the force of treaties in themselves.

They are obligations written in the heart. They approximate men to men without their knowledge, and sometimes against their intentions. The secret, unseen, but irrefragable bond of habitual intercourse holds them together, even when their perverse and litigious nature sets them to equivocate, scuffle, and fight about the terms of their written obligations.

As to war, if it be the means of wrong and violence, it is the sole means of justice amongst nations. Nothing can banish it from the world. They who say otherwise, intending to impose upon us, do not impose upon themselves. But it is one of the greatest objects of human wisdom to mitigate those evils which we are unable to remove. The conformity and analogy of which I speak, incapable, like everything else, of preserving perfect trust and tranquillity among men, has a strong tendency to facilitate accommodation, and to produce a generous oblivion of the rancor of their quarrels. With this similitude, peace is more of peace, and war is less of war. I will go further. There have been periods of time in which communities apparently in peace with each other have been more perfectly separated than in later times many nations in Europe have been in the course of long and bloody wars. The cause must be sought in the similitude throughout Europe of religion, laws, and manners. At bottom, these are all the same. The writers on public law have often called this *aggregate* of nations a commonwealth. They had reason. It is virtually one great state, having the same basis of general law, with some diversity of provincial customs and local establishments. The nations of Europe have had the very same Christian religion, agreeing in the fundamental parts, varying a little in the ceremonies and in the subordinate doctrines. The whole of the polity and economy of every country in Europe has been derived from the same sources. It was drawn from the old Germanic or Gothic Custumary, — from the feudal institutions, which must be considered as an emanation from that Custumary; and the whole has been improved and digested into system and discipline by the Roman law. From hence arose the several orders, with or without a monarch, (which are called States,) in every European country; the strong traces of which, where monarchy predominated, were never wholly extinguished or merged in despotism. In the few places where monarchy was cast off, the spirit of European monarchy was still left. Those countries still continued countries of States, — that is, of classes, orders, and distinctions, such as had before subsisted, or nearly so. Indeed, the force and form of the institution called States continued in greater perfection in those republican communities than under monarchies. From all those sources arose a system of manners and of education which was nearly similar in all this quarter of the globe, — and which softened, blended, and harmonized the colors of the whole. There was little difference in the form of the universities for the education of their youth, whether with regard to faculties, to sciences, or to the more liberal and elegant kinds of erudition. From this resemblance in the modes of intercourse, and in the whole form and fashion of life,

no citizen of Europe could be altogether an exile in any part of it. There was nothing more than a pleasing variety to recreate and instruct the mind, to enrich the imagination, and to meliorate the heart. When a man travelled or resided, for health, pleasure, business, or necessity, from his own country, he never felt himself quite abroad.

The whole body of this new scheme of manners, in support of the new scheme of politics, I consider as a strong and decisive proof of determined ambition and systematic hostility. I defy the most refining ingenuity to invent any other cause for the total departure of the Jacobin Republic from every one of the ideas and usages, religious, legal, moral, or social, of this civilized world, and for her tearing herself from its communion with such studied violence, but from a formed resolution of keeping no terms with that world. It has not been, as has been falsely and insidiously represented, that these miscreants had only broke with their old government. They made a schism with the whole universe, and that schism extended to almost everything, great and small. For one, I wish, since it is gone thus far, that the breach had been so complete as to make all intercourse impracticable: but, partly by accident, partly by design, partly from the resistance of the matter, enough is left to preserve intercourse, whilst amity is destroyed or corrupted in its principle.

This violent breach of the community of Europe we must conclude to have been made (even if they had not expressly declared it over and over again) either to force mankind into an adoption of their system or to live in perpetual enmity with a community the most potent we have ever known. Can any person imagine, that, in offering to mankind this desperate alternative, there is no indication of a hostile mind, because men in possession of the ruling authority are supposed to have a right to act without coercion in their own territories? As to the right of men to act anywhere according to their pleasure, without any moral tie, no such right exists. Men are never in a state of *total* independence of each other. It is not the condition of our nature: nor is it conceivable how any man can pursue a considerable course of action without its having some effect upon others, or, of course, without producing some degree of responsibility for his conduct. The *situations* in which men relatively stand produce the rules and principles of that responsibility, and afford directions to prudence in exacting it.

Distance of place does not extinguish the duties or the rights of men; but it often renders their exercise impracticable. The same circumstance of distance renders the noxious effects of an evil system in any community less pernicious. But there are situations where this difficulty does not occur, and in which, therefore, those duties are obligatory and these rights are to be asserted. It has ever been the method of public jurists to draw a great part of the analogies on which they form the law of nations from the principles of law which prevail in civil community. Civil laws are not all of them merely positive. Those which are rather conclusions of legal reason than matters of statutable provision belong to universal equity, and are universally

applicable. Almost the whole prætorian law is such. There is a *law of neighborhood* which does not leave a man perfect master on his own ground. When a neighbor sees a *new erection*, in the nature of a nuisance, set up at his door, he has a right to represent it to the judge, who, on his part, has a right to order the work to be stayed, or, if established, to be removed. On this head the parent law is express and clear, and has made many wise provisions, which, without destroying, regulate and restrain the right of *ownership* by the right of *vicinage*. No *innovation* is permitted that may redound, even secondarily, to the prejudice of a neighbor. The whole doctrine of that important head of prætorian law, "*De novi operis nunciatione*," is founded on the principle, that no *new* use should be made of a man's private liberty of operating upon his private property, from whence a detriment may be justly apprehended by his neighbor. This law of denunciation is prospective. It is to anticipate what is called *damnum infectum* or *damnum nondum factum*, that is, a damage justly apprehended, but not actually done. Even before it is clearly known whether the innovation be damageable or not, the judge is competent to issue a prohibition to innovate until the point can be determined. This prompt interference is grounded on principles favorable to both parties. It is preventive of mischief difficult to be repaired, and of ill blood difficult to be softened. The rule of law, therefore, which comes before the evil is amongst the very best parts of equity, and justifies the promptness of the remedy; because, as it is well observed, "*Res damni infecti celeritatem desiderat, et periculosa est dilatio*." This right of denunciation does not hold, when things continue, however inconveniently to the neighborhood, according to the *ancient* mode. For there is a sort of presumption against novelty, drawn out of a deep consideration of human nature and human affairs; and the maxim of jurisprudence is well laid down, "*Vetustas pro lege semper habetur*."

Such is the law of civil vicinity. Now where there is no constituted judge, as between independent states there is not, the vicinage itself is the natural judge. It is, preventively, the assertor of its own rights, or, remedially, their avenger. Neighbors are presumed to take cognizance of each other's acts. "*Vicini vicinorum facta præsumuntur seire*." This principle, which, like the rest, is as true of nations as of individual men, has bestowed on the grand vicinage of Europe a duty to know and a right to prevent any capital innovation which may amount to the erection of a dangerous nuisance. Of the importance of that innovation, and the mischief of that nuisance, they are, to be sure, bound to judge not litigiously: but it is in their competence to judge. They have uniformly acted on this right. What in civil society is a ground of action in politic society is a ground of war. But the exercise of that competent jurisdiction is a matter of moral prudence. As suits in civil society, so war in the political, must ever be a matter of great deliberation. It is not this or that particular proceeding, picked out here and there, as a subject of quarrel, that will do. There must be an aggregate of mischief. There must be marks of deliberation; there must be traces of design; there must be indications of malice; there must be

tokens of ambition. There must be force in the body where they exist; there must be energy in the mind. When all these circumstances combine, or the important parts of them, the duty of the vicinity calls for the exercise of its competence: and the rules of prudence do not restrain, but demand it.

In describing the nuisance erected by so pestilential a manufactory, by the construction of so infamous a brothel, by digging a night-cellar for such thieves, murderers, and house-breakers as never infested the world, I am so far from aggravating, that I have fallen infinitely short of the evil. No man who has attended to the particulars of what has been done in France, and combined them with the principles there asserted, can possibly doubt it. When I compare with this great cause of nations the trifling points of honor, the still more contemptible points of interest, the light ceremonies, the undefinable punctilios, the disputes about precedence, the lowering or the hoisting of a sail, the dealing in a hundred or two of wildcat-skins on the other side of the globe, which have often kindled up the flames of war between nations, I stand astonished at those persons who do not feel a resentment, not more natural than politic, at the atrocious insults that this monstrous compound offers to the dignity of every nation, and who are not alarmed with what it threatens to their safety.

I have therefore been decidedly of opinion, with our declaration at Whitehall in the beginning of this war, that the vicinage of Europe had not only a right, but an indispensable duty and an exigent interest, to denunciate this new work, before it had produced the danger we have so sorely felt, and which we shall long feel. The example of what is done by France is too important not to have a vast and extensive influence; and that example, backed with its power, must bear with great force on those who are near it, especially on those who shall recognize the pretended republic on the principle upon which it now stands. It is not an old structure, which you have found as it is, and are not to dispute of the original end and design with which it had been so fashioned. It is a recent wrong, and can plead no prescription. It violates the rights upon which not only the community of France, but those on which all communities are founded. The principles on which they proceed are *general* principles, and are as true in England as in any other country. They who (though with the purest intentions) recognize the authority of these regicides and robbers upon principle justify their acts, and establish them as precedents. It is a question not between France and England; it is a question between property and force. The property claims; and its claim has been allowed. The property of the nation is the nation. They who massacre, plunder, and expel the body of the proprietary are murderers and robbers. The state, in its essence, must be moral and just: and it may be so, though a tyrant or usurper should be accidentally at the head of it. This is a thing to be lamented: but this notwithstanding, the body of the commonwealth may remain in all its integrity and be perfectly sound in its composition. The present case is different. It is not a revolution in government. It is

not the victory of party over party. It is a destruction and decomposition of the whole society; which never can be made of right by any faction, however powerful, nor without terrible consequences to all about it, both in the act and in the example. This pretended republic is founded in crimes, and exists by wrong and robbery; and wrong and robbery, far from a title to anything, is war with mankind. To be at peace with robbery is to be an accomplice with it.

Mere locality does not constitute a body politic. Had Cade and his gang got possession of London, they would not have been the lord mayor, aldermen, and common council. The body politic of France existed in the majesty of its throne, in the dignity of its nobility, in the honor of its gentry, in the sanctity of its clergy, in the reverence of its magistracy, in the weight and consideration due to its landed property in the several bailliages, in the respect due to its movable substance represented by the corporations of the kingdom. All these particular *molecules* united form the great mass of what is truly the body politic in all countries. They are so many deposits and receptacles of justice; because they can only exist by justice. Nation is a moral essence, not a geographical arrangement, or a denomination of the nomenclator. France, though out of her territorial possession, exists; because the sole possible claimant, I mean the proprietary, and the government to which the proprietary adheres, exists and claims. God forbid, that if you were expelled from your house by ruffians and assassins, that I should call the material walls, doors, and windows of —— the ancient and honorable family of —— ! Am I to transfer to the intruders, who, not content to turn you out naked to the world, would rob you of your very name, all the esteem and respect I owe to you? The Regicides in France are not France. France is out of her bounds, but the kingdom is the same.

To illustrate my opinions on this subject, let us suppose a case, which, after what has happened, we cannot think absolutely impossible, though the augury is to be abominated, and the event deprecated with our most ardent prayers. Let us suppose, then, that our gracious sovereign was sacrilegiously murdered; his exemplary queen, at the head of the matronage of this land, murdered in the same manner; that those princesses whose beauty and modest elegance are the ornaments of the country, and who are the leaders and patterns of the ingenuous youth of their sex, were put to a cruel and ignominious death, with hundreds of others, mothers and daughters, ladies of the first distinction; that the Prince of Wales and the Duke of York, princes the hope and pride of the nation, with all their brethren, were forced to fly from the knives of assassins; that the whole body of our excellent clergy were either massacred or robbed of all and transported; the Christian religion, in all its denominations, forbidden and persecuted; the law totally, fundamentally, and in all its parts, destroyed; the judges put to death by revolutionary tribunals; the peers and commons robbed to the last acre of their estates, massacred, if they stayed, or obliged to seek life in flight, in exile, and in beggary; that the whole landed property

should share the very same fate; that every military and naval officer of honor and rank, almost to a man, should be placed in the same description of confiscation and exile; that the principal merchants and bankers should be drawn out, as from an hen-coop, for slaughter; that the citizens of our greatest and most flourishing cities, when the hand and the machinery of the hangman were not found sufficient, should have been collected in the public squares and massacred by thousands with cannon; if three hundred thousand others should have been doomed to a situation worse than death in noisome and pestilential prisons. In such a case, is it in the faction of robbers I am to look for my country? Would this be the England that you and I, and even strangers, admired, honored, loved, and cherished? Would not the exiles of England alone be my government and my fellow-citizens? Would not their places of refuge be my temporary country? Would not all my duties and all my affections be there, and there only? Should I consider myself as a traitor to my country, and deserving of death, if I knocked at the door and heart of every potentate in Christendom to succor my friends, and to avenge them on their enemies? Could I in any way show myself more a patriot? What should I think of those potentates who insulted their suffering brethren, — who treated them as vagrants, or at least as mendicants, — and could find no allies, no friends, but in regicide murderers and robbers? What ought I to think and feel, if, being geographers instead of kings, they recognized the desolated cities, the wasted fields, and the rivers polluted with blood, of this geometrical measurement, as the honorable member of Europe called England? In that condition, what should we think of Sweden, Denmark, or Holland, or whatever power afforded us a churlish and treacherous hospitality, if they should invite us to join the standard of our king, our laws, and our religion, — if they should give us a direct promise of protection, — if, after all this, taking advantage of our deplorable situation, which left us no choice, they were to treat us as the lowest and vilest of all mercenaries, — if they were to send us far from the aid of our king and our suffering country, to squander us away in the most pestilential climates for a venal enlargement of their own territories, for the purpose of trucking them, when obtained, with those very robbers and murderers they had called upon us to oppose with our blood? What would be our sentiments, if in that miserable service we were not to be considered either as English, or as Swedes, Dutch, Danes, but as outcasts of the human race? Whilst we were fighting those battles of their interest and as their soldiers, how should we feel, if we were to be excluded from all their cartels? How must we feel, if the pride and flower of the English nobility and gentry, who might escape the pestilential clime and the devouring sword, should, if taken prisoners, be delivered over as rebel subjects, to be condemned as rebels, as traitors, as the vilest of all criminals, by tribunals formed of Maroon negro slaves, covered over with the blood of their masters, who were made free and organized into judges for their robberies and murders? What should we feel under this inhuman, insulting, and barbarous protection of Muscovites, Swedes, or

Hollanders? Should we not obtest Heaven, and whatever justice there is yet on earth? Oppression makes wise men mad; but the distemper is still the madness of the wise, which is better than the sobriety of fools. Their cry is the voice of sacred misery, exalted, not into wild raving, but into the sanctified frenzy of prophecy and inspiration. In that bitterness of soul, in that indignation of suffering virtue, in that exaltation of despair, would not persecuted English loyalty cry out with an awful warning voice, and denounce the destruction that waits on monarchs who consider fidelity to them as the most degrading of all vices, who suffer it to be punished as the most abominable of all crimes, and who have no respect but for rebels, traitors, regicides, and furious negro slaves, whose crimes have broke their chains? Would not this warm language of high indignation have more of sound reason in it, more of real affection, more of true attachment, than all the lullabies of flatterers who would hush monarchs to sleep in the arms of death? Let them be well convinced, that, if ever this example should prevail in its whole extent, it will have its full operation. Whilst kings stand firm on their base, though under that base there is a sure-wrought mine, there will not be wanting to their levees a single person of those who are attached to their fortune, and not to their persons or cause; but hereafter none will support a tottering throne. Some will fly for fear of being crushed under the ruin; some will join in making it. They will seek, in the destruction of royalty, fame and power and wealth and the homage of kings, with Reubell, with Carnot, with Révellière, and with the Merlins and the Talliens, rather than suffer exile and beggary with the Condés, or the Broglies, the Castries, the D'Avarays, the Sérents, the Cazalès, and the long line of loyal, suffering, patriot nobility, or to be butchered with the oracles and the victims of the laws, the D'Ormessons, the D'Esprémessnils, and the Malesherbes. This example we shall give, if, instead of adhering to our fellows in a cause which is an honor to us all, we abandon the lawful government and lawful corporate body of France, to hunt for a shameful and ruinous fraternity with this odious usurpation that disgraces civilized society and the human race.

And is, then, example nothing? It is everything. Example is the school of mankind, and they will learn at no other. This war is a war against that example. It is not a war for Louis the Eighteenth, or even for the property, virtue, fidelity of France. It is a war for George the Third, for Francis the Second, and for all the dignity, property, honor, virtue, and religion of England, of Germany, and of all nations.

I know that all I have said of the systematic unsociability of this new-invented species of republic, and the impossibility of preserving peace, is answered by asserting that the scheme of manners, morals, and even of maxims and principles of state, is of no weight in a question of peace or war between communities. This doctrine is supported by example. The case of Algiers is cited, with an hint, as if it were the stronger case. I should take no notice of this sort of inducement, if I had found it only where first it was. I do not want respect for those from whom I first

heard it; but, having no controversy at present with them, I only think it not amiss to rest on it a little, as I find it adopted, with much more of the same kind, by several of those on whom such reasoning had formerly made no apparent impression. If it had no force to prevent us from submitting to this necessary war, it furnishes no better ground for our making an unnecessary and ruinous peace.

This analogical argument drawn from the case of Algiers would lead us a good way. The fact is, we ourselves with a little cover, others more directly, pay a *tribute* to the Republic of Algiers. Is it meant to reconcile us to the payment of a *tribute* to the French Republic? That this, with other things more ruinous, will be demanded, hereafter, I little doubt; but for the present this will not be avowed, — though our minds are to be gradually prepared for it. In truth, the arguments from this case are worth little, even to those who approve the buying an Algerine forbearance of piracy. There are many things which men do not approve, that they must do to avoid a greater evil. To argue from thence that they are to act in the same manner in all cases is turning necessity into a law. Upon what is matter of prudence, the argument concludes the contrary way. Because we have done one humiliating act, we ought with infinite caution to admit more acts of the same nature, lest humiliation should become our habitual state. Matters of prudence are under the dominion of circumstances, and not of logical analogies. It is absurd to take it otherwise.

I, for one, do more than doubt the policy of this kind of convention with Algiers. On those who think as I do the argument *ad hominem* can make no sort of impression. I know something of the constitution and composition of this very extraordinary republic. It has a constitution, I admit, similar to the present tumultuous military tyranny of France, by which an handful of obscure ruffians domineer over a fertile country and a brave people. For the composition, too, I admit the Algerine community resembles that of France, — being formed out of the very scum, scandal, disgrace, and pest of the Turkish Asia. The Grand Seignior, to disburden the country, suffers the Dey to recruit in his dominions the corps of janizaries, or asaphs, which form the Directory and Council of Elders of the African Republic one and indivisible. But notwithstanding this resemblance, which I allow, I never shall so far injure the Janizarian Republic of Algiers as to put it in comparison, for every sort of crime, turpitude, and oppression, with the Jacobin Republic of Paris. There is no question with me to which of the two I should choose to be a neighbor or a subject. But, situated as I am, I am in no danger of becoming to Algiers either the one or the other. It is not so in my relation to the atheistical fanatics of France. I *am* their neighbor; I *may* become their subject. Have the gentlemen who borrowed this happy parallel no idea of the different conduct to be held with regard to the very same evil at an immense distance and when it is at your door? when its power is enormous, as when it is comparatively as feeble as its distance is remote? when there is a barrier of language and usages, which prevents

corruption through certain old correspondences and habitudes, from the contagion of the horrible novelties that are introduced into everything else? I can contemplate without dread a royal or a national tiger on the borders of Pegu. I can look at him with an easy curiosity, as prisoner within bars in the menagerie of the Tower. But if, by *Habeas Corpus*, or otherwise, he was to come into the lobby of the House of Commons whilst your door was open, any of you would be more stout than wise who would not gladly make your escape out of the back windows. I certainly should dread more from a wild-cat in my bedchamber than from all the lions that roar in the deserts behind Algiers. But in this parallel it is the cat that is at a distance, and the lions and tigers that are in our antechambers and our lobbies. Algiers is not near; Algiers is not powerful; Algiers is not our neighbor; Algiers is not infectious. Algiers, whatever it may be, is an old creation; and we have good data to calculate all the mischief to be apprehended from it. When I find Algiers transferred to Calais, I will tell you what I think of that point. In the mean time, the case quoted from the Algerine Reports will not apply as authority. We shall put it out of court; and so far as that goes, let the counsel for the Jacobin peace take nothing by their motion.

When we voted, as you and I did, with many more whom you and I respect and love, to resist this enemy, we were providing for dangers that were direct, home, pressing, and not remote, contingent, uncertain, and formed upon loose analogies. We judged of the danger with which we were menaced by Jacobin France from the whole tenor of her conduct, not from one or two doubtful or detached acts or expressions. I not only concurred in the idea of combining with Europe in this war, but to the best of my power even stimulated ministers to that conjunction of interests and of efforts. I joined them with all my soul, on the principles contained in that manly and masterly state-paper which I have two or three times referred to, and may still more frequently hereafter. The diplomatic collection never was more enriched than with this piece. The historic facts justify every stroke of the master. "Thus painters write their names at Co."

Various persons may concur in the same measure on various grounds. They may be various, without being contrary to or exclusive of each other. I thought the insolent, unprovoked aggression of the Regicide upon our ally of Holland a good ground of war. I think his manifest attempt to overturn the balance of Europe a good ground of war. As a good ground of war I consider his declaration of war on his Majesty and his kingdom. But though I have taken all these to my aid, I consider them as nothing more than as a sort of evidence to indicate the treasonable mind within. Long before their acts of aggression and their declaration of war, the faction in France had assumed a form, had adopted a body of principles and maxims, and had regularly and systematically acted on them, by which she virtually had put herself in a posture which was in itself a declaration of war against mankind.

It is said by the Directory, in their several manifestoes, that we of the people are tumultuous for peace, and that ministers pretend negotiation to amuse us. This they have learned from the language of many amongst ourselves, whose conversations have been one main cause of whatever extent the opinion for peace with Regicide may be. But I, who think the ministers unfortunately to be but too serious in their proceedings, find myself obliged to say a little more on this subject of the popular opinion.

Before our opinions are quoted against ourselves, it is proper, that, from our serious deliberation, they may be worth quoting. It is without reason we praise the wisdom of our Constitution in putting under the discretion of the crown the awful trust of war and peace, if the ministers of the crown virtually return it again into our hands. The trust was placed there as a sacred deposit, to secure us against popular rashness in plunging into wars, and against the effects of popular dismay, disgust, or lassitude, in getting out of them as imprudently as we might first engage in them. To have no other measure in judging of those great objects than our momentary opinions and desires is to throw us back upon that very democracy which, in this part, our Constitution was formed to avoid.

It is no excuse at all for a minister who at our desire takes a measure contrary to our safety, that it is our own act. He who does not stay the hand of suicide is guilty of murder. On our part, I say, that to be instructed is not to be degraded or enslaved. Information is an advantage to us; and we have a right to demand it. He that is bound to act in the dark cannot be said to act freely. When it appears evident to our governors that our desires and our interests are at variance, they ought not to gratify the former at the expense of the latter. Statesmen are placed on an eminence, that they may have a larger horizon than we can possibly command. They have a whole before them, which we can contemplate only in the parts, and often without the necessary relations. Ministers are not only our natural rulers, but our natural guides. Reason, clearly and manfully delivered, has in itself a mighty force; but reason in the mouth of legal authority is, I may fairly say, irresistible.

I admit that reason of state will not, in many circumstances, permit the disclosure of the true ground of a public proceeding. In that case silence is manly, and it is wise. It is fair to call for trust, when the principle of reason itself suspends its public use. I take the distinction to be this: the ground of a particular measure making a part of a plan it is rarely proper to divulge; all the broader grounds of policy, on which the general plan is to be adopted, ought as rarely to be concealed. They who have not the whole cause before them, call them politicians, call them people, call them what you will, are no judges. The difficulties of the case, as well as its fair side, ought to be presented. This ought to be done; and it is all that can be done. When we have our true situation distinctly presented to us, if then we resolve, with a blind and headlong violence, to resist the admonitions of our friends, and to cast

ourselves into the hands of our potent and irreconcilable foes, then, and not till then, the ministers stand acquitted before God and man for whatever may come.

Lamenting, as I do, that the matter has not had so full and free a discussion as it requires, I mean to omit none of the points which seem to me necessary for consideration, previous to an arrangement which is forever to decide the form and the fate of Europe. In the course, therefore, of what I shall have the honor to address to you, I propose the following questions to your serious thoughts. — 1. Whether the present system, which stands for a government, in France, be such as in peace and war affects the neighboring states in a manner different from the internal government that formerly prevailed in that country? — 2. Whether that system, supposing its views hostile to other nations, possesses any means of being hurtful to them peculiar to itself? — 3. Whether there has been lately such a change in France as to alter the nature of its system, or its effect upon other powers? — 4. Whether any public declarations or engagements exist, on the part of the allied powers, which stand in the way of a treaty of peace which supposes the right and confirms the power of the Regicide faction in France? — 5. What the state of the other powers of Europe will be with respect to each other and their colonies, on the conclusion of a Regicide peace? — 6. Whether we are driven to the absolute necessity of making that kind of peace?

These heads of inquiry will enable us to make the application of the several matters of fact and topics of argument, that occur in this vast discussion, to certain fixed principles. I do not mean to confine myself to the order in which they stand. I shall discuss them in such a manner as shall appear to me the best adapted for showing their mutual bearings and relations. Here, then, I close the public matter of my letter; but before I have done, let me say one word in apology for myself.

In wishing this nominal peace not to be precipitated, I am sure no man living is less disposed to blame the present ministry than I am. Some of my oldest friends (and I wish I could say it of more of them) make a part in that ministry. There are some, indeed, “whom my dim eyes in vain explore.” In my mind, a greater calamity could not have fallen on the public than the exclusion of one of them. But I drive away that, with other melancholy thoughts. A great deal ought to be said upon that subject, or nothing. As to the distinguished persons to whom my friends who remain are joined, if benefits nobly and generously conferred ought to procure good wishes, they are entitled to my best vows; and they have them all. They have administered to me the only consolation I am capable of receiving, which is, to know that no individual will suffer by my thirty years’ service to the public. If things should give us the comparative happiness of a struggle, I shall be found, I was going to say fighting, (that would be foolish,) but dying, by the side of Mr. Pitt. I must add, that, if anything defensive in our domestic system can possibly save us from the disasters of a Regicide peace, he is the man to save us. If the finances in such a case can be repaired, he is the man to repair them. If I should lament any of his

acts, it is only when they appear to me to have no resemblance to acts of his. But let him not have a confidence in himself which no human abilities can warrant. His abilities are fully equal (and that is to say much for any man) to those which are opposed to him. But if we look to him as our security against the consequences of a Regicide peace, let us be assured that a Regicide peace and a constitutional ministry are terms that will not agree. With a Regicide peace the king cannot long have a minister to serve him, nor the minister a king to serve. If the Great Disposer, in reward of the royal and the private virtues of our sovereign, should call him from the calamitous spectacles which will attend a state of amity with Regicide, his successor will surely see them, unless the same Providence greatly anticipates the course of Nature. Thinking thus, (and not, as I conceive, on light grounds,) I dare not flatter the reigning sovereign, nor any minister he has or can have, nor his successor apparent, nor any of those who may be called to serve him, with what appears to me a false state of their situation. We cannot have them and that peace together.

I do not forget that there had been a considerable difference between several of our friends (with my insignificant self) and the great man at the head of ministry, in an early stage of these discussions. But I am sure there was a period in which we agreed better in the danger of a Jacobin existence in France. At one time he and all Europe seemed to feel it. But why am not I converted with so many great powers and so many great ministers? It is because I am old and slow. I am in this year, 1796, only where all the powers of Europe were in 1793. I cannot move with this precession of the equinoxes, which is preparing for us the return of some very old, I am afraid no golden era, or the commencement of some new era that must be denominated from some new metal. In this crisis I must hold my tongue or I must speak with freedom. Falsehood and delusion are allowed in no case whatever: but, as in the exercise of all the virtues, there is an economy of truth. It is a sort of temperance, by which a man speaks truth with measure, that he may speak it the longer. But as the same rules do not hold in all cases, what would be right for you, who may presume on a series of years before you, would have no sense for me, who cannot, without absurdity, calculate on six months of life. What I say I *must* say at once. Whatever I write is in its nature testamentary. It may have the weakness, but it has the sincerity, of a dying declaration. For the few days I have to linger here I am removed completely from the busy scene of the world; but I hold myself to be still responsible for everything that I have done whilst I continued on the place of action. If the rawest tyro in politics has been influenced by the authority of my gray hairs, and led by anything in my speeches or my writings to enter into this war, he has a right to call upon me to know why I have changed my opinions, or why, when those I voted with have adopted better notions, I persevere in exploded error.

When I seem not to acquiesce in the acts of those I respect in every degree short of superstition, I am obliged to give my reasons fully. I cannot set my authority

against their authority. But to exert reason is not to revolt against authority. Reason and authority do not move in the same parallel. That reason is an *amicus curiæ* who speaks *de plano*, not *pro tribunali*. It is a friend who makes an useful suggestion to the court, without questioning its jurisdiction. Whilst he acknowledges its competence, he promotes its efficiency. I shall pursue the plan I have chalked out in my letters that follow this.

LETTER II.

ON THE GENIUS AND CHARACTER OF THE FRENCH REVOLUTION AS IT REGARDS OTHER NATIONS.

My dear Sir, — I closed my first letter with serious matter, and I hope it has employed your thoughts. The system of peace must have a reference to the system of the war. On that ground, I must therefore again recall your mind to our original opinions, which time and events have not taught me to vary.

My ideas and my principles led me, in this contest, to encounter France, not as a state, but as a faction. The vast territorial extent of that country, its immense population, its riches of production, its riches of commerce and convention, the whole aggregate mass of what in ordinary cases constitutes the force of a state, to me were but objects of secondary consideration. They might be balanced; and they have been often more than balanced. Great as these things are, they are not what make the faction formidable. It is the faction that makes them truly dreadful. That faction is the evil spirit that possesses the body of France, — that informs it as a soul, — that stamps upon its ambition, and upon all its pursuits, a characteristic mark, which strongly distinguishes them from the same general passions and the same general views in other men and in other communities. It is that spirit which inspires into them a new, a pernicious, a desolating activity. Constituted as France was ten years ago, it was not in that France to shake, to shatter, and to overwhelm Europe in the manner that we behold. A sure destruction impends over those infatuated princes who, in the conflict with this new and unheard-of power, proceed as if they were engaged in a war that bore a resemblance to their former contests, or that they can make peace in the spirit of their former arrangements of pacification. Here the beaten path is the very reverse of the safe road.

As to me, I was always steadily of opinion that this disorder was not in its nature intermittent. I conceived that the contest, once begun, could not be laid down again, to be resumed at our discretion, but that our first struggle with this evil would also be our last. I never thought we could make peace with the system; because it was not for the sake of an object we pursued in rivalry with each other, but with the system itself that we were at war. As I understood the matter, we were at war, not

with its conduct, but with its existence, — convinced that its existence and its hostility were the same.

The faction is not local or territorial. It is a general evil. Where it least appears in action, it is still full of life. In its sleep it recruits its strength and prepares its exertion. Its spirit lies deep in the corruptions of our common nature. The social order which restrains it feeds it. It exists in every country in Europe, and among all orders of men in every country, who look up to France as to a common head. The centre is there. The circumference is the world of Europe, wherever the race of Europe may be settled. Everywhere else the faction is militant; in France it is triumphant. In France is the bank of deposit and the bank of circulation of all the pernicious principles that are forming in every state. It will be a folly scarcely deserving of pity, and too mischievous for contempt, to think of restraining it in any other country whilst it is predominant there. War, instead of being the cause of its force, has suspended its operation. It has given a reprieve, at least, to the Christian world.

The true nature of a Jacobin war, in the beginning, was by most of the Christian powers felt, acknowledged, and even in the most precise manner declared. In the joint manifesto published by the Emperor and the King of Prussia, on the 4th of August, 1792, it is expressed in the clearest terms, and on principles which could not fail, if they had adhered to them, of classing those monarchs with the first benefactors of mankind. This manifesto was published, as they themselves express it, “to lay open to the present generation, as well as to posterity, their motives, their intentions, and the *disinterestedness* of their personal views: taking up arms for the purpose of preserving social and political order amongst all civilized nations, and to secure to *each* state its religion, happiness, independence, territories, and real constitution.”— “On this ground they hoped that all empires and all states would be unanimous, and, becoming the firm guardians of the happiness of mankind, that they could not fail to unite their efforts to rescue a numerous nation from its own fury, to preserve Europe from the return of barbarism, and the universe from the subversion and anarchy with which it was threatened.” The whole of that noble performance ought to be read at the first meeting of any congress which may assemble for the purpose of pacification. In that piece “these powers expressly renounce all views of personal aggrandizement,” and confine themselves to objects worthy of so generous, so heroic, and so perfectly wise and politic an enterprise. It was to the principles of this confederation, and to no other, that we wished our sovereign and our country to accede, as a part of the commonwealth of Europe. To these principles, with some trifling exceptions and limitations, they did fully accede. And all our friends who took office acceded to the ministry, (whether wisely or not,) as I always understood the matter, on the faith and on the principles of that declaration.

As long as these powers flattered themselves that the menace of force would produce the effect of force, they acted on those declarations; but when their menaces failed of success, their efforts took a new direction. It did not appear to them that virtue and heroism ought to be purchased by millions of rix-dollars. It is a dreadful truth, but it is a truth that cannot be concealed: in ability, in dexterity, in the distinctness of their views, the Jacobins are our superiors. They saw the thing right from the very beginning. Whatever were the first motives to the war among politicians, they saw that in its spirit, and for its objects, it was a *civil war*; and as such they pursued it. It is a war between the partisans of the ancient civil, moral, and political order of Europe against a sect of fanatical and ambitious atheists which means to change them all. It is not France extending a foreign empire over other nations: it is a sect aiming at universal empire, and beginning with the conquest of France. The leaders of that sect secured *the centre of Europe*; and that secured, they knew, that, whatever might be the event of battles and sieges, their *cause* was victorious. Whether its territory had a little more or a little less peeled from its surface, or whether an island or two was detached from its commerce, to them was of little moment. The conquest of France was a glorious acquisition. That once well laid as a basis of empire, opportunities never could be wanting to regain or to replace what had been lost, and dreadfully to avenge themselves on the faction of their adversaries.

They saw it was a *civil war*. It was their business to persuade their adversaries that it ought to be a *foreign war*. The Jacobins everywhere set up a cry against the new crusade; and they intrigued with effect in the cabinet, in the field, and in every private society in Europe. Their task was not difficult. The condition of princes, and sometimes of first ministers too, is to be pitied. The creatures of the desk and the creatures of favor had no relish for the principles of the manifestoes. They promised no governments, no regiments, no revenues from whence emoluments might arise by perquisite or by grant. In truth, the tribe of vulgar politicians are the lowest of our species. There is no trade so vile and mechanical as government in their hands. Virtue is not their habit. They are out of themselves in any course of conduct recommended only by conscience and glory. A large, liberal, and prospective view of the interests of states passes with them for romance, and the principles that recommend it for the wanderings of a disordered imagination. The calculators compute them out of their senses. The jesters and buffoons shame them out of everything grand and elevated. Littleness in object and in means to them appears soundness and sobriety. They think there is nothing worth pursuit, but that which they can handle, which they can measure with a two-foot rule, which they can tell upon ten fingers.

Without the principles of the Jacobins, perhaps without any principles at all, they played the game of that faction. There was a beaten road before them. The powers of Europe were armed; France had always appeared dangerous; the war was easily

diverted from France as a faction to France as a state. The princes were easily taught to slide back into their old, habitual course of politics. They were easily led to consider the flames that were consuming France, not as a warning to protect their own buildings, (which were without any party-wall, and linked by a contignation into the edifice of France,) but as an happy occasion for pillaging the goods, and for carrying off the materials of their neighbor's house. Their provident fears were changed into avaricious hopes. They carried on their new designs without seeming to abandon the principles of their old policy. They pretended to seek, or they flattered themselves that they sought, in the accession of new fortresses and new territories a *defensive* security. But the security wanted was against a kind of power which was not so truly dangerous in its fortresses nor in its territories as in its spirit and its principles. They aimed, or pretended to aim, at *defending* themselves against a danger from which there can be no security in any *defensive* plan. If armies and fortresses were a defence against Jacobinism, Louis the Sixteenth would this day reign a powerful monarch over an happy people.

This error obliged them, even in their offensive operations, to adopt a plan of war against the success of which there was something little short of mathematical demonstration. They refused to take any step which might strike at the heart of affairs. They seemed unwilling to wound the enemy in any vital part. They acted through the whole as if they really wished the conservation of the Jacobin power, as what might be more favorable than the lawful government to the attainment of the petty objects they looked for. They always kept on the circumference; and the wider and remoter the circle was, the more eagerly they chose it as their sphere of action in this centrifugal war. The plan they pursued in its nature demanded great length of time. In its execution, they who went the nearest way to work were obliged to cover an incredible extent of country. It left to the enemy every means of destroying this extended line of weakness. Ill success in any part was sure to defeat the effect of the whole. This is true of Austria. It is still more true of England. On this false plan, even good fortune, by further weakening the victor, put him but the further off from his object.

As long as there was any appearance of success, the spirit of aggrandizement, and consequently the spirit of mutual jealousy, seized upon all the coalesced powers. Some sought an accession of territory at the expense of France, some at the expense of each other, some at the expense of third parties; and when the vicissitude of disaster took its turn, they found common distress a treacherous bond of faith and friendship.

The greatest skill, conducting the greatest military apparatus, has been employed; but it has been worse than uselessly employed, through the false policy of the war. The operations of the field suffered by the errors of the cabinet. If the same spirit continues, when peace is made, the peace will fix and perpetuate all the errors of the war; because it will be made upon the same false principle. What has been lost

in the field, in the field may be regained. An arrangement of peace in its nature is a permanent settlement: it is the effect of counsel and deliberation, and not of fortuitous events. If built upon a basis fundamentally erroneous, it can only be retrieved by some of those unforeseen dispensations which the all-wise, but mysterious, Governor of the world sometimes interposes, to snatch nations from ruin. It would not be pious error, but mad and impious presumption, for any one to trust in an unknown order of dispensations, in defiance of the rules of prudence, which are formed upon the known march of the ordinary providence of God.

It was not of that sort of war that I was amongst the least considerable, but amongst the most zealous advisers; and it is not by the sort of peace now talked of that I wish it concluded. It would answer no great purpose to enter into the particular errors of the war. The whole has been but one error. It was but nominally a war of alliance. As the combined powers pursued it, there was nothing to hold an alliance together. There could be no tie of *honor* in a society for pillage. There could be no tie of a common *interest*, where the object did not offer such a division amongst the parties as could well give them a warm concern in the gains of each other, or could, indeed, form such a body of equivalents as might make one of them willing to abandon a separate object of his ambition for the gratification of any other member of the alliance. The partition of Poland offered an object of spoil in which the parties *might* agree. They were circumjacent, and each might take a portion convenient to his own territory. They might dispute about the value of their several shares, but the contiguity to each of the demandants always furnished the means of an adjustment. Though hereafter the world will have cause to rue this iniquitous measure, and they most who were most concerned in it, for the moment there was wherewithal in the object to preserve peace amongst confederates in wrong. But the spoil of France did not afford the same facilities for accommodation. What might satisfy the House of Austria in a Flemish frontier afforded no equivalent to tempt the cupidity of the King of Prussia. What might be desired by Great Britain in the West Indies must be coldly and remotely, if at all, felt as an interest at Vienna, and it would be felt as something worse than a negative interest at Madrid. Austria, long possessed with unwise and dangerous designs on Italy, could not be very much in earnest about the conservation of the old patrimony of the House of Savoy; and Sardinia, who owed to an Italian force all her means of shutting out France from Italy, of which she has been supposed to hold the key, would not purchase the means of strength upon one side by yielding it on the other: she would not readily give the possession of Novara for the hope of Savoy. No Continental power was willing to lose any of its Continental objects for the increase of the naval power of Great Britain; and Great Britain would not give up any of the objects she sought for, as the means of an increase to her naval power, to further their aggrandizement.

The moment this war came to be considered as a war merely of profit, the actual circumstances are such that it never could become really a war of alliance. Nor can the peace be a peace of alliance, until things are put upon their right bottom.

I don't find it denied, that, when a treaty is entered into for peace, a demand will be made on the Regicides to surrender a great part of their conquests on the Continent. 'Will they, in the present state of the war, make that surrender without an equivalent? This Continental cession must of course be made in favor of that party in the alliance that has suffered losses. That party has nothing to furnish towards an equivalent. What equivalent, for instance, has Holland to offer, who has lost her all? What equivalent can come from the Emperor, every part of whose territories contiguous to France is already within the pale of the Regicide dominion? What equivalent has Sardinia to offer for Savoy, and for Nice, — I may say, for her whole being? What has she taken from the faction of France? She has lost very near her all, and she has gained nothing. What equivalent has Spain to give? Alas! she has already paid for her own ransom the fund of equivalent, — and a dreadful equivalent it is, to England and to herself. But I put Spain out of the question: she is a province of the Jacobin empire, and she must make peace or war according to the orders she receives from the Directory of Assassins. In effect and substance, her crown is a fief of Regicide.

Whence, then, can the compensation be demanded? Undoubtedly from that power which alone has made some conquests. That power is England. Will the Allies, then, give away their ancient patrimony, that England may keep islands in the West Indies? They never can protract the war in good earnest for that object; nor can they act in concert with us, in our refusal to grant anything towards their redemption. In that case we are thus situated: either we must give Europe, bound hand and foot, to France, or we must quit the West Indies without any one object, great or small, towards indemnity and security. I repeat it, without any advantage whatever: because, supposing that our conquest could comprise all that France ever possessed in the tropical America, it never can amount in any fair estimation to a fair equivalent for Holland, for the Austrian Netherlands, for the Lower Germany, — that is, for the whole ancient kingdom or circle of Burgundy, now under the yoke of Regicide, to say nothing of almost all Italy, under the same barbarous domination. If we treat in the present situation of things, we have nothing in our hands that can redeem Europe. Nor is the Emperor, as I have observed, more rich in the fund of equivalents.

If we look to our stock in the Eastern world, our most valuable and systematic acquisitions are made in that quarter. Is it from France they are made? France has but one or two contemptible factories, subsisting by the offal of the private fortunes of English individuals to support them, in any part of India. I look on the taking of the Cape of Good Hope as the securing of a post of great moment; it does honor to those who planned and to those who executed that enterprise; but I speak of it

always as comparatively good, — as good as anything can be in a scheme of war that repels us from a centre, and employs all our forces where nothing can be finally decisive. But giving, as I freely give, every possible credit to these Eastern conquests, I ask one question: — On whom are they made? It is evident, that, if we can keep our Eastern conquests, we keep them not at the expense of France, but at the expense of Holland, our *ally*, — of Holland, the immediate cause of the war, the nation whom we had undertaken to protect, and not of the Republic which it was our business to destroy. If we return the African and the Asiatic conquests, we put them into the hands of a nominal state (to that Holland is reduced) unable to retain them, and which will virtually leave them under the direction of France. If we withhold them, Holland declines still more as a state. She loses so much carrying trade, and that means of keeping up the small degree of naval power she holds: for which policy alone, and not for any commercial gain, she maintains the Cape, or any settlement beyond it. In that case, resentment, faction, and even necessity, will throw her more and more into the power of the new, mischievous Republic. But on the probable state of Holland I shall say more, when in this correspondence I come to talk over with you the state in which any sort of Jacobin peace will leave all Europe.

So far as to the East Indies.

As to the West Indies, — indeed, as to either, if we look for matter of exchange in order to ransom Europe, — it is easy to show that we have taken a terribly roundabout road. I cannot conceive, even if, for the sake of holding conquests there, we should refuse to redeem Holland, and the Austrian Netherlands, and the hither Germany, that Spain, merely as she is Spain, (and forgetting that the Regicide ambassador governs at Madrid,) will see with perfect satisfaction Great Britain sole mistress of the isles. In truth, it appears to me, that, when we come to balance our account, we shall find in the proposed peace only the pure, simple, and unendowed charms of Jacobin amity. We shall have the satisfaction of knowing that no blood or treasure has been spared by the Allies for support of the Regicide system. We shall reflect at leisure on one great truth: that it was ten times more easy totally to destroy the system itself than, when established, it would be to reduce its power, — and that this republic, most formidable abroad, was of all things the weakest at home; that her frontier was terrible, her interior feeble; that it was matter of choice to attack her where she is invincible, and to spare her where she was ready to dissolve by her own internal disorders. We shall reflect that our plan was good neither for offence nor defence.

It would not be at all difficult to prove that an army of an hundred thousand men, horse, foot, and artillery, might have been employed against the enemy, on the very soil which he has usurped, at a far less expense than has been squandered away upon tropical adventures. In these adventures it was not an enemy we had to vanquish, but a cemetery to conquer. In carrying on the war in the West Indies, the

hostile sword is merciful, the country in which we engage is the dreadful enemy. There the European conqueror finds a cruel defeat in the very fruits of his success. Every advantage is but a new demand on England for recruits to the West Indian grave. In a West India war, the Regicides have for their troops a race of fierce barbarians, to whom the poisoned air, in which our youth inhale certain death, is salubrity and life. To them the climate is the surest and most faithful of allies.

Had we carried on the war on the side of France which looks towards the Channel or the Atlantic, we should have attacked our enemy on his weak and unarmed side. We should not have to reckon on the loss of a man who did not fall in battle. We should have an ally in the heart of the country, who to our hundred thousand would at one time have added eighty thousand men at the least, and all animated by principle, by enthusiasm, and by vengeance: motives which secured them to the cause in a very different manner from some of those allies whom we subsidized with millions. This ally, (or rather, this principal in the war,) by the confession of the Regicide himself, was more formidable to him than all his other foes united. Warring there, we should have led our arms to the capital of Wrong. Defeated, we could not fail (proper precautions taken) of a sure retreat. Stationary, and only supporting the royalists, an impenetrable barrier, an impregnable rampart, would have been formed between the enemy and his naval power. We are probably the only nation who have declined to act against an enemy when it might have been done in his own country, and who, having an armed, a powerful, and a long victorious ally in that country, declined all effectual coöperation, and suffered him to perish for want of support. On the plan of a war in France, every advantage that our allies might obtain would be doubled in its effect. Disasters on the one side might have a fair chance of being compensated by victories on the other. Had we brought the main of our force to bear upon that quarter, all the operations of the British and Imperial crowns would have been combined. The war would have had system, correspondence, and a certain direction. But as the war has been pursued, the operations of the two crowns have not the smallest degree of mutual bearing or relation.

Had acquisitions in the West Indies been our object, on success in France, everything reasonable in those remote parts might be demanded with decorum and justice and a sure effect. Well might we call for a recompense in America for those services to which Europe owed its safety. Having abandoned this obvious policy connected with principle, we have seen the Regicide power taking the reverse course, and making real conquests in the West Indies, to which all our dear-bought advantages (if we could hold them) are mean and contemptible. The noblest island within the tropics, worth all that we possess put together, is by the vassal Spaniard delivered into her hands. The island of Hispaniola (of which we have but one poor corner, by a slippery hold) is perhaps equal to England in extent, and in fertility is far superior. The part possessed by Spain of that great island, made for the seat and

centre of a tropical empire, was not improved, to be sure, as the French division had been, before it was systematically destroyed by the Cannibal Republic; but it is not only the far larger, but the far more salubrious and more fertile part.

It was delivered into the hands of the barbarians, without, as I can find, any public reclamation on our part, not only in contravention to one of the fundamental treaties that compose the public law of Europe, but in defiance of the fundamental colonial policy of Spain herself. This part of the Treaty of Utrecht was made for great general ends, unquestionably; but whilst it provided for those general ends, it was in affirmance of that particular policy. It was not to injure, but to save Spain, by making a settlement of her estate which prohibited her to alienate to France. It is her policy not to see the balance of West Indian power overturned by France or by Great Britain. Whilst the monarchies subsisted, this unprincipled cession was what the influence of the elder branch of the House of Bourbon never dared to attempt on the younger: but cannibal terror has been more powerful than family influence. The Bourbon monarchy of Spain, is united to the Republic of France by what may be truly called the ties of blood.

By this measure the balance of power in the West Indies is totally destroyed. It has followed the balance of power in Europe. It is not alone what shall be left nominally to the Assassins that is theirs. Theirs is the whole empire of Spain in America. That stroke finishes all. I should be glad to see our suppliant negotiator in the act of putting his feather to the ear of the Directory, to make it unclench the fist, and, by his tickling, to charm that rich prize out of the iron gripe of robbery and ambition! It does not require much sagacity to discern that no power wholly baffled and defeated in Europe can flatter itself with conquests in the West Indies. In that state of things it can neither keep nor hold. No! It cannot even long make war, if the grand bank and deposit of its force is at all in the West Indies. But here a scene opens to my view too important to pass by, perhaps too critical to touch. Is it possible that it should not present itself in all its relations to a mind habituated to consider either war or peace on a large scale or as one whole?

Unfortunately, other ideas have prevailed. A remote, an expensive, a murderous, and, in the end, an unproductive adventure, carried on upon ideas of mercantile knight-errantry, without any of the generous wildness of Quixotism, is considered as sound, solid sense; and a war in a wholesome climate, a war at our door, a war directly on the enemy, a war in the heart of his country, a war in concert with an internal ally, and in combination with the external, is regarded as folly and romance.

My dear friend, I hold it impossible that these considerations should have escaped the statesmen on both sides of the water, and on both sides of the House of Commons. How a question of peace can be discussed without having them in view I cannot imagine. If you or others see a way out of these difficulties, I am happy. I see, indeed, a fund from whence equivalents will be proposed. I see it, but I cannot

just now touch it. It is a question of high moment. It opens another Iliad of woes to Europe.

Such is the time proposed for making *a common political peace* to which no one circumstance is propitious. As to the grand principle of the peace, it is left, as if by common consent, wholly out of the question.

Viewing things in this light, I have frequently sunk into a degree of despondency and dejection hardly to be described; yet out of the profoundest depths of this despair, an impulse which I have in vain endeavored to resist has urged me to raise one feeble cry against this unfortunate coalition which is formed at home, in order to make a coalition with France, subversive of the whole ancient order of the world. No disaster of war, no calamity of season, could ever strike me with half the horror which I felt from what is introduced to us by this junction of parties under the soothing name of peace. We are apt to speak of a low and pusillanimous spirit as the ordinary cause by which dubious wars terminate in humiliating treaties. It is here the direct contrary. I am perfectly astonished at the boldness of character, at the intrepidity of mind, the firmness of nerve, in those who are able with deliberation to face the perils of Jacobin fraternity.

This fraternity is, indeed, so terrible in its nature, and in its manifest consequences, that there is no way of quieting our apprehensions about it, but by totally putting it out of sight, by substituting for it, through a sort of periphrasis, something of an ambiguous quality, and describing such a connection under the terms of "*the usual relations of peace and amity*." By this means the proposed fraternity is hustled in the crowd of those treaties which imply no change in the public law of Europe, and which do not upon system affect the interior condition of nations. It is confounded with those conventions in which matters of dispute among sovereign powers are compromised by the taking off a duty more or less, by the surrender of a frontier town or a disputed district on the one side or the other, by pactions in which the pretensions of families are settled, (as by a conveyancer making family substitutions and successions,) without any alteration in the laws, manners, religion, privileges, and customs of the cities or territories which are the subject of such arrangements.

All this body of old conventions, composing the vast and voluminous collection called the *Corps Diplomatique*, forms the code or statute law, as the methodized reasonings of the great publicists and jurists form the digest and jurisprudence, of the Christian world. In these treasures are to be found the *usual* relations of peace and amity in civilized Europe; and there the relations of ancient France were to be found amongst the rest.

The present system in France is not the ancient France. It is not the ancient France with ordinary ambition and ordinary means. It is not a new power of an old kind. It is a new power of a new species. When such a questionable shape is to be admitted for the first time into the brotherhood of Christendom, it is not a mere

matter of idle curiosity to consider how far it is in its nature alliable with the rest, or whether “the relations of peace and amity” with this new state are likely to be of the same nature with the *usual* relations of the states of Europe.

The Revolution in France had the relation of France to other nations as one of its principal objects. The changes made by that Revolution were not the better to accommodate her to the old and usual relations, but to produce new ones. The Revolution was made, not to make France free, but to make her formidable, — not to make her a neighbor, but a mistress, — not to make her more observant of laws, but to put her in a condition to impose them. To make France truly formidable, it was necessary that France should be new-modelled. They who have not followed the train of the late proceedings have been led by deceitful representations (which deceit made a part in the plan) to conceive that this totally new model of a state, in which nothing escaped a change, was made with a view to its internal relations only.

In the Revolution of France, two sorts of men were principally concerned in giving a character and determination to its pursuits: the philosophers and the politicians. They took different ways, but they met in the same end.

The philosophers had one predominant object, which they pursued with a fanatical fury, — that is, the utter extirpation of religion. To that every question of empire was subordinate. They had rather domineer in a parish of atheists than rule over a Christian world. Their temporal ambition was wholly subservient to their proselytizing spirit, in which they were not exceeded by Mahomet himself.

They who have made but superficial studies in the natural history of the human mind have been taught to look on religious opinions as the only cause of enthusiastic zeal and sectarian propagation. But there is no doctrine whatever, on which men can warm, that is not capable of the very same effect. The social nature of man impels him to propagate his principles, as much as physical impulses urge him to propagate his kind. The passions give zeal and vehemence. The understanding bestows design and system. The whole man moves under the discipline of his opinions. Religion is among the most powerful causes of enthusiasm. When anything concerning it becomes an object of much meditation, it cannot be indifferent to the mind. They who do not love religion hate it. The rebels to God perfectly abhor the Author of their being. They hate Him “with all their heart, with all their mind, with all their soul, and with all their strength.” He never presents Himself to their thoughts, but to menace and alarm them. They cannot strike the sun out of heaven, but they are able to raise a smouldering smoke that obscures him from their own eyes. Not being able to revenge themselves on God, they have a delight in vicariously defacing, degrading, torturing, and tearing in pieces His image in man. Let no one judge of them by what he has conceived of them, when they were not incorporated, and had no lead. They were then only passengers in a common vehicle. They were then carried along with the general motion of religion in the community, and, without being aware of it, partook of its

influence. In that situation, at worst, their nature was left free to counterwork their principles. They despaired of giving any very general currency to their opinions: they considered them as a reserved privilege for the chosen few. But when the possibility of dominion, lead, and propagation presented themselves, and that the ambition which before had so often made them hypocrites might rather gain than lose by a daring avowal of their sentiments, then the nature of this infernal spirit, which has “evil for its good,” appeared in its full perfection. Nothing, indeed, but the possession of some power can with any certainty discover what at the bottom is the true character of any man. Without reading the speeches of Vergniaud, Français of Nantes, Isnard, and some others of that sort, it would not be easy to conceive the passion, rancor, and malice of their tongues and hearts. They worked themselves up to a perfect frenzy against religion and all its professors. They tore the reputation of the clergy to pieces by their infuriated declamations and invectives, before they lacerated their bodies by their massacres. This fanatical atheism left out, we omit the principal feature in the French Revolution, and a principal consideration with regard to the effects to be expected from a peace with it.

The other sort of men were the politicians. To them, who had little or not at all reflected on the subject, religion was in itself no object of love or hatred. They disbelieved it, and that was all. Neutral with regard to that object, they took the side which in the present state of things might best answer their purposes. They soon found that they could not do without the philosophers; and the philosophers soon made them sensible that the destruction of religion was to supply them with means of conquest, first at home, and then abroad. The philosophers were the active internal agitators, and supplied the spirit and principles: the second gave the practical direction. Sometimes the one predominated in the composition, sometimes the other. The only difference between them was in the necessity of concealing the general design for a time, and in their dealing with foreign nations: the fanatics going straight forward and openly, the politicians by the surer mode of zigzag. In the course of events, this, among other causes, produced fierce and bloody contentions between them; but at the bottom they thoroughly agreed in all the objects of ambition and irreligion, and substantially in all the means of promoting these ends.

Without question, to bring about the unexampled event of the French Revolution, the concurrence of a very great number of views and passions was necessary. In that stupendous work, no one principle by which the human mind may have its faculties at once invigorated and depraved was left unemployed; but I can speak it to a certainty, and support it by undoubted proofs, that the ruling principle of those who acted in the Revolution *as statesmen*, had the exterior aggrandizement of France as their ultimate end in the most minute part of the internal changes that were made. We, who of late years have been drawn from an attention to foreign affairs by the importance of our domestic discussions, cannot easily form a conception of the

general eagerness of the active and energetic part of the French nation, itself the most active and energetic of all nations, previous to its Revolution, upon that subject. I am convinced that the foreign speculators in France, under the old government, were twenty to one of the same description then or now in England; and few of that description there were who did not emulously set forward the Revolution. The whole official system, particularly in the diplomatic part, the regulars, the irregulars, down to the clerks in office, (a corps without all comparison more numerous than the same amongst us,) coöperated in it. All the intriguers in foreign politics, all the spies, all the intelligencers, actually or late in function, all the candidates for that sort of employment, acted solely upon that principle.

On that system of aggrandizement there was but one mind: but two violent factions arose about the means. The first wished France, diverted from the politics of the Continent, to attend solely to her marine, to feed it by an increase of commerce, and thereby to overpower England on her own element. They contended, that, if England were disabled, the powers on the Continent would fall into their proper subordination; that it was England which deranged the whole Continental system of Europe. The others, who were by far the more numerous, though not the most outwardly prevalent at court, considered this plan for France as contrary to her genius, her situation, and her natural means. They agreed as to the ultimate object, the reduction of the British power, and, if possible, its naval power; but they considered an ascendancy on the Continent as a necessary preliminary to that undertaking. They argued, that the proceedings of England herself had proved the soundness of this policy: that her greatest and ablest statesmen had not considered the support of a Continental balance against France as a deviation from the principle of her naval power, but as one of the most effectual modes of carrying it into effect; that such had been her policy ever since the Revolution, during which period the naval strength of Great Britain had gone on increasing in the direct ratio of her interference in the politics of the Continent. With much stronger reason ought the politics of France to take the same direction, — as well for pursuing objects which her situation would dictate to her, though England had no existence, as for counteracting the politics of that nation: to France Continental politics are primary; they looked on them only of secondary consideration to England, and, however necessary, but as means necessary to an end.

What is truly astonishing, the partisans of those two opposite systems were at once prevalent, and at once employed, and in the very same transactions, the one ostensibly, the other secretly, during the latter part of the reign of Louis the Fifteenth. Nor was there one court in which an ambassador resided on the part of the ministers, in which another, as a spy on him, did not also reside on the part of the king: they who pursued the scheme for keeping peace on the Continent, and particularly with Austria, acting officially and publicly; the other faction counteracting and opposing them. These private agents were continually going from

their function to the Bastile, and from the Bastile to employment and favor again. An inextricable cabal was formed, some of persons of Rank, others of subordinates. But by this means the corps of politicians was augmented in number, and the whole formed a body of active, adventuring, ambitious, discontented people, despising the regular ministry, despising the courts at which they were employed, despising the court which employed them.

The unfortunate Louis the Sixteenth was not the first cause of the evil by which he suffered. He came to it, as to a sort of inheritance, by the false politics of his immediate predecessor. This system of dark and perplexed intrigue had come to its perfection before he came to the throne; and even then the Revolution strongly operated in all its causes.

There was no point on which the discontented diplomatic politicians so bitterly arraigned their cabinet as for the decay of French influence in all others. From quarrelling with the court, they began to complain of monarchy itself, as a system of government too variable for any regular plan of national aggrandizement. They observed that in that sort of regimen too much depended on the personal character of the prince: that the vicissitudes produced by the succession of princes of a different character, and even the vicissitudes produced in the same man, by the different views and inclinations belonging to youth, manhood, and age, disturbed and distracted the policy of a country made by Nature for extensive empire, or, what was still more to their taste, for that sort of general overruling influence which prepared empire or supplied the place of it. They had continually in their hands the observations of Machiavel on Livy. They had Montesquieu's *Grandeur et Décadence des Romains* as a manual; and they compared, with mortification, the systematic proceedings of a Roman Senate with the fluctuations of a monarchy. They observed the very small additions of territory which all the power of France, actuated by all the ambition of France, had acquired in two centuries. The Romans had frequently acquired more in a single year. They severely and in every part of it criticized the reign of Louis the Fourteenth, whose irregular and desultory ambition had more provoked than endangered Europe. Indeed, they who will be at the pains of seriously considering the history of that period will see that those French politicians had some reason. They who will not take the trouble of reviewing it through all its wars and all its negotiations will consult the short, but judicious, criticism of the Marquis de Montalembert on that subject. It may be read separately from his ingenious system of fortification and military defence, on the practical merit of which I am unable to form a judgment.

The diplomatic politicians of whom I speak, and who formed by far the majority in that class, made disadvantageous comparisons even between their more legal and formalizing monarchy and the monarchies of other states, as a system of power and influence. They observed that France not only lost ground herself, but, through the languor and unsteadiness of her pursuits, and from her aiming through commerce at naval force which she never could attain without losing more on one side than she could gain on the other, three great powers, each of them (as military states) capable of balancing her, had grown up on the Continent. Russia and Prussia had been created almost within memory; and Austria, though not a new power, and even curtailed in territory, was, by the very collision in which she lost that territory, greatly improved in her military discipline and force. During the reign of Maria Theresa, the interior economy of the country was made more to correspond with the support of great armies than formerly it had been. As to Prussia, a merely military power, they observed that one war had enriched her with as considerable a conquest as France had acquired in centuries. Russia had broken the Turkish power, by which Austria might be, as formerly she had been, balanced in favor of France. They felt it with pain, that the two Northern powers of Sweden and Denmark were in general under the sway of Russia, — or that, at best, France kept up a very doubtful conflict, with many fluctuations of fortune, and at an enormous expense, in Sweden. In Holland the French party seemed, if not extinguished, at least utterly obscured, and kept under by a Stadtholder, leaning for support sometimes on Great Britain, sometimes on Prussia, sometimes on both, never on France. Even the spreading of the Bourbon family had become merely a family accommodation, and had little effect on the national politics. This alliance, they said, extinguished Spain by destroying all its energy, without adding anything to the real power of France in the accession of the forces of its great rival. In Italy the same family accommodation, the same national insignificance, were equally visible. What cure for the radical weakness of the French monarchy, to which all the means which wit could devise, or Nature and fortune could bestow, towards universal empire, was not of force to give life or vigor or consistency, but in a republic? Out the word came: and it never went back.

Whether they reasoned right or wrong, or that there was some mixture of right and wrong in their reasoning, I am sure that in this manner they felt and reasoned. The different effects of a great military and ambitious republic and of a monarchy of the same description were constantly in their mouths. The principle was ready to operate, when opportunities should offer, which few of them, indeed, foresaw in the extent in which they were afterwards presented; but these opportunities, in some degree or other, they all ardently wished for.

When I was in Paris in 1773, the treaty of 1756 between Austria and France was deplored as a national calamity; because it united France in friendship with a power at whose expense alone they could hope any Continental aggrandizement. When the

first partition of Poland was made, in which France had no share, and which had farther aggrandized every one of the three powers of which they were most jealous, I found them in a perfect frenzy of rage and indignation: not that they were hurt at the shocking and uncolored violence and injustice of that partition, but at the debility, improvidence, and want of activity in their government, in not preventing it as a means of aggrandizement to their rivals, or in not contriving, by exchanges of some kind or other, to obtain their share of advantage from that robbery.

In that or nearly in that state of things and of opinions came the Austrian match, which promised to draw the knot, as afterwards in effect it did, still more closely between the old rival houses. This added exceedingly to their hatred and contempt of their monarchy. It was for this reason that the late glorious queen, who on all accounts was formed to produce general love and admiration, and whose life was as mild and beneficent as her death was beyond example great and heroic, became so very soon and so very much the object of an implacable rancor, never to be extinguished but in her blood. When I wrote my letter in answer to M. de Menonville, in the beginning of January, 1791, I had good reason for thinking that this description of revolutionists did not so early nor so steadily point their murderous designs at the martyr king as at the royal heroine. It was accident, and the momentary depression of that part of the faction, that gave to the husband the happy priority in death.

From this their restless desire of an overruling influence, they bent a very great part of their designs and efforts to revive the old French party, which was a democratic party, in Holland, and to make a revolution there. They were happy at the troubles which the singular imprudence of Joseph the Second had stirred up in the Austrian Netherlands. They rejoiced, when they saw him irritate his subjects, profess philosophy, send away the Dutch garrisons, and dismantle his fortifications. As to Holland, they never forgave either the king or the ministry for suffering that object, which they justly looked on as principal in their design of reducing the power of England, to escape out of their hands. This was the true secret of the commercial treaty, made, on their part, against all the old rules and principles of commerce, with a view of diverting the English nation, by a pursuit of immediate profit, from an attention to the progress of France in its designs upon that republic. The system of the economists, which led to the general opening of commerce, facilitated that treaty, but did not produce it. They were in despair, when they found, that, by the vigor of Mr. Pitt, supported in this point by Mr. Fox and the opposition, the object to which they had sacrificed their manufactures was lost to their ambition.

This eager desire of raising France from the condition into which she had fallen, as they conceived, from her monarchical imbecility, had been the main spring of their precedent interference in that unhappy American quarrel, the bad effects of which to this nation have not as yet fully disclosed themselves. These sentiments

had been long lurking in their breasts, though their views were only discovered now and then in heat and as by escapes, but on this occasion they exploded suddenly. They were professed with ostentation, and propagated with zeal. These sentiments were not produced, as some think, by their American alliance. The American alliance was produced by their republican principles and republican policy. This new relation undoubtedly did much. The discourses and cabals that it produced, the intercourse that it established, and, above all, the example, which made it seem practicable to establish a republic in a great extent of country, finished the work, and gave to that part of the revolutionary faction a degree of strength which required other energies than the late king possessed to resist or even to restrain. It spread everywhere; but it was nowhere more prevalent than in the heart of the court. The palace of Versailles, by its language, seemed a forum of democracy. To have pointed out to most of those politicians, from their dispositions and movements, what has since happened, the fall of their own monarchy, of their own laws, of their own religion, would have been to furnish a motive the more for pushing forward a system on which they considered all these things as incumbrances. Such in truth they were. And we have seen them succeed, not only in the destruction of their monarchy, but in all the objects of ambition that they proposed from that destruction.

When I contemplate the scheme on which France is formed, and when I compare it with these systems with which it is and ever must be in conflict, those things which seem as defects in her polity are the very things which make me tremble. The states of the Christian world have grown up to their present magnitude in a great length of time and by a great variety of accidents. They have been improved to what we see them with greater or less degrees of felicity and skill. Not one of them has been formed upon a regular plan or with any unity of design. As their constitutions are not systematical, they have not been directed to any *peculiar* end, eminently distinguished, and superseding every other. The objects which they embrace are of the greatest possible variety, and have become in a manner infinite. In all these old countries, the state has been made to the people, and not the people conformed to the state. Every state has pursued not only every sort of social advantage, but it has cultivated the welfare of every individual. His wants, his wishes, even his tastes, have been consulted. This comprehensive scheme virtually produced a degree of personal liberty in forms the most adverse to it. That liberty was found, under monarchies styled absolute, in a degree unknown to the ancient commonwealths. From hence the powers of all our modern states meet, in all their movements, with some obstruction. It is therefore no wonder, that when these states are to be considered as machines to operate for some one great end, that this dissipated and balanced force is not easily concentrated, or made to bear with the whole force of the nation upon one point.

The British state is, without question, that which pursues the greatest variety of ends, and is the least disposed to sacrifice any one of them to another or to the whole. It aims at taking in the entire circle of human desires, and securing for them their fair enjoyment. Our legislature has been ever closely connected, in its most efficient part, with individual feeling and individual interest. Personal liberty, the most lively of these feelings and the most important of these interests, which in other European countries has rather arisen from the system of manners and the habitudes of life than from the laws of the state, (in which it flourished more from neglect than attention,) in England has been a direct object of government.

On this principle, England would be the weakest power in the whole system. Fortunately, however, the great riches of this kingdom, arising from a variety of causes, and the disposition of the people, which is as great to spend as to accumulate, has easily afforded a disposable surplus that gives a mighty momentum to the state. This difficulty, with these advantages to overcome it, has called forth the talents of the English financiers, who, by the surplus of industry poured out by prodigality, have outdone everything which has been accomplished in other nations. The present minister has outdone his predecessors, and, as a minister of revenue, is far above my power of praise. But still there are cases in which England feels more than several others (though they all feel) the perplexity of an immense body of balanced advantages and of individual demands, and of some irregularity in the whole mass.

France differs essentially from all those governments which are formed without system, which exist by habit, and which are confused with the multitude and with the complexity of their pursuits. What now stands as government in France is struck out at a heat. The design is wicked, immoral, impious, oppressive: but it is spirited and daring; it is systematic; it is simple in its principle; it has unity and consistency in perfection. In that country, entirely to cut off a branch of commerce, to extinguish a manufacture, to destroy the circulation of money, to violate credit, to suspend the course of agriculture, even to burn a city or to lay waste a province of their own, does not cost them a moment's anxiety. To them the will, the wish, the want, the liberty, the toil, the blood of individuals, is as nothing. Individuality is left out of their scheme of government. The state is all in all. Everything is referred to the production of force; afterwards, everything is trusted to the use of it. It is military in its principle, in its maxims, in its spirit, and in all its movements. The state has dominion and conquest for its sole objects, — dominion over minds by proselytism, over bodies by arms.

Thus constituted, with an immense body of natural means, which are lessened in their amount only to be increased in their effect, France has, since the accomplishment of the Revolution, a complete unity in its direction. It has destroyed every resource of the state which depends upon opinion and the good-will of individuals. The riches of convention disappear. The advantages of Nature in

some measure remain; even these, I admit, are astonishingly lessened; the command over what remains is complete and absolute. We go about asking when assignats will expire, and we laugh at the last price of them. But what signifies the fate of those tickets of despotism? The despotism will find despotic means of supply. They have found the short cut to the productions of Nature, while others, in pursuit of them, are obliged to wind through the labyrinth of a very intricate state of society. They seize upon the fruit of the labor; they seize upon the laborer himself. Were France but half of what it is in population, in compactness, in applicability of its force, situated as it is, and being what it is, it would be too strong for most of the states of Europe, constituted as they are, and proceeding as they proceed. Would it be wise to estimate what the world of Europe, as well as the world of Asia, had to dread from Genghiz Khân, upon a contemplation of the resources of the cold and barren spot in the remotest Tartary from whence first issued that scourge of the human race? Ought we to judge from the excise and stamp duties of the rocks, or from the paper circulation of the sands of Arabia, the power by which Mahomet and his tribes laid hold at once on the two most powerful empires of the world, beat one of them totally to the ground, broke to pieces the other, and, in not much longer space of time than I have lived, overturned governments, laws, manners, religion, and extended an empire from the Indus to the Pyrenees?

Material resources never have supplied, nor ever can supply, the want of unity in design and constancy in pursuit. But unity in design and perseverance and boldness in pursuit have never wanted resources, and never will. We have not considered as we ought the dreadful energy of a state in which the property has nothing to do with the government. Reflect, my dear Sir, reflect again and again, on a government in which the property is in complete subjection, and where nothing rules but the mind of desperate men. The condition of a commonwealth not governed by its property was a combination of things which the learned and ingenious speculator, Harrington, who has tossed about society into all forms, never could imagine to be possible. We have seen it; the world has felt it; and if the world will shut their eyes to this state of things, they will feel it more. The rulers there have found their resources in crimes. The discovery is dreadful, the mine exhaustless. They have everything to gain, and they have nothing to lose. They have a boundless inheritance in hope, and there is no medium for them betwixt the highest elevation and death with infamy. Never can they, who, from the miserable servitude of the desk, have been raised to empire, again submit to the bondage of a starving bureau, or the profit of copying music, or writing *plaidoyers* by the sheet. It has made me often smile in bitterness, when I have heard talk of an indemnity to such men, provided they returned to their allegiance.

From all this what is my inference? It is, that this new system of robbery in France cannot be rendered safe by any art; that it *must* be destroyed, or that it will destroy all Europe; that to destroy that enemy, by some means or other, the force

opposed to it should be made to bear some analogy and resemblance to the force and spirit which that system exerts; that war ought to be made against it in its vulnerable parts. These are my inferences. In one word, with this republic nothing independent can coexist. The errors of Louis the Sixteenth were more pardonable to prudence than any of those of the same kind into which the allied courts may fall. They have the benefit of his dreadful example.

The unhappy Louis the Sixteenth was a man of the best intentions that probably ever reigned. He was by no means deficient in talents. He had a most laudable desire to supply by general reading, and even by the acquisition of elemental knowledge, an education in all points originally defective; but nobody told him (and it was no wonder he should not himself divine it) that the world of which he read and the world in which he lived were no longer the same. Desirous of doing everything for the best, fearful of cabal, distrusting his own judgment, he sought his ministers of all kinds upon public testimony. But as courts are the field for caballers, the public is the theatre for mountebanks and impostors. The cure for both those evils is in the discernment of the prince. But an accurate and penetrating discernment is what in a young prince could not be looked for.

His conduct in its principle was not unwise; but, like most other of his well-meant designs, it failed in his hands. It failed partly from mere ill fortune, to which speculators are rarely pleased to assign that very large share to which she is justly entitled in all human affairs. The failure, perhaps, in part, was owing to his suffering his system to be vitiated and disturbed by those intrigues which it is, humanly speaking, impossible wholly to prevent in courts, or indeed under any form of government. However, with these aberrations, he gave himself over to a succession of the statesmen of public opinion. In other things he thought that he might be a king on the terms of his predecessors. He was conscious of the purity of his heart and the general good tendency of his government. He flattered himself, as most men in his situation will, that he might consult his ease without danger to his safety. It is not at all wonderful that both he and his ministers, giving way abundantly in other respects to innovation, should take up in policy with the tradition of their monarchy. Under his ancestors, the monarchy had subsisted, and even been strengthened, by the generation or support of republics. First, the Swiss republics grew under the guardianship of the French monarchy. The Dutch republics were hatched and cherished under the same incubation. Afterwards, a republican constitution was, under the influence of France, established in the Empire, against the pretensions of its chief. Even whilst the monarchy of France, by a series of wars and negotiations, and lastly by the Treaties of Westphalia, had obtained the establishment of the Protestants in Germany as a law of the Empire, the same monarchy under Louis the Thirteenth had force enough to destroy the republican system of the Protestants at home.

Louis the Sixteenth was a diligent reader of history. But the very lamp of prudence blinded him. The guide of human life led him astray. A silent revolution in the moral world preceded the political, and prepared it. It became of more importance than ever what examples were given, and what measures were adopted. Their causes no longer lurked in the recesses of cabinets or in the private conspiracies of the factious. They were no longer to be controlled by the force and influence of the grandees, who formerly had been able to stir up troubles by their discontents and to quiet them by their corruption. The chain of subordination, even in cabal and sedition, was broken in its most important links. It was no longer the great and the populace. Other interests were formed, other dependencies, other connections, other communications. The middle classes had swelled far beyond their former proportion. Like whatever is the most effectively rich and great in society, these classes became the seat of all the active politics, and the preponderating weight to decide on them. There were all the energies by which fortune is acquired; there the consequence of their success. There were all the talents which assert their pretensions, and are impatient of the place which settled society prescribes to them. These descriptions had got between the great and the populace; and the influence on the lower classes was with them. The spirit of ambition had taken possession of this class as violently as ever it had done of any other. They felt the importance of this situation. The correspondence of the moneyed and the mercantile world, the literary intercourse of academies, but above all, the press, of which they had in a manner entire possession, made a kind of electric communication everywhere. The press, in reality, has made every government, in its spirit, almost democratic. Without the great, the first movements in this revolution could not, perhaps, have been given. But the spirit of ambition, now for the first time connected with the spirit of speculation, was not to be restrained at will. There was no longer any means of arresting a principle in its course. When Louis the Sixteenth, under the influence of the enemies to monarchy, meant to found but one republic, he set up two; when he meant to take away half the crown of his neighbor, he lost the whole of his own. Louis the Sixteenth could not with impunity countenance a new republic. Yet between his throne and that dangerous lodgment for an enemy, which he had erected, he had the whole Atlantic for a ditch. He had for an outwork the English nation itself, friendly to liberty, adverse to that mode of it. He was surrounded by a rampart of monarchies, most of them allied to him, and generally under his influence. Yet even thus secured, a republic erected under his auspices, and dependent on his power, became fatal to his throne. The very money which he had lent to support this republic, by a good faith which to him operated as perfidy, was punctually paid to his enemies, and became a resource in the hands of his assassins.

With this example before their eyes, do any ministers in England, do any ministers in Austria, really flatter themselves that they can erect, not on the remote

shores of the Atlantic, but in their view, in their vicinity, in absolute contact with one of them, not a commercial, but a martial republic, — a republic not of simple husbandmen or fishermen, but of intriguers, and of warriors, — a republic of a character the most restless, the most enterprising, the most impious, the most fierce and bloody, the most hypocritical and perfidious, the most bold and daring, that ever has been seen, or indeed that can be conceived to exist, without bringing on their own certain ruin?

Such is the republic to which we are going to give a place in civilized fellowship, — the republic which, with joint consent, we are going to establish in the centre of Europe, in a post that overlooks and commands every other state, and which eminently confronts and menaces this kingdom.

You cannot fail to observe that I speak as if the allied powers were actually consenting, and not compelled by events, to the establishment of this faction in France. The words have not escaped me. You will hereafter naturally expect that I should make them good. But whether in adopting this measure we are madly active or weakly passive or pusillanimously panic-struck, the effects will be the same. You may call this faction, which has eradicated the monarchy, expelled the proprietary, persecuted religion, and trampled upon law, — you may call this Prance, if you please; but of the ancient France nothing remains but its central geography, its iron frontier, its spirit of ambition, its audacity of enterprise, its perplexing intrigue. These, and these alone, remain: and they remain heightened in their principle and augmented in their means. All the former correctives, whether of virtue or of weakness, which existed in the old monarchy, are gone. No single new corrective is to be found in the whole body of the new institutions. How should such a thing be found there, when everything has been chosen with care and selection to forward all those ambitious designs and dispositions, not to control them? The whole is a body of ways and means for the supply of dominion, without one heterogeneous particle in it.

Here I suffer you to breathe, and leave to your meditation what has occurred to me on the *genius and character* of the French Revolution. From having this before us, we may be better able to determine on the first question I proposed, — that is, How far nations called foreign are likely to be affected with the system established within that territory. I intended to proceed next on the question of her facilities, *from the internal state of other nations, and particularly of this*, for obtaining her ends; but I ought to be aware that my notions are controverted. I mean, therefore, in my next letter, to take notice of what in that way has been recommended to me as the most deserving of notice. In the examination of those pieces, I shall have occasion to discuss some others of the topics to which I have called your attention. You know that the letters which I now send to the press, as well as a part of what is to follow, have been in their substance long since written. A circumstance which your partiality alone could make of importance to you, but which to the public is of

no importance at all, retarded their appearance. The late events which press upon us obliged me to make some additions, but no substantial change in the matter.

This discussion, my friend, will be long. But the matter is serious; and if ever the fate of the world could be truly said to depend on a particular measure, it is upon this peace. For the present, farewell.

LETTER III.

ON THE RUPTURE OF THE NEGOTIATION; THE TERMS OF PEACE PROPOSED; AND THE RESOURCES OF THE COUNTRY FOR THE CONTINUANCE OF THE WAR.

Dear Sir, — I thank you for the bundle of state-papers which I received yesterday. I have travelled through the negotiation, — and a sad, foundeuous road it is. There is a sort of standing jest against my countrymen, — that one of them on his journey having found a piece of pleasant road, he proposed to his companion to go over it again. This proposal, with regard to the worthy traveller's final destination, was certainly a blunder. It was no blunder as to his immediate satisfaction; for the way was pleasant. In the irksome journey of the Regicide negotiations it is otherwise: our "paths are not paths of pleasantness, nor our ways the ways to peace." All our mistakes, (if such they are,) like those of our Hibernian traveller, are mistakes of repetition; and they will be full as far from bringing us to our place of rest as his well-considered project was from forwarding him to his inn. Yet I see we persevere. Fatigued with our former course, too listless to explore a new one, kept in action by inertness, moving only because we have been in motion, with a sort of plodding perseverance we resolve to measure back again the very same joyless, hopeless, and inglorious track. Backward and forward, — oscillation, space, — the travels of a postilion, miles enough to circle the globe in one short stage, — we have been, and we are yet to be, jolted and rattled over the loose, misplaced stones and the treacherous hollows of this rough, ill-kept, broken-up, treacherous French causeway!

The Declaration which brings up the rear of the papers laid before Parliament contains a review and a reasoned summary of all our attempts and all our failures, — a concise, but correct narrative of the painful steps taken to bring on the essay of a treaty at Paris, — a clear exposure of all the rebuffs we received in the progress of that experiment, — an honest confession of our departure from all the rules and all the principles of political negotiation, and of common prudence in the conduct of it, — and to crown the whole, a fair account of the atrocious manner in which the Regicide enemies had broken up what had been so inauspiciously begun and so feebly carried on, by finally, and with all scorn, driving our suppliant ambassador out of the limits of their usurpation.

Even after all that I have lately seen, I was a little surprised at this exposure. A minute display of hopes formed without foundation and of labors pursued without fruit is a thing not very flattering to self-estimation. But truth has its rights, and it will assert them. The Declaration, after doing all this with a mortifying candor, concludes the whole recapitulation with an engagement still more extraordinary than all the unusual matter it contains. It says that “His Majesty, who had entered into the negotiation with *good faith*, who had suffered *no* impediment to prevent his prosecuting it with *earnestness and sincerity*, has now *only to lament* its abrupt termination, and to renew *in the face of all Europe the solemn declaration*, that, whenever his enemies shall be *disposed* to enter on the work of general pacification in a spirit of conciliation and equity, nothing shall be wanting on his part to contribute to the accomplishment of that great object.”

If the disgusting detail of the accumulated insults we have received, in what we have very properly called our “solicitation” to a gang of felons and murderers, had been produced as a proof of the utter inefficacy of that mode of proceeding with that description of persons, I should have nothing at all to object to it. It might furnish matter conclusive in argument and instructive in policy; but, with all due submission to high authority, and with all decent deference to superior lights, it does not seem quite clear to a discernment no better than mine that the premises in that piece conduct irresistibly to the conclusion. A labored display of the ill consequences which have attended an uniform course of submission to every mode of contumelious insult, with which the despotism of a proud, capricious, insulting, and implacable foe has chosen to buffet our patience, does not appear to my poor thoughts to be properly brought forth as a preliminary to justify a resolution of persevering in the very same kind of conduct, towards the very same sort of person, and on the very same principles. We state our experience, and then we come to the manly resolution of acting in contradiction to it. All that has passed at Paris, to the moment of our being shamefully hissed off that stage, has been nothing but a more solemn representation on the theatre of the nation of what had been before in rehearsal at Basle. As it is not only confessed by us, but made a matter of charge on the enemy, that he had given us no encouragement to believe there was a change in his disposition or in his policy at any time subsequent to the period of his rejecting our first overtures, there seems to have been no assignable motive for sending Lord Malmesbury to Paris, except to expose his humbled country to the worst indignities, and the first of the kind, as the Declaration very truly observes, that have been known in the world of negotiation.

An honest neighbor of mine is not altogether unhappy in the application of an old common story to a present occasion. It may be said of my friend, what Horace says of a neighbor of his, “*Garrit aniles ex re fabellas.*” Conversing on this strange subject, he told me a current story of a simple English country squire, who was persuaded by certain *dilettanti* of his acquaintance to see the world, and to become

knowing in men and manners. Among other celebrated places, it was recommended to him to visit Constantinople. He took their advice. After various adventures, not to our purpose to dwell upon, he happily arrived at that famous city. As soon as he had a little reposed himself from his fatigue, he took a walk into the streets; but he had not gone far, before “a malignant and a turbaned Turk” had his choler roused by the careless and assured air with which this infidel strutted about in the metropolis of true believers. In this temper he lost no time in doing to our traveller the honors of the place. The Turk crossed over the way, and with perfect good-will gave him two or three lusty kicks on the seat of honor. To resent or to return the compliment in Turkey was quite out of the question. Our traveller, since he could not otherwise acknowledge this kind of favor, received it with the best grace in the world: he made one of his most ceremonious bows, and begged the kicking Mussulman “to accept his perfect assurances of high consideration.” Our countryman was too wise to imitate Othello in the use of the dagger. He thought it better, as better it was, to assuage his bruised dignity with half a yard square of balmy diplomatic diachylon. In the disasters of their friends, people are seldom wanting in a laudable patience. When they are such as do not threaten to end fatally, they become even matter of pleasantry. The English fellow-travellers of our sufferer, finding him a little out of spirits, entreated him not to take so slight a business so very seriously. They told him it was the custom of the country; that every country had its customs; that the Turkish manners were a little rough, but that in the main the Turks were a good-natured people; that what would have been a deadly affront anywhere else was only a little freedom there: in short, they told him to think no more of the matter, and to try his fortune in another promenade. But the squire, though a little clownish, had some home-bred sense. “What! have I come, at all this expense and trouble, all the way to Constantinople only to be kicked? Without going beyond my own stable, my groom, for half a crown, would have kicked me to my heart’s content. I don’t mean to stay in Constantinople eight-and-forty hours, nor ever to return to this rough, good-natured people, that have their own customs.”

In my opinion the squire was in the right. He was satisfied with his first ramble and his first injuries. But reason of state and common sense are two things. If it were not for this difference, it might not appear of absolute necessity, after having received a certain quantity of buffetings by advance, that we should send a peer of the realm to the scum of the earth to collect the debt to the last farthing, and to receive, with infinite aggravation, the same scorns which had been paid to our supplication through a commoner: but it was proper, I suppose, that the whole of our country, in all its orders, should have a share of the indignity, and, as in reason, that the higher orders should touch the larger proportion.

This business was not ended because our dignity was wounded, or because our patience was worn out with contumely and scorn. We had not disgorged one particle

of the nauseous doses with which we were so liberally crammed by the mountebanks of Paris in order to drug and diet us into perfect tameness. No, — we waited till the morbid strength of our *boulimia* for their physic had exhausted the well-stored dispensary of their empiricism. It is impossible to guess at the term to which our forbearance would have extended. The Regicides were more fatigued with giving blows than the callous cheek of British diplomacy was hurt in receiving them. They had no way left for getting rid of this mendicant perseverance, but by sending for the beadle, and forcibly driving our embassy “of shreds and patches,” with all its mumping cant, from the inhospitable door of Cannibal Castle, —

“Where the gaunt mastiff, growling at the gate,
Affrights the beggar whom he longs to eat,”

I think we might have found, before the rude hand of insolent office was on our shoulder, and the staff of usurped authority brandished over our heads, that contempt of the suppliant is not the best forwarder of a suit, — that national disgrace is not the high-road to security, much less to power and greatness. Patience, indeed, strongly indicates the lore of peace; but mere love does not always lead to enjoyment. It is the power of winning that palm which insures our wearing it. Virtues have their place; and out of their place they hardly deserve the name, — they pass into the neighboring vice. The patience of fortitude and the endurance of pusillanimity are things very different, as in their principle, so in their effects.

In truth, this Declaration, containing a narrative of the first transaction of the kind (and I hope it will be the last) in the intercourse of nations, as a composition, is ably drawn. It does credit to our official style. The report of the speech of the minister in a great assembly, which I have read, is a comment upon the Declaration. Without inquiry how far that report is exact, (inferior I believe it may be to what it would represent,) yet still it reads as a most eloquent and finished performance. Hardly one galling circumstance of the indignities offered by the Directory of Regicide to the supplications made to that junto in his Majesty’s name has been spared. Every one of the aggravations attendant on these acts of outrage is, with wonderful perspicuity and order, brought forward in its place, and in the manner most fitted to produce its effect. They are turned to every point of view in which they can be seen to the best advantage. All the parts are so arranged as to point out their relation, and to furnish a true idea of the spirit of the whole transaction.

This speech may stand for a model. Never, for the triumphal decoration of any theatre, not for the decoration of those of Athens and Rome, or even of this theatre of Paris, from the embroideries of Babylon or from the loom of the Gobelins, has there been sent any historic tissue so truly drawn, so closely and so finely wrought, or in which the forms are brought out in the rich purple of such glowing and blushing colors. It puts me in mind of the piece of tapestry with which Virgil

proposed to adorn the theatre he was to erect to Augustus upon the banks of the Mincio, who now hides his head in his reeds, and leads his slow and melancholy windings through banks wasted by the barbarians of Gaul. He supposes that the artifice is such, that the figures of the conquered nations in his tapestry are made to play their part, and are confounded in the machine, —

utque
Purpurea intexti tollant aulæa Britanni;

or, as Dryden translates it, somewhat paraphrastically, but not less in the spirit of the prophet than of the poet, —

“Where the proud theatres disclose the scene,
Which interwoven Britons seem to raise,
And show the triumph which their shame displays.”

It is something wonderful, that the sagacity shown in the Declaration and the speech (and, so far as it goes, greater was never shown) should have failed to discover to the writer and to the speaker the inseparable relation between the parties to this transaction, and that nothing can be said to display the imperious arrogance of a base enemy which does not describe with equal force and equal truth the contemptible figure of an abject embassy to that imperious power.

It is no less striking, that the same obvious reflection should not occur to those gentlemen who conducted the opposition to government. But their thoughts were turned another way. They seem to have been so entirely occupied with the defence of the French Directory, so very eager in finding recriminatory; precedents to justify every act of its intolerable insolence, so animated in their accusations of ministry for not having at the very outset made concessions proportioned to the dignity of the great victorious power we had offended, that everything concerning the sacrifice in this business of national honor, and of the most fundamental principles in the policy of negotiation, seemed wholly to have escaped them. To this fatal hour, the contention in Parliament appeared in another form, and was animated by another spirit. For three hundred years and more, we have had wars with what stood as government in France. In all that period, the language of ministers, whether of boast or of apology, was, that they had left nothing undone for the assertion of the national honor, — the opposition, whether patriotically or factiously, contending that the ministers had been oblivious of the national glory, and had made improper sacrifices of that public interest which they were bound not only to preserve, but by all fair methods to augment. This total change of tone on both sides of your House forms itself no inconsiderable revolution; and I am afraid it prognosticates others of still greater importance. The ministers exhausted the

stores of their eloquence in demonstrating that they had quitted the safe, beaten highway of treaty between independent powers, — that, to pacify the enemy, they had made every sacrifice of the national dignity, — and that they had offered to immolate at the same shrine the most valuable of the national acquisitions. The opposition insisted that the victims were not fat nor fair enough to be offered on the altars of blasphemed Regicide; and it was inferred from thence, that the sacrificial ministers, (who were a sort of intruders in the worship of the new divinity,) in their schismatical devotion, had discovered more of hypocrisy than zeal. They charged them with a concealed resolution to persevere in what these gentlemen have (in perfect consistency, indeed, with themselves, but most irreconcilably with fact and reason) called an unjust and impolitic war.

That day was, I fear, the fatal term of *local* patriotism. On that day, I fear, there was an end of that narrow scheme of relations called our country, with all its pride, its prejudices, and its partial affections. All the little quiet rivulets, that watered an humble, a contracted, but not an unfruitful field, are to be lost in the waste expanse, and boundless, barren ocean of the homicide philanthropy of France. It is no longer an object of terror, the aggrandizement of a new power which teaches as a professor that philanthropy in the chair, whilst it propagates by arms and establishes by conquest the comprehensive system of universal fraternity. In what light is all this viewed in a great assembly? The party which takes the lead there has no longer any apprehensions, except those that arise from not being admitted to the closest and most confidential connections with the metropolis of that fraternity. That reigning party no longer touches on its favorite subject, the display of those horrors that must attend the existence of a power with such dispositions and principles, seated in the heart of Europe. It is satisfied to find some loose, ambiguous expressions in its former declarations, which may set it free from its professions and engagements. It always speaks of peace with the Regicides as a great and an undoubted blessing, and such a blessing as, if obtained, promises, as much as any human disposition of things can promise, security and permanence. It holds out nothing at all definite towards this security. It only seeks, by a restoration to some of their former owners of some fragments of the general wreck of Europe, to find a plausible plea for a present retreat from an embarrassing position. As to the future, that party is content to leave it covered in a night of the most palpable obscurity. It never once has entered into a particle of detail of what our own situation, or that of other powers, must be, under the blessings of the peace we seek. This defect, to my power, I mean to supply, — that, if any persons should still continue to think an attempt at foresight is any part of the duty of a statesman, I may contribute my trifle to the materials of his speculation.

As to the other party, the minority of to-day, possibly the majority of to-morrow, small in number, but full of talents and every species of energy, which, upon the avowed ground of being more acceptable to France, is a candidate for the helm of

this kingdom, it has never changed from the beginning. It has preserved a perennial consistency. This would be a never failing source of true glory, if springing from just and right; but it is truly dreadful, if it be an arm of Styx, which springs out of the profoundest depths of a poisoned soil. The French maxims were by these gentlemen at no time condemned. I speak of their language in the most moderate terms. There are many who think that they have gone much further, — that they have always magnified and extolled the French maxims, — that; not in the least disgusted or discouraged by the monstrous evils which have attended these maxims from the moment of their adoption both at home and abroad, they still continue to predict that in due time they must produce the greatest good to the poor human race. They obstinately persist in stating those evils as matter of accident, as things wholly collateral to the system.

It is observed, that this party has never spoken of an ally of Great Britain with the smallest degree of respect or regard: on the contrary, it has generally mentioned them under opprobrious appellations, and in such terms of contempt or execration as never had been heard before, — because no such would have formerly been permitted in our public assemblies. The moment, however, that any of those allies quitted this obnoxious connection, the party has instantly passed an act of indemnity and oblivion in their favor. After this, no sort of censure on their conduct, no imputation on their character. From that moment their pardon was sealed in a reverential and mysterious silence. With the gentlemen of this minority, there is no ally, from one end of Europe to the other, with whom we ought not to be ashamed to act. The whole college of the states of Europe is no better than a gang of tyrants. With them all our connections were broken off at once. We ought to have cultivated France, and France alone, from the moment of her Revolution. On that happy change, all our dread of that nation as a power was to cease. She became in an instant dear to our affections and one with our interests. All other nations we ought to have commanded not to trouble her sacred throes, whilst in labor to bring into an happy birth her abundant litter of constitutions. We ought to have acted under her auspices, in extending her salutary influence upon every side. From that moment England and France were become natural allies, and all the other states natural enemies. The whole face of the world was changed. What was it to us, if she acquired Holland and the Austrian Netherlands? By her conquests she only enlarged the sphere of her beneficence, she only extended the blessings of liberty to so many more foolishly reluctant nations. What was it to England, if, by adding these, among the richest and most peopled countries of the world, to her territories, she thereby left no possible link of communication between us and any other power with whom we could act against her? On this new system of optimism, it is so much the better: so much the further are we removed from the contact with infectious despotism. No longer a thought of a barrier in the Netherlands to Holland against France. All that is obsolete policy. It is fit that France should have both Holland and the Austrian

Netherlands too, as a barrier to her against the attacks of despotism. She cannot multiply her securities too much; and as to our security, it is to be found in hers. Had we cherished her from the beginning, and felt for her when attacked, she, poor, good soul, would never have invaded any foreign nation, never murdered her sovereign and his family, never proscribed, never exiled, never imprisoned, never been guilty of extra-judicial massacre or of legal murder. All would have been a golden age, full of peace, order, and liberty, — and philosophy, raying out from Europe, would have warmed and enlightened the universe; but, unluckily, irritable philosophy, the most irritable of all things, was pat into a passion, and provoked into ambition abroad and tyranny at home. They find all this very natural and very justifiable. They choose to forget that other nations, struggling for freedom, have been attacked by their neighbors, or that their neighbors have otherwise interfered in their affairs. Often have neighbors interfered in favor of princes against their rebellious subjects, and often in favor of subjects against their prince. Such cases fill half the pages of history; yet never were they used as an apology, much less as a justification, for atrocious cruelty in princes, or for general massacre and confiscation on the part of revolted subjects, — never as a politic cause for suffering any such powers to aggrandize themselves without limit and without measure. A thousand times have we seen it asserted in public prints and pamphlets, that, if the nobility and priesthood of France had stayed at home, their property never would have been confiscated. One would think that none of the clergy had been robbed previous to their deportation, or that their deportation had, on their part, been a voluntary act. One would think that the nobility and gentry, and merchants and bankers, who stayed at home, had enjoyed their property in security and repose. The assertors of these positions well know that the lot of thousands who remained at home was far more terrible, that the most cruel imprisonment was only a harbinger of a cruel and ignominious death, and that in this mother country of freedom there were no less than *three hundred thousand* at one time in prison. I go no further. I instance only these representations of the party, as staring indications of partiality to that sect to whose dominion they would have left this country nothing to oppose but her own naked force, and consequently subjected us, on every reverse of fortune, to the imminent danger of falling under those very evils, in that very system, which are attributed, not to its own nature, but to the perverseness of others. There is nothing in the world so difficult as to put men in a state of judicial neutrality. A leaning there must ever be, and it is of the first importance to any nation to observe to what side that leaning inclines, — whether to our own community, or to one with which it is in a state of hostility.

Men are rarely without some sympathy in the sufferings of others; but in the immense and diversified mass of human misery, which may be pitied, but cannot be relieved, in the gross, the mind must make a choice. Our sympathy is always more forcibly attracted towards the misfortunes of certain persons, and in certain

descriptions: and this sympathetic attraction discovers, beyond a possibility of mistake, our mental affinities and elective affections. It is a much surer proof than the strongest declaration of a real connection and of an overruling bias in the mind. I am told that the active sympathies of this party have been chiefly, if not wholly, attracted to the sufferings of the patriarchal rebels who were amongst the promulgators of the maxims of the French Revolution, and who have suffered from their apt and forward scholars some part of the evils which they had themselves so liberally distributed to all the other parts of the community. Some of these men, flying from the knives which they had sharpened against their country and its laws, rebelling against the very powers they had set over themselves by their rebellion against their sovereign, given up by those very armies to whose faithful attachment they trusted for their safety and support, after they had completely debauched all military fidelity in its source, — some of these men, I say, had fallen into the hands of the head of that family the most illustrious person of which they had three times cruelly imprisoned, and delivered in that state of captivity to those hands from which they were able to relieve neither her, nor their own nearest and most venerable kindred. One of these men, connected with this country by no circumstance of birth, — not related to any distinguished families here, — recommended by no service, — endeared to this nation by no act or even expression of kindness, — comprehended in no league or common cause, — embraced by no laws of public hospitality, — this man was the only one to be found in Europe, in whose favor the British nation, passing judgment without hearing on its almost only ally, was to force (and that not by soothing interposition, but with every reproach for inhumanity, cruelty, and breach of the laws of war) from prison. We were to release him from that prison out of which, in abuse of the lenity of government amidst its rigor, and in violation of at least an understood parole, he had attempted an escape, — an escape excusable, if you will, but naturally productive of strict and vigilant confinement. The earnestness of gentlemen to free this person was the more extraordinary because there was full as little in him to raise admiration, from any eminent qualities he possessed, as there was to excite an interest, from any that were amiable. A person not only of no real civil or literary talents, but of no specious appearance of either, — and in his military profession not marked as a leader in any one act of able or successful enterprise, unless his leading on (or his following) the allied army of Amazonian and male cannibal Parisians to Versailles, on the famous 6th of October, 1789, is to make his glory. Any other exploit of his, as a general, I never heard of. But the triumph of general fraternity was but the more signalized by the total want of particular claims in that case, — and by postponing all such claims in a case where they really existed, where they stood embossed, and in a manner forced themselves on the view of common, shortsighted benevolence. Whilst, for its improvement, the humanity of these gentlemen was thus on its travels, and had got as far off as Olmütz, they never thought of a place

and a person much nearer to them, or of moving an instruction to Lord Malmesbury in favor of their own suffering countryman, Sir Sydney Smith.

This officer, having attempted, with great gallantry, to cut out a vessel from one of the enemy's harbors, was taken after an obstinate resistance, — such as obtained him the marked respect of those who were witnesses of his valor, and knew the circumstances in which it was displayed. Upon his arrival at Paris, he was instantly thrown into prison, where the nature of his situation will best be understood by knowing that amongst its *mitigations* was the permission to walk occasionally in the court and to enjoy the privilege of shaving himself. On the old system of feelings and principles, his sufferings might have been entitled to consideration, and, even in a comparison with those of Citizen La Fayette, to a priority in the order of compassion. If the ministers had neglected to take any steps in his favor, a declaration of the sense of the House of Commons would have stimulated them to their duty. If they had caused a representation to be made, such a proceeding would have added force to it. If reprisal should be thought advisable, the address of the House would have given an additional sanction to a measure which would have been, indeed, justifiable without any other sanction than its own reason. But no. Nothing at all like it. In fact, the merit of Sir Sydney Smith, and his claim on British compassion, was of a kind altogether different from that which interested so deeply the authors of the motion in favor of Citizen La Fayette. In my humble opinion, Captain Sir Sydney Smith has another sort of merit with the British nation, and something of a higher claim on British humanity, than Citizen La Fayette. Faithful, zealous, and ardent in the service of his king and country, — full of spirit, — full of resources, — going out of the beaten road, but going right, because his uncommon enterprise was not conducted by a vulgar judgment, — in his profession Sir Sydney Smith might be considered as a distinguished person, if any person could well be distinguished in a service in which scarce a commander can be named without putting you in mind of some action of intrepidity, skill, and vigilance that has given them a fair title to contend with any men and in any age. But I will say nothing farther of the merits of Sir Sydney Smith: the mortal animosity of the Regicide enemy supersedes all other panegyric. Their hatred is a judgment in his favor without appeal. At present he is lodged in the tower of the Temple, the last prison of Louis the Sixteenth, and the last but one of Marie Antoinette of Austria, — the prison of Louis the Seventeenth, — the prison of Elizabeth of Bourbon. There he lies, unpitied by the grand philanthropy, to meditate upon the fate of those who are faithful to their king and country. Whilst this prisoner, secluded from intercourse, was indulging in these cheering reflections, he might possibly have had the further consolation of learning (by means of the insolent exultation of his guards) that there was an English ambassador at Paris; he might have had the proud comfort of hearing that this ambassador had the honor of passing his mornings in respectful attendance at the office of a Regicide pettifogger, and that in the evening he relaxed

in the amusements of the opera, and in the spectacle of an audience totally new, — an audience in which he had the pleasure of seeing about him not a single face that he could formerly have known in Paris, but, in the place of that company, one indeed more than equal to it in display of gayety, splendor, and luxury, — a set of abandoned wretches, squandering in insolent riot the spoils of their bleeding country: a subject of profound reflection both to the prisoner and to the ambassador.

Whether all the matter upon which I have grounded my opinion of this last party be fully authenticated or not must be left to those who have had the opportunity of a nearer view of its conduct, and who have been more attentive in their perusal of the writings which have appeared in its favor. But for my part, I have never heard the gross facts on which I ground my idea of their marked partiality to the reigning tyranny in France in any part denied. I am not surprised at all this. Opinions, as they sometimes follow, so they frequently guide and direct the affections; and men may become more attached to the country of their principles than to the country of their birth. What I have stated here is only to mark the spirit which seems to me, though in somewhat different ways, to actuate our great party-leaders, and to trace this first pattern of a negotiation to its true source.

Such is the present state of our public councils. Well might I be ashamed of what seems to be a censure of two great factions, with the two most eloquent men which this country ever saw at the head of them, if I had found that either of them could support their conduct by any example in the history of their country. I should very much prefer their judgment to my own, if I were not obliged, by an infinitely overbalancing weight of authority, to prefer the collected wisdom, of ages to the abilities of any two men living. — I return to the Declaration, with which the history of the abortion of a treaty with the Regicides is closed.

After such an elaborate display had been made of the injustice and insolence of an enemy who seems to have been irritated by every one of the means which had been commonly used with effect to soothe the rage of intemperate power, the natural result would be, that the scabbard in which we in vain attempted to plunge our sword should have been thrown away with scorn. It would have been natural, that, rising in the fulness of their might, insulted majesty, despised dignity, violated justice, rejected supplication, patience goaded into fury, would have poured out all the length of the reins upon all the wrath which they had so long restrained. It might have been expected, that, emulous of the glory of the youthful hero in alliance with him, touched by the example of what one man well formed and well placed may do in the most desperate state of affairs, convinced there is a courage of the cabinet full as powerful and far less vulgar than that of the field, our minister would have changed the whole line of that unprosperous prudence which hitherto had produced all the effects of the blindest temerity. If he found his situation full of danger, (and I do not deny that it is perilous in the extreme,) he must feel that it is also full of glory, and that he is placed on a stage than which no muse of fire that had ascended

the highest heaven of invention could imagine anything more awful and august. It was hoped that in this swelling scene in which he moved, with some of the first potentates of Europe for his fellow-actors, and with so many of the rest for the anxious spectators of a part which, as he plays it, determines forever their destiny and his own, like Ulysses in the unravelling point of the epic story, he would have thrown off his patience and his rags together, and, stripped of unworthy disguises, he would have stood forth in the form and in the attitude of an hero. On that day it was thought he would have assumed the port of Mars; that he would bid to be brought forth from their hideous kennel (where his scrupulous tenderness had too long immured them) those impatient dogs of war whose fierce regards affright even the minister of vengeance that feeds them; that he would let them loose, in famine, fever, plagues, and death, upon a guilty race, to whose frame, and to all whose habit, order, peace, religion, and virtue are alien and abhorrent. It was expected that he would at last have thought of active and effectual war; that he would no longer amuse the British lion in the chase of mice and rats; that he would no longer employ the whole naval power of Great Britain, once the terror of the world, to prey upon the miserable remains of a peddling commerce, which the enemy did not regard, and from which none could profit. It was expected that he would have reasserted the justice of his cause; that he would have reanimated whatever remained to him of his allies, and endeavored to recover those whom their fears had led astray; that he would have rekindled the martial ardor of his citizens; that he would have held out to them the example of their ancestry, the assertor of Europe, and the scourge of French ambition; that he would have reminded them of a posterity, which, if this nefarious robbery, under the fraudulent name and false color of a government, should in full power be seated in the heart of Europe, must forever be consigned to vice, impiety, barbarism, and the most ignominious slavery of body and mind. In so holy a cause it was presumed that he would (as in the beginning of the war he did) have opened all the temples, and with prayer, with fasting, and with supplication, (better directed than to the grim Moloch of Regicide in France,) have called upon us to raise that united cry which has: so often stormed heaven, and with a pious violence forced down blessings upon a repentant people. It was hoped, that, when he had invoked upon his endeavors the favorable regard of the Protector of the human race, it would be seen that his menaces to the enemy and his prayers to the Almighty were not followed, but accompanied, with correspondent action. It was hoped that his shrilling trumpet should be heard, not to announce a show, but to sound a charge.

Such a conclusion to such a declaration and such a speech would have been a thing of course, — so much a thing of course, that I will be bold to say, if in any ancient history, the Roman for instance, (supposing that in Rome the matter of such a detail could have been furnished,) a consul had gone through such a long train of proceedings, and that there was a chasm in the manuscripts by which we had lost

the conclusion of the speech and the subsequent part of the narrative, all critics would agree that a Freinshemius would have been thought to have managed the supplementary business of a continuator most unskillfully, and to have supplied the hiatus most improbably, if he had not filled up the gaping space in a manner somewhat similar (though better executed) to what I have imagined. But too often different is rational conjecture from melancholy fact. This exordium, as contrary to all the rules of rhetoric as to those more essential rules of policy which our situation would dictate, is intended as a prelude to a deadening and disheartening proposition; as if all that a minister had to fear in a war of his own conducting was, that the people should pursue it with too ardent a zeal. Such a tone as I guessed the minister would have taken, I am very sure, is the true, unsuborned, unsophisticated language of genuine, natural feeling, under the smart of patience exhausted and abused. Such a conduct as the facts stated in the Declaration gave room to expect is that which true wisdom would have dictated under the impression of those genuine feelings. Never was there a jar or discord between genuine sentiment and sound policy. Never, no, never, did Nature say one thing and Wisdom say another. Nor are sentiments of elevation in themselves turgid and unnatural. Nature is never more truly herself than in her grandest forms. The Apollo of Belvedere (if the universal robber has yet left him at Belvedere) is as much in Nature as any figure from the pencil of Rembrandt or any clown in the rustic revels of Téniers. Indeed, it is when a great nation is in great difficulties that minds must exalt themselves to the occasion, or all is lost. Strong passion under the direction of a feeble reason feeds a low fever, which serves only to destroy the body that entertains it. But vehement passion does not always indicate an infirm judgment. It often accompanies, and actuates, and is even auxiliary to a powerful understanding; and when they both conspire and act harmoniously, their force is great to destroy disorder within and to repel injury from abroad. If ever there was a time that calls on us for no vulgar conception of things, and for exertions in no vulgar strain, it is the awful hour that Providence has now appointed to this nation. Every little measure is a great error, and every great error will bring on no small ruin. Nothing can be directed above the mark that we must aim at: everything below it is absolutely thrown away.

Except with the addition of the unheard-of insult offered to our ambassador by his rude expulsion, we are never to forget that the point on which the negotiation with De la Croix broke off was exactly that which had stifled in its cradle the negotiation we had attempted with Barthélemy. Each of these transactions concluded with a manifesto upon our part; but the last of our manifestoes very materially differed from the first. The first Declaration stated, that “*nothing was left but to prosecute a war equally just and necessary.*” In the second the justice and necessity of the war is dropped: the sentence importing that nothing was left but the prosecution of such a war disappears also. Instead of this resolution to prosecute the war, we sink into a whining lamentation on the abrupt termination of the treaty. We

have nothing left but the last resource of female weakness, of helpless infancy, of doting decrepitude, — wailing and lamentation. We cannot even utter a sentiment of vigor;— “his Majesty has only to lament.” A poor possession, to be left to a great monarch! Mark the effect produced on our councils by continued insolence and inveterate hostility. We grow more malleable under their blows. In reverential silence we smother the cause and origin of the war. On that fundamental article of faith we leave every one to abound in his own sense. In the minister’s speech, glossing on the Declaration, it is indeed mentioned, but very feebly. The lines are so faintly drawn as hardly to be traced. They only make a part of our *consolation* in the circumstances which we so dolefully lament. We rest our merits on the humility, the earnestness of solicitation, and the perfect good faith of those submissions which have been used to persuade our Regicide enemies to grant us some sort of peace. Not a word is said which might not have been full as well said, and much better too, if the British nation had appeared in the simple character of a penitent convinced of his errors and offences, and offering, by penances, by pilgrimages, and by all the modes of expiation ever devised by anxious, restless guilt, to make all the atonement in his miserable power.

The Declaration ends, as I have before quoted it, with a solemn voluntary pledge, the most full and the most solemn that ever was given, of our resolution (if so it may be called) to enter again into the very same course. It requires nothing more of the Regicides than to furnish some sort of excuse, some sort of colorable pretest, for our renewing the supplications of innocence at the feet of guilt. It leaves the moment of negotiation, a most important moment, to the choice of the enemy. He is to regulate it according to the convenience of his affairs. He is to bring it forward at that time when it may best serve to establish his authority at home and to extend his power abroad. A dangerous assurance for this nation to give, whether it is broken or whether it is kept. As all treaty was broken off, and broken off in the manner we have seen, the field of future conduct ought to be reserved free and unincumbered to our future discretion. As to the sort of condition prefixed to the pledge, namely, “that the enemy should be disposed to enter into the work of general pacification with the spirit of reconciliation and equity,” this phraseology cannot possibly be considered otherwise than as so many words thrown in to fill the sentence and to round it to the ear. We prefixed the same plausible conditions to any renewal of the negotiation, in our manifesto on the rejection of our proposals at Basle. We did not consider those conditions as binding. We opened a much more serious negotiation without any sort of regard to them; and there is no new negotiation which we can possibly open upon fewer indications of conciliation and equity than were to be discovered when we entered into our last at Paris. Any of the slightest pretences, any of the most loose, formal, equivocating expressions, would justify us, under the peroration of this piece, in again sending the last or some other Lord Malmesbury to Paris.

I hope I misunderstand this pledge, — or that we shall show no more regard to it than we have done to all the faith that we have plighted to vigor and resolution in our former Declaration. If I am to understand the conclusion of the Declaration to be what unfortunately it seems to me, we make an engagement with the enemy, without any correspondent engagement on his side. We seem to have cut ourselves off from any benefit which an intermediate state of things might furnish to enable us totally to overturn that power, so little connected with moderation and justice. By holding out no hope, either to the justly discontented in France, or to any foreign power, and leaving the recommencement of all treaty to this identical junto of assassins, we do in effect assure and guaranty to them the full possession of the rich fruits of their confiscations, of their murders of men, women, and children, and of all the multiplied, endless, nameless iniquities by which they have obtained their power. We guaranty to them the possession of a country, such and so situated as France, round, entire, immensely perhaps augmented.

“Well,” some will say, “in this case we have only submitted to the nature of things.” The nature of things is, I admit, a sturdy adversary. This might be alleged as a plea for our attempt at a treaty. But what plea of that kind can be alleged, after the treaty was dead and gone, in favor of this posthumous Declaration? No necessity has driven us to *that* pledge. It is without a counterpart even in expectation. And what can be stated to obviate the evil which that solitary engagement must produce on the understandings or the fears of men? I ask, what have the Regicides promised you in return, in case *you* should show what *they* would call dispositions to conciliation and equity, whilst you are giving that pledge from the throne, and engaging Parliament to counter-secure it? It is an awful consideration. It was on the very day of the date of this wonderful pledge, in which we assumed the Directorial government as lawful, and in which we engaged ourselves to treat with them whenever they pleased, — it was on that very day the Regicide fleet was weighing anchor from one of your harbors, where it had remained four days in perfect quiet. These harbors of the British dominions are the ports of France. They are of no use but to protect an enemy from your best allies, the storms of heaven and his own rashness. Had the West of Ireland been an unportuous coast, the French naval power would have been undone. The enemy uses the moment for hostility, without the least regard to your future dispositions of equity and conciliation. They go out of what were once your harbors, and they return to them at their pleasure. Eleven days they had the full use of Bantry Bay, and at length their fleet returns from their harbor of Bantry to their harbor of Brest. Whilst you are invoking the propitious spirit of Regicide equity and conciliation, they answer you with an attack. They turn out the pacific bearer of your “how do you dos,” Lord Malmesbury; and they return your visit, and their “thanks for your obliging inquiries,” by their old practised assassin, Hoche. They come to attack — what? A town, a fort, a naval station? They come to attack your king, your

Constitution, and the very being of that Parliament which was holding out to them these pledges, together with the entireness of the empire, the laws, liberties, and properties of all the people. We know that they meditated the very same invasion, and for the very same purposes, upon this kingdom, and, had the coast been as opportune, would have effected it.

Whilst *you* are in vain torturing your invention to assure them of *your* sincerity and good faith, they have left no doubt concerning *their* good faith and *their* sincerity towards those to whom they have engaged their honor. To their power they have been true to the only pledge they have ever yet given to you, or to any of yours: I mean the solemn engagement which they entered into with the deputation of traitors who appeared at their bar, from England and from Ireland, in 1792. They have been true and faithful to the engagement which they had made more largely, — that is, their engagement to give effectual aid to insurrection and treason, wherever they might appear in the world. We have seen the British Declaration. This is the counter Declaration of the Directory. This is the reciprocal pledge which Regicide amity gives to the conciliatory pledges of kings. But, thank God, such pledges cannot exist single. They have no counterpart; and if they had, the enemy's conduct cancels such declarations, — and, I trust, along with them, cancels everything of mischief and dishonor that they contain.

There is one thing in this business which appears to be wholly unaccountable, or accountable on a supposition I dare not entertain for a moment. I cannot help asking, Why all this pains to clear the British nation of ambition, perfidy, and the insatiate thirst of war? At what period of time was it that our country has deserved that load of infamy of which nothing but preternatural humiliation in language and conduct can serve to clear us? If we have deserved this kind of evil fame from anything we have done in a state of prosperity, I am sure that it is not an abject conduct in adversity that can clear our reputation. Well is it known that ambition can creep as well as soar. The pride of no person in a flourishing condition is more justly to be dreaded than that of him who is mean and cringing under a doubtful and unprosperous fortune. But it seems it was thought necessary to give some out-of-the-way proofs of our sincerity, as well as of our freedom from ambition. Is, then, fraud and falsehood become the distinctive character of Englishmen? Whenever your enemy chooses to accuse you of perfidy and ill faith, will you put it into his power to throw you into the purgatory of self-humiliation? Is his charge equal to the finding of the grand jury of Europe, and sufficient to put you upon your trial? But on that trial I will defend the English ministry. I am sorry that on some points I have, on the principles I have always opposed, so good a defence to make. They were not the first to begin the war. They did not excite the general confederacy in Europe, which was so properly formed on the alarm given by the Jacobinism of France. They did not begin with an hostile aggression on the Regicides, or any of their allies. These parricides of their own country, disciplining

themselves for foreign by domestic violence, were the first to attack a power that was our ally by nature, by habit, and by the sanction of multiplied treaties. Is it not true that they were the first to declare war upon this kingdom? Is every word in the declaration from Downing Street concerning their conduct, and concerning ours and that of our allies, so obviously false that it is necessary to give some new-invented proofs of our good faith in order to expunge the memory of all this perfidy?

We know that over-laboring a point of this kind has the direct contrary effect from what we wish. We know that there is a legal presumption against men, *quando se nimis purgant*; and if a charge of ambition is not refuted by an affected humility, certainly the character of fraud and perfidy is still less to be washed away by indications of meanness. Fraud and prevarication are servile vices. They sometimes grow out of the necessities, always out of the habits, of slavish and degenerate spirits; and on the theatre of the world, it is not by assuming the mask of a Davus or a Geta that an actor will obtain credit for manly simplicity and a liberal openness of proceeding. It is an erect countenance, it is a firm adherence to principle, it is a power of resisting false shame and frivolous fear, that assert our good faith and honor, and assure to us the confidence of mankind. Therefore all these negotiations, and all the declarations with which they were preceded and followed, can only serve to raise presumptions against that good faith and public integrity the fame of which to preserve inviolate is so much the interest and duty of every nation.

The pledge is an engagement “to all Europe.” This is the more extraordinary, because it is a pledge which no power in Europe, whom I have yet heard of, has thought proper to require at our hands. I am not in the secrets of office, and therefore I may be excused for proceeding upon probabilities and exterior indications. I have surveyed all Europe from the east to the west, from the north to the south, in search of this call upon us to purge ourselves of “subtle *duplicity* and a *Punic* style” in our proceedings. I have not heard that his Excellency the Ottoman ambassador has expressed his doubts of the British sincerity in our negotiation with the most unchristian republic lately set up at our door. What sympathy in that quarter may have introduced a remonstrance upon the want of faith in this nation I cannot positively say. If it exists, it is in Turkish or Arabic, and possibly is not yet translated. But none of the nations which compose the old Christian world have I yet heard as calling upon us for those judicial purgations and ordeals, by fire and water, which we have chosen to go through; — for the other great proof, by battle, we seem to decline.

For whose use, entertainment, or instruction are all those overstrained and overlabored proceedings in council, in negotiation, and in speeches in Parliament intended? What royal cabinet is to be enriched with these high-finished pictures of the arrogance of the sworn enemies of kings and the meek patience of a British administration? In what heart is it intended to kindle pity towards our multiplied mortifications and disgraces? At best it is superfluous. What nation is unacquainted

with the haughty disposition of the common enemy of all nations? It has been more than seen, it has been felt, — not only by those who have been the victims of their imperious rapacity, but, in a degree, by those very powers who have consented to establish this robbery, that they might be able to copy it, and with impunity to make new usurpations of their own.

The King of Prussia has hypothecated in trust to the Regicides his rich and fertile territories on the Rhine, as a pledge of his zeal and affection to the cause of liberty and equality. He has seen them robbed with unbounded liberty and with the most levelling equality. The woods are wasted, the country is ravaged, property is confiscated, and the people are put to bear a double yoke, in the exactions of a tyrannical government and in the contributions of an hostile irruption. Is it to satisfy the Court of Berlin that the Court of London is to give the same sort of pledge of its sincerity and good faith to the French Directory? It is not that heart full of sensibility, it is not Lucchesini, the minister of his Prussian Majesty, the late ally of England, and the present ally of its enemy, who has demanded this pledge of our sincerity, as the price of the renewal of the long lease of his sincere friendship to this kingdom.

It is not to our enemy, the now faithful ally of Regicide, late the faithful ally of Great Britain, the Catholic king, that we address our doleful lamentation: it is not to the *Prince of Peace*, whose declaration of war was one of the first auspicious omens of general tranquillity, which our dove-like ambassador, with the olive-branch in his beak, was saluted with at his entrance into the ark of clean birds at Paris.

Surely it is not to the Tetrarch of Sardinia, now the faithful ally of a power who has seized upon all his fortresses and confiscated the oldest dominions of his house, — it is not to this once powerful, once respected, and once cherished ally of Great Britain, that we mean to prove the sincerity of the peace which we offered to make at his expense. Or is it to him we are to prove the arrogance of the power who, under the name of friend, oppresses him, and the poor remains of his subjects, with all the ferocity of the most cruel enemy?

It is not to Holland, under the name of an ally, laid under a permanent military contribution, filled with their double garrison of barbarous Jacobin troops and ten times more barbarous Jacobin clubs and assemblies, that we find ourselves obliged to give this pledge.

Is it to Genoa that we make this kind promise, — a state which the Regicides were to defend in a favorable neutrality, but whose neutrality has been, by the gentle influence of Jacobin authority, forced into the trammels of an alliance, — whose alliance has been secured by the admission of French garrisons, — and whose peace has been forever ratified by a forced declaration of war against ourselves?

It is not the Grand Duke of Tuscany who claims this declaration, — not the Grand Duke, who for his early sincerity, for his love of peace, and for his entire confidence in the amity of the assassins of his house, has been complimented in the

British Parliament with the name of “*the wisest sovereign in Europe*”: it is not this pacific Solomon, or his philosophic, cudgelled ministry, cudgelled by English and by French, whose wisdom and philosophy between them have placed Leghorn in the hands of the enemy of the Austrian family, and driven the only profitable commerce of Tuscany from its only port: it is not this sovereign, a far more able statesman than any of the Medici in whose chair he sits, it is not the philosopher Carletti, more ably speculative than Galileo, more profoundly politic than Machiavel, that call upon us so loudly to give the same happy proofs of the same good faith to the republic always the same, always one and indivisible.

It is not Venice, whose principal cities the enemy has appropriated to himself, and scornfully desired the state to indemnify itself from the Emperor, that we wish to convince of the pride and the despotism of an enemy who loads us with his scoffs and buffets.

It is not for his Holiness we intend this consolatory declaration of our own weakness, and of the tyrannous temper of his grand enemy. That prince has known both the one and the other from the beginning. The artists of the French Revolution had given their very first essays and sketches of robbery and desolation against his territories, in a far more cruel “murdering piece” than had ever entered into the imagination of painter or poet. Without ceremony they tore from his cherishing arms the possessions which he held for five hundred years, undisturbed by all the ambition of all the ambitious monarchs who during that period have reigned in France. Is it to him, in whose wrong we have in our late negotiation ceded his now unhappy countries near the Rhone, lately amongst the most flourishing (perhaps the most flourishing for their extent) of all the countries upon earth, that we are to prove the sincerity of our resolution to make peace with the Republic of Barbarism? That venerable potentate and pontiff is sunk deep into the vale of years; he is half disarmed by his peaceful character; his dominions are more than half disarmed by a peace of two hundred years, defended as they were, not by force, but by reverence: yet, in all these straits, we see him display, amidst the recent ruins and the new defacements of his plundered capital, along with the mild and decorated piety of the modern, all the spirit and magnanimity of ancient Rome. Does he, who, though himself unable to defend them, nobly refused to receive pecuniary compensations for the protection he owed to his people of Avignon, Carpentras, and the Venaissin, — does he want proofs of our good disposition to deliver over that people, without any security for them, or any compensation to their sovereign, to this cruel enemy? Does he want to be satisfied of the sincerity of our humiliation to France, who has seen his free, fertile, and happy city and state of Bologna, the cradle of regenerated law, the seat of sciences and of arts, so hideously metamorphosed, whilst he was crying to Great Britain for aid, and offering to purchase that aid at any price? Is it him, who sees that chosen spot of plenty and delight converted into a Jacobin ferocious republic, dependent on the homicides of

France, — is it him, who, from the miracles of his beneficent industry, has done a work which defied the power of the Roman emperors, though with an enthralled world to labor for them, — is it him, who has drained and cultivated the Pontine Marshes, that we are to satisfy of our cordial spirit of conciliation with those who, in their equity, are restoring Holland again to the seas, whose maxims poison more than the exhalations of the most deadly fens, and who turn all the fertilities of Nature and of Art into an howling desert? Is it to him that we are to demonstrate the good faith of our submissions to the Cannibal Republic, — to him, who is commanded to deliver up into their hands Ancona and Civita Vecchia, seats of commerce raised by the wise and liberal labors and expenses of the present and late pontiffs, ports not more belonging to the Ecclesiastical State than to the commerce of Great Britain, thus wresting from his hands the power of the keys of the centre of Italy, as before they had taken possession of the keys of the northern part from the hands of the unhappy King of Sardinia, the natural ally of England? Is it to him we are to prove our good faith in the peace which we are soliciting to receive from the hands of his and our robbers, the enemies of all arts, all sciences, all civilization, and all commerce?

Is it to the Cispadane or to the Transpadane republics, which have been forced to bow under the galling yoke of French liberty, that we address all these pledges of our sincerity and love of peace with their unnatural parents?

Are we by this Declaration to satisfy the King of Naples, whom we have left to struggle as he can, after our abdication of Corsica, and the flight of the whole naval force of England out of the whole circuit of the Mediterranean, abandoning our allies, our commerce, and the honor of a nation once the protectress of all other nations, because strengthened by the independence and enriched by the commerce of them all? By the express provisions of a recent treaty, we had engaged with the King of Naples to keep a naval force in the Mediterranean. But, good God! was a treaty at all necessary for this? The uniform policy of this kingdom as a state, and eminently so as a commercial state, has at all times led us to keep a powerful squadron and a commodious naval station in that central sea, which borders upon and which connects a far greater number and variety of states, European, Asiatic, and African, than any other. Without such a naval force, France must become despotic mistress of that sea, and of all the countries whose shores it washes. Our commerce must become vassal to her and dependent on her will. Since we are come no longer to trust to our force in arms, but to our dexterity in negotiation, and begin to pay a desperate court to a proud and coy usurpation, and have finally sent an ambassador to the Bourbon Regicides at Paris, the King of Naples, who saw that no reliance was to be placed on our engagements, or on any pledge of our adherence to our nearest and dearest interests, has been obliged to send his ambassador also to join the rest of the squalid tribe of the representatives of degraded kings. This monarch, surely, does not want any proof of the sincerity of our amicable

dispositions to that amicable republic, into whose arms he has been given by our desertion of him.

To look to the powers of the North. — It is not to the Danish ambassador, insolently treated in his own character and in ours, that we are to give proofs of the Regicide arrogance, and of our disposition to submit to it.

With regard to Sweden I cannot say much. The French influence is struggling with her independence; and they who consider the manner in which the ambassador of that power was treated not long since at Paris, and the manner in which the father of the present King of Sweden (himself the victim of regicide principles and passions) would have looked on the present assassins of France, will not be very prompt to believe that the young King of Sweden has made this kind of requisition to the King of Great Britain, and has given this kind of auspice of his new government.

I speak last of the most important of all. It certainly was not the late Empress of Russia at whose instance we have given this pledge. It is not the new Emperor, the inheritor of so much glory, and placed in a situation of so much delicacy and difficulty for the preservation of that inheritance, who calls on England, the natural ally of his dominions, to deprive herself of her power of action, and to bind herself to France. France at no time, and in none of its fashions, least of all in its last, has been ever looked upon as the friend either of Russia or of Great Britain. Everything good, I trust, is to be expected from this prince, — whatever may be without authority given out of an influence over his mind possessed by that only potentate from whom he has anything to apprehend or with whom he has much even to discuss.

This sovereign knows, I have no doubt, and feels, on what sort of bottom is to be laid the foundation of a Russian throne. He knows what a rock of native granite is to form the pedestal of his statue who is to emulate Peter the Great. His renown will be in continuing with ease and safety what his predecessor was obliged to achieve through mighty struggles. He is sensible that his business is not to innovate, out to secure and to establish, — that reformations at this day are attempts at best of ambiguous utility. He will revere his father with the piety of a son, but in his government he will imitate the policy of his mother. His father, with many excellent qualities, had a short reign, — because, being a native Russian, he was unfortunately advised to act in the spirit of a foreigner. His mother reigned over Russia three-and-thirty years with the greatest glory, — because, with the disadvantage of being a foreigner born, she made herself a Russian. A wise prince like the present will improve his country; but it will be cautiously and progressively, upon its own native groundwork of religion, manners, habitudes, and alliances. If I prognosticate right, it is not the Emperor of Russia that ever will call for extravagant proofs of our desire to reconcile ourselves to the irreconcilable enemy of all thrones.

I do not know why I should not include America among the European powers, — because she is of European origin, and has not yet, like France, destroyed all traces of manners, laws, opinions, and usages which she drew from Europe. As long as that Europe shall have any possessions either in the southern or the northern parts of that America, even separated as it is by the ocean, it must be considered as a part of the European system. It is not America, menaced with internal ruin from the attempts to plant Jacobinism instead of liberty in that country, — it is not America, whose independence is directly attacked by the French, the enemies of the independence of all nations, that calls upon us to give security by disarming ourselves in a treacherous peace. By such a peace, we shall deliver the Americans, their liberty, and their order, without resource, to the mercy of their imperious allies, who will have peace or neutrality with no state which is not ready to join her in war against England.

Having run round the whole circle of the European system, wherever it acts, I must affirm that all the foreign powers who are not leagued with France for the utter destruction of all balance through Europe and throughout the world demand other assurances from this kingdom than are given in that Declaration. They require assurances, not of the sincerity of our good dispositions towards the usurpation in France, but of our affection towards the college of the ancient states of Europe, and pledges of our constancy, our fidelity, and of our fortitude in resisting to the last the power that menaces them all. The apprehension from which they wish to be delivered cannot be from anything they dread in the ambition of England. Our power must be their strength. They hope more from us than they fear. I am sure the only ground of their hope, and of our hope, is in the greatness of mind hitherto shown by the people of this nation, and its adherence to the unalterable principles of its ancient policy, whatever government may finally prevail in France. I have entered into this detail of the wishes and expectations of the European powers, in order to point out more clearly not so much what their disposition as (a consideration of far greater importance) what their situation demands, according as that situation is related to the Regicide Republic and to this kingdom.

Then, if it is not to satisfy the foreign powers we make this assurance, to what power at home is it that we pay all this humiliating court? Not to the old Whigs or to the ancient Tories of this kingdom, — if any memory of such ancient divisions still exists amongst us. To which of the principles of these parties is this assurance agreeable? Is it to the Whigs we are to recommend the aggrandizement of France, and the subversion of the balance of power? Is it to the Tories we are to recommend our eagerness to cement ourselves with the enemies of royalty and religion? But if these parties, which by their dissensions have so often distracted the kingdom, which by their union have once saved it, and which by their collision and mutual resistance have preserved the variety of this Constitution in its unity, be (as I believe they are) nearly extinct by the growth of new ones, which have their roots in

the present circumstances of the times, I wish to know to which of these new descriptions this Declaration is addressed. It can hardly be to those persons who, in the new distribution of parties, consider the conservation in England of the ancient order of things as necessary to preserve order everywhere else, and who regard the general conservation of order in other countries as reciprocally necessary to preserve the same state of things in these islands. That party never can wish to see Great Britain pledge herself to give the lead and the ground of advantage and superiority to the France of to-day, in any treaty which is to settle Europe. I insist upon it, that, so far from expecting such an engagement, they are generally stupefied and confounded with it. That the other party, which demands great changes here, and is so pleased to see them everywhere else, which party I call Jacobin, that this faction does, from the bottom of its heart, approve the Declaration, and does erect its crest upon the engagement, there can be little doubt. To them it may be addressed with propriety, for it answers their purposes in every point.

The party in opposition within the House of Lords and Commons it is irreverent, and half a breach of privilege, (far from my thoughts,) to consider as Jacobin. This party has always denied the existence of such a faction, and has treated the machinations of those whom you and I call Jacobins as so many forgeries and fictions of the minister and his adherents, to find a pretext for destroying freedom and setting up an arbitrary power in this kingdom. However, whether this minority has a leaning towards the French system or only a charitable toleration of those who lean that way, it is certain that they have always attacked the sincerity of the minister in the same modes, and on the very same grounds, and nearly in the same terms, with the Directory. It must therefore be at the tribunal of the minority (from the whole tenor of the speech) that the minister appeared to consider himself obliged to purge himself of duplicity. It was at their bar that he held up his hand; it was on their *sellette* that he seemed to answer interrogatories; it was on their principles that he defended his whole conduct. They certainly take what the French call the *haut du pavé*. They have loudly called for the negotiation. It was accorded to them. They engaged their support of the war with vigor, in case peace was not granted on honorable terms. Peace was not granted on any terms, honorable or shameful. Whether these judges, few in number, but powerful in jurisdiction, are satisfied, — whether they to whom this new pledge is hypothecated have redeemed their own, — whether they have given one particle more of their support to ministry, or even, favored them with their good opinion or their candid construction, I leave it to those who recollect that memorable debate to determine.

The fact is, that neither this Declaration, nor the negotiation which is its subject, could serve any one good purpose, foreign or domestic; it could conduce to no end, either with regard to allies or neutrals. It tends neither to bring back the misled, nor to give courage to the fearful, nor to animate and confirm those who are hearty and zealous in the cause.

I hear it has been said (though I can scarcely believe it) by a distinguished person, in an assembly where, if there be less of the torrent and tempest of eloquence, more guarded expression is to be expected, that, indeed, there was no just ground of hope in this business from the beginning.

It is plain that this noble person, however conversant in negotiation, having been employed in no less than four embassies, and in two hemispheres, and in one of those negotiations having fully experienced what it was to proceed to treaty without previous encouragement, was not at all consulted in this experiment. For his Majesty's principal minister declared, on the very same day, in another House, "his Majesty's deep and sincere regret at its unfortunate and abrupt termination, so different from the wishes and *hopes* that were entertained," — and in other parts of the speech speaks of this abrupt termination as a great disappointment, and as a fall from sincere endeavors and sanguine expectation. Here are, indeed, sentiments diametrically opposite, as to the hopes with which the negotiation was commenced and carried on; and what is curious is, the grounds of the hopes on the one side and the despair on the other are exactly the same. The logical conclusion from the common premises is, indeed, in favor of the noble lord; for they are agreed that the enemy was far from giving the least degree of countenance to any such hopes, and that they proceeded in spite of every discouragement which the enemy had thrown in their way. But there is another material point in which they do not seem to differ: that is to say, the result of the desperate experiment of the noble lord, and of the promising attempt of the great minister, in satisfying the people of England, and in causing discontent to the people of France, — or, as the minister expresses it, "in uniting England and in dividing France."

For my own part, though I perfectly agreed with the noble lord that the attempt was desperate, so desperate, indeed, as to deserve *his* name of an experiment, yet no fair man can possibly doubt that the minister was perfectly sincere in his proceeding, and that, from his ardent wishes for peace with the Regicides, he was led to conceive hopes which were founded rather in his vehement desires than in any rational ground of political speculation. Convinced as I am of this, it had been better, in my humble opinion, that persons of great name and authority had abstained from those topics which had been used to call the minister's sincerity into doubt, and had not adopted the sentiments of the Directory upon the subject of all our negotiations: for the noble lord expressly says that the experiment was made for the satisfaction of the country. The Directory says exactly the same thing. Upon granting, in consequence of our supplications, the passport to Lord Malmesbury, in order to remove all sort of hope from its success, they charged all our previous steps, even to that moment of submissive demand to be admitted to their presence, on duplicity and perfidy, and assumed that the object of all the steps we had taken was that "of justifying the continuance of the war in the eyes of the English nation, and of throwing all the odium of it upon the French." "The English nation" (said

they) “supports impatiently the continuance of the war, and *a reply must be made to its complaints and its reproaches*; the Parliament is about to be opened, and *the mouths of the orators who will declaim against the war must be shut; the demands for new taxes must be justified; and to obtain these results, it is necessary to be able to advance that the French government refuses every reasonable proposition for peace.*” I am sorry that the language of the friends to ministry and the enemies to mankind should be so much in unison.

As to the fact in which these parties are so well agreed, that the experiment ought to have been made for the satisfaction of this country, (meaning the country of England,) it were well to be wished that persons of eminence would cease to make themselves representatives of the people of England, without a letter of attorney, or any other act of procuration. In legal construction, the sense of the people of England is to be collected from the House of Commons; and though I do not deny the possibility of an abuse of this trust as well as any other, yet I think, without the most weighty reasons and in the most urgent exigencies, it is highly dangerous to suppose that the House speaks anything contrary to the sense of the people, or that the representative is silent, when the sense of the constituent, strongly, decidedly, and upon long deliberation, speaks audibly upon any topic of moment. If there is a doubt whether the House of Commons represents perfectly the whole commons of Great Britain, (I think there is none,) there can be no question but that the Lords and the Commons together represent the sense of the whole people to the crown and to the world. Thus it is, when we speak legally and constitutionally. In a great measure it is equally true, when we speak prudentially. But I do not pretend to assert that there are no other principles to guide discretion than those which are or can be fixed by some law or some constitution: yet before the legally presumed sense of the people should be superseded by a supposition of one more real, (as in all cases where a legal presumption is to be ascertained,) some strong proofs ought to exist of a contrary disposition in the people at large, and some decisive indications of their desire upon this subject. There can be no question, that, previously to a direct message from the crown, neither House of Parliament did indicate anything like a wish for such advances as we have made or such negotiations as we have carried on. The Parliament has assented to ministry; it is not ministry that has obeyed the impulse of Parliament. The people at large have their organs through which they can speak to Parliament and to the crown by a respectful petition, and though not with absolute authority, yet with weight, they can instruct their representatives. The freeholders and other electors in this kingdom have another and a surer mode of expressing their sentiments concerning the conduct which is held by members of Parliament. In the middle of these transactions this last opportunity has been held out to them. In all these points of view I positively assert that the people have nowhere and in no way expressed their wish of throwing themselves and their sovereign at the feet of a wicked and

rancorous foe, to supplicate mercy, which, from the nature of that foe, and from the circumstances of affairs, we had no sort of ground to expect. It is undoubtedly the business of ministers very much to consult the inclinations of the people, but they ought to take great care that they do not receive that inclination from the few persons who may happen to approach them. The petty interests of such gentlemen, their low conceptions of things, their fears arising from the danger to which the very arduous and critical situation of public affairs may expose their places, their apprehensions from the hazards to which the discontents of a few popular men at elections may expose their seats in Parliament, — all these causes trouble and confuse the representations which they make to ministers of the real temper of the nation. If ministers, instead of following the great indications of the Constitution, proceed on such reports, they will take the whispers of a cabal for the voice of the people, and the counsels of imprudent timidity for the wisdom of a nation.

I well remember, that, when the fortune of the war began (and it began pretty early) to turn, as it is common and natural, we were dejected by the losses that had been sustained, and with the doubtful issue of the contests that were foreseen. But not a word was uttered that supposed peace upon any proper terms was in our power, or therefore that it should be in our desire. As usual, with or without reason, we criticized the conduct of the war, and compared our fortunes with our measures. The mass of the nation went no further. For I suppose that you always understood me as speaking of that very preponderating part of the nation which had always been equally adverse to the French principles and to the general progress of their Revolution throughout Europe, — considering the final success of their arms and the triumph of their principles as one and the same thing.

The first means that were used, by any one professing our principles, to change the minds of this party upon that subject, appeared in a small pamphlet circulated with considerable industry. It was commonly given to the noble person himself who has passed judgment upon all hopes from negotiation, and justified our late abortive attempt only as an experiment made to satisfy the country; and yet that pamphlet led the way in endeavoring to dissatisfy that very country with the continuance of the war, and to raise in the people the most sanguine expectations from some such course of negotiation as has been fatally pursued. This leads me to suppose (and I am glad to have reason for supposing) that there was no foundation for attributing the performance in question to that author; but without mentioning his name in the title-page, it passed for his, and does still pass uncontradicted. It was entitled, “Some Remarks on the Apparent Circumstances of the War in the Fourth Week of October, 1795.”

This sanguine little king’s-fisher, (not prescient of the storm, as by his instinct he ought to be,) appearing at that uncertain season before the rigs of old Michaelmas were yet well composed, and when the inclement storms of winter were approaching, began to flicker over the seas, and was busy in building its halcyon

nest, as if the angry ocean had been soothed by the genial breath of May. Very unfortunately, this auspice was instantly followed by a speech from the throne in the very spirit and principles of that pamphlet.

I say nothing of the newspapers, which are undoubtedly in the interest, and which are supposed by some to be directly or indirectly under the influence of ministers, and which, with less authority than the pamphlet I speak of, had indeed for some time before held a similar language, in direct contradiction to their more early tone: insomuch that I can speak it with a certain assurance, that very many, who wished to administration as well as you and I do, thought, that, in giving their opinion in favor of this peace, they followed the opinion of ministry; — they were conscious that they did not lead it. My inference, therefore, is this: that the negotiation, whatever its merits may be, in the general principle and policy of undertaking it, is, what every political measure in general ought to be, the sole work of administration; and that, if it was an experiment to satisfy anybody, it was to satisfy those whom the ministers were in the daily habit of condemning, and by whom they were daily condemned, — I mean the *leaders* of the *opposition* in *Parliament*. I am certain that the ministers were then, and are now, invested with the fullest confidence of the major part of the nation, to pursue such measures of peace or war as the nature of things shall suggest as most adapted to the public safety. It is in this light, therefore, as a measure which ought to have been avoided and ought not to be repeated, that I take the liberty of discussing the merits of this system of Regicide negotiations. It is not a matter of light experiment, that leaves us where it found us. Peace or war are the great hinges upon which the very being of nations turns. Negotiations are the means of making peace or preventing war, and are therefore of more serious importance than almost any single event of war can possibly be.

At the very outset, I do not hesitate to affirm, that this country in particular, and the public law in general, have suffered more by this negotiation of experiment than by all the battles together that we have lost from the commencement of this century to this time, when it touches so nearly to its close. I therefore have the misfortune not to coincide in opinion with the great statesman who set on foot a negotiation, as he said, “in spite of the constant opposition he had met with from France.” He admits, “that the difficulty in this negotiation became most seriously increased, indeed, by the situation in which we were placed, and the manner in which alone the enemy would *admit* of a negotiation.” This situation so described, and so truly described, rendered our solicitation not only degrading, but from the very outset evidently hopeless.

I find it asserted, and even a merit taken for it, “that this country surmounted every difficulty of form and etiquette which the enemy had thrown in our way.” An odd way of surmounting a difficulty, by cowering under it! I find it asserted that an heroic resolution had been taken, and avowed in Parliament, previous to this negotiation, “that no consideration of etiquette should stand in the way of it.”

Etiquette, if I understand rightly the term, which in any extent is of modern usage, had its original application to those ceremonial and formal observances practised at courts, which had been established by long usage, in order to preserve the sovereign power from the rude intrusion of licentious familiarity, as well as to preserve majesty itself from a disposition to consult its ease at the expense of its dignity. The term came afterwards to have a greater latitude, and to be employed to signify certain formal methods used in the transactions between sovereign states.

In the more limited, as well as in the larger sense of the term, without knowing what the etiquette is, it is impossible to determine whether it is a vain and captious punctilio, or a form necessary to preserve decorum in character and order in business. I readily admit that nothing tends to facilitate the issue of all public transactions more than a mutual disposition in the parties treating to waive all ceremony. But the use of this temporary suspension of the recognized modes of respect consists in its being mutual, and in the spirit of conciliation in which all ceremony is laid aside. On the contrary, when one of the parties to a treaty intrenches himself up to the chin in these ceremonies, and will not on his side abate a single punctilio, and that all the concessions are upon one side only, the party so conceding does by this act place himself in a relation of inferiority, and thereby fundamentally subverts that equality which is of the very essence of all treaty.

After this formal act of degradation, it was but a matter of course that gross insult should be offered to our ambassador, and that he should tamely submit to it. He found himself provoked to complain of the atrocious libels against his public character and his person which appeared in a paper under the avowed patronage of that government. The Regicide Directory, on this complaint, did not recognize the paper: and that was all. They did not punish, they did not dismiss, they did not even reprimand the writer. As to our ambassador, this total want of reparation for the injury was passed by under the pretence of despising it.

In this but too serious business, it is not possible here to avoid a smile. Contempt is not a thing to be despised. It may be borne with a calm and equal mind, but no man by lifting his head high can pretend that he does not perceive the scorns that are poured down upon him from above. All these sudden complaints of injury, and all these deliberate submissions to it, are the inevitable consequences of the situation in which we had placed ourselves: a situation wherein the insults were such as Nature would not enable us to bear, and circumstances would not permit us to resent.

It was not long, however, after this contempt of contempt upon the part of our ambassador, (who by the way represented his sovereign,) that a new object was furnished for displaying sentiments of the same kind, though the case was infinitely aggravated. Not the ambassador, but the king himself, was libelled and insulted, — libelled, not by a creature of the Directory, but by the Directory itself. At least, so Lord Malmesbury understood it, and so he answered it in his note of the 12th

November, 1796, in which he says,— “With regard to the *offensive and injurious* insinuations which are contained in that paper, and which are only calculated to throw new obstacles in the way of the accommodation which the French government professes to desire, THE KING HAS DEEMED IT FAR BENEATH HIS DIGNITY to permit an answer to be made to them on his part, in any manner whatsoever.”

I am of opinion, that, if his Majesty had kept aloof from that wash and offscouring of everything that is low and barbarous in the world, it might be well thought unworthy of his dignity to take notice of such scurrilities: they must be considered as much the natural expression of that kind of animal as it is the expression of the feelings of a dog to bark. But when the king had been advised to recognize not only the monstrous composition as a sovereign power, but, in conduct, to admit something in it like a superiority, — when the bench of Regicide was made at least coordinate with his throne, and raised upon a platform full as elevated, this treatment could not be passed by under the appearance of despising it. It would not, indeed, have been proper to keep up a war of the same kind; but an immediate, manly, and decided resentment ought to have been the consequence. We ought not to have waited for the disgraceful dismissal of our ambassador. There are cases in which we may pretend to sleep; but the wittol rule has some sense in it, *Non omnibus dormio*. We might, however, have seemed ignorant of the affront; but what was the fact? Did we dissemble or pass it by in silence? When dignity is talked of, a language which I did not expect to hear in such a transaction, I must say, what all the world must feel, that it was not for the king's dignity to notice this insult and not to resent it. This mode of proceeding is formed on new ideas of the correspondence between sovereign powers.

This was far from the only ill effect of the policy of degradation. The state of inferiority in which we were placed, in this vain attempt at treaty, drove us headlong from error into error, and led us to wander far away, not only from all the paths which have been beaten in the old course of political communication between mankind, but out of the ways even of the most common prudence. Against all rules, after we had met nothing but rebuffs in return to all our proposals, we made *two confidential communications* to those in whom we had no confidence and who reposed no confidence in us. What was worse, we were fully aware of the madness of the step we were taking. Ambassadors are not sent to a hostile power, persevering in sentiments of hostility, to make candid, confidential, and amicable communications. Hitherto the world has considered it as the duty of an ambassador in such a situation to be cautious, guarded, dexterous, and circumspect. It is true that mutual confidence and common interest dispense with all rules, smooth the rugged way, remove every obstacle, and make all things plain and level. When, in the last century, Temple and De Witt negotiated the famous Triple Alliance, their candor, their freedom, and the most *confidential* disclosures were the result of true

policy. Accordingly, in spite of all the dilatory forms of the complex government of the United Provinces, the treaty was concluded in three days. It did not take a much longer time to bring the same state (that of Holland) through a still more complicated transaction, — that of the *Grand Alliance*. But in the present case, this unparalleled candor, this unpardonable want of reserve, produced, what might have been expected from it, the most serious evils. It instructed the enemy in the whole plan of our demands and concessions. It made the most fatal discoveries.

And first, it induced us to lay down the basis of a treaty which itself had nothing to rest upon. It seems, we thought we had gained a great point in getting this basis admitted, — that is, a basis of mutual compensation and exchange of conquests. If a disposition to peace, and with any reasonable assurance, had been previously indicated, such a plan of arrangement might with propriety and safety be proposed; because these arrangements were not, in effect, to make the basis, but a part of the superstructure, of the fabric of pacification. The order of things would thus be reversed. The mutual disposition to peace would form the reasonable base, upon which the scheme of compensation upon one side or the other might be constructed. This truly fundamental base being once laid, all differences arising from the spirit of huckstering and barter might be easily adjusted. If the restoration of peace, with a view to the establishment of a fair balance of power in Europe, had been made the real basis of the treaty, the reciprocal value of the compensations could not be estimated according to their proportion to each other, but according to their proportionate relation to that end: to that great end the whole would be subservient. The effect of the treaty would be in a manner secured before the detail of particulars was begun, and for a plain reason, — because the hostile spirit on both sides had been conjured down; but if, in the full fury and unappeased rancor of war, a little traffic is attempted, it is easy to divine what must be the consequence to those who endeavor to open that kind of petty commerce.

To illustrate what I have said, I go back no further than to the two last Treaties of Paris, and to the Treaty of Aix-la-Chapelle, which preceded the first of these two Treaties of Paris by about fourteen or fifteen years. I do not mean here to criticize any of them. My opinions upon some particulars of the Treaty of Paris in 1763 are published in a pamphlet which your recollection will readily bring into your view. I recur to them only to show that their basis had not been, and never could have been, a mere dealing of truck and barter, but that the parties being willing, from common fatigue or common suffering, to put an end to a war the first object of which had either been obtained or despaired of, the lesser objects were not thought worth the price of further contest. The parties understanding one another, so much was given away without considering from whose budget it came, not as the value of the objects, but as the value of peace to the parties might require.

At the last Treaty of Paris, the subjugation of America being despaired of on the part of Great Britain, and the independence of America being looked upon as

secure on the part of France, the main cause of the war was removed; and then the conquests which France had made upon us (for we had made none of importance upon her) were surrendered with sufficient facility. Peace was restored as peace. In America the parties stood as they were possessed. A limit was to be settled, but settled as a limit to secure that peace, and not at all on a system of equivalents, for which, as we then stood with the United States, there were little or no materials.

At the preceding Treaty of Paris, I mean that of 1763, there was nothing at all on which to fix a basis of compensation from reciprocal cession of conquests. They were all on one side. The question with us was not what we were to receive, and on what consideration, but what we were to keep for indemnity or to cede for peace. Accordingly, no place being left for barter, sacrifices were made on our side to peace; and we surrendered to the French their most valuable possessions in the West Indies without any equivalent. The rest of Europe fell soon after into its ancient order; and the German war ended exactly where it had begun.

The Treaty of Aix-la-Chapelle was built upon a similar basis. All the conquests in Europe had been made by France. She had subdued the Austrian Netherlands, and broken open the gates of Holland. We had taken nothing in the West Indies; and Cape Breton was a trifling business indeed. France gave up all for peace. The Allies had given up all that was ceded at Utrecht. Louis the Fourteenth made all, or nearly all, the cessions at Ryswick, and at Nimeguen. In all those treaties, and in all the preceding, as well as in the others which intervened, the question never had been that of barter. The balance of power had been ever assumed as the known common law of Europe at all times and by all powers: the question had only been (as it must happen) on the more or less inclination of that balance.

This general balance was regarded in four principal points of view: the GREAT MIDDLE BALANCE, which comprehended Great Britain, France, and Spain; the BALANCE OF THE NORTH; the BALANCE, external and internal, of GERMANY; and the BALANCE OF ITALY. In all those systems of balance, England was the power to whose custody it was thought it might be most safely committed.

France, as she happened to stand, secured the balance or endangered it. Without question, she had been long the security for the balance of Germany, and, under her auspices, the system, if not formed, had been at least perfected. She was so in some measure with regard to Italy, more than occasionally. She had a clear interest in the balance of the North, and had endeavored to preserve it. But when we began to treat with the present France, or, more properly, to prostrate ourselves to her, and to try if we should be admitted to ransom our allies, upon a system of mutual concession and compensation, we had not one of the usual facilities. For, first, we had not the smallest indication of a desire for peace on the part of the enemy, but rather the direct contrary. Men do not make sacrifices to obtain what they do not desire: and as for the balance of power, it was so far from being admitted by

France, either on the general system, or with regard to the particular systems that I have mentioned, that, in the whole body of their authorized or encouraged reports and discussions upon the theory of the diplomatic system, they constantly rejected the very idea of the balance of power, and treated it as the true cause of all the wars and calamities that had afflicted Europe; and their practice was correspondent to the dogmatic positions they had laid down. The Empire and the Papacy it was their great object to destroy; and this, now openly avowed and steadfastly acted upon, might have been discerned with very little acuteness of sight, from the very first dawnings of the Revolution, to be the main drift of their policy: for they professed a resolution to destroy everything which can hold states together by the tie of opinion.

Exploding, therefore, all sorts of balances, they avow their design to erect themselves into a new description of empire, which is not grounded on any balance, but forms a sort of impious hierarchy, of which France is to be the head and the guardian. The law of this their empire is anything rather than the public law of Europe, the ancient conventions of its several states, or the ancient opinions which assign to them superiority or preëminence of any sort, or any other kind of connection in virtue of ancient relations. They permit, and that is all, the temporary existence of some of the old communities: but whilst they give to these tolerated states this temporary respite, in order to secure them in a condition of real dependence on themselves, they invest them on every side by a body of republics, formed on the model, and dependent ostensibly, as well as substantially, on the will of the mother republic to which they owe their origin. These are to be so many garrisons to check and control the states which are to be permitted to remain on the old model until they are ripe for a change. It is in this manner that France, on her new system, means to form an universal empire, by producing an universal revolution. By this means, forming a new code of communities according to what she calls the natural rights of man and of states, she pretends to secure eternal peace to the world, guarantied by her generosity and justice, which are to grow with the extent of her power. To talk of the balance of power to the governors of such a country was a jargon which they could not understand even through an interpreter. Before men can transact any affair, they must have a common language to speak, and some common, recognized principles on which they can argue; otherwise all is cross purpose and confusion. It was, therefore, an essential preliminary to the whole proceeding, to fix whether the balance of power, the liberties and laws of the Empire, and the treaties of different belligerent powers in past times, when they put an end to hostilities, were to be considered as the basis of the present negotiation.

The whole of the enemy's plan was known when Lord Malmesbury was sent with his scrap of equivalents to Paris. Yet, in this unfortunate attempt at negotiation, instead of fixing these points, and assuming the balance of power and the peace of Europe as the basis to which all cessions on all sides were to be subservient, our solicitor for peace was directed to reverse that order. He was directed to make

mutual concessions, on a mere comparison of their marketable value, the base of treaty. The balance of power was to be thrown in as an inducement, and a sort of make-weight to supply the manifest deficiency, which must stare him and the world in the face, between those objects which he was to require the enemy to surrender and those which he had to offer as a fair equivalent.

To give any force to this inducement, and to make it answer even the secondary purpose of equalizing equivalents having in themselves no natural proportionate value, it supposed that the enemy, contrary to the most notorious fact, did admit this balance of power to be of some value, great or small; whereas it is plain, that, in the enemy's estimate of things, the consideration of the balance of power, as we have said before, was so far from going in diminution of the value of what the Directory was desired to surrender, or of giving an additional price to our objects offered in exchange, that the hope of the utter destruction of that balance became a new motive to the junto of Regicides for preserving, as a means for realizing that hope, what we wished them to abandon.

Thus stood the basis of the treaty, on laying the first stone of the foundation. At the very best, upon our side, the question stood upon a mere naked bargain and sale. Unthinking people here triumphed, when they thought they had obtained it; whereas, when obtained as a basis of a treaty, it was just the worst we could possibly have chosen. As to our offer to cede a most unprofitable, and, indeed, beggarly, chargeable counting-house or two in the East Indies, we ought not to presume that they would consider this as anything else than a mockery. As to anything of real value, we had nothing under heaven to offer, (for which we were not ourselves in a very dubious struggle,) except the island of Martinico only. When this object was to be weighed against the Directorial conquests, merely as an object of a value at market, the principle of barter became perfectly ridiculous: a single quarter in the single city of Amsterdam was worth ten Martinicos, and would have sold for many more years' purchase in any market overt in Europe. How was this gross and glaring defect in the objects of exchange to be supplied? It was to be made up by argument. And what was that argument? The extreme utility of possessions in the West Indies to the augmentation of the naval power of France. A very curious topic of argument to be proposed and insisted on by an ambassador of Great Britain! It is directly and plainly this:— "Come, we know that of all things you wish a naval power, and it is natural you should, who wish to destroy the very sources of the British greatness, to overpower our marine, to destroy our commerce, to eradicate our foreign influence, and to lay us open to an invasion, which at one stroke may complete our servitude and ruin and expunge us from among the nations of the earth. Here I have it in my budget, the infallible arcanum for that purpose. You are but novices in the art of naval resources. Let you have the West Indies back, and your maritime preponderance is secured, for which you would do well to be moderate in your demands upon the Austrian Netherlands."

Under any circumstances, this is a most extraordinary topic of argument; but it is rendered by much the more unaccountable, when we are told, that, if the war has been diverted from the great object of establishing society and good order in Europe by destroying the usurpation in France, this diversion was made to increase the naval resources and power of Great Britain, and to lower, if not annihilate, those of the marine of France. I leave all this to the very serious reflection of every Englishman.

This basis was no sooner admitted than the rejection of a treaty upon that sole foundation was a thing of course. The enemy did not think it worthy of a discussion, as in truth it was not; and immediately, as usual, they began, in the most opprobrious and most insolent manner, to question our sincerity and good faith: whereas, in truth, there was no one symptom wanting of openness and fair dealing. What could be more fair than to lay open to an enemy all that you wished to obtain, and the price you meant to pay for it, and to desire him to imitate your ingenuous proceeding, and in the same manner to open his honest heart to you? Here was no want of fair dealing, but there was too evidently a fault of another kind: there was much weakness, — there was an eager and impotent desire of associating with this unsocial power, and of attempting the connection by any means, however manifestly feeble and ineffectual. The event was committed to chance, — that is, to such a manifestation of the desire of France for peace as would induce the Directory to forget the advantages they had in the system of barter. Accordingly, the general desire for such a peace was triumphantly reported from the moment that Lord Malmesbury had set his foot on shore at Calais.

It has been said that the Directory was compelled against its will to accept the basis of barter (as if that had tended to accelerate the work of pacification!) by the voice of all France. Had this been the case, the Directors would have continued to listen to that voice to which it seems they were so obedient: they would have proceeded with the negotiation upon that basis. But the fact is, that they instantly broke up the negotiation, as soon as they had obliged our ambassador to violate all the principles of treaty, and weakly, rashly, and unguardedly to expose, without any counter proposition, the whole of our project with regard to ourselves and our allies, and without holding out the smallest hope that they would admit the smallest part of our pretensions.

When they had thus drawn from us all that they could draw out, they expelled Lord Malmesbury, and they appealed, for the propriety of their conduct, to that very France which we thought proper to suppose had driven them to this fine concession: and I do not find that in either division of the family of thieves, the younger branch, or the elder, or in any other body whatsoever, there was any indignation excited, or any tumult raised, or anything like the virulence of opposition which was shown to the king's ministers here, on account of that transaction.

Notwithstanding all this, it seems a hope is still entertained that the Directory will have that tenderness for the carcass of their country, by whose very distemper, and on whose festering wounds, like vermin, they are fed, that these pious patriots will of themselves come into a more moderate and reasonable way of thinking and acting. In the name of wonder, what has inspired our ministry with this hope any more than with their former expectations?

Do these hopes only arise from continual disappointment? Do they grow out of the usual grounds of despair? What is there to encourage them, in the conduct or even in the declarations of the ruling powers in France, from the first formation of their mischievous republic to the hour in which I write? Is not the Directory composed of the same junto? Are they not the identical men who, from the base and sordid vices which belonged to their original place and situation, aspired to the dignity of crimes, — and from the dirtiest, lowest, most fraudulent, and most knavish of chicaners, ascended in the scale of robbery, sacrilege, and assassination in all its forms, till at last they had imbrued their impious hands in the blood of their sovereign? Is it from these men that we are to hope for this paternal tenderness to their country, and this sacred regard for the peace and happiness of all nations?

But it seems there is still another lurking hope, akin to that which duped us so egregiously before, when our delightful basis was accepted: we still flatter ourselves that the public voice of France will compel this Directory to more moderation. Whence does this hope arise? What public voice is there in France? There are, indeed, some writers, who, since this monster of a Directory has obtained a great, regular, military force to guard them, are indulged in a sufficient liberty of writing; and some of them write well, undoubtedly. But the world knows that in France there is no public, — that the country is composed but of two descriptions, audacious tyrants and trembling slaves. The contests between the tyrants is the only vital principle that can be discerned in France. The only thing which there appears like spirit is amongst their late associates, and fastest friends of the Directory, — the more furious and untamable part of the Jacobins. This discontented member of the faction does almost balance the reigning divisions, and it threatens every moment to predominate. For the present, however, the dread of their fury forms some sort of security to their fellows, who now exercise a more regular and therefore a somewhat less ferocious tyranny. Most of the slaves choose a quiet, however reluctant, submission to those who are somewhat satiated with blood, and who, like wolves, are a little more tame from being a little less hungry, in preference to an irruption of the famished devourers who are prowling and howling about the fold.

This circumstance assures some degree of permanence to the power of those whom we know to be permanently our rancorous and implacable enemies. But to those very enemies who have sworn our destruction we have ourselves given a further and far better security, by rendering the cause of the royalists desperate.

Those brave and virtuous, but unfortunate adherents to the ancient Constitution of their country, after the miserable slaughters which have been made in that body, after all their losses by emigration, are still numerous, but unable to exert themselves against the force of the usurpation evidently countenanced and upheld by those very princes who had called them to arm for the support of the legal monarchy. Where, then, after chasing these fleeting hopes of ours from point to point of the political horizon, are they at last really found? Not where, under Providence, the hopes of Englishmen used to be placed, in our own courage and in our own virtues, but in the moderation and virtue of the most atrocious monsters that have ever disgraced and plagued mankind.

The only excuse to be made for all our mendicant diplomacy is the same as in the case of all other mendicancy, namely, that it has been founded on absolute necessity. This deserves consideration. Necessity, as it has no law, so it has no shame. But moral necessity is not like metaphysical, or even physical. In that category it is a word of loose signification, and conveys different ideas to different minds. To the low-minded, the slightest necessity becomes an invincible necessity. "The slothful man saith, There is a lion in the way, and I shall be devoured in the streets." But when the necessity pleaded is not in the nature of things, but in the vices of him who alleges it, the whining tones of commonplace beggarly rhetoric produce nothing but indignation: because they indicate a desire of keeping up a dishonorable existence, without utility to others, and without dignity to itself; because they aim at obtaining the dues of labor without industry, and by frauds would draw from the compassion of others what men ought to owe to their own spirit and their own exertions.

I am thoroughly satisfied, that, if we degrade ourselves, it is the degradation which will subject us to the yoke of necessity, and not that it is necessity which has brought on our degradation. In this same chaos, where light and darkness are struggling together, the open subscription of last year, with all its circumstances, must have given us no little glimmering of hope: not (as I have heard it was vainly discoursed) that the loan could prove a crutch to a lame negotiation abroad, and that the whiff and wind of it must at once have disposed the enemies of all tranquillity to a desire for peace. Judging on the face of facts, if on them it had any effect at all, it had the direct contrary effect; for very soon after the loan became public at Paris, the negotiation ended, and our ambassador was ignominiously expelled. My view of this was different: I liked the loan, not from the influence which it might have on the enemy, but on account of the temper which it indicated in our own people. This alone is a consideration of any importance; because all calculation formed upon a supposed relation of the habitudes of others to our own, under the present circumstances, is weak and fallacious. The adversary must be judged, not by what we are, or by what we wish him to be, but by what we must know he actually is: unless we choose to shut our eyes and our ears to the uniform tenor of all his

discourses, and to his uniform course in all his actions. We may be deluded; but we cannot pretend that we have been disappointed. The old rule of *Ne te quæsiveris extra* is a precept as available in policy as it is in morals. Let us leave off speculating upon the disposition and the wants of the enemy. Let us descend into our own bosoms; let us ask ourselves what are our duties, and what are our means of discharging them. In what heart are you at home? How far may an English minister confide in the affections, in the confidence, in the force of an English people? What does he find us, when he puts us to the proof of what English interest and English honor demand? It is as furnishing an answer to these questions that I consider the circumstances of the loan. The effect on the enemy is not in what he may speculate on our resources, but in what he shall feel from our arms.

The circumstances of the loan have proved beyond a doubt three capital points, which, if they are properly used, may be advantageous to the future liberty and happiness of mankind. In the first place, the loan demonstrates, in regard to instrumental resources, the competency of this kingdom to the assertion of the common cause, and to the maintenance and superintendence of that which it is its duty and its glory to hold and to watch over, — the balance of power throughout the Christian world. Secondly, it brings to light what, under the most discouraging appearances, I always reckoned on: that, with its ancient physical force, not only unimpaired, but augmented, its ancient spirit is still alive in the British nation. It proves that for their application there is a spirit equal to the resources, for its energy above them. It proves that there exists, though not always visible, a spirit which never fails to come forth, whenever it is ritually invoked, — a spirit which will give no equivocal response, but such as will hearten the timidity and fix the irresolution of hesitating prudence, — a spirit which will be ready to perform all the tasks that shall be imposed upon it by public honor. Thirdly, the loan displays an abundant confidence in his Majesty's government, as administered by his present servants, in the prosecution of a war which the people consider, not as a war made on the suggestion of ministers, and to answer the purposes of the ambition or pride of statesmen, but as a war of their own, and in defence of that very property which they expend for its support, — a war for that order of things from which everything valuable that they possess is derived, and in which order alone it can possibly be maintained.

I hear, in derogation of the value of the fact from which I draw inferences so favorable to the spirit of the people and to its just expectation from ministers, that the eighteen million loan is to be considered in no other light than as taking advantage of a very lucrative bargain held out to the subscribers. I do not in truth believe it. All the circumstances which attended the subscription strongly spoke a different language. Be it, however, as these detractors say. This with me derogates little, or rather nothing at all, from the political value and importance of the fact. I should be very sorry, if the transaction was not such a bargain; otherwise it would

not have been a fair one. A corrupt and improvident loan, like everything else corrupt or prodigal, cannot be too much condemned; but there is a short-sighted parsimony still more fatal than an unforeseeing expense. The value of money must be judged, like everything else, from its rate at market. To force that market, or any market, is of all things the most dangerous. For a small temporary benefit, the spring of all public credit might be relaxed forever. The moneyed men have a right to look to advantage in the investment of their property. To advance their money, they risk it; and the risk is to be included in the price. If they were to incur a loss, that loss would amount to a tax on that peculiar species of property. In effect, it would be the most unjust and impolitic of all things, — unequal taxation. It would throw upon one description of persons in the community that burden which ought by fair and equitable distribution to rest upon the whole. None on account of their dignity should be exempt; none (preserving due proportion) on account of the scantiness of their means. The moment a man is exempted from the maintenance of the community, he is in a sort separated from it, — he loses the place of a citizen.

So it is in all *taxation*. But in a *bargain*, when terms of loss are looked for by the borrower from the lender, compulsion, or what virtually is compulsion, introduces itself into the place of treaty. When compulsion may be at all used by a state in borrowing the occasion must determine. But the compulsion ought to be known, and well defined, and well distinguished; for otherwise treaty only weakens the energy of compulsion, while compulsion destroys the freedom of a bargain. The advantage of both is lost by the confusion of things in their nature utterly unsociable. It would be to introduce compulsion into that in which freedom and existence are the same: I mean credit. The moment that shame or fear or force are directly or indirectly applied to a loan, credit perishes.

There must be some impulse, besides public spirit, to put private interest into motion along with it. Moneyed men ought to be allowed to set a value on their money: if they did not, there could be no moneyed men. This desire of accumulation is a principle without which the means of their service to the state could not exist. The love of lucre, though sometimes carried to a ridiculous, sometimes to a vicious excess, is the grand cause of prosperity to all states. In this natural, this reasonable, this powerful, this prolific principle, it is for the satirist to expose the ridiculous, — it is for the moralist to censure the vicious, — it is for the sympathetic heart to reprobate the hard and cruel, — it is for the judge to animadvert on the fraud, the extortion, and the oppression; but it is for the statesman to employ it as he finds it, with all its concomitant excellencies, with all its imperfections on its head. It is his part, in this case, as it is in all other cases, where he is to make use of the general energies of Nature, to take them as he finds them.

After all, it is a great mistake to imagine, as too commonly, almost indeed generally, it is imagined, that the public borrower and the private lender are two

adverse parties, with different and contending interests, and that what is given to the one is wholly taken from the other. Constituted as our system of finance and taxation is, the interests of the contracting parties cannot well be separated, whatever they may reciprocally intend. He who is the hard lender of to-day to-morrow is the generous contributor to his own payment. For example, the last loan is raised on public taxes, which are designed to produce annually two millions sterling. At first view, this is an annuity of two millions dead charge upon the public in favor of certain moneyed men; but inspect the thing more nearly, follow the stream in its meanders, and you will find that there is a good deal of fallacy in this state of things.

I take it, that whoever considers any man's expenditure of his income, old or new, (I speak of certain classes in life,) will find a full third of it to go in taxes, direct or indirect. If so, this new-created income of two millions will probably furnish 665,000*l*. (I avoid broken numbers) towards the payment of its own interest, or to the sinking of its own capital. So it is with the whole of the public debt. Suppose it any given sum, it is a fallacious estimate of the affairs of a nation to consider it as a mere burden. To a degree it is so without question, but not wholly so, nor anything like it. If the income from the interest be spent, the above proportion returns again into the public stock; insomuch that, taking the interest of the whole debt to be twelve million three hundred thousand pound, (it is something more,) not less than a sum of four million one hundred thousand pound comes back again to the public through the channel of imposition. If the whole or any part of that income be saved, so much new capital is generated, — the infallible operation of which is to lower the value of money, and consequently to conduce towards the improvement of public credit.

I take the expenditure of the *capitalist*, not the value of the capital, as my standard; because it is the standard upon which, amongst us, property, as an object of taxation, is rated. In this country, land and offices only excepted, we raise no faculty tax. We preserve the faculty from the expense. Our taxes, for the far greater portion, fly over the heads of the lowest classes. They escape too, who, with better ability, voluntarily subject themselves to the harsh discipline of a rigid necessity. With us, labor and frugality, the parents of riches, are spared, and wisely too. The moment men cease to augment the common stock, the moment they no longer enrich it by their industry or their self-denial, their luxury and even their ease are obliged to pay contribution to the public; not because they are vicious principles, but because they are unproductive. If, in fact, the interest paid by the public had not thus revolved again into its own fund, if this secretion had not again been absorbed into the mass of blood, it would have been impossible for the nation to have existed to this time under such a debt. But under the debt it does exist and flourish; and this flourishing state of existence in no small degree is owing to the contribution from the debt to the payment. Whatever, therefore, is taken from that capital by too close

a bargain is but a delusive advantage: it is so much lost to the public in another way. This matter cannot, on the one side or the other, be metaphysically pursued to the extreme; but it is a consideration of which, in all discussions of this kind, we ought never wholly to lose sight.

It is never, therefore, wise to quarrel with the interested views of men, whilst they are combined with the public interest and promote it: it is our business to tie the knot, if possible, closer. Resources that are derived from extraordinary virtues, as such virtues are rare, so they must be unproductive. It is a good thing for a moneyed man to pledge his property on the welfare of his country: he shows that he places his treasure where his heart is; and revolving in this circle, we know, that, “wherever a man’s treasure is, there his heart will be also.” For these reasons, and on these principles, I have been sorry to see the attempts which have been made, with more good meaning than foresight and consideration, towards raising the annual interest of this loan by private contributions. Wherever a regular revenue is established, there voluntary contribution can answer no purpose but to disorder and disturb it in its course. To recur to such aids is, for so much, to dissolve the community, and to return to a state of unconnected Nature. And even if such a supply should be productive in a degree commensurate to its object, it must also be productive of much vexation and much oppression. Either the citizens by the proposed duties pay their proportion according to some rate made by public authority, or they do not. If the law be well made, and the contributions founded on just proportions, everything superadded by something that is not as regular as law, and as uniform in its operation, will become more or less out of proportion. If, on the contrary, the law be not made upon proper calculation, it is a disgrace to the public; wisdom, which fails in skill to assess the citizen in just measure and according to his means. But the hand of authority is not always the most heavy hand. It is obvious that men may be oppressed by many ways besides those which take their course from the supreme power of the state. Suppose the payment to be wholly discretionary. Whatever has its origin in caprice is sure not to improve in its progress, nor to end in reason. It is impossible for each private individual to have any measure conformable to the particular condition of each of his fellow-citizens, or to the general exigencies of his country. ’Tis a random shot at best.

When men proceed in this irregular mode, the first contributor is apt to grow peevish with his neighbors. He is but too well disposed to measure their means by his own envy, and not by the real state of their fortunes, which he can rarely know, and which it may in them be an act of the grossest imprudence to reveal. Hence the odium and lassitude with which people will look upon a provision for the public which is bought by discord at the expense of social quiet. Hence the bitter heart-burnings, and the war of tongues, which is so often the prelude to other wars. Nor is it every contribution, called voluntary, which is according to the free will of the giver. A false shame, or a false glory, against his feelings and his judgment, may tax

an individual to the detriment of his family and in wrong of his creditors. A pretence of public spirit may disable him from the performance of his private duties; it may disable him even from paying the legitimate contributions which he is to furnish according to the prescript of law. But what is the most dangerous of all is that malignant disposition to which this mode of contribution evidently tends, and which at length leaves the comparatively indigent to judge of the wealth, and to prescribe to the opulent, or those whom they conceive to be such, the use they are to make of their fortunes. From thence it is but one step to the subversion of all property.

Far, very far, am I from supposing that such things enter into the purposes of those excellent persons whose zeal has led them to this kind of measure; but the measure itself will lead them beyond their intention, and what is begun with the best designs bad men will perversely improve to the worst of their purposes. An ill-founded plausibility in great affairs is a real evil. In France we have seen the wickedest and most foolish of men, the constitution-mongers of 1789, pursuing this very course, and ending in this very event. These projectors of deception set on foot two modes of voluntary contribution to the state. The first they called patriotic gifts. These, for the greater part, were not more ridiculous in the mode than contemptible in the project. The other, which they called the patriotic contribution, was expected to amount to a fourth of the fortunes of individuals, but at their own will and on their own estimate; but this contribution threatening to fall infinitely short of their hopes, they soon made it compulsory, both in the rate and in the levy, beginning in fraud, and ending, as all the frauds of power end, in plain violence. All these devices to produce an involuntary will were under the pretext of relieving the more indigent classes; but the principle of voluntary contribution, however delusive, being once established, these lower classes first, and then all classes, were encouraged to throw off the regular, methodical payments to the state, as so many badges of slavery. Thus all regular revenue failing, these impostors, raising the superstructure on the same cheats with which they had laid the foundation of their greatness, and not content with a portion of the possessions of the rich, confiscated the whole, and, to prevent them from reclaiming their rights, murdered the proprietors. The whole of the process has passed before our eyes, and been conducted, indeed, with a greater degree of rapidity than could be expected.

My opinion, then, is, that public contributions ought only to be raised by the public will. By the judicious form of our Constitution, the public contribution is in its name and substance a grant. In its origin it is truly voluntary: not voluntary according to the irregular, unsteady, capricious will of individuals, but according to the will and wisdom of the whole popular mass, in the only way in which will and wisdom can go together. This voluntary grant obtaining in its progress the force of a law, a general necessity, which takes away all merit, and consequently all jealousy from individuals, compresses, equalizes, and satisfies the whole, suffering no man to

judge of his neighbor or to arrogate anything to himself. If their will complies with their obligation, the great end is answered in the happiest mode; if the will resists the burden, every one loses a great part of his own will as a common lot. After all, perhaps, contributions raised by a charge on luxury, or that degree of convenience which approaches so near as to be confounded with luxury, is the only mode of contribution which may be with truth termed voluntary.

I might rest here, and take the loan I speak of as leading to a solution of that question which I proposed in my first letter: "Whether the inability of the country to prosecute the war did necessitate a submission to the indignities and the calamities of a peace with the Regicide power?" But give me leave to pursue this point a little further.

I know that it has been a cry usual on this occasion, as it has been upon occasions where such a cry could have less apparent justification, that great distress and misery have been the consequence of this war, by the burdens brought and laid upon the people. But to know where the burden really lies, and where it presses, we must divide the people. As to the common people, their stock is in their persons and in their earnings. I deny that the stock of their persons is diminished in a greater proportion than the common sources of populousness abundantly fill up: I mean constant employment; proportioned pay according to the produce of the soil, and, where the soil fails, according to the operation of the general capital; plentiful nourishment to vigorous labor; comfortable provision to decrepit age, to orphan infancy, and to accidental malady. I say nothing to the policy of the provision for the poor, in all the variety of faces under which it presents itself. This is the matter of another inquiry. I only just speak of it as of a fact, taken with others, to support me in my denial that hitherto any one of the ordinary sources of the increase of mankind is dried up by this war. I affirm, what I can well prove, that the waste has been less than the supply. To say that in war no man must be killed is to say that there ought to be no war. This they may say who wish to talk idly, and who would display their humanity at the expense of their honesty or their understanding. If more lives are lost in this war than necessity requires, they are lost by misconduct or mistake: but if the hostility be just, the error is to be corrected, the war is not to be abandoned.

That the stock of the common people, in numbers, is not lessened, any more than the causes are impaired, is manifest, without being at the pains of an actual numeration. An improved and improving agriculture, which implies a great augmentation of labor, has not yet found itself at a stand, no, not for a single moment, for want of the necessary hands, either in the settled progress of husbandry or in the occasional pressure of harvests. I have even reason to believe that there has been a much smaller importation, or the demand of it, from a neighboring kingdom, than in former times, when agriculture was more limited in its extent and its means, and when the time was a season of profound peace. On the

contrary, the prolific fertility of country life has poured its superfluity of population into the canals, and into other public works, which of late years have been undertaken to so amazing an extent, and which have not only not been discontinued, but, beyond all expectation, pushed on with redoubled vigor, in a war that calls for so many of our men and so much of our riches. An increasing capital calls for labor, and an increasing population answers to the call. Our manufactures, augmented both for the supply of foreign and domestic consumption, reproducing, with the means of life, the multitudes which they use and waste, (and which many of them devour much more surely and much more largely than the war,) have always found the laborious hand ready for the liberal pay. That the price of the soldier is highly raised is true. In part this rise may be owing to some measures not so well considered in the beginning of this war; but the grand cause has been the reluctance of that class of people from whom the soldiery is taken to enter into a military life, — not that, but, once entered into, it has its conveniences, and even its pleasures. I have seldom known a soldier who, at the intercession of his friends, and at their no small charge, had been redeemed from that discipline, that in a short time was not eager to return to it again. But the true reason is the abundant occupation and the augmented stipend found in towns and villages and farms, which leaves a smaller number of persons to be disposed of. The price of men for new and untried ways of life must bear a proportion to the profits of that mode of existence from whence they are to be bought.

So far as to the stock of the common people, as it consists in their persons. As to the other part, which consists in their earnings, I have to say, that the rates of wages are very greatly augmented almost through the kingdom. In the parish where I live it has been raised from seven to nine shillings in the week, for the same laborer, performing the same task, and no greater. Except something in the malt taxes and the duties upon sugars, I do not know any one tax imposed for very many years past which affects the laborer in any degree whatsoever; while, on the other hand, the tax upon houses not having more than seven windows (that is, upon cottages) was repealed the very year before the commencement of the present war. On the whole, I am satisfied that the humblest class, and that class which touches the most nearly on the lowest, out of which it is continually emerging, and to which it is continually falling, receives far more from public impositions than it pays. That class receives two million sterling annually from the classes above it. It pays to no such amount towards any public contribution.

I hope it is not necessary for me to take notice of that language, so ill suited to the persons to whom it has been attributed, and so unbecoming the place in which it is said to have been uttered, concerning the present war as the cause of the high price of provisions during the greater part of the year 1796. I presume it is only to be ascribed to the intolerable license with which the newspapers break not only the rules of decorum in real life, but even the dramatic decorum, when they personate

great men, and, like bad poets, make the heroes of the piece talk more like us Grub-Street scribblers than in a style consonant to persons of gravity and importance in the state. It was easy to demonstrate the cause, and the sole cause, of that rise in the grand article and first necessary of life. It would appear that it had no more connection with the war than the moderate price to which all sorts of grain were reduced, soon after the return of Lord Malmesbury, had with the state of politics and the fate of his Lordship's treaty. I have quite as good reason (that is, no reason at all) to attribute this abundance to the longer continuance of the war as the gentlemen who personate leading members of Parliament have had for giving the enhanced price to that war, at a more early period of its duration. Oh, the folly of us poor creatures, who, in the midst of our distresses or our escapes, are ready to claw or caress one another, upon matters that so seldom depend on our wisdom or our weakness, on our good or evil conduct towards each other!

An untimely shower or an unseasonable drought, a frost too long continued or too suddenly broken up with rain and tempest, the blight of the spring or the smut of the harvest will do more to cause the distress of the belly than all the contrivances of all statesmen can do to relieve it. Let government protect and encourage industry, secure property, repress violence, and discountenance fraud, it is all that they have to do. In other respects, the less they meddle in these affairs, the better; the rest is in the hands of our Master and theirs. We are in a constitution of things wherein "*modo sol nimius, modo corripit imber.*" — But I will push this matter no further. As I have said a good deal upon it at various times during my public service, and have lately written something on it, which may yet see the light, I shall content myself now with observing that the vigorous and laborious class of life has lately got, from the *bon-ton* of the humanity of this day, the name of the "*laboring poor.*" We have heard many plans for the relief of the "*laboring poor.*" This puling jargon is not as innocent as it is foolish. In meddling with great affairs, weakness is never innoxious. Hitherto the name of poor (in the sense in which it is used to excite compassion) has not been used for those who can, but for those who cannot labor, — for the sick and infirm, for orphan infancy, for languishing and decrepit age; but when we affect to pity, as poor, those who must labor or the world cannot exist, we are trifling with the condition of mankind. It is the common doom of man, that he must eat his bread by the sweat of his brow, — that is, by the sweat of his body or the sweat of his mind. If this toil was inflicted as a curse, it is, as might be expected, from the curses of the Father of all blessings; it is tempered with many alleviations, many comforts. Every attempt to fly from it, and to refuse the very terms of our existence, becomes much more truly a curse; and heavier pains and penalties fall upon those who would elude the tasks which are put upon them by the great Master Workman of the world, who, in His dealings with His creatures, sympathizes with their weakness, and, speaking of a creation wrought by mere will out of nothing, speaks of six days of *labor* and one of *rest*. I do not call a healthy young man,

cheerful in his mind and vigorous in his arms, I cannot call such a man *poor*; I cannot pity my kind as a kind, merely because they are men. This affected pity only tends to dissatisfy them with their condition, and to teach them to seek resources where no resources are to be found, in something else than their own industry and frugality and sobriety. Whatever may be the intention (which, because I do not know, I cannot dispute) of those who would discontent mankind by this strange pity, they act towards us, in the consequences, as if they were our worst enemies.

In turning our view from the lower to the higher classes, it will not be necessary for me to show at any length that the stock of the latter, as it consists in their numbers, has not yet suffered any material diminution. I have not seen or heard it asserted; I have no reason to believe it: there is no want of officers, that I have ever understood, for the new ships which we commission, or the new regiments which we raise. In the nature of things, it is not with their persons that the higher classes principally pay their contingent to the demands of war. There is another, and not less important part, which rests with almost exclusive weight upon them. They furnish the means

“how War may, best upheld,
Move by her two main nerves, iron and gold,
In all her equipage.”

Not that they are exempt from contributing also by their personal service in the fleets and armies of their country. They do contribute, and in their full and fair proportion, according to the relative proportion of their numbers in the community. They contribute all the mind that actuates the whole machine. The fortitude required of them is very different from the unthinking alacrity of the common soldier or common sailor in the face of danger and death: it is not a passion, it is not an impulse, it is not a sentiment; it is a cool, steady, deliberate principle, always present, always equable, — having no connection with anger, — tempering honor with prudence, — incited, invigorated, and sustained by a generous love of fame, — informed, moderated, and directed by an enlarged knowledge of its own great public ends, — flowing in one blended stream from the opposite sources of the heart and the head, — carrying in itself its own commission, and proving its title to every other command by the first and most difficult command, that of the bosom in which it resides: it is a fortitude which unites with the courage of the field the more exalted and refined courage of the council, — which knows as well to retreat as to advance, — which can conquer as well by delay as by the rapidity of a march or the impetuosity of an attack, — which can be, with Fabius, the black cloud that lowers on the tops of the mountains, or, with Scipio, the thunderbolt of war, — which, undismayed by false shame, can patiently endure the severest trial that a gallant spirit can undergo, in the taunts and provocations of the enemy, the suspicions, the

cold respect, and “mouth honor” of those from whom it should meet a cheerful obedience, — which, undisturbed by false humanity, can calmly assume that most awful moral responsibility of deciding when victory may be too dearly purchased by the loss of a single life, and when the safety and glory of their country may demand the certain sacrifice of thousands. Different stations of command may call for different modifications of this fortitude, but the character ought to be the same in all. And never, in the most “palmy state” of our martial renown, did it shine with brighter lustre than in the present sanguinary and ferocious hostilities, wherever the British arms have been carried. But in this most arduous and momentous conflict, which from its nature should have roused us to new and unexampled efforts, I know not how it has been that we have never put forth half the strength which we have exerted in ordinary wars. In the fatal battles which have drenched the Continent with blood and shaken the system of Europe to pieces, we have never had any considerable army, of a magnitude to be compared to the least of those by which in former times we so gloriously asserted our place as protectors, not oppressors, at the head of the great commonwealth of Europe. We have never manfully met the danger in front; and when the enemy, resigning to us our natural dominion of the ocean, and abandoning the defence of his distant possessions to the infernal energy of the destroying principles which he had planted there for the subversion of the neighboring colonies, drove forth, by one sweeping law of unprecedented despotism, his armed multitudes on every side, to overwhelm the countries and states which had for centuries stood the firm barriers against the ambition of France, we drew back the arm of our military force, which had never been more than half raised to oppose him. From that time we have been combating only with the other arm of our naval power, — the right arm of England, I admit, — but which struck almost unresisted, with blows that could never reach the heart of the hostile mischief. From that time, without a single effort to regain those outworks which ever till now we so strenuously maintained, as the strong frontier of our own dignity and safety no less than the liberties of Europe, — with but one feeble attempt to succor those brave, faithful, and numerous allies, whom, for the first time since the days of our Edwards and Henrys, we now have in the bosom of France itself, — we have been intrenching and fortifying and garrisoning ourselves at home, we have been redoubling security on security to protect ourselves from invasion, which has now first become to us a serious object of alarm and terror. Alas! the few of us who have protracted life in any measure near to the extreme limits of our short period have been condemned to see strange things, — new systems of policy, new principles, and not only new men, but what might appear a new species of men. I believe that any person who was of age to take a part in public affairs forty years ago (if the intermediate space of time were expunged from his memory) would hardly credit his senses, when he should hear from the highest authority that an army of two hundred thousand men was kept up in this island, and

that in the neighboring island there were at least fourscore thousand more. But when he had recovered from his surprise on being told of this army, which has not its parallel, what must be his astonishment to be told again that this mighty force was kept up for the mere purpose of an inert and passive defence, and that in its far greater part it was disabled by its constitution and very essence from defending us against an enemy by any one preventive stroke or any one operation of active hostility? What must his reflections be, on learning further, that a fleet of five hundred men of war, the best appointed, and to the full as ably commanded as this country ever had upon the sea, was for the greater part employed in carrying on the same system of unenterprising defence? What must be the sentiments and feelings of one who remembers the former energy of England, when he is given to understand that these two islands, with their extensive and everywhere vulnerable coast, should be considered as a garrisoned sea-town? What would such a man, what would any man think, if the garrison of so strange a fortress should be such, and so feebly commanded, as never to make a sally, — and that, contrary to all which has hitherto been seen in war, an infinitely inferior army, with the shattered relics of an almost annihilated navy, ill-found and ill-manned, may with safety besiege this superior garrison, and, without hazarding the life of a man, ruin the place, merely by the menaces and false appearances of an attack? Indeed, indeed, my dear friend, I look upon this matter of our defensive system as much the most important of all considerations at this moment. It has oppressed me with many anxious thoughts, which, more than any bodily distemper, have sunk me to the condition in which you know that I am. Should it please Providence to restore to me even the late weak remains of my strength, I propose to make this matter the subject of a particular discussion. I only mean here to argue, that the mode of conducting the war on our part, be it good or bad, has prevented even the common havoc of war in our population, and especially among that class whose duty and privilege of superiority it is to lead the way amidst the perils and slaughter of the field of battle.

The other causes which sometimes affect the numbers of the lower classes, but which I have shown not to have existed to any such degree during this war, — penury, cold, hunger, nakedness, — do not easily reach the higher orders of society. I do not dread for them the slightest taste of these calamities from the distress and pressure of the war. They have much more to dread in that way from the confiscations, the rapines, the burnings, and the massacres that may follow in the train of a peace which shall establish the devastating and depopulating principles and example of the French Regicides in security and triumph and dominion. In the ordinary course of human affairs, any check to population among men in ease and opulence is less to be apprehended from what they may suffer than from what they enjoy. Peace is more likely to be injurious to them in that respect than war. The excesses of delicacy, repose, and satiety are as unfavorable as the extremes of

hardship, toil, and want to the increase and multiplication of our kind. Indeed, the abuse of the bounties of Nature, much more surely than any partial privation of them, tends to intercept that precious boon of a second and dearer life in our progeny, which was bestowed in the first great command to man from the All-Gracious Giver of all, — whose name be blessed, whether He gives or takes away! His hand, in every page of His book, has written the lesson of moderation. Our physical well-being, our moral worth, our social happiness, our political tranquillity, all depend on that control of all our appetites and passions which the ancients designed by the cardinal virtue of *temperance*.

The only real question to our present purpose, with regard to the higher classes, is, How stands the account of their stock, as it consists in wealth of every description? Have the burdens of the war compelled them to curtail any part of their former expenditure? — which, I have before observed, affords the only standard of estimating property as an object of taxation. Do they enjoy all the same conveniences, the same comforts, the same elegancies, the same luxuries, in the same or in as many different modes as they did before the war?

In the last eleven years there have been no less than three solemn inquiries into the finances of the kingdom, by three different committees of your House. The first was in the year 1786. On that occasion, I remember, the report of the committee was examined, and sifted and bolted to the bran, by a gentleman whose keen and powerful talents I have ever admired. He thought there was not sufficient evidence to warrant the pleasing representation which the committee had made of our national prosperity. He did not believe that our public revenue could continue to be so productive as they had assumed. He even went the length of recording his own inferences of doubt in a set of resolutions which now stand upon your journals. And perhaps the retrospect on which the report proceeded did not go far enough back to allow any sure and satisfactory average for a ground of solid calculation. But what was the event? When the next committee sat, in 1791, they found, that, on an average of the last four years, their predecessors had fallen short, in their estimate of the permanent taxes, by more than three hundred and forty thousand pounds a year. Surely, then, if I can show, that, in the produce of those same taxes, and more particularly of such as affect articles of luxurious use and consumption, the four years of the war have equalled those four years of peace, flourishing as they were beyond the most sanguine speculations, I may expect to hear no more of the distress occasioned by the war.

The additional burdens which have been laid on some of those same articles might reasonably claim some allowance to be made. Every new advance of the price to the consumer is a new incentive to him to retrench the quantity of his consumption; and if, upon the whole, he pays the same, his property, computed by the standard of what he voluntarily pays, must remain the same. But I am willing to forego that fair advantage in the inquiry. I am willing that the receipts of the

permanent taxes which existed before January, 1793, should be compared during the war, and during the period of peace which I have mentioned. I will go further. Complete accounts of the year 1791 were separately laid before your House. I am ready to stand by a comparison of the produce of four years up to the beginning of the year 1792 with that of the war. Of the year immediately previous to hostilities I have not been able to obtain any perfect documents; but I have seen enough to satisfy me, that, although a comparison including that year might be less favorable, yet it would not essentially injure my argument.

You will always bear in mind, my dear Sir, that I am not considering whether, if the common enemy of the quiet of Europe had not forced us to take up arms in our own defence, the spring-tide of our prosperity might not have flowed higher than the mark at which it now stands. That consideration is connected with the question of the justice and the necessity of the war. It is a question which I have long since discussed. I am now endeavoring to ascertain whether there exists, in fact, any such necessity as we hear every day asserted, to furnish a miserable pretext for counselling us to surrender at discretion our conquests, our honor, our dignity, our very independence, and, with it, all that is dear to man. It will be more than sufficient for that purpose, if I can make it appear that we have been stationary during the war. What, then, will be said, if, in reality, it shall be proved that there is every indication of increased and increasing wealth, not only poured into the grand reservoir of the national capital, but diffused through all the channels of all the higher classes, and giving life and activity, as it passes, to the agriculture, the manufactures, the commerce, and the navigation of the country?

The Finance Committee which has been appointed in this session has already made two reports. Every conclusion that I had before drawn, as you know, from my own observation, I have the satisfaction of seeing there confirmed by that great public authority. Large as was the sum by which the committee of 1791 found the estimate of 1786 to have been exceeded in the actual produce of four years of peace, their own estimate has been exceeded during the war by a sum more than one third larger. The same taxes have yielded more than half a million beyond their calculation. They yielded this, notwithstanding the stoppage of the distilleries, against which, you may remember, I privately remonstrated. With an allowance for that defalcation, they have yielded sixty thousand pounds annually above the actual average of the preceding four years of peace. I believe this to have been without parallel in all former wars. If regard be had to the great and unavoidable burdens of the present war, I am confident of the fact.

But let us descend to particulars. The taxes which go by the general name of Assessed Taxes comprehend the whole, or nearly the whole, domestic establishment of the rich. They include some things which belong to the middling, and even to all but the very lowest classes. They now consist of the duties on houses and windows, on male servants, horses, and carriages. They did also extend to cottages, to female

servants, wagons, and carts used in husbandry, previous to the year 1792, — when, with more enlightened policy, at the moment that the possibility of war could not be out of the contemplation of any statesman, the wisdom of Parliament confined them to their present objects. I shall give the gross assessment for five years, as I find it in the Appendix to the Second Report of your committee.

1791 ending 5th April 1792 £1,706,334
1792 1793 1,585,991
1793 1794 1,597,623
1794 1795 1,608,196
1795 1796 1,625,874

Here will be seen a gradual increase during the whole progress of the war; and if I am correctly informed, the rise in the last year, after every deduction that can be made, affords the most consoling and encouraging prospect. It is enormously out of all proportion.

There are some other taxes which seem to have a reference to the same general head. The present minister many years ago subjected bricks and tiles to a duty under the excise. It is of little consequence to our present consideration, whether these materials have been employed in building more commodious, more elegant, and more magnificent habitations, or in enlarging, decorating, and remodelling those which sufficed for our plainer ancestors. During the first two years of the war, they paid so largely to the public revenue, that in 1794 a new duty was laid upon them, which was equal to one half of the old, and which has produced upwards of 165,000*l.* in the last three years. Yet, notwithstanding the pressure of this additional weight, there has been an actual augmentation in the consumption. The only two other articles which come under this description are the stamp-duty on gold and silver plate, and the customs on glass plates. This latter is now, I believe, the single instance of costly furniture to be found in the catalogue of our imports. If it were wholly to vanish, I should not think we were ruined. Both the duties have risen, during the war, very considerably in proportion to the total of their produce.

We have no tax among us on the most necessary articles of food. The receipts of our Custom-House, under the head of Groceries, afford us, however, some means of calculating our luxuries of the table. The articles of tea, coffee, and cocoa-nuts I would propose to omit, and to take them instead from the excise, as best showing what is consumed at home. Upon this principle, adding them all together, (with the exception of sugar, for a reason which I shall afterwards mention,) I find that they have produced, in one mode of comparison, upwards of 272,000*l.*, and in the other mode upwards of 165,000*l.*, more during the war than in peace. An additional duty was also laid in 1795 on tea, another on coffee, and a third on raisins, — an article, together with currants, of much more extensive use than would readily be imagined.

The balance in favor of our argument would have been much enhanced, if our coffee and fruit ships from the Mediterranean had arrived, last year, at their usual season. They do not appear in these accounts. This was one consequence arising (would to God that none more afflicting to Italy, to Europe, and the whole civilized world had arisen!) from our impolitic and precipitate desertion of that important maritime station. As to sugar, I have excluded it from the groceries, because the account of the customs is not a perfect criterion of the consumption, much having been reëxported to the North of Europe, which used to be supplied by France; and in the official papers which I have followed there are no materials to furnish grounds for computing this reëxportation. The increase on the face of our entries is immense during the four years of war, — little short of thirteen hundred thousand pounds.

The increase of the duties on beer has been regularly progressive, or nearly so, to a very large amount. It is a good deal above a million, and is more than equal to one eighth of the whole produce. Under this general head some other liquors are included, — cider, perry, and mead, as well as vinegar and verjuice; but these are of very trifling consideration. The excise duties on wine, having sunk a little during the first two years of the war, were rapidly recovering their level again. In 1795 a heavy additional duty was imposed upon them, and a second in the following year; yet, being compared with four years of peace to 1790, they actually exhibit a small gain to the revenue. And low as the importation may seem in 1796, when contrasted with any year since the French treaty in 1787, it is still more than 3000 tons above the average importation for three years previous to that period. I have added sweets, from which our factitious wines are made; and I would have added spirits, but that the total alteration of the duties in 1789, and the recent interruption of our distilleries, rendered any comparison impracticable.

The ancient staple of our island, in which we are clothed, is very imperfectly to be traced on the books of the Custom-House: but I know that our woollen manufactures flourish. I recollect to have seen that fact very fully established, last year, from the registers kept in the West Riding of Yorkshire. This year, in the West of England, I received a similar account, on the authority of a respectable clothier in that quarter, whose testimony can less be questioned, because, in his political opinions, he is adverse, as I understand, to the continuance of the war. The principal articles of female dress for some time past have been muslins and calicoes. These elegant fabrics of our own looms in the East, which serve for the remittance of our own revenues, have lately been imitated at home, with improving success, by the ingenious and enterprising manufacturers of Manchester, Paisley, and Glasgow. At the same time the importation from Bengal has kept pace with the extension of our own dexterity and industry; while the sale of our printed goods, of both kinds, has been with equal steadiness advanced by the taste and execution of our designers and artists. Our woollens and cottons, it is true, are not all for the

home market. They do not distinctly prove, what is my present point, our own wealth by our own expense. I admit it: we export them in great and growing quantities: and they who croak themselves hoarse about the decay of our trade may put as much of this account as they choose to the creditor side of money received from other countries in payment for British skill and labor. They may settle the items to their own liking, where all goes to demonstrate our riches. I shall be contented here with whatever they will have the goodness to leave me, and pass to another entry, which is less ambiguous, — I mean that of silk. The manufactory itself is a forced plant. We have been obliged to guard it from foreign competition by very strict prohibitory laws. What we import is the raw and prepared material, which is worked up in various ways, and worn in various shapes by both sexes. After what we have just seen, you will probably be surprised to learn that the quantity of silk imported during the war has been much greater than it was previously in peace; and yet we must all remember, to our mortification, that several of our silk ships fell a prey to Citizen Admiral Richery. You will hardly expect me to go through the tape and thread, and all the other small wares of haberdashery and millinery to be gleaned up among our imports. But I shall make one observation, and with great satisfaction, respecting them. They gradually diminish, as our own manufactures of the same description spread into their places; while the account of ornamental articles which our country does not produce, and we cannot wish it to produce, continues, upon the whole, to rise, in spite of all the caprices of fancy and fashion. Of this kind are the different furs used for muffs, trimmings, and linings, which, as the chief of the kind, I shall particularize. You will find them below.

The diversions of the higher classes form another and the only remaining head of inquiry into their expenses: I mean those diversions which distinguish the country and the town life, — which are visible and tangible to the statesman, — which have some public measure and standard. And here, when, I look to the report of your committee, I, for the first time, perceive a failure. It is clearly so. Whichever way I reckon the four years of peace, the old tax on the sports of the field has certainly proved deficient since the war. The same money, however, or nearly the same, has been paid to government, — though the same number of individuals have not contributed to the payment. An additional tax was laid in 1791, and during the war has produced upwards of 61,000*l.*, which is about 4000*l.* more than the decrease of the old tax, in one scheme of comparison, and about 4000*l.* less, in the other scheme. I might remark, that the amount of the new tax, in the several years of the war, by no means bears the proportion which it ought to the old. There seems to be some great irregularity or other in the receipt. But I do not think it worth while to examine into the argument. I am willing to suppose that many, who, in the idleness of peace, made war upon partridges, hares, and pheasants, may now carry more noble arms against the enemies of their country. Our political adversaries may do what they please with that concession. They are welcome to make the most of it. I

am sure of a very handsome set-off in the other branch of expense, — the amusements of a town life.

There is much gayety and dissipation and profusion which must escape and disappoint all the arithmetic of political economy. But the theatres are a prominent feature. They are established through every part of the kingdom, at a cost unknown till our days. There is hardly a provincial capital which does not possess, or which does not aspire to possess, a theatre-royal. Most of them engage for a short time, at a vast price, every actor or actress of name in the metropolis: a distinction which in the reign of my old friend Garrick was confined to very few. The dresses, the scenes, the decorations of every kind, I am told, are in a new style of splendor and magnificence: whether to the advantage of our dramatic taste, upon the whole, I very much doubt. It is a show and a spectacle, not a play, that is exhibited. This is undoubtedly in the genuine manner of the Augustan age, but in a manner which was censured by one of the best poets and critics of that or any age: —

Migravit ab aure voluptas
Omnis ad incertos oculos, et gaudia vana:
Quatuor aut plures aulæa premuntur in horas,
Dum fugiunt equitum turmæ, peditumque catervæ; —

I must interrupt the passage, most fervently to deprecate and abominate the sequel: —

Mox trahitur manibus regum fortuna retortis.

I hope that no French fraternization, which the relations of peace and amity with systematized regicide would assuredly sooner or later draw after them, even if it should overturn our happy Constitution itself, could so change the hearts of Englishmen as to make them delight in representations and processions which have no other merit than that of degrading and insulting the name of royalty. But good taste, manners, morals, religion, all fly, wherever the principles of Jacobinism enter; and we have no safety against them but in arms.

The proprietors, whether in this they follow or lead what is called the town, to furnish out these gaudy and pompous entertainments, must collect so much more from the public. It was but just before the breaking out of hostilities, that they levied for themselves the very tax which, at the close of the American war, they represented to Lord North as certain ruin to their affairs to demand for the state. The example has since been imitated by the managers of our Italian Opera. Once during the war, if not twice, (I would not willingly misstate anything, but I am not very accurate on these subjects,) they have raised the price of their subscription. Yet I have never heard that any lasting dissatisfaction has been manifested, or that their houses have been unusually and constantly thin. On the contrary, all the three theatres have been repeatedly altered, and refitted, and enlarged, to make them

capacious of the crowds that nightly flock to them; and one of those huge and lofty piles, which lifts its broad shoulders in gigantic pride, almost emulous of the temples of God, has been reared from the foundation at a charge of more than fourscore thousand pounds, and yet remains a naked, rough, unsightly heap.

I am afraid, my dear Sir, that I have tired you with these dull, though important details. But we are upon a subject which, like some of a higher nature, refuses ornament, and is contented with conveying instruction. I know, too, the obstinacy of unbelief in those perverted minds which have no delight but in contemplating the supposed distress and predicting the immediate ruin of their country. These birds of evil presage at all times have grated our ears with their melancholy song; and, by some strange fatality or other, it has generally happened that they have poured forth their loudest and deepest lamentations at the periods of our most abundant prosperity. Very early in my public life I had occasion to make myself a little acquainted with their natural history. My first political tract in the collection which a friend has made of my publications is an answer to a very gloomy picture of the state of the nation, which was thought to have been drawn by a statesman of some eminence in his time. That was no more than the common spleen of disappointed ambition: in the present day I fear that too many are actuated by a more malignant and dangerous spirit. They hope, by depressing our minds with a despair of our means and resources, to drive us, trembling and unresisting, into the toils of our enemies, with whom, from the beginning of the Revolution in France, they have ever moved in strict concert and coöperation. If, with the report of your Finance Committee in their hands, they can still affect to despond, and can still succeed, as they do, in spreading the contagion of their pretended fears among well-disposed, though weak men, there is no way of counteracting them, but by fixing them down to particulars. Nor must we forget that they are unwearied agitators, bold assertors, dexterous sophisters. Proof must be accumulated upon proof, to silence them. With this view, I shall now direct your attention to some other striking and unerring indications of our flourishing condition; and they will, in general, be derived from other sources, but equally authentic: from other reports and proceedings of both Houses of Parliament, all which unite with wonderful force of consent in the same general result. Hitherto we have seen the superfluity of our capital discovering itself only in procuring superfluous accommodation and enjoyment, in our houses, in our furniture, in our establishments, in our eating and drinking, our clothing, and our public diversions: we shall now see it more beneficially employed in improving our territory itself: we shall see part of our present opulence, with provident care, put out to usury for posterity.

To what ultimate extent it may be wise or practicable to push inclosures of common and waste lands may be a question of doubt, in some points of view: but no person thinks them already carried to excess; and the relative magnitude of the sums laid out upon them gives us a standard of estimating the comparative situation

of the landed interest. Your House, this session, appointed a committee on waste lands, and they have made a report by their chairman, an honorable baronet, for whom the minister the other day (with very good intentions, I believe, but with little real profit to the public) thought fit to erect a board of agriculture. The account, as it stands there, appears sufficiently favorable. The greatest number of inclosing bills passed in any one year of the last peace does not equal the smallest annual number in the war, and those of the last year exceed by more than one half the highest year of peace. But what was my surprise, on looking into the late report of the Secret Committee of the Lords, to find a list of these bills during the war, differing in every year, and larger on the whole by nearly one third! I have checked this account by the statute-book, and find it to be correct. What new brilliancy, then, does it throw over the prospect, bright as it was before! The number during the last four years has more than doubled that of the four years immediately preceding; it has surpassed the five years of peace, beyond which the Lords' committees have not gone; it has even surpassed (I have verified the fact) the whole ten years of peace. I cannot stop here. I cannot advance a single step in this inquiry without being obliged to cast my eyes back to the period when I first knew the country. These bills, which had begun in the reign of Queen Anne, had passed every year in greater or less numbers from the year 1723; yet in all that space of time they had not reached the amount of any two years during the present war; and though soon after that time they rapidly increased, still at the accession of his present Majesty they were far short of the number passed in the four years of hostilities.

In my first letter I mentioned the state of our inland navigation, neglected as it had been from the reign of King William to the time of my observation. It was not till the present reign that the Duke of Bridgewater's canal first excited a spirit of speculation and adventure in this way. This spirit showed itself, but necessarily made no great progress, in the American war. When peace was restored, it began of course to work with more sensible effect; yet in ten years from that event the bills passed on that subject were not so many as from the year 1793 to the present session of Parliament. From what I can trace on the statute-book, I am confident that all the capital expended in these projects during the peace bore no degree of proportion (I doubt, on very grave consideration, whether all that was ever so expended was equal) to the money which has been raised for the same purposes since the war. I know that in the last four years of peace, when they rose regularly and rapidly, the sums specified in the acts were not near one third of the subsequent amount. In the last session of Parliament, the Grand Junction Company, as it is called, having sunk half a million, (of which I feel the good effects at my own door,) applied to your House for permission to subscribe half as much more among themselves. This Grand Junction is an inosculation of the Grand Trunk; and in the present session, the latter company has obtained the authority of Parliament to float two hundred acres of land, for the purpose of forming a reservoir, thirty feet deep,

two hundred yards wide at the head, and two miles in length: a lake which may almost vie with that which once fed the now obliterated canal of Languedoc.

The present war is, above all others of which we have heard or read, a war against landed property. That description of property is in its nature the firm base of every stable government, — and has been so considered by all the wisest writers of the old philosophy, from the time of the Stagyrice, who observes that the agricultural class of all others is the least inclined to sedition. We find it to have been so regarded in the practical politics of antiquity, where they are brought more directly home to our understandings and bosoms in the history of Borne, and above all, in the writings of Cicero. The country tribes were always thought more respectable than those of the city. And if in our own history there is any one circumstance to which, under God, are to be attributed the steady resistance, the fortunate issue, and sober settlement of all our struggles for liberty, it is, that, while the landed interest, instead of forming a separate body, as in other countries, has at all times been in close connection and union with the other great interests of the country, it has been spontaneously allowed to lead and direct and moderate all the rest. I cannot, therefore, but see with singular gratification, that, during a war which has been eminently made for the destruction of the lauded proprietors, as well as of priests and kings, as much has been done by public works for the permanent benefit of their stake in this country as in all the rest of the current century, which now touches to its close. Perhaps after this it may not be necessary to refer to private observation; but I am satisfied that in general the rents of lands have been considerably increased: they are increased very considerably, indeed, if I may draw any conclusion from my own little property of that kind. I am not ignorant, however, where our public burdens are most galling. But all of this class will consider who they are that are principally menaced, — how little the men of their description in other countries, where this revolutionary fury has but touched, have been found equal to their own protection, — how tardy and unprovided and full of anguish is their flight, chained down as they are by every tie to the soil, — how helpless they are, above all other men, in exile, in poverty, in need, in all the varieties of wretchedness; and then let them well weigh what are the burdens to which they ought not to submit for their own salvation.

Many of the authorities which I have already adduced, or to which I have referred, may convey a competent notion of some of our principal manufactures. Their general state will be clear from that of our external and internal commerce, through which they circulate, and of which they are at once the cause and effect. But the communication of the several parts of the kingdom with each other and with foreign countries has always been regarded as one of the most certain tests to evince the prosperous or adverse state of our trade in all its branches. Recourse has usually been had to the revenue of the Post-Office with this view. I shall include the product of the tax which was laid in the last war, and which will make the evidence

more conclusive, if it shall afford the same inference: I allude to the Post-Horse duty, which shows the personal intercourse within the kingdom, as the Post-Office shows the intercourse by letters both within and without. The first of these standards, then, exhibits an increase, according to my former schemes of comparison, from an eleventh to a twentieth part of the whole duty. The Post-Office gives still less consolation to those who are miserable in proportion as the country feels no misery. From the commencement of the war to the month of April, 1796, the gross produce had increased by nearly one sixth of the whole sum which the state now derives from that fund. I find that the year ending 5th of April, 1793, gave 627,592*l.*, and the year ending at the same quarter in 1796, 750,637*l.*, after a fair deduction having been made for the alteration (which, you know, on grounds of policy I never approved) in your privilege of franking. I have seen no formal document subsequent to that period, but I have been credibly informed there is very good ground to believe that the revenue of the Post-Office still continues to be regularly and largely upon the rise.

What is the true inference to be drawn from the annual number of bankruptcies has been the occasion of much dispute. On one side it has been confidently urged as a sure symptom of a decaying trade: on the other side it has been insisted that it is a circumstance attendant upon a thriving trade; for that the greater is the whole quantity of trade, the greater of course must be the positive number of failures, while the aggregate success is still in the same proportion. In truth, the increase of the number may arise from either of those causes. But all must agree in one conclusion, — that, if the number diminishes, and at the same time every other sort of evidence tends to show an augmentation of trade, there can be no better indication. We have already had very ample means of gathering that the year 1796 was a very favorable year of trade, and in that year the number of bankruptcies was at least one fifth below the usual average. I take this from the declaration of the Lord Chancellor in the House of Lords. He professed to speak from the records of Chancery; and he added another very striking fact, — that on the property actually paid into his court (a very small part, indeed, of the whole property of the kingdom) there had accrued in that year a net surplus of eight hundred thousand pounds, which was so much new capital.

But the real situation of our trade, during the whole of this war, deserves more minute investigation. I shall begin with that which, though the least in consequence, makes perhaps the most impression on our senses, because it meets our eyes in our daily walks: I mean our retail trade. The exuberant display of wealth in our shops was the sight which most amazed a learned foreigner of distinction who lately resided among us: his expression, I remember, was, that “*they seemed to be bursting with opulence into the streets.*” The documents which throw light on this subject are not many, but they all meet in the same point: all concur in exhibiting an increase. The most material are the general licenses which the law requires to be taken out by

all dealers in excisable commodities. These seem to be subject to considerable fluctuations. They have not been so low in any year of the war as in the years 1788 and 1789, nor ever so high in peace as in the first year of the war. I should next state the licenses to dealers in spirits and wine; but the change in them which took place in 1789 would give an unfair advantage to my argument. I shall therefore content myself with remarking, that from the date of that change the spirit licenses kept nearly the same level till the stoppage of the distilleries in 1795. If they dropped a little, (and it was but little,) the wine licenses, during the same time, more than countervailed that loss to the revenue; and it is remarkable with regard to the latter, that in the year 1796, which was the lowest in the excise duties on wine itself, as well as in the quantity imported, more dealers in wine appear to have been licensed than in any former year, excepting the first year of the war. This fact may raise some doubt whether the consumption has been lessened so much as, I believe, is commonly imagined. The only other retail-traders whom I found so entered as to admit of being selected are tea-dealers and sellers of gold and silver plate, both of whom seem to have multiplied very much in proportion to their aggregate number. I have kept apart one set of licensed sellers, because I am aware that our antagonists may be inclined to triumph a little, when I name auctioneers and auctions. They may be disposed to consider it as a sort of trade which thrives by the distress of others. But if they will look at it a little more attentively, they will find their gloomy comfort vanish. The public income from these licenses has risen with very great regularity through a series of years which all must admit to have been years of prosperity. It is remarkable, too, that in the year 1793, which was the great year of bankruptcies, these duties on auctioneers and auctions fell below the mark of 1791; and in 1796, which year had one fifth less than the accustomed average of bankruptcies, they mounted at once beyond all former examples. In concluding this general head, will you permit me, my dear Sir, to bring to your notice an humble, but industrious and laborious set of chapmen, against whom the vengeance of your House has sometimes been levelled, with what policy I need not stay to inquire, as they have escaped without much injury? The hawkers and peddlers, I am assured, are still doing well, though, from some new arrangements respecting them made in 1789, it would be difficult to trace their proceedings in any satisfactory manner.

When such is the vigor of our traffic in its minutest ramifications, we may be persuaded that the root and the trunk are sound. When we see the life-blood of the state circulate so freely through the capillary vessels of the System, we scarcely need inquire if the heart performs its functions aright. But let us approach it; let us lay it bare, and watch the systole and diastole, as it now receives and now pours forth the vital stream through all the members. The port of London has always supplied the main evidence of the state of our commerce. I know, that, amidst all the difficulties and embarrassments of the year 1793, from causes unconnected with and prior to the war, the tonnage of ships in the Thames actually rose. But I shall

not go through a detail of official papers on this point. There is evidence, which has appeared this very session before your House, infinitely more forcible and impressive to my apprehension than all the journals and ledgers of all the Inspectors-General from the days of Davenant. It is such as cannot carry with it any sort of fallacy. It comes, not from one set, but from many opposite sets of witnesses, who all agree in nothing else: witnesses of the gravest and most unexceptionable character, and who confirm what they say, in the surest manner, by their conduct. Two different bills have been brought in for improving the port of London. I have it from very good intelligence, that, when the project was first suggested from necessity, there were no less than eight different plans, supported by eight different bodies of subscribers. The cost of the least was estimated at two hundred thousand pounds, and of the most extensive at twelve hundred thousand. The two between which the contest now lies substantially agree (as all the others must have done) in the motives and reasons of the preamble; but I shall confine myself to that bill which is proposed on the part of the mayor, aldermen, and common council, because I regard them as the best authority, and their language in itself is fuller and more precise. I certainly see them complain of the “great delays, accidents, damages, losses, and extraordinary expenses, which are almost continually sustained, to the hindrance and discouragement of commerce, and the great injury of the public revenue.” But what are the causes to which they attribute their complaints? The first is, “**THAT, FROM THE VERY GREAT AND PROGRESSIVE INCREASE OF THE NUMBER AND SIZE OF SHIPS AND OTHER VESSELS TRADING TO THE PORT OF LONDON,** the river Thames, in and near the said port, is in general so much crowded with shipping, lighters, and other craft, that the navigation of a considerable part of the river is thereby rendered tedious and dangerous; and there is great want of room in the said port for the safe and convenient mooring of vessels, and constant access to them.” The second is of the same nature. It is the want of regulations and arrangements, never before found necessary, for expedition and facility. The third is of another kind, but to the same effect: That the legal quays are too confined, and there is not sufficient accommodation for the landing and shipping of cargoes. And the fourth and last is still different: they describe the avenues to the legal quays (which, little more than a century since, the great fire of London opened and dilated beyond the measure of our then circumstances) to be now “incommodious, and much too narrow for the great concourse of carts and other carriages usually passing and repassing therein.” Thus our trade has grown too big for the ancient limits of Art and Nature. Our streets, our lanes, our shores, the river itself, which has so long been our pride, are impeded and obstructed and choked up by our riches. They are, like our shops, “bursting with opulence.” To these misfortunes, to these distresses and grievances alone, we are told, it is to be imputed that still more of our capital has not been pushed into the channel of our commerce, to roll back in its reflux still more

abundant capital, and fructify the national treasury in its course. Indeed, my dear Sir, when I have before my eyes this consentient testimony of the corporation of the city of London, the West India merchants, and all the other merchants who promoted the other plans, struggling and contending which of them shall be permitted to lay out their money in consonance with their testimony, I cannot turn aside to examine what one or two violent petitions, tumultuously voted by real or pretended liverymen of London, may have said of the utter destruction and annihilation of trade.

This opens a subject on which every true lover of his country, and, at this crisis, every friend to the liberties of Europe, and of social order in every country, must dwell and expatiate with delight. I mean to wind up all my proofs of our astonishing and almost incredible prosperity with the valuable information given to the Secret Committee of the Lords by the Inspector-General. And here I am happy that I can administer an antidote to all despondence from the same dispensary from which the first dose of poison was supposed to have come. The report of that committee is generally believed to have derived much benefit from the labors of the same noble lord who was said, as the author of the pamphlet of 1795, to have led the way in teaching us to place all our hope on that very experiment which he afterwards declared in his place to have been from the beginning utterly without hope. We have now his authority to say, that, as far as our resources were concerned, the experiment was equally without necessity.

“It appears,” as the committee has very justly and satisfactorily observed, “by the accounts of the value of the imports and exports for the last twenty years, produced by Mr. Irving, Inspector-General of Imports and Exports, that the demands for cash to be sent abroad” (which, by the way, including the loan to the Emperor, was nearly one third less sent to the Continent of Europe than in the Seven Years’ War) ... “was greatly compensated by a very large balance of commerce in favor of this kingdom, — greater than was ever known in any preceding period. The value of the exports of the last year amounted, according to the valuation on which the accounts of the Inspector-General are founded, to 30,424,184*l.*, which is more than double what it was in any year of the American war, and one third more than it was on an average during the last peace, previous to the year 1792; and though the value of the imports to this country has during the same period greatly increased, the excess of the value of the exports above that of the imports, which constitutes the balance of trade, has augmented even in a greater proportion.” These observations might perhaps be branched out into other points of view, but I shall leave them to your own active and ingenious mind. There is another and still more important light in which, the Inspector-General’s information may be seen, — and that is, as affording a comparison of some circumstances in this war with the commercial history of all our other wars in the present century.

In all former hostilities, our exports gradually declined in value, and then (with one single exception) ascended again, till they reached and passed the level of the preceding peace. But this was a work of time, sometimes more, sometimes less slow. In Queen Anne's war, which began in 1702, it was an interval of ten years before this was effected. Nine years only were necessary, in the war of 1739, for the same operation. The Seven Years' War saw the period much shortened: hostilities began in 1755; and in 1758, the fourth year of the war, the exports mounted above the peace-mark. There was, however, a distinguishing feature of that war, — that our tonnage, to the very last moment, was in a state of great depression, while our commerce was chiefly carried on by foreign vessels. The American war was darkened with singular and peculiar adversity. Our exports never came near to their peaceful elevation, and our tonnage continued, with very little fluctuation, to subside lower and lower. On the other hand, the present war, with regard to our commerce, has the white mark of as singular felicity. If, from internal causes, as well as the consequence of hostilities, the tide ebbed in 1793, it rushed back again with a bore in the following year, and from that time has continued to swell and run every successive year higher and higher into all our ports. The value of our exports last year above the year 1792 (the mere increase of our commerce during the war) is equal to the average value of all the exports during the wars of William and Anne.

It has been already pointed out, that our imports have not kept pace with our exports: of course, on the face of the account, the balance of trade, both positively and comparatively considered, must have been much more than ever in our favor. In that early little tract of mine, to which I have already more than once referred, I made many observations on the usual method of computing that balance, as well as the usual objection to it, that the entries at the Custom-House were not always true. As you probably remember them, I shall not repeat them here. On the one hand, I am not surprised that the same trite objection is perpetually renewed by the detractors of our national affluence; and on the other hand, I am gratified in perceiving that the balance of trade seems to be now computed in a manner much clearer than it used to be from those errors which I formerly noticed. The Inspector-General appears to have made his estimate with every possible guard and caution. His opinion is entitled to the greatest respect. It was in substance, (I shall again use the words of the Report, as much better than my own,) “that the true balance of our trade amounted, on a medium of the four years preceding January, 1796, to upwards of 6,500,00*l.* per annum, exclusive of the profits arising from our East and West India trade, which he estimates at upwards of 4,000,000*l.* per annum, exclusive of the profits derived from our fisheries.” So that, including the fisheries, and making a moderate allowance for the exceedings, which Mr. Irving himself supposes, beyond his calculation, without reckoning what the public creditors themselves pay to themselves, and without taking one shilling from the stock of the landed interest, our colonies, our Oriental possessions, our skill and industry, our commerce and navigation, at the commencement of this year, were pouring a new annual capital into the kingdom, hardly half a million short of the whole interest of that tremendous debt from which we are taught to shrink in dismay, as from an overwhelming and intolerable oppression.

If, then, the real state of this nation is such as I have described, (and I am only apprehensive that you may think I have taken too much pains to exclude all doubt on this question,) — if no class is lessened in its numbers, or in its stock, or in its conveniences, or even its luxuries, — if they build as many habitations, and as elegant and as commodious as ever, and furnish them with every chargeable decoration and every prodigality of ingenious invention that can be thought of by those who even incur their necessities with superfluous accommodation, — if they are as numerously attended, — if their equipages are as splendid, — if they regale at table with as much or more variety of plenty than ever, — if they are clad in as expensive and changeful a diversity, according to their tastes and modes, — if they are not deterred from the pleasures of the field by the charges which government has wisely turned from the culture to the sports of the field, — if the theatres are as rich and as well filled, and greater and at a higher price than ever, — and (what is more important than all) if it is plain, from the treasures which are spread over the soil or confided to the winds and the seas, that there are as many

who are indulgent to their propensities of parsimony as others to their voluptuous desires, and that the pecuniary capital grows instead of diminishing, — on what ground are we authorized to say that a nation gambolling in an ocean of superfluity is undone by want? With what face can we pretend that they who have not denied any one gratification to any one appetite have a right to plead poverty in order to famish their virtues and to put their duties on short allowance? that they are to take the law from an imperious enemy, and can contribute no longer to the honor of their king, to the support of the independence of their country, to the salvation of that Europe which, if it falls, must crush them with its gigantic ruins? How can they affect to sweat and stagger and groan under their burdens, to whom the mines of Newfoundland, richer than those of Mexico and Peru, are now thrown in as a make-weight in the scale of their exorbitant opulence? What excuse can they have to faint, and creep, and cringe, and prostrate themselves at the footstool of ambition and crime, who, during a short, though violent struggle, which they have never supported with the energy of men, have amassed more to their annual accumulation than all the well-husbanded capital that enabled their ancestors, by long and doubtful and obstinate conflicts, to defend and liberate and vindicate the civilized world? But I do not accuse the people of England. As to the great majority of the nation, they have done whatever, in their several ranks and conditions and descriptions, was required of them by their relative situations in society: and from those the great mass of mankind cannot depart, without the subversion of all public order. They look up to that government which they obey that they may be protected. They ask to be led and directed by those rulers whom Providence and the laws of their country have set over them, and under their guidance to walk in the ways of safety and honor. They have again delegated the greatest trust which they have to bestow to those faithful representatives who made their true voice heard against the disturbers and destroyers of Europe. They suffered, with unapproving acquiescence, solicitations, which they had in no shape desired, to an unjust and usurping power, whom they had never provoked, and whose hostile menaces they did not dread. When the exigencies of the public service could only be met by their voluntary zeal, they started forth with an ardor which outstripped the wishes of those who had injured them by doubting whether it might not be necessary to have recourse to compulsion. They have in all things reposed an enduring, but not an unreflecting confidence. That confidence demands a full return, and fixes a responsibility on the ministers entire and undivided. The people stands acquitted, if the war is not carried on in a manner suited to its objects. If the public honor is tarnished, if the public safety suffers any detriment, the ministers, not the people, are to answer it, and they alone. Its armies, its navies, are given to them without stint or restriction. Its treasures are poured out at their feet. Its constancy is ready to second all their efforts. They are not to fear a responsibility for acts of manly adventure. The responsibility which they are to dread is lest they should show

themselves unequal to the expectation of a brave people. The more doubtful may be the constitutional and economical questions upon which they have received so marked a support, the more loudly they are called upon to support this great war, for the success of which their country is willing to supersede considerations of no slight importance. Where I speak of responsibility, I do not mean to exclude that species of it which the legal powers of the country have a right finally to exact from those who abuse a public trust: but high as this is, there is a responsibility which attaches on them from which the whole legitimate power of the kingdom cannot absolve them; there is a responsibility to conscience and to glory, a responsibility to the existing world, and to that posterity which men of their eminence cannot avoid for glory or for shame, — a responsibility to a tribunal at which not only ministers, but kings and parliaments, but even nations themselves, must one day answer.

**A LETTER TO THE MARQUIS OF ROCKINGHAM, WITH
ADDRESSES TO THE KING, AND THE BRITISH COLONISTS
IN NORTH AMERICA, IN RELATION TO THE MEASURES OF
GOVERNMENT IN THE AMERICAN CONTEST, AND A
PROPOSED SECESSION OF THE OPPOSITION FROM
PARLIAMENT. JANUARY, 1777.**

NOTE.

This Letter, with the two Addresses which follow it, was written upon occasion of a proposed secession from Parliament of the members in both Houses who had opposed the measures of government, in the contest between this country and the colonies in North America, from the time of the repeal of the Stamp Act. It appears, from an indorsement written by Mr. Burke on the manuscript, that he warmly recommended the measure, but (for what reasons is not stated) it was not adopted.

LETTER

TO THE MARQUIS OF ROCKINGHAM.

My Dear Lord, — I am afraid that I ought rather to beg your pardon for troubling you at all in this season of repose, than to apologize for having been so long silent on the approaching business. It comes upon us, not indeed in the most agreeable manner, but it does come-upon us; and I believe your friends in general are in expectation of finding your Lordship resolved in what way you are to meet it. The deliberation is full of difficulties; but the determination is necessary.

The affairs of America seem to be drawing towards a crisis. The Howes are at this time in possession of, or are able to awe, the whole middle coast of America, from Delaware to the western boundary of Massachusetts Bay; the naval barrier on the side of Canada is broken; a great tract of country is open for the supply of the troops; the river Hudson opens a way into the heart of the provinces; and nothing can, in all probability, prevent an early and offensive campaign. What the Americans *have* done is, in their circumstances, truly astonishing; it is, indeed, infinitely more than I expected from them. But having done so much, for some short time I began to entertain an opinion that they might do more. It is now, however, evident that they cannot look standing armies in the face. They are inferior

in everything, even in numbers, — I mean, in the number of those whom they keep in constant duty and in regular pay. There seem, by the best accounts, not to be above ten or twelve thousand men, at most, in their grand army. The rest are militia, and not wonderfully well composed or disciplined. They decline a general engagement, — prudently enough, if their object had been to make the war attend upon a treaty of good terms of subjection; but when they look further, this will not do. An army that is obliged at all times and in all situations to decline an engagement may delay their ruin, but can never defend their country. Foreign assistance they have little or none, nor are likely soon to have more. France, in effect, has no king, nor any minister accredited enough either with the court or nation to undertake a design of great magnitude.

In this state of things, I persuade myself Franklin is come to Paris to draw from that court a definitive and satisfactory answer concerning the support of the colonies. If he cannot get such an answer, (and I am of opinion that at present he cannot,) then it is to be presumed he is authorized to negotiate with Lord Stormont on the basis of dependence on the crown. This I take to be his errand: for I never can believe that he is come thither as a fugitive from his cause in the hour of its distress, or that he is going to conclude a long life, which has brightened every hour it has continued, with so foul and dishonorable a flight. On this supposition, I thought it not wholly impossible that the Whig party might be made a sort of mediators of the peace. It is unnatural to suppose, that, in making an accommodation, the Americans should not choose rather to give credit to those who all along have opposed the measure of ministers, than to throw themselves wholly on the mercy of their bitter, uniform, and systematic enemies. It is, indeed, the victorious enemy that has the terms to offer; the vanquished party and their friends are, both of them, reduced in their power; and it is certain that those who are utterly broken and subdued have no option. But, as this is hardly yet the case of the Americans, in this middle state of their affairs, (much impaired, but not perfectly ruined,) one would think it must be their interest to provide, if possible, some further security for the terms which they may obtain from their enemies. If the Congress could be brought to declare in favor of those terms for which one hundred members of the House of Commons voted last year, with some civility to the party which held out those terms, it would undoubtedly have an effect to revive the cause of our liberties in England, and to give the colonies some sort of mooring and anchorage in this country. It seemed to me that Franklin might be made to feel the propriety of such a step; and as I have an acquaintance with him, I had a strong desire of taking a turn to Paris. Everything else failing, one might obtain a better knowledge of the general aspect of affairs abroad than, I believe, any of us possess at present. The Duke of Portland approved the idea. But when I had conversed with the very few of your Lordship's friends who were in town, and considered a little more maturely the constant temper and standing maxims of the party, I laid aside

the design, — not being desirous of risking the displeasure of those for whose sake alone I wished to take that fatiguing journey at this severe season of the year.

The Duke of Portland has taken with him some heads of deliberation, which were the result of a discourse with his Grace and Mr. Montagu at Burlington House. It seems essential to the cause that your Lordship should meet your friends with some settled plan either of action or inaction. Your friends will certainly require such a plan; and I am sure the state of affairs requires it, whether they call for it or not. As to the measure of a secession with reasons, after rolling the matter in my head a good deal, and turning it an hundred ways, I confess I still think it the most advisable, notwithstanding the serious objections that lie against it, and indeed the extreme uncertainty of all political measures, especially at this time. It provides for your honor. I know of nothing else that can so well do this. It is something, perhaps all, that can be done in our present situation. Some precaution, in this respect, is not without its motives. That very estimation for which you have sacrificed everything else is in some danger of suffering in the general wreck; and perhaps it is likely to suffer the more, because you have hitherto confided more than was quite prudent in the clearness of your intentions, and in the solidity of the popular judgment upon them. The former, indeed, is out of the power of events; the latter is full of levity, and the very creature of fortune. However, such as it is, (and for one I do not think I am inclined to overvalue it,) both our interest and our duty make it necessary for us to attend to it very carefully, so long as we act a part in public. The measure you take for this purpose may produce no immediate effect; but with regard to the party, and the principles for whose sake the party exists, all hope of their preservation or recovery depends upon your preserving your reputation.

By the conversation of some friends, it seemed as if they were willing to fall in with this design, because it promised to emancipate them from the servitude of irksome business, and to afford them an opportunity of retiring to ease and tranquillity. If that be their object in the secession and addresses proposed, there surely never were means worse chosen to gain their end; and if this be any part of the project, it were a thousand times better it were never undertaken. The measure is not only unusual, and as such critical, but it is in its own nature strong and vehement in a high degree. The propriety, therefore, of adopting it depends entirely upon the spirit with which it is supported and followed. To pursue violent measures with languor and irresolution is not very consistent in speculation, and not more reputable or safe in practice. If your Lordship's friends do not go to this business with their whole hearts, if they do not feel themselves uneasy without it, if they do not undertake it with a certain degree of zeal, and even with warmth and indignation, it had better be removed wholly out of our thoughts. A measure of less strength, and more in the beaten circle of affairs, if supported with spirit and industry, would be on all accounts infinitely more eligible. We have to consider what

it is that in this undertaking we have against us. We have the weight of King, Lords, and Commons in the other scale; we have against us, within a trifle, the whole body of the law; we oppose the more considerable part of the landed and mercantile interests; we contend, in a manner, against the whole Church; we set our faces against great armies flushed with victory, and navies who have tasted of civil spoil, and have a strong appetite for more; our strength, whatever it is, must depend, for a good part of its effect, upon events not very probable. In such a situation, such a step requires not only great magnanimity, but unwearied activity and perseverance, with a good deal, too, of dexterity and management, to improve every accident in our favor.

The delivery of this paper may have very important consequences. It is true that the court may pass it over in silence, with a real or affected contempt. But this I do not think so likely. If they do take notice of it, the mildest course will be such an address from Parliament as the House of Commons made to the king on the London Remonstrance in the year 1769. This address will be followed by addresses of a similar tendency, from all parts of the kingdom, in order to overpower you with what they will endeavor to pass as the united voice and sense of the nation. But if they intend to proceed further, and to take steps of a more decisive nature, you are then to consider, not what they may legally and justly do, but what a Parliament omnipotent in power, influenced with party rage and personal resentment, operating under the implicit military obedience of court discipline, is capable of. Though they have made some successful experiments on juries, they will hardly trust enough to them to order a prosecution for a supposed libel. They may proceed in two ways: either by an *impeachment*, in which the Tories may retort on the Whigs (but with better success, though in a worse cause) the proceedings in the case of Sacheverell, or they may, without this form, proceed, as against the Bishop of Rochester, by a bill of pains and penalties more or less grievous. The similarity of the cases, or the justice, is (as I said) out of the question. The mode of proceeding has several very ancient and very recent precedents. None of these methods is impossible. The court may select three or four of the most distinguished among you for the victims; and therefore nothing is more remote from the tendency of the proposed act than any idea of retirement or repose. On the contrary, you have, all of you, as principals or auxiliaries, a much better [hotter?] and more desperate conflict, in all probability, to undergo, than any you have been yet engaged in. The only question is, whether the risk ought to be run for the chance (and it is no more) of recalling the people of England to their ancient principles, and to that personal interest which formerly they took in all public affairs. At any rate, I am sure it is right, if we take this step, to take it with a full view of the consequences, and with minds and measures in a state of preparation to meet them. It is not becoming that your boldness should arise from a want of foresight. It is more reputable, and certainly it is more safe too, that

it should be grounded on the evident necessity of encountering the dangers which you foresee.

Your Lordship will have the goodness to excuse me, if I state in strong terms the difficulties attending a measure which on the whole I heartily concur in. But as, from my want of importance, I can be personally little subject to the most trying part of the consequences, it is as little my desire to urge others to dangers in which I am myself to have no inconsiderable a share.

If this measure should be thought too great for our strength or the dispositions of the times, then the point will be to consider what is to be done in Parliament. A weak, irregular, desultory, peevish opposition there will be as much too little as the other may be too big. Our scheme ought to be such as to have in it a succession of measures: else it is impossible to secure anything like a regular attendance; opposition will otherwise always carry a disreputable air; neither will it be possible, without that attendance, to persuade the people that we are in earnest. Above all, a motion should be well digested for the first day. There is one thing in particular I wish to recommend to your Lordship's consideration: that is, the opening of the doors of the House of Commons. Without this, I am clearly convinced, it will be in the power of ministry to make our opposition appear without doors just in what light they please. To obtain a gallery is the easiest thing in the world, if we are satisfied to cultivate the esteem of our adversaries by the resolution and energy with which we act against them: but if their satisfaction and good-humor be any part of our object, the attempt, I admit, is idle.

I had some conversation, before I left town, with the D. of M. He is of opinion, that, if you adhere to your resolution of seceding, you ought not to appear on the first day of the meeting. He thinks it can have no effect, except to break the continuity of your conduct, and thereby to weaken and fritter away the impression of it. It certainly will seem odd to give solemn reasons for a discontinuance of your attendance in Parliament, after having two or three times returned to it, and immediately after a vigorous act of opposition. As to trials of the temper of the House, there have been of that sort so many already that I see no reason for making another that would not hold equally good for another after that, — particularly as nothing has happened in the least calculated to alter the disposition of the House. If the secession were to be general, such an attendance, followed by such an act, would have force; but being in its nature incomplete and broken, to break it further by retreats and returns to the chase must entirely destroy its effect. I confess I am quite of the D. of M.'s opinion in this point.

I send your Lordship a corrected copy of the paper: your Lordship will be so good to communicate it, if you should approve of the alterations, to Lord J.C. and Sir G.S. I showed it to the D. of P. before his Grace left town; and at his, the D. of P.'s, desire, I have sent it to the D. of R. The principal alteration is in the pages last but one. It is made to remove a difficulty which had been suggested to Sir G.S., and

which he thought had a good deal in it. I think it much the better for that alteration. Indeed, it may want still more corrections, in order to adapt it to the present or probable future state of things.

What shall I say in excuse for this long letter, which frightens me when I look back upon it? Your Lordship will take it, and all in it, with your usual incomparable temper, which carries you through so much both from enemies and friends. My most humble respects to Lady R., and believe me, with the highest regard, ever, &c.

E.B.

I hear that Dr. Franklin has had a most extraordinary reception at Paris from all ranks of people.

BEACONSFIELD, Monday night, Jan. 6, 1777.

**A LETTER TO THE RIGHT HON. EDMUND S. PERY
SPEAKER OF THE IRISH HOUSE OF COMMONS, IN
RELATION TO A BILL FOR THE RELIEF OF THE ROMAN
CATHOLICS OF IRELAND. JULY 18, 1778.**

NOTE.

This Letter is addressed to Mr. Pery, (afterwards Lord Pery,) then Speaker of the House of Commons of Ireland. It appears, there had been much correspondence between that gentleman and Mr. Burke, on the subject of Heads of a bill (which had passed the Irish House of Commons in the summer of the year 1778, and had been transmitted by the Irish Privy Council of [to?] England) for the relief of his Majesty's Roman Catholic subjects in Ireland. The bill contained a clause for exempting the Protestant Dissenters of Ireland from the sacramental test, which created a strong objection to the whole measure on the part of the English government. Mr. Burke employed his most strenuous efforts to remove the prejudice which the king's ministers entertained against the clause, but the bill was ultimately returned without it, and in that shape passed the Irish Parliament. (17th and 18th Geo. III ca.) In the subsequent session, however, a separate act was passed for the relief of the Protestant Dissenters of Ireland.

LETTER.

My Dear Sir, — I received in due course your two very interesting and judicious letters, which gave me many new lights, and excited me to fresh activity in the important subject they related to. However, from that time I have not been perfectly free from doubt and uneasiness. I used a liberty with those letters, which, perhaps, nothing can thoroughly justify, and which certainly nothing but the delicacy of the crisis, the clearness of my intentions, and your great good-nature can at all excuse. I might conceal this from you; but I think it better to lay the whole matter before you, and submit myself to your mercy, — assuring you, at the same time, that, if you are so kind as to continue your confidence on this, or to renew it upon any other occasion, I shall never be tempted again to make so bold and unauthorized an use of the trust you place in me. I will state to you the history of the business since my last, and then you will see how far I am excusable by the circumstances.

On the 3rd of July I received a letter from the Attorney-General, dated the day before, in which, in a very open and obliging manner, he desires my thoughts of the Irish Toleration Bill, and particularly of the Dissenters' clause. I gave them to him,

by the return of the post, at large; but, as the time pressed, I kept no copy of the letter. The general drift was strongly to recommend the *whole*, and principally to obviate the objections to the part that related to the Dissenters, with regard both to the general propriety and to the temporary policy at this juncture. I took, likewise, a good deal of pains to state the difference which had always subsisted with regard to the treatment of the Protestant Dissenters in Ireland and in England, and what I conceived the reason of that difference to be. About the same time I was called to town for a day; and I took an opportunity, in Westminster Hall, of urging the same points, with all the force I was master of, to the Solicitor-General. I attempted to see the Chancellor for the same purpose, but was not fortunate enough to meet him at home. Soon after my return hither, on Tuesday, I received a very polite and I may say friendly letter from him, wishing me (on supposition that I had continued in town) to dine with him as [on?] that day, in order to talk over the business of the Toleration Act, then before him. Unluckily I had company with me, and was not able to leave them until Thursday, when I went to town and called at his house, but missed him. However, in answer to his letter, I had before, and instantly on the receipt of it, written to him at large, and urged such topics, both with regard to the Catholics and Dissenters, as I imagined were the most likely to be prevalent with him. This letter I followed to town on Thursday. On my arrival I was much alarmed with a report that the ministry had thoughts of rejecting the whole bill. Mr. M'Namara seemed apprehensive that it was a determined measure; and there seemed to be but too much reason for his fears.

Not having met the Chancellor at home, either on my first visit or my second after receiving his letter, and fearful that the Cabinet should come to come unpleasant resolution, I went to the Treasury on Friday. There I saw Sir G. Cooper. I possessed him of the danger of a partial, and the inevitable mischief of the total rejection of the bill. I reminded him of the understood compact between parties, upon which the whole scheme of the toleration originating in the English bill was formed, — of the fair part which the Whigs had acted in a business which, though first started by them, was supposed equally acceptable to all sides, and the risk of which they took upon themselves, when others declined it. To this I added such matter as I thought most fit to engage government, as government, — not to sport with a singular opportunity which offered for the union of every description of men amongst us in support of the common interest of the whole; and I ended by desiring to see Lord North upon the subject. Sir Grey Cooper showed a very right sense of the matter, and in a few minutes after our conversation I went down from the Treasury chambers to Lord North's house. I had a great deal of discourse with him. He told me that his ideas of toleration were large, but that, large as they were, they did not comprehend a promiscuous establishment, even in matters merely civil; that he thought the established religion ought to be the religion of the state; that, in this idea, he was not for the repeal of the sacramental test; that, indeed, he knew the

Dissenters in general did not greatly scruple it; but that very want of scruple showed less zeal against the Establishment; and, after all, there could no provision be made by human laws against those who made light of the tests which were formed to discriminate opinions. On all this he spoke with a good deal of temper. He did not, indeed, seem to think the test itself, which was rightly considered by Dissenters as in a manner dispensed with by an annual act of Parliament, and which in Ireland was of a late origin, and of much less extent than here, a matter of much moment. The thing which seemed to affect him most was the offence that would be taken at the repeal by the leaders among the Church clergy here, on one hand, and, on the other, the steps which would be taken for its repeal in England in the next session, in consequence of the repeal in Ireland. I assured him, with great truth, that we had no idea among the Whigs of moving the repeal of the test. I confessed very freely, for my own part, that, if it were brought in, I should certainly vote for it; but that I should neither use, nor did I think applicable, any arguments drawn from the analogy of what was done in other parts of the British dominions. We did not argue from analogy, even in this island and United Kingdom. Presbytery was established in Scotland. It became no reason either for its religious or civil establishment here. In New England the Independent Congregational Churches had an established legal maintenance; whilst that country continued part of the British empire, no argument in favor of Independency was adduced from the practice of New England. Government itself lately thought fit to establish the Roman Catholic religion in Canada; but they would not suffer an argument of analogy to be used for its establishment anywhere else. These things were governed, as all things of that nature are governed, not by general maxims, but their own local and peculiar circumstances. Finding, however, that, though he was very cool and patient, I made no great way in the business of the Dissenters, I turned myself to try whether, falling in with his maxims, some modification might not be found, the hint of which I received from your letter relative to the Irish Militia Bill, and the point I labored was so to alter the clause as to repeal the test *quoad* military and revenue offices: for these being only subservient parts in the economy and execution, rather than the administration of affairs, the politic, civil, and judicial parts would still continue in the hands of the conformists to religious establishments. Without giving any hopes, he, however, said that this distinction deserved to be considered. After this, I strongly pressed the mischief of rejecting the whole bill: that a notion went abroad, that government was not at this moment very well pleased with the Dissenters, as not very well affected to the monarchy; that, in general, I conceived this to be a mistake, — but if it were not, the rejection of a bill in favor *of others*, because something in favor of *them* was inserted, instead of humbling and mortifying, would infinitely exalt them: for, if the legislature had no means of favoring those whom they meant to favor, as long as the Dissenters could find means to get themselves included, this would make them, instead of their only being subject to restraint

themselves, the arbitrators of the fate of others, and that not so much by their own strength (which could not be prevented in its operation) as by the coöperation of those whom they opposed. In the conclusion, I recommended, that, if they wished well to the measure which was the main object of the bill, they must explicitly make it their own, and stake themselves upon it; that hitherto all their difficulties had arisen from their indecision and their wrong measures; and to make Lord North sensible of the necessity of giving a firm support to some part of the bill, and to add weighty authority to my reasons, I read him your letter of the 10th of July. It seemed, in some measure, to answer the purpose which I intended. I pressed the necessity of the management of the affair, both as to conduct and as to gaining of men; and I renewed my former advice, that the Lord Lieutenant should be instructed to consult and cooperate with you in the whole affair. All this was, apparently, very fairly taken.

In the evening of that day I saw the Lord Chancellor. With him, too, I had much discourse. You know that he is intelligent, sagacious, systematic, and determined. At first he seemed of opinion that the relief contained in the bill was so inadequate to the mass of oppression it was intended to remove, that it would be better to let it stand over, until a more perfect and better digested plan could be settled. This seemed to possess him very strongly. In order to combat this notion, and to show that the bill, all things considered, was a very great acquisition, and that it was rather a preliminary than an obstruction to relief, I ventured to show him your letter. It had its effect. He declared himself roundly against giving anything to a confederacy, real or apparent, to distress government; that, if anything was done for Catholics or Dissenters, it should be done on its own separate merits, and not by way of bargain and compromise; that they should be each of them obliged to government, not each to the other; that this would be a perpetual nursery of faction. In a word, he seemed so determined on not uniting these plans, that all I could say, and I said everything I could think of, was to no purpose. But when I insisted on the disgrace to government which must arise from their rejecting a proposition recommended by themselves, because their opposers had made a mixture, separable too by themselves, I was better heard. On the whole, I found him well disposed.

As soon as I had returned to the country, this affair lay so much on my mind, and the absolute necessity of government's making a serious business of it, agreeably to the seriousness they professed, and the object required, that I wrote to Sir G. Cooper, to remind him of the principles upon which we went in our conversation, and to press the plan which was suggested for carrying them into execution. He wrote to me on the 20th, and assured me, "that Lord North had given all due attention and respect to what you said to him on Friday, and will pay the same respect to the sentiments conveyed in your letter: everything you say or write on the subject undoubtedly demands it." Whether this was mere civility, or showed anything effectual in their intentions, time and the success of this measure will

show. It is wholly with them; and if it should fail, you are a witness that nothing on our part has been wanting to free so large a part of our fellow-subjects and fellow-citizens from slavery, and to free government from the weakness and danger of ruling them by force. As to my own particular part, the desire of doing this has betrayed me into a step which I cannot perfectly reconcile to myself. You are to judge how far, on the circumstances, it may be excused. I think it had a good effect. You may be assured that I made this communication in a manner effectually to exclude so false and groundless an idea as that I confer with you, any more than I confer with them, on any party principle whatsoever, — or that in this affair we look further than the measure which is in profession, and I am sure ought to be in reason, theirs.

I am ever, with the sincerest affection and esteem,

My dear Sir,

Your most faithful and obedient humble servant,

EDMUND BURKE.

BEACONSFIELD, 18th July, 1778.

I intended to have written sooner, but it has not been in my power.

To the Speaker of the House of Commons of Ireland.

**TWO LETTERS TO THOMAS BURGH, ESQ., AND JOHN
MERLOTT, ESQ., IN VINDICATION OF HIS
PARLIAMENTARY CONDUCT RELATIVE TO THE AFFAIRS
OF IRELAND. 1780.**

**LETTER
TO THOMAS BURGH, ESQ.**

My Dear Sir, — I do not know in what manner I am to thank you properly for the very friendly solicitude you have been so good as to express for my reputation. The concern you have done me the honor to take in my affairs will be an ample indemnity from all that I may suffer from the rapid judgments of those who choose to form their opinions of men, not from the life, but from their portraits in a newspaper. I confess to you that my frame of mind is so constructed, I have in me so little of the constitution of a great man, that I am more gratified with a very moderate share of approbation from those few who know me than I should be with the most clamorous applause from those multitudes who love to admire at a due distance.

I am not, however, Stoic enough to be able to affirm with truth, or hypocrite enough affectedly to pretend, that I am wholly unmoved at the difficulty which you and others of my friends in Ireland have found in vindicating my conduct towards my native country. It undoubtedly hurts me in some degree: but the wound is not very deep. If I had sought popularity in Ireland, when, in the cause of that country, I was ready to sacrifice, and did sacrifice, a much nearer, a much more immediate, and a much more advantageous popularity here, I should find myself perfectly unhappy, because I should be totally disappointed in my expectations, — because I should discover, when it was too late, what common sense might have told me very early, that I risked the capital of my fame in the most disadvantageous lottery in the world. But I acted then, as I act now, and as I hope I shall act always, from a strong impulse of right, and from motives in which popularity, either here or there, has but a very little part.

With the support of that consciousness I can bear a good deal of the coquetry of public opinion, which has her caprices, and must have her way. *Miseri, quibus intentata nitet!* I, too, have had my holiday of popularity in Ireland. I have even heard of an intention to erect a statue. I believe my intimate acquaintance know how little that idea was encouraged by me; and I was sincerely glad that it never took effect. Such honors belong exclusively to the tomb, — the natural and only period of human inconstancy, with regard either to desert or to opinion: for they are

the very same hands which erect, that very frequently (and sometimes with reason enough) pluck down the statue. Had such an unmerited and unlooked-for compliment been paid to me two years ago, the fragments of the piece might at this hour have the advantage of seeing actual service, while they were moving, according to the law of projectiles, to the windows of the Attorney-General, or of my old friend, Monk Mason.

To speak seriously, — let me assure you, my dear Sir, that, though I am not permitted to rejoice at *all* its effects, there is not one man on your side of the water more pleased to see the situation of Ireland so prosperous as that she can afford to throw away her friends. She has obtained, solely by her own efforts, the fruits of a great victory, which I am very ready to allow that the best efforts of her best well-wishers here could not have done for her so effectually in a great number of years, and perhaps could not have done at all. I could wish, however, merely for the sake of her own dignity, that, in turning her poor relations and antiquated friends out of doors, (though one of the most common effects of new prosperity,) she had thought proper to dismiss us with fewer tokens of unkindness. It is true that there is no sort of danger in affronting men who are not of importance enough to have any trust of ministerial, of royal, or of national honor to surrender. The unforced and unbought services of humble men, who have no medium of influence in great assemblies, but through the precarious force of reason, must be looked upon with contempt by those who by their wisdom and spirit have improved the critical moment of their fortune, and have debated with authority against pusillanimous dissent and ungracious compliance, at the head of forty thousand men.

Such feeble auxiliaries (as I talk of) to such a force, employed against such resistance, I must own, in the present moment, very little worthy of your attention. Yet, if one were to look forward, it scarcely seems altogether politic to bestow so much liberality of invective on the Whigs of this kingdom as I find has been the fashion to do both in and out of Parliament. That you should pay compliments, in some tone or other, whether ironical or serious, to the minister from whose imbecility you have extorted what you could never obtain from his bounty, is not unnatural. In the first effusions of Parliamentary gratitude to that minister for the early and voluntary benefits he has conferred upon Ireland, it might appear that you were wanting to the triumph of his surrender, if you did not lead some of his enemies captive before him. Neither could you feast him with decorum, if his particular taste were not consulted. A minister, who has never defended his measures in any other way than by railing at his adversaries, cannot have his palate made all at once to the relish of positive commendation. I cannot deny but that on this occasion there was displayed a great deal of the good-breeding which consists in the accommodation of the entertainment to the relish of the guest.

But that ceremony being past, it would not be unworthy of the wisdom of Ireland to consider what consequences the extinguishing every spark of freedom in this

country may have upon your own liberties. You are at this instant flushed with victory, and full of the confidence natural to recent and untried power. We are in a temper equally natural, though very different. We feel as men do, who, having placed an unbounded reliance on their force, have found it totally to fail on trial. We feel faint and heartless, and without the smallest degree of self-opinion. In plain words, we are *cowed*. When men give up their violence and injustice without a struggle, their condition is next to desperate. When no art, no management, no argument, is necessary to abate their pride and overcome their prejudices, and their uneasiness only excites an obscure and feeble rattling in their throat, their final dissolution seems not far off. In this miserable state we are still further depressed by the overbearing influence of the crown. It acts with the officious cruelty of a mercenary nurse, who, under pretence of tenderness, stifles us with our clothes, and plucks the pillow from our heads. *Injectu multæ vestis opprimi senem jubet*. Under this influence we have so little will of our own, that, even in any apparent activity we may be got to assume, I may say, without any violence to sense, and with very little to language, we are merely passive. We have yielded to your demands this session. In the last session we refused to prevent them. In both cases, the passive and the active, our principle was the same. Had the crown pleased to retain the spirit, with regard to Ireland, which seems to be now all directed to America, we should have neglected our own immediate defence, and sent over the last man of our militia to fight with the last man of your volunteers.

To this influence the principle of action, the principle of policy, and the principle of union of the present minority are opposed. These principles of the opposition are the only thing which preserves a single symptom of life in the nation. That opposition is composed of the far greater part of the independent property and independent rank of the kingdom, of whatever is most untainted in character, and of whatever ability remains unextinguished in the people, and of all which tends to draw the attention of foreign countries upon this. It is now in its final and conclusive struggle. It has to struggle against a force to which, I am afraid, it is not equal. The *whole* kingdom of Scotland ranges with the venal, the unprincipled, and the wrong-principled of this; and if the kingdom of Ireland thinks proper to pass into the same camp, we shall certainly be obliged to quit the field. In that case, if I know anything of this country, another constitutional opposition *can never* be formed in it; and if this be impossible, it will be at least as much so (if there can be degrees in impossibility) to have a constitutional administration at any future time. The possibility of the former is the only security for the existence of the latter. Whether the present administration be in the least like one, I must venture to doubt, even in the honey-moon of the Irish fondness to Lord North, which has succeeded to all their slappings and scratchings.

If liberty cannot maintain its ground in this kingdom, I am sure that it cannot have any long continuance in yours. Our liberty might now and then jar and strike a

discord with that of Ireland. The thing is possible: but still the instruments might play in concert. But if ours be unstrung, yours will be hung up on a peg, and both will be mute forever. Your new military force may give you confidence, and it serves well for a turn; but you and I know that it has not root. It is not perennial, and would prove but a poor shelter for your liberty, when this nation, having no interest in its own, could look upon yours with the eye of envy and disgust. I cannot, therefore, help thinking, and telling you what with great submission I think, that, if the Parliament of Ireland be so jealous of the spirit of our common Constitution as she seems to be, it was not so discreet to mix with the panegyric on the minister so large a portion of acrimony to the independent part of this nation. You never received any sort of injury from them, and you are grown to that degree of importance that the discourses in your Parliament will have a much greater effect on our immediate fortune than our conversation can have upon yours. In the end they will seriously, affect both.

I have looked back upon our conduct and our public conversations in order to discover what it is that can have given you offence. I have done so, because I am ready to admit that to offend you without any cause would be as contrary to true policy as I am sure it must be to the inclinations of almost every one of us. About two years ago Lord Nugent moved six propositions in favor of Ireland in the House of Commons. At the time of the motions, and during the debate, Lord North was either wholly out of the House, or engaged in other matters of business or pleasantry, in the remotest recesses of the West Saxon corner. He took no part whatsoever in the affair; but it was supposed his neutrality was more inclined towards the side of favor. The mover being a person in office was, however, the only indication that was given of such a leaning. We who supported the propositions, finding them better relished than at first we looked for, pursued our advantage, and began to open a way for more essential benefits to Ireland. On the other hand, those who had hitherto opposed them in vain redoubled their efforts, and became exceedingly clamorous. Then it was that Lord North found it necessary to come out of his fastness, and to interpose between the contending parties. In this character of mediator, he declared, that, if anything beyond the first six resolutions should be attempted, he would oppose the whole, but that, if we rested there, the original motions should have his support. On this a sort of convention took place between him and the managers of the Irish business, in which the six resolutions were to be considered as an *uti possidetis*, and to be held sacred.

By this time other parties began to appear. A good many of the trading towns, and manufactures of various kinds, took the alarm. Petitions crowded in upon one another, and the bar was occupied by a formidable body of council. Lord N. was staggered by this new battery. He is not of a constitution to encounter such an opposition as had then risen, when there were no other objects in view than those

that were then before the House. In order not to lose him, we were obliged to abandon, bit by bit, the most considerable part of the original agreement.

In several parts, however, he continued fair and firm. For my own part, I acted, as I trust I commonly do, with decision. I saw very well that the things we had got were of no great consideration; but they were, even in their defects, somewhat leading. I was in hopes that we might obtain gradually and by parts what we might attempt at once and in the whole without success, — that one concession would lead to another, — and that the people of England discovering by a progressive experience that none of the concessions actually made were followed by the consequences they had dreaded, their fears from what they were yet to yield would considerably diminish. But that to which I attached myself the most particularly was, to fix *the principle* of a free trade in all the ports of these islands, as founded in justice, and beneficial to the whole, but principally to this, the seat of the supreme power. And this I labored to the utmost of my might, upon general principles, illustrated by all the commercial detail with which my little inquiries in life were able to furnish me. I ought to forget such trifling things as those, with all concerning myself; and possibly I might have forgotten them, if the Lord Advocate of Scotland had not, in a very flattering manner, revived them in my memory, in a full House in this session. He told me that my arguments, such as they were, had made him, at the period I allude to, change the opinion with which he had come into the House strongly impressed. I am sure that at the time at least twenty more told me the same thing. I certainly ought not to take their style of compliment as a testimony to fact; neither do I. But all this showed sufficiently, not what they thought of my ability, but what they saw of my zeal. I could say more in proof of the effects of that zeal, and of the unceasing industry with which I then acted, both in my endeavors which were apparent and those that were not so visible. Let it be remembered that I showed those dispositions while the Parliament of England was in a capacity to deliberate and in a situation to refuse, when there was something to be risked here by being suspected of a partiality to Ireland, when there was an honorable danger attending the profession of friendship to you, which heightened its relish, and made it worthy of a reception in manly minds. But as for the awkward and nauseous parade of debate without opposition, the flimsy device of tricking out necessity and disguising it in the habit of choice, the shallow stratagem of defending by argument, what all the world must perceive is yielded to force, — these are a sort of acts of friendship which I am sorry that any of my countrymen should require of their real friends. They are things not *to my taste*; and if they are looked upon as tests of friendship, I desire for one that I may be considered as an enemy.

What party purpose did my conduct answer at that time? I acted with Lord N. I went to all the ministerial meetings, — and he and his associates in office will do me the justice to say, that, aiming at the concord of the empire, I made it my business to give his concessions all the value of which they were capable, whilst

some of those who were covered with his favors derogated from them, treated them with contempt, and openly threatened to oppose them. If I had acted with my dearest and most valued friends, if I had acted with the Marquis of Rockingham or the Duke of Richmond, in that situation, I could not have attended more to their honor, or endeavored more earnestly to give efficacy to the measures I had taken in common with them. The return which I, and all who acted as I did, have met with from him, does not make me repent the conduct which I then held.

As to the rest of the gentlemen with whom I have the honor to act, they did not then, or at any other time, make a party affair of Irish politics. That matter was always taken up without concert; but, in general, from the operation of our known liberal principles in government, in commerce, in religion, in everything, it was taken up favorably for Ireland. Where some local interests bore hard upon the members, they acted on the sense of their constituents, upon ideas which, though I do not always follow, I cannot blame. However, two or three persons, high in opposition, and high in public esteem, ran great risks in their boroughs on that occasion. But all this was without any particular plan. I need not say, that Ireland was in that affair much obliged to the liberal mind and enlarged understanding of Charles Fox, to Mr. Thomas Townshend, to Lord Midleton, and others. On reviewing that affair, which gave rise to all the subsequent manoeuvres, I am convinced that the whole of what has this day been done might have then been effected. But then the minister must have taken it up as a great plan of national policy, and paid with his person in every lodgment of his approach. He must have used that influence to quiet prejudice, which he has so often, used to corrupt principle: and I know, that, if he had, he must have succeeded. Many of the most active in opposition would have given him an unequivocal support. The corporation of London, and the great body of the London West India merchants and planters, which forms the greatest mass of that vast interest, were disposed to fall in with such a plan. They certainly gave no sort of discountenance to what was done or what was proposed. But these are not the kind of objects for which our ministers bring out the heavy artillery of the state. Therefore, as things stood at that time, a great deal more was not practicable.

Last year another proposition was brought out for the relief of Ireland. It was started without any communication with a single person of activity in the country party, and, as it should seem, without any kind of concert with government. It appeared to me extremely raw and undigested. The behavior of Lord N., on the opening of that business, was the exact transcript of his conduct on the Irish question in the former session. It was a mode of proceeding which his nature has wrought into the texture of his politics, and which is inseparable from them. He chose to absent himself on the proposition and during the agitation of that business, — although the business of the House is that alone for which he has any kind of relish, or, as I am told, can be persuaded to listen to with any degree of attention.

But he was willing to let it take its course. If it should pass without any considerable difficulty, he would bring his acquiescence to tell for merit in Ireland, and he would have the credit, out of his indolence, of giving quiet to that country. If difficulties should arise on the part of England, he knew that the House was so well trained that he might at his pleasure call us off from the hottest scent. As he acted in his usual manner and upon his usual principle, opposition acted upon theirs, and rather generally supported the measure. As to myself, I expressed a disapprobation at the practice of bringing imperfect and indigested projects into the House, before means were used to quiet the clamors which a misconception of what we were doing might occasion at home, and before measures were settled with men of weight and authority in Ireland, in order to render our acts useful and acceptable to that country. I said, that the only thing which could make the influence of the crown (enormous without as well as within the House) in any degree tolerable was, that it might be employed to give something of order and system to the proceedings of a popular assembly; that government being so situated as to have a large range of prospect, and as it were a bird's-eye view of everything, they might see distant dangers and distant advantages which were not so visible to those who stood on the common level; they might, besides, observe them, from this advantage, in their relative and combined state, which people locally instructed and partially informed could behold only in an insulated and unconnected manner; — but that for many years past we suffered under all the evils, without any one of the advantages of a government influence; that the business of a minister, or of those who acted as such, had been still further to contract the narrowness of men's ideas, to confirm inveterate prejudices, to inflame vulgar passions, and to abet all sorts of popular absurdities, in order the better to destroy popular rights and privileges; that, so far from methodizing the business of the House, they had let all things run into an inextricable confusion, and had left affairs of the most delicate policy wholly to chance.

After I had expressed myself with the warmth I felt on seeing all government and order buried under the ruins of liberty, and after I had made my protest against the insufficiency of the propositions, I supported the principle of enlargement at which they aimed, though short and somewhat wide of the mark, — giving, as my sole reason, that the more frequently these matters came into discussion, the more it would tend to dispel fears and to eradicate prejudices.

This was the only part I took. The detail was in the hands of Lord Newhaven and Lord Beauchamp, with some assistance from Earl Nugent and some independent gentlemen of Irish property. The dead weight of the minister being removed, the House recovered its tone and elasticity. We had a temporary appearance of a deliberative character. The business was debated freely on both sides, and with sufficient temper. And the sense of the members being influenced by nothing but what will naturally influence men unbought, their reason and their prejudices, these

two principles had a fair conflict, and prejudice was obliged to give way to reason. A majority appeared, on a division, in favor of the propositions.

As these proceedings got out of doors, Glasgow and Manchester, and, I think, Liverpool, began to move, but in a manner much more slow and languid than formerly. Nothing, in my opinion, would have been less difficult than entirely to have overborne their opposition. The London West India trade was, as on the former occasion, so on this, perfectly liberal and perfectly quiet; and there is abroad so much respect for the united wisdom of the House, when supposed to act upon a fair view of a political situation, that I scarcely ever remember any considerable uneasiness out of doors, when the most active members, and those of most property and consideration in the minority, have joined themselves to the administration. Many factious people in the towns I mentioned began, indeed, to revile Lord North, and to reproach his neutrality as treacherous and ungrateful to those who had so heartily and so warmly entered into all his views with regard to America. That noble lord, whose decided character it is to give way to the latest and nearest pressure, without any sort of regard to distant consequences of any kind, thought fit to appear, on this signification of the pleasure of those his worthy friends and partisans, and, putting himself at the head of the *posse scaccarii*, wholly regardless of the dignity and consistency of our miserable House, drove the propositions entirely out of doors by a majority newly summoned to duty.

In order to atone to Ireland for this gratification to Manchester, he graciously permitted, or rather forwarded, two bills, — that for encouraging the growth of tobacco, and that for giving a bounty on exportation of hemp from Ireland. They were brought in by two very worthy members, and on good principles; but I was sorry to see them, and, after expressing my doubts of their propriety, left the House. Little also [else?] was said upon them. My objections were two: the first, that the cultivation of those weeds (if one of them could be at all cultivated to profit) was adverse to the introduction of a good course of agriculture; the other, that the encouragement given to them tended to establish that mischievous policy of considering Ireland as a country of staple, and a producer of raw materials.

When the rejection of the first propositions and the acceptance of the last had jointly, as it was natural, raised a very strong discontent in Ireland, Lord Rockingham, who frequently said that there never seemed a more opportune time for the relief of Ireland than that moment when Lord North had rejected all rational propositions for its relief, without consulting, I believe, any one living, did what he is not often very willing to do; but he thought this an occasion of magnitude enough to justify an extraordinary step. He went into the closet, and made a strong representation on the matter to the king, which was not ill received, and I believe produced good effects. He then made the motion in the House of Lords which you may recollect; but he was content to withdraw all of censure which it contained, on the solemn promise of ministry, that they would in the recess of Parliament prepare

a plan for the benefit of Ireland, and have it in readiness to produce at the next meeting. You may recollect that Lord Gower became in a particular manner bound for the fulfilling this engagement. Even this did not satisfy, and most of the minority were very unwilling that Parliament should be prorogued until something effectual on the subject should be done, — particularly as we saw that the distresses, discontents, and armaments of Ireland were increasing every day, and that we are not so much lost to common sense as not to know the wisdom and efficacy of early concession in circumstances such as ours.

The session was now at an end. The ministers, instead of attending to a duty that was so urgent on them, employed themselves, as usual, in endeavors to destroy the reputation of those who were bold enough to remind them of it. They caused it to be industriously circulated through the nation, that the distresses of Ireland were of a nature hard to be traced to the true source, that they had been monstrously magnified, and that, in particular, the official reports from Ireland had given the lie (that was their phrase) to Lord Rockingham's representations: and attributing the origin of the Irish proceedings wholly to us, they asserted that everything done in Parliament upon the subject was with a view of stirring up rebellion; "that neither the Irish legislature nor their constituents had signified any dissatisfaction at the relief obtained in the session preceding the last; that, to convince both of the impropriety of their *peaceable* conduct, opposition, by making demands in the name of Ireland, pointed out what she might extort from Great Britain; that the facility with which relief was (formerly) granted, instead of satisfying opposition, was calculated to create new demands; these demands, as they *interfered* with the commerce of Great Britain, were *certain* of being opposed, — a circumstance which could not fail to create that desirable confusion which suits the views of the party; that they (the Irish) had long felt their own misery, *without knowing well from whence it came*; our worthy patriots, by *pointing out Great Britain* as the *cause of Irish distress*, may have some chance of rousing Irish resentment." This I quote from a pamphlet as perfectly contemptible in point of writing as it is false in its facts and wicked in its design: but as it is written under the authority of ministers, by one of their principal literary pensioners, and was circulated with great diligence, and, as I am credibly informed, at a considerable expense to the public, I use the words of that book to let you see in what manner the friends and patrons of Ireland, the heroes of your Parliament, represented all efforts for your relief here, what means they took to dispose the minds of the people towards that great object, and what encouragement they gave to all who should choose to exert themselves in your favor. Their unwearied endeavors were not wholly without success, and the unthinking people in many places became ill-affected towards us on this account. For the ministers proceeded in your affairs just as they did with regard to those of America. They always represented you as a parcel of blockheads, without sense, or even feeling; that all your words were only the echo of faction here; and (as you

have seen above) that you had not understanding enough to know that your trade was cramped by restrictive acts of the British Parliament, unless we had, for factious purposes, given you the information. They were so far from giving the least intimation of the measures which have since taken place, that those who were supposed the best to know their intentions declared them impossible in the actual state of the two kingdoms, and spoke of nothing but an act of union, as the only way that could be found of giving freedom of trade to Ireland, consistently with the interests of this kingdom. Even when the session opened, Lord North declared that he did not know what remedy to apply to a disease of the cause of which he was ignorant; and ministry not being then entirely resolved how far they should submit to your energy, they, by anticipation, set the above author or some of his associates to fill the newspapers with invectives against us, as distressing the minister by extravagant demands in favor of Ireland.

I need not inform you, that everything they asserted of the steps taken in Ireland, as the result of our machinations, was utterly false and groundless. For myself, I seriously protest to you, that I neither wrote a word or received a line upon any matter relative to the trade of Ireland, or to the politics of it, from the beginning of the last session to the day that I was honored with your letter. It would be an affront to the talents in the Irish Parliament to say one word more.

What was done in Ireland during that period, in and out of Parliament, never will be forgotten. You raised an army new in its kind and adequate to its purposes. It effected its end without its exertion. It was not under the authority of law, most certainly, but it derived from an authority still higher; and as they say of faith, that it is not contrary to reason, but above it, so this army did not so much contradict the spirit of the law as supersede it. What you did in the legislative body is above all praise. By your proceeding with regard to the supplies, you revived the grand use and characteristic benefit of Parliament, which was on the point of being entirely lost amongst us. These sentiments I never concealed, and never shall; and Mr. Fox expressed them with his usual power, when he spoke on the subject.

All this is very honorable to you. But in what light must we see it? How are we to consider your armament without commission from the crown, when some of the first people in *this* kingdom have been refused arms, at the time they did not only not reject, but solicited the king's commissions? Here to arm and embody would be represented as little less than high treason, if done on private authority: with you it receives the thanks of a Privy Counsellor of Great Britain, who obeys the Irish House of Lords in that point with pleasure, and is made Secretary of State, the moment he lands here, for his reward. You shortened the credit given to the crown to six months; you hung up the public credit of your kingdom by a thread; you refused to raise any taxes, whilst you confessed the public debt and public exigencies to be great and urgent beyond example. You certainly acted in a great style, and on sound and invincible principles. But if we in the opposition, which fills

Ireland with such loyal horrors, had even attempted, what we never did even attempt, the smallest delay or the smallest limitation of supply, in order to a constitutional coercion of the crown, we should have been decried by all the court and Tory mouths of this kingdom, as a desperate faction, aiming at the direct ruin of the country, and to surrender it bound hand and foot to a foreign enemy. By actually doing what we never ventured to attempt, you have paid your court with such address, and have won so much favor with his Majesty and his cabinet, that they have, of their special grace and mere motion, raised you to new titles, and for the first time, in a speech from the throne, complimented you with the appellation of “faithful and loyal,” — and, in order to insult our low-spirited and degenerate obedience, have thrown these epithets and your resistance together in our teeth! What do you think were the feelings of every man who looks upon Parliament in an higher light than that of a market-overt for legalizing a base traffic of votes and pensions, when he saw you employ such means of coercion to the crown, in order to coerce our Parliament through *that* medium? How much his Majesty is pleased with *his* part of the civility must be left to his own taste. But as to us, you declared to the world that you knew that the way of bringing us to reason was to apply yourselves to the true source of all our opinions and the only motive to all our conduct! Now, it seems, you think yourselves affronted, because a few of us express some indignation at the minister who has thought fit to strip us stark naked, and expose the true state of our poxed and pestilential habit to the world! Think or say what you will in Ireland, I shall ever think it a crime hardly to be expiated by his blood. He might, and ought, by a longer continuance or by an earlier meeting of this Parliament, to have given us the credit of some wisdom in foreseeing and anticipating an approaching force. So far from it, Lord Gower, coming out of his own cabinet, declares that one principal cause of his resignation was his not being able to prevail on the present minister to give any sort of application to this business. Even on the late meeting of Parliament, nothing determinate could be drawn from him, or from any of his associates, until you had actually passed the short money bill, — which measure they flattered themselves, and assured others, you would never come up to. Disappointed in their expectation at [of?] seeing the siege raised, they surrendered at discretion.

Judge, my dear Sir, of our surprise at finding your censure directed against those whose only crime was in accusing the ministers of not having prevented your demands by our graces, of not having given you the natural advantages of your country in the most ample, the most early, and the most liberal manner, and for not having given away authority in such a manner as to insure friendship. That you should make the panegyric of the ministers is what I expected; because, in praising their bounty, you paid a just compliment to your own force. But that you should rail at us, either individually or collectively, is what I can scarcely think a natural proceeding. I can easily conceive that gentlemen might grow frightened at what they

had done, — that they might imagine they had undertaken a business above their direction, — that, having obtained a state of independence for their country, they meant to take the deserted helm into their own hands, and supply by their very real abilities the total inefficacy of the nominal government. All these might be real, and might be very justifiable motives for their reconciling themselves cordially to the present court system. But I do not so well discover the reasons that could induce them, at the first feeble dawning of life in this country, to do all in their power to cast a cloud over it, and to prevent the least hope of our effecting the necessary reformatations which are aimed at in our Constitution and in our national economy.

But, it seems, I was silent at the passing the resolutions. Why, what had I to say? If I had thought them too much, I should have been accused of an endeavor to inflame England. If I should represent them as too little, I should have been charged with a design of fomenting the discontents of Ireland into actual rebellion. The Treasury bench represented that the affair was a matter of state: they represented it truly. I therefore only asked whether they knew these propositions to be such as would satisfy Ireland; for if they were so, they would satisfy me. This did not indicate that I thought them too ample. In this our silence (however dishonorable to Parliament) there was one advantage, — that the whole passed, as far as it is gone, with complete unanimity, and so quickly that there was no time left to excite any opposition to it out of doors. In the West India business, reasoning on what had lately passed in the Parliament of Ireland, and on the mode in which it was opened here, I thought I saw much matter of perplexity. But I have now better reason than ever to be pleased with my silence. If I had spoken, one of the most honest and able men in the Irish Parliament would probably have thought my observation an endeavor to sow dissension, which he was resolved to prevent, — and one of the most, ingenious and one of the most amiable men that ever graced yours or any House of Parliament might have looked on it as a chimera. In the silence I observed, I was strongly countenanced (to say no more of it) by every gentleman of Ireland that I had the honor of conversing with in London. The only word, for that reason, which I spoke, was to restrain a worthy county member, who had received some communication from a great trading place in the county he represents, which, if it had been opened to the House, would have led to a perplexing discussion of one of the most troublesome matters that could arise in this business. I got up to put a stop to it; and I believe, if you knew what the topic was, you would commend my discretion.

That it should be a matter of public discretion in me to be silent on the affairs of Ireland is what on all accounts I bitterly lament. I stated to the House what I felt; and I felt, as strongly as human sensibility can feel, the extinction of my Parliamentary capacity, where I wished to use it most. When I came into this Parliament, just fourteen years ago, — into this Parliament, then, in vulgar opinion at least, the presiding council of the greatest empire existing, (and perhaps, all

things considered, that ever did exist,) obscure and a stranger as I was, I considered myself as raised to the highest dignity to which a creature of our species could aspire. In that opinion, one of the chief pleasures in my situation, what was first and uppermost in my thoughts, was the hope, without injury to this country, to be somewhat useful to the place of my birth and education, which in many respects, internal and external, I thought ill and impolitically governed. But when I found that the House, surrendering itself to the guidance of an authority, not grown out of an experienced wisdom and integrity, but out of the accidents of court favor, had become the sport of the passions of men at once rash and pusillanimous, — that it had even got into the habit of refusing everything to reason and surrendering everything to force, all my power of obliging either my country or individuals was gone, all the lustre of my imaginary rank was tarnished, and I felt degraded even by my elevation. I said this, or something to this effect. If it gives offence to Ireland, I am sorry for it: it was the reason I gave for my silence; and it was, as far as it went, the true one.

With you, this silence of mine and of others was represented as factious, and as a discountenance to the measure of your relief. Do you think us children? If it had been our wish to embroil matters, and, for the sake of distressing ministry, to commit the two kingdoms in a dispute, we had nothing to do but (without at all condemning the propositions) to have gone into the commercial detail of the objects of them. It could not have been refused to us: and you, who know the nature of business so well, must know that this would have caused such delays, and given rise during that delay to such discussions, as all the wisdom of your favorite minister could never have settled. But, indeed, you mistake your men. We tremble at the idea of a disunion of these two nations. The only thing in which we differ with you is this, — that we do not think your attaching yourselves to the court and quarrelling with the independent part of this people is the way to promote the union of two free countries, or of holding them together by the most natural and salutary ties.

You will be frightened, when you see this long letter. I smile, when I consider the length of it myself. I never, that I remember, wrote any of the same extent. But it shows me that the reproaches of the country that I once belonged to, and in which I still have a dearness of instinct more than I can justify to reason, make a greater impression on me than I had imagined. But parting words are admitted to be a little tedious, because they are not likely to be renewed. If it will not be making yourself as troublesome to others as I am to you, I shall be obliged to you, if you will show this, at their greatest leisure, to the Speaker, to your excellent kinsman, to Mr. Grattan, Mr. Yelverton, and Mr. Daly: all these I have the honor of being personally known to, except Mr. Yelverton, to whom I am only known by my obligations to him. If you live in any habits with my old friend, the Provost, I shall be glad that he, too, sees this my humble apology.

Adieu! once more accept my best thanks for the interest you take in me. Believe that it is received by an heart not yet so old as to have lost its susceptibility. All here give you the best old-fashioned wishes of the season; and believe me, with the greatest truth and regard,

My dear Sir,

Your most faithful and obliged humble servant,

EDMUND BURKE.

BEACONSFIELD, New year's Day, 1780.

I am frightened at the trouble I give you and our friends; but I recollect that you are mostly lawyers, and habituated to read long, tiresome papers — and, where your friendship is concerned, without a fee; I am sure, too, that you will not act the lawyer in scrutinizing too minutely every expression which my haste may make me use. I forgot to mention my friend O'Hara, and others; but you will communicate it as you please.

LETTER

TO JOHN MERLOTT, ESQ.

Dear Sir, — I am very unhappy to find that my conduct in the business of Ireland, on a former occasion, had made many to be cold and indifferent who would otherwise have been warm in my favor. I really thought that events would have produced a quite contrary effect, and would have proved to all the inhabitants of Bristol that it was no desire of opposing myself to their wishes, but a certain knowledge of the necessity of their affairs, and a tender regard to their honor and interest, which induced me to take the part which I then took. They placed me in a situation which might enable me to discern what was fit to be done, on a consideration of the relative circumstances of this country and all its neighbors. This was what you could not so well do yourselves; but you had a right to expect that I should avail myself of the advantage which I derived from your favor. Under the impression-of this duty and this trust, I had endeavored to render, by preventive graces and concessions, every act of power at the same time an act of lenity, — the result of English bounty, and not of English timidity and distress. I really flattered myself that the events which have proved beyond dispute the prudence of such a maxim would have obtained pardon for me, if not approbation. But if I have not been so fortunate, I do most sincerely regret my great loss, — this comfort, however, that, if I have disobliged my constituents, it was not in pursuit of any sinister interest or any party passion of my own, but in endeavoring to save them from disgrace, along with the whole community to which they and I belong. I shall be concerned for this, and very much so; but I should be more concerned, if, in gratifying a present humor of theirs, I had rendered myself unworthy of their

former or their future choice. I confess that I could not bear to face my constituents at the next general election, if I had been a rival to Lord North in the glory of having refused some small, insignificant concessions, in favor of Ireland, to the arguments and supplications of English members of Parliament, — and in the very next session, on the demand of forty thousand Irish bayonets, of having made a speech of two hours long to prove that my former conduct was founded upon no one right principle, either of policy, justice, or commerce. I never heard a more elaborate, more able, more convincing, and more shameful speech. The debater obtained credit, but the statesman was disgraced forever. Amends were made for having refused small, but timely concessions, by an unlimited and untimely surrender, not only of every one of the objects of former restraints, but virtually of the whole legislative power itself which had made them. For it is not necessary to inform you, that the unfortunate Parliament of this kingdom did not dare to qualify the very liberty she gave of trading with her *own* plantations, by applying, of her *own* authority, any one of the commercial regulations to the new traffic of Ireland, which bind us here under the several Acts of Navigation. We were obliged to refer them to the Parliament of Ireland, as conditions, just in the same manner as if we were bestowing a privilege of the same sort on France and Spain, or any other independent power, and, indeed, with more studied caution than we should have used, not to shock the principle of their independence. How the minister reconciled the refusal to reason, and the surrender to arms raised in defiance of the prerogatives of the crown, to his master, I know not: it has probably been settled, in some way or other, between themselves. But however the king and his ministers may settle the question of his dignity and his rights, I thought it became me, by vigilance and foresight, to take care of yours: I thought I ought rather to lighten the ship in time than expose it to a total wreck. The conduct pursued seemed to me without weight or judgment, and more fit for a member for Banbury than a member for Bristol. I stood, therefore, silent with grief and vexation, on that day of the signal shame and humiliation of this degraded king and country. But it seems the pride of Ireland, in the day of her power, was equal to ours, when we dreamt we were powerful too. I have been abused there even for my silence, which was construed into a desire of exciting discontent in England. But, thank God, my letter to Bristol was in print, my sentiments on the policy of the measure were known and determined, and such as no man could think me absurd enough to contradict. When I am no longer a free agent, I am obliged in the crowd to yield to necessity: it is surely enough that I silently submit to power; it is enough that I do not foolishly affront the conqueror; it is too hard to force me to sing his praises, whilst I am led in triumph before him, — or to make the panegyric of our own minister, who would put me neither in a condition to surrender with honor or to fight with the smallest hope of victory. I was, I confess, sullen and silent on that day, — and shall continue so, until I see some disposition to inquire into this and other causes of the

national disgrace. If I suffer in my reputation for it in Ireland, I am sorry; but it neither does nor can affect me so nearly as my suffering in Bristol for having wished to unite the interests of the two nations in a manner that would secure the supremacy of this.

Will you have the goodness to excuse the length of this letter? My earnest desire of explaining myself in every point which may affect the mind of any worthy gentleman in Bristol is the cause of it. To yourself, and to your liberal and manly notions, I know it is not so necessary. Believe me,

My dear Sir,

Your most faithful and obedient humble servant,

EDMUND BURKE.

BEACONSFIELD, April 4th, 1780.

To JOHN MERLOTT, Esq., Bristol.

LETTERS AND REFLECTIONS ON THE EXECUTIONS OF THE RIOTERS IN 1780.

LETTERS.

To the Lord Chancellor.

My Lord, — I hope I am not too late with the inclosed slight observations. If the execution already ordered cannot be postponed, might I venture to recommend that it should extend to one only? and then the plan suggested in the inclosed paper may, if your Lordship thinks well of it, take place, with such improvements as your better judgment may dictate. As to fewness of the executions, and the good effects of that policy, I cannot, for my own part, entertain the slightest doubt.

If you have no objection, and think it may not occupy more of his Majesty's time than such a thing is worth, I should not be sorry that the inclosed was put into the king's hands.

I have the honor to be, my Lord,
Your Lordship's most obedient humble servant,
EDMUND BURKE.
CHARLES STREET, July 10, 1780.

To the Earl Bathurst, Lord President of the Council

My Lord, —

I came to town but yesterday, and therefore did not learn more early the probable extent of the executions in consequence of the late disturbances. I take the liberty of laying before you, with the sincerest deference to your judgment, what appeared to me very early as reasonable in this business. Further thoughts have since occurred to me. I confess my mind is under no small degree of solicitude and anxiety on the subject; I am fully persuaded that a proper use of mercy would not only recommend the wisdom and steadiness of government, but, if properly used, might be made a means of drawing out the principal movers in this wicked business, who have hitherto eluded your scrutiny. I beg pardon for this intrusion, and have the honor to be, with great regard and esteem,

My Lord,
Your Lordship's most obedient humble servant,
EDMUND BURKE.
CHARLES STREET, July 18, 1780.

To Sir Grey Cooper, Bart.

Dear Sir, —

According to your desire, I send you a copy of the few reflections on the subject of the present executions which occurred to me in the earliest period of the late disturbances, and which all my experience and observation since have most strongly confirmed. The executions, taking those which have been made, which are now ordered, and which may be the natural consequence of the convictions in Surrey, will be undoubtedly too many to answer any good purpose. Great slaughter attended the suppression of the tumults, and this ought to be taken in discount from the execution of the law. For God's sake entreat of Lord North to take a view of the sum total of the deaths, before any are ordered for execution; for by not doing something of this kind people are decoyed in detail into severities they never would have dreamed of, if they had the whole in their view at once. The scene in Surrey would have affected the hardest heart that ever was in an human breast. Justice and mercy have not such opposite interests as people are apt to imagine. I saw Lord Loughborough last night. He seemed strongly impressed with the sense of what necessity obliged him to go through, and I believe will enter into our ideas on the subject. On this matter you see that no time is to be lost. Before a final determination, the first thing I would recommend is, that, if the very next execution cannot be delayed, (by the way, I do not see why it may not,) it may be of but a single person, and that afterwards you should not exceed two or three; for it is enough for one riot, where the very act of Parliament on which you proceed is rather a little hard in its sanctions and its construction: not that I mean to complain of the latter as either new or strained, but it was rigid from the first.

I am, dear Sir,

Your most obedient humble servant,

EDMUND BURKE.

Tuesday, 18th July, 1780.

I really feel uneasy on this business, and should consider it as a sort of personal favor, if you do something to limit the extent and severity of the law on this point. Present my best compliments to Lord North, and if he thinks that I have had wishes to be serviceable to government on the late occasion, I shall on my part think myself abundantly rewarded, if a few lives less than first intended should be saved [taken?]; I should sincerely set it down as a personal obligation, though the thing stands upon general and strong reason of its own.

**A LETTER TO THE RIGHT HON. HENRY DUNDAS, ONE OF
HIS MAJESTY'S PRINCIPAL SECRETARIES OF STATE. WITH
THE SKETCH OF A NEGRO CODE. 1792.**

Dear Sir, — I should have been punctual in sending you the sketch I promised of my old African Code, if some friends from London had not come in upon me last Saturday, and engaged me till noon this day: I send this packet by one of them who is still here. If what I send be, as under present circumstances it must be, imperfect, you will excuse it, as being done near twelve years ago. About four years since I made an abstract of it, upon which I cannot at present lay my hands; but I hope the marginal heads will in some measure supply it.

If the African trade could be considered with regard to itself only, and as a single object, I should think the utter abolition to be on the whole more advisable than any scheme of regulation or reform. Rather than suffer it to continue as it is, I heartily wish it at an end. What has been lately done has been done by a popular spirit, which seldom calls for, and indeed very rarely relishes, a system made up of a great variety of parts, and which is to operate its effect in a great length of time. The people like short methods; the consequences of which they sometimes have reason to repent of. Abolition is but a single act. To prove the nature of the trade, and to expose it properly, required, indeed, a vast collection of materials, which have been laboriously collected, and compiled with great judgment. It required also much perseverance and address to excite the spirit which has been excited without doors, and which has carried it through. The greatest eloquence ever displayed in the House has been employed to second the efforts which have been made abroad. All this, however, leads but to one single resolve. When this was done, all was done. I speak of absolute and immediate abolition, the point which the first motions went to, and which is in effect still pressed; though in this session, according to order, it cannot take effect. A *remote*, and a *gradual* abolition, though they may be connected, are not the same thing. The idea of the House seems to me, if I rightly comprehend it, that the two things are to be combined: that is to say, that the trade is gradually to decline, and to cease entirely at a determinate period. To make the abolition gradual, the regulations must operate as a strong discouragement. But it is much to be feared that a trade continued and discouraged, and with a sentence of death passed upon it, will perpetuate much ill blood between those who struggle for the abolition and those who contend for an effectual continuance.

At the time when I formed the plan which I have the honor to transmit to you, an abolition of the slave trade would have appeared a very chimerical project. My plan, therefore, supposes the continued existence of that commerce. Taking for my basis

that I had an incurable evil to deal with, I cast about how I should make it as small an evil as possible, and draw out of it some collateral good.

In turning the matter over in my mind at that time and since, I never was able to consider the African trade upon a ground disconnected with the employment of negroes in the West Indies, and distinct from their condition in the plantations whereon they serve. I conceived that the true origin of the trade was not in the place it was begun at, but at the place of its final destination. I therefore was, and I still am, of opinion that the whole work ought to be taken up together, and that a gradual abolition of slavery in the West Indies ought to go hand in hand with anything which, should be done with regard to its supply from the coast of Africa. I could not trust a cessation of the demand for this supply to the mere operation of any abstract principle, (such as, that, if their supply was cut off, the planters would encourage and produce an effectual population,) knowing that nothing can be more uncertain than the operation of general principles, if they are not embodied in specific regulations. I am very apprehensive, that, so long as the slavery continues, some means for its supply will be found. If so, I am persuaded that it is better to allow the evil, in order to correct it, than, by endeavoring to forbid what we cannot be able wholly to prevent, to leave it under an illegal, and therefore an unreformed existence. It is not that my plan does not lead to the extinction of the slave trade, but it is through a very slow progress, the chief effect of which is to be operated in our own plantations, by rendering, in a length of time, all foreign supply unnecessary. It was my wish, whilst the slavery continued, and the consequent commerce, to take such measures as to civilize the coast of Africa by the trade, which now renders it more barbarous, and to lead by degrees to a more reputable, and, possibly, a more profitable connection with it, than we maintain at present.

I am sure that you will consider as a mark of my confidence in yours and Mr. Pitt's honor and generosity, that I venture to put into your hands a scheme composed of many and intricate combinations, without a full explanatory preface, or any attendant notes, to point out the principles upon which I proceeded in every regulation which I have proposed towards the civilization and gradual manumission of negroes in the two hemispheres. I confess I trust infinitely more (according to the sound principles of those who ever have at any time meliorated the state of mankind) to the effect and influence of religion than to all the rest of the regulations put together.

Whenever, in my proposed reformation, we take our *point of departure* from a state of slavery, we must precede the donation of freedom by disposing the minds of the objects to a disposition to receive it without danger to themselves or to us. The process of bringing *free* savages to order and civilization is very different. When a state of slavery is that upon which we are to work, the very means which lead to liberty must partake of compulsion. The minds of men, being crippled with that restraint, can do nothing for themselves: everything must be done for them. The

regulations can owe little to consent. Everything must be the creature of power. Hence it is that regulations must be multiplied, particularly as you have two parties to deal with. The planter you must at once restrain and support, and you must control at the same time that you ease the servant. This necessarily makes the work a matter of care, labor, and expense. It becomes in its nature complex. But I think neither the object impracticable nor the expense intolerable; and I am fully convinced that the cause of humanity would be far more benefited by the continuance of the trade and servitude, regulated and reformed, than by the total destruction of both or either. What I propose, however, is but a beginning of a course of measures which an experience of the effects of the evil and the reform will enable the legislature hereafter to supply and correct.

I need not observe to you, that the forms are often neglected, penalties not provided, &c., &c., &c. But all this is merely mechanical, and what a couple of days' application would set to rights.

I have seen what has been done by the West Indian Assemblies. It is arrant trifling. They have done little; and what they have done is good for nothing, — for it is totally destitute of an *executory* principle. This is the point to which I have applied my whole diligence. It is easy enough to say what shall be done: to cause it to be done, — *hic labor, hoc opus*.

I ought not to apologize for letting this scheme lie beyond the period of the Horatian keeping, — I ought much more to entreat an excuse for producing it now. Its whole value (if it has any) is the coherence and mutual dependency of parts in the scheme; separately they can be of little or no use.

I have the honor to be, with very great respect and regard,

Dear Sir,

Your most faithful and obedient humble servant,

EDMUND BURKE.

BEACONSFIELD, Easter-Monday night, 1792.

SKETCH OF A NEGRO CODE.

This constitution consists of four principal members.

I. The rules for qualifying a ship for the African trade.

II. The mode of carrying on the trade upon the coast of Africa, which includes a plan for introducing civilization in that part of the world.

III. What is to be observed from the time of shipping negroes to the sale in the West India islands.

IV. The regulations relative to the state and condition of slaves in the West Indies, their manumission, &c.

PREAMBLE. Whereas it is expedient, and conformable to the principles of true religion and morality, and to the rules of sound policy, to put an end to all traffic in the persons of men, and to the detention of their said persons in a state of slavery, as soon as the same may be effected without producing great inconveniences in the sudden change of practices of such long standing, and during the time of the continuance of the said practices it is desirable and expedient by proper regulations to lessen the inconveniences and evils attendant on the said traffic and state of servitude, until both shall be gradually done away:

And whereas the objects of the said trade and consequential servitude, and the grievances resulting therefrom, come under the principal heads following, the regulations ought thereto to be severally applied: that is to say, that provision should be made by the said regulations,

1st, For duly qualifying ships for the said traffic;

2nd, For the mode and conditions of permitting the said trade to be carried on upon the coast of Africa;

3rd, For the treatment of the negroes in their passage to the West India islands;

4th, For the government of the negroes which are or shall be employed in his Majesty's colonies and plantations in the West Indies:

Ships to be registered. Be it therefore enacted, that every ship or trading vessel which is intended for the negro trade, with the name of the owner or owners thereof, shall be entered and registered as ships trading to the West Indies are by law to be registered, with the further provisions following:

Measured and surveyed. 1. The same entry and register shall contain an account of the greatest number of negroes of all descriptions which are proposed to be taken into the said ship or trading vessel; and the said ship, before she is permitted to be entered outwards, shall be surveyed by a ship-carpenter, to be appointed by the collector of the port from which the said vessel is to depart, and by a surgeon, also appointed by the collector, who hath been conversant in the service of the said trade, but not at the time actually engaged or covenanted therein; and the said carpenter and surgeon shall report to the collector, or in his absence, to the next principal officer of the port; upon oath, (which oath the said collector or principal officer is hereby empowered to administer,) her measurement, and what she contains in builder's tonnage, and that she has ——— feet of grated portholes between the decks, and that she is otherwise fitly found as a good transport vessel.

Number of slaves limited. 2. And be it enacted, that no ship employed in the said trade shall upon any pretence take in more negroes than one grown man or woman for one ton and half of builder's tonnage, nor more than one boy or girl for one ton.

Provisions. 3. That the said ship or other vessel shall lay in, in proportion to the ship's company of the said vessel, and the number of negroes registered, a full and sufficient store of sound provision, so as to be secure against all probable delays and accidents, namely, salted beef, pork, salt-fish, butter, cheese, biscuit, flour, rice, oat-

meal, and white peas, but no horse-beans, or other inferior provisions; and the said ship shall be properly provided with water-casks or jars, in proportion to the intended number of the said negroes; and the said ship shall be also provided with a proper and sufficient stock of coals or firewood.

Stores.4. And every ship entered as aforesaid shall take out a coarse shirt and a pair of trousers, or petticoat, for each negro intended to be taken aboard; as also a mat, or coarse mattress, or hammock, for the use of the said negroes. The proportions of provision, fuel, and clothing to be regulated by the table annexed to this act.

Certificate thereof.5. And be it enacted, that no ship shall be permitted to proceed on the said voyage or adventure, until the searcher of the port from whence the said vessel shall sail, or such person as he shall appoint to act for him, shall report to the collector that he hath inspected the said stores, and that the ship is accommodated and provided in the manner hereby directed.

Guns for trade to be inspected.6. And be it enacted, that no guns be exported to the coast of Africa, in the said or any other trade, unless the same be duly marked with the maker's name on the barrels before they are put into the stocks, and vouched by an inspector in the place where the same are made to be without fraud, and sufficient and merchantable arms.

Owners and masters to enter into bonds.7. And be it enacted, that, before any ship as aforesaid shall proceed on her voyage, the owner or owners, or an attorney by them named, if the owners are more than two, and the master, shall severally give bond, the owners by themselves, the master for himself, that the said master shall duly conform himself in all things to the regulations in this act contained, so far as the same regards his part in executing and conforming to the same.

II. And whereas, in providing for the second object of this act, that is to say, for the trade on the coast of Africa, it is first prudent not only to provide against the manifold abuses to which a trade of that nature is liable, but that the same may be accompanied, as far as it is possible, with such advantages to the natives as may tend to the civilizing them, and enabling them to enrich themselves by means more desirable, and to carry on hereafter a trade more advantageous and honorable to all parties:

And whereas religion, order, morality, and virtue are the elemental principles, and the knowledge of letters, arts, and handicraft trades, the chief means of such civilization and improvement: for the better attainment of the said good purposes,

Marts to be established on the coast.1. Be it hereby enacted, that the coast of Africa, on which the said trade for negroes may be carried on, shall be and is hereby divided into marts or staples, as hereafter follows. [Here name the marts.] And be it enacted, that it shall not be lawful for the master of any ship to purchase any negro or negroes, but at one of the said marts or staples.

Governors and counsellors.2. That the directors of the African Company shall appoint, where not already appointed, a governor, with three counsellors, at each of the said marts, with a salary of — to the governor, and of — to each of the said counsellors. The said governor, or, in his absence or illness, the senior counsellor, shall and is hereby empowered to act as a justice of the peace, and they, or either of them, are authorized, ordered, and directed to provide for the peace of the settlement, and the good regulation of their station and stations severally, according to the rules of justice, to the directions of this act, and the instructions they shall receive from time to time from the said African Company. And the said African Company is hereby authorized to prepare instructions, with the assent of the Lords of his Majesty's Privy Council, which shall be binding in all things not contrary to this act, or to the laws of England, on the said governors and counsellors, and every of them, and on all persons acting in commission with them under this act, and on all persons residing within the jurisdiction of the magistrates of the said mart.

Ships of war stationed.3. And be it enacted, that the Lord High Admiral, or commissioners for executing his office, shall appoint one or more, as they shall see convenient, of his Majesty's ships or sloops of war, under the command severally of a post-captain, or master and commander, to each mart, as a naval station.

Inspectors appointed.4. And be it enacted, that the Lord High Treasurer, or the commissioners for executing his office, shall name two inspectors of the said trade at every mart, who shall provide for the execution of this act, according to the directions thereof, so far as shall relate to them; and it is hereby provided and enacted, that, as cases of sudden emergency may arise, the said governor or first counsellor, and the first commander of his Majesty's ship or ships on the said station, and the said inspectors, or the majority of them, the governor having a double or casting vote, shall have power and authority to make such occasional rules and orders relating to the said trade as shall not be contrary to the instructions of the African Company, and which shall be valid until the same are revoked by the said African Company.

Lands may be purchased.5. That the said African Company is hereby authorized to purchase, if the same may conveniently be done, with the consent of the Privy Council, any lands adjoining to the fort or principal mart aforesaid, not exceeding — acres, and to make allotments of the same; no allotment to one person to exceed (on pain of forfeiture) — acres.

Churches and schoolhouses, and hospitals to be erected.
Chaplain and assistant.

Clerk and catechist.6. That the African Company shall, at each fort or mart, cause to be erected, in a convenient place, and at a moderate cost, the estimate of which shall be approved by the Treasury, one church, and one school-house, and one

hospital; and shall appoint one principal chaplain, with a curate or assistant in holy orders, both of whom shall be recommended by the Lord Bishop of London; and the said chaplain or his assistant shall perform divine service, and administer the sacraments, according to the usage of the Church of England, or to such mode not contrary thereto as to the said bishop shall seem more suitable to the circumstances of the people. And the said principal chaplain shall be the third member in the council, and shall be entitled to receive from the directors of the said African Company a salary of ———, and his assistant a salary of ———, and he shall have power to appoint one sober and discreet person, white or black, to be his clerk and catechist, at a salary of ———.

Schoolmaster.

Carpenter and blacksmith.

Native apprentices.

Surgeon and mate.

Native apprentice.7. And be it enacted, that the African Company shall appoint one sufficient schoolmaster, who shall be approved by the Bishop of London, and who shall be capable of teaching writing, arithmetic, surveying, and mensuration, at a salary of ———. And the said African Company is hereby authorized to provide for each settlement a carpenter and blacksmith, with such encouragement as to them shall seem expedient, who shall take each two apprentices from amongst the natives; to instruct them in the several trades, the African Company allowing them, as a fee for each apprentice, ———. And the said African Company shall appoint one surgeon and one surgeon's mate, who are to be approved on examination, at Surgeons' Hall, to each fort or mart, with a salary of ——— for the surgeon, and for his mate ———; and the said surgeon shall take one native apprentice, at a fee to be settled by the African Company.

How removable.8. And be it enacted, that the said catechist, schoolmaster, surgeon, and surgeon's mate, as well as the tradesmen in the Company's service, shall be obedient to the orders they shall from time to time receive from the governor and council of each fort; and if they, or any of them, or any other person, in whatever station, shall appear, on complaint and proof to the majority of the commissioners, to lead a disorderly and debauched life, or use any profane or impious discourses, to the danger of defeating the purposes of this institution, and to the scandal of the natives, who are to be led by all due means into a respect for our holy religion, and a desire of partaking of the benefits thereof, they are authorized and directed to suspend the said person from his office, or the exercise of his trade, and to send him to England (but without any hard confinement, except in case of resistance) with a complaint, with inquiry and proofs adjoined, to the African Company.

9. And be it enacted, that the Bishop of London for the time being shall have full authority to remove the said chaplain for such causes as to him shall seem reasonable.

No public officer to be concerned in the negro trade.10. That no governor, counsellor, inspector, chaplain, surgeon, or schoolmaster shall be concerned, or have any share, directly or indirectly, in the negro trade, on pain of ——— .

Journals and letter-books to be kept and transmitted.11. Be it enacted, that the said governor and council shall keep a journal of all their proceedings, and a book in which copies of all their correspondence shall be entered, and they shall transmit copies of the said journals and letter-book, and their books of accounts, to the African Company, who, within ——— of their receipt thereof, shall communicate the same to one of his Majesty's principal secretaries of state.

Chaplain to report to the Bishop of London.12. And be it enacted, that the said chaplain or principal minister, shall correspond with the Bishop of London, and faithfully and diligently transmit to him an account of whatever hath been done for the advancement of religion, morality, and learning amongst the natives.

Negroes to be attested before sale.13. And be it enacted, that no negro shall be conclusively sold, until he shall be attested by the two inspectors and chaplain, or, in case of the illness of any of them, by one inspector, and the governor, or one of the council, who are hereby authorized and directed, by the best means in their power, to examine into the circumstances and condition of the persons exposed to sale.

Causes for rejection.14. And for the better direction of the said inspectors, no persons are to be sold, who, to the best judgment of the said inspectors, shall be above thirty-five years of age, or who shall appear, on examination, stolen or carried away by the dealers by surprise; nor any person who is able to read in the Arabian or any other book; nor any woman who shall appear to be advanced three months in pregnancy; nor any person distorted or feeble, unless the said persons are consenting to such sale; or any person afflicted with a grievous or contagious distemper: but if any person so offered is only lightly disordered, the said person may be sold, but must be kept in the hospital of the mart, and shall not be shipped until completely cured.

Traders to be licensed by the governors.15. Be it enacted, that no black or European factor or trader into the interior country, or on the coast, (the masters of English ships only excepted, for whose good conduct provision is otherwise herein made,) shall be permitted to buy or sell in any of the said marts, unless he be approved by the governor of the mart in which he is to deal, or, in his absence or disability, by the senior counsellor for the time being, and obtaining a license from such governor or counsellor; and the said traders and factors shall, severally or jointly, as they shall be concerned, before they shall obtain the said license, be bound in a recognizance, with such surety for his or their good behavior as to the said governor shall seem the best that can be obtained.

Offences how to be tried and punished.16. Be it enacted, that the said governor, or other authority aforesaid, shall examine, by duty of office, into the conduct of all such traders and factors, and shall receive and publicly hear (with the assistance of the council and inspectors aforesaid, and of the commodore, captain, or other principal commander of one of his Majesty's ships on the said station, or as many of the same as can be assembled, two whereof, with the governor, are hereby enabled to act) all complaints against them, or any of them; and if any black or white trader or factor, (other than in this act excepted,) either on inquisition of office or on complaint, shall be convicted by a majority of the said commissioners present of stealing or taking by surprise any person or persons whatsoever, whether free or the slaves of others, without the consent of their masters, or of wilfully and maliciously killing or maiming any person, or of any cruelty, (necessary restraint only excepted,) or of firing houses, or destroying goods, the said trader or factor shall be deemed to have forfeited his recognizance, and his surety to have forfeited his; and the said trader or factor, so convicted, shall be forever disabled from dealing in any of the said marts, unless the offence shall not be that of murder, maiming, arson, or stealing or surprising the person, and shall appear to the commissioners aforesaid to merit only, besides the penalty of his bond, a suspension for one year; and the said trader or factor, so convicted of murder, maiming, arson, stealing or surprising the person, shall, if a native, be delivered over to the prince to whom he belongs, to execute further justice on him. But it is hereby provided and enacted, that, if any European shall be convicted of any of the said offences, he shall be sent to Europe, together with the evidence against him; and on the warrant of the said commissioners, the keeper of any of his Majesty's jails in London, Bristol, Liverpool, or Glasgow shall receive him, until he be delivered according to due course of law, as if the said offences had been committed within the cities and towns aforesaid.

Negroes exposed to sale contrary to the provisions of this act, how to be dealt with.17. Be it further enacted, that, if the said governor, &c, shall be satisfied that person or persons are exposed to sale, who have been stolen or surprised as aforesaid, or are not within the qualifications of sale in this act described, they are hereby authorized and required, if it can be done, to send the persons so exposed to sale to their original habitation or settlement, in the manner they shall deem best for their security, (the reasonable charges whereof shall be allowed to the said governor by the African Company,) unless the said persons choose to sell themselves; and then, and in that case, their value in money and goods, at their pleasure, shall be secured to them, and be applicable to their use,-without any dominion over the same of any purchaser, or of any master to whom they may in any colony or plantation be sold, and which shall always be in some of his master's [Majesty's?] colonies and plantations only. And the master of the ship in which such person shall

embark shall give bond for the faithful execution of his part of the trust at the island where he shall break bulk.

18. Be it further enacted, that, besides the hospitals on shore, one or more hospital-ships shall be employed at each of the said chief marts, wherein slaves taken ill in the trading ships shall be accommodated, until they shall be cured; and then the owner may reclaim and shall receive them, paying the charges which shall be settled by regulation to be made by the authority in this act enabled to provide such regulations.

III. And whereas it is necessary that regulations be made to prevent abuses in the passage from Africa to the West Indies:

Slave ships to be examined on the coast.1. Be it further enacted, that the commander or lieutenant of the king's ship on each station shall have authority, as often as he shall see occasion, attended with one other of his officers, and his surgeon or mate, to enter into and inspect every trading ship, in order to provide for the due execution of this act, and of any ordinances made in virtue thereof and conformable thereto by the authorities herein constituted and appointed; and the said officer and officers are hereby required to examine every trading ship before she sails, and to stop the sailing of the said ship for the breach of the said rules and ordinances, until the governor in council shall order and direct otherwise: and the master of] the said ship shall not presume, under the penalty of ———, to be recovered in the courts of the West Indies, to sail without a certificate from the commander aforesaid, and one of the inspectors in this act appointed, that the vessel is provided with stores and other accommodation sufficient for her voyage, and has not a greater number of slaves on board than by the provisions of this act is allowed.

Governor to give special instructions.2. And be it enacted, that the governor and council, with the assistance of the said naval commander, shall have power to give such special written instructions for the health, discipline, and care of the said slaves, during their passage, as to them shall seem good,

Presents and musical instruments to be provided.3. And be it further enacted, that each slave, at entering the said ship, is to receive some present, not exceeding in value ———, to be provided according to the instructions aforesaid; and musical instruments, according to the fashion of the country, are to be provided.

Table of allowances.4. And be it further enacted, that the negroes on board the transports, and the seamen who navigate the same, are to receive their daily allowance according to the table hereunto annexed, together with a certain quantity of spirits to be mixed with their water. And it is enacted, that the table is to be fixed, and continue for one week after sailing, in some conspicuous part of the said ship, for the seamen's inspection of the same.

Negro superintendents to be appointed.5. And be it enacted, that the captain of each trading vessel shall be enabled and is to divide the slaves in his ship into crews of not less than ten nor more than twenty persons each, and to appoint one negro man to have such authority severally over each crew, as according to his judgment, with the advice of the mate and surgeon, he and they shall see good to commit to them, and to allow to each of them some compensation, in extraordinary diet and presents, not exceeding [ten shillings].

Communication with female slaves, how punished.6. And be it enacted, that any European officer or seaman, having unlawful communication with any woman slave, shall, if an officer, pay five pounds to the use of the said woman, on landing her from the said ship, to be stopped out of his wages, or if a seaman, forty shillings: the said penalties to be recovered on the testimony of the woman so abused, and one other.

Premium to commanders of slave-ships.7. And be it enacted, that all and every commander of a vessel or vessels employed in slave trade, having received certificates from the port of the outfit, and from the proper officers in Africa and the West Indies, of their having conformed to the regulations of this act, and of their not having lost more than one in thirty of their slaves by death, shall be entitled to a bounty or premium of [ten pounds].

IV. And whereas the condition of persons in a state of slavery is such that they are utterly unable to take advantage of any remedy which the laws may provide for their protection and the amendment of their condition, and have not the proper means of pursuing any process for the same, but are and must be under guardianship: and whereas it is not fitting that they should be under the sole guardianship of their masters, or their attorneys and overseers, to whom their grievances, whenever they suffer any, must ordinarily be owing:

Attorney-General to be protector of negroes.

To inquire and file information *ex officio*.1. Be it therefore enacted, that his Majesty's Attorney-General for the time being successively shall, by his office, exercise the trust and employment of protector of negroes within the island in which he is or shall be Attorney-General to his Majesty, his heirs and successors; and that the said Attorney-General, protector of negroes, is hereby authorized to hear any complaint on the part of any negro or negroes, and inquire into the same, or to institute an inquiry *ex officio* into any abuses, formations and to call before him and examine witnesses upon oath, relative to the subject-matter of the said official inquiry or complaint: and it is hereby enacted and declared, that the said Attorney-General, protector of negroes, is hereby authorized and empowered, at his discretion, to file an information *ex officio* for any offences committed against the

provisions of this act, or for any misdemeanors or wrongs against the said negroes, or any of them.

Power to challenge jurors.2. And it is further enacted, that in all trials of such informations the said protector of negroes may and is hereby authorized to challenge peremptorily a number not exceeding —— of the jury who shall be impanelled to try the charge in the said information contained.

To appoint inspectors of districts, who are to report to him twice in the year the number and condition of the slaves.3. And be it enacted, that the said Attorney-General, protector of negroes, shall appoint inspectors, not exceeding the number of ——, at his discretion; and the said inspectors shall be placed in convenient districts in each island severally, or shall twice in the year make a circuit in the same, according to the direction which they shall receive from the protector of negroes aforesaid; and the inspectors shall and they are hereby required, twice in the year, to report in writing to the protector aforesaid the state and condition of the negroes in their districts or on their circuit severally, the number, sex, age, and occupation of the said negroes on each plantation; and the overseer or chief manager on each plantation is hereby required to furnish an account thereof within [ten days] after the demand of the said inspectors, and to permit the inspector or inspectors aforesaid to examine into the same; and the said inspectors shall set forth, in the said report, the distempers to which the negroes are most liable in the several parts of the island.

Instructions to be formed for inspectors.4. And be it enacted, that the said protector of negroes, by and with the consent the governor and chief judge of each island, shall form instructions, by which the said inspectors shall discharge their trust in the manner the least capable of exciting any unreasonable hopes in the said negroes, or of weakening the proper authority of the overseer, and shall transmit them to one of his Majesty's principal secretaries of state; and when sent back with his approbation, the same shall become the rule for the conduct of the said inspectors.

Registry.5. And be it enacted, that the said Attorney-General, protector of negroes, shall appoint an office for registering all proceedings relative to the duty of his place as protector of negroes, and shall appoint his chief clerk to be registrar, with a salary not exceeding ——.

Ports where negroes are to be landed. Vessels to be inspected. Masters or officers offending to be fined.6. And be it enacted, that no negroes shall be landed for sale in any but the ports following: that is to say, —— . And the collector of each of the said ports severally shall, within —— days after the arrival of any ship transporting negroes, report the same to the protector of negroes, or to one of his inspectors; and the said protector is hereby authorized and required to

examine, or cause to be examined by one of his inspectors, with the assistance of the said collector, or his deputy, and a surgeon to be called in on the occasion, the state of the said ship and negroes; and upon what shall appear to them, the said protector of negroes, and the said collector and surgeon, to be a sufficient proof, either as arising from their own inspection, or sufficient information on a summary process, of any contravention of this act, or cruelty to the negroes, or other malversation of the said captain, or any of his officers the said protector shall impose a fine on him or them, not exceeding — ; which shall not, however, weaken or invalidate any penalty growing from the bond of the said master or his owners. And it is hereby provided, that, if the said master, or any of his officers, shall find himself aggrieved by the said fine, he may within — days appeal to the chief judge, if the court shall be sitting, or to the governor, who shall and are required to hear the said parties, and on hearing are to annul or confirm the same.

Rates respecting the sale of negroes.7. And be it enacted, that no sale of negroes shall be made but in the presence of an inspector, and all negroes shall be sold severally, or in known and ascertained lots, and not otherwise; and a paper containing the state and description of each negro severally sold, and of each lot, shall be taken and registered in the office aforesaid; and if, on inspection or information, it shall be found that any negroes shall have, in the same ship, or any other at the same time examined, a wife, an husband, a brother, sister, or child, the person or persons so related shall not be sold separately at that or any future sale.

Every island to be divided into districts.

A church to be built in each.8. And be it enacted, that each and every of his Majesty's islands and plantations, in which negroes are used in cultivation, shall be, by the governor and the protector of negroes for the time being, divided into districts, allowing as much as convenience will admit to the present division into parishes, and subdividing them, where necessary, into districts, according to the number of negroes. And the said governor and protector of negroes shall cause in each district a church to be built in a convenient place, and a cemetery annexed, and an house for the residence of a clergyman, with — acres of land annexed; and they are hereby authorized to treat for the necessary ground with the proprietor, who is hereby obliged to sell and dispose of the same to the said use; and in case of dispute concerning the value, the same to be settled by a jury, as in like cases is accustomed.

Appointment of a priest and clerk.9. And be it enacted, that in each of the said districts shall be established a presbyter of the Church of England as by law established, who shall appoint under him one clerk, who shall be a free negro, when such properly qualified can be found, (otherwise, a white man,) with a salary, in

each case, of — ; and the said minister and clerk, both or one, shall instruct the said negroes in the Church Catechism, or such other as shall be provided by the authority in this act named; and the said minister shall baptize, as he shall think fit, all negroes not baptized, and not belonging to Dissenters from the Church of England.

Owner to deliver a list of negroes to the minister, and to cause them to attend divine service.10. And the principal overseer of each plantation is hereby required to deliver annually unto the minister a list of all the negroes upon his plantation, distinguishing their sex and age, and shall, under a penalty of — , cause all the negroes under his care, above the age of — years, to attend divine service once on every Sunday, except in case of sickness, infirmity, or other necessary cause, to be given at the time, and shall, by himself or one of those who are under him, provide for the orderly behavior of the negroes under him, and cause them to return to his plantation, when divine service, or administration of sacraments, or catechism, is ended.

Mister to direct punishment for disorderly conduct.11. And be it enacted, that the minister shall have power to punish any negro for disorderly conduct during divine service, by a punishment not exceeding [ten] blows to be given in one day and for one offence, which the overseer or his under agent or agents is hereby directed, according to the orders of the said minister, effectually to inflict, whenever the same shall be ordered.

Spirituos liquors not to be sold.12. And be it enacted, that no spirituous liquors of any kind shall be sold, except in towns, within — miles distance of any church, nor within any district during divine service, and an hour preceding and an hour following the same; and the minister of each parish shall and is hereby authorized to act as a justice of the peace in enforcing the said regulation.

Register of births, burials, and marriages.13. And be it enacted, that every minister shall keep a register of births, burials, and marriages of all negroes and mulattoes in his district.

Synod to assemble annually, and to form regulations,14. And be it enacted, that the ministers of the several districts shall meet annually, on the — day of — , in a synod of the island to which they belong; and the said synod shall have for its president such person as the Bishop of London shall appoint for his commissary; and the said synod or general assembly is hereby authorized, by a majority of voices, to make regulations, which regulations shall be transmitted by the said president or commissary to the Bishop of London; and when returned by the Bishop of London approved of, then, and not before, the said regulations shall be held in force to bind the said clergy, their assistants, clerks, and schoolmasters only, and no other persons.

and to report to the Bishop of London.15. And be it enacted, that the said president shall collect matter in the said assembly, and shall make a report of the

state of religion and morals in the several parishes from whence the synod is deputed, and shall transmit the same, once in the year, in duplicate, through the governor and protector of negroes, to the Bishop of London.

Bishop of London to be patron of the cures.16. And be it enacted and declared, that the Bishop of London for the time being patron of the shall be patron to all and every the said cures in this act directed; and the said bishop is hereby required to provide for the due filling thereof, and is to receive, from the fund in this act provided for the due execution of this act, a sum not exceeding —— for each of the said ministers, for his outfit and passage.

and to have power of suspending and removing ministers.17. And be it enacted, that, on misbehavior, and on complaint from the said synod, and on hearing the party accused in a plain and summary manner, it shall and may be lawful for the Bishop of London to suspend or to remove any minister from his cure, as his said offences shall appear to merit.

Schools for young negroes.18. And be it enacted, that for every two districts a school shall be established for young negroes to be taught three days in the week, and to be detained from their owner four hours in each day, the number not to be more or fewer than twenty males in each district, who shall be chosen, and vacancies filled, by the minister of the district; and the said minister shall pay to the owner of the said boy, and shall be allowed the same in his accounts at the synod, to the age of twelve years old, three-pence by the day, and for every boy from twelve years old to fifteen, five-pence by the day.

Extraordinary abilities to be encouraged.19. And it is enacted, that, if the president of the synod aforesaid shall certify to the protector of negroes, that any boys in the said schools (provided that the number in no one year shall exceed one in the island of Jamaica, and one in two years in the islands of Barbadoes, Antigua, and Grenada, and one in four years in any of the other islands) do show a remarkable aptitude for learning, the said protector is hereby authorized and directed to purchase the said boy at the best rate at which boys of that age and strength have been sold within the year; and the said negro so purchased shall be under the entire guardianship of the said protector of negroes, who shall send him to the Bishop of London for his further education in England, and may charge in his accounts for the expense of transporting him to England; and the Bishop of London shall provide for the education of such of the said negroes as he shall think proper subjects, until the age of twenty-four years, and shall order those who shall fall short of expectation after one year to be bound apprentice to some handicraft trade; and when his apprenticeship is finished, the Lord Mayor of London is hereby authorized and directed to receive the said negro from his master, and to transmit him to the island from which he came, in the West Indies, to be there as a free negro, subject, however, to the direction of the protector of negroes, relatively to his behavior and employment.

Negroes of Dissenters, their marriages, &c., to be registered.²⁰ And it is hereby enacted and provided, that any planter, or owner of negroes, not being of the Church of England, and not choosing to send his negroes to attend divine service in manner by this act directed, shall give, jointly or severally, as the case shall require, security to the protector of negroes that a competent minister of some Christian church or congregation shall be provided for the due instruction of the negroes, and for their performing divine service according to the description of the religion of the master or masters, in some church or house thereto allotted, in the manner and with the regulations in this act prescribed with regard to the exercise of religion according to the Church of England: provided always, that the marriages of the said negroes belonging to Dissenters shall be celebrated only in the church of the said district, and that a register of the births shall be transmitted to the minister of the said district.

Regulations concerning marriage.²¹ And whereas a state of matrimony, and the government of a family, is a principal means of forming men to a fitness for freedom, and to become good citizens: Be it enacted, that all negro men and women, above eighteen years of age for the man and sixteen for the woman, who have cohabited together for twelve months or upwards, or shall cohabit for the same time, and have a child or children, shall be deemed to all intents and purposes to be married, and either of the parties is authorized to require of the ministers of the district to be married in the face of the church.

Concerning the same.²² And be it enacted, that, from and after the — of — , all negro men in an healthy condition, and so reported to be, in case the same is denied, by a surgeon and by an inspector of negroes, and being twenty-one years old, or upwards, until fifty, and not being before married, shall, on requisition of the inspectors, be provided by their masters or overseers with a woman not having children living, and not exceeding the age of the man, nor, in any case, exceeding the age of twenty-five years; and such persons shall be married publicly in the face of the church.

Concerning the same.²³ And be it enacted, that, if any negro shall refuse a competent marriage tendered to him, and shall not demand another specifically, such as it may be in his master's power to provide, the master or overseer shall be authorized to constrain him by an increase of work or a lessening of allowance.

Adultery, &c., how to be punished.²⁴ And be it enacted, that the minister in each district shall have, with the assent of the inspector, full power and authority to punish all acts of adultery, unlawful concubinage, and fornication, amongst negroes, on hearing and a summary process, by ordering a number of blows, not exceeding — , for each offence; and if any white person shall be proved, on information in the supreme court, to be exhibited by the protector of negroes, to have committed adultery with any negro woman, or to have corrupted any negro woman under

sixteen years of age he shall be fined in the sum of ———, and shall be forever disabled from serving the office of overseer of negroes, or being attorney to any plantation.

Concerning marriage.25. And be it enacted, that no slaves shall be compelled to do any work for their masters for [three] days after their marriage.

Concerning pregnant women.26. And be it enacted, that no woman shall be obliged to field-work, or any other laborious work, for one month before her delivery, or for six weeks afterwards.

Separation of husband and wife, and children, to be avoided.27. And be it enacted, that no husband and wife shall be sold separately, if originally belonging to the same master; nor shall any children under sixteen be sold separately from their parents, or one parent, if one be living.

Concerning the same.28. And be it enacted, that, if an husband and wife, which before their intermarriage belonged to different owners, shall be sold, they shall not be sold at such a distance as to prevent mutual help and cohabitation; and of this distance the minister shall judge, and his certificate of the inconvenient distance shall be valid, so as to make such sale unlawful, and to render the same null and void.

Negroes not to work on Saturday afternoon or Sunday.29. And be it enacted, that no negro shall be compelled to work for his owner at field-work, or any service relative to a plantation, or to work at any handicraft trade, from eleven o'clock on Saturday forenoon until the usual working hour on Monday morning.

Other cases of exemption from labor.30. And whereas habits of industry and sobriety, and the means of acquiring and preserving property, are proper and reasonable preparatives to freedom, and will secure against an abuse of the same: Be it enacted, that every negro man, who shall have served ten years, and is thirty years of age, and is married, and has had two children born of any marriage, shall obtain the whole of Saturday for himself and his wife, and for his own benefit, and after thirty-seven years of age, the whole of Friday for himself and his wife: provided that in both cases the minister of the district and the inspector of negroes shall certify that they know nothing against his peaceable, orderly, and industrious behavior.

Huts and land to be appropriated.31. And be it enacted, that the master of every plantation shall provide the materials of a good and substantial hut for each married field negro; and if his plantation shall exceed ——— acres, he shall allot to the same a portion of land not less than ———: and the said hut and land shall remain and stand annexed to the said negro, for his natural life, or during his bondage; but the same shall not be alienated without the consent of the owners.

Property of negroes secured.32. And be it enacted, that it shall not be lawful for the owner of any negro, by himself or any other, to take from him any land, house, cattle, goods, or money, acquired by the said negro, whether by purchase, donation,

or testament, whether the same has been derived from the owner of the said negro, or any other.

33. And be it enacted, that, if the said negro shall die possessed of any lands, goods, or chattels, and dies without leaving a wife or issue, it shall be lawful for the said negro to devise or bequeath the same by his last will; but in case the said negro shall die intestate, and leave a wife and children, the same shall be distributed amongst them, according to the usage under the statute, commonly called the Statute of Distributions; but if the said negro shall die intestate without wife or children, then, and in that case, his estate shall go to the fund provided for the better execution of this act.

34. And be it enacted, that no negro, who is married, and hath resided upon any plantation for twelve months, shall be sold, either privately or by the decree of any court, but along with the plantation on which he hath resided, unless he should himself request to be separated therefrom.

Of the punishment of negroes.35. And be it enacted, that no blows or stripes exceeding thirteen, shall be inflicted for one offence upon any negro, without the order of one of his Majesty's justices of peace.

Of the same.36. And it is enacted, that it shall be lawful for the protector of negroes, as often as on complaint and hearing he shall be of opinion that any negro hath been cruelly and inhumanly treated, or when it shall be made to appear to him that an overseer hath any particular malice, to order, at the desire of the suffering party, the said negro to be sold to another master.

37. And be it enacted, that, in all cases of injury to member or life, the offences against a negro shall be deemed and taken to all intents and purposes as if the same were perpetrated against any of his Majesty's subjects; and the protector of negroes, on complaint, or if he shall receive credible information thereof, shall cause an indictment to be presented for the same; and in case of suspicion of any murder of a negro, an inquest by the coroner, or officer acting as such, shall, if practicable, be held into the same.

Of the manumission of negroes.38. And in order to a gradual manumission of slaves, as they shall seem fitted to fill the offices of freemen, be it enacted, that every negro slave, being thirty years of age and upwards, and who has had three children born to him in lawful matrimony, and who hath received a certificate from the minister of his district, or any other Christian teacher, of his regularity in the duties of religion, and of his orderly and good behavior, may purchase, at rates to be fixed by two justices of peace, the freedom of himself, or his wife or children, or of any of them separately, valuing the wife and children, if purchased into liberty by the father of the family, at half only of their marketable values: provided that the said father shall bind himself in a penalty of ——— for the good behavior of his children.

Of the same.39. And be it enacted, that it shall be lawful for the protector of negroes to purchase the freedom of any negro who shall appear to him to excel in any mechanical art, or other knowledge or practice deemed liberal, and the value shall be settled by a jury.

Free negroes how to be punished.40. And be it enacted, that the protector of negroes shall be and is authorized and required to act as a magistrate for the coercion of all idle, disobedient, or disorderly free negroes, and he shall by office prosecute them for the offences of idleness, drunkenness, quarrelling, gaming, or vagrancy, in the supreme court, or cause them to be prosecuted before one justice of peace, as the case may require.

Of the same.41. And be it enacted, that, if any free negro hath been twice convicted for any of the said misdemeanors, and is judged by the said protector of negroes, calling to his assistance two justices of the peace, to be incorrigibly idle, dissolute, and vicious, it shall be lawful, by the order of the said protector and two justices of peace, to sell the said free negro into slavery: the purchase-money to be paid to the person so remanded into servitude, or kept in hand by the protector and governor for the benefit of his family.

Governor to receive and transmit annual reports.42. And be it enacted, that the governor in each colony shall be assistant to the execution of this act, and shall receive the reports of the protector, and such other accounts as he shall judge material, relative thereto, and shall transmit the same annually to one of his Majesty's principal secretaries of state.

**A LETTER TO THE CHAIRMAN OF THE
BUCKINGHAMSHIRE MEETING, HELD AT AYLESBURY,
APRIL 13, 1780, ON THE SUBJECT OF PARLIAMENTARY
REFORM.**

NOTE.

The meeting of the freeholders of the County of Buckingham, which occasioned the following Letter, was called for the purpose of taking into consideration a petition to Parliament for shortening the duration of Parliaments, and for a more equal representation of the people in the House of Commons.

LETTER

Sir, — Having heard yesterday, by mere accident, that there is an intention of laying before the county meeting *new matter, which is not contained in our petition*, and the consideration of which had been deferred to a fitter time by a majority of our committee in London, permit me to take this method of submitting to you my reasons for thinking, with our committee, that nothing ought to be hastily determined upon the subject.

Our petition arose naturally from distresses which we *felt*; and the requests which we made were in effect nothing more than that such things should be done in Parliament as it was evidently the duty of Parliament to do. But the affair which will be proposed to you by a person of rank and ability is an alteration in the constitution of Parliament itself. It is impossible for you to have a subject before you of more importance, and that requires a more cool and more mature consideration, both on its own account, and for the credit of our sobriety of mind, who are to resolve upon it.

The county will in some way or other be called upon to declare it your opinion, that the House of Commons is not sufficiently numerous, and that the elections are not sufficiently frequent, — that an hundred new knights of the shire ought to be added, and that we are to have a new election once in three years for certain, and as much oftener as the king pleases. Such will be the state of things, if the proposition made shall take effect.

All this may be proper. But, as an honest man, I cannot possibly give my rote for it, until I have considered it more fully. I will not deny that our Constitution may have faults, and that those faults, when found, ought to be corrected; but, on the

whole, that Constitution has been our own pride, and an object of admiration to all other nations. It is not everything which appears at first view to be faulty, in such a complicated plan, that is to be determined to be so in reality. To enable us to correct the Constitution, the whole Constitution must be viewed together; and it must be compared with the actual state of the people, and the circumstances of the time. For that which taken singly and by itself may appear to be wrong, when considered with relation to other things, may be perfectly right, — or at least such as ought to be patiently endured, as the means of preventing something that is worse. So far with regard to what at first view may appear a *distemper* in the Constitution. As to the *remedy* of that distemper an equal caution ought to be used; because this latter consideration is not single and separate, no more than the former. There are many things in reformation which would be proper to be done, if other things can be done along with them, but which, if they cannot be so accompanied, ought not to be done at all. I therefore wish, when any new matter of this deep nature is proposed to me, to have the whole scheme distinctly in my view, and full time to consider of it. Please God, I will walk with caution, whenever I am not able clearly to see my way before me.

I am now growing old. I have from my very early youth been conversant in reading and thinking upon the subject of our laws and Constitution, as well as upon those of other times and other countries; I have been for fifteen years a very laborious member of Parliament, and in that time have had great opportunities of seeing with my own eyes the working of the machine of our government, and remarking where it went smoothly and did its business, and where it checked in its movements, or where it damaged its work; I have also had and used the opportunities of conversing with men of the greatest wisdom and fullest experience in those matters; and I do declare to you most solemnly and most truly, that, on the result of all this reading, thinking, experience, and communication, I am not able to come to an immediate resolution in favor of a change of the groundwork of our Constitution, and in particular, that, in the present state of the country, in the present state of our representation, in the present state of our rights and modes of electing, in the present state of the several prevalent interests, in the present state of the affairs and manners of this country, the addition of an hundred knights of the shire, and hurrying election on election, will be things advantageous to liberty or good government.

This is the present condition of my mind; and this is my apology for not going as fast as others may choose to go in this business. I do not by any means reject the propositions; much less do I condemn the gentlemen who, with equal good intentions, with much better abilities, and with infinitely greater personal weight and consideration than mine, are of opinion that this matter ought to be decided upon instantly.

I most heartily wish that the deliberate sense of the kingdom on this great subject should be known. When it is known, it *must* be prevalent. It would be dreadful indeed, if there was any power in the nation capable of resisting its unanimous desire, or even the desire of any very great and decided majority of the people. The people may be deceived in their choice of an object; but I can scarcely conceive any choice they can make to be so very mischievous as the existence of any human force capable of resisting it. It will certainly be the duty of every man, in the situation to which God has called him, to give his best opinion and advice upon the matter: it will *not* be his duty, let him think what he will, to use any violent or any fraudulent means of counteracting the general wish, or even of employing the legal and constructive organ of expressing the people's sense against the sense which they do actually entertain.

In order that the real sense of the people should be known upon so great an affair as this, it is of absolute necessity that timely notice should be given, — that the matter should be prepared in open committees, from a choice into which no class or description of men is to be excluded, — and the subsequent county meetings should be as full and as well attended as possible. Without these precautions, the true sense of the people will ever be uncertain. Sure I am, that no precipitate resolution on a great change in the fundamental constitution of any country can ever be called the real sense of the people.

I trust it will not be taken amiss, if, as an inhabitant and freeholder of this county, (one, indeed, among the most inconsiderable,) I assert my right of dissenting (as I do dissent fully and directly) from any resolution whatsoever on the subject of an alteration in the representation and election of the kingdom *at this time*. By preserving this light, and exercising it with temper and moderation, I trust I cannot offend the noble proposer, for whom no man professes or feels more respect and regard than I do. A want of concurrence in *everything* which *can* be proposed will in no sort weaken the energy or distract the efforts of men of upright intentions upon those points in which they are agreed. Assemblies that are met, and with a resolution to be all of a mind, are assemblies that can have no opinion at all of their own. The first proposer of any measure must be their master. I do not know that an amicable variety of sentiment, conducted with mutual good-will, has any sort of resemblance to discord, or that it can give any advantage whatsoever to the enemies of our common cause. On the contrary, a forced and fictitious agreement (which every universal agreement must be) is not becoming the cause of freedom. If, however, any evil should arise from it, (which I confess I do not foresee,) I am happy that those who have brought forward new and arduous matter, when very great doubts and some diversity of opinion must be foreknown, are of authority and weight enough to stand against the consequences.

I humbly lay these my sentiments before the county. They are not taken up to serve any interests of my own, or to be subservient to the interests of any man or set

of men under heaven. I could wish to be able to attend our meeting, or that I had time to reason this matter more fully by letter; but I am detained here upon our business: what you have already put upon us is as much as we can do. If we are prevented from going through it with any effect, I fear it will be in part owing not more to the resistance of the enemies of our cause than to our imposing on ourselves such tasks as no human faculties, employed as we are, can be equal to. Our worthy members have shown distinguished ability and zeal in support of our petition. I am just going down to a bill brought in to frustrate a capital part of your desires. The minister is preparing to transfer the cognizance of the public accounts from those whom you and the Constitution have chosen to control them, to unknown persons, creatures of his own. For so much he annihilates Parliament.

I have the honor, &c.

EDMUND BURKE.

CHARLES STREET, 12th April, 1780.

A LETTER TO RICHARD BURKE, ESQ., ON PROTESTANT ASCENDENCY IN IRELAND. 1793.

My dear son, — We are all again assembled in town, to finish the last, but the most laborious, of the tasks which have been imposed upon me during my Parliamentary service. We are as well as at our time of life we can expect to be. We have, indeed, some moments of anxiety about you. You are engaged in an undertaking similar in its principle to mine. You are engaged in the relief of an oppressed people. In that service you must necessarily excite the same sort of passions in those who have exercised, and who wish to continue that oppression, that I have had to struggle with in this long labor. As your father has done, you must make enemies of many of the rich, of the proud, and of the powerful. I and you began in the same way. I must confess, that, if our place was of our choice, I could wish it had been your lot to begin the career of your life with an endeavor to render some more moderate and less invidious service to the public. But being engaged in a great and critical work, I have not the least hesitation about your having hitherto done your duty as becomes you. If I had not an assurance not to be shaken from the character of your mind, I should be satisfied on that point by the cry that is raised against you. If you had behaved, as they call it, discreetly, that is, faintly and treacherously, in the execution of your trust, you would have had, for a while, the good word of all sorts of men, even of many of those whose cause you had betrayed, — and whilst your favor lasted, you might have coined that false reputation into a true and solid interest to yourself. This you are well apprised of; and you do not refuse to travel that beaten road from an ignorance, but from a contempt, of the objects it leads to.

When you choose an arduous and slippery path, God forbid that any weak feelings of my declining age, which calls for soothings and supports, and which can have none but from you, should make me wish that you should abandon what you are about, or should trifle with it! In this house we submit, though with troubled minds, to that order which has connected all great duties with toils and with perils, which has conducted the road to glory through the regions of obloquy and reproach, and which will never suffer the disparaging alliance of spurious, false, and fugitive praise with genuine and permanent reputation. We know that the Power which has settled that order, and subjected you to it by placing you in the situation you are in, is able to bring you out of it with credit and with safety. His will be done! All must come right. You may open the way with pain and under reproach: others will pursue it with ease and with applause.

I am sorry to find that pride and passion, and that sort of zeal for religion which never shows any wonderful heat but when it afflicts and mortifies our neighbor, will

not let the ruling description perceive that the privilege for which your clients contend is very nearly as much for the benefit of those who refuse it as those who ask it. I am not to examine into the charges that are daily made on the administration of Ireland. I am not qualified to say how much in them is cold truth, and how much rhetorical exaggeration. Allowing some foundation to the complaint, it is to no purpose that these people allege that their government is a job in its administration. I am sure it is a job in its constitution; nor is it possible a scheme of polity, which, in total exclusion of the body of the community, confines (with little or no regard to their rank or condition in life) to a certain set of favored citizens the rights which formerly belonged to the whole, should not, by the operation of the same selfish and narrow principles, teach the persons who administer in that government to prefer their own particular, but well-understood, private interest to the false and ill-calculated private interest of the monopolizing company they belong to. Eminent characters, to be sure, overrule places and circumstances. I have nothing to say to that virtue which shoots up in full force by the native vigor of the seminal principle, in spite of the adverse soil and climate that it grows in. But speaking of things in their ordinary course, in a country of monopoly there *can* be no patriotism. There may be a party spirit, but public spirit there can be none. As to a spirit of liberty, still less can it exist, or anything like it. A liberty made up of penalties! a liberty made up of incapacities! a liberty made up of exclusion and proscription, continued for ages, of four fifths, perhaps, of the inhabitants of all ranks and fortunes In what does such liberty differ from the description of the most shocking kind of servitude?

But it will be said, in that country some people are free. Why, this is the very description of despotism. *Partial freedom is privilege and prerogative, and not liberty.* Liberty, such as deserves the name, is an honest, equitable, diffusive, and impartial principle. It is a great and enlarged virtue, and not a sordid, selfish, and illiberal vice. It is the portion of the mass of the citizens, and not the haughty license of some potent individual or some predominant faction.

If anything ought to be despotic in a country, it is its government; because there is no cause of constant operation to make its yoke unequal. But the dominion of a party must continually, steadily, and by its very essence, lean upon the prostrate description. A constitution formed so as to enable a party to overrule its very government, and to overpower the people too, answers the purposes neither of government nor of freedom. It compels that power which ought, and often would be disposed, *equally* to protect the subjects, to fail in its trust, to counteract its purposes, and to become no better than the instrument of the wrongs of a faction. Some degree of influence must exist in all governments. But a government which has no interest to please the body of the people, and can neither support them nor with safety call for their support, nor is of power to sway the domineering faction, can only exist by corruption; and taught by that monopolizing party which usurps

the title and qualities of the public to consider the body of the people as out of the constitution, they will consider those who are in it in the light in which they choose to consider themselves. The whole relation of government and of freedom will be a battle or a traffic.

This system, in its real nature, and under its proper appellations, is odious and unnatural, especially when a constitution is admitted which not only, as all constitutions do profess, has a regard to the good of the multitude, but in its theory makes profession of their power also. But of late this scheme of theirs has been new-christened, — *honestum nomen imponitur vitio*. A word has been lately struck in the mint of the Castle of Dublin; thence it was conveyed to the Tholsel, or City-Hall, where, having passed the touch of the corporation, so respectably stamped and vouched, it soon became current in Parliament, and was carried back by the Speaker of the House of Commons in great pomp, as an offering of homage from whence it came. The word is *ascendency*. It is not absolutely new. But the sense in which I have hitherto seen it used was to signify an influence obtained over the minds of some other person by love and reverence, or by superior management and dexterity. It had, therefore, to this its promotion no more than a moral, not a civil or political use. But I admit it is capable of being so applied; and if the Lord Mayor of Dublin, and the Speaker of the Irish Parliament, who recommend the preservation of the Protestant ascendency, mean to employ the word in that sense, — that is, if they understand by it the preservation of the influence of that description of gentlemen over the Catholics by means of an authority derived from their wisdom and virtue, and from an opinion they raise in that people of a pious regard and affection for their freedom and happiness, — it is impossible not to commend their adoption of so apt a term into the family of politics. It may be truly said to enrich the language. Even if the Lord Mayor and Speaker mean to insinuate that this influence is to be obtained and held by flattering their people, by managing them, by skilfully adapting themselves to the humors and passions of those whom they would govern, he must be a very untoward critic who would cavil even at this use of the word, though such cajoleries would perhaps be more prudently practised than professed. These are all meanings laudable, or at least tolerable. But when we look a little more narrowly, and compare it with the plan to which it owes its present technical application, I find it has strayed far from its original sense. It goes much further than the privilege allowed by Horace. It is more than *parce detortum*. This Protestant ascendency means nothing less than an influence obtained by virtue, by love, or even by artifice and seduction, — full as little an influence derived from the means by which ministers have obtained an influence which might be called, without straining, an *ascendency*, in public assemblies in England, that is, by a liberal distribution of places and pensions, and other graces of government. This last is wide indeed of the signification of the word. New *ascendency* is the old *mastership*. It is neither more nor less than the resolution of one set of people in

Ireland to consider themselves as the sole citizens in the commonwealth, and to keep a dominion over the rest by reducing them to absolute slavery under a military power, and, thus fortified in their power, to divide the public estate, which is the result of general contribution, as a military booty, solely amongst themselves.

The poor word *ascendency*, so soft and melodious in its sound, so lenitive and emollient in its first usage, is now employed to cover to the world the most rigid, and perhaps not the most wise, of all plans of policy. The word is large enough in its comprehension. I cannot conceive what mode of oppression in civil life, or what mode of religious persecution, may not come within the methods of preserving an *ascendency*. In plain old English, as they apply it, it signifies *pride and dominion* on the one part of the relation, and on the other *subserviency and contempt*, — and it signifies nothing else. The old words are as fit to be set to music as the new: but use has long since affixed to them their true signification, and they sound, as the other will, harshly and odiously to the moral and intelligent ears of mankind.

This ascendency, by being a *Protestant* ascendency, does not better it from the combination of a note or two more in this anti-harmonic scale. If Protestant ascendency means the proscription from citizenship of by far the major part of the people of any country, then Protestant ascendency is a bad thing, and it ought to have no existence. But there is a deeper evil. By the use that is so frequently made of the term, and the policy which is engrafted on it, the name Protestant becomes nothing more or better than the name of a persecuting faction, with a relation of some sort of theological hostility to others, but without any sort of ascertained tenets of its own upon the ground of which it persecutes other men: for the patrons of this Protestant ascendency neither do nor can, by anything positive, define or describe what they mean by the word Protestant. It is defined, as Cowley defines wit, not by what it is, but by what it is not. It is not the Christian religion as professed in the churches holding communion with Rome, the majority of Christians: that is all which, in the latitude of the term, is known about its signification. This makes such persecutors ten times worse than any of that description that hitherto have been known in the world. The old persecutors, whether Pagan or Christian, whether Arian or Orthodox, whether Catholics, Anglicans, or Calvinists, actually were, or at least had the decorum to pretend to be, strong dogmatists. They pretended that their religious maxims were clear and ascertained, and so useful that they were bound, for the eternal benefit of mankind, to defend or diffuse them, though by any sacrifices of the temporal good of those who were the objects of their system of experiment.

The bottom of this theory of persecution is false. It is not permitted to us to sacrifice the temporal good of any body of men to our own ideas of the truth and falsehood of any religious opinions. By making men miserable in this life, they counteract one of the great ends of charity, which is, in as much as in us lies, to make men happy in every period of their existence, and most in what most depends

upon us. But give to these old persecutors their mistaken principle, in their reasoning they are consistent, and in their tempers they may be even kind and good-natured. But whenever a faction would render millions of mankind miserable, some millions of the race coexistent with themselves, and many millions in their succession, without knowing or so much as pretending to ascertain the doctrines of their own school, (in which there is much of the lash and nothing of the lesson,) the errors which the persons in such a faction fall into are not those that are natural to human imbecility, nor is the least mixture of mistaken kindness to mankind an ingredient in the severities they inflict. The whole is nothing but pure and perfect malice. It is, indeed, a perfection in that kind belonging to beings of an higher order than man, and to them we ought to leave it.

This kind of persecutors without zeal, without charity, know well enough that religion, to pass by all questions of the truth or falsehood of any of its particular systems, (a matter I abandon to the theologians on all sides,) is a source of great comfort to us mortals, in this our short, but tedious journey through the world. They know, that, to enjoy this consolation, men must believe their religion upon some principle or other, whether of education, habit, theory, or authority. When men are driven from any of those principles on which they have received religion, without embracing with the same assurance and cordiality some other system, a dreadful void is left in their minds, and a terrible shock is given to their morals. They lose their guide, their comfort, their hope. None but the most cruel and hardhearted of men, who had banished all natural tenderness from their minds, such as those beings of iron, the atheists, could bring themselves to any persecution like this. Strange it is, but so it is, that men, driven by force from their habits in one mode of religion, have, by contrary habits, under the same force, often quietly settled in another. They suborn their reason to declare in favor of their necessity. Man and his conscience cannot always be at war. If the first races have not been able to make a pacification between the conscience and the convenience, their descendants come generally to submit to the violence of the laws, without violence to their minds. As things stood formerly, they possessed a *positive* scheme of direction and of consolation. In this men may acquiesce. The harsh methods in use with the old class of persecutors were to make converts, not apostates only. If they perversely hated other sects and factions, they loved their own inordinately. But in this Protestant persecution there is anything but benevolence at work. What do the Irish statutes? They do not make a conformity to the *established* religion, and to its doctrines and practices, the condition of getting out of servitude. No such thing. Let three millions of people but abandon all that they and their ancestors have been taught to believe sacred, and to forswear it publicly in terms the most degrading, scurrilous, and indecent for men of integrity and virtue, and to abuse the whole of their former lives, and to slander the education they have received, and nothing more is required of them. There is no system of folly, or impiety, or blasphemy, or atheism, into

which they may not throw themselves, and which they may not profess openly, and as a system, consistently with the enjoyment of all the privileges of a free citizen in the happiest constitution in the world.

Some of the unhappy assertors of this strange scheme say they are not persecutors on account of religion. In the first place, they say what is not true. For what else do they disfranchise the people? If the man gets rid of a religion through which their malice operates, he gets rid of all their penalties and incapacities at once. They never afterwards inquire about him. I speak here of their pretexts, and not of the true spirit of the transaction, in which religious bigotry, I apprehend, has little share. Every man has his taste; but I think, if I were so miserable and undone as to be guilty of premeditated and continued violence towards any set of men, I had rather that my conduct was supposed to arise from wild conceits concerning their religious advantages than from low and ungenerous motives relative to my own selfish interest. I had rather be thought insane in my charity than rational in my malice. This much, my dear son, I have to say of this Protestant persecution, — that is, a persecution of religion itself.

A very great part of the mischiefs that vex the world arises from words. People soon forget the meaning, but the impression and the passion remain. The word Protestant is the charm that looks up in the dungeon of servitude three millions of your people. It is not amiss to consider this spell of potency, this abracadabra, that is hung about the necks of the unhappy, not to heal, but to communicate disease. We sometimes hear of a Protestant *religion*, frequently of a Protestant *interest*. We hear of the latter the most frequently, because it has a positive meaning. The other has none. We hear of it the most frequently, because it has a word in the phrase which, well or ill understood, has animated to persecution and oppression at all times infinitely more than all the dogmas in dispute between religious factions. These are, indeed, well formed to perplex and torment the intellect, but not half so well calculated to inflame the passions and animosities of men.

I do readily admit that a great deal of the wars, seditions, and troubles of the world did formerly turn upon the contention between *interests* that went by the names of Protestant and Catholic. But I imagined that at this time no one was weak enough to believe, or impudent enough to pretend, that questions of Popish and Protestant opinions or interest are the things by which men are at present menaced with crusades by foreign invasion, or with seditions which shake the foundations of the state at home. It is long since all this combination of things has vanished from the view of intelligent observers. The existence of quite another system of opinions and interests is now plain to the grossest sense. Are these the questions that raise a flame in the minds of men at this day? If ever the Church and the Constitution of England should fall in these islands, (and they will fall together,) it is not Presbyterian discipline nor Popish hierarchy that will rise upon their ruins. It will not be the Church of Rome nor the Church of Scotland, not the Church of Luther

nor the Church of Calvin. On the contrary, all these churches are menaced, and menaced alike. It is the new fanatical religion, now in the heat of its first ferment, of the Rights of Man, which rejects all establishments, all discipline, all ecclesiastical, and in truth all civil order, which will triumph, and which will lay prostrate your Church, which will destroy your distinctions, and which will put all your properties to auction, and disperse you over the earth. If the present establishment should fall, it is this religion which will triumph in Ireland and in England, as it has triumphed in France. This religion, which laughs at creeds and dogmas and confessions of faith, may be fomented equally amongst all descriptions and all sects, — amongst nominal Catholics, and amongst nominal Churchmen, and amongst those Dissenters who know little and care less about a presbytery, or any of its discipline, or any of its doctrine. Against this new, this growing, this exterminatory system, all these churches have a common concern to defend themselves. How the enthusiasts of this rising sect rejoice to see you of the old churches play their game, and stir and rake the cinders of animosities sunk in their ashes, in order to keep up the execution of their plan for your common ruin!

I suppress all that is in my mind about the blindness of those of our clergy who will shut their eyes to a thing which glares in such manifest day. If some wretches amongst an indigent and disorderly part of the populace raise a riot about tithes, there are of these gentlemen ready to cry out that this is an overt act of a treasonable conspiracy. Here the bulls, and the pardons, and the crusade, and the Pope, and the thunders of the Vatican are everywhere at work. There is a plot to bring in a foreign power to destroy the Church. Alas! it is not about popes, but about potatoes, that the minds of this unhappy people are agitated. It is not from the spirit of zeal, but the spirit of whiskey, that these wretches act. Is it, then, not conceived possible that a poor clown can be unwilling, after paying three pounds rent to a gentleman in a brown coat, to pay fourteen shillings to one in a black coat, for his acre of potatoes, and tumultuously to desire some modification of the charge, without being supposed to have no other motive than a frantic zeal for being thus double-taxed to another set of landholders and another set of priests? Have men no self-interest, no avarice, no repugnance to public imposts? Have they no sturdy and restive minds, no undisciplined habits? Is there nothing in the whole mob of irregular passions, which might precipitate some of the common people, in some places, to quarrel with a legal, because they feel it to be a burdensome imposition? According to these gentlemen, no offence can be committed by Papists but from zeal to their religion. To make room for the vices of Papists, they clear the house of all the vices of men. Some of the common people (not one, however, in ten thousand) commit disorders. Well! punish them as you do, and as you ought to punish them, for their violence against the just property of each individual clergyman, as each individual suffers. Support the injured rector, or the injured impropiator, in the enjoyment of the estate of which (whether on the best plan or

not) the laws have put him in possession. Let the crime and the punishment stand upon their own bottom. But now we ought all of us, clergymen most particularly, to avoid assigning another cause of quarrel, in order to infuse a new source of bitterness into a dispute which personal feelings on both sides will of themselves make bitter enough, and thereby involve in it by religious descriptions men who have individually no share whatsoever in those irregular acts. Let us not make the malignant fictions of our own imaginations, heated with factious controversies, reasons for keeping men that are neither guilty nor justly suspected of crime in a servitude equally dishonorable and unsafe to religion and to the state. When men are constantly accused, but know themselves not to be guilty, they must naturally abhor their accusers. There is no character, when malignantly taken up and deliberately pursued, which more naturally excites indignation and abhorrence in mankind, especially in that part of mankind which suffers from it.

I do not pretend to take pride in an extravagant attachment to any sect. Some gentlemen in Ireland affect that sort of glory. It is to their taste. Their piety, I take it for granted, justifies the fervor of their zeal, and may palliate the excess of it. Being myself no more than a common layman, commonly informed in controversies, leading only a very common life, and having only a common citizen's interest in the Church or in the State, yet to you I will say, in justice to my own sentiments, that not one of those zealots for a Protestant interest wishes more sincerely than I do, perhaps not half so sincerely, for the support of the Established Church in both these kingdoms. It is a great link towards holding fast the connection of religion with the State, and for keeping these two islands, in their present critical independence of constitution, in a close connection of *opinion and affection*. I wish it well, as the religion of the greater number of the primary land-proprietors of the kingdom, with whom all establishments of Church and State, for strong political reasons, ought in my opinion to be firmly connected. I wish it well, because it is more closely combined than any other of the church systems with the *crown*, which is the stay of the mixed Constitution, — because it is, as things now stand, the sole connecting *political* principle between the constitutions of the two independent kingdoms. I have another and infinitely a stronger reason for wishing it well: it is, that in the present time I consider it as one of the main pillars of the Christian religion itself. The body and substance of every religion I regard much more than any of the forms and dogmas of the particular sects. Its fall would leave a great void, which nothing else, of which I can form any distinct idea, might fill. I respect the Catholic hierarchy and the Presbyterian republic; but I know that the hope or the fear of establishing either of them is, in these kingdoms, equally chimerical, even if I preferred one or the other of them to the Establishment, which certainly I do not.

These are some of my reasons for wishing the support of the Church of Ireland as by law established. These reasons are founded as well on the absolute as on the

relative situation of that kingdom. But is it because I love the Church, and the King, and the privileges of Parliament, that I am to be ready for any violence, or any injustice, or any absurdity, in the means of supporting any of these powers, or all of them together? Instead of prating about Protestant ascendancies, Protestant Parliaments ought, in my opinion, to think at last of becoming patriot Parliaments.

The legislature of Ireland, like all legislatures, ought to frame its laws to suit the people and the circumstances of the country, and not any longer to make it their whole business to force the nature, the temper, and the inveterate habits of a nation to a conformity to speculative systems concerning any kind of laws. Ireland has an established government, and a religion legally established, which are to be preserved. It has a people who are to be preserved too, and to be led by reason, principle, sentiment, and interest to acquiesce in that government. Ireland is a country under peculiar circumstances. The people of Ireland are a very mixed people; and the quantities of the several ingredients in the mixture are very much disproportioned to each other. Are we to govern this mixed body as if it were composed of the most simple elements, comprehending the whole in one system of benevolent legislation? or are we not rather to provide for the several parts according to the various and diversified necessities of the heterogeneous nature of the mass? Would not common reason and common honesty dictate to us the policy of regulating the people, in the several descriptions of which they are composed, according to the natural ranks and classes of an orderly civil society, under a common protecting sovereign, and under a form of constitution favorable at once to authority and to freedom, — such as the British Constitution boasts to be, and such as it is to those who enjoy it?

You have an ecclesiastical establishment, which, though the religion of the prince, and of most of the first class of landed proprietors, is not the religion of the major part of the inhabitants, and which consequently does not answer to *them* any one purpose of a religious establishment. This is a state of things which no man in his senses can call perfectly happy. But it is the state of Ireland. Two hundred years of experiment show it to be unalterable. Many a fierce struggle has passed between the parties. The result is, you cannot make the people Protestants, and they cannot shake off a Protestant government. This is what experience teaches, and what all men of sense of all descriptions know. To-day the question is this: Are we to make the best of this situation, which we cannot alter? The question is: Shall the condition of the body of the people be alleviated in other things, on account of their necessary suffering from their being subject to the burdens of two religious establishments, from one of which they do not partake the least, living or dying, either of instruction or of consolation, — or shall it be aggravated, by stripping the people thus loaded of everything which might support and indemnify them in this state, so as to leave them naked of every sort of right and of every name of franchise, to outlaw them from the Constitution, and to cut off (perhaps) three

millions of plebeian subjects, without reference to property, or any other qualification, from all connection with the popular representation, of the kingdom?

As to religion, it has nothing at all to do with the proceeding. Liberty is not sacrificed to a zeal for religion, but a zeal for religion is pretended and assumed to destroy liberty. The Catholic religion is completely free. It has no establishment, — but it is recognized, permitted, and, in a degree, protected by the laws. If a man is satisfied to be a slave, he may be a Papist with perfect impunity. He may say mass, or hear it, as he pleases; but he must consider himself as an outlaw from the British Constitution. If the constitutional liberty of the subject were not the thing aimed at, the direct reverse course would be taken. The franchise would have been permitted, and the mass exterminated. But the conscience of a man left, and a tenderness for it hypocritically pretended, is to make it a trap to catch his liberty.

So much is this the design, that the violent partisans of this scheme fairly take up all the maxims and arguments, as well as the practices, by which tyranny has fortified itself at all times. Trusting wholly in their strength and power, (and upon this they reckon, as always ready to strike wherever they wish to direct the storm,) they abandon all pretext of the general good of the community. They say, that, if the people, under any given modification, obtain the smallest portion or particle of constitutional freedom, it will be impossible for them to hold their property. They tell us that they act only on the defensive. They inform the public of Europe that their estates are made up of forfeitures and confiscations from the natives; that, if the body of people obtain votes, any number of votes, however small, it will be a step to the choice of members of their own religion; that the House of Commons, in spite of the influence of nineteen parts in twenty of the landed interest now in their hands, will be composed in the whole, or in far the major part, of Papists; that this Popish House of Commons will instantly pass a law to confiscate all their estates, which it will not be in their power to save even by entering into that Popish party themselves, because there are prior claimants to be satisfied; that, as to the House of Lords, though neither Papists nor Protestants have a share in electing them, the body of the peerage will be so obliging and disinterested as to fall in with this exterminatory scheme, which is to forfeit all their estates, the largest part of the kingdom; and, to crown all, that his Majesty will give his cheerful assent to this causeless act of attainder of his innocent and faithful Protestant subjects; that they will be or are to be left, without house or land, to the dreadful resource of living by their wits, out of which they are already frightened by the apprehension of this spoliation with which they are threatened; that, therefore, they cannot so much as listen to any arguments drawn from equity or from national or constitutional policy: the sword is at their throats; beggary and famine at their door. See what it is to have a good look-out, and to see danger at the end of a sufficiently long perspective!

This is, indeed, to speak plain, though to speak nothing very new. The same thing has been said in all times and in all languages. The language of tyranny has been

invariable: "The general good is inconsistent with my personal safety." Justice and liberty seem so alarming to these gentlemen, that they are not ashamed even to slander their own titles, to calumniate and call in doubt their right to their own estates, and to consider themselves as novel disseizors, usurpers, and intruders, rather than lose a pretext for becoming oppressors of their fellow-citizens, whom they (not I) choose to describe themselves as having robbed.

Instead of putting themselves in this odious point of light, one would think they would wish to let Time draw his oblivious veil over the unpleasant modes by which lordships and demesnes have been acquired in theirs, and almost in all other countries upon earth. It might be imagined, that, when the sufferer (if a sufferer exists) had forgot the wrong, they would be pleased to forget it too, — that they would permit the sacred name of possession to stand in the place of the melancholy and unpleasant title of grantees of confiscation, which, though firm and valid in law, surely merits the name that a great Roman jurist gave to a title at least as valid in his nation as confiscation would be either in his or in ours: *Tristis et luctuosa successio*.

Such is the situation of every man who comes in upon the ruin of another; his succeeding, under this circumstance, is *tristis et luctuosa successio*. If it had been the fate of any gentleman to profit by the confiscation of his neighbor, one would think he would be more disposed to give him a valuable interest under him in his land, or to allow him a pension, as I understand one worthy person has done, without fear or apprehension that his benevolence to a ruined family would be construed into a recognition of the forfeited title. The public of England, the other day, acted in this manner towards Lord Newburgh, a Catholic. Though the estate had been vested by law in the greatest of the public charities, they have given him a pension from his confiscation. They have gone further in other cases. On the last rebellion, in 1745, in Scotland, several forfeitures were incurred. They had been disposed of by Parliament to certain laudable uses. Parliament reversed the method which they had adopted in Lord Newburgh's case, and in my opinion did better: they gave the forfeited estates to the successors of the forfeiting proprietors, chargeable in part with the uses. Is this, or anything like this, asked in favor of any human creature in Ireland? It is bounty, it is charity, — wise bounty, and politic charity; but no man can claim it as a right. Here no such thing is claimed as right, or begged as charity. The demand has an object as distant from all considerations of this sort as any two extremes can be. The people desire the privileges inseparably annexed, since Magna Charta, to the freehold which they have by descent or obtain as the fruits of their industry. They call for no man's estate; they desire not to be dispossessed of their own.

But this melancholy and invidious title is a favorite (and, like favorites, always of the least merit) with those who possess every other title upon earth along with it. For this purpose they revive the bitter memory of every dissension which has torn to pieces their miserable country for ages. After what has passed in 1782, one

would not think that decorum, to say nothing of policy, would permit them to call up, by magic charms, the grounds, reasons, and principles of those terrible confiscatory and exterminatory periods. They would not set men upon calling from the quiet sleep of death any Samuel, to ask him by what act of arbitrary monarchs, by what inquisitions of corrupted tribunals and tortured jurors, by what fictitious tenures invented to dispossess whole unoffending tribes and their chieftains. They would not conjure up the ghosts from the ruins of castles and churches, to tell for what attempt to struggle for the independence of an Irish legislature, and to raise armies of volunteers without regular commissions from the crown in support of that independence, the estates of the old Irish nobility and gentry had been confiscated. They would not wantonly call on those phantoms to tell by what English acts of Parliament, forced upon two reluctant kings, the lands of their country were put up to a mean and scandalous auction in every goldsmith's shop in London, or chopped to pieces and out into rations, to pay the mercenary soldiery of a regicide usurper. They would not be so fond of titles under Cromwell, who, if he avenged an Irish rebellion against the sovereign authority of the Parliament of England, had himself rebelled against the very Parliament whose sovereignty he asserted, full as much as the Irish nation, which he was sent to subdue and confiscate, could rebel against that Parliament, or could rebel against the king, against whom both he and the Parliament which he served, and which he betrayed, had both of them rebelled.

The gentlemen who hold the language of the day know perfectly well that the Irish in 1641 pretended, at least, that they did not rise against the king: nor in fact did they, whatever constructions law might put upon their act. But full surely they rebelled against the authority of the Parliament of England, and they openly professed so to do. Admitting (I have now no time to discuss the matter) the enormous and unpardonable magnitude of this their crime, they rued it in their persons, and in those of their children and their grandchildren, even to the fifth and sixth generations. Admitting, then, the enormity of this unnatural rebellion in favor of the independence of Ireland, will it follow that it must be avenged forever? Will it follow that it must be avenged on thousands and perhaps hundreds of thousands of those whom they can never trace, by the labors of the most subtle metaphysician of the traduction of crimes, or the most inquisitive genealogist of proscription, to the descendant of any one concerned in that nefarious Irish rebellion against the Parliament of England?

If, however, you could find out those pedigrees of guilt, I do not think the difference would be essential. History records many things which ought to make us hate evil actions; but neither history, nor morals, nor policy can teach us to punish innocent men on that account. What lesson does the iniquity of prevalent factions read to us? It ought to lesson us into an abhorrence of the abuse of our own power in our own day, when we hate its excesses so much in other persons and in other times. To that school true statesmen ought to be satisfied to leave mankind. They

ought not to call from the dead all the discussions and litigations which formerly inflamed the furious factions which had torn their country to pieces; they ought not to rake into the hideous and abominable things which were done in the turbulent fury of an injured, robbed, and persecuted people, and which were afterwards cruelly revenged in the execution, and as outrageously and shamefully exaggerated in the representation, in order, an hundred and fifty years after, to find some color for justifying them in the eternal proscription and civil excommunication of a whole people.

Let us come to a later period of those confiscations with the memory of which the gentlemen who triumph in the acts of 1782 are so much delighted. The Irish again rebelled against the English Parliament in 1688, and the English Parliament again put up to sale the greatest part of their estates. I do not presume to defend the Irish for this rebellion, nor to blame the English Parliament for this confiscation. The Irish, it is true, did not revolt from King James's power. He threw himself upon their fidelity, and they supported him to the best of their feeble power. Be the crime of that obstinate adherence to an abdicated sovereign, against a prince whom the Parliaments of Ireland and Scotland had recognized, what it may, I do not mean to justify this rebellion more than the former. It might, however, admit some palliation in them. In generous minds some small degree of compassion might be excited for an error, where they were misled, as Cicero says to a conqueror, *quadam specie et similitudine pacis*, not without a mistaken appearance of duty, and for which the guilty have suffered, by exile abroad and slavery at home, to the extent of their folly or their offence. The best calculators compute that Ireland lost two hundred thousand of her inhabitants in that struggle. If the principle of the English and Scottish resistance at the Revolution is to be justified, (as sure I am it is,) the submission of Ireland must be somewhat extenuated. For, if the Irish resisted King William, they resisted him on the very same principle that the English and Scotch resisted King James. The Irish Catholics must have been the very worst and the most truly unnatural of rebels, if they had not supported a prince whom they had seen attacked, not for any designs against *their* religion or *their* liberties, but for an extreme partiality for their sect, and who, far from trespassing on *their* liberties and properties, secured both them and the independence of their country in much the same manner that we have seen the same things done at the period of 1782, — I trust the last revolution in Ireland.

That the Irish Parliament of King James did in some particulars, though feebly, imitate the rigor which had been used towards the Irish, is true enough. Blamable enough they were for what they had done, though under the greatest possible provocation. I shall never praise confiscations or counter-confiscations as long as I live. When they happen by necessity, I shall think the necessity lamentable and odious: I shall think that anything done under it ought not to pass into precedent, or to be adopted by choice, or to produce any of those shocking retaliations which

never suffer dissensions to subside. Least of all would I fix the transitory spirit of civil fury by perpetuating and methodizing it in tyrannic government. If it were permitted to argue with power, might one not ask these gentlemen whether it would not be more natural, instead of wantonly mooting these questions concerning their property, as if it were an exercise in law, to found it on the solid rock of prescription, — the soundest, the most general, and the most recognized title between man and man that is known in municipal or in public jurisprudence? — a title in which not arbitrary institutions, but the eternal order of things, gives judgment; a title which is not the creature, but the master, of positive law; a title which, though not fixed in its term, is rooted in its principle in the law of Nature itself, and is indeed the original ground of all known property: for all property in soil will always be traced back to that source, and will rest there. The miserable natives of Ireland, who ninety-nine in an hundred are tormented with quite other cares, and are bowed down to labor for the bread of the hour, are not, as gentlemen pretend, plodding with antiquaries for titles of centuries ago to the estates of the great lords and squires for whom they labor. But if they were thinking of the titles which gentlemen labor to beat into their heads, where can they bottom their own claims, but in a presumption and a proof that these lands had at some time been possessed by their ancestors? These gentlemen (for they have lawyers amongst them) know as well as I that in England we have had always a prescription or limitation, as all nations have, against each other. The crown was excepted; but that exception is destroyed, and we have lately established a sixty years' possession as against the crown. All titles terminate in prescription, — in which (differently from Time in the fabulous instances) the son devours the father, and the last prescription eats up all the former.

A LETTER ON THE AFFAIRS OF IRELAND. 1797.

Dear Sir, — In the reduced state of body and in the dejected state of mind in which I find myself at this very advanced period of my life, it is a great consolation to me to know that a cause I ever have had so very near my heart is taken up by a man of your activity and talents.

It is very true that your late friend, my ever dear and honored son, was in the highest degree solicitous about the final event of a business which he also had pursued for a long time with infinite zeal, and no small degree of success. It was not above half an hour before he left me forever that he spoke with considerable earnestness on this very subject. If I had needed any incentives to do my best for freeing the body of my country from the grievances under which they labor, this alone would certainly call forth all my endeavors.

The person who succeeded to the government of Ireland about the time of that afflicting event had been all along of my sentiments and yours upon this subject; and far from needing to be stimulated by me, that incomparable person, and those in whom he strictly confided, even went before me in their resolution to pursue the great end of government, the satisfaction and concord of the people with whose welfare they were charged. I cannot bear to think on the causes by which this great plan of policy, so manifestly beneficial to both kingdoms, has been defeated.

Your mistake with regard to me lies in supposing that I did not, when his removal was in agitation, strongly and personally represent to several of his Majesty's ministers, to whom I could have the most ready access, the true state of Ireland, and the mischiefs which sooner or later must arise from subjecting the mass of the people to the capricious and interested domination of an exceeding small faction and its dependencies.

That representation was made the last time, or very nearly the last time, that I have ever had the honor of seeing those ministers. I am so far from having any credit with them, on this, or any other public matters, that I have reason to be certain, if it were known that any person in office in Ireland, from the highest to the lowest, were influenced by my opinions, and disposed to act upon them, such an one would be instantly turned out of his employment. You have formed, to my person a flattering, yet in truth a very erroneous opinion, of my power with those who direct the public measures. I never have been directly or indirectly consulted about anything that is done. The judgment of the eminent and able persons who conduct public affairs is undoubtedly superior to mine; but self-partiality induces almost every man to defer something to his own. Nothing is more notorious than that I have the misfortune of thinking that no one capital measure relative to political arrangements, and still less that a new military plan for the defence of either

kingdom in this arduous war, has been taken upon any other principle than such as must conduct us to inevitable ruin.

In the state of my mind, so discordant with the tone of ministers, and still more discordant with the tone of opposition, you may judge what degree of weight I am likely to have with either of the parties who divide this kingdom, — even though I were endowed with strength of body, or were possessed of any active situation in the government, which might give success to my endeavors. But the fact is, since the day of my unspeakable calamity, except in the attentions of a very few old and compassionate friends, I am totally out of all social intercourse. My health has gone down very rapidly; and I have been brought hither with very faint hopes of life, and enfeebled to such a degree as those who had known me some time ago could scarcely think credible. Since I came hither, my sufferings have been greatly aggravated, and my little strength still further reduced; so that, though I am told the symptoms of my disorder begin to carry a more favorable aspect, I pass the far larger part of the twenty-four hours, indeed almost the whole, either in my bed or lying upon the couch from which I dictate this. Had you been apprised of this circumstance, you could not have expected anything, as you seem to do, from my active exertions. I could do nothing, if I was still stronger, not even *si meus adforet Hector*.

There is no hope for the body of the people of Ireland, as long as those who are in power with you shall make it the great object of their policy to propagate an opinion on this side of the water that the mass of their countrymen are not to be trusted by their government, and that the only hold which England has upon Ireland consists in preserving a certain very small number of gentlemen in full possession of a monopoly of that kingdom. This system has disgusted many others besides Catholics and Dissenters.

As to those who on your side are in the opposition to government, they are composed of persons several of whom I love and revere. They have been irritated by a treatment too much for the ordinary patience of mankind to bear into the adoption of schemes which, however *argumentatively* specious, would go *practically* to the inevitable ruin of the kingdom. The opposition always connects the emancipation of the Catholics with these schemes of reformation: indeed, it makes the former only a member of the latter project. The gentlemen who enforce that opposition are, in my opinion, playing the game of their adversaries with all their might; and there is no third party in Ireland (nor in England neither) to separate things that are in themselves so distinct, — I mean the admitting people to the benefits of the Constitution, and a change in the form of the Constitution itself.

As every one knows that a great part of the constitution of the Irish House of Commons was formed about the year 1614 expressly for bringing that House into a state of dependence, and that the new representative was at that time seated and installed by force and violence, nothing can be more impolitic than for those who

wish the House to stand on its present basis (as, for one, I most sincerely do) to make it appear to have kept too much the principle of its first institution, and to continue to be as little a virtual as it is an actual representative of the commons. It is the *degeneracy* of such an institution, *so vicious in its principle*, that is to be wished for. If men have the real benefit of a *sympathetic* representation, none but those who are heated and intoxicated with theory will look for any other. This sort of representation, my dear Sir, must wholly depend, not on the force with which it is upheld, but upon the *prudence* of those who have influence upon it. Indeed, without some such prudence in the use of authority, I do not know, at least in the present time, how any power can long continue.

If it be true that both parties are carrying things to extremities in different ways, the object which you and I have in common, that is to say, the union and concord of our country *on the basis of the actual representation*, without risking those evils which any change in the form of our legislature must inevitably bring on, can never be obtained. On the part of the Catholics (that is to say, of the body of the people of the kingdom) it is a terrible alternative, either to submit to the yoke of declared and insulting enemies, or to seek a remedy in plunging themselves into the horrors and crimes of that Jacobinism which unfortunately is not disagreeable to the principles and inclinations of, I am afraid, the majority of what we call the Protestants of Ireland. The Protestant part of that kingdom is represented by the government itself to be, by whole counties, in nothing less than open rebellion. I am sure that it is everywhere teeming with dangerous conspiracy.

I believe it will be found, that, though the principles of the Catholics, and the incessant endeavors of their clergy, have kept them from being generally infected with the systems of this time, yet, whenever their situation brings them nearer into contact with the Jacobin Protestants, they are more or less infected with their doctrines.

It is a matter for melancholy reflection, but I am fully convinced, that many persons in Ireland would be glad that the Catholics should become more and more infected with the Jacobin madness, in order to furnish new arguments for fortifying them in their monopoly. On any other ground it is impossible to account for the late language of your men in power. If statesmen, (let me suppose for argument,) upon the most solid political principles, conceive themselves obliged to resist the wishes of the far more numerous, and, as things stand, not the worse part of the community, one would think they would naturally put their refusal as much as possible upon temporary grounds, and that they would act towards them in the most conciliatory manner, and would talk to them in the most gentle and soothing language: for refusal, in itself, is not a very gracious thing; and, unfortunately, men are very quickly irritated out of their principles. Nothing is more discouraging to the loyalty of any description of men than to represent to them that their humiliation and subjection make a principal part in the fundamental and invariable

policy which regards the conjunction of these two kingdoms. This is not the way to give them a warm interest in that conjunction.

My poor opinion is, that the closest connection between Great Britain and Ireland is essential to the well-being, I had almost said, to the very being, of the two kingdoms. For that purpose I humbly conceive that the whole of the superior, and what I should call *imperial* politics, ought to have its residence here; and that Ireland, locally, civilly, and commercially independent, ought politically to look up to Great Britain in all matters of peace or of war, — in all those points to be guided by her. — and, in a word, with her to live and to die. At bottom, Ireland has no other choice, — I mean, no other rational choice.

I think, indeed, that Great Britain would be ruined by the separation of Ireland; but as there are degrees even in ruin, it would fall the most heavily on Ireland. By such a separation Ireland would be the most completely undone country in the world, — the most wretched, the most distracted, and, in the end, the most desolate part of the habitable globe. Little do many people in Ireland consider how much of its prosperity has been owing to, and still depends upon, its intimate connection with this kingdom. But, more sensible of this great truth, than perhaps any other man, I have never conceived, or can conceive, that the connection is strengthened by making the major part of the inhabitants of your country believe that their ease, and their satisfaction, and their equalization with the rest of their fellow-subjects of Ireland are things adverse to the principles of that connection, — or that their subjection to a small monopolizing junto, composed of one of the smallest of their own internal factions, is the very condition upon which the harmony of the two kingdoms essentially depends. I was sorry to hear that this principle, or something not unlike it, was publicly and fully avowed by persons of great rank and authority in the House of Lords in Ireland.

As to a participation on the part of the Catholics in the privileges and capacities which are withheld, without meaning wholly to depreciate their importance, if I had the honor of being an Irish Catholic, I should be content to expect satisfaction upon that subject with patience, until the minds of my adversaries, few, but powerful, were come to a proper temper: because, if the Catholics did enjoy, without fraud, chicane, or partiality, some fair portion of those advantages which the law, even as now the law is, leaves open to them, and if the rod were not shaken over them at every turn, their present condition would be tolerable; as compared with their former condition, it would be happy. But the most favorable laws can do very little towards the happiness of a people, when the disposition of the ruling power is adverse to them. Men do not live upon blotted paper. The favorable or the hostile mind of the ruling power is of far more importance to mankind, for good or evil, than the black-letter of any statute. Late acts of Parliament, whilst they fixed at least a temporary bar to the hopes and progress of the larger description of the nation, opened to them certain subordinate objects of equality; but it is impossible that the

people should imagine that any fair measure of advantage is intended to them, when they hear the laws by which they were admitted to this limited qualification publicly reprobated as excessive and inconsiderate. They must think that there is a hankering after the old penal and persecuting code. Their alarm must be great, when that declaration is made by a person in very high and important office in the House of Commons, and as the very first specimen and auspice of a new government.

All this is very unfortunate. I have the honor of an old acquaintance, and entertain, in common with you, a very high esteem for the few English persons who are concerned in the government of Ireland; but I am not ignorant of the relation these transitory ministers bear to the more settled Irish part of your administration. It is a delicate topic, upon which I wish to say but little, though my reflections upon it are many and serious. There is a great cry against English influence. I am quite sure that it is Irish influence that dreads the English habits.

Great disorders have long prevailed in Ireland. It is not long since that the Catholics were the suffering party from those disorders. I am sure they were not protected as the case required. Their sufferings became a matter of discussion in Parliament. It produced the most infuriated declamation against them that I have ever read. An inquiry was moved into the facts. The declamation was at least tolerated, if not approved. The inquiry was absolutely rejected. In that case, what is left for those who are abandoned by government, but to join with the persons who are capable of injuring them or protecting them as they oppose or concur in their designs? This will produce a very fatal kind of union amongst the people; but it is an union, which an unequal administration of justice tends necessarily to produce.

If anything could astonish one at this time, it is the war that the rulers in Ireland think it proper to carry on against the person whom they call the Pope, and against all his adherents, whenever they think they have the power of manifesting their hostility. Without in the least derogating from the talents of your theological politicians, or from the military abilities of your commanders (who act on the same principles) in Ireland, and without derogating from the zeal of either, it appears to me that the Protestant Directory of Paris, as statesmen, and the Protestant hero, Buonaparte, as a general, have done more to destroy the said Pope and all his adherents, in all their capacities, than the junto in Ireland have ever been able to effect. You must submit your *fascies* to theirs, and at best be contented to follow with songs of gratulation, or invectives, according to your humor, the triumphal car of those great conquerors. Had that true Protestant, Hoche, with an army not infected with the slightest tincture of Popery, made good his landing in Ireland, he would have saved you from a great deal of the trouble which is taken to keep under a description of your fellow-citizens obnoxious to you from their religion. It would not have a month's existence, supposing his success. This is the alliance which, under the appearance of hostility, we act as if we wished to promote. All is well, provided we are safe from Popery.

It was not necessary for you, my dear Sir, to explain yourself to *me* (in justification of your good wishes to your fellow-citizens) concerning your total alienation from the principles of the Catholics. I am more concerned in what we agree than in what we differ. You know the impossibility of our forming any judgment upon the opinions, religious, moral, or political, of those who in the largest sense are called Protestants, — at least, as these opinions and tenets form a qualification for holding any civil, judicial, military, or even ecclesiastical situation. I have no doubt of the orthodox opinion of many, both of the clergy and laity, professing the established religion in Ireland, and of many even amongst the Dissenters, relative to the great points of the Christian faith: but that orthodoxy concerns them only as *individuals*. As a *qualification* for employment, we all know that in Ireland it is not necessary that they should profess any religion at all: so that the war that we make is upon certain theological tenets, about which scholastic disputes are carried on *æquo Marte*, by controvertists, on their side, as able and as learned, and perhaps as well-intentioned, as those are who fight the battle on the other part. To them I would leave those controversies. I would turn my mind to what is more within its competence, and has been more my study, (though, for a man of the world, I have thought of those things,) — I mean, the moral, civil, and political good of the countries we belong to, and in which God has appointed your station and mine. Let every man be as pious as he pleases, and in the way that he pleases; but it is agreeable neither to piety nor to policy to give exclusively all manner of civil privileges and advantages to a *negative* religion, (such is the Protestant without a certain creed,) and at the same time to deny those privileges to men whom we know to agree to an iota in every one *positive* doctrine which all of us who profess the religion authoritatively taught in England hold ourselves, according to our faculties, bound to believe. The Catholics of Ireland (as I have said) have the whole of our *positive* religion: our difference is only a negation of certain tenets of theirs. If we strip ourselves of *that* part of Catholicism, we abjure Christianity. If we drive them from that holding, without engaging them in some other positive religion, (which you know by our qualifying laws we do not,) what do we better than to hold out to them terrors on the one side, and bounties on the other, in favor of that which, for anything we know to the contrary, may be pure atheism?

You are well aware, that, when a man renounces the Roman religion, there is no civil inconvenience or incapacity whatsoever which shall hinder him from joining any new or old sect of Dissenters, or of forming a sect of his own invention upon the most anti-christian principles. Let Mr. Thomas Paine obtain a pardon, (as on change of ministry he may,) there is nothing to hinder him from setting up a church of his own in the very midst of you. He is a natural-born British subject. His French citizenship does not disqualify him, at least upon a peace. This Protestant apostle is as much above all suspicion of Popery as the greatest and most zealous of your

sanhedrim in Ireland can possibly be. On purchasing a qualification, (which his friends of the Directory are not so poor as to be unable to effect,) he may sit in Parliament; and there is no doubt that there is not one of your tests against Popery that he will not take as fairly, and as much *ex animo*, as the best of your zealot statesmen. I push this point no further, and only adduce this example (a pretty strong one, and fully in point) to show what I take to be the madness and folly of driving men, under the existing circumstances, from any *positive* religion whatever into the irreligion of the times, and its sure concomitant principles of anarchy.

When religion is brought into a question of civil and political arrangement, it must be considered more politically than theologically, at least by us, who are nothing more than mere laymen. In that light, the case of the Catholics of Ireland is peculiarly hard, whether they be laity or clergy. If any of them take part, like the gentleman you mention, with some of the most accredited Protestants of the country, in projects which cannot be more abhorrent to your nature and disposition than they are to mine, — in that case, however few these Catholic factions who are united with factious Protestants may be, (and very few they are now, whatever shortly they may become,) on their account the whole body is considered as of suspected fidelity to the crown, and as wholly undeserving of its favor. But if, on the contrary, in those districts of the kingdom where their numbers are the greatest, where they make, in a manner, the whole body of the people, (as, out of cities, in three fourths of the kingdom they do,) these Catholics show every mark of loyalty and zeal in support of the government, which at best looks on them with an evil eye, then their very loyalty is turned against their claims. They are represented as a contented and happy people, and that it is unnecessary to do anything more in their favor. Thus the factious disposition of a few among the Catholics and the loyalty of the whole mass are equally assigned as reasons for not putting them on a par with those Protestants who are asserted by the government itself, which frowns upon Papists, to be in a state of nothing short of actual rebellion, and in a strong disposition to make common cause with the worst foreign enemy that these countries have ever had to deal with. What in the end can come of all this?

As to the Irish Catholic clergy, their condition is likewise most critical. If they endeavor by their influence to keep a dissatisfied laity in quiet, they are in danger of losing the little credit they possess, by being considered as the instruments of a government adverse to the civil interests of their flock. If they let things take their course, they will be represented as colluding with sedition, or at least tacitly encouraging it. If they remonstrate against persecution, they propagate rebellion. Whilst government publicly avows hostility to that people, as a part of a regular system, there is no road they can take which does not lead to their ruin.

If nothing can be done on your side of the water, I promise you that nothing will be done here. Whether in reality or only in appearance I cannot positively determine, but you will be left to yourselves by the ruling powers here. It is thus

ostensibly and above-board; and in part, I believe, the disposition is real. As to the people at large in this country, I am sure they have no disposition to intermeddle in your affairs. They mean you no ill whatever; and they are too ignorant of the state of your affairs to be able to do you any good. Whatever opinion they have on your subject is very faint and indistinct; and if there is anything like a formed notion, even that amounts to no more than a sort of humming that remains on their ears of the burden of the old song about Popery. Poor souls, they are to be pitied, who think of nothing but dangers long passed by, and but little of the perils that actually surround them.

I have been long, but it is almost a necessary consequence of dictating, and that by snatches, as a relief from pain gives me the means of expressing my sentiments. They can have little weight, as coming from me; and I have not power enough of mind or body to bring them out with their natural force. But I do not wish to have it concealed that I am of the same opinion, to my last breath, which I entertained when my faculties were at the best; and I have not held back from men in power in this kingdom, to whom I have very good wishes, any part of my sentiments on this melancholy subject, so long as I had means of access to persons of their consideration.

I have the honor to be, &c.

LETTER ON MR. DOWDESWELL'S BILL FOR EXPLAINING THE POWERS OF JURIES IN PROSECUTIONS FOR LIBELS.

An improper and injurious account of the bill brought into the House of Commons by Mr. Dowdeswell has lately appeared in one of the public papers. I am not at all surprised at it, as I am not a stranger to the views and politics of those who have caused it to be inserted.

Mr. Dowdeswell did not *bring in an enacting bill to give to juries*, as the account expresses it, *a power to try law and fact in matter of libel*. Mr. Dowdeswell brought in a bill to put an end to those doubts and controversies upon that subject which have unhappily distracted our courts, to the great detriment of the public, and to the great dishonor of the national justice.

That it is the province of the jury, in informations and indictments for libels, to try nothing more than the fact of the composing and of the publishing averments and innuendoes is a doctrine held at present by all the judges of the King's Bench, probably by most of the judges of the kingdom. The same doctrine has been held pretty uniformly since the Revolution; and it prevails more or less with the jury, according to the degree of respect with which they are disposed to receive the opinions of the bench.

This doctrine, which, when it prevails, tends to annihilate the benefit of trial by jury, and when it is rejected by juries, tends to weaken and disgrace the authority of the judge, is not a doctrine proper for an English judicature. For the sake both of judge and jury, the controversy ought to be quieted, and the law ought to be settled in a manner clear, definitive, and constitutional, by the only authority competent to it, the authority of the legislature.

Mr. Dowdeswell's bill was brought in for that purpose. It *gives* to the jury no *new* powers; but, after reciting the doubts and controversies, (which nobody denies actually to subsist,) and after stating, that, if juries are not reputed competent to try the whole matter, the benefit of trial by jury will be of none or imperfect effect, it enacts, not that the jury *shall* have the *power*, but that they shall be *held and reputed in law and right competent* to try the whole matter laid in the information. The bill is directing to the judges concerning the opinion in law which they are known to hold upon this subject, — and does not in the least imply that the jury were to derive a new right and power from that bill, if it should have passed into an act of Parliament. The implication is directly the contrary, and is as strongly conveyed as it is possible for those to do who state a doubt and controversy without charging with criminality those persons who so doubted and so controverted.

Such a style is frequent in acts of this nature, and is that only which is suited to the occasion. An insidious use has been made of the words *enact* and *declare*, as if

they were formal and operative words of force to distinguish different species of laws producing different effects. Nothing is more groundless; and I am persuaded no lawyer will stand to such an assertion. The gentlemen who say that a bill ought to have been brought in upon the principle and in the style of the Petition of Right and Declaration of Right ought to consider how far the circumstances are the same in the two cases, and how far they are prepared to go the whole lengths of the reason of those remarkable laws. Mr. Dowdeswell and his friends are of opinion that the circumstances are not the same, and that therefore the bill ought not to be the same.

It has been always disagreeable to the persons who compose that connection to engage wantonly in a paper war, especially with gentlemen for whom they have an esteem, and who seem to agree with them in the great grounds of their public conduct; but they can never consent to purchase any assistance from any persons by the forfeiture of their own reputation. They respect public opinion; and therefore, whenever they shall be called upon, they are ready to meet their adversaries, as soon as they please, before the tribunal of the public, and there to justify the constitutional nature and tendency, the propriety, the prudence, and the policy of their bill. They are equally ready to explain and to justify all their proceedings in the conduct of it, — equally ready to defend their resolution to make it one object (if ever they should have the power) in a plan of public reformation.

Your correspondent ought to have been satisfied with the assistance which his friends have lent to administration in defeating that bill. He ought not to make a feeble endeavor (I dare say, much to the displeasure of those friends) to disgrace the gentleman who brought it in. A measure proposed by Mr. Dowdeswell, seconded by Sir George Savile, and supported by their friends, will stand fair with the public, even though it should have been opposed by that list of names (respectable names, I admit) which have been printed with so much parade and ostentation in your papers.

It is not true that Mr. Burke spoke in praise of Lord Mansfield. If he had found anything in Lord Mansfield praiseworthy, I fancy he is not disposed to make an apology to anybody for doing justice. Your correspondent's reason for asserting it is visible enough; and it is altogether in the strain of other misrepresentations. That gentlemen spoke decently of the judges, and he did no more; most of the gentlemen who debated, on both sides, held the same language; and nobody will think their zeal the less warm, or the less effectual, because it is not attended with scurrility and virulence.

The Biographies



Gerrard Street, London — Burke's home in central London



Edmund Burke by the studio of Sir Joshua Reynolds

**INTRODUCTION TO EDMUND BURKE by Sidney Carleton
Newsom**



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EDMUND BURKE

There is nothing unusual in Burke's early life. He was born in Dublin, Ireland, in 1729. His father was a successful lawyer and a Protestant, his mother, a Catholic. At the age of twelve, he became a pupil of Abraham Shackleton, a Quaker, who had been teaching some fifteen years at Ballitore, a small town thirty miles from Dublin. In after years Burke was always pleased to speak of his old friend in the kindest way: "If I am anything," he declares, "it is the education I had there that has made me so." And again at Shackleton's death, when Burke was near the zenith of his fame and popularity, he writes: "I had a true honor and affection for that excellent man. I feel something like a satisfaction in the midst of my concern, that I was fortunate enough to have him under my roof before his departure." It can hardly be doubted that the old Quaker schoolmaster succeeded with his pupil who was already so favorably inclined, and it is more than probable that the daily example of one who lived out his precepts was strong in its influence upon a young and generous mind.

Burke attended school at Ballitore two years; then, at the age of fourteen, he became a student at Trinity College, Dublin, and remained there five years. At college he was unsystematic and careless of routine. He seems to have done pretty much as he pleased, and, however methodical he became in after life, his study during these five years was rambling and spasmodic. The only definite knowledge we have of this period is given by Burke himself in letters to his former friend Richard Shackleton, son of his old schoolmaster. What he did was done with a zest that at times became a feverish impatience: "First I was greatly taken with natural philosophy, which, while I should have given my mind to logic, employed me incessantly. This I call my FUROR MATHEMATICUS." Following in succession come his FUROR LOGICUS, FUROR HISTORICUS, and FUROR PEOTICUS, each of which absorbed him for the time being. It would be wrong, however, to think of Burke as a trifler even in his youth. He read in the library three hours every day and we may be sure he read as intelligently as eagerly. It is more than probable that like a few other great minds he did not need a rigid system to guide him. If he chose his subjects of study at pleasure, there is every reason to believe he mastered them.

Of intimate friends at the University we hear nothing. Goldsmith came one year later, but there is no evidence that they knew each other. It is probable that Burke, always reserved, had little in common with his young associates. His own musings, with occasional attempts at writing poetry, long walks through the country, and frequent letters to and from Richard Shackleton, employed him when not at his books.

Two years after taking his degree, Burke went to London and established himself at the Middle Temple for the usual routine course in law. Another long period passes of which there is next to nothing known. His father, an irascible, hot-tempered man, had wished him to begin the practice of law, but Burke seems to have continued in a rather irregular way pretty much as when an undergraduate at Dublin. His inclinations were not toward the law, but literature. His father, angered at such a turn of affairs, promptly reduced his allowance and left him to follow his natural bent in perfect freedom. In 1756, six years after his arrival in London, and almost immediately following the rupture with his father, he married a Miss Nugent. At about the same time he published his first two books, [Footnote: A Vindication of Natural Society and Philosophical Inquiry into the Origin of our Ideas of the Sublime and Beautiful] and began in earnest the life of an author.

He attracted the attention of literary men. Dr. Johnson had just completed his famous dictionary, and was the centre of a group of writers who accepted him at his own valuation. Burke did not want for company, and wrote copiously.[Footnote: Hints for an Essay on the Drama. Abridgement of the History of England] He became associated with Dodsley, a bookseller, who began publishing the Annual Register in 1759, and was paid a hundred pounds a year for writing upon current events. He spent two years (1761-63) in Ireland in the employment of William Hamilton, but at the end of that time returned, chagrined and disgusted with his would-be patron, who utterly failed to recognize Burke's worth, and persisted in the most unreasonable demands upon his time and energy.

For once Burke's independence served him well. In 1765 Lord Rockingham became prime minister, and Burke, widely known as the chief writer for the Annual Register, was free to accept the position of private secretary, which Lord Rockingham was glad to offer him. His services here were invaluable. The new relations thus established did not end with the performance of the immediate duties of his office, but a warm friendship grew up between the two, which lasted till the death of Lord Rockingham. While yet private secretary, Burke was elected to Parliament from the borough of Wendover. It was through the influence of his friend, or perhaps relative, William Burke, that his election was secured.

Only a few days after taking his seat in the House of Commons, Burke made his first speech, January 27, 1766. He followed this in a very short time with another upon the same subject — the Taxation of the American Colonies. Notwithstanding the great honor and distinction which these first speeches brought Burke, his party was dismissed at the close of the session and the Chatham ministry formed. He remained with his friends, and employed himself in refuting [Footnote: Observations on the Present State of the Nation] the charges of the former minister, George Grenville, who wrote a pamphlet accusing his successors of gross neglect of public duties.

At this point in his life comes the much-discussed matter of Beaconsfield. How Burke became rich enough to purchase such expensive property is a question that has never been answered by his friends or enemies. There are mysterious hints of successful speculation in East India stock, of money borrowed, and Burke himself, in a letter to Shackleton, speaks of aid from his friends and “all [the money] he could collect of his own.” However much we may regret the air of mystery surrounding the matter, and the opportunity given those ever ready to smirch a great man’s character, it is not probable that any one ever really doubted Burke’s integrity in this or any other transaction. Perhaps the true explanation of his seemingly reckless extravagance (if any explanation is needed) is that the conventional standards of his time forced it upon him; and it may be that Burke himself sympathized to some extent with these standards, and felt a certain satisfaction in maintaining a proper attitude before the public.

The celebrated case of Wilkes offered an opportunity for discussing the narrow and corrupt policy pursued by George III. and his followers. Wilkes, outlawed for libel and protected in the meantime through legal technicalities, was returned to Parliament by Middlesex. The House expelled him. He was repeatedly elected and as many times expelled, and finally the returns were altered, the House voting its approval by a large majority. In 1770 Burke published his pamphlet [Footnote: *Present Discontents*] in which he discussed the situation. For the first time he showed the full sweep and breadth of his understanding. His tract was in the interest of his party, but it was written in a spirit far removed from narrow partisanship. He pointed out with absolute clearness the cause of dissatisfaction and unrest among the people and charged George III. and his councillors with gross indifference to the welfare of the nation and corresponding devotion to selfish interests. He contended that Parliament was usurping privileges when it presumed to expel any one, that the people had a right to send whomsoever they pleased to Parliament, and finally that “in all disputes between them and their rulers, the presumption was at least upon a par in favor of the people.” From this time until the American Revolution, Burke used every opportunity to denounce the policy which the king was pursuing at home and abroad. He doubtless knew beforehand that what he might say would pass unnoticed, but he never faltered in a steadfast adherence to his ideas of government, founded, as he believed, upon the soundest principles. Bristol elected him as its representative in Parliament. It was a great honor and Burke felt its significance, yet he did not flinch when the time came for him to take a stand. He voted for the removal of some of the restrictions upon Irish trade. His constituents, representing one of the most prosperous mercantile districts, angered and disappointed at what they held to be a betrayal of trust, refused to reelect him.

Lord North’s ministry came to an end in 1782, immediately after the battle of Yorktown, and Lord Rockingham was chosen prime minister. Burke’s past services warranted him in expecting an important place in the cabinet, but he was ignored.

Various things have been suggested as reasons for this: he was poor; some of his relations and intimate associates were objectionable; there were dark hints of speculations; he was an Irishman. It is possible that any one of these facts, or all of them, furnished a good excuse for not giving him an important position in the new government. But it seems more probable that Burke's abilities were not appreciated so justly as they have been since. The men with whom he associated saw some of his greatness but not all of it. He was assigned the office of Paymaster of Forces, a place of secondary importance.

Lord Rockingham died in three months and the party went to pieces. Burke refused to work under Shelburne, and, with Fox, joined Lord North in forming the coalition which overthrew the Whig party. Burke has been severely censured for the part he took in this. Perhaps there is little excuse for his desertion, and it is certainly true that his course raises the question of his sincere devotion to principles. His personal dislike of Shelburne was so intense that he may have yielded to his feelings. He felt hurt, too, we may be sure, at the disposition made of him by his friends. In replying to a letter asking him for a place in the new government, he writes that his correspondent has been misinformed. "I make no part of the ministerial arrangement," he writes, and adds, "Something in the official line may be thought fit for my measure."

As a supporter of the coalition, Burke was one of the framers of the India Bill. This was directed against the wholesale robbery and corruption which the East India Company had been guilty of in its government of the country. Both Fox and Burke defended the measure with all the force and power which a thorough mastery of facts, a keen sense of the injustice done an unhappy people, and a splendid rhetoric can give. But it was doomed from the first. The people at large were indifferent, many had profitable business relations with the company, and the king used his personal influence against it. The bill failed to pass, the coalition was dismissed, and the party, which had in Burke its greatest representative, was utterly ruined.

The failure of the India Bill marked a victory for the king, and it also prepared the way for one of the most famous transactions of Burke's life. Macaulay has told how impressive and magnificent was the scene at the trial of Warren Hastings. There were political reasons for the impeachment, but the chief motive that stirred Burke was far removed from this. He saw and understood the real state of affairs in India. The mismanagement, the brutal methods, and the crimes committed there in the name of the English government, moved him profoundly, and when he rose before the magnificent audience at Westminster, for opening the cause, he forced his hearers, by his own mighty passion, to see with his own eyes, and to feel his own righteous anger. "When he came to his two narratives," says Miss Burney, "when he related the particulars of those dreadful murders, he interested, he engaged, he at last overpowered me; I felt my cause lost. I could hardly keep my seat. My eyes

dreaded a single glance toward a man so accused as Mr. Hastings; I wanted to sink on the floor, that they might be saved so painful a sight. I had no hope he could clear himself; not another wish in his favor remained." The trial lasted for six years and ended with the acquittal of Hastings. The result was not a surprise, and least of all to Burke. The fate of the India Bill had taught him how completely indifferent the popular mind was to issues touching deep moral questions. Though a seeming failure, he regarded the impeachment as the greatest work of his life. It did much to arouse and stimulate the national sense of justice. It made clear the cruel methods sometimes pursued under the guise of civilization and progress. The moral victory is claimed for Burke, and without a doubt the claim is valid.

The second of the great social and political problems, which employed English statesmen in the last half of the eighteenth century, was settled in the impeachment of Warren Hastings. The affairs of America and India were now overshadowed by the French Revolution, and Burke, with the far-sighted vision of a veteran statesman, watched the progress of events and their influence upon the established order. In 1773 he had visited France, and had returned displeased. It is remarkable with what accuracy he pointed out the ultimate tendency of much that he saw. A close observer of current phases of society, and on the alert to explain them in the light of broad and fundamental principles of human progress, he had every opportunity for studying social life at the French capital. Unlike the younger men of his times, he was doubtful, and held his judgment in suspense. The enthusiasm of even Fox seemed premature, and he held himself aloof from the popular demonstrations of admiration and approval that were everywhere going on. The fact is, Burke was growing old, and with his years he was becoming more conservative. He dreaded change, and was suspicious of the wisdom of those who set about such widespread innovations, and made such brilliant promises for the future. But the time rapidly approached for him to declare himself, and in 1790 his *Reflections on the Revolution in France* was issued. His friends had long waited its appearance, and were not wholly surprised at the position taken. What did surprise them was the eagerness with which the people seized upon the book, and its effect upon them. The Tories, with the king, applauded long and loud; the Whigs were disappointed, for Burke condemned the Revolution unreservedly, and with a bitterness out of all proportion to the cause of his anxiety and fear. As the Revolution progressed, he grew fiercer in his denunciation. He broke with his lifelong associates, and declared that no one who sympathized with the work of the Assembly could be his friend. His other writings on the Revolution [Footnote: *Letter to a Member of the National Assembly* and *Letters on a Regicide Peace*.] were in a still more violent strain, and it is hard to think of them as coming from the author of the *Speech on Conciliation*.

Three years before his death, at the conclusion of the trial of Warren Hastings, Burke's last term in Parliament expired. He did not wish office again and withdrew to his estate. Through the influence of friends, and because of his eminent services,

it was proposed to make him peer, with the title of Lord Beacons field. But the death of his son prevented, and a pension of twenty-five hundred pounds a year was given instead. It was a signal for his enemies, and during his last days he was busy with his reply. The “Letter to a Noble Lord,” though written little more than a year before his death, is considered one of the most perfect of his papers. Saddened by the loss of his son, and broken in spirits, there is yet left him enough old-time energy and fire to answer his detractors. But his wonderful career was near its close. His last months were spent in writing about the French Revolution, and the third letter on a Regicide Peace — a fragment — was doubtless composed just before his death. On the 9th of July, 1797, he passed away. His friends claimed for him a place in Westminster, but his last wish was respected, and he was buried at Beaconsfield.

BURKE AS A STATESMAN

There is hardly a political tract or pamphlet of Burke's in which he does not state, in terms more or less clear, the fundamental principle in his theory of government. "Circumstances," he says in one place, "give, in reality, to every political principle, its distinguishing color and discriminating effect. The circumstances are what renders every civil and political scheme beneficial or obnoxious to mankind." At another time he exclaims: "This is the true touchstone of all theories which regard man and the affairs of men; does it suit his nature in general, does it suit his nature as modified by his habits?" And again he extends his system to affairs outside the realm of politics. "All government," he declares, "indeed, every human benefit and enjoyment, every virtue and every prudent act, is founded on compromise and barter."

It is clear that Burke thought the State existed for the people, and not the people for the State. The doctrine is old to us, but it was not so in Burke's time, and it required courage to expound it. The great parties had forgotten the reason for their existence, and one of them had become hardened and blinded by that corruption which seems to follow long tenure of office. The affairs of India, Ireland, and America gave excellent opportunity for an exhibition of English statesmanship, but in each case the policy pursued was dictated, not by a clear perception of what was needed in these countries, but by narrow selfishness, not unmixed with dogmatism of the most challenging sort. The situation in India, as regards climate, character, and institutions, counted for little in the minds of those who were growing rich as agents of the East India Company. Much the same may be said of America and Ireland. The sense of Parliament, influenced by the king, was to use these parts of the British Empire in raising a revenue, and in strengthening party organization at home. In opposing this policy, Burke lost his seat as representative for Bristol, then the second city of England; spent fourteen of the best years of his life in conducting the impeachment of Warren Hastings, Governor-General of India; and, greatest of all, delivered his famous speeches on Taxation and Conciliation, in behalf of the American colonists.

Notwithstanding the distinctly modern tone of Burke's ideas, it would be wrong to think of him as a thoroughgoing reformer. He has been called the Great Conservative, and the title is appropriate. He would have shrunk from a purely republican form of government, such as our own, and it is, perhaps, a fact that he was suspicious of a government by the people. The trouble, as he saw it, lay with the representatives of the people. Upon them, as guardians of a trust, rested the responsibility of protecting those whom they were chosen to serve. While he bitterly opposed any measures involving radical change in the Constitution, he was no less ardent in denouncing political corruptions of all kinds whatsoever. In his

Economical Reform he sought to curtail the enormous extravagance of the royal household, and to withdraw the means of wholesale bribery, which offices at the disposal of the king created. He did not believe that a more effective means than this lay in the proposed plan for a redistribution of seats in the House of Commons. In one place, he declared it might be well to lessen the number of voters, in order to add to their weight and independence; at another, he asks that the people be stimulated to a more careful scrutiny of the conduct of their representatives; and on every occasion he demands that the legislators give their support to those measures only which have for their object the good of the whole people.

It is obvious, however, that Burke's policy had grievous faults. His reverence for the past, and his respect for existing institutions as the heritage of the past, made him timid and overcautious in dealing with abuses. Although he stood with Pitt in defending the American colonies, he had no confidence in the thoroughgoing reforms which the great Commoner proposed. When the Stamp Act was repealed, Pitt would have gone even further. He would have acknowledged the absolute injustice of taxation without representation. Burke held tenaciously to the opposing theory, and warmly supported the Declaratory Act, which "asserted the supreme authority of Parliament over the colonies, in all cases whatsoever." His support of the bill for the repeal of the Stamp Act, as well as his plea for reconciliation, ten years later, were not prompted by a firm belief in the injustice of England's course. He expressly states, in both cases that to enforce measures so repugnant to the Americans, would be detrimental to the home government. It would result in confusion and disorder, and would bring, perhaps, in the end, open rebellion. All of his speeches on American affairs show his willingness to "barter and compromise" in order to avoid this, but nowhere is there a hint of fundamental error in the Constitution. This was sacred to him, and he resented to the last any proposition looking to an organic change in its structure. "The lines of morality," he declared, "are not like ideal lines of mathematics. They are broad and deep, as well as long. They admit of exceptions; they demand modifications. These exceptions and modifications are made, not by the process of logic, but the rules of prudence. Prudence is not only first in rank of all the virtues, political and moral, but she is the director, the regulator, the standard of them all."

The chief characteristics, then, of Burke's political philosophy are opposed to much that is fundamental in modern systems. His doctrine is better than that of George III, because it is more generous, and affords opportunity for superficial readjustment and adaptation. It is this last, or rather the proof it gives of his insight, that has secured Burke so high a place among English statesmen.

A GROUP OF WRITERS COMING IMMEDIATELY BEFORE BURKE

Addison. . . . 1672-1719
Steele 1672-1729
Defoe. . . . 1661-1731
Swift. . . . 1667-1745
Pope 1688-1744
Richardson . . 1689-1761

A GROUP OF WRITERS CONTEMPORARY WITH BURKE

Johnson 1709-1784
Goldsmith . . . 1728-1774
Fielding. . . . 1707-1754
Sterne. 1713-1768
Smollett. . . . 1721-1771
Gray. 1716-1771
Boswell 1740-1795

BURKE IN LITERATURE

It has become almost trite to speak of the breadth of Burke's sympathies. We should examine the statement, however, and understand its significance and see its justice. While he must always be regarded first as a statesman of one of the highest types, he had other interests than those directly suggested by his office, and in one of these, at least, he affords an interesting and profitable study.

To the student of literature Burke's name must always suggest that of Johnson and Goldsmith. It was eight years after Burke's first appearance as an author, that the famous Literary Club was formed. At first it was the intention to limit the club to a membership of nine, and for a time this was adhered to. The original members were Johnson, Burke, Goldsmith, Reynolds, and Hawkins. Garrick, Pox, and Boswell came in later. Macaulay declares that the influence of the club was so great that its verdict made and unmade reputations; but the thing most interesting to us does not lie in the consideration of such literary dictatorship. To Boswell we owe a biography of Johnson which has immortalized its subject, and shed lustre upon all associated with him. The literary history of the last third of the eighteenth century, with Johnson as a central figure, is told nowhere else with such accuracy, or with better effect.

Although a Tory, Johnson was a great one, and his lasting friendship for Burke is an enduring evidence of his generosity and great-mindedness. For twenty years, and longer, they were eminent men in opposing parties, yet their mutual respect and admiration continued to the last. To Burke, Johnson was a writer of "eminent literary merit" and entitled to a pension "solely on that account." To Johnson, Burke was the greatest man of his age, wrong politically, to be sure, yet the only one "whose common conversation corresponded to the general fame which he had in the world" — the only one "who was ready, whatever subject was chosen, to meet you on your own ground." Here and there in the *Life* are allusions to Burke, and admirable estimates of his many-sided character.

Coming directly to an estimate of Burke from the purely literary point of view, it must be borne in mind that the greater part of his writings was prepared for an audience. Like Macaulay, his prevailing style suggests the speaker, and his methods throughout are suited to declamation and oratory. He lacks the ease and delicacy that we are accustomed to look for in the best prose writers, and occasionally one feels the justice of Johnson's stricture, that "he sometimes talked partly from ostentation", or of Hazlitt's criticism that he seemed to be "perpetually calling the speaker out to dance a minuet with him before he begins."

There may be passages here and there that warrant such censure. Burke is certainly ornate, and at times he is extremely self-conscious, but the dominant quality of his style, and the one which forever contradicts the idea of mere

showiness, is passion. In his method of approaching a subject, he may be, and perhaps is, rather tedious, but when once he has come to the matter really in hand, he is no longer the rhetorician, dealing in fine phrases, but the great seer, clothing his thoughts in words suitable and becoming. The most magnificent passages in his writings — the Conciliation is rich in them — owe their charm and effectiveness to this emotional capacity. They were evidently written in moments of absolute abandonment to feeling — in moments when he was absorbed in the contemplation of some great truth, made luminous by his own unrivalled powers.

Closely allied to this intensity of passion, is a splendid imaginative quality. Few writers of English prose have such command of figurative expression. It must be said, however, that Burke was not entirely free from the faults which generally accompany an excessive use of figures. Like other great masters of a decorative style, he frequently becomes pompous and grandiloquent. His thought, too, is obscured, where we would expect great clearness of statement, accompanied by a dignified simplicity; and occasionally we feel that he forgets his subject in an anxious effort to make an impression. Though there are passages in his writings that justify such observations, they are few in number, when compared with those which are really masterpieces of their kind.

Some great crisis, or threatening state of affairs, seems to furnish the necessary condition for the exercise of a great mind, and Burke is never so effective as when thoroughly aroused. His imagination needed the chastening which only a great moment or critical situation could give. Two of his greatest speeches — Conciliation, and Impeachment of Warren Hastings — were delivered under the restraining effect of such circumstances, and in each the figurative expression is subdued and not less beautiful in itself than, appropriate for the occasion.

Finally, it must be observed that no other writer of English prose has a better command of words. His ideas, as multifarious as they are, always find fitting expression. He does not grope for a term; it stands ready for his thought, and one feels that he had opportunity for choice. It is the exuberance of his fancy, already mentioned, coupled with this richness of vocabulary, that helped to make Burke a tiresome speaker. His mind was too comprehensive to allow any phase of his subject to pass without illumination. He followed where his subject led him, without any great attention to the patience of his audience. But he receives full credit when his speeches are read. It is then that his mastery of the subject and the splendid qualities of his style are apparent, and appreciated at their worth.

In conclusion, it is worth while observing that in the study of a great character, joined with an attempt to estimate it by conventional standards, something must always be left unsaid. Much may be learned of Burke by knowing his record as a partisan, more by a minute inspection of his style as a writer, but beyond all this is the moral tone or attitude of the man himself. To a student of Burke this is the greatest thing about him. It colored every line he wrote, and to it, more than

anything else, is due the immense force of the man as a speaker and writer. It was this, more than Burke's great abilities, that justifies Dr. Johnson's famous eulogy: "He is not only the first man in the House of Commons, he is the first man everywhere."

A GROUP OF WRITERS COMING IMMEDIATELY AFTER BURKE

Wordsworth 1770-1850

Coleridge 1772-1834

Byron 1788-1824

Shelley 1792-1822

Keats 1795-1821

Scott 1771-1832

TOPICS FOR SPECIAL REPORTS

1. “Like Goldsmith, though in a different sphere, Burke belongs both to the old order and the new.” Discuss that statement.
2. Burke and the Literary Club. (Boswell’s Life of Johnson.)
3. Lives of Burke and Goldsmith. Contrast.
4. An interpretation of ten apothegms selected from the Speech on Conciliation.
5. A study of figures in the Speech on Conciliation.
6. A definition of the terms: “colloquialism” and “idiom” Instances of their use in the Speech on Conciliation.

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EDMUND BURKE by John Morley



From Encyclopædia Britannica, 1911

EDMUND BURKE (1729-1797), British statesman and political writer. His is one of the greatest names in the history of political literature. There have been many more important statesmen, for he was never tried in a position of supreme responsibility. There have been many more effective orators, for lack of imaginative suppleness prevented him from penetrating to the inner mind of his hearers; defects in delivery weakened the intrinsic persuasiveness of his reasoning; and he had not that commanding authority of character and personality which has so often been the secret of triumphant eloquence. There have been many subtler, more original and more systematic thinkers about the conditions of the social union. But no one that ever lived used the general ideas of the thinker more successfully to judge the particular problems of the statesman. No one has ever come so close to the details of practical politics, and at the same time remembered that these can only be understood and only dealt with by the aid of the broad conceptions of political philosophy. And what is more than all for perpetuity of fame, he was one of the great masters of the high and difficult art of elaborate composition.

A certain doubtfulness hangs over the circumstances of Burke's life previous to the opening of his public career. The very date of his birth is variously stated. The most probable opinion is that he was born at Dublin on the 12th of January 1729, new style. Of his family we know little more than his father was a Protestant attorney, practising in Dublin, and that his mother was a Catholic, a member of the family of Nagle. He had at least one sister, from whom descended the only existing representatives of Burke's family; and he had at least two brothers, Garret Burke and Richard Burke, the one older and the other younger than Edmund. The sister, afterwards Mrs French, was brought up and remained throughout life in the religious faith of her mother; Edmund and his brothers followed that of their father. In 1741 the three brothers were sent to school at Ballitore in the county of Kildare, kept by Abraham Shackleton, an Englishman, and a member of the Society of Friends. He appears to have been an excellent teacher and a good and pious man. Burke always looked back on his own connexion with the school at Ballitore as among the most fortunate circumstances of his life. Between himself and a son of his instructor there sprang up a close and affectionate friendship, and, unlike so many of the exquisite attachments of youth, this was not choked by the dust of life, nor parted by divergence of pursuit. Richard Shackleton was endowed with a grave, pure and tranquil nature, constant and austere, yet not without those gentle elements

that often redeem the drier qualities of his religious persuasion. When Burke had become one of the most famous men in Europe, no visitor to his house was more welcome than the friend with whom long years before he had tried poetic flights, and exchanged all the sanguine confidences of boyhood. And we are touched to think of the simple-minded guest secretly praying, in the solitude of his room in the fine house at Beaconsfield, that the way of his anxious and overburdened host might be guided by a divine hand.

In 1743 Burke became a student at Trinity College, Dublin, where Oliver Goldsmith was also a student at the same time. But the serious pupil of Abraham Shackleton would not be likely to see much of the wild and squalid sizar. Henry Flood, who was two years younger than Burke, had gone to complete his education at Oxford. Burke, like Goldsmith, achieved no academic distinction. His character was never at any time of the academic cast. The minor accuracies, the limitation of range, the treading and re-treading of the same small patch of ground, the concentration of interest in success before a board of examiners, were all uncongenial to a nature of exuberant intellectual curiosity and of strenuous and self-reliant originality. His knowledge of Greek and Latin was never thorough, nor had he any turn for critical niceties. He could quote Homer and Pindar, and he had read Aristotle. Like others who have gone through the conventional course of instruction, he kept a place in his memory for the various charms of Virgil and Horace, of Tacitus and Ovid; but the master whose page by night and by day he turned with devout hand, was the copious, energetic, flexible, diversified and brilliant genius of the declamations for Archias the poet and for Milo, against Catiline and against Antony, the author of the disputations at Tusculum and the orations against Verres. Cicero was ever to him the mightiest of the ancient names. In English literature Milton seems to have been more familiar to him than Shakespeare, and Spenser was perhaps more of a favourite with him than either.

It is too often the case to be a mere accident that men who become eminent for wide compass of understanding and penetrating comprehension, are in their adolescence unsettled and desultory. Of this Burke is a signal illustration. He left Trinity in 1748, with no great stock of well-ordered knowledge. He neither derived the benefits nor suffered the drawbacks of systematic intellectual discipline.

After taking his degree at Dublin he went in the year 1750 to London to keep terms at the Temple. The ten years that followed were passed in obscure industry. Burke was always extremely reserved about his private affairs. All that we know of Burke exhibits him as inspired by a resolute pride, a certain stateliness and imperious elevation of mind. Such a character, while free from any weak shame about the shabby necessities of early struggles, yet is naturally unwilling to make them prominent in after life. There is nothing dishonourable in such an inclination. "I was not swaddled and rocked and dandled into a legislator," wrote Burke when very near the end of his days: "*Nitor in adversum* is the motto for a man like me. At

every step of my progress in life (for in every step I was traversed and opposed), and at every turnpike I met, I was obliged to show my passport. Otherwise no rank, no toleration even, for me.”

All sorts of whispers have been circulated by idle or malicious gossip about Burke's first manhood. He is said to have been one of the numerous lovers of his fascinating countrywoman, Margaret Woffington. It is hinted that he made a mysterious visit to the American colonies. He was for years accused of having gone over to the Church of Rome, and afterwards recanting. There is not a tittle of positive evidence for these or any of the other statements to Burke's discredit. The common story that he was a candidate for Adam Smith's chair of moral philosophy at Glasgow, when Hume was rejected in favour of an obscure nobody (1751), can be shown to be wholly false. Like a great many other youths with an eminent destiny before them, Burke conceived a strong distaste for the profession of the law. His father, who was an attorney of substance, had a distaste still stronger for so vagrant a profession as letters were in that day. He withdrew the annual allowance, and Burke set to work to win for himself by indefatigable industry and capability in the public interest that position of power or pre-eminence which his detractors acquired either by accident of birth and connexions or else by the vile arts of political intrigue. He began at the bottom of the ladder, mixing with the Bohemian society that haunted the Temple, practising oratory in the free and easy debating societies of Covent Garden and the Strand, and writing for the booksellers.

In 1756 he made his first mark by a satire upon Bolingbroke entitled *A Vindication of Natural Society*. It purported to be a posthumous work from the pen of Bolingbroke, and to present a view of the miseries and evils arising to mankind from every species of artificial society. The imitation of the fine style of that magnificent writer but bad patriot is admirable. As a satire the piece is a failure, for the simple reason that the substance of it might well pass for a perfectly true, no less than a very eloquent statement of social blunders and calamities. Such acute critics as Chesterfield and Warburton thought the performance serious. Rousseau, whose famous discourse on the evils of civilization had appeared six years before, would have read Burke's ironical vindication of natural society without a suspicion of its irony. There have indeed been found persons who insist that the *Vindication* was a really serious expression of the writer's own opinions. This is absolutely incredible, for various reasons. Burke felt now, as he did thirty years later, that civil institutions cannot wisely or safely be measured by the tests of pure reason. His sagacity discerned that the rationalism by which Bolingbroke and the deistic school believed themselves to have overthrown revealed religion, was equally calculated to undermine the structure of political government. This was precisely the actual course on which speculation was entering in France at that moment. His *Vindication* is meant to be a reduction to an absurdity. The rising revolutionary school in France, if they had read it, would have taken it for a demonstration of the theorem

to be proved. The only interest of the piece for us lies in the proof which it furnishes, that at the opening of his life Burke had the same scornful antipathy to political rationalism which flamed out in such overwhelming passion at its close.

In the same year (1756) appeared the *Philosophical Inquiry into the Origin of our Ideas on the Sublime and Beautiful*, a crude and narrow performance in many respects, yet marked by an independent use of the writer's mind, and not without fertile suggestion. It attracted the attention of the rising aesthetic school in Germany. Lessing set about the translation and annotation of it, and Moses Mendelssohn borrowed from Burke's speculation at least one of the most fruitful and important ideas of his own influential theories on the sentiments. In England the *Inquiry* had considerable vogue, but it has left no permanent trace in the development of aesthetic thought.

Burke's literary industry in town was relieved by frequent excursions to the western parts of England, in company with William Burke. There was a lasting intimacy between the two namesakes, and they seem to have been involved together in some important passages of their lives; but we have Edmund Burke's authority for believing that they were probably not kinsmen. The seclusion of these rural sojourns, originally dictated by delicate health, was as wholesome to the mind as to the body. Few men, if any, have ever acquired a settled mental habit of surveying human affairs broadly, of watching the play of passion, interest, circumstance, in all its comprehensiveness, and of applying the instruments of general conceptions and wide principles to its interpretation with respectable constancy, unless they have at some early period of their manhood resolved the greater problems of society in independence and isolation. By 1756 the cast of Burke's opinions was decisively fixed, and they underwent no radical change.

He began a series of *Hints on the Drama*. He wrote a portion of an *Abridgment of the History of England*, and brought it down as far as the reign of John. It included, as was natural enough in a warm admirer of Montesquieu, a fragment on law, of which he justly said that it ought to be the leading science in every well-ordered commonwealth. Burke's early interest in America was shown by an *Account of the European Settlements* on that continent. Such works were evidently a sign that his mind was turning away from abstract speculation to the great political and economic fields, and to the more visible conditions of social stability and the growth of nations. This interest in the concrete phenomena of society inspired him with the idea of the *Annual Register* (1759), which he designed to present a broad grouping of the chief movements of each year. The execution was as excellent as the conception, and if we reflect that it was begun in the midst of that momentous war which raised England to her climax of territorial greatness in East and West, we may easily realize how the task of describing these portentous and far-reaching events would be likely to strengthen Burke's habits of wide and laborious observation, as well as to give him firmness and confidence in the exercise of his

own judgment. Dodsley gave him £100 for each annual volume, and the sum was welcome enough, for towards the end of 1756 Burke had married. His wife was the daughter of a Dr Nugent, a physician at Bath. She is always spoken of by his friends as a mild, reasonable and obliging person, whose amiability and gentle sense did much to soothe the too nervous and excitable temperament of her husband. She had been brought up, there is good reason to believe, as a Catholic, and she was probably a member of that communion at the time of her marriage. Dr Nugent eventually took up his residence with his son-in-law in London, and became a popular member of that famous group of men of letters and artists whom Boswell has made so familiar and so dear to all later generations. Burke, however, had no intention of being dependent. His consciousness of his own powers animated him with a most justifiable ambition, if ever there was one, to play a part in the conduct of national affairs. Friends shared this ambition on his behalf; one of these was Lord Charlemont. He introduced Burke to William Gerard Hamilton (1759), now only remembered by the nickname "single-speech," derived from the circumstance of his having made a single brilliant speech in the House of Commons, which was followed by years of almost unbroken silence. Hamilton was by no means devoid of sense and acuteness, but in character he was one of the most despicable men then alive. There is not a word too many nor too strong in the description of him by one of Burke's friends, as "a sullen, vain, proud, selfish, cankered-hearted, envious reptile." The reptile's connexion, however, was for a time of considerable use to Burke. When he was made Irish secretary, Burke accompanied him to Dublin, and there learnt Oxenstiern's eternal lesson, that awaits all who penetrate behind the scenes of government, *quam parva sapientia mundus regitur*.

The penal laws against the Catholics, the iniquitous restrictions on Irish trade and industry, the selfish factiousness of the parliament, the jobbery and corruption of administration, the absenteeism of the landlords, and all the other too familiar elements of that mischievous and fatal system, were then in full force. As was shown afterwards, they made an impression upon Burke that was never effaced. So much iniquity and so much disorder may well have struck deep on one whose two chief political sentiments were a passion for order and a passion for justice. He may have anticipated with something of remorse the reflection of a modern historian, that the absenteeism of her landlords has been less of a curse to Ireland than the absenteeism of her men of genius. At least he was never an absentee in heart. He always took the interest of an ardent patriot in his unfortunate country; and, as we shall see, made more than one weighty sacrifice on behalf of the principles which he deemed to be bound up with her welfare.

When Hamilton retired from his post, Burke accompanied him back to London, with a pension of £300 a year on the Irish Establishment. This modest allowance he hardly enjoyed for more than a single year. His patron having discovered the value of so laborious and powerful a subaltern, wished to bind Burke permanently to his

service. Burke declined to sell himself into final bondage of this kind. When Hamilton continued to press his odious pretensions they quarrelled (1765), and Burke threw up his pension. He soon received a more important piece of preferment than any which he could ever have procured through Hamilton.

The accession of George III. to the throne in 1760 had been followed by the disgrace of Pitt, the dismissal of Newcastle, and the rise of Bute. These events marked the resolution of the court to change the political system which had been created by the Revolution of 1688. That system placed the government of the country in the hands of a territorial oligarchy, composed of a few families of large possessions, fairly enlightened principles, and shrewd political sense. It had been preserved by the existence of a Pretender. The two first kings of the house of Hanover could only keep the crown on their own heads by conciliating the Revolution families and accepting Revolution principles. By 1760 all peril to the dynasty was at an end. George III., or those about him, insisted on substituting for the aristocratic division of political power a substantial concentration of it in the hands of the sovereign. The ministers were no longer to be the members of a great party, acting together in pursuance of a common policy accepted by them all as a united body; they were to become nominees of the court, each holding himself answerable not to his colleagues but to the king, separately, individually and by department. George III. had before his eyes the government of his cousin the great Frederick; but not every one can bend the bow of Ulysses, and, apart from difference of personal capacity and historic tradition, he forgot that a territorial and commercial aristocracy cannot be dealt with in the spirit of the barrack and the drill-ground. But he made the attempt, and resistance to that attempt supplies the keynote to the first twenty-five years of Burke's political life.

Along with the change in system went high-handed and absolutist tendencies in policy. The first stage of the new experiment was very short. Bute, in a panic at the storm of unpopularity that menaced him, resigned in 1763. George Grenville and the less enlightened section of the Whigs took his place. They proceeded to tax the American colonists, to interpose vexatiously against their trade, to threaten the liberty of the subject at home by general warrants, and to stifle the liberty of public discussion by prosecutions of the press. Their arbitrary methods disgusted the nation, and the personal arrogance of the ministers at last disgusted the king. The system received a temporary check. Grenville fell, and the king was forced to deliver himself into the hands of the orthodox section of the Whigs. The marquess of Rockingham (July 10, 1765) became prime minister, and he was induced to make Burke his private secretary. Before Burke had begun his duties, an incident occurred which illustrates the character of the two men. The old duke of Newcastle, probably desiring a post for some nominee of his own, conveyed to the ear of the new minister various absurd rumours prejudicial to Burke, — that he was an Irish papist, that his real name was O'Bourke, that he had been a Jesuit, that he was an

emissary from St Omer's. Lord Rockingham repeated these tales to Burke, who of course denied them with indignation. His chief declared himself satisfied, but Burke, from a feeling that the indispensable confidence between them was impaired, at once expressed a strong desire to resign his post. Lord Rockingham prevailed upon him to reconsider his resolve, and from that day until Lord Rockingham's death in 1782, their relations were those of the closest friendship and confidence.

The first Rockingham administration only lasted a year and a few days, ending in July 1766. The uprightness and good sense of its leaders did not compensate for the weakness of their political connexions. They were unable to stand against the coldness of the king, against the hostility of the powerful and selfish faction of Bedford Whigs, and, above all, against the towering predominance of William Pitt. That Pitt did not join them is one of the many fatal miscarriages of history, as it is one of the many serious reproaches to be made against that extraordinary man's chequered and uneven course. An alliance between Pitt and the Rockingham party was the surest guarantee of a wise and liberal policy towards the colonies. He went further than they did, in holding, like Lord Camden, the doctrine that taxation went with representation, and that therefore parliament had no right to tax the unrepresented colonists. The ministry asserted, what no competent jurist would now think of denying, that parliament is sovereign; but they went heartily with Pitt in pronouncing the exercise of the right of taxation in the case of the American colonists to be thoroughly impolitic and inexpedient. No practical difference, therefore, existed upon the important question of the hour. But Pitt's prodigious egoism, stimulated by the mischievous counsels of men of the stamp of Lord Shelburne, prevented the fusion of the only two sections of the Whig party that were at once able, enlightened and disinterested enough to carry on the government efficiently, to check the arbitrary temper of the king, and to command the confidence of the nation. Such an opportunity did not return.

The ministerial policy towards the colonies was defended by Burke with splendid and unanswerable eloquence. He had been returned to the House of Commons for the pocket borough of Wendover, and his first speech (January 27, 1766) was felt to be the rising of a new light. For the space of a quarter of a century, from this time down to 1790, Burke was one of the chief guides and inspirers of a revived Whig party. The "age of small factions" was now succeeded by an age of great principles, and selfish ties of mere families and persons were transformed into a union resting on common conviction and patriotic aims. It was Burke who did more than any one else to give to the Opposition, under the first half of the reign of George III., this stamp of elevation and grandeur. Before leaving office the Rockingham government repealed the Stamp Act; confirmed the personal liberty of the subject by forcing on the House of Commons one resolution against general warrants, and another against the seizure of papers; and relieved private houses from the intrusion of officers of

excise, by repealing the cider tax. Nothing so good was done in an English parliament for nearly twenty years to come. George Grenville, whom the Rockinghams had displaced, and who was bitterly incensed at their formal reversal of his policy, printed a pamphlet to demonstrate his own wisdom and statesmanship. Burke replied in his *Observations on a late Publication on the Present State of the Nation* (1769), in which he showed for the first time that he had not only as much knowledge of commerce and finance, and as firm a hand, in dealing with figures as Grenville himself, but also a broad, general and luminous way of conceiving and treating politics, in which neither then nor since has he had any rival among English publicists.

It is one of the perplexing points in Burke's private history to know how he lived during these long years of parliamentary opposition. It is certainly not altogether mere impertinence to ask of a public man how he gets what he lives upon, for independence of spirit, which is so hard to the man who lays his head on the debtor's pillow, is the prime virtue in such men. Probity in money is assuredly one of the keys to character, though we must be very careful in ascertaining and proportioning all the circumstances. Now, in 1769, Burke bought an estate at Beaconsfield, in the county of Buckingham. It was about 600 acres in extent, was worth some £500 a year, and cost £22,000. People have been asking ever since how the penniless man of letters was able to raise so large a sum in the first instance, and how he was able to keep up a respectable establishment afterwards. The suspicions of those who are never sorry to disparage the great have been of various kinds. Burke was a gambler, they hint, in Indian stock, like his kinsmen Richard and William, and like Lord Verney, his political patron at Wendover. Perhaps again, his activity on behalf of Indian princes, like the raja of Tanjore, was not disinterested and did not go unrewarded. The answer to all these calumnious innuendoes is to be found in documents and title-deeds of decisive authority, and is simple enough. It is, in short, this. Burke inherited a small property from his elder brother, which he realized. Lord Rockingham advanced him a certain sum (£6000). The remainder, amounting to no less than two-thirds of the purchase-money, was raised on mortgage, and was never paid off during Burke's life. The rest of the story is equally simple, but more painful. Burke made some sort of income out of his 600 acres; he was for a short time agent for New York, with a salary of £700; he continued to work at the *Annual Register* down to 1788. But, when all is told, he never made as much as he spent; and in spite of considerable assistance from Lord Rockingham, amounting it is sometimes said to as much as £30,000, Burke, like the younger Pitt, got every year deeper into debt. Pitt's debts were the result of a wasteful indifference to his private affairs. Burke, on the contrary, was assiduous and orderly, and had none of the vices of profusion. But he had that quality which Aristotle places high among the virtues — the noble mean of Magnificence, standing midway between the two extremes of vulgar ostentation and narrow pettiness. He was

indifferent to luxury, and sought to make life, not commodious nor soft, but high and dignified in a refined way. He loved art, filled his house with statues and pictures, and extended a generous patronage to the painters. He was a collector of books, and, as Crabbe and less conspicuous men discovered, a helpful friend to their writers. Guests were ever welcome at his board; the opulence of his mind and the fervid copiousness of his talk naturally made the guests of such a man very numerous. *Non invideo equidem, miror magis*, was Johnson's good-natured remark, when he was taken over his friend's fine house and pleasant gardens. Johnson was of a very different type. There was something in this external dignity which went with Burke's imperious spirit, his spacious imagination, his turn for all things stately and imposing. We may say, if we please, that Johnson had the far truer and loftier dignity of the two; but we have to take such men as Burke with the defects that belong to their qualities. And there was no corruption in Burke's outlay. When the Pitt administration was formed in 1766, he might have had office, and Lord Rockingham wished him to accept it, but he honourably took his fate with the party. He may have spent £3000 a year, where he would have been more prudent to spend only £2000. But nobody was wronged; his creditors were all paid in time, and his hands were at least clean of traffic in reversions, clerkships, tellerships and all the rest of the rich sinecures which it was thought no shame in those days for the aristocracy of the land and the robe to wrangle for, and gorge themselves upon, with the fierce voracity of famishing wolves. The most we can say is that Burke, like Pitt, was too deeply absorbed in beneficent service in the affairs of his country, to have for his own affairs the solicitude that would have been prudent.

In the midst of intense political preoccupations, Burke always found time to keep up his intimacy with the brilliant group of his earlier friends. He was one of the commanding figures at the club at the Turk's Head, with Reynolds and Garrick, Goldsmith and Johnson. The old sage who held that the first Whig was the Devil, was yet compelled to forgive Burke's politics for the sake of his magnificent gifts. "I would not talk to him of the Rockingham party," he used to say, "but I love his knowledge, his genius, his diffusion and affluence of conversation." And everybody knows Johnson's vivid account of him: "Burke, Sir, is such a man that if you met him for the first time in the street, where you were stopped by a drove of oxen, and you and he stepped aside to take shelter but for five minutes, he'd talk to you in such a manner that when you parted you would say, 'This is an extraordinary man.'" They all grieved that public business should draw to party what was meant for mankind. They deplored that the nice and difficult test of answering Berkeley had not been undertaken, as was once intended, by Burke, and sighed to think what an admirable display of subtlety and brilliance such a contention would have afforded them, had not politics "turned him from active philosophy aside." There was no jealousy in this. They did not grudge Burke being the first man in the House of Commons, for they admitted that he would have been the first man anywhere.

With all his hatred for the book-man in politics, Burke owed much of his own distinction to that generous richness and breadth of judgment which had been ripened in him by literature and his practice in it. He showed that books are a better preparation for statesmanship than early training in the subordinate posts and among the permanent officials of a public department. There is no copiousness of literary reference in his work, such as over-abounded in the civil and ecclesiastical publicists of the 17th century. Nor can we truly say that there is much, though there is certainly some, of that tact which literature is alleged to confer on those who approach it in a just spirit and with the true gift. The influence of literature on Burke lay partly in the direction of emancipation from the mechanical formulae of practical politics; partly in the association which it engendered, in a powerful understanding like his, between politics and the moral forces of the world, and between political maxims and the old and great sentences of morals; partly in drawing him, even when resting his case on prudence and expediency, to appeal to the widest and highest sympathies; partly, and more than all, in opening his thoughts to the many conditions, possibilities and “varieties of untried being,” in human character and situation, and so giving an incomparable flexibility to his methods of political approach.

This flexibility is not to be found in his manner of composition. That derives its immense power from other sources; from passion, intensity, imagination, size, truth, cogency of logical reason. Those who insist on charm, on winningness in style, on subtle harmonies and fine exquisiteness of suggestion, are disappointed in Burke: they even find him stiff and over-coloured. And there are blemishes of this kind. His banter is nearly always ungainly, his wit blunt, as Johnson said, and often unseasonable. As is usual with a man who has not true humour, Burke is also without true pathos. The thought of wrong or misery moved him less to pity for the victim than to anger against the cause. Again, there are some gratuitous and unredeemed vulgarities; some images that make us shudder. But only a literary fop can be detained by specks like these.

The varieties of Burke’s literary or rhetorical method are very striking. It is almost incredible that the superb imaginative amplification of the description of Hyder Ali’s descent upon the Carnatic should be from the same pen as the grave, simple, unadorned *Address to the King* (1777), where each sentence falls on the ear with the accent of some golden-tongued oracle of the wise gods. His stride is the stride of a giant, from the sentimental beauty of the picture of Marie Antoinette at Versailles, or the red horror of the tale of Debi Sing in Rungpore, to the learning, positiveness and cool judicial mastery of the *Report on the Lords’ Journals* (1794), which Philip Francis, no mean judge, declared on the whole to be the “most eminent and extraordinary” of all his productions. But even in the coolest and driest of his pieces there is the mark of greatness, of grasp, of comprehension. In all its varieties Burke’s style is noble, earnest, deep-flowing, because his sentiment was

lofty and fervid, and went with sincerity and ardent disciplined travail of judgment. He had the style of his subjects; the amplitude, the weightiness, the laboriousness, the sense, the high flight, the grandeur, proper to a man dealing with imperial themes, with the fortunes of great societies, with the sacredness of law, the freedom of nations, the justice of rulers. Burke will always be read with delight and edification, because in the midst of discussions on the local and the accidental, he scatters apophthegms that take us into the regions of lasting wisdom. In the midst of the torrent of his most strenuous and passionate deliverances, he suddenly rises aloof from his immediate subject, and in all tranquillity reminds us of some permanent relation of things, some enduring truth of human life or human society. We do not hear the organ tones of Milton, for faith and freedom had other notes in the 18th century. There is none of the complacent and wise-browed sagacity of Bacon, for Burke's were days of personal strife and fire and civil division. We are not exhilarated by the cheerfulness, the polish, the fine manners of Bolingbroke, for Burke had an anxious conscience, and was earnest and intent that the good should triumph. And yet Burke is among the greatest of those who have wrought marvels in the prose of our English tongue.

Not all the transactions in which Burke was a combatant could furnish an imperial theme. We need not tell over again the story of Wilkes and the Middlesex election. The Rockingham ministry had been succeeded by a composite government, of which it was intended that Pitt, now made Lord Chatham and privy seal, should be the real chief. Chatham's health and mind fell into disorder almost immediately after the ministry had been formed. The duke of Grafton was its nominal head, but party ties had been broken, the political connexions of the ministers were dissolved, and, in truth, the king was now at last a king indeed, who not only reigned but governed. The revival of high doctrines of prerogative in the crown was accompanied by a revival of high doctrines of privilege in the House of Commons, and the ministry was so smitten with weakness and confusion as to be unable to resist the current of arbitrary policy, and not many of them were even willing to resist it. The unconstitutional prosecution of Wilkes was followed by the fatal recourse to new plans for raising taxes in the American colonies. These two points made the rallying ground of the new Whig opposition. Burke helped to smooth matters for a practical union between the Rockingham party and the powerful triumvirate, composed of Chatham, whose understanding had recovered from its late disorder, and of his brothers-in-law, Lord Temple and George Grenville. He was active in urging petitions from the freeholders of the counties, protesting against the unconstitutional invasion of the right of election. And he added a durable masterpiece to political literature in a pamphlet which he called *Thoughts on the Cause of the Present Discontents* (1770). The immediate object of this excellent piece was to hold up the court scheme of weak, divided and dependent administrations in the light of its real purpose and design; to describe the

distempers which had been engendered in parliament by the growth of royal influence and the faction of the king's friends; to show that the newly formed Whig party had combined for truly public ends, and was no mere family knot like the Grenvilles and the Bedfords; and, finally, to press for the hearty concurrence both of public men and of the nation at large in combining against "a faction ruling by the private instructions of a court against the general sense of the people." The pamphlet was disliked by Chatham on the one hand, on no reasonable grounds that we can discover; it was denounced by the extreme popular party of the Bill of Rights, on the other hand, for its moderation and conservatism. In truth, there is as strong a vein of conservative feeling in the pamphlet of 1770 as in the more resplendent pamphlet of 1790. "Our constitution," he said, "stands on a nice equipoise, with steep precipices and deep waters upon all sides of it. In removing it from a dangerous leaning towards one side, there may be a risk of oversetting it on the other. Every project of a material change in a government so complicated as ours is a matter full of difficulties; in which a considerate man will not be too ready to decide, a prudent man too ready to undertake, or an honest man too ready to promise." Neither now nor ever had Burke any other real conception of a polity for England than government by the territorial aristocracy in the interests of the nation at large, and especially in the interests of commerce, to the vital importance of which in our economy he was always keenly and wisely alive. The policy of George III., and the support which it found among men who were weary of Whig factions, disturbed this scheme, and therefore Burke denounced both the court policy and the court party with all his heart and all his strength.

Eloquence and good sense, however, were impotent in the face of such forces as were at this time arrayed against a government at once strong and liberal. The court was confident that a union between Chatham and the Rockinghams was impossible. The union was in fact hindered by the waywardness and the absurd pretences of Chatham, and the want of force in Lord Rockingham. In the nation at large, the late violent ferment had been followed by as remarkable a deadness and vapidness, and Burke himself had to admit a year or two later that any remarkable robbery at Hounslow Heath would make more conversation than all the disturbances of America. The duke of Grafton went out, and Lord North became the head of a government, which lasted twelve years (1770-1782), and brought about more than all the disasters that Burke had foretold as the inevitable issue of the royal policy. For the first six years of this lamentable period Burke was actively employed in stimulating, informing and guiding the patrician chiefs of his party. "Indeed, Burke," said the duke of Richmond, "you have more merit than any man in keeping us together." They were well-meaning and patriotic men, but it was not always easy to get them to prefer politics to fox-hunting. When he reached his lodgings at night after a day in the city or a skirmish in the House of Commons, Burke used to find a note from the duke of Richmond or the marquess of Rockingham, praying him to

draw a protest to be entered on the Journals of the Lords, and in fact he drew all the principal protests of his party between 1767 and 1782. The accession of Charles James Fox to the Whig party, which took place at this time, and was so important an event in its history, was mainly due to the teaching and influence of Burke. In the House of Commons his industry was almost excessive. He was taxed with speaking too often, and with being too forward. And he was mortified by a more serious charge than murmurs about superfluity of zeal. Men said and said again that he was Junius. His very proper unwillingness to stoop to deny an accusation, that would have been so disgraceful if it had been true, made ill-natured and silly people the more convinced that it was not wholly false. But whatever the London world may have thought of him, Burke's energy and devotion of character impressed the better minds in the country. In 1774 he received the great distinction of being chosen as one of its representatives by Bristol, then the second town in the kingdom.

In the events which ended in the emancipation of the American colonies from the monarchy, Burke's political genius shone with an effulgence that was worthy of the great affairs over which it shed so magnificent an illumination. His speeches are almost the one monument of the struggle on which a lover of English greatness can look back with pride and a sense of worthiness, such as a churchman feels when he reads Bossuet, or an Anglican when he turns over the pages of Taylor or of Hooker. Burke's attitude in these high transactions is really more impressive than Chatham's, because he was far less theatrical than Chatham; and while he was no less nobly passionate for freedom and justice, in his passion was fused the most strenuous political argumentation and sterling reason of state. On the other hand he was wholly free from that quality which he ascribed to Lord George Sackville, a man "apt to take a sort of undecided, equivocal, narrow ground, that evades the substantial merits of the question, and puts the whole upon some temporary, local, accidental or personal consideration." He rose to the full height of that great argument. Burke here and everywhere else displayed the rare art of filling his subject with generalities, and yet never intruding commonplaces. No publicist who deals as largely in general propositions has ever been as free from truisms; no one has ever treated great themes with so much elevation, and yet been so wholly secured against the pitfalls of emptiness and the vague. And it is instructive to compare the foundation of all his pleas for the colonists with that on which they erected their own theoretic declaration of independence. The American leaders were impregnated with the metaphysical ideas of rights which had come to them from the rising revolutionary school in France. Burke no more adopted the doctrines of Jefferson in 1776 than he adopted the doctrines of Robespierre in 1793. He says nothing about men being born free and equal, and on the other hand he never denies the position of the court and the country at large, that the home legislature, being sovereign, had the right to tax the colonies. What he does say is that the exercise of such a right was not practicable; that if it were practicable, it

was inexpedient; and that, even if this had not been inexpedient, yet, after the colonies had taken to arms, to crush their resistance by military force would not be more disastrous to them than it would be unfortunate for the ancient liberties of Great Britain. Into abstract discussion he would not enter. "Show the thing you contend for to be reason; show it to be common sense; show it to be the means of attaining some useful end." "The question with me is not whether you have a right to render your people miserable, but whether it is not your interest to make them happy." There is no difference in social spirit and doctrine between his protests against the maxims of the English common people as to the colonists, and his protests against the maxims of the French common people as to the court and the nobles; and it is impossible to find a single principle either asserted or implied in the speeches on the American revolution which was afterwards repudiated in the writings on the revolution in France.

It is one of the signs of Burke's singular and varied eminence that hardly any two people agree precisely which of his works to mark as the masterpiece. Every speech or tract that he composed on a great subject becomes, as we read it, the rival of every other. But the *Speech on Conciliation* (1775) has, perhaps, been more universally admired than any of his other productions, partly because its maxims are of a simpler and less disputable kind than those which adorn the pieces on France, and partly because it is most strongly characterized by that deep ethical quality which is the prime secret of Burke's great style and literary mastery. In this speech, moreover, and in the only less powerful one of the preceding year upon American taxation, as well as in the *Letter to the Sheriffs of Bristol* in 1777, we see the all-important truth conspicuously illustrated that half of his eloquence always comes of the thoroughness with which he gets up his case. No eminent man has ever done more than Burke to justify the definition of genius as the consummation of the faculty of taking pains. Labour incessant and intense, if it was not the source, was at least an inseparable condition of his power. And magnificent rhetorician though he was, his labour was given less to his diction than to the facts; his heart was less in the form than the matter. It is true that his manuscripts were blotted and smeared, and that he made so many alterations in the proofs that the printer found it worth while to have the whole set up in type afresh. But there is no polish in his style, as in that of Junius for example, though there is something a thousand times better than polish. "Why will you not allow yourself to be persuaded," said Francis after reading the *Reflections*, "that polish is material to preservation?" Burke always accepted the rebuke, and flung himself into vindication of the sense, substance and veracity of what he had written. His writing is magnificent, because he knew so much, thought so comprehensively, and felt so strongly.

The succession of failures in America, culminating in Cornwallis's surrender at Yorktown in October 1781, wearied the nation, and at length the persistent and powerful attacks of the opposition began to tell. "At this time," wrote Burke, in

words of manly self-assertion, thirteen years afterwards, “having a momentary lead (1780-1782), so aided and so encouraged, and as a feeble instrument in a mighty hand — I do not say I saved my country — I am sure I did my country important service. There were few indeed at that time that did not acknowledge it. It was but one voice, that no man in the kingdom better deserved an honourable provision should be made for him.” In the spring of 1782 Lord North resigned. It seemed as if the court system which Burke had been denouncing for a dozen years was now finally broken, and as if the party which he had been the chief instrument in instructing, directing and keeping together must now inevitably possess power for many years to come. Yet in a few months the whole fabric had fallen, and the Whigs were thrown into opposition for the rest of the century. The story cannot be omitted in the most summary account of Burke’s life. Lord Rockingham came into office on the fall of North. Burke was rewarded for services beyond price by being made paymaster of the forces, with the rank of a privy councillor. He had lost his seat for Bristol two years before, in consequence of his courageous advocacy of a measure of tolerance for the Catholics, and his still more courageous exposure of the enormities of the commercial policy of England towards Ireland. He sat during the rest of his parliamentary life (to 1794) for Malton, a pocket borough first of Lord Rockingham’s, then of Lord Fitzwilliam’s. Burke’s first tenure of office was very brief. He had brought forward in 1780 a comprehensive scheme of economical reform, with the design of limiting the resources of jobbery and corruption which the crown was able to use to strengthen its own sinister influence in parliament. Administrative reform was, next to peace with the colonies, the part of the scheme of the new ministry to which the king most warmly objected. It was carried out with greater moderation than had been foreshadowed in opposition. But at any rate Burke’s own office was not spared. While Charles Fox’s father was at the pay-office (1765-1778) he realized as the interest of the cash balances which he was allowed to retain in his hands, nearly a quarter of a million of money. When Burke came to this post the salary was settled at £4000 a year. He did not enjoy the income long. In July 1782 Lord Rockingham died; Lord Shelburne took his place; Fox, who inherited from his father a belief in Lord Shelburne’s duplicity, which his own experience of him as a colleague during the last three months had made stronger, declined to serve under him. Burke, though he had not encouraged Fox to take this step, still with his usual loyalty followed him out of office. This may have been a proper thing to do if their distrust of Shelburne was incurable, but the next step, coalition with Lord North against him, was not only a political blunder, but a shock to party morality, which brought speedy retribution. Either they had been wrong, and violently wrong, for a dozen years, or else Lord North was the guiltiest political instrument since Strafford. Burke attempted to defend the alliance on the ground of the substantial agreement between Fox and North in public aims. The defence is wholly untenable. The Rockingham Whigs were as substantially in agreement on

public affairs with the Shelburne Whigs as they were with Lord North. The movement was one of the worst in the history of English party. It served its immediate purpose, however, for Lord Shelburne found himself (February 24, 1783) too weak to carry on the government, and was succeeded by the members of the coalition, with the duke of Portland for prime minister (April 2, 1783). Burke went back to his old post at the pay-office and was soon engaged in framing and drawing the famous India Bill. This was long supposed to be the work of Fox, who was politically responsible for it. We may be sure that neither he nor Burke would have devised any government for India which they did not honestly believe to be for the advantage both of that country and of England. But it cannot be disguised that Burke had thoroughly persuaded himself that it was indispensable in the interests of English freedom to strengthen the party hostile to the court. As we have already said, dread of the peril to the constitution from the new aims of George III. was the main inspiration of Burke's political action in home affairs for the best part of his political life. The India Bill strengthened the anti-court party by transferring the government of India to seven persons named in the bill, and neither appointed nor removable by the crown. In other words, the bill gave the government to a board chosen directly by the House of Commons; and it had the incidental advantage of conferring on the ministerial party patronage valued at £300,000 a year, which would remain for a fixed term of years out of reach of the king. In a word, judging the India Bill from a party point of view, we see that Burke was now completing the aim of his project of economic reform. That measure had weakened the influence of the crown by limiting its patronage. The measure for India weakened the influence of the crown by giving a mass of patronage to the party which the king hated. But this was not to be. The India Bill was thrown out by means of a royal intrigue in the Lords, and the ministers were instantly dismissed (December 18, 1783). Young William Pitt, then only in his twenty-fifth year, had been chancellor of the exchequer in Lord Shelburne's short ministry, and had refused to enter the coalition government from an honourable repugnance to join Lord North. He was now made prime minister. The country in the election of the next year ratified the king's judgment against the Portland combination; and the hopes which Burke had cherished for a political lifetime were irretrievably ruined.

The six years that followed the great rout of the orthodox Whigs were years of repose for the country, but it was now that Burke engaged in the most laborious and formidable enterprise of his life, the impeachment of Warren Hastings for high crimes and misdemeanours in his government of India. His interest in that country was of old date. It arose partly from the fact of William Burke's residence there, partly from his friendship with Philip Francis, but most of all, we suspect, from the effect which he observed Indian influence to have in demoralizing the House of Commons. "Take my advice for once in your life," Francis wrote to Shee; "lay aside 40,000 rupees for a seat in parliament: in this country that alone makes all the

difference between somebody and nobody.” The relations, moreover, between the East India Company and the government were of the most important kind, and occupied Burke’s closest attention from the beginning of the American war down to his own India Bill and that of Pitt and Dundas. In February 1785 he delivered one of the most famous of all his speeches, that on the nabob of Arcot’s debts. The real point of this superb declamation was Burke’s conviction that ministers supported the claims of the fraudulent creditors in order to secure the corrupt advantages of a sinister parliamentary interest. His proceedings against Hastings had a deeper spring. The story of Hastings’s crimes, as Macaulay says, made the blood of Burke boil in his veins. He had a native abhorrence of cruelty, of injustice, of disorder, of oppression, of tyranny, and all these things in all their degrees marked Hastings’s course in India. They were, moreover, concentrated in individual cases, which exercised Burke’s passionate imagination to its profoundest depths, and raised it to such a glow of fiery intensity as has never been rivalled in our history. For it endured for fourteen years, and was just as burning and as terrible when Hastings was acquitted in 1795, as in the select committee of 1781 when Hastings’s enormities were first revealed. “If I were to call for a reward,” wrote Burke, “it would be for the services in which for fourteen years, without intermission, I showed the most industry and had the least success, I mean in the affairs of India; they are those on which I value myself the most; most for the importance; most for the labour; most for the judgment; most for constancy and perseverance in the pursuit.” Sheridan’s speech in the House of Commons upon the charge relative to the begums of Oude probably excelled anything that Burke achieved, as a dazzling performance abounding in the most surprising literary and rhetorical effects. But neither Sheridan nor Fox was capable of that sustained and overflowing indignation at outraged justice and oppressed humanity, that consuming moral fire, which burst forth again and again from the chief manager of the impeachment, with such scorching might as drove even the cool and intrepid Hastings beyond all self-control, and made him cry out with protests and exclamations like a criminal writhing under the scourge. Burke, no doubt, in the course of that unparalleled trial showed some prejudice; made some minor overstatements of his case; used many intemperances; and suffered himself to be provoked into expressions of heat and impatience by the cabals of the defendant and his party, and the intolerable incompetence of the tribunal. It is one of the inscrutable perplexities of human affairs, that in the logic of practical life, in order to reach conclusions that cover enough for truth, we are constantly driven to premises that cover too much, and that in order to secure their right weight to justice and reason good men are forced to fling the two-edged sword of passion into the same scale. But these excuses were mere trifles, and well deserve to be forgiven, when we think that though the offender was in form acquitted, yet Burke succeeded in these fourteen years of laborious effort in laying the foundations once for all of a moral, just, philanthropic and

responsible public opinion in England with reference to India, and in doing so performed perhaps the most magnificent service that any statesman has ever had it in his power to render to humanity.

Burke's first decisive step against Hastings was a motion for papers in the spring of 1786; the thanks of the House of Commons to the managers of the impeachment were voted in the summer of 1794. But in those eight years some of the most astonishing events in history had changed the political face of Europe. Burke was more than sixty years old when the states-general met at Versailles in the spring of 1789. He had taken a prominent part on the side of freedom in the revolution which stripped England of her empire in the West. He had taken a prominent part on the side of justice, humanity and order in dealing with the revolution which had brought to England new empire in the East. The same vehement passion for freedom, justice, humanity and order was roused in him at a very early stage of the third great revolution in his history — the revolution which overthrew the old monarchy in France. From the first Burke looked on the events of 1789 with doubt and misgiving. He had been in France in 1773, where he had not only the famous vision of Marie Antoinette at Versailles, "glittering like the morning star, full of life, and splendour and joy," but had also supped and discussed with some of the destroyers, the encyclopaedists, "the sophisters, economists and calculators." His first speech on his return to England was a warning (March 17, 1773) that the props of good government were beginning to fail under the systematic attacks of unbelievers, and that principles were being propagated that would not leave to civil society any stability. The apprehension never died out in his mind; and when he knew that the principles and abstractions, the un-English dialect and destructive dialectic, of his former acquaintances were predominant in the National Assembly, his suspicion that the movement would end in disastrous miscarriage waxed into certainty.

The scene grew still more sinister in his eyes after the march of the mob from Paris to Versailles in October, and the violent transport of the king and queen from Versailles to Paris. The same hatred of lawlessness and violence which fired him with a divine rage against the Indian malefactors was aroused by the violence and lawlessness of the Parisian insurgents. The same disgust for abstractions and naked doctrines of right that had stirred him against the pretensions of the British parliament in 1774 and 1776, was revived in as lively a degree by political conceptions which he judged to be identical in the French assembly of 1789. And this anger and disgust were exasperated by the dread with which certain proceedings in England had inspired him, that the aims, principles, methods and language which he so misdoubted or abhorred in France were likely to infect the people of Great Britain.

In November 1790 the town, which had long been eagerly expecting a manifesto from Burke's pen, was electrified by the *Reflections on the Revolution in France, and on the proceedings in certain societies in London relative to that event*. The generous

Windham made an entry in his diary of his reception of the new book. "What shall be said," he added, "of the state of things, when it is remembered that the writer is a man decried, persecuted and proscribed; not being much valued even by his own party, and by half the nation considered as little better than an ingenious madman?" But the writer now ceased to be decried, persecuted and proscribed, and his book was seized as the expression of that new current of opinion in Europe which the more recent events of the Revolution had slowly set flowing. Its vogue was instant and enormous. Eleven editions were exhausted in little more than a year, and there is probably not much exaggeration in the estimate that 30,000 copies were sold before Burke's death seven years afterwards. George III. was extravagantly delighted; Stanislaus of Poland sent Burke words of thanks and high glorification and a gold medal. Catherine of Russia, the friend of Voltaire and the benefactress of Diderot, sent her congratulations to the man who denounced French philosophers as miscreants and wretches. "One wonders," Romilly said, by and by, "that Burke is not ashamed at such success." Mackintosh replied to him temperately in the *Vindiciae Gallicae*, and Thomas Paine replied to him less temperately but far more trenchantly and more shrewdly in the *Rights of Man*. Arthur Young, with whom he had corresponded years before on the mysteries of deep ploughing and fattening hogs, added a cogent polemical chapter to that ever admirable work, in which he showed that he knew as much more than Burke about the old system of France as he knew more than Burke about soils and roots. Philip Francis, to whom he had shown the proof-sheets, had tried to dissuade Burke from publishing his performance. The passage about Marie Antoinette, which has since become a stock piece in books of recitation, seemed to Francis a mere piece of foppery; for was she not a Messalina and a jade? "I know nothing of your story of Messalina," answered Burke; "am I obliged to prove judicially the virtues of all those I shall see suffering every kind of wrong and contumely and risk of life, before I endeavour to interest others in their sufferings?... Are not high rank, great splendour of descent, great personal elegance and outward accomplishments ingredients of moment in forming the interest we take in the misfortunes of men?... I tell you again that the recollection of the manner in which I saw the queen of France in 1774, and the contrast between that brilliancy, splendour and beauty, with the prostrate homage of a nation to her, and the abominable scene of 1780 which I was describing, *did* draw tears from me and wetted my paper. These tears came again into my eyes almost as often as I looked at the description, — they may again. You do not believe this fact, nor that these are my real feelings; but that the whole is affected, or as you express it, downright foppery. My friend, I tell you it is truth; and that it is true and will be truth when you and I are no more; and will exist as long as men with their natural feelings shall exist" (*Corr.* iii. 139).

Burke's conservatism was, as such a passage as this may illustrate, the result partly of strong imaginative associations clustering round the more imposing

symbols of social continuity, partly of a sort of corresponding conviction in his reason that there are certain permanent elements of human nature out of which the European order had risen and which that order satisfied, and of whose immense merits, as of its mighty strength, the revolutionary party in France were most fatally ignorant. When Romilly saw Diderot in 1783, the great encyclopaedic chief assured him that submission to kings and belief in God would be at an end all over the world in a very few years. When Condorcet described the Tenth Epoch in the long development of human progress, he was sure not only that fulness of light and perfection of happiness would come to the sons of men, but that they were coming with all speed. Only those who know the incredible rashness of the revolutionary doctrine in the mouths of its most powerful professors at that time; only those who know their absorption in ends and their inconsiderateness about means, can feel how profoundly right Burke was in all this part of his contention. Napoleon, who had begun life as a disciple of Rousseau, confirmed the wisdom of the philosophy of Burke when he came to make the Concordat. That measure was in one sense the outcome of a mere sinister expediency, but that such a measure was expedient at all sufficed to prove that Burke's view of the present possibilities of social change was right, and the view of the Rousseauites and too sanguine Perfectibilitarians wrong. As we have seen, Burke's very first niece, the satire on Bolingbroke, sprang from his conviction that merely rationalistic or destructive criticism, applied to the vast complexities of man in the social union, is either mischievous or futile, and mischievous exactly in proportion as it is not futile.

To discuss Burke's writings on the Revolution would be to write first a volume upon the abstract theory of society, and then a second volume on the history of France. But we may make one or two further remarks. One of the most common charges against Burke was that he allowed his imagination and pity to be touched only by the sorrows of kings and queens, and forgot the thousands of oppressed and famine-stricken toilers of the land. "No tears are shed for nations," cried Francis, whose sympathy for the Revolution was as passionate as Burke's execration of it. "When the provinces are scourged to the bone by a mercenary and merciless military power, and every drop of its blood and substance extorted from it by the edicts of a royal council, the case seems very tolerable to those who are not involved in it. When thousands after thousands are dragooned out of their country for the sake of their religion, or sent to row in the galleys for selling salt against law, — when the liberty of every individual is at the mercy of every prostitute, pimp or parasite that has access to power or any of its basest substitutes, — my mind, I own, is not at once prepared to be satisfied with gentle palliatives for such disorders" (*Francis to Burke*, November 3, 1790). This is a very terse way of putting a crucial objection to Burke's whole view of French affairs in 1789. His answer was tolerably simple. The Revolution, though it had made an end of the Bastille, did not bring the only real practical liberty, that is to say, the liberty which comes with settled courts

of justice, administering settled laws, undisturbed by popular fury, independent of everything but law, and with a clear law for their direction. The people, he contended, were no worse off under the old monarchy than they will be in the long run under assemblies that are bound by the necessity of feeding one part of the community at the grievous charge of other parts, as necessitous as those who are so fed; that are obliged to flatter those who have their lives at their disposal by tolerating acts of doubtful influence on commerce and agriculture, and for the sake of precarious relief to sow the seeds of lasting want; that will be driven to be the instruments of the violence of others from a sense of their own weakness, and, by want of authority to assess equal and proportioned charges upon all, will be compelled to lay a strong hand upon the possessions of a part. As against the moderate section of the Constituent Assembly this was just.

One secret of Burke's views of the Revolution was the contempt which he had conceived for the popular leaders in the earlier stages of the movement. In spite of much excellence of intention, much heroism, much energy, it is hardly to be denied that the leaders whom that movement brought to the surface were almost without exception men of the poorest political capacity. Danton, no doubt, was abler than most of the others, yet the timidity or temerity with which he allowed himself to be vanquished by Robespierre showed that even he was not a man of commanding quality. The spectacle of men so rash, and so incapable of controlling the forces which they seemed to have presumptuously summoned, excited in Burke both indignation and contempt. And the leaders of the Constituent who came first on the stage, and hoped to make a revolution with rose-water, and hardly realized any more than Burke did how rotten was the structure which they had undertaken to build up, almost deserved his contempt, even if, as is certainly true, they did not deserve his indignation. It was only by revolutionary methods, which are in their essence and for a time as arbitrary as despotic methods, that the knot could be cut. Burke's vital error was his inability to see that a root and branch revolution was, under the conditions, inevitable. His cardinal position, from which he deduced so many important conclusions, namely, that, the parts and organs of the old constitution of France were sound, and only needed moderate invigoration, is absolutely mistaken and untenable. There was not a single chamber in the old fabric that was not crumbling and tottering. The court was frivolous, vacillating, stone deaf and stone blind; the gentry were amiable, but distinctly bent to the very last on holding to their privileges, and they were wholly devoid both of the political experience that only comes of practical responsibility for public affairs, and of the political sagacity that only comes of political experience. The parliaments or tribunals were nests of faction and of the deepest social incompetence. The very sword of the state broke short in the king's hand. If the king or queen could either have had the political genius of Frederick the Great, or could have had the good fortune to find a minister with that genius, and the good sense and good faith to

trust and stand by him against mobs of aristocrats and mobs of democrats; if the army had been sound and the states-general had been convoked at Bourges or Tours instead of at Paris, then the type of French monarchy and French society might have been modernized without convulsion. But none of these conditions existed.

When he dealt with the affairs of India Burke passed over the circumstances of our acquisition of power in that continent. "There is a sacred veil to be drawn over the beginnings of all government," he said. "The first step to empire is revolution, by which power is conferred; the next is good laws, good order, good institutions, to give that power stability." Exactly on this broad principle of political force, revolution was the first step to the assumption by the people of France of their own government. Granted that the Revolution was inevitable and indispensable, how was the nation to make the best of it? And how were surrounding nations to make the best of it? This was the true point of view. But Burke never placed himself at such a point. He never conceded the postulate, because, though he knew France better than anybody in England except Arthur Young, he did not know her condition well enough. "Alas!" he said, "they little know how many a weary step is to be taken before they can form themselves into a mass which has a true political personality."

Burke's view of French affairs, however consistent with all his former political conceptions, put an end to more than one of his old political friendships. He had never been popular in the House of Commons, and the vehemence, sometimes amounting to fury, which he had shown in the debates on the India Bill, on the regency, on the impeachment of Hastings, had made him unpopular even among men on his own side. In May 1789 — that memorable month of May in which the states-general marched in impressive array to hear a sermon at the church of Notre Dame at Versailles — a vote of censure had actually been passed on him in the House of Commons for a too severe expression used against Hastings. Fox, who led the party, and Sheridan, who led Fox, were the intimates of the prince of Wales; and Burke would have been as much out of place in that circle of gamblers and profligates as Milton would have been out of place in the court of the Restoration. The prince, as somebody said, was like his father in having closets within cabinets and cupboards within closets. When the debates on the regency were at their height we have Burke's word that he was not admitted to the private counsels of the party. Though Fox and he were on friendly terms in society, yet Burke admits that for a considerable period before 1790 there had been between them "distance, coolness and want of confidence, if not total alienation on his part." The younger Whigs had begun to press for shorter parliaments, for the ballot, for redistribution of political power. Burke had never looked with any favour on these projects. His experience of the sentiment of the populace in the two greatest concerns of his life, — American affairs and Indian affairs, — had not been likely to prepossess him in favour of the popular voice as the voice of superior political wisdom. He did not absolutely object to some remedy in the state of representation (*Corr.* ii. 387), still he vigorously

resisted such proposals as the duke of Richmond's in 1780 for manhood suffrage. The general ground was this:— "The machine itself is well enough to answer any good purpose, provided the materials were sound. But what signifies the arrangement of rottenness?"

Bad as the parliaments of George III. were, they contained their full share of eminent and capable men; and, what is more, their very defects were the exact counterparts of what we now look back upon as the prevailing stupidity in the country. What Burke valued was good government. His *Report on the Causes of the Duration of Mr Hastings's Trial* shows how wide and sound were his views of law reform. His *Thoughts on Scarcity* attest his enlightenment on the central necessities of trade and manufacture, and even furnished arguments to Cobden fifty years afterwards. Pitt's parliaments were competent to discuss, and willing to pass, all measures for which the average political intelligence of the country was ripe. Burke did not believe that altered machinery was at that time needed to improve the quality of legislation. If wiser legislation followed the great reform of 1832, Burke would have said this was because the political intelligence of the country had improved.

Though averse at all times to taking up parliamentary reform, he thought all such projects downright crimes in the agitation of 1791-1792. This was the view taken by Burke, but it was not the view of Fox, nor of Sheridan, nor of Francis, nor of many others of his party, and difference of opinion here was naturally followed by difference of opinion upon affairs in France. Fox, Grey, Windham, Sheridan, Francis, Lord Fitzwilliam, and most of the other Whig leaders, welcomed the Revolution in France. And so did Pitt, too, for some time. "How much the greatest event it is that ever happened in the world," cried Fox, with the exaggeration of a man ready to dance the carmagnole, "and how much the best!" The dissension between a man who felt so passionately as Burke, and a man who spoke so impulsively as Charles Fox, lay in the very nature of things. Between Sheridan and Burke there was an open breach in the House of Commons upon the Revolution so early as February 1790, and Sheridan's influence with Fox was strong. This divergence of opinion destroyed all the elation that Burke might well have felt at his compliments from kings, his gold medals, his twelve editions. But he was too fiercely in earnest in his horror of Jacobinism to allow mere party associations to guide him. In May 1791 the thundercloud burst, and a public rupture between Burke and Fox took place in the House of Commons.

The scene is famous in English parliamentary annals. The minister had introduced a measure for the division of the province of Canada and for the establishment of a local legislature in each division. Fox in the course of debate went out of his way to laud the Revolution, and to sneer at some of the most effective passages in the *Reflections*. Burke was not present, but he announced his determination to reply. On the day when the Quebec Bill was to come on again, Fox

called upon Burke, and the pair walked together from Burke's house in Duke Street down to Westminster. The Quebec Bill was recommitted, and Burke at once rose and soon began to talk his usual language against the Revolution, the rights of man, and Jacobinism whether English or French. There was a call to order. Fox, who was as sharp and intolerant in the House as he was amiable out of it, interposed with some words of contemptuous irony. Pitt, Grey, Lord Sheffield, all plunged into confused and angry debate as to whether the French Revolution was a good thing, and whether the French Revolution, good or bad, had anything to do with the Quebec Bill. At length Fox, in seconding a motion for confining the debate to its proper subject, burst into the fatal question beyond the subject, taxing Burke with inconsistency, and taunting him with having forgotten that ever-admirable saying of his own about the insurgent colonists, that he did not know how to draw an indictment against a whole nation. Burke replied in tones of firm self-repression; complained of the attack that had been made upon him; reviewed Fox's charges of inconsistency; enumerated the points on which they had disagreed, and remarked that such disagreements had never broken their friendship. But whatever the risk of enmity, and however bitter the loss of friendship, he would never cease from the warning to flee from the French constitution. "But there is no loss of friends," said Fox in an eager undertone. "Yes," said Burke, "there *is* a loss of friends. I know the penalty of toy conduct. I have done my duty at the price of my friend — our friendship is at an end." Fox rose, but was so overcome that for some moments he could not speak. At length, his eyes streaming with tears, and in a broken voice, he deplored the breach of a twenty years' friendship on a political question. Burke was inexorable. To him the political question was so vivid, so real, so intense, as to make all personal sentiment no more than dust in the balance. Burke confronted Jacobinism with the relentlessness of a Jacobin. The rupture was never healed, and Fox and he had no relations with one another henceforth beyond such formal interviews as took place in the manager's box in Westminster Hall in connexion with the impeachment.

A few months afterwards Burke published the *Appeal from the New to the Old Whigs*, a grave, calm and most cogent vindication of the perfect consistency of his criticisms upon the English Revolution of 1688 and upon the French Revolution of 1789, with the doctrines of the great Whigs who conducted and afterwards defended in Anne's reign the transfer of the crown from James to William and Mary. The *Appeal* was justly accepted as a satisfactory performance for the purpose with which it was written. Events, however, were doing more than words could do, to confirm the public opinion of Burke's sagacity and foresight. He had always divined by the instinct of hatred that the French moderates must gradually be swept away by the Jacobins, and now it was all coming true. The humiliation of the king and queen after their capture at Varennes; the compulsory acceptance of the constitution; the plain incompetence of the new Legislative Assembly; the growing

violence of the Parisian mob, and the ascendancy of the Jacobins at the Common Hall; the fierce day of the 20th of June (1792), when the mob flooded the Tuileries, and the bloodier day of the 10th of August, when the Swiss guard was massacred and the royal family flung into prison; the murders in the prisons in September; the trial and execution of the king in January (1793); the proscription of the Girondins in June, the execution of the queen in October — if we realize the impression likely to be made upon the sober and homely English imagination by such a heightening of horror by horror, we may easily understand how people came to listen to Burke's voice as the voice of inspiration, and to look on his burning anger as the holy fervour of a prophet of the Lord.

Fox still held to his old opinions as stoutly as he could, and condemned and opposed the war which England had declared against the French republic. Burke, who was profoundly incapable of the meanness of letting personal estrangement blind his eyes to what was best for the commonwealth, kept hoping against hope that each new trait of excess in France would at length bring the great Whig leader to a better mind. He used to declaim by the hour in the conclaves at Burlington House upon the necessity of securing Fox; upon the strength which his genius would lend to the administration in its task of grappling with the sanguinary giant; upon the impossibility, at least, of doing either with him or without him. Fox's most important political friends who had long wavered, at length, to Burke's great satisfaction, went over to the side of the government. In July 1794 the duke of Portland, Lord Fitzwilliam, Windham and Grenville took office under Pitt. Fox was left with a minority which was satirically said not to have been more than enough to fill a hackney coach. "That is a calumny," said one of the party, "we should have filled two." The war was prosecuted with the aid of both the great parliamentary parties of the country, and with the approval of the great bulk of the nation. Perhaps the one man in England who in his heart approved of it less than any other was William Pitt. The difference between Pitt and Burke was nearly as great as that between Burke and Fox. Burke would be content with nothing short of a crusade against France, and war to the death with her rulers. "I cannot persuade myself," he said, "that this war bears any the least resemblance to any that has ever existed in the world. I cannot persuade myself that any examples or any reasonings drawn from other wars and other politics are at all applicable to it" (*Corr.* iv. 219). Pitt, on the other hand, as Lord Russell truly says, treated Robespierre and Carnot as he would have treated any other French rulers, whose ambition was to be resisted, and whose interference in the affairs of other nations was to be checked. And he entered upon the matter in the spirit of a man of business, by sending ships to seize some islands belonging to France in the West Indies, so as to make certain of repayment of the expenses of the war.

In the summer of 1794 Burke was struck to the ground by a blow to his deepest affection in life, and he never recovered from it. His whole soul was wrapped up in

his only son, of whose abilities he had the most extravagant estimate and hope. All the evidence goes to show that Richard Burke was one of the most presumptuous and empty-headed of human beings. "He is the most impudent and opiniative fellow I ever knew," said Wolfe Tone. Gilbert Elliot, a very different man, gives the same account. "Burke," he says, describing a dinner party at Lord Fitzwilliam's in 1793, "has now got such a train after him as would sink anybody but himself: his son, who is quite *nauseated* by all mankind; his brother, who is liked better than his son, but is rather oppressive with animal spirits and brogue; and his cousin, William Burke, who is just returned unexpectedly from India, as much ruined as when he went years ago, and who is a fresh charge on any prospects of power Burke may ever have. Mrs Burke has in her train Miss French [Burke's niece], the most perfect *She Paddy* that ever was caught. Notwithstanding these disadvantages Burke is in himself a sort of power in the state. It is not too much to say that he is a sort of power in Europe, though totally without any of those means or the smallest share in them which give or maintain power in other men." Burke accepted the position of a power in Europe seriously. Though no man was ever more free from anything like the egoism of the intellectual coxcomb, yet he abounded in that active self-confidence and self-assertion which is natural in men who are conscious of great powers, and strenuous in promoting great causes. In the summer of 1791 he despatched his son to Coblenz to give advice to the royalist exiles, then under the direction of Calonne, and to report to him at Beaconsfield their disposition and prospects. Richard Burke was received with many compliments, but of course nothing came of his mission, and the only impression that remains with the reader of his prolix story is his tale of the two royal brothers, who afterwards became Louis XVIII. and Charles X., meeting after some parting, and embracing one another with many tears on board a boat in the middle of the Rhine, while some of the courtiers raised a cry of "Long live the king" — the king who had a few weeks before been carried back in triumph to his capital with Mayor Pétion in his coach. When we think of the pass to which things had come in Paris by this time, and of the unappeasable ferment that boiled round the court, there is a certain touch of the ludicrous in the notion of poor Richard Burke writing to Louis XVI. a letter of wise advice how to comport himself.

At the end of the same year, with the approval of his father he started for Ireland as the adviser of the Catholic Association. He made a wretched emissary, and there was no limit to his arrogance, noisiness and indiscretion. The Irish agitators were glad to give him two thousand guineas and to send him home. The mission is associated with a more important thing, his father's *Letters to Sir Hercules Langrishe*, advocating the admission of the Irish Catholics to the franchise. This short piece abounds richly in maxims of moral and political prudence. And Burke exhibited considerable courage in writing it; for many of its maxims seem to involve a contradiction, first, to the principles on which he withstood the movement in

France, and second, to his attitude upon the subject of parliamentary reform. The contradiction is in fact only superficial. Burke was not the man to fall unawares into a trap of this kind. His defence of Catholic relief — and it had been the conviction of a lifetime — was very properly founded on propositions which were true of Ireland, and were true neither of France nor of the quality of parliamentary representation in England. Yet Burke threw such breadth and generality over all he wrote that even these propositions, relative as they were, form a short manual of statesmanship.

At the close of the session of 1794 the impeachment of Hastings had come to an end, and Burke bade farewell to parliament. Richard Burke was elected in his father's place at Malton. The king was bent on making the champion of the old order of Europe a peer. His title was to be Lord Beaconsfield, and it was designed to annex to the title an income for three lives. The patent was being made ready, when all was arrested by the sudden death of the son who was to Burke more than life. The old man's grief was agonizing and inconsolable. "The storm has gone over me," he wrote in words which are well known, but which can hardly be repeated too often for any who have an ear for the cadences of noble and pathetic speech,— "The storm has gone over me, and I lie like one of those old oaks which the late hurricane has scattered about me. I am stripped of all my honours; I am torn up by the roots and lie prostrate on the earth.... I am alone. I have none to meet my enemies in the gate.... I live in an inverted order. They who ought to have succeeded me have gone before me. They who should have been to me as posterity are in the place of ancestors."

A pension of £2500 was all that Burke could now be persuaded to accept. The duke of Bedford and Lord Lauderdale made some remarks in parliament upon this paltry reward to a man who, in conducting a great trial on the public behalf, had worked harder for nearly ten years than any minister in any cabinet of the reign. But it was not yet safe to kick up heels in face of the dying lion. The vileness of such criticism was punished, as it deserved to be, in the *Letter to a Noble Lord* (1796), in which Burke showed the usual art of all his compositions in shaking aside the insignificances of a subject. He turned mere personal defence and retaliation into an occasion for a lofty enforcement of constitutional principles, and this, too, with a relevancy and pertinence of consummate skilfulness. There was to be one more great effort before the end.

In the spring of 1796 Pitt's constant anxiety for peace had become more earnest than ever. He had found out the instability of the coalition and the power of France. Like the thrifty steward he was, he saw with growing concern the waste of the national resources and the strain upon commerce, with a public debt swollen to what then seemed the desperate sum of £400,000,000. Burke at the notion of negotiation flamed out in the *Letters on a Regicide Peace*, in some respects the most splendid of all his compositions. They glow with passion, and yet with all their

rapidity is such steadfastness, the fervour of imagination is so skilfully tempered by close and plausible reasoning, and the whole is wrought with such strength and fire, that we hardly know where else to look either in Burke's own writings or elsewhere for such an exhibition of the rhetorical resources of our language. We cannot wonder that the whole nation was stirred to the very depths, or that they strengthened the aversion of the king, of Windham and other important personages in the government against the plans of Pitt. The prudence of their drift must be settled by external considerations. Those who think that the French were likely to show a moderation and practical reasonableness in success, such as they had never shown in the hour of imminent ruin, will find Burke's judgment full of error and mischief. Those, on the contrary, who think that the nation which was on the very eve of surrendering itself to the Napoleonic absolutism was not in a hopeful humour for peace and the European order, will believe that Burke's protests were as perspicacious as they were powerful, and that anything which chilled the energy of the war was as fatal as he declared it to be.

When the third and most impressive of these astonishing productions came into the hands of the public, the writer was no more. Burke died on the 8th of July 1797. Fox, who with all his faults was never wanting in a fine and generous sensibility, proposed that there should be a public funeral, and that the body should lie among the illustrious dead in Westminster Abbey. Burke, however, had left strict injunctions that his burial should be private; and he was laid in the little church at Beaconsfield. It was the year of Campo Formio. So a black whirl and torment of rapine, violence and fraud was encircling the Western world, as a life went out which, notwithstanding some eccentricities and some aberrations, had made great tides in human destiny very luminous.

(J. MO.)

Authorities. — Of the *Collected Works*, there are two main editions — the quarto and the octavo. (1) Quarto, in eight volumes, begun in 1792, under the editorship of Dr F. Lawrence; vols. i.-iii. were published in 1792; vols. iv.-viii., edited by Dr Walter King, sometime bishop of Rochester, were completed in 1827. (2) Octavo in sixteen volumes. This was begun at Burke's death, also by Drs Lawrence and King; vols. i.-viii. were published in 1803 and reissued in 1808, when Dr Lawrence died; vols. ix.-xii. were published in 1813 and the remaining four vols. in 1827. A new edition of vols. i.-viii. was published in 1823 and the contents of vols. i.-xii. in 2 vols. octavo in 1834. An edition in nine volumes was published in Boston, Massachusetts, in 1839. This contains the whole of the English edition in sixteen volumes, with a reprint of the *Account of the European Settlements in America* which is not in the English edition.

Among the numerous editions published later may be mentioned that in *Bohn's British Classics*, published in 1853. This contains the fifth edition of Sir James Prior's life; also an edition in twelve volumes, octavo, published by J.C. Nimmo,

1898. There is an edition of the *Select Works* of Burke with introduction and notes by E.J. Payne in the Clarendon Press series, new edition, 3 vols., 1897. *The Correspondence of Edmund Burke*, edited by Earl Fitzwilliam and Sir R. Bourke, with appendix, detached papers and notes for speeches, was published in 4 vols., 1844. *The Speeches of Edmund Burke, in the House of Commons and Westminster Hall*, were published in 4 vols., 1816. Other editions of the speeches are those *On Irish Affairs*, collected and arranged by Matthew Arnold, with a preface (1881), *On American Taxation*, *On Conciliation with America*, together with the *Letter to the Sheriff of Bristol*, edited with introduction and notes by F.G. Selby (1895).

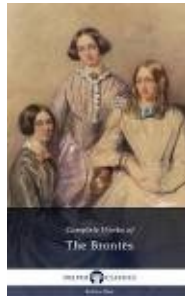
The standard life of Burke is that by Sir James Prior, *Memoir of the Life and Character of Edmund Burke with Specimens of his Poetry and Letters* (1824). The lives by C. MacCormick (1798) by R. Bisset (1798, 1800) are of little value. Other lives are those by the Rev. George Croly (2 vols., 1847), and by T. MacKnight (3 vols., 1898). Of critical estimates of Burke's life the *Edmund Burke* of John Morley, "English Men of Letters" series (1879), is an elaboration of the above article; see also his *Burke, a Historical Study* (1867); "Three Essays on Burke," by Sir James Fitzjames Stephen in *Horae Sabbaticae*, series iii. (1892); and *Peptographia Dublinensis, Memorial Discourses preached in the Chapel of Trinity College, Dublin, 1895-1902*; *Edmund Burke*, by G. Chadwick, bishop of Derry (1902).

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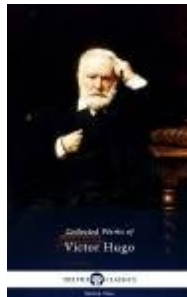
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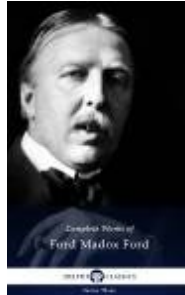
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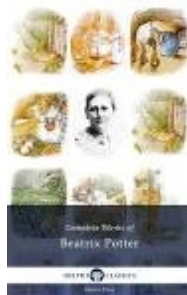
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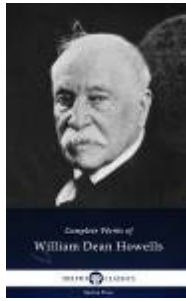
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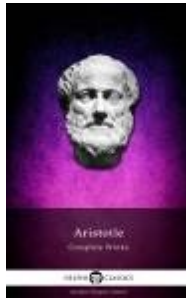
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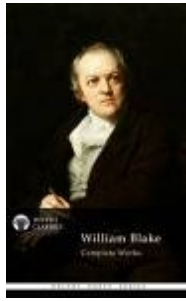
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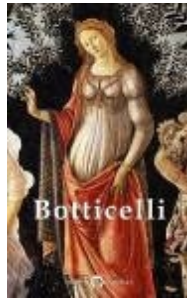
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Beaconsfield, a market town in Buckinghamshire, twenty-four miles west of London — Burke died in Beaconsfield on 9 July 1797 and was buried there alongside his son and brother. His wife survived him by nearly fifteen years.



St. Mary and All Saints, Beaconsfield — Burke's final resting place



Inside St. Mary and All Saints Churchyard — Burke's grave is under a pew in the nave, marked by a brass plaque



A memorial to Burke in St. Mary and All Saints

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